

Freedom of Religion or Belief in Vietnam

State management of religions



Cover Illustration: Buddha Statue in a cave in Water Mountain, south of Danang in Vietnam.

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The Vietnam Committee on Human Rights (VCHR) is a non-profit organization founded in Paris in October 1975. Its aims are to increase awareness of the human rights situation in Vietnam, mobilize support for victims of human rights abuses and promote efforts for advancing internationally-recognized human rights. Vo Van Ai is the VCHR President, Penelope Faulkner is Vice-President and Vo Tran Nhat is Executive Secretary.

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Map of Vietnam



Vietnam at a glance

Land area: 128,565 sq. miles

Capital: Hanoi

Population: 91 million

Urban population: 25%. Ho Chi Minh City (largest city): 3,467,331; Hanoi: 1,431,270.

Per capita annual income: US\$ 2,170

Wealth disparity: In 2014, Vietnam had the world's fastest growth rate in the number of super rich people (those with assets of US\$30 million or more). Per capita income in the big cities reaches US\$ 4,500. In contrast, it is a mere US\$ 840 in the rural areas, where three quarters of the population lives. 90% of Vietnam's poor people live in rural areas. The ethnic minorities in the mountainous regions are amongst the poorest people in Vietnam.

FREEDOM OF RELIGION OR BELIEF

State Management of Religions in Vietnam

“Freedom of religion or belief is not a gift that governments can bestow or withdraw at will, but a fundamental and inalienable human right.”

4th UBCV Supreme Patriarch Thich Huyen Quang, 1992

Introduction

In 2016, for the very first time, Vietnam will adopt a law on religion. Now in its 5th draft, the “Law on Belief and Religion” has been debated in the National Assembly and is expected to be voted later this year. Until now, religions in Vietnam have been regulated by a series of governmental decrees, ordinances, decisions and Communist Party directives, most of which impose limitations and controls on religious communities. As the number of religious followers continues to grow in Vietnam,¹ it was hoped that the government would use this opportunity to lift restrictions in religious legislation and bring its laws into line with Article 18 of the International Covenant on Civil and Political Rights (ICCPR) to which Vietnam is a state party. Unfortunately, the draft text of the new law falls far short of these expectations. Not only does it not improve protection of religious freedom, but according to religious communities, it is “a step backwards”² even in comparison to current law.

Freedom of religion or belief is crucial everywhere, but it has a special significance in Vietnam’s one-Party state. In the void created by the absence of a democratic opposition, free trade unions or independent civil society, the religious communities have become essential voices of civil society, articulating the people’s grievances and calling for the respect of a wide range of fundamental rights. As a result, followers of all religions, including Buddhists, Catholics, Cao Dai, Hoa Hao, Protestants, Muslims and others have suffered grave violations of their rights, ranging from threats and harassments, Police surveillance, expulsion from jobs, schools or university, house arrest, imprisonment, torture and even extra-judicial killings.

In this report, the Vietnam Committee on Human Rights (VCHR) does not attempt to detail violations against each specific religious community, but rather to give a brief overview of the religious landscape in Vietnam, and describe the policies and practices implemented by the Vietnamese government and the Communist Party to silence these independent voices. In conclusion, we offer one example of Vietnam’s treatment of an independent religious organization, the Unified Buddhist Church of Vietnam (UBCV). Under the leadership of Thích Quảng Độ, prominent dissident and 2016 Nobel Peace prize nominee, the UBCV has chosen not to register with the state, and continues its peaceful activities for the right to freedom of religion or belief, democracy and human rights for the people of Vietnam.

¹ Vietnam’s National Report to the UN Human Rights Council on the 2nd Cycle of the Universal Periodic Review, February 2014, noted that the number of followers of different religions in Vietnam increased to over 24 million in 2014 from some 20 million in 2009.

² Catholic Bishops’ Conference of Vietnam, comment on 4th Draft of the law, <http://www.ttmucvusaigon.org/tin-tuc/english/comment-and-petition--4th-draft---laws-on-belief-and-religion>

The VCHR believes that Vietnam cannot attain sustainable development unless it reconciles itself with those individuals and communities who are calling for the respect of human rights and religious freedom in order to build a free and strong Vietnam. We urge Vietnam to review its policies on freedom of religion or belief, address current grave abuses of this right, and in particular revise the draft Law on Belief and Religion in consultation with both recognized and non-recognized religious communities, legal experts and the UN Special Rapporteur on Freedom of Religion or Belief to ensure that the law conforms to international standards and truly protects the universal right to freedom of religion and belief.

Religious demography

Vietnam has a wide diversity of religions, and the different religious communities live in relative harmony. Incidents of tension or conflict have generally been caused by political and social factors rather than intolerance between the different religions. For most religious communities, the problems are rooted in the discriminative policies of the government and the Communist Party of Vietnam (CPV). Although the CPV recognizes that “*belief and religion are spiritual needs of a segment of the population*”, and has fostered greater tolerance of *freedom of worship* in recent years, it is unwilling to promote true *freedom of religion or belief*, fearing that the emergence of independent groups could challenge its unchecked authority. State religious policies are thus designed to “*increase state management of religious affairs*”³ rather than increase protection of religious freedom *per se*.

Buddhism, Vietnam’s oldest and most-followed religion came to Vietnam from India over 20 centuries ago, and since then has deeply impregnated Vietnamese thinking and culture in all aspects of daily life. Zen Buddhist masters contributed largely to the foundation of the first independent Vietnamese state in the 10 Century AD after over 900 years of Chinese domination, and the Buddhist monarchs of the Ly and Tran dynasties (11 and 13 centuries) heralded in a golden age in which politics, diplomacy, science, literature and the arts flourished as never before. From the French colonial period up to the early 1960’s, Buddhism was not entitled to function as a Church in its own right, but was limited to the status of a mere association under Colonial decree No. 10. Following protests by Buddhists in 1963 and the self-immolation of Thích Quảng Đức in Saigon, Colonial Decree No. 10 was repealed. The very first nation-wide Buddhist Congress was held in 1964 and the “Unified Buddhist Church of Vietnam” (UBCV) was officially formed. The UBCV thus represents the 2000-year tradition of Vietnamese Buddhism, and it has the unique characteristic of uniting the Mahayana and Theravada traditions into one congregation. Today, some two thirds of the population is at least nominally Buddhist.⁴

³ Resolution No. 25-NQ/TW adopted by the Politburo of the IXth Congress of the CPV in 2003 “*became the policy for the Party and the State of Vietnam regarding religion for the period of Reform and Renewal*” (Government Committee for Religious Affairs, http://religion.vn/Plus.aspx/en/News/71/0/1010/0/4643/Policies_and_Guidelines_of_the_Communist_Party_of_Vietnam_Regarding_Belief_and_Religion)

⁴ Statistics on adherents to religions in Vietnam vary widely – government statistics are based solely on declared members of “state-sponsored” and other recognized bodies, and independent research is restricted. The estimates in this report are based on a range of sources, including the US Department of State, US Commission on International Religious Freedom, Pew Foundation and CSO sources.

Roman Catholicism is Vietnam's second largest religion, with a following of over six million people.⁵ It was introduced into Vietnam by Portuguese missionaries at the beginning of the 16th century. Historically, Catholicism has been associated with colonialism and the “westernization” of Vietnam – a process the French Jesuit missionary Alexandre de Rhodes helped to accelerate in the 17th century by transcribing written Vietnamese from demotic script (*nôm*, similar to Chinese) to the Roman alphabet (*quốc ngữ*), which is how modern Vietnamese is written today. Although Catholics represent much smaller numbers compared to Buddhists, their community is close-knit and well organized, and they enjoy a special status because of the influence of the Vatican. Under the communist regime, the Roman Catholic Church is the only religious body that has not been supplanted by a “state-sponsored” Church under Communist Party control. In 1983, the authorities attempted to set up a “Committee for Solidarity of Vietnamese Catholics”, but this failed after the Holy See sent a letter of warning to all clergy involved in the committee in 1985, after which most of them withdrew.

The **Cao Dai**, founded by the Vietnamese prophet Ngô Minh Chiêu in 1926 in Tây Ninh, northwest of Ho Chi Minh City, has some three million followers, although some sources give higher estimates⁶. This syncretic religion is a fusion of Buddhism, Taoism, Confucianism and Christianity, and its pantheon of saints include Joan of Arc, Victor Hugo, Winston Churchill, Sun Yat Sen, Lenin and Louis Pasteur.

The **Hoa Hao**, an indigenous Buddhist-inspired sect founded in 1939 by Huỳnh Phú Sổ, has over two million followers. It is based essentially in southern Vietnam. Hoa Hao followers are deeply anti-communist because of the murder of their founder by the Viet Minh in 1946, and although they embrace Buddhist principles of non-violence, the Hoa Hao founded its own army and administration in South Vietnam during the Vietnam War.

Evangelical **Protestantism**, which counts about 1.5 million followers, is one of the fastest-growing religions in Vietnam. Many ethnic minority people in the Central and Northern highlands converted to Protestantism during the Vietnam War, and the number of converts increased considerably in the following years. Although Protestantism is a legally recognized religion, the Communist Party still tends to perceive it as an “American” faith linked to a political strategy which they call “*peaceful evolution*” - a scheme devised by “*hostile forces*” to overthrow the Communist regime by undermining it from within.⁷

Other religious communities include the ethnic Khmer Krom Buddhists (up to one million Theravada Buddhists living predominantly in southern Vietnam), Muslims (mostly ethnic Cham, between 50,000 and 80,000 persons), Baha'i (6,000), Hindus (50,000) and a diversity of smaller

⁵ <http://www.vietnamonline.com/culture/roman-catholicism-in-vietnam.html>

⁶ See Christian Solidarity Worldwide, “*Freedom of Religion or Belief: the Alternative report*” http://www.queame.net/eng/doc/2015_forb-in-vietnam-the-alternative-report.pdf

⁷ “*Protestantism in North America is the root source of support for Protestantism in Vietnam. Therefore, since we have widened our relationships of international exchange and cooperation, especially normalising our relationship with the United States, Protestantism in our country has been influenced directly by a scheme of exploiting religion to oppose and undermine Vietnam by “peaceful evolution” - both by the United States and other international reactionary forces*”. Steering Committee 184, Top Secret, Programme 184A – Development of Policy on Protestantism in some Provinces and Cities, Hanoi, March 5 1999.

groups and sects. We must stress that these figures are estimates, and do not reflect a definitive number. Government statistics cover only the adherents of recognized religions, and it is impossible to conduct independent research on this subject in Vietnam.

Administration of Religious Affairs

Religions in Vietnam are administrated by four powerful state organs - the Government Committee for Religious Affairs, the Vietnam Fatherland Front, the Communist Party's Department of Mobilization and Propaganda and the Ministry of the Interior (formerly the Ministry of Public Security, now a separate ministry). The dominance of the security apparatus in Vietnam's religious policies suggests that their purpose is to manage and control religious activities rather than promote religious freedom.

The **Government Committee for Religious Affairs** (GCRA - *Ban Tôn Giáo Chính phủ*), headquartered in Hanoi, has offices at provincial, municipal, district and village levels and is manned by "religious cadres" who are members of the Communist Party. The GCRA is under the direction of the Ministry of the Interior (also known as the Ministry of Home Affairs), and the GCRA Chairman is also Vice-Minister of the Interior. The current chairman is Lt.-Gen. Phạm Dũng, a high-ranking security official. Since February 2016, following the Communist Party Congress, he cumulates the three functions of Vice-Minister of Public Security, Vice-Minister of the Interior and Chairman of the GCRA. Decision 06/2015/QĐ-TTg issued by the Prime Minister in February 2015 defines the responsibilities of the GCRA and its relationship with the Ministry of the Interior in the management of religious affairs. In 2007, the Prime Minister issued Decision 83/2007/QĐ-TTg to reinforce the manpower of GCRA religious cadres all over the country "*especially in mountainous regions and other areas where religious problems have recently occurred*". In 2008, a "Training School on Religious Affairs" (*Trường nghiệp vụ công tác tôn giáo*) was founded to give religious cadres political training in CPV policies and practices, how to monitor, control and if necessary infiltrate religious groups, and suppress activities perceived to threaten the one-party state.

The **Vietnam Fatherland Front** (VFF – *Mặt Trận Tổ quốc Việt Nam*) is a para-governmental umbrella body of "mass organizations" and non-Party elements (ethnic minorities, religious communities, youth and women's organizations etc.) under Communist Party control. According to the Vietnamese Constitution, the VFF and its members "*constitute the political base of people's power*", mandated to "*strengthen the people's unity of mind in political and spiritual matters*", and fully empowered to prohibit and punish any activities perceived to "*threaten the building of socialism*". State-recognized religious bodies are members of the VFF, and are classified as mere "associations" e.g. the State-sponsored Vietnam Buddhist Sangha (VBS) is listed as the "Vietnam Buddhist Association" on the VFF website.⁸ This is ironically similar to the classification of religions under Colonial Decree No 10, mentioned above, which relegated all religions to the status of "associations" except for Roman Catholicism, which was recognized as a Church.

⁸ <http://www.mattran.org.vn/home/gioithieumt/gtc4.htm>

Members of the VFF play a highly political role. Many dignitaries of State-sponsored religious bodies are members of the National Assembly. They are also required to make political statements in support of the government. The Vietnam Buddhist Sangha, for example, whose motto is “Buddhism, the People and Socialism”, has denounced Resolutions adopted by the US Congress on religious freedom and human rights. In May 2014, it issued a statement applauding Vietnam’s objection to China’s encroachments on Vietnamese waters. In its 2014 submission to the UN Human Rights Council on Vietnam’s Universal Periodic Review, the VBS described its activities as “*religious propaganda*.”

The role of the CPV’s **Department of Mobilization and Propaganda** (*Ban Dân Vận*) is to mastermind ideological and political strategies to control the population’s religious activities and beliefs. The **Ministry of the Interior** is mandated to enforce them. Security Police or *công an* exercise a ruthless control over the population, and even have extra-judicial powers to arrest and detain religious or political dissidents suspected of breaching “*national security*”. A special “Religious Police” force (*công an tôn giáo* - A 41) has been created to monitor religious groups, and a Special Task Force of Mobile Intervention Police (Unit PA43) is deployed in the Central Highlands to help arrest and interrogate perceived “extremist elements” amongst the ethnic Christian Montagnards. UBCV Buddhists report that over 3,000 Security Police masquerading as monks have infiltrated the Buddhist clergy. These agents are mandated not only to monitor and report to the Party on Buddhist activities, but also to discredit Buddhism by their base and dissolute behaviour.

“Đổi Mới”: new Pragmatism in Communist Party approach to Religions

Whereas the Communist authorities were initially hostile to religions, a significant ideological shift took place under the policy of “*đổi mới*” (*renovation*) and Vietnam’s opening to a free-market economy after the demise of the Soviet Union. For the very first time, at the CPV’s Seventh Congress in June 1991, recognition of the “utility value” of religions was incorporated into party policy. The Congress’ Political Report acknowledged that “*the majority of the people have a spiritual need for religions and beliefs*” and conceded that “*religious morality contains a number of elements which are particularly useful in the edification of a new society*”.

This new pragmatism was not without economic motivations. With the influx of foreign capital and the rapid development of the tourist trade, religion had become a potential source of revenue. Many ancient Buddhist Pagodas were restored and authorised to celebrate regular religious services.

But more important, this change was prompted by the Party’s realization of its incapacity to stem the rocketing increase in “social evils” such as juvenile crime, prostitution and drug abuse caused by the long-term suppression of moral and spiritual values. An Investigation Survey by Hanoi’s Institute of Social Sciences on the causes of massive peasants’ protests in Thai Binh province underscored this fact: “*In the early 1980s, we [the CPV] destroyed the last temples and pagodas in Thai Binh province. This created a cultural and spiritual void, with the disappearance of ancient traditions that helped to create a collective conscience.*”

This spiritual void caused dire consequences that escaped the observation and comprehension of our leadership. Nothing was provided to fill this void”⁹.

UN Special Rapporteur on Freedom of Religion or Belief visits Vietnam

From 21-31 July 2014, the UN Special Rapporteur on Freedom of Religion or Belief, Dr. Heiner Bielefeldt, made an in-country visit to Vietnam. In his report to the UN Human Rights Council in March 2015¹⁰, whilst he noted that *“religious life and religious diversity are a reality in Vietnam today”*, Dr. Bielefeldt declared that *“the scope of freedom of religion and belief remains extremely limited and unsafe.”*

The UN expert expressed grave concern about independent, non-recognized religious communities, whose *“rights to freedom of religion or belief [were] grossly violated in the face of constant surveillance, intimidation, harassment and persecution”*. He stressed that the autonomy of independent religious communities was a *“litmus test for the development of freedom of religion or belief in Vietnam”*.

Mr. Bielefeldt was obliged to cut short visits to An Giang, Gia Lai and Kontum provinces because people he wanted to meet were *“heavily surveilled, warned, intimidated, harassed or prevented from travelling by the police”*. He and his interlocutors were closely monitored by *“undeclared security or police agents”*, and privacy of meetings was undermined. In his report to the UN, the UN expert said he was *“outraged”* by these incidents, as well as the *“intimidation, police interrogations and even physical injuries of some of his interlocutors during and after his visit”*, which were *“in clear violation of the terms of reference of country visits that had been agreed upon by the Government prior to the visit”*.

Regarding Ordinance 21 and state registration of religious organizations, Mr. Bielefeldt stressed that the right to freedom of religion or belief is universal, and *“cannot be made dependent on any specific act of administrative recognition, allowance or approval”*:

“It should be clear that the right of an individual or group to their freedom of religion or belief can never be “created” by any administrative procedures. Rather, it is the other way around: registration should serve this human right, which itself must be respected as preceding any registration. On the basis of this general understanding, registration should be an offer by the State but not a compulsory legal requirement” (Paragraph 32).



⁹ *“La Démocratie Etouffée: Les Voix de la Dissidence Vietnamienne*. Quê Me Editions, Paris 2003. Preliminary report on a sociological study in Thai Binh Province, Professor Tuong Lai.

¹⁰ *Report of the Special Rapporteur on freedom of religion or belief, Addendum, Mission to Viet Nam (21 to 31 July 2014)*, Heiner Bielefeldt, ref. A/HRC/28/66/Add.2, 30 January 2015, [http://daccess-dds-ny.un.org/doc/UNDOC/GEN](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/014/16/PDF/G1501416.pdf?OpenElement)

[/G15/014/16/PDF/G1501416.pdf?OpenElement](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/014/16/PDF/G1501416.pdf?OpenElement)

The UN Special Rapporteur also noted the “*remarkably dismissive attitude*” of members of the State-sanctioned Vietnam Buddhist Sangha towards independent Buddhist groups such as the UBCV which do not conform to “majority interests”. He stressed that freedom of religion or belief is the right of all human beings, regardless of whether they follow a majority religion, a minority community or no religious community at all.

Restrictions on Religions in the Legal System

Vietnam’s whole religious policy is founded on the Communist Party’s perception of which activities are “*purely religious*” and which “*abuse religion to threaten the interests of the State*” or “*violate national security*”. On the basis of this arbitrary distinction, Vietnam has adopted laws empowering the authorities to arrest and detain religious followers, then declare in international forums that “*there are no religious prisoners in Vietnam, only people who violate the law*”.

The Constitution: Vietnam’s newly-amended 2013 Constitution states that “*everyone shall enjoy freedom of belief and religion*”, but adds that “*no-one can misuse beliefs and religions to contravene the law*”¹¹. This caveat, which appears legitimate at first reading, in fact seriously restricts religious freedom because many of Vietnam’s domestic laws are inconsistent with the guarantees of freedom of religion and belief enshrined in the ICCPR.

The most prohibitive restriction is **Article 4** of the Constitution which stipulates that “*the Communist Party, (...) acting upon the Marxist-Leninist doctrine and Ho Chi Minh thought, is the force leading the State and society*”. Under this provision, the whole concept of “*freedom of thought and personal conviction on all matters*” as defined by the UN Human Rights Committee is subordinated to the ideology of the one-Party state.

The Criminal Code: In November 2015, Vietnam amended its Criminal Code. The new Code comes into force in July 2016. Unfortunately, despite insistent recommendations by the international community over the past 20 years¹², Vietnam failed to abrogate the Code’s broadly-defined “national security” provisions which criminalize freedom of religion or belief and related rights. On the contrary, some of the amendments introduce new penalties for religious followers. Article 87 (future Article 116 in the amended Code) not only sanctions crimes of “*sowing divisions between religious believers and non-believers, between followers of different religions, religious followers and the people’s administration, or between religious followers and political/social organizations*”, but adds an extremely dubious clause stipulating that persons “*suspected of preparing to commit this crime*” are punishable by six months to three years in prison.

Several “national security” crimes carry the death penalty, although they make no distinction between acts of violence and the peaceful exercise of religious freedom and human rights,

¹¹ Article 24, Amended Constitution, National Assembly translation, <http://www.na.gov.vn/htx/English/C1479/#U5IdcBATuuQk>

¹² Vietnam’s amended Criminal Code reduces death penalty crimes, increases restrictions on freedom and rights, VCHR, 27 November 2015, http://www.queme.net/eng/news_detail.php?numb=2575

such as “activities aimed at overthrowing the people’s administration” (Article 79, future Article 109), and “spying” (Article 80, future Article 110).



Phạm Văn Thu and the Công An Bia Sơn group in Phú Yên at their trial on 4 February 2013. Phạm Văn Thu received a life sentence.

In February 2013, twenty two members of a faith group called **Hội đồng công luật công án Bia Sơn** in Phú Yên Province were sentenced under Article 79 to prison terms ranging from 10 years to life in prison (the Procurator had asked for the death penalty against its leader, Phạm Văn Thu). The group ran an eco-tourist company at the Đá Bia Tourist Resort

in Phú Yên, and had signed a contract with the local authorities to protect the forest and environment. They believe in a future “Utopia” in which science, nature, and humankind would be harmoniously balanced, and they held conferences to disseminate their beliefs. State media reports acknowledged that the group was “non-violent”, but labeled it as “politically reactionary” and “anti-state”.¹³

Other frequently invoked “national security” crimes are that of “*circulating propaganda against the Socialist Republic of Vietnam*” (Article 88, future Article 117), often invoked to detain religious followers, which carries penalties of up to 20 years in prison (*see the case of Nguyễn Văn Đài opposite*); “*fleeing abroad or defecting to stay overseas with a view to opposing the people’s administration*” (Article 91, future Article 121) is used to detain ethnic Christian Montagnards fleeing the Central Highlands to escape forced displacement from their ancestral lands or suppression of their cultural and religious rights.

Article 258 of the Criminal Code (future Article 331) on “*abusing democratic freedoms and rights to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens*” – has also not been amended. This much-criticized article virtually nullifies the guarantee enshrined in Article 14 of the amended Constitution that “*human rights in the political, civic, economic, cultural and social fields are respected*” in Vietnam. The UN Special Rapporteur on Freedom of Religion or Belief Heiner Bielefeldt noted that “*the wide and vague formulation of Article 285 gives the relevant authorities carte-blanche to sanction people for all sorts of activities.*”¹⁴

Ordinance 44 on “Regulating Administrative Violations” (2002) empowers local-level Policemen and officials to detain suspected “national security” offenders for six months to two years under house arrest, in mental hospitals or in “education and rehabilitation camps” without any due process of law. It is routinely used to detain religious and political dissidents exercising legitimate peaceful activities.

¹³ “22 Members of a nonviolent group condemned to harsh prison terms for “subversion” in Vietnam”, Vietnam Committee on Human Rights, 4 February 2013, http://www.queame.net/eng/news_detail.php?numb=1998

¹⁴ Press Statement on the visit to the Socialist Republic of Vietnam by the Special Rapporteur on Freedom of Religion of Belief, Hanoi 31 July 2014.

Nguyen Văn Đài, Protestant lawyer and human rights defender was arrested on 16 December 2015 in Hanoi on charges of “*spreading propaganda against the Socialist Republic of Vietnam*” (Article 88 of the Criminal Code), a crime punishable by three to 20 years in prison. He was arrested on his way to meet EU diplomats following the EU-Vietnam annual human rights dialogue. He is currently detained in B14 Prison, Hanoi. His wife, Mrs. Vũ thị Minh Khánh, was refused permission to bring her husband a Bible when she visited him on 4 February 2016.



Nguyen Văn Đài

Nguyễn Văn Đài was first arrested in March 2007 for holding informal human rights workshops at his office in Hanoi. He was sentenced to five years in prison (reduced to four years on appeal) and four years house arrest, also under Article 88 of the Criminal Code. Released in 2011, he continued his human rights advocacy, founding the Brotherhood of Democracy in 2013, and making human rights submissions to bilateral human rights dialogues and UN mechanisms.

Since his release, he has suffered repeated beatings, surveillance, intimidation and harassments by Police and hired thugs. In 2014, he received a head wound that needed four stitches. The door of his home was broken down several times in January and March 2015. On 6 December 2015, Nguyen van Dai and three colleagues were viciously beaten by plain-clothed security agents after they organized a workshop on the Vietnamese Constitution at the home of a colleague in Nghệ An province.

Vietnam’s domestic legislation contains a whole arsenal of decrees, regulations and laws that criminalize the exercise of freedom of expression, association and peaceful assembly and seriously impact the exercise of freedom of religion or belief. Religious followers who post articles on the Internet or social networks, or take part in peaceful demonstrations to denounce religious freedom violations risk arrest and imprisonment.

Internet Decree 72 (2013) lists a whole range of “prohibited acts” of expression, and requires Internet providers – including foreign companies - to give information about their users when requested by investigative bodies¹⁵. **Decree 38/2005** bans demonstrations outside government buildings, and the **Directions for Implementing Decree 38** (2006) prohibits gatherings of more than 5 people without authorisation from the authorities. The government is currently preparing a new **Law on Associations** and a **Law on Access to the Media**, the drafts of which contain provisions seriously curbing freedoms related to religion or belief.

¹⁵ Bloggers Behind Bars: Restrictions on Internet Freedom in Vietnam, Vietnam Committee on Human Rights and FIDH, 2013, http://www.queme.net/eng/doc/Bloggers_behind_Bars_FIDH-VCHR_2013.pdf

Religious Legislation

The main religious legislation in force today are the “**Ordinance on Beliefs and Religions**” (Ordinance 21/2004) and **Decree 92** (92/2012/ND-CP) which gives instructions on implementing the Ordinance. The Ordinance imposes strict controls, including a system of registration for religious organizations and congregations. Religious groups whose applications for registration are denied or who do not meet the Ordinance’s vague standards are technically illegal and can be harassed or disbanded without warning. The registration process is cumbersome and in many cases prohibitive. Religious activities deemed to “*violate national security... negatively affect the unity of the people or the nation’s fine cultural traditions*” are banned (art. 15)¹⁶.

Under the Ordinance, religious education is subordinated to the “patriotic” dictates of the Communist Party; worship may only be carried out in approved religious establishments; it is forbidden to “abuse” religious freedom to contravene prevailing Communist Party policies (article 8§2). Religious activities deemed to “*violate national security... negatively affect the unity of the people or the nation’s fine cultural traditions*” are banned (art. 15). Article 30 guarantees the harmonization of laws: “*in case an international treaty signed or acceded to by the Socialist Republic of Vietnam contains a provision different from that of this Ordinance, the provision of the international treaty shall prevail*”. In practice, however, this is not respected, and religious followers are frequently arrested and detained under domestic laws which grossly violate the ICCPR and other international treaties to which Vietnam is State party.

Particularly disturbing is the Ordinance’s definition of “religion” - “*an organization of people who follow rites and tenets that do not go against the nation’s fine customs and traditions... and national interests*” (*emphasis added*). Under these provisions, religions can only exist if they comply with state interests. It is thus the communist state that decides which religions are “legitimate” and which should be banned.

Decree 92, which came into effect in January 2013, sparked off strong protests from UBCV Buddhists, Protestants and many religious leaders in Vietnam. They considered that the decree was a “*significant step back for religions*”, because it gave the government more legal tools to control religions, and imposed a cumbersome registration process. One expert estimated that it would take at least 23 years for a religious group to obtain full recognition under Decree 92.¹⁷ This long and arduous process of registration has obliged many religious groups, notably Protestant house-churches, to operate illegally whilst waiting for permission to be granted. Others, such as the Unified Buddhist Church of Vietnam (UBCV), refuse to apply for registration because they reject the notion of state control over their activities. In both cases, followers practicing religion outside State-recognised structures are exposed to harassments, prison or house arrest.

¹⁶ FIDH and VCHR Submission to the Universal Periodic Review on Vietnam, 2014.

¹⁷ Government Decree 92 tightens controls on religions in Vietnam, International Buddhist Information Bureau, 29 November 2012; “*Vietnam’s New Religion Decree Termed a Step Backward - Legal recognition will now take at least 23 years*”, Morning Star News, Ho Chi Minh City, January 24, 2013.

The new Law on Belief and Religion

In March 2015, the Government Committee for Religious Affairs (GCRA) circulated the 4th draft of a “Law on Belief and Religion” to a number of state-recognized religious communities in Vietnam. They were given a short time – only 13 days in certain cases – to comment. The reaction from Buddhists, Catholics, Hoa Hao and all faith groups alike was unanimous – the draft was badly worded, ambiguous, incompatible with international standards, and would increase the already overly-heavy state intrusion into religious affairs. In a rare and astonishingly strong statement, the Roman Catholic Council of Bishops’ in Hanoi said the draft “*creates complicated regulations, restricted mechanisms and thus obstructs religious activities*”, and called on the GCRA to discard the text and produce a new draft “*which is suitable to promote freedom, democracy and modern social development*”.¹⁸ Reactions from the international community were equally strong, including civil society protests and a letter to Vietnamese Prime Minister Nguyen Tan Dung from sixty-seven Parliamentarians worldwide concerned that the draft law would “*restrict, limit and even forbid the exercise of religion or belief for Vietnam’s numerous faith groups*”.¹⁹ UN Special Rapporteur Dr. Heiner Bielefeldt offered to help Vietnam rewrite the draft to bring it into line with international standards.

The GCRA then produced a 5th Draft, which was presented to the National Assembly in November (*see unofficial translation in annex*). Not only did the draft totally disregard the concerns of Vietnamese religious communities and international opinion, but it reinforced many restrictive provisions and diminished certain rights. For example, in Article 3 of the 5th draft, which guarantees that “*everyone has the right to freedom of religion or belief, to follow or not to follow a religion*”, the provision “*no one has the right to deprive others of this freedom*” (present in Ordinance 21 and in the 4th draft), has been removed. Provisions on the harmonization of laws and the prevalence of international treaties over conflicting domestic legislation have also been removed.

During the debate, several members of the National Assembly opposed the text, deploring that it “*did not truly protect freedom of religion*”, and counting 20 different instances where religious groups would have to request state permission for normal, every-day activities.²⁰ Interestingly, these criticisms were only reported in the Vietnamese-language press, whereas reports in English gave a much rosier view. Unfortunately, the MPs are unlikely to influence the final wording of the Law. Vietnam’s National Assembly is basically a rubber-stamp parliament in which the decisions of the government and CPV invariably prevail.

The draft Law contains many provisions that seriously contravene the right to freedom of religion and belief as guaranteed in the Vietnamese Constitution and ICCPR Article 18. First and foremost, the universal right to freedom of religion or belief and the autonomy of

¹⁸ *Comment and Petition on 4th Draft –Law on Belief and Religion*, Standing Committee of the Catholic Council of Bishops, <http://www.ttmucvusaigon.org/tin-tuc/english/comment-and-petition--4th-draft---laws-on-belief-and-religion/>

¹⁹ International Panel of Parliamentarians for Freedom of Religion or Belief, New York, 18 September 2015. <http://ippforb.com/wp-content/uploads/2015/08/IPPFoRB-Letter-Vietnam.pdf>

²⁰ “*Religious Freedom is not truly protected*”, *Bien Phong newspaper*, <http://www.bienphong.com.vn/chua-thuc-su-de-cau-quyen-tu-do-ton-giao/35217.bbp>

religions is undermined by **burdensome registration requirements**. Whereas the UN Special Rapporteur on FoRB stressed in his report (*see above*) that ***“registration should be an offer by the State but not a compulsory legal requirement”***, the draft Law provides no legal personality for religious organizations that cannot or choose not to apply to register with the state. Indeed, the draft Law defines a religious organization as ***“a group of people who follow the same system of religious doctrine, precepts and rituals, and who are organized in a fixed structure recognized by the government”*** (Article 2.11 – *our emphasis*). Non-recognized, independent organizations and forms of religion or belief that have no organizational structure are thus left in a legal limbo, with no legal safeguards or guarantees as to whether or how they may conduct religious activities, raise funds, open bank accounts, carry out humanitarian operations, own assets, or buy or sell property.

State interference into religious affairs: the draft Law on Belief and Religion increases the state’s already prohibitive powers to control, monitor and interfere in religious organizations’ internal affairs at every stage. All group activities must be notified in advance, even those held in private homes, such as the house churches, and must obtain approval. The local or national authorities exercise control over all aspects of religious life, including the creation or disbanding of religious organizations, approving the ordination of clergy and candidates for promotion or appointments, overseeing the content of religious training and “creating or approving” representatives of religious facilities. Even amendments to a religious organization’s Charter must be approved by the authorities, who have the right to reject them if they deem necessary.

As in other Vietnamese laws, the draft Law contains a range of vaguely-defined “prohibited acts” such as *“showing negative behaviour towards the religion or belief of other legal religious organizations”*, or *“taking advantage of freedom of religion or belief”* to commit acts such as *“tarnishing the image of national heroes”* or *“harming nation defence and security, public order and morality”* (Article 5). The authorities are empowered to disband religious organizations and suspend clergy suspected of carrying out “prohibited acts”.

Imposing State values on Religious Communities: The draft Law requires that *“religions operations and activities must reflect the good traditional, historical, cultural and ethical values of Vietnamese communities”* (Article 2.5) and *“preserve national traditions and cultural traits”* (Article 4.2). Since it is the Communist Party and the state who decide which traditions are “good” or “evil,” this wording could be arbitrarily used to discriminate against ethnic minorities whose traditional customs and rites are often qualified as *“superstitious”* or *“reactionary”* by the Vietnamese authorities. Perpetuating *“bad customs”* or *“superstition”* is a criminal offence under Vietnamese law (e.g. the Publications Law and the Law on Cultural Heritage). Since there is no clear definition of *“superstition”*, ethnic minority people are exposed to arbitrary sanctions and prosecution. Indeed, the government is currently invoking the **“struggle against evil practices”** to justify repression against ethnic minorities such as Hmong followers of the Dương Văn Minh faith in Tuyên Quang²¹, and the brutal persecution of Christian and Catholic Montagnards in the Central Highlands.²²

²¹ Vietnam Committee on Human Rights report to the UN Committee on the Elimination of all forms of Racial

“Evil Way religion”

Claiming to be waging a “war against heresy”, or “Evil Way religion” (*tà đạo*) Vietnam is implementing a high-level policy to eliminate religions such as De Ga Protestantism or Hà Môn Catholicism practiced by ethnic Montagnards in the Central Highlands, forcing many to seek asylum in Cambodia or Thailand. Police accuse them of belonging to the FULRO movement, which many have only heard of on the Internet.²³



Hundreds of ethnic Hmong in Tuyên Quang protest the detention of Dương Văn Minh followers

In Tuyên Quang, in the northern highlands, ethnic Hmong members of the “Dương Văn Minh” faith are suffering persecution. In March 2014, seven Dương Văn Minh members were sentenced to prison terms of up to two years on charges of “*abusing democratic freedoms and rights to encroach on the interests of the State*” under Article 258 of the Criminal Code. They had built “funeral homes” (*nhà đồn*) to keep the bodies of the deceased before burial so that their families can visit them. This is much more hygienic than the traditional Hmong practice of hanging deceased persons’ bodies in their family’s homes. However, the authorities condemned it as an “*evil practice*”, destroyed the funeral homes and beat and arrested those who objected. Hundreds of Hmongs staged protests against the unfair trials and persecution of their movement.

The draft Law reiterates Decree 92’s stipulation that religious training schools must include Vietnamese history and law as “main subjects” in their curriculum. This does not only interfere unduly into religious organizations’ affairs, but has serious implications because of the highly political bias of history and law teaching in Vietnam. Vietnamese academia such as Professor Dương Trung Quốc, Member of the National Assembly and Secretary-General of the Vietnamese Association of Historical Studies have expressed serious concern about the “*politicization*” of the subject: “*History teaching in schools has become an arena for propaganda, designed to instill in students a number of values imposed from above*”.²⁴ Following her visit to Vietnam in November 2013, UN Special Rapporteur in the field of

Disrimination (CERD), 2012, http://www.queame.net/eng/docs_detail.php?numb=1780

²² *Persecuting “Evil Way” religion, Abuses against Montagnards in Vietnam*, Human Rights Watch, 2015, <https://www.hrw.org/report/2015/06/26/persecuting-evil-way-religion/abuses-against-montagnards-vietnam>

²³ *Persecuting “Evil Way” religion, Abuses against Montagnards in Vietnam*, Human Rights Watch, 2015, <https://www.hrw.org/report/2015/06/26/persecuting-evil-way-religion/abuses-against-montagnards-vietnam>. FULRO is an acronym for a resistance movement (*Forces Unies pour la Libération des Races Opprimées*) made up of Montagnards which continued to militarily resist the Communist authorities until 1992.

²⁴ “*Sách giáo khoa hiện nay làm học sinh không tin cậy vào môn lịch sử*”, Interview with Prof. Dương Trung Quốc, Lịch sử Việt nam, 14 October 2013. Professor Dương Trung Quốc is a Member of the National Assembly and Secretary-General of the Vietnamese Association of Historical Studies.

Cultural Rights Farida Shaheed endorsed these concerns, regretting that “*only one history book is in use in schools,*” resulting in “*unidimensional*” teaching of history in Vietnam.²⁵

The same concerns apply to the teaching of law, especially human rights law. In 2012, the Vietnamese Ministry of Justice published a series of textbooks for schools and universities instructing teachers to explain human rights legislation from a perspective close to the “Asian values” argument which rejects the universality of human rights.²⁶ Imposing such politically-biased instruction suggests that the government’s aim is to not to deepen students’ knowledge and understanding of religion, but to produce political cadres trained to implement the government’s policy to control and “*manage*” religious affairs.

Mechanisms of Surveillance and Control

A number of **control mechanisms** severely restrict the exercise of freedom of religion or belief in Vietnam. Religious followers are especially penalized by the “*hộ khẩu*”, or household registration permit. This is an obligatory prerequisite for access to housing ownership, health care, education and other key public social services. Persons who do not have *hộ khẩu* are virtually illegal citizens.²⁷ The local security warden (*công an khu vực*) is responsible for issuing or withdrawing the *hộ khẩu* for the residents under their charge (approx. 300 people). This gives him immense discriminatory powers, which he may use and abuse at will.²⁸

Although there have been reforms of this system and it is unevenly implemented, it remains one of the most pervasive and discriminative means of control and it confronts religious followers with a Kafkaesque dilemma. For example, if members of non-recognized Protestant house churches write “Protestant” in the religion category when applying for a *hộ khẩu*, their application is routinely refused. If they put their religion as “none”, Security Police prevent them from gathering for prayers and religious services. In many cases, they are denied the right to obtain any legal documents at all.

These control mechanisms are reinforced by the “*General Curriculum Vitae*” (see Annex) which all novice monks and nuns wishing to be ordained must submit to the Government Committee for Religious Affairs. Apart from the usual formalities on their family status and background, future monks and nuns are required to describe in detail the activities of their parents “*before and after 1975*” (i.e. pre and post Communist reunification). This implies that discriminatory political criteria play a role in the selection process.

²⁵ Special Rapporteur in the Field of cultural rights, Visit to Viet Nam, 18 - 29 November, 2013 Preliminary conclusions and recommendations, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14038&LangID=E>

²⁶ “*Some facts on Legislation regarding Human Rights: a teachers’ manual for classes on civic education and law*”, December 2012, Communications Department for Legal Education, Ministry of Justice, Hanoi. “*Given differences in political regime, development level, cultural value and historical background, approaches to human rights might vary from country to country. Vietnam’s position is that no country has the right to use human rights as a means or pretext to interfere into another country’s internal affairs, create confrontation and political pressures, even use force or impose conditionalities in economic and trade relations with others*”. See VCHR Alternative Report on UN International Covenant on Economic, Social, Economic and Cultural Rights, 2014, <http://www.que.me.net/eng/doc/vchr-fidh-report-pidesc-vietnam-2014-en.pdf>.

²⁷ VCHR Alternative report to the ICERD, 2012, http://www.que.me.net/eng/docs_detail.php?numb=1780

²⁸ Buddhist dissident Thích Quảng Độ called for the dismantling of this “*discriminatory and anti-democratic*” system in “Appeal for Democracy in Vietnam”, 21 February 2001, http://www.que.me.net/eng/docs_detail.php?numb=573

Communist Party Directives

Alongside Vietnam's domestic legislation, a whole arsenal of Communist Party directives and decisions shape Vietnam's religious policies. One of the most striking CPV documents currently in use, of which the Vietnam Committee on Human Rights has obtained a copy, is a 602-page manual which reveals the CPV's efforts to eliminate independent religious movements, in particular the Unified Buddhist Church of Vietnam (UBCV).

This document, entitled *“On Religions and the Struggle against Activities Exploiting Religion – Internal Document for Study and Circulation in the People's Security Services”* is published by the Institute of Public Security Science in Hanoi with a print-run of 1 million numbered copies for use in training *“all top-level Security cadres, ranking officers, police, research cadres and instructors directly or indirectly participating in the struggle against religions”*.

The document gives detailed directives on the policies and plans of the Communist Party and the Ministry of Public Security to eradicate *“hostile forces and reactionaries who exploit religion”* and combat all those who *“seek to exploit religion as a tool of their policies of “peaceful evolution” in order to oppose our socialist regime”*.

The Unified Buddhist Church of Vietnam (UBCV) is identified as a crucial actor in this plot and is accused of *“advocating human rights, political pluralism and the multi-party system in order to create social instability and rebellion”*. The document gives clear instructions to Party cadres and Security agents at every level to *“oppose, repress, isolate and divide”* UBCV leaders and members, to promote only State-sponsored *“Buddhism with socialist orientations”*, and to make concerted efforts to *“wipe out the [UBCV] once and for all.”*

The document also gives instructions to train *“special agents”* for infiltration into the UBCV, not only to report on UBCV activities, but also to create schisms within its ranks. The *“special agents”* would not only carry out intelligence activities within the UBCV in Vietnam, but would extend these activities to the Buddhist community overseas. *“We urge the Politburo to coordinate activities between the CPV's Departments of Propaganda and mobilization, interior affairs, foreign affairs, religious affairs and overseas Vietnamese to work together on this policy”*. By infiltrating and creating divisions within the Buddhist community overseas, the *“special agents”* would seek to weaken the international pro-UBCV lobby, thus enabling the CPV to *“take pre-emptive action to prevent Western countries from “making human rights investigations” or seeking to “visit dissident religious personalities” in Vietnam.*

Religion and Land Rights

One serious problem in Vietnam, which affects religious communities and particularly the Catholics, is the question of land rights. Under the socialist system, the land *“belongs to the people but is managed by the state.”* People do not own their lands, but are issued with land-use rights certificates (LURCs) which are valid for 50 or 70 years. The state can forcibly recover the land at any time and, although in principle they must notify persons and provide adequate compensation or resettlement, in practice this ends in virtual land-grabbing and

violent, forced evictions. Given the lack of definition of the legal personality in Vietnam's religious legislation, and widespread official corruption and power abuse, lands belonging to the Catholic Church and other religious communities have been seized for development projects, shopping malls and amusement parks without adequate consultation or compensation.

One salient example is the Catholic parish of **Cồn Dầu**, near Danang, where the authorities forcibly expelled families and razed homes to build a luxury tourist resort. The area of Cồn Dầu includes a cemetery that has

been used by Catholics for over 135 years. In 2010, when the expulsion began, police intervened to prevent a burial, resulting in serious riots and the arrests of 59 people. Hundreds of families have been expelled. More raids took place on 27 March 2014, when police arrived at dawn with bulldozers and demolished several homes. In March 2014, the United Nations experts on housing, culture,



Villagers protest land seizures in Cồn Dầu

minorities and religion issued a joint statement denouncing this incident as *“a clear case of land grabbing for the benefit of private entrepreneurs and at the expense of local communities”*.²⁹

Suppressing Independent Religious Voices: the Case of the Unified Buddhist Church of Vietnam

Buddhism is the majority religion in Vietnam, yet Vietnam's oldest Buddhist organization, the UBCV is not recognized by the authorities and continues to be a key target of repression. The US Commission on International Religious Freedom (USCIRF) described the UBCV in its 2013 report as *“Vietnam's largest religious organization with a history of peaceful social activism and moral reform efforts”* which has *“faced decades of harassment and repression for seeking independence from the officially-approved Vietnam Buddhist Sangha (VBS) and for appealing to the government to respect religious freedom and related human rights”*.³⁰

Despite strong international pressure to recognize the UBCV's legal status, the Vietnamese government continues to perceive it as an *“illegal”* or *“reactionary organization”*, which simply *“does not exist”*. UBCV leader Thích Quảng Độ refuses to apply for registration

²⁹ “Viet Nam land grabbing case needs to be urgently addressed” UN Special Rapporteur on the right to housing, Raquel Rolnik, UN Special Rapporteur in the field of cultural rights Farida Shaheed, UN Special Rapporteur on freedom of religion or belief Heiner Bielefeldt and UN Independent Expert on minority issues Rita Izsák 26 March 2014. <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14438&LangID=E>

³⁰ USCIRF Annual Report, 2013.

because he esteems that the UBCV has never lost the legitimate status it acquired before Communist reunification in 1975. The UBCV has never been formally banned by the current regime, Thích Quảng Độ thus claims its right to operate independently, without being forced into the Vietnam Fatherland Front. In this perspective, the UBCV continues to exercise its peaceful religious, educational and humanitarian activities, *de facto* if not *de jure* without seeking recognition by the state.

Origins and Brief History of the UBCV

Since Buddhism came to Vietnam over 2,000 years ago, it developed a tradition of activism and commitment to social justice unique in South East Asia. Predominantly following the Mahayana school, which stresses the link between self-enlightenment and the commitment to emancipate one's fellows from ignorance and injustice, throughout history Vietnamese Buddhists practiced "engaged Buddhism", actively participating in all aspects of the nation's social and political life.

The spirit of freedom and social justice which inspired Vietnamese Buddhism played a major role in shaping the Vietnamese cultural identity and ensuring the survival of Vietnamese civilization through 1,000 years of Chinese rule. Whereas all the other "*Bách Việt*" (Hundred Viet) tribes from the provinces of Guangdong and Guangxi were absorbed by China, only the Viet people in Giao Châu (modern day Vietnam) survived, preserving a unity of thinking, language and culture from the origins of their history until today. The UBCV perpetuates this long tradition of engagement and independence.



Security Police camp day and night
outside UBCV pagodas

Overview of Government Repression against the UBCV

When the communist authorities took power in the South in 1975, they immediately launched a campaign to suppress the UBCV. The UBCV's vast network of schools, universities, pagodas, hospitals and humanitarian institutions were confiscated and turned into warehouses for Party organizations. Religious books were burned. The UBCV Headquarters in An Quang Pagoda were taken over by Security Police, and hundreds of nuns, monks and lay-Buddhist were arrested. Prominent UBCV dignitary Thích Thiện Minh was tortured to death in re-education camp. Repression reached such a height that twelve monks and nuns in the province of Can Tho self-immolated in November 1975 to protest religious persecution.

The authorities decided that if they could not suppress Buddhism by force, they should subject it to tight political controls. On 4 November 1981, they set up the State-sponsored "Vietnam Buddhist Sangha" (VBS) under control of the Communist Party's Vietnam Fatherland Front. The VBS became the only Buddhist organization to be officially recognized by the State. A widespread campaign was launched to urge, persuade or coerce



Plain-clothed security agents assault Thích Thanh Quang outside the Giác Minh Pagoda

UBCV Buddhist to join. Although a small number of monks gave in to state pressure and joined the VBS in an individual capacity, the UBCV leadership refused, and a new spate of arrests followed. UBCV leaders such as Thích Huyền Quang and Thích Quảng Độ were sent into internal exile and placed under house arrest without charge.

Buddhist “unification” and the establishment of the State-sponsored Church

This policy of “unifying” Buddhism into the State-sponsored VBS was later denounced by one of its principle architects, Mr Đỗ Trung Hiếu. A former high-ranking Communist official in charge of religious affairs, he was appointed to head the “Mission to Unify Buddhism.”³¹ In a document entitled “*The Unification of Vietnamese Buddhism*” written in 1994, Đỗ Trung Hiếu (code-name “Mười Anh”) explained that the Party conceived the VBS as “*a mere people’s association... a top-heavy structure without any organized popular base*”. Its activities would be “*confined exclusively to the celebration of religious ceremonies and worship in Pagodas. It [the VBS] must on no account be allowed any activities related to society or to the people... Thus, the mass following of Buddhist laity will never be able to structure its forces into organic units of the Church.*”

According to Đỗ Trung Hiếu, the establishment of the VBS was the work of the Communist Party alone: “*In order to preserve appearances, the task of unification was handled by Buddhist monks, but the Party’s control and its determination to transform Vietnamese Buddhism into a tool of the Communist Party was obvious throughout the whole process*”.

Current Restrictions on the UBCV

Today, the UBCV strives to pursue its activities, despite government repression. Since 2005, the UBCV Patriarch Thích Quảng Độ has set up a network of UBCV Representative Boards to fulfill the educational, spiritual and humanitarian needs of people in the poor provinces.

³¹ Que Me: Vietnam Committee on Human Rights http://www.que.me.net/fra/news_detail.php?numb=1804 - http://www.que.me.net/vie/docs_detail.php?numb=1764. The project was headed by Xuân Thủy, head of the North Vietnamese delegation to the Paris Peace talks in the late 1960s and Secretary of the Communist Party Central Committee, Nguyễn Văn Linh, CVP Secretary-general, and Trần Quốc Hoàn, Interior Minister..

Since their creation, however, and despite their purely religious and social activities, virtually all the UBCV Representative Boards have suffered Police interrogations, intimidation, public “denunciation sessions” and expulsion of clergy from their Pagodas. In many cases, Police hire plain-clothed agents of local thugs to vandalize UBCV property and assault UBCV monks and nuns. Buddhist followers have also suffered threats and harassments. Local authorities and Security Police punish Buddhists who frequent UBCV pagodas by refusing to deliver residence permits (*hộ khẩu*) and vital administrative papers, expelling their children from school or making them lose their jobs.

The Giác Minh Pagoda in Danang and its Superior monk Thích Thanh Quang, 76, are subjected to continuous repression by the local authorities. Thích Thanh Quang is the Deputy Head of Viện Hóa Đạo, the UBCV’s Executive Institute, and head of the UBCV Commission for Youth. For the past three years, the local People’s Committee has prohibited the celebration of Buddhist festivals such as Tết (Lunar New Year) Vesak (Buddha’s Birth) and Vu Lan (All Souls’ Day) at the Pagoda, and intimidated Buddhists who try to attend. Followers wishing to bring offerings and food to Thích Thanh Quang and his monks are obliged to come at dawn and lay their offerings at the Pagoda’s gate to avoid Police reprisals. Plain-clothed local militia have repeatedly assaulted Thích Thanh Quang, who is currently in very poor health. He suffers from malnutrition and related illnesses as he is prevented from receiving food and medicine from his followers.

The Buddhist Youth Movement

Vietnam has intensified repression against members of the Buddhist Youth Movement (BYM), an educational organization affiliated to the UBCV. Although the BYM is not officially recognized by the Communist authorities, it is tolerated because of its educational activities. Based on the Scouts movement, the BYM has a membership of over 300,000 young Buddhists in Vietnam today. In successive government crackdowns in 2014 and 2015, over 100 members of the BYM were placed under house arrest.

BYM leader **Lê Công Cầu**, has been subjected to continuous harassments, threats and Police interrogations. In 2014, he was arrested as he tried to visit Thích Quảng Độ in Saigon. Police confiscated his laptop computers and mobile phones, and placed him under house arrest in Huế for several months without charge. He was again arrested in April 2014 after he sent an audio message to the UN during Vietnam’s Universal Periodic Review. Police produced a copy of the video and threatened to prosecute him for this “unlawful” act. It is extremely serious for Vietnam, a member of the UN Human Rights Council, to subject a citizen to reprisals on account of his contacts with the UN.

On 22 April 2015, Lê Công Cầu was again intercepted by Police and detained for three days “working sessions” (a euphemism for interrogations). Police accused him of posting articles on the Internet calling for the legalization of the outlawed UBCV, and warned that he could be arrested and prosecuted “anytime”. In August 2015, Police prevented him from traveling to Saigon to join Thích Quảng Độ for a meeting with US Secretary of State Tom Malinowski and attend a luncheon at the German Consulate to meet Senator Volker Kauder, adviser to

Chancellor Angela Merkel. In January 2016, Lê Công Cầu was again placed under temporary house arrest for the duration of the the Communist Party's XI Congress in Hanoi.

2015: Memorial Day Crack-down

In December 2015, Police and security forces intercepted, harassed and intimidated UBCV monks, nuns and lay-followers to prevent them from organizing a Memorial Day commemoration at the Long Quang Pagoda in Huế on 4 December 2015. Over 100 Security Police surrounded the pagoda and blocked all approach roads, intercepting those who attempted to enter or leave.

Memorial Day is one of the key events in the Vietnamese Buddhist calendar, held to honour the founding masters of Buddhism in Vietnam. This is the second year running that Police have cracked down on this traditional celebration in Huế.

In Danang, several hundred Security Police and civil defence agents surrounded the Giác Minh Pagoda, keeping surveillance and blocking approach roads and alleys with police vans, and banning Thích Thanh Quang from attending Memorial Day. In Thừa Thiên Huế, Police and local officials systematically visited all local sections of the UBCV, the BYM and the homes of local Buddhists, warning them to stay away from the event because the Long

Arbitrary Detention of UBCV Patriarch Thích Quảng Độ

The situation of the UBCV's Supreme Patriarch Thích Quảng Độ is of particular concern. Thích Quảng Độ is under house arrest at the Thanh Minh Zen Monastery in Saigon (Ho Chi Minh City). All his visits are monitored by uniformed and plain-clothed security agents who keep him under round-the-clock surveillance. Whereas Vietnam authorizes occasional visits by foreign diplomats, unofficial visitors risk detention, interrogations and Police assaults. In 2013, members of an Inter-parliamentary delegation from United Kingdom who asked to visit Thích Quảng Độ were refused permission on the grounds that such a visit was "unwelcome" and would jeopardize their meetings with the Ho Chi Minh City authorities. Thích Quảng Độ, 88, is deprived of his citizenship rights and unable to travel or communicate freely. His health is affected by this continuous isolation and lack of adequate medical care for his diabetes and high blood pressure. In November 2015, 91 civil society organizations and international personalities, including four Nobel Peace Prize laureates, sent a letter to US President Barack Obama calling for Thích Quảng Độ's immediate release.³²



UBCV Patriarch Thích Quảng Độ, US Assistant Secretary of State Tom Malinowski and Consul General Rena Bitter

³² <http://www.queame.net/eng/doc/Letter-to-Obama-FINAL-12-11-2015-ENGLISH.pdf>

Quang Pagoda contained “bad, reactionary elements” acting under the name of the UBCV to “sabotage and oppose the Socialist government”. In Hương Thủy village, Buddhist youth leader **Nguyễn Tất Trục** was so exasperated by continuous threats and harassments by local Police that he hung a sign on his door “*No more visits received*”. He is currently under strict Police surveillance. Despite all these threats and obstacles, several hundred UBCV monks, nuns and followers, as well as BYM leaders from southern and central Vietnam succeeded in overcoming obstacles to attend the event.

Conclusions and Recommendations

The obligation to protect freedom of religion or belief is binding on Vietnam, as a State party to the International Covenant on Civil and Political Rights (ICCPR). Article 18 of the ICCPR states: “*Everyone shall have the right to freedom of thought, conscience and religion. This right shall include the freedom to have or adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or in private, to manifest his religion or belief in worship, observance, practice and teaching.*” It protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.

UN General Comment 22 further specifies that “*The right to freedom of thought, conscience and religion (which includes the freedom to hold beliefs) in article 18.1 is far-reaching and profound; it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief.*”

Whereas the right to freedom of religion is absolute, the right to manifest or practice one’s religion or belief is subject to certain limitations, but only those which are “*prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.*”

The harassment, assault and imprisonment of Vietnamese citizens for the peaceful exercise of their right to religion or belief, and the repression of independent religious communities are in clear violation of Vietnam’s binding international human rights obligations. The restrictions imposed on freedom of religion and belief by the laws and regulations also exceed far beyond what is permissible under international human rights law and standards.

Recommendations to the government of Vietnam

- Withdraw the 5th draft Law on Belief and Religion and instruct the Government Committee on Religious Affairs (GCRA) to prepare a new draft that conforms to Vietnam’s obligations under Article 18 of the ICCPR, in consultation with religious and belief communities (both recognized and unregistered), international legal experts and the UN Special Rapporteur on FoRB;
- Ensure that the new draft Law allows individuals and religious organizations to operate freely and independently, and that the exercise of freedom of religion or belief is not conditional on state recognition, registration or approval; ensure that non-registered religious or belief communities have access to an alternative legal personality status, and include such provisions in the pending Law on Associations;

remove vague wording on “traditions and customs” and “infringements on national security”, and ensure that the draft Law on belief and religion contains only such limitations that are permissible under Article 18.3 of the ICCPR;

- End harassment, arrests, imprisonment and ill-treatment of persons because of their religion or beliefs; immediately and unconditionally release anyone detained for the peaceful exercise of freedom of religion or belief and other related rights;
- Amend or abrogate all provisions in domestic religious legislation, such as Decree 92, which restrict the exercise of freedom of religion or belief;
- Revise or repeal all domestic laws and regulations that limit the exercise of freedom of religion and belief, expression, association and assembly in violation of the ICCPR, in particular the vaguely-defined “national security” provisions in the Criminal Code, as well as Article 258 of the Code and all other legal provisions that invoke the “abuse” of democratic freedoms to restrict the exercise of human rights guaranteed in the ICCPR;
- Promptly investigate allegations of torture or physical assaults by Police or plain-clothed security agents against religious followers or detainees in police custody, and sanction those responsible;
- Cease discrimination and repression of independent religious communities such as the Unified Buddhist Church (UBCV), Hoa Hao, Cao Dai, Protestant Christians, Khmer Krom Buddhists and all other groups that cannot or choose not to register with the state, and guarantee their freedom of religious activity;
- Implement the recommendations of the UN Special Rapporteur on Freedom of Religion or Belief ³³ in regards to the above concerns, as well as the right to legal recourse and compensation for victims of violations of human rights; equitable solutions to land issues such as confiscations of cemeteries and places of worship; cease attacks against religious communities in the state-controlled media which fuel prejudice and discrimination; remove special religious public security units such as Unit 41/PA 38; allow the Special Rapporteur to conduct a follow-up visit to Vietnam;

Recommendations to the International Community, including diplomatic delegations in Vietnam, the European Union, the United States, the Association of Southeast Asian Nations (ASEAN) and the United Nations

- Encourage Vietnam to substantially revise the draft Law on Belief and Religion to bring it into line with international law, notably to ensure that registration of religious communities is optional, and that those choosing not to register may operate legally and without fear of reprisals;
- Consistently raise concerns, both publicly and privately, about violations of religious freedom and human rights in Vietnam at the highest levels; press Vietnam to cease harassments, physical assaults, arbitrary detention or imprisonment of individuals exercising their legitimate right to freedom of religion or belief;

³³ Idem note 10.

- Adopt a strategic and comprehensive response using all instrument at disposal (such as human rights dialogues, aid and trade) to address the restrictions of the right of freedom of religion and belief;
- Insist that bilateral relationships with Vietnam be dependent on measurable progress in human rights, including the right to freedom of religion and belief, and include specific provisions on the respect of these rights in trade agreements, such as the EU-Vietnam Free Trade Agreement or implementing legislation for the Trans-Pacific Partnership and other economic agreements to which Vietnam is a party;
- Unless substantial progress is made, the US and the European Parliament should designate Vietnam as a “country of particular concern” for violations of freedom of religion or belief and related rights, as recommended by the US Commission on International Religious Freedom in 2015.

Annex 1:

Ratification Status of UN Covenants for Vietnam

Treaty	Signature Date	Ratification Date, Accession(a), Succession(d) Date
CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	07 Nov 2013	February 2015
CAT-OP - Optional Protocol of the Convention against Torture		
CCPR - International Covenant on Civil and Political Rights		24 Sep 1982 (a)
CCPR-OP2-DP - Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty		
CED - Convention for the Protection of All Persons from Enforced Disappearance		
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women	29 Jul 1980	17 Feb 1982
CERD - International Convention on the Elimination of All Forms of Racial Discrimination		09 Jun 1982 (a)
CESCR - International Covenant on Economic, Social and Cultural Rights		24 Sep 1982 (a)
CMW - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families		
CRC - Convention on the Rights of the Child	26 Jan 1990	28 Feb 1990
CRC-OP-AC - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict		
CRC-OP-SC - Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	08 Sep 2000	20 Dec 2001
CRPD - Convention on the Rights of Persons with Disabilities	22 Oct 2007	

Annex 2 :

Audio Message from Thích Quảng Độ to the United Nations on the occasion of Vietnam's Universal Periodic Review, 5.2.2014

Ladies and Gentlemen,

It is an honour for me to address this meeting at the United Nations today. My name is Thích Quảng Độ, I am a Buddhist monk from Vietnam. I am sorry that I cannot be with you in person – I am under house arrest at the Thanh Minh Zen Monastery in Saigon, Vietnam. This message was recorded in secret, and it is thanks to the courage of many people that it reaches your meeting today.



Tomorrow, Vietnam will be examined at the Human Rights Council for its second Universal Periodic Review. You will hear the Vietnamese government's report on human rights. But you will not hear the voices of the victims. I am speaking here for those whose voices are stifled in Vietnam simply because of their dissenting opinions or beliefs.

My own case is a typical example. I have spent the past three decades under different forms of detention – ten years in internal exile, seven years in prison and the rest under house arrest without charge. What is my “crime”? That of calling on Vietnam to respect its people's rights to freedom of expression, association, peaceful assembly, religion and belief.

When I was released from prison and placed under house arrest in 1998, I said: “*I have come from a small prison into a larger one*”. Today I am truly a prisoner in my own monastery. Police keep watch on me day and night, my communications are monitored and I cannot travel. My visitors are harassed and intercepted. I cannot even preach in my Monastery. In January 2014, my personal assistant Venerable Thich Chon Tam was assaulted by Police and ordered to leave Saigon. Vietnam's aim is to isolate me completely, cut off my contacts with the outside world, and ultimately silence my voice.

To be deprived of one's freedom is intolerable under any circumstances. To be under house arrest without charge, isolated and never knowing when you will be released, is a most cruel form of torture, both mental and physical. I have endured this for the past ten years. But I am not alone. In Vietnam today, hundreds of dissidents and human rights defenders are subjected to the torture of house arrest without any due process of law. Last year, Vietnam signed the UN Convention Against Torture. We hoped this was a step forward. But in reality, nothing has changed.

Why should Vietnam try so hard to silence us? Because the Communist regime tolerates no criticism of the one-Party state. Since its last Universal Periodic Review, Vietnam promised to improve human rights. But on the contrary, it has launched a crack-down on critics and dissidents on an unprecedented scale. Young bloggers, journalists, defenders of worker rights, land rights, or the rights of women and children have suffered harassments and imprisonment as never before.

This crack-down has also targeted the religious communities. Religious freedom is important everywhere – it is enshrined in Article 18 of the Universal Bill of Rights, and also in the Vietnamese Constitution. It is a right that cannot be waived, even in times of war. But in Vietnam, religious freedom is particularly important. In the absence of opposition parties, free trade unions

or independent NGOs, the religious movements are essential voices of civil society, putting forth the people's grievances and pressing for reforms.

As head of the Unified Buddhist Church of Vietnam, which is not recognized by the authorities, I have not only called for religious freedom, but also for the right to multi-party democracy, to publish independent newspapers, to demonstrate freely, to express one's views without fear. I have called for abolition of the death penalty, more social equity, and the end to the system of the "hộ khẩu", or family residence permit, which is used as a tool of discrimination and control. I will continue to press for human rights and democratic freedoms in Vietnam, whatever price I have to pay.

At tomorrow's Universal Periodic Review, I call upon all governments to speak out for those whose voices are stifled in Vietnam. I urge you to press for concrete improvements, such as the recognition of the legal status of the Unified Buddhist Church of Vietnam and all other non-recognized religions, the release of religious and political prisoners, and the abolition - once and for all - of the practice of arbitrary house arrest without charge.

Thank you for your attention.

**Audio Message from Lê Công Cầu
on the occasion of Vietnam's Universal Periodic Review, 5.2.2014**

Distinguished guests and Human Rights Defenders,

My name is Lê Công Cầu, and I live in Hue, central Vietnam. I am a human rights defender, and head of the Buddhist Youth Movement (BYM). The BYM is an educational movement founded in the 1940s. It is modeled on the Scouts association, and is affiliated to the Unified Buddhist Church of Vietnam (UBCV). Because the UBCV is not recognized by the Communist government, the BYM does not have an official status. However, our activities are tolerated because we provide much-needed education for young people. The BYM has some 500,000 members in Vietnam today.

Recently, we began to include human rights education as part of our activities. At a summer camp in central Vietnam this year, we held a seminar on Internet freedom to discuss the role of new technologies in expanding our knowledge. Vietnam is a signatory to United Nations instruments such as the International Covenant on Civil and Political Rights, and human rights are enshrined in our Constitution. We believe that young people should learn about human rights if they are to become good citizens of Vietnam.

Because of this, the authorities have begun to crack-down on our movement. I am particularly targeted. In March last year, I was arrested and interrogated non-stop for three days. Police accused me of writing articles calling for human rights and criticizing government policies. They threatened to imprison me on charges of "*circulating anti-Socialist propaganda*", a crime that carries up to 20 years in prison.

This year, on January 1st, I was arrested again at Phu Bai airport near Hue as I set off to meet members of my movement in Ho Chi Minh City. Police took me off the plane on the pretext that I was suspected of carrying "terrorist" materials in my suitcase. Of course, they found nothing, but



they confiscated my laptop computer, flash-drives and cell phone and subjected me to intensive interrogations. Although I am not charged with any crime, I am now under house arrest at my home in Hue. Police are posted outside my door, and I am summoned continuously for Police interrogations. During a recent interrogation, a Security officer said he just had to sign warrant and I would be thrown into jail.

Following my arrest, several other members of the Buddhist Youth Movement in Hue were subjected to harassments. **Nguyen Tat Truc** was detained for questioning from 6 to 9 January and accused of “*violating the law*” because he signed letters on behalf of our movement. He is now under house arrest. As a result, his family is now in grave financial difficulty, because they rely on his wife’s earnings in order to survive, yet he is forbidden to drive outside his district to take her to work. Another senior BYM member, **Hoang Nhu Dao**, was interrogated by Police and also accused of “*illegal activities*”. Police are now posted outside his home, frightening his wife and young children. As I speak to you today, more than one hundred members of the Buddhist Youth Movement from Hue and the central provinces are under house arrest without any justification, simply for exercising their legitimate right to association and peaceful assembly.

I am launching this message at the United Nations today as a cry of alarm. This may be my last opportunity to speak out, as I am told that I may be arrested in the coming days. I do not fear imprisonment. I take full responsibility for my legitimate and peaceful acts, and I am ready to face the consequences, whatever they may be. Last week, after 20 days under house arrest without charge, I wrote to the local Security Police protesting my arbitrary detention. I demanded that they formally indict me and put me on trial – if not, they must release me immediately. But they made no reply. I am appalled that Vietnam can treat its citizens so unfairly, and I refuse to remain silent in face of such injustice.

Human rights defenders in Vietnam today face unprecedented Police brutality, harassments and arbitrary detention simply for peacefully exercising rights that are guaranteed in our Constitution. We are accused of “anti-Socialist” activities, but in reality we are simply working to protect and promote the legitimate rights of our people, as guaranteed in the UN Universal Declaration of Human Rights.

The Buddhist Youth Movement is committed to education, for we believe that knowledge and understanding form the very basis of progressive and dynamic society. The right to education is enshrined in the UN International Covenant on Economic, Social and Cultural Rights, to which Vietnam is a state party. By repressing my members and prohibiting our activities, Vietnam is violating its binding commitments to its citizens and to the international community.

As you meet to consider the second Universal Periodic Review of Vietnam, I call on all governmental delegations to examine the plight of human rights defenders, and press Vietnam to take concrete steps to improve our situation. Specifically, Vietnam should bring domestic legislation into line with its international treaty commitments, and respect the principle of the harmonization of laws enshrined in the Law on the Ratification and Implementation of International Treaties adopted in 2005.

Vaguely-worded “national security” provisions in the Criminal Code such as Article 88 on “*spreading anti-Socialist propaganda*” should be repealed, for they enable the State to imprison people at will, with total impunity. Human rights must be protected by the rule of law, otherwise, they are meaningless. Vietnamese human rights defenders should be entitled to pursue their activities freely, and not be forced to live in silence and slavery by the one-Party State.

Lê Công Cầu, Hue, 25 January 2014

Annex 3:

Curriculum Vitae for Buddhist novices applying for ordainment

** The sentences highlighted require applicants to provide details of the activities of their families before and after 1975, i.e. when the Communists took power in Vietnam.*



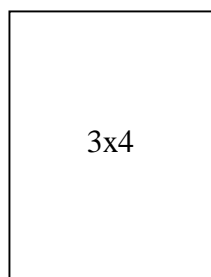
GIÁO HỘI PHẬT GIÁO VIỆT NAM
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SƠ YẾU LÝ LỊCH TĂNG NI SINH

(Thi tuyển Thạc sĩ - ngành Phật học)

Curriculum Vitae for Buddhist Novices

I. PHAN SƠ YẾU:

Họ và tên:
Pháp danh:
Ngày và nơi sinh:
Số CMND: cấp ngày: tại:
Nguyên quán:
Nơi thường trú (Ghi rõ số nhà, đường, phường, quận, TP):
Nơi tạm trú (Ghi rõ số nhà, đường, phường, quận, TP):
Trình độ Phật học:
Trình độ thể học:
Trình độ chuyên môn:
Ngoại ngữ:
Nghề nghiệp trước khi xuất gia:
Ngày tháng năm và nơi xuất gia:
.....
Ngày tháng năm và nơi thọ giới (ghi giới phẩm hiện nay):
.....
Chức vụ trong xã hội:
Chức vụ trong Giáo hội:
Dân tộc: Quốc tịch:

II. TÓM TẮT TIỂU SỬ BẢN THÂN:

Nói rõ từng thời gian (năm) từ 15 tuổi đến nay làm gì? Ở đâu?
(kể rõ từng giai đoạn thời gian, nơi chốn các sinh hoạt, hoạt động chủ yếu):

III. QUAN HỆ GIA ĐÌNH:

Họ và tên cha Tuổi:

Nghề nghiệp.....
 (Kể rõ từng thời gian, các chốn sinh hoạt, hoạt động chủ yếu từ trước, sau 1975 và hiện nay):
Give detailed activities (time and place) of the father's activities before and after 1975
 Họ và tên mẹ Tuổi:.....
 Nghề nghiệp.....
 (Kể rõ từng thời gian, các chốn sinh hoạt, hoạt động chủ yếu từ trước, sau 1975 và hiện nay):
Give detailed activities (time and place) of the mother's activities before and after 1975

 3- Anh chị em ruột: (Tên tuổi, nghề nghiệp, Nơi ở hiện nay):.....

IV. QUAN HỆ TRONG ĐẠO:

Họ và tên Bỏ sư Tuổi.....
 Pháp danh.....
 Pháp hiệu thường dùng.....
 Nơi thường trú của Bỏ sư.....
 Giáo phẩm.....
 Chức vụ hiện nay.....
 Hệ phái gốc.....
 Họ và tên Y chỉ sư..... Tuổi.....
 Pháp danh.....
 Pháp hiệu thường dùng.....
 Nơi thường trú của Y chỉ sư.....

 Giáo phẩm.....
 Chức vụ hiện nay.....
 Hệ phái gốc.....

Tôi xin cam đoan những lời khai trên là đây đúng sự thật. Nếu có gì sai trái, tôi xin chịu hoàn toàn trách nhiệm trước Pháp luật.

XÁC NHẬN
 của Chính quyền địa phương
 Phường (Xã) nơi thường trú

.....ngày thángnăm 201...
 Người khai ký tên
 Phường (Xã) nơi thường trú

Annex 4:

5th Draft Law on Belief and Religion, unofficial translation (*)

NATIONAL ASSEMBLY
Law no: /2016/QH13

SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom - Happiness

Draft for 40th session of Executive Committee of the XIIIth National Assembly

Ha Noi, _____, 2016

LAW ON BELIEF AND RELIGION

Pursuant to the Constitution of the Socialist Republic of Vietnam;
The National Assembly enacts the Law on Belief and Religion as follows:

Chapter I GENERAL PROVISIONS

Article 1. Scope of regulations and subjects of application

1. This Law regulates freedom of belief and religion, the rights and obligations of those who adopt a belief, adherents of a religion, religious organizations, and foreigners who legally reside in Vietnam whose activities relate to belief and religion; and the responsibility of government agencies, religious organizations and individuals in the application and protection of the freedom of belief and religion.
2. This Law applies to agencies, organizations, and individuals with respect to the exercise of the freedom of belief and religion.

Article 2. Glossary

In this Law, the terms below are interpreted as follows:

1. **Adherent:** a person who believes in, follows a religion.
2. **Person who took a monastic vow:** a person who chooses to live a particular way of life in accordance with the laws or doctrine of a religion.
3. **Clergy member:** an adherent who has been ordained, promoted, assigned, elected or nominated by a religious organization.
4. **Nominate:** propose or formally enter as a candidate for election to a position within a religious organization.
5. **Belief-based activities:** Activities that express the worship of ancestors, commemoration of people with meritorious

service to the nation and/or their community. Religious operations and other national religious activities must reflect beautifully our traditional, historical, cultural, and ethical values of Vietnamese communities.

6. **Religious festivals:** festivals featuring religious activities aiming to satisfy a community's spiritual needs in accordance with beliefs and people.

7. **Religious activities:** worshipping or making offerings; prayers; and expression of religious beliefs.

8. **Religious operations:** dissemination and practice of the doctrines, laws, rituals of a religion; and management of a religious organization.

9. **Facility for activities related to belief:** place to carry out the activities expressing the belief of a community such as communal temples, temples, family shrines and similar facilities.

10. **Religious facility:** main or other offices of a religious organization, or a place to worship, practice and train specialists in religious activities, and other facilities belonging to religious organizations.

11. **Religious organization:** a group of people who follow the same system of religious doctrine, precepts and rituals, and who are organized in a fixed structure recognized by the government.

12. **Affiliated religious organization:** a religious organization's unit established in accordance with the charter, provisions and rules of a religious organization with the objective of managing the religious organization,

serving religious operations, involving group religious practice, and conducting social activities.

Article 3. Freedom of belief and religion

1. Everyone has the right to freedom of belief and religion, to follow or to not follow a religion. The government respects and protects the freedom of belief and religion of everyone.

2. People having a belief and adherents of religion are entitled to express their belief, to participate in various kinds of religious activities, to serve in religious/belief-based rituals and celebrations, to engage in religious studies, and to practice their religion at home and in belief-based facilities and religious facilities.

3. All religions are equal before the law.

4. The government ensures the right to conduct activities pertaining to belief and religion within this Law and other pertinent laws, and to encourage activities aimed at maintaining and developing good cultural and ethical values of beliefs and religions.

Article 4. Rights and obligations of people having a belief and adherents of a religion

1. Vietnamese citizens having a belief or religion are entitled to all civil rights and are responsible for exercising their civic duties.

2. People having a belief and adherents of religions must respect the freedom of belief and religion of others, to not impede others in their exercise of civil rights and civic duties, to preserve national traditions and cultural traits, and to comply with the law.

3. Those who are under arrest or detained on a temporary basis, or serve a prison sentence, or being required to undergo rehabilitation or spend time in a mandatory education center, or in a drug addition treatment facility must follow the law and regulations in their detainment center and may use prayer books, bibles, and express their spiritual belief or religious faith.

Article 5. Forbidden acts

1. Discriminate against people on the grounds of their belief and religion.

2. Force others to follow or renounce a belief and religion.

3. Show negative behavior toward the belief and religion of adherents of other legal religious organizations.

4. Impede organizations or individuals in their participation in or conduct of legal religious operations or activities.

5. Take advantage of freedom of belief and religion to

a. Harm national defense and security, public order, and morality;

b. Harm the life, health, dignity, reputation and property of others; obstruct the exercise of civil rights and civic duties by others;

c. Sully the image of national heroes and notables.

6. Use religious facilities to conduct illegal activities.

Chapter II

BELIEF-BASED ACTIVITIES

Article 6. Belief-based activities and festivals

1. Belief-based activities within facilities related to belief and belief-based festivals within the community must conform to this Law and other related laws.

2. Articles 7, 8, and 9 of this Law do not apply to clan-specific worship houses.

Article 7. Representatives or management of facilities related to belief

1. Representatives or members of the management of belief facilities must be Vietnamese citizens in good standing, of good reputation in their community, and who are law-abiding.

2. Representatives or the management of belief facilities shall be elected or nominated by their community, or created or approved by the government.

3. The government will specify the details related to this Article.

Article 8. Annual registration for belief-based activities

1. Every year, before November 15, the representatives or the management of belief facilities must send the registration application for belief activities that will take place in the following year to People's Committees at the commune, ward or town level (henceforth called "commune-level PCs").

The registration application must include the name of the belief facility, the names of the organizer and manager of the operations, the

estimated number of attendees, the content and form of the activities, and the location, timing and duration of activities.

2. Within 10 business days from the date of receipt of the valid registration application, the commune-level PC must respond in writing.

3. Belief-based activities that come under the jurisdiction of the government or People's Committees at the provincial and municipal level under central government control (henceforth called province-level PCs), Peoples Committees at the district, ward, city and town level under province-level authorities' control (henceforth called district-level PCs) will not apply the regulations stipulated in Paragraph 1 of this Article.

Article 9. Belief activities in facilities related to belief

1. The representatives or the management of belief facilities may organize belief-based activities according to the registered contents which have been approved by the commune-level PC and are legally responsible for belief-based activities that take place in their facilities.

2. Those who participate in belief-based activities in belief facilities must conform to modern life, respect the law, and respect the rules of the facilities.

Article 10. Belief-based Festivals

1. The following belief-based festivals must be approved by the President of the people's committee at the province level or, for cities under the central government's control, people's committees at the city level (henceforth called "province-level PCs) where the festivals are to take place:

- a. First-time festivals,
- b. Festivals that resume after an inactive period,
- c. Festivals that were held periodically but contents, timing, duration, location, and scale have changed

2. For festivals that are not included in this Article's Item 1, organizers shall submit to the commune-level PC with jurisdiction over the proposed location a written application describing timing and duration, location, content, and form of the event, and the list of the organizers 15 business days before the event. In the event of concerns for national defense and/or security, public order, social

order, or public health, the commune-level PC may suspend the festival.

3. Income resulting from festivals shall be managed transparently and used for faith-based activities and the community's interests.

4. The central government will prescribe the process and procedures for this Article's Item 1.

Chapter III REGISTRATION FOR RELIGIOUS ACTIVITIES & REGISTRATION FOR RELIGIOUS OPERATIONS

Subsection 1 REGISTRATION FOR RELIGIOUS ACTIVITIES

Article 11. Registration for religious activities

1. When citizens without recognized religious organizations need to gather for religious activities, the citizens' representative(s) shall submit a registration application to the commune-level PC where the activities take place. The application shall clearly list the religion's name, credo, purpose of the activity, the representatives' full names and addresses, the activity's content and form, location, timing and duration, and number of participants.

2. The commune-level PC shall respond in writing within 15 business days from the receipt of a valid registration application.

3. Conditions for registration for religious activities

- a. The activities do not violate the provisions stated in Items 5 and 6 of this Law's Article 5;
- b. The applicant has a legal venue for religious activities;
- c. The organization's representatives must be Vietnamese citizens who are in good standing and law-abiding.

Subsection 2 REGISTRATION FOR RELIGIOUS OPERATIONS

Article 12. Conditions for a registration for religious operations to be approved

1. Has a religious doctrine, religious precepts, rituals, credo, and objectives that conform to the law.

2. Does not belong to another religious organization that has already obtained government recognition.

3. The name of the registering organization is not the same as the name of another religious organization that has been recognized by the government, nor the same as that of a national celebrity or hero.

4. Has a legal office location.

5. The representative is a Vietnamese citizen who is in good standing and law-abiding.

6. Does not violate Items 5 and 6 of this Law's Article 5.

Article 13. Approving the registration for religious operation

1. Authority

a. The government unit in charge of belief and religion at the province level is responsible for approving registrations for religious activities of those organizations whose operating area is mainly in one province or one city under the central government's control.

b. The central agency in charge of religion and beliefs is responsible for approving registrations for religious operation of those organizations whose operating area is in several provinces, or cities under the central government's control.

2. The central government will prescribe the process and procedures for approving registrations.

Article 14. Religious operations after an organization is registered

1. Once the registration is approved, the registered religious organization may:

a. Organize religious celebrations and rituals and teach religion at registered locations;

b. Organize conferences to approve its charter, rules, and related content that were developed before registering with the government

c. Elect or nominate the leaders of the organization

d. Open religious training classes

e. Repair, improve or upgrade its religious facilities

f. Carry out charitable and humanitarian activities

2. When conducting religious operations stated in Item 1 of this Article, the registered organization must abide by the provisions of this Law and related legal documents.

Article 15. Revocation of the registered status of a religious organization

1. The registered status of a registered religious organization is revoked if its actions deviate from its credo and objectives or violate Items 5 and 6 of this Law's Article 5.

2. For one or more violations specified in this Law's Article 1, the province-level government unit in charge of religion and beliefs may revoke with respect to an organization operating within a province or city administered by the central government; the central agency in charge of religion and beliefs may revoke with respect to an organization operating in more than a province or city administered by the central government.

3. The central government will prescribe the process and procedures for the revocation of religious operations registrations.

Chapter IV RELIGIOUS ORGANIZATIONS

Subsection 1 RELIGIOUS ORGANIZATIONS AND AFFILIATED RELIGIOUS ORGANIZATIONS

Article 16. Conditions for recognition as a religious organization

1. The applicant is approved by the government, has maintained stable religious operation during 10 consecutive years, and does not violate the provisions of Items 5 and 6 of this Law's Article 5.

2. The applicant has a charter and rules that reflect its credo, objectives and operating directions that conform to the law.

3. The applicant has a legal office and representative(s).

Article 17. Recognizing religious organizations

1. Authority:

a. The chairperson of the province-level people's committee may recognize religious

organizations that operate within a province or a city under the central government's control.

b. The central agency in charge of belief and religion may recognize religious organizations that operate in several provinces or cities under the central government's control.

2. The central government will prescribe the process and procedures for recognizing religious organizations.

Article 18. Conditions governing the creation, division, splitting up, merging or combination of affiliated religious organizations ("affiliates")

1. A religious organization may form, divide, split up, merge or combined its affiliates in accordance with its charter, rules and regulations, and must conform to this Article's Item 2.

2. Conditions governing such activities (form, divide, separate, merge or combine affiliates):

- a. The main religious organization must submit a written proposal;
- b. The new organization resulting from the formation, division, split-up or combination must belong to a recognized religious organization;
- c. The affiliate must satisfy the conditions stated in the charter, credo and rules of the main religious organization;
- d. Must have a legal office;
- e. Must not violate Items 5 and 6 of this Law's Article 5.

Article 19. Approving a request to form, divide, split up, merge or combine affiliates

1. Authority:

- a. The chairperson of the province-level PC may decide on a request from an organization operating within a province or city administered by the central government for such proposed activities (form, divide, separate, merge or combine affiliates).
- b. The central agency in charge of religion and beliefs may decide on a request from an organization operating in more than a province or city administered by the central government for such proposed activities (form, divide, separate, merge or combine affiliates).

2. The central government will prescribe the process and procedures for approving requests for this type of activities (form, divide, separate, merge or combine affiliates).

Subsection 2

**RELIGIOUS FORMATION FACILITIES
AND RELIGIOUS TRAINING CLASSES**

Article 20. Establishment of a religious formation facility

1. A religious organization may establish a religious formation facility to train persons to specialize in religious activities in accord with the Charter, regulations and rules of the religious organizations once it has obtained approval from the central government-level unit in charge of belief and religion.

2. Conditions governing the establishment of a religious formation facility:

- a. The applicant has a plan for the religious formation facility that is consistent with its scope of operation;
- b. The facility is approved by the province-level PC with jurisdiction over the location where the main office of the formation facility is to be located;
- c. The applicant has necessary facilities, equipment and financial resources;
- d. The applicant has a concrete plan covering the curriculum - and the curriculum shall show that Vietnamese history and law will be the main instruction topics-, the number and structure of the instructing staff, and the facility manager. The plan must show the adequacy of staffing level and staff quality.

3. Religious formation facilities are not part of the national education system.

4. The government will prescribe the details of the sequence and procedures necessary to obtain permission to establish religious formation facilities.

Article 21. Notification of the operation of a religious formation facility

1. Within 30 business days before starting operation, the representative of the formation facility must notify the central agency that regulates religion and beliefs in writing of the following:

- a. Decision of the religious organization to

establish the formation facility;

b. Rules of operation and organization of the formation facility;

c. Curriculum and training materials, with the provision that Vietnamese history and Vietnamese law being the main subjects;

d. The list of names of individuals serving on the leadership committee, instruction staff, and as facility manager;

dd. Estimated expenses and admissions plan;

e. Financial resources for the successful operation of the formation facility;

g. A description of proposed measures to ensure the quality of formation.

2. If the religious organization did not start operation after one year from the date of the written approval by the government, it would need to restart the notification procedure delineated in Item 1 of this Article.

Article 22. Admission requirements for a religious formation facility

1. The admissions to a religious formation facility must conform to the operating and admission rules that the government has reviewed.

2. Before admitting applicants, the facility's leadership committee must send a notification on admission criteria to the central agency in charge of religion and beliefs. The notification shall show the number of applicants the facility plans to admit and criteria to ensure compliance.

3. Vietnamese citizens enrolling at a formation facility must meet the following requirement:

a. Be in good standing

b. Be law abiding

Article 23. Enrollment of foreigners in a religious formation facility

1. Religious organizations or affiliates may admit foreigners who want to be trained in religious formation facilities.

2. Foreigners enrolled in a religious formation facility must respect Vietnamese traditions and customs, comply with entry/exit requirements and other applicable regulations, be approved by the facility's leadership committee who shall submit the case to the central agency in charge of religion and beliefs for its consideration.

3. The leadership of the formation facility shall submit a request package to the central agency in charge of belief and religion, to include:

a. The formation facility's request for approval of the foreigner's enrollment, listing clearly the facility's name, foreign applicant's full name, nationality, reason for applying to enroll, and proposed duration of formation;

b. A copy of the applicant's passport accompanied by a certified translation;

c. Documents related to the formation facility's admission criteria.

4. The central agency in charge of religion and beliefs shall respond in writing within 25 business days from the receipt of a valid application.

5. Foreigners who have completed their training must comply with the regulations in Articles 32, 54, 55 and 56 of this Law.

Article 24. Responsibility of government organs toward religious formation facilities

1. The central agency in charge of belief and religion, as the lead agency, works with the Ministry of Education and Training, the Justice Ministry, and other related agencies, to provide guidance on the curriculum and contents of instruction material, and monitor the teaching of Vietnamese history and law.

2. Province-level PCs are assigned the role of government units with jurisdiction over religious formation facilities operating within their administrative areas.

3. Province-level units of the agency in charge of religion and beliefs are tasked with the monitoring and oversight of the operations of religious formation facilities based on project proposals that have been approved by pertinent government agencies.

Article 25. Religious training

1. Religious organizations and affiliates may offer religious training sessions.

2. Process and procedures associated with religious training approval:

a. A religious organization or affiliate submits a request for approval to the province-level unit of the agency in charge of religion and beliefs. The request shall list clearly the training session's title, location, reason for proposing the training, duration,

content, program, proposed trainees, and instructors;

b. The province-level unit of the agency in charge of religion and beliefs shall respond in writing within 15 business days from the receipt of a valid request package.

Subsection 3
SUSPENSION, DISSOLUTION OF
RELIGIOUS ORGANIZATIONS,
AFFILIATED RELIGIOUS
ORGANIZATIONS AND RELIGIOUS
FORMATION FACILITIES

Article 26. Suspension of religious operations and dissolution of a religious organization or an affiliate

1. A religious organization or an affiliate may be suspended if it deviates from the charter, rules and regulations of the religious organization that has been recognized by the government or if it violates Items 5 and 6 of this Law's Article 5.

2. A religious organization or affiliate may be dissolved in the following cases:

a. A religious organization dissolves itself or dissolves an affiliate;

b. A religious organization or affiliate is unable to remedy the causes that led to the suspension after the suspension period ends.

3. Authority:

a. The chairpersons of province-level PC may suspend religious operations, dissolve a religious organization or affiliate operating within a province or city administered by the central government pursuant to this Article's Item 1;

b. The central agency in charge of belief and religion may suspend religious operations, dissolve a religious organization or affiliate operating in more than a province or city administered by the central government pursuant to this Article's Item 1.

4. The central government will prescribe the process and procedures related to the suspension of religious operation and dissolution of religious organizations or affiliates

Article 27. Suspending the operation of, or dissolving a religious formation facility

1. A religious formation facility may be suspended from operating when it violates a

provision in Item 1 of this Law's Article 22 or Items 5 and 6 of this Law's Article 5.

2. A religious formation facility may be dissolved in the following cases:

a. at the request of the religious organization;

b. it is unable to remedy the causes that led to the suspension after the suspension period ends.

3. The central agency in charge of religion and beliefs may suspend the operation of, or dissolve a religious formation facility pursuant to this Article's Item 1.

4. The central government will prescribe the process and procedures for suspending the operation of, and dissolving religious formation facilities.

Chapter V
RELIGIOUS OPERATIONS

Subsection 1
CONFERENCES, CONGRESS OF
RELIGIOUS ORGANIZATIONS OR
AFFILIATED RELIGIOUS
ORGANIZATIONS

Article 28. Conferences and congresses of religious organizations or affiliates

1. A religious organization or affiliate may hold conferences and congresses that conform to its charter, rules and regulations after approval by the responsible government agency.

2. Authority

a. The chairpersons of district-level or town-level PCs (henceforth referred to as district-level PCs) may approve conferences and congresses of affiliates operating within a district;

b. Province-level government units in charge of religion and beliefs may approve conferences and congresses of affiliates operating within a province;

c. The central agency in charge of religion and beliefs may approve for a religious organization or affiliate operating in more than a province or city administered by the central government

d. The chairperson of a province-level PC may approve conferences and congresses that are not covered in Items 2a through 2c of this article.

3. In the event of concerns for national defense and/or security, public order, social order, or public health, the agency mentioned in this Article's Item 2 has the authority to delay the proposed conference or congress.

4. The central government will prescribe the process and procedures for implementing Item 1 of this article.

Article 29. Charter registration and amendment of rules and regulations

1. A religious organization that intends to amend its charter or rules must register with the proper government authority as prescribed in this Law's Article 17. The registration application must include the names of the religious organization and its representative(s), the reasons for the amendment, and a description of the amendment. The application must include the draft amended charter and rules.

2. Within 20 business days from the receipt of a valid amendment registration application, the responsible government unit must provide a written response.

Subsection 2 ***ORDINATION, PROMOTION,*** ***APPOINTMENT, ELECTION,*** ***NOMINATION or DISMISSAL IN A*** ***RELIGIOUS ORGANIZATION OR*** ***AFFILIATE***

Article 30. Conditions governing the registration for ordination, promotion, appointment, election, or nomination in a religious organization or affiliate:

1 Religious organizations or affiliates may ordain, promote, appoint, elect, and nominate members according to their charter, rules or regulations.

2 Conditions governing the registration of those who are promoted, nominated, appointed, or elected are as follows:

- a. Be a Vietnamese citizen with full civil rights;
- b. Be supportive of national solidarity and unity;
- c. Be law abiding

Article 31. Authority to approve registrations for ordination, promotion, appointment, election, or nomination

1. After the ordination, promotion, appointment, election or nomination of a member, a religious

organization must register with the proper government authority as stated in Part b of this Article's Item 4 for the following religious titles:

a. Members of the standing committee of the Council of Evidence (Hoi Dong Chung Minh) and Executive Council (Hoi Dong Tri Su), members of the Council of Evidence (Hoi Dong Chung Minh) and Executive Council, high venerables, most venerables, head nuns, and nuns of the Buddhist Church of Vietnam.

b. Members of the standing committee, chairs of the committees of the Catholic Bishops Conference of Vietnam, cardinals, archbishops, bishops, auxiliary bishops, vicars general, chair of the Union of Superior Ecclesiastics of Vietnam, heads of religious orders and other vowed life groups of the Catholic Church of Vietnam;

c. Members of the Central Management Committee and equivalents of Protestant organizations;

d. Members of the Governing Council, Church Council, Church Standing Committee, Phoi Su, and the higher dignitaries of Cao Dai churches;

dd. Members of the Central Administrative Council of the Hoa Hao Buddhist Church;

e. Equivalent religious ranks and titles of other religions relative to Parts a through dd of this Item;

g. Heads of religious formation facilities.

2. For cases that are not covered in Item 1 of this Article, religious organizations and affiliates performing one of the listed activities, i.e., ordination, promotion, appointment, election, or nomination. must send the registration application to the proper government agency mentioned in Part a of this Article's Item 4.

3. The registration application submitted by the religious organizations must show the full name, rank, title, scope of responsibility, and religious operation experience

4. Authority:

a. The province-level unit of the agency in charge of religion and belief must respond in writing within 15 business days from the receipt of a valid registration application for the ordination, promotion, appointment, election, or nomination stated in Item 2 of this Article.

b. The central agency in charge of religious and beliefs must respond in writing within 20 business days from the receipt of a valid registration application for the ordination, promotion, appointment, election, or nomination stated in Item 1 of this Article.

Article 32. Ordination, promotion, appointment, election, or nomination with foreign factors

1. The category “ordination, promotion, appointment, election, or nomination with foreign factors” includes instances when an overseas religious organization performs one of the listed activities, i.e., ordains, promotes, appoints, elects, or nominates a candidate from a religious organization in Vietnam; or, vice-versa: instances when a religious organizations in Vietnam does the same to a foreign candidate who has been working for the religious organization in Vietnam.

2. Ordination, promotion, appointment, election, or nomination with foreign factors requires approval by the central agency in charge of religious and beliefs before each of these activities may be initiated.

3. Candidates for an ordination, promotion, appointment, election, or nomination with foreign factors must meet the requirements stated in Item 2 of this Law’s Article 30. Foreigners who work for religious organizations in Vietnam must meet the following requirements to be ordained, promoted, appointed, elected, or nominated:

a. Have been trained in a religious formation facility of a religious organization in Vietnam or have been conducting religious operations in Vietnam for at least 5 years;

b. Comply with Vietnamese Law.

4. Religious organizations whose members are proposed to be ordained, promoted, appointed, elected, or nominated candidates by an overseas religious organization must send a written request to the central agency in charge of religious and beliefs. The request must state the reason for the proposed action, the candidate’s full name, rank, title, scope of responsibility, and religious operation experience. The central agency in charge of religious and beliefs shall respond in writing within 60 business days from the receipt of a valid request.

Article 33. Activities of approved candidates

for ordination, promotion, appointment, election, or nomination

Approved candidates for ordination, promotion, appointment, election, or nomination pursuant to this Law’s Articles 31 and 32 may engage in religious activities specified in the registration or the application.

Article 34. Notification of transfer or relocation of clergy members, other employees, people who took a monastic vow

1. Religious organizations and their affiliates must send a notification to the province-level units of the agency in charge of beliefs and religion with jurisdiction over the location where the subjects are currently based and the new location.

2. The notification must include the names, ranks, and religious duties of the transferees, reason for the transfer, the previous work location, and the new work location of each subject.

Article 35. Reporting dismissal of clergy members or ending their function

Religious organizations and their affiliates are required to send a report to the responsible government agency (Item 4, Article 31 and Item 4, Article 32) all dismissals, or decisions to stop them from continuing their current duties. The report shall clearly state the reason for such actions and be accompanied by the organization’s documents related to the dismissal or ending of the subjects’ functions.

***Subsection 3
RELIGIOUS TEACHINGS,
PROSELYTIZING, SUSPENSION OF
RELIGIOUS ACTIVITIES BY CLERGY
MEMBERS, OTHER EMPLOYEES, AND
PEOPLE WHO TOOK A MONASTIC VOW;
RELIGIOUS EVENTS OUTSIDE OF
RELIGIOUS FACILITIES***

Article 36. Religious teaching and proselytizing by clergy members, other employees, monks, and nuns

1. Clergy members, other employees, and people who took a monastic vow may conduct religious rites within their responsibilities; may teach religious doctrine, proselytize within religious facilities; have the obligation to instill in believers the awareness of civil rights, the need to fulfill civic duties, and the need to abide by the law.

2. Clergy members, other employees, and people who took a monastic vow shall, before teaching religious doctrine, proselytizing outside of religious facilities, submit a request to the chairperson of the district-level PC with jurisdiction over the proposed location of the activities approval from the people's committees.

The application package shall include:

- a. The request listing clearly the reason for teaching religious doctrine, proselytizing outside of religious facilities, content, program, timing and duration, location, organizing individuals, and participants;
- b. Written opinion of the affiliate or religious organization with direct authority over the clergy member or person who took a monastic vow;

3. The chair person of the district-level PC shall respond in writing within 10 business days from the receipt of a valid application package.

Article 37. Temporary suspension and suspension of religious activities of clergy members, other employees, and people who took a monastic vow

1. The government may temporarily suspend religious activities of those clergy members, other employees, and people who took a monastic vow if they do not conform to charters, rules, and regulations governing their religious organizations that the government recognized.

2. The government may suspend religious activities of those clergy members, other employees, and people who took a monastic vow if they violate one of the provisions in Items 5 and 6 of this Law's Article 5.

3. In case of violation of one of the provisions in this Article's Item 1 or Item 2, the province-level government unit in charge of belief and religion shall suspend pursuant to Item 2 of Article 31 and the central agency in charge of religion and beliefs shall suspend pursuant to Item 1 of Article 32 of this Law religious activities of those clergy members, other employees, and people who took a monastic vow.

4. The central government will prescribe the process and procedures related to the suspension of religious activities of clergy members, other employees, and people who took a monastic vow.

Article 38. Religious events outside of religious facilities

1. Before organizing a religious event outside of religious facilities, a religious organization or affiliate must submit a request to the chairperson of the district-level PC with jurisdiction over the location where a religious event is planned (if outside of religious facilities) for believers residing in a district, town, or city. The chairperson of the district-level PC shall respond in writing within 10 business days from the receipt of a valid application package.

2. If expecting participants from more than a district, town, or city within a province, or participants from more than a single province or a city that is under the central government's control, religious organizations and their affiliates must submit a request to the chairperson of the province-level PC with jurisdiction over the location of the planned event. Within 15 business days from receipt of a valid request package, the chairperson of the district-level PC with jurisdiction over the proposed event location shall respond in writing.

3. The request package for holding events outside of religious facilities pursuant to this Article's Items 1 or 2 shall include the name of the event, the presiding individual's name, content, program, timing and duration, location, scale, and expected participants. After the request is approved, the government with jurisdiction over the event's location shall be responsible for ensuring order and security during the event.

Subsection 4

***REGISTERING PEOPLE WHO TOOK
MONASTIC VOWS, REGISTERING
ANNUALLY FOR RELIGIOUS
OPERATIONS BY RELIGIOUS
ORGANIZATIONS AND AFFILIATES***

Article 39. Registering people who took a monastic vow in religious facilities

1. Those who choose to live a vowed life in religious facilities can do so by their free will, without coercion, and no one may attempt to prevent them from pursuing their vocation. Minors may only do so if their parents or guardians approve.

2. Religious facility administrators must register new practitioners with the appropriate agency as prescribed by law.

Article 40. Annual registration for religious operations

1. Before November 15 of each year, representatives of religious organizations and affiliates must submit the following year's operation to the agency specified in Item 2 of this Article.

The registration application shall list activities planned for the coming year, content, timing and duration, and location.

2. A religious organization or affiliate planning to engage in activities outside of those registered pursuant to this Article's Item 1 shall register with the agency specified in this Article's Item 3 the content, timing and duration, and location.

3. Authority:

a. Commune-level PCs must issue a written response within 10 business days from the receipt of a valid registration application from an affiliate operating within a commune;

b. The chairperson of a province-level PC shall issue a written response within 15 business days from the receipt of a valid registration application from an affiliate operating within a district;

c. The province-level government unit in charge of religion and beliefs shall issue a written response within 20 business days from the receipt of a valid registration application from an affiliate or religious organization operating within a province;

d. The central agency in charge of belief and religion shall issue a written response within 25 business days from the receipt of a valid registration application from a religious organization or affiliate operating in more than a province or city under the central government's control.

Article 41. Religious operation that deviates from the approved registration

1. Deviations from the approved annual registration, if outside of the scope of Articles 28 or 38, or in case the content, timing, duration, or location changes from the approved registration, the affiliate must submit a description of the proposed operations to the responsible government entity identified in Item 2 of this Law's Article 40.

The description must include the content, timing, duration, and location, including guarantee factors.

2. The responsible government entities specified in Item 2 of this Law's Article 40 shall issue a written response to the religious organization or affiliate within 15 business days from the receipt of a valid registration application.

Chapter VI INTERNATIONAL ACTIVITIES OF RELIGIOUS ORGANIZATIONS, AFFILIATES, CLERGY MEMBERS, OTHER EMPLOYEES, PEOPLE WHO TOOK A MONASTIC VOW AND BELIEVERS

Article 42. International activities of religious organizations, affiliates, clergy members, other employees, people who took a monastic vow and believers.

1. Religious organizations, affiliates, clergy members, other employees, people who took a monastic vow, and believers must conduct international activities according to charters, rules, or religious laws of the organizations, consistent with Vietnam's law.

2. Religious organizations, affiliates, clergy members, other employees, people who took a monastic vow and believers must conduct international activities consistent with the laws of host countries.

Article 43. Inviting organizations and individuals to conduct international activities related to religion in Vietnam

1. Religious organizations or affiliates must first seek the approval of the chairperson of the province-level PC when inviting foreign organizations or individuals to Vietnam to conduct activities related to religion.

2. Religious organizations or affiliates must first seek the approval of the central government agency in charge of religion and beliefs when inviting foreign organizations or individuals to Vietnam to conduct international activities related to religion.

3. The central government will prescribe the process and procedures applicable to the invitation of foreign organizations and individuals to conduct activities and international activities related to religion.

Article 44. Going abroad to participate in religious operations or training

1. Clergy members, other employees, people who took a monastic vow, and believers may go abroad to participate in religious operations or training after receiving approval from the central government agency in charge of belief and religion.

2. Clergy members, other employees, people who took a monastic vow, and believers who complete religious training abroad – should foreign religious organizations promote, appoint, elect them, or delegate duties to them – may not resume religious operation in Vietnam before the responsible religious organization registers the returning individuals with the responsible government entity as prescribed in Item 4 of this Law’s Article 31.

4. Vietnamese citizens who participate in religious operations or training abroad must exercise the responsibilities of Vietnamese citizens;

5. The central government will prescribe the process and procedures applicable to this Article’s Item 1.

Article 45. Joining international religious organizations

1. Religious organizations may join international religious organizations after receiving approval from the central agency in charge of belief and religion.

2. The government will prescribe the process and procedures for approving religious organizations’ joining international religious organizations.

**Chapter VII
SHARED BELIEF CENTERS, RELIGIOUS
ORGANIZATIONS, AFFILIATES,
CLERGY MEMBERS, OTHER
EMPLOYEES, PEOPLE WHO TOOK A
MONASTIC VOW, AND BELIEVERS:
ACTIVITIES RELATED TO
PUBLICATIONS, EDUCATION,
TRAINING, PROVISION OF HEALTH
CARE, AND CHARITABLE OR
HUMANITARIAN SERVICES**

Article 46. Publications related to beliefs and religion

Organizations or individuals participating in the

publication of prayer books, bibles, other publications related to belief and religion; production, commerce, import, and export of cultural articles related to belief and religion or implements used for religious worship and rituals, shall abide by the relevant laws.

Article 47. Activities related to education, training, health care, and social services of religious organizations and affiliates

1. Religious organizations and affiliates may conduct activities related to education, training, health care, and social services as prescribed by applicable laws.

2. No one may proselytize or perform religious rites on the site of facilities used for education or training, health care, social services, that are established or managed by religious organizations or affiliates.

Article 48. Charitable and humanitarian activities of shared belief centers, religious organizations, affiliates, clergy members, other employees, people who took a monastic vow, and believers

1. The government encourages and enables shared belief centers, religious organizations, affiliates, clergy members, other employees, people who took a monastic vow, and believers to engage in charitable and humanitarian activities as prescribed by law.

2. No one may use charitable and humanitarian activities as means to conduct activities serving other purposes.

**Chapter VIII
ASSETS OF SHARED BELIEF CENTERS,
RELIGIOUS ORGANIZATIONS, AND
AFFILIATES**

Article 49. Assets of shared belief centers, religious organizations, and affiliates

The law protects legal assets owned by shared belief centers, religious organizations, and affiliates, and strictly forbids any attempt to misappropriate such assets.

Article 50. Charitable and humanitarian activities of shared belief centers, religious organizations, and affiliates

1. Shared belief centers, religious organizations, and affiliates may conduct fundraising activities, accept donations made on a voluntary basis by organizations and individuals in Vietnam or abroad as prescribed by law.

2. Shared belief centers, religious organizations, and affiliates must submit a notification to the responsible government entity as prescribed in Item 3 of this Article, describing the purpose, scope, method, timing, duration, and management of the fundraising, and intended use of the donations.

Upon receipt of the notification, the responsible agency shall oversee the fundraising to ensure that it conforms to the notification submitted by shared belief centers, religious organizations, and affiliates.

3. Authority:

a. 5 business days before the fundraising (if it is within a single commune) starts, a shared belief center, religious organization, or affiliate shall submit a notification document to the commune-level PC with jurisdiction over the fundraising location;

b. 10 business days before the fundraising (if it is in more than a single commune within a single district) starts, a shared belief center, religious organization, or affiliate shall submit a notification document to the district-level PC with jurisdiction over the fundraising location;

c. 15 business days before the fundraising (if it is in more than in a single district within a province) starts, a shared belief center, religious organization, or affiliate shall submit a notification document to the province-level PC with jurisdiction over the fundraising location.

4. Shared belief centers, religious organizations, and affiliates engaging in fundraising must ensure financial transparency, including the disbursement of proceeds; must not use the names of shared belief centers, religious organizations, and affiliates as a cover for individual gains or illegal purposes.

5. Donations, including those made in the facilities of shared belief centers, religious organizations, and affiliates, must be used for the declared purposes, for religious or belief-related operations, and the good of the community.

6. Receipt, management, and use of donations from abroad are subject to pertinent regulations.

Article 51. Land belonging to shared belief centers and religious facilities

Laws governing land use apply to land

belonging to shared belief centers and religious facilities.

Article 52. Renovation, enhancement, or new construction projects related to belief, religion; auxiliary structures associated with shared belief centers and religious facilities

1. Renovation, enhancement, or new construction affecting shared belief centers and religious sites with historical and cultural values, or sites whose natural beauty have made them tourist attractions, and such sites have been classified by the appropriate government agencies: such renovation, enhancement, or new construction must conform to applicable laws and regulations.

2. Renovation, enhancement, or new construction projects affecting structures that are part of shared belief centers and religious facilities must comply with laws and regulations pertinent to facilities and detached homes in cities, centers of communes, historic preservation areas, and those with historical and cultural values.

Article 53. Relocation of structures of religious significance

Laws governing real property and land and other applicable laws shall govern the relocation (for reasons related to national interests, including national security and defense, or social or economic development) of structures that are part of shared belief centers and religious facilities.

Chapter IX RELIGIOUS ACTIVITIES OF FOREIGNERS IN VIETNAM TEACHING RELIGIOUS DOCTRINES OR PROSELYTIZING IN VIETNAM BY FOREIGN CLERGY MEMBERS AND PEOPLE WHO HAVE TAKEN A RELIGIOUS VOW

Article 54. Freedom of belief and religion for foreigners living in Vietnam

1. The Vietnamese government respects and protects the freedom of belief and religion of foreigners who reside legally in Vietnam: they may conduct religious activities and live a religious life in religious facilities, invite Vietnamese or foreign clergy members to perform religious rites, preach, get training at facilities that train individuals for religious operations, or take religious classes offered by

religious organizations in Vietnam, bring religious publications and implements for their personal use as prescribed by Vietnamese laws.

2. Foreigners entering Vietnam must follow Vietnam's legal requirements applicable to religion and abide by Vietnamese law.

Article 55. Religious activities of foreigners living in Vietnam

1. Foreigners who reside legally in Vietnam may conduct religious activities in religious facilities or other locations permitted by law, just like Vietnamese believers.

2. Foreigners who need to conduct religious activities in religious facilities or other locations permitted by law, separately from Vietnamese believers, must submit an application to the province-level PC with jurisdiction over the area identified in the foreigners' registration for religious activities.

3. The central government will prescribe the process and procedures applicable to this Article's Item 2.

Article 56. Preaching by clergy members or people who took a monastic vow who are foreigners

1. Clergy members and people who took a monastic vow who are foreigners may preach in Vietnam in accordance with this Law's Article 3. Their preaching must comply with the regulations of the religious organizations in Vietnam with which they are associated, and comply with Vietnamese law.

2. Religious organizations, affiliates, and foreigners who congregate for separate religious activities in Vietnam must submit requests to the central-level agency in charge of beliefs and religions and beliefs when planning to invite foreign clergy members or people who took a monastic vow to preach in Vietnam. The request package shall list clearly the full name and nationality of the invitee, name of his religious organization, program, content, timing and duration, location, organizer's name, and information on the type of expected participants.

3. Within 10 business days from the receipt of a valid application package, the chairperson of the district-level PC shall respond in writing.

**Chapter X
GOVERNMENT CONTROL AND
OVERSIGHT OF BELIEF-RELATED AND
RELIGIOUS AFFAIRS**

***Subsection 1
PRINCIPLE, CONTENT,
RESPONSIBILITIES ASSOCIATED WITH
THE CONTROL AND OVERSIGHT***

Article 57. Principle governing the government's control and oversight

1. The government established a single control and oversight mechanism and ensures everyone's exercise of freedom of belief and religion.

2. Organizations and individuals exercise and ensure their freedom of belief and religion according to each entity's role, responsibilities and rights as prescribed by law.

3. Organizations and individuals violating the law on belief and religion shall be punished as prescribed by law.

Article 58. Elements of the government's control and oversight

1. Develop and direct strategies, projects, long-range plans, five-year plans and annual plans to control beliefs and religion.

2. Issue legal documents on belief and religion.

3. Implement policy and shape legal framework related to belief and religion.

4. Disseminate laws on belief and religion.

5. Define the government's system for controlling belief and religion.

6. Direct various agencies's interactions to implement policy on belief and religion.

7. Establish programs to study issues and train government employees on belief and religion.

8. Monitor, inspect, handle complaints and denouncements, and punish violations related to belief and religion.

9. Collaborate with external entities in the realm of belief and religion.

Article 59. Responsibilities of agencies and organizations tasked with belief-related and religious affairs

1. The central government guarantees freedom of belief and religion and unifies the control and oversight of belief-related and religious affairs

throughout the entire country.

2. The central agency in charge of belief and religion is accountable to the central government with respect to the guarantee of freedom of belief and religion and the implementation of the central government's control and oversight.

The central government specifies the authority, mission, and organization of the agency in charge of belief and religion.

3. Ministries and equivalent agencies, and people's committees at various levels work to guarantee of freedom of belief and religion and implement the central government's control and oversight according to each entity's function and authority as prescribed by law.

Article 60. Responsibilities of the Vietnam Fatherland Front and its member organizations

1. The Fatherland Front and its member organizations are tasked with:

- a. Bring together citizens with beliefs or religious faith and citizens with no beliefs or religion to achieve general solidarity among all the people, to build up and protect the nation;
- b. Promptly bring the people's ideas, aspirations, petitions related to belief and religion to the attention of responsible government agencies;
- c. Participate in the development of the law on belief and religion;
- d. Actively spread information and enlist clergy members, other employees, people who took a monastic vow, religious adherents, people with beliefs, religious organizations, and the public in complying with the law on belief and religion;
- e. Maintain oversight of the implementation of the law on religion and beliefs by government units, national assembly members, and government officials.

2. The Fatherland Front and social and political organizations are tasked with discussing and exchanging views on the central government's proposed policy, laws, plans, programs, aimed at economic, cultural, and social development related to religion and beliefs (except for matters involving national security), according to each entity's function and mission.

3. The Fatherland Front coordinates with government agencies in disseminating, advocating for, and implementing policy and the law on religion and beliefs.

Subsection 2 ***INSPECTION, RESOLUTION OF GRIEVANCES, HANDLING VIOLATIONS***

Article 61. Religion and beliefs-related inspection

1. The central agency in charge of religious and beliefs has the responsibility to direct and establish a national program for inspecting agencies, organizations, and individuals with respect to belief and religion.

2. The mission of religion and beliefs inspectors includes:

- a. Inspect the implementation of the law on belief and religion by people's committees at various levels;
- b. Inspect the implementation of the law on religion and beliefs by shared belief centers, religious organizations, affiliates, clergy members, other employees, people who took a monastic vow, and believers;
- c. Investigate when there are signs of violation.

Article 62. Resolution of complaints, litigation in the matter of religion and beliefs

1. Religious organizations, affiliates, clergy members, other employees, people who took a monastic vow, believers, others with interests and relevant duties may file complaints or seek redress against administrative decisions or actions related to religion and beliefs.

2. The process and procedures for resolving complaints against administrative decisions or actions related to religion and belief shall follow the law on grievances and complaints.

3. The process and procedures for resolving complaints against administrative decisions or actions related to religion and belief shall conform to regulations stemming from the law on administrative grievances and complaints.

Article 63. Resolution of denouncements of non-compliance in the matter of belief and religion

1. Organizations and individual may denounce violations of the law on belief and religion.

2. The resolution of such denouncements shall

comply with regulations related to the law on denouncements.

Article 64. Handling violations

Those who violate the law on belief and religion or use religion and beliefs as a cover for illegal activities may be subject to administrative actions or criminal trials, depending on the severity of the violation; and, where applicable, are liable for damages as prescribed by law.

Chapter XI IMPLEMENTATION CONDITIONS

Article 65. Transition considerations

1. Religious organizations currently registered, or recognized per regulations in the Ordinance on belief and religion do not need to register under this Law.
2. Religious councils, religious orders, and

groups of people who took a monastic vow that are already registered per regulations in the Ordinance on Beliefs and Religion do not need to register under this Law.

Article 66. Effective date

This Law is effective as of

The Ordinance on Belief and Religion Ref. 21/2004/UBTVQH-K11 will no longer be in force after this Law comes into effect.

Article 67. Details to be promulgated

The government will promulgate details related to this Law.

This Law was passed by the National Assembly of the Socialist Republic of Vietnam, Session number...., on

CHAIR OF NATIONAL ASSEMBLY

() This unofficial translation is based on a draft by civil society sources, to whom we are indebted, with additional translation and corrections by the Vietnam Committee on Human Rights in conformity with the Vietnamese version of the 5th Draft.*



VIETNAM COMMITTEE ON HUMAN RIGHTS

The **Vietnam Committee on Human Rights (VCHR)**, a registered non-profit organisation, was founded in Paris in October 1975 to increase awareness of human rights violations in Vietnam. It is affiliated to the Paris-based International Federation for Human Rights (FIDH).

The Vietnam Committee on Human Rights :

- wmonitors and reports violations of internationally-recognized human rights in Vietnam;
- wpromotes universal human rights and freedoms for the Vietnamese people ;
- winforms members of Parliament, UN and government agencies, international organizations, labour unions and the media about violations of human rights and worker rights in Vietnam, organises cultural events and public lectures ;
- wcampaigns for the release of prisoners of conscience ;
- wpromotes Vietnamese culture and circulates news and comment on democracy and human rights through the publication of Vietnamese-language books, press releases and reports which are circulated inside Vietnam and to the Vietnamese Diaspora.
- wRuns a weekly radio programme in Vietnamese on religious freedom, human rights and democracy which is broadcast on short-wave in Vietnam and available online.

Human Rights Monitoring

The Vietnam Committee on Human Rights testifies at the UN Human Rights Council and submits regular information to UN Special Procedures. It has submitted Shadow Reports on Vietnam's implementation of the ICCPR, ICESCR, CEDAW and ICERD, and stakeholder submissions to Vietnam's UPR in 2009 and 2014. The Vietnam Committee closely monitors the cases of political prisoners and informs UN agencies and Governments on their status and health. The Committee translates and publishes reports and testimonies sent from political prisoners in Vietnam.

Advocacy

The Vietnam Committee works actively with governments and international organizations to mobilise support for human rights advancement in Vietnam. VCHR staff have testified at hearings at the US House of Representatives and the European Parliament and conducted many advocacy trips in Europe, the USA and Asia (e.g. Australia, Belgium, Canada, Denmark, France, Holland, Japan, Taiwan, Indonesia, Korea, Norway, the Czech Republic, Sweden, the UK), meeting with Foreign Ministry officials, legislators, civil society organizations and labour movements. VCHR advocacy campaigns on human rights and religious freedom led to several Resolutions in the European Parliament, most recently an EP Resolution on Freedom of Expression Online and Off-line (2013).

Religious Freedom

VCHR works to promote freedom of conscience and combat religious intolerance in Vietnam. It is a member of EPRID, the European Platform on Religious Intolerance and Belief. VCHR President Vo Van Ai is International Spokesman of the Unified Buddhist Church (UBCV) and Director of the UBCV's information office, the **International Buddhist Information Bureau (IBIB)**.

Publications

VCHR publishes regular reports on the situation of human rights and religious freedom in Vietnam. VCHR reports published jointly with the FIDH include *"Bloggers and Netizens Behind Bars: Restrictions on Internet Freedom in Vietnam"* (2013, published in English, French and Vietnamese); *"Vietnam: From Vision to Facts – Human Rights under its Chairmanship of ASEAN"* (2010).

Recent VCHR reports include: **"Violations of the Rights of Women in Vietnam: Alternative Report on Vietnam's Implementation of the CEDAW (2015); "Violations of Economic, Social and Cultural Rights in Vietnam: Alternative Report on Vietnam's Implementation of the CESCR (2014); "*****UBCV: the movement for religious freedom in Vietnam"*** (2014); ***"Arbitrary Detention in the Socialist Republic of Vietnam"*** (2012); ***"Rule of Law or Rule by Law: Crime and Punishment in Vietnam"*** (2011).

VCHR President Vo Van Ai contributes Op-Eds, articles and interviews to many international publications such as the *Wall Street Journal*, *Le Monde*, *Los Angeles Times*, *World Affairs Journal* etc. He is a recipient of the Societa Libera Special Prize for Freedom (Italy, 2011).

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