
MEMORANDUM

On Religious Policies and Practices in Vietnam and the situation of the Unified Buddhist Church of Vietnam

Report prepared by
Vietnam Committee on Human Rights
for the
United Nations Special Rapporteur
on Freedom of Religion or Belief
on the occasion of his visit to Vietnam



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GLOSSARY

CPV – Communist Party of Vietnam

GCRA - Government Committee for Religious Affairs

ICCPR - UN International Covenant in Civil and Political Rights

VBS - Vietnam Buddhist Sangha

VCHR – Vietnam Committee on Human Rights

VFF – Vietnam Fatherland Front

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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. The VCHR is a member organization of the Paris-based **International Federation for Human Rights (FIDH)** founded in 1922. The FIDH has observer or consultative status at the UN, UNESCO, ECOSOC, the Council of Europe, the ILO, the Commonwealth, the African Commission on Human and Peoples' Rights, the Organisation of American States and the Organisation Internationale de la Francophonie.

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Map of Vietnam



MEMORANDUM

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*“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

The Vietnam Committee on Human Rights welcomes this opportunity to inform the UN Special Rapporteur on Freedom of Religion or Belief on the situation of religious freedom in Vietnam, in particular concerning the Unified Buddhist Church of Vietnam (UBCV). Freedom of religion or belief is important everywhere, but it has a special significance in Vietnam’s one-Party state. In the absence of a democratic opposition, free trade unions or independent NGOs, the religious movements have become essential voices of civil society, articulating the people’s grievances and calling for the respect of a wide range of fundamental rights. This Memorandum describes the policies and practices implemented by the Vietnamese government and the Communist Party to control and silence these independent voices.

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\$ 1,960

Wealth disparity: In 2013, Vietnam ranked second in the world in the increase of the number of super rich people (198 people with assets of over US\$20 billion). 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.

Climate in July: Hot and humid (28-36°), with possible rain in the south. Rainy season in the Central Highlands.

Precautions during the Visit

Plain-clothed security agents (công an) are omnipresent in Vietnam, and the Special Rapporteur will be under close surveillance. Since many Vietnamese do not speak English or other foreign languages, it is important that he brings his own interpreter and avoids official

“minders” for private meetings. Luggage is frequently searched, even in the best hotels. Confidential documents should never be left at the hotel.

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 religious intolerance between the different religions. The main obstacle to religious freedom today is the policy of 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”*, it fears the emergence of independent groups that could challenge its unchecked authority. State religious policies are thus designed not to promote freedom of religion or belief but to *“increase state management of religious affairs”*¹.

Buddhism, Vietnam’s oldest and most important 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. The Unified Buddhist Church of Vietnam (see section page ??), which is the traditional, independent Buddhist Church, has the unique characteristic of uniting the Mahayana and Hinayana traditions into one congregation. Today, three quarters of the population are at least nominally Buddhist.

Roman Catholicism is Vietnam’s second largest religion, with a following of about six million people ². 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 (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-

¹ 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

² <http://www.vietnamonline.com/culture/roman-catholicism-in-vietnam.html>

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 Ngo Minh Chieu in 1926 in Tay Ninh, northwest of Ho Chi Minh City, has some three million followers. 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 Huynh Phu So, has 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 almost one 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 legally recognized by the Vietnamese government, the Communist Party still tends to perceive it as an “American” religion which is part of a political strategy which they call “*peaceful evolution*” - a scheme devised by “*hostile forces*” to overthrow the Communist regime by undermining it from within.³

Other religious communities include the ethnic Khmer Krom Buddhists (up to one million living 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 groups and sects.

Administration of Religious Affairs

Religions in Vietnam are controlled by four powerful state organs - the Government Committee for Religious Affairs, the Vietnam Fatherland Front, the Communist Party's Department of Mobilisation and Propaganda and the Ministry of the Interior (formerly Ministry of Public Security). The dominance of the security apparatus in Vietnam's religious policies shows that their purpose is to manage and control religious activities in all aspects of the people's daily lives.

³ “*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.

The **Government Committee for Religious Affairs** (*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, and the GCRA Chairman is also Vice-Minister of the Interior. The current chairman is Lt.-Gen. Pham Dung, a former high-ranking official of the Ministry of Public Security. In 2007, the Prime Minister issued Decision 83/2007/QĐ-TTg to reinforce the manpower of 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 organisations 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-recognised 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.⁴ This is ironically similar to the classification of religions under Colonial Decree No 10 (in force in the 1950s under Emperor Bao Dai and President Ngo Dinh Diem) which granted the status of “Church” only to Roman Catholicism, relegating Buddhism and other religions to that of mere “associations” (*see section on the UBCV*).

Members of the VFF play a highly political role. Several members of the State-sponsored Vietnam Buddhist Sangha (VBS) are also Members of the National Assembly. They are also required to make political statements in support of the government. In the past, the VBS denounced Resolutions adopted by the US Congress on religious freedom and human rights. Recently, in May 2014, they made a statement supporting Vietnam’s position on China’s encroachments on Vietnamese waters.

The role of the CPV’s **Department of Mobilisation 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

⁴ <http://www.mattran.org.vn/home/gioithieumt/gtc4.htm>

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.

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 “*doi moi*” (*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, a 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 realisation 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. A 1997 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 have escaped the observation and comprehension of our leadership. Nothing was provided to fill this void*”⁵.

The Legal Framework

The Constitution: Vietnam’s newly-amended Constitution, promulgated in December 2013, states that “*all citizens shall enjoy freedom of belief and religion*”, but adds that “*no-one can misuse beliefs and religions to contravene the law*”⁶. This caveat, which appears legitimate at

⁵ “*La Démocratie Etouffée: Les Voix de la Dissidence Vietnamiennne*. Quê Me Editions, Paris 2003. Preliminary report on a sociological study in Thai Binh Province, June-July 1997, Professor Tuong Lai.

⁶ Article 24, Amended Constitution, National Assembly translation, <http://www.na.gov.vn/htx/English/C1479/#U5IdcBATuuQk>

first reading, is in fact a serious impediment to religious freedom because many of Vietnam's domestic laws are inconsistent with the guarantees of religious freedom enshrined in the ICCPR. Moreover, Article 14 of the Constitution stipulates that all human rights may be restricted for a wide range of reasons, including "*national defence, national security, social order and security, social morality and the health of the community*".

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, not only freedom of religion but 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 key law on religions is the "**Ordinance on Beliefs and Religions**" (21/2004/PL-UBTVQH11)⁷, which came into effect on 15th November 2004. The Ordinance imposes strict controls on religions, 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, and the Ordinance contains many provisions that are inconsistent with Article 18 of the ICCPR.

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)⁸. 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*"). 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.

⁷ http://moj.gov.vn/vbpq/en/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=7818

⁸ FIDH and VCHR Submission to the Universal Periodic Review on Vietnam, 2014.

A **Law on Belief and Religion** is currently being drafted to supersede the Ordinance. However, it is not expected to introduce any major policy changes, since the draft maintains all provisions on the “*authority of state management agencies on religion at all levels*”.

Decree 92 (92/2012/ND-CP) on “*Directives and measures for implementing the Ordinance on beliefs and religion*”, issued by Prime Minister Nguyen Tan Dung came into force on 1 January 2013. It replaces Decree 22/2005 which was the first implementation document on the Ordinance on Beliefs and Religion. Contrary to the government’s claims that the Decree improves “citizens’ religious freedom”, most of its provisions expand the state’s oversight and control of religious activity.

Decree 92, which has five chapters and 46 articles, takes up many of the most restrictive provisions of Decree 22, such as Article 2, which strictly prohibits any activities perceived to “*abuse the right to freedom of belief or religion to undermine peace, independence and national unity... to disseminate information against the State's prevailing laws and policies; to sow division among the people, ethnic groups, and religions; to cause public disorder; to do harm to other people's lives, health, dignity and honour*” . But it also adds a number of new obligations and vaguely-worded provisions that give the authorities greater leeway to sanction and restrict religious activities.

Article 6 (1a) stipulates that religious organizations applying for full legal recognition must prove they have 20 years of government approved operation “*and have not violated the provisions of law*”. It specifically refers to Article 15 of the “*Ordinance on Beliefs and Religion*” which states that religious activities shall be stopped if they “*infringe upon national security*”. This provision is grossly prohibitive, since the very act of carrying out religious activities without state recognition is a violation of national security under Vietnam’s broadly-worded Criminal Code. Many members of non-recognized religious bodies such as the UBCV, Hoa Hao, Cao Dai and Protestant house churches are in prison or under house arrest simply for practicing their religion outside State-sanctioned groups.

The two most important chapters of Decree 92, Chapter III on “**Religious Organizations**” and Chapter IV on “**Religious Activities**”, which have 36 articles divided into 14 sections, reveal the intrusive controls of the government and the Communist Party in all aspects of religious life. Every religious activity, from the celebration of prayers and religious festivals, ordination of religious dignitaries, the curriculum of religious schools and training centres must be submitted in advance to the local authorities and obtain approval from the People’s Committees from the village, district and provincial levels, up to central government and the Prime Minister himself. At every level, the authorities are empowered to arbitrarily reject requests for religious activities simply by providing a written statement to justify their decision. Even foreigners living in Vietnam must submit written applications to organise religious gatherings (Article 40), which was not stipulated in the previous decree.

Decree 92 increases the role of the Ministry of the Interior in overseeing religious activities (Article 42). In religious training schools, for example, the Ministry of Education and Training was previously in charge of the curriculum. Under Decree 92, however, the Ministry of the Interior and the Ministry of Justice will work alongside the Ministry of Education and Training to determine the contents of the curriculum and oversee the teaching and inspection of these studies (Article 15). Vietnamese history and law are now elevated as “*major subjects*” of religious training (Article 14.2). The government’s priority is not to educate religious cadres in the philosophy and concerns of the religious communities, but to produce political cadres well-versed in Vietnam’s restrictive religious policies and trained to apply religious legislation that is totally inconsistent with international standards and norms.

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 may arrest and detain religious followers, then declare in international forums that “*there are no religious prisoners in Vietnam, only people who violate the law*”.

Vietnam’s **Criminal Code** contains a whole chapter on “*crimes infringing upon national security*” (**Chapter IX**). This “*catch-all*” concept is used to sanction acts of peaceful dissent, and severely restricts the freedoms and rights of religious followers. It provides harsh penalties (up to life imprisonment or the death penalty) for vaguely worded offences such as “*activities aimed at overthrowing the people’s administration*” (**article 79**); *spying* (**Article 80**); “*circulating propaganda against the Socialist Republic of Vietnam*” (**article 88**). Article **87** on “*undermining national unity, sowing divisions between religious believers and non-believers*” (from two to 15 years imprisonment) is frequently used to detain religious followers. This is a “Catch-22” article because the very act of professing a religion can be construed as encroaching on the rights of non-believers. **Article 91** on “*fleeing abroad or defecting to stay overseas with a view to opposing the people’s administration*” (three years to life imprisonment) has been used to detain ethnic Christian Montagnards fleeing to Thailand or Cambodia to escape religious persecution.

Chapter XX of the Criminal Code on “*crimes of infringing upon administrative management order*” hands down lesser sentences (fines, non-custodial reform or imprisonment from six months to seven years) on crimes such as “*illegally leaving or entering the country*” (**article 274**); “*abusing democratic freedoms and rights to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens*” (**article 258**). This article, which carries punishment of three to seven years in prison, sanctions all those who “*abuse the rights to freedom of speech, freedom of the press, freedom of belief, religion, assembly, association and other democratic freedoms*”, and thus virtually nullifies guarantees enshrined in Article 14 of the Constitution that “*political, civic,*

economic, cultural and social human rights are recognized, respected, protected and guaranteed” in Vietnam.

During the Universal Periodic Review of Vietnam in February 2014, several countries denounced the incompatibility of these national security provisions and called for their revision or abrogation. Since the visit of the Working Group on Arbitrary Detention to Vietnam in 1994, several UN mechanisms have warned against the inconsistency of national security provisions with international human rights laws, in particular article 79, which makes no distinction between acts of violence - such as terrorism - and peaceful acts of expression or association.⁹ The WGAD strongly emphasized the ambiguities of Article 79 (then article 73) and the prejudice they bear on the legitimate exercise of the right to freedom of expression, thought and belief.¹⁰

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.

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 “prohibits acts” of expression, and requires Internet providers – including foreign companies - to give information about their users when requested by investigative bodies. **Media Decree 2** (2011), imposes drastic restrictions on journalists, along with an arsenal of other decrees curbing the media and blogs; **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.

Mechanisms of Surveillance and Control

There are a number of **control mechanisms** which severely restrict the exercise of freedom of religion or belief in Vietnam. Religious followers are especially penalised 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

⁹ Concluding Observations of the UN Human Rights Committee: Vietnam. Geneva, 26.7.2002, Ref. CCPR/CO/75/VNM;

¹⁰ Report to the 51st Session of the UN Commission on Human Rights, (*Doc E/CN.4/1955/31/21 Dec. 1994*).

do not have *hộ khẩu* are virtually illegal citizens.¹¹ 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.¹²

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*” 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.

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 copies (all numbered to trace eventual “leaks”). A veritable instruction manual on religious persecution, it is distributed to “*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*”- i.e. all “non-recognized religions” that refuse Communist Party control. It orders

¹¹ Vietnam Committee on Human Rights Alternative report to the ICERD, 2012, http://www.queme.net/eng/docs_detail.php?numb=1780

¹² Buddhist dissident Thich Quang Do called for the dismantling of this “*discriminatory and anti-democratic*” system in http://www.queme.net/eng/docs_detail.php?numb=573 “**Appeal for Democracy in Vietnam**”, 21.2.2001.

Security Police and Party agents to ruthlessly 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 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 Freedom of Expression

Religions are not allowed to run their own publishing houses. The Government Committee for Religious Affairs decides which books will be published, and they are printed by the Religious Publishing House (*Nhà Xuất bản Tôn giáo*) in Hanoi. The GCRF stipulates that the contents of all religious books must conform to the 1993 Law on Publications and regulations such as Decree 2/2011 on “Administrative Responsibility for Press and Publications” issued by the Prime Minister, which both contain vaguely-worded and broad restrictions. The Law on Publications prohibits any publications deemed “*oppose the Socialist Republic of Vietnam; destroy the people’s solidarity block; disseminate reactionary ideas and culture...; destroy fine customs and habits; distort history, denying revolutionary achievements, hurting our great men and national heroes, slander or hurt the prestige of organisations, the honour and dignity of citizens*” (Article 22). Decree 2/2011 imposes heavy fines on any publication perceived to spread “*social evils or superstition*” (article 3b).

Religion in Prisons and Camps

Religious prisoners who are convicted under the “national security” laws and detained in Vietnam’s prisons and camps are classed as “political prisoners” and subjected to a regime which is harsher than that of common criminals. They are often denied pens and paper, their rights to receive food parcels, money or regular visits from their families are reduced. Many

prisoners say that they have been denied the right to have Bibles, Buddhist sutras or religious books in the prisons.

The Unified Buddhist Church of Vietnam

Buddhism is Vietnam's majority religion, yet the oldest Buddhist organization, the traditional, independent UBCV is not recognized by the authorities and continues to be a key target of repression. The US Commission on International Religious Freedom (USCIRF) describes 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*".¹³

Despite strong international pressure to recognize the legal status of the UBCV, the Vietnamese government continues to denounce it as an "*illegal*" or "*reactionary organization*", which simply "*does not exist*". UBCV leader Thich Quang Do will not apply to register the UBCV because he esteems that it has never lost its legitimate status. Since the UBCV has never been officially banned by any government order, he maintains that the UBCV should be entitled 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 government recognition.

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 civilisation through 1,000 years of Chinese rule. Whereas all the other "*Bach Viet*" (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.

¹³ USCIRF Annual Report, 2013.

From the French colonial period up to the early 1960's, under the Government of Ngo Dinh Diem, 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. The anti-Buddhist policies of President Diem led to mounting tension between Buddhists and the authorities. In June 1963, Thich Quang Duc set fire to himself to draw world attention to Buddhist cause. A wave of protest swept through the whole population, carrying off in its wake the Diem government, which fell on November 1st 1963.

The very first nation-wide Buddhist Congress was held in 1964 and following the abolition of Colonial Decree No. 10, 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 Buddhism's two principle schools, the Northern School (Mahayana) and the Southern School (Theravada) into one congregation.

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, hundreds of nuns, monks and lay-Buddhist were arrested, and prominent UBCV dignitary Thich Thien Minh was tortured to death in re-education camp. Repression reached such a height that 12 UBCV monks and nuns in the province of Can Tho immolated themselves in November 1975 to protest against religious persecution.

The authorities then 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 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. Prominent UBCV leaders such as Thich Huyen Quang and Thich Quang Do 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 forcibly "unifying" Buddhism into one State-sponsored body in 1981 was later denounced by one of its principle architects, Mr Do Trung Hieu. A former high-ranking Communist official in charge of religious affairs, he was appointed to head the “Mission to

Unify Buddhism” by top Hanoi official Xuan Thuy and his successors, Nguyen Van Linh and Tran Quoc Hoan.¹⁴ In a 50-page document entitled *"The Unification of Vietnamese Buddhism"* written in 1994, Do Trung Hieu (code-name "Muoi Anh") explained that the Party conceived the VBs as *"a mere people's association... a top-heavy structure without any organised 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 Do Trung Hieu, 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".

This document gives valuable insight into the Government's apparently paradoxical policy of increased religious tolerance coupled with political repression in Vietnam and explains why the authorities tolerate an increasing *freedom of worship*, yet maintain true *freedom of religion* under tight control. As a result of his writings, Do Trung Hieu was arrested and sentenced to 15 months in prison in November 1995.

Current Restrictions on the UBCV

Today, the UBCV strives to pursue its activities *de facto*, despite government repression. Since 2005, the UBCV Patriarch Thich Quang Do has set up a network of UBCV Representative Boards to fulfill the educational, spiritual and humanitarian needs of people in the poor provinces. To date, some 20 Representative Boards have been created, in the provinces of An Giang, Ba Ria-Vung Tau, Bac Lieu, Binh Dinh, Binh Thuan, Binh Thanh District (Saigon), Dong Nai, Dong Thap, Hai Phong, Khanh Hoa, Lam Dong, Phu Yen, 3rd, 4th and 11th Districts (Saigon), Quang Nam-Danang, Quang Tri, Thua Thien-Hue, Tien Giang and Tuy Hoa. To demonstrate the UBCV's transparency, Thich Quang Do has formally notified the local People's Committees by letter of the creation and membership of each new Board.

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 monks and nuns from their Pagodas. In many cases, Police have hired 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 permits

¹⁴ Xuan Thuy was head of the North Vietnamese delegation to the Paris Peace talks in the late 1960s and Secretary of the Vietnamese Communist Party (VCP) Central Committee. Nguyen Van Linh was VCP Secretary-general, and Tran Quoc Hoan was Interior Minister. All three successively headed the VCP's Department of Propaganda and Mobilisation.

and vital administrative papers, expelling their children from school or making them lose their jobs.

The Giac Minh Pagoda in Danang and its Superior monk Thich Thanh Quang, 75, are the targets of continuous repression by the local authorities. Thich Thanh Quang is the head of the UBCV's provincial board for Quang Nam-Danang and UBCV Commissioner for Youth.

For the past three years, the local People's Committee has prohibited the celebration of Buddhist festivals such as Tết (Vietnamese Lunar New Year) Vesak (Buddha's Birth) and Vu Lan (All Souls' Day) at the Pagoda, and intercepted all Buddhists who try to attend. Buddhists who wish to bring offerings to the monks have come at dawn and laid offerings outside the Pagoda's gate to avoid Police reprisals. Plain-clothed local militia have repeatedly assaulted Thich Thanh Quang, who is currently in very poor health. He suffers from malnutrition and other illnesses since the police prohibited Buddhists coming to his Pagoda and bringing offerings and medicine. In 2013, over 200 Security Police surrounded Giac Minh Pagoda to prevent him celebrating the Vesak.

The Buddhist Youth Movement

Vietnam has also intensified repression against members of the Buddhist Youth Movement, an educational organization affiliated to the UBCV (*Gia đình Phật tử Việt Nam*) which is based on the Scouts movement. Although the Buddhist Youth Movement is not officially recognized, it is tolerated by the Communist authorities because of its educational activities, and it has a membership of over 300,000 young Buddhists in Vietnam today. **Le Cong Cau**, the head of the BYM says that he has been subjected to "hundreds of Police interrogations" over the past years. In March 2013 he was threatened with prosecution for posting articles on the Internet calling for the legalization of the banned UBCV. In February 2014 he sent an audio message to the UN for Vietnam's Universal Periodic Review, in which he said that Vietnam had cracked down on the BYM especially since it held workshops on human rights education in 2013 (*see annexe*).

Lê Công Câu was again arrested on 1 January 2014 and placed under house arrest without charge. On 14 April 2014, Police again subjected him to interrogations. They produced the text of his message to the United Nations and told him he risked prosecution for this "unlawful" act. He is currently under house arrest at his home in Hue pending the results of the Police investigation. It is extremely serious to detain a Vietnamese citizen on account of their contacts with the UN, especially since Vietnam is a member of the UN Human Rights Council.

2014: New Crack-down on the UBCV

In January 2014, Police and security forces launched one of the most intensive crack-downs in recent years against the UBCV, intercepting, harassing and intimidating monks, nuns and

lay-followers. The aim was to prevent the UBCV from organizing a Memorial Day commemoration at the Long Quang Pagoda in Hue on 10 January 2014. On 8 January, over 100 Security Police surrounded Long Quang Pagoda, intercepting all those who attempt to enter or leave. On 10 January, Police also blocked the airport, train station and all roads leading from Highway No. 1. Long Quang Pagoda is the new Secretariat of the UBCV's Executive Institute *Viện Hóa Đạo*, and Venerable Thich Nhu Dat, the Pagoda's Superior monk, is *Vien Hoa Dao's* new leader.

On 7 January 2014, Venerable Thich Thanh Quang of Giac Minh Pagoda in Danang was summoned for interrogations by Security Police and forbidden to attend the commemorations in Hue. When he protested, they stepped up Police surveillance around his Pagoda. Venerable Thich Chon Tam, Secretary General of the UBCV Institute of the Sangha, travelled from the southern province of An Giang to assist with Memorial Day preparations. He was subsequently expelled from Hue and sent back to An Giang. Venerable Thich Nguyen Ly, UBCV Treasurer and Charity Commissioner was intercepted by Police as he set off from Ho Chi Minh City with a delegation of UBCV monks and followers from the Tu Hieu Meditation Centre and forced to turn back. Monks and nuns from 18 UBCV Provincial Committees all over southern and central Vietnam have been similarly intercepted and placed under surveillance in their pagodas.

On 10 January 2014, as Venerable Thich Thanh Quang and a young nun, Thich Nu Dong Hieu were assaulted as they set off to attend the assembly in Hue. Security Police surrounded the Pagoda and pushed them back inside. One Security officer violently attacked Thich Nu Dong Hieu, slapping her repeatedly in the face until she fainted.

Members of the Buddhist Youth Movement (BYM) were also subjected to severe Police harassments. Nguyen Tat Truc, BYM Deputy leader and head of the BYM section in Hue was arrested and detained for questioning on 6 and 7 January. Police accused him of participating in an “*illegal organization*” (the UBCV) and of “*violating the law*” by signing letters on behalf of the BYM. Security Police ordered him to resign from the UBCV's Executive Institute and prohibited him from going outside Thuy Phuong district. He was explicitly forbidden to attend Memorial Day at Long Quang Pagoda, and placed under close Police surveillance. Nguyen Tat Truc's house arrest has seriously impacted his family's economic situation, since he is no longer able to take his wife to work in Hue. The family relies on her earnings, especially in the period before Tet (Lunar New Year), in order to survive. Hoang Nhu Dao, Deputy head of the BYM in Hue was interrogated by Police at his home and questioned again at the Police station in the afternoon. He has also been accused of “*illegal activities*” and Police are posted outside his home, frightening his young children.

Over a hundred BYM members were detained and placed under house arrest in the crack-down. Key members of the BYM currently subjected to harassments, surveillance and Police “working sessions” include: Le Cong Cau (Hue); Hoang Nhu Dao (Phuong Dien district);

Ms. Hoang Thi Hong Phuong, Van Dinh Tat and Nguyen Sac (Quang Dien district); Ngo Duc Tien and Van Tien Nhi (Phu vang District); Truong Dien Hieu (Huong Tra district); Nguyen Tat Truc and Nguyen Dinh Mong (Huong Thuy district).

Arbitrary Detention of UBCV Patriarch Thich Quang Do

The situation of the UBCV's Supreme Patriarch Thich Quang Do is of particular concern. Thich Quang Do is under draconian conditions of house arrest. All his visits are monitored by uniformed and plain-clothed security agents who keep round-the-clock surveillance on his monastery. Whereas Vietnam authorizes occasional visits by foreign diplomats in order to preserve their international credibility, unofficial visitors risk detention, interrogations and Police assaults. In 2013, members of an Inter-parliamentary delegation from United Kingdom who asked to visit Thich Quang Do were refused permission on the grounds that such a visit was "unwelcome" and would jeopardize their meetings with the Ho Chi Minh City authorities. Thich Quang Do is deprived of his citizenship rights and unable to travel or communicate freely. During the recent crackdown in 2014, Thich Quang Do's communications were completely blocked. His health is severely affected by this continuous isolation and lack of adequate medical care for his diabetes and high blood pressure.

Immolation of a UBCV member

On 23 May 2014, Le Thi Tuyet Mai, a member of the UBCV and Deputy Head of the Buddhist Youth Movement in Ho Chi Minh City immolated herself to draw attention to the plight of the outlawed UBCV and Chinese invasion of Vietnam. Although this is not exclusively a religious freedom issue, it demonstrates the situation of members of non-recognized religions in Vietnam. In her last letters, Ms. Tuyet Mai said she resorted to this extreme protest because she had no other way to express herself. The Police removed mention of the UBCV in her last letters, and at her funeral on 26 May in Ho Chi Minh City, they confiscated wreaths of flowers offered by the UBCV.

Recommendations

The Vietnam Committee on Human Rights urges the Special Rapporteur to pay particular attention to the following issues, and urge the Vietnamese government to:

- Restore the legitimate status of the UBCV and allow it to operate independently of the Vietnam Fatherland Front and the State-sponsored Vietnam Buddhist Sangha;
- Free all detained UBCV members and cease harassment of UBCV members;
- Review or repeal the system of registration for religious bodies which is inconsistent with Article 18 of the UN ICCPR, and allow freedom of religious activity for all "non-recognized" religious groups;

- Revise or repeal all religious legislation that impedes the exercise of freedom of religion or belief;
- Ensure that the revisions to the Ordinance on Religions and Religious Beliefs conforms with the provisions of Article 18 of the ICCPR;
- Revise or repeal provisions in the Criminal Code (e.g. Articles 79, 80, 87, 88, 91, 258 and 274 which impose restrictions on the rights of religious followers to freedom of expression, peaceful assembly and freedom of movement in violation of the ICCPR;
- Abolish the system of the *hộ khẩu* or residence permit which perpetuates practices of discrimination against religious groups and minorities.

PROPOSED VISITS TO LEADING UBCV FIGURES

The Vietnam Committee on Human Rights urges the Special Rapporteur to meet the following people during his visit. These are the most important people who can reflect the UBCV's situation correctly:

- **THICH QUANG DO (Ho Chi Minh City):** *This visit is a priority.* Thich Quang Do is a 2014 Nobel Peace prize nominee, he has been under different forms of detention since 1977 (internal exile, prison, house arrest), and is now under *de facto* house arrest without any justification or charge. He is a prominent dissident and also a renowned scholar and writer, respected even by Hanoi's leadership for his knowledge and spiritual authority (he has been invited several times to take up a top post in the State-sponsored Vietnam Buddhist Sangha, but he refuses categorically, hence the house arrest). He speaks very good English, so interpreter is not necessary. Address: **Thanh Minh Zen Monastery, 90 Tran Huy Lieu Street, 15th District, Phu Nhuan Ward, Ho Chi Minh City (no phone);**
- **LE CONG CAU (Hue):** Head of the Buddhist Youth Movement (BYM), a semi-official educational movement affiliated to the UBCV. He is under house arrest pending Police investigation (by verbal order only) since January 2014 because he held workshops on human rights education for the BYM. He can give you an overview of problems experienced by lay Buddhists. He does not speak English. Address: **154 Phan Bội Châu Street, Trường An District, City of Huế.** No telephone ;
- **THICH NHU DAT, (Hue)** recently appointed as No. 2 in the UBCV leadership, since then has been the target of relentless police pressure. Very useful to understand Vietnam's new policies of repression against the UBCV. He does not speak English. Address: **Long Quang Pagoda, Huong Tra City, Thua Thien Hue province;**
- **THICH THANH QUANG (Danang city).** His pagoda (Giac Minh) is the central office of the UBCV Youth Department. He has been subjected to intensive Police repression, harassments and even physical assaults to make him renounce support of the UBCV. There are some nuns at his Pagoda who are also victims of repression and could describe the situation from a women's perspective (e.g. **Thich Nu Dong Hieu**, who speaks some English – Thich Thanh Quang does not speak English). Address: **Giác Minh Pagoda, K356/42 Hoàng Diệu Street, City of Đà Nẵng, province of Quang Nam-Danang.**

Annexe 1: Ratification Status of UN Covenants for Viet Nam

<u>Treaty</u>	<u>Signature Date</u>	<u>Ratification Date, Accession(a), Succession(d) Date</u>
CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	07 Nov 2013	
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 UBCV leader Thich Quang Do

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 Thich Quang Do, 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 LE CONG CAU
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 or charge, 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.

Le Cong Cau, Hue, 25 January 2014

Annex 3 – Curriculum Vitae for Buddhist novices demanding ordainment

The sentences underlined ask about the activities of the demanders families before and after 1975, i.e. when the Communists took power in Vietnam.



GIÁO HỘI PHẬT GIÁO VIỆT NAM
HỌC VIỆN PHẬT GIÁO VIỆT NAM TẠI TP.
HCM

**CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT
NAM**

Độc lập - Tự do - Hạnh phúc

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3x4

SƠ YẾU LÝ LỊCH TĂNG NI SINH (Thi tuyển Thạc sĩ - ngành Phật học)

Curriculum Vitae for Buddhist Novices

I. PHẦN 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 (when and where) 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 (when and where) 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 Bôn sư Tuổi.....

Pháp danh.....

Pháp hiệu thường dùng.....

Nơi thường trú của Bôn 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

Annexe 4 : Provisions under the Criminal Code that are inconsistent with international human rights law¹⁵

Article 79.- Carrying out activities aimed at overthrowing the people's administration

Those who carry out activities, establish or join organizations with intent to overthrow the people's administration shall be subject to the following penalties:

1. Organizers, instigators and active participants or those who cause serious consequences shall be sentenced to between twelve and twenty years of imprisonment, life imprisonment or capital punishment;
2. Other accomplices shall be subject to between five and fifteen years of imprisonment.

Article 80.- Spying

1. Those who commit one of the following acts shall be sentenced to between twelve and twenty years of imprisonment, life imprisonment or capital punishment:
 - a) Conducting intelligence and/or sabotage activities or building up bases for intelligence and/or sabotage activities against the Socialist Republic of Vietnam;
 - b) Building up bases for intelligence and/or sabotage activities at the direction of foreign countries; conducting scouting, informing, concealing, guiding activities or other acts to help foreigners conduct intelligence and/or sabotage activities;
 - c) Supplying or collecting for the purpose of supplying State secrets to foreign countries; gathering or supplying information and other materials for use by foreign countries against the Socialist Republic of Vietnam.
2. In case of more serious crimes, the offenders shall be sentenced to between five and fifteen years of imprisonment.
3. Persons who agree to act as spies but do not realize their assigned tasks and confess, truthfully declare and report such to the competent State bodies shall be exempt from penal liability.

Article 87. - Undermining the unity policy

1. Those who commits one of the following acts with a view to opposing the people's administration shall be sentenced to between five and fifteen years of imprisonment:
 - a) Sowing division among people of different strata, between people and the armed forces or the people's administration or social organizations;
 - b) Sowing hatred, ethnic bias and/or division, infringing upon the rights to equality among the community of Vietnamese nationalities;
 - c) Sowing division between religious people and non-religious people, division between religious believers and the people's administration or social organizations;
 - d) Undermining the implementation of policies for international solidarity.

¹⁵ Translation from "*A Selection of Fundamental Laws of Vietnam*", Thế Giới Publishers, Hanoi 2001. In this and other editions, there is an error of translation in Articles 80, 87 and 88, paragraph 2, which we have corrected. It should be "*more*" serious crimes, not "*less* serious crimes" as printed.

2. In case of committing more serious crimes, the offenders shall be sentenced to between two and seven years of imprisonment.

Article 88.- Conducting propaganda against the Socialist Republic of Vietnam

1. Those who commit one of the following acts against the Socialist Republic of Vietnam shall be sentenced to between three and twelve years of imprisonment:
 - α) Propagating against, distorting and/or defaming the people's administration;
 - β) Propagating psychological warfare and spreading fabricated news in order to foment confusion among people;
 - χ) Making, storing and/or circulating documents and/or cultural products with contents against the Socialist Republic of Vietnam.
2. In the case of committing more serious crimes, the offenders shall be sentenced to between ten and twenty years of imprisonment.

Article 91 .- Fleeing abroad or defecting to stay overseas with a view to opposing the people's administration

1. Those who flee abroad or defect overseas with a view to opposing the people's administration shall be sentenced to between three and twelve years of imprisonment.
2. Organizers, coercers and instigators shall be sentenced to between five and fifteen years of imprisonment.
3. In the case of committing particularly serious crimes, the offenders shall be sentenced to between twelve and twenty years of imprisonment or life imprisonment.

Article 92 - Additional penalties

Persons who commit crimes defined in this Chapter shall also be deprived of a number of civic rights for between one year and five years, subject to probation, residence ban for between one year and five years, confiscation of part or whole of the property.

Article 258 - Abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens

1. Those who abuse the rights to freedom of speech, freedom of press, freedom of belief, religion, assembly, association and other democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens, shall be subject to warning, non-custodial reform for up to three years or a prison term of between six months and three years.
2. Committing the offense in serious circumstances, the offenders shall be sentenced to between two and seven years of imprisonment.

