



Australian Government
Refugee Review Tribunal

Country Advice

Vietnam

Vietnam – VNM38055 – Human Rights – Religious Freedom – Monitoring – Unregistered Religious Groups

2 February 2011

1. Please provide background information on the human rights situation in Vietnam, including on the question of the right to freedom of religion.

The human rights situation is reported to have deteriorated in recent times. As highlighted in its most recent annual report *Human Rights Watch* claims that the Vietnamese government has tightened controls on freedom of expression, harassing and arresting dozens of writers, and political activists.¹ The government has imposed restrictions on numerous overseas internet sites and increased monitoring of usage.² Religious groups are required to register with the government and are subjected to the supervision of government-controlled management boards.³ Moreover the government bans certain types of religious activities which are

deemed to oppose "national interests," harm national unity, cause public disorder, or "sow divisions."

Adherents of some unregistered religious groups and religious activists campaigning for internationally guaranteed rights are harassed, arrested, imprisoned, or placed under house arrest. During Buddhist festivals in May and August Da Nang police blocked access to Giac Minh Buddhist pagoda and interrogated the pagoda's abbot, who is the provincial representative of the banned Unified Buddhist Church of Vietnam (UBCV). In May religious leader Cam Tu Huynh was sentenced to prison on charges of slander for criticizing police crackdowns against followers of the unrecognized branch of the Cao Dai religion.

Those currently in prison for their religious or political beliefs-or a combination of the two-include more than 300 Montagnard Christians, as well as Hoa Hao Buddhists, and members of the Cao Dai religion. Religious leaders under house arrest include UBCV Supreme Patriarch Thich Quang Do, Catholic priests Nguyen Van Ly and Phan Van Loi, and Khmer Krom Buddhist Abbot Thach Sophon.⁴

¹ Human Rights Watch 2011, *HRW World Report - Vietnam*, January <http://www.hrw.org/en/world-report-2011/vietnam> - Accessed 28 January 2011 - Attachment 1

² Human Rights Watch 2011, *HRW World Report - Vietnam*, (Freedom of Expression, Information, and Association) January <http://www.hrw.org/en/world-report-2011/vietnam> - Accessed 28 January 2011 - Attachment 1

³ Human Rights Watch 2011, *HRW World Report - Vietnam*, (Freedom of Religion) January <http://www.hrw.org/en/world-report-2011/vietnam> - Accessed 28 January 2011 - Attachment 1

⁴ Human Rights Watch 2011, *HRW World Report - Vietnam*, (Freedom of Religion) January <http://www.hrw.org/en/world-report-2011/vietnam> - Accessed 28 January 2011 - Attachment 1

In Vietnam religious practice must conform to certain government regulations and not be perceived by the authorities to be divisive or likely to cause public disorder:

Vietnam's 2004 Ordinance on Beliefs and Religions affirms the right to freedom of religion. However, it requires that all religious groups register with the government, and bans any religious activity deemed to cause public disorder, harm national security, or "sow divisions." Adherents of some religious groups that are not officially recognized by the government are persecuted. Security officials disperse their religious gatherings, confiscate religious literature, and summon religious leaders to police stations for interrogation. In some instances, police destroy churches of unauthorized religious groups and detain or imprison their members on charges of violating national security.⁵

This intensified adverse monitoring by the Vietnamese authorities of those viewed as dissidents is attributed to the Communist Party Congress which was scheduled for early 2011:

The approach of the Communist Party Congress, scheduled for early next year (2011 [Note from the Country Adviser]), is attracting a wave of repression against dissidents, lawyers, intellectuals and activists in general in Vietnam...

Local authorities in Ho Chi Minh City, in fact, in recent days made two raids on the church of Our Lady of Perpetual Help ordering the religious men who run it to remove articles, described as "anti-government", from their newsletter.

According to a letter dated December 13... on two consecutive days, 8th and 9th of this month, local officials arrived at the church, the second, in size of the city. The next day, the authorities of the third district of the city called the provincial superior, Father Vincent Pham Trung Thanh, for a "working session".

On that occasion, reports the priest, representatives of state administration for religious affairs and local officials accused the Redemptorists of being "instigators of disorder."

...

On the same occasion, the provincial superior was told the charge referred to "the Redemptorist Homilies and articles published in the Bulletin concerning disputes for the properties of the former nunciature and Thai Ha, acts of persecution in Tam Toa, Con Dau, and Dong Chiem as well as the government project for bauxite mines in the Central Highlands." From the government point of view, these are "non-religious matters", of which priests are not allowed to speak. Any violation may be charged as anti-government behaviour.

Father Pham has rejected all accusations, claiming that his religious order has always worked for the good of the whole people...

In response to the priest's words, the president of the district People's Committee announced "new raids" on the church in the coming days.⁶

According to the US Department of State there has been some improvement in religious freedom and practice in 2009 however 'significant problems' remained 'especially at provincial and village levels':

⁵ Human Rights Watch, 2009, *Vietnam: Sharp Backsliding on Religious Freedom*, 18 October <http://www.hrw.org/en/news/2009/10/18/vietnam-sharp-backsliding-religious-freedom> - Accessed 20 December 2010. Attachment 2

⁶ New threats and attacks by authorities against the Redemptorists in Vietnam' 2010, *Asia News website*, 15 December <http://www.asianews.it/news-en/New-threats-and-attacks-by-authorities-against-the-Redemptorists-in-Vietnam-20261.html> - Accessed 27 January 2011 – Attachment 3

These included the slow pace, in some cases due to government inaction, of registration of Protestant congregations in the North and the Northwest Highlands. Inconsistent application of procedures for registration caused some of the above-mentioned problems. In some areas, Protestant congregations experienced harassment.⁷

The government has enacted legislation to regulate the practice of religion - the 2004 'Ordinance on Religion and Belief'.⁸

The government does not officially favor a particular religion. Virtually all senior government and CPV (Communist Party of Vietnam) officials, as well as the majority of National Assembly delegates, are formally "without religion."

...

Adherence to a religious faith generally does not seriously disadvantage individuals in nongovernment civil, economic, and secular life, although it prevents advancement within the CPV and military.

The government officially recognizes the Buddhist, Catholic, Protestant, Hoa Hao, Cao Dai, Baha'i, Muslim, Pure Land Buddhist Home Practice, Threefold Southern Tradition, and Threefold Enlightened Truth Path faiths as religious organizations. Individual congregations within these recognized groups must also be registered. Practitioners of alternative Buddhist, Protestant, Hoa Hao, and Cao Dai groups do not participate in government-recognized or government-registered religious organizations.⁹

This report found that the police impeded the freedom of movement of certain members of religious groups:

The movement of a number of other UBCV, Cao Dai, Catholic, Hoa Hao, and Protestant dignitaries and believers was occasionally restricted or monitored by police.¹⁰

Human Rights Watch has observed that the police have been responsible for abusive behaviour, according to the deputy Asia director of Human Rights Watch 'police brutality is being reported at an alarming rate in every region of Vietnam'.¹¹

Vietnam Human Rights Network reported information from Viet Catholic News which indicates that in recent months there has been an escalation of government crackdowns. An example of this took place in December 2010 when a Christmas celebration in a state-owned auditorium was cancelled; similar church services were stopped in other areas. There is growing concern among Catholics that this may be a new policy of repression against Christians.¹²

⁷ US Department of State 2010, *International Religious Freedom Report for 2010 – Vietnam*, November – Attachment 4

⁸ US Department of State 2010, *International Religious Freedom Report for 2010 – Vietnam* (Section II. Status of Government respect for Religious Freedom), November – Attachment 4

⁹ US Department of State 2010, *International Religious Freedom Report for 2010 – Vietnam* (Section II. Status of Government respect for Religious Freedom), November – Attachment 4

¹⁰ US Department of State 2010, *International Religious Freedom Report for 2010 – Vietnam* (Section II. Abuses of Religious Freedom), November – Attachment 4

¹¹ Human Rights Watch 2010, "Vietnam: Widespread police brutality, deaths in custody" 22 September – Attachment 5

¹² Vietnam: 'Christmas marked with violent crackdowns' 2010, Vietnam Human Rights website, 28 December. http://www.vietnamhumanrights.net/website/VCN_122810.htm - Accessed 27 January 2011 – Attachment 6

In January 2011 it was reported that a US diplomat was manhandled by Vietnamese security forces for attempting to visit a prominent dissident – he was “wrestled down to the ground right in the middle of the road in front of hundreds of witnesses”.¹³ The UK Home Office Country of Origin Information Report provides a summary of the salient points of reports produced by several human rights monitors which indicate that the practice of religion is under rigorous state control.¹⁴ Its most current ‘Operational Guidance Note on Vietnam’ of 9 June 2009 states that ‘religious figures remain on the European Union’s list of prisoners of concern’.¹⁵

2. Please provide information on whether the Vietnamese government monitors all forms of public assembly, including religious activities.

The US State Department Report of March 2010 observed that the Vietnamese government monitors all forms of public assembly. Freedom of assembly is limited by law and the government restricts and monitors all forms of gatherings. People who wish to gather in a group are required by law to apply for a permit which can be issued or denied arbitrarily.¹⁶ Nevertheless it found that informal gatherings often took place without hindrance from the authorities except for unregistered religious groups:

Persons routinely gathered in informal groups without government interference. The government generally did not permit demonstrations that could be seen as having a political purpose. The government also restricted the right of several unregistered religious groups to gather in worship (see section 2.c.).¹⁷

In a ‘Briefing’ on Vietnam concerning the Protestant religion Christian Solidarity Worldwide (CSW) details the level of scrutiny which religious groups are subjected to, as well as the intrusiveness of the state regulations:

After granting registration, local authorities are directed to implement regulation in all matters: the content of religious activities, the place of worship, the citizenship responsibilities of the leaders and believers and the fundraising of their congregations.

Each local church is required annually to submit a complete outline of all their religious activities for the upcoming year. They may carry out these activities only if they do not receive any objections or suggestions within 30 days. Presumably, they will need to alter their plans if the local authorities voice any objections. Leaders of registered churches have reported that they are experiencing an unacceptable level of government control over worship and religious practice. As a consequence, some unregistered groups have been unwilling to pursue registration.¹⁸

¹³ Johnson, Bridget 2011, ‘Lawmaker protests ‘reprehensible’ Vietnam attack on U.S. diplomat’ The Hill.com http://www.vietnamhumanrights.net/website/The%20Hill_010811.htm – Accessed 28 January 2011 – Attachment 7

¹⁴ UK Home Office 2010, *Country of Origin Information: – Vietnam*, 19 May, paragraph 14.04 – Attachment 9

¹⁵ UK Home Office 2009, *Operational Guidance Note – Vietnam*, 9 June – Attachment 10

¹⁶ US Department of State 2010, *Country Report on Human Rights Practices for 2009 – Vietnam*, March. Section 2 b. Freedom of Peaceful Assembly and Association – Attachment 8

¹⁷ US Department of State 2010, *Country Report on Human Rights Practices for 2009 – Vietnam*, March. Section 2. b. Freedom of Peaceful Assembly and Association – Attachment 8

¹⁸ Christian Solidarity Worldwide 2009, ‘Briefing, Vietnam, 2008 Internal ‘Training Manual for the Task Concerning the Protestant Religion’, June – <http://docs-eu.livesiteadmin.com/c8880e0f-f6ed-4585-8f09-4e4b6d11e698/csw-briefing-vietnam-june-2009.pdf> - Accessed 27 October 2010 – Attachment 14

This information is corroborated by Amnesty International which in its annual report notes that ‘severed restrictions on freedom of expression and assembly continued.’¹⁹

The US Ambassador Michael Michalak commented on the deterioration of the situation when he stated that “2010 witnessed an overall narrowing of the space for public discourse in Vietnam”.²⁰ He also stated that ‘free expression in under attack in Vietnam and new restrictions had been also imposed on internet users.’²¹

The Minority Rights Group International in its report on the ‘State of the World’s Minorities and Indigenous Peoples 2010’ also commented that “political analysts and human rights organizations accused Vietnam of backtracking on freedom of expression”.²²

3. Is it government policy in Vietnam to prohibit persons who belong to unofficial religious groups to speak publicly about their beliefs?

The government discourages public proselytising outside recognised worship centres.²³

As outlined in Questions 1 and 2 the authorities exercise close monitoring of all forms of public assembly therefore an unofficial group which has no registration would not be able to meet or speak publicly without attracting adverse attention.

Attachments

1. Human Rights Watch 2011, *HRW World Report - Vietnam*, January <http://www.hrw.org/en/world-report-2011/vietnam> - Accessed 28 January 2011.
2. Human Rights Watch, 2009, *Vietnam: Sharp Backsliding on Religious Freedom*, 18 October <http://www.hrw.org/en/news/2009/10/18/vietnam-sharp-backsliding-religious-freedom> - Accessed 20 December 2010.
3. ‘New threats and attacks by authorities against the Redemptorists in Vietnam’ 2010, *Asia News website*, 15 December <http://www.asianews.it/news-en/New-threats-and-attacks-by-authorities-against-the-Redemptorists-in-Vietnam-20261.html> - Accessed 27 January 2011.
4. US Department of State 2010, *International Religious Freedom Report for 2010 – Vietnam*, November.
5. Human Rights Watch 2010, “*Vietnam: Widespread police brutality, deaths in custody*” 22 September.

¹⁹ Amnesty International 2010, *Amnesty International Report 2010 - Viet Nam*, 28 May - Attachment 11

²⁰ ‘Free expression increasingly ‘stifled in Vietnam’ 2010, Vietnam Human Rights website, sourced from AFP, 11 December - http://www.vietnamhumanrights.net/website/AFP_121110.htm - Accessed 28 January 2011 – Attachment 12

²¹ ‘US Protests Manhandling of Diplomat in Vietnam’ 2011, VOA News, 6 January - http://www.vietnamhumanrights.net/website/VOA_010611.htm - Attachment 13.

²² Minority Rights Group International 2010, *State of the World’s Minorities and Indigenous Peoples 2010 (Events of 2009), Focus: Religious Minorities*, July, pp. 128-130 – Attachment 15

²³ US Department of State 2010, *International Religious Freedom Report for 2010 – Vietnam* (Section II. Status of Government respect for Religious Freedom), November – Attachment 4

6. 'Vietnam: 'Christmas marked with violent crackdowns' 2010, Vietnam Human Rights website, 28 December.
http://www.vietnamhumanrights.net/website/VCN_122810.htm - Accessed 27 January 2011.
7. Johnson, Bridget 2011, 'Lawmaker protests 'reprehensible' Vietnam attack on U.S. diplomat' The Hill.com
http://www.vietnamhumanrights.net/website/The%20Hill_010811.htm – Accessed 28 January 2011.
8. US Department of State 2010, *Country Report on Human Rights Practices for 2009 Vietnam*, March.
9. UK Home Office 2010, *Country of Origin Information: – Vietnam*, 19 May.
10. UK Home Office 2009, *Operational Guidance Note – Vietnam*, 9 June.
11. Amnesty International 2010, *Amnesty International Report 2010 - Viet Nam*, 28 May.
12. 'Freed expression increasingly 'stifled in Vietnam' 2010, Vietnam Human Rights website, sourced from AFP, 11 December -
http://www.vietnamhumanrights.net/website/AFP_121110.htm - Accessed 28 January 2011.

13. US Protests Manhandling of Diplomat in Vietnam' 2011, VOA News, 6 January-
http://www.vietnamhumanrights.net/website/VOA_010611.htm .
14. Christian Solidarity Worldwide 2009, '*Briefing, Vietnam, 2008 Internal 'Training Manual for the Task Concerning the Protestant Religion'*', June – <http://docs-eu.livesiteadmin.com/c8880ef-f6ed-4585-8f09-4e4b6d11e698/csw-briefing-vietnam-june-2009.pdf> - Accessed 27 October 2010.
15. Minority Rights Group International 2010, *State of the World's Minorities and Indigenous Peoples 2010 (Events of 2009), Focus: Religious Minorities*, July, Vietnam.