

## **UNIVERSAL PERIODIC REVIEW 18<sup>th</sup> session of the UPR Working Group**

### **VIET NAM**

#### **Religious freedom in Viet Nam**

**Joint stakeholders' report submitted by:**

- **World Evangelical Alliance (WEA)**, an NGO with special consultative status since 1997. WEA is a network of churches in 129 nations that have each formed an evangelical alliance and over 100 international organizations joining together to give a world-wide identity, voice, and platform to more than 600 million evangelical Christians worldwide. WEA was founded in 1846 in London.  
[www.worldevangelicals.org](http://www.worldevangelicals.org)
- **Aktion für verfolgte Christen (AVC)**, an NGO established in 1972. AVC assists persecuted Christians worldwide.  
[www.avc-ch.org](http://www.avc-ch.org); [www.avc-de.org](http://www.avc-de.org)
- **Groupe de travail pour la liberté religieuse (GLR) du Réseau évangélique suisse (SEA-RES)**, a working group of the Swiss evangelical alliance. It is composed of 7 member organisations advocating for religious freedom and bringing support to victims of religious persecution.  
[www.agr-glr.ch](http://www.agr-glr.ch)
- **The International Institute for Religious Freedom (IIRF)**. The IIRF, with main offices in Bonn, Cape Town and Colombo, is a global network of researchers, professors and university chairs providing reliable researched datas on the violation of Article 18 of the Universal Declaration for Human Rights and publishes the accredited International Journal for Religious Freedom.  
[www.iirf.eu](http://www.iirf.eu)

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1. During the UPR of Viet Nam in May 2009, several recommendations touched on the issue of religious freedom. Viet Nam accepted some, such as the one from the United Kingdom asking the State to “*re-engage with Special Rapporteur on freedom of religion*” (A/HRC/12/11, 99.23) and from Argentina, requesting to “*take the necessary steps to ensure that citizens can fully enjoy the rights of freedom of expression and freedom of religion*” (A/HRC/12/11, 99.44).
2. However in 2013, the government of Viet Nam’s record in terms of implementation of religious freedom is still far from meeting international standards. Its religion policy is guided by a high level of suspicion especially toward both the Catholic community of about 8 million and the Evangelical Protestant groups approaching 1.5 million in number. Viet Nam exercises a high level of control over all religious activities and severely restricts any independent religious practices. It has a very restrictive legislative framework. Believers of different religious groups continue to face detention and sometimes torture. And the various Religious Security Police are still in place.
3. It is our hope that this review will give attention to Viet Nam’s religion policy. It is also our hope that Viet Nam will commit to take a different path. Without respect for pluralism and human rights, including freedom of expression and of conscience for all, no country can prosper.

### **Legal framework on religions**

4. Harsh, systematic government programs aimed at the “eradication” of Christianity, especially among ethnic minorities where it has grown most rapidly, have been gradually phased out with the introduction of “new religion legislation” in 2004 (*Ordinance on Religion and Belief*, Vietnam’s highest “law” on religion ) and 2005 (*Decree on Religion 22/2005/ND-CP*, which indicates how to implement the *2004 Ordinance*). These laws were introduced allegedly to allow swift registration of local religious congregations, to facilitate the appeals of recognized Protestant denominations to build churches as well as to train and appoint pastors, and to help Protestants register their religious activities. This change signaled a move from highly ideological opposition to religion to a religion management approach with a church registration regime.<sup>1</sup>

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<sup>1</sup> The criteria for recognition set out in the law are elusive and intrusive. Organizations can be suspended arbitrarily for a number of vague reasons. Especially articles 8 and 15 of the *2004 Ordinance* are very problematic and open the door to arbitrary restrictions and harassment.

Article 8 states: “It is prohibited to abuse the freedom of religion and belief to undermine peace, national independence and unity, to incite violence or propagate wars, to propagandize against the States’ laws and policies, to divide the citizens, ethnic minorities or religions; to incite public disorder, or infringe upon life, dignity, honor and/or property of others, or to impede the exercise of civic duties and the performance of civic obligations, to conduct superstitious activities or other acts contrary to the law”.

Article 15 states: “Religious activities or belief will be suspended in the following instances:

1. They infringe on national security, or seriously affect public order or the environment.
2. They adversely affect the peoples’ unity or the fine national cultural traditions.
3. They infringe upon the life, health, dignity, honor or property of other persons.
4. They involve other serious breaches of the law.”

5. Of particular importance was also the *Prime Minister's Instruction 01 in March 2005 regarding Protestants* which promised the expeditious registration of local congregations. Ominously the same instruction warned against taking advantage of religion for nefarious purposes. This provision has often proven to be an open door for arbitrary accusations and actions against Christians by local officials.
6. The orderly church registration promised in the new religion legislation, though far short of full religious freedom, could have been an improvement over the previous situation. However, it has been tardily, selectively and inconsistently applied. Hundreds of registration applications have routinely been ignored or rejected. Over more, registration has often been used as a tool to control churches, leading many to lose interest in getting it. While nine Protestant church denominations have been registered, some 50 groups representing about half of Viet Nam's Protestants remain unregistered. The dozens of house church denominations, a movement that started in 1988, are particularly affected.
7. In February 2012, a deputy prime minister presided a meeting to evaluate the implementation of *Instruction 01*. According to a posted Vietnamese-language report issued on February 28, the deputy prime minister said *Instruction 01* had enabled a "breakthrough" in the government management of religion by "limiting the unusually rapid development of Protestantism."
8. On 1 January 2013, Vietnam updated its rules for enforcing its highest law regarding religion. Known as the *Decree on Religion 92/2012 ND-CP*, or simply *ND-92*, the new decree is meant to clarify the rules written in 2005 (*Decree ND-22* and *Instruction 01*). It introduces additional bureaucratic obstacles to peaceful and lawful activities of religious believers and is even more intrusive than its 2005 predecessors.
9. *Decree ND-92* requests that religious group must have operated for 20 years with local approval for their religious meetings and without any reported violation of the law (in particular Article 8 and 15 of the *2004 Ordinance*), before it can be given full legal recognition. This could be used to exclude house church denominations that have existed without approval for their activities over the past 25 years. Non-registered communities will have to get approval for all their religious meetings. They need to have a legal location for religious operations, which again might exclude the house church movement. Over more, registration or approval is conditional on elusive criteria which are open to highly subjective interpretation. The Vietnamese word translated here as "registration" or "approval" is actually closer to the meaning of "asking permission".<sup>2</sup>
10. Registered congregations and denominations have to present annually in October all their intended activities for the coming year. Procedures for changes in the approved program are unreasonable cumbersome. Articles 14 to 26 include highly detailed and

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<sup>2</sup> The decree uses the word *dang ky*, commonly translated as "registration" or "register." The *dang ky* registration in Vietnam's handling of religion, including in ND-92, functions like having to ask permission. In consequence, officials, usually at the commune level, feel they have complete discretion on whether to grant registration. "Registration" therefore, is more accurately understood as "asking permission."

intrusive qualifications and provisions for clergy training, ordination, stripping of credentials, placement, change of placement, travel and so on.

11. The Decree includes vague national security or national solidarity offences. Religious beliefs and practices have to be subordinate to Article 5 of *Decree ND-92* requiring the leader “to have a spirit of national unity and reconciliation.” Anyone who teaches to worship God, and not ancestors or national heroes, is someone who could be accused of being against “national unity” or “the fine national cultural traditions.” Provisions requesting that Protestant denominations must not be associated with separatist movements have been used by authorities for arbitrary actions. Article 6, stipulating qualifications for registering religious activities, says the group must have “doctrines, articles of faith, rites and ceremonies that support the nation and do not contradict fine traditions and customs.” This leaves much discretion to often hostile officials and state agencies with power to grant permission.

### **Prisoners of conscience**

12. Though Vietnamese authorities insist that it has no religious prisoners-of-conscience, religious freedom activists say there are definitely more than 100. Viet Nam has isolated such prisoners, cutting off communication with them and their supporters. Religious prisoners of conscience include several Mennonite leaders, a Catholic priest and some lay Catholics, but predominantly lay ethnic minority Protestants of Viet Nam’s Central Highlands (“Montagnards”) who participated in demonstrations in 2004 which had a strong religious freedom component. These mass protests erupted against land grabs and religious persecution and were brutally crushed by the military. (*See list of known prisoners of conscience listed in the annex.*)

### **Hmong Christians and the Montagnards**

13. Protestant Christians have been growing in numbers in particular among the Montagnards (Central Highlands) and the Hmong (Northwest). Opposition to the Protestant communities among local authorities remains still high both in the Central Highlands and the Northwest provinces. Hundreds of these communities have tried unsuccessfully for years to register. Even though forced renunciation of faith was banned by the government in 2005, numerous incidents are still reported in those areas. Even in the most egregious cases of violation of religious freedom, victims and survivors still see offending officials go unpunished, eroding their trust in fair government.
14. Anti-Christian propaganda continues to be distributed but is becoming more clever and subtle. To counteract the explosive growth of Protestant Christianity among the Hmong ethnic minority a decade ago, authorities distributed Vietnamese/Hmong language booklets with titles such as “Don’t Follow the Bad People’ and “Don’t Listen to the Snake-poison Words.” An anti-Christian booklet which began circulating in late 2011, called “Preserve and Promote the Characteristics of Hmong Culture”, still mocks Christianity but less crudely than earlier efforts.
15. In November, 2012, a court in the north-western province of Lai Chau convicted four Christians from the Hmong ethnic minority for “plotting to overthrow the

government,” sentencing them to prison terms between three and seven years. They, along with several thousand other Hmong people, had attended a religious gathering the previous year, which authorities claimed was a separatist uprising. Other Hmong leaders were detained too following this event.

16. On 17 March 2013, the 39 year old Hmong Christian leader, Hoang Van Ngai died while he was in police custody. Ngai was an elder of Bui Tre Church which belongs to the government-registered Evangelical Church of Vietnam - South. The official reason for his arrest remains unclear, but the actual reason is probably to be found in the fact that Ngai had stood up to defend his Church and refused to participate in corruption. Ngai and his brother were transported to a police station in Gia Nghia Town and placed in separate cells. Ngai was savagely beaten and tortured by police. According to the Vietnamese authorities’ following several petitions submitted by Ngai’s family, the cause of death was “suicide by self-electrocution”.

**Intrusion in management of internal religious affairs: obstacles to the reunification of ECV-N and ECV-S**

17. Viet Nam’s two oldest Protestant denominations, namely the Evangelical Church of Vietnam - North (registered in 1958) and the Evangelical Church of Vietnam - South (registered in 2001) are in a process of reunification, after having been divided when the country split in two in 1954. Although they submitted their new constitution over a year ago, religion management authorities are still reluctant to allow the reunification to happen. Written approval has not been granted yet. The two denominations plan to hold a reunification assembly in September 2013.

**Recommendations:**

18. **Ensure that Viet Nam’s legislative framework meets international human rights standards, including religious freedom standards. This includes repealing any intrusive domestic legislation such as the 2004 Ordinance on Religion and Belief, and the 2013 Decree ND-92.**
19. **Allow all unregistered religious groups to exercise their freedom of religion without restrictions of harassment.**
20. **Publicize the name of all the prisoners of conscience, including Montagnards Protestants, allow visits from representatives of the ICRC and promptly review all such prisoner cases.**
21. **Take all the necessary measures to protect the religious freedom of Montagnards and Hmong Christians. Take measures to stop the distribution of official Anti-Christian literature.**
22. **Appoint an independent investigation commission to inquire the causes of death of Hoang Van Ngai in police custody on 17 March 2013.**
23. **Disband the various Religious Security Police apparatus of the government.**

- 24. Investigate, prosecute and punish any law enforcement or government officials, as well as “gangs” who credibly discriminate against, harass, or abuse those exercising their right to freedom of belief or religion. Provide venues to report inappropriate actions by local official or police.**
- 25. Train law enforcement and government officials to respect international religious freedom standards.**
- 26. Create a national commission of religious groups, government officials and independent observers to instigate a fruitful dialogue with all religious groups and find appropriate solutions for the implementation of human rights, in particular religious freedom.**
- 27. Remove any unnecessary administrative obstacles to the reunification of the Evangelical Church of Vietnam - North and the Evangelical Church of Vietnam – South.**
- 28. Issue a standing invitation for the UN special procedures and seek a visit from the Special Rapporteur on Freedom of Religion or Belief.**

## **Annex – List of known Christian prisoners of conscience**

**CHU MANH SON** Antoine

Young Catholic arrested on August 3, 2011. He was sentenced to 3 years of prison and 1 year of house arrest on May 24, 2012 in Vinh for «conducting propaganda against the state».

**DANG NGOC MINH**

Young catholic, sentenced to 3 years of prison and 2 years of house arrest on January 9, 2013.

**DANG XUAN DIEU** François Xavier

Catholic arrested on July 30, 2011 from the Vinh diocese. He was sentenced to 13 years of prison and 5 years of house arrest on January 9, 2013.

**DAU VAN DUONG** Antoine

Young Catholic student arrested on August 2, 2011. He was sentenced to 3 1/2 years of prison and 1 1/2 year of house arrest on May 24, 2012 in Vinh for «conducting propaganda against the state».

**DUONG KIM KAI** (1959)

Pastor of Mennonite Church was arrested on 16 August 2010 and sentenced to 5 years of prison and 5 years of house arrest on May 30, 2011.

**HO DUC HOA** Pierre

Young Catholic arrested on July 30, 2011. He was sentenced to 13 years of prison and 5 years of house arrest on January 9, 2013.

**HO THI BICH KHUONG** (1967)

Christian lady of Full Gospel House Church in Northern state Nghe sentenced to 5 years of prison and 5 years of house arrest on December 29, 2011.

**HO VAN HOAN** Paul

Young Catholic arrested on August 16, 2011 in Ho Chi Minh City. He is member of the Vinh diocese. He was sentenced to 3 years of prison and 2 years of house arrest on January 9, 2013. In May 2013 the prison sentence was reduced to 2 1/2 years.

**KPA Y CO** (1980)

Evangelist originally from central Vietnam, he was arrested in January 2010 and sentenced to 4 years of prison plus 2 years of house arrest on November 15, 2010. He works with the Vietnam Good News Mission.

**KSOR Y DU** (1965)

Evangelist originally from central Vietnam, he was arrested in January 2010 and sentenced to 6 years of prison and 4 years of house arrest on November 15, 2010. He works with the Vietnam Good News Mission. His wife A Le H'Gioi and their teenage daughter face big difficulties. Ksor Y Du spent already 4 years in prison, from 2004 to 2008.

#### LE CONG DINH

Human rights lawyer, he was arrested at his office in Ho Chi Minh City on June 13, 2009 by the Public Security police. He has been charged with «conducting propaganda» against the state, under Article 88 of the Penal Code and sentenced on January 10, 2010, to 5 years of prison.

#### LE VAN DON (SON) Paul

Catholic journalist, arrested on August 3, 2011 from Thanh Hoa Diocese. He was sentenced to 13 years of prison and 5 years of house arrest on January 9, 2013. In May 2013 his prison sentence was reduced to 4 years.

#### NGUYEN CONG CHINH, Rev (1960)

Pastor, responsible of the American Lutheran Church of Vietnam, sentenced on March 23, 2012 to 11 years of prison. He was arrested in April 2011. He is married to Trần Thị Hồng with 4 children.

#### NGUYEN DANG MINH MAN

Young catholic sentenced to 8 years of prison and 5 years of house arrest.

#### NGUYEN DINH CUONG Pierre

Young catholic arrested on December 24, 2011 in Vinh. He was sentenced to 4 years of prison and 3 years of house arrest on January 9, 2013.

#### NGUYEN TRUNG TON (1971)

Pastor of Full Gospel House Church in Northern state Nghe has been sentenced to 2 years of prison and 2 years of house arrest on December 29, 2011.

#### NGUYEN VAN DUYET

Young Catholic arrested on August 7, 2011. He was sentenced to 6 years of prison and 4 years of house arrest on January 9, 2013.

#### NGUYEN VAN LY Thaddeus (1947)

Catholic priest arrested in February 2007 and sentenced in March 2007 to 8 years of prison and 5 years of house arrest for «opposing the Revolution». As he suffered a stroke in November 2009 and is paralyzed on one side, he was released on March 15, 2010 in order to get medical care. He had already been arrested several times and detained for approx. 15 years in total. On July 25, 2011 the police arrested him again.

#### NGUYEN VAN OAI Jean-Baptiste



Young Catholic arrested on July 30, 2011 and sentenced to 3 years of prison and 2 years of house arrest on January 9, 2013.

NGUYEN VAN THANH (1983)

Catholic sentenced to 3 years of prison on March 6, 2012 in the province of Nghệ An for anti-government propaganda.

NGUYEN XUAN ANH Pierre

Young catholic arrested on August 7, 2011 and sentenced to 3 years of prison and 2 years of house arrest on January 9, 2013. In May 2013 his prison sentence was reduced to 2 years.

NONG HUNG ANH

Young catholic sentenced to 5 years of prison and 3 years of house arrest on January 9, 2013.

PHAN NGOC TUAN (1959)

Member of Lutheran house church arrested on August 10, 2011 in Ho Chi Minh City. He was sentenced to 5 years of prison on June 6, 2012, accused of «conducting propaganda against the state».

THAI VAN DUNG

Young Catholic arrested in August 2011. He was sentenced to 5 years of prison and 3 years of house arrest on January 9, 2013.

TRAN HUU DUC Pierre

Young Catholic student arrested on August 2, 2011 in Vinh. He was sentenced to 3 1/4 years of prison and 1 year of house arrest on May 24, 2012 for «conducting propaganda against the state».

TRAN MINH NHAT Paul

Young Catholic student at Hanoi University arrested on August 27, 2011. He was sentenced to 4 years of prison and 2 years of house arrest on January 9, 2013.

VO THI THUY (1961)

Catholic lady sentenced to 5 years of prison on March 6, 2012 in the province of Nghệ An for anti-government propaganda.