

Jubilee Campaign – UPR Submission -- Vietnam

Jubilee Campaign USA, Inc., in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in Vietnam as a contribution to the Universal Periodic Review of the Socialist Republic of Vietnam.

Freedom of Religious Expression Violated

1. The people of Vietnam are not free to question the legitimacy of the one-party state. They have restricted freedoms of press, association and opinion, and limited access to internet and telecommunication. The government further controls all print and electronic media. Vietnam Human Rights Act of 2012, H.R. 1410, 112th Cong. § 2(a)6 (2012).
2. The government continues to arrest and imprison individuals who support and advocate for freedom of religion, democracy, and human rights. Individuals who have been imprisoned for advocating for such include: Father Nguyen Van Ly, and human rights lawyers: Nguyen Van Dai, Le This Cong Nhan, Cu Huy Ha Vu, and Le Cong Dinh, and bloggers: Nguyen Van Hai and Phan Thanh Hai. H.R. 1410, 112th Cong. § 2(a)7.
3. Often those arrested for such advocacy are not given proper legal due process by not being given access to lawyers of their choice. They may experience closed trials, and some have been detained for many years without a trial while being tortured to admit to crimes they did not commit. H.R. 1410, 112th Cong. §2(a)21.
4. In 2011 alone, 29 peaceful activists and dissidents were sentenced to a total of 165 years in jail and 70 years of probation.¹

Religious Freedom in the Constitution, Restrained in Practice

5. Article 70 of the Vietnam Constitution states, “Citizens have the right to freedom of belief and religion, and may practice or not practice any religion. All religions are equal before the law. Public places of worship are protected by law. No one has the right to infringe on the freedom of faith and religion or to take advantage of the latter to violate state laws and policies.”
6. In larger cities the freedom of religion for the Vietnamese people seems to be improving, and they have reported that their ability to meet openly for religious worship has improved. IRF Report 2011 pg. 11.
7. In 2011 two religious organizations were granted national recognition, there were fewer reports of ethnic minorities being prohibited from gathering to worship, and in large cities large groups of people were allowed to worship together for special occasions and holidays. *Id.* at 11-13.
8. In 2012, 20 members of the Bahai Faith were for the first time granted permission to make a religious pilgrimage, 20 new churches were registered in the Northwest Highlands, and the government returned land to a catholic church. IRF Report 2012 pg. 14-15.

Legislation

¹ Letter to U.S. Secretary of State, Hillary Rodham Clinton by U.S. Senators.

9. On January 1, 2013 Decree 92 became effective in Vietnam. This Decree replaces Vietnam's prior laws on religion. The government and supporters of the Decree say it will promote religious freedom as it requires the government to respond to inquiries within shorter amounts of time and puts everything into one place which should make the law on religion less confusing. IRF Report 2012 pg. 18.
10. However, most believe that the new Decree is another way for the government to control religious groups and that it will be more restrictive than previous laws on religion.
11. Decree 92 requires a religious group to go through different processes to have a religious meeting, a religious activity, or to be legally recognized as a religious organization. To hold a religious meeting, a new category in regards to religion laws, a group must submit the name of the religion and its principles, the name(s) and address(es) of its representative(s), and the meeting's form, location, time and number of participants, and they must have a legal place to worship in order to qualify for permission to meet. The requirement that a group must have a legal place to meet poses problems as unregistered organizations cannot obtain a legal venue for the purpose of religious activities, but in order to register as a religious organization groups must first register for religious meetings. Thus, this immediately makes house churches in Vietnam illegal which is what the majority of churches are. Additionally this is a new step that must be completed before being able to apply for permission to conduct religious activities and as such it seems to reverse the 2005 Prime Minister's Special instruction that was supposed to speed up the registration process in an attempt to become a member of the world trade organization. Vietnam: Decree No. 92: Specific provisions and measures for the implementation of the Ordinance on Belief and Religion, Christian Solidarity Worldwide, January 2013.
12. Religious activities would include anything beyond basic meetings. To just apply to have a religious activity a group must have had 20 years or more of religious meetings that were approved by the government that have not violated the laws. Furthermore the religion must have doctrines, articles of faith, ceremonies and activities that support the nation. The representatives must be Vietnamese citizens and the group must have a legal venue. The 20 year requirement will curtail religious registrations since this new Decree just became effective. For a group to have had 20 years of approved religious meetings, it could not apply to do a religious activity until 2036 at the earliest. And if at any point in time a law is broken the 20 years process starts over. *Id.*
13. Registration as a religious organization, which if granted would result in legal recognition of a religious organization. To qualify to apply a group must have had three years of registered operations and not have violated any law. If a law is violated, the registration process starts over. Once a group is registered it will be required to present annually its proposed activities for the coming year, and the decree makes it very difficult to change or add anything new to the year once a group turns in its proposed schedule. *Id.*
14. The requirements that a group cannot have violated any laws to be eligible to be approved as a religious organization or for religious activities will be very difficult for groups to meet and maintain. Throughout the Decree terms such as the promotion of national unity are used and no definition is provided. This term and other vague terms enable government officials to arbitrarily determine that a group has violate some part of

- the Decree and thus cannot become a recognized religious organization or be approved to host a religious activity. *Id.*
15. Under Decree 92 to open a religious school the group must be legally recognized, its curriculum must include instruction on Vietnamese history and law, it must inform the central religious authorities of the number of students to be admitted and the conditions of admission, and it must request permission from the central religious authorities for a foreign student to be admitted. Decree 92 increases the rule and regulations placed upon religious schools further restricting religious freedom. *Id.*
 16. Decree 92 further controls and restricts association with co-religionists internationally. It adds the new requirement that clergy and believers must request prior permission to travel abroad from the central Committee of Religious affairs. They must give the Committee at least 25 working days to decide prior to travel, and if their plans change they must report to the Committee any changes to their schedule once they have arrived at their destination. Two Steps Back? Vietnam's Decree (on Religion) ND-92 Effective, January 1, 2013, January 18, 2013.
 17. Further evidence to support the notion that Decree 92 will be used to further control religious expression, activity and association than to enable people to worship freely is obvious from its wording where warnings to those whose abuse their freedom of religion supersedes mention of freedoms of religion by a 6:1 ratio. *Id.*
 18. Earlier this year Vietnam withdrew its invitation to the United Nations Special Rapporteur on Religion to visit their country, signaling non-cooperation with the United Nations processes and mechanisms intended to improve religious freedom.
 19. Ms. Tong Thi Phong, Vice Chairwoman of National Assembly of Vietnam, has said that they seek to emulate the People's Republic of China in regards to their religious policies.

Persecution

20. People of both registered and unregistered religious groups suffer from persecution. They often have their personal items/homes destroyed, property seized, and are subjected to beatings, false arrests, sham trials, and death.
21. On March 17, 2013, a Christian, Hoang Van Ngai died while in police custody. He was arrested on March 15th for “destroying the forest” on his own land. Witnesses said his land had no trees only stumps. The government stated that his death was a result of suicide by placing his hand in an electric socket while in custody, but over 300 witnesses who saw his body after death stated that the corpse had many bruises and contusions on his throat, back, head, and deep cuts could be seen all over his body. It could be seen that his skull was smashed and some said they believed electric shock was used on him.
22. On January 8, 2013, 14 catholic activists and 3 Protestants, who reported stories and criticism about corrupt party members and government officials who enriched their lifestyle during the financial crisis, were sentenced to three to seven years of imprisonment. Their trial was supposed to be open to visitors; however, on the day of the trial the courtroom was filled with Vietnamese police. When thousands of Catholics showed up to walk to the courthouse, they were stopped by police. The activists were given a sham trial and convicted of false charges. Asia News, January 10, 2013.
23. On November 13, 2012, a gang of men, some who were out of uniform officers, attacked members of a house church smashing property and beating persons including women and children. Some injuries were so serious that medical assistance was needed.

However, no area hospitals would give them help because when doctors learned that religious motives played a role in the violence they did not dare to treat or even examine the victims of this persecution. To receive medical care the injured had to travel 1,000 miles via plane. Amongst those seeking treatment, it was discovered that a woman had her pelvis broken in two places and her female organs wounded. A seriously injured man had internal injuries to his kidneys, liver, and other organs. Although the injured Christians had placed a report with the police nothing has been done.

24. On October 23, 2011, thugs, suspected to be working for the police, twice attacked a pastor and his family with iron bars and wooden clubs. They harmed people and destroyed property. This occurred soon after a visit by local police to investigate the house church. Both times calls were made to four different local levels of police yet no one answered.
25. On July 4, 2011, Y-Huong Nie was given a five year prison term for refusing to sign a document renouncing his religious beliefs.
26. On June 13, 2012, and June 17, 2012, Vietnamese officials destroyed two buildings belonging to the ethnic Minority Hmong Christians.
27. March 2012, a pastor of a Mennonite Church was sentenced to an 11 year imprisonment for undermining security. He reportedly complained to outside organizations about how Vietnam mistreats religious minorities and how they have a lack of religious freedom. World Evangelical Alliance, Religious Liberty Prayer News, April 1, 2012.
28. March 22, 2012: Church leader Luy Gonzaga Nyugen Quang Hoa was beaten by released criminals, suspected to be working for the government, in a region that the government has declared as a “no religion zone.” World Evangelical Alliance, Religious Liberty Prayer News, April 1, 2012.
29. August 2010: Puilt Bap a Christian who spent 3 years in prison died 3 days after release. Video: Betrayal of the Montagnards.
30. February 18th-22nd, 2012, newly converted Christians of the Sedang ethnic minority were attacked in four consecutive night raids. Women and men were attacked, property was destroyed, and some had very serious injuries. Government officials did not quickly respond to any of the incidents and have taken no action. Morning Star News, February 22, 2013.
31. The government also makes members of religious groups publicly recant their faith. On June 6, 2010, two men were made to publically confess to supporting Dega Protestantism and FURLO. On July 12, 2010, news media reported that 297 believers “voluntarily” abandoned Dega Protestantism, and October 2010 media reported that 567 households renounced Dega Protestantism. Montagnard Christians in Vietnam, A Case Study in Religious Repression, Human Rights Watch, 2011.

Recommendations

32. Vietnam must adhere to its Constitutional mandates permitting and protecting religious freedom and freedom of expression for all minorities religious groups, registered and unregistered.
33. Vietnam must adhere to the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, and established reports submitted by successive U.N. Special Rapporteurs on Religion.

34. Vietnam must welcome U.N. representatives such as the U.N. Special Rapporteur on Religion into their country for discussion on improving religious freedom practices for its citizens.
35. The world community should put pressure on authorities to improve religious freedom and no longer be complacent or ignore the systematic curtailing of religious freedom and brutal violations of human rights and use of torture and raids on religious assemblies.
36. In line with the U.N. Special Rapporteur report on protecting religious minorities, Vietnam should enable religious groups to register, and substantially reduce the 20 year existence requirement of Decree 92 as well as loosen its grip on religious freedom throughout the country. Restrictions on associating with co-religionists within Decree 92 should be removed or replaced with provisions that do not deny the fundamental right of religious association.