



# VIETNAM

## Key Findings

Government restrictions on religious activities in Vietnam vary widely across geographical areas, as well as among religious organizations based on their relationship with the state. This sends conflicting messages about Vietnam's overall commitment to respecting and protecting freedom of religion or belief. On the one hand, the country's rich religious diversity, the absence of interreligious conflict, and the room for religious practice permitted to some groups in certain areas indicate a positive trajectory towards a rights-respecting environment; on the other hand, the government's continuing heavy-handed management of religion continues to lead not only to restrictions and discrimination, but also to individuals being outright harassed, detained, and targeted with physical violence. The continuing abuses meet the threshold for designating the country as a "country of particular concern," or CPC, under IRFA. USCIRF therefore again recommends CPC designation for Vietnam in 2016, as it has every year since 2001. USCIRF believes that engaging Vietnam through the structured, strategic framework of a CPC designation can be a helpful tool to both strengthening the U.S.-Vietnam bilateral partnership and protecting the rights of all religious people and communities.

## Background

While the broader human rights situation in Vietnam remains fluid, religious freedom in particular continues to be nuanced and complex. Diverse faith communities are represented in Vietnam, and the degree to which the Vietnamese people have the ability to practice freely without fear of harassment, detention, or violence widely varies. According to estimates, the majority of Vietnam's more than 94 million people practice Buddhism. More than six million Vietnamese are Catholic, more than one million apiece practice the Cao Dai or Hoa Hao faiths, and approximately one to two million

are Protestant. Smaller numbers are Khmer Krom Buddhist, Muslim (including ethnic Cham Muslims), Baha'i, Mormon, and Falun Gong, as well as several local religions or other forms of traditional worship.

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The government has made dramatic openings with respect to religious freedom, including considering more space for charitable work by religious organizations and, according to government officials, allowing more houses of worship. Also, government officials informed USCIRF during the year that interactions between the government and individuals they referred to as "religious dignitaries" have increased, improving communication and understanding.

Nevertheless, the government continues to view some groups and activities as threatening to the state and to Vietnam's unified national identity. This has had mixed results for religious organizations, as evident in the contrasting experiences of state-sponsored religious organizations versus independent groups, or of registered organizations versus unregistered ones. Some have broad freedom to freely practice their faith, and others have comparatively little. While the severe abuses are not uniform nationwide, and, in fact, greatly vary across provinces, the violations indicate a pattern of behavior by government officials and their affiliates, either at the national or provincial/local level, targeting specific religious faiths, organizations, and/or individuals. Many of these violations stem from police brutality against individuals accused of vague "national security" transgressions.

In August 2015, a USCIRF Commissioner-led delegation visited Vietnam, traveling to Ho Chi Minh City, Tay Ninh, and Hanoi to meet with government officials and representatives of a wide variety of religious and ethnic groups, including state-sponsored, independent, registered, and unregistered organizations. During USCIRF's visit, discussions focused on Vietnam's draft law on religion, which first became publicly available

first time. Interlocutors also noted open communication with local officials and, in some cases, years of relationship building, but recognized these were no guarantees to being allowed to freely practice their faith. Some offered input to the government regarding the draft law on religion, though the select few whose feedback the government solicited had limited time to review the draft and much of their analysis was critical.

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in April 2015 and is expected to receive a vote in the National Assembly sometime in 2016. Although the visit occurred with less government interference than previous USCIRF visits, one interlocutor was detained and beaten after meeting with the USCIRF delegation.

### **Religious Freedom Conditions 2015–2016 Positive or Encouraging Trends**

Relations between the Vietnamese government and the Vatican improved in 2015, with Vatican prefect Cardinal Fernando Filoni visiting Hanoi in January and Pope Francis naming Pierre Nguyen Van Nhon as Vietnam's newest Cardinal. The Vietnamese government also approved a new Catholic university centered around a theological institute, and government officials highlighted to USCIRF the expanding opportunities for charitable and social work by the Catholic Church.

During USCIRF's visit, some interlocutors stated that their religious activities and gatherings faced little to no interference, though several acknowledged that religious organizations in other areas experienced problems. In some cases, these positive trends were new and welcome developments, for which local authorities should be lauded. For example, in January 2016, Hoa Hao Buddhists conducted a religious ceremony at Quang Minh Temple in An Giang Province; public security officials were present, but did not interfere in the proceedings as they have previously. Also, parishioners at the Montagnard Evangelical Church of Christ in Kontum Province held Christmas celebrations for the

### **Harassment of Certain Religious Groups**

Religious organizations that choose not to seek government recognition face greater risk of abuse by government authorities, particularly provincial or local officials, or government-employed proxies. This is often a two-fold problem: provincial or local officials do not understand central government religion policies, and the central government permits inconsistent and contradictory implementation of such policies. Based on meetings during the August visit, USCIRF concluded that some central government officials are aware of this inconsistency, which at the very least suggests the draft law on religion should include robust training and oversight of local officials, but also demonstrates some degree of central government complicity in or indifference to provincial-level abuses.

In addition to seeking to protect their right to freedom of religion or belief, individuals from some independent or unregistered religious groups advocate on other topics deemed sensitive by the government, such as democracy promotion and human rights, or are viewed as having current or historical ties to Western countries, including the United States. As a result, certain individuals and religious groups falling into these categories – such as the Cao Dai, Montagnards, and followers of Duong Van Minh – face harassment, detention, and physical violence. Moreover, the government's suspicion of large crowds includes individuals congregating for religious purposes, resulting, at times, in similar forms of ill-treatment. For example, Vietnam's Falun Gong practitioners often gather in groups as part

of their regular practices, and adherents have been detained and harassed as a result.

The Vietnamese government accuses ethnic minority Montagnards from the Central Highlands of seeking some form of autonomy. Montagnards, many of whom are Protestant, face numerous restrictions: some are prevented from holding religious ceremonies, pastors are harassed or punished, and many are summoned to meet with local authorities and pressured to cease practicing their “poisonous” faith. Since October 2014, up to 300 Vietnamese Montagnards have fled the country for Cambodia, many because of religious persecution. Only 13 have been granted refugee status with UNCHR, countless others are waiting for Cambodia to process their asylum claims, and dozens have been returned to Vietnam, often at great risk of reprisals.

Throughout 2015, in Gia Lai Province, parishioners at an unregistered Mennonite Church were detained and beaten, and some were pressured to renounce their faith. Similarly, the government harassed followers of the small Christian sect known as Duong Van Minh and burned and/or destroyed funeral storage sheds central to the group’s core practices. As of October 2015, 27 of 33 funeral sheds throughout four provinces had been attacked. Moreover, Duong Van Minh followers regularly are imprisoned, and in February 2015, government agents attacked followers in Cao Bang Province. Provincial-level public security officials detained one Duong Van Minh follower after he met with USCIRF in August 2015, and reportedly beat and tortured the man when he refused to answer their questions.

Even though Buddhism is the most widely practiced faith in Vietnam, those operating independent from the state-sanctioned Vietnamese Buddhist Sangha often are government targets. This includes the leadership of the Unified Buddhist Church of Vietnam (UBCV), such as Thich Quang Do, who remains under house arrest, and Buddhist Youth Movement leader Le Cong Cau. In April 2015, Le Cong Cau was detained and questioned for three days, and later in the year he was prevented several times from traveling to meet visiting government officials from the United States and Germany.

During 2015, local authorities in some areas continued to harass and question independent Hoa Hao in connection with the practice of their faith. For example, worshippers’ homes and businesses in Dong Thap

Province were repeatedly vandalized and surveilled, causing significant disruptions to their livelihoods. The family of one Hoa Hao woman believes the severe stress of such ill-treatment contributed to her untimely death. While this connection cannot be confirmed, the allegation indicates some religious believers’ sentiments about the impact of government restrictions on their ability to freely practice their faith.

Mennonite pastor Nguyen Hong Quang and others were attacked and beaten in January and March 2015 just north of Ho Chi Minh City. In recent years, their unregistered church has been the site of multiple raids and attacks by police, security forces, and others. Throughout the year, in Gia Lai Province, police attacked Catholics, including nuns. In December 2015, Protestant minister Rev. Nguyen Trung Ton was arrested; at the end of the reporting period, little is known about his status. Several times during the year, Pastor Y Noen Ayun of the Evangelical Church of Christ in Kon Tum was either arrested or threatened with jail time because he continued preaching. During one instance, in October 2015, a public security officer physically abused him when he refused to cease his religious activities.

### **Harassment of Property and/or Disruption of Religious Activities**

Religious groups across Vietnam remain fearful the government will seize religious property through eviction or demolition and believe the government is targeting them for their faith. Whether motivated by greed, corruption, or an antipathy toward religion, intimidation or destruction of property interferes with the practice of faith. For example, throughout the year, authorities continued to threaten with demolition the UBCV-affiliated Lien Tri Pagoda in Thu Thiem, an area in Ho Chi Minh City slated for significant redevelopment. The UBCV-affiliated Dat Quang Pagoda in Ba Ria Vung Tao Province was harassed in October 2015 when large groups aggressively pursued individual Buddhists and also blocked access to the temple.

Authorities similarly have threatened to close the Catholic school located in Thu Thiem, but reportedly suspended its demolition. In addition, the local government threatened the Dak Jak Parish of approximately 5,000 Catholics in the Diocese of Kon Tum with demolition and expulsion of its priest. Authorities in Kon

Tum Province in the Central Highlands are known for particular harshness toward followers of independent, unregistered faiths. Reportedly, local officials drove out many parishioners at Dong Yen Parish in the Diocese of Vinh; this occurred after authorities denied local Catholic schoolchildren access to education.

Khmer Krom Buddhists experienced similar harassment. For example, local authorities in Soc Trang Province have allowed private enterprises to establish commercial businesses on temple grounds, which Khmer Krom Buddhists believe violates the sanctity of the temples. Independent Cao Dai followers in Phu Yen Province protested the local government's attempts to bulldoze Tuy An Temple where they worship. Throughout 2015, followers were threatened by police and warned to stay away from the temple.

### **Draft Law on Religion**

Although the draft law on religion presents Vietnam with an opportunity for positive change, some troubling trends are apparent in the drafts that have been made public. Government officials informed USCIRF that the legislation would provide a structured legal framework for religious policy (as opposed to the current policy comprised of multiple decrees and ordinances), with some suggesting it will provide more equal legal treatment of all religious groups and improve training for local authorities. Many religious organizations and international groups, however, view the draft as increasing government control over every aspect of religious life through layers of notifications and approvals and making "illegal" activities subject to the force of law, rather than ordinance and decree. Thus, critics describe the bill as a "step backward," codifying existing bad policies and intensifying the government's micro-management of religion. Some have suggested modifications to the draft, including elimination of the requirements for mandatory registration and government approval of religious activities, including the appointment or moving of pastors and other religious leaders, as well as reducing wait times for government approvals.

### **Prisoners**

On September 2, 2015, the country's 70<sup>th</sup> National Day, the Vietnamese government released more than 18,200 prisoners, though none considered to be political or

religious prisoners. There were additional high-profile prisoner releases throughout the year, including: the June release of Catholic activist and human rights lawyer Le Quoc Quan; and the August release of Catholic blogger Paulus Le Van Son, Protestant leader Nguyen Van Oai, and Catholic activists Tran Minh Nhat and Thai Van Dung. However, between 100 and 150 prisoners of conscience are believed to remain in prison, including several held for their religious beliefs and/or religious freedom advocacy, such as Father Thaddeus Nguyen Van Ly. Prominent Khmer Krom Buddhists also remain in prison, such as the Venerable Thach Thuol, the Venerable Lieu Ny, and Thach Phum Rich.

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Released prisoners are particularly vulnerable to harassment. Christian human rights activist Tran Minh Nhat, released from prison in August 2015, was twice detained and beaten by police in November. In March 2015, unknown aggressors attacked Nguyen Van Dai, a Christian human rights lawyer, who was previously under house arrest and served time in prison. He also was beaten and arrested in December 2015 under Article 88 of the Penal Code, a vague provision often used against human rights activists whom the government accuses of allegedly "conducting propaganda against the state." The United States government spoke out strongly against his arrest.

### **U.S. Policy**

In 2015, the United States and Vietnam marked the 20<sup>th</sup> anniversary of normalized ties and conducted a number of high-level visits, including General Secretary Nguyen Phu Trong's July visit to the United States, the first by any head of the Communist Party of Vietnam, and Secretary of State John Kerry and Assistant Secretary of State for Human Rights, Democracy, and Labor Tom Malinowski's August trip to Vietnam. The two countries also held another regular session of their bilateral Human Rights

Dialogue, which prominently featured discussion of religious freedom concerns, in part due to the participation of Ambassador-at-Large for International Religious Freedom David Saperstein.

Areas of bilateral cooperation between the United States and Vietnam include trade, maritime security and defense, energy/environment, science/technology, health care, education, and human rights. These priorities were strategically outlined in 2013 when the two countries launched the U.S.-Vietnam Comprehensive Partnership. The FY2016 spending bill included allocations for Vietnam through the Economic Support Fund and Development Assistance programs.

Throughout 2015, Vietnam was a focal point in negotiations of the Trans-Pacific Partnership (TPP) regional free trade agreement, with critics of the agreement advocating for stronger commitments from Vietnam on human rights and other issues, including religious freedom. This discussion prompted, in part, the addition of language to the Trade Promotion Authority bill (the legislative vehicle to help facilitate streamlined congressional review of the TPP agreement) incorporating religious freedom as a negotiating objective when the U.S. government collaborates with international partners on trade agreements.

## Recommendations

The United States should actively take steps to support meaningful and lasting reforms in Vietnam, including to improve religious freedom. As a means to facilitate such improvements, USCIRF recommends that the U.S. government designate Vietnam as a CPC and that it:

- Work with the government of Vietnam to develop mutually agreed commitments that would foster critical reforms under section 405(c) of IRFA, building on the two countries' proven working relationship under an earlier binding agreement when Vietnam was designated as a CPC from 2004 to 2006;
- Continue discussions with the government of Vietnam on the drafting of the proposed law on religion and emphasize the importance of compliance with international human rights standards as well as simplified, optional registration requirements to ensure that religious organizations opting not to

register have other appropriate means by which to operate legally;

- Encourage the government of Vietnam to acknowledge and address violations against religious communities by state and non-state actors, and support the proper training of local government officials, lawyers, judges, and police and security forces who implement, enforce, and interpret the rule of law;
- Ensure that human rights and religious freedom are pursued consistently and publicly at every level of the U.S.-Vietnam relationship, including in discussions related to military, trade, or economic and security assistance, and in programs on Internet freedom and civil society development, among others, and follow up on these priorities after agreements or deals are reached, such as in the Trans-Pacific Partnership;
- Increase the frequency and visibility of U.S. government visits to remote, rural areas in Vietnam, including direct contact with independent religious communities as appropriate;
- Urge the Vietnamese government to cease detaining and imprisoning members of religious organizations, as well as human rights activists, for peaceful religious activity or religious affiliations and to promptly and unconditionally release all prisoners of conscience;
- Encourage the U.S. Embassy in Hanoi and the U.S. Consulate General in Ho Chi Minh City to maintain appropriate contact, including in-person visits, with Vietnamese prisoners of conscience, to ensure them regular access to their families, human rights monitors, adequate medical care, and proper legal representation, as specified in international human rights instruments; and
- Consider the use of targeted tools, such as the "specially designated nationals" list maintained by the Treasury Department's Office of Foreign Asset Control and visa denials under section 604(a) of IRFA, against specific officials and agencies identified as having participated in human rights abuses, including particularly severe violations of religious freedom.