

VIETNAM

The government of Vietnam continues to control religious communities, severely restrict and penalize independent religious practices, and brutalize individuals and groups viewed as challenging its authority. Nevertheless, overall religious activity continues to grow in Vietnam and the government has made some important changes in the past decade in response to international attention, including its designation as a “country of particular concern” (CPC). Nonetheless, violations of religious freedom in Vietnam continue to be systematic, ongoing, and egregious. Individuals continue to be imprisoned or detained for reasons related to their religious activity or religious freedom advocacy; independent religious activity remains illegal; legal protections for government-approved religious organizations are both vague and subject to arbitrary or discriminatory interpretations based on political factors; and new converts to ethnic-minority Protestantism and members of some Buddhist communities face discrimination, intimidation, and pressure to renounce their faith. For these reasons, USCIRF continues to recommend in 2012 that Vietnam be designated as a “country of particular concern,” or CPC, under the 1998 International Religious Freedom Act (IRFA). USCIRF has recommended that Vietnam be named a CPC every year since 2001. In 2004 and 2005, the State Department designated Vietnam as a CPC. However in 2006, despite USCIRF’s CPC recommendation, the State Department removed Vietnam’s CPC designation.

Background

All religious communities experience various forms of government restrictions, oversight, control, and societal discrimination. The most severe restrictions target the Unified Buddhist Church of Vietnam (UBCV), independent Hoa Hao, Cao Dai, and Protestant groups, and some ethnic minority Protestants and Buddhists. Relations between Catholics and local government officials in Hanoi, DaNang, Vinh, and Ho Chi Minh City deteriorated as peaceful protests over land disputes have led to violence and arrests. There continue to be dozens of individuals detained for their religious activity or religious freedom advocacy, including Fr. Nguyen Van Ly and UBCV patriarch Thich Quang Do.

Religious Freedom Conditions

The Vietnamese government continues its policy of detaining prisoners of concern, and new evidence has surfaced of severe religious freedom abuses, including forced renunciations of faith, violence targeting religious communities, and new arrests of religious leaders and human rights defenders. In the past year, government officials either condoned or participated in violence targeting peaceful ethnic minority gatherings and Catholics protesting land confiscations and harassment. Police used force to disperse peaceful Catholic prayer vigils at disputed properties and arrested more than a dozen Catholic activists and several ethnic minority Catholics. Independent Protestants in the Central Highlands were detained and had their property destroyed in an ongoing campaign to repress their activities. Two independent Hoa Hao activists were arrested and sentenced and congregations harassed. Forced renunciations of faith continued in the northwest provinces among Hmong Protestants and some areas in the Central Highlands despite government bans on this activity. Father Nguyen Van Ly was returned to prison after being given a one-year medical parole and Pastor Nguyen Cong Chinh was sentenced to eleven years in prison.

Recommendations for U.S. Policy

The CPC designation is a flexible diplomatic tool which, when used in the past, has produced tangible religious freedom improvements without hindering other aspects of the bilateral relationship. Trade, humanitarian programs, and security cooperation all expanded in the years 2004-2006.

In addition to designating Vietnam as a CPC, USCIRF recommends that the U.S. government press for immediate improvements to end religious freedom abuses, ease restrictions, and release prisoners of conscience; establish new priorities for assistance and refugee programs that facilitate religious freedom; and make sure that human rights are pursued consistently and publicly at every level of the U.S.-Vietnam relationship, including any new military and trade ties. USCIRF also recommends that the State Department implement a wider definition of “prisoners of concern” in determining whether Vietnam meets legal criteria for the CPC designation. Furthermore, in order to demonstrate the importance of human rights as a U.S. interest, USCIRF recommends that if the United States expands economic or security assistance programs in Vietnam, it should insist upon new, sustainable initiatives in human rights and religious freedom and additional programs in non-commercial rule of law and civil society development.

In response to religious freedom violations in Vietnam, the U.S. State Department should:

- Implement fully or re-authorize the Montagnard Development Program (MDP) and consider expanding the MDP to assist all ethnic minority communities in Vietnam in providing targeted humanitarian and development funds to ethnic minorities whose demands for land rights and religious freedom are closely connected;
- Ensure that any rule-of-law programs include regular exchanges between international experts on religion and law and appropriate representatives from the Vietnamese government, academia, and religious communities to discuss the impact of Vietnam's laws and decrees on religious freedom and other human rights, train public security forces on these issues, and discuss ways to incorporate international standards of human rights in Vietnamese laws and regulations; and
- Increase the use of Priority 1 authority to accept refugees facing a well-founded fear of persecution, both those who have escaped to other countries in the region and those still in Vietnam, without the prerequisite of a referral by the United Nations High Commissioner for Refugees, and seek to expand in-country processing in areas outside of Ho Chi Minh City.

The U.S. Congress should:

- Ensure that any new funds appropriated or allocated to expand bilateral economic or security relations with Vietnam include funding for new human rights and religious freedom, civil society capacity-building, and non-commercial rule-of-law programs;
- Consider creating the Promoting Universal Rights and Rule of Law (PURRL) program (akin to the Supporting Eastern European Democracy program (SEED)) to support the development of nascent political parties and democratic institutions, provide technical assistance for independent legal entities and courts, and support civil society capacity-building, independent media ventures, and non-commercial rule-of-law programs;
- Continue oversight, establish benchmarks, and measure progress of the U.S.-Vietnam Human Rights Dialogues by holding hearings on the progress report the State Department is required to submit to Congress on the trajectory and outcomes of bilateral discussions on human rights as required by PL 107-228;
- Appropriate additional funds for the State Department's Human Rights and Democracy Fund for new technical assistance and religious freedom programming that at least should be commensurate with ongoing programs for Vietnamese workers, women, and rule-of-law training; and
- Continue adequate funding for Voice of America (VOA) and Radio Free Asia (RFA) programming for Vietnam and to overcome the jamming of VOA and RFA broadcasts.

Please see USCIRF's 2012 Annual Report for a more extensive review and recommendations on Vietnam.