



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

COUNTRY UPDATE: AN ASSESSMENT OF VIETNAM'S LAW ON BELIEF AND RELIGION

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USCIRF's Mission

To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

Overview

Vietnam's Law on Belief and Religion, which went into effect on January 1, 2018, has already had a significant impact on how religious communities in the country are able to practice their faith. In September 2019, a delegation from the U.S. Commission on International Religious Freedom (USCIRF) visited Hanoi and Ho Chi Minh City to learn about the implementation of the law. The delegation met with a wide range of interlocutors, including Vietnamese government officials and religious communities, among others. This report assesses the law based on information and insights provided to USCIRF during the trip, as well as relevant international human rights standards. It highlights how the law has affected religious communities in four key areas:

- registration of religious organizations;
- approval for religious activities;
- requirements for houses of worship, clergy, and education; and
- complaints and accountability.

Overall, USCIRF concludes that the law—both as written and as implemented—contravenes international human rights standards, particularly Article 18 of the [International Covenant on Civil and Political Rights](#) (ICCPR), which Vietnam has ratified. As noted in USCIRF's [2019 Annual Report](#) and confirmed on the trip, the law requires religious communities to register their organizations and their places of worship with the government, via complicated and burdensome procedures, as a prerequisite for religious activity. For recognized religious groups, the law did introduce some positive changes, such as granting registered religious organizations legal personhood. Indeed, some of USCIRF's interlocutors reported that authorities had generally become more tolerant of religion, and state officials have prominently praised the role of religious organizations in promoting social welfare. However, implementation of the law varies considerably across provinces and many religious groups that submitted applications reported facing obstacles, such as unreasonably long waiting periods. Furthermore, authorities have continued to harass unregistered religious groups.

Registration of Religious Organizations

The United Nations (UN) Special Rapporteur on freedom of religion or belief has [stated](#) unequivocally that registration “should not be compulsory” and “should not be a precondition for practising one's religion, but only for the acquisition of a legal personality and related benefits.” In addition, [USCIRF's 2019 registration factsheet](#) recommends that, to be consistent with international human rights standards,



registration procedures should be easy and quick. The registration process under Vietnam’s Law on Belief and Religion is far more than a formality as it requires religious organizations to have operated for five years before applying for registration,¹ to submit applications to the local Committee for Religious Affairs (CRA), and to provide extensive information about their activities to authorities.

During the trip, multiple evangelical pastors told USCIRF that provincial and local officials regularly exceeded their authority by demanding that applicants submit information—such as the names of their congregants—not explicitly required by the law. (The law only requires the number of congregants.) In addition, several pastors reported that their applications had been pending with no formal decision for months or even years, despite a requirement in the law that local officials respond to any application within 60 days. Sometimes, these church leaders would not receive a written receipt for their application—again, required by the law—possibly, they believed, because local officials wanted to avoid accountability should they fail to respond to the application.

Religious groups that had already gained formal recognition tended to view the law as an improvement over the 2004 ordinance it replaced and said the new law streamlined the process of applying for recognition. For example, Article 21 of the law reduces the waiting period for religious groups to apply for recognition from

23 years to five years. Many appreciated that, for the first time in Vietnam, the law grants registered religious organizations status as legal entities, which allows them to open bank accounts and other privileges. However, even these groups noted problems with implementation of the law, especially outside major urban areas. They were often able to work through such problems because they had developed relationships with local officials, but newer religious groups might not have such connections.



USCIRF Delegation visiting the Interfaith Council in Ho Chi Minh City

Some religious groups refuse to register due to fear of persecution or concern for their independence. The Interfaith Council—a group of independent

¹ Under the law, a religious group in Vietnam must first apply for a certificate of registration of activities, which starts the clock on the five years. Then, after five years, the group can apply for registration as a religious organization, which gives it legal personality and reduces the approval requirements for activities.

Catholics, Lutherans, Buddhists, Cao Dai, and Hoa Hao Buddhists—told USCIRF that the Law on Belief and Religion did not *reduce* the level of harassment they faced. In addition, the law, possibly unintentionally, excludes some types of religion, such as informal spiritual movements, because it defines “religion” as having official “dogmas, canon laws, [and] religious rites.” The law also requires religious organizations to have a formal structure with a charter. This requirement places less formalized groups in a dilemma: they must register in order to engage in religious activities, but are not eligible for registration. Indeed, during the visit, one group told USCIRF that it had not registered because it saw itself as a religious movement, not as a legal organization with formal rules and rites.

Approval for Religious Activities

Under the Law on Belief and Religion, all religious groups—those already registered as religious organizations as well as those not yet registered—must obtain a certificate of registration for religious activities. Once a religious group completes the process and obtains a certificate of registration for its organization, it can carry out certain routine activities, such as holding services, appointing clergy, and participating in charitable activities, without prior approval, but the group still must notify authorities. However, for larger religious activities, such as conferences or festivals, the law requires organizations to register with the commune-level People’s Committee. Article 5 of the Law on Belief and Religion allows authorities to refuse permission for activities that they deem to “infringe upon national security” or “encroach upon social morality.” In assessing similar laws, the UN Special Rapporteur has *recommended* that registration procedures should not rely on vague terms or grant the government significant discretion in approving applications. Several human rights organizations have *expressed* concern that Article 5 potentially allows Vietnamese authorities to punish certain religious groups arbitrarily. Indeed, during the trip, at least one religious group told USCIRF that it believed the government had denied permission for activities because some of the group’s members had spoken out about certain politically sensitive issues. In some parts of Vietnam, the Law on Belief and Religion seems to have hardened official attitudes against unregistered or independent religious groups. One smaller faith group told USCIRF that it had been able to conduct its spring festival during previous years, but that when it tried to do so in February 2019 government

agents—citing the group’s lack of registration—stopped and physically assaulted some of its followers. USCIRF also heard reports that, soon after the law went into effect, local authorities in Dak Lak Province banned a pastor from making house calls to adherents who were sick—something he had previously done without repercussion.



USCIRF Delegation visiting Patriarch Thich Quang Do of the Unified Buddhist Church of Vietnam

The Law on Belief and Religion does allow registered religious organizations to provide healthcare and education services, but several groups expressed uncertainty about the scope of that right. One Catholic priest informed USCIRF that a previous draft of the law explicitly allowed religious organizations to “establish” healthcare and education institutions, but the final law only allows them to “participate in” such services. Other religious groups were unsure whether they could participate in social services not explicitly mentioned in the law, such as rehab centers. Thus far, authorities in urban areas seem willing to tolerate social welfare services run by religious groups, but the lack of certainty has made religious groups reluctant to expand or, in some cases, continue their operations.

Requirements for Houses of Worship, Clergy, and Education

Religious organizations must obtain a land use certificate in order to use a facility as a house of worship. The ease of registering houses of worship varies significantly by locality. For example, a pastor from a recognized group told USCIRF that less than half of his church’s meeting points had received operating certificates. Several evangelical pastors argued that the law does not

adequately account for the needs of house churches in rural areas. As one pastor explained, most houses in the Central Highlands are small, and local authorities often refuse to register smaller houses as places of worship because they are allegedly too unsafe to hold a group of congregants. Authorities have interrupted services in or even closed house churches without a proper land use certificate.

Registered religious organizations in Vietnam can appoint clergy without prior approval, but they are required to notify authorities about the appointment, promotion, transfer, or dismissal of senior religious figures, including pastors, monks, and bishops. Religious leaders, however, must apply for permission to preach outside of their registered religious establishment. USCIRF heard from multiple church leaders that this requirement made it difficult for them to engage in missionary work or to travel for religious activities outside their commune.



USCIRF Delegation visiting the Archdiocese of Ho Chi Minh City

The Law on Belief and Religion allows registered organizations to establish religious education or training programs, as well as to publish books and scriptures. Yet, the law also requires such programs to include state-approved versions of Vietnamese history and Vietnamese law in their curricula. In addition to imposing a burden on their staffs, several religious organizations told USCIRF that they did not have instructors competent to teach those subjects. The Archdiocese of Ho Chi Minh

City asked the government if instead seminarians could attend state schools to study those subjects, but this proposal had not yet received a response.

Complaints and Accountability

Nearly all of the religious groups USCIRF met during its trip blamed implementation problems on local and provincial authorities rather than on the central government. Nevertheless, some pointed out that the central government had not done enough to challenge violations by local authorities. As one pastor told USCIRF, “Even the royal bows before the village king.” For their part, Vietnamese officials at the central level blamed the problems on poor implementation and failure to adequately communicate the law to stakeholders. The Committee for Religious Affairs told USCIRF that it had received dozens of complaints and had conducted factfinding trips to investigate some of the complaints. The committee has also held trainings for local officials and is working on guidelines it hopes will help officials implement the law more consistently across the country.

Some religious groups—both registered and unregistered—have begun to cite the Law on Belief and Religion in formal complaints against authorities. However, most said they had not tried to appeal adverse decisions because they had doubts about the fairness of the system or feared retaliation from local authorities. Indeed, one church leader associated with a group in the process of applying for recognition reported that some of its members were denied certain social welfare benefits after they complained about a local official who refused to register their meeting point. Despite widespread reports of abuses, as of the time of USCIRF’s trip, no Vietnamese government official had been sanctioned for violating the law.

Although the law potentially allows the government to impose administrative or criminal sanctions on religious groups, USCIRF was told that no religious groups had been punished for violating the law. However, this was partially because the implementing decree to effectuate such punishments had not yet been promulgated. Some groups in the process of applying for registration worried that, once the decree went into effect, they could face legal liability for technically violating the law, despite their best efforts to comply with it.



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Conclusion

As the United States and Vietnam forge a closer relationship over shared economic and security interests, the two governments have an opportunity to engage in candid, constructive conversations about religious freedom and related human rights. USCIRF has been encouraged by the Vietnamese government's willingness to engage on these issues and urges U.S. officials to raise religious freedom issues at all levels of the relationship. Specifically, for the relationship to move forward, Vietnam will need to take proactive measures to improve religious freedom conditions. USCIRF believes the Law on Belief

and Religion's mandatory registration requirements are fundamentally incompatible with the international human rights standards to which Vietnam has agreed, and thus should be reduced to voluntary registration. In addition, some initial steps the Vietnamese government could take to improve implementation of the law include: 1) providing a written receipt to any religious group that applies for registration; 2) granting permission for religious activities and houses of worship, except in narrowly defined circumstances; and 3) clarifying that religious organizations can establish institutions to provide healthcare and education, as well as other social welfare services.

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The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on threats to religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.