

Christian Solidarity Worldwide: Violations of the right to freedom of religion or belief against
Christians in Vietnam

Introduction

Vietnam is a country of great religious diversity, and religion is an important part of many people's lives. In Hanoi and Ho Chi Minh City, it is possible to see full and thriving temples, churches and other religious communities. The Protestant church continues to grow, while Catholic communities play an important role in social and charitable works.

However, outside the cities, and in particular for ethnic minorities in remote areas, the situation can be very different. The government's portrayal of Vietnam as a country with religious freedom is undermined by continued reports of violations of the religious freedom of Catholics, Cao Daoists, Hoa Hao Buddhists, Protestants and Muslims. The violations range from harassment, intimidation and intrusive monitoring, to arrest, imprisonment, torture and extra-judicial killing.

Legal Framework

On 18 November 2016 the National Assembly passed the nation's first ever Law on Belief and Religion, amid concerns that multiple drafts of the bill retained many of the problems found in the Ordinance and Decree and did not conform to international standards on freedom of religion or belief. The Law on Belief and Religion has been effective since 1 January 2018. Religious communities, lawyers and human rights activists have criticised the law for interfering in the internal affairs of religious organisations and for the long, burdensome and challenging process of applying for registration. They further criticised the vague and ambiguous language concerning 'national solidarity' and 'traditions', which could be used to reject applications for registration. The ambiguous language and administrative burdens prevent rather than protect the enjoyment of full freedom of religion or belief.

Individual members of religious minorities also face discrimination including harassment, forced evictions, beatings, torture, pressure to recant and detention or imprisonment. There are at least 165 prisoners of conscience in Vietnam, including those who have been arrested and detained due to their religious beliefs.

Christians in Vietnam

Catholic leaders and activists have been beaten, denounced by officials, and imprisoned for organising peaceful protests following the Formosa company steel plant disaster in April 2016, which left many families with no means of livelihood. The heavy police crackdown on protesters prompted the Office of the UN High Commissioner for Human Rights (OHCHR) to issue a statement of concern. In April 2018, Catholic activist Tran Thi Xuan was sentenced to nine years in prison and five years house arrest for 'attempting to overthrow the people's government'. State media accused her of organising protests against Formosa company at the local government headquarters.

Montagnard ethnic minority Catholics and Protestants in the Central Highlands of Vietnam can be subject to serious ongoing human rights violations, including pressure to recant; forced eviction; denial of access to public services and grants following conversion to Christianity; beatings, torture and sexual abuse; arbitrary detention, sometimes followed by a trial and imprisonment; threats and intimidation; disruption of religious services; being physically prevented from attending religious services; confiscation of religious materials; denial of access to education; and damage to properties used for religious services. According to the Montagnard Human Rights Organization and the

Campaign to Abolish Torture in Vietnam, the government “targets independent religious communities of Montagnards in the Central Highlands for systematic persecution or eradication”.¹

In August 2016, authorities in Kontum and Dak Lak began interrogating leaders and members of the Evangelical Church of Christ (ECC), demanding that they stop religious activities and cease all contact with overseas ‘foreign reactionaries’. On 18 August 2016, public security officers arrested Pastor A Dao, a Ha Lang ethnic minority Protestant belonging to the ECC, while he was traveling to visit church members in Gia Lai Province. They confiscated his mobile phone, checked its contents and accused him of violating government policy on ‘unifying all people’ and of acting against the government. On 28 April 2017 he was sentenced to five years in prison for helping people illegally leave Vietnam, a charge he denies.

In June 2014, 76 Christians at a Mennonite Christian Centre in Binh Duong Province were kicked, punched and detained by a crowd of 300 to 500 people, led by the local police chief. In November 2014, hammers and metal cutters were used to attack the same centre. Nine Christians at the centre were arrested and charged with not having identification cards and temporary residence papers, despite these documents reportedly being confiscated by police. Church members reported that hired thugs and police harassed Christians onsite, including during religious meetings, by pelting them with rotten eggs and using bricks and stones to damage the building.

On 28 March 2019, in its concluding observations on Vietnam’s implementation of the International Covenant on Civil and Political Rights, the UN Human Rights Committee expressed concern that:

“members of religious communities and their leaders, predominantly unregistered or unrecognized religious groups, ethnic minorities or indigenous peoples face various forms of surveillance, harassment, intimidation, property seizure or destruction, and forced to renounce their faith, pressure to join a competing sect, and physical assaults, which sometimes leads to death.”²

The Committee recommended that Vietnam “take measures to prevent, and swiftly and effectively respond to all acts of undue interference with the freedom of religion, and any incidents of hate speech, incitement to discrimination, violence or alleged hate crime, and ensure those responsible are brought to justice”.³

Detention of those defending religious freedom

Individuals on the frontlines of defending human rights, including the right to freedom of religion or belief, have long encountered oppression from the government in the form of harassment, intimidation and imprisonment.

On 5 April 2018 human rights lawyer Nguyen Van Dai was tried and sentenced to 15 years in prison followed by five years house arrest for ‘carrying out activities aimed at overthrowing the government’ under Article 79 of the Vietnamese penal code. Dai, a Protestant Christian, has been repeatedly harassed and attacked by the authorities. On 16 December 2015 Dai and his colleague, Le

¹ http://www.stoptorture-vn.org/uploads/2/5/9/2/25923947/montagnard_rights_abuses_2018-5.pdf, para. 19

² https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VNM/CCPR_C_VNM_CO_3_34488_E.pdf, para. 43

³ Ibid. para. 44

Thu Ha, were arrested as they prepared to meet European Union (EU) representatives for the annual EU-Vietnam human rights dialogue. Dai and Ha were released into exile in June 2018.

In February 2017, Pastor Nguyen Trung Ton, a Protestant pastor and human rights defender, was kidnapped by state agents, stripped naked, tied, beaten and abandoned in a remote mountainous location in the middle of the night, leaving him with serious injuries. Pastor Ton was tried on 5 April 2018 and sentenced to 12 years in prison. Following an appeal hearing in June 2018, his sentence was upheld.

Recommendations

- Urge the government of Vietnam to revise or repeal legislation which is discriminatory and/or which does not conform to the international standards set out in the International Covenant on Civil and Political Rights (ICCPR), to which Vietnam is a party, and to consult independent legal experts to ensure that freedom of religion or belief is fully protected in all relevant legislation.
- Urge Vietnam to release all prisoners of conscience immediately and unconditionally, as well as any person currently detained in connection with their religion or belief; and to initiate immediate and impartial investigations of cases of wrongful imprisonment.
- Raise cases of human rights violations and restrictions on the right to FoRB with the Vietnamese government through all available means, including annual dialogues and bilateral meetings and exchanges; and include clear goals for improving protection of FoRB and benchmarks for measuring progress.
- Urge delegations to Vietnam, including religious groups, trade delegations and other non-government visitors, to meet and engage with representatives from civil society, including religious communities and individuals; if such individuals are prevented from attending these meetings, ensure that this is raised firmly and directly with officials both in public and in private.
- Advise delegations to Vietnam and embassies in the country to develop relationships with key religious leaders – especially those who take on the role of human rights defenders – and both registered and unregistered religious groups; and to arrange, in consultation with local contacts, visits to imprisoned religious leaders and communities of religious minorities.
- Embassies and consulates should endeavour to meet with Christian communities regularly and build up good relations with them. If there are negative developments, the embassy should make a statement of support. Other suggestions include helping with victim relocation, finding ways to support lawyers, and trial observation.