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Joint statement of concern on Vietnam's draft law on religion

Freedom Declared (10.11.2015) - <http://bit.ly/1krsyBj> - We, the undersigned civil society organisations, are concerned that Vietnam's draft Law on Belief and Religion is inconsistent with the right to freedom of religion or belief.

We call upon the Government to comprehensively revise the draft Law to conform with Vietnam's obligations under international human rights law in the course of an inclusive consultation process with recognized and independent religion or belief communities within Vietnam and human rights law experts, including the UN Special Rapporteur on the right to freedom of religion or belief.

In its current form, the draft Law places limitations on freedom of religion or belief that extend beyond those permitted under international human rights law that is binding on Vietnam.

Article 18(3) of the International Covenant on Civil and Political Rights (ICCPR), to which Vietnam is a state party, requires the authorities to ensure that the freedom to manifest one's religion or belief is subject only to such limitations as are prescribed by law and are necessary and proportionate to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

While the draft Law purports to acknowledge "the right to freedom of religion and belief" and proclaims that the "government respects and protects the freedom of religion and belief of everyone," the provisions of the draft Law, if passed, would act as a powerful instrument of control placing sweeping, overly broad limitations on the practice of religion or belief within Vietnam, perpetuating the already repressive situation.

The UN Special Rapporteur on freedom of religion or belief, Dr. Heiner Bielefeldt, summarised his observations of the situation of religion or belief in Vietnam following a visit to the country in July 2014 saying, "Whereas religious life and religious diversity are a reality in Viet Nam today, autonomy and activities of independent religious or belief communities, that is, unrecognised communities, remain restricted and unsafe, with the rights to freedom of religion or belief of such communities grossly violated in the face of constant surveillance, intimidation, harassment and persecution."

We note the following concerns, among others, with the draft Law which are illustrative of the many provisions that are inconsistent with Vietnam's obligations under the ICCPR including the obligation to respect and protect the right to freedom of religion or belief:

I. Onerous requirements of registration

The draft Law places onerous requirements of registration on “religious organizations”.

The system of “you request, we may grant” set out in provisions throughout the draft Law demonstrates a serious misunderstanding of the government’s role with respect to protecting the right to freedom of religion or belief under international law. As stated by the Special Rapporteur on freedom of religion or belief in his aforementioned report, the exercise of religious freedom or belief is an universal right which “cannot be rendered dependent on any particular acts of administrative approval”.

II. Excessive state control over and interference in religious organizations’ internal affairs

The draft Law is marked throughout by provisions that, if adopted, would empower the Government to intrusively monitor and “intervene in the internal affairs and administration” of “religious organizations”.

This takes the form of government interference and control over appointed leadership, pedagogy and content of religious training, as well as unreasonable notification requirements of organizational changes in personnel or bylaws subject to State approval. In addition, a clause stipulating that Vietnamese history and law should be a main subject in training materials allows the authorities to interfere with the content of religious education. These provisions are inconsistent with the requirement under international law that limitations imposed on the right to freedom to manifest one’s religion or belief be strictly necessary and proportionate to one of the aims set out in article 18(3) of the ICCPR.

III. Overly broad and ambiguous language which may facilitate discrimination

Cases of discrimination by the State against minorities whose cultural and religious practices are considered to be “outside” the mainstream national narrative are well documented.

The draft Law contains overly broad and ambiguous language that, in addition to the other abuses that frequently arise from imprecision in laws that define the enforcement authority of government entities, could be used to perpetuate discrimination against ethnic and indigenous minorities, independent groups and those whose religion or belief is seen as “foreign” in favour of religious entities recognized by the Communist Party. For example, the draft Law gives the authorities power to suspend religious festivals or delay conferences or congresses in the name of “national defence or security, public order, social order, or public health” and suspend organisations that are deemed to have carried out “forbidden acts,” including causing harm to “national defence and security, public order, and morality.”

At a minimum, restrictions on religious activities that are not among the limitations permitted under Article 18(3) of the ICCPR, such as those designed to preserve “social order” or to prevent “sully[ing] the image of national heroes and notables”, must be removed. Other restrictions, such as those deemed necessary to “national defense and security” and “public order”, must be carefully reviewed to ensure both that religious activities are not restricted more rigorously than similar activities conducted for non-religious reasons and that any suspension of a religious festival or delay of a congress or conference is strictly necessary and proportionate to meet one of the permissible aims set out in article 18(3) of the ICCPR.

Furthermore, as recommended by the Special Rapporteur on freedom of religion or belief in his report concerning his visit to the country last year, “Effective and accessible legal

recourse must be prioritized in current legal reforms in order to allow victims, whose freedom of religion or belief have been infringed upon, to obtain effective redress and compensation within an independent judicial system and judiciary”.

In light of these and other concerns about the current draft of the Law, we make the following recommendations to the Government of Vietnam:

Revise the draft Law in a manner consistent with Vietnam’s obligations under article 18 of the ICCPR to guarantee absolutely the internal dimension of the right to freedom of religion or belief.

Revise the draft Law in a way that ensures that the practice of religion or belief in Vietnam is not conditional upon a process of state recognition, registration and approval.

Remove all articles that interfere in the internal affairs and administration of religious organizations including those that prescribe that the content of teachings on religion or belief include Vietnamese history and law.

Remove references such as those to “social order” and “sully[ing] the image of national heroes and notables” as reasons for placing limitations on freedom of religion or belief in the draft Law, as well as other language that is inconsistent with Article 18 of the ICCPR.

Ensure that any limitations placed on the manifestation of religion or belief comply with Vietnam’s international legal obligations, in particular the permitted limitations as set out in article 18(3) of the ICCPR, and specify that any restrictions on such grounds must be both necessary and proportionate to the particular aim.

Remove all overly broad and ambiguous language, including that which could be arbitrarily interpreted and result in discrimination or other violations of human rights against ethnic minority and independent religious or belief groups, and favoritism towards recognized, state-controlled or state-friendly groups.

Include in the draft Law a legal framework that sets out effective and accessible legal avenues for victims of discrimination or other violations of human rights to obtain remedies and reparation in accordance with international law and standards.

Ensure the draft Law is also consistent with Vietnam’s obligations under the ICCPR to guarantee the rights to freedom of expression, freedom of association, freedom of assembly and privacy.

Explicitly guarantee in the draft Law the legal precedence of international human rights instruments to which Vietnam is a state party, which appeared in earlier drafts and has been regrettably dropped.

In the process of redrafting the Law, consult the UN Special Rapporteur on freedom of religion or belief and other experts in international human rights law, as well as those who will be affected by the Law, including religion or belief communities within Vietnam, during the drafting process

Endorsing Organisations:

The Alternative ASEAN Network on Burma (Altsean Burma)

Amnesty International

Boat People SOS (BPSOS)

Cambodian Center for Human Rights

Cambodian Human Rights and Development Association (ADHOC)

Cambodian League for the Promotion and Defense of Human Rights (LICADHO)

Campaign to Abolish Torture in Vietnam (CAMSA)
Christian Solidarity Worldwide – UK
Christian Solidarity Worldwide – USA
Civil Rights Defenders
Coalition for a Free and Democratic Vietnam
Danish Mission Council
Freedom House
International Commission of Jurists (ICJ)
International Institute for Religious Freedom
Khmer Kampuchea Krom for Human Rights and Development Association (KKKHRDA)
Lantos Foundation for Human Rights & Justice
People Serving People Foundation (PSPF)
People's Empowerment Foundation (PEF)
Release International
Smile Education and Development Foundation
Society for Threatened Peoples International
Stefanus Alliance International
VETO! Human Rights Defenders' Network (VETO!)
Vietnam Committee for Human Rights
Voice of Martyrs Canada
Voice of Martyrs Korea

Cambodia orders repatriation of Christian Montagnards

Rights groups question treatment of persecuted minority

UCAnews.com (14.09.15) - <http://www.ucanews.com/news/cambodia-orders-repatriation-of-christian-montagnards/74254> - The Cambodian government has given the United Nations' refugee agency three months to return scores of Montagnard asylum seekers to Vietnam after refusing to give the persecuted Christian minorities refugee status.

Interior Ministry spokesman General Khieu Sopheak told ucanews.com on Sept. 14 that Cambodia asked the office of the U.N. High Commissioner for Refugees, or UNHCR, to "repatriate those illegal Montagnards within three months. If they can't do it, then we will implement our immigration law and do it ourselves."

Thirteen Montagnards who did receive refugee status, meanwhile, will not be allowed to settle in Cambodia, he said.

"We asked the UNHCR to find a third country for them to resettle."

The UNHCR could not be reached for comment, but on Sept. 13 spokeswoman Vivian Tan told The Phnom Penh Post that the agency had received assurance from Vietnam that "it will not discriminate against or punish them."

An estimated 200 Montagnards have entered Cambodia during the past year, crossing through border jungles to flee an oppressive Vietnam. In recent months, a number have willingly returned to Vietnam after failing to secure refugee status, but the mass repatriation raises questions of whether their safety can be guaranteed.

They fled because their "rights were restricted," said Sourn Butmao, executive director of the Phnom Penh-based Minority Rights Organization. "I'm wondering how can Vietnam treat them well?"

In June, Human Rights Watch released a broad report on Vietnam's treatment of Montagnards, highlighting "systematic" persecution of the minority.

Among the oppressive policies was "arbitrary arrest, detention, torture, and other cruel, inhuman, or degrading treatment," the report noted.

Repatriation

Cambodia has come under fire for its treatment of asylum seekers over the years. In 2002, the country repatriated more than 1,000 Montagnards who had fled after Vietnam violently cracked down on protests over mistreatment.

Then, as now, the U.N. facilitated the return — insisting the repatriation was voluntary and their safety ensured even as persecution changed little in subsequent years. In 2009, at the urging of the Chinese government, Cambodia deported 20 Uighur asylum seekers including two babies. At least two of them received life sentences upon return while the fate of the others was never revealed.

Butmao told ucanews.com that the latest repatriation was doubtless political, noting that the government had simultaneously agreed to resettle more refugees from Australia's offshore detention center on Nauru.

Last week, Prime Minister Hun Sen met with Australian Immigration Minister Peter Dutton and promised to take additional refugees amid reports that Cambodia was closing its doors after receiving just four refugees.

Cambodia received A\$55 million (US\$38 million) in aid and support after inking a controversial refugee resettlement deal that appears to have fallen apart just three months in. Earlier this month, a Rohingya refugee who was one of the four requested to be sent back to Myanmar. Thus far, not a single other refugee has agreed to be moved to Cambodia.

"After the four were sent to Cambodia there was an intensive effort [to move more.] I can't overstate that. People were cold-called, even medical interviews were turned into discussions about why they should go to Cambodia," said Ian Rintoul of the Sydney-based Refugee Action Coalition. No one, however, has signed on, he added.

Vietnam's two faces

Religion-law reforms awaited at time of 'remarkable spike in attacks' on Christians

World Watch Monitor (30.04.2015) - As Vietnam celebrates 40 years since the end of what is commonly known elsewhere as the 'Vietnam War', its government faces accusations of failing to ensure the rights of its citizens to religious freedom.

"In Vietnam, we still have a government that shows two faces – the friendly and welcoming face on one side and the oppressive face on the other."

These words, attributed by [Open Doors](#) to a Vietnamese Christian whose name was withheld, provide an insight into a country which, on the one hand, is [reportedly close to making positive reforms](#) to its laws on religious practice, but on the other is [accused by the UN](#) of "gross violation" of religious freedom "in the face of constant surveillance, intimidation, harassment and persecution".

Where Vietnam is concerned, religious freedom is rarely black and white.

Consider the "[cautious optimism](#)" of Nigel Cory, a researcher at the The Center for Strategic & International Studies, who suggests "the space for religious freedom [in Vietnam] seems to be growing".

Cory says the appointment by Pope Francis of a Vietnamese archbishop, Pierre Nguyen Van Nhon, as a new cardinal was a "boon to the Catholic community in Vietnam". He also references the formal "restarting" of 115 new Catholic and Protestant churches in 2013, [up from 20 in 2012 and five in 2011](#), and Vietnam's approval in 2014 of the Church of Jesus Christ of Latter-day Saints.

Heiner Bielefeldt, the UN's Special Rapporteur on Freedom of Religion and Belief, seems to agree in part, when, in his [January report](#), he acknowledges "positive development". However, his other comments are less complimentary.

Of his visit to the country in July 2014, Bielefeldt says "some individuals whom I wanted to meet with had been either under heavy surveillance, warned, intimidated, harassed or prevented from travelling by the police. Even those who successfully met with me were not free from a certain degree of police surveillance or questioning.

"Moreover, I was closely monitored ... by undeclared 'security or police agents', while the privacy and confidentiality of some meetings could have been compromised. All these incidents are in clear violation of the terms of reference of any country visit."

Or take Open Doors' analyst Thomas Müller's assessment: "Though it is not clear why the government steps up its actions against the Christian minority right now, the spike in attacks is remarkable – attacks across all types of Christianity."

These hardly sound like reasons for optimism.

Müller references the "more than 70 Montagnard Christians from the Central Highlands" who "fled to Cambodia" only for "most of them to be [sent back](#) to Vietnam ... and handed over to the authorities".

"It is better to die of starvation in the jungle of Cambodia than to suffer persecution in Vietnam," the Montagnards are quoted as saying, after reportedly hiding without food in Cambodian forests infested with malaria-carrying mosquitoes.

"The news on the Montagnard persecuted Christians shows that the Vietnamese government still has serious problems with ensuring freedom of religion and belief for all ethnic and religious groups in the country," says Müller.

"It should be noted that [Bielefeldt] was hindered from meeting with contacts in Gia Lai province, the province where the Montagnards fled from," he adds.

Surveillance, raids, beatings, and arrests

Open Doors reports the surveillance and subsequent arrest, in March 2015, of two leaders of a "house church" (a gathering of Christians at a private home) in Vietnam's Yen Bai province in the northeast.

Also in March, Open Doors reports a raid on a different house church, during which the 80 Christians were "ordered to stop their worship service", while the owner of the house

was taken to the police station and forced to sign a document making it illegal for him to conduct church activities at his home.

"The Christians are not allowed to meet anywhere residential," one Vietnamese Christian, quoted under the pseudonym of Lee, explained. "The village chief also summoned the pastor and warned him that he cannot start a church in that village. The pastor is now anxious and does not know how to proceed."

Open Doors also reports a brutal February attack by police on Christians in the northern Dien Bien Province.

"The authorities beat up the Christians, targeting their internal organs," said a Christian quoted under the pseudonym of Duonh. "One believer was so severely beaten that her face was bloodied and she almost became deaf."

Again in March of this year, Christian human rights lawyer, [Nguyen Van Dai](#), who was recently freed from four years of house arrest (which followed four years in prison on a charge of "conducting propaganda against the State"), [reported regular intimidation](#) by Vietnamese security officers.

Then in April, Open Doors reported that two Christian families in northwest Vietnam have been threatened with eviction from their homes and had their pigs – their main source of livelihood – confiscated.

The families are said to have lost the equivalent of \$600; their government-issued health cards were also taken away.

"It started when the families embraced faith in Jesus and quit worshipping spirits like the other villagers," said a local source, whose identity is also being protected.

Weekly routine

For some Vietnamese Christians, police raids and surveillance by the government are a regular and expected part of life.

Open Doors quotes the wife of a pastor of a Saigon house church, which has been in operation for 25 years.

"From 1990, we started meetings in our home," says the pastor's wife, under the pseudonym Anh. "Every week, the local authorities turned up on the doorstep and very often we all had to appear at the police station ... [But] in 2006, we were given a certificate by the government with permission to hold services in our house. Since then, we have no longer been persecuted by the local authorities."

Weekly raids followed by a license? Another example of Vietnam's complicated relationship with its religious communities.

Indeed, the pressure against Christians in Vietnam is sometimes buried beneath the surface, or better or worse in certain areas. For example, Anh says Christians in major cities enjoy greater freedom.

"At the moment, in [Saigon] and other cities, it's easier to be a Christian. But in the rural areas and particularly for people from indigenous tribes, it's very difficult," she says.

And difficulties don't always arise from authorities.

Converts to Christianity, particularly those from indigenous tribes, face “a lot of difficulties” with their families and neighbours, says Anh, which, for those whose families belong to the animist faith, can include pressure to take part in rituals.

Some conclusions

So what to make of [Fides’s report](#) that Vietnam’s government is “considering the possibility of reforming the law regulating religious communities in the country” for a “more open approach” which would “reduce restrictions which are currently in force”?

“Several changes” were promised by Vietnam’s Government Committee for Religious Affairs at a [meeting with religious scholars and officials](#) on 15 April.

“According to some forecasts,” notes Fides, “the new law, considered a significant step of reform, could be completed in May and ... enacted in [the] autumn.”

This would be earlier than the timeframe predicted in Bielefeldt’s 2014 report (and repeated in his report of this year), in which the Vietnamese government claimed to be drafting a Law on Belief and Religion “expected to be adopted in 2016”. (In its comments in the 2014 report, the Vietnamese government said that it “deeply regrets that the contents of the draft report are seriously unbalanced and discriminatory”. There was no comment from the Vietnamese government in the 2015 report.)

Whenever the new version of the law does surface, and whatever the finished version looks like, there are likely to be a range of interpretations and consequences that may take time to come to light.

UN Religious Freedom expert presents report to the Human Rights Council on country visit to Vietnam

Quê Mê/ Action for Democracy in Vietnam (11.03.2015) – Speaking at the 28th Session of the United Nations Human Rights Council in Geneva on 10-11 March, the UN Special Rapporteur on Freedom of Religion or Belief **Heiner Bielefeldt** presented his report on his mission to Vietnam from 21 – 31 July 2014. Whilst observing that “*religious life and religious diversity in Vietnam are a reality in Vietnam today*”, Mr. Bielefeldt identified many “serious problems”, and declared that “*the scope of freedom of religion and belief remains extremely limited and unsafe*” in Vietnam.

The UN expert expressed particular concern about the situation of Independent religious and belief communities – i.e. those unrecognized by the state. The autonomy and activities “*remain restricted and unsafe, with the rights to freedom of religion or belief of such communities grossly violated in the face of constant surveillance, intimidation, harassment and persecution*”. He stressed that the conditions of independent and unregistered religious communities was a “*litmus test for the development of freedom of religion of belief in Vietnam*”.

During his visit to Vietnam in July 2014, Mr. Bielefeldt was obliged to cut short visits to An Giang, Gia Lai and Kontum provinces from because of “interruptions” and reports that people he wanted to meet were “*heavily surveilled, warned, intimidated, harassed or prevented from travelling by the police*”. He and his interlocutors were closely monitored by “*undeclared security or police agents*”, and privacy of meetings was undermined. In his report, the UN Special Rapporteur said he was “*outraged*” by these incidents, as well

as the "intimidation, police interrogations and even physical injuries of some of his interlocutors during and after his visit", which were "in clear violation of the terms of reference of country visits that had been agreed upon by the Government prior to the visit".

Following an analysis of the legal framework, the UN Special Rapporteur observed that the 2013 Vietnamese Constitution, the Ordinance on Belief and Religion (Ordinance 21), Decree 92 contained restrictive provisions that are far broader than limitation clauses stipulated in Article 18 (paragraph 3) of the UN International Covenant on Civil and Political Rights. Moreover, many articles in the Criminal Code condition the exercise of freedom of religion or belief on "the interests of the State" – and are routinely invoked to arrest and prosecute religious followers. Article 258 on "abusing democratic freedoms to encroach on the interests of the State", he noted, "gives the relevant authorities carte-blanche to sanction people for all sorts of activities", including the exercise of the right to freedom of religion, expression, association and assembly.

On the issue of registration, regulated under Ordinance 21, which determines whether religious organizations are "recognized" or "unrecognized" by the State, Mr. Bielefeldt stated that the right to freedom of religion or belief is a universal right, one which "cannot be made dependent on any specific act of administrative recognition, allowance or approval" :

*"It should be clear that the right of an individual or group to their freedom of religion or belief can never be "created" by any administrative procedures. Rather, it is the other way around: registration should serve this human right, which itself must be respected as preceding any registration. On the basis of this general understanding, **registration should be an offer by the State but not a compulsory legal requirement**" (Paragraph 32).*

The UN Special Rapporteur raised the case of the Unified Buddhist Church of Vietnam (UBCV) and other "unrecognized" groups. In his report (paragraph 43), he noted the "remarkably dismissive attitude" of members of the State-sanctioned Vietnam Buddhist Sangha towards independent Buddhist groups which do not conform with "majority interests". Mr. Bielefeldt stressed that freedom of religion or belief is the right of all human beings, regardless of whether they follow a majority religion, a minority community or no religious community at all.

During his visit to Vietnam, Mr. Bielefeldt was able to meet UBCV leader Thich Quang Do, Buddhist Youth leader Le Cong Cau and UBCV Deputy Thich Nhu Dat at the Thanh Minh Zen Monastery in Ho Chi Minh City (Saigon). He cites serious allegations of religious freedom violations against the UBCV, including police surveillance, arbitrary arrest and detention, house arrest and confiscation of property.

In his conclusions and recommendations, Mr. Bielefeldt made 20 specific recommendations to Vietnam and four to the international community. These included urging Vietnam to:

- **broaden and solidify the very limited and unsafe space provided for the free unfolding of religious diversity in Viet Nam;**
- **remove or replace vague articles in the Criminal Code that limit freedom of religion or belief, such as Article 258;**
- **clarify that the official registration of religious communities is an offer rather than a legal requirement;**
- **ease restrictions on religious communities under Ordinance 21 and Decree 92;**

- **remove special public security units such as Unit 41/ PA 38;**
- **provide fair and accurate information on religions as part of state education;**
- **ensure the right of prison inmates to exercise their beliefs in detention etc.**

Mr. Bielefeldt also called for a follow-up visit to Vietnam to assess whether his recommendations had been implemented.

After the UN Special Rapporteur on Freedom of Religion or Belief finished his presentation on Tuesday, the delegation from Vietnam took the floor. They denied that there had been any "obstructions" to the UN Special Rapporteur's visit in July 2014, deplored that he had referred to "inaccurate" information regarding religious freedom violations in Vietnam, and had "*failed to depict a balanced panorama of the religious and belief situation in Vietnam*". Vietnam concluded that it could not support Mr. Bielefeldt's report.

See Report of Heiner Bielefeldt on his visit in Vietnam here: [http://www.queame.net/eng/doc/Report-on-Vietnam A HRC 28 66 Add.2 E-1.doc](http://www.queame.net/eng/doc/Report-on-Vietnam_A_HRC_28_66_Add.2_E-1.doc)

HRWF Footnote: Heiner Bielefeldt's report is also available at <http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/Visits.aspx> as well as the Inputs by the Government of Vietnam

Montagnard Christians continue to flee to Cambodia, but are running out of food and supplies

Asia News (27.02.2015) - Scores of Montagnard Christians are fleeing Vietnam for neighbouring Cambodia, to escape persecution by Communist authorities and seek a better life.

In recent weeks, several families and individuals have [left their country](#) of origin. The latest eight crossed the border a few days ago and took refuge in a forest in the north-eastern Cambodian province of Ratanakiri.

Activists and local sources quoted by *Radio Free Asia* (RFA) said that seven men and one woman, between the ages of 20 and 40, have been hiding in the forest for at least five days.

The continuing exodus of Montagnard refugees from Vietnam is raising concerns among Cambodian villagers on the border.

In recent weeks, with the continued flow, locals who provide them food and shelter are now facing food shortages themselves.

"We have helped them, but we don't have enough food and safe refuge," said one villager, who declined to be named.

The influx of more Montagnard refugees into Cambodia comes a few days after local authorities deported four of them back to Vietnam after they were arrested a day earlier.

Earlier this month, authorities had deported a family of five Montagnards to Vietnam after they were discovered hiding in Ratanakiri.

Human rights organisations and activists have criticised Cambodia's policy of repatriation, which is a violation of the refugee conventions that Cambodia signed;

Under such treaties, the Montagnards are entitled to asylum because they are victims of persecution in their homeland.

However, for Cambodian authorities, they are illegal immigrants, farmers and ranchers who cross the border in search of work.

In 2001 and 2004, at least 2,000 Montagnards from the highlands of central Vietnam moved to Cambodia to escape the violence of Vietnamese authorities.

The Communist regime persecutes them because of their Christian faith and for the support they gave US troops during the Vietnam War. It is especially interested in seizing their land.

Most of them obtained political asylum, especially in the United States.

In last few years, the exodus started again as more and more families try to cross the border, seeking shelter in neighbouring Cambodia.

With the help of the United Nations, some have applied for political asylum, although many are reluctant to contact Cambodian authorities for fear of being deported.

In the latest cases, more than 50 Montagnards (including several children) have sought shelter in the forests of Cambodia, where they are faced with malaria and food shortages.

24 Vietnamese CSOs report about human rights violations in 2014

Freedom of religion or belief particularly highlighted in the report

HRWF (04.02.2015) – On 30th January 2015, twenty-four civil society organizations sent the following letter to the international community:

“Ladies and gentlemen,

We, the independent civil society organizations, urgently alert all of you to the blatant, illegal and systematic crackdowns on human rights defenders and dissidents of the Socialist Republic of Vietnam, especially in 2014.

We enclose here the report "[Vietnam: Member of the UN Human Rights Council & Human Rights Violations in 2014](#)" to demonstrate such violations clearly by the objective analysis comparing closely with the UPR recommendations. We also clarify the tactics to cover up the human rights abuses in the recent years.

The report lays bare the duality of human rights policy that the Hanoi government has been implementing actively. One hand they get the international community to believe their willingness to improve human rights in Vietnam. On the other hand, they continue to maintain the totalitarian regime with serious persecution, not respecting for freedoms and human dignity of their citizens.

Thank you for your consideration and taking action.

Sincerely,

Vietnamese independent civil society organizations co-sign to condemn human rights abuses:

1. Bach Dang Giang Foundation: Pham Ba Hai (MBE)
2. Bauxite Vietnam: Prof. Pham Xuan Yem, Prof. Nguyen Hue Chi.
3. Vietnam Path Movement: Mr. Nguyen Cong Huan.
4. Civil Society Forum: Nguyen Quang A (Ph.D.)
5. Cao Dai church, Humanism: Mr. Hua Phi. Mr. Nguyen Kim Lan, Mrs. Nguyen Bach Phung.
6. Evangelical Lutheran Community Church Vietnam-America: Pastor Nguyen Hoang Hoa
7. Christian Mennonite Church: Pastor Nguyen Manh Hung
8. Vietnamese Political and Religious Prisoners Friendship Association: Nguyen Bac Truyen (LLB)
9. Brotherhood for Democracy: Lawyer Nguyen Van Dai
10. Association to Protect Freedom of Religion: Ms. Ha Thi Van.
11. Gourd and Squash Mutual Association: Mr. Nguyen Le Hung
12. Former Vietnamese Prisoners of Conscience: Dr. Nguyen Dan Que, Catholic Priest Phan Van Loi.
13. Independent Journalists Association of Vietnam: Pham Chi Dung (Ph.D.)
14. Vietnamese Women for Human Rights: Ms. Huynh Thuc Vy, Ms. Tran Thuy Nga
15. Evangelical Protestant Chuong Bo Church: Pastor Lê Quang Du
16. Bloc 8406: Priest Phan Van Loi.
17. Viet Labor: Ms. Do Thi Minh Hanh.
18. Religion and Ethnic Minority Defenders: Mr. Huynh Trong Hieu.
19. Nguyen Kim Dien Group: Father Nguyen Huu Giai.
20. Hoa Hao Buddhist Church, Purity: Mr. Le Quang Liem.
21. Oppressed Petitioners Solidarity Movement: Ms. Tran Ngoc Anh
22. Delegation of Vietnamese United Buddhists Church: Ven. Thich Khong Tanh.
23. Vietnamese Interactive Network: Director Huynh Tam (France)
24. Canadian Youth for Human Rights in Vietnam: Mr. Khue Tu Nguyen (Canada)“

CHAPTER 4: SUPPRESSION OF INDEPENDENT RELIGION ORGANIZATIONS

The Vietnamese authorities have been jailing and discouraging religious believers, as well as prohibiting independent religions from performing their worship ever since 1975.

At the UN Human Rights Council, many state members put forward:

Recommendation 142. Adopt further measures aimed at better guaranteeing freedom of religion, particularly by eliminating bureaucratic and administrative obstacles, which hinder the activities carried out by religious communities and groups (Italy);

Prohibition of worship and gathering

Recommendation 143. Reduce administrative obstacles and registration requirements applicable to peaceful religious activities by registered and non-registered religious groups in order to guarantee freedom of religion or belief (Canada);

1.1 Le Cong Cau: On the morning of 1 January 2014, police arrested and detained Mr. Le Cong Cau, a human rights defender and Buddhist Youth leader, when he was on an airplane about to fly from Hue to Saigon. He was then interrogated for 13 hours in a row before being set free.

1.2 On 8 January 2014, nearly 100 policemen in Thua Thien–Hue province blocked Long Quang Pagoda so that no one could go in and out. At 6PM, the Pagoda's internet cable was cut off. Monks, nuns, and Buddhists were all detained, questioned, threatened and banned from going to Long Quang Pagoda (at Tu Ha Ward, Huong Tra Town) to attend the Patriarch Memorial Ceremony. This is the traditional Death Anniversary in memory of the founding master of Buddhism who has been teaching Dharma in Vietnam for the past 2000 years.

Ven. Thich Chon Tam escaped police's blockade in southern province thanks to his early departure to Hue City and dwelled at Long Quang Pagoda. But at 9 AM on 7 January 2014, Quang (Huong Tra Town's public security officer) and Loc (Vice Chairman of Huong Tra Town People's Committee) came to Long Quang Pagoda to have questions with the Pagoda, focusing on those who had come to stay and attending the ceremony. Among those monks and Buddhists who had been blocked is Ven. Thich Thanh Quang (Danang province); Ven. Thich Chon Tam (An Giang); Ven. Thich Nguyen Ly, Head of Finance Department and Social Charity (Saigon); Youth Leader Nguyen Tat Truc (Thua Thien Hue); Hoang Nhu Dao; Hoang Thi Hong Phuong, Van Dinh Tat, Nguyen Sac, Ngo Duc Tien, Van Tien Nhi, Truong Dien Hieu, Nguyen Tat Truc, Nguyen Dinh Mong.

1.3 Ven. Thich Chon Tam, staying at Tu Hieu Pagoda (Ward No.1, District No.8, Saigon), was approached by Muon, Head of Public Security of Ward No.1 (District No.8) to inform that the Municipal Authorities did not allow him to stay here and that he must leave Tu Hieu Pagoda to go back to An Giang province.

Previously, Ven. Thich Chan Tam resided lawfully at Tay Hue Pagoda (Nui Sam Ward, Chau Doc City, An Giang province). But in the year 2006, "Nui Sam Ward's authorities in cooperation with the Executive Council of Vietnam Buddhist Sangha, expelled him out of Tay Hue Pagoda three times for the reason that he followed the Unified Buddhist Church of Vietnam, which is condemned by the government as illegal". Since then, wherever he goes, whatever pagoda he arrives at, he is driven and/or expelled away by local authorities.

1.4 At 11h30 PM on 3 July 2014, Mr. Hua Phi of Cao Dai religion got in a car to go from Lam Dong to Saigon in order to meet his brethren, but his car was stopped by traffic police; they took away all the car's documents. After an exchange of arguments, the police returned the car's documents, but forced Mr. Hua Phi to go back home.

Mrs. Nguyen Bach Phung also said, "At 9pm on 3 July 2014, six policemen of Vinh Long province came to Mr. Nguyen Kim Lan's home to pressure on him. They said that if Mr. Lan is going to go Lien Tri Pagoda next day for the meeting, he would have to accept all the consequences."

1.5 At 9h30 PM on 13 July 2014, at Nguyen Kim Lan's home (No. 191/8A, Lo Ren Str., Section 1, Ward 4, Vinh Long City, Vinh Long province), while Mr. Lan and his brethren were hosting a bimonthly meeting to discuss religious dogmas and their difficulties, some ten public servants and policemen came in to check household registration and harassing them.

The authorities said that they are not harassing, but only coming to ask for the reason for such a large gathering; if Nguyen Kim Lan did not register or ask for permission, they would come again. Mrs. Nguyen Bach Phung replied "if the authorities are not harassing

us then what's the reason for you to come here, with local policemen, public security officers, night-watchmen... you are here to terrify us."

1.6 On 23 August 2014, at Hoa Hao Buddhist Nguyen Thi Ngoc Lan's home (No. 182/2 Thoi Trinh A, Thoi An Ward, O Mon District, Can Tho City), there was an annual requiem. Many days before, the police had patrolled noisily and guarded the house. A strong force of police in various uniforms was deployed. They set up commanding positions at river ports and alleys in order to block Hoa Hao Buddhist followers from attending the requiem, intending to jeopardize the mass celebrated for the repose of the souls of the dead. Particularly, Mr. Nguyen Van Dien (76) from Phong Hoa (Dong Thap province) was stopped by dozens of policemen with clubs, electric rods when he got on a ferry-boat at Thoi An (Can Tho City), just nearly 100m away from Mrs. Lan's house.

1.7 On 13 August 2014, a group of more than 100 Cao Dai followers (not those from state-controlled faction) were harassed by the local authorities and thugs: they were hailed down with rank shrimp liquid and human excrement as they were worshipping according to the religion's tradition. The incident happened at Mr. Pham Van Dam's home at Section 13, Hao Duoc commune, Chau Thanh district, Tay Ninh province.

The victims called 113 police, but they ignored. Instead, they incited local thugs to blow off fellow guests' motorbike wheels.

2. Beating religious clerks, monks and believers

Recommendation 172. Take measures to ensure freedom of association, peaceful assembly and demonstration (France)

2.1 The private house of Hoa Hao Buddhist follower Nguyen Van Vinh was raided on Mar 21 by around 300 policemen led by Nguyen Van My, Deputy Head of police of Cho Moi district, An Giang province when the followers were organizing a praying ceremony. Several days earlier, 30 other followers overcame police's prevention to gather in Vinh's house to prepare the event.

At 6 pm of Mar 21, armed policemen came with special vehicles and raided in Vinh's house. They detained all people, including elderly and children. Along with handcuffing all followers, police confiscated all cameras, cell phones and other things used in the ceremony. Mrs. Tran Thi Xinh, 81, was pulled out to the road without dresses by policemen. Many others were also beaten badly.

2.2 On Mar 24, Monk Vo Van Thanh Liem held a ceremony in Quang Minh Tu Pagoda to mark the death of Buddha Master Huynh Phu So who was assassinated by Communists in 1947. Several days earlier, local police blocked all roads lead to the pagoda and banned followers from gathering there. Mr. Vo Van Buu successfully arrived near the pagoda but not allowed to come in. Until 1 pm, police did forbid monks and followers to pray, so followers went home by their motorbikes. Mr. Buu and Mr. To Van Manh went to a bus station about 30 meters from the pagoda where Buu was attacked by thugs.

2.3 On Apr 9 Mr. Bui Van Luot, head of the Hoa Hao Buddhists Church in Vinh Long province and Le Van Soc together with two other followers and Luot's maternal grandchild, Tuong Vi, were attacked by plainclothes agents.

The incident happened after they had attended a pray at the house of Mrs. Tran Thi Tuyet in Thanh Trung commune, Binh Tan district. On their return way by motorbikes, they were chased and attacked by plainclothes agents on the high speed motorbikes without number plate. They used wooden batons to hit Luot's legs and kicked Vi, making her fallen unconsciously. Mr. Soc left his motorbike and ran into a private house nearby,

but the attackers chased him and beat him on the back and chest. The agents stopped beating them until the local residents came and rescued the victims.

2.4 On May 25 Buddhist Venerable Thich Vinh Phuoc led a delegation of Buddhists from Ba Ria-Vung Tau province to attend the funeral of Mrs. Le Thi Tuyet Mai in Saigon. Mrs Tuyet immolated herself earlier to protest China's aggression on Vietnam's sovereignty in the East Sea. Their car was followed by motorbikes of security agents of Ba Ria- Vung Tau. When arriving at Saigon Bridge, the car was stopped by traffic police who took away driving license of driver Nguyen Thanh Trung, accusing him of committing traffic violation. Driver Trung insisted that he did not commit any fault and denied the fabricated charge. After long arguing, Venerable Phuoc told the policemen that *"The country is under China's threat, so policemen should fight for Hoang Sa (Paracels) and Truong Sa (Spratlys) instead of suppressing people who are going to attend the funeral of a woman sacrificing her life to protect the country's sovereignty. You should not act in this bad way. I did nothing wrong, and I know that you are following us immediately after we left. You are trying to cause trouble."*

Immediately, one agent insulted the monk and beating him while other policemen watched.

2.5 On June 9, the Protestant Mennonite Church in Binh Duong province were attacked by policemen, mobile policemen 113, militia and mob. They used stone and brick to throw at the church where 29 pastors and 47 followers staying in. After that, policemen and militia raided in and beat 29 people. Pastor Nguyen Hong Quang was beaten twice. Many beaten students fell unconscious but police blocked all roads and not allowed the injured people to be transferred to the hospital.

2.6 From 1 to 2 November, the Protestant Mennonite Church in Binh Duong province was attacked by police-sponsored thugs. They threw bricks and stones at the church and attacked followers.

Many fell unconscious and suffered severe injuries. Then the thugs left but continued throwing bricks and stones at the church. Other followers from outside came to help, but they were also attacked by security agents who used helmets to beat them on the head. Mrs. Thao, the wife of Pastor Huong, was beaten and left unconscious, and Pastor Huong was beaten severely when he went out to try to rescue her.

Policemen and thugs attacked the church for nine consecutive days.

2.7 At 10 am of Sunday Nov 16, when pastors and followers of Chuong Bo Protestant Church were praying at the residence of Pastor Nguyen Manh Hung in Di An town, Binh Duong province, a group of about 20 policemen, Dong Hoa ward cadres and thugs raided the residence.

Hearing their footsteps, Pastor Hung asked why they were undertaking the raid; one policeman replied *"coming to check household registration"*. Hung said there is no law of day time checking, and then one security agent stepped forward to do a chokehold on him, pressing him to the floor.

2.8 On the morning of Nov 22, the authorities of Xuyen Moc district, Ba Ria-Vung Tau province seized a piece of land including the gate of Phuoc Buu Pagoda. They then erected a new gate with the name "Ap Van Hoa" (cultural gate) of Thach Son 1A village. When monks and Buddhists took photos, policemen from Phuoc Thuan commune and Xuyen Moc district confiscated cameras. Monk Thich Thien Tam protested but was beaten severely by the policemen. Police detained him and two Buddhists, namely Ha Phi Cuong and Nguyen Van Thuan.

2.9 On Dec 2, a delegation of the Hoa Hao Buddhist Church went to attend a pray meeting for late Le Van Chinh in Tan Binh commune, Binh Tan district, Vinh Long province. Security agents kept patrolling near the site.

After visiting the mother of Dao Minh Truyen, a senior monk of the Church, the delegation returned home. On the national road No. 54 in the areas of Thanh Loi commune, Binh Tan district, Le Van Soc and Bui Van Luot were attacked by thugs on four motorbikes. When the thug's motorbikes collided accidentally against each other, Soc and Luot successfully escaped into the district army headquarters, where military officers intervened, so the police-sponsored thugs left.

3. Demolition of religious facilities

Recommendation 173. Facilitate the development of a safe and enabling environment for all civil society actors to freely associate and express their views by ensuring that national legislative provisions are not invoked to stifle legitimate and peaceful dissent (Ireland)

3.1 State seizing properties of the Redemptory Church Thai Ha. In late October, the Hanoi government allowed a construction company to build infrastructure in an area of Ba Giang Lake which belongs to the Redemptory Church of Thai Ha. On Oct 21, the Church leaders filed an urgent complaint to the city's authorities. However, they received an answer that the municipal People's Committee already issued decision for infrastructure development in the area.

As many as 18 civil society organizations through a petition demanded that Hanoi's authorities respect the law and stop trespassing religious facilities, as well as returning Ba Giang Lake to the Church.

3.2 The Protestant Preach Church in Quang Ngai province has filed a complaint that accused the provincial authorities of illegal seizure of the church's land. According to the church, it has the right to use a piece of land in line with the Document 181 of the Ministry of Natural Resource and Environment. The church paid land use tax for the 1993-1999 period. In recent months, the provincial authorities illegally took the land and gave it to a number of local residents, allowing them to sell the land.

3.3 Lien Tri Pagoda (Luong Dinh Cua street, District 2, Ho Chi Minh City) belongs to Delegation of Vietnamese United Buddhists Church and is also the place that hosts a number meetings of independent CSOs. It has been under regular surveillance. Since September 2014, the pagoda has been under great pressure from the city's authorities. They have demanded that the monks leave the pagoda, or they will send forces to demolish it.

Venerable Thich Khong Tanh, the chief monk of the pagoda said that the authorities had sent many letters demanding the displacement of the pagoda. Monks of the pagoda and priests of a Christian church nearby have asked to remain in this area but it seems the city's authorities are determined to remove all religious facilities in the areas which will be turned into new urban areas.

3.4 Hmong ethnic people in Khuy Vin village, Ly Bon commune, Bao Lam district, Cao Bang province said that on Oct 14, the local authorities came and burned a funeral house (Nha Don) where people placed items to pray for the dead. Some ethnic people were beaten by policemen while protesting the demolition. Policemen and militia demolished their funeral house without any notice. They beat people and sprayed fuel to burn the roof, the people said.

See the full report at <http://fvpoc.org/wp-content/uploads/2015/01/HR-violation-ENG.pdf>

