

Buddhists

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Buddhism traces its roots to the life and teachings of Siddhartha Gautama, the ‘Awakened One’ (commonly referred to as Buddha). Although it is difficult to construct a historical record of Siddhartha’s life by modern standards, it is likely that he lived in India between the 6th and 4th centuries BCE and that he renounced his noble status to embrace an ascetic lifestyle in pursuit of spiritual enlightenment. Buddhists believe that Siddhartha achieved this state of spiritual enlightenment, and most trust that it is likewise achievable for all those determined to follow the same path toward buddhahood and liberation.

Various schools of Buddhism differ on the specific teachings and practices that lead to enlightenment. There are two major branches of Buddhism that are generally acknowledged by scholars: Theravada Buddhism (School of the Elders), which emphasises foundational texts and teachings, and Mahayana Buddhism (The Great Vehicle), which places more importance upon the experience of being on the Buddhist path. The Mahayana tradition accounts for 53.2% of Buddhists today, mostly in East Asia, compared to 35.8% for Theravada, which is found primarily in Southeast Asia. A smaller branch of Buddhism, Vajrayana Buddhism (sometimes referred to as the ‘third turning of the wheel of dharma’) is largely based upon ancient tantric teachings and comprises only 5.7%.

According to the Pew Research Center, there are approximately 488 million Buddhists worldwide, about half of which are in China. Tibetan Buddhists are repressed in China. Members of the United Buddhist Sangha, Hòa Hào Buddhists, and other Buddhist groups are also persecuted in Vietnam. In both **China** and

Vietnam, Buddhists are in prison for exercising their freedom of religion.

Teachings

Buddhist teachings elaborate the trainings and methods necessary to overcome ignorance, achieve enlightenment, and ensure favourable *samsara*, the endless cycle of rebirth that leads to a state of buddhahood.

The Four Noble Truths are regarded as central to the teachings of Buddhism and provide a conceptual framework for Buddhist thought. They explain the nature of *dukkha* (often translated to ‘suffering’), its causes, its relation to craving, and how *dukkha* is to be overcome by following the Noble Eightfold Path.

The Noble Eightfold Path describes the interconnected practices and conditions which can lead to the cessation of *dukkha*. They are Right View (or Right Understanding), Right Intention (or Right Thought), Right Speech, Right Action, Right Livelihood, Right Effort, Right Mindfulness, and Right Concentration. These elements are not to be understood as successive stages of Buddhist practice but rather as essential qualities to be cultivated together on the path toward buddhahood.

CHINA: Reasons for the Persecution of Tibetan Buddhists

US government estimates in July 2018 approximated the total population of China to be 1.4 billion. In 2010, the US government estimated that Buddhists comprise 18.2% of the population. According to a February 2017 estimate by the international NGO Freedom House, there are 185-250 million Chinese Buddhists in China, including 6-8 million Tibetan Buddhists, and hundreds of millions who follow various folk traditions.¹

The status of **Tibet** as an independent state or autonomous region of China has long been the subject of controversy and sometimes violent struggle. After the establishment of the People's Republic of China in 1949, Tibet was invaded and Chinese socialism was harshly imposed. The Dalai Lama and more than 80,000 Tibetans went into exile, mostly to India and Nepal. Attempts to resolve the Tibetan issue have yet to reach a politically viable solution.

It is mainly the Dalai Lama’s identification with the liberation struggle of Tibet that has led to the government’s repression of Tibetan Buddhism. China tightened

¹ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: China, 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/china-includes-tibet-xinjiang-hong-kong-and-macau/>.

its control over monasteries via a campaign aimed at undermining the Dalai Lama's influence as a political and spiritual leader. Since 1949, the Chinese have destroyed thousands of Tibetan Buddhist monasteries and shrines. By 1978, only eight monasteries and 970 monks and nuns remained in the Tibet Autonomous Region. Moreover, spiritual leaders have faced ongoing difficulties in re-establishing historical monasteries that were destroyed.

In 1995, Gedhun Choekyi Nyima was selected by the Dalai Lama to succeed him and become the eleventh Panchen Lama, which is the second highest position in Tibetan Buddhism. He was six years old at that time. Three days later, he and his family disappeared and have not been seen in public since. Another child, Gyancaïn Norbu, was later named as the Panchen Lama by the People's Republic of China, but this choice was rejected by Tibetan Buddhists faithful to the Dalai Lama. The spiritual void China created with the disappearance of the legitimate Panchen Lama remains a clear example of China's attempt to suppress Tibetan culture and identity.

Since Xi Jinping acceded to power in 2012, the believers of all religions have suffered from an increasingly repressive regime in China under the motto of 'sinicization'.² Tibetan Buddhists, whose homeland was militarily incorporated into China by Mao Zedong in 1950 and whose spiritual leader had to flee abroad, are no exception. Since then, they have faced severe persecution.

In the long struggle for Tibetan self-determination, it is very difficult to distinguish between activities that are primarily motivated by religion or belief, and those that the Communist regime consider 'politically motivated'.

The official objective of the Chinese Communist Party (CCP) is to allegedly 'sinicize' Tibetan culture, religion and identity, but its real objective is to commandeer their religion for its political project in Tibet.

The CCP seeks to gain maximum control over every aspect of societal activities that it considers a threat to its legitimacy, by using any means possible. Although

² This word has been used since the 17th century to indicate the assimilation of minorities in the Chinese empire into Chinese culture and language. It was adopted by Nationalist China to signify the effort to replace the foreigners who managed business, religions and civil society organisations with Chinese citizens. However, the CCP gives the word 'sinicization' a different meaning. It is not enough that organisations operating in China, including religions and churches, have Chinese leaders. In order to be accepted as 'sinicized', they should have leaders *selected by the CCP* and operate within a framework of strategies and objectives indicated by the CCP. In Tibet and Xinjiang, the CCP pursues a politics of 'sinicization' in the traditional sense of the word, trying to assimilate Uyghurs and Tibetan Buddhists into Chinese culture.

Source: "HOME. Sinicization," Bitter Winter, accessed June 2020.
<https://bitterwinter.org/Vocabulary/sinicization/>.

the Chinese Constitution guarantees freedom of religion, the CCP's objective is to control the lives of all Buddhists, their temples and their institutions. An official state-imposed management committee is present in every monastery and nunnery in Tibet and is involved in the internal decision-making process of the monastery. The communist regime's religious repression includes interference in the Buddhists' religious affairs. It monitors and bans participation at religious festivals, controls the next reincarnation of His Holiness the Dalai Lama, bans the possession of photos of the Dalai Lama, demolishes Buddhist residences, and displaces thousands of monks and nuns. This level of suppression has led to the self-immolation of 156 Tibetans since 2009.

In the case of the Tibetan identity, religious beliefs and their political struggle for autonomy are closely intertwined. An important dynamic is the central role that the Dalai Lama has played in Tibet since he fled to India in 1959. Since 2011, the Tibetan government, whose Prime Minister was directly elected, has overseen the political affairs of Tibetans from their place of exile in Dharamsala. It was the Dalai Lama's decision in 2011 to relinquish his political leadership, but Tibetans still consider him both their religious leader and key in their struggle for autonomy. They want their leader to be allowed to return to his homeland.

Due to this strong link to the Dalai Lama, the CCP considers religious beliefs in Tibet to be intrinsically opposed to socialism and the Chinese state. As a result, the CCP suppresses their Tibetan Buddhist religious identity, including any association with the Dalai Lama. Instead, the aim is to establish **Buddhism with so-called Chinese characteristics and without Tibetan characteristics**, in line with Chinese socialism. The religious laws in place allow for this state intervention into religious affairs, since religious activities must align with political goals to safeguard ethnic unity and preserve socialism.

As such, the *Regulations on the Establishment of a Model Area for Ethnic Unity and Progress in the Tibet Autonomous Region* was entered into force in Tibet in May 2020.³ This piece of legislation is seen as an effort to intensify the so-called 'sinicization' of Tibetan culture by imposing 'ethnic unity'. This entails forbidding a Buddhist religious identity and ensuring that all religious institutions and places of worship have 'Chinese characteristics'. It is the **politicisation** of Buddhism that drives the persecution of Buddhists in Tibet.

Buddhists in Prison in China

In the long struggle for Tibetan self-determination, it is very difficult to distinguish between activities that are primarily motivated by religion or belief,

³ "China's New 'Ethnic Unity Law' is Seen as Effort to Sinicize Tibetan Culture," Radio Free Asia, May 1, 2020, accessed May 2020. <https://www.rfa.org/english/news/tibet/law-05012020182336.html>.

and those that the Communist regime consider ‘politically motivated’. This is all the more so because religious practices and the political struggle for autonomy are closely intertwined for Tibetans. Moreover, Tibetans still consider the Dalai Lama their religious leader and key in their struggle for autonomy, even if he has limited his activities to spiritual since 2011.

Considering this politically complicated background, HRWF has only documented cases of Buddhist prisoners where a clear link to the sole exercise of freedom of religion could be established, such as celebrating the birthday of the Dalai Lama or keeping his picture and his writings at home.

Buddhists behind bars: some statistics

As of 1 June 2020, HRWF documented **20 cases** of detained Buddhists in its Prisoners’ Database.⁴ These individuals are serving prison terms of seven to 18 years, except for one who was sentenced to life imprisonment. Their place of arrest varied, with several being detained in Tibetan monasteries. For example, three were arrested in November 2015 at the Kirti monastery in the northeastern Amdo Province, a place of worship and monastic complex which has seen heavy military presence in the past decade. However, the location of almost half of these detainees remains unknown, due to the secrecy of the regime.

The overwhelming majority of the detained are men, with only two women out of the twenty.

Many more Buddhists are in prison for the sole practice of their faith but, due to the secrecy of the CCP, access to such information is impossible.

Articles of the Penal Code

Freedom of religion is a constitutionally guaranteed right in the People’s Republic of China. **Article 36** states that citizens enjoy ‘freedom of religious belief’.⁵ Equally, **Article 53** stipulates that citizens ‘must abide by the Constitution and other laws, keep state secrets’.

However, it is common for Buddhists to be imprisoned with no official criminal charges or convictions. Instead, they often face vague accusations such as: ‘possession of banned photos of the Dalai Lama’, ‘praying to the Dalai Lama’,

⁴ Our Database is updated on a regular basis. For more details about imprisoned Buddhists, see <https://hrwf.eu/prisoners-database/>.

⁵ “Constitution of the People’s Republic of China - Chapter II: The Fundamental Rights and Duties of Citizens,” The National People’s Congress of the People’s Republic of China, Full text after amendment on March 14, 2004. http://www.npc.gov.cn/zgrdw/englishnpc/Constitution/2007-11/15/content_1372964.htm.

‘found with books and religious audio recordings of the Dalai Lama’, ‘taking part in the 80th birthday celebration of the Tibetan spiritual leader’, ‘inciting self-immolation and sending information on self-immolations abroad’, and ‘leading a conspicuous protest in public against the law of the land, calling for the release of a Tibetan spiritual leader’. These accusations have no legal basis in the Constitution or the Penal Code and are often related to the Dalai Lama. As the Dalai Lama is considered to be a ‘splittist’ by the CCP, any affiliation with him is seen as against the communist state.

If religious prisoners are formally charged, they are typically sentenced under this article of the Chinese Penal Code:

Article 111 concerns ‘whoever steals, spies into, buys or unlawfully supplies state secrets or intelligence of an organ, organization or individual outside the territory of China’. This is punishable with a prison term between five to ten years.⁶

International advocacy

The **European Parliament** (EP) has been the most vocal EU institution concerning the lack of religious freedom in Tibet. Generally, China is a rather divisive issue in the EU due to divergent views of member states regarding their relations with China and Beijing. However, EP resolutions on human rights in China, including Tibet, have traditionally enjoyed a majority support within the EP.

In its 2018 resolution on the cases of human rights activists Wu Gan, Xie Yang, Lee Ming-che, and Tashi Wangchuk and the Tibetan monk Choekyi, the EP condemned the ‘anti-Buddhist campaigns carried out via the “patriotic education” approach, including measures to state-manage Tibetan Buddhist Monasteries’.⁷

In a 2018 report on EU-China relations, the EP urged China to respect the freedom of religion and belief of Tibetans, in line with international human rights standards.⁸

⁶ “Criminal Law of the People’s Republic of China”, adopted July 1, 1979, and promulgated March 14, 1997 after revision, *National People’s Congress of the Republic of China*, 1997.

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/5375/108071/F-78796243/CHN5375%20Eng3.pdf>.

⁷ European Parliament, Resolution on the cases of the human rights activists Wu Gan, Xie Yang, Lee Ming-che and Tashi Wangchuk, and the Tibetan monk Choekyi (2018/2514 (RSP)) January 18, 2018. https://www.europarl.europa.eu/doceo/document/TA-8-2018-0014_EN.html.

⁸ European Parliament, Resolution on the state of EU-China relations (2017/2274 (INI)) September 12, 2018. https://www.europarl.europa.eu/doceo/document/TA-8-2018-0343_EN.html.

In its 2019 resolution on *China, notably the situation of religious and ethnic minorities*, the EP stated that the situation in Tibet had deteriorated. The text claims that ‘the Chinese Government has created an environment in Tibet in which there are no limits to state authority, the climate of fear is pervasive, and every aspect of public and private life is tightly controlled and regulated’; ‘in Tibet any acts of non-violent dissent or criticism of state policies with regard to ethnic or religious minorities can be considered as “splittist” and therefore criminalised’.⁹

The resolution also notes that ‘an extremely high number of Tibetans, mostly monks and nuns, have reportedly set themselves on fire since 2009 in protest against restrictive Chinese policies in Tibet, and in support of the return of the Dalai Lama and the right to religious freedom’. The document calls on the Chinese Government to ‘immediately release Tibetan religious figures who face criminal charges or have been imprisoned’. It ‘condemns the campaign carried out via the “patriotic education” approach, including measures to state-manage Tibetan Buddhist monasteries’. It is concerned that ‘China’s criminal law is being abused to persecute Tibetans and Buddhists, whose religious activities are equated with “separatism”’.¹⁰

Furthermore, the Tibet Interest Group, formerly known as the Tibet Intergroup, is one of the oldest cross-party platforms in the EP. It has brought together MEPs from most political groups and organised conferences and seminars with experts, academics and NGOs about religious freedom in Tibet.

In its 2020 Annual Report, the **United States Commission on International Religious Freedom** (USCIRF) called upon the US government to impose targeted sanctions on Chinese officials responsible for severe religious freedom violations, especially Chen Quanguo, the current CCP Secretary of Xinjiang and former Secretary of Tibet.¹¹

Also, on 24 April 2020 which is the eve of the 31st birthday of Panchen Gedhun Choekyi Nyima, USCIRF published a press release reiterating its call for the release of Gedhun Choekyi Nyima. The Chinese authorities kidnapped him and his family on 18 May 1995, three days after the Dalai Lama chose the then six-

⁹ European Parliament, Joint motion for a resolution on China, notably the situation of religious minorities (2019/2690 (RSP)) April 17, 2019. https://www.europarl.europa.eu/doceo/document/RC-8-2019-0255_EN.html#_ftn4.

¹⁰ Ibid.

¹¹ United States Commission on International Religious Freedom, *Annual Report, USCIRF 2020*, April 2020. https://www.uscirtf.gov/sites/default/files/USCIRF%202020%20Annual%20Report_Final_42920.pdf.

year old Gedhun to be the 11th Panchen Lama. He has not been seen or heard from since.¹²

CASE STUDIES

The Panchen Lama kidnapped by Chinese authorities and missing since 1995

Gedhun Choekyi Nyima was born on 25 April 1989 in Lhari County, Tibet. After the death of the 10th Panchen Lama, the Dalai Lama chose Gedhun Choekyi Nyima on 14 May 1995 to be the 11th Panchen Lama.

Three days after his selection, Chinese authorities kidnapped then six-year-old Gedhun Choekyi Nyima and his family. On 9 November 1995, Chinese authorities announced their chosen Panchen Lama: Gyancaïn Norbu. Most Tibetan Buddhists have rejected him.

In the more than 20 years since Gedhun Choekyi Nyima's abduction, Chinese authorities have provided little information about his whereabouts, alleging that they need to protect him from being 'kidnapped by separatists'. In May 2007, Asma Jahangir, then-US Special Rapporteur on FoRB, suggested that the Chinese government allow an independent expert to visit and confirm Gedhun's well-being. On 17 July 2007, the Chinese authorities said that he is a 'perfectly ordinary Tibetan boy' attending school and leading a normal life, and that he 'does not wish to be disturbed'. Authorities claim that the state employs both of his parents and that his brothers and sisters are either working or at university.¹³

Three monastic teachers in prison since 2008

Three distinguished monastic teachers, **Jampel Wangchuk**, **Konchok Nyima** and **Ngawang Chonyi**, were arrested on 11 April 2008 in an unknown location. All three were among the principal disciples of the late Lamrim Rinpoche, a revered Drepung lama who was not appointed by the Chinese government. This suggests that Beijing perceived Rinpoche's influence as a threat to the state's control of the monastery. While no official charges were brought against the three monks, the authorities accused them of failing to prevent a protest at the monastery. However, reports indicate that they had not taken part in the protests.¹⁴

¹² "USCIRF Calls for Release of the Panchen Lama," United States Commission on International Religious Freedom, April 24, 2020. <https://www.uscifr.gov/news-room/press-releases-statements/uscifr-calls-release-the-panchen-lama>.

¹³ "Gedhun Choekyi Nyima – The Panchen Lama," United States Commission on International Religious Freedom, June 5, 2020. <https://www.uscifr.gov/gedhun-choekyi-nyima-the-panchen-lama>.

¹⁴ "Sentenced Monks Drop From Sight," World Uyghur Congress, December 24, 2010, accessed April 2020. <https://www.uyghurcongress.org/en/sentenced-monks-drop-from-sight/>.

In July 2010, the court sentenced Wangchuk to life imprisonment, Nyima to 20 years in prison and Chonyi to 15 years. It is believed that the three monks are being scapegoated due to their influence in the community.

VIETNAM: Reasons for the Persecution of Buddhists

As of July 2018, the US government estimated the total population to be 97 million in Vietnam. According to statistics released by the Government Committee for Religious Affairs (CRA), 26.4% of the population is categorised as religious believers: 14.91% identify as Buddhist, 7.35% Roman Catholic, 1.09% Protestant, 1.16% Cao Dai, and 1.47% Hoa Hao Buddhist.¹⁵

In Vietnam, government restrictions have greatly limited all religious activities for both registered and non-registered groups. In 1981, six years after the Communists took power, the government unified several Buddhist organisations under the umbrella group *Buddhist Sangha of Vietnam* (BSV) which was placed under its authority.

The *Unified Buddhist Sangha of Vietnam* (UBSV), which was founded in 1964 to unite 11 of the 14 Buddhist groups, refused to pledge allegiance to the Communist regime and was consequently banned. The UBSV was denied the official authorisation needed to operate. The UBSV Patriarch, Thich Quang Do, who had been under house arrest since his appointment in 1999, died in February 2020 at the age of 92.

Religious teachings are considered incompatible with communist ideology, and any form of assembly is perceived as a threat to the Communist Party's monopoly of power. Thus, the government attempts to maintain strict control over all religious groups. Buddhist leaders who refuse allegiance to the Communist Party are harassed and imprisoned while their groups are declared illegal or banned.

Two groups are particularly persecuted: An Dan Dai Dao and Hoa Hao Buddhists.

An Dan Dai Dao (ADDD) is a Buddhist group founded in 1969 that was quickly outlawed and persecuted after the Communist takeover in 1975. Most of ADDD properties have now been expropriated, and its followers were forced into hiding. The leaders of ADDD have long been treated as criminals, including Phan Van Thu — its founder and leader — who was accused of working for the US and intending to 'rebel' against the regime.¹⁶

¹⁵ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Vietnam 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/vietnam/>.

¹⁶ "Update on Political Prisoner Phan Van Thu from His Family, March 2020," The 88 Project, Kayleedolen, March 22, 2020, accessed March 2020.

Phat Giao Hoa Hao (known as Hoa Hao)¹⁷ was established on 4 July 1939 by Buddhist reformer Huynh Phu So in the southern Vietnamese province of An Giang. Hoa Hao Buddhism is described as ‘an amalgam of Buddhism, ancestor worship, animistic rites, elements of Confucian doctrine, and indigenous Vietnamese practices’.¹⁸ The government officially recognises the Hoa Hao religion, but imposes harsh controls because it is an independently organised religious group. Since they are not state-sanctioned, they are denied registration and the government cracks down hard on their gatherings and temples.

Buddhists in Prison in Vietnam

Two Buddhist groups are particularly persecuted because they refuse to swear allegiance to the Communist Party: **An Dan Dai Dao** and **Hoa Hao Buddhists**.

Buddhists behind bars: some statistics

As of 1 June 2020, HRWF documented **28 cases** of detained Buddhists in its Prisoners’ Database.¹⁹ Of these cases, 22 were members of the An Dan Dai Dao group and 21 of them were arrested in 2012, with prison terms ranging from 12 to 17 years. One arrest was made in 2014 with a prison term of six years, and one of these individuals was sentenced to life imprisonment. Almost all of these individuals were charged with subversion under Article 79 and accused of writing documents critical of the government.

The remaining six cases involve members of the Hoa Hao Buddhist group. Five were arrested in 2017, with one arrest in 2011. In most of these cases, the charges were ‘causing public unrest’ under Article 245.

Articles of the Penal Code

Buddhist followers were charged under these articles of the 1999 Vietnamese Penal Code:

Article 79 stipulates that those who carry out activities, establish or join organisations with the intent to overthrow the people’s administration ‘shall be

<https://the88project.org/update-on-political-prisoner-phan-van-thu-from-his-family-march2020/>.

¹⁷ Australian Government, *Country Advice: Vietnam*, Refugee Review Tribunal (VNM38054) February 3, 2011. <https://www.refworld.org/pdfid/4df9ef982.pdf>.

¹⁸ The Editors of Encyclopaedia Britannica, “Hoa Hao,” Encyclopædia Britannica, Encyclopædia Britannica, inc., June 18, 2014, accessed May 2020. <https://www.britannica.com/topic/Hoa-Hao-Vietnamese-religious-movement>.

¹⁹ Our Database is updated on a regular basis. For more details about imprisoned Buddhists, see <https://hrwf.eu/prisoners-database/>.

sentenced to between twelve and twenty years of imprisonment, life imprisonment or capital punishment’.

Article 88 states that conducting propaganda against the Socialist Republic of Vietnam, such as distorting and/or defaming the people’s administration, spreading fabricated news to create confusion, is punishable with ‘between three and twelve years of imprisonment’.

Article 245 outlines that those who ‘foment public disorder’ shall be sentenced to a fine and non-custodial reform for up to two years or between three months and two years’ imprisonment. If the offender used weapons during the offence, they ‘shall be sentenced to between two and seven years of imprisonment’.

Article 258 stipulates that those who ‘abuse the rights to freedom of speech, freedom of press, freedom of belief, religion, assembly, association and other democratic freedoms to infringe upon the interests of the State’ shall be subject to a warning, non-custodial reform for up to three years or a prison term of between six months and three years.²⁰

In most cases, the government liberally applies Article 79, which carries the harshest sentences, as a deterrent against those it perceives to disobey its rule and to assert control. It also demonstrates that references to national security plays a central role in the detention of many religious followers. By invoking vaguely worded provisions in the Penal Code such as ‘subversion’ or ‘abuse of democratic freedoms’, the government incriminates and silences Buddhists who practice their freedom of religion or belief outside of state-sanctioned religious organisations.

International advocacy

The **European Parliament** has regularly followed Vietnam’s overall dire human rights record, in particular violations of FoRB. In its November 2018 resolution on Vietnam, the European Parliament noted that religious freedom is repressed in the country and that non-recognised religions, such as the Unified Buddhist Church of Vietnam, continue to suffer severe religious persecution. It called on the government to remove all restrictions on freedom of religion and to put an end to the harassment of religious communities. It further urged the government

²⁰ “Vietnam Penal Code” (No. 15/1999/QH10) approved December 21, 1999, *National Assembly of the Socialist Republic of Vietnam, Xth legislature*, 1999.
https://www.unodc.org/res/cld/document/vnm/penal-code_html/Vietnam_Penal_Code_1999.pdf.

to bring its legislation into conformity with international human rights standards and obligations.²¹

Every year since 2002, the **United States Commission on International Religious Freedom (USCIRF)** has recommended that Vietnam be designated as a Country of Particular Concern (CPC) for having engaged in or tolerated particularly severe violations of religious freedom.²²

CASE STUDIES

Founder of Buddhist group An Dan Dai Dao sentenced to life in prison

Phan Van Thu, the founder and leader of the An Dan Dai Dao Buddhist group (ADDD), was detained in 2012 together with 21 coreligionists. They were initially charged under Article 258 for allegedly abusing the right to freedom of expression with the intent of harming the state's interests. Later, this was changed to charges under Article 79, which invokes harsher sentences. In a closed trial, the 21 Buddhists were sentenced to a collective total of 299 years in prison and 105 years of house arrest, which are the highest sentences ever imposed. Phan Van Thu was given a life sentence in January 2013. Following his sentencing, he maintained that the activities of the group were purely religious and that the authorities interpreted their teachings in political terms.

The ADDD Buddhist sect, which was outlawed and persecuted after the Communist takeover in 1975, is considered a peaceful movement by human rights groups. However, all arrested members of the group have been treated as criminals. The authorities accused Phan Van Thu of working for the American CIA and of intending to 'rebel' against the regime. Since 1975, he has spent most of his life in detention centres, forced labour camps and re-education camps. In 1984 he escaped prison.

In early 2000, he decided to return to his homeland and re-establish the movement by building an eco-tourism park to serve as a pilgrimage and religious destination for ADDD followers. However, in 2012 he was arrested with 22 members, and the authorities seized all of their properties.

According to the latest updates from his family in March 2020, Phan Van Thu continues to suffer from multiple health ailments, namely diabetes, arthritis,

²¹ European Parliament, Joint motion for a resolution on Vietnam, notably the situation of political prisoners (2018/2925 (RSP)) November 14, 2018. https://www.europarl.europa.eu/doceo/document/RC-8-2018-0526_EN.html.

²² United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Vietnam 2020*, 2020. <https://www.uscirf.gov/sites/default/files/Vietnam.pdf>.

hypertension and heart problems. The restrictive policies concerning medical care in prison have led to a deterioration in his health, and now they have further worsened under restrictions due to the COVID-19 pandemic. His family requested a suspension of his sentence on medical grounds, but the authorities denied their petition.²³

Member of An Dai Dan Dao, sentenced for 13 years for ‘plotting to overthrow the government’

Do Thi Hong was arrested together with Phan Van Thu, the founder of the An Dan Dai Dao (ADDD) in 2012. She was sentenced to 13 years of prison and five years of house arrest under Article 79. She was sentenced to five years’ probation following her sentence.

Do Thi Hong suffers from poor health, like many of the other jailed members of ADDD because most of them are over 50 years old.²⁴ While ADDD is a peaceful organisation with thousands of followers, the authorities have repeatedly denied their right to freedom of religion or belief.

Arrested with five other Hoa Hao group members during a peaceful protest

On 9 February 2018, **Nguyen Hoang Nam**, born in 1970, was sentenced to four years in prison together with five other independent Hoa Hao Buddhists: **Bui Van Trung, Bui Van Tham, Bui Thi Bich Tuyen, Bui Van Trung and Le Thi Hong Hanh**. They all received sentences of between three and six years in prison. They were arrested during a peaceful gathering where they were protesting their inability to commemorate the death of a member of their community at Bui Van Trung’s home.²⁵

The charge brought against all six followers was ‘causing public unrest’ under Article 245. In November 2018, authorities reportedly transferred Nguyen Hoang Nam and Bui Van Trung from a detention centre in Tien Giang Province after

²³ “Update on Political Prisoner Phan Van Thu from His Family, March 2020,” The 88 Project. March 22, 2020, accessed April 2020.

<https://the88project.org/update-on-political-prisoner-phan-van-thu-from-his-family-march-2020/>, and, “Update on Imprisoned Members of An Dan Dai Dao Buddhist Sect: Lack of Medical Treatment Results in Death and Prolonged Suffering in Detention,” The 88 Project, November 13, 2019, accessed March 2020. <https://bit.ly/2YMG4Fr>.

²⁴ “Update on Imprisoned Members of An Dan Dai Dao Buddhist Sect: Lack of Medical Treatment Results in Death and Prolonged Suffering in Detention,” The 88 Project, November 13, 2019, accessed March 2020. <https://bit.ly/2YMG4Fr>. <https://the88project.org/update-on-imprisoned-members-of-an-dan-dai-dao-buddhist-sect-lack-of-medical-treatment-results-in-death-and-prolonged-suffering-in-detention/>.

²⁵ “Vietnam jails 6 more Buddhists of persecuted Hoa Hao sect,” Union of Catholic Asian News, February 12, 2018, accessed April 2020. <https://www.ucanews.com/news/vietnam-jails-6-more-buddhists-of-persecuted-hoa-hao-sect/81498>.

they protested the use of forced labour in the prison.²⁶ According to an NGO, Bui Van Trung was able to have a censored version of the Hoa Hao scripture in prison.²⁷

Conclusions

China's suppression of the teachings and practices of Tibetan Buddhism aims to eliminate an integral part of Tibet's cultural and national identity. In this sense, the Tibetans' claim to self-determination and independence is closely linked to the preservation of their cultural and religious identity. However, Chinese authorities assert that Tibet is a part of the People's Republic and that they are rightfully maintaining control over the region. In order to ensure their power in Tibet, China polices all political and religious activities there.

Regardless of the political status of Tibet in respect to the Chinese government, FoRB is systematically curtailed by Chinese authorities in the region today. The government actively promotes atheism in an attempt to undermine the Dalai Lama's influence. Severe controls are imposed on monasteries and nunneries, religious pilgrimages are limited, and acquiring a religious education remains difficult. Freedom of speech, press, association, and religion are methodically obstructed and restricted.

Moreover, the discrimination faced by Tibetans in terms of education, employment, health care and legal representation is a consequence of the concerted campaign to marginalise, isolate, and assimilate Tibetans in ways that allow the Chinese government to control them politically. The Tibetan flag and national anthem are strictly banned. Anyone found in possession of a picture of the Dalai Lama can be subjected to arrest, torture and imprisonment.

Vietnam has repressive policies toward Buddhists refusing to swear allegiance to the Communist regime and who are seen as escaping its official control. Any threat to power, real or perceived, is swiftly suppressed.

In July 2014, UN Special Rapporteur of Freedom of Religion or Belief, Heiner Bielefeldt, undertook a country visit to Vietnam and acknowledged the tight control that the Government exercises on religious communities. He noted that the autonomy and activities of independent religious or belief communities, which are unrecognised by authorities, remained restricted and unsafe. He

²⁶ United States Commission on International Religious Freedom, *Annual Report, USCIRF: Vietnam*, 2019. <http://www.vietnamhumanrights.net/english/documents/2019uscirfreport.pdf>.

²⁷ U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Vietnam*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/vietnam/>.

commented that as a result, the rights to FoRB for these communities are grossly violated by constant surveillance, intimidation, harassment and persecution. During the UN Special Rapporteur's country visit, he had to prematurely put an end to his mission because of serious incidents of intimidation and cases of blatant breaches of the principle of confidentiality.²⁸

²⁸ Human Rights Council, General Assembly of the United Nations, *Report of the Special Rapporteur on freedom of belief, Heiner Bielefeldt* (A/HRC/28/66/Add.2) January 30, 2015. <https://undocs.org/pdf?symbol=en/A/74/188>.