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Vietnam denies permission for the Evangelical Church to hold clergy assembly

Country's largest evangelical body forced to 'postpone' conference.

Morning Star News (02.12.2020) - <https://bit.ly/3mVQWvk> - The government of Vietnam has denied the Evangelical Church of Vietnam (South) permission to hold its scheduled bi-annual Clergy Assembly, according to the Bureau of Religious Affairs.

After the ECVN(S) announced on Nov. 25 that it was "postponing" the assembly scheduled for Feb. 1-3, 2021 because the government had denied permission, the Bureau of Religious Affairs released a statement the same day confirming its decision and urging the ECVN(S) to meet requirements of Vietnamese law in order to hold the assembly.

Sources said the government denial is based on the ECVN(S)'s refusal to comply with Article 34 of the 2018 Law on Religion, which requires a national religious body to submit names of its candidates for leadership for government approval in advance of the meeting at which their election would take place.

Besides finding it repugnant that an atheistic government would claim the right to decide who is fit to become a church leader, the ECVN(S) argues that Article 34 is contrary to its government-approved 2001 constitution and contrary to a century of practice. The church body unanimously passed a "line-in-the-sand" motion at its 2017 General Assembly that it could not and would not comply with Article 34.

The ECVN(S) had complained that Article 34 was inserted after the last publicly circulated draft of the Law on Religion that went into effect Jan. 1, 2018. During the period for public review before the National Assembly passed the law, Vietnam's religious leaders, international human rights observers and advocates, as well the UN Special Rapporteur for Freedom of Religion and Belief, had sounded alarms that the law was highly defective and urged Vietnam to amend it.

Besides allowing a government veto of the church's nominations of its own officers, Article 34 requirements would be impossible to meet from a practical point of view, church leaders said. The democratic nature of the ECVN(S) constitution allows for nominations from the floor at the voting assembly, and thus it would be impossible to submit names of candidates for church leadership in advance of the assembly.

The Clergy Assembly itself was a novel development in the ECVN(S) 2001 constitution required by the government. Until then, the church had functioned well with a periodic General Assembly. At that time the government had tried to install some leaders under its influence as the first officers of the essentially redundant Clergy Assembly in an apparent attempt to set up competing leaders within the church.

That church-state confrontation portended what many stakeholders warned would happen – a 2018 Law on Religion designed to provide the authorities with more tools to interfere in and control religion, rather than provide more freedom.

The ECVN(S) announcement, signed by its President Thai Phuoc Truong and General Secretary Phan Quang Thieu, stated that even if government permission were immediately forthcoming, it was now too late to plan the large event.

Vietnam ranked 21st on Christian support organization Open Doors' 2020 World Watch List of the 50 countries where it is most difficult to be a Christian.

Vietnam monks reject state-run TV station's accusations

Benedictines say the report is offensive and that they have proof of ownership of disputed land.

By Hue

UCA News (28.08.2020) - <https://bit.ly/3hJ3uDN> - Benedictine monks in central Vietnam have asked a government-run television station's officials to deal with a documentary which wrongly accused them of invading land.

On Aug. 17, state-run Radio and Television Station based in Thua Thien Hue province aired a documentary titled "Some monks at Thien An Monastery appropriate land and distort the truth," which reported that on Aug. 10-11 concerned people with banners gathered at pine forests at Thuy Bang Commune to demand some monks stop cutting down pines and invading land illegally.

The 6.5-minute documentary said the pine forests are managed by the commune and accused some monks of regularly shouting at and offending people.

Newscaster Nguyen Thi Diem My, who presented the documentary, said the monks posted videos and writings with untrue contents on social media, vilifying government authorities and police for posing as members of the public, terrorizing and hurting the monks' dignity.

Benedictine monks said the film "has untrue contents, gravely offends us and follows the provincial government's sponsoring of public security officers, police and gangsters who posed as the people and illegally broke into the monastery on Aug. 10-11."

They said they have absolute proof of ownership of the 107-hectare plot of land including facilities and pine forests since 1940. After 1975, when Vietnam came under communist rule, the monks never donated, ceded or offered their land to any individuals or organizations.

They said they have petitioned local government authorities many times to return the land they had "borrowed."

The Benedictines rejected the fact that Nguyen Viet Ton was interviewed in the film saying that his family had lived in the area for three generations.

The monks said Ton's grandfather Nguyen Viet Doan was an orphan who moved to the commune in 1960 and Ton's father Nguyen Viet Cu was given material support and a plot of land to cultivate for a living by the monks.

They said they have not received any documents from the local government stating that they grabbed the land. They said it is the state-run Tien Phong forestry company that is responsible for appropriating their land and refusing to return it.

They said the television station's accusations violate the country's press laws and destroy the monks' dignity.

"More seriously, the documentary's wrong contents cause bad public opinions across the country and abroad, and lose public trust in the state's media," Father Andrew Trong Nguyen Van Tam, the monastery's superior, said in an Aug. 23 letter to Nguyen Van Du, director of the station.

Father Tam invited Du and Diem My to meet the monks at their monastery on Sept. 1 so that the monks could give accurate information and feedback.

He said the monks would also invite some individuals and organizations who invaded their land and pine forests to meet them on that day.

"We would like to receive cooperation from you to deal with the case legally and objectively," Father Tam said, adding that if they do not come, the monks will petition the local government to deal with the case.

Sources said local authorities had removed a barbed-wire fence they erected on Aug. 13 from the controversial land.

EU-Vietnam Free Trade Agreement: HRWF calls for the release of 28 Buddhist prisoners

HRWF (11.06.2020) – *Human Rights Without Frontiers* (HRWF) calls upon the EU institutions to strictly monitor the implementation of the human rights provisions included in the a free trade agreement with the European Union (EU), which will enter into force on 1 July 2020, and in particular the freedom of association of Buddhist and Christian groups.

When the EP Trade Committee backed the agreement earlier this year, it linked its green light to the respect of "labour and human rights" by Vietnam. The press release of the Committee stressed that "The agreement commits Vietnam to apply the Paris Agreement. Vietnam scheduled the ratification of two remaining bills on the abolition of forced labour and on freedom of association by 2020 and 2023, respectively. If there are human rights breaches, the trade deal can be suspended."

The National Assembly of Vietnam has now ratified a free trade agreement with the European Union (EU), which will enter into force on 1 July 2020.

On 30 June 2019, the European Union and Vietnam signed a Trade Agreement and an Investment Protection Agreement. The European Parliament subsequently gave its

consent to both Agreements on 12 February 2020 and the Free Trade Agreement was concluded by Council on 30 March 2020.

The Reasons for the Persecution of Buddhists in Vietnam

The U.S. government estimates the total population at 97 million (July 2018 estimate). According to statistics released by the Government Committee for Religious Affairs (CRA), 26.4 percent of the population is categorized as religious believers: 14.91 percent is Buddhist, 7.35 percent Roman Catholic, 1.09 percent Protestant, 1.16 percent Cao Dai, and 1.47 percent Hoa Hao Buddhist.¹

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

The *Unified Buddhist Sangha of Vietnam* (UBSV), founded in 1964 in order to unite 11 of the 14 different Buddhist groups, refused allegiance to the Communist regime and was banned. The UBSV was denied the official authorization to operate and was consequently banned. 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 to be incompatible with communist ideology, and any form of assembly is perceived as a threat to the Communist Party's monopoly of power. Consequently, all religious groups are supposed to be under the strict rule of the Communist Party. 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 the properties have now been expropriated, while followers were forced into hiding. The leaders of ADDD have long been treated as criminals. Phan Van Thu, — its founder and leader — was accused by the authorities of working for the CIA and intending to "rebel" against the regime.²

Phat Giao Hoa Hao (known simply as Hoa Hao)³ 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 by Encyclopaedia Britannica Online as "an amalgam of Buddhism, ancestor worship, animistic rites, elements of Confucian doctrine, and indigenous Vietnamese practices".⁴ The government officially recognizes the Hoa Hao religion but imposes harsh controls on dissenting groups that do not follow the state-sanctioned branch. As an independently organized religious group, they are denied registration and the government cracks down hard on their gatherings and temples.

¹ For more religious statistics, see <https://www.state.gov/reports/2018-report-on-international-religious-freedom/vietnam/>

² <https://the88project.org/update-on-political-prisoner-phan-van-thu-from-his-family-march-2020/>

³ <https://www.refworld.org/pdfid/4df9ef982.pdf>

⁴ <https://www.britannica.com/topic/Hoa-Hao-Vietnamese-religious-movement>

⁵ Our Database is updated on a regular basis, and so for more details about imprisoned Buddhists, see <https://hrwf.eu/prisoners-database/>

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 April 2020, HRWF documented **28** Buddhists who were convicted of criminal offences for practicing their right to freedom of religion or belief.⁵ Of these cases, **22** were members of the **An Dan Dai Dao** group and twenty-one 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. Almost all of these individuals were charged with **subversion** under Article 79 of the 1999 Penal Code and accused of writing documents critical of the government. Life sentence was given in one case, with charges brought under Articles 79, as well as Article 258, which refers to alleged abuses of democratic freedoms, such as freedom of belief and religion, to infringe upon the interest of the State.

The remaining **six arrests** of the twenty-eight documented cases were of members of the **Hoa Hao Buddhist** group. They occurred in 2017, with the exception of one case which goes back to 2011. In most of these cases the charges were "causing public unrest", under Article 245 of the 1999 Penal Code. In one case the charges were brought under Article 88 of the 1999 Penal Code.

Articles of the Penal Code

Buddhist followers were charged under Articles 79, 88, 245 and 258 of the 1999 Penal Code.

Article 79 stipulates that those who carry out activities, establish or join organizations with intent to overthrow the people's administration "shall be sentenced to between twelve and twenty years of imprisonment, life imprisonment or capital punishment".⁶

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 in order to foment confusion, "shall be sentenced to between three and twelve years of imprisonment".

According to **Article 245** of the Penal Code, those who "foment public disorder" shall be sentenced to a fine, non-custodial reform for up to two years or between three months and two years imprisonment, and in case of an offence using weapons the offender "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 warning, non-custodial reform for up to three years or a prison term of between six months and three years.

In the overwhelming majority of cases the government has extensively used the charge under Article 79, which carries the harshest sentence, namely life imprisonment or

⁶ https://www.unodc.org/res/cld/document/vnm/penal-code_html/Vietnam_Penal_Code_1999.pdf

⁷ Joint Motion for a Resolution, European Parliament, November 14, 2018, https://www.europarl.europa.eu/doceo/document/RC-8-2018-0526_EN.html

capital punishment, can be regarded as the government using the Penal Code as a deterrent against those it perceives to disobey its rule and therefore must bring under its control. It is also indicative that reference to national security indeed plays a central role in the detention of 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 organizations.

International advocacy

The **European Parliament** has regularly followed Vietnam’s overall dire human rights record, in particular violations of freedom of religion or belief. In its November 2018 resolution on Vietnam, the European Parliament noted that freedom of religion or belief is repressed in the country, and non-recognized 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 to bring its legislation in conformity with international human rights standards and obligations.⁷

Every year since 2002, **USCIRF** has recommended that Vietnam be designated as a Country of Particular Concern (CPC).

Conclusions

Vietnam has repressive policies toward Buddhists refusing allegiance to the Communist regime and escaping its official control. Any threat to power, real or perceived, is summarily suppressed.

In July 2014, UN Special Rapporteur of Freedom of Religion or Belief, Heiner Bielefeldt, undertook a country visit in Vietnam and acknowledged the tight control that the Government exercises on religious communities. He noted that autonomy and activities of independent religious or belief communities, that is unrecognized communities, remained restricted and unsafe. As a result, he commented in his report, the rights to freedom of religion or belief of such communities are grossly violated in the face of constant surveillance, intimidation, harassment and persecution. During his country visit, the UN Special Rapporteur had to prematurely put an end to his mission because of serious incidents of intimidation and cases of a blatant breach of the principle of confidentiality.⁸

EU-Vietnam Free Trade Agreement but 14 Protestants still in prison

HRWF/ The 88 Project (10.06.2020) - The National Assembly of Vietnam has ratified a free trade agreement with the European Union (EU), which over the next 10 years will cut or eliminate 99 per cent of tariffs on trade between the two sides.

⁸ Report of the Special Rapporteur on freedom of religion or belief (30 January 2015), Heiner Bielefeldt, Mission to Viet Nam (21 to 31 July 2014)

Lawmakers of the Vietnamese Parliament approved the Europe-Vietnam Free Trade Agreement (EVFTA), which will come into effect in July.

Negotiations between the EU and Vietnam began in 2012 but remained stalled for several years over the latter's refusal to accept human rights and environmental clauses.

Reasons for the Persecution of Protestants in Vietnam

As of July 2018, the total population of Vietnam was estimated to be 97 million. According to statistics released by Vietnam's Government Committee for Religious Affairs (CRA), 26.4% of the population are religious believers: 14.91% identify as Buddhist, 7.35% as Roman Catholic, 1.09% as Protestant, 1.16% as Cao Dai, and 1.47% as Hoa Hao Buddhist.⁹

Vietnam's Constitution stipulates that the government must defend and respect the freedom of religion or belief for all citizens. However, 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. Consequently, all religious groups are under strict surveillance and control by the Communist Party.

To that end, Vietnam's Law on Belief and Religion went into effect on 1 January 2018. This law, which requires religious groups to formally register with the government, has been used by authorities as justification for persecuting religious minorities, including Protestants. There are reports of authorities: harassing church members and leaders; refusing to issue identity documents which effectively leaves members stateless; raiding and shutting down churches; detaining members who attended overseas conferences or spoke to foreign officials; destroying or expropriating property or places of worship; exerting pressure on members to renounce their faith; and arresting and detaining religious leaders.¹⁰

Members of the Montagnard ethnic group are especially targeted and are often sentenced to lengthy prison terms on the alleged grounds of undermining the national unity policy. Due to missionary activities before Vietnam became communist, it is estimated that over half a million Montagnards are now Protestant Christians.¹¹ The Vietnamese authorities perceive this ethno-religious group as a potential threat to the territorial integrity and the security of the country.

Protestants in Prison in Vietnam

In Vietnam, only religious organisations that are state-sanctioned can operate. Pastors and believers of Evangelical and Pentecostal house churches that are not state-sanctioned can be arrested at any time and charged with spurious offenses such as disruption of public order, undermining state security, illegally operating a business or leaking state secrets.

⁹ For more religious statistics, see <https://www.state.gov/reports/2018-report-on-international-religious-freedom/vietnam/>

² <https://www.uscirf.gov/sites/default/files/Vietnam.pdf>

¹¹ <https://asiatimes.com/2018/10/say-a-prayer-for-vietnams-forgotten-montagnards/>

⁴ <http://webtv.un.org/search/consideration-of-viet-nam-contd-3581st-meeting-125th-session-of-human-rights-committee/6013104672001/?term=viet%20nam&lan=english&sort=date>

⁵ <https://the88project.org/profile/88/a-quyn/>

⁶ <https://the88project.org/profile/86/a-dao/>

Protestants behind bars: some statistics

As of 1 April 2020, HRWF documented **14 cases** of Protestants in its Prisoners' Database. These individuals were all sentenced to between five to 17 years in prison. They are all Montagnards and five are Evangelical pastors. In 2019 there were 24 cases recorded in HRWF's database, in 2018 there were 27 and in 2017 there were 32.

There have been reports of religious prisoners experiencing torture during pretrial detention and imprisonment, as well as poor living conditions in prisons and suspicious deaths occurring while in custody.¹²

Articles of the Penal Code

Prisoners are typically charged under this Article of the Vietnamese Criminal Code:

Article 87 which is "undermining the unity policy".¹³

Additionally, one of the Protestants in HRWF's FoRB Prisoners' Database was charged under **Article 275**, which includes "organizing and/or coercing other persons to flee abroad or stay abroad illegally".¹⁴

Some international advocacy

On 12 March 2019, the **UN Human Rights Committee** held a review of Vietnam's fulfilment of its obligations under the International Covenant on Civil and Political Rights (ICCPR). In the Committee's concluding observations, it highlighted concerns that had been raised related to freedom of religion or belief, especially regarding imprisonment: allegations of torture, poor living conditions, deaths while in detention and unjust pretrial detentions. The Committee also reiterated alarm at the government's repression of indigenous ethnic communities and lack of freedom of expression for civil society organisations.¹⁵

In its November 2018 resolution on Vietnam, the **European Parliament** noted that religious freedom is repressed in the country and non-registered religions, such as Protestant churches and ethnic minority Montagnards, "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 to bring its legislation in conformity with international human rights standards and obligations.¹⁶

¹⁵ <http://webtv.un.org/search/consideration-of-viet-nam-contd-3581st-meeting-125th-session-of-human-rights-committee/6013104672001/?term=viet%20nam&lan=english&sort=date>

⁸ https://www.europarl.europa.eu/doceo/document/RC-8-2018-0526_EN.html

⁹ <https://www.uscirf.gov/sites/default/files/Vietnam.pdf>

¹⁰ <https://the88project.org/profile/97/siu-bler/>

The **United States Commission on International Religious Freedom** (USCIRF) has recommended that Vietnam be designated as a Country of Particular Concern (CPC) every year since 2002. The U.S. Department of State designated Vietnam as a CPC in 2004, but lifted this designation in 2006 after a bilateral agreement. At the time, USCIRF cautioned that it was too soon to ensure that progress regarding religious freedom would continue. In its 2020 report, USCIRF still found cause for Vietnam to be designated as a CPC.¹⁷

Some conclusions

The current situation of Protestants in Vietnam must also be viewed within the framework of international norms of freedom of religion or belief. These norms include 'the freedom, either alone or in community with others and in public or private, to manifest his [or her] religion or belief in teaching, practice, worship and observance' (UDHR, Article 18). States must find ways to balance the need for societal stability with their commitment to ensure democratic freedoms for all its citizens.

CASE STUDIES

Pastor tortured while serving 17-year sentence, now partially paralysed

Siu Bler is a pastor at the Amoi Evangelical Church who was previously arrested in 2001 after his community protested years of harassment by the government. When he was released in 2013, he was placed on probation for two years. On 27 August 2004, he was arrested again for defending his Church's right to freedom of religion. He was sentenced to 17 years in prison, which is to be followed by three years of probation.

While in detention, he was tortured until half of his body became paralysed.

Siu Bler is a member of the Ba Na ethnic minority group of the Montagnards.¹⁸

Evangelical pastor sentenced to 12 years in prison under unknown charges

Y Yich is an Evangelical pastor from the Gia Lai Province who was previously arrested for "plotting against the government" and sentenced to four years in prison. After his release in 2011, he was placed on probation for three years. He resumed proselytising within his community and was subsequently arrested on 13 May 2013. He was sentenced to 12 years in prison, but the exact charges against him are unknown.

While in detention, he has been subjected to torture and his health has been deteriorating as a consequence. The prison authorities have denied him medical treatment despite him suffering from high blood pressure, rheumatism, and stomach inflammation. Additionally, his family has not been allowed to send him medicine.

Y Yich is a member of the Ba Na ethnic minority group of the Montagnards.¹⁹

Sentenced to 8 years in prison for advocating for religious freedom

¹⁹ <https://the88project.org/profile/105/y-yich/>

¹² <https://the88project.org/profile/90/a-yum/>

On 6 January 2012, **A Yum Balk** was arrested for speaking out against the government's suppression of religious freedom. He was sentenced to eight years in prison under Article 87. His expected release date was 6 January 2020, but there has been no confirmation that he is now free.

A Yum Balk is a member of the Ba Na ethnic minority group of the Montagnards.²⁰

40 NGOs call upon Secretary of State Mike Pompeo about freedom of religion in Vietnam

HRWF signed the Open Letter to US Secretary of State

HRWF (25.04.2020) - <https://bit.ly/2zoGFnC>

Dear Secretary Pompeo,

We, representatives of concerned multi-faith organizations and individuals, write to urge your Department to publicly and privately call on the Vietnamese government to:

- Allow all independent religious organizations to freely conduct religious activities and independently govern themselves. Churches and denominations that do not choose to join one of the officially authorized religious organizations with government-sanctioned boards should be allowed to operate independently.
- End harassment, arrests, persecution, imprisonment, and ill treatment of followers of independent religions, and release those detained for peaceful exercise of the rights to freedom of religion, belief, expression, assembly, and association.
- Ensure that all domestic legislation addressing religious affairs is brought into conformity with international human rights law, including the International Covenant on Civil and Political Rights (ICCPR); amend provisions in domestic law that impinge on freedom of religion and belief, expression, association, or peaceful assembly in violation of the ICCPR.

Vietnam prescribes a multistage process for a religious organization to receive recognition. Under a new law, an independent religious organization must obtain a certificate of registration for religious activities from the provincial-level Committee of Religious Affairs. The new law prohibits sowing division among "the national great unity, harm state defense, national security, public order, and social morale." This "national unity" catchphrase has been the basis for the suppression and harassment of the Unified Buddhist Church of Vietnam and many other independent religions.

In this new law, under article 32, candidates for religious appointments must “have the spirit of national unity and harmony” while under article 37 religious education must include “Vietnamese history and Vietnamese law” as core subjects.

Without freedom of religion for those religions independent from the government, there is no true freedom of religion. Systematic, ongoing, egregious suppression of religious freedom warrants the designation of a country of particular concern. Therefore, we support USCIRF’s call to place Vietnam back on the CPC list under the International Religious Freedom Act (IRFA) of 1998.

Sincerely,

ORGANIZATIONS

HRWF Comment: See the full list of signatories at <https://bit.ly/2zoGFnC>