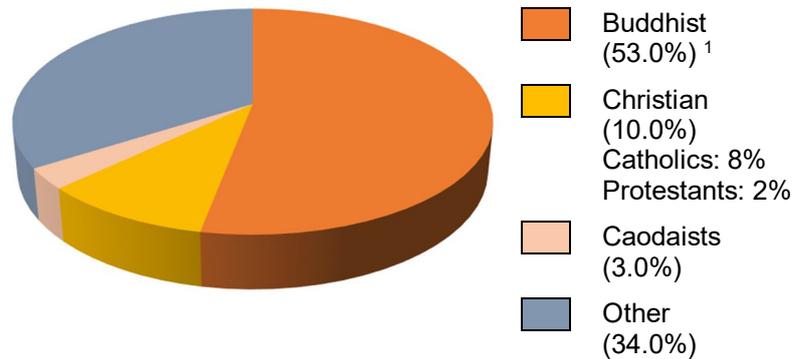
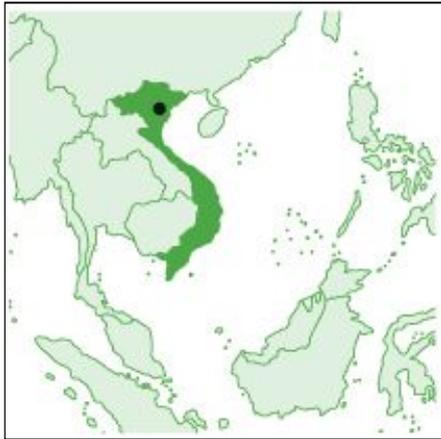


VIETNAM



Area: 331,000 km ²	Population: 89.7 million	Political system: Autocracy ²	Major Language(s): Vietnamese
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Legal background on Freedom of Religion and actual application

In its 16th report on religious freedom in the world, published on 2nd May 2016, the U.S. State Department once again made a recommendation to the U.S. government to put Vietnam on the list of Countries of Particular Concern (CPC) with regards to religious freedom. Vietnam had previously been placed on this list in 2004 and 2005. It was then removed in 2006, shortly before the country was admitted to the World Trade Organisation (WTO). What does it mean, then, for Vietnam to be ranked alongside countries such as Saudi Arabia, North Korea, and Pakistan, on this “list of shame”, at the very time when U.S. President Barack Obama was making a state visit to Vietnam on 26th and 27th May 2016?

As with nearly all communist regimes, Vietnam has a series of laws and regulations which on paper appear to respect the basic principles of religious freedom. However, the reality for people on the ground in Vietnam is very different. For some time now, the secretariat for the National Assembly has been preparing a proposed law “on beliefs and religion”. It was due to be debated from September 2016 onwards by the new parliamentary deputies chosen in the May 2016 elections. However, in a consultation in 2015, representatives of various religions voiced their disapproval.³ The country’s Catholic Bishops’ conference has rejected most of the document.

The “political report” of the 12th Congress of the Vietnamese Communist Party

It is therefore interesting to consider what lies behind the thinking of the Vietnamese leaders with regards to religion and religious freedom. At its meeting from 20th–28th January 2016, held just before the feast of Tet (the lunar New Year), the 12th Congress of the Vietnamese Communist Party adopted a “political report”. This document sheds some light on the thinking of the country’s most senior leaders and the party apparatus. One short paragraph is devoted to government policy on religion: “[We will] continue to complete policies and laws on beliefs, religions in line with the Party’s positions, uphold the moral and cultural values of religions; encourage religious organisations, dignitaries and followers to “have a good social life and a good religious life”, actively contributing to national construction and defence. Pay attention to, and facilitate, religious organisations in practising their religions in accordance with the charters, regulations of the respective organisations, as recognised by the State and in accordance with the laws. At the same time, take initiatives in preventing – and be determined in fighting against – acts of abusing beliefs, religions to delude, cause separation and damage to the great national unity bloc.”

This short summary of the Party's approach towards religion for the new five-year plan contains nothing new. In the first section, it confirms that the Vietnamese Communist Party have abandoned the strict doctrine of Marxism-Leninism in regard to religion. Since 1990 religion has no longer been treated as if it is destined to perish and disappear. Rather, it is seen as a positive element of traditional culture. Nonetheless, it is also viewed as a double-edged sword which, while capable of contributing to the enhancement of society, also has the potential to cause trouble and sabotage national unity. The section on religion is brief; no doubt, the authorities did not wish to anticipate the debates that will be held from September 2016 onwards by the National Assembly during the vote on the future law on beliefs and religion.

The role of the religions: "to edify and defend the fatherland"

We find a more detailed article on this religious question published in a military journal. An article in the 27th February 2016 edition of the Journal of National Defence assesses the role of religious communities in national life.⁴ The title of the article is significant: "The religions in Vietnam and their mission – to edify and defend the fatherland."

The article begins by assessing the importance of the Vietnamese religious world in the context of the political strategy for the defence of the country, with some fairly transparent allusions to the threat from China. It quotes statistics that do not in fact correspond to the official statistics for the religions in question. According to the Journal of National Defence, there are 30 million Vietnamese believers in a total population of almost 90 million, in other words a third of the population. According to these figures, Buddhism has over 10 million adherents, Catholicism over six million, Protestantism one million, the Cao Dai religion three million, Hoa Hao Buddhism four million, etc. Clearly, these statistics are difficult to verify.

According to the author of the article, the smooth functioning of this disparate gathering of religious communities and their integration within society are down to the good management of the Party. The article enumerates the various resolutions and directives of the central committee with regard to religion from 1990 onwards. The most recent directives are extracts from the political report drawn up for the 12th Party Congress.

In its final section, the article reviews the various educational, social and charitable services rendered to society by the religious organisations. It provides a long list of institutions run by the religious communities. For example, in the educational field, in October 2014 there were 270 private primary schools and several hundred infant school classes. These private institutions took in around 125,000 young children, or in other words about three percent of the young children of this age.

The close links between the public security forces and the office of religious affairs

Reading official literature such as this, one would think the situation of the religions was more or less ideal. Yet the truth is that the authorities continue to exercise close surveillance over religion in Vietnam. One recent appointment is very significant in this respect. In the wake of the 12th Party Congress, a number of appointments and promotions were announced. On 10th February 2016 the Prime Minister promoted (two-star) Lieutenant-General Pham Dung, the current director of the government's religious affairs bureau, to the post of Secretary of State for Public Security.⁵ The police apparatus of the public security service confirms the important role it plays in the management of the country's religious life. The appointment of General Pham Dung once again underlines the close links between the office of religious affairs and the public security forces. It also indicates the central role played by the office of religious affairs, a body founded in 1955. At that time, the objective of the office was to exercise control over the religions throughout the country. More recently, and somewhat paradoxically, this office has assumed still more importance since the 1990s, when the authorities abandoned the strict Marxist policy of the repression of religion in order to adopt a policy of strict control over religion.

Some practical difficulties

In practice, in the face of interventions by the state authorities – which are occasionally violent but at the same time subject to wide variations across the country – one can discern four different categories of difficulties experienced by religious communities in Vietnam.⁶

1) Individuals and religious organisations are at greater risk if they are viewed by the authorities as a threat to the government or the Communist Party. As a result, religious organisations are often forced to renounce their mission if they want to survive in Vietnam. This means abandoning their support for anything that might be perceived as contrary to the Party's political line, for example, on democracy and human rights. Activists, including Catholics and Protestants, who openly defend basic liberties, are likely to face imprisonment.

In 1980 the conference of the Catholic bishops of Vietnam published a pastoral letter stating that good Catholics should also be good citizens. This letter pleased government representatives and opened the way to a less restrictive state policy. In the same way, Muslim leaders have emphasised that their religion requires believers to respect the laws of their country, insofar as they do not mitigate against their belief in one God and do not interfere with their duty to pray.

The Catholic Congregation of the Most Holy Redeemer (Redemptorists) has had to endure police harassment for having organised meetings with dissidents within their convent walls. The Redemptorists are also involved in a land conflict over a plot of land that was confiscated by the state. In 2015 a new provincial superior was appointed for the congregation, who has taken a less confrontational stance which, it is hoped, will also soften government scrutiny of the congregation.

2) The state's determination to maintain public order at all costs takes precedence over religious freedom and over many other kinds of freedom. This attitude inevitably involves severe restrictions on evangelisation. Door-to-door evangelising or handing out leaflets in the street or public parks can result in police interference. The Buddhists and the adherents of Cao Dai who refuse to join the state-sponsored organisations, face real dangers.

But, above all, it is those who engage in evangelisation among the ethnic minorities of the high plateaux who face inevitable difficulties. To cite just one example, in the Catholic diocese of Kontum, in the central highlands of Vietnam, some members of the ethnic minorities who had recently converted to Christianity built a rudimentary chapel made from tree trunks and corrugated sheeting. But they did not ask permission from the civil authorities, and since then the authorities have made various attempts to have the structure demolished. On 5th October 2015 the local bishop, Monsignor Michel Hoang Duc Oanh, wrote an open letter to the president of the People's committee of one of the districts that make up the area of his diocese. In it he writes, among other things, "When people do request permission, it is not granted. The people no longer have any confidence in the words of the authorities."

Other groups, such as the Church of Jesus Christ of Latter-day Saints and the Muslims, adapt to the restrictions by limiting the conversions to those who come to ask them for instruction within their own places of worship. In this way, they avoid provoking a response from the government by engaging in vigorous proselytism.

3) We should further note the broad latitude granted to local authorities in interpreting and applying the religious policy in accordance with their own interests. This is a source of unpredictability and inconsistency. Some religious communities have the good fortune to conduct their religious activities in provinces where the authorities do not display any particular antipathy towards religion or towards the ethnic minorities. But almost all the religious groups report facing more problems in some provinces than in others. Many of them indicate the region of the high central plateaux as one of the most problematic areas, as it seems that any kind of activity among the ethnic minorities raises concerns among the government authorities, frequently provoking severe repression. In

many cases, these ethnic groups aspire to independence, and some of them sided with the Americans against the communists in the past.

In these provinces it is difficult to obtain government approval for a new church or certain religious activities. Some local authorities are concerned that the religious leaders often enjoy greater authority among the people than they do themselves. Others simply have a more retrograde, authoritarian attitude, believing it necessary to use a heavy hand in order to better control matters. This attitude sometimes leads to acts of police brutality which, instead of easing conflicts, only exacerbates them. And it is very rare for the central government to intervene to protect the religious communities against the abuses committed by the provincial authorities. The local authorities are rarely held to account for their actions.

4) Given that a spirit of trust can sometimes be a decisive factor in overcoming problems with the local authorities, some religious leaders are trying hard to establish personal relations with government representatives. One Church leader explained how, thanks to a friend in the police force, he was introduced to the police official responsible for religion in his region. Later, he invited this man to the religious services held in his church, in this way seeking to establish a climate of trust, through transparency and dialogue. The more hierarchical organisations such as the Catholic Church are better equipped for this kind of relationship, the more Church leaders can speak to the authorities on behalf of their flock. Trust and understanding on both sides can help to dispel suspicions and ultimately lead local officials to change their attitude. Unfortunately, however, this is more often than not a long and time-consuming process.

Incidents

A civil society increasingly active in denouncing attacks on religious freedom

In this somewhat difficult context, it is interesting to note that information about attacks on religious freedom is increasingly being publicised within the country. A few years ago, such information was relayed back discreetly via the Vietnamese diaspora abroad. But now it is noticeable that it is the Vietnamese within the country who are highlighting the attacks on their religious freedom.

This is certainly the case with the Association for the Defence of Religious Freedom, a group that has emerged from within Vietnamese civil society. It was founded initially in Catholic circles in north Vietnam in 2014, and its aim, as outlined in the statutes of the group, is to help every individual citizen to exercise his freedom of religion, and oppose all those who seek to restrict or obstruct it. One of the principal activities of this group is the production of a detailed and exhaustive quarterly account of infringements by the authorities against religious freedom.

The most recent report by this association was published on 5th February 2016.⁷ It begins by recalling the particular situation for religious liberty within Vietnam, a nation that is home to numerous ethnic groups, practising many different religions. In 2013, a constitution was adopted that obliges the authorities and the citizens to respect freedom of religion as well as the freedom of each individual to believe, or not believe, in a religion. In recognising the international conventions on human rights and in signing new agreements, those in power have committed themselves to respecting human rights and religious freedom. This was the case once again in February 2016, on the occasion of the signing of the Trans-Pacific Partnership Agreement (TPP) by 12 countries on the Pacific rim, whereby Vietnam also committed to respect a certain number of fundamental rights.

The report authors then list the principal infringements on religious freedom that have occurred in Vietnam in 2014 and 2015. It is noted that, according to the religious statistics compiled and disseminated by government sources in the area of religious policy, there are 14 religions in Vietnam, 38 religious organisations, over 24 million believers (in a total population of 90 million) and some 78,000 “dignitaries” (or members of the clergy) officiating in more than 23,000 religious establishments. In 2014, the Association for the Defence of Religious Freedom published four

reports. The number of reported violations was 11 in the first quarter, 14 in the second, 14 in the third and 11 in the fourth quarter. In 2015 the Vietnamese civil authorities committed 50 violations of religious freedom. The majority of the victims were Protestants, in particular those working among the ethnic minorities and the smaller communities which had not been granted permission to conduct religious activities. The authorities prevented adherents from participating in religious worship, threatened them and did not allow them to gather together.

Threats to seize property belonging to religious groups and the recovery of properties confiscated by the authorities remain among the most contentious issues for religious communities. In 2015 Catholic religious congregations faced constraints, open threats and had their properties seized and confiscated. For example, the Redemptorists lost the property belonging to their monastery in Thai Ha, in Hanoi; the Benedictine monks lost the land belonging to their monastery of Thiên An, near Huế;⁸ the Congregation of the Amantes de la Croix in Thu Thiêm, Saigon had their school buildings requisitioned.⁹ The Buddhists too were victims of similar spoliations, notably the pagoda of Liên Tri.

In conclusion the report by the Association for the Defence of Religious Freedom details the planned law on religion, which, as we have seen, has been unanimously rejected by the country's religious communities. The report notes that 35 organisations within civil society have signed a joint declaration, calling on the Vietnamese government to amend the proposed law to make it conform to international human rights agreements. The joint letter also calls for the independent religious communities to be consulted, as well as international specialists including the UN special rapporteur on freedom of religion and belief.

Other associations in Vietnam have also joined with them in denouncing attacks on freedom of religion. This is the case with the association Federation of Religions, which was founded several years ago independently of the various religious hierarchies. It comprises members of the clergy and other representatives of the various different religions, including Catholicism, Protestantism, Caodaism, original Hoa Hao Buddhism and Unified Buddhism. On several occasions since its foundation, the group has published online texts, denouncing the attitude of the government authorities towards the religions.

On 9th January 2016 a letter signed by 23 Protestant pastors, Catholic priests, religious and other dignitaries of the religions listed above reported a number of serious religious freedom violations committed by the police during early 2016. Three specific incidents were reported, and the association called on the authorities to immediately put a stop to such actions.¹⁰

The first of these developments was the ban on the followers of "original Hoa Hao Buddhism", preventing them from celebrating the 96th anniversary of the birth of their founder, the Venerable Huynh Phu So, who was born in 1919 in the village Hoa Hao in the province of Châu Đốc. The main ceremony was due to have taken place on 1st January in the commune of Long Giang, in An Giang Province, but the police blocked all the roads leading to the temple and also the network of canals by which people could also gain access. In the three provinces of Vinh Long, An Giang and Đồng Tháp, the local police told the various leaders and followers of the movement that they were forbidden to organise any anniversary celebrations or take part in them. The police also insulted and maltreated a number of elderly people. Every year, the police repeat this same ban on the anniversary celebrations of the founder of Hoa Hao Buddhism.

On 2nd January 2016 Catholic Benedictine monks from the monastery of Thiên An, close to Huế, were targeted in an incident organised by the local authorities. A group of 200 people, consisting of public security agents, local militia and members of the local section of the Federation of Women from a local commune, invaded the monastery grounds. They got as far as an orange grove. There, they removed some pine trees that had recently been felled by the monks to give the orange trees a better chance to grow. When the monks protested, the attackers hurled violent abuse and threw stones at them, and snatched the camera being used to photograph their activities. The intruders remained there until evening. It was the latest in a series of trespasses by

the police on this property since the year 2000. The local authorities have made repeated attempts to seize the monastery grounds. A substantial part of the property has already been appropriated and turned into a leisure centre.

The third attack on religious freedom recorded by the Federation of Religions took place in the Catholic diocese of Vinh, in the province of Nghệ An on 31st December 2015. The local parish priest, Father Dang Huu Nam, was returning by car from a medical consultation, when he was stopped by about 20 hooligans who then savagely beat him. The incident took place in front of the local police chief, who was standing on the roadside. He reportedly made no attempt to intervene. The priest is known for his public support of particular causes. For example, he has protested against the seizure of Church property. When 14 young Catholics were arrested in 2011 in his diocese,¹¹ he immediately demanded their release. He received death threats by telephone.

Prospects for Freedom of Religion

If the government does not put a stop to acts of violence against, and maltreatment of, independent religious organisations – both registered and unregistered – no-one can pretend that this country has achieved the standards of religious freedom expected of a state under international law.

¹ Including 3 per cent of Hoa Hao Buddhists.

² https://en.wikipedia.org/wiki/Democracy_Index

³ *Eglises d'Asie*, 8th May 2015 : "Un projet de loi sur la religion est très mal accueilli par les évêques et le clergé catholiques du Vietnam" (<http://eglasie.mepasie.org/asia-du-sud-est/vietnam/2015-05-08-un-projet-de-loi-sur-la-religion-est-tres-mal-accueilli-par-les-vevques-et-le-clerge-catholiques-du-vietnam>)

⁴ *Quốc Phong Toàn Dân (Journal of National Defence)*, 25th February 2016 : "Các tôn giáo ở Việt Nam với sự nghiệp xây dựng và bảo vệ Tổ quốc" <http://tapchiquptd.vn/vi/bao-ve-to-quooc/cac-ton-giao-o-viet-nam-voi-su-nghiep-xay-dung-va-bao-ve-to-quooc/8666.html>

⁵ *Eglises d'Asie*, 12th February 2016 : "Le directeur du Bureau des Affaires religieuses est nommé secrétaire d'Etat à la Sécurité publique" (<http://eglasie.mepasie.org/asia-du-sud-est/vietnam/2016-02-12-le-directeur-du-bureau-des-affaires-religieuses-est-nomme-secretaire-d2019etat-a-la-securite-publique>)

⁶ This section borrows heavily from the article below by Father Thomas J. Reese, SJ, and Mary Ann Glendon, in the Jesuit weekly magazine *America: America*, 29th February 2016 : "Report from Vietnam: The Struggle between Government and Religion" (<http://americamagazine.org/issue/report-vietnam>)

⁷ *Tin Mung Cho Ngươi Ngheo*, 5 February 2016 : "Báo cáo tổng kết về tình hình Tự do Tôn giáo ở VN năm 2015" (<http://www.tinmungchonguoingheo.com/blog/2016/02/05/bao-cao-tong-ket-ve-tinh-hinh-tu-do-ton-giao-o-vn-nam-2015>)

⁸ *Eglises d'Asie*, 23rd February 2015 : "Huê : incertitude sur l'avenir d'un monastère bénédictin menacé par l'extension d'un parc touristique" (<http://eglasie.mepasie.org/asia-du-sud-est/vietnam/2015-02-23-hue-incertitude-sur-l2019avenir-d2019un-monastere-benedictin-menace-par-l2019extension-d2019un-parc-touristique>)

⁹ *Eglises d'Asie*, 6th November 2015 : "Les Amantes de la Croix persistent dans leur résistance à l'expropriation et portent plainte" (<http://eglasie.mepasie.org/asia-du-sud-est/vietnam/2015-11-06-les-amantes-de-la-croix-persistent-dans-leur-resistance-a-l2019expropriation-et-portent-plainte>)

¹⁰ *Eglises d'Asie*, 14th January 2016 : "Un début d'année marqué par de graves atteintes à la liberté religieuse" (<http://eglasie.mepasie.org/asia-du-sud-est/vietnam/2016-01-14-un-debut-d2019annee-marque-par-de-graves-atteintes-a-la-liberte-religieuse>)

¹¹ *Eglises d'Asie*, 25th February 2012 : "Les étudiants catholiques de Vinh condamnés" (<http://eglasie.mepasie.org/asia-du-sud-est/vietnam/2012-05-25-les-etudiants-catholiques-de-vinh-condamnes>)