

Institute on Religion and Public Policy Report:

Religious Freedom in Vietnam

Executive Summary

(1) The government of Vietnam flagrantly violates the religious freedoms and basic human rights of its citizens. Virtually every religious group within the country, from Buddhists to Catholics to Protestants, has faced discrimination and persecution by the government due to their religious convictions. Such persecution is exacerbated by the fact that many of these religious communities are found among Vietnam's ethnic minorities, which the Vietnamese government already views with suspicion. As a result, the current Vietnamese government poses a serious threat to the freedom of religion and the corresponding human rights of the Vietnamese people.

Institute on Religion and Public Policy

(2) Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

Legal Status

(3) The Socialist Republic of Vietnam has had multiple constitutions since its inception. The most recent of these constitutions was ratified in 1992. This constitution aims to aid the Vietnamese government in its transition from communism to socialism in order to better meet their country's perceived needs. In theory, the transitional constitution promises to protect the freedom of religion of its citizens. In Article 70, it states:

“The citizen shall enjoy freedom of belief and religion; he can follow any religion or none. All religions are equal before the law. The places of worship of all faiths and religions are protected by law. No one can violate freedom of belief and of religion; nor can anyone misuse beliefs and religion to contravene law and State policies.”

Thus, the Vietnamese constitution declares that it will uphold freedom of belief and religion insofar as it does not infringe upon another's freedom or governmental laws.

(4) Nevertheless, the 1992 constitution also contains clauses that serve to undermine this freedom of religion. Article 30 of the constitution states: “the State undertakes the overall administration of cultural activities. The propagation of all reactionary and depraved thought and culture is forbidden; superstitions and harmful customs are to be eliminated.” This clause provides the government with an administrative loophole, which allows Vietnamese authorities to brand certain forms of religious expression as “depraved culture,” “superstitions,” or “harmful

customs.” This article gives the government the constitutional power to discriminate against religious beliefs or groups without any specific, objective criteria.

(5) The discrepancy between the freedoms granted in Article 70 and the limitations set forth in Article 30 enables the government to claim that it honors religious freedom while simultaneously allowing it to discriminate against any religious belief that it finds unpalatable.

Official Instances of Government Abuse

(6) Buddhists comprise the largest religious group in Vietnam. However, they have not escaped government harassment and oppression. The Unified Buddhist Church of Vietnam (UBCV) has been banned since 1981, when it refused to merge with the state-established Buddhist Church of Vietnam (BVC). Nevertheless, it has been estimated that the majority of Vietnamese are secretly affiliated with the UBCV. In May 2008, Ho Chi Minh officials interfered with the UBCV’s peaceful preparations for the celebration of Vesak, an international feast honoring the birth of the Buddha. Authorities restricted the access of these Buddhists to the pagoda in Giac Hai and detained two monks for a number of hours under the suspicion that they were members of an “illegal organization” and “disturbing the public order.” The monks were later released and able to participate in the celebration. However, this harassment is just one of many examples of the Vietnamese government’s blatant disregard for religious freedom.

(7) In July 2008, internationally-recognized peace activist and Buddhist patriarch Thich Huyen Quang died at 87 after a lifetime of suffering, imprisonment, and internal exile at the hands of the Vietnamese government. Thich Huyen Quang was the former head of the UBCV. Throughout his lifetime, the leader refused affiliation with the state-controlled BVC which many consider simply a mouthpiece for the government’s anti-religious agenda. During the former patriarch’s funeral, government officials accused his followers of using the ceremony for politically subversive ends.

(8) Also in July 2008, influential Buddhist monk and human rights activist Tim Sakhorn was taken into custody by Vietnamese authorities. Sakhorn is known for his outspoken defense of the Khmer Krom, a predominantly Buddhist indigenous minority of which he is a member, and his leadership in their peaceful protests. Human rights observers have noted that the Vietnamese government has repeatedly confiscated land from this ethnic minority and has penalized them for their refusal to fully assimilate their distinctive form of Theravada Buddhism to the state-sanctioned BCV form of Mahayana Buddhism. This past summer, the Vietnamese government extradited Sakhorn from Cambodia and convicted him on the ambiguous charge of “harming national unity.” The government refused his right to legal counsel and has subjected him to a series of imprisonments.

(9) Catholics in Vietnam have also endured governmental discrimination during the past year. On September 19th and 21st, local police agents failed to intervene when large bands of thugs disrupted peaceful prayer vigils held by Catholic parishioners in Hanoi. The thugs ransacked chapels, destroyed church property, intimidated those present, and threatened to murder archbishops and other members of the clergy. Though present, the police agents did not protect the parishioners from these attacks nor attempt to arrest the perpetrators. When the archbishop of

Hanoi, Monsignor Joseph Ngo Quang Kiet, confronted the local authorities about the lack of police protection, the only response he received was accusations of wrongdoing. The chairman of Hanoi's People's Committee Nguyen The Thao refused to acknowledge any governmental failure and instead charged the archbishop and other parishioners with upsetting the public peace.

(10) Throughout September 2008, Hanoi Catholics have peacefully protested against the government's seizure of Thai Ha Parish property and land. Nevertheless, despite the parishioners' desire for peaceful dialogue, the Vietnamese government attempted to undermine the Catholic community by misrepresenting them to the public. The state-sponsored media misquoted clergy, parishioners, and even quoted dead or nonexistent Catholics in an effort to undermine public opinion. This disinformation has been coupled with threats of arrest and the intimidation of anti-riot squads.

(11) In October 2008, Hanoi authorities continued their campaign of disinformation, this time in an attempt to pit Catholics and Buddhists against one another. Instead of entering into dialogue with Catholics about the Thai Ha Parish property, deputy public security minister Nguyen Van Huong evaded the Catholic claims by stating the property "was maybe originally owned by Buddhists." Nevertheless, there is no legitimate documentation supporting that claim thus far. As the Venerable Thich Khong Tanh, current spokesman for the banned Unified Buddhist Church of Vietnam, lamented in an interview with the BBC: "It is clear that the government is reluctant to satisfy the legitimate aspirations of Catholics... Now they want to use Buddhists to confront the Catholics for them." In this way, the Vietnamese government fabricated Buddhist claims to the parish land in order to dismiss Catholic claims while also seeking to disrupt inter-religious cooperation in Vietnam.

(12) The Protestant community in Vietnam has been the target of a state-sanctioned campaign of harassment. In December 2005, Freedom House's Center for Religious Freedom obtained a document from the government of the Bac Quang district entitled "The Plan on Assigning Forces to Fight and Control the Individuals Who Lead Religious Propagation." The document contained the names of 22 Hmong Christians whose only crimes were preaching and evangelizing outside of public buildings. Likewise, in 2006, human rights groups discovered a document from the Vietnamese government's Central Bureau of Religious Affairs entitled Concerning the Task of the Protestant Religion in the Northern Mountainous Region (NMR). In this document, the government viewed the spread of Protestant Christianity as a problem that needs to be eradicated and sets forth "the goal of solving the need for religious belief and religion of the masses." The government document also explicitly aims, "to resolutely subdue the abnormally rapid and spontaneous development of the Protestant religion in the region." The document instructs government officials dealing with Protestant converts to "hold your ground and mobilize and persuade the people to return to their traditional beliefs." The methods for doing this are somewhat ambiguous. Nevertheless, given Vietnam's past record of human rights violations, it is not difficult to imagine what these methods could potentially entail.

(13) The Montagnards, a predominantly Protestant ethnic minority from the Vietnamese highlands, have been the subject of State persecution in large part due to their religious beliefs. During the past decade and into 2008, the Vietnamese government has periodically appropriated Montagnard land for State purposes. They have forcibly restrained and limited Montagnard

access to their villages and farms. Many Montagnards have also reported fleeing to Cambodia in order to avoid government security forces' threats of torture and arrest. One Montagnard explains that this hostility is due to the fact that the government views them as followers of "an American religion."

(14) The Hmong, another predominantly Protestant ethnic minority, also experience regular persecution by the Vietnamese authorities. In recent years and into the present, Hmong Christians have been arrested for evangelizing in public areas and have been pressured to recant by Vietnamese officials. Like the Montagnards, their homes and villages have also been confiscated for government purposes causing many Hmong to flee into the mountains and jungles of Laos. In March 2008, in an effort to combat this mass exodus, the Vietnamese and Laotian governments launched a joint military campaign in which they planned to forcibly repatriate 15,000 unarmed Hmong.

Conclusion

(15) In order to promote genuine religious freedom and protect basic human rights, the Vietnamese government should amend Article 30 of its constitution so that it is consonant with the provision in Article 70 which guarantees freedom of religion as well international human rights standards. Such an amendment would prevent Vietnamese officials from having a legal basis by which to discriminate against religious expression. The Vietnamese government should also hold local administrators, police forces, and State media responsible when they fail to protect, misrepresent, or actively persecute peaceful religious communities. Likewise, governmental confiscation of land and property from religious groups and ethnic minorities grossly violates basic human rights specified in their own constitution. In order for Vietnam to be a respectable member of the global community, freedom of religion and corresponding human rights must be upheld not only in the constitution, but at the administrative and practical level.