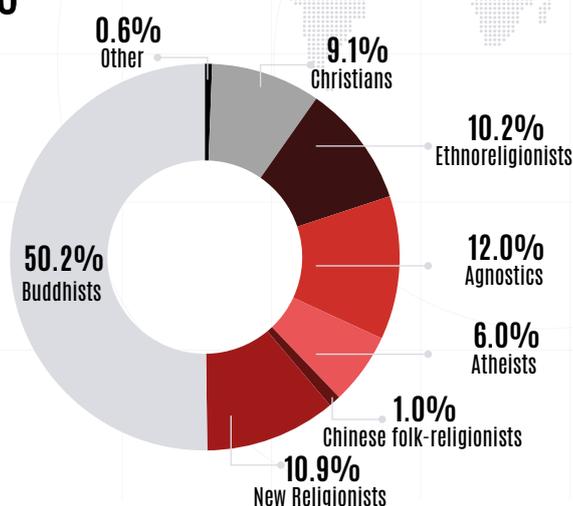




VIETNAM

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

In common with every communist regime, Vietnam's Constitution and laws could suggest that, on paper at least, the country respects religious freedom.

The Constitution¹ of the Socialist Republic of Vietnam in fact formally recognises that every "citizen shall enjoy the right to freedom of opinion and speech, freedom of the press," (Article 25), and that everyone "shall enjoy freedom of belief and of religion" to "follow any religion or follow none. All religions are equal before the law. The State respects and protects freedom of belief and of religion. No one has the right to infringe on the freedom of belief and religion or to take advantage of belief and religion to violate the laws" (Article 24, 1-3).

At the same time, the Constitution defines Vietnam as "a socialist rule of law State" (Article 2) and describes the ruling Communist Party of Vietnam as "the vanguard of the Vietnamese working class" and "Vietnamese nation" and "the leading force of the State and society" (Article 4, 1).

Under Article 70 (5), Vietnam's National Assembly has a

number of duties and powers, including the power, "To decide on the State's policies on nationalities and policies on religions". Article 9 (1) also recognises the Vietnam Fatherland Front as "a political alliance and a voluntary union" of various groups, including religions.

In addition to the constitution, religious matters are governed by various laws. On 1st January 2018 a "Law on Beliefs and Religion" came into force.² Before its approval by the National Assembly on 16th November 2016, the bill went through a long vetting process. To everyone's surprise, the government's Office for Religious Affairs submitted it to the country's religious communities for comment. In their submission, on 1st June 2017, the Catholic bishops put forward their "sincere and frank remarks",³ saying that the proposed law represented a step backwards as compared with the 2004 Ordinance on Beliefs and Religion. The Church expressed regret that Vietnamese authorities were still wedded to the concept of the so-called "demand-and-grant" system.⁴ This obliges religious organisations to act as supplicants rather than as citizens with secure rights and entitlements; as such, they are forced to plead with the authorities to approve and authorise on an ad hoc, case-by-case basis, any particular activities they wish to undertake.⁵

Still, generally speaking, these and other Vietnamese government decrees and regulations over the last twenty years reflect a change in orientation towards religion. Effectively, the Vietnamese Communist Party has largely abandoned a strict Marxist-Leninist doctrine on religion. Religion is no longer expected to decline or wither away, but is increasingly seen as a positive part of the country's national culture and traditions, and capable, at least in principle, of contributing to its well-being and development.

As the Report of the Party's 12th Congress in January 2016 affirmed, "All activities, from the preservation and promotion of historical and cultural heritage; development of literature, art, press and publication, to the conservation and promotion of ethnic minorities' cultures, religious culture and the formation of culture institutions are to [be] aimed at rendering practical service for cultural and human formation and development."⁶

One finds a similar openness to the positive contributions and potential of religion even in Vietnam's military. A February 2016, *Journal of National Defence* article titled, "Religions in Vietnam and their mission: to build and defend the homeland", assessed the impact of religion and faith on the country's defence policy and strategy, noting that Vietnam's diverse religious communities are well integrated into Vietnamese culture and largely function in ways that contribute to the health and strength of the nation. The author observed, however, that this is possible thanks to the effective oversight and management of the Vietnamese Communist Party.⁷

Despite such positive attitudes, religion is still seen as a double-edged sword, capable of contributing to society, but also of fuelling unrest and undermining national unity. What is more, as much as Vietnamese authorities give the impression that the religious situation in Vietnam is smooth and harmonious under their management, there is no denying that their monitoring and control of the country's rich religious life is invasive and coercive.

On 11th September 2017, a top Public Security official, General Vu Chiên Thang, was appointed chairman of the Government Committee for Religious Affairs, the administrative entity responsible for managing religious activities and organisations in the country.⁸ His predecessor, Lieutenant General Pham Dung, was also a senior Public Security official, closely monitoring religious affairs. The Catholic bishops of Vietnam believe that Public Security agencies have a fundamentally hostile attitude towards

religious organisations, and consider them as "opposition forces".⁹

The 2018 "Law on Beliefs and Religion" recognises religious organisations as legitimate "non-commercial legal persons". In August 2016 the Catholic Bishops' Conference of Vietnam stated that previously "the term 'juridical person' [had] been used in different ways for the recognition of religious organisations" and proposed that Vietnamese law articulate more "clearly" the status and rights of non-commercial legal entities such as religious organisations.¹⁰ Ostensibly, the 2018 law responds to those concerns, and could empower religious organisations to secure and defend some of their legal claims, including property claims, especially in land disputes between civil authorities and religious organisations.

However, the actual law, as passed by Vietnam's National Assembly, may fall well short of providing adequate protection for the autonomy of religious organisations in other ways. For example, it leaves unclear the extent to which religious organisations enjoy the freedom to undertake activities conducted in the fields of education and health. This issue is particularly sensitive since it has been a constant concern of the Catholic Church and other religions since the unification of the country in 1975. In August 2016, the Bishops' Conference interpreted the original draft bill as "an authorisation" granted to religious organisations to get involved in health and education "at all levels: kindergartens, primary and secondary schools, and universities."¹¹

For Catholic bishops, the version of the bill that was ultimately passed by the National Assembly is vague. Article 54 of the law states that religious organisations may participate in educational, training, health, social assistance, charity and humanitarian activities, but the detail of how religious organisations may "participate" in these activities remains imprecise. In particular, it is unclear if religious organisations will enjoy any meaningful freedom to open, host, and manage educational and health institutions in accordance with their core religious convictions.

The latest legal obstacle to religious freedom in Vietnam was the passing of a draconian cybersecurity law in January 2019, which gives the government sweeping control over Internet communications, including greater surveillance and censorship powers. For example, the AsiaNews Catholic news agency has been blocked in the past by the government; now under the new law, users who bypass the restriction by visiting anonymous sites can be punished by law. This has led Mgr. Paul Van Chi Chu, spokesman

for the Federation of Catholic Mass Media, to state that it now appears that the “Communist Party considers unacceptable that the Catholic social doctrine on human dignity and the common good in society address oppression, the role of the state, subsidiarity, social organisation, concerns for social justice, and issues of wealth distribution.”¹²

INCIDENTS AND DEVELOPMENTS

Conflicts between the Catholic Church and the Communist Party over land and property continue unabated ever since Vietnam’s one-party state launched its Doi Moi (renovation) economic reforms in the 1980s. These have resulted in a vast amount of private property - including Catholic Church property - being seized to build state-owned infrastructure like government schools and highways.¹³ In early 2019, the government demolished one hundred buildings near Ho Chi Minh City, including one owned by the Catholic Church. The Catholic property destroyed included a Redemptorist-owned home that housed eighteen disabled war veterans who had lost their limbs in the Vietnam war.¹⁴ Speaking to the Reuters news agency, Bishop Vincent Long Van Nguyen insisted that such incidents reflect “a pattern of behaviour” on the part of the government vis-à-vis Church land and property.¹⁵

The incident in Ho Chi Minh City followed an attack on Church property in June 2018. Nuns from the Lovers of the Holy Cross Congregation and the Thu Thiem Church were asked to cede their property to the government so it could develop the Thu Thiem New Urban Project. While the government said that it fully expects to rebuild the religious facilities and relocate the community, Sr. Maria Nguyen Thi Ngoan, the Superior General, said that the sisters did not want their convent to be moved from the area because “this is sacred land where our first sisters built the congregation.”¹⁶

In August 2020, government-led land grabbers in Central Vietnam’s Thua Thien Hue Province attacked a Benedictine monastery as part of a planned campaign to harass members of the monastery and force them to leave the property. The assailants broke into the complex and assaulted Benedictine Father Antony Vo Van Giao. The government plans to turn the nearby Thuy Tien Lake into a tourist destination with the help of a tourism company; for this reason, the authorities wanted the monks to sell their property to the company. The disputed area included a forest that the Benedictines had planted in 1940, which

thirty-five years later, 57 hectares of this land was “borrowed” by the government and handed over to the Tien Phong forestry company.¹⁷

Although the rights of the Catholic Church in Vietnam over its property and land continue to be violated around the country, Archbishop Joseph Vu Van Thein of Hanoi presided over the ground-breaking ceremony of a new pastoral centre in the capital on 5th August 2020. The Archdiocese of Hanoi, established in 1679, serves over 300,000 Catholics and has 161 parishes.¹⁸ The government has also allowed the Diocese of Thai Binh to begin construction of the Sacred Heart Major Seminary, which will house up to 300 seminarians. The new and expanded facility in northern Vietnam comes at a time when priestly vocations are increasing across the country. In December 2019, Bishop Nguyen ordained 26 new deacons and 11 new priests.¹⁹

While the Law on Belief and Religion that came into effect on 1st January 2018 promised to bring change to the religious freedom landscape in Vietnam, many Christian leaders and those who advocate for religious freedom have observed that the religious freedom of individuals and religious organisations has seen few, if any, concrete improvements.²⁰ In fact, the religious freedom of members of independent and unregistered religious groups has worsened over the past few years. In March 2019, a court in Gia Lai Province placed Pastor Ksor Ruk, a Montagnard Christian leader, on trial and sentenced him to 10 years in prison. Pastor Ksor Ruk had already served a six-year prison sentence (2005-2011). Six months later, in August 2019, another Montagnard Christian, activist Rah Lan Hip was convicted and sentenced to seven years in prison.²¹ Like Pastor Ksor Ruk, Rah Lan Hip was accused of being involved with Dega Protestantism, which is an unregistered independent religious community and is classified as an evil religion or “Gie Sua” by government officials.²²

The government considers Montagnard and Hmong Christians a threat to “national security” and “national unity”. These Christians have been heavily persecuted including being coerced, threatened, and forced to publicly recant their religious faith. In addition, many of them are denied the necessary legal documents to secure citizenship, obtain ID cards, or own property. Such discrimination on the basis of religion has resulted in around 10,000 individuals being left without proof of citizenship and thus rendered essentially “stateless”.²³

Concerns regarding the heavy crackdown on individuals and groups who do not belong to government-controlled

PROSPECTS FOR RELIGIOUS FREEDOM

religious groups is repeatedly voiced by Nguyen Bac Truyen, a religious freedom advocate.²⁴ A member of the Hoa Hao Buddhist community and a staunch defender of the rights of religious minorities, Mr. Truyen was arrested in 2017 and convicted in 2018 on the grounds that he was “acting to overthrow the people’s government.”²⁵ In August 2020, 62 parliamentarians from around the world wrote an open letter demanding the release of Mr. Truyen. The letter also condemned the ongoing campaign of intimidation, physical violence, destruction of property, and imprisonment the Vietnamese government is directing against religious minorities, including Hmong and Montagnard Christians, Catholics, and other groups.²⁶

Amidst the growing persecution of Montagnard and Hmong Christians, there have been some positive changes in Subdivision 179 in Dam Rong District. In July 2002, local authorities released an infrastructure development plan, which, if implemented, would provide a road, a community centre, and a clinic for the local Christian community.²⁷

In March 2020, at the beginning of the current COVID-19 pandemic, the Vietnamese government arrested and convicted three leaders from the unregistered Ha Mon religious community. The men were hiding in the Jo Mong mountains in Gai Lai Province. Having lived in hiding for eight years, the three men now face eight years in prison on charges of “sabotaging [the] implementation of solidarity policies.”²⁸

The prospects for freedom of religion in Vietnam remain uncertain. On the one hand, an overwhelming majority of Evangelical Christians, particularly from certain ethnic minority groups, experience sustained religious repression at both the individual and the institutional level. On the other hand, the Catholic Church has seen a rise in vocations and the government has slowly started granting permits for the construction of a few new religious facilities.²⁹ In general, it appears that religious groups registered with the government fare far better than independent groups.³⁰ Overall, prospects for religious freedom in Vietnam will improve significantly only if the government revises its intrusive and restrictive policies concerning independent and unregistered religious institutions.³¹

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