

## **Main points: BPSOS, VETO, CSW, independent expert**

We find the draft to be restrictive, placing significant limitations on the right to freedom of religion or belief according to Article 18 of the International Covenant on Civil and Political Rights (ICCPR). There are very few positive developments, and many concerning elements carried over from the Ordinance on Religion and Belief and Decree 92. Essentially, the draft law simply cements the restrictions and controls already in place under the Ordinance and Decree 92.

The following are broad categories of areas of concern:

### **1. Registration as a requirement**

All religious activities, except a limited range of activities at individual level and in private homes, must be registered and approved. All activities that involve a group, even those conducted in private homes, would still be required to be registered and pre-approved. All religious organisations must register their operations with the government.

Registration is a requirement, not an offer, and there appears to be no alternative legal personality for organisations who choose not to register.

Furthermore, the draft law inherits a mistake from the Ordinance when it continues to consider religion/belief is the same as 'religion/belief organisation'. This narrow definition excludes forms of religion or belief which do not have an organisational structure and are not affiliated to a recognised organisation.

### **2. Lack of conformity with international human rights standards**

Article 5, paragraph 2 stipulates that 'If an international covenant to which the Socialist of Republic of Vietnam is a party has clauses that differ from this Law, the international covenant's clauses take precedence'. This would presumably include the International Covenant on Civil and Political Rights, which includes provisions on the right to freedom of religion or belief under Article 18. However, the draft contains many stipulations and prohibitions which contradict the ICCPR. In practice, there is cause for concern that, in cases where the ICCPR and the draft law are at odds, the ICCPR will be ignored and the draft law will be implemented without due regard for international law.

Furthermore, there is no article in the draft law which stipulates explicitly that the right to have and to change a religion is an absolute right.

### **3. Vague and ambiguous language**

For example, vague references to 'national traditions and cultural traits' (Article 4), 'negative behavior toward the religion or belief of adherents of religious organisations which are recognized by the government' (Article 6), 'sow divisions between ethnic groups and religions' (Article 6). This language is open to interpretation and could be abused by those prejudiced against a religion, a religious organisation or an individual adherent to prevent them exercising their right to freedom of religion or belief.

### **4. Heavy interference into internal matters of religious organisations**

Under Article 9, every year, before 15 November, the representatives or the management of religious facilities must send a registration application for religious operations that will take place in the following year to the local authorities. This requirement is extremely burdensome, particularly to small religious organisations, and makes it extremely difficult for religion or belief groups to spontaneously react to the spiritual needs of their adherents.

In addition, some form of registration or approval is required for a broad range of activities and events, including first-time festivals, ordainment and assignment of clergy, religious training, participation in overseas religious events and organisations, division or merging of affiliated religious organisations, establishment of a religious formation facility, amendments to a religious organisation's charter or rules and regulations, and so on (this is not an exhaustive list).

Furthermore, under Article 8, paragraph 2, 'representatives or the management of religious facilities shall be elected or nominated by their community, *or created or approved by the government.*' This article further allows for undue and restrictive interference by the government in the internal affairs of religious organisations.