



Open Letter **to the President of the Vietnam National Assembly** **on Vietnam's draft Law on Belief and Religion**

The Hon. Nguyen Thi Kim Ngan
 President, National Assembly of Vietnam
 Doc Lap Street, Quan Thanh
 Ba Dinh, Hanoi

Dear National Assembly President Nguyen Kim Ngân,

We, the undersigned civil society organizations, are writing to express our concerns about the proposed Law on Belief and Religion in Vietnam. The draft law, which has been revised several times and drawn strong criticism from many religious communities, is expected to be voted into law by the National Assembly at its session in October-November 2016.

The most recent draft was discussed at a high-level meeting of the Communist Party's Fatherland Front on 17 August, and circulated to certain religious communities for comment. An examination of the draft law that was published on the National Assembly website shows that the 9-chapter draft law contains some improvements, but also continues to place unacceptable restrictions on the right to freedom of religion or belief and other human rights. Specifically, basic guarantees of the right to freedom of religion or belief continue to be undermined by onerous registration requirements and excessive state interference in religious organizations' internal affairs. Indeed, this and the previous versions of the law inherit from previous rules and regulations this emphasis on government control and management of religious life which is contrary to the spirit and principle of the right to freedom of religion or belief.

As mentioned above, the draft was circulated to certain religious communities for comment. However, one Catholic body also objected to the short time, from 18 to 30

August, given for preparing their response to the draft law.¹ Furthermore, independent religious groups not registered with the government, such as the United Buddhist Church of Vietnam, were not consulted.

There have been some welcome improvements made in the draft law, including provisions for the right to change one's religion, as well as to follow or not follow a religion, the right of some detainees "to use religious books and manifest their belief or religion", and the right of religious organizations to participate in activities such as education, vocational training, medical care and social and humanitarian assistance.

Nevertheless, the recommendations below have emerged from some of the particular concerns expressed by religious communities in Vietnam, which are shared by the undersigned organisations.

1. The definition of a religion should be made consistent with Article 18 of the International Covenant on Civil and Political Rights (ICCPR).

In the current draft, a religious organization has been defined as "a group of people ... which is recognized by the government" (our emphasis) (Article 2.13). This leaves members of religious organizations who cannot or choose not to register with the authorities in a legal limbo, with no legal safeguards for conducting religious activities.

2. Registration with the government should not be made a pre-requisite for the exercise of freedom of religion or belief.

The onerous and complex registration process requires approval from the authorities for religious activities, operations and status as an organization. The guarantees outlined in Article 18 of the ICCPR are independent of and cannot be conditioned on any domestic process of notification, authorisation, recognition or registration.

3. The law must not allow officials to arbitrarily interfere in the internal affairs of religious organizations.

Provisions in the law allow the authorities to interfere excessively in the internal decisions, appointments, training, teachings and programmes of religious organisations. Limitations on the manifestation of freedom of religion or belief must never exceed in either purpose or scope those permitted in article 18(3) of the ICCPR. As the UN Special Rapporteur on Freedom of Religion or Belief, Dr. Heiner Bielefeldt, said after his visit to Vietnam in 2014, "*...registration should be an offer by the State but not a compulsory legal requirement.*"

4. Ambiguous and potentially discriminatory language should be removed.

The draft law contains ambiguous language regarding "good traditional cultural values" (Article 10.1) and "sowing division" (Article 5.4), that could be used to discriminate against ethnic and indigenous minorities, independent groups and those whose religion or belief is seen as "foreign" (Article 2.12).

5. Provisions should be made to establish legal channels and mechanisms for people to file complaints, and have those complaints independently investigated and acted on, in cases of alleged violations of the right to freedom of religion or belief.

¹ Letter On Behalf of the Catholic Bishops Conference of Vietnam, signed by Bishop Peter Nguyen Van Kham, Deputy Secretary-general <http://gpquinhon.org/qn/news/GIAO-HOI-VIET-NAM/Thu-cua-HDGMVN-gop-y-Du-thao-Luat-Tin-nguon-Ton-giao-5238/#.V9AIDzUSb55>

For these reasons, we strongly urge that the law be revised, in consultation with religious community representatives, including those of non-recognized religious communities, and experts in international human rights law, to ensure that the law protects the right to freedom of religion or belief in line with article 18 of the International Covenant on Civil and Political Rights.

We look forward to hearing from you about this important matter. Please reply to the VCHR coordinator Penelope Faulkner at penelope.faulkner@gmail.com or the CSW coordinator Benedict Rogers at benrogers@csw.org.uk.

Sincerely yours,

Original signatories:

Benedict Rogers
East Asia Team Leader, Christian Solidarity Worldwide

Vo Van Ai
President, Vietnam Committee on Human Rights

Rafendi Djamin
Director of Southeast Asia and Pacific Programme, Amnesty International

Phil Robertson
Deputy Director, Asia Division, Human Rights Watch

Dimitris Christopoulos
President, FIDH

Nina Shea
Director, Hudson Institute Center for Religious Freedom

Hans Aage Gravaas
Secretary General, Stefanus Alliance International

Robert Hårdh
Executive Director, Civil Rights Defenders

Jostein Hole Kobbeltvedt
Executive Director, Rafto Foundation for Human Rights

Nguyen Dinh Thang
CEO & President, BPSOS

Additional signatories:

Joshua Cooper
Executive Director, Hawai'i Institute for Human Rights

Ven. Thich Thanh Quang
President, Executive Institute, Unified Buddhist Church of Vietnam

Lê Cong Cau
Chairman, Buddhist Youth Movement of Vietnam (GDPTVN)

Ven. Thich Huyen Viet
Chargé d'Affaires, Unified Buddhist Church of Vietnam Overseas

Nguyen Van Lia
The Traditional Hoa Hao Buddhist Bloc

Tran Ngoc Suong
The Popular Council of Cao Dai Religion

Charles Santiago MP
Chairperson, ASEAN Parliamentarians for Human Rights (APHR)

Professor the Lord Alton of Liverpool
Member of the UK All-Party Parliamentary Group on International Religious Freedom or Belief

Daniel Calingaert
Acting President, Freedom House

John Edmundson
President, Agir Ensemble pour les Droits de l'Homme

Ann Buwalda
Executive Director, Jubilee Campaign USA

The 21st Century Wilberforce Initiative

Faith J. H. McDonnell
Director, Religious Liberty Program, The Institute on Religion and Democracy

Lilly Bliatout
President and Founder, Southeast Asia Monitor for Human Rights and Justice

Willy Fautré
Director, Human Rights Without Frontiers

Vu Quoc Dung
Executive Director
VETO! Human Rights Defenders' Network

Former US Congressman Joseph Cao
Chairman, Coalition for a Free and Democratic Vietnam

John Alles
Executive Director, Montagnard Assistance Project

Tony Tran
Chairman, Con Dau Parishioners Association

Katie Duong
Overseas Representative, Popular Council of Cao Dai Religion

Rong Nay
Chairman, Montagnard Human Rights Organization

Pastor A Ga
Representative, Montagnard Evangelical Church of Christ

Vũ Quốc Ngử
CEO, Defend the Defenders

Huỳnh Thục Vy
Coordinator, Vietnamese Women for Human Rights

Lanney Tran
Chairwoman, Women for Human Rights in Vietnam

Nguyen Bac Truyen
Vietnamese Political and Religious Prisoners' Friendship Association
Vietnam Independent Civil Society Organizations Network (VICSON)

Matteo Mecacci
President, International Campaign for Tibet

Bob Fu
Founder and President, China Aid
Human Rights in China (HRIC)

Han Dong-Feng
Executive Director, China Labour Bulletin

E-Ling Chiu
Secretary General, Taiwan Association for Human Rights
Commonwealth Human Rights Initiative, New Delhi

Adilur Rahman Khan
Secretary, Odhikar, Bangladesh

Alvin Jacobson
Amnesty International USA Group 56
Lexington, MA

Kathy Herbst
Amnesty International Group USA Group 524
Pittsburgh, PA

Michael De Dora
Director of Public Policy, Center for Inquiry

Sara Colm
Co-founder, Campaign to Abolish Torture in Vietnam

Isaac Six
Advocacy Director, International Christian Concern

Helen Ngo
Chairwoman, Committee for Religious Freedom in Vietnam

Nguyen Thanh Dung
Association for Promotion of Freedom of Religions and Beliefs
Vietnamese FoRB Roundtable

Khin Ohmar
Coordinator, Burma Partnership

Bjørn Engesland
Secretary General, Norwegian Helsinki Committee

Supporting signatories:

Scott Morgan
President, Red Eagle Enterprises

The Most Ven. Thich Vinh Phuoc
Abbot, Phuoc Buu Pagoda, Unified Buddhist Church of Vietnam Sangha

Rev. Susan Taylor
National Public Affairs Director, Church of Scientology National Affairs Office

Bill Walsh
Human Rights Lawyer, Bisceglie and Walsh

Khue-Tu Phan
Coordinator, Canadian Youth for Human Rights in Vietnam

Doan Van Dien
Chairman, United Farmers-Workers Association

Russell D. Moore
President, Southern Baptist Ethics & Religious Liberty Commission

Dr. Grant McClure
Commander, Counterparts

Greg Mitchell
Co-Chair, International Religious Freedom Roundtable

Tran Van Thuong
Lay leader, Phap Bien Pagoda, Unified Buddhist Church of Vietnam Sangha

Kevin Champa
Executive Director, International Office of Champa

American Atheists

C. Nasser Ahmad, religious freedom advocate