

Annex – Background Information About On-going Persecution in Vietnam

Despite Vietnam's repeated promises to honour its citizens' right to freedom of religion or belief (FORB), the government of Vietnam continues to persecute religious communities and outlaw churches that resist government control. In his report released on January 30, 2015 at the UN Human Rights Council's 28th session, then-UN Special Rapporteur for FORB Heiner Bielefeldt recommended the Government of Vietnam *"to broaden and solidify the very limited and unsafe space provided for the free unfolding of religious diversity in Viet Nam. In this context, the situation of independent religious or belief communities should be seen as a test question indicative of the general societal tolerance."*¹

Regrettably, in the past two years the Government has increasingly targeted independent Christian house churches with arrests, detention, torture, forced renunciation of faith and imprisonment. The following chart tracks the escalating crackdown against Montagnard Christians in Vietnam's Central Highlands. The reduction of violations in Kontum Province reflects the fact that most independent churches have ceased their existence in that province.

In a September 2019 video released by the Public Security Police and translated by Boat People SOS², the authorities admitted to implementing a policy to destroy the Montagnard Evangelical Church of Christ (MECC). They portrayed the persecution of Central Highlands religious communities as synonymous with fighting the separatist movement, which had died 27 years ago. Reflective of this policy, some 60 Montagnard Christians have been imprisoned on fabricated charges of undermining "national security" or "national unity", grounds that are not permitted under article 18 of the ICCPR.

¹ Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, UN Human Rights Council 28th Session, January 31, 2015:

https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_66_Add.2_E.doc

² Two-part documentary on An Ninh TV, September 27, 2019: <https://youtu.be/fuAcdWOFZ0w>

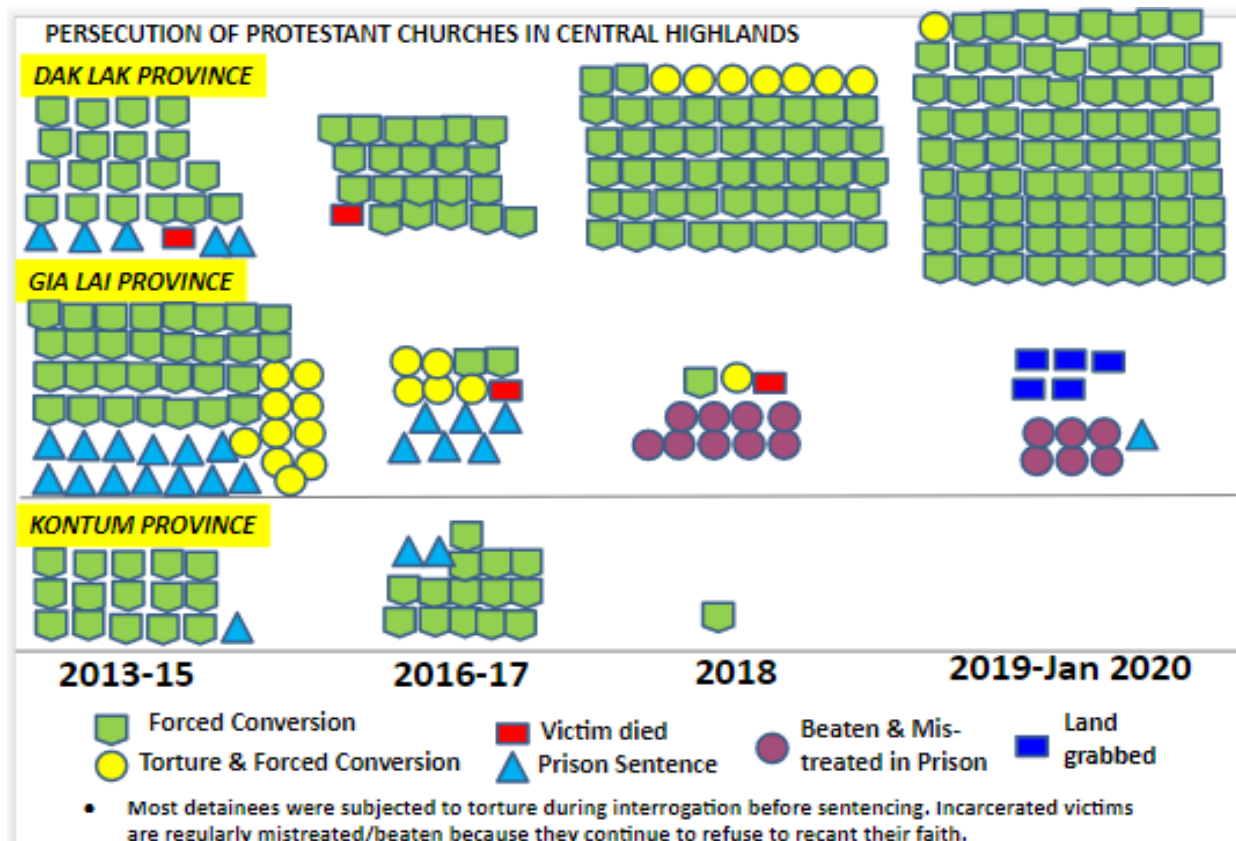


Figure 1. Religious Freedom Violation Incidents Reported by Victims (submitted to UN Special Procedures)

Figure 1 notes:

- Each symbol represents an individual being persecuted (detained and interrogated; interrogated by security forces in one's home; unlawful search and seizure; etc.) on a specific day – can be the same individual on a different day or a different individual on the same day – this characterization allows one to compare the persecution severity among different provinces.

Human rights organizations have documented thousands of Hmong Christians forced into functional statelessness; they were evicted from their home villages because they had refused to renounce their faith. Government authorities in their new places of residence have refused to issue them household registration. This document is required for nearly all the necessary legal actions that arise in the normal course of life. In particular, household registration is required to obtain state identification cards which are the main proof of Vietnamese citizenship and the vehicle by which an individual can access rights and benefits provided by the state. Without identification cards and household registration, married couples have not been issued marriage certificates and their children are listed as fatherless on their birth certificates; worse yet, many children have not been issued birth certificates.

In its Concluding Observations following the ICCPR review of Vietnam, the UN Human Rights Committee expressed that *“the Law on Religion and Belief of 2016 unduly restricts the freedom of religion and belief, such as through the mandatory registration and recognition process for religious organizations and restrictions on religious activities based on vague and broadly interpreted legal provisions related to national security and social unity. It is also concerned that members of religious communities and their leaders, predominantly unregistered or unrecognized religious groups, ethnic minorities or indigenous peoples, face various forms of surveillance, harassment, intimidation, property seizure or destruction, are forced to renounce their faith, pressured to join a competing sect and are subject to physical assaults, which sometimes leads to death. It is disturbed by reports that non-State actors, such as the ‘red flag associations’ attack Catholic communities, and are involved in propaganda activities that promote and incite religious discrimination, violence and hate speech (arts. 2, 18–20 and 26).”*³

This anti-religion policy targets all religious communities and organizations that refuse to submit themselves to government control. The Unified Buddhist Church of Vietnam continues to be outlawed. The entire leadership of An Dan Dai Dao Buddhist Sect is currently imprisoned. The Cao Dai Religion was outlawed in 1979 and Cao Dai followers have since been forced to join a Cao Dai sect that the government established in 1997. All religious facilities of the original Hoa Hao Buddhist Church have been destroyed or expropriated by the government or are being occupied by an Administrative Committee appointed by the Vietnamese Communist Party. The government has notoriously used organized mobs to assault Catholic priests and followers in many parts of Vietnam.

At its review of Vietnam’s implementation of the ICCPR in March of last year, the UN Human Rights Committee repeatedly brought up its concerns over mistranslation of the ICCPR. For example, belief was translated into “spiritual belief,” which was defined in Vietnam’s 2016 Law on Belief and Religion as “a person’s faith which is expressed through rites associated with traditional customs and habits in order to bring spiritual peacefulness to individuals and communities.”⁴ This law further limits belief-based activities to “activities that express the worship of ancestors, commemoration of people with meritorious service to the nation and/or their community; popular rituals reflecting historical values, culture and social morality.” There are numerous other instances of mistranslation of the ICCPR.⁵ The Vietnamese Government misleadingly reports compliance while in reality severely violating Article 18 of the ICCPR.

Torture and extrajudicial killing, two of the worst forms of human rights abuses often directed at members of independent churches, continue to be committed by the public security police practically with immunity. In its Concluding Observations following its review of Vietnam’s implementation of the UN Convention Against Torture in November 2018, the UN Committee Against Torture expressed serious concern at: *“(a) Allegations of the widespread use of torture and ill-treatment, in particular in police stations but also in other places where persons are deprived of their liberty; (b) Reports that in the overwhelming majority of reported cases of torture the acts are*

³ Concluding observations on the third periodic report of Viet Nam, UN Human Rights Committee, August 29, 2019:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fVNM%2fCO%2f3&Lang=en

⁴ Vietnamese Government’s official translation of the ICCPR: <https://thuvienphapluat.vn/van-ban/Linh-vuc-khac/Cong-uoc-quoc-te-ve-quyen-dan-su-va-chinh-tri-270274.aspx>

⁵ BPSOS, an international civil society organization based in the United States, provided corrections to Vietnam’s official translation at: <http://dvov.org/wp-content/uploads/2019/01/ICCPR-Vietnamese-translation-with-edits-by-BPSOS.pdf>

committed in police stations, with the aim of extracting confessions or information to be used in criminal proceedings, and sometimes result in the death in custody of the suspects only a few hours after apprehension; (c) Reports that medical doctors have participated in the physical abuse of detained persons in order to force them to confess or have denied them medical care; (d) The low number of investigations and prosecutions of cases of torture and ill-treatment, with only 10 cases of torture brought before domestic courts between 2010 and 2015; (e) Reports of reprisals against victims or their relatives when they complain about acts of torture (arts. 2, 12–13 and 16).’’⁶

According to compilation by the NOW! Campaign, Vietnam currently has some 250 prisoners of conscience. There are numerous reports of enforced disappearance, police beatings and/or torture, arbitrary arrest and detention, travel ban and other forms of punishment that the Government has used against human rights defenders, civil society advocates and labour union organizers.

In its Concluding Observations following its latest review of Vietnam’s implementation of the UN Convention to Eliminate All Forms of Discrimination Against Women (CEDAW), conducted on July 10, 2015, the Committee on the Elimination of Discrimination against Women expressed concern at: *“(a) The alleged harassment, arbitrary arrests, detention and ill-treatment of women human rights defenders in the State party; (b) The limited possibilities for civil society organizations, including women’s rights organizations, to participate in the design, implementation, monitoring and evaluation of laws, policies and programmes relevant to the implementation of the Convention.”*⁷

Equally important is to ensure that the EU will be able to monitor Vietnam’s compliance with its commitments. In the most recent “reprisals report” of the UN Secretary General, released in September of last year, Vietnam was listed among the worst countries for intimidation and reprisal against those who reported human rights violations to the United Nations. One of the most egregious examples cited in the report involves Mr. Nguyen Bac Truyen, a Hoa Hao Buddhist jurist who documented and reported torture and other forms of persecution against Hmong, Montagnard and Vietnamese Christians. In 2014, he and his wife served as guides for then-UN Special Rapporteur Heiner Bielefeldt during his visit to Vietnam. When the police showed their readiness to arrest the couple, the Special Rapporteur cancelled all subsequent meetings in protest.

According to the 2019 UN Secretary General’s Intimidation and Reprisals Report, *“Mr. Nguyen Bac Truyen was included in the 2016 report of the Secretary-General (A/HRC/30/29, para. 42) due to his arrest, incommunicado detention and charges, allegedly in reprisals for his support to the 2014 visit of the Special Rapporteur on freedom of religion and belief to the country.”*⁸ Truyen’s wife, Bui Thi Kim Phuong, was reportedly placed under travel ban when she attempted to attend the ICCPR Review of Vietnam last March.

⁶ Concluding observations on the initial report of Viet Nam, UN Committee Against Torture, December 28, 2018:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CAT%2fC%2fVNM%2fCO%2f1&Lang=en

⁷ Concluding observations on the combined seventh and eighth periodic reports of Viet Nam, Committee on the Elimination of Discrimination against Women, July 29, 2015:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fVNM%2fCO%2f7-8&Lang=en

⁸ Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, UN Human Rights Council 42nd Session, September 9, 2019:

https://www.ohchr.org/Documents/Issues/Reprisals/A_HRC_42_30.docx