

**Inputs to the Office of the High Commissioner for Human Rights
on combating intolerance based on religion or belief**



BPSOS, Religious Freedom Project

September 23, 2021

Website: www.bpsos.org

Email: forb@bpsos.org

RECOMMENDATIONS

1. OHCHR should closely monitor and report the emerging trend in the government's use of COVID-19 pandemic to facilitate their harassment, intimidation and suppression of religious communities. (Page 2)
2. OHCHR should push back the government's growing trend of targeting family members of its targets. (Page 3)
3. OHCHR should select typical cases to monitor whether the government of Vietnam investigates and sanctions its officials for violating citizens' right to freedom of religion or belief as stipulated by Vietnam's Law on Belief and Religion and Article 18 of the ICCPR. (Page 5)
4. OHCHR should closely monitor a sample of typical cases to ensure that Vietnam's judicial system follows due process, shows transparency, is fair and is free of influence by the Executive Branch or party line. (Page 6)
5. OHCHR should conduct long-term, close monitoring of religious communities and groups that are specifically targeted by the government; this would bring out the contrast between government's support for state-created or sanctioned religions and religious organizations and government's intolerance towards those resisting government control. (Page 8)
6. OHCHR should identify particularly vulnerable religious groups and communities, and compile and publish statistics on incidents of harassment, intimidation, reprisals, forced renunciation of faith, violence, torture, detention, imprisonment, and extrajudicial killings affecting each such groups and communities. (Page 9)
7. OHCHR should compile and publish statistics on incidents of hate speech, threats, and violence perpetrated by specific non-state actors with impunity and government support. (Page 10)
8. OHCHR should compile disaggregated data on state actors to identify those of gravest concerns and opportunities for improvement. (Page 12)

The Vietnamese government has a long history of intolerance towards religions and religious organizations and communities that do not submit themselves to government control. In addition to a legal framework that restricts freedom of religion or belief, the government also uses non-state actors such as the organized mobs, thugs, and state-created or sanctioned religious organizations to suppress, isolate and intimidate members of targeted religious organizations and communities. BPSOS has submitted to different UN Special Procedures some 225 incidents of intolerance initiated or encouraged by the government over the past seven years. Following are cases in point to support our recommendations for follow-up activities by UN mandate holders. Other human rights organizations as well as victims have also submitted incident reports. There are sufficient data points for the Office of the High Commissioner for Human Rights (OHCHR) to track the differing trends in government intolerance among specific state actors and their impacts on specific religious communities and groups.

Recommendation 1: OHCHR should closely monitor and report the emerging trend in the government’s use of COVID-19 pandemic to facilitate their harassment, intimidation and suppression of religious communities.

Forcing Cao Dai followers to convert to government-created Sect:

On September 17, 2021, the local government invited Ms. Nguyễn Hồng Phượng, resident of Quang Khương Ward, Quon Long Commune, Chợ Gạo District, Tiền Giang Province, for COVID-19 testing at 11am. After the test, she was immediately taken to another location, where about a dozen public security officers interrogated her till 8pm. Among the interrogators, Ms. Phượng recognized two officials at the district public security office whom she dealt with in the past; the remaining ten claimed that they recently flew in from the Ministry of Public Security in Ha Noi. They took turn to interrogate her, telling her to join the Cao Dai Sect that the government created in 1997 if she wanted to practice her religion. Ms. Phượng explained that she was a follower of the Cao Dai Religion, not the “1997 Sect” and that the 1997 Sect committed many crimes and violations of human rights against followers of the Cao Dai Religion.

Since its creation, the 1997 Sect has served as an instrument for the government to control and suppress Cao Dai followers.¹ According to the US State Department’s 2020 International Religious Freedom report, “members of the recognized Cao Dai Sect (Cao Dai 1997) disrupted the rite of unregistered Cao Dai members (Cao Dai 1926) at a private residence in Bến Cầu District, Tay Ninh Province.”²

Similarly, the US Commission on International Religious Freedom (USCIRF) has reported many human rights violations committed by the 1997 Sect against followers of the Cao Dai Religion:

“In January 2018, members of the government-run Cao Dai Tay Ninh Sect (or 1997 Sect) in Tay Ninh Province—supported by local officials—attempted to prevent several independent Cao Dai from burying a deceased relative in Cuc Lac Thai Binh Cemetery, insisting the ceremony use clergy from the 1997 Sect.

¹ The 1997 Sect: Non-state actor with a long record of human rights violations against the Cao Dai Religion, BPSOS, June 30, 2018, available at: <https://dvov.org/wp-content/uploads/2018/07/1997-Sect-non-state-actor-June-30-2018-final.pdf>

² 2020 Report on International Religious Freedom: Vietnam, US Department of State, May 12, 2021, available at: <https://www.state.gov/reports/2020-report-on-international-religious-freedom/vietnam/>

“... Of the more than 300 Cao Dai temples in Vietnam, all but approximately 15 have been seized by the government-sponsored 1997 Sect during the previous two decades. In November, authorities in Long An Province allegedly set fire to a storeroom on a farm owned by Sub-dignitary Hua Phi, which he believed was an act of retaliation for meeting with U.S. diplomats in Ho Chi Minh City. Between April 20 and June 30, the 1997 Sect demolished at least 15 graves at Cuc Lac Thai Binh Cemetery belonging to independent Cao Dai followers whose families refused to join the 1997 Sect.”³

Ms. Phụng’s interrogators demanded the password to her cell phone. They slapped her twice as she refused to comply. They took her phone by force, connected it to some electronic equipment, and gained access to the content of her phone. They printed out certain information and wiped her phone clean of all contents.

Meantime, her husband and other family members, worried about her not coming home after the COVID-19 test, searched for her without success. Ms. Phụng was released at 8pm. Her interrogators told her that they had to return to Ha Noi but would continue the working session with her in the near future. Despite her request, her interrogators did not provide her a copy of the official report of her working session as required by law.

On the same day, her two younger brothers living in different locations, Nguyễn Ngọc Trung and Nguyễn Ngọc Toàn, were similarly invited to COVID-19 testing only to be held for interrogation for the entire day. They both were told to join the 1997 Sect instead of clinging to the original Cao Dai Religion. Their mobile phones were forcibly taken and accessed with special equipment. They were threatened with further harassment and were not given a copy of the notes of their interrogation sessions. In 2018, Toàn attended the SEAFORB Conference held in Bangkok, Thailand, where he reported violations of religious freedom against Cao Dai followers in Vietnam in the presence of US Special Rapporteur on FORB Ahmed Shaheed.

The public security officials involved in the above incidents violated Article 5 of Vietnam’s Law on Belief and Religion by hindering religious activities of citizens and by forcing them to essentially convert to the 1997 Sect. They blatantly violated Article 18 of the ICCPR.

Recommendation 2: OHCHR should push back the government’s growing trend of targeting family members of its targets.

Illegal detention of Cao Dai father and son:

On August 27, 2020, at 7:00 am, Mr. Trần Văn Bé of Mỹ Phước Tây Commune, Town of Cai Lậy, Tiền Giang Province was on his way to take care of personal business when members of the police and the criminal police of Tiền Giang Province accosted him and ordered him into a vehicle. He was taken to an interrogation room in a prison where security officers of the Ministry of Public Security questioned him. At the same time, the police came to the workplace of his son and took him to the same prison. However, father and son were kept in separate rooms.

³ 2019 Report on International Religious Freedom – Vietnam, US Commission on International Religious Freedom, April 2019, available at: https://www.uscifr.gov/sites/default/files/Tier1_VIETNAM_2019.pdf

Trần Văn Bé's interrogators seized his cell phone and printed the evidence they found such as emails, text messages, etc. and ordered him to sign on each page to declare that the materials were from his cell phone. They alleged that he had committed criminal acts by:

- Signing the joint letter addressed to the Prime Minister to request the release of prisoners of conscience during the pandemic and the issuance of household registry and personal identification documents to de facto stateless Hmong and Montagnard Christians in Vietnam. The link to this letter is at: https://drive.google.com/drive/folders/19n4ij_xLMf7_8E213UpyBVmUwXQtiqrs?usp=sharing.
- Observing the International Day Commemorating Victims of Violence Based on Religion or Belief on August 22, 2020.
- Participating in a webinar coordinated by Boat People SOS which featured freedom of religion topics and with participation by U.S. human rights defenders and officials.
- Receiving training on civil society, human rights and how to write reports on violations to the UN.

They warned him that they would take action against his wife and children by linking them to his religious freedom advocacy. They ordered him to stop all communication with entities deemed “reactionary” by the government and stop getting others to join him in his religious freedom advocacy activities. They threatened that his failure to cooperate would lead to his son, who was still in college, suffering dire consequences to his future career. Finally, they ordered him to sign a pre-written statement against his will and pledge to not report to anyone, including the UN, the interrogation session before they released him. He was not given a copy of the signed statement.

Mr. Bé was released at around 7pm while his son was released separately at around 8pm on the same day.

On September 25, 2020, Mr. Bé submitted an incident report to the UNSR/FORB, via BPSOS.

On October 17, 2020, he sent a formal letter to the Ministry of Public Security, requesting affirmation that his unlawful abduction was officially ordered by the Ministry of Public Security. On November 25, the Ministry of Public Security notified him that his letter had been transmitted to the police of the Town of Cai Lậy.

As he did not receive any communication from the police of the Town of Cai Lay, on December 13 he wrote a follow-up letter to them. Three days later he wrote to the Ministry of Public Security pointing out that the police of the Town of Cai Lậy was responsible for the involvement of its officers in the abduction, but the Ministry was equally responsible for the involvement of its officers in the same unlawful act. So far, no response from either place.

The cases of Trần Văn Bé, Ms. Nguyễn Hồng Phượng above, and Trần Văn Thường below illustrate a growing trend that we have observed in recent years where the government targets not only their “suspects” but also their family members, causing many advocates for religious freedom to worry that their activism would detrimentally impact loved ones.

Recommendation 3: OHCHR should select typical cases to monitor whether the government of Vietnam investigates and sanctions its officials for violating citizens' right to freedom of religion or belief as stipulated by Vietnam's Law on Belief and Religion and Article 18 of the ICCPR.

Intimidation and reprisal against an entire Buddhist family:

The police in Xuyên Mộc District, Bà Rịa - Vũng Tàu Province, has targeted family members of Mr. Trần Văn Thường, a Buddhist lay leader and a staunch advocate for religious freedom. He attended multiple conferences organized by the Southeast Asia Freedom of Religion or Belief (SEAFORB) Network and has submitted many incident reports to UN Special Procedures.

On September 10, 2020 at approximately 3:30am, seven policemen came to the workplace of Trần Văn Khương, Thường's son, and took him to the station of the Police of Xuyên Mộc District and detained him without a warrant. Khương worked as a security guard at a local theme park.

At around 7am, Thường learned of the abduction of his son by the police, he and other family members came to the police station to inquire about Khương's status. The other family members included Khương's mother, wife and brother Phê.

Initially the police denied all knowledge of this matter. Then, without being provoked, police officers grabbed Thường and Phê, twisted their arms into a locked position behind their backs and forced their necks with a choke hold. After overpowering them, police officers forcefully pushed them down to the ground, causing injuries to both Thường and Phê. The father and the son were then dragged inside the police station and detained. During their detention by the police on September 10, 2020, Thường, Khương, and Phê were interrogated about their roles and participation in the SEAFORB Conference.

After officers at the US and German consulate generals in Ho Chi Minh City had made several phone calls to the Vietnamese authorities, Thường and his two sons were released at around 6:30pm on the same day.

After the incident, the police came to Khương's workplace, where he worked as a security guard, and put pressure on his employer. Soon afterwards, he lost his job.

Thường sent a formal request to the District Police for affirmation that the unlawful abduction of him and his son was conducted by order of responsible authorities. So far, he has not received any response from the police. The incident has been reported to the UN Special Rapporteur on FORB and the UN Reprisals Team. In December, Thường sent a follow-up letter reminding the police of his request. Again, there was no response.

This was not the first time a close family member of Thường was abducted. On December 10, 2018, at 9:30 a.m., Thường's daughter Ty Tran was abducted by police officers near the Town of Phước Bửu while driving her mother to the market. First, traffic police officers forced the mother and daughter to stop their motorcycle, claiming that they had just committed some traffic infraction. Right away, Security Branch police officers (in plain clothes) separated the mother from the daughter, forced the daughter into a van, and rushed away, leaving the mother behind.

The mother screamed to draw the attention of bystanders and demanded an explanation from the remaining plainclothes officers. They lied by saying that Ty had been arrested for drug trafficking but offered no proof and showed no arrest warrant.

Thường and his wife rushed to the traffic police station to inquire about their daughter. After initially denying any knowledge, the traffic police admitted that Security Branch police officers had staged the kidnapping, and they did not know where the Security police had taken Ty to. The parents went next to the station of the Security Branch police in Xuyên Mộc District. For hours, the police there refused to give them any information. After the incident was widely reported in the social media, and the human rights officer at the US Consulate General in HCM City placed a call to the Bà Rịa – Vũng Tàu provincial government to inquire about the incident, Ty was released at 5 pm, 30 kilometers away and 8 hours after the abduction. The police did not provide her any report of the interrogation session as called for by the law. Her two phones were confiscated. Thường filed a report of this incident with the UN Reprisals Team.

In 2011 the District Government ransacked and destroyed Pháp Biên Pagoda, which Thường's family had built 11 years earlier with their own money. The government destroyed it after members of this pagoda affirmed their affiliation to the Unified Buddhist Church of Vietnam. Thường submitted an incident report to the UNSR/FORB. In 2016 and 2017, Thường attended the SEAFORB Conference (held in East Timor and the Philippines respectively) where he reported police attacks on other pagodas and Buddhist communities.

Recommendation 4: OHCHR should closely monitor a sample of typical cases to ensure that Vietnam's judicial system follows due process, shows transparency, is fair and is free of influence by the Executive Branch or party line.

Lawsuit against government official:

On January 26, 2021, Mr. Phan Văn Hoà, Chairman of the People's Committee of Ben Cau District, Tay Ninh Province, issued Public Document No. 88/UBND prohibiting Cao Dai followers in the district to invite Mr. Trần Ngọc Sương, a lay leader from another province, to assist them with their religious activities. Considering this as a blatant violation of the Law on Belief and Religion, on March 9, Mr. Trần Văn Đức, a lay leader of Cao Dai followers in Bến Cầu District, wrote to Mr. Phan Văn Hoà requesting a formal explanation and the legal basis behind Public Communication No. 88/UBND. As there was no response, on April 8, Đức followed up with a reminder. On July 2, 2021, he filed a lawsuit against Mr. Phan Văn Hoà for not responding to a citizen's inquiry according to Vietnam's 2013 Law on Reception of Citizens.⁴

⁴ Vietnam's 2013 Law on Reception of Citizens, November 25, 2013, available at: <https://vanbanphapluat.co/law-no-42-2013-ql13-on-reception-of-citizens>

Lawsuit against government-created actor:

Mr. Trần Ngọc Suong, who was banned from joining his fellow Cao Daiists in religious activities in Bến Cầu District, Tây Ninh Province, is from Gò Công Town, Tiền Giang Province. On June 18, 2020, Mr. Suong filed a defamation lawsuit with the People's Court of Hoà Thành Town, Tây Ninh Province against Mr. Nguyễn Thành Tám, the head of the 1997 Sect, for issuing an order to expel Mr. Suong from the Cao Dai religion. Followers of Mr. Tám then distributed his order to Cao Dai followers and posted it in public areas to discredit and defame Mr. Suong. In at least one instance, a government official incorrectly claimed that Mr. Suong had been expelled from his religion. Mr. Tám, a leader of a Cao Dai Sect created in 1997, was in no position to excommunicate Mr. Suong, who joined the Cao Dai Religion decades earlier.

The People's Court of Hoà Thành Town decided to dismiss Mr. Suong's complaint. On September 21, 2020, he filed a complaint against this decision with the Chief Justice of the People's Court of Tây Ninh Province and the Chief Justice of the People's Court of Hoà Thành Town. As he did not receive a response, on December 04, 2020, he followed up with a request to the Chief Justice of the People's Court of Hoà Thành Town, the Chief Justice of the People's Court of Tây Ninh Province, and the Chief Justice of the People's Supreme Court urging these courts to sort it out among themselves and let him know which one would review the lawsuit and hear the case.

On December 11, 2020, the People's Court of Hoà Thành Town notified Mr. Suong that his lawsuit was dismissed for lack of jurisdiction without explaining which other court would have jurisdiction.

Mr. Suong was a victim of repeated reprisals by the government for having reported rights violations to UN mandate holders. In 2015, he attended the first Southeast Asia FORB Conference organized in Thailand and attended by the UN Special Rapporteur on FORB. In 2019, he and other Cao Dai followers were barred from travel to Thailand for the fifth Southeast Asia FORB Conference. On April 30, 2020, the Mandates of the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the situation of human rights defenders wrote to the Vietnamese government about this act of reprisal:

*“Ms. Nguyen Xuan Mai, Mr. Pham Tan Hoang Hai, Mr. Nguyen Van Thiet, **Mr. Tran Ngoc Suong** and Ms. Luong Thi No participated in the previous conferences. Between 28 October 2019 and 1 November 2019, they were individually banned from travelling to the conference in Bangkok either under the order of the Ministry of Public Security of Viet Nam or local police authorities. Mr. Nguyen Anh Phụng (independent member of the Cao Dai religious group), who had initially planned to attend the conference, was interrogated at home for additional information on the conference even though he ultimately did not attend.” (VNM 2/2020)*

The incident was also reported in the UN Secretary-General's 2019 Intimidation and Reprisals Report:

124. In April 2020, special procedure mandate holders addressed alleged threats, travel restrictions and violence against and surveillance of members of independent religious communities and human rights defenders who had sought to participate or had

*participated in the 2019 annual international conference in Bangkok on freedom of religion or belief in South-East Asia, including interaction with and training by OHCHR. Individuals included Ms. Nguyen Xuan Mai, Mr. Pham Tan Hoang Hai, Mr. Nguyen Van Thiet, **Mr. Tran Ngoc Suong**, Ms. Luong Thi No, Mr. Nguyen Anh Phụng, Mr. Huynh Ngoc Truong, Ms. Nguyen Thi Hoai Phuong, Ms. Nguyen Pham Ai Thuy, Ms. Ngo Thi Lien, Mr. Thich Thien Phuc and Mr. Nay Y Ni (VNM 2/2020).*

One may conclude that Vietnam's court system has blatantly sided with the Cao Dai Sect, which the government created and has used as a non-state instrument to repress the Cao Dai Religion and force Cao Dai followers to submit themselves to that sect.

Recommendation 5: OHCHR should conduct long-term, close monitoring of religious communities and groups that are specifically targeted by the government; this would bring out the contrast between government's support for state-created or sanctioned religions and religious organizations and government's intolerance towards those resisting government control.

Expropriation of land and property of Benedictine abbey:

The government of Thừa Thiên – Huế Province has for four decades targeted for expropriation 107 hectares of pine forest belonging to the Thiên An Abbey of the Benedictine Order. In 1998, the government confiscated 49 hectares of this land.

In early 2016, the government again targeted this abbey in an attempt to expropriate the remaining 58 hectares of land. On January 4, 2016, a group of strangers attacked the abbey's abbot, Priest Anthony Nguyễn Văn Đức, with a caustic substance causing severe burns to his cheek and neck. On February 8, 2016, he fell severely sick right after drinking coffee offered by two visitors. He displayed symptoms of poisoning and soon developed cancer. He had to seek medical treatment in France and then in Germany.

On June 28 2017, the government sent over 100 plain-clothed police agents to physically assault monks and priests at the abbey, causing serious injuries to four monks-in-training who continue to suffer post-traumatic stress disorder to this day. The mob also destroyed church properties and religious icons, including the statue of Jesus Christ on the crucifix. With the help of a local lawyer, Priest Anthony Đức filed a petition requesting police investigation into this incident of trespassing and violence. No investigation was initiated. With the help of BPSOS, Priest Anthony Đức submitted a report to the UN Special Rapporteur on FORB.

In late 2017, Priest Anthony Đức returned to Germany for continued medical treatment. He received multiple signals from the government discouraging him from returning to the abbey. Upon being re-elected as abbot in absentia, in September 2019 he returned to Vietnam but was held in Ha Noi by the police; they told him that his personal safety would not be guaranteed and that he'd better leave Vietnam. After ten days of aimless stay in Ha Noi he headed back to Germany.

On August 10 and August 11, 2020, the Thừa Thiên – Huế government sent an unruly mob to harass and terrorize the monks and priests at Thiên An Abbey, violating its own COVID-19

social distancing order. Witnesses identified a number of government officials among the mob. Video of the multiple attacks by plain-clothed police and government-organized mobs: <https://www.youtube.com/watch?v=Y7X5XNluxcg&t=44s>

On August 17, the radio and television station of Thừa Thiên – Huế government ran a documentary titled “A number of monks of Thiên An Abbey grabbed land, distorted the truth.” The documentary falsely accused the monks and priests of Thiên An Abbey of taking lands from local residents. On August 23, the abbey wrote to the station, inviting the head of the station, Mr. Nguyễn Văn Du, and the documentary’s anchor, Ms. Nguyễn Thị Diễm My, to present evidence supporting their allegations. The station did not respond and did not retract its story.

Recommendation 6: OHCHR should identify particularly vulnerable religious groups and communities, and compile and publish statistics on incidents of harassment, intimidation, reprisals, forced renunciation of faith, violence, torture, detention, imprisonment, and extrajudicial killings affecting each such groups and communities.

Evangelical Church of Christ (ECC) of the Central Highlands, a Montagnard house church:

Security police officers have been intimidating adherents of this house church in the Provinces of Kon Tum, Gia lai, Dak Lak, Lâm Đồng, and Phú Yên for at least ten years. For example, Pastor A Đảo, the acting head of ECC, was arrested after attending the 2016 SEAFORB Conference in East Timor. He was tortured during investigation and trial and sentenced to five years in prison. He was released in September 2020 after the UN and Western governments exerted increasing pressure on the Vietnamese government.

Pastor A Ga, who co-founded ECC, had to escape to Thailand where he spent a number of years until the Vietnamese government had the Thai government detain his family. The UN quickly transferred the family to the Philippines for their safety in 2017 before the U.S. resettled them as refugees in September 2018. Pastor A Ga stated on July 14, 2021 during the International Religious Freedom Summit in Washington, DC (U.S.):

“They come to adherents’ homes to search and seize materials identifiable as printed by the Evangelical Church of Christ of the Central Highlands (e.g., simple calendars with church logo). They force the victims to leave their denomination whenever they interrogate at police stations or in victims’ homes. They continue to threaten to put them in prison if they persist in not joining the State-sponsored denominations affiliated with various appendages of the Vietnamese Communist Party.

“The local government units faithfully implement central government directives aiming to suppress independent religious organizations. In doing so, they violate their commitments to the International Covenant on Civil and Political Rights (Vietnam signed in 1982), and the Vietnamese Constitution and laws. To restrict adherents from associating with fellow adherents in other villages, the police and local authorities spy on them and force them to come to local police stations to be interrogated about their visits to neighboring villages for religious activities. The authorities forced many adherents to hand over their cell phones and laptops, thus enabling their information technology experts to extract information usable in harassing several other adherents, a major violation of the right to privacy supposedly protected by the Vietnamese Constitution and laws.”

In mid-July 2021, this church and other independent Montagnard house churches were the target of pre-dawn raids, house searches, seizure of cell phones and laptops for investigation, and arrests, including multiple-day detentions for several adherents of the Evangelical Church of Christ of the Central

Highlands. Intense pressure by high-level security police commanders forced the victims to sign pledges to leave their house church and stop providing to the international community - particularly the UN - information on government violations of the ICCPR. In one instance, the police disguised as a medical team, falsely claimed that they came to pick up a patient who tested positive for COVID-19, and blocked neighbors from coming close. This incident was reported to the UNSR on FORB.

In the third week of September 2021, the police invoked Vietnam's infamous Cybersecurity Law to pressure Pastor A Đảo to stop communicating with Pastor A Ga by threatening this victim with a heavy fine under this law. Pastor A Đảo was interrogated on September 9, 2021 at the local police station after the police raided his home and seized two cell phones. In the afternoon, security police officers from the Police Department of Kon Tum Province interrogated him again. They threatened to fine him 70 million VND (equivalent to 3000 USD) for posting messages on Facebook to support religious freedom unless he stops communicating with Pastor A Ga. He was forced to sign a statement pledging to leave ECC.

On September 17, 2021, the official publication of the Department of Public Security of Đà Nẵng City vilified Pastor A Đảo, Pastor A Ga and ECC as enemies of the state in the article titled "Must stop, eliminate the reactionary organization that hides behind a religion: Evangelical Church of Christ in the Central Highlands":

*"Hiding itself under the Protestant religion, using the pretext of religious practice, "Evangelical Church of Christ in the Central Highlands" clandestinely recruits members of ethnic minorities in the Central Highlands to participate in activities that violate national security..."*⁵

At least 61 incident reports have been submitted to different UN Special Procedures over the past seven years.

Recommendation 7: OHCHR should compile and publish statistics on incidents of hate speech, threats, and violence perpetrated by specific non-state actors with impunity and government support.

The ecological disaster caused in April 2016 by the Formosa steel plant in Ha Tinh Province prompted mass demonstrations in four affected provinces. Catholic parishioners in fishing communities were at the forefront of the protests. Peaceful demonstrations were violently subdued by the police. Six Catholic environmental justice advocates received prison sentences ranging from two to twenty years, not to mention house detention following the prison terms: Hoàng Đức Bình (m), born in 1983, seven years of imprisonment followed by seven years of house arrest; Lê Đình Lượng (m), born in 1965, 20 years of imprisonment; Nguyễn Nam Phong (m), born in 1980, two years of imprisonment; Nguyễn Văn Hoá (m), born in 1995, seven years of imprisonment followed by three years of arrest; Trần Thị Xuân (f), born in 1976, nine years of imprisonment.

These long-term prison sentences failed to stop the mass demonstrations, which frequently were led by Catholic priests. The government turned to organized mobs known as Red Flag Associations, using them to physically assault priests and parishioners and spread hate speech

⁵ Cần ngăn chặn, loại bỏ tổ chức phản động núp bóng tôn giáo: "Hội thánh Tin lành đảng Christ Tây Nguyên", Public Security of Da Nang City, September 17, 2021, available at: http://cadn.com.vn/news/75_249929_can-ngan-chan-loai-bo-to-chuc-phan-dong-nup-bong-ton-giao-hoi-thanh-tin-lanh-dang-christ-tay-nguyen.aspx

against them on the social media with absolute impunity. Requests for investigation by the victims or their parish priests have been completely ignored by the police. In many instances, victims who petitioned for police investigation ended up being investigated and punished.⁶

In the case of Kê Gai Parish, a witness listed in the Parish Priest's request for investigation was targeted by the police and had to flee to Thailand. After his reporting of the incident to the UNSR on FORB, he was issued an arrest warrant by the police. This case was included in the 2019 Intimidation and Reprisal Report of the UN Secretary General:

“On 26 September 2018, Mr. Nguyen Van An, a Catholic from Ke Gai parish, was informed of an arrest warrant for his involvement in documenting and testifying on alleged violations and reporting them to the United Nations. Mr. Nguyen Van An and his family have left the country. Annex II contains allegations of continued reprisals against Mr. Nguyen Bac Truyen, and against civil society actors that attended a regional event, which included engagement with the Special Rapporteur on freedom of religion or belief. On 26 June 2019, the Government responded.”

The concluding observations of the UN Human Rights Committee pursuant to its review of Vietnam's implementation of the ICCPR specifically mentioned the human rights violations committed by Red Flag Associations:

“[The Committee] 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).

44. The State party should bring its legislation into conformity with article 18 of the Covenant, refrain from any action that may restrict the freedom of religion or belief beyond restrictions permitted under that article and take into account the recommendations of the Special Rapporteur on freedom of religion or belief (see A/HRC/28/66/Add.2). It should also take measures to prevent and swiftly and effectively respond to all acts of undue interference with the freedom of religion, and any incidents of hate speech, incitement to discrimination, violence or alleged hate crime, and ensure that those responsible are brought to justice.” See: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fVNM%2fCO%2f3&Lang=en

Nevertheless, the perpetrators, which included government officials, were treated with impunity. The said witness-turned-victim and his wife and children have all been recognized as refugees by the UNHCR's office in Thailand. In recent months, the public security issued multiple arrest warrants against him and put pressure on his mother in Vietnam to bring him home to face criminal charges.

⁶ Red Flag Associations: An emerging threat to Catholic communities in Vietnam, BPSOS, March 27, 2018, available at: <https://dvov.org/wp-content/uploads/2018/03/BPSOS-Report-on-Red-Flag-Associations-03-27-18.pdf>

Recommendation 8: OHCHR should compile disaggregated data on state actors to identify those of gravest concerns and opportunities for improvement.

While the national legal framework places severe restrictions on freedom of religion or belief, provincial and local governments may differ considerably in their policies and approaches. The government of Dak Lak Province is notorious for its intolerance towards Montagnard Christians who do not join state-sanctioned churches. Among the provinces where ECC has been targeted, government authorities in Dak Lak Province prove to be the fiercest.

In contrast, over the past twelve months we have observed a policy turnaround in Lam Dong Province towards two communities of undocumented Hmong Christians, totaling some 1,200 individuals: Subdivision 179 and Subdivision 181. Most of them were evicted or had to flee from their home villages in the Northwestern Highlands after converting to Christianity. From different villages they migrated to Lam Dong Province and built new communities. Local authorities treated them as illegal migrants and refused to issue them personal documents. In July 2019, the district government announced its plan to forcibly evict all residents of Subdivision 179.

Partially thanks to international pressure, in January 2020, the Dam Rong District Government announced its allocation of 76.78 billion VND (equivalent of US \$ 3,311,297), with 77% contributed by the central government and the rest by the local government, to build infrastructure for Subdivision 179. There was no more talk about eviction.

On May 20 and 21, the district public security police conducted a survey of all households as the first step towards issuing household registration. From May 20 to June 6, government officials organized a series of orientation for residents about the law, security, safety, etc. On June 4, the District Government held a meeting with all residents to announce its detailed plan to build infrastructure, including a road passing through the Subdivision, a medical clinic, a community center, and other facilities. At the start of the 2021 school year, the government sent teachers to serve primary school students in Subdivision 179; the military district provided two literacy instructors to teach adults how to read and write.

In May 2021, the provincial government announced its decision to issue citizenship ID cards to all residents of Subdivision 179 and Subdivision 181.

By tracking policy changes at government subunit levels, OHCHR may encourage positive developments to be replicated countrywide while inviting increased scrutiny by the international community on state actors that continue to demonstrate intolerance on the basis of religion or belief.