



**JUBILEE CAMPAIGN USA
ECOSOC Special Consultative Status (2003)
With
BOAT PEOPLE SOS**

**United Nations Human Rights Council
Universal Periodic Review - FOURTH CYCLE**

**Submission to the 46th session of the Human Rights Council's Universal Periodic Review Working Group
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Socialist Republic of Vietnam

**A Vital Voice for Those Suffering in Silence
9689-C Main Street • Fairfax, VA 22031-3746 • TEL: (703) 503-2260 • FAX: (703) 503-0792
EMAIL: jubilee@jubileecampaign.org**

**P.O. Box 700 • Addlestone • Surrey, KT15 9BW • United Kingdom
JUBILEE CAMPAIGN IS A NON-PROFIT, TAX EXEMPT, CHARITABLE ORGANIZATION IN THE UNITED STATES
United Nations Human Rights Council
Universal Periodic Review of the Socialist Republic of Vietnam**

I. Background.

1. **Jubilee Campaign** is a non-governmental organization which holds consultative status with the Economic and Social Council since 2003 and whose work focuses on promoting the rights of religious and ethnic minorities and raising the status of vulnerable women and children to protect them from bodily harm and exploitation. Jubilee Campaign submits this analysis of religious freedom and human rights in the Socialist Republic of Vietnam as a contribution to the Universal Periodic Review.
2. **Boat People SOS (BPSOS)** is an organization which in the 1980s operated voluntary missions to rescue over 25,000 Vietnamese boat people, rescuing them from the high seas and defending their refugee rights in first-asylum countries. Presently, BPSOS has come full-circle by expanding its international initiatives to provide assistance to victims of human rights violations in Vietnam, protecting Vietnamese asylum seekers in neighboring countries and rescuing victims of human trafficking around the globe.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies.

3. Vietnam has ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography; and the Convention on the Rights of Persons with Disabilities.

Recommendation(s).

We urge the Socialist Republic of Vietnam to:

4. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; the Convention for the Protection of All Persons from Enforced Disappearance; the Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance.

III. Violations of human rights obligations, considering applicable international human rights legislation.

A. Freedom of thought, conscience, and religion.

5. The 1992 Constitution of Vietnam (revised 2013) in Article 24 outlines the right of every citizen to “freedom of belief and of religion”, including the right to follow any faith or none whatsoever. It additionally prohibits individuals - which can be interpreted to include state and non-state actors alike - from impeding upon religious freedom “or to take advantage of belief and religion to violate laws”. Article 70 Clause 5 grants the National Assembly of Vietnam the authority to ratify national policies regarding

¹ Constitute Project, [Viet Nam 1992 \(rev. 2013\)](#) [Vietnam].

religion.¹

6. The Vietnamese government formally recognizes the following religious traditions: Buddhism, Catholicism, Protestantism, Islam, Hòa Hảo Buddhism, Cao Đài faith, Bahá'í faith, Tinh Do Cu Si Phat Hoi, Tu An Hieu Nghia, Phat Duong Nam Tong Minh Su Dao, Minh Ly Dao Tam Tong Mieu, Cham Brahmanism, Hieu Nghia Ta Lon Buddhism, and Seventh-Day Adventist Christianity.²
7. Last year, in the first week of June 2022, the Vietnamese government introduced two draft policies regarding faith, one of which would replace Decree 162 of 2017 regarding the implementation and execution of the Law on Belief and Religion (LBR) of 2018. The second of the two new degrees has been colloquially referred to since its introduction as the “Punishment Decree” as it outlines unspecific penalties ranging from “warning” to “severe warning” as well as maximum fines of VNG 430 million (≈ USD \$1,200) per individual and 460 million (≈ USD \$2,400) for entities. Violations subject to these corresponding punishments include: disobeying faith leaders; failing to receive approval to organize church activities; legally unapproved (or awaiting approval) religious communities’ use of “its religious reputation to further its cause”; “taking advantage of belief and religion”; “causing social division”; “violating public morality”; and disturbing social order”. Additionally, faith organizations must follow strict guidelines, including: updating the government regarding reassignment of and newly introduced clergy; reporting to the government on all international financial contributions and transactions; providing biographical information on all religious leaders to the government for review and approval. A noteworthy clause to this new decree extends regulations to faith activities conducted online during the COVID-19 pandemic.³
8. The pre-requisites and tedious process of applying for the legal and formal registration of faith communities provide the Vietnamese government unfettered agency to select which religious communities to permit and which to reject. For example, communities may only apply for “legal personality” with the Committee for Religious Affairs after having operated for five years.⁴ This raises concerns regarding how newer religious movements are able to practice while awaiting legal status, especially considering operating without such licenses renders communities vulnerable to state-sanctions persecution and scrutiny.
9. In an October 2022 communication to Vietnam, a cohort of UN Special Procedures raised the following:

“Moreover, authorities maintain the right to approve or refuse requests for registration as religious groups, or systematically deny registration, or exceedingly delay it, resorting to the protection of national security and social unity as a justification.”

“In this regard, registration requirements established by the national law should not constitute an impairment for the peaceful exercise of the right to freedom of

¹ Constitute Project, [Viet Nam 1992 \(rev. 2013\)](#) [Vietnam].

² Embassy of the Socialist Republic of Vietnam in the United States of America, [“Vietnam Experts Discuss Religious Freedom, Tolerance”](#), 18 September 2006. ; Open Development Vietnam, [“Overview of Religions in Vietnam”](#), 27 August 2023. ; Ahn Cuong Nguyen, Thi Ngoc Thuy Tran, Van Nhac Dinh, & Hai Anh Nguyen, [Main Characteristics of Belief and Religious Living in Vietnam](#), Russian Journal of Vietnamese Studies, 2021.

³ Morning Star News, [“Vietnam Floats Draconian New Religion Decrees”](#), 14 June 2022.

⁴ Vo Quoc Hung Thinh, [Vietnam’s Legal Framework on Religion](#), Legal Initiatives for Vietnam, September 2020. ; Aerolynne Reed, [“The Collision Of Religion And The Vietnamese State”](#), *The Vietnamese*, 5 May 2021.

religion or belief and the subsequent right to freedom of worship. According to the Special Rapporteur on freedom of religion or belief, the registration should not be compulsory and it should not represent a precondition for practising one's religion".⁵

10. Vietnamese law prohibits "coercion to follow a religion or [] leave a religion".⁶

11. In early 2023, the Vietnamese Committee for Religious Affairs published a white book in which it claims that "there is no discrimination against beliefs and religions or conflicts among religions" and that "followers of different beliefs or religions live in harmony in the community of ethnic groups in Vietnam". Despite the document's assertion that "no individuals or religious organizations, which operate in compliance with the law, are prohibited", many faith groups have reported persecution from state actors. Additionally, Venerable Thich Khong Tanh of the Sangha of the United Buddhist Church of Vietnam noted: "the government often says [religious] organizations and groups need to register themselves to be recognized and operate in compliance with the law. However, even if we try to register, they will never approve", thus leading faith communities in a legal limbo.⁷

12. In Vietnam, household registration is perhaps the most important documentation an individual or family can possess; with such documentation, one can apply for employment and education, open a business, gain access to government-funded public services, and open a bank account. Boat People SOS has identified a trend in which local governments with an anti-Christian sentiment have been refusing to allow Hmong and Montagnard Christians to obtain household registration. The effects of such denial cannot be underestimated:

"A household register is required when applying for birth certificate[s], death certificate[s], marriage certificate[s], guardianship, updating or getting a copy of a personal record, adopting children, transferring the right to use land, property ownership documents, power-of-attorney, real estate contract[s], collateral contract[s], bank loan[s], reclassification of land based on intended use, entitlements, verification of needy students' status or poverty level or eligibility for public assistance with funeral expenses, certifying eligibility for public housing, buying an insurance policy, or receiving preferential treatment".⁸

13. Additionally, national identification documentation must be provided in order to obtain access to public services such as education, welfare, healthcare, and more. An individual is ineligible to apply for an identification card if he or she does not have a valid household registration document, thus further preventing targeted individuals such as Hmong and Montagnard Christians from receiving the benefits that all Vietnamese citizens should be provided by law.

⁵ United Nations Mandates of the Special Rapporteur on the rights of Indigenous Peoples; the Working Group on Arbitrary Detention; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the right to education; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on freedom of religion or belief, [AL VNM 5/2022](#), 18 October 2022.

⁶ Socialist Republic of Vietnam, *Decree on details and directive measures for the implementation of the Ordinance on Religions and Belief*, [No 92/2012/ND-CP](#), 8 November 2012.

⁷ Radio Free Asia, "[Vietnam's white book declares government guarantees religious freedom](#)", 9 March 2023.

⁸ Boat People SOS (BPSOS), *Statelessness as [a] form of punishment against H'Mong and Montagnard Christians in the Socialist Republic of Vietnam*, Religious Freedom Project, 6 March 2019.

14. In June 2022, a Hmong Christian convert family who had been living in Na Ngoi, Nghe An province for generations reported being pressured by local authorities to renounce Protestantism, eventually resorting to punitive measures including seizing the family's agricultural tools and construction materials, shutting off their electricity. Most recently, the family was forcibly evicted from Na Ngoi, and because the government rescinded their local citizen status, they are prohibited from using public services and issuing documentation to family members. Other families have experienced similar persecution, and young children have been denied birth certificates, access to public schooling, and health care. One pastor in Lao Cai province noted:

“There have been many such cases and when an appeal is made to higher authorities such as the province and central government, they answer that it is because the commune or village authorities do not understand the law or the constitution about religion. They say superiors will investigate but many households have asked their superiors to solve it and, in the end, nothing came of it”.⁹

15. Local authorities have coerced animist relatives of Christian converts to disown them, force them out of their homes and communities, and leave behind all of their possessions. “Some Christians have been forcibly separated from [their] spouse[s] and children, home and fields, sometimes even their wedding rings, if they persist in their faith.”¹⁰
16. In September 2022, it was reported that the Vietnamese government has similarly persuaded legally recognized and state-approved churches to attempt to entice independent religious groups to comply with government demands to integrate into the network of the government’s control. Voice of the Martyrs Korea Representative Dr. Hyun Sook Foley explained further that these measures have exacerbated the pre-existing tensions between official and unofficial faith communities in Central Highlands regions: “the registered churches say, ‘according to Romans 13:1, we must be subject to the governing authorities’, and the unregistered churches say, ‘but according to Acts 5:29, we must obey God rather than human beings’”.¹¹
17. Montagnard Christians, while facing the similar crackdown on religion that Hmong Christians experience, have an even more strained relationship with the state, dating back to the 1990s, when the government of Vietnam launched a campaign to prevent the spread of Protestantism following the presence of American missionaries. Following the mass protests in the 2000s held by Montagnard communities in response to the crackdown on their freedom of religion, Vietnamese authorities have closed numerous Montagnard churches starting in 2014.
18. During the U.S. Human Rights Dialogue in Hanoi in 2022, representatives from the Montagnard Evangelical Church of Christ highlighted measures taken by state actors which violated the group’s right to freedom of religion or belief. In one incident, plain-clothes authorities raided a house prayer gathering of 20 believers, interrupting the service and dispersing non-residents of the home, citing that “whatever [religion] the State has not yet recognized will not be allowed to practice”. Similarly, on the very same day, police stormed another home worship service and, when informed by participants that their [the authorities] actions were in violation of religious freedom, threatened to

⁹ Truong Son, “[Protestant family of 13 expelled from their village](#)”, *Radio Free Asia*, 21 June 2022.

¹⁰ Morning Star News, “[Hmong Christians suffering severe persecution in Vietnam](#)”, 1 August 2022.

¹¹ Pastor Dr. Hyun Sook Foley, “[Vietnam: Authorities using registered churches to suppress unregistered ones](#)”, *Do the Word*, 6 September 2022.

destroy the home. Following these incidents, participants have reported being persistently surveilled.¹²

19. In February 2023, Vietnamese authorities in Dak Lak province restricted Montagnard leaders and families from meeting with diplomats from the United States during their visit to the country. In adjacent provinces, Christians were instructed to stay within their homes throughout the duration of the consular delegation.¹³
20. In June 2023, anomalous attacks upon municipal People's Committee offices in Ea Ktur and Ea Tieu, Dak Lak province, stoked fears among local Montagnards that Vietnamese state actors will use these attacks as justification for further repression in the Central Highlands region.¹⁴ Notwithstanding the lack of any clear religious motives in the attacks, the Dak Lak provincial police posted on its YouTube channel a video about the Montagnard Evangelical Church of Christ of the Central Highlands (MECC), which it has declined to grant legal status on grounds that it is allegedly "subversive and reactionary". The video in question presents an individual claiming to have attended one of the Church's online human rights lessons organized by BPSOS, which he accused of containing seditious rhetoric; in reality, these virtual courses instruct participants on human rights standards and reporting of violations thereof.¹⁵
21. Over the past four years, the Vietnamese government has castigated Montagnards Stand for Justice (MSFJ), a non-profit organization which has since 2018 worked to coordinate the participation of Montagnard communities - who are at risk of political and religious persecution domestically in Vietnam - in the international community of human rights and religious freedom advocacy. The Vietnamese government falsely accuses MSFJ of being "anti-State", and following the aforementioned June 2023 attacks on police buildings in Dak Lak, has baselessly accused the organization of participating in such attacks. Specifically, the Ministry of Public Security has used its social media channels to circulate this narrative and incorporate photos of the Montagnard suspects of the attacks "to create the false impression that somehow MSFJ was tied to these violent incidents". Also directly following the June attacks, the government has increased surveillance on Montagnard refugees in Thailand, including photographing them and their residences, and has published articles accusing MSFJ, BPSOS, and MECC of misrepresenting facts.
22. Throughout late 2021 and 2022, Vietnamese authorities have established riot squads across regions in which there already exists state-sponsored faith persecution. In Cao Bang and Gia Lai provinces, members of the Protestant Ede and Duong Van Minh sect raised concerns that ethno-religious minorities' demonstrations would be subjected to encroachment.¹⁶
23. In July 2022, Vietnam convicted six members of the Peng Lei Buddhist House of "abusing democratic freedoms" and sentenced the group to a combined 23 years 6 months' imprisonment. Of the charges raised against the sect is its refusal to register with the Vietnamese Buddhist Church, which the defendants have claimed is "unworthy". The Vietnam Interfaith Council - which represents the nations' Buddhist, Catholic, Protestant, Cao Đài, and Hòa Hảo Buddhist communities - condemned the sentences: "we fight for

¹² Radio Free Asia, "[Protestants in Vietnam's Central Highlands complain of constant police harassment](#)", 2 November 2022.

¹³ Radio Free Asia, "[Vietnamese authorities prevent Christian group from meeting with U.S. diplomats](#)", 23 February 2023.

¹⁴ Voice of America, "[Deadly Conflict in Vietnam's Central Highlands Ramps Up Persecution of Ethnic Minorities](#)", 17 July 2023.

¹⁵ Lee Nguyen, "[The Lack of Supporting Evidence in the Vietnamese Government's Accusations Against the Montagnard Evangelical Church of Christ in the Central Highlands](#)", *The Vietnamese*, 6 July 2023.

¹⁶ Radio Free Asia, "[Vietnam's religious communities commemorate victims of religious persecution](#)", 22 August 2022.

Vietnam to have freedom of religion. No one has the right to force us to follow a religion that we don't like".¹⁷

24. In December 2022, Kon Tum province authorities demolished a pagoda of the independent Unified Buddhist Church of Vietnam, citing that the house of worship was illegally constructed on agricultural land. The UBCV abbot, who was visiting another pagoda in Vung Tau province, states that the attack was actually an act of retaliation against him for his refusal to join the official Vietnam Buddhist Church, which does not legally allow independent Buddhist communities' temples and houses of worship. Vietnamese authorities have a notorious track record of similar attacks on UBCV properties: Lie Tri Pagoda (2016)¹⁸; Phap Bien Pagoda; Dat Quang Pagoda (2015)¹⁹; Thien Quang Pagoda; Van Linh Pagoda; and Thong Linh Pagoda.²⁰
25. In 2002, evangelist Montagnard church leader and member of the Ede ethnic group, Y Pum Bya, was arrested after he requested permission from local authorities for the unregistered church he led to continue conducting religious activities. Authorities charged Pastor Y Pum Bya with "undermining national unity" and sentenced him to eight years' imprisonment. Prior to his first arrest, Pastor Y Pum Bya and his congregation had suffered from multiple police raids on their church, interrogation, and pressure to renounce their faith. In 2018, Pastor Y Pum Bya was arrested for a second time, in this case on fabricated charges of distributing false and "distorted" information about the Vietnamese government's violations of minority rights and religious freedom. He was sentenced to 14 years' imprisonment.²¹
26. In 2006, Montagnard pastor and member of the Ba Na ethnicity, Y Yich, was arrested in December for "plotting against the government" for his work advocating for religious freedom and for attempting to free his congregation and church from government control. Pastor Y Yich was released from prison in 2011, after which he returned to his proselytism work and was subsequently re-arrested in 2013. Upon his second arrest, he was sentenced to 12 years' imprisonment. Pastor Y Yich's health is currently deteriorating in Mang Yang Prison, where he is subjected to harsh physical treatment and is denied medical treatment for hypertension, rheumatism, and stomach inflammation.²²
27. We commend the release in September 2023 of Nguyen Bac Truyen, a Hòa Hảo Buddhist legal expert and leader of the Vietnamese Political & Religious Prisoners Friendship Association, who had been arrested most recently in 2017 and sentenced to 11 years' imprisonment for carrying out "activities aimed at overthrowing the government".²³

Recommendation(s).

We urge the Socialist Republic of Vietnam to implement the following recommendations to which it previously assented

¹⁷ Radio Free Asia, "[Vietnam religious freedoms group hits out at sentences against Peng Lei members](#)", 28 July 2022.

¹⁸ Mac Lam, "[Vietnamese Authorities Demolish Buddhist Pagoda in Ho Chi Minh City](#)", *Radio Free Asia*, 12 September 2016.

¹⁹ Gia Minh, "[Vietnamese Authorities Harass Independent Buddhist Church](#)", *Radio Free Asia*, 13 October 2015.

²⁰ Radio Free Asia, "[Authorities destroy Unified Church of Vietnam's Son Linh Pagoda](#)", 13 December 2022.

²¹ Campaign to Abolish Torture in Vietnam, [Global Campaign To Free Y Pum Bya: Montagnard Religious Freedom Defender Twice Imprisoned As A Prisoner Of Conscience](#).

²² The 88 Project for Free Speech in Vietnam, [Profile: Y Yich](#).

²³ Front Line Defenders, "[Nguyen Bac Truyen Arrested for Anti-State Activities](#)"; Radio Free Asia, "[Former Vietnamese prisoner chooses exile to escape injustice](#)", 20 September 2023.

28. Protect religious and ethnic minorities, and repeal newly enforced legal restrictions on them;
29. Safeguard freedom of religion and belief for all in Vietnam;
30. Take the necessary measures to eliminate administrative barriers in order to guarantee the exercise of freedom of worship;
31. Enhance efforts to guarantee freedom of religion or belief, also by further reducing administrative obstacles to peaceful religious activities and by combating violence and discrimination on the basis of faith;
32. Revise national legislation, including the law on belief and religion and the media laws, in order to harmonize them with international standards regarding the rights to freedom of expression and freedom of religion.

IV. Non-compliance with UPR recommendations.

33. Vietnam's persecutory practices against ethnic and religious minority communities exhibit the disregard and rejection of the Universal Periodic Review Working Group's 2019 recommendations²⁴, including:
 - Protecting and promoting the right to freedom of religion or belief (recommended by: Brazil, 38.174; Canada, 38.212; Croatia, 38.212; Greece, 38.173; Italy, 38.199; Kenya, 38.210; Lao People's Democratic Republic, 38.169; Luxembourg, 38.277; Malta, 38.182; Poland, 38.193; United Arab Emirates, 38.178; United States of America, 38.205)

²⁴ United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Viet Nam*, [A/HRC/41/7](#), 28 March 2019.