



Australian Government

Refugee Review Tribunal

Country Advice

Vietnam

Vietnam – VNM37957 – Hoa Hao
Buddhists – Blacklists – Bribery

24 December 2010

1. Please provide information about the types of persons or profiles on the blacklist and whether this still exists.

Only one mention of a government blacklist was found – in 2001 and from a Buddhist worshipper detailing the use of the household registration system to monitor his activities. No further recent information was located concerning government blacklists in Vietnam, however, it should be noted that as a one-party state, the Vietnamese government does not tolerate political dissent.

Sources indicate the Vietnamese system of household registration (*hokhoa*) is used as a method of social control but only one source referred to this system as a blacklist. Nevertheless, according to the US Department of State (USDOS) 2009 Human Rights Report on Vietnam, household registration was used to monitor individuals involved in unauthorised political activities and local police forces organised for third-parties to harass religious worshippers perceived to be a threat to security:

Internal security is the responsibility of the MPS [Ministry of Public Security]; however, in some remote areas, the military is the primary government agency and provides public safety functions, including maintaining public order in the event of civil unrest. The MPS controls the police, a special national security investigative agency, and other internal security units. It also maintains a system of household registration and block wardens to monitor the population. While this system has generally become less intrusive, it continued to be used to monitor those suspected of engaging, or likely to engage, in unauthorized political activities. Credible reports suggested that local police forces used "contract thugs" and "citizen brigades" to harass and beat political activists and others, including religious worshippers, perceived as "undesirable" or a "threat" to public security.¹

Separately, the USDOS, Amnesty International, Human Rights Watch and Freedom House all indicate that the Vietnamese government does not tolerate political dissent², and

¹ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Vietnam*, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136015.htm> - Accessed 20 December 2010 – Attachment 1.

² US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Vietnam*, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136015.htm> - Accessed 20 December 2010 – Attachment 1; Amnesty International 2010, *Annual Report 2010*, <http://thereport.amnesty.org/> - Accessed 20 December 2010 – Attachment 2; Freedom House 2010, *Freedom in the World – Vietnam*, June <http://www.freedomhouse.org/template.cfm?page=363&year=2010&country=7949> – Accessed 20

recent crackdowns on activists indicate that authorities monitor high-profile activists. For example, in 2010, Amnesty International reported that the government crackdown on opposition political activists and human rights activists had intensified, with a wave of arrests against individuals who had criticised corruption and government policies:

Tight controls on freedom of expression continued, including in the print and broadcast media and on the internet. **A new wave of arrests began in May, targeting independent lawyers, bloggers and prodemocracy activists critical of government policies.** The authorities claimed to have uncovered a plot “infringing upon national security” involving 27 people. One of those arrested was sentenced to five and a half years’ imprisonment in December, and at least four others were in pre-trial detention at year’s end. They were charged under Article 79 of the national security section of the Penal Code for attempting to overthrow the state, which carries the death penalty. They are affiliated to the Democratic Party of Viet Nam, an exile political group calling for multi-party democracy. All had publicly criticized controversial business deals and border policies relating to China.³

2. And if so, any information that indicates they are treated differently or discriminated against. Please include references on being subject to interrogation; inability to obtain education; own their own grocery shop and home; overseas travel; be issued passports, household registration, etc.

Although no recent information was found concerning government blacklists in Vietnam, a 2004 RRT Research Response provides information about people who have suffered difficulties with respect to the system of household registration. The response cites a statement from a Unified Buddhist Church of Vietnam (UBCV) member before the US Commission for International Religious Freedom in 2001, who states that the government ‘uses household registration as a powerful means to harass and control people on its black list.’ The individual’s experience involves being expelled from a religious seminary for not having household registration there; questioning by police and being made to write self-reports; problems when travelling domestically; and experiencing difficulties obtaining a passport. An excerpt from the RRT response appears below:

The following are examples of people who have had difficulties with household registration in Vietnam. ...

...

- According to Ven. Thich Thia Hoa, First Secretary of the Sangha of Thua Thien Hue Unified Buddhist Church of Vietnam, the Vietnamese Government’s strategy to destroy the UCBV includes denying clergy household registration at their temple.

In 1981, Venerable Thich Tri Thu sent me to Quang Huong Gia Lam Seminary in Saigon. However, I did not have household registration there and was repeatedly expelled from the seminary by the public security police. In 1984, Venerable Thich Tue Si and Thich Tri Sieu were arrested and Venerable Thich Tri Thu passed away. The Seminary was disbanded. I returned to Hue in 1985 and was constantly questioned by the public security police for my ties with the above monks. I had to

December 2010 – Attachment 6; Human Rights Watch 2010, *World Report 2010*, January <http://www.hrw.org/sites/default/files/reports/wr2010.pdf> - Accessed 20 December 2010 – Attachment 7.

³ Amnesty International 2010, *Annual Report 2010*, <http://thereport.amnesty.org/> - Accessed 20 December 2010 – Attachment 2.

write self-reports on a regular basis. When my mother passed away and I returned to my native village to attend her funerals, the local public security police there investigated me for not having household registration

The government uses household registration as a powerful means to harass and control people on its black list. The government has recently relaxed restriction on domestic travel but still keeps suspects under close surveillance. I have been questioned by the public security police every time I travel to another city. For example last July I was invited to conduct a meditation session at Phu Son Temple in Quang Nam Province. The local public security police interrupted and ended the session. It is extremely hard for people like me to get a passport to travel abroad.

Vietnam's Constitution and laws provide for freedom of movement, freedom of residence, freedom of religion... However, the government has employed every possible means to restrict my exercising such freedoms....⁴

Separately to the above research response, recent sources indicate that an individual perceived as posing a threat to the state could be at risk of harsh treatment. For example, with respect to opposition political activists, the 2009 UK Home Office operational guidance note for Vietnamese asylum seekers stated the following:

The Vietnamese authorities may take serious action against individuals involved with opposition political parties/organisations who they believe pose a threat to the state and this treatment may amount to persecution. Where an individual is able to demonstrate that they have taken part in opposition political activities and as a result of these will come to the attention of the authorities, and face a serious risk of persecution on account of their activities, a grant of asylum will be appropriate.⁵

No further recent information was located. However, the Vietnamese government's treatment of the UCBV member is a pertinent example of authorities treatment of followers of unrecognised religions – which may have some relevance to an individual if they belong to an unrecognised faction of the Hoa Hao faith – see question four.

3. Please provide updated information about the level of bribery.

Sources indicate that corruption and bribery are endemic in Vietnam and that the government has recognised these as major issues. To this end, Vietnam has introduced anti-corruption legislation, however, as put by the US Department of State in 2010, 'the government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity.'⁶ Relevant excerpts from the latest US DOS report on Vietnam appear below. The information indicates the government is cracking down on corruption, including by requiring government officials to complete annual asset declarations, however, citizens are also obstructed in their ability to complain about corruption, which can only be done through official channels:

⁴ RRT Research Response 2004, *VNM17091 – Vietnam – household registration – ho khai – Buddhists – trafficking – activists – returnees 1990s – citizenship*, 9 November – Attachment 3.

⁵ UK Home Office 2009, *Operational Guidance Note – Vietnam*, 9 June
<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/vietnamogn?view=Binary> – Accessed 20 December 2010 – Attachment 4.

⁶ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Vietnam*, 11 March
<http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136015.htm> – Accessed 20 December 2010 – Attachment 1.

The law provides for criminal penalties for official corruption; however, the government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. Corruption continued to be a major problem. The government persisted in efforts to fight corruption, including publicizing budgets of different levels of government, refining a 2007 asset declaration decree, and continuing to streamline government inspection measures. Cases of government officials accused of corruption sometimes were widely publicized.

The anticorruption law allows citizens to complain openly about inefficient government, administrative procedures, corruption, and economic policy. In regular Internet chats with high-level government leaders, citizens asked pointed questions about anticorruption efforts. However, the government continued to consider public political criticism a crime unless the criticism was controlled by authorities. Attempts to organize those with complaints to facilitate action are considered proscribed political activities and subject to arrest. Senior government and party leaders traveled to many provinces, reportedly to try to resolve citizen complaints. Corruption related to land use was widely publicized in the press, apparently in an officially orchestrated effort to bring pressure on local officials to reduce abuses.

According to the asset declaration decree, government officials must annually report by November 30 the real estate, precious metals, and "valuable papers" they own; money they hold in overseas and domestic bank accounts; and their taxable income. The government must publicize asset declaration results only if a government employee is found "unusually wealthy" and more investigation or legal proceedings are needed. In addition to senior government and party officials, the decree applies to prosecutors, judges, and those at and above the rank of deputy provincial party chief, deputy provincial party chairperson, deputy faculty head at public hospitals, and deputy battalion chief. Due to a lack of transparency, it was not known how widely the decree was enforced.⁷

With respect to the police, US DOS noted that corruption remained a problem at all levels despite the efforts of foreign governments to assist with improving police professionalism:

Corruption among police remained a significant problem at all levels, and members of the police sometimes acted with impunity. Internal police oversight structures existed but were subject to political influence. The government cooperated with several foreign governments in a program for provincial police and prison management officials to improve the professionalism of security forces.⁸

With respect to bribery, in 2006, the Global Integrity group⁹ found that Vietnam had a 'Very Weak' rating in the Global Integrity Index (a measure of the existence and effectiveness of anti-corruption mechanisms in over 40 countries). The Global Integrity 2006 Country Report on Vietnam cited information indicating that bribing government

⁷ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Vietnam*, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136015.htm> - Accessed 20 December 2010 – Attachment 1.

⁸ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Vietnam*, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136015.htm> - Accessed 20 December 2010 – Attachment 1.

⁹ According to information on its website, Global Integrity is 'an independent information provider employing on-the-ground expertise, we produce original reporting and quantitative analysis in the global public interest regarding accountable and democratic governance.' See <http://www.globalintegrity.org/aboutus/story.cfm>

officials was common practice and that 67.4 per cent of people in Ho Chi Minh City were willing to pay bribes to get things done. A relevant excerpt appears below:

At the end of last year, the Central Internal Board of the Communist Party carried out a Sweden-sponsored research study on corruption. The study revealed that paying bribes is now a habit of the Vietnamese; 71.2 percent of people in Hanoi and 67.4 percent of people in Ho Chi Minh City, the two biggest cities in Vietnam, are willing to bribe to get things done. Meanwhile, one third of the government workforce interviewed admits receiving bribes.¹⁰

In June 2009, a foreign government also launched a major bribery investigation related to the supply of polymer banknotes to Vietnam, indicating the seriousness of bribery at the higher end of doing business in Vietnam:

In June a foreign government initiated a comprehensive bribery investigation related to the supply of polymer bank notes to Vietnam. The foreign company that won a contract for supplying polymer notes to the State Bank of Vietnam in 2002 was accused of paying more than \$12 million as commission to its Vietnamese partner Luong Ngoc Anh and his firm, Company For Technology and Development, which employed Le Duc Minh, son of former State Bank of Vietnam governor Le Duc Thuy.¹¹

The Department of Foreign Affairs and Trade (DFAT) has also produced more recent advice on corruption and bribery in Vietnam. In April 2007, DFAT advised that corruption had been identified as a serious issue by the government and that some officials had been convicted on corruption charges:

The Vietnamese government has identified corruption as a serious problem facing the Vietnamese economy and society and is implementing measures designed to combat corruption, for example the passage of an Anti-Corruption Law in 2005 and the establishment of multiple anti-corruption commissions. Vietnamese media report regularly on incidences of corruption at all levels of government. There have been some convictions of government officials on corruption charges, including on high-profile cases.¹²

4. Please provide information on the treatment of Hoa Hao followers and any information about recent crackdowns, taken into custody and deaths, particularly in Ho Chi Minh City.

Sources indicate that Hoa Hao adherents who follow the government-approved Hoa Hao Administrative Council (HHAC) have freedom of worship. However, two unrecognised Hoa Hao factions experience difficulties with Vietnamese authorities – these are the Pure Hoa Hao Church and the Traditional Hoa Hao Church. Sources indicate the government opposes these factions due to the factions' past and current support of government opponents. No information was found concerning recent crackdowns, custody and/or deaths in custody in Vietnam or Ho Chi Minh City specifically; however, there were several reports of individual incidents against followers of unrecognised factions in 2010.

¹⁰ Global Integrity, 2006, *Global Integrity 2006 Country Report Vietnam*, (undated) <http://www.globalintegrity.org/reports/2006/pdfs/vietnam.pdf> - Accessed 20 December 2010 – Attachment 8.

¹¹ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Vietnam*, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136015.htm> - Accessed 20 December 2010 – Attachment 1.

¹² Department of Foreign Affairs and Trade 2007, *DFAT Report 627 – VNM31602*, 17 April – Attachment 5.

In Vietnam, citizens have the right to freedom of religious worship; however, all religious groups must register with the government. According to an October 2009 Human Rights Watch report, the Vietnamese government bans any religious activity deemed to ‘cause public disorder, harm national security of “sow divisions”’.¹³

Information published in the USDOS 2009 Human Rights Report on Vietnam indicates the government has continued to discourage participation in an unrecognised faction of the Hoa Hao faith and that its followers suffered restrictions:

Religious groups encountered the greatest restrictions when they engaged in activities that the government perceived as political activism or a challenge to its rule. The government continued to discourage participation in an unrecognized faction of the Hoa Hao Buddhist Church.

...

Hoa Hao monks and believers following the government-approved Hoa Hao Administrative Council were allowed to practice their faith. Monks and followers who belonged to dissident groups or declined to recognize the authority of the council suffered restrictions.¹⁴

The USDOS International Religious Freedom Report 2010 on Vietnam goes further and names two unrecognised Hoa Hao factions and explains the government’s opposition to them as stemming from the Communist Party of Vietnam’s concerns about Hoa Hao’s prior armed opposition to communist forces – dating back to French colonial rule – and its involvement with dissident political groups:

According to the government, there are 1.3 million Hoa Hao followers; affiliated expatriate groups estimate as many as three million adherents. Hoa Hao followers are concentrated in the Mekong Delta, particularly in provinces such as An Giang and Dong Thap, where the Hoa Hao were dominant as a social, political, and military force before 1975. The government-recognized Hoa Hao Administrative Committee (HHAC) was organized in 1999. **A small number of Hoa Hao belong to other sects that oppose the HHAC, such as the Pure Hoa Hao Church and the Traditional Hoa Hao Church.**

...The government generally allowed increasing numbers of individuals and groups to express their religious beliefs, and most religious groups reported their ability to meet openly for religious worship improved. However, **the government requires the registration of all activities by religious groups and uses this requirement to restrict and actively discourage participation in certain unrecognized religious groups, including the UBCV and some Protestant, Hoa Hao, and Cao Dai groups.**

Because of the lack of due process and inconsistent oversight, religious activities can be subject to the discretion of local officials. In some cases local officials reportedly told religious leaders that national laws did not apply to their jurisdictions. In certain cases recognized and unrecognized Protestant

¹³ Human Rights Watch, 2009, *Vietnam: Sharp Backsliding on Religious Freedom*, 18 October <http://www.hrw.org/en/news/2009/10/18/vietnam-sharp-backsliding-religious-freedom> - Accessed 20 December 2010 – Attachment 9.

¹⁴ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Vietnam*, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136015.htm> - Accessed 20 December 2010 – Attachment 1.

groups were able to overcome local harassment or to overturn negative local decisions after they appealed to higher-level authorities.

...The government formed and recognized the official Hoa Hao body, the Hoa Hao Administrative Council, in 1999. **Several leaders of the Hoa Hao community, including several pre-1975 leaders, openly criticized the council as subservient to the government. Dissenting Hoa Hao groups formed two smaller churches, the Traditional Hoa Hao Church and the Pure Hoa Hao Church. They have also faced some restrictions on their religious and political activities since 1975, due in part to lingering CPV [Communist Party of Vietnam] concerns about the Hoa Hao's prior armed opposition to communist forces dating back to French colonial rule and involvement with dissident political groups.**¹⁵

As stated above, while no information was found concerning recent crackdowns, custody and/or deaths in custody in Vietnam or Ho Chi Minh City specifically, there were several reports of individual incidents against followers of unrecognised factions of the Hoa Hao faith in 2010. The USDOS International Religious Freedom Report 2010 on Vietnam cites specific examples of government treatment, including public denouncement in the media, police discouragement of worshipers visiting temples, and one case of assault:

In March 2010 two leaders of unrecognized Hoa Hao groups in Can Tho, Dang Thanh Dinh, and Dang Van Nghia, were denounced in the state-run media for opposing the government and stirring unrest. The two leaders led a large and growing congregation of 700 followers. Local officials followed suit with public denouncements. Six Pure Hoa Hao followers, a related group, alleged that they were assaulted by police in Dong Thap Province and fined for conducting services in March.

Police regularly discouraged worshipers from visiting temples and facilities affiliated with the unrecognized in An Giang, Vinh Long, Dong Thap, and Can Tho, especially on church holidays related to the lunar calendar and the anniversary of the death of the founder of Hoa Hao Buddhism.¹⁶

However, the same report also notes the government's religious tolerance toward recognised Hoa Hao followers – demonstrated by its granting of permission for the holding of large-scale religious services:

The government also permitted the Buddhist, Catholic, Cao Dai, Hoa Hao, and Protestant faiths to hold several historic large-scale religious services throughout the country, some with over 100,000 participants.¹⁷

No further information could be found on any of the unrecognised Hoa Hao factions; their beliefs or religious activities in Vietnam; or government treatment of their followers.

The 2009 UK Home Office operational guidance note for Vietnamese asylum seekers also refer to an unrecognised faction of Hoa Hao Buddhists. The guidelines state that followers of this faction have experienced restrictions on their freedom of religious worship and that unrecognised religious groups occasionally experienced harassment:

¹⁵ US Department of State 2010, *International Religious Freedom Report for 2010*, 17 November <http://www.state.gov/g/drl/rls/irf/2010/148903.htm> - Accessed 20 December 2010 - Attachment 10.

¹⁶ US Department of State 2010, *International Religious Freedom Report for 2010*, 17 November <http://www.state.gov/g/drl/rls/irf/2010/148903.htm> - Accessed 20 December 2010 - Attachment 10.

¹⁷ US Department of State 2010, *International Religious Freedom Report for 2010*, 17 November <http://www.state.gov/g/drl/rls/irf/2010/148903.htm> - Accessed 20 December 2010 - Attachment 10.

In general restrictions on the organised activities of religious groups were enforced less strictly in 2008 than in previous years and participation in religious activities continued to grow significantly. Religious groups encountered the greatest restrictions when they engaged in activities that the government perceived as political activism or a challenge to its rule,³³ particularly the self-styled “Dega Church” in the Central Highlands, the unrecognised Unified Buddhist Church of Vietnam (UBCV) and one unrecognised faction of the Hoa Hao Buddhists. The government maintained a prominent role overseeing recognised religions. Official oversight of religious groups varied widely from locality to locality, often as a result of ignorance of national policy or varying local interpretations of the policy’s intent. Although the approval process for registration was sometimes slow, new congregations were registered throughout the country during 2008 but less so in the northern region and Northwest Highlands. Members of unregistered and unrecognised religious groups occasionally experienced harassment.

Members of unregistered religious groups usually face more difficulties than members of registered communities and may face intimidation and harassment. The levels of illtreatment suffered will vary depending on region and the attitude of local officials and in the majority of cases this will not amount to persecution. Therefore a grant of asylum or Humanitarian Protection will not be appropriate. However, in particular cases, for example those involving ethnic minorities belonging to unregistered Protestant groups, the level of illtreatment may amount to persecution and therefore in these cases a grant of asylum may be appropriate.¹⁸

Attachments

1. US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Vietnam*, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136015.htm> - Accessed 20 December 2010
2. Amnesty International 2010, *Annual Report 2010*, <http://thereport.amnesty.org/> - Accessed 20 December 2010
3. RRT Research Response 2004, VNM17091 – *Vietnam – household registration – ho khau – Buddhists – trafficking – activists – returnees 1990s – citizenship*, 9 November –
4. UK Home Office 2009, *Operational Guidance Note – Vietnam*, 9 June <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/vietnamogn?view=Binary> – Accessed 20 December 2010
5. Department of Foreign Affairs and Trade 2007, *DFAT Report 627 – VNM31602*, 17 April
6. Freedom House 2010, *Freedom in the World – Vietnam*, June <http://www.freedomhouse.org/template.cfm?page=363&year=2010&country=7949> – Accessed 20 December 2010
7. Human Rights Watch 2010, *World Report 2010*, January <http://www.hrw.org/sites/default/files/reports/wr2010.pdf> - Accessed 20 December 2010

¹⁸ UK Home Office 2009, *Operational Guidance Note – Vietnam*, 9 June <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/vietnamogn?view=Binary> – Accessed 20 December 2010 – Attachment 4.

8. Global Integrity, 2006, *Global Integrity 2006 Country Report Vietnam*, (undated)
<http://www.globalintegrity.org/reports/2006/pdfs/vietnam.pdf> - Accessed 20 December 2010
9. Human Rights Watch, 2009, *Vietnam: Sharp Backsliding on Religious Freedom*,
18 October <http://www.hrw.org/en/news/2009/10/18/vietnam-sharp-backsliding-religious-freedom> - Accessed 20 December 2010
10. US Department of State 2010, *International Religious Freedom Report for 2010*,
17 November <http://www.state.gov/g/drl/rls/irf/2010/148903.htm> - Accessed
20 December 2010
11. Ven. Thich Thai Hoa, 2001, 'The State of Religions in Vietnam: Government Policy
towards the Unified Buddhist Church of Vietnam', *Statement before the Commission on
International Religious Freedom*, 13 February, Vietnam Human Rights Network website