

KEY FINDINGS

In 2017, Vietnam hosted world leaders for the Asia-Pacific Economic Cooperation (APEC) Summit, but instead of using the opportunity to demonstrate its commitment to a rules-based international order, the government amplified human rights abuses, including against freedom of religion or belief. The government's crackdown on religion, expression, association, and assembly was nationwide, suggesting a concerted effort to silence critics and peaceful activists while the world was watching. Vietnam intensified its harassment, arrests, imprisonments, and torture of peaceful activists, dissidents, and bloggers, including persons of faith targeted by the government and nonstate actors for their religious practice or religious freedom advocacy. These developments do not bode

well for the implementation of Vietnam's new Law on Belief and Religion, effective January 1, 2018, which includes mandatory government approvals, increased government control, and new punishments for violators. The Vietnamese government's previous willingness to engage international actors, including the United States, on religious freedom and related human rights is significantly marred by its relentless targeting of religious individuals and organizations throughout 2017. Based on these systematic, ongoing, egregious violations of religious freedom, USCIRF again finds that Vietnam merits designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA) in 2018, as it has every year since 2002.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate Vietnam as a CPC under IRFA;
- Enter into a binding agreement with the Vietnamese government, as authorized under section 405(c) of IRFA, setting forth mutually agreed commitments that would foster critical reforms to improve religious freedom;
- Use targeted tools against specific officials and agencies identified as having participated in or responsible for human rights abuses, including particularly severe violations of religious freedom, such as the "specially designated nationals" list maintained by the U.S. Department of the Treasury's Office of Foreign Assets Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act;
- Monitor the government of Vietnam's implementation of the Law on Belief and Religion to ensure that religious organizations—particularly those that are unregistered and/or unrecognized—are able to worship freely and conduct religious activities, and that government or nonstate actors do not threaten, physically assault, detain, or imprison them for the peaceful practice of their faith;
- Encourage the government of Vietnam to acknowledge and address violations against religious communities by state and nonstate actors, including individuals sponsored by the government to carry out such extrajudicial acts, and support the training of local government officials, lawyers, judges, and police and security forces who implement, enforce, and interpret the rule of law;
- Urge the Vietnamese government to cease detaining and imprisoning members of religious organizations, as well as human rights activists, for peaceful religious activity or advocacy or for their religious affiliations, and to promptly and unconditionally release all prisoners of conscience;
- Direct the U.S. Embassy in Hanoi and the U.S. Consulate in Ho Chi Minh City to advocate on behalf of prisoners of conscience and call for their immediate and unconditional release; maintain appropriate contact, including in-person visits, with Vietnamese prisoners of conscience; and press the government of Vietnam to ensure them regular access to their families, human rights monitors, adequate medical care, and proper legal representation, as specified in international human rights instruments; and
- Assist Vietnamese civil society organizations, including through funding, as appropriate, to strengthen their skills and connect them with like-minded domestic and international partners, and also work to demonstrate to the Vietnamese government the value in allowing civil society to engage in the public square.

COUNTRY FACTS

FULL NAME

Socialist Republic of Vietnam

GOVERNMENT

Communist State

POPULATION

95,000,000+

GOVERNMENT-RECOGNIZED RELIGIONS/FAITHS

38 religious organizations from 14 religious traditions: Buddhism, Islam, Baha'i, Catholicism, Protestantism, Mormonism, Hoa Hao, Cao Dai, Buu Son Ky Huong, Tinh Do Cu Si Phat Hoi, Tu An Hieu Nghia, Phat Duong Nam Tong Minh Su Dao, Minh Ly Dao Tam Tong Mieu, Khmer Brahmanism

RELIGIOUS DEMOGRAPHY*

More than 50% Buddhist
6.6% Catholic
1.5–3% Hoa Hao
1–4% Cao Dai
1–2% Protestant
0.1% Muslim (including ethnic Cham Muslims)

OTHER GROUPS

Baha'i, Falun Gong, Hindu, Mormon, Jehovah's Witnesses, and practitioners of local religions or other forms of traditional worship

*Estimates compiled from the CIA World Factbook and the U.S. Department of State

BACKGROUND

In some respects, Vietnam is experiencing promising economic openness, revealing its receptivity to greater international investment, integration, and cooperation. The role that peaceful activists, human rights defenders, and others play in shaping the discourse about social issues is also expanding. However, their peaceful activism is often diminished by the government's ever-tightening media censorship, control over the internet and social media, and overall willingness to quash—sometimes violently—perceived criticism and dissent, leading in 2017 to what human rights advocates characterized as an outright assault on freedom and universal human rights in Vietnam.

The government in Hanoi sometimes takes a hands-off, ambivalent approach to the crackdown, sometimes feigns ignorance, particularly of violations in remote rural areas in some provinces, and sometimes is complicit in directing or tolerating abuses. The use of plain-clothes thugs, many of whom likely work for a government security agency, to commit acts of violence against religious believers and others has risen in 2017, allowing the government to be removed from the actual

violence. With respect to violations of freedom of religion or belief, USCIRF has long observed a disconnect between the central government and the local officials, public security, and organized thugs who continue to threaten and physically harm religious followers and their houses of worship or other religious property. These types of extrajudicial actions by nonstate actors have intensified in 2017, as has brutality and torture against civilians overall. These systematic, ongoing, egregious religious freedom violations demonstrate why constitutional and other legal measures that purport to protect freedom of religion or belief are not sufficient when government and nonstate actors violate the rule of law with impunity and disregard international human rights standards. (For more information about religious freedom in Vietnam and Southeast Asia, refer to USCIRF's September 2017 report, *A Right for All: Freedom of Religion or Belief in ASEAN*.)

RELIGIOUS FREEDOM CONDITIONS 2017

Positive Trends

Encouraging the Vietnamese government when it takes positive steps to improve religious freedom and related

human rights is an important part of the process toward meaningful and lasting reforms, even though such positive steps do not erase or lessen the violations that do occur. On the whole, Vietnam embraces its vast religious diversity, though typically only as long as religious groups operate within government control. Religious followers in some parts of the country—such as urban, well-developed areas—are able to exercise their religion or belief freely, openly, and without fear, which stands in contrast to ongoing religious freedom violations, particularly against ethnic minority communities in rural areas of some provinces.

In one positive example, Jehovah's Witnesses report that the Vietnamese government has granted registration and recognition certificates to many of its congregations and local groups, enabling adherents to worship freely. However, because a handful of other congregations and groups have faced longstanding difficulties registering in certain provinces—particularly in Bac Giang, Kien Giang, and Nghe An, where local authorities routinely interfere in religious activities—the Representative Committee of Jehovah's Witnesses continues to seek the government's assistance in resolving outstanding challenges and hopes to obtain national recognition in the near future.

Harassment of Certain Religious Groups and Individuals

Vietnamese local authorities, police, or hired thugs regularly target certain individuals and groups because of their faith; ethnicity; advocacy for democracy, human rights, or religious freedom; historic ties to the West; or desire to remain independent of Communist government control. These include, but are not limited to, the independent Cao Dai; independent Buddhists like the Unified Buddhist Church of Vietnam (UBCV), Hoa Hao, and Khmer Krom; Montagnards; Hmong; indigenous peoples; Falun Gong; and followers of Duong Van Minh.

In April and May 2017, authorities interfered with UBCV members' celebrations leading up to and in honor of Vesak Day, recognized as the Buddha's

birthday. In Hue, police interrogated leaders of the UBCV-affiliated Buddhist Youth Movement (BYM) and cautioned local Buddhists about attending any ceremonies. In July 2017, authorities similarly interfered with BYM's annual summer camp, and organizers noted police disruptions were worse than in previous years.

Following the May 2017 death in custody of Hoa Hao Buddhist Mr. Nguyen Huu Tan, police and plain-clothes agents from Binh Minh Township and Vinh Long Province aggressively surveilled, harassed, and threatened Mr. Nguyen's family to accept the authorities' explanation that his death was a suicide, which the family disputes. Family supporters reported that authorities have repressed three generations of Mr. Tan's family, including playing a role in the deaths of several members. Throughout 2017, independent Hoa Hao Buddhists in An Giang Province reported that local authorities harassed and physically assaulted them and interfered with ceremonies and worship, including by detaining some followers under house arrest. On July 30, 2017, police abducted Hoa Hao Buddhist Mr. Nguyen Bac Truyen outside the Catholic Redemptorist Church in Ho Chi Minh City and arrested him for allegedly "acting to overthrow the people's government"; authorities denied him access to his wife and legal representation and continued to hold him incommunicado at the end of the reporting period.

Like many other minorities, the Khmer Krom are discriminated against because of both their religious and ethnic identity. In 2017, authorities questioned several Khmer Krom Buddhists for defending the Khmer Krom identity, heritage, and language.

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a Catholic priest for Facebook posts the group considered to be critical of the government. In October 2017, a reported 300 participants of a Red Flag group threatened two priests from Vinh Diocese for opposing the government's response to the 2016 Formosa Steel Plant toxic spill environmental disaster. Similar attacks took place in

May and June against Catholic communities in Nghe An Province. The disaster negatively affected communities throughout central Vietnam, including, for example, the all-Catholic fishing community of Dong Yen Parish in Ha Tinh Province. Government-directed or government-tolerated harassment, assaults, and arrests against Catholics reached such intense levels that some parishioners have fled Vietnam. In November 2017, four Catholic activists who were part of the anti-Formosa campaign were among dozens of Vietnamese asylum-seekers whom Indonesia deported to Vietnam; police in Vietnam immediately took all the individuals in for questioning. In December 2017, the Indonesian government deported another four Catholic activists to Vietnam.

Ethnic minority Montagnards from the Central Highlands, many of whom are Protestant, face numerous government restrictions: some are prevented from holding religious ceremonies; many are summoned to meet with local authorities and pressured to cease practicing their faith; and pastors are harassed or punished. For example, over the course of several months during 2017, police in Dak Lak Province reportedly harassed and/or interrogated Montagnards belonging to the Evangelical Church of Christ about their distribution of religious materials, connections to human rights organizations and foreigners, and meetings with imprisoned Pastor A Dao. USCIRF received reports that similar harassment and interrogation occurred in Tra Vinh, Binh Phuoc, and Kon Tum provinces. Also, in 2017, officials in Kon Tum reportedly confiscated land belonging to Montagnards and used weapons against protestors. Over the years, many Montagnard Christians have fled Vietnam due to religious persecution, often to or through Cambodia. In 2017, the Cambodian government rejected the asylum claims of 29 Montagnards whom it determined not to be refugees, despite the United Nations High Commission for Refugees' assurances that they are. They all face deportation to Vietnam, like other Montagnards the Cambodian government returned in 2017 after their asylum claims also were rejected. During an October 2017 visit to Bangkok, USCIRF staff met with Montagnards who fled to Thailand, and learned of entire Montagnard families

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whom Vietnamese authorities threatened, imprisoned, and/or tortured for their faith. Montagnard Christians and others in the Central Highlands continue to report that authorities—through the threat of imprisonment and torture—attempt to force religious believers to renounce their faith.

Harassment Relating to Property and/or Disruption of Religious Activities

Land grabbing and destruction of religious property is not always religious in nature and at times may have little to do with religious freedom, for example, when authorities expropriate land for commercial use. However, such actions often disrupt or interfere with religious practices and, in the case of several Catholic communities in Vietnam, increasingly threaten how they observe their faith. During 2017, Benedictines met with government officials in Thua Thien-Hue Province to resolve a land dispute involving Thien An Catholic Monastery and the surrounding property, which the government confiscated. In June 2017, prior to the dialogue, local police raided the monastery, reportedly assaulted several Catholics, and desecrated religious artifacts in an attack similar to authorities' attacks on the site in 2016.

Following the September 2016 demolition of Lien Tri Pagoda in Ho Chi Minh City, UBCV Buddhists continue to call for the Vietnamese government to rebuild the pagoda in its original location; at the end of the reporting period, the land remained vacant. The pagoda's abbot, Most Venerable Thich Khong Tanh, and its other monks have been displaced since the demolition. Also, authorities reportedly surveilled UBCV-affiliated temples and pagodas in Ho Chi Minh City, and officials have not allowed

renovation of several other religious structures unless the monks agree to follow the state-run Vietnam Buddhist Sangha. Advocates indicate that authorities have exerted pressure at other UBCV pagodas, such as An Cu

Pagoda in Danang City.

According to reports, authorities continue to threaten several other religious sites. For example, in Tra Vinh Province, Khmer Krom Buddhists report

concerns with local authorities' ongoing confiscation and demolition of structures and land used by followers. Authorities in Long An Province have targeted temples of the independent Cao Dai, including Phu Thanh A Temple, which authorities occupied in March 2017. The government has long harassed followers of Duong Van Minh, a small Christian sect, and destroyed or burned funeral sheds central to the group's core practices; such destructions also often involve arrests and physical assaults, and in 2017 authorities destroyed at least 17 sheds in four provinces: Tuyen Quang, Bac Kan, Cao Bang, and Thai Nguyen.

Law on Belief and Religion

After the reporting period, on January 1, 2018, Vietnam's new Law on Belief and Religion came into effect. The law codifies and is expected to supersede existing regulations, decrees, policies, and practices governing religion and belief. The law reflects the government's best attempt to date to solicit input from religious organizations and international stakeholders, including the United States; however, the government heeded only some suggestions and disregarded others. The law is not consistent with international human rights standards, such as the International Covenant on Civil and Political Rights, to which Vietnam is party.

In 2017, as information about the law's implementing decrees became available, some religious organizations and human rights advocates expressed concern about its impact and the potential penalties for individuals and organizations the government deems to be in violation. This is in addition to critics' concerns that the underlying law allows increased intrusion into freedom of religion or belief. For example, in June 2017 the Catholic Bishops' Conference of Vietnam issued a letter noting that while the law includes positive elements, it empowers the government—by codifying existing policies and imposing new ones—to interfere with religious organizations and control their activities. Religious individuals and organizations also have expressed concern that the law requires Vietnamese history to be taught in

theological courses; that it involves government officials in the appointment of clergy; and that it and its implementing decrees (the government's additional policies that set out the interpretation and enforcement of the law) are generally antagonistic toward religion.

Arrests and Imprisonments

Upon the November 2017 launch of the NOW! Campaign—a coalition of human rights organizations working for the unconditional release of all Vietnamese prisoners of conscience—the group released a database of 165 prisoners of conscience, “including some who promoted or protected the right to freedom of religion or belief and others who simply professed or practiced their faith.”

Ahead of Vietnam's role as host of the APEC Summit, Vietnamese authorities increasingly harassed or detained activists. Several religious leaders and followers throughout the country reported that police and other security officials prevented them from leaving their homes ahead of and during the summit. Throughout the year, authorities targeted not only religious followers, but also bloggers, dissidents, and democracy activists, such as Nguyen Ngoc Nhu Quynh, a Catholic woman known by the nickname Mother Mushroom, whom a court sentenced in June to 10 years in prison for allegedly “spreading propaganda against the state.” (In March 2017, she received the secretary of state's 2017 International Women of Courage Award, in absentia.)

Authorities targeted her and countless Catholics and other religious individuals for their outspoken opposition to the 2016 toxic spill environmental disaster. Also in June, the Vietnamese government revoked the citizenship of Vietnam-

ese-born blogger Pham Minh Hoang and subsequently deported him to France, where he also holds citizenship.

In July 2017, authorities arrested four prominent human rights activists, each of whom is a former political prisoner, for “activities aimed at overthrowing the people's government”: Pham Van Troi, Truong Minh Duc, Pastor Nguyen Trung Ton, and Nguyen Bac Truyen. The latter also leads a group of former religious

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and political prisoners. Also in July, a court sentenced blogger Tran Thi Nga to nine years in prison and another five years' probation for allegedly "conducting anti-state propaganda" in connection with her peaceful online activism. In July, authorities charged detained Christian human rights lawyer Nguyen Van Dai with "carrying out activities with the purpose of overthrowing the People's administration." He had been detained in secret, without charges, since his arrest in December 2015; if convicted, he could be sentenced to life imprisonment or death. In September 2017, a Vietnamese court sentenced Catholic blogger Nguyen Van Oai to five years in prison and four years' probation after arresting him in January for resisting police and violating his parole stemming from his 2015 release from prison.

Other prisoners of conscience include Khmer Krom Buddhist the Venerable Thach Thuol, father-son Hoa Hao Buddhists Bui Van Trung and Bui Van Tham, Montagnard pastors A Dao and Y Yich, and Pan Van Thu, the founder and one of several prisoners from the government-banned Buddhist sect known as An Dan Dai Dao. UBCV Patriarch Thich Quang Do, whose health is declining, remains under effective house arrest; he has spent the last 19 years under house arrest, but nearly 30 years total in detention when accounting for his time in prison and under previous house arrest. Authorities have denied him the ability to travel to Hue to obtain medical care.

One notable and welcome prisoner release in 2017 was that of Pastor Nguyen Cong Chinh, who had endured solitary confinement and torture while serving an 11-year prison sentence for allegedly undermining national solidarity. Upon Pastor Chinh's release in July 2017, the Vietnamese government imposed immediate exile on him and his family, which includes his wife, Mrs. Tran Thi Hong, and their five children, all of whom authorities had harassed during the pastor's imprisonment. The entire family now resides in the United States. Earlier in the year, Pastor Chinh reported suffering worse treatment in prison after meeting with officials from the U.S. Consulate Ho Chi Minh City. In October 2017, USCIRF met with Pastor Chinh and Mrs. Hong in Washington, DC. Throughout the year,

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USCIRF advocated on behalf of Pastor Chinh and Mrs. Hong as part of the Commission's Religious Prisoners of Conscience Project. USCIRF also welcomed the May 2017 release of prominent Khmer Krom Buddhist, the Venerable Lieu Ny, though following his release, local authorities actively prevented his attempts to be re-ordained as a monk.

U.S. POLICY

In 2017, the United States and Vietnam maintained their bilateral relationship and Comprehensive Partnership, in part through high-level visits. On May 23, 2017, Vietnam hosted the 21st session of the U.S.-Vietnam Human Rights Dialogue, where U.S. officials reportedly raised individual prisoner cases as well as the harassment of peaceful activists and human rights defenders. On May 31, 2017, President Donald Trump met with Vietnamese Prime Minister Nguyen Xuan Phuc in Washington, DC. In a joint statement issued after the visit, both leaders indicated that they held "frank and constructive dialogue on human rights" and "recognized the importance of protecting and promoting human rights, and the interconnection between human rights and the security and sustainable development of each country." In November 2017, President Trump visited Vietnam to attend the APEC Summit. Human rights advocates objected to the location of the summit at a resort in Danang City where in 2010 the Vietnamese government seized land from Con Dau Parish after employing harassment, detention, physical violence, and arrests to force local Catholics to sell or vacate the land.

Throughout the year, U.S. officials spoke out against the Vietnamese government's treatment of activists, dissidents, and human rights defenders, including U.S. Embassy Hanoi statements about prisoners of conscience, including bloggers Tran Thi Nga and blogger Nguyen Ngoc Nhu Quynh. Also, in a July statement, then U.S. Ambassador to Vietnam Ted Osius noted the alarming trend of "increased arrests, convictions, and harsh sentences of peaceful activists," and reminded the Vietnamese government that its laws and actions should be consistent with international human rights standards.

In addition to public statements, the U.S. government also has engaged the Vietnamese government in sensitive negotiations on behalf of specific religious prisoners of conscience, particularly advocating for their immediate release. The U.S. government should continue to pursue both public and private high-level engagement with Vietnamese government officials about prisoners of conscience and religious freedom concerns and do so not just in the context of human rights, but also with respect to discussions about the military, trade, or economic, security, and humanitarian assistance. The United States should also consider when these efforts may provide a degree of protection to religious followers, activists, and their peaceful activities, and whether multilateral approaches may amplify these strategies. In addition, the U.S. government should continue its regular, visible visits to remote rural areas in Vietnam, including direct contact with independent religious communities as appropriate. This should include advocating for and providing support to individuals threatened, detained, assaulted, or arrested by the Vietnamese

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government due to their participation in or attendance at domestic and international meetings and other gatherings with U.S. officials and other international stakeholders.

Due to Vietnam's systematic, ongoing, and egregious religious freedom violations, the State Department designated that country as a CPC from

2004 to 2006 and entered into a binding agreement with the Vietnamese government under IRFA. When the CPC designation was lifted, USCIRF concurred with the State Department's assessment that the designation and binding agreement had brought about modest religious freedom improvements, without hindering the bilateral relationship; nevertheless, USCIRF felt it was

too soon to determine whether the new policies would be permanent or effective in the long term. Since the CPC designation was lifted, the government of Vietnam has continued to persecute religious individuals and organizations, at times even regressing from the short-lived progress under the CPC designation and binding agreement.