

# JUBILEE CAMPAIGN ECOSOC Special Consultative Status (2003)



## Submission to the United Nations Human Rights Committee regarding the Socialist Republic of Vietnam

For the 144<sup>th</sup> Session

### STATE PARTY REPORT

#### I. Introduction

1. Jubilee Campaign is a non-governmental organization in special consultative status with the Economic and Social Council since 2003. Our 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.

#### II. International Covenant on Civil and Political Rights<sup>1</sup>- Articles Relevant to Present Submission

##### Article 18

*Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.*

*No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.*

*Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.*

**The Human Rights Committee in its General Comment No. 22 (1993)<sup>2</sup> further elaborates:**

*(5) Article 18.2 bars coercion that would impair the right to have or adopt a religion or belief, including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations, to recant their religion or belief or to convert. Policies or practices having the same intention or effect, such as, for example, those restricting access to education, medical care, employment or the rights guaranteed by article 25 and other provisions of the Covenant, are similarly inconsistent with article 18.2.*

*(9) The fact that a religion is recognized as a State religion or that it is established as official or traditional or that its followers comprise the majority of the population, shall not result in any impairment of the enjoyment of any of the rights under the Covenant, including articles 18 and 27, nor in any discrimination against adherents to other religions or non-believers.*

*(10) If a set of beliefs is treated as official ideology in constitutions, statutes, proclamations of ruling parties, etc., or in actual practice, this shall not result in any impairment of the freedoms under article 18 or any other rights recognized under the Covenant nor in any discrimination against persons who do not accept the official ideology or who oppose it.*

##### Article 19

*Everyone shall have the right to hold opinions without interference.*

*Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*

#### III. Violations of Article 18: freedom of thought, conscience and religion

##### In Law

- Article 24 of the 2013 Constitution of the Socialist Republic of Vietnam<sup>3</sup> guarantees citizens the right to "freedom of belief and religion" including the right to follow no religion if one so chooses. Additionally, it states that all religions are equal before the law and that "no one has the right to infringe on the freedom of belief and religion or to take advantage of belief and religion to violate the laws.
- Article 116 of the 2015 Penal Code,<sup>4</sup> on the "Crime of undermining solidarity policy", prescribes a term of imprisonment between 2 and 15 years - depending on the 'severity' of the conduct - for "causing division between religious

<sup>1</sup> UN General Assembly, [International Covenant on Civil and Political Rights](#), 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171.

<sup>2</sup> UN Human Rights Committee, General Comment No. 22, [CCPR/C/21/Rev.1/Add.4](#), 30 July 1993.

<sup>3</sup> International Institute for Democracy and Electoral Assistance (IDEA), [The Constitution of the Socialist Republic of Vietnam \(2013\): Unofficial Translation from Vietnamese by International IDEA](#).

<sup>4</sup> [Vietnam] National Assembly, [Law No. 100/2015/QH13 Code Criminal](#), 27 November 2015.

people and non-religious people, between people of different religions, dividing religious believers from the people's government, and from socio-political organizations.

4. Article 117 of the Penal Code on propaganda against the State stipulates a punishment of 5 to 20 years - depending on the 'severity' of the conduct - for "making, storing, disseminating or propagating information, documents or items with content that distorts or distorts or defames the people's government" or generates "confusion among the people".
5. Article 164 of the Penal Code punishes with a maximum one-year prison term "anyone who uses force, threatens to use force or uses other means to prevent or force others from exercising their right to freedom of belief and religion, to follow or not to follow a religion".
6. Article 331 of the Penal Code punishes with a maximum three-year prison term "anyone who abuses the rights to freedom of speech, freedom of the press, freedom of belief, religion, freedom of assembly, association and other democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and individuals.
7. The 2018 Law on Belief and Religion<sup>5</sup> mandates faith-based communities to register with the government as "belief establishments" and acquire state approval for activities. The litany of document pre-requirements makes it unreasonably difficult for people of faith to obtain state approval and thus relegates them to a state of legal limbo whereby they are subjected to persecution.
8. Law No. 95/2023/ND-CP, colloquially referred to as Decree 95, outlines measures on suspending and resuming faith-based activities for allegedly "serious violations", an intentionally ambiguous classification which grants state actors personal discretion over the legality of religious activities. Decree 95 also introduces absurdly excessive requirements for religious groups to receive donations and financial aid from corresponding groups in foreign nations.<sup>6</sup>

## In Practice

9. The Vietnamese government has established state-controlled religious associations - comprising the Vietnamese Buddhist Sangha; the 1997 Cao Dai Sect; the official Hoa Hao Buddhist Church; the Evangelical Church(es) of Vietnam-

North and Vietnam-South; and the Committee for Solidarity of Vietnamese Catholics. The Communist Party uses these disingenuous religious institutions in three ways to persecute legitimate faith communities. Tactic One is Substitution, whereby the state-created faith groups are promoted as an alternative for legitimate faith groups but in reality are at the behest of the government and do not represent the interests of its congregations. Tactic two, co-opting, is the process by which the government uses incentives (i.e. building permits for houses of worship, social benefits, and legal recognition) to entice authentic faith groups to assimilate and integrate into the government-controlled system of suppressed religion. Tactic three, infiltration, is a more aggressive approach in which the government enlists people of faith who are members of both pseudo-faith associations and their legitimate counterparts to "interpret religious teachings and practices to suit the [government's] political agenda and policies".<sup>7</sup>

10. In March 2024 a court in Dak Lak convicted Protestant missionary and member of the Central Highlands Evangelical Church of Christ (CHECC), Y Krec Bya, for "undermining solidarity policy" by refusing to abandon his church and cease his prayer meetings. Bya was sentenced to 13 years in prison and five years of post-imprisonment probation.<sup>8</sup>
11. In March 2024 residents in Dak Lak encountered the body of Y Pum Bya, a leader of the Montagnard Evangelical Church of Christ, hanging from a tree. Despite visible indicators of torture and other injuries on Bya's body, as well as the fact that he had recently been summoned by police for questioning, authorities classified his death as suicide. Bya and his family have been targeted for harassment and persecution for thirty years, and Bya had spent time in prison on charges of undermining the state for his work exposing the Communist Party's violation of minority rights and religious freedom.<sup>9</sup>
12. Pastor Y Yich of the Degar Protestant Church, has been detained for more than 12 years on charges of "undermining national unity policy" for evangelism, communicating with Montagnard pastors, and speaking with Vietnamese former prisoners of conscience. Mang Yang Prison officials are reportedly denying Y Yich medical care for his numerous ailments including hypertension, rheumatism, and stomach inflammation.<sup>10</sup>
13. In 2024 a court in Soc Trang convicted three

<sup>5</sup> [Vietnam] National Assembly, [Law No. 02/2016/QH14 On belief and religion](#), 18 November 2016.

<sup>6</sup> Morning Star News, ["Ominous New Decree 95 Confirms Vietnam's Intent to Control Religion"](#), 28 February 2024.

<sup>7</sup> United States Commission of International Religious Freedom (USCIRF), [State-Controlled Religions and Religious Freedom in Vietnam](#), September 2024.

<sup>8</sup> International Society for Human Rights (ISHR), ["Steadfast Christian sentenced to long prison term for the second time"](#), 26 May 2025.

<sup>9</sup> Voice of the Martyrs Canada, ["Christian Found Dead After Meeting with Police"](#), 2 May 2024. ; Tom Lantos Human Rights Commission, [Y Pum Bya](#).

<sup>10</sup> Tom Lantos Human Rights Commission, [Y Yich](#). ; International Religious Freedom or Belief Alliance (IRFBA), ["IRFBA Chair's Statement on Vietnamese Religious Prisoners of Conscience Y Yich and Y Pum Bya"](#), 20 March 2023.

Khmer Krom Buddhists - Thach Cuong, Danh Minh Quang, and To Hoang Chuong - of “abusing democratic freedoms” for advocating for religious prisoners of conscience and for distributing the UN Declaration on the Rights of Indigenous Peoples.<sup>11</sup>

14. In January 2024 the People’s Court of Phu Yen convicted Nay Y Blang, a member of the CHECC, of “abusing democratic freedoms” and sentenced him to four years and six months in prison for refusing to assimilate into the state-sanctioned church and for continuing to hold unregistered house church gatherings in his home for fellow congregants.<sup>12</sup>
15. In September 2024 Dak Lak authorities ambushed the home of and subsequently arrested Montagnard church leader Y Cung Nie who had submitted a letter to the state-controlled Evangelical Church of Vietnam-South indicating he and his congregation would not heed the government’s demands to join the ECVN-S. Nie was charged with “undermining state control”. Also in September and in strikingly similar circumstances, Montagnard leader Y Thinh Nie disappeared after sending a letter to the ECVN-S with a shared sentiment to that of Y Cung Nie. It is presumed that Y Thinh Nie was abducted by authorities.<sup>13</sup>
16. In March 2024, authorities detained Buddhist abbot and leader of the Dai Tho Pagoda, Thach Chanh Da Ra, who is also a member of the Khmer Krom indigenous community. Da Ra had refused attempts at forcibly assimilation by the state-controlled Vietnam Buddhist Sangha association.<sup>14</sup>
17. In July 2024, eleven Christians - comprising 6 Protestants and 5 Catholics - went missing from detention where they were serving a combined 90-year prison term for “undermining national unity policy” for their membership in the Degar Protestantism movement and Ha Mon Catholic Church, respectively.<sup>15</sup>
18. In August 2024, Vietnamese authorities raided the villages of Thôn Tao Chor and Luh Ngõ and arrested five Montagnard leaders of the Dao Blung Hlao Christian group on charges of “refusing to bow to images of national heroes, a symbolic act of defiance against the government’s attempts to control religious expression and observances”.<sup>16</sup>
19. In August 2024, Central Highlands police in Dak Lak province detained Montagnard Christian Y Po Mlo on charges of “undermining the solidarity

policy” for allegedly maintaining contact with three Montagnard asylum seekers in Thailand - Y Min Alur, Y Thanh Eban, and Y Pher Hdrue - who the Vietnamese Ministry of Justice baselessly claims are members of the United Front for the Liberation of Oppressed Races (FULRO), an association which operated between 1964 and 1992 to promote the self-determination of Vietnam’s minority communities.<sup>17</sup>

20. In July 2024, the Vietnamese government finally replied to a year-old letter from United Nations independent experts and special rapporteurs which criticized the nation’s arrest of two Montagnard Protestant Christians - Y Khiu Nie and Y Si Eban - as they were about to leave the country and travel to the Southeast Asia Freedom of Religion and Belief (SEAFORB) conference in Indonesia in 2022. Denying the reality that they had arrested the two activists for interrogation and intimidation, the government in its July 2024 response letter claimed that it was not a matter of arrest but rather was a “normal activity of the Vietnamese police to invite citizens to cooperate and provide information to clarify certain events”. The letter also stated that Nie and Eban had confessed to being involved in extremist anti-Vietnam organizations, though the men’s colleagues reported that they were being monitored prior to their arrest, and that during their detention they were physically tortured to extract false confessions and had their personal belongings confiscated.<sup>18</sup>

#### IV. Recommendations

Jubilee Campaign makes the following recommendations to the Socialist Republic of Vietnam:

- 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
- Reduce administrative obstacles to peaceful religious activities and by combating violence and discrimination on the basis of faith
- Immediately and unconditionally release all religious prisoners of conscience
- Investigate violations of religious freedom committed by state-controlled religious associations

<sup>11</sup> USCIRF, [Thach Cuong, To Hoang Chuong, Danh Minh Quang](#).

<sup>12</sup> Church in Chains, [Nay Y Blang](#).

<sup>13</sup> Dau Van Quan, [“Vietnam’s Religious Crackdown: Montagnard Church Leader Detained, Another Feared Abducted”](#), *Montagnards Stand for Justice*, 13 September 2024.

<sup>14</sup> Khmers Kampuchea-Krom Federation, [“KKF Condemns Arrest and Defrocking of Venerable Thach Chanh Da Ra by Vietnamese Authorities”](#), 26 March 2024.

<sup>15</sup> National Catholic Register, [“11 Vietnamese Christians Missing From Detention Amid Religious Freedom Concerns”](#), 10 July 2024.

<sup>16</sup> Global Ministries, [“In Solidarity with the Montagnard Community of Vietnam”](#), 7 August 2024.

<sup>17</sup> Radio Free Asia, [“Vietnam arrests Montagnard for ‘undermining solidarity’”](#), 19 August 2024.

<sup>18</sup> Radio Free Asia, [“Vietnam denies repression of 2 Montagnard”](#), 17 July 2024.