

Human Rights in the Socialist Republic of Viet Nam.

Submission to the UN Human Rights Committee by CSW (Christian Solidarity Worldwide)

Introduction

1. CSW (Christian Solidarity Worldwide) is a human rights organisation specialising in the right to freedom of religion or belief (FoRB). This submission to the Human Rights Committee, in reference to the Socialist Republic of Viet Nam (hereafter Viet Nam), draws on CSW's research and detailed witness testimonies and considers Viet Nam's current commitments to the International Covenant on Civil and Political Rights (ICCPR) in relation to FoRB and the situation of human rights defenders (HRDs).
2. During the reporting period, CSW received reports of violations against every major religious community in Viet Nam, including Buddhists, Catholics, Cao Daists, Hoa Hao Buddhists, Protestants and Muslims. Severe FoRB violations continue to undermine the limited positive developments in Viet Nam, mostly at central government level; for example, the addition of a chapter on human rights in the amended constitution (2013), and the official recognition of additional religious groups.

Legal context in Viet Nam

3. Article 117 (formerly Article 88) of Viet Nam's Penal Code criminalises 'making, storing, distributing or disseminating information, documents and items against the Socialist Republic of Viet Nam'. This provision has been used to suppress dissent by imposing severe penalties on individuals expressing opposition to the state. For example, journalist Pham Doan Trang was arrested in October 2020 under Article 117 and sentenced to nine years in prison for her writings and interviews that criticised the government.
4. Article 331 of the Penal Code addresses the abuse of democratic freedoms to infringe upon the interests of the state, organisations, and individuals. Its vague language allows for broad interpretation, enabling authorities to target various forms of expression and activism. Critics argue that this article overlaps with other legal provisions, leading to arbitrary application and undermining legal clarity. For instance, it has been employed to prosecute individuals for alleged slander or public order offenses, effectively nullifying specific defamation laws.
5. From 2023, the Vietnamese government has punished religious actors and human rights activists under Articles 117 and 331 of the Penal Code. The articles violate Viet Nam's international human rights obligations and should be repealed or substantially amended to comply

with the rules set out under Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

6. On 1 January 2018 Viet Nam's first ever Law on Belief and Religion (LBR) came into effect. The Law requires religious groups to register for permission for a broad range of activities. The registration process is complex and open to abuse by officials prejudiced against a particular religion, belief, organisation or individual. Religious groups which choose not to register with the authorities for reasons of conscience, or who have had their application for registration rejected or ignored, are vulnerable to harassment, intimidation and violence from the state.
7. Viet Nam has signed and ratified the International Covenant on Civil and Political Rights (ICCPR), which guarantees FoRB for all (Article 18). However, the implementation of such legislation continues to fall short of international standards. In addition, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), ratified by Viet Nam in February 2015, is not adhered to, with violations continuing against religious and ethnic minorities. CSW further regrets Viet Nam's failure to ratify the Optional Protocol of UNCAT as well as the Convention for the Protection of All Persons from Enforced Disappearances (ICPPED), and the Second Optional Protocol to the ICCPR aimed at the abolition of the death penalty.

Violations of the right to freedom of religion or belief (FoRB)

8. Article 18 of the ICCPR states that '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.'
9. There are continued reports of violations of FoRB against some communities from every major religion or belief in Viet Nam, including Buddhists, Catholics, Cao Dai, Hoa Hao Buddhists and various Protestant denominations. The violations range from harassment, intimidation, and intrusive monitoring, to arrest, imprisonment and torture.
10. Individuals in remote areas who are both ethnic and religious minorities, such as the Montagnard ethnic minority, Cao Dai practitioners, and Catholics and Protestants in the Central Highlands of Viet Nam, often suffer the most severe abuses.
11. These include pressure to recant, forced eviction, denial of access to public services and grants, beatings, torture, arbitrary detention, imprisonment, threats, intimidation, disruption of religious services, prevention from attending religious services, confiscation of religious materials, denial of access to education, and damage to properties used for religious services. In

the past decade there have also been cases of sexual violence and deaths in custody. Increasingly there are reports of transnational repression against Vietnamese refugees in neighbouring countries such as Thailand.

12. Following its latest review of Viet Nam on 27 December 2023 the UN Committee on the Elimination of Racial Discrimination (CERD) also expressed concerns over intensifying religious repression in the country, highlighting ‘restrictions on freedom of religion that disparately affect members of ethnic minorities’, including registration requirements, the use of force and abuse of power by law enforcement and public officials, and institutionalised forms of religious intolerance ‘including denial of school admission or medical treatment, of individuals belonging to ethnic-religious minority groups who refuse to renounce their religion or belief to join the State-controlled religious associations.’¹

The Montagnards

13. The Montagnard minority ethnic group consists of approximately three million people belonging to around 30 indigenous tribes. The majority of Montagnards are Christians and live in Viet Nam’s Central Highlands. There is historic animosity between Montagnard peoples and the Vietnamese government as many Montagnards fought alongside and helped train US forces and served as translators during the Viet Nam war.
14. On 22 January 2024 authorities in the Central Highlands concluded a four-day trial in which over 100 Montagnards were convicted on various terrorism-related charges.² The trial took place after an attack on provincial Communist Party offices in Dak Lak Province on 11 June 2023 that left nine dead, including local party officials and police. Ten Montagnards were sentenced to life imprisonment, while other sentences ranged from three-and-a-half to 20 years in prison. Several Montagnard human rights activists based overseas were also charged in absentia. The charges specifically highlighted US-based Vietnamese American activists as having masterminded and coordinated the attacks; they deny all allegations.
15. The speed of the trial for such a large group has drawn criticism from human rights observers as evidence of predetermined charges and lack of judicial due process.³ Family members of those convicted have reported that the charges were based on confessions made

under duress. The defendants were also given heavily controlled access to defence lawyers, who were state appointed.

16. On 26 January 2024 Nay Y Blang, a member of the unregistered Central Highlands Evangelical Church of Christ, was sentenced to four-and-a-half years in prison on charges of ‘secession and incitement’⁴ for holding Christian prayer meetings in his home. Local media reported that Mr Blang was not allowed access to legal representation. Most Montagnards do not speak Vietnamese as their first language, yet the trials were conducted entirely in Vietnamese, and it is unclear how much Mr Blang understood about his rights and the charges he was facing.
17. On 8 March 2024 the body of Y Bum Bya⁵, an evangelist belonging to the Central Highlands Evangelical Church, was found hanging from a tree after he had been summoned to a meeting with public security officers at a cemetery near his home. In December 2023 Mr Bya had been publicly denounced in front of fellow villagers for not disbanding his house church. The Ministry of Public Security subsequently issued an arrest warrant for the founder of Mr Bya’s church, Pastor A Ga, who currently resides in the US.
18. On 28 March 2024 Y Krếc Byă, a member of the Central Highlands Evangelical Church of Christ who had previously served an eight-year prison sentence, was sentenced to 13 years’ imprisonment and five years’ probation following his conviction on charges of ‘sabotaging implementation of solidarity policies.’⁶ He received limited access to legal counsel. Mr Byă was arrested in April 2023 along with Nay Y Blang and had been held without bail.
19. Such incidents stand in contravention of Article 18 of the ICCPR and also Articles 9 and 14, which state that ‘no one shall be subjected to arbitrary arrest or detention’ and that ‘everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law’, respectively. Moreover, Article 26 of the ICCPR further states that ‘the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground’, including religion or belief.

The Khmer Krom

20. The Khmer-Krom live in an area of southwest Viet Nam

1 United Nations Committee on the Elimination of Racial Discrimination, ‘Concluding observations on the combined fifteenth to seventeenth periodic reports of Viet Nam’, 27 December 2023, <https://documents.un.org/doc/undoc/gen/g23/262/65/pdf/g2326265.pdf>

2 Radio Free Asia, ‘UN experts challenge Vietnam’s treatment of Montagnard minority’, 23 August 2024, <https://www.rfa.org/english/news/vietnam/un-rapporteurs-montagnard-letter-08232024010004.html>

3 UN Special Procedures communication to the government of Vietnam, AL VNM 4/2024, 14 June 2024, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29087>

4 United States Commission on International Religious Freedom (USCIRF), FoRB Victims Database: Nay Y Blang, <https://www.uscifr.gov/religious-prisoners-conscience/forb-victims-database/nay-y-blang>

5 CSW, ‘CSW joins calls for clear and transparent investigation into the suspicious death of Evangelical Christian’, 23 April 2024, <https://www.csw.org.uk/2024/04/23/press/6214/article.htm>

6 Radio Free Asia, ‘Dak Lak authorities intensify repression against Vietnam’s Church of Christ’, 22 November 2023, <https://www.rfa.org/english/news/vietnam/church-of-christ-11222023000419.html>

that was once part of Cambodia. Vietnamese government statistics state that the population is around 1.3 million. However, several credible human rights groups claim there is significant and deliberate misrepresentation and undercount by the government, and that a conservative estimate of a true number of Khmer-Krom is closer to five million.

21. The majority of Khmer Krom are Theravadan Buddhist and share many cultural, political and linguistic ties to Cambodia.
22. On 20 March 2024 two Khmer-Krom activists were charged with ‘abusing democratic freedoms’⁷ by a court in Cau Ngang District, Tra Vinh Province, after they organised training workshops on the rights of indigenous people under international law.
23. To Hoang Chuong⁸ and Thach Cuong⁹ had been detained for over one year without access to legal assistance or family visits prior to their trial, which some sources have reported was arranged in less than a week. Their families were not notified of their trial and therefore could not be present. Chuong and Cuong were sentenced to four and three-and-a-half years in prison respectively.
24. On 26 March 2024 Thach Chanh Da Ra, a Khmer-Krom Buddhist monk, was arrested and defrocked in violation of the Theravada Buddhist tradition whereby a monk may only be defrocked by his immediate religious superior. Da Ra served as the abbot (head monk) at the Dai Tho Pagoda in Vinh Long province. The Vietnamese government has accused him of using his position of influence in the pagoda to sow anti-government sentiment.
25. Two days later, on 28 March, four more Khmer Krom monks at the Dai Tho Pagoda were arrested. Mr Duong Khai, Mr Thach Qui Lay, Mr Kim Sa Ruong, Mr Thach Chop were defrocked by public security officers and were charged with ‘abusing democratic freedoms’ under Article 331 of the Penal Code.¹⁰
26. These violations stand in contravention with Articles 9 and 14 of the ICCPR as well as Viet Nam’s constitution (2013), which states that all citizens have ‘the right not to be subject to torture, violence, coercion, degrading punishment or otherwise any form of treatment harming his or her body and health and offence against honor and dignity’ (Article 20) and ‘the right to fair and public trials and to be presumed innocent until proven guilty in

accordance with legal procedure and the sentence of the court takes effect’ (Article 31).

27. On 1 April 2024 a place of worship used by the Khmer-Krom Theravada Buddhist community in Tong Hung, Loan My village, Tam Binh district, Vinh Long Province, was destroyed by authorities.¹¹ The hall also served as an educational centre where Khmer-Krom language classes were taught to local children, and as a venue for community events.

The Hmong

28. In February 2024 school administrations at two ethnic boarding schools prohibited students from participating in religious activities. Students at the high schools in Nậm Nhùn District, Điện Biên Province had to sign a pledge not to attend Christian prayer services outside the school while no prayer service is allowed to be held in school.

Pastor Nguyen Manh Hung

29. On 16 January 2025 police in Ho Chi Minh City arrested 71-year-old Protestant pastor Nguyen Manh Hung¹² in a raid on his home after he was accused of spreading anti-state propaganda. The authorities seized several phones and laptops, and the pastor’s son, Nguyen Tran Hien was also detained and released after several hours of interrogation.
30. Pastor Nguyen is a former soldier who belongs to the Kinh majority ethnic group and was most recently associated with the Chuong Bo Protestant Church which is affiliated with the global Mennonite Church. He is currently a member of the Interfaith Council of Vietnam, which advocates for FoRB for all. Neither church is officially registered with the Vietnamese government, which is a requirement under Vietnamese law.

Violations of Freedom of Opinion and Expression

31. Article 19 of the ICCPR states that ‘Everyone shall have the right to hold opinions without interference’ and ‘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.’
32. Viet Nam has repeatedly cracked down on the right to freedom of expression, in contravention of Article 19 of

7 CSW, ‘Khmer Krom activists sentenced to prison for human rights training’, 21 March 2024, <https://www.csw.org.uk/2024/03/21/press/6190/article.htm>

8 United States Commission on International Religious Freedom (USCIRF), FoRB Victims Database: Hoang Chuong <https://www.uscifr.gov/religious-prisoners-conscience/forb-victims-database/hoang-chuong>

9 United States Commission on International Religious Freedom (USCIRF), FoRB Victims Database: Thach Cuong <https://www.uscifr.gov/religious-prisoners-conscience/forb-victims-database/thach-cuong>

10 Radio Free Asia, ‘Khmer Krom group calls on Vietnam to release activists’, 24 November 2024, <https://www.rfa.org/english/vietnam/2024/11/25/khmer-krom-trial/>

11 Unrepresented Nations and Peoples Organization, ‘UNPO condemns Vietnam’s ongoing persecution of Khmer Krom community’, 9 April 2024, <https://unpo.org/unpo-condemns-vietnams-ongoing-persecution-of-khmer-krom-community/>

12 CSW, ‘Protestant Pastor arrested and charged with spreading ‘anti-state propaganda’, 27 January 2025, <https://www.csw.org.uk/2025/01/27/press/6422/article.htm>

the ICCPR, including in January 2021 when authorities sentenced journalists Pham Chi Dung, Nguyen Tuong Thuy and Le Huu Minh Tuan to between 11 and 15 years in prison on charges of ‘making, storing, spreading information, materials, items for the purpose of opposing the state.’¹³

33. In another incident, in December 2021, Vietnamese activist and journalist Pham Doan Trang was sentenced to nine years in prison for ‘anti-State propaganda’.¹⁴ Pham Doan Trang has a long history of peacefully advocating for freedom and human rights. In 2017, Trang and other writers produced a report on FoRB which concludes that ‘no religions (Buddhism, Catholicism, Protestantism, Hoa Hao Buddhism, Caodaism, Muslim, etc.) or beliefs can fully enjoy the right’ to FoRB in Viet Nam.

Transnational repression

34. Vietnamese security police have increasingly targeted Hmong and Montagnard Christians who have fled to Thailand to seek asylum and claim refugee status with the office of the United Nations High Commissioner for Refugees (UNHCR). They have particularly harassed and intimidated members of the Evangelical Church of Christ in the Central Highlands (ECCC), Montagnards Stand for Justice (MSFJ), and Hmong Human Rights Coalition (HHRC). Many refugees in Bangkok have reported being visited at their homes in Bangkok by Vietnamese plain clothed police.
35. On 6 March 2024 Vietnamese state media declared the Montagnard Support Group Inc (MSGI) based in North Carolina, USA, and Montagnard Stand for Justice (MSFJ), which was established in Thailand, but now has an office in Virginia, USA, to be terrorist groups.¹⁵ Both organisations specialise in defending the rights of the Montagnard minority ethnic group. The Vietnamese government’s press release named several human rights activists as terrorists and threatened that anyone working with them would face similar charges. In a move clearly intended to intimidate, endanger and silence human rights defenders, it went on to give the personal home addresses of several key human rights figures both in Thailand and the USA.
36. On 14 March 2024 high-level delegates from the Vietnamese security services visited refugee

communities in Bangkok¹⁶ where MSFJ leaders and key associates are based. During this visit, which was facilitated by senior Thai police officers, the most senior security officer from the Montagnard region, Major General Rah Lan Lam, questioned Montagnard asylum seekers in a northern suburb of Bangkok. This terrified refugees and many went into hiding and sought emergency relocation assistance.

37. On 30 September 2024 a judge in Thailand ruled that Vietnamese human rights activist Y Quynh Bdap¹⁷ could be sent back to Viet Nam where he is facing various terrorism-related charges. Bdap’s legal team have filed an appeal, and he is still being held in custody in Bangkok. Bdap’s potential extradition has raised concerns over the fairness of his trial and his safety if returned. Thirteen UN special procedures wrote to the government of Thailand compelling them not to return Bdap. A large contingent from the Vietnamese government attended the judge’s ruling and were given time to read a witness impact statement.
38. On 14 February 2025 the Vietnamese government declared the Vietnamese-American human rights organisation Boat People SOS (BPSOS) as a terrorist organisation, citing legal advice and support the organisation had provided to Mr Bdap. BPSOS (Boat People SOS) and its senior leadership were derided for ‘assisting organisations and individuals participating in anti-Vietnam activities.’¹⁸ The article went on to explicitly name BPSOS as a terrorist organisation and describe its president, chief operating officer and chief financial officer as terrorists. The article published the home address of BPSOS president Dr Nguyen Dinh Thang.
39. In January 2025 the authorities prevented all three Vietnamese invitees from travelling to the United States to attend the International Religious Freedom Summit which took place in Washington, D.C. from 4-5 February. A Buddhist monk, the Venerable Thich Nhat Phuoc, was briefly detained at Ho Chi Minh’s Tan Son Nhat international airport on the grounds of ‘national defence and security’ on 26 January. Two days later two Cao Dai dignitaries, Nguyen Xuan Mai and Nguyen Ngoc Dien, were also prevented from leaving the country at Tan Son airport. Authorities again cited the same national

13 European Union External Action Service, ‘Vietnam: Statement by the Spokesperson on the sentencing of three journalists, 6 January 2021, https://www.eeas.europa.eu/eeas/vietnam-statement-spokesperson-sentencing-three-journalists_en

14 Tom Lantos Human Rights Commission, ‘Vietnam: Pham Doan Trang’, <https://humanrightscommission.house.gov/DFP/Countries/Vietnam/Pham-Doan-Trang>

15 Reuters, ‘Vietnam lists overseas dissident groups as ‘terrorist organisations’, 6 March 2024, <https://www.reuters.com/world/asia-pacific/vietnam-lists-overseas-political-groups-terrorist-organisations-2024-03-06/>

16 Radio Free Asia, ‘Vietnamese police track down Montagnards in Thailand’, 15 March 2024, <https://www.rfa.org/english/news/vietnam/montagnards-thailand-03152024165555.html>

17 UN OHCHR Press Release, ‘Thailand: Court ruling puts human rights defender in danger if extradited to Viet Nam, say experts’, 16 October 2024, <https://www.ohchr.org/en/press-releases/2024/10/thailand-court-ruling-puts-human-rights-defender-danger-if-extradited-viet>

18 CSW, ‘Vietnam: government declares human rights organisation as a terrorist group, 17 February 2025, <https://www.csw.org.uk/2025/02/17/press/6435/article.htm>

security concerns while issuing temporary travel bans.¹⁹

40. On 27 March 2025 authorities arrested an ethnic Khmer Krom monk, Venerable Kim Som Rinh, and two activists Thach Nga and Thach Xuan Dong. All three were charged under Article 331 of the Vietnamese Penal Code for 'abusing democratic freedoms' and were taken into custody in Tra Vinh Province in southern Viet Nam.²⁰
41. Venerable Kim Som Rinh is a respected leader known for advocating for religious and cultural rights. He was defrocked by the state-sanctioned Viet Nam Buddhist Sangha in March 2024 in a move seen as an attempt to stifle dissent.

Recommendations

To the Government of Viet Nam

42. Revise all regulations and legislation pertaining to religion to ensure they align with international standards as set out in Article 18 of the ICCPR, in consultation with religious communities and legal experts.
43. Ensure that any form of registration system is optional, not mandatory, and is not used as a tool to control religious activities.
44. Immediately release all those detained or imprisoned in connection with their religion or belief, or with the peaceful defence of the rights of others and investigate cases of wrongful imprisonment.
45. Issue a standing invitation to all UN Special Procedures, ensuring they have unhindered access to all areas of the country and that members of civil society can meet with them without reprisals.

To United Nations Member States:

46. Urge all relevant UN mechanisms, including the Special Procedures and Treaty Bodies, to include the right to freedom of religion or belief in their reporting on Viet Nam, addressing the vulnerabilities and violations faced by religion or belief communities and those seeking to defend them.
47. Call for Viet Nam to immediately cease all harassment and intimidation of religion or belief minorities and HRDs and independent lawyers defending the right to FoRB, and allow impartial and timely investigations into allegations of abuses against them, ensuring that perpetrators are held to account.

48. Monitor reports of arbitrary detention and follow court proceedings and call on Viet Nam to protect all persons from arbitrary detention, and to guarantee the right to a fair trial and legal counsel of their own choosing, in accordance with Article 9 and 14 of the ICCPR.

49. Publicly condemn all reprisals against members of civil society who engage with the UN and other international organisations on matters relating to human rights in Vietnam, and support the establishment of a safe environment for human rights lawyers, civil society actors and human rights defenders, enabling them to carry out their work without fear of reprisal.

19 CSW, 'Vietnam: All Vietnamese invitees barred from traveling to the US for religious freedom summit', 3 February 2025, <https://www.csw.org.uk/2025/02/03/press/6426/article.htm>

20 CSW, 'Vietnam: Khmer Krom monk and two activists arrested' 28 March 2025, <https://www.csw.org.uk/2025/03/28/press/6456/article.htm>

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free to believe**

T +44 (0)20 8329 0010

🐦 @CSW_UK

f /CSWUK

csw.org.uk

PO Box 99

New Malden

Surrey, KT3 3YF

United Kingdom