



Home Office

# **Country Policy and Information Note**

## **Vietnam: Ethnic and religious groups**

**Version 2.0**

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# Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country information

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,

5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: [chiefinspector@icinspector.gsi.gov.uk](mailto:chiefinspector@icinspector.gsi.gov.uk)

Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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# Policy guidance

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## 1. Introduction

### 1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by state or non-state actors due to the person's ethnicity and / or religion.

### 1.2 Points to note

1.2.1 Persons of minority ethnic in Vietnam are from groups within a community which has different national or cultural traditions from the main population.

1.2.2 Persons who relate to a minority religion in Vietnam have a faith which is different from that held by the majority.

1.2.3 Persons from minority ethnic groups tend also to belong to (minority) religions.

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## 2. Consideration of issues

### 2.1 Credibility

2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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### 2.2 Assessment of risk

#### a. Ethnic groups

2.2.1 The law prohibits discrimination against ethnic minority groups. However, these groups remain disproportionately the poorest and most vulnerable citizens of Vietnam, particularly in being able to access employment, education and healthcare. Ethnic minorities, who often adhere to minority religions, face discrimination in mainstream society. In an attempt to address the social and economical inequalities of ethnic minorities the government has provided special programmes to improve education, health facilities and expand road access and electrification of rural communities and villages. However, these programmes are not always implemented in a culturally appropriate manner and some local officials restrict access to schooling and jobs for ethnic minorities (see [State treatment](#)).

2.2.2 Although the government allocates land to ethnic minorities through a special programme in the Central Highlands, land grabs are common in both

the north-west and central highlands, where state-affiliated firms often demand property concessions for mines, plantations and hydropower dams. Khmer Krom or 'Montagnards' (a collective for tribes living in the Central Highlands, also known as the Degar) are disproportionately discriminated by land distribution policies and find themselves allocated with the smallest and infertile lands (see [State treatment](#)).

- 2.2.3 Although Vietnam endorsed and ratified the Declaration on the Rights of Indigenous Peoples (UNDRIP) it does not recognise the Khmer Krom or Montagnards as indigenous groups. This deprives Khmer Krom and Montagnards of the protection otherwise offered by the Vietnamese law (see [Recognition of indigenous groups](#)).
- 2.2.4 Additionally, societal discrimination is longstanding and persistent with ethnic minorities often viewed as backward and uneducated by the Kinh majority (see Societal treatment of ethnic groups).
- 2.2.5 Some ethnic minority and indigenous communities including Hoa (Chinese), Hmong, Khmer, Degar Montagnards and other smaller ethnic groups in Vietnam face discrimination and/or harassment by state authorities, particularly from local officials. The government monitors and arbitrarily detains some Degar Montagnards who the state consider to be a threat to national security and, in part, owing to their religious practices (see following section on Religious groups). Some sources suggest that persecution is widespread, however, the majority of evidence suggests that only those who are political activists or who have connections to groups that the government perceives to have separatist aims have been targeted for arrest and imprisonment (see [Treatment of ethnic groups](#)).
- 2.2.6 While members of the Hoa, Hmong, Kmer and other smaller ethnic groups face official and societal discrimination in general this is not so severe by its nature or repetition as to amount to persecution or serious harm. However, members of highland groups - the Montagnards - face greater levels of official harassment and discrimination because of their history, religious practice and actual or perceived political activism, and may face treatment that amounts to persecution or serious harm.
- 2.2.7 Each case must be considered on its facts with the onus on the person to demonstrate they would be at real risk from the state on return.

#### b. Registered Religious groups

- 2.2.8 The constitution allows for religious freedom but in practice the government restricts this right (see [Constitution](#)).
- 2.2.9 A new Law on Belief and Religion was passed in November 2016, which provides for modest improvements, including moving from an approval system to a notification system, eliminating the requirement of government approval for attendance at seminary, ordination or the hiring of clergy. The amount of time a religious organisation must carry out religious activities as a condition for national-level recognition has also been reduced from 23 years to five years (see [Law on Belief and Religion](#)).

- 2.2.10 The government has registered an increased number of religious groups and generally respects the religious freedom of those registered groups, as long as they comply with regulations ([see Freedom of religion](#)).
- 2.2.11 In general there is no real risk of state persecution or serious harm on account of a person's religious beliefs for persons belonging to government registered groups.

### c. Unregistered Religious groups

- 2.2.12 The government restricts activities by independent religious groups and those who are regarded as a threat to the Communist Party of Vietnam (CPV), especially those involved in religious freedom advocacy. Many unregistered religious groups report abuses, with a particularly high number of reports coming from the Central and Northwest Highlands, including the monitoring of some religious groups, particularly unregistered church groups in ethnic minority communities (See [Treatment of religious groups](#)).
- 2.2.13 Some Christians and Buddhists among Khmer Krom, Degar (Montagnard) and Hmong also face discrimination owing to both their ethnicity and religion. The government continues to imprison people for religious activity or religious freedom advocacy and seeks to stop the growth of Protestantism and Catholicism, particularly when practiced by ethnic minority groups in rural areas, through discrimination, and forced renunciations of their faith. The authorities monitor ethnic groups in the Central and Northwest Highlands, where it continued to claim that practicing a minority faith encouraged separatism (see [Treatment of religious groups Protestants, Catholics, Khmer Krom and Montagnards \(or Degar\)](#)).
- 2.2.14 The government considers that some Montagnards, an ethnic minority in the Central Highlands, are operating Protestant organisations which advocate separatism for ethnic minorities. While there are reports of official government media publishing articles discouraging citizens from affiliating with Degar Protestantism, there are reports of official harassment and intimidation by local authorities in the Central Highlands area (see [Protestants, Montagnards \(or Degar\)](#) and [Societal treatment of ethnic groups](#)).
- 2.2.15 Religious groups that operate outside of official, government-registered and government-controlled religious institutions are subjected to monitoring, intimidation, harassment and sometimes violent enforcement by the authorities (see [State treatment of unregistered religious groups](#)).
- 2.2.16 Persons associated with unregistered religious groups, particularly members of independent Buddhist, Protestant, Hoa Hao, and Cao Dai groups, generally face more difficulties and restrictions on religious freedom than members of registered communities. These difficulties will vary depending on region, ethnicity, involvement, if any, in religious freedom advocacy, and whether the person is perceived to be politically active against the government (see [State treatment of registered religious groups](#) and [State treatment of unregistered religious groups](#)).
- 2.2.17 Members of ethnic minority groups who practice a minority faith, promote religious freedom or are otherwise involved in activities, which are perceived by the government to advocate separatism and who come to the attention of

the authorities, may face a real risk of persecution. In such cases a grant of asylum will normally be appropriate.

- 2.2.18 Those persons who consider their religion a personal matter, who seek no public expression of their faith, may be able to continue practising discreetly.
- 2.2.19 In cases where the person will be discreet about their religion on return, the reasons for such discretion need to be considered in the light of [HJ \(Iran\)](#). Decision makers should take account of how the person has practised their religion whilst in the UK. A person should not be expected to conceal their religion, their conversion or their activities relating to the conversion of others, if they are not willing to do so. However, if the person would conceal his or her religion or religious activities for reasons other than for a fear of persecution, then the person would have no basis for their claim for international protection.
- 2.2.20 Decision makers must consider each case on its facts with the onus on the person to demonstrate that they would be at real risk from the state authorities on return.

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## 2.3 Protection

- 2.3.1 Where the person's fear is of persecution and/or serious harm by the state, they will not be able to avail themselves of the protection of the authorities.
- 2.3.2 Where the person's fear is of persecution and/or serious harm from non-state actors, decision makers must assess whether the state can provide effective protection.
- 2.3.3 Vietnam does not recognize that indigenous communities have customary ties to their lands and natural resources. Discrimination on ethnic grounds is prohibited in law, but whilst the Government has established programmes to address the social and economical inequalities faced by many ethnic minorities, concerns remain over the inclusivity of the process and there is little available information on government enforcement measures in individual cases where a person complains of discrimination. There are reports of incidents of local officials in some provinces, notably in the highlands, acting in contravention of national laws to discriminate against members of ethnic and religious minority groups (see [State treatment of ethnic groups](#)).
- 2.3.4 In 2014 new police regulations came into force prohibiting police coercion during interrogations. Although some human rights groups praised the new regulations, critics raised concerns about enforcement and argued that the reforms failed to protect due process rights leaving suspects or detainees at risk from ill-treatment by police (see [Law in Practice](#)).
- 2.3.5 Courts at all levels are controlled by the Communist Party of Vietnam (CPV). The court system is vulnerable to corruption and outside influence. The lack of independence and inexperience leads to a varying quality of court process and the inconsistent implementation of laws. Defendants are allowed the right to legal council but lawyers are scarce or reluctant to handle human rights cases in fear of retribution.



- 2.3.6 A mechanism exists for pursuing a civil action to redress abuses committed by authorities but the criminal, administrative and civil courts continued to be hampered by corruption, lack of independence, inexperience and outside influence. However, few victims of state abuse have sought or successfully received redress or compensation through the court system.
- 2.3.7 For further guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.4 Internal relocation

- 2.4.1 If a person is at real risk from non-state agents or local officials in their home area, they would in general be able to relocate to a part of the country where they would not be at.
- 2.4.2 Where the person's fear is of persecution or serious harm by the state, they will not be able to relocate to escape that risk.
- 2.4.3 The law allows for freedom of internal movement, although certain persons, especially those convicted under national security or related charges or those outspoken about the government are limited through government imposed controls. Local police require citizens to register when staying overnight in any location outside of their own homes and the government appear to enforce these requirements more strictly in some Central and Northern Highlands districts. Those who violate the regulations residency are subject to fines. There is regular migration from rural areas to cities. Moving without permission, however, hampers persons seeking legal residence permits, public education, and health-care benefits (see [Freedom of movement](#)).
- 2.4.4 The onus will be on the person to demonstrate why internal relocation is not a reasonable option for them.
- 2.4.5 For further guidance on internal relocation and the factors to be considered, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.5 Certification

- 2.5.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.5.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

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## 3. Legal status

### 3.1 Constitution

#### 3.1.1 Article 5 of the Constitution states that:

- '1. The Socialist Republic of Vietnam is the unified nation of all nationalities living on the territory of Vietnam.
- '2. All nationalities are equal, solidary, mutually respect and assist in their developments; all acts of national discrimination and division are strictly forbidden.
- '3. The national language is Vietnamese. Every nationality has the right to use its own language and system of writing, to preserve its national identity, and to promote its fine customs, habits, traditions and culture.
- '4. The State implements a policy of comprehensive development, and provides conditions for the national minorities to promote their internal abilities and to develop together with the nation.'

Article 16 states that all citizens are equal before the law.

Article 24 states:

- '1. Every one shall enjoy freedom of belief and of religion; he can follow any religion or follow none. All religions are equal before the law.
- '2. The State respects and protects freedom of belief and of religion.
- '3. 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.'<sup>1</sup>

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### 3.2 Legislation

- #### 3.2.1
- The Australian Government's Department of Foreign Affairs and Trade (DFAT) Country Information Report on Vietnam, dated 21 June 2017, stated: 'There is no single, comprehensive anti-discrimination law in Vietnam, although anti-discrimination clauses exist in a number of national laws (see [Societal treatment of ethnic groups](#) and [State treatment of ethnic groups](#))'<sup>2</sup>

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<sup>1</sup> Constitution, Final Constitution of the Republic of Vietnam Adopted by the National Assembly 28 November 2013, available at [http://www.globaldisabilityrightsnow.org/sites/default/files/related-files/272/Constitution\\_English.pdf](http://www.globaldisabilityrightsnow.org/sites/default/files/related-files/272/Constitution_English.pdf). Accessed 6 September 2017

<sup>2</sup> Australian Department of Foreign Affairs and Trade (DFAT) Country Information Report Vietnam, (Race/Nationality, p11), 21 June 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-vietnam.pdf>. Accessed: 25 September 2017

### 3.3 Recognition of indigenous groups

- 3.3.1 An undated report by the Unrepresented Nations and Peoples Organization (UNPO), noted: ‘Vietnam does not recognize the indigeneity of either the Khmer Krom or Montagnards despite having endorsed and ratified the Declaration on the Rights of Indigenous Peoples (UNDRIP). This deprives Khmer Krom and Montagnards of the protection otherwise offered by the Vietnamese law.’<sup>3</sup>
- 3.3.2 For further information on indigenous peoples see the section on [Khmer Krom](#) and [Montagnards](#)

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### 3.4 Law on Belief and Religion

- 3.4.1 The DFAT report of June 2017, noted:

‘A new Law on Belief and Religion was passed by the 14th National Assembly (November 2016), providing modest improvements to the restrictive regulatory environment for religious practice. This law replaces the 2004 Ordinance on Religion and Belief (Ordinance 21) and the revised Implementation Decree 92 (promulgated in January 2013).’

‘The new law shifts the regulation process in multiple areas (e.g. attendance at seminary, ordination, hiring of clergy) from an approval system to a less burdensome notification system, allowing it to move forward with such activities, without explicit government approval. The amount of time a religious organisation must carry out religious activities as a condition for national-level recognition has been reduced from 23 years to five years.’<sup>4</sup>

- 3.4.2 The US State Department (USSD-IRF), 2016 Report on International Religious Freedom - Vietnam, 15 August 2017, stated:

‘The new law continues to provide for significant government control over religious practices and permits restrictions on religious freedom in the stated interest of national security and social unity. “Strictly prohibited” acts include “undermining national defense, national security, national sovereignty, public order, public safety, and the environment,” “doing harm to social ethics or others’ health, life, dignity, honor, or property,” “sowing division among the people,” and “abusing belief and religious activities to gain personal benefit”.’

‘The new law reduces the waiting period for a religious group to obtain national-level or provincial recognition from 23 years to five years, lessens the number of religion-related procedures requiring advance approval from authorities, aims to clarify the process by which religious organizations can obtain registration for their activities and recognition, and for the first time

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<sup>3</sup> Unrepresented Nations and Peoples Organization (UNPO), ‘Submission to the UN Office of the High Commissioner for Human Rights, Universal Periodic Review: Vietnam’, (Human Rights Issues: Settlement of Land Claims, p2), undated <http://www.unpo.org/downloads/796.pdf>. Accessed: 2 November 2017

<sup>4</sup> Australian Department of Foreign Affairs and Trade (DFAT) Country Information Report Vietnam, (Religion, p12), 21 June 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-vietnam.pdf>. Accessed: 25 September 2017

specifies the right of legal status for recognized religious groups. The law also specifies that religious groups be allowed to conduct educational, health, social protection, charitable, and humanitarian activities in accordance with the relevant laws.’

‘Under the new law, religious organizations with a certificate of registration (“registered religious organizations”) are allowed to preach, organize religious ceremonies, and conduct religious classes at approved locations; organize conferences to approve its charter and bylaws; elect or appoint leaders; repair or renovate religious facilities; and conduct charitable or humanitarian activities. Under the new law, however, a wide variety of these religious activities continue to require advance approval or registration from government authorities. The new law states that all such activities must also comply with other laws governing construction and charitable activities.’<sup>5</sup>

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### 3.5 Law in practice

#### 3.5.1 The DFAT report of June 2017, noted:

‘A number of basic rights are not implemented or enforced in practice. The absence of a separation between the executive and the judiciary also places limits on the ability of judicial authorities to act with independence.’

‘Courts at all levels are effectively controlled by the CPV [Communist Party of Vietnam], which has power over appointments. Judges tend to be CPV members chosen in part for their political views and affiliations. Varying quality of court processes lead to inconsistent interpretation and implementation, police investigations are opaque and abuse of process is reportedly widespread. Citizens can spend years in pre-trial detention. There are reports from credible sources that only 20-30 per cent of defendants had access to legal counsel, including in cases involving the death penalty or juveniles where the law theoretically required authorities to appoint a lawyer.’<sup>6</sup>

#### 3.5.2 The Freedom House Freedom in the World 2017 report, stated:

‘Vietnam’s judiciary is subservient to the CPV, which controls the courts at all levels. Defendants have a constitutional right to counsel, but lawyers are scarce, and many are reluctant to take on human rights and other sensitive cases for fear of state harassment and retribution, including arrest. Defense lawyers do not have the right to call witnesses and often report insufficient time to meet with their clients. In national security cases, police can detain suspects for up to 20 months without access to counsel.’

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<sup>5</sup> US State Department (USSD-IRF), ‘2016 Report on International Religious Freedom – Vietnam’, (Section II. Status of Government Respect for Religious Freedom: Legal Framework), 15 August 2017, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268780#wrapper>. Accessed: 13 February 2018

<sup>6</sup> Australian Department of Foreign Affairs and Trade (DFAT), ‘Country Information Report Vietnam’, (Judiciary, para 5.8, p11), 21 June 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-vietnam.pdf>. Accessed: 25 September 2017

'The police are known to abuse suspects and prisoners, sometimes resulting in death or serious injury, and prison conditions are poor. New police regulations that took effect in 2014 codified rules for police investigations and prohibited police coercion during interrogations. Some human rights groups praised the measure as a step forward, but critics raised concerns about enforcement and argued that the reforms failed to protect due process rights.'<sup>7</sup>

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## 4. Demography

### 4.1 Ethnic population

4.1.1 Vietnam has an estimated population of just over 91 million, with over 85% belonging to the Kinh (Viet) ethnic group. Other minority ethnic groups include Tay, Thai, Muong, Khmer, Mong, Nung and Hoa<sup>8</sup>.

4.1.2 As reported on the website of the Vietnam Embassy in the United Kingdom: 'Vietnam is a multi-nationality country with 54 ethnic groups. The Viet (Kinh) people account for 87% of the country's population and mainly inhabit the Red River delta, the central coastal delta, the Mekong delta and major cities. The other 53 ethnic minority groups, totalling over 8 million people, are scattered over mountain areas (covering two-thirds of the country's territory) spreading from the North to the South.'<sup>9</sup>



4.1.3 Minority Rights Group International's undated profile of Vietnam stated:

<sup>7</sup> Freedom House, Freedom in the World 2017 - Vietnam, 12 July 2017, (F. Rule of Law), <https://freedomhouse.org/report/freedom-world/2017/vietnam>. Accessed: 4 December 2017

<sup>8</sup> The CIA World Factbook: Vietnam, (Geography, People and Society), updated 8 September 2017, <https://www.cia.gov/library/publications/the-world-factbook/geos/vm.html>. Accessed: 25 September 2017

<sup>9</sup> Embassy of Vietnam in the United Kingdom, Population / Ethnicity, (Ethnic groups), undated, <http://www.vietnamembassy.org.uk/population.html>. Accessed: 25 September 2017

'The three largest minorities are the Tay, who belong to the central Tai-Kadai language group and are located in the north of Vietnam where their villages tend to be based at the feet of mountains with about 15-20 households each; the closely related Thai are believed to have arrived in Vietnam earlier than the Tay, and they are concentrated in the north-west and western parts of north Vietnam. The Muong also inhabit the mountainous region of northern Vietnam, and are generally found in Hoa Binh and Thanh Hoa province. Their language is a Vietic language, closely related to Vietnamese.

'The fourth largest minority are the Khmer Krom, and they are now thought to number more than 1.3 million people and are found concentrated in the south, in the delta region of the Mekong River. They are ethnic Khmer and are often considered to be indigenous, as they have inhabited the Mekong delta since before the arrival of the Vietnamese. Their language, Khmer, is part of the Mon-Khmer branch of Austroasiatic languages, and most of them are Buddhists.

'One group of more than 30 minorities often lumped together are the Degar, sometimes referred to as Montagnards, a French term related to their presence in the highlands of Vietnam, though this was limited to the central highlands area. Except for their traditionally inhabiting highlands, these groups have in fact different cultures and their languages belong to two distinct family groups, the Malayo-Polynesian and Mon-Khmer. Their total numbers is subject to some debate, though they possibly number between 1 and 2 million people. Among the largest groups are the Jarai, Rhade and Bahnar.'<sup>10</sup>

- 4.1.4 A chart showing the [composition and distribution of the Vietnamese ethnic minority groups](#) can be located on the Embassy's website<sup>11</sup>.

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## 4.2 Languages

- 4.2.1 The DFAT report stated:

'Vietnamese is the official language and is spoken by around 90 per cent of the population. Minority groups are distinguished by more than a dozen distinct languages including, but not limited to, Tay, Hmong, Thai, and Khmer in more remote rural areas. Eleven of the minority groups – Tay, Thai, Nung, Hmong, Muong, Cham, Khmer, Kohor, Ede, Bahnar, and Jarai – have their own writing systems. Many minority communities in remote locations have little interaction with Kinh people outside the administration of public services and often do not speak Vietnamese. A younger generation of ethnic minorities are increasingly speaking Vietnamese through their education in the public school system.'<sup>12</sup>

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<sup>10</sup> The Minority Rights Group International, Vietnam, 'Peoples', <http://minorityrights.org/country/vietnam/>. Accessed: 18 December 2017

<sup>11</sup> Embassy of Vietnam in the United Kingdom, Population / Ethnicity, (Ethnic groups), undated, <http://www.vietnamembassy.org.uk/population.html>. Accessed: 25 September 2017. Accessed: 25 September 2017

<sup>12</sup> Australian Department of Foreign Affairs and Trade (DFAT), 'Country Information Report Vietnam', (Demography, p6), 21 June 2017,

- 4.2.2 The UN (United Nations) Special Rapporteur welcomed the government's achievements of introducing language education in schools. The Special Rapporteur noted that at the time of her visit in 2013 '20 provinces and cities had introduced language education for seven languages, as well as six bilingual education programmes. In the school year 2013/14, in 688 schools with 4,764 classes, 108,000 students were being taught minority languages... Overall, however, minority languages are still taught in schools on a very small scale.'<sup>13</sup>
- 4.2.3 The USSD 2016 Report noted: 'The government also worked with local officials to develop local-language curricula, but it appeared to implement this program more comprehensively in the Central Highlands and the Mekong Delta and only in limited areas of the Northwest Highlands. There were also a few government-subsidized technical and vocational schools for ethnic minorities.'<sup>14</sup>

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### 4.3 Religious groups

#### 4.3.1 The USSD-IRF 2016 report noted:

'In total, the government has granted recognition to 38 religious organizations and one dharma practice (a set of spiritual practices) affiliated with 15 distinct religious traditions as defined by the government. The 15 religious traditions are: Buddhism, Islam, Bahai, Catholicism, Protestantism, Mormonism, Hoa Hao Buddhism, 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, and Hieu Nghia Ta Lon Buddhism. Distinct denominations within these religious traditions must seek their own registration and/or recognition.'

'Smaller religious groups that together comprise less than 0.2 percent of the population include a devotional form of Hinduism mostly practiced by 50,000 ethnic Cham in the south-central coastal area; approximately 100,000 Muslims, who are scattered throughout the country (approximately 40 percent are Sunnis; the remaining 60 percent practice Bani Islam); an estimated 8,000 members of the Bahai Faith; and approximately 1,000 members of The Church of Jesus Christ of Latter-day Saints (Mormons). Religious groups originating within the country (Buu Son Ky Huong, Tu An Hieu Nghia, To Tien Chinh Giao) and religious groups relatively new to the country (such as Brahmanism) comprise a total of 1.4 percent. A small, mostly foreign Jewish population exists in Hanoi and Ho Chi Minh City...

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<http://dfat.gov.au/about-us/publications/Documents/country-information-report-vietnam.pdf>. Accessed: 25 September 2017

<sup>13</sup> UN Human Rights Council, 'Report of the Special Rapporteur in the field of cultural rights - Mission to Viet Nam (18–29 November 2013)', (Linguistic diversity, (b) Teaching of and in minority languages, Para 81, p16), 29 January 2015,

<http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/VNIndex.aspx>. Accessed: 31 October 2017

<sup>14</sup> US State Department's '2016 Country Report on Human Rights Practices', Vietnam, published on 3 March 2017, (Section 6. Discrimination, Societal Abuses, and Trafficking in Persons: National/Racial/Ethnic Minorities, p47), <https://www.state.gov/documents/organization/265598.pdf>. Accessed: 9 February 2018

'Ethnic minorities constitute approximately 14 percent of the population. Based on adherents' estimates, two-thirds of Protestants are members of ethnic minorities, including groups in the Northwest Highlands (H'mong, Dzao, Thai, and others) and in the Central Highlands (Ede, Jarai, Sedang, and M'nong, among others, including groups referred to as Montagnards or Degar). The Khmer Krom ethnic group overwhelmingly practices Theravada Buddhism.'<sup>15</sup>

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## 5. Treatment of ethnic groups

### 5.1 State treatment

#### 5.1.1 The Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2016: Asia and Oceania, 12 July 2016, stated:

'Vietnam's minority and indigenous communities continue to suffer persecution by state authorities... When it is not actively persecuting its minority communities, the Vietnam government still tends to view its minority and indigenous populations from a paternalistic standpoint as 'primitive' and in need of more civilized practices. As a result, while the state has provided some services such as bilingual education and access to health care these programmes are not always implemented in a culturally appropriate manner.'<sup>16</sup>

#### 5.1.2 An article published by the human rights organisation, Civil Rights Defenders, dated 25 September 2016, noted

'Despite economic development and progress in poverty alleviation in recent years, ethnic and religious minorities, as well as women, continue to face discrimination, unequal access to economic and education opportunities, and restrictions of their human rights.'

'Despite progress in poverty reduction, the poverty rate is considerably higher among ethnic minorities than among the Kinh. Ethnic minority women in rural areas face multiple and intersecting forms of discrimination.'

'In 2010, a UN expert on minority rights visited Vietnam and concluded that minorities still face obstacles in enjoying their right to education, religion freedom, and civil rights.'<sup>17</sup>

#### 5.1.3 The Amnesty International: Amnesty International Report 2016/17 - The State of the World's Human Rights - Viet Nam, 22 February 2017, reported:

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<sup>15</sup> US State Department (USSD-IRF), '2016 Report on International Religious Freedom – Vietnam', (Section I. Religious Demography), 15 August 2017, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268780#wrapper>. Accessed: 13 February 2018

<sup>16</sup> Minority Rights Group International, 'State of the World's Minorities and Indigenous Peoples 2016: Asia and Oceania', (Vietnam, p.154), 12 July 2016, [https://www.ecoi.net/file\\_upload/1788\\_1472564500\\_asia.pdf](https://www.ecoi.net/file_upload/1788_1472564500_asia.pdf). Accessed: 31 October 2017

<sup>17</sup> Civil Rights Defenders, Human Rights In Vietnam, (Introduction), 25 September 2016, <https://www.civilrightsdefenders.org/country-reports/human-rights-in-vietnam/>. Accessed: 20 November 2017



'In July [2016], a demonstration of around 400 ethnic minority Ede villagers in Buôn Ma Thuột, Đắk Lắk province protesting against the sale of 100 hectares of the community's ancestral land to a private company was violently repressed by security forces; at least seven demonstrators were arrested and held in incommunicado detention. In August, land activist Cấn Thị Thêu was convicted under Article 245 of "causing public disorder" by a court in the capital Ha Noi and sentenced to 20 months' imprisonment. She was accused of inciting protests against reclamation of land in Hà Đông district, Ha Noi, by posting photographs online.'

'At least 88 prisoners of conscience were held in harsh conditions after unfair trials, some of whom were subjected to beatings, prolonged solitary confinement, deprivation of medical treatment and electric shocks. They included [...] members of ethnic groups.'<sup>18</sup>

#### 5.1.4 The USSD 2016 report notes that:

'International human rights organizations continued to allege authorities harassed and intimidated members of certain ethnic minority groups. [...] The government continued to attempt to address the socioeconomic gap between ethnic minority and ethnic Kinh communities through special programs to subsidize education and health facilities and expand road access and electrification of rural communities and villages. The government also continued to allocate land to ethnic minorities in the Central Highlands through a special program.'

'The law provides for universal education for children regardless of religion or ethnicity, and members of ethnic minority groups were not required to pay regular school fees. The government operated special schools for ethnic minority children, and there were 300 boarding schools for them in 50 provinces, mostly in the Northwest and Central Highlands and the Mekong Delta, including at the middle- and high-school levels, plus special admission and preparatory programs as well as scholarships and preferential admissions at the university level.'

'The government broadcast radio and television programs in ethnic minority languages in some areas. The government required ethnic-majority (Kinh) officials assigned to areas populated predominantly by ethnic minorities to learn the language of the locality in which they worked. Provincial governments continued initiatives designed to increase employment, reduce the income gap between ethnic minorities and ethnic Kinh, and make officials sensitive and receptive to ethnic minority cultures and traditions.'

'Ethnic minority populations also experienced significant health challenges; indicators such as maternal and child mortality were significantly higher in ethnic minority areas, in comparison with urban and coastal areas.'<sup>19</sup>

<sup>18</sup> Amnesty International, 'Amnesty International: Amnesty International Report 2016/17 - The State of the World's Human Rights' - Viet Nam, (Torture and Other ill-treatment, p,399), 22 February 2017 <https://www.amnesty.org/download/Documents/POL1048002017ENGLISH.PDF>. Accessed: 3 November 2017

<sup>19</sup> US State Department's '2016 Country Report on Human Rights Practices' (USSD Report 2016), Vietnam, published on 3 March 2017, (Section 2. Respect for Civil Liberties, Including: d. Freedom of

5.1.5 In its annual report covering 2016 the Vietnam Human Rights Network reported that:

‘The policy prohibiting discrimination and divisive acts between the races is stipulated in Article 5 of the 2013 Constitution: “All ethnicities are equal and shall unite, respect and assist one another for mutual development; all acts of discrimination and division of ethnicities are prohibited.” In actuality, however, racial discrimination is still a grave concern for ethnic minorities. Discrimination against ethnic minorities is particularly prominent in the areas of the economy, education, and politics.’<sup>20</sup>

5.1.6 The 2016 Vietnam Human Rights Network report, noted that:

‘Concerning healthcare for ethnic minorities, Article 58 of the Constitution specifies, “State policy prioritizes healthcare for ethnic minorities, people living in mountainous areas, on islands, and in areas that have extremely difficult socio-economic conditions.” However, according to a study on the healthcare of ethnic minorities in Vietnam in 2016, there is no fairness in health services between the Kinh and ethnic minorities, resulting in disparities in health status between these two groups. For example, the under-five-year-old mortality rate for ethnic minority groups was 3.9%, while the Kinh / Chinese ratio was 1.2%. The number of children under five with symptoms of malnutrition and stunted growth in ethnic minority households is more than double that of Kinh households.’<sup>21</sup>

5.1.7 The DFAT report of June 2017, noted: ‘DFAT assesses that Hoa (Chinese), Hmong, Khmer and other smaller ethnic groups face a low level of official and societal discrimination.’<sup>22</sup>

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## 5.2 Societal treatment of ethnic groups

5.2.1 The USSD Report 2016 observed that:

‘[...] societal discrimination against ethnic minorities was longstanding and persistent. Local officials in some provinces, notably in the highlands, acted in contravention of national laws and discriminated against members of ethnic and religious minority groups. Despite the country’s significant economic growth, the economic gap between many ethnic minority communities and ethnic Vietnamese (Kinh) communities persisted, although

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Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons, p30), <https://www.state.gov/documents/organization/265598.pdf>. Accessed: 9 February 2018

<sup>20</sup> Vietnam Human Rights Network, ‘Report on Human Rights in Vietnam 2016 – 2017’, (4. Discrimination against Ethnic Minorities, p.63), 21 May 2017,

<http://www.vietnamhumanrights.net/english/documents/ReportVNHRN2016-17-Net.pdf>. Accessed: 31 October 2017

<sup>21</sup> Vietnam Human Rights Network, ‘Report on Human Rights in Vietnam 2016 – 2017’, (4. 2. Discrimination against Ethnic Minorities: Education and healthcare Inequalities, p.65), 21 May 2017, <http://www.vietnamhumanrights.net/english/documents/ReportVNHRN2016-17-Net.pdf>. Accessed: 31 October 2017

<sup>22</sup> Australian Department of Foreign Affairs and Trade (DFAT), ‘Country Information Report Vietnam’, (Race/Nationality, p11), 21 June 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-vietnam.pdf>. Accessed: 25 September 2017

ethnic minority group members constituted a sizable percentage of the population in certain areas, including the Northwest and Central Highlands and portions of the Mekong Delta.’<sup>23</sup>

5.2.2 Freedom House, Freedom in the World 2017 - Vietnam, 12 July 2017, stated: ‘Ethnic minorities, who often adhere to minority religions, face discrimination in mainstream society, and some local officials restrict their access to schooling and jobs. Minorities generally have little input on development projects that affect their livelihoods and communities.’<sup>24</sup>

5.2.3 For further information see [Treatment of religious groups](#)

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## 6. Specific ethnic groups

### 6.1 Chinese (Hoa)

6.1.1 The size of the Chinese minority in Vietnam is disputed but according to the Minority Rights Group International (MRGI) Profile on Chinese (Hoa), undated, it is believed that numbers are estimated to be around one million, although the MRGI noted that some sources estimated the numbers to be higher, possibly exceeding 2 million in some cases. The profile also noted that: ‘Not all Chinese (known as Hoa) are officially recognized by the government of Vietnam: the Hoa category excludes the San Diu (mountain Chinese) and the Ngai... The majority of ethnic Chinese today live in the south, with perhaps 600,000 living in Ho Chi Minh [HCM] City.’

6.1.2 The MRGI profile further noted:

‘The overall situation for Hoa has improved dramatically, especially when compared to the repression, discrimination and loss of property that they experienced before the 1990s. Overall, Hoa Chinese appear to be benefiting from Vietnam's liberalization of the economy more than other minorities. Indeed, poverty among the Hoa since 1993 has not only decreased more than for any other ethnic minority, it is even lower than the poverty level for majority Kinh.

‘Vietnamese authorities still do not allow private schools teaching in Chinese (Mandarin or Cantonese) to go beyond teaching the actual language. This results in some Hoa parents sending their children to these schools in order to preserve their language and culture rather than to Vietnamese-medium state schools.’<sup>25</sup>

6.1.3 A news article by China Central Television in January 2014, noted: ‘Currently, there are about 500,000 Hoa people in HCM City living mainly in Cho Lon (Big Market) area covering District 5, District 6 and District 10. This

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<sup>23</sup> US State Department's ‘2016 Country Report on Human Rights Practices’, Vietnam, published on 3 March 2017, (Section 6. Discrimination, Societal Abuses, and Trafficking in Persons: National/Racial/Ethnic Minorities, p45), <https://www.state.gov/documents/organization/265598.pdf>. Accessed: 9 February 2018

<sup>24</sup> Freedom House, Freedom in the World 2017 - Vietnam, 12 July 2017, (F. Rule of Law), <https://freedomhouse.org/report/freedom-world/2017/vietnam>. Accessed: 4 December 2017

<sup>25</sup> The Minority Rights Group International, ‘Chineses (Hoa)’, undated, <http://minorityrights.org/minorities/chinese-hoa/>. Accessed: 8 November 2017

is seen as a local Chinatown in the city. Although the Hoa people account for only a small fraction of the city's 8 million population, they control about 30 percent of the privately-owned businesses in the city.<sup>26</sup>

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## 6.2 Montagnards (or Degar)

6.2.1 The below maps show the location of the Montagnards in Vietnam



6.2.2 An undated report by the UNPO noted:

‘The indigenous Degar Montagnard people are concentrated in the Central Highlands of Vietnam. Their support of the United States during the Vietnam war has resulted in continuing animosity, including Degar Montagnards often being labelled as ‘moi’ or savages, or threats to national security. Large populations of Degar Montagnards in Vietnam are prohibited from practicing their Protestant Christianity outside State-sanctioned churches, which puts communities and families at risk of unlawful detainment, torture, and extrajudicial killings.’<sup>27</sup>

6.2.3 The Human Rights Watch report, ‘Persecuting “Evil Way” Religion: Abuses against Montagnards in Vietnam’, 26 June 2015, stated:

‘Over the past decade and a half, the Vietnamese government has launched a series of crackdowns on ethnic minorities in the Central Highlands of Vietnam. Since the French colonial period, these and other upland peoples have been collectively known as Montagnards, or “highlanders.” They are known in Vietnamese as “ngươi thương,” and also live in northeastern

<sup>26</sup> China Central Television, Feature: Hoa people in southern Vietnam prepare to celebrate Chinese spring festival, 24 January 2014, <http://english.cntv.cn/20140124/104214.shtml>. Accessed: 20 November 2017

<sup>27</sup> Unrepresented Nations and Peoples Organization (UNPO), ‘Submission to the UN Office of the High Commissioner for Human Rights, Universal Periodic Review: Vietnam’, (Hmong, p1), undated <http://www.unpo.org/downloads/796.pdf>. Accessed: 2 November 2017

Cambodia and southeastern Laos. Anthropologists and the Vietnamese state have categorized them into a number of “minority nationality” (dan toc tieu so) or ethnic groups based on language and other criteria. These include the ethnically related Jarai (Gia Rai) and E De (Rhade) groups living in Gia Lai, Dak Lak, and Kon Tum provinces of Vietnam and Ratanakiri province of Cambodia. Precolonial Montagnard religious beliefs have been characterized as animist or spirit-worship. During the French colonial period, Catholic missionaries converted some Montagnards to Christianity. After two separate independent Vietnamese states were formed in 1954, Protestant missionaries became increasingly active among highlanders in the southern Republic of Vietnam.<sup>28</sup>

#### 6.2.4 The USCIRF 2017 report noted:

‘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. In 2016, USCIRF received a report that in one incident, authorities arrested at least seven Montagnard Christians from the Central Highlands after police reportedly instructed the individuals to stop believing in God.’

Further adding: ‘USCIRF continues to receive reports of forced renunciations of faith. For example, authorities reportedly harassed followers of Montagnard Pastor Xiem Ksor, who died on January 14, 2016, after public security physically assaulted him on Christmas Eve 2015.’<sup>29</sup>

#### 6.2.5 The DFAT report of June 2017, noted:

‘DFAT assesses that Montagnards (a collective term, also known as Degar) face a moderate risk of official discrimination and harassment due to their religious practice with unregistered Protestant house churches ... and political activism, whether real or imputed. There are reports of official government media publishing articles discouraging citizens from affiliating with Degar Protestantism, as well as increased reports of official harassment and intimidation by local authorities in the Central Highlands area. Montagnards have historically crossed into Cambodia or Thailand.’<sup>30</sup>

#### 6.2.6 The USIRF 2016 report stated:

‘Members of ethnic minority groups collectively known as Montagnards (or Degar) in the Central Highlands stated the government continued to monitor, interrogate, arbitrarily arrest, and discriminate against them, in part because

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<sup>28</sup> Human Rights Watch, ‘Persecuting “Evil Way” Religion: Abuses against Montagnards in Vietnam’, (Background), 26 June 2015, <https://www.hrw.org/report/2015/06/26/persecuting-evil-way-religion/abuses-against-montagnards-vietnam>. Accessed: 2 November 2017

<sup>29</sup> United States Commission on International Religious Freedom, ‘Annual report on religious freedom’, (Harassment of Certain Religious Groups and Individuals, p117) 26 April 2017, <http://www.uscifr.gov/reports-briefs/annual-report/2017-annual-report>. Accessed: 7 November 2017

<sup>30</sup> Australian Department of Foreign Affairs and Trade (DFAT), ‘Country Information Report Vietnam’, (Race/Nationality, p11), 21 June 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-vietnam.pdf>. Accessed: 25 September 2017

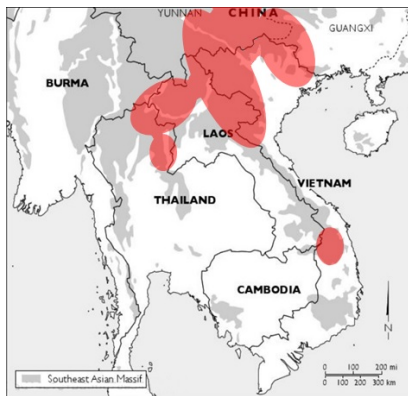
of their religious practices. During the year, senior Ministry of Public Security (MPS) and provincial officials continued to say certain Montagnard church congregations in Kon Tum and Gia Lai Provinces, including churches linked to Degar (or Dega) Christianity, were affiliated with the United Front for the Liberation of Oppressed Races (FULRO), a group that opposed the government during and after the Vietnam War.<sup>31</sup>

- 6.2.7 The 2018 HRW report noted: 'Vietnam responded to the flight of Montagnards into Cambodia by pressuring Cambodian authorities to prevent border crossings and deny the asylum claims of those who arrive in Cambodia. According to the United Nations Refugee Agency, UNHCR, Vietnam pressured the UN and refugee resettlement countries to not accept Montagnards.'<sup>32</sup>

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### 6.3 Hmong

- 6.3.1 The below map shows the Hmong-inhabited areas of Southeast Asia



- 6.3.2 Describing the Hmong ethnic group, the Britannica Encyclopaedia online noted that they predominately resided in China and Southeast Asia and spoke Hmong, one of the Hmong-Mien languages (also known as Miao-Yao languages).

- 6.3.3 The same source added that:

'Since the late 18th century, the Hmong alone among the Miao groups have slowly migrated out of the southern provinces of China, where about 2.7 million still remain... Some 1.2 million have moved into the rugged uplands of northern Vietnam, Laos, Thailand, and the eastern parts of Myanmar (Burma). More than 170,000 live in the United States and nearly 20,000 more in France (15,000), Australia (2,000), French Guiana (1,500), Canada (600), and Argentina (600).'<sup>33</sup>

<sup>31</sup> US State Department, '2016 Report on International Religious Freedom – Vietnam', (Section II. Status of Government Respect for Religious Freedom: Legal Framework), 15 August 2017, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268780#wrapper>. Accessed: 13 February 2018

<sup>32</sup> Human Rights Watch, 'World Report 2018 – Vietnam', (Freedom of Religion), 18 January 2018 <https://www.hrw.org/world-report/2018/country-chapters/vietnam>. Accessed: 13 February 2018

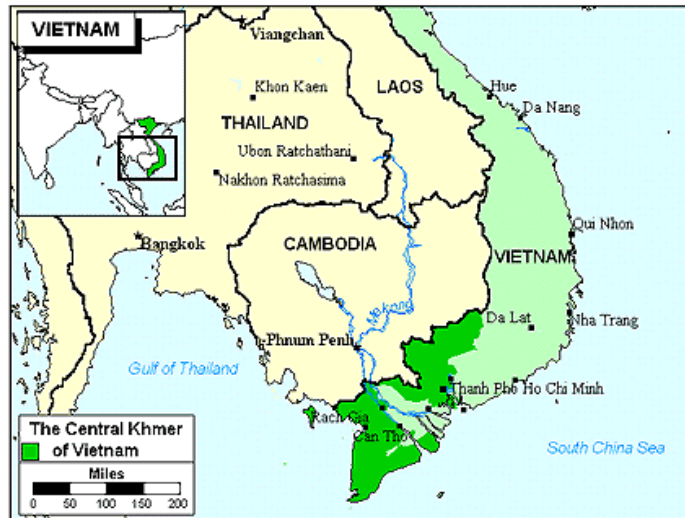
<sup>33</sup> Britannica Encyclopaedia online, Hmong, undated,

6.3.4 For further related to the Hmong ethnic group please see [Protestants](#)

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## 6.4 Khmer Krom

6.4.1 The below map shows the Khmer Krom inhabited areas Vietnam



6.4.2 An undated report by the UNPO noted that : ‘The indigenous Khmer Krom reside in southwest Vietnam, primarily in the Mekong Delta. Following the decline of the Khmer Krom empire in the 15th century, Vietnamese policies focused on displacing Khmer Krom communities and weakening their cultural identity by forcing intermarriage and replacing all traditional Khmer names by Vietnamese ones.’<sup>34</sup>

6.4.3 The UNPO Member Profile Khmer-Krom, July 2015, stated:

‘The Khmer Krom describe themselves as the "Cambodians of the South". Kampuchea Krom was the southernmost territory of the Khmer Empire. Once known as (French) Cochin China, it is now located in the South-western part of Vietnam, covering an area of 89,000 square kilometres bordering Cambodia to the north, the Gulf of Siam to the west, the South China Sea to the south, and the Champa's territory to the northeast. Prey Nokor, later Saigon and now Ho Chi Minh City, was one of the most important commercial cities in Kampuchea Krom.’

‘[The Khmer Krom] are denied the right to freely practice their religion and pass on their culture, and are generally treated as second-class citizens. The mission of the Khmer Krom Federation is to seek freedom, justice and the acceptance of the right to self-determination for those Khmer Krom who are living under the oppression of the Vietnamese Socialist government, through the use of nonviolent measures and the application of international law.’<sup>35</sup>

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<http://www.britannica.com/EBchecked/topic/1364757/Hmong>. Accessed: 13 November 2017

<sup>34</sup> Unrepresented Nations and Peoples Organization (UNPO), ‘Submission to the UN Office of the High Commissioner for Human Rights, Universal Periodic Review: Vietnam’, (Hmong, p1), undated <http://www.unpo.org/downloads/796.pdf>. Accessed: 2 November 2017

<sup>35</sup> The Unrepresented Nations and Peoples Organization (UNPO), Member Profile: Khmer-Krom, (Overview), July 2015, <http://unpo.org/downloads/1572.pdf>. Accessed: 13 November 2017

- 6.4.4 An article published by the human rights organisation, Civil Rights Defenders, dated 25 September 2016, noted ‘The Khmer Krom community is particularly vulnerable to discrimination. Many people of Khmer Krom origin have fled Vietnam to Cambodia, and some have continued on to Thailand, where they apply for refugee status at the UNHCR [United Nations High Commissioner for Refugees]. Religious minority groups also face various forms of discrimination, including violations of their right to freely practice their faith.’<sup>36</sup>

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## 7. Treatment of religious groups

### 7.1 State treatment of registered religious groups

#### 7.1.1 The USCIRF 2017 report noted:

‘In general, religious organizations recognized by the government fare better than unrecognized groups.

‘The Vietnamese government has taken notable steps to improve religious freedom conditions in the country. Many individuals and religious communities are able to exercise their religion or beliefs freely, openly, and without fear. In many communities, religious organizations and local officials get along well, with little to no government interference.’

‘While the government’s Law on Belief and Religion, approved on November 18, 2016, does not comply fully with international standards, the measure reflects the government’s and National Assembly’s good faith efforts to solicit input from some religious organizations, incorporate guidance from international experts in a relatively transparent fashion, and address myriad religious freedom challenges in the country. Nevertheless, severe religious freedom violations continued, especially against ethnic minority communities in rural areas of some provinces.’

‘Religious organizations continue to report threats of eviction from or demolition of their religious property; in some cases, the government follows through on its threats. Not all seizures or destruction of religious property are rooted in religious freedom, but in many cases the acts ultimately disrupt or interfere with religious practices.’<sup>37</sup>

#### 7.1.2 The DFAT report of June 2017, noted:

‘The treatment of religious groups varies widely across different areas of the country and is further dependent upon their relationship with the Government. The CPV [Communist Party of Vietnam] maintains a strong atheistic stance against religion; however, Vietnam is traditionally a Buddhist

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<sup>36</sup> Civil Rights Defenders, Human Rights In Vietnam, (Introduction), 25 September 2016, <https://www.civilrightsdefenders.org/country-reports/human-rights-in-vietnam/>. Accessed: 20 November 2017

<sup>37</sup> The 2017 United States Commission on International Religious Freedom, ‘Annual report on religious freedom’, (Harassment Relating to Property and/or Disruption of Religious Activities, p117) 26 April 2017, <http://www.uscirf.gov/reports-briefs/annual-report/2017-annual-report>. Accessed: 7 November 2017



country, with more than half of the current population (majority Kinh ethnicity) considering themselves to be adherents of Mahayana Buddhism.’

‘[...]DFAT is also aware of credible reports of local authorities either delaying or denying applications for approval and recognition of religious groups with no reason provided’<sup>38</sup>

#### 7.1.3 The USSD-IRF 2016 report stated:

‘Government treatment of religious groups varied from region to region and among the central, provincial, and local levels. Religious followers reported local or provincial authorities, rather than central authorities, committed the majority of harassment incidents. Some local and provincial authorities used the local and national regulatory systems to slow, delegitimize, and suppress religious activities of groups that resisted close governmental management of their leadership structures, training programs, assemblies, and other activities. The government granted The Church of Jesus Christ of Latter-day Saints (Mormons) official national-level recognition in June. In September authorities permitted the Catholic Church to open its first institute of higher education in the country since 1975.’

#### 7.1.4 The USSD-IRF 2016 report also described the government’s position:

‘Both registered and unregistered religious groups stated government agencies sometimes did not respond to registration applications or approval requests for religious activities within the stipulated time period, if at all, and often did not specify reasons for refusals. Some groups reported they successfully appealed local decisions to higher-level authorities through informal channels. A few religious leaders reported authorities sometimes asked for bribes to facilitate approvals. Authorities attributed the delays and denials to the failure of applicants to complete forms correctly or to provide complete information. Local authorities also cited general security concerns, such as political destabilization or potential conflict between followers of established ethnic or traditional religious beliefs and newly introduced Christian beliefs. Some Protestant house churches stated local authorities used registration requirements to harass followers and exert pressure on the religious groups to cease religious activities.

‘A wide range of senior and provincial-level government officials stated during the year that Vietnam fully respected the religious freedom of its citizens and criticized reports of religious freedom abuses and travel restrictions as inaccurate. The government stated it continued to monitor the activities of certain religious groups because of their political activism and invoked national security and solidarity provisions in the constitution and penal code to override laws and regulations providing for religious freedom. This included impeding some religious gatherings and blocking attempts by religious groups to proselytize to certain ethnic groups in border regions

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<sup>38</sup> Australian Department of Foreign Affairs and Trade (DFAT) Country Information Report Vietnam, (Religion, p12), 21 June 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-vietnam.pdf>. Accessed: 25 September 2017

deemed to be sensitive, including the Central Highlands, Northwest Highlands, and certain Mekong Delta provinces.<sup>39</sup>

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## 7.2 State treatment of unregistered religious groups

7.2.1 In 2016 an article published by American Media, a Catholic media platform, observed:

‘After the war ended in 1975, Vietnam’s Communist leaders severely constrained religious freedom in a number of ways, including outright bans on religious organizations and their activities. Most religious leaders had opposed the Communist revolution, fearing what would happen if atheistic Marxists took over... While markedly better today, Vietnam still has a long way to go before it meets the international standards to which it has officially agreed, like Article 18 of the International Covenant on Civil and Political Rights.’<sup>40</sup>

7.2.2 An undated report by the Unrepresented Nations and Peoples Organization report, noted:

‘Religious minorities in Vietnam are subject to severe restrictions. This includes the Khmer Krom, who practice Theravada Buddhism, and Degar Montagnards, who practice Protestant Christianity...

‘Additionally, Theravada Buddhism has been classified as religious organization rather than religion, thus stripping its practitioners of important protections, such as reading relevant religious material, like Khmer-language books and publications, or holding such materials in the libraries. Systematic religious discrimination has reached proportions where it can be termed ‘policy’ and incidents of harassment of Buddhist monks and vandalism on their places of worship are rampant. Cultural and religious holidays are not allowed in schools or elsewhere, while the temples, serving as the centres of Khmer Krom culture, are systematically destroyed. Children that want to study their cultural and religious traditions of Theravada Buddhism have to apply for permission from the government to do so.’<sup>41</sup>

7.2.3 The USCIRF 2017 report noted however, that: ‘The Vietnamese government regularly targets 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 the independent Cao Dai; independent Buddhists like the Unified Buddhist Church of Vietnam (UBCV), Hoa Hao,

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<sup>39</sup> The US State Department, ‘Annual report on religious freedom’, (Section II. Status of Government Respect for Religious Freedom: Government Practices), 15 August 2017, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dlid=268780#wrapper>. Accessed: 13 February 2018

<sup>40</sup> American Media, How Vietnam respects and protects religious freedom has implications beyond its own borders, 29 February 2016, <https://www.americamagazine.org/issue/report-vietnam>. Accessed: 27 November 2017

<sup>41</sup> Unrepresented Nations and Peoples Organization (UNPO), Submission to the UN Office of the High Commissioner for Human Rights, Universal Periodic Review: Vietnam, (Human Rights Issues: Religious Prosecution and Violence, p2-3), undated <http://www.unpo.org/downloads/796.pdf>. Accessed: 2 November 2017

and Khmer Krom; Montagnards; Hmong; Falun Gong; and followers of Duong Van Minh.’ (See: [Hmong](#), [Khmer Krom](#) and [Montagnards](#))

‘Despite clear improvements, the Vietnamese government either directs or allows harassment and discrimination against unregistered, independent religious organizations, particularly those that also advocate for human rights and/or religious freedom. There is a disconnect between the central government’s overtures to improve religious freedom conditions and the ongoing actions taken by local officials, public security, and organized thugs to threaten and physically harm religious followers and their houses of worship or other religious property.’<sup>42</sup>

#### 7.2.4 The DFAT report of June 2017, noted:

‘Credible in-country contacts and human rights advocates reported that several parishes in remote areas with majority ethnic minority congregations faced difficulty registering churches. Local authorities often ignored, or were unaware of, national laws with respect to church registration.

‘In Nghe An province, which is one of three provinces that constitutes the Diocese of Vinh, credible contacts reported a slight improvement compared to previous years due to the increasing strength of the Catholic community and leadership. Local and provincial authorities reportedly continued to harass and forcibly close known house churches; however, in-country contacts reported an increase in registered churches with the exception of a few in ethnic minority dominated areas.’<sup>43</sup>

#### 7.2.5 The USSD-IRF report stated:

‘Religious believers, particularly members of organizations that had not applied for or been granted legal registration, continued to report intimidation by local security officials for attending religious services. In a number of instances, local officials forced church gatherings to disperse, advised or required groups to limit important celebrations in scope or content, closed unregistered house churches, or pressured individuals to renounce their religious beliefs and cease religious activities.’

‘Government authorities continued to limit the activities of unrecognized religious groups and those without certificates of registration for religious activities, particularly those the government believed to be engaged in political activity, while members of recognized groups or those with registrations were able to practice their beliefs with less interference, according to reports.’

‘Government authorities continued to limit the activities of unrecognized religious groups and those without certificates of registration for religious activities, particularly those groups the government believed to be engaged

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<sup>42</sup> The 2017 United States Commission on International Religious Freedom, ‘Annual report on religious freedom (covering January 2016 to February 2017)’, (Background, p117) 26 April 2017, <http://www.uscirf.gov/reports-briefs/annual-report/2017-annual-report>. Accessed: 7 November 2017

<sup>43</sup> Australian Department of Foreign Affairs and Trade (DFAT) Country Information Report Vietnam, (Unregistered churches, Para 3.12-3.13, p13), 21 June 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-vietnam.pdf>. Accessed: 25 September 2017

in political activity. Members of recognized groups or those with certificates of registration were reportedly able to practice their beliefs with less interference. The government continued to restrict the activities of recognized religious groups in education and health, although less so than in previous years, and severely restricted such activities by groups without certificates of registration. Religious leaders, particularly those of groups without recognition or certificates of registration, reported various forms of governmental harassment, including physical assault, short-term detention, prosecutions, monitoring, restrictions on travel, property seizure or destruction, and denials of registration and/or other permissions, especially in the Central and Northwest Highlands.<sup>44</sup>

#### 7.2.6 The Human Rights Watch World Report 2018 – Vietnam, stated:

‘The government monitors, harasses, and sometimes violently cracks down on religious groups operating outside government-controlled institutions. Unrecognized branches of the Cao Dai church, Hoa Hao Buddhist church, independent Protestant and Catholic house churches, Khmer Krom Buddhist temples, and the Unified Buddhist Church of Vietnam face constant surveillance. In June [2017], An Giang province authorities set up a barrier to block people from Quang Minh Pagoda celebrations on the founding day of Hoa Hao Buddhism.’

‘Ethnic Montagnards face surveillance, intimidation, arbitrary arrest, and mistreatment by security forces. Authorities compelled members of independent Christian Montagnard religious groups to publicly denounce their faith... In April [2017], the People’s Court of Gia Lai province sentenced at least five Montagnards to 8 to 10 years in prison for the so-called crime of participating in independent religious groups not approved by the government.’<sup>45</sup>

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### 7.3 Legal recourse

#### 7.3.1 The United Nations Special Rapporteur noted from his visit to Vietnam in 2014, that:

‘Article 30 of the 2013 Constitution enshrines everyone’s right to lodge complaints with competent State authorities. Indeed, the efficient realization of human rights, including freedom of religion or belief, largely depends on the availability of suitable legal recourse. Everyone should have recourse, without being required to meet undue thresholds or burdens, to legal instruments to be able to challenge decisions taken by the authorities if they feel their rights have been infringed upon. Independent courts should be entrusted with the assessment of such complaints, in accordance with all principles of due process. The main purpose of legal recourse is not to

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<sup>44</sup> US State Department (USSD-IRF), ‘2016 Report on International Religious Freedom – Vietnam’, (Executive Summary), 15 August 2017,

<https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268780#wrapper>.

Accessed: 13 February 2018

<sup>45</sup> Human Rights Watch, ‘World Report 2018 – Vietnam’, (Freedom of Religion), 18 January 2018

<https://www.hrw.org/world-report/2018/country-chapters/vietnam>. Accessed: 13 February 2018

identify possible wrongdoings by individual members of the administration, but to ensure a consistent implementation of human rights for everyone.’

### 7.3.2 Further adding:

‘When asking for examples of cases in which people have successfully challenged alleged infringements of their freedom of belief and religion, as enshrined in article 24 of the Constitution, I heard that such cases are not known in Viet Nam. Even members of the People’s Supreme Court were not aware of a single case. This is surprising – even more so against the background of quite a number of conflicts over land issues which have been brought to my attention. Some of these conflicts seem to involve a dimension of freedom of religion or belief, for instance, when land previously used for religious cemeteries or houses of worship has been taken for purposes of economic development.’<sup>46</sup>

### 7.3.3 The USSD 2016 Report noted: ‘Although the law provides for a process for civil redress in cases of human rights violations by a civil servant, there was little effective recourse to civil or criminal judicial procedures to remedy human rights abuses, and few legal experts had relevant experience.’<sup>47</sup>

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## 8. Specific religious groups

### 8.1 Protestants

#### 8.1.1 The World Watch Monitor, a Christian faith website noted that:

‘Three Christians are known to have been killed and scores abducted in 2016, and 35 churches were attacked. Violence against Christians is increasing in Vietnam, yet the church is growing among ethnic minorities. Christians who come from a Buddhist or animist background experience the strongest pressure, both from their communities and the authorities. Christian ethnic minorities, such as the Montagnards, also face fierce opposition. All Christian groups are monitored by the government, registering churches is difficult, and a new law on religion and belief limits religious groups by controlling meetings.’<sup>48</sup>

#### 8.1.2 The USCIRF 2017 report noted:

‘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

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<sup>46</sup> UN Office of the High Commissioner for Human Rights: Press Statement on the visit to the Socialist Republic of Viet Nam by the Special Rapporteur on freedom of religion or belief, 31 July 2014, (The issue of legal recourse),

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14914&LangID=E>.

Accessed: 27 November 2017

<sup>47</sup> US State Department’s ‘2016 Country Report on Human Rights Practices’ (USSD Report 2016), Vietnam, published on 3 March 2017, (Section 6. Discrimination, Societal Abuses, and Trafficking in Persons: National/Racial/Ethnic Minorities, p47),

<https://www.state.gov/documents/organization/265598.pdf>. Accessed: 9 February 2018

<sup>48</sup> World Watch Monitor, Vietnam, undated, <https://www.worldwatchmonitor.org/countries/vietnam/>.

Accessed: 27 November 2017

authorities and pressured to cease practicing their faith, and pastors are harassed or punished. In 2016, USCIRF received a report that in one incident, authorities arrested at least seven Montagnard Christians from the Central Highlands after police reportedly instructed the individuals to stop believing in God.'

'For example, on March 24, 2016, officials attempted to seize the An Ninh Tay Cao Dai Temple in Long An Province by locking the doors and demanding that two church officials abandon the temple. The temple is used by followers of the independent Cao Dai Church, whom local officials have for years tried to pressure into joining the government-sanctioned Cao Dai Church. In June 2016, local authorities desecrated a cross and destroyed other property at the Thien An Catholic monastery in Thua Thien-Hue Province. The local government had accused the monastery of illegal deforestation on the property, an allegation monastery officials deny. On September 8, 2016, authorities in Ho Chi Minh City seized and demolished the UBCV-affiliated Lien Tri Pagoda and evicted its monks. For more than two years, authorities threatened to demolish the pagoda, harassing and intimidating Buddhists in order to make way for development projects.'

'The government harassed followers of the small Christian sect known as Duong Van Minh and burned and/or destroyed funeral storage sheds central to the group's core practices. As of September 2016, authorities, sometimes plain clothes, destroyed 52 of 56 funeral sheds throughout four provinces. On August 29, 2016, in Tuyen Quang Province, authorities reportedly injured at least eight Duong Van Minh followers while destroying the group's funeral sheds.'<sup>49</sup>

- 8.1.3 The World Watch List, an annual report published by Open Doors, ranked Vietnam at number 17 out of 50 countries where it is most difficult to profess and practice the Christian faith and found that:

'Three Christians are known to have been killed and scores abducted in 2016, and 35 churches were attacked. Violence against Christians is increasing in Vietnam, yet the church is growing among ethnic minorities. Christians who come from a Buddhist or animist background experience the strongest pressure, both from their communities and the authorities. Christian ethnic minorities, such as the Montagnards, also face fierce opposition. All Christian groups are monitored by the government, registering churches is difficult, and a new law on religion and belief limits religious groups by controlling meetings.'<sup>50</sup>

- 8.1.4 A further article published by the World Watch Monitor on 16 November 2017, reported on the growing number of Christians amongst the Hmong:

'Christianity started spreading among the Hmong in the highlands of northwest and central Vietnam in the late 1980s through a Hmong-language

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<sup>49</sup> The 2017 United States Commission on International Religious Freedom, 'Annual report on religious freedom (covering January 2016 to February 2017)', (Harassment Relating to Property and/or Disruption of Religious Activities, p117) 26 April 2017, <http://www.uscifr.gov/reports-briefs/annual-report/2017-annual-report>. Accessed: 7 November 2017

<sup>50</sup> World Watch Monitor, Vietnam, <https://www.worldwatchmonitor.org/countries/vietnam/>, Undated. Accessed: 20 December 2017

Christian radio program broadcast from Manila and has led to “a remarkable religious transformation ... in the past three decades”, according to academic Seb Rumsby, writing for The Diplomat. Among the one million Hmong there are now an estimated 400,000 Christians, and “the social, economic, and political impacts of religious change – from persecution and migration to lifestyle changes and new gender relations – are becoming increasingly difficult to ignore”, says Rumsby.<sup>51</sup>

- 8.1.5 The article also reported about a family who suffered beatings when they converted to Christianity:

‘When Thao, his son and daughter-in-law became Christians in 2016, his younger brother reported them to the local authorities. One day, his brother showed up at Thao’s house with a mob. “They tied me with a rope and a part of that rope was used to fiercely hit me six times,” Thao recalls. “After beating me, they brought me to the village culture hall and I was forced to sign a paper [renouncing my faith].”

‘The village secretary threatened Thao that if he didn’t give up his new faith, the government would be informed and he and his family would be expelled from the village. Thao says that while he was searching for a new place to live, his brother raped his daughter-in-law. He says they have forgiven his brother but decided they could no longer stay in the village.’<sup>52</sup>

‘Vang, a 28-year-old father of two from the same village as Thao in northwest Vietnam, was the first person in the village to convert to Christianity. In April last year, shortly after Thao’s beating, Vang was targeted as well. He says his brother hit him so hard that it has left his arm permanently disabled. Following the beating, the mob also destroyed his house. The wooden ceiling, walls, doors and windows were all smashed to pieces. Vang says the destruction of his house was not just to put him and his family to shame; it was also meant as a “warning” to other villagers not to turn to Christianity. After he decided to leave the village, Vang says “the government told me they will take my land and my animals [without compensation] because I believe in my God.”’<sup>53</sup>

- 8.1.6 The DFAT report of June 2017, noted:

‘Protestants in Vietnam constitute an estimated 1-2 percent of the total population (approximately 900,000 to 1.8 million), and predominantly reside in the northern and central highlands of the country. Protestantism is one of the 14 distinct religions that hold full government recognition and registration; however, similar to Catholicism, there are unregistered groups and churches in more remote areas that encounter barriers to freely practice and register

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<sup>51</sup> World Watch Monitor, ‘The ‘remarkable religious transformation’ of Vietnam’s Hmong’, 16 November 2017, <https://www.worldwatchmonitor.org/2017/11/remarkable-religious-transformation-vietnams-hmong/>. Accessed: 6 December 2017

<sup>52</sup> World Watch Monitor, ‘The ‘remarkable religious transformation’ of Vietnam’s Hmong’, 16 November 2017, <https://www.worldwatchmonitor.org/2017/11/remarkable-religious-transformation-vietnams-hmong/>. Accessed: 6 December 2017

<sup>53</sup> World Watch Monitor, ‘The ‘remarkable religious transformation’ of Vietnam’s Hmong’, 16 November 2017, <https://www.worldwatchmonitor.org/2017/11/remarkable-religious-transformation-vietnams-hmong/>. Accessed: 6 December 2017

places of worship. According to estimates by adherents and published by the US Department of State, two-thirds of Protestants are members of ethnic minorities; most notably the Montagnards in the central highlands and the H'mong, Thai and others in the north-west highlands.'

'DFAT assesses that Protestants are able to practise their faith more freely than in 2014 and 2015, continue to face a moderate level of harassment in remote areas due to the authorities' reluctance to register house churches. DFAT notes that authorities' actions appear to be motivated by the perceived political views or activities of these groups, rather than religious beliefs. The Government continues to scrutinise some groups more than others, due to a perceived involvement with separatist political organisations. Given that a high percentage of Protestants belong to ethnic minorities, especially the Montagnards, the Government remains suspicious of ethnic minorities establishing religious groups within the sensitive mountainous regions.'<sup>54</sup>

8.1.7 For information linked to the protestant faith please see [Montagnards](#)

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## 8.2 Catholics

8.2.1 The DFAT report of June 2017, noted:

'Roman Catholics constitute seven percent of Vietnam's total population (approximately 6.7 million) and is one of 14 distinct religions that hold full government recognition and registration. Catholics are present across most districts, provinces and cities, with a strong presence in central Vietnam: Nghe An, Ha Tinh and Quang Binh, which have approximately 500,000 followers according to the Catholic Church in Vietnam. The situation for Catholics has continued to improve in recent years, especially in Hanoi and Ho Chi Minh city; however, there are still constraints relating to registration of new churches. In August 2015, the Government approved the establishment of the Vietnamese Catholic Institute, the first faith-based educational institution in Vietnam able to grant Bachelor and Masters degrees. The Institute officially opened in September 2016 initially offering a Masters theological course to 23 selected priests from dioceses within the country.'

'DFAT has observed that Catholics are able to practise freely at registered churches and that bibles and other religious texts are readily available in cities and towns. DFAT assesses that religious observance and practice only becomes an issue when it is perceived to challenge the authority or interests of the CPV and its policies.'

'DFAT assess that Catholics in remote areas who practise at unregistered churches can be subject to periodic incidents of harassment and intimidation. DFAT is aware of more serious incidents of violence, such as local authorities beating citizens; however, this generally appears to be

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<sup>54</sup> Australian Department of Foreign Affairs and Trade (DFAT) Country Information Report Vietnam, (Protestants, Para 3.12, p13), 21 June 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-vietnam.pdf>. Accessed: 25 September 2017



related to other activities such as protesting against land confiscation and anti-government activities rather than merely due to a person's religion.'<sup>55</sup>

- 8.2.2 The USCIRF 2017 report, noted that: '[I]n June 2016, authorities disrupted a Catholic prayer service, held at a parishioner's home in the Muong Khuong district of Lao Cai Province. Security agents reportedly assaulted some of the Catholics and confiscated cellphones of those attempting to record the incident.'<sup>56</sup>

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### 8.3 Buddhism - Unified Buddhist Church of Vietnam

- 8.3.1 The United Nations Special Rapporteur noted from his visit to Vietnam in 2014, that:

'During my meetings with representatives of independent Buddhist communities I heard complaints about ongoing repression, including police summons, house arrests, imprisonments and confiscation of property, which would prevent individuals from exercising their freedom of religion or belief in even a minimal way. Although I have not been able to make an appropriate and detailed analysis of all their complaints, which would require much more information from all concerned parties, the general attitude of delegitimizing non-official religious practices, which I have encountered in many conversations, are clear indicators that independent Buddhist communities currently cannot exercise their freedom of religion or belief.'<sup>57</sup>

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### 8.4 Hoa Hao Buddhists

- 8.4.1 The Encyclopedia Britannica online undated profile of the Hoa Hoa, noted:

'Hoa Hao, in full Phat Giao Hoa Hao, Vietnamese Buddhist religious movement that was formed in 1939 by the Buddhist reformer Huynh Phu So. The Hoa Hao, along with the syncretic religious group Cao Dai, was one of the first groups to initiate armed hostilities against the French and later the Japanese colonialists.'

'Based in the prosperous Mekong River delta area of southern Vietnam, where its adherents were mostly peasants, tenants, and rural workers, the Hoa Hao grew rapidly during the Japanese occupation in World War II. After the war, it continued as an independent force in Vietnamese politics,

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<sup>55</sup> Australian Department of Foreign Affairs and Trade (DFAT) 'Country Information Report Vietnam', (Unregistered churches, Para 3013, p13), 21 June 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-vietnam.pdf>. Accessed: 25 September 2017

<sup>56</sup> The 2017 United States Commission on International Religious Freedom, 'Annual report on religious freedom (covering January 2016 to February 2016)', (Harassment Relating to Property and/or Disruption of Religious Activities, p117) 26 April 2017, <http://www.uscirf.gov/reports-briefs/annual-report/2017-annual-report>. Accessed: 7 November 2017

<sup>57</sup> UN Office of the High Commissioner for Human Rights: Press Statement on the visit to the Socialist Republic of Viet Nam by the Special Rapporteur on freedom of religion or belief, 31 July 2014, (Autonomy of religious and belief communities), <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14914&LangID=E>. Accessed: 27 November 2017

opposing both the French colonialists and the Viet Minh nationalist movement of Ho Chi Minh. After 1954 the Hoa Hao and Cao Dai began armed opposition to the U.S.-backed government of President Ngo Dinh Diem. At the time of Diem's death in 1963, the Hoa Hao had control of several southern and western provinces of South Vietnam. Though many Hoa Hao adherents joined the communist-backed National Liberation Front in the late 1960s, the Hoa Hao remained a powerful independent force in South Vietnamese politics until the final victory of the communists in 1975.<sup>58</sup>

#### 8.4.2 The DFAT report of June 2017, noted:

'Hoa Hao Buddhists constitute 1.5-3 percent of the total population (approximately 1.3 to 2.8 million) and is one of 14 distinct religions that hold full government recognition and registration. However, some adherents do not participate in government-recognised groups. The government-sanctioned Central Committee of Hoa Hao Buddhism is located in An Giang province in the Mekong Delta area, the birthplace of the religion's founder, Prophet Huynh Phu So. His birth date is a significant celebration day for followers each year on 25 November. An important aspect of the faith is the emphasis of practising at home or while tending your land, given most followers are farmers. The religion favours grassroots aid work over temple worship or elaborate ceremonies.'

'Many followers refuse to join the government-sanctioned Hoa Hao Buddhist organisation due to authorities' tight control over the central committee. Human rights defenders reported that plain-clothes police continue to monitor and harass leaders of unregistered Hoa Hao groups. In August 2016, a member of the unregistered Hoa Hao group that operates outside government control was released from prison after serving a two-and-a-half-year sentence. He was arrested in 2014 and charged with creating a 'serious obstruction to traffic' while he and a colleague were on their way to visit a former political prisoner.'

'DFAT assess that individuals who engage in open criticism of the government-sanctioned Central Committee of Hoa Hao Buddhism or the authorities in An Giang province have a high risk of harassment, destruction of property and pressure to join the government-sanctioned groups. Followers who practise their faith at home and within government-sanctioned boundaries are unlikely to attract adverse attention from authorities.'<sup>59</sup>

#### 8.4.3 The USCIRF 2017 report recorded:

'In June 2016, public security officials harassed, physically assaulted, and prevented several Hoa Hao Buddhists from participating in celebrations associated with the June 22 anniversary of their faith. Authorities used checkpoints to block access to Quang Minh Pagoda, the only Hoa Hao Buddhist pagoda in the country not under the government's control.'

<sup>58</sup> Encyclopedia Britannica (Online), Hoa Hao, undated, <https://www.britannica.com/topic/Hoa-Hao-Vietnamese-religious-movement>. Accessed: 28 November 2017

<sup>59</sup> Australian Department of Foreign Affairs and Trade (DFAT) Country Information Report Vietnam, (Hoa Hao Buddhists, Para 3.19, p14), 21 June 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-vietnam.pdf>. Accessed: 25 September 2017

'Hoa Hao Buddhists reported other incidents involving the pagoda in January and April 2016; according to Hoa Hao followers, the April incident led to the beating of one of their religious leaders by unknown attackers who may have been part of public security. Hoa Hao Buddhists reported a separate April incident in An Giang Province in which both plain clothes and uniformed public security threatened, harassed, or assaulted more than 50 followers.'<sup>60</sup>

8.4.4 In April 2017, Radio Free Asia reported:

'Police in Phuoc Hung village, Phuoc Hoa commune, in the province's An Phu district followed a group of Hoa Hao motorbikers as they were leaving the home of Bui Van Trung, who served a four-year jail sentence for four years for resisting officials carrying out state deeds. He was released in October 2016. "Five policemen followed Hoa Nam, also known as Teo, to a deserted place and beat him," Trung told RFA's Vietnamese Service. "Teo was among the group of 11 motorbikers leaving my house after the prayers." Trung said that the harassment began on the night of April 18 when traffic police stopped fellow Hoa Hao Buddhists going to his house. They confiscated their motorbike registration papers and did not return them, he said. When the harassment continued, Trung and scores of fellow Hoa Hao Buddhist followers raised a banner to protest against local authorities for preventing them from worshipping.'<sup>61</sup>

8.4.5 The RFA article added:

'The Hoa Hao Buddhists in An Giang province are among those who do not obey the officially sanctioned Hoa Hao Church Committee by Hanoi's communist government. Vietnam's government officially recognizes the Hoa Hao religion, which has some two million followers across the country, but imposes harsh controls on dissenting Hoa Hao groups, including the sect in An Giang province, that do not follow the state-sanctioned branch. Rights groups say that authorities in An Giang routinely harass followers of the unapproved groups, prohibiting public readings of the Hoa Hao founder's writings and discouraging worshipers from visiting Hoa Hao pagodas in An Giang and other provinces.'<sup>62</sup>

8.4.6 In January 2018 a Vietnam court sentenced four Buddhists to a total of 31 years in prison for 'conducting campaigns against the communist government'. Reporting on the arrests, the Union of Catholic Asian News stated:

'The People's Court of An Giang province on Jan. 23 sentenced Vuong Van Tha, 49, to 12 years in prison and his son Vuong Thanh Thuan, 28, to seven

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<sup>60</sup> The 2017 United States Commission on International Religious Freedom, 'Annual report on religious freedom (covering January 2016 to February 2017)', (Harassment Relating to Property and/or Disruption of Religious Activities, p117) 26 April 2017, <http://www.uscirf.gov/reports-briefs/annual-report/2017-annual-report>. Accessed: 7 November 2017

<sup>61</sup> Radio Free Asia, Hoa Hao Buddhists Protest Against Harassment, Beatings in Vietnam's An Giang, <https://www.rfa.org/english/news/vietnam/hoa-hao-buddhists-protest-04192017135408.html>. Accessed: 9 March 2018

<sup>62</sup> Radio Free Asia, Hoa Hao Buddhists Protest Against Harassment, Beatings in Vietnam's An Giang, <https://www.rfa.org/english/news/vietnam/hoa-hao-buddhists-protest-04192017135408.html>. Accessed: 9 March 2018

years. Twins Nguyen Nhat Truong and Nguyen Van Thuong, 33, were both jailed for six years. The four defendants from the indigenous Hoa Hao Buddhist sect were also given three years' probation each. "When the trial began, my husband cried in protest and refused to accept a lawyer nominated by the judge," said Tha's wife Le Thi Le Ha. Ha, who was the only relative of the four defendants to attend the trial, said Tha also complained that the trial was unfair and that few of his relatives were allowed to attend. "Police controlled him while the three other defendants hit their heads against the table to protest the judge," she said. "Then they took him to a private room where he could listen to the sentence and the trial ended."<sup>63</sup>

8.4.7 The UCA further added: 'According to the indictment, Tha, a father of two, used loudspeakers to slam government leaders for persecuting Hoa Hao followers, spread anti-government videos on social media, and called on people to protest the government. Truong and Thuong were accused of giving food to Tha's family and supporting his work. A local Hoa Hao Buddhist sect leader said the sentences "are very severe because the defendants have poor education."<sup>64</sup>

8.4.8 A February 2018 News article by Christian Solidarity Worldwide, observed: 'Hoa Hao Buddhism is recognised by the Vietnamese government, but many Hoa Hao Buddhists refuse to belong to the state-sponsored Hoa Hao Administrative Council, which was established by the Vietnam Fatherland Front, a body under the leadership of the Communist Party of Vietnam. Christian Solidarity Worldwide's (CSW) research suggests that independent Hoa Hao Buddhist groups and their members suffer ongoing harassment by the authorities, including confiscation of land used for religious worship, intrusive surveillance and disruption of religious activities.'<sup>65</sup>

8.4.9 The CSW article further noted: 'Six Hoa Hao Buddhists in Vietnam have been sentenced to up to six years in prison after holding a peaceful demonstration against suppression of the right to freedom of religion or belief. Bui Van Trung, Bui Van Tham, Nguyen Hoang Nam, Le Thi Hong Hanh and Bui Thi Bich Tuyen were sentenced to between three and six years in prison; Le Thi Hen was given a suspended sentence of two years. The trial took place in An Giang Province on 9 February. All six were charged with 'disrupting public order' under Article 245 of the penal code, and Bui Van Tham was also charged with 'resisting officials performing their duty' (Article 257).'<sup>66</sup>

8.4.10 The CSW article further added: 'In April 2017, the six Buddhists held a peaceful demonstration after police prevented Hoa Hao Buddhists from commemorating the death of another

<sup>63</sup> Union of Catholic Asian News (UCAN), Hoa Hao Buddhists jailed in Vietnam, 26 January 2018, <https://www.ucanews.com/news/hoa-hao-buddhists-jailed-in-vietnam/81346>. Accessed: 12 March 2018

<sup>64</sup> Union of Catholic Asian News (UCAN), Hoa Hao Buddhists jailed in Vietnam, 26 January 2018, <https://www.ucanews.com/news/hoa-hao-buddhists-jailed-in-vietnam/81346>. Accessed: 12 March 2018

<sup>65</sup> Christian Solidarity Worldwide, Six Vietnamese Hoa Hao Buddhists Sentenced, 12 February 2018, <http://www.csw.org.uk/2018/02/12/press/3839/article.htm>. Accessed: 12 March 2018

<sup>66</sup> Christian Solidarity Worldwide, Six Vietnamese Hoa Hao Buddhists Sentenced, 12 February 2018, <http://www.csw.org.uk/2018/02/12/press/3839/article.htm>. Accessed: 12 March 2018

member of the community at Bui Van Trung's home. The police also instructed men in civilian clothing to confiscate two motorbikes belonging to people trying to attend the commemoration. The same men beat Bui Van Trung's son Bui Van Tham when he tried to intervene. Members of the community organised a peaceful demonstration to protest these actions and the authorities' suppression of religious freedom.<sup>67</sup>

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## 9. Freedom of movement

### 9.1.1 The USSD Report 2016, noted:

'The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government imposed some limits on the movement of certain individuals, especially those convicted under national security or related charges or those outspoken in their criticism of the government... A government restriction regarding travel to certain areas required citizens and resident foreigners to obtain a permit to visit border areas, defense facilities, industrial zones involved in national defense, areas of "national strategic storage," and "works of extreme importance for political, economic, cultural, and social purposes".

'Local police required citizens to register when staying overnight in any location outside of their own homes; the government appeared to enforce these requirements more strictly in some Central and Northern Highlands districts... In general authorities did not strictly enforce residency laws, and migration from rural areas to cities continued unabated. Moving without permission, however, hampered persons seeking legal residence permits, public education, and healthcare benefits.

'Some members of ethnic minority groups... asserted that upon their return, Vietnamese authorities detained and questioned them, sometimes for up to several days. Family members also reported police closely monitored both those who had fled to Cambodia and Thailand, and their relatives.'<sup>68</sup>

### 9.1.2 The DFAT report of June 2017, noted:

'Internal relocation is common, with large scale urbanisation occurring in recent decades alongside other migration for economic purposes. Younger members of ethnic groups schooled in the Vietnamese language are significantly more likely to overcome linguistic and cultural barriers to successfully relocate... The strong and effective Vietnamese public security network means that there are few options for internal relocation to seek protection from state authorities.'<sup>69</sup>

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<sup>67</sup> Christian Solidarity Worldwide, Six Vietnamese Hoa Hao Buddhists Sentenced, 12 February 2018, <http://www.csw.org.uk/2018/02/12/press/3839/article.htm>. Accessed: 12 March 2018

<sup>68</sup> US State Department's '2016 Country Report on Human Rights Practices' (USSD Report 2016), Vietnam, published on 3 March 2017, (Section 2. Respect for Civil Liberties Including: d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons, p30), <https://www.state.gov/documents/organization/265598.pdf>. Accessed: 9 February 2018

<sup>69</sup> Australian Department of Foreign Affairs and Trade (DFAT), 'Country Information Report Vietnam', (internal relocation, p24), 21 June 2017, <http://dfat.gov.au/about-us/publications/Documents/country-information-report-vietnam.pdf>. Accessed:

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25 September 2017

# Version control

## Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **28 March 2018**

## Changes from last version of this note

This CPIN is an amalgamation of the ethnic groups and religious groups CPINs and contains updated country information and guidance.

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