

14 July 2005

VIETNAM: Three fundamental causes of persecution remain

By Magda Hornemann, Forum 18

Despite three new legal documents on religion since last November, government harassment of religious communities has not eased. Prison sentences on Mennonite pastor Nguyen Hong Quang and a colleague were confirmed in April, two Hoa Hao Buddhists were given prison sentences and massive fines the same month for distributing the teachings of their movement's founder, while Hmong Protestants in the north-west were beaten by local officials and had their properties confiscated in May. The Unified Buddhist Church of Vietnam and numerous Protestant churches remain outlawed. A comparison of the situation five years ago and today shows no change in the fundamental causes of persecution: the restrictions on unregistered religious activity, the interference in the activity of registered religious communities and the lack of a transparent line of command from the central government to local officials which allows local violations to continue. If religious freedom is to improve, these three causes of persecution will be crucial benchmarks of change.

Over the past year, Vietnam has implemented three new legal documents on religion: a new ordinance on religious affairs and two prime ministerial decrees on how that ordinance should be implemented. The ordinance officially went into effect in November 2004 and ostensibly replaced the 1999 prime ministerial decree as the controlling government document on religion – hence the ordinance's importance (for an analysis of the ordinance see F18News 21 September 2004

http://forum18.org/Archive.php?article_id=415). This piece of legislation, along with the two implementation decrees – one of which specifically addresses Protestant Christian issues – was hailed by Vietnamese officials as an indication that their government was taking greater strides toward protecting people's right to "believe or not believe" in religion.

Yet, during this 12-month period, the government continued to violate religious freedom. On 8 June 2004, just days before the religious affairs ordinance was promulgated, Pastor Nguyen Hong Quang, a leader of the non state-approved Mennonite Church, was arrested on charges related to an altercation in March 2004, when police allegedly entered the Mennonite church in Ho Chi Minh City (Saigon) where Quang had lived and worked, and harassed other church workers. Pastor Quang was sentenced to three years in prison in November 2004, the month when the religious affairs ordinance went into effect. In April 2005, a court upheld Pastor Quang's sentence and that of his associate, the Mennonite evangelist Pham Ngoc Thach.

In late September 2004, according to Human Rights Watch, hundreds of local officials and police in the Central Highland province of Kon Tum arrived at the home of another Mennonite pastor, Nguyen Cong Chinh. They confiscated his belongings and burned his home and chapel, which were later bulldozed. Two months later, a court in the province of Dak Nong, also in the Central Highlands, sentenced 17 ethnic minority Protestants to up to 10 years in prison for undermining national security for joining an April 2004 protest against religious repression and land confiscation. In May 2005, Hmong Protestant Christians in Vietnam's north-western provinces told Radio Free Asia that they were beaten by local officials and that their properties were confiscated.

Relations between the Catholic Church and the government remain tense as the communist regime continues to interfere in the training, appointment and assignment of priests. Father Thaddeus Nguyen Van Ly, who has become one of the most prominent Vietnamese dissidents in recent years, was released from prison in February 2005 as part of the government's general amnesty to 8,000 prisoners and the same month, the government approved the appointment of Joseph Ngo Quang Kiet as Archbishop of Hanoi, replacing the ailing Cardinal Pham Dinh Tung. Yet the government's record of interference in church affairs had prompted the Archbishop of Hue to tell Asia News in November 2004 that the new religious ordinance will continue to limit the Catholic Church's ability to conduct its own affairs.

During the same period, the state has maintained its control over non-Christian religious communities and committed violations against members of those communities. In June 2004, just as the new religious ordinance was promulgated, a Hoa Hao organisation in the United States reported that the Vietnamese government elevated a state-appointed administrative committee – headed by a long-time communist – that has been managing the religious community. The re-named Central Administrative Council arbitrarily replaced the charter of the religious community with a new one and changed the regulations governing the Hoa Hao Ancestral Temple, which is perceived by many Hoa Hao Buddhists to remain the property of the family of the religion's founder, Huynh Phu So.

In February 2005, according to the same US-based Hoa Hao organisation, two Hoa Hao Buddhists, Tran Van Hoang and Tran Van

Thang, were arrested at their home in the province of An Giang for the unauthorised distribution of compact discs and cassettes containing Huynh Phu So's teachings. In April, the brothers were handed prison sentences of nine and six months respectively, while Hoang was also fined 20 million dong (8,247 Norwegian kroner, 1,040 Euros or 1,260 US dollars) and Thang 10 million dong. These are astronomical sums, given that Vietnam's annual per capita GDP is only some 500 US dollars. In August 2004, according to Agence France Presse, a cleric of the indigenous Cao Dai religion was arrested for illegal preaching.

In addition, the government has continued to outlaw the Unified Buddhist Church of Vietnam (UBCV), the dominant Buddhist organisation before the communists reunified the country in 1975. In May 2005, according to the Paris-based International Buddhist Information Bureau (IBIB), police interrogated several young monks in the Nguyen Thieu Monastery, where the UBCV Patriarch, the Venerable Thich Huyen Quang, is under "pagoda arrest". They were accused of disseminating special messages by the patriarch and his deputy, the Venerable Thich Quang Do, commemorating the birth of the Buddha and threatened with expulsion if they did not immediately cease all affiliations and contacts with the UBCV.

Such continued harassment has led many critics of the new religious ordinance to conclude that it is simply "old wine in new wineskins". Truong Tri Hien, a former leader of the unregistered Mennonite Church in Ho Chi Minh City now in exile, argued that the three documents contain considerable contradictions which provide opportunities for local officials to interpret and enforce these regulations at their own discretion (for Hien's personal commentary, see F18News 6 July 2005 http://www.forum18.org/Archive.php?article_id=598). Put simply, Hien and others argue that the government's policy on religion remains unchanged - and repressive.

While difficult to challenge this assessment of the regulations, it may be premature to conclude that government policy will not be affected by them. After all, the ordinance only went into effect seven months ago, and the two decrees even more recently. It is difficult to imagine how any government can reverse policies and practices that have been in existence for nearly thirty years with one stroke of the pen, let alone a government that has had very strained relations with the religious communities.

Moreover, even if policies are easy to change, mindsets are not. Communist party and government officials mostly remain trapped in the anti-religion mindset. Furthermore, even if any of the officials were remotely sympathetic to the plight of religious believers, they would likely still give priority to their personal political and professional interests. More time may be required before it is clear how far these regulations will eventually effect real changes in the state of religious freedom.

However, how much time is sufficient to reach a solid conclusion about the impact of this latest round of regulations? Given that it was approximately five years ago in April 1999 that the government last promulgated a prime ministerial decree on religious affairs, five years may be a useful reference point to make such an assessment. Moreover, it was around this time in 1998 that the United States became the first – and so far only – country to enact a law that required its government to issue annual reports on the conditions of religious freedom across the globe, and Vietnam's religious freedom conditions very quickly became the focus of US congressional attention, particularly when the two countries signed and ratified their Bilateral Trade Agreement.

Five years ago, the UBCV was already a banned religious organisation. The patriarch was already under pagoda arrest and the second-ranking leader of the group was under regular surveillance by the government. Government officials harassed UBCV monks, preventing them from conducting charitable acts such as flood relief. Some were not even permitted to renovate the pagodas where they lived. Ultimately, in 2001, the Venerable Thich Quang Do was placed under house arrest in punishment for trying to organise other monks and nuns to take the UBCV patriarch from his place of confinement in Quang Ngai province to Ho Chi Minh City for medical care.

Since then, the patriarch has been allowed to seek medical care outside his place of confinement and met the prime minister in 2003, who reportedly told the patriarch that his confinement and that of the Venerable Thich Quang Do resulted from "mistakes" by local officials. Following this meeting, the government terminated the detention order against the patriarch. Yet, after UBCV leaders met to discuss UBCV affairs, both the patriarch and the Venerable Thich Quang Do were re-confined to their residences, where they remain today, while some of the other monks who participated in this meeting were sentenced to long-term administrative detention.

About five years ago, the government had just conferred recognition on Cao Daism (1997) and Hoa Hao Buddhism (1999) (for an analysis of the backgrounds of these indigenous Vietnamese religions see F18News 28 July 2004 http://www.forum18.org/Archive.php?article_id=378). The key pre-condition for state recognition of both religions was the establishment of state-appointed administrative organs for them. By all accounts, these state impositions faced strong resistance. In fact, in 2000, some Hoa Hao Buddhist leaders attempted to establish a management organ apart from the state-approved one, leading to the imprisonment of several Hoa Hao Buddhists. Adherents of Cao Daism have also been arrested and imprisoned, including two in October 1998 who tried to meet the visiting United Nations Special Rapporteur on Religious Intolerance. They were held for two years.

The issue of management has not been the only issue confronting Hoa Hao Buddhism and Cao Daism. Hoa Hao Buddhists have repeatedly complained that the government has refused to publish all the writings by the founder of the religion. They have also felt that the communist regime has never provided a satisfactory explanation for his death, which many Hoa Hao Buddhists suspect was at the hands of the communists. Adherents of Cao Daism have complained that the government has not permitted them to conduct

the necessary rituals for selecting their clerics. However, for adherents of both faiths, the key complaint against the state, aside from the state's imposition of the management organs, is that it has not returned properties confiscated after 1975.

Arguably, the Catholic Church in Vietnam has had better relations with the Hanoi government than other religious communities, partly because of the significant role Catholicism has come to play in Vietnam's modern history. It is also a reflection of the communist regime's desire to normalise relations with the Vatican. The Vatican and Hanoi had long worked on an agreement over the procedure for appointing bishops. Nonetheless, the government retains inordinate control over selecting seminarians and assigning priests to parishes. This state interference has left the Church complaining of too few priests to serve the growing Catholic community. The Catholics also face the problem of confiscated properties, many of which remain unreturned.

These issues were already on the agenda in talks between the Vietnamese government and the Catholic Church when Father Ly, viewed by some Vietnamese Catholic clerics as a maverick, was arrested for joining other Vietnamese religious leaders in trying to establish an interfaith organisation independent of the state. In the eyes of the communist regime, his crime was compounded soon after when he submitted written testimony about the state of religious freedom to the United States Commission on International Religious Freedom in Washington. Eventually sentenced to 15 years in prison, his recent release was most likely the result of extensive foreign pressure on the Vietnamese government.

For Protestant Christians, the situation five years ago was grim. Although the state finally recognised the Evangelical Church in the south in 2001, the unregistered house church community faced constant harassment from local officials. Although some unregistered Protestant leaders, including Pastor Quang, were "invited" to visit the head of the Religious Affairs Committee in 2002, the meeting yielded no positive results. Pastor Quang was indeed eventually arrested and imprisoned. In the meantime, religious minorities in the Central Highlands and the north-western provinces were actively repressed, with a steady flow of reports detailing the gruesome means by which local and provincial officials forced the religious minorities in these areas to renounce their faith. Demonstrations from 2000 by the Central Highlanders culminated in mass marches in February 2001, whose main grievances against the state were the confiscation of properties and the denial of religious freedom. These demonstrations resulted in an overwhelming state crackdown that landed numerous Central Highlanders in prison while forcing others to flee across the border to Cambodia.

This brief overview has demonstrated the remarkable similarity between the state of religious freedom five years ago and today. None of the issues then on the agenda has been resolved. Not only has the government failed to end attempts to control and repress religious communities, some have even argued that the regime has found new instruments of control, in part through the newly-promulgated religious ordinance. Some Protestant leaders maintain that the government is now employing the Evangelical Church of Vietnam in the south as a means to control Protestant congregations in the Central Highlands. In effect, the regime is attempting to curtail Protestant activities there by only allowing congregations registered as part of the Evangelical Church of Vietnam in the south to function.

Although this overview leads to the depressing conclusion that the communist regime has failed to improve its policy and practice toward religious communities, it has also yielded a few benchmarks by which foreign governments and organisations can assess how much genuine progress in protecting religious freedom will have taken place five years from now.

First, it is clear that the communist regime must end its ban on certain religious communities and restrictions on the activities of any religious community simply because it has not been approved by the state. One of the fundamental causes of harassment of individual communities is the very fact that the regime has demonstrated no willingness to cease or at least restrain its arbitrary power to deny state recognition to some religious groups. Without change in this fundamental policy, no changes in regulations will bring about genuine religious freedom.

Second, the regime must also be willing to cease its control over state-approved religious communities. No genuine religious freedom can exist unless religious communities can determine their own affairs in accordance with their own wishes and regulations. The new religious ordinance is unlikely to help promote religious freedom as it continues to stipulate the state's prerogative in determining who may lead religious communities and what those communities can do.

Finally, there is no clear and predictable line of authority in which the central government is ultimately held accountable for all official policies and practices, allowing harassment of religious communities to continue unchecked at local level. In the new religious ordinance and its predecessor, the provincial and local governments have been conferred powers to manage religious affairs in their areas. While this is rational - central government would not be burdened with the minutiae of administering state policies on a local level - this approach is filled with potential pitfalls: the central government can always attribute religious freedom violations to over-zealous or corrupt local officials, as did the prime minister to the UBCV patriarch. Without ensuring that the central government will ultimately be held accountable for religious freedom violations, it will be difficult to advance genuine religious freedom in Vietnam.

Article 38 of the new religious ordinance stipulates that should any provisions of the ordinance conflict with stipulations in international treaties that Vietnam has signed, "the regulations prescribed by the international treaties shall prevail". Vietnam has acceded to a number of human rights conventions guaranteeing religious freedom, including the International Covenant on Civil and Political Rights. Whether or not the Vietnamese government means what it says when it claims to want to implement religious

freedom will depend on whether it can meet these three crucial tests.

(END)

For a personal commentary on the latest legal moves, arguing that the Vietnamese government should be judged by its continuing attacks on its own citizens' religious freedom, and pleading for action to be taken against to government to force it to abide by international human rights standards. see F18News 6 July 2005 http://www.forum18.org/Archive.php?article_id=598

For an analysis and commentary, arguing that trade alone will not bring religious freedom and advocating consistent foreign pressure to support the Vietnamese people's struggle for religious freedom, see F18News 2 February 2004 http://www.forum18.org/Archive.php?article_id=242

For an analysis of the Ordinance on Belief and Religion, see F18News 21 September 2004 http://www.forum18.org/Archive.php?article_id=415

For a report on state interference in the indigenous Vietnamese religions of Cao Daism and Hoa Hao Buddhism, see F18News 28 July 2004

http://www.forum18.org/Archive.php?article_id=378

A printer-friendly map of Vietnam is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=vietna>

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY