



**PERMANENT MISSION OF THE
SOCIALIST REPUBLIC OF VIET NAM**
TO THE UNITED NATIONS OFFICE,
WORLD TRADE ORGANIZATION AND
OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA

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The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations Office, the World Trade Organization and Other International Organizations in Geneva presents its compliments to the Special Procedures Branch of the Office of the United Nations High Commissioner for Human Rights and has the honour to hereby transmit the response of Viet Nam to the Joint Communication from Special Procedures dated 06 September 2022 Ref. AL VNM 4/2022.

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations Office, the World Trade Organization and Other International Organizations in Geneva avails itself of this opportunity to renew to the Special Procedures Branch of the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Special Procedures Branch
Office of the United Nations High Commissioner for Human Rights
GENEVA

Response of Viet Nam to the Joint Communication sent by Special Procedures

Ref. AL VNM 4/2022 (dated 06 September 2022)

I. General information and arguments

1. The allegations stated in the Joint Communication are inaccurate, based on unverified information and negative stereotypes about the situation in Viet Nam. In Viet Nam, no one is arbitrarily detained or punished for exercising legitimate freedoms, including freedom of belief and religion, freedom of expression and opinion, and freedom of assembly and association. There is no so-called “pattern of intimidation against religious leaders and individuals belonging to independent minority religious groups to prevent or discourage them from carrying out their activities or their collaboration with United Nations human rights mechanisms”.

- Like in other countries under the rule of law, in Viet Nam, everyone is free to exercise legitimate rights according to the law. Any violations of the law, by anyone and for any reason, must be handled in accordance with regulations and statutory procedures to ensure the strictness of the law, in accordance with international conventions on human rights to which Viet Nam is a party, and seriously guarantee the legitimate rights and interests of the parties involved.

- In the spirit of transparency, Viet Nam has repeatedly cooperated, provided official and verified information to the Special Procedures of the United Nations Human Rights Council to clarify their concerns.

2. Viet Nam’s consistent policy is always to pay attention to and create conditions for religions to operate in accordance with their principles and purposes, and in compliance with the Constitution and the law. The State of Viet Nam respects and guarantees the people’s right to freedom of belief and religion, the right to follow or not to follow a religion, to ensure equality and non-discrimination for reasons of religion or belief, and to protect the activities of religious organizations by the law. This view has been concretized in the Vietnamese legal system.

- Article 24 of the 2013 Constitution stipulates: “1. Everyone has the right to freedom of belief and religion and has the right to follow any religion or to follow no religion. All religions are equal before law; 2. The State shall respect and protect the freedom of belief and religion; 3. No one may violate the freedom of belief and religion, nor may anyone take advantage of a belief or religion to violate the law”.

The Law on Belief and Religion of 2016 is a legal framework that facilitates religious belief activities of people and religious organizations. The

functional agencies regularly review and propose amendments to the legal corridor in the management of religious activities, demonstrate the spirit of innovation, create a legal mechanism, focus on administrative reform, simplify administrative procedures to create favourable conditions for religious organizations and individuals in the process of carrying out activities related to belief and religion.

3. Viet Nam is a country with a long cultural tradition, a multi-faith and multi-religious country with a vibrant and diverse religious life (about 95% of the population has a belief and religious life).

Currently, Viet Nam has recognized and granted operation registration to 43 organizations belonging to 16 religions, with more than 26.5 million followers (accounting for 27% of the population); the religions with the most followers are Buddhism (over 14 million followers), Catholicism (about 7 million followers), Hoa Hao Buddhism (1.5 million followers), Cao Dai (about 1.1 million followers), Protestantism (1.21 million followers), the rest are other religions (such as Islam, Tu An Hieu Nghia, Brahmin...). Across the country, there are more than 54,000 dignitaries, 135,000 positions, 50,703 belief establishments, of which about 3,000 relics are associated with belief and religious establishments, some relics recognized by UNESCO as world heritages.

In Viet Nam, religions are in harmony, solidarity, stick together with the nation, there are no ethnic and religious conflicts. Dignitaries, monks, and followers of religions actively participate in social movements and charity activities for hunger eradication and poverty alleviation, making practical contributions to the development of the country.

4. In Viet Nam, there are no indigenous people, nor do there exist so-called “indigenous Montagnard”. The way to call “the Montagnard” is incorrect, even implying disparagement and is not recognized in the current list of Vietnamese ethnic groups. Viet Nam has 54 ethnic groups living together for a long time, protected by the State under the Constitution and laws based on equality, solidarity, respect, and mutual development. The State of Viet Nam builds a great national unity bloc based on the principle of “Equality, solidarity, respect and mutual assistance for development”; “the State implements a policy of comprehensive development and creates conditions for ethnic minorities to promote their internal resources and jointly develop the country”. In fact, some individuals and organizations with bad intentions often take advantage of the concept of “indigenous people” to spread false information, distort the situation in Viet Nam, undermine the great unity bloc of ethnic groups, incite secessionist ideas, threaten national security, and infringe upon Viet Nam’s sovereignty.

5. Vietnamese law prohibits discriminatory activities based on belief, religion or ethnicity; it is strictly forbidden to offend, coerce or hinder others from following religion, to take advantage of religious activities to infringe upon the national security, social order and safety, and legitimate rights and interests of organizations and individuals. This is completely consistent with the international conventions on human rights to which Viet Nam is a party.

II. Information on specific allegations

1. Regarding the cases of Y Cung Niê, Y Thinh Niê, Y Don Niê

- Y Cung Niê, Y Thinh Niê, Y Don Niê are individuals with complicated activities related to FURLO organization (an organization that takes advantage of ethnic and religious issues to threaten national security, incite riots, secession, and self-rule in the territory of Viet Nam). *In the process of living in the locality, the above 03 individuals have often taken advantage of themselves as ethnic minority people to provide false information, fabricate false accusations against the government and local police force of religious and ethnic oppression; contacted organizations abroad that lack goodwill towards Viet Nam to propagate false information, slandered Viet Nam of human rights violations, and created inaccurate information about the human rights situation in Viet Nam.*

- In May 2022, the local police invited Y Cung Niê, Y Thinh Niê, and Y Don Niê to the headquarters to discuss. Sending invitations to citizens is a normal activity of the Vietnamese police force, prescribed in the Criminal Procedure Code, for the purpose of coordinating information collection, clarifying issues related to the process of ensuring local security and order or investigating a criminal case. Inviting citizens to discuss is not an arrest, so according to the law, a lawyer is not required; citizens receiving an invitation have the right to invite lawyers, legal representatives, and relatives to accompany them. Allegations of the above three cases of being arrested and interrogated without a lawyer is incorrect.

During the discussion process, the three individuals above admitted to providing false and fabricated information about the activities of local government agencies and the State's guidelines, policies and laws in the field of religion and ethnicity; transferring information abroad for the purpose of accusing Viet Nam of human rights violations and religious persecution. The meeting was recorded in a minute signed by Y Cung Niê, Y Thinh Niê, and Y Do Niê.

- On that basis, the People's Committee of Cu Mgar district issued a decision to sanction administrative violations against Y Cung Niê, Y Thinh Niê, and Y Don Niê according to Article 7 of Decree No. 144/ND-CP dated 31 December 2021. *The decision to sanction is based on the violations of the law by these individuals, not related to the fact that the three individuals above submitted*

an application to the government asking for guidance on registration of religious activities and “International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief”.

2. Regarding the case of Y Phô Êban

- Y Phô Êban is a citizen living in Dak Lak province. This is a locality where ethnic minorities live; often used by terrorists/malicious objects to incite violence, terrorism, secession, self-rule, demand the establishment of a “separate state” in the Central Highlands, misrepresent facts to create conflicts between the Kinh and ethnic minorities, divide the great unity bloc of Vietnamese ethnic groups, and seriously threaten national security (most recently, on 11 June 2023, in Dak Lak province, a serious terrorist attack took place, in which an armed group attacked the headquarter of the Commune People’s Committee, killing 04 police officers, 02 commune officers and 03 people; seriously injured 02 commune police officers; the case is currently under investigation and clarification). Y Phô Êban himself have been involved in the activities of several foreign organizations with bad political intentions mentioned above.

- On 16 August 2020, a local police officer went to his home to contact, visit, and persuade Y Phô Êban to not contact or operate under the direction of bad political organizations that violate the law. At the talk, in addition to Y Phô Êban, there was also [REDACTED] *During the exchange, Y Phô Êban committed extreme acts, insulted the police officer, broke a tablet himself, and falsely accused the police officer of “threat to kill”. Due to Y Phô Êban’s exaggerated and out of control attitude, the police officer stopped the meeting, there was no “harassment, death threat” as the Joint Communication stated.*

3. Regarding several allegations of handling individuals and organizations implementing the International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief

The gathering activities mentioned in the Joint Communication were carried out at a time when the COVID-19 pandemic was spreading strongly around the world and in Viet Nam. Like other countries, Viet Nam applied different administrative measures to control and prevent the pandemic, including measures to limit mass gatherings. In this regard, the local government organized working groups to visit villages in Dak Lak province (due to the characteristics of the high mountainous region, and the population is not concentrated) to timely propagate and inform people about the COVID-19 pandemic, and to temporarily disseminate legal measures to the population. *Propaganda and campaigns are conducted to each citizen in a specific and detailed manner, without discrimination; there is no “suppression, intimidation, harassment” as alleged.*

3.1. Cases in Ia Pior commune: Ia Pior commune, Chư Prông district, Gia Lai province has 03 active religions (Catholicism, Southern Vietnamese Protestantism, Buddhism) with a total of 4,319 followers living at 10 group points, 01 worship facility, ethnic minorities here mainly follow Catholicism and Southern Vietnamese Protestantism. The Southern Vietnamese Protestant group site in Pior 1 village, Ia Pior commune, [REDACTED] was established in 1993. By 2005, the local government had granted the operation license in accordance with the law; currently, this group has 440 followers who are from the Jrai ethnic group. *During the operation, the local government created conditions for the group to live normally, without any repression, harassment, or arrest.*

- On 20 August 2020, several overseas Vietnamese organizations posted on the Internet and international media pictures of some ethnic minority individuals in the Central Highlands, accusing the Vietnamese government of religious persecution and harassment of believers (these organizations themselves often took advantage of ethnic and religious issues to fabricate information and accuse Viet Nam of human rights violations). *Therefore, on 21 August 2020, the local police force verified and clarified the above incident; if it is determined that there is a violation from the local government officials, they will handle it in accordance with the law.* The Gia Lai Provincial Police invited Siu Loar and 06 other individuals to discuss (as mentioned above, inviting citizens to discuss is to cooperate in investigating and clarifying the matter, not a criminal arrest; the discussion process did not include torture, escort or coercion as the Joint Communication mentioned).

Individuals who admitted to follow instructions from an overseas organization to take photos and videos, then transferred them abroad to this organization for the purpose of receiving support money; 06 individuals themselves (except Siu Loar) did not know the purpose of using the above photos and videos; there is no such thing as the government's suppression of these individuals as the content is posted on the internet by oversea organizations.

3.2. The case of Y Khen Bdap: During the dissemination process, local authorities visited Y Khen Bdap's house to persuade religious believers to temporarily not gather for religious activities, increasing the risk of spreading the pandemic. Y Khen Bdap on behalf of his family committed to implement, without objection or complaint. However, after that, Y Khen Bdap's religious hotspot "Profess the Gospel" of Y Khen Bdap in Êa Khít Village still violated, gathered many people to pray. *The accusations against the Vietnamese police of harassing and obstructing religious followers from activities of these organizations are not true and are speculative in nature; local authorities only persuaded, propagated, did not intervene or handle violations after that.*

3.3. About the “*Cao Dai independent group*” in Tien Giang province: Based on the allegation information stated in the Joint Communication related to 02 “independent Cao Dai” organizations in Tien Giang province, the functional forces verified and confirmed that on 22 August 2020, these two organizations offered, prayed and displayed banners commemorating the “International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief”, took photos and sent abroad to the “Boat People SOS” (BPSOS). *However, local authorities did not interrogate, contact, interfere, prevent or handle individuals participating in the above activities. The allegation stated in the Joint Communication is completely untrue.*

3.4. Regarding the case of Nguyen Thi Kim Cuc: In August 2022, the An Giang province authority persuaded religious believers to limit mass gatherings when the COVID-19 epidemic complicatedly developed and re-emerged in the locality. On 20 August 2022, 02 police officers went to Mrs. Nguyen Thi Kim Cuc’s house to persuade and propagate. At this time, at Mrs. Cuc’s house, there were also Mrs. Cuc’s relatives [REDACTED] *The propaganda campaign took place normally, there was no incident of public officials breaking in, threatening, making minutes of banning the organization as alleged.*

- *At the same time, Mrs. Cuc reaffirmed that the fact that some individuals voluntarily posted their personal information on social networks and that Mrs. Cuc held a memorial on 22 August was not true; she herself did not know about the “International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief”.*

4. Regarding the handling of procedures related to the field of belief and religion

- Compared with the Ordinance on Belief and Religion of 2004, the Law on Belief and Religion of 2016 has reformed and simplified administrative procedures to create favourable conditions for religious belief activities of religious organizations and individuals; ensure freedom of religion and belief and show the State’s respect for the internal affairs of religious organizations. Some highlights of the improvement of the Law compared to the previous Ordinance including: (i) Many procedures have changed from the form of registration - licensing or request - approval to the form of notification; (ii) The operating time for recognition of religious organizations is reduced from 23 years to 5 years; (iii) Expanding the scope of subjects with the right to freedom of belief and religion from “citizens” to “everyone”; (iv) The centralized registration of religious activities is regulated as the needs of the people, applicable to all religions...

- The recognition of religious organizations is intended to create a legal basis for the protection of the legitimate rights and interests of those individuals

and religious organizations participating in such organizations. The registration of religious activities is to ensure the right to conduct religious activities of the people. For religious groups that have not been recognized by the organization or have not yet been granted operation license, the authorities at all levels still guarantee freedom of religious activities at home, registering the group with the authorities at a legal point (Paragraph 2, Article 16 of the Law on Belief and Religion). At the same time, the State of Viet Nam respects and ensures the freedom and equality of belief and religion of ethnic minorities, creating favourable conditions for ethnic minorities to carry out belief and religious activities.

- Online public services in the field of belief and religion were put into operation right after the promulgation of the Law and Decree detailing a number of articles of the Law. Currently, 43 procedures at the central level have been put into practice in the online environment, the number of dossiers processed through online public services has increased over the years: 59 dossiers in 2020, 93 dossiers in 2021, 106 dossiers in 2022. Locally, one-stop mechanisms in handling administrative procedures have been implemented, administrative procedures and deadlines for reply have been publicly listed.

5. Regarding the handling of violations in the State's management in the field of belief and religion

- The inspection and examination of the implementation of the Law on Belief and Religion have been strictly carried out, with inspection and examination teams established by the Government Committee for Religious Affairs (for example, in 2022, the Governmental Committee for Religious Affairs conducted 05 specialized inspections on belief and religion in Bac Kan, Lam Dong, Ha Nam, Gia Lai, Dien Bien provinces; examinations on the implementation of the law on belief and religion in Nam Dinh, Hai Duong and Tuyen Quang provinces). Local People's Committees have planned to inspect and examine the implementation of the law on belief and religion in their provinces. The competent state agencies of Viet Nam (the Viet Nam Fatherland Front Central Committee, the National Assembly's Committee for Culture, Education, Youth and Adolescents) based on their functions and tasks, have carried out the supervision and implementation of the Law on Belief and Religion.

- Every year, the Government Committee for Religious Affairs has received and coordinated with central and local authorities to settle complaints from religious organizations and individuals. Legitimate proposals of religious organizations and individuals have been settled by Vietnamese authorities, creating satisfaction of religious dignitaries and followers. Violations of law

enforcement officers in the field of belief and religion will be handled according to Decree No. 112/2020/ND-CP dated 18 September 2020 on disciplinary actions against officials, civil servants, and public employees./.