

PERMANENT MISSION OF THE
SOCIALIST REPUBLIC OF VIETNAM
to the United Nations Office,
the World Trade Organization
and Other International Organizations at Geneva



MISSION PERMANENTE DE LA
REPUBLIQUE SOCIALISTE DU VIETNAM
auprès de l'Office des Nations Unies,
de l'Organisation Mondiale du Commerce
et des autres Organisations Internationales à Genève

30, Chemin des Corbillettes, 1218 Grand-Saconnex, Genève
Tel: (41 22) 798 24 85 / 791 85 40 Fax: (41 22) 798 07 24 E-mail: geneva@mofa.gov.vn

TÉLÉCOPIE • FACSIMILE TRANSMISSION

DATE: 16 March 2015

A/TO: **Mr. Karim Ghezaoui**
Chef a.l.
Special Procedures Branch
OHCHR

FAX: + 41 22 917 9008

TEL: + 41 22 917 9359 / + 41 22 917 9407

EMAIL: registry@ohchr.org

DE/FROM: **His Excellency**
Mr. Nguyen Trung Thanh
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
Permanent Mission of the Socialist Republic of Viet Nam
to the United Nations Office, the World Trade Organisation and
Other International Organisations at Geneva

FAX: + 41 22 798 07 24

EMAIL: geneva@mofa.gov.vn
mailienvn@gmail.com

REF: 046/HR.VNM.2015

OBJET/SUBJECT **Replies from Viet Nam regarding the information and allegations
mentioned in the Letter Ref UA VNM 11/2014**

Pages: 08 (y compris cette page/including this page)

PERMANENT MISSION OF THE
SOCIALIST REPUBLIC OF VIETNAM
to the United Nations Office,
the World Trade Organization
and Other International Organizations at Geneva



MISSION PERMANENTE DE LA
REPUBLIQUE SOCIALISTE DU VIETNAM
auprès de l'Office des Nations Unies,
de l'Organisation Mondiale du Commerce
et des autres Organisations Internationales à Genève

30, Chemin des Corbillettes, 1218 Grand-Saconnex, Genève
Tel: (41 22) 798 24 85 / 791 85 40 Fax: (41 22) 798 07 24 E-mail : geneva@mofa.gov.vn

Ref: 046 /HR.VNM.2015

Geneva, 16 March 2015

Dear Special Rapporteurs,

We thank you for your letter Ref UA VNM 11/2014 and your valuable dialogue and consultation with Viet Nam on matters of mutual concern.

Regarding the information and allegations you received and mentioned in the letter, your kind attention is drawn to the replies from the relevant authorities of Viet Nam as follows:

I. Viet Nam is a multi-religious and multi-ethnic country. The consistent policy of the State of Viet Nam is to (i) respect and provide favourable conditions for all citizens to exercise their right to freedom of religion and belief; (ii) promote the harmony and peaceful coexistence among all beliefs and religions in the country; (iii) ensure equality and non-discrimination on the basis of religion, belief; and (iv) protect the activities of all religions by means of national legislation.

Protection of freedom of religion and belief is specified in the legal documents and guaranteed in reality. The Constitution of Viet Nam which was approved on November 28th 2013 contains a chapter on "Human Rights and Citizen's Fundamental Rights and Duties" - an improvement compared to the provision of the 1992 Constitution that was confined to the citizens of Viet Nam.

Article 24 of the 2013 Constitution clearly stipulates that:

"1. Everyone has the right to freedom of belief and religion, and has the *right*

Mr. Heiner Bielefeldt,

Special Rapporteur on freedom of religion or belief

Mr. Michel Forst,

Special Rapporteur on the situation of human rights defenders

Ms. Izsak Rita

Special Rapporteur minority issues

- right to follow or not any 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 [...]"

In conformity with the Constitution, laws of Viet Nam have specific provisions to ensure freedom of religion and belief, namely Ordinance on Beliefs and Religions; Decree 92/2012/ND-CP detailing regulations and measures for the implementation of the Ordinance on Beliefs and Religion, Directive 01/2005/TTg of the Prime Minister on Protestantism-related affairs. Currently, Viet Nam is drafting Law on Belief and Religion which is expected to be considered by the National Assembly for possible adoption in 2016.

This explains that fact that Viet Nam has a rich, diverse belief and religious life. There are currently 38 religious organizations and one dharma-door practice that are recognized by the State. Around 95% out of 90 million people in Viet Nam have belief or religious life, the majority of them practice traditional beliefs and over 24 million followers of various religions in Viet Nam. The religious communities include 11 million Buddhists, 6.5 million Catholics, 2.5 million Cao Dai followers, 1.5 million Protestants, over 1.3 million Hoa Hao Buddhists, 78 thousand Muslims, 7 thousand Baha'i followers. There are around 25 thousand places of worship and 83 thousand religious dignitaries, 250 thousand administrative assistants of religious organizations, 46 training institutions for religious dignitaries.

Furthermore, almost all major religions of the world are present in Viet Nam. There is a wide diversity of religions in Viet Nam. Many of them came from abroad such as Buddhism, Catholicism and Protestantism. Others are endogenous such as Caodaism, Hoa Hao Buddhism. Many religions have a long history of development such as Buddhism and Islam. Others have been recently developed such as Cao Dai, Baha'i..... Foreigners living in Viet Nam and tourists are surprised and impressed by the vibrant and diverse belief or religious life in Viet Nam with around 9000 traditional belief festivals held per year. The people usually go to pagoda or to church, and fully participate to the traditional belief festivals.

The above-mentioned information was openly exchanged by Vietnamese agencies and religious organizations with Special Rapporteur on religion or belief when he visited Vietnam in May 2014 and the Special Rapporteur itself has recognized in his report.

II. The Government of Viet Nam always attaches great importance to dialogue, cooperation with UN human rights mechanisms, international organisations and other States and stands ready to exchange views on topics related to religions and beliefs with the aim of promoting a better enjoyment of the right to freedom of religion and belief of its population. In this spirit, Viet Nam invited the Special Rapporteur on Freedom of Religion or Belief (SR), Mr Heiner Bielefeldt, to visit Viet Nam in July 2014.

DURING HIS VISIT, the Government of Viet Nam cooperated and created the most favourable conditions for the Special Rapporteur to carry out his responsibilities. At the requests of the SR, seven government agencies (Ministry of Foreign Affairs, Ministry of Public Security, the Government Committee for Religious Affairs, Ministry of Justice, Ministry of Culture, Sports and Tourism, Ministry of Education and Training, and the Committee on Ethnic Minority Affairs), two bodies of the National Assembly (the Ethnic Council and the Committee on Social Affairs), the People's Supreme Court and 3 provinces (Ho Chi Minh City, Tuyen Quang, Vinh Long) welcomed and had frank and open dialogues with the SR. Arrangements were also made for the SR to visit a detention camp, 8 religious organizations and worshipping establishments in Viet Nam (the Catholic Solidarity Committee, Viet Nam Buddhist Sangha, Chantaransey Pagoda, Pothiwon Pagoda, Institution of Bible and Theology, Evangelical Church, Hindu Temple, Cao Dai Sacerdotal Council).

The Government of Viet Nam always listened to and met the SR's requests at the highest level during the visit while respecting his independence and privacy. Neither intervention nor request for information on his private meetings was made, which complied with Human Rights Council resolutions 5/1 and 5/2. During this visit, many ministries, agencies and localities had open, frank and constructive dialogues with the SR by providing him with a comprehensive picture on the efforts, achievements as well as the challenges of Viet Nam the promotion and protection of freedom of religion and belief. The SR noted positive developments in providing more space for religious and beliefs practice as well as in strengthening of the legal framework on freedom of religion and belief in his Press Statement and the final meeting of the visit. This fact was also recognized by the SR in his report of the visit to Viet Nam submitted to the Human Right Council (as contained in HRC document A/HRC/28/57/Add.1).

III. With regards to the cases mentioned in the Communication and requests by Special Rapporteurs on page 7 of the Communication:

1. This is to reaffirm that information in the communication is unverified and not true. A lot of information was submitted to Special Rapporteurs with ill intention and actually sought to distort and tarnish human rights situation in Viet Nam, including the right to freedom of religion or belief.

It also needs to reaffirm that authorities did not undertake any harassment, threatening, prevention or reprisal against persons who met and contacted with the Special Rapporteur on freedom of religion or belief during his visit to Viet Nam in July 2014. Authorities have not received any letter, report, petition or complaint related to the above-mentioned issues from any person or organization and consequently; no investigation has been required so far in accordance with the laws.

2. Pursuant to paragraph 3 of Article 18 of the ICCPR, the freedom to manifest one's religion or beliefs may be subject only to such limitations as are

prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

In Viet Nam, all religions must abide by the Constitution and relevant laws and all religions or beliefs are equal before the law. Paragraph 3 of Article 24 of the 2013 Constitution specifies that "No one may violate the freedom of religion or belief, nor may anyone take advantage of a belief or religion in order to violate the law". This provision is common in all rules-based multi-religious countries in the world. Some individuals were investigated and subsequently prosecuted in a public and strict manner by competent authorities for violations of Vietnamese laws in order to ensure rule of law, protect public order as well as the legitimate rights and interests of others, not for "peacefully exercising his/her right to practice a religion of his/her choice". The process of investigation, trial and sentencing are undertaken in accordance with orders and procedures prescribed by Vietnamese relevant laws including the Criminal Procedure Code and fully in compliance with international norms including principle of presumption of innocence, principles related to fair trial and due process as set forth in Articles 14, 15, 16 of the International Covenant on Civil and Political Rights.

In addition, Article 30 of the 2013 Constitution also provides that: "Everyone has the right to lodge complaints or denunciations about illegal acts of agencies, organizations or individuals with competent agencies, organizations or persons. Competent agencies, organizations or persons shall receive and resolve complaints and denunciations. Those suffering damages have the right to material and mental compensation and restoration of honour in accordance with law. Taking revenge on complainants or denunciators, or abusing the right to complaint and denunciation to slander or falsely accuse others, is prohibited".

3. With regards to the information on Hoa Hao Buddhists

It is to be made clear that this is unverified and fabricated information. Relevant competent authorities of Viet Nam has not received any petition or complaint on the cases mentioned in the communication concerning Bui Van Trung, Nguyen Hoang Nam, Bui Thi Diem Thuy...

Regarding the case of Mr. Nguyen Bac Truyen, the information is detorted and inaccurate. In fact, the event of 5th November 2014 is one example. The fact is that Nguyen Bac Truyen met and talked freely with a consular officer of the French General Consulate in Ho Chi Minh City. After this meeting, Mr. Truyen and that consular officer broke into the house of Mr. Truyen's neighbours, took pictures of the persons in the house without their consent. By doing so, Mr. Truyen and that consular officer seriously violated the rights to privacy and inviolability of their home. People in the quarter who witnessed these acts had called the competent authorities to come to handle unlawful acts of Mr. Truyen and that consular officer (similarly to the situation where people in other countries phone to emergency forces for assistance when their houses are unlawfully entered or on fire...). There are absolutely no such details that the

consular officer was "attacked and strangled" and nobody was arrested or beaten.

4. With regards to some persons belonging to the so-called organization "Duong Van Minh group":

The information that local authorities resorted to harassment, threatening or reprisals against persons who cooperated with the Special Rapporteur on freedom of religion or belief is inaccurate and fabricated. All information related to some individuals named Ma Van Pa in Cao Bang, Ly Van Dung, Dao Dinh Hoang in Tuyen Quang, Hoang Van Lau in Bac Can is ungrounded and unverified.

About the "Duong Van Minh Group": in December 2000, Duong Van Minh induced people, mostly those of ethnic minorities in mountainous areas, took advantage of their lack of information and awareness to spread superstition, exploit their trust to deceive or induce them to carry out various activities that disrupt public order or affect other people's lives. Duong Van Minh, together with some members of the group, threatened, prevented children in the area from going to schools; prevented citizens and pupils from receiving assistance from authorities and social organizations; carried out disruptive activities, instigated and incited division among groups of the population and undermined solidarity spirit among ethnic groups. Despite laws of the State and regulations of local government in force, "Duong Van Minh group" established areas to supervise the free movement and free meeting of people which the group claims to administer. Previously, in 1990, Duong Van Minh was sentenced to 5 years of imprisonment by the People's Court of Ha Tuyen Province (now known as Tuyen Quang Province) for fraud and fraudulent possession of private properties of citizens, spreading superstition with serious consequence. In May 2011, Duong Van Minh and several members of the group forced people to forfeit their right to vote and inscribe in the list of people who will not vote at parliamentary and local elections. These unlawful acts of Duong Van Minh group constituted serious breaches of law, threatened public security and stability in residential areas, created discontent among the people.

In order to ensure public security and social safety for the people, law enforcement authorities have organized information campaigns with a view to raising public awareness and providing the people living in the area with explanation on unlawful acts of Duong Van Minh and his group.

5. With regards to Mennonite Protestant Group:

Information in the Communication VNM 11/2014 related to the Mennonite Protestant group is inaccurate and slanderous. As regards to Mr. Nguyen Hong Quang (born in 1958, currently living at Number D10, KP6, Thoi Hoa ward, Ben Cat town, Binh Duong province); on 16th June 2014, Nguyen Hong Quang submitted to authorities a document which contains allegations that "the Government suppressed the Mennonite Protestant group, destroyed properties of the church; attacked, harassed or illegally arrested followers...". Relevant authorities received the document and after thorough investigation

ML

concluded that the allegations contained in the document submitted by Mr. Nguyen Hong Quang are groundless. Mr. Nguyen Hong Quang duly received the notification of the authority and did not have any further response.

In reality, recently, Nguyen Hong Quang often gathered many people at his private residence, made loud noises, and disrupted public security, affected the security and safety of surrounding residences, induced people, incited hatred, division, violence and spread slanderous information on the socio-economic picture of the country. The local authority had several talks with Mr Quang and asked him not to repeat the activities which affect the legitimate rights and interests of other citizens. In steads of complying with requests of local authority, Mr Quang incited followers to challenge and oppose officers on duty. Subsequently, relevant authorities carried out an administrative inspection on residence permit of Mr. Nguyen Hong Quang on 9th June 2014 and 11th November 2014 and found several violations including not following registration procedures for temporary residents, not complying with resident reporting requirement ordered by competent authorities. During the inspection, several people have been asked to report in accordance with the law but no one was arrested. The allegation that 76 people were taken to police station without explanation, or 20 people were beaten up required a medical attention or treatment is totally ungrounded and untrue.

6. With regards to land clearance and compensations related to the Thu Thiem New Urban Area Project

The Thu Thiem New Urban Area is a key urban project of Ho Chi Minh City whose purposes include facilitating economic and social development objectives, ensuring quality public utilities and services for the people. According to the regulations of this project, Lien Tri Temple at An Khanh Ward, District 2, Ho Chi Minh City is located in the clearance area together with other monuments and residential houses. Based on the procedures and roadmap for land compensation and clearance, the Compensation Committee of the Thu Thiem New Urban Area had repeatedly discussed with Lien Tri Temple's abbot, the Venerable Thich Khong Tanh, in the spirit of goodwill and cooperation, regarding the relocation of Lien Tri Temple to a new area that is bigger and better, but to no avail. The Communication's claim that there was no land compensation for the temple is not true. In reality, the Compensation Committee for Land Clearance had proposed to compensate the temple's land area of 609.75m² in Cat Lai ward, District 2 and to provide all the necessary means so that the relocation process could be carried out smoothly and allocate an extra 1.6 billion Vietnamese Dong (approximately 80,000 USD) for the construction and renovation of the new temple...The commune's authorities also took out 100 million Vietnamese dong (approximately 5,000 USD) from its budget to support the temple to ensure the best conditions so that the temple's activities are not affected by general regulations. Currently, the Compensation Committee for Land Clearance of the Thu Thiem New Urban Area and Lien Tri Temple's representatives are still negotiating on the settlement. Hence, the information in

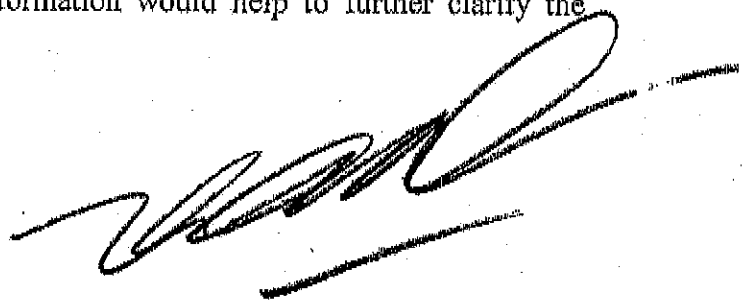
the Communication about the clearance and demolition of Lien Tri Temple prior to 30/9/2014 is a completely groundless allegation.

IV. The visit of the Special Rapporteur on freedom of religion or belief only lasted 11 days, thus the SP did not have much time to have a comprehensive and accurate assessment of the reality of religious and belief freedom in Viet Nam. Regrettably, a few individuals and organizations with hostile and prejudiced views of the human rights situation in Viet Nam had taken advantage of the SP's visit as well as other Special Procedures mechanisms to repeatedly provide misleading unverifiable information, falsely accusing Viet Nam of oppressing and harassing believers and religious organizations, distorting the reality of the human rights situation in Viet Nam, including the exercise of freedom of religion and belief. These are undoubtedly conspiracy attempts to prevent further cooperation between Viet Nam and Special Procedures while negatively affecting Viet Nam's image and contributions in the field of human rights.

V. The Government of Viet Nam would like to reconfirm hereby its goodwill and willingness to exchange views and continue open and constructive dialogues with the Special Procedures of the Human Rights Council to enhance cooperation in areas of common interest, in the spirit of mutual respect and understanding and in accordance the United Nations Charter, Resolutions 5/1 and 5/2 of the Human Rights Council. This is evidenced in the fact that 6 Special Procedures of the United Nations had visited Viet Nam within the span of 4 years, from 2010-2014. The Government of Viet Nam also believes that dialogue and cooperation are only truly effective and possible if all stakeholders are sincere and open-minded.

The Government of Viet Nam is committed to being a responsible and contributory member of the Human Rights Council and will seriously implement the accepted UPR Cycle II recommendations, including recommendations on the exercise of religious and belief freedom and carrying out other related international commitments. More ever, the Government of Viet Nam is willing to collaborate with the United Nations and regional human rights mechanisms and other countries in working toward the assurance of better enjoyment of human rights, including right to freedom of religion and belief.

We hope that the above information would help to further clarify the questions of your concern. / *mt*



THANH T. NGUYEN
Ambassador, Permanent Representative