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Promotion and protection of all human rights, civil,
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including the right to development

Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt

Addendum

Mission to Viet Nam: Comments by the State on the report of the
Special Rapporteur*

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Mission to the Socialist Republic of Viet Nam: Comments by the State on the report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt

Inputs by the Government of Viet Nam to the Draft Report of the Special Rapporteur on freedom of religion or belief

Introduction

1. The Government of Viet Nam reaffirms its consistent policy to respect and protect all fundamental human rights and freedoms, including freedom of religion and belief in accordance with international standards. All policies are to serve the people and for the people. This is clearly stipulated in the Constitution and law and guaranteed by policies, mechanisms and in practices.

2. The Government of Viet Nam views the visit by Mr. Heiner Bielefeldt, Special Rapporteur (SR) on freedom of religion or belief as a continuation of the cooperation momentum between Viet Nam and Special Procedures of the UN Human Rights Council. This is the 6th country visit of the Special Procedures to Viet Nam within 4 years from 2010 to 2014. This is an opportunity for the SR to understand religions and beliefs practiced by local people and the situation of religious freedom in Viet Nam, and more importantly to update with new developments since the last visit by the late Special Rapporteur Amor Abdelfatah in 1998. To the Government, it is also a chance for relevant Ministries, agencies, localities, political and social organizations, religious organizations and worshipping establishments to share with the SR experiences, lessons learnt, difficulties and challenges that Viet Nam is facing in this area.

3. In that light, the Government of Viet Nam has cooperated and created most favourable conditions for the SR's visit. At the request 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) had candid and open meetings with the SR.¹ Arrangements were 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, Pothiswon Pagoda, Institution of Bible and Theology, Evangelical Church, Hindu Temple, Cao Dai Sacerdotal Council).² 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

¹ At the request of the SR, arrangements were made for the SR to visit and meet An Giang, Gia Lai and Kon Tum provincial officials. The meetings, however, did not take place since the SR changed his schedule.

² Also at the request of the SR, the Ministry of Foreign Affairs of Viet Nam had contacted in advance with the Xuan Loc Monastery, Jamiul Muslimin Mosque, and Hoa Hao Administrative Council to arrange appointments with the SR; the meetings however did not take place because the SR cancelled them without prior notice.

information on his private meetings was made, which complied with Human Rights Council resolutions 5/1 and 5/2.

The Government of Viet Nam acknowledged positive assessments that the SR made in the draft report

4. The draft report affirms that “many representatives of different religious communities acknowledged that there is generally more space for the exercise of religious freedom in Viet Nam nowadays, especially when compared to the situation post-1975. Religious life is a visible reality, especially when compared to the situation post-1975. Religious life is a visible reality – as evidenced by places of worship that belong to various religions and denominations and by the participation of people from diverse religious and belief practices”; “In recent years, there have apparently been attempts to preserve or revive such traditional rituals among the ethnic or religious minorities”; “acknowledging the internal diversity within the Viet Nam Buddhist Sangha”...

5. The draft report recognises that 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” and “Article 24 of the new Constitution in relation to freedom of religion or belief are all human beings, unlike the provision of the 1992 Constitution that was confined to the citizens of Viet Nam. This was presented as an indicator of a more positive attitude towards freedom of religion or belief as well”; “its adoption symbolized a move towards the legal accommodation of religious and belief communities”; “Article 38 of the Ordinance provides that the stipulations of any concluded international treaty or acceded to, prevail over the provisions of the Ordinance whenever they contravene. A decree detailing the implementation of the Ordinance on measure of belief and religion (Decree 92), of 8 November 2012, further specifies the measures for the implementation of Ordinance 21”; “Other officials have also expressed their willingness to consider substantive changes of Ordinance 21 in the process of the law making.”

6. The draft report also states that “the number of training institutions for the clergy of different religious – Buddhism, Catholicism, Protestantism, Cao Daism and others has significantly increased in recent decades”; and acknowledges that “religious communities can appoint and ordain their clergy in accordance with their own internal rules and laws. They reportedly do not need approval for their decisions from the authorities in general.”; “Concerning dismissals of clergy or monks, which are apparently rare, decisions are also generally taken by religious communities, in accordance with their religious laws”.

7. The draft report also acknowledges that “representatives of the VBS explained they would increasingly offer services in prisons, including lectures for the social and moral edification of prisoners. Catholic priests, too, seem to have occasionally offered religious services to prison inmates.”

However, the Government of Viet Nam deeply regrets that the contents of the draft report are seriously unbalanced and discriminatory.

8. When discussing efforts of the Government of Viet Nam to promote and protect the freedom of religion and belief, or when describing the religious life in Viet Nam, the SR only provided a vague and scattered description which are supported by little illustrative evidence and information, even though this type of information has been provided to the SR during his stay in Viet Nam. Therefore, the draft report failed to depict a balanced panorama of the religious and belief situation in Viet Nam, particularly Viet Nam’s substantive progress since the Doi Moi/Reform in 1986, especially the period following the

visit to Viet Nam in 1998 by the late Special Rapporteur Amor Abdelfatah. Meanwhile, the draft report highlighted what the SR referred to as “violations” of the freedom of religion and belief based on the biased and unverified information.

9. Viet Nam respects the independence of the Special Procedures and always supports the mandate-holders’ professionalism, objectivity and impartiality as stipulated in Resolution 5/1 and the Code of Conduct in Resolution 5/2. Viet Nam understands that report on the visit to Viet Nam should be developed in a fair and universal manner based on the same criteria for visits to other United Nations member countries that the Special Rapporteurs had conducted prior to the Viet Nam visit. Article 3.e) of the Code of Conduct specifies that the Special Rapporteurs must uphold the highest standards of efficiency, competence and integrity, meaning, in particular, though not exclusively, probity, impartiality, equity, honesty and good faith.

As such, Viet Nam believes the draft report would satisfy better the requirements in Article 3.e) of the Code of Conduct and would contribute to promoting dialogue and cooperation if it does not include some sections, the titles of which are, in itself, of negative meaning such as section VI “Reports about violations of freedom of religion or belief”.

10. The SR acknowledges that Viet Nam has a diverse belief and religious life. Nevertheless, during the visit and its planning, the SR only focused attention on some specific groups and individuals without considering other important religions, for instance the Muslim Community in Viet Nam. The SR did not show his interest in the Vietnamese traditional beliefs such as ancestors worshipping, commemorating and honoring people with meritorious contribution to the country, worshipping of Village Gods, the spiritual symbols. Therefore, the draft report has yet to reflect fully the diverse and lively nature of the religious and belief life in Viet Nam

The draft report includes various inaccurate information, observations and assessments

11. The Government of Viet Nam regrets that a great deal of information, assessments and judgments in the draft report are not objective, accurate and relevant to the reality in Viet Nam. One of the reasons is that an 11-day visit could be not enough to draw an overall picture on the exercise of the freedom of religion or belief in a multi-religious country such as Viet Nam.

In the spirit of cooperation, dialogue and in order to have a better understanding of the overall landscape of freedom of belief and religion in Viet Nam, the Government of Viet Nam would like to comment on a number of paragraphs in the draft report as follows:

Regarding the “Introduction”:

- Paragraphs 3, 4 and 5: The Ministry of Foreign Affairs (MOFA) of Viet Nam met and had frank discussions with the SR on the related issues. The MOFA stated that there had been regretful misunderstandings and it provided objective information on the incidents mentioned in the draft report. The MOFA also stressed that as the host country, Viet Nam was responsible for ensuring absolute security and safety for the Special Rapporteur.

Regarding the “Brief overview on the religious landscape in Viet Nam”:

The content in this section does not fully reflects the open, rich and diverse belief or religious life in Viet Nam. Viet Nam is a multi-religious country with the presence of almost all major religions in the world. 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.

- Paragraph 6: Some statistics in this section are not accurate. 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.

- Paragraph 8: The statement by the SR that “the number of people practicing religions outside registered communities – or wishing to do so – may be up to several millions” is inaccurate since the Special Rapporteur only “heard conjectures”.

- Paragraph 9: The SR mentioned: “one of the most striking features of recent religious developments in Viet Nam is the enormous growth of Protestantism, in particular among some ethnic or religious minorities. At the same time, this has led to some worrisome cases of religious persecution.” In fact, if there had been any religious persecution, there would not have been such a huge increase in the number of Protestants. There are over one million Protestants in Viet Nam. In the Northwest region, there are nearly 200 thousand Protestants, the majority of whom are ethnic minorities with 90% are H'Mong people. Over the past time, the authorities at all levels have created favorable conditions for Protestants to practice their religion at home or by groupings. To date, the majority of Protestant groupings in the Northwest region are conducting normal religious practices, with over 400 groupings already registered with the local authorities. “Persecution” mentioned by the SR may be a misunderstanding of the normal conflict between Protestantism and other traditional beliefs of ethnic minority.

- Paragraph 10: The SR states: “the conditions under which individuals or groups can exercise their right to freedom of religion or belief remain unpredictable, often depending on the good will of the local authorities, nor least relevant Government agencies.”. This judgment is ungrounded as the freedom of religion and belief is written in the Constitution and the law as noted by the Special Rapporteur. During the 2nd UPR Review, the international community has also recognized Viet Nam's remarkable progress in improving the legal framework to guarantee the freedom of religion or belief. Viet Nam is drafting the Law on Belief and Religion which is expected to be adopted in 2016.

- Paragraph 11: Under the Constitution and the law, the freedom of belief or religion is protected, all individuals enjoy favorable conditions to practice their religions and beliefs. There is no such thing as “tight control” or “religious persecution”. This explains why at present around 95% of Viet Nameese people has belief or religious life, out of them more than 24 million followers of different religions. Besides, also in this paragraph, the SR acknowledged “the broadening of the space for religious and belief practices”.

Regarding the “restrictions of freedom of religion or belief” (paragraphs 16 – 25):

The SR reports that there are many clauses in Vietnamese legal framework that can be interpreted to restrict or forbid the exercise of freedom of religion or belief; and that Articles 87, 88 and 258 of the Viet Nam Penal Code (VPC) are vague and often applied

arbitrarily to punish people who are accused of violating the restrictions set out in regulations on freedom of religion or belief. These assessments of the SR are inaccurate.

The State of Viet Nam sees belief or religion as a legitimate need of human being and pursues the consistent policy to respect and create favorable conditions for all Viet Nameese people to practice the freedom of belief or religion. The State also attaches importance to the policy of promoting unity and harmony among religions and ensuring equality and non-discrimination. This was enshrined in the first Constitution of Viet Nam in 1946 (even before it was mentioned in the 1948 Universal Declaration of Human Rights) and has been reflected throughout all Constitutions until the 2013 Constitution as well as in other relevant legal documents under the basic principles as follows:

- Everyone shall enjoy freedom of belief and of religion, he can follow any religion or follow none. All religions are equal before the law.
- Lawful places of worship, bibles and worshipping objects of beliefs and religions are protected by law.
- The State respects the internal affairs of all religions as well as their cultural and moral values.
- The State respects and ensures the freedom to practice religion and conduct religious activities in accordance with the law.
- All acts of discrimination based on religion or belief, forcing citizens to follow or renounce a faith, violation of the freedom of religion or belief; the abuse of the freedom of religion or belief to sabotage peace and social order, instigate violence, hatred, and create division among communities as well as superstitious activities are strictly prohibited

The Government of Viet Nam also emphasizes that the 2013 Constitution had a separate chapter on human rights and citizen's rights. This Constitution has been adopted by the National Assembly following wide public consultations with 26 million inputs and comments, reflecting the will and aspiration of the people. In addition, Articles 87, 88 and 258 of the VPC contain clear and specific provisions. The National Assembly also approved the VPC based on wide public consultations.

As mentioned above, Viet Nam is moving towards the Law on Belief and Religion based on the following principles:

- The international treaties to which that Viet Nam has been a party;
- Respect for the freedom of belief or regional of all (in accordance with the 2013 Constitution);
- The belief or religious practices in Viet Nam.

The Government of Viet Nam again emphasizes that in Viet Nam there were no prisoner of conscience. The cases in which individuals have been prosecuted, tried and sentenced are based on these individuals' violation of the law, not on their own opinion neither religion, and such legal proceedings have been conducted in accordance with the legal procedures and the law.

Regarding "Administrative stipulations on religious or belief activities and practices (paragraphs 26 – 35):

- Paragraph 26: The draft report said that religious and belief communities are required to register with the Government's Committee on Religious Affairs. This is not correct. Religious communities register their activities with different local authorities level according to their size and operating range. For instance, religious grouping (which are not

considered as an administrative level of religious organizations, but only gatherings of individuals with religious faith) register their activity with the communal authority.

- From paragraphs 27 to 32: The SR raised concern over registration of religion or belief communities and legal status of communities that have yet been recognized as religious organizations. The Government of Viet Nam is of the view that the visit was so short for the SR to study thoroughly the relevant regulations of Viet Nam.

The SR used the term “religious communities” with no distinction between “religious organizations”, “religious associations” and “religious groupings”. The draft report also failed to take into account the difference between “religious practice” and “religious activity”. This has by chance created a distorted picture of Viet Nam’s legal and administrative stipulations on religion or belief.

In reality, the Viet Namese law, particularly Ordinance 21, Decree 92 and Directive 01/TTCP of the Prime Minister provided clear distinction between “religious organizations”, “religious associations” and “religious groupings”; and between “religious activity” and “religious practice”, and also contained clauses on procedures of registration for “religious practice” or “religious activity” by either “religious organizations”, “religious associations” or “religious groupings”.

According to the regulations, religious activities at private houses are not subject to registration. However, when there is a need for grouping to practice mass rituals, pray, expression of religious faith, it is only required that a representative of the group registers with the communal authority in order to ensure public security, safety and order in the vicinity and fire-fighting purpose. Moreover, under Paragraph 1, Article 12 of Decree 92, religious associations, which are formed by religious organizations to serve religious ceremonies, including clarion band, drum band, flower-offering team, choir, funeral service team, ritual music band, children’s choir and similar groupings shall not be required to register with competent agencies for operation.

With regard to the legal status and operation of organizations that have not been recognized as religious organizations, according to Decree 92, these organizations have the right to register for religious practice (which is higher and broader than religious activity and includes preaching, practicing tenets, canon, ceremonies, and organization works of the religion). After registration, these organizations have obtained full rights to conduct religious rituals, preaching, organize congresses, adopt the charter, hold elections for their leaders, organize training courses, renovate religious establishments, and conduct charity works.

The SR views that excessive administrative requirements amount to a high burden for the functioning of religious communities. This does not reflect the reality. In fact, administrative procedures relating to religion in Viet Nam have been significantly reformed and simplified to best serve the needs of the people for religious practice. The procedural reforms include the one-stop shop, the deadline for the authorities to reply in writing for registration cases, specify the reasons why if the registration applications are rejected. These are the noteworthy steps forward.

Regarding “legal recourse” (paragraphs 36 – 39):

The SR reports that members of the People’s Supreme Court were not aware of a single case of infringement of the right to freedom of belief and religion. The Government of Viet Nam stressed that there was a misunderstanding here. At the meeting with the People’s Supreme Court on 22 July 2014, the representative of the People’s Supreme Court informed that the Courts at different levels had handled about 200 cases related to religion and belief in recent years. At paragraph 39, the Special Rapporteur also states that “a few

cases in which petitions filed with higher authorities, including the Prime Minister, have helped to ease conflicts”.

In Viet Nam, the Courts operate independently and only abide by the law during trials. The conduct of legal proceedings is based on the principle of guaranteeing that those who participate in the process can exercise their rights and obligations in a full, fair and equal manner, and that the trials are conducted in a transparent manner where perpetrators should be given penalties corresponding with the severity of their crimes under the law. This spirit is fully enshrined in the Constitution and related legal documents.

The issue of complaints and denunciations is subject to clear and concrete provisions of the Law on Complaints and Law on Denunciations, both released in 2011. The oversight of state agencies’ performance in various areas is strengthened and carried out at different levels, including by the National Assembly and mass organizations. Due attention is paid to dealing with citizens’ complaints to ensure that all cases are examined and to prevent wrong decisions. However, it is also critical that the settlement of complaints and denunciations follows due legal process from the grassroots to provincial, central levels with a view to avoid the situation in which complaints and denunciations are filed at irrelevant levels of jurisdiction, resulting in inefficiency and protraction.

Regarding “Negative attitudes toward non-recognized religious communities” (paragraphs 40-49):

The Government of Viet Nam holds that the draft report would be more objective if the word “negative” is omitted from the title of section IV.A and the approach of this section is revised in line with that spirit. Accordingly, unverified contents should be removed, including: “majority interests was invoked with the obvious intention to dismiss claims of minorities or dissenting individuals”, “heavy repression”, “Government interference”, “face pressure to join official organizations”, among others.

The Government of Viet Nam always pursues the policy of non-interference into the internal affairs of religious organizations. Religious organizations, including the Cao Dai Sacerdotal Council of Tay Ninh Holy See stationing in Vinh Long province and the Viet Nam Buddhist Sangha confirmed this fact during their meetings with the SR.

The State of Viet Nam always guarantees, facilitates and supports the operation and development of religions through concrete legal regulations and policies. No religion is discriminated against and all religions are equal before the law. As a law-governed State, any law violation in Viet Nam shall be strictly handled and sanctioned. This is totally in conformity with international human rights norms, including the International Covenant on Civil and Political Rights (ICCPR).

Besides, in paragraph 46, the SR is requested to replace the term “Khmer Krom” by “Khmer people in the Mekong Delta” because there is no Khmer Krom ethnicity in Viet Nam. There is only the Khmer ethnic minority. The term “Krom” is associated with a separatist group of Khmer people. The Government of Viet Nam would like to take this opportunity to reaffirm that the equality and religious freedom of the ethnic minorities are guaranteed and their religious activities are protected and promoted by the State. As far as the Khmer people are concerned, the authorities at all levels have facilitated the Viet Nam Buddhist Sangha to establish the Academy of Khmer Theravada Buddhism in Can Tho and imported Buddhist texts printed in Khmer language to meet the needs for religious training and practices of the Khmer Theravada communities in Southwestern Viet Nam.

As far as paragraphs 48 and 49 are concerned, the Government of Viet Nam emphasizes that Cao Dai churches have been recognized by the State as legal entities. However, there is a portion of sub-dignitaries and followers who have conducted opposing activities against the Sacerdotal Council of Cao Dai Tay Ninh Holy See because there are

differences in their perceptions of religious tenet, rules and their personal purposes. This is an internal affair of the religious organization. Local authorities in Vinh Long province or other provinces and cities all respect the right to freedom of religion of all Cao Dai groups. Their needs for normal religious practices at home are guaranteed, but religious practices in mass gatherings must be notified and subject to approval by the authorities for public security, safety and order, and fire-fighting purpose.

Regarding "Religious education and trainings" (Paragraphs 50-52)

The SR states: "The Education Law prohibits the preaching of religion in schools and other institutions in Viet Nam". Viet Nam is a multi-religious country where all religions are equal and protected by the law. All people have the right to follow a religion or to follow none. Reality has showed that there have always been harmony and peaceful co-existence among religions in Viet Nam, and there has never been religious conflict nor religious war in the history of Viet Nam. For the purpose of harmony and equality among religions, the Education Law as well as other laws prohibit the preaching of religion in schools to guarantee that all students and pupils have the independence and freedom to choose to follow a religion or to follow none. This is popular in many countries in which no religion is chosen as a national religion, and this is absolutely not contrary to the international standards on human rights.

Regarding "Training and appointment of clergy" (Paragraph 53)

The SR stated that Article 22 of Ordinance 21 with general provisions on the standard of appointed clergies such as strictly abiding by the law, having the spirit of national unity and harmony is too vague and inappropriate and that the State shall not intervene in the internal affairs of religious organizations. The Government of Viet Nam always respects the internal affairs of religious organizations. This standard of appointed clergies is useful in a multi-religious country like Viet Nam, and that is also a general requirement to any citizen for the benefit of peace, stability and development of the country.

A number of cases in which monks were defrocked still take place within religious organizations in Viet Nam as well as overseas due to their violation of the rules of these religious organizations. The Government of Viet Nam is always stick to the principle of non-interference into the internal affair of religious organizations.

Regarding "Property and land issues" (Paragraphs 55-58):

The SR notes: "the fact that in Viet Nam all lands are managed by the State and no one can own any land creates an additional elements of legal insecurity for communities, including officially registered communities, as the State can take back the land whenever it seems opportune", "the lack of effective legal recourse", or "in the interest of economic development and other modernization projects, some religious communities have lost – or in danger of losing – large part of their land, along with places of worship of historical value". These assessments does not truly reflect the positive reality of property and land related to religious organizations in Viet Nam.

Beliefs and religions in Viet Nam have developed rapidly in the past decades, resulting in the increasing demand for land to serve the conduct of belief or religious activities of the people. In this regard, the State of Viet Nam has created favorable conditions and supported these activities in accordance with the law. In particular, on 31 December 2008, the Prime Minister issued Directive 1940/CT-TTg on land and housing related to religion. The Directive reaffirms that the State respects and guarantees the right to conduct religious practices in accordance with the law and the legitimate demands in housing and land for religious purposes of religious organizations and religious followers.

At the same time, the local authorities are entrusted to develop plans for land use and land allocation for local religious establishments in accordance with the legal procedures and the law, and to notify the religious establishments and followers for implementation. In the legal normative documents on land, the State of Viet Nam clearly identifies that land is State property; the State shall not handle cases in which individuals or organizations reclaim the land allocated and used by the State before 1991; the provision of land for religious establishments and organizations must be handled on the basis of the practical needs, planning and land availability in each local area.

In addition, the Land Law 2013 has specific regulations on land for religious facilities (Article 157) and land for belief facilities (Article 158); on the allocation of land without charge for non-agricultural land-use tax for belief and religious facilities (Article 54). Article 3 of the Law on non-agricultural land-use tax 2010 regulates the subjects which are not liable to land-use tax, including land used by religious facilities; land used for the building of communal houses, temples, shrines, ancestral worship houses and halls. The Law on Forest Protection and Development regulates the allocation of forest land for rural communities having similar customs, practices, traditions attached to forest in terms of production, livelihood, culture, beliefs; being capable of forest management, having demand and applying for forest land allocation (Article 29).

Recently, the authorities at all levels have allocated land of large area for many organizations for religious purposes, such as the provision of 15 hectares of land to build the La Vang pilgrimage center in Quang Tri Province, the allocation of 10,000m² of land to the DakLak Bishopric, the allocation of 2,000m² of land to build religious schools for the Christian Missionaries of Viet Nam, etc.

Regarding "religious activities in some special cases" (paragraphs 59-61):

The Government of Viet Nam continues to create conditions for prisoners to exercise the right to freedom of belief or religion.

Regarding the "Report on the violation of religious and belief freedom" (paragraphs 64-79):

This section does not reflect the reality of practicing the right to freedom of religion or belief in Viet Nam, and contains no specific evidence. The Government of Viet Nam suggests that this entire section be deleted.

The fact that draft report has a separate section on violation of religious and belief freedom runs counter to the objective of promoting dialogue and cooperation. These allegations in this section may stem from misunderstanding. Another important reason is that a number of groups and individuals have taken advantage of the role of the SR and the visit to set up and exaggerate many incidents to cause unnecessary misunderstanding and directly undermine the cooperation between the SR and Viet Nam.

Besides, in this section, many issues were clarified and explained by relevant ministries and agencies of Viet Nam through exchanges with the SR, which were not reflected in the draft report. This section also refers to a number of incidents occurring in places that the Special Rapporteur did not have the opportunity to visit within the framework of this visit.

Paragraph 64 mentions Unit PA41, which in reality does not exist in any Vietnamese agencies at any level.

Paragraph 69 refers to the Ede ethnic minority in the Central Highlands while the SR had cancelled the visit to the Central Highlands. In fact, the right to freedom of religion or belief is ensured in the Central Highlands and this was recognized by the international

community. There are approximately 448,000 Protestants, the majority of whom are ethnic minority. Around 95% of the followers are practicing their religions and beliefs in 201 registered congregations and 1331 registered groupings. This accounts for 95% followers. Approximately 30,000 bilingual bibles (in Viet Nameese-Banar, Viet Nameese-Ede, and Viet Nameese-Jrai languages) have been circulated to meet the need for religious or belief practicing of ethnic minority followers.

Paragraph 69 also mentions the “harsh persecution of the followers of “Montagnard” churches such as the Ede ethnic minority”. This information is incorrect. The Special Rapporteur is requested not to use the term “Montagnard” as this term was only used to serve the policy of “dividing for ruling” during the colonial period, and there is no “Montagnard” ethnicity in the list of 54 ethnic groups in Viet Nam.

Paragraph 71 mentions the H’mong people who practice the so-called Duong Van Minh theory. In fact, Duong Van Minh’s organization has been trying to mobilize the H’mongs to convert from their traditional belief towards the goal of establishing the “Hmong Kingdom”. This organization has threatened and prevented children from going to school, incited and prevented the local people and students from taking assistance from the authorities, organizations and associations; conducted activities aiming at undermining public order, dividing the solidarity among ethnic groups. These activities have clearly violated the law.

Paragraph 72 states that the Cham temple towers have been turned into touristic spots. In fact, using historical and cultural sites for tourism development is a legitimate demand to serve the socio-economic development and is a normal practice in many countries. Furthermore, representatives of religious communities are participating in the management of those heritage sites, hence the interest of religious communities are secured. The fact that the Cham temple towers become touristic spots is endorsed by the dignitaries and followers in the Cham community as this would help introduce the beauty of Cham culture and people.

Paragraph 72 also mentions some land issues relating to the Chams, especially the cemeteries and locking up of mosques during the Ramadan. Those were incorrect pieces of information. In fact, over the past years, the local authorities have pursued the policy of providing incentives to the local people to increase production, allocating more production land for job creation and improvement of the ethnic minority living standards. As for the old Cham cemeteries which are no longer used to bury dead people, the local authorities have made refurbishments such as building protecting fences, building roads to those cemeteries in order to facilitate the dignitaries and followers in practicing traditional rituals there. The allegation “due to resistance of the communities to relocate the cemeteries, all mosques were allegedly locked up during the Ramadan and would only be accessible if they agreed to the relocation plan” is incorrect. In fact, the local authorities at all levels have been creating the most favorable conditions for dignitaries and followers to practice their religions. Opening or locking up churches or mosques is the business of religious organizations. The authorities never interfere in this business nor use the relocation of cemeteries to put pressure on dignitaries and followers. The cause of the mosques being locked up as mentioned by the SR was in essence the protracted internal disputes among the dignitaries and followers. Along with that was the misconduct of the Hakim who failed to observe the teachings and rules of Bani Islam, thus resulting in disputes and oppositions among the dignitaries and followers, some of whom even had undertakings that threatened the life and well-being of others. Therefore, at the request of the provincial Council of Bani Hakims and to protect the life of the people, the local authorities had to suspend the operation of the mosques in accordance with the law.

Therefore, the Government of Viet Nam believes that the conclusions and recommendations of the SR are inaccurate and irrelevant since they are based on biased

information as explained above. At the same time, these conclusions and recommendations by the SR also run counter to the goal of promoting dialogue and cooperation in this regard.

Conclusion

12. The Government of Viet Nam reaffirms its goodwill and readiness to exchange views and dialogue with the Special Procedures in the spirit of mutual respect and understanding, the United Nations Charter, Resolutions 5/1 and 5/2 of the Human Rights Council. The Government of Viet Nam believes that dialogue and cooperation are only truly effective and possible if all stakeholders show their sincerity and willingness.

13. The Government of Viet Nam applauds some contents in the draft report. However, Viet Nam's efforts and achievements in realization of the right to freedom of belief or region have not been fully reflected in the draft report even though they were widely recognized by the international community, especially the diplomatic missions and international organizations based in Viet Nam. On the other hand, the Government of Viet Nam regrets that there are inaccurate and biased information and assessments with inappropriate recommendations and conclusions in the draft report, which therefore do not contribute to promoting dialogue and cooperation. Given the fact that a short visit was not enough for the SR to have an overall and accurate picture of the realization of the right to freedom of belief or region in Viet Nam, the Government of Viet Nam would like to provide the above-mentioned information to clarify the issues raised by the Special Rapporteur, helping improve the draft report and demonstrating the cooperation spirit of the Government of Viet Nam with the Special Rapporteur in particular and the United Nations Human Rights Council mechanisms in general.

14. The Government of Viet Nam, being a responsible country, is willing to cooperate and exchange views with other countries and the UN mechanisms on human rights topics of mutual concern. The Government of Viet Nam will implement the accepted recommendations at the 2nd cycle of the Universal Periodic Review, including the recommendations pertinent to the realization of the right to freedom of belief or religion and other related international commitments.

15. The Government of Viet Nam will continue to make comments and contribute its viewpoints from now until the presentation of the report at the 28th session of the UN Human Rights Council in March 2015, and requests these inputs to be officially published as the addendum to the SR's mission report to the Human Rights Council.