



Australian Government
Refugee Review Tribunal

Country Advice

Vietnam

Vietnam – VNM38078 – Land Laws – Corruption – Hoa Hao Buddhists

11 February 2011

- 1. Please provide information on whether most of the farmlands are owned by the Provincial district government and that they enforce very strict control on rent and participation in “protection money”. Is there information to suggest that followers of Hoa Hao Buddhism are treated any differently to the general population in this respect?**

Land in Vietnam is considered to be public property which is managed by the state. Private land ownership is not permitted, although the government grants land-use rights to individuals and businesses.¹ Land management is decentralised, with People’s Committees at provincial and local levels responsible for land management within their areas, including the collection of land tax and land rent.² Land leases for agricultural purposes expire after 20 years for annual crops, and 50 years for perennial crops. Following this period, land users may request continued use if they have complied with land laws during the term of their lease.³

The government has the right to seize land for development. Protests by farmers and residents against land confiscations and inadequate compensation are common, and protesters are often harassed, arrested, and punished in Vietnamese courts.⁴ The US Department of State reports that land-rights protesters continue to experience harassment by local authorities in both Ho Chi Minh City and some Mekong Delta provinces.⁵

Limited information was found on provincial governments demanding ‘protection money’, although recent reports by Danish and Swedish embassies and the World Bank indicate that corruption in land management is a significant problem in Vietnam. The

¹ ‘Business: Hanoi Okays Sales of 634 State-Owned Villas’ 2008, *Vietnam News Brief Service*, 12 December – Attachment 1; ‘Vietnam’s Land’ 2010, Vietnam Business News website, 27 January

<http://vietnambusiness.asia/vietnams-land/> – Accessed 8 February 2011 – Attachment 2

² Australian Agency for International Development (AusAID) 2003, ‘Decentralisation in Vietnam – Working Effectively at Provincial and Local Government Level – A Comparative Analysis of Long An and Quang Ngai Provinces’ AusAID website, November, pp.15-16, 18

http://www.ausaid.gov.au/publications/pdf/decentralisation_vietnam.pdf – Accessed 9 February 2011 – Attachment 3

³ ‘Article 20’ in Socialist Republic of Vietnam 1993, *Land Law 1993*, Australian National University website <http://coombs.anu.edu.au/~vern/luat/english/Law-land-law.txt> – Accessed 9 February 2011 – Attachment 4;

‘Vietnam’s Land’ 2010, Vietnam Business News website, 27 January <http://vietnambusiness.asia/vietnams-land/> – Accessed 8 February 2011 – Attachment 2

⁴ Freedom House 2010, *Freedom in the World – Vietnam*, June

<http://www.freedomhouse.org/template.cfm?page=363&year=2010&country=7949> – Accessed 10 September 2010 – Attachment 5

⁵ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Vietnam*, 11 March, Section 1c – Attachment 6

World Bank Director in Vietnam, Victoria Kwakwa, stated that “[u]nsuitable land compensation, a shortage of land-related information for the public and the unfriendly attitudes of officials may lead to corruption”. Procedures such as granting land ownership certificates were criticised by one former Vietnamese official as being “rather complicated and a waste of time”, leading people to pay extra fees to speed up the process. Surveys conducted in various provinces indicated that 78 per cent of those interviewed believed that corruption occurred in land allocation, recovery, compensation and resettlement. Approximately 92 per cent of interviewees believed that illegal land allocation and land sales occurred in every province.⁶

In addition, a 2005 survey conducted by the Internal Affairs Committee of the Central Committee of the Communist Party of Vietnam found that Vietnam’s land administration agency was the most corrupt among all government agencies.⁷ The Countries and Their Cultures website indicates that “many cases of corrupt officials illegally selling land-use rights or seizing it for personal uses have been reported”.⁸ No information was found to suggest that Hoa Hao Buddhists are specifically targeted in this respect.

Nevertheless, the US Department of State reports that land management corruption is widely publicised in the Vietnamese media, “apparently in an officially orchestrated effort to bring pressure on local officials to reduce abuses”.⁹

2. Is there any information that in June 2009 at Ho Chi Minh airport, a pastor with the Hoa Hao Buddhist group was prevented from travelling to the USA?

The US Department of State reports that “[i]n June 2009 Ho Chi Minh City airport officials prevented a pastor from traveling to the United States. They confiscated his passport, and ordered him to report to police”.¹⁰ It is not stated whether the pastor was affiliated with the Hoa Hao Buddhist group.

3. Is there any information that in April 2009, the local leader of the Hoa Hao Buddhist group in Kien Giang was fined for illegal preaching?

No information was found regarding a Hoa Hao Buddhist leader in Kien Giang province being fined for illegal preaching, in April 2009 or otherwise. However, a Hoa Hao Central Buddhist Church leader in Dong Thap province was fined for “illegal evangelizing” in April 2009 after setting up a religious altar at her home.¹¹

⁶ ‘Society: Land-Management Corruption Challenging Vietnam’ 2011, *Vietnam News Brief Service*, 20 January – Attachment 7

⁷ Transparency International 2006, ‘National Integrity Systems Country Study Report: Vietnam’, Transparency International website, p.12

http://www.transparency.org/content/download/11680/104752/file/Vietnam_NIS_2006.pdf – Accessed 8 February 2011 – Attachment 8

⁸ Malarney, S. K. (undated), ‘Vietnam’, Countries and Their Cultures website <http://www.everyculture.com/To-Z/Vietnam.html> – Accessed 9 February 2011 – Attachment 9

⁹ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Vietnam*, 11 March, Section 4 – Attachment 6

¹⁰ US Department of State 2009, *International Religious Freedom Report for 2009 – Vietnam*, 26 October, Section II – Attachment 10

¹¹ US Department of State 2009, *International Religious Freedom Report for 2009 – Vietnam*, 17 November, Section II – Attachment 10

4. Is there information that the local police in Vietnam enter the homes of Hoa Hao Buddhists or of other followers of unofficial religions and warn them to dissociate from their leaders and stop practising their religion?

The Vietnamese government uses various means to silence critics and those considered to be a political threat, including searching their homes and confiscating computers and documents, as well as disconnecting telephones and internet connections.¹² In 2009, police forcibly entered the homes of a number of government critics, confiscating computers and mobile phones. Security forces often entered homes without the required orders from the public prosecutor, by asking permission from the resident with implied consequences for non-compliance. Surveillance by the authorities included opening, censoring and confiscating mail, as well as monitoring emails, telephones calls and faxes. Such treatment was particularly focused on those believed to be involved in unauthorised religious and political activities.¹³

In 2009, Hoa Hao Buddhists in An Giang and Dong Thap provinces reported harassment and surveillance by police, who “visited the homes of followers, instructing them to ‘pray for a peaceful nation’ but discouraging them from meeting with other followers”. In November 2008, the home of a local Hoa Hao leader was searched by police, who confiscated computer equipment and accused him of illegally copying videos containing Hoa Hao Buddhist Church teachings.¹⁴ In 2010, members of the Hoa Hao Central Buddhist Church in the Mekong Delta region also experienced confiscation and destruction of their properties.¹⁵

Local police actively discourage Hoa Hao followers, particularly members of unregistered groups, from attending religious ceremonies and worshipping at religious sites. In several Mekong Delta provinces, Hoa Hao Buddhists have reported being discouraged from worshipping, celebrating religious anniversaries, attending religious ceremonies and visiting religious temples. In addition, Hoa Hao followers reported having their movements restricted and being assaulted by police.¹⁶

5. Is there any information to suggest that the Vietnamese government may be planning a crackdown on the Hoa Hao Buddhist religion?

There is no indication that the government is planning an increased crackdown on Hoa Hao Buddhists. In recent years incidents of harassment have reportedly decreased, and restrictions on the religious activities of registered groups are enforced less severely.¹⁷

¹² Richardson, S. 2007, ‘Testimony on the Human Rights Situation in Vietnam’, Human Rights Watch website, 6 November <http://www.hrw.org/en/news/2007/11/05/testimony-human-rights-situation-vietnam> – Accessed 28 January 2011 – Attachment 11

¹³ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Vietnam*, 11 March, Section 1f – Attachment 6

¹⁴ US Department of State 2009, *International Religious Freedom Report for 2009 – Vietnam*, 26 October, Section II – Attachment 10

¹⁵ US Commission on International Religious Freedom 2010, *Annual Report 2010*, May, p.190 – Attachment 12

¹⁶ US Department of State 2010, *International Religious Freedom Report for 2010 – Vietnam*, 17 November, Section II – Attachment 13

¹⁷ Freedom House 2010, *Countries at the Crossroads 2010: Vietnam*, Freedom House website <http://freedomhouse.org/uploads/cct/country-7949-9.pdf> – Accessed 31 January 2011 – Attachment 14; UK Home Office 2009, *Operational Guidance Note – Vietnam*, 9 June, p.9 – Attachment 15; US Commission on International Religious Freedom 2010, *Annual Report 2010*, May, p.184 – Attachment 12

Nevertheless, Hoa Hao Buddhists experience consistent and on-going ill-treatment by the Vietnamese authorities, who generally treat them with suspicion due to their political activities prior to 1975. At least one unrecognised faction of Hoa Hao Buddhists continues to experience significant repression. Hoa Hao groups have reported continuing government control over their activities, administration, and internal affairs. Hoa Hao members and followers, particularly those affiliated with unrecognised religious groups, have experienced intimidation, harassment, surveillance, restrictions on movement, property destruction, forced renunciations of faith, and imprisonment, especially if their activities are perceived as political activism.¹⁸

Human Rights Watch reported in January 2011 that some Hoa Hao Buddhists are “currently in prison for their religious or political beliefs – or a combination of the two”.¹⁹ In March 2010, the leaders of unrecognised Hoa Hao groups were publicly criticised for opposing the government. As a result of their perceived support for government opponents, the government has continually refused to grant official recognition to unregistered Hoa Hao groups.²⁰

Attachments

1. ‘Business: Hanoi Okays Sales of 634 State-Owned Villas’ 2008, *Vietnam News Brief Service*, 12 December. (FACTIVA)
2. ‘Vietnam’s Land’ 2010, Vietnam Business News website, 27 January <http://vietnambusiness.asia/vietnams-land/> – Accessed 8 February 2011.
3. Australian Agency for International Development (AusAID) 2003, ‘Decentralisation in Vietnam – Working Effectively at Provincial and Local Government Level – A Comparative Analysis of Long An and Quang Ngai Provinces’ AusAID website, November http://www.ausaid.gov.au/publications/pdf/decentralisation_vietnam.pdf – Accessed 9 February 2011.
4. ‘Article 20’ in Socialist Republic of Vietnam 1993, *Land Law 1993*, Australian National University website <http://coombs.anu.edu.au/~vern/luat/english/Law-land-law.txt> – Accessed 9 February 2011.
5. Freedom House 2010, *Freedom in the World – Vietnam*, June <http://www.freedomhouse.org/template.cfm?page=363&year=2010&country=7949> – Accessed 10 September 2010.

¹⁸ Amnesty International 2010, ‘Amnesty International testimony on religious and human rights situation in Vietnam’, Tom Lantos Human Rights Commission: United State Congress website, 18 August http://tlhrc.house.gov/docs/transcripts/2010_08_18_Vietnam/Testimonies/T_Kumar_Amnesty_Testimony.pdf – Accessed 28 January 2011 – Attachment 16; UK Home Office 2009, *Operational Guidance Note – Vietnam*, 9 June, pp.9-10 – Attachment 15; ‘Freedom of Religion: Country Studies – Vietnam’ 2010, Democracy Web website <http://www.democracyweb.org/religion/vietnam.php> – Accessed 31 January 2011 – Attachment 17; Freedom House 2010, *Countries at the Crossroads 2010: Vietnam*, Freedom House website <http://freedomhouse.org/uploads/ccr/country-7949-9.pdf> – Accessed 31 January 2011 – Attachment 14; ‘End chokehold on dissent before party congress’ 2011, Human Rights Watch website, 11 January – Attachment 18; US Commission on International Religious Freedom 2010, *Annual Report 2010*, May, pp.184-185, 189-190 – Attachment 12

¹⁹ Human Rights Watch 2011, ‘World Report 2011 – Vietnam’, January – Attachment 19

²⁰ US Department of State 2010, *International Religious Freedom Report for 2010 – Vietnam*, 17 November, Introduction, Section II – Attachment 13

6. US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Vietnam*, 11 March.
7. ‘Society: Land-Management Corruption Challenging Vietnam’ 2011, *Vietnam News Brief Service*, 20 January. (FACTIVA)
8. Transparency International 2006, ‘National Integrity Systems Country Study Report: Vietnam’, Transparency International website http://www.transparency.org/content/download/11680/104752/file/Vietnam_NIS_2006.pdf – Accessed 8 February 2011.
9. Malarney, S. K. (undated), ‘Vietnam’, Countries and Their Cultures website <http://www.everyculture.com/To-Z/Vietnam.html> – Accessed 9 February 2011.
10. US Department of State 2009, *International Religious Freedom Report for 2009 – Vietnam*, 26 October.
11. Richardson, S. 2007, ‘Testimony on the Human Rights Situation in Vietnam’, Human Rights Watch website, 6 November <http://www.hrw.org/en/news/2007/11/05/testimony-human-rights-situation-vietnam> – Accessed 28 January 2011.
12. US Commission on International Religious Freedom 2010, *Annual Report 2010*, May.
13. US Department of State 2010, *International Religious Freedom Report for 2010 – Vietnam*, 17 November.
14. Freedom House 2010, *Countries at the Crossroads 2010: Vietnam*, Freedom House website <http://freedomhouse.org/uploads/ccr/country-7949-9.pdf> – Accessed 31 January 2011.
15. UK Home Office 2009, *Operational Guidance Note – Vietnam*, 9 June.
16. Amnesty International 2010, ‘Amnesty International testimony on religious and human rights situation in Vietnam’, Tom Lantos Human Rights Commission: United State Congress website, 18 August http://tlhrc.house.gov/docs/transcripts/2010_08_18_Vietnam/Testimonies/T_Kumar_Amnesty_Testimony.pdf – Accessed 28 January 2011.
17. ‘Freedom of Religion: Country Studies – Vietnam’ 2010, Democracy Web website <http://www.democracyweb.org/religion/vietnam.php> – Accessed 31 January 2011.
18. ‘End chokehold on dissent before party congress’ 2011, Human Rights Watch website, 11 January. (CISNET Vietnam CX256544)
19. Human Rights Watch 2011, ‘World Report 2011 – Vietnam’, January.