

## Religious Diversity and the Right to Freedom of Religion in Vietnam Today

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Doi:10.5901/ajis.2015.v4n1p213

### Abstract

*The aim of this article is to explore the nature of religious diversity, religious conflict and the implementation of the right to freedom of religion in Vietnam today. Using comparative approaches in law, politics and cultures, as well as the findings from an empirical study on social conflict, the article identifies the trends and practices of religious diversity, the right to freedom of religion, and their relationship with social conflict. By looking at the ways in which human rights and the right to freedom of religion is provided in the Constitutions of Vietnam, the paper identifies the relationship between the respect for religion diversity and the right to freedom of religion with the solutions of social conflicts in religion, as well as examines the achievements and challenges in ensuring religious diversity and the right to freedom of religion in the context of international integration and development in Vietnam today.*

**Keywords:** Conflict; religion; religious diversity; right to freedom of religion; Vietnam.

## 1. Historical and Legal Backgrounds of Religion and Religious Diversity

### 1.1 Religion and the world's religions

In the most fundamental sense, religion is the belief in powers or in divine, supernatural forces that are considered the creators and gods of the universe. As a doctrine, based on the outlook on life and outlook on the world, religion is a system of beliefs, values, and practices that concentrates on the study of the supernatural and the unworldly, reflecting the relationship between the secular and the divine with sacred points of view. In Marxist theory, religion is a form of social consciousness, a type of knowledge of the society's superstructure, which, on one hand, reflects the obvious existence of the society and realistic social conditions that have gave birth to it, while on the other hand, it is the consequential reflection of man's incompetence and impasse when faced with social and natural forces. In the history of mankind, religion is considered to have appeared very early on along with the formation of man's consciousness and their initial perception of the world and the universe, about more than 40,000 years ago. Religion has become an essential, indispensable part of societies where there still exist class division and conflict, man's impasse in the face of the supernatural, as well as random social and natural laws and phenomena that affect individuals' lives without being explained or clarified. In Marx's words, religion is "the heart of a heartless world", "an inverted consciousness of the world", and "the opium of the people", which came to life due to the existence of class conflicts, and therefore will stop existing along with the disappearance of class struggles and the state (Hoang, 2009).

In Marxist theory, religion is a form of social consciousness, a type of knowledge of the society's superstructure, which, on one hand, reflects the obvious existence of the society and realistic social conditions that have gave birth to it, while on the other hand, it is the consequential reflection of man's incompetence and impasse when faced with social and natural forces.

Religion has especially become an essential, indispensable part of societies where there still exist class division and conflict, man's impasse in the face of the supernatural, as well as random social and natural laws and phenomena that affect individuals' lives without being explained or clarified. Religion, as "an inverted consciousness of the world" and "the opium of the people", came to life due to the existence of class conflicts, and therefore will stop existing along with the disappearance of class struggles and the state (Hoang, 2009).

However, many contemporary sociologists argue that religion does not just originate from and bear the traits of social consciousness and superstructure; it is, first and foremost, a social and cultural value (besides being a means to meet people's conscious needs and to ease their mind). To this sense, religion will continue to exist along with human existence. It is thus an essential, indispensable spiritual need of a proportion of people in a certain society with certain historical conditions. Because of this, the Communist Party and the State of Vietnam (Vietnam, 2003) have asserted that

religion is the spiritual need of a proportion of the people, and it has been in existence alongside the nation in the process of developing socialism in our country (p.48).

According to unofficial statistics by some UN organizations, such as UNESCO and the World Religions Forum, dominant religions in the world today include Christianity (3.1 billion), Islam (1.5 billion), Hinduism (900 million), Taoism (400 million), Chinese folk religion (394 million), Buddhism (365 million), tribal religions (300 million), Confucianism (150 million), traditional African religions (100 million), Shinto (30 million), Sikhism (23 million), Judaism (14 million), Bahá'í Faith (9 million); Cao Dai (2.4 million); and Jainism (1.2 million), among others.

Besides these major religions, there are hundreds or even thousands of other forms of religion and belief that are co-existing in the spiritual life of mankind on this planet. Every level of civilization and progress made by the society and mankind establishes a new elevated level of people's consciousness of the world. Nevertheless, the spiritual need does not diminish, though physicalized and influenced by advanced science and technology, and people still believe in the Creator as both the beginning and the end of the universe. Consequently, the more the society develops, the more new forms of religion appear as a direct result of individuals' and communities' needs for understanding the world. Religious diversity (Hoang, 2014d) is the direct reflection of the reality in human society; it is the vivid picture of the world composed by the diversity in culture, belief, trust, viewpoints, political opinions and ideology. Human creativity originates from the rich diversity in personality, belief, viewpoints and political opinions. The spiritual life is one way to reflect human creativity, in which religious belief or religious tolerance will help to orient oneself towards truth, goodness, and beauty.

### *1.2 Religious diversity, religious tolerance and human rights*

Religious diversity is the presence of religions and forms of religions and beliefs in a certain community or society. Religious diversity is the recognition and respect of differences in the religious life as well as religious issues of different individuals, communities and social groups. Religious diversity is therefore a characteristic, a representation, or even a universal trait of human society, which belongs to the human essence and is attached to the formation and development of the human society.

Religious diversity comprises two concepts: "diversity" and "religious". Diversity is the state or quality of things or phenomena that exist in different ways; it means differences; or it means the relation that holds two or more entities when and only when they are not identical (Oxford, 2014). Hence, religious diversity refers to a state or quality (attribute) in which different religions or religious beliefs interact on the basis of co-existence in a community or a certain social system. Religious diversity is a relation that comprises two or more co-existing religions. An inherent basis of diversity is the state of being different or varied, and therefore religious diversity is the state of differences among various religions within one social system.

In a broad and universal sense, religious diversity refers to the state or quality of being different or varied among religions within a certain social system. However, at a lesser level, religious diversity can also be understood as the presence of different forms, states, and qualities of one religion. Accordingly, religious diversity does not only refer to the quality or state of containing different religions and beliefs, but also means the inclusion of different forms and variations of one religion or one belief that is conceived and practiced in different manners. For instance, religious diversity exists within Christianity (Catholicism vs. Protestantism), Judaism, Islam (Shiite vs. Sunni), Buddhism (Mahayana vs. Theravada), and Taoism (Neo-Taoism vs. Traditional Taoism), etc. Religious diversity, therefore, is a pre-condition for maintaining the presence and development tendency of any form of religion, especially those that have the tendency to become a world religion.

The diversity of religious forms and religions in the world reflects the diversity in the needs and minds of individuals and social groups, creating the diverse identity of human society and culture. The history of formation and development of all countries, communities, and peoples in the world shows that the everlasting endurance of religion lies in its inherent trait of diversity within its existence as well as its entry into daily life. Thus, whether it is recognized by the ruling regime or not, religious diversity still exists within societies, despite efforts to seek religious unification or singularism.

It will be against the progressive values and human civilization for any society to have the ambition of promoting one religion to be the only creed for the spiritual life in their society, forcing people to abandon their beliefs and to follow that only religion.

Religious diversity is closely related to religious tolerance and human rights protection. As a typical feature of the human rights attributes, different forms of religions and religious beliefs can only be ensured and developed on the basis of tolerance in general and religious tolerance in particular.

Religious tolerance refers to the recognition and respect of the belief or religious practices by others. Therefore,

religious tolerance is the basis and premise for a multi-cultural and multi-religious society. Religious extremism, totalitarianism, autocracy, crime, war, and destruction will come if there is a lack of religious tolerance in the awareness and behaviors of law-makers, leaders, social managers, as well as those who create and enjoy cultural and spiritual values of the society. Religious intolerance will destroy religious diversity in human society, the spirit of harmony and unity, as well as the tendency for the development of a harmonious, peaceful and cooperative society.

A society with religious tolerance will create a religious environment where faith, belief, and creed of each individual and social group are recognized, respected and safeguarded. Religious tolerance and religious diversity are closely related, unified and reciprocal. Religious tolerance is the pre-condition for a diverse culture and a multi-religious society. On the other hand, the extensive practice of multi-religion in the social and cultural life will help nourish religious tolerance in particular and tolerance in general in that culture. Thus, religious diversity in turn will become a pre-condition for the development of a religious tolerance culture.

Religious diversity in the world reflects the diversity of cultures and ethnic groups. Unlike the richness and diversity of ethnic groups in the world that are clearly represented and easily recognizable through their cultural life, thus standing better chances of being respected and protected, the richness and diversity of beliefs and religious forms are not easy to identify, and they are therefore not always respected and recognized at the same level as culture. Consequently, the viewpoints, attitudes, and behaviors towards other religions are usually more influenced by subjectiveness, prejudice, and discrimination as compared to those towards cultures (Hoang, 2014a).

This is the reason the international community and many scientists and theologians acknowledge that the biggest challenges of our time are to recognize and practice religious diversity in the form of a tolerant and pro-human rights culture.

While cultural diversity is easily accepted and respected, at least formally in each country's legal system and implemented more or less in reality, religious diversity is usually belittled or ignored. Many countries' legal systems openly recognize the legal status of only one or few religions in their society's spiritual life. In fact, considering a certain religion or form of religion to be mainstream or to be a state religion is synonymous with the eradication, annulment, denial, or discrimination against other religions in that society (Hoang, 2014b).

While the international legal system has established legally binding principles as the bases for nations and the international community to codify and realize religious diversity and to guarantee freedom of religion, in practice the protection of freedom of religion and religious diversity is still a grim picture all over the world. The international community usually strongly criticizes the tendency to ignore international standards and principles in making excuses for religious intolerance, denial of religious diversity, and limitation of freedom of religion within the national or regional legal systems. Another very negative tendency that hinders the protection of religious diversity and religious freedom is the application of double standards for religious policies and religious diversity in the contemporary world's political relations. Also, the tendency to implement universal values of religious pluralism as an excuse to impose a new religion into a society that is still immature and not yet ready to welcome it will arouse religious and social conflicts. In essence, religious diversity is a natural process that does not depend on the forcing will of any social group. In reality, there have been certain social forces in the name of the world that impose religious policies and intervene into the natural development of religions and self-governance of cultures that contain religious diversity. Consequently, religious diversity can not flourish in that society, which also leads to the demolition of religious tolerance embodied in the current society.

Accordingly, respecting the objectiveness of religious diversity in the religious life of a certain society is the basis of sustainable social development, peace, security, cooperation, social progress, democracy, and civilization.

### *1.3 International law on religious diversity and the right to freedom of religion*

As pioneers in the movement to promote cultural tolerance and diversity as well as religious pluralism, the United Nations and its member organizations (such as UNESCO, UN Human rights Council, UN Economic and Social Council, etc.) pay special attention to the establishment and encouragement of a tolerant culture, considering it a pre-condition for respecting, safeguarding, and realizing human rights in general and freedom of religion and belief in particular.

The international legal system includes the UN Charter (1945), the Universal Declaration of Human rights (1948) and international conventions on human rights such as the International Covenant on Civil and Political Rights (1966), all of which confirm the rights and fundamental freedom of individuals, including the freedom of religion and belief.

Article 18 of the 1948 Universal Declaration of Human rights (VIHR, 1998) says, "everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and

observance" (p.66). The International Covenant on Civil and Political Rights reaffirms that everyone is entitled to the right to freedom, equality and it is their own decision whether to have or to adopt a religion or belief or not (Article 18[1]), and that no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice (Article 18 [2]). This covenant also emphasizes the obligation of member states in respecting and protecting the realization of freedom of religion and belief. It confirms the state's role as the duty bearer in guaranteeing religious diversity and freedom. The covenant says, "1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching; 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice; 3. 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; 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions." (UN, 2013).

Stipulations on limitations to the citizens' exercising of freedom of religion or belief in Article 18(3) of the Covenant are conditions for protecting and promoting religious diversity as well as freedom of religion. These limitations indicate that the exercising of each citizen's right to freedom of religion must be within the framework of the Constitution and laws as well as cultural traditions and national identity. In this regard, it is essential to implement propaganda, education, and communication of international and national laws related to freedom of religion and belief in particular, and citizens' rights and obligations in general. The inclusion of legal limitations on religious freedom into international legal standards demonstrates the importance of the limitedness of freedom and rights as well as duty and obligations of individuals in exercising their own rights without affecting others' rights and the common interests of the society, community and the nation. However, these limitations must be turned into laws based on the principle of democracy and the rule of law (Hoang, 2014c).

Besides the 1948 Declaration and the 1966 Covenant, the UN also adopted the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which reconfirms the rights to freedom of religion stated in the Universal Declaration of Human rights and the 1966 International Covenant on Civil and Political Rights. This Declaration emphasizes in Article 1 that, "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching; 2) No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice; 3) 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." (UN, 2013).

Resolution 52/122 of the UN General Assembly on the Elimination of All Forms of Religious Intolerance also reaffirms that "freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination", and urges UN member states to "in conformity with international standards of human rights, take all necessary action to prevent such instances of religious intolerance, to take all appropriate measures to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by religious intolerance and to encourage, through the educational system and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief" (UN, 2012).

## **2. Religious Diversity and Freedom of Religion or Beliefs in Vietnam**

### *2.1 Religion and religious diversity in Vietnam*

Vietnam has a long-standing culture that is full of national identity crystallized from the diverse cultures of its 54 peoples. Vietnam is also a multi-ethnic and multi-religion country where every religion is equal, respected, and protected. The history of national foundation and development of the Vietnamese people is one of unification and solidarity among ethnic communities, between indigenous and imported religions and beliefs. Since the first century CE, after its introduction into Luy Lau capital (Thuan Thanh, Bac Ninh today), Buddhism quickly integrated into the local system of religions, beliefs and culture, gradually becoming an essential part of the ancient Vietnamese's spiritual life. In the South, Theravada Buddhism appeared and developed during the period of the Phu Nam Kingdom (1<sup>st</sup> – 7<sup>th</sup> centuries), which then had

strong influence on the Khmer communities in Southern Vietnam during the 13<sup>th</sup> and 14<sup>th</sup> centuries. At the beginning of the 10<sup>th</sup> century, Confucianism made its way into Vietnam through the influence of the Chinese culture. Buddhism resurrected and became the mainstream ideology of the Ly and Tran dynasties (11<sup>th</sup> – 14<sup>th</sup> centuries), and it played the dominant role in the spiritual life of people back then. However, from the Later Le dynasty onward, Confucianism became the mainstream moral and political ideology, which pushed it to the status of one of the main religions in feudal Vietnam. With the coming of the Western European missionaries, Catholicism entered Vietnam in the 16<sup>th</sup> century and then developed quickly during the Nguyen dynasty and the French colonial period. At the end of the 19<sup>th</sup> and early 20<sup>th</sup> century, Protestantism came to Vietnam with North American missionaries. The first half and the end of the 20<sup>th</sup> century see strong development of indigenous religions, most noticeably Hoa Hao, Cao Dai, and Tu An Hieu Nghia (Four Debts of Gratitude), etc. Together with other indigenous religions that were established during the nation's thousands of years of history, such as ancestor veneration, these new religions (both domestic and imported) became an essential part and helped diversify the spiritual life of all ethnic communities in Vietnam. This very fact establishes Vietnam as a multi-religion country with various forms of religious beliefs. About 80% of the Vietnamese people are religious or have a belief. The number of religious believers has increased rapidly in recent years. In 2003, there were about 20 million believers in Vietnam (which is almost 4.5 times the number in 1997) from all religions, with nearly 10 million Buddhists, 5.5 million Catholics, 2.4 million Cao Dai followers, 1.6 million Hoa Hao followers, 1 million Protestants, and 65,000 Muslims (MOFA, 2006). The current number of believers is already 22 million, with 10 million Buddhists and about 6 million Catholics (GCRA, 2012). Besides these religions, in recent years there have been more and more believers of other religions such as Baha'i (approximately 10,000 followers) (Hoang, 2013c).

Religious diversity in the spiritual life of the Vietnamese society is manifested through the intertwinement of various forms of religions and beliefs, which are all respected and protected by laws and in practice.

A typical feature of the Vietnamese culture is its continuous aggregation of mankind's exquisite cultural values. From very early on, Vietnamese culture already welcomed the diversity of various forms of religion and belief with full of identities. Throughout thousands of years, religions co-existed harmoniously in the spiritual life of the ancient Vietnamese. In many centuries, the three major imported religions namely Buddhism, Taoism, and Confucianism even combined with folk beliefs and were localized into one large syncretic religion called "*the triple religion*", or a *religious trinity*, which is a typical trait of the traditional Vietnamese society (Do, 2010; Hoang, 2013c).

"*The triple religion*" phenomenon in the history of the Vietnamese society demonstrated the desire of the ancient Vietnamese for religious harmony, which is an essential spirit in today's modern society. This is unity in diversity, where different religions with different viewpoints and approaches all contain universal elements and values in the society's spiritual life. The unity on the basis of harmony does not deny or annul the development of each form of religion, but on the contrary, it enriches the values and become the basis for enhancing the development of each religion (Hoang, 2013b).

"*The triple religion*" phenomenon in the ancient Vietnamese society is a convincing evidence for the significance of religious diversity in the development of religions in general and guaranteeing the freedom of religion in particular in the contemporary world. Religious diversity is a dominant feature of the tendency for a society of solidarity, peace, cooperation and development, because it emphasizes harmony among religions, tolerance, and humanism, especially in the human rights culture.

Religious diversity in the religious life and the society of Vietnam typifies the Vietnamese culture, especially in this time of integration and development. Together with the process of international integration and globalization in all aspects of the social life, new forms of religions have also been introduced and welcomed into the society, which enriches religious diversity in Vietnam (Do, 2010; Hoang, 2013c).

## 2.2 Ensuring religious diversity and freedom of religion in Vietnam today

The promotion of religious diversity and freedom of religion has always been guaranteed in Vietnam, especially since the renovation period. The 1992 Constitution (SRV, 1995) affirms that, "*in the Socialist Republic of Vietnam, all human rights in economic, social, cultural, civil, and political, shall be respected and protected*" (Article 50); and "*Citizens have the right to freedom of religion or belief, and to follow a certain religion or no religion at all. All religions are equal by law. The places of worship by all religions or beliefs are protected. No one shall violate the freedom of religion or belief, or take advantage of religions or beliefs to violate the State's laws and policies*" (Article 70). The Constitution also protects people's freedom to follow a certain religion or belief or not, and clearly states that all religions are equal by law (Article 52, 1992 Constitution) (SRV, 1995).

The latest amended Constitution of 2013 (hereinafter referred as to the 2013 Constitution), continues to provide all human rights and the right to freedom of religion and beliefs of all individuals and social groups. Article 24 clearly states that "1. Every one shall have the right to religion, beliefs, manifest or do not manifest any religion. All religions are equal before the law. 2. The state respects and guarantees the right to freedom of religion and beliefs. 3. No one breaches the right to freedom of religion, beliefs, or takes advantage of religion or beliefs to violate the law" (NA, 2013).

Notably, with the establishment of the 2013 Constitution, it is the first time the constitutional provisions stated clearly that human rights are only restricted by a law, not a legal normative document such as a decision or a decree of the Executive or public authorities other than the National Assembly. Article 14 (2) provides that "human rights, the citizen's rights, are only restricted in accordance with provisions of the law in case of necessity and the reasons of national security, public order and security, public morality and public health" (NA, 2013). This is a significant progress in terms of the constitutional rights and creates a more effective mechanism for the protection of human rights in general, and the right to freedom of religion and beliefs in particular. This constitutional rights requires any restrictions over the citizen's rights, including the right to freedom of religion and beliefs, shall only be provided by a law, rather than a legislation. The reason why only a law could give legal provision to restrict the individual's human rights is because it is adopted by the people's representative body—the National Assembly. Thus, a legislation, which is often a legal normative document issued by an administrative body, can not restrict the individual's human rights is a rule of law principle and a primary principle of international human rights law.

In addition to the constitutional provisions, further legal normative documents have been promulgated in order to putting the constitutional rights into practice. The enactment of the Ordinance on Belief and Religion by the Vietnam National Assembly Standing Committee on June 18, 2004, which came into effect on November 15, 2004, once again develops and expands the principles of the Constitution and is the institutionalization of the policies and directions of the Communist Party and the State of Vietnam on freedom of religion or belief. At the same time, this Ordinance also demonstrates the development of the national legal system in the process of domestic codification of the principles in international human rights laws to which Vietnam is committed. Article 1 of the Ordinance reaffirms the principle of respecting citizens' freedom and equality, that "Citizens have the right to freedom of religion or belief, and to follow a certain religion or no religion at all. The State guarantees the freedom of religion or belief of the citizens. No one shall violate that freedom. All religions are equal by law. All citizens shall respect each other, whether they have a religion or belief or not, and whether they have different religions or beliefs". This stipulation emphasizes the guarantee of religious diversity in the religious life and the freedom of religion or belief for all.

The freedom of religious practice and participation into religious activities by religious people is strictly respected and protected. In fact, annual festivities by many religions take place solemnly with the participation of hundreds of thousands of believers, such as Christmas for Catholics, Vesak for Buddhists, and many other festivals by other religions. Particularly, the UN Day of Vesak in 2008 was organized solemnly in Hanoi with the attendance of more than 4,000 priests and Buddhists, including about 2,000 dignitaries and believers from 74 countries and territories in the world (GCRA, 2009). Religious activities are not only considered the spiritual needs of religious people, the implementation of which is protected by the State's policies and practice, but they are also regarded as cultural activities that meet the needs of all people.

Few countries in the world have such harmony among major religions within one nation like Vietnam. Moreover, there are few countries where religious tolerance, a typical feature of the respect and protection of freedom of religion, has become the essence of humanism like the indigenous culture of the Vietnamese people. From the 15<sup>th</sup> century onward, the "triple religion" policy (the co-existence of three religions in the mainstream ideology of the society and people's spiritual life: Buddhism, Taoism, and Confucianism) under the feudal dynasties of Vietnam has proved that the Vietnamese people have had a long tradition of respecting and safeguarding freedom of religion. Meanwhile, religious imperialism and religious intolerance appeared quite commonly in most countries in the world during this time. Catholicism and Protestantism dominated in Western countries as the official ideologies, and therefore other religions are considered heresy, thus oppressed and discriminated against. Take the United Kingdom as an example. Despite being one of the cradles for freedom, humanity, and humanism movements in the West, it has a troubled history in the protection of human rights in general and freedom of religion in particular. The Tudor dynasty (15<sup>th</sup> – 17<sup>th</sup> centuries) was a gloomy period when it comes to the protection of people's freedom of religion or belief. During this time, Protestantism was dominant and the British government unmercifully oppressed Catholics, Jews and believers of other religions. Those who did not follow Protestantism were punished with cruel torture in cauldrons of boiling oil, or even beheaded. Religious tolerance is obviously a basic principle of respecting and protecting human rights and freedom of religion, and the Vietnamese people are proud of their long-standing tradition of a tolerant and humane culture.

Human rights are interrelated and indivisible. Freedom of religion or belief is attached to freedom of individuals and freedom of assembly. The State of Vietnam protects freedom of religion for its people also in regard of freedom of assembly. Therefore, dozens of religious organizations have been recognized and protected by law. For instance, besides the three previously recognized religious organizations, namely the Northern Evangelical Church of Vietnam, Vietnam Catholic Church, and the Buddhist Church of Vietnam, the State has reviewed and recognized the organization of many religions, such as the Ho Chi Minh City Muslim Representative Committee (1999), Cao Dai (1995 – 2000), Hoa Hao (1998), Southern Evangelical Church of Vietnam (2001), and Long An Province Muslim Representative Committee (2004), etc.

So far, 16 religious organizations in Vietnam (under six religions) have been recognized by the State as legal entities that operate within the framework of law and State policies. Since September 2006, the State has issued registration certificates for religious activities and recognized the organizations of 13 religious bodies according to legal stipulations, among which there are six new religions, namely Tu An Hieu Nghia (Four Debts of Gratitude), Pure Land Buddhism, Baha'i, Minh Su Theravada Buddhist Sect, Minh Ly Sect under the Three-Religion Temple, and Buu Son Ky Huong (Strange Perfume from Precious Mountain), and seven Protestant organizations, including Vietnam Christian Mission, Seventh-Day Adventist Church of Vietnam, Grace Baptist General Confederation of Vietnam, Southern Baptist Church of Vietnam, Vietnam Mennonite Church, Presbyterian Church of Vietnam, and Christian Fellowship Church of Vietnam. So far, 30 religious organizations have been registered and recognized (GCRA, 2009).

The State of Vietnam also pays attention to the training of religious dignitaries to enhance the organization and activities of religious groups, better meeting the increasing needs of people for the implementation of their freedom of religion or belief. For example, to train Buddhist dignitaries, in recent years the Buddhist Church of Vietnam has opened three Buddhist Institutes, six Buddhist Studies college-level classes, and 31 Buddhist Studies schools, which have provided training to 5,090 priests. Vietnam Catholic Church also has six Major Seminaries that has provided training to 1,236 priests; The Theological Bible Institute under the Grace Baptist General Confederation of Vietnam (South) already opened two courses with 150 participants. On August 30, 2006 the construction of the new facility for the Theological Bible Institute began in Ho Chi Minh City.

Religious people's freedom of expression is acknowledged by law and protected in practice. The State always ensures that religious organizations and believers enjoy the same right to equality as non-religious citizens, and they have the right to freedom of expression of their viewpoint, political opinion, and ideology. In fact, religious publications have been popular. In five years from 1999 to 2004, under requests from religious individuals and organizations, the Religious Publishing House produced 719 religious publications with 4.2 million copies, including 500,000 copies of the Bible. The Bible is published in the languages of Bahnar, Rhade, and J'rai to create favorable conditions for religious activities by ethnic minority believers. In 2007, the Religious Publishing House introduced 620 books by religious organizations with 1.2 million copies and 180 other religious publications with 97,500 copies. The number of books (GCRA, 2009) published annually by religious organizations has increased significantly every year. In 2008 alone, there were 915 books (as compared to 620 in 2007) (p.69-70).

The State has paid special attention to building infrastructure for religious activities. For instance, there has been a steady increase in the number of newly built and repaired houses, temples, pagodas, and places of worship. In 2003, there were about 15,244 Buddhist temples and pagodas, 5,456 Catholic churches and chapels, 275 Protestant churches, 1,205 Cao Dai temples, 35 Hoa Hao places of worship, 77 Islam mosques, and tens of thousands of communal houses, shrines, and altars. In 2003 alone, 425 places of worship were either newly built or rebuilt (217 by Buddhism, 177 by Catholicism, 8 by Protestantism, and 23 by Cao Dai), and 294 places were repaired (MOFA, 2006). So far, there has been a large number of places of worship and locations for religious activities in Vietnam, fully satisfying the needs of religious people and all individuals in the society.

Religious believers' freedom of assembly and association is also safeguarded effectively. For instance, until 2006 Vietnam had about 820 Buddhist groups, and 9,531 Catholic societies (among which 4,278 were for religious rituals and 5,253 were for other activities). In the Central Highlands, there were 304,876 Protestants and 1,286 congregations under eight denominations, with 79 pastors, 476 missionaries and volunteers in mission (MOFA, 2006). In order to ensure the right to freedom of religion or belief by ethnic minority people, the Communist Party and State of Vietnam paid special attention to implementing the freedom of assembly and association for them. By 2006, the Government had awarded legal entities to 36 newly established Protestant congregations in the Central Highlands (MOFA, 2006). This is evidence that the freedom of assembly and association has always been respected and guaranteed by the Communist Party and the State of Vietnam, especially for religious believers.

Religious people's right to participation into social and state management is also respected and safeguarded.

Under Articles 53 and 54 of the Constitution, religious dignitaries and believers have the same right as other citizens to nominate themselves and run for positions in governmental offices from the local to the central level, especially positions at the National Assembly and all levels of People's Council. Currently, there are seven deputies to the National Assembly who are religious dignitaries (four Buddhists, two Catholics, and one Hoa Hao). 1,171 religious dignitaries are now members of the People's Councils, with 74 at the provincial level, 265 at the district level, and 832 at the commune level (according to data from 44 out of 64 provinces and cities) (MOFA, 2006). This proves that the criticism and accusation by hostile and anti-government forces are groundless and fabricated when they distort the situation and claim that there is oppression on religious dignitaries and believers. In fact, reality has confirmed the consistent policies of the Communist Party and the State as well as the recognition, realization and effective protection by law and practice of religious people's freedom of religion and freedom of participation into political and public life. The right to equality of all religions is also guaranteed by law, policies and practice. All religions are treated equally, and the State creates favorable material and spiritual conditions for them to develop and organize religious activities.

### 3. Some Conclusions

From the aforementioned analysis, it is worthwhile to note that religion and religious diversity play such an important role in mankind's social life and so is the guarantee of the right to freedom of religion. Without the respect for the right to freedom of religion, there is no religious diversity, nor is the full recognition of human rights. More importantly, if there is no religious diversity and the right to freedom of religion, there will be religious conflict. Thus, the guarantee of the right to freedom of religion and religious diversity is a solid foundation for building a harmonized society and reducing social conflict. The following conclusions should be taken into account seriously so that the respect for, protection and fulfillment of human rights in general and the right to freedom of religion in particular could be better ensured around the world as well as in Vietnam.

1. Religion appeared and has developed along with the history of perception and development of humans and the society. Religion is not only a spiritual need that has been indispensable for humans for millenniums, but above all, it is also a social value that reflects people's desire for a better world, helping people to live good lives, humane values and promoting a tolerant culture. Therefore, religion is also a social value that has strong characteristics of culture and humanity; it is the source of human rights.

The human rights-based approach towards religion indicates that the exercising of freedom of religion cannot be separated from the exercising of people's fundamental rights and freedom in general. Freedom of religion is not an absolute rights but it has limitations. Human rights are unified, inseparable and interdependent, and therefore it is necessary to ensure the freedom of religion or belief on the basis of ensuring the overall rights and freedom of citizens. The progresses and achievements in ensuring freedom of religion or belief first of all depend on the effective enjoyment of the overall human rights. The requirement of empowering everyone is essential in ensuring and fully realizing human rights in general and freedom of religion or belief in particular. RBA to religion also emphasizes the responsibilities of duty bearers. Therefore, besides developing and finalizing institutions and mechanisms for protecting and implementing freedom of religion or belief in particular, the State needs to provide more equal opportunities and promote the ability to approach the enjoyment of other human rights by religious believers and all citizens, with special attention paid to freedom of assembly and association, freedom of speech, freedom of election, nomination, right to education, right to access justice, right to be equal before the law, right to access information, right to access culture, and right to enjoyment and creation of cultural values, etc.

2. While it is difficult to acknowledge religious diversity in the social life, it is even more so to acknowledge the existence as well as the true values of various religions with tolerance and generosity. However, our attitude towards the role of religious diversity in the social life and the preservation and development of cultural diversity is crucial in respecting and protecting each individual's fundamental rights and freedoms, especially the freedom of religion or belief.

Freedom of religion in particular and human rights in general can only be guaranteed on the basis of respecting, protecting, and promoting religious diversity, which, in turn, is a condition and a means to realize human rights and the freedom of religion.

The practice of respecting and protecting religious diversity and freedom of religion in the world indicates that human rights, social progress, democracy, and civilization can only flourish on the basis of a tolerant and human rights-based culture that honors and fully implements the international, regional and national standards. The responsibility to establish a culture of religious tolerance in particular and a human rights-based culture in general is a noble mission of all



religions in the world, which is also a noble mission of each individual, community, nation, and the international community, especially the UN.

Essentially, human rights embody the interrelated existence between rights and duties, and between moral freedom and legal freedom. Therefore, freedom of religion should be governed by stipulations under national and international laws along with cultural traditions, national identity, and the typical socio-economic conditions of each country. Freedom of religion or belief should always be practiced within the framework of the Vietnamese Constitution and laws. Although Vietnamese legislation already stipulates that "in case of conflicts between this Ordinance and international conventions of which Vietnam is a member, the principles of the international treaties shall prevail" (Article 38, Ordinance on religion and belief, 2004), it is basically the responsibility of the State of Vietnam, as a member of international human rights treaties, to domestically codify those international principles into the national legal system, as well as to implement all necessary legislative, judicial, and executive measures to guarantee those commitments to its people. In fact, the reform of Vietnam's legislative, judicial and executive systems in recent years has demonstrated the Vietnamese Government's respect for and full implementation of its international commitments.

Human rights are interrelated, indivisible, interdependent and universal; therefore, it is necessary to guarantee the freedom of religion or belief on the basis of overall protection of other fundamental rights and freedoms of citizens. The achievement and progress in the protection of freedom of religion depend first of all on the level of enjoyment of all human rights in general. Consequently, it is important to promote opportunities for religious people and all citizens to enjoy other human rights, including freedom of assembly and association, freedom of expression, the rights to vote and be voted, the right to run for office, the right to education, the right to access to justice, and the right to be equal by law, etc.

3. Respect for religion and the right to freedom of religion plays such an essential role in maintaining social stability, harmony, peace and development. In the modern world, religious diversity is resulted from the respect for and protection of the right to freedom of religion for all individuals and social groups, especially the most vulnerable peoples. Without religious diversity and the right to freedom of religion, there would be no security, peace and development. Vietnam is a transitional country and its society has been dramatically changing. Its fabrics which constitute the society's solid and stable relations have been challenged by the struggle between modernity and tradition, traditional cultural values and international integration and globalization. Many international legal norms and standards, including international human rights, have been becoming integral parts of Vietnamese legislation and policies, as well as being implemented in practices. This requires greater guarantees for human rights, especially the right to freedom of religion and beliefs. The social conflicts are sometimes resulted directly from the massive and systematical violations of human rights and the breaches of laws. Thus, guaranteeing religious diversity and the right to freedom of religion is always a good solution not just to address the social conflict, but also a precondition for building a harmonized, developed and peaceful society.
4. The bases for this analysis is based on an empirical study, which is a national research on social conflicts and integrated theories on social conflicts, funded by the Vietnamese Ministry of Science and Technology (NAFOSTED) having conducted during a stage of two and a half years, 2012-2015. The research components include establishing an integrated theories of social conflict, conducting interviews over 200 senior and grassroots officials and surveying nearly 2000 people representing for law and policy makers, leaders and managers of selected central and local governments. The empirical study shows that one of the reasons why social conflicts occurred is the lack of respecting for religious diversity and the right to freedom of religion in particular and human rights in general, including economic, social and cultural rights as well as civil and political rights. As a socialist-oriented market economy, Vietnam has been experiencing with both the achievements and challenges for the implementation of human rights and the right to freedom of religion. The dominant trend of social conflict on land and land-related issues has caused, not just to the instability and insecurity, but also to other forms of social conflicts, including religious conflict. Thus, identifying the respect and protection of religious diversity and the implementation of the right to freedom of religion is a vital tool to formulating appropriate laws and policies.
5. Although religious conflict in Vietnam has not been a major issue that undermines the threats to social stability, peace and development, it is inevitably to conclude that economic and social conflicts, such as land conflicts which occupy around 60-75% of the individual's complaints and denunciations lodged to various Vietnamese public authorities, remarkably constitute to religious conflicts and the neglects and violations of human rights in general and the right to freedom of religious in particular. Undoubtedly, the only solution for this is further to

improving legal and policy frameworks that should be established in line with the Vietnamese Government's political commitments and its legal binding obligations. At the same time, strengthening higher education of human rights is also a precondition for establishing a harmonized, peaceful and developed society.

#### 4. Acknowledgement

This paper's findings is resulted from a national leveled research programme, funded by the Vietnam National Foundation of Science and Technology Development (NAFOSTED), entitled "Social conflict: the study of integrated theories and the application into the governance of society in Vietnam" led by Professor Dr. Tran Phuc Thang and the team, conducted within 2012-2015. The author's sincere thanks go to the NAFOSTED, for their financial support, and to the research team, for their invaluable comments and contribution, without them this research could not be complete.

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