

The role of the Fatherland Front of Vietnam in the impulsion process for rule of law on religion in Vietnam

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I. Building a rule of law state on religion in Vietnam

During process of building law-based state, step by step the policy on religion has fundamentally transforms in juristical way. Chapter II, Item B (Benefits and Responsibilities) in the Constitution 1946, the first constitution of Republic Democratic of Vietnam (now Socialist Republic of Vietnam) confirmed “every Vietnamese citizen has the right to freedom of belief”. On this basis, there are practical policies on religion promulgated through legal documents such as:

+ October 4, 1953, The Government has promulgated policy on religion respect freedom of beliefs, every citizen has freedom of beliefs and freedom to have no belief.

+ June 14, 1955, Decree 234 - S-L. (on religious matters), clearly noted: "Article 1. Government assures people's freedom of beliefs and freedom of worship. No one should violate that freedom. Every Vietnamese has the right to follow a religion or not to follow any religion”.

- A fundamental step forwards juristically on religious issues during *Doi moi* (renovation) period (since 1986) in Vietnam that is Article 70 of Constitution 1992, which provides specifically:

“Citizen has freedom of beliefs and religion, he or she may or may not follow a religion. All religions are equal before the law. Worship places of beliefs and religions are protected by law. No one should violate freedom of beliefs and religions, or take advantage beliefs and religions to infringe State law and policies”¹.

+ June 18, 2004, the National Assembly Term XI adopted the Ordinance on Beliefs and Religions, and it became effective on November 15, 2004. The Ordinance is a new progress on the policy and regulation for religious affairs:

This Ordinance regulates belief activities with the spirit that recognizes cultural values and good faith of nation's traditional belief.

Recognition and protection of religious organizations are extended to religions with larger number of followers and some of “new religions”. This proves clearly that the policy is appropriate to the development of the society.

¹ *Constitution of the Socialist Republic of Vietnam 1992 (1992)*

Establishment, partition, separation, merging, unifying of religious organizations have been decentralized clearly, it facilitates religious organizations to meet their needs for activities

Ordain, brevet, appointment, election, selection among organizations have been considered as internal affairs of the religious organization. Religious organizations have the right to follow their own charters, their regulations or canon. State sets up only conditions on citizen's conduct for candidates so religious organizations can make their decision.

Reshuffling working places of clergymen has changed to be more open than Degree 26

Religious associations have been defined as a gathering form of believers that is established by religious organizations to serve religious activities.

The activities of orders, convents and organizations of leading a religious life in collective now need to register to authority in charge only (the People's Committee at district, provincial level or Government Religious Commission) for their legality right to operate.

Social and charity activities of religious officials, clergymen and religious organization have been provided specifically in open-handed way.

International relations of religions have changed in more open direction.

Suspension of belief and religious activities have provided specifically to: violating national security, affecting substantial to public orders or environment; violating to other's life, property, health and dignity or having other substantial law-breaching conducts.

The Ordinance on Beliefs and Religions also provides regulations for dealing with discrimination conducts based on beliefs and religions; violating citizen's freedom of belief and religion

The Ordinance on Beliefs and Religions is a legislative document (previous degrees were executive one), this is a new step forward of improving policy and law on beliefs and religions in Vietnam.

In the law-based on religion sphere, religious properties and facilities have expressed in many important Codes such as: Civil Code 2005; Code for land 2003

- Another new step forward in law-based on religion in Vietnam is the Constitution 2013, which clearly stated:

1. Everyone has freedom of beliefs and religions, he or she has the right to follow a religion or not to follow any religion. All religions are equal before the law.

2. State respects and protects freedom of beliefs and religions.

3. No one should violate freedom of beliefs and religions or take advantage beliefs and religions to infringe the law”²

In short, State of Vietnam has reasonable steps forward in institutionalization of freedom of beliefs and religions and activities of religious organizations. Since 1945 up to present days, especially from 1990, State has promulgated many policies assuring citizen’s freedom of beliefs and religions, promoted the positive parts of religions, contributed in economic, social development, public order and security, political stability of the country.

II. The Fatherland Front of Vietnam during the implement of rule of law on religion in Vietnam.

1. The Fatherland Front of Vietnam (FFV) is an organization in the political system of Socialist Republic of Vietnam, which comprises:

The Communist Party of Vietnam: the Constitution of the Socialist Republic of Vietnam (2013) provides that the Communist Party of Vietnam “is the leading force of the State and the society”³.

The state of the Socialist Republic of Vietnam: at the central level include: the National Assembly, President, Government, judicial institutions (Supreme Court, the People’s Supreme Procuracy). At the local level: the People’s Council, People’s Committee, Local Courts, Local People’s Procuracy.

The Fatherland Front of Vietnam (FFV) and other social political assemblies (Ho Chi Minh Communist Youth League, General Vietnamese Labour Federation, Vietnamese Peasant Association, Vietnamese Women Federation, Vietnamese Veterans’ Organization, in which social-political assemblies are members of the FFV).

The assemblies in the political system of the Socialist Republic of Vietnam all have different functions, missions provided by the law, they have organic, close-knit interrelations, and put under the leadership of the Communist Party of Vietnam (CPV).

2. FFV’s role, missions provided by the Constitution (2013) and the Law on FFV (2015).

FFV is the political alliance organization, voluntary union of political organizations, social-political organizations, typical societies and individuals among all classes in society, ethnics, religions, overseas Vietnamese.

² Article 24. Constitution of the Socialist Republic of Vietnam 2013, Pub. National Politics – Truth, Hanoi, 2014, p.17-18.

³ Article 4, the Constitution of the Socialist Republic of Vietnam is approved by the National Assembly Term 13th, Session 6th on November 28, 2013.

FFV is the political ground of the people's authority; representing and protecting the people's legal rights and interests; gathering and developing the power of the great unity of the nation, implementing democracy and strengthening the social consensus; supervising and criticizing for the society; participating in building up the Party (CPV) and the State, people's foreign affairs; taking part of the building and defending the Fatherland.

3. The Mission of the Fatherland Front of Vietnam (FFV) for religious affairs is provided by the Article 7 of the Ordinance on Beliefs and Religions (2004): FFV and its organization members in their authority have responsibility of:

Gathering believers, religious people and non-believers, non-religious people to build the unity of the nation, to build and defend the Fatherland;

Reflecting timelessly people's opinions, wishes, and petitions on relevant belief and religion issues to state authority in charge;

Participating in disseminating, mobilizing dignitaries, clergymen, followers, believers, religious organizations and other people to implement law on belief and religion;

Participating in building and supervising the implementation of policy and law on belief and religion.

4. Implementing the role and responsibilities provided by law, FFV has contributions in building process for rule of law on religion in Vietnam such as:

FFV's committees at all levels participate in developing policies, guidelines, regulations on religion with the aim to ensuring the strict and clear of the law, also meet the people's belief and religious needs.

Disclosing, petitioning and participating in solving matters that are still weakness and shortcoming in management and administration of the government organizations at different levels on religious issues such as: bureaucratic, authoritarian behaviors, violating self-management right of clergy and religious followers in State management affairs; any sign of opportunism, extremism or mercenary in related religious matters; misconduct behaviors of state officials in relationship with clergy, believers and religious organizations to ensuring the rights and legitimate interests of religions, to effective contributing for implementation of laws and regulations on religion and religious activities.

Supervising on dealing with complaints and accuses according to the law to assure consistency of the Party's and State's viewpoint, policy, guideline on religion and religious affairs.

FFV Committee at different levels actively proposes different religious policies to the Party and State and supervises and speeds up solving processes of authority in charge. In 2012, FFV's Central Committee has proposed additional regulations for

religious activity registrations in Decree Nr. 92/2012/NĐ-CP *detailed provisions and measures for implementation of the Ordinance on Beliefs and Religions* during the drafting process of the Ordinance, which forms a legal background to deal with religious issues in practice.

III. Fatherland Front of Vietnam (FFV) continues to contribute to the building, improvement rule of law state on religion in Vietnam

1. Implementing its the role and responsibilities provided by law, FFV continues to take initiatives and reinforces contacts, discussions, listening religious officials and believers from religions; based on its implement of the religious policy and law, FFV petitions and participates with State to supplement, improve policy and law on religion in the areas such as:

- Religious activities of foreigners in Vietnam
- “Religion – human rights” issues in dealing with Vietnam’s foreign relations, also preventing of taking advance of religious, ethnic, human rights issues to harm the building process and defending of the country
- Regulations in dealing thorough with “State-Religion” relations; the legal ground for religions to participate in humanitarian, charity, social, education and health care activities ...
- Regulations for religions to realize autonomy and determinate by their own organization.
- Regulations on natural person and legal entity rights issues of religious organizations.
- Regulations in dealing thorough with properties and assets of religious organization issue.

2. To implement its duty in criticism for society in developing rule of law on religion: FFV is organizing debates on the Beliefs and Religions Law project before submitting to the National Assembly for examination in Session October 2016.