

## **ORDINANCE (translation)**

### **OF THE STANDING COMMITTEE OF THE NATIONAL ASSEMBLY NO. 21/2004/PL-UBTVQH11 OF 18 JUNE 2004 REGARDING RELIGIOUS BELIEF AND RELIGIOUS ORGANIZATIONS**

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH 10 dated December 25, 2001 by the 10th National Assembly during its 10th session;

Pursuant to Resolution No. 21/2003/QH11 dated November 26, 2003 on its legislative work plan for the year 2004 by the 11th National Assembly during its 4th session;

This Ordinance governs the activities of religious belief and religious organizations.

#### **CHAPTER I**

#### **GENERAL PROVISIONS**

##### **Article 1**

Citizens have the right to freedom of religious belief and of having a religion, and freedom of non-belief and not having a religion.

The State guarantees freedom of religious belief and of religion for its citizens. Nobody is permitted to violate these freedoms.

All religions are equal before the law.

Citizens who have religious beliefs and a religion and those who are non-believers and do not have a religion must respect each other.

##### **Article 2**

Religious dignitaries and those having a religious vocation, and citizens with religious belief and a religion enjoy all citizens' rights and have the responsibility to discharge all citizens' obligations.

Religious dignitaries and those of religious vocation have the responsibility to regularly educate believers about patriotism, about the rights and obligations of citizens, and about obedience to the law.

##### **Article 3**

For the purpose of this ordinance, terms are defined as follows:

1. Activities which arise from religious beliefs express themselves as ancestor worship; memorializing and honoring those who have rendered great services to the country and the community; the worship of divinities and traditional symbols as well as other folk beliefs and activities that represent fine, valuable historical, cultural, moral and social values.
2. A place of worship is the place where the community's religious belief activities take place, and include communal houses, temples, shrines, small pagodas, family worshipping halls, and other similar establishments.
3. A religious organization is an assembly of believers of the same tenets, cannons, rites, and has a clear organizational structure recognized by the State.
4. A local religious organization is the local unit of a religious organization including the managements boards of Buddhist temples, Catholic parishes, local Protestant congregations, Cao Dai parishes, Hoa Hao management boards of the commune, precinct, and township level, and local units of other religious organizations.
5. Religious activities are the preaching and practicing of religious tenets, cannons, and rites, and the management of religious organizations.
6. A religious congregation is the assembly of believers that is set up by a religious organization for the sake of carrying out religious activities.
7. A religious establishment is a place of religious worship, a place where those of religious vocation lead a religious life, a place to train religious dignitaries and those of religious vocation, the office of a religious organization, and other establishments affiliated with religions recognized by the State.
8. A believer is a person who believes in a religion and is acknowledged as a believer by that religion.
9. A person of religious vocation is a believer who regularly and voluntarily practices his/her lifestyle according to the tenets and cannons prescribed by the religion that he/she believes in.
10. A religious dignitary is a believer who holds a position and title in a religious organization.

#### **Article 4**

Pagodas, houses of worship, Cao Dai temples, churches, communal houses, temples, shrines, offices of religious organizations, and the training establishments of religious organizations, and other legal religious organizations, and instruments of liturgy and worship are protected by law.

## **Article 5**

The State guarantees the right of religious belief and religious practice according to the provisions of the law; respects religious cultural and ethical values; preserves and promotes the positive values of the tradition of ancestor worship and of honoring those people have rendered great service to the country and community - which all contribute to further consolidate the great national unity bloc and meet the common spiritual needs of the people.

## **Article 6**

Relations between the Socialist Republic of Vietnam and other countries and international organizations concerning religious issues, must be based on the principles of respecting each others independence, sovereignty, and non-interference into each other's internal affairs, as well as equality and mutual benefit, and be in conformity with each other's law as well as international law and practices.

## **Article 7**

1. The Vietnam Fatherland Front and its member organizations, within the scope of their duties and authority, have the responsibility to:

- a. Gather followers of religious belief and religions organizations and non-believers to build national unity, and to build and defend the Fatherland.
- b. Promptly report the peoples' comments, expectations, and petitions on religious belief and religion-related issues to the competent State agencies.
- c. Take part in the dissemination of information to encourage religious dignitaries, those of religious vocation, believers, and religious organizations and common people to execute the State ordinance on religious belief and religious organizations.
- d. Take part in the process of development and monitoring with respect to the execution of State policies and ordinance on religious belief and religious organizations.

2. State agencies, within the scope of their duties and authority, are to take the initiative in cooperating with the Vietnam Fatherland Front and its member organizations in disseminating information about, and encouraging the implementation of, the State's policies and laws on religious belief and religious organizations.

## **Article 8**

1. Discrimination on the grounds of religious belief and religious organization that violates a citizen's freedom of religious belief and religious organizations is not allowed.

2. It is forbidden to abuse the right to freedom of religious belief and religion to undermine peace, independence and national unity; to incite violence or to wage war; to disseminate information against the State's prevailing laws and policies; to sow division among the people, ethnic groups, and religions; to cause public disorder; to do harm to other people's lives, health, dignity, honor, and property; to hinder people from exercising

their rights and public obligations; to spread superstitious practices and to commit any other acts which breach the law.

## **CHAPTER II**

### **THE ACTIVITIES OF PEOPLE WITH RELIGIOUS BELIEF AND THE ACTIVITIES OF ADHERENTS OF A RELIGION, RELIGIOUS DIGNITARIES, PEOPLE OF RELIGIOUS VOCATION**

#### **Article 9**

1. People with religious belief and adherents of a religion are free to express their faith, conduct rites of worship and prayer, and to take part in and provide service for religious festivities, and to study religious teachings.
2. People with religious belief and adherents of a religion have the responsibility to respect each other's freedom of religious belief and religion and the freedom of non-belief and not to have a religion. The implementation of the right to freedom of religious belief and religion must not hinder the discharge of a citizen's rights and obligations; religious belief activities and religious organization's activities must be according to law.

#### **Article 10**

People who take part in religious belief and religion activities must obey regulations set by the places of religious belief and religious organization, and also obey other regulations agreed upon by the community.

#### **Article 11**

1. Religious dignitaries and people of religious vocation are allowed to carry out their religious functions and roles within the limits of their responsibilities, and to preach at religious establishments.
2. Religious activities beyond those mentioned in clause 1 of this Article, require the consent of the People's Committee at the district or city level (hereinafter referred to as People's Committee at the district level) where the activities take place.

#### **Article 12**

1. A person in charge of a local religious organization has the responsibility to annually register the religious activities which will take place at that religious establishment with the People's Committee at the commune, precinct, and city level (hereinafter is referred to as the People's Committee at the commune level); activities beyond those which have been registered shall require the consent of competent State agencies.

2. The authority to approve the organization of a religious festival is regulated by the Government.

### **Article 13**

1. Persons who are serving prison terms or who are under administrative probation are not allowed to preside over religious rituals, to preach religion, to manage religious organizations, and to preside over religious belief festivities.

2. The restoration of the religious role and functions of individuals who have completed the term of the sanctions in clause 1 above, must be proposed by the religious organization that has responsibility to manage that individual, and agreed upon by the competent State management agency, and only then can the individual preside over religious ceremonies, preach the religion or participate in religious management activities.

### **Article 14**

Religious belief and religion activities must ensure public safety, be economical, be in keeping with national traditions and cultural identity, and protect the environment.

### **Article 15**

Religious belief and religion activities will be suspended under any one of the following circumstances:

1. They violate national security or seriously and negatively affect public order or the environment.
2. They negatively affect the unity of the people or the nation's fine cultural traditions.
3. They do harm to other people's lives, health, dignity, honor, and property.
4. They cause other serious illegal activities.

## **CHAPTER III**

### **RELIGIOUS ORGANIZATIONS AND THEIR ACTIVITIES**

#### **Article 16**

1. An organization shall be recognized as a religious organization if it meets all of the following conditions:

a. It is an organization of people with the same belief, who follow religious tenets and rites that do not go against the nation's fine traditions and customs, and the common benefit of the people.

- b. It has a charter and regulations outlining principles, objectives and activities favoring attachment to the nation and not contrary to the provisions of the law.
- c. It registers its activities and maintains long-term, stable operations.
- d. It has an office, an organization and legal representatives.
- e. It has a name that is not identical to name of another religious organizations already recognized by the competent State management agency.

2. The level of authorization required regarding recognition of religious organizations.

- a. The Prime Minister must recognize religious organizations with activities covering multiple provinces or centrally run cities.

- b. The Chairman of city or provincial People's Committees must recognize religious organizations with activities primarily centered in a single province or a centrally run city.

3. The registration of religious activities is stipulated in clause 1, point c of this Article; the Government shall provide instructions concerning the religious activities of registered religious organizations and on the procedures for the recognition of religious organizations.

#### **Article 17**

1. Religious organization are entitled to be established, to divide or split, or merge their subordinate organizations in accordance with the organizations' charters and regulations.

2. The establishment, division and merger of religious organizations must be approved upon by the People's Committees at the provincial or centrally governed city level (hereinafter is referred to the People's Committee at the provincial level.)

3. The establishment, division or merger of religious organizations that do not fall into the stipulations of clause 2 of this Article must be approved by the Prime Minister.

#### **Article 18**

1. Conferences and congresses of local religious organizations shall take place after getting the approval of the People's Committee of the district where the event takes place.

2. Conferences and congresses of religious organizations at the national level shall take place after getting the approval from the competent central State management agency.

3. Conferences and congresses of religious organizations not included in clauses 1 & 2 of this Article shall take place after getting the approval from the People's Committee of the province where the event takes place.

## **Article 19**

1. Religious congregations are allowed to operate after the religious organization has registered them with the competent State agency.
2. The registration of a religious congregation is prescribed as follows:
  - a. A religious congregation with activities covering one precinct, district, town, or provincially run city shall be registered with the People's Committee of the district where the congregation operates.
  - b. Religious congregations with activities covering several precincts, districts, towns, provincially and centrally run cities shall be registered with the People's Committees of the provinces where the congregations operate.
  - c. Religious congregations with activities covering several provinces and centrally run cities shall be registered with the States religious management agency at central level.

## **Article 20**

Religious orders or similar forms of collective religious practice shall be allowed to operate after being registered with the competent State agency.

The registration of operations of religious orders or similar forms of collective religious practice must follow the stipulations prescribed in clause 2 of Article 19 of this ordinance.

## **Article 21**

1. Persons who choose a religious vocation at places of religious worship must do so on a voluntary basis; no coercion or prevention is allowed. Underage individuals who choose a religious vocation must obtain approval from parents or guardians.
2. Upon admission of people into religious establishments in order for them to live a religious vocation, persons in charge of the establishment have the responsibility to register such admittance with the People's Committee of the commune where the religious establishment is located.

## **Article 22**

1. The bestowal of religious titles and the appointment, nomination and election of religious dignitaries and people of religious vocation shall be conducted according to charters and regulations of the religious organizations and must meet conditions mentioned at clause 2 of this Article. In cases where a foreign connection is involved, agreement in advance must be obtained from the central State religious management agency.

2. Persons who receive ordination, nomination or election or other appointments or promotions to religious offices must meet the following conditions in order to be able to be recognized by the State.
  - a. Be a Vietnamese citizen with good moral conduct.
  - b. Possess the spirit of national unity and national harmony.
  - c. Scrupulously observe the law.
3. The dismissal of religious dignitaries shall be according to the charters and regulations of the respective religious organizations.
4. Religious organizations have the responsibility to register the appointment, election, and nomination of religious dignitaries and those of religious vocation with the competent State management agency as well as to notify the competent State management agency of the dismissal of religious dignitaries.

### **Article 23**

The transfer of religious dignitaries and those of religious vocation shall be reported to the People's Committee of the district from which the religious dignitaries and those of religious vocation are transferred, and registered with the People's Committee of the district to which the religious dignitaries and those of religious vocation are transferred.

The transfer of religious dignitaries and people of religious vocation who have been administratively punished by decisions of the Chairman of the Provincial People's Committee, or those who have been dealt with for their violations of the Criminal Code, must also be approved by the People's Committee of the province to which the religious dignitaries and those of religious vocation are transferred, according to Government regulations.

### **Article 24**

1. Religious organizations are allowed to open schools and to open classes to supplement the training of religious dignitaries and those of religious vocation.
2. The opening of schools and classes to train religious dignitaries and those of religious vocation must be approved by the Prime Minister.

Enrolment must be conducted in a transparent manner; candidates must apply to become students on a voluntary basis and voluntarily abide by the school's approved regulations.

The subjects of Vietnamese history and laws are required as major subjects in the curriculum to train religious specialists.

3. The opening of classes to train religious dignitaries and those of religious vocation must be approved by the Chairman of the People's Committee of the province where the class is held.

4. The Government shall issue instructions on procedures for the opening and dissolving of schools to train religious dignitaries and those of religious vocation and on the opening of classes to train religious dignitaries and those of religious vocation.

#### **Article 25**

Religious rituals and festivities taking place beyond the enclosure of the places of worship shall observe the following regulations:

1. Ritual festivities with participation of believers from a single district, precinct, town, and city must be approved by the People's Committee of the district where the festivity takes place.
2. Ritual festivities with participation of believers from several districts, precincts, towns, and cities within one province, or from several provinces or centrally run cities must be approved by the People's Committee of the province where the festivity takes place.

### **CHAPTER IV**

#### **PROPERTY OF PLACES OF RELIGIOUS BELIEF AND RELIGIOUS WORSHIP AND SOCIAL ACTIVITIES OF RELIGIOUS ORGANIZATIONS, BELIEVERS, PEOPLE OF RELIGIOUS VOCATION, AND RELIGIOUS DIGNITARIES**

#### **Article 26**

The legal property of places of religious belief and of religious organizations is protected by law; any violation of this right is forbidden.

#### **Article 27**

1. Land with facilities being used by religious organizations including land belonging to pagodas, churches, oratories, chancels, monasteries, schools to train religious dignitaries and those of religious vocation, offices of religious organizations, and other facilities belonging to recognized religious organizations, shall be used in a stable and long-term basis.
2. Land on which there are communal houses, temples, shrines, worshipping halls, family worshipping halls, shall be used in a stable and long-term basis.
3. The use of land and management prescribed in clauses 1 and 2 of this Article shall be conducted according to State law concerning land.

## **Article 28**

1. Establishments of religious belief and of religious organizations are entitled to raise their own financial resources from the voluntary support of individuals and organizations at home and abroad according to law.
2. The organization of fundraising by religious organizations must be conducted in a transparent manner, with clear information about the intended use. The People's Committee of the location where the collection takes place must be notified in advance.
3. The abuse of fundraising for personal gain or for illegal objectives is forbidden

## **Article 29**

Normal religious practice at the religious worship sites that are classified as historic or cultural relics or places of special scenic beauty must be assured, just as at other places of worship.

The management, use, renovation, upgrading of structures belonging to places of religious belief and religious organizations classified as historic or cultural relics and special places of scenic beauty shall be according to State laws on cultural heritage and related laws.

## **Article 30**

The renovation, upgrading, and new construction of facilities belonging to places of religious belief and religious organizations shall be conducted according to State laws on construction.

Changes in intended uses of places of religious belief must be approved by the People's Committee at the district level; changes in the intended use of places of religious worship belonging to religious organizations must be approved by the People's Committee at the provincial level.

## **Article 31**

The (forced) relocation of the places of religious belief and religious worship due to the requirements of economic development projects must be discussed in advance with the representatives of the places of religious belief and religious organizations, and compensation must be made as prescribed by law.

## **Article 32**

The printing and publication and distribution of all kinds of holy texts and books and other religious belief and religious organization publications, the production business and

import-export activities in religious belief and religious organization articles and other products used in religious practice shall be carried out according to law.

### **Article 33**

1. The State encourages and creates the favorable conditions for religious organizations to participate in taking care of underprivileged children; in providing support to the establishments for the poor, sick and disabled people, HIV/AIDS and leprosy patients, and patients with mental disorders; in supporting the development of kindergartens and participating in other charitable and humanitarian activities in keeping with charters and regulations of religious organizations, according to law.

2. Religious dignitaries and those of religious vocation are encouraged by the State, as citizens of Vietnam, to organize educational, health, humanitarian and charitable activities as prescribed by law.

## **CHAPTER V**

### **INTERNATIONAL RELATIONSHIPS OF RELIGIOUS ORGANIZATIONS, BELIEVERS, RELIGIOUS DIGNITARIES AND PEOPLE OF RELIGIOUS VOCATION**

### **Article 34**

Religious organizations, believers, people of religious vocation and religious dignitaries are entitled to carry out international activities according to their charters and regulations or canons which are in keeping with Vietnamese law.

While carrying out international activities, religious organizations, believers, people of religious vocation and religious dignitaries must treat each other fairly, exercise mutual respect, respect independence, sovereignty and non-interference internal affairs of their respective countries.

### **Article 35**

The following international religious activities must be approved by the State religion management agency at the central level:

1. Inviting foreign religious organizations and foreign individuals into Vietnam or implementing the policies of foreign religious organizations in Vietnam;
2. Participating in religious activities or delegating individuals to take part in religious training courses in foreign countries.

### **Article 36**

Foreign dignitaries and foreign people of religious vocation are allowed to preach at Vietnamese religious establishments after getting approval from the State religious management agency at the central level. Preaching by foreign dignitaries and foreigners with a religious vocation must follow regulations set by the inviting Vietnamese religious organizations and must be according to Vietnamese law.

### **Article 37**

Foreigners entering Vietnam must obey Vietnamese law; they are allowed to bring along religious printed materials and other products for religious practice for personal use as prescribed by the Vietnamese law; they are allowed to take part in religious activities at places of worship; they are allowed to invite Vietnamese religious dignitaries to conduct religious rituals for themselves while respecting regulations set by Vietnamese religious organizations.

## **CHAPTER VI**

### **IMPLEMENTATION PROVISIONS**

### **Article 38**

In the case that international treaties that the Socialist Republic of Vietnam is a signatory to, or is a participant in, have different stipulations than those in this ordinance, the regulations prescribed by the international treaties shall prevail.

### **Article 39**

1. Religious organizations that have been recognized by the competent State agency before this ordinance takes effect, will not have to re-apply for recognition.
2. Religious congregations, orders and other forms of collective religious practice which have had their operations registered and approved before this ordinance takes effect will not have to go through the re-registration procedures.

### **Article 40**

This ordinance takes effect from November 15, 2004.

### **Article 41:**

The Government shall decide the details of and guide the implementation of this ordinance.

Hanoi, 18th June 2004

For the Standing Committee of the National Assembly

Chairman

(Signed, stamped)

Nguyen Van An

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Translator's notes:

1. The use of *tin nguong* and *ton giao*.

These terms, usually used in tandem, refer respectively to “religious belief” and a “religious organization”. It is clearer, if sometimes a bit redundant, to use these complete terms instead of just “belief” and “religion”, which are also acceptable. However the shorter versions do not always communicate the distinction intended in the use of the two terms. In Vietnamese culture there are prominent “religious beliefs” such as ancestor worship and the veneration of national heroes which do not express themselves in hierarchical organizations such as various expressions of Christianity or the say the indigenous Cao Dai religion do. As far as religious organizations are concerned, Vietnam recognizes some organizations of six religions – Buddhism, Catholicism, Protestantism, as well as the Cao Dai, Hoa Hao, and Islamic faiths - rather than the religions themselves, and in this ordinance carefully prescribes how those organizations shall conduct themselves.

2. Religious specialists.

The framers of the ordinance have the challenge of trying to use common language in referring to religious specialists of all the religions, which those religions themselves call by many different names. They have chosen two main terms, *chuc sac* and *nha tu hanh*. The former term, which the Vietnamese themselves usually translate, somewhat awkwardly, as “religious dignitaries”, refers to religious leaders commissioned by a religion for some kind of congregational leadership role, such as a diocesan priest or an abbot of a pagoda. *Chuc sac* may also refer to a higher leader such as a bishop or a general secretary of a religious organization. The second term refers to others who have a religious vocation, such as members of religious orders and so on. So *nha tu hanh* is usually translated as “a person having a religious vocation”. While this is a bit cumbersome, it is deemed better than choosing a name for a religious vocation from one particular faith.