

VIETNAM

Since Vietnam was named a “country of particular concern” (CPC) in 2004, Vietnam and the United States have engaged diplomatically to address a number of religious freedom concerns. In the process, conditions for many religious communities have improved in some respects, as Vietnam has expanded the zone of permissible religious activity and issued new administrative ordinances and decrees that outlined registration procedures and outlawed forced renunciations of faith. In addition, Vietnam has also granted early release to specific prisoners whose cases were presented by the United States. These advances were cited by the State Department in November 2006 when it lifted the CPC designation.

The Commission has noted this progress in Vietnam, but has concluded that these improvements were insufficient to warrant lifting the CPC designation. This conclusion

was reached because it was too soon to determine if legal protections would be permanent and whether such progress would last beyond Vietnam’s accession to the World Trade Organization. In addition, the Commission’s view was that lifting the CPC designation potentially removed a positive diplomatic tool that had proved to be an effective incentive to bilateral engagement on religious freedom and related human rights.

In the last year, there have been arrests and short-term detentions of individuals because of their religious activity. There were also reports of individuals threatened unless they renounced their religious affiliations, and new legal regulations were used, in some cases, to restrict religious freedom. Targeted in particular were religious leaders and individuals associated with ethnic minority Protestants, Hoa Hao Buddhists, Vietnamese Mennonites, Khmer Krom Buddhists, and monks and nuns of the government-banned Unified Buddhist Church of Vietnam (UBCV). In addition, since it joined the World Trade Organization (WTO), the government of Vietnam has initiated a crackdown on human rights defenders and advocates for the freedoms of speech, association, and assembly, including many religious leaders who previously were the leading advocates for religious freedom in Vietnam. Given the recent deterioration of human rights conditions in Vietnam and because of continued abuses of and restrictions on religious freedom, the Commission recommends that Vietnam be re-designated as a CPC in 2007.

Since November 2006, Vietnam has received a state visit from President Bush, was granted Permanent Normal Trade Relations (PNTR) with the United States, had the CPC designation lifted, and joined the WTO. However, since January 2007, Vietnam has carried out a wide-ranging crackdown on individuals associated with human rights, democracy, legal reform, labor, and free speech organizations. Among the first arrested were Fr. Nguyen Van Ly and lawyer Nguyen Van Dai, two well-known advocates for religious freedom and legal reform in Vietnam. Previously, Father Ly had been arrested in 2001 and sentenced to 15 years in prison after submitting written testimony to the Commission. After Father Ly was granted early release in 2005, he founded the Vietnam Progression Party, became an editor of “Freedom of Speech” magazine, and helped organize the Block 8406 democracy movement, which began in April 2006 when hundreds of people signed public petitions calling for greater democracy and human rights, including religious freedom, in Vietnam. On April 2, 2007, Fr. Ly and several associates





were sentenced under Article 88 of Vietnamese criminal code for “propagandizing against the state.” Fr. Ly received a sentence of eight years in prison and five years house arrest. Nguyen Van Dai, one of Vietnam’s few human rights lawyers, was arrested in Hanoi in March 2007. Lawyer Dai defended individuals arrested for their religious activities; he is also the co-founder of the Committee for Human Rights in Vietnam and one of the principal organizers of Block 8406. He is currently awaiting trial. Some of the public charges leveled against Fr. Ly and Lawyer Dai are related to their religious freedom activities. In *Family and Society* newspaper, Fr. Ly is described as “joining hands with black forces and reactionary elements to build a force under the cover of freedom of religion activities.” In the online publication of the Ministry of Public Security entitled *Law and Order*, Dai is accused of collecting “evidence of Vietnam’s religious persecution” to send to “enemy powers and overseas reactionaries.”¹

Religious leaders and religiously-motivated dissidents like Fr. Ly and Nguyen Van Dai have fought for religious freedom in Vietnam and have become leaders in the fight for legal reforms and human rights. The step from advocating for religious freedom to peacefully advocating for legal and political reforms and the freedoms of speech, assembly, and association was a small one for many of the leaders of Vietnam’s dissident community. They contend

that freedom of religion or belief is intimately connected to other human rights and that religious freedom cannot be fully protected without legal and some political reform. Vietnam’s recent wave of harassments, arrests, and criminal prosecutions are a direct challenge to the positive trajectory of U.S.-Vietnamese relations. They also endanger all of Vietnam’s human rights advocates and call into question the Vietnamese government’s commitment to protect and advance religious freedom over the long term.

In the 18 months leading to President Bush’s visit in November 2006, however, Vietnam made progress in addressing some of the longstanding religious freedom concerns. In May 2005, the State Department announced it had reached an agreement with Vietnam on benchmarks to demonstrate an improvement in religious freedom conditions. Under the agreement, the Vietnamese government committed to: 1) implement fully the new legislation on religious freedom and render previous contradictory regulations obsolete; 2) instruct local authorities strictly and completely to adhere to the new legislation and ensure compliance; 3) facilitate the process by which religious congregations can open houses of worship; and 4) give special consideration to prisoners and cases of concern raised by the United States during the granting of prisoner amnesties. The U.S. government agreed to consider taking Vietnam off the CPC list if these conditions were met.

Following the signing of the agreement, the United States and Vietnam held productive diplomatic discussions leading to noticeable improvements in law and practice for many Vietnamese religious groups and a decline in the overall number and frequency of forced renunciations of faith, imprisonments, and torture. Vietnamese Catholics and Buddhists associated with the government-sanctioned Vietnamese Buddhist Sangha (VBS) report that they experience few restrictions in conducting worship activities and the number of religious adherents of these communities continues to grow. The government has also gradually eased restrictions on the Catholic Church. In the past year, the government approved a new bishop for the newly created Ba Ria Vung Tau Diocese, allowed additional priests to be ordained, approved the establishment of a new seminary, and permitted several local dioceses to conduct religious education classes for minors and some charitable activities. In addition, Hanoi continues to discuss with the Holy See conditions for the normalization of relations, discussions that included a

¹ Other human rights advocates who have been temporarily detained, interrogated, beaten, arrested, or had warrants issued for their arrest since January 2007 include Fr. Chun Tin and Fr Phan Van Loi, Mennonite Pastors Nguyen Quang, Nguyen Cong Chinh, and Tran Van Hoa, Catholic seminary professor Nguyen Chinh Ket, and lawyers Li Thi Cong Nhan and Le Quoc Quan.

meeting between Pope Benedict XVI and Prime Minister Nguyen Tan Dung at the Vatican and a corresponding visit of a high-level Vatican delegation to Vietnam in February 2007.

Vietnam also issued several decrees and ordinances that outlawed forced recantations of religion and provided new guidelines to help ease the process of registration. Over the past year, the government has extended some form of legal recognition or permission to a diverse and growing number of religious communities and individual congregations, including the United Christian Mission Church of Da-nang, the Baha'is, Seventh-Day Adventists, and individual churches in Ho Chi Minh City, including Grace Baptist, the Mennonite Church of Pastor Nguyen Trung, and a reported 91 individual "house churches." The government has also allowed hundreds of previously closed churches and meeting points to open and operate in the Central Highlands and northwest provinces, though only an estimated 25 percent of these churches have gained some form of legal recognition or permission to operate. Religious leaders from Protestants groups in urban areas report that disruptions of their activities occur less frequently than in the past and they are allowed to conduct some large-scale meetings and religious education classes. The government has also granted, for the first time, permission to print Bibles in two ethnic minority languages. In addition, Vietnam continued to grant early release of individuals incarcerated for their religious activities, including Brother Nguyen Thien Phung, a member of the order of Mother Co-Redemptrix, Ma Van Bay, a leader of the Hmong Protestant community, and Y' Oal Nie, a Protestant leader of the Ede ethnic minority. Finally, the Committee on Religious Affairs (CRA), the government organization that oversees the regulation of religious affairs, has held at least three meetings to explain the new laws to religious leaders, and there are some reports of training for local CRA officials as well. These are

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important and positive steps, and most were taken in the months immediately preceding Vietnam's WTO accession.

Despite these positive developments and a corresponding decline in the intensity of religious freedom abuses in Vietnam, the government continues to maintain overall control of religious organizations and restricts their activities and growth through a pervasive security apparatus and the process of recognition and registration. Unregistered religious activity is illegal and legal protections for government-approved religious organizations are both vague and subject to arbitrary or discriminatory interpretations based on political factors.

The Vietnamese government continues to remain suspicious of ethnic minority religious groups, such as Montagnard and Hmong Protestants and Khmer Buddhists; those who seek to establish independent religious organizations, such as the UBCV, Hao Hoa, and Cao Dai; and those it considers to pose a threat to national solidarity or security, such as "Dega" Protestants and individual Mennonite, Catholic, Buddhist, and house church Protestant leaders. In addition, Vietnam's new ordinances and decrees on religion continue to require that religious groups seek advance permission for most religious activity and ban any religious activity deemed to cause public disorder or "sow divisions." In some cases, the new laws are being used to restrict, rather than promote, religious freedom.

In the past year, Vietnamese security forces detained, interrogated, arrested, imprisoned, beat, harassed, or threatened adherents from many of Vietnam's diverse religious communities. In January 2007, security forces briefly detained the congregation and tore down part of the church structure of Pastor Nguyen Quang in Ho Chi Minh City. Pastor Quang had previously been arrested in 2004, along with five other members of his congregation. In February 2007, security forces reportedly beat Mennonite pastor Nguyen Cong Chinh in Kontum. In June and July 2006, police beat two men and two women from an unregistered Protestant church in Thanh Hoa Province, after a dispute erupted over the home used by the congregation as a place of worship. There are reports that security officials were punished for the June incident, although another member of the Thanh Hoa congregation was beaten in October 2006 when he refused police orders to leave a prayer meeting. In September 2006, Protestant pastor Tran Van Hoa was arrested and detained for two weeks. In addition, security officials closed down Christmas celebration services in a Baptist church in Haiphong, Bac Giang province. In Quang Ngai province,



A river on the Mekong Delta

security officials reportedly told ethnic Hre Protestants that “unless they behave,” their churches would be destroyed and leaders arrested “once APEC [the Asia-Pacific Economic Cooperation summit meeting] is over.” In June 2005, police detained 17 ethnic Hre Protestants. When community members refused to cease their religious activities, their homes and rice fields were burned and land confiscated.

Relations between ethnic minority residents and government officials in the Central Highlands remain tense and there continue to be reports of a large and intrusive security presence in the region. In 2001 and 2004, over 45,000 people demonstrated for religious freedom and land rights in Gai Lai, Dak Lak, and Dak Nong provinces. Numerous eyewitnesses report that the 2004 demonstrations were disrupted by attacks on protestors by security forces and hired proxies. There are credible reports of severe violence occurring in Dak Lak province, including the deaths of at least 10 demonstrators. No public investigation or accounting of police action during the 2001 and 2004 demonstrations has occurred. Since the demonstrations, however, Vietnamese officials imprisoned those believed to have organized the protests, as well as others suspected of taking part, or those who sought asylum in Cambodia. Vietnamese security officials have also pursued Montagnards into Cambodia to stop the flow of asylum seekers. Montagnard villages and communes remain under tight control, and no international observer has been allowed unobstructed access to the region, though diplomats have occasionally visited.

However, in the last year, the Vietnamese government has relaxed some restrictions on ethnic minority Protestants associated with the Evangelical Church of Vietnam, South (SECV), particularly in Gai Lai province. The government has allowed a reported 80 churches in the Central Highlands to register legally with the SECV. Several hundred more have been given *de facto* or official permission to operate. Religious leaders in the Central Highlands claim that nearly 800 of the 1,250 churches and meeting points closed since 2001 have been re-opened. However, outside of Gai Lai province, there remain severe restrictions

on the activities of religious groups and believers. In the last year, Human Rights Watch (HRW) conducted extensive interviews with Montagnard Protestants and concluded that they face severe restrictions on religious practice and association. Most repression targeted Protestants who refused to join the SECV or those suspected of affiliating with the banned *Tin Lanh Dega* (Dega Protestant Church).

The Vietnamese government has forcibly repressed remnants of the *Tin Lahn Dega*, which it views as a subversive institution combining religion and advocacy of political autonomy. A recent study commissioned by the UN High Commissioner for Refugees found that few self-identified adherents of *Tin Lanh Dega* sought any type of political autonomy. Most sought “enhancement of their human rights position” and the “need to gather in independent *Tin Lahn Dega* church communities” separate from what they viewed as the Vietnamese-led SECV. Even those *Tin Lanh Dega* leaders who expressed a desire for greater political autonomy sought to advance this position peacefully.

Nevertheless, to suppress *Tin Lanh Dega* activity or sympathy with the group, security officials in Dak Nong, Dak Lak, and parts of Gai Lai and Kontum provinces have engaged in severe violations of religious freedom and related human rights. HRW found that police do not allow people to gather for worship, often live in the homes of known religious leaders, constantly monitor and interrogate religious leaders, and arrest and detain those found meeting clandestinely for prayer. In addition, police also use a variety of methods to “refer” suspected Dega Protestants to join the SECV. In February and March 2006, police in Gai Lai province reportedly detained individuals from several *Tin Lahn Dega* congregations in an attempt to force them to join the government-approved religious organization. Police asked those detained whether they would remain “political” or whether they would follow the “Christianity of [the Prime Minister].” Those who refused to cease their religious activity were beaten and later released. Others were pressured to sign pledges agreeing to “abandon Christianity and politics.”

Only isolated cases of forced renunciations have occurred in the Central Highland since the practice was outlawed in a February 2005 decree. However, the practice still occurs in places and has taken on different forms. In September 2006, a pastor in Dak Nong province reported that the deputy chairman of Dak Mil District accused him and his church of “anti-government activities” for not participating in required Sunday buffalo sacrifices. There were other instances of fines, police “summons,” short-term detentions, or threats of withholding government benefits used to induce individuals to abandon their religion, including 30 ethnic minority Protestants in Coastal Ninh Thuan Province.

Over the past year, even members of the government-approved SECV have been subjected to arrest, beatings, and other restrictions. According to the State Department, “one-third” of the SECV churches in Dak Lak Province that were closed in 2001 face severe restrictions on their activities. Police regularly prevent people from gathering and break up meetings, halting religious activity in as many as 100 congregations. In Say Thay, Kontum province, district officials told visiting State Department diplomats that “no religion” existed in the area and refused to provide details about the alleged beatings of two ethnic minority Dzaio Protestants leaders. In July 2006, police in Dak Nong province arrested and reportedly mistreated 10 ethnic minority M’Nong Protestants and accused them of “participating in American Protestantism” and “anti-government activities.” Six were detained for between three and six months. At this time, four remain incarcerated pursuant to vague national security and national solidarity provisions of the legal code. Religious leaders from Dak Nong report that most of those arrested were young people holding unauthorized prayer meetings outside of a recognized religious venue and for possessing cell phones. Since November 2006, religious leaders in the Central Highlands have reported that progress made in the previous year has stalled, new legal registrations and recognitions have stopped, officials are refusing to approve building permits, and the authorities have not renewed permission to hold additional theology classes.

Hmong Protestants in the northwest provinces continue to experience restrictions and abuses. Since 2001, the government has conducted campaigns of harassment, detentions, beatings, monitoring, and forced renunciations of faith among Hmong Protestants, including in the 2002-2003 beating death of at least two pastors and the forcing underground of hundreds of churches and meetings points.



A pagoda in Hanoi

The Vietnamese government has long connected the growth of Hmong Protestantism with the “receive the king” tradition of Hmong culture. This tradition was interpreted as a harbinger of political secession, requiring a security response from the government.

Leaders from the Evangelical Church of Vietnam, North (ECVN) reported to the Commission in April 2006 that police continue to beat and threaten Hmong Protestants in Dien Bien Province in order to get them to renounce Christianity. This is consistent with reports that police have forced Hmong Protestants to take part in self-criticism sessions or sign written renunciation pledges. For example, in May 2005, police in Dien Bien province issued at least 21 “re-education” summons to local Hmong Protestants. At the time, religious believers were threatened with beatings, loss of government services, or fines if they did not give up their religious beliefs. Also in Muong Lay district, Dien Bien province, police forced several Protestants to construct traditional animistic altars in their homes and

to sign documents renouncing Protestantism. In Ha Giang province in November 2005, police forced an ethnic minority Protestant pastor to sign a pledge to renounce his faith and cease religious activities after his congregation sought to register legally with the government approved ECVN. At the same time, four Hmong Protestants in Hoang Su Phi district, Ha Giang province were pressured unsuccessfully by border guards to sign documents renouncing their faith. In January 2007, security officials threatened to freeze the bank account of a Protestant leader in Muong Khong district, Dien Bien province unless he either left the district or renounced his faith. In some of the cases just mentioned, Hmong Protestants are refusing to abandon their religious traditions or are ignoring threats and fines. There are no reports, however, that security officials are being punished for these actions, which have been illegal since the February 2005 decree prohibiting forced renunciation of faith.

Hmong Protestants have also been harassed and detained for carrying Protestant literature and training materials and for providing researchers with information about religious freedom conditions. In Muon Nhe district, Dien Bien province, a “house church deacon” was detained after he returned from Hanoi carrying church documents and applications for registration. Since that time, there are reports that a special task force of security personnel has been living in the district to monitor activities of Hmong Protestants there. Two Protestant leaders from Lao Cai province were detained for two weeks and fined because they traveled to Hanoi to acquire registration applications forms from ECVN leaders. In January 2007, four Protestants from Tuyen Quang province were arrested for transporting 115 Christian books and training materials. They were released after a week and fined \$1,000 (approximately five years’ wages). Police have threatened to charge the village chief of Muong Nhe district, Dien Bien province, with national security crimes for sending to researchers documents about government attempts to “prohibit Christian practice” in the northwest provinces. In 2002 – 2004, police in Dien Bien province beat to death Protestant leader Mu Bua Sehn, imprisoned his brother Mua Say So, for seeking to bring those responsible to account, and severely beat elder Lau Vang Mua for continuing to conduct religious activities in the district despite their orders to stop. Mua left Vietnam for Laos with 19 Protestant families. In December 2006, Vietnamese police arrested Mua and his brother in Laos and took them back to Dien Bien province. Mua’s brother

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was released, but there remains no word on the conditions or charges Mua faces.

The Vietnamese government is beginning to allow Hmong Protestants to organize and, according to the State Department, conduct religious activity in homes and “during the daytime.” In the last year, the government has given an estimated 30 churches official permission to conduct religious activity as a pilot project. An estimated 1,000 other religious communities in the northwest provinces are seeking affiliation with the ECVN. At this time, 532 religious venues have applied for registration. Though required by law to respond to such application in a timely manner, Vietnamese government officials have denied or ignored all of these applications. ECVN officials were told that they should not expect approval of new registration applications this year.

ECVN leaders who have visited those churches given legal permission to operate are concerned about the way local authorities are interpreting the new laws on religion. In a survey of current conditions, Hmong religious leaders report that security officials regularly attend religious services and check church membership lists and force anyone not on the list to leave. In some locations, security officials reportedly bar anyone under the age of 14 from attending services, ban mid-week meetings and programs for children and young people, and have insisted that religious leaders be chosen under their supervision. Such restrictions may be directly related to a handbook published by the Committee on Religious Affairs in Hanoi to train local officials how to manage religious affairs. Though the handbook recognizes that “some” Hmong have a “genuine need” for religion, it instructs officials to manage tightly religious communities and to restrict their growth. The most troubling aspect of the handbook is its advisory that officials take active measures to “resolutely subdue” new religious growth, to “mobilize and persuade” new converts to return to their traditional Hmong religions, and to be vigilant against anyone who “abuses religion” to undermine “the

revolution.” On the one hand, the handbook is important because it finally recognizes the legitimacy of some Hmong Protestant religious activity. However, it also indicates that the Vietnamese government will continue strictly to control and manage religious growth, label anyone who seeks to propagate Protestantism in the northwest provinces as a national security threat, and use unspecified tactics to get new converts to renounce Protestantism. In this case, the government is using law to restrict rather than protect religious freedom.

Significant pressure remains on leaders, monks, and nuns associated with the UBCV. UBCV leaders Thich Quang Do and Thich Huyen Quang are still restricted in their contacts and movement. Western diplomats and high-level Vietnamese officials have met with both leaders in the last year, and Thich Huyen Quang was allowed to seek needed medical treatment. However, at least 11 other senior UBCV monks remain under some form of administration probation or “pagoda arrest.” Charges issued in October 2004 against UBCV leaders for “possessing state secrets” have not been rescinded. Repression of the UBCV is not entirely focused on its leadership, but also on local attempts to organize “provincial committees” and the “UBCV Buddhist Youth Movement.” Police reportedly detain and interrogate monks suspected of organizing these activities in Quang Nam-Danang, Thua Thien-Hue, Binh Dinh, Dong Nai, and Bac Lieu provinces. In August and September 2005, monks were detained in these provinces and ordered to withdraw their names from the committees and cease all connections with the UBCV. In the last year, police have briefly detained monks attending a youth conference in Hue and have subjected the organizers of the conference to constant interrogations and harassment. There are reports that the UBCV’s national youth leader, Le Cong Cau, is being held in virtual house arrest. Former religious prisoner Thich Thien Minh continues to face constant harassment and local officials in March 2007 reportedly tore down the pagoda in which he was living. The next day he was presented with a “police order” accusing him of “activities opposing the Socialist Republic of Vietnam.” In addition, Thich Thien Minh was ordered to renounce his position as UBCV Youth Commissioner, cease all contacts with the outlawed UBCV leadership and disband operation of the Former Political and Religious Prisoners Association which the authorities consider an “illegal organization.”

Vietnamese authorities continue to threaten and detain monks, adherents of UBCV affiliated monasteries, and others seeking to meet UBCV leaders. In December 2005, reports emerged that UBCV nun Thich Nu Thong Man was subject to a “denunciation campaign” and expulsion order by provincial authorities in Khanh Hoa province. Police threatened local villagers with the loss of jobs and government services unless they publicly denounced the nun and asked provincial authorities to have her expelled from the local monastery. In January 2007, security officials from Binh Dinh province issued orders prohibiting future religious gatherings at the Thap Thap Monastery, reportedly threatening that local Buddhists would lose their jobs or their children expelled from school if they did not obey. In March 2007, police detained Therese Jebesen of the Norwegian Rafto Foundation as she tried to visit Thich Quang Do to present him with the foundation’s annual award.

Buddhists throughout Vietnam have become increasingly vocal about past and current religious freedom abuses. Since 2003, local Buddhists in Bac Gian province issued multiple petitions to protest the arrest and torture of eight Buddhists, including the beating death of monk Thich Duc Chinh. In July 2006, an appeals court ordered the temporary release of the eight citing the “lack of evidence” against them. Nonetheless, 50 monks and nuns from the government-recognized VBS demonstrated for their complete acquittal and to demand that those responsible for the monk’s death be held accountable. In Soc Triang province, there are also multiple reports of large scale demonstrations against the defrocking and arrest of several ethnic Khmer Buddhist monks. The monks who were arrested reportedly conducted their own peaceful protest over longstanding restrictions placed on the religious, cultural, and language traditions of the Khmer ethnic minority. In response, police have expanded arrests, harassment, and restrictions on Khmer Buddhist religious activity. As Theravada Buddhists, the Khmer have distinct ethnic and religious traditions from the dominant Mahayana tradition of the VBS. Some Khmer Buddhists have called for a separate religious organization from the VBS. The situation of the Khmer Buddhist will require additional monitoring, as information from that remote region is difficult to confirm.

U.S. Ambassador Michael Marine stated in September 2006 that there are “no longer any prisoners of concern” in Vietnam. Yet, at least 10 Hoa Hao followers remain in prison, in part for their role in organizing protests over the

government's harassment of their fellowship in An Giang province and also over the arrest of monk Vo Van Thanh Liem, who was arrested partly for submitting written statements to a U.S. congressional hearing on human rights in Vietnam. The Vietnamese government continues to ban participation in unregistered Hoa Hao groups, many of whom refuse to join the officially-approved organization because of the government's role in selecting the leadership of that organization. Also incarcerated are Hmong Protestants Mua Say So, Lau Vang Mua, Cao Dai Hong Thien Hanh, and Hoa Hao Bui Tan Nha. There are also at least four ethnic M'Nong Protestants incarcerated in Dak Nong province. In addition, according to the State Department, Vietnam continues to hold at least 13 individuals under house arrest, including the UBCV leadership and Fr. Phan Van Loi of Hue.

In addition to more recent cases, there remain credible reports of religious leaders and individuals being held in long-term detention and re-education camps. In May 2006, UBCV monk Thich Thien Minh published a list of 62 "prisoners of conscience" held at the Z30A re-education camp in Xuan Loc, Dong Nai province. Religious prisoners on his list include Roman Catholic priests, a Buddhist monk, and several Hoa Hao Buddhists. Also, Nguyen Khac Toan, sentenced to 12 years in prison in 2002 for his advocacy of Internet and speech freedoms, stated that in the prison where he was held were "225 ethnic Protestant Montagnards," including several minors. Toan's testimony confirms HRW's well-documented prisoner list, which includes 355 ethnic Montagnards. The number of Montagnard Protestants currently remaining in prisons is a significant ongoing religious freedom concern. Most arrests stem from participation in the 2001 and 2004 peaceful demonstrations for land rights and religious freedom, for alleged connection to outside groups with political aspirations, for organizing refugee flights to Cambodia, or for affiliation with the banned *Tin Lahn Dega*. Because of tight security and government secrecy, it is difficult to determine whether any or all Montagnards on these lists are imprisoned for their religious practice or affiliation. However, an official in the SECV has compiled a list of 153 prisoners who, he claims, are innocent religious leaders arrested for alleged sympathy with *Tin Lanh Dega* or because they failed to turn in members of their congregations who participated in the 2001 and 2004 demonstrations.

Commissioners and staff have traveled to Vietnam and met with Vietnamese government officials and religious leaders. In addition, the Commission has met with officials in the U.S. government, Members of Congress, the Acting UN High Commissioner for Refugees (UNHCR), and congressional staff about current U.S. policy toward Vietnam and the Commission's policy recommendations.

In March 2006, Commission Vice Chair Michael Cromartie testified before the House International Relations Subcommittee on Africa, Human Rights and International Organizations at a hearing entitled "Vietnam: The Human Rights Dialogue with Vietnam: Is Vietnam Making Significant Progress?" In June 2005, Commission Vice Chair Nina Shea testified before the House International Relations Committee hearing entitled "Human Rights in Vietnam." Shea discussed Vietnam's record on religious freedom and related human rights, the provisions of the May 2005 agreement on religious freedom, as well as the Commission's recommendations for U.S. policy. In July 2005, then-Commission Chair Cromartie testified at a joint Congressional Caucus on Vietnam and Congressional Human Rights Caucus hearing on Vietnam entitled, "The Ongoing Religious Freedom Violations in Vietnam."

In the past year, the Commission has also issued statements about the State Department's lifting of the CPC designation and the arrest of Fr. Nguyen Van Ly and Nguyen Van Dai and other human rights advocates. All of the Commission's statements on Vietnam can be found on the Commission's Web site.



Commissioner Michael Cromartie testifying on Vietnam, March 2006.

In addition to its recommendation that Vietnam continue to be named a CPC, the Commission recommended that the U.S. government should:

- Work to implement fully the Montagnard Development Program (MDP) created last year as part of the House and Senate Foreign Operations conference report. The MDP should provide targeted humanitarian and development funds to ethnic minorities whose demands for land rights and religious freedom are closely connected. This program is consistent with Vietnam's own stated goals of reducing poverty in the Central Highlands and north-west provinces and with the need for reform, transparency, and access to regions where many religious freedom abuses continue to occur.
- Re-allocate foreign assistance funds that formerly supported the STAR (Support for Trade Acceleration Program) to new projects in human rights training, civil society capacity building, non-commercial rule of law programs in Vietnam, education programs for minors and young adults, and exchange programs between the Vietnamese National Assembly and the U.S. Congress. The Commission suggests the funds go to the creation of the Promoting Equal Rights and the Rule of Law (PEARL) program.

Previously, the Commission has urged the U.S. government to make clear to the government of Vietnam that ending violations of religious freedom is essential to the continued expansion of U.S.-Vietnam relations, urging the Vietnamese government to

meet certain benchmarks consistent with international religious freedom standards including:

- establishing a non-discriminatory legal framework for religious groups to engage in peaceful religious activities protected by international law without requiring groups to affiliate with any one officially registered religious organization; for example:
 - allow the Unified Buddhist Church of Vietnam and Khmer Buddhists to legally operate independently of the official Buddhist organization, the Vietnam Buddhist Sangha;
 - allow leaders chosen by all Hoa Hao adherents to participate in the Executive Board of the Hoa Hao Administrative Council or allow a separate Hoa Hao organization to organize and register as the Hoa Hao Central Buddhist Church with the same privileges as the Administrative Council;
 - allow Presbyterian, Assembly of God, Baptist, Mennonite, Jehovah's Witness, and any other Christian denominations that do not wish to join either the Southern Evangelical Church or the Northern Evangelical Church of Vietnam, to register independently; and
 - allow Cao Dai leaders opposed to the Cao Dai Management Council to form and register a separate Cao Dai organization with management over its own affairs;
- amending the 2004 Ordinance on Religious Beliefs and Religious Organizations, Decree 22, and the "Prime Minister's Instructions on Protestantism" and other domestic legislation so that it does not restrict the exercise of religious freedom and conforms to international standards for protecting the freedom of thought, conscience, and religion or belief;
- establishing a legal framework that allows for religious groups to organize and engage in humanitarian, medical, educational, and charitable work;
- enforcing the provisions in the Prime Minister's "Instructions on Protestantism" that outlaw forced renunciations of faith, and establish in the Vietnamese Criminal Code, specific penalties for anyone who carries out such practices;
- repealing those ordinances and decrees that empower local Security Police to detain citizens in administrative detention for vague national security or national solidarity offenses, including Ordinance 44, Decree 38/CP, and Decree 56/CP;
- setting up a national commission of religious groups, government officials, and independent, non-governmental observers to find equitable solutions on returning confiscated properties to religious groups;
- releasing or commuting the sentences of all those imprisoned or detained on account of their peaceful advocacy of religious freedom and related human rights including, among others, UBCV Patriarch Thich Huyen Quang, Thich Quang Do, 13 UBCV leaders detained since

the 2003 crackdown, members of ethnic minorities in the Central Highlands and northwest provinces, Hoa Hao followers arrested in July 2005, and Fr. Ly, Nguyen Van Dai, and others arrested since January, 11 2007;

- re-opening all of the churches, meeting points, and home worship sites closed after 2001 in the Central Highlands and northwest provinces;
- investigating and publicly reporting on the beating deaths of Hmong Protestant leaders Mua Bua Senh and Vang Seo Giao, and prosecuting anyone found responsible for these deaths;
- allowing ethnic minorities in the Central Highlands safely to seek asylum in Cambodia and continue to allow representatives of the UN High Commissioner for Refugees (UNCHR) and other appropriate international organizations unimpeded access to the Central Highlands in order voluntarily to monitor repatriated Montagnards consistent with the Memorandum of Understanding (MoU) signed on January 25, 2005 between the UNHCR, Cambodia, and Vietnam, and provide unhindered access for diplomats, journalists, and non-governmental organizations (NGOs) to members of all religious communities in Vietnam, particularly those in the Central Highlands and the northwestern provinces; and
- halting incursions into Laos and Cambodia by the Vietnamese military and police in pursuit those seeking asylum because of abuses of and restrictions on their religious freedom.

The Commission has also recommended that religious freedom in Vietnam be both protected and promoted through expanded foreign assistance programs in public diplomacy, economic development, education, good governance, and the rule of law; including by:

- expanding funding for additional Voice of America (VOA) and Radio Free Asia (RFA) programming for Vietnam and to overcome the jamming of VOA and RFA broadcasts;
- working to improve the capacity and skills of Vietnamese civil society organizations, including medical, educational, development, relief, youth, and charitable organizations run by religious organizations;
- targeting some of the Fulbright Program grants to individuals and scholars whose work promotes understanding of religious freedom and related human rights;
- requiring the Vietnam Educational Foundation, which offers scholarships to Vietnamese high school-age students to attend college in the United States, to give preferences to youth from ethnic minority group areas (Montagnard and Hmong), from minority religious communities (Cao Dai, Hoa Hao, Catholic, Protestant, Cham Islamic, and Kmer Krom), or former novice monks associated with the Unified Buddhist Church of Vietnam and Khmer Krom Buddhists;
- providing grants to educational NGOs to bring Vietnamese high school students to the United States for one year of study, prioritizing minority groups and communities experiencing significant poverty and human rights abuses;

- creating new exchange programs between the Vietnamese National Assembly and its staff and the U.S. Congress;
- working with international corporations seeking new investment in Vietnam to promote international human rights standards in Vietnam and find ways their corporate presence can help promote and protect religious freedom and related human rights; and
- expanding existing rule of law programs to include regular exchanges between international experts on religion and law and appropriate representatives from the Vietnamese government, academia, and religious communities to discuss the impact of Vietnam's laws and decrees on religious freedom and other human rights, to train public security forces on these issues, and to discuss ways to incorporate international standards of human rights in Vietnamese laws and regulations.

In addition, the U.S. Congress should appropriate additional funds for the State Department's Human Rights and Democracy Fund for new technical assistance and religious freedom programming. Funding should be commensurate with new and ongoing programs for Vietnamese workers, women, and rule of law training.