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ALREADY POOR HUMAN RIGHTS CONDITIONS HAVE
DETERIORATED IN THE LAST YEAR: IT'S TIME TO CONSIDER A
NEW APPROACH

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*Commission Vice Chair Nina Shea testifies before the
Congressional Caucus on Vietnam.*

Introduction

Madame Chair, distinguished members of Congress, I want to commend you for holding this hearing on an important subject that deserves serious attention from Congress. Restrictions on free speech, freedom of religion and belief, and related human rights continue to be issues of critical concern in U.S.-Vietnam relations.

The title of this hearing is a particularly compelling one. The silencing of those who dissent from state orthodoxy-political reformers, free speech and democracy advocates, religious leaders and believers, and those fighting for the rights of ethnic minorities-has invited international scrutiny of Vietnam's human rights record and has made human rights a constant irritant in our bilateral relations.

Religious freedom and free speech are closely related human rights. True religious freedom is when, as described by Article 18 of the United Nation's Declaration on Human Rights, "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."

Freedom of religion allows for the freedom to publish ones' opinion as well as publish sacred texts. It allows people to speak their minds or change their minds freely, and without interference from the state.

Vietnam's constitution guarantees both freedom of speech and freedom of religion, but Vietnamese law regulates just what one can say, what information one can have, or what belief one can adopt or practice. That is why advocates of freedom of speech and freedom of religion are arrested for such vague offenses as "inciting social disorder," "threatening national security," "disrupting national unity," or "violating Vietnamese values and traditions."

Yesterday, Vietnamese Foreign Minister Nguyen Dy Nien and his delegation lunched with Members of Congress. The Foreign Minister hoped to educate House and Senate Members "about the democratic progress being made in Vietnam." The Foreign Minister wants to expand relations between our two countries. But genuine, long-term friendship will only come about when the government of Vietnam respects international standards of human rights, including free speech and freedom of religion.

SINCE THE BILATERAL TRADE ACT'S (BTA) PASSAGE: TAKING A STEP BACKWARD ON HUMAN RIGHTS

The U.S. Commission on International Religious Freedom (USCIRF) has followed events in Vietnam closely since the Commission's inception four years ago. We have traveled to Vietnam and met with visiting Vietnamese delegations. In May of 2003, the Commission issued a report detailing its concerns that the Vietnamese government is engaged in serious and ongoing human rights abuses.

In fact, we found that already poor conditions in Vietnam have deteriorated in the last year. Key dissidents were imprisoned; others remain in prison or under house arrest. In addition, the government intensified its crackdown on religious and ethnic minorities in the northwestern provinces and the Central Highlands.

As a result, we recommended that the Secretary of State designate Vietnam as a country of particular concern (CPC).

The deteriorating human rights situation is particularly disappointing because there were hopes that expanded U.S.-Vietnamese economic ties would improve the human rights dialogue. After the passage of the Bilateral Trade Act (BTA) of 2001, Vietnam's exports to the US increased from \$1.05 billion in 2001 up to \$2.39 billion in 2002. The figure is forecasted to reach \$3.8-4.19 billion this year, representing growth of 57-73% over the last year.

We all know the benefits of expanded trade, but respect for human rights and religious liberty should also be an integral part of U.S. relations with Vietnam. Our economic relationship has taken several steps forward, but in protecting human rights, Vietnam has taken a big step backward.

The Commission is not alone in this assessment. The State Department has voiced publicly its concerns about Vietnam's human rights record, so has the European Union. In a recent report to Congress, the State Department admitted being "disappointed" by the lack of "concrete results" in the U.S.-Vietnam bilateral human rights dialogue. The State Department cited failure of the Vietnamese government to respond to U.S. concerns in several key areas, including religious freedom.

Recent events in Vietnam show that the Vietnamese government has not made significant progress to improve its human rights situation. Let me briefly give you some very recent examples that fit into a larger pattern of human rights abuses since the passage of the BTA in 2001.

- Fr. Nguyen Van Ly was sentenced to 15 years prison and 5 years administrative probation in October of 2001 after submitting testimony to our Commission in February of 2001. He was arrested for advocating freedom of religion and democratic reforms for his country.

- Fr. Ly's niece and nephews were sentenced to between three and five years for "abusing democratic freedoms"; Their crime was providing documentation on their uncle's arrest to the California-based Commission for Religious Liberty in Vietnam and the Que Huong radio station.

- In July 2003, the Venerable Thich Tri Luc was "discovered" in the custody of Vietnamese authorities in Hanoi. The Venerable had fled to Cambodia in April 2002 and disappeared from a U.N. High Commission for Refugees (UNHCR) transit house in June of 2002. He was reportedly kidnapped and forcibly repatriated to Vietnam though his whereabouts were unknown for over a year. The Venerable is being charged with "immigration with intent to oppose the regime" which carries with it a sentence of between three years and life imprisonment. His trial date is pending.

- Pham Son Hong was sentenced to 13 years in prison on charges related to espionage and for "advocating democracy and a multi-party system." His major crime was posting a Vietnamese translation of an essay "What is Democracy" which he pulled from the U.S. Embassy website. He was arrested and sentenced for nothing more than peacefully expressing his views. Though his sentenced was recently cut in half, he remains in prison. Hong was the fifth person arrested and charged with crimes relating to e-mail communications and Internet activity in the last year.

- Nguyen Van Lia was sentenced on July 1, 2003 to three years in prison for "abusing democratic freedoms" for holding a commemoration ceremony for the disappearance of Hao Hoa prophet Huynh Phu So.

- There are other recent cases involving the Central Highlands and northwest provinces.

- According to smuggled documents, Vietnamese authorities are still actively forcing Hmong Christian's to sign pledges renouncing their faith-or face beatings, arrests, relocations, and school closing. There are also reports that some have been beaten to death.

- Recent reports from Cambodia show that Montagnards are still crossing the border to escape religious and political persecution. Vietnamese authorities are crossing the border in pursuit and offering rewards to Cambodians who help in their capture and forced repatriation.

Despite Vietnam's economic reforms, recent events serve as a cautionary tale for anyone trying to measure the pace of political change in the country. The Government of Vietnam has shown, again and again, that it is determined to maintain strict control over speech, including the media and Internet, and to suppress religious freedom.

The U.S. government should maintain a consistent message-better relations will only proceed when Vietnam lives up to the international treaties on human rights that it has already signed or ratified. Until that time, human rights will always be a difficult part of our relationship.

U.S. POLICY RECOMMENDATIONS

It is obvious that the current approach of the U.S. government to advance and protect religious freedom in Vietnam has failed to yield concrete results. It is time for us to consider a new approach, one that vigorously emphasizes human rights and utilizes all the tools of U.S. diplomacy.

As you all well know, the Congress is considering several pieces of legislation that would condemn Vietnam's recent record on human rights, cap non-humanitarian foreign aid, improve ongoing immigration programs, and fund educational exchanges and public diplomacy programs.

In its most recent annual report, the Commission made a number of recommendations for U.S. policy toward Vietnam. First and foremost, the Commission supported the language on Vietnam found in the State Department Authorization Act (HR 1950). If the Senate does not take up the legislation this year, it is our hope that members will attach the various provisions to other appropriations bills or introduce them as free-standing pieces of legislation.

The Commission also recommended that Vietnam be designated as a country of particular concern (CPC). CPC designation is an important tool of diplomacy-allowing the Secretary of State and the President to choose from a list of possible actions. But it requires a public action-one that we believe will effectively bring human rights to the front of bilateral relations.

Hopefully, members of Congress will press the Secretary of State to designate Vietnam as a CPC this year.

Along with these immediate steps, the Commission also recommended that the U.S. government take a long-term approach to improving human rights and religious freedom in

Vietnam-particularly in the areas of public diplomacy.

Let me take this moment to commend Congresswoman Lofgren and Congressman Royce for introducing H.R. 1019, the Freedom of Information in Vietnam Act of 2003. The provisions in this legislation-overcoming jamming of Radio Free Asia and Voice of America programming and taking steps to safeguard access to RFA internet sites will help provide an alternative source of information to the Vietnamese people. These measures are exactly the type of public diplomacy programs needed for the long-term enhancement of U.S. relations with Vietnam.

We also hope that U.S. foreign assistance and exchange programs will support individuals in Vietnam who advocate human rights, free speech, religious freedom, and legal reform. The U.S. has an extensive network of exchange programs in Vietnam, including the newly created Vietnam Education Foundation. The U.S. government should ensure that these programs support those Vietnamese working to advance human rights.

Madame Chairperson, let me say in conclusions, advancing free speech, freedom of religion, and freedom to receive information represents not only core American values but international standards of human rights. Working to protect and promote these basic freedoms furthers the interests of both the United States and the people of Vietnam.

Thank you again Madame Chairwoman for the opportunity to address this panel. I welcome your questions.