

"Vietnam: Ongoing Religious Freedom Violations "
Wednesday, October 26, 2005

A Strategic Opportunity: Linking Human Rights & Bilateral Interests

Madame Chair and Members of the Caucus let me begin by thanking you for holding this hearing on a topic that is very important to improving U.S.-Vietnamese relations. It is an honor for me to be here.

This hearing is timely because the State Department is deciding currently whether or not to re-designate Vietnam as a Country of Particular Concern (CPC). The Commission believes that Vietnam should remain a CPC this year and we have made this recommendation to both the Secretary of State and the President.

We have been encouraged by the Vietnam government's promises over the past year to improve conditions for its ethnic and religious minorities, but we remain disappointed that promises have not yet been translated into positive change. Though there have been some releases of prominent religious prisoners, recent events suggest that repression of the freedom of thought, conscience, and religion or belief continues.

U.S.-Vietnamese relations are experiencing a period of growth, change, cooperation, and contention. While the two nations move forward on issues of trade and security, it will be progress on human rights, including religious freedom, which will define the scope and flexibility of future bilateral relations.

More than any other issue, differences over human rights and religious freedom have the potential to inhibit the forward momentum in our bilateral relationship. Relations can never fully develop until the government of Vietnam protects and promotes the fundamental human rights of all its citizens.

We were all encouraged by the historic visit of Prime Minister Pham Van Khai (PHAN VON KY) to the United States in June of this year, but it is crucial that the U.S. government continue

to speak with one strong voice that economic and security interests should not precede human rights. We should continue to make clear that progress in all three areas is critical to developing stable trading relations, stable alliances, and stable regions.

Human Rights & Freedom in Vietnam: The Current State of Affairs

Madame Chair, the government of Vietnam's human rights record remains poor and freedoms of speech, assembly, association and religion continue to be significantly restricted. Though Vietnam is in some respects a less repressive society now than ten or fifteen years ago, we should not conclude that Vietnam's economic openness has led directly to political openness or greater respect for human rights.

Our deepening economic and commercial relationship with Vietnam may encourage economic reform and transparency--and it may draw Vietnam further into a rules-based international trading system--but the evidence suggests that it has not yet resulted in greater political freedom for Vietnamese citizens.

Because our time is short, Madame Chair, let me now focus my remarks on the current state of affairs concerning protection for the freedom of religion and belief and to introduce some new information that bolsters the Commission's contention that Vietnam should remain a CPC in 2006.

Vietnam As Country of Particular Concern (CPC): Evidence that International Religious Freedom Act (IRFA) Works

The Commission has followed events in Vietnam closely. Commissioners and staff have traveled to Vietnam and we have established contacts with religious leaders, scholars, and human rights activists inside and outside of Vietnam.

Over the past fifteen years, the government of Vietnam has slowly carved out a noticeable "zone of toleration" for government approved religious practice. However, at the same time, it has actively repressed, and targeted as subversive, religious activity it cannot

control or that which resists government oversight. Targeted in particular are leaders of the Unified Buddhist Church of Vietnam (UBCV), ethnic minority Christians in the Central Highlands and northwest provinces, "house-church" Protestants, and followers of religious minority groups such as the Hoa Hao (WA-HOW) and Cao Dai (COW-DIE). This repression has not abated in the last year.

In May of this year, the State Department announced that it had reached an "agreement" with Vietnam to avoid more stringent actions, including economic sanctions, for countries designated as a CPC. Though the agreement is secret, from public statements we understand that essentially, Vietnam has promised to implement its new laws concerning religious affairs and consider releasing prisoners of concern. In response, the U.S. promises to consider removing the CPC designation.

We should not downplay the significance of this agreement and the part played by Ambassador-At-Large for International Religious Freedom John Hanford. Ambassador Hanford should be commended for the time and effort he has invested in Vietnam. The agreement reached was the first such diplomatic agreement signed with a CPC country since the passage of IRFA in 1998. We should see this as evidence that both vigorous diplomatic action and the use of the CPC designation can produce results that might lead to future improvements in religious freedom in Vietnam. The agreement also illustrates that the IRFA legislation and the CPC designation can be flexible and useful diplomatic tool. The Commission has heard recently from Vietnamese officials that their government now understands that human rights, including religious freedom, are issues they have to address to improve bilateral relations.

Madame Chair, these are encouraging developments, but they have not yet been followed up with concerted action. The actions taken thus far to carry out the aforementioned agreement only signal promises of improvement and not actual measurable progress. Promises do not mean progress and they do not address the human rights violations that landed Vietnam on the CPC list in the first place.

Religious prisoners remain behind bars, churches remain closed, and restrictions on and harassment of all of Vietnam's diverse religious communities continue-on which I'm sure the panelist that follow can offer specific information.

Don't Lift the CPC Designation Without Concrete Results

Since announcement of the May 2005 religious freedom agreement, troubling reports about abuses and continued restrictions continue to surface. It is obvious to the Commission that the situation in Vietnam at the present time can be summed up as "repression as usual"-particularly concerning Vietnamese ethnic and religious minorities. Though promises of future improvement are encouraging, we should not reward Vietnam too quickly by lifting the CPC designation.

Let me offer a few examples:

- In February 2005, Vietnam's Prime Minister offered a decree entitled "Instructions on Protestantism" which promised to speed registration of religious groups and halt forced renunciations of faith. However, it is now apparent that the new decree is being used by security forces to compel ethnic minority Protestants in the Central Highlands and Northwest provinces to join the government-approved Protestant organization, give up their distinctive faith tradition, or face criminal penalties.

- On February 25, 2005 at 7 a.m., two police officers from Ia To (EEa TOE) commune, Ia Grai (EEa Gry) District, Gai Lai (Ja Lie) Province summoned two men and a woman for interrogation. They were asked whether they followed Dega Christianity or the "Christianity of [Prime Minister] Phan Van Khai". They were asked who in their village followed "the religion that is political" and where they worshiped, and ordered to cease following Dega Christianity. When they refused, the police hit one of the men with their fists and beat the second man until he lost consciousness. The three were released from detention the same day. They were warned that they would be arrested if they were caught practicing their religion again.

- During the period from March 15-18, police surrounded many villages in Ia Hru, Ia Ko, and Ia Pet (3 COMMUNES) in Gai Lai (JA-LIE) provinces. Officials called Montagnard representatives from villages in these communes for full day meetings at the district headquarters, where they were lectured by district authorities as well as "police from Hanoi" (most likely officials from the Ministry of Public Security) and warned not to follow "Dega Christianity." In some cases they were forced to sign pledges agreeing to abandon Christianity and politics. Officials also conducted meetings in the villages during this time in which they instructed villagers not to hold religious gatherings.

The events above happened in the Central Highlands, but forced renunciations also continue among the Hmong (MUNG) in Vietnam's northwest provinces. Police and security forces continue to summon Hmong Christian villagers to "re-education" where they are told to give up their faith traditions, are harassed, beaten and sometimes forced to drink wine.

Madame Chair, the Commission has collected 21 of these police summons, most dated in May of 2005 from Dien Bien (DEEN-BEEN) Province in the Northwest Highlands. We have very specific and very recent evidence that forced renunciations of faith continue.

Restrictions on all religious groups continue, but pressure has recently has been the most acute on the Mennonites, Unified Buddhist Church of Vietnam, Ethnic Minority and "house church" Protestants, and the Hoa Hao (WA-HOW) Buddhists. On August 5, the public security police arrested twelve Hoa Hao Buddhists, including four monks. In protest, a Hoa Hao Buddhist monk and a follower committed self-immolation. It is my understanding that the monk later died. In addition, a Hoa Hao monk known as Nam Liem (NAHM LIAM) was arrested and sentenced to seven years in prison for "opposing public authorities." Nam Liem was arrested for submitting testimony to the June 2005 hearing on Vietnam in the House International Relations Committee. Another Hoa Hao follower Bui Thien Hue, (BOWIE THEE-AN WAY) who also submitted testimony to the Committee Hearing has been harassed by security forces.

In addition, the Commission has also obtained a copy of a February 2005 Communist Party document-Plan 184-indicating that plans to rid the country of the "illegal Protestant religion" are still fully functioning in some places. Plan 184 is an update on a booklet, "Direction for Stopping Religion," used by security forces in the 1990s. The new document was released in the same month that the Prime Minister's "special instructions on Protestantism" and the new "decree" on religious affairs took effect, legal changes expected to have a positive effect. Plan 184 does not mention the new laws, but refers only to the Communist Party Central Committee's resolution on religion of January 2003. It was at that Central Committee meeting where local cadres were urged to "stamp out" democracy, free speech, and religious freedom advocates, internet users, and missionaries who were determined to be undermining the Party's authority.

Nonetheless, Plan 184 is a disturbing discovery and we hope that the Vietnamese government can immediately repudiate it and its contents. When the Vietnamese government issued the new instructions and decrees in February and March of 2005, the Commission viewed this as a positive step toward structural change. However, at the time, we suggested waiting for the law to be implemented fully before determining whether it was going to improve religious freedom conditions in Vietnam.

Though it is too soon to tell, the initial results are in, and Vietnam's recent legal reforms

regarding religious affairs are either being ignored by Vietnamese security forces or used as a basis for ongoing abuses of religious freedom.

Because we have not seen positive results from promised legal reforms, the Commission believes that it is too soon to lift the CPC designation.

Policy Recommendations:

We know that human rights remain a problem for U.S.-Vietnam relations. But the question that always arises is, what can we do about it?

The Commission's 2005 Annual Report includes policy recommendations that we believe can improve U.S. human rights diplomacy for Vietnam. In general, the Commission recommends that U.S. diplomatic and assistance programs be expanded and re-prioritized to directly promote freedom of religion and related human rights in Vietnam. Non-humanitarian assistance programs have been declining in Vietnam, except for new HIV/AIDS funding and assistance programs to help Vietnam enter the WTO. We believe that new public diplomacy, economic development, and technical assistance programs should be targeted to address ongoing human rights problems.

We have made specific recommendations for congressional and Administration action in the areas of public diplomacy, economic development, education, good governance, and rule of law programs for Vietnam.

I have included a copy of the Commission's recommendations as part of my testimony.

Conclusion:

If the government of Vietnam were to take further steps to honor its international commitments and improve its respect for human rights, U.S.-Vietnam relations would improve for the long

term and serve as the basis for a strong and healthy relationship built on mutual interests, the rule of law, and the non-negotiable demand of human dignity.

Thank you Madame Chair and Members of the Caucus. I welcome your questions.

Commission Recommendations: Vietnam

Following the designation of Vietnam as a CPC, the Commission has recommended that the U.S. government should:

- identify those Vietnamese agencies and officials who are responsible for particularly severe violations of religious freedom and vigorously enforce section 604 of IRFA with respect to Vietnam, rendering inadmissible for entry into the United States any Vietnamese government official who was responsible for or directly carried out such violations; and
- re-prioritize human rights programming and technical assistance in Vietnam by dedicating no less than \$1 million for FY 2005 and FY 2006, if discretionary funds are allocated to Vietnam above its annual earmark, to new or existing programs that will directly promote freedom of religion and belief and related human rights in Vietnam.

With regard to religious freedom conditions in Vietnam, in addition to recommending that Vietnam be designated a CPC, the Commission has recommended that the U.S. government should:

- 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:

--establish a non-discriminatory legal framework for religious groups to engage in peaceful

religious activities protected by international law without requiring groups to affiliate with officially registered religious organizations; for example:

- allow the Unified Buddhist Church of Vietnam to register and 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 and any other Protestant 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;

--establish a legal framework that allows for religious groups to engage in humanitarian, medical, educational, and charitable work;

--amend the 2004 Ordinance On Religious Beliefs and Religious Organizations and Decree 22, and other domestic legislation that may restrict the exercise of religious freedom, so that they conform to international standards for protecting the freedom of thought, conscience, and religion or belief.

--enforce 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;

--repeal Decree 31/CP of the Vietnamese Criminal Code which empowers local Security Police to detain citizens for up to two years without trial, as this decree is routinely invoked to detain religious followers and members of non-recognized religious denominations;

--set 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;

--release or commute the sentences of all those imprisoned or detained on account of their peaceful manifestation of religion or belief; including, among others, UBCV Patriarch Thich Huyen Quang, Thich Quang Do and six UBCV leaders detained in the 2003 crackdown, members of ethnic minorities in the Central Highlands and northwest provinces, and the six Mennonites arrested in July 2004, using the list compiled by the State Department pursuant to Section 108 of IRFA;

--re-open all of the churches, meeting points, and home worship sites closed during 2001 in the Central Highlands and northwest provinces;

--investigate and publicly report on the beating deaths of Hmong Protestant leaders Mua Bua Senh and Vang Seo Giao, and prosecute anyone found responsible for these deaths;

--halt the practice of diplomatic pressure, offering of bounties, or cross-border police incursions into Cambodia for the purpose of forcibly repatriating Montagnards; and,

--allow representatives of the UN High Commission for Refugees (UNCHR), or some other appropriate international organization, unhindered access to the Central Highlands in order to monitor voluntarily 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 to members of all religious communities in Vietnam, particularly those in the Central Highlands and the northwestern provinces; and

- expand existing programs and initiate new programs of public diplomacy for Vietnam, including,

□ --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;

--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 groups areas (Montagnard and Hmong), from minority religious communities (Cao Dai, Hoa Hao, Catholic, Protestant, Cham Islamic, and Kmer Buddhist), or former novice monks associated with the Unified Buddhist Church of Vietnam;

--providing grants to educational NGOs to bring Vietnamese high school students to the United States for one year of study;

--creating new exchange programs between the Vietnamese National Assembly and its staff and the U.S. Congress;

- continue to expand its economic development, democracy, education, good governance, and rule of law programs in Vietnam by:

--working with interested nations and international donors to create a development fund for ethnic and religious minorities that targets business creation, micro-enterprise development loans, and grants to improve agricultural, educational, health, and technical training, a fund that would prioritize areas with both rural poverty and significant human rights problems;

--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 money for the State Department's Human Rights and Democracy Fund for new technical assistance and religious

freedom programming. Funding should be commensurate to new and ongoing programs for Vietnamese workers, women, and rule of law training.