

USCIRF Testimony by Commissioner Leonard Leo

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USCIRF TESTIMONY by COMMISSIONER
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RELIGIOUS FREEDOM IN VIETNAM:

OBSERVATIONS AND CONCERNS AFTER

RECENT USCIRF TRIP TO VIETNAM

Congresswoman

Sanchez, members of the Human Rights Caucus, thank you for holding this hearing and for inviting us to testify. The U.S. Commission on International Religious Freedom sent a delegation to Vietnam Oct. 23-Nov. 2, 2007. We are pleased to have this opportunity to share with you some of our observations.

Vietnam's overall human rights record remains very poor and deteriorated in the last year.

The government of Vietnam has moved decisively to repress challenges to its authority. Dozens of legal and political reform advocates, free speech activists, labor unionists, and independent religious leaders and religious freedom advocates have been arrested, placed under home detention or surveillance, threatened, intimidated, and harassed.

The UN Human Rights Committee in 2002 criticized Vietnam's implementation of its international human rights obligations under the International Covenant on Civil and Political Rights. The government has arbitrarily arrested and sentenced to jail terms individuals who express views and write about human rights and democracy-and the freedoms required to fulfill them.

In addition, the

government views peaceful expression or demonstrations for greater religious freedom-including advocating for legal and political reforms needed to ensure it-as challenges to its authority.

These are serious problems that complicate U.S.-Vietnamese relations. We believe it is in the long-term interests of both countries to pursue a relationship built on both prosperity and the rule of law, religious freedom, and related human rights-which President Bush called "the non-negotiable demands of human liberty."

Our concern to advance religious freedom and other human rights in Vietnam is not an American ideal. It is a universal concern, desired by millions of Vietnamese citizens, and is part of Vietnam's international obligations.

Current Religious Freedom Conditions:

Here is an assessment of current conditions of freedom of thought, conscience, and religion or belief in Vietnam.

First, religious freedom conditions in Vietnam have improved since 2004. Ambassador Hanford has devoted considerable effort to advance religious freedom to become a high priority in U.S.-Vietnamese relations. The government of Vietnam engaged itself to take measures to improve religious freedom concerns and legal issues, and release selected prisoners. There has been noticeable progress.

The zone of toleration for religious worship has greatly expanded for most of Vietnam's religious communities. Among ethnic minority Protestants, closed churches have opened and forced renunciations of faith have been greatly reduced. More Vietnamese are practicing religion than ever before, and the Vietnamese government realizes that it can no longer fully repress the demands of its people for the freedom to manifest and express freedom of religion individually or in community with others.

But the Commission remains skeptical of current conditions, particularly in the context of Vietnam's recent repression of peaceful political and religious dissent. While we believe that many religious freedom conditions are moving in the right direction, they are not yet where they need to be—particularly when compared to Vietnam's international obligations to protect the freedom of thought, conscience, and religion or belief.

There remain serious and systematic problems that darken the religious freedom picture. Let me briefly sketch out three areas of concern:

I.)
Problems in Provincial Areas

First, it is clear that in some areas of the country provincial authorities are using their authority to restrict and abuse religious freedom. Central government authorities either ignore these problems or have not yet done enough to curtail them.

In Dak Lak province, we met with one "house church" Protestant pastor who told us how government authorities had threatened to remove his residency permit, brought lawsuits against him to confiscate his property, harassed and threatened his congregation until many of them left, and then put a sign up at the end of the road prohibiting entrance to a "secret military area." He said that 14 other congregations affiliated with him had experienced similar problems.

Vietnam requires all religious groups to apply for legal recognition. Many hundreds of applications for legal recognition are either ignored or denied—leaving the congregations vulnerable and technically illegal. One Protestant pastor told us that after his application was denied police harassment increased, he was interrogated and briefly detained.

These problems are particularly acute in the Northwest provinces among the Hmong Protestants, but there many similar cases in the Central Highlands, Mekong Delta, and Central Coast regions. In the Northwest provinces, police have used violence, fines, and harassment to stop ethnic Protestants from legally registering their congregations.

Even when churches

are granted legal approval, there remain problems, as their registration sometimes limits them to certain "specific activities." This enables government officials to use the registration process to monitor and control religious activities. "They allow us to worship on Sundays," said one Protestant leader, "but they want to stop us from growing."

There are other issues in the provinces that are serious and require immediate attention from officials in Hanoi. In the Central Highlands and Central Coast, local officials have confiscated the land of ethnic minority Protestants. In the Central Highlands, provincial officials have been trained to deny medical, educational, financial and other government services to "religious families" or to deny them to the families of recent converts.

And, in the most serious recent case, police in Phu Yen province severely beat a young Protestant man who refused to renounce his faith. His name was Y Het. Provincial officials reportedly forced this man, injured and illiterate, to put his thumbprint on a document stating he was beaten in a drunken brawl. Y Het died of internal injuries received in police custody on March 23, 2007.

The Commission met with religious affairs and public security officials in Hanoi. They assured us that problems in the provinces do not reflect central government policy. We pressed officials in Hanoi to train and, as needed, punish local and provincial officials who restricted or abused religious freedom. We fully expect them to address problems in the provincial areas as they promised. We are taking a wait-and-see attitude.

II.) Buddhist Groups Face Harassment & Abuses

The second area of concern regards the Vietnamese government's harassment and detentions of members of religious groups that seek independence or autonomy from government control. This is particularly true of the Unified Buddhist Church of Vietnam (UBCV), some Hoa Hao and Cao Dai groups, as well as Khmer Buddhists.

During our trip we met with the Venerable Thich Quang Do and other leaders of the UBCV. UBCV leaders are detained under "pagoda arrest" orders. Monks and nuns who seek advice from recognized UBCV leaders are harassed or publicly "denounced." Youth, family, and charitable activities of the UBCV are actively banned.

Just last week, UBCV monk Thich Thien Mien, who formed an association of former political and religious prisoners following his release in 2005 after 26 years in prison, was detained by police during a meeting he was holding with several other UBCV leaders.

The UBCV, along with some Hoa Hao and Cao Dai Buddhists groups, want to organize independently of government-approved Buddhist religious organizations. They want to worship without harassment, choose and educate their own leaders, and carry out humanitarian and charitable works.

The Vietnamese government rightly recognizes differences among Protestant denominations and allows them to organize and carry out legal operations. But, among the Buddhists, peaceful demands for independence are treated as a threat to government control. In addition, peaceful expression of views or demonstrations for greater religious freedom-and the legal and political reforms needed to ensure it-are treated as a challenge to the government's authority.

This is the reason why, in October, Vietnamese President Triet threatened publicly that he would arrest the Venerable Thich Quang Do; the reason why 12 other UBCV leaders remain under some form of "pagoda detention"; and why up to 12 Hoa Hao have been arrested in recent years, including four last year for staging a peaceful hunger strike protesting past previous arrests;. It is why five Cao Dai remain in prison for distributing pamphlet's critical of the Vietnamese government's restrictions on some Cao Dai activities, and why five Khmer Buddhist monks are in prison for organizing peaceful demonstrations to protest restrictions on ordination and language training in Soc Trang province.

These actions are indefensible: the government of Vietnam cannot repress religious freedom because it fears a loss of authority. The limits are set out in Article 18 of the International Covenant on Civil and Political Rights, which Vietnam has ratified.

III.) Prisoners of Concern

Third, and last, the State Department 2007 IRF report claims that there are no longer any "prisoners of concern," that is, what the State Department considers as religious prisoners, in Vietnam. Such a statement fails to take into consideration the prisoners mentioned above. It also does not take into account those who, motivated by their religion and conscience, express views or organize in support of legal or

political reforms required to ensure religious freedom, or those who monitor freedom of religion and have been punished for that, or those who circulate their findings. Prisoners such as Fr. Nguyen Van Ly, Nguyen Van Dai, and Le Thi Cong Nhan, for example, were charged under vague national security laws for the peaceful expression of universally guaranteed rights to freedom of association, speech, assembly, and the freedom of thought, conscience, and religion.

The U.S. Commission on International Religious Freedom concludes that all three should be "prisoners of concern" when the State Department makes its CPC status determination. The State Department CPC decisions are currently pending and an announcement on them will be made in the next several months. The Commission urges the Department of State to seek the immediate and unconditional release of these three prisoners.

We were allowed to meet Dai and Cong Nhan in prison outside Hanoi. After examining the cases of these two courageous individuals, we conclude that they were imprisoned for exercising universally guaranteed rights and freedoms. Lawyer Dai seems to have been targeted specifically for his advocacy and reporting on religious freedom conditions. We were gravely disappointed that the recent Appeals Court decision did not reverse their sentences and release them from prison.

The Commission will continue to seek the immediate and unconditional release of both Nguyen Van Dai and Le Thi Cong Nhan, and call for the release of all Vietnamese human rights defenders who have been jailed under similar circumstances. We believe their peaceful monitoring of and advocacy for political reform, religious freedom, and other human rights strengthens rather than threatens the Vietnamese state. This is essential for religious freedom protections to fully take root.

CONCLUSION

The U.S. Government and its officials must continue to speak with a single, strong voice on human rights, including religious freedom. We must continue to convey to senior Vietnamese leaders that religious freedom is a top priority to us, that it is a critical issue in our bilateral relationship, and that the central Government must take concerted action to end abuses and harassment of religious believers.

We must continue to make clear that it is incumbent on the leaders of Vietnam to take their country on the path towards openness, prosperity, and freedom. Better U.S.-Vietnamese relations depend on it.

The U.S. Congress has an important role to play in setting the agenda for future U.S.-Vietnam relations. The Commission looks forward to meeting with all members of the Congressional Human Rights Caucus to share our perspective and recommendations for improving religious freedom and related human rights in Vietnam.