

## Vietnam

**FINDINGS:** The government of Vietnam continues to control all religious communities, restrict and penalize independent religious practice severely, and repress individuals and groups viewed as challenging its authority. Religious activity continues to grow in Vietnam and the government has made some important changes in the past decade in response to international attention, including from its designation as a “country of particular concern” (CPC). Nevertheless, individuals continue to be imprisoned or detained for reasons related to their religious activity or religious freedom advocacy; independent religious activity remains illegal; legal protections for government-approved religious organizations are both vague and subject to arbitrary or discriminatory interpretations based on political factors; and new converts to ethnic-minority Protestantism and members of one Buddhist community face discrimination, intimidation, and pressure to renounce their faith.

Given these systematic, ongoing, and egregious violations, USCIRF again recommends that Vietnam be designated as a “country of particular concern,” or CPC, in 2012. The Commission has recommended that Vietnam be named a CPC every year since 2001. The State Department named Vietnam a CPC in 2004 and 2005, but removed the designation in 2006 because of “progress” made toward fulfilling a 2005 binding agreement under IRFA.

In the past reporting period, there were marked increases in arrests, detentions, and harassment of groups and individuals viewed as hostile to the Communist Party, including violence aimed at peaceful ethnic minority gatherings and Catholics protesting land confiscations and harassment. Relations deteriorated between Catholics and local government officials in Hanoi, DaNang, Vinh, and Ho Chi Minh City. Police used force to disperse peaceful Catholic prayer vigils at disputed properties and arrested over a dozen Catholic activists and several ethnic minority Catholics. Independent Protestants in the Central Highlands were detained and had their property destroyed in an ongoing campaign to repress their activities. Independent Hoa Hao activists were arrested and sentenced and congregations harassed. Forced renunciations of faith continued in the northwest provinces among Hmong Protestants and some areas in the Central Highlands. Father Nguyen Van Ly was returned to prison after being given a one-year medical parole.

**PRIORITY RECOMMENDATIONS:** The U.S. government should use its diplomatic and political resources to advance religious freedom and related human rights in Vietnam. The U.S. should use the CPC designation to spur diplomatic engagement and achieve measurable improvements, while not hampering progress on other areas in the U.S.-Vietnam relationship. Overall, U.S. policy, programs, and public statements should protect and support those in Vietnam peacefully seeking greater freedoms and the rule of law. USCIRF recommends that any expansion of U.S. economic or security assistance programs in Vietnam be linked with human rights progress and the creation of new and sustainable initiatives in religious freedom and programs in non-commercial rule of law and civil society development. Additional recommendations and benchmarks for U.S. policy toward Vietnam can be found at the end of this chapter.

## Religious Freedom Conditions

### *Overall Human Rights and Religious Freedom Situation*

Vietnam's overall human rights record remains poor, and has deteriorated since Vietnam was removed from the CPC list and joined the World Trade Organization in January 2007. Vietnam is an authoritarian state ruled by the Communist Party. Over the past four years, the government has moved decisively to repress any perceived challenges to its authority, tightening controls on freedom of expression, association, and assembly. New decrees were issued prohibiting peaceful protest in property disputes, limiting speech on the Internet, and tightening controls on journalists and access to the internet at cafes. During 2011 alone, the government sentenced at least 33 peaceful dissidents including political reform advocates, free speech and democracy activists, and those protesting religious freedom restrictions.

The U.S.-Vietnamese relationship has grown quickly in recent years, but it has not led to needed improvements in religious freedom and related human rights in Vietnam. The Vietnamese government responded to some U.S. religious freedom concerns in the past, particularly after being designated a CPC in 2004. It released prisoners; expanded certain legal protections for nationally-recognized religious groups; prohibited the policy of forced renunciations of faith, resulting in fewer forced renunciations; and expanded the zone of toleration for legally-recognized religious communities to worship and organize, particularly in urban areas. Most religious leaders in Vietnam attributed these positive changes to the CPC designation and the priority placed on religious freedom concerns in U.S.-Vietnamese bilateral relations.

The number of religious adherents continues to grow in Vietnam, and in large urban areas the Vietnamese government allows religious activity to occur openly. The government has supported the building of religious venues and the training of religious leaders, and allowed some large religious gatherings and pilgrimages (though not without restrictions). Government training sessions for local officials on Vietnam's religion laws have occurred, though the content remains problematic and serious abuses continue in ethnic minority areas. In some parts of the Central Highlands, churches and meeting points have been re-opened, and the government and the officially-recognized Protestant organization have established a working relationship.

Since the CPC designation was lifted in 2006, however, religious freedom conditions have not improved. The government continues a policy of control, suppressing independent religious activity and arresting and detaining individuals for publicly advocating for greater religious freedoms or engaging in independent religious activity. Religious freedom conditions often depend on geographic area, ethnicity, relationships between religious leaders and provincial officials, or perceived "political" activity. In addition, lingering property disputes over venues and facilities previously confiscated by the Communist government have led to church demolitions, property confiscations, detentions, and violence.

In addition, the Vietnamese government continues to imprison individuals for peaceful religious activity or religious freedom advocacy. Father Nguyen Van Ly was returned to prison in July 2011 to serve the remainder of his 8-year prison term after being released on medical parole.

*Implementation of Vietnam's Legal & Policy Framework on Religion*

In a February 2012 speech summarizing the government's goals for religion policy, Deputy Prime Minister Nguyen Xuan Phuc encouraged stronger oversight on matters related to land and property rights and urged continued government management of Protestantism in order to limit its extraordinary growth. Overall, the Deputy Prime Minister stressed the need to avoid religious "hot spots" and counter "enemy forces" that use religion to "destroy our nation."

Religion policy is carried out by both the Interior Ministry's Committee on Religious Affairs and by special "religious police" forces. The "religious police" unit (A41) monitors and sets policies toward groups the authorities consider "extremist," and a Special Task Force of the Mobile Intervention Police (Unit PA43) in the Central Highlands assists local police to "detain and interrogate persons they identify as Dega Protestants ... and neutralize the dangerous key actors ... in a clever way, in order to avoid the scrutiny of hostile forces on human rights issues," according a story in the January 2011 *Da Nang Police Journal*.

Relations between religious groups and the Vietnamese government are governed by the 2004 Ordinance on Religion and Belief which requires religious groups to operate within government-approved parameters. The Ordinance promises fewer government intrusions in regular religious activities for those who succeed at gaining "national" legal status. However, the registration process is ill-defined. Religious groups whose applications for registration are denied or who do not meet the Ordinance's vague standards are technically illegal and can be harassed or disbanded without warning. Some provincial officials ignore registration applications and require religious groups to include membership lists, or pressure to join registered groups, despite theological or other objections. In addition, the Ordinance provides for two lower levels of legal status, neither of which offers the same protections as "national" recognition. Communities obtaining the first level of recognition, "permission for religious operation," report government intrusions in daily religious activity, such as requesting the names of congregants, interfering in church leadership decisions, or limiting participation in and the scope of worship services.

Other provisions of the Ordinance do not meet international standards and restrict rather than promote religious freedom. For example, national security and national solidarity provisions override any legal protections guaranteeing the rights of religious communities. These include Article 8(2) of the Ordinance, which prohibits the "abuse" of religion to undermine national unity, "sow division among the people, ethnic groups and religions" or "spread superstitious practices," and Article 15, which provides that religious activities will be suspended if they "negatively affect the unity of the people or the nation's fine cultural traditions." The government continues to limit the organized activities of independent religious groups and individuals viewed as a threat to party authority on these grounds. There are reports that Vietnamese officials are considering revising the Ordinance on Religion and Belief, which would offer the international community an opportunity to engage Vietnam in ways to change its legal structure on religion so that it conforms to international standards.

Contrary to its provisions, local officials have told religious groups and visiting USCIRF delegations that the Ordinance's provisions do not apply in their provinces. In the northwest provinces, there remain hundreds of applications for legal registration that have not been acted

upon by government officials. In the past year, the government has formally indicated to the recognized Southern Evangelical Church of Vietnam (SECV) that it will no longer register any new meeting places in the Central Highlands.

The central government has also delayed implementation and enforcement of the Ordinance in ethnic minority areas and issued a training manual on religious groups in the northwest provinces that counsels restricting rather than advancing religious freedom. The manual, first issued in 2007 by the central government's Committee on Religious Affairs, has gone through several revisions because of international scrutiny. Nevertheless, problematic language regarding measures to halt the growth of religious communities remains. Provincial officials continue to carry out the manual's recommendation to halt the growth of Protestantism.

A USCIRF delegation traveled to Vietnam in May 2009 and ascertained that new converts to Protestantism, mainly in ethnic minority areas, face official intimidation and discrimination if they do not renounce their faith (see later discussion under *Hmong Protestants: Northwest Provinces*). This tactic seems to be a policy developed and condoned by central government authorities and carried out in the provinces. There are also reports that similar tactics are used against new monks and nuns of Buddhist teacher Thich Nhat Hanh and individuals who frequent pagodas affiliated with the Unified Buddhist Church of Vietnam (UBCV).

During the reporting period, religious groups without legal status were harassed, had venues destroyed, and faced severe discrimination. In addition, there were reports that ethnic minority Protestants were arrested and detained because their meeting points were not legally recognized, they did not meet the Ordinance's criteria for "20 years of stable operation," or they were not affiliated with the government-approved religious organization. For example, two unregistered Protestant churches in the city of Hue had their services raided and meeting points closed four times by police between December 2009 and June 2011. Local officials accused the pastors of violating the law by "gathering illegally." Both congregations had applied for registration and were denied. Churches affiliated with the unregistered Good News Mission continue to face difficulties throughout Vietnam. Several pastors associated with the GNM were arrested in 2010 and religious training seminars in Vinh Long province faced ongoing problems.

There continue to be over 600 Hmong congregations in the northwest provinces whose applications to join the recognized Northern Evangelical Church are being ignored. In addition, there continue to be dozens of reports of Protestant congregations, whose larger denominational affiliation does not meet the "20-years-of-stable-operation" guideline, who are refused any form of legal recognition, despite meeting the vague criteria for local recognition.

The government continues to extend legal recognition to, and allows religious venues to affiliate with, officially-recognized religious groups, including Buddhism, Islam, Catholicism, Protestantism, Hoa Hao, Cao Dai, Pure Land Buddhist Home Practice, the Bani Muslim sect, Threefold Enlightened Truth Path, Threefold Southern Tradition, the Baha'i community, the Mysterious Fragrance from Precious Mountains, the Four Gratuities, and the Vietnam Christian Fellowship. In October 2009, the Assembly of God denomination was granted permission to operate, a status that had previously been denied because the Assembly of God did not meet the 20-year requirement.

Police also continue, explicitly or implicitly, to sanction violence against religious communities and venues, including by “contract thugs” and gangs. For example, police and military units forcibly removed several thousand Hmong Christians in May 2011 who gathered for religious reasons. There are reports of death and arrests, though the government has closed access to that part of Dien Bien province. In August 2011, police reportedly watched as a group of men attacked a Catholic from Vinh who was returning from participating in a public protest at embattled Thai Ha parish. On November 13, 2011, a group of men, including a local official, attacked the Agape Baptist Church in Vietnam’s northwest provinces, destroying vehicles and property, severely beating eight members of the congregation and threatening to kill Pastor Nguyen Danh Chau if he “continued gathering Christians.” The attackers were not arrested.

### *Prisoners of Concern*

In the past, the State Department maintained that one of the reasons Vietnam’s CPC designation was lifted was that there are no longer any “prisoners of concern.” USCIRF contends that dozens of prisoners remain detained in Vietnam for either their religious activity or religious freedom advocacy. During the reporting period, as many as 27 individuals were arrested or disappeared for their religious affiliations, religious activities, or peaceful protest of religious freedom restrictions, among them Hoa Hao Buddhists, Catholics, Protestants, and Falun Gong practitioners.

Father Nguyen Van Ly was returned to prison in July 2011 to serve the rest of his eight-year sentence. He had been granted a medical parole in March 2010 after suffering several strokes in prison that left him partially paralyzed. Father Ly has been imprisoned numerous times for his religious freedom and human rights advocacy, including after he submitted testimony to a 2001 USCIRF hearing on Vietnam. A USCIRF delegation was allowed to meet with Fr. Ly in May 2009.

Hoa Hao activists Nguyen Van Lia and Tran Hoi An were sentenced to five and three years, respectively, for “abusing democratic freedom” (Article 258 of the Criminal Code). The two were arrested in November 2011 for allegedly possessing printed materials, CDs, and DVDs criticizing the Vietnamese government’s religious record. Both men are part of an independent Hoa Hao community in An Giang province and met with USCIRF in 2009 to discuss religious freedom violations. At least twelve other Hoa Hao are serving sentences for peaceful public protests against religious freedom restrictions.

Falun Gong practitioners Le Van Thanh and Vu Duc Trung were each sentenced in September 2011 to two years for “illegally using information in computer networks” (Article 226 of the Criminal Code). The two men operated a short-wave radio broadcast called Sound of Hope broadcasting information about human rights abuses in China. Thirty Falun Gong practitioners were beaten and briefly detained for staging a peaceful meditation protest outside the Chinese embassy. Falun Gong is not explicitly banned in Vietnam.

On December 30, 2011 Pastor Nguyen Trung Ton, the head of the Full Gospel Church in Thanh Hoa province, was sentenced to two years' house arrest for "collecting documents and writing articles which tarnished the reputation of the Communist Party and the Socialist regime."

In April 2011, Pastor Nguyen Cong Chinh, a long-time government critic and religious freedom advocate, was arrested for allegedly "disrupting national unity's policy" according to Article 87 of the penal code. His current whereabouts are unknown.

Two ethnic minority Protestant pastors Ksor Y Du and Kpa Y Ko remain in prison for "undermining national unity" after being sentenced in 2011 for allegedly being part of anti-government organizations and making calls to relatives in North Carolina. The family and the leaders of the Good News Mission denomination claim that the charges are completely fabricated and due to the growing number of converts achieved by the two pastors. Ksor Y Du was reportedly handcuffed and dragged behind a motorbike to the police station and both men were repeatedly tortured in prison in order to elicit a confession. In addition, family members were asked to provide evidence against the two religious leaders in exchange for money and food, but refused.

Also remaining in prison is Cam Tu Huynh, a leader of an unrecognized sect of the Cao Dai faith who was arrested in 2010 for criticizing several police officers for breaking up a public protest against the government-sanctioned Cao Dai Administrative Board, as well as two Catholic residents of Con Dau village, arrested for staging a banned burial ceremony on land the government wanted to buy to build an eco-tourism resort.

Over a dozen religious leaders are being held under long-term administrative detention (house arrest) orders, including UBCV leader Thich Quang Do and other UBCV leaders, Catholic Fr. Phan Van Loi, Hoa Hao leader Le Quang Liem, Protestants Nguyen Van Dai and Le Thi Cong Nhan, and Mennonite leader Nguyen Thi Hong.

Khmer Buddhist abbot Thach Sophon continues to serve a house detention sentence given in 2010. The situation of the ethnic Khmer Buddhists has been an underreported problem in the State Department's Religious Freedom report.

Hundreds of Montagnard Protestants arrested after 2001 and 2004 demonstrations for religious freedom and land rights remain in detention in the Central Highlands. Authorities in the Central Highlands have targeted independent Protestants and Catholic religious groups to prevent future demonstrations. Montagnard Protestants who engage in independent religious activity have been subject to a number of short-term detentions, disappearances, forced renunciations of faith, and mistreatment in custody. According to Human Rights Watch, as many as 70 people were detained in 2010 in the Central Highlands, many for conducting "illegal" religious services. In the past year, USCIRF has been able to confirm police detention and disappearance of at least 11 ethnic minority Protestants and Catholics in Gai Lai province. The number may be much higher given the intensity of the government's ongoing campaigns to curtail "illegal" religious activity. (For more information on these arrests, see *Central Highlands* section below.)

*Buddhists, Hoa Hao, and Cao Dai*

The government continues to discourage independent Buddhist religious activity and refuses legal recognition for the UBCV and some Hoa Hao and Cao Dai groups. Government-approved organizations oversee Buddhist and other indigenous religions' pagodas, temples, educational institutes, and activities. Approval is required for all ordinations and ceremonies, donations, and expansions of religious venues. The government-approved leaders of Buddhist, Hoa Hao, and Cao Dai organizations also vet the content of publications and religious studies curricula offered at schools.

The Vietnamese government requires the UBCV, independent Hoa Hao, and Cao Dai groups to affiliate with the government-approved religious organization. Those who refuse typically face serious abuses, including arrests, detentions, fines, forced renunciations of faith, destruction of property, and other harassment. Notably, these groups, along with the ethnic minority Khmer Buddhists, represent the largest number of religious adherents in Vietnam.

*Unified Buddhist Church of Vietnam (UBCV)*

The UBCV is Vietnam's largest religious organization with a history of peaceful social activism and moral reform. The UBCV has faced decades of harassment and repression for seeking independent status and for appealing to the government to respect religious freedom and related human rights. Senior UBCV monks, including the Most Venerable Thich Quang Do, with whom USCIRF delegations met in 2007 and 2009, remain under some form of administrative probation or arrest in their home or pagoda.

Local authorities continue to prevent monks from organizing UBCV provincial boards or carrying out charitable activities. Police routinely question UBCV monks and monitor their movement and activities. Foreign visitors to UBCV monasteries have been assaulted and harassed. Government officials have taken steps to make sure that government-affiliated monasteries do not affiliate overtly with the UBCV. Routine systematic harassment of UBCV monks and affiliated pagodas occurs in the provinces of Quang Nam-Danang, Thua Thien Hue, Binh Dinh, Khanh Hoa, Ba Ria-Vung Tau, Dong Nai, Hau Giang, and An Giang.

There are continued reports of harassment and disbanding of religious ceremonies and other activities conducted by UBCV monks. Police routinely interrogated the Venerable Thich Vien Dinh and other monks from the Giac Hoa Pagoda in Ho Chi Minh City and issued fines for minor building code violations. Officials also have prevented them from holding festivals on *Vesak* (Buddha's Birthday) and the Lunar New Year.

During Buddhist festivals in May and August 2011, Da Nang police blocked access to Giac Minh Buddhist pagoda and interrogated the pagoda's abbot, who is the provincial representative of the UBCV. Police monitored the *Vesak* celebrations on May 28 at the Giac Hoa and Lien Tri pagodas in Ho Chi Minh City but did not intervene. UBCV officials claimed attendance by followers at the celebrations was lower than normal due to the increased police presence. Some followers stated that they were questioned by police officers after celebrations at the Lien Tri pagoda.

UBCV adherents also experience harassment and intimidation. During its visits to Vietnam, USCIRF learned that the Vietnamese government's Religious Security Police (*cong an ton giao*) routinely harasses and intimidates UBCV followers, warning that if they continue to frequent known UBCV pagodas, they may be arrested, lose their jobs, or see their children expelled from school. The government has actively sought to suppress the activities and growth of its Buddhist Youth Movement.

### *Hoa Hao and Cao Dai*

The Vietnamese government continues to ban and actively discourage participation in independent factions of the Hoa Hao and Cao Dai, two religious traditions unique to Vietnam that claim memberships of four and three million, respectively. The State Department continues to report repression of independent groups that includes loss of jobs, discrimination, and harassment of Hoa Hao followers, and imprisonment of individuals who peacefully protest religious freedom restrictions.

Both the Cao Dai and Hoa Hao groups report ongoing government oversight and control of their communities' internal affairs, including rituals, celebrations, funerals, and the selection of religious leadership, even of government-approved organizations. In addition, the government rejected the Cao Dai charter drawn up before the 1950s, has refused to allow the community to maintain its own independent source of income, and beginning in 1975, seized, without compensation, Cao Dai properties. Some Cao Dai traditionalists have refused to participate in the government-appointed management committees and have formed independent groups. Eleven Cao Dai members were arrested in 2005 for protesting government intrusion in Cao Dai affairs; five remain in prison at the time of this report.

Independent Hoa Hao groups face severe restrictions and abuses of religious freedom, particularly in An Giang province. According to the State Department, members of the independent Hoa Hao Central Buddhist Church (HHCBC) face "significant official repression." There is continued friction between independent Hoa Hao and government officials in the Mekong Delta region, including reports of confiscation and destruction of HHCBC-affiliated buildings. HHCBC religious leaders refuse to affiliate with the government-approved Hoa Hao Administrative Council (HHAC) and are openly critical of it, claiming that it is subservient to the regime. HHCBC leaders and their followers have been arrested and sentenced to terms up to four years for staging hunger strikes, distributing the writings of their founding prophet, had ceremonies and holiday celebrations broken up by police and sacred properties confiscated or destroyed, and individual followers faced discrimination and loss of jobs.

In March 2011, two leaders of large unrecognized Hoa Hao congregations in Can Tho, Dang Thanh Dinh and Dang Van Nghia, were denounced in the state-run media and by local officials for opposing the government and stirring unrest. The two leaders were later detained and released, but such public denunciations often lead to government action. Several Hoa Hao activists face serious medical problems during imprisonment. Hoa Hao Buddhist activist Mai Thi Dung, who is currently serving an 11-year prison term, is gravely ill, with both feet paralyzed, and is suffering from heart disease and gallstones, according to her family members.



Also, Hoa Hao scholar Nguyen Van Lia has lost most of his hearing, suffers from high blood pressure, and has several cracked ribs, reportedly from mistreatment in custody.

### *Khmer Buddhism*

The Vietnamese government's ongoing repression of the language, culture, and religion of ethnic Khmer living in Vietnam has led to rising resentment in the Mekong Delta, where as many as one million ethnic minority Khmer Buddhists live. Khmer Buddhism is associated with the Theravada branch and has religious and ethnic traditions distinct from the dominant Mahayana Buddhist tradition practiced in most of Vietnam. Some Khmer Buddhists have called for a separate religious organization, distinct from the government-approved Vietnamese Buddhist Sangha (VBS). Religious freedom concerns continue to be central to demands of ethnic minority Khmer for human rights protections and preservation of their unique language and culture.

Long-simmering tensions emerged in 2007, as Khmer Buddhist monks in Tra Vinh and Soc Trang provinces peacefully protested government restrictions on their freedoms of religion and movement and Khmer language training. The monks objected to the government's restricting the number of days allowed for certain Khmer religious festivals and called on the government to allow Khmer Buddhist leaders to make decisions regarding the monk ordinations and the content of religious studies at pagoda schools. The protestors also called for more education in Khmer language and culture. Provincial officials initially promised to address the monks' concerns, but soon began arresting monks suspected of leading the protests; some reportedly were beaten during interrogations. At least 20 monks were defrocked and expelled from their pagodas, and five suspected of leading the demonstrations were sentenced to between one and five years in prison. Defrocked monks were sent home to their villages, where they were placed under house arrest or police detention.

In 2009 interviews with USCIRF, monks who had fled Vietnam described severe restrictions on their religious life. They claimed that they had applied to hold a demonstration in advance, and contrary to government views, it was not a spontaneous event. They also described in detail the beatings and torture they endured in detention, including one monk stating that he was beaten every day for a full year.

The Vietnamese government, through the VBS, began an academy in 2008 that focused on Theravada Buddhism and allowed for the possibility of lengthier ordination ceremonies. In addition, the government expanded the Pali language school in Soc Trang province, the site of the demonstrations. However, it is unclear whether these actions will be sufficient to address long-standing grievances over religious restrictions, land confiscation, and discrimination based on ethnicity.

### *Crackdown on the Lang Mai Buddhists of Bat Nha Monastery*

The Lang Mai (Plum Village) Buddhist order associated with well-known Zen Master Thich Nhat Hanh remains banned in Vietnam. The monks and nuns affiliated with the order are dispersed and some live in exile in third countries. In September 2009, after months of government harassment, over 300 Lang Mai Buddhist monks and nuns were forcibly removed from Bat Nha monastery in Lam Dong province. The government took action to disband the

order after Thich Nhat Hanh called publicly on the government to release all political prisoners, disband the “religious police,” and establish an “independent Buddhist church” not connected to politics.

Monks were reportedly beaten, degraded, and sexually assaulted; two senior monks, Phap Hoi and Phap Sy, were detained. Over 200 Buddhist monks and nuns sought temporary refuge at the nearby pagoda of Phuoc Hue; three months later, the government forcibly evicted all 400 monks and nuns residing at Phuoc Hue. A senior monk at another Lang Mai meditation center in Khanh Hoa province went into hiding to avoid arrest. Two hundred Lang Mai followers left to seek asylum in Thailand and, as of the end of the reporting period, were seeking religious worker visas to reside in the United States, Germany, Australia, or France. Another 200 monks and nuns returned to their home provinces in Vietnam, where police harassment continues and authorities threaten family members with job loss and reduced government benefits unless they renounce their Lang Mai affiliation.

In 2005, the Vietnamese government had welcomed Thich Nhat Hanh and the establishment of the Lang Mai order in Vietnam. His return was hailed as evidence of religious freedom progress by both Hanoi and the State Department when the CPC designation was removed in 2006.

### *Catholics*

Catholicism continues to grow rapidly, and the church has expanded both clerical training and charitable activities in recent years. Hanoi and the Vatican continue to discuss resuming diplomatic relations. Nevertheless, the relationship between the Vietnamese government and the Catholic Church laity and members of the Redemptorist Order continues to be tense. In the past several years, including last year, police have used tear gas and batons against, and have detained, participants at peaceful prayer vigils and demonstrations at properties formerly owned by the Catholic Church. Government officials have employed “contract thugs” to assault and intimidate Catholics attending these vigils and attack individuals viewed as organizers.

Catholics in Hanoi and Vinh have demonstrated publicly against intimidation by unofficial gangs and plans to confiscate and use properties formerly owned by the Catholic Church. In August 2011, thousands of Catholics in Vinh protested against a decision by local authorities to seize land in Cau Ram parish to build a park dedicated to soldiers who died during the war with the United States. In November and December 2011, priests and laypeople from the Thai Ha parish in Hanoi took to the streets to protest further government plans to expropriate church property to build a sewage treatment plant and public attacks on their church properties. Thai Ha parish church was the site of 2008 protests against land confiscation that led to violence and the arrest of six Catholics. The church is part of the Redemptorist Order, whose priests, parishes, and leadership have been targeted in recent years.

In July 2011 immigration police at the Ho Chi Minh City airport prevented Father Pham Trung Thanh, the leader of the Redemptorists in Vietnam, from leaving the country to attend a religious meeting in Singapore, stating that he belongs to “the category of those who have not been allowed to leave the country.” Two days later, border police prevented another Redemptorist leader, Father Dinh Huu Thoai, from leaving the country.

On July 30, 2011, Vietnamese police detained three Catholic activists in Ho Chi Minh City as they returned from abroad. Over the next three weeks, police arrested an additional twelve Catholic lay activists and bloggers from Vinh. Ten have been charged with violating Criminal Code Article 79, subversion of the administration, which can carry a sentence of 15 years to life. According to their lawyer, they were arrested for protesting appropriation of land from Thai Ha parish, circulating a petition online to free legal rights activist Cu Huy Ha Vu and against the government-run Bauxite mining project.

On November 3, 2011, an estimated 100 police and military assaulted the Thai Ha church and monastery, smashing the monastery's doors, intimidating parishioners with dogs, and reportedly beating several priests and resident monks. On December 2, police detained two priests and about 34 parishioners from Thai Ha who peacefully protested violence against their church. They were held in the city's rehabilitation center for prostitutes before being released. Government-run media continue to vilify members of the Thai Ha parish.

Thai Ha church and Ky Dong church in Ho Chi Minh City, both affiliated with the Redemptorist Order, hold regular prayer vigils calling for the release of prisoners, including the legal advocate Cu Huy Ha Vu, the Buddhist Hoa Hao activist Nguyen Van Lia, the blogger Nguyen Van Hai (Dieu Cay), and those arrested in August 2011. Pastoral leaders at both churches report that they suffer from regular surveillance, individuals attending the vigils have been beaten by "thugs" while the police watch, and there were detentions during vigils during the Christmas holidays.

The new wave of persecution targeting Catholics was foreshadowed by events of the past several years. In January 2010, an estimated 500 police and army engineers used explosives to blow up a crucifix at the cemetery of Hanoi's Dong Chiem Parish Church and assaulted and briefly detained those who tried to top the action. In May 2010, police and local Catholics clashed at a cemetery in Con Dau village near Da Nang. Sixty people were detained and six were sentenced for inciting riots and attacking state officials. Two remain in prison at this time and over 40 residents of Con Dau are seeking asylum.

Despite the tensions between Catholics and the Vietnamese government in the past several years, Hanoi continues to discuss with the Holy See conditions for the normalization of relations and other issues of concern. The Vietnamese president met again with Pope Benedict to discuss diplomatic relations. The government maintains veto power over appointments of bishops, but often cooperates with the Vatican in the appointment process. Two new bishops were ordained in the past year without incident. Catholic leaders in Ho Chi Minh City reported that they often move ahead with ordinations and placement of priests without seeking government approval. All students must be approved by local authorities before enrolling in a seminary and again prior to their ordination as priests, and the province of Thien-Hue restricted the number of seminarians. However, in 2009, the government allowed a new Jesuit seminary to be built in Ho Chi Minh City and permitted several local dioceses to conduct religious education classes for minors on weekends and to engage in some sizeable medical and charitable activities. Hundreds of new priests were trained in seminaries to meet a growing Catholic population in Vietnam.

*Montagnard Protestants and Catholics: Central Highlands*

Religious freedom conditions have improved overall for Protestant communities associated with the SECV and other nationally recognized religious organizations. Unregistered or independent religious groups, including those who refuse to register or those affiliated with denominations not recognized by the Vietnamese government, face severe restrictions, including harassment, property destruction, arrests, and forced renunciations of faith. The government tolerates religious activity within approved parameters, has reopened closed religious venues, granted permission for some religious training classes, and facilitated the building of new churches in the region.

The State Department reports that conditions are best in Gia Lai province, where SECV officials have established working relationships with provincial officials. However, the most persistent number of arrests and forced renunciations of faith also occur in Gia Lai province, including forced renunciations of faith and at least seven arrests in the past year.

New problems have emerged, however, even within the legally-recognized SECV. The Hanoi-based Committee on Religious Affairs reportedly issued a 2009 directive saying that no new “meeting points” would be allowed to register with the SECV, meaning that the government will no longer allow small house churches to grow and join established churches. While registration of meeting points was apparently supported by the 2005 Prime Minister’s Special Instruction Regarding Protestantism, it is now said to have been a temporary concession. Religious leaders in Vietnam have interpreted the instructions as an attempt to stop or control the growth of Protestantism among Montagnards. Gathering together in a new “meeting point” would be illegal.

After 2001 and 2004, mass demonstrations for religious freedom and land rights, the Vietnamese government has supported various campaigns to repress any perceived political organization and independent religious activities, particularly in Chu Se and Chu Prong districts of Gia Lai province and in parts of Kontum and Dak Lak provinces. According to available public sources in Vietnam, Unit PA43 and provincial police are in the midst of a three-year campaign to capture and transform both “reactionary operatives” and “Dega Protestants.” These campaigns have led to beatings, detentions, deaths in custody, forced renunciations of faith, and disappearances of Montagnards suspected of being part of the *Tin Lahn Dega*.

In the past year, confirmed through various sources inside Vietnam, there were at least 13 individuals arrested and disappeared in the Central Highlands, though that number may be higher given difficulties confirming information from the remote regions.

In December 2011, police warned an estimated 24 villages throughout Chu Se district not to hold Christmas celebrations and to disband worship activities permanently. In many cases, leaders were beaten and worshippers briefly detained.

Montagnard Protestants from Papet village, Bongoong commune refused to disband their worship activities. In February 2012, police beat a pastor in the village, Ju Rahlan, and forced him to sign a document renouncing *Tin Lanh Dega*. Six others in the village were detained.

Police remain stationed in the village to make sure the villagers did not protest police action or engage in unauthorized religious activity.

Over the past year, police and local officials in Kontum and Dak Lak province have started a new campaign to crack down on the growth of “Ha Mon Catholics.” According to government-controlled media sources, officials equate this group, reportedly started in Ha Mon village of Kontum province, as the Catholic equivalent of *Tin Lanh Dega*. The Catholic Bishop of Kontum, Michael Hoang Duc Oanh, has complained publicly and repeatedly that authorities block his visits to certain villages and attempts to intimidate Catholic Montagnards. In April 2011, Bishop Oanh was detained and interrogated in Kontum province while trying to celebrate an Easter Mass. He was told by government officials that he had violated the “permit” because he had baptized people in the village, which they saw as a sign that Catholicism was growing. According to Human Rights Watch, three Catholics were reportedly arrested for alleged affiliation with “Ha Mon” including individuals known as Blei, Phoi, and Dinh Pset. Their whereabouts are unknown at this time.

There continue to be reports that officials cut off access to funding and benefits originating with the government and non-governmental organizations (NGOs), including housing and medical assistance programs, to certain Protestant villages. Children reportedly have been denied access to high school based on outdated laws prohibiting entrance of children from religious families. In addition, local officials reportedly pressure family elders, threatening to take away their government benefits unless they convince younger family members to renounce their faith. Montagnard Protestants have long complained of targeted discrimination, but at least one eyewitness report indicates that provincial officials are being trained in discriminatory tactics.

According to a March 2011 Human Rights Watch report, individuals and churches affiliated with Pastor Nguyen Cong Chinh, including the Vietnam People’s Christian Evangelical Fellowship Church (UKCC-VPCEF) and the Evangelical Lutheran Church, faced harassment and intimidation from local officials, in part because of Pastor Chinh’s public criticism of the government’s policies. Pastor Chinh was arrested in April 2011 and his whereabouts are unknown at this time.

#### *Hmong Christians: Northwest Provinces*

The government continues to view with suspicion the growth of Christianity among Hmong in Vietnam’s northwest provinces. In the past year, government officials, police, and military forced have subjected Hmong Protestants to forced renunciations of faith and violence.

Hmong Protestants are able to meet openly in some areas of the northwest provinces, something that was not allowed ten years ago. The Vietnamese government recognizes that there is a “genuine need” for religion among the Hmong. Nevertheless, provincial officials continue their efforts curtail the growth of religion overall by discouraging “new” converts to Protestantism among the Hmong. Despite a national decree prohibiting forced renunciation of faith, the practice continues to occur in the northwest highlands. Religious leaders also report that local authorities sometimes use “contract thugs” to harass, threaten, or beat them and have encouraged

clan elders to pressure members of their extended families to cease practicing Christianity and return to traditional practices.

According to the State Department, local officials continue to repress Protestant believers in some parts of the northwest provinces by forcing church gatherings to cease, closing house churches, confiscating property, and pressuring individuals to renounce their religious beliefs, though often unsuccessfully. They targeted small house churches affiliated with the Inter-Evangelistic Movement (IEM), the Baptists, and the Good News Mission, who continued to report difficulties in several locations in Dien Bien province because their congregations cannot register.

During the first two weeks of May 2011, Vietnamese police and military units clashed with thousands of Hmong Protestants who had gathered in Muong Nhe district of Dien Bien province. Though largely unconfirmed, there are reports of deaths and arrests, and the forced dispersal of Hmong into Laos, China, and Burma. The cause of the clash is not entirely clear given the government's tight control over the remote region. Initial reports suggested that Hmong had gathered to demonstrate for land rights and religious freedom in ways reminiscent of the 2001 and 2004 demonstrations in the Central Highlands. Vietnamese officials blamed the gathering on Hmong who allegedly wanted to set up a separate state covering parts of Vietnam, Laos, China, and Burma.

The evidence thus far indicates that thousands of Hmong gathered in Muong Nhe district for several different and overlapping reasons. An estimated 5,000-10,000 Hmong traveled to the district from other parts of Vietnam, Burma, China, and Laos, raising suspicions and tensions with government authorities. Hmong Protestants first started to gather in March, drawn by radio and print materials predicting the end of the world on May 21, 2011. In addition, there emerged at least three Hmong "messiahs," several who promised to gain land from the government and set up a pan-Hmong kingdom. There have been other Hmong messiahs in the past. According to Catholic sources from the region, the size of the Hmong group in the district may have been enhanced by Catholics gathering publicly on May 1 to support the beatification of Pope John Paul II.

Beginning on May 1, 2011, police dispersed most of those assembled in Muong Nhe district, though as many as 3,000 remained. On May 5-6, 2011, police and military units moved in to remove the rest of those assembled, reportedly arresting and beating about 50 of the followers of one of the purported Hmong messiahs and tearing down compounds built by his followers. There are unconfirmed reports that dozens of Hmong were killed or injured and arrested. Vietnamese authorities have sealed the area and refused permission to foreign diplomats and journalists to travel there.

Vietnamese media continue to blame Hmong Protestants and outside forces for the gathering. The government has not allowed Protestant religious leaders into the area, despite their attempts to counter apocalyptic expectations. Doubts about the cause of the incident and the force used by Vietnamese authorities and the number of dead, missing, or arrested will continue until there is a full and impartial investigation of the incident.

There continues to be little progress made in extending legal recognition to over 600 Protestant churches that have sought affiliation with the ECVN. Hundreds of applications for legal recognition have been declined or ignored, despite provisions in the Ordinance on Religion and Belief requiring government officials to respond to applications in a timely manner.

The legal rights of ethnic minority Protestants in northern Vietnam have been impaired by the refusal of authorities to issue them identity cards that recognize their religious affiliation. Without proper recognition of their Protestant status, they are left in an indeterminate and vulnerable position: either they have no identity card, or the fact that they are identified as subscribing to no religion may be used to prevent their attendance at churches.

Also, the government continues to deny publication of religious materials and Bibles in the Hmong language, despite approving printing of religious materials in other ethnic minority languages. This has led to beatings, fines, and brief detentions of those who transport Hmong language materials. For example, in March 2011, in Dien Bien province, a Hmong Protestant leader was briefly detained and the Bibles he was carrying were confiscated. He was warned not to transport “illegal materials” in the future.

#### *Forced Renunciations of Faith Remain a National Policy*

The practice of forced renunciations of faith was officially banned by Decree 22, which states that “acts to force citizens to follow a religion or renounce their faith...are not allowed.” The Vietnamese government hailed this prohibition as a major change conceded after their designation as a CPC in 2004. The number and intensity of the government’s campaigns of forced renunciation have decreased in the past decade. Yet reports continue of forced renunciations of faith, specifically targeting ethnic minorities. Moreover, these efforts are not isolated cases, but are sanctioned by central government authorities to thwart both the growth of Protestantism in the northwest provinces and independent religious activity in the Central Highlands.

In 2006, the Committee on Religious Affairs in Hanoi published a handbook instructing provincial officials in the northwest provinces on how to manage and control religious practice among ethnic minorities. The handbook offered instructions on ways to restrict religious freedom, including a command to “resolutely subdue” new religious growth, “mobilize and persuade” new converts to return to their traditional religious practice, and halt anyone who “abuses religion” to undermine “the revolution” – thus seemingly condoning forced renunciations of faith. Although the 2006 handbook recognizes the legitimacy of some religious activity, it also indicates that the Vietnamese government continues to control and manage religious growth, label anyone spreading Christianity in the northwest provinces a national security threat, and use unspecified tactics to “persuade” new converts to renounce their beliefs.

In 2007, the Committee on Religious Affairs promised to revise the handbook and, since then, USCIRF has received two new versions. Neither, however, offers much improvement on the original. In the 2007 revision, provincial officials are still told to control and manage existing religious practice through law, halt “enemy forces” from “abusing religion” to undermine the Vietnamese state, and “overcome the extraordinary...growth of Protestantism.” This last instruction is especially problematic, since it again suggests that the growth of Protestantism

among ethnic minority groups is a threat to combat. The 2007 revised version also states that local officials must try to “solve the root cause” of Protestant growth by “mobilizing” ethnic groups to “preserve their own beautiful religious traditions.” A 2008 version of the handbook contains all the language in the 2007 revision but adds a final chapter which chides local officials for “loose control” over Protestantism, leading to an increase in illegal meeting places. Local officials are instructed that these meeting places “must be...disbanded.”

In early January 2011, Protestant leaders in Lao Cai province reported that local officials in the Ban Me Commune told Protestants to renounce their faith or face fines and expulsion from village properties. In March 2011, district police in Pha Khau village, Phinh Giang commune, Dien Bien Dong district harassed and threatened a group of newly converted Christians, taking away access to land and threatening to expel them from the village if they continued to meet for worship. The individuals refused and authorities continue to harass and intimidate them. Also in March 2011, two Hmong Protestant pastors who live in Muong Nhe district traveled to another district for worship services with a new group of Protestants in Ha Tam village, Muong Ba commune, Tua Chua district, Dien Bien province. The “new” converts in Ha Tam village were threatened and ordered to renounce their faith. When they refused, they were reportedly expelled from the district.

Between June and October 2010, at least 40 individuals from Ban Xa Fi #1, Xa Xa Tong, Huyen Muang Cha district, Dien Bien province were threatened with confiscation of property and beatings unless they gave up Protestantism. Pastors Van Cho Sung and Hang A Xa were beaten severely by police. Another pastor was driven from his home and relocated to another village. Authorities continue to harass and intimidate the villagers.

According to a recent Human Rights Watch report, there also is an extensive campaign of forced renunciation of faith going on in the Central Highlands, centered in Gai Lai province, but including parts of Dak Lak and Kontum provinces as well. Throughout 2010 and early 2011, according to Human Rights Watch, hundreds of Montagnards in the Central Highlands were pressured or coerced to abandon “Dega Protestantism” in public criticism ceremonies by signing pledges or through intimidation in private meetings with police or local authorities.

### *Human Rights Defenders*

The Vietnamese government continues to harass, threaten, intimidate, detain, and sentence lawyers and human rights defenders who have assisted religious communities or religious freedom advocates in cases against the state.

In April 2011, human rights defender Cu Hu Va Huy was sentenced to seven years under vague national security laws for defending victims of land confiscation and abuse of power, including Catholic villagers of Con Dau who refused to sell or vacate land – including a 135-year-old religious burial site – to create an eco-tourist resort. In April and August 2011, Hanoi lawyer Le Quoc Quan was detained for seeking to attend the trial of Cu Hu Va Huy and for assisting Catholics peacefully seeking the return of Church properties. His law license was revoked and he has been unable to get his license renewed. His activities remain restricted and he is under constant surveillance.



In May 2011 Mennonite religious leaders Duong Kim Khai and two other members of his Cattle Shed Congregation were sentenced to between two and seven years for organizing petitions by farmers against land confiscations and for peaceful advocacy of democracy. Pastor Khai is a member of the banned democracy group, Viet Tan. USCIRF met with Pastor Khai in 2007 after he was released from a 2004 sentence for holding of an “illegal religious gathering.” In 2011, the UN Working Group on Arbitrary Detention ruled that the detention and conviction of Pastor Khai and the 6 others he was convicted with violated international law.

In August 2011, lawyer Huynh Van Dong was disbarred for his active defense of Catholic protesters and Mennonites assisting land petitioners.

In January 2010, human rights lawyer Le Cong Dinh was sentenced to 16-years’ imprisonment for “conducting propaganda” against the state. As a lawyer, he defended human rights and religious freedom advocates Nguyen Van Dai and Le Thi Cong Nhan in 2007.

### **U.S. Policy**

The U.S.-Vietnamese relationship has expanded in many areas in the past two years as the United States has intervened to help mediate Vietnam’s ongoing dispute with China over ownership of several island chains and extraction rights in the South China Sea. The U.S. continues to press for a more systematic bilateral relationship, including the creation of a regular Strategic Dialogue and new military and trade ties, but has linked expanded relations with improved human rights conditions. In November 2011, Secretary of State Clinton stated publicly that “if we are to develop a strategic partnership ... Vietnam must do more to respect and protect its citizens' rights.”

The U.S. Congress continues to press the Administration to take a more active role in improving human rights, including through the Vietnam Human Rights Act and resolutions supporting the CPC designation and Internet freedom in Vietnam. In January 2012, Senators Joseph Lieberman and John McCain stated that the “backward movement” on human rights will “directly impact” security ties and planned military sales to Vietnam.

The United States is Vietnam’s largest trading partner, and U.S. investments in Vietnam topped \$1.5 billion in 2009. The United States and Vietnam engage in a wide range of cooperative activities in the areas of peacekeeping, humanitarian assistance and disaster relief, search and rescue, maritime and border security, law enforcement, and non-proliferation. The countries cooperate on counter-narcotics and regional security issues, including an annual political-military strategic consultation. Vietnam has hosted multiple visits by American carriers, destroyers, and humanitarian supply ships. The U.S. and Vietnamese governments hold regular dialogues on the return of the remains of Americans who died during the Vietnam War.

The U.S. government has committed over \$125 million dollars in economic assistance to Vietnam for the current fiscal year, the bulk of which goes to fund an HIV/AIDs program. The U.S. government has commercial rule-of-law programs and has funded small human-rights-related programs for woman, labor, and religious freedom. The Vietnam Education Foundation

has brought 300 Vietnamese to the United States for graduate study over the past five years. The U.S.-Vietnam Fulbright program remains one of the largest per capita, with an estimated 2,500 Vietnamese students and scholars coming to the United States to study in the past decade.

Religious freedom was an agreed part of the renewed annual U.S.-Vietnam human rights dialogue. Vietnam's suppression of political dissent and religious freedom continues to be a source of bilateral contention. During two visits to Vietnam in 2010, Secretary Clinton raised publicly the "differences" that exist between the United States and Vietnam on human rights, citing "violence against religious groups" as a particular problem. U.S. government officials publicly discuss their interactions on human rights with Vietnamese officials, including mentioning disappointment at deteriorating conditions.

In the past, the State Department has maintained that one of the reasons Vietnam's CPC designation was lifted was the lack of any "prisoners of concern." In Vietnam, the State Department only considers persons who are arrested "for reasons connected to their faith" when evaluating religious freedom conditions. This narrow definition excludes anyone arrested or detained for peaceful public advocacy to protect religious freedom, including expressing support for the legal or political reforms needed to ensure it, or those who defend vulnerable religious leaders or religious freedom advocates in court. The State Department's criterion also excludes those who monitor the freedom of religion and are arrested or otherwise punished for publishing their findings. It also excludes those who, motivated by ongoing restrictions on religious practice or the arrests of fellow believers, peacefully organize or protest to draw attention to government repression. This approach runs counter to the fact that in all of the most recent cases of arrest, detention, and imprisonment, religious leaders or religious-freedom advocates engaged in legitimate activities protected by international treaties and covenants to which both the United States and Vietnam are signatories.

## **Recommendations**

In addition to designating Vietnam as a CPC, USCIRF recommends that the U.S. government press for immediate improvements to end religious freedom abuses, ease restrictions, and release prisoners of conscience; establish new priorities for assistance and refugee programs that facilitate religious freedom; and make sure that human rights are pursued consistently and publicly at every level of the U.S.-Vietnam relationship, including any new military and trade ties. USCIRF also recommends that the State Department implement a wider definition of "prisoners of concern." Furthermore, in order to demonstrate the importance of human rights as a U.S. interest, USCIRF recommends that if the United States expands economic or security assistance programs in Vietnam, these should include new and sustainable initiatives in human rights and religious freedom and additional programs in non-commercial rule of law and civil society development.

### **I. Pressing for Immediate Improvements to End Religious Freedom Abuses, Ease Restrictions, and Release Prisoners**

In designating Vietnam as a CPC, and in its general bilateral relations and in multilateral fora, the U.S. government should urge the Vietnamese government to:

*Release Prisoners*

- release or commute the sentences of all religious prisoners of conscience, including those imprisoned or detained on account of their advocacy of religious freedom and related human rights; and
- publicize the names of all Montagnard Protestants currently in detention, allow visits from representatives of the International Committee of the Red Cross or other independent foreign observers, and promptly review all such prisoner cases.

*Ensure Laws Meet International Human Rights Standards*

- amend the 2004 Ordinance on Religious Beliefs and Religious Organizations, Decree 22, the “Prime Minister’s Instructions on Protestantism,” and other domestic legislation to conform to international norms regarding freedom of thought, conscience, and religion or belief, including revising the vague national security provisions in the 2004 Ordinance;
- enforce the provisions in the Prime Minister’s “Instructions on Protestantism” that outlaw forced renunciations of faith and establish specific criminal penalties for anyone who carries out such abusive practices;
- establish a non-discriminatory legal framework for religious groups to engage in peaceful religious activities without requiring affiliation with officially registered religious organizations, approve immediately all pending registration applications of ethnic minority churches in the north and northwest provinces, and establish a clear and consistent legal framework allowing religious groups to organize and engage in humanitarian, medical, educational, and charitable work;
- end the use of “national security” provisions found in Article 88 and Article 258 of the Criminal Code, when used improperly to justify the detaining of advocates for religious freedom and related human rights, and end the harassment, threats, arrest, and revocation of legal licenses of human rights lawyers who take up politically sensitive cases;
- revise or repeal ordinances and decrees that empower local security police to arrest, imprison, or hold citizens in administrative detention for vague national security or national solidarity offenses, including Ordinance 44, Decree 38/CP, and Decree 56/CP, and Articles 79, 88, and 258, among others, of the Criminal Code;
- investigate and report publicly on the deaths of Hmong and Montagnard Protestants and prosecute any government official or police found responsible for these crimes; and
- revise or repeal ordinances and decrees that limit the freedom of expression, assembly or association, including new regulations banning peaceful public protests of property disputes; and,

- implement the recommendations of the UN Human Rights Council pursuant to Vietnam's May 2009 UN Universal Periodic Review, including cooperation with various UN mechanisms and special procedures.

*Protect Peaceful Religious Practice*

- create a national commission of religious groups, government officials, and independent, non-governmental observers to find equitable solutions regarding returning confiscated properties to religious groups;
- allow the banned Unified Buddhist Church of Vietnam (UBCV) and the Khmer Buddhists to operate legally and independently of the official Buddhist organizations and the Vietnam Buddhist Sangha, including allowing the UBCV's Provincial Committees and Buddhist Youth Movement to organize and operate without restrictions or harassment;
- allow UBCV leaders and pagodas to hold ceremonies and celebrate Buddhist holidays without harassment of monks, nuns, or worshippers.
- allow all Hoa Hao groups freely and fully to celebrate their founding Prophet's Birthday, allow the printing and distribution of all the groups' sacred writings, and permit the rebuilding of the Hoa Hao Buddhist Library in Phu Tan, An Giang province;
- allow re-establishment in Vietnam of the Plum Village (Lang Mai) order associated with Thich Nhat Hanh, rescind the government decree to disband the order in Vietnam, and allow them to live and worship together legally and in community without harassment; and
- disband the Religious Security Police (*cong an ton giao*) and the Special Task Force of the Mobile Intervention Police (Unit PA43) and investigate, punish, or prosecute, through a process respecting due process, all police or government officials credibly accused of beating, harassing, or discriminating against those exercising the universal right to the freedom of religion or belief.

*Train Government Officials*

- create a new *Training Manual for the Work Concerning the Protestant Religion in the Northwest Mountainous Region* that reflects international standards regarding the protection of religious freedom;
- issue clear public instructions for provincial officials and religious groups on the registration process, including by restating the timetables for responding to applications; providing redress for denials; and ceasing unreasonable demands for information or other ad hoc conditions placed on registration applications;
- train government officials engaged in "religious work" on the duties of provincial officials to respect religious freedom and the rights of religious communities under

international human rights standards, including providing avenues to report inappropriate actions by local officials or police; and

- issue a public statement, or corresponding legislation, clearly stating that the denial of educational, medical, housing, and other government services or economic assistance, including foreign aid, based on religious belief, affiliation, or ethnicity is contrary to Vietnamese law and that government officials engaging in discriminatory practices will be prosecuted under the law.

## **II. Establishing New Priorities for U.S. Assistance & Refugee Programs**

The U.S. government should assist the government of Vietnam and other international governmental and non-governmental organizations to protect religious freedom and refugees in Vietnam and to develop civil society and the rule of law, including by taking the following actions:

- fully implement or re-authorize the Montagnard Development Program (MDP) created as part of the House and Senate Foreign Operations conference report of 2005 and continued in the 2008 conference report, and consider expanding the MDP to assist all ethnic minority communities in Vietnam to provide targeted humanitarian and development funds to ethnic minorities whose demands for land rights and religious freedom are closely connected;
- ensure that any rule-of-law programs 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, train public security forces on these issues, and discuss ways to incorporate international standards of human rights in Vietnamese laws and regulations;
- work to improve the capacity and skills of Vietnamese civil society organizations, including medical, educational, development, relief, youth, and charitable organizations run by religious organizations, and offer Fulbright Program grants to individuals and scholars to promote understanding of religious freedom and related human rights;
- continue funding for Voice of America (VOA) and Radio Free Asia (RFA) programming for Vietnam and to overcome the jamming of VOA and RFA broadcasts;
- provide unimpeded access to UN High Commissioner for Refugees (UNCHR) and other appropriate international organizations to the Central Highlands to monitor the safe resettlement of Montagnards repatriated from Cambodia;
- increase the use of Priority 1 authority to accept refugees facing a well-founded fear of persecution, both those who have escaped to other countries in the region and those who are still in Vietnam, without the prerequisite of a referral by the United Nations High Commissioner for Refugees, including seeking to expand in-country processing in areas outside of Ho Chi Minh City; and

- allow monks and nuns affiliated with the Plum Village Buddhist order to enter the United States from Thailand under temporary religious worker visas (R-1), and remove any obstacles to the immediate granting of their visas so that they may join a functioning religious community in the United States until their order in Vietnam is re-established.

### **III. Recommendations for U.S. Congressional Action**

#### **The U.S. Congress should:**

- ensure that any new funds appropriated or allocated to expand bilateral economic or security relations with Vietnam are met with corresponding funding for new human rights and religious freedom, civil society capacity-building, and non-commercial rule-of-law programs;
- consider creating the Promoting Universal Rights and Rule of Law (PURRL) program (akin to the Supporting Eastern European Democracy program (SEED)) to support the development of nascent political parties and democratic institutions, provide technical assistance for independent legal entities and courts, and support civil society capacity-building, independent media ventures, and non-commercial rule-of-law programs;
- continue oversight, establish benchmarks, and measure progress of the U.S.-Vietnam Human Rights Dialogues by holding appropriate hearings on the progress report the State Department is required to submit to Congress on the trajectory and outcomes of bilateral discussions on human rights as required by Sec. 702 of PL 107-228;
- appropriate additional funds for the State Department's Human Rights and Democracy Fund for new technical assistance and religious freedom programming that at least should be commensurate with ongoing programs for Vietnamese workers, women, and rule-of-law training; and
- engage in international parliamentary exchanges that focus on balancing national security and civil liberties including discussion of best practices and model laws to protect the rights of individuals and revise national security provisions so that they cannot be used inappropriately to arrest and detain peaceful advocates for religious freedom and related human rights.