

## **2006 ANNUAL REPORT OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM**

### **Countries Named as CPCs by the Department of State**

#### **Vietnam**

The government of Vietnam continues to commit systematic and egregious violations of freedom of religion or belief. Vietnam's human rights record remains poor, and the freedoms of speech, assembly, and association also continue to be restricted. The government targets popular religious leaders, intellectuals, free speech and democracy advocates, and members of ethnic minority groups for harassment and arrest. Despite some positive developments in the area of religious freedom in the past year in response to Vietnam's designation as a "country of particular concern," or CPC, serious abuses of religious freedom continued to occur. The government remains highly suspicious of Montagnard and Hmong Protestants, Vietnamese Mennonites, followers of Hoa Hao Buddhism, and leaders of the Unified Buddhist Church of Vietnam (UBCV), and these individuals in particular continue to face difficulties. Following the Commission's recommendation, the State Department has designated Vietnam as a CPC since 2004. In the past year, there has not yet been enough tangible progress on religious freedom concerns in Vietnam to warrant removal of the CPC designation and the Commission continues to recommend that the country be designated a CPC.

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

Vietnam's record on fulfilling this agreement is mixed. In the past two years, the Vietnamese government has released a number of prominent religious prisoners, re-opened some churches in the Central Highlands, officially outlawed forced renunciations of faith, and issued new guidelines to help speed the process of registration of religious congregations. Reports of forced renunciation of faith continue to emerge, particularly among ethnic minority Protestants and monks and nuns associated with UBCV, though there are fewer than in the past. Several hundred religious venues have been allowed to re-open, but this is a fraction of the over 1,250 sites closed in the Central Highlands after 2001. Religious prisoners have been amnestied, but new detentions continue to occur and vague "national security" and "national solidarity" provisions in the penal code have at times superseded new laws providing for religious freedom. Moreover, Vietnamese citizens have no legal recourse to challenge human rights abuses by government officials.

In the last year, Vietnam released several high-profile religious prisoners, including UBCV, Mennonite, Catholic, Hoa Hao, and Protestant leaders. Pastor Nguyen Hong Quang was amnestied in September 2005; the five other Mennonite leaders arrested with him have also been released. Baptist pastor Than Van Truong was released from a psychiatric hospital where he had been held for two years after having been diagnosed as “delusional” for giving Bibles to government officials. However, other religious prisoners remain in detention or continue to be subject to government surveillance. Fr. Nguyen Van Ly, who was arrested after submitting testimony to a 2001 Commission hearing on Vietnam, was released from prison in 2004. While the Commission welcomed the release of Fr. Ly, there are reports that he remains under some form of administrative detention. Two prominent prisoners released with Fr. Ly, democracy activist Dr. Nguyen Dan Que and UBCV monk Thich Thien Mien, are reportedly also under constant police surveillance.

Vietnamese security forces continue to detain, arrest, and imprison adherents from a several religious communities. The State Department estimated in 2005 that there were six religious prisoners and fifteen other individuals being held in some form of administrative detention on account of their religious beliefs. The number is likely to be higher. For example, in June 2005, security officials arrested eight Hoa Hao followers who protested government control of the Hoa Hao religion. In September 2005, Hoa Hao monk Vo Van Thanh Liem was arrested and given a nine year prison term for “opposing public authorities.” He and another monk, Bui Thien Hue submitted written statements to a congressional hearing entitled “Human Rights in Vietnam.” Bui Thien Hue is reportedly being held under some form of house arrest. At least three Catholic priests from the Congregation of Mother Co-Redemptrix remain in prison for distributing religious books without permission; they were charged with security-related offenses and sentenced to 20 years. One of the three, Fr. Pham Minh Tri, has reportedly developed severe dementia while in prison, but has not been granted humanitarian parole.

Tensions between residents and security officials have been heightened in the Central Highlands after demonstrations in 2001 and 2004 for religious freedom and land rights. During the 2004 Easter demonstrations, an estimated 45,000 people gathered for protests in Gai Lai, Dak Lak, and Dak Nong provinces. Numerous eyewitnesses report that the peaceful demonstrations were disrupted by attacks on protestors by security forces and hired proxies. There are credible reports of severe violence occurring in Dak Lak province, including the deaths of at least ten demonstrators. Since the demonstrations, Vietnamese officials have sought to imprison those believed to have organized the protests, as well as others who took part. Montagnard villages and communes have been under tight control by the Vietnamese military and few international observers have been allowed access to the region. As a result of the demonstrations, some ethnic minority Protestants are being held in the Central Highlands under vague “national security” and “national solidarity” provisions of the legal code. Because of the lack of transparency in the Vietnamese legal system and the high level of security in the Central Highlands, it remains difficult to determine the exact number of Montagnard Protestants imprisoned for taking part in peaceful demonstrations against religious freedom restrictions and those imprisoned for allegedly

taking part in violence that occurred during the protests. In the last year, 15 Montagnards were sentenced for taking part in the 2004 Easter demonstrations. An estimated 76 Montagnards remain in prison for taking part in similar demonstrations in 2001.

Significant pressure remains on leaders of the UBCV, despite Prime Minister Pham Van Khai's March 2002 promise that arrests and harassment would end. UBCV leaders Thich Quang Do and Thich Huyen Quang are still restricted in their contacts and movement, though Western diplomats have been able to meet with them in the past year. At least 13 other senior UBCV monks remain under some form of administration probation or actual "pagoda arrest." Charges issued in October 2004 against UBCV leaders for "possessing state secrets" have not been rescinded. In February 2006, Thich Quang Do was detained after trying to board a train to visit Thich Huyen Quang. He was released after a few hours, but was not allowed to travel. There are reports that police routinely detain and interrogate monks and nuns suspected of organizing "provincial committees" of the UBCV in Quang Nam-Danang, Thua Thien-Hue, and Binh Dinh provinces. In August and September 2005, monks were detained in these provinces and ordered to withdraw their names from the committees and cease all connections with the UBCV. In December 2005, reports emerged that UBCV nun Thich Nu Thong Man was subject to a "denunciation campaign" and expulsion order by provincial authorities in Khanh Hoa province. Police threatened local villagers with the loss of jobs and government services unless they publicly denounced the nun and asked provincial authorities to have her expelled from the local monastery.

In February 2005, Prime Minister Phan Van Khai issued "Instructions on Protestantism," which purport to allow Protestant "house churches" in the Central Highlands and northwest provinces to operate legally if they renounce connections to groups that Hanoi has accused of organizing anti-government protests. The new instructions also prohibit forced renunciation of faith efforts by government officials, but do not specify criminal penalties for those who carry out these practices. Despite the new instructions, incidents of forced renunciation of faith continue to be reported, particularly among ethnic minority Protestants. Religious followers are detained, threatened, and beaten to pressure them to recant their faith or cease their religious activities.

In March and June 2005, police and local officials detained up to 17 ethnic Hre Protestants in Quang Ngai province. Because community members refused to cease their religious activities, homes and rice fields were burned and land confiscated. In February and March 2005, police in Gai Lai province reportedly detained minority Protestants from several villages in an attempt to force them to join the government-approved religious organization. Police asked those detained whether they would remain "political" or whether they would follow the "Christianity of [Prime Minister] Phan Van Khai." Those who refused to cease their religious activity were beaten. Others were pressured to sign pledges agreeing to "abandon Christianity and politics." In May 2005, police in Dien Bien province issued at least 21 "re-education" summons to local Hmong Protestants. During the sessions, religious believers were threatened with beatings, loss of government services, or fines if they did not give up their religious

beliefs. In Ninh Thuan province in June 2005, police briefly detained for interrogation two leaders and six members of a local Protestant congregation. Several months later, local officials held a public ceremony and threatened the Protestant congregation with the loss of government services if they did not renounce their faith. In Ha Giang province in November 2005, police forced an ethnic minority Protestant pastor to sign a pledge to renounce his faith and cease religious activities after his congregation sought to register legally with the government approved organization.

After the 2001 demonstrations for land rights and religious freedom, local authorities closed an estimated 1,250 churches and meeting points in the Central Highlands. According to reports from religious communities in Gai Lai province, provincial authorities have legally registered and re-opened 29 Protestant churches and have allowed another 170 to function pending registration decisions. There are reports that officials in Dak Nong and Bien Phuoc provinces are considering following the example set by Gai Lai authorities. In Dak Lak, most of the estimated 450 churches and meeting points in Dak Lak province remain closed and none have been legally recognized.

In the past year, restrictions on some legally recognized religious activity appears to have eased, particularly among Buddhists and Catholics. In January 2006, a special envoy from Rome made the first visit by a senior official from the Vatican since 1954 and presided over the ordination of 57 priests at a ceremony in Hanoi. In addition, a new Archbishop was named for Ho Chi Minh City in 2005 and an agreement was reached on the creation of a new bishopric. Though relations between Vietnam and the Vatican appear to have improved in recent years, the government continues to require prospective seminarians to obtain government permission before entering the seminary and receiving ordination and maintains *de facto* veto power over Roman Catholic ordinations and appointments. Most Church property seized in 1975 also remains in government hands.

In the past two years, the Vietnamese government has updated laws and regulations governing religious activity. In November 2004, the government of Vietnam issued a long-awaited Ordinance on Religious Beliefs and Religious Organizations. The Ordinance affirms the right to freedom of religion or belief in the first clause, but the remaining provisions provide an extensive list of religious activities requiring government permission. The Ordinance continues to ban religious activities outside of officially recognized religious organizations, as well as any religious activity that threatens the vaguely defined notions of national venues, national unity, and public order. The Ordinance does standardize religious management practices, setting forth national rules for groups seeking legal recognition. The Ordinance also seems to allow religious groups with at least a 30 year history in Vietnam to register independently of already approved religious organizations. Nevertheless, by requiring that the government sanction the organization and activities of all religious groups, the Ordinance extends the control of government officials over religious practice in Vietnam.

To facilitate the Ordinance's implementation, the Vietnamese government issued Decree 22 in March 2005. The decree establishes specific requirements for government approval of all religious groups, venues, seminaries, conferences, donations, festivals, ceremonies, and the selection and training of religious leaders. Like the Ordinance, the Decree affirms the right of Vietnamese citizens to freedom of religion or belief, but there are also prohibitions on any religious activities that "undermine peace, independence and national unity; incite violence or wage war; disseminate information against prevailing State law and policies; sow division among the people, ethnic groups, and religions; cause public disorder; do harm to other people's lives, health, dignity, honor, and property; hinder people from exercising their public obligations; and spread superstitious practices and commit acts to breach the law." These limitations appear to go far beyond those permitted under international human rights law, as they are broad, vague, and have been used in the past by the Vietnamese authorities to justify the imprisonment of religious leaders and other serious human rights abuses.

The primary benefit of Decree 22 appears to be streamlining the process of registration and obtaining permits. Deadlines for an official response are outlined in the decree and, in some cases, religious groups can expect a written explanation of why their application was denied. In the past year, the province of Gai Lai has granted legal recognition to a number of churches and meeting points and allowed them to affiliate with the Southern Evangelical Church of Vietnam. In addition, three Protestant churches in Ho Chi Minh City, one Baptist, one Mennonite, and one Seventh-Day Adventist, were granted legal recognition in the past year. However, recognition was not granted to other venues affiliated with these denominations, either in Ho Chi Minh City or in other places in Vietnam. There are several groups seeking legal recognition whose applications are pending, including the Jehovah's Witnesses, the Assembly of God, and Danang-based Christian Mission Church. Legal recognition has been denied, however, to some Protestant, UBCV Buddhist, and Hoa Hao religious bodies. Hmong Protestants in the northwest provinces have encountered the most problems in seeking legal recognition, as Vietnamese authorities have refused to acknowledge the legal existence of a reported 1,110 Protestant churches in the region. Approximately 200 Hmong churches have applied for registration under the new law, but they have encountered numerous obstacles, including some overt harassment.

The new Ordinance on Religion and its implementing mechanism Decree 22 are improvements over past laws governing religious activity, but deficiencies remain. At this time, the Vietnamese government continues to use registration and the process of recognition as a way to monitor religious organizations and to restrict their activities. It remains to be seen whether the new laws governing religion will facilitate or further restrict freedom of religion or belief in Vietnam.

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

In June 2005, Commission Vice-Chair Nina Shea testified before the House International Relations Committee hearing entitled "Human Rights in Vietnam." Shea discussed Vietnam's record on religious freedom and related human rights, the provisions of the May 5, 2005 agreement on religious freedom, as well as the Commission's recommendations for U.S. policy. In July 2005, Commission Chair Michael Cromartie testified at a joint Congressional Caucus on Vietnam and Congressional Human Rights Caucus hearing on Vietnam entitled, "The Ongoing Religious Freedom Violations in Vietnam." In March 2006, Commission Chair Cromartie testified on religious freedom problems and progress in the past year at a hearing of the House International Relations Subcommittee on Africa, Human Rights, and International Organizations entitled "The Human Rights Dialogue with Vietnam: Is Vietnam Making Significant Progress?"

The Commission also issued statements after the release of Fr. Nguyen Van Ly and members of his family, the issuing of the Prime Minister's "Instructions on Protestantism," and the State Department's announcement of the May 5, 2005 agreement on religious freedom, all of which can be found on the Commission's Website.

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 2006 and FY 2007, 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, Mennonite, Jehovah's Witness, and any other Christian denominations that do not wish to join either the Southern Evangelical Church or the Northern Evangelical Church of Vietnam, to register independently; and
- allow Cao Dai leaders opposed to the Cao Dai Management Council to form and register a separate Cao Dai organization with management over its own affairs;

--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 13 UBCV leaders detained since the 2003 crackdown, members of ethnic minorities in the Central Highlands and northwest provinces, the remaining Mennonites arrested in July 2004, and the ten Hoa Hao followers arrested in July 2005, 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; and
  
- continue to allow representatives of the UN High Commission for Refugees (UNCHR) and other appropriate international organizations 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;

- 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 group 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 non-governmental organizations to bring Vietnamese high school students to the United States for one year of study; and

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

- 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 and capitalize a “Montagnard Development Fund” 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; and

- expanding existing rule of law programs to include regular exchanges between international experts on religion and law and appropriate representatives from the Vietnamese government, academia, and religious communities to discuss the

impact of Vietnam's laws and decrees on religious freedom and other human rights, to train public security forces on these issues, and to discuss ways to incorporate international standards of human rights in Vietnamese laws and regulations.

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