



ANNUAL REPORT  
2008

UNITED STATES COMMISSION ON  
INTERNATIONAL RELIGIOUS FREEDOM





The Commission has recommended that Vietnam be named a “country of particular concern,” or CPC, under the International Religious Freedom Act of 1998 (IRFA) every year since 2001. The State Department followed the Commission’s recommendation in 2004 and 2005, designating Vietnam a CPC in those years. In May 2005, in response to the CPC designation, the State Department reached an agreement with Vietnam “that addresses a number of important religious freedom concerns,” in order to establish benchmarks for improvement in religious freedom conditions and avoid potential sanctions. In November 2006, one week before President George W. Bush’s visit to Vietnam for an Asia-Pacific Economic Cooperation (APEC) summit in Hanoi, the State Department removed Vietnam’s CPC designation, citing its progress on religious freedom and the release of “prisoners of concern.”

A Commission delegation visited Vietnam from October 23 – November 2, 2007 to assess current religious freedom conditions and evaluate reports of both progress and ongoing abuses. The Commission found that religious freedom conditions in Vietnam continue to be mixed, with improvements for some religious communities but not for others; progress in some provinces but not in others; reforms of laws at the national level that are not fully implemented or are ignored at the local and provincial levels; and still too many abuses of and restrictions on religious freedom affecting most of Vietnam’s diverse religious communities. Some important changes were implemented and prisoners were released after the U.S. government designated Vietnam a CPC; however, it is not yet correct to state that the Vietnamese government is fully committed to respecting religious freedom instead of maintaining control of its diverse religious communities. In view of the ongoing and serious problems faced by many of Vietnam’s religious communities, the uneven pace of reforms meant to improve the situation, the continued detention of religious prisoners of concern, and what can only be seen as a deteriorating human rights situation overall, the Commission again recommends that

Vietnam be designated a CPC in 2008.

Since 2004, there have been important signs of improvement in religious freedom conditions in Vietnam. The government has expanded the zone of permissible religious activity and released a number of prisoners from a list provided by the State Department. It has issued new administrative ordinances and decrees that outlined registration procedures and outlawed forced renunciations of faith. However, this notable progress occurred alongside persistent abuses, discrimination, and restrictions. The government continues to imprison and detain dozens

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of individuals motivated by their religion or conscience to advocate for religious freedom reforms in Vietnam. The government persists in maintaining control of most religious organizations and restricts their activities and growth through a pervasive security apparatus and the

process of requiring official recognition, registration with government-approved religious organizations, and permission for most activities. Independent religious activity is illegal, and legal protections for government-approved religious organizations are often vague and subject to arbitrary or discriminatory interpretation based on political factors. There are no clear penalties or procedures for holding accountable police or government officials who restrict or abuse religious freedom. While new laws have promised needed protections, they have not been fully implemented or have sometimes been used to restrict and discriminate. In addition, religious communities and individuals viewed as political or security threats by the Vietnamese government face continued harassment, detention, or arrest. These include ethnic minorities, both Buddhist and Protestant, whose religious practice is viewed, in the words of a government training manual, as



Commissioner Cromartie speaks with the head of the Foreign Affairs Committee of the National Assembly, Hanoi.

something to be “resolutely overcome.”

Since January 2007, when Vietnam joined the World Trade Organization (WTO), religious freedom conditions have not improved as quickly or as readily as other areas important to the U.S.-Vietnamese relationship. Vietnam’s overall human rights record remains very poor and in fact has deteriorated since that time, and the government has moved decisively to repress any perceived challenges to its authority. More than 30 legal and political reform advocates, free speech activists, labor unionists, and independent religious leaders and religious freedom advocates

were arrested in 2007, placed under home detention or surveillance, threatened, intimidated, and/or harassed. Given the prominence of religious leaders in advocating for the legal and political reforms needed to guarantee religious freedom fully, their continued imprisonment or detention must be considered when measuring religious freedom progress in Vietnam.

In testimony given before the U.S. Senate in March 2008, Assistant Secretary of State for East Asia and Pacific Affairs Christopher R. Hill stated that Vietnam “no longer qualifies as a severe violator of religious freedom” because Vietnam has made a commitment to further change and because “all individuals the United States had identified as prisoners of concern for reasons connected to their faith” have been released. However, the Commission believes that the State Department’s attempts to define religious prisoners as those arrested for “reasons connected to their faith” draws a needless distinction between “political” and “religious” activity not consistent with international human rights law. The Commission maintains that there may be scores of religious “prisoners of concern,” including well-known religious freedom advocates such as Fr. Nguyen Van Ly and Nguyen Van Dai; imprisoned members of Hoa Hao, Cao Dai, and Khmer Buddhist religious communities; and United Buddhist Church of Vietnam (UBCV) and Catholic religious leaders held under administrative detention, in violation of core human rights protections. In many of the most recent cases, those detained were motivated by their religious vocation, conscience, or belief to call for the legal or political reforms needed to guarantee religious freedom or to organize peaceful demonstrations against religious freedom restrictions. Both the freedom to worship and the freedom to advocate peacefully for an end to religious freedom restrictions are actions consistent with the guarantees of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR), which include protections for the freedom of thought, conscience, and religion.

This was made plain to the Commission during its meetings with prisoners Nguyen Van Dai and Li Thi Cong Nhan. Both pointed out that though Vietnam’s constitution guaranteed religious freedom, further legal reforms were needed in order for this freedom to be fully realized. Both said that they were peaceful advocates and in contrast to government claims, did not aim to “destabilize”

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the Vietnamese government. Both also stated that the protection of religious freedom was an important foundation of their professional work. Nguyen Van Dai stated openly that his religious freedom advocacy was part of the reason he was arrested in March 2007. The continued detention of religious prisoners of concern, and the existence of vague “national security” provisions in various laws used as the basis for their arrest (see below), is a primary factor in the Commission’s determination that Vietnam remains a serious violator of religious freedom.

In addition to prisoners, other serious religious freedom violations continue to occur in Vietnam. Prominent religious communities, including the United Buddhist Church of Vietnam (UBCV) and some Hoa Hao and Cao Dai Buddhist groups, face unwarranted restrictions and abuses because of their attempts to organize independently of government oversight and control. Ethnic minority Buddhists and Protestants are often harassed, beaten, detained, arrested, and discriminated against, and they continue to face some efforts to coerce renunciations of faith, exemplified in the beating and subsequent death last year of an ethnic minority Protestant who refused to recant. Today, the intensity and number of religious freedom violations are at a lower level in comparison to previous years, which is a significant development; however, the changes have not yet been substantial enough to warrant the country’s removal from the CPC list.

The Commission maintains that the State Department’s removal of the CPC designation for Vietnam in November 2006 was premature. In addition to the fact of ongoing religious freedom violations, removing the CPC designation suspended the diplomatic framework that had led to a productive bilateral engagement on religious freedom and other human rights concerns and therefore removed the potential incentives and leverage needed to urge the Vietnamese government to continue to improve

its human rights record. Thus, in order to address Vietnam’s persistent, severe religious freedom concerns and articulate fully to the Vietnamese government that religious freedom and related human rights are critical matters affecting bilateral relations, the Commission urges the U.S. government to re-designate Vietnam a CPC.

### **The Commission Visit to Vietnam**

The Commission delegation to Vietnam visited Hanoi, Ho Chi Minh City (Saigon), Hue, Pleiku, Banmenthuot, and Soc Trang. Commissioners met with Prime Minister Nguyen Tan Dung, Lt. General Nguyen Van Huong, the Vice Minister of Public Security, and members of the National Assembly, as well as numerous other government leaders and local officials. Even though human rights remains a sensitive bilateral issue, Vietnamese officials were willing to engage the Commission’s questions and accommodated all of the Commission’s requests for meetings and trip locations, including visits with current and former detainees. During its meetings with officials, the Commission made clear that the aim in raising concerns about religious freedom and other human rights was to improve U.S.-Vietnamese relations, which, the Commission maintains, cannot be fully normalized on the basis of mutual economic interests alone. Commissioners indicated that improving protection for religious freedom and related human rights, in both law and practice, would be of great benefit to bilateral relations and Vietnam’s international standing, particularly in light of Vietnam’s election as a non-permanent member of the UN Security Council.

During its meetings, the Commission noted the many steps that Vietnam could take to improve bilateral relations, including the revision or repeal of all vague “national security” provisions that result in human rights violations, such as Article 88 of the Criminal Code or Or-



Commissioners Gaer, Eid, and Leo meet with Father Phan Van Loi (center), currently under house arrest, and Father Gyyi in Hue.

dinance 44,<sup>1</sup> the release of all remaining prisoners of concern, and the lifting of remaining restrictions on independent religious practice. The Commission raised prisoner cases and specific legal issues, and sought information about Vietnam's commitment to progress on these and other religious freedom issues. Both Prime Minister Dung and Lt. Gen. Huong invited the Commission to return at a later date, leaving the door open to future discussions. In addition to meetings with government officials, the Commission met with representatives of Vietnam's diverse religious communities, including representatives from the Vietnamese Buddhist Sangha, the UBCV, and the Cao Dai, Cham Muslim, Hoa Hao, Protestant, and Roman Catholic communities. Commissioners also met with representatives of various ethnic groups, including individuals from Hmong and Montagnard Protestant and Khmer Buddhist communities.

In general, Commissioners were allowed to meet with religious leaders and dissidents without Vietnamese government officials present. However, in Ho Chi Minh City and some provincial areas, several dissidents and religious leaders expressed some fear about meeting with the Commission, having been warned by police not to "say anything negative." It was soon discovered that police contact with and warnings to interlocutors prior to their meetings with the Commission was routine. Most religious leaders and human rights activists indicated that they expected to undergo some questioning after the meetings; however, most did not fear any serious repercussions.

The Commission found that religious freedom conditions have improved somewhat in ethnic minority areas, particularly for Protestants in parts of the Central Highlands. However, improvements often depend on the province, minority members' religious affiliation, and the goodwill of provincial officials. In the Central Highland

province of Gai Lai, for example, ethnic Montagnard Protestants associated with the government-approved Southern Evangelical Church of Vietnam (SECV) have established a positive working relationship with the provincial officials, which has led to the re-opening of many religious venues closed after 2001, new religious training courses for pastors, and the construction of at least one new church building. However, in other ethnic minority areas of the Central Highlands and central coast region, there were reports of restrictions, land seizures, discrimination, and other abuses of religious freedom. It was also clear that government officials, even in Gai Lai province, remain wary of independent Protestant groups not affiliated with the SECV.

Reports of abuses and restrictions continue to emerge from Hmong Protestants and Khmer Buddhist communities. In recent years, the largest number of arrests, detentions, and incidents of harassment have come from ethnic minority Hmong and Khmer provinces. The government continues to be suspicious that religious activism will promote ethnic solidarity and eventually lead to calls for autonomy. In the northwest provinces and parts of the Mekong Delta, the government is suspicious of any independent religious activity it cannot fully control and actively suppresses any efforts to protest religious freedom restrictions publicly. During its visits to ethnic minority areas, the Commission emphasized to government officials that such policies of repression can often lead directly to the type of resentment and public protest they seek to avoid.

Vietnamese Protestants, Catholics, and non-UBCV Buddhist leaders uniformly reported that conditions had improved since the United States designated Vietnam a CPC in 2004. Some leaders attributed changes directly to Vietnam's desire to join the international community as well as to the U.S. promotion of religious freedom in its bilateral relations. The pace of progress has been faster in urban areas and among groups viewed as "non-political." Nevertheless, even in urban areas, there are continuing problems. The government actively discourages independent religious activity and refuses to recognize legally the UBCV and some Hoa Hao and Cao Dai groups. Although the government has legally recognized different Protestant denominations and Buddhist groups and allowed them to operate and organize independently, it requires religious leaders and followers from the UBCV, Hoa Hao, and Cao

Dai to affiliate only with government-approved religious organizations.

The situation for the UBCV and independent Hoa Hao and Cao Dai groups remains a serious religious freedom concern that has not significantly improved in recent years. The UBCV's attempts to create an independent organizational structure have been met with the harassment, detention, interrogation, and long-term administrative detention of the UBCV leadership, including the Most Venerable Thich Quang Do and Thich Huyen Quang. The Commission met with Thich Quang Do in Ho Chi Minh City and Thich Thien Hanh, another UBCV leader, in Hue. The restrictions on the UBCV leadership have also affected monks, nuns, and lay members of the community. There have been reports of the harassment and detention of leaders of the Buddhist Youth Movement, denunciations of UBCV monks and nuns, and harassment of lay Buddhists attending known UBCV pagodas. Independent Hoa Hao groups face similar restrictions, particularly in An Giang province. Over the past three years, 18 Hoa Hao have been arrested for either distributing Hoa Hao sacred texts or protesting restrictions on Hoa Hao religious practices. Fourteen Hoa Hao remain in prison, including four Hoa Hao sentenced in 2007 for staging a peaceful hunger strike and a religious leader who sent written testimony to the House Foreign Affairs Committee hearing on Vietnam in 2006.

### Findings

- Vietnam's designation as a CPC in 2004 resulted in positive bilateral diplomatic engagement on religious freedom that led to important reforms in the Vietnamese government's treatment of its religious communities. The CPC designation did not hinder U.S.-Vietnamese security or economic cooperation, as both areas, in fact, flourished between 2004 and 2006. Rather, diplomatic engagement brought about by the CPC designation provided a framework and incentives to discuss religious freedom and other human rights concerns, including restrictions on peaceful assembly, expression, and association.
- In view of the ongoing and serious problems faced by many of Vietnam's religious communities, including the continued detention of numerous religious prisoners of concern, the Commission again recommends that Vietnam be designated a CPC in 2008.

### Prisoners of Concern

- There are scores of known religious "prisoners of concern" in Vietnam, persons imprisoned in violation of their human rights, for reasons related to their exercise or advocacy of freedom of religion or belief, including, for example, calling for legal reforms to advance religious freedom or organizing protests against religious freedom restrictions. The number includes at least 15 individuals detained under administrative detention orders. It does not, however, include the Montagnard Protestants who were arrested after the demonstrations for religious freedom in the Central Highlands in 2001 and 2004. Precise information on why these religious leaders and adherents were arrested has been difficult to obtain, but the continued imprisonment of Montagnards remains another persistent religious freedom problem.

### Ongoing Religious Freedom Abuses

- There have been some noted improvements in religious freedom conditions in Vietnam, including the expansion of permissible religious activity for Catholics, non-UBCV Buddhists, and some Protestant groups, the decrease in overt restrictions on the religious activities of most religious communities in urban areas such as Hanoi and Ho Chi Minh City, and government support for the building of some new religious venues, the training of some



Commissioners Eid, Leo, Cromartie, and Gaer with the Most Venerable Thich Quang Do of the United Buddhist Church of Vietnam, Ho Chi Minh City.

new religious leaders, and the holding of several large religious gatherings, particularly in Ho Chi Minh City.

- Nevertheless, despite the positive changes, the Commission found that religious freedom problems continue to be severe in some provincial areas or among religious groups and individuals the government views as political or security threats. For example, the Vietnamese government continues to place some restrictions on Vietnamese Catholics and remains suspicious of ethnic minority religious groups, such as Montagnard and Hmong Protestants and Khmer Buddhists. Ethnic minority Protestants especially continue to face harassment, detention, arrests, discrimination, property destruction, and some forced renunciations of faith.
- The Central Highlands region, the scene of protests for land rights and religious freedom in 2001 and 2004 that were violently dispersed by the authorities, continues to be the site of particularly severe religious freedom and other human rights violations. Since the demonstrations, officials have imprisoned those believed to have organized or taken part in the protests and those who sought asylum in Cambodia during police crackdowns after the demonstrations. Some Montagnard villages and communes remain under tight government control, and no international observer has been allowed unobstructed access to the region. Even “approved” churches face problems in this region; one-third of the SECV churches in Dak Lak province that were closed in 2001 continue to face serious restrictions on their activities and police regularly break up meetings.
- The freedom of movement, expression, and assembly of UBCV leaders continues to be restricted and there is significant official harassment of monks, nuns, and youth leaders associated with the UBCV. The government also continues to ban and actively discourage participation in independent factions of the Hoa Hao and Cao Dai, two religious groups unique to Vietnam, as well as the estimated 3 million ethnic minority Khmer Buddhists. All three groups are subject to harassment, surveillance, arrests, interrogation, and detention, as well as the defrocking of Buddhist monks. Most of the “prisoners of concern” come from among these three groups.

### *Government Training of Provincial Officials*

- Implementation of the new religion ordinances and regulations remains a problem and has led to uneven

enforcement, religious freedom restrictions, and some abuses. Assistant Secretary of State Hill, in his March 2008 Senate Foreign Relations Committee testimony, stated that the Vietnamese government was training government officials “throughout the country” to implement the new religion laws, a sign, he suggested, of “progress.” However, official Vietnamese government figures indicate that since 2005, they have conducted only 16 training courses and eight workshops for Vietnamese civil servant in 17 of Vietnam’s 59 provinces.

- The value of government-sponsored training seminars or workshops remains unclear, since the regulations regarding legal registration continue to be routinely misapplied or ignored in provincial areas—particularly in the Mekong Delta, northwest provinces, Central Highlands and central coastal regions, including Hue. In addition, there is evidence to suggest that in the Central Highlands, government officials were in fact trained to discriminate against Protestant communities by denying them housing, medical, educational, and other government benefits, including foreign assistance and development aid.
- The Vietnamese government’s training materials for dealing with religious adherents in the northwest provinces continue to be antagonistic toward ethnic minority Hmong Protestants and Catholics and do not fully reflect Vietnamese law or international human rights standards. Provincial officials are urged to control and manage existing religious practice through the law, to halt “enemy forces” from “abusing religion” to undermine the Vietnamese state, and to “overcome...and solve the root causes...of the extraordinary growth of Protestantism.”

### *Registration Issues*

- The Vietnamese government has extended national legal recognition to various Protestant and Buddhist groups and to Baha’is, and has provided pledges of protection for religious activities. However, there are several different levels of legal recognition offered to religious groups, with “national” recognition being the most difficult to obtain. Most religious groups are granted permission to conduct “specific religious activities,” a status that limits religious activities sometimes to a specific leader, location, or only to weekly worship. This last level of recognition has been used, on occasion, to restrict religious activities and members’ participation, particularly among ethnic minority Protestants.

- Despite clear timetables for providing responses, the Vietnamese government has not responded to more than a thousand applications for legal recognition, including applications from Protestant house churches in southern Vietnam and Hmong Protestant churches in the northwest provinces, making them technically illegal. In several instances, churches whose applications for legal recognition were delayed or denied faced threats of closure by government officials.
- During the past year, some religious groups have stopped seeking legal recognition because government officials have placed conditions on the approvals of applications. These conditions include requiring application materials to include personal information about church members, a reduction in the size of religious groups' management committees at the district level, religious leaders to become police informants on the activities of other religious groups, and the participation of religious leaders in communist ideology courses.

### Prisoners of Concern

By September 2006, then-U.S. Ambassador to Vietnam Michael Marine was quoted by the Voice of America as saying that there were no longer any "prisoners of concern" in Vietnam. That claim was referenced when the State Department decided to lift Vietnam's CPC designation two months later. As mentioned above, Assistant Secretary Hill, in testimony before the Senate Foreign Relations Committee in March 2008, claimed that "all individuals the United States had identified as prisoners of concern for reasons connected to their faith" have been released. Assistant Secretary Hill stated that the State Department recognized and continued to advocate for the immediate release of individuals imprisoned the previous year for involvement "in the pro-democracy group Bloc 8406, and other fledgling pro-democracy groups." Drawing a line between "political" and "religious" activity, the contention that there were no longer any religious prisoners of concern was a principal reason the State Department no longer considered Vietnam a "severe violator of religious freedom."

However, the Commission maintains that there may be scores of prisoners of concern, including religious freedom advocates such as Fr. Nguyen Van Ly and Nguyen Van Dai; at least two dozen members of the Cao Dai, Hoa

Hao, and Khmer Buddhist communities; and those being held under long-term administrative detention, including UBCV leaders Thich Huyen Quang and Thich Quang Do and Catholic Fr. Phan Van Loi. In virtually all of these cases, the persons were detained, in part, because of their religious freedom advocacy. However, inexplicably, the State Department appears to exclude from consideration in this category the arrest or detention of those who, motivated by their religious belief, vocation, or conscience, organize in support of legal or political reforms to promote religious freedom, or those who monitor freedom of religion and are arrested or otherwise punished for publicizing their findings. In addition, there are hundreds of Montagnard Protestants arrested after demonstrations in 2001 and 2004 for religious freedom and land rights held in the Central Highlands, including an undetermined number of religious leaders.

It is the Commission's view that in all of the most recent cases of arrest, imprisonment, and other detention, religious leaders and religious freedom advocates had engaged in actions that are protected by international human rights instruments. In addition to the freedoms to believe and to worship, the freedom to peacefully advocate for religious freedom is guaranteed by the Universal Declaration of Human Rights and the ICCPR, which protect not only the right to freedom of thought, conscience, and religion or belief,<sup>2</sup> but also the related rights of freedom of opinion and expression,<sup>3</sup> and to freedom of peaceful assembly and association.<sup>4</sup> Moreover, the right to freedom of thought, conscience, and religion or belief is "far-reaching and profound" and "encompasses freedom of thought on all matters [and] personal conviction," as well as "the commitment to religion or belief."<sup>5</sup> These international human rights law standards are specifically incorporated in IRFA's definition of how to assess a "violation of religious freedom."<sup>6</sup> Public action may have led to the advocates' detention or arrest, but the actions were taken on behalf of the right to religious freedom; thus, their detention is clearly a violation of international protections for this right.

The "prisoners of concern" include:

- Five Cao Dai followers being held after they were arrested in Cambodia for handing out fliers critical of the Vietnamese government's control of and restrictions on Cao Dai religious practice. The five were arrested in July 2005 with three other Cao Dai members, returned to Vietnam,

and sentenced to 13 years for “fleeing abroad to oppose the Government” and “propagating documents against the Vietnamese Government to incite demonstrations and riots.”

- At least a dozen Hoa Hao followers incarcerated since 2005 for protesting restrictions on Hoa Hao practice and the arrest of Hoa Hao followers, including four sentenced in May 2007 for staging a peaceful hunger strike.
- Five Khmer Buddhists arrested in February 2007 for leading a demonstration protesting restrictions in Sac Trong province. Also, imprisoned is Khmer Buddhist monk Tim Sarkhorn, who was arrested in Cambodia and returned to Vietnamese authorities allegedly for illegally crossing the border, though reportedly he was arrested for engaging in non-violent activities critical of the Vietnamese government’s repression of the language, culture, and religious traditions of the Khmer ethnic minority in Vietnam.
- At least 15 individuals being detained under long-term administrative detention orders, including UBCV and Catholic religious leaders.

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*In recent years, the largest number of arrests, detentions, and incidents of harassment have come from ethnic minority Hmong and Khmer provinces.*

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It is the Commission’s view that Fr. Nguyen Van Ly, Nguyen Van Dai, and Li Thi Cong Nhan should also be considered “prisoners of concern,” since they were detained, in part, because of their religious freedom advocacy. These three religious freedom and legal reform advocates were among the first arrested in March 2007 as part of the larger crackdown on democracy, labor, free speech, and human rights advocates by the Vietnamese government.

Father Ly had been arrested in 2001 and sentenced to 15 years in prison after submitting written testimony to this Commission. After he was granted an early release in 2005, he helped found *Freedom of Speech* magazine and organize the Bloc 8406 democracy movement, which

began in April 2006 after hundreds of people signed a public petition calling for greater democracy and human rights, including religious freedom, in Vietnam. In April 2006, Fr. Ly founded the Vietnam Progression Party with the primary goal of restoring freedom of religion, speech, and association in order to build a society that respects “people’s interests and human rights accords.” One year after founding the Progression Party, Fr. Ly and four of his associates were sentenced under Article 88 of the Vietnamese Criminal Code for “propagandizing against the state.” Fr. Ly received a sentence of eight years in prison and five years of house arrest.

Nguyen Van Dai, one of Vietnam’s few human rights lawyers, has defended individuals arrested for their religious activities. He is also the co-founder of the Committee for Human Rights in Vietnam and one of the principal organizers of Bloc 8406. He was also arrested and given a five year sentence. Some of the public charges leveled against Fr. Ly, Dai, and his associate Li Thi Cong Nhan are related to their religious freedom advocacy. In the state *Family and Society* newspaper, for example, Fr. Ly is described as “joining hands with black forces and reactionary elements to build a force under the cover of freedom of religion activities.” In the online publication of the Ministry of Public Security entitled *Law and Order*, Dai is accused of collecting “evidence of Vietnam’s religious persecution” to send to “enemy powers and overseas reactionaries.”<sup>7</sup>

In addition to the prisoners of concern identified by the Commission, another persistent religious freedom problem is the long-term imprisonment of ethnic minority Montagnard Protestants. The Vietnamese government arrested and detained hundreds of Montagnards suspected of participating in protests for land rights and religious freedom in the Central Highlands region in 2001 and 2004. The non-governmental organization (NGO) Human Rights Watch has compiled a well-documented list of 355 Montagnards who remain in prison.<sup>8</sup> Eyewitnesses confirm the continued long-term detention of Montagnards, including minors. Nguyen Khac Toan, sentenced to 12 years in prison for his advocacy of free speech and Internet freedom in 2002, mentioned that he shared a prison with “225 ethnic Protestant Montagnards.” In the past seven years, ethnic minority Montagnards have been arrested on suspicion of engaging in demonstrations, for alleged connections to Montagnard groups in the United States, for organizing refugee flights to Cambodia, or for affiliation

with the banned *Tin Lanh Dega*, an ethnic minority Protestant association that purportedly mixes religious activity with political activism.

It is difficult to determine the exact number of Montagnards imprisoned specifically because of their religious affiliation or activities; however, an official in the SECV has compiled a list of almost 150 individuals imprisoned for alleged sympathy with *Tin Lanh Dega* or because they allegedly failed to turn in members of their congregations who participated in the 2001 and 2004 demonstrations. Testimony by recently released detainees indicates that the Vietnamese government arrested many whose only “crime” was affiliation, whether through employment, church, or family with individuals suspected of “anti-government” activity. A full accounting of Montagnard prisoners, and at the very least, the unconditional release of those imprisoned solely on account of their religious identity or association, should be a critical element of future U.S.-Vietnam human rights dialogues.

### **Vietnam’s Religious Communities: Improving Conditions for Some, Ongoing Restrictions and Abuses for Others**

The number of those who profess to be religious adherents continues to grow in Vietnam. In large urban areas, the Vietnamese government has expanded the zone of permissible religious activity for Catholics, non-UBCV Buddhists, and some Protestant groups. Religious leaders in Hanoi and Ho Chi Minh City report few overt restrictions on their normal worship activities and the government continues to support the building of some new religious venues, the training of some new religious leaders, and permission to hold several large religious gatherings, particularly in Ho Chi Minh City. Protestant groups report that police harassment has also declined overall, although the movement and activities of a number of their leaders continue to be monitored by the police. Improvements reportedly depend on geographic area, ethnicity, or the relationship established by religious leaders with local or provincial officials. Many religious leaders said positive changes began in early 2005 and continued through 2006, a time frame that corresponds with the U.S. government’s designation of Vietnam as a CPC, an action that made religious freedom concerns a priority in U.S.-Vietnamese bilateral relations. Many religious leaders claimed that positive religious freedom changes were also made because of the Vietnamese government’s desire to join the

international community, a goal that included WTO accession and election to a non-permanent seat on the UN Security Council.

Despite noted improvements, the Commission found that religious freedom problems remained serious in some provincial areas and among religious groups and individuals the government views as political or security threats. For example, the Vietnamese government continues to be suspicious of ethnic minority religious groups, such as Montagnard and Hmong Protestants and Khmer Buddhists; those who seek to establish independent religious organizations, such as the UBCV, Hao Hoa, and Cao Dai; and those it considers to pose a political threat, such as “Dega” Protestants and individual Mennonite, Catholic, Buddhist, and house church Protestant leaders. Among these groups, there continue to be incidents of harassment, detention, arrests, discrimination, property destruction, and some forced renunciations of faith.

The government continues policies to maintain control of most religious organizations and restricts their activities and growth through a pervasive security apparatus, bureaucratic impediments, the process of official recognition and registration, and the requirement of official permission for certain activities. Independent religious activity remains illegal, and legal protections for government-approved religious organizations are both vague and subject to arbitrary or discriminatory interpretations based on political factors. The new Ordinance on Religion and Belief, which came into effect in November 2004, reiterates citizens’ right to freedom of religion, including the freedom not to follow a religion; it also states that violations of these freedoms are prohibited. However, while the Ordinance promises needed protections, they are often not fully implemented or not available to all religious groups, and are sometimes used to restrict and discriminate against religious groups rather than advance religious freedom.

#### *Vietnamese Catholics*

Vietnamese Catholics report that the government has gradually eased its oversight over the selection and ordination of priests. It is still the case that all students for the priesthood must be approved by local authorities before enrolling in a seminary and again prior to their ordination as priests. However, the Church often moves ahead with ordinations after informing government officials. The government technically maintains veto power over Vati-



Commissioners Cromartie, Eid, and Leo with Father Steven Chun Tin, a religious freedom advocate, Ho Chi Minh City.

can appointments of bishops, but it reportedly cooperates with the Church in the appointment process. The government recently approved a bishop for the newly created Ba Ria Vung Tau Diocese, allowed a new Jesuit seminary to be built in Ho Chi Minh City, and permitted several local dioceses to hold religious education classes for minors on weekends and conduct some charitable activities. Hanoi continues to discuss conditions for the normalization of relations with the Holy See, discussions that included a meeting between Pope Benedict XVI and Prime Minister Dung at the Vatican and a corresponding visit of a high-level Vatican delegation to Vietnam in February 2007.

Nevertheless, Catholics in Vietnam continue to face some restrictions. For example, in 2007, the government rejected the appointment of two bishops and two priests because of inappropriate “family backgrounds.” There are also persistent restrictions on the establishment of Catholic seminaries and the recruitment of seminary candidates. In addition, there are continuing problems for Catholics in many rural areas. In Ninh Binh province, local police destroyed a sacred “Pieta” statue during a procession, although in that incident, the police were reportedly reprimanded by provincial authorities. The Archbishop of Hanoi is restricted from traveling to dioceses in certain regions of the country, including northwest Vietnam. Other examples of problems include the fact that provincial authorities in Son La and Dien Bien provinces refused to register a local Catholic diocese and mistreated lay Catholic leaders, Ha Giang provincial authorities refused to grant a parish priest a legal residency permit, and officials in Thua Thien-Hue province placed restrictions on the recruitment of seminary students.

The diocese of Hanoi continues to be locked in a property dispute with the government over buildings and property owned by the Papal Nuncio in Hanoi and seized by the government more than 50 years ago. In December 2007, some Catholics began staging prayer vigils at one property, leading to a tense stand-off with police that included threats and the beating of at least one participant. Prime Minister Dung intervened in the stand-off and has reportedly begun negotiations with the Vatican on the properties’ return. Catholics in Hanoi are reportedly staging new vigils at the Thai Ha Redemptorist Church. The government press has encouraged local authorities to take “extreme action” to end the vigils and Catholic leaders have been brought in for “working sessions” with local police. The Commission will continue to monitor this ongoing situation.

### *Protestants in Vietnam*

Conditions for Protestants have improved somewhat since 2004, particularly in urban areas. Protestant religious leaders told the Commission delegation that in the months immediately preceding President Bush’s visit to Vietnam in November 2006, there were many positive changes, including an improvement in relations with government officials, decreased official harassment, fewer reports of forced renunciations of faith, expedited approvals of legal recognition applications, and the release of prisoners. The government also allowed worship activities to expand—mostly in urban areas, but also in parts of the Central Highlands as well as among Protestants affiliated with the government-recognized SECV.

However, after the State Department lifted the CPC designation and Vietnam achieved both Permanent Normal Trade Relations (PNTR) and accession to the WTO, momentum reportedly slowed considerably in many places, and stopped altogether in others. Because of poor implementation of Vietnam’s regulations and ordinances on religion, noncompliant provincial officials, or government suspicion of ethnic minorities, Protestants continue to face problems. New bureaucratic or administrative controls are being used by some local officials to restrict worship activities, including zoning laws that prohibit attendance at services in other districts, the denial of applications for legal recognition, or the regular use of the application process to demand personal information about the members of religious communities and/or gain con-

*It is the Commission's view that in all of the most recent cases of arrest, imprisonment, and other detention, religious leaders and religious freedom advocates had engaged in actions that are protected by international human rights instruments.*

trol over the administrative affairs of independent house churches. In addition, some local officials have conditioned approval of registration applications on the leader's willingness to become a government informant. Many, if not most, of these recent problems can be considered isolated cases, but taken together, they appear to indicate that the Vietnamese government remains determined to maintain ongoing control over the practice of religion in ways that contravene human rights norms.

In addition to official restrictions, members of Protestant religious communities continue to face beatings and other ill-treatment, interrogations, harassment, fines, threats, and forced renunciations of faith, though the number and frequency of such abuses are fewer today than in the past. In January 2007, security forces tore down part of the church structure and briefly detained the congregation of Pastor Nguyen Quang in Ho Chi Minh City. Pastor Quang had previously been arrested in 2004, along with five other members of his congregation. In June and July 2006, police beat two men and two women from an unregistered Protestant church in Thanh Hoa province, after a dispute erupted over the home used by the congregation as a place of worship. Although there are reports that security officials were punished for the June incident, another member of the congregation in Thanh Hoa was beaten in October 2006 when he refused police orders to leave a prayer meeting.

In September 2006, Protestant pastor Tran Van Hoa was arrested and detained for two weeks and security officials closed down Christmas celebration services in a Baptist church in Haiphong, Bac Giang province. In Quang Ngai province, security officials reportedly told ethnic Hre Protestants that "unless they behave," their churches would be destroyed and leaders arrested "once the APEC [the Asia-Pacific Economic Cooperation summit meeting] is over." In the past year, local officials have destroyed

property or confiscated land from Hre Protestants, fined adherents, and told leaders that they would be "tolerated as long as they did not gather in large groups." In June 2005, police detained 17 ethnic Hre Protestants; when community members refused to cease their religious activities, their homes and rice fields were burned and their land confiscated.

In the past 18 months, unregistered Protestant churches in Ben Tre, Kien Giang, Long An, and Soc Trang provinces reported that police had harassed their congregations, confiscated property, disrupted holiday services, and threatened to close their buildings. Incidents of local police harassment and beatings were also reported in the provinces of Quang Ninh, Hai Phong, Lang Son, Son La, Thanh Hoa, and Tra Vinh, often involving disruption of "illegal" meetings at Protestant house churches or restrictions on religious holiday celebrations. In November 2007, police broke up a house church meeting in Haiphong. There have also been reports of clashes be-



Commissioner Cromartie meets with the leadership of the Ho Chi Minh City Cao Dai.

tween Vietnamese Protestants and local Khmer Buddhists in the Mekong Delta, allegedly instigated by provincial officials.

There is also disturbing evidence that provincial officials discriminate against ethnic minority Protestants. Children are denied access to high school, based on outdated laws prohibiting the entry of children from religious families. There are also reports that Protestants are denied access to government benefits readily available to non-Protestants. In addition, local officials reportedly intimidate family elders, threatening to take away their government benefits unless they convince younger family members to renounce their religion. Montagnard Protestants have long complained of targeted discrimination, but there is troubling evidence that both provincial and government officials are training local officials in these discriminatory tactics. At a 2007 training workshop in Kontum, local police and government officials were reportedly trained in ways to deny medical, educational, housing, financial and other government services to “religious families” or to the families of recent converts. In addition, officials were instructed to divert foreign aid projects from known Protestant villages.

In March 2008, leaders of the SECV issued a public letter alleging that in spite of public promises to protect religious freedom, the Vietnamese government continues to confiscate and destroy church properties, interfere in church leadership decisions, and instigate communal violence against Protestants affiliated with the SECV. Moreover, the SECV expressed concern that government officials continue to interfere in the organization’s internal affairs, including the reassignment and ordination of religious leaders. SECV leaders also claimed that despite efforts to engage government officials on issues of concern, two SECV churches were destroyed in Ho Chi Minh City in December 2007 and provincial authorities had allowed several ethnic Khmer, including a number of Buddhist monks, to vandalize and destroy church property and beat the members of two SECV congregations in the Mekong Delta, a region where Khmer Buddhist culture and religious practice are also severely restricted. In addition to these abuses, the SECV’s letter also states that despite repeated requests, there has been no action resolving the SECV’s claims on as many as 256 properties confiscated by the government after 1975.

### *Forced Renunciations of Faith*



Commissioner Leo speaks with church members outside the new, government-recognized, official meeting place of Central Highlands’ Protestants.

Incidents of forced renunciations of faith continue to occur, generally targeting ethnic minority Protestants, but including also some UBCV monks and nuns in recent years. A February 2005 decree outlawed the practice of large-scale forced renunciations of faith, which were a national policy before that time. According to the State Department, there continue to be “isolated but credible reports” in which local authorities “encourage renunciations” of recently converted Christians and pressure them to return to their traditional beliefs. In September 2006, a pastor in Dak Nong province reported that the deputy chairman of Dak Mil district accused him and his church of “anti-government activities” for not participating in required Sunday buffalo sacrifices, an activity that would have been contrary to his religious beliefs. There were other cases of fines, police summons, short-term detentions, or threats of withholding government benefits used to induce individuals to abandon their religion, including 30 ethnic minority Protestants in Coastal Ninh Thuan province and 10 Hmong Protestants in Dien Bien province.

In 2007, two Hmong Protestant leaders in Sang Chai hamlet, Lu Thanh village, Si Ma Cia district were physically assaulted and threatened with a gun in an attempt to force a new Protestant church to close and to coerce the members of the congregation to recant their religion. In Dien Bien province, Muong Lay district, Cha Cang commune, local authorities encouraged Hmong clan leaders to pressure local Protestant families to cease practicing

their faith, including by forcing some families to construct traditional altars in their homes and/or to sign formal documents renouncing their beliefs. In Thai Binh province, Tien Hai district, Dong Lam commune, local authorities tried to force Protestant house church pastor Nguyen Van Cam to sign documents committing him to stop holding church services. In Dien Bien province, East Dien Bien district, police broke up a house church meeting, banned worshippers from gathering, confiscated religious material, fined followers, forced some to cut wood, and visited the homes of church members to pressure them to abandon their faith. Religious leaders in the northwest provinces and central coast region, including leaders and followers from the Inter-Evangelistic Movement Bible Church, also reported that they were being denounced as “enemies of the state” for “believing in an American religion,” and were forced to pay fines.

The most serious recent case of forced renunciation involved the beating death in Phu Sen province of an ethnic minority Protestant man named Y Vin Het. Credible reports from Phu Sen indicated that Y Vin Het was repeatedly beaten in police custody for refusing to recant his faith. He could not afford medical care and died of internal injuries in March 2007. Religious leaders complained about police tactics, but provincial officials forced the young man, without any independent medical examination or investigation, to mark a paper indicating that he was injured in a drunken brawl, a story repeated to the Commission during its meeting with the Ministry of Public Security (MPS). The Commission asked for the Phu Yen provincial police responsible for the beating death to be held responsible and for an account of their punishment to be published in the MPS’s newspaper *Law & Order*. As of this writing, there has been no response from the MPS and no information about whether those responsible for Y Vin Het’s death have been brought to justice, or whether there has been any independent or effective investigation.

## Specific Problems in the Central Highlands

### *Montagnard Protestants*

During the Commission’s visit to the Central Highlands in November 2007, religious leaders indicated that the situation had markedly improved during the past two years, particularly for groups affiliated with the SECV. In Gai

Lai and parts of Dak Lak provinces, local religious leaders and government officials have worked together to re-open churches closed since 2001, approve religious training classes, and legally recognize congregations. However, relations between ethnic minority residents of the Central Highlands and Vietnamese government officials remain tense in some provinces and there continue to be reports of an intrusive security presence in the region.

The Vietnamese government remains on guard against ethnic minority unrest since the Central Highlands was the scene of protests for land rights and religious freedom in 2001 and 2004. Numerous eyewitnesses report that the 2004 demonstrations were disrupted by attacks on protesters by security forces and hired proxies. There are credible reports of especially severe violence occurring in Dak Lak province, including the killing of at least 10 demonstrators. No public investigation of or accounting for police action during the 2001 and 2004 demonstrations has occurred. Since the demonstrations, however, Vietnamese officials have imprisoned those believed to have organized the protests, others suspected of taking part, and those who sought asylum in Cambodia during police crackdowns after the demonstrations. Vietnamese security officials have also pursued Montagnards into Cambodia to stop the flow of asylum seekers. Some Montagnard villages and communes remain under tight government control, and no international observer has been allowed unobstructed access to the region, though diplomats have occasionally visited, including representatives of the UN High Commissioner for Refugees (UNHCR) and Ellen Sauerbray, the then-U.S. State Department’s Assistant Secretary of State for Populations, Refugees, and Migration. There continue to be reports of Montagnards seeking asylum in Cambodia, despite efforts to halt the refugee flow by both the Vietnamese and Cambodian governments.

Religious leaders reported that in recent years, the government has relaxed some restrictions, allowing a reported 100 churches in the Central Highlands to register legally with the SECV. Several hundred more have been given *de facto* or official permission to operate pending registration decisions. As many as 700 of the 1,250 churches and meeting points closed after 2001 have since been re-opened. However, religious freedom improvements depend upon province, religious affiliation, and the goodwill of local and provincial officials. For example, severe restrictions on the activities of religious groups

and believers in parts of Dak Lak, Dak Nong, Kontum, and Bien Phouc provinces continue. In Dak Lak province, the Commission delegation met with one house church Protestant pastor who described how government authorities had threatened to remove his residency permit, brought lawsuits against him to confiscate his property, and harassed and threatened his congregation until many of them left. Officials then put a sign up at the end of the road prohibiting entry to what was termed a “secret military area.” This pastor stated that 14 other congregations affiliated with his group experienced similar problems. Many of the pastor’s legal problems “disappeared” immediately prior to his meeting with the Commission; however, there have not been additional improvements since the Commission delegation left Vietnam and most of the same problems remain. Other ethnic minority Protestants, including members of the Stieng minority in Bien Phouc province and the Hre ethnic minority in Quang Ngai, continue to face discrimination and harassment or have had property confiscated by provincial officials. Central government authorities either ignore these problems or have not yet acted to curtail them. After conducting extensive interviews with Montagnard Protestants in 2007, Human Rights Watch confirmed that ethnic minority Protestants face severe restrictions on religious practice, expression, and association. Most repression targeted Protestants who refused to join the SECV or who were suspected of affiliating with the banned *Tin Lanh Dega* (Dega Protestant Church).

The Vietnamese government views *Tin Lanh Dega* as a subversive institution combining religion and advocacy of political autonomy. A recent study commissioned by the UNHCR found that few self-identified adherents of *Tin Lanh Dega* sought any type of political autonomy; rather, most sought “enhancement of their human rights position” and the “need to gather in independent *Tin Lanh Dega* church communities” that are separate from what they viewed as the Vietnamese-led SECV. Even those *Tin Lanh Dega* leaders who expressed a desire for greater political autonomy sought to advance this position peacefully. Nevertheless, to suppress *Tin Lanh Dega* activity or sympathy with the group, security officials in Dak Nong, Dak Lak, and parts of Gai Lai and Kontum provinces have engaged in severe violations of religious freedom and related human rights. Human Rights Watch found that police do not allow people to gather for worship, often live

in the homes of known religious leaders, constantly monitor and interrogate religious leaders, and arrest and detain those found meeting clandestinely for prayer. Police also reportedly pressure some to sign pledges agreeing to “abandon Christianity and politics.” In addition, police also use a variety of methods to coerce suspected Dega Protestants to join the SECV, the government-approved religious organization. In February and March 2006, police in Gia Lai province reportedly detained individuals from several allegedly *Tin Lanh Dega* congregations in an attempt to force them to affiliate with the SECV. Police asked those detained whether they would remain “political” or whether they would follow the “Christianity of [the Prime Minister].” Those who refused to cease their religious activity reportedly were beaten and later released. SECV religious leaders told the Commission that attempts by police to coerce alleged *Tin Lanh Dega* congregations to join the SECV were made without their knowledge or cooperation.

#### *Beatings and Other Ill-Treatment, Restrictions, Detentions, and Discrimination*

Religious leaders in the Central Highlands have reported that progress made in the previous year has, for the most part, stalled. New legal registrations and recognitions have stopped, officials are refusing to approve new building permits, and the authorities have not renewed permission to hold additional religious education classes. Over the past year, even members of the government-approved SECV have been subjected to beatings and other ill-treatment, arrests, and various restrictions, including government discrimination. According to the State Department, one-third of the SECV churches in Dak Lak province that were closed in 2001 continue to face severe restrictions on their activities. Police regularly prevent people from gathering and break up meetings, halting religious activity in as many as 100 congregations. In Say Thay, Kontum province, district officials told visiting State Department diplomats that “no religion” existed in the area and refused to provide details about the alleged beating of two ethnic minority Dao Protestant leaders. In July 2006, police in Dak Nong province arrested and reportedly mistreated 10 ethnic minority M’Nong Protestants and accused them of “participating in American Protestantism” and “anti-government activities.” Six were detained for between three and six months. As of January 2007, four remained

*Independent religious activity remains illegal, and legal protections for government-approved religious organizations are both vague and subject to arbitrary or discriminatory interpretations based on political factors.*

incarcerated under obscure provisions in the legal code relating to national security and “national solidarity.” Religious leaders from Dak Nong report that most of those arrested were young people holding unauthorized prayer meetings outside of a recognized religious venue and for possessing cell phones.

### **Abuses in the Northwest Provinces**

Among Protestant groups, ethnic minorities in Vietnam’s northwest provinces continue to experience the greatest number of restrictions and abuses. Since 2001, the government has closely monitored Hmong Protestants and conducted campaigns among them involving harassment, detention, beatings, and forced renunciations of faith. During this time, hundreds of churches and meetings points have been forced underground, and in the period between 2002 and 2003, at least two pastors were beaten to death while in detention. The Vietnamese government has long tied the growth of Protestantism in the Hmong community to alleged separatist aims that require a security response.

Recent government documents appear to recognize that ethnic minority Protestants in the northwest provinces have a “genuine need” to practice their religion. Over the past several years, the Vietnamese government has begun to allow Hmong Protestants to gather for worship purposes and, according to the State Department, to conduct religious activity in homes “during the daytime.” In the last year, the government has given an estimated 60 churches official permission to conduct legal religious activity as a “pilot project.” An estimated 1,000 other religious venues in the northwest provinces are seeking affiliation with the Evangelical Church of Vietnam, North (ECVN), and hundreds of other house church Protestant groups are conducting some sort of independent religious activity in the region.

However, these positive moves have been accompanied by persistent official harassment and even repression. For example, ECVN leaders were told to stop accepting new applications for registration after the number reached 671. Though required by law to respond to new applications in a timely manner, Vietnamese government officials have denied or ignored all new applications for legal recognition, making these religious groups technically illegal. ECVN officials were told that they should



Commissioner Leo meets with members of the Vietnamese Buddhist Sangha (VBS), Soc Trang.

not expect approval of new registration applications this year. Two Protestant leaders from Lao Cai province were detained for two weeks and fined because they traveled to Hanoi to acquire registration application forms from ECVN leaders.

ECVN leaders have also expressed concern about the way local authorities are interpreting the new laws on religion. In a State Department investigation of the current situation, ethnic minority religious leaders reported that security officials regularly attend religious services, check church membership lists, and force anyone not on the list to leave. In some locations, security officials have

reportedly barred anyone under the age of 14 from attending services, banned mid-week meetings and programs for children and young people, and insisted that religious leaders be chosen under their supervision. During its visit to Vietnam, the Commission confirmed that some of these practices continue to occur.

### *Forced Renunciations, Detentions, and Fines*

Despite a February 2005 decree prohibiting forced renunciations of faith, official efforts to coerce individuals to renounce their religion reportedly continue. In 2006, Protestants in Muong Lay district, Dien Bien province, were forced by police to construct traditional animistic altars in their homes and sign documents renouncing Protestantism. In April 2006, four Hmong Protestants from Gap Trung village, Hoang Su Phi district, Ha Giang province were pressured unsuccessfully by border guards to sign documents renouncing their faith. Also in April 2006, police in Dien Bien province beat 10 Hmong Protestants in an attempt to induce them to renounce their faith. In January 2007, security officials threatened to freeze the bank account of a Protestant leader in Muong Khong district, Dien Bien province unless he either left the district or renounced his faith. Members of one house church Protestant group in the northwest provinces report that police actively broke up meetings of worshippers and authorities refused to register their meeting areas. Members of this group reported that they were forced to “meet secretly at night, in the fields” in order to worship and that police actively pressured them to abandon their religion and return to “traditional beliefs.” There are no reports that any security officials have been punished for these actions, despite the fact that they have been technically illegal since the February 2005 decree.

In addition, although the number of reported abuses has declined in recent years, the persistent reports detailing detentions, fines, and other forms of harassment indicate that the central government continues to limit the religious freedom of ethnic minority groups in Vietnam. Ethnic minority Protestants have been fined and detained for carrying Protestant literature and training materials and for providing researchers with information about religious freedom conditions. In Muong Nhe district, Dien Bien province, a house church deacon was detained after he returned from Hanoi carrying church documents and applications for registration. Since that time, there

are reports that a special task force of security personnel has been living in the district to monitor the activities of Hmong Protestants there. In January 2007, four Protestants from Tuyen Quang province were arrested for transporting 115 Christian books and training materials. They were released after a week and fined \$1,000—several years’ wages. Police have threatened to charge the village chief of Muong Nhe district, Dien Bien province with national security crimes for sending researchers documents about government attempts to “prohibit Christian practice” in the northwest provinces. In June 2007, a Protestant group in Bat Xat district, Lao Cai province reported that local government authorities imposed fines of up to approximately \$100—amounting to one half year’s wages—on eight “illegal Protestants” and imposed material fines on nine others (apparently by confiscating chickens). The “illegal Protestants” were accused of following Protestantism without seeking permission from provincial authorities, although the group had submitted an application for registration with the ECVN. Sometimes the harassment results in violence, as in July 2007, when a government-sanctioned veterans’ group in Ha Giang province burned down a home where ethnic minority Protestants met for worship and damaged other buildings in an attempt to stop their worship activities.

### **The United Buddhist Church of Vietnam**

The restrictions and abuses faced by the UBCV remain a serious religious freedom concern in Vietnam. The freedoms of movement, expression, and assembly of UBCV leaders continues to be restricted, and there is significant official harassment of monks, nuns, and youth leaders associated with the UBCV. During its trip to Vietnam, the Commission met with the Most Venerable Thich Quang Do in Ho Chi Minh City and the Venerable Thich Thien Hanh in Hue. Thich Quang Do, as well as Thich Huyen Quang, are still restricted in their contacts and movement. Western diplomats and high-level Vietnamese officials have met with these leaders in the last year, and Thich Huyen Quang was allowed to seek needed medical treatment. However, 12 senior UBCV monks remain under some form of administrative probation or “pagoda arrest.” Charges issued in October 2004 against UBCV leaders for “possessing state secrets” have not been rescinded. Repression of the UBCV is not entirely focused on its leadership, as local attempts by monks to organize “provincial

boards” are also thwarted.

During its meeting with the Most Venerable Thich Quang Do, the Commission delegation asked about the Vietnamese government’s charge that the UBCV was a “political” organization. In September 2007, President Nguyen Minh Triet threatened to put on trial and convict UBCV monks who “are hiding under the cloak of religion...to overthrow the government.” Thich Quang Do said that his advocacy for religious freedom and related human rights in Vietnam was directly related to his vocation as a monk and the “2,000 year old tradition of Mayahana Buddhism.” According to Thich Quang Do, “Buddhists promise not to kill, steal, engage in sexual misconduct, or lie, but when the government steals land, engages in sexual trafficking of young girls, stifles free speech, or arbitrarily kills or mistreats victims in prison we must speak out against state repression, that is why the government views the UBCV as political and why we are threatened with arrest and detention.” Thich Quang Do continued, “But our first need is freedom of religion,” [and] “the Vietnamese people need religious freedom to address all of Vietnam’s growing social problems. We have tried to organize and carry out our work peacefully, but we are unable.”

Since 2005, the UBCV has organized more than 20 provincial and local representative boards in central and southern Vietnam. Police regularly harass and interrogate monks and laypeople who have organized provincial level boards in Quang Nam-Danang, Thua Thien-Hue, Binh Dinh, Dong Nai, Quang Tri, Lam Dong, and Bac Lieu provinces. Monks have been detained and ordered to withdraw their names from the boards and cease all connections with the UBCV. Over the past year, government officials in Lam Dong province have sought to depose Thich Tri Khai from his post as superior monk of the Giac Hai pagoda in Dong Duong district. In late March 2008, pressure on the Giac Hai pagoda increased, as police and representatives of Vietnam’s Fatherland Front, a Communist Party organization, reportedly offered bribes to anyone who would denounce Thich Tri Khai. Twelve Buddhist monks associated with the government-approved Vietnamese Buddhist Sangha (VBS) signed a petition supporting Thich Tri Khai’s ouster. However, 239 monks affiliated with the UBCV signed another petition opposing the government’s action. All of those who signed the counter-petition have been threatened and subjected to

“working sessions” at local police stations.

Prior to their action targeting Thich Tri Khai, Lam Dong provincial officials reportedly issued a “secret plan” in September 2007 to orchestrate his removal, according to the International Buddhist Information Bureau in Paris. The document, which the Information Bureau has obtained, is an indication of the Vietnamese government’s aim to harass and restrict the UBCV in Vietnam. It describes the “illegal” UBCV as a “hostile force” using “the advantage of religion to oppose the State and sabotage the people’s great tradition of unity.” The document also advises provincial authorities to “mobilize local people against those who take advantage of religion...consolidate evidence in the form of complaints from local people and religious followers about Thich Tri Khai’s morals and virtue, and [launch] public accusations against him.” Thus far, however, the government has been unable to depose or remove Thich Tri Khai from the Giac Hai pagoda, despite the trumped up charges and denunciations from



A market in the Mekong Delta.

local Buddhists.

The efforts of Lam Dong provincial officials are being duplicated in other areas. In April 2008, police and local officials reportedly entered the UBCV-affiliated Phuoc Hue pagoda in Quang Tri province, vandalized the property, destroyed statues and the pagoda's gate, assaulted monks filming the vandalism, and beat head monk Thich Tu Giao. Police also assaulted and detained Thich Tu Giao's mother and members of the Buddhist Youth Movement present at the pagoda. Local officials set up barriers on roads leading to the pagoda and put up signs declaring the pagoda to be a "forbidden area." It was the second time police had vandalized the Phuoc Hue pagoda over the past year. Previously, police destroyed a newly-built kitchen and warehouse and allegedly stole money contributed by local Buddhists for pagoda building projects.

Restrictions and abuses targeting the UBCV affect lay Buddhists as well as associated monks and nuns. The Vietnamese government has actively sought to stop the

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*While the handbook is important because it recognizes the legitimacy of "some" religious activity, it also indicates that the Vietnamese government will continue to control and manage religious growth, label anyone who seeks to spread Christianity in the northwest provinces a national security threat, and use unspecified tactics to "persuade" new converts to renounce their beliefs.*

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organization of the Buddhist Youth Movement. In the last year, police have briefly detained monks attending a youth conference in Hue and have subjected the lay Buddhist organizers of the conference to constant interrogations and harassment. In 2007, the UBCV's national

youth leader, Le Cong Cau, was held under house arrest during preparations for the Hue conference. In late November and early December 2007, UBCV Youth Leaders Ho Dac Thich and Mai Tien Son from Phuong Vy district, Hue were detained and interrogated. Other youth leaders in Phuoc Vinh district, Tay Loc district, and Huong Phong village were detained and interrogated. All reportedly were asked to resign their positions under the threat that criminal charges would be brought against them. Police also threatened to revoke family members' government benefits. Former religious prisoner and monk Thich Thien Minh continues to face constant harassment and in March 2007, local officials reportedly tore down the pagoda in which he was living. The next day he was presented with a "police order" accusing him of "activities opposing the Socialist Republic of Vietnam." In addition, Thich Thien Minh was ordered to renounce his position as UBCV Youth Commissioner, cease all contacts with the outlawed UBCV leadership, and disband operation of the Former Political and Religious Prisoners Association, which the authorities consider an "illegal organization."

Vietnamese authorities continue to threaten and detain monks and adherents of UBCV affiliated monasteries, as well as others seeking to meet UBCV leaders. Lay Buddhists who visit the pagodas of known UBCV leaders are harassed and information about them is collected. 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 reportedly asked provincial authorities to have her expelled from the local monastery. In January 2007, security officials from Binh Dinh province issued orders prohibiting future religious gatherings at the Thap Thap monastery, reportedly threatening that local Buddhists would lose their jobs or their children would be expelled from school if they did not obey.

### **Hoa Hao, Cao Dai, and Khmer Buddhist Communities**

The government continues to ban and actively discourage participation in independent factions of the Hoa Hao and Cao Dai, two religious groups unique to Vietnam claiming membership of four million and three million

respectively. There are also an estimated three million ethnic minority Khmer Buddhists, centered in the Mekong Delta region. Long-standing restrictions on the Khmer have led to peaceful demonstrations in both Cambodia and Vietnam. The Vietnamese government has viewed such actions as a threat to public order and responded with harassment, surveillance, arrests, interrogation, and detention, as well as the defrocking of Buddhist monks, some of whom have taken the lead in organizing protests. The Commission met with Hoa Hao and Cao Dai religious leaders in Vietnam and visited Soc Trang province to discuss issues related to Khmer Buddhism in Vietnam. Improvements experienced by other religious groups have not extended to these communities. In addition, most of the “prisoners of concern” described above come from these three groups.

Both the Cao Dai and Hoa Hao pointed to the government’s ongoing oversight of and control over their communities’ internal affairs. The Cao Dai continue to protest that the Vietnamese government controls their rituals, celebrations, funerals, and the selection of religious leaders. For example, the government has long banned the use of séances, the key method for selecting Cao Dai leaders. Another complaint is related to the government’s rejection of the Cao Dai charter drawn up before the 1950s, the official unwillingness to allow the community to maintain its own independent source of income, and the seizure without compensation of Cao Dai properties after 1975. Some Cao Dai traditionalists have refused to participate in the government-appointed management committees and have formed independent groups. Eight Cao Dai were arrested in 2005 for protesting government control.

The government-recognized Hoa Hao Administrative Committee (HHAC) was organized in 1999. Several leaders of the Hoa Hao community, including many pre-1975 leaders, have openly criticized the HHAC, claiming that it is subservient to the government. They have set up their own organization, the Hoa Hao Central Buddhist Church (HHCBC), and have sought legal recognition. HHCBC leaders and followers face significant official repression. The government has arrested individuals caught distributing the sacred texts of the Hoa Hao founding prophet, Huynh Phu So, broken up ceremonies held by the HHCBC commemorating its founder, and destroyed sacred properties, including a library and other artifacts in An Giang province. Religious leaders also claim that the Religious



Commissioners Argue, Bansal, Cromartie, Gaer and Eid meet with human rights advocate Nguyen Van Dai at Cau Dien Prison, Hanoi.

Publishing House publishes only a part of the Hoa Hao sacred texts and actively restricts attempts to distribute full scriptures.

In May 2007, a court in the Dong Thap province sentenced four Hoa Hao followers to between four and six years in prison for “creating public disorder” under Article 245 of the 1999 Penal Code. The four were arrested for their involvement in a peaceful hunger strike protesting the arrest and imprisonment of at least eight other Hoa Hao sect members in 2005, as well as more general allegations of government suppression of the Hoa Hao religion.

The Vietnamese government’s repression of the language, culture, and religion of ethnic Khmer living in Vietnam has intensified, leading to growing resentment. Long-simmering tensions emerged in 2006 and 2007, as Khmer Buddhist monks in Cambodia protested the Vietnamese government’s religious freedom restrictions in demonstrations that were violently dispersed by Cambodian police. In February 2007, more than 200 Buddhist monks staged demonstrations in Sac Trong province to demand greater religious freedom, including, among other demands, more language instruction in the sacred Pali language and the lifting of a ban on month-long ordination ceremonies. At least 10 monks were defrocked and five arrested for taking part in the demonstrations. According to reports, five other Khmer Buddhists are being held under administrative detention in their pagodas. In May 2007, five monks were sentenced to terms ranging from two to five years for “causing a public disorder.” In July 2007, the Vietnamese government arrested Tim Sakhon, a Khmer Buddhist monk living in Cambodia, on

charges of “illegally crossing the border.” Sakhorn was earlier defrocked by Cambodian Buddhist leaders for undermining the “friendship” between Vietnam and Cambodia when he organized demonstrations in Cambodia.

After the February 2007 demonstration in Soc Trang, provincial officials and police expanded surveillance and restrictions on Khmer Buddhist religious activity and pressured Khmer Buddhist leaders to identify or defrock monks critical of the government. As Theravada Buddhists, the Khmer have ethnic and religious traditions distinct from the dominant Mahayana Buddhist tradition practiced in most places of Vietnam. Khmer Buddhists in Cambodia have called for a separate religious organization for their co-religionists in Vietnam, an idea roundly rejected by provincial officials during the Commission’s visit to Soc Trang.

### **Government Handbook on Religious Practice in the Northwest Provinces**

The Committee on Religious Affairs in Hanoi publishes a handbook to instruct provincial officials in northwest provinces of Vietnam on how to manage and control religious practice among ethnic minorities. The Commission was critical of the 2006 version of the handbook because it 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.” While the handbook is important because it recognizes the legitimacy of “some” religious activity, it also indicates that the Vietnamese government will continue to control and manage religious growth, label anyone who seeks to spread Christianity in the northwest provinces a national security threat, and use unspecified tactics to “persuade” new converts to renounce their beliefs.

The Commission, as well as international human rights NGOs, criticized the 2006 handbook, noting that it promoted control of religious communities rather than protection of religious freedom. The Commission also pointed out that the text did not reflect international human rights norms on religious freedom and seemed to condone forced renunciations of faith targeting “new” converts. Vietnam’s Committee on Religious Affairs promised to revise the 2006 handbook and issue a new version in 2007. The revised handbook was presented to

the Commission during its meeting with the Religious Affairs Committee in Hanoi.

An analysis of the revised handbook reveals, unfortunately, that the new edition is hardly better than the previous one. Provincial officials continue to be urged 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 suggests that the growth of Protestantism among ethnic minority groups continues to be viewed as a potential threat to public security and that it is the “responsibility” of officials to stem it. As stated in the revised handbook, “Protestant growth can explode at any time...and is spreading to other tribes and regions...some can take advantage of religion to practice superstition, to violate the policies and laws of our State, to incite division among the people, to cause disturbances, to violate the common good or threaten the security of the State.”

In the 2006 version of the handbook, local authorities were told to identify ethnic minority Protestants “new” to the faith and “mobilize and persuade” them to “return to traditional religious practices.” In the revised 2007 version, these commands are replaced with more vague instructions to “solve the root cause” of Protestant growth by “mobilizing” ethnic groups to “preserve their beautiful religious traditions” by “developing the economy and society...to raise the standard of living.” The words are different, but the task of officials managing religious communities remains essentially the same: religious practice must be managed and controlled, religious growth must be thwarted, and outsiders who, in their view, use religion to undermine the state must be stopped.

The 2007 version of the handbook was revised, as promised, but the new version does not promote or fully protect religious freedom in the northwest provinces of Vietnam. Rather, it tolerates some religious practice while continuing to view new religious growth as a political and security problem needing to be “overcome” and “solved.”

### **Legal Registration and the Implementation of the New Ordinance on Religion and Belief**

Both Vietnamese and U.S. government officials have claimed that the implementation of the November 2004 Ordinance on Religion and Belief and the expansion of legal recognition for religious groups are signs of progress

in the protection of religious freedom in Vietnam. The Ordinance does affirm the right to freedom of religion. However, it also requires that all religious groups register with the government in order to function legally, and bans any religious activity deemed to cause public disorder, harm national security and national unity, or “sow divisions.” In addition, there continue to be problems in the implementation of a number of the provisions of the Ordinance, problems that include: the excessive denials or delays in approving thousands of legitimate registration applications, the refusal to register all but a handful of Protestant congregations in the north and the northwest provinces, inconsistent registration procedures and other legal requirements, continued restrictions on the recruitment or selection of religious leaders, difficulties in establishing a sufficient number of Catholic seminaries and Protestant pastor training courses, and unresolved land expropriation claims involving a number of religious groups.

Religious organizations that gain legal recognition are, in principle, allowed to open, operate, and refurbish places of worship, train religious leaders, and obtain permission for the publication of materials. To obtain official recognition, an organization must first receive registration at the national level. According to the legal framework, a religious organization must have been in operation in Vietnam for 20 years in order to move through the three legal stages needed to receive national-level registration. To its credit, since 2006, the Vietnamese government has issued national-level recognition to at least six Protestant organizations, five Buddhist groups, and the Baha’i community.

Other religious groups have encountered problems in the application process. The most basic level of registration is the most problematic, whereby a single religious venue is given permission to “carry out specific religious activities” that may be limited to approval of place, time, and number of people attending. This level of registration sometimes requires annual renewal. The second level of registration allows religious venues to affiliate with an already established religious organization or denomination. It is possible, after one year, for this group of religious venues or organization to draft a government-approved constitution and hold a convention to elect officers. At that time, the group can apply to Hanoi for national-level recognition. Vietnam’s Prime Minister must authorize an organization’s application in order for it to gain national legal status. Only those religious groups that reach this fi-

nal level of recognition can carry out the activities detailed in the Ordinance on Religion, such as religious education, the ordination of leaders, the operation of religious sites, and the conducting of charitable activities.

One benefit usually noted about the Ordinance is that it makes the registration process clearer than the regulations used in the past. The new Ordinance does set specific timetables and delineates a process for gaining national-level recognition. Nevertheless, though religious groups have been approved for legal recognition at all levels, even with the Ordinance, the most common response to applications is either no response or denial. Religious venues whose approvals are denied remain illegal.

Other problems with the Ordinance have also emerged:

- The requirement that registration be gained for “specific

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*Some of the problems encountered by religious groups in the registration process require a political solution, such as legal recognition of the UBCV and some Hoa Hao and Cao Dai groups. Other problems require better training on the Ordinance and implementation regulations among Vietnamese government officials.*

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religious activities” has been used to restrict religious practice. Some registered congregations in the northern region and the northwest Highlands complained that officials attend services, deny entrance to individuals not on application lists, refuse to approve religious meetings that are not held on weekends, and prevent members from participating in services through harassment by local authorities or their agents. Annual activities by congregations must also be registered with the authorities, and activities not on the accepted annual calendar require separate government approval.

- The approval process is slow and there is no redress for denials. Thousands of applications for legal recognition have not been answered, including at least 671 applications from ethnic Protestant churches seeking to affiliate with the ECVN. There are similar approval problems in the Mekong Delta region. Religious venues that are denied legal recognition have no clear avenue of appeal. Provincial authorities have threatened to close several religious venues that have been denied registration.
- There are frequently unreasonable demands made by local officials, including that a religious organization provide lists of members of all its congregations as a precondition to registration, even though this specific requirement was not codified in the Ordinance on Religion. Many house church Protestants have ceased seeking national registration because local and provincial authorities are requiring that all district/provincial administrative staff be removed, religious leaders undergo indoctrination classes in Communist ideology, and denominational leaders become government informants as conditions for application approval.
- Not all religious groups are eligible for registration. Independent Hoa Hao and Cao Dai groups, and some Mennonite, Baptist, and other house church Protestants in the Mekong Delta, Central Highlands, and northwest provinces have not been allowed to register. UBCV Buddhists are required to affiliate with the Vietnamese Buddhist Sangha (VBS).

Some of the problems encountered by religious groups in the registration process require a political solution, such as legal recognition of the UBCV and some Hoa Hao and Cao Dai groups. Other problems require better training on the Ordinance and implementation regulations among Vietnamese government officials. Assistant Secretary of State Hill, in his March 2008 Senate Foreign Relations Committee testimony, publicly stated that Vietnam's efforts to train government officials to implement Vietnam's new religion laws were a sign of "progress." However, in Vietnam, when the Commission asked about the number of training programs that have been conducted for government officials, the delegation was told that between 2005 and 2007, the Vietnamese government conducted 16 training courses and eight workshops for Vietnamese civil servants in 17 of Vietnam's 59 provinces. Given the problems encountered implementing Vietnam's Ordinance on Religion, it is difficult to see how the relatively small number of training sessions for government officials can be viewed as a sign of progress.

Clearly, the Ordinance offers many important promises that have not yet been fulfilled and may never be given Vietnam's lack of an independent and transparent legal system and judiciary. In addition, there are too many problems with the implementation of religion laws to conclude that, at this time, Vietnam protects the individual's right to religious freedom in law. Other than the limited number of training courses conducted in the past few years, it continues to be unclear exactly what provincial officials and security personnel are learning in government-sponsored training seminars. Regulations regarding legal registration are routinely misapplied or ignored in provincial areas, particularly in the Mekong Delta, northwest provinces, Central Highlands, and central coastal regions, including Hue. In addition, in the Central Highland province of Kontum, there is evidence suggesting that provincial authorities are being trained to discriminate against Protestant families by denying them housing, medical, educational, and other government benefits and diverting foreign assistance and development aid away from known Protestant villages. Recent reports indicating that provincial officials in the central coast and northwest provinces also denied medical benefits to Protestants and threatened family elders with a cut-off in aid unless younger family members renounced their beliefs demonstrate that discrimination is a tactic in other regions and provinces of Vietnam.

## ENDNOTES

<sup>1</sup> Article 88 targets people for "propagandizing against the state," and Ordinance 44 is an administrative detention ordinance, which includes detention in mental hospitals.

<sup>2</sup> Universal Declaration of Human Rights, Art. 18; International Covenant on Civil and Political Rights, Art. 18.

<sup>3</sup> Universal Declaration of Human Rights, Art. 19; International Covenant on Civil and Political Rights, Art. 19.

<sup>4</sup> Universal Declaration of Human Rights, Art. 20; International Covenant on Civil and Political Rights, Arts. 21 & 22.

<sup>5</sup> UN Human Rights Committee General Comment 22, Article 18 (Forty-eighth session, 1993), para 1.

<sup>6</sup> See International Religious Freedom Act of 1998, Sec. 2(a) (2) & (3) and 3(13).

<sup>7</sup> Other human rights advocates who have been temporarily detained, interrogated, beaten, arrested, or had warrants issued for their arrest since January 2007 include Fr. Chun Tin and Fr. Phan Van Loi; Mennonite Pastors Nguyen Quang and Tran Van Hoa; Catholic seminary professor Nguyen Chinh Ket; and lawyers Li Thi Cong Nhan and Le Quoc Quan.

<sup>8</sup> Human Rights Watch, *No Sanctuary: Ongoing Threats to Indigenous Montagnards in Vietnam's Central Highlands*, Volume 18, Number 4, June 2006.



## COMMISSION RECOMMENDATIONS

In addition to recommending that Vietnam continue to be named a CPC, the Commission has other recommendations for U.S. government action.

### 1 Press for Immediate Improvements to End Religious Freedom Abuses, Ease Restrictions, and Release Prisoners

The U.S. government should, through its regular diplomatic exchanges with Vietnamese government officials, make clear that ending violations of religious freedom is essential to the expansion of U.S.-Vietnam relations. It should urge the Vietnamese government to take action to halt religious freedom abuses and restrictions, release prisoners, and take other measures to ensure that Vietnam's policies are consistent with international religious freedom standards including:

#### *Prisoner Releases*

- releasing or commuting the sentences of all religious prisoners of concern, including those imprisoned or detained on account of their peaceful advocacy of religious freedom and related human rights including, among others, Fr. Nguyen Van Ly, Nguyen Van Dai, Li Thi Cong Nhan, members of ethnic minorities in the Central Highlands and northwest provinces, Khmer Buddhist monks, the Cao Dai and Hoa Hao followers, and those held under

administrative detention including Fr. Phan Van Loi, UBCV Patriarch Thich Huyen Quang, Thich Quang Do, and the other UBCV leaders detained since the 2003 crackdown on the UBCV's leadership;

- publicizing the names of all Montagnard Protestants currently in detention for reasons related to the 2001 and 2004 demonstrations, allowing visits to prisoners from representatives of the International Committee of the Red Cross or other independent foreign observers, and announcing publicly that a prompt review of all such prisoner cases will be conducted;

#### *The Revision of Laws to Reflect International Human Rights Standards*

- amending the 2004 Ordinance on Religious Beliefs and Religious Organizations, Decree 22, the "Prime Minister's Instructions on Protestantism," and other domestic legislation to ensure that such laws do not restrict the exercise of religious freedom and instead conform to international norms regarding the freedom of thought, conscience, and religion or belief, including revising the vague national security provisions in the 2004 Ordinance;
- enforcing the provisions in the Prime Minister's "Instructions on Protestantism" that outlaw forced renunciations of faith and establishing specific penalties in the Viet-

namese Criminal Code for anyone who carries out such practices;

- ending the use of such far-reaching "national security" provisions as Article 88 or Article 258 of the Criminal Code, which have resulted in the detention of advocates for religious freedom and related human rights such as the freedoms of expression, association, and assembly;
- revising or repealing ordinances and decrees that empower local security police to arrest, imprison, or detain citizens in administrative detention for vague national security or national solidarity offenses, including Ordinance 44, Decree 38/CP, Decree 56/CP, and Articles 258, 79, and 88, among others, of the Criminal Code, and ending their *de facto* use to detain advocates;
- establishing a clear and consistent legal framework that allows religious groups to organize and engage in humanitarian, medical, educational, and charitable work;
- investigating and publicly reporting on the beating deaths of Hmong Protestant leaders Mua Bua Senh and Vang Seo Giao and the 2007 beating death of Hroi Protestant Y Vin Het in Phu Sen province, and prosecuting anyone found responsible for these deaths;

#### *Protecting Independent Religious Practice*

- establishing a non-discriminatory legal framework for religious groups

to engage in peaceful religious activities protected by international law without requiring groups to affiliate with any officially registered religious organization, for example:

- allowing the banned Unified Buddhist Church of Vietnam (UBCV) or 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;
- allowing leaders chosen by all Hoa Hao adherents to participate in the Executive Board of the Hoa Hao Administrative Council or allowing a separate Hoa Hao organization, such as the Hoa Hao Central Buddhist Church, to organize legally and operate with the same privileges as the Administrative Council;
- allowing Cao Dai leaders opposed to the Cao Dai Management Council to form a separate Cao Dai organization with management over its own affairs; and
- allowing Protestant house church groups in the Central Highlands, central coast, and north and northwest provinces to organize independently and without harassment, and allowing them to operate, if desired, outside of either the Southern Evangelical Church of Vietnam (SECV) or the Northern Evangelical Church of Vietnam (ECVN);
- allowing all Hoa Hao groups freely and fully to celebrate their founding Prophet's Birthday, allowing the printing and distribution of all the groups' sacred writings, and allowing the rebuilding of the Hoa Hao

Buddhist Library in Phu Tan, An Giang province;

- approving the registration applications of all 671 ethnic minority churches in the north and northwest provinces and allowing them to affiliate immediately with the Evangelical Church of Vietnam (ECVN), consistent with the deadlines established in the Ordinance on Religious Belief and Religious Organizations;
- creating a national commission of religious groups, government officials, and independent, non-governmental observers to find equitable solutions on returning confiscated properties to religious groups;

### *The Training of Government Officials*

- revising the *Training Manual for the Work Concerning the Protestant Religion in the Northwest Mountainous Region* to reflect fully international standards regarding the protection of religious freedom and removing language that urges authorities to control and manage existing religious practice through law, halt "enemy forces" from "abusing religion" in order to undermine the Vietnamese state, and "overcome the extraordinary...growth of Protestantism";
- issuing clear, public instructions for provincial officials regarding the registration process, consistent with the provisions of the Ordinance, including by restating the timetables for responding to applications; providing redress for denials; and ceasing unreasonable demands for information or other conditions placed on registration applications, such as demanding names of all members of religious communities, requesting management changes,

requiring denominational leaders to convene conferences to undergo indoctrination classes, and requesting that denominational leaders become informants on other religious groups;

- issuing a "National Handbook for Religious Work" to train the estimated 21,000 new government officials engaged in "religious work," which should include an unambiguous statement about the need to respect international standards regarding religious freedom, guidelines for interpreting the Ordinance on Religion and Belief, detailed procedures on how to oversee the legal recognition process, a clear explanation of the duties of provincial officials under the law, and a description of the rights of religious communities under Vietnamese law and international human rights standards, including providing avenues to report inappropriate actions by local officials or police;
- issuing a public statement 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 found using such tactics will be prosecuted under the law;

### *Asylum and Refugee Issues*

- allowing ethnic minorities in the Central Highlands or northwest provinces to seek asylum safely in Cambodia and continue to allow representatives of the UN High Commissioner for Refugees (UNHCR) and other appropriate international organizations unimpeded access to the Central Highlands in order to monitor 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 (NGOs) to members of all religious communities in Vietnam, particularly those in the Central Highlands and the northwestern provinces; and

- halting incursions into Laos and Cambodia by the Vietnamese military and police in pursuit of those seeking asylum because of abuses of and restrictions on their religious freedom.

## 2 Establish New Priorities for U.S. Assistance Programs

The U.S. government should assist the government of Vietnam in the development of protections for religious freedom in Vietnam, including by taking the following actions.

- Fully implementing 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 to provide targeted humanitarian and development funds to ethnic minorities whose demands for land rights and religious freedom are closely connected. This program is consistent with Vietnam's own stated goals of reducing poverty in the Central Highlands and northwest provinces and with the need for reform, transparency, and access to regions where many religious freedom abuses continue to occur.
- Re-allocating some funds that formerly supported the STAR (Support for Trade Acceleration Program) to new projects in human rights training, civil society capacity-building, non-commercial rule of

law programs in Vietnam, education programs for minors and young adults, and exchange programs between the Vietnamese National Assembly and the U.S. Congress. Funds should go to the creation of a pilot program that would be the counterpart in Asia of the Supporting Eastern European Democracy (SEED) program and could be called Promoting Equal Rights and the Rule of Law (PEARL).

- Ensuring that 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, to train public security forces on these issues, and to discuss ways to incorporate international standards of human rights in Vietnamese laws and regulations.
- Working to improve the capacity and skills of Vietnamese civil society organizations, including medical, educational, development, relief, youth, and charitable organizations run by religious organizations.
- Offering some Fulbright Program grants to individuals and scholars whose work promotes understanding of religious freedom and related human rights.
- Encouraging the Vietnam Educational Foundation, which offers scholarships to Vietnamese high school-age students to attend school in the United States, to select youth from ethnic minority group areas (Montagnard and Hmong), from minority religious communities (Cao Dai, Hoa Hao, Catholic, Protestant, Cham Islamic, and Khmer Buddhists), or former novice monks associated with the Unified

Buddhist Church of Vietnam and Khmer Buddhists.

- Working with international corporations seeking new investment in Vietnam to promote international human rights standards in Vietnam and find ways their corporate presence can help promote and protect religious freedom and related human rights.
- 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.

In addition, the U.S. Congress should:

- continue oversight, establish benchmarks, and measure progress of the U.S.-Vietnam Human Rights Dialogues, renewed in 2007, by holding appropriate hearings on a report the State Department is required to submit to Congress on the trajectory and outcomes of bilateral discussions on human rights and detail progress made on a series of issues specified by Congress (see 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, funding that should be commensurate with new and ongoing programs for Vietnamese workers, women, and rule of law training; and
- engage Vietnamese leaders on needed legal revisions and protections of individuals related to the far-reaching national security provisions that are currently used to arrest and detain peaceful advocates for religious freedom and related human rights.

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