

Annual Report of the
U.S. Commission on International Religious Freedom

May 2010
(Covering April 1, 2009 – March 31, 2010)

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Vietnam

FINDINGS: The government of Vietnam continues to control government-approved religious communities, severely restrict independent religious practice, and repress individuals and groups viewed as challenging political authority. Religious activity continues to grow in Vietnam and the government has made some important changes in the past decade in response to international attention, including its designation as a “country of particular concern” (CPC). Nevertheless, individuals continue to be imprisoned or detained for reasons related to their religious activity or religious freedom advocacy; police and government officials are not held fully accountable for abuses; independent religious activity remains illegal; legal protections for government-approved religious organizations are both vague and subject to arbitrary or discriminatory interpretations based on political factors; and new converts to some Protestant and Buddhist communities face discrimination and pressure to renounce their faith. In addition, improvements experienced by some religious communities are not experienced by others, including the Unified Buddhist Church of Vietnam (UBCV), independent Hoa Hao, Cao Dai, and Protestant groups, and some ethnic minority Protestants and Buddhists. Property disputes between the government and the Catholic Church continue to lead to harassment, property destruction, and violence, sometimes by “contract thugs” hired by the government to break up peaceful prayer vigils. In the past year, the government harassed monks and nuns associated with Buddhist teacher Thich Nhat Hanh and forcibly disbanded his order.

Given these ongoing and serious violations, the uneven pace of religious freedom progress after the CPC designation was lifted, the continued detention of prisoners of concern, and new evidence of severe religious freedom abuses, USCIRF again recommends that Vietnam be designated as a CPC in 2010. The Commission has recommended that Vietnam be named a (CPC) every year since 2001. The State Department named Vietnam a CPC in 2004 and 2005, but removed the designation in 2006.

PRIORITY RECOMMENDATIONS: Religious freedom conditions have not improved as quickly or as readily as have other areas of the U.S.-Vietnamese relationship, and there continues to be a marked deterioration of the human rights situation overall. Nevertheless, there is reason to believe that the government of Vietnam will engage on human rights concerns. Non-governmental organizations (NGOs) have engaged Hanoi on religious freedom concerns over the past year, and religious freedom was a part of the renewed annual U.S.-Vietnam human rights dialogue. However, the frequency of these exchanges is neither as structured nor as focused on concrete results as those that took place between 2004 and 2006, when Vietnam was named a CPC and was seeking entrance to the World Trade Organization (WTO). USCIRF continues to urge the Obama administration to re-evaluate the diplomatic and political resources employed to advance religious freedom and related human rights in its relations with Vietnam. USCIRF also encourages the Administration to view CPC designation as a flexible tool in light of its previous success in spurring serious diplomatic engagement and achieving measurable improvements, while not hampering progress on other areas in the U.S.-Vietnam relationship. Additional recommendations for U.S. policy towards Vietnam can be found at the end of this chapter.

Religious Freedom Conditions

Overall Human Rights Situation

Vietnam's overall human rights record remains poor, and has deteriorated since Vietnam joined the WTO in January 2007. Vietnam is an authoritarian state governed by the Communist Party. Over the past two years, the government has moved decisively to repress any perceived challenges to its authority, tightening controls on the freedom of expression, association, and assembly. New decrees were issued prohibiting peaceful protest in property disputes and limiting speech on the internet. In 2007, as many as 40 legal and political reform advocates, free speech activists, human rights defenders, labor unionists, journalists, independent religious leaders, and religious freedom advocates have been arrested. Others have been placed under home detention or surveillance, threatened, intimidated, and harassed. In 2009, a new wave of arrests targeted bloggers, democracy advocates, and human rights defenders, including lawyer Le Cong Dinh who defended prominent human rights activists. Over the past year, two journalists were arrested and convicted in connection with their reporting on high-level corruption, and several journalists and editors at leading newspapers were fired. Several Internet bloggers were also jailed after writing about corruption and protesting China's actions in the disputed Spratly and Paracel Islands; one was convicted and sent to prison.

Given the prominence of religious leaders in advocating for the legal and political reforms needed to fully guarantee religious freedom, their continued detention must be considered when measuring religious freedom progress in Vietnam. Over the past two years, individuals motivated by conscience or religion to peacefully organize or speak out against restrictions on religious freedom and related human rights continue to be arrested or detained, including Nguyen Van Dai, Nguyen Thi Hong, and over a dozen members of the Hoa Hao and Cao Dai communities. There are also an unknown number of ethnic minority Montagnards, including religious leaders, still detained after 2001 and 2004 demonstrations for religious freedom and land rights. The Most Venerable Thich Quang Do and other UBCV leaders and Fr. Phan Van Loi remain under administrative detention orders and are restricted in their movements and activities.

In 2009, the government released six Khmer Buddhists jailed in 2007 for taking part in peaceful demonstrations against restrictions on religious practice. Fr. Nguyen Van Ly was granted temporary medical parole in March 2010 after suffering two major strokes in prison. Human rights activist Le Thi Cong Nhan was released in March 2010 after completing a three year prison term; she is now under home detention orders. USCIRF was able to meet while they were still imprisoned Le Thi Cong Nhan and Nguyen Van Dai in 2007 and Fr. Nguyen Van Ly and Nguyen Van Dai in 2009.

Despite significant restrictions and governmental interference, the number of religious adherents continues to grow in Vietnam. In large urban areas, the Vietnamese government continues to expand the zone of permissible religious activity for Catholics, non-UBCV Buddhists, some Protestant groups, and government approved Hoa Hao and Cao Dai communities, including allowing large religious gatherings and pilgrimages. Religious leaders in Hanoi and Ho Chi Minh City report fewer restrictions on their normal worship activities in recent years, and the government largely continues to support the building of religious venues and the training of religious leaders. Nevertheless, lingering property disputes over venues and facilities previously confiscated by the Communist government created serious tensions between Hanoi and some religious communities, leading to church demolitions, property confiscations, detentions, and societal violence. In some parts of the Central Highlands, particularly Gai Lai province, most of the churches and meeting points closed after 2001 and 2004 religious freedom demonstrations were re-opened, and the government and the officially-recognized Protestant organization have established a working relationship. However, groups that do not worship within government approved

parameters or are suspected of sympathizing with foreign groups seeking Montagnard autonomy face a growing number of problems, including property destruction, detentions, and beatings.

When designated as a CPC, Hanoi released prisoners, expanded some legal protections for nationally recognized religious groups, prohibited the policy of forced renunciations of faith (which resulted in fewer forced renunciations), and expanded a zone of toleration for worship activities, particularly in urban areas. Nevertheless, during USCIRF's October 2007 and May 2009 trips to Vietnam, religious leaders reported that while overt restrictions on their religious activity slowed in the past decade, there continue to be serious problems with the legal and policy framework the government uses to oversee religious activity. Improvements often depended on geographic area, ethnicity, the relationship established with local or provincial officials, or perceived "political" activity. Most religious leaders attributed these changes to the CPC designation and the priority placed on religious freedom concerns in U.S.-Vietnamese bilateral relations.

Implementation of Vietnam's Legal & Policy Framework on Religion

The 2004 Ordinance on Religion and Belief requires religious groups to operate within government approved parameters. The Ordinance promises those who succeed at gaining "national" legal status fewer government intrusions in regular religious activities. However, the registration process is ill-defined and implementation of the Ordinance is problematic. Some provincial officials ignore recognition applications, require religious groups to include the names of all religious adherents in a church, or pressure religious leaders to join groups already given legal recognition, despite theological or other objections. In addition, the Ordinance provides for two levels of legal recognition, neither of which offers the same protections as "national" recognition. In fact, at the first level, "permission for religious operation," religious groups report government intrusions in daily religious activity, including seeking from religious leaders the names of congregants or limiting participation in and the scope of worship services. Religious groups whose applications for legal recognition are denied or who do not meet the Ordinance's vague standards are technically illegal and can be closed without warning.

Contrary to its provisions, local officials have told religious groups and a visiting USCIRF delegation that the Ordinance does not apply in their provinces. The central government has also delayed implementation and enforcement of the Ordinance and issued a training manual on how to deal with religious groups that counsels restricting rather than advancing religious freedom. The manual, issued by the central government's Committee on Religious Affairs, has gone through several revisions because of international scrutiny. Nevertheless, problematic language remains regarding measures to halt the growth of religious communities.

A USCIRF delegation traveled to Vietnam in May 2009 and ascertained that new converts to Protestantism in ethnic minority areas face official intimidation and discrimination if they do not renounce their faith (see discussion below under *Hmong Protestants: Northwest Provinces*). There are also reports that new monks and nuns of Buddhist teacher Thich Nhat Hanh face similar tactics as do individuals who frequent pagodas affiliated with the UBCV.

Provisions of the Ordinance do not meet international standards and are sometimes used to restrict and discriminate rather than promote religious freedom. For example, national security and national solidarity provisions in the Ordinance are similar to those included in Vietnam's Constitution and override any legal protections guaranteeing the rights of religious communities. These include Article 8 (2) of the Ordinance, which prohibits the "abuse" of religion to undermine national unity, to "sow division among the people, ethnic groups and religions" or to "spread superstitious practices", and Article 15, which provides that religious activities will be suspended if they "negatively affect the unity of the people or the nation's fine cultural traditions." The government continues to significantly limit the organized activities

of independent religious groups and individuals viewed as a threat to party authority on these grounds. There are some reports that Vietnamese officials are considering revising the Ordinance on Religion and Belief, which would offer the international community an opportunity to engage the government on ways to change Vietnam's legal structure on religion so that it conforms to international standards.

In the past year, religious groups without legal status—whether because they do not meet established criteria, are deemed politically unreliable, or refuse to accept government oversight—were harassed, had venues destroyed, and faced severe discrimination. In addition, there were reports that ethnic minority Protestants were arrested and detained because their meeting points were not legally recognized or they were not affiliated with the government approved religious organization.

The government continues to extend legal recognition to, and allows religious venues to affiliate with, 11 officially recognized religious groups: Buddhism, Islam, Catholicism, Protestantism, Hoa Hao, Cao Dai, Pure Land Buddhist Home Practice, Bani Muslim Sect, Threefold Enlightened Truth Path, Threefold Southern Tradition, and the Baha'i Community. In the past year the government has extended legal status to the Mysterious Fragrance from Precious Mountains and the Four Gratuities and the Vietnam Christian Fellowship. In October, 2009, the Assembly of God denomination was granted permission to operate, an initial legal status that had previously been denied because the Assembly of God did not meet the Ordinance requirement for "20 years of stable operation."

Prisoners of Concern

In the past, the State Department maintained that one of the reasons Vietnam's CPC designation was lifted was because there are no longer any "prisoners of concern." USCIRF contends that there remain dozens of prisoners of concern in Vietnam. As discussed above, a number of individuals remain incarcerated for actions related to their religious vocation, practice, activity, or conscience. Along with those incarcerated, over a dozen religious leaders are held under long-term administrative detention, including United Buddhist Church of Vietnam (UBCV) leader Thich Quang Do and Catholic Fr. Phan Van Loi. In addition, hundreds of Montagnard Protestants arrested after the 2001 and 2004 demonstrations for religious freedom and land rights remain in detention in the Central Highlands. The circumstances and charges leveled against them are difficult to determine, but there is enough evidence available to determine that peaceful religious leaders and adherents were arrested and remain incarcerated. The continued detention of prisoners of concern, and the existence of vague "national security" laws that were used to arrest them, should be a primary factor in determining whether Vietnam should be designated as a CPC.

In the past, the State Department has contended that only those individuals who are arrested "for reasons connected to their faith" will be considered in evaluating religious freedom conditions in Vietnam, as if the internationally recognized right to the freedom of religion guarantees only the freedom to worship. This narrow definition excludes from consideration anyone arrested or detained for peaceful public advocacy to protect religious freedom, including expressing support for the legal or political reforms needed to fully ensure it. The State Department's criterion also excludes those who monitor the freedom of religion and are arrested or otherwise punished for the publication of their findings. It also excludes those who, motivated by ongoing restrictions on religious practice or the arrests of fellow-believers, peacefully organize or protest to draw attention to government repression. The State Department's standard for determining who is a religious "prisoner of concern" draws an arbitrary line between "political" and "religious" activity not found in international human rights law.

USCIRF contends that in all the most recent cases of arrest, detention, and imprisonment, religious leaders or religious-freedom advocates engaged in legitimate actions that are protected by international treaties and covenants to which both the United States and Vietnam are signatories. In addition to the

freedoms to believe and to worship, the freedom to peacefully advocate for religious freedom and express views critical of government policy are legitimate activities guaranteed by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. They protect not only the right to freedom of thought, conscience, and religion¹⁴ but also the related rights to freedom of opinion and expression¹⁵ and to freedom of peaceful assembly and association.¹⁶ 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.”¹⁷

In the past several years, Montagnard Protestants have been subject to a number of short-term detentions, disappearances, and one possible beating death in custody. According to reports from NGOs and several members of the European Parliament, Montagnard Protestant Puih H’Bat was arrested in April 2008 for leading an illegal prayer service in her home in Chu Se district, Gai Lai province—an area where there have been protests in the past over land rights and religious freedom abuses. In fact, according to Human Rights Watch, police arrested dozens of Montagnards in that area in April 2008 and forcibly dispersed crowds peacefully protesting recent land confiscations. Given historical animosities, past repression, and the region’s remoteness, it is difficult to determine the exact reasons why Puih H’Bat was arrested, though the fact that police have refused to allow her family to visit her and the lack of police and judicial transparency in the case is disturbing. Also in the same Gai Lai province district, as many as 11 Montagnard Protestants were detained in February 2009 after police reportedly entered a worship service and asked everyone present to renounce their faith or join the officially recognized Southern Evangelical Church of Vietnam (SECV). Everyone who refused was arrested. Nine were released a month later, and two remain in detention. The State Department was able to confirm from other religious leaders in the region that these individuals were arrested for trying to organize an independent Protestant organization, which the Vietnamese government has refused to allow in this area since the large religious freedom protests in 2001 and 2004. In other parts of Gai Lai province, however, ethnic Montagnard Protestants associated with the government-approved SECV have established a working relationship with provincial officials, leading to the re-opening of many religious venues closed after 2001, new religious training courses for pastors, and the building of at least one new church property.

In the past year’s reporting cycle, the government released six Khmer Buddhist prisoners of concern, including Cambodian monk Tim Sarkhorn and five Khmer Buddhist monks convicted for leading February 2007 religious freedom protests in Soc Trang province. The five monks were not allowed to rejoin their monasteries or return to their studies, and Tim Sarkhorn, though released from prison in July 2008, was held under house arrest and constant police surveillance until early April 2009. The U.N. High Commissioner for Refugees (UNHCR) granted them refugee status, and they were resettled in Europe. The situation of the Khmer Buddhist has been an underreported problem in Vietnam. The State Department, despite travelling to Soc Trang province in October 2007, did not report on the arrests of Khmer monks until after they were released.

In March 2010, Le Thi Cong Nhan was released from prison after completing her prison sentence. The USCIRF delegation met with her in prison during a 2007 visit. She continues to serve a sentence of administrative parole, which is essentially house arrest. After granting interviews to international media after her release, she was detained and interrogated by police and remains under close scrutiny.

¹⁴ Universal Declaration of Human Rights (UDHR), Art. 18; International Covenant of Civil and Political Rights (ICCPR), Art. 18.

¹⁵ UDHR, Art. 19; ICCPR, Art. 19.

¹⁶ UDHR, Art. 20; ICCPR, Arts. 21 & 22.

¹⁷ United Nations Human Rights Committee General Comment 22, Article 18 (Forty-eighth session, 1993), para 1. ¹⁸ Criteria for reviewing textbooks and other educational materials have been developed by several international bodies, including UNESCO. For the UNESCO criteria, see http://www.unesco.org/education/pdf/34_71.pdf.

Also in March, Fr. Nguyen Van Ly was released on medical parole after suffering several strokes in prison. He will be returned to prison once his health improves. A USCIRF delegation was allowed to meet with Fr. Ly in May 2009 and discovered that he has been held in solitary confinement for over two years. Fr. Ly has been imprisoned numerous times for his religious freedom and human rights advocacy, including after he submitted testimony to a 2001 USCIRF hearing on Vietnam. USCIRF has consistently advocated for his unconditional release.

Buddhists, Hoa Hao, and Cao Dai

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

The Vietnamese government requires the UBCV and independent Hoa Hao, and Cao Dai groups to affiliate only with the government approved religious organization. Those who refuse face ongoing and serious religious freedom abuses, including arrests, detentions, fines, forced renunciations of faith, destruction of property, and other harassment. This fact is important when deciding whether religious freedom conditions have improved in Vietnam overall, given that these groups, along with the ethnic minority Khmer Buddhists, represent the largest number of religious adherents in Vietnam.

The UBCV is Vietnam's largest religious organization with a history of peaceful social activism and moral reform. The UBCV has faced decades of harassment and repression for seeking independent status and appealing to the government to respect religious freedom and related human rights. Its leaders have been threatened, detained, put under pagoda arrest, imprisoned, and placed under strict travel restrictions for many years. The freedom of movement, expression, and assembly of UBCV leaders continues to be restricted. Monks, nuns, and youth leaders affiliated with the UBCV face harassment and threats. Senior UBCV monks, including the Most Venerable Thich Quang Do with whom USCIRF delegations were able to meet in both 2007 and 2009, remain under some form of administration probation or pagoda arrest. Charges issued in October 2004 against UBCV leaders for "possessing state secrets" have never been rescinded. Local attempts by monks to organize UBCV provincial boards or carry out charitable activities also are thwarted. Police routinely question UBCV monks and monitor their movement and activities. Foreign visitors to UBCV monasteries have been assaulted and harassed.

In the recent past, UBCV monks have been detained, threatened and ordered to withdraw their names from provincial leadership boards and cease all connections with the UBCV. Government officials have taken steps to make sure that government affiliated monasteries do not affiliate overtly with the UBCV. In 2008, police and government officials in Lam Dong province sought to depose Thich Tri Khai from his post as superior monk of the Giac Hai pagoda, reportedly offering bribes to anyone who would denounce him and urging 12 monks in the region to sign a petition supporting his ouster. Two hundred and thirty nine monks affiliated with the UBCV signed a letter opposing the government's action and, as a result, were threatened and subjected to "working sessions" with police. In April 2008, police arrested Thich Tri Khai, who went into hiding; two UBCV monks attempting to visit Khai were detained and questioned by police. Also in April 2008, police harassed, assaulted, and briefly detained monks from, and vandalized, the Phuoc Hue monastery in Quang Tri province. The monastery's head Abbot, Thich Tu Giao, had declared allegiance to the UBCV. Police also assaulted and detained Thich Tu Giao's mother and members of the Buddhist Youth Movement. Local officials set up barriers on roads leading to the pagoda and put up signs claiming the pagoda was a "Forbidden Area." It was the second time police vandalized

the pagoda. The previous year, police destroyed a newly built kitchen and warehouse, and stole money contributed by local Buddhists for other buildings.

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

The State Department also reports that, in the past year, a UBCV monk was detained and later expelled from his monastery for distributing humanitarian aid and food to land rights protestors in Hanoi. A UBCV monk in Ho Chi Minh City resigned from monastic life reportedly due to being constantly harassed by police for his activities organizing a Buddhist Youth Movement. A UBCV nun was also forced to leave the pagoda she founded in Khanh Hoa Province reportedly because she openly affiliated with the UBCV.

There also continue to be reports of harassment and disbandment of religious ceremonies and other activities UBCV monks conduct. For instance, police in the past year routinely interrogated the Venerable Thich Vien Dinh and other monks from the Giac Hoa Pagoda in Saigon and issued fines for minor building code violations. Officials also have prevented them from holding festivals on *Vesak* (Buddha's Birthday) and the Lunar New Year. In late January, 2010, police reportedly raided the pagoda in order to break up a ceremony of the Buddhist Youth Movement. Parents and children were warned to cease participating in the group. Routine systematic harassment of UBCV monks and affiliated pagodas occurs in the provinces of Quang Nam-Danang, Thua Thien Hue, Binh Dinh, Khanh Hoa, Ba Ria-Vung Tau, Dong Nai, Hau Giang, and An Giang.

The Vietnamese government continues to ban and actively discourage participation in independent factions of the Hoa Hao and Cao Dai, two religious traditions unique to Vietnam that claim memberships of four and three million respectively. While not providing details, the State Department continues to report repression of independent groups that includes intimidation, loss of jobs, discrimination, and harassment of Hoa Hao followers and imprisonment of individuals who peacefully protest religious freedom restrictions.

Both the Cao Dai and Hoa Hao groups report ongoing government oversight and control of their communities' internal affairs, including their rituals, celebrations, funerals, and selection of religious leaders, and even of government approved organizations. Other complaints concern the government's rejection of the Cao Dai charter drawn up before the 1950s, 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 intrusion in Cao Dai affairs; five remain in prison at the time of this report.

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

discrimination and loss of jobs. At least 12 Hoa Hao were arrested and sentenced for protesting religious freedom restrictions, including four who were sentenced to four years in prison for staging a peaceful hunger strike.

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

As many as one million ethnic minority Khmer Buddhists live in Vietnam, mostly in the Mekong Delta region. Long simmering tensions emerged there in 2006 and 2007, as Khmer Buddhist monks peacefully protested government restrictions on their freedom of religion and movement and Khmer language training. On January 19, 2007, according to Human Rights Watch, Buddhist monks in Tra Vinh province protested the arrest of a monk for possessing a publication from an overseas Khmer advocacy group. The protesting monks were interrogated and accused of allegedly separatist activities, and three monks were detained in their pagodas for three months and later defrocked. In February 2007, more than 200 monks staged a peaceful demonstration in Soc Trang province protesting the government's restriction on the number of days allowed for certain Khmer religious festivals and calling on the government to allow Khmer Buddhist leaders—not government appointees—to make decisions regarding the ordinations of monks and the content of religious studies at pagoda schools. The protestors also called for more education in Khmer language and culture. Provincial officials initially promised to address the monk's concerns, but several days later, monks suspected of leading the protest were arrested and some reportedly were beaten during interrogations. At least 20 monks were defrocked and expelled from their pagodas, and five monks sentenced to between two and four years in prison. Defrocked monks were sent home to their villages, where they were placed under house arrest or police detention.

Five young monks arrested for leading the demonstrations were given sentences ranging from one to five years. In interviews with USCIRF, the monks described severe restrictions on the religious life of Khmer Buddhists. They stated that they had applied to hold a demonstration and it was not, as the government maintains, a spontaneous event. They also described in detail, the beatings and torture they endured in detention, including one monk stating that he was beaten every day for one year.

After the 2007 demonstrations in Tra Vinh and Soc Trang, provincial officials and police expanded surveillance and restrictions on Khmer Buddhists religious activity and pressured Khmer Buddhist leaders to identify and defrock monks critical of the government. In July 2007, the Vietnamese government arrested Tim Sarkhorn, a Cambodian Khmer Buddhist monk on charges of "illegally crossing the border." As mentioned above, the five Khmer monks and Tim Sarkhorn were released in early 2009. They were not allowed to return to the monkhood and are now living as refugees in Europe.

The Vietnamese government, through the Vietnamese Buddhist Sangha (VBS), began an academy in 2008 in Can Tho that focused on Theravada Buddhism. The government provided land for the building and expansion of a larger academy. In addition, the government expanded the Pali language school in Soc Trang Province, the site of the demonstrations. It is unclear whether these actions will be sufficient to address long-standing grievances over religious restrictions and discrimination based on ethnicity.

Crackdown on the Lang Mai Buddhists of Bat Nha Monastery

In September 2009, over 300 Lang Mai (Plum Village) Buddhist monks and nuns, followers of the well-known Buddhist Zen Master Thich Nhat Hanh, were forcibly removed from Bat Nha monastery in Lam Dong province. In 2008, the central government's Religious Affairs Committee stated that the Lang Mai Buddhists were no longer welcome in Vietnam and claimed that some monks and nuns in Bat Nha lacked legal rights to live at the monastery. The abbot of Bat Nha, under pressure from the government, ordered Thich Nhat Hanh's followers to leave. Beginning in June 2009, government officials and police harassed the Lang Mai monks and nuns, turning off water, electricity, and telephone lines, and threatening adherents who came to study at the monastery. In July, local civilians and undercover police entered the monastery, threatened the residents, and confiscated food, furniture, and other property.

Finally, in September 2009, police cordoned off the monastery and allowed more than 100 civilians and undercover police to enter and forcefully evict the Lang Mai Buddhists. Monks were beaten, degraded, and sexually assaulted. Over 200 Buddhist monks and nuns sought temporary refuge at the nearby pagoda of Phuoc Hue. Two senior monks, Phap Hoi and Phap Sy, were arrested. A senior monk at another Lang Mai meditation center in Khanh Hoa province has gone into hiding to avoid arrest.

On December, 31, 2009 police and government officials forcibly evicted the 400 monks and nuns residing at Phouc Hue pagoda. 200 Lang Mai followers left to seek asylum in Thailand and, as of this writing, are seeking religious worker visas to reside in the U.S., Germany, Australia, and France. Another 200 monks and nuns returned to their home provinces in Vietnam, where police harassment continues and authorities threaten family members with job loss and reduced government benefits unless they renounce their Lang Mai affiliation.

In 2005, the Vietnamese government had welcomed Thich Nhat Hanh and the establishment of the Lang Mai order in Vietnam. His return was hailed as evidence of religious freedom progress by both Hanoi and the State Department when the CPC designation was removed in 2006. The government's crackdown on the Lang Mai Buddhists started in late 2007, after Thich Nhat Hanh privately, and later publicly, urged the government to ease restrictions on religion. In addition, the Lang Mai teachings were very popular and therefore threatening to government officials and the leadership of government approved Vietnamese Buddhist Sangha (VBS). Thousands of Vietnamese attended Buddhist ceremonies, lectures, and monastic retreats led by Thich Nhat Hanh and other senior monks. The Bat Nha monastery grew quickly, drawing hundreds of novices and young people to study from all over Vietnam. Local officials and police regularly discouraged potential novices from joining the Lang Mai community.

In October 2009, 180 Vietnamese academics, poets, teachers, and scientists, including Vietnamese Communist Party members, sent a petition to the government requesting an investigation. In addition, the local VBS management board in Lam Dong province sent a memorandum to national VBS leadership in Hanoi deploring the way the Lang Mai Buddhists had been treated. The Lang Mai Buddhists continue to seek a monastery in Vietnam to host their order and allow monks and nuns to live together in community.

Montagnard Protestants: Central Highlands

In some parts of the Central Highlands, particularly for those churches and meeting points affiliated with the SECV in Gai Lai province, religious freedom conditions have improved somewhat since Vietnam was designated as a CPC in 2004. Religious activity is tolerated within government approved parameters, and the government has re-opened closed religious venues and allowed new churches to be built, and provincial authorities have granted permission for some religious training classes to be conducted.

Religious freedom conditions have not improved uniformly, however, in all parts of the Central Highlands or Central Coast regions. There continue to be reports of restrictions, land seizures, discrimination, destruction of property, and other egregious religious freedom abuses that target independent or unregistered Protestant religious venues. In particular, in Dak Lak province, there was active harassment of independent Protestant groups who refused to join the SECV or those suspected of affiliation with the banned *Tin Lanh Dega* (Dega Protestant Church), which the government claims combines religion with advocacy of political autonomy. A 2007 study by the UN High Commissioner for Refugees, based on interviews with Montagnard asylum-seekers in Cambodia, found that few self-identified adherents of *Tin Lanh Dega* sought political autonomy or had a political agenda, apart from “enhancement of their human rights position” and the “need to gather in independent church communities.” Respondents unanimously expressed suspicion of the SECV, as an organization lead by Vietnamese and controlled by the Vietnamese government. Even those *Tin Lanh Dega* leaders who expressed a desire for greater political autonomy sought to advance this position peacefully, according to the study.

Government suspicion of a *Tin Lanh Dega* organized political movement has led to dozens of detentions and at least one beating death in recent years. According to Human Rights Watch and the European Parliament, Montagnard Protestant Y Ben Hdok died while in detention at a provincial police station in Dak Lak province in May 2008. Police claim that he was detained for suspicion of inciting demonstrations, though the family claims that he was organizing a group to seek asylum in Cambodia for reasons including religious persecution. In previous years, USCIRF has raised the cases of other ethnic minority Protestants beaten to death in police custody. There were no new developments related to the 2006 and 2007 deaths of Y Ngo Adrong or Y Vin Het. In the latter case, credible reports indicated that the ethnic minority Protestant was beaten to death by police officers for refusing to recant his faith.

According to the State Department, the Vietnamese government closely scrutinizes all ethnic minority religious communities in the Central Highlands, both legally recognized and independent groups, particularly in Dak Lak and Bien Phuoc provinces. In March 2008, religious leaders from the Inter-Evangelistic Movement (IEM) in Bien Phuoc were reportedly beaten and insulted by police when they traveled to Dak Nong province to hold services. On November 11, 2008, Vietnamese government officials issued fines and summons to everyone affiliated with an independent Protestant church of EahLeo hamlet, Dak Lak province. The church was later charged with operating an illegal Bible school for people outside the province and ordered to dismantle the school and cease religious activity because it was not legally recognized. The church continues to meet in another location. Also in November, in EaSup hamlet, Dak Lak province, police and provincial officials confiscated lumber purchased to build a chapel and issued an order telling the church in EaSup not to meet. In December 2008, hundreds of police and provincial officials destroyed a new Protestant church structure in Cu Dram hamlet; ethnic minority Protestants who protested the demolition were beaten with sticks and electric prods and some were severely injured and later were refused medical treatment. Leaders of this Cu Dram hamlet church continue to be threatened with arrest at this writing. Other independent ethnic minority congregations in EaSol and Thay Ynge hamlets and Krong Bong district of Dak Lak report that their leaders regularly are summoned to police stations and forced to sign papers agreeing that they will not gather “new” Christians for worship and that churches cannot be organized with believers from other hamlets or districts. Vietnamese government policy does not permit anyone who belongs to an unofficial religious group to speak publicly about their beliefs.

In the past year, dozens of Montagnard Protestants were detained, beaten, and threatened in Chu Se district, Gai Lai province because they were suspected of belonging to unregistered Protestant churches or planning to convey information about rights abuses to activists abroad. USCIRF was able to confirm that 11 individuals in this district were arrested and asked to renounce their faith in February 2009. Two remain in detention at this time. Human Rights Watch reports that police routinely raided unregistered

churches in the Central Highlands, mostly in parts of Dak Lak and Gai Lai provinces. On several occasions church members were beaten and shocked with electric batons when they refused to sign pledges to join the government-approved Southern Evangelical Church of Vietnam (SECV). In January 2010 two Montagnard Protestants were sentenced to prison terms of nine and twelve years for allegedly organizing “reactionary underground” networks. Though the details of this case are not entirely clear, there are reports that the two men were organizing unregistered church groups.

Similar charges were leveled against two Protestant evangelists working in Phu Yen province. In January 2010 police detained pastor Y Du reportedly because police suspected that he helped organize 2004 demonstrations for land rights and religious freedom in Dak Lak province. Pastor Du was beaten and dragged behind a motorbike. He was imprisoned in Phu Lam prison in Phu Lam district. Police reportedly told local Protestants that they do not have enough evidence to charge Pastor Du, but they will continue to hold him until he provides evidence against another Protestant pastor, Mai Hong Sanh, for organizing demonstrations. Along with Pastor Du, Phu Yen province officials continue to detain Pastor Y Co until he signs a “confession” concerning his prior involvement in public protests. He has reportedly refused numerous times to sign the document.

Provincial officials in the Central Highlands also target ethnic minority Protestants for official discrimination. Children reportedly are denied access to high school based on outdated laws prohibiting entrance of children from religious families. Protestants reportedly are denied access to government benefits readily available to non-Protestants, including housing and medical assistance programs. In addition, local officials reportedly pressure family elders, threatening to take away their government benefits unless they convince younger family members to renounce their faith. Montagnard Protestants have long complained of targeted discrimination, but at least one eyewitness report indicates that provincial officials are being trained in discriminatory tactics. At a 2007 religious training workshop in Kontum conducted by central government officials, local police and government officials were taught how to deny medical, educational, housing, financial, and other government services to “religious families” and families of recent converts. In addition, officials were instructed to divert foreign aid projects from known Protestant villages. It is unclear if this incident in Kontum is an isolated case, as the details of the official content of these training courses are unknown. The central government continues to conduct training courses for provincial officials on implementing Vietnam’s legal framework on religion.

Hmong Protestants: Northwest Provinces

The government continues to view with suspicion the growth of Christianity among Hmong in Vietnam’s northwest provinces. According to the State Department, over the past several years, the Vietnamese government has started to allow Hmong Protestants to organize religious venues and conduct religious activities in homes and “during the daytime.” However, unlike in some parts of the Central Highlands, the government has moved very slowly to extend legal recognition to Hmong Protestant churches. The number of legally recognized churches and meeting points has reached 100 in the past year, but an estimated 1,000 religious groups are seeking affiliation with the Evangelical Church of Vietnam (ECVN). Hundreds of applications for legal recognition have been declined or ignored, despite provisions in the Ordinance on Religion and Belief requiring government officials to respond to applications in a timely manner.

The Vietnamese government recognizes that there is a “genuine need” for religion in the northwest provinces, opening the way for at least some religious activity in the region to be legally recognized. However, government policy seems focused on making sure that “new” religious growth is controlled and “new” converts discouraged. According to the State Department, over the past year, local officials repressed Protestant believers in some parts of the northwest provinces by forcing church gatherings to cease, closing house churches, and pressuring individuals to renounce their religious beliefs, though often

unsuccessfully, despite the prohibition on forced renunciations in the Prime Minister's 2005 Instruction on Protestantism.

In the recent past, Hmong religious leaders reported that security officials attended religious services, checked church membership lists, and forced anyone not on the list to leave. In some locations, security officials 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. Since USCIRF's last Annual Report, in Bat Xat district, Lao Cai province, police harassed and confiscated food and other materials from a group of unregistered "house church" Protestants celebrating Christmas. In another village in Bat Xat district, police reportedly confiscated livestock and other belongings from members of another Protestant "house church" celebrating the Lunar New Year.

In August 2008, in Huoi Leng commune, Lao Cai province, a Protestant house church leader claimed that local officials constantly were pressuring him to give up his faith and threatening his congregants with deportation and cattle prods. Also, in Si Ma Cai district, Lao Cai province police beat and choked two Hmong Protestants in an attempt to force them to recant their faith. Police told them that there "could not be...Christians in the district." In Son La province, ethnic minority Catholics reported that government officials and police regularly threatened the loss of government benefits and services unless they returned to traditional religious practices and in Ha Giang province, local officials have used similar tactics and refused to allow a Catholic priest residence in the province.

In other regions, local authorities reportedly encouraged clan elders to pressure members of their extended families to cease practicing Christianity and return to traditional practices. Religious leaders also report that local authorities sometimes use "contract thugs" to harass, threaten, or beat them, according to the State Department. For example, in July 2007, a 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 all worship activities. Though such activities are prohibited by law, there are no known cases of prosecution or punishment for attempted forced conversions or property destruction.

In the past year, several unregistered religious gatherings were broken up or obstructed in the Northwest Highlands. Local authorities reportedly used "contract thugs" to harass or beat ethnic minority Protestants. During the USCIRF delegation's visit to Dien Bien province, local congregations reported detentions, discriminations, and efforts to get Hmong Protestants to recant their faith, including the arrest of two individuals for conducting religious training in multiple villages. There are also credible reports that Vietnamese police in Dien Bien Dong district, Na Son commune arrested and beat Hmong Protestant Sung Cua Po after he converted to Christianity in November 2009. Before his arrest, police incited local villagers to harass and stone his house, beat his wife, and fined other Protestants in the commune in order to get him to return to traditional Hmong religious practices. Government authorities also threatened the heads of his extended family with the loss of government services unless they pressured him to deny his faith. Sung Cua Po's house was destroyed in late March, 2010 along with the homes of 14 other Christian families in Dien Bien Dong district. He and his family have disappeared.

Unfortunately, cases like Sung Cua Po are not isolated. Abuses and restrictions targeting ethnic minority Christians in the Northwest provinces continue. Central government policy supports the actions of provincial officials. In 2006, the Committee on Religious Affairs in Hanoi published a handbook instructing provincial officials in the northwest provinces on how to manage and control religious practice among ethnic minorities. USCIRF was critical 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"—thus seemingly condoning forced renunciations of faith.

Although the 2006 handbook recognizes the legitimacy of some religious activity, it also indicates that the Vietnamese government continues to control and manage religious growth, label anyone spreading Christianity in the northwest provinces as a national security threat, and use unspecified tactics to “persuade” new converts to renounce their beliefs.

In 2007, the Committee on Religious Affairs promised to revise the handbook and, since its 2007 visit to Vietnam, USCIRF has received two new versions. Neither, however, offers much improvement on the original. In the 2007 revision, 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 again suggests that the growth of Protestantism among ethnic minority groups should be viewed as a potential threat to public security and that it is the responsibility of officials to stem it. The 2007 revised version also states that local officials must try to “solve the root cause” of Protestant growth by “mobilizing” ethnic groups to “preserve their own beautiful religious traditions.” A 2008 version of the handbook contains all the language in the 2007 revision but adds a final chapter which chides local officials for “loose control” over Protestantism, leading to an increase in illegal meetings places. Local officials are instructed that these meeting places “must be...disbanded.” These instructions are inconsistent with Vietnam’s international obligations to protect the freedom of religion and belief and can be read as instructions to abuse and restrict religious freedom.

Catholics

The relationship between the Vietnamese government and the Catholic church continues to be tense in some parts of Vietnam. Catholicism in Vietnam continues to grown rapidly and the church has expanded both clerical training and charitable activities in recent years. However, in response to peaceful prayer vigils at properties formerly owned by the Catholic church, police have used tear gas and batons and detained participants. In addition, government officials have employed “contract thugs” to assault and intimidate Catholics attending prayer vigils.

Tensions escalated in January 2008 after Catholic parishioners conducted large-scale prayer vigils at the residence of the former papal nuncio in Hanoi that the government had confiscated in 1954. In February of that year, after the government promised to resolve the problem, the prayer vigils ceased. However, on September 19, 2008 city officials announced that they would turn two sites formerly owned by the Catholic church into public parks and make the former papal nuncio's home a library. City officials immediately began demolishing buildings on the site of the Papal Nuncio and the former Redemptorist monastery in Thai Ha parish. Large-scale protests followed, with as many as 15,000 Catholic parishioners attending a special mass and prayer vigil conducted by Archbishop Kiet on September 21, 2008. Police used violence to disband crowds at the two sites and used “contract thugs,” some wearing the blue uniforms of the Communist Youth League, to harass and beat Catholic parishioners and vandalize churches. Eight individuals who participated in the vigils were arrested, and authorities detained and beat an American reporter covering the events.

The Hanoi People’s Committee has called for the “severe punishment” and removal of Archbishop Kiet and the transfer of four priests from the Thai Ha parish for “inciting riots,” “disrespecting the nation,” and “breaking the law.” Catholic leaders in Hanoi have refused these demands and the Catholic Bishops Conference issued a public defense of the Archbishop and local priests, raising concerns about the government’s commitment to religious freedom, the right of property, the government’s control over the media, and other human rights issues.

On December 8, 2008 the eight individuals arrested for participating in the prayer vigils at the Thai Ha parish were tried jointly at the Dong Da People's Court in Hanoi and convicted of disturbing public order

and destroying public property. Seven were given suspended sentences ranging from 12 to 15 months; of these, four were also sentenced to additional administrative probation ranging from 22 to 24 months. The eighth individual was given a warning. All were released with time served. The eight Catholics filed an appeal of the guilty verdict which was denied in April 2009.

Disputes over property continued in the past year. In July 2009, as many as 200,000 Catholics peacefully protested in Quang Binh province after police destroyed a temporary church structure erected near the ruins of the historic Tam Toa Church in Vinh Diocese. Police used tear gas and electric batons to beat parishioners who resisted, arresting 19, of whom seven were charged with disturbing public order. Charges are pending in this case.

In January 2010, an estimated 500 police and army engineers used explosives to blow up a crucifix at the cemetery of Hanoi's Dong Chiem Parish Church. Catholic laypeople that came to the site were held back by police and several people were beaten for protesting the action. The government alleges that the crucifix was erected illegally. In February 2010, Catholic laypeople and nuns who traveled to the Dong Chiem site to join peaceful prayer vigils were assaulted, harassed, and in one case briefly detained by police. Reportedly, not all Vietnamese government officials condoned the destruction of the crucifix. The local government in Dong Chiem released a statement expressing disagreement with the action.

The government maintains veto power over appointments of bishops, but often cooperates with the Vatican in the appointment process. Catholic leaders in Ho Chi Minh City reported that they often move ahead with ordinations without seeking government approval. In 2007 two bishops and two priests were rejected because of inappropriate “family backgrounds.” In 2009, the government approved three Vatican affiliated bishops in Hanoi, Ho Chi Minh City, and Buon Ma Thuot. All students must be approved by local authorities before enrolling in a seminary and again prior to their ordination as priests, and the province of Thien-Hue restricted the number of seminarians. However, the government allowed a new Jesuit seminary to be built in Ho Chi Minh City and permitted several local dioceses to conduct religious education classes for minors on weekends and some sizeable medical and charitable activities.

During a May 2009 visit, a USCIRF delegation discovered severe restrictions on Catholic activities in Son La and Ha Giang provinces. In Son La, bishops and priests were restricted from traveling to dioceses in northwest Vietnam and provincial authorities refused to register a local Catholic diocese and mistreated lay Catholic leaders. Among ethnic minority Catholics in Ha Giang, some communities face pressure by authorities to renounce their faith. Following discussions by USCIRF with local officials, Catholics in Moc Chau District of Son La were able to celebrate Christmas and Easter last year and a priest is now allowed to give communion twice a month at a Catholic meeting point.

Despite evolving tensions between Catholics and the Vietnamese government in the past several years, Hanoi continues to discuss with the Holy See conditions for the normalization of relations and other issues of concern. In December 2009, President Nguyen Minh Triet met with Pope Benedict XVI at the Vatican. Hanoi hosted a visit from a high-level Vatican delegation in February 2009. The delegation announced that Pope Benedict hoped to visit Vietnam by the end of 2010.

Human Rights Defenders

Over the past year, the Vietnamese government has harassed, threatened, detained and sentenced lawyers and human rights defenders who have assisted religious communities and other vulnerable populations in cases against the state.

In January 2010, human right lawyer Le Cong Dinh was sentenced to 16 years imprisonment for “conducting propaganda” against the state. As a lawyer, he defended human rights and religious freedom

advocates Nguyen Van Dai and Le Thi Cong Nhan in 2007. Le Cong Dinh is one of a growing number of peaceful human rights defenders challenging convictions based on Vietnam's vague national security laws and other laws inconsistent with the Vietnamese Constitution and international covenants and human right treaties to which Vietnam is a signatory.

In March 2010, unidentified intruders assaulted human rights activist Pham Hong Son and vandalized his home. They threatened additional action unless he stopped writing articles in the online journal *To Quoc*, which was started, according to its founders, to "defend human rights, free expression and religious freedom...using moderate language and reasonable arguments." USCIRF delegations met with Pham Hong Son in both 2007 and 2009. He is a peaceful reform advocate previously imprisoned for circulating via the internet an essay on democracy downloaded from the website of the U.S. Embassy in Hanoi.

On March 1, 2009, Ho Chi Min city police raided the law office and seized the property of, and detained for questioning, human rights lawyer Le Tran Luat, who is defending Catholics arrested for taking part in peaceful prayer vigils in Hanoi. The government revoked his legal license in April 2009. The official media has alleged tax fraud and other business related improprieties in what is often an act of political intimidation that signals a future arrest. Hanoi lawyer Le Quoc Quan also had his legal license revoked, allegedly because he was under investigation for assisting in the Thai Ha protests, and he has been unable to get his license renewed. Le Quoc Quan also was arrested in 2007 when he returned to Vietnam after completing a fellowship at the National Endowment for Democracy. His activities remain restricted and he is under constant surveillance, but was able to travel.

Mennonite pastor and human rights advocate Nguyen Thi Hong was given a three year sentence in January 2009 for "fraud" and other illegal business practices, allegedly for debts incurred by her late husband in 1999. Her lawyer claims that the debts were repaid and that she was singled out for her work as a human rights advocate and her association with the Mennonite group of Pastor Nguyen Quang which has not been allowed to legally register.

U.S. Policy

The U.S.-Vietnamese relationship expanded in many areas since relations were normalized in 1995. The United States is Vietnam's largest trading partner and U.S. investments in Vietnam topped \$1.5 billion in 2009. The U.S. and Vietnamese governments hold regular dialogues on human rights and the return of Americans who died during the Vietnam War. Vietnam will chair ASEAN, the Association of South East Asian Nations, in 2010.

The United States and Vietnam engage in a wide range of cooperative activities in the areas of peacekeeping, humanitarian assistance and disaster relief, search and rescue, maritime and border security, law enforcement, and nonproliferation. The countries cooperate on counternarcotics and regional security issues, including an annual political-military strategic consultation. Vietnam has hosted multiple visits by American nuclear powered carriers and destroyers and humanitarian supply ships. In June 2008, Prime Minister Dung announced plans to take part in the multinational Global Peace Operations Initiative (GPOI) to train international peacekeepers.

Vietnam's suppression of political dissent and religious freedom remains a source of bilateral contention. Since spring 2007, Vietnam's government has arrested dozens of political dissidents, and in 2008 and 2009 further tightened controls over the press and freedom of speech. The U.S. government has commercial rule of law programs in Vietnam and has funded small human rights related programs for woman, labor, and religious freedom. The Vietnam Education Foundation has brought 300 Vietnamese to the United States for graduate study in the past five years. The U.S.-Vietnam Fulbright program

remains one of the largest per capita, with an estimated 2,500 Vietnamese students and scholars coming to the U.S. to study in the past decade.

Recommendations

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

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

Prisoner Releases

- release or commute 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, Nguyen Van Dai, Le Cong Dinh, Nguyen Thi Hong, members of ethnic minorities in the Central Highlands and northwest provinces, the Cao Dai and Hoa Hao followers, and those held under some form of administrative detention or medical parole, including Le Thi Cong Nhan, Father Nguyen Van Ly, Father Phan Van Loi, the Most Venerable Thich Quang Do, and other UBCV leaders detained since the 2003 crackdown on the UBCV's leadership; and
- publicize the names of all Montagnard Protestants currently in detention for reasons related to the 2001 and 2004 demonstrations, allow visits from representatives of the International Committee of the Red Cross or other independent foreign observers, and announce publicly that a prompt review of all such prisoner cases will be conducted.

Revise Laws to Meet International Human Rights Standards

- amend the 2004 Ordinance on Religious Beliefs and Religious Organizations, Decree 22, the “Prime Minister’s Instructions on Protestantism,” and other domestic legislation to ensure that such laws do not restrict the exercise of religious freedom and 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;
- enforce the provisions in the Prime Minister’s “Instructions on Protestantism” that outlaw forced renunciations of faith and establish specific penalties in the Vietnamese Criminal Code for anyone who carries out such practices;
- end 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 speech, association, and assembly;
- revise or repeal 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, and Decree 56/CP, and Articles 258, 79, and 88, among others, of the Criminal Code, and end their de facto use to detain advocates;
- revise or repeal ordinances and decrees that limit the freedom of expression, assembly or association, including new regulations banning peaceful public protests of property disputes;
- end the harassment, threats, arrest, and revocation of legal licenses of human rights lawyers who take up political sensitive cases;

- establish a clear and consistent legal framework that allows religious groups to organize and engage in humanitarian, medical, educational, and charitable work;
- investigate and publicly report on the beating deaths of Hmong and Montagnard Protestants and prosecute any government official or police found responsible for these deaths; and
- implement the recommendations of the UN Human Rights Council pursuant to Vietnam's May 2009 UN Universal Periodic Review, including cooperation with various UN mechanism and special procedures.

Protect Peaceful Religious Practice

- establish a non-discriminatory legal framework for religious groups to engage in peaceful religious activities protected by international law without requiring groups to affiliate with any officially registered religious organization, for example:
 - allow 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;
 - allow leaders chosen by all Hoa Hao adherents to participate in the Executive Board of the Hoa Hao Administrative Council or allow a separate Hoa Hao organization, such as the Hoa Hao Central Buddhist Church, to organize legally and operate with the same privileges as the Administrative Council;
 - allow Cao Dai leaders opposed to the Cao Dai Management Council to form a separate Cao Dai organization with management over its own affairs;
 - allow Protestant house church groups in the Central Highlands, central coast, and north and northwest provinces to organize independently and without harassment, and allow them to operate, if desired, outside of either the Southern Evangelical Church of Vietnam (SECV) or the Northern Evangelical Church of Vietnam (ECVN);
- allow all Hoa Hao groups freely and fully to celebrate their founding Prophet's Birthday, allow the printing and distribution of all the groups' sacred writings, and allow the rebuilding of the Hoa Hao Buddhist Library in Phu Tan, An Giang province;
- approve the registration applications of all 671 ethnic minority churches in the north and northwest provinces and allow 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;
- create a national commission of religious groups, government officials, and independent, non-governmental observers to find equitable solutions on returning confiscated properties to religious groups;
- end the harassment and restrictions on monks and nuns affiliated with the Plum Village (Lang Mai) order associated with Thich Nhat Hanh, rescind the government decree to disband the order in Vietnam, and allow them to live and worship together legally and in community without harassment; and

- issue public orders to disband the Religious Security Police (*cong an ton giao*) and hold accountable all officials who beat, harass, or discriminate against those exercising the universal right to the freedom of religion and belief.

Train Government Officials

- revise 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 remove 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;”
- issue clear public instructions for provincial officials on 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 the 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;
- issue a “National Handbook for Religious Work” to train the estimated 21,000 new government officials engaged in “religious work” that 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; and
- issue 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.

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

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

- support the work of regional human rights organizations and civil society mechanisms to focus attention on Vietnam while it is the 2010 ASEAN chair, including supporting the participation of prominent dissidents, religious leaders, and legal reform advocates from Vietnam in regional human rights conferences, symposia, training, and capacity building;
- fully implement the Montagnard Development Program (MDP) created as part of the House and Senate Foreign Operations conference report of 2005 and continued in the 2008 conference report, and consider expanding the MDP to assist all ethnic minority communities in Vietnam to provide targeted humanitarian and development funds to ethnic minorities whose demands for land rights and religious freedom are closely connected;
- ensure that rule of law programs include regular exchanges between international experts on religion and law and appropriate representatives from the Vietnamese government, academia, and religious

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

- work to improve the capacity and skills of Vietnamese civil society organizations, including medical, educational, development, relief, youth, and charitable organizations run by religious organizations;
- offer some Fulbright Program grants to individuals and scholars whose work promotes understanding of religious freedom and related human rights;
- encourage 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;
- work with international corporations seeking new investments 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; and
- expand 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;
- seek access to the Central Highlands to monitor the safe resettlement of Montagnards repatriated from Cambodia and continue to assist the UN High Commissioner for Refugees (UNCHR) and other appropriate international organizations as they seek unimpeded access to the Central Highlands in order voluntarily to monitor repatriated Montagnards consistent with the Memorandum of Understanding (MoU) signed on January 25, 2005 between the UNHCR, Cambodia, and Vietnam;
- increase the use of Priority 1 authority to accept refugees facing a well-founded fear of persecution, both those who have escaped to other countries in the region and those who are still in Vietnam, without the prerequisite of a referral by the United Nations High Commissioner for Refugees, including seeking to expand in-country processing in areas outside of Ho Chi Minh City; and
- allow all monks and nuns affiliated with the Plum Village Buddhist order to enter the United States from Thailand under temporary religious worker visas (R-1), and remove any obstacles to the immediate granting of their visas so that they are able join a functioning religious community in the United States until their order in Vietnam is reestablished.

III. Recommendations for U.S. Congressional Action

The U.S. Congress should:

- pass the Vietnam Human Rights Act (H.R. 1609 / S. 3678) and fully appropriate the funds authorized in the Act, including for programs in religious freedom, human rights, refugees, rule of law, public diplomacy, and anti-trafficking measures;
- ensure that any new funds appropriated or allocated to expand bilateral economic or security relations are met with corresponding funding for new human rights, civil society capacity-building, non-commercial rule of law programs in Vietnam, and consider creating a pilot program for Vietnam as an Asian counterpart to Supporting Eastern European Democracy (SEED) program--which could be called Promoting Universal Rights and the Rule of Law (PURRL);

- continue oversight, establish benchmarks, and measure progress of the U.S.-Vietnam Human Rights Dialogues, renewed in 2007, by holding appropriate hearings on the progress report the State Department is required to submit to Congress on the trajectory and outcomes of bilateral discussions on human rights as required by Sec. 702 of PL 107-228;
- appropriate additional funds for the State Department's Human Rights and Democracy Fund for new technical assistance and religious freedom programming that should be at least 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.