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Front Cover: KHUSHPUR, Pakistan, March 4, 2011 – Pakistanis carry the coffin of Shahbaz Bhatti, Pakistan's slain minister of minorities, who was assassinated March 2 by the Pakistani Taliban for campaigning against the country's blasphemy laws. Bhatti, 42, a close friend of USCIRF, warned in a Washington visit just one month before his death that he had received numerous death threats. More than 15,000 persons attended his funeral. (Photo by Aamir Qureshi/AFP/Getty Images)

Back Cover: JUBA, Sudan, January 9, 2011 – Southern Sudanese line up at dawn in the first hours of the week-long independence referendum to create the world's newest state. The referendum vote was the final milestone in the implementation of the 2005 Comprehensive Peace Agreement, which ended more than 20 years of north-south civil war in Sudan. (Photo by Roberto Schmidt/AFP/Getty Images)

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The 2011 Annual Report is dedicated to the memory of Shahbaz Bhatti, the Pakistani Federal Minister for Minorities Affairs. Shahbaz was a courageous advocate for the religious freedoms of all Pakistanis, and he was assassinated on March 2 by the Pakistani Taliban for those efforts.

## Vietnam

**FINDINGS:** The government of Vietnam continues to control religious communities, severely restrict and penalize independent religious practice, and brutally repress individuals and groups viewed as challenging its authority. Religious activity continues to grow in Vietnam and the government has made some important changes in the past decade in response to international attention, including 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, intimidation, and heavy pressure to renounce their faith.

Given these ongoing and serious violations, USCIRF again recommends that Vietnam be designated as a “country of particular concern,” or CPC, in 2011. 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.

The Vietnamese government continues its policy of detaining prisoners of concern, and new evidence has surfaced of severe religious freedom abuses, including forced renunciations of faith, violence targeting religious communities, and new arrests of religious leaders and human rights defenders. 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, detentions, and violence. The Vietnamese government expanded efforts to curtail independent religious activity among both ethnic and religious minority groups during the reporting period.

**PRIORITY RECOMMENDATIONS:** The U.S. government should re-evaluate the diplomatic and political resources it employs to advance religious freedom and related human rights in Vietnam. U.S. policy and programs should protect and support those in Vietnam peacefully seeking greater freedoms and the rule of law. The U.S. government should view CPC designation as a flexible tool in spurring serious diplomatic engagement and achieving measurable improvements, while not hampering progress on other areas in the U.S.-Vietnam relationship. USCIRF recommends that any new U.S. economic or security assistance to Vietnam be coupled with new and sustainable initiatives in human rights and religious freedom and programs in non-commercial rule of law and civil society development. Additional recommendations and benchmarks for U.S. policy toward Vietnam can be found at the end of this chapter.

## Religious Freedom Conditions

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

Vietnam's overall human rights record remains poor, and has deteriorated since Vietnam joined the World Trade Organization in January 2007. Vietnam is an authoritarian state ruled by the Communist Party. Over the past four years, the government has moved decisively to repress any perceived challenges to its authority, tightening controls on freedom of expression, association, and assembly. New decrees were issued prohibiting peaceful protest in property disputes, limiting speech on the Internet, and tightening controls on journalists and access to the internet at cafes. Numerous legal and political reform advocates, free speech activists, human rights defenders, labor unionists, land rights petitioners, journalists, bloggers, independent religious leaders, and religious freedom advocates were arrested, placed under home detention or surveillance, threatened, intimidated, and harassed.

Religious freedom conditions have not improved as quickly or as readily as have other issues in the U.S.-Vietnamese relationship. While the government has expanded the zone of toleration for legally-recognized religious communities to worship and organize, it continues a policy of control, suppressing independent religious activity and arresting and detaining individuals for publicly advocating for greater religious freedoms or engaging in independent religious activity, including, over a dozen members of the Hoa Hao and Cao Dai communities, Khmer Buddhist monk Thach Sophon, two Catholic residents of Con Dau village, and ethnic minority Protestants leaders in the Central Highlands. There are also an unknown number of ethnic minority Montagnards, including religious leaders, still detained after the 2001 and 2004 demonstrations for religious freedom and land rights. Other religious leaders who remain held under house arrest are Unified Buddhist Church of Vietnam (UBCV) Supreme Patriarch Thich Quang Do and Fr. Phan Van Loi.

The government restricts religious practices through registration requirements, harassment, official discrimination, surveillance, and intimidation. A special "religious police" unit (A41) monitors and sets policies toward groups the authorities consider "extremists," including ethnic minority and unregistered Protestants, Khmer Buddhists, some Mennonite church leaders, independent Hoa Hao and Cao Dai groups, some Catholic priests and orders such as the Co-Redemptorists, and Vietnamese Buddhists associated with both the UBCV and the Plum Village movement of Thich Nhat Hanh.

The Vietnamese government continues to sanction violence against religious communities. In 2009, the government forcibly disbanded the "Plum Village" Buddhist order, including allowing the beating, sexual degradation, and detention of monks. During the reporting period, in May 2010, nearly 60 Catholic residents of the village of Con Dau, near Da Nang in Central Vietnam, were arrested after conducting an "illegal" funeral ceremony on land the provincial government wanted to confiscate in order to build an eco-tourism resort. Six Con Dau residents were sentenced during Secretary of State Hillary Clinton's visit to Vietnam in October 2010.

The Vietnamese government continues to release and offer temporary parole to prisoners of concern. Fr. Nguyen Van Ly was granted one year of temporary medical parole in March 2010 after suffering two strokes in prison, but could be sent back to prison at any time. Human rights activist Le Thi Cong Nhan was released in March 2010 after completing a three-year prison term, but is now under house arrest. Lawyer and religious freedom advocate Nguyen Van Dai completed his prison sentence in March 2011 and is now serving three years of administrative detention, or house arrest. On a positive note, Mennonite leader Nguyen Thi Hong was released in June 2010, almost a year prior to the end of her prison sentence. She remains under house arrest orders.

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. Religious leaders in Hanoi and Ho Chi Minh City report fewer restrictions on their normal worship activities in recent years, and the government continues to support the building of religious venues and the training of religious leaders and has allowed some large religious gatherings and pilgrimages. Hundreds of new church leaders were trained in the past year through government-approved training programs and seminaries, and some religious groups, especially in the south, were able to conduct charitable activities. The government also offered training sessions to local officials on Vietnam's religion laws, though the content of that training remains problematic, particularly in the ethnic minority areas. 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 have been 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 allegedly seeking Montagnard autonomy face continued problems, including property destruction, detentions, beatings, and forced renunciations of faith—a practice banned in 2005. In addition, lingering property disputes over venues and facilities previously confiscated by the Communist government have led to church demolitions, property confiscations, detentions, and violence.

Religious freedom improvements often depended on geographic area, ethnicity, relationships with local or provincial officials, or perceived “political” activity. Most religious leaders in Vietnam attributed positive changes to the CPC designation and the priority placed on religious freedom concerns in U.S.-Vietnamese bilateral relations. When designated as a CPC between 2004 and 2006, Hanoi released prisoners, expanded certain legal protections for nationally-recognized religious groups, prohibited the policy of forced renunciations of faith, resulting in fewer forced renunciations, and expanded 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, problems remained with the government's legal and policy framework for overseeing religious activity. There continues to be active suppression of independent religious activity, especially among ethnic minority populations and religious groups or individuals perceived as posing a political challenge to government authority. In addition, governmental efforts continued to stop the growth of Protestantism among ethnic minorities, including through discrimination, intimidation, and pressure. Buddhist and Hoa Hao groups that attracted a growing number of adherents were also subjected to violence, harassment, and detention. These problems remain acute during the reporting period.

#### *Implementation of Vietnam's Legal and Policy Framework on Religion*

The 2004 Ordinance on Religion and Belief requires religious groups to operate within government-approved parameters. The Ordinance promises fewer government intrusions in regular religious activities for those who succeed at gaining “national” legal status. However, the registration process is ill-defined and the Ordinance's implementation is problematic. Religious groups whose applications for registration are denied or who do not meet the Ordinance's vague standards are technically illegal and can be harassed or disbanded without warning. Some provincial officials ignore registration applications, 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 lower levels of legal status, neither of which offers the same protections as “national” recognition. Communities obtaining the first level of recognition, “permission for religious operation,” report government intrusions in daily religious activity, such as requesting the names of congregants, interference in church leadership decisions, or limiting participation in and the scope of worship services.

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

Contrary to its provisions, local officials have told religious groups and visiting USCIRF delegations that the Ordinance's provisions do not apply in their provinces, which causes increased difficulties for religious groups. In the northwest provinces, there remain hundreds of applications for legal registration that have not been acted upon by government officials. In the past year, the government has formally indicated to the recognized Southern Evangelical Church of Vietnam (SECV) that it will no longer register any new meeting places in the Central Highlands.

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

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

During the reporting period, 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, did not meet the Ordinance's criteria for "20 years of stable operation," or they were not affiliated with the government-approved religious organization.

For example, two unregistered Protestant churches in the city of Hue had their services raided and meeting points closed by police four times between December 2009 and June 2010. Local officials accused the pastors of violating the law by "gathering illegally." Both congregations had applied for registration and were denied. In January 2010 in Vinh Long Province, police disrupted and disbanded a religious education training seminar organized by the unregistered Good News Mission Church. The denomination had sought legal recognition several times since 2006 but was denied. The group was subjected to fines, a public denunciation session, and warned that further action could be taken because they had "gathered illegally."

The government continues to extend legal recognition to, and allows religious venues to affiliate with, officially-recognized religious groups including Buddhism, Islam, Catholicism, Protestantism, Hoa Hao, Cao Dai, Pure Land Buddhist Home Practice, Bani Muslim Sect, Threefold Enlightened Truth Path, Threefold Southern Tradition, the Baha'i Community, the Mysterious Fragrance from Precious Mountains, the Four Gratuities, and the Vietnam Christian Fellowship. In October 2009, the Assembly of God denomination was granted permission to operate, a status that had previously been denied because the Assembly of God did not meet the 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 that there are no longer any "prisoners of concern." USCIRF contends that dozens of prisoners of concern remain in Vietnam, detained for either their religious activity or religious freedom advocacy. And, during the reporting period, at least four religious leaders and a legal advocate for the Catholic community of Con Dau were arrested and detained. Along with those incarcerated, over a dozen religious leaders are being held under long-term administrative detention, including United Buddhist Church of Vietnam (UBCV) leader Thich Quang Do, Catholic Fr. Phan Van Loi, and Protestant Nguyen Van Dai and Le Thi Cong Nhan. 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 ample evidence to conclude 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 deciding whether Vietnam should be designated as a CPC.

Over the past several years, Montagnard Protestants have been subject to a number of short-term detentions, disappearances, and mistreatment in custody. According to Human Rights Watch, as many as 70 people were detained in 2010 in the Central Highlands, many for conducting "illegal" religious services. In November 2010 in Phu Yen Province, two leaders affiliated with the Good News Mission Church, Ksor Y Du and Kpa Y Ko, were sentenced for "undermining national unity" allegedly for being part of anti-government organizations. Ksor Y Du was reportedly handcuffed and dragged behind a motorbike to the police station and both men were repeatedly tortured in prison in order to elicit a confession. In addition, family members were asked to provide evidence against the two religious leaders in exchange for money and food, but refused.

During the reporting period, authorities in Tra Vinh, Soc Trang province defrocked and arrested Khmer Buddhist abbot Thach Sophon. He was sentenced in September to a nine-month suspended sentence and remains under house arrest. The situation of the Khmer Buddhists has been an underreported problem in Vietnam, particularly in the State Department's Religious Freedom report which has reported arrests of Buddhist monks for peacefully protesting religious freedom restrictions only after the monks were freed and deported.

According to public documents, a leader of an unrecognized sect of the Cao Dai faith was convicted for "slandering an on-duty official" in May 2010. According to the State Department, the priest was arrested in November 2009 after criticizing several police officers for breaking up a public protest against the government-sanctioned Cao Dai Administrative Board.

Four Catholic residents of Con Dau village were given suspended sentences in October 2010 for public protests against the banning of burial ceremonies on land the government wanted to buy to build an eco-tourism resort. Two villagers continue to serve sentences ranging from nine months to one year. The

Vietnamese government also sentenced human rights defender Cu Hu Va Huy to seven years' imprisonment in April 2011 under vague national security crimes. Cu Hu Va Huy was arrested soon after he took on the land dispute case of the Con Dau villagers.

Fr. Nguyen Van Ly was granted a one-year medical parole in March 2010 after suffering several strokes in prison. He can be returned to prison once his health improves or anytime after March, 2011. A USCIRF delegation was allowed to meet with Fr. Ly in May 2009. 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.

### *Buddhists, Hoa Hao, and Cao Dai*

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

The Vietnamese government requires the UBCV and independent Hoa Hao, and Cao Dai groups to affiliate only with the government-approved religious organization. Those who refuse typically 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 overall religious freedom conditions have improved in Vietnam, given that these groups, along with the ethnic minority Khmer Buddhists, represent the largest number of religious adherents in Vietnam.

### *Unified Buddhist Church of Vietnam (UBCV)*

The UBCV is Vietnam's largest religious organization with a history of peaceful social activism and moral reform. The UBCV has faced decades of harassment and repression for seeking independent status and for appealing to the government to respect religious freedom and related human rights. Senior UBCV monks, including the Most Venerable Thich Quang Do, with whom USCIRF delegations met in 2007 and 2009, remain under some form of administrative probation or pagoda arrest. Charges issued in 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. Government officials have taken steps to make sure that government-affiliated monasteries do not affiliate overtly with the UBCV. Routine systematic harassment of UBCV monks and affiliated pagodas occurs in the provinces of Quang Nam-Danang, Thua Thien Hue, Binh Dinh, Khanh Hoa, Ba Ria-Vung Tau, Dong Nai, Hau Giang, and An Giang.

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

There are continued reports of harassment and disbandment of religious ceremonies and other activities conducted by UBCV monks. Police routinely interrogated the Venerable Thich Vien Dinh and other monks from the Giac Hoa Pagoda in 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 May 2010, 300 followers were denied entry into the Giac Minh Pagoda for *Vesak* celebrations. The UBCV in Da Nang was prohibited by police from holding Vesak Day celebrations to honor Buddha's birthday. In Ho Chi Minh City, the UBCV experienced an overall decrease in interference by government officials during the reporting period but experienced heightened police observation during *Vesak* activities. Police monitored the celebrations on May 28 at the Giac Hoa and Lien Tri pagodas but did not intervene. UBCV officials claimed attendance by followers at the celebrations was lower than normal due to the increased police presence. Some followers stated that they were questioned by police officers after celebrations at the Lien Tri pagoda.

### *Hoa Hao and Cao Dai*

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

Both the Cao Dai and Hoa Hao groups report ongoing government oversight and control of their communities' internal affairs, including rituals, celebrations, funerals, and the selection of religious leadership, even of government-approved organizations. In addition, the government rejected the Cao Dai charter drawn up before the 1950s, has refused to allow the community to maintain its own independent source of income, and seized, without compensation, 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." There is continued friction between independent Hoa Hao and government officials in the Mekong Delta region, including reports of confiscation and destruction of HHCBC-affiliated buildings. HHCBC religious leaders refuse to affiliate with the government-approved Hoa Hao Administrative Council (HHAC) and are openly critical of it, claiming that it is subservient to the regime. HHCBC leaders and their followers have been arrested for distributing the writings of their founding prophet, had ceremonies and holiday celebrations broken up by police and sacred properties confiscated or destroyed, and individual followers faced discrimination and loss of jobs. Since 2005, 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.

Police regularly discouraged worshipers from visiting temples and facilities affiliated with the unrecognized Pure Hoa Hao Church in An Giang, Vinh Long, Dong Thap, and Can Tho, especially on church holidays related to the lunar calendar and the anniversary of the death of the founder of Hoa Hao Buddhism.

### *Khmer Buddhism*

The Vietnamese government's ongoing repression of the language, culture, and religion of ethnic Khmer living in Vietnam has led to rising resentment in the Mekong Delta, where as many as one million ethnic minority Khmer Buddhists live. Khmer Buddhism is associated with the Theravada branch and has religious and ethnic traditions distinct from the dominant Mahayana Buddhist tradition practiced in most of Vietnam. Some Khmer Buddhists have called for a separate religious organization, distinct from the

government-approved Vietnamese Buddhist Sangha (VBS). Religious freedom concerns continue to be central to demands of ethnic minority Khmer for human rights protections and preservation of their unique language and culture.

Long-simmering tensions emerged in 2007, as Khmer Buddhist monks in Tra Vinh and Soc Trang provinces peacefully protested government restrictions on their freedoms of religion and movement and Khmer language training. The monks objected to the government's restricting the number of days allowed for certain Khmer religious festivals and called on the government to allow Khmer Buddhist leaders—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 soon began arresting monks suspected of leading the protests; some reportedly were beaten during interrogations. At least 20 monks were defrocked and expelled from their pagodas, and five suspected of leading the demonstrations were sentenced to between one and five years in prison. Defrocked monks were sent home to their villages, where they were placed under house arrest or police detention.

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

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

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

In September 2009, after months of government harassment, over 300 Lang Mai (Plum Village) Buddhist monks and nuns, followers of the well-known Zen Master Thich Nhat Hanh, were forcibly removed from Bat Nha monastery in Lam Dong province. The government took action to disband the order after Thich Nhat Hanh called publicly on the government to release all political prisoners, disband the “religious police,” and establish an “independent Buddhist church” not connected to politics.

Monks were reportedly beaten, degraded, and sexually assaulted, and two senior monks, Phap Hoi and Phap Sy, were detained. Over 200 Buddhist monks and nuns sought temporary refuge at the nearby pagoda of Phuoc Hue; three months later, the government forcibly evicted all 400 monks and nuns residing at Phuoc Hue. A senior monk at another Lang Mai meditation center in Khanh Hoa province went into hiding to avoid arrest. Two hundred Lang Mai followers left to seek asylum in Thailand and, as of the end of the reporting period, were seeking religious worker visas to reside in the United States, Germany, Australia, 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. Thousands of Vietnamese attended Buddhist ceremonies, lectures, and monastic retreats led by Thich Nhat Hanh and other senior monks, and the Bat Nha monastery grew quickly, drawing hundreds of novices and young people to study

from all over Vietnam. However, this became increasingly threatening to government officials and the leadership of the government-approved VBS.

### *Montagnard Protestants: Central Highlands*

In parts of the Central Highlands, religious freedom conditions overall have improved since Vietnam was designated a CPC in 2004, particularly for those churches and meeting points affiliated with the SECV in Gai Lai province. The government tolerates religious activity within approved parameters, has reopened closed religious venues, granted permission for some religious training classes, and facilitated the building of new churches in the region. The State Department reports that conditions are best in Gai Lai province, where SECV officials have established working relationships with provincial officials.

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

Unrecognized religious groups in the Central Highlands continue to face severe restrictions, land seizures, discrimination, destruction of property, and other egregious religious freedom abuses that target independent or unregistered Protestant religious communities. In particular, in Dak Lak province, the government actively harassed independent Protestant groups refusing to join the SECV or suspected of affiliation with the banned *Tin Lanh Dega* (Dega Protestant Church), which the government believes advocates for political autonomy. A 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.” Interviewees unanimously expressed suspicion of the SECV, as an organization led by Vietnamese and controlled by the Vietnamese government.

According to a 2011 Human Rights Watch report, provincial officials in Gai Lai and Dak Lak provinces have expanded their campaign to suppress independent religious activity, effectively seeking to wipe out the *Tin Lanh Dega*. Beating deaths and disappearances of Montagnards suspected of being part of the *Tin Lahn Dega* are the most egregious abuses of religious freedom and related human rights occurring in the Central Highlands. Human Rights Watch and the European Parliament claim that 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 on suspicion of inciting demonstrations, though his family claims that he was organizing a group to seek asylum in Cambodia for reasons including religious persecution. In the past year, there were no new developments related to the 2006 and 2007 deaths in police custody of Y Ngo Adrong and Y Vin Het or the 2008 disappearance of Puih H’Bat, who was arrested with 11 others for conducting an illegal prayer service in her home in Chu Se district, Gai Lai province--an area where there has been many protests over land rights and religious freedom abuses.

Individuals and churches affiliated with Pastor Nguyen Cong Chinh, including the Vietnam People’s Christian Evangelical Fellowship Church (UKCC-VPCEF) and the Evangelical Lutheran Church, faced harassment and intimidation from local officials, in part because of Pastor Chinh’s public criticism of the government’s policies. In 2010, the Evangelical Lutheran Church reported that a congregation in Binh

Phuoc Province was harassed by police and prevented from celebrating Easter services. These denominations do not have legal recognition.

Village-level authorities across Vietnam also have cut off ethnic minority Protestants' access to funding and benefits originating with the government and non-governmental organizations (NGOs), including housing and medical assistance programs, which village authorities mediate. Children reportedly have been denied access to high school based on outdated laws prohibiting entrance of children from religious families. In addition, local officials reportedly pressure family elders, threatening to take away their government benefits unless they convince younger family members to renounce their faith. Montagnard Protestants have long complained of targeted discrimination, but at least one eyewitness report indicates that provincial officials are being trained in discriminatory tactics. 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 begun allowing 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 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 cited the "genuine need" for religion in the northwest provinces, opening the way for legal recognition of at least some religious activity in the region. However, government policy seems focused on making sure that "new" religious growth is controlled and "new" converts discouraged. 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, 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, confiscating property, 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.

During the USCIRF delegation's 2009 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 Sung Cua Po, a Hmong Protestant, after he converted to Christianity in November 2009. Before his arrest, police incited local villagers to harass and stone his house and 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.

Several small house churches affiliated with the Inter-Evangelistic Movement (IEM) continued to report difficulties in several locations in Dien Bien Province, where police in past years actively broke up meetings of worshippers, local authorities refused to register IEM meeting points, and authorities pressured followers to abandon their faith.

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

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

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

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

In 2006, the Committee on Religious Affairs in Hanoi published a handbook instructing provincial officials in the northwest provinces on how to manage and control religious practice among ethnic minorities. 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 then, USCIRF has received two new versions. Neither, however, offers much improvement on the original. In the 2007 revision, provincial officials are still told to control and manage existing religious practice through law, halt “enemy forces” from “abusing religion” to undermine the Vietnamese state, and “overcome the extraordinary...growth of Protestantism.” This last instruction is especially problematic, since it again suggests that the growth of Protestantism among ethnic minority groups is a threat that officials must combat. The 2007 revised version also states that local officials must try to “solve the root cause” of Protestant growth by “mobilizing” ethnic groups to “preserve their own beautiful religious traditions.” A 2008 version of the handbook contains all the language in the 2007 revision but adds a final chapter which chides local officials for “loose control” over Protestantism, leading to an increase in illegal meeting places. Local officials are instructed that these meeting places “must be...disbanded.” These

instructions are inconsistent with Vietnam's international obligations to protect freedom of religion and belief and can be read as instructions to abuse and restrict religious freedom.

There are multiple instances in 2010-2011 of local officials in Dien Bien province pressuring Protestants to renounce their faith through fines, beatings, threats of property confiscation and expulsion, and even death threats. For example, in June 2010, several Hmong Protestants from Trung Phu village, Na Son Commune, Dien Bien Dong district, Dien Bien province were threatened with death and beaten severely unless they renounced their faith. Also in June 2010, 25 individuals from Ban Xa Fi #1, Xa Xa Tong, Huyen Muang Dien Bien Dong, Dien Bien province were threatened with confiscation of property and beatings unless they gave up Protestantism. The leader of the local congregation was driven from his home and relocated to another village. Authorities continue to harass and intimidate the villagers.

In March 2011, 21 people belonging to an unrecognized Protestant church in Pha Khau Village, Phinh Giang Commune, Dien Bien Dong district, Dien Bien Province, were threatened with property confiscation and forced relocation unless they stopped meeting to worship. The individuals refused and authorities continue to harass and intimidate them. Also in March 2011, Hmong Protestants leaders who started an unrecognized congregation in Ha Tam village, Muong Ba commune, Tua Chua district, Dien Bien province were detained and interrogated by local authorities. They subsequently were expelled from the district. The "new" converts in Ha Tam village were threatened and ordered to renounce their faith.

According to a recent Human Rights Watch report, there also is an extensive campaign of forced renunciation of faith going on in the Central Highlands, centered in Gai Lai province, but including parts of Dak Lak and Kontum provinces as well. The campaign is aimed at halting independent religious activity, particularly by the Tin Lanh Dega, which the government views as a front for a long-disbanded resistance movement. There were reports that in 2010 in Gai Lai alone, hundreds of Dega Protestants renounced their faith after official pressure. In addition, according to published reports and interviews with individuals in Vietnam, these efforts have broadened in the past several years beyond Protestants to the "Ha Mon" Catholic groups found in Kontum.

### *Catholics*

The relationship between the Vietnamese government and the Catholic Church continues to be tense in parts of Vietnam. Catholicism continues to grow rapidly, and the church has expanded both clerical training and charitable activities in recent years. However, in the past several years, including in 2010, police have used tear gas and batons against, and have detained, participants at peaceful prayer vigils at properties formerly owned by the Catholic Church. In addition, government officials have employed "contract thugs" to assault and intimidate Catholics attending these prayer vigils.

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. The government alleged that the crucifix was illegally erected. Police held back Catholic laypeople who came to the site and beat several for protesting the action. In February 2010, police assaulted, harassed, and in one case briefly detained Catholic laypeople and nuns who traveled to the Dong Chiem site to join peaceful prayer vigils. Reportedly, not all Vietnamese government officials condoned the destruction of the crucifix. The local government in Dong Chiem released a statement disagreeing with the action.

In Da Nang in May 2010, police clashed with local Catholics at a cemetery in Con Dau village. Residents of this village faced government-organized harassment, detention, torture, and arrest for refusing to sell or vacate land – including a long-standing religious burial site that has been in their village for 135 years – to create an eco-tourist resort. In response to the villagers disobeying an order to cease burials in a cemetery the villagers refused to sell, police used force to break up a peaceful funeral procession. As

many as 60 people were detained. Those taken into custody report beatings, sleep deprivation, and forced confessions. Eyewitnesses also claim that Mr. Nam Nguyen, a Con Dau resident who died after being in police custody, was healthy and working the day before he died. Six Con Dau residents were detained for over six months before being put on trial, without legal representation, on charges of inciting riots, falsely accusing the government, and inciting attacks on state officials. In October 2010, the judge gave a one-year sentence to one of the villagers, a nine-month sentence to another, and suspended nine-month sentences to the remaining four.

Despite these tensions between Catholics and the Vietnamese government in the past several years, Hanoi continues to discuss with the Holy See conditions for the normalization of relations and other issues of concern. The 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. All students must be approved by local authorities before enrolling in a seminary and again prior to their ordination as priests, and the province of Thien-Hue restricted the number of seminarians. However, in 2009 the government allowed a new Jesuit seminary to be built in Ho Chi Minh City and permitted several local dioceses to conduct religious education classes for minors on weekends and to engage in some sizeable medical and charitable activities. Hundreds of new priests were trained in seminaries to meet a growing Catholic Church in Vietnam.

### *Human Rights Defenders*

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

- In April 2011, human rights defender Cu Hu Va Huy was given a seven-year sentence under vague national security laws for his activities defending victims of land confiscation and abuse of power, including representing the Catholic villagers of Con Dau. He was arrested in November 2010, after his law firm took on the Con Dau villagers' case in October, and issued public letters and gave interviews to foreign press.
- In January 2010, human rights lawyer Le Cong Dinh was sentenced to 16 years' imprisonment for "conducting propaganda" against the state. As a lawyer, he defended human rights and religious freedom advocates Nguyen Van Dai and Le Thi Cong Nhan in 2007.
- 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 through the Internet an essay on democracy downloaded from the Web site of the U.S. Embassy in Hanoi.
- In April 2011, Hanoi lawyer Le Quoc Quan was detained for seeking to attend the trial of Cu Huy Ha Vu. His law license previously had been revoked, allegedly because he was under investigation for assisting in the protests at former Catholic church properties, 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.

- Pastor Nguyen Trung Ton, the head of the Full Gospel Church in Thanh Hoa Province, and a close friend of human rights defenders Le Thi Cong Nhan and Do Nam Hai, reported repeated harassment and beatings by police. Local officials and “contract thugs” raided his congregations, detaining and mistreating church members. Despite Pastor Ton's repeated requests, security officials have not investigated these attacks. A USCIRF delegation met with Pastor Ton in May 2009.
- 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 register legally. Nguyen Thi Hong was released in June 2010.

## **U.S. Policy**

The U.S.-Vietnamese relationship has 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 the return of the remains of Americans who died during the Vietnam War. 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).

The United States and Vietnam engage in a wide range of cooperative activities in the areas of peacekeeping, humanitarian assistance and disaster relief, search and rescue, maritime and border security, law enforcement, and non-proliferation. The countries cooperate on counter-narcotics and regional security issues, including an annual political-military strategic consultation. Vietnam has hosted multiple visits by American nuclear-powered carriers and destroyers and humanitarian supply ships.

Vietnam’s suppression of political dissent and religious freedom continues to be a source of bilateral contention. During two visits to Vietnam in 2010, Secretary Clinton raised publicly the “differences” that exist between the United States and Vietnam on human rights, citing “violence against religious groups” as a particular problem. Nonetheless, U.S. officials continue to stress that there has been improvement of religious freedom conditions in Vietnam while citing an overall deterioration of human rights.

In the past, the State Department has maintained that one of the reasons Vietnam’s CPC designation was lifted was the lack of any “prisoners of concern.” The State Department will only consider when evaluating religious freedom conditions persons who are arrested “for reasons connected to their faith.” This narrow definition excludes anyone arrested or detained for peaceful public advocacy to protect religious freedom, including expressing support for the legal or political reforms needed to ensure it, or those who defend vulnerable religious leaders or religious freedom advocates in court. The State Department’s criterion also excludes those who monitor the freedom of religion and are arrested or otherwise punished for publishing their findings. It also excludes those who, motivated by ongoing restrictions on religious practice or the arrests of fellow believers, peacefully organize or protest to draw attention to government repression.

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. This approach runs counter to the fact that in all the most recent cases of arrest, detention, and imprisonment, religious leaders or religious-freedom advocates engaged in legitimate activities protected

by international treaties and covenants to which both the United States and Vietnam are signatories. In addition to the freedoms to believe and to worship, the freedom to advocate peacefully 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.

The U.S. government has committed over \$125 million dollars in economic assistance to Vietnam for the current fiscal year, the bulk of which goes to fund an HIV/AIDS program. The U.S. government has commercial rule-of-law programs 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 over the past five years. The U.S.-Vietnam Fulbright program remains one of the largest per capita, with an estimated 2,500 Vietnamese students and scholars coming to the United States to study in the past decade

## **Recommendations**

In addition to designating Vietnam as a CPC, USCIRF recommends that the U.S. government press for immediate improvements to end religious freedom abuses, ease restrictions, and release prisoners of concern; establish new priorities for assistance and refugee programs; and take specific actions through Congress to further the cause of religious freedom and related human rights in Vietnam. USCIRF also recommends that the State Department implement a wider definition of “prisoners of concern,” and that any increases in U.S. economic or security assistance to Vietnam be coupled with new and sustainable initiatives in human rights and religious freedom and additional programs in non-commercial rule of law and civil society development.

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

In both its bilateral relations and in multilateral fora, the U.S. government 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 conform to international norms regarding freedom of thought, conscience, and religion or belief, including revising the vague national security provisions in the 2004 Ordinance;

- enforce the provisions in the Prime Minister’s “Instructions on Protestantism” that outlaw forced renunciations of faith and establish specific penalties in the Vietnamese Criminal Code for anyone who carries out such abusive 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;
- revise or repeal ordinances and decrees that empower local security police to arrest, imprison, or hold citizens in administrative detention for vague national security or national solidarity offenses, including Ordinance 44, Decree 38/CP, and Decree 56/CP, and Articles 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 politically 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 crimes; 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 permit 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; and
  - 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 permit the rebuilding of the Hoa Hao Buddhist Library in Phu Tan, An Giang province;
- approve the registration applications of all 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 regarding 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 strictly 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 and 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:

- fully implement or re-authorize the Montagnard Development Program (MDP) created as part of the House and Senate Foreign Operations conference report of 2005 and continued in the 2008 conference report, and consider expanding the MDP to assist all ethnic minority communities in Vietnam to provide targeted humanitarian and development funds to ethnic minorities whose demands for land rights and religious freedom are closely connected;
- ensure that 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 to ensure that 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 (UNHCR) and other appropriate international organizations as they seek unimpeded access to the Central Highlands in order to monitor voluntarily repatriated Montagnards consistent with the Memorandum of Understanding (MoU) signed on January 25, 2005 between the UNHCR, Cambodia, and Vietnam;
- 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 may join a functioning religious community in the United States until their order in Vietnam is re-established.

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

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

- ensure that any 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;
- 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 at least 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.