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ON THE COVER: Members of Pakistan's Women Action Forum in Lahore, Pakistan rally against the presence of Taliban and militants in the northwest of Pakistan on Thursday, February 12, 2009. The banners condemn religious extremism, domestic violence, and the burning down of girls' schools in Swat. (AP Photo/K.M. Chaudary)

Vietnam

The Commission has recommended that Vietnam be named a "country of particular concern" (CPC) every year since 2001. The State Department named Vietnam a CPC in 2004 and 2005, but removed the designation in 2006, two months before Vietnam received Permanent Normal Trade Relations (PNTR) with the United States, which enabled Vietnam to join the World Trade Organization (WTO). At the time, the State Department cited religious freedom progress and the release of "prisoners of concern" as reasons for lifting the CPC designation. The Commission recognizes that the CPC designation spurred important changes in Vietnam, including: the release of prisoners; new legal protections for nationally recognized religious groups; the prohibition of the policy of, and an ensuing overall reduction in, forced renunciations of faith; and an expanded zone of toleration for worship activities, particularly in urban areas. Nevertheless, there continue to be far too many serious abuses and restrictions of religious freedom in the country. 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; and legal protections for government-approved religious organizations are both vague and subject to arbitrary or discriminatory interpretations based on political factors. 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. Also, over the past year, property disputes between the government and the Catholic Church in Hanoi led to detentions, threats, harassment, and violence by "contract thugs" against peaceful prayer vigils and religious leaders. Given the ongoing and serious problems faced by Vietnam's religious communities, the uneven pace of religious freedom progress after the CPC designation was lifted, the continued detention of prisoners of concern, and a deteriorating human rights situation overall, the Commission again recommends that Vietnam be designated as a CPC in 2009.

Over the past year, religious freedom conditions have not improved as quickly or as readily as other areas of the U.S.-Vietnamese relationship. Nevertheless, there is reason to believe that the government of Vietnam will engage on the international community's concerns about restrictions and abuses of religious freedom. The Commission traveled to Vietnam in October 2007 and was given access to high level government and provincial officials, religious prisoners and their families, and other dissidents. Non-governmental organizations (NGOs) have also engaged the government 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 between 2004 and 2006, when Vietnam was named a CPC. The Commission will seek to travel to Vietnam in 2009 to engage government officials on ongoing concerns and seek additional information on current conditions. The Commission urges the Obama Administration to re-evaluate its use of diplomatic and political resources to advance religious freedom and related human rights in its relations with Vietnam, and 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.

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 last year prohibiting peaceful protest in property disputes and limiting speech on the internet. As many as 40 legal and political reform advocates, free speech activists, human rights defenders, labor unionists, journalists, bloggers, and independent religious leaders and religious freedom advocates have been arrested and others have been placed under

home detention or surveillance, threatened, intimidated, and harassed. Given the prominence of religious leaders in advocating for the legal and political reforms needed to fully guarantee religious freedom, their continued imprisonment or 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 to speak out against restrictions on religious freedom and related human rights continue to be arrested or detained, including Nguyen Van Dai, Fr. Nguyen Van Ly, Li Thi Cong Nhan, and at least two dozen members from the Hoa Hao, Cao Dai, and Khmer Buddhist communities.

Yet despite these significant problems, 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, and some Protestant groups. Religious leaders in Hanoi and Ho Chi Minh City report few overt restrictions on their normal worship activities, and the government continues to support, for the most part, the building of religious venues and the training of religious leaders. However, lingering property disputes over venues and facilities previously confiscated by the Communist government created serious tensions in Hanoi last year, including church demolitions, arrests, 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 demonstrations by ethnic minority Montagnards were re-opened, and the government and the officially-recognized Protestant organization have established a working relationship.

Vietnam's legal framework on religion, the 2004 Ordinance on Religion and Belief, regularizes rules for religious groups seeking legal recognition and promises groups granted "national" legal status fewer government intrusions in regular religious activity. Religious communities granted "national" legal status over the past year include the Baha'is, the Adventists, Grace Baptist, the Pure Land Home Worship Buddhist group, and Mennonite congregations not affiliated with Pastor Nguyen Quang. However, there continue to be serious problems in the implementation of the Ordinance, with reports that some provincial officials ignore recognition applications, require them 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 other levels of legal recognition, neither of which provides 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.

In the past year, religious groups were harassed and their venues destroyed because they did not have legal status. In addition, there were reports that ethnic minority Protestants were arrested and detained for over a month because their meeting point was not legally recognized or because they were not affiliated with the government approved religious organization. Nevertheless, during the Commission's October 2007 trip to Vietnam, Protestant religious leaders reported that in recent years police harassment had declined overall, particularly in urban areas, though 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.

The Ordinance is also problematic because some of its provisions 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 in the Ordinance or other laws guaranteeing the religious rights of ethnic minorities.

Vietnam's Penal Code also contains penalties for vaguely-defined offenses, such as "attempting to undermine national unity" by promoting "division between religious believers and nonbelievers." The government continued to significantly limit the organized activities of independent religious groups and individuals regarded 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, offering 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, 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." The Commission contends that there remain dozens of prisoners of concern in Vietnam, individuals arrested or detained for actions related their religious vocation, practice, activity, or conscience. Along with those incarcerated, over a dozen religious leaders are held under long-term administrative detention, such as United Buddhist Church of Vietnam (UBCV) leader Thich Quang Do and Catholic Fr. Phan Van Loi. In addition, hundreds of Montagnard Protestants arrested after 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 are still incarcerated. The continued detention of prisoners of concern, and the existence of vague "national security" laws used to arrest them, should be a primary factor in determining whether Vietnam remains a "serious violator of religious freedom."

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. It remains the Commission's contention that 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. It is the Commission's contention that, in all the most recent cases of arrest and imprisonment, religious leaders or religious-freedom advocates engaged in legitimate actions, 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 is a legitimate activity guaranteed by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which protect not only the right to freedom of thought, conscience, and religion[1] but also the related rights to freedom of opinion and expression[2] and to freedom of peaceful assembly and association.[3] 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."[4]

Most of the prisoners of concern previously cited by the Commission and other human rights organizations remain incarcerated. Over the past year, six prisoners of concern were released, 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, however, have not been 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.

During the past year, UBCV monk Thich Tri Khai was arrested at his monastery in Lam Dong province, and remains missing. Also in the past year, 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 over land rights and religious freedom abuses in the past. In fact, according to Human Rights Watch, in April 2008 police arrested dozens of Montagnards in that area 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 at this writing. 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, an activity 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 other ethnic minority areas of the Central Highlands and Central Coast region, religious freedom conditions varied with reports of restrictions, land seizures, discrimination, destruction of property, and other egregious religious freedom abuses. 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. However, 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 *Tin Lahn Dega* church communities" separate from what they viewed as the Vietnamese-led SECV. Even those *Tin Lanh Dega* leaders who expressed a desire for greater political autonomy sought to advance this position peacefully, according to the study.

Suspicion of engagement with the Tin Lanh Dega may have lead to at least one beating death in the past year. According to Human Rights Watch, 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, the Commission 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, all ethnic minority religious communities in the Central Highlands, both legally recognized and independent groups, experience close government scrutiny, 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. Charges were later filed accusing the church of operating an illegal Bible school for people outside the province, and ordering it to dismantle the school and to 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, some were severely injured and later were refused medical treatment. Leaders of this Cu Drom 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 are regularly 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.

There is also disturbing evidence that provincial officials in the Central Highlands are targeting ethnic minority Protestants for official discrimination. Children are denied access to high school, based on outdated laws prohibiting entrance of children from religious families. There are also reports that Protestants 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 not clear 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.

The government continues to view the growth of Christianity among Hmong in Vietnam's northwest provinces with suspicion. 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 activity in homes and "during the daytime." However, unlike in some parts of the Central Highlands, the government has moved very slowly in extending 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 the Commission'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 in the past and have 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 to 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 Protestant 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 conversations or property destruction.

It remains unclear whether the abuses and restrictions targeting ethnic minority Christians are the actions of recalcitrant provincial officials or part of central government policy. In 2006, the Committee on Religious Affairs in Hanoi published a handbook instructing provincial officials in the northwest provinces on how to manage and control religious practice among ethnic minorities. The Commission 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 does recognize 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, the Commission has received two new versions. Neither, however, improves much 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 used 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 not consistent 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.

The government continues to actively discourage any independent Buddhist religious activity and refuses to legally recognize the UBCV and some Hoa Hao and Cao Dai groups. The government requires UBCV, Hoa Hao, and Cao Dai religious leaders and followers to affiliate only with the government approved religious organization; those who do not 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's attempts to create an independent organizational structure have been met with violence, harassment, interrogations, public denouncements, and long-term administrative detention of the UBCV leadership, including the Most Venerable Thich Quang. The freedom of movement, expression, and assembly of UBCV leaders continues to be restricted and there continues to be official harassment of monks, nuns, youth leaders associated with the UBCV. Senior UBCV monks 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 are also thwarted. In the recent past, UBCV monks have been detained and threatened and ordered to withdraw their names from such boards and cease all connections with the UBCV. Over the past year, 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 remains missing; 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, whose 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 as 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. In January 2007, security officials in Binh Dinh province issued orders prohibiting future religious gatherings at the Thap Thap monastery, reportedly threatening that local Buddhists would lose their jobs or their children would be expelled from school if they did not stop patronizing the monastery.

The UBCV's Supreme Patriarch Thich Huyen Quang, who had been administratively detained since 2003, died in July 2008. Most of the UBCV leadership, including Thich Quang Do and Thich Thien Hanh were allowed to attend the funeral and UBCV leaders were allowed to elect Thich Quang Do as Supreme Patriarch. The State Department reports that some UBCV monks were not allowed to attend the funeral, and kept in pagoda detention, including third ranking UBCV official Thich Thien Kley. Both Thich Quang Do and Thich Thien Hanh have been allowed to meet with foreign diplomats during the past year.

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 because of the constant harassment by police for his activities to organize a Buddhist Youth Movement, and a UBCV nun was also forced to leave the pagoda she founded in Khanh Hoa Province reportedly because she openly affiliated with the UBCV.

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 claiming memberships of four and three million respectively. Both the Cao Dai and the Hoa Hao report ongoing government oversight and control of their communities' internal affairs, including their rituals, celebrations, funerals, and selection of religious leaders. Other complaints concern the government's rejection of the Cao Dai charter drawn up before the 1950s, the official unwillingness to allow the community to maintain its own independent source of income, and the seizure without compensation of Cao Dai properties after 1975. Some Cao Dai traditionalists have refused to participate in the government-appointed management committees and have formed independent groups. Eight Cao Dai were arrested in 2005 for protesting government intrusion in Cao Dai affairs; five remain in prison.

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, have had ceremonies and holiday celebrations broken up by police, and have had sacred properties confiscated or destroyed. 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. Khmer Buddhism is associated with Theravada branch of Buddhism and has religious and ethnic traditions distinct from the dominant Mahayana Buddhist tradition practiced in most places 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.

There are as many as one million ethnic minority Khmer Buddhists in Vietnam, centered in the Mekong Delta region. Long simmering tensions emerged there in 2006 and 2007, as Khmer Buddhist monks peacefully started to protest 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 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 were they were placed under house arrest or police detention. As mentioned above, in January 2009, the five Khmer monks were released from prison, but they were not allowed to return to the monkhood.

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." Sarkhorn was released in November 2008 but placed under house arrest. He has since reportedly been allowed to return to Cambodia and is seeking asylum.

The relationship between the Vietnamese government and the Catholic Church deteriorated over the past year over the issue of property confiscated by the Communist Party in the 1950s. Peaceful prayer vigils for the return of two formerly Catholic owned properties in Hanoi ended with the police using tear gas and batons and arresting participants. The government also harassed, threatened, and restricted the movement of Hanoi Archbishop Joseph Ngo Quang Kiet, who publicly defended the rights of the Catholic protesters and visited the families of those arrested.

In January 2008, Catholic parishioners conducted large-scale prayer vigils at the residence of the former papal nuncio in Hanoi, which was confiscated by the government in 1954. In February, 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 into 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 best 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; it was denied in April, 2009.

During the Commission's 2007 visit, Vietnamese Catholics reported that the relationship between the Catholic Church and the Vietnamese government was evolving, with some progress and some restrictions remaining, and that Catholicism continued to grow rapidly in Vietnam. The government maintains veto power over appointments of bishops, but often cooperates with the Vatican in the appointment process, though in 2007 two bishops and two priests were rejected because of

inappropriate "family backgrounds." However, 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, 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 charitable activities. Archbishop Kiet told the Commission that he was restricted from traveling to dioceses in northwest Vietnam and that provincial authorities in Son La and Dien Bien provinces refused to register a local Catholic diocese and mistreated lay Catholic leaders. There continue to be problems for ethnic minority Catholics in some parts of the Central Highlands and northwest provinces as well. There also are credible reports that Catholic students were discriminated against in gaining entrance to colleges and schools at the beginning of 2008.

Hanoi continues to discuss with the Holy See conditions for the normalization of relations, discussions that included a meeting between Pope Benedict XVI and Prime Minister Nguyen Tan Dung at the Vatican and a corresponding visit of a high-level Vatican delegation to Vietnam in February 2007. In February 2009, a Vatican delegation came to Hanoi to discuss establishing relations between the Holy See and Hanoi. The delegation announced that Pope Benedict would like to visit Vietnam by the end of 2009.

Over the past year, the Vietnamese government has also harassed, threatened, detained and sentenced lawyers and human rights defenders who have assisted religious communities and other vulnerable populations in cases against the state. 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 and 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 not been able to get his license renewed. Le Quoc Quan also was arrested in 2007 when he returned to Vietnam upon completion of a fellowship at the National Endowment for Democracy.

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 for being associated with the Mennonite group associated with Pastor Nguyen Quang.

Recommendations for U.S. Policy

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

I. Press 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, Fr. Nguyen Van Ly, Nguyen Van Dai, Li Thi Cong Nhan, members of ethnic minorities in the Central Highlands and northwest provinces, the Cao Dai and Hoa Hao followers, and those held under administrative detention including Fr. Phan Van Loi, Thich Quang Do, and other

UBCV leaders detained since the 2003 crackdown on the UBCV's leadership;

- publicize the names of all Montagnard Protestants currently in detention for reasons related to the 2001 and 2004 demonstrations, allow visits to prisoners 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;

The Revision of Laws to Reflect International Human Rights Standards

- amend the 2004 Ordinance on Religious Beliefs and Religious Organizations, Decree 22, and 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 but do 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 establishing 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;

Protecting Independent 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 allowing a separate Hoa Hao organization, such as the Hoa Hao Central Buddhist Church, to organize legally and operate with the same privileges as the Administrative Council;

  --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 allowing 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;

The Training of 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 regarding the registration process, consistent with the provisions of the Ordinance, including by restating the timetables for responding to applications; providing redress for denials; and ceasing unreasonable demands for information or other conditions placed on registration applications, such as demanding names of all members of religious communities, requesting management changes, requiring denominational leaders to convene conferences to undergo indoctrination classes, and requesting that denominational leaders become informants on other religious groups;

- 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;

- 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;

Asylum and Refugee Issues

- allow ethnic minorities in the Central Highlands or northwest provinces to seek asylum safely in Cambodia and continue to allow representatives of the UN High Commissioner for Refugees (UNCHR) and other appropriate international organizations 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, and provide unhindered

access for diplomats, journalists, and NGOs to members of all religious communities in Vietnam, particularly those in the Central Highlands and the northwestern provinces; and

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

II. Establish New Priorities for U.S. Assistance Programs

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

- fully 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 use the MDP to provide targeted humanitarian and development funds to ethnic minorities whose demands for land rights and religious freedom are closely connected;

- re-allocate some funds that formerly supported the STAR (Support for Trade Acceleration Program) to new projects in human rights training, civil society capacity-building, non-commercial rule of law programs in Vietnam, education programs for minors and young adults, and exchange programs between the Vietnamese National Assembly and the U.S. Congress—for example by creating a pilot program in Vietnam to be the Asian counterpart to Supporting Eastern European Democracy (SEED) program, which could be called Promoting Universal Rights and the Rule of Law (PURRL);

- 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, to train public security forces on these issues, and to 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 investment in Vietnam to promote international human rights standards in Vietnam and find ways their corporate presence can help promote and protect religious freedom and related human rights; 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.

In addition, the U.S. Congress should:

- continue oversight, establish benchmarks, and measure progress of the U.S.-Vietnam Human Rights Dialogues, renewed in 2007, by holding appropriate hearings on the progress report the State Department is required to submit to Congress on the trajectory and outcomes of bilateral discussions on human rights (see Sec. 702 of PL 107-228);

- appropriate additional funds for the State Department's Human Rights and Democracy Fund for new technical assistance and religious freedom programming, funding that should be commensurate, at least, with new and ongoing programs for Vietnamese workers, women, and rule of law training; and

- engage Vietnamese leaders on needed legal revisions and protections of individuals related to the far-reaching national security provisions that are currently used to arrest and detain peaceful advocates for religious freedom and related human rights.

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[1] Universal Declaration of Human Rights (UDHR), Art. 18; International Covenant of Civil and Political Rights (ICCPR), Art. 18.
[2] UDHR, Art. 19; ICCPR, Art. 19.
[3] UDHR, Art. 20; ICCPR, Arts. 21 & 22.
[4] United Nations Human Rights Committee General Comment 22, Article 18 (Forty-eighth session, 1993), para 1.