

May 14, 2008: Commissioner Leo on "Human Rights in Vietnam" before the Congressional Human Rights Caucus

CONGRESSIONAL HUMAN RIGHTS CAUCUS HEARING

TESTIMONY BY USCIRF COMMISSIONER LEONARD LEO: HUMAN RIGHTS IN VIETNAM: CURRENT CONDITIONS AND RECOMMENDATIONS FOR THE U.S.-VIETNAM HUMAN RIGHTS DIALOGUE

MAY 14, 2008

Congresswomen Lofgren and Sanchez, members of the Congressional Vietnam Caucus, thank for convening this hearing. This is a timely event. Vietnam's Prime Minister is scheduled to visit the United States next month; the U.S.-Vietnam Human Rights Dialogue will be held in Hanoi at the end of this month.

In surveying human rights conditions in Vietnam, yesterday's Asian Wall Street Journal concluded that "despite the Vietnamese Communist Party's desire to hold onto power, the regime is susceptible to international pressure." We think this is an accurate statement.

A delegation from the Commission on International Religious Freedom spent two weeks traveling in Vietnam during October 2007. We met government officials, religious leaders, civil society representatives, and several "prisoners of concern" including Buddhist monk Thich Quang Do, Catholic priest Phan Van Loi, Nguyen Van Dai and Li Thi Cong Nhan.

We heard, from many of those we met during our trip, that improvements for religious communities were directly related to U.S. diplomatic engagement and designation of Vietnam as a Country of Particular Concern under the International Religious Freedom Act of 1998.

The original CPC designation created incentives and a diplomatic framework that led to tangible progress in some areas. The Vietnamese government recognized that religious freedom protections were a clear priority of bilateral relations, on par with economic and security concerns.

The Commission

continues to find that lifting Vietnam's CPC designation in 2006 was premature, removing an effective diplomatic tool.

The absence of that tool was all the more evident when Vietnam launched a crackdown on human rights, democracy, free speech, labor, and religious freedom advocates shortly after the State Department made the decision to lift the CPC designation.

In fact, since

Vietnam joined the World Trade Organization in January 2007, positive religious freedom trends have not kept pace with other elements of the U.S.-Vietnamese relationship, and there has been a marked deterioration of human rights conditions overall in Vietnam.

It is the

Commission's conclusion that religious freedom conditions in Vietnam remain problematic: improvements for some religious communities do not extend fully to others; progress in one province is not realized in another; national laws are not fully implemented at the local and provincial levels and are sometimes being used to restrict rather than protect religious freedom; and there continue to be far too many abuses and restrictions affecting Vietnam's diverse religious communities, including the imprisonment and detention of individuals for reasons related to their religious activity or religious freedom advocacy.

This is not to say

that religious freedom conditions have not improved after Vietnam was first designated as a CPC in 2004. They have. Closed churches were re-opened, new laws were issued banning forced renunciations of faith, and the zone of permissible religious activity expanded, particularly in urban areas.

However, notable

progress occurred alongside persistent abuses, discrimination, and restrictions.

Independent

religious activity is illegal. Those who seek to practice outside government-approved religious organizations-such as the United Buddhist Church of Vietnam, the Hoa Hao, Cao Dai, and some Protestants-face harassment, property confiscation, and detention.

Growing religious

practice among ethnic minority Buddhists and Protestants is often viewed as a security threat, requiring officials, in the words of a recently issued government training manual, "to manage, control and resolutely overcome" religious growth among ethnic minorities.

There also continue to be credible reports of forced renunciations of faith, despite bans on such activity, including the beating death of an ethnic minority Protestant one year ago.

We continue to be reminded that religious freedom abuses and restrictions are not simply a concern of the past. Since the Commission issued its Annual Report just two weeks ago, which contained a substantial section on Vietnam, we have continued to receive reports of serious abuses. These include:

- the disappearance of a Khmer Buddhist monk who refused to defrock novice monks participating in February 2007 demonstrations against religious freedom restrictions;
- the detention of some monks and the vandalizing of pagodas associated with the UBCV, despite Vietnam hosting an international celebration in Hanoi beginning today; and
- local government officials confiscating the property and destroying the homes of ethnic minority Protestants in the northwest provinces, reportedly in an effort to persuade them to renounce their faith and return to traditional religious practices.

In view of the ongoing and serious problems faced by many of Vietnam's religious communities, the uneven pace of reforms meant to improve the situation, the continued detention of religious prisoners of concern, and what can only be seen as a deteriorating human rights situation overall, the Commission again recommends that Vietnam be re-designated as a "Country of Particular Concern" or CPC under the International Religious Freedom Act of 1998.

Unfortunately, the State Department stated last week that Vietnam would not be re-designated as a CPC. One of the main reasons cited for this decision was the release, in the words of a State Department spokesman, of "all individuals the United States had identified as prisoners of concern for reasons connected to their faith."

The Commission is convinced, however, that there are scores of religious prisoners of concern, who have been detained and imprisoned, in part, for their attempts to exercise their religious freedom or to advocate on behalf of it. They include Nguyen Van Dai and Fr. Nguyen Van Ly and individuals from the Hoa Hao, Cao Dai, Khmer, and UBCV Buddhists.

In addition, there are hundreds of Montagnard Protestants, who were imprisoned after 2001 and 2004 demonstrations for land rights and religious freedom. Their continued imprisonment remains an unresolved religious freedom problem.

These religious prisoners of concern should be included in any discussion of whether Vietnam is, to use the language of the International Religious Freedom Act, a "severe violator of religious freedom."

The U.S.-Vietnamese relationship continues to grow-but it is too soon to determine whether the Vietnamese government is fully committed to protecting religious freedom instead of maintaining control of the country's diverse religious communities.

As I mentioned earlier, the Commission's Vietnam report is lengthy and detailed and is available on the Commission's Web site. The report also includes many recommendations. In my remaining time here, I would like to quickly highlight recommendations the Commission has made to the U.S. Congress:

- It is important for Congress to continue oversight, establish benchmarks, and measure progress of the U.S.-Vietnam Human Rights Dialogues by holding appropriate hearings on a report the State Department is required to submit to Congress by law. (Sec. 702 of PL 107-228);

- The

largest part of U.S. Economic Support Funds (ESF) to Vietnam has gone to fund commercial rule of law and other trade and business promotion activities. The Congress should require that new human rights programs and economic assistance targeting troubled ethnic minority regions are funded at the same levels as programs supporting trade and business development.

- Vietnam

uses national security provisions found in many of its laws to crush dissent and arrest human rights and democracy advocates. Revision of these problematic laws should be a priority of U.S. human rights diplomacy.

Congressional leaders should consider organizing an ongoing dialogue with counterparts in Vietnam's National Assembly on ways to balance national security and civil liberties in law.

- The U.S.

Congress has an important role to play in setting the scope and agenda for future U.S.-Vietnamese relations. The

Commission looks forward to working with members of Congress to further share our perspectives and recommendations for improving religious freedom and related human rights in Vietnam.