

**ANNUAL REPORT OF THE
UNITED STATES COMMISSION
ON
INTERNATIONAL RELIGIOUS FREEDOM**

MAY 2008

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LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 1, 2008

The PRESIDENT

The White House

DEAR MR. PRESIDENT: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the annual report, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228.

We would welcome the opportunity to discuss with you this Report, and the policy recommendations that it contains.

Sincerely,

Michael Cromartie
Chair

Enclosure

LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 1, 2008

Hon. CONDOLEEZZA RICE

Secretary of State

Department of State

DEAR MADAME SECRETARY: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the annual report, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228.

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LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 1, 2008

Hon. NANCY PELOSI
Speaker of the House
U.S. House of Representatives

DEAR MS. PELOSI: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the annual report, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228.

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UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 1, 2008

Hon. ROBERT BYRD
President Pro Tempore
U.S. Senate

DEAR MR. BYRD: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the annual report, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228.

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Sincerely,

Michael Cromartie
Chair

Enclosure

IN MEMORIAM
JOE CRAPA
1943-2007

This Annual Report is dedicated in memory and respect to Joseph R. Crapa, who served as the Commission's Executive Director from 2002 until his untimely death from cancer in 2007.

A committed public servant, Mr. Crapa guided this bipartisan body with consummate skill, combining a keen sense of public service with an abiding commitment to advancing the cause of religious freedom. He helped the Commission amplify its voice and broaden its reach. He came in as an accomplished policymaker and left as a friend and advisor to Commissioners and Commission staff alike.

ABOUT THE COMMISSION

The United States Commission on International Religious Freedom was created by the International Religious Freedom Act of 1998 (IRFA) to monitor violations of the right to freedom of thought, conscience, and religion or belief abroad, as defined in IRFA and set forth in the Universal Declaration of Human Rights and related international instruments, and to give independent policy recommendations to the President, Secretary of State, and Congress.

The Commission is the first government commission in the world with the sole mission of reviewing and making policy recommendations on the facts and circumstances of violations of religious freedom globally. The Commission's impact and success in accomplishing its mission are achieved through its efforts to bring advice and accountability to U.S. foreign policy in the promotion of religious freedom abroad. By providing reliable information and analysis, and careful and specific policy recommendations, the Commission provides the U.S. government and the American public with the tools necessary to promote this fundamental freedom throughout the world.

In the words of a key drafter of IRFA, the Commission was established for the purpose of ensuring "that the President and the Congress receive independent recommendations and, where necessary, criticism of American policy that does not promote international religious freedom."¹

The Commission, which began its work in May 1999, is not a part of the State Department and is independent from the Executive Branch.

The Commission is composed of 10 members. Three are appointed by the President. Three are appointed by the President *pro tempore* of the Senate, of which two are appointed upon the recommendation of the Senate Minority Leader. Three are appointed by the Speaker of the House of Representatives, of which two are appointed upon the recommendation of the House Minority Leader. The system of appointments thus provides that leaders of the party in the White House appoint five voting members, and leaders of the other party appoint four. The Ambassador-at-Large for International Religious Freedom serves *ex officio* as a non-voting member.

Commissioners bring a wealth of expertise and experience in foreign affairs, human rights, religious freedom, and international law; the membership also reflects the religious diversity of the United States.

The report covers the period May 2007 through April 2008. In June 2007, Felice D. Gaer completed her term as the Chair of the Commission, during which Michael Cromartie, Dr. Elizabeth H. Prodromou, and Nina Shea served as Vice Chairs. In July 2007, Michael Cromartie became Chair, and Preeta D. Bansal and Dr. Richard D. Land became Vice Chairs. Commissioners serve a two-year term and can be reappointed.

In carrying out its mandate, the Commission reviews information on violations of religious freedom as presented in the Department of State's *Country Reports on Human Rights Practices* and its *Annual Report on International Religious Freedom*. The Commission also

consults regularly with State Department and National Security Council officials, U.S. Ambassadors, and officials of foreign governments, as well as with representatives of religious communities and institutions, human rights groups, other non-governmental organizations, academics, and other policy experts. It visits foreign countries to examine religious freedom conditions firsthand. The Commission also holds public hearings, briefings and roundtables.

The Commission has met with President George W. Bush and senior members of his Administration, including the Secretary of State and the National Security Advisor, to discuss its findings and recommendations. The Commission also briefs Members of Congress, U.S. Ambassadors, and officials from international organizations. In addition, the Commission testifies before Congress, participates with U.S. delegations to international meetings and conferences, helps provide training to Foreign Service officers and other U.S. officials, and advises the Administration and Members of Congress and their staff on executive and legislative initiatives.

The Commission raises issues and brings its findings and recommendations to the American public through its public speaking activities, press conferences, other public events such as roundtables and briefings, its publications, Web site, and media outreach. During this reporting period the Commission's activities were covered by the *Christian Science Monitor*, *International Herald Tribune*, *Miami Herald*, *Los Angeles Times*, *New York Times*, *The Washington Post*, *The Washington Times*, the wires, National Public Radio, and PBS, to name a few.

Commissioners reside throughout the United States, and the Commission has traveled around the country to hold public hearings, public meetings, and other activities to inform the American people of its work.

While the work of the Commission is conducted year round, the Commission compiles an annual report of its policy recommendations in May to the President, the Secretary of State, and Congress. This report covers the period from May 2007 – April 2008.

¹ Congressional Record, S12999, November 12, 1998.

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

May 2008

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INTRODUCTION

The year 2008 marks the tenth anniversary of the passage of the International Religious Freedom Act (IRFA), legislation that threw a spotlight on the importance of religious freedom around the world and on the need to promote this freedom as an integral component of U.S. foreign policy. Developments of the past decade have strengthened the importance of freedom of religion or belief, as the U.S. government navigates a world threatened by religion-based extremism and religion-imbued conflict. The issue of religious freedom is now understood to have a profound impact on our own political and national security interests, as well as on political stability throughout the world. Whether in the Middle East, Southeast Europe, East Asia, or elsewhere, religion and the striving for religious freedom have often been explicit or implicit factors in civil strife. Religion can also be a powerful force for reconciliation. Clearly, the right to exercise freedom of religion or belief is too fundamental to be left undefended from the whims of autocrats, extremists, and demagogues.

IRFA provided a new array of diplomatic mechanisms that could be employed to advance this freedom internationally. It created the Office of International Religious Freedom at the Department of State, headed by the Ambassador-at-Large for International Religious Freedom and required that the Department draw on its network of U.S. embassies around the world to collect information on religious freedom conditions for constant monitoring and the annual publication of the *International Religious Freedom Report*. It also put an official in place at the National Security Council to advise on religious freedom issues.

IRFA also established the Commission on International Religious Freedom, an independent, bipartisan federal body of private citizens mandated to advance freedom of religion or belief. The Commission, with nine voting members, monitors international violations of religious freedom, provides reliable information and analysis, and makes policy recommendations to the President, State Department, and Congress on how best to ensure that people the world over are free to believe and manifest their belief, in accordance with international human rights norms.

Throughout the past decade, the existence of IRFA has sparked an increase in U.S. policymakers' recognition of the importance of religious freedom to people around the world, and its protection is now a recurrent focus of international actors. This change is also felt among religious freedom advocates throughout the world, many of whom are struggling under oppressive conditions, including some whom Commission delegations have met in their prison cells or in their homes, where they are being held under house arrest. Encouraged by the spotlight on this previously neglected area of human rights, non-governmental organizations and the media have risen to the task of documenting violations as well as advances, and their grass-roots efforts dovetail with those of governments and international organizations. Much room remains, however, for more effective U.S. policies promoting freedom of religion or belief.

Two countries can be singled out as exemplifying IRFA's impact. After decades of having its poor human rights and religious freedom record overlooked, Saudi Arabia was finally added to the State Department's list of "countries of particular concern," or CPCs, the most

egregious violators of religious freedom, in 2004. Finally under scrutiny for its severe religious freedom abuses, the Saudi government has been forced to address its record and has pledged to reform. The task ahead is to ensure that those pledges are implemented in practice. Vietnam has also come to recognize, as a result of the IRFA process and its designation as a CPC, that religious freedom matters, both in its relations with the United States and to its own citizens. The CPC designation worked as Congress intended when it passed IRFA, making religious freedom a priority in U.S.-Vietnamese relations. The government of Vietnam engaged on religious freedom concerns, legal issues, and prisoners—and there was noticeable progress. Nevertheless, enough serious religious freedom concerns remain for the Commission to conclude that it is too soon for the Administration to have lifted the CPC designation for Vietnam.

The Commission's Impact under IRFA

The Commission has made an impact on CPC designations, a key aspect of the implementation of IRFA. Since 2001, it has successfully recommended that North Korea, Eritrea, Vietnam, Saudi Arabia, and Uzbekistan be added to the U.S. government's list of the most severe violators of religious freedom. It has persuaded successive U.S. Administrations of the need to highlight religious freedom abuses in meetings with high-level dignitaries, including from the governments of China, Indonesia, Nigeria, Pakistan, Russia, Saudi Arabia, Sudan, and Vietnam. Its findings and policy recommendations have been incorporated into dozens of bills and resolutions in Congress.

For example, over the past decade, the Commission has influenced the debate on U.S. foreign policy regarding Sudan. The Commission was one of the first to call for a Special Envoy for Sudan, who was named by President Bush in September 2001. It helped ensure that desperately needed humanitarian assistance went to the worst-hit areas of Sudan, including the Nuba Mountains, by persuading the United States to increase aid outside of the UN's Operation Lifeline Sudan program, which is influenced by the government of Sudan, and it successfully encouraged the Administration to increase non-lethal assistance to opposition-controlled areas in Sudan. The Commission continues to conclude that the U.S. government has a crucial role to play in the future of Sudan, both by enlisting international support to press the Sudanese government to end its delaying tactics on implementing the 2005 Comprehensive Peace Agreement and by considering new sanctions to respond to such non-compliance.

The Commission has also helped shape U.S. policies with regard to China. In 2002, the Commission recommended to President Bush that he condition a state visit to China on the Chinese government providing him with an opportunity to make a major speech on religious freedom and human rights televised live and uncensored to the Chinese people. That speech was delivered at China's Tsinghua University and broadcast live nationwide on Chinese state television. The Commission sent a delegation to China in 2005 to discuss with Chinese officials the government's systematic violations of the right to freedom of religion or belief, including crackdowns on religious activities among Buddhists in Tibet, Muslims in Xinjiang, and unregistered Roman Catholic and Protestant communities. The delegation also drew attention to the protection of North Korean refugees in China. China remains a prominent focus of the Commission's work, with at least five separate hearings and panel discussions organized by the Commission, as well as the regular presentation of expert testimony before various congressional

committees. The unrest in Tibet as this report goes to press illustrates the necessity of keeping religious freedom concerns at the heart of U.S. policy toward China.

The Commission highlighted the undemocratic nature of Pakistan's separate-electorate system for religious minorities; the Pakistan government abolished separate electorates in 2002. The Commission also pressed for action against extremist religious groups and schools that promote violence, an issue that came to the forefront of U.S. policy only after the events of September 11. The Commission has regularly spoken out about the country's blasphemy laws, which commonly involve false accusations and result in the lengthy detention of and violence against Ahmadis, Christians, Hindus, and Muslims on account of their religious beliefs, as well as on other issues, including the laws violating the fundamental rights of the Ahmadi community, the persistent sectarian violence targeting Shi'as, Ahmadis, Hindus, and Christians, and the Hudood ordinances, which violate the rights of women.

Regarding Vietnam, the Commission successfully advised the U.S. House of Representatives in 2001 to ratify the U.S.-Vietnam Bilateral Trade Agreement, but only following adoption of legislation calling on the Vietnamese government to make substantial improvements in the protection of religious freedom—sending a signal to the Vietnamese government of America's commitment to human rights. The Vietnam Human Rights Act was overwhelmingly passed by the House prior to the Bilateral Trade Agreement vote.

The Commission was among the first voices in Washington to call attention to the grave plight of religious minorities in Iraq. As early as 2004, the Commission warned of legal shortcomings in Iraq that could result in discrimination against and repression of religious minorities. In December 2004, the Commission wrote to President Bush to urge the United States to do more to protect religious communities and religious sites from the escalating violence against them. In 2006, the Commission wrote to Undersecretary of State Paula Dobriansky seeking new or expanded options for allowing members of Iraq's smallest religious minority communities access to the U.S. refugee program. That letter was followed by a Commission op-ed on the subject in *The Washington Times*, which helped spur congressional hearings and led to the State Department's decision to establish a task force on Iraqi refugees. In the past year, the Commission held two hearings on the topic, and raised the issue during a meeting with Secretary of State Condoleezza Rice in May 2007 and through follow-up letters in February and September 2007.

The Commission also conducted a major study of the impact of a new U.S. immigration procedure, "Expedited Removal," on asylum-seekers in the United States. The study was authorized by the Commission's mandate to monitor implementation of Title VI of IRFA, which has provisions related to asylum seekers, refugees, and immigrants, with particular attention to individuals who have fled—or committed—severe violations of religious freedom. The study found that while implementation of some of the training and reporting provisions of Title VI has heightened awareness of religious persecution issues among immigration officials, other training and operational provisions remain under- or even un-implemented. Although Expedited Removal was intended equally to protect the integrity of U.S. borders and *bona fide* asylum seekers, the Commission's study found that serious implementation flaws meant asylum seekers were at risk of being returned to countries where they may face persecution. The study also

found that asylum seekers were detained inappropriately, in prison-like conditions and in actual jails. Those shortcomings were still apparent in 2007 when the Commission did a follow-up study, or “report card,” on the Expedited Removal program.

The Commission’s Annual Report

This annual report reviews the Commission’s activities during the past year and specifically:

- Describes conditions for religious freedom and related human rights in the countries of central concern to the Commission and highlights key findings;
- presents the Commission’s policy recommendations to ensure that the promotion of freedom of religion or belief becomes a more integral part of U.S. foreign policy, furthering both our nation’s humanitarian and national security interests; and
- reports on the actions the Commission has taken to raise public awareness of religious freedom violations, and summarizes the Commission’s efforts to keep Congress and the Administration informed of religious freedom conditions throughout the world.

The wide array of activities and publications in this reporting period illustrates the major impact the Commission has on developing U.S. policy to promote religious freedom abroad. Commissioners have testified before congressional committees and caucuses, met with high-ranking U.S. Administration officials including Secretary of State Condoleezza Rice, held hearings and press conferences on pressing religious freedom issues, conducted fact-finding missions to other countries, and published numerous policy papers, press releases, and op-eds.

Assessing the Status of Religious Freedom Firsthand

Each year, the Commission conducts visits to foreign countries to examine threats to religious freedom and to formulate potential policy responses. During this reporting period, Commission delegations visited Saudi Arabia, Turkmenistan, and Vietnam, all countries that have been on the Commission’s list of the worst violators of religious freedom, as well as Sweden, Jordan, and Iraq to examine Iraq-related issues. The visit to Saudi Arabia was intended to assess how far the Saudi authorities have progressed in implementing their previously articulated commitments to improve the climate for religious freedom. On the visit to Turkmenistan, Commissioners considered the extent to which the Central Asian country has undertaken reforms since the December 2006 death of longtime dictator Saparmurat Niyazov. The trip to Vietnam enabled Commissioners to gauge the impact of newly adopted government policies concerning religious freedom, and in Sweden, Jordan, and the Kurdistan region of Iraq, Commissioners met with displaced Iraqis and officials to gather current information about religious freedom conditions inside Iraq.

Saudi Arabia

The delegation to Saudi Arabia, led by then-Chair Felice D. Gaer, raised issues concerning the freedom of thought, conscience, and religion or belief that affect Saudi citizens and the large population of foreign workers, as well as others outside the country. The delegation visited three regions of the country in order to hear differing viewpoints: Riyadh, Jeddah and the Eastern Province. The discussions focused on: halting the dissemination of intolerant literature and extremist ideology; reform of school textbooks and curricula to remove language encouraging intolerance, hatred, or violence on the basis of religious differences, whether against Muslims, Christians, Jews, Hindus or others; protecting the right of private worship; curbing harassment by the Commission to Promote Virtue and Prevent Vice; and empowering the National Human Rights Commission. The delegation also explored Saudi government efforts to institute political and social reforms, the establishment of indigenous human rights institutions, the steps taken to combat religious extremism, religious freedom restrictions and discrimination affecting followers of different schools of thought within Islam, limitations on the universal human rights of women, and freedom of expression, including on sensitive issues relevant to religion in the press and other media.

The Commission was informed of certain institutional initiatives by the Saudi government to address human rights violations. The issue of abuses by the Commission to Promote Virtue and Prevent Vice—the religious police—also received unprecedented exposure in the Saudi media during the delegation visit. Yet, despite Saudi government pledges to institute reforms, the Commission concluded that many of these promises remain just that—promises—that have not yet been reflected in the promulgation and implementation of tangible protections for human rights. Although the Saudi government has permitted some initial steps toward the development of civil society, policies that would advance reforms have not yet been realized.

Turkmenistan

Chair Michael Cromartie led the Commission delegation to Turkmenistan eight months after the death of President Niyazov, under whom virtually no independent religious activity was allowed and severe government restrictions left most religious activity under strict, often arbitrary, state control. In addition, Niyazov's personality cult took the form of a quasi-religion to which everyone in Turkmenistan was forced to adhere, and his book of "spiritual thoughts," the *Ruhnama*, was required in mosques and churches alongside the Koran and the Bible. President Gurbanguly Berdimuhamedov has initiated some changes, including the release, just prior to the Commission's trip, of the country's former chief mufti, Nasrullah ibn Ibadullah, and 10 other prisoners of conscience.

The Commission raised many concerns with President Gurbanguly Berdimuhamedov and other Turkmen government officials, including: the 2003 law on religion, particularly those articles that violate international norms pertaining to freedom of religion or belief; the state-imposed ideology, particularly that of the personality cult, that infringes upon or severely diminishes the practice of freedom of religion or belief and related freedoms of association, movement, expression, and the press; intrusive and onerous registration procedures that hinder

the registration of peaceful religious communities; administrative fines on and the imprisonment of leaders or members of peaceful unregistered religious communities whose activities are deemed “illegal”; obstacles to the purchase or rental of land or buildings intended as houses of worship or for meeting purposes; the great difficulty in the use of private homes and public halls in residential areas for worship services; and a legal ban on the importation and printing of religious and other material.

The delegation found that despite new developments, the system of oppressive laws and practices that have led to severe violations of human rights, including freedom of religion or belief, remain in place. In addition, the overall repressive atmosphere that characterized public life in Turkmenistan under President Niyazov remains largely unchanged, and significant religious freedom problems and official harassment continue.

Vietnam

In Vietnam, Commissioners led by Chair Michael Cromartie visited Hanoi, Ho Chi Minh City, Hue, the Central Highlands, and Soc Trang Province in October – November 2007 to discuss conditions for freedom of religion and related human rights. The Commission met with Prime Minister Nguyen Tan Dung and other government officials and with representatives of Vietnam’s diverse religious communities. Moreover, the delegation was permitted to meet with prisoners of concern and others held under house and pagoda arrest and advocated for their release. The Commission also urged the government to undertake full, impartial, and effective investigations into continued report of restrictions and abuses on the freedom of religion among ethnic minorities and religious groups the government views as “political” or “security” threats.

The Commission found that since 2004, after Vietnam was named a CPC, permissible religious activity has increased. However, the Commission remained skeptical that genuine reform has been fully implemented, particularly in the context of Vietnam’s continued repression of peaceful political and religious dissent.

The Commission also found that in some areas of the country, provincial leaders are using their authority to restrict and abuse religious freedom. In the Central Highlands and Central Coast, local officials have confiscated the lands belonging to ethnic minority Protestants. In the Central Highlands, provincial officials are instructed to deny medical, educational, financial and other government services to “religious families” as well as to the family members of recent converts. In Soc Trang and An Giang provinces, Hoa Hao and Khmer Buddhists have been arrested after demonstrating against religious freedom restrictions and abuses. The Commission raised these issues, as well as concerns about continued restrictions targeting the United Buddhist Church of Vietnam, with government officials.

The Commission concluded that while religious freedom conditions are gradually improving in Vietnam, significant problems remain, including restrictions on and the mistreatment of certain religious groups and the continued detention of “prisoners of concern.” These prisoners include people who, motivated by their religion or conscience, express views or organize in support of legal or political reforms to advance religious freedom, those who monitor religious freedom problems and are arrested or otherwise punished for publicizing their findings,

and those who peacefully organize or protest to draw attention to persistent religious freedom concerns.

Sweden, Jordan, and the Kurdistan Region of Iraq

In November 2007, Commission staff traveled to Sweden to meet Iraqi asylum seekers, refugees, and internally displaced persons (IDPs). In March 2008, a delegation of Commissioners traveled to Amman, Jordan and Erbil, Iraq for additional meetings with refugees and IDPs from Iraq. The purpose of these visits was to learn from displaced Iraqis the circumstances under which they fled their homes, in order to determine what role religious repression may have played in that flight.

The Commission delegation to Jordan and Iraq also met with representatives of international and non-governmental organizations that are assisting the asylum seekers, refugees, and IDPs. In addition, in Erbil, the Commission met with members of the Kurdistan Regional Government and other local government officials and representatives of local religious communities, human rights organizations, and political parties, as well as with U.S. Ambassador to Iraq Ryan C. Crocker and other U.S. officials to discuss reports of discrimination against religious minorities both in Kurdish-dominated areas and in other parts of Iraq.

Keeping Congress Apprised of Religious Freedom Issues

Commission-Sponsored Hearings

The Commission held four hearings during the reporting period. Two focused on religious minorities, sectarian violence, and the refugee crisis in Iraq, one examined the aftermath of the “Saffron Revolution” in Burma, and one explored religious freedom in, and U.S. policy toward, Iran.

The first hearing on Iraq, held in July, focused on the threats faced by members of the smallest religious communities. Commissioners heard testimony of representatives of religious minorities and others who had been deliberately victimized by militants—and, witnesses claimed, even by members of the Iraqi police and security forces—testimony that included reports of murder, torture, and abductions for ransom; parishioners sleeping in churches to escape death squads and insurgents; families being given just hour deadlines to vacate their homes; and expropriated land, forced conversions and alleged extortion in the form of taxes on non-Muslims. The Commission was joined at the hearing by Reps. Anna Eshoo (D-CA) and Christopher Shays (R-CT).

The second hearing on Iraq, held in September, examined the causes, dimensions, and patterns of intra-Muslim sectarian violence, including the targeting of individual Muslims for killings and other violence on account of their religious identity as well as any potential Iraqi government role in that violence. It also examined U.S. policy in relation to Iraq’s refugee crisis, focusing on internal displacement and Iraqis sheltering in neighboring countries. Witnesses included Assistant Secretary of State Ellen R. Sauerbrey, Judy Cheng-Hopkins, the UN High Commissioner for Refugees’ Assistant High Commissioner for Operations, and Dana Graber,

Iraq Displacement Specialist, International Organization for Migration. Sen. Arlen Specter (R-PA), Sen. Gordon Smith (R-OR), and Rep. Steve Israel (D-NY) also addressed the Commission at the hearing.

“After the Saffron Revolution: Religion, Repression, and the U.S. Policy Options for Burma,” a hearing held in December 2007, evaluated how the Burmese military contributes to violent repression of peaceful dissent, ongoing abuses against ethnic minorities, and regional instability. It also examined UN diplomatic efforts and U.S. policy options for bringing about democratic change in Burma. Witness panels addressed the role of Buddhist monks in the demonstrations, the military’s manipulation of Buddhism to bolster its political legitimacy, the monks’ fate since the crackdown, the impact of the military’s ethnic policies, prospects for recent UN diplomacy in Burma, and suggestions for additional multilateral diplomatic action. Witnesses also evaluated sanctions and other U.S. policy options for bringing about democratic change in Burma.

Six witnesses, including Jeffrey Feltman, Principal Deputy Assistant Secretary of State for Near Eastern Affairs, testified before the Commission at its February 2008 hearing on “Advancing Religious Freedom and Related Human Rights in Iran.” The Commissioners and witnesses discussed human rights abuses in Iran, current U.S. policy, and potential avenues for more effectively addressing rights violations in the Islamic Republic. Witnesses highlighted the dire situation facing religious minorities in Iran, particularly Baha’is who are seen as heretics and are not recognized by Iranian authorities, as well as Sufi Muslims and Evangelical and other Protestant Christians. They also pointed to state-sponsored anti-Semitism and Holocaust denial rhetoric that have increased fear among Iran’s Jewish community.

Testimony by Commissioners at Other Congressional Hearings and Events

Commissioners also presented expert testimony before congressional bodies. In September, Commissioners Leonard Leo and Imam Talal Eid presented the findings of the Commission’s 2007 Annual Report at a meeting of the Religious Freedom Working Group, a bicameral body co-chaired by Sen. Norm Coleman (R-MN) and Rep. Roy Blunt (R-MO). Commissioner Leo also discussed the Commission’s trip to Vietnam at a joint briefing in December for the Congressional Human Rights Caucus, the Task Force on International Religious Freedom, and the Congressional Caucus on Vietnam. In October 2007, the Commission and the Congressional China Caucus co-hosted a roundtable discussion on Capitol Hill focusing on current problems facing refugees and asylum seekers in China, particularly North Koreans, Uighur Muslims, and Tibetan Buddhists.

In January 2008, Commissioner Nina Shea addressed human rights abuses and religious persecution in Burma at an off-the-record briefing of the congressional Task Force on International Religious Freedom. Commissioner Felice D. Gaer testified before the U.S. Commission on Security and Cooperation in Europe (Helsinki Commission) in February 2008. She reviewed the record of the Organization on Security and Cooperation in Europe (OSCE) in combating anti-Semitism, noting that anti-Semitism poses a significant danger to the security of OSCE participating states. In March, Commissioner Shea spoke about religious freedom conditions in Iran at a meeting of the bipartisan Iran Working Group.

Countries of Particular Concern and the Watch List

Each year, the Commission makes recommendations to the Department of State on “countries of particular concern,” or CPCs: countries whose governments have engaged in or tolerated systematic and egregious violations of the universal right to freedom of religion or belief. After a country is designated, the U.S. president is required by law to oppose the violations by taking actions specified in IRFA. The Commission stresses that under IRFA, CPC designation is just the start to diplomatic activity aimed at promoting freedom of religion or belief.

In this reporting period, the Commission recommends that the Secretary of State designate the following countries as CPCs: Burma, the Democratic People’s Republic of Korea, Eritrea, Iran, Pakistan, the People’s Republic of China, Saudi Arabia, Sudan, Turkmenistan, Uzbekistan, and Vietnam. This report contains chapters detailing the status of religious freedom in each of those countries.

The Commission also compiles a Watch List of countries that do not merit CPC designation but require close monitoring in an effort to improve conditions for the freedom of religion or belief. The Commission’s Watch List in this reporting period includes Afghanistan, Bangladesh, Belarus, Cuba, Egypt, Indonesia, and Nigeria. The Commission is concerned about the serious abuses in these countries, and that the governments either continue to be responsible for repression of and/or violence against persons amounting to serious violations of freedom of religion, or have failed to punish the perpetrators of those acts.

More information about the Commission’s recommendations on all of these countries can be found in this report.

Assessing U.S. Government Performance

The Commission has played a key role in efforts to encourage the U.S. government to increase resettlement options for members of vulnerable groups fleeing religious repression. In particular, the Commission has recommended that the U.S. government expand the possibility of resettlement for refugees from Iraq’s smallest religious communities, including ChaldoAssyrian Christians, Mandaean, and Yazidis, who are heavily targeted in Iraq and disproportionately represented among the refugee populations in neighboring countries. The Commission recommends that the State Department open a Priority 2 categorization for members of these particularly vulnerable groups and expand family reunification options for Iraqi refugees with relatives in the United States.

In May 2007, the Commission met with Secretary of State Condoleezza Rice to discuss the Commission’s grave concern over the deteriorating situation for freedom of religion and belief in Iraq, including the plight of the smallest religious minorities. In addition to Iraq, the Commissioners raised religious freedom and associated human rights issues in Saudi Arabia, Sudan, China, Bangladesh, Turkey and the 56-member OSCE. Then-Vice Chairs Elizabeth H. Prodromou, Nina Shea, and Michael Cromartie and Commissioners Richard D. Land and Preeta D. Bansal attended the meeting.

The same month, Commissioners met with Homeland Security Secretary Michael Chertoff regarding asylum seekers in the Expedited Removal process. The meeting followed the Commission's congressionally-authorized 2005 study, published under then-Chair Preeta D. Bansal, which found that implementation of the Expedited Removal procedure allowing U.S. border officials to quickly remove illegal aliens from the country was seriously flawed. The meeting occurred after the Commission's February 2007 follow-up study, issued under then-Chair Felice D. Gaer, which noted the failure of most relevant federal agencies to adopt the Commission's recommendations regarding ways to ensure that persons fleeing repression on account of their religion are not denied refuge in the United States.

Throughout the fall of 2007, the Commission advocated for the renewal of the mandate of the UN independent expert (or "Special Rapporteur") who investigates and reports on violations of the freedom of religion or belief around the world. The Commission set out its views on the vital need to renew the Special Rapporteur's mandate in a September 2007 letter to Secretary of State Rice, in which it also called for the U.S. government to speak out firmly against the increasing pressure in international institutions, including the UN Human Rights Council, to shift the focus from promoting religious freedom to halting so-called "defamation of religions." The UN Special Rapporteur's mandate was renewed at the December 2007 session of the UN Human Rights Council, at which Commissioner Leonard Leo participated as part of the U.S. delegation.

Raising Public Awareness

The Commission has also voiced concerned on issues connected with freedom of religion or belief during this reporting period, including through reports, press releases and op-eds. An article in *the Las Cruces Sun-News*, by then-Commissioner Bishop Ricardo Ramirez and Commissioner Michael Cromartie, urged a reinvigorated U.S. leadership role in efforts to revive peacemaking in Sudan. Commissioner Cromartie and then-Chair Felice D. Gaer published an op-ed in *The Washington Times* calling on the U.S. government clearly and unequivocally to press Pakistan to decriminalize blasphemy and to urge the Pakistani government to take more serious steps to combat Islamic extremism.

The Commission also highlighted religious freedom issues by sponsoring public events. In October 2007, the Commission co-sponsored two public events on the human rights situation in Kazakhstan with Freedom House and the Open Society Institute, featuring two leading Kazakh human rights activists, Ninel Fokina, Chair of the Almaty Helsinki Committee and Evgeny Zhovtis, Chair of the International Bureau of Human Rights, along with several representatives of Kazakhstan's Hare Krishna community.

In December 2007, Commission Chair Michael Cromartie presented the Commission's *Policy Focus Turkmenistan*, based on the conclusions of the Commission's trip to that Central Asian country, at a roundtable sponsored by Freedom House. In January 2008, the Commission co-sponsored a presentation at the Kennan Institute for Advanced Russian Studies of the Woodrow Wilson Center on "The Putin Government's Responses to Increased

Xenophobia,” featuring Aleksandr Verkhovsky, a leading Russian expert on xenophobia and freedom of religion.

In April 2008, the Commission published *Prison Without Bars*, a follow-up report to its 2005 study of religious repression in North Korea. The purpose of the new report was to determine whether religious freedom conditions have changed, if the repressive government policies discussed in the first report remain in force, and whether refugees repatriated to North Korea continue to face harsh treatment. The report confirmed the continuing, pressing need for more effective action on the international level to address the repression of religious freedom and other human rights in North Korea.

The past decade has resulted in significant progress toward the primary goal of IRFA: to institutionalize concern for religious freedom in the U.S. government’s foreign policy apparatus. Yet, as the chapters in this Annual Report demonstrate, the process is far from complete. Fully integrating religious freedom into the U.S. foreign policy agenda will continue to be a key challenge for U.S. policymakers in future decades as they work to advance this fundamental freedom in accordance with the IRFA legislation. Indeed, ten years after the adoption of IRFA, promoting religious freedom has proved to be more vital than ever to the political and humanitarian interests of the United States, as well as to national and global security.

SAUDI ARABIA

Introduction

Since its inception, the U.S. Commission on International Religious Freedom has raised serious concerns about religious freedom conditions in Saudi Arabia and recommended that the country be designated by the Secretary of State as a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of the right to freedom of religion or belief. The Commission was instrumental in securing Saudi Arabia’s official CPC designation in September 2004.

In July 2006, as a consequence of CPC designation, the State Department announced that ongoing bilateral discussions with Saudi Arabia had enabled the U.S. government to identify and confirm a number of policies that the Saudi government “is pursuing and will continue to pursue for the purpose of promoting greater freedom for religious practice and increased tolerance for religious groups.”¹

Nearly one year after the State Department announcement, the Commission traveled to Saudi Arabia in late May and early June 2007 to discuss religious freedom concerns and examine policy measures to ensure progress by the Saudi government in implementing several of its stated policies related to religious practice and tolerance. Such stated policies include: 1) halting the dissemination of intolerant literature and extremist ideology within Saudi Arabia and abroad; 2) reviewing and revising educational materials and textbooks; 3) protecting the subsidiary rights to private worship and to possess personal religious materials; 4) curbing harassment and repression of religious practitioners; and 5) empowering officially sanctioned human rights institutions. In addition, the Commission discussed the status of religious pluralism in the Kingdom, including freedom of religion or belief with respect to followers of different schools of thought within Sunni and Shi’a Islam, as well as for non-Muslims.

Although the Commission was extended various courtesies and assistance by the Saudi government in connection with the visit, the government refused Commission requests for meetings with officials at key agencies such as the Commission to Promote Virtue and Prevent Vice (CPVPV) and the Ministries of Education and Justice. The Commission also requested, but was not granted, meetings with members of the Consultative Council (Shura) and representatives of the King Abdul Aziz National Center for Dialogue, which inhibited the delegation from hearing various governmental points of view on a full range of issues. After the visit, then Commission Chair Felice D. Gaer wrote in late June 2007 to the Saudi Ambassador in Washington, DC and to the Chair of the Saudi Human Rights Commission, requesting textbooks from the current Saudi government curriculum, further information, and responses to outstanding questions. As of this writing, the Commission has not received a reply from the Saudi Ambassador. A July 2007 letter to the Commission from the Saudi Human Rights Commission stated that textbooks currently are being reviewed and copies would be sent to the Commission upon completion, although no completion date was given.

U.S. Policy

Until the State Department's CPC designation in 2004, many observers of the U.S.-Saudi relationship had been critical of the unwillingness of successive U. S. administrations to raise religious freedom and other human rights concerns as part of the bilateral agenda. The Commission had urged CPC designation for several years prior to the designation. In 2004, the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) concluded that Saudi Arabia was a "problematic ally in combating Islamic extremism," and called on the United States to "confront problems with Saudi Arabia in the open and build a relationship beyond oil, a relationship that both sides can defend to their citizens and includes a shared commitment to reform." Notwithstanding CPC designation, many observers contend that, even now, the United States does not want to jeopardize important bilateral security and economic ties by pushing for political and human rights reforms. Indeed, it is the conclusion of this Commission that CPC designation and subsequent U.S.-Saudi bilateral discussions have not resulted in substantial reforms by the Saudi government concerning religious freedom.

In September 2005, Secretary Condoleezza Rice approved a temporary 180-day waiver of further action to allow for continued diplomatic discussions between the U.S. and Saudi governments and "to further the purposes of the International Religious Freedom Act (IRFA)." The July 2006 announcement by the State Department included a renewal of the waiver by Secretary of State Rice. Other than the waiver, no action under IRFA has been taken by the U.S. government as a consequence of CPC designation.²

In August 2007, Congress passed legislation (H.R. 1, "Implementing Recommendations of the 9/11 Commission Act of 2007") that requires the President to report to it within 180 days on progress made by the Saudi government since 2001 "to facilitate political, economic, and social reforms, including greater religious freedom." As discussed in the recommendations below, this assessment should include progress by the Saudi government on implementation of the July 2006 confirmation of policies.

The Commission urges the U.S. government to address more actively and publicly religious freedom and other human rights issues with the Saudi Arabian government and report openly on the success or failure to implement genuine reforms in these areas in order to ensure that initiatives by the Saudi government will result in substantial, demonstrable progress. Specific recommendations are presented at the end of this chapter.

Findings

The Commission's findings from its visit and other information received during the past year are outlined below, followed by a detailed discussion of those findings and recommendations for U.S. policy. It should be reiterated that the Commission did not meet with a fully representational set of interlocutors during its visit. The majority of persons with whom the Commission met, both in and outside the government, stated their view that King Abdullah is making some efforts to bring much needed human rights reforms to the Kingdom. Most agreed that the pace of reform has been slow, and that obstacles—including but not limited to corruption and resistance within the Royal family and religious establishment from elements that oppose change—have hindered progress. The Commission visit confirmed that the Saudi government

persists in severely restricting all forms of public religious expression other than the government's interpretation and enforcement of Sunni Islam.

General Findings: Lack of Progress on Reform Efforts

- Despite Saudi government pledges to institute reforms, particularly those confirmed in the July 2006 list issued by Ambassador-at-Large for International Religious Freedom John V. Hanford III, the Commission concludes that many of these promises remain just that—promises—that have not yet been reflected in the promulgation and implementation of tangible protections for human rights. Although the Saudi government has permitted some nascent steps toward the development of civil society, policies that would advance reforms have not yet been realized.
- The Commission continues to conclude that if the Saudi government were to implement fully the July 2006 policies it has previously identified and confirmed to the U.S. government for the purpose of improving conditions for religious practice and tolerance, it would begin to diminish some of its institutionalized abusive practices that have resulted in severe violations of freedom of thought, conscience, and religion or belief in Saudi Arabia and worldwide. However, the Saudi government has not been transparent with regard to evidence of progress on these policies. Nor has it established adequate measures to implement universal human rights standards and to provide enforceable remedies to the alleged victims. The Commission concludes that, as a result, little progress has been made with regard to implementation of the policies in practice.
- Some institutional response by the Saudi government to external and internal pressures to address the country's poor overall human rights situation has resulted in the establishment of two officially tolerated human rights institutions and more public discussion in the media about some human rights issues, including through a series of National Dialogue meetings. However, there continues to be substantial resistance to change from various sectors within the Saudi government, and numerous other impediments remain. In addition, many of the recommendations that have come out of the relevant National Dialogue meetings—on the rights of women, religious extremism, and educational reform—have not been implemented.
- Despite some increase in public space to discuss human rights issues, pervasive restrictions remain on civil society and political activists, including representatives of minority religious groups, particularly regarding freedom of speech, assembly, and association. The Commission to Promote Virtue and Prevent Vice (CPVPV), also known as the religious police or *mutawaa*, exercises largely unchecked power to curtail rights, and the courts do not offer due process protecting the individual or effective remedies for violations of those rights.

State Enforcement of Religious Conformity

- Saudi Arabia has a diverse population, both regionally and religiously, despite decades of Saudi government enforcement of religious conformity. Permitting the public practice of

only one interpretation of Islam and requiring public behavior to comply with this interpretation violates universal human rights standards and has resulted in discrimination and human rights violations against members of indigenous Muslim communities who follow other schools of thought, such as Shi'a Muslims, Ismailis, and non-conforming Sunnis, as well as both Muslim and non-Muslim expatriate workers.

- The Saudi government's harsh enforcement of its interpretation of Islam, together with other violations of freedom of religion, adversely affect the human rights of women in Saudi Arabia, including with regard to freedom of speech, movement, association, and religion, freedom from coercion, access to education, and full equality before the law. The Commission noted some increase in public space to discuss human rights practices affecting women. Unfortunately, the Saudi government has continued discriminatory measures aimed at the destruction, rather than realization, of many of the human rights guaranteed to women.
- There is a general attitude and policy of the government of curtailing universal rights for non-Saudi visitors to the country and inhibiting the enjoyment of human rights on an equal basis for expatriate workers, particularly for the two – three million non-Muslim workers, including Christians, Hindus, Buddhists, and others, who have come to Saudi Arabia for temporary employment. Provisions often included in labor contracts require expatriate workers to conform to Saudi religious customs and traditions, in the process forcing them to waive their inalienable human rights and submitting them to the limits of, and rights abuses by, Saudi employers.

Exportation of Extremist Ideology and Intolerance in Education Materials in Saudi Arabia and Around the World

- The Saudi government has undertaken some security measures to combat extremism inside the country, such as a “re-education” program for convicted “extremists” and the retraining or dismissal of imams known to espouse extremist views. However, these efforts appear to be designed to address security concerns rather than to implement reforms to protect human rights, including religious freedom.
- The Commission received mixed and contradictory messages about which government entity in fact has responsibility over materials that are sent abroad. Due to insufficient information provided by the Saudi government, the Commission could not verify that a formal mechanism exists within the Saudi government to review thoroughly and revise educational texts and other materials sent outside of Saudi Arabia. It appears that the Saudi government has made little or no progress on efforts to halt the exportation of extremist ideology outside the Kingdom.
- There is very little transparency in the process of textbook revision, curriculum reform, and teacher training efforts. Moreover, there is evidence that intolerant and inflammatory elements remain in textbooks. Despite numerous requests to obtain copies of textbooks during and after the Commission's visit, Saudi government officials did not provide a single textbook to the Commission. Furthermore, Saudi government officials did not

provide requested information on 1) how many teachers and principals have been retrained; 2) how many teachers have been held accountable for deviating from the approved curriculum; or 3) whether or how teachers' manuals have been revised to include the promotion of religious tolerance.

Official Harassment of Private Religious Practice

- Incidents of harassment, detention, abuse, and interference by members of the Commission to Promote Virtue and Prevent Vice (CPVPV) during non-Muslim private worship services have decreased over the past year. However, other than at a few tolerated compounds where private worship takes place, expatriate workers go to great lengths to worship in private for fear of government interference, which can occur if the worship service is too loud, has too many people in attendance, or occurs too often in the same place. Furthermore, Saudi officials do not accept that for members of some religious groups, the practice of religion requires more than the individual or a small group worshipping in private, but includes the need for religious leaders to be able to conduct services in community with others. Foreign religious leaders continue to be prohibited from seeking and obtaining visas to enter Saudi Arabia and minister to local religious communities. Despite repeated requests for details on the parameters surrounding private worship, guidelines as to what constitutes "private" worship were not specified by Saudi officials.
- In addition to the abuses, the CPVPV regularly oversteps its authority with impunity and is not subject to judicial review. Despite the fact that the CPVPV is not allowed to engage in surveillance, detain individuals for more than 24 hours, arrest individuals without police accompaniment, or carry out any kind of punishment, members have been accused of killing, beating, whipping, detaining, and otherwise harassing individuals. Some Saudis would like to see the entity dissolved altogether, while others would like to see greater accountability of its employees and volunteers, including prosecution for abuses. During the past year, CPVPV abuses were the subject of numerous articles in the Arabic and English press, garnering unprecedented attention in the public and international media. There have been a greater number of investigations of abuses, yet in the recent cases that have been prosecuted, CPVPV members have not been held accountable and complainants report summary dismissals without due process for them to obtain redress.

Empowerment of Officially Recognized Human Rights Institutions

- The government's Human Rights Commission (HRC) can advance human rights protections if it examines all internationally recognized human rights issues and its recommendations to the Saudi government are implemented in practice. The HRC would be more representative were it to include women members; it should also include freedom of thought, conscience, and religion or belief in its initial training on international human rights. The Commission welcomes the HRC's commitment to take up the issue of societal discrimination against Muslims who dissent from or who follow different schools of thought within Islam.

- The non-governmental National Society for Human Rights can play a more constructive role in protecting human rights by continuing to maintain its independence from the government and ensuring that its reporting and recommendations are in conformity with universal human rights standards.

State Enforcement of Religious Conformity

The Commission visit confirmed that the Saudi government persists in severely restricting all forms of public religious expression other than the government's interpretation and enforcement of its version of Sunni Islam. This policy violates the rights of the large communities of Muslims from a variety of schools of Islam who reside in Saudi Arabia, including large populations of Sunnis who follow other schools of thought, Shi'a Muslims, and Ismailis, among others.³ The government tightly controls even the restricted religious activity it does permit—through limits on the building of mosques, the appointment of imams, the regulation of sermons and public celebrations, and the content of religious education in public schools—and suppresses the religious views of Saudi and non-Saudi Muslims who do not conform to official positions. For example, only imams following a single school of Islam are permitted in the holy cities of Mecca and Medina, centers of Islamic thought traditionally reflective of Islam's great diversity because of the influx of pilgrims from all over the world.

Saudi Arabia has a very diverse population, both regionally and religiously, despite decades of Saudi government enforcement of religious conformity. Permitting the public practice of only one interpretation of Islam and requiring public behavior to comply with this interpretation violates universal human rights norms and has resulted in discrimination and human rights violations against members of indigenous Muslim communities who follow other schools of thought, such as Shi'a Muslims, Ismailis, and non-conforming Sunnis, as well as both Muslim and non-Muslim expatriate workers. The Saudi government attitude toward expatriate workers, particularly non-Muslim workers, is that they have come to Saudi Arabia only to work. As a result, provisions are often included in labor contracts requiring expatriate workers to conform to Saudi religious customs and traditions, forcing them to waive their inalienable human rights and submitting the workers to the limits of, and rights abuses by, Saudi employers.⁴

The Rights of Women

The government's monopoly on the interpretation of Islam and other violations of freedom of religion adversely affect the human rights of women in Saudi Arabia, including freedom of speech, movement, association, and religion, freedom from coercion, access to education, and full equality before the law. For example, when appearing in public women must adhere to a strict dress code and can be admitted to a hospital for medical treatment only with the consent of a male relative. Women require written permission from a male relative to travel inside or outside the country and are not permitted to drive motor vehicles. In addition, the Saudi justice system, in which courts apply Islamic law to the cases before them, does not grant a woman legal status equal to that of a man. Testimony by a woman is equivalent to one-half the testimony of a man; daughters receive half the inheritance that their brothers receive; and women have to demonstrate legally specified grounds for divorce, while men may divorce without

giving cause. In one of the most egregious cases in recent years, in November 2007, a woman, known in the media as the “Qatif Girl,” was convicted and sentenced to 200 lashes and six months in prison because, immediately before she was gang raped by seven men in 2006, she was found alone in a car with a man who was not her relative, which is illegal in Saudi Arabia. She escaped the sentence only because King Abdullah pardoned her in December, though he also said he believed the punishment for the alleged crime was appropriate.

In February 2008, the UN Special Rapporteur on Violence Against Women, Yakin Ertürk, undertook a formal visit to Saudi Arabia and offered several preliminary observations and recommendations. Among them, the Rapporteur found that while there has been a “demystification of the taboo around violence against women” in recent years, there still existed “practices surrounding divorce and child custody, the absence of a law criminalizing violence against women and inconsistencies in the application of laws and procedures” that “continue to prevent many women from escaping abusive environments.” Furthermore, the Rapporteur found that members of the CPVPV were “responsible for serious human rights abuses in harassing, threatening and arresting women who ‘deviate from accepted norms’.” The Rapporteur also highlighted the situation facing female migrant domestic workers of all faiths and backgrounds who continue to face serious human rights abuses and various forms of violence. Among other recommendations, the Rapporteur urged the Saudi government to develop “a legal framework based on international human rights standards,” which would include a law criminalizing violence against women and a family law on marriage and divorce.

Shi’a Muslims

During its visit, the Commission met with numerous representatives of minority Muslim communities. The Commission found that Shi’a Muslims and members of indigenous Muslim communities who follow other schools of thought are subject to government restrictions on public religious practices and official discrimination in numerous areas, particularly in government employment and education. Nevertheless, Saudi officials claimed that the government does not discriminate on the basis of different schools of thought within Islam. One high-level official pointed to the fact that the Shi’a community has its own judges on personal matters and claimed that the community funds its own mosques because they have refused government assistance. However, Shi’a interlocutors said that the community does not register its mosques because of the fear of Ministry of Interior interference in activities that are already severely restricted. According to some Shi’a interlocutors, there are no Shi’a ministers in the government and very few Shi’a leaders in large corporations or in high-level government positions, particularly in the security agencies.

Two of the major concerns that were repeatedly raised by interlocutors were the ongoing discrimination by teachers against Shi’a children in schools and the intolerant content in school textbooks. Shi’a community leaders expressed concern that their children go to school and are told by state-employed teachers that they are “bad people,” that “Shi’a Muslims are worse than Christians and Jews,” or that “Shi’a Muslims are not true Muslims.” Others showed school textbooks that contained discriminatory and inflammatory language about the Shi’a community. When the Commission raised this concern, one Saudi government official simply denied it, claiming that there is no textbook in the Kingdom which says that Shi’a Muslims are infidels.

Moreover, several non-governmental interlocutors cited concerns about *fatwas* (religious edicts) issued by conservative Sunni clerics in recent years, including in 2007, which justify committing violent acts against Shi'a Muslims. Members of the Shi'a community expressed a desire to see more active government intervention when clerics issue such provocative edicts. Furthermore, in many cases, application of criminal law includes harsher punishments for Shi'a Muslims as well as Ismailis. Since many Saudi judges consider Shi'a Muslims and Ismailis to be "non-believers," they are frequently dealt with more severely by the courts.

Upon its return from Saudi Arabia, the Commission learned that since January 2007, dozens of members of the Shi'a community in the Eastern Province have been detained for up to 30 days and then released for holding small religious gatherings in private homes. None of the individuals have been charged with any crime, nor have Saudi authorities offered any explanation other than suggesting that the short-term detentions were punishment for holding private religious gatherings. Furthermore, the Commission learned that several British and American Shi'a men who traveled to Mecca in early August 2007 were harassed and beaten by members of the CPVPV.⁵ According to one of those detained, a member of the CPVPV was making derogatory remarks about Shi'a Muslims in a public lecture inside a mosque. When the CPVPV member realized that the visitor was Shi'a, he arrested him after a short exchange of words. Nearly a dozen of the Shi'a men, including two minors, were detained and held overnight after hours of interrogation and verbal and physical abuse. According to one of the individuals who was detained, intervention by British and American diplomats helped secure their release.

On a positive note, several members of the Shi'a community pointed out that over the past few years, there have been some improvements for the Shi'a community in the Eastern Province, particularly regarding the public expression of religious practice. Members of the Shi'a community in Qatif, where they represent the majority of the population, held their largest public gathering in observance of Ashura without government interference in 2007. However, authorities continue to prohibit observance in other areas of the Eastern Province, such as in Al-Ahsa and Dammam. It was also noted that there has been an increase in the number of Shi'a judges and courts for family matters and personal status. While the Shi'a community points to increased dialogue with the government, there is limited progress on a number of practical issues, such as the ability to teach Shi'a beliefs to Shi'a children in schools and the inability to re-open mosques and *hussainiyas* (Shi'a community centers) in Al-Ahsa and Dammam that have been closed by the government for years.

Due to U.S. Embassy security policies, the Commission was not able to visit Najran in the south, home to the vast majority of Ismailis in the Kingdom. However, the delegation was able to meet with some non-governmental interlocutors who had knowledge of the situation of Saudi Ismailis. Human rights advocates report that Ismailis, a Shi'a sect numbering some 700,000 inside Saudi Arabia, continue to suffer severe discrimination and abuse by Saudi authorities, particularly in government employment and education. The government does not finance the building of mosques for Ismailis and has closed down several places of worship in recent years. In 2000, in the Najran region, after members of the CPVPV raided and closed down an Ismaili mosque, approximately 100 Ismailis, including clerics, were arrested. Many

were released after serving reduced sentences, but dozens remained in prison for several years. As of this writing, 17 Ismailis remain in prison, some of whom reportedly have been flogged.

Another Ismaili, Hadi Al-Mutaif, also remains in prison after originally being sentenced to death for apostasy in 1994 for a remark deemed blasphemous, which he made as a teenager. Al-Mutaif continues to serve a life sentence on reduced blasphemy charges and some non-governmental interlocutors said that because of the nature of the crime, the King cannot pardon him. Defense lawyers are trying to appeal in court, claiming that Al-Mutaif violated civil rather than criminal law. According to an official at the Interior Ministry, King Abdullah planned to pardon Al-Mutaif last year, but because Al-Mutaif's offense is considered a *hadd* crime by the court and not a *tahzir* crime, there are fewer options for intervention.⁶ According to government officials, the issue is now in the hands of the Supreme Court. The Saudi Human Rights Commission stated that it was also working on this case.

Other Minority Muslim Communities

Criminal charges of apostasy, blasphemy, and criticizing the nature of the regime are used by the Saudi government to suppress discussion and debate and to silence dissidents. Promoters of political and human rights reforms, as well as those seeking to debate the appropriate role of religion in relation to the state, its laws, and society are typically the target of such charges. For example, in March 2008, a Turkish Muslim citizen was sentenced to death by a court in Jeddah for allegedly blaspheming the prophet Muhammad; the sentence is being appealed to a higher court. According to a press report, two witnesses testified that they heard the Turkish man swear at God and the prophet Muhammad in a barbershop and reported it to authorities. In April 2007, an Egyptian Muslim guest worker reportedly was sentenced to death in the town of Arar in northern Saudi Arabia for allegedly desecrating the Koran and renouncing Islam. Media reports indicated that a court found the man guilty of no longer being a Muslim for "violating the boundaries set by God." In addition, spurious charges of "sorcery" and "witchcraft" continue to be used by the Saudi authorities against non-conforming Muslims. According to press reports, in 2007 the CPVPV arrested at least 25 individuals in Taif for practicing witchcraft and sorcery. Several individuals remain in prison on these charges.

In late December 2006, approximately 49 foreign guest workers, all members of the Ahmadi Muslim religious movement, were arrested by the CPVPV at a place of worship in Jeddah. In January and February 2007, an additional nine Ahmadis were arrested. In January 2007, after Saudi authorities began deporting several of the Ahmadi prisoners, mostly Indian and Pakistani nationals, international human rights groups called on the Saudi government to halt expulsions of foreign workers on account of their religious beliefs and affiliations. Despite this call, by early April 2007, all 58 of the Ahmadis had been deported. None of those deported are known to have been charged with any criminal offenses. In addition, two other Ahmadi religious leaders, who were not in Saudi Arabia during the initial arrests of 49 Ahmadis in December, have not returned to the country for fear of arrest and prosecution by Saudi authorities. According to the State Department, the Saudi government said that it had deported as many as 150 Ahmadis but it provided no explanation for their arrests or deportations.

Over the past few years, members of the Sufi community have been harassed, arrested, and detained because of their non-conforming religious views, although there have been no new

reports of such incidents in the past year. In September 2003, the *mutawaa* arrested 16 foreign workers for allegedly practicing Sufism; their status remains unknown. In June 2005, Saudi authorities shut down a weekly gathering held by a Sufi leader who adheres to the Shafi'i school of Islamic jurisprudence.

The Dissemination of Extremist Ideology and Intolerant Literature in Saudi Arabia and its Exportation Around the World

For years, the Commission has expressed concern that Saudi government funding and other funding originating in Saudi Arabia have been used globally to finance religious schools, hate literature, and other activities that support religious intolerance and, in some cases, violence toward non-Muslims and disfavored Muslims. During the past year, there were continued reports, including from the State Department, of virulently anti-Semitic and anti-Christian sentiments expressed in the official media and in sermons delivered by clerics, who in some cases continue to pray for the death of Jews and Christians, despite having been disciplined for preaching extremist views. During its visit, the Commission gained some information from Saudi government officials regarding efforts to combat extremism and contain dissemination of hate literature within Saudi Arabia. However, despite raising many questions on the subject, the Commission was told very little about Saudi government efforts to halt the exportation of extremist ideology and literature outside the Kingdom. According to the State Department, the Saudi government either itself operates or tightly regulates all publishing entities inside Saudi Arabia.

Efforts to Combat Extremism Inside Saudi Arabia

In recent years, the Saudi government has undertaken some security measures to combat extremism, such as a “re-education” program for convicted “extremists” and the retraining or dismissal of imams known to espouse extremist views. However, these efforts appear to be designed to address security concerns rather than to implement reforms to protect human rights, including religious freedom.

According to the Ministry of Islamic Affairs, there are approximately 72,000 mosques in the country and about 120,000 employees paid by the Ministry, including imams and muezzins (those who make the call to prayer).⁷ According to Saudi officials, the government uses several methods to deal with imams who preach hatred and extremism in mosques. The Minister of Islamic Affairs stated that there are government-appointed Islamic scholars in each province who meet with the particular imam who has been identified as advocating extremist views. In the first instance, the representative of the Ministry engages in direct dialogue by meeting with the imam in question in public to discuss the matter. If this dialogue fails to convince the imam to change his views, the Ministry representative meets with the imam privately. If this discussion is not successful, the imam will be dismissed from his post or, in some cases, criminally charged if he is found to have incited violence. According to the Ministry, approximately 1,000 have been dismissed since the September 11 attacks on the United States. Since the Commission visit, a press report indicated that Interior Minister Prince Naif gathered hundreds of imams and preachers in Riyadh to stress the importance of combating extremist ideas through activities such as Friday sermons.⁸

The Ministry of Islamic Affairs claimed to have started “retraining” imams who espouse intolerance since 2006, and that this has yielded positive results, although no statistics or detailed information were provided. In March 2008, the Saudi government announced that the Ministry of Islamic Affairs and the King Abdul Aziz National Center for Dialogue would carry out the retraining of 40,000 additional Muslim clerics in the Kingdom as part of a program to promote tolerance and moderation in Saudi society.⁹ Imams are reportedly trained at a special training center that allows them a chance to be exposed to more moderate views. Saudi officials also stated that teachers, imams, or professors who promote hatred and intolerance are dismissed. Those let go can work in other fields of public or private employment, but not within the education system.

Among those people who have been arrested for promoting hatred and inciting violence, several, particularly those who have been sentenced to prison terms, have gone through a “re-education” program that aims to encourage prisoners to renounce extremist beliefs. According to one high-level Saudi official, more than 700 individuals have gone through this program and been given jobs, and then subsequently tracked and monitored. Furthermore, Saudi authorities claim to make every attempt to arrest those who promote violent acts, not just the perpetrators of the acts. Despite repeated requests by the Commission during and after its visit, no further statistics or details on dismissals were provided; nor was the Commission permitted to meet any “retrained” imams or those engaged in the training process.

Efforts to Halt Exportation of Extremist Ideology Outside Saudi Arabia

Saudi authorities categorically denied that extremist literature or materials were ever distributed through official government channels outside the country, despite numerous well-documented studies and reports to the contrary.¹⁰ There was acknowledgement from some officials that before the September 11 attacks, many Saudi Muslim volunteers took it upon themselves to distribute extremist materials abroad. Saudi authorities claim to have found a “very small amount” of intolerant material abroad that would be considered extremist and this material has been subsequently destroyed. According to Saudi officials, unless there is explicit permission by the Ministries of Culture and Information or Islamic Affairs, no materials can be sent overseas. Despite requests for further clarification, the Commission could not confirm whether a formal mechanism exists to review thoroughly and revise educational materials and other materials sent outside of Saudi Arabia. In addition, the Commission received mixed and contradictory messages about which government entity has responsibility over materials that are sent abroad.

When asked about reports that Islamic Affairs sections in Saudi embassies worldwide have been responsible for both distributing extremist and intolerant materials and providing diplomatic status to Muslim, even non-Saudi, clerics, a high-level Saudi official said that these sections have been closed temporarily, pending reorganization, due to these reports. No time-frame was given for these reorganization efforts. In the meantime, the Commission was told, the Ministry of Foreign Affairs is analyzing what further steps should be taken. However, it is not clear if the activities of the Islamic Affairs sections are being carried out through other entities in Saudi embassies. Despite requests for clarification, the Commission was not able to determine

whether diplomatic status is still being given to religious personnel, including imams and religious teachers, both Saudi citizens and non-Saudi foreign nationals.

Exportation of Extremism: an American Case in Point?

The Commission has raised concerns for many years that the Saudi government and members of the royal family directly and indirectly fund the global propagation of an ideology which promotes hatred, intolerance, and other human rights abuses, including violence. The concern is not about the propagation of Islam *per se*, but about credible reports that the Saudi government's interpretation of Islam promotes abuses of human rights, including violent acts, against non-Muslims and disfavored Muslims. One potential example that gained attention in recent years is the Islamic Saudi Academy (ISA), a Saudi government school located in northern Virginia. The operation of the school raises serious concerns about whether it is in violation of a U.S. law restricting the activities of foreign embassies and whether textbooks used at the school are in violation of international human rights standards.

The ISA is unlike conventional private or parochial schools in the United States in that it is operated by a foreign government and uses that foreign government's official texts, and therefore falls under the Commission's mandate to monitor the actions of foreign governments in relation to religious freedom. The ISA's board is chaired by the Saudi Ambassador to Washington, the school is located on two properties, one of which is owned, the other leased, by the Saudi Embassy, and the institution shares the Embassy's Internal Revenue Service employer tax number.

In October 2007, the Commission requested that the Secretary of State commence immediate diplomatic discussions and appropriate actions under the Foreign Missions Act by securing the release of all Arabic-language textbooks used at the ISA. The Foreign Missions Act gives the Secretary of State the authority to regulate foreign missions in the United States and the broad discretion to decide how to treat such missions based on, among other things, "matters relating to the protection of the interests of the United States."¹¹ The Secretary's authority includes the power to require a foreign mission to divest itself of or forgo the use of property and to order it to close. The Commission made its recommendation to ensure that the books used at the ISA be publicly examined to determine whether they promote discrimination, intolerance, or violence based on religion or belief. The Commission's concerns are not theoretical, as independent studies have found that textbooks used in Saudi schools, which the ISA, until last fall, also claimed to use, have incited violence against others on the basis of their religion.

Commission concerns about the ISA are exacerbated by the Saudi Embassy officials' repeated refusals, despite the strong basis of concern and requests from the Commission and Members of Congress, to make textbooks available for outside scrutiny. The Saudi government has claimed that it has made changes to the textbooks, including in the July 2006 confirmation of policies, by stating that it thoroughly reviews and revises "educational materials and other literature sent abroad to ensure that all intolerant references are removed, and where possible, attempt to retrieve previously distributed materials that contain intolerance."

Following its visit to Saudi Arabia, the Commission again requested copies of the textbooks used at the ISA, but as of this writing, Saudi Embassy officials have not made them

available. Shortly after the Commission raised the issue last October, the Saudi government reportedly turned over textbooks used at the ISA to the State Department, but as of this writing, the Department has not made them available either to the public or to the Commission. After the Commission issued its recommendation on the ISA in October 2007, the school did distribute some textbooks during a series of open houses held for selected reporters and congressional staffers. However, it did not make available the texts thought to have the most problematic passages, including *Tawhid* (monotheism) and *Tafsir* (Koranic interpretation). The Commission continues to monitor this situation.

Intolerant References in Educational Materials and Textbooks

In March 2006, the Saudi Embassy in Washington published a report summarizing efforts by the Saudi government to revise the state curriculum and a number of school textbooks to exclude language promoting religious intolerance.¹² Nevertheless, non-governmental organizations from outside Saudi Arabia continue to report the presence of highly intolerant and discriminatory language, particularly against Jews, Christians, and Shi'a Muslims, in educational materials published by the Ministry of Education.¹³ It was these very kinds of contradictory assessments that the Commission sought to learn more about during its visit to Saudi Arabia. However, as mentioned above, the Commission's request to meet with a representative of the Ministry of Education was denied.

In several meetings with a variety of other Saudi officials, the Commission requested copies of textbooks, which were not supplied during the visit. Specifically, the Commission requested copies of textbooks used at all grade levels on *Hadith* (Islamic traditions), *fiqh* (matters of religious law and ritual), *tawhid* (matters of belief), Arabic language, and Saudi history. Despite the promise of several officials to send them to the Commission's office in Washington and later written requests by the Commission, as of this writing, nothing has been received. A July 2007 letter to the Commission from the Saudi Human Rights Commission stated that textbooks currently are being reviewed and copies would be sent to the Commission upon completion, although no completion date was given. The Commission delegation was told by U.S. Embassy officials that it also had not received copies of textbooks from the Saudi government, despite numerous requests over a period of several years.

According to a high-level Saudi official, oversight for textbooks and curricula fall within the jurisdiction of the Ministry of Education and the Ministry of Higher Education. The Ministry of Islamic Affairs stated that it does not have jurisdiction over textbooks or the education curriculum. Saudi officials did confirm that an inter-Ministerial committee was formed "some years ago" to review textbooks for intolerant content, although it was never made clear whether final decisions for changes to be made were under the purview of the Ministry of Education or the inter-Ministerial committee. A high-level Foreign Ministry official told the Commission that the Saudi government did review all the textbooks and removed language that was deemed to promote hatred and violence. According to this official, a representative of the Foreign Ministry served as a member on the committee. Most Saudi officials admitted some intolerant material in textbooks, but claimed that this was a very small portion of the curriculum. Furthermore, Saudi officials contended that much progress has been achieved over the past two – three years and that the government continues to work on the issue. They also claimed that the government does not

discriminate against any particular religious group and that government textbooks do not promote discrimination against people of different religious backgrounds. However, as discussed below, evidence from textbooks shown to the delegation privately demonstrates the contrary.

During the visit, non-governmental interlocutors offered varied perspectives on Saudi textbooks and the education system. Some claimed that the Saudi government has made progress in removing some disparaging references in textbooks, and ascribed the overhaul to both internal and international pressure. Others, however, while stating that some intolerant material had been removed over the past few years, indicated that much objectionable and discriminatory material remains. Some individuals pointed out that children from non-Sunni families must, on exams, affirm statements in the textbooks to the effect that their own religious beliefs are false; these children will otherwise fail the course and be forced to repeat it until they answer correctly. This is particularly true when the texts refer to Shi'a beliefs and tenets. The consequences frequently induce serious confusion for children regarding their beliefs, and, in some cases, psychological trauma.

Despite a request for clarification by the Commission, Saudi government officials did not respond to questions as to whether all students at the primary, secondary, or university levels are required to receive the same instruction in Islamic religious education, regardless of the child's religious background. Nor would the officials clarify whether students from different religions or sects of Islam are able to question the conclusions drawn about their sects or communities in the classroom. Individuals told the Commission privately that only one form of Islam is taught in schools and several Shi'a interlocutors supported this claim.

Other non-government interlocutors drew attention to additional weaknesses in the education system that resulted in the promotion of intolerance. Many pointed to the fact that the majority of Saudi teachers were poorly qualified; others stated that most teachers indoctrinated students in a "culture of intolerance" and that the attitudes and training of the teachers needed to be addressed in order to bring about change in the system. Some argued that regardless of the quality of the textbooks, it is the teachers who are manipulating the texts to promote intolerance, rather than understanding, among and between religious groups, Muslim and non-Muslim alike.

On this matter, one Saudi government official claimed that some teachers who promote intolerance and hatred have been fired and that others are being retrained. However, despite attempts to get further information from Saudi authorities, the Commission did not receive information about how many teachers and principals have been retrained. Furthermore, the Saudi government did not provide information about how many teachers have been held accountable for deviating from the approved curriculum, or if teachers' manuals have been revised to include promotion of tolerance.

Some non-governmental interlocutors stated that the entire education system is in disarray and needs a complete overhaul, beyond simply removing intolerant language in the textbooks, to ensure that students are properly prepared for the job market. In 2007, the Saudi government approved a \$3 billion project "to ensure overall development of its students by increasing their knowledge as well as their physical, professional, psychological and intellectual

capabilities.”¹⁴ According to interlocutors, this process will take approximately three years to complete. However, none of these reform efforts will directly address the issues of intolerance.

In July 2006, the State Department stated that the Saudi government had confirmed that it plans to “revise and update textbooks to remove remaining intolerant references that disparage Muslims or non-Muslims or that promote hatred toward other religions or religious groups, a process the Saudi government expects to complete in one to two years [by July 2008].” In September 2007, the State Department reported that “changes made in 2006 and 2007 to the education system focused on updating teaching methods, including the use of increased class participation, active problem-solving methods, and small group workshops, but did not include revising substantive material.” The State Department also reported that the Saudi government had taken “limited measures” to remove disparaging passages about other religious groups from its textbooks and that some 2006-2007 textbooks “were found to be more tolerant than previous textbooks and had fewer negative references to non-Muslims.”

Early in 2008, the Saudi government posted on one of its Web sites¹⁵ the current school year’s curriculum, including all relevant religious texts taught in primary, middle, and secondary schools in Saudi Arabia. However, a survey of the texts on the Saudi government Web site reveals that many of the passages previously flagged by the Commission and other independent researchers for inciting religious violence and hatred still remain.

State Harassment of Private Worship and the Inability to Obtain and Possess Religious Materials without Harassment

There are no non-Muslim citizens in Saudi Arabia and no places of worship in the country are permitted other than mosques. In addition, the Saudi government enforces and limits public worship to its sanctioned version of Sunni Islam.

In meetings with the Commission delegation, several Saudi officials argued that it is not possible to have places of worship other than mosques in the Kingdom because Saudi Arabia is home to Islam’s two holiest sites: Mecca and Medina. Moreover, most officials asserted that there is a *hadith* (oral tradition) from the Prophet Muhammad which says that only Islam can exist on the Arabian Peninsula, although another Saudi official and other interlocutors contended that this *hadith* is subject to differing interpretations. Although the Commission pointed out that other countries on the Arabian Peninsula, such as Qatar and the United Arab Emirates, do permit non-Muslim public places of worship, some officials went so far as to state that having non-Muslim places of worship on Saudi soil would be equivalent to building mosques on Vatican property in Italy. Commissioners drew a distinction between a geographic entity in Italy of two square miles with 800-900 residents versus a country the size of Saudi Arabia containing between two and three million non-Muslim residents. In addition, some officials claimed, without providing any evidence, that if a non-Muslim place of worship were built in the Kingdom, the public would be outraged and the place of worship would be subject to attack by extremists and conservative elements in the Kingdom. Another official claimed, again without providing any evidence, that public opinion among Muslims outside of Saudi Arabia would never permit the government to allow public worship by non-Muslims because the Kingdom is home to the twin holy sites. What is more, some officials suggested that if expatriate workers

wish to practice their faith in public, they should leave Saudi Arabia and go to other countries in the region.

Saudi officials reiterated the government position that non-Muslim expatriate workers are permitted to worship in private. However, guidelines as to what constitutes “private” worship remain unclear and vague. The Foreign Ministry estimated that there are between two and three million non-Muslim expatriate workers in the Kingdom. Some officials suggested that as long as non-Muslims practice their religion in small groups in private homes, no security entity would interfere, since there is no law that prohibits non-Muslims from practicing in this manner. Furthermore, they maintained that members of the CPVPV are not permitted to enter private dwellings under any circumstances.

Despite these claims, there continue to be instances in which members of the CPVPV have entered and raided private homes where non-Muslim expatriate workers were worshipping. According to some non-governmental interlocutors, the incidents of raids on private homes of non-Muslim expatriate workers by members of the CPVPV and other security authorities have decreased in the past year. However, expatriate workers from countries such as the Philippines, India, Pakistan, and some African countries continue to be vulnerable to surveillance and raids by Saudi authorities, despite the fact that CPVPV members are not permitted to conduct such surveillance.¹⁶ In fact, representatives of non-Muslim communities continue to assert that, in practice, religious freedom simply does not exist in the Kingdom. The Commission was told, however, that conditions for private worship are better in the Eastern Province than elsewhere in the country, such as in the Nejd region in the central part of the country, where private religious services continue to be surveilled and, in some cases, raided by Saudi authorities.

It is unclear whether Saudi missions abroad inform expatriate workers who will be entering the Kingdom about their right to private worship, including the right to bring personal religious materials inside the Kingdom. Despite previous assurances by the Saudi government that this policy is in place, requests for clarification were not answered. Furthermore, Saudi officials do not accept that for members of some religious groups, the practice of religion requires more than individual private worship, but includes the need for religious leaders to be able to conduct services in community with others. Religious leaders continue to be prohibited from seeking and obtaining visas to enter and minister to local religious communities.

On a positive note, non-governmental interlocutors indicated that there has been a decrease in recent years in the practice by customs officials of confiscating personal religious materials when expatriate workers or visitors enter the Kingdom. Nevertheless, in August 2007, a press report found that the official Web site of the state-owned Saudi Arabian Airlines included information for travelers that the Airlines claimed was based on Saudi government customs regulations: “Items and articles belonging to religions other than Islam are also prohibited. These may include Bibles, crucifixes, statues, carvings, items with religious symbols such as the Star of David, and others.”¹⁷ This information clearly contradicts the reported Saudi policy, also confirmed to the United States, that customs inspectors at borders will not confiscate personal religious materials. Within days of the publication of the initial press report and other subsequent articles, the Saudi Arabian Airlines Web site removed the language about prohibiting specific religious materials.

In recent years, senior Saudi government officials, including King Abdullah and the Grand Mufti, have made statements with the reported aim of improving the climate of tolerance toward other religions; both also continued publicly to call for moderation. In November 2007, King Abdullah met with Pope Benedict at the Vatican. In March 2008, after a senior Muslim cleric, Sheikh Abdul-Rahman al-Barrak, issued a *fatwa* calling for the death of two writers who questioned why Christians and Jews should be considered apostates, King Abdullah proposed a dialogue with representatives of the so-called monotheistic faiths, Islam, Christianity, and Judaism. However, several days after King Abdullah's public proposal, press reports indicated that the Saudi Grand Mufti made clear that if such a gathering were to take place, representatives of the Jewish faith would not include Israeli Jews.

Official Harassment of Religious Practice

Restrictions on public religious practice, for both Saudis and non-Saudis, are officially enforced in large part by the CPVPV, a government entity that includes a force of approximately 5,000 all-male field officers and a total of 10,000 employees in over 500 offices throughout the country. There are also hundreds of "unofficial" volunteers who take it upon themselves to carry out the work of the CPVPV. The CPVPV, which reports to the King, is tasked with enforcing public morality based on the Saudi government's interpretation of Islamic law. Members of the CPVPV patrol the streets enforcing dress codes, maintaining the strict separation of men and women, and ensuring that restaurants and shops are closed during daily prayers. During its visit to the Kingdom, Commission requests to meet with representatives of the CPVPV were denied by the Saudi government.

Within the past year, members of the CPVPV have occasionally conducted raids on worship services in private homes. They continue to harass, detain, whip, beat, and otherwise mete out extrajudicial punishments to individuals deemed to have strayed from "appropriate" dress and/or behavior, such as wearing Muslim religious symbols not sanctioned by the government.

Saudi officials told the Commission delegation that members of the CPVPV are required to be accompanied by law enforcement officials while in the line of duty, although this is not always the case in practice. One high-level Saudi official said that CPVPV members are required to be trained, but many are not, and others work alone instead of together with police officers. According to one press report, members of the CPVPV did not receive their first ever training until early September 2007.¹⁸ According to the Interior Ministry, members of the CPVPV do not have the right to detain or conduct investigations of suspects and must immediately turn suspects over to the police.¹⁹ Saudi government officials claimed to have dismissed and/or disciplined members of the CPVPV for abuses of power, although reports of abuse persist.

During the Commission's visit, representatives of the National Society for Human Rights (NSHR) said that it had received numerous complaints from Saudi citizens and expatriate workers about alleged abuses by the CPVPV. In its first ever report released in May 2007, the NSHR documented several such cases, including unsubstantiated accusations, questionable interrogation practices, beatings, unnecessary body searches, forced entry into private homes, and coerced confessions.²⁰ The NSHR has recommended that CPVPV regulations be specified

publicly for clarification. According to representatives of the NSHR, members of the CPVPV are required to wear uniforms and badges, but many do not comply with this regulation and it is not necessarily enforced.

Over the past year, there has been unprecedented media coverage, both inside and outside Saudi Arabia, of alleged abuses by the CPVPV. Numerous cases have gone to trial or are going to trial, including alleged beatings and deaths of Saudi citizens.²¹ In late May 2007, nearly a dozen members of the CPVPV raided the home of a man suspected of possessing and selling alcohol in Riyadh. The 28 year-old man, Salman al-Huraisi, died in custody at one of the CPVPV offices in Riyadh, and family members accused members of the CPVPV of beating him to death. Autopsy results confirmed that he died due to physical abuse. After an investigation by Saudi authorities, the Riyadh Governorate announced in June that all official CPVPV members involved were cleared of any wrongdoing, and that an “unofficial” volunteer, or part-time worker, would be held responsible for the death of the man.²² Even before the official investigation was complete and the announcement made, Minister of Interior Prince Naif stated publicly that a preliminary investigation proved that members of the CPVPV were not responsible for the man’s death. In November, a lower court acquitted two members of the CPVPV who were eventually charged with the killing of al-Huraisi. The Court of Cassation ordered a re-trial after identifying several errors made by the lower court, including failure to hear expert witnesses. In April 2008, a retrial began and is still in progress as of this writing.

In another case, a man died in June 2007 in the custody of members of the CPVPV in the northern town of Tabuk after he was apprehended for being found alone in a vehicle with a female who was not his relative. It was later established that the man, Ahmad al-Bulaiwi, was a part-time driver for the woman’s family. Four individuals, including three members of the CPVPV and a police officer, went on trial for their involvement in the man’s death; however, in late July, the court dropped the charges against all four men, reportedly due to the fact that an autopsy showed the man died of natural causes while in CPVPV custody.²³ Bulaiwi’s family is appealing the decision of the court. There were also several incidents in the past year in which members of the CPVPV were in cars pursuing, at high speeds, individuals who either died or were seriously injured after the pursuit resulted in vehicle accidents.²⁴ In one of the cases, a CPVPV spokesman denied any participation involving CPVPV members; in other cases, investigations are ongoing.

Several non-governmental interlocutors with whom the Commission met expressed outrage about the abuses of the CPVPV and their belief that members of the CPVPV had long overstepped their authority with impunity. Many expressed concern that CPVPV members consider themselves “above the law” and have never been held responsible for abuses. Some believed that a *fatwa* (religious edict) exists that does not allow CPVPV members to be held accountable under the law, although the existence of this *fatwa* could not be verified. Despite the media attention, many contended that members of the CPVPV will not be prosecuted or brought to justice because they are protected by elements within the religious establishment and the Royal family.

Despite specific requests for further information, the Commission did not receive any response from the Saudi government on the number of CPVPV members who have been trained

or retrained to ensure that the human rights of Muslims and non-Muslims are protected. In addition, the Saudi government did not respond to an inquiry about the number of CPVPV members who have been held accountable in the past for committing abuses or overstepping their jurisdiction.

In July 2007, after the Commission's visit, Interior Minister Prince Naif issued a directive requiring CPVPV members to deliver immediately any individual arrested—male or female—to local authorities, reaffirming a Royal decree issued in 1981.²⁵ According to this directive, interrogations at CPVPV centers are prohibited and members who fail to abide by the guidelines should be dismissed. Furthermore, the directive gives authority to the General Investigation and Prosecution Authority to conduct random inspections of CPVPV offices. In June, the president of the CPVPV, Ibrahim al-Ghaith, announced that the CPVPV had established a legal department, the Department of Rules and Regulations, to handle legal matters and compliance with internal regulations, and had hired a spokesperson to handle public relations at its national headquarters.²⁶ It is not yet clear whether these changes represent genuine reform efforts or reform on paper only.

Empowerment of Officially Sanctioned Human Rights Institutions

Human Rights Commission

In September 2005, the Council of Ministers, chaired by King Abdullah, approved the establishment of a government-appointed, 24-member Human Rights Commission (HRC) that reports directly to the King. The membership of the HRC was not finalized until early 2007 and does not include any female members, although in March 2008, the HRC's Chair, Turki Al Sudairy, announced that a new royal decree would allow women members on the Commission. The HRC is mandated to "protect and promote human rights in conformity with international human rights standards in all fields, to propagate awareness thereof, and to help ensure their application in a manner consistent with the provisions of the Islamic Sharia."²⁷ During its visit, the Commission delegation met with Al Sudairy and numerous members of the HRC's Board.

According to several members, the HRC hopes to develop a knowledge of international human rights norms among the citizens and residents of the Kingdom, including about international treaties that the Saudi government has ratified. Because the Koran is the constitution of the country, members of the HRC stated that the country must operate strictly in accordance with Islamic law. The HRC stated that it already has negotiated agreements for cooperation with some government agencies, including the Ministry of Defense, the Ministry of Social Affairs, and the Red Crescent Society. In July 2007, the Ministry of Islamic Affairs agreed to work with the HRC to begin an awareness campaign in the Kingdom "to promote the ideals of human rights in the teachings of Islam."²⁸ The campaign will focus on creating awareness among Saudi citizens and residents about the teachings of human rights in Islam and will reportedly include Friday sermons, with the intention that imams will take part in fostering a culture of respect for human rights in mosques.

The HRC has not yet trained the police and security forces in human rights practices, but plans to do so. In addition, the HRC has initiated a dialogue with the Office of the UN High

Commissioner for Human Rights (UNHCHR) in Geneva, and UNHCHR representatives are scheduled to go to the Kingdom to conduct a training session for members of the Board. According to members of the HRC, the Board will also receive technical assistance from the UN in Geneva.

The HRC is also developing pamphlets on various human rights issues to demonstrate that human rights are not a “foreign” concept, but rather, in accordance with Islam. In this context, however, one of the representatives of the HRC told the Commission that there are two principles in the Universal Declaration of Human Rights with which it disagrees: 1) allowing Muslim women to marry non-Muslim men, and 2) conversion from Islam to another faith, although the HRC representative acknowledged that the latter is in dispute among Muslim scholars.

Procedurally, the HRC receives complaints from individuals and follows up to determine whether there has been a possible violation. The HRC then begins an investigation and makes appropriate recommendations to relevant government agencies. According to the HRC, it has received more than 1,000 complaints and has resolved at least two-thirds of them.

The members of the HRC identified several ways in which the HRC and the Saudi government are working to advance freedom of religion or belief in the Kingdom. These include the facts that: 1) the King regularly makes statements against religious bigotry; 2) the King Abdul Aziz National Center for Dialogue brings together all sectors of society, including various Muslim sects; 3) the government has removed approximately 2,000 imams who preached religious hatred and intolerance; 4) the HRC is introducing a “culture of human rights” to the public; 5) several cases involving imams inciting violence were brought to the attention of the HRC, which reported the cases to the relevant Ministries; and 6) an HRC women’s section will be established soon to deal with women’s rights in accordance with sharia. In addition, during the Commission’s visit, the HRC publicly announced that it would take up the issue of societal discrimination against Muslims who follow different schools of thought within Islam.²⁹

Several Board members admitted that the HRC’s mission is still in the process of being formulated. They acknowledged that there is much to be accomplished, but also expressed a need to move slowly and introduce concepts gradually, so as not to push too hard on a population that is not familiar with international human rights concepts, particularly those related to freedom of religion or belief.

It is the Commission’s view that the HRC can advance human rights protections if it examines all internationally recognized human rights issues and its inquiries regarding individual complaints and recommendations to the Saudi government are implemented in practice.

National Society for Human Rights

In March 2004, the Saudi government approved the formation of a National Society for Human Rights (NSHR), the country’s first, and up to now, only independent, legally recognized human rights body. The NSHR is comprised of 41 members, including 10 women, and is chaired by a member of Saudi Arabia’s Consultative Council (or Shura), a 150-member advisory

body. The NSHR, which was originally endowed by King Fahd, submits its reports and recommendations directly to King Abdullah. The Commission delegation met with members of the NSHR in Jeddah, the Eastern Province, and at its national headquarters in Riyadh. The NSHR has offices in Riyadh, Jeddah, Dammam, and Jizan, and will be opening an office in the northern region in the future.

Representatives of the NSHR stated that they work to promote the human rights of all in Saudi Arabia, both citizens and foreign nationals, as well as Saudi citizens abroad. They obtain information through individual complaints, site visits, public reports, and the media. The NSHR also studies state compliance with Islamic and international law and works to explain to the public that there is no contradiction between international human rights standards and Islamic law. According to members of the NSHR, their work is conducted in accordance with Islam and they are hoping to clarify through reporting that many human rights problems arise in the Kingdom because of old, outdated traditions and customs rather than religious precepts. Therefore, the issues can be addressed without contradicting Islamic principles.

The NSHR works with Saudi government agencies in order to press for the implementation of its recommendations. Representatives of the NSHR told the Commission it had already received cooperation from several government agencies, but admitted that the Ministry of Interior has not been fully cooperative. Generally speaking, the NSHR continues to have difficulties in getting government agencies to comply with international standards. As of this writing, no members of security agencies have received training on international human rights treaties, including the UN Convention against Torture, which NSHR members believed to be particularly important for security personnel. According to members of the NSHR, government agencies are required to respond to NSHR inquiries within three weeks, but this does not usually happen in practice.

Since 2004, the NSHR has received more than 12,000 complaints in various areas, from judicial issues to labor matters.³⁰ Representatives of the NSHR claimed to have resolved almost 70 percent of those complaints. Expatriate workers also lodged numerous complaints with the NSHR. Complaints related to family matters make up approximately 40 percent of all cases; some of the most important issues on the social level are domestic violence, divorce, and sexual harassment by relatives. According to the NSHR, raising women's issues used to be taboo some years ago, but today their issues can more openly be discussed in the media and in public. The NSHR office in Dhahran said it receives at least four complaints about domestic violence per day. According to NSHR members, the Ministry of Social Affairs recently established a new unit within the Kingdom to deal with violence against women.

Just days before the Commission delegation arrived in Saudi Arabia, the NSHR published its first ever report calling for wide-ranging improvements in human rights practices in the Kingdom. The lengthy report details abuses in the Kingdom on most international human rights issues and offers numerous recommendations for the Saudi government.

Although the section of the NSHR report on the "Right to Freedom of Religion and Belief" uses religious justifications to support the international right to freedom of religion or belief, it also reaches some troubling conclusions. The section highlights the fact that there should be no compulsion in religion and that "it is forbidden to force someone to forsake his

religion and adopt another...[and] man's freedom to choose his religion is the basis of belief."³¹ Later in the section, the report states that "every individual is free to believe in anything and to adopt any ideas he wants." However, the report also specifies reasons that so-called apostates from Islam deserve retribution: "the apostate...according to Islamic Sharia, deserves punishment for raising *fitnah* (sedition), mayhem and damaging the general public order of the Islamic state." The Commission is disappointed that the report does not discuss any objections, from scholars or from a universal human rights perspective, to the concept of apostasy or the severe punishments. The report notes that no one has been executed for apostasy in recent years and claims that non-Muslims enjoy the right to private worship.

The section also states that because of decades of "conservative religious culture," there is a consensus within Saudi society that no religion other than Islam should be practiced in public. The report concludes that "this does not represent a violation of the right to freedom of belief, which is essentially a personal belief." Despite the NSHR's conclusions, it should be noted that the Universal Declaration of Human Rights and international treaties to which Saudi Arabia is a party clearly provide that the right to freedom of religion or belief includes the freedom "either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."

The Commission believes that the NSHR can play a more constructive role in protecting human rights by maintaining its independence from the government and ensuring that its reporting and recommendations are in conformity with universal human rights standards.

Commission Activities

In recent years, the Commission has spoken out numerous times about religious freedom concerns in Saudi Arabia. In January 2008, the Commission released a public statement calling on President Bush to raise ongoing Saudi violations of the freedom of religion and other human rights during his meetings that month with Saudi leaders in the Kingdom. In October 2007, the Commission held a press conference at which it released its findings from the May-June visit to Saudi Arabia and presented the Commission's assessment of Saudi government progress on implementation of the July 2006 confirmation of policies. In April 2007, Commissioners Felice D. Gaer and Nina Shea met with the newly appointed U.S. Ambassador to Saudi Arabia, Ford M. Fraker, to discuss persistent religious freedom concerns. In December 2007, the Commission issued a public response to a letter from a group of parents of students at the Islamic Saudi Academy in northern Virginia.

In June 2006, then-Commission Vice Chair Shea testified on behalf of the Commission before the House International Relations Subcommittee on Africa, Global Human Rights and International Operations at a hearing entitled "The Plight of Religious Minorities: Can Religious Pluralism Survive?" Commissioner Shea's testimony focused on religious freedom conditions in five countries—Egypt, Iran, Iraq, Pakistan and Saudi Arabia—as well as recommendations for U.S. policy. In September 2006, the Commission publicly expressed concern that the State Department had removed longstanding and widely quoted language, "freedom of religion does not exist," from its 2006 *Report on International Religious Freedom* on Saudi Arabia, despite the fact

that the report states that “there generally was no change in the status of religious freedom during the reporting period.”

In October 2006, the Commission held a briefing on the current status of human rights and reform in Saudi Arabia with Ibrahim al-Mugaiteeb, President of *Human Rights First Society*, a human rights organization in Saudi Arabia that, despite repeated attempts to gain official recognition, has never been granted a license to function by the Saudi government. Mr. al-Mugaiteeb operates in the Kingdom at his own risk. In November 2006, the Commission issued a statement and wrote to then U.S. Ambassador to Saudi Arabia James Oberwetter about misleading claims by Saudi authorities regarding the purported release of religious prisoners in the southwestern region of Najran.

Recommendations for U.S. Policy

Below are Commission recommendations regarding U.S. policy toward Saudi Arabia.

I. Strengthen U.S. Human Rights Diplomacy as Part of the Bilateral Relationship

The U.S. government should:

- continue to designate Saudi Arabia a “country of particular concern,” or CPC, under IRFA, for engaging in systematic, ongoing, and egregious violations of the right to freedom of religion or belief;
- create a formal mechanism to monitor implementation of the July 2006 policies as part of every meeting of the United States-Saudi Arabia Strategic Dialogue, co-chaired by the U.S. Secretary of State and the Saudi Foreign Minister; and ensure that U.S. representatives to each relevant Working Group of the Strategic Dialogue, after each session, or at least every six months, report its findings to Congress;
- work with the Saudi government to establish a civil society component of the United States-Saudi Arabia Strategic Dialogue so that non-governmental entities from both countries can be given a platform to discuss mutual human rights concerns, including freedom of religion or belief;
- report to Congress, as part of the reporting required under H.R. 1, Section 2043 (c) (1(b)) (“Implementing Recommendations of the 9/11 Commission Act of 2007”), on progress by the Saudi government to implement the July 2006 previously identified and confirmed policies related to religious practice and tolerance; a description of such progress should include Saudi government transparency and any benchmarks and timetables established for implementation of the July 2006 conformed policies;
- expand the religious educators program—which brings Saudi religious leaders and scholars to the United States through a three week International Visitor Program (IVP) to learn about religious freedom in the United States—to include visits to Saudi Arabia by appropriate

American leaders and educators, and increase the numbers and diversity and range of experience of visitors to both countries;

- address the work of the Human Rights Commission (HRC) and National Society for Human Rights (NSHR) by:
 - urging the Saudi government to ensure that all government agencies cooperate fully with the HRC and the NSHR, including by publishing the decree requiring cooperation and abiding by it, including with penalties for failure to cooperate;
 - urging the HRC to study the situation of freedom of religion or belief in the Kingdom, based on universal human rights standards, and report its findings publicly;
 - offering to facilitate training on universal human rights standards, including the right to freedom of thought, conscience, and religion or belief, as well as to provide limited technical support on universal norms to the HRC and NSHR; and
 - urging the Saudi government to implement recommendations from the NSHR's May 2007 report, which, while not addressing religious freedom concerns *per se*, if implemented, could be a welcome initial step towards improving overall human rights compliance in the Kingdom.

II. Address Exportation of Extremist Ideology and Intolerance in Education Materials in Saudi Arabia and Around the World

Given that official Saudi school textbooks continue to include language encouraging hatred and violence that adversely affects the interests of the United States and that the Saudi government, despite repeated requests over a period of several years, has failed to make its current textbooks available to support its claims that such language has been eliminated, the U.S. government should:

- request that the Saudi government:
 - make publicly available the curricula and teacher training manuals used in state primary and secondary schools inside the country;
 - provide an accounting of what kinds of Saudi official support have been and continue to be provided to which religious schools, mosques, centers of learning, and other religious organizations globally, including in the United States;
 - make public the content of educational and other materials sent abroad to demonstrate whether such activities promote hatred, intolerance, or justify or encourage other human rights violations;

- establish a transparent public effort to monitor, regulate, and report publicly about the activities of Saudi charitable organizations based outside Saudi Arabia in countries throughout the world;
- cease granting diplomatic status to Islamic clerics and educators teaching outside Saudi Arabia; and
- ensure that Islamic affairs sections in Saudi embassies throughout the world remain closed indefinitely in accordance with past promises;
- report publicly to Congress on all the above areas as part of the reporting on progress of Saudi government implementation of the July 2006 confirmation of policies, referred to in the recommendation above; and
- communicate and share information with other concerned governments about the July 2006 policies related to Saudi exportation of hate literature and extremist ideology.

III. Press for Immediate Improvements in Other Areas Related to Freedom of Religion or Belief

The U.S. government should continue to advance adherence to international human rights standards, including the freedom of everyone to “manifest his religion or belief in worship, observance, practice and teaching” and prohibit coercion in matters of religion or belief. Saudi government persistence in severely restricting all forms of public religious expression other than the government’s interpretation and enforcement of its version of Sunni Islam is a violation of the freedom of thought, conscience, and religion or belief. As initial steps, the U.S. government should press for immediate improvements in respect for religious freedom, including by urging the Saudi government to:

- establish genuine safeguards for the freedom to worship privately;
- end state prosecution of individuals charged with apostasy, blasphemy, sorcery, and criticism of the government;
- dissolve the Commission to Promote Virtue and Prevent Vice (CPVPV) and entrust law enforcement to professionals in law enforcement agencies with a precise jurisdiction and subject to judicial review and immediately ensure that members of the CPVPV are held accountable and prosecuted for abuses; conduct prompt and independent investigations into reported abuses; ensure complainants due process and other rights under international law, including the right to challenge the lawfulness of his/her detention and be released if it is not lawful; and provide the right to a remedy, including an enforceable right to compensation;
- allow foreign clergy to enter the country to carry out private worship services;

- review cases and release those who have been detained or imprisoned for violations of human rights including their religious belief or practices;
- permit independent non-governmental organizations to monitor, promote, and protect human rights;
- invite the UN Special Rapporteur on Freedom of Religion or Belief to conduct a visit to Saudi Arabia in accordance with the standard terms for such a UN visit;
- ratify international human rights instruments, including the International Covenant on Civil and Political Rights, and cooperate with UN human rights mechanisms;
- implement the recommendations made in Section II (“Address Exportation of Extremist Ideology and Intolerance in Education Materials in Saudi Arabia and Around the World”).

¹ Office of the Spokesman, State Department Media Note, “Ambassador at Large for International Religious Freedom Briefs Congress on U.S.-Saudi Discussions on Religious Practice and Tolerance,” July 19, 2007 (<http://www.state.gov/r/pa/prs/ps/2006/69197.htm>).

² Under IRFA, the simple designation of a country as a CPC is not by itself sufficient action. CPC designation carries an obligation that one or more of certain actions specified in Section 405 of IRFA be taken, unless the Secretary of State, as the President’s designee, determines that pre-existing sanctions are adequate or otherwise waives the requirement.

³ Unfortunately, the Commission did not have access to certain Muslim minority communities. Therefore, this section of the report is limited in its focus to minority Muslim communities about which the Commission obtained firsthand information.

⁴ Expatriate workers are also reportedly subject to physical abuse by their employers.

⁵ Commission staff interviewed one of the American Shi’a Muslim visitors upon his return to the United States in September 2007. Also see Stephen Schwartz, “Saudi Arabia’s Koran Cops,” *The Weekly Standard*, September 3, 2007 (<http://www.weeklystandard.com/Content/Public/Articles/000/000/014/023xwsaa.asp>).

⁶ *Hadd*, a punishment mandated by the Koran, generally cannot be overturned by the state. *Tahzir*, a punishment not mandated by the Koran, is considered discretionary and less serious and can be overturned by the state.

⁷ The primary mission of the Ministry of Islamic Affairs is to supervise and finance the construction and maintenance of the vast majority of mosques in the country, in addition to spreading the teachings of the Koran and translating it into as many languages as possible. The Ministry also maintains all Islamic endowments, particularly the two holy sites in Mecca and Medina. The Ministry publishes Korans and reviews materials in mosques to ensure compliance with its standards.

⁸ Raid Qusti, “Awareness Drive to Promote Human Rights Set,” *Arab News*, July 11, 2007 (<http://www.arabnews.com/?page=1§ion=0&article=98370&d=11&m=7&y=2007>).

⁹ Magdi Abdelehadi, “Saudis to Retrain 40,000 Clerics,” *BBC News*, March 20, 2008 (http://news.bbc.co.uk/2/hi/middle_east/7308040.stm).

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- ¹⁰ For example, see Center for Religious Freedom and Institute for Gulf Affairs, *Saudi Arabia's Curriculum of Intolerance*, Freedom House, 2006 (http://www.hudson.org/files/publications/CRF_SaudiReport_2006.pdf).
- ¹¹ 22 U.S.C. 4301(c).
- ¹² "Summary of Saudi Arabia's Comprehensive Program to Revise the National Educational Curriculums," Royal Embassy of Saudi Arabia, Washington, DC, March 2006.
- ¹³ Center for Religious Freedom and Institute for Gulf Affairs, *Saudi Arabia's Curriculum of Intolerance*, Freedom House, 2006 (http://www.hudson.org/files/publications/CRF_SaudiReport_2006.pdf).
- ¹⁴ P.K. Abdul Ghafour, "Education System Undergoing Major Overhaul," *Arab News*, April 17, 2007 (<http://www.arabnews.com/?page=1§ion=0&article=95083&d=17&m=4&y=2007>).
- ¹⁵ http://www.eschool.gov.sa/index.php?option=com_wrapper&Itemid=109.
- ¹⁶ It should be noted that during its visit, the Commission delegation had very limited access to non-Muslim expatriate workers from non-Western countries.
- ¹⁷ Michael Freund, "Saudis Might Take Bibles from Tourists," *Jerusalem Post*, August 8, 2007 (<http://www.jpost.com/servlet/Satellite?cid=1186557401034&pagename=JPost%2FJPArticle%2FShowFull>).
- ¹⁸ Mariam Al Hakeem, "Case Against Saudi Religious Police Adjourned," *Gulf News*, September 4, 2007 (<http://archive.gulfnews.com/articles/07/09/04/10151174.html>).
- ¹⁹ Faiza Saleh Ambah, "An Unprecedented Uproar Over Saudi Religious Police," *The Washington Post*, June 22, 2007, p. A14.
- ²⁰ The Commission obtained from the U.S. Embassy in Riyadh a provisional translation into English of the original NSHR May 2007 report written in Arabic.
- ²¹ Roula Khalaf and Andrew England, "Saudi Religious Police Face Pressure," *Financial Times*, June 5, 2007.
- ²² See Human Rights Watch, "Saudi Arabia: Hold Religious Police Accountable for Killing," July 25, 2007 (<http://hrw.org/english/docs/2007/07/25/saudia16476.htm>); and Raid Qusti, "Commission Cleared in Huraisi Death," *Arab News*, June 26, 2007 (<http://www.arabnews.com/?page=1§ion=0&article=94954&d=26&m=6&y=2007>).
- ²³ Abdullah Shiri, "Charges Dropped Against Saudi Police," *Associated Press*, July 31, 2007 (<http://www.washingtonpost.com/wp-dyn/content/article/2007/07/31/AR2007073101044.html>).
- ²⁴ Yousuf Muhammad, "Car Crash Kills 4 in Madinah; Commission Role Suspected," *Arab News*, April 1, 2008 (<http://www.arabnews.com/?page=1§ion=0&article=108448&d=1&m=4&y=2008>).
- ²⁵ See Asharq Al-Awsat, "Saudi Interior Ministry Issues Warning Against Commission," July 15, 2007 (<http://aawsat.com/english/news.asp?section=1&id=9580>) and Raid Qusti, "Govt Cautions Commission Members," July 15, 2007 (<http://www.arabnews.com/?page=1§ion=0&article=98507&d=15&m=7&y=2007>).
- ²⁶ Raid Qusti, "Virtue Commission Chief Disputes NSHR Findings," *Arab News*, June 11, 2007 (<http://www.arabnews.com/?page=1§ion=0&article=97340&d=11&m=6&y=2007>).
- ²⁷ The Commission delegation obtained from the Human Rights Commission a copy of their statute, Saudi Council of Ministers Decision No. 207, dated September 12, 2005. See Article I of the statute.
- ²⁸ Raid Qusti, "Awareness Drive to Promote Human Rights Set," *Arab News*, July 11, 2007 (<http://www.arabnews.com/?page=1§ion=0&article=98370&d=11&m=7&y=2007>).
- ²⁹ Raid Qusti, "Rights Group to Study Claims of Sectarian Prejudices in Society," *Arab News*, June 3, 2007 (<http://www.arabnews.com/?page=1§ion=0&article=96997&d=3&m=6&y=2007>).
- ³⁰ Raid Qusti, "Need to Teach Human Rights in School Stressed," *Arab News*, January 6, 2008 (<http://www.arabnews.com/?page=1§ion=0&article=105345&d=6&m=1&y=2008>).
- ³¹ See Chapter III, Section I, Paragraph I, of the National Society for Human Rights May 2007 report.

VIETNAM

Introduction

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

A Commission delegation visited Vietnam from October 23 – November 2, 2007 to assess current religious freedom conditions and evaluate reports of both progress and ongoing abuses. The Commission found that religious freedom conditions in Vietnam continue to be mixed, with improvements for some religious communities but not for others; progress in some provinces but not in others; reforms of laws at the national level that are not fully implemented or are ignored at the local and provincial levels; and still too many abuses of and restrictions on religious freedom affecting most of Vietnam’s diverse religious communities. Some important changes were implemented and prisoners were released after the U.S. government designated Vietnam a CPC; however, it is not yet correct to state that the Vietnamese government is fully committed to respecting religious freedom instead of maintaining control of its diverse religious communities. In view of the ongoing and serious problems faced by many of Vietnam’s religious communities, the uneven pace of reforms meant to improve the situation, the continued detention of religious prisoners of concern, and what can only be seen as a deteriorating human rights situation overall, the Commission again recommends that Vietnam be designated a CPC in 2008.

Since 2004, there have been important signs of improvement in religious freedom conditions in Vietnam. The government has expanded the zone of permissible religious activity and released a number of prisoners from a list provided by the State Department. It has issued new administrative ordinances and decrees that outlined registration procedures and outlawed forced renunciations of faith. However, this notable progress occurred alongside persistent abuses, discrimination, and restrictions. The government continues to imprison and detain dozens of individuals motivated by their religion or conscience to advocate for religious freedom reforms in Vietnam. The government persists in maintaining control of most religious organizations and restricts their activities and growth through a pervasive security apparatus and the process of requiring official recognition, registration with government-approved religious organizations, and permission for most activities. Independent religious activity is illegal, and legal protections for government-approved religious organizations are often vague and subject to arbitrary or discriminatory interpretation based on political factors. There are no clear penalties or procedures for holding accountable police or government officials who restrict or abuse

religious freedom. While new laws have promised needed protections, they have not been fully implemented or have sometimes been used to restrict and discriminate. In addition, religious communities and individuals viewed as political or security threats by the Vietnamese government face continued harassment, detention, or arrest. These include ethnic minorities, both Buddhist and Protestant, whose religious practice is viewed, in the words of a government training manual, as something to be “resolutely overcome.”

Since January 2007, when Vietnam joined the World Trade Organization (WTO), religious freedom conditions have not improved as quickly or as readily as other areas important to the U.S.-Vietnamese relationship. Vietnam’s overall human rights record remains very poor and in fact has deteriorated since that time, and the government has moved decisively to repress any perceived challenges to its authority. More than 30 legal and political reform advocates, free speech activists, labor unionists, and independent religious leaders and religious freedom advocates were arrested in 2007, placed under home detention or surveillance, threatened, intimidated, and/or harassed. Given the prominence of religious leaders in advocating for the legal and political reforms needed to guarantee religious freedom fully, their continued imprisonment or detention must be considered when measuring religious freedom progress in Vietnam.

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

This was made plain to the Commission during its meetings with prisoners Nguyen Van Dai and Li Thi Cong Nhan. Both pointed out that though Vietnam’s constitution guaranteed religious freedom, further legal reforms were needed in order for this freedom to be fully realized. Both said that they were peaceful advocates and in contrast to government claims, did not aim to “destabilize” the Vietnamese government. Both also stated that the protection of religious freedom was an important foundation of their professional work. Nguyen Van Dai stated openly that his religious freedom advocacy was part of the reason he was arrested in

March 2007. The continued detention of religious prisoners of concern, and the existence of vague “national security” provisions in various laws used as the basis for their arrest (see below), is a primary factor in the Commission’s determination that Vietnam remains a serious violator of religious freedom.

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

The Commission maintains that the State Department’s removal of the CPC designation for Vietnam in November 2006 was premature. In addition to the fact of ongoing religious freedom violations, removing the CPC designation suspended the diplomatic framework that had led to a productive bilateral engagement on religious freedom and other human rights concerns and therefore removed the potential incentives and leverage needed to urge the Vietnamese government to continue to improve its human rights record. Thus, in order to address Vietnam’s persistent, severe religious freedom concerns and articulate fully to the Vietnamese government that religious freedom and related human rights are critical matters affecting bilateral relations, the Commission urges the U.S. government to re-designate Vietnam a CPC.

The Commission Visit to Vietnam

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

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

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

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

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

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

Vietnamese Protestants, Catholics, and non-UBCV Buddhist leaders uniformly reported that conditions had improved since the United States designated Vietnam a CPC in 2004. Some

leaders attributed changes directly to Vietnam's desire to join the international community as well as to the U.S. promotion of religious freedom in its bilateral relations. The pace of progress has been faster in urban areas and among groups viewed as "non-political." Nevertheless, even in urban areas, there are continuing problems. The government actively discourages independent religious activity and refuses to recognize legally the UBCV and some Hoa Hao and Cao Dai groups. Although the government has legally recognized different Protestant denominations and Buddhist groups and allowed them to operate and organize independently, it requires religious leaders and followers from the UBCV, Hoa Hao, and Cao Dai to affiliate only with government-approved religious organizations.

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

Findings

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

Prisoners of Concern

- There are scores of known religious "prisoners of concern" in Vietnam, persons imprisoned in violation of their human rights, for reasons related to their exercise or advocacy of freedom of religion or belief, including, for example, calling for legal reforms to advance religious freedom or organizing protests against religious freedom restrictions. The number

includes at least 15 individuals detained under administrative detention orders. It does not, however, include the Montagnard Protestants who were arrested after the demonstrations for religious freedom in the Central Highlands in 2001 and 2004. Precise information on why these religious leaders and adherents were arrested has been difficult to obtain, but the continued imprisonment of Montagnards remains another persistent religious freedom problem.

Ongoing Religious Freedom Abuses

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

Government Training of Provincial Officials

- Implementation of the new religion ordinances and regulations remains a problem and has led to uneven enforcement, religious freedom restrictions, and some abuses. Assistant Secretary of State Hill, in his March 2008 Senate Foreign Relations Committee testimony, stated that the Vietnamese government was training government officials “throughout the country” to implement the new religion laws, a sign, he suggested, of “progress.” However, official Vietnamese government figures indicate that since 2005, they have conducted only 16 training courses and eight workshops for Vietnamese civil servant in 17 of Vietnam’s 59 provinces.
- The value of government-sponsored training seminars or workshops remains unclear, since the regulations regarding legal registration continue to be routinely misapplied or ignored in provincial areas—particularly in the Mekong Delta, northwest provinces, Central Highlands and central coastal regions, including Hue. In addition, there is evidence to suggest that in the Central Highlands, government officials were in fact trained to discriminate against Protestant communities by denying them housing, medical, educational, and other government benefits, including foreign assistance and development aid.
- The Vietnamese government’s training materials for dealing with religious adherents in the northwest provinces continue to be antagonistic toward ethnic minority Hmong Protestants and Catholics and do not fully reflect Vietnamese law or international human rights standards. Provincial officials are urged to control and manage existing religious practice through the law, to halt “enemy forces” from “abusing religion” to undermine the Vietnamese state, and to “overcome...and solve the root causes...of the extraordinary growth of Protestantism.”

Registration Issues

- The Vietnamese government has extended national legal recognition to various Protestant and Buddhist groups and to Baha’is, and has provided pledges of protection for religious activities. However, there are several different levels of legal recognition offered to religious groups, with “national” recognition being the most difficult to obtain. Most religious groups are granted permission to conduct “specific religious activities,” a status that limits religious activities sometimes to a specific leader, location, or only to weekly worship. This last level of recognition has been used, on occasion, to restrict religious activities and members’ participation, particularly among ethnic minority Protestants.
- Despite clear timetables for providing responses, the Vietnamese government has not responded to more than a thousand applications for legal recognition, including applications from Protestant house churches in southern Vietnam and Hmong Protestant churches in the northwest provinces, making them technically illegal. In several instances, churches whose applications for legal recognition were delayed or denied faced threats of closure by government officials.

- During the past year, some religious groups have stopped seeking legal recognition because government officials have placed conditions on the approvals of applications. These conditions include requiring application materials to include personal information about church members, a reduction in the size of religious groups' management committees at the district level, religious leaders to become police informants on the activities of other religious groups, and the participation of religious leaders in communist ideology courses.

Prisoners of Concern

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

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

It is the Commission's view that in all of the most recent cases of arrest, imprisonment, and other detention, religious leaders and religious freedom advocates had engaged in actions that are protected by international human rights instruments. In addition to the freedoms to believe and to worship, the freedom to peacefully advocate for religious freedom is guaranteed by the Universal Declaration of Human Rights and the ICCPR, which protect not only the right to freedom of thought, conscience, and religion or belief,² but also the related rights of freedom of opinion and expression,³ and to freedom of peaceful assembly and association.⁴ 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."⁵ These international human rights law standards are

specifically incorporated in IRFA's definition of how to assess a "violation of religious freedom."⁶ Public action may have led to the advocates' detention or arrest, but the actions were taken on behalf of the right to religious freedom; thus, their detention is clearly a violation of international protections for this right.

The "prisoners of concern" include:

- Five Cao Dai followers being held after they were arrested in Cambodia for handing out fliers critical of the Vietnamese government's control of and restrictions on Cao Dai religious practice. The five were arrested in July 2005 with three other Cao Dai members, returned to Vietnam, and sentenced to 13 years for "fleeing abroad to oppose the Government" and "propagating documents against the Vietnamese Government to incite demonstrations and riots."
- At least a dozen Hoa Hao followers incarcerated since 2005 for protesting restrictions on Hoa Hao practice and the arrest of Hoa Hao followers, including four sentenced in May 2007 for staging a peaceful hunger strike.
- Five Khmer Buddhists arrested in February 2007 for leading a demonstration protesting restrictions in Sac Trong province. Also, imprisoned is Khmer Buddhist monk Tim Sarkhorn, who was arrested in Cambodia and returned to Vietnamese authorities allegedly for illegally crossing the border, though reportedly he was arrested for engaging in non-violent activities critical of the Vietnamese government's repression of the language, culture, and religious traditions of the Khmer ethnic minority in Vietnam.
- At least 15 individuals being detained under long-term administrative detention orders, including UBCV and Catholic religious leaders.

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

Father Ly had been arrested in 2001 and sentenced to 15 years in prison after submitting written testimony to this Commission. After he was granted an early release in 2005, he helped found *Freedom of Speech* magazine and organize the Bloc 8406 democracy movement, which began in April 2006 after hundreds of people signed a public petition calling for greater democracy and human rights, including religious freedom, in Vietnam. In April 2006, Fr. Ly founded the Vietnam Progression Party with the primary goal of restoring freedom of religion, speech, and association in order to build a society that respects "people's interests and human rights accords." One year after founding the Progression Party, Fr. Ly and four of his associates were sentenced under Article 88 of the Vietnamese Criminal Code for "propagandizing against the state." Fr. Ly received a sentence of eight years in prison and five years of house arrest.

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

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

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

Vietnam's Religious Communities: Improving Conditions for Some, Ongoing Restrictions and Abuses for Others

The number of those who profess to be religious adherents continues to grow in Vietnam. In large urban areas, the Vietnamese government has expanded the zone of permissible religious activity for Catholics, non-UBCV Buddhists, and some Protestant groups. Religious leaders in Hanoi and Ho Chi Minh City report few overt restrictions on their normal worship activities and the government continues to support the building of some new religious venues, the training of some new religious leaders, and permission to hold several large religious gatherings,

particularly in Ho Chi Minh City. Protestant groups report that police harassment has also declined overall, although the movement and activities of a number of their leaders continue to be monitored by the police. Improvements reportedly depend on geographic area, ethnicity, or the relationship established by religious leaders with local or provincial officials. Many religious leaders said positive changes began in early 2005 and continued through 2006, a time frame that corresponds with the U.S. government's designation of Vietnam as a CPC, an action that made religious freedom concerns a priority in U.S.-Vietnamese bilateral relations. Many religious leaders claimed that positive religious freedom changes were also made because of the Vietnamese government's desire to join the international community, a goal that included WTO accession and election to a non-permanent seat on the UN Security Council.

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

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

Vietnamese Catholics

Vietnamese Catholics report that the government has gradually eased its oversight over the selection and ordination of priests. It is still the case that all students for the priesthood must be approved by local authorities before enrolling in a seminary and again prior to their ordination as priests. However, the Church often moves ahead with ordinations after informing government officials. The government technically maintains veto power over Vatican appointments of bishops, but it reportedly cooperates with the Church in the appointment process. The government recently approved a bishop for the newly created Ba Ria Vung Tau Diocese, allowed a new Jesuit seminary to be built in Ho Chi Minh City, and permitted several local dioceses to hold religious education classes for minors on weekends and conduct some charitable activities. Hanoi continues to discuss conditions for the normalization of relations with the Holy See,

discussions that included a meeting between Pope Benedict XVI and Prime Minister Dung at the Vatican and a corresponding visit of a high-level Vatican delegation to Vietnam in February 2007.

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

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

Protestants in Vietnam

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

However, after the State Department lifted the CPC designation and Vietnam achieved both Permanent Normal Trade Relations (PNTR) and accession to the WTO, momentum reportedly slowed considerably in many places, and stopped altogether in others. Because of poor implementation of Vietnam’s regulations and ordinances on religion, noncompliant provincial officials, or government suspicion of ethnic minorities, Protestants continue to face problems. New bureaucratic or administrative controls are being used by some local officials to restrict worship activities, including zoning laws that prohibit attendance at services in other

districts, the denial of applications for legal recognition, or the regular use of the application process to demand personal information about the members of religious communities and/or gain control over the administrative affairs of independent house churches. In addition, some local officials have conditioned approval of registration applications on the leader's willingness to become a government informant. Many, if not most, of these recent problems can be considered isolated cases, but taken together, they appear to indicate that the Vietnamese government remains determined to maintain ongoing control over the practice of religion in ways that contravene human rights norms.

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

In September 2006, Protestant pastor Tran Van Hoa was arrested and detained for two weeks and security officials closed down Christmas celebration services in a Baptist church in Haiphong, Bac Giang province. In Quang Ngai province, security officials reportedly told ethnic Hre Protestants that "unless they behave," their churches would be destroyed and leaders arrested "once the APEC [the Asia-Pacific Economic Cooperation summit meeting] is over." In the past year, local officials have destroyed property or confiscated land from Hre Protestants, fined adherents, and told leaders that they would be "tolerated as long as they did not gather in large groups." In June 2005, police detained 17 ethnic Hre Protestants; when community members refused to cease their religious activities, their homes and rice fields were burned and their land confiscated.

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

There is also disturbing evidence that provincial officials discriminate against ethnic minority Protestants. Children are denied access to high school, based on outdated laws prohibiting the entry of children from religious families. There are also reports that Protestants are denied access to government benefits readily available to non-Protestants. In addition, local

officials reportedly intimidate family elders, threatening to take away their government benefits unless they convince younger family members to renounce their religion. Montagnard Protestants have long complained of targeted discrimination, but there is troubling evidence that both provincial and government officials are training local officials in these discriminatory tactics. At a 2007 training workshop in Kontum, local police and government officials were reportedly trained in ways to deny medical, educational, housing, financial and other government services to “religious families” or to the families of recent converts. In addition, officials were instructed to divert foreign aid projects from known Protestant villages.

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

Forced Renunciations of Faith

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

In 2007, two Hmong Protestant leaders in Sang Chai hamlet, Lu Thanh village, Si Ma Cia district were physically assaulted and threatened with a gun in an attempt to force a new Protestant church to close and to coerce the members of the congregation to recant their religion. In Dien Bien province, Muong Lay district, Cha Cang commune, local authorities encouraged Hmong clan leaders to pressure local Protestant families to cease practicing their faith, including by forcing some families to construct traditional altars in their homes and/or to sign formal documents renouncing their beliefs. In Thai Binh province, Tien Hai district, Dong Lam commune, local authorities tried to force Protestant house church pastor Nguyen Van Cam to

sign documents committing him to stop holding church services. In Dien Bien province, East Dien Bien district, police broke up a house church meeting, banned worshippers from gathering, confiscated religious material, fined followers, forced some to cut wood, and visited the homes of church members to pressure them to abandon their faith. Religious leaders in the northwest provinces and central coast region, including leaders and followers from the Inter-Evangelistic Movement Bible Church, also reported that they were being denounced as “enemies of the state” for “believing in an American religion,” and were forced to pay fines.

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

Specific Problems in the Central Highlands

Montagnard Protestants

During the Commission’s visit to the Central Highlands in November 2007, religious leaders indicated that the situation had markedly improved during the past two years, particularly for groups affiliated with the SECV. In Gai Lai and parts of Dak Lak provinces, local religious leaders and government officials have worked together to re-open churches closed since 2001, approve religious training classes, and legally recognize congregations. However, relations between ethnic minority residents of the Central Highlands and Vietnamese government officials remain tense in some provinces and there continue to be reports of an intrusive security presence in the region.

The Vietnamese government remains on guard against ethnic minority unrest since the Central Highlands was the scene of protests for land rights and religious freedom in 2001 and 2004. Numerous eyewitnesses report that the 2004 demonstrations were disrupted by attacks on protesters by security forces and hired proxies. There are credible reports of especially severe violence occurring in Dak Lak province, including the killing of at least 10 demonstrators. No public investigation of or accounting for police action during the 2001 and 2004 demonstrations has occurred. Since the demonstrations, however, Vietnamese officials have imprisoned those believed to have organized the protests, others suspected of taking part, and those who sought asylum in Cambodia during police crackdowns after the demonstrations. Vietnamese security officials have also pursued Montagnards into Cambodia to stop the flow of asylum seekers. Some Montagnard villages and communes remain under tight government control, and no

international observer has been allowed unobstructed access to the region, though diplomats have occasionally visited, including representatives of the UN High Commissioner for Refugees (UNHCR) and Ellen Sauerbray, the then-U.S. State Department's Assistant Secretary of State for Populations, Refugees, and Migration. There continue to be reports of Montagnards seeking asylum in Cambodia, despite efforts to halt the refugee flow by both the Vietnamese and Cambodian governments.

Religious leaders reported that in recent years, the government has relaxed some restrictions, allowing a reported 100 churches in the Central Highlands to register legally with the SECV. Several hundred more have been given *de facto* or official permission to operate pending registration decisions. As many as 700 of the 1,250 churches and meeting points closed after 2001 have since been re-opened. However, religious freedom improvements depend upon province, religious affiliation, and the goodwill of local and provincial officials. For example, severe restrictions on the activities of religious groups and believers in parts of Dak Lak, Dak Nong, Kontum, and Bien Phouc provinces continue. In Dak Lak province, the Commission delegation met with one house church Protestant pastor who described how government authorities had threatened to remove his residency permit, brought lawsuits against him to confiscate his property, and harassed and threatened his congregation until many of them left. Officials then put a sign up at the end of the road prohibiting entry to what was termed a "secret military area." This pastor stated that 14 other congregations affiliated with his group experienced similar problems. Many of the pastor's legal problems "disappeared" immediately prior to his meeting with the Commission; however, there have not been additional improvements since the Commission delegation left Vietnam and most of the same problems remain. Other ethnic minority Protestants, including members of the Stieng minority in Bien Phouc province and the Hre ethnic minority in Quang Ngai, continue to face discrimination and harassment or have had property confiscated by provincial officials. Central government authorities either ignore these problems or have not yet acted to curtail them. After conducting extensive interviews with Montagnard Protestants in 2007, Human Rights Watch confirmed that ethnic minority Protestants face severe restrictions on religious practice, expression, and association. Most repression targeted Protestants who refused to join the SECV or who were suspected of affiliating with the banned *Tin Lanh Dega* (Dega Protestant Church).

The Vietnamese government views *Tin Lanh Dega* as a subversive institution combining religion and advocacy of political autonomy. A recent study commissioned by the UNHCR found that few self-identified adherents of *Tin Lanh Dega* sought any type of political autonomy; rather, most sought "enhancement of their human rights position" and the "need to gather in independent *Tin Lanh Dega* church communities" that are separate from what they viewed as the Vietnamese-led SECV. Even those *Tin Lanh Dega* leaders who expressed a desire for greater political autonomy sought to advance this position peacefully. Nevertheless, to suppress *Tin Lanh Dega* activity or sympathy with the group, security officials in Dak Nong, Dak Lak, and parts of Gai Lai and Kontum provinces have engaged in severe violations of religious freedom and related human rights. Human Rights Watch found that police do not allow people to gather for worship, often live in the homes of known religious leaders, constantly monitor and interrogate religious leaders, and arrest and detain those found meeting clandestinely for prayer. Police also reportedly pressure some to sign pledges agreeing to "abandon Christianity and politics." In addition, police also use a variety of methods to coerce suspected Dega Protestants

to join the SECV, the government-approved religious organization. In February and March 2006, police in Gia Lai province reportedly detained individuals from several allegedly *Tin Lanh Dega* congregations in an attempt to force them to affiliate with the SECV. Police asked those detained whether they would remain “political” or whether they would follow the “Christianity of [the Prime Minister].” Those who refused to cease their religious activity reportedly were beaten and later released. SECV religious leaders told the Commission that attempts by police to coerce alleged *Tin Lanh Dega* congregations to join the SECV were made without their knowledge or cooperation.

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

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

Abuses in the Northwest Provinces

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

Recent government documents appear to recognize that ethnic minority Protestants in the northwest provinces have a “genuine need” to practice their religion. Over the past several years, the Vietnamese government has begun to allow Hmong Protestants to gather for worship purposes and, according to the State Department, to conduct religious activity in homes “during the daytime.” In the last year, the government has given an estimated 60 churches official

permission to conduct legal religious activity as a “pilot project.” An estimated 1,000 other religious venues in the northwest provinces are seeking affiliation with the Evangelical Church of Vietnam, North (ECVN), and hundreds of other house church Protestant groups are conducting some sort of independent religious activity in the region.

However, these positive moves have been accompanied by persistent official harassment and even repression. For example, ECVN leaders were told to stop accepting new applications for registration after the number reached 671. Though required by law to respond to new applications in a timely manner, Vietnamese government officials have denied or ignored all new applications for legal recognition, making these religious groups technically illegal. ECVN officials were told that they should not expect approval of new registration applications this year. Two Protestant leaders from Lao Cai province were detained for two weeks and fined because they traveled to Hanoi to acquire registration application forms from ECVN leaders.

ECVN leaders have also expressed concern about the way local authorities are interpreting the new laws on religion. In a State Department investigation of the current situation, ethnic minority religious leaders reported that security officials regularly attend religious services, check church membership lists, and force anyone not on the list to leave. In some locations, security officials have reportedly barred anyone under the age of 14 from attending services, banned mid-week meetings and programs for children and young people, and insisted that religious leaders be chosen under their supervision. During its visit to Vietnam, the Commission confirmed that some of these practices continue to occur.

Forced Renunciations, Detentions, and Fines

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

In addition, although the number of reported abuses has declined in recent years, the persistent reports detailing detentions, fines, and other forms of harassment indicate that the central government continues to limit the religious freedom of ethnic minority groups in Vietnam. Ethnic minority Protestants have been fined and detained for carrying Protestant

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

The United Buddhist Church of Vietnam

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

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

need is freedom of religion,” [and] “the Vietnamese people need religious freedom to address all of Vietnam’s growing social problems. We have tried to organize and carry out our work peacefully, but we are unable.”

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

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

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

Restrictions and abuses targeting the UBCV affect lay Buddhists as well as associated monks and nuns. The Vietnamese government has actively sought to stop the organization of the Buddhist Youth Movement. In the last year, police have briefly detained monks attending a

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

Vietnamese authorities continue to threaten and detain monks and adherents of UBCV affiliated monasteries, as well as others seeking to meet UBCV leaders. Lay Buddhists who visit the pagodas of known UBCV leaders are harassed and information about them is collected. In December 2005, reports emerged that UBCV nun Thich Nu Thong Man was subject to a "denunciation campaign" and expulsion order by provincial authorities in Khanh Hoa province. Police threatened local villagers with the loss of jobs and government services unless they publicly denounced the nun and reportedly asked provincial authorities to have her expelled from the local monastery. In January 2007, security officials from Binh Dinh province issued orders prohibiting future religious gatherings at the Thap Thap monastery, reportedly threatening that local Buddhists would lose their jobs or their children would be expelled from school if they did not obey.

Hoa Hao, Cao Dai, and Khmer Buddhist Communities

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

Both the Cao Dai and Hoa Hao pointed to the government's ongoing oversight of and control over their communities' internal affairs. The Cao Dai continue to protest that the Vietnamese government controls their rituals, celebrations, funerals, and the selection of

religious leaders. For example, the government has long banned the use of séances, the key method for selecting Cao Dai leaders. Another complaint is related to the government's rejection of the Cao Dai charter drawn up before the 1950s, the official unwillingness to allow the community to maintain its own independent source of income, and the seizure without compensation of Cao Dai properties after 1975. Some Cao Dai traditionalists have refused to participate in the government-appointed management committees and have formed independent groups. Eight Cao Dai were arrested in 2005 for protesting government control.

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

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

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

After the February 2007 demonstration in Soc Trang, provincial officials and police expanded surveillance and restrictions on Khmer Buddhist religious activity and pressured Khmer Buddhist leaders to identify or defrock monks critical of the government. As Theravada Buddhists, the Khmer have ethnic and religious traditions distinct from the dominant Mahayana Buddhist tradition practiced in most places of Vietnam. Khmer Buddhists in Cambodia have

called for a separate religious organization for their co-religionists in Vietnam, an idea roundly rejected by provincial officials during the Commission's visit to Soc Trang.

Government Handbook on Religious Practice in the Northwest Provinces

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

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

An analysis of the revised handbook reveals, unfortunately, that the new edition is hardly better than the previous one. Provincial officials continue to be urged to control and manage existing religious practice through law, halt “enemy forces” from “abusing religion” to undermine the Vietnamese state, and “overcome the extraordinary...growth of Protestantism.” This last instruction is especially problematic, since it suggests that the growth of Protestantism among ethnic minority groups continues to be viewed as a potential threat to public security and that it is the “responsibility” of officials to stem it. As stated in the revised handbook “Protestant growth can explode at any time...and is spreading to other tribes and regions...some can take advantage of religion to practice superstition, to violate the policies and laws of our State, to incite division among the people, to cause disturbances, to violate the common good or threaten the security of the State.”

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

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

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

Both Vietnamese and U.S. government officials have claimed that the implementation of the November 2004 Ordinance on Religion and Belief and the expansion of legal recognition for religious groups are signs of progress in the protection of religious freedom in Vietnam. The Ordinance does affirm the right to freedom of religion. However, it also requires that all religious groups register with the government in order to function legally, and bans any religious activity deemed to cause public disorder, harm national security and national unity, or “sow divisions.” In addition, there continue to be problems in the implementation of a number of the provisions of the Ordinance, problems that include: the excessive denials or delays in approving thousands of legitimate registration applications, the refusal to register all but a handful of Protestant congregations in the north and the northwest provinces, inconsistent registration procedures and other legal requirements, continued restrictions on the recruitment or selection of religious leaders, difficulties in establishing a sufficient number of Catholic seminaries and Protestant pastor training courses, and unresolved land expropriation claims involving a number of religious groups.

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

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

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

Other problems with the Ordinance have also emerged:

- The requirement that registration be gained for “specific religious activities” has been used to restrict religious practice. Some registered congregations in the northern region and the northwest Highlands complained that officials attend services, deny entrance to individuals not on application lists, refuse to approve religious meetings that are not held on weekends, and prevent members from participating in services through harassment by local authorities or their agents. Annual activities by congregations must also be registered with the authorities, and activities not on the accepted annual calendar require separate government approval.
- The approval process is slow and there is no redress for denials. Thousands of applications for legal recognition have not been answered, including at least 671 applications from ethnic Protestant churches seeking to affiliate with the ECVN. There are similar approval problems in the Mekong Delta region. Religious venues that are denied legal recognition have no clear avenue of appeal. Provincial authorities have threatened to close several religious venues that have been denied registration.
- There are frequently unreasonable demands made by local officials, including that a religious organization provide lists of members of all its congregations as a precondition to registration, even though this specific requirement was not codified in the Ordinance on Religion. Many house church Protestants have ceased seeking national registration because local and provincial authorities are requiring that all district/provincial administrative staff be removed, religious leaders undergo indoctrination classes in Communist ideology, and denominational leaders become government informants as conditions for application approval.
- Not all religious groups are eligible for registration. Independent Hoa Hao and Cao Dai groups, and some Mennonite, Baptist, and other house church Protestants in the Mekong Delta, Central Highlands, and northwest provinces have not been allowed to register. UBCV Buddhists are required to affiliate with the Vietnamese Buddhist Sangha (VBS).

Some of the problems encountered by religious groups in the registration process require a political solution, such as legal recognition of the UBCV and some Hoa Hao and Cao Dai groups. Other problems require better training on the Ordinance and implementation regulations among Vietnamese government officials. Assistant Secretary of State Hill, in his March 2008 Senate Foreign Relations Committee testimony, publicly stated that Vietnam's efforts to train government officials to implement Vietnam's new religion laws were a sign of “progress.” However, in Vietnam, when the Commission asked about the number of training programs that

have been conducted for government officials, the delegation was told that between 2005 and 2007, the Vietnamese government conducted 16 training courses and eight workshops for Vietnamese civil servants in 17 of Vietnam's 59 provinces. Given the problems encountered implementing Vietnam's Ordinance on Religion, it is difficult to see how the relatively small number of training sessions for government officials can be viewed as a sign of progress.

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

Commission Recommendations

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

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

Prisoner Releases

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

Thich Quang Do, and the other UBCV leaders detained since the 2003 crackdown on the UBCV's leadership;

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

The Revision of Laws to Reflect International Human Rights Standards

- amending the 2004 Ordinance on Religious Beliefs and Religious Organizations, Decree 22, the "Prime Minister's Instructions on Protestantism," and other domestic legislation to ensure that such laws do not restrict the exercise of religious freedom and instead conform to international norms regarding the freedom of thought, conscience, and religion or belief, including revising the vague national security provisions in the 2004 Ordinance;
- enforcing the provisions in the Prime Minister's "Instructions on Protestantism" that outlaw forced renunciations of faith and establishing specific penalties in the Vietnamese Criminal Code for anyone who carries out such practices;
- ending the use of such far-reaching "national security" provisions as Article 88 or Article 258 of the Criminal Code, which have resulted in the detention of advocates for religious freedom and related human rights such as the freedoms of expression, association, and assembly;
- revising or repealing ordinances and decrees that empower local security police to arrest, imprison, or detain citizens in administrative detention for vague national security or national solidarity offenses, including Ordinance 44, Decree 38/CP, Decree 56/CP, and Articles 258, 79, and 88, among others, of the Criminal Code, and ending their *de facto* use to detain advocates;
- establishing a clear and consistent legal framework that allows religious groups to organize and engage in humanitarian, medical, educational, and charitable work;
- investigating and publicly reporting on the beating deaths of Hmong Protestant leaders Mua Bua Senh and Vang Seo Giao and the 2007 beating death of Hroi Protestant Y Vin Het in Phu Sen province, and prosecuting anyone found responsible for these deaths;

Protecting Independent Religious Practice

- establishing a non-discriminatory legal framework for religious groups to engage in peaceful religious activities protected by international law without requiring groups to affiliate with any officially registered religious organization, for example:
 - allowing the banned Unified Buddhist Church of Vietnam (UBCV) or the Khmer Buddhists to operate legally and independently of the official Buddhist organizations and the Vietnam Buddhist Sangha, including allowing the UBCV's Provincial Committees and Buddhist Youth Movement to organize and operate without restrictions or harassment;

- allowing leaders chosen by all Hoa Hao adherents to participate in the Executive Board of the Hoa Hao Administrative Council or allowing a separate Hoa Hao organization, such as the Hoa Hao Central Buddhist Church, to organize legally and operate with the same privileges as the Administrative Council;
 - allowing Cao Dai leaders opposed to the Cao Dai Management Council to form a separate Cao Dai organization with management over its own affairs; and
 - allowing Protestant house church groups in the Central Highlands, central coast, and north and northwest provinces to organize independently and without harassment, and allowing them to operate, if desired, outside of either the Southern Evangelical Church of Vietnam (SECV) or the Northern Evangelical Church of Vietnam (ECVN);
- allowing all Hoa Hao groups freely and fully to celebrate their founding Prophet's Birthday, allowing the printing and distribution of all the groups' sacred writings, and allowing the rebuilding of the Hoa Hoa Buddhist Library in Phu Tan, An Giang province;
 - approving the registration applications of all 671 ethnic minority churches in the north and northwest provinces and allowing them to affiliate immediately with the Evangelical Church of Vietnam (ECVN), consistent with the deadlines established in the Ordinance on Religious Belief and Religious Organizations;
 - creating a national commission of religious groups, government officials, and independent, non-governmental observers to find equitable solutions on returning confiscated properties to religious groups;

The Training of Government Officials

- revising the *Training Manual for the Work Concerning the Protestant Religion in the Northwest Mountainous Region* to reflect fully international standards regarding the protection of religious freedom and removing language that urges authorities to control and manage existing religious practice through law, halt "enemy forces" from "abusing religion" in order to undermine the Vietnamese state, and "overcome the extraordinary...growth of Protestantism";
- issuing clear, public instructions for provincial officials regarding the registration process, consistent with the provisions of the Ordinance, including by restating the timetables for responding to applications; providing redress for denials; and ceasing unreasonable demands for information or other conditions placed on registration applications, such as demanding names of all members of religious communities, requesting management changes, requiring denominational leaders to convene conferences to undergo indoctrination classes, and requesting that denominational leaders become informants on other religious groups;
- issuing a "National Handbook for Religious Work" to train the estimated 21,000 new government officials engaged in "religious work," which should include an unambiguous statement about the need to respect international standards regarding religious freedom, guidelines for interpreting the Ordinance on Religion and Belief, detailed procedures on how to oversee the legal recognition process, a clear explanation of the duties of provincial officials under the law, and a description of the rights of religious communities under

Vietnamese law and international human rights standards, including providing avenues to report inappropriate actions by local officials or police;

- issuing a public statement clearly stating that the denial of educational, medical, housing, and other government services or economic assistance, including foreign aid, based on religious belief, affiliation, or ethnicity is contrary to Vietnamese law and that government officials found using such tactics will be prosecuted under the law;

Asylum and Refugee Issues

- allowing ethnic minorities in the Central Highlands or northwest provinces to seek asylum safely in Cambodia and continue to allow representatives of the UN High Commissioner for Refugees (UNCHR) and other appropriate international organizations unimpeded access to the Central Highlands in order to monitor repatriated Montagnards, consistent with the Memorandum of Understanding (MoU) signed on January 25, 2005 between the UNHCR, Cambodia, and Vietnam, and provide unhindered access for diplomats, journalists, and non-governmental organizations (NGOs) to members of all religious communities in Vietnam, particularly those in the Central Highlands and the northwestern provinces; and
- halting incursions into Laos and Cambodia by the Vietnamese military and police in pursuit of those seeking asylum because of abuses of and restrictions on their religious freedom.

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 implementing the Montagnard Development Program (MDP) created as part of the House and Senate Foreign Operations conference report of 2005 and continued in the 2008 conference report to provide targeted humanitarian and development funds to ethnic minorities whose demands for land rights and religious freedom are closely connected. This program is consistent with Vietnam's own stated goals of reducing poverty in the Central Highlands and northwest provinces and with the need for reform, transparency, and access to regions where many religious freedom abuses continue to occur.
- Re-allocating some funds that formerly supported the STAR (Support for Trade Acceleration Program) to new projects in human rights training, civil society capacity-building, non-commercial rule of law programs in Vietnam, education programs for minors and young adults, and exchange programs between the Vietnamese National Assembly and the U.S. Congress. Funds should go to the creation of a pilot program that would be the counterpart in Asia of the Supporting Eastern European Democracy (SEED) program and could be called Promoting Equal Rights and the Rule of Law (PEARL).
- Ensuring that rule of law programs include regular exchanges between international experts on religion and law and appropriate representatives from the Vietnamese government, academia, and religious communities to discuss the impact of Vietnam's laws and decrees on religious freedom and other human rights, to train public security forces on these issues, and

to discuss ways to incorporate international standards of human rights in Vietnamese laws and regulations.

- Working to improve the capacity and skills of Vietnamese civil society organizations, including medical, educational, development, relief, youth, and charitable organizations run by religious organizations.
- Offering some Fulbright Program grants to individuals and scholars whose work promotes understanding of religious freedom and related human rights.
- Encouraging the Vietnam Educational Foundation, which offers scholarships to Vietnamese high school-age students to attend school in the United States, to select youth from ethnic minority group areas (Montagnard and Hmong), from minority religious communities (Cao Dai, Hoa Hao, Catholic, Protestant, Cham Islamic, and Khmer Buddhists), or former novice monks associated with the Unified Buddhist Church of Vietnam and Khmer Buddhists.
- Working with international corporations seeking new investment in Vietnam to promote international human rights standards in Vietnam and find ways their corporate presence can help promote and protect religious freedom and related human rights.
- Expanding funding for additional Voice of America (VOA) and Radio Free Asia (RFA) programming for Vietnam and to overcome the jamming of VOA and RFA broadcasts.

In addition, the U.S. Congress should:

- continue oversight, establish benchmarks, and measure progress of the U.S.-Vietnam Human Rights Dialogues, renewed in 2007, by holding appropriate hearings on a report the State Department is required to submit to Congress on the trajectory and outcomes of bilateral discussions on human rights and detail progress made on a series of issues specified by Congress (see Sec. 702 of PL 107-228);
- appropriate additional funds for the State Department's Human Rights and Democracy Fund for new technical assistance and religious freedom programming, funding that should be commensurate with new and ongoing programs for Vietnamese workers, women, and rule of law training; and
- engage Vietnamese leaders on needed legal revisions and protections of individuals related to the far-reaching national security provisions that are currently used to arrest and detain peaceful advocates for religious freedom and related human rights.

¹ Article 88 targets people for “propagandizing against the state,” and Ordinance 44 is an administrative detention ordinance, which includes detention in mental hospitals.

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

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

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

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

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

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

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

