

# VIETNAM



## **USCIRF STATUS:**

**Tier 1 Country of Particular Concern**

## **BOTTOM LINE:**

Religious freedom conditions remain very poor despite some positive changes over the past decade in response to international attention. The Vietnamese government continues to imprison individuals for religious activity or religious freedom advocacy. It uses a specialized religious police force (*công an tôn giáo*) and vague national security laws to suppress independent Buddhist, Protestant, Hoa Hao, and Cao Dai activities, and seeks to stop the growth of ethnic minority Protestantism and Catholicism via discrimination, violence and forced renunciations of their faith.

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## EXECUTIVE SUMMARY

**FINDINGS:** The government of Vietnam continues to expand control over all religious activities, severely restrict independent religious practice, and repress individuals and religious groups it views as challenging its authority. Religious activity continues to grow in Vietnam and the government has made some important changes in the past decade in response to international attention, including from its designation as a “country of particular concern” (CPC). Nevertheless, authorities continue to imprison or detain individuals for reasons related to their religious activity or religious freedom advocacy; independent religious activity remains repressed; the government maintains a specialized police for dealing with religious groups; legal protections for government-approved religious organizations are subject to arbitrary or discriminatory interpretations based on political factors; and converts to ethnic-minority Protestantism and Catholicism face discrimination, intimidation, and pressure to renounce their faith.

Given these systematic, ongoing, and egregious violations, USCIRF recommends that Vietnam be designated as a Country of Particular Concern country. The Commission has recommended that Vietnam be named a CPC since 2001. The State Department did so in 2004 and 2005, but removed the designation in 2006 because of progress toward fulfilling a binding agreement.

In this reporting period, groups and individuals viewed as hostile to the Communist Party or that refuse government oversight were arrested, detained, and harassed. Vietnam also issued a revised decree on religion that expanded control over religious affairs. Government officials continued to target Catholic communities, including with destruction of properties, detentions, and arrests. Police used force against Catholic clergy engaged in religious activities and continue to restrict members of the Redemptorist Order. Independent Protestants and Catholics in the Central Highlands were detained, beaten, and arrested in an ongoing campaign to repress their activities. Hoa Hao activists were sentenced for documenting religious freedom violations. Independent Hoa Hoa congregations, Cao Dai and Khmer Buddhist temples, and United Buddhist Church of Vietnam (UBCV) pagodas faced harassment and restrictions. Human rights defender Le Quoc Quan was arrested and is being held without charge.

**PRIORITY RECOMMENDATIONS:** The U.S. government should use its diplomatic and political resources to advance religious freedom and related human rights in Vietnam. The United States should use the CPC designation to spur high level engagement and achieve measurable improvements. Overall, U.S. policy, programs, and public statements should support those in Vietnam peacefully seeking greater freedoms and the rule of law. USCIRF recommends that any expansion of U.S. economic or security assistance programs in Vietnam be linked with human rights progress and the creation of new and sustainable initiatives in religious freedom and programs in rule of law and civil society development. Additional recommendations and benchmarks for U.S. policy toward Vietnam can be found at the end of this chapter.

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## RELIGIOUS FREEDOM CONDITIONS

### OVERALL HUMAN RIGHTS AND RELIGIOUS FREEDOM SITUATION

Vietnam's overall human rights record remains very poor. In the wake of battles within the Communist Party's leadership during the past several years, the government has moved decisively to repress any perceived challenges to its authority, tightening controls on freedom of expression, association, and assembly. In the past year, new decrees were issued prohibiting peaceful protest, limiting speech on the Internet, and tightening controls on journalists and access to the internet at cafes. At least 34 dissidents and human rights defenders were imprisoned, some to long sentences.

The U.S.-Vietnamese relationship has grown quickly in recent years, and security cooperation has increased in response to Chinese claims to disputed islands in the South China Sea. But increased bilateral engagement, particularly in the areas of trade and defense, have not led to improvements in religious freedom and related human rights in Vietnam. The Vietnamese government responded to some U.S. religious freedom concerns in the past, particularly after being designated a CPC in 2004. It released prisoners; expanded certain legal protections for nationally-recognized religious groups; prohibited the policy of forced renunciations of faith, resulting in fewer forced renunciations; and expanded the zone of toleration for legally-recognized religious communities to worship and organize, particularly in urban areas. Most religious leaders in Vietnam attributed these positive changes to the CPC designation and the priority placed on religious freedom concerns in U.S.-Vietnamese bilateral relations.

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Since the CPC designation was lifted from Vietnam in 2006, religious freedom conditions in Vietnam remain mixed, often depending on geographic area, ethnicity, relationships between religious leaders and local officials, or perceived "political" activity. In large urban areas the Vietnamese government allows religious activity to occur without disruption. But ethnic minority Protestants and Buddhists and religious groups that seek to operate independent of government control continue to experience severe abuses, including arrests, forced renunciations of faith, and long-term incarcerations. In addition, lingering property disputes over land or facilities owned by the Catholic Church or Catholic villages, have led to church demolitions, property confiscations, detentions, and violence, including the beating death of one individual incarcerated due to the property stand-off at Con Dau village in Central Vietnam.

Despite government control, the number of religious adherents continues to grow in Vietnam. The government has supported the building of religious venues and the training of religious leaders, and allowed some large religious gatherings and pilgrimages to occur regularly. The government also has trained local officials in provincial areas on Vietnam's religion laws, but the content of that training remains problematic and serious abuses in ethnic minority areas continue. In most parts of the Central Highlands, churches and meeting points have been re-opened, and the government and the officially-recognized Protestant organization have established a working relationship with registered groups who do not evangelize. However, in the northwest provinces, registration has essentially stalled, leaving individual congregations illegal and vulnerable. Provincial officials remain suspicious of the growth of Protestantism among ethnic minority populations and have instituted campaigns to curtail new conversions. Large Hmong religious gatherings in 2011 to await an anticipated millennial event brought

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arrests, detentions, displacements, and harassment of members of new Protestant churches in the past year.

The Vietnamese government continues to imprison individuals for peaceful religious activity or religious freedom advocacy, including in the past year. Father Nguyen Van Ly remains in prison and the Most Venerable Thich Quang Do, Supreme Patriarch of the United Buddhist Church of Vietnam, remains under “pagoda arrest.”

### **IMPLEMENTATION OF VIETNAM’S LEGAL AND POLICY FRAMEWORK ON RELIGION**

In January 2012, the government unveiled a new implementation decree (Decree 92) for the 2004 Ordinance on Religion and Belief. Decree 92 reportedly replaced the *Decree on Religion 22/2005/CP* (Decree 22) and the *Prime Minister’s Special Instructions #1 Regarding Protestantism* (PM’s Special Instruction). Although touted as an advance, Decree 92 does not expand protections for religious freedom, continues government oversight and control of all religious activity, and demonstrates the government’s continued suspicion of religious individuals and groups.

One advantage of Decree 92 is that it shortens the timeframe within which authorities must respond to applications for registration and permission for religious activities. Authorities now must issue a receipt which includes a date for a decision, and must provide a written explanation if the application is denied. If implemented, these aspects of Decree 92 will provide greater clarity to applicants and require additional transparency from government officials.

However, Decree 92 maintains intrusive requirements for legal recognition or permission to conduct activities, therefore failing to meet Vietnam’s international obligations to protect the freedom of thought, conscience, and religion or belief. Decree 92 firmly entrenches the Ministry of Interior in overseeing all religious activities and fails to disband the “religious police” unit (A41) that monitors and sets policies toward groups deemed “extremist.” The Ministry of Interior’s Committee on Religious Affairs (CRA) is currently headed by Lt. General Pham Dung, formerly an official in the Ministry of Public Security.

Decree 92 treats religious groups as a potential threat to “national security” by retaining language from previous decrees that religious freedom cannot be guaranteed for those who “sow division among the people, ethnic groups and religions,” “spread superstitious practices,” or challenge “fine national cultural traditions.” These provisions give authorities wide latitude to control or ban specific religious activities or entities. Vague national security laws are used every year to charge and convict human rights and reform advocates.

Decree 92 also does not improve the ill-defined and intrusive process of legal registration, and may make it worse. Groups that gain “national recognition” status are afforded protections not available in two

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lower forms of legal status, which requires organizations to apply yearly for permission to conduct religious activities at specific sites. The new decree requires that a religious organization must have 20 years of

government approved operation before it can apply for a higher level of recognition. Under the earlier Decree 22, religious groups only had to have 20 years of “stable” operation since 1975 with or without government approval. The new requirement would make it impossible for many organizations, including independent Protestant and Hoa Hao groups, to gain any form of legal status because they have emerged in the past ten to fifteen years.

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Decree 92 also may make it harder for individual churches, temples, or pagodas to join nationally-recognized religious organizations or form their own entities. Each new meeting point must gain governmental approval for operation and continue to receive yearly approval for twenty years before being allowed to affiliate with an existing organization or to organize nationally with other like-minded entities. There continue to be hundreds of Hmong congregations in the northwest provinces whose applications to join the recognized Northern Evangelical Church (NECV) are ignored. The Southern Evangelical Church of Vietnam (SECV) also reports that the government has stopped allowing new ethnic minority churches in the Central Highlands to affiliate.

Since 2004, the Vietnamese government has extended national recognition to, and allowed religious venues to affiliate with, a number of officially-recognized religious groups. These include Vietnam Buddhist Sangha, Cham Islam, Catholicism, the Southern Evangelical Church of Vietnam, the Northern Evangelical Church of Vietnam, Southern Baptists, Adventists, one branch of the Mennonites, several branches of the Cao Dai faith, Hoa Hao, Pure Land Buddhist Home Practice, the Bani Muslim sect, Threefold Enlightened Truth Path, Threefold Southern Tradition, the Baha'i community, the Mysterious Fragrance from Precious Mountains, the Four Gratuities, the Vietnam Christian Fellowship, and the Assembly of God.

Though the process of legal registration of religious entities is intrusive, vague, and problematic, there are some benefits for organizations allowed to organize nationally with legal approval. Assistant Secretary of State for Democracy, Human Rights, and Labor Michael Posner, claimed in 2012 that the United States continues to urge Vietnam to extend national recognition to additional religious organizations and allow individual churches, temples, pagodas, or mosques to affiliate with them.

### **PRISONERS OF CONSCIENCE**

Prisoners continue to be detained in Vietnam for either their religious activity or religious freedom advocacy, including human rights defenders who assist vulnerable groups, during the past year.

In March 2012, eight Hmong Protestants were sentenced to two years' imprisonment for "partaking in a separatist ethnic movement." They were arrested in May 2011 at a large religious gathering forcibly disbanded by police and military units.

In February 2012, Pastor Nguyen Cong Chinh, a long-time government critic and religious freedom advocate from the Central Highlands, was sentenced to five years for "distorting the domestic situation, criticizing the government, and the army with foreign media."

In May 2012, Hoa Hao activist Bui Van Tham was sentenced to 30 months in prison for "resisting officials in the performance of their official duties." He was arrested in a police raid on a ceremony commemorating the anniversary of the disappearance of the group's founder Huynh Phu So.

In January 2013, a court sentenced 22 members of the Buddhist Council for the Laws and Public Affairs of Bia Son Mountain to jail terms ranging from 12 years to life for "aiming to overthrow" the state. The group says they are religious people guided by the 16<sup>th</sup> century prophecies of Nguyen Binh Khiem to protect the environment by creating eco-tourism properties in Phu Yen province. The government claimed that they were seeking to set up their own independent state.

In April and June 2012, three Protestant from Gai Lai province in the Central Highlands, Kpuil Mel, Kpuil Le, and Nay Y Nga, were sentenced to a combined 22 years in prison for practicing Dega Protestantism, according to Human Rights Watch. In May 2012, three other ethnic Montagnard activists,

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Runh, Jonh, and Byuk, were arrested for affiliation with the unregistered Ha Mon Catholic group. They were charged with “undermining national unity.”

Hundreds of Montagnard Protestants arrested after 2001 and 2004 demonstrations for religious freedom and land rights remain in detention, though the government has slowly been granting amnesties for some of the longest-serving prisoners. According to Human Rights Watch, over 100 Montagnards were detained as the government started a three year program in 2010 to halt the spread of Dega Protestantism, many for conducting independent religious practice.

Over the past two years, USCIRF has been able to confirm police detention and disappearance of at least 11 ethnic minority Protestants and Catholics in Gai Lai province. The number may be much higher given the intensity of the government’s ongoing campaigns to curtail “illegal” religious activity there.

In March 2012, Thuy Vo Thi Thu and Nguyen Van Thanh were sentenced to five and three years’ imprisonment, respectively, for “slandering the state.” The court accused the two of distributing “anti-Chinese” leaflets prepared by Fr. Nguyen Van Ly. Family members of Ms. Vo claim that she never met Fr. Ly and was arrested for her efforts to oppose the government’s seizure of the historic Tam Toa church.

In August 2012, an appeals court upheld the five year sentence of Phan Ngoc Tuan for “slandering the state.” According to the *Vietnam News*, an official government newspaper, Phan Ngoc Tuan was arrested for distributing leaflets accusing authorities of suppressing religion.

The home detention sentence for Pastor Nguyen Trung Ton, the head of the Full Gospel Church in Thanh Hoa province, was extended in February 2012. USCIRF delegation met with Pastor Ton in 2007 and 2009.

Hoa Hao activists Nguyen Van Lia and Tran Hoi An continue to serve sentences of between five and three years, respectively, for “abusing democratic freedom” (Article 258 of the Criminal Code). Both men are part of an independent Hoa Hao community in An Giang province and met with USCIRF in 2009 to discuss religious freedom violations. At least twelve other Hoa Hao are serving sentences for peaceful public protests against religious freedom restrictions in 2005.

Two ethnic minority Protestant pastors Ksor Y Du and Kpa Y Ko remain in prison for “undermining national unity,” allegedly being part of anti-government organizations, though this last charge is disputed by family members. Ksor Y Du is in poor health as a result of torture he received in custody. He has been refused adequate medical care.

Falun Gong practitioners Le Van Thanh and Vu Duc Trung are serving two year sentences for “illegally using information in computer networks” (Article 226 of the Criminal Code). The two men operated a short-wave radio broadcast called Sound of Hope broadcasting information about human rights abuses in China.

Father Nguyen Van Ly remains in prison, despite declining health. Father Ly has been imprisoned numerous times for his religious freedom and human rights advocacy, including after he submitted testimony to a 2001 USCIRF hearing on Vietnam. A USCIRF delegation was allowed to meet with Fr. Ly in 2009.

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Over a dozen religious leaders are being held under long-term administrative detention (house arrest) orders, including UBCV leader Thich Quang Do and other UBCV leaders, Catholic Fr. Phan Van Loi, Hoa Hao leader Le Quang Liem, and Protestants Nguyen Van Dai and Le Thi Cong Nhan.

### **UNIFIED BUDDHIST CHURCH OF VIETNAM (UBCV)**

The UBCV is Vietnam's largest religious organization, with a history of peaceful social activism and moral reform efforts. The UBCV has faced decades of harassment and repression for seeking independence from the officially-approved Vietnamese Buddhist Sangha (VBS) and for appealing to the government to respect religious freedom and related human rights. Senior UBCV monks, including the Most Venerable Thich Quang Do, remain under some form of administrative probation or arrest in their home or pagoda.

The meeting of the UBCV's 20 representative boards, in 15 cities and provinces, continue to be restricted. Many UBCV-affiliated pagodas operate without day-to-day restrictions on worship activities, though they are subject to constant governmental surveillance and young monks who come for study from other regions have lost residency permits. UBCV followers have been harassed and intimidated by the Religious Security Police, including threats of arrest, job loss, or expulsion of their children from school for continuing to frequent the pagoda or offer donations to "reactionary monks." Laypeople affiliated with pagodas' charitable activities, management committees, or the Buddhist Youth Movement are particularly targeted.

During prominent Buddhist festivals in May and August 2012, Vietnamese authorities either prohibited or restricted celebrations in the central provinces of Thua Thien-Hue, Quang Nam-Danang, Phu Yen, and Binh Thuan. In Thua Thine-Hue, UBCV monks were forced to tear down banners and asked by police to sign pledges criticizing the UBCV, which they refused to do.

In Quang Nam-Danang province, police blocked access to the Giac Minh pagoda, which is the headquarters of the UBCV Buddhist Youth Movement, in order to prevent celebration of *Vesak* (Buddha's Birthday). Authorities threatened local Buddhists with reprisals if they brought donations and offerings to the pagoda. In August 2012, the UBCV reported that Thich Thanh Quang, the pagoda's abbot, was beaten by unidentified assailants.

Police threatened UBCV monks, nuns, and laity in Phu Yen and Binh Thuan provinces, warning of "preventive measures" if the UBCV went ahead with *Vesak* celebrations. Police also monitored the *Vesak* celebrations at the Giac Hoa and Lien Tri pagodas in Ho Chi Minh City but did not intervene. UBCV officials report that attendance at the celebrations was lower than normal due to the increased police presence. Some followers stated that they were questioned by police officers after celebrations at the Lien Tri pagoda.

There also continue to be reports that police routinely interrogate the Venerable Thich Vien Dinh and other monks from the Giac Hoa Pagoda in Ho Chi Minh City. Police also prevented the pagoda from issuing free meals to disabled war veterans who are without government assistance.

### **HOA HAO AND CAO DAI**

The Vietnamese government continues to ban and actively discourage participation in independent factions of the Hoa Hao and Cao Dai, two religious traditions unique to Vietnam that claim memberships of four and three million, respectively. The repression of these groups includes interference with religious activities and leadership selection; loss of jobs, discrimination, and harassment of followers; and

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imprisonment of individuals who peacefully protest religious freedom restrictions. (See Prisoners of Concern section above)

The Vietnamese government requires that all Hoa Hao and Cao Dai groups affiliate with the government-approved religious organizations, which oversee all pagodas, temples, educational institutes, and activities. Approval is required for all ordinations and ceremonies, donations, and expansions of religious venues. The government-approved leaders of the Hoa Hao and Cao Dai organizations also vet the content of publications and religious studies curricula for schools.

Independent groups, such as members of the Hoa Hao Central Buddhist Church (HHCBC), face significant official repression, including disbanding under the new Decree 92 or arrest under national security provisions of the legal code. HHCBC leaders and their followers have been arrested and sentenced to terms of up to four years for staging hunger strikes, distributing the writings of their founding prophet, holding ceremonies and holiday celebrations, or interfering as police tried to break up worship activities. HHCBC properties have been confiscated or destroyed and individual followers faced discrimination and loss of jobs. At least 12 HHCBC leaders remain imprisoned, including Mai Thi Dung, currently serving an 11-year prison term, who according to family members is gravely ill, with both feet paralyzed and suffering from heart disease.

Authorities continue to restrict celebrations of the Hoa Hao founder, who was killed by Communists Party members in 1949. In March 2012, authorities of An Giang, Dong Thap, Vinh Long, and Can Tho ordered surveillance of unsanctioned Hoa Hao monks. Police blocked roads, harassed or threatened followers and reportedly severely beat and arrested one follower.

In June 2012, authorities in Dong Thap province confiscated property used for worship services from the leader of an independent Hoa Hao congregation without compensation. Also in Dong Thap province, an HHCBC-affiliated worship site was disbanded after police threatened to arrest the leader, Tong Thiet Linh, and issued a heavy fine. Linh was told to affiliate with the government approved Hoa Hao organization.

### **KHMER BUDDHISTS**

The Vietnamese government's ongoing restrictions on the language, culture, and religion of ethnic Khmer living in Vietnam has led to rising resentment in the Mekong Delta, where as many as one million ethnic minority Khmer Buddhists live. Some Khmer Buddhists have called for a separate religious organization, distinct from the government-approved VBS. Religious freedom concerns continue to be central to demands of ethnic minority Khmer for human rights protections and preservation of their unique language and culture.

In 2007, Khmer Buddhist monks in Tra Vinh and Soc Trang provinces peacefully protested government restrictions on their freedom of religion, movement, and language training. In response, the government defrocked at least 20 monks, expelled them from their pagodas, and sentenced the five suspected of leading the demonstrations to between one and five years in prison. However, the government, also established an academy focused on Theravada Buddhism, allowed for the possibility of lengthier ordination ceremonies, and expanded the Pali language school in Soc Trang province, the site of the demonstrations. It remains unclear whether these actions will be sufficient to address long-standing grievances over religious restrictions, land confiscation, and discrimination based on ethnicity and language.

In the past year, provincial and VBS officials raided the Tra Set temple in Soc Trang province and defrocked or tried to defrock monks. The temple was home to several of the monks arrested during the

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2007 demonstrations. In July 2012, VBS officials and police defrocked Thach Thuol, who had refused to defrock a fellow monk who he believed was falsely accused of sexual assault. In November 2012 the VBS also sought to defrock the temple's new abbot, Venerable Lieu Ny, for breaking undisclosed VBS rules. The abbot has been staying inside the temple since that time. Officials reportedly have summoned lay members of the Tra Set temple's management committee and offered them money to accuse Ven. Lieu Ny and Ven. Thach Thoul of sexual improprieties.

### CATHOLICS

Catholicism continues to grow rapidly in Vietnam, and the church has expanded both clerical training and charitable activities in recent years. Hanoi and the Vatican continue to discuss resuming diplomatic relations. Nevertheless, the relationship between the Vietnamese government, some members of the Church's hierarchy, Catholic laity, and members of the Redemptorist Order continue to be tense. Over the past several years, including in the past year, Catholics have been detained for participating in peaceful prayer vigils and demonstrations at properties formerly owned by the Catholic Church. In addition, government officials have employed "contract thugs" to assault and intimidate Catholics from engaging in both private study and worship at "unregistered" locations.

In April 2012, a mob attacked the Agape Family orphanage in the Chuong My district of Hanoi, damaging the building, injuring several children, and severely beating Fr. Nguyen Van Binh, who ran the orphanage. Police reportedly assisted the mob in destroying the orphanage, which was considered illegal.

Nghe An province has become a flashpoint of tensions between the Vietnamese government and Catholics. In March and May, five young Catholic activists—Vo Thi Thu Thuy, Nguyen Van Thanh, Dau Van Duong, Tran Huu Duc, and Chu Manh Son—were jailed for distributing pro-democracy leaflets. They all had begun their activism, blogging and conducting peaceful prayer vigils at disputed property of the Thai Ha parish in Hanoi.

In June and July 2012, local authorities sought to prevent Catholic worship at private homes in Con Cuong and Quy Chau districts in Nghe An province. Unidentified groups of young men regularly gather to throw stones at worshippers and block roads to the sites, and officials reportedly have visited homes asking people to sign pledges not to "illegally celebrate Mass." On July 3, 2012 a mob beat several of those worshipping in Con Cuong, at least one severely. Catholics in Con Cuong have been frequent targets of abuse and intimidation in recent years. In November of 2011, a pipe bomb explosion caused heavy damages to the site used for worship. In both areas, local Catholics have filed multiple requests to register as legal sites for religious activity without success.

In the past year, the Nghe An government also has continued to disrupt private religious activities of Catholic college students, including by hiring thugs to beat up students and having police pressure them to sign pledges not to hold religious activities in private homes.

The Vietnamese government's efforts to develop a number of church properties it confiscated in 1975 have led to ongoing property disputes. On January 3, 2013 authorities in Hanoi began destroying the historic Carmelite monastery in order to build a new hospital. The Archbishop of Hanoi, Mgr. Peter Nguyen Van Nhon, wrote a public letter objecting to the "illegal demolition" and calling on the Catholics to "come together to pray" to defend "the rights of the Church."

Also in January 2013, the Standing Committee of the Catholic' Bishop's Conference issued an unprecedented statement recommending changes to Vietnam's Constitution "to protect the sovereignty of the people." The recommendations included removing Article 4, which grants the Communist Party the

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sole leadership role, and revising the provisions on freedom of speech, artistic and literary creation, and freedom of religion and belief.

Nevertheless, Hanoi continues to discuss with the Holy See conditions for the normalization of relations. Nguyen Phu Trong, the general secretary of the Communist Party, had a private audience with Pope Benedict XVI in January 2012. The government maintains veto power over appointments of bishops, but often cooperates with the Vatican in the appointment process. Catholic leaders in Ho Chi Minh City reported that they often move ahead with ordinations and placement of priests without seeking government approval. All students must be approved by local authorities before enrolling in a seminary and again prior to their ordination as priest.

In October 2012, authorities in Quang Binh province returned property formerly owned by the Catholic Church after decades of petitions from parishioners. In November 2012, the Ho Chi Minh City People's Committee granted a Catholic orphanage for AIDS-affected children permission to operate, the first time the government has allowed religious control of a social, health, or educational entity.

### **CENTRAL HIGHLANDS: MONTAGNARD PROTESTANTS & HA MON CATHOLICS**

In the past year, new problems have emerged for legally-recognized church groups in the Central Highlands. The Interior Ministry's Committee on Religious Affairs issued a directive saying that it will no longer allow small house churches to grow and affiliate with established organizations. Gathering at a new "meeting point" would be illegal or would be subject to the 20-year waiting period for legal recognition stipulated in the new Decree 92. Religious leaders interpret this as an attempt to stop the growth of Protestantism among Montagnards.

Leaders in SECV and house churches in the provinces of Dak Lak, Gia Lai, Kon Tum, Binh Phuoc, Phu Yen, and Dak Nong also experienced increased government scrutiny for alleged association with separatist groups overseas. In the past year, religious leaders also reported increased threats and restrictions on evangelism and pressure on new converts to recant their faith, policies the central government has sanctioned to stop the growth of Protestantism in the northwest provinces.

The central government continues to assert that some Montagnards operate an illegal "Dega" church seeking the creation of an independent Montagnard state. A "religious police" unit (A41) continues to monitor "extremist" groups and a Special Task Force of the Mobile Intervention Police (Unit PA43) operates in the Central Highlands, assisting local police in detaining and interrogating suspected Dega Protestants or Ha Mon Catholics. (The latter group started in the Ha Mon village of Kontum province and is viewed by officials as the Catholic equivalent of *Tin Lanh Dega*.) Unit PA43 and provincial police are in the midst of a three-year campaign to capture and transform both "reactionary operatives" and "Dega Protestants." These campaigns have led to beatings, detentions, deaths in custody, forced renunciations of faith, and disappearances of Montagnards suspected of being part of the *Tin Lahn Dega*.

Over the past year, police and local officials in Kontum and Dak Lak province continued their campaign to crack down on the growth of Ha Mon Catholics. At least three Ha Mon Catholics were arrested. The Catholic Bishop of Kontum, Michael Hoang Duc Oanh, has complained publicly and repeatedly that authorities intimidate ethnic minority Catholics and priests and block his visits to ethnic minority villages.

In February 2012 an unidentified group of men beat Fr. Luy Gonzaga Nguyễn Quang Hoa in the village of Kon Hnong, Kontum province. In April 2012, Bishop Oanh was detained and interrogated in Kontum province while trying to celebrate an Easter Mass in the same area where Fr. Luy was beaten. He was told by government officials that parts of Kontum province were "religion-free zones."

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## HMONG CHRISTIANS: NORTHWEST PROVINCES

The government continues to view with suspicion the growth of Christianity among Hmong in Vietnam's northwest provinces. In the past year, government officials, police, and military continued to be encouraged not to attend religious services, particularly of organizations that had not applied for or been granted legal sanction. Local officials have forced church gatherings to disperse, required groups to limit religious holiday celebrations, closed unregistered house churches, and pressured individuals to renounce their religious beliefs.

Hmong Protestants meet openly in some areas of the northwest provinces, something that was not allowed ten years ago. The Vietnamese government recognizes that there is a "genuine need" for religion among the Hmong. Nevertheless, provincial officials continue to discourage "new" Hmong converts to Protestantism through official intimidation, discrimination, and property confiscation if they do not renounce their faith. This tactic seems to be a policy developed and condoned by central government authorities and carried out in the provinces. (See *Forced Renunciations of Faith as National Policy* section below)

There continues to be little progress in extending legal recognition to over 600 Protestant churches seeking affiliation with the ECVN. Hundreds of applications have been declined or ignored, despite the Ordinance on Religion and Belief requiring government officials to respond to applications in a timely manner. Churches without legal approval are illegal.

Unregistered churches affiliated with the Inter-Evangelistic Movement (IEM), the Baptists, and the Good News Mission continued to report harassment and other difficulties in Dien Bien province.

Suspicion of Hmong religious activity has increased since May 2011 clashes between military units and thousands of Hmong Protestants who had gathered in Muong Nhe district of Dien Bien province expecting either a millennial event or the return of an expected "messiah." Vietnamese officials blamed the gathering on Hmong wanting to set up a separate state covering parts of Vietnam, Laos, China, and Burma. (See USCIRF 2011 Annual Report Chapter on Vietnam for a more detailed account of this event.)

Authorities refuse to issue identity cards to ethnic minority Protestants in northern Vietnam that recognize their Protestant religious affiliation. This leaves them in a vulnerable position: either they have no identity card and cannot receive government benefits, or they are identified as subscribing to no religion, which may be used to prevent their attendance at churches.

## FORCED RENUNCIATIONS OF FAITH REMAIN A NATIONAL POLICY

After being designated a CPC in 2004, the Vietnamese government officially banned the practice of forced renunciations of faith in 2005. As a result, the number and intensity of the government's campaigns of forced renunciation have decreased significantly in the past decade. Yet reports continue of forced renunciations of faith, specifically targeting ethnic minorities who convert to Protestantism. These efforts are not isolated cases, but are sanctioned by central government authorities to thwart the growth of Protestantism among ethnic minorities.

In 2006, the Committee on Religious Affairs in Hanoi published a handbook instructing provincial officials in the northwest provinces on ways to restrict religious freedom, including a command to "resolutely subdue" new religious growth, "mobilize and persuade" new converts to return to their traditional religious practice, and halt anyone who "abuses religion" to undermine "the revolution"—thus seemingly condoning forced renunciations of faith. Subsequent revisions of the handbook still state that

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it is government policy to “halt enemy forces” from “abusing religion” to undermine the Vietnamese state and “overcome the extraordinary...growth of Protestantism.” The 2007 revised version also states that local officials must try to “solve the root cause” of Protestant growth by “mobilizing” ethnic groups to “preserve their own beautiful religious traditions.” A 2008 version continues the 2007 language, but also adds a final chapter chiding local officials for “loose control” over Protestantism, leading to an increase in illegal meeting places, and instructing that these meeting places “must be...disbanded.”

In 2011, USCIRF was able to confirm numerous incidents of forced renunciations of faith in Lao Cai and Dien Bien provinces, and Human Rights Watch confirmed in the Central Highlands. More recently, in December 2012, officials in Tua Chua district, Dien Bien province beat several members of a house church, issued heavy fines, and threatened to

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...FORCED RENUNCIATIONS OF FAITH [CONTINUE], SPECIFICALLY TARGETING ETHNIC MINORITIES WHO CONVERT TO PROTESTANTISM. THESE EFFORTS...ARE SANCTIONED BY CENTRAL GOVERNMENT AUTHORITIES TO THWART THE GROWTH OF PROTESTANTISM AMONG ETHNIC MINORITIES.

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expel them from their properties unless they renounced their faith and “returned to our family alters” (traditional animist practices). After the reporting period in February 2013, mobs attacked new Protestant converts in Ngoc La village, Mang Ri commune, Tumorong district for leaving their ancestral religion and bringing Christianity to

“revolutionary villages” (areas important during the U.S.-Vietnam war). Several individuals were badly beaten and homes and personal property were destroyed. Local authorities did nothing to deter the attacks. The group was affiliated with the Christian Mission Church in DaNang, a legally-recognized group in Vietnam.

### **LANG MAI BUDDHISTS OF BAT NHA MONASTERY**

The Lang Mai (Plum Village) Buddhist order associated with the well-known Zen Master Thich Nhat Hanh remains banned in Vietnam and monks and nuns affiliated with the order are dispersed, with some living in exile in third countries. The order was forcibly banned in 2009 after Thich Nhat Hanh called publicly on the government to release all political prisoners, disband the “religious police,” and establish an “independent Buddhist church” not connected to politics. Monks were beaten, degraded, defrocked, and sexually assaulted. In 2005, the Vietnamese government had welcomed Thich Nhat Hanh and the establishment of his Plum Village order in Vietnam. His return was hailed as evidence of religious freedom progress by both Hanoi and the State Department when the CPC designation was removed in 2006.

### **HUMAN RIGHTS DEFENDERS**

The Vietnamese government continues to harass, threaten, intimidate, detain, and sentence lawyers and disbar human rights defenders who have assisted religious communities or religious freedom advocates in cases against the state. In December 2012, lawyer and human rights defender Le Quoc Quan, who has assisted Catholics in seeking return of church properties, was again arrested. In November 2012 he was severely beaten by unidentified assailants; he has been beaten on other occasions in the past. His legal license was revoked in 2010.

### **U.S. POLICY**

The U.S.-Vietnamese relationship has expanded in many areas in the past two years as the United States has intervened to help mediate Vietnam’s ongoing dispute with China over ownership of several island chains and extraction rights in the South China Sea. The United States continues to press for a more

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systematic bilateral relationship, including the creation of a regular Strategic Dialogue and new military and trade ties, but has linked expanded relations with improved human rights conditions. The U.S. Congress has pressed the administration to take a more active role in improving human rights, including through the Vietnam Human Rights Act and resolutions calling for a CPC designation and Internet freedom in Vietnam.

The United States is Vietnam's largest trading partner, with investments exceeding \$1.7 billion. The United States and Vietnam engage in a wide range of cooperative activities in the areas of peacekeeping, humanitarian assistance and disaster relief, search and rescue, maritime and border security, law enforcement, and non-proliferation. The countries cooperate on counter-narcotics and regional security issues, including an annual political-military strategic consultation. Vietnam has hosted multiple visits by American carriers, destroyers, and humanitarian supply ships in recent years. The U.S. and Vietnamese governments hold regular dialogues on the return of the remains of Americans who died during the Vietnam War.

The U.S. government has committed over \$125 million dollars in economic assistance to Vietnam for the current fiscal year, the bulk of which goes to fund an HIV/AIDS program. The U.S. government has commercial rule-of-law programs and has funded small human-rights-related programs for woman, labor, and religious freedom. The Vietnam Education Foundation has brought 300 Vietnamese to the United States for graduate study over the past five years. The U.S.-Vietnam Fulbright program remains one of the largest per capita, with an estimated 2,500 Vietnamese students and scholars coming to the United States to study in the past decade.

Religious freedom was part of an annual U.S.-Vietnam human rights dialogue in the past. However, U.S. officials have not scheduled a dialogue for 2013, citing how unproductive the exchanges have become. The then-Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner said publicly in 2012 that the human rights situation in Vietnam is "discouraging and unacceptable" and has "deteriorated for the past several years."

## RECOMMENDATIONS

In addition to designating Vietnam as a CPC, USCIRF recommends that the U.S. government continue to link the expansion of U.S.-Vietnamese relations with significant and concrete human rights progress, including on freedom of religion and belief. U.S. officials, at all levels, should press for immediate human rights improvements, including an end to religious freedom abuses, easing of restrictions, and release of prisoners of conscience. Furthermore, in order to demonstrate the importance of human rights as a U.S. interest, the United States should expand initiatives in human rights and religious freedom, including additional programs in non-commercial rule of law, civil society development, and targeted economic assistance for ethnic minority areas that suffer the worst human rights abuses.

...ANY EXPANSION OF U.S. ECONOMIC OR SECURITY ASSISTANCE PROGRAMS IN VIETNAM BE LINKED WITH HUMAN RIGHTS PROGRESS AND THE CREATION OF ...INITIATIVES IN RELIGIOUS FREEDOM AND PROGRAMS IN RULE OF LAW AND CIVIL SOCIETY DEVELOPMENT.

### **I. PRESSING FOR IMMEDIATE IMPROVEMENTS TO END RELIGIOUS FREEDOM ABUSES, EASE RESTRICTIONS, AND RELEASE PRISONERS**

The U.S. government should designate Vietnam as a CPC and, in both its general bilateral relations and in multilateral fora, should urge the Vietnamese government to:

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## Release Prisoners

- release or commute the sentences of all religious prisoners of conscience, including those imprisoned or detained on account of their advocacy of religious freedom and related human rights; and
- publicize the names of all Montagnard Protestants currently in detention, allow visits from representatives of the International Committee of the Red Cross or other independent foreign observers, and promptly review all such prisoner cases.

## Ensure Laws Meet International Human Rights Standards

- amend domestic legislation, including the 2004 Ordinance on Religious Beliefs and Religious Organizations and Decree 92, to conform to international norms regarding freedom of thought, conscience, and religion or belief;
- end the use of “national security” provisions in the criminal code to detain advocates for religious freedom and human rights, and end the harassment, threats, arrest, and revocation of legal licenses of lawyers who take up politically-sensitive cases;
- revise or repeal ordinances, decrees, and criminal code provisions that empower local security police to arrest, imprison, or hold citizens in administrative detention for vague national security or national solidarity offenses;
- investigate and report publicly on forced renunciations of faith and any resulting injuries and deaths, and prosecute government officials or police found responsible;
- revise or repeal ordinances and decrees that limit the freedom of expression, assembly or association, including new regulations banning peaceful public protests of property disputes; and
- implement the recommendations of the UN Human Rights Council pursuant to Vietnam’s 2009 UN Universal Periodic Review, including by cooperating with UN mechanisms, including the Special Rapporteur on the Freedom of Religion or Belief.

## Protect Peaceful Religious Practice

- disband the Religious Security Police (*cong an ton giao*) and the Special Task Force of the Mobile Intervention Police (Unit PA43) and investigate, punish, or prosecute all police or government officials credibly accused of beating, harassing, or discriminating against those exercising the universal right to the freedom of religion or belief;
- create a national commission of religious groups, government officials, and independent, non-governmental observers to find equitable solutions regarding returning confiscated properties to religious groups; and
- allow all religious groups that do not wish to affiliate with official organizations to organize and operate independently without restrictions or harassment.

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## **Train Government Officials**

- create new manuals and train government officials engaged in “religious work” to respect international religious freedoms standards, including ending practices of intimidating or harassing new converts to Christianity and providing avenues to report inappropriate actions by local officials or police; and
- issue a public statement, or corresponding legislation, clearly stating that the denial of educational, medical, housing, and other government services or economic assistance based on religious belief, affiliation, or ethnicity is contrary to Vietnamese law and that government officials engaging in discriminatory practices will be prosecuted.

## **II. ESTABLISHING NEW PRIORITIES FOR U.S. ASSISTANCE & REFUGEE PROGRAMS**

The U.S. government should assist the government of Vietnam and other international governmental and non-governmental organizations to protect religious freedom and refugees in Vietnam and to develop civil society and the rule of law, by taking the following actions:

- create a program of economic development assistance to provide targeted humanitarian and development funds to ethnic minorities whose demands for land rights and religious freedom are closely connected;
- ensure that any rule-of-law programs include regular exchanges between international experts on religion and law and appropriate representatives from the Vietnamese government, academia, and religious communities to discuss the impact of Vietnam’s laws and decrees on religious freedom and other human rights, train public security forces on these issues, and discuss ways to incorporate international standards of human rights in Vietnamese laws and regulations;
- work to improve the capacity and skills of Vietnamese civil society organizations run by religious organizations, and offer Fulbright Program grants to individuals and scholars to promote understanding of religious freedom and related human rights;
- continue funding for Voice of America (VOA) and Radio Free Asia (RFA) programming for Vietnam and to overcome the jamming of VOA and RFA broadcasts;
- provide unimpeded access to UN High Commissioner for Refugees (UNCHR) and other appropriate international organizations to the Central Highlands to monitor the safe resettlement of Montagnards repatriated from Cambodia;
- increase the use of Priority 1 authority to accept refugees facing a well-founded fear of persecution, both those who have escaped to other countries in the region and those who are still in Vietnam, without the prerequisite of a referral by the United Nations High Commissioner for Refugees, including seeking to expand in-country processing in areas outside of Ho Chi Minh City; and
- allow monks and nuns affiliated with the Plum Village Buddhist order to enter the United States from Thailand under temporary religious worker visas (R-1), and remove any obstacles to the immediate granting of their visas so that they may join a functioning religious community in the United States until their order in Vietnam is re-established.

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### III. RECOMMENDATIONS FOR U.S. CONGRESSIONAL ACTION

The U.S. Congress should:

- ensure that any new funds appropriated or allocated to expand bilateral economic or security relations are matched with new funds for human rights and religious freedom, civil society capacity-building, and non-commercial rule-of-law programs;
- appropriate additional funds for the State Department's Human Rights and Democracy Fund for new technical assistance and religious freedom programming commensurate with ongoing programs for Vietnamese workers, women, and rule-of-law training; and
- consider creating a program for East Asia (akin to the Supporting Eastern European Democracy program (SEED)) to support the development of democratic institutions, provide technical assistance for independent legal entities and courts, and support civil society capacity-building, independent media, and non-commercial rule-of-law programs.