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Hearing on  
Human Rights Abuses by Vietnamese Authorities  
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before the

Subcommittee on Africa, Global Health, Global Human Rights and International Organizations  
House Committee on Foreign Affairs

Mr. Chairman and distinguished members of the Subcommittee,

I would like to thank Mr. Chairman for holding this hearing to shine the spotlight on the ongoing human rights abuses committed by the Vietnamese authorities. The hearing comes at a very critical juncture in the relationship between the United States and Vietnam. The Administration has partially lifted the ban on sale of lethal weapons to Vietnam. The Trans-Pacific Partnership, of which Vietnam is a negotiating partner, is approaching the finish line. President Obama will soon welcome to the White House Mr. Nguyen Phu Trong, the Secretary General of the Vietnamese Communist Party. By embracing this quickening rapprochement, our own government may inadvertently send the wrong message to the government of Vietnam, that its relentless persecution of dissidents, its brutal repression of independent religious communities, and its suppression of indigenous rights will be met with impunity.

The trend of the past twenty years has been indeed troubling: Diplomatic relations and trade between the two countries have significantly increased while human rights conditions have steadfastly deteriorated. Most troubling is the Vietnamese government's determination to strictly control religions and restrict religious activities.

Following are cases in point:

- In January 2015, the Provincial Government of Kontum ordered the eviction of Father Tran Van Vu, the resident pastor of Dak Jak Parish and the demolition of the temporary chapel that served as the only place of worship for over 5,000 Catholics in his parish.
- In March 2015, Bishop Hoang Duc Oanh of the Kontum Diocese sounded the alarm that the Provincial Government had ordered the dismantling of all 22 temporary chapels serving as many Catholic communities in Dak To District, Kontum Province. The parishioners erected these temporary chapels for use as places of worship because their requests for registration as parishes and to build churches have been consistently ignored by the provincial authorities.
- On May 27, 2015, the Provincial Government of Tay Ninh deployed over 300 police and security agents to violently break up the gathering of some 200 members of an independent Cao Dai Sect to elect members to their Popular Council. A number of Cao Daiists suffered injuries due to police beatings. Meanwhile just 500 meters away a similar gathering convened by the government-appointed Cao Dai Administrative Council proceeded with much fanfare.
- On February 6, 2015, the authorities in Khuoi Vinh Village, Cao Bang Province destroyed the sheds erected by followers of the Duong Van Minh Sect. These sheds store funeral objects for all villagers to share, which is part of their religious traditions. The police physically assaulted villagers who attempted to protect the shed, causing two of them severe injuries that required hospitalization. Then on May 21, the authorities returned to destroy the new shed that the villagers had just built. It was the sixth time since 2007 that the villagers built their shed only to see it destroyed by the government.
- Catholicism continues to be outlawed in the three northern provinces of Dien Bien, Son La and Lai Chau. Parishes are not recognized; priests are not allowed to conduct Mass

and may not even visit followers. In many villages Catholics have not been allowed to celebrate Christmas or any religious events for the past four decades.

- Twenty five leadership members of An Dan Dai Dao, a Buddhist Sect founded in South Vietnam in 1969, are in prison. Its founder is serving a life sentence on fabricated charges of attempting to overthrow the government. All of its temples and real properties have been confiscated. Its forty thousand followers have no places to worship according to their faith and beliefs.

Responding to international criticisms, the Vietnamese National Assembly promises to promulgate the country's first ever Law on Belief and Religion. Its latest draft, however, would simply cement the restrictions and controls already in place under the existing Ordinance on Belief and Religion, and Decree 92, placing significant limitations on the right to freedom of religion or belief according to Article 18 of the International Covenant on Civil and Political Rights (ICCPR).

Following are our primary concerns.

### 1. Registration as a requirement

Under the draft law, all religious activities that involve a group, even those conducted in private homes, would still be required to be registered with and pre-approved by the government. All religious organizations must register their operations with the government. Registration is a requirement, not an offer, and there appears to be no alternative legal personality for organizations who choose not to register.

The draft law, like the Ordinance, considers religion/belief the same as "religion/belief organization." This narrow definition excludes forms of religion or belief which do not have an organizational structure and are not affiliated to a recognized organization.

### 2. Vague and ambiguous language

The draft law contains vague references to "national traditions and cultural traits" (Article 4), "negative behavior toward the religion or belief of adherents of religious organisations which are recognized by the government" (Article 6), "sow divisions between ethnic groups and religions" (Article 6). This language is open to interpretation and manipulation, and could be abused by those prejudiced against a religion, a religious organization or an individual adherent to prevent them from exercising their right to freedom of religion or belief.

### 3. Heavy interference into internal matters of religious organizations

Under Article 9 of the draft law, every year, before 15 November, the representatives or the management of religious facilities must register their religious operations that will take place in the following year to the local authorities. This requirement is extremely burdensome, particularly to small religious organizations, and makes it extremely difficult for religion or belief groups to spontaneously react to the spiritual needs of their adherents.

In addition, some form of registration or approval is required for a broad range of activities and events, including first-time festivals, ordainment and assignment of clergy, religious training, participation in overseas religious events and organizations, division or merging of affiliated religious organizations, establishment of a religious formation facility, amendments to a religious organization's charter or rules and regulations, and so on (this is not an exhaustive list).

Under Article 8, Paragraph 2 of the draft law, "representatives or the management of religious facilities shall be elected or nominated by their community, *or created or approved by the government.*" This article would further allow for undue and restrictive interference by the government in the internal affairs of religious organizations, and its use of synthetic religious organizations to crowd out genuine ones.

In the report on his mission to Vietnam in July 2014 Mr. Heiner Bielefeldt, the UN Special Rapporteur on freedom of religion or of belief, offered a poignant observation: "[T]he rights to freedom of religion or belief of [independent religious] communities [are] grossly violated in the face of constant surveillance, intimidation, harassment and persecution."

The draft law that is being considered in Vietnam's National Assembly would not only perpetuate but aggravate that situation.

#### **Recommendations:**

- (1) The U.S. Congress should take legislative actions to make trade and security partnership with the Socialist Republic of Vietnam, including the TPP and future transfer of lethal weapons to Vietnam, contingent on the latter's significant improvements in human rights. The U.S. Department of State should designate Vietnam, which continues to commit gross violations against independent religious communities, a country of particular concern (CPC).
- (2) The Vietnamese government should fully respect freedom of religion by treating registration with the government as an offer to religious communities to enhance their rights, not as a prerequisite for religious activities. Decree 92, effective January 1, 2013, prohibits religious activities by churches and other institutions that are not registered and pre-approved by the government. The draft law currently being considered in the Vietnamese National Assembly would further impede independent religious communities.
- (3) The Vietnamese government should free all political prisoners and other prisoners of conscience, estimated at 150 by human rights organizations, not counting potentially hundreds of religious prisoners from ethnic minorities and indigenous peoples.
- (4) The Vietnamese government should repeal all laws and administrative decrees restricting freedom of expression, association, and peaceful assembly – such as the laws against "propaganda against the state" and "taking advantage of democratic freedoms to injure the national unity" – and should stop arresting pro-democracy bloggers and others who use the Internet to criticize the government and release those who are imprisoned. In 2013 the Vietnamese Prime Minister issued an order (Decree 72) to further restrict

Internet freedom. Transparency and free flow of information are critical to free and fair trade.

- (5) The Vietnamese government must permit the existence of a real civil society consisting of genuinely independent non-governmental organizations (NGOs). In Vietnam, no genuine NGOs are allowed to exist. Instead, the government has created dozens of synthetic NGOs that are actually controlled by the Communist Party. The “Fatherland Front” and the “Vietnam Union of Friendship Organizations” (VUFO) are the umbrella organizations through which the Communist party controls these synthetic NGOs.
- (6) The Vietnamese government should respect labor rights and allow Vietnamese workers to form labor unions that are truly independent of the government and of the Communist Party. The TPP should incorporate monitoring and sanctioning mechanisms to ensure Vietnam’s compliance with international standards on labor rights.
- (7) The Vietnamese government should end the practice of forced labor and prosecute officials of state-owned labor export companies that are involved in fraudulent recruitment and other practices of human trafficking. The Vietnamese government is squarely behind human trafficking – subjecting hundreds of thousands of its citizens to forced labor in “rehabilitation” centers, detention centers, and prisons; sending tens of thousands of its citizens into modern-day slavery in different countries and punishing those victims who speak out.
- (8) The Vietnamese government should agree to a mediation process to review claims for compensation made by U.S. citizens whose property has been confiscated. Since 1975 the Vietnamese government has illegally confiscated properties of many U.S. citizens. In 1995, under the Clinton Administration, the Vietnamese government paid \$208 million in compensation for confiscated properties to 200 Americans. However, Vietnam continues its practice of illegal confiscation of real and other property of Vietnamese-Americans.

My testimony reflects the common position of the majority of Vietnamese Americans across the United States and beyond. At this very moment, some 800 Vietnamese American advocates, joined by many American veterans of the Vietnam War, are arriving in the national capital from 30 states for our fifth Vietnam Advocacy Day in four years. We will be joined by numerous religious leaders and by advocates from seven other countries. Tomorrow, our delegations will go office to office in Congress to express our concerns about the on-going violations of human rights, particularly freedom of religion, in Vietnam, and seek decisive actions from the U.S. Congress.

I appreciate the opportunity to share these same concerns to members of this Sub-committee.

Demolition of Tuy An Temple of independent Cao Dai community in Phu Yen Province, directed by the government-appointed Cao Dai Administrative Council and executed by the police, April 14, 2015



