



Congress of the United States
House of Representatives
Washington, DC 20515-1802

Opening Statement and Testimony
Rep. Anh "Joseph" Cao
Member, Tom Lantos Human Rights Commission
March 23, 2010

INTRODUCTION

First, I thank Congressman McGovern and Congressman Frank Wolf, the Co-Chairmen of the Tom Lantos Human Rights Commission and my other colleagues on the Commission for holding this timely hearing on human rights and religious freedom in Vietnam.

I would ask that my opening remarks be submitted for the record as my testimony to the Commission. I would like also to acknowledge the presence of the following leaders representing some of the religions under communist oppression in Vietnam and I ask that their written testimonies be entered to the record:

- Venerable Thích Nguyên Trí representing the Unified Buddhist Church of Vietnam. I received his briefing yesterday.
- Mr. Trần Quốc Sĩ representing Hoa Hao Buddhist Church
- And Mr. Giáp Trần representing the Khmer Krom Foundation

BACKGROUND

We stand at a pivotal point in the history of the struggle for human rights and religious freedom in Vietnam. And hearings like today's shine needed sunlight on the long and bloody list of egregious violations by the communist Vietnamese Government.

The Vietnamese Government's malice towards their own began with the land reform campaign in the early 1950s, when thousands of land owners were executed and many Catholic clergy members and church leaders were "disappeared", and continues to the

present day, when democracy and religious freedom advocates are routinely harassed, arrested, imprisoned, and physically harmed.

Among the top priorities of the communist Vietnamese Government after taking over the whole country in April 1975 was ensuring that all religious activity was monitored and controlled. The government quickly seized churches' properties and arrested religious leaders.

Cardinal Nguyễn Văn Thuận, then Coadjutor Archbishop of Saigon, was immediately detained and imprisoned without trial for 13 years, 9 of them in solitary confinement. The Unified Buddhist Church of Vietnam (UBCV), once the largest Buddhist organization of South Vietnam was banned; and their leaders, the Venerable Thích Huyền Quang and Thích Quảng Độ were arrested, tried, and subsequently put under house arrest for criticizing the government over church property seizures.

To this day, the ban on the UBCV has not been lifted, and the government Vietnamese Government continues to systematically harass all organized religions. Copying the Chinese model, the government formed alternate "patriotic churches" parallel to the traditional religious organizations in order to drive a wedge between them. To a large extent, they have been able to accomplish their goal with many religious institutions splintering under the government pressure.

VN'S VIOLATIONS OF RELIGIOUS FREEDOM

The International Religious Freedom Act (IRFA) [pronounced "UR-fuh"] requires the U.S. Commission on International Religious Freedom to prepare an annual report on the state of religious freedom throughout the world. IRFA also provide that any country that commits systematic, ongoing and egregious violations of religious freedom be placed on a list of "Countr[ies] of Particular Concern" or (CPC), which opens these nations up to economic sanctions by the United States.

After several years of US Commission on International Religious Freedom urging, Vietnam was eventually designated a Country of Particular Concern (CPC) in 2004 and 2005, and this designation led to modest but unprecedented improvements in the government's treatment of worshipers.

Since 2006, however, the U.S. State Department has declined to designate Vietnam as a CPC, and, during the ensuing four years, there have been no further significant improvements and even some backtracking on the progress made on the ability for those of faith to freely practice their religion.

The October 2009 report of the U.S. Commission on International Religious Freedom found [QUOTE]:

- “There continue to be far too many serious abuses and restrictions of religious freedom in [Vietnam]. Individuals continue to be imprisoned or detained for reasons related to their religious activity or religious freedom advocacy; police and government officials are not held fully accountable for abuses; independent religious activity remains illegal; and legal protection for government-approved religious organizations are both vague and subject to arbitrary or discriminatory interpretations based on political factors.
- “In addition, improvements experienced by some religious communities are not experienced by others, including the Unified Buddhist Church of Vietnam (UBCV), independent Hoa Hao, Cao Dai, and Protestant groups, and some ethnic minority Protestants and Buddhists. Also, over the past year, property disputes between the government and the Catholic Church in Hanoi led to detention, threats, harassment, and violence by ‘contract thugs’ against peaceful prayer vigils and religious leaders.”

There are disturbing reports of forced renunciation of faiths perpetrated by public officials in the northern highland, and documented cases of religious prisoners taken from the central highland. Elsewhere, violent actions against Catholics at Tam Tòà, Bàu Sen, Loan Lý and against Buddhists at Bát Nhã, and Phước Huệ seemed to have increased in frequency and intensity.

EVIDENCE OF VN GOVERNMENT’S VIOLATIONS

In January of this year, two of my Congressional colleagues and I travels to Vietnam on an official Congressional Delegation. This was my third trip back to Vietnam since I escaped to the United States as a refugee two days before the fall of Saigon in April 1975.

Initially, the government of Vietnam refused to grant me visa to travel there representing the Congress of the United States of America. They finally relented after the CODEL agreed NOT to meet with dissidents and NOT to hold a press conference while in Vietnam.

Though not at all pleased with the attached conditions, I ultimately decided to go to Vietnam for a chance to observe and to meet with government official to state my case – and to state the case for democracy and freedom – directly.

Not surprisingly, the Vietnamese Foreign Ministry officials I met were cool to the idea of democracy. Conversations quickly turned to discussions and discussions to arguments as they tried to convince me that democracy will lead to instability.

Imagine: a government whose entire notion of ruling is predicated upon the notion that giving men and women the freedom to think, to learn, to speak, to worship, to create and to be themselves is a threat and something to take away from their citizens.

Upon my return to the United States, I learned that the morning after our delegation left Vietnam, nearly 1000 armed security forces moved into a Catholic cemetery at Dong Chiem, a small parish near Hanoi.

I also learned that, with high explosives, they proceeded to destroy a crucifix the parishioners had built on the premise. I learned that nuns, priests, and lay people who protested the desecration of the crucifix have been severely beaten since.

Taken together with the myriad recent crackdowns on democracy advocates—such as the stiff sentences handed down to Nguyễn Văn Đài, Vũ Hùng, Lê Công Định, Trần Huỳnh Duy Thức and the blatant trumped-up charges and conviction against Trần Khải Thanh Thủy—there is no question in my mind that it is time for Secretary of State Hilary Rodham Clinton to return Vietnam to the Country of Particular Concern list.

VN VICTIMS OF HUMAN TRAFFICKING

Furthermore, the Trafficking Victims Protection Act (TVPA) sets forth minimum standards for the prevention and elimination of trafficking in persons and provides that governments that do not fully comply with these minimum standards and are not making significant efforts to do so should be placed in “Tier Three” on the Department’s annual Trafficking in Persons (TIP) report.

Governments on Tier Three generally are not accused of actively engaging in human trafficking; rather, they are not doing enough to prevent it including punishing corrupt officials or government employees who facilitate the traffickers. This is not the case with Vietnam, though.

In Vietnam, the government itself actively engages in human trafficking through labor export companies partly or wholly owned by the Vietnamese Ministry of Labor and other government agencies.

There are a number of well-documented cases in which state-run and state-owned enterprises have misled workers by promising specific wages and working conditions (often in the form of signed contracts) only to require the workers to sign a very different contract immediately before leaving for their foreign destination.

When the workers have protested slavery-like conditions in the foreign workplaces to which these Vietnamese state enterprises have sent them, Ministry of Labor officials have traveled from Hanoi to places as far away as Jordan and American Samoa to threaten the trafficking victims with “punishment under the laws of Vietnam” if they do not cease their protests.

Workers who have returned to Vietnam after being exploited by their foreign employers have reported being harassed and intimidated by public security forces who typically accuse them of being liars and having betrayed their country.

Until the government of Vietnam eliminates these exploitative aspects of its labor export program and holds accountable those officials who have engaged in such practices, Vietnam’s placement on Tier Two of the TIP list, which is for governments that are making substantial efforts to comply with the minimum anti-trafficking standards, is indefensible.

TREATMENT OF VN ASYLUM SEEKERS

United States law also contains numerous provisions for the protection of and assistance to victims of human rights violations, including refugee resettlement.

Despite the continuing pattern of serious human rights violations by the Government of Vietnam against a broad range of persons it considers its adversaries, in recent years U.S. acceptance of refugees from Vietnam for resettlement has slowed to a trickle.

Many of those who have escaped from Vietnam over the last few years have been members of the Montagnard ethnic minority groups from the Central Highlands.

Although these asylum seekers often report having been subjected to detention, ill-treatment, and sometimes torture on account of their political and religious activities, and, although hundreds of Montagnards are currently in prison for having engaged in such activities, there is a persistent belief on the part of some U.S. government personnel that all or almost all Montagnard asylum seekers are “economic migrants.”

I trust the Department’s recognition of the egregious human rights situation in Vietnam will be reflected in a substantial improvement in the way we treat these and other Vietnamese asylum seekers.

In particular, the United States should make far more frequent use of its “Priority One” authority to accept refugees -- 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.

The United States should also accept and process applications for in-country refugee processing in Vietnam from Montagnards and others who can show that they were eligible for resettlement under the Humanitarian Operation and/or Humanitarian Resettlement in-country refugee programs but that they were unable, through no fault of their own, to apply within the deadlines imposed for such programs.

CONCLUSION

I would like to commend Secretary of State Clinton for her attention to human rights issues around the world. She has demonstrated herself a ready and willing partner, and I appreciate her openness to discuss these and other issues of critical concern.

I also would like to commend Assistant Secretary of State for Asia Kurt Campbell for his statement on March 4, 2010 before a hearing of the House Foreign Affairs Committee prior to his trip to Vietnam.

He said [QUOTE]: “We have, I would say, a bit of a dichotomy with Vietnam: very real concerns about backsliding on issues of human rights and religious (freedom) issues in recent years, but at the same time, this is a government that sees that it wants a closer relationship with the United States for strategic reasons. It’s going to be very hard to have that kind of relationship unless they take specific steps to improve the situation at home.”

If the recent release of Father Nguyễn Văn Lý and human right lawyer Lê Thị Công Nhân were the result of Secretary Campbell's statement because it means that the Vietnamese Government is aware and listening and the United States' efforts at diplomacy can work.

I would ask that the leadership of the State Department and our diplomats convey unequivocally to the government of Vietnam that improvements in relations between the two countries—through trade or otherwise—cannot happen without the improvement of human rights and religious freedom in Vietnam.

To this end, I call on the government of Vietnam to release all prisoners of conscience and give back to all religions the rights to conduct the principles of their faith and respect fundamental human rights.

And, I call on my Congressional colleagues here today and all Members of Congress to pass the Vietnam Human Rights Bill on which Congressman Wolf, Smith, and I have been working on so hard because this will promote democracy and freedom for the people of Vietnam and raise it in the consciences of all Vietnamese wherever they may be.