

**Testimony of Assistant Secretary of State Michael Posner**  
**Tom Lantos Human Rights Commission Hearing on Vietnam**  
**Tuesday, May 15**

Mr. Chairman and Members of the Commission, thank you for holding this important hearing to focus attention on the human rights situation in Vietnam.

Since normalization in 1995, our bilateral relationship with Vietnam has matured with expanded economic ties, deeper engagement on defense and security issues and continued partnership on health and education programs. Following broad economic reform in the mid-1980s, Vietnam has become one of the fastest growing economies in the world, averaging between six and eight percent growth from the 1990s until today. Its GDP stands at more than \$100 billion, up from just \$6 billion at the end of the 1980s. In the 17 years since the normalization of our relationship, our annual bilateral trade is up from \$500 million to \$17 billion. More than 10,000 Vietnamese students are studying in the United States. Family ties between Vietnamese and Vietnamese-Americans remain close and have become a vibrant means of cultural and political exchange as well as a driver of economic development.

So on several levels our bilateral relations have come a long way in a relatively short period. We will continue to build on these areas of progress and to maintain an honest, productive and collaborative relationship with Vietnam. Our concerns about human rights also are a central part of this relationship. Regrettably, Vietnam's respect for the basic human rights of its people continues to deteriorate, as it has for the past several years. I am here today to address these human rights concerns.

Today a number of human rights issues remain front and center on our radar. These issues cut across the other aspects of our bi-lateral relationship with Vietnam, and give rise to our deep concerns. In a larger sense they shape how we think about the potential of our overall relationship with Vietnam. Of course, it's important to remember that while these are issues of concern to us, they are much more significant to Vietnamese citizens, particularly young people, especially those who are most directly affected by these abusive actions. They want to be part of an open society, to be linked up with the world, and to be able to share their ideas freely, or to be entrepreneurs. Human rights progress is something they are demanding – often at great personal cost – and something that Vietnamese citizens recognize as central to a positive future in an open society governed by rule of law.

Before I take your questions I want to spotlight some of the areas of ongoing concern.

First, Vietnam continues to unjustly detain and imprison individuals for exercising their human rights. We estimate that the government holds around 100 prisoners of conscience. Nguyen Van Hai, who also goes by the penname Dieu Cay, has been detained since October 2010 without trial on a charge of propagandizing against the state, a charge that stems from his years-old blogs. This comes after he had already served a sentence for politically-motivated tax evasion charges. He is not alone. Le Cong Dinh worked as a lawyer defending journalists, human rights activists, and Internet writers prosecuted for their reporting. He was convicted in January 2010 for spreading propaganda against the state. Father Ly, a Catholic priest and one of the principal architects of the democracy Movement '8046,' has been repeatedly detained and released since 1977. He was most recently released on medical parole in March 2010, after having been imprisoned since 2007. He was returned to prison on July 26, 2011. We continue to call for his unconditional release. There are many other stories similar to these.

We continue to raise these cases consistently – from the Secretary in her meetings with the highest levels of the Vietnamese government, the Deputy Secretary, the team at the Bureau of East Asian and Pacific Affairs and my team, to the leadership at our embassy in Hanoi. And we will continue to do so.

We are conscious that each of these cases is representative of a set of broader problems – lack of due process; vague laws; legal standards inconsistent with universal human rights obligations; and so on – and as we raise these cases we make a point of connecting them to our broader concerns.

One recent piece of good news – just two weeks ago, authorities released Bui Thi Minh Hang. She is an activist who was sentenced without due process in December to two years in a re-education camp. We welcome her release, but will continue to press for the release of all other political prisoners.

The threats to freedom extend beyond politically-motivated detentions. A second area of concern is that Vietnam is increasingly restricting the free flow of information, be it print media, television broadcasts, or via the Internet. There are numerous decrees and decisions that only serve to stifle an already restrictive press environment in Vietnam, but also are violations of the internationally accepted human rights standards of freedom of expression and freedom of the press. Last February a new Decree, Decree 2, was announced, which allowed for censorship and punishment of any material deemed “against the interests of the state.” Another regulation, Decision 20, would limit the access of Vietnamese citizens to a

range of television stations. And we are closely following a new draft decree that may be promulgated in June. We believe that the new decree on Internet content, if promulgated as drafted, would directly impinge on freedom of expression, adding to the censorship and Internet restrictions already in place. We are urging Hanoi to rethink its policy.

A third issue pertains to longstanding concerns with legal provisions that are vague and inconsistent with international norms. These laws and decrees contribute to the repressive environment for the citizens of Vietnam. Ill-defined national security legislation allows the government to target its citizens at will. Article 79 outlaws activities aimed at “overthrowing the people’s administration.” In practice, this law is interpreted broadly and targets, for example, those who in many other societies would be recognized as peaceful protestors. Article 88 outlaws propaganda against the state and can be used, as we learned recently, even to target a musician who posted a political song on the Internet. These vague laws, whose definition is left to the eye of the beholder, are being used to as a catch-all to silence anyone with whom the government disagrees.

We urge senior officials to impose an immediate moratorium on the use of these provisions. We urge the government to repeal these laws expeditiously in order to bring Vietnam’s criminal code into compliance with the government’s obligations under international human rights instruments. In 2006, Vietnam repealed Decision 31, which provided security officials the authority to detain individuals for an indefinite amount of time without due process. Repealing Decision 31 was the right step for Vietnam to take, and it demonstrates that the government can rescind ill-defined and outdated national security laws. We will continue to press for repeal of provisions used to silence expression.

Finally, we continue to be greatly concerned about a range of restrictions that limit religious freedom in Vietnam. One of the reasons that freedom of association and freedom of religion are so often linked in discussions is that many individuals join with others in their faith community to practice their religion. Around the world, governments restrict religious freedom by imposing obstacles to freedom of association. It’s against this backdrop that we are very concerned about the harassment of Christian groups, disputes with Buddhist groups, and difficulties that multiple religious groups face in registering, gathering, and practicing their faith freely. Although Vietnam’s constitution and laws guarantee religious freedom, these laws are not applied consistently. We have received reports that local officials have harassed believers, pushed for recantations of faith, and disrupted services of many faiths, contradicting national laws. National authorities have not registered churches which would allow them to practice faith freely. We consistently advocate for equal application of the law to all religious faiths and adherents, and have offered our assistance to help resolve technical issues in the

registration process. All faith communities should be recognized and allowed to practice faith freely. We also closely follow land confiscations and disputes, an issue that threatens livelihoods, and particularly affects farmers and small businesses in addition to religious groups.

We have been assured that delays in the publication of the Bible in modern H'mong remains a technical issue that can be resolved. In response we have said plainly: if it can be resolved, then you should resolve it. Similarly, progress on church registration for Protestant congregations in the Northwest Highlands has been slow and religious believers have not been able to worship freely. Although the government has registered some churches each year, the pace of registrations has remained slow and hundreds of congregations continue to languish awaiting a decision.

There were some incremental positive moves several years ago – church registrations, for example. However, progress has not continued. Senior Vietnamese officials have repeatedly promised to make progress, and we have been clear that the status quo leaves many Vietnamese citizens unable to practice their religion freely, and therefore the government needs to do more.

Mr. Chairman, the situation in Vietnam for human rights remains discouraging. Government officials repeatedly tell me they seek stability; their actions, however, serve to undermine that goal. Only through affording its citizenry the opportunity to exercise the basic human rights guaranteed in Vietnam's own constitution and in international norms, can a government be secure. Many in Vietnam are rightly proud of their country's economic growth over the last two decades. But corruption and inconsistent adherence to legal provisions threaten the ability of the country to attract the kind of investment it needs for sustainable long term growth, and its ability to meet the expectations of budding Vietnamese entrepreneurs. Secretary Clinton is fond of the saying that "sunlight is the best disinfectant" – tackling corruption and rule of law challenges without a free press, without protecting freedom of expression and association is nearly impossible. We will continue to make the point to Hanoi that we care about human rights in Vietnam for many of the same reasons that they should care about them, and do something about them: progress on human rights is necessarily part of the continued progress of Vietnam, and certainly part of the progressive development of our bilateral relationship.

In the meanwhile, we'll continue to raise specific cases and make our concerns known. I did so at our annual bilateral Human Rights Dialogue last November. Secretary Clinton made these points during her meeting with President Sang at APEC, as did Deputy Secretary Burns during his December trip to Hanoi and Assistant Secretary Kurt Campbell in February. Deputy Assistant Secretary Dan

Baer visited Hanoi in March to follow up on the Human Rights Dialogue and also made a forceful pitch for greater protection for human rights. In addition, our team at the embassy and consulate general, led by Ambassador Shear, frequently underscores the human rights concerns of the U.S. government in meetings with senior Vietnamese officials.

We will continue to press the Vietnamese government to make progress on respect for internationally-recognized human rights. We anticipate holding another round of the U.S.-Vietnam Human Rights Dialogue this fall, which will afford us the opportunity to focus in on the improvements Vietnam needs to make, not only to further its bilateral relationship with the United States, but to meet its own international commitments. Senior officials at the Department and our embassy also will continue not only to underscore our concerns, but also to identify areas where we can work together to make progress.

Human rights are woven into the very fabric of our relationship with Vietnam. We have made it clear to Vietnam that if we are to develop a strategic partnership, as both nations desire, Vietnam must do more to respect and protect its citizens' rights. The path each country takes towards greater respect for universal human rights must be its own, but the basic principles remain the same. As Secretary Clinton has said, the spirit of human rights and human dignity lives within each of us, and the universal aspirations have deep and lasting power.

Thank you again, Mr. Chairman, for the opportunity to testify before the Commission today. I look forward to answering any questions you may have.