

**STATEMENT OF
HMONG NATIONAL DEVELOPMENT, INC. (HND)**

For the Hearing on

**“PERSECUTION OF RELIGIOUS AND INDIGENOUS COMMUNITIES IN
VIETNAM”**

**TOM LANTOS HUMAN RIGHTS COMMISSION
U.S. HOUSE OF REPRESENTATIVES**

March 26, 2014

I. Introduction

Vietnam’s poor record on human rights is well-documented. The Vietnamese Communist Party (CPV) has a long history of brutally suppressing dissent in order to preserve its own power in this one-party, authoritarian state.

Human rights abuses are endemic throughout Vietnam, but are often specifically targeted towards the religious and ethnic minorities that live in Vietnam’s remote provinces, such as the Hmong. While Vietnamese laws formally prohibit all forms of discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities continues to be manifested from the national to the provincial level. (*See, eg*, HRW, “Montagnard Christians in Vietnam: A Case Study in Religious Repression,” 2011; HRW, “On the Margins: Rights Abuses of Ethnic Khmer in Vietnam’s Mekong Delta,” 2009.) Although U.S. State Department reports do mention that ethnic minorities are discriminated against throughout the country, the reports fail to adequately reflect the severity and scope of the torture and persecution that the Hmong and other ethnic minorities such as the Montagnards and Khmer Krom face, especially when it comes to religious persecution.

Though the persecution of Hmong Protestants has been ongoing for decades, this statement will focus on the most recent incidents of religious persecution. The Addendum following this Statement discusses in further detail prior incidents of religious persecution and the other types of human rights violations perpetrated against the Hmong by the Vietnamese government.

II. Vietnam’s Restrictions on Religious Freedom

Vietnamese law requires all religious organizations to be registered and subsequently approved by the government. Participating in independent religious organizations is viewed as challenging the authority of the government. Even in the cases of government approved religious

organizations, legal protections “are both vague and subject to arbitrary or discriminatory interpretations based on political factors; and new converts to some Protestant and Buddhist communities face discrimination, intimidation, and heavy pressure to renounce their faith.” (U.S. Commission on International Religious Freedom [hereinafter “USCIRF”] Annual Report, 2011.)

On the individual level, believers who are members of unrecognized religions “continue to be imprisoned or detained for reasons related to their religious activity or religious freedom advocacy.” (USCIRF Annual Report, 2012.)

In September 2004, the Secretary of State designated Vietnam as a ‘Country of Particular Concern’ under the International Religious Freedom Act for particularly severe violations of religious freedom. Among the most important reasons for this designation was the harsh treatment often meted out to Protestants, particularly those who are members of ethnic minority groups. “The U.S. Ambassador and other U.S. officials, including the Ambassador at Large for Religious Freedom, raised concerns about the repression of Protestantism in the Central and Northwest Highlands, detention and arrest of religious figures, and other restrictions on religious freedom with government cabinet ministers up to the level of Deputy Prime Minister, CPV leaders, provincial officials, and others.” But serious violations of religious freedom, particularly against Hmong and other ethnic minority Protestants, continued. (U.S. State Department, International Religious Freedom Report [hereinafter “IRFR”], 2004.)

In 2006, this designation was lifted due to some progress made by the Vietnamese government with respect to religious freedoms. However, this “progress,” including increased registration of church groups, largely occurred in the more densely populated urban areas and was not enacted equally throughout the country. Specifically, these improvements were not implemented in the more remote provinces in the highlands, where many ethnic minorities including the Hmong reside, and where access by outsiders is severely restricted. USCIRF’s Annual Report for 2013 states that any improvements with respect to religious freedom “often depended on geographic area, ethnicity, relationships between religious leaders and local officials, or perceived ‘political’ activity.” While people living in large urban areas generally enjoy greater religious freedoms, “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.” (USCIRF Annual Report, 2013.)

Rather than seeing any improvement, Vietnam’s record on religious freedom for its ethnic minorities has seen a steady decline in the years since the CPC designation was lifted in 2006. Any religious activity by ethnic minorities is viewed as inextricably linked to political dissidence, leaving people of faith vulnerable to arrest and prosecution for their presumed opposition of the Communist government.

Conditions continue to deteriorate, and as a result of Vietnam's "systematic, ongoing, and egregious violations [of religious freedoms]," USCIRF recommended that Vietnam again be designated as a "country of particular concern" in 2013. (USCIRF Annual Report, 2013.)

III. Religious Persecution of Hmong Protestants in Vietnam

The Hmong residing in Vietnam's remote Northwest Highlands have been converting to Christianity in large numbers since the late 1980s. According to the U.S. State Department's International Religious Freedom Report for 2012, the number of Protestants in Vietnam ranged from approximately 1%-2% of the population. Approximately two-thirds of these Protestants are ethnic minorities living in the Northwest Highlands, including the Hmong. (U.S. State Department IRFR, 2012.)

According to Compass Direct News, a long-time source of credible information about rights violations against Protestants in Vietnam that is often used as the basis of U.S. State Department reports, "The Hmong Christian movement in Vietnam's Northwest Mountainous Region has grown from nothing to some 400,000 believers in the last two decades. The Hmong Christians remain under heavy government suspicion and are regularly objects of harassment and sometimes outright persecution." ("Vietnamese Officials Destroy Two New Church Buildings," Compass Direct News, June 27, 2012.)

Vietnamese government officials have been employing numerous means of religious persecution in an attempt to suppress the spread of Christianity among the Hmong and punish those who refuse to renounce their faith. Local authorities sometimes use "contract thugs" to harass, threaten, or beat Hmong Protestant religious leaders. (USCIRF Annual Report, 2011; and U.S. Department of State, Country Reports on Human Rights Practices for 2011, Vietnam Report.) Common methods of repression used in the Northern Highlands include "forcing church gatherings to cease, closing house churches, and confiscating property." (USCIRF Annual Report, 2011.)

A. Obstruction of Religious Burial Practices

Recently, the Hmong have begun to adopt more modern approaches to burying and honoring their dead, in accordance with a sect of Christianity led by Hmong Christian leader Duong Van Minh. The traditional Hmong burial practice involved keeping the body in the house for seven days and killing cows or buffalos to be offered to the dead during several days of rituals. ("Ongoing Brutal Suppression of the Cultural Rights of Hmong Christians," Boat People SOS [BPSOS], November 20, 2013.) Minh, who had been imprisoned by the Vietnamese government for his beliefs between 1990 and 1995, recognized that the traditional burial practice was an economic burden to families that were already struggling to survive. He advocated for reforms to this practice, and many Hmong Christians began keeping their dead for no more than one day

and burying them in coffins with simple rituals that did not require the killing of cattle. According to Minh, Hmong Christians should “simply trust in God” when their loved ones pass away and dispense with the traditional practices that had been harming their communities. (“Hanoi Hospitals Refuse Treatment to Ailing Hmong Christian Leader,” Radio Free Asia, Feb. 14, 2014.)

1. Campaign Against Hmong Burial Reforms

To support their new burial practices, Hmong villagers began building small storage facilities to store funeral accessories that the entire village could share. (“On-going Brutal Suppression of the Cultural Rights of Hmong Christians,” BPSOS, November 20, 2013.) In 2008, the authorities in Cao Bang, Bac Kan, Thai Nguyen and Tuyen Quang provinces began an “aggressive campaign” to try and force Hmong Christians to go back to the old way of burying their dead. *Id.*

It is clear that this was an official campaign, with specific directives coming from the central government to the provincial authorities. A memo from the Ministry of Interior in Hanoi to the People’s Committees of the four provinces mentioned above directs the provincial authorities to “take appropriate actions” against the followers of the Duong Van Minh organization by “direct[ing] various departments and local offices to mobilize the mass, and convince [the] local people of ethnicities in the preservation of their culture, faith and good traditions, and dismantling the ‘outbuilding’ (sheds) that were illegally built.” (Memo from Ministry of Interior Re “Duong Van Minh Organization,” June 7, 2013 [translated by BPSOS].) The memo notes that the “‘Duong Van Minh organization’ failed to qualify for registration as a religion and ... [t]herefore, this organization is not considered as a legitimate religious organization.”

In addition, a booklet titled, “Propaganda Campaign to Stop the Activities of Illegal Duong Van Minh Organization,” obtained by BPSOS, encourages the Hmong to ignore Duong Van Minh’s teachings and “instead focus on productive labor such as farming, breeding of livestock, taking of family; and cooperate with the authorities to dismantle the “outbuildings” (sheds storing funeral objects), and put on trial those who violate the law.”

The Vietnamese government embarked on this campaign to prevent the Hmong from practicing their Christian faith, employing methods of destruction to try to keep them tied to their traditional animist backgrounds.

2. Destruction of Funeral Storage Facilities

As a part of the 2008 campaign, “[t]he police joined forces with the militia, members of the people’s committees and thugs to demolish the funeral storage facilities” in Cao Bang, Bac Kan, Thai Nguyen and Tuyen Quang provinces. (“On-going Brutal Suppression of the Cultural Rights of Hmong Christians,” BPSOS, November 20, 2013.) By 2012, many of the Hmong villagers

had rebuilt the storage facilities that had been demolished. But again, “the government sent in the plain-clothed police and thugs to destroy these facilities and arrested a number of Hmong villagers. The Hmong villagers who used their own bodies to protect these facilities were met with violence.” *Id.*

According to BPSOS, the police conducted another wave of raids on April 8 and 9, 2013 to destroy these storage facilities. On April 8, 2013 in Luong Dien Hamlet, Na Phac Town, Ngan Son, Bac Kan Province, “police in civilian clothes used electric batons in their assault and took away eight villagers.” *Id.* According to the BPSOS report, the following day in Bo Dich Block, Quoc Toan Village, Tra Linh Hamlet, villagers that attempted to prevent the destruction of the facilities, including women, were shocked with electric batons until they passed out. *Id.* Similar police raids took place in Ba Lam, Hoa An, but the villagers there were able to successfully defend their storage facility and prevent its destruction. *Id.*

3. Persecution of Duong Van Minh’s Followers

Many Hmong sent petitions to the central government protesting the destruction of the storage facilities and the obstruction of their religious practices. These petitions remained unanswered. *Id.* In early October 2013, a number of Hmong villagers from the four provinces camped out in Mai Xuan Thuong Park in Hanoi in protest. The Vietnamese government responded with arrests, violence, and detentions. “On October 23, 2013, the police of Thuy Khue Ward violently dispersed the gathering and drove the protestors away in police vans... A Hmong adult (Duong Van Phung) and a child (Hoang Thi Vang) suffered injuries caused by electric batons used by the police. They passed out and had to be hospitalized.” *Id.* The protestors were rounded up and detained at the government Reception Center in Hanoi. Some were later taken to Cao Bang Province, others were taken away and not seen again. *Id.*

When a number of Hmong protestors returned to Hanoi on October 27, 2013, the same thing happened to them. In October and November 2013, at least eight Hmong activists who were followers of Minh’s were arrested as they protested for freedom of religion and belief (“Hanoi Hospitals Refuse Treatment to Ailing Hmong Christian Leader,” Radio Free Asia, Feb. 14, 2014). “On Nov. 23, police forces surrounded an ethnic Hmong village at Cao Bang province and demolished their funeral storage facility, in an incident that was followed by an attack on another Hmong village in the province the next day...” (“Hanoi Hospitals Refuse Treatment to Ailing Hmong Christian Leader,” Radio Free Asia, Feb. 14, 2014.)

Duong Van Minh is currently suffering from a serious kidney ailment and is in need of regular dialysis. While he was able to receive treatment last year in 2013, the authorities questioned him while he was in the hospital for an hour a day. *Id.* He is again in need of treatment, but the hospitals in Hanoi are now refusing to treat him, apparently due to his religious beliefs. *Id.*

The Vietnamese government continues to impose severe penalties on Minh's supporters. According to activists, seven of Minh's followers have been imprisoned and their trials are ongoing. They are being tried under an extremely vague penal code provision, Article 258, which serves to squelch political dissidence and restrict freedom of expression.

On March 14, 2014, Hoang Van Sang, a 60-year old follower of Minh's, was sentenced in Tuyen Quang province to 18 months in jail for "abusing democratic rights to infringe on the State and others' benefits' under Article 258 of Vietnam's penal code..." ("Hmong Ordered Jailed for Defying Vietnamese Government Campaign," Radio Free Asia, March 14, 2013.) Sang's "crime" was building a funeral facility that would accommodate the new burial practices advocated by Minh. *Id.*

Shortly after Sang's sentencing, Hmong Christian villagers began mobilizing in support of those that had been arrested and were awaiting trial. Sources in Vietnam state that some one thousand Hmong villagers began marching to the court in Tuyen Quang to protest at the upcoming trials and demand religious freedom and respect for their cultural rights. Carrying banners expressing their support for those arrested, the villagers began the long trek on March 18, 2014 to make their voices heard. However, many were prevented by the police from making it to the trials.

On the day of the March 20, 2014 trial of Ly Van Dinh and Duang Van Tu, the police blocked the villagers from entering the area. The hearing was "held under tight security as police kept protesting Hmong villagers at bay." ("Tight Security as Vietnamese Court Orders Two More Hmongs Jailed," Radio Free Asia, March 20, 2014.) The police "blocked [the] Hmong from traveling to the court, ripping away protest banners and confiscating other items carried by the marchers." *Id.* Ly Van Dinh and Duang Van Tu were sentenced to 21 months and 15 months in jail, respectively, for violating Article 258 of Vietnam's penal code. Another trial is set for March 27, 2014. Thao Quan Mua is accused of "gathering people to build a funeral home." *Id.*

The Vietnamese government's most recent, ongoing campaign of religious repression demonstrates its willingness to use brute force in order to prevent Hmong Christians from practicing their religion and deny them the right to self-determination.

B. Special Directives for Provincial Authorities Aimed at Religious Repression of Hmong Protestants

Vietnam's carefully orchestrated campaign against Duong Van Minh and his followers is unfortunately not an isolated instance, but is part of an ongoing policy to eradicate Christianity among Hmong populations. This policy began when the Hmong first started converting to Christianity, and has been ongoing since.

The Vietnamese government has viewed the spread of Christianity among its ethnic minorities as a threat, due to its perception of Christianity as an "American" religion in direct conflict with

Communism and loyalty to the Communist government. For groups such as the Hmong, which has unique historic ties to the U.S., this conversion to Christianity has been viewed with particular hostility. USCIRF states in its 2013 Annual Report that “[t]he government continues to view with suspicion the growth of Christianity among Hmong in Vietnam’s northwest provinces... 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.” The Report goes on to say that, while some religious groups are able to officially register and operate with the acquiescence of the government, in the northwest provinces where the Hmong reside, “campaigns to curtail new conversions [to Protestantism]” among the ethnic populations have “brought arrests, detentions, displacements, and harassment of members of new Protestant churches in the past year.”

The growth of Protestantism in the Northern Highlands, an area which is largely shielded from foreign scrutiny, is viewed by the Vietnamese government as a potential threat to national security. The fact that the Vietnamese government equates Protestantism with political dissidence and labels religious leaders as “separatists” makes people of faith vulnerable to a host of very broad laws meant to suppress political dissent. Although Vietnam’s constitution and the 2004 Ordinance on Religion and Belief provide for freedom of belief, both the Ordinance and its implementation decree “... warn that the ‘abuse’ of freedom of belief or religion ‘to undermine the country’s peace, independence, and unity’ is illegal, and religious activities must be suspended if they ‘negatively affect the cultural traditions of the nation.’” (U.S. State Department IRFR, 2012). Thus, government officials may restrict religious freedoms based on an arbitrary decision that the religious activities are posing a threat to the country’s peace.

A stark example of this attitude occurred in Muong Nhe in Dien Bein province in May 2011. According to eyewitness accounts, thousands of Hmong Christians had peaceably gathered in Muong Nhe in protest of the religious persecution that they had been long been suffering. In response, “... Vietnamese military troops and helicopters moved in to suppress the assembled people.” (“Vietnam: Investigate Crackdown on Hmong Unrest,” Human Rights Watch, May 17, 2011.) Many injuries and even deaths at the hand of the Vietnamese military were reported by those at the gathering. Scores of Hmong were arrested, and eight have been sentenced for two years and more for charges such as “disrupting security.”¹ This framing of religious expression as political dissidence is often used with Hmong Christians and is in line with the Vietnamese government’s policy of religious repression in the northwest provinces.

¹ These events are described in further detail in the attached Addendum.

1. Handbook for Provincial Officials in Northwest Provinces

The 2004 Ordinance on Religion and Belief states that citizens have the right to freedom of belief and religion. It was cited as great progress in Vietnam's respect for religious freedoms. However, the Vietnamese government has made clear that different rules apply to the ethnic minorities residing in the remote highlands, including the Hmong. The government officially sanctions the crackdown of religion in these regions, while touting the expansion of religious freedoms elsewhere in the country, primarily in urban areas. USCIRF's 2012 Annual Report states, "Contrary to the [2004 Ordinance on Religion and Belief's] provisions, local officials have told religious groups and visiting USCIRF delegations that the Ordinance's provisions do not apply in their provinces. In the northwest provinces, there remain hundreds of applications for legal registration that have not been acted upon by government officials."

Rather than implement the Ordinance in ethnic minority areas, "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." (USCIRF Annual Report, 2013)

As a result of many criticisms from the international community, two revisions of the handbook have been released since 2007. "Neither, however, offers much improvement on the original." (USCIRF Annual Report, 2011.) These new versions continued to include language which instructed provincial officials 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." (USCIRF Annual Report, 2011.)

The 2007 revised version of the handbook 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 . . .'" (USCIRF Annual Report, 2013.) Specifically, the handbook calls on local officials to "encourage the return to traditional beliefs" -- essentially condoning forced renunciation of faith -- despite the fact that these forced renunciations have been outlawed.

The handbook illustrates Vietnam's official government policy of religious repression of Hmong Protestants and its view of the Protestants as a political threat to be eliminated. Hmong Protestants are unable to contact foreign governments or international organizations for assistance because any "foreign relations of religious organizations, and particularly human rights defenders within such organizations, are the focus of particular suspicion." (Christian Solidarity Worldwide [CSW], Analysis of White Paper on Religion – Vietnam, 2007.) Moreover, diplomats and foreign journalists must obtain official permission in order to visit the Northern and Central Highlands regions of Vietnam, and when visits are authorized, they are heavily

monitored. This enforced isolation means that very little information can leave these regions without passing through the strict censorship of the central government.

2. Prime Minister's Special Directive No. 1 Regarding Protestantism

Another example of the Vietnamese government's deliberate repression of religion, masked under the guise of expanded freedoms, is the Prime Minister's Special Directive No. 1 Regarding Protestantism. The Directive "promised quick registration for local congregations to carry on religious activity while larger issues were being worked out." ("Vietnamese Officials Destroy Two New Church Buildings," *Compass Direct News*, June 27, 2012.) However, in the Vietnamese version of a February 2012 news release regarding the effectiveness of the Directive, "an official of the Government Committee on Religious Affairs said the directive had provided a 'breakthrough' in the government's management of religion by 'limiting the unusually rapid development of the Protestant religion.'" *Id.* The English version of this news release apparently did not contain this telling language. The Prime Minister's Special Directive No. 1 is but one example where "the very instrument that was publicized locally and internationally as proof of Vietnam's liberalizing religion policy apparently had contrary purposes." *Id.*

C. Forced Renunciations of Faith

The practice of forced renunciation of faith, although formally banned by Decree 22 in 2005, persists at both the local and provincial levels. Forced renunciations of faith "are not isolated cases, but are sanctioned by central government authorities to thwart the growth of Protestantism among ethnic minorities." (USCIRF Annual Report, 2013.) In particular, "local authorities are pressuring Hmong Protestants to recant their religious practices and return to traditional practices." (U.S. State Department IRFR, 2010.)

In an article from July 1, 2013, International Christian Concern reported that police officers attacked a Hmong Christian couple in Lao Cai province "after the couple refused to recant their newly found Christian faith. Police repeatedly struck both the husband and wife until the wife began bleeding..." ("Vietnamese Police Attack Christian Couple for Refusal to Recant Faith," International Christian Concern, July 1, 2013.) The article goes on to say that "Christians among the Hmong communities both in northwestern Vietnam and the Central Highlands regularly face pressure to recant their faith and return to more traditional animist belief systems." *Id.*

In December 2012, "officials in Tua Chua district, Dien Bien province beat several members of a house church, issued heavy fines, and threatened to expel them from their properties unless they renounced their faith and 'returned to our family alters' (traditional animist practices)." (USCIRF Annual Report, 2013.) USCIRF also reported that, 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.” (USCIRF Annual Report, 2013.)

These forced renunciations of faith are unfortunately not new, and have been occurring for many years now. The attached Addendum describes additional instances of forced renunciation of faith that have occurred throughout the past several years, as well as other types of persecution faced by Hmong Protestants.

D. Church Registration Issues

Regulations regarding church registration were promulgated in 2004 and 2005, “ostensibly to expand religious freedom and move Vietnam from an ideological opposition to religion to a managerial approach.” (“Vietnamese Officials Destroy Two New Church Buildings,” Compass Direct News, June 27, 2012.) However, although the registration system is framed by the Vietnamese government as evidence of “progress” in expanding religious freedoms, it is actually the opposite. It is a tool for restricting religious freedom and justifying persecution of those groups that the government seeks to oppress.

In general, Hmong Protestants are often subjected to more severe constraints on the practice of their religion than are imposed on other groups, particularly when it comes to the registration requirement. USCIRF stated in its 2011 Annual Report that, “unlike in some parts of the Central Highlands, the government has moved very slowly to extend legal recognition to Hmong Protestant churches. The number of legally-recognized churches and meeting points has reached 100 in the past year, but an estimated 1,000 religious groups are seeking affiliation with the ECVN. Hundreds of applications for legal recognition have been declined or ignored, despite provisions in the Ordinance on Religion and Belief requiring government officials to respond to applications in a timely manner.” (USCIRF Annual Report, 2011.)

USCIRF’s 2013 Annual Report shows that no progress has been made since the 2011 Report. It states, “There continue to be hundreds of Hmong congregations in the northwest provinces whose applications to join the recognized Northern Evangelical Church (NECV) are ignored.” (USCIRF Annual Report, 2013.) According to Compass Direct News, “... more than half of Vietnam’s Protestants remain unregistered, with many seeing their prospects for becoming legally recognized as hopeless. Hundreds of congregations have tried to apply for registration... only to have officials simply refuse to accept the applications... If the registration request is received, sources said, it often goes unanswered for years, contrary to time limits for government reply in the legislation. Christian leaders who have long tried to register their congregations say that fewer than 5 percent have been granted permission to carry on religious activities. As a result, sources said, large numbers of congregations remain subject to various kinds of

harassment and sometimes arbitrary closure.” (“Vietnamese Officials Destroy Two New Church Buildings,” Compass Direct News, June 27, 2012.)

Hmong Protestants seeking to register their churches have been told they need a recognized minister in order to register, though when some obtain the necessary certification as ministers, local authorities do not recognize their certification.

Although the Prime Minister’s Special Directive No.1 Regarding Protestantism, discussed above, was supposed to allow local congregations to register quickly, “the disclosure required in the registration process... has led to more government scrutiny and has not reduced long waiting times for routine permissions.” *Id.* I

The Vietnamese government continues to use the tactic of touting new laws and regulations as expanding religious freedoms, when in fact they serve the opposite purpose. Decree 92, which was presented by the government as an advance in religious freedoms, was put into effect in January 2013. But rather than expanding freedoms, Decree 92 “further extend[s] controls on religious groups.” (HRW World Report, 2014: Vietnam.) According to USCIRF, “Decree 92 does not expand protections for religions, continues government oversight and control of all religious activity, and demonstrates the government’s continued suspicion of religious individuals and groups.” (USCIRF Annual Report, 2013.) According to Human Rights Watch, in its enforcement of Decree 92, “the government monitors, harasses, and sometimes violently cracks down on religious groups that operate outside of official, government-registered and government-controlled religious institutions.” (HRW World Report, 2014: Vietnam.)

According to Decree 92, there are different levels of legal status, and “a religious organization must have 20 years of government approved operation before it can apply for a higher level of recognition.” *Id.* As noted in USCIRF’s 2013 Report, the new requirement makes it impossible for groups such as the Hmong Protestants to gain any form of legal status because they have emerged in the past ten to fifteen years. Therefore, rather than demonstrating an increase in religious tolerance on the part of the government, the registration system serves to further limit the free exercise of religion.

IV. Virtually All Hmong Asylum Seekers in Thailand Denied Protection by UNHCR

According to NGOs on the ground in Bangkok, there are currently over 300 Hmong Christians in Thailand who have fled Vietnam due to the religious persecution they had suffered there. They come with stories of extreme persecution, including torture for refusing to renounce their faith and destruction of their churches, homes, and farmland. Many were forced to flee Vietnam because they were being hunted down by the Vietnamese police for attending the May 2011 gathering in Muong Nhe.

The Hmong Christians came to Thailand seeking the protection of the United Nations High Commissioner on Refugees (UNHCR), however almost every single application for refugee status has been denied. Out of all of the applications submitted to date, according to advocates working with the asylum seekers in Thailand, only two have recently been granted refugee status. The rest of the cases have all been denied, and their appeals have also been dismissed, in what appear to be blanket denials by UNHCR of the refugee claims from ethnic minorities from Vietnam, including the Hmong, Montagnards, and Khmer Krom. The Hmong in Thailand have therefore been left in an extremely desperate and precarious plight, unable to return to Vietnam due to the continued persecution they will face there, and left vulnerable to deportation and exploitation in Thailand, with no chance at third country resettlement.

V. Recommendations:

It is clear that, despite Vietnam's increased presence on the international stage, it has failed to make progress in protecting human rights and has in fact continued an alarming trend of increased persecution of Hmong Protestants and other ethnic minorities in its remote provinces. The U.S. and the international community at large must put pressure on the Vietnamese government to stop the escalation of exploitation, oppression and violence against its own citizens, and to protect the rights of its most vulnerable.

(1) To the US Government:

- a. The Administration should re-designate Vietnam as a Country of Particular Concern.
- b. Congress should pass the Vietnam Human Rights Act, which would preclude the US from providing Vietnam with any increase in non-humanitarian assistance unless Vietnam makes substantial progress in improving its human rights record.
- c. The US government should call for the immediate release of all prisoners of conscience, and the Vietnamese government should free all political prisoners and other prisoners of conscience. There are approximately 150 such prisoners known to human rights organizations, not counting potentially hundreds of religious prisoners from ethnic minorities and indigenous peoples.
- d. The US should ensure that human rights be part of the Trans-Pacific Partnership (TPP) negotiations with Vietnam. It is important to send a clear and strong message to the Vietnamese government that expanded trade and partnership with the United States must be pre-conditioned on significant improvements in human rights, especially in religious freedoms.
- e. Country Reports on Human Rights Practices for Vietnam should accurately reflect the continuing and severe repression of politically and religiously active Hmong; DRL

should conduct interviews with Hmong asylum applicants and refugees both in Southeast Asia and in the United States to supplement its inadequate information on the human rights situation in the Northwest Highlands.

- f. The State Department's Office of International Religious Freedom should verify the status of the registration of 671 Hmong House Churches that Boat People SOS (BPSOS) has compiled and report its findings in its annual report on international religious freedom.
- g. Rather than accepting the Vietnamese government's assertion that an increase in church registrations illustrates an expansion of religious freedoms, the US government should recognize the registration system for what it is—a tool to further limit the exercise of religion—and seek to eliminate the registration requirement.

(2) To the UNHCR:

- a. UNHCR should ensure that the cases of Hmong asylum seekers are being examined on a case-by-case basis and that applicants are being permitted to present all relevant evidence in support of their claims. UNHCR should examine the practices and policies at the Bangkok office that may be hindering a proper analysis of claims, including the use of certain legal standards and interviewing practices which work against applicants, in order to ensure that the Bangkok office is fulfilling the organization's mission of providing protection to individuals with meritorious claims of refugee status.