

VIETNAM:
AN UPDATE ON THE STATUS OF HUMAN RIGHTS AND RELIGIOUS FREEDOM

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BEFORE THE
TOM LANTOS HUMAN RIGHTS COMMISSION
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CONTENTS

WITNESSES

Michael Cromartie, Vice President, Ethics and Public Policy Center, International Religious Freedom Commission	9
Sophie Richardson, Deputy Director, Aisa Program, Human Rights Watch	13
Nguyen Dinh Thang, Executive Director, Boat People SOS	19

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

Prepared Statement of Sophie Richardson	16
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THURSDAY, JULY 23, 2009

HOUSE OF REPRESENTATIVES,
TOM LANTOS HUMAN RIGHTS COMMISSION,
Washington, D.C.

The Commission met, pursuant to call, at 2:00 p.m., in Room 2255, Rayburn House Office Building, Hon. James P. McGovern [cochairman of the Commission] presiding.

Mr. McGOVERN. The hearing will come to order.

This is a very interesting subject, because Vietnam often appears to be an open and welcoming society in many ways. International trade, commerce, and investment continue to advance every year. There are a number of academic exchange programs with most of the Western nations. It is increasingly attractive to tourists, especially the young and the adventurous, for its exotic cities and towns, with just a touch of the familiar, and its wild mountains and rural areas. It is, of course, a destination for many of our Vietnam veterans and their families, as well as a place to return to visit for the many Vietnamese children who were adopted by American families. And it has made important strides in reducing poverty and promoting economic reform. And, of course, it is a country that haunts American memory.

Yet for its own citizens it is hardly an open society. Rather, it is a country that remains a one-party authoritarian state that denies its people the basic freedoms of speech, press, assembly, and religion. It has no independent unions, and as Human Rights Watch has recently reported, it is hardly a worker's paradise. There are no independent political parties let alone opposition parties. And Vietnam's own laws make peaceful protests and unsanctioned religious activities criminal acts. Most of its so-called nongovernmental organizations are dominated by Communist Party partisans who not only inform on anyone who strays from the party line, but who are put in place to ensure that no whisper of truly independent action or thought are allowed.

Like most authoritarian governments, whether from the left or the right, Vietnam exercises strict controls over the media and information, including applying criminal sanctions against authors, publications, Web sites, and the Internet that in any way stray from the party line or cause any discomfort to the government point of view.

As I noted, while Vietnam has made many advances in the areas of poverty reduction, some of its treatment of the most vulnerable, street children, the victims of human trafficking, is often harsh, even brutal, including imprisonment, isolation, withholding of food and medical care, and the denial of family visits or contact.

I am hoping that our distinguished panelists today will not just describe the many injustices and gross violations of basic human rights and civil liberties that take place on

a daily basis inside of Vietnam, but also help us as Members of Congress and the audience of NGOs, congressional staff, and other policymakers think about new ways, more effective ways, to intervene on behalf of human rights defenders, victims of human rights abuse, and those who are most vulnerable and marginalized.

Now, while I believe that the Congress and the U.S. Government can do a much better job of denouncing abuses when and where they occur, what else should we be doing to support and help open up political space, to end the abuse against street children, to reduce human trafficking, and end the abuses against victims of human trafficking? Especially on these last matters, is there any possibility that the U.S. and Vietnamese Governments might find a way to collaborate and improve the situation and extend protection to these victims? Or, if there is little hope for such collaboration, then what additional steps can our government and our diplomatic mission in Hanoi take to extend a greater degree of protection to these children?

I want to express my regrets in advance that I am on the House Rules Committee, and this is the last week and a half, hopefully, of us being in session before the August recess. We have a meeting that is going to occur at 2:30, so I will have to excuse myself, but I wanted to pose some of these questions and concerns up front.

I also want to thank my colleagues here, who are Congressmen Cao and Wolf and Royce, and I think Congresswoman Sanchez is coming, and Congressman Wolf is coming, but I want to thank them for their championship of human rights defenders of Vietnam. And I also want to thank Hans Hogrefe, Elizabeth Hoffman, and the fellows and the interns of the Human Rights Commission for bringing together today's expert panel witnesses.

Mr. McGOVERN. I will turn this over to Congressman Cao to see if he has any opening remarks.

Mr. CAO. Thank you very much, Mr. Chairman.

First of all, I would like to thank Dr. Thang Nguyen, Sophia Richardson, and Mr. Michael Cromartie for coming here and to testify with respect to human rights and religious freedom in Vietnam. I know that the issue of human rights and religious freedom is of the primary importance in the Vietnamese community here in the United States.

As we go forward in the U.S. Congress with respect to establishing better relationships between the United States and Vietnam, I know that as leaders of a free and a democratic Nation, we would like to address Vietnam with respect to the many issues in connection with human rights and religious freedom violations that they have been committing in the last several years.

Based on the many reports that I have read, since Vietnam achieved its WTO status, it acquired that particular status, they have retreated in its efforts to provide its people with greater religious freedom, with greater human rights freedom. And I would like to hear from the panel in very specific detail what has been the situation in Vietnam in the last several years. I would like also to hear whether or not recommendations with respect to whether or not Vietnam should be put back on the CPC list. And also, I would like to hear recommendations from the panel whether or not with respect to GSP, what should we demand of Vietnam before or if they were to receive the preferential status of GSP.

With that, again, I would like to thank the panel. And I would like in the future to work with you in order to promote a more free and democratic Vietnam.

Thank you very much.

Mr. McGOVERN. Mr. Royce.

Mr. ROYCE. Thank you, Mr. Chairman.

I think it is important to point out that the U.S. State Department found the human rights situation in Vietnam to be unsatisfactory, noting that the government continued to crack down on dissent, arresting political activists, and causing several dissidents to flee the country.

Now, in particular, as Human Rights Watch has indicated in its 2009 report on religious freedom in Vietnam, they say: 2008 saw the harshest crackdown on Catholics in Vietnam in decades, which included the seizure of land belonging to the Thai Ha Church, and the use of contract thugs, in their words, to carry out beatings and harassment of Catholics. Over 350 Montagnard Christians remain imprisoned for their beliefs.

Other religious groups, like the Unified Buddhist Church of Vietnam and other Buddhist sects, the Cao Dai, they also face severe persecution from the Communist government. The Venerable Thich Quang Do has spent the last 33 years of his life in prison or under house arrest. Pastor Nguyen Cong Chinh, whose photograph here is behind me, and I will just hold it up for a minute, he has been interrogated more than 300 times. He has been beaten over 20 times. Only days ago he was forced to flee from his home once again to escape police abuse. Pastor Nguyen, frankly, is the picture of religious freedom for many in Vietnam. This is sort of the poster board in terms of what is happening there. And it is thus vital that we continue to press for Vietnam to be put back on the CPC list.

I am pleased that, with my colleagues' support, Representative Joseph Cao and I were able to include language in the State Department authorization bill putting Congress on record that Vietnam deserves to be relisted. There are those in the Senate, however, who don't share our concern. Many do, and it is imperative that we pressure the Senate to keep this language in the bill. I think it is a very, very important debate coming up that everyone needs to be engaged in.

The Vietnamese Government has made known its intention also to allow China to mine for bauxite, the raw material needed for aluminum, in the Central Highlands region. They have already been mining there in the past, and, as you know, there has been massive environmental damage. The runoff from the bauxite creates great harm to the local economy. The Central Highlands, of course, produces 80 percent of Vietnam's coffee, a lot of its rubber, pepper, and cocoa. And so many in Vietnam in this area are very, very worried about that environmental damage, what it is going to do for the future in terms of the sustainability in that area, and, lastly, the fact that the Government of Vietnam would allow the Chinese Communist Government to come in and do this and destroy a way of life for so many Vietnamese.

That is why I want to thank our witnesses for being here today. And thank you, Mr. Chairman.

Mr. McGOVERN. Thank you.

Mr. McGOVERN. I would like to now introduce Congressman Chris Smith, who

is the author of the Vietnam Human Rights Act of 2009, a leader on human rights issues of Vietnam, and the author of the Torture Victims Relief Act, which the House passed yesterday.

Mr. SMITH. Mr. Chairman, thank you very much. And I want to thank you for convening this very important and very timely hearing on human rights in Vietnam.

And to our witnesses, all experts, people who are very much accomplished, thank you for being here to give us the benefit of your wisdom.

This is a particularly opportune time to highlight the ongoing and ever worsening human rights abuses and the status of religious freedom in that country. It is unfortunate that a representative of the Department of State could not be with us today. I would have appreciated the opportunity to inquire as to why the administration is not far more engaged on the issue of religious freedom in Vietnam and elsewhere.

I hope that the State Department will take into account the testimony that is presented and the discussion that will take place here today, and seriously -- and I mean seriously -- evaluate how the United States policy towards Vietnam and our engagement with the Vietnamese Government might better reflect the need to significantly improve human rights, including religious freedom.

On April 2, 2009, Mr. Chairman, as you alluded to, I reintroduced the Vietnam Human Rights Act, H.R. 1969, with broad bipartisan support. Virtually everybody here at the table are cosponsors. Prior versions of this legislation passed the House three times, most recently in the 110th Congress, with overwhelming bipartisan support.

This act would prohibit any increase in U.S. nonhumanitarian assistance to the Government of Vietnam unless such funding is matched by U.S.-supported human rights and democracy programming in Vietnam. Funding also could not be increased unless the administration provides evidence that Vietnam has dramatically improved its deplorable human rights record. In addition, the bill prohibits our President from granting benefits to Vietnam under the Generalized System of Preferences, GSP, unless Vietnam improves its labor standards.

In May 2008, Vietnam formally requested to be added to the U.S. GSP. This nonreciprocal, preferential tariff treatment could allow up to 3,400 of Vietnam's leading exports, including electrical machinery, fruits, and coffee preparations, to enter the United States duty free. GSP is generally viewed as another step in the process of continued growth in trade relations and expanding bilateral ties between the two countries.

Unfortunately, as we have seen with US-Vietnam trade relations in the past, including the granting of PNTR and Vietnam's accession to the WTO, increased trade concessions do not equal respect for human rights in Vietnam, despite whatever promises or concessions or expectations on the part of Members of Congress, the Vietnamese Government, will be had in advance -- that they had made in advance.

The legislation governing GSP includes several key criteria for the recipients of this benefit. Among them is compliance with internationally recognized labor standards, including the freedom of association, the right to strike, and the right to collective bargaining. Vietnam has fallen far short in these areas and should be held to account prior to any additional GSP consideration.

Vietnam's coercive labor policies are further evidenced by the fact that the Government of Vietnam prohibits the organization of independent labor groups. Any

form of organized labor that is not a member of the Vietnam General Confederation of Labor, or the VGCL, an arm of the government, faces severe opposition and very possible and even probable incarceration of labor leadership.

Vietnam's ill treatment of its workers is no different from the way the Government of Vietnam routinely and harshly denies universally recognized standards of religious freedom, freedom of speech and press, prodemocracy advocacy, to its citizens. In fact, in the last weeks alone, Vietnam has arrested prodemocracy advocates, including Le Cong Dinh, a prominent Catholic human rights attorney; Nguyen Tien Trung, a youth leader for the Vietnam Democratic Party; and Tran Anh Kim, also a member of the Vietnam Democratic Party as well as a member of Blockade 406. Vietnam can add these people to its growing list of incarcerated political and religious prisoners.

Vietnam's strategic arrests in the last few weeks and the snapback arrests that began in 2007 with the high-profile arrest of Father Ly -- and I would note parenthetically, as many of my colleagues, I have met with Father Ly. He is an outstanding man, a man who wants democracy and freedom, and he has been treated in a horrific manner by the Vietnamese Government. He and so many others exemplify the country's lack of concern for freedom guaranteed under the compacts that they have accepted, including the Universal Declaration on Human Rights.

Religious freedom advocates continue to face harassment and ongoing abuses. There remain hundreds of imprisoned Montagnard Protestants, and they are targeted. And, of course, there is a focus by the government in crushing dissent by those individuals. Catholics face detainment and are subject to beating as a result of land disputes over church properties. As we saw earlier this week, Khmer Buddhists are fleeing religious persecution and seeking asylum in Cambodia and elsewhere. And the list goes on and on.

A lesser known but certainly no less egregious human rights violation, Mr. Chairman, Vietnam is punishing couples for having more than the allotted two children per family. Violators of the newly revived government policy face intense fines and possible land confiscation. The government's reaction to what is perceived as a boom in third born children is finding opposition even from such groups as the U.N. Population Fund, which has had a hand-in-glove relationship in China with forced abortion and forced sterilization. They, too, are perplexed by this revived policy.

There is also concern that, by 2030, 3 million Vietnamese men might not be able to find wives, as baby girls are often the object of sex-selection abortion due to the family planning restrictions and the preference for baby boys.

This is a very important and timely hearing. And, finally, I just want to say to you, Mr. Chairman, that we have many, many fine people in this audience who have been leaders in the fight for human rights: Joseph Rees, who was my chief of staff when I chaired the Human Rights and International Operations Committee, and who wrote and was absolutely critical in drafting legislation on human rights especially as it relates to Vietnam. And he and Dr. Tran were like brothers in trying to -- especially with the boat people and the refugees, those who were left behind in the camps -- and he was our first ambassador, as you know, Ambassador Rees, to East Timor. Joseph is a true champion of human rights, and I just want to single him out and say thank you for his unbelievably effective leadership over the years.

Mr. McGOVERN. We all agree with you on that. Thank you very much.

Mr. McGOVERN. I now would like to introduce Loretta Sanchez, who is the cochair of the Caucus on Vietnam and one of the strongest voices on behalf of human rights for those who have been persecuted in Vietnam. I yield to her.

Ms. SANCHEZ. Good afternoon. Thank you, Chairman. I would like to thank the Tom Lantos Human Rights Commission for holding this very timely and urgent hearing. I want to thank my colleague from Massachusetts in gratitude for holding this.

And, as you know, I represent one of the largest Vietnamese populations actually outside of Vietnam, and they are a population that is adamant about trying to work in instituting freedom and democracy and basic human rights back into Vietnam, and I applaud them for that. I applaud them for educating me on the issue and for allowing me to be such a fervent voice on this.

I am proud to be the founder and one of the cochairs of the Congressional Caucus on Vietnam, and every day I work with many of the activists that are in this room. And welcome to all of you, to our witnesses today. And much has been said by my colleagues -- by the way, we all work on this issue very well together. I have to say that. And it is always a pleasure, Mr. Smith and Mr. Royce, to work with you on this.

Now, the U.S. Commission on International Religious Freedom has consistently recommended that Vietnam be put on the U.S. Department Country of Particular Concern, or the CPC list as we know it. Originally they were put on when we pushed very hard for it after a few years. Of course, the Bush administration decided to take them off of the list, I think, in anticipation of trying to get WTO status for the country Vietnam. And, unfortunately, we all know in this room that human rights has degenerated in Vietnam.

When I was there the last time, of course, most of the prisoners were -- most of the people of conscience, most of the people -- the dissidents, most of the people who were talking about freedoms, who were talking about human rights, who dared to sign a manifesto saying there should be democracy, these type of people were all imprisoned. I personally was accosted on the day that I went to meet with the mothers and the wives of these prisoners. Not the prisoners, just people who are family members. So I believe that things have gotten worse in that country.

And, as my colleagues have probably mentioned, and I am sorry I came in late, but they probably mentioned about the Venerable Thich Quang Do being continuously under house arrest. Young dissidents now, lawyers, et cetera, who have been working very hard with respect to human rights are all being put in jail. So I think the first thing is we put Vietnam back on the CPC list, period, because all these, so many of these, are religious violations, and we see it happening.

I recently spoke to Secretary of State Hillary Clinton about the ongoing human rights and religious freedom rights violations, and I advocated for putting Vietnam back on the CPC list. We have also been talking to Speaker Pelosi, to the Senate, to support the Vietnam Human Rights Act that we have. And recently I introduced a House resolution urging the Government of Vietnam to release imprisoned bloggers and respect Internet freedom. This is, again, as we even saw with Iran and some of these other issues, China, dissidents, people, the people speaking up and coming out -- this is one of the ways in which they have an ability to communicate to the outside world when the press and everything else is held in the state of Communist hands or a dictator's hands.

This is the only way they have to get information out to us for the world to know what is happening in these places.

And I am particularly concerned about Vietnam trying to clamp down on the Internet rights of its citizens. So my resolution would address that, and I hope that my colleagues will become cosponsors of the resolution. And I will be holding a briefing on it next Thursday, July 28, at 2 p.m. in the Gold Room on the issue of Internet freedom in Vietnam, and I hope that you will attend.

So let me stop with those comments, because we really want to hear from our panel today. And I thank you, Mr. Smith, for allowing me to come and be a part of this.

Mr. SMITH. [Presiding.] Thank you so much for your eloquent statement.

Mr. SMITH. And I would like to introduce our distinguished panel, beginning first with Michael Cromartie, who is the vice president of the Ethics and Public Policy Center in Washington. Of course, he is here on behalf of the International Religious Freedom Commission, where he directs the Evangelicals and Civic Life Program and the Media Religion Program. The Ethics and Public Policy Center was established in 1976 to clarify and reinforce the bond between the Judeo-Christian moral tradition and domestic and foreign policy issues. He is also a senior advisor to the PEW Forum on Religion and Public Life, and a senior fellow with the Trinity Forum.

Mr. Cromartie has contributed book reviews and articles to First Things Culture, the Washington Post, Washington Times, the Reformed Journal, Christianity Today, the Stewardship Journal, and the list goes on and on and on. He is an advisory editor at Christianity Today and an adjunct professor at Reformed Theological Seminary, and was an adviser to the PBS documentary, *With God on Our Side: The Rise of the Christian Right in America*. He has also been introduced on numerous radio and television programs, including National Public Radio, CNN, ABC, *The News Hour with Jim Lehrer*, MSNBC, and PBS. He holds an M.A. in justice from the American University and a B.A. from Covenant College in Georgia. He served as Chair of the Commission in 2007 and 2008.

We will then hear from Dr. Sophie Richardson, who is the Asia Advocacy Director for Human Rights Watch. Dr. Richardson oversees the organization's work on China and elsewhere. Her book on Chinese foreign policy is forthcoming from Columbia University's Press. And she has also published on domestic Chinese political reform, democratization and human rights in Cambodia, China, Hong Kong, and the Philippines. Her publications have appeared in numerous journals and newspapers, including *The Far Eastern Economic Review*, *The Japan Times*, *The Journal of Asian Studies*, *The Nation*, *The Wall Street Journal*; and has provided commentary to Aljazeera, the BBC, CNN, *The Guardian*, National Public Radio, and the *New York Times*. A graduate of the University of Virginia and Oberlin College, Dr. Richardson speaks Mandarin Chinese, but will be using, thankfully, English today.

Finally, we will hear from Dr. Nguyen Thang, who is a refugee boat person from Communist Vietnam. Dr. Nguyen arrived in America in 1979 and has been reaching across ethnic, political, and religious lines ever since to build community. Dr. Nguyen's drive is embodied in Boat People SOS, the community organization he helped grow from a tiny volunteer based group into a 13-branch network.

Since 1980, 1 in 10 Vietnamese Americans have received direct aid from Boat

People SOS while still in Vietnam, on the high seas, in a refugee camp, or after arriving in the United States. After Hurricane Katrina, Boat People SOS teams helped nearly 4,000 families, securing them some \$16.5 million in aid, placing 850 in homes, and referring 265 individuals to jobs, while building capacity for 12 faith-based and community relief organizations.

Dr. Nguyen also cofounded a legal aid alliance for Vietnamese asylum seekers, set up an assistance and psychotherapy program for torture victims, and developed neighborhood-based immigrant support groups across America. He set up relief operations for some 10,000 Vietnamese and other Gulf Coast evacuees after Hurricane Katrina. His initiative blossomed into relief and recovery efforts that continue to meet long-term needs in Biloxi, New Orleans, Port Arthur, Atlanta, and beyond. He has worked with clergy and elected officials, neighborhood leaders, and, again, he has made such a difference, and that would include not just on all of these other human rights issues, but one of the ones that is closest to my heart, and that is the issue of combating human trafficking, where he has been a leader as well.

So we have an extraordinary panel. And I would like to begin -- and just parenthetically, Dr. Nguyen, when I chaired the Human Rights Committee, and Joseph Rees will back me up on this, you were a source of information that was not just accurate and persuasive, but it was actionable. It helped us to do things on that committee that we would never have had the ability to do if we didn't have your insights, counsel, and wisdom, coupled with, of course, Ambassador Rees.

Mr. Cromartie.

STATEMENT OF MICHAEL CROMARTIE, VICE PRESIDENT OF THE ETHICS AND PUBLIC POLICY CENTER, WASHINGTON, D.C., ON BEHALF OF THE INTERNATIONAL RELIGIOUS FREEDOM COMMISSION

Mr. CROMARTIE. Thank you, Congressman, for the opportunity to be here.

A delegation from the U.S. Commission on International Religious Freedom traveled recently to Vietnam on May 11 through 21, 2009. This was the fourth trip for the U.S. Commission on International Religious Freedom to visit Vietnam since 2003. During our many trips to Vietnam, we have visited every region of the country, and we have built relationships with prominent religious leaders, with human rights advocates, with dissidents, with Vietnamese Government officials.

During our May visit we visited Hanoi, Ho Chi Minh City in the northwest provinces. Our staff also conducted interviews with seven Khmer Buddhist monks recently released after serving sentences for conducting human rights research and for participating in peaceful demonstrations for greater religious freedom. Our delegation found that the religious freedom restrictions faced by Khmer Buddhists in the Mekong Delta region are serious and egregious, and their situation is underreported by the State Department.

It is our delegation's assessment that Vietnam is a severe violator of the freedom of thought, conscience, and religion as defined by the International Religious Freedom Act of 1998. Many religious communities and religious freedom advocates face harassment, restrictions, fines, detentions, property destruction, discrimination, and police intimidation. Targeted in particular are the United Buddhist Church of Vietnam, independent Hoa Hao and Cao Dai groups, ethnic minority and unregistered Protestants, Catholics who publicly advocate for greater freedoms, and human rights lawyers who defend these vulnerable groups.

We saw again even this week that the Government of Vietnam perceives even peaceful prayer vigils as challenges to its authority, requiring violence and arrests. As you know, 18 Catholics were detained 2 days ago in the Quang Binh Province. The issue of confiscated property will not go away any time soon. If the Vietnamese Government continues to detain or intimidate individuals for acting peacefully and publicly out of religious conscience, this should be viewed as an abuse under the International Religious Freedom Act.

Our trip confirmed the conclusions reached by the USCIRF's 2009 annual report released in May. Along with this testimony, I would like to enter the Commission's annual report chapter on Vietnam into the record.

Let me offer a brief sketch of what we found during our trip.

Number one, the religious freedom situation is better in the major cities than in the countryside. We were told in Dien Bien Province, for example, that "laws made in Hanoi are not the law here." But religious freedom abuses in rural areas cannot be blamed on recalcitrant provincial officials. USCIRF has copies of government training manuals that instruct local officials to manage and control the growth of religious activity, and to encourage new converts to Protestantism to give up their religious activity.

Number two, we found that police intimidation of new converts is simply a

national policy. In 2005, Vietnam officially banned the practice of forced renunciations of faith. Our delegation learned, however, that this practice survives. In many parts of Vietnam, police intimidate and warn new religious converts against continued religious activity, threatening them with the loss of government benefits or of jobs. These are not isolated acts, but are encouraged in national religious policy and experienced by both Protestants and by some Buddhists. This practice should be considered an egregious and ongoing abuse of religious freedom.

In addition, police often harass and destroy the property of unregistered religious groups and are not held accountable when they either commit or fail to stop acts of violence against religious believers. There have been beatings, there have been deaths, there have been disappearances of ethnic minority Protestants, and a Vietnamese Protestant pastor and a UBCV monk in the past year. We also learned that Buddhists who visited UBCV pagodas during the recent Vesak holiday were intimidated and harassed by police.

Number three, we found this out about prisoners. There are individuals detained in Vietnam because of their religious activity or religious freedom advocacy. There are dozens of individuals detained in Vietnam, including Hoa Hao, Cao Dai, Mennonite, UBCV monks, Catholics, and human rights lawyers who defend or fight for expanded freedoms in Vietnam.

During our trip the delegation was able to confirm that there are hundreds of Montagnard Protestants in prison, arrested after 2001 and 2004 land rights and religious freedom demonstrations. Among this larger group are Protestant pastors arrested despite not having participated in the public demonstrations, but singled out because they were community leaders and because they would not inform on congregants who participated in the demonstrations.

During our most recent visit, the Vietnamese Government allowed us to meet with detained individuals such as the noted freedom advocates Father Nguyen Van Ly, Nguyen Van Dai, and the Most Venerable Thich Quang Do.

Now, we, of course, do appreciate the Vietnamese Government's willingness to allow us brief access to these individuals when others are denied. Despite our visits to these prisoners, Thich Quang Do's detention orders were not lifted, Father Ly remains in solitary confinement, and Nguyen Van Dai is still being asked to sign a confession of his guilt as a condition of his release.

In addition, we learned that jailed human rights lawyer Le Thi Cong Nhan was twice offered exile. She turned down a recent offer to leave for the United States, saying reportedly, and I quote, "I respect the United States because it is a place of freedom and democracy, but my home is Vietnam, and this is where I want to stay." And, mind you, where she is staying in is in prison.

These are courageous individuals, detained for peacefully expressing religious views or engaging in religious advocacy. Their unconditional release should be a priority of U.S. human rights diplomacy.

Number four, there is sufficient evidence to designate Vietnam as a country of particular concern. Our U.S. Ambassador to Vietnam, Michael Michalak, said recently that there was not enough evidence to support a CPC designation. Of course, we disagree. The evidence is obvious: Prisoners, forced renunciations of faith, official policies of discrimination, targeting religious communities and new converts, and police

harassment and detentions of religious advocates and human rights lawyers is ongoing.

Now, I have traveled to Vietnam in both 2007 and 2009, and, in my opinion, human rights and religious freedom conditions have actually deteriorated over the past 2 years. The CPC designation is warranted and can be used to bring about tangible change for Vietnam's religious groups and human rights advocates.

We appreciate the support from Members of Congress for our recommendation, and the new administration offers us all an opportunity to make the case for Vietnam's CPC designation. We hope to continue to work with you on this goal together.

Number five, police interference with our own delegation. One of the reasons I believe that human rights conditions have deteriorated overall in Vietnam was that our own delegation's experiences with police interferences while we were there. Police blocked access to certain dissidents and religious communities. And so let me offer you a few examples.

In Ho Chi Minh City, for instance, lawyer Le Tran Luat, who represents the Thai Ha Parish in Hanoi, was detained overnight to stop us from meeting with him. Also, noted human rights defender Do Nam Hai was blocked from meeting with us. Also in Ho Chi Minh City, police physically stopped us from meeting with a group of unregistered Mennonite leaders, including the daughter of religious prisoner Nguyen Thi Hong, who we learned is forced to do hard labor and is currently in poor health. And in Dien Bien Phu, police staged two truck accidents, staged them, two truck accidents, to prevent the delegation from meeting with Hmong Protestant groups. Those are just a few examples.

Now, there are some positive elements in religious freedom in Vietnam, and I don't want to paint totally a bleak picture here, but there are too many egregious religious abuses occurring in Vietnam. And there are some positive elements that have occurred in the past years. The Commission recognizes some positive elements that have occurred over the past 4 years, but they were spurred by the 2004 CPC designation and Vietnam's desire to join the World Trade Organization.

These positive developments include the release of some prisoners, new legal protections for nationally recognized religious groups, the prohibition of the policy of forced renunciations of faith, and an expanded zone of toleration to worship services particularly in urban areas. In addition, religious adherence seems to be growing, and many ethnic minority Protestants no longer have to meet in a clandestine fashion.

But the Vietnamese Communist Party has made peace with the existence of religion as long -- as long as its size, its activities, and its growth can be controlled, and its leaders can be managed, and the activities of religious adherents are not viewed as a challenge to government authority. As you know, religious thought, conscience, and activity cannot be confined to this restricted box. The freedoms guaranteed in international law should be our guide, not the Vietnamese Government's need to control civil society and maintain political power.

Religious groups and human rights activists do not seek to challenge the Vietnamese Government's hold on power, but they do seek internationally guaranteed rights and freedoms that will benefit all of the Vietnamese people, and can contribute through education, economic development, medical and charitable works, it can contribute to the greater good of Vietnamese society.

In conclusion, here are our recommendations. Vietnam has not been a priority of

the Obama administration with its many global priorities, but it should be. The U.S. Government can play an important role in advancing human rights and civil society in Vietnam. The diplomatic tools are available, and the U.S. has considerable leverage to define the bilateral relationship, and the U.S. is popular with many of the Vietnamese people. The question remains, is there sufficient political will to press for human rights in Vietnam?

The U.S. Commission on International Religious Freedom has recommended that Vietnam be designated as a CPC for severe and egregious restrictions on the freedom of religion. This recommendation has widespread bipartisan support in Congress, and, of course, as you know, the House of Representatives passed H.R. 2410, the Foreign Relations Authorization Act, which includes language urging the State Department to designate Vietnam as a CPC.

There has also been bipartisan support for passage of the Vietnam Human Rights Act in the House of Representatives. This bill has been reintroduced in both the House and the Senate this year. We hope this will be discussed and passed during the current session of Congress with the Obama administration's full support.

Both the CPC designation and the Vietnam Human Rights Act are important because they send a message to the U.S.-Vietnamese relationship that it will not only be defined by trade, investment, and security interests. This message will be heard clearly by the Vietnamese people, and will encourage those fighting to advance human rights and the rule of law.

The CPC designation and the Vietnam Human Rights Act are also important because they provide the administration with flexible diplomatic tools, including various political and economic incentives, public diplomacy priorities, and, as a last resort, targeted sanctions.

From 2004 to 2006, the CPC designation was used previously by the U.S. to bring about some tangible religious freedom results in Vietnam without hindering progress on these other bilateral interests. Progress on trade, investment, drug interdiction, education, military relations, and HIV/AIDS was not -- was not set back as we worked toward advancing and protecting religious freedom and related human rights. But sadly, after the CPC designation was lifted in 2006, religious freedom progress stalled, and Vietnam's overall human rights record has continued to deteriorate.

This year, the Obama administration will be making its first decisions on which countries to designate as CPCs. We urge the administration to redesignate Vietnam as a CPC, and to use all available diplomatic tools to support the hopes and aspirations of the Vietnamese people for both greater freedom and greater prosperity.

Protecting and promoting religious freedom is a core interest of the American people and is critical to the success of many of our global interests. We believe that the CPC designation is a powerful tool to spotlight abuses of religious freedom, encourage future improvements, and clearly signal that the United States supports those in Vietnam who seek to advance universal freedoms and universal human rights.

Thank you, Mr. Chair.

Mr. SMITH. Thank you very much.

[The prepared statement of Mr. Cromartie is unavailable]

Mr. SMITH. We have been joined by Chairman Frank Wolf of the Tom Lantos

Congressional Human Rights Subcommittee.

Mr. WOLF. I am fine, Chris. I will just submit a statement for the record and let the witnesses continue.

[The prepared statement of Chairman Wolf is unavailable]

Mr. SMITH. I would just note for the record, as I think we all know, Mr. Wolf is the prime sponsor of the International Religious Freedom Act. It is a piece of legislation that was truly landmark and historic, and hopefully, as we, I think, would all agree, CPC will be redesignated for Vietnam.

Dr. Richardson.

STATEMENT OF SOPHIE RICHARDSON, DEPUTY DIRECTOR, ASIA PROGRAM, HUMAN RIGHTS WATCH

Ms. RICHARDSON. Thank you for not making me do this in Chinese.

First of all, thank you very much to the Commission for the holding this timely hearing, and particularly thanks to all of your great staff.

A brief word of overview, that while Vietnam has made some important strides in some of the policies that Mr. Cromartie has just discussed, and with respect to things like poverty reduction and economic reforms, it remains intolerant of any challenges to one-party rule. We believe that Vietnam belongs in roughly the same category as China and Burma and other closed countries in its repressive approach to expressions of dissent by imprisoning hundreds of people for their religious and political views, persecuting members of independent churches, imposing strict controls over the Internet and the press, restricting public protests, and banning independent trade unions, independent media, and opposition political parties.

Despite the fact that Vietnam is currently a member of the United Nations Security Council, it has dodged and rejected recommendations by other Security Council member states, including the U.S., regarding its violations of human rights at its Universal Periodic Review in May of 2009, particularly those pertaining to the freedom of expression and association, media freedom, and protection of human rights defenders, and has barred U.N. and international human rights experts from investigating rights violations in Vietnam.

We were asked to speak this afternoon about two particular issues: The alarming increase in arrests of government critics in recent months, and the crackdown on labor activists.

On the first subject, with respect to increasing persecution of activists, what we have documented recently is that since September of 2008, so in less than a year, a further 20 activists in addition to the many others who have gone before them have been arrested. They include Nguyen Xuan Nghia, a member of the executive board of the democracy movement known as Bloc 8406; human rights defender Pham Van Troi, an engineer and an active member of the Committee for Human Rights in Vietnam; university student Ngo Quynh; poet Tran Duc Thach; teacher Vu Hung, and blogger Pham Thanh Nghien.

The last 2 months alone have seen another round of arrests of at least seven dissidents, starting with the arrest of well respected lawyer Le Cong Dinh a little over a month ago. Several of you have made reference to his case. We are particularly

concerned by his arrest because this is a person who is to some extent a member of the establishment. He is a very well-respected lawyer. He is very involved in trade negotiations, represented corporations. He is not the sort of person the regime typically targets as a real opponent. And the fact that the persecution is now extending to people who have, to a large extent, been an ally of the regime in promoting its trade ties with countries like the United States is deeply alarming to us. And as one of the few independent lawyers willing to take on the defense of human rights lawyers, Dinh is part of a sadly vanishing breed in Vietnam, and it is vanishing because of the government.

Police have charged him under article 88 of Vietnam's Criminal Code, conducting propaganda against the government, which carries a sentence of up to 20 years. Government authorities accuse him of using his work as a defense lawyer for high-profile democracy and religious-freedom activists to, quote, propagandize against the regime and distort Vietnam's constitution and laws.

Other lawyers seeking to defend Vietnamese human rights defenders and religious freedom activists have also faced threats and harassment. They include Le Chon Lok, who was defending Catholic parishioners from Thai Ha Parish in Hanoi, calling for return of government confiscated church properties; and Bui Kim Thanh, who was involuntarily committed at least twice -- at least twice, we suspect for a third time as well -- to a mental institution for her activism. Doing so is actually still legal under -- according to Vietnamese criminal law, doing these sorts of things is consistent.

Caught up in the latest sweep is another young democracy activist, Nguyen Chinh Chung, a representative of the banned Vietnam Democratic Party who met with President Bush in Crawford in 2006. And between October of 2008 and January 2009, we have written about the arrests and the trials of two journalists and a blogger, as well as the highly politicized dismissal of two newspaper editors and the revocation of a further four journalists' press credentials.

As one of the largest recipients of U.S. aid in East Asia, we believe that the United States has considerable leverage with the Vietnamese Government. Among other things, the United States can stipulate that all U.S. Government agencies whose interactions with the Vietnamese Government involve issues related to the freedom of expression and the rule of law, ranging from commercial to diplomatic to strategic interests, emphasize their strong concerns about this latest crackdown, as well as the hundreds of political and religious prisoners already languishing for years in Vietnamese prisons.

In Human Rights Watch's experience, having a diversity of actors raise these issues outside the standard channels of the bilateral human rights dialogue can be highly effective. We have actually just submitted a letter to Secretaries Clinton and Geithner on the occasion of next week's strategic and economic dialogue with China, urging that agencies other than just the State Department take up relevant human rights issues in their discussions with their Chinese counterparts. We believe that a similar approach with the Vietnamese Government could be equally effective.

We would also encourage the members of this Commission, who are so well poised to do this, but that you urge all of your colleagues who travel to Vietnam go prepared to raise concerns with the Vietnamese Government about these cases of persecuted activists; go with a list, go with a few cases, go make sure that your colleagues are briefed and capable of doing this. And there are a group of organizations all present

here today who are happy to make lists like that available.

On the subject of labor activists, this is a report we released just a month or so ago in which we explored workers' rights issues, a subject on which, for us, economic and social and civil and political rights intersect. And our research found that, as everyone knows, workers are not allowed to form independent unions or conduct strikes without the permission of the Communist Party-controlled labor confederation; and that although the number of strikes in the past year appears to have diminished, most of these have taken place at foreign-owned or foreign-invested companies. We believe that is not a function of the Vietnamese Government effectively underlying workers' -- or addressing underlying workers' grievances, but rather that the economic situation is so dire that people are reluctant to protest against the abusive conditions in which they are working for fear of losing their jobs.

But this is not just a question about problems for people who actually go out and strike. We are talking about anyone who simply announces the formation of an independent union who is subject to arrest and imprisonment, such as the eight people we have profiled in this report. Most of these eight people were arrested on charges of violating article 258 of Vietnam's Penal Code, which bars "abusing democratic freedoms to infringe upon the interests of the state." Three of those people remain in prison, while at least two are under administrative probation or house arrest. The remaining three have been subject to a series of detentions and interrogation by police, intrusive surveillance, and harassment by vigilantes.

What can the U.S. do on this subject? As one of Vietnam's trading partners, the U.S. needs to effectively weigh in with the Vietnamese Government regarding its violations of labor and human rights. Among other things, the U.S. should be pressing Vietnam to amend its labor laws to permit the establishment of independent unions. It should be pushing Vietnam to ratify and implement ILO Convention 87 regarding the freedom of association, and Convention Number 98 regarding the right to organize and to bargain collectively; and amend the labor code to bring it into conformity with these conventions. Third, it should invite a senior-level ILO delegation to investigate and discuss protection and promotion of workers' rights in Vietnam. This is one of the other groups that the Vietnamese Government has consistently barred from coming into the country.

I would like to take the opportunity to make a couple of other broad recommendations. First, you have our 100 percent support with respect to putting Vietnam back on the CPC list and with respect to the passage -- the swift, please, passage -- of the Vietnam Human Rights Act. These are very important signals to send to the Vietnamese Government, and you have our wholehearted support.

We would urge a thorough-going policy review. It has been 14 years since the U.S. normalized relations with Vietnam, and while there are many ways in which normalization has clearly contributed to some progress in Vietnam, we think it is important to discuss whether the U.S.'s approach has really materially improved the human rights situation. I think that is a very valid topic of discussion.

Pushing for the Vietnamese Government to be more cooperative with U.N. mechanisms is important, and it is particularly, I think, important to do it now while Vietnam is still on the Security Council. They are there until the end of the year. Pushing the government also to repeal legal provisions that criminalize peaceful dissent

and certain religious activities on the basis of incredibly imprecisely defined national security crimes. Pushing the Vietnamese Government to release all prisoners, not just the religious prisoners, not just the political prisoners. These are terms that the Vietnamese Government deliberately blurs, and so they need to all be released. We believe that a failure to weigh in on individual cases translates into harsher prison conditions, which at times can be life-threatening. Several people have already referred to the more than 300 Montagnards who sit in prison. They deserve particular U.S. attention.

Two other quick points. We do not have tremendous enthusiasm for bilateral human rights dialogues. They have become really nearly pointless talk shops. Other governments we have them with have mastered just sitting through them and not making them productive. To the extent that the Vietnamese Government is looking for new and broader dialogues with the U.S. Government, those have to include human rights issues, and you can do it through the trade lens, you can do it through the vehicle of security discussions, but please don't keep letting the State Department ghettoize human rights issues into a human rights dialogue. All the Vietnamese Government has to do is show up and sit there and listen to it for 2 hours a year, and that is it. That can't be the only opportunity to have that conversation.

Last, but not least, we have encouraged the State Department to consider establishing a Berne process for Vietnam. For those of you not familiar with the Berne process, it was established for all of the countries that have bilateral human rights dialogues with China, and the Chinese absolutely hate it. They hate it so much they have intimidated the government that used to convene the dialogue into not doing it anymore, and so it hasn't met for quite some time.

I understand that there is actually quite good cooperation on human rights issues amongst the embassies in Hanoi who have bilateral dialogues. They meet quite informally. But I think moving that up a diplomatic notch would send an important message to the Vietnamese Government that there are a lot of different countries out there that are concerned about the lack of progress.

Thank you very much.

Mr. SMITH. Thank you very much.

[The statement of Ms. Richardson follows:]

PREPARED STATEMENT OF KARINNA MOSKALENKO

Ms. Karinna Moskalenko
International Protection Center
Testimony for the Tom Lantos Human Rights Commission
Russia and Human Rights

July 23, 2009

Human Rights Watch first wishes to thank the Tom Lantos Human Rights Commission for holding this timely hearing.

Before commenting on the alarming increase in arrests of government critics in recent months, and the crackdown on labor activists, Human Rights Watch thinks it important to provide an overview of the human rights situation in Vietnam. While the country has made important strides in poverty reduction and economic reforms, it remains intolerant of any challenges to its one-party rule. The Vietnamese government mirrors China, Burma, and other “closed countries” in its repressive approach to expressions of dissent by imprisoning hundreds of people for their religious and political views, persecuting members of independent churches, imposing strict controls over the Internet and the press, restricting public protests, and banning independent trade unions, independent media, and opposition political parties.

Despite the fact that Vietnam is a member of the UN Security Council it has dodged and rejected recommendations by member states, including the United States, regarding its violations of human rights at its UPR in May 2009, particularly those pertaining to freedom of expression and association, media freedom, and protection of human rights defenders. In addition, it has barred UN and international rights experts from investigating rights violations in Vietnam.

Increasing persecution of activists

Since September 2008, another 20 activists have been arrested. They include writer Nguyễn Xuân Nghĩa, a member of the executive board of the democracy movement known as Bloc 8406 (named after the April 8, 2006, date of its inception by Father Nguyen Van Ly); human rights defender Pham Van Troi, an engineer and an active member of the Committee for Human Rights in Vietnam; university student Ngo Quynh; poet Tran Duc Thach; teacher Vu Hung; and blogger Pham Thanh Nghien.

The last two months has seen another round of arrests—of at least seven dissidents, starting with the arrest of well-respected lawyer Le Cong Dinh a little over a month ago. As one of the few independent lawyers willing to take on the defense of human rights defenders, Dinh is part of a sadly vanishing breed in Vietnam. Police charged him under article 88 of Vietnam’s criminal code, “conducting propaganda against the government,” which carries a sentence of up to 20 years. Government authorities accuse Dinh of using his work as a defense lawyer for high-profile democracy and religious freedom activists to “propagandize against the regime and distort Vietnam’s constitution and laws.”

Other lawyers seeking to defend Vietnamese human rights defenders and religious freedom activists have faced threats and harassment. They include Le Tran Luat, who is defending Catholic parishioners from Thai Ha parish in Hanoi calling for return of government-confiscated church properties and Bui Kim Thanh, who was involuntarily committed to a mental institution at least twice for her activism.

Caught up in the latest sweep is another young democracy activist, Nguyen Tien Trung, a representative of the banned VN Democratic Party—who met with former President Bush at his ranch in 2006.

And between October 2008 and January 2009, we wrote about the arrests and trials of two journalists and a blogger, as well as the highly politicized dismissal of two newspaper editors and the revocation of four journalists’ press credentials.

Vietnam is one of the largest recipients of US aid in East Asia, so there is considerable leverage to be used. The US can:

First, stipulate that all US government agencies whose interactions with the Vietnamese government involve issues related to the freedom of expression and rule of law—ranging from commercial to strategic interests—emphasize their strong concerns about this latest crackdown, as well as the hundreds of political and religious prisoners already languishing for years in Vietnamese prisons. In Human Rights Watch’s experience, having a diversity of actors raise these kinds of issues outside the standard channels of the bilateral human rights dialogue can be highly effective.

Second, ensure that members of Congress who travel to Vietnam are prepared to raise concerns with the Vietnamese government about the hundreds of persecuted activists in prison, drawing attention to particular cases.

Third, provide the Vietnamese government with a list of laws and regulations the US finds highly problematic with respect to freedom of expression and the rule of law and ask that those be repealed.

The crackdown on labor activists

In a report released earlier this year, Human Rights Watch explored workers’ rights issues in Vietnam, an issue where economic and social rights intersect with political and civil rights. We found that workers are not allowed to form independent unions or conduct

strikes without the permission of the Communist Party-controlled Labor Confederation. Bureaucratic hurdles effectively nullify the right to strike, making illegal the hundreds of “wildcat” strikes that have taken place in Vietnam (Strikes are conducted mostly by workers at foreign-owned companies to demand wage increases—they make at best US\$2 a day—and better working conditions). Although there have been very few strikes this year, this should not be interpreted as a resolution of underlying labor discontent—instead the grim economic climate makes workers more fearful to risk their jobs by joining strikes—but, nonetheless, the potential for unrest to boil over remains high.

Anyone who simply announces formation of an independent union is subject to arrest and imprisonment, such as the eight people we profile in our report. Most of these people were arrested on charges of violating Article 258 of Vietnam’s penal code, which bars “abusing democratic freedoms to infringe upon the interests of the State.” Three of these people remain in prison, while at least two are under administrative probation or house arrest. The remaining three have been subjected to a series of detentions and interrogation by police, intrusive surveillance, and harassment by vigilantes.

What can the US do? As one of Vietnam’s key trade partners, the US needs to effectively weigh in with the Vietnamese government regarding its violations of labor and human rights. The US should urge the Vietnamese government to amend its laws to permit independent labor unions. The US should also urge Vietnam to ratify and implement ILO Convention No. 87, regarding freedom of association, and Convention No. 98, regarding the right to organize and to bargain collectively; and amend the Labor Code to bring it into conformity with these conventions. Finally, the Vietnamese government should be urged to invite a senior-level ILO delegation to investigate and discuss protection and promotion of workers’ rights in Vietnam.

Broad recommendations

Finally, Human Rights Watch also respectfully submits additional recommendations for the US government on Vietnam. First, the Obama administration should conduct a policy review to assess whether the US’s approach since normalization of trade and diplomatic relations has yielded human rights improvements. It should push for Vietnam to cooperate with UN mechanisms, by issuing standing invitations to UN rapporteurs (in particular, the mechanisms on freedom of religion or belief, torture, judiciary, and arbitrary detention), and urge the repeal of legal provisions that criminalize peaceful dissent and certain religious activities on the basis of imprecisely defined “national security” crimes. It should support congressional bills promoting human rights and democracy in Vietnam, and place Vietnam on the “Countries of Particular Concern” list. The US should also push the Vietnamese government to release all persons imprisoned, detained, or under house arrest for peaceful expression of their political and religious views. A failure to weigh in on individual cases translates into harsher prison conditions, which at times are life-threatening.

Mr. SMITH. We are joined by the Chairwoman of the Immigration Committee on Judiciary and a respected member of this committee as well, Zoe Lofgren.

Ms. LOFGREN. Thank you very much. And I want to thank the two Chairmen of the Commission, Chairman Wolf and Chairman McGovern, for helping to organize this hearing, and all of the Members who are participating throughout the day. As you know, we have things going on all over the Capitol. In fact, I have to go over to the Ethics Committee at 3:00, but I didn’t want to miss the opportunity to be here and to show my support.

We all know, some of us as co-Chairs of the Congressional Caucus on Vietnam, others of us as members of the Commission and the like, that the human rights record of Vietnam is terrible and getting worse, everything from journalists and dissidents to religious individuals, independent political parties, labor unions. It is serious abuse. And I am hopeful that we are going to have -- using our good offices, have an opportunity to advocate not only for the individuals that have been discussed here today, but for the broader class of individuals who are being oppressed. Along with, I think, everyone else here, I have urged that Vietnam be put back on the list of countries of particular concern. That would help, I think, get their attention.

We do know that as soon as the Communist government got what it wanted on trade, Katie, bar the door, the leverage that we had was over. And so I do hope that we can continue to have a discussion on whether we can get some more cosponsors on the bill that I have to remove that trade benefit until their human rights situations improve. Even if we don’t pass the bill, if we have a substantial number of cosponsors, I think it will have a very positive impact. And, of course, the more sponsors we have, the closer we might get to actually implementing legislation.

So I want to commend the witnesses, my colleagues, and pledge my continued

collaboration and support. I ask apologies for having to depart to go over to my other obligation in the Capitol. And I will ask unanimous consent to put my entire statement in the record.

Mr. SMITH. Without objection.

Mr. SMITH. Mr. Pitts is also one of the leaders on human rights and humanitarian issues globally, including and especially Vietnam.

Mr. PITTS. Thank you, Mr. Chairman. Thank you for scheduling this very important hearing. I want to commend our co-Chairs, Congressman Wolf and Congressman McGovern, for their leadership on this issue as well.

I happened to be visiting with a friend a week ago who spent many years in Vietnam and who now lives near a community of about 5,000 minority tribal Montagnards, and he is in weekly contact and, of course, sometimes daily contact. And the unregistered ethnic minorities are under severe repression there. They suffer severe abuses, arrest, harassment, imprisonment, destruction of property, beatings. It is incredible.

The human rights record of this Government of Vietnam and the religious freedom record is horrific, and not to say anything about labor and trafficking. So I commend you for holding the hearing and look forward to working with you and the other Members to do everything we can to be creative in the kind of pressures we put on Vietnam to correct the abuses.

So, with that, I will be listening to our witnesses.

Mr. SMITH. Thank you, Mr. Pitts.

Mr. SMITH. Dr. Nguyen.

STATEMENT OF NGUYEN DINH THANG, Ph.D., EXECUTIVE DIRECTOR, BOAT PEOPLE SOS

Mr. NGUYEN. Mr. Chairman, first of all, I would like to thank the Commission, especially the two co-Chairs, Mr. Wolf and Mr. McGovern, and also a very good friend and great human rights advocate, as well as all the Commission staff who put this together. It is a very critical and important and timely hearing.

Today we would like to present the picture of labor trafficking in Vietnam. I believe that Vietnam belongs squarely in Tier 3 because of its government's complicity in the transnational crime of labor trafficking. This year's report on trafficking persons issued by the State Department ranks Vietnam at Tier 2.

Since 2001, Vietnam has exported 600,000 workers to over 20 countries, with an additional 90,000 workers each year. While we do not know exactly how many of these workers have become victims of labor trafficking, the proportion is definitely very high. Let us take one example.

We have an operation in Penang, Malaysia, since April of last year, and over the past 14 months alone, we have already assisted over 2,000 victims among the 5,000 Vietnamese workers in Penang, and new cases come up almost every week.

Labor export is the cornerstone of Vietnam's national policy to eradicate hunger and reduce poverty, implemented by the Ministry of Labor, War Invalids, and Social Affairs. While many countries export labor, Vietnam stands out among the few countries where the government protects the traffickers, suppresses the victims who seek justice,

prohibits the media from covering labor-trafficking cases in Vietnam, and denies NGOs access to repatriated victims of labor trafficking for assistance. Vietnam law does not recognize labor trafficking as trafficking, so even if caught, a trafficker can only be prosecuted for labor smuggling. However, the law against smuggling does not apply to the 150 and plus companies officially sanctioned by the government to export labor.

Mr. THANG. Many of these companies exclusively are jointly owned by the state. A large number of such communities traffic workers in plain daylight and with the full protection of the law.

I take as an example the case of 261 Vietnamese workers in Jordan, which was featured in the 2008 TIP Report -- that is, "Trafficking in Persons Report." These workers were recruited from rural areas, and they mortgage off their family homes and farmlands to state-owned banks in order to pay the heavy fees demanded by the labor export companies.

They were promised 225 U.S. dollars per month in basic pay and more with overtime. Once in Jordan, they were forced to work 16 hours a day at a Taiwanese-owned garment plant and got paid only \$30 to \$80 a month, not enough to pay the interest on the loans.

So, on February 10th of last year, the workers stopped work and demanded fair wages. The Vietnamese agent assigned by one of these labor export companies from Vietnam to go to Jordan actually let the Jordanian police and security guards beat up the strikers and drag them back to work.

The employer then confined them all in the company's dormitory. And, actually, I have a picture here of one such worker, Ms. Anh. You see her here as a victim of that police beating. And they were denied access to medical care.

We worked then with our State Department and the International Organization for Migration, IOM, to plan the rescue of these workers. A week later, a team led by IOM and the Jordanian Minister of Labor came to the plant with a doctor and sent five injured workers to emergency care.

At the request of the Jordanian Government, Vietnam soon sent over its own delegation, including MOLISA officials, Ministry of Foreign Affairs officials, and the heads of the labor export companies, all together in the same delegation. And you can see them here, standing here, and the workers are sitting on the floor, 261 of them. And they brought along with them guards, as well.

And from the delegation's memo that we obtained, it became very, very clear that MOLISA's plan was to, one, identify and isolate the strike leaders, send them home on a charter plane with escort police sent from Vietnam, and then force all the remaining workers back to work, and, at the same time, ban all the media coverage inside Vietnam about the case.

On March 11th, the Vietnamese delegation -- this is what happened here -- used force against the workers but failed to isolate the strike leaders. And, in the process, they physically assaulted the same victim in this picture here. And this is what happened to her on March 11th. She remained delirious until her repatriation to Vietnam about 2 weeks later.

The Jordanian Government protests such abuses of human rights. So, finally, MOLISA finally allowed 176 of these workers to go home. Back in Vietnam, many of them petitioned the responsible government agencies to investigate the labor export

companies. And, actually, we helped to draft the petition, pointing out exactly the areas of violation of Vietnam's own law on labor export.

The police investigated the petitioners. And, strangely -- we talk about staged accidents -- the two workers that led the petition drive were both injured in separate traffic accidents and had to be hospitalized. And later the police placed one of them under village arrest, and she may not leave her village.

In December of 2008, just a few months ago, the police ordered all the petitioners to drop their complaints against the labor export companies, accusing them of corroborating with reactionary forces overseas. And the IOM office in Vietnam, funded by our own State Department, to help trafficking victims with reintegration assistance, has not been given access to any of the victims referred to them in the case.

One of the workers injured by the police beating in Jordan, Ms. Doan Thi Ngoc, never recovered from the injuries. She died 3 months ago in Vietnam. And in June, just last month, the same labor export companies sent another batch of 27 workers to the same garments plant in Jordan. So they are conducting business as usual with impunity.

And we have helped witness victims to bring to the attention of the Vietnamese Government over a dozen cases of labor trafficking so far. Consistently, the Vietnamese Government instructs the victims to not contact us anymore, threatens the victims with punishment, investigates their family members in Vietnam, and interrogates repatriated victims deemed to be collaborators of overseas antigovernment forces.

Even, in a number of cases, the Vietnamese Government has colluded with the traffickers to block the victims from seeking justice through the legal system in the destination country. For instance, we recently deflected one such attempt by the Vietnamese Embassy in Malaysia. It involved a group of over 100 domestic servants sent to Malaysia from Vietnam in late 2007. Last November, we rescued four of them and retained a local legal counsel to prepare a report to the police, the first step towards a lawsuit.

In December of last year, the Vietnamese Embassy in Malaysia ordered both the Malaysian and Vietnamese brokers to repatriate the witnesses while testimonies were being collected. Responding to the victims' phone call, I was in Penang at the time, so I went to their dormitory with some volunteers and found a Vietnamese agent sent from Vietnam at the order of the Vietnamese Embassy and two members of the infamous RELA. RELA, they are the vigilante forces and well-known for human rights abuses in Malaysia.

And these are the Vietnamese agents sent from Vietnam. This is our legal counsel, and this is the RELA in the yellow jacket. That is their uniform. And they were there, attempting to take all four victims to the airport on that night. So we successfully stopped that involuntary repatriation.

So it is very clear that Vietnam deserves much greater scrutiny in the next reporting cycle by our own State Department's Office to Monitor and Combat Trafficking, which is G/TIP. So we would like to recommend that G/TIP uses the following benchmarks to assess Vietnam's political will to combat labor trafficking.

One, specific actions that the Vietnamese Government has taken to investigate and punish the perpetrators and to secure remedies for the victims in labor trafficking cases as identified by G/TIP or NGOs. And we will continue to provide G/TIP with more well documented cases.

Vietnam's payments of the \$3.5 million in compensation to the 250 victims trafficked to America somewhere in 1999, as ruled in 2001 by the territory's high court. And this is the largest labor trafficking case ever prosecuted by the U.S. Government. And most of these victims now reside in the U.S., in Orange County, in San Jose, in Virginia, Atlanta, et cetera, in Houston.

International NGOs' unhindered access to repatriated victims for reintegration and other forms of assistance. And that should include IOM, as well.

Four, Vietnam's adoption of the Palermo Protocol to Prevent, Suppress, and Punishing Trafficking in Persons, which supplements the U.N. Convention on Transnational Organized Crime.

And, five, Vietnam's passage of new laws to recognize and criminalize labor trafficking.

Thank you.

[The prepared statement of Mr. Thang is unavailable]

Mr. SMITH. Dr. Thang, thank you very much.

Let me ask Mr. Cromartie, if you would, you mentioned the truck incident. Maybe you could briefly elaborate on that.

You also visited Father Ly, Nguyen Van Dai, and the venerable Thich Quang Do, all of whom I had met when I have been in Vietnam but not under the circumstances, certainly, that you met with them. Your insights as to how they are faring, their spirits, how they were being treated or mistreated?

The statement that you made -- because you have talked about the deterioration of human rights, which I think all of us would wholeheartedly agree. You know, ever since the Vietnamese Government got all of the economic benefits, they went right back to a worsened form.

And I would even submit that Bloc 8406 became a list of people who surfaced, like Charter 77 in the former Czech Republic and other great human rights manifestos, and people who signed their names are now at even more enhanced risk. It is like a list of who to go and arrest.

You mentioned that our Ambassador, you know, has said that there is not enough evidence. Did he give or has he given any reason to back that up? What is his rationalization for that?

Mrs. Clinton was recently in the region and made the point that we are back. Are we back with a human rights agenda, or are we back just to buy and sell?

And I say this with great respect to our Secretary of State, because I said this to her in a meeting we had at the State Department and I have said it on the floor as well as in the Foreign Affairs Committee. When the Secretary of State, on her way to Beijing, said that human rights would not "interfere," quote/unquote, with other pressing issues, including global climate change, the issue of selling or peddling our bonds in order to finance our debt, I believe human rights were set back significantly, not just in China, but Vietnam hears those comments, as well.

And so, your sense of what "we are back" means? Can we go back with a human rights portfolio? And all of you might want to speak to that issue.

Dr. Richardson, you, in your recommendations at the periodic review -- and they are excellent recommendations. Just to single out one, as you know, I have introduced

the "Global Online Freedom Act." Still has not been marked up, but it would protect nonviolent religious speech and nonviolent political speech. That is the aim of that legislation. Vietnam has been a notorious abuser of the Internet.

And, just parenthetically, we had a hearing yesterday, excellent hearing, chaired by Howard Berman, on the problems of Iran. And, you know, the fact that the Internet has been used -- and there, it is Siemens and Nokia that have collaborated in such a way so that the opposition has been -- every move they make is anticipated because they are watching it.

What can be done further in that regard?

And, finally, Dr. Thang, with regard to Tier 3 designation, which I fully agree with on the Trafficking and Victims Protection Act, the TIP Report, Vietnam is a Tier 2. It just came out, as you know. But the report does say that, while it is making significant efforts in the area of sex trafficking, it is not -- that is to say, Vietnam -- is not making efforts in labor.

And I have to tell you -- and Joseph Rees was our chief of staff when we wrote that law -- labor trafficking and sex trafficking are coequals. We put an emphasis on sex trafficking because it is the equivalent of rape -- it is rape. But labor trafficking is not to be trivialized. If that is not being met, that drops the country into Tier 3.

So, if you could speak to that and elaborate on that.

I have other questions, but I want to yield to my colleagues after you have answered those.

Mr. CROMARTIE. Yes, Congressman. I tried to write down all of your questions. I think I got most of them.

Let me speak, first of all, to the -- well, to the truck incident. I had just left several days before that occurred, but our staff described something of a very awkward, ridiculous attempt on their part that didn't work very well, but they did it anyway. But our staff -- that had occurred to them.

On the prisoners, as you can imagine, it was an extremely moving experience to meet Father Ly and Nguyen Van Dai. We met with them in the presence of the superintendent and of his guards, but that didn't inhibit Father Ly in the least. He stood up and paced around the room and told us what he thought about Vietnam in their presence. I suspect that is why he is in solitary confinement.

He is a very articulate man who has strong convictions and deep courage and is almost Solzhenitsyn like in his presence and in his convictions. And, as you know, he has been in solitary confinement for at least 18 months. And what was interesting, when they tried to get him to say your time is up, he told the superintendent, "No, it is not. I have more to say." And they let him keep going.

And their health -- and I have pictures of Father Ly. As can see, Father Ly -- and we met with Nguyen Van Dai. They are healthy enough. They are apparently being fed. But, as you can imagine, the conditions they live in, with Father Ly in solitary confinement and Nguyen Van Dai has, I think, 60 roommates in one area. They are not good conditions.

What is striking about both of these gentlemen, though, is not only their deep religious faith but their courage in the face of it. Nguyen Van Dai has been asked to sign a confession that he is guilty. He refuses to do so.

So I just want to say that the meeting with the prisoners -- by the way, I think the

officials thought that by the fact that they let us meet with them that we would be so grateful that we would come back and say they are healthy and they are being treated well. We were grateful, but we also heard what Father Ly was saying. And so, we are glad for the opportunity, and we still hold our conviction that the CPC should be reinstated by the State Department.

I don't think I should take up any more time, unless there is something else you wanted me to speak to.

Mr. SMITH. Well, the truck incident, but you already -- there is no evidence on the part of our Embassy and our Ambassador? I mean, what has been their explanation back to you ?

Mr. CROMARTIE. Dr. Richardson, do you have anything to say on this? I haven't heard any evidence. Have you?

Ms. RICHARDSON. I haven't heard him elaborate specifically on that point. But what the State Department has said to us in the past is that, because some more churches have managed to register, that that constitutes progress.

Our concern is that not only are there plenty of people who still can't register, it is the fact that anybody has to register at all remains highly problematic; that the practice of religion, both under Vietnamese law and under institutional law, is not a right to be granted or managed or revoked by the state.

And so, to say that 10 more people or 10 more churches made it across some bureaucratic hurdle, when the hurdle itself shouldn't be there, is not, to our way of thinking, anybody's definition of progress. At least, it oughtn't to be.

Mr. CROMARTIE. Which, by the way, would be a similar explanation to the prior administration. In other words, he has picked up from the prior administration on that very explanation, that because there is increased freedom to worship, the administration is saying that this shows evidence of progress.

What is left out of that equation is that, with the increased freedom of worship, religious believers are growing in Vietnam, and they are seeking to control it. And that is being left out of their analysis.

Ms. RICHARDSON. If I can try to take your two questions in reverse, first the question about Internet freedom. Obviously, passing GOFA would be a huge step forward.

But, you know, particularly making sure that U.S.-based companies are not, themselves, complicit in sharing user information or handing it over to the authorities. But I think also making those companies a more active part of the diplomatic pushback -- and, indeed, there should be diplomatic pushback. You know, if a Vietnamese blogger, you know, who has been working through a Microsoft-sponsored site gets arrested, it shouldn't just be the U.S. Embassy staff or the State Department here demarking over that. There should be some pushback from Microsoft, too. You know, if their purpose is to be global and to defend the freedom of expression, they should be doing that much more vigorously than just trying to sell stuff.

I mean, we have seen this most recently we had the Green Dam debate in China. And the number of companies that have continued to go ahead and ship the Green Dam software even when the Chinese Government backed off on the July 1st deadline is alarming. I not aware that any of them are U.S. companies. But I think making the companies, themselves, more responsible for the outcomes is one way of getting better

compliance for them.

On the subject of Secretary Clinton's comments that human rights shouldn't interfere with other interests, I challenge the State Department, I challenge any U.S. Government agency to find an issue of interest in the U.S.'s relationship, especially one as broad and as deep as the one with China, that doesn't have some human rights component. Go out and find me some issue that isn't about the rule of law, that isn't about the freedom of expression.

You know, one of the agencies that is best poised to push for press freedom in China, at least in the context of the strategic and economic dialogue, is the Department of Agriculture. Why? Because they are the ones who preside in the discussions about product safety. You want to keep rotten food and tainted toys and lousy baby formula from showing up in the U.S.? Let the Chinese journalists who had the information to write about those stories months before they became, you know, global product safety scandals, let them write their stories. Right?

The Department of Agriculture could make its own job easier if it talks to the Chinese Government about press freedom. And, you know, you would find a comparable structure, I think, between the U.S. and Vietnam.

And so, to say or to somehow reinforce the idea that human rights sit in this little box over here and that they are nice and they are fripperies and they are the icing on the cake, as opposed to being fundamental issues that underpin a host of diplomatic, strategic, economic interests, is simply not grounded in reality, from our perspective.

Mr. THANG. Yes, Mr. Chairman, Vietnam has been very clever in selecting its battle. So it has selected to combat sex trafficking only and use it as a showcase to convince the world that it has been on the good side of the anti-trafficking movement.

But beware that moving 1,000, 100, or 10,000 people from Vietnam to another country requires government involvement. The visas need to be issued, so on, so forth. So a lot of control of people and the movement of these people that require, definitely, the involvement of government agencies.

And, also, labor trafficking is big business, profitable business. The labor export companies make around \$100 million to \$150 million a year in just service fees charged to these people. Each these of each workers had to pay anywhere from 1,500 to 15,000 U.S. dollars -- huge amount. They don't have that money, so they have to borrow money from state banks, state-owned banks, and they would lose their homes and farmlands. And who gets that real estate? The government again, government agents again.

And each year, according to Vietnam's own estimate, these workers overseas send back home over \$2 billion in remittances to pay their debt. So that is huge business. And, therefore, Vietnam has selected to fight only and showcase their fight of sex trafficking.

Now, there is also a crossover from labor trafficking to sex trafficking. And just last month, I was in -- no, earlier this month, actually, I was in Malaysia with Ambassador Reese here. And while in Kuala Lumpur, I made a visit to 15 Vietnamese workers brought to Malaysia to work for Sony, an electronic plant of Sony, in Penang and also in Bangi, near Kuala Lumpur.

And this is the holding center where they are being held by the Malaysian broker. It is a huge facility, well lit to control all the movement, steel gate, guards here, high walls encircling the entire compound, barbed wires. They are not allowed to get out. All

their passports have been confiscated.

And these 15 women had been without revenue or food for the past 6 months. They were sent off to work at different places. They were released from Sony and then returned to the jail holdings at the Malaysian broker company. And some of them had to sell their own bodies in exchange for food. And they cried. They said, this is humiliating. But they had no other way.

And they saved that money that they made to call home for help, to call the labor export companies for help, to call the Vietnamese Embassy in Kuala Lumpur for help. No help. And, just recently, a representative from the Vietnamese Embassy showed up and told them not to contact them anymore.

So this is what it involves. So, there is a cost of reforms, labor trafficking and sex trafficking. And I, again, think that we have a good chance, this time, this year, because we have a great guy as the director of G/TIP now, Ambassador Luis CdeBaca. He is the right person. And if Congress works with him to focus and shine a spotlight on Vietnam, especially labor trafficking -- because that is what Vietnam doesn't want to talk about.

Mr. SMITH. Mr. Royce?

Mr. ROYCE. Yes, I think we have chosen the wrong word here. What you describe going on in Malaysia is slavery.

Mr. THANG. Exactly.

Mr. ROYCE. And what you have is state-sanctioned slavery in which individuals in Vietnam are enslaving people, taking their property, and then coercing them, as you explained in Jordan, by sending agents of the state to beat them if they don't work 16 hours a day, and, in some cases, to beat them to death.

And what you also describe, in terms of this slavery, is the desire on the part of the State Department not to acknowledge it in the United States, not to acknowledge the intimidation and the beatings that are occurring, and to try to downplay it.

And the purpose of commissions and hearings such as this is so that the truth might come out, however uncomfortable it might be for Malaysia, which is involved in slavery; for the Government of Vietnam, which is involved in slavery; and for the United States, which might want to turn a blind eye to that slavery.

There is no question in my mind but that the State Department is attempting to avoid the hard evidence even when it is known. And I will give you an example, in terms of what is happening to the Montagnards.

One question I am going to ask is, isn't it convenient that the way in which those political prisoners are held in prison -- there are 350 of them right now -- are called political prisoners instead of religious prisoners? Now, why do you think the State Department designates them that way? Could it be so that Vietnam does not have to be put back on the CPC list?

Give me your opinion on that, Sophie, if you would.

Ms. RICHARDSON. I concur. I mean, it made it very easy for the State Department to echo the Vietnamese Government's line that there are no religious prisoners in Vietnam, which is --

Mr. ROYCE. Exactly.

Ms. RICHARDSON. In 10 years of human rights activism, that is easily one of the three most appalling things I have ever heard.

Mr. ROYCE. That is one of the most appalling things you have ever heard.

And here is another example, in terms of the Montagnards. We have a Montagnard woman, I think it is Pui Bhat, who was arrested in April of 2008 for leading a prayer service in her home. And the Europeans confirmed that the woman received 5 years in prison. Where did they say they got the information? From our State Department.

And she is a 42-year-old mother of five. Her family fears that she might be killed in custody. And, rather than classify her as a religious prisoner, because that means Vietnam would have to be put back on the CPC list, what does our State Department decide to do? Tell the Europeans about the problem but keep mum and indicate she is a political prisoner who has 5 years in jail.

In fact, the State Department has confirmed the killings of Montagnards such as Y Ngo Adrong in 2006 and Y Ben Hdok in 2008. There are 350 of these religious prisoners right now being held, being held.

And the methodology here by the state -- and this is something that Thich Quang Do explained to me, and this is something that the leader of the Hoa Hao Buddhist Church explained to me, as well. They told me, when I visited them when they were under house arrest, that the whole problem here is an attempt to convert their religion to Marxism. That is the reason that they have a problem with allowing the state to rewrite the Buddhist texts, because they want it to say what it historically has said.

And, today, forced renunciations have been replaced by control mechanisms, namely -- and this is a piece from Viet Catholic News -- namely, by torture, beatings, imprisonment and killings. Instead of forcing Christians to renounce their faith, Vietnamese authorities force Montagnards to join government-approved churches, such as the Evangelical Church of Vietnam-South, where Christians can be watched, controlled and, need be, arrested and imprisoned, like the woman I just mentioned, Pui Bhat.

So this is exactly what is going on. No one can say this is not religious persecution. This exactly meets the definition of what we are talking about as a violation. And it demands inclusion on the CPC list. And the State Department should be here today to explain their actions.

And, lastly, I just want to ask you a question on the environmental front, because it is a story that I have followed for some time, but I would just like to quote from the Vietnamese press. As you mentioned earlier, the courage shown by these reporters, some who have been imprisoned for years just for raising this story of what is being done to their homeland and to the people that inhabit it.

This quotes a tea grower in Lam Dong Province who has already witnessed the impact of the next proposed Chinese mining project. And he says, "I don't know what kind of benefit I will get from the project, but it is so miserable to look at these hills, denuded now of tea plantations. I have tried to find a suitable alternative area of land to cultivate, but it is not easy to find cultivatable land since water is so scarce here. The area has a large lake from which farmers pump water to irrigate their tea and coffee plantations, but the bauxite company from China plans to use this to store red mud, the name given to the toxic waste generated by bauxite mining. Our Chinese partners will dredge the lake and turn it into a reservoir for red mud," he explains.

Now, the reporter says, "The red mud is very dangerous to the environment because 70 percent of it is sodium hydroxide. The only solution is to bury it or contain it

permanently and safely. The hilly terrain in the central highlands, of course, adds to the difficulty of storing it. The large quantity of red sludge could break down any reservoir and become an environment disaster. With such unsafe storage, red mud could overflow reservoirs or infiltrate the soil and be washed by rainwater into waterways throughout the central highlands and down to the southern region of Vietnam."

What we are talking about is the future health of the children of these people throughout that region that is being given away for the kickbacks that China, for pennies on the dollar, will give certain Vietnamese officials in the government. This is the kind of corruption that is afoot here.

And the price for those who are reporting this is imprisonment, the price for telling the truth to the public. And the question, I think, for us, is, what are we prepared to do, as part of the civilized world, to respond to this? And I will ask that of our panelists here.

And thank you for the part you play in trying to bring this to light, too.

Mr. CROMARTIE. Congressman, I could just quickly say that we have e-mails on the recent Montagnard cases, including the one you mentioned, that these are about religious freedom issues. And we have every intention of bringing them up if the cases are not -- if they do not show up on the religious freedom report of the State Department. We will certainly bring them up.

And also I would add simply, to your point about political prisoners, when we met with Father Ly, the superintendent, before we brought him out, must have said at least a half a dozen times, "This is a political extremist that you are about to meet with." He never once used the word "religious." And here we were about to meet with a Catholic priest named Father Ly.

Mr. ROYCE. And who was using that terminology?

Mr. CROMARTIE. The superintendent of the prison. He kept calling him extremist, political extremist, extremist. "We will bring the extremist out in a few minutes. But before you meet with the extremist, I want you to know that he is a political extremist." And he just kept repeating the mantra. And then Father Ly came out.

Mr. ROYCE. But he is on the same script that we are on. Our State Department refuses to call these religious prisoners, don't they?

Mr. CROMARTIE. Yes.

Mr. ROYCE. So that is the great irony here, Michael, in the example you have just given us.

Sophie?

Ms. RICHARDSON. I would urge you to make that point publicly, I mean, to line up the rhetoric where it overlaps and where it is least comfortable.

And we have tried repeatedly to make the point that, at the end of the day, it doesn't matter, it doesn't matter whether they are classified as religious or political prisoners. These are people who have peacefully expressed their views.

Mr. ROYCE. Ah, but it matters greatly to the State Department. Because if they can keep up this facade, they can avoid calling this what it is.

Ms. RICHARDSON. I realize that. Right.

Mr. ROYCE. But for this country, where we pride ourselves on the role that Abraham Lincoln played here, for us to sit by while slavery, not only is ongoing, but young women are beaten to death for trying to rally against it, it is absolutely horrific that

we aren't speaking out louder and longer about this. And the case of the Montagnards just does not get enough attention in this country.

Ms. RICHARDSON. I agree with you entirely about the dimension of making it possible -- not calling them religious prisoners to make the whole CPC list issue go away.

But it really is an incredible catch-22, because I think, by doing that, the State Department is also sending the message to the Vietnamese Government that classifying people as political extremists is somehow okay, which, obviously, we all think it is not.

Mr. ROYCE. Good point, Sophie.

Ms. RICHARDSON. And to try to both answer your question about what comes next and to address one of the issues that Mr. McGovern brought up before he had to leave, I think it is very clear, I suspect there is enormous consensus in this room about the human rights situation in Vietnam deteriorating post-accession. And I think the gravity that we therefore have to attach to any decisions about GSP is enormous.

Mr. ROYCE. Uh-huh, yes.

Ms. RICHARDSON. I think that is a decision that has to be made very carefully. The Vietnamese Government wants that.

You know, we, as Americans, may be in a better position to advocate on behalf of workers' rights in Vietnam than these poor people are. And I think it is a responsibility that, you know, that we have to take really seriously, given the track record of the last couple of years.

Mr. THANG. I would like to make a few comments on the Montagnard. Also I would like to touch on the Khmer Krom Buddhists in the southern part of Vietnam.

Between 2001 and 2003, the Vietnamese Government closed down about 4,000 Protestant house churches in the central highlands. So there is a great correlation there between the mass demonstration of 2001 and the mass demonstration of 2004, but somehow our state government ignores that strong correlation right there.

But talking about the Montagnards, the Vietnamese National Assembly passed its ordinance on belief and religion in late 2004 to get itself out of the CPC list. However, the enforcement of that law is nowhere near acceptable.

Let me bring up one example. One cornerstone provision of that ordinance is that all legally recognized religious institutions, if they have affiliates, affiliates don't have to register, they can just operate, unless there is objection by the local people's committee. All that will be required is to send in a letter saying that, "Next year we won't conduct these activities." And they have to send the letters in by the 15th of each October.

And we have here the list of 671 affiliates of Evangelical Church of Vietnam-North. And they did exactly that. And they did even more than that. They even went ahead and registered, even though they were not required to register under the law. And, in 2006, only 34 of them were approved to conduct activities. And this is only for 1 year.

And, in 2007, in April, the Vietnamese Government decided, we are no longer going to review these applications anymore. So I think -- and I guess none of these affiliates is now operating legally under that law.

So why don't we use this as a benchmark? Our U.S. Ambassador in Vietnam should ask and should point out, which one among these 671 is operating legally, officially, now, under Vietnam's own law?

And regarding the list of Montagnard prisoners, I know that Human Rights Watch

has a list of over 300. And independently, from our own sources, we have verified 106 of those. We have met people meeting with members of family in Vietnam. We know exactly where the prisoners are now. So at least there is some correlation right here, triangulation right here.

So this is, I think, highly reliable. And these are, in my belief, they are religious prisoners. So we should ask our Embassy to visit them in the prison and ask for the reason why they are now in prison.

As for Khmer Krom, the crimes committed against the Khmer Krom Buddhists are horrific. Every year, we issue a Vietnam country report, so we monitor the conditions in Vietnam very closely.

But when I went to Thailand last year with the help of a good friend here, Mr. Jack Chen -- I would like to recognize him. He is with the Khmer Krom Foundation, coming down here from New Jersey. I saw the Khmer Krom asylum seekers in Thailand. And I found out what I knew before about Vietnam was nothing compared to the actual condition of Vietnam.

People were being rounded up, beaten up, detained for weeks. In one instance, the husband got beaten up and died under torture. And then the police pulled in the wife, beat her up too. She managed to escape with two sons to Thailand.

So the crimes are extremely horrific, the conditions extremely oppressive. Land rights issues again. We talk about land rights. Vietnamese has a kit of tools, instruments for prosecution and mistreatment that includes denial of household registration, denial of citizenship ID, misappropriation of farms and homes, et cetera, so on and so forth.

So they apply these instruments to a lot of people they view as suspects or undesirable, be it for political reasons or religious reasons. So they use that against the Montagnard and the Khmer Krom. And these ethnic minorities have to protest. They couldn't bear any more. And now we claim that they are arrested because of demonstrations and not because of religious freedom demonstrations.

And just one last point I would like to make. We talk about the ongoing persecution in Vietnam, crackdown in Vietnam, that started in 2007, early 2007. Let's be mindful that, as a consequence of persecution, there are refugees. Currently, there are over 400 Vietnamese asylum seekers in Thailand, and many of them are facing the risk of being deported to Vietnam.

Mr. SMITH. Thank you, Dr. Thang.

Chairman Wolf?

Mr. WOLF. Yeah, I have a meeting in my district; the Bureau of Prisons director is there. But I wanted to state and have something on the record.

One, I appreciate Congressman Royce's statement, and I appreciate his leadership. And I think that was your amendment on the CPC, if I recall, and God bless you for that.

I think this is one of the best hearings that I have been to. And I am sure The New York Times is out there, and they are going to cover this tomorrow. It will be on the front page. And a Wall Street Journal reporter is probably out there. There probably is a lobbyist for the Vietnamese Government out there or the Vietnamese Embassy has somebody out there. But thank you for your testimony.

I think things got worse after the Bush visit. Frankly, they manipulated President Bush when they put him under that picture, or that statue.

I think Secretary Rice did a horrible job. Let me just put it on the record.

Secretary Condoleezza Rice, I believe -- they may not -- I believe she did a horrible job. I think Secretary Clinton is doing an equally horrible job.

I think the Ambassador should be fired. I think the Ambassador should be removed. I heard some statement -- and you may want to comment if it is true -- that he said, "If you want to fire me, fire me." He should be removed.

The State Department -- we are going to get this and send this down to all the people, the transcript, to all the people that deal with this. How do they want this on their conscience?

Lastly, I say this not to these two witnesses, but to you and to the Vietnamese community. You ought to be politically involved. You ought to be storming this place. You ought to be angry. You ought to be demonstrating at the State Department, pushing any Member of Congress you can. This is almost unbelievable. And we give them all these trading rights, and the President goes over there, and everyone talks.

Rice is a failure, Clinton a failure, Ambassador fired, and you ought to be politically active and push this thing around the country and not just here in Washington.

And thanks for your testimony.

And thank you, Mr. Chairman.

Mr. SMITH. Thank you, Chairman Wolf.

Let me just ask a couple of final questions, and then Mr. Royce might have some concluding questions, as well. And we thank you for your time and, above all, your insights.

Dr. Richardson, with regards to the universal periodic review -- and, again, I thank you for your submission. It is an excellent one. But how effective is the U.N. Human Rights Council's review? And, most importantly, what comes of it?

Many of us are -- I am, at least -- very much disappointed in the follow-on to the old Human Rights Commission. The council seems to be as ineffective. But it does provide a forum. But nothing seems to happen. I would appreciate your views on that.

And, Mr. Cromartie, you talked about copies of training manuals. It would be very helpful if we could get at least some of those for inclusion in the record. I would like to read it myself.

Mr. CROMARTIE. We will provide.

Mr. SMITH. I would appreciate that.

You talked about how the religious freedom situation is better in the major cities than in the countryside. There are a number of reasons that could be given; I would appreciate your view. Is it because of relative obscurity that one might find in the city? Is there more faith in the hinterland, in the countryside, than there is perhaps in the city situation? Or is it that distance that local leaders have?

I remember on one trip that I took there, I heard very similar statements that, the further out you go, the more people say, you know, we do what we want and we are going to crush, whether it be the Montagnards or whoever it might be, in terms of their expressions of faith.

This focus on new converts, if you could elaborate on that more than what is in the written testimony, that would seem to be a deliberate effort to chill and to discourage any other new converts. And so, if you could touch on that, as well.

And then, finally, with regards to Ambassador Hanford, he repeatedly told us -- I had more meetings than I could remember -- that there were deliverables. That was his

word. Like, the ending of the forced the renunciations of faith, for example. And he said if these things happened, you know, CPC ought to be lifted from Vietnam.

There was always a very curious timing of the economic issue and the lifting of the CPC, which I don't think was completely aboveboard. But having said that, those deliverables, whatever they were, seem to have been taken back with a vengeance once WTO occurred.

Mr. CROMARTIE. They have not been delivered.

Mr. SMITH. And they had not been delivered in the first place, okay.

And the final question that I would ask -- and, Dr. Thang, you might want to take this. I have been arguing for years, and I don't think I am the only one, that there is a nexus between sex trafficking and population control. In China, there may be missing as many as 100 million girls. By 2020, a leading demographer in Beijing has said that, by 2020, 40 million men will not be able to find wives because they have been forcibly aborted in China as part of the one-child-per-couple policy.

The Associated Press, on July 2nd of this year, suggested there may be as many as 3 million Vietnamese men not able to find wives because of the shortage of women, and that is by 2030, directly attributable to the two-child-per-couple policy in Vietnam, which has made a significant comeback, according to the Associated Press.

And people of faith are reporting, especially Catholics and Christians, that there is a heightened focus on them, to ensure that they -- you know, we saw that in China, as well, but I would appreciate your thoughts. Because that also affects labor trafficking all in the negative. There has to be a nexus there between the two.

It is a human rights abuse of gargantuan proportions to begin with, to submit women to this kind of abuse. But, also, there is a consequence that leads to other human rights abuses. So if you could touch on that, I would appreciate it, as well.

Mr. Cromartie?

Mr. CROMARTIE. Yes, Congressman Smith, let me take them in sequence.

Number one, training manuals. We have copies of the training manuals. We will provide them to you and be sure they get into the record.

[The information is unavailable]

Mr. CROMARTIE. The purpose of the training manuals is simply to manage and control religious groups from growing. So their definition of religious freedom, in this instance, is that you can be free but don't grow. And so, they actually have training manuals about how to prevent such. And we will be sure to provide that to you.

Mr. SMITH. Is our Ambassador in Hanoi aware of that, the U.S. Ambassador?

Mr. CROMARTIE. Yes, they are aware of it.

Number two, you asked about the difference between countryside and the urban areas. Look, it is not that great in the urban areas; it is just worse in the countryside. So let me not be misunderstood there.

But the simple reason would be that, you know, the word hasn't gotten to the country, and they are not rushing to get it to them. The relative positive things that I mentioned in the urban areas have not gotten to the countryside. And it doesn't seem like anybody is in a hurry to get them there.

By the way, the truck incidents, where our staff tried to meet with people, and they tried to prevent, their police tried to prevent even our ability to get to them, because they don't want us to know what is going on in the countryside.

Number three, you asked about the chilling effect of new conversions. And it is simply -- you got it right -- it is simply that. It is an attempt to discourage religious growth. And religion is growing in Asia. And it is booming, in fact. And, as you know, in China and also in Vietnam. And they don't know what to do about it.

And the idea that you can somehow discourage religious movements from growing must be frustrating to them, because it is very difficult to do, but it also creates measures that are unseemly.

Number four, Ambassador Hanford's deliverables. Our commission has an ongoing friendly and civil disagreements with Ambassador Hanford about the deliverables he was promised and the deliverables that have not shown up yet.

I think those are the four that you asked.

Mr. SMITH. I appreciate that.

Dr. Richardson?

Ms. RICHARDSON. UPR wasn't exactly what we had in mind either. I think that is safe to say. It is better than some of the alternatives, and it is better than nothing.

I think it is very frustrating for organizations like ours or commissions such as this, who were used to much more forthright, frank, consequential discussions about country's human rights records and how to respond to them. I mean, arguably the single most frustrating aspect of UPR is that nothing about it is binding, you know, other than the obligation to participate in the process.

That said -- and I have gone to Geneva a couple of times now to do advocacy on a couple of different Asian countries. And I have to believe that this sort of international peer review, no matter how manipulated it can be and no matter how much we have seen it manipulated in the cases of certain countries' reviews, like China's, like Vietnam's, that having that kind of record of the debate, that governments having to expose themselves for what they are, for better or for worse, that that counts for something, that having that kind of historical record matters.

And it is an opportunity for the states I think that maybe are a little less enthusiastic about challenging their peers on their human rights record -- it is a better venue for that. We are finding some new allies we hadn't seen before. And if it is another government that we can go to and ask them to take up the case of another 10 Montagnards, I am not going to argue against that.

Mr. SMITH. Thank you very much.

And Dr. Thang?

Mr. THANG. Yes. Regarding the nexus between the sex trafficking and people's control policy, I don't have the exact answer here. But we have become aware of a number of individual cases of Vietnamese women, especially from the north, smuggled across the border into China. And, at one point in time, I heard a number of about 300,000 women already smuggled from Vietnam, north Vietnam, to China.

There is no way to verify the statistics, especially when there is a movement between two secretive regimes. It is extremely hard to figure out which is which. I think that this is an understudied area that needs a lot more attention, the cross-border movement between Vietnam and China in terms of women.

Now, there is an expected nexus between the government's mistreatment of Montagnards and labor trafficking. There has been an increasing number of Montagnards that we have rescued in Malaysia because these young Montagnard men

and women, they have been driven out of their regular livelihood, have no choice, no option but to go and work overseas, hoping to make money, earn money enough to go back home and buy some piece of land for their family.

And, lo and behold, because of the very low education that they have received in Vietnam, due to mistreatment and discrimination, they have become extremely vulnerable to labor trafficking.

Mr. SMITH. Would you want to touch on the forced abortion and sterilization policy and its impact not just on the women and the children who are lost but the connection between sex trafficking? Because this is a balloon that will only get worse.

Mr. THANG. Yes, it could be a huge problem. I am not qualified to answer that question.

Mr. SMITH. Okay.

Is there anything else anyone would like to add?

Anything, Mr. Royce?

Mr. ROYCE. No.

Mr. SMITH. Then I would just say, without objection, I would like to include in the record a letter I sent on May 14th to John Sweeney, the president of the AFL-CIO, asking that the AFL-CIO endorse the Human Rights of Vietnam Act and also to become much more visible and aggressive, frankly, in the whole issue of, not just GSP as it relates to Vietnam, but the labor activists who, unfortunately, are being incarcerated and mistreated in Vietnam for wanting to have collective bargaining and the right to strike and all the other universally recognized labor rights that the ILO and the U.N. does recognize.

So I would ask that it be made a part of the record.

[The information is unavailable]

Mr. ROYCE. And, without objection, I would like to ask if photographs of the young labor activist or young woman who was beaten to death in Jordan -- or subsequently died when she was beaten a second time when she was returned to Vietnam -- be put into the record, along with the pictures of the Vietnamese agents.

[The information is unavailable]

Mr. THANG. May I also request inclusion of the following documents in the record? One is the list of the Montagnards in prison that we have verified independently; the list of political prisoners and religious prisoners caught and detained in early 2007; and, finally, the list of 671 affiliates of Montagnard, affiliates of the ECBN north in the northwestern mountainous area of Vietnam.

Mr. SMITH. Without objection, those documents and others that our distinguished witnesses would want to be made, as well as members, will be made a part of the record.

[The information is unavailable]

Mr. SMITH. If there is nothing further, the hearing is adjourned. And we thank you so very much.

[Whereupon, at 3:58 p.m., the Commission was adjourned.]