

**November 2011
For Public Use**

**Written Statement
by Mr. Benedict Rogers, East Asia Team Leader, Christian Solidarity Worldwide
to the
U.S. House of Representatives Foreign Affairs Committee
Subcommittee on Africa, Global Health, and Human Rights**

**Hearing on “The 2011 International Religious Freedom Report”
November 17, 2011**

Chairman Smith, Ranking Member Payne, Distinguished Members of the Committee - firstly, thank you for the opportunity to submit evidence to this timely hearing. May I begin by expressing my deep appreciation for your leadership on these important issues of religious freedom and human rights. My colleagues in Christian Solidarity Worldwide join me in applauding your many years of dedicated work on behalf of those who are persecuted and oppressed for their faith, and we have greatly appreciated the opportunities over the years to work with you and your staff.

In looking at this year's International Religious Freedom Report, I would like to welcome the fact, as stated in the Introduction to the Report, that “President Obama has emphasised the U.S. commitment to defend religious freedom in the United States and around the world” and that the United States recognises that religious freedom is “an essential element” of a “global commitment to advance human rights and promote national security”. I welcome the expansion of training in promoting human rights and religious freedom at the Foreign Service Institute for officials from all U.S. agencies, and the formation of the Religion and Foreign Policy Working Group of the Secretary of State's Strategic Dialogue with Civil Society. Other countries, including my own, the United Kingdom, are now starting to increase their focus on religious freedom, but for many years the United States has led the way in putting religious freedom on the human rights agenda and others have much to learn from the experiences, policies and practices which have been pursued here.

In this submission, I will focus on the countries for which I am responsible, in the East Asia region, namely Burma, China, Indonesia, North Korea and Vietnam. My own personal expertise is in Burma, Indonesia and North Korea, and I have travelled regularly to these areas, but I oversee a colleague working on China and Vietnam, and have travelled to those countries as well.

Burma

Let me start with Burma. I have no disagreement with the IRF report on Burma, and simply wish to add some updates on developments in Burma in recent months. Many Buddhist monks, including U Gambira, whose case is noted in the IRF report, remain in prison. In the recent release of an estimated 220 political prisoners, no prominent Buddhist monks held in prison were freed. U Gambira is held in solitary confinement in Kale prison, and is reportedly seriously ill and in need of urgent medical care. He sustained serious injuries as a result of torture in 2009. The United States should press for his immediate release and for urgent medical care to be provided.

The plight of the Rohingya people remains unchanged, and they face continuous discrimination on religious, as well as racial, grounds. It is vital that the United States continues to press the regime to recognise the Rohingya as equal citizens of Burma, by returning their citizenship status, and that pressure is put on any country, particularly Malaysia, that is considering repatriating Rohingya people to Burma, to desist until the Rohingyas are fully recognised as citizens of Burma and can live in Burma in freedom, peace and security.

I have travelled more than forty times to Burma and its different borders, including several times to the predominantly Christian Chin on the India-Burma border and Kachin on the China-Burma border, the predominantly Muslim Rohingyas on the Bangladesh-Burma border, and the Karen, Karenni, Shan and Mon, who include Christians, Buddhists, Animists and Muslims, on the Thailand-Burma border. I have also travelled several times inside the country, and in March this year I was deported by the authorities because they became aware of a book I had written about the dictator at the time, *Than Shwe: Unmasking Burma's Tyrant*. When I spoke to leading representatives of major church organisations in Burma in March, they told me nothing had changed and the pattern of restrictions, discrimination and persecution of religious minorities continues. It is worth noting that in 2007, Christian Solidarity Worldwide published a report, *Carrying the Cross: The military regime's campaign of restrictions, discrimination and persecution against Christians in Burma*, which drew a significant response from the regime. Daily full-page denunciations were published in the state media for at least a fortnight.

I would like to highlight in particular the current situation in Kachin State. The Kachin are predominantly Christian, and their faith is integral to their cultural identity. In 1994, after decades of civil war, the Kachin Independence Organisation (KIO) and its armed wing, the Kachin Independence Army (KIA), signed a ceasefire with the regime. During the ceasefire period, a genuine peace was never established and the Burma Army continued to perpetrate violations of human rights, including violations of religious freedom, but there was at least an absence of conflict and violations, while grave, were of a reduced intensity. In June this year, however, the regime broke the 17-year ceasefire and launched a new military offensive against the Kachin people, resulting in very grave human rights violations, including the widespread use of rape and forced labour, burning of houses, and attacks on civilians. A report released by the Kachin Women's Association-Thailand (KWAT), *Burma's Covered Up War: Atrocities Against the Kachin People*, published last month, details many of these violations.

Christian Solidarity Worldwide has received many reports, and photographs, from sources in Kachin State, including reports of attacks on churches and new restrictions on religious freedom. On 6 November, for example, soldiers from the Burma Army's 88th Light Infantry Division shot at worshippers in a church in Muk Chyik village, Wai Maw Township. Soldiers attacked the Assemblies of God church in the village, injuring several people. The congregation was expelled from the church, and soldiers reportedly looted church donation boxes. The house of one church member, Mr Jumhpawkw Hawng Lum, was burned down. At least fifty church members are taken to work as forced porters for the Burma Army. The pastor of the church, the Reverend Yajawng Hkawng, was severely tortured and is now in hospital. One of the church deacons, Hpalawng Lum Hkawng, who is the youth music team leader, was injured in his leg.

This attack follows one on 16 October when soldiers from Light Infantry Battalion 438 seized control of a Roman Catholic Church in Namsan Yang village, Waimaw township, where 23 worshippers, mostly women and elderly people, had gathered for the 8am Sunday service. The worshippers took refuge from the gunfire behind the Maria prayer sanctuary. When the troops saw them, they shot several rounds of bullets into the sanctuary. The Catholic assistant to the

priest, 49 year-old father-of-four Jangma Awng Li, decided to speak to the troops as he is fluent in Burmese. He was beaten in his head with a rifle butt, and injured his forehead when he hit a concrete wall. He and four other men were handcuffed and detained by the soldiers.

The troops, who were later joined by soldiers from Light Infantry Battalion 121, continued to march through the village shooting, and reached the Baptist church compound in the evening. During the march the detainees, including four from other villages who had been with the troops for two weeks, were used as forced labour. The detainees had to stay with the troops overnight and were temporarily stationed in the Baptist church compound. The whole northern part of village was burned and both church properties were destroyed.

In addition to physically attacking church congregations and individual Kachin civilians, it has been reported that the Burmese authorities are imposing new restrictions on religious activities in Kachin State. On 14 October, 2011 the Chairman of Maw Wan Ward in Phakant Township, Kachin State sent a letter to local churches, titled "Concerning Christians conducting cultural training". The letter refers to an order by the General Township Administration Department requiring Christians in Phakant Township to submit a request at least 15 days in advance for permission to conduct "short-term Bible study, Bible study, Sunday school, reading the Bible, fasting prayer, Seasonal Bible study and Rosary of the Virgin Mary Prayer". A request for permission must be accompanied by recommendations from other departments, and must be submitted to the Township Administration Office. Churches in Burma are already required to obtain permission for any events other than Sunday services, but this new regulation imposes further severe restrictions. A copy of this order is available from Christian Solidarity Worldwide.

In addition to these violations of religious freedom, there have been many reports of shooting and killing of civilians in Kachin State in recent months. A 72 year-old man, Maru Je Hkam Naw, was shot in the arms and legs whilst he was erecting a fence around his house in Namsan Yang village. A 19 year-old Rakhine boy was shot dead, his body burned and thrown into the mine in Namsan Yang where he worked. A 19 year-old girl, Maran Kawbu, was detained, tortured and gang-raped by soldiers from the same battalion in Namsan Yang. Her body was left on the river bank and has since disappeared. On 19 October, a Shan farmer named Mr Tintun, was shot dead by soldiers from Light Infantry Brigade 601, while fishing.

There is some talk of change in Burma, and the regime has made some gestures which are positive and which should be welcomed. Meetings between the regime and Aung San Suu Kyi, a relaxation of restrictions on some media, the suspension of the Myitsone dam construction in Kachin State and the release of 220 political prisoners are, in and of themselves, welcome moves. However, as long as the regime continues to hold almost 2,000 political prisoners in jail, as long as it continues to attack civilians in the ethnic states and perpetrate rape, forced labour, the destruction of villages and killings of civilians, as long as it continues to forcibly recruit child soldiers and use people as human minesweepers, and as long as it continues to violate freedom of religion or belief, we cannot speak of significant or substantial change, and therefore the United States should maintain and indeed intensify pressure on the regime. The 'Country of Particular Concern' designation for religious freedom should be maintained, particularly in light of the situation in Kachin State, and every possible tool should be used to urge the regime to match its reformist rhetoric with real action, end its policies of repression and its military offensives which amount to crimes against humanity and war crimes, and engage in a meaningful dialogue process with the democracy movement led by Aung San Suu Kyi, and the ethnic nationalities.

Indonesia

Let me turn now to Indonesia. I have visited Indonesia twice this year, and am deeply concerned about the situation there. It is worth noting that on 26 April, 2011 the United Nations High Commissioner for Human Rights wrote to the Indonesian Minister of Foreign Affairs expressing her concern at the deterioration in religious freedom, and calling for a review of all discriminatory laws. She urged Indonesia to invite the UN Special Rapporteur for Freedom of Religion or Belief to visit the country. On 7 July, 2011 the European Parliament passed a resolution expressing *“grave concern at the incidents of violence against religious minorities, particularly Ahmadi Muslims, Christians, Baha’is and Buddhists...at the local blasphemy, heresy and religious defamation by-laws, which are open to misuse, and at the 2008 Joint Ministerial Decree prohibiting the dissemination of Ahmadiyya Muslim teachings”*, calling on the Indonesian authorities to *“repeal or revise them.”* The resolution also applauds the work of civil society groups in Indonesia, including Muslim, Christian and secular think tanks, human rights organisations and counter-extremism organisations in promoting religious freedom and human rights, and pledges support for those *“actively promoting democracy, tolerance and peaceful co-existence between different ethnic and religious groups.”* A similar resolution from the United States Congress would be very welcome, building on the letter sent by Members of Congress earlier in the year.

In May this year, four men, traumatized, terrorized and stigmatized, sat in a Jakarta apartment and described to me how they were almost killed by a Muslim mob earlier this year.

One was stripped naked, beaten to a pulp, a machete held at his throat with a threat to cut off his penis. He was dragged through the village and dumped in a truck like a corpse. Another fled into a fast-flowing river, pursued by attackers throwing rocks and shouting "kill, kill, kill." He hid in a bush, dripping wet and extremely cold, for four hours. A third suffered a broken jaw, while a fourth, pursued by men armed with sickles, machetes and spears, was detained by the police for three days, treated as a suspect not a victim.

The four were members of Indonesia's Ahmadiyya community, a Muslim sect regarded by other Muslims as heretical. They were victims of an attack in Cikeusik, Banten province, on February 6. More than 1,500 Muslims attacked 21 Ahmadis, killing three.

If Cikeusik was an isolated incident, it could be dismissed as a tragedy. Sadly, such tragedies are increasingly frequent. On that same visit I went to Cisalada, West Java, the scene of a similarly violent attack in October. Houses had broken windows boarded up, and some had been burned. A mob had thrown Molotov cocktails at the Ahmadi mosque and carried samurai swords. Anti-Ahmadi abuse was scrawled on the walls.

Last month, I visited Bekasi, in the suburbs of Jakarta, to see an Ahmadi mosque that until recently had experienced no difficulties, but has now come under increasing threat from extremist groups and now faces restrictions on their activities under a new decree introduced by the Mayor of Bekasi. I visited another mosque in Depok, ten kilometers from Jakarta, which has been forced to close.

Churches are also coming under increasing pressure. According to the Setara Institute in Indonesia, 91 violations of religious freedom were documented in 2010, at least 75 of which affected Christians. Up until 22 September this year, at least thirty churches have been attacked in 2011 alone. The most severe recent example of this was the suicide bombing of a church in Solo, Central Java, on 25 September, in which more than twenty people were injured. The 31-year-old suicide bomber, Pino Damayanto, otherwise known as Ahmad Yosepa Hayat,

reportedly believed it was his religious duty to kill “the enemies of Islam”. Police believe he was linked to the Jamaah Ansharut Tauhid (“Partisans of the Oneness of God” or JAT), a terrorist group believed to be founded by Abu Bakar Bashir, who is currently serving a prison sentence on charges of terrorism. Other recent examples include the burning of some of the buildings belonging to two churches in East Luwu, South Sulawesi, on 2 June; an attack on a church in Klaten, Central Java, in which Molotov cocktails were thrown early in the morning of 2 June; the burning of two churches in Kuantan Singingi, Riau, on 1 August; and attacks on two churches in Tangerang on 5 September, resulting in injuries sustained by Reverend Will.

In addition to violence and harassment, there are serious concerns over the rule of law in religious cases in Indonesia. The mob which carried out the attack against Ahmadis in Cikeusik numbered more than one thousand, yet only three of the perpetrators were arrested. During the trial, one of the survivors of the attack was subjected to extraordinary harassment by one of the judges, recorded in a video available on youtube. The three perpetrators were sentenced to between three and six months in jail, and one Ahmadi man, Deden Darmawan Sudjana, was sentenced to six months in jail for disobeying police orders to leave his home.

Similarly, in March 2011, nine people who had attacked a pastor with a club and stabbed a church elder at a church in West Java had been sentenced to between five and seven months.

The case of Gereja Kristen Indonesia (GKI) Yasmin church in Bogor, West Java illustrates the threats to the rule of law most starkly. The church has secured all the appropriate approvals, has a legitimate permit to open, and the Supreme Court has ruled that the church should be opened, and yet the Mayor of Bogor still refuses to permit the church building to be unlocked and the congregation to use the church for worship. As a spokesman for Muhammadiyah, one of the largest Muslim social organisations, told CSW, “the Supreme Court has approved it, and so by law the Mayor and the President should follow the law. The President should take over the issue and uphold the Supreme Court ruling.”

I visited GKI Yasmin Church and attended a Sunday service in the street last month, surrounded by police, who were present to protect the congregation from a small mob of extremists. The congregation is prohibited by the local Mayor from entering their church building, so they hold a short Sunday service in the street. On this particular day, a small mob of protestors was present, the other side of the police lines, but on Sunday 16 October, a larger crowd, perhaps as many as one hundred, had held a demonstration against the church, armed with rattan/bamboo sticks. The following Sunday, 30 October, members of Forkami (Forum Komunikasi Muslim Indonesia – Indonesia Muslim Communication Forum) threatened to attack, “hurling verbal abuse at the Christians.” It was reported, although CSW was not able to verify this, that most of the demonstrators are from outside West Bogor sub-district where the church has been built, and are paid 200,000 Rupiah (US\$2.2) each. They typically do not even know what they are protesting against, they simply take the money and stage a protest. Church representatives told CSW that in the Yasmin area of Bogor, there are approximately 300 Christian families, and at least 1,000 individual Christians, so there is a sizeable local Christian population to justify the presence of the church. In addition, the majority of local Muslims support the GKI Yasmin Church and have no objection to it functioning. A *kyai* (Islamic cleric), who is a member of National Commission on Violence Against Women, attended the Sunday service to demonstrate his support. Opposition has been stirred up by radical groups, in particular Hizb-ut-Tahrir Indonesia (HTI) and Forkami.

CSW obtained a copy of the letter sent by the Ombudsman (Number: 475/ORI-SRT/X/2011), dated 12 October 2011, to the President of Indonesia, in which the Ombudsman reiterates that his recommendations issued on 8 July 2011 have not been implemented by the Mayor of Bogor or the Governor of West Java, and therefore the President himself should intervene. He concludes: *"This report is submitted to the President of the Republic of Indonesia to bring to his attention that the actions of the Mayor of Bogor and the Governor of West Java is not in accordance to the principles of good governance and the ongoing bureaucratic reformation conducted by the Government. This case requires the attention, follow up and steps from the President of Indonesia in the form of supervision and (character) building."*

CSW is also deeply concerned about the situation in West Papua. Although it is not primarily a religious freedom issue, there are religious dimensions to the situation. The predominantly Christian indigenous Papuans are feeling increasingly marginalised in their own land, as a result of the migration of people from other parts of Indonesia. Migrants appear to benefit most economically, securing the best business opportunities. Many are Muslims, and although there is generally good inter-faith harmony, there are concerns that radical Islamists could develop a presence in West Papua and that a conflict, similar to the situation in the Moluccas a decade ago, could develop as a result of the Papuans' marginalisation. Attacks by the military on pastors and churches are a serious cause for concern. More detail can be found in CSW's recent reports on Indonesia and West Papua.

Increasing intolerance, both in the form of violence perpetrated by non-State actors and in the form of discriminatory regulations by local and national government authorities, towards religious minorities, pose significant challenges to Indonesia's tradition of religious harmony enshrined in the State ideology known as the 'Pancasila'. Furthermore, the failure of the Indonesian Government to protect minorities, and uphold the rule of law, has encouraged radicals and extremists to pursue religious intolerance, both in violent and non-violent ways. As Masdar Hilmy notes in *Islamism and Democracy in Indonesia: Piety and Pragmatism*, "Pancasila has come to face sustained challenges and attacks from Islamists". Although Indonesian Islam "has enjoyed the reputation of being a distinctive and tolerant variant of Islam compatible with democracy," Hilmy continues, "this rosy assumption is being challenged by the upsurge of Islamist activism in Indonesia."

The situation has deteriorated even further due to the twin factors of impotency on the part of the national government to uphold the rule of law and human rights, and complicity on the part of some local authorities, acting to appease radical Islamists for political purposes. Rev. Gomar Gultom, General Secretary of PGI, notes that *"the most worrying ... development is the absence of the state. In various acts of violence ... it looked as if the police were helpless and even tended to let the violence occur in front of them."* As Franz Magnis-Suseno concludes: *"The government seems to let religiously motivated violence go by. Local politicians seem to calculate opportunistically that a hard attitude towards minorities will pay a dividend at the next elections. The national leadership, while occasionally condemning violence, close their eyes. They have never spoken out in favour of minorities ... The one that does not do its duty is the state. It is the state that does not take action when minorities are threatened. Both the executive, the legislative and the judicative branches of state power do not show courage and character. We notice an unpleasant mix of cowardice, opportunism and narrow-mindedness. If the state surrenders its mandate to carry out the rule of law, to make the constitution and Pancasila effective, this will not only have bad consequences for minorities, but also for state and society in general."*

According to a senior representative of Muhammadiyah, one of the two largest Islamic mass social organisations and a voice for moderation and religious harmony, *“the absence of the government is a trigger for increasing religious violence.”* Although he emphasised that overall, *“the situation is very harmonious, the levels of understanding among faith organisations, faith leaders and faith members are very constructive, and there is a high-level of awareness and commitment to building harmony,”* the existence of tensions and violence between faiths and within a faith cannot be negated. Weakness on the part of the President in particular has fuelled intolerance. *“The government is inconsistent. It proclaims pluralism and inter-faith dialogue, and so receives international acclaim, but it is very indecisive and reluctant to act. It is not very confident. The government should be more confident. If the Government is more confident, then I am confident we can overcome these challenges. The culture and nature of Indonesia is not extreme. The majority want harmony, tolerance, respect.”*

I would therefore urge the United States to address these concerns at every opportunity with the Government, and particularly the President, of Indonesia. I hope that when President Obama visits Indonesia in the next few days, he will raise these issues, and appeal to the President of Indonesia to act to uphold Indonesia’s proud tradition of religious freedom and harmony, and the rule of law.

North Korea

I turn now to North Korea. I visited North Korea in October last year with two British Parliamentarians, Lord Alton and Baroness Cox, and I would be happy to provide a copy of our report to the Committee if that would be of interest. In 2007, Christian Solidarity Worldwide published a major report, *North Korea: A Case to Answer, A Call to Act*, which argues that the regime is perpetrating crimes against humanity through the gross violations of human rights in the prison camps.

North Korea is clearly one of the worst violators of human rights, including religious freedom, in the world. An estimated 200,000 people, some of them Christians, are trapped in a brutal system of political prison camps akin to Hitler's concentration camps and Stalin's gulag. Slave labor, horrific torture and bestial living conditions are now well-documented in numerous reports by human rights organizations, through the testimonies of survivors of these camps who have escaped. Although there is still a shroud of mystery surrounding North Korea, the world can no longer claim ignorance as an excuse.

Just a few days ago, I received from a trusted source a story of a North Korean defector, now in China, who recounted that he'd been evangelized in North Korea by a young female North Korean teenager some years ago. Eventually, this young teen's witness, including urging him to memorize the Lord's prayer, bore fruit and the man, a government worker, accepted Christ and fled to China. However, this teen's practice of bold evangelism in her hometown was eventually discovered by the regime and, according to the source, she was executed. It is believed this took place in the border city of Hyesan, just across from the Chinese city of Chambai, near the famed Mount Baekdu.

Alarmingly, the reach of the North Korean regime’s brutality extends even beyond its borders. On 7 November video footage was revealed showing the alleged shooting of a North Korean defector on Chinese territory by a North Korean border guard stationed on the North Korean side of the border. In August, a South Korean pastor and missionary involved in helping North Korean refugees in China died in very mysterious circumstances after collapsing in Dandong, a Chinese city on the Yalu river close to the North Korean border. It is alleged that he was

murdered by North Korean agents using a poisoned needle. A day after his death, another South Korean missionary in Yanji was standing at an intersection when he felt a pinprick in his back. He then collapsed. In mid-September, South Korean intelligence announced that they had arrested a North Korean on charges that he planned a similar attack in Seoul, aimed at the prominent North Korean defector and activist Park Sung-hak, who has been involved in launching balloons into North Korea carrying anti-regime leaflets. The intended weapon, once again, was reportedly a poisoned needle. If these reports are accurate, they illustrate the lengths to which the regime is prepared to go to silence its critics, and in particular it illustrates its hostility to Christian missionaries engaged in assisting refugees.

North Korea's human rights situation must be treated as an issue of international concern, just as nuclear and security questions have been. It is not in anyone's interest to separate human rights from security, or to ignore Kim Jong Il's crimes. Earlier this year, President Obama issued a Presidential Directive on Mass Atrocities, declaring that preventing such crimes is "a core national security interest and a core moral responsibility."

From my visit to North Korea, I can confirm that the IRF report's observations about the existing State-approved churches in Pyongyang are accurate. The Catholic Church in particular has no priest, and although we raised this with the regime repeatedly, there has been no change in that situation. While we were able to engage to a limited extent with some of the clergy and congregations in the Catholic Church, the Russian Orthodox Church and the Bongsu Protestant Church and a new Protestant seminary, it is clear from all the other evidence available that these are to a large extent Potemkin-style show churches and that in North Korea as a whole there is no freedom of religion or belief.

In every meeting with the regime we raised the grave human rights situation, and brought detailed evidence of specific cases and issues which we presented to senior officials. In particular, we raised the recent executions of Christians, particularly the reported execution in 2009 of Ms. Ryi Hyuk Ok and Ms. So Keum Ok, and the execution in August 2010 of three house church leaders. We also raised the case of the reported imprisonment of at least twenty Christians who were arrested in August 2010 and sent to Camp No. 15 in Yodok. We were told repeatedly that such reports were "lies" and that the execution of Christians was "impossible".

Although our efforts on this visit, and previous visits by Lord Alton and Baroness Cox, have not resulted in any meaningful change in the human rights situation in North Korea, I believe that a twin-track approach, combining critical engagement of this kind with targeted international pressure is what is needed. To end the horrific violations of human rights and religious freedom perpetrated by this brutal regime, we need to use every possible tool. That means supporting the flow of information into the country, principally through radio broadcasts. It means targeted sanctions and efforts to investigate crimes against humanity. It also means seeking opportunities to sit face-to-face with the regime, as we did, look them straight in the eye, and ask them why they are doing these terrible things to their own people. Kim Jong-il's regime is the most isolated in the world. Our objective should be to open it up, through whatever means possible including attempting to influence mindsets of officials, rather than further isolation. When we raised specific cases with officials, it was in many instances the first time any foreigner had spoken to them directly in such detail. At the very least we were sending them a message that the world does know, and that they cannot commit these crimes unnoticed.

However, critical engagement can only ever be effective if combined with international pressure. In September, 2011 Christian Solidarity Worldwide, along with Human Rights Watch, Amnesty International, the International Federation for Human Rights (FIDH), the North Korea Freedom Coalition, the Committee for Human Rights in North Korea, Liberty in North Korea (LiNK), Jubilee Campaign, the Inter-American Christian Lawyers Association, Advocates International and at least forty other human rights organisations from across Asia, Latin America, North America and Europe launched the International Coalition to Stop Crimes Against Humanity in North Korea (ICNKH), specifically to campaign for the establishment of a UN Commission of Inquiry to investigate crimes against humanity in North Korea. One of the first acts of the new Coalition is a letter to Kim Jong Il calling for access for international monitors, particularly the U.N. Special Rapporteur for Human Rights in North Korea and the International Committee of the Red Cross, and the dismantling of North Korea's prison camps. The Coalition will work across all continents to build support for a Commission of Inquiry.

It is time that impunity is ended, crimes are investigated and Kim Jong-il's regime brought to account. I hope the United States will support such an initiative and work with others in the international community to ensure that such an inquiry is set up. The European Parliament called for a Commission of Inquiry on North Korea last year. The former U.N. Special Rapporteur Vitit Muntarbhorn called on the international community to "mobilize the totality of the U.N. to promote and protect human rights in the country." He also said North Korea's case is *sui generis*—in a category of its own. It is time that the recommendation of the U.N.'s own expert is taken up, and the modern-day gulags brought to an end.

Before I turn to the situation in China itself, I wish to raise one final point about North Korea in relation to China. Over the years, thousands of North Koreans have escaped from North Korea into China. However, China has a policy of forcible repatriation, in complete breach of international norms and the principle of *non-refoulement*. Those who are forcibly repatriated face a terrible fate, with almost certain arrest, imprisonment in the prison camps, severe torture and dire conditions, and sometimes execution. The international community, including the United States, has so far failed miserably to address this, and the time has come now for concerted pressure to be put on China to live up to its responsibilities and end its policy of forcible repatriation. Creative solutions can be found that address China's legitimate concerns over immigration and population control, and that allow North Koreans to pass through China and seek refuge in a third country, either South Korea or elsewhere, but China must stop forcibly repatriating North Koreans to a fate of almost certain death or near-death, and the United States must make this a priority, using every diplomatic, political and economic tool at its disposal to put pressure on China to change this policy.

China

The People's Republic of China, for all its economic advances in recent years, has sadly seen little improvement in its human rights record. While the Chinese government often reminds the international community of the advances that have been made in the area of economic rights for its people, the reality of life for the huge number of Chinese citizens who happen to find themselves in contradiction to the Communist state, as one Chinese intellectual put it to me, is "pretty miserable".

The area of religious freedom has seen a tightening over recent months with the Chinese government clamping down on various religious groups and individuals. It is important to note at the beginning of this statement that China has been listed by the state department as a Country

of Particular Concern (CPC) since 1999 due to its systematic, ongoing and egregious violations of religious freedom, affecting hundreds of thousands, if not millions, of people. Indeed the US State Department's 2010 International Religious Freedom Report noted that "The [Chinese] government's level of respect for religious freedom in law and in practice declined during the reporting period." Religious freedom is raised as part of US-China relations and features as a regular item on the agenda for the US-China Human Rights Dialogue.

Despite constitutional protection of the right to religious freedom, the primary characteristic of the approach to religion in China is one of control. China recognises five "official" religions: Buddhism, Catholicism, Taoism, Protestantism and Islam. By definition, those who choose to practise their faith outside of the five official religions operate in a legal grey area. In addition, by law, only citizens engaging in "normal religious activities" are guaranteed liberty to practise their religion, and this has led to arbitrary definitions of what constitutes "normal" activities.

Each official religion has a state-sanctioned body under which it is governed. For Protestants this is the Three-Self Patriotic Movement (TSPM); for Catholics, the Catholic Patriotic Association (CPA) and for Muslims the Islamic Association of China (IAC). Even these official bodies are subject to varying restrictions, including the selection and training of religious personnel; the location, purchase and renovation of venues; publications; finances; teaching on certain topics and relationships with co-religionists abroad. Restrictions are placed on working with certain classes of persons, including those aged under 18. It is worth noting that many of these restrictions go against internationally recognised human rights laws. For example, China has ratified the United Nations Convention on the Rights of Child, which protects the right of parents to raise their children in a faith of their choosing. Restricting under-18s from attending religious meetings clearly goes against the CRC.

Anyone holding a belief that cannot be categorised within the five recognised religions is therefore deemed to be illegal, automatically classifying certain forms of peaceful activity as unlawful. In addition, certain groups, such as practitioners of Falun Gong, have been labelled as "evil cults" under specific legislation.

The Chinese government would like the international community to believe that China is a country where religion is embraced as part of the harmonious society where people are free to worship wherever they choose. Indeed, this autumn, a Bible exhibition called "Thy Word is Truth," is currently touring the United States. It has been organised by the "Bible Ministry Exhibition of the Protestant Church in China," which is part of China's official TSPM Church. The exhibition aims to educate Americans about the history of Christianity in China, focusing on the activities of the official church in China and the distribution of Bibles from the state-sanctioned Amity Press. While CSW welcomes the distribution of a large number of Bibles in this way, the exhibition only gives one point of view. While there are some Christians in China who are able to purchase Bibles at state-sanctioned churches and who can meet together freely, this is only one side of the coin. The exhibition has been described by several observers as 'a propaganda tool'. It ignores the very existence of the house churches, as well as the fact that many house church Christians, particularly those in rural areas, are unable to access Bibles because they live too far away from a state-sanctioned bookshop. Nor does it mention the harsh penalties in place for those who distribute religious materials outside of this system. In 2008, Beijing Christian bookshop owner Shi Weihang was arrested and sentenced the following year to two years' imprisonment and given a hefty fine for "illegal business practices" because he printed and distributed Bibles and religious materials free of charge.

The official churches do not have the capacity or the independence from the state to serve the spiritual needs of the Chinese population. However, those churches that do choose to meet independently often face restrictions from the authorities. A widely publicised case is that of Shouwang Church, Beijing. Shouwang, or Watch Tower Church, is a 1000 member Protestant church in the university district of Haidian, which has faced continual pressure from the Chinese government to stop meeting together. They have been denied access to the building they were meeting in and have been meeting outdoors since April this year. Each week, those who try and meet together outdoors face arrest and detention by government officials. A recent Congressional Executive Committee on China Report cited that over 500 members from Shouwang had been arrested, detained or placed under house arrest since the arrests began. In October 2011, authorities also arrested a number of members, including the pastor, of Xinshu or New Tree Church, a house church whose members have chosen to attend Shouwang's outdoor services to show their support and solidarity.

The persecution of house church Christians is not limited to Beijing. In Jiangsu province, Pastor Shi Enhao, house church Pastor and Deputy Chairman of the Chinese House Church Alliance, was arrested in May this year. The reasons for his arrest were unclear and in October he was sentenced to two years' re-education through labour (RTL) for "organising illegal meetings" and "illegally organising venues for meetings". The church where Pastor Shi works has several thousand members who meet in several venues across the city. Many observers originally thought that by breaking up the congregation into smaller groups they would avoid attracting the attention of the authorities. This has not been the case. First, it is worth noting that the RTL system allows conviction without a trial; and second that the church had been meeting for many years before the accusation of "illegal meetings" was brought. The house church is in a precarious position. Due to reasons of conscience when groups do not wish to join the official TSPM church they can find themselves arbitrarily labelled as illegal, leaving themselves open to an array of charges and punishments, such as in the case of Pastor Shi Enhao.

On 13 May 2011, a petition calling for the right to religious freedom to be respected was delivered to Chairman Wu Bangguo of the Standing Committee of the National People's Congress by 17 leading Chinese house church leaders.¹

Alimjan Yimit (Alimujiang Yimiti in Chinese), a Christian Uyghur from Xinjiang, was sentenced to 15 years in prison² on 28 July 2009 for "Revealing state secrets or intelligence to overseas organizations." The sentence given is the most severe for the charge and is the harshest given to a Christian in a decade. Mr. Yimit was working for Jirehouse, a British-owned Agricultural Company and the charges related to a conversation Mr. Yimit had with an American Christian. The UN Working Group on Arbitrary Detention has given the Opinion that his detention is arbitrary, and that he is being held because of his religious beliefs.³ An appeal was rejected in March 2010 and the 15-year sentence upheld.

¹ The petition requests three actions: 1. To conduct an investigation into the incident where Shouwang Church cannot have a fixed place to hold regular worship services, and to press the Beijing Municipal Government to come up with a sound solution in accordance with law; 2. To review the currently effective rules for religious affairs to determine whether the rules are constitutional or not; and 3. To propose to draft and adopt the Law of the People's Republic of China for the Protection of the Liberty of Religious Faith.

² Mr Yimit is being held at: Section 11, the Xinjiang No. 3 Prison, 1339, Dongzhan Road, Urumqi city, Xinjiang Uyghur Autonomous Region 830013.

³ Opinion No.29/2008 (PRC)

Religious practitioners who find themselves on the wrong side of the law are increasingly finding it more difficult to find a lawyer or legal representative to represent them. The already small number of lawyers who are willing to take on 'sensitive' cases, such as, representing underground religious personnel or practitioners of Falun Gong, is getting smaller due to intense pressure on lawyers not to take on such cases.

Dr. Fan Yafeng, expert in constitutional law and leader of the Chinese Christian Human Rights Lawyers Association, was placed under house arrest in December 2010 following short periods of detention the previous month, during which he was reportedly beaten. He remains under house arrest in Beijing.

An extremely worrying development came this summer as China announced it was considering amends to the criminal procedure law that would effectively legalise forced disappearance. As it stands currently, there is no basis for house arrest in Chinese law; these amendments would change that, legalising "residential surveillance" and allowing police to hold individuals in secret locations without informing their families, in cases that involve national security, terrorism or corruption.

The most high profile disappearance case in recent years is that of Gao Zhisheng, the Christian human rights lawyer who has not been seen or heard from since a brief reappearance in April 2010. There are grave fears for Gao's safety, wellbeing and health. During his April 2010 reappearance he gave several media interviews outlining in graphic detail the horrific, inhumane torture that he was subjected to from February 2009 to April 2010. Gao's family have not been given any information about his whereabouts or condition and repeated requests to the Chinese government for information about his case have not warranted a response. This silence provokes grave concern.

How many more Gao Zhishengs will there be? There was a spike in disappearances in the early part of 2011, affecting some of Gao's old friends and legal contemporaries. Lawyers Teng Biao, Tian Jitian, Jiang Tianyong, and many others, including prominent artist Ai Weiwei, were 'disappeared' to secret locations as part of a wider crackdown on all forms of dissent. The Chinese government pays lip service to the rule of law, but how can it seriously be respected for upholding the rule of law when the fundamental cogs in the wheel of the legal system, the lawyers themselves, are removed?

In the Catholic community there continues to be a struggle between those loyal to the Holy See and the state-sanctioned body of the Catholic Church. Those Bishops who chose to maintain ties with the Vatican run underground churches. The CPA has increasingly provoked tension by forcing underground clergy to attend ordinations of state-sanctioned clergy. This was the case with the ordination of Father Guo Jincai on 20 November 2010, when many underground Bishops and clergy were forced to attend, in clear violation of their religious freedom. Bishop Julius Jia Zhiguo from Hebei province is an underground Bishop who has spent over 20 years in prison for his consistent refusal to join the CPA. In what is thought to be retaliation for Bishop Jia's refusal to join the CPA, an orphanage for 100 disabled children set up by the Bishop and a community of nuns has been threatened with closure. In December 2010, Bishop Jia was taken away by police three times. The police attempted to force him to sign a document authorising handover of the orphans to the district. He refused, and the seventy-five-year-old is reported to be under constant harassment from the authorities.

The spiritual practice of Falun Gong has been outlawed in China since 1999; following a mass peaceful gathering of Falun Gong practitioners in Tiananmen Square, the Chinese government banned Falun Gong, and labelled it an “evil cult”. As a result practitioners face very harsh treatment, a special office known as the “610 Office” has been tasked with job of eradicating the practice. According to the Falun Dafa Information Centre between 500,000 and 1 million practitioners are in prison at any given time, making them the largest group of prisoners of conscience in China today. There is particular concern over the “2010-2012 Transformation through Re-education, Assault and Consolidation Overall Battle Work Plan” which refers to the process of pressurising Falun Gong practitioners to renounce their belief, often using violent means.

It would be wrong not to mention the situations in Xinjiang and Tibet today. Uyghur Muslims in Xinjiang accuse the government of settling millions of ethnic Han in their territory with the ultimate goal of obliterating its identity and culture. The Chinese government’s fear of the rise of Islamic extremism and the threat of terrorism has led to Uyghur Islam being viewed with suspicion. (It is worth noting that the Uyghur are predominately Sunni Muslim and practice a moderate form of Islam.) The Islamic Association of China has full control over the training of Imams and religious personnel. Distribution of religious literature and the Qur’an is restricted. A small underground group of Muslims who choose to practise their faith outside the IAC face harassment, meetings being broken up or imprisonment. Due to regulations which do not allow religious activity among under-18s, parents in Xinjiang risk a fine or detention if they allow their children to attend a mosque. According to a report from Amnesty International, Uyghur students have reported that they risk expulsion from school if they are caught attending a mosque. Civil servants in the Xinjiang region, including teachers, policemen and other government employees, are also prohibited from practising their religion, at the risk of losing their employment and criminal prosecution.

The Tibetan people suffer some of the most aggressive forms of control and repression in the area of religious freedom in China. Recent months and weeks have seen a dramatic and hugely worrying increase in self-immolations of monks and nuns calling, among other things, for ‘religious freedom’ ‘freedom for Tibet’ and the ‘return of the Dalai Lama’. A situation where a twenty-year-old Buddhist nun – Tenzin Wangmo – douses herself in petrol and sets herself on fire is a cry of desperate proportions and deserves the international community’s attention and urgent assistance.

CSW recommends that the US government regularly raise the issue of religious freedom with the Chinese authorities and explore constructive ways of building safeguards for religious liberty within Chinese law and practice, which correspond to international human rights law and norms. The Chinese government should be encouraged to:

- Ratify the International Covenant on Civil and Political Rights (ICCPR) and amend legislation and practice to conform to the rights laid out therein;
- Recognise the right of freedom to choose any religion, including those outside the official organisations and the five recognised religions;
- Rescind the registration system in its present form so that it is no longer a mechanism for controlling religious activity;
- Cease harassment of human rights lawyers and rescind restrictions on their ability to represent sensitive cases of religious freedom, and release Dr. Fan Yafeng from house arrest;

- Cease the policy of imposing penalties, including administrative and criminal detention, fines, confiscation of property and destruction of premises, for religious behaviour;
- Issue a standing invitation to the UN Special Rapporteur on freedom of religion or belief;
- Immediately release all those detained for their religious belief, including Alimujiang Yimiti, and provide information on the whereabouts and status of Gao Zhisheng;
- Immediately release the leaders of Shouwang Church from house arrest; halt any harassment of members and ultimately allow Shouwang access to the building they have purchased so that they can worship indoors;
- Cease the continued harassment of Bishop Jia Zhiguo and allow the orphanage he runs to remain open without state interference;
- Implement effective protection for religious believers from arbitrary detention and abuse by officials and address the impunity of officials who abuse individuals and groups due to their religious beliefs.
- Allow the free movement of religious materials and personnel into and within the country.

It must be recognised that as human rights for Chinese citizens have dramatically declined over recent years, human rights have become increasingly sidelined in China's bilateral relationships with third countries. Human rights dialogues with the US, UK, European Union, Norway and others have resulted in little, if any, discernable progress. Indeed the Chinese appear to be growing more confident in the area of human rights and less sensitive to criticism. Yet if the Western world, the US included, is to hold to its belief that all human beings are created equal beings whose rights should be respected, we must do all we can to assist the many brave individuals for whom defence of the rights of their people results in the most egregious abuses of their freedom. It is in this regard that CSW recommends that the US government, with regards to its religious freedom policy on China:

- Continue to classify China as a Country of Particular Concern;
- Increase transparency pertaining to the US-China human rights dialogue. Keeping the process and discussions relatively private has allowed the Chinese to misrepresent and undermine the process;
- Introduce benchmarks for the human rights dialogue which outline clear measures for progress;
- Outline short-term goals for the dialogue, for example, the release of specific prisoners or the lifting of restrictions for human rights lawyers, progress towards repealing the evil cult legislation;
- Follow each round of the dialogue with an assessment of the impact and progress made towards benchmarked measures. Dialogue should only be resumed if clear progress is being made;
- Increase media interviews and public statements by US officials commenting on the China's religious freedom record;
- Ensure that discussions regarding China's religious freedom record continue outside of the dialogue process;
- US Congressmen, government officials, diplomats and embassy staff in China should take every effort to meet with human rights defenders in safe locations, such as the US Embassy, in China to show their support;
- Increase public statements condemning China's human rights record and mentioning specific individual cases;

- The US should not sideline human rights discussions to the dialogue only, rather human rights should form an integral part of the broad US-China relationship and should be raised in all aspects of the bilateral relationship.

Vietnam

2011 began with the Eleventh Vietnamese Communist Party Congress. With it came an intensification of pressure on human rights activists and activity. In 2011 the international community, including states and non-state actors, have expressed public concern regarding Vietnam's lack of progress in respecting civil and political rights (while noting progress in certain areas, such as the Millennium Development Goals).⁴ The human rights situation in Vietnam remains a cause for concern. The escalating unrest in North African and Middle Eastern states has fueled fear that similar revolutionary action may occur in the region. Calls for a 'Jasmine Revolution' in China were followed by a crackdown on dissidents, lawyers and civil society. Vietnam has followed suit. In the latter part of 2010 and the early part of 2011, there was been a notable deterioration in respect for freedom of expression, including a crackdown on internet activists, writers, bloggers and netizens. In 2011, Reporters Without Borders labelled Vietnam an 'internet enemy' for the harsh restrictions placed on freedom of expression for journalists, bloggers and netizens seeking to express their views through social networking micro-sites.⁵

Following the removal of Vietnam from the US State Department's Countries of Particular Concern (CPC)⁶ List in 2006, the religious freedom situation has remained fragile. The picture is complex and it is difficult to make generalisations. However, religious freedom is restricted for most religious groups in Vietnam including Protestants, Catholics, Cao Dai, various Buddhist groups including Theravada Buddhists, the Unified Buddhist Church of Vietnam (UBCV) and Hoa Hao Buddhists. The most severe violations of religious freedom have received international media attention, such as those affecting the UBCV.

CSW largely agrees with the assessment made in the 2010 State Department International Religious Freedom Report which says regarding religious freedom, "Despite areas of progress, significant problems remained, especially at the provincial and village levels."

In terms of Vietnam's cooperation with the United Nations, no progress has been made regarding a visit of the UN Special Rapporteur on Freedom of Religion or Belief to the country. However, in 2010, Vietnam accepted two visits by UN Independent Experts, which should be welcomed. First, a visit was made by the UN Independent Expert on Minority Issues in July 2010,⁷ and second, by the UN Independent Expert on Human Rights and Extreme Poverty in August 2010.⁸ It is worth noting that both experts expressed frustration that they were not

⁴ For more information on the Millennium Development Goals please refer to the UN website: <http://www.wpro.who.int/vietnam/mdg.htm>

⁵ Reporters Without Borders, *Internet Enemies 2011 - Vietnam*, 11 March 2011, available at: <http://www.unhcr.org/refworld/docid/4d82268b28.html> (accessed 4 April 2011)

⁶ The CPC list exists to list the world's worst violators of religious freedom and currently includes Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan and Uzbekistan.

⁷ To read the statement made by the Independent Expert on conclusion of her visit please see <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10223&LangID=E>

⁸ To read the statement made by the Independent Expert on conclusion of her visit please see: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10300&LangID=E>

granted unfettered access to citizens, and that both pointed out significant areas of continuing concern. Of contextual interest, in May 2009, Vietnam rejected 45 recommendations to improve its human rights record made at the UN Universal Periodic Review, specifically rejecting recommendations made by UN member states pertaining to the use of arbitrary detention of individuals from unofficial religious groups; human rights defenders; freedom of peaceful expression; freedom of association, freedom of religion and the use of torture.

During the period leading up to Vietnam's accession to the World Trade Organisation (WTO) on 11 January 2007 and election to the UN Security Council on 1 January 2008, some improvements in religious freedom were made. But since 2008 progress has varied; significant areas of concern remain.

Tensions between the Vietnamese Government and both Catholic and Protestant communities regarding confiscated church property declined in 2010–11. However, Catholic parishioners at Con Dau near Da Nang clashed with police during a funeral procession on 4 May 2010, during which tear gas and rubber bullets were used by police. The conflict arose over a burial ground, which the local government laid claim to in order to sell it to a resort developer. Catholics view the ground as sacred and dispute the amount of compensation the church was offered for the land. The congregants went ahead with a funeral on 4 May, despite pressure from authorities to stay away and 59 people were arrested.⁹ Tensions regarding property disputes run high and it is difficult to assess to what degree religious communities' land is targeted, as there is widespread redevelopment in many provinces of Vietnam pushing up demand for land which has increased in desirability and monetary value.

Of relevance to Vietnam's ongoing repression of any form of dissent and freedom of expression are human rights defenders whose activism is motivated by their religious belief. This category includes some leaders and members of the UBCV. In addition, at the time of publication, this category also includes dissident Catholic priest Father Nguyen Van Ly and Protestant lawyers Mr Nguyen Van Dai and Ms Le Thi Cong Nhan. The prominent dissident and outspoken human rights activist, Roman Catholic Priest, Father Nguyen Van Ly, was returned to prison in July 2011 after just over one year's medical parole. Father Ly is in extremely poor health, having suffered several strokes which have left him partially paralysed, as well as having a brain tumour. His religiously-motivated rights activism has continually irritated the Vietnamese authorities. In a four-hour trial on March 30, 2007, he was accused and convicted of disseminating anti-government propaganda and sentenced to eight years in prison and five years house arrest. During the trial, Father Ly was physically restrained, gagged and prevented from giving a defense. A US diplomat was roughed up and physically ill-treated by Vietnamese authorities during an attempted visit to Father Ly in January 2011, sparking a diplomatic incident.

Lawyer Nguyen Van Dai was released from prison in early 2011 and is currently under house arrest. Lawyer Le Thi Cong Nhan is also serving four years' house arrest. Vietnam consistently states, "There are no political or religious prisoners in Vietnam". However, independent research undertaken by NGOs, coupled with testimony from released prisoners suggests otherwise.

At a macro level, the Socialist Republic of Vietnam continues to be home to violations of religious freedom across the board, from the repressed monks of the banned United Buddhist

⁹ Information from Asia News: <http://www.asianews.it/news-en/59-Catholics-from-Con-Dau-arrested-for-accompanying-funeral-18344.html> (accessed 4 April 2011)

Church of Vietnam to Roman Catholics whose ability to practise their faith is affected by the tense relationship between the government and the Vatican, to the repression experienced by Protestant Christians in the Northern and Central Highlands of Vietnam, who often belong to ethnic minorities.

This submission will focus on Protestant Christians in ethnic minority areas such as the Northern and Central Highlands, as well as those in the vicinity of Hanoi and Ho Chi Minh City, where despite legislative protection, violations of religious freedom are still occurring at the local level.

2011 marked the centenary of Protestantism in Vietnam. Large-scale celebrations took place in Hanoi in the North, Da Nang in Central Vietnam and in Ho Chi Minh City in the South. These events were attended by thousands of people and passed without major incident, this should be welcomed. However, the existence of large-scale celebrations viewed alone does not give the whole picture.

Over the past six years, CSW has documented violations of religious freedom by collecting first-hand testimony on the ground from church leaders from officially recognised denominations such as the Evangelical Church of Vietnam – North (ECVN-N) and South (ECVN – S), the Assemblies of God, leaders from unregistered house church denominations, independent church leaders who are not affiliated with a particular denomination, individual members of these communities and the families of prisoners.

Evidence suggests that some of the most severe violations of religious freedom continue to affect ethnic minorities such as the Hmong. A key indicator of religious freedom is the ability of religious groups to meet together at the local level. The majority of church leaders who were interviewed reported few restrictions in this regard. However, local officials are still preventing religious activities in isolated cases, for example, harassing church leaders through restricting their freedom of movement to visit other groups or attend theological training. Evangelism is restricted in the majority of provinces, with church leaders reporting restrictions on new ethnic minority converts joining existing congregations.

While the number of reports of forced renunciations has declined in recent years, these incidents still continue to occur in isolated incidents. In September 2011, eleven Protestant families in the far north-western province of Dien Bien were forced to sign renunciation papers at risk of being evicted from their village and denied access to farmland.

In the same province, CSW reported that the number of Christians in a particular area grew from 31 to 114 due to evangelism in early 2011. The hamlet and village chiefs put pressure on the new believers to renounce their faith and rebuild the traditional altars in their homes. They were threatened with being thrown out of the village if they did not comply. Since this time, the new believers have all rebuilt the altars out of fear, but say they are Christians inwardly, even if they are too scared to attend worship services or publicly profess their faith.

CSW sources confirmed a similar incident affecting a Tai ethnicity family in Dak Lak province. The family is the only Protestants in their village. Several days after the head of the family's funeral, the family was visited at home by a group of police from the village, district and provincial level. The policemen told the family that they must renounce their faith and the family was pressured to rebuild the ancestral altar. Since January 2011 the family has been visited regularly by the village and district-level police who make the same requests. The new head of

the family, a man in his 30s, has been threatened that unless the family returns to ancestor worship they will be thrown out of the village.

A major impediment to the broad protection of religious freedom in Vietnam is the registration system. According to legislation, all groups should be allowed to register their meeting places at the local level, whether or not the denomination they belong to is recognised by the government or not. Since the 'Decree on Religion' (22/2005/ND-CP) took effect in 2005, progress in the system of registration for individual congregations has been varied. Again, the ability for local groups to register congregations easily and effectively – thus gaining legal recognition – is a key indicator of religious freedom. In 2009 and 2010, CSW reported a slowing of progress in this area, for unregistered denominations, and in 2011 this had spread to registered denominations.

Unregistered groups exist in a legal grey area and are open to harassment on the basis of their unregistered status. The protective provisions of Decree 22 do not appear to apply broadly or fairly. Vietnam should be encouraged to consider redrafting revised legislation to update Decree 22, to ensure the registration and recognition of denominations and congregations continues.

Of continued contextual relevance to the situation in ethnic minority areas is the *Training Manual for the Task Concerning the Protestant Religion*, a revision of an internal government document obtained by CSW in 2009.¹⁰ CSW has published analyses of previous editions of the manual, which first came to our attention in 2006. Earlier editions were geographically specific to the Northern Highlands; this edition appears to apply to the whole of Vietnam. While this edition is less critical of Protestantism in its rhetoric and addresses some of the criticisms of the earlier editions, strong concerns remain. Attitudes expressed in this manual can be viewed as indicative of Vietnamese government policy regarding Protestantism.

Of primary concern is the manual's retention of an underlying suspicion of the Protestant religion and its perceived potential to be abused by 'hostile forces' to cause political instability. In addition, although the manual expressly states that forced renunciations of faith are not permitted, it still encourages local officials to 'create the conditions' for new converts to Protestantism to return to their traditional beliefs if they have a "need" to do so, allowing for arbitrary implementation. Another major shortcoming concerns deficiency in the process of registration of congregations – local authorities are encouraged to begin with 'pilot projects' before undertaking widespread registrations, and additional stringent requirements are imposed on ethnic minorities in the Northern Highlands seeking to register Protestant meeting places. Evidence confirming this is included later in this report. Finally, the 2008 manual adds an entirely new section to make clear the government's intent in ongoing regulation and tight control of all levels of religious activities of registered groups, individual congregations and meeting places.

The legal rights of ethnic minorities to have their religion recognised as Protestant on identity cards and family registration documents continue to be restricted. CSW has documented consistent, widespread violations of this right among ethnic minorities in all areas of Vietnam over the past six years.

One of the root causes of religiously motivated harassment at the local level is the problematic nature of the legislative framework, which contains significant loopholes and unclear language

¹⁰ For further information, see the CSW briefing on the 2008 Training Manual:
<http://dynamic.csw.org.uk/article.asp?t=report&id=110>

resulting in arbitrary implementation. In addition, local police and authority figures incite familial and clan pressure to force new converts to renounce their faith, and in one incident, to harass family members of an imprisoned pastor.

In several cases documented by CSW over the past year, Christians have been accused of separatist activities. CSW has obtained evidence that accusations of separatist activity continue to be used to clamp down on church activity deemed successful in attracting new converts. This pertains particularly to the Central Highland region.

Pastors Y Du and Y Co, both of Ede ethnicity and Pastors of an unregistered denomination, were sentenced on 15 November 2010 to six years followed by three years house arrest and four years followed by two years house arrest respectively for “undermining the state”. At the trial the pastors were tried before the People’s Investigation Bureau (PIB) of Phu Yen province. They did not have access to a lawyer and both men were tried together, in violation of domestic law. The individual circumstances of each detainee were not taken into account (such as one of the men having a prior criminal record and the other did not). According to the People’s Investigation Bureau of Phu Yen, Ksor Y Du and Kpa Y Co stood accused of communicating with and receiving direction from Ksor Y Lit¹¹ in July and August 2009. According to interviews conducted with family members, the men made phone calls to family members in the United States to request financial assistance and have not been involved in political activity.

The two pastors were arrested on 27 January 2010. Research undertaken by CSW in September 2010 found that their families had been visited by the Phu Yen provincial-level official with responsibility for Protestantism, who told their wives that the pastors would be released if their wives renounced their faith. They have also been promised new houses, free education for their children and various other incentives if they renounce their faith and membership of an unregistered denomination.

In June 2011 seven Vietnamese activists, including three Christians, were convicted of subversion and given prison sentences of between two and eight years. Mennonites, Pastor Duong Kim Khai, Tran Thi Thuy and Nguyen Thanh Tam were active in peaceful campaigning for land rights and were convicted along with four others.

Tran Thi Thuy received eight years, Pastor Duong Kim Khai six years and Nguyen Thanh Tam a two-year sentence. The seven were denied access to legal representation at the trial, which took place under heavy security, and the outcome of which is thought to have been pre-determined. They were charged under Article 79 of the Criminal Law.

The three Christians are members of the unrecognised branch of the Mennonite church and attended the “Cow Shed Church” in Ho Chi Minh City. Inspired by their Christian faith, they worked assisting fellow Vietnamese citizens who lost farmland when it was forcibly sold by local government to large corporations, helping them to file complaint letters asking for adequate compensation. The three are also said to be members of Viet Tan, an overseas-based

¹¹ According to the PIB, Ksor Y Lit is “an individual active in the Tin Lanh Degar (Protestant Degar) movement, who emigrated to America in order to propagandise and recruit ethnic minority people to develop and consolidate the Tin Lanh Degar organization in Phu Yen and Dak Lak Provinces, for the purpose of inciting and organizing demonstrations which disturb political stability, divide the unity of the people and demand the formation of a Degar nation” – as reported by Vietnam’s *Phap Luat* (Law) newspaper on 16 November 2010.

democracy party that calls for peaceful political reform.

Pastor Duong Kim Khai was held since 10 August 2010, having been detained in Ho Chi Minh City. Pastor Khai's disabled wife and then 17-year-old son were not given arrest papers or details of Pastor Khai's detention. Those close to the case told CSW that Pastor Khai is a gentle man who wanted to help others and speak up for injustice. Pastor Khai has previously served two years in prison on similar charges.

In May 2011, CSW reported that 130 men were detained and military personnel were sent to Dien Bien province, North West Vietnam to seal off an area where ethnic Hmong followers of a cultic movement were disbanded by local military and the Vietnam People's Army.

CSW sources reported that two cult leaders fled into the forest and were beaten by the military. Journalists and foreign diplomats were denied access to the Muong Nhe area and all telephone communications are cut. CSW reported concerns for those who remain in the area due to the lack of access to outsiders, poor sanitary conditions and the high military presence. Three children were confirmed to have died due to poor sanitary conditions. Church leaders within Vietnam told CSW they were concerned that the Hmong Protestant Christians who are not followers of the cult will be falsely identified as such.

The group had gathered following the teaching of two cult movements that have been active among the Hmong ethnic group in the months preceding. A Vietnamese government website erroneously portrayed the followers as Protestant Christians. The US-based Harold Camping cult, which taught that the world would end on 21 May, had gathered a following among the Hmong after Hmong-language materials were distributed. In addition, two men, both claiming to be "Messiah" figures appeared in Muong Nhe district. Many thousands of Hmong migrated from other areas of the country, including from as far as the Central Highland region, to follow this teaching. Hmong mythological belief suggests that a messiah will appear and establish a pan-Hmong kingdom. Little information was available to the international community during the time this situation was ongoing. In addition, there has been no information regarding those men who were detained during the situation.

Repression of religious freedom among ethnic minorities in Vietnam continues to be a serious issue for concern. The testimonies recorded by CSW bear witness to the ongoing struggle for true freedom of religious belief for a wide variety of ethnic groups spanning geographical areas. Vietnam's continued repression of religious activity including the refusal to recognise Christianity among some ethnic minorities, the slow progress of registration of meeting places, the harassment of religious personnel when carrying out religious activities such as evangelism or attending training, all point to Vietnam's lack of commitment to internationally recognised standards on religious freedom. The control and repression of religious activity is justified by the de facto ban on religious activities deemed to "violate national security... negatively impact the unity of the people or the nation's cultural traditions".¹² CSW recommends these issues be raised with the government of Vietnam at the highest level to push for Vietnam's respect for religious freedom to match internationally recognised standards.

In addition, CSW welcomes the interest taken in religious freedom by the US government, particularly pertaining to staff on the ground at the US Embassy in Hanoi and the US consulate general in Ho Chi Minh City, which made regular representation to the Vietnamese government

¹² Article 15 of the Ordinance on Beliefs and Religions, (21/2004/PL-UBTVQH)

regarding religious freedom concerns during the reporting period. CSW also welcomes Secretary of State Hilary Clinton's willingness to raise religious freedom with the Vietnamese government. However, there is room for further engagement and CSW recommends that the US government:

1. Continue to monitor and raise issues of religious freedom in all appropriate fora, including bilateral and multilateral human rights dialogues;
2. Ensure that the human rights dialogue is transparent and establish clear benchmarks for progress that are tracked and discussed openly;
3. Encourage the government of Vietnam to establish and implement a comprehensive legislative framework for religious groups to engage in peaceful activities, both religious and humanitarian, which is fully consistent with international standards on religious freedom and free from ill-defined caveats;
4. Request that the government of Vietnam fully investigate all allegations of religious freedom infringements by officials, including imprisonment without charge; forcible renunciations of faith; physical assaults, and, where possible, to seek the conviction of the perpetrators;
5. Urge the government of Vietnam to allow a visit by the UN Special Rapporteur on Freedom of Religion or Belief;
6. Advise embassies in Vietnam to develop relationships with key religious leaders who often act as human rights defenders and, where appropriate and in consultation with such leaders, to visit areas where religious freedom is infringed;
7. Advise embassies in Vietnam to continue to travel to remote areas, particularly ethnic minority areas in the central and northern highlands, where abuses of religious freedom are more frequent;
8. Request information regarding those detained in Dien Bien province during the Muong Nhe gatherings in early 2011;
9. Pursue the immediate and unconditional release of all prisoners of conscience in Vietnam, including religiously-motivated human rights defenders, Mr Nguyen Van Dai, Ms Le Thi Cong Nhan (who are both under house arrest), and request release from prison for Father Nguyen Van Ly;
10. Pursue the immediate and unconditional release of prisoners of conscience, including Pastor Y Du, Pastor Y Co and Pastor Duong Kim Khai, Tran Thi Thuy and Nguyen Thanh Tam.

Of the five countries I have highlighted today, three are listed by the State Department as Countries of Particular Concern (CPC), one – Vietnam – is a former CPC which, despite some signs of improvement in previous years continues to give some serious causes for concern, and one, Indonesia, the world's largest Muslim-majority country, the third largest democracy and a country with a great tradition of pluralism and religious harmony and a successful transition from authoritarianism to democracy, shows worrying signs of failing to face challenges to religious freedom and the rule of law and thereby risks undermining much that it has achieved. There is, therefore, much work for all of us who are concerned about freedom of religion or belief in East Asia still to do, and I welcome and appreciate the Committee's commitment to ensuring that the United States Government does all it can to help promote, defend and advance religious freedom and human rights around the world. I am grateful to the Committee for this opportunity to address you today, and I look forward to working together to ensure that Article 18 of the Universal Declaration of Human Rights is upheld as a basic right for all people around the world.

