

Appendix I

ACRONYMS

AU	African Union
ACHPR	African Commission on Human and Peoples' Rights (AU)
CECC	Congressional-Executive Commission on China (U.S.)
CFSP	Common Foreign and Security Policy (EU)
CoE	Council of Europe
COREPER	Committee of Permanent Representatives (EU)
CPC	Country of Particular Concern (U.S.)
DG	Directorate-General (EU)
DG RELEX	Directorate-General for the External Relations (EU)
DRL	State Department Bureau of Democracy, Human Rights and Labor
ECOSOC	Economic and Social Council (UN)
ECRI	European Commission against Racism and Intolerance (CoE)
EIDHR	European Instrument for Democracy and Human Rights (EU)
ENP	European Neighbourhood Policy (EU)
EU	European Union
EUMC	European Monitoring Centre on Racism and Xenophobia (EU)
FRA	Agency for Fundamental Rights (EU)
HCNM	Office of the OSCE High Commissioner on National Minorities
HDIM	Human Dimension Implementation Review Meeting (OSCE)

HFAC	House Foreign Affairs Committee (U.S.)
IACHR	Inter-American Commission on Human Rights (OAS)
ICCPR	International Covenant on Civil and Political Rights (UN)
ICESCR	International Covenant on Economic, Social and Cultural Rights (UN)
IRF	State Department Office for International Religious Freedom (U.S.)
IRFA	International Religious Freedom Act (U.S.)
MEPs	Members of the European Parliament (EU)
NGO	Nongovernmental Organization
OAS	Organization of American States
OAU	Organization of African Unity
ODIHR	Office for Democratic Institutions and Human Rights (OSCE)
OHCHR	Office of the High Commissioner for Human Rights (UN)
OSCE	Organization for Security and Cooperation in Europe
PACE	Parliamentary Assembly of the Council of Europe
PCA	Partnership and Cooperation Agreement (EU)
RAXEN	European Information Network on Racism and Xenophobia (CoE)
SAP	Stabilization and Association Process (EU)
SFRC	Senate Foreign Relations Committee (U.S.)
SHDM	Supplementary Human Dimension Meetings (SHDM)
UDHR	Universal Declaration of Human Rights (UN)
UN	United Nations
USCIRF	U.S. Commission on International Religious Freedom

Appendix II

INDIVIDUAL COMPLAINTS AND MODEL QUESTIONNAIRE OF THE UNITED NATIONS SPECIAL RAPPORTEUR ON FREEDOM OF RELIGION OR BELIEF

The Human Rights Council and the General Assembly have encouraged the continuing efforts in all parts of the world of the Special Rapporteur to examine incidents and governmental actions that are incompatible with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures as appropriate (Human Rights Council resolution 6/37 and General Assembly resolution 61/161).

Therefore, the Special Rapporteur would like to reiterate her invitation to governmental and non-governmental organizations, religious or belief communities as well as individuals to submit any reliable information they may possess with regard to potential or actual violations of the right to freedom of religion or belief. Subsequently, the Special Rapporteur may raise her concerns about the incidents reported and request Governments to make observations and comments on the matter. Please note that, as a general rule, the existence and content of both urgent appeals and letters of allegation remain confidential until a summary of such communications and the replies received from the State concerned are included in the Special Rapporteur's report to the Human Rights Council.

In its resolution 6/37 of 14 December 2007, the Human Rights Council urged States:

“(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practice freely one's religion, including the right to change one's religion or belief, is violated;

- (b) To design and implement policies whereby education systems promote principles of tolerance and respect for others and cultural diversity and the freedom of religion or belief;
- (c) To ensure that appropriate measures are taken in order to adequately and effectively guarantee the freedom of religion or belief of women as well as individuals from other vulnerable groups, including persons deprived of their liberty, refugees, children, persons belonging to minorities and migrants;
- (d) To ensure that any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence is prohibited by law;
- (e) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;
- (f) To review, whenever relevant, existing registration practices in order to ensure the right of all persons to manifest their religion or belief, alone or in community with others and in public or in private;
- (g) To ensure, in particular, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas;
- (h) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;
- (i) To ensure that, on account of religion or belief or the expression or manifestation of religion or belief, no one within their jurisdiction is deprived of the right to life, liberty or security of person, subjected to torture or arbitrary arrest or detention, or denied the rights to work, education or adequate housing, as well as the right to seek asylum, and to bring to justice all perpetrators of violations of these rights;
- (j) To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of their

official duties, respect different religions and beliefs and do not discriminate on the grounds of religion or belief, and that all necessary and appropriate education or training is provided;

(k) To step up efforts in implementing the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief;

(l) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to religious minorities, and devoting particular attention to practices that violate the human rights of women and discriminate against women, including in the exercise of their right to freedom of thought, conscience, religion or belief;

(m) To promote and encourage, through education and other means, including regional or international cultural exchanges, understanding, tolerance and respect in all matters relating to freedom of religion or belief;”

In the discharge of her mandate, the Special Rapporteur has developed this model questionnaire in order to facilitate the submission of information. Although communications are also considered when they are not submitted in the form of this model questionnaire, the Special Rapporteur would be grateful for receiving information tailored to her mandate. The objective of this questionnaire is to have access to precise information on alleged violations of freedom of religion or belief. If any information contained in the questionnaire should be kept confidential please mark “CONFIDENTIAL” beside the relevant entry. Please do not hesitate to attach additional sheets, if the space provided is not sufficient.

Please feel free to contact the Special Rapporteur, if you have any further questions concerning the completion of this form. She has also developed a framework for communications which details the applicable international legal standards. An online digest of this framework together with pertinent excerpts of the Special Rapporteurs’ reports is available at www2.ohchr.org/english/issues/religion/standards.htm.

Model questionnaire

Special Rapporteur on Freedom of Religion or Belief

c/o Office of the High Commissioner for Human Rights
 United Nations at Geneva
 8-14 Avenue de la Paix
 CH-1211 Geneva 10
 Switzerland
 Fax: (+41) 22 917 90 06

E-mail: freedomofreligion@ohchr.org or urgent-action@ohchr.org (then please include in the subject box: Special Rapporteur on Freedom of Religion or Belief)

The questionnaire below should be filled out and sent to:

1. GENERAL INFORMATION

- Does the incident involve an individual or a group?
- If it involves a religious or belief group please state the number of people involved and the denomination of the group:
- Country(ies) in which the incident took place:
- Nationality(ies) of the victim(s):
- Does domestic law require (re-)registration of religious associations and if yes, what is the current status of the group in question?

2. IDENTITY OF THE PERSONS CONCERNED

Note: if more than one person is concerned, please attach relevant information on each person separately.

- Family name:
- First name:
- Denomination of his/her religion or belief:
- Place of residence or origin:
- Age:
- Sex:
- Nationality(ies):

3. INFORMATION REGARDING THE ALLEGED VIOLATION

- Date and time (approximate, if exact date is not known):
- Place (location and country/countries):
- Please provide a detailed description of the incident in which the alleged violation occurred, and respectively the nature of the governmental action:
- Please provide any indication which might lead to the conclusion that the victim(s) has been targeted because of his/her religion or belief:
- Identification of the alleged perpetrator(s), name(s) if known and/or function, suspected motive:
- Are the alleged perpetrator(s) known to the victim?
- Are State agents or non-State actors believed to be involved in the alleged violation?
- If the alleged perpetrators are believed to be State agents, please specify (police, military, security services agents, unit to which they belong, rank and functions, etc.), and indicate why they are believed to be responsible; be as precise as possible.
- If identification as State agents is not possible, why do you believe that the Government authorities or related persons are involved in the incident?
- If there are witnesses to the incident, indicate their names, age, relationship and contact address. If they wish to remain anonymous, indicate if they are relatives, passers-by, etc.; if there is evidence, please specify.

4. STEPS TAKEN BY THE VICTIM, HIS/HER FAMILY OR ANYONE ELSE ON HIS/HER BEHALF?

- Please indicate if complaints have been filed, when, by whom, and before which State authorities or competent bodies (i.e. police, prosecutor, court):
- Were any other steps taken?
- Steps taken by the authorities:
- Indicate whether or not, to your knowledge, there have been investigations by the State authorities; if so, what kind of investigations? Please indicate progress and status of these investigations as well as which other measures have been taken?
- In case of complaints submitted by the victim or its family, how have those authorities or other competent bodies dealt with them? What has been the outcome of those proceedings?

**5. IDENTITY OF THE PERSON OR INSTITUTION
SUBMITTING THIS FORM**

- Family name:
- First name:
- Contact number or address (please indicate country and area code):
- Fax:
- Telephone:
- Email:
- Status: individual, group, non-governmental organization, religious or belief group, inter-governmental agency, Government. Please specify:
- Do you act with knowledge and/or on behalf of the victim(s)?
- Please state whether you want your identity to be kept confidential:

Date you are submitting this form:

Signature of the author

Appendix III

GUIDELINES FOR THE SUBMISSION OF INFORMATION TO THE SPECIAL RAPPORTEUR ON THE PROMOTION AND PROTECTION OF THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION

In order for the Special Rapporteur to be able to take action regarding a communication on a case or incident, the following information, as a minimum, must be received.

1. ALLEGATION REGARDING A PERSON OR PERSONS:

- As detailed a description of the alleged violation as possible, including date, location and circumstances of the event;
- Name, age, gender, ethnic background (if relevant), profession;
- Views, affiliations, past or present participation in political, social, ethnic or labour group/activity;
- Information on other specific activities relating to the alleged violation.

2. ALLEGATION REGARDING A MEDIUM OF COMMUNICATION:

- As detailed a description of the alleged infringement on the right as possible, including date, location and circumstances of the event;
- The nature of the medium affected (e.g. newspapers, independent radio); including circulation and frequency of publication or broadcasting, public performances, etc.;
- Political orientation of the medium (if relevant).

3. INFORMATION REGARDING THE ALLEGED PERPETRATORS:

- Name, State affiliation (e.g. military, police) and reasons why they are considered responsible;

- For non-State actors, description of how they relate to the State (e.g. cooperation with or support by State security forces);
- If applicable, State encouragement or tolerance of activities of non-State actors, whether groups or individuals, including threats or use of violence and harassment against individuals exercising their right to freedom of opinion and expression, including the right to seek, receive and impart information.

4. INFORMATION RELATED TO STATE ACTIONS:

- If the incident involves restrictions on a medium (e.g. censorship, closure of a news organ, banning of a book, etc.); the identity of the authority involved (individual and/or ministry and/or department), the legal statute invoked, and steps taken to seek domestic remedy;
- If the incident involves arrest of an individual or individuals, the identity of the authority involved (individual and/or ministry and/or department), the legal statute invoked, location of detention if known, information on provision of access to legal counsel and family members, steps taken to seek domestic remedy or clarification of person's situation and status;
- If applicable, information on whether or not an investigation has taken place and, if so, by what ministry or department of the Government and the status of the investigation at the time of submission of the allegation, including whether or not the investigation has resulted in indictments.

5. INFORMATION ON THE SOURCE OF THE COMMUNICATIONS:

- Name and full address;
- Telephone and fax numbers and e-mail address (if possible);
- Name, address, phone/fax numbers and e-mail address (if applicable) of person or organization submitting the allegation.

Note: In addition to the information requested above, the Special Rapporteur welcomes any additional comments or background notes that are considered relevant to the case or incident.

FOLLOW-UP

The Special Rapporteur attaches great importance to being kept informed of the current status of cases and thus very much welcomes updates of previously reported cases and information. This includes both negative and positive developments, including the release of persons detained for exercising their rights to freedom of opinion and expression and to seek, receive and impart information, or the adoption of new laws or policies or changes to existing ones that have a positive impact on the realization of the rights to freedom of opinion and expression and information.

ROOT CAUSES

In order to carry out his work regarding the root causes of violations, which is of particular importance to the Special Rapporteur, he is very much interested in receiving information on and/or texts of draft laws relating to or affecting the rights to freedom of opinion and expression and to seek, receive and impart information. The Special Rapporteur is also interested in laws or government policies relating to electronic media, including the Internet, as well as the impact of the availability of new information technologies on the right to freedom of opinion and expression.

COMMUNICATIONS

Where requested or considered necessary by the Special Rapporteur, information on the source of the allegations will be treated as confidential. Any information falling within this description of the mandate of the Special Rapporteur should be sent to:

**Special Rapporteur on the Promotion and Protection of the Right to
Freedom of Opinion and Expression**

c/o Office of the High Commissioner for Human Rights
United Nations Office at Geneva
1211 Geneva 10
Switzerland
Fax: +41 22 917 9003
e-mail: urgent-action@ohchr.org

Appendix IV

MODEL COMPLAINT FORM

For communications under:

- Optional Protocol to the International Covenant on Civil and Political Rights
- Convention against Torture, or
- International Convention on the Elimination of Racial Discrimination

Please indicate which of the above procedures you are invoking:

Date:

I. INFORMATION ON THE COMPLAINANT:

- Name:
- First name(s):
- Nationality:
- Date and place of birth:
- Address for correspondence on this complaint:
- Submitting the communication:
- On the author's own behalf:
- On behalf of another person:

[If the complaint is being submitted on behalf of another person:]

Please provide the following personal details of that other person:

- Name:
- First name(s):
- Nationality:
- Date and place of birth:
- Address or current whereabouts:

- If you are acting with the knowledge and consent of that person, please provide that person's authorization for you to bring this complaint:
Or
- If you are not so authorized, please explain the nature of your relationship with that person:
- and detail why you consider it appropriate to bring this complaint on his or her behalf:

II. STATE CONCERNED/ARTICLES VIOLATED

- Name of the State that is either a party to the Optional Protocol (in the case of a complaint to the Human Rights Committee) or has made the relevant declaration (in the case of complaints to the Committee against Torture or the Committee on the Elimination of Racial Discrimination):
- Articles of the Covenant or Convention alleged to have been violated:

III. EXHAUSTION OF DOMESTIC REMEDIES/APPLICATION TO OTHER INTERNATIONAL PROCEDURES

- Steps taken by or on behalf of the alleged victims to obtain redress within the State concerned for the alleged violation – detail which procedures have been pursued, including recourse to the courts and other public authorities, which claims you have made, at which times, and with which outcomes:
- If you have not exhausted these remedies on the basis that their application would be unduly prolonged, that they would not be effective, that they are not available to you, or for any other reason, please explain your reasons in detail:
- Have you submitted the same matter for examination under another procedure of international investigation or settlement (e.g. the Inter-American Commission on Human Rights, the European Court of Human Rights, or the African Commission on Human and Peoples' Rights)?
- If so, detail which procedure(s) have been, or are being, pursued, which claims you have made, at which times, and with which outcomes:

IV. FACTS OF THE COMPLAINT

- Detail, in chronological order, the facts and circumstances of the alleged violations. Include all matters which may be relevant to the assessment and consideration of your particular case. Please explain how you consider that the facts and circumstances described violate your rights.

Author's signature: _____

[The blanks under the various sections of this model communication simply indicate where your responses are required. You should take as much space as you need to set out your responses.]

V. CHECKLIST OF SUPPORTING DOCUMENTATION (COPIES, NOT ORIGINALS, TO BE ENCLOSED WITH YOUR COMPLAINT):

- Written authorization to act (if you are bringing the complaint on behalf of another person and are not otherwise justifying the absence of specific authorization):
- Decisions of domestic courts and authorities on your claim (a copy of the relevant national legislation is also helpful):
- Complaints to and decisions by any other procedure of international investigation or settlement:
- Any documentation or other corroborating evidence you possess that substantiates your description in Part IV of the facts of your claim and/or your argument that the facts described amount to a violation of your rights:

If you do not enclose this information and it needs to be sought specifically from you, or if accompanying documentation is not provided in the working languages of the Secretariat, the consideration of your complaint may be delayed.

Appendix V

CONTACT INFORMATION

GLOBALLY FOCUSED NON- GOVERNMENTAL ORGANIZATIONS

Advocates International

<http://www.advocatesinternational.org/>

8001 Braddock Road, Suite 300
Springfield, VA 22151-2110

Tel: (703) 894-1084

Fax: (703) 894-1074

info@advocatesinternational.org

Amnesty International

<http://www.amnesty.org/>

<http://www.amnestyusa.org/>

Amnesty International USA

5 Penn Plaza

New York, NY 10001

Tel: (212) 807-8400

Fax: (212) 627-1451

aimember@aiusa.org

Barnabas Fund

<http://www.barnabasfund.org/>

9 Priory Row

Coventry

CV1 5EX

United Kingdom

Tel: +44 24 7623 1923

Fax: +44 24 7683 4718

info@barnabasfund.org

Becket Fund for Religious Liberty

<http://www.becketfund.org/>

1350 Connecticut Ave. N.W.

Suite 605

Washington, D.C. 20036

Tel: (202) 955-0095

Fax: (202) 955-0090

Christian Freedom International

<http://www.christianfreedom.org/>

215 Ashmun Street

Sault Ste. Marie, MI 49783

Tel: (800) 323-2273

info@christianfreedom.org

Christian Solidarity International

<http://www.csi-int.org/>

870 Hampshire Avenue, Suite T

Westlake Village, CA 91361

csi@csi-usa.org

Phone: (888) 676-5700

Fax: (805) 777-7508

Christian Solidarity Worldwide

<http://www.csw.org.uk/>
 P.O. Box 99, New Malden
 Surrey KT3 3YF
 United Kingdom
 Tel: +44 845 456 5464
 Fax: +44 208 942 8802
admin@csw.org.uk

Center on Faith and International Affairs

<http://www.globalengage.org/research>
 Institute for Global Engagement
 P.O. Box 12205
 Arlington, VA 22219-2205
 Tel: (703) 527-3100
info@cfia.org

Evangelicals for Human Rights

<http://www.evangelicalsforhumanrights.org>
 P.O. Box 941338
 Atlanta, GA 31141-1338
 Tel: (770) 936-9835
ehr@nrccat.org

Hudson Institute—Center for Religious Freedom

<http://crf.hudson.org/>
 1015 15th Street, N.W.
 6th Floor
 Washington, D.C. 20005
 Tel: (202) 974-2400
 Fax: (202) 974-2410
info@hudson.org

Human Rights Watch

<http://www.hrw.org/>
 350 Fifth Avenue, 34th Floor
 New York, NY 10118-3299
 Tel: (212) 290-4700
 Fax: (212) 736-1300
hrwnyc@hrw.org

Human Rights First

<http://www.humanrightsfirst.org/>
 333 Seventh Avenue, 13th Floor
 New York, NY 10001-5108
 Tel: (212) 845-5200
 Fax: (212) 845-5299
feedback@humanrightsfirst.org

Institute for Global Engagement

<http://www.globalengage.org>
 P.O. Box 12205
 Arlington, VA 22219-2205
 Tel: (703) 527-3100
 Fax: (703) 527-5965
info@globalengage.org

Institute on Religion and Public Policy

<http://www.religionandpolicy.org>
 1620 I Street, N.W.
 Suite LL10
 Washington, D.C. 20006
 Tel: (202) 835-8760
 Fax: (202) 835-8764
irpp@religionandpolicy.org

International Center for Religion and Diplomacy

<http://www.icrd.org/>
1156 Fifteenth St., N.W., Suite 910
Washington, D.C. 20005
Tel: (202) 331-9404
Fax: (202) 872-9137

International Christian Concern

<http://www.persecution.org>
2020 Pennsylvania Ave. N.W.
Box 941
Washington, D.C. 20006-1846
Tel: 1-800-ICC-5441
Fax: (301) 989-1709
icc@persecution.org

International Justice Mission

<http://www.ijm.org>
P.O. Box 58147
Washington, D.C. 20037-8147
Tel: (703) 465-5495
Fax: (703) 465-5499
contact@ijm.org

International League for Human Rights

<http://www.ilhr.org/>
352 Seventh Avenue,
Suite 1234
New York, NY 10001
Tel: (212) 661-0480
Fax: (212) 661-0416
info@ilhr.org

International Religious Freedom Watch

<http://www.internationalreligiousfreedomwatch.org/>
73 Patchwork Lane
Fishersville, VA 22939
lauzzell@aol.com

International Religious Liberty Association

<http://www.irla.org/>
12501 Old Columbia Pike
Silver Spring, MD 20904
Tel: (301) 680-6686
Fax: (301) 680-6695
info@irla.org

Jacob Blaustein Institute for the Advancement of Human Rights

<http://www.ajc.org/humanrights>
American Jewish Committee
P.O. Box 705
New York, NY 10150
Tel: (212) 751-4000
Fax: (212) 891-1450

Jubilee Campaign USA

<http://www.jubileecampaign.org/>
9689-C Main Street
Fairfax, VA 22031
Tel: (703) 503-0791
Fax: (703) 503-0792
jubilee@jubileecampaign.org

**Karamah: Muslim Women Lawyers
for Human Rights**

<http://www.karamah.org/>

Washington, D.C.

Tel: (202) 234-7302

Fax: (202) 234-7304

karamah@karamah.org

Open Doors

<http://www.opendoorsusa.org>

P.O. Box 27001

Santa Ana, CA 92799

Tel: (888) 5-BIBLE-5

Fax: (949) 752-6442

usa@opendoors.org

Physicians for Human Rights

<http://physiciansforhumanrights.org/>

1156 15th Street, N.W.

Suite 1001

Washington, D.C. 20005

Tel: (202) 728-5335

Fax: (202) 728-3053

Voice of the Martyrs

<http://www.persecution.com>

P.O. Box 443

Bartlesville, OK 74005

Phone: (877) 337-0302

Fax: (918) 338-0189

**World Evangelical Alliance—
Religious Liberty Commission**

<http://www.worldevangelicals.org/commissions/rlc/>

No. 32, Ebenezer Place

Dehiwala 10350

Sri Lanka

wearlc@sltnet.lk

Tel: +94 777 302699

Fax: +94 112 718823

***Europe-Focused Non-
Governmental Organizations*****Christian Solidarity Worldwide—
EU Office**

<http://www.csw.org.uk/>

P.O. Box 90

B-1040 Brussels 4

Belgium

Tel: +32 2 742 2082

Fax: +32 2 742 2894

csw-eu@csw.org.uk

European Evangelical Alliance

<http://www.europeanea.org/>

186 Kennington Park Road

London SE11 4BT

United Kingdom

Tel: +44 20 7582 7276

Fax: +44 20 7582 2043

info@europeanea.org

**European Platform on Religious
Intolerance and Discrimination
(EPRID)**

Brussels, Belgium

eprid.office@gmail.com

Forum 18 News Service

<http://www.forum18.org>

Postboks 6603

Rodeløkka

N-0502 Oslo

Norway

f18news@editor.forum18.org

Human Rights and Democracy Network (HRDN)

<http://www.act4europe.org/code/en/about.asp?Page=41>
 Brussels, Belgium
lscurfield@qcea.org
nrougy@clubmadrid.org

Human Rights Without Frontiers

<http://www.hrwf.net/>
 11 Avenue Winston Churchill
 1180 Brussels
 Belgium
 Tel: +32 2 34 56 145
 Fax: +32 2 343 74 91
info@hrwf.net

International Association for Religious Freedom

<http://www.iarf.net/>
 Essex Hall, 1-6 Essex Street
 London WC2R 3HY
 United Kingdom
 Tel: +81 675 035 602
hq@iarf.net

International Federation of Human Rights Leagues—FIDH

<http://www.fidh.org/>
 17, passage de la main d'or
 75011 Paris
 France
 Fax: +33 1 43 55 18 80

Moscow Helsinki Commission

<http://www.mhg.ru/>
 Bolshoy Golovin per.d. 22, str. 1
 103045 Moscow
 Russia

Tel: +7 495 607 6069, 607 0769, 607 15 72

Fax: +7 495 207 6065
mhg-main@online.ptt.ru

Norwegian Centre for Human Rights

<http://www.humanrights.uio.no/>
 Norwegian Center for Human Rights, University of Oslo
 P.O. Box 6706, St. Olavs plass
 0130 Oslo
 Norway
 Tel: +47 22 84 20 01
 Fax: +47 22 84 20 02
info@nchr.uio.no

The Oslo Coalition on Freedom of Religion or Belief

<http://www.oslocoalition.org/>
 P.O. Box 6706 St. Olavs plass
 No-0130 Oslo
 Norway
 Tel: +47 22 84 20 47
 Fax: +47 22 84 20 02
office@oslocoalition.org

World Vision International—Middle East and Eastern Europe

<http://meero.worldvision.org/>
 P.O. Box 28979
 2084 Nicosia
 Cyprus
 Tel: +357 22 870 277
 Fax: +357 22 870 204
maia_woodward@wvi.org

Asia-Focused Non-Governmental Organizations**All India Christian Council**

<http://www.indianchristians.in/>

P. O. Box 2174

Secunderabad

Andhra Pradesh 500003

India

Tel: +91 40 27868907

Fax: +91 40 27868908

Almaty Helsinki Committee

<http://www.humanrights.kz/>

Koktem-1, 29, apt. 17

480070 Almaty

Kazakhstan

Tel: +7 3272 69 50 65

Fax: +7 3272 69 50 61

office-ahc@nursat.kz

Asian Human Rights Commission

<http://www.ahrchk.net/index.php>

19/F, Go-Up Commercial Building,

998 Canton Road, Kowloon

Hong Kong, China

Tel: +852 2698 6339

Fax: +852 2698 6367

ahrc@ahrc.asia

Catholic Bishops' Conference of India

<http://www.cbcsite.com/>

1, Ashok Place, New Delhi—110

001

India

Tel/Fax: +91 11 2334 8423

cbcimo@bol.net.in

China Aid

<http://www.ChinaAid.org>

P. O. Box 8513

Midland, TX 79708

Tel: (432) 689-6985

Fax: (432) 686-8355

Christian Solidarity Worldwide

<http://www.csw.org.uk/>

P.O. Box 99, New Malden

Surrey KT3 3YF

United Kingdom

Tel: +44 845 456 5464

Fax: +44 208 942 8802

admin@csw.org.uk

Commonwealth Human Rights Initiative

<http://www.humanrightsinitiative.org/>

B-117, Second Floor, Sarvodaya

Enclave

New Delhi—110 017

India

Tel: +91 11 2685 0523, 2652 8152,

2686 4678

Fax: +91 11 2686 4688

info@humanrightsinitiative.org

CHRI London Office

Institute of Commonwealth Studies

28, Russell Square

London WC1B 5DS

United Kingdom

Tel: +44 020 7 862 8857

Fax: +44 020 7 862 8820

chri@sas.ac.uk

Compass Direct News Service

<http://www.compassdirect.org/>
 P.O. Box 27250
 Santa Ana, CA 92799
 Tel: (949) 862-0304
 Fax: (949) 752-6536
info@compassdirect.org

Evangelical Fellowship of India

<http://www.efionline.org/>
 805/92, Deepali Building, Nehru
 Place
 New Delhi 110019
 India
 Tel: +91 11 2643 1133
 Fax: +91 11 2628 5350
mail@efionline.org

International Campaign for Tibet

<http://www.savetibet.org/>
 1825 Jefferson Place N.W.
 Washington, D.C. 20036
 Tel: (202) 785-1515
 Fax: (202) 785-4343
info@savetibet.org

Hindu American Foundation

<http://www.hinduamericanfoundation.org/>
 5268G Nicholson Lane #164
 Kensington, MD 20895
 Tel: (301) 770-7835 /
 (877) 281-2838
 Fax: (301) 770-7837

Human Rights in China

<http://www.hrichina.org/public/index>

350 Fifth Avenue, Suite 3311
 New York, NY 10118
 Tel: (212) 239-4495
 Fax: (212) 239-2561
hrichina@hrichina.org

Kyrgyz Committee for Human Rights (KCHR)

<http://www.kchr.org/>
 Jumabek Str 123
 87 Bishkek
 Kyrgyz Republic
 Tel: +996 312 30 47 98, 30 48 35
 Fax: +996 312 30 47 99
kchr@kchr.org

National Commission for Minorities

<http://ncm.nic.in/>
 5th Floor, Lok Nayak Bhavan
 Khan Market
 New Delhi 110 003
 India
 Tel: +91 11 2461 8349
 Fax: +91 11 2469 3302, 2464 2645,
 2469 8410
ncm-mma@nic.in

National Human Rights Commission

<http://nhrc.nic.in/>
 Faridkot House
 Copernicus Marg
 New Delhi, PIN 110001
 India
 Tel: +91 11 2338 4012
 Fax: +91 11 2338 4863
covdnhrc@nic.in, ionhrc@nic.in

South Asia Human Rights Documentation Centre

<http://www.hrhc.net/sahrdc/>
 B-6/6, Safdarjung Enclave
 Extension
 New Delhi 110029
 India
 Tel/Fax: +91 11 2619 1120, 2619
 2717, 2619 2706
hrdc_online@hotmail.com

United Sikhs

<http://www.unitedsikhs.org/>
 426-B, Industrial Focal Point
 Amritsar 143 021
 Panjab, India
 Tel: +91 981 8096 705
unitedsikhs-asia@unitedsikhs.org

Uyghur Human Rights Project

<http://www.uhrp.org>
 1701 Pennsylvania Avenue, N.W.
 Suite 300
 Washington, D.C. 20006
 Tel: (202) 349-1496
 Fax: (202) 349-1491
info@uhrp.org

Working Group for an ASEAN Human Rights Mechanism

<http://www.aseanhrmech.org/>
 Ateneo Human Rights Center
 20 Rockwell Drive
 Rockwell Center, 1200 Makati City
 Manila, Philippines
 Tel: +63 2 899 7691
 Fax: +63 2 899 4342
info@aseanhrmech.org

World Vision International—Asia-Pacific

<http://www.wvasiapacific.org>
 Bangkok Business Center Building
 13th floor
 29 Sukhumvit 63 (Ekamai Road)
 Klongton Nua, Wattana Bangkok
 Thailand
 Tel: +66 2 391 6155/+66 2 381 8861
asiapacific@wvi.org

North and South America—Focused Organizations**Agua Buena Asociación de Derechos Humanos**

<http://www.aguabuena.org/>
 Apartado 366-2200
 Coronado, Costa Rica
 Tel/Fax: +506 280 3548

American Arab Anti-Discrimination Committee

<http://www.adc.org>
 1732 Wisconsin Avenue, N.W.
 Washington, D.C. 20007
 Tel: (202) 244-2990
 Fax: (202) 244-7968
legal@adc.org

Asociación Pro Derechos Humanos (APRODEH)

<http://www.aprodeh.org.pe/>
 Jr. Pachacútec 980
 Lima 11
 Peru
 Tel: +51 431 0482
 Fax: +51 431 0477

Casa de los Derechos Humanos

<http://www.apdhhb.org/>
 Av. 6 de Agosto N° 548
 La Paz, Bolivia
 Tel: 2440611 / 2440624 / 2440651

Center for Justice and International Law (CEJIL)

<http://www.cejil.org/>

CEJIL Mesoamerica

225 metros Sur y 75 metros Este del
 Centro Cultural Mexicano
 Los Yoses, San José
 Costa Rica
 Tel: +506 280 7473/7608
 Fax: +506 280 5280
mesoamerica@cejil.org

CEJIL Brasil

Franklin Roosevelt, 194 Sl. 906 cep.
 20021-120 Centro
 Rio de Janeiro, RJ, Brasil
 Tel: +55 21 2533 1660
 Fax: +55 21 2517 3280
brasil@cejil.org

CEJIL Sur

Esmeralda 517 2 A
 C1007ABC
 Buenos Aires, Argentina
 Tel: +54 11 4328 1025
sur@cejil.org

Centro de Derechos Humanos (CDH)

<http://www.cdh.uchile.cl/>

Universidad de Chile
 Santa María 076
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 Tel: +56 2 978 5271
 Fax: +56 2 978 5366
cdh@derecho.uchile.cl

Comisionado Nacional de los Derechos Humanos de Honduras

<http://www.conadeh.hn/>
 Colonia Florencia Norte
 Boulevard Suyapa
 Tegucigalpa, Honduras
 Tel: +504 239 0483

Comisión Nacional de los Derechos Humanos México (CNDH)

<http://www.cndh.org.mx/>
 Periférico Sur 3469
 Col. San Jerónimo Lídice
 Delegación Magdalena Contreras
 C.P. 10200
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 Tel: +52 55 56 81 81 25, 54 90 74 00

Comunidad de Derechos Humanos

<http://www.comunidad.org.bo/>
 Av. Ecuador No. 2612 esquina Pedro
 Salazar
 Piso 2, Sopocachi
 La Paz, Bolivia
 Tel/Fax: +591 2 411985
comunidad@comunidad.org.bo

Derechos Human Rights

<http://www.derechos.org/>
 US Office
 46 Estabrook Street
 San Leandro, CA 94577
 Tel: (510) 483-4005
 hr@derechos.org

Equipo Nizkor

<http://www.derechos.org/nizkor/eng.html>

Instituto de Derechos Humanos de la Universidad Centroamericana

<http://www.uca.edu.sv/publica/idhuca/>
 Final Bulevar “Los Próceres”, UCA
 San Salvador, El Salvador
 Tel: +503 210 6600, exts. 410, 411, or 412
 Fax: +503 210 6677
 idhuca@idh.uca.edu.sv

Instituto de Derechos Humanos Santo Domingo

<http://www.idhsd.org/>
 Av. 27 de Febrero No. 583
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 República Dominicana
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 Fax: +809 531 3332
 webmaster@idhsd.org

Movimiento Ecueménico por los Derechos Humanos (MEDH)

<http://www.derechos.net/medh/>
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 Tel: +54 11 4382 5957, 4381 5589
 medh@arnet.com.ar

Movimento Nacional de Direitos Humanos

<http://www.mndh.org.br/>
 Brazil
 Tel: +55 61 3273 7320
 mndh@mndh.org.br

Washington Office on Latin America

<http://www.wola.org/>
 1666 Connecticut Ave., Suite 400
 Washington, D.C. 20009
 Tel: (202) 797-2171
 Fax: (202) 797-2172

World Vision International—Latin America and Caribbean

<http://www.visionmundial.org/>
 Apartado 133-2300
 Edificio Torres del Campo
 Torre 1, piso 1 Frente al Centro
 Comercial El Pueblo
 Barrio Tournón
 San Jose, Costa Rica
 Tel/Fax: +506 257 5151

Sub-Saharan Africa-Focused Non-Governmental Organizations

African Centre for Democracy and Human Rights Studies

<http://www.acdhhrs.org/>
P.O.Box 2728
Serrekunda
The Gambia
Tel: +220 446 2341
Fax: +220 446 2338
edir@acdhhrs.org

All African Conference of Churches

<http://www.aacc-ceta.org/>
P.O. Box 14205
00800 Westlands
Nairobi
Kenya
Tel: +254 20 444 1483
Fax: +254 20 444 3241

Comité pour le Respect des Libertés et des Droits de l'Homme en Tunisie

www.maghreb-ddh.sgdg.org
contact@maghreb-ddh.sgdg.org

Commonwealth Human Rights Initiatives

<http://www.humanrightsinitiative.org/>
CHRI Ghana Office
House No.9

Samora Machel Street
Accra, Ghana
Tel/Fax: +233 21 271170
chriafrika@humanrightsinitiative.org

Congolese Observatory for Human Rights

<http://www.fidh.org>
c/o Federation Internationale des Ligues des Droits de l'Homme
17, passage de la main d'or
75011 Paris, France
Tel: +33 1 43 55 25 18
Fax : +33 1 43 55 18 80
fidh@csi.com

Ethiopian Human Rights Council

<http://www.ehrco.org/>
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Addis Ababa, Ethiopia
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Fax: +25115 14539
ehrc@ethionet.et

Foundation for Human Rights Initiative

<http://www.fhri.or.ug/>
P.O. Box 11027
Kampala, Uganda
Tel: +256 41 510498, 510263, 510267
Fax: +256 41 510498

Human Rights Institute of South Africa

<http://www.hurisa.org.za/>
 41 De Korte Street, Braamfontein
 Johannesburg
 South Africa
 Tel: +27 11 403 0850
 Fax: +27 11 403 0855
info@hurisa.org.za

Human Rights Trust of Southern Africa

P.O. Box CY2448, Causeway
 Harare
 Zimbabwe
 Tel: +263 4 339819, 333882
 Fax: +263 4 339818

Inter African Network for Human Rights and Development (Afronet)

P.O. Box 31145, Rhodes Park
 Lusaka, Zambia
 Tel: +260 1 251814
 Fax: +260 1 251776
afronet@zamnet.zm

Kenya Human Rights Commission

<http://www.khrc.or.ke/>
 P.O. Box 41079-00100
 Nairobi, Kenya
 Tel: +254 020 3874998/9,
 38746065/6
 Fax: +254 020 3874997
admin@khrc.or.ke

National Society for Human Rights in Namibia

<http://www.nshr.org.na/>
 P.O. Box 23592
 Windhoek, Namibia

Tel: +264 61 236 183 / 253 447
 Fax +264 61 234 286
nshr@nshr.org.na

World Vision International—Africa

<http://wvafrica.org/>
 P.O. Box 50816
 Karen Road, Off Ngong Road
 Nairobi, Kenya
 Tel: +254 20 883 941

Zimbabwe Human Rights Association (ZimRights)

P.O. Box 3951
 Harare, Zimbabwe
 Tel: +263 4 707278, 705898
 Fax +263 4 707277
dmachingura@zimrights.co.zw

*Middle East- and North Africa-
Focused Non-Governmental
Organizations***American Middle-Eastern Christian Association**

<http://www.middleeasternchristian.org/>
 1407 Foothill Boulevard #235
 LaVerne, California 91750
 Tel: (909) 392-1111
 Fax: (909) 392-4422
Info@MiddleEasternChristian.Org

Arab Organization for Human Rights

<http://www.aohr.org/>
 91, Al-Marghany Street
 Heliopolis
 Cairo, Egypt
 Tel: +20 2 4181396, 4188378

Fax: +20 2 4185346
aohr@link.com.eg

Arab Program for Human Rights Activists

<http://www.aphra.org/>
Osama El Sadik St., behind El Serag Mall, 8th district, building No. 10, 7th floor, flat No. 16
Nasr City
Cairo, Egypt
Tel: +222753975, 227753985
Fax: +222878773

Association for Civil Rights in Israel

<http://www.acri.org.il/>
P.O. Box 34510
Jerusalem 91000
Israel
Tel: +972 2 6521218
Fax: +972 2 6521219
mail@acri.org.il

B'TSELEM—The Israeli Information Center for Human Rights in the Occupied Territories

<http://www.btselem.org/>
P.O. Box 53132
Jerusalem 91531
Israel
Tel: +972 2 6735599
Fax: +972 2 6749111
mail@btselem.org

Cairo Institute for Human Rights Studies

<http://www.cihrs.org/>
P.O. Box 117 (Maglis El-Shaab)

Cairo, Egypt
Tel: +20 2 7963059, 7951112
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Compass Direct News Service

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Santa Ana, CA 92799
Tel: (949) 862-0304
Fax: (949) 752-6536
info@compassdirect.org

Egyptian Institute for Personal Rights

<http://www.eipr.org/>
8 Mohamed Ali Jinnah Street
Garden City, Apt. 9, 4th floor
Cairo, Egypt
Tel/Fax: +20 2 794 3606, 796 2682
eipr@eipr.org

Ibn Khaldun Center for Development Studies (ICDS)

<http://www.eicds.org/>
P.O. Box 13 Mokattam
Cairo
Egypt
Tel: +20 2 5081617, 5081030, 6670974
Fax: +20 2 6670973
info@eicds.org

Institute for Gulf Affairs

<http://www.gulfinstitutione.org/>
1900 L Street N.W., Suite 309
Washington, D.C. 20036
Tel: (202) 466-9500
web@gulfinstitutione.org

Iranian Christians International

<http://www.iranchristians.org/>
P.O. Box 25607
Colorado Springs, Colorado 80936
Tel: (719) 596-0010
Fax: (719) 574-1141
info@iranchristians.org

Middle East Concern

[https://www.givengain.com/cgi-bin/
giga.cgi?c=1489/](https://www.givengain.com/cgi-bin/giga.cgi?c=1489/)
P.O. Box 2, Loughborough
Leicestershire LE11 3BG
United Kingdom
Tel: +44 15092 39400
Fax: +44 87013 48312

Rabbis for Human Rights

<http://www.rhr.israel.net/>
Rehov Harekhavim 9
Jerusalem 93462
Israel
Tel: +972 2 648 2757
Fax: +972 2 678 3611
info@rhr.israel.net

Appendix VI

RATIFICATION OF HUMAN RIGHTS TREATIES

	ICCPR	ICCPR- OP1	EU Charter	European Convention	OSCE	American Declaration	American Convention	African Charter
Afghanistan	X							
Albania	X			X	X			
Algeria	X	X						X
Andorra	X	X		X	X			
Angola	X	X						X
Antigua and Barbuda						X		
Argentina	X	X				X	X	
Armenia	X	X		X	X			
Australia	X	X						
Austria	X	X	X	X	X			
Azerbaijan	X	X		X	X			
Bahamas						X		
Bahrain	X							
Bangladesh	X							
Barbados	X	X				X	X	
Belarus	X	X			X			
Belgium	X	X	X	X	X			
Belize	X					X		
Benin	X	X						X
Bhutan								

	ICCPR	ICCPR- OP1	EU Charter	European Convention	OSCE	American Declaration	American Convention	African Charter
Bolivia	X	X				X	X	
Bosnia and Herzegovina	X	X		X	X			
Botswana	X							X
Brazil	X					X	X	
Brunei Darussalam								
Bulgaria	X	X	X	X	X			
Burkina Faso	X	X						X
Burundi	X							X
Cambodia	X							
Cameroon	X	X						X
Canada	X	X			X	X		
Cape Verde	X	X						X
Central African Republic	X	X						X
Chad	X	X						X
Chile	X	X		X*		X	X	
China								
Colombia	X	X				X	X	
Comoros								X
Congo, Republic of the	X	X						X
Costa Rica	X	X				X	X	
Côte d'Ivoire	X	X						X
Croatia	X	X		X	X			
Cuba						X		
Cyprus	X	X	X	X	X			

* Venice Commission Expanded Agreement

	ICCPR	ICCPR- OP1	EU Charter	European Convention	OSCE	American Declaration	American Convention	African Charter
Czech Republic	X	X	X	X	X			
Democratic People's Republic of Korea	X							
Democratic Republic of the Congo	X	X						X
Denmark	X	X	X	X	X			
Djibouti	X	X						X
Dominica	X					X	X	
Dominican Republic	X	X				X	X	
Ecuador	X	X				X	X	
Egypt	X							X
El Salvador	X	X				X	X	
Equatorial Guinea	X	X						X
Eritrea	X							X
Estonia	X	X	X	X	X			
Ethiopia	X							X
Fiji								
Finland	X	X	X	X	X			
France	X	X	X	X	X			
Gabon	X							X
Gambia	X	X						X
Georgia	X	X		X	X			
Germany	X	X	X	X	X			
Ghana	X	X						X
Greece	X	X	X	X	X			

	ICCPR	ICCPR- OP1	EU Charter	European Convention	OSCE	American Declaration	American Convention	African Charter
Grenada	X					X	X	
Guatemala	X	X				X	X	
Guinea	X	X						X
Guinea-Bissau								X
Guyana	X	X				X		
Haiti	X					X	X	
Holy See					X			
Honduras	X					X	X	
Hungary	X	X	X	X	X			
Iceland	X	X		X	X			
India	X							
Indonesia	X							
Iran, Islamic Republic of	X							
Iraq	X							
Ireland	X	X	X	X	X			
Israel	X							
Italy	X	X	X	X	X			
Jamaica	X					X	X	
Japan	X							
Jordan	X							
Kazakhstan	X				X			
Kenya	X							X
Kiribati								
Kuwait	X							
Kyrgyzstan	X	X		X*	X			
Laos								
Latvia	X	X	X	X	X			
Lebanon	X							

	ICCPR	ICCPR- OP1	EU Charter	European Convention	OSCE	American Declaration	American Convention	African Charter
Lesotho	X	X						X
Liberia								X
Libya	X	X						X
Liechtenstein	X	X		X	X			
Lithuania	X	X	X	X	X			
Luxembourg	X	X	X	X	X			
Macedonia	X	X		X	X			
Madagascar	X	X						X
Malawi	X	X						X
Malaysia								
Maldives	X							
Mali	X	X						X
Malta	X	X	X	X	X			
Marshall Islands								
Mauritania								X
Mauritius	X	X						X
Mexico	X	X				X	X	
Micronesia								
Moldova	X			X	X			
Monaco	X			X	X			
Mongolia	X	X						
Montenegro	X			X	X			
Morocco	X							
Mozambique	X							X
Myanmar								
Namibia	X	X						X
Nauru								
Nepal	X	X						

	ICCPR	ICCPR- OP1	EU Charter	European Convention	OSCE	American Declaration	American Convention	African Charter
Netherlands	X	X	X	X	X			
New Zealand	X	X						
Nicaragua	X	X				X	X	
Niger	X	X						X
Nigeria	X							X
Norway	X	X		X	X			
Oman								
Pakistan								
Palau								
Panama	X	X				X	X	
Papua New Guinea								
Paraguay	X	X				X	X	
Peru	X	X				X	X	
Philippines	X	X						
Poland	X	X	X	X	X			
Portugal	X	X	X	X	X			
Qatar								
Republic of Korea	X	X		X*				
Romania	X	X	X	X	X			
Russian Federation	X	X		X	X			
Rwanda	X							X
Sahrawi Arab Democratic Republic								X
Saint Kitts and Nevis						X		
Saint Lucia						X		

	ICCPR	ICCPR- OP1	EU Charter	European Convention	OSCE	American Declaration	American Convention	African Charter
Saint Vincent and the Grenadines	X	X				X		
Samoa								
San Marino	X	X		X	X			
Sao Tome and Principe								X
Saudi Arabia								
Senegal	X	X						X
Serbia	X	X		X	X			
Seychelles	X	X						X
Sierra Leone	X	X						X
Singapore								
Slovakia	X	X	X	X	X			
Slovenia	X	X	X	X	X			
Solomon Islands								
Somalia	X	X						X
South Africa	X	X						X
Spain	X	X	X	X	X			
Sri Lanka	X	X						
Sudan	X							X
Suriname	X	X				X	X	
Swaziland	X							X
Sweden	X	X	X	X	X			
Switzerland	X			X	X			
Syrian Arab Republic	X							
Tajikistan	X	X			X			
Thailand	X							

	ICCPR	ICCPR- OP1	EU Charter	European Convention	OSCE	American Declaration	American Convention	African Charter
Timor-Leste	X							
Togo	X	X						X
Tonga								
Trinidad and Tobago	X					X	X	
Tunisia	X							X
Turkey	X			X	X			
Turkmenistan	X	X			X			
Tuvalu								
Uganda	X	X						X
Ukraine	X	X		X	X			
United Arab Emirates								
United Kingdom	X		X	X	X			
United Republic of Tanzania	X							X
United States of America	X				X	X		
Uruguay	X	X				X	X	
Uzbekistan	X	X			X			
Vanuatu								
Venezuela	X	X				X	X	
Viet Nam	X							
Yemen	X							
Zambia	X	X						X
Zimbabwe	X							X

Appendix VII

SUPPORTING DOCUMENTS FOR THE TURKMENISTAN CASE STUDY



OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS



Situation of human rights in Turkmenistan **Commission on Human Rights resolution 2003/11**

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and the Universal Declaration of Human Rights and the duty to fulfil the obligations they have undertaken under the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Turkmenistan is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Reaffirming that no one shall be subjected to arbitrary arrest or detention and that everyone is entitled in full equality to a fair and public hearing, by an independent and impartial tribunal, in the determination of their rights and obligations and of any criminal charge against them,

Reaffirming also that everyone has the right to freedom of opinion and expression,

Reaffirming further that the fight against terrorism should be conducted in full respect of human rights and democratic principles,

Deeply concerned about the events of 25 November 2002 and the consequences thereof,

Taking note of the meeting on 22 January 2003 in Vienna between the Minister for Foreign Affairs of Turkmenistan and the permanent representatives of the group of 10 participating States of the Organization for Security and Cooperation in Europe that had invoked the Moscow mechanism of that organization,

1. *Expresses its appreciation* at the recent announcement by the Government of Turkmenistan that it will uphold the decision by the Turkmen Peoples' Council in December 1999 to abolish the death penalty;

2. *Expresses its concern* at the restrictions imposed on the realization of the right of everyone to education by the introduction of measures by the Government of Turkmenistan which have drastically reduced the number of years of compulsory education and the number of university places;

3. *Expresses its grave concern:*

(a) At the persistence of a governmental policy based on the repression of all political opposition activities and on the abuse of the legal system through arbitrary detention, imprisonment and surveillance of persons who try to exercise their freedoms of thought, expression, assembly and association, and harassment of their families;

(b) At the suppression of independent media and freedom of expression, at attempts to restrict the access of the international media and at restrictions on the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of choice;

(c) At restrictions on the exercise of the freedom of thought, conscience and religion, despite guarantees contained in the Constitution of Turkmenistan and in the International Covenant on Civil and Political Rights, including by the harassment and persecution of members of independent faith groups and the discriminatory use of the registration procedures for such groups;

(d) At the heavy prison sentences given to objectors to compulsory military service on religious grounds, such as Jehovah's Witnesses, and the lack of alternative service compatible with the reasons for conscientious objection, of a non-combatant or civilian character, in the public interest and not of a punitive nature;

(e) At the discrimination by the Government of Turkmenistan against ethnic Russian, Uzbek and other minorities in the fields of education and

employment, which is contrary to the Constitution of Turkmenistan and the International Covenant on Economic, Social and Cultural Rights;

(f) At the creation of almost insurmountable obstacles to marriages of Turkmen with foreigners, inter alia through the imposition of an obligation to pay a large sum of money before such marriages can take place;

(g) At the introduction of new exit visa requirements for Turkmen nationals and at the unreasonable registration regulations for foreign nationals introduced on 1 March 2003, which curtail enjoyment of the right to liberty of movement and freedom to leave the country;

(h) At the manner in which the elections of 6 April 2003 were organized and conducted, which did not represent a free and fair process;

4. *Deplores:*

(a) The treatment of accused individuals in violation of the International Covenant on Civil and Political Rights following the events of 25 November 2002, including arbitrary detentions, arbitrary arrests, convictions in the absence of the observation of minimum rules of due process, including the ability to prepare and execute one's defence with counsel of one's own choosing, imposition of sentences in violation of the principle *nulla poena sine lege*, the harassment of family members of the accused and the arbitrary confiscation of their homes and property and, especially, their announced eviction and reports of forced displacement to remote areas of the country;

(b) The conduct of the Turkmen authorities with regard to the lack of fair trials of the accused, the reliance on confessional evidence which may have been extracted by torture or the threat of torture, the closed court proceedings, contrary to article 105 of the Constitution of Turkmenistan, which provides that trials should be open, except in a narrowly defined set of circumstances, and the refusal to allow diplomatic missions or international observers in Ashgabat access to the trials as observers;

(c) The reluctance of the Government of Turkmenistan to cooperate with the Moscow mechanism of the Organization for Security and Cooperation in Europe and to allow the Rapporteur of that organization to examine concerns arising from the events of 25 November 2002, as well as to respect its human rights commitments as a participant State of the Organization for Security and Cooperation in Europe and a member of the United Nations;

5. *Calls upon* the Government of Turkmenistan:

(a) To ensure full respect for all human rights and fundamental freedoms, in particular the freedoms of expression, religion, association and assembly,

the right to a fair trial by an independent and impartial tribunal established by law and the protection of the rights of persons belonging to ethnic and religious minorities, and to take the necessary measures to refrain from subjecting conscientious objectors to imprisonment;

(b) To grant urgently access by independent bodies, including the International Committee of the Red Cross, to the persons detained following the events of 25 November 2002;

(c) To put an end to forced displacement and guarantee freedom of movement inside the country;

(d) To fulfil its responsibility to ensure that those responsible for human rights violations are brought to justice;

(e) To remove restrictions on the activities of non-governmental organizations, particularly human rights non-governmental organizations, and other civil society actors;

(f) To implement the recommendations outlined in the report of the Rapporteur of the Organization for Security and Cooperation in Europe;

(g) To develop a constructive dialogue with the United Nations High Commissioner for Human Rights and his Office;

(h) To cooperate fully with all the mechanisms of the Commission on Human Rights, including the Special Rapporteurs on the independence of judges and lawyers, on the question of torture, on extrajudicial, summary and arbitrary executions, on the promotion and protection of the right to freedom of opinion and expression, and on freedom of religion or belief, as well as the Working Group on Arbitrary Detention and the Special Representatives of the Secretary-General on internally displaced persons and on the situation of human rights defenders, including by issuing invitations to visit the country;

(i) To submit reports to all relevant United Nations treaty bodies and to ensure full implementation of their recommendations;

6. *Urges* the Government of Turkmenistan immediately and unconditionally to release all prisoners of conscience;

7. *Calls upon* the Special Rapporteurs on the independence of judges and lawyers, on the question of torture, on extrajudicial, summary and arbitrary executions, on freedom of opinion and expression, and on freedom of religion or belief as well as the Working Group on Arbitrary Detention and the Special Representatives of the Secretary-General on internally displaced

persons, and on the situation of human rights defenders to seek invitations from the Government of Turkmenistan to visit the country;

8. *Requests* the Secretary-General to bring the present resolution to the attention of all relevant parts of the United Nations system;

9. *Decides* to continue its consideration of this question at its sixtieth session.

51st meeting

16 April 2003

[Adopted by a recorded vote of 23 votes to 16,
with 14 abstentions. See chap. IX.]

**Congress of the United States
Washington, DC 20515**

October 20, 2003

The Honorable Colin L. Powell
Secretary of State
US Department of State
Washington, DC 20520

Dear Secretary Powell:

We write urging the designation of Saudi Arabia, Turkmenistan and Vietnam as “Countries of Particular Concern” (CPC), as provided by the International Religious Freedom Act. Each has a well-documented record of “particularly severe violations of religious freedom” and are three notable and egregious violators of religious freedom that warrant CPC designation. As President Bush stressed in the National Security Strategy, “freedom is the non-negotiable demand of human dignity.”

Saudi Arabia represents possibly the worst situation for religious freedom anywhere in the world. In fact, every Country Reports on Human Rights Practices issued by the Department since 1999 and the Annual Report on International Religious Freedom have repeatedly declared “freedom of religion does not exist” in Saudi Arabia. Notably, this extraordinary and accurate assertion is not made for any of the current CPC countries, placing Saudi Arabia in a class of its own.

Islam is the official religion of the kingdom. Non-Muslim groups are not allowed to worship in public and risk being detained, imprisoned, tortured, or deported. Conversion from Islam to another religion is considered apostasy and punishable by death. Other Islamic sects outside the Wahhabi order are forbidden and face significant discrimination and harassment. In legal proceedings, judges may discount or reject the testimony of non-Muslims or persons who do not adhere to the “correct” Islamic doctrine. Islamic religious education is limited to Wahhabi Islam and is reportedly anti-Semitic and anti-Israel.

Non-Muslim clergy are prohibited from meeting with co-religionists who travel to Saudi Arabia. Catholics and Orthodox Christians who require a priest to receive requisite sacraments are affected in particular. Non-Muslims

are not allowed the freedom of expression and the distribution of religious materials such as Bibles is illegal. Muslims or non-Muslims wearing in public religious symbols of any kind risk confrontation with the religious police, the Mutawwa'in. The Mutawwa'in also enforce the Saudi law requiring women to wear the "abaya," a black robe that covers the entire body, along with covering the head and face. Women who do not fully comply with these standards are harassed by the authorities.

Freedom of religion does not exist in Turkmenistan, either. Minority religious groups are unable to meet the nearly impossible registration requirements and the National Security Committee breaks up peaceful, unregistered religious meetings in private homes. Groups are denied permission to meet publicly and have no choice but to operate under the threat of harsh reprisals, such as home raids, imprisonment, deportation, internal exile, house eviction and even torture. Even the two registered religious groups, the Russian Orthodox Church and the Sunni Muslim community, are under strict state control with members punished should they dare to speak out.

Over the past year there was a marked increase in police action, systematically crushing non-state sanctioned religious communities. Seventh-day Adventists are reportedly forced to conduct baptisms in caves. In April, police banned Baptists from meeting in Balkanabad. In May, authorities raided and closed a meeting of Hare Krishnas in Ashgabad, and law enforcement officers broke up a Baptist Sunday morning service in Turkmenbashi. In June, authorities temporarily detained and heavily fined leaders of a Baptist church ministering to deaf meeting "illegally" in Turkmenabad, and five members of a non-denominational Protestant church in the town of Abadan were fined after a police raid.

In Vietnam, Buddhists, Protestants, Catholics and minority groups suffer intense persecution at the hand of brutal communist rulers. In January 2003, the Communist Party's Central Committee issued a resolution calling for the establishment of Party cells within each of Vietnam's six approved religions in order to foil "hostile forces." While all religious groups in Vietnam face great restrictions and suffer some form of persecution, the Montagnard ethnic group has been singled out for persecution largely due to their support of the United States during the Vietnam War.

Reportedly, between September 2001 and December 2002, the Government of Vietnam forcibly closed 354 of the 412 churches in Dak Lak province and 56 pastors from the Central Highlands "disappeared." The Unified

Buddhist Church of Vietnam (UCBV), the largest religious denomination in the country, has also been declared illegal by the government with its clergy, like Thich Tri Luc, often imprisoned and harassed. Independent Protestants are subjected to particularly harsh treatment by authorities, reportedly including raids on homes and house churches, detention, imprisonment, confiscation of religious and personal property, physical and psychological abuse. Serious restrictions of the Catholic Church's activities have caused a severe shortage of priests; Father Nguyen Van Ly and three relatives have been sentenced for lengthy jail terms.

The "systematic, ongoing, and egregious violations" and government policies leading to imprisonment, internal deportations and torture in Saudi Arabia, Turkmenistan and Vietnam certainly meet the criteria outlined in the legislation as "particularly severe violations of religious freedom." Mr. Secretary, in the interest of advancing the cause of freedom, including the right to freedom of thought, conscience, religion or belief, we strongly urge you to uphold human dignity by exercising your authority and designating Saudi Arabia, Turkmenistan, and Vietnam as countries of particular concern.

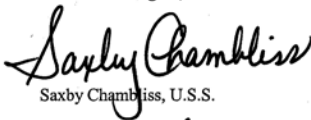
Sincerely,

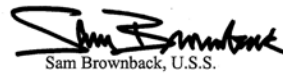

Benjamin L. Cardin, M.C.


Christopher H. Smith, M.C.


Russell D. Feingold, U.S.S.


Ben Nighthorse Campbell, U.S.S.


Saxby Chambliss, U.S.C.


Sam Brownback, U.S.S.


Frank R. Lautenberg, U.S.S.


Frank R. Wolf, M.C.


Heana Ros-Lehtinen, M.C.


Elton Gallegly, M.C.



Robert B. Aderholt, M.C.


Edward J. Markey, M.C.


Don Nickles, U.S.S.


Eliot L. Engel, M.C.


Dana Rohrabacher, M.C.


Jerrold Nadler, M.C.


Zoe Lofgren, M.C.


Jo Ann Davis, M.C.



Trent Franks, M.C.


Carolyn B. Maloney, M.C.


Betty McCollum, M.C.


Jim Davis, M.C.


Nick Lampson, M.C.


Joseph Crowley, M.C.


Richard H. Baker, M.C.


Max Sandlin, M.C.


James P. McGovern, M.C.


Shelley Berkley, M.C.


Eleanor Holmes Norton, Delegate


Loretta Sanchez, M.C.


Karen McCarthy, M.C.


Lincoln Davis, M.C.


Faith E. Cummings, M.C.


W. Todd Akin, M.C.



**OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS**



**Situation of human rights in Turkmenistan
Commission on Human Rights resolution 2004/12**

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the international human rights instruments to which they are parties,

Mindful that Turkmenistan is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recalling its previous resolution on the subject, 2003/11 of 16 April 2003, and taking note of General Assembly resolution 58/194 of 22 December 2003,

Noting the conclusion of the first needs-assessment mission of the Office of the United Nations High Commissioner for Human Rights to Turkmenistan in March 2004,

Noting with appreciation that the Government of Turkmenistan has received the Personal Envoy of the Chairman-in-Office of the Organization for Security and Cooperation in Europe for Participating States in Central Asia and the High Commissioner for National Minorities of the Organization,

Reaffirming that improving security and the fight against terrorism should be conducted in full respect of human rights and democratic principles,

Welcoming the decree on freedom of movement of 11 March 2004 and hoping that it will apply to the large number of people who, regrettably, were unable to leave the country following the earlier repeal of exit visas, and that it will be followed by further positive measures,

Noting with appreciation the decision on 11 March 2004 by the President of Turkmenistan to issue a decree on religious freedom, with the hope that its

provisions will be implemented to allow unfettered registration by all religious minority groups,

Welcoming the demonstrated readiness of the Government of Turkmenistan to discuss human rights matters with interested third parties on an ad hoc basis and to agree on the desirability of continuing dialogue and practical cooperation,

1. *Expresses its grave concern at:*

(a) The persistence of a governmental policy based on the repression of all political opposition activities;

(b) The abuse of the legal system through arbitrary detention, imprisonment and surveillance of persons who try to exercise their freedoms of thought, expression, assembly and association, and harassment of their families;

(c) Restrictions on the freedoms of information and expression, including through the suppression of independent media;

(d) Restrictions on the exercise of the freedoms of thought, conscience, religion and belief, including by the harassment and persecution of members of independent faith groups and the discriminatory use of registration procedures for such groups;

(e) Discrimination by the Government of Turkmenistan against ethnic Russian, Uzbek and other minorities in the fields of education and employment;

(f) The poor conditions in prisons in Turkmenistan;

2. *Also expresses its grave concern* at the continuing failure of the Government of Turkmenistan to respond to the criticisms identified in the report of the Rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe as regards the investigation, trial and detention procedures following the reported assassination attempt against President Niyazov in November 2002, as well as the failure of the Turkmen authorities to allow appropriate independent bodies, family members and lawyers access to those convicted, or to provide any kind of evidence to dispel rumours that some of the latter have now died in detention;

3. *Calls upon* the Government of Turkmenistan:

(a) To ensure full respect for all human rights and fundamental freedoms, in particular the freedoms of expression, religion, association and assembly,

the right to a fair trial by an independent and impartial tribunal established by law and the protection of the rights of persons belonging to ethnic and religious minorities, and to stop imprisoning conscientious objectors;

(b) To grant immediate access by appropriate independent bodies, including the International Committee of the Red Cross, as well as lawyers and relatives, to detained persons, especially to persons detained following the events of 25 November 2002;

(c) To put an end to forced displacement and guarantee freedom of movement inside the country;

(d) To fulfil its responsibility to ensure that those responsible for human rights violations are brought to justice;

(e) To remove the new restrictions on the activities of public associations, including non-governmental organizations, stipulated in the new Law on Public Associations adopted on 21 October 2003 and paralleled in the new rules of registration of religious organizations released in January 2004, and to enable non-governmental organizations, particularly human rights organizations, and other civil society actors to carry out their activities without hindrance;

(f) To implement fully the recommendations outlined in the report of the Rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe, to work constructively with the various institutions of the Organization and to facilitate further visits of the Personal Envoy of the Organization's Chairman-in-Office for Participating States in Central Asia and of the Organization's High Commissioner on National Minorities;

(g) To develop further a constructive dialogue with the United Nations High Commissioner for Human Rights and her Office and to cooperate fully with all the mechanisms of the Office;

(h) To submit reports to all relevant United Nations treaty bodies and to ensure full implementation of their recommendations;

4. *Urges* the Government of Turkmenistan to release immediately and unconditionally all prisoners of conscience;

5. *Requests* the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the right to free-

dom of opinion and expression and the Special Rapporteur on freedom of religion or belief, as well as the Working Group on Arbitrary Detention and the Representative of the Secretary-General on internally displaced persons and the Special Representative of the Secretary-General on the situation of human rights defenders to consider visiting Turkmenistan as part of their programme of visits in 2004–2005, and calls upon the Government of Turkmenistan to facilitate such visits;

6. *Decides* to continue its consideration of this question at its sixty-first session.

50th meeting

15 April 2004

[Adopted by a recorded vote of 25 votes to 11,
with 17 abstentions. See chap. IX - E/2004/23 – E/CN.4/2004/127]

**COMMISSION ON
SECURITY AND COOPERATION
IN EUROPE**

234 FORD HOUSE OFFICE BUILDING

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June 3, 2004

His Excellency Saparmurat Niyazov
President
Republic of Turkmenistan
Ashgabat, Turkmenistan

Dear President Niyazov:

We write urging you to institute genuine reforms concerning the freedom of thought conscience, religion and belief for the people of Turkmenistan. As a participating State in the Organization for Security and Cooperation in Europe (OSCE), Turkmenistan promised to ensure and facilitate the freedom of the individual to profess and practice a religion or belief, alone or in community with others. We are particularly mindful of the fact that you personally signed the original Helsinki Final Act document on behalf of your country, unreservedly accepting all OSCE commitments and obligations.

The lack of religious freedom in Turkmenistan, despite several recent decrees supposedly intended to improve the legal protection for religious groups, is particularly disturbing. Over the past year, the Helsinki Commission has followed the multiplicity of new laws and presidential decrees governing religious freedom. Concrete action must follow that allows religious communities of all faiths, regardless of registration, to operate freely and openly without harassment or intimidation. OSCE commitments make clear that the full enjoyment of religious freedom by individuals, either alone or in community with others, to freely profess and practice their faith.

To date, only two applicant religious communities have been registered under the latest decrees purporting to relax the registration process. We are also troubled by your March 29 statement on state television that Muslim communities could “not build any more mosques” and that the mosques “should

not choose the mullahs themselves” but that would be a government responsibility. These limitations all contravene OSCE commitments and international norms you have personally agreed to implement in Turkmenistan.

Of particular note, we are quite concerned about the imprisonment of a number of individuals. On March 2, a court convicted the former Islamic leader of Turkmenistan Nasrullah ibn Ibadullah, sentencing him to 22 years in jail. In addition, the situation for Kurban Bagdatovich Zakirov is most troubling, as he has been repeatedly jailed for conscientiously objecting to military service. As an example of your desire to facilitate religious freedom for all, we urge you to unconditionally release Mr. Ibadullah and Mr. Zakirov, as well as the five other Jehovah’s Witnesses currently in jail (Rinat Babadzhanov, Shohrat Mitogorov, Ruslan Nasyrov, Rozymamed Satlykov, and Aleksandr Matveyev).

The need for Turkmenistan to immediately improve its appalling record on religious freedom is clear, so as to avoid State Department designation as a “Country of Particular Concern” for particularly severe violations of religious freedom. We urge you take the initial steps to increase religious freedom by registering without delay all applicant religious groups allowing them to operate freely and openly, and releasing the aforementioned prisoners.

Sincerely,




Ben Nighthorse Campbell, U.S.S.
Co-Chairman



Christopher H. Smith, M.C.
Chairman



Saxby Chambliss, U.S.S.
Commissioner



Benjamin L. Cardin, M.C.
Ranking Member



Joseph R. Pitts
Commissioner



Frank R. Wolf, M.C.
Commissioner

cc: The Honorable Tracy Jacobson, U.S. Ambassador to Turkmenistan

**General Assembly**Distr.: General
11 March 2005**Fifty-ninth session**

Agenda item 105 (c)

Resolution adopted by the General Assembly*[on the report of the Third Committee (A/59/503/Add.3)]***59/206. Situation of human rights in Turkmenistan***The General Assembly,*

Reaffirming that all States Members of the United Nations have the obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

Recalling its resolution 58/194 of 22 December 2003,

1. Welcomes:

(a) The limited increase in the ability of members of certain religious minority groups, including members of the Bahá'í faith, the Baptist church, the Hare Krishna movement and the Seventh Day Adventist church, to practise their religion;

(b) The release in June 2004 of a number of Jehovah's Witnesses who had made conscientious objections to undertaking military service, but notes with concern that other Jehovah's Witnesses continue to be jailed on the same charge;

(c) The comments of the Government of Turkmenistan in May 2004 that interested representatives of the international community were welcome to visit Turkmen prisons, and notes with satisfaction that the Government has begun preliminary discussions with representatives of the International Committee of the Red Cross regarding prison access;

(d) The fact that the Personal Envoy of the Chairman-in-Office of the Organization for Security and Cooperation in Europe for Participating States in Central Asia, has been given the opportunity for further dialogue with the Government of Turkmenistan, and expresses the hope that a constructive dialogue on human rights issues is to be continued soon;

(e) The submission of the national report under the International Convention on the Elimination of All Forms of Racial Discrimination¹ to the Office of the United Nations High Commissioner for Human Rights and the recent submission of the report under the Convention on the Elimination of All Forms of Discrimination against Women² to the Division for the Advancement of Women of the Department of Economic and Social Affairs of the Secretariat and the announcement by the Government of Turkmenistan that it intends to submit the reports due under the Convention on the Rights of the Child³ by the end of 2004;

(f) The amendment of 2 November 2004 to the Criminal Code of Turkmenistan rescinding article 223/1, which stipulated criminal penalties for unregistered activities of public associations, including non-governmental organizations;

(g) The invitation by the Government of Turkmenistan to the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, which was extended on 16 November 2004, to visit the country by the end of 2004;

2. *Expresses its grave concern* at the continuing and serious human rights violations occurring in Turkmenistan, in particular:

(a) The persistence of a governmental policy based on the repression of all political opposition activities;

(b) The continuing abuse of the legal system through arbitrary detentions, imprisonment and surveillance of persons who try to exercise their freedom of expression, assembly and association, and by harassment of their families;

(c) Further restrictions on the freedom of expression and opinion, including the loss of local retransmissions of Russian language programmes on

¹ Resolution 2106 A (XX), annex.

² United Nations, *Treaty Series*, vol. 1249, No. 20378.

³ *Ibid.*, vol. 1577, No. 27531.

Radio Mayak, and serious harassment endured by local correspondents and collaborators of Radio Liberty;

(d) Continued restrictions on the exercise of the freedom of thought, conscience, religion and belief;

(e) Continued discrimination by the Government of Turkmenistan against ethnic minorities in the fields of education and employment and by forced displacements, despite assurances by the Government that it will stop this discrimination;

(f) Constraints faced by civil society organizations, including the slow progress in the registration of non-governmental organizations;

3. *Regrets* the decision of the Government of Turkmenistan not to renew the accreditation for the Head of the Centre of the Organization for Security and Cooperation in Europe at Ashgabat, but hopes that the Turkmen authorities will cooperate fully with her successor;

4. *Calls upon* the Government of Turkmenistan:

(a) To ensure full respect for all human rights and fundamental freedoms and, in this regard, to implement fully the measures set out in Commission on Human Rights resolutions 2003/11 of 16 April 2003⁴ and 2004/12 of 15 April 2004;⁵

(b) To work closely with the Office of the High Commissioner for Human Rights with regard to the areas of concern and to cooperate fully with all the mechanisms of the Commission on Human Rights and all the relevant United Nations treaty bodies;

(c) To implement fully the recommendations outlined in the report of the Rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe and to work constructively with the various institutions of the Organization, in particular following the visit of the Personal Envoy of the Chairman-in-Office of the Organization for Participating States in Central Asia, to work towards implementation of those recommendations and to make the necessary arrangements to facilitate fully a visit by the High Commissioner on National Minorities of the Organization by the end of 2004;

⁴ See Official Records of the Economic and Social Council, 2003, Supplement No. 3 (E/2003/23), chap. II, sect. A.

⁵ *Ibid.*, 2004, Supplement No. 3 (E/2004/23), chap. II, sect. A.

(d) To release immediately and unconditionally all prisoners of conscience;

(e) To give real substance to the May 2004 offer of the Government of Turkmenistan for interested representatives of the international community to visit Turkmen prisons by providing appropriate independent bodies, including the International Committee of the Red Cross, with full access to all places of detention in accordance with the usual modalities for those organizations and ensuring that lawyers and relatives have full and repeated access to all those in detention, including those convicted of involvement in the attempted coup d'état of 25 November 2002;

(f) To ensure that the forthcoming parliamentary elections will be held consistent with the commitments of the Organization for Security and Cooperation in Europe and other international standards for democratic elections;

(g) To remove the remaining restrictions on the activities of public associations, including non-governmental organizations, and to enable those organizations, in particular human rights organizations, and other civil society actors to carry out their activities without hindrance, building upon the amendment of 2 November 2004 to the Criminal Code of Turkmenistan abolishing criminal penalties for unregistered activities of public associations;

5. *Requests* the Secretary-General to submit a report to the General Assembly at its sixtieth session on the implementation of the present resolution.

*74th plenary meeting
20 December 2004*



September 28, 2005

Secretary of State Condoleezza Rice
U.S. Department of State
Washington D.C. 20520

Dear Secretary of State Rice,

As a coalition of non-governmental organizations, we are writing to express our concern over the dire and worsening situation of religious freedom in Turkmenistan, and to urge you to secure meaningful, measurable, and sustainable short-term improvements. If no such improvements are achieved, we call on you to designate Turkmenistan as a “country of particular concern” this year under the terms of the International Religious Freedom Act of 1998 (IRFA).

The widespread repression of free religious expression in Turkmenistan has been comprehensively and amply documented by the U.S. Department of State in its annual International Religious Freedom Reports and Country Reports on Human Rights Practices, by the U.S. Commission on International Religious Freedom, and by the independent watchdog group Forum 18 News Service and other rights monitors. These excellent reports obviate the need for detailing the systematic violations in Turkmenistan here.

We note only that there is no freedom of religion in Turkmenistan, that the situation is worsening, and there have been severe violations of religious freedom as defined in the statute. Evidence that the situation has worsened recently includes:

- Followers of minority religions – both registered and unregistered – are repeatedly harassed by police and security in the form of house raids, confiscation of religious materials, threats, and beatings. In some cases, these include followers of groups that were registered since the president introduced simplified registration procedures at the U.S. government’s request;
- Several mosques have been unjustifiably demolished;
- President Niyazov publicly expressed the wish that no more mosques

be built in Turkmenistan, coinciding with the completion of the building of the country's largest mosque, whose construction adheres to state dictums;

- Islamic religious training has been effectively eliminated in Turkmenistan through drastic cut-backs in faculty and students at the country's last remaining Muslim theological department; and
- President Niyazov announced that he is preparing to introduce a forthcoming list of accepted Islamic rituals which Muslims must observe.

Indeed, we would argue that state control of religious expression in Turkmenistan has reached a new height. The state no longer simply controls religion; it is actively trying to eliminate even state-controlled religions in order to establish a new religion based on the personality of the president. For example:

- State propaganda refers to the president as a prophet, and glorification of the president is required as the preface to all prayers;
- Citizens are required to refer to the president's historical and political book as the "Holy" *Ruhnama* and to study, discuss in specially convened groups, memorize, and integrate it into their daily lives, much as religious groups do with their holy texts;
- The president has built the region's largest mosque, but the mosque has aroused concern among Muslims that it features quotations from the secular president's "holy" book, *Ruhnama* (Book of the Soul);
- Places of worship in Turkmenistan are required to have a "president's corner," featuring images of the president and a copy of his "holy" book, much as icons, crosses, holy remains, and holy books are present in places of worship; and
- In February of this year Muslim leaders from across the country were told by the state Council for Religious Affairs that it was "a priority task for clergymen to disseminate the lofty ideas in our great leader's sacred books on the duties of parents and children." (Forum 18)

Failure to comply with these and other requirements of the presidential personality cult has resulted in denial of employment and education; harassment; firings of relatives; threats of rape; severe beatings; and the arrest, imprisonment, and internal exile of several imams and the arrest of the former chief Mufti of Turkmenistan. Presidential restrictions on schools, places of worship, and the workplace insure that all citizens are affected to some degree, regardless of their religious beliefs.

Among the statutorily “severe” violations that have been committed recently are:

- Arbitrary detention and arrest: Former Mufti Nasrulla ibn Ibadulla was arbitrarily arrested in 2003 and is now being held on a 22-year prison sentence on charges that were not publicly disclosed, but were believed to have been motivated by his non-compliance with the practice of Islam as allowed by President Niyazov. This year, the government continues to bar disclosure of the charges against him and to deny him the right to even humanitarian visits.
- Torture: According to an October 2004 Forum 18 report, Jehovah’s Witness Kurban Zakirov was reportedly subjected to injections of psychotropic substances during his three-year detention. The report cites the Jehovah’s Witnesses as reporting that “His arms are covered all over by injection marks and his behaviour has become odd.” They added that “his mental and emotional wellbeing has been ruined and his personality distorted.” Baptist Shagildy Atakov was also reportedly subjected to this form of torture during his three-year arbitrary incarceration.

The fact that these violations were initiated in the previous designation cycles indicates only that CPC designation should have been authorized earlier and that it is now overdue. We also wish to underscore that a country that prohibits all free exercise of religious rights, as Turkmenistan does, must surely be considered a severe violator.

Bad Faith on the Part of the Government of Turkmenistan

That religious freedom violations persist and worsen is clear proof of the central government’s continuing tolerance, at minimum, of such violations, and of its lack of commitment to ending them.

The registration issue may be the best example of the government’s bad-faith implementation of reforms urged by the U.S. government. Unregistered religious activities – for example by unregistered Baptists and Jehovah’s Witnesses – remain illegal under the Administrative Code, in defiance of the country’s international human rights obligations. Following registration, the Hare Krishna community in Ashgabat was nonetheless barred from celebrating one of their major festivals, Rama Navami. Registered Baptist, Hare Krishna and Adventist communities have all encountered problems in finding places to rent for worship. The ban on using private homes for religious meetings is a major barrier to the functioning of these religious com-

munities. The services of registered Baptists in the towns of Dashoguz and Mary have been attacked by police, reportedly on the pretext that Baptists are registered only in the capital, not throughout Turkmenistan. Baptists strongly dispute this claim, but even registered Baptists in the capital have yet to receive permission to meet for worship. The bitter experience of newly registered communities, such as the Hare Krishna, has undoubtedly deterred unregistered communities from registering and casts doubt on the benefit that registration can bring in an overwhelmingly hostile political environment.

Proposed Benchmarks for Improvement

In light of the effective use of IRFA leverage in the past with respect to the government of Turkmenistan, we urge you to test the government's resolve by asking it to meet the following suggested benchmarks:

1. The government of Turkmenistan must cease all forms of harassment and undue interference in the activities of religious groups or individuals for their religious beliefs immediately.
2. The government of Turkmenistan must amend the law "On Religion and Religious Organizations" of November 2003 and all relevant legislative acts and administrative orders in order to remove all undue restrictions on religious activity, including the ban on religious gatherings, unregistered groups, independent religious education, and others. Punishments and penalties for affiliation with unregistered religious groups must also be removed from the Civil-Administrative Code of the Republic of Turkmenistan (Article 205).
3. The former Mufti Nasrulla ibn Ibadulla must be released from prison immediately and unconditionally.

Failure to give Turkmenistan CPC status this year without achievement of these and other meaningful and sustainable improvements risks exposing last year's threats of designation as meaningless. This, in turn, would jeopardize the credibility of IRFA's unique, proven leverage with respect to Turkmenistan and other countries in the future. It would also cast doubt among the citizens of an overwhelmingly Muslim country on the U.S. government's credibility as a champion of religious freedom. Like many concerned with religious freedom in Turkmenistan, we welcomed

the government of Turkmenistan's release from prison of ten conscientious objectors (six in June 2004, and four more in April 2005) and hailed its decision in March 2004 to lower the number of signatures required for the registration process. We were likewise encouraged when several small groups that had previously been denied registration soon thereafter became registered. It is clear that these achievements were secured thanks to the U.S. government's fair, forceful, and effective use of IRFA leverage.

But the government of Turkmenistan's defiance of its legal obligations and self-proclaimed commitment to its own democratic path must not just be modified; it must end. The U.S. government can once again demonstrate its resolve in fighting religious persecution worldwide by calling things by their proper names with regard to Turkmenistan. The government of Turkmenistan falls both squarely and egregiously into IRFA's focus on governments that have "engaged in or tolerated systematic and egregious violations of religious freedom." Apart from securing meaningful, measurable and sustainable improvements in its record on protecting religious rights within a pre-determined timeline, there can be no legitimate justification for a CPC waiver on Turkmenistan this year. Barring such improvements, we strongly endorse the U.S. Commission for International Religious Freedom's August 8 appeal and respectfully urge you to accord Turkmenistan long overdue CPC designation this year.

Thank you for your attention to these concerns.

Sincerely,

Environmental Justice Foundation
Human Rights Watch
Institute for War and Peace Reporting
International Crisis Group
International Helsinki Federation for Human Rights
International League for Human Rights
Memorial Human Rights Center
Turkmenistan Helsinki Foundation
Turkmenistan Initiative for Human Rights
Lawrence Uzzell

cc: Ambassador-at-Large John V. Hanford III
Office of International Religious Freedom
U.S. Department of State

Ambassador Michael Kozak
Senior Director for Democracy, Human Rights and International
Organizations
National Security Council

Paula Dobriansky
Under-Secretary of State for Democracy and Global Affairs
U.S. Department of State

Ambassador Glyn T. Davies
Acting Assistant Secretary for Democracy, Human Rights and Labor
U.S. Department of State

Ambassador Tracey A. Jacobson
U.S. Embassy, Ashgabat

Senator Sam Brownback

Senator Tom Lantos

Senator Ben Nighthorse Campbell

Representative Joseph Pitts

Representative Christopher Smith

Ambassador Meret B. Orazov
Embassy of Turkmenistan to the U.S.

Mr. Michael Cromartie
Chairman, U.S. Commission on International Religious Freedom

**General Assembly**Distr.: General
9 March 2006**Sixtieth session**

Agenda item 71 (c)

Resolution adopted by the General Assembly*[on the report of the Third Committee (A/60/509/Add.3 and Corr.1)]***60/172. Situation of human rights in Turkmenistan***The General Assembly,*

Reaffirming that all States Members of the United Nations have the obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

Recalling its resolutions 58/194 of 22 December 2003 and 59/206 of 20 December 2004, and Commission on Human Rights resolutions 2003/11 of 16 April 2003¹ and 2004/12 of 15 April 2004,²

Noting the conclusion of the first needs-assessment mission of the Office of the United Nations High Commissioner for Human Rights to Turkmenistan in March 2004 and the ongoing consultations to finalize a possible technical cooperation project,

Noting with appreciation that the Government of Turkmenistan has received the Chairman-in-Office and the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe,

Welcoming the report of the Secretary-General of 20 September 2005,³ which concludes that, while the Government of Turkmenistan has made some progress in addressing human rights issues and has shown readiness

¹ See Official Records of the Economic and Social Council, 2003, Supplement No. 3 (E/2003/23), chap. II, sect. A.

² *Ibid.*, 2004, Supplement No. 3 (E/2004/23), chap. II, sect. A.

³ A/60/367.

to cooperate with the international community, there was a lack of overall improvement in addressing serious human rights violations,

Reaffirming that improving security and the fight against terrorism should be conducted in accordance with international law, in particular international human rights, humanitarian and refugee law, and democratic principles,

1. *Welcomes:*

(a) The fact that additional minority religious groups have been allowed to worship for the first time as a result of the removal of a legal impediment to the full realization of the right to freedom of thought, conscience, religion or belief, but notes that serious violations of these freedoms continue;

(b) The release in April 2005 of four Jehovah's Witnesses who had made conscientious objections to undertaking military service;

(c) The lifting of criminal penalties for the activities of non-registered nongovernmental organizations in November 2004, while nevertheless noting that difficulties in the registration process for non-governmental organizations and private organizations continue and that other significant restrictions continue to hinder their activities;

(d) The submission, within the past year, of the national report under the International Convention on the Elimination of All Forms of Racial Discrimination⁴ to the Committee on the Elimination of Racial Discrimination, as well as the reports due under the Convention on the Rights of the Child⁵ and the Convention on the Elimination of All Forms of Discrimination against Women,⁶ while encouraging the Government of Turkmenistan to comply with its outstanding reporting obligations to the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee against Torture;

(e) The demonstrated readiness of the Government of Turkmenistan to discuss human rights matters with interested third parties on an ad hoc basis and to agree on the desirability of continuing dialogue and practical cooperation;

(f) The statements made by the President of Turkmenistan in April 2005 on democratic reforms, and urges that those reforms be truly democratic, in line with established international norms;

⁴ 4 Resolution 2106 A (XX), annex.

⁵ United Nations, Treaty Series, vol. 1577, No. 27531.

⁶ *Ibid.*, vol. 1249, No. 20378.

(g) The accession by Turkmenistan to the following United Nations protocols and conventions, and urges the Government of Turkmenistan to implement its obligations under these instruments:

(i) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;⁷

(ii) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;⁸

(iii) The United Nations Convention against Transnational Organized Crime, its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and its Protocol against the Smuggling of Migrants by Land, Sea and Air;⁹

(b) The public statements of the President of Turkmenistan recommending the abolition of the practice of removing children from school for the cotton harvest and reprimanding a local governor for the use of child labour in the fields, as well as a law passed on 1 February 2005 prohibiting the employment of minors under the age of 15 and stipulating that no form of child labour should interfere with a child's education, and calls upon the Government of Turkmenistan to ensure that the law is fully implemented;

(i) The decision of the Government of Turkmenistan to grant citizenship or permanent resident status to more than sixteen thousand refugees, including a significant number of Tajik refugees, who had fled Tajikistan between 1992 and 1999 and whose naturalization under the Turkmen Nationality Law had been advocated for many years by the United Nations High Commissioner for Refugees;

(j) The abolition of exit visas as a requirement for leaving the country;

2. *Expresses its grave concern* at the continuing and serious human rights violations occurring in Turkmenistan, in particular:

(a) The persistence of a governmental policy based on the repression of all political opposition activities;

(b) The continuing abuse of the legal system through arbitrary detentions, imprisonment and surveillance of persons who try to exercise their freedom of expression, assembly and association, and harassment of their families;

⁷ Ibid., vol. 2173, No. 27531.

⁸ Ibid., vol. 2171, No. 27531.

⁹ Resolution 55/25, annexes I–III.

(c) The poor conditions in prisons in Turkmenistan and credible reports of ongoing torture and mistreatment of detainees;

(d) The failure of the Government of Turkmenistan to grant access to detainees to the International Committee of the Red Cross, according to the usual terms of the Committee, as well as to international monitors;

(e) The complete control of the media by the Government of Turkmenistan, its censorship of all newspapers and access to the Internet and intolerance of independent criticism of government policy, as well as further restrictions on the freedom of expression and opinion, including shutting down of the last remaining Russian-language radio station, Radio Mayak, even if satellite television is permitted and widely used, harassing of local correspondents and collaborators of Radio Liberty and prohibition of all contact between local journalists and foreigners without the express consent of the Government;

(f) Continuing restrictions on the exercise of the freedom of thought, conscience, religion or belief, including the use of registration procedures as a means to limit the right to freedom of thought, conscience and religion of members of certain religious communities;

(g) Continuing discrimination by the Government of Turkmenistan against ethnic Russian, Uzbek and other minorities, inter alia, in the fields of education and employment and access to media, despite assurances by the Government that it will stop this discrimination, taking note in this regard of the concluding observations of the Committee on the Elimination of Racial Discrimination of August 2005;¹⁰

(h) Forced displacement of its citizens, including a disproportionate displacement of ethnic minorities;

(i) Continuing restrictions on the exercise of the right of peaceful assembly, including increased constraints faced by civil society organizations, such as the slow progress in the registration of non-governmental organizations under the procedures set out in the law of 2003 on public associations;

(j) The continuing failure of the Government of Turkmenistan to respond to the criticisms identified in the report of the Rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe with regard to the investigation, trial and detention procedures following the reported assassination attempt against the President of Turkmenistan in

¹⁰ See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18 (A/60/18)*, chap. III.

November 2002, as well as the failure of the Turkmen authorities to allow appropriate independent bodies, family members and lawyers access to those convicted, or to provide any kind of evidence to dispel rumours that some of those convicted have died in detention;

(k) Arbitrary or unlawful interference with individuals' privacy, family, home or correspondence and violations of the freedom to leave one's country;

(l) Reported instances of hate speech against national and ethnic minorities, including statements attributed to high-ranking government officials and public figures supporting an approach to Turkmen ethnic purity, as noted in the concluding observations of the Committee on the Elimination of Racial Discrimination of August 2005;

3. *Urges* the Government of Turkmenistan:

(a) To ensure full respect for all human rights and fundamental freedoms and, in this regard, to implement fully the measures set out in General Assembly resolutions 58/194 and 59/206 and Commission on Human Rights resolutions 2003/11 and 2004/12;

(b) To work closely with the Office of the United Nations High Commissioner for Human Rights with regard to the areas of concern and to cooperate fully with all the mechanisms of the Commission on Human Rights, in particular to consider favourably requests made by a number of special rapporteurs of the Commission to visit the country, as recalled in the report of the Secretary-General,³ and with all the relevant United Nations treaty bodies;

(c) To implement fully the recommendations outlined in the report of the Rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe and to work constructively with the various institutions of the Organization, and to facilitate further visits of the Organization's Chairman-in-Office as well as his Personal Envoy for participating States in Central Asia, and of the Organization's High Commissioner on National Minorities;

(d) To follow through on the presentation of the Government of Turkmenistan to the Commission on Human Rights in April 2004 and the meetings of the Government of Turkmenistan with the International Committee of the Red Cross in 2005 by finalizing an agreement allowing the Committee to visit Turkmen prisons with full and repeated access to all places of detention in accordance with the usual modalities for that organization, and by providing international monitors, lawyers and relatives with full and repeated

access to all those in detention, including those convicted of involvement in the coup attempt of 25 November 2002;

(e) To respect the right of everyone to freedom of thought, conscience, religion or belief, whether a member of a religious group or not, and to cease the harassment, detention and persecution of members of religious minorities, whether registered or unregistered;

(f) To bring laws and practices governing registration of public associations, including non-governmental organizations, into line with the standards of the Organization for Security and Cooperation in Europe and to enable nongovernmental organizations, particularly human rights organizations, and other civil society actors, including independent media, to carry out their activities without hindrance;

(g) To submit reports to the United Nations treaty bodies to which it has assumed a reporting obligation and to give due regard to the recommendations and concluding observations of those treaty bodies, the most recent being the recommendations and concluding observations of the Committee on the Elimination of Racial Discrimination;

(h) To fulfil its responsibility to ensure that those responsible for human rights violations are brought to justice;

4. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-first session on the implementation of the present resolution.

*64th plenary meeting
16 December 2005*

Appendix VIII

SUPPORTING DOCUMENTS FOR THE VIETNAM CASE STUDY



promoting sustainable environments for religious freedom

Chris Seiple
President
Institute for Global Engagement

Testimony before the
Congressional Human Rights Caucus (CHRC)
CHRC Taskforce on International Religious Freedom (TIRF)
Congressional Caucus on Vietnam (CCV)

On

**Religious Freedom in Vietnam:
An Update**

6 December 2007
1030—1200
2255 Rayburn HOB

Introduction

Congresswoman Sanchez, distinguished members of the Congressional Human Rights Caucus (CHRC), the CHRC Task Force on International Religious Freedom, and the Congressional Caucus on Vietnam: Thank you for the opportunity to share my observations about religious freedom in Vietnam, and how we can continue to move forward.

Last month at this time I was in Vietnam's Northwest region, visiting with government officials and religious communities to get a first-hand account of the religious freedom situation there; it was my second trip to the Northwest in the past seventeen months. I also spent some time in Hanoi, meeting national leaders and attending a conference on religion and rule of law that my organization, the Institute for Global Engagement, cosponsored with the Vietnamese Academy for Social Sciences, Vietnam's pre-eminent think-tank, and the Vietnam-USA Society.

This was my fifth trip to Vietnam in the past three years. During these trips I have had the great privilege to meet regularly with government officials and religious leaders in the Central Highlands, the Northwest, and in Hanoi. We have never been refused an interview and we have never been refused access to a region (while focusing on the evangelical church in Vietnam, which has suffered the most).

Vietnam is a country amidst serious transition and strategic transformation. Intelligent and industrious, the Vietnamese people—both the government and citizens—have made the collective decision to not only participate in the world economy, but to join the global civil society as well. In time, I am convinced that Vietnam will be a leader in each.

Vietnam's economy, for example, grew at 8+% the last two years. This is a remarkable statistic considering that Vietnam's biggest trading partners are also former enemies (the Japanese, the French, the Americans, and the Chinese). As a result, the poverty rate has decreased from 58% in 1993, to 20% in 2004, while per capita has increased from \$170 to \$620 in the same time-frame. As the World Bank states, "Vietnam is one of the best-performing developing economies in the world...It has the potential to be one of the great success stories in development" ("Vietnam: Laying the Foundation for Steady Growth," The International Development Fund, The World Bank, February 2007; available from: <http://www.worldbank.org/ida>).

These trends and statistics indicate something beyond economic benchmarks. Most of all, they indicate a desire to not let the past—from previous military enemies to failed economic policies—influence the future. They also indicate a comprehensive and systematic desire to quickly provide the most basic of human rights—the right not to live in poverty—as the basis for strong civil society.

In other words, it is difficult to be concerned about religious freedom when there is no bread on the table. This unprecedented progress in poverty reduction therefore enables time to consider and implement equally foundational elements to a strong civil society that participates in a rapidly deepening and expanding global civil society; namely, a religious freedom that is sensitive to culture and consistent with the rule of law.

Toward this end, there have been significant and positive developments, at least for Protestant believers. These improvements—as delineated in the October 2007 report by the Evangelical Fellowship of Canada, “A Slowdown and New Complications: The Protestant Experience with Religious Freedom in Vietnam”—are as follows:

- Large-scale, government sponsored programs to force renunciation of Christianity, especially among Vietnam’s ethnic minority Christians, have ceased.
- The registration of congregations, though sometimes with limited benefits, is underway. In February it was estimated that some 800 of the estimated 4,500 Protestant congregations (18 per cent) in Vietnam had some kind of registration...The number of registered churches is slowly increasing.
- Permission has been granted to print many Christian books, in addition to the Bible, and the New Testament in the languages of Vietnam’s minority groups.
- Protestant religious prisoners of conscience identified by the US have been released...
- A “legislative framework” for more enlightened treatment of religion, religious communities, and believers was developed in 2004 and 2005. The potential benefits, however, have not been fully realized because of slow implementation and the unchanged mindset of many local officials.
- Some groups have been emboldened by Vietnam’s claims to greater religious tolerance and have been more aggressive in their struggle with the government to realize those advances. Earlier they would not have dared to assert their rights (page 4).

I should also note the obvious: The U.S. Ambassador-at-Large for Religious Freedom, John Hanford, has played an instrumental role in persistently and patiently working with the Vietnamese government to help effect these changes.

The Current State of Religious Freedom: Step-by-Step

In understanding religious freedom—the cornerstone of civil society because of its inherent respect for the other—it is critical to keep in mind that values do not take place in a vacuum. They are lived out everyday amidst the messiness of life.

And as we think about other countries, we would do well to remember our own evolution toward our present state of imperfection. For example, religion was not disestablished in the U.S. until the 1830s, and African-Americans did not have the right to vote nationwide until 1870, with women gaining that same right less than one-hundred years ago. So a strong dose of practicality, not to mention humility, is required when we consider other countries... especially as we reflect on how long it takes for a law to be put in place that mirrors a change in mindset.

There is no unified and transparent framework for governing religion in Vietnam today. The government, however, has put in place a series of ordinances, decrees, and guidelines that begin to create a new framework for how religion and the state work together for society's sake. At the same time, the government has been recognizing various Protestant denominations, even as it has created and implemented training courses to explain and discuss this new framework at the local level. Far from complete, this framework has emerged in just three years. It is unprecedented in Vietnamese history, and it was unimaginable just three years ago.

To be sure, as Vietnamese officials will confirm, significant issues remain. There is much more training to do for local government officials and religious leaders. The registration and recognition process is still unclear to many local religious leaders. Church applications are ignored and/or intentionally delayed. Prayer groups and Christian leaders are, depending on the province, routinely harassed. There are many land issues regarding church property. Ethnic minority children who are Christian are sometimes denied access to public schools. New converts are too often pressured to return to their traditional religion.

But these actions do not meet the definition of “systematic, ongoing, egregious” violations of religious freedom, per the International Religious

Freedom Act if 1998's definition. Rather, depending on the local leader, there is the intentional and sometimes violent harassment of believers.

Even cases of seeming bureaucratic inertia are not as they seem. For example, last year I visited an unregistered Hmong house church in the Ta Phin Commune of Sa Pa district in Lao Cai province. This church met freely in the pastor's home (it was not allowed to build a church building), had 40 members and a loving pastor (with a 5th grade education). It was not clear if the church members had a basic understanding of Christian theology. There was also great confusion about the application process to become a registered church of the Evangelical Church of Vietnam—North (ECVN-N, a denomination registered and recognized by the government).

A month ago today, I visited that same church. Everything was still the same, except now the church had 80 members. I asked about the application process and I was told that it had not yet been properly completed! Apparently, although these Hmong families had lived in Ta Phin for generations, there were translation problems (from Hmong to Vietnamese) with the application. To boot, the government wanted to make sure that this church was “comfortable with” and “understood” its faith and denominational identity because its members had only been Christian for a couple of years.

Our response to this official answer could have been immediate and American—after all, it had been over a year and the application hadn't been processed, and who was the government to check theology? Here was a confession we could write about in the *Washington Post*!

Instead, we were able to move beyond the official answer and have a non-threatening conversation with productive results. Why? Because we had a pre-existing relationship with these officials, and because we had allowed significant time in our schedule to take as long as needed to understand just this situation.

The theology, it turned out, was a real issue, not as a function of a repressive government, but as a function of a government made up of local people who cared about the culture and stability of their commune.

This church, we discovered, had been visited by representatives of another denomination (recently registered). This particular denomination, from the south (another issue in and of itself in the north), has been alleged to make converts by passing out money. Whatever the case, the competing denomination had created confusion within a young church that was led by theologically-untrained pastors.

In a group-based society in an underdeveloped region with little education, this kind of issue can become divisive, and quickly. The local government is continuing to assess the situation, still more comfortable with one registered denomination than another. Meanwhile, the church continues to meet freely in the pastor's home, appreciative of the fact that its size has essentially doubled in the past year.

I recognize that this story is but one, and that it is anecdotal. And I do not tell the story to discount the intentional stalling of church registrations that does take place.

I share this story to encourage patience. This story should remind all of us that it is always much easier to point fingers, and then find the proof necessary to fit into our own preconceptions, than to work for solutions that endure.

Life is messy. And it requires innovative persistence and programs to promote religious freedom at the intersection of culture and the rule of law.

Moving Ahead: Top-Down & Bottom-Up

In the International Religious Freedom Act of 1998, there are specific expectations that the U.S. government will work actively to promote religious freedom. For example, in Title V, "Promotion of Religious Freedom," Section 501 (a) (2), it says that the "United States should make a priority of promoting and developing legal protections and cultural respect for religious freedom." Earlier in the IRFA, the law states that the U.S. Commission on Religious Freedom "in evaluating the United States Government policies with respect to countries found to be taking deliberate steps and making significant improvement in respect for the rights of religious freedom, shall consider and recommend policy options..."

It would be interesting to have a hearing that discussed practical policies and programs that the United States could use to promote religious freedom in countries that are clearly taking systematic steps to change their religious freedom environment. It would also be interesting to talk about how America—through government and non-government organizations—might come alongside the steps a particular country was taking.

It has been our direct experience at IGE that promoting religious freedom is indeed possible, but only through a relational diplomacy that simultaneously works from the top-down and the bottom-up.

From the top-down, we have partnered through a written agreement with the Vietnam-USA Society to co-sponsor annual conferences with the Viet-

namese Academy of Social Sciences (the Institute for Research on Religion). We have now had two such conferences in Hanoi, working together to create a habitual space through which a practical discussion of religion and rule of law is routinized.

We should not underestimate the importance of this space and dialogue! It did not exist three years ago. Through this space Vietnam is in discussion with international and regional experts about the various and interrelated dimensions of religion, culture, rule of law, and national security. Without such a discussion, it is impossible for Vietnam to assess for itself what lessons apply to Vietnam in the near-term; let alone which lessons help Vietnam evolve toward a rule of law that allows religion and state to peacefully coexist such that both serve society.

Also from the top-down, we engaged the Vietnamese Embassy last year regarding a “training” document that officials were using in the Northwest. This document acknowledged the reality of religion in the Northwest (itself a step forward), but was very negative in its words and tone toward Christians. We asked the embassy to take up the issue and push for the manual’s text and tone to be edited.

Last month, a new version was released. While we are now conducting a comprehensive assessment of the two versions, two excerpts illustrate the step-by-step process of progress. For example, in the 2006 version, page twenty-one records: “In recent times, the Protestant faith has been influenced by progressive tendencies in the world *and many denominations have separated themselves from the bad forces.*”

In this year’s version, however, page eighteen states: “In recent times, the Protestant faith has been influenced by progressive tendencies in the world *so many denominations have made important contributions to peace, stability and development of mankind.*”

In the first excerpt, religion is a neutral at best. Obviously it had a bad past, and now it is merely separated from that past. The second excerpt, however, demonstrates that religion can actually be positive, contributing to the solution.

Words make a difference. And while I’m sure this second version needs many more revisions, as most documents do, this simple edit is a critical step toward a better understanding; something that is absolutely imperative when considering that it usually takes a generation of training and education to change a mindset.

From the bottom-up, IGE and our Vietnamese partners have worked hard to include Glocal Ventures Inc.—a church-based development NGO from Dallas, Texas—in the promotion of religious freedom. Glocal Ventures has been working in Vietnam’s northwest for several years, serving the ethnic minorities. Through a long series of discussions, all parties have developed a framework through which the Glocal Ventures “model” can be expanded to other provinces. Why is this so important?

First and foremost, Glocal Ventures provides development assistance to people who need it. But because Glocal Ventures is not only faith-based, but church-based, its efforts demonstrate that faith and church are positive factors. Vietnamese officials appreciate the positive impact that communities of faith have made toward the socio-economic development of Vietnam’s rural areas. They also appreciate the opportunity to let more Americans see for themselves what Vietnam is like as Glocal Ventures facilitates the expertise of church members from across America to serve the Vietnamese.

Also from the bottom-up, we are in discussion with our Vietnamese friends about how we might assist religious freedom training for government officials and religious leaders, as well as theological training for pastors. If government officials and religious leaders are trained together, not only will both know more about religious freedom, both will be more comfortable with the other as stereotypes are ameliorated, even eliminated.

In addition, theological training for aspiring pastors not only helps faith communities to better understand their religion and its requirements to serve society, theologically trained pastors also prevent local congregations from being politically manipulated by those seeking their own, non-religious, purposes (e.g., separatism). At the end of our visit to Ta Phin commune, for example, the provincial deputy minister for religion and ethnicity suggested that we work with them to explore these very possibilities.

These ideas were confirmed in subsequent meetings in Hanoi with the National Committee on Religious Affairs (CRA), the Ministry for Public Security, and President Triet. As one CRA official said in response to my trip report and suggestions for how we might move ahead: “You strike the right notes in your summary. The reality is that we have good policies but the implementation is not perfect. The education level is low at the local level, but local officials have to face the reality of something new.”

Conclusion

Vietnam is a country in serious transition amidst strategic transformation. It is tackling several challenges head-on. It is working to develop its economy and reduce poverty—a fundamental human right. It is also working to develop a religious freedom framework and therefore enable an even stronger civil society.

Despite continuing issues of harassment at the local level, the government has affirmed and demonstrated that religious freedom is not just an abstract value that it indirectly assents to, but that religious freedom is important to its national security and governance (not just its foreign policy). Otherwise, religion and rule-of-law conference would not take place, access to sensitive regions would not be granted, security documents would not be revised, and Protestant Christianity—still a minority religion—would not have been addressed.

The above developments don't negate the still-existent challenges. Clearly, however, significant internal political forces are at work, forces that seek to affirm rule of law in the context of religion and religious freedom.

In the context of this internal evolution and our bilateral relationship, the U.S. government and its citizens should continue to exercise vigilance in supporting openness to reform. We need to enhance our communications in order to correct misperceptions and investigate and address the abuses that do take place. We need to work toward a national law regarding religion; for increased registrations; and for greater opportunity for churches to construct buildings. But, we need to promote religious freedom *together*—with the Vietnamese government and people—in a way that honors the genuine paradigm shift that is now taking place.

This kind of progress does not come easy. In fact, it is the direct result of the difficult and long-term work of building relationships of trust and respect. Through a relational diplomacy that operates simultaneously from the top-down and the bottom-up, it is indeed possible to understand one another and, as a result, develop solutions that are sustainable, if only because we've developed them together.

Thank you again Congresswoman Sanchez for inviting me to participate in this vital discussion.

About the Institute for Global Engagement:

The Institute for Global Engagement (IGE) promotes sustainable environments for religious freedom worldwide. As a faith-based organization, IGE believes firmly in universal human dignity and is committed to the protection of all faiths through the rule of law. IGE pursues this mission with a balanced approach, encouraging governments to protect religious freedom (*top-down* engagement) and equipping citizens to exercise that freedom responsibly (*bottom-up* engagement).



**Memorandum of Understanding
Between
The Vietnam-USA Society and the Institute for Global Engagement
Article 4 Protocol
Community-to-Community Relationships**

In accordance with Article 7 of the 9 September 2006 Memorandum of Understanding (MOU) between the Vietnam-USA Society (VUS) and the Institute for Global Engagement (IGE), this protocol establishes the practical parameters for implementing Article 4 of the MOU: Promote community-to-community relations between America and Vietnam focusing on Vietnam's socio-economic development by carefully expanding the model of humanitarian and development assistance projects implemented by the "Global Ventures, Inc. (GVI) in Lao Cai province to other provinces upon the approval of the local authorities in compliance with the Regulations on the Operation of Foreign Non-Governmental Organizations in Vietnam promulgated in accordance with Decision No. 340/TTg dated 24 May, 1996 of the Prime Minister of the Socialist Republic of Vietnam (hereinafter referred to as the Regulations).

Foremost, this protocol re-affirms our purpose of strengthening and sustaining Vietnam-U.S. relations by building on the significant progress made by Vietnam in religious freedom. In particular, this protocol recalls our principles of cooperation as stated in the 1 July 2005 Letter of Intent, and reflected again in our September MOU. We commit again to working together through consensus, mutually respecting:

- One another's national cultural and historical context;
- The rule of law and each country's legal system; and,
- The need for timely consultation.

Fundamental principles for the implementation of the Article 4:

Community-to-Community Relations

1. All Article 4 projects shall take place in accordance with the goals and principles of the 9 September 2006 MOU between VUS and IGE.
2. All projects will be designed and implemented in support of Vietnam's five-year development plan (see Appendix A).
3. All projects shall be approved by authorized bodies in Vietnam according to the relevant legal regulations in Vietnam. Under the approved projects, agreements with Vietnamese partners can be signed with necessary consultation with the Committee for International Non-governmental Organization (COMINGO) to assure the legality of such agreements.
4. All projects will take reference to the basic model of humanitarian and development assistance projects implemented by GVI (see Appendix B). Specific development projects are to be determined after assessment of the communities' needs.
5. GVI will design projects/programs and sign MOU with the authorities in each province where it works, including the relevant community leaders. This MOU will include the following elements:
 - a. An MOU steering committee that reflects relevant community sectors such that implementation decisions are made in a timely and effective fashion. The steering committee may establish an "executive committee" of one local government official, one project beneficiary representative and one representative of GVI.
 - b. A mutual and ongoing assessment mechanism that:
 - i. Identifies the community's needs;
 - ii. Develops a plan with objectives and metrics to meet those needs;
 - iii. Ensures that this plan supports Vietnam's five-year development plan; and,
 - iv. Compares and measures, on a regular basis, the plan's objectives against the results, adjusting as necessary.
 - c. A mechanism through which the visiting expertise of American communities is appropriately implemented in a consistent manner.
6. IGE and GVI will screen all non-Vietnamese experts for participation in projects.
7. GVI will train all non-Vietnamese experts before they work in Vietnam, ensuring they will operate in a manner that is culturally respectful, follows best practices, and honors the principles of the MOU, and this protocol.

8. GVI will conduct project assessments/evaluation with PACCOM or other related agencies at least once per year, and send IGE and VUS the evaluation reports. These reports will also include upcoming objectives and planned projects.

Together, the articles of this protocol help promote socio-economic development for the people of Vietnam, strengthen and sustain U.S.-Vietnam relations.

Signed 4 November 2007 in Hanoi, Vietnam



Hoang Cong Thuy
Secretary General
Vietnam-USA Society



Chris Seiple
President
Institute for Global Engagement



**Memorandum of Understanding
between
the Vietnam-USA Society and the Institute for Global
Engagement**

The Vietnam-USA Society (VUS) and the Institute for Global Engagement (IGE) agree to continue working together to strengthen U.S.-Vietnam understanding and cooperation, building and expanding upon the work begun through the 1 July 2005 Letter of Intent. To this end, VUS and IGE will work to encourage and sustain progress already being made in ensuring religious freedom and the rule of law in Vietnam through the next steps, detailed below.

Principles of Cooperation

VUS and IGE re-affirm the principles of cooperation stated in the 2005 Letter of Intent, agreeing to work together through consensus, mutually respecting:

- One another's national cultural and historical context
- The rule of law and each country's legal system
- The need for timely consultation

Next Steps

IGE and VUS will work together to:

1. Maintain frequent communication to foster better mutual understanding about the actual religious situation in Vietnam and America.
2. Continue facilitating annual reciprocal visits of U.S. and Vietnamese religious, government, academic, NGO, and business leaders such that the relationship between Vietnam and the United States is strengthened through mutual understanding.
3. Institutionalize, on a regular basis, a conference series on "Religion and Rule of Law in Southeast Asia" to deepen regional understanding

of effective religion legislation and implementation through comparative discussion, beginning in the fall of 2007.

4. Promote community-to-community relations between America and Vietnam focusing on Vietnam's socio-economic development by carefully expanding the "Glocal Ventures" model established in Lao Cai province to other provinces.
5. Facilitate, as appropriate, intra-faith discussions between Vietnam and the U.S about religious freedom and its responsible exercise.
6. Facilitate, as appropriate, provincial level training seminars for local Vietnamese officials and religious leaders on Vietnam's religion regulation and the need for its compliance, building trust as a result.
7. Develop and implement a pilot program for articles 4, 5, and 6 in 2007. Protocols for these pilot programs will be worked out jointly by VUS and IGE in close consultation with relevant Vietnamese authorities.

Together, these steps are designed to further respect and guarantee of religious freedom in Vietnam consistent with Vietnamese culture and the rule of law, building on the significant progress already made, thereby strengthening and sustaining U.S.-Vietnam relations.

Signed 9 September 2006 in Hanoi, Vietnam



Hoang Cong Thuy
Secretary General
Vietnam-USA Society



Chris Seiple
President
Institute for Global Engagement



promoting sustainable environments for religious freedom worldwide

VIETNAM, RELIGIOUS FREEDOM & PNTR

Chris Seiple

President, Institute for Global Engagement

testimony before the
United States Senate
Committee on Finance

On

“S.3945—A bill to authorize the extension of nondiscriminatory treatment
(normal trade relations treatment) to the products of Vietnam”

12 July 2006

Chairman Grassley, Senator Baucus, Members of the Committee,

Thank you for the privilege of speaking with you about Vietnam, religious freedom, and whether or not to establish permanent normal trade relations with Vietnam.

My family is familiar with this country, its blood literally a part of Vietnamese soil. Two of my uncles served as Marine infantry officers in Vietnam, earning three purple hearts among three tours. I was born in the great state of Iowa because my Hawkeye mother, Margaret Ann, went home to have me while my father, Bob, a Marine aviator, flew 300 combat missions out of Da Nang. As a result, our family has a clear-eyed instinct for engaging the world as it is; an instinct confirmed by my own nine years of experience as a Marine infantry officer.

Yet we are also a family of faith. We believe in things like forgiveness and reconciliation. My father, for example, has long worked to build bridges to Vietnam. In 1988, he brought World Vision, the world's largest faith-based relief and development NGO, back to Vietnam in order to serve its people. Similarly, the Institute for Global Engagement—the organization he founded after serving as the first U.S. Ambassador-at-Large for International Religious Freedom—has worked to serve the Vietnamese people since 2001.

The Institute for Global Engagement (IGE) is a “think tank with legs” that promotes sustainable environments for religious freedom worldwide. We take a comprehensive approach that first seeks to understand the nexus of faith, culture, security, development and the rule of law within a given society. We then use relational diplomacy to simultaneously engage both the government (top-down) and the grassroots (bottom-up). The result, we pray, is respectful dialogue and practical agreements that help transition countries toward sustainable religious freedom.

As a faith-based organization, we are well-positioned to engage complex places where religion is a core issue. By way of brief example, two months ago, IGE took an American delegation of Muslims and Christians to Pakistan's Northwest Frontier Province (NWFP) and Tribal Areas. Working in support of a Memorandum of Understanding that we signed last year with the NWFP government, we established a scholarship program for Muslim students and minorities from the Afghanistan-Pakistan border regions at the University of Science and Technology in Bannu. At the program's core is education on religious freedom and respect—perhaps the best long-term tool we have for fighting terrorism.

Our work in Vietnam reflects the same principles. This September marks my fourth trip to Vietnam since the U.S. designated Vietnam a “country of particular concern” (CPC) in September 2004. Over the course of these visits, to include several meetings with Vietnamese officials visiting the U.S., I have had the opportunity to meet and observe many government and religious leaders in Hanoi, as well as at the provincial level (particularly in the Central and Northwest Highlands).

(I should note that the focus of our work is with the Christian ethnic minorities of the Central and Northwest Highlands because these faith-based groups are the largest and have suffered the most.)

While there are many technical and tactical issues to debate regarding PNTR with Vietnam, religious freedom in Vietnam, and the relationship

between the two, I believe that we can distill these discussions to two strategic questions:

1. Has Vietnam begun to move toward a rule-of-law system that will preserve, protect and promote religious freedom in Vietnam, as well as enhance the trade between our two countries?
2. And, if so, how should the United States practically encourage Vietnam to continue moving in the right direction?

Vietnam has made the strategic decision to seek a strong bilateral relationship with the United States, which requires the removal of CPC designation. One cabinet level official remarked to me last year: “Whether we like it or not, we recognize religious freedom as a permanent U.S. national interest.” As a result, I believe, the decision has been made at the highest levels—and confirmed at the 10th Party Congress this past April—to do whatever it takes to remove CPC designation, and prevent further U.S. sanctions.

In other words, in the last two years, a strategic shift has taken place in the Vietnamese mindset. This shift, irrespective of origin, has begun to provide for the religious freedom of all Vietnamese citizens. This change is confirmed in the conversations I’ve had with senior Vietnamese officials and demonstrated in the talking points advanced by provincial authorities at the beginning of each meeting.

Evidence of this shift began with the promulgation of nationwide ordinances (November 2004), instructions (February 2005), and guidelines (March 2005) on religious freedom. Although significant discrepancies among these documents must be clarified—for example, the registration process for faith-based groups is unclear when the three documents are laid side-by-side—the government has begun the unprecedented process of training officials at all levels about these decrees and how religious freedom should be addressed. This shift has also created the space in which religious freedom organizations like IGE can contribute to an opening civil society by providing third party accountability regarding religious freedom. Finally there is increasing awareness among government officials that faith-based groups contribute to social stability by: 1) providing for the poor and needy, 2) alleviating the financial responsibility of the state to provide the same services; and 3) by serving as a moral bulwark against the increased corruption that inevitably accompanies an economy in transition.

This evolution of word and deed among government officials at the national and provincial level mark the beginning of a new pattern in the history of Vietnam’s human rights.

To be sure, the implementation of these changes is uneven and there are too many examples of people of faith, to include Buddhists, being harassed because of their belief system (in some places much more than others). Yet these positive changes continue to take place, deepening and broadening the opportunity for a rule-of-law system to take root and permanently provide for religious freedom as well as normal trade relations.

In this overall context, I believe that the United States should honor Vietnam's good faith effort in religious freedom, lift CPC, and then establish PNTR.

These two particular actions send the strong signal that we both *respect* the efforts made thus far by the Vietnamese government to establish the rule of law (especially the protection of religious freedom), and that we *expect* the government of Vietnam to continue creating the rule-of-law structure necessary to promote religious freedom and free trade in a sustainable manner. If such efforts do not continue at a reasonable pace, the U.S. should be ready to quickly reinstate CPC designation, possibly with sanctions.

Perhaps most importantly, removing CPC, then establishing PNTR, encourages the progressive elements among Vietnam's leadership. Vietnam possesses many true patriots amidst its government's bureaucracy. I have met many of these national servants who want what is truly best for their country and their citizens. If we do not tangibly support them, hardliners gain the advantage and impede the progress we all seek.

To maintain the current momentum, both governments should agree to a rule-of-law roadmap that, in particular, ensures steady progress in religious freedom. A critical component of that roadmap, I believe, is the continuation of the practical, confidence-building steps that have been taken thus far by the Vietnamese through the partnership between IGE and the Vietnam-USA Society (VUS).

On 1 July 2005, IGE and VUS signed an agreement to take three tangible steps together to build religious freedom in Vietnam whereby: 1) IGE would host a Vietnamese delegation of government and religious officials in Washington, D.C. (February 2006); 2) IGE would take a delegation of scholars and pastors to Vietnam (June 2006); and 3) IGE would co-sponsor a conference on religion and rule of law in Hanoi (September 2006).

The first step called for a delegation of Vietnamese government and religious leaders to come to America (which took place this past February). For the first time in Vietnamese diplomatic history, the government did not choose

its country's religious representatives for a delegation; instead, these authentic voices from the Christian community were selected by IGE. Importantly, during the course of our meetings with U.S. officials, these pastors were not afraid to sometimes disagree with the government officials—demonstrating an emerging public square for honest discussion of religious freedom issues among Vietnamese.

These discussions took more formal form on 28 February, when the delegation participated in an off-the-record conference of experts that IGE co-sponsored with Georgetown University and The George Washington University. This forum—the first of its kind—provided an opportunity for American and Vietnamese officials and practitioners to meet and discuss the many issues related to religious freedom, including the current U.S. CPC designation.

The second step of our agreement called for IGE to bring a delegation of scholars and pastors to Vietnam to understand the progress and challenges of implementing religious freedom in the Central and Northwest Highlands (which we did last month). While our conversations in Hanoi with the Communist Party, Ministry of Foreign Affairs, the National Committee for Religious Affairs, and Buddhist and Christian leaders confirmed Vietnam's strategic commitment to promoting religious freedom, our experiences at the provincial levels also confirmed the uneven progress made in implementing these religious freedom reforms.

In Vietnam's Northwest, Protestant evangelicalism is growing rapidly with 1200 "house Churches" (which are comprised almost entirely of the Hmong ethnic minority, with a few ethnic Dza'o) seeking recognition and registration from the government under the auspices of the Evangelical Church of Vietnam (North). Although Hanoi has officially encouraged the recognition and registration of these churches, provincial authorities still practice bureaucratic discrimination against the Hmong Christians. Certain local authorities regularly tell Christians that they cannot state their religion on their identification cards while returning unopened church registration applications to the congregations. If someone is not officially Protestant, and if no church application has been received, then the government can maintain the appearance that there are no problems. This clumsy approach serves no one except those who prefer CPC designation to continue.

Still, unregistered house churches are increasingly allowed to meet. The first full-time Catholic priest since 1950 has been installed in the town of Sa

Pa (Lao Cai). And our trip itself was an indication of continuing movement in the right direction. According to officials in Hanoi and the Northwest, IGE is the only international NGO to have been allowed into the Northwest. It is also important to note that we were not refused access to areas or people by local officials. Indeed, local officials and pastors spoke openly about how Christians and government officials have contributed to recent problems.

Meanwhile several complicating factors make it difficult to discern whether or not religious freedom violations have taken place. The Hmong tribes tend to practice a “slash and burn” form of agriculture as they migrate among provinces (and international borders). These habits create tension with local residents, as well as government officials who are trying to establish development programs for a region where roughly 50% of the people live on less than 50 cents/day. The extreme geography of the region only accentuates development efforts as many remote villages do not have access to the outside world during rainy season when landslides, impassable trails and roads, and swollen rivers prevent travel.

When Hmong convert to Christianity, there is often tension within the family as the non-Christian members of the family feel that the Christians have betrayed the family, its ancestors and the culture (a feel shared by neighbors and the local shaman). There are often issues of land inheritance associated with the conversion, depending on the age of the convert, as younger members of the family feel left out.

Making the situation more complex is the Hmong word “Vang Chu.” In a spiritual context, it can be translated as “God” or “Christian.” In a political context, however, “Vang Chu” can mean “king” or “lord,” reminding local officials of Hmong separatism as well as Hmong support for the U.S. during the Vietnam War.

The final complicating factor is the Christians themselves. First, the Evangelical Church of Vietnam (North)—which must recognize and take responsibility for the 1200 Hmong churches before the government will register them—does not have a presence in any of the Northwest provinces. Each of the 1200 Hmong churches must go to the Hanoi headquarters of the Evangelical Church of Vietnam (North) to coordinate its actions with the provincial government where the church wants to register.

Second, a seminary does not exist to serve the Northwest’s 120,000 Christians (some estimate as many as 250,000). Without certified pastors, the government will not recognize these 1200 churches. Untrained pastors also

limit the spiritual maturity of these believers. Third, for example, an unregistered and aggressive house church from the south—Lien Huu Co Doc (roughly, “Christian Alliance Church”)—is growing quickly in the Northwest. Unfortunately, most reports suggest that this church is buying converts, even churches, in order to demonstrate its “success” worldwide. Without a proper understanding of Christianity, and extremely poor to begin with, Hmong Christians are susceptible to these financial advances.

On the other hand, we also visited the Central Highlands provinces of Dak Lak and Gia Lai during this second step of our religious freedom agreement with the Vietnam-USA Society. Previously known for the severe persecution of Christians, these provinces are now moving forward to provide for the spiritual needs of its 200,000 Christians. In Dak Lak, the province has made land, and building permits, available to the nine officially registered churches (which now only lack money to build). Churches with thousands of members are now worshipping freely. The future is even brighter in Gia Lai. Twenty-nine churches have been registered in the last two years and 235 designated places of worship are being organized into churches. Plagued with a shortage of certified pastors (there are only nine), the local Evangelical Church of Vietnam (South) council has worked directly with the provincial authorities to establish three different seminary tracks.

The difference between the Central and Northwest Highlands is three-fold. First, the local government leadership is making a comprehensive effort to implement Hanoi’s decrees, and educate its officials. Second, the Evangelical Church of Vietnam (South) is organized at the provincial level, working directly with the People’s Provincial Committees. Third, the government and the church recognize that more seminary graduates serves both of them.

More pastors equates to better churches which live out the faith by taking care of the poor (while also alleviating some of the state’s financial burden to otherwise provide these services). More pastors also means more Christians who better understand the tenets of their faith and are thus less susceptible to personality cults or separatist movements.

The third component of IGE’s religious freedom agreement with the Vietnam-USA Society is to co-convene Southeast Asia’s first-ever conference on religion and rule of law in Hanoi this September. Working with the Vietnamese Academy of Social Sciences’ Institute for Religious Studies, Brigham Young University Law’s International Center for Law and Religion Studies, and Emory University Law’s Center for the Study of Law and Religion, this

conference will give regional policymakers, scholars, and government officials an opportunity to learn from their comparative countries' examples.

Together, these three steps are tangible indicators of where and how Vietnam is moving toward a more transparent, rule of law system that will one day protect and promote the religious freedom of its citizens. Progress is uneven to be sure, especially in the Northwest. But it is also quite clear that national and provincial authorities are headed in the right direction.

In summary, as one observer put it, "Vietnam wants to change, it's just not sure how to." So how should we continue to work with Vietnam?

First, we need to establish a rule-of-law roadmap for moving ahead on religious freedom. The immediate step is to end the bureaucratic discrimination taking place in Vietnam's Northwest by eliminating all issues related to identification cards and by registering at least half of the 1200 Hmong churches in that region.

Second, Vietnam must clarify the discrepancies among the ordinances, instructions and guidelines on religious freedom if government officials are to be comprehensively educated and trained about them. That said, joint classes at the district and commune levels—where government and religious officials are taught together—would help immensely. As information is distributed and people are taught how to observe the rule of law, stereotypes between potential antagonists are reduced by sharing a common classroom.

Third, we need to send a strong and unambiguous message to Vietnam's leaders that we are willing to work with them. Establishing PNTR and lifting CPC sends that signal. And we should communicate that if Vietnam falters or backslides, we will not hesitate to re-impose CPC designation and impose sanctions.

Fourth, we need to encourage a more clearly defined structural process through which the Evangelical Church of Vietnam—North and South—coordinates with provincial authorities and provides seminary training to more pastors.

Fifth, and finally, we need to broaden and deepen the kind of people-to-people diplomacy that has been taking place between IGE and the Vietnam-USA Society. For example, at the end of our September 2006 conference on religion and rule of law in Southeast Asia, IGE will renew our commitment to the Vietnam-USA Society by signing a Memorandum of Understanding (MOU). The MOU will institutionalize this historic regional dialogue, establishing an annual conference series on religion and rule of law.

The MOU will also deepen mutual understanding and foster new initiatives through ongoing reciprocal visits of U.S. and Vietnam faith, business, academia, and government leaders. New initiatives achieved through the MOU might include local economic development projects; business investment; training for local government officials and religious leaders; seminary scholarships for pastors; and establishing a mechanism for regular contact between religious leaders and government officials.

This kind of progress does not come easy. In fact, it is the direct result of the difficult and long-term work of building relationships of trust and respect. Through relational diplomacy—between states and between peoples—it is indeed possible to understand one another and, as a result, develop solutions that are sustainable, if only because we have developed them together.

Thank you again, Mr. Chairman, for inviting me to participate in this vital discussion.

About Chris Seiple:

Chris Seiple is the President of the Institute for Global Engagement (www.globalengage.org). Next month he defends his Ph.D. dissertation on “U.S.-Uzbekistan Relations, 1991-2005” at the Fletcher School of Law & Diplomacy at Tufts University. He also holds an M.A. in National Security Affairs (Special Operations/Low Intensity Conflict) from the Naval Postgraduate School in Monterey, California, and a B.A. in International Relations (East European/Soviet Studies) from Stanford University. He is a Senior Fellow at the Foreign Policy Research Institute and a member of the International Institute for Strategic Studies and the Council on Foreign Relations. He is the founder of the Council on Faith & International Affairs.

About the Institute for Global Engagement:

The Institute for Global Engagement (IGE) promotes sustainable environments for religious freedom worldwide. As a faith-based organization, IGE believes firmly in universal human dignity and is committed to the protection of all faiths through the rule of law. IGE encourages governments to respect their citizens' right to religious freedom and educates people of faith to exercise that right responsibly. Operating at the nexus of faith, culture, security, development, and the rule of law, IGE's relational diplomacy—currently focused on East and Central Asia—enables respectful dialogue and practical agreements that help transition countries toward sustainable religious freedom.

Letter of Intent
between
The Vietnam-USA Society & The Institute for Global Engagement

Purpose

With this letter, the Vietnam-USA Society (VUS) and the Institute for Global Engagement (IGE) express their willingness to work together for a strengthened and deepened mutual understanding between the peoples of Viet Nam and the United States, thus promoting bilateral cooperation and friendly relations between the two countries in all dimensions.

VUS and IGE agree to cooperate in facilitating people-to-people diplomacy, through promoting experts' dialogues and exchange in all fields—e.g., social, economic, political, cultural, etc., including religious freedom and human rights.

Principles of Cooperation

We will work together through consensus, mutually respecting:

- One another's cultural and historical context
- The rule of law and each country's legal system
- The need for timely consultation

First Steps

We will coordinate joint efforts towards realization of the following initiatives:

- Co-sponsor an expert dialogue on human rights and religious affairs in Washington, D.C. (Fall 2005)
- Support the organization of a conference on the rule of law and religion in Hanoi, hosted by the Institute for Research on Religions (Fall 2006)
- Facilitating IGE field visits for further understanding of the implementation of the ordinance on faith and religions at local level (ongoing)

It is our intent to formalize this relationship as a Memorandum of Understanding by September 2005, after further consultation with our respective partners in each country.

Done in Hanoi on July 1, 2005



Thuy Hoang
Secretary General, VUS



Chris Seiple
President, IGE



**IGE-VUS Memorandum of Understanding
Between
The Vietnam-USA Society and the Institute for Global Engagement
Article 6 Protocol
Provincial Level Training Seminars on Vietnam's Religion Regulation**

In accordance with Article 7 of the 9 September 2006 Memorandum of Understanding (MOU) between the Vietnam-USA Society (VUS) and the Institute for Global Engagement (IGE), this protocol establishes the practical parameters for implementing Article 6 of the MOU: Facilitate provincial level training seminars for local Vietnamese officials and religious leaders on Vietnam's religion regulation and the need for its compliance.

Foremost, this protocol re-affirms our purpose of strengthening and sustaining Vietnam-U.S. understanding and cooperation by building on the significant progress made by Vietnam in religious freedom. In particular, this protocol recalls our principles of cooperation as stated in the 1 July 2005 Letter of Intent, and reflected again in our 9 September 2006 MOU. We commit again to working together through consensus, mutually respecting:

- One another's national, cultural, and historical context;
- The rule of law and each country's legal system; and,
- The need for timely consultation.

Fundamental principles for the implementation of the Article 6:

1. The coordination to implement Article 6 shall take place in accordance with the goals and principles of the 9 September 2006 MOU between VUS and IGE.
2. GCRA and IGE will be working together to establish and maintain a routine communication and coordination process of pilot provincial training seminars in accordance with the following guidelines:

- a. GCRA will consult and coordinate with Vietnamese local authorities to determine the format (contents, participants, timing and place) and the pilot training seminars.
 - b. The pilot training seminars will be conducted in accordance with the following Vietnamese government's documents:
 - i. Resolution #25 NQ/TW on 12 March 2003 of the 9th Plenum of the Central Committee of the Communist Party concerning the religion task;
 - ii. The Ordinance on Belief and Religion passed by the Standing Committee of the National Assembly (the 6th Plenum) of 18 June 2004;
 - iii. Instruction #01/2005/CT-TTg of 4 February 2005 of the Prime Ministers concerning some tasks involving Protestant Christianity; and,
 - iv. Decree #22/2005/ND-CP of 1 March 2005 of the National Government regarding guidance to carry out some provisions of the Ordinance concerning religion and belief.
 - c. GCRA's coordination with local authorities and religious communities will take place throughout the training process to ensure that the pilot training seminars encourage and build mutual understanding and cooperation between government officials and religious leaders.
 - d. Training assessments/evaluations of the pilot seminars with trainers and trainees will be conducted by GCRA. These reports will conclude with a section discussing future seminars and objectives. IGE and COMINGO (Government Committee for Foreign NGO Affairs) will be properly informed of these assessments/evaluations and reports.
3. IGE will provide financial assistance to GCRA's budget for the pilot seminars. GCRA and IGE will prepare anticipated cost and expenses report prior and after each seminar. These financial reports shall be included in the evaluation reports. IGE will be fully informed with these reports.
 4. This protocol has been made in three identical copies. One for each undersigned party and one for GCRA.

Together, the articles of this protocol help facilitate provincial level training seminars for local Vietnamese officials and religious leaders on Vietnam's

religion regulation and the need for its compliance, building trust and harmonious relationship between the two groups.

Signed 13 October 2008 in Hanoi, Vietnam



Hoang Cong Thuy
Secretary General
Vietnam-USA Society



Chris Seiple
President
Institute for Global Engagement

NOTES

CHAPTER 1

- 1 A/HRC/2/3, para. 35. Report of the Special Rapporteur on Freedom of Religion or Belief and the Special Rapporteur on Contemporary Forms of Racism on the incitement to racial and religious hatred and the promotion of tolerance.
- 2 1998 International Religious Freedom Act, section 3(13)(A).
- 3 ICCPR art. 18(3).

CHAPTER 2

- 1 E/CN.4/1998/6, para. 115.
- 2 General Assembly resolution 60/251 of 15 March 2006.
- 3 Human Rights Council resolution 5/1, para. 85.
- 4 ECOSOC resolution 2000/3, art. 3.
- 5 ECOSOC resolution 1996/31, para. 22.
- 6 ECOSOC resolution 1996/31, para. 23.
- 7 ECOSOC resolution 1996/31, para. 24.

CHAPTER 5

- 1 <http://www.osce.org/hcnm/>.

CHAPTER 6

- 1 Article 25 of the Rules of Procedure of the IACHR.
- 2 Article 63.2 of the American Convention.

CHAPTER 7

- 1 Article 58, African Charter on Human and Peoples' Rights.

- 2 Article 3, Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights.
- 3 Article 27, Protocol.
- 4 <http://www.pan-african-parliament.org/>.

CHAPTER 8

- 1 This chapter will not discuss U.S. mechanisms to combat domestic religious freedom violations, since this guidebook does not examine the domestic structures of any country. Chapter 8 focuses on the United States because of the numerous bodies that exist to promote religious freedom abroad.
- 2 Section 502B(a) of the Foreign Assistance.
- 3 Sec. 302(a)(3) of HR 4444.

CHAPTER 10

- 1 For more about religious freedom conditions in Turkmenistan during this period, review articles from Forum 18 (www.forum18.org) from 2002–2005 and the U.S. religious freedom reports on Turkmenistan from the same period (www.state.gov/g/drl/rls/irf/).
- 2 “Situation of human rights in Turkmenistan,” Commission on Human Rights resolution 2003/11, 59th session (2003)—March 17 to April 25, art. 2(c & d). <http://www2.ohchr.org/english/bodies/chr/regular-sessions.htm> (last viewed April 30, 2008).
- 3 “Situation of human rights in Turkmenistan,” Commission on Human Rights resolution 2004/12, 60th session (2004)—March 15 to April 23, art. 1(d), 3(a). <http://www2.ohchr.org/english/bodies/chr/regular-sessions.htm> (last viewed April 30, 2008).
- 4 “Situation of human rights in Turkmenistan,” Resolution adopted by the General Assembly, A/RES/59/206, December 20, 2004, art. 1(a & b), 2(d). <http://www.unhcr.org/refworld/type,RESOLUTION,,TKM,43f312330,0.html> (last viewed September 22, 2008).
- 5 “Situation of human rights in Turkmenistan,” Resolution adopted by the General Assembly, A/RES/60/172, December 16, 2005, art. 1(a-c), 2(f), and 3(e). <http://daccessdds.un.org/doc/UNDOC/GEN/N05/497/92/PDF/N0549792.pdf?OpenElement> (last viewed April 30, 2008).
- 6 “International Religious Freedom Report—Turkmenistan,” U.S. Department of State, 2003. “Ambassador also raised specific reports and urged ending numerically-based registration for religious minority groups in multiple meetings with the Foreign Minister in 2003.” <http://www.state.gov/g/drl/rls/irf/2003/24440.htm> (last viewed April 30, 2008). “U.S. Deputy Assistant Secretary of State Laura E. Kennedy Visits Turkmenistan,” *United States Mission in Turkmenistan*

- Quarterly Journal* (Winter, February 2005), p. 2. Following her talks with President Niyazov, Ambassador Kennedy said, “I also appreciated the opportunity to discuss some areas of particular concern to the U.S. government, including religious freedom, the development of civil society, access to prisoners, resumption of Radio Mayak broadcasts and some other issues.” http://turkmenistan.usembassy.gov/uploads/Ww/zn/WwznAbHkwyAqU9deHkHtug/newsletter_winter05.pdf (last viewed April 30, 2008).
- 7 “U.S. Ambassador to OSCE Discusses Human Rights in Ashgabat,” *United States Mission in Turkmenistan Monthly Newsletter* (August–September 2003), page 2. http://turkmenistan.usembassy.gov/uploads/HF/Rf/HFRfRtN_Feq5tz2ieaJNhQ/Newsletter0306.pdf (last viewed April 30, 2008). “Statement of U.S. Delegation on the Freedom of Thought, Conscience, Religion or Belief,” October 7, 2003. http://osce.usmission.gov/archive/2003/10/FREEDOM_OF_THOUGHT.pdf (last viewed April 30, 2008).
 - 8 “Consolidated Summary of the Human Dimension Implementation Meeting,” The Organization for Security and Cooperation in Europe, Warsaw, October 6–17, 2003. http://www.osce.org/documents/odihhr/2003/11/1033_en.pdf (last viewed April 30, 2008).
 - 9 “Commission Releases Report, Recommendations on Turkmenistan,” March 14, 2002. http://www.uscirf.gov/index.php?option=com_content&task=view&id=184&Itemid=53 (last viewed April 30, 2008).
 - 10 “Turkmenistan: Stop Religious Persecution—NGO Coalition Call on US Secretary of State Condoleezza Rice to Designate Turkmenistan as a ‘Country of Particular Concern,’” Human Rights Watch, September 28, 2005. <http://hrw.org/english/docs/2005/09/28/turkme11796.htm> (last viewed April 30, 2008).
 - 11 “Helsinki Commission Members: Turkmenistan Has Place on Powell’s List of Religious Freedom Violators,” United States Helsinki Commission, October 21, 2003. http://csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=330&Region_id=104&Issue_id=0&ContentType=P&ContentRecordType=P&CFID=7964132&CFTOKEN=69930094 (last viewed April 30, 2008).
 - 12 “Helsinki Commission Briefing Reviews Religious Freedom in Turkmenistan,” United States Helsinki Commission, May 7, 2004. http://csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=363&Region_id=104&Issue_id=0&ContentType=P&ContentRecordType=P&CFID=7964132&CFTOKEN=69930094 (last viewed April 30, 2008).
 - 13 “Letter to President Niyazov,” United States Helsinki Commission, June 3, 2004. http://www.csce.gov/index.cfm?Fuseaction=UserGroups.Home&ContentRecord_id=242&ContentType=R&ContentRecordType=R&UserGroup_id=104&Subaction=ByDate&CFID=6909454&CFTOKEN=18936789 (last viewed April 30, 2008).

CHAPTER 11

- 1 For further reading on Vietnam, see the following texts: Robert Templer, *Shadows and Wind* (New York: Penguin Books, 1999); Bao Ninh, *The Sorrow of War* (New York: Pantheon Books, 1995); Van H. Nguyen, *Vietnam: Journeys of Body, Mind, and Spirit* (Berkeley: University of California Press, 2003); Shawn F. McHale, *Print and Power: Buddhism, Confucianism, and Communism in the Making of Modern Vietnam* (Honolulu: University of Hawaii Press, 2003); Niel L. Jamieson, *Understanding Vietnam* (Berkeley: University of California Press, 1993); Bernard B. Fall, *Hell in a Very Small Place: The Siege of Dien Bien Phu* (Cambridge, Mass.: Da Capo Press, 1966); Duong V. M. Elliott, *The Sacred Willow: Four Generations in the Life of a Vietnamese Family* (New York: Oxford University Press, 1999); and Thu H. Duong, *Paradise of the Blind* (U.S. edition; New York: William Morrow, 1993).
- 2 As Protestant evangelicals were the most persecuted group in Vietnam, IGE focused its efforts on this particular group.
- 3 “Vietnam: Laying the Foundation for Steady Growth,” The International Development Fund, The World Bank, February 2007.
<http://www.worldbank.org/ida> (last viewed April 30, 2008).
- 4 These documents have been published in English by the Government Committee for Religious Affairs as “Vietnamese Legal Documents on Belief and Religion,” (Hanoi: Religion Publishing House, 2007).
- 5 After Seiple spoke on Capitol Hill in the fall of 2007 to a group of congressional staffers and shared this story, a staffer told him, “That’s all we ever do.”
- 6 The LOI and subsequent agreements between IGE and VUS can be found in the appendix.
- 7 The hearing focused on S.3495—“A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam.” <http://finance.senate.gov/sitepages/hearing071206.htm> (last visited April 30, 2008).
- 8 Emphasis in original. For a transcript and links to articles about IGE’s work in Vietnam, visit <http://www.globalengage.org/media/release.aspx?id=9082> (last visited April 30, 2008).
- 9 GVI is the legal mechanism through which Northwood Church (Dallas, Texas) serves the marginalized minorities of Vietnam’s Northwest Highlands. Per IGE’s September 2006 agreement with the Vietnamese, the GVI “model” in the Northwest is to be expanded to the Central Highlands. Toward that end, GVI was officially recognized last year and IGE has worked to enable GVI to partner with local provinces and even Vietnamese churches in the Central Highlands. While this partnership of American and Vietnamese churches will serve the poorest of the poor, the example also demonstrates to the government that people of faith can be a part of the solution while building a common community.

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