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**Mark-up of H.R. 1410 Vietnam Human Rights Act
Amendment in the Nature of a Substitute**

U.S. Rep. Chris Smith (NJ-04)
House Foreign Affairs Committee Mark-up of H.R. 1410
March 7, 2012

I would like to begin by expressing my sadness at the passing of my good friend and colleague, Mr. Donald Payne. We have alternated between chairing and being the ranking member of the Africa, global health and human rights subcommittee since the 109th Congress, 2005, and it was a privilege to serve with a member who cared so deeply about Africa and the dignity and well-being of all people. We shall deeply miss his presence on the subcommittee, and I extend my heart-felt condolences to his family and staff.

I thank you, Madame Chairman, for bringing the Vietnam Human Rights Act before the Committee for its consideration. The Africa, Global Health and Human Rights Subcommittee heard from witnesses at a hearing on January 24th that the Vietnamese government remains an egregious violator of a broad array of human rights. Their testimony confirmed that religious, political and ethnic persecution continue and in many cases is increasing, and that Vietnamese officials are still laying out the welcome mat for forced labor and sex traffickers.

In particular, we heard from a Vietnamese woman who courageously fought for her own rights and those of her co-workers when they were trafficked to Jordan with the complicity of

Vietnamese government officials. We also heard from Dr. Nguyen Dinh Thang, the executive director of Boat People SOS, who recently travelled to Thailand to investigate human rights violations in Vietnam. Dr. Thang provided extensive details about current labor trafficking, forced labor, and disturbing denials by the United Nations High Commissioner on Refugees of Vietnamese labor and sex trafficking victims.

In addition, our witnesses provided deeply disturbing photographs of evidence of torture, and showed a video of the Vietnamese military destroying an entire village of Hmong Christians.

It is imperative that the United States Government send an unequivocal message to the Vietnamese regime that it must end its human rights abuses against its own citizens. The amendment in the nature of a substitute before the committee retains the core of H.R. 1410 as introduced, namely the prohibition of any increase in non-humanitarian assistance to the Government of Vietnam above Fiscal Year 2011 levels unless the government makes substantial progress in establishing a democracy and promoting human rights, including:

- Respecting freedom of religion and releasing all religious prisoners;
- Respecting rights to freedom of expression, assembly and association, and releasing all political prisoners, independent journalists, and labor activists;
- Repealing and revising laws that criminalize peaceful dissent, independent media, unsanctioned religious activity, and nonviolent demonstrations, in accordance with international human rights standards;
- Respecting the human rights of members of all ethnic groups; and
- Taking all appropriate steps, including prosecution of government officials, to end any government complicity in human trafficking.

In the event this condition is met, the United States would have to increase funding for human rights and rule of law programming in Vietnam in an amount equal to or greater than the increase in non-humanitarian assistance.

The bill would not prevent increased funding to the Vietnamese Government for certain humanitarian assistance, such as food, medicine, Agent Orange remediation, and activities to combat human trafficking.

This prohibition of increased assistance could be waived for any year in which the President determines that increased non-humanitarian assistance to the Vietnamese Government would promote freedom and democracy in Vietnam or would otherwise be in the national interest of the United States.

This Committee adopted my amendment on the promotion of human rights in Vietnam to H.R. 2583, the Foreign Relations Authorization Act, Fiscal Year 2012, in July 2011, that substantially reflects the bill before us today.

I ask my colleagues to join me in affirming our commitment to promoting democracy and respect for human rights in Vietnam, and to support the Amendment in the Nature of a Substitute for H.R. 1410, the Vietnam Human Rights Act.