



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

FACTSHEET

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ENTITIES OF PARTICULAR CONCERN

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USCIRF's Mission

To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

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Entities of Particular Concern (EPCs) and Religious Freedom

One of the gravest *threats* to freedom of religion or belief (FoRB) in recent years has come not from the actions of governments, but from non-state actors. Non-state actors vary greatly in their respective ideologies, end goals, and use of violence. In some contexts, non-state actors include terrorists or militant vigilante groups motivated by a religious ideology who impose their religious beliefs on local populations and violently punish those who do not abide by their religious edicts. In countries where these entities operate, central and local government authorities often lack the capacity to stop these groups.

In recognition of the increasing threat that non-state actors pose to religious freedom, [*the Frank R. Wolf International Religious Freedom Act of 2016*](#), which amended the [*International Religious Freedom Act \(IRFA\) of 1998*](#), created a new presidential designation for “entities of particular concern,” or EPCs, for non-state actors that engage in particularly severe violations of religious freedom and meet certain other factors.

This factsheet explores the international standards that impose obligations on EPCs to respect the freedom of religion or belief (FoRB). While states are traditionally responsible for the protection of human rights, there is increasing recognition that armed non-state actors (ANSAs), which includes EPCs, bear obligations under international human rights law. This factsheet also considers the responsibilities of EPCs to protect religious communities under international humanitarian law and international criminal law. Better understanding of international law principles on the responsibilities of EPCs can help the U.S. government and international partners better respond to violations perpetrated by EPCs, promote the necessity of the protection of religious freedom by non-state actors, and ensure accountability for violations committed by these groups.

EPCs under IRFA

[*IRFA*](#) notes that religious persecution occurs around the globe, including in regions where non-state actors exercise significant political power and territorial control. The Frank Wolf Act defines a non-state actor as a non-sovereign entity that “(a) exercises significant political power and territorial control; (b) is outside the control of a sovereign government; and (c) often employs violence in pursuit of its objectives.” EPCs are non-state actors that satisfy the foregoing definition and engage in particularly severe violations of religious freedom, which are defined as “systematic, ongoing, egregious violations of religious freedom.” Examples of particularly severe violations pursuant to IRFA are listed in the following chart.

Examples of Particularly Severe Violations in IRFA

Torture or cruel, inhuman, or degrading treatment or punishment

Prolonged detention without charges

Causing the disappearance of persons by the abduction or clandestine detention of those persons

Other flagrant denial of the right to life, liberty, or the security of persons

The President of the United States is required to annually designate non-state actors that meet these standards as EPCs. The President has [delegated](#) the authority to make EPC designations to the Secretary of State. USCIRF's annual report recommends non-state actors to be designated as EPCs, and these recommendations are often reflected in the State Department's designated EPCs. In 2020, the State Department [designated](#) ten non-state actors as EPCs. In its 2021 Annual Report, USCIRF [recommended](#) seven non-state actors for EPC designations, all of which the State Department had designated as such in 2020.

Particularly Severe Religious Freedom Violations Committed by State Department Designated EPCs: The below entities were among those designated as EPCs by the State Department in December 2020. These EPCs are responsible for committing particularly severe religious freedom violations, including the following violations in 2020:

- **al-Shabaab:** As detailed in [USCIRF's 2021 Annual Report](#), in 2020, al-Shabaab carried out multiple attacks on both Muslims and non-Muslims. In March 2020, al-Shabaab conducted a [series of attacks](#) targeting school teachers in the Kenya-Somalia border, forcing thousands of teachers to leave their posts. For example, in January 2020, the group [attacked and killed](#) three local teachers in the village of Kamuthe in Garissa county. In September, the group stopped a bus on its way to Nairobi from Lafey town, Northern Kenya, from which it singled out and [abducted](#) three non-Muslims. Within its territory, the group targeted and [killed](#) individuals who were suspected of converting from Islam to another religion or becoming nontheists.
- **Boko Haram:** In 2020, Boko Haram fighters, based in Nigeria, made threats against Christians leading to the Christmas season and attacked three Christian communities on [Christmas Eve](#). The group also abducted and later beheaded local Christian leader Rev. Lawan Andimi, in part because [he would not renounce his faith](#). In February 2020, Boko Haram militants attacked Garkida, a town known for the foundation of the Church of the Brethren in the country, [burning at least five churches](#). In northern Cameroon, Boko Haram insurgents [attacked community leaders during a prayer service](#) in a mosque in retaliation because those leaders used the Qur'an to encourage villagers not to support jihadist groups.
- **The Islamic State in West Africa Province (ISWAP):** Also based in Nigeria, ISWAP compels people to attend prayer, prohibits smoking and the use of drugs, and implements harsh Quranic punishments, including amputations for thieves and killings for adulterers in its areas of control. ISWAP has also abducted and executed individuals based on their faith or belief, including 18-year-old [Leah Sharibu](#) for her unwillingness to convert to Islam. In January 2020, ISWAP abducted and [executed Ropvil Daciya Dalep](#), a Christian university student, stating "Christians all over the world must know that we will never forget their atrocities against us, until we avenge the bloodshed visited on us." In July, ISWAP soldiers [executed five aid workers](#) as a warning to "all those being used by infidels to convert Muslims to Christianity."
- **The Taliban:** In 2020, an increase in attacks by the Taliban and other terrorist groups decimated religious minorities, particularly the [Sikh community](#). The United Nations reported that the Taliban was responsible for 45% of the 8,820 [civilian casualties](#) that occurred in 2020. [Reports](#) indicated that the Taliban continued to [exclude religious minorities](#) and punished residents in areas under their control in accordance with their extreme interpretation of Islamic law. Since the Taliban seized control of the country on August 15, 2021, religious freedom conditions in Afghanistan have deteriorated. The Taliban's continued imposition of its harsh and strict interpretation of Sunni Islam poses a [grave threat](#) to all Afghans of differing interpretations and other faiths or beliefs.

USCIRF 2021 EPC Recommendations			
al-Shabaab	Boko Haram	The Houthis	Hay'at Tahrir al-Sham (HTS)
Islamic State in the Greater Sahara (ISGS)	Jamaat Nasr al-Islam wal Muslimin (JNIM)	The Taliban	

The Frank Wolf Act also requires the President to take action “when practicable” to address severe violations of religious freedom committed by EPCs. As the presidential actions outlined in IRFA are intended to be used against governments, these actions may not be relevant or impactful when used in response to particularly severe religious freedom violations committed by EPCs. However, beyond these punitive tools, IRFA provides the President with broad authority to take any other action authorized by law if the action would further U.S. policy on religious freedom. This option for commensurate actions provides the flexibility to impose meaningful consequences on EPCs. Despite this broad authority, no specific action has been taken against an EPC in

connection with a designation to date. However, the U.S. government has sanctioned leaders of non-state actors that commit religious freedom violations under different authorities, including in connection with a designation as a Foreign Terrorist Organizations.

Responsibility of EPCs to Respect the Freedom of Religion or Belief and Related Rights

While EPCs are a unique category under U.S. law, EPCs fall within the broader category of ANSAs. The United Nations (UN) *defines* ANSAs as “[g]roups that have the potential to employ arms in the use of force to achieve political, ideological or economic objectives; are not within the formal military structures of States, State-alliances or intergovernmental organizations; and are not under the control of the State(s) in which they operate.” As human rights obligations *devolve* with territory, additional obligations are imposed on ANSAs that have displaced governments and established territorial control. Within ANSAs, EPCs are unique in that they commit particularly severe religious freedom violations.

Comparing the Definition of EPCs and ANSAs	
IRFA definition of EPCs	UN definition of ANSAs
Often employs violence in pursuit of its objectives	Have the potential to employ arms in the use of force to achieve political, ideological, or economic objectives
Outside the control of a sovereign government	Are not within the formal military structures of States, State-alliances, or intergovernmental organizations Are not under the control of the State(s) in which they operate
Exercises significant political power and territorial control	Additional obligations added when ANSA exercises “either government-like functions or de facto control over territory and population”
Commit particularly severe violations of religious freedom	

There are several legal frameworks that impose obligations on ANSAs, and thus EPCs, to protect religious freedom and members of religious communities, including international human rights law, international humanitarian law, and international criminal law.

International Human Rights Law

FoRB is *guaranteed* in various human rights instruments, including Articles 18 of the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights*. Traditionally, international human rights law imposes obligations on states. However, as

noted by the UN Special Rapporteur on FoRB as early as 2014, “an evolving approach recognizes the importance and impact of certain non-State actors” and that some human rights obligations apply to ANSAs. In February 2021, a group of UN human rights experts, including the UN Special Rapporteur on FoRB, *affirmed* the human rights obligations of ANSAs. The UN experts stressed that “common *practice* of the UN human rights institutions acknowledges that, at a minimum, ANSAs exercising either government-like functions or de facto control over territory and population must respect and protect the human rights of individuals and groups.” Consequently, ANSAs, including EPCs, that have displaced governments

and established de facto control are responsible and accountable for [the protection of FoRB](#).

Notably, the obligation of states to protect human rights is [complimentary](#) to the human rights obligations of ANSAs. A state is [obligated](#) to prevent abuses of FoRB, including in areas where it has lost control, within the limits of its power. A state may be held responsible for the conduct of an ANSA when it can be shown that the state has failed to exercise due diligence to prevent, investigate, and respond to the ANSA's human rights violations.

International Humanitarian Law

International humanitarian law (IHL) applies in contexts of armed conflict. Today, most conflicts involve at least one ANSAs as a party. When an ANSA is party to an armed conflict and [meets](#) a certain threshold in its level of organization, IHL imposes additional responsibilities to protect life and dignity of individuals. The specific obligations of an ANSA that is a party to an armed conflict depends in part on whether the conflict is of an

international or non-international character.

Under [the Geneva Conventions of 1949 and their Additional Protocols](#), the responsibilities of parties to a conflict [include](#) (1) taking all measures to minimize the impact of violence on civilians, (2) respecting the principles of distinction and proportionality when carrying out military operations, (3) enabling civilians to leave areas affected by violence in safety and dignity, and (4) ensuring access to basic humanitarian assistance. IHL further [requires](#) that parties to a conflict respect the convictions and religious practices of civilians under their control and take special care not to damage or destroy cultural property.

Notably, human rights obligations are [complementary](#) to the responsibilities incurred under IHL. Further, some human rights obligations that apply to situations of armed conflict are also protected by IHL, including prohibitions on torture, inhuman and degrading treatment, murder, and sexual violence and slavery.

Violations of IHL and Human Rights by the Houthis in Yemen: The [Houthi movement](#), formally known as Ansar Allah, holds territory throughout Yemen and is engaged in an ongoing armed conflict to wrest territorial control away from the internationally recognized government. The [UN Group of Eminent International and Regional Experts on Yemen](#) has [noted](#) that the Houthis are bound by international human rights norms, as the de facto authority in parts of Yemen, and IHL, as a party to this conflict. According to the UN Group of Experts, the Houthis have acknowledged the application of IHL to their forces but continued to disregard these obligations. The Houthis have committed potential war crimes, including indiscriminately attacking civilians and blocking the population's access to humanitarian relief. Designated as an EPC by the State Department, the Houthi authorities' systematic, ongoing, and egregious violations of religious freedom include persecution of religious minorities, including the Jewish, Baha'i, and Christian communities under their control. According to the Group of Experts, the Houthis [are](#) unwilling to admit to these violations and take remedial action in response. The Houthis lack a system for redress for violations, resulting in a significant accountability gap for individuals living in the areas under their control.

International Criminal Law

Under *international criminal law (ICL)*, individuals who are members of ANSAs may be held *accountable* for war crimes, crimes against humanity, and genocide, including when these atrocities target religious communities. Individual criminal responsibilities applies both in times of conflict and peace, and ICL recognizes a range of modes of liability. Individuals can be prosecuted for these crimes and other serious violations of international human rights and IHL by the International Criminal Court, ad hoc tribunals, and *domestic courts*.

Prosecutions of ISIS Members for International Crimes: In Iraq and Syria, the Islamic State of Iraq and Syria (ISIS) waged a genocidal campaign in 2014 and engaged in crimes against humanity against Yazidis, Christians, Kaka'is, and Shi'a Muslims. ISIS continues to be designated an EPC by the State Department. While some criminal investigations are ongoing and the *United Nations Investigative Team for Accountability of Da'esh/ISIL (UNITAD)* was established to collect and preserve evidence in Iraq, many ISIS fighters responsible for those atrocities remain at large.

UNITAD's investigation has *collected* clear and convincing evidence of genocide against the Yazidi community, but a court is still needed to fairly prosecute the perpetrators of these crimes. The United Nations has raised *concern* that domestic trials in Iraq and Syria do not conform with international standards. ISIS members continue to undergo prosecution in European courts under principles of *universal jurisdiction*, but these trials are limited in number.

Conclusion

Human rights of individuals and groups must be respected, irrespective of the character of the perpetrator. As many non-state actors pose grave threats to religious freedom, identifying and clarifying their responsibilities to protect FoRB and other related human rights is essential. IRFA provides the U.S. government with tools to respond to particularly severe violations of religious freedom, including when committed by non-state actors. These tools include the designation of non-state actors that pose a particular risk to religious freedom and options to impose consequences in response to these violations. Doing so furthers accountability and decreases the protection gaps for individuals living in territories controlled by non-state actors. It also supports the further development of the responsibilities under international law of ANSAs that control territories and helps ensure that the responsibilities related to the protection of religious freedom are acknowledged and ultimately respected.



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The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.