

## December 21, 2006: Testimony by Felice D. Gaer, Chair, United States Commission on International Religious Freedom

Hearing on the Annual Report on International Religious Freedom 2006 and the Designation of Countries of Particular Concern

Before  
the House International Relations Committee of the United States House of Representatives Subcommittee on Africa, Global Human Rights, and International Operations

Thursday, December 21, 2006

Mr. Chairman and distinguished Members of the Subcommittee, let me begin by thanking you for the opportunity to testify today at this important hearing. I plan to summarize the Commission's testimony in my oral remarks, but would like to request that this full written statement be included in the record.

The Department of State's Annual Report on International Religious Freedom and the work of our Commission continue to demonstrate that the issue of religious freedom intersects with and shapes numerous U.S. foreign policy concerns. No longer viewed as solely a human rights matter, the issue of religious freedom is now understood to have a profound impact on our own political and national security interests as well as on political stability throughout the world.

In adopting the International Religious Freedom Act of 1998 (IRFA), Congress determined that it would be the policy of the United States to promote respect for this right as a matter of U.S. foreign policy. The State Department's Annual Report, which was released last September, provides an opportunity to assess the status of religious freedom throughout the world, to focus on the countries that are particularly serious violators of religious freedom, and to appraise U.S. efforts to integrate this important freedom within its foreign policy.

Along with the Commission's comments on the Annual Report, my testimony will address the Secretary of State's designations last month of "countries of particular concern" (CPCs), including the decision to add Uzbekistan to and remove Vietnam from the list. I will then discuss the Commission's concerns about the deteriorating religious freedom situation in China, another CPC country. In addition, I will focus on two countries which the Commission visited in the past year: Russia, where protections for religious freedom and other human rights are being whittled away by the present government, and Bangladesh, a country in which religious extremism appears to be gaining ground. I will also comment on the absence of protections for religious minorities in Iraq and the subsequent refugee crisis.

The 2006 Designations of Countries of Particular Concern and the Countries Omitted from the CPC List

One of the most critical elements of the IRFA legislation is the public naming by the U.S. government of the world's most severe violators of thought, conscience, and religion or belief. One of the purposes of the Annual Report is to make available the factual information necessary for the Department to carry out this task, that is, to determine which countries will be designated as "countries of particular concern," or CPCs, for engaging in systematic, ongoing, and egregious violations of freedom of religion or belief.

The Commission welcomed the continued designation last month by Secretary of State Condoleezza Rice of Burma, China, Iran, North Korea, and Sudan as CPCs. We also supported the fact that Eritrea and Saudi Arabia were once again named, since there have been no developments in the past year in either of those countries to warrant their removal from the CPC list.

### Uzbekistan Named a CPC

The Commission also welcomed the designation of Uzbekistan as a CPC, which the Commission has recommended for two years. The Uzbek government continues to exercise a high degree of control over the practice of the Islamic religion and to crack down harshly on Muslim individuals, groups, and mosques that do not conform to state-prescribed practices or that the government claims are associated with extremist political programs. This has resulted in the imprisonment of thousands of persons in recent years, many of whom are denied the right to due process. There are credible reports that many of those arrested continue to be tortured or beaten in detention, despite official Uzbek promises to halt this practice. All mosques are subject to state control and independent mosques have been closed by the government.

One recent case illustrates questionable due process practices, that of the independent imam, Ruhiddin Fahrutdinov. The Uzbek government alleges that he is a "Wahhabi" and therefore a religious extremist, a term often used by the Uzbek government to describe any Muslim who works outside the government-sponsored Muslim religious organization. In September 2006, the Tashkent City Criminal Court sentenced Fahrutdinov to 17 years imprisonment for setting up an "illegal religious organization" and engaging in "extremist activities." The court building was surrounded by about 50 Interior Ministry officers armed with automatic weapons. No observers and none of Fahrutdinov's close relatives were allowed into the court.

Moreover, Uzbekistan has a highly restrictive law on religion that severely limits the ability of religious communities to function, leaving over 100 religious groups currently denied registration. Twenty Protestant churches have been closed in the Karakalpakistan region in recent years.

The government of Uzbekistan faces threats to its security, but these threats do not excuse or justify the scope and harshness of the government's ill treatment of religious believers nor the continued practice of torture, which reportedly remains widespread and systematic. Existing restrictions on religious freedom for all religious denominations in Uzbekistan have deepened since last year's violence in Andijon, when the Uzbek government ordered the shooting of hundreds of unarmed protestors.

The Commission has traveled to Uzbekistan and reported on the severe religious freedom problems there. We would welcome the opportunity to work with the State Department as it prepares to take action in response to Uzbekistan's designation as a CPC, including in the development of benchmarks regarding the steps necessary to improve that

country's record on freedom of religion or belief.

### The Removal of Vietnam from the List

The Commission has expressed disappointment that the State Department dropped Vietnam from the list. As you know Mr. Chairman, in May 2005, the State Department announced it had reached an agreement with Vietnam on benchmarks to demonstrate an improvement in religious freedom conditions. The U.S. government agreed to consider taking Vietnam off the CPC list if these conditions were met. In November 2006, Ambassador at Large for Religious Freedom John Hanford announced that "Major progress has been achieved on all points of concern..." He cited positive developments in ending forced renunciations of faith and imprisonment for religious belief, as well as in training and ordaining clergy, reopening churches, and registering new ones. The Commission welcomes and commends these developments.

The Commission has already commented on the decision to remove the CPC designation. We noted that the Vietnamese government has taken some positive steps over the past year to address religious freedom concerns. It has allowed churches in the Central Highlands and Northwest Provinces to operate and have legally registered some of them. The government has also released prominent prisoners of concern.

However, it is the Commission's conclusion that Vietnam has not yet fully complied with the May 2005 agreement. Forced renunciations of faith continue in some areas, and in the last year, the Commission has received credible information that a dozen new arrests have been made and prominent leaders remain under house arrest. Even those recently released remain under intense government surveillance. Indeed, Ambassador Hanford noted in November that developments were slow in the north and northwest, and that "registrations ...still not reached a majority of believers in those regions...", that there were "outstanding property disputes ...," and that "at times, local officials still take the law into their own hands, ignoring the central government..." He further reported that "Some Buddhists ...[including] the UBCV leadership...remain restricted in their freedom to move and to meet because they express certain political views which the government finds threatening. ...Some Montagnards in the central highlands have faced similar harassment because of their political views. Unfortunately, sometimes even believers who do not hold such positions may still be caught in the fray of such harassment."

The May 2005 agreement stipulated that Vietnam needed to implement fully its new laws on religion. Over the past two years, the Vietnamese government issued orders banning forced renunciations of faith and two ordinances intended to loosen restrictions on religious practice and registration. It is the Commission's view, however, that Vietnam's new laws on religion are not fully implemented and, in some case, these laws are being used to restrict and control freedom rather than fully to protect it. For example, forced renunciations of faith continue, particularly among ethnic minority Protestants and Unified Buddhist Church of Vietnam (UBCV) monks and nuns. Additionally, it has come to our attention that security forces are using the new laws to detain religious leaders and deny legal status to the UBCV and some Hoa Hao Buddhists, Vietnamese Mennonites, and Hmong and Montagnard Protestants, particularly those who refuse to join the government-approved religious organizations.

The Commission has stated that these facts alone warrant Vietnam's re-designation as a CPC. Moreover, in the Commission's view, lifting the CPC designation potentially removes an important incentive that has stimulated

U.S.-Vietnamese discussions on religious freedom. Over the last year and half, religious freedom concerns have been made a diplomatic priority with productive results. Despite fears to the contrary, the CPC designation did not hinder progress on economic and security interests that the United States shares with Vietnam.

Therefore, in the Commission's assessment, it was much too soon for the United States to drop Vietnam from the list. Retaining the CPC designation would have indicated that U.S. human rights concerns remain a priority and are critical to the scope and progress of U.S.-Vietnamese relations. In addition, it would have continued to provide incentives for the Vietnamese government to address remaining U.S. concerns, to establish permanent legal protections for religious and ethnic minorities, and to promote cooperation with U.S. assistance programs that advance projects of legal reform, rule of law, economic development for ethnic minorities, and capacity building for an emerging civil society.

In the past year, the Commission has made many such recommendations regarding U.S. assistance programs in Vietnam, including the following recommendations for the U.S. government:

- Support the full and vigorous implementation of the Montagnard Development Program (MDP), which was created last year as part of the House and Senate Foreign Operations conference report. The MDP would provide targeted humanitarian and development support to the Montagnard/ Hmong people and would provide needed development funds for ethnic minorities whose demands for land rights and religious freedom are closely connected. This program is consistent with Vietnam's own stated goals of reducing poverty in the Central Highlands and northwest provinces and with the need for reform, transparency, and access to regions where many religious freedom abuses continue to occur.
- Reallocate the funds that formerly supported the STAR (Support for Trade Acceleration Program) to new projects on human rights training, civil society capacity building, and non-commercial rule of law programs in Vietnam. The Commission suggests the funds go to the creation of the Promoting Equal Rights and the Rule of Law (PEARL) program. Prime Minister Nguyen Tan Dung has said he is committed to reform, democracy and rule of law. The U.S. government should take him at his word and assist in that process.

#### Bilateral Discussions with Saudi Arabia

Last July, the Commission welcomed the State Department's announcement that bilateral discussions with Saudi Arabia have enabled the United States to confirm a variety of Saudi policies to improve "religious practice and tolerance"-many of which were first recommended in Commission reports. As far as we can tell, the newly-reported Saudi policies-if actually implemented in full-could advance much-needed efforts to dismantle some of the institutionalized policies that have promoted severe violations of freedom of religion or belief in Saudi Arabia and worldwide. The new policies reportedly aim to halt dissemination of intolerant textbooks and extremist ideology, protect the right of Muslims and non-Muslims to worship in private, and change the composition, powers, and practices of the Mutawaa (the religious police). Changes in these areas are necessary first steps for Saudi reform.

However, in the past, Saudi authorities have made statements regarding religious freedom reforms, but did not act on them. Because previous Saudi reform pledges have not been implemented in practice, the Commission is concerned about whether and how these reported Saudi policies will be implemented and how the United States will monitor them. The Commission therefore has recommended that the State Department continue to press the Saudi government on the specific

steps that it will take to implement these policies and report publicly to Congress every 120 days on what the Saudis have done or not done in that regard.

### Eritrea Continues to Deteriorate

The government of Eritrea continues to engage in systematic and egregious violations of religious freedom. Current violations include a prolonged ban on public religious activities by all religious groups that are not officially recognized, closure by the authorities of the places of worship of these religious groups, inordinate delays in acting on registration applications by religious groups, disruption of private religious and even social gatherings of members of unregistered groups, arbitrary arrests and detention without charge of their members, and the mistreatment or torture of religious detainees, sometimes resulting in death. Unfortunately, the situation has continued to deteriorate since the CPC designation was made in 2004.

### Countries Not Named

The information in this year's Annual Report makes clear that two other countries merit CPC status in addition to those that have been previously named by the Secretary of State. The Commission finds that the governments of Pakistan and Turkmenistan persist in engaging in or tolerating particularly severe violations of religious freedom, and regrets that they were, once again, not designated as CPCs this year.

In Pakistan, discriminatory legislation effectively bans many of the activities of the Ahmadi community. Blasphemy allegations, routinely false, result in the lengthy detention, imprisonment of, and sometimes violence against Ahmadis, Christians, and Hindus, as well as Muslims, some of whom have been sentenced to death. Though two persons were acquitted of blasphemy charges last month, that same month, a Pakistani court sentenced two men to 10 years in prison on blasphemy charges. In the wake of rumors in October that the two men had committed blasphemy, it was reported that a mob of 500 persons attempted to kill them. What is more, even those who are acquitted are not able to return to their former lives, as the threat of violence frequently forces them to move or live in hiding. In addition, the government of Pakistan continues to provide an inadequate response to vigilante violence, sometimes in response to false blasphemy allegations, against Shi'as, Ahmadis, Hindus, and Christians.

The omission of Turkmenistan from the CPC list continues to be troubling and a discredit to Congress's intent in passing IRFA. Turkmenistan, among the most repressive states in the world today, allows virtually no independent religious activity. Severe government restrictions that effectively leave most, if not all, religious activity under strict-and often arbitrary-state control. In addition, Turkmen President Saparmurat Niyazov's ever-escalating personality cult has become a quasi-religion to which the Turkmen population is forced to adhere. His self-published work of "spiritual thoughts," called Ruhnama, is required reading in all schools. In addition, copies of Ruhnama must be given equal prominence to the Koran and the Bible in mosques and churches. In the past few years, President Niyazov has passed several decrees that permitted the registration of nine very small religious communities. However, despite this alleged easing of registration criteria, religious groups continue to require permission from the state before holding worship services of any kind, making it unclear what-if any-practical benefits registration actually provides. Moreover, religious groups that do not meet the often arbitrary registration rules still face administrative penalties which may include imprisonment and large fines due to their unregistered status and, according to the State Department, publishing religious literature is banned by government decree.

Even the rights of members of the two largest religious communities, the majority Sunni Muslims and the Russian Orthodox, are seriously circumscribed. In the past two years, seven mosques were destroyed in the country and President Niyazov forbade the construction of any new ones. Turkmenistan's former chief Mufti, Nazrullah ibn Ibadullah, refused to elevate the Ruhnama to the level of the Koran and was sentenced in 2005 to 22 years in prison on political motivated charges. Last year, President Niyazov undertook various moves against the country's only Muslim theological faculty.

The Commission emphasizes that it is clear to virtually every observer, including to the members of the Helsinki Commission, of which you have been chair, that Turkmenistan is a highly repressive state, where the Turkmen people suffer under the burden of a personality cult that allows them few freedoms of any kind, including religious freedom. The Commission finds it extremely troubling-and frankly, perplexing-that despite a few superficial legal changes regarding religious freedom, and little if any change to the situation on the ground, Turkmenistan continues to escape the CPC designation it so clearly deserves.

#### China: Religious Freedom Violations Continue Unabated

In the past several months, the Commission has issued several statements expressing concern about continued violations of religious freedom in China. We have also drawn attention to an ongoing crackdown that aims to intimidate and silence lawyers, scholars, journalists, and other human rights defenders who attempt to use Chinese law as a means to protect individuals, including religious leaders, who often face persecution from government officials. In August of this year, the Commission condemned the arrests of prominent Chinese lawyers Gao Zhisheng and Xu Zhiyong. Xu Zhiyong was preparing to defend Chen Guangcheng, a blind legal activist who has campaigned against China's harsh population control measures. Although Xu was released shortly after Chen's trial on charges of incitement to disrupt traffic and commit vandalism, local officials in Shandong repeatedly used threats, beatings, and detention to intimidate several members of Chen's legal team throughout the investigation and trial period. Following Chen's re-trial last month, the Commission again expressed concern when three witnesses for the defense failed to appear in court, reportedly due to government efforts to intimidate them. These witnesses had signed affidavits stating that, before Chen's original trial, police tortured them in order to force them to give testimony implicating Chen. One day after the re-trial hearing, police abducted and beat Chen's wife, Yuan Weijing, leaving her hospitalized. On December 1, without considering any evidence outside of confessions that are credibly alleged to have been obtained through torture, the court upheld Chen's original conviction and again sentenced him to 4 years and 3 months imprisonment.

Following his August arrest, civil rights attorney Gao Zhisheng was held without charges for over a month and his family placed under house arrest. Gao was well known for his defense of religious leaders, his criticism of the crackdown on Falun Gong, and his outspoken open letters appealing to Chinese leaders to respect provisions in their own laws that protect human rights. On December 12, Gao Zhisheng, who had not been permitted to meet with his lawyer for the duration of his detention period, was tried in secret and forced to plead guilty on charges of "incitement to subvert state power." His lawyer and family members were also not present at the trial.

The Commission's concerns about continuing religious freedom violations in China were heightened by the more recent reports of torture and other due process violations by Chinese authorities in the prosecution of the three sons of exiled Uighur human rights advocate Rebiya Kadeer. Last month, a court in Urumqi sentenced one of Kadeer's sons to seven years imprisonment on charges of alleged tax fraud. The condition of another son, detained on more serious charges of subversion, remains unknown. Because the arrest of Kadeer's sons coincided with efforts of local authorities to prevent members of the Kadeer family from meeting with a U.S. congressional staff delegation to discuss human rights conditions for Uighurs, observers suspect that the charges are politically motivated. Reports indicate

that all three sons were tortured to confess their guilt to the charges against them.

These cases to silence human rights defenders clearly demonstrate that Beijing's vows to fully promote the rule of law are, thus far, still empty promises. Moreover, the cases I have described here come at a time of worsening human rights conditions in China. During the past year, the Commission has received reports nearly every week of raids on unregistered religious gatherings and multiple cases of arrest, detention, and harassment of religious leaders, journalists, and human rights lawyers and activists.

The Commission continues to urge the U.S. government to engage in a systematic and high level human rights dialogue with China that prominently addresses China's deteriorating religious freedom conditions. The previous U.S.-China human rights dialogue was folded into an all-encompassing "Strategic Dialogue" which has recently been superseded, at China's insistence, by the recently concluded "Economic Dialogue." The Commission recommends congressional oversight

of the Strategic Dialogue to ensure that religious freedom and other human rights goals are given prominent focus alongside economic and security interests. The Commission also urges the U.S. government to 1) press Chinese authorities to implement more effectively rule of law reforms and human rights protections and 2) target U.S. assistance programs toward programs that will advance religious freedom in China, including programs on legal reform and training and civil society building. Everyone's right to due process and to freedom from torture should be protected in China, and the Chinese government should take immediate steps to ensure that these rights are not denied.

#### Russia: Human Rights Undermined

In June this year, a delegation of the Commission traveled to Russia, visiting Moscow, St. Petersburg, and Kazan, the capital of the Republic of Tatarstan. As a result of its visit, the Commission noted five major areas of concern in Russia:

- The Russian government's failure adequately to prosecute hate crimes. Although most attacks are motivated by ethnic hatred, some attacks against Muslim, Jewish, Protestant, and other religious communities are explicitly motivated by religious factors. Hostile articles in the de facto state-controlled Russian media contribute to intolerance, as do statements of some public officials and religious leaders. Persons who have investigated or been publicly critical of hate crimes in Russia have themselves been subject to violent attacks. Many Russian officials label crimes targeting ethnic or religious communities simply as "hooliganism." More should be done to ensure that law enforcement agencies prevent and punish such crimes, particularly those involving ethnicity and religion. While vigorously promoting freedom of expression, public officials and leaders of religious communities should take steps to discourage rhetoric that promotes xenophobia or intolerance, including religious intolerance.
- The Russian government's attempts to challenge international human rights institutions and undermine domestic human rights advocacy. The problem of rising ethnic and religious intolerance has been exacerbated by the repeated efforts of Russian government officials to label foreign funding of non-governmental organizations (NGOs) as "meddling" in Russia's internal affairs. Although Russia has ratified international human rights treaties, Russian officials and other influential figures have challenged international human rights institutions, as well as the validity of human rights advocacy in Russia, charging that it is being used for political purposes. Moreover, the branding of human rights organizations as "foreign" has increased the vulnerability of human rights advocates and those they defend. The Commission heard similar views expressed by Metropolitan Kirill, Metropolitan of Smolensk and Kaliningrad and External Affairs spokesman of the Moscow Patriarchate of the Russian Orthodox Church—a cause for concern, given the increasingly prominent role provided to the Russian Orthodox Church in Russian state and public affairs.
- Increasing official harassment of Muslims. The Russian government faces significant challenges as it addresses genuine threats of religious extremism and terrorism in Russia. One challenge is protecting the freedom of religion and other human rights of all persons, even as counter-terrorist efforts are undertaken. However, Russian human

rights defenders provided evidence of numerous cases of Muslims being prosecuted for extremism or terrorism despite no apparent relation to such activities. Human rights activists also presented evidence that dozens of individuals have been detained for possessing religious literature such as the Koran, or on the basis of evidence planted by the police. In several regions, mosques have been closed by Russian government officials. These arbitrary actions may increase instability and exacerbate radicalism in Russia.

- The restrictive NGO law that applies to religious organizations. Sergei Movchan, the director of the Federal Registration Service (FRS), confirmed to the Commission that some of the law's most intrusive provisions do apply to religious organizations. The FRS' 2,000 employees who are charged with oversight of NGOs have broad discretion to attend NGO events and demand documents, as well as to cancel programs and ban financial transactions of the Russian branches of foreign organizations. One key purpose of the new legislation was to prevent NGOs-especially those receiving foreign funding-from engaging in so-called political activities, a purpose not spelled out or defined in the legislation. Human rights organizations are particularly vulnerable to this implicit prohibition, which is subject to arbitrary interpretation. The provisions of the NGO law on foreign funding have been perceived as a part of a broader effort described above to link human rights groups to "foreign interference." There is evidence that the FRS will examine the charters of religious groups and initiate closure proceedings if the FRS deems that any of the group's activities is not expressly laid out in the group's charter. The Commission will soon be issuing a comprehensive analysis of the NGO law, which lays out our views of the ways in which the legislation runs counter to international norms.

- Continuing restrictions on religious freedom at the regional and local levels. Persistent problems include de facto state-controlled media attacks that incite intolerance; registration denials; refusals to allot land to build places of worship; restrictions on rental space for religious activities; and long delays in the return of religious property. According to the Russian Human Rights Ombudsman's office, legal advocates, and religious leaders, the restrictions and limitations that produce these complaints are based on subjective factors, including the notion that Russian officials should accord different treatment to the four so-called "traditional" religions (Russian Orthodox, Islam, Judaism, and Buddhism) compared to that accorded the many non-traditional religious communities in Russia. Another factor is the alleged influence on local and regional government leaders by Russian Orthodox priests who object to the activities of other religious groups.

#### Commission Recommendations on Russia:

The Commission has made an extensive set of recommendations which I would like to submit for the record along with our Policy Brief on Russia. I will limit my comments at this time to those that we hope that the Congress will consider:

- maintaining a mechanism to monitor publicly the status of human rights in Russia, including freedom of religion or belief, particularly in the case of any repeal of the Jackson-Vanik amendment with respect to Russia, and maintain the Smith Amendment as U.S. law;
- ensuring that U.S. government-funded grants to Russian NGOs include the promotion of legal protections and respect for religious freedom as well as methods to combat xenophobia and that solicitations and requests for proposals should include these objectives;
- supporting programs developed by Russian institutions to organize conferences and training programs on freedom of religion or belief, promoting inter-religious cooperation, encouraging pluralism, and combating hate crimes and xenophobia;
- supporting programs to train lawyers to contest violations of religious freedom in Russian courts;
- urging the government of the Russian Federation to invite the three OSCE Personal Representatives on combating intolerance as well as the UN Special Rapporteur on Freedom of Religion or Belief to visit the Russian Federation during 2007-2008; Russia should also report, as required, to the OSCE on the specific measures that have been undertaken on a national level to address anti-Semitism and other hate crimes;
- ensuring that Russia's citizens continue to have access to alternative sources of information by (1) restoring the funding of Russian-language radio broadcasts of Voice of America and Radio Free Europe/Radio Liberty (RFE/RL) to

the levels of fiscal year 2006, and increasing funding for radio broadcast programs in minority languages spoken in Russia, particularly in areas with majority Muslim populations; and

- supporting U.S.-funded exchange programs on the prevention and prosecution of hate crimes and that include participants from Russia's religious and ethnic minority populations.

Mr. Chairman, Russia continues to be a highly influential model for many countries, particularly other countries of the former Soviet Union. Russia also remains an increasingly vital partner for the United States which should neither abandon nor neglect its efforts to strengthen human rights protection and promote democracy in Russia. The Commission therefore strongly believes that as part of the bi-lateral relationship, the President and other U.S. officials should be prepared to counter claims by Russian leaders that U.S. and UN efforts to advance human rights concerns constitute foreign "meddling" or are aimed at harming the Russian Federation. Clearly, Russia's importance requires continuing examination of the Russian government's policies on democratic reform and protection of religious freedom and other human rights.

### Bangladesh: the Need to Ensure that Minorities are Protected

Next month, in January 2007, the People's Republic of Bangladesh will hold a national election, its fourth since the fall of a military dictatorship in 1990. This election will be a critical test for the country. The last national election in October 2001 was marred by violence; many of the victims were Hindus, Bangladesh's largest religious minority. That election was won by an alliance that included, for the first time in Bangladesh, religiously based parties. The largest of these, Jamaat-e-Islami Bangladesh, openly promotes Bangladesh becoming an Islamic state with a legal system based on sharia, or Islamic law, and the establishment of an "Islamic social order." Moreover, avowedly Islamist political parties serving in the government coalition have sought to impose a more Islamic cast on government and society, a goal that could have serious implications for religious freedom in Bangladesh.

Since the 2001 election, Bangladesh has experienced an upsurge in violence by religious extremists increasing the concerns of the country's religious minorities, including Hindus, Christians, and Buddhists. In addition, Islamist activists have mounted a vocal public campaign against the Ahmadi religious community.<sup>1</sup> The country's courts and secular legal system have been subjected to terrorist attacks by those wishing to impose Islamic law. Secular NGOs, anti-extremist journalists, and other public figures have also been attacked, sometimes fatally. The government of Bangladesh initially downplayed the problem of violence, and only belatedly has it become more assertive in its response.

Bangladesh is by many standards a moderate and democratic majority-Muslim country. The 2007 election will help determine whether Bangladesh will be able to sustain its democratic institutions and effective secular legal system, which guarantee the human rights of all Bangladeshis.

The Commission traveled to Bangladesh in March and has this year again placed Bangladesh on its Watch List. We urge the U.S. government to:

- face up to the seriousness of the threat facing Bangladesh

- encourage the government of Bangladesh to address the growing problem of religious extremism and violence.
- urge the Bangladeshi government to prevent anti-minority violence during that upcoming election, and
- lead the international community in monitoring the January 2007 elections

More specific recommendations can be found in our Policy Brief on Bangladesh.

### The Failure to Protect Religious Minorities in Iraq

Several ancient religious communities in Iraq, particularly the ChaldoAssyrians and Sabeen Mandaeans, currently face a dire situation that has forced them to flee their country. Because of the specific and well-documented threats these groups face in Iraq, including violence directed at them because of their religion, the Commission last month wrote to Paula Dobriansky, Under Secretary of State for Democracy and Global Affairs, recommending that the U.S. government

- 1) create new or expand existing options for allowing members of Iraq's ChaldoAssyrian and Sabeen Mandaean religious minority communities to access the U.S. Refugee Program, and
- 2) urge UNHCR to resume full refugee status determinations for all Iraqi asylum seekers and assess all claims without delay.

UNHCR currently estimates that Iraqi ChaldoAssyrians and Mandaeans represent approximately 40 percent of those who have fled Iraq seeking refugee status over the past three years, although they constitute less than 3 percent of the Iraqi population. These individuals, numbering at least 100,000, are dispersed throughout Jordan, Turkey, Syria, and Lebanon. According to UNHCR, those who have managed to flee Iraq increasingly "are becoming dependent and destitute," with the welcome mat "wearing thin in some of the neighboring states."

Yet, in the face of these developments, the United States has not made direct access to the U.S. Refugee Program available to Iraqi religious minorities, taking the position that ChaldoAssyrians and Sabeen Mandaeans are subject to generalized violence in Iraq rather than specifically targeted on account of their religion. This position is not supported by the facts. Moreover, although the State Department has indicated its willingness to take referrals from UNHCR, that agency has suspended refugee status determinations for all Iraqi nationals. As a result, those Iraqis fleeing persecution in their home country are being denied international protections to which they are entitled.

### The Annual Report on International Religious Freedom

Mr. Chairman, the Annual Report on International Religious Freedom continues to be a critical part of the process of promoting religious freedom throughout the world. As we have stated in the past, the Annual Report is an important achievement that demonstrates the significant efforts of the foreign-service officers in our embassies around the world, as well as the Ambassador at Large for International Religious Freedom and his staff at the State Department's Office of International Religious Freedom. The 2006 Annual Report continues in this vein.

## Individual Country Reports

As in the past, many of the individual country reports in the 2006 Annual Report are first-rate-thorough and accurate. However, the Commission is concerned about informational inaccuracies and troubling conclusions in a few important reports.

First and foremost, we must call attention to the country report on Saudi Arabia. When the Annual Report was released last September, the Commission stated it was "shocked" by the State Department's decision to remove longstanding and widely quoted language from its report that freedom of religion "does not exist" in Saudi Arabia. The Commission continues to conclude that freedom of religion does not exist in Saudi Arabia. The Department's own report states that "there generally was no change in the status of religious freedom during the reporting period."

The government of Saudi Arabia persists in banning all forms of public religious expression other than that of the government's own interpretation of one school of Sunni Islam and forcefully represses private religious practice. Members of the Shi'a and other non-Sunni communities, as well as non-conforming Sunnis, are subject to government restrictions on public religious practices and official discrimination. There is a continuing pattern of punishment and abuse of non-Muslim foreigners for private religious practice. The government also continues to be involved in financing activities throughout the world that support extreme religious intolerance, hatred, and, in some cases, violence toward non-Muslims and disfavored Muslims. Last July, as I already mentioned, the U.S. government confirmed a variety of Saudi policies to improve "religious practice and tolerance." Given the State Department's own conclusion that religious freedom conditions had not changed in Saudi Arabia, it is extremely troubling that its own report would omit language in such a way as to suggest that some significant improvement had taken place-which had not.

This year's report on China contains stronger language in many areas, reflecting the deterioration in religious freedom conditions that several religious communities have experienced over the past year. However the report stops short of concluding that overall conditions had deteriorated, a conclusion that the Commission would support. The report's assessment of China's National Regulations on Religious Affairs, as promulgated in March 2005, takes due consideration of the problems that have arisen in many localities where officials are using the law as a means to interfere in the activities and practices of registered religious groups and to intimidate and harass the activities and leaders of unregistered groups. The Commission continues to find that given the vague and sometimes contradictory language of the Regulations, they do not adequately protect the rights and security of religious adherents and are not fully consistent with international norms.

However, it would be helpful if the report were to include more detail regarding the poor religious freedom conditions in Xinjiang, affecting primarily Uighur Muslims, as well as unregistered house church Christians and Orthodox Christians. The report contains language condemning the overall repression of religion in Xinjiang and especially the policies of the Chinese government that routinely conflate peaceful Uighur political opposition with violent separatist activities, extremism, and/or terrorism. On the other hand, it includes few details on the problems that religiously devout Uighur Muslims often face if they attempt to assemble for religious purposes, teach their children to be religiously observant, or celebrate certain Islamic traditions. In addition, according to statistics from the China Aid Association, instances of arrest of unregistered Christians are higher in Xinjiang than in all but one other province of China. Similarly, reports of torture of those arrested for illegal religious activity are higher in Xinjiang than in other localities. We note that the country chapter on China contains a separate section on Tibet, in view of the fact that the situation for religious freedom and other human rights is especially severe there and also directly affects a particular ethnic group. Comparable treatment for the Xinjiang region may facilitate a more substantive and detailed accounting of the situation in that province.

The North Korea report admirably illustrates the systematic violations and brutality of the Kim Jong Il government. Although I think everyone here understands the difficulties of getting credible information out of that closed society, the report is nevertheless unnecessarily thin on details and background. For example, there is a wealth of information increasingly available from refugee interviews, including the Commission's study Thank You Father Kim Il Sung: Eyewitness Accounts of Severe Violations of Freedom of Thought, Conscience, and Religion in North Korea, that provide specific information about executions, torture of repatriated refugees from China, and policies used to both control and suppress religious freedom in North Korea. A fuller accounting of these details would pull aside the curtain that envelops North Korea for an international audience and provide additional evidence that China's repatriation of North Korean refugees is a violation of its international obligation to protect refugees.

The country report on Turkmenistan provides useful and detailed documentation on the status of religious freedom in that country. Indeed, after reading this report, one could-and should-conclude that Turkmenistan clearly deserves designation as a CPC. Nevertheless, the State Department has clearly not drawn this conclusion, nor other conclusions that should be obvious given the situation described in the report itself. For example, the report notes that imams are ordered to recite from President Niyazov's so-called spiritual writings during sermons and that the country's former chief mufti objected to that requirement. He was sentenced to 22 years in prison on politically motivated charges. Nevertheless, the report fails to make clear that President Niyazov's ever-growing personality cult can only, at this point, be described as a state-imposed quasi-religion. The report seems to want to avoid drawing attention to this oppressive, over-arching reality, suggesting instead that the registration of nine tiny religious communities outweighs the gross violations of religious freedom inherent in the promulgation of this personality cult, as well as in Turkmenistan's religion law and the ways in which the law's harsh implementation leads to religious freedom violations for the majority of the country's population.

Finally, the Vietnam report includes information on both positive developments and ongoing concerns. It notes some of the arrests and forced renunciations of faith that occurred in the past year, and details the slow process of implementing the new laws on religion. Ultimately, our concern with the Vietnam country report is not with its reporting on the facts but with the diplomatic conclusion drawn from those facts, a flawed conclusion that led to Vietnam's removal from the CPC list, as I have already noted.

## Religious Persecution and the U.S. Refugee Program

Section 601 of IRFA specifically directs that the Annual Report on International Religious Freedom serve as a resource for refugee and asylum adjudicators. In that sense, the Annual Report plays an important role not merely in documenting religious freedom violations, but in facilitating refuge for those who are fleeing religious persecution.

Appendix E of the report, the Overview of Refugee Policy, continues to improve, with more comprehensive coverage of religious persecution and the Refugee Program than in past years. Once again, however, the 2006 report contains little acknowledgment of the serious problem of intra-religious persecution, but instead focuses almost exclusively on the persecution of religious minorities by a majority religious community. Moreover, this section contains no mention of Iraq and only a passing reference to Eritrea which are significant refugee-source countries and where serious religious freedom problems persist. Indeed, the Secretary of State has designated Eritrea a CPC, and problems in Iraq-particularly with regard to the security of religious minority communities-are acute.

The Overview of Refugee Policy section does cite Saudi Arabia, a CPC, as well as Pakistan, which the Commission has recommended be designated a CPC, for their mistreatment of religious minorities. The Overview fails, however, to

indicate how the U.S. Refugee Program has been responsive to this mistreatment.

In its Report to Congress on Refugee Admissions for FY2007, the Department of State provides a more complete description of the way in which it is facilitating access to the Refugee Program, at least for those asylum seekers who have fled CPCs. The Report to Congress is required to include such information under Section 304 of the North Korea Human Rights Act of 2004. Such information should be in the Annual Report on International Religious Freedom as well, even if not required by law.

The Commission does remain concerned that other refugee and asylum provisions of IRFA have been unevenly implemented. For example, Appendix D of the Report, "Department of Homeland Security (DHS) and the International Religious Freedom Act," accurately describes the measures taken by the Asylum and Refugee Corps to train its refugee and asylum adjudicators in international religious freedom, as required by sections 602 and 603 of IRFA. Yet, this section makes no mention of the training-if any-on international religious freedom undertaken by DHS Border Patrol agents and inspectors exercising Expedited Removal authority, even though such training is also required under IRFA. Nor does the report mention the efforts by the Department of Justice to ensure that immigration judges comply with IRFA training requirements.

Finally, section 602(b) of IRFA requires that all consular officers be trained in refugee law and policy. Although consular officers do not adjudicate refugee applications, they are authorized to refer refugee applicants to the Department of Homeland Security for adjudication, since the vast majority of asylum seekers are not permitted to apply to the Refugee Program without a referral from a U.S. embassy or the UNHCR. Appendix C of the Report, "Training at the

Foreign Service Institute Related to the International Religious Freedom Act," states that consular training "includes a lecture on Immigrant Visa (sic) that incorporates discussion of refugee and asylum issues as they pertain to consular officers." Based on inquiries made by the Commission, however, it appears that the only training received by consular officers relevant to the Refugee Program is on the processing of immediate relative petitions filed by refugees and asylees. Such training does not even begin to comply with the broad requirements of section 602(b).<sup>2</sup> Consequently, the Commission is concerned that consular officers remain unaware of their ability to facilitate access to the resettlement program for asylum seekers in need of protection. Once again, the Commission urges the Department of State to comply with this training requirement, which could save the lives of bona fide refugees, particularly those who may have access to a U.S. consulate but not UNHCR.

## Conclusion

Mr. Chairman, thank you for providing the Commission the opportunity to share with you its views and recommendations on a number of key religious freedom concerns as well as the efforts of our government to implement the International Religious Freedom Act. We hope to continue to collaborate with the Congress to advance the promotion of religious freedom in U.S. policy. I would be pleased to answer any questions that you may have regarding the Commission's oral or written statements.

[1] Ahmadis are followers of Mirza Ghulam Ahmad, who founded a religious community in the late 19th century in what was then British India. Although Ahmadis consider themselves to be Muslim, some Muslims consider them heretics because of the Ahmadis' claim that their founder was the recipient of divine revelation, a claim believed by some Muslims to violate a basic Islamic tenet that Mohammed was the last of the

prophets.

[2] Section 602(b) of IRFA holds that "(t)he Secretary of State shall provide sessions on refugee law and adjudications and on religious persecution to each individual seeking a commission as a United States consular officer...."