

October 7, 2008: USCIRF Presentation at the OSCE Human Dimension Meeting

The year 2008 marks the tenth anniversary of the passage of the International Religious Freedom Act (IRFA), legislation that threw a spotlight on the importance of religious freedom around the world and on the need to promote this freedom as a key component of U.S. foreign policy.

IRFA provided a new array of diplomatic mechanisms to advance this freedom internationally. It created the Office of International Religious Freedom at the Department of State and created the position of adviser on religious freedom issues at the National Security Council.

IRFA also established the Commission on International Religious Freedom, an independent, non-political, body of headed by nine private citizens appointed by Congress and the White House. The Commission's primary responsibilities are independently to review facts and circumstances of violations of religious freedom and to make policy recommendations to the president, the secretary of state and Congress regarding matters of religious freedom. The Commission is independent of the executive branch.

IRFA sparked an increased recognition among U.S. policymakers of the importance of religious freedom to people around the world. This new emphasis was felt among religious freedom advocates throughout the world, many of whom are struggling under oppressive conditions, including some whom Commission delegations have met in their prison cells or under house arrest. Encouraged by the spotlight on this previously neglected area of human rights, NGOs and the media have documented violations as well as advances. Their efforts dovetail with those of governments and international organizations.

Countries of
Particular Concern and the Watch List

The Commission makes annual recommendations to the Department of State on "countries of particular concern," or CPCs: countries whose governments, the Commission has concluded, have engaged in or tolerated

systematic and egregious violations of the universal right to freedom of religion or belief. When a country is designated a CPC - a determination that is made by the State Department based its own review of evidence -- the U.S. president is required by law to oppose the violations by taking actions specified in IRFA. CPC designation, which is part of a broad set of diplomatic tools to promote freedom of religion, drives enhanced diplomatic engagement with a country on the issue of religious freedom.

This year, the Commission recommended that the Secretary of State designate the following countries as CPCs: Burma, North Korea, Eritrea, Iran, Pakistan, China, Saudi Arabia, Sudan, Turkmenistan, Uzbekistan, and Vietnam.

The Commission also compiles a Watch List of countries that do not merit CPC designation but which the Commission finds require close monitoring in an effort to improve conditions for the freedom of religion or belief. That list currently includes Afghanistan, Bangladesh, Belarus, Cuba, Egypt, Indonesia, and Nigeria. With regard to Belarus, the Commission calls on Belarusian officials to reform the country's religion law, as requested by a petition signed last year by 50,000 Christians. The Commission is concerned about the serious abuses in these countries, and that the governments either continue to be responsible for repression of and/or violence against persons amounting to serious violations of freedom of religion, or have failed to punish the perpetrators of those acts.

The Commission's Impact under IRFA

The Commission recommended to the Department of State in 2006 that Uzbekistan be added to the CPC list of the most severe violators of religious freedom, a recommendation that the Department of State ultimately agreed with after its own evaluation. The Uzbek government continues to arrest Muslims and harshly repress religious groups and to close mosques that do not conform to government-prescribed practices or that it alleges to be associated with extremist political programs. The State Department reports that 5,000 Muslims who reject the state's control over religious practice have been imprisoned in recent years and many of them reportedly are tortured and denied the right to due process. Moreover, Uzbekistan's religion law violates international norms and severely limits the ability of religious communities to function, leaving more than 100 religious groups of various denominations currently denied registration.

The Commission has advocated with successive U.S. Administrations on the need to highlight religious freedom abuses in meetings with high-level government dignitaries, including those from Russia. The Commission has expressed concern that Russian government policies do not effectively combat xenophobia, religious intolerance and hate crimes, including those motivated by hostility to diverse religions or beliefs. Further, the Commission has called for the reform or the recall of the 2006 Russian law on non-commercial organizations, ensuring the equal legal status and treatment of members of Russia's religious communities, and adopting new policies to peacefully address the crisis in Chechnya and the Russian Federation republics in the north Caucasus..

Assessing the Status of Religious Freedom Firsthand

Each year, the Commission conducts visits to countries to examine the climate for religious freedom and to develop recommendations for potential policy responses. In the past few years, Commission representatives have visited a number of OSCE states, including Austria, Belarus, Belgium, France, Germany, Russia, Turkey, Turkmenistan, and Uzbekistan.

The Commission's visit in August 2007 to Turkmenistan took place eight months after the death of President Niyazov. We found that his successor, President Berdimuhamedov, had initiated some changes, including the release, just prior to the Commission's trip, of the country's former chief mufti, Nasrullah ibn Ibadullah, as well as several other prisoners of conscience. Nevertheless, the Commission concludes that significant religious freedom problems and official harassment continue.

Concerns we raised with the new president and other Turkmen government officials included: aspects of the 2003 law on religion that violate international norms, such as requiring registration of religious communities as a condition for legal status; the state-imposed personality cult, which diminishes human rights, including the right to freedom of thought, conscience, religion or belief; onerous procedures that hinder the registration of peaceful religious communities; administrative fines and imprisonment of leaders or members of peaceful unregistered religious communities; obstacles to the purchase or rental of land or buildings for religious purposes; and a legal ban on the import and printing of religious and other material.

OSCE

Due to the OSCE's leadership on human rights, including freedom of religion or belief, as well as on tolerance, the OSCE has been a subject of on-going interest for the Commission. Indeed, the Commission's annual report includes a chapter on the OSCE. In this chapter, the Commission urges the 56 participating States to comply with their OSCE commitments and advises the U.S. government to support the OSCE. We further state that religious freedom and tolerance should be promoted through various OSCE institutional mechanisms, including the Panel of Experts on Religion and Belief and the three Personal Tolerance Representatives.

The OSCE Chairmanship, which will be held by Kazakhstan in 2010, is another important OSCE institutional mechanism. As the Commission noted in its 2008 annual report, Kazakhstan's human rights record has come under increasing international scrutiny. Last year, the the Commission concluded that the Kazakhstan government's position towards religious freedom

was becoming more restrictive. Unregistered religious groups of various denominations have reported more court actions and greater fines for non-registered status in the past year. The Commission is also concerned about some provisions of the latest version of Kazakhstan's religion law, such as provisions that smaller communities could not teach or profess their religion, own property or rent public space for religious activities. Even as we speak here in Warsaw, this draft religion law is now under consideration by the upper chamber of Kazakhstan's parliament.

Conclusion

The Commission concludes that the past decade has resulted in significant progress toward the primary goal of IRFA: to institutionalize concern for religious freedom in the U.S. government's foreign policy apparatus. Yet the process is far from complete. The Commission has concluded that fully integrating religious freedom into the U.S. foreign policy agenda will continue to be a key challenge for U.S. policymakers in future decades as they work to advance this fundamental freedom in accordance with the IRFA legislation, as part of a balanced approach that upholds all our human rights commitments.

Indeed, ten years after the adoption of IRFA, the Commission has concluded that promoting religious freedom has proved to be more vital than ever to the political and humanitarian interests of the United States, as well as to national and global security, including in the OSCE region. The right to exercise freedom of religion or belief should not be left undefended from the whims of autocrats and extremists. The Commission calls on all OSCE states to continually strengthen the protection of this freedom.