

TESTIMONY OF

DR. ROBERT P. GEORGE

BEFORE THE

**AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND
INTERNATIONAL ORGANIZATIONS SUBCOMMITTEE**

OF THE

HOUSE FOREIGN AFFAIRS COMMITTEE

ON

**THE GLOBAL RELIGIOUS FREEDOM CRISIS AND ITS
CHALLENGE TO U.S. FOREIGN POLICY**

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I want to thank Chairman Chris Smith (R-NJ) and members of the House Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations for holding this hearing on “The Global Religious Freedom Crisis and its Challenge to U.S. Foreign Policy” and inviting me to testify. Although I am the McCormick Professor of Jurisprudence and Director of the James Madison Program in American Ideals and Institutions at Princeton University, I am here today as the former Chairman and member of the U.S. Commission on International Religious Freedom (USCIRF). Under my chairmanship, USCIRF issued the 2016 Annual Report which will be part of today’s discussion.

In documenting the global religious freedom crisis, USCIRF’s 2016 Annual Report found that religious freedom conditions overall deteriorated during the past year. In fact, by any measure, religious freedom abroad is under sustained and serious assault, with governments responsible for many of these abuses. Governments’ violations of religious freedom take many forms including: suppressing religious activity; detaining prisoners of conscience; and implementing anti-terrorism and anti-extremism laws and blasphemy laws. Many of these governmental violations have the goal of controlling or marginalizing those religious groups and their adherents who are deemed threats to the states’ supremacy. The actions of non-state actors also present a major challenge to freedom of religion or belief. For example, in countries including Iraq, Syria, Nigeria, and the Central African Republic (CAR), non-state actors are among the primary perpetrators of egregious abuses of religious freedom and other human rights. Governments in these countries either are unable or unwilling to protect the rights of potential victims of persecution. Also disturbing is the rise of societal intolerance against Jews and Muslims in Western Europe.

The 2016 Annual Report details these violations, and also recommends actions the U.S. government can take in response. One such action is to make timely “country of particular concern” (CPC) designations and effectively utilize the tools that the International Religious Freedom Act (IRFA) provides. Those of us who produced and supported USCIRF’s report believe that, by statute, the State Department annually should designate countries as CPCs for their systematic, ongoing, and egregious violations of the freedom of religion or belief. These designations, which should reflect unique conditions and be implemented in a timely manner, bring with them a unique toolbox of policy options to promote religious freedom effectively. USCIRF encourages the Administration to use these tools.

USCIRF welcomed the State Department’s April 15, 2016 announcement that Secretary of State John Kerry had re-designated Burma, China, Eritrea, Iran, North Korea, Sudan, Saudi Arabia, Turkmenistan, and Uzbekistan, as CPCs, and had so designated Tajikistan for the first time. However, in 2016 we concluded that the CPC list should be expanded to include seven other countries: Central African Republic, Egypt, Iraq, Nigeria, Pakistan, Syria, and Vietnam. USCIRF also urges that waivers on taking action pursuant to a CPC designation should be limited to a set period of time and subject to review for renewal. USCIRF’s recommendations follow:

After having been a USCIRF Commissioner for the past four years, during which time I was honored to have served as the Chairman for two one-year terms, I would like to step back and today offer the following observations as a private citizen:

1. **THE SECULARIZATION THESIS IS DEAD:** USCIRF’s mandate is to make policy recommendations to the President, Secretary of State and Congress about the violations of the freedom of religion or belief abroad. This mandate is an important provision of the 1998 International Religious Freedom Act (IRFA). Its passage was spurred on by the belief of many in Congress, led by the great human rights hero, former Representative Frank Wolf (R-VA), that U.S. foreign policy did not give this foundational human right the priority it merited, and that this lack of attention reflected the view that religion simply did not matter much in the modern world, commonly labeled the secularization thesis. This view, now exploded, held that as societies progress and modernize, religion loses its authority and secular institutions achieve cultural, social, economic and political supremacy. World events, time and time again, have refuted secularization’s supposed inevitability as a product of modernization. In country after country, religion remains central in people’s hearts and minds even with the advent and spread of the greatest increase in history of urbanization. With a record percentage of people living in or near great cities, 84% of the world’s population remain affiliated with a religion. Many people say they are surprised. I am not. Man seeks meaning and has a hunger for transcendence. His experience of his own rationality and freedom make him aware of himself as a spiritual creature—one that longs to exist in harmony with the ultimate source or sources of meaning and value.

Furthermore, religion and religious freedom clearly are central factors in most of the major foreign policy challenges the United States faces, and the greatest human rights and democracy advocates—such as Frank Wolf—often are driven by religious world views. Thus what some may view as a subset of the secularization thesis, the idea that human rights and democracy necessarily are antithetical to religion, also has been falsified.

Below are three examples of countries that top the U.S. foreign policy agenda where religious freedom is a key concern and its absence threatens the country’s stability:

- **Burma:** In 2015, peaceful elections ended more than 50 years of military-controlled government in Burma, yet the new government faces myriad human rights challenges. Throughout the year, Burma’s government and non-state actors continued to violate religious freedom; these violations became a defining element of the campaign season. The abuses were particularly severe for Rohingya Muslims; whose persecution became even more apparent when the magnitude of their flight from Burma captured international media attention. Instead of protecting those most in need, like the Rohingya, Burma’s government intensified its actions isolating and marginalizing vulnerable groups, leaving hundreds of thousands internally displaced and without basic necessities. The government allowed expressions of hatred and intolerance toward religious and ethnic minorities to continue unchecked and shepherded the passage into law of four discriminatory “race and religion bills.” USCIRF continues to recommend in 2016 that Burma be designated as a CPC. The State Department has designated Burma a CPC since 1999. USCIRF has recommended CPC status for Burma since the Commission first made CPC recommendations in 2000.
- **China:** China’s severe religious freedom violations continued in 2015. While the Chinese government sought to assert itself further on the global stage, at home it pursued policies to diminish the voices of individuals and organizations advocating for human rights and

genuine rule of law. During the past year, as in recent years, the central and/or provincial governments continued to remove crosses and bulldoze churches; implement a discriminatory and at times violent crackdown on Uighur Muslims and Tibetan Buddhists and their rights; and harass, imprison, or otherwise detain Falun Gong practitioners, human rights defenders, and others. USCIRF again recommends in 2016 that China be designated a CPC. The State Department has designated China as a CPC since 1999. USCIRF has recommended CPC status for China since the Commission first made CPC recommendations in 2000.

- Iran: Religious freedom conditions continued to deteriorate over the past year, particularly for religious minorities, especially Baha'is, Christian converts, and Sunni Muslims. Sufi Muslims and dissenting Shi'a Muslims also faced harassment, arrests, and imprisonment. Since faux reformer President Hassan Rouhani was elected president in 2013, the number of individuals from religious minority communities who are in prison because of their beliefs has increased, despite the government releasing some prisoners during the reporting period, including Iranian-American pastor Saeed Abedini. The government of Iran continues to engage in systematic, ongoing, and egregious violations of religious freedom, including prolonged detention, torture, and executions based primarily or entirely upon the religion of the accused. Since 1999, the State Department has designated Iran a CPC. USCIRF again recommends a CPC designation for in 2016. USCIRF has recommended CPC status for its government since the Commission first made CPC recommendations in 2000.

2. **WHY RELIGIOUS FREEDOM? If you don't get religious freedom right, you don't get foreign policy right:** The well-deserved repudiation of the secularization thesis should reinforce not only the importance of religious freedom, but also the need to make it a core value in U.S. foreign policy. But I submit something more: in many cases, if religious freedom advocacy is not brought into the equation, United States' foreign policy objectives, which include the promotion of human rights as well as stability, democracy, economic well-being and women's rights, will not be achieved. Let's take India and Pakistan as examples.

- A pluralistic democracy, in India today religious tolerance is deteriorating and religious freedom violations are increasing. Minority communities, especially Christians, Muslims, and Sikhs, have experienced numerous incidents of intimidation, harassment, and violence during the past year, largely at the hands of Hindu nationalist groups. Members of the ruling Bharatiya Janata Party (BJP) tacitly supported these groups and used religiously-divisive language to inflame tensions further. These issues, combined with longstanding problems of police bias and judicial inadequacies, have created a pervasive climate of impunity in which religious minority communities increasingly feel insecure, with no recourse when religiously-motivated crimes occur. In the last year, "higher caste" individuals and local political leaders also prevented Hindus considered part of the Scheduled Castes and Scheduled Tribes (Dalits) from entering religious temples. The national government or state governments also applied several laws to restrict religious conversion, cow slaughter, and foreign funding of NGOs. Moreover, an Indian constitutional provision deeming Sikhs, Buddhists, and Jains to be Hindus contradicts international standards of freedom of religion or belief. India has been on USCIRF's Tier 2 since 2009. Given its negative trajectory,

USCIRF will continue to monitor the situation closely during the year ahead to determine if India should be recommended to the State Department for designation as a CPC.

- In Pakistan, the government in 2015 continued to perpetrate and tolerate systematic, ongoing, and egregious religious freedom violations. Religiously-discriminatory constitutional provisions and laws, such as the country's blasphemy and anti-Ahmadiyya laws, violate international standards of freedom of religion or belief and result in prosecutions and imprisonments. In addition, government inaction to prevent or punish religious freedom violations coupled with efforts to sponsor violent ideologies has been a proven recipe for human rights abuses. Instead of enforcing the law and protecting vulnerable populations, the Pakistani government has turned a blind eye to repression, thereby creating a climate of impunity. The actions of non-state actors, including U.S.-designated Foreign Terrorist Organizations such as Tehrik-e-Taliban Pakistan (Pakistani Taliban), continue to threaten all Pakistanis and the country's security and stability. Religious minority communities, including Shi'a and Ahmadiyya Muslims, Christians, and Hindus, experience chronic sectarian and religiously-motivated violence from both terrorist organizations and individuals. Discriminatory content against minorities in provincial textbooks remains a significant concern, as are reports of forced conversions and marriages of Christian and Hindu girls and women. USCIRF recommended in 2016 that Pakistan be designated a CPC. USCIRF has recommended CPC status for Pakistan since 2002.

3. **THE IMPORTANCE OF CONSCIENCE**: Religious freedom is a conscience right. When some people think of the right to religious freedom, they assume it is limited to the right to practice a particular religion. In fact, it is much more. At its heart is the right to respond to the dictates of one's own conscience on matters of faith and belief, wherever one's conscience may lead, so long as the rights of others and essential principles of public order are respected. For example, if one's conscience calls for rejecting belief in any religion, such rejection is also part of the right to religious freedom. Thus, because freedom of religion involves freedom of conscience, it must include the right not to believe, as well as to believe.

Responding to the call of conscience is both a right and a duty. It is a right because human authenticity and integrity demand that people be allowed to live on the outside what they truly are on the inside. It is a duty because once people believe something to be true, they have an obligation to act and live peacefully in accordance with it.

Below are two examples of the importance of supporting the freedom of conscience: advocating for the reform and/or repeal of blasphemy laws and standing for the release of prisoners of conscience.

Blasphemy laws: These laws restrict the freedoms of religion and expression, thereby violating two of the most hallowed human rights, which lead to human rights abuses and the destabilization of societies. Blasphemy is defined as "the act of insulting or showing contempt or lack of reverence for God." In many countries, laws criminalize these acts, as well as any expression deemed contemptuous of sacred things. While such expression might be insensitive or hurtful to many, blasphemy laws are not the answer. In fact, blasphemy laws:

- Inappropriately position governments as arbiters of ultimate truths or religious rightness, empowering officials to enforce particular views against individuals, minorities, and dissenters.
- Contradict international human rights standards, as they protect beliefs at the expense of individuals. These standards include Articles 18 and 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which assert universal individual rights to freedom of thought, conscience, and religion and to freedom of expression.
- Are inconsistent with UN resolutions adopted since 2011 that oppose such laws as a remedy for speech directed against religion or a religion.
- Often carry draconian sentences such as life in prison or even death for “crimes” that amount to the mere utterance of words. Under such bans, members of already-vulnerable religious minorities suffer disproportionately, becoming victims of blasphemy allegations and arrests in far higher numbers than their percentage of the population would predict.
- Are ripe for abuse by accusers harboring political or economic grudges. Blasphemy charges often are based on false accusations, often by members of a majority religious group against those from a religious minority community.
- Often embolden religious extremists to commit acts of violence against perceived transgressors. By fueling violence by extremist non-state actors, blasphemy laws make nations and societies profoundly less stable and secure.

Pakistan, where the crime of blasphemy carries the death penalty or life imprisonment, has the dubious distinction of having more people sentenced to jail for blasphemy than any other country. USCIRF is aware of nearly 40 prisoners convicted of blasphemy charges have received life sentences or are on death row in Pakistan, more than in any other nation. Christian wife and mother Aasia Bibi is one such person. She remains in solitary confinement allegedly for insulting the Prophet Muhammad, even after her initial death sentence was suspended. Pakistani blasphemy laws also have led to outrages such as the assassination in 2014 of Rashid Rehman, a Muslim human rights lawyer, for his defense of an individual accused of blasphemy.

Along with advocating for the abolition of blasphemy laws, I urge Members of this Committee to support and pass out of Committee and the House H. Res 290. This resolution, introduced by Representative Joseph Pitts (R-PA) and Sheila Jackson Lee (D-TX) calls for the global repeal of blasphemy laws. It is vitally important for the U.S. Congress to send the signal that blasphemy laws must go.

USCIRF’s 2016 Annual Report includes other recommendations: calling on our government to oppose any efforts at the UN or elsewhere to establish a global blasphemy law; encouraging all European nations to repeal their own blasphemy statutes and the European Union to raise

the issue with others countries; urging all governments to uphold the freedoms of religion or belief and expression and bring to justice those responsible for committing violence against the peaceful religious expression of others; and calling for all nations holding people on blasphemy charges to release them immediately.

Prisoners of Conscience: Prisoners of conscience are persons imprisoned for the peaceful expression of their conscientiously held beliefs, or for their mere identity, even though they have neither used nor advocated violence. Sadly, today it is almost impossible to read the newspaper, listen to the radio, or go online and not find a report about people being detained for their membership in an ethnic or religious group, what they believe or decline to believe, or how they have chosen to express their convictions. These prisoners of conscience have been prevented unjustly from enjoying the most fundamental human rights enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and other international human rights conventions and other instruments.

It is vitally important to shine a light on these prisoners' situations and the laws and policies that led to their imprisonment, and hold their governments accountable for their plight. While quiet diplomacy has a key role to play, public inattention can lead to more persecution, not more freedom. In fact, at its worst, mere private diplomacy can be interpreted as a lack of serious interest and therefore a license to continue to oppress. And while most countries want to be viewed as fulfilling their international obligations, international human rights mechanisms cannot force compliance. Oppressive nations often need to be prodded publicly about their obligations to protect their own people from serious abuses, including violations of their religious freedom.

Below are some of the many prisoners of conscience who have been detained unjustly for exercising their right to religious freedom. A fuller list can be found in the Defending Freedoms Project of the Tom Lantos Human Rights Commission and USCIRF's Annual Report.

- In Eritrea, Orthodox Patriarch Abune Antonios has been detained under house arrest by the Eritrean government since 2007. He is denied family visits and, despite suffering from severe diabetes, also is denied access to medical care.
- In China, prisoners of conscience include Ilham Tohti who was a Uighur economics professor at Beijing's Minzu University, where he was known for his research on Uighur-Han relations. In 2006, Tohti founded *UighurOnline*, a Chinese-language website devoted to fostering understanding between Uighur and Han people. In 2008, authorities shut down his website citing the website's alleged links to Uighur "extremists" abroad. After the July 5, 2009 ethnic rioting between Uighurs and Han in Ürümqi, Tohti's whereabouts were unknown after he had been summoned from his home in Beijing. Tohti subsequently was released on August 23, 2009 after international pressure and condemnation. Tohti was arrested in January 2014, and in September 2014, after a two-day trial, he was found guilty of "separatism" and sentenced to life imprisonment in addition to all of his assets being frozen.

- In Iran, included among Iran’s many prisoners of conscience are the Baha’i Seven: Afif Naeimi, Behrouz Tavakkoli, Jamaloddin Khanjani, Vahid Tizfahm, Fariba Kamalabadi, Mahvash Sabet, and Saeid Rezaie. Prior to their arrests in 2008, the seven were members of an ad hoc national-level group that attended to the spiritual and social needs of Iran’s Baha’i community. In September 2010 they were told that their sentences had been reduced to 10 years after an appeal court acquitted them of some of the charges, including espionage, but they have never been given a written copy of either of the court verdicts. It was reported in March 2011 that the 20-year sentence had been reinstated.
 - In Saudi Arabia, Raif Badawi, the founder and editor of the *Free Saudi Liberals* website which encourages religious and political debate, was arrested in June 2012 in Jeddah and charged with apostasy, insulting Islam through electronic channels,” and “parental disobedience.” In January 2013, a Saudi court elected not to pursue the apostasy charge, which carries the death penalty. In July 2013, the court sentenced Badawi to 600 lashes and seven years in prison and his website was shut down. In May 2014, a Saudi appeals court sentenced Mr. Badawi to 10 years in prison, 1,000 lashes, and fined him \$1 million SR (\$266,000 USD) for, among other charges, insulting Islam and religious authorities. The current sentence calls for Mr. Badawi to be lashed 50 times a week for 20 consecutive weeks. In January 2015, Badawi, publicly was flogged 50 times in Jeddah as part of this punishment.
 - In Vietnam, while we are relieved that Father Thadeus Nguyễn Văn Lý, for whom Representative Smith has been a tireless championed, finally has been released, we must remain vigilant concerning the conditions of his release. We also must pay heed to the many other prisoners of conscience in Vietnam, including Nguyen Cong Chinh, an evangelical pastor who led the Christian Congregation of the Evangelical Lutheran Church of Vietnam and America. In October 2004, 200 paramilitary police and local officials reportedly destroyed Pastor Chinh’s home, which also served as a Mennonite chapel, on charges that Rev. Chinh had violated building regulations. Police again arrested Rev. Chinh on April 28, 2011 on charges of “sabotaging the great national unity policy.” After a one-day trial in March 2012, Rev. Chinh was sentenced to 11 years in prison. On July 31, 2012, an appeals court upheld the 11-year jail term.
4. **THE ROLE OF CIVIL SOCIETY**: As the intermediary between the state and individuals, civil society organizations and institutions perform crucial roles, including advocating in support of specific causes or groups or on behalf of aggrieved citizens; educating people about their rights, entitlements, and responsibilities; providing services to areas and people in need; mobilizing public opinion; and serving as watchdogs against violators of human rights.

Successful and stable democracies have a strong and freely operating civil society. Conversely, in unstable and authoritarian countries, the government controls and/or seeks to destroy an anemic civil society in order to exercise supreme control over the lives of individuals, reducing them from citizens invested with fundamental rights independent of government to subjects granted privileges by the arbitrary hand of government. It is extremely worrying that a range of countries in every continent around the world is shrinking or even closing the space for civil society by limiting the ability of civic, issue-oriented, religious, and

educational interest groups and associations, commonly known as non-governmental organizations (NGOs), to work or receive funding.

These governments view civil society groups as threatening their authority and control. Countries that have sought to reduce the space for civil society organizations include:

- Russia: A 2012 law requires NGOs to register as “foreign agents” with the Ministry of Justice if they engage in “political activity” and receive foreign funding. The definition of “political activity” under the law is defined so broadly and vaguely that it can extend to all aspects of advocacy and human rights work. Because in Russia “foreign agent” can be interpreted only as “spy” or “traitor,” the law seeks to demonize and marginalize independent advocacy groups. Many of Russia’s human rights groups boycotted the law, calling it “unjust” and “slanderous.”

Since the law’s implementation, many groups challenged the prosecutor’s office and the Ministry of Justice in courts, with most losing their cases. Thus, by February 2015 at least 13 groups chose to shut down rather than wear the “foreign agent” label. Also, the Ministry removed its “foreign agent” label from 11 groups as they had stopped accepting foreign funding. Since June 5, 2014, the Ministry of Justice has designated 130 groups as “foreign agents.” By June 2016, at least 18 groups have shut down and 101 groups were included on the official list of active “foreign agents.”

- India: The 2010 Foreign (Contribution) Regulation Act regulates the inflow and use of money received from foreign individuals, associations, and companies that may be “detrimental to the international interest.” In April 2015, the Ministry of Home Affairs revoked the licenses of nearly 9,000 charitable organizations. The Ministry stated that the revocations were for non-compliance with the Act’s reporting requirements, but numerous religious and non-religious NGOs claimed that they were in retaliation for highlighting the government’s poor record on human trafficking, labor conditions, religious freedom and other human rights, environmental, and food issues. Among the affected organizations were Christian NGOs that receive money from foreign co-religionists to build or fund schools, orphanages, and churches, and human rights activists and their funders. For example, two NGOs, the Sabrang Trust and Citizens for Justice and Peace (CJP), which run conflict-resolution programs and fight court cases stemming from the 2002 Gujarat riots, had their registrations revoked. Additionally, the U.S.-based Ford Foundation, which partially funds the Sabrang Trust and CJP, was put on a “watch list” when the Ministry of Home Affairs accused it of “abetting communal disharmony.”

5. **THE RISE OF NON-STATE ACTORS**: When IRFA became law in 1998, governments were the principal violators of religious freedom and the law reflected their role. However, since that time, the predations of non-state actors have come to present a major challenge to freedom of religion or belief. In countries around the world, non-state actors are among the primary perpetrators of egregious abuses of religious freedom and other human rights. Governments in these countries are either unable or unwilling to address their violations. Some examples:

- In the Central African Republic, in which more than one million people have been driven from their homes, militias formed along opposing Muslim and Christian lines in the Central African Republic (CAR) continue to kill individuals based on their religious identity, leading to retaliatory attacks and waves of violence;
- The Islamic State of Iraq and the Levant (ISIL) makes little distinction between sects and ethnicities and universally applies its violent, militant interpretation of Islam. In Iraq, more than 3.3 million have been displaced internally due to ISIL's offensives. In Syria, given the actions of both ISIL and the Assad regime, more than 11 million people have been forced to flee their homes: about seven million have been internally displaced and more than five million are refugees in neighboring states (with more than three million in Turkey and 1.1 million in Lebanon);
- In Nigeria, Boko Haram rejects the secular state and calls for the universal implementation of what it considers "pure" Shari'ah law. It views as morally corrupt Nigeria's federal and northern state governments, political leaders, and religious elites. More than 2.2 million people have fled Boko Haram which reportedly has killed more than 15,000 persons; another 12,000 were killed in fighting between Boko Haram and Nigerian security forces; and
- In Pakistan, the actions of non-state actors, including U.S.-designated Foreign Terrorist Organizations such as Tehrik-e-Taliban Pakistan (Pakistani Taliban), continue to threaten all Pakistanis and the country's overall security. Religious minority communities, including Shi'a and Ahmadiyya Muslims, Christians, and Hindus, experience chronic sectarian and religiously-motivated violence from both terrorist organizations and individuals within society.

In many of the worst situations today, transnational or local organizations are the egregious persecutors and governments are incapable of addressing the violations or are, for one reason or another, failing to do so. In these situations, allowing the United States to designate the non-state actors perpetrating particularly severe violations would broaden the U.S. government's ability to engage the actual drivers of persecution and would reflect reality, which should be the core point of the CPC process. I commend H.R 1150, introduced by Representative Smith, which includes this important measure.

6. **GENOCIDE, REFUGEES, AND INTERNALLY DISPLACED PERSONS:** Confronting genocide and protecting refugees and internally displaced persons are among the top moral challenges of our day.

Genocide: The hallmark of genocide is the intent to destroy a national, racial, ethnic or religious group, in whole or in part. USCIRF called on the U.S. government in December 2015 to designate the Christian, Yazidis, Shi'a, Turkmen, and Shabak communities of Iraq and Syria as victims of genocide by ISIL. USCIRF also at that time encouraged continued and robust efforts by the U.S. and international community to bear witness to these crimes and make additional designations of genocide and crimes against humanity, whether those are committed by ISIL, the Assad regime, or others, as appropriate. While we very much welcomed Secretary

Kerry's March 17, 2016 declaration that ISIL is responsible for genocide, more must be done. USCIRF has recommended that the U.S. government should:

- Include in all military or security assistance to the Iraqi and Iraqi Kurdistan governments a requirement that security forces are integrated to reflect the country's religious and ethnic diversity, and provide training for recipient units on universal human rights standards and how to treat civilians, particularly religious minorities;
- Withhold foreign military assistance for any forces committing gross human rights violations; and
- Call for or support a referral by the UN Security Council to the International Criminal Court to investigate ISIL violations in Iraq and Syria against religious and ethnic minorities, following the models used in Sudan and Libya. USCIRF recommends that the U.S. government encourage the Iraqi government to accept ICC jurisdiction to investigate ISIL violations in Iraq after June 2014.
- With regard to Iraq and Syria, The U.S. government should:
 - Support efforts among relevant UN agencies, NGOs, and like-minded partners in the Global Coalition to Combat ISIL to fund and develop programs that bolster intra- and inter-religious tolerance, alleviate sectarian tensions, and promote respect for religious freedom and related rights, both in neighboring countries hosting refugees (especially Lebanon, Jordan, Egypt, and Turkey), and in preparing for a post-conflict Syria.
 - Encourage the Global Coalition to Counter ISIL, in its ongoing international meetings, to work to develop measures to protect and assist the region's most vulnerable religious and ethnic minorities, including by increasing immediate humanitarian aid, prioritizing the resettlement to third countries of the most vulnerable, and providing longer-term support in host countries for those who hope to return to their homes post-conflict; and
 - Urge the UN Security Council and its member states to implement and comply with ratified resolutions, including UN Security Council resolutions 2118 (elimination of Syrian chemical weapons), 2139 (calling for humanitarian access into besieged areas and an end to barrel bombs), 2165 (approving humanitarian access across conflict lines), 2209 (calling for an end to the use of chlorine bombs), and 2254 (ceasefire and road map for peace in Syria).
- With regard to Iraq, the U.S. government should:
 - Develop a government-wide plan of action to protect religious minorities in Iraq and help establish the conditions for them to return to their homes and work with the Inter-Governmental Contact Group on Freedom of Religion or Belief to coordinate similar efforts by other governments.

- Continue to task Embassy officials with engaging religious minority communities, and work with Iraq’s government and these communities and their political and civic representatives to help them reach agreement on what measures are needed to ensure their rights and security in the country; and
- Focus U.S. programming in Iraq on promoting religious freedom and tolerance and ensure that marginalized communities benefit from U.S. and international development assistance.

The U.S. Congress should:

- Include in the Fiscal Year 2017 Department of State, Foreign Operations, and Related Programs Appropriations Bill, or another appropriate vehicle, a provision that would permit the U.S. government to appropriate or allocate funds for in-kind assistance to genocide, crimes against humanity, or war crimes cases at the ICC on a case-by-case basis and when in the national interest to provide such assistance.

Refugees and Internally Displaced Persons: With unprecedented numbers of people forcibly displaced worldwide, many fleeing religious persecution or religion-based violence, USCIRF has made a number of recommendations to the U.S. government on refugee issues. For example, USCIRF has proposed that the U.S. government should:

- Commit to a goal of resettling 100,000 Syrian refugees to the United States, subject to proper vetting and *a prioritization based on vulnerability to the worst abuses—murder, torture, rape, enslavement*—in order to aid those Syrians in the greatest peril, demonstrate U.S. leadership in efforts to address this extraordinary humanitarian crisis, and show support for governments in the Middle East and Europe that are hosting millions of Syrian refugees.
- Allocate sufficient resources to the Department of Homeland Security and other agencies that conduct the rigorous individualized vetting of refugees being considered for resettlement to allow them to expeditiously process applications and thoroughly conduct background checks, in order to facilitate resettlement without compromising U.S. national security; and
- Consider issuing an exemption to U.S. immigration law’s “material support bar” provision for Syrian refugees who supported specific U.S.-backed rebel groups or provided “support” by force or under duress to terrorist organizations, and properly apply existing exemptions, so that Syrians who pose no threat to the United States and are fleeing the al-Assad regime or terrorist groups are not erroneously barred from the U.S. refugee program.

The U.S. Congress should:

- Reauthorize the Lautenberg Amendment, which aids persecuted Iranian religious minorities and other specified groups seeking refugee status in the United States, and work to provide the President with permanent authority to designate as refugees specifically-

defined groups based on shared characteristics identifying them as targets for persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

While the world has undergone some positive changes in the last decades, religious freedom conditions remain dire around the world and challenge us to stand up for this precious human right. There is a widespread but false belief, rooted in the philosophies of thinkers such as Hegel and Marx, that we can rely on history to produce justice in the long run, that history inevitably moves in the direction of moral progress, that everything will certainly work out alright in the end.

This view ignores the radical contingency of human affairs and the reality of human freedom. History, considered as some sort of quasi-personal or supra-personal force, will not guarantee religious liberty and justice for all. If liberty and justice are to prevail, it will require the free choices, determination, dedication, and intelligent action of men and women—citizens and statesmen. Victory is not guaranteed. It is not foreordained. It is not in the cards. But it is possible. The possibility of progress towards religious freedom and other human rights is in our hands and the hands of our fellow citizens. Let us here, to use Lincoln’s phrase, “highly resolve” to turn the possibility of progress into reality.