United States Commission on International Religious Freedom

Annual Report 2010

Annual Report of the

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Front Cover: URUMQI, China, July 7, 2009 – A Uighur Muslim woman stands courageously before Chinese riot police sent to quell demonstrations by thousands of Uighurs calling for the government to respect their human rights. The Uighurs are a minority Muslim group in the autonomous Xinjiang Uighur region. Chinese government efforts to put down the ethnic and religious protest resulted in more than 150 dead and hundreds of arrests. (Photo by Guang Niu/Getty Images)

Back Cover: JUBA, Southern Sudan, April 10, 2010 – School children participate in a prayer service on the eve of Sudan's first national elections in more than two decades. Those elections are called for under the Comprehensive Peace Agreement between North and South Sudan, the full implementation of which is widely believed to be essential to averting another bloody civil war marked by sectarian strife. Although the elections were deeply flawed, many Southern Sudanese saw them as a necessary milestone on the road to a January 2011 referendum on Southern Sudan's political future--the final major step in the peace agreement. (Photo by Jerome Delay/Associated Press)

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Additional Countries Closely Monitored

Bangladesh

USCIRF placed Bangladesh on the Watch List from 2005 to 2008. That placement was due to past election-related violence targeting religious minorities and the then-government's failure to investigate or prosecute perpetrators of such violence; attacks by Islamist extremists on the country's secular judicial system, civil society, and democratic political institutions; religiously-motivated threats to freedom of expression to discuss sensitive social issues; the seizure of Hindu-owned property and continued failure to restore such properties or to reimburse the rightful owners; and the greater vulnerability of members of religious minority communities, particularly women, to exploitation or violence.

In December 2008, free and fair elections restored democratic government in Bangladesh, following a two-year interruption by a military-backed caretaker regime. The 2008 elections brought to power the Awami League, considered to be the most secular and favorably disposed toward minority rights among Bangladesh's major political parties. The 2008 elections were free of the anti-minority violence that followed the last national elections in October 2001. Following those earlier elections, the then-government, composed of the Bangladesh Nationalist Party (BNP) and its Islamist coalition partners, failed to investigate or prosecute acts of severe violence, including killings, rape, land seizures, arson, and extortion against religious minorities, particularly Hindus, who were perceived to be allied with the then-opposition Awami League.

The new government, headed by Sheikh Hasina Wajed, included three non-Muslims among the 38 ministerial positions. Members of minority communities also were appointed to other senior government and diplomatic positions. In April 2009, the Prime Minister made a public commitment that her government would repeal all laws that discriminate against members of minority communities, ensure freedom of expression for members of all religious communities, and uphold equality of opportunity and equal rights for all citizens. The Prime Minister also declared that the government would keep past commitments to the predominantly non-Muslim indigenous peoples of the Chittagong Hill Tracts (CHT) region. In light of these positive developments, USCIRF removed Bangladesh from its Watch List in 2009.

Despite some improvements, the government of Bangladesh nevertheless continues to show serious weaknesses in protecting human rights, including religious freedom, and religious extremism remains a persistent threat to rule of law and democratic institutions. Accordingly, USCIRF continues to urge the government to strengthen protections for all Bangladeshis to enjoy the right to freedom of religion or belief, and to undertake further efforts to improve conditions for minority religious communities. USCIRF hopes that the government of Bangladesh will investigate and to the fullest extent of the law prosecute perpetrators of violent acts against members of minority religious communities, women, and non-governmental organizations. Reforms of the judiciary and the police also are necessary to ensure that law enforcement and security services are equally protective of the rights of all, including Hindus, Buddhists, Christians, Ahmadis, tribal peoples, and other minorities. Additional efforts are needed to counter societal and governmental discrimination in access to public services, the legal system, and government, military, and police employment.

Since assuming office, the Awami League government has initiated a number of steps affecting freedom of religion or belief. The government's appointments and public statements have given increased confidence to members of religious minority communities and have put Islamist groups on the defensive. For example, in October 2009, President Zillur Rahman called publicly for inter-religious harmony as a means of combating religious extremism. President Rahman is the widower of the Awami League

women's affairs secretary who was among the victims of a grenade attack by Islamist extremists in 2004. Despite opposition criticism, the government passed legislation that could lead to trials of pro-Pakistan Islamists implicated in war crimes during Bangladesh's 1971 war for independence, including former cabinet member and Jamaat-e-Islami leader Motiur Rahman Nizami. The government also welcomed recent court rulings restoring pro-secular provisions in Bangladesh's constitution. These rulings could provide a legal basis for banning existing Islamist political parties, even those that espouse achieving Islamist goals through democratic means.

The government has continued the process, begun under the previous caretaker government, of establishing a National Human Rights Commission. Although human rights conditions have improved since the return of democratic government, the security forces continue to be implicated in extrajudicial killings, arbitrary detentions, torture, and intimidation of the media. The Commission, chaired by a former Supreme Court justice, has the authority to investigate and request reports from the government on such abuses, whether by military personnel, police, or members of other security forces. As of this writing, the Commission has not established a high public profile, perhaps due to its having only three members and limited staff. The Commission has publicly expressed concern at reports of extrajudicial killings, calling in one case for the establishment of an impartial high-level inquiry and making specific recommendations regarding the conduct of such inquiries. The Commission does not appear to have taken on any cases involving religious freedom issues or concerning members of religious minority communities.

Despite the existence of the Human Rights Commission and in response to a court order, the government in December 2009 announced that it would establish another official commission to investigate the violence, primarily against Hindus, that followed the October 2001 elections. Since beginning its activities in February 2010, this commission has sent letters to political figures and to human rights and other civil society groups seeking information on the 2001 violence, held several public meetings, and undertaken field visits to the most affected areas. . Originally given four months to complete its work, this commission has requested that the government extend its mandate until July 2010 due to the number and serious nature of the reported abuses.

The government also has pursued action in the courts to restore, to some degree, the original secular character of Bangladesh's constitution by removing some of the changes introduced by previous military regimes. Court decisions in January and February 2010 appeared to support this policy. Following independence from Pakistan in 1971, Bangladesh was established as a secular state in which national identity was based on Bengali language and culture. The 1972 constitution established a secular state and guaranteed freedom of religion and conscience and equality before the law. Other provisions banned "all kinds of communalism," the misuse of religion for political purposes, and the forming of groups that "in the name of or on the basis of any religion has for its object or pursues a political purpose." Subsequent military regimes removed these restrictions, added in Arabic the traditional Islamic invocation customarily translated as "In the name of God the compassionate, the merciful," and substituted "absolute trust and faith in Allah" for "secularism" as one of the fundamental principles of state policy. "Absolute trust and faith in Allah" was furthermore to be "the basis for all [government] actions." Islam was made Bangladesh's state religion in 1988 under H.M. Ershad's military dictatorship. The Prime Minister has indicated, however, that she has no intention of disestablishing Islam as the state religion or removing the Islamic invocation added to the constitution by her military predecessors.

Aided by the expansion of *madrassas* (Islamic schools) and charities, many of which receive foreign funding with varying degrees of government oversight, Islamist activists have gained political, economic, and social influence. When in power during the coalition with the larger BNP between 2001 and 2006, members of Jamaat-e-Islami allegedly used their positions to deny funding to or otherwise disadvantage groups viewed as opposing Jamaat's Islamist political and social agenda. Although some calling for a

more Islamist Bangladesh have engaged in peaceful political and social activities, others have adopted an approach sanctioning violence towards perceived opponents of Islam.

Even during periods of democratic governance, Bangladesh's high levels of political violence and instability have provided opportunities for religious and other extremist groups to engage in criminal activities with relative impunity. Authors, journalists, academics, and women's rights and civil society activists debating sensitive social or political issues, or expressing opinions deemed by radical Islamists to be offensive to Islam, have been subject to violent, sometimes fatal, attacks. Some Muslim clerics, especially in rural areas, have also sanctioned vigilante punishments against women for alleged moral transgressions. Rape is reportedly a common form of anti-minority violence. The government often fails to punish perpetrators, since the law enforcement and the judicial systems, especially at the local level, are vulnerable to corruption, intimidation, and political interference. Bangladesh was ranked at the bottom of Transparency International's Corruption Perceptions Index between 2001 and 2005. Bangladesh improved its ranking significantly by 2009 to 139th of 180 countries listed.

During the past year, Bangladesh generally was free of Islamist violence that had escalated earlier in the decade, reaching a peak when Islamist extremists coordinated a wave of hundreds of almost simultaneous bomb attacks on August 17, 2005 in all but one of Bangladesh's 64 districts. These extremists also were implicated in a series of bomb attacks on Bangladesh's judiciary in October-November 2005 which accompanied a demand to substitute sharia law for Bangladesh's secular jurisprudence system. In March 2007, six members of an armed Islamist group were executed for their involvement in the 2005 bombings.

Attacks on members of religious or ethnic minorities or their properties, including thefts and vandalism at Hindu temples, continue to be a problem, although it is difficult to distinguish criminal intent from religious animosity or other possible motives. Weak and corrupt law enforcement leaves members of religious minority communities vulnerable to harassment and sometimes violence, particularly sexual violence against women, by members of the Muslim majority. Although the constitution provides protections for women and minorities, Hindus, Buddhists, Christians, Ahmadis, tribal peoples, and other minorities must regularly grapple with societal discrimination, as well as face prejudice that hinders their ability to access public services, the legal system, and government, military, and police employment. Religious minorities are also underrepresented in elected political offices, including the national parliament.

Since the Pakistan era, Muslims, particularly those who are well-connected politically, have used The Vested Property Act (VPA) to seize Hindu-owned land. The VPA's implicit presumption that Hindus do not belong in Bangladesh contributes to the perception that Hindu-owned property can be seized with impunity. Bangladesh's National Assembly began consideration in January 2010 of government-backed legislation on this issue and minority-group representatives were permitted to express their concerns in testimony before parliament. USCIRF welcomed this development in a public statement urging the government to consult legal scholars and representatives of the affected communities in order to devise remedies for past abuses and prevent further property seizures based on the owners' religious affiliation. However, as of this writing, no new legislation has been passed. Despite attention to this issue at the national political level, Hindu-owned property continued to be seized. In the Sutrapu district of Dhaka in March/April 2009, police reportedly stood by as Muslims violently disposed poor Hindus of land given to them by Hindu landowners leaving for India in 1947. In March 2010, local officials of the governing Awami League were reported to have seized land belonging to a temple in Kaliazuri in the remote northern district of Netrakona.

Ethnically, Bangladesh is highly homogeneous, with more than 98 percent of the population being Bengali. Members of ethnic minority communities, mostly tribal peoples in the north and in the east, are often non-Muslim. The most serious and sustained conflict along ethnic and religious lines has been in the

CHT, an area with a high concentration of non-Bengali, non-Muslim indigenous peoples. Resentment among members of indigenous groups remains strong over settler encroachment on traditional tribal lands, human rights abuses by the Bangladeshi military, and the slow, inconsistent implementation of the 1997 CHT Peace Accords. Muslim Bengalis, once a tiny minority in the CHT, now reportedly equal or outnumber indigenous groups. In February 2010, ethnic Bengali settlers reportedly attacked indigenous inhabitants of the CHT's Rangamati Hill District, leaving two indigenous Chakma dead and a number of homes and shops destroyed. The government sent senior central and local government officials, including members of indigenous groups, to investigate. They determined that the conflict originated in a land dispute. In what appears to have been another land dispute with ethnic/religious overtones in northern Bangladesh's Rangpur district in March 2010, Catholics who were members of a tribal community were attacked by neighboring Muslims after a local court favored a church over a Muslim-run school regarding ownership of some property. There were also credible reports in early 2010 of Bangladeshi security forces using violence to force members of the Rohingya ethnic group back into Burma, from which members of this Muslim minority community had fled due to severe persecution.

Bangladesh's small Ahmadi community of about 100,000 has been the target of a campaign to designate the Ahmadis as "non-Muslim" heretics. In January 2004, the then-government, led by the BNP in coalition with Jamaat-e-Islami Bangladesh and a smaller Islamist party, banned the publication and distribution of Ahmadi religious literature. Police seized Ahmadi publications on a few occasions before the courts in December 2004 stayed the ban. . Since then, the ban has not been enforced, although it has never been officially rescinded. In some instances, local anti-Ahmadi agitation has been accompanied by mob violence in which Ahmadi homes have been destroyed and Ahmadis are held against their will and pressured to recant. However, violence against Ahmadis has diminished in recent years due to improved and more vigorous police protection. Bangladeshi Ahmadis were able to hold their annual national convention in March 2010, in the eastern city of Brahmanbaria, although they received death threats from anti-Ahmadi groups. They also were subject to written restrictions from the police (including regarding religious content), who entered the Ahmadi mosque to order the cutting off the mosque's internal sound system.

Based on the foregoing concerns, USCIRF continues to recommend that the U.S. government encourage the government of Bangladesh to take action on the following issues and ensure consistent implementation: investigate and prosecute to the fullest extent of the law perpetrators of violent acts against members of religious minority communities, women, and non-governmental organizations promoting international human rights standards; repeal the Vested Property Act and commit to restoring or compensating for properties seized, including to the heirs of original owners; rescind the 2004 order banning Ahmadi publications, and ensure adequate police response to attacks against Ahmadis; enforce all provisions of the Chittagong Hill Tracts Peace Accords and ensure that members of all tribal communities are afforded the full rights of Bangladeshi citizenship; ensure that the National Human Rights Commission is truly independent, adequately funded, inclusive of women and minorities, and possessed of a broad mandate that includes freedom of religion or belief; include in all public and *madrassa* school curricula, textbooks, and teacher trainings information on tolerance and respect for freedom of religion or belief; and ensure that members of minority communities have equal access to government services and public employment, including in the judiciary and high-level government positions.

Kazakhstan

USCIRF reported on Kazakhstan in its 2008 and 2009 Annual Reports, but did not place the country on either its "country of particular concern" (CPC) or Watch Lists. In recent years, Kazakhstan's human rights practices, including regarding freedom of religion or belief, have come under increased international scrutiny partly due to its 2010 chairmanship of the 56-nation Organization for Security and Cooperation in

Europe (OSCE). The Kazakh government had been known for its relatively good human rights record and tolerant policies towards its more than 90 ethnic minorities. However, the country's policies on religious freedom recently have regressed and its civil society sector has come under increased pressure, most notably due to the 2009 imprisonment of leading human rights defender, Evgeny Zhovtis. The government also has tightened its control over Kazakhstan's highly diverse religious communities.

In 2008, the Kazakh parliament enacted restrictive amendments to the country's existing religion law, establishing stricter registration procedures and requiring all existing religious groups to re-register, banning unregistered religious activity and private religious education, prohibiting proselytism and the production of religious literature, prohibiting groups from opening worship facilities to the public, and significantly increasing fines and penalties for violating the law. Both the OSCE Panel of Experts on Freedom of Religion or Belief and the UN Special Rapporteur on the Freedom of Religion or Belief found the amendments inconsistent with international human rights standards. In February 2009, Kazakhstan's Constitutional Council declared the amendments unconstitutional for violating the Kazakh constitutional guarantee of equality before the law.

However, even without the rejected amendments, Kazakh law allows fines and detentions to be imposed against individuals who lead or participate in unregistered religious organizations or otherwise violate the religion law. The Kazakh authorities continue to enforce these penalties, particularly against unregistered Baptists, registered Ahmadi Muslims, and Jehovah's Witnesses. For example, in January 2010 Zhanna-Tereza Raudovich, a Baptist from the Kyzylorda region, was fined 100 times the minimum monthly wage for hosting a worship service in her home. In addition, the Kazakh parliament currently is considering amendments to the administrative code provisions that set penalties for such infractions that would establish minimum as well as maximum penalties.

Kazakhstan's criminal law includes a broad and vague provision (Article 164.1) criminalizing "deliberate actions aimed at the incitement of social, national, clan, racial, or religious enmity or antagonism, or at offence to the national honor and dignity, or religious feelings of citizens, as well as propaganda of exclusiveness, superiority, or inferiority of citizens based on their attitude towards religion, or their genetic or racial belonging, if these acts are committed publicly or with the use of the mass information media." In June 2009, a Protestant preacher in the city of Taraz, Sarybai Tanabaev, was sentenced to a two-year suspended term for violating this provision. Last year, Elizaveta Drenicheva, a Russian missionary for the registered Unification Church, was sentenced under this provision to a two-year prison term that was later commuted to a fine.

The Law on Extremism, effective since February 2005, gives the government wide latitude to identify and designate religious or other groups as extremist organizations, ban a designated group's activities, and criminalize membership in a banned organization. Government officials have expressed concern about possible political and religious extremism, particularly in southern Kazakhstan, where many Uzbeks reside. The Kazakh government has imprisoned individuals alleged to be members of certain Muslim groups, including some groups that espouse extremist political agendas. Human rights groups have expressed concerns that the government has also used this law to punish non-extremist Muslims for independent views. Kazakh civil society activists maintain that due process is not followed in many of these trials, and that police, and investigatory and judicial officials have not provided public access either to trials or information about these cases. Indeed, according to some leading Kazakh human rights activists, several hundred Muslim individuals may be imprisoned in Kazakhstan on religion-related charges, although it is impossible to ascertain the veracity of these claims.

Although the Kazakh Constitution bans discrimination on the basis of religion and the religion law states that all religious communities are equal under the law, official rhetoric often describes the state-backed Muslim Board and the Russian Orthodox Church as "traditional" faiths. Government officials often seem to

divide other communities into those they tolerate, such as Jews, Catholics and small communities of Buddhists, from other groups they deem ”sects,” including independent Muslims, Ahmadi Muslims, most Protestants, Hare Krishna devotees and Jehovah's Witnesses.

The National Administration of Muslims in Kazakhstan (SAMK), directed by the Muslim Board and headed by the Chief Mufti, exerts significant influence over the country’s practice of Islam, including selecting imams and regulating the construction of mosques. In 2002, however, the Kazakh Constitutional Council ruled against a proposed legal requirement that the SAMK must approve the registration of any Muslim group. Nevertheless, the SAMK reportedly occasionally pressures non-aligned imams and congregations to join it. However, according to the State Department, the Kazakh government continues to register some mosques and Muslim communities not affiliated with the SAMK.

The government’s 2007-2009 “Program for Ensuring Religious Freedom and Improvement of Relations between the Government and Religions” outlined plans for “increasing the stability of the religious situation” and called for new laws to increase control over activities by foreign religious workers and the dissemination of religious materials. The Internal Policy Department in the capital Astana reportedly is funding a center for work with “victims of destructive sects” that opened in September 2009, although the Department has refused to name any “destructive sect.”

Nevertheless, in practice, most minority religious communities registered with the government without difficulty, although some Protestant groups and other groups viewed by officials as non-traditional have experienced long delays. There were no reported incidents of official anti-Semitism. Although local officials may attempt to limit the practice of religion by some “non-traditional” groups, higher-level officials or courts, at least until recently, have usually overturned such actions.

Members of unregistered religious communities—including the Council of Churches Baptists who refuse on principle to register any of their congregations with the state —continue to face official harassment. In a notable case, authorities fined the pastor of a Council of Churches Baptist congregation in the Akmola region for unregistered religious activity, and in February 2009, a court order permanently banned his church, the first time that such a ban has been imposed in Kazakhstan. In March 2010, the Akmola regional police conducted a seminar on combating religious extremism. According to an article posted on the Kazakh interior ministry’s website, participants included officials from the secret police, the regional prosecutor's office, the regional justice department, the state-funded “Centre for Assistance to Victims of Destructive Religious Movements,” unnamed representatives of “traditional religions,” and members of parliament and the President’s political party. Unregistered Baptists were reportedly mentioned by name by police officials as the “main lawbreakers on religion” and the targets of the anti-extremism campaign. The police noted that “six regional [Evangelical Baptist] leaders had been punished under the Administrative Code.”

Council of Churches Baptist churches continue to report being subject to surveillance, secret recordings of services and sermons, raids, short-term detentions, and court-ordered fines for unregistered religious activity that they usually refuse to pay. Baptist pastor Vasily Kliver, who had been repeatedly fined for leading unregistered worship, was imprisoned for five days in June 2009 for refusing to pay the fines. He is the fourth Baptist leader to be subject to short-term detention since 2006. Police raided Council of Churches Baptist churches in Rudny in August 2009 and Kostanai in September. A Baptist pastor from Rudny was fined in September 2009. In early 2010, ten Baptists in Oral (Uralsk) were questioned, fingerprinted, and photographed by police: four members of the same group were fined for administrative offenses in the autumn of 2009.

Other unregistered Protestant communities are increasingly subject to official harassment. In late 2009, Pastor Vissa Kim of the Grace Light of Love Protestant Church in the city of Taraz faced criminal charges

brought by the Jambyl regional secret police for "causing severe damage to health due to negligence" after he allegedly harmed a woman's health by praying for her. In late 2009, a criminal case was brought against Sergei Mironov, a Protestant Christian who founded a drug and alcohol rehabilitation center in the city of Semey. That center was closed after a September 2009 raid by 25 police carrying sub-machine guns.

Although the Hare Krishna movement is registered at the national and local levels, its leaders report continuing harassment, including destruction of buildings. The problems date back to an April 2006 appeals court decision that the community's farm outside Almaty must revert to the county government, allegedly because the farmer from whom the Hare Krishnas bought the land in 1999 did not hold title.

Even though the Jehovah's Witnesses were registered in January 2009, in September 2009 the Kazakh Justice Ministry's Committee for Religious Affairs accused the Jehovah's Witness magazines, "The Watchtower" and "Awake," of "creat[ing] preconditions for the development of conflicts on inter-confessional grounds [and] present[ing] a potential threat for the security of the state." However, after meetings with government officials and human rights organizations, the Jehovah's Witnesses announced at an October 2009 session of the OSCE Human Dimension conference in Warsaw that they had resolved this dispute with the government of Kazakhstan.

In 2008, President Nursultan Nazarbayev publicly criticized foreign religious workers, noting that they should not be allowed to operate freely, as "we don't know their purposes and intentions." He also declared that "religion is separate from the state, but it does not mean that Kazakhstan should become a dumping ground for various religious movements." The President has not retracted these remarks, and since the speech, there has been a marked increase in governmental restrictions targeting unregistered and minority religious communities.

In December 2009, the Kazakh government announced visa requirements for foreign religious workers. As of March 1, 2010, temporary residence for foreigners engaged in religious educational activities in Kazakhstan is limited to 180 days.

Several groups reported difficulty registering foreign religious workers, while others reported greater difficulties than in previous years with being issued visas, and denied special or shorter-term visas. The registered Ahmadi Muslim community has encountered major delays in being granted visas to bring foreign religious workers to Kazakhstan. Under Kazakh law, non-citizens who are found to have engaged in "missionary activity without local registration" are liable to pay a fine and are subject to deportation from the country. Viktor Leven, a Kazakh-born Baptist from Akmola who later became a German citizen, is currently facing deportation for preaching at a September 2009 worship service. An Uzbek citizen who gave a 12-year-old girl a Christian children's magazine was deported in November 2009 and the New Life Church, to which the Uzbek citizen belonged, was banned for six-months.
In recent years, however, the Kazakh government also has organized numerous international events to showcase what it views as its record of official religious tolerance. President Nazarbayev has hosted three high-profile conferences hundreds of leaders of "traditional" religious communities from around the world attended. In February 2009 several official Kazakh organizations and the OSCE Astana Center also hosted a meeting for representatives of several registered religious organizations, civil society groups, and the diplomatic community that highlighted Kazahkstan's "unique experience of interethnic and interdenominational accord."

After a hasty and unfair trial in September 2009, Evgeny Zhovtis, a leading Kazakh human rights defender who had also been active on religious freedom, was sentenced to four years imprisonment for a traffic accident that resulted in a pedestrian's death. Zhovtis was denied an adequate legal defense, and serious procedural flaws marked the investigation and the trial that led to his conviction. In December 2009, a Kazakh appellate court rejected his appeal. A complaint concerning Zhovtis' case has been filed with the

UN Human Rights Committee. President Obama raised the Zhovtis case when he met with President Nazarbayev in April 2010.

Despite official Kazakh promotion of its record of tolerance, USCIRF concludes that, in view of Kazakhstan's OSCE chairmanship, the Kazakh government should publicly clarify its policies on human rights, including on freedom of religion or belief, and ensure that its laws conform to OSCE and other international commitments. Such official clarifications are particularly necessary in light of President Nazarbayev's hostile public statements about various religious groups and the Kazakh government's publications that reflect these statements. . Moreover, although the Constitutional Council rejected the stricter religion law as unconstitutional, Kazakh law enforcement entities have indicated they will again consider major revisions to the religion law in late 2012, and Kazakh authorities have taken repressive actions against various religious groups that fly in the face of that constitutional ruling. USCIRF also calls on the Kazakh government to include relevant government officials and Kazakh legal and other experts in official exchange programs and allow them to participate in international conferences, particularly those of the OSCE. Finally, Kazakh authorities should unconditionally pardon Mr. Zhovtis in light of the serious mishandling of his case.

Sri Lanka

In recent years, USCIRF has been concerned about religious freedom in Sri Lanka because of attacks targeting religious minorities and proposed legislation on religious conversion that, if enacted, would violate international norms regarding freedom of thought, conscience, and religion or belief. Although USCIRF has never placed Sri Lanka on its CPC or Watch Lists, the Commission continued to monitor Sri Lanka in 2009-10.

Until 2009, Sri Lanka was ravaged by a 26-year civil war between government troops and the Liberation Tigers of Tamil Eelam (LTTE), an ethnically-based insurgent movement seeking an independent state in the north and east of the country. In January 2009, the ongoing violence escalated dramatically, as government forces successfully attacked LTTE positions, pushing them into an area of about 36 square miles. In May 2009, the government declared victory announcing that it had killed LTTE leader Prabhakaran. During the final days of fighting in April and May 2009, there were unconfirmed reports both of the LTTE locating artillery pieces next to religious facilities and the army firing heavy weapons at the same sites, often while they were in use as shelters for civilians.

In the context of the civil war, violence against civilians based on ethnicity and/or religion occurred throughout the country. Both sides in the conflict failed to take steps to prevent or stop incidents of communal violence involving Buddhist Sinhalese, Hindu Tamils, Muslims, and Christians. Both government and LTTE forces targeted places of worship of various faith communities, and attacks took place during religious holidays and festivals.

Moreover, for years, entire communities of Sri Lankan Muslims in the north and northeastern parts of the country were displaced by LTTE forces seeking to consolidate Tamil hold over certain areas. Since the government defeated the LTTE, many of the more than 100,000 Muslims who were displaced have still not returned. Many fled as long ago as 1990 and do not have the proper documentation required to reclaim their homes and ancestral lands.

Over the course of the conflict, severe restrictions on the movement of journalists and humanitarian workers also were routine. While human rights groups frequently cite a cumulative conflict death toll of 70,000, the Sri Lankan government suppresses evidence of the death of its own troops, making impossible an accurate count of casualties. The frequent "disappearances" of Sinhalese and civilian and insurgent Tamils by government forces also are underreported. Despite harassment, killings, and

restrictions placed on the movement of human rights activists and journalists, evidence of severe atrocities carried out on both sides of the conflict has been well-documented. The UN long has called for an investigation of human rights abuses, but the Sri Lankan government continues to insist it did nothing wrong and calls allegations of human rights abuses "misinterpretations."

While not directly connected to the civil conflict, violent attacks on churches, clergy, and individual Christians have taken place during the past few years, reportedly carried out by members of, or persons affiliated with, extremist groups espousing Buddhist nationalism. Attacks on Christians have ranged from harassment and threats to vandalizing properties and arson. Cases were rarely investigated and perpetrators rarely brought to justice, resulting in a culture of impunity. This problem is compounded by wider, more chronic deficiencies in the judicial system in Sri Lanka, including corruption, an absence of police training, and inadequate infrastructure.

There are continuing reports that in the rural areas, churches have been attacked and Christians (who comprise approximately 7 percent of the country's population) have been physically assaulted by individuals or groups, particularly for alleged attempts to convert Buddhists to Christianity. Examples in 2009-10 include the March 2009 attack by a man wielding a machete of an assistant pastor and a church worker of the Vineyard Community Church at Pannala in Kurunegala district. Although the crime was reported, the police failed to make any arrests. In April 2009, a pastor in Weeraketiya, Hambanthota district was harassed and threatened by four people. The harassment escalated and one of the attackers was taken into police custody, but released the next day. The attacker then gathered Buddhist monks and other villagers to sign a petition against the church. In response, the pastor canceled Good Friday and Easter Sunday celebrations and relocated his children to a safer location. A mob of more than 100 people, including Buddhist monks, in June 2009 surrounded the home of a female pastor in a Foursquare Gospel Church in Radawana village, Gampaha district, and vandalized her house. When the police called her in for questioning on July 11, protestors tried to bar her and other pastors from entering the police station. She was later forced in the presence of Buddhist monks and protestors to sign a document promising not to host worship services for non-family members.

In recent years, and particularly in the period immediately after the December 2004 tsunami, there have been allegations that groups and individuals have engaged in "unethical practices" to encourage people to change their religion, and that these actions take advantage of impoverished and unemployed populations and lead to increased tensions among religious communities in Sri Lanka. These practices allegedly have included, for example, the offering of money, employment, access to education or health care, or some other material good as an incentive to convert or join a particular church. However, the UN Special Rapporteur on Freedom of Religion or Belief was unable to confirm any such cases when she visited Sri Lanka in 2005.

In January 2009, in response to this purported problem, the Jathika Hela Urumaya (JHU) party, which is comprised of nationalist Buddhist monks, brought to parliament a draft anti-conversion law, the Prohibition of Forcible Conversion of Religion Bill. The bill was largely the same proposal the JHU put forth in 2004, minus several provisions the Sri Lankan Supreme Court had ruled unconstitutional. The UN Special Rapporteur indicated that the 2004 bill was neither an appropriate response to religious tensions nor compatible with international human rights law.

The 2009 bill, if enacted, would provide for prison terms of up to five years for anyone who, by "the use of force or by allurement or by any fraudulent means," converts or attempts to convert a person from one religion to another, or aids or abets such a conversion. Because the bill's proponents consider women, minors, inmates, the poor, and the physically or mentally disabled to be particularly vulnerable, their conversion would warrant even harsher prison terms of up to seven years.

The bill defines "allurement" as the offer of any temptation for the purpose of converting, including any gift, gratification, or material benefit. It describes "force" as including not only threat of physical harm, but also the "threat of religious disgrace or condemnation of any religion for the purpose of converting." The bill defines "fraudulent" as "any willful misinterpretation or any other fraudulent contrivance." Opponents of the bill are concerned that its broad language would encompass all religious conversions, not just "unethical conversions," and would criminalize the charitable activities of religious groups.

In February 2009, the anti-conversion bill was submitted back to parliament for its third reading, and a vote was expected to take place in March 2009. However, amidst international pressure, including from members of the U.S. Congress, the Sri Lankan government referred the bill for discussion to the Consultative Committee on Religious Affairs and Moral Upliftment. The Committee's meeting, and therefore any further discussion of the bill, has been indefinitely postponed. The JHU has indicated that it would like to bring up the bill again in 2010, but this has not yet happened. USCIRF will continue to monitor closely the status of this draft bill.