

**TESTIMONY OF CHAIRMAN LEONARD A. LEO**

**U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM**

**BEFORE THE HOUSE COMMITTEE ON FOREIGN AFFAIRS**

**SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS**

**ON**

**INTERNATIONAL RELIGIOUS FREEDOM: STRENGTHENING ITS PROMOTION**

**IN U.S. FOREIGN POLICY**

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## **INTRODUCTION**

Chairman Smith, Ranking Member Payne, and Members of the Committee: I am most grateful for the opportunity to testify today about the importance of our government vigorously promoting religious freedom abroad for all, and the role of the U.S. Commission on International Freedom, or USCIRF, in helping achieve this objective.

Permit me to first acknowledge the crucial importance of this Congressional committee and this hearing. Through this hearing, your colleagues and the American people can take a fresh look at the institutions and policies established by the International Religious Freedom Act of 1998 (IRFA), which include USCIRF, and what we do to have an impact on religious freedom around the world in ways that advance human rights universally as well as our own country's foreign policy and security interests.

We are the only commission of our kind in the world – actively monitoring international religious freedom conditions and providing timely and independent recommendations to the President, the Secretary of State, and Members of Congress on how to improve the situation abroad.

Religious freedom is a fundamental human right – indeed, a “first freedom” – while also being a critically important factor in the formulation of U.S. foreign policy and national security policy, especially in a post-9/11 world. Today, religious freedom – or more accurately, its absence or curtailment-- ought to be a key issue in countries that top the U.S. foreign policy agenda. From Egypt to China, Iraq to Sudan, Nigeria to Vietnam, and Russia to Turkey, promoting and protecting this fundamental right has never been more challenging.

And so, I will discuss this morning why freedom of religion is vital to promote and protect through our foreign policy. I will detail the unfortunate role that far too many governments play in religious freedom violations. I will talk about how USCIRF is uniquely structured, and how that structure enables the Commission to support U.S. foreign policy and national security objectives that relate to human rights promotion. I will highlight our accomplishments as an independent voice as well as an advisor for freedom of religion and related human rights. I will summarize some of our key recommendations for the coming year, and I will stress how important it is for Congress to act promptly on a bill that Representative Frank Wolf (R-VA) has introduced, H.R. 1856, the International Religious Freedom Act Amendments of 2011. The bill, in relevant part, strengthens U.S. religious freedom promotion by reauthorizing USCIRF, so our Commission can continue to operate as an independent, bipartisan federal entity.

## **WHY RELIGIOUS FREEDOM MATTERS**

For those who drafted our Constitution's Bill of Rights, religious freedom was a fundamental right – the first of our liberties to appear in the First Amendment. And the reason for that was simple: Such basic matters of conscience and belief define who we are. There can be no true recognition of our worth and dignity, as well as the freedom to become what we want in our lives, in a state that denies such a right.

So, for us as Americans, religious freedom – including the freedom not to believe – matters greatly. For many beyond our shores, religion also remains a powerful source of identity, meaning, and purpose, and for literally billions of people there is no greater right than the freedom to practice one’s own religion or belief system, without fear of coercion or retaliation.

Yet throughout much of the globe, religious freedom and related human rights are egregiously and routinely violated. According to a Pew Research Center study released in December 2009, seventy percent of the world’s population dwells in countries where religious freedom is highly restricted.

Religious freedom abuses – whether caused by government action or inaction – should not go unchallenged, and that is not just an opinion of the United States or a reflection of our First Amendment. It is a basic tenet of international human rights law. In 1948, the international community created and adopted the landmark Universal Declaration of Human Rights, including Article 18, which states that:

*Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, alone or in community with others, and, in public or private, to manifest his religion or belief in teaching, practice, worship and observance.*

Since 1966, the governments of 156 countries have signed the International Covenant on Civil and Political Rights (ICCPR), a binding treaty which includes language similar to Article 18 of the 1948 Declaration, and which the United States ratified in 1992. Thereafter, nations of the world unanimously have affirmed the 1981 Declaration on Religious Intolerance, and other instruments which affirm and confirm that freedom of thought, conscience, and religion or belief is a universal and fundamental human right.

Standing for religious freedom around the world is a humanitarian, a moral, and a legal duty. It also is a practical necessity – especially in our post-9/11 world – one that is crucial to our own security and that of the world. Time and again, research has found that countries that honor and protect religious freedom have more vibrant political and democratic institutions, rising economic and social well-being, diminished tension and violence, and greater overall stability.

In contrast, nations that trample or fail to protect basic human rights, including religious freedom, provide fertile ground for poverty and insecurity, war and terror, and the emergence of violent, radical movements and activities. The assassinations earlier this year in Pakistan of two high ranking government officials for their opposition to blasphemy laws serve to remind us of how violent religious extremism and religious freedom violations are destabilizing a critical partner, creating a climate of impunity by fueling hatred and violence against both Muslims and non-Muslims in that country.

In today’s battle against terrorism and extremist ideology, the key is to offer a competing – and compelling – vision of freedom, peace and prosperity, and a foreign policy that both places a premium on the freedom of thought, conscience, and religion or belief and advances this effort.

Supported by America's culture and heritage, backed by international law and treaty, and made indispensable by our critical security needs, the right to freedom of religion or belief deserves the U.S. government's strong and steadfast support.

## **GOVERNMENT ACTIONS OR INACTIONS THAT TRIGGER RELIGIOUS FREEDOM VIOLATIONS**

Unfortunately, around the world, violations of the right to religious freedom occur with alarming frequency. USCIRF has identified three main kinds of government actions or inactions which trigger these violations. First, there is state *hostility* toward religion, religious communities, and/or religious leadership. Second, there is state *sponsorship* of extremist religious ideology and education. Third, there is state *failure* to prevent and punish religious freedom violations.

State hostility involves active mistreatment of groups or individuals. State sponsorship involves active promotion, including exportation, of radical, often violence-promoting, religious ideas and propaganda against these or other groups or individuals. State failure involves neglecting to take action necessary to protect targeted groups or individuals, creating a climate of impunity that enables private actors, including other citizens or organizations, to continue to threaten, intimidate, and even murder them due to their dissenting beliefs, actions or identity.

The actions of the governments of Iran and China exemplify state hostility toward religion, religious communities, and/or religious leadership.

In Iran, a theocratic government has executed individuals convicted of the charge of "waging war against God," while relentlessly targeting reformers among the Shi'a Muslim majority, as well as members of religious minorities, including Sunni and Sufi Muslims, Baha'is, and Christians, while also stirring up anti-Semitism by promoting Holocaust denial.

In China, the world's most populous nation, a Communist government ruthlessly suppresses disfavored religious groups, from Tibetan Buddhists to Uighur Muslims, and from Falun Gong to the Protestant house church movement and Catholics who resist government control of the church.

Regarding state sponsorship or exportation of extremist ideology, the autocratic monarchy of Saudi Arabia continues to export its own extremist interpretation of Sunni Islam through textbooks and other literature which teach intolerance and hatred of other religious groups and perspectives. Extremist references also are found in educational materials and textbooks in Iran and Pakistan.

The actions of the governments of Egypt, Iraq, and Pakistan exemplify state failure to protect its citizens against religiously-related violence.

In Egypt, the former government of Hosni Mubarak tolerated widespread abuses against religious minorities, from Bahai's and dissident Sunni and Shi'a Muslims to Coptic Orthodox and other Christians, failing to take adequate steps to bring the perpetrators of violence to justice

and respond to virulent anti-Semitism in state-controlled media. Since Mubarak's departure, religious freedom conditions have not improved and remain deeply problematic.

In Iraq, private actors repeatedly have targeted for violence Christians and other religious minorities, including Mandaean and Yazidis, triggering a mass exodus of members of these groups, and the Iraqi government has failed to provide them with either security or justice.

In Pakistan, the government's longtime failure to protect religious freedom was on brutal display earlier this year with the assassinations in January of Salmaan Taseer, a Muslim who was Governor of Punjab province, and in March of Shahbaz Bhatti, a Christian who was Pakistan's Minister for Minority Affairs and a longtime champion of religious freedom. Both officials were killed for opposing Pakistan's draconian blasphemy law, which is used against both Muslims and non-Muslims.

Impunity is still one of the most serious and growing problems around the world. In just the past several months, there also have been extremely concerning incidents of religiously-related violence in Afghanistan, Ethiopia, Indonesia, Iran, and Nigeria which are not being addressed by investigations, trials, or punishments.

### **USCIRF STRUCTURE AND IMPACT**

It was in response to such abuses that Congress passed the International Religious Freedom Act of 1998, an act which mandated the creation of USCIRF, as well as the International Religious Freedom Office (IRF Office) in the Department of State and the Ambassador-at-Large for International Religious Freedom. USCIRF welcomes the new Ambassador-at-Large, Rev. Suzan Johnson Cook, and looks forward to working with her and to the contributions she will make as an ex-officio, albeit non-voting, member of USCIRF.

Like the Ambassador-at-Large and the IRF Office, USCIRF plays a critical role in advancing the fundamental right of freedom of religion or belief, but from the outside. USCIRF is both an advisor and an advocate due to our unique composition and mandate. As an independent bipartisan commission, we accomplish our work through the leadership of our Commissioners and the engagement of our professional staff. Three Commissioners are appointed by the President, while six are appointed by the leadership of both parties in the House and Senate. The State Department's Ambassador-at-Large for International Religious Freedom serves as a non-voting ex officio member. We do our best to urge actors in both the Executive and Legislative branches to do as much as possible to promote and protect religious freedom, as well as provide recommendations for how U.S. foreign policy can creatively and effectively promote this right.

Because Congress has structured USCIRF as an independent, bipartisan federal government commission, USCIRF is able to add unique value to the cause of international religious freedom. Our structure provides us with the capacity to speak candidly and act effectively in pursuit of our aims and in conjunction with human rights and religious freedom advocates in every arena, including Members of Congress and the Executive branch, members of academia, and religious and civil society leaders.

USCIRF gathers information at home and abroad. We issue comprehensive annual reports to Congress and convene hearings and work with Congressional offices on both sides of the aisle on critical issues. We advise and work closely with officials in the White House and the State Department. We participate in multilateral meetings with the EU and OSCE. We get out our message through the media and consult with civil society as well. In short, USCIRF will leverage whatever strengths and access we have because of our unique mandate to advance freedom of religion abroad.

## **USCIRF ACCOMPLISHMENTS**

USCIRF has had important success at focusing high-level U.S. government attention on issues of religious freedom. Our past reporting period is a good illustration.

In Sudan, for example, a free and fair referendum on independence for the South was important to help sustain religious freedom there. To that end, USCIRF called for Secretary of State Clinton's direct engagement in the implementation of the Comprehensive Peace Agreement (CPA) and was instrumental in strengthening working ties between the government of South Sudan and religious groups that proved essential for facilitating voter education and turnout in the referendum process. USCIRF also has been a critical bridge in bringing Southern Sudanese together with the U.S. judiciary and other public and private U.S. institutions in order to begin the process of providing capacity-building and technical assistance in an independent South Sudan.

In Saudi Arabia, due to USCIRF's engagement, six young Shi'a Muslims in Saudi Arabia were released in February 2011. USCIRF raised concerns about these individuals during a January/February 2011 visit. The individuals ranged between the ages of 17 and 22, and were detained in February 2010 by authorities, allegedly for passing out sweets on a Shi'a religious holiday. Authorities reportedly claimed the youths defaced a Saudi flag and threw stones at police. In January 2011, the six youths were transferred to a state security detention facility in Riyadh. The six were released on February 23 after a year in detention without charges, despite a limit of six months for pretrial detention under the Saudi criminal procedure code. USCIRF has long focused attention on extremist references in Saudi textbooks – which teach hatred toward other religions and in some cases promote violence. Funding originating in Saudi Arabia is used globally to finance religious schools, mosques, hate literature, and other activities that support religious intolerance and, in some cases, violence toward non-Muslims and disfavored Muslims.

In Nigeria, USCIRF Commissioners visited the country following a severe escalation in sectarian violence between Christians and Muslims. After our visit, the Nigerian government brought prosecutions for the first time in a decade against the perpetrators of a recent incident of violence. In addition, USAID is awarding a grant to the Interfaith Mediation Center in Kaduna to provide conflict mitigation and management assistance in northern and middle belt Nigerian states. USCIRF's recommendation to create programming for conflict prevention and reconciliation played a catalyzing role in helping bring the USAID project into fruition.

In response to Iran's systematic, ongoing, and egregious violations of religious freedom, USCIRF has long called for the U.S. government to identify Iranian officials and entities responsible and impose travel bans and asset freezes on those individuals. Previously, no sanctions measures against Iran had provisions dealing with human rights violations; USCIRF worked with Congressional offices to develop such sanctions.

These sanctions are included in CISADA, the Comprehensive Iran Sanctions, Accountability, and Divestment Act (P.L. 111-195). CISADA requires the President to submit to Congress a list of Iranian government officials or persons acting on their behalf who are responsible for human rights and religious freedom abuses, bars their entry into the United States, and freezes their assets. The Executive Order President Obama issued in September 2010 sanctioned eight Iranian officials for having committed serious human rights abuses after the Iranian Presidential election in June 2009. Two more Iranian officials were sanctioned in February 2011, bringing the total to 10. Prior to these actions, USCIRF had recommended that seven of these officials be sanctioned.

Regarding Pakistan, USCIRF was instrumental in introducing the U.S. government to Shahbaz Bhatti, who was an ardent defender of human rights reform within the Pakistani government and a staunch opponent of its blasphemy law. These connections provided Minister Bhatti with important leverage with his own government colleagues in Islamabad. As I mentioned, Minister Bhatti was tragically assassinated in March by the Pakistani Taliban. After his death, USCIRF worked with congressional offices to have a resolution introduced in his honor that pressed for improvements on these issues.

Finally, at the United Nations, USCIRF played a catalytic role, working with the Administration and Members of Congress to engage a significant number of UN member states to help reduce support for the so-called defamation of religions resolutions that sought to establish a global blasphemy law. We achieved a significant breakthrough when the Organization of the Islamic Conference declined to introduce this resolution at the March UN Human Rights Council meeting.

Due to this loss of support, the UN Human Rights Council in March 2011 adopted a consensus resolution on "combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief." The resolution properly focuses on protecting individuals from discrimination or violence, instead of protecting religions from criticism. The new resolution protects the adherents of all religions or beliefs, instead of focusing on one religion, and promotes a human rights approach, not one that destroys that approach.

### **RECOMMENDATIONS FOR 2011: CPCs**

Besides these accomplishments, USCIRF continues to add value in the religious freedom arena by providing timely, fact-based policy recommendations to the U.S. government each year, in accordance with IRFA. The Act requires the President, who has delegated this function to the Secretary of State, to designate as "countries of particular concern" or CPCs, those nations that commit systematic, ongoing, and egregious violations of religious freedom. These nations

would qualify as the world's most severe religious freedom violators. In accordance with IRFA, USCIRF recommends countries that in our view, meet the CPC threshold. To date, this Administration's State Department has yet to make any designations, although we are told new designations are imminent.

For 2011, USCIRF has recommended that the following 14 countries be designated as CPCs: Burma, the Democratic People's Republic of Korea (North Korea), Egypt, Eritrea, Iran, Iraq, Nigeria, Pakistan, the People's Republic of China, Saudi Arabia, Sudan, Turkmenistan, Uzbekistan, and Vietnam. I'd like to focus on four of these nations: China, Egypt, Pakistan, and Saudi Arabia.

## **China**

Since last year's reporting period, USCIRF has observed no improvement in the religious freedom situation in China and, in fact, notes a marked deterioration in Tibetan Buddhist and Uighur Muslim areas in particular. Conditions for these two religious communities are the worst they have been in the past ten years.

Unregistered Protestants have also continued to suffer mistreatment by China's government. More than five hundred were detained in the past year and as many as 30 individuals were given sentences of over a year. The Chinese government stepped up efforts to raid unregistered Protestant meetings, destroy large churches that previously operated openly, and close "illegal" meeting points. The urgency of raising religious freedom as a priority was demonstrated during Easter week when authorities prevented members of Beijing's Shouwang Protestant Church from peacefully holding a public Easter service. According to Shouwang Church senior leaders, starting the night before Easter Sunday, 500 members of the congregation were detained in their homes and prevented from coming to the service.

China's government has also kept dozens of Catholic clergy, including three Bishops, in detention, in home confinement, or under surveillance. There have been disappearances of Catholic clergy as well. In 2010, eleven Chinese Roman Catholic bishops were ordained but without the approval of the Vatican.

According to official Chinese statements, adherents to the Falun Gong movement continue to face long-term and arbitrary arrests, forced renunciations of faith, torture, and psychiatric experiments conducted on adherents who are in detention.

The government has systematically targeted human rights lawyers and activists for intimidation, detention, and arrest and continued efforts to revoke the licenses of lawyers and shut down law firms that take on "political" cases. The signers of Charter '08 have met with harassment including detention, surveillance, raids and seizures of property. Since February over a 100 human rights defenders were held under house arrest or disappeared as Beijing feared popular sentiment sympathetic to the "Jasmine revolution." Lawyers Teng Biao and Jiang Tianyong recently reappeared, but lawyer Gao Zhisheng and Fan Yafeng remain isolated, detained, and

reportedly abused. These are unacceptable actions in a country that now claims to follow the rule of law.

Given the status of religious freedom in China, USCIRF:

- Concludes that a robust religious freedom agenda should be a critical component of bilateral relations and woven firmly into the fabric of the U.S.-China bilateral relationship;
- Urges the Secretary of State to impose a new sanction targeting Chinese officials who perpetrate religious freedom abuses in provinces where religious freedom conditions are most egregious;
- Urges the U.S. government to urge the Chinese government to cease harassing, surveilling, arresting and detaining individuals and groups, including human rights defenders and others who support them, on account of their religious beliefs, activities, or religious freedom advocacy;
- Urges the U.S. government to support the development and distribution of proven technologies to counter internet censorship and protect Chinese activists from arrest and harassment; and
- Urges Congress to press the Administration to adopt a “whole of government” approach to human rights diplomacy in China and use its oversight role to ensure a productive and real human rights dialogue with the Chinese.

### **Egypt**

Concerning Egypt, the government engaged in and tolerated religious freedom violations before President Hosni Mubarak stepped down on February 11, 2011 and has remained on this unfortunate path since his departure. Serious problems of discrimination, intolerance, and other human rights violations against members of religious minorities, as well as disfavored Muslims, remain widespread in Egypt.

Violence targeting Coptic Orthodox Christians remained high during the past year. This high level of violence and the failure to convict those responsible – including two of the three alleged perpetrators in the 2010 Naga Hammadi attack – continued to foster a climate of impunity, making further violence more likely. The Egyptian government has failed to protect religious minorities, particularly Coptic Christians, from violent attacks, including during the transitional period when minority communities are increasingly vulnerable. Since February 11, religious freedom conditions have not improved and attacks targeting religious minorities have continued. In fact, attacks on minorities, particularly Coptic Christians, by Islamist militants and others who impose extra-judicial punishments have increased and resulted in numerous deaths and injuries.

As a consequence of the CPC designation and to help achieve respect for the law and compliance with human rights standards in Egypt, USCIRF recommends that the U.S. government should:

- Direct a portion of existing military assistance to provide heightened protection for Coptic Christians and other religious minorities;
- Increase and provide economic assistance for organizations that provide democracy and governance training, as well as for Egyptian civil society groups working to advance human rights and religious freedom reforms;
- Press the transitional Egyptian government to undertake immediate reforms to improve religious freedom conditions, including: repealing decrees banning religious minority faiths; removing religion from official identity documents; and passing a unified law for the construction and repair of places of worship; and
- Press the Egyptian government to prosecute perpetrators of sectarian violence more aggressively, including by creating a special unit in the Office of the Public Prosecutor, and to ensure that responsibility for religious affairs is not under the jurisdiction of the new domestic security agency.

## **Pakistan**

Concerning Pakistan, the religious freedom situation has deteriorated greatly during the past year. Numerous attacks against religious groups continue to occur, and as I noted earlier, two high-profile members of the ruling party, Salmaan Taseer and Shahbaz Bhatti, were assassinated for their advocacy against Pakistan's repressive blasphemy laws. Pakistan is arguably the most glaring omission to the State Department's CPC list, as the government is both responsible for and tolerates egregious violations of religious freedom.

While the Zardari government has taken some positive actions to promote religious tolerance and remedy abuses, it has failed to reverse the erosion in the social and legal status of religious minorities and the severe obstacles the majority Muslim community faces to the free discussion of sensitive religious and social issues.

Blasphemy laws are used against members of religious minority communities and dissenters within the majority Muslim community, and frequently result in imprisonment on account of religion or belief and/or vigilante violence. Three individuals had death sentences imposed or upheld against them during the reporting period, including the inexcusable sentence against Asia Bibi.

Anti-Ahmadi laws discriminate against individual Ahmadis and effectively criminalize various practices of their faith. The Hudood Ordinances provide for harsh punishments for alleged violations of Islamic law by both Muslims and non-Muslims.

These laws and other religiously discriminatory legislation have created an atmosphere of violent extremism and vigilantism. The government has failed to protect members of the majority faith and religious minorities. Pakistani authorities have not consistently brought perpetrators to justice or taken action against societal leaders who incite violence.

To make religious freedom promotion a key element in the bilateral relationship, the U.S. government should designate Pakistan a CPC. In doing so, the U.S Government should urge the Pakistani government to:

- Reinforce the rule of law and align its laws, particularly those regarding blasphemy and the Ahmadis, with international human rights standards; and
- Actively prosecute those committing acts of violence as well as unconditionally release individuals currently jailed for blasphemy and place a moratorium on use of the law until it is reformed or repealed.

### **Saudi Arabia**

Earlier this year, USCIRF visited Saudi Arabia and noted limited improvements since our last visit more than three years ago.

Despite King Abdullah undertaking some modest reform measures and promoting inter-religious dialogue in international fora, the Saudi government 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 continues to interfere with private religious practice, including of non-Muslim expatriate workers. In addition, the government continues to prohibit churches, synagogues, temples, and other non-Muslim places of worship. Ismaili Muslims suffer repression on account of their religious identity and there have been numerous arrests and detentions of Shi'a Muslim dissidents, in part as a result of increasing regional unrest.

Members of the Commission to Promote Virtue and Prevent Vice (CPVPV), often referred to as the religious police, continue to commit abuses and remain immune to punishment. The government still uses state textbooks in schools and online that continue to espouse intolerance and incite violence. The government continues to support activities globally that promote an extremist ideology, and in some cases, violence toward non-Muslims and disfavored Muslims.

Almost 10 years since the September 11, 2001 attacks on the United States, the Saudi government has failed to implement a number of promised reforms related to religious practice and tolerance. There also has been little progress nearly five years after the State Department publicly announced that, as a result of bilateral discussions, the Saudi government had confirmed that it would advance specific policies with the aim of improving religious freedom conditions.

Unrest in the region since early 2011 provides added leverage for the U.S. government to:

- Lift the indefinite waiver of action, or at a minimum extend a limited 180- day waiver, during which time the Saudi government should complete reforms on textbooks and rein in the CPVPV; and
- Urge the Saudi government to bring members of the CPVPV to account for past abuses and ultimately abolish the CPVPV and entrust law enforcement to the regular Saudi police; and

- Seek from the Saudi Ministry of Justice the names of those members of the CPVPV who have been investigated, prosecuted, convicted, dismissed, disciplined or otherwise punished for past abuses and provide information about each alleged offense and an update about the current status of each case.

Finally, USCIRF strongly recommends that Congress should require the State Department to issue a five-year progress report on efforts and results achieved by the Saudi government to implement religious freedom reforms announced in July 2006 following bilateral discussions between the two countries.

### **WATCH LIST COUNTRIES FOR 2011**

Besides our CPC recommendations, USCIRF also provides recommendations to the U.S. government on dealing with nations we have placed on our Watch List. The list includes countries where religious freedom violations engaged in or tolerated by their governments do not meet the CPC threshold but are serious enough to require close monitoring. The Watch List provides advance warning of negative trends that could develop into severe violations of religious freedom, thereby providing policymakers with the opportunity to engage early and increasing the likelihood of preventing or diminishing the violations. The following countries are on USCIRF's Watch List in this reporting period: Afghanistan, Belarus, Cuba, India, Indonesia, Laos, Russia, Somalia, Tajikistan, Turkey, and Venezuela. I'd like to focus on two of these nations: Russia and Afghanistan.

#### **Russia**

For 12 years, USCIRF has reported on the status of freedom of religion or belief in Russia. Due to increasing concerns about limitations on religious freedom across the Russian Federation, in 2009 USCIRF added Russia to its Watch List, and kept it there in 2010 and 2011.

Religious freedom conditions in Russia continued to deteriorate in the past year: The government increased its use of anti-extremist legislation against religious groups that are not known to use or advocate violence. National and local government officials also harass Muslims and members of religious groups they view as non-traditional through enforcement of other laws, including on religious organizations.

While Russia faces serious security threats from groups which advocate or perpetrate violence in the name of religion, the government's broad-brush approach to this situation is problematic, due to its arbitrary application of vague anti-extremism laws against religious adherents and others who pose no credible threat to security. Human rights groups are concerned that the way the Russian government is addressing security threats could increase instability and radicalism among Russia's Muslim community.

Difficulties for religious communities stem from other laws, as well. Muslims and several minority religious groups continued to experience denials of registration, and delays and refusals to permit construction of or grant permits to rent places of worship, with their members often

harassed and detained. Russian officials also continue to describe certain religious and other groups as alien to Russian culture and society, thereby contributing to a climate of intolerance. A rise in Russian xenophobia and intolerance continues to result in numerous violent attacks and other hate crimes, including anti-Semitic crimes.

USCIRF has concluded that freedom of religion or belief should be treated as an important issue in the U.S.-Russia bilateral relationship, recognizing that it is both a human rights and security concern in Russia, and that the United States should:

- Urge Russia to reform its overly broad law on extremism and ensure it is not used against peaceful religious communities; and
- Implement the provisions of the "Smith Amendment" in the FY 2010 Consolidated Appropriations Act (Section 7074 of P.L. 111-117) that would prohibit U.S. financial assistance to the Russian Federation government due to, inter alia, its discrimination against religious groups through laws and government actions, excessive application of the vague and overly-broad extremism law, and reported restrictions by regional and local officials on minority religious groups.

### **Afghanistan**

USCIRF has determined that conditions for religious freedom remain exceedingly poor in Afghanistan for minority religious communities and dissenting members of the majority faith. The Commission has made this finding despite the presence of U.S. armed forces in Afghanistan for almost 10 years and the substantial investment of lives, resources, and expertise by the United States and international community.

Many of the problems emanate from the 2004 Afghan constitution, which effectively has established Islamic law as the law of the land. Afghan jurists and government officials do not view the guarantees to human rights that come later in the document as taking precedence. Considering the emphasis placed on respect for the constitution in negotiations and reconciliation efforts with the Taliban, USCIRF is concerned that this widespread interpretation of the constitution's provisions on Islamic law would seriously undermine religious freedom and women's human rights in the country.

In addition, the absence of effective constitutional protections means individuals lack protection to dissent from state-imposed orthodoxy, debate the role and content of religion in law and society, advocate for the human rights of women and members of religious minorities, or question interpretations of Islamic precepts. The government has prosecuted individuals for religious "crimes" such as apostasy and blasphemy in violation of international standards.

In the past year, the small and vulnerable Christian community experienced a spike in government arrests, with Christians being detained and some jailed for the "crime" of apostasy. And while the minority Hazara Shi'a community experienced greater freedoms to hold public

religious festivals without incident, gains for women's human rights remain tenuous and reversible.

U.S. policy has not prioritized freedom of religion or belief in Afghanistan. U.S. engagement has been reactive and has not effectively engaged the underlying dynamics that continue to lead to religious freedom abuses. USCIRF recommends that the U.S. government:

- Use its influence to support those who advocate respect for freedom of religion or belief;
- Increase efforts to ensure that the formal and informal judicial sectors uphold international standards of human rights: and
- Urge inclusion of representatives of civil society, including women and members of minority communities, in any reconciliation process, and work to ensure that any reconciliation process does not provide immunity to known human-rights violators.

### **IRFA AND THE INTERNATIONAL RELIGIOUS FREEDOM ACT AMENDMENTS OF 2011**

Religious freedom promotion needs to be a central aspect of U.S. foreign policy strategic planning. IRFA established as the policy of the United States that the U.S. government would “condemn violations of religious freedom” and would work to “promote, and to assist other governments in the promotion of, the fundamental right to freedom of religion.”

Congress intended the Ambassador-at-Large to be a “principal adviser to the President and the Secretary of State regarding matters affecting religious freedom abroad.” Since the position was established, it has been situated in the Bureau of Democracy, Human Rights and Labor (DRL) and is therefore under its Assistant Secretary. Other Ambassadors-at-Large, such as those for Global Women's Issues, Counterterrorism, and War Crime Issues, as well as the AIDS Coordinator, are situated in the Secretary's office and have direct access to the Secretary. In contrast, the Ambassador-at-Large for International Religious Freedom reports to the Secretary through three intermediate officials: the DRL Assistant Secretary, the Under Secretary for Democracy and Global Affairs, and the Deputy Secretary.

The Commission recommended in its 2011 Annual Report that the Ambassador-at-Large have direct access to the President and the Secretary of State; that the Ambassador and the Office of International Religious Freedom are provided the necessary resources for travel and staffing, similar to other offices with a global mandate; and that the State Department continues the practice of having the Ambassador maintain direct oversight of the Office of International Religious Freedom.

IRFA also envisaged the funding of religious freedom programs, authorizing foreign assistance to promote and develop “legal protections and cultural respect for religious freedom.” This authorization was funded in fiscal year 2008, when \$4 million was appropriated for specific DRL grants on religious freedom programming under the Human Rights Democracy Fund (HRDF).

Considering the statutory recognition of these programs and the demonstrated interest and capacity of human rights and religious freedom organizations, USCIRF has recommended that Congress provide a specific carve-out of HRDF funds to ensure ongoing religious freedom programming that is managed by the Office of International Religious Freedom.

IRFA mandated that the Secretary of State establish monitoring mechanisms “consisting of lists of persons believed to be imprisoned, detained, or placed under house arrest for their religious faith, together with brief evaluations and critiques of the policies of the respective country restricting religious freedom.” In compiling this list, the State Department was directed to use the resources of the various bureaus and embassies and to consult with NGOs and religious groups. While the State Department has advocated for individual prisoner cases, USCIRF is unaware of the Department establishing or maintaining a comprehensive list of such prisoners.

IRFA calls for American diplomats to receive training on how to promote religious freedom effectively around the world. In the past, training for Foreign Service Officers on issues of religious freedom has been minimal, consisting mainly of ad hoc lectures on the subject. Notably, during this past year, the Foreign Service Institute developed a two-day interagency policy seminar entitled “Engaging Communities of Faith to Advance Policy Objectives” and a three-day course on Religion and Foreign Policy. USCIRF welcomes this initiative. These courses remain optional, though, and are not yet part of the core curriculum for all diplomats in training.

Another IRFA issue relevant to both the State Department and the Department of Homeland Security (DHS) relates to the admission to the United States of aliens who were “responsible for or directly carried out...particularly severe violations of religious freedom.” IRFA bars the entry of such individuals. This provision has been invoked only once: in March 2005, it was used to exclude Chief Minister Narendra Modi of Gujarat state in India due to his complicity in the 2002 riots that resulted in the deaths of an estimated 1,100 to 2,000 Muslims. USCIRF had urged such an action. USCIRF also continues to urge the Departments of State and Homeland Security to develop a lookout list of aliens who are inadmissible to the United States on this basis.

Looking ahead to the future and because of these concerns, USCIRF urges this Committee and the House to reauthorize USCIRF until September 30, 2018: without this reauthorization, USCIRF would sunset on September 30, 2011.

## **CONCLUSION**

Since starting its work in 1999, USCIRF has worked diligently to fulfill our mission of promoting the right of freedom of religion or belief around the globe. From the beginning, we realized that we cannot fulfill our mission alone. That is why we value our partnerships, such as with NGOs and religious communities, and also importantly with the State Department’s Office of International Religious Freedom. We welcome the new Ambassador-at-Large for International Religious Freedom, Dr. Suzan Johnson Cook, and look forward to a productive collaboration with Ambassador Cook and her office.

We especially value our relationships with members of Congress. Indeed, since its role in creating our Commission 13 years ago through IRFA, Congress has been invaluable in helping us advance our goals, and I believe USCIRF has been a very useful resource and partner for the Congress as well. Congress now can make a lasting difference this year for religious freedom through reauthorizing USCIRF, reaffirming the commitment to the promotion abroad of the freedom of religion as a fundamental human right.

I look forward to our continuing to work together to fulfill our mandate.