

2017 ANNUAL REPORT OVERVIEW

Created by the [International Religious Freedom Act of 1998 \(IRFA\)](#), the [U.S. Commission on International Religious Freedom \(USCIRF\)](#) is an independent, bipartisan U.S. government advisory body, separate from the State Department, that monitors religious freedom abroad and makes policy recommendations to the president, secretary of state, and Congress. USCIRF bases these recommendations on its statutory mandate and the standards in the [Universal Declaration of Human Rights](#) and other international documents. The 2017 Annual Report represents the culmination of a year's work by Commissioners and professional staff to document religious freedom violations and progress and to make independent policy recommendations to the U.S. government.

The 2017 Annual Report covers calendar year 2016 through February 2017—although in some cases significant events that occurred after the reporting period are mentioned—and is divided into four sections.

The first section focuses on the U.S. government's implementation of IRFA, and provides recommendations for specific actions to bolster current U.S. efforts to advance freedom of religion or belief abroad.

The second section highlights 16 countries USCIRF concludes meet IRFA's standard for "countries of particular concern," or CPCs. IRFA requires the U.S. government to designate as a CPC any country whose government engages in or tolerates particularly severe religious freedom violations that are systematic, ongoing, and egregious. During the reporting period, the State Department made two sets of CPC designations—in February and October 2016—naming 10 countries, including Tajikistan for the first time in February 2016.

USCIRF's 2017 CPC recommendations include, for the first time, the recommendation that Russia be designated as a CPC. Based on improvements in religious freedom conditions in Egypt and Iraq, USCIRF does not recommend those two countries for CPC designation in 2017, as it had for Egypt since 2011 and for Iraq since 2008.

CPC RECOMMENDATIONS

In 2017, USCIRF recommends that the State Department again designate the following 10 countries as CPCs: Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, Tajikistan, Turkmenistan, and Uzbekistan. USCIRF also finds that six other countries meet the CPC standard and should be so designated: Central African Republic, Nigeria, Pakistan, Russia, Syria, and Vietnam.

TIER 2

In 2017, USCIRF places the following 12 countries on Tier 2: Afghanistan, Azerbaijan, Bahrain, Cuba, Egypt, India, Indonesia, Iraq, Kazakhstan, Laos, Malaysia, and Turkey.

EPC RECOMMENDATIONS

In 2017, USCIRF recommends that the State Department designate the following organizations as EPCs: the Islamic State of Iraq and Syria (ISIS), the Taliban in Afghanistan, and al-Shabaab in Somalia.

The third section of the Annual Report highlights 12 countries USCIRF categorizes as Tier 2, defined by USCIRF as nations in which the violations engaged in or tolerated by the government are serious and characterized by at least one of the elements of the "systematic, ongoing, and egregious" CPC standard. Due to deteriorating religious freedom conditions, Bahrain is included on Tier 2 in 2017 for the first time.

The last section briefly describes, based on USCIRF's ongoing global monitoring, religious freedom issues in eight other countries—Bangladesh, Belarus, Ethiopia, Kenya, Kyrgyzstan, Mexico, Nepal, and Somalia—as well as in the Western Europe region. This section of the report typically includes countries previously recommended for CPC designation or on Tier 2 and in which USCIRF continues to monitor ongoing concerns; countries USCIRF visited during the reporting year but did not find to meet the CPC or

The 2017 Annual Report represents the culmination of a year's work . . . to make independent policy recommendations to the U.S. government.

Tier 2 standards; and countries where USCIRF saw emerging issues or troubling trends that merited comment but did not rise to the CPC or Tier 2 level. Nepal and Mexico are new additions to this section this year.

The fact that other countries are not included in this report does not represent a determination that no religious freedom concerns exist in those countries. USCIRF does not have the mandate or resources to report on all foreign countries. Information on religious freedom conditions in all foreign countries may be found in the State Department’s annual [International Religious Freedom reports](#).

As USCIRF’s previous Annual Reports have recognized and documented, non-state actors are some of the most egregious violators of religious freedom in today’s world. Amendments to IRFA enacted in December 2016 in P.L. 114-281, the Frank R. Wolf International Religious Freedom Act, require the U.S. government

to identify non-state actors engaging in particularly severe violations of religious freedom and designate any such entity as an “entity of particular concern,” or EPC. The amendments define non-state actor as “a non-sovereign entity that exercises significant political power and territorial control; is outside the control of a sovereign government; and often employs violence in pursuit of its objectives.” In this Annual Report for the first time, as required by IRFA as amended, USCIRF recommends in 2017 three organizations for designation as EPCs: the Islamic State of Iraq and Syria (ISIS), the Taliban in Afghanistan, and al-Shabaab in Somalia. As it has in past years, USCIRF also continues to report, in various country chapters, on particularly severe violations of religious freedom perpetrated by non-state actors that do not meet the December 2016 amendments’ limited definition because, for example, they do not exercise territorial control.

USCIRF 2017 CPC RECOMMENDATIONS	USCIRF 2017 TIER 2 COUNTRIES	USCIRF 2017 EPC RECOMMENDATIONS
Burma*	Afghanistan	The Islamic State of Iraq and Syria (ISIS)
Central African Republic	Azerbaijan	The Taliban in Afghanistan
China*	Bahrain	Al-Shabaab in Somalia
Eritrea*	Cuba	
Iran*	Egypt	
Nigeria	India	
North Korea*	Indonesia	
Pakistan	Iraq	
Russia	Kazakhstan	
Saudi Arabia*	Laos	
Sudan*	Malaysia	
Syria	Turkey	
Tajikistan*		
Turkmenistan*		
Uzbekistan*		
Vietnam		

*Designated as CPCs by the State Department on October 31, 2016

COMMON POLICY RECOMMENDATIONS

While the U.S. government must pursue freedom of religion or belief as a foreign policy objective contextualized for each country covered in this Annual Report, certain common themes and policy options arise. The most common policy recommendations for states categorized by USCIRF as CPCs and for those listed as Tier 2 countries

appear below. These recommendations may not be generalizable to all countries in each category due to special circumstances, such as existing sanctions or lack of bilateral relations. Nonetheless, they represent the most pressing religious freedom concerns worldwide and the most promising avenues for addressing them through U.S. foreign policy.

COUNTRIES OF PARTICULAR CONCERN	
For those countries categorized as countries of particular concern, USCIRF recommends the U.S. government pursue the following goals . . .	<ul style="list-style-type: none"> • Urge the country’s government to cooperate fully with international mechanisms on human rights issues, including by inviting visits by the United Nations (UN) Special Rapporteur on freedom of religion or belief; • Press the country’s government to bring national laws and regulations, including registration requirements for religious communities, into compliance with international human rights standards; • Press the country’s government to conduct professional and thorough investigations of and prosecute future incidents of sectarian violence, terrorism, and other violations of religious freedom; • Press for at the highest levels and work to secure the unconditional release of prisoners of conscience and religious freedom advocates, and press the country’s government to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, lawyers, and the ability to practice their faith;
. . . through methods including these policy options.	<ul style="list-style-type: none"> • Enter into a binding agreement with the foreign government, as authorized under section 405(c) of IRFA, setting forth mutually agreed commitments that would foster critical reforms to improve religious freedom and establish a pathway that could lead to the country’s eventual removal from the CPC list; • Use targeted tools against specific officials, agencies, and military units identified as having participated in or being responsible for human rights abuses, including particularly severe violations of religious freedom, such as adding further names to the “specially designated nationals” list maintained by the Treasury Department’s Office of Foreign Assets Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act; • Continue to raise consistently religious freedom concerns at high-level bilateral meetings with the country’s leaders; • Coordinate with other diplomatic missions and foreign delegations, including the UN and European Union, about human rights advocacy in meetings with the country’s officials and during visits to the country; • Ensure that the U.S. Embassy and U.S. Consulates, including at the ambassadorial and consuls general levels, maintain active contacts with human rights activists.

TIER 2 COUNTRIES	
<p>For those states categorized as Tier 2, USCIRF recommends the U.S. government pursue the following goals . . .</p>	<ul style="list-style-type: none"> • Urge the country’s government to cooperate fully with international mechanisms on human rights issues, including by inviting visits by the UN Special Rapporteur on freedom of religion or belief; • Press the country’s government to conduct professional and thorough investigations of and prosecute future incidents of sectarian violence, terrorism, and other violations of religious freedom; • Press the country’s government to bring national laws and regulations, including registration requirements for religious communities, into compliance with international human rights standards; • Press for at the highest levels and work to secure the unconditional release of prisoners of conscience and religious freedom advocates, and press the country’s government to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, lawyers, and the ability to practice their faith;
<p>. . . through methods including these policy options.</p>	<ul style="list-style-type: none"> • Continue to raise consistently religious freedom concerns at high-level bilateral meetings with the country’s leaders; • Ensure that the U.S. Embassy and U.S. Consulates, including at the ambassadorial and consuls general levels, maintain active contacts with human rights activists; • Help to train the country’s governmental, civil society, religious, and/or educational professionals to better address sectarian conflict, religion-related violence, and terrorism through practices consistent with international human rights standards.

IRFA IMPLEMENTATION

KEY FINDINGS

The International Religious Freedom Act of 1998 (IRFA) is a landmark law, passed with overwhelming congressional approval and diverse civil society support, that seeks to make religious freedom a higher priority in U.S. foreign policy through a range of mechanisms and tools. No administration, since the law's enactment, has implemented IRFA to its full potential, for reasons including a lack of high-level support, staffing gaps, inconsistent application of the law's provisions, and insufficient training

and funding. Over the past year, however, U.S. international religious freedom policy has been reenergized and placed on a more positive trajectory, including through heightened diplomacy, a reinvigorated "country of particular concern" (CPC) process, and expanded programs and training. Moreover, amendments to IRFA enacted in December 2016 in P.L. 114-281 make major substantive updates to the law's requirements, better equipping the U.S. government to respond to current conditions.

RECOMMENDATIONS TO THE ADMINISTRATION

- Nominate promptly a qualified and experienced Ambassador-at-Large for International Religious Freedom and provide him or her, when confirmed, with the authority and resources necessary to carry out the position, including by continuing Fiscal Year (FY) 2016 staffing and program funding levels for the State Department's International Religious Freedom Office (IRF Office).
- Appoint promptly a qualified and experienced individual to be Special Adviser to the President on International Religious Freedom within the National Security Council (NSC) staff, as IRFA envisions.
- Stress consistently the importance of religious freedom for everyone, everywhere, in public statements and public and private meetings in the United States and abroad, especially statements and meetings by the president, vice president, secretary of state, and other high-ranking officials.
- Develop and issue a whole-of-government strategy to guide how the U.S. government will protect and promote religious freedom abroad for all, using all available diplomatic and legal tools, as well as action plans for specific countries, and establish an interagency working group, co-chaired by the Ambassador-at-Large and the Special Adviser to the President on International Religious Freedom, to oversee implementation.
- Implement fully all of IRFA's requirements, including through diplomatic engagement, annual designations of CPCs and "entities of particular concern" (EPCs), and corresponding actions, especially targeted actions such as visa denials and asset freezes against specific violators when they can be identified.
- Prioritize efforts to seek the release of prisoners whom the State Department or USCIRF identify as being imprisoned for their religious beliefs, activity, identity, or religious freedom advocacy, especially in countries designated as CPCs or recommended by USCIRF for such designation.
- Engage multilaterally to advance religious freedom abroad, as IRFA envisions, including by participating in and supporting relevant United Nations (UN) and Organization for Security and Cooperation in Europe (OSCE) entities and activities, as well as by continuing to lead and participate in the International Contact Group on Freedom of Religion or Belief.
- Protect refugees and asylum seekers, including those fleeing religious persecution, by continuing the U.S. Refugee Admissions Program (USRAP) and addressing the longstanding flaws in the treatment of asylum seekers in Expedited Removal that USCIRF has documented since 2005.

RECOMMENDATIONS TO THE CONGRESS

- Confirm promptly a qualified and experienced nominee for Ambassador-at-Large and focus on competency in international religious freedom during confirmation hearings for other relevant officials in the State Department and other agencies.
- Ensure sufficient appropriations for the Ambassador-at-Large and the IRF Office to enable the mandate of IRFA, as amended, to be fully executed and effectively achieved.
- Hold annual oversight hearings on the implementation of IRFA, as amended, as well as hearings on specific religious freedom issues, and ensure religious freedom is raised in country-specific hearings and ambassadorial hearings.
- Support legislation that promotes the freedom of religion or belief abroad and, through legislation and appropriations, develop an international religious freedom strategy.
- Conduct oversight on the implementation of P.L. 114-281, the Frank R. Wolf International Religious Freedom Act, including regarding the required curriculum development and training for State Department Foreign Service officers.
- Examine, during delegation trips abroad, religious freedom conditions for persons of all faiths and beliefs or none, including by meeting with individuals and organizations that promote religious freedom and related human rights, targeted religious communities, and prisoners held for their religion or belief or their religious freedom advocacy.
- Participate in the Tom Lantos Human Rights Commission's Defending Freedoms Project to advocate for the release of prisoners of conscience abroad.
- Participate in the International Panel of Parliamentarians for Freedom of Religion or Belief, an informal network of legislators working to fight religious persecution and promote the internationally protected right to religious freedom.
- Exercise oversight of the expanded implementation of Expedited Removal and press for reforms to address concerns about the treatment of asylum seekers in that process that USCIRF has identified since 2005.

IRFA's Purpose and Main Provisions

IRFA seeks to make religious freedom a higher priority in U.S. foreign policy in several ways. First, it establishes special government mechanisms. Inside the executive branch, the law created the position of Ambassador-at-Large (an appointee nominated by the president and confirmed by the Senate), to head a State Department office focused on the issue: the IRF Office. The law also urges the appointment of a special adviser on the issue on the White House NSC staff. Outside the executive branch, IRFA created USCIRF, an independent body mandated to review religious freedom conditions globally and make recommendations for U.S. policy to the president, secretary of state, and Congress.

Second, IRFA requires monitoring and reporting. It mandates that the State Department prepare an annual report on religious freedom conditions in each foreign country (the IRF Report), in addition to the department's annual human rights report. Additionally, it requires that USCIRF issue its own

annual report setting forth its findings and providing independent policy recommendations. IRFA created a schedule under which USCIRF's report would be issued by May 1, and the State Department's on or shortly after September 1, and both entities would consider each other's findings.

Third, IRFA establishes consequences for the worst violators. The law requires the president—who has [delegated](#) this power to the secretary of state—to designate CPCs annually and take action designed to

The law requires the president . . . to designate [countries of particular concern] annually and take action designed to encourage improvements in those countries.

encourage improvements in those countries. CPCs are defined as countries whose governments either engage in or tolerate "particularly severe" violations of religious freedom. A menu of possible actions is available, including negotiating a bilateral agreement,

imposing sanctions, taking a "commensurate action," or issuing a waiver. In addition, IRFA makes inadmissible to the United States foreign officials who are responsible for or directly carried out particularly severe religious freedom violations.

IRFA defines “particularly severe” violations of religious freedom as “systematic, ongoing, egregious violations of religious freedom, including violations such as—(A) torture or cruel, inhuman, or degrading treatment or punishment; (B) prolonged detention without charges; (C) causing the disappearance of persons by the abduction or clandestine detention of those persons; or (D) other flagrant denial of the right to life, liberty, or the security of persons.”

Under IRFA, these reports and determinations are based on international legal standards: the law defines violations of religious freedom as “violations of the internationally recognized right to freedom of religion and religious belief and practice” as articulated in the United Nations Universal Declaration of Human Rights, the UN International Covenant on Civil and Political Rights, the Helsinki Accords, and other international instruments and regional agreements.

Fourth, IRFA includes religious freedom as an element of U.S. foreign assistance, cultural exchange, and international broadcasting programs.

Fifth, IRFA provides that State Department Foreign Service Officers and U.S. immigration officials receive training on religious freedom and religious persecution. It also requires immigration officials to use the State Department’s annual IRF Report as a resource in adjudicating asylum and refugee claims involving religious persecution.

Finally, IRFA sought assessments of whether a new summary removal procedure in U.S. immigration law, known as Expedited Removal, was being implemented consistent with the United States’ obligations to protect individuals fleeing persecution, including religious persecution.

Amendments to IRFA

In December 2016, Congress passed and then President Barack Obama signed into law the [Frank R. Wolf International Religious Freedom Act](#), P.L. 114-281 (Frank Wolf Act), the first major amendments to IRFA since its enactment. Many of the new provisions address concerns raised for years by USCIRF and others about the

incomplete implementation of IRFA by all administrations over the law’s existence.

The Frank Wolf Act:

- Requires that the Ambassador-at-Large report directly to the secretary of state, and gives him or her new coordination responsibilities on international religious freedom policies across all programs, projects, and activities of the U.S. government.
- Changes the due date of the State Department’s IRF Report to May 1, at the department’s request. USCIRF’s May 1 due date remains the same, but the law expresses the sense of Congress that the two entities consult to fulfill IRFA’s intent that their reports be released in the same calendar year but at least five months apart.*
- Requires that CPC designations be made not later than 90 days after the release of each year’s IRF Report, and that Congress be notified not later than 90 days after the designations.

- Allows the president to waive the application of any presidential action for a 180-day period immediately following a CPC designation to provide a window for diplomacy. After that period, the law gives the president waiver authority if the president determines and reports to Congress that the foreign government has ceased violations, or if the waiver is required in the important national interest of the United States.

- Requires countries that engage in or tolerate severe violations of religious freedom but that do not meet

Many of the new provisions address concerns raised for years by USCIRF and others about the incomplete implementation of IRFA by all administrations over the law’s existence.

* The State Department’s request was based on its 2010 decision that its congressionally mandated human rights reports would all cover the same period, the calendar year. Since that time, the State Department has aimed to release the IRF Report in March or April but has not met this target, typically releasing the report in July or later. Given this unpredictability, the fact that USCIRF’s annual report process was already underway when the Frank Wolf Act passed, and one Commissioner’s upcoming mid-May departure, USCIRF decided to maintain its May 1 release date in 2017. For 2018, USCIRF will evaluate and discuss with Congress and the State Department how best to fulfill Congress’ intent as to the two reports’ timing.

the CPC threshold be placed on an annual State Department “Special Watch List.”

- Requires the designation as EPCs of non-state actors engaged in particularly severe violations of religious freedom, and, to the extent practicable, the identification of specific officials or members responsible for such violations. The law defines non-state actor as a non-sovereign entity that exercises significant political power and territorial control; is outside the control of a sovereign government; and often employs violence in pursuit of its objectives.
- Expresses the sense of Congress that the secretary of state should work with Congress and USCIRF to create “new political, financial, and diplomatic tools” to address the religious freedom violations of non-state actors and to update the actions the president can take in response to CPC designations.
- Directs the State Department to establish, maintain, and submit to Congress every 180 days a list of foreign individuals to whom a consular post has denied a visa on grounds of particularly severe violations of religious freedom, or who are subject to financial sanctions, or other measures, for particularly severe violations of religious freedom.
- Requires USCIRF, to the extent practicable, to publish lists of persons imprisoned, detained, disappeared, placed under house arrest, tortured, or subject to forced renunciations of faith by governments that USCIRF recommends for designation as CPCs or non-state actors that USCIRF recommends for designation as EPCs.
- Requires the State Department to provide training on international religious freedom for all Foreign Service officers, including all entry-level officers, all officers prior to departure for overseas postings, and all ambassadors and deputy chiefs of mission, and develop a curriculum and materials for these trainings.

Under IRFA, the Ambassador-at-Large is to be a “principal adviser to the President and the Secretary of State regarding matters affecting religious freedom abroad”. . . .

Personnel and Resources

On January 20, 2017, David Saperstein completed his service as Ambassador-at-Large for International Religious Freedom, a position he held since January 2015. He was the fourth Ambassador-at-Large since IRFA’s enactment. As of the end of March 2017, the Trump Administration had not nominated a successor. At the start of the George W. Bush and Obama Administrations, the Ambassador-at-Large position was vacant for 16 and 28 months, respectively. USCIRF urges the Administration to nominate and Congress to confirm a qualified and experienced individual soon.

[Then Ambassador Saperstein](#) came to the position with long experience in both domestic and international religious freedom advocacy, and was the first Ambassador-at-Large to have served previously as a USCIRF Commissioner. Under his leadership, and with bipartisan congressional support, the IRF Office expanded its diplomatic, policy, programmatic, and training activity. In the Frank Wolf Act, Congress expressed the view that the FY 2016 staffing level of the IRF Office was necessary for it to carry out its important work.

Under IRFA, the Ambassador-at-Large is to be a “principal adviser to the President and the Secretary of State regarding matters affecting religious freedom abroad” and, under the Frank Wolf Act, to report directly to the secretary of state. In previous administrations, the Ambassador-at-Large had not reported directly to the secretary, which concerned USCIRF and others, although then Secretary of State John Kerry granted then Ambassador Saperstein direct and regular access to him.

Over the years, various administrations and Congress have created other State Department positions with overlapping or related mandates, such as special representatives or envoys on religion and global affairs, to Muslim communities, to the Organization of Islamic Cooperation, to monitor and combat anti-Semitism, and to particular countries where religious freedom is implicated, as well as a special advisor for religious minorities in the Near East and South Central Asia. As of the end of

March 2017, only one such post remained filled: special advisor for religious minorities in the Near East and South Central Asia, held by Knox Thames since September 2015. To the extent that the State Department maintains the religion- or religious-freedom-related positions established by previous administrations, the new Administration should task the Ambassador-at-Large with chairing an interbureau working group that includes all of these positions to ensure consistency in strategy and message. The Trump Administration also should situate in the IRF Office related congressionally established positions, such as the special envoy to monitor and combat anti-Semitism.

IRFA envisions a director-level position within the NSC staff of Special Adviser to the President on International Religious Freedom, to act as a resource for executive branch officials and liaise with the Ambassador-at-Large, USCIRF, Congress, and nongovernmental organizations. However, no administration since the law's enactment has named an adviser focusing only on international religious freedom; instead, all have assigned the issue to an NSC director as part of a broader human rights and multi-lateral affairs portfolio. The Frank Wolf Act reiterates the sense of Congress of the importance of an international religious freedom adviser at the NSC.

High-Level Commitment and Strategy

Trump Administration officials should communicate clearly and regularly that religious freedom for all is a foreign policy priority for the United States. Then Presidents Bush and Obama both gave major speeches about the importance of international religious freedom during their administrations, as did their secretaries of state. During the reporting period, then Deputy Secretary of State Antony Blinken noted the U.S. commitment to “defending and championing international religious freedom everywhere” and stated in his remarks at the August 2016 release of the 2015 IRF Report that “no nation can fulfil its potential if its people are denied the right to freely choose and openly practice their faith.”

Both the U.S. government bureaucracy and foreign governments notice such presentations by the president, vice president, secretary of state, congressional leaders, and other high-ranking U.S. officials. In addition, such officials should raise religious freedom issues at high levels during visits to key countries of concern, so that foreign leaders hear directly that restrictions on religious freedom are hindering the bilateral relationship.

In government statements and meetings, it is important to use precise terminology. Referring only to “freedom of worship,” for example, does not convey all aspects of the internationally protected right to freedom of religion or belief, which includes choosing, changing, and sharing one’s beliefs, as well as holding no religious beliefs. Language suggesting the United States is interested only in minority communities also should be avoided. The rights of religious minorities are best protected in environments where freedom of religion

or belief is respected for everyone. In other words, religious freedom must be communicated as a right for all individuals, be they members of a minority religious group, a majority religious group, or no religious group at all, as guaranteed under inter-

national human rights standards, including article 18 of the Universal Declaration of Human Rights.

The Trump Administration also should develop and issue a strategy to guide U.S. government efforts to protect and promote religious freedom abroad and set up an interagency process, chaired by the Ambassador-at-Large and NSC special adviser, to oversee its implementation. With multiple agencies and offices dealing with issues that relate to or overlap with religious freedom, crafting a strategy document for the entire government outlining the need to promote freedom of religion or belief for everyone, everywhere, would set an important tone and give direction to U.S. efforts.

Additionally, the State Department should develop and implement country-specific action plans for advancing religious freedom for all, to ensure official statements are followed by concrete actions. This is especially important for countries designated as CPCs, on the State

[R]eligious freedom must be communicated as a right for all individuals, be they members of a minority religious group, a majority religious group, or no religious group at all. . . .

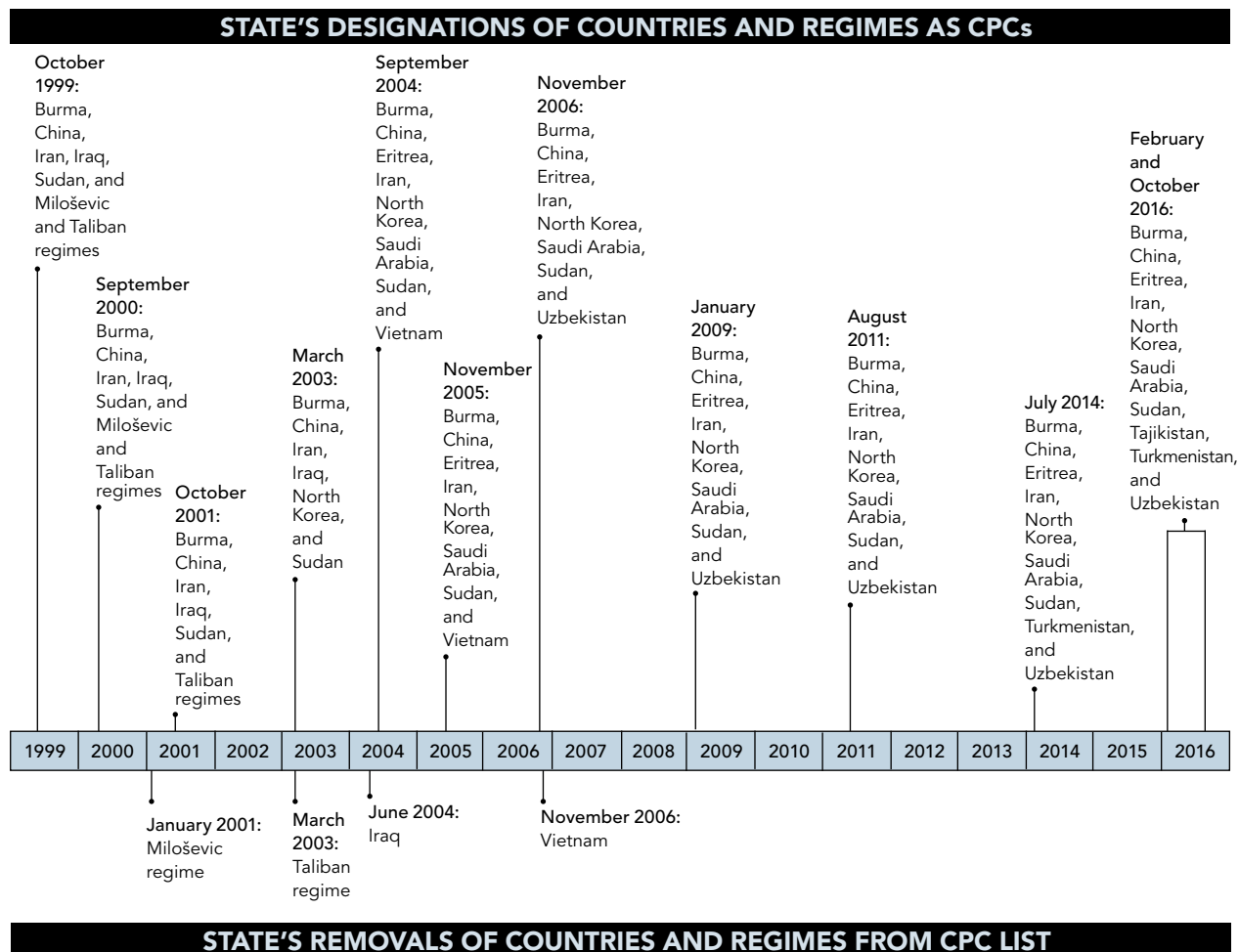
Department's Special Watch List, recommended by USCIRF for CPC designation, or on USCIRF's Tier 2 list. Such actions could include, for example, scheduling trips for embassy officials, including the U.S. ambassador, to visit oppressed religious communities or sites of violence; incorporating issues of freedom of religion or belief and religious tolerance in bilateral strategic dialogues, summits, or commissions; and raising religious freedom concerns in negotiations over trade agreements and following up on these issues after deals are reached.

Consequences for Egregious Violators

The State Department issued two sets of CPC designations in 2016, in February and October, although the decisions were not announced in the Federal Register until April and December. On February 29, the secretary of state [designated 10 countries](#) as CPCs. Tajikistan was named as a CPC for the first time, and the nine

countries previously designated in 2014 were [re-designated](#): Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, Turkmenistan, and Uzbekistan. On October 31, the secretary of state re-designated the same 10 countries. USCIRF commends the addition to the list of Tajikistan, for which USCIRF had recommended CPC designation since 2012.

There now have been 12 sets of CPC designations by the State Department over IRFA's existence: in October 1999, September 2000, October 2001, March 2003, September 2004, November 2005, November 2006, January 2009, August 2011, July 2014, February 2016, and October 2016. As is evident from these dates, for a number of years the designations generally were annual, but they became infrequent between 2006 and early 2016. The October 2016 designations appear to indicate a return to a regular cycle of designations made shortly after the release of the IRF Report, as IRFA intends. (The 2015 IRF



Source: GAO analysis of Department of State information

Report was released in August 2016). Going forward, the Frank Wolf Act explicitly requires that CPC designations be made within 90 days of the IRF Report.

Most of the 2016 CPC designees now have been CPCs for a decade or more: Burma, China, Iran, and Sudan for 17 years; North Korea for 14 years; Eritrea and Saudi Arabia for 12 years; and Uzbekistan for 10 years. (Turkmenistan was added for the first time in 2014, and as noted above, Tajikistan for the first time in 2016.) Over the years, only one country has been removed from the State Department’s CPC list due to diplomatic activity: [Vietnam](#) (a CPC from 2004 to 2006). Three other CPC designees were removed, but only after military intervention led to the fall of those regimes: Iraq (a CPC from 1999 to 2004), the Taliban regime of Afghanistan (a “particularly severe violator” from 1999 to 2003), and the Milošević regime of the Serbian Republic of Yugoslavia (a “particularly severe violator” from 1999 to 2001).

Along with requiring the naming of violators, IRFA provides the secretary of state with a unique toolbox to promote religious freedom. It includes a menu of options for countries designated as CPCs, and a list of actions for countries that violate religious freedom but are not CPCs. Specific policy options for CPC countries

include sanctions (referred to in IRFA as presidential actions), but they are not imposed automatically. Rather, the secretary of state is empowered to enter into direct consultations with a government to bring about improvements in religious freedom. IRFA also permits either developing a binding agreement with a CPC-designated government on specific actions it will take to end the violations, or taking a “commensurate action.” The secretary may further determine that preexisting sanctions are adequate, or may waive the requirement of taking action to advance IRFA’s purposes or the national interests of the United States.

In addition to designating the same countries for years, administrations generally have not levied new presidential actions in accordance with CPC designations, with the State Department instead relying on preexisting sanctions. While the statute permits such reliance, relying on preexisting sanctions—or “double hating”—has provided little incentive for CPC-designated governments to reduce or halt egregious religious freedom violations.

The presidential actions for the 10 currently designated CPC countries are shown in the table below. Of the current 10 CPC designees, six have “double-hatted”

PRESIDENTIAL ACTIONS FOR 2016 CPC DESIGNATIONS (AS DESCRIBED IN THE FEDERAL REGISTER)

- For Burma, the existing ongoing restrictions referenced in 22 CFR 126.1, pursuant to section 402(c)(5) of IRFA.
- For China, the existing ongoing restriction on exports to China of crime control and detection instruments and equipment, under the Foreign Relations Authorization Act of 1990 and 1991 (P.L. 101-246), pursuant to section 402(c)(5) of IRFA.
- For Eritrea, the existing ongoing restrictions referenced in 22 CFR 126.1, pursuant to section 402(c)(5) of IRFA.
- For Iran, the existing ongoing travel restrictions in section 221(c) of the Iran Threat Reduction and Syria Human Rights Act of 2012 (TRA) for individuals identified under section 221(a)(1)(C) of the TRA in connection with the commission of serious human rights abuses, pursuant to section 402(c)(5) of IRFA.
- For North Korea, the existing ongoing restrictions to which the Democratic People’s Republic of Korea is subject, pursuant to sections 402 and 409 of the Trade Act of 1974 (the Jackson-Vanik Amendment), pursuant to section 402(c)(5) of IRFA.
- For Saudi Arabia, a waiver as required in the “important national interest of the United States,” pursuant to section 407 of IRFA.
- For Sudan, the restriction in the annual Department of State, Foreign Operations, and Related Programs Appropriations Act on making certain appropriated funds available for assistance to the Government of Sudan, currently set forth in section 7042(j) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (Div. K, P.L. 114-113), and any provision of law that is the same or substantially the same as this provision, pursuant to section 402(c)(5) of IRFA.
- For Tajikistan, a waiver as required in the “important national interest of the United States,” pursuant to section 407 of IRFA.
- For Turkmenistan, a waiver as required in the “important national interest of the United States,” pursuant to section 407 of IRFA.
- For Uzbekistan, a waiver as required in the “important national interest of the United States,” pursuant to section 407 of IRFA.

sanctions, and four have indefinite waivers. The “double hatting” of sanctions can be the appropriate action in some circumstances. Yet specifically tailored actions can be more precise—either broadly structured or narrowly crafted—to target specific government officials or provinces, if acute situations are highly localized. Indefinite waivers of penalties undermine the effectiveness of efforts to advance religious freedom, as they signal a lack of U.S. interest and communicate to the designated country that there never will be consequences for its religious freedom abuses.

Along with an annual CPC process, the IRFA toolbox provides many options for diplomatic action toward violator countries, and now also includes placement on the “Special Watch List,” as well as designation as an EPC, as provided in the Frank Wolf Act. U.S. diplomatic engagement cannot and should not solely rely on naming CPCs, EPCs, and Special Watch List countries, but rather use a range of actions, including: diplomatic engagement, consultations about possible CPC action, CPC designations, binding agreement negotiations, presidential actions, and/or a waiver for the narrowest of circumstances. Past practice provides only a few examples of these tools being used together to bring about change in a country of concern. An annual CPC, EPC, and Special Watch List designation process should be at the core of IRF-related work, driving and energizing other areas of U.S. diplomacy, but should not be the sum total of all activity.

IRFA also makes inadmissible to the United States foreign officials who are responsible for or directly carried out particularly severe religious freedom violations. This provision’s only publicly known use was in March 2005, when then Chief Minister Narendra Modi of Gujarat State in India was excluded due to his complicity in 2002 riots in his state that resulted in the deaths of an estimated 1,100 to 2,000 Muslims. USCIRF continues to urge the Departments of State and Homeland Security to develop a lookout list of noncitizens who are inadmissible to the United States on this basis. In recent years, the IRF Office has worked to identify such individuals.

Relatedly, IRFA requires the president to determine the specific officials responsible for violations of religious freedom engaged in or tolerated by governments of CPC countries, and, “when applicable and to the extent practicable,” publish these officials’ names in the Federal Register. Despite these requirements, no names of individual officials from any CPC countries responsible for particularly severe religious freedom violations have been published to date. The Frank Wolf Act now requires the State Department to establish, maintain, and submit to Congress every 180 days “designated persons lists” of foreign individuals denied visas or subject to financial sanctions or other measures for particularly severe violations of religious freedom.

Laws other than IRFA also provide tools to impose targeted sanctions for severe religious freedom violations.

Laws other than IRFA also provide tools to impose targeted sanctions for severe religious freedom violations.

For example, the Comprehensive Iran Sanctions and Divestment Act (CIS-ADA, P.L. 111-195) includes sanctions on human rights and religious freedom violators; U.S. visa bans and asset freezes have now been applied to 19 Iranian

officials, including eight identified as egregious religious freedom violators by USCIRF, as well as 18 entities, under CISADA. Also based on a USCIRF recommendation, Chechen President Ramzan Kadyrov was included on the list of Russian officials sanctioned for gross human rights violations in the Sergei Magnitsky Rule of Law Accountability Act (P.L. 112-208). In December 2016, the Global Magnitsky Human Rights Accountability Act was enacted as part of the FY 2017 National Defense Authorization Act (P.L. 114-328); it allows the president to deny U.S. visas to and freeze U.S.-based assets of corrupt officials or gross abusers of internationally protected human rights, providing another legal basis to sanction severe violators of religious freedom.

Religious Prisoners

IRFA mandates that the secretary of state prepare and maintain “lists of persons believed to be imprisoned, detained, or placed under house arrest for their religious activities, religious freedom advocacy, or efforts to protect and advance the universally recognized right to the

freedom of religion, together with brief evaluations and critiques of the policies of the respective country restricting religious freedom,” and to make this information available to executive branch officials and Members of Congress in anticipation of bilateral contacts with foreign leaders. While the State Department has advocated for individual prisoners, it has not systematically kept and updated such lists. Over the years, USCIRF has maintained informal lists of prisoners of whom it is aware, and has included information about known prisoners in its Annual Report and other publications. The Frank Wolf Act now requires USCIRF, to the extent practicable, to make lists of prisoners available online. USCIRF is working to implement this new requirement.

Multilateral Engagement

IRFA specifically cites U.S. participation in multilateral organizations as an avenue for advancing religious freedom. Both the UN and the OSCE have conventions and agreements that protect freedom of religion or belief and related rights, including assembly and expression, and have mechanisms that can be used to advance religious freedom or call attention to violations.

At the UN Human Rights Council, the [Universal Periodic Review](#) process allows states to assess the human rights performance of every UN member state, providing opportunities for the United States and other like-minded countries to ask questions and make recommendations about religious freedom. This is particularly important when countries designated as CPCs under IRFA are reviewed. Country resolutions in the Human Rights Council and the UN General Assembly also provide opportunities to highlight religious freedom concerns.

The Human Rights Council’s system of independent experts, or [Special Procedures](#), is another important mechanism, particularly the Special Rapporteur who focuses on religious freedom, a position created in 1986 at the initiative of the United States. The [UN Special Rapporteur on freedom of religion or belief](#) monitors freedom of religion or belief worldwide,

communicates with governments about alleged violations, conducts country visits, and issues reports and statements. The U.S. government should continue to support the Special Rapporteur’s mandate and work. Some of the Council’s Special Procedures on specific countries, including the UN Special Rapporteurs on

Iran and Eritrea, also have drawn attention to egregious religious freedom violations, as have specially created Commissions of Inquiry (COIs), such as the COIs on North Korea and Eritrea. The United States

should work for the creation of additional country-specific Special Rapporteur positions and/or COIs for countries with egregious religious freedom violations.

An important venue for addressing religious freedom issues at the OSCE is the annual [Human Dimension Implementation \(HDim\) meeting](#) in Warsaw, Europe’s largest human rights conference. The HDim draws hundreds of government delegates and nongovernmental organizations, and includes a plenary session devoted to [freedom of religion or belief](#), providing the United States an opportunity to raise publicly religious freedom concerns in OSCE countries, including those designated as CPCs. The OSCE’s Office of Democratic Institutions and Human Rights also focuses on freedom of religion or belief through the work of a senior adviser on the issue, as well as an advisory panel of experts.

Additionally, there are increasing opportunities for the U.S. government to work in concert with like-minded nations on issues relating to freedom of religion or belief. In recent years, a number of governments and international institutions have appointed officials to focus on the issue, including most recently the European Union’s (EU) [Special Envoy for the promotion of freedom of religion or belief outside the EU](#) and Norway’s Special Envoy on freedom of religion or belief. This led the United States and Canada to [launch](#) an International Contact Group to foster increased collaboration among governments interested in promoting freedom of religion or belief, including coordinating joint demarches and sharing information

While resettlement to a third country is only possible for less than 1 percent of the world’s refugees, it is a vital protection for the most vulnerable. . . .

about religious freedom funding in the field. The group, which now includes more than 20 countries, has since had several additional meetings, including in Washington in [May 2016](#) and London in October 2016.

Refugee and Asylum Issues

In recognition that severe violations of religious freedom can drive victims from their homes and countries, IRFA includes provisions on U.S. refugee and asylum policy, including requiring that information about religious persecution be considered as part of the president's annual determination of refugee admissions. Under the USRAP, the president sets a ceiling of how many vulnerable refugees the United States will accept from abroad each year; since 2001 the number has ranged from 70,000 to 110,000, averaging 75,000 per year. In executive orders in January (later stayed by court decisions and replaced) and March 2017 (also stayed by court order as of the end of March), President Donald J. Trump suspended the USRAP for 120 days to review vetting procedures, and lowered the FY 2017 refugee admissions ceiling to 50,000. In response, USCIRF [urged](#) the Trump Administration to continue refugee resettlement. While resettlement to a third country is only possible for less than 1 percent of the world's refugees, it is a vital protection for the most vulnerable, especially at a time of appalling mass atrocities and unprecedented forced displacement.

IRFA also authorized USCIRF to examine whether asylum seekers subject to Expedited Removal were being erroneously returned to countries where they could face persecution or detainment in inappropriate conditions. Expedited Removal is a summary removal process, carried out by officers of the Department of Homeland Security (DHS), by which noncitizens who arrive at U.S. ports of entry or cross the border without proper entry documents can be quickly deported, without an immigration court hearing, unless they establish a credible fear of persecution or torture. Pursuant to IRFA's authorization, USCIRF has conducted extensive

research and issued reports on the subject in [2005](#), [2007](#), [2013](#), and [2016](#). These reports can be found at <http://www.uscirf.gov/reports-briefs/special-reports>.

USCIRF's monitoring over more than a decade has documented major problems in DHS' processing and detention of asylum seekers in Expedited Removal, starting as soon as asylum seekers enter the United States. For instance, Customs and Border Protection (CBP) officers often fail to follow procedures that allow asylum seekers to express a fear of return and do not refer those who express such a fear to trained U.S. Citizenship and Immigration Service (USCIS) asylum officers who are mandated to determine credible fear. Further, Immigration and Customs Enforcement (ICE) detains asylum seekers in inappropriate, prison-like conditions, which can be retraumatizing, even though seeking asylum is a legal protection and asylum seekers are not criminals. To address these concerns, USCIRF has made recommendations to DHS that would both protect U.S. borders and ensure asylum seekers' fair

An additional venue for Congressional engagement is the International Panel of Parliamentarians for Freedom of Religion or Belief, an informal network of legislators committed to advancing religious freedom for all. . . .

and humane treatment, including that DHS: (1) appoint a high-level official to coordinate refugee and asylum issues and oversee reforms, (2) improve quality assurance measures, (3) give officers additional training, (4) use non-prison-like detention facilities, and (5) increase funding

for asylum officers and immigration courts to promptly and fairly adjudicate claims. Addressing the longstanding issues USCIRF has identified is all the more important now, given that the Trump Administration's new immigration policy is centered on the expanded use of Expedited Removal and the increased use of detention, including of asylum seekers.

The Role of Congress

Congress has an important role to play to ensure international religious freedom remains a priority to the U.S. government. Hearings on specific religious freedom issues are a particularly useful tool, as they signal congressional interest and engagement. Holding

annual congressional oversight hearings in both the House and the Senate on IRFA implementation, including implementation of the new provisions in the Frank Wolf Act, would reinforce further congressional interest in the issue. Since religious freedom is implicated in some of the most difficult foreign policy challenges facing the United States today, Members of Congress also should continue to raise issues of international religious freedom during the confirmation hearings of U.S. ambassadors and other executive branch officials.

In addition, Members of Congress should continue to introduce and support legislation that deals with international religious freedom and focuses on violations and remedies. Members of Congress also should continue to use appropriations bills and supporting report language to express congressional concerns about international religious freedom issues to the U.S. and other governments.

Congressional delegations abroad are important and effective messengers to promote international religious freedom. Members of Congress can undertake congressional delegations to CPCs to specifically examine conditions of religious freedom for all faiths and beliefs, meet with targeted religious communities and individuals and organizations that promote religious freedom and related human rights, and advocate for people detained for their religious beliefs or religious freedom advocacy.

Another example of congressional action is the [Defending Freedoms Project](#), an initiative of the Tom Lantos Human Rights Commission, in conjunction with USCIRF and Amnesty International USA. Through the project, Members of Congress advocate on behalf of prisoners abroad, work toward their release, and shine a spotlight on the laws and policies that have led to their incarceration. The goal of this project is to help set free these prisoners and increase attention to and support for human rights and religious freedom.

An additional venue for congressional engagement is the [International Panel of Parliamentarians for Freedom of Religion or Belief](#) (IPPFoRB), an informal network of legislators committed to advancing religious freedom for all, as defined in article 18 of the Universal Declaration of Human Rights. Working with a group of parliamentarians from Brazil, Canada, Norway, Turkey, and the United Kingdom, USCIRF helped launch the

network in Oslo, Norway, in 2014. Since then the group has had two major meetings, in New York in September 2015 and Berlin in September 2016, with more than 100 parliamentarians participating each time. Parliamentarians in the network have sent joint letters on religious freedom issues to the leaders of various nations, including Burma, Eritrea, Iran, North Korea, Pakistan, Sudan, and Vietnam. In August 2016, six parliamentarians from five regions visited Burma, with support and assistance from USCIRF, in the first trip by members of the network to a country of concern.

Dissenting Statement of Vice Chair James J. Zogby

In 2013, and again in 2015, President Barack Obama appointed me to the U.S. Commission on International Religious Freedom (USCIRF). It has been an honor to have served as a Commissioner these past four years. During this time, I have participated in ongoing discussions about religious freedom in several countries and how to make the work of our Commission contribute to improving religious freedom around the world.

As this is my final year of service, I am taking this opportunity to dissent in order to make clear some of my concerns with the Commission, its reporting and, in general, the way USCIRF has interpreted its mandate and mission.

Let me begin by noting that, as a Maronite Catholic with family and friends in the Middle East, a PhD in Comparative Religion, and over 40 years of work experience throughout the Arab World, the issues of religious freedom are deeply personal for me. There is no question that in many parts of the world, including the Middle East, vulnerable religious communities are facing threats to their very survival. In other instances, there are states that favor one religion over others and/or impose restrictions on the religious practices or beliefs of others, creating serious problems of discrimination and dispossession. In situations such as these, USCIRF ought to be able to play a constructive role, making policy recommendations that would help protect vulnerable communities and support efforts to advance religious freedom.

The sad truth is that, by any objective measure, the state of international religious freedom has worsened in the almost two decades since Congress passed the

International Religious Freedom Act of 1998 (IRFA). The questions we should ask are why have we not made a difference and what can we do to become more effective.

I believe that part of the reason why we have not been able to contribute to improving the situation of vulnerable faith communities is because of how we have interpreted our mandate. Instead of serving as a bipartisan group of experts making informed recommendations to the Administration and Congress—as was envisioned by IRFA—we have acted more like a Congressionally-funded NGO that issues a variety of materials “naming and shaming” countries that violate religious freedom.

I believe that instead of using our limited resources to produce opinion pieces, press releases, and a lengthy and duplicative annual report, and acting as a “critic” of the Executive Branch, USCIRF should consider new and constructive approaches to its work in order to more effectively promote international religious freedom. Instead of simply making do with “naming and shaming” the many countries that violate religious freedom, we should develop a more focused approach that involves making an in-depth study of a few targeted countries so that we might be in a position to provide the Administration and Congress with creative problem-solving ideas where improvements in religious freedom can be made.

IRFA mandates that USCIRF should comment on the Department of State’s (DOS) annual Religious Freedom and Human Rights Reports and make recommendations to the Administration and Congress. Instead of doing this, we spend the better part of each year writing and editing our own report. Granted that the DOS report is a bit dated by the time we receive it, but it is wrong that Commissioners never actually consider this report or comment on its findings. This is especially troublesome since the DOS: has invested significant resources in preparing their report; has a greater on-the-ground capacity than we have at USCIRF; and because we are called to consider the DOS reports by the very legislation that created our body.

Absent the staff and resources of the DOS, the Commission’s staff is forced to write their drafts based largely on secondary sources or accounts from advocacy groups or the results of a few 3 or 4 day trips Commissioners take each year to some of the countries on which

we report. After receiving the draft, Commissioners are then asked to review and comment on chapters dealing with countries, many about which we know very little. This process is broken and should be reexamined.

There are still other concerns I have raised with my fellow Commissioners regarding our approach to promoting religious freedom.

In too many instances, we have failed to distinguish between actual violations of religious freedom and sectarian, regional, or tribal struggles for political power. Too often, in the past, some have engaged in reductionist analysis—seeing everything as a nail, because the only tool we wield is a hammer. In failing to understand the complexity and non-religious underpinnings of conflicts, like those in Nigeria, Iraq, or the Central African Republic, our analysis and recommendations sometimes miss the mark. Religious conflict is not the cause of tension in these countries and, therefore, religious freedom is not the solution to their problems.

Some have expanded this reductionism to extreme and even absurd lengths, claiming that if, as they maintain, religious freedom is “the first freedom,” then all else flows from it. They correctly observe a correlation between religious freedom and prosperity and democracy in some countries, but then mistakenly attribute the latter to the former. In fact, a more convincing case can be made that prosperity and democracy are the prerequisites for religious freedom. In other instances, they have attempted to make the case that religious extremism only originates in countries that violate religious freedom. This patently false conclusion ignores the reality of home-grown extremist religious movements in Western Europe or the United States.

“Naming and shaming” has a role to play in confronting violators of human rights. But in order to have an impact, the party that “names and shames” has to have credibility with the party being accused. Unfortunately, this fact has never been recognized or appreciated by some of my colleagues. As a result, our condemnations oftentimes not only fall on deaf ears, they may even make a bad situation worse. This issue of credibility is especially important now that we have an Administration that includes individuals who hold shockingly Islamophobic views. If we are to be credible, we need less hubris and more humility. And we need to recognize the importance of the charge we were given in

our authorizing legislation to consider the impact of our work, both positively and negatively.

For these reasons, I feel the Commission needs a new and more focused strategy that enables us to better understand the conditions in fewer countries—especially those where we can make a difference. Such a strategy might involve: convening hearings (a power we have, but have rarely used); engage former U.S. diplomats and regional experts to advise us on circumstances in each country and what changes are possible in each instance; and examine how civil society entities may be engaged in countries we are examining and how we might involve U.S. NGO groups (especially those with roots in countries of concern) as advocates for change and promoters of religious freedom. Should such a strategy be followed I believe we would add value to our advocacy efforts and be in a better position to provide the Administration and Congress with informed recommendations that might make a difference.

Unfortunately, new Congressional legislation described in this section does not propose a new strategy. Instead, it doubles down on the failed approaches of the past. Micro-managing how the Administration organizes its foreign policy apparatus; establishing a false hierarchy of human rights; adding new staff, creating new mandates, and requiring more reporting—will not make change. These measures will only serve to add confusion to an already dysfunctional system.

And so I dissent because I believe we can and must do better.

In addition to these reservations about the way USCIRF has operated, I am also dissenting, not because I disagree with the selection of many of the countries that have been included, but because of the continuing and glaring refusal of some Commissioners to even allow for a consideration of religious freedom in Israel and the Occupied Palestinian Territories. I believe we have an obligation to consider Israel's use of religion to discriminate against both its own citizens and Palestinians living in the occupied territories, as well as its violations of a range of freedoms of Christians, Muslims, and non-Orthodox Jews.

This year the Commission received two important letters urging us to consider Israeli practices and policies. The first of these was signed by leaders representing 11 major U.S. religious communities (including

the National Council of Churches, the Committee on International Justice and Peace of the U.S. Conference of Catholic Bishops, the Episcopal Church, and the United Church of Christ, among others) and 34 Christian groups from the West Bank, Gaza, and Jerusalem.

Their letter noted that the Commission had “never reported on religious freedom in Israel and the occupied territories” calling this a “conspicuous gap.” They argued that Israel has established “the dominant privileged position of Jewish Israelis in a manner that discriminated against the Christian and Muslim Palestinian population in Israel and the occupied territories...[while] also negatively affecting non-Orthodox and secular Jews.” They cited “discriminatory laws that impact the freedom to marry, family unification, discrimination in housing and land ownership, the freedom of movement, and the right to worship and to maintain holy sites.”

The letter closed by urging USCIRF to conduct “a comprehensive review of religious freedom in Israel and the occupied Palestinian territories, consistent with the principles it has established with respect to other states.”

To support its claims, the letter was accompanied by a detailed 192-page report that was compiled by Palestine Works—an association of attorneys working in Israel and the Occupied Palestinian Territories.

The Commission also received a letter from the Chair and President of Hiddush, “an organization of Israeli and North American Jewish leaders...who work to promote religious freedom and diversity in Israel.” Their letter cited a broad range of concerns, including the “freedom to worship (such as...women's worship rights in the Western Wall plaza...), discrimination in State funding for religious services,...prohibition of public transport on the Sabbath, obstacles to non-religious and non-Orthodox burials” and “the excessive power of the Orthodox religious parties over the rights and dignity of the population as a whole.”

The Hiddush letter closed by requesting that USCIRF “conduct a serious review of religious freedom issues in Israel... [and] that the standards and principles used to monitor religious freedom issues throughout the world be used as you study and review these issues in Israel.”

I am including this matter in my dissent, not only because consideration of both letters was rejected by a slim majority of Commissioners, but because it was clear from the way the debate took place that there could

be no rational discussion of this issue. The level of vehemence that greeted the receipt of these letters was so great that some Commissioners expressed concern that if we were to adopt these requests to conduct a review of Israeli policy it would consume the Commission in endless rancorous debate, paralyzing us for the rest of the year. The upshot of all this was that these appeals were dismissed and the Commission failed in its responsibility to impartially examine and report on religious freedom concerns of Christians, Muslims, and non-Orthodox Jews. We were, in effect, bullied into silence.

This was not the first time during my tenure that the Commission rejected an appeal of this sort. In 2014, we were visited by His Eminence Fouad Twal, then-Latin Patriarch—the Roman Catholic Bishop of Jerusalem. He raised four concerns, asking for our help: the impact of the Wall which Israel was building to separate its settlements from Palestinians, citing, in particular, its impact on a Catholic convent and monastery—threatening irreparable damage to the operations of both; the hardships imposed on Palestinians as a result of Israel’s refusal to allow family unification in East Jerusalem; restrictions on the freedom of movement of clergy; and Israel’s efforts to create a “Christian ID” that would divide the Palestinian citizens of Israel by religion.

The Patriarch was treated so harshly that he left our meeting shaken by the hostility he had encountered. When I raised the Patriarch’s concerns at a later meeting I was asked why I was singling Israel out for criticism. In response I noted that I wasn’t singling Israel out for criticism, I simply could not accept that Israel be singled out as the one country that could not be criticized.

My concern in all of this is threefold. By refusing to examine Israeli behavior, we are saying to Palestinian Christians and Muslims, and non-Orthodox or secular Jews in Israel that we will not defend their freedoms and rights. We are also contributing to Israel’s sense of impunity. And we are exposing the Commission to the charge that we have a double standard—that we will criticize every other country, but never Israel. In fact, many of the behaviors we cite in our criticisms of other countries (for example, Turkey in Cyprus or Russia in Crimea) are replicated by Israel in the occupied territories.

In this context, we should consider the findings of the annual Pew Study of religious freedom in countries around the world. In its most recent study, Pew

gives Israel the world’s fifth worst score on its “Social Hostilities Index”. On Pew’s “Government Restriction Index”, Israel’s score is worse than many of the countries we examine.

The charge that USCIRF has a double standard particularly undermines our ability to effectively advocate for religious freedom in Arab countries, the leaders of which can ignore the substance of USCIRF’s critique of their record and instead dismiss us as hypocritical.

And so I dissent because I value religious freedom and cannot turn a blind eye from any victim community and because I know that our refusal to be balanced in our assessment of religious freedom concerns reduces our stature and calls into question our credibility.

Additional statement of Commissioners Kristina Arriaga, Tenzin Dorjee, Sandra Jolley, and Clifford D. May, Vice Chairman Daniel Mark, and Commissioners John S. Ruskay and Jackie Wolcott

We who belong to different political parties and different faith traditions are honored and humbled to serve on the United States Commission on International Religious Freedom (USCIRF)—the only one of its kind in the world. This year, while on official international travel, as well as in domestic meetings, we have each spoken—individually and with other Commissioners—to numerous high ranking foreign government officials, religious leaders from large and minority communities, non-governmental organizations and several former prisoners of conscience who, to a person, have remarked on the real-life impact of the excellent and thorough work of the Commission and the value of its congressionally mandated annual report.

This is particularly remarkable since USCIRF is both understaffed and under-resourced given the growing, far-reaching breadth of its congressional mandate. However, year after year, the staff has managed to overcome both the lack of resources and the unique challenges of being supervised by a group of nine, part-time, volunteer, Commissioners from a variety of backgrounds, thanks to the staff members’ superior level of professionalism, the breadth of their expertise and their deep commitment to the important work of the Commission. Over the last year alone, USCIRF’s Twitter feed reached over 2.2 million individuals around the world;

the Commission published 19 op-eds in various publications, issued 54 press releases, and produced a largely unanimously approved report highlighting religious freedom violations in over 30 countries.

We have had occasional disagreements about which countries to cover and which issues to highlight. However, we all strongly agree that religious freedom is a vital human right and that the work of the Commission is important to Congress, to the President and to the Department of State. More importantly, we agree that continuing to be a voice for the millions of people around the world who suffer because of their adherence to their religious convictions is meaningful and, indeed, critical work worthy of the support and funding of the United States government we serve.

Additional Statement of Vice Chairman Daniel Mark

The commission was in a unique position this year with a full two thirds of its members joining as new commissioners, including one whose appointment did not come through until December, just before our annual report process entered full swing. There is a steep learning curve for anyone new to the commission, but the challenge is all the more great when those with no previous commission experience make up a majority. In light of this uncommon situation, as one of the “veteran” commissioners, I write to commend my newest colleagues on the extraordinary, faithful job they did immersing themselves in the work and leading the commission through a productive, successful year. It is a privilege to work with such dedicated colleagues—whose thoughtfulness is matched only by their affability. I feel fortunate to have another year with them on the commission and am hopeful for the possibilities in our coming time together.

Additional Statement of Commissioner John S. Ruskay

Having been appointed by President Obama in May 2016, I am honored to serve with colleagues who share a bi-partisan commitment to strengthening religious freedom and freedom of conscience throughout the world.

I write to associate myself with two elements of Commissioner Zogby’s dissent. First, while USCIRF’s work has significant value, the Commission may be able

to achieve greater impact if Commissioners can prioritize those countries and/or issues which have the potential to gain traction among decision makers. Seeking to monitor and accurately report on religious freedom issues globally strains existing resources and makes it difficult to undertake follow up with the media and decision makers needed to impact policy. I hope that the study being undertaken by independent consultants will provide recommendations which will enable the Commission to achieve greater impact moving forward.

Second, in December 2016 and January 2017, USCIRF received requests from two groups of respected clergy requesting that the Commission review issues of religious freedom in Israel and the territories administered by Israel since June 1967. Israel has been and remains an amazing democracy in a challenging environment. While Israel does not merit being considered for CPC or Tier 2 status, the issues identified in the correspondence cited by Commissioner Zogby merit review and consideration given that USCIRF is now monitoring such issues in a broad range of countries including France and Mexico. I was disappointed that the Commission decided not to review these issues and hope this will be reconsidered in the near future.