

Testimony before the
Africa, Global Health, Global Human Rights, and International Organizations
Subcommittee

Of the House Foreign Affairs Committee

On

The Global Crisis of Religious Freedom & Its Challenge to U.S. Foreign Policy

By

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I am Robert P. George, Chairman of the U.S. Commission on International Religious Freedom (USCIRF). I thank you for this opportunity to testify today before the Africa, Global Health, Global Human Rights, and International Organizations Subcommittee of the House Foreign Affairs Committee. I especially welcome this opportunity to highlight the importance of promoting freedom of religion or belief in U.S. foreign policy and make recommendations on ways the United States can more effectively promote this vital right.. I will focus in this testimony on why religious freedom matters in U.S. foreign policy, what the International Religious Freedom Act (IRFA) requires, and how IRFA has been and should be used.

Why Religious Freedom Matters

Freedom of religion or belief is a broad, inclusive right that embraces the full range of thought, belief, and behavior. It means the right of all human beings to think as they please, believe or not believe as their conscience leads, and live out their beliefs openly, peacefully, and without fear. No government, group, or individual has the right to compel others to act against their conscience or restrain them from answering its call. Religious freedom applies to the holders of all religious beliefs and extends to those who reject religious beliefs altogether, and was overwhelmingly adopted in 1948 in Article 18 of the Universal Declaration of Human Rights as well as in subsequent international agreements.

By any measure religious freedom is under serious and sustained pressure abroad. According to the most recent Pew study, more than three-quarters of the world's population live in countries in which religion is restricted significantly, either by the government or societal actors. And many of these countries top the U.S. foreign policy agenda. Yet for the vast majority of people across the globe, religion matters: 84 percent of the world's population identifies with a specific religious group. Religion also can fuel dangerous conflicts with others who hold different beliefs. In both instances, our nation and its diplomats cannot have productive dialogues and satisfactory relations or outcomes if we ignore, downplay, or dismiss religion's pivotal role.

A number of studies also have shown that, in countries that honor and protect this right, religious freedom generally is associated with vibrant political democracy, rising economic and social well-being, and diminished tension and violence. In contrast, nations that trample on religious freedom are more likely to be mired in poverty and insecurity, war and terror, and violent, radical extremism. This instability directly bears not only on the well-being of those societies, but the security of the United States and overall global stability.

Religious freedom thus merits a seat at the table with economic and security concerns as the U.S. and other nations conduct their affairs. These concerns are tied together in the real world. Effectively promoting religious freedom by properly using the tools IRFA provides, among other measures, can help U.S. policy makers achieve crucial goals by fostering respect for human rights while promoting stability and ultimately national security.

IRFA's Requirements

IRFA is a landmark law which seeks to make religious freedom an important priority in U.S. foreign policy. Congress unanimously passed IRFA in October 1998 and President Bill Clinton

signed it into law that same month. Members of Congress sought this bill's passage because they believed that this core human right was being ignored and that a greater emphasis on this vital right would enhance U.S. diplomacy and reflect the unique role that religious freedom played in the formation of the United States. Events that have taken place since IRFA became law underscore the centrality of religious freedom to U.S. foreign policy goals.

To help ensure that U.S. policy makers would consider, rather than forget or ignore religious freedom given the other pressing issues of the day, the Act created special mechanisms within and outside of the executive branch. Within the Executive Branch, IRFA created the position of the Ambassador-at-Large for International Religious Freedom (a political appointee nominated by the President and confirmed by the Senate), to head an Office of International Religious Freedom at the State Department (the IRF Office). Ambassador David Saperstein currently holds this position. Outside the executive branch, IRFA created USCIRF, an independent U.S. government advisory body, which I chair, that is mandated to review religious freedom conditions globally and make recommendations for U.S. policy to the President, Secretary of State, and Congress. The Ambassador-at-Large is an ex-officio member of the Commission.

IRFA includes monitoring and reporting requirements, mandating that the State Department annually prepare a report on religious freedom conditions in each foreign country (the IRF Report), in addition to the Department's annual human rights report. The law also requires the State Department to maintain a religious freedom Internet site, as well as lists of religious prisoners in foreign countries. And it requires that USCIRF issue its own annual report setting forth its findings on the worst violators of religious freedom and providing independent recommendations for U.S. policy.

IRFA also establishes consequences for the worst violators. The law requires the President – who has delegated this power to the Secretary of State – to designate annually “countries of particular concern,” or CPCs, and take action designed to encourage improvements in those countries. IRFA defines CPCs as countries whose governments either engage in or tolerate “particularly severe” violations of religious freedom. Once a country is designated as a CPC, IRFA includes a menu of possible actions that range from negotiating a bilateral agreement, to imposing sanctions, to taking a “commensurate action,” to issuing a waiver. While a CPC designation remains in effect until removed, sanctions tied to a CPC action expire after two years, if not renewed. IRFA also allows the U.S. government to bar from entry to the United States specific foreign officials who are responsible for or directly carried out particularly severe religious freedom violations.

IRFA 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 UN Universal Declaration of Human Rights (UDHR), the UN International Covenant on Civil and Political Rights (ICCPR), and other international instruments. The Act further 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.”

IRFA also did not limit violations to government actions. It recognized that religious freedom violations also can occur through government inaction against abuses by private actors. The 1998 statute does not, however, adequately address one of the 21st century's major challenges to freedom of religion or belief: the actions of non-state actors in failing or failed states. IRFA focused on government action or inaction, but in many of the most pressing situations today, transnational or local organizations are the egregious persecutors and governments either are incapable of addressing the violations or non-existent. In these situations, allowing the United States to designate the non-state actors perpetrating particularly severe violators of religious freedom would broaden the U.S. government's ability to engage the actual drivers of persecution. Such a step was taken with the Taliban, which was in effect named a CPC from 1999-2003 despite the United States' not recognizing its control of Afghanistan. Naming these countries or groups would reflect reality, which should be the core point of the CPC process.

The IRF Report

The State Department released its most recent IRF Report, covering calendar year 2014, on October 14, 2015. USCIRF welcomes the release and commends the State Department, particularly Ambassador Saperstein and the IRF Office, for the significant effort that went into compiling this report. The IRF Report is a comprehensive resource which extensively documents the nature and extent of religious freedom violations worldwide. While other entities, including USCIRF, the UN Special Rapporteur on Freedom of Religion or Belief, and some NGOs also report on religious freedom violations in various countries, the State Department is the only entity that does so annually on every country (except the United States). As a result, the report has become an invaluable source of information for religious freedom advocates, lawyers and adjudicators in asylum cases, and academic researchers, among others. For example, without the IRF Report's frequency, detail, and scope, the Pew Research Center studies on global religious restrictions would not have been possible.

The CPC Process

In IRFA's 17-year existence, the State Department has made CPC designations ten times: October 1999, September 2000, October 2001, March 2003, September 2004, November 2005, November 2006, January 2009, August 2011, and July 2014. As is evident from these dates, for a number of years the designations generally were made annually, but after 2006 designations were made infrequently and inconsistently. Ambassador-at-Large Saperstein has stated his commitment to designate CPCs annually, a commitment that USCIRF welcomes.

While IRFA does not set a specific deadline, the Act indicates that CPC designations should occur soon after the State Department releases its annual IRF Report, as the designations are to be based on both that review and USCIRF recommendations. In August 2011 and July 2014, the Obama Administration made CPC designations in conjunction with the IRF Report. With the October 14 release of the latest IRF Report, the next step is for the State Department to designate the worst violators as CPCs and leverage those designations to press for much-needed reforms in those countries. USCIRF hopes that those designations will be made promptly.

In addition to CPC designations being infrequent, the State Department's CPC list largely has stayed the same. In July 2014, the State Department designated nine countries as CPCs: Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, Turkmenistan, and Uzbekistan. With the exception of Turkmenistan, which was named a CPC for the first time in 2014, the other eight have been so designated for over a decade: Burma, China, Iran, and Sudan for 16 years; North Korea for 14 years; Eritrea and Saudi Arabia for 11 years; and Uzbekistan for 10 years. In 2015, USCIRF concluded that these nine CPC countries merited re-designation, and that the following eight other countries also meet the CPC standard and should be so designated: Central African Republic, Egypt, Iraq, Nigeria, Pakistan, Syria, Tajikistan and Vietnam.

Besides requiring CPC designations, IRFA provides the Secretary of State with a unique toolbox to promote religious freedom. The Act includes a menu of options for designated countries and a list of actions to encourage improvements in countries that, while violating religious freedom, do not meet the CPC threshold. The specific policy options that would address severe violations of religious freedom in CPC countries include sanctions (referred to as Presidential actions in IRFA) that are not automatically imposed. 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 the development of either a binding agreement with a CPC-designated government on specific actions it will take to end the violations giving rise to the designation or the taking of a "commensurate action." The Secretary further may determine that pre-existing sanctions are adequate or waive the requirement of taking action to advance the purposes of the Act 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 pre-existing sanctions. While the statute permits relying on pre-existing sanctions – often referred to as "double hatting" – such reliance has provided little incentive for CPC-designated governments to reduce or halt egregious violations of religious freedom. Of the current nine countries designated as CPCs, six have "double-hatted" sanctions. In addition, because of indefinite waivers for Saudi Arabia, Turkmenistan, and Uzbekistan, the United States has not implemented a unique policy response tied to the CPC designation and particularly severe violations of religious freedom in those countries.

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. U.S. diplomatic engagement cannot and should not solely rely on naming CPCs, but rather use a concert of action 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. CPC designations should be made and an annual CPC designation process should be the center of all IRF-related

work, driving and energizing other areas of U.S. diplomacy, but should not be the sum total of all activity.

Recommendations on CPC Designations

USCIRF recommends that the State Department:

- Use all of IRFA’s tools, including CPC designations, in a continuity of action;
- Ensure that the CPC list expands and contracts as conditions warrant;
- Publicly declare the results of its annual review of religious freedom conditions and make annual designations of “countries of particular concern” for particularly severe violations of religious freedom;
- Wherever possible, when Presidential Actions or commensurate actions are taken as a consequence of CPC designations, undertake specific efforts to emphasize the importance of religious freedom to the United States, and in particular avoid “double- hatted” sanctions;
- Limit the use of waivers to a set period of time and subject them to review for renewal; and
- Make greater efforts to ensure that foreign government officials are denied entry to the United States due to their inadmissibility under U.S. law for their responsibility for particularly severe religious freedom violations abroad.

USCIRF recommends that Congress:

- Take steps through legislative action to require the State Department to make annual CPC designations, should the State Department fail to do so;
- Hold annual oversight hearings on IRFA implementation in the House and Senate;
- Expand the CPC classification to allow for the designation of countries where particularly severe violations of religious freedom are occurring but a government does not exist or does not control its territory; and
- Expand the CPC classification to allow the naming of non-state actors who are perpetrating particularly severe violations of religious freedom.

Three Country Examples: Vietnam, Pakistan and Tajikistan

Religious freedom remains under serious assault across much of the world, including in countries that top the U.S. foreign policy agenda. The tools IRFA provides need to be used, and used more effectively. The three countries highlighted below – Vietnam, Pakistan, and Tajikistan – underscore both how IRFA and the CPC designation can promote positive change and how not using those tools can lead to missed opportunities.

Vietnam

A USCIRF delegation visited Vietnam in August 2015 to assess religious freedom conditions in that country. To be sure, religious freedom in Vietnam today is notably improved from the post-war era. For example, government-sanctioned religious communities have greater space in which to practice their faiths, and as the government noted during USCIRF's visit, the country is religiously diverse and experiences few inter-religious conflicts.

Yet, despite these steps forward, Vietnam still falls short of meeting international religious freedom standards. The Vietnamese government controls nearly all religious activities, restricts independent religious practice, and represses individuals and groups it views as challenging its authority, including independent Buddhists, Hoa Hao, Cao Dai, and Protestants. Religious organizations and congregations must register in order to be considered legal. Those who choose to maintain their independence from state-sanctioned religious entities, or those whose registration applications are denied, are vulnerable to harassment, discrimination, detention, and imprisonment. Individuals remain imprisoned for religious activity or religious freedom advocacy. Please see Appendix I for prisoners of conscience detained in Vietnam for their religious beliefs, actions, or advocacy who are part of the Defending Freedoms Project, an initiative of the Tom Lantos Human Rights Commission in collaboration with USCIRF and Amnesty International/USA.

Through a proposed law on religion currently being drafted, Vietnam's government has the opportunity to rectify fundamental flaws in its approach to the administration of religion. However, initial drafts do not adequately revise or eliminate onerous registration requirements and perpetuate the distinction between legal and illegal religious groups.

This is an opportune moment for the U.S. government to engage with the Vietnamese government to seek tangible improvements in religious freedom conditions, an endeavor undertaken to some positive effect in the past. Following the designation of Vietnam from 2004 to 2006 as a CPC, the Vietnamese government made some changes which we believe partly resulted from U.S. diplomatic efforts. Progress included the fulfillment of a bilateral agreement to release prisoners and ban forced renunciations of faith, and issue new administrative ordinances and decrees that better outlined registration procedures. Many religious leaders in Vietnam attributed these positive changes to the CPC designation and the priority placed on religious freedom concerns in U.S.-Vietnamese bilateral relations. These discussions and improvements took place without disrupting progress on other issues in the U.S.-Vietnam relationship.

In 2006, the United States removed Vietnam's CPC designation due to this progress, an action that USCIRF believed was premature. It was too soon to determine if the new legal protections agreed to under the CPC designation would endure over time. Unfortunately, these concerns proved to be correct: religious believers and religious freedom activists continue to be jailed; police forcibly close venues of independent religious groups; legal protections for religious groups are uncertain and subject to arbitrary or discriminatory interpretations; and ethnic minority converts to Protestantism, in particular, face discrimination, intimidation, and pressure to renounce their faith.

Given Vietnam's systematic, ongoing, and egregious violations of the freedom of religion or belief, USCIRF recommended in 2015, as it has since 2001, that Vietnam be designated as a CPC. We believe such a designation would provide another opportunity – modeled on the positive partnership a decade ago – for the United States and Vietnam to work together to address religious freedom concerns. There are still critical improvements to be made, and the framework of the CPC would be beneficial to both countries. Vietnam provides us with a case study of the impact that a CPC designation can have in encouraging improvements and reinforces how such a designation does not disrupt progress in other areas.

In addition to facilitating a framework in which to improve religious freedom conditions through the CPC designation, USCIRF recommends that the U.S. government:

- Continue discussions with the government of Vietnam on the drafting of the new law on religion to urge that the measure both simplifies registration requirements for religious congregations and makes registration optional, and to ensure that those opting not to register have other appropriate means by which to operate legally;
- Encourage the government of Vietnam to acknowledge and address violations against religious communities perpetrated by state and non-state actors, and support the proper training of local government officials, lawyers, judges, and police and security forces tasked with implementing, enforcing, and interpreting the rule of law;
- Ensure that human rights and religious freedom are pursued consistently and publicly at every level of the U.S.-Vietnam relationship, including in the context of discussions relating to military, trade, or economic and security assistance, as well as in programs that address Internet freedom and civil society development, among others;
- Increase the frequency and visibility of U.S. government visits to remote, rural areas in Vietnam, including direct contact and communications with independent religious communities as appropriate;
- Encourage the U.S. Embassy in Hanoi and the U.S. Consulate General in Ho Chi Minh City to maintain appropriate contact, including through in-person visits, with Vietnamese prisoners of conscience to ensure that prisoners have regular access to their families, human rights monitors, adequate medical care, and proper legal representation, as specified in international human rights instruments; and
- Ensure the U.S.-Vietnam Human Rights Dialogue establishes concrete actions and outcomes relating to religious freedom, including the unconditional release of all prisoners of conscience arrested or otherwise detained for the peaceful practice of their beliefs, make those actions and outcomes part of a larger strategy of U.S engagement, and report to Congress on the trajectory of progress on these issues.

Pakistan

Since 2002, USCIRF has recommended CPC designation for Pakistan due to the government's systematic, ongoing, and egregious violations of religious freedom and its toleration of such violations by the Taliban and other non-state actors. The State Department never has designated Pakistan as a CPC, despite its own IRF Reports, USCIRF's Annual Report and non-governmental reports, all of which document severe religious freedom violations against all Pakistanis, including Sunni, Shia and Ahmadi Muslims, as well as Christians and Hindus. USCIRF has called Pakistan the worst situation in the world for religious freedom for countries the U.S. government has not currently designated as CPCs.

In March of this year the first Commissioner-level trip to Pakistan allowed USCIRF to see how all Pakistanis are deprived of the fundamental and universal right to freedom of religion or belief. On our last day in Pakistan two churches in Lahore were attacked, leaving 15 people dead and dozens injured. These attacks underscored the ongoing violence against religious minority communities, in particular Christians, Shi'a and Ahmadi Muslims, and Hindus. The Shi'a community long has suffered from deadly suicide bombings of their religious sites, pilgrim routes and gathering places. Pakistani authorities regularly enforce anti-Ahmadi provisions in the constitution and penal code, but do little to stop the frequent attacks against this community and its places of worship. Pakistan's historic Hindu community faces kidnappings and forced conversions. Overall, the prior and current governments at the federal, provincial, and local levels fail to provide adequate protection or to arrest perpetrators of religiously-motivated attacks, leading to a climate of impunity.

Religiously-motivated attacks and murder are compounded by Pakistan's blasphemy law. Pakistan detains the greatest number of individuals for blasphemy of any country in the world; USCIRF was aware of 38 blasphemy prisoners in Pakistan as of its 2015 Annual Report. Innocent Muslims, Christians and others languish in prison under sentences of death or life imprisonment. The world has come to know of Aasia Bibi, a Christian women in jail since 2010, who faces the death penalty for blasphemy, but she is one of many. (Please see Appendix I for more information about Aasia Bibi who is a prisoner of conscience included in the Defending Freedoms Project.) In addition, individuals accused of blasphemy and blasphemy law opponents have been the targets of violence. Notably, the governor of Punjab, Salmaan Taseer, Minority Affairs Minister Shahbaz Bhatti, and Rashid Rehman, a lawyer and regional coordinator for the Human Rights Commission of Pakistan, were assassinated for their opposition to the nation's blasphemy law.

There have been a few recent positive developments suggesting some willingness on the part of the Pakistani government to implement religious freedom reforms. The government has, at times, recognized the devastating conditions for religious minorities, and Prime Minister Nawaz Sharif has taken steps to promote interfaith harmony and publicly has denounced violent attacks. The federal cabinet reportedly is considering creating safeguards to prevent false accusations of blasphemy, and the Chief Minister of Punjab province has initiated a process to review cases of individuals charged with blasphemy. (Punjab is the province with the most blasphemy cases.) Earlier this month, the Supreme Court of Pakistan upheld the death sentence for Salmaan Taseer's murderer. In 2014, a Supreme Court decision ordered that a special police force be

created to protect religious groups and actively prosecute perpetrators of religiously-motivated violence; the government, however, has not implemented this decision.

As the United States learned through its CPC designation of Vietnam between 2004-2006, such a designation can be an effective tool to press the Pakistani government to undertake much-needed reforms to improve the country's religious freedom climate, including addressing religious minority concerns and prioritizing legal reform and the prosecution of those who perpetrate violence.

Accordingly, USCIRF recommends that the U.S. government should:

- Designate Pakistan as a CPC under IRFA and work to reach a binding agreement with the government of Pakistan on steps to be delisted and avoid Presidential actions; such an agreement should be accompanied by Congress appropriating resources for related capacity building through the State Department and USAID mechanisms;
- Press the Pakistani government to implement the Supreme Court decision to create a special police force to protect religious groups from violence and actively prosecute perpetrators, both individuals involved in mob attacks and members of militant groups;
- Recognize the unique governmental offices focusing on religious tolerance at the federal and provincial levels by including discussions on religious tolerance in U.S.-Pakistan dialogues or by creating a special track of bilateral engagement about government efforts to promote interfaith harmony;
- Urge the reestablishment of the Federal Ministry for Interfaith Harmony and the removal of the commission on religious minorities from the Ministry for Religious Affairs, giving both direct access to the cabinet and Prime Minister;
- Work with international partners to raise religious freedom concerns with Pakistani officials in Islamabad and in multilateral settings, and to encourage the Pakistani government to invite the UN Special Rapporteur on Freedom of Religion or Belief for a country visit;
- Encourage national textbook and curricula standards that actively promote tolerance towards members of all religions, both in government schools and the madrassa system overseen by the religious affairs ministry;
- Encourage the government of Pakistan to launch a public information campaign about the historic role played by religious minorities in the country, their contributions to Pakistani society, and their equal rights and protections; either in parallel or independently, use the tools of U.S. public diplomacy to highlight similar themes;
- Urge the Pakistani government and provincial governments to review all cases of individuals charged with blasphemy in order to release those subjected to abusive charges, as is underway in Punjab, while still also calling for the unconditional release and pardoning of all individuals sentenced to prison for blasphemy or for violating anti-Ahmadi laws;

- Work with federal and provincial parliamentarians to support the passage of marriage bills recognizing Hindu and Christian marriages;
- Call for the repeal of the blasphemy law and the rescinding of anti-Ahmadi provisions of law; until those steps can be accomplished, urge the Pakistani government to reform the blasphemy law by making blasphemy a bailable offense and/or by adding penalties for false accusations or enforcing such penalties found elsewhere in the penal code;
- Ensure that a portion of U.S. security assistance is used to help police implement an effective plan for dedicated protection for religious minority communities and their places of worship; and
- Provide USAID capacity-building funding to the provincial Ministries of Minority Affairs, and work with Pakistan's government and minority religious communities to help them reach agreement on measures to ensure their rights and security in the country.

Tajikistan

The State Department never has designated Tajikistan as a CPC despite its “systematic, ongoing and egregious” violations of freedom of religion or belief. The lack of this designation is significant, particularly after the State Department designated its neighbors, Turkmenistan and Uzbekistan, as CPCs. The laws and policies of Turkmenistan and Uzbekistan similarly restrict religious freedom.

The government of Tajikistan suppresses and punishes all religious activity independent of state control, particularly the activities of Muslims, Protestants, and Jehovah's Witnesses. Jehovah's Witnesses have been banned since 2007. Numerous laws that severely restrict religious freedom have been adopted since 2009. The government also imprisons individuals on unproven criminal allegations linked to Islamic religious activity and affiliation.

More than 90 percent of Tajikistan's estimated total population of 7.9 million is Muslim, most of whom belong to the Hanafi school of Sunni Islam; about four percent are Ismaili Shia. Most of the 150,000 Christians are Russian Orthodox, but there are also Baptists, Roman Catholics, Adventists, Lutherans, and Korean Protestants, plus small numbers of Baha'is, Hare Krishnas, Jehovah's Witnesses, and fewer than 300 Jews.

The legal environment in Tajikistan for religious freedom has deteriorated significantly since 2009. The 2009 religion law sets onerous registration requirements for religious groups; criminalizes unregistered religious activity as well as private religious education and proselytism; sets strict limits on the number and size of mosques; allows state interference with the appointment of imams and on the content of their sermons; requires official permission for religious groups to provide religious instruction and communicate with foreign co-religionists; imposes state controls on the content, publication and import of religious materials; and restricts Muslim prayer to mosques, cemeteries, homes, and shrines. As of October 2015, Tajik authorities reportedly are prohibiting government employees from attending Friday prayers.

In 2011 and 2012, legal amendments set new penalties on religion-related charges, including large fines and prison terms, for organizing or participating in “unapproved” religious meetings. Alleged organizers of a “religious extremist study group” face eight to 12-year prison terms. In addition, a 2011 law on parental responsibility has banned minors from any organized religious activity except funerals.

Tajikistan’s extremism law punishes extremist, terrorist, or revolutionary activities without requiring acts that involve violence or incitement to imminent violence. Trials under these charges lack due process and procedural safeguards. The Tajik government abuses its concern over Islamist extremism to justify repressive actions against individuals for peaceful religious activities or religious affiliation.

In September 2015, the Islamic Renaissance Party of Tajikistan (IRPT) was banned as extremist, and more than a dozen of its leaders were arrested and denied access to family and lawyers. The arrested IRPT leaders’ lawyer was himself arrested shortly after he undertook their defense. Amnesty International has expressed concern that the imprisoned IRPT activists are being subjected to torture. The IPRT was the only officially registered Islamic party in the former Soviet Union and for 15 years was represented in the Tajik parliament. The IRPT has been critical of Tajik religion laws and policies as violating international commitments and the country’s constitution. In late August, the Tajik government ordered the IRPT to halt all activity. One month later, the Tajik government accused the IPRT of involvement in a deadly alleged mutiny. IRPT leader Muhiddin Kabiri – forced into foreign exile – asserts that official extremism charges against his party are false and politically motivated. The Office of the UN High Commissioner for Human Rights and the U.S. delegation to the Organization for Security and Cooperation in Europe (OSCE) have expressed concern about the IPRT’s banning.

USCIRF believes that the Tajik government’s chronic abuse of religious freedom would justify a CPC designation. In addition to recommending that the U.S. government designate Tajikistan as a CPC, USCIRF recommends that the U.S. government should:

- Press the Tajik government to bring the 2009 religion law and other relevant laws into conformity with international commitments, including on freedom of religion or belief, and publicly criticize official violations of those commitments;
- Work with the international community, particularly during countering terrorism events sponsored by the OSCE, to ensure there is private and public criticism of Tajikistan’s repressive laws on religion and countering extremism, including that they risk possible radicalization of the country’s population;
- Urge the Tajik government to agree to visits by UN Special Rapporteurs on Freedom of Religion or Belief, the Independence of the Judiciary, and Torture, set specific visit dates, and provide the full and necessary conditions for such a visit;
- Ensure that its Annual Bilateral Consultations with the government of Tajikistan allow a full discussion of all relevant issues, particularly human rights and religious freedom;

- Ensure that the U.S. Embassy continues to monitor the trials of individuals charged on account of their religious affiliation, maintains appropriate contacts with human, and presses the Tajik government to ensure that every prisoner has greater access to his or her family, human rights monitors, adequate medical care, and a lawyer; and
- Ensure that U.S. assistance to the Tajik government, with the exception of aid to improve humanitarian conditions and advance human rights, be contingent upon the government establishing and implementing a timetable of specific steps to reform the religion law and improve conditions of freedom of religion or belief.

Other Recommendations

USCIRF's 2015 Annual Report includes numerous other recommendations, beyond more effective use of the CPC process, to strengthen U.S. efforts to promote religious freedom abroad. These include the following:

USCIRF recommends that the State Department:

- Provide the Office of International Religious Freedom with resources and staff similar to other offices with global mandates, as well as with increased programmatic funds for religious freedom promotion and protection;
- Make training on international religious freedom mandatory for State Department officials at three intervals in each diplomat's career: the "A-100" class for incoming diplomats, Area Studies for midcareer officials, and a class for all ambassadors and deputy chiefs of missions; and
- Continue to work with other governments and parliaments interested in promoting international religious freedom to share information and coordinate activities.

USCIRF recommends that the Congress:

- Annually specify that funds from the State Department's Human Rights Democracy Fund (HRDF) be allocated for religious freedom programming managed by the Office of International Religious Freedom;
- Support State Department grants related to religious freedom programming, and call for entities that receive federal funds, including the Middle East Partnership Initiative, USAID, the National Endowment for Democracy, and U.S. Institute of Peace, to devote resources for religious freedom programming;
- In addition to oversight hearings on IRFA implementation, hold hearings on religious freedom-specific issues and ensure that religious freedom is raised in country-specific hearings and ambassadorial confirmation hearings;

- During trips abroad by Congressional delegations, examine conditions of religious freedom for all faiths/beliefs, and meet with individuals and organizations that promote religious freedom and related human rights, targeted religious communities, and people detained for their religious beliefs or religious freedom advocacy; and
- Participate in the Defending Freedoms Project, a collaborative effort between the Tom Lantos Human Rights Commission, Amnesty International/USA, and USCIRF through which Members of Congress work in support of prisoners of conscience.

Conclusion

While we continue to face an enormously challenging landscape for freedom of religion or belief abroad, we have grounds for believing in a brighter tomorrow. By improving our use of existing tools and creating new tools for a rapidly changing environment for religious freedom and related rights, we can and will see constructive change. If we renew our resolve to integrate this fundamental freedom more fully into the foreign policy of our nation, we can bring genuine progress to those beyond our shores who yearn for freedom.

Appendix I
Prisoners of Conscience – Defending Freedoms Project
October 27, 2015

PAKISTAN



Adopted by Representative Joseph Pitts (R-PA), Asia Bibi is a Catholic mother of five and was a farmhand from the village of Ittan Wali in Sheikhpura District of Punjab province. In June 2009, an argument arose with her fellow labors over whether the water she brought was “unclean” because she was Christian and they Muslim. Later coworkers complained to a cleric that Bibi made derogatory comments about Prophet Muhammad. Police investigated her remarks, which resulted in her arrest and prosecution under Section 295 C of the Pakistan Penal Code for blasphemy. She spent more than a year in jail. On November 8, 2010, a district court in Nankana Sahib, Punjab, sentenced her to death for blasphemy, the first such sentence for blasphemy handed down against a woman. The death penalty is permissible under Pakistani law. On October 16, 2014, the Lahore High Court dismissed her appeal and upheld her death sentence. Her lawyers plan to appeal to the Supreme Court.

VIETNAM



Francis Jang Xuan Dieu (m) is a Catholic intellectual and activist. Dieu is well known in Vietnam for his efforts to advocate for increased child education access and awareness of political prisoners in Vietnamese jails. In August of 2011, Dieu was arrested along with a group of other Vietnamese Catholics and charged with trying to “overthrow the people’s administration.” He was sentenced to 13 years in prison, plus five years under supervision. Dieu’s family has been denied access to Dieu.



Adopted by Representative Ted Poe (R-TX), Nguyen Van Minh (m) is an independent Hoa Hao Buddhist activist who has campaigned for freedom of religion and conscience. He was arrested on February 11, 2014 on charges of “causing public disorder” as he was travelling to visit former prisoner of conscience Nguyen Bac Truyen and his wife. On August 26, 2014, the Dong Thap Provincial People’s Court him two years and six months in prison. He is detained in Dong Thap Province.



Adopted by Representative Chris Smith (R-NJ), Father Nguyen Van Ly has spent over 15 years in prison for the causes of religious freedom, democracy, and human rights. Initially arrested in September 1977 and sentenced to 20 years in a labor camp near Hue, he was later released but prohibited from engaging in religious activities. He was returned to jail in 2001 when he submitted testimony to the U.S. Congress and the U.S. Commission on International Religious Freedom opposing a U.S.-Vietnam Bilateral Trade Act. On March 30, 2007, in a broadcasted show trial, authorities muzzled him while he tried to defend himself. He is a one of the founders of Bloc 8406 and past editor of an underground publication.



Adopted by Representative Zoe Lofgren (D-CA), Nguyen Van Lia (m) is a longtime adherent of Hoa Hao Buddhism, a religious group often suppressed by the government, and the co-author of several Hoa Hao Buddhist religious instruction texts and books. He is charged with violating article 258 of the penal code for “abusing democratic freedoms to infringe upon the interests of the state,” a crime that could result in a sentence of up to seven years. According to state media, he possessed printed materials, CD’s, and DVD’s criticizing the Vietnamese government’s religious record. He had previously met with the U.S. Consulate and USCIRF officials in Saigon. He was sentenced to a five-year term on December 13, 2011 on the charge of “abusing democratic freedoms.”



Released and Adopted by Representative Ted Poe, (R-TX), Duong Kim Khai Duong (m) is a pastor for the Mennonite Church in Vietnam, a long-time advocate for aggrieved farmers, a democracy activist and member of Viet Tan, an organization advocating for democracy. Since the early 1990’s, he has been detained or arrested thirteen times, often while trying to organize prayer sessions. He was jailed in 2004 for starting an “illegal” religious

group. Upon his release in 2006, he founded the Mennonite Cattle Shed Congregation in order to advocate for religious freedom and social justice, particularly to provide assistance to farmers so they could petition the government for redress in land disputes or corruption cases in Ben Tre and Dong Thap provinces. He also joined Viet Tan during this period. Pastor Duong Kim Khai was arrested on August 10, 2010 on the charge of “attempting to overthrow the government.” The condition of his health and place of detention were kept from his family by authorities until October 12, 2010, when it received written confirmation of his arrest. On May 30, 2011, he was sentenced to a six-year prison term (later reduced to five years) followed by five-year term of house arrest. In 2011, the UN Working Group on Arbitrary Detention ruled that the Hanoi government’s detention and conviction of Pastor Duong Kim Khai and six other land activists were in violation of international law.



Released: Adopted by Representative David Price (D-NC), Dr. Cu Huy Ha Vu is a prominent government critic and human-rights lawyer. He filed unprecedented lawsuits against the government, including suing Prime Minister Nguyen Tan Dung for violating laws on environmental protection, national security, and cultural heritage by approving a Chinese-run bauxite

mining project in the Central Highlands. His law firm provided legal assistance to democracy activists and, prior to his arrest, to six Catholics from Con Dau parish who had protested government confiscation of Church properties. He was arrested on 5 November 2010, and on 4 April 2011 sentenced to seven-years in prison to be followed by three-years of house arrest. The charge was “propaganda against the socialist state.”