

2016 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 worldwide 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 2016 Annual Report represents the culmination of a year's work by Commissioners and professional staff to document abuses and make independent policy recommendations to the U.S. government.

The 2016 Annual Report covers the period from February 1, 2015 to February 29, 2016, although in some cases significant events that occurred after the reporting period are mentioned. The Annual Report addresses 31 countries around the world, plus additional countries in two regions, and is divided into four sections.

The first section focuses on the U.S. government's implementation of the 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 countries that 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 violations of religious freedom that are systematic, ongoing and egregious. In the designations in place during the reporting period (made in July 2014), the State Department designated nine countries as CPCs. In 2016, USCIRF has concluded that 17 countries meet this standard.

Non-state actors, such as transnational or local organizations, are some of the most egregious violators of religious freedom in today's world. In some places, such as the Central African Republic and areas of Iraq and

TIER 1

In 2016, USCIRF recommends that the Secretary of State re-designate the following nine countries as CPCs: Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, Turkmenistan, and Uzbekistan. USCIRF also finds that eight other countries meet the CPC standard and should be so designated: Central African Republic, Egypt, Iraq, Nigeria, Pakistan, Syria, Tajikistan, and Vietnam.

TIER 2

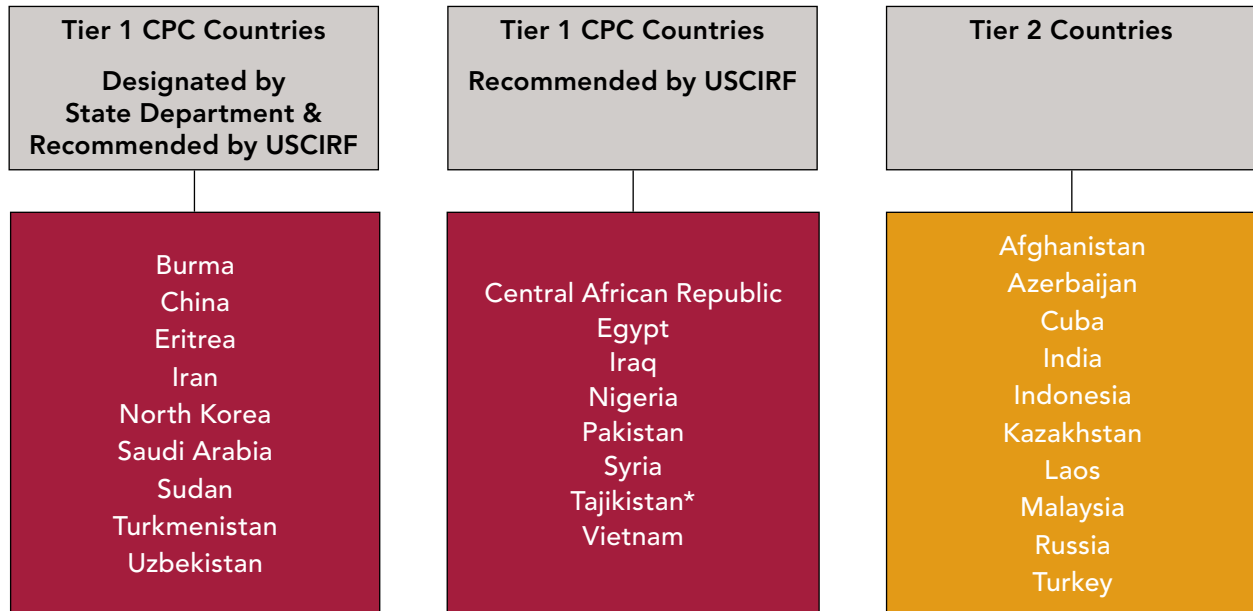
In 2016, USCIRF places the following ten countries on Tier 2: Afghanistan, Azerbaijan, Cuba, India, Indonesia, Kazakhstan, Laos, Malaysia, Russia, and Turkey.

Syria, governments are either non-existent or incapable of addressing violations committed by non-state actors. USCIRF has concluded that the CPC classification should be expanded to allow for the designation of countries such as these, where particularly severe violations of religious freedom are occurring but a government does not exist or does not control its territory. Accordingly, USCIRF's CPC recommendations reflect that approach.

The third section of the Annual Report highlights countries USCIRF categorized as Tier 2, defined as those where the violations engaged in or tolerated by the government are serious and are characterized by at least one of the elements of the "systematic, ongoing, and egregious" CPC standard.

Lastly, there are brief descriptions of religious freedom issues in other countries and regions that USCIRF monitored during the year: Bahrain, Bangladesh, Belarus, Kyrgyzstan, the Horn of Africa, and Western Europe. This year USCIRF did not discuss Cyprus or Sri Lanka in this section due to progress in those countries on USCIRF's previous concerns.

USCIRF TIER 1 & TIER 2 COUNTRIES



* On April 15, 2016, after this report was finalized, the State Department designated Tajikistan as a CPC for the first time, and also re-designated the nine countries that had been designated as CPCs in July 2014.

IRFA IMPLEMENTATION

IRFA's Purpose and Main Provisions

The International Religious Freedom Act of 1998 (IRFA) was a landmark piece of legislation, seeking to make religious freedom a higher priority in U.S. foreign policy. Congress passed IRFA unanimously in October 1998 and President Bill Clinton signed it into law the same month. Members of Congress believed that this core human right was being ignored and that it deserved a greater emphasis. Rather than creating a hierarchy of rights as some critics have argued, IRFA established parity, ensuring that U.S. policymakers would consider religious freedom alongside other pressing issues and other human rights, and not neglect it.

IRFA sought to accomplish this in several ways. First, it created special government mechanisms. Inside the executive branch, the law created the position of 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). It also urged the appointment of a Special Adviser for this issue on the White House National Security Council 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 required monitoring and reporting. It mandated 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. The law also required the State Department to maintain a religious freedom Internet site and lists of religious prisoners in foreign countries. Additionally, it required that USCIRF issue its own annual report, setting forth its findings on religious freedom violations and providing independent policy recommendations.

IRFA'S CPC STANDARD

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."

Third, IRFA established 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. 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, ranging 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, actions tied to a CPC action expire after two years, if not renewed.

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

Fifth, IRFA mandated that State Department Foreign Service Officers and U.S. immigration officials receive training on religious freedom and religious persecution. It also required 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 1996 immigration law reforms were being implemented

consistent with the United States' obligations to protect individuals fleeing persecution, including religious persecution. Specifically, the law asked USCIRF to examine whether asylum seekers subject to Expedited Removal were being erroneously returned to countries where they could face persecution or detained in inappropriate conditions. (Under Expedited Removal, foreign nationals arriving in the United States without proper documentation can be returned to their countries of origin without delay, and without the safeguard of review by an immigration judge, unless they establish that they have a "credible fear" of persecution.)

Religious Freedom Violations under IRFA

IRFA brought an international approach to U.S. religious freedom advocacy. It 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), the Helsinki

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.

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 is known to have been invoked only once: in March 2005, it was used to exclude then-Chief Minister Narendra Modi of Gujarat state in India due to his complicity in riots in his state in 2002 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 non-citizens who are inadmissible to the United States on this basis. The IRF Office has worked to identify people inadmissible under U.S. law for religious freedom violations, and USCIRF has provided information about several such individuals to the State Department.

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Accords, and other international instruments and regional agreements.

IRFA also did not limit violations to government actions, recognizing that religious freedom violations also occur through government inaction against private actors' abuses. The 1998 statute does not, however, adequately address one of the current 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 worst situations today, transnational or local organizations are the egregious persecutors and governments are incapable of addressing the violations or are non-existent. In these situations, allowing the United States to designate the non-state actors perpetrating particularly severe violations would broaden the U.S. government's ability to engage the actual drivers of

Separate from the IRFA framework, in 2014 the State Department explicitly and publicly tied entry into the United States to concerns about violent activity. Secretary of State John Kerry announced during a visit to Nigeria that the United States would deny entry to any persons responsible for engaging in or inciting violence during Nigeria's election. He said specifically that, "perpetrators of such violence would not be welcome in the United States of America." Since religious differences are often used to incite violence during election campaigns, USCIRF supports this approach.

Directly related to identifying and barring from entry severe religious freedom violators, IRFA also 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.

Apart from the inadmissibility provision discussed above, Congress at times has imposed targeted sanctions on specific individuals for severe religious freedom violations. Based on a USCIRF recommendation, Congress included sanctions on human rights and religious freedom violators in the 2010 Iran sanctions act, the Comprehensive Iran Sanctions and Divestment Act (CISADA, P.L. 111-195). This was the first time Iran sanctions specifically included human rights violators. President Obama has now imposed such sanctions (visa bans and asset freezes) by executive order on 19 Iranian officials and 18 entities, including eight officials identified as egregious religious freedom violators by USCIRF. Also based on a USCIRF recommendation, the Senate included Chechen President Ramzan Kadyrov on the list of gross human rights violators in the Sergei Magnitsky Rule of Law Accountability Act (P.L. 112-208), which imposes U.S. visa bans and asset freezes on designated Russian officials. Kadyrov has engaged in abuses against Muslims and has been linked to politically-motivated killings.

USCIRF recommends that Congress:

- 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.

Institutional Issues

IRFA intended the Ambassador-at-Large for International Religious Freedom to be the highest-ranking U.S. official on religious freedom abroad, coordinating and developing U.S. international religious freedom policy while also serving as an *ex officio* member of USCIRF. There have been four Ambassadors-at-Large since IRFA's enactment: Robert Seiple (May 1999 to September 2000); John Hanford (May 2002 to January 2009); Suzan Johnson Cook (May 2011 to October 2013); and David Saperstein (January 2015 to present).

Under IRFA, the Ambassador-at-Large is to be a "principal adviser to the President and the Secretary

The Ambassador-at-Large now sits among a crowded field of officials with overlapping mandates.

With respect to these issues, USCIRF recommends that the State Department:

- Make greater efforts to ensure foreign government officials are denied entry into the United States for their responsibility for religious freedom violations abroad;
- Train consular sections of all embassies on this inadmissibility requirement and direct them that application of this provision is mandatory; and
- Announce a policy that all individuals applying for entry to the United States will be denied entry if they are involved in or incite violence against members of religious communities.

of State regarding matters affecting religious freedom abroad." Nevertheless, every administration since the position was established, including the current one, has situated the Ambassador-at-Large in the Bureau of Democracy, Human Rights, and Labor (DRL) and thus under its Assistant Secretary. Religious freedom advocates, including USCIRF, have long been concerned about this placement. The State Department's organizational guidelines consider an Ambassador-at-Large of higher rank than an Assistant Secretary, and other Ambassadors-at-Large report to the Secretary, such as those for Global Women's Issues, Counterterrorism, and War Crime Issues, as does the AIDS Coordinator. However, Secretary of State Kerry committed to Congress at a public hearing that Ambassador-at-Large

Saperstein would have direct and regular access to him, which would fulfill IRFA's intention that the Ambassador-at-Large be "a principal adviser" on matters relating to religious freedom.

The Ambassador-at-Large now sits among a crowded field of officials with overlapping mandates. Issues of religious freedom play a part in other U.S. government efforts to engage religious communities and to promote human rights more generally. Additionally, various administrations have created special State Department positions to focus on particular countries or issues where religious freedom is implicated – such as a Special Envoy for Sudan, a Special Representative to Afghanistan and Pakistan, a Special Representative to Muslim Communities, and a Special Envoy to the Organization of Islamic Cooperation – and Congress created the position of Special Envoy to Monitor and Combat Anti-Semitism. In 2014, Congress created another State Department position, a Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia. In response, in September 2015, the State Department appointed Knox Thames, former Director of Policy and Research at USCIRF, as Special Advisor for Religious Minorities in the Near East and South/Central Asia, a new position situated in the IRF Office.

Affairs.) The Special Representative for Muslim Communities and the Special Envoy to the Organization of Islamic Cooperation were moved into this Office, as was the Special Envoy to Monitor and Combat Anti-Semitism, formerly situated in the DRL Bureau.

With respect to these issues, USCIRF recommends that the Secretary of State:

- Considering IRFA's intent and the proliferation of related positions and offices, task the Ambassador-at-Large for International Religious Freedom with chairing an inter-bureau working group with all the religiously-oriented positions and programs to ensure consistency in message and strategy; and
- Ensure that the Office of International Religious Freedom has resources and staff similar to other offices with global mandates and has funds for religious freedom programming.

Annual Reports

IRFA requires that the State Department, taking into consideration USCIRF's recommendations, submit the IRF Report "on September 1 of each year or the first day thereafter on which the appropriate House of Congress is in session." It also requires that USCIRF, based on its review of

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During the Obama Administration, the State Department took steps to improve its ability to engage with religious actors. The IRF Office oversaw initial efforts to track U.S. government religious engagement globally and co-chaired a special working group with civil society on religion and global affairs. The working group issued a white paper recommending, among other things, the creation of a special State Department office for religious engagement, modeled on similar offices in other agencies. In 2013, the State Department created a new Office of Faith-Based Community Initiatives, headed by a Special Advisor, Shaun Casey. (The position and office titles were later changed to Special Representative and Office for Religion and Global

the IRF Report and other sources, submit its Annual Report by May 1. Thus, IRFA created a system in which USCIRF's and the State Department's annual reports would be issued approximately four months apart, and both entities would consider each other's findings. However, a change by the State Department in its reporting calendar and release date has affected USCIRF's ability to review the IRF Report and still meet the mandated May 1 deadline.

In 2010, the State Department decided to consolidate the reporting periods of its various reports on different human rights issues to cover the same time period (the calendar year), in order to minimize the impact on limited staff resources. It also decided to release the IRF Report in March or April, although it has not yet met this

target. The IRF Reports covering 2011 and 2013 were released in July 2012 and July 2014, respectively; the one covering 2012 was released in May 2013; and the one covering 2014 was released in October 2015. For each of these years, USCIRF has been unable to review the IRF Report covering the most relevant timeframe in preparing its Annual Report by May 1. For example, the most recent IRF report available during the preparation of this Annual Report was the one covering 2014, but USCIRF's reporting covers 2015. Despite this, USCIRF has remained committed to meeting IRFA's May 1 deadline.

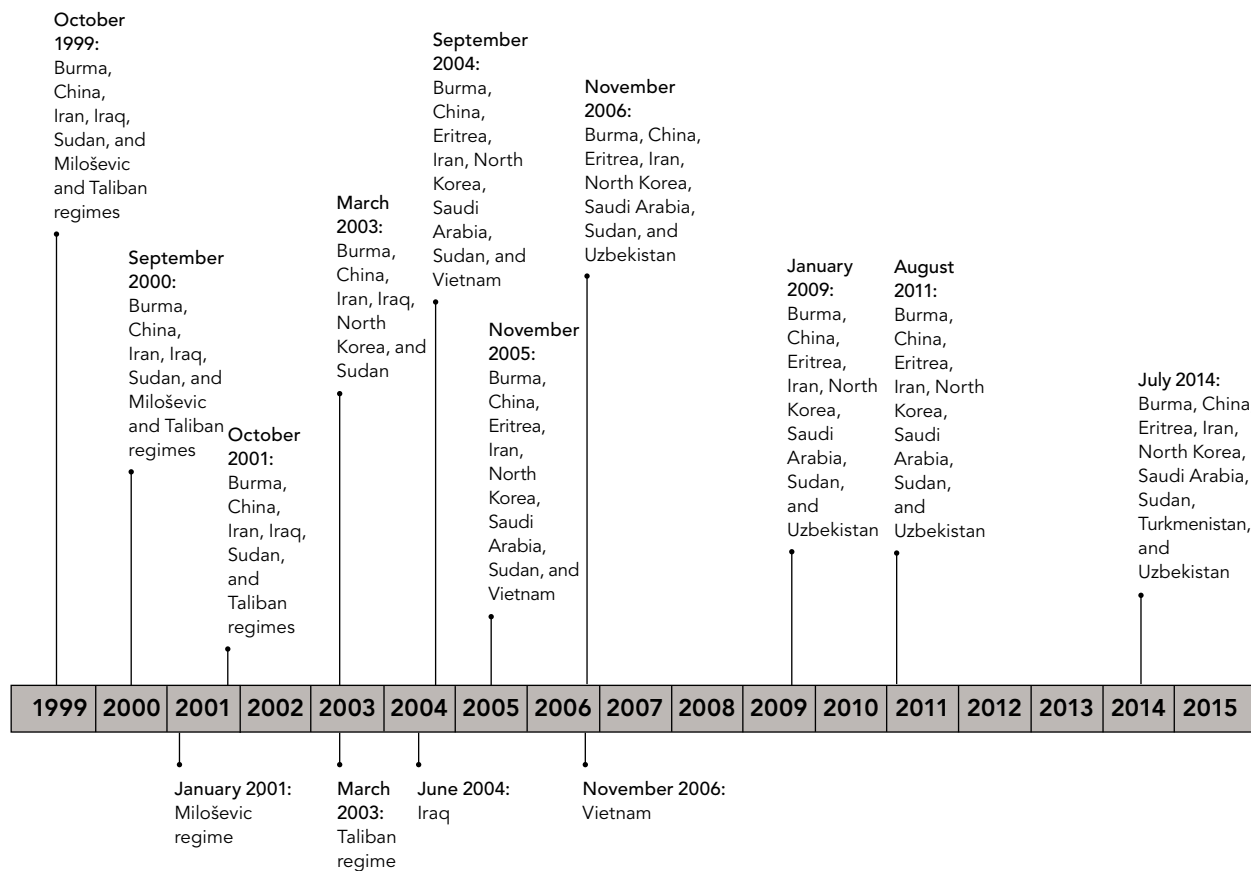
It should be noted that, although IRFA requires both the State Department and USCIRF to report annually on international religious freedom, the two entities' reports differ. The State Department reports on every country in the world, while USCIRF reports on selected countries, generally those exhibiting the worst conditions. Further, the State Department's reports focus primarily on religious freedom conditions, with a brief

description of U.S. policy actions, while USCIRF's country chapters discuss conditions, analyze U.S. policy, and make policy recommendations. USCIRF's Annual Reports also assess the executive branch's implementation of IRFA and discuss religious freedom issues in multilateral organizations.

The CPC Mechanism

In IRFA's 17-year existence, the State Department has made CPC designations on 10 occasions: 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 annual, but after 2006, they became infrequent. While IRFA does not set a specific deadline, it indicates that CPC designations should occur soon after the State Department releases its annual IRF Report, as the decisions are to be based on that review and on USCIRF

STATE'S DESIGNATIONS OF COUNTRIES AND REGIMES AS CPCs



STATE'S REMOVALS OF COUNTRIES AND REGIMES FROM CPC LIST

Source: GAO analysis of Department of State information

recommendations. In August 2011 and July 2014, the Obama Administration made CPC designations in conjunction with the IRF Report's issuance, but CPC designations were not made at or soon after the 2014 IRF Report's October 2015 release. Ambassador-at-Large Saperstein has stated his commitment to have an annual CPC designation process, a statement that USCIRF welcomed. However, as of the end of USCIRF's reporting period on February 29, 2016, no CPC designations had been announced.¹

¹ On April 15, 2016, after this report was finalized, the State Department designated Tajikistan as a CPC for the first time, and also re-designated the nine countries that had been designated as CPCs in July 2014.

As noted earlier, while a CPC designation remains in effect until it is removed, associated Presidential actions expire after two years if not renewed. The last three CPC designations occurred after the two-year mark from the previous designations had passed.

In addition to CPC designations being infrequent, the list has been largely unchanged. Of the nine countries designated as CPCs in July 2014, most now have been CPCs for well 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 nine years. (Turkmenistan was added for the first time in 2014.) Additionally, removal from the CPC list has been rare. Since IRFA's inception, only one country has been removed

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Secretary of State's Determination Under the International Religious Freedom Act of 1998

SUMMARY: The Secretary of State's designation of "Countries of Particular Concern" for religious freedom violations.

Pursuant to section 408(a) of the International Religious Freedom Act of 1998 (Pub. L. 105-292), as amended (the Act), notice is hereby given that, on July 18, 2014, the Secretary of State, under authority delegated by the President, has designated each of the following as a "Country of Particular Concern" (CPC) under section 402(b) of the Act, for having engaged in or tolerated particularly severe violations of religious freedom: Burma, China, Eritrea, Iran, Democratic People's Republic of Korea, Saudi Arabia, Sudan, Turkmenistan, and Uzbekistan.

The Secretary simultaneously designated the following Presidential Actions for these CPCs:

- For **Burma**, the existing ongoing arms embargo referenced in 22 CFR 126.1(a) pursuant to section 402(c)(5) of the Act;
- 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 (Public Law 101-246), pursuant to section 402(c)(5) of the Act;
- For **Eritrea**, the existing ongoing arms embargo referenced in 22 CFR 126.1(a) pursuant to section 402(c)(5) of the Act;
- For **Iran**, the existing ongoing travel restrictions based on serious human rights abuses under section 221(a)(1)(C) of the Iran Threat Reduction and Syria Human Rights Act of 2012, pursuant to section 402(c)(5) of the Act;
- For **North Korea**, the existing ongoing restrictions to which North 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 the Act;
- For **Saudi Arabia**, a waiver as required in the "important national interest of the United States," pursuant to section 407 of the Act;
- For **Sudan**, the restriction on making certain appropriated funds available for assistance to the Government of Sudan in the annual Department of State, Foreign Operations, and Related Programs Appropriations Act, currently set forth in section 7042(j) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (Div. K, Pub.L. 113-76), and any provision of law that is the same or substantially the same as this provision, pursuant to section 402(c)(5) of the Act;
- For **Turkmenistan**, a waiver as required in the "important national interest of the United States," pursuant to section 407 of the Act; and
- For **Uzbekistan**, a waiver as required in the "important national interest of the United States," pursuant to section 407 of the Act.

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 Milosevic 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 as Presidential actions in IRFA), 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 the development of either a binding agreement with a CPC-designated government on specific actions it will

States has not implemented a unique policy response tied to the CPC designation and particularly severe violations of religious freedom.

Of the current nine countries designated as CPCs, six have "double-hatted" sanctions, and three 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. U.S. diplomatic engagement cannot and should not solely rely on naming CPCs, but rather use a range of actions including: diplomatic engagement; consultations about possible CPC action; CPC designations; binding agreement nego-

Along with an annual CPC process, the IRFA toolbox provides many options for diplomatic action.

take to end the violations, or the taking of a "commensurate action." The Secretary may further determine that pre-existing sanctions are adequate or 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 pre-existing sanctions. While the statute permits such reliance, relying on pre-existing sanctions - or "double hatting" - has provided little incentive for CPC-designated governments to reduce or halt egregious religious freedom violations.

The Presidential actions for the nine currently-designated CPC countries are shown in the table on the previous page. Because of the indefinite waivers for Saudi Arabia, Turkmenistan, and Uzbekistan, the United

tations; 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 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.

With respect to these issues, USCIRF recommends that the State Department:

- Use all of IRFA's tools, including "country of particular concern" designations, in its diplomatic engagement;
- Publicly declare the results of its annual review of religious freedom conditions required by IRFA and make annual designations of "countries of particular concern" for particularly severe violations of religious freedom;

- Ensure that the CPC list expands and contracts as conditions warrant;
- 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; and
- Limit the use of waivers to a set period of time and subject them to review for renewal.

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; and
- Hold annual oversight hearings on IRFA implementation in the House and Senate.

Guidance

With multiple offices and positions dealing with issues that relate to or overlap with religious freedom, crafting a specific strategy outlining the need to promote freedom of religion or belief internationally across U.S. government agencies would set an important tone and give direction to U.S. efforts.

In February 2015, the President issued his second National Security Strategy, which touched on religious freedom. In a section entitled “Advance Equality,” the Strategy said:

American values are reflective of the universal values we champion all around the world—including the freedoms of speech, worship, and peaceful assembly; the ability to choose leaders democratically; and the right to due process and equal administration of justice. We will be a champion for communities that are too frequently vulnerable to violence, abuse, and neglect—such as ethnic and religious minorities; people with disabilities; Lesbian, Gay, Bisexual, and Transgender (LGBT) individuals; displaced persons; and migrant workers.

The National Security Council issued a more specific strategy about religious engagement in July 2013,

which includes a component on religious freedom and human rights. This positive initiative, on which USCIRF staff informally advised, connected religious freedom work to other related issues of conflict prevention and to engaging religious leaders on development goals. A document specifically tailored to the issue of religious freedom would further this effort.

In addition to a national strategy to guide U.S. efforts, elected leaders and U.S. officials need to communicate clearly and regularly that religious freedom is a foreign policy priority for the United States. For instance, in his October 2015 remarks at the release of the 2014 IRF report, Secretary Kerry stated that it is a “proven reality” that “no nation can fulfill its potential if its people are denied the right to practice, to hold, to modify, to openly profess their innermost beliefs.” Additionally, during his January 2015 visit to India, President Obama gave a major speech highlighting the need for religious tolerance and freedom, and he reiterated the point at the February 2015 National Prayer Breakfast in Washington, DC. Notably, the Prime Minister of India subsequently gave a major address about these concerns. As this example demonstrates, one of the most direct ways to stress the importance of religious freedom is in high-profile public events. Both the U.S. government bureaucracy and foreign governments will notice such presentations by the President, the Secretary of State, Congressional leaders, and other high-ranking U.S. officials.

Public advocacy should be tied to a country-specific plan for advancing religious freedom.

Action also is needed after communication. Public advocacy should be tied to a country-specific plan for advancing religious freedom. This is especially important for countries designated as CPCs, as well as those recommended by USCIRF for CPC designation or on USCIRF’s Tier 2 list. Such actions would include scheduling trips for embassy officials, including the U.S. ambassador, to visit oppressed religious communities or sites of violence. The United States also should insist that discussions on freedom of religion or belief

and religious tolerance be included in various bilateral strategic dialogues and summits, such as the strategic dialogues with Russia, Pakistan, or Indonesia, or the meetings of the U.S.-Nigeria Bi-National Commission. Concerns about freedom of religion or belief should also be interwoven into negotiations over trade agreements and followed up on after deals are reached, such as in the Trans-Pacific Partnership.

Finally, U.S. officials and elected leaders should raise religious freedom issues during visits to key countries of concern. It is important for foreign leaders to hear directly from visiting U.S. delegations that restrictions on religious freedom are hindering the bilateral relationship.

With respect to these issues, USCIRF recommends that:

- Each administration issue a strategy to guide U.S. government efforts to protect and promote religious freedom abroad and set up a process to oversee its implementation;
- The President, the Secretary of State, Members of Congress, and other U.S. officials consistently stress the importance of international religious freedom in their public statements as well as in public and private meetings in the United States and abroad; and
- In consultation with USCIRF, the State Department develop and implement country-specific strategies for advancing religious freedom, inter-faith harmony, mutual respect, and reconciliation, to ensure that official statements are followed by concrete actions.

Training

IRFA calls for American diplomats to receive training on how to promote religious freedom effectively around the world. In the past few years, training for Foreign Service Officers on issues of religious freedom has increased, but remains voluntary. The Foreign Service Institute (FSI) continued to offer a multi-day *Religion and Foreign Policy* course. USCIRF staff has been repeatedly invited to speak about the role of the Commission, but the overall focus could include a greater emphasis on promoting freedom of religion or belief. USCIRF also regularly speaks to regional studies classes to discuss the Commission's findings on countries of interest.

By contrast, DHS has mandatory training on religious persecution and IRFA for all new refugee and asylum officers, and USCIRF and IRF Office representatives regularly speak to these classes. Over the years, USCIRF also has participated in and submitted materials for training sessions on religious freedom and religious persecution for Department of Justice immigration judges. Training on religious freedom issues in the military education system remains minimal, despite the many schools, military service colleges, and universities providing professional military education. With American service members increasingly engaging governments and societal leaders in religious contexts, training on international standards of freedom of religion or belief would better equip them to carry out their mission.

With respect to these issues, USCIRF recommends that the U.S. government:

- Make training on international religious freedom mandatory for State Department officials, including education on what it is, its importance, and how to advance it; Require such training at three intervals in each diplomat's career: the "A-100" class for incoming diplomats, Area Studies for mid-career officials, and a class for all ambassadors and deputy chiefs of missions; and
- Train relevant members of the military on the importance of religious freedom and practical ways to best promote it as an aspect of U.S. foreign policy.

USCIRF recommends that Congress:

- If necessary, require the Foreign Service Institute and the military to provide training on international religious freedom and on the best practices to promote it as an aspect of U.S. foreign policy, so that Foreign Service Officers, U.S. service members, and military chaplains can use globally-recognized religious freedom standards when engaging in-country with religious leaders and government and military officials.

Ensuring Funding for Religious Freedom Programming

IRFA also envisaged the funding of religious freedom programs, authorizing foreign assistance to promote and develop "legal protections and cultural respect

for religious freedom.” Congress did not appropriate specific funds for this until Fiscal Year (FY) 2008 and did not do so annually thereafter; the State Department, however, has provided the IRF Office funding for program grants through DRL’s Human Rights and Democracy Fund (HRDF). In March 2015, Ambassador Saperstein reported to Congress that the IRF Office receives approximately five percent of DRL’s HRDF funding (approximately \$3.5 million) annually. These funds support religious freedom programs currently operating in 16 countries. Ambassador Saperstein also reported in March 2015 that five new programs using FY 2014 funds would soon begin operations. The Consolidated Appropriations Act, 2016 states that \$10 million from the HRDF shall be made available for international religious freedom programming in FY 2016, representing a significant increase that USCIRF welcomes.

Funding for religious freedom work need not come solely from the State Department’s human rights bureau.

Funding for religious freedom work need not come solely from the State Department’s human rights bureau. Other potential sources include the State Department’s Middle East Partnership Initiative (MEPI) and the U.S. Agency for International Development’s (USAID) Bureau for Democracy, Conflict, and Humanitarian Assistance. Appropriation measures have signaled the importance of such funding. For instance, the Consolidated Appropriations Act, 2016, makes money from the FY 2016 funds for economic support, disaster assistance, and migration and refugee assistance available for programs to protect and assist vulnerable and persecuted religious minorities. It also makes FY 2016 funds appropriated to the Broadcasting Board of Governors available for programs related to international religious freedom, including reporting on the condition of vulnerable and persecuted religious groups.

In legislation, report language, and discussions, Congress has at times tasked USCIRF to develop recommendations for challenging issues. One example

is USCIRF’s work on Expedited Removal (discussed in the next section). Additionally, a congressional tasking resulted in USCIRF’s study about what Pakistan’s education system teaches about religious minorities in that country. Another example was the special fellowship program that was funded for two years to enable scholars to focus on freedom of religion or belief.

With respect to these issues, USCIRF recommends that Congress:

- Annually specify that funds from the State Department’s Human Rights and Democracy Fund (HRDF) be allocated for religious freedom programming managed by the Office of International Religious Freedom;
- 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;
- Encourage USAID to prioritize programs that develop and disseminate, especially in countries of concern, educational and teacher training materials that focus on international human rights standards, religious freedom, and the centrality of interfaith understanding to achieving development objectives; and
- Urge the National Endowment for Democracy and other entities that receive federal funding to solicit competitive proposals on specific international religious freedom programming.

The Treatment of Asylum Seekers in Expedited Removal

As authorized by IRFA, USCIRF conducted a major research study in 2003 and 2004 on the U.S. government’s treatment of asylum seekers in Expedited Removal. USCIRF’s 2005 *Report on Asylum Seekers in Expedited Removal* (the Study), found serious flaws in the processing and detention of asylum seekers, and made recommendations to the Departments of Homeland Security (DHS) and Justice (DOJ) to address these problems. (Expedited Removal is a complicated administrative process carried out by three different DHS agencies – Customs and Border Protection (CBP), the U.S. Citizenship and Immigration

Service (USCIS), and Immigration and Customs Enforcement (ICE); for asylum seekers, DOJ's Executive Office of Immigration Review (EOIR) also is involved.)

Since the 2005 Study, USCIRF has continued to monitor the implementation of its recommendations, issuing several follow-up reports that found progress in some areas but no changes in others. Meanwhile, the U.S. government's use of Expedited Removal and the number of individuals in Expedited Removal seeking asylum have grown significantly. As a result, flaws in the system now potentially affect even more asylum seekers.

In 2014 and 2015, USCIRF again reviewed the situation of asylum seekers in Expedited Removal, as an update to the 2005 Study. This research revealed

- The detention of asylum-seeking mothers and children is problematic.

Multilateral Efforts

IRFA specifically cites U.S. participation in multilateral organizations as an avenue for advancing religious freedom. Both the United Nations (UN) and the Organization for Security and Cooperation in Europe (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.

The Human Rights Council's system of independent experts, or Special Procedures, is another important mechanism. . . .

continuing and new concerns and found that most of USCIRF's 2005 recommendations have not been implemented. USCIRF will issue a special report detailing the findings and recommendations from this research in 2016. Among the key findings will be that:

- Poor management and coordination of the Expedited Removal process continue to be problems;
- Serious concerns remain about CBP officers' interviewing practices and the reliability of the records they create;
- The reliance on technology to process and interview increased numbers of border crossers has improved efficiency, but the impersonal nature of the interviews raises concerns that this may be at the expense of identifying and protecting asylum seekers;
- The information provided to non-citizens in Expedited Removal does not adequately inform them of their rights, responsibilities, and, if relevant, the next steps in their asylum cases;
- ICE continues to detain asylum seekers under inappropriate penal conditions and its procedures for bond and alternatives to detention raise concerns; and

United Nations

At the UN Human Rights Council, the Universal Periodic Review (UPR) 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 "countries of particular concern" 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 – currently Professor Heiner Bielefeldt of Germany, who is completing his term in 2016 – monitors freedom of religion or belief worldwide, communicates with governments about alleged violations, conducts country visits, and issues reports and statements. Some of the Council's Special Procedures on specific countries also have drawn attention to religious freedom violations, such as the current UN Special Rapporteur on the

Human Rights Situation in Iran, Ahmed Shaheed. In addition, the specially-created Commissions of Inquiry on North Korea and on Eritrea focused on the severe religious freedom abuses in those nations.

For a number of years, the UN Human Rights Council and General Assembly were the centers of a problematic effort by the Organization of Islamic Cooperation (OIC) and some of its members to seek an international legal norm restricting speech that defamed religions, particularly Islam. In a welcome change, the OIC no longer is sponsoring the flawed defamation-of-religions resolutions. They were replaced in 2011 by a new, consensus approach (often referred to as the Resolution 16/18 approach, after the first such resolution) that focuses on positive measures to counter religious intolerance and protect individuals from discrimination or violence, rather than criminalizing expression.

- Continue its vigorous support of the mandate and work of the UN Special Rapporteur on Freedom of Religion or Belief, including by supporting a well-qualified replacement for the current Special Rapporteur and working to secure sufficient assistance to support him or her in carrying out this volunteer position;
- Work for the creation of additional country-specific Special Rapporteur positions, especially for CPC countries; and
- Remain vigilant against any renewed efforts at the UN to seek legal limitations on offensive or controversial speech about religion that does not constitute incitement to violence, and continue to press countries to adhere to the Resolution 16/18 approach, including by repealing blasphemy laws.

The [OSCE], comprised of 57 participating states . . . , continues to be an important forum for holding those states to extensive standards on freedom of religion or belief. . . .

Nevertheless, USCIRF remains concerned that some OIC members continue to support a global anti-blasphemy law. Many OIC member states continue to have and enforce repressive domestic blasphemy laws that result in gross human rights abuses and exacerbate religious intolerance, discrimination, and violence, the very problems the OIC claims it is trying to address. In addition, some OIC countries continue to refer publicly to the defamation-of-religions concept and call for international laws against it, including in the context of the “Istanbul Process,” a series of international meetings launched in 2011 to discuss the implementation of the Resolution 16/18 approach.

With respect to these issues, USCIRF recommends that the State Department:

- Continue to use the UN Human Rights Council’s Universal Periodic Review process and resolutions in the Human Rights Council and the UN General Assembly to shine a light on religious freedom violations in specific countries, especially those designated as CPCs under IRFA;

OSCE

The Organization for Security and Cooperation in Europe (OSCE), comprised of 57 participating states from Europe, the former Soviet Union, Mongolia, the United States, and Canada, continues to be an important forum for holding those states to extensive standards on freedom of religion or belief and on combating hate crimes, discrimination, and religious intolerance. It also has been an important participant in efforts to counter violent extremism and terrorism in the name of religion, while respecting human rights. In recent years, however, some states, led by Russia, have sought to curtail the OSCE’s human rights activities in favor of a security focus and tried to limit the participation of NGOs, particularly in the annual Human Dimension (HDim) meeting in Warsaw, Europe’s largest human rights conference.

The HDim draws hundreds of government delegates and NGOs, 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. NGOs and religious groups also can raise issues during plenaries, and hold other meetings on specific topics of concern. For the first time in many years, Turkmenistan sent an official delegation to the HDim in September–October 2015. In July 2015, a Supplementary HDim meeting on religious freedom was held in Vienna.

In early 2015, the OSCE's Office of Democratic Institutions and Human Rights (ODIHR) hired a new staff advisor on freedom of religion or belief, filling a position vacant for some years. He and his two staff members will work in ODIHR's Human Rights Section, instead of the Tolerance Unit; USCIRF welcomes this placement, since religious freedom is not merely an issue of tolerance but a fundamental human right. ODIHR also has an Advisory Panel of Experts on Freedom of Religion or Belief. Upon the request of OSCE states, the Panel reviews proposed or enacted legislation against international and OSCE commitments, and provides expert opinions and guidelines. Since 2012, the Panel has had 12 members, although it used to be much larger.

conduct activities without undue interference by ODIHR or participating states;

- Request that the new advisor on freedom of religion or belief be adequately resourced to effectively monitor religious freedom abuses across the OSCE area and to provide training for staff of OSCE field offices; and
- Encourage OSCE missions to fully integrate religious freedom and related human rights into countering violent extremism (CVE) programs, counter-terrorism training, and other relevant programs.

Working with Like-Minded Nations

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, the United Kingdom's foreign ministry and parliament have increased their focus on the issue, the European Union issued guidelines for its diplomats, and the European Parliament established a working group

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OSCE Field Operations are a key feature of the organization, including in the human rights sphere. Each has its own mandate drawn up with the host government, but more recent mandates provide decreased scope for human rights activities. At present, there are six field offices in South East Europe, two in Eastern Europe, two in the South Caucasus, and five in Central Asia. In June 2015, Azerbaijan closed the OSCE office in Baku. In USCIRF's view, ODIHR should make greater efforts to ensure consistency on issues of religious freedom and related human rights, including by providing more training on these issues for staff in OSCE Field Operations.

With respect to these issues, USCIRF recommends that the State Department:

- Urge ODIHR to empower the Advisory Panel to act independently and issue reports or critiques and

on the subject. In 2013, Canada created an ambassadorial position and office on religious freedom, but as of the end of the reporting period, its future under the new Canadian government was uncertain. The Austrians, Dutch, Italians, Norwegians, and Germans also have focused specifically on religious freedom. In light of these developments, over the past few years USCIRF has played a leading role in fostering increased collaboration among governments and parliaments interested in promoting freedom of religion or belief.

Working with a group of parliamentarians from Brazil, Canada, Norway, Turkey, and the United Kingdom, USCIRF helped launch a new parliamentary network, the International Panel of Parliamentarians for Freedom of Religion or Belief (IPP-ForB) in 2014. The launch meeting, in Oslo, Norway, brought together over 30 parliamentarians from different regions, political parties, and religions, who signed a Charter for Freedom

of Religion or Belief pledging to advance religious freedom for all. A direct outcome of the meeting was the creation of a caucus in the Brazilian Congress to promote international religious freedom. The IPP-FoRB's second meeting, which USCIRF helped organize and fund, was in New York in September 2015, with an unprecedented 100 parliamentarians from over 50 countries participating. Parliamentarians in the network have sent joint letters on religious freedom issues to the leaders of various nations, including Burma, Vietnam, Iran, and Sudan, and are planning other activities.

Paired with any parliamentary effort should be coordinated inter-governmental activities. Officials from the United States, Canada, the United Kingdom, and the EU External Action Service have recognized this need. Efforts are beginning to coordinate joint demarches on countries of common concern, as well as to share information about how governments fund religious freedom work in the field.

issues in specific countries. The National Security Subcommittee of the House Oversight and Government Reform Committee also has held hearings on protecting international religious freedom. The Senate Appropriations Subcommittee on State, Foreign Operations, and Related Programs held a hearing in March 2015 on protecting religious freedom abroad. The Tom Lantos Human Rights Commission has held several hearings on religious freedom, including the humanitarian and human rights crisis in Iraq, human rights in Egypt, prisoners of conscience, and religious minorities in Iran. In addition, the Senate Human Rights Caucus has focused on international religious freedom, and will hold a series of hearings on international religious freedom in 2016 focusing on countering religious extremism, protecting religious minorities from ISIL in Iraq and Syria, and the impact of blasphemy laws on the freedoms of religion and expression. Holding annual Congressional oversight hearings on IRFA implementation in both the

Working with a group of parliamentarians from Brazil, Canada, Norway, Turkey, and the United Kingdom, USCIRF helped launch a parliamentary network. . . .

With respect to these issues, USCIRF recommends that the State Department:

- Continue to work with other governments and parliaments interested in promoting international religious freedom to share information and coordinate activities.

The Role of Congress

Congress has an important role to play to ensure that international religious freedom remains a priority to the U.S. government. Hearings are a particularly useful tool, as they signal Congressional interest and engagement. Subcommittees of the House of Representatives' Committee on Foreign Affairs have held hearings focusing on the crisis of international religious freedom, holding accountable countries of particular concern, the issuance of the State Department's IRF Report and USCIRF's Annual Report, as well as religious freedom

House and Senate 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 from both Houses also should continue to raise issues of international religious freedom during the confirmation hearings of U.S. ambassadors. In addition, Members of Congress should continue to introduce and support legislation that deals with international religious freedom and focuses on violations and remedies. Recent examples include the four-year reauthorization of USCIRF (P.L. 114-71) and the introduction in December 2015 and passage in March 2016 in the House of Representatives of a resolution, H. Con. Res 75, expressing that the atrocities committed by ISIL against religious and ethnic minorities in Iraq and Syria included war crimes, crimes against humanity, and genocide. Members of Congress also should continue to use appropriations bills and supporting report

language to express congressional concerns to the U.S. and other governments. In the Consolidated Appropriations Act, 2016, (PL 114-113), Congress included important language pertaining to international religious freedom, including making not less than \$10 million available for international religious freedom programs and requiring that the Secretary of State submit to Congress a report on attacks against Christians and other religious groups in the Middle East by violent Islamist extremists, and on the Rohingya Muslims in Burma by violent Buddhist extremists, including whether either situation constitutes mass atrocities or genocide.

Congressional delegations abroad also are important and effective ways to promote international religious freedom. Members of Congress can undertake congressional delegations to countries of particular concern to specifically examine conditions of religious freedom for all faiths/beliefs, meet with individuals and organizations that promote religious freedom and related human rights, and targeted religious communities, 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.

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With respect to these issues, USCIRF recommends that:

- Both the House and Senate hold annual oversight hearings on IRFA implementation, as well as hearings on religious freedom-specific issues, and ensure that religious freedom is raised in

country-specific hearings and ambassadorial confirmation hearings;

- During delegation trips abroad, Members of Congress 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
- Members of Congress participate in the Defending Freedoms Project to advocate for the release of specific prisoners of conscience abroad.