

2018 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 U.S. State Department, that monitors religious freedom abroad and makes policy recommendations to the president, secretary of state, and Congress. USCIRF bases these recommendations on its statutory mandate and the standards in the [Universal Declaration of Human Rights](#) and other international documents.

The 2018 Annual Report documents religious freedom violations and progress during calendar year 2017 in 28 countries and makes independent recommendations for U.S. policy. The report is divided into three sections. The first section focuses on the U.S. government's implementation of IRFA and provides recommendations to bolster U.S. efforts to advance freedom of religion or belief abroad.

The second section highlights 16 countries USCIRF concludes meet IRFA's standard for "countries of particular concern," or CPCs, for the period covered by this report, which USCIRF refers to as Tier 1 countries. IRFA requires the U.S. government to designate as a CPC any country whose government engages in or tolerates particularly severe religious freedom violations, meaning those that are systematic, ongoing, and egregious. The State Department most recently made CPC designations in December 2017, naming 10 countries, based on violations in 2016. At the same time, the State Department named

In 2018, USCIRF recommends that the State Department redesignate the following 10 countries as CPCs: Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, Tajikistan, Turkmenistan, and Uzbekistan. USCIRF also finds that six other countries meet the CPC standard and should be so designated: Central African Republic, Nigeria, Pakistan, Russia, Syria, and Vietnam.

Pakistan as the first—and only—country on its Special Watch List, a new category created in 2016 by the [Frank R. Wolf International Religious Freedom Act](#) (Frank Wolf Act) for governments that engaged in or tolerated severe violations but are deemed to not meet all the criteria of the CPC test.

The third section of the Annual Report highlights 12 countries USCIRF categorizes as Tier 2, defined by USCIRF as nations in which the violations engaged in or tolerated by the government during 2017 are serious and characterized by at least one of the elements of the "systematic, ongoing, and egregious" CPC standard.

In 2018, USCIRF places the following 12 countries on Tier 2: Afghanistan, Azerbaijan, Bahrain, Cuba, Egypt, India, Indonesia, Iraq, Kazakhstan, Laos, Malaysia, and Turkey.

Previous annual reports also included a section covering additional countries and regions that USCIRF monitored during the reporting year, but that did not meet the CPC or Tier 2 standards. The 2018 Annual Report does not include this section. USCIRF continues to monitor religious freedom globally but has decided to focus the annual report on Tier 1 and Tier 2 countries. The fact that other countries are not included in this report does not mean religious freedom issues do not exist in those countries or that concerns discussed in previous USCIRF annual reports have improved. Information on religious freedom conditions in all foreign countries may be found in the State Department's annual [International Religious Freedom reports](#). USCIRF also issues publications throughout the year on a variety of countries and topics, which can be found at www.uscifr.gov.

As USCIRF's annual reports have long recognized, nonstate actors are among the most egregious violators of religious freedom. The Frank Wolf Act requires the

*In this report, USCIRF uses the terms "religious freedom," "freedom of religion," and "freedom of religion or belief" interchangeably to refer to the broad right to freedom of thought, conscience, and religion or belief protected under international human rights law.

U.S. government to identify nonstate actors engaging in particularly severe violations of religious freedom and designate them as “entities of particular concern,” or EPCs. The law defines nonstate actor as “a nonsovereign entity that exercises significant political power and territorial control; is outside the control of a sovereign government; and often employs violence in pursuit of its objectives.” The State Department did not make any EPC designations in 2017. However, on March 5, 2018, after the end of the reporting period, then Secretary of State Rex Tillerson designated the following nonstate actors as EPCs for particularly severe religious freedom violations: “al-Nusra Front, al-Qa’ida in the Arabian Peninsula, al-Qa’ida, al-Shabab, Boko Haram, ISIS, ISIS-Khorasan, and the Taliban.”

In 2018, USCIRF recommends that the State Department designate the following organizations as EPCs: the Islamic State of Iraq and Syria (ISIS), the Taliban in Afghanistan, and al-Shabaab in Somalia.

In 2018, USCIRF recommends three organizations for designation as EPCs based on their violations during 2017: the Islamic State of Iraq and Syria (ISIS), the Taliban in Afghanistan, and al-Shabaab in Somalia. USCIRF also continues to report, in various country chapters, on particularly severe violations of religious freedom perpetrated by nonstate actors that do not meet the Frank Wolf Act’s definition because, for example, they do not exercise territorial control.

| USCIRF 2018 | | |
|---|---|--|
| <p>CPC Recommendations (Tier 1):</p> <ul style="list-style-type: none"> Burma* Central African Republic China* Eritrea* Iran* Nigeria North Korea* Pakistan Russia Saudi Arabia* Sudan* Syria Tajikistan* Turkmenistan* Uzbekistan* Vietnam <p><small>*Designated as CPCs by the State Department on December 22, 2017</small></p> | <p>Tier 2 Countries:</p> <ul style="list-style-type: none"> Afghanistan Azerbaijan Bahrain Cuba Egypt India Indonesia Iraq Kazakhstan Laos Malaysia Turkey | <p>EPC Recommendations:</p> <ul style="list-style-type: none"> The Islamic State of Iraq and Syria (ISIS)* The Taliban in Afghanistan* Al-Shabaab in Somalia* <p><small>*Designated as EPCs by the State Department on March 5, 2018</small></p> |

USCIRF POLICY RECOMMENDATIONS FOR TIER 1 AND TIER 2 COUNTRIES

While the U.S. government must pursue freedom of religion or belief as a foreign policy objective within the specific context of each country covered in this annual report, certain common themes and policy options arise. The most common policy recommendations for states categorized by USCIRF as Tier 1 or Tier 2 countries appear below. These recommendations may not be

generalizable to all countries due to special circumstances, such as existing sanctions or lack of bilateral relations. Nonetheless, they represent the most pressing religious freedom concerns worldwide and the most promising avenues for addressing them through U.S. foreign policy.

| FOR TIER 1 AND TIER 2 COUNTRIES | |
|---|--|
| <p>USCIRF recommends the U.S. government pursue the following goals . . .</p> | <ul style="list-style-type: none"> • Urge the country’s government to cooperate fully with international human rights mechanisms, including by inviting visits by the United Nations (UN) Special Rapporteur on freedom of religion or belief; • Press the country’s government to bring national laws and regulations, including registration requirements for religious communities, into compliance with international human rights standards; • Press the country’s government to conduct professional and thorough investigations—and to prosecute perpetrators—of incidents of sectarian violence, terrorism, and other violations of religious freedom; • Press for at the highest levels and work to secure the unconditional release of prisoners of conscience and religious freedom advocates, and press the country’s government to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, and lawyers, and the ability to practice their faith; |
| <p>. . . through methods including these policy options.</p> | <ul style="list-style-type: none"> • Enter into a binding agreement with the foreign government of a country designated by the State Department as a CPC, as authorized under section 405(c) of IRFA (22 U.S.C. §6445(c)), setting forth mutually agreed commitments that would foster critical reforms to improve religious freedom; • Use targeted tools against specific officials, agencies, and military units identified as having participated in or being responsible for religious freedom violations, including visa denials under section 604(a) of IRFA (section 212(a)(2)(G) of the Immigration and Nationality Act) and visa denials and asset freezes under the Global Magnitsky Human Rights Accountability Act and Executive Order 13818; • Raise consistently religious freedom concerns at high-level bilateral meetings with the country’s leaders; • Coordinate with other diplomatic missions and foreign delegations, including the UN and European Union, about human rights advocacy in meetings with the country’s officials and during visits to the country; • Ensure that the U.S. Embassy and U.S. consulates, including at the ambassadorial and consular general levels, maintain active contacts with human rights activists. • Help to train the country’s governmental, civil society, religious, and/or educational professionals to better address sectarian conflict, religion-related violence, and terrorism through practices consistent with international human rights standards. |

IMPLEMENTATION OF THE INTERNATIONAL RELIGIOUS FREEDOM ACT

KEY FINDINGS

The [International Religious Freedom Act](#) (IRFA) gives the U.S. government a range of tools to respond to religious freedom violations abroad and encourage improvements. Although no administration in IRFA's 20-year existence has implemented the law to its full potential, U.S. international religious freedom policy has been more robust since 2015. In 2016, the [Frank R. Wolf International Religious Freedom Act](#) (Frank Wolf Act) amended IRFA to address implementation concerns and better reflect current conditions. During 2017, the Trump Administration emphasized its commitment to international religious freedom through statements from President Donald Trump, Vice President Michael Pence, and other high-level officials, as well as in the National Security Strategy. In a year of transition, there was no Ambassador-at-Large

for International Religious Freedom for most of 2017, and a U.S. State Department reorganization that would elevate the Ambassador-at-Large within the bureaucracy and increase the functions and staff of the Office of International Religious Freedom (IRF Office) was not complete by year's end. In December, the State Department redesignated as "countries of particular concern," or CPCs, the same 10 nations designated in 2016, and placed Pakistan on its new Special Watch List. The State Department did not designate any nonstate actors as "entities of particular concern," or EPCs, in 2017. With Ambassador-at-Large Sam Brownback in place as of February 1, 2018, after the end of the reporting period, the Trump Administration has an opportunity to build on recent progress and fully implement IRFA, including the new tools provided by the Frank Wolf Act.

RECOMMENDATIONS TO THE ADMINISTRATION

- Ensure that the Ambassador-at-Large has the necessary authority and resources to carry out IRFA's mandates, including sufficient funding and staffing for the IRF Office.
- Appoint promptly a qualified and experienced individual to be Special Adviser to the President on International Religious Freedom within the National Security Council (NSC) staff, as IRFA envisions.
- Develop and issue a whole-of-government strategy to guide the U.S. government's promotion of religious freedom abroad for all, as well as action plans for specific countries, and establish an interagency working group, chaired by the Ambassador-at-Large, to oversee implementation.
- Implement fully all of IRFA's and the Frank Wolf Act's requirements, including through diplomatic engagement; annual CPC, Special Watch List, and EPC designations; and corresponding actions—especially targeted actions such as visa denials and asset freezes against specific violators.
- Prioritize efforts to seek the release of prisoners identified by the State Department or USCIRF as imprisoned for their religious beliefs, activity, identity, or religious freedom advocacy, especially in countries designated as CPCs or recommended by USCIRF for such designation.
- Engage multilaterally to advance religious freedom abroad, including by participating in and supporting relevant United Nations (UN) and Organization for Security and Cooperation in Europe (OSCE) entities and activities and continuing to lead and participate in the International Contact Group on Freedom of Religion or Belief.
- Resettle vulnerable refugees, including those fleeing religious persecution, through the U.S. Refugee Admissions Program (USRAP) and address the longstanding flaws in the treatment of asylum-seekers in Expedited Removal that USCIRF has documented since 2005.

RECOMMENDATIONS TO CONGRESS

- Ensure sufficient appropriations for the Ambassador-at-Large and the IRF Office to fully execute and effectively achieve IRFA's mandates.
- Focus on competence in international religious freedom during confirmation hearings for relevant officials in the State Department and other agencies.
- Hold annual oversight hearings on the implementation of IRFA and the Frank Wolf Act, as well as hearings on specific religious freedom issues, and raise religious freedom in country-specific hearings and ambassadorial confirmation hearings.
- Support legislation that promotes freedom of religion or belief abroad and, through legislation and appropriations, develop an international religious freedom strategy.
- Examine, during delegation trips abroad, conditions for persons of all faiths and beliefs or none, including by meeting with targeted religious communities, religious freedom advocates, and prisoners held for their religion or belief or their religious freedom advocacy.
- Participate in the Tom Lantos Human Rights Commission's [Defending Freedoms Project](#) to advocate for the release of prisoners of conscience abroad.
- Participate in the [International Panel of Parliamentarians for Freedom of Religion or Belief](#), an informal network of legislators working to counter religious persecution and promote the internationally protected right to religious freedom.
- Exercise oversight of Expedited Removal and press for reforms to address concerns about the treatment of asylum-seekers in that process that USCIRF has identified since 2005.

LEGAL PROVISIONS

IRFA, as amended by the Frank Wolf Act, seeks to make religious freedom a higher priority in U.S. foreign policy through a range of mechanisms and tools:

Government Institutions

Inside the U.S. executive branch, IRFA created the position of Ambassador-at-Large (an appointee nominated by the president and confirmed by the Senate), to head a State Department office focused on religious freedom abroad: the [IRF Office](#). The law also urges the appointment of a special adviser dedicated to the issue on the White House NSC staff, although no administration since the law's enactment has done so. The Frank Wolf Act reiterates this position's importance. Outside the executive branch, IRFA created [USCIRF](#), an independent body mandated to review religious freedom conditions globally, evaluate U.S. policy, and make policy recommendations to the president, secretary of state, and Congress.

Monitoring and Reporting

IRFA mandates that the State Department prepare an annual report on religious freedom conditions in

each foreign country (the [IRF Report](#)), in addition to the department's annual human rights report. It also requires that USCIRF issue its own [annual report](#) setting forth its findings and providing independent policy recommendations. IRFA further requires the State Department to maintain country-by-country lists of prisoners and issues of concern for use by executive and legislative branch officials, and the Frank Wolf Act now requires that USCIRF, to the extent practicable, make available online lists of prisoners and other victims of governments or nonstate actors that USCIRF recommends for CPC or EPC designation.

Consequences for Violators

IRFA requires the president—who has [delegated](#) this power to the secretary of state—to designate CPCs annually 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, including negotiating a bilateral agreement, imposing sanctions, taking “commensurate action,” or issuing a waiver. The Frank Wolf Act amends this provision to add a “Special Watch

List” category, in which the State Department is to place countries it deems to have engaged in or tolerated severe violations of religious freedom. The term “severe violations” is not defined. No specific actions are required or delineated for Special Watch List countries.

The Frank Wolf Act also creates a new presidential designation for “entities of particular concern,” or EPCs, for nonstate actors engaging in particularly severe violations. The law defines nonstate actor as “a nonsovereign entity that exercises significant political power and territorial control; is outside the control of a sovereign government; and often employs violence in pursuit of its objectives.” After the reporting period, the president [delegated](#) the power to make EPC designations to the secretary of state on January 26, 2018.

IRFA also makes inadmissible to the United States foreign government officials who are responsible for or directly carried out particularly severe religious freedom violations. The Frank Wolf Act now requires the State Department to establish, maintain, and submit to Congress every 180 days “designated persons lists” of foreign individuals denied visas or subject to financial sanctions or other measures for particularly severe violations of religious freedom.

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.”

International Standards

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

Programs and Training

IRFA includes religious freedom as an element of U.S. foreign assistance, cultural exchange, and international broadcasting programs. It also provides that State Department [Foreign Service Officers](#) and U.S. [immigration officials](#) receive training on religious freedom and religious persecution. The Frank Wolf Act requires the State Department to make international religious freedom training mandatory for all Foreign Service Officers at certain points in their careers and to develop a specific curriculum for it.

Refugee and Asylum Issues

In recognition that religious freedom violations can drive displacement, IRFA includes provisions on U.S. refugee and asylum policy, including requiring that the president consider information about religious persecution as part of his annual determination of refugee admissions, and that immigration officials use the IRF Report as a resource in adjudicating refugee and asylum claims. IRFA also sought assessments of whether immigration officials were implementing Expedited Removal—a summary removal procedure that was new when IRFA was enacted—in a manner consistent with the United States’ obligations to protect individuals fleeing persecution, including by authorizing USCIRF to examine the issue.

DEVELOPMENTS IN 2017

High-Level Commitment

During 2017, the Trump Administration emphasized its commitment to international religious freedom through statements from high-level officials, including President Trump, Vice President Pence, and then Secretary of State Rex Tillerson. For example, in February, President Trump [called](#) freedom of religion “a sacred right” and noted the need to address threats against it, especially terrorism. In his April 14 weekly address, the president expressed hope for a future “where good people of all faiths, Christians and Muslims and Jewish and Hindu, can follow their hearts and worship according to their conscience.” In June, Vice President Pence [repeatedly stressed](#) that the Trump Administration would “condemn persecution of any faith in any place at any time” and that “protecting and promoting religious freedom is a foreign policy priority” of this administration. In

August, then Secretary Tillerson [stated](#): “Where religious freedom is not protected, we know that instability, human rights abuses, and violent extremism have a greater opportunity to take root. . . . The Trump Administration has committed to addressing these conditions in part by advancing international religious freedom around the world. The State Department will continue to advocate on behalf of those seeking to live their lives according to their faith.” In November, in a speech in Sudan, Deputy Secretary of State John Sullivan [stated](#) that “President Trump, Vice President Pence, and Secretary Tillerson have made clear that the protection and promotion of religious freedom is a foreign policy priority of the Administration” and that “the United States will not ignore violations of human rights, including the right to religious freedom” in its relationship with Sudan.

The December 2017 [National Security Strategy](#) also reflects this commitment. In its fourth pillar (on advancing American influence), the document states that the United States will champion American values, including by “supporting and advancing religious freedom—America’s first freedom.” One of the five priority actions in this area

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is “protecting religious freedom and religious minorities”; in this regard, the document declares that the United States “will advocate on behalf of religious freedom and religious minorities,” and will prioritize protecting minority communities from attacks and preserving their cultural heritage.

Ambassador-at-Large and Related Positions

On January 20, 2017, David Saperstein completed his service as Ambassador-at-Large for International Religious Freedom. During his 2015 to 2017 tenure, and with bipartisan Congressional support, the IRF Office expanded its diplomatic, policy, programmatic, and training activity and reinvigorated the CPC process. After the reporting period, on February 1, 2018, [Sam Brownback](#) was sworn into the position. President Trump nominated him in July 2017 and the Senate confirmed him in late January 2018. Ambassador Brownback, who most recently served as the governor of Kansas, is the fifth Ambassador-at-Large for International Religious Freedom. As a U.S. senator from

1996 to 2011, he was a key sponsor of IRFA and a co-chair of the Congressional Human Rights Caucus. Pursuant to IRFA, the Ambassador-at-Large is also an ex officio USCIRF Commissioner, and USCIRF welcomed Ambassador Brownback’s [nomination](#) and [confirmation](#).

Under IRFA, the Ambassador-at-Large is to be a “principal adviser to the President and the Secretary of State regarding matters affecting religious freedom abroad” and, under the Frank Wolf Act, is to report directly to the secretary of state. In previous administrations, the Ambassador-at-Large had not reported directly to the secretary. In August 2017, as part of a department-wide reorganization effort, then Secretary Tillerson proposed that the Ambassador-at-Large report to the Undersecretary for Civilian Security, Democracy, and Human Rights. The undersecretary is a more senior official than the Assistant Secretary for Democracy, Human Rights, and Labor, to whom the Ambassador-at-Large previously reported.

Over the years, various administrations and Congress created other State Department positions with overlapping or related mandates, such as special representatives or envoys on religion and global affairs, to Muslim

communities, to the Organization of Islamic Cooperation (OIC), and to monitor and combat anti-Semitism, as well as a special advisor for religious minorities in the Near East and South and Central Asia. Most of these positions were empty during 2017. Then Secretary Tillerson’s reorganization proposal would eliminate the special representative or envoy positions relating to religion and global affairs, Muslim communities, and the OIC, and move their functions and staff into the IRF Office. The proposal also would move the position on religious minorities in the Near East and South and Central Asia into the IRF Office and move the position on anti-Semitism into the Bureau of Democracy, Human Rights, and Labor.

CPC and Special Watch List Designations

On December 22, 2017, then Secretary Tillerson [redesignated](#) as CPCs, for engaging in or tolerating particularly severe religious freedom violations, the 10 countries previously designated as such in October 2016: Burma,

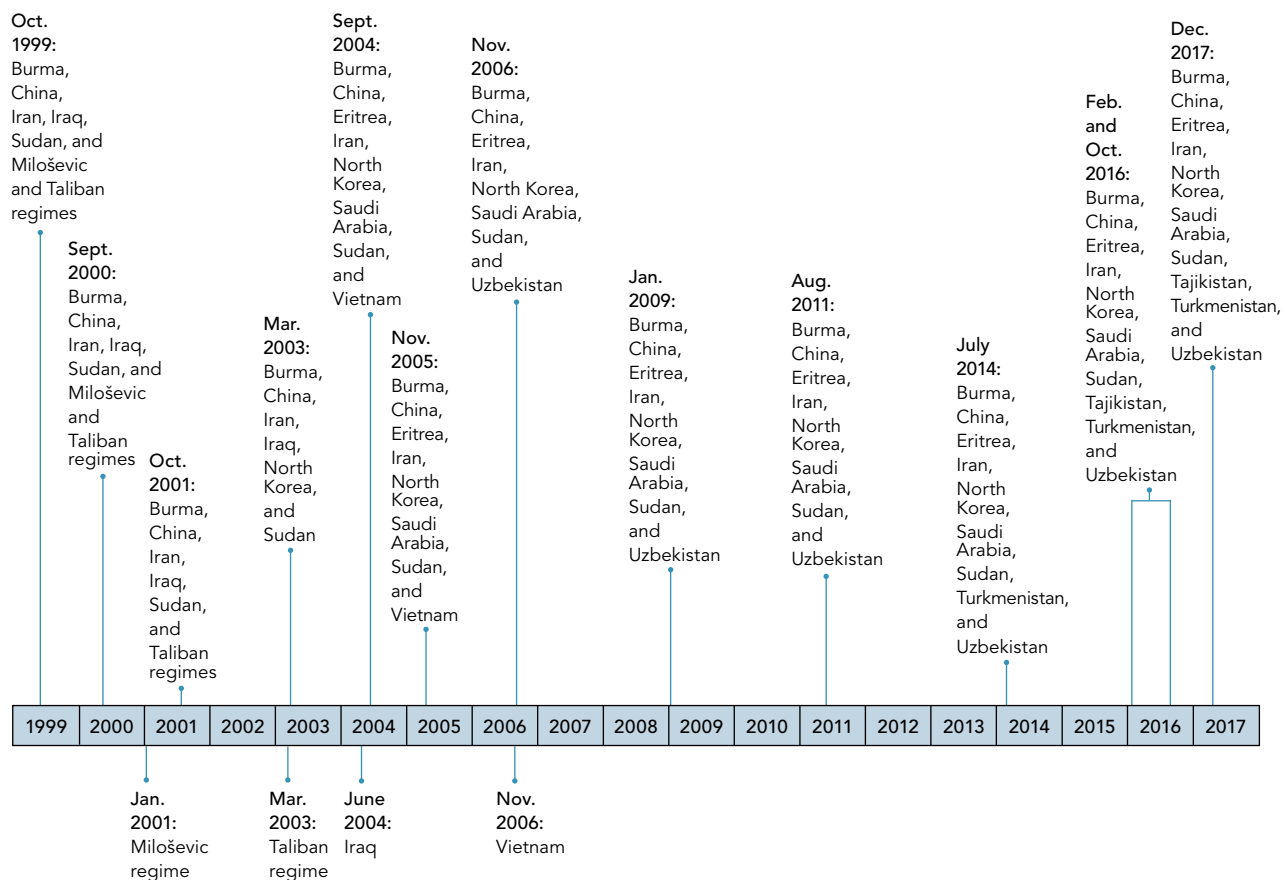
China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, Tajikistan, Turkmenistan, and Uzbekistan. USCIRF [welcomed](#) these designations and urged that the six other countries USCIRF had recommended as CPCs in the 2017 annual report also be designated. The December 2017 designations were the State Department’s 13th set of CPC designations over IRFA’s existence, and most of the countries had been named for a decade or more. The most recent addition to the State Department’s CPC list was Tajikistan, which was added for the first time in February 2016.

On the same date as the 2017 CPC designations, then Secretary Tillerson also designated Pakistan as the first—and only—country on the department’s Special Watch List, the Frank Wolf Act’s new category for countries that engaged in or tolerated severe violations of religious freedom, a level of violations below the CPC threshold but that neither IRFA nor the Frank Wolf Act define more explicitly.

The Frank Wolf Act requires the State Department to make its CPC and Special Watch List designations annually, not later than 90 days after the issuance of the IRF Report. The IRF Report covering 2016, on which these designations were based, was issued on August 15, 2017, meaning that the CPC and Special Watch List designations should have been made by November 13.

The December 2017 CPC designations continued the same presidential actions as the 2016 designations, which are shown in the table below. Of the 10 CPC designees, six are subject to preexisting, or “double-hatted,” sanctions, and four have waivers. Successive administrations have relied on such an approach, and while the statute permits it, USCIRF has long expressed concern that using preexisting sanctions or indefinite waivers provides little incentive for CPC-designated governments to reduce or halt egregious religious freedom violations.

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, updated by USCIRF

PRESIDENTIAL ACTIONS FOR 2017 CPC DESIGNATIONS (AS DESCRIBED IN THE FEDERAL REGISTER)

For Burma, the existing ongoing restrictions referenced in 22 CFR 126.1, pursuant to section 402(c)(5) of IRFA.

For China, the existing ongoing restriction on exports to China of crime control and detection instruments and equipment, under the Foreign Relations Authorization Act of 1990 and 1991 (P.L. 101-246), pursuant to section 402(c)(5) of IRFA.

For Eritrea, the existing ongoing restrictions referenced in 22 CFR 126.1, pursuant to section 402(c)(5) of IRFA.

For Iran, the existing ongoing travel restrictions in section 221(c) of the Iran Threat Reduction and Syria Human Rights Act of 2012 (TRA) for individuals identified under section 221(a)(1)(C) of the TRA in connection with the commission of serious human rights abuses, pursuant to section 402(c)(5) of IRFA.

For North Korea, the existing ongoing restrictions to which the Democratic People's Republic of Korea is subject, pursuant to sections 402 and 409 of the Trade Act of 1974 (the Jackson-Vanik Amendment), pursuant to section 402(c)(5) of IRFA.

For Saudi Arabia, a waiver as required in the "important national interest of the United States," pursuant to section 407 of IRFA.

For Sudan, the restriction in the annual Department of State, Foreign Operations, and Related Programs Appropriations Act on making certain appropriated funds available for assistance to the government of Sudan, currently set forth in section 7042(j) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (Div. K, P.L. 114-113), and any provision of law that is the same or substantially the same as this provision, pursuant to section 402(c)(5) of IRFA.

For Tajikistan, a waiver as required in the "important national interest of the United States," pursuant to section 407 of IRFA.

For Turkmenistan, a waiver as required in the "important national interest of the United States," pursuant to section 407 of IRFA.

For Uzbekistan, a waiver as required in the "important national interest of the United States," pursuant to section 407 of IRFA.

The Frank Wolf Act requires the State Department to notify Congress of CPC designations not later than 90 days after they are made. The State Department [did so](#) for the December 22, 2017, designations on January 3, 2018. Also pursuant to the Frank Wolf Act, the notification letter included justifications for the waivers on taking action against Saudi Arabia, Tajikistan, Turkmenistan, and Uzbekistan. For all four countries, the State Department cited "the necessity for cooperating with [these governments] on certain core U.S. national security interests, including our collective efforts to counter violent extremism and transnational terrorism," and additionally for Saudi Arabia, "on energy security for the United States." Under the Frank Wolf Act, these waivers are permitted to continue for 180 days; after that period, the law gives the

president waiver authority if the president determines and reports to Congress that the foreign government has ceased violations or that the waiver is required in the important national interest of the United States.

Individual Violators

Section 212(a)(2)(G) of the Immigration and Nationality Act, a provision added by IRFA, makes inadmissible to the United States foreign officials who are responsible for or directly carried out particularly severe religious freedom violations. To date, the provision's only publicly known use was in 2005, when then Chief Minister Narendra Modi of Gujarat State in India was excluded due to his complicity in 2002 riots in his state that resulted in the deaths of an estimated 1,100 to 2,000 Muslims. Because of

the confidentiality of visa decisions, there may be other, unknown uses. In recent years, the IRF Office has worked to identify noncitizens who would be inadmissible on this basis should they apply for U.S. visas.

Laws other than IRFA also provide tools to sanction individual violators. Some of these apply to specific countries, such as the Comprehensive Iran Sanctions and Divestment Act (CISADA, [P.L.111-195](#)), which has been used to sanction Iranian officials for human rights violations, including eight officials USCIRF identified as egregious religious freedom violators. More broadly, the [Global Magnitsky Human Rights Accountability Act](#), enacted in December 2016, allows the president to deny U.S. visas to and freeze the U.S.-based assets of any foreigner responsible for “extrajudicial killings, torture, or other gross violations of internationally protected human rights” against someone seeking to expose illegal government activity or to exercise or defend internationally protected rights. The president [delegated](#) these authorities to the secretaries of treasury and state on September 8, 2017. On December 21, 2017, the [State](#) and [Treasury Departments](#) announced the initial set of Global Magnitsky sanctions, including against General Maung Maung Soe, who as head of the Burmese Army’s Western Command oversaw atrocities against Rohingya Muslims. USCIRF [welcomed](#) the first use of this important new accountability tool. Also on December 21, the White House issued [Executive Order 13818](#), which authorizes visa bans and asset freezes against foreign persons involved in “serious human rights abuse,” providing an additional—and potentially even more expansive—basis for targeted sanctions.

The Frank Wolf Act requires the State Department to establish, maintain, and submit to Congress every 180 days “designated persons lists” of foreign individuals denied visas or subject to financial sanctions or other measures for particularly severe violations of religious freedom. No designated persons lists were made public in 2017.

EPC Designations

The State Department did not make EPC designations during 2017. On March 5, 2018, after the end of the

reporting period, then Secretary Tillerson [designated](#) the following nonstate actors as EPCs for particularly severe religious freedom violations: “al-Nusra Front, al-Qa’ida in the Arabian Peninsula, al-Qa’ida, al-Shabab, Boko Haram, ISIS [the Islamic State of Iraq and Syria], ISIS-Khorasan, and the Taliban.”

Prisoners

During 2017, the Trump Administration prioritized seeking the release of American citizens unjustly imprisoned abroad. One of these cases, that of [Pastor Andrew Brunson](#) in Turkey, is also a high priority for USCIRF, and is part of USCIRF’s [Religious Prisoners of Conscience Project](#). President Trump, Vice President Pence, and then Secretary Tillerson pressed for Pastor Brunson’s release at the highest levels of the Turkish government, but he remained in prison at the end of 2017. USCIRF Vice Chairwomen Sandra Jolley and Kristina Arriaga met with Pastor Brunson in Kiriklar Prison in October 2017, the first nonconsular, nonfamily delegation to visit him.

Refugee and Asylum Issues

Under the USRAP, the president sets a ceiling on how many vulnerable refugees the United States will accept from abroad each year; under IRFA, religious persecution should be considered in this determination. Since 2001, the refugee admission ceiling has ranged from 70,000 to 110,000, averaging 75,000 per year. The Trump Administration suspended the USRAP for part of 2017 to put in place enhanced vetting procedures and set the ceiling for Fiscal Year (FY) 2017 and FY 2018 at 50,000 and 45,000, respectively. While resettlement to a third country is only possible for less than 1 percent of the world’s refugees, USCIRF has [emphasized](#) its importance for the most vulnerable, especially at a time of appalling mass atrocities and unprecedented forced displacement.

Pursuant to IRFA’s authorization, USCIRF has conducted extensive research into the U.S. government’s treatment of asylum-seekers in Expedited Removal. USCIRF’s reports on the subject—released in [2005](#), [2007](#),

Laws other than IRFA also provide tools to sanction individual violators.

2013, and 2016—document major problems, which successive administrations have not addressed. In 2017, the Trump Administration expanded the use of Expedited Removal, which allows Department of Homeland Security (DHS) officers to quickly deport, without immigration court hearings, noncitizens who arrive at U.S. ports of entry or cross the border without proper documents, unless they establish a credible fear of persecution or torture. USCIRF’s monitoring of Expedited Removal over more than a decade has revealed that DHS officials often fail to follow required procedures to

identify asylum-seekers and refer them for credible fear determinations, and that they detain asylum-seekers in inappropriate, prison-like conditions. To ensure the fair and humane treatment of asylum-seekers while protecting U.S. borders, USCIRF has recommended that DHS (1) appoint a high-level official to coordinate refugee and asylum issues and oversee reforms, (2) improve quality assurance measures, (3) give officers additional training, (4) use non-prison-like detention facilities, and (5) increase funding for asylum officers and immigration courts to promptly and fairly adjudicate claims. USCIRF also has urged Congress to exercise oversight on these issues, including by requesting that the Government Accountability Office conduct a study to assess whether noncitizens removed to their home countries under Expedited Removal have faced persecution or torture upon their return.

ADDITIONAL STATEMENT OF CHAIRMAN DANIEL MARK

It has been my privilege for the past four years to serve on USCIRF, promoting and defending what we rightly call in this country the “first freedom.” For Americans, religious liberty is our first freedom in part because it comes first in our Bill of Rights. But, in a much deeper way, religious liberty is the first freedom because of its fundamental, foundational nature. It is noteworthy that, twenty years ago, Congress created the U.S. Commission on International Religious Freedom, not on International Human Rights. Human rights,

properly understood, are inalienable and inviolable, but Congress saw then—and many continue to see—that religious freedom deserves pride of place. Though profoundly intertwined with other basic rights such as freedom of expression and association, freedom of

religion stands out as the right for which people are most willing to suffer and die. This is because religious freedom safeguards the right to recognize what is most sacred and to live one’s life according to one’s sacred obligations. Moreover, religious freedom is the ultimate bulwark against totalitar-

ianism because it stands as a testament to the notion that the human being does not belong to the state and that the person’s highest commitments lie beyond the control of government. This is an especially critical lesson in our age of rising authoritarianism, and it may underpin the emerging case that religious freedom is a prerequisite for democracy, rather than the other way around. Finally, with mounting evidence that ties religious freedom tightly to peace and prosperity, we also know it is in nations’ interest to respect this paramount right. Though they resist the conclusion at every turn, regimes that wish for stability and development must accept that religious freedom is not the problem but the solution.

USCIRF’s monitoring of Expedited Removal over more than a decade has revealed that DHS officials often fail to follow required procedures to identify asylum-seekers and refer them for credible fear determinations, and that they detain asylum-seekers in inappropriate, prison-like conditions.
