

**TESTIMONY**

**BEFORE THE NATIONAL SECURITY SUBCOMMITTEE**

**OF THE**

**HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM**

**ON**

**PROTECTING INTERNATIONAL RELIGIOUS FREEDOM**

**BY**

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I am Dr. Karina Lantos Swett, Chair of the U.S. Commission on International Religious Freedom (USCIRF). Thank you for the opportunity to testify today before the National Security Subcommittee of the House Committee on Oversight and Government Reform on “Protecting International Religious Freedom.”

I am honored to appear again before this subcommittee. I appreciate your interest in our government’s record on implementing the International Religious Freedom Act, or IRFA. In fact, the focus of USCIRF’s 2014 Annual Report released earlier this year was to look back over the past decade and a half of U.S. foreign policy as it relates to religious freedom, examine current policies, and look forward to how our country effectively can promote this fundamental freedom. We subtitled our 15 year retrospective report *Renewing the Commitment*, which was our ultimate recommendation: to effectively advocate for freedom of religion or belief around the globe, both the executive and legislative branches of our government must recommit themselves to this task.

Over the past 15 years, the global landscape for freedom of religion or belief has changed drastically. In addition, the tragic and compelling events that have taken place since my last appearance reinforce the importance of the U.S. government, both the executive and legislative branches, making religious freedom a central component of U.S. foreign policy. Despite the evolving international scene, the tools IRFA created for the executive branch have been neither updated nor better resourced, leaving them underpowered and ill-equipped to address today’s challenges.

Religious freedom remains under serious assault across much of the world, including in countries that top the U.S. foreign policy agenda. These countries include Burma, Iraq, Nigeria, and Pakistan, to name just a few, where egregious religious freedom violations threaten stability and progress.

- **Burma:** A USCIRF delegation visited Burma in August. This visit confirmed the Commission’s concerns about serious discrimination against members of minority religious faiths, especially Muslims and Christians, in law, regulation and practice, including concerning identity cards, citizenship rights, the construction of religious institutions, and the ability to practice their faith. In addition, the Rohingya Muslim community in Rakhine State has experienced systematic, large scale and egregious abuses of human rights including deaths, injuries, displacement, denial of basic health and other services, denial of freedom of movement, and denial of the right to a nationality.
- **Iraq:** ISIL’s egregious and barbarous attacks on religious minorities in Iraq threaten these communities’ very existence and Iraq’s stability. Sunni Muslims who reject ISIL’s ideology also are targeted for violence. Regrettably, the Iraqi government’s prior actions provided fertile ground for ISIL’s advancement. The Iraqi government had failed to stem egregious and increasing violence by non-state actors against Iraqi civilians, including attacks targeting religious pilgrims and worshippers, religious sites, and leaders, as well as individuals for their actual or assumed religious identity. While the Syrian crisis contributed to sectarian tensions, the Iraqi government’s actions increased, rather than reduced, Sunni-Shi’a tensions.

- **Nigeria:** When they visited the country in March 2014, USCIRF Commissioners observed corruption, loss of confidence in the state, and the misuse of religion by political leaders. These widespread governance challenges test religious freedom in Nigeria as they are manifested in increased identification with one's own religion and opposition to other religions. Recurring Muslim-Christian sectarian violence, attacks and threats by Boko Haram against Christians and moderate and traditional Muslims further increase religious tension, radicalism, and extremism. While the federal government does not engage in religious persecution, it tolerates systematic, ongoing, and egregious religious freedom violations through its failure to bring to justice those responsible for or to prevent or contain sectarian violence. Boko Haram benefits from increased religious identities and religious tensions, as well as the state's culture of impunity and lawlessness, as it seeks to exploit these tensions to destabilize Nigeria.
- **Pakistan:** In the past year, chronic sectarian violence targeting mostly Shi'a Muslims but also Christians, Ahmadis, and Hindus continued with impunity. From July 2013 to June 2014, USCIRF recorded 122 incidents of sectarian violence which resulted in more than 1,200 casualties, including 430 deaths. The previous and current governments failed to provide adequate protection or to arrest perpetrators. Also, Pakistan's repressive blasphemy laws and anti-Ahmadi laws are used widely to violate religious freedoms and foster a climate of impunity. Religious-based violence continues to persist, with little to no effective Pakistani government response at federal, provincial, or local levels.

These and other grave situations reinforce the need for the U.S. government to use every tool at its disposal, especially the International Religious Freedom Act (IRFA), in support of this important human right, which is also central to stability and security. Signed into law in 1998, IRFA seeks to make religious freedom a priority in U.S. foreign policy. Its enactment reflected a concern about religious persecution worldwide and the perception that the U.S. government had neglected religious freedom, treating it as an orphaned human right.

IRFA sought to make religious freedom a priority in U.S. foreign policy in several ways. First, it created governmental institutions, both within and outside the executive branch, to focus on international religious freedom. 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. It also urged the appointment of a Special Adviser for the issue on the White House National Security Council staff. Outside of the executive branch, IRFA created the U.S. Commission on International Religious Freedom (USCIRF), an independent U.S. government advisory 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 mandated the issuance of two reports on international religious freedom – one by USCIRF and one by the State Department – that are interrelated, but with different purposes and scopes. IRFA created a reporting calendar with the USCIRF report coming first, focused primarily on policy recommendations, followed four months later by the State Department report documenting conditions, and the designation of CPCs. It required the State Department to prepare an annual report on religious freedom conditions in each foreign country, in addition to

the Department's annual human rights report. The law also required the State Department to maintain a religious freedom internet site, as well as lists of religious prisoners in foreign countries. And it required the State Department to review USCIRF's preceding report, which set forth its independent recommendations for U.S. policy.

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 to take action designed to encourage improvements in those countries. Under IRFA, 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 until changed, sanctions tied to a CPC action expire after two years, if not renewed. The law also makes inadmissible foreign government officials who were responsible for, or directly carried out, particularly severe violations of religious freedom from entry to the United States.

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

Fifth, IRFA sought to address perceived deficiencies in U.S. government officials' knowledge and understanding of the issue. It 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 international religious freedom report as a resource in adjudicating asylum and refugee claims involving religious persecution.

Finally, IRFA sought assessments of whether recently-enacted immigration law reforms were being implemented consistent with the United States' obligations to protect individuals fleeing persecution, including religious persecution. Concerning USCIRF, the law authorized the Commission to appoint experts to examine whether asylum seekers subject to the process of Expedited Removal were being erroneously returned to countries where they could face persecution or detained under inappropriate conditions. Expedited Removal is a mechanism enacted in 1996 whereby foreign nationals arriving in the United States without proper documentation can be returned to their countries of origin without delay, but also without the safeguard of review by an immigration judge, unless they can establish that they have a “credible fear” of persecution.

### **Religious Freedom and Its Importance**

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

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

Such a pivotal role is reinforced by the growing number of studies that have shown that, in countries that honor and protect this right, religious freedom generally is associated with vibrant political democracy, rising economic and social well-being, and diminished tension and violence. In contrast, nations that trample on religious freedom are more likely to be mired in poverty and insecurity, war and terror, and violent, radical extremism. This instability directly bears not only on the well-being of those societies, but the security of the United States and the overall stability of the world. The four countries I noted at the beginning of my testimony – Burma, Iraq, Nigeria, and Pakistan – bear this out.

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

### **15 Years Later: Opportunities and Challenges**

Since IRFA's passage in 1998, world events have transformed U.S. foreign policy in general and the environment for IRFA in particular. The demise of the Soviet empire predated IRFA, but its reverberations still are being felt in Central Asia, the Caucasus, and other areas in which Russia seeks to reassert its influence. Three years after IRFA's passage, the shocking attacks of September 11, 2001, demonstrated that foreign affairs would no longer be dominated solely by major powers, but rather be a multilayered contest with and between states and transnational movements, some of which advocated violent religious ideologies. The ensuing American military engagements in Afghanistan and Iraq placed the United States in the center of sectarian and ethnic conflicts in turbulent regions. Starting in 2011, the Arab Awakening both unleashed democratic forces and opened space for extremist groups to vie for influence, if not outright power, with debates about intertwining issues of religion, society, law, governance, and fundamental rights occurring for the first time. At the same time, the information revolution empowered both human rights activists and extremists to share their information globally, at the click of a mouse.

In this new landscape, IRFA's mechanisms have struggled for relevance in countries in transition or in contexts where weak governments are grappling with non-state actors like terrorist organizations or extremist groups. Syria is a case in point. A tragedy on many levels, Syria also represents one of the worst situations in the world for religious freedom, yet the IRFA tools are almost irrelevant to address the actions of terrorist organizations fighting a brutal, dictatorial

regime or when the longstanding government is no longer seen as the legitimate representative of the Syrian people. In other places like Central African Republic where targeted mass killing along religious lines has garnered international attention and an individual's membership in a particular faith can be a life or death matter, IRFA's tools are ill-suited to address the causes or aftermath of such violence.

To be sure, USCIRF recognizes that not every situation of human rights violations fits the religious-freedom mold. Governments, and the societies they serve or control, are multifaceted and multilayered; religious factors are only one of many. Issues of local politics, access to resources, and ethnic divisions often are the main drivers of conflict. However, we must recognize that religious freedom concerns frequently are ignored or overlooked in U.S. foreign policy. Ensuring space for the free and peaceful practice of religion will not solve every problem, but it will solve some, and in other contexts it will be part of the solution. Those nuances must be better understood by U.S. policy makers; having a greater sensitivity to issues tied to religious freedom will make U.S. foreign policy more effective and more durable.

In today's world, IRFA's statist model will no longer suffice by itself. There is a clear window of opportunity to do something new. The challenges of the 21st century, with growing violent religious extremism and continuing authoritarianism, call for an updated approach that energizes and mainstreams the promotion of freedom of religion or belief. To ensure future successes, IRFA's tools need to be reworked to deal with both state and non-state violations. There are straightforward changes that would better position the United States to engage these difficult issues successfully and reenergize its religious freedom promotion efforts.

### **USCIRF's Role in IRFA Implementation**

USCIRF was created by IRFA as an independent U.S. government advisory body to monitor religious freedom worldwide and make policy recommendations to the President, Secretary of State, and Congress: It thus is separate and distinct from the State Department. USCIRF bases its recommendations on the standards found in the Universal Declaration of Human Rights and other international documents.

USCIRF last was reauthorized in 2011 and sunsets on September 30, 2014. The Commission is aware of legislative proposals in the House and the Senate on re-authorization. We welcome this strong interest in the Commission. While Commissioners have varying perspectives on these legislative initiatives, we are united in our common desire that the re-authorization ensures our capacity to promote religious freedom worldwide. We appreciate the broad bipartisan support for USCIRF that was reflected in the House passage of H.R. 4653, the "United States Commission on International Religious Freedom Reauthorization Act of 2014." Introduced by Representative Frank Wolf, the bill would reauthorize USCIRF for 5 years, until September 30, 2019 and make some minor changes to help the Commission operate more effectively. We look forward to the Senate passage of a strong bipartisan reauthorization bill so that USCIRF can continue to work closely with Members of Congress and the Administration in support of this vitally important freedom.

USCIRF is bipartisan, with leadership provided by its Commissioners who serve in a voluntary capacity without pay, and the engagement of its non-partisan professional staff. The President appoints three Commissioners, and the leadership of both parties in the House and Senate appoint six. Congressional leaders of the party that is not the President's appoints four Commissioners, and the party in the White House appoints five. The Ambassador-at-Large for International Religious Freedom also serves as a non-voting *ex officio* member. We look forward to the speedy confirmation of Rabbi David Saperstein as the new Ambassador-at-Large and to working with him in support of religious freedom. Rabbi Saperstein was USCIRF's first Chair.

In its work with Congress, USCIRF Commissioners and staff serve as a resource to Members of the House and Senate and their offices on a range of countries and issues, including testifying before Congressional committees about USCIRF's independent findings and recommendations. USCIRF has testified at Congressional hearings and held briefings on issues such as: human rights abuses in Egypt; Iran's persecution of American pastor Saeed Abedini; religious minorities in Syria; anti-Semitism; religious freedom in Vietnam; and persecuted Uighur Muslims in China. In collaboration with the Tom Lantos Human Rights Commission, USCIRF helped launch the Defending Freedoms Project, working with Members of Congress to highlight imprisoned human rights defenders worldwide.

USCIRF also engages with the State Department, National Security Council, USAID, and other executive-branch entities; meets with high-ranking officials from foreign governments and international organizations; participates in U.S. delegations to international meetings; and helps provide training to Foreign Service officers and other U.S. officials. The Commission travels internationally to examine conditions firsthand, meeting with high-level officials and others.

USCIRF also engages with religious groups and non-governmental organizations (NGOs), seeking their insights and benefiting from their information. Commissioners and staff meet with representatives of religious communities and institutions, victims of religious persecution and their families, human rights groups, academics, and policy experts.

### **Reinvigorating IRFA**

USCIRF's 2014 Annual Report laid out a number of actions that the executive and legislative branches of government should take to reinvigorate IRFA and empower it for greater effectiveness.

Demonstrating the Importance of International Religious Freedom: First, to mainstream and deepen U.S. efforts, elected leaders and U.S. officials need to communicate clearly and regularly about how religious freedom is a foreign policy priority for the United States. For instance, both President Obama and President Bush gave major speeches about the importance of international religious freedom. As these speeches demonstrate, one of the most direct ways to stress the importance of religious freedom is to do so in high-profile public events. Such presentations by the President, the Secretary of State and other high ranking U.S. government officials, as well as the leaders of Congress, will be noticed by both the U.S. government bureaucracy and foreign governments.

And after communication must come action. Public advocacy should be tied to a country-specific action plan or strategy for advancing religious freedom. This is especially important for countries designated as CPCs, as well as those recommended by USCIRF for 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 should also insist that discussions on religious freedom and religious tolerance be included in various bilateral strategic dialogues and summits, such as the strategic dialogues with Russia, Pakistan, or Indonesia, or the U.S.-Nigeria Binational Commission meetings. Concerns about freedom of religion or belief should also be interwoven into negotiations over trade agreements, like the Trans-Pacific Partnership.

It is also essential to ensure that religious freedom is raised during visits by U.S. officials and elected leaders to key countries of concern. It is important for foreign leaders to hear directly from visiting delegations that restrictions on religious freedom are hindering bilateral cooperation and the overall relationship.

CPC Designations: The centerpiece of IRFA for the executive branch is the CPC designation tool. More than “naming and shaming,” this designation creates incentives for improvements and consequences for inaction. Unfortunately, neither Republican nor Democratic Administrations have fully utilized the CPC mechanism as the key foreign policy tool it was intended to be. The Obama Administration has issued CPC designations twice, three years apart: in August 2011 and July 2014. While the Bush Administration initially issued CPC designations annually, after 2006 it allowed the annual designation process to fall off track, with a long gap between November 2006 and January 2009.

Furthermore, Administrations of both parties typically have not taken unique actions as a consequence of CPC designations, which also undermines the effectiveness of this tool. And the State Department issued indefinite waivers on taking any action against Uzbekistan and Saudi Arabia, in both cases to “further the purposes of the [International Religious Freedom] Act.” As a result of these waivers, the United States has not implemented any policy response tied to the CPC designation for either of these countries.

In addition to the CPC mechanism being used increasingly infrequently, the list has been stagnant. Eight of the nine countries designated as CPCs in July 2014 have been on the State Department's CPC list for years; Burma, China, Iran, and Sudan for 15 years; North Korea for 13 years; Eritrea and Saudi Arabia for 10 years; and Uzbekistan for eight years. The addition of Turkmenistan in July 2014 was the first addition to the CPC list since November 2006.

Removal from the CPC list has been rare. Since IRFA's inception, only one country has been removed from the State Department's CPC list due to diplomatic activity: Vietnam (a CPC from 2004 to 2006). Three other CPC designees were removed, but only after military intervention led to the fall of those regimes: Iraq (a CPC from 1999 to 2004), the Taliban regime of Afghanistan (a “particularly severe violator” from 1999 to 2003), and the Milosevic regime of the Serbian Republic of Yugoslavia (a “particularly severe violator” from 1999 to 2001).



Over the past 15 years, there also has been a growing disparity between State Department CPC designations and USCIRF CPC recommendations. For instance, when the State Department designated nine countries in July 2014, USCIRF concluded that seven other countries also should be named.

Besides naming violators, IRFA provides the Secretary of State with a unique toolbox to promote religious freedom effectively and with impact. The Act includes a menu of options for countries designated as CPCs and a list of actions to help encourage improvements in countries that violate religious freedom but do not meet the CPC threshold. The specific policy options to address severe violations of religious freedom in CPC countries include sanctions (referred to as Presidential actions in IRFA) that are not automatically imposed. Rather, the Secretary of State is empowered to enter into direct consultations with a government to find ways to bring about improvements in religious freedom. IRFA also permits the development of either a binding agreement with a CPC-designated government on specific actions it will take to end the violations giving rise to the designation or the taking of a “commensurate action.” The Secretary may further determine that pre-existing sanctions are adequate or waive the requirement of taking action to advance the purposes of the Act or the national interests of the United States.

However, in practice, the flexibility provided in IRFA has been underutilized. In addition to repeating the same countries for years, administrations generally have decided not to levy 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 violations of religious freedom. For these mechanisms to have any real impact on promoting religious freedom, the designation of an egregious religious freedom violator as a CPC must be followed by implementing a clear, direct, and *unique* Presidential action.

USCIRF recommends that current and future administrations and Congress recommit themselves to the full and robust application of IRFA’s mechanisms. To revitalize IRFA’s structures, the CPC process must occur annually, with Congress conducting annual oversight hearings. While some have argued that IRFA’s language is unclear about an annual designation, reading the statute with an understanding of Congressional intent makes clear that it is an annual process. In fact, annual designations generally were made during the first seven years of State Department implementation. The State Department should ensure an annual designation process, and if it does not happen, Congress should clarify its intent by amending IRFA.

Changes in the CPC Tool: Since IRFA’s enactment in 1998, there are a growing number of situations in which the abuses of religious freedom in a country are particularly severe, with systematic, ongoing, and egregious violations, but no government is in control or able to respond. Current examples include Syria, Somalia, and the Central African Republic. The CPC tool should be broadened to allow the naming of countries (and not just governments of countries) where the government either does not exist or cannot control the country.

Tied to this, the State Department should be given the ability, where appropriate, to designate transnational or local organizations which are perpetrating particularly severe violators of

religious freedom. These groups often are the ruling powers on the ground in failed or failing states. Being able to designate the actors perpetrating particularly severe violators of religious freedom would broaden the U.S. government's ability to engage the actual drivers of persecution. Such a step was taken with the Taliban, which was in effect named a CPC from 1999-2003 despite the United States' not recognizing its control of Afghanistan. While the ability of the United States to influence events on the ground may be marginal in these circumstances, naming these countries or groups would reflect reality, which should be the core point of the CPC process.

Addressing the Placement of the Ambassador-at-Large: Religious freedom advocates have expressed concern about the low placement of the Ambassador-at-Large for International Religious Freedom within the State Department hierarchy. According to a 2013 report by the Government Accountability Office, the State Department's Bureau of Democracy, Human Rights and Labor (DRL) dramatically reduced the status of the Ambassador-at-Large. The demotion of the position constitutes a major change in the IRFA structure and frustrates congressional intent. Ensuring the Ambassador-at-Large has direct and regular access to the Secretary of State would fulfill IRFA's intention that the Ambassador be "a principal advisor to the President and Secretary of State" on matters relating to religious freedom.

USCIRF also recommends that the State Department give the Ambassador-at-Large clear oversight of the IRF Office in addition to addressing the placement issue, and if it does not, Congress should clarify its intent. In addition, the Office of International Religious Freedom should be strengthened, including by enlarging its staff, deepening its expertise, and providing dedicated programmatic funds for religious freedom promotion and protection.

As mentioned, the Administration recently announced the nomination of Rabbi David Saperstein as the Ambassador-at-Large for Religious Freedom. USCIRF looks forward to working with Rabbi Saperstein. In addition, we suggest that the Secretary of State create a working group with all the religiously-oriented positions and programs in the Department to ensure consistency in message and strategy.

Position at the NSC: IRFA also authorized the creation of a director-level position at the National Security Council to serve as the Special Adviser on International Religious Freedom. The Special Adviser was envisioned to be a resource for executive branch officials, compiling and maintaining information on the facts and circumstances of violations of religious freedom, and making policy recommendations. The Special Adviser position was briefly filled during the Clinton administration, but the official also dealt with an array of other issues. And the position has been vacant since then. USCIRF urges the Administration to fill this position.

Monitoring Mechanisms – Prisoner Lists: IRFA mandated that the Secretary of State establish monitoring mechanisms "consisting of lists of persons believed to be imprisoned, detained, or placed under house arrest for their religious faith, together with brief evaluations and critiques of the policies of the respective country restricting religious freedom." While the State Department has advocated for individual prisoner cases, USCIRF is unaware of the Department establishing or maintaining a comprehensive prisoner list. However, USCIRF has compiled informal lists of the prisoners of whom it is aware in a number of countries, and the Congressional-Executive

Commission on China maintains a comprehensive, searchable database of prisoners in China. The ability of both commissions to track prisoners, even while operating with substantially fewer resources and less access to international information than the State Department, demonstrates that the State Department can fulfill this statutory mandate.

Addressing Report Timing Issues: IRFA created a system in which the State Department's and USCIRF's annual reports would be issued approximately eight months apart, and USCIRF's report would be based partly on a review of the State Department's reporting. However, by changing the reporting period to harmonize the timing of various human reports, the State Department also changed the release date of the IRF Report. This change had the unintended effect of upending this system, with both reports now being issued in closer proximity. In light of the State Department's change in its timetable for the release of its reports on religious freedom, Congress should give USCIRF flexibility on the timing of the issuance of its annual report.

Increasing the Use of IRFA's Inadmissibility Provision: USCIRF also recommends that the visa ban for individuals involved in particularly severe violations of religious freedom be used more expansively. USCIRF is aware of only one instance in which it was used: in 2005, against then State Minister of the Indian state of Gujarat, Narendra Modi. USCIRF supported and called for this decision, but it is highly likely that over the past 15 years, other violators of religious freedom applied for visas. An initiative of the IRF Office to ensure that people inadmissible under U.S. law due to religious freedom violations are denied entry is a useful first step. The consular sections of all embassies should be trained on this requirement and informed that the application of this provision is mandatory.

Expanding Training: The current optional Religion and Foreign Policy class at the Foreign Service Institute is a positive development, but it is one class among many other electives. The State Department should make training on international religious freedom mandatory, including education on what it is, why it is important for U.S. interests, and how to advance it. To ensure that this message is received at all levels, it should be required at three intervals in each diplomat's career: the "A-100" class for incoming diplomats, Area Studies for midcareer officials, and a class for all ambassadors and deputy chiefs of missions. Relevant members of the military also should receive training on the importance of religious freedom and practical ways on how best to promote it as an aspect of U.S. foreign policy. As U.S. service members and military chaplains must increasingly navigate religion-infused landscapes, advanced training to help rising officers understand the importance of religious freedom would equip them to engage more effectively with religious leaders and government and military officials in countries of concern.

Emphasizing Religious Freedom in Public Diplomacy: Religion is often the lens through which many societies see the United States and the world. The United States should be well-positioned to engage these countries on issues of religious freedom and religion-state relations, considering the role religious freedom has played in American history and the commitment the United States has placed on promoting and protecting this right abroad.

Written at the start of the information revolution, IRFA stated that religious freedom should be an element in U.S. cultural exchanges and international broadcasting programs. These efforts would begin with the Undersecretary for Public Diplomacy and Public Affairs, who oversees the Bureau of Educational and Cultural Affairs, the Bureau of International Information Programs, the Bureau of Public Affairs, and the Center for Strategic Counterterrorism Communications.

In addition, there should be greater efforts to increase strategic communications programs to counter violent extremism (CVE). A few embassies in key countries have established special CVE programs that seed NGO activity for programming on ways to counter violent messages often grounded in a twisted theology. These activities should be expanded globally, while also incorporating messaging on the importance of religious tolerance and religious freedom to oppose rhetoric used to promote and justify violent acts.

As abuses continue to rise and religious communities are increasingly interconnected globally, more can be done to help expand understanding about the importance and value of religious freedom. In this effort, the Broadcasting Board of Governors (BBG) should increase broadcasts and Internet programs with information on religious freedom and related human rights. The BBG and other U.S. government entities can also use appropriated internet freedom funds to develop free, secure internet access for use in closed countries, for example by facilitating the provision of high-speed internet access via satellite. Greater efforts also should be taken to distribute proven and field-tested counter-censorship programs in order to prevent the arrest and harassment of religious freedom and human rights activists and help them maintain their freedom of expression and legitimate expectations of privacy. The U.S. government also can encourage the private sector to take into consideration the impact of their dealings with repressive countries on targeted religious communities.

Work with Like-Minded Nations: The U.S. government should do more to work in concert with like-minded nations and build an international coalition around freedom of religion or belief. The United States is no longer the only player in this field. The United Kingdom's foreign ministry and parliament have increased their focus; the European Union issued guidelines for its diplomats in the field on promoting freedom of religion or belief; and the European Parliament established a working group on the subject. Canada also created an ambassadorial position on religious freedom. The Austrians, Dutch, Italians, Norwegians, and Germans also have focused specifically on religious freedom over the past five years. Recently, USCIRF has taken the lead in fostering increased collaboration between the United States, Canada, and a number of European countries in promoting freedom of religion or belief. USCIRF's unique status, 15-year track record, and engagement around the world has served as a catalyst to better integrate and coordinate efforts between the United States and other governments and parliaments.

### **Congressional Leadership Is Central**

Congress has an important role to play in promoting religious freedom. USCIRF urges Members of Congress to undertake activities that reflect the central role that religious freedom plays in U.S. foreign policy. We hope such actions include reauthorizing USCIRF. We appreciate today's hearing and urge that Congress:

- Support Legislation that Promotes Freedom of Religion or Belief: Introduce and support legislation that focuses on religious freedom violations and remedies for such violations in specific countries. Such remedies should underscore the human rights, foreign policy and national security dimensions of religious freedom and address violations by measures including: implementing targeted visa bans and asset freezes on foreign government officials, their family members, and close associates who are implicated in violations of religious freedom; applying specific sanctions directly related to a country's violation of religious freedom; and support the provision of heightened security for religious minority communities and their places of congregation and worship;
- Hold Hearings in Support of International Religious Freedom: Hold Congressional oversight and other hearings in the relevant House and Senate committees on international religious freedom and related issues that underscore the many dimensions of the issue. Invite USCIRF Commissioners to testify about its Annual Report and topical issues, along with State Department officials who can speak about the Department's annual report on International Religious Freedom.
- Support Civil Society and Prisoners Abroad: During delegation trips abroad, meet with individuals and organizations that promote religious freedom and related human rights, targeted religious communities, and people detained for their religious freedom and human rights work or beliefs. Undertake CODELS to countries of concern specifically to examine conditions of religious freedom for all faiths/beliefs.
- Participate in the Defending Freedoms Project: Another way Members of Congress can help prisoners who are detained for their religious freedom and human rights advocacy or religious observance is to join the Defending Freedoms Project. This is a collaborative effort between the Tom Lantos Human Rights Commission, Amnesty International and USCIRF whereby Members of Congress adopt prisoners of conscience and advocate on their behalf. By participating in the Project, Members of Congress will be standing in solidarity with these prisoners, letting them know they are not alone, shining a light on the laws and policies that have led to their imprisonment, and helping hold governments accountable.

### **USCIRF's CPC Recommendations**

As provided in IRFA, USCIRF recommends to the State Department countries that the Department should designate as "countries of particular concern," or CPCs, for their "systematic, ongoing and egregious" violations of religious freedom. In its 2014 Annual Report, USCIRF recommended that the State Department re-designate eight countries as CPCs: Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Uzbekistan. USCIRF also determined that eight other states meet the CPC threshold and should be so designated: Egypt, Iraq, Nigeria, Pakistan, Syria, Tajikistan, Turkmenistan, and Vietnam.

The State Department on July 28, 2014 issued CPC designations along with its 2013 Annual report on international religious freedom. Making yearly CPC designations in conjunction with the issuance of the annual International Religious Freedom report helps offending governments

understand that the United States is deeply concerned about protecting this fundamental human right and that they may face consequences for engaging in religious persecution.

USCIRF welcomed the State Department's re-designation of Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Uzbekistan, and its designation of Turkmenistan, a country USCIRF has recommended as a CPC since 2004. However, the Commission was disappointed that other countries deserving of designation, such as Pakistan, were not included.

USCIRF's 2014 Annual Report highlighted the status of the nine CPC-designated countries:

- Political reforms in Burma have not improved legal protections for religious freedom and have done little to curtail anti-Muslim violence, incitement and discrimination, particularly targeting the Rohingya Muslim minority. Police failed to intervene effectively and the government has taken inadequate steps to address the underlying causes of sectarian violence or hold individuals fully accountable. State-sponsored discrimination and state-condoned violence against Rohingya and Kaman ethnic Muslim minorities also continued, and ethnic minority Christians faced serious abuses during recent military incursions in Kachin state. The State Department has designated Burma a CPC since 1999. A USCIRF delegation visited Burma in August. This visit confirmed the Commission's concerns about religious freedom violations in the country.
- In China, the government continues to perpetrate particularly severe violations of religious freedom. For Tibetan Buddhists and Uighur Muslims, conditions are worse now than at any time in the past decade. Independent Catholics and Protestant face arrests, fines, and the shuttering of their places of worship. Practitioners of Falun Gong, as well as other Buddhist, folk religionist, and Protestant groups deemed "superstitious" or "evil cults," face long jail terms, forced renunciations of faith, and torture in detention, and the government has not sufficiently answered accusations of psychiatric experimentation and organ harvesting. The State Department has designated China as a CPC since 1999.
- In Eritrea, systematic, ongoing, and egregious religious freedom violations continue under the regime of President Isaias Afwerki. Violations include torture, arbitrary arrests and detentions without charges, a prolonged ban on public religious activities, and interference in registered religious groups' internal affairs. The situation is particularly grave for Evangelical and Pentecostal Christians and Jehovah's Witnesses. The government dominates the internal affairs of the Orthodox Church of Eritrea, the country's largest Christian denomination, and suppresses Muslim religious activities and those opposed to the government-appointed head of the Muslim community. The State Department has designated Eritrea as a CPC since 2004.
- In Iran, despite the June 2013 election of a new and purportedly moderate president, already-poor religious freedom conditions continued to deteriorate, particularly for religious minorities, especially Baha'is and Christian converts. Sufi and Sunni Muslims and dissenting Shi'a Muslims also faced harassment, arrests, and imprisonment. The Iranian government continues to engage in systematic, ongoing, and egregious violations of religious freedom, including prolonged detention, torture, and executions based primarily or entirely

upon the religion of the accused. The State Department has designated Iran as a CPC since 1999.

- The government of North Korea tightly controls all religious activity and perpetuates an extreme cult of personality venerating the Kim family as a pseudo-religion. Individuals engaged in clandestine religious activity are arrested, tortured, imprisoned, and sometimes executed. Thousands of religious believers and their families are imprisoned in penal labor camps, including refugees repatriated from China. The State Department has designated North Korea a CPC since 2001.
- Despite improvements in religious freedom, Saudi Arabia remains unique in the extent to which it restricts the public expression of any religion other than Islam. Not a single church or other non-Muslim house of worship exists in the country. The government favors its own interpretation of Sunni Islam over all other interpretations. It also has arrested individuals for dissent, apostasy, blasphemy, and sorcery. The State Department has designated Saudi Arabia a CPC since 2004, but an indefinite waiver on taking any action as a consequence of the CPC designation has been in place since 2006.
- The government of Sudan led by President Omar Hassan al-Bashir continues to engage in systematic, ongoing, and egregious violations of freedom of religion or belief. It imposes a restrictive interpretation of Shari'ah (Islamic law) on Muslims and non-Muslims alike, using amputations and floggings for crimes and acts of "indecent" and "immorality" and arresting Christians for proselytizing. President al-Bashir and other National Congress Party (NCP) leaders have stated that Sudan's new constitution, when drafted, will be based on its interpretation of Shari'ah. Governmental and non-governmental attacks on the Christian community also continue. These religious freedom violations, as well as the violence in Southern Kordofan, Blue Nile, and Darfur, are the result of President Bashir's policies of Islamization and Arabization. The State Department has designated Sudan a CPC since 1999.
- Particularly severe religious freedom violations persist in Turkmenistan. Despite a few limited reforms in 2007, the country's laws, policies, and practices continue to violate international human rights norms, including those on freedom of religion or belief. Police raids and harassment of registered and unregistered religious groups continue. The repressive 2003 religion law remains in force, causing major difficulties for all religious groups. Turkmen law does not allow a civilian alternative to military service and nine Jehovah's Witnesses are imprisoned for conscientious objection. USCIRF has recommended CPC designation for Turkmenistan since 2000, and the State Department made this designation in 2014.
- Particularly severe violations of freedom of religion or belief continue in Uzbekistan through a highly restrictive religion law and harsh penalties on all independent religious activity. The government also imprisons individuals who do not conform to officially-prescribed practices or who it claims are extremist, including as many as 12,000 Muslims. The State Department has designated Uzbekistan as a CPC, but it has indefinitely waived taking any punitive action since 2009.

In our 2014 Annual Report, USCIRF also determined that, along with Turkmenistan which the State Department designated for the first time, seven other nations meet the CPC threshold and should be so designated: Egypt, Iraq, Nigeria, Pakistan, Syria, Tajikistan, and Vietnam.

- In Egypt, despite some progress during a turbulent political transition, the Morsi-era government and the interim government failed or were slow to protect religious minorities, particularly Coptic Orthodox Christians, from violence. While the new constitution includes improvements regarding freedom of religion or belief, the interpretation and implementation of relevant provisions remain to be seen. Discriminatory and repressive laws and policies that restrict freedom of thought, conscience and religion or belief remain in place. For example, Egyptian courts continue to prosecute, convict, and imprison Egyptian citizens for blasphemy. USCIRF has recommended CPC designation for Egypt since 2011.
- In the past year in Iraq, the government failed to stem egregious and increasing violence by non-state actors against Iraqi civilians, including attacks targeting religious pilgrims and worshippers, religious sites, and leaders, as well as individuals for their actual or assumed religious identity. While the Syrian crisis contributed to sectarian tensions, the Iraqi government took actions that increased, rather than reduced, Sunni-Shi'a strife, threatening the country's already fragile stability and further exacerbating the poor religious freedom environment. Especially concerning is the draft personal status law that would separately apply to Shi'a Iraqis, which risks further deepening the sectarian divide. USCIRF has recommended CPC status for Iraq since 2008.
- Nigeria's democracy is being tested by recurring sectarian violence, attacks and threats against Christians and Muslims by Boko Haram, and the misuse of religion by politicians, religious leaders, and others. In a country where religion and religious identity are intertwined in ethnic, political, economic, and social controversies, these dynamics strain already tense Christian-Muslim relations. While the Nigerian government does not engage in religious persecution, it tolerates severe violations through its failure to bring to justice those responsible for systematic, ongoing, and egregious religious freedom violations, or to prevent or contain sectarian violence. Boko Haram benefits from this culture of impunity and lawlessness as it exploits religious tensions to destabilize Nigeria. USCIRF has recommended CPC status for Nigeria since 2009.
- Pakistan represents the worst situation in the world for religious freedom for a country not currently designated by the U.S. government as a CPC, with religious freedom conditions reaching an all-time low due to chronic sectarian violence targeting mostly Shi'a Muslims but also Christians, Ahmadis, and Hindus. The previous and current governments failed to provide adequate protection or to arrest perpetrators. Also, Pakistan's repressive blasphemy laws and anti-Ahmadi laws are widely used to violate religious freedoms and foster a climate of impunity. USCIRF has recommended that Pakistan be named a CPC since 2002. In an August 2014 report, *Violence Towards Religious Communities in Pakistan*, USCIRF presented statistics demonstrating that religious-based violence continues to persist, with little to no effective Pakistani government response at federal, provincial, or local levels.



- The crisis in Syria has devolved largely into a sectarian conflict, exacerbated by the actions of the Bashar al-Assad regime, with particularly severe violations of religious freedom affecting all Syrians. The regime's targeting of Sunni Muslims and other individuals or groups that oppose it and its indiscriminate shelling of civilian areas have killed tens of thousands of Syrians and displaced millions. In addition, extremist and U.S.-designated terrorist groups, including al-Qaeda and the Islamic State of Iraq and the Levant (ISIL), target religious minority communities, including Christians and Alawites, because of their faith, and internationally-recognized opposition military groups have committed religious freedom violations when working with other groups to secure strategic areas. The existing humanitarian disaster and egregious human rights and religious freedom violations pose a serious danger to Syria's religious diversity post-conflict. Due to the collective actions of the Bashar al-Assad regime, internationally-recognized opposition groups, and extremist and U.S.-designated terrorist groups, USCIRF recommended in 2014, for the first time, that Syria be designated a CPC.
- Systematic, ongoing, egregious violations of religious freedom continue in Tajikistan. The government suppresses and punishes all religious activity independent of state control, particularly the activities of Muslims, Protestants, and Jehovah's Witnesses. The government also imprisons individuals on unproven criminal allegations linked to Islamic religious activity and affiliation. Jehovah's Witnesses have been banned since 2007. There are no legal provisions on conscientious objection to military service. USCIRF has recommended CPC designation for Tajikistan since 2012.
- Despite some positive changes in Vietnam over the past decade, the government continues to imprison individuals for religious activity or religious freedom advocacy. It uses a specialized religious police force and vague national security laws to suppress independent Buddhist, Protestant, Hoa Hao, and Cao Dai activities, and seeks to stop the growth of ethnic minority Protestantism and Catholicism via discrimination, violence, and forced renunciations of faith. In the past year, arrests and confrontations with the Catholic Church have escalated tensions. USCIRF continues to recommend that Vietnam be designated a CPC in 2014, a recommendation the Commission has made since 2001. The State Department designated Vietnam in 2004 and 2005, but removed the designation in 2006 because of progress toward fulfilling a bilateral agreement to release prisoners, ban forced renunciations of faith, and expand legal protections for religious groups.

### **USCIRF's Tier 2 and Other Countries Monitored**

In addition to the countries it recommends for CPC status (which we call "Tier 1 countries") USCIRF focuses on other countries that violate religious freedom. These "Tier 2" countries are those in which the violations engaged in or tolerated by governments are serious and characterized by at least one of the elements of the "systematic, ongoing, and egregious" CPC standard, but do not fully meet this standard. The Commission placed ten nations on Tier 2 in 2014: Afghanistan, Azerbaijan, Cuba, India, Indonesia, Kazakhstan, Laos, Malaysia, Russia, and Turkey. For USCIRF's analysis and recommendations on these countries, I encourage you to go on USCIRF's website: [www.uscirtf.gov](http://www.uscirtf.gov).

Along with the Tier 1 and Tier 2 countries, USCIRF's Annual Report also spotlights countries and regions in which current religious freedom trends are worth monitoring. In 2014, these were Bahrain, Bangladesh, Belarus, Central African Republic, Ethiopia, Kyrgyzstan, Sri Lanka, and Western Europe.

### **Key Recommendations:**

Below are some of USCIRF's key recommendations on how the United States can more effectively promote international religious freedom.

### **Showing High-Level Commitment by Developing and Implementing a Religious Freedom Strategy**

- There is a need for continuous, high-level interest from the President, the Secretary of State, and Members of Congress about the importance of international religious freedom and for a renewed commitment to see the International Religious Freedom Act fully and consistently implemented;
- U.S. promotion of freedom of religion or belief should be mainstreamed to reflect how religious freedom concerns are interwoven throughout many of the greatest foreign policy challenges facing the United States, and deepened to strengthen the unique mechanism established by law; and
- Each administration should issue a strategy to guide how the U.S. government will protect and promote religious freedom abroad and set up a working group at the National Security Council to oversee its implementation across agencies.

### **Demonstrating the Importance of International Religious Freedom**

- The President, the Secretary of State, Members of Congress, and other U.S. officials should 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;
- The U.S. government should publicly declare the results of its annual review of religious freedom conditions and make annual designations of "countries of particular concern" for particularly severe violations of religious freedom; and if it does not, Congress should take steps to require annual CPC designations through legislative action;
- The U.S. government should ensure that the CPC list expands and contracts as conditions warrant, and take Presidential actions that are unique to each situation
- Congress should hold annual oversight hearings on IRFA and hearings on religious freedom-specific issues, as well as raise concerns in hearings on countries and ambassadorial confirmations, and Members of Congress should introduce and support legislation focusing on religious freedom violations in specific countries and remedies for such violations.

## **Reinvigorating IRFA's Tools**

- All of IRFA's tools should be used in a continuity of action, not limited to "country of particular concern," or CPC, designations but not ignoring them either;
- Concerns about religious freedom should be included across U.S. engagements, including in diplomatic exchanges and strategic dialogues with other countries, and during country visits;
- Vacancies in relevant positions, including the Ambassador-at-Large for International Religious Freedom and USCIRF Commissioners, should be quickly filled;
- Per IRFA's mandate that the Ambassador-at-Large for International Religious Freedom be "a principal adviser" to the President and the Secretary of State, and regardless of the formal reporting relationship that is established, the Ambassador-at-Large should have regular and direct access to the Secretary of State; if no action is taken, Congress should clarify its intent through legislation;
- The Office of International Religious Freedom should be better resourced and staffed similar to other offices with a global mandate;
- Congress should give USCIRF flexibility on the timing of the issuance of its annual report, in light of the State Department's change in its timetable for the release of its reports on religious freedom; and
- The State Department should make greater efforts to ensure individuals are denied entry into the United States due to their inadmissibility under U.S. law for their responsibility for religious freedom violations abroad.

## **Creating New IRFA Tools**

- Congress should 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 control its territory; and
- Congress should allow the naming of non-state actors who are perpetrating particularly severe violations of religious freedom.

## **Expanding Training, Programming, and Public Diplomacy**

- The State Department should provide and implement mandatory training at the Foreign Service Institute on religion and foreign affairs and on the importance of international religious freedom;
- Congress should support State Department grants related to religious freedom programming, and call for entities that receive federal funds, including the Middle East Partnership

Initiative, USAID, the National Endowment for Democracy, and U.S. Institute of Peace, to devote resources for religious freedom programming;

- The State Department should ensure that public diplomacy efforts address religious freedom issues and the U.S. commitment to advance this right abroad; efforts to promote Internet freedom for religious actors also should be increased; and
- The State Department should increase strategic communications programs to counter violent extremism by incorporating messaging on the importance of religious tolerance and religious freedom.

### **Expanding Multilateral Efforts**

- The United States should continue vigorous multilateral engagement at the United Nations and the Organization of Security and Cooperation in Europe on religious freedom issues; and
- The U.S. government should work with other governments and parliaments interested in promoting international religious freedom to share information and coordinate activities, working to build a global coalition.

### **Other Issues**

- The U.S. government should address within its Expedited Removal process long-standing flaws that place asylum seekers at risk of being returned to countries where they may face persecution or being detained under inappropriate conditions.

### **Conclusion**

We face an enormously challenging landscape for freedom of religion or belief abroad. We can and will see constructive change by improving our use of existing tools and creating new tools for a rapidly changing environment. By further integrating this fundamental freedom into our nation's foreign policy, we can bring genuine progress to those beyond our shores who yearn for freedom.