

**ANNUAL REPORT OF THE  
UNITED STATES COMMISSION  
ON  
INTERNATIONAL RELIGIOUS FREEDOM**

**MAY 2004**

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May 2004

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**LETTER OF TRANSMITTAL**

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

*Washington, DC, May 3, 2004*

The PRESIDENT

*The White House*

DEAR MR. PRESIDENT: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's annual report, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228.

We would welcome the opportunity to discuss with you this Report, and the policy recommendations that it contains.

Sincerely,

MICHAEL K. YOUNG  
Chair

Enclosure

**LETTER OF TRANSMITTAL**

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

*Washington, DC, May 3, 2004*

Hon. COLIN L. POWELL

*Secretary of State*

*Department of State*

DEAR MR. SECRETARY: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's annual report, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228.

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UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

*Washington, DC, May 3, 2004*

Hon. DENNIS HASTERT  
*Speaker of the House*  
*U.S. House of Representatives*

DEAR MR. SPEAKER: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's annual report, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228.

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UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

*Washington, DC, May 3, 2004*

Hon. TED STEVENS  
*President Pro Tempore*  
*U.S. Senate*

DEAR MR. STEVENS: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's annual report, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228.

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MICHAEL K. YOUNG  
Chair

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## ABOUT THE COMMISSION

The United States Commission on International Religious Freedom (USCIRF) is an independent federal government agency created by the International Religious Freedom Act of 1998 (IRFA) to monitor religious freedom in other countries and advise the President, Secretary of State, and Congress on how best to promote it. The Commission is the first government commission in the world with a mandate to review and report on violations of the internationally-guaranteed right to freedom of religion or belief worldwide. By publicly providing reliable information, analysis, and creative and responsible policy recommendations, the Commission gives the U.S. government and the American people the tools necessary to advance religious freedom and related human rights throughout the world.

In the words of a key drafter of IRFA, the Commission was established for the purpose of ensuring “that the President and the Congress receive independent recommendations and, where necessary, criticism of American policy that does not promote international religious freedom.”<sup>1</sup>

The Commission, which began its work in May 1999, is not a part of the State Department and is independent from the Executive Branch.

The Commission is composed of ten members. Three are appointed by the President. Three are appointed by the President *pro tempore* of the Senate, of which two are appointed upon the recommendation of the Senate Minority Leader. Three are appointed by the Speaker of the House of Representatives, of which two are appointed upon the recommendation of the House Minority Leader. The system of appointments thus provides that leaders of the party in the White House appoint five voting members, and leaders of the other party appoint four. The Ambassador-at-Large for International Religious Freedom serves *ex officio* as a non-voting member.

Commissioners bring a wealth of expertise and experience in foreign affairs, human rights, religious freedom, and international law; the membership also reflects the religious diversity of the United States.

During the first part of the period covered by this report, May 2003 – April 2004, Felice D. Gaer served as the Chair and Michael K. Young served as the Vice Chair of the Commission. In July 2003, Michael K. Young was elected Chair, and Felice D. Gaer and Nina Shea were elected to serve as Co-Vice Chairs. Each voting member of the Commission is currently serving either a one or two-year term and can be reappointed.

In carrying out its mandate, the Commission reviews information on violations of religious freedom as presented in the Department of State’s *Country Reports on Human Rights Practices* and its *Annual Report on International Religious Freedom*. The Commission also consults regularly with representatives of religious communities and institutions, human rights groups, and other non-governmental organizations, academics and other policy experts, as well as the intelligence community and other U.S. government agencies. It also visits foreign countries to examine religious freedom conditions firsthand. The Commission holds public hearings, taking testimony from expert witnesses, victims of religious freedom violations, and U.S. government officials.

The Commission has met with President Bush and senior members of his Administration, including the Secretary of State and the National Security Advisor, to discuss its findings and recommendations. The Commission also briefs Members of Congress, U.S. Ambassadors, and officials from international organizations and foreign countries. In addition, the Commission testifies before Congress, participates with U.S. delegations to international meetings and conferences, helps provide training to Foreign Service officers and other U.S. officials, and advises the Administration and Members of Congress and their staff on executive and legislative initiatives.

The Commission also raises issues and brings its findings and recommendations to the American public, through its public speaking activities, other public events such as roundtables and briefings, media outreach, its publications and its Web site. During this reporting period, Commission opinion pieces appeared in the *Washington Post*, *New York Times*, and *The Wall Street Journal*. Commissioners reside throughout the United States, and the Commission has traveled around the country to hold public hearings, public meetings, and other activities to inform the American people of its work.

While the work of the Commission is conducted year round, the Commission compiles an annual report of its policy recommendations in May to the President, the Secretary of State, and Congress. This report covers the period from May 1, 2003 – April 30, 2004.

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<sup>1</sup> Congressional Record, S12999, November 12, 1998.



**2004 ANNUAL REPORT OF THE U.S. COMMISSION ON  
INTERNATIONAL RELIGIOUS FREEDOM**

**May 2004**

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## INTRODUCTION

This annual report of the U.S. Commission on International Religious Freedom provides a comprehensive review of the Commission's findings, recommendations, and achievements during the past year to promote the internationally enshrined right to freedom of thought, conscience, religion, or belief. It describes conditions for religious freedom and interrelated human rights in the countries of most concern to the Commission, describes the actions the Commission has taken with regard to those countries, and compiles the Commission's policy recommendations to the U.S. government to make the promotion of freedom of religion or belief a more integral part of U.S. human rights policy. In the five years of its operation, many of the Commission's recommendations concerning several countries that violate international norms of freedom of religion or belief have been implemented by the President, the State Department, and Congress, and have had a significant impact on the protection of human rights, including religious freedom, in those countries.

In the past year, the Commission has been especially active on Afghanistan and Iraq, two countries where the United States has a particular responsibility to ensure that the newly formed governments are functioning democracies that protect human rights, including religious freedom. Focusing on the process of constitutional development, the Commission throughout the year vigorously acted to highlight the importance of guaranteeing that the right of every individual to freedom of thought, conscience, religion, and belief is protected in the recently adopted constitutions of these two important countries. The Commission raised the issue in several public statements, as well as in two separate opinion-editorial articles, in *The Washington Post* and *The New York Times*. With regard to Iraq, the Commission worked successfully with senior Administration officials, Members of Congress, and others to ensure that explicit guarantees of this right for every Iraqi is included in the country's interim constitution, a document which potentially stands as a model for the region. Unfortunately, in Afghanistan, there was more limited success with respect to the constitution. Details about the crucial significance of individual rights in the protection of human freedom, as well as about the Commission's numerous activities in this important effort, can be found in the following chapter on *Ensuring the Rights of Every Person in Iraq and Afghanistan*.

One of the Commission's chief responsibilities is to make recommendations to the Secretary of State on countries whose governments have engaged in or tolerated systematic and egregious violations of the internationally recognized right to freedom of religion or belief. Under the International Religious Freedom Act of 1998 (IRFA), those countries that meet the statutory criteria must be designated by the Secretary of State as "countries of particular concern," or CPCs. In February 2004, the Commission wrote to Secretary of State Colin L. Powell to recommend that 11 countries be designated as CPCs this year. It identified six countries not previously designated by the U.S. government: Eritrea, India\*, Pakistan, Saudi

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\* Commissioners Bansal, Gaer, and Young dissented from the Commission's recommendation that India be designated a country of particular concern (CPC). Their views with respect to India are reflected in a separate opinion, which can be found at the end of the section on India in this report. Commissioner Chaput also joins this separate opinion, and would place India on the Watch List rather than recommend that it be designated a CPC.

Arabia, Turkmenistan, and Vietnam. It also recommended that five countries remain on the CPC list: Burma, China, the Democratic People's Republic of North Korea, Iran, and Sudan, but that Iraq should no longer be designated a CPC. The simple designation by the U.S. government of a severe violator of religious freedom as a CPC is not sufficient action, however, as IRFA makes clear that the policy of the United States also must be to take active steps in response those countries deemed to be particularly egregious religious freedom violators.

In addition, the Commission wrote that Egypt, Indonesia, Nigeria, and Uzbekistan would remain on the Commission's Watch List of countries where religious freedom conditions do not rise to the statutory level requiring CPC designation but which warrant close monitoring because of violations engaged in or tolerated by their governments, and that Belarus, Cuba, and Georgia would be added to that list. More information can be found in the chapter on the Commission's CPC recommendations and Watch List countries.

In its May 2003 report on Saudi Arabia, the Commission recommended that Congress authorize a study to determine whether, how, and the extent to which the Saudi government, members of the royal family, or Saudi-funded individuals or institutions are propagating globally a religious ideology that explicitly promotes hate and violence toward members of other religious groups, including disfavored Muslims. In November 2003, *The Wall Street Journal* published a Commission opinion-editorial on the subject entitled, "Al Qaeda and Saudi Arabia." In April 2004, the Commission's recommendation was implemented when several Members of Congress wrote to the Comptroller of the U.S. General Accounting Office (GAO) requesting that the agency undertake a study to determine what the U.S. government is doing to identify and monitor sources of Saudi funding for institutions that advocate violence and intolerance, and what the U.S. government is doing to counter that influence. In pursuing this study, GAO was asked to seek information from relevant U.S. government agencies, including this Commission, as well as outside experts. More information on the problem of Saudi support for intolerance and the Commission's recommended study can be found in the chapter entitled Country Reports: Middle East.

Throughout the past year, the Commission held public events highlighting critical religious freedom concerns. In March and in July 2003, the Commission hosted roundtables with members of the Administration, Members of Congress, academics, and representatives of religious groups and other non-governmental organizations (NGOs) to discuss U.S. efforts to advance freedom of religion or belief in China. In November 2003, the Commission held a hearing entitled *Is Saudi Arabia a Strategic Threat?: the Global Propagation of Intolerance* to explore Saudi Arabia's involvement in the global spread of religious extremism. And in January 2004, the Commission held a field hearing in Los Angeles entitled *North Korea: Human Rights Ground Zero*. The hearing focused on the human rights conditions in North Korea, the plight of North Korean refugees, and appropriate U.S. foreign policies on these issues and included witnesses from the Administration and non-governmental organizations (NGOs), as well as from the local community. More detail about these and other events is found in the sections on the individual countries.

As part of its extensive work on Afghanistan, which included the holding in January 2003 of an international forum, "*Reconstructing Afghanistan: Freedom in Crisis?*" in cooperation with George Washington University Law School in January 2003, the Commission undertook a

mission to Afghanistan in August 2003. The Commission delegation, which traveled to Afghanistan during a crucial period when Afghan experts were drafting the new constitution, met with senior officials of the Transitional Administration, the chairs and other members of the Constitutional, Human Rights, and Judicial Reform Commissions, representatives of NGOs, religious leaders, and others. In January 2004, the Commission traveled to Hong Kong to hold meetings with religious leaders, experts, and human rights advocates. In addition, during the past year the Commission participated on several U.S. delegations to human rights meetings of the Organization for Security and Cooperation in Europe, including special meetings on Freedom of Religion or Belief and on Anti-Semitism.

Commissioners testified before Congress on various issues in the past year. Commission Chair Michael K. Young testified in February 2004 before the House International Relations Subcommittee on International Terrorism, Non-Proliferation and Human Rights at a hearing entitled *the Status of International Religious Freedom: an Analysis of the State Department's 2003 Annual Report*. Also in February, Chairman Young testified on Vietnam before the East Asian and Pacific Affairs Subcommittee of Senate Foreign Relations Committee on *Protecting Religious Freedom in Vietnam: Balancing Interests and Principles*. In July 2003, Commission Vice Chair Felice D. Gaer testified at a hearing of the Congressional-Executive Commission on China entitled *Will Religion Flourish under China's New Leadership?*. In October, Commission Vice Chair Nina Shea was the initial speaker at a briefing held by the Congressional Caucus on Vietnam and the Congressional Human Rights Caucus on Vietnam entitled *Vietnam: A People Silenced*. The individual country reports below contain more information about these events as well as other Commission activities.



## **ENSURING THE RIGHTS OF EVERY PERSON IN IRAQ AND AFGHANISTAN**

The Universal Declaration of Human Rights proclaims that every human being has the right to freedom of thought, conscience, and religion. This right includes the freedom of every person to hold, or not to hold, any religion or belief, and to manifest his or her religion or belief either individually or in community with others.<sup>1</sup> Protection of religious freedom also includes the principle that no one should be subject to coercion that would impair his or her freedom to have, to adopt, or to reject a religion or belief.

The individual dimension to the right to freedom of religion or belief has all too often been neglected. Although the right to freedom of thought, conscience, and religion explicitly refers to the right of every individual, international attention has often been directed toward protecting the freedoms of religious groups or communities, including their freedom to worship, educate, and organize their affairs according to their own doctrines. Nevertheless, protecting religious freedom extends beyond guaranteeing the freedom of groups to engage in religious activities, as important as that freedom is, particularly for religious minorities. Advancing the right to freedom of thought, conscience, and religion protects not only members of religious minorities from repression by the majority, but also individual members of a majority religion from suffering under the tyranny of a minority from their own faith.

A major focus of the Commission in the last year and a half has been Iraq and Afghanistan, in particular encouraging the development of new constitutions in those countries that explicitly uphold the right of every person to freedom of thought, conscience, religion, or belief. Concerned that this fundamental aspect of freedom was being ignored, the Commission has sought to concentrate the attention of U.S. policymakers on the need to ensure that these guarantees of religious freedom for each individual, fully consistent with international standards, are institutionalized in the new political structures.

Iraq and Afghanistan present a unique set of circumstances because the United States is directly involved in nation-building and political reconstruction. Following U.S. military action, the U.S. government has been working with both of these countries to develop democratic political systems that will break from the extremely repressive and abusive regimes of the past. Systematic and egregious violations of religious freedom were committed by both the Taliban and Saddam Hussein's regimes; both regimes used religion as a political weapon to eliminate political opponents and suppress women and disfavored religious communities and to restrict or destroy other basic human rights of the majority population. The Commission has recommended that U.S. policies should include, as a central feature, the goal of helping to establish governments capable of protecting and promoting the human rights of each individual.

Recent events, particularly in Iraq and Afghanistan, demonstrate that promoting freedom of thought, conscience, religion, or belief as a U.S. foreign policy objective is intertwined with the aims of combating extremism and terrorism on the one hand, and promoting stability, freedom, and democratic development on the other. Current U.S. policy seeks to promote freedom and democratic change in both Iraq and Afghanistan, for the benefit of all Iraqis and Afghans, to prevent these countries from reverting to becoming sources of instability and supporters of terrorism, and instead to become progressive models of reform to other countries in the Middle East and the Islamic world. In November 2003, President Bush affirmed that "the

United States will complete our work in Iraq and in Afghanistan. Democracy in those two countries will succeed. And that success will be a great milestone in the history of liberty.”<sup>2</sup>

Effective guarantees of the right of every person to freedom of thought, conscience, religion, or belief are essential parts of advancing reform in both Afghanistan and Iraq. These guarantees protect those who question prevailing orthodoxies and seek to debate key issues facing their societies, especially where law, politics, and religion intersect. These guarantees protect those working through democratic means for change and respect for human rights of their fellow citizens. They help to inhibit those who would use religion as a weapon to obtain and hold on to power through undemocratic means abusive of basic rights, such as by stifling debate and the efforts of political moderates and reformers, jailing opponents, and sowing fear. This is not a theoretical matter, but a very real issue in both Afghanistan and Iraq, as discussed below.

Unfortunately, there are few positive models, either in law or in practice, among Iraq and Afghanistan’s neighbors. Freedom of religion or belief as an individual, as opposed to a group, right is not well protected in the Middle East or among countries where Islam is the religion of the state. Many constitutions of these states protect religious belief only, rather than both belief and practice, as required by international norms. Moreover, rights are usually expressed in general terms rather than in the form of explicit guarantees of rights for each person. Nevertheless, there are exceptions: Bangladesh, Pakistan, and Malaysia—states where Islam is the state religion—have constitutional guarantees that compare favorably with international standards, as do several other predominately Muslim countries such as Albania, Azerbaijan, Mali, and Senegal.

### *Afghanistan*

Throughout the past year, the Commission met with numerous high-ranking U.S. government officials to articulate the importance of institutionalizing human rights guarantees in the Afghan constitution that adequately protect the rights of each individual. The Commission also briefed Members of Congress and relevant committee staff on its policy findings and recommendations. In January 2003, the Commission held an international forum, “*Reconstructing Afghanistan: Freedom in Crisis?*” in cooperation with George Washington University Law School, which brought together key Afghan leaders, U.S. policymakers, and other experts to discuss ways of integrating adequate human rights protections into current judicial and legal reform processes. The Commission also raised the issue of religious freedom in numerous public statements, as well as in two separate opinion-editorial articles, in *The Washington Post* and *The New York Times*, authored by Commissioners Michael K. Young, Felice D. Gaer, and Preeta D. Bansal. The Commission was cited on this issue in over a dozen editorials in major newspapers worldwide.

After the Commission’s concerns were communicated to him during his February 2003 visit to the United States, Afghan President Hamid Karzai publicly invited the Commission to see conditions first-hand. In August 2003, during the crucial period when Afghan experts were drafting the new constitution, Commissioners visited Afghanistan for an intensive series of discussions with senior officials of the Transitional Administration, U.S. officials, representatives of non-governmental organizations and of Afghan civil society, former President Burhanuddin Rabbani, religious leaders, and members of the diplomatic community, including



the United Nations Assistance Mission in Afghanistan. In these discussions, the delegation reiterated the Commission's concerns regarding the protection of the right to freedom of thought, conscience, and religion for every Afghan, including in the new constitution, for Muslims and non-Muslims alike. The Commission delegation found that elements in Afghan society who would promote respect for internationally recognized human rights are currently on the defensive, and even under threat. These moderate elements continue to need U.S. support to counter the influence of those who promote an extremist agenda and those who would use prevailing religious orthodoxy as a weapon to stifle political dissent and democratic debate.

In January 2004, Afghanistan adopted a new Constitution. The Constitution contains an explicit recognition of equality between men and women and a reference to Afghanistan's commitment to its international human rights obligations.

Yet, there is a crucial—and potentially fatal—flaw in Afghanistan's new Constitution. Though the Constitution provides for the freedom of non-Muslim groups to exercise their various faiths, it does not contain explicit protections for the right to freedom of thought, conscience, and religion that would extend to every individual – particularly to individual Muslims in Afghanistan, the overwhelming majority of the country's population. This flaw is compounded by a repugnancy clause that states that “no law can be contrary to the beliefs and provisions of Islam,” as well as by provisions for a judicial system empowered to enforce the repugnancy clause and apply Hanafi jurisprudence to cases where there is no other law on point.

With no guarantee of the individual right to religious freedom and a judicial system instructed to enforce Islamic principles and Islamic law, the new Constitution does not fully protect individual Afghan citizens against, for example, unjust accusations of religious “crimes” such as apostasy and blasphemy. There are also fewer protections for Afghans to debate the role and content of religion in law and society, to advocate the rights of women and members of religious minorities, and to question interpretations of Islamic precepts without fear of retribution. This could permit a harsh, unfair, or even abusive interpretation of religious orthodoxy to be officially imposed, violating numerous rights by stifling dissent, which is permissible within the Islamic tradition.

These are not theoretical concerns. Afghanistan's Supreme Court Chief Justice Fazl Hadi Shinwari has shown little regard for those who disagree with his hard-line interpretation of Islam. He told the Commission delegation visiting Afghanistan that he rejects three crucial freedoms—those of expression, religion, and equality of sexes—all of which are protected under the Universal Declaration of Human Rights. A sitting Minister in the interim Afghan government was forced to resign after she was charged with blasphemy by Chief Justice Shinwari for questioning the role of Islamic law in the new Afghanistan. Journalists have been jailed on charges of offending Islam. As Afghanistan continues its transition process, the United States should take every opportunity to insist that individual human rights guarantees, to which Afghanistan is a state party, be fully protected.

### *Iraq*

The Commission continues to urge U.S. officials to work vigorously to ensure that what happened in Afghanistan—the acceptance of inadequate protection of the rights of every person

in the Constitution—is not repeated in Iraq. Although the context for political reconstruction in Iraq is quite different from that in Afghanistan, the Commission has raised similar concerns. Since the fall of Saddam Hussein’s Ba’athist regime, Iraqis, including the majority Shi’a Muslim population, have experienced religious freedom for the first time in more than two decades. At the same time, however, some segments of the Shi’a community have demanded the implementation of Islamic law (Sharia) in a manner that reportedly threatens to preclude respect for freedom of thought, conscience, religion, or belief for others, in contravention of Iraq’s international commitments to protect human rights and individual freedoms. Moreover, there have been increasing reports indicating the growing influence of religious extremism stemming from some Iranian and Saudi Wahhabi groups. Because both of these elements are well organized and funded and because both are proponents of severe restrictions on human rights, the Commission is concerned that other more moderate Iraqi religious groups, including those that advocate multi-religious cooperation and respect for human rights, may be overwhelmed. Hard-line Islamic clergy have reportedly taken over courts, hospitals, neighborhoods, and towns. Therefore, the Commission has consistently urged the U.S. government to aid, advance, and protect those who stand for moderation and tolerance in Iraq.

In the early stages of the drafting of the Transitional Administrative Law (TAL), the interim constitution that would apply after the turnover of sovereignty until a permanent constitution is drafted following national elections, the sections on fundamental freedoms and human rights did not include guarantees of the right to freedom of religion or belief for every Iraqi. A draft of the TAL released by the Arab press indicated that a limited group right to religious freedom was provided, and for non-Muslims only. Moreover, Islam was named the country’s “official religion” and given a privileged position as a source of legislation, while other sources of legislation were not identified.

In response, as it had done in the case of Afghanistan, the Commission developed for senior U.S. policymakers a series of specific recommendations that would ensure in the TAL guarantees to the right to freedom of religion or belief for every Iraqi. The Commission had met previously with President Bush in October 2003 expressing its general concerns about the constitution in Iraq. The Commission also met or corresponded with other senior U.S. officials in the Coalition Provisional Authority (CPA), the State Department, and the National Security Council, to discuss the specific concerns and recommendations regarding the TAL. In February 2004, the Commission wrote to Administrator L. Paul Bremer of the CPA expressing its concern about early drafts of the interim constitution. Also in February, the Commission advised on the content of House Resolution 545, introduced by Representatives Dana Rohrabacher and Carolyn Maloney, expressing the sense of the House that the TAL should ensure that every Iraqi should be guaranteed the right to freedom of thought, conscience, and religion.

In addition, Commissioner Nina Shea participated in a February 2004 news conference held by Senators Rick Santorum and Susan Collins to call for guarantees of human rights for individuals in the TAL. Commissioner Khaled Abou El Fadl briefed the staff of the House International Relations Committee on the Commission’s concerns.

An important breakthrough occurred in Iraq. The CPA and the Iraqi Governing Council eventually embraced the right to freedom of thought, conscience, and religious belief and practice for every Iraqi in the March 8, 2004 public release of the TAL. This codified

recognition is an historic step for Iraq and each Iraqi. It is potentially a model for the entire region.

Upon its release, the Commission issued a statement commending the signing of the TAL, which included a bill of rights guaranteeing each Iraqi a wide range of international human rights protections. It was noted that the final version of the TAL expanded the definition of human rights from a narrow right of group worship to guarantee to every person the freedom of thought, conscience, belief, and practice. Importantly, several other articles in the TAL reinforce this guarantee, including a provision that no law should be contrary to human rights protections enshrined in the TAL, a prohibition on coercion in matters of the freedom of thought, conscience, and religious belief and practice, a prohibition on arrests and detention on account of religious beliefs, prohibition on discrimination on account of gender or religion, and a recognition that Iraqis enjoy all of the rights stipulated in international human rights documents to which Iraq is a party. With such protections, the Iraqi people have in place a better framework for managing the inevitable future debates on contentious issues involving the role of religion in their society, such as the rights of women. Because the right to freedom of religion is protected throughout the document, no fair reading of the TAL would permit the creation of a state based solely on Islam and Islamic law and without protections of universally recognized human rights. The Commission has urged that these guarantees should in due course be enshrined in Iraq's permanent constitution.

The Commission remains concerned, however, by language in the TAL requiring that legislation not be contrary to the "universally agreed upon tenets of Islam." This provision could potentially be used by judges to abridge the internationally recognized human rights of political and social reformers, including those voicing criticism of abusive policies such as those associated with the Ba'athist regime. The potential effects of this clause on human rights may be mitigated by the reference, in the same provision, that no law should contradict "the principles of democracy" or human rights as set out in the TAL. Furthermore, the Commission has recommended that, in addition to these safeguards, Iraq's permanent constitution should contain a statement that the principles of democracy and the rule of law, as well as Iraq's international obligations, are fundamental sources for legislation.

The Commission considers that the success so far in institutionalizing the right to freedom of thought, conscience and religion in Iraq is an expression of the high priority that U.S. policymakers assigned to the issue as it engaged with the Iraqi Governing Council on the preparation of the TAL. Substantial work remains to establish conditions in Iraq whereby human rights guarantees can be put into practice by functioning government institutions operating for the benefit of all Iraqis. The United States has a major role to play in this regard, including in the period after the turnover of sovereignty currently scheduled for June 30, 2004.

The Commission has made several recommendations on U.S. policy to address ongoing concerns in both Iraq and Afghanistan.

#### *Recommendations on Afghanistan*

The Commission has recommended that the U.S. government should:

- improve security outside Kabul in order for Afghanistan’s political reconstruction to succeed, because without adequate security, the warlords will continue to hold sway over much of the country, undermining the rule of law and Afghanistan’s nascent democratic institutions; and encourage its NATO partners to increase their commitments to the International Security Assistance Force (ISAF) and to expand ISAF’s presence in major urban centers outside Kabul;
- insist that the right of every individual to freedom of religion and belief be respected in post-Taliban Afghanistan, and be prepared to do everything possible to ensure protection of fundamental human rights, including religious freedom and the rights of women as outlined in international human rights instruments to which Afghanistan is a party;
- use its influence to protect freedom of expression from charges used to stifle debate, such as blasphemy, “offending Islam,” apostasy or similar offenses to stifle debate, including on sensitive subjects such as the role of religion in society and the rights of women and minority groups;
- act to bolster the position of those reformers who respect human rights, since elements in Afghan society who would promote respect for internationally recognized human rights are currently on the defensive—even threatened, and these elements need U.S. support to counter the influence of the warlords and those with an Islamist or extremist agenda;
- assist Islamic legal experts to visit Afghanistan to engage their Afghan counterparts and to provide information to the Afghan public on the compatibility of Islam and universal human rights, including freedom of religion and belief; and expand existing programs to bring Afghans to this country to see how Islam and other faiths may be practiced in a free society, since, although most Muslim religious leaders and Islamic scholars affirm the compatibility of universal human rights standards and Islam, they must be provided with the information needed to counter influential figures who deny that compatibility;
- strongly support the reconstruction in Afghanistan of a judicial sector operating under the rule of law and upholding international standards of human rights and work to ensure that: all judges and prosecutors are trained in civil law and international human rights standards; women are recruited into the judiciary at all levels; and all Afghans have equal access to the courts;
- provide the leadership, sound policy, and resources needed to secure freedom for all in Afghanistan, which is still at a juncture from which it can either move forward to secure greater protections for the rights of its people or revert to Taliban-like practices; step up leadership and engagement in Afghanistan to preserve and consolidate the Afghan people’s gains in the protection of human rights, since no other nation or international institution can substitute for the United States in this daunting task, and failure will leave Afghanistan not only less free but also more unstable, thereby contributing to regional insecurity and potentially serving again as a future haven for global terrorism that threatens U.S. interests; and

- promptly assign to the U.S. Embassy in Kabul and station in Afghanistan a person whose sole responsibility is carrying out a mandate to promote human rights, including religious freedom, including by coordinating U.S. participation in relevant international initiatives.

### *Recommendations on Iraq*

With regard to Iraq, the Commission has recommended that the U.S. government should:

- promote, in all of its reconstruction programs for Iraq and in its contacts with Iraqis, with coalition partners, and with other potential donors, including the United Nations, the idea of a future Iraqi political system that practices religious tolerance and respects the universal human rights of all Iraqis, including members of religious minorities and individual women;
- ensure that human rights, including freedom of religion, and the promotion of religious tolerance have a prominent place in the next phase of U.S. policy towards Iraq, notably in U.S. actions, any UN mandates, and any ongoing judicial, legal, and democratic reform;
- work to ensure that human rights are fully guaranteed in the permanent constitution, consistent with international human rights standards, a permanent constitution that should include:
  - (1) an explicit guarantee that “everyone has the right to freedom of thought, conscience, and religion” as affirmed in article 18 of the Universal Declaration of Human Rights and specified in article 18 of the International Covenant on Civil and Political Rights, to which Iraq is a party;
  - (2) an explicit commitment to protect the fundamental rights and freedoms of every Iraqi, without which the human rights of individuals, whether women or disfavored or non-conformist Muslims, will be at risk;
  - (3) an explicit commitment that the state shall abide by the international treaties, conventions, and instruments to which Iraq is a party, including the International Covenant on Civil and Political Rights, as well as the Universal Declaration of Human Rights;
  - (4) a statement that the principles of democracy, pluralism, social justice, rule of law, and Iraq’s international obligations are fundamental sources for legislation, in addition to Islam or to “the basic principles of Islam,” a formulation this Commission would recommend;
  - (5) a guarantee that every woman and member of a religious minority have equal rights and equal protection of the law to all other Iraqi citizens;
  - (6) a statement that no Iraqi should be detained or arrested because of his or her religious beliefs; and
  - (7) an explicit commitment that no law should be contrary to the principles of democracy or the bill of rights in the permanent constitution;

- fund workshops and training sessions on religion/state issues and their ramifications on protections of internationally recognized human rights for Iraqi legal professionals, officials, and other key sectors of society who will have input on the permanent constitution;
- urge the CPA Administrator to appoint a team of advisors in Iraq to advise on religious affairs and to monitor human rights violations, including freedom of religion; ensure that the monitoring and reporting of issues relating to religious freedom and other universal human rights and the promotion of these rights be adequately staffed in the new U.S. Embassy in Baghdad and its constituent posts and that U.S. personnel receive training in human rights and religious freedom issues, and on how to deal effectively with these issues in the Iraqi context; and assign to Embassy Baghdad and each of its constituent posts U.S. personnel specifically tasked with these responsibilities and having sufficient experience and rank to perform them;
- urge the CPA, and following the handover of sovereignty, the U.S. Embassy, and USAID to identify and fund multi-religious and multi-ethnic efforts to meet human needs, rebuild devastated communities, promote religious tolerance and understanding, and discuss values central to good governance and democracy;
- ensure that U.S. policies and programs, both now and after the handover of sovereignty, be directed toward actively supporting those elements in Iraqi society that favor adherence to international standards of human rights with the understanding that democratic political parties, a vibrant civil society, and a free press and broadcast media are vitally important to sustaining human rights protections over the long term; and
- provide appropriate support to re-build Iraq's domestic justice system in accordance with international standards, and to establish official institutions with the resources and mandates necessary to monitor, investigate, take action, and remedy human rights abuses.

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<sup>1</sup> According to the International Covenant on Civil and Political Rights, the freedom to manifest religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights or freedoms of others.

<sup>2</sup> November 11, 2003 speech by President Bush at the Heritage Foundation.

## COUNTRIES OF PARTICULAR CONCERN AND THE COMMISSION WATCH LIST

The International Religious Freedom Act of 1998 (IRFA) established a number of interrelated mechanisms: an Office of International Religious Freedom in the Department of State headed by an Ambassador-at-Large for International Religious Freedom; an annual report by the State Department on the conditions of religious freedom in each foreign country and U.S. actions to promote religious freedom; and the U.S. Commission on International Religious Freedom. The Commission was created both to monitor the status of freedom of thought, conscience, religion or belief globally and to make recommendations to the President, the Secretary of State, and Congress as to how the U.S. government can further the protection and promotion of this freedom and related human rights in its relations with other countries.

IRFA also established a requirement that the President single out and explicitly name those countries that are the most egregious violators of religious freedom, and the Act contains a formal mechanism for doing so. Section 402(b)(1) of IRFA specifically directs the President at least annually to designate each country in which the government has engaged in or tolerated “particularly severe violations of religious freedom” as “a country of particular concern” or CPC. Particularly severe violations of religious freedom are defined as violations that are “systematic, ongoing, and egregious.”<sup>1</sup> In defining violations of religious freedom, IRFA explicitly refers to the “internationally recognized right to freedom of religion and religious belief and practice” as laid out in such international instruments as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.<sup>2</sup>

### *Countries of Particular Concern: Commission Recommendations*

As stipulated by IRFA, the Commission reviewed evidence throughout the past year on countries whose governments may have engaged in or tolerated systematic, ongoing, and egregious abuses of freedom of religion. As a result of this review process, the Commission wrote to Secretary of State Colin L. Powell in February 2004 and recommended that he designate as CPCs the following 11 countries: Burma, Democratic People’s Republic of Korea (DPRK), Eritrea, India\*, Iran, Pakistan, People’s Republic of China, Saudi Arabia, Sudan, Turkmenistan, and Vietnam. In reaching its findings and recommendations, the Commission reviewed information from victims, religious groups, human rights and other private organizations, the U.S. government, and others. The Commission also examined the State Department’s *Annual Report on International Religious Freedom* and the *Country Reports on Human Rights Practices*.

During last year’s designation process, Secretary of State Powell named Burma, China, Iran, Iraq, North Korea, and Sudan as CPCs. The Commission concluded this year that nothing has changed to warrant the removal of any of these countries other than Iraq from the U.S. government’s CPC designations.

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\* Commissioners Bansal, Gaer, and Young dissented from the Commission’s recommendation that India be designated a country of particular concern (CPC). Their views with respect to India are reflected in a separate opinion, which can be found at the end of the section on India in this report. Commissioner Chaput also joins this separate opinion, and would place India on the Watch List rather than recommend that it be designated a CPC.

In light of the fall of Saddam Hussein's Ba'athist regime in Iraq in April 2003 and the policies established under the Coalition Provisional Authority and the Iraqi Governing Council, the Commission no longer recommends Iraq for CPC status. However, the Commission urges the U.S. government to remain highly engaged in the process of restoring freedom and building democracy in Iraq, including in the development of a new, permanent constitution for that country that will fully guarantee to every person the right to freedom of thought, conscience, and religion, and other human rights that are inter-related to it.

The Commission remains especially concerned about the situation in China, where repression of religious freedom continues to be a deliberate policy of the Chinese government. In the past year, Chinese authorities have intensified their violent campaign against religious believers, including Evangelical Christians, Roman Catholics, Uighur Muslims, Tibetan Buddhists, and other groups, such as the Falun Gong. This campaign has included imprisonment, torture, and other forms of ill treatment. Following up on an invitation to the Commission reportedly without conditions, the Commission attempted to travel to China twice in the past year but was thwarted both times by unacceptable limits imposed by the Chinese government. The Commission visited Hong Kong in early 2004, but continues to seek a visit to other regions of China.

In addition to the five countries previously designated by the Secretary of State as CPCs, the Commission found that the governments of Eritrea, India\*, Pakistan, Saudi Arabia, Turkmenistan, and Vietnam have engaged in or tolerated particularly severe violations of religious freedom, and recommends that they be designated as CPCs this year.

- The Commission emphasizes that according to the State Department, religious freedom does not exist in **Saudi Arabia**. The Saudi government forcefully bans all forms of public religious expression other than that of the government's interpretation of one school of Sunni Islam. There are numerous serious reports, which warrant official U.S. government investigation, that Saudis are funding efforts to propagate globally a religious ideology that promotes hate, intolerance, and other human rights violations toward non-Muslims and disfavored Muslims.
- The Commission points out that for the second year in a row, the State Department has reported that religious freedom has deteriorated in **Turkmenistan**. The Turkmen government effectively bans religious activity other than that of the government-controlled Sunni Muslim Board and the Russian Orthodox Church. Religious freedom conditions in Turkmenistan are likely to decline even further after the passage of a religion law in November 2003 that criminalizes "illegal" religious activity.
- Repressive policies to control religious activity continue in **Vietnam**, where key religious dissidents continue to be imprisoned and members of religious minorities in the northwestern provinces and Central Highlands face reportedly intensified official efforts to renounce their faith or face beatings, arrests, relocations, or the loss of government services.
- In **Pakistan**, there continues to be an inadequate government response to vigilante violence frequently perpetrated by Sunni militants against Shi'as, Ahmadis, and Christians. Official government policies result in other religious freedom violations, including imprisonment under the anti-Ahmadi and blasphemy laws.



- In **India\***, violence, including fatal attacks, against Muslims and Christians continues, and the government has yet to address adequately the killing of an estimated 2,000 Muslims in the state of Gujarat in 2002. Several central government ministers from the ruling Bharatiya Janata Party, or BJP, have publicly allied themselves with extremist Hindu organizations, known collectively as the Sangh Parivar, whose members regularly employ hate speech against religious minorities, have been implicated in violence against them, and seek legislation to prohibit the religious conversion of Dalits and others from Hinduism.
- The government of **Eritrea** in the past two years has cracked down on members of various religious groups, including through the closure of all churches not belonging to officially recognized religious denominations, the arrest of participants at prayer meetings and other gatherings, and the imprisonment of armed forces members found in possession of certain religious literature. The State Department reports that over 300 persons are in jail for participating in the activities of unrecognized religious groups.

Specific conditions in each country that support CPC designation are discussed in greater detail in the Country Reports chapters of this report. The Commission was unable to comment on this year's designations because, as of the date that this report went to print, the Secretary of State had not made CPC designations for the current year. The Commission will comment further on the State Department's designations once they have been made.

#### *Commission Watch List Countries*

In addition to its CPC recommendations, the Commission has established a Watch List of countries where religious freedom conditions do not rise to the level requiring statutory CPC designation but which require close monitoring because of the nature and extent of violations of freedom of thought, conscience, religion, or belief engaged in or tolerated by the governments. Egypt, Indonesia, Nigeria, and Uzbekistan remain on the Commission's Watch List this year due to concerns about the serious abuses in these countries, and because their governments have either not halted repression and/or violence against persons amounting to severe violations of freedom of religion, or failed to punish those responsible for perpetrating those acts. Because freedom of thought, conscience, religion, or belief continues to be sharply curtailed in Cuba, and because of the deteriorating religious freedom conditions in Belarus and Georgia, the Commission has decided to add those countries to its Watch List.

In view of continuing government interference with and restrictions on all religious communities in Laos, the Commission has placed it on its Watch List. Problematic government policies remain in place in Laos, focused particularly on religions relatively new to the country. For example, Decree 92, the law on religion, reportedly is being used to impede the activities of certain religious groups. Since the Commission last issued its CPC recommendations, the situation has changed somewhat. Although periodic arrests by local officials continue in certain Lao provinces, those detained in two incidents in December 2003 were released in a matter of days. In these cases, the Lao government appears to have been responsive to concerns raised by the U.S. Embassy.

The Commission has urged the State Department to monitor closely religious freedom in these eight countries and to respond vigorously to further violations that may merit CPC

designation at any time during the year. Throughout the course of its interaction with these countries, the Commission has recommended that the U.S. government press the governments of these countries to take steps to prevent further violations and to ensure accountability for those responsible for violations. Specific conditions in each country that support the Watch List designation are discussed in greater detail in the Country Reports chapters of this report.

### *The CPC Designation: an Important Policy Tool*

The Commission continues to emphasize that the process of CPC designation as outlined under IRFA and the implementation of meaningful policies in response to such designations should be considered among the most serious actions taken by the U.S. government in its human rights policy. The designation of CPCs brings into the spotlight those countries where the most egregious violations take place and the exercise of a person's right to freedom of religion or belief is systematically repressed. The designation also guides important decisions in U.S. relations with these countries, particularly in the areas of foreign assistance, including security assistance, and positions that the United States should advocate in international financial institutions.

At the same time, under IRFA, the Commission believes that the simple designation by the U.S. government of a severe violator of religious freedom as a CPC is not sufficient action. IRFA makes explicit that the policy of the United States is to take active steps against those countries deemed to be particularly severe violators of religious freedom. CPC designation carries an obligation that one or more of certain actions specified in §405 of IRFA be taken, unless the Secretary of State, as the President's designee, determines that pre-existing sanctions are adequate or otherwise waives the requirement.<sup>3</sup> If a CPC designee is already subject to ongoing, multiple, broad-based sanctions "imposed in significant part in response to human rights abuses," then one or more of these pre-existing sanctions can be designated as meeting the requirements of IRFA.<sup>4</sup>

The CPC designation is a flexible diplomatic tool. It provides the Secretary of State with a range of specific options to take to address serious violations of religious freedom. It does not automatically entail sanctions, but requires that the Secretary of State enter direct consultations with a country to find ways to improve the situation. To avoid economic sanctions, IRFA provides that countries can enter into a binding agreement with the United States that spells out specific actions they will take in the future.

When used properly, the CPC designation:

- sends the clear signal that U.S. interests include concern for human rights;
- starts a dialogue where specific benchmarks on progress are agreed upon in order to avoid economic sanctions;
- allows the Secretary of State in an incremental fashion to employ or use the threat of punitive actions to address egregious abuses of religious freedom; and
- allows the Secretary of State to waive any specific actions if progress is being made toward addressing serious violations of freedom of religion or belief.

However, since the passage of IRFA, despite the availability of a range of policy tools, for every country named a CPC the only official actions taken by any U.S. administration to meet IRFA’s requirement to oppose particularly severe violations of religious freedom have been to invoke already existing sanctions rather than to take any additional action pursuant to IRFA.

In previous years, as permitted by Section 402 (c)(5) of IRFA, the Secretary has determined that the following pre-existing sanctions satisfied the IRFA requirements:

Burma	22 CFR 126.1: prohibition on exports or other transfers of defense articles and defense services pursuant to §§ 2, 38 and 42 of the Arms Export Control Act.
China	Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, P.L. 101-246: restriction of exports of crime control and detection instruments and equipment.
Iran	Arms Export Control Act, §40: restrictions on United States security assistance.
North Korea	Trade Act of 1974, §§402 and 409 (the Jackson-Vanik Amendment): restrictions on normal trade relations and other trade benefits.
Sudan	International Financial Institutions Act, §1621: use of the voice and vote of the United States to oppose any loan or other use of the funds of the International Financial Institutions to or for Sudan.

In addition, for the past five years, the State Department has not made public any actions it has taken under IRFA with respect to CPCs, despite provisions in the statute that require public dissemination of that information.<sup>5</sup> The Commission is also concerned that the State Department has not submitted to the Congress the required evaluation of the effectiveness of prior actions against CPCs.<sup>6</sup>

This inadequate fulfillment of IRFA requirements represents a serious failure in U.S. foreign policy. While the reliance on pre-existing sanctions may be technically correct under the statute, it is unacceptable as a matter of policy. The designation of an egregious religious freedom violator as a CPC, followed by the implementation of a clear and directed policy response, is an essential tool to promote religious freedom, and one explicitly required by IRFA. As noted above, the potential responses themselves are outlined in the legislation.

The State Department should use the full range of available policy tools to take additional action pursuant to IRFA with respect to those countries the Secretary names as CPCs. Reliance on pre-existing sanctions provides little incentive for CPC governments to reduce or end severe violations of religious freedom. The failure to take additional action under IRFA suggests that nothing further can, or will, be done by the U.S. government to those countries that are deemed the world’s worst violators of freedom of religion or belief.

The Commission strongly urges U.S. policymakers to engage these governments in as many ways as possible in order better to promote religious freedom in these countries in a more coordinated, systemic, and coherent fashion. Use of the means outlined in IRFA is strongly encouraged.

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<sup>1</sup> IRFA § 402 (b)(1)(A).

<sup>2</sup> IRFA § 3(13).

<sup>3</sup> The authority to make these decisions has been delegated by the President to the Secretary of State.

<sup>4</sup> IRFA § 402(c)(5).

<sup>5</sup> See IRFA §§102(b)(1)(F)(i) (requiring the executive summary of the State Department's annual report include a description of actions taken to promote religious freedom and to oppose violations thereof), §408 (generally requiring publication in the Federal Register of a description of the actions taken as a result of designation as a CPC).

<sup>6</sup> See IRFA §§402(c)(4), 404(a)(1)(B) (requiring the President to submit a report to Congress containing, among other information, an evaluation of the impact of the actions taken as a result of designation as a CPC).

## COUNTRY REPORTS: AFRICA

### Eritrea

The government of Eritrea engages in particularly severe violations of freedom of religion and belief. It violates the rights of members of various religious groups, including by closing all churches not belonging to officially recognized religious denominations, arresting participants at prayer meetings and other gatherings, and imprisoning armed forces members reportedly found in possession of certain religious literature. In 2004, the Commission recommended that the State Department designate Eritrea as a “country of particular concern,” or CPC, the first year that the Commission recommended this designation for Eritrea. To date, the State Department has not designated Eritrea a CPC.

Since gaining independence from Ethiopia in 1993 after a 30-year war, Eritrea has struggled to implement political and economic reforms. Beset by internal political problems and violent confrontations with neighboring Ethiopia and Sudan, the ruling Popular Front for Democracy and Justice (PFDJ) has become increasingly repressive, targeting political opponents and members of religious groups it perceives as undermining national unity. Since the PFDJ cancelled the 2001 elections, it has moved to jail political dissidents and curtail free speech and free assembly. It has also imposed severe restrictions on religious freedom, and provisions of Eritrea’s 1997 Constitution guaranteeing religious freedom for all Eritreans have not been implemented. Public activities by non-traditional religions are currently banned, on the grounds that these groups have not gained government registration.

The Eritrean government officially recognizes the Orthodox and Roman Catholic Churches, as well as the Lutheran-affiliated Evangelical Church of Eritrea and Islam. The government has close ties to the Orthodox Church and is suspicious of religious groups without a long history in the country—in particular, Protestant Evangelical, Pentecostal, and other non-traditional Christian denominations. Eritrea’s Jehovah’s Witnesses were the first religious group to experience the government’s repressive policies. Negative official and popular views about Jehovah’s Witnesses developed as a result of their refusal to take part in the 1993 independence referendum or to serve the obligatory tours of military service. The Eritrean government has made no provision for an alternative to military service. Jehovah’s Witnesses experience official harassment, including prolonged detention for refusing military service, the revocation of trading licenses, and dismissal from the civil service. Some Jehovah’s Witnesses who have refused to serve in the military have been imprisoned without trial for almost a decade; others cannot graduate from secondary school as the curriculum includes a mandatory military-training component. The number of Jehovah’s Witnesses in Eritrea, once approximately 1,600, has reportedly dropped sharply, reportedly to as few as 500.

Relations among the four government-recognized religious communities are generally good. In recent years, however, Protestant evangelical and Pentecostal churches—or “Pentes” as they are collectively known in Eritrea—have faced inappropriate societal and government pressure. The Orthodox Church first expressed concern about the growth of what it considers “heretical” newer denominations, and the loss, particularly of its younger members, to these denominations. In 2001, Orthodox Church leaders sanctioned an attack on Pente prayer groups in which many people were beaten, their property vandalized, and Bibles and other religious

material burned. In the interest of “maintaining national cohesion,” the PFDJ banned religious organizations from involvement in politics and from commenting in detail on political matters. Fear of the destabilizing effect of proselytism by either Muslims or Evangelicals also reportedly caused the government to impose serious restrictions on foreign faith-based humanitarian organizations with the result that they have all but ended their activities in Eritrea. Government spokespersons have cited Pentes, along with extremist Islamist groups, as threats to national security.

In 2002, the Eritrean government issued a decree requiring registration of all religious groups, with the exception of the four government-sanctioned religious communities. By stipulating that without registration, no religious activities, including worship services, could be held, the decree effectively closed places of worship and prohibited public religious activities, including worship services, of all other religious communities in Eritrea. To date, no other religious groups have gained government registration, even though some groups submitted applications over one year ago, with the result that all except the four government-sanctioned religious groups operate without a legal basis.

Government authorities have also informed Pente groups that they would not allow gatherings of more than five persons in private homes. According to some religious groups and aid workers, it is now almost impossible for Pente Christians to meet, even in private, without fear of arrest or harassment. In late January 2004, police arrested 38 persons, including minors, attending a Jehovah’s Witnesses religious service in a private home; two months later, 24 were still detained, without charge. In February 2004, over 50 persons affiliated with the Hallelujah Pentecostal Christian Church, including children, were arrested at a religious service in a private home. In March 2004, two leaders of the Rema Charismatic Church were arrested, along with their children and other family members.

Religious repression is alleged to be particularly severe in the armed forces. During the war with Ethiopia, many Eritrean soldiers accepted various forms of Protestantism, reportedly alarming government officials and leading to the banning of prayer meetings among armed forces members. Attendance at such meetings is punishable by imprisonment. Moreover, any military personnel found in possession of a Bible reportedly face severe punishment.

Estimates of those imprisoned for engaging in unauthorized religious activities is as high as over 300. The exact figure is difficult to determine, since an unknown number of soldiers and military conscripts are reportedly being held incommunicado. Pente Christians, Jehovah’s Witnesses, and members of Orthodox splinter groups have been jailed, beaten, and allegedly threatened with death by security forces. Those arrested reportedly are asked to sign a “commitment” to deny their faith in order to be released. Parents and family members have been refused access to the prisoners unless they agree to persuade them to sign the “confession.”

According to U.S. State Department sources, only in recent months has the Eritrean government agreed to discuss religious freedom, following previous refusals to do, citing national security concerns. Although U.S. officials have raised religious freedom concerns with Eritrean government officials both in Washington and in Asmara, no change in government policy has been forthcoming.

## Nigeria

The response of the government of Nigeria to persistent religious freedom concerns in Nigeria continues to be inadequate. These concerns include an on-going series of communal conflicts along religious lines; discrimination against minority communities of Christians and Muslims; and the controversy over the expansion of Islamic law (Sharia) into the criminal codes of several northern Nigerian states. Nigeria remains on the Commission's Watch List and the Commission continues to monitor the actions of the Nigerian government to determine if the situation rises to a level warranting designation as a "country of particular concern," or CPC.

In the last year, Nigeria continued to suffer from outbursts of violent communal conflict along religious and ethnic lines, pervasive mistrust among religious and ethnic communities, and serious lapses in the protection of human rights generally. The popular movement in several northern Nigerian states to expand the legal application of Sharia to criminal matters has sparked communal violence and is a source of continuing volatility and tension between Muslims and Christians at both the national and local levels. Serious outbreaks of Muslim-Christian violence in the last few years threaten to divide further the populace along religious lines and undermine the foundations of freedom of thought, conscience, religion, or belief in Nigeria. Social, economic, and political conditions have deteriorated in the country, fostering a climate of increased tension.

Several thousand people have been killed throughout the country since 1999 in a cycle of attacks or reprisals. Ethnic, religious, and sectarian violence continued in 2003 and the early part of 2004. In February and March 2004, religious violence and reprisal attacks between Christians and Muslims in Plateau state in the Middle Belt reportedly resulted in the deaths of more than 200 people.

President Olusegun Obasanjo has been criticized both inside and outside Nigeria for not responding more decisively to the religious violence and communal tensions brought about by the Sharia controversy. He has primarily played a mediating role, stressing political negotiations rather than ordering the government to intervene. Many Christians and Muslims have been identified as perpetrators of violence over the years, but very few, if any, have been prosecuted or brought to justice.

Since October 1999, twelve northern Nigerian states have extended or announced plans to expand the application of Sharia. Although the particulars vary from state to state, each has adopted, or reportedly plans to adopt, a Sharia-based penal code and provisions to extend the jurisdiction of Sharia courts beyond personal status matters to include Sharia crimes and punishments. Punishments include amputation, flogging, or death by stoning, oftentimes after trials that fall short of basic international legal standards. Defendants have limited rights of appeal and sometimes no legal representation. These new codes also generally ban the sale and distribution of alcohol and criminalize adultery and gambling. Although it is permitted by the Constitution, several northern states continue to ban some public religious activities. A 2003 ruling in Kano state in northern Nigeria imposes the wearing of headscarves on all females, both Muslims and non-Muslims.

Two women facing death sentences under Sharia criminal codes for adultery were acquitted on appeal, following intense international pressure: One woman in Sokoto state won her appeal in March 2002; another, who lives in Katsina state, after her first appeal was denied in August 2002, was acquitted in September 2003 by a higher Islamic appeals court. Other cases are pending appeal after Sharia courts have handed down sentences of death by stoning to Muslims for various offenses. No stoning punishments have been carried out as of the time of this report. However, sentences involving amputation and flogging have been carried out in recent years.

In November 2002, following controversy around the Miss World beauty contest held in Lagos, violence between Muslims and Christians broke out in the northern city of Kaduna, resulting in more than 200 deaths, most of them Christians. The violence occurred after the publication by a Lagos-based journalist of a newspaper article that some Muslims declared to be blasphemous. An attack by Muslims on a Kaduna newspaper office gave rise to a cycle of violent reprisals by both Muslims and Christians. Nigerian security forces reportedly failed to intervene in a timely manner; some reports indicated that the security forces contributed to the violence by injuring and even killing people who were not directly involved in the violence. A few days after the violence, the Deputy Governor of Zamfara state publicly endorsed a *fatwa* calling on all Muslims to seek the death of the journalist in question. However, a spokesman for the Nigerian federal government said that the Deputy Governor's judgment was "null and void" and would not be carried out because it contravened the rule of law in Nigeria.

In addition to the Sharia controversy and the violence it has incited, Nigeria is plagued by a number of other serious problems regarding freedom of religion or belief. Christians in the northern states complain of what they view as discrimination at the hands of Muslim-controlled governments and describe their communities as having the status of "second class citizens." Most complaints predate the recent initiatives regarding Sharia, and include allegations of official discrimination in the denial of applications for building or repairing religious institutions, access to education and state-run media, representation in government bodies, and government employment. Muslim communities in southeastern Nigeria, where Muslims are a small fraction of the population, echo some of the complaints of minority Christian communities in northern Nigeria. Southern Muslim leaders report official or officially sanctioned discrimination in the media, education, and representation in government institutions.

The Commission wrote to President Bush in July 2003 urging him to raise with Nigerian President Obasanjo the need to take action to end Muslim-Christian violence. The Commission also recommended that President Bush urge President Obasanjo to take various actions to protect religious freedom, including condemning religious intolerance and discrimination and ensuring that the expansion of Sharia-based criminal law does not apply to non-Muslims.

In September 2003, the Commission issued a statement welcoming the acquittal on appeal of the woman sentenced to death under the Sharia criminal code in Katsina state, noting, however, that the decision did not address larger concerns about the application of Islamic law in northern Nigeria and its reported interference with the freedoms of Muslims and non-Muslims alike.



In February and March 2004, Commission staff hosted two separate briefings on the application of criminal Sharia law since 1999 and ongoing communal and sectarian violence, respectively. A Commission staff delegation undertook an extensive mission to Nigeria in August 2003 and met with numerous Nigerian government officials, religious leaders, and representatives of human rights and other non-governmental organizations.

## **Sudan**

The government of Sudan continues severely and systematically to commit violations of freedom of religion or belief, particularly against Christians, disfavored Muslims, and followers of traditional African religions. The Commission has recommended that Sudan remain a “country of particular concern,” or CPC. The State Department has repeatedly adopted the Commission’s recommendation that Sudan be designated a CPC.

Religious conflict has been a major factor in Sudan’s ongoing civil war, which began in 1983. Since its inception, the Commission has identified Sudan as the world’s most violent abuser of the right to freedom of religion and belief and has drawn attention to the Sudanese government’s genocidal atrocities against civilian populations in the South and in the Nuba Mountains. In the Sudan Peace Act of 2002, Congress found that the Sudanese government had committed acts of genocide. In 2003, while peace efforts reportedly brought improvement elsewhere, government-backed militias committed similar atrocities against ethnically and culturally distinct civilian populations in Darfur, in what the top UN humanitarian official has described as “an organized campaign of forced depopulation of entire areas” and as “ethnic cleansing.”

Current and previous governments in Khartoum have attempted forcibly to convert non-Muslims to Islam and to impose Sharia on Muslims and non-Muslims alike. Opposition to these coercive policies has fueled support for armed resistance by non-Muslim and non-Arab populations in the South, the Nuba Mountains region, and elsewhere. The current regime in particular has used appeals to Islam, including calls by senior government officials for “jihad,” to mobilize northern Muslim opinion in support of the war effort. Religious prejudice, incited by government officials, contributes to the horrific human rights abuses perpetrated by government security forces and government-backed militias.

In the context of the civil war, which has resulted in approximately two million deaths, predominantly of non-Muslims, government and allied forces have committed egregious human rights abuses, including forced starvation as a result of the denial of international humanitarian assistance; abduction and enslavement of women and children; the forcible displacement of civilian populations (e.g., from oil-producing regions); and aerial bombardment of civilians, church property, and humanitarian facilities. Sites bombed have included clearly identifiable hospitals, schools, churches, markets, and relief organization compounds. Many of these abuses appear to have been the result of deliberate government policies. The need for accountability for these crimes is not diminished by progress in the Sudan peace process, which has been encouraged by the United States and other interested parties.

In early 2004, the government of Sudan and the major rebel group, the Sudan People's Liberation Movement/Army (SPLM/A), appeared close to a comprehensive peace agreement. In the past, however, commitments have been violated by the government in Khartoum. Close U.S. monitoring of compliance, and sanctions for non-compliance, will be necessary to ensure a just and lasting peace, as will resolution of other regional conflicts not addressed in the peace talks, such as that in Darfur.

The government of Sudan continues severely and systematically to violate the religious freedom of Christians and followers of traditional African religions, as well as of Muslims who are associated with opposition groups or who dissent from the government's interpretation of Islam. Public religious expression and persuasion of non-Muslims by Muslims is allowed in government-controlled areas, but that of Muslims by non-Muslims is forbidden. Conversion from Islam is regarded as apostasy, a crime punishable by death. In practice, suspected converts are reportedly subjected to intense scrutiny, intimidation, and torture by government security personnel.

Religious organizations must be registered by the government to operate legally. Unregistered communities cannot build places of worship or meet in public. Approval can be difficult to obtain, and even registered groups face difficulties. Although permits are routinely granted to build mosques, permission to build churches is routinely denied. For over 30 years, the government has denied permission to construct Roman Catholic churches in areas under its control.

Some children from non-Muslim families captured and sold into slavery by pro-government militias reportedly have been forced to convert to Islam. There are similar reports of coerced conversion in government-controlled camps for internally displaced persons, as well as among prison inmates, Popular Defense Force trainees, and children in camps for vagrant minors. The government has also allegedly tolerated the use of humanitarian assistance to induce conversion to Islam. In government-controlled areas, children who have been abandoned or whose parentage is unknown are considered by the government to be Muslims and may not be adopted by non-Muslims.

The Commission has made a series of recommendations regarding U.S. policy toward Sudan, including that the U.S. government appoint a nationally prominent individual to bring about a peaceful and just settlement of the war in Sudan. In September 2001, President Bush appointed former Senator John Danforth as Special Envoy for Peace in Sudan, energizing the Sudan peace process.

In 2003, diplomatic activity by the United States continued to follow several of the Commission's recommendations. The U.S. government continues to support peace talks between the government of Sudan and the SPLM/A, and grassroots, "intra-South," reconciliation efforts. The United States supported the Civilian Protection Monitoring Team, established as a result of Senator Danforth's efforts, to monitor and investigate alleged abuses against civilians, such as aerial bombardment. The United States also supported the multinational Joint Military Commission to monitor the cease-fire in the Nuba Mountains and the Verification Monitoring Team to monitor the cessation of hostilities between Khartoum and the SPLM/A. These

monitoring efforts reportedly have reduced abuses of civilians in the South and the Nuba Mountains, encouraging displaced persons to return home.

The Commission wrote a letter to Secretary Powell in April 2003 regarding the Administration's upcoming report to Congress, required by the Sudan Peace Act, on the status of the peace negotiations. The Commission urged the Administration, among other things, to "frankly address the violations of the Sudanese government's ceasefire commitments and clearly state consequences for non-compliance that will result from any future violations." The Commission underlined its concerns regarding the need for respect for religious freedom and other universal human rights in Sudan in a May 2003 meeting in Washington, D.C. with SPLM/A leader Dr. John Garang, who in turn shared his views regarding the peace process.

In July 2003, the Commission wrote to President Bush to ask that he urge African leaders to support the Sudan peace process. The Commission also submitted testimony to the House Committee on International Relations Subcommittee on Africa at its May 2003 hearing, *Reviewing the Sudan Peace Act Report*, in which the Commission included further recommendations for U.S. policy.

In addition to recommending that Sudan be designated a CPC, the Commission has recommended that the U.S. government should:

- oppose the application of Sharia to non-Muslims wherever they may reside in the country and insist that national institutions such as the military, law enforcement, and the highest level of the judiciary be secular institutions;
- urge the government of Sudan to (a) allow all religious groups to conduct their activities freely; (b) ensure that all religious groups are free to build, repair, and operate houses of worship and social service ministries without delay or harassment; and (c) repeal any laws that punish changing one's faith or encouraging another to do so;
- prevail upon the government of Sudan to provide needed humanitarian access to international relief organizations and increase U.S. humanitarian assistance delivered outside the Operation Lifeline Sudan system;
- continue efforts to aid the suffering civilian population of Darfur, including by seeking an end to killing, ethnic cleansing, and forced displacement and Sudanese government impediments to the distribution of international humanitarian assistance; assisting refugees and internally displaced persons to return home in safety; and promoting a ceasefire as well as a peaceful and just resolution of the grievances that underlie the crisis;
- quickly disperse funding for humanitarian purposes, to build civil society, and to promote economic development in southern Sudan;
- hold the government of Sudan accountable for significant violations of agreements it has made with the Sudan People's Liberation Movement/Army;

- continue to keep in place existing sanctions on Sudan and refrain from upgrading diplomatic relations;
- build upon the work of the International Eminent Persons Group to combat and end the terrible practice of abduction and enslavement by government-sponsored militias; and
- work to increase human rights and media reporting on abuses in Sudan and promote grassroots reconciliation among Sudanese.

## COUNTRY REPORTS: EAST ASIA

### Burma

Human rights abuses perpetuated by Burma's military regime continue to be widespread, including severe violations of religious freedom. The Commission has recommended that Burma be designated a "country of particular concern," or CPC, for the past four years. The State Department has followed the Commission's recommendation. In the last year, according to the State Department's 2003 human rights report, the Burmese government's "extremely poor human rights record worsened."

The military junta that governs Burma, the State Peace and Development Council (SPDC), uses a pervasive internal security apparatus to monitor the activities of all religious organizations. The government imposes restrictions on certain religious practices, controls and censors all religious publications, and, in some areas of the country, forcefully promotes Buddhism over other religions.

The SPDC is locked in decades long conflict with pro-democracy opposition in the cities and armed ethnic minorities in the countryside. It is faced with internal and external refugee problems, a flourishing drug trade, and the rampant spread of AIDS/HIV infection. The military junta is suspicious of all organized, independent religious activity, in part because some clergy and religious followers of Buddhism and other minority religions are politically active in opposition to the regime. This includes members of ethnic minorities, for whom religion is a defining feature.

Members of minority religious groups, especially Muslims and Christians, face serious abuses of religious freedom and other human rights by the military. In some localities, military commanders forcibly conscripted members of religious minorities as porters, killing some who have refused. Christians and Muslims have been forced to engage in the destruction of churches and graveyards for the purpose of clearing sites for military camps. They reportedly have also been forced to "donate" labor to build and maintain Buddhist pagodas and monasteries.

Among the Chin and Naga ethnic minorities, there are credible reports that government and military authorities actively sought ways to convert members from Christianity to Buddhism. The State Department's 2003 *Annual Report on International Religious Freedom* stated that under the guise of offering free education, local officials separated children from their parents, with the children instructed to convert to Buddhism without their parents' knowledge or consent. In Chin State, there are reports that government authorities offered troops financial and career incentives to marry Christian women. Among the Naga, refugees leaving Burma report that the army and Buddhist monks tried to force them to convert to Buddhism and closed churches in local villages.

Christian and Muslim groups are routinely denied permission to hold public ceremonies and festivals. The government has also prohibited the public expression of Christianity among ethnic minorities. In at least one instance last year, Christian clerics were beaten to discourage their religious expression and persuasion activities. In Rangoon during 2001-2002, authorities closed more than 80 Protestant home-churches because they did not have proper authorizations

to hold religious meetings. In the last year, Protestant clergy from Karen and Chin States reported that the SPDC officials continued this practice.

The government of Burma severely discriminates against members of minority religious groups in education, publishing, building permits, and access to public sector services and jobs. Christian and Muslim groups continue to report difficulties in obtaining permission to build new churches and mosques. These groups also have had difficulties importing religious literature since the 1960s.

In the last year, Muslims have also reported having difficulty constructing new mosques or re-building those previously destroyed. In 2002, authorities in Rakhine State destroyed thirteen mosques until international pressure forced them to stop further demolitions. Local authorities reportedly replaced the mosques with government owned buildings and Buddhist temples and have refused to issue the necessary permission for mosque construction on other sites.

The Burmese military has instigated violence by the Buddhist majority against Muslims. Tensions between the Buddhist and Muslim communities resulted in several outbreaks of violence over the past several years. Members of the Buddhist community attacked shops, restaurants, and homes owned by Muslims. During one outbreak, police and soldiers reportedly stood by and did not halt the violence against Muslims until they began to fight back. In the last year, Muslim groups claimed that seven persons were killed and two mosques were destroyed in the violence near Mandalay.

The SPDC shows public preference for Theravada Buddhism; however, even the majority Buddhist religion is not immune from government repression. According to the State Department's 2003 *Country Reports on Human Rights Practices*, members of the Buddhist "sangha" are subject to a strict code of conduct that is reportedly enforced by criminal penalties. Military commanders can try Buddhist monks in military court for "activities inconsistent with and detrimental to Buddhism."

The government also prohibits all monks from being members of any political party. Throughout the 1990s, Buddhist monks have been active in the pro-democracy movement. The government imprisoned more than 100 Buddhist monks for advocating democracy and encouraging dialogue between the government and the pro-democracy forces. Many members of the Buddhist clergy remain in prison; though a precise number is unavailable, credible sources report that this number has risen since May 2003, when the Burmese government, after organizing an attack on her motorcade, placed Aung San Suu Kyi under "protective custody."

Until Aung San Suu Kyi is released, and the government enters into serious negotiations with the opposition, it is difficult to foresee major improvements in human rights, including religious freedom, in the near future.

In 2003, the Commission staff met with exiled Burmese religious and ethnic leaders, including Buddhists, Christians, and Muslims, and with members of congressional and international delegations who visited Burma.

## China

The Chinese government continues to engage in particularly severe violations of religious freedom. The State Department has stated publicly that conditions of human rights, including religious freedom, deteriorated in 2003. Moreover, the Chinese government has not fulfilled commitments it made during the December 2002 U.S.-China Bilateral Human Rights Dialogue. Chinese government officials control, monitor, and restrain religious practice, purportedly to protect national security or stability and public safety or health. However, the government's actions to restrict religious belief and practice reportedly go far beyond legitimate protection of security interests and exceed what is permissible under international law. By most accounts, prominent religious leaders and laypersons alike continue to be confined, tortured, imprisoned, and subject to other forms of ill treatment on account of their religion or belief. For the last four years, the Commission has recommended that China be designated as a "country of particular concern," or CPC. The State Department has followed the Commission's recommendations and named China a CPC.

In the last year, the Chinese government has expanded its campaign against "evil cults" and "heretical sects." Since 1999, the Chinese government has labeled the Falun Gong and similar groups as "cults," effectively banning them and "justifying" its ongoing brutal crackdown. There are allegations that hundreds of Falun Gong practitioners have been sent to labor camps without trial or been sent to mental health institutions for re-education. Falun Gong practitioners claim that 430 practitioners have been killed as a result of police brutality. According to the Falun Gong, the Chinese government has continued to pressure foreign businesses in China to discriminate against its followers. Many local officials in foreign countries have also stated that they have received warnings from Chinese diplomatic personnel to stop their advocacy on behalf of Falun Gong and its practitioners.

The Chinese government's campaign against evil cults has reportedly expanded beyond the Falun Gong and similar groups to those who are not part of the officially-sanctioned religious organizations. This includes both newer and long-established Protestant and Catholic churches and leaders who, for various reasons, refuse to register with the government. Religious leaders have been imprisoned and followers detained and fined for "cultist activity."

The Chinese government retains tight control over religious activity and places of worship in Tibet. In 2002-2003, several prominent Tibetan Buddhists were released from imprisonment. However, neither those actions nor renewed contact between China and the Dalai Lama's representatives have brought any significant changes to the government's overall policy of control over religion. The Chinese government admits there are over one hundred Tibetan Buddhist monks and nuns being held in prison. Tibetan human rights groups agree with this figure and claim that the prisoners are subject to torture and other ill-treatment. In January 2003, at the conclusion of the December 2002 Bilateral Human Rights Dialogue, a local court sentenced Tenzin Deleg Rinpoche, a Tibetan Buddhist monk, and Lobsang Dondrup to death for their alleged involvement in a bombing incident in Sichuan province in April 2002. Tenzin Deleg Rinpoche's death sentence was eventually suspended, but Lobsang Dondrup was executed, despite assurances to senior U.S. officials that the cases would be referred to China's Supreme Court. In October 2003, another monk, Nyima Dragpa died, reportedly as a result of repeated torture while serving a nine-year sentence for advocating Tibetan independence. In

addition, the Chinese government continues to deny repeated requests for access to the 15-year old boy whom the Dalai Lama designated as the 11th Panchen Lama. Government officials have stated that he is being “held for his own safety,” while also claiming that another boy is the true Panchen Lama.

In largely Muslim Xinjiang province, freedom of religion and belief is reportedly severely curtailed by the government, which often alleges that Uighur Muslim religious expression is linked to “separatist” or “terrorist” acts. Since September 11, 2001, the government has used concerns about international terrorism as a pretext for an ongoing crackdown in Xinjiang, where Uighur Muslim clerics and students have been detained for “illegal” religious activities and “illegal religious centers” have been closed. The campaign against Muslims in Xinjiang intensified in January 2003, when the region’s Communist Party Secretary announced the government’s aim to “strike hard” against “religious extremists,” “splittists,” and “terrorists,” resulting in the arrest of many more Uighur Muslim clerics and lay leaders. Authorities reportedly prohibit the teaching of Islam to children under the age of 18 and have established prohibitions on minors entering mosques. In addition to the restrictions on minors, the government allegedly does not allow teachers, professors, university students, and Party members to practice their faith openly.

The government also continues its repression of the Roman Catholic Church in China. Clergy in Fujian, Zhejiang, Jilin, and Jiangxi provinces were harassed, detained, and arrested during the past year. In July 2003, five priests affiliated with the Catholic Church were sentenced to three years in a labor camp after having been convicted of practicing “cult” activities. In October 2003, Hebei provincial officials reportedly arrested twelve Catholic priests and seminarians attending a religious retreat. There are at least ten Catholic bishops under arrest, including Bishop Su Zhimin, who has been in prison, in detention, under house arrest, or under strict surveillance since the 1970s.

Conditions for unregistered Christian groups have worsened in the last year. According to the State Department, in some regions of China, members of Protestant house church groups, who refuse to register, are subject to intimidation, extortion, harassment, detention, and the closing of their churches. In the last year, Protestant house churches in Liaoning, Yunnan, and Henan provinces and in the Inner Mongolia Autonomous Region were raided, their congregants detained and fined, pastors arrested, and churches closed. In September, house church historian Zhang Yinan was arrested along with approximately 100 others in Nanyang, Henan Province. In addition, Pastor Gong Shengliang of the unregistered South China Church—sentenced to death after the adoption of the 1999 “evil cult” law—continues to languish in prison, and he is reportedly denied proper medical care. Many of his congregants and family remain in jail facing serious charges and are allegedly subject to torture and other ill treatment in prison.

Chinese officials continue to engage in the destruction of “illegal” religious buildings, particularly in regions experiencing rapid religious growth or in areas with long-standing tensions between “official” and “unofficial” congregations, such as Hebei and Henan provinces. In the last year, local officials in Zhejiang province reportedly destroyed as many as 400 churches, temples, and shrines.



The Commission has been very active with regard to China. In March and July 2003, the Commission convened two China Religious roundtables with representatives of the Administration, Members of Congress, congressional staff, academic experts, and representatives of religious groups and other non-governmental organizations to discuss U.S. efforts to advance religious freedom in China. The July roundtable specifically focused on Uighur Muslims.

In July, the Commission publicly criticized the proposed amendments to Article 23 of Hong Kong's constitution, the Basic Law. If enacted, Article 23 would undermine Hong Kong's autonomy by forcing its laws to conform to those in Mainland China, where the legal system has permitted the systematic misuse of "national security" concerns to suppress political dissent and religious activities. The Commission is concerned that implementation of Article 23 would threaten the human rights, including religious freedom, of all Hong Kong residents.

Also in July, Commission Vice Chair Felice D. Gaer testified at the Congressional-Executive Commission on China's hearing on *"Will Religion Flourish under China's New Leadership?"*

In preparation for President Bush's meeting with Chinese Premier Wen Jiabo in December 2003, the Commission wrote the President urging him to raise the issue of religious freedom during the visit. Both President Bush and Secretary of State Colin Powell referred publicly to religious freedom during their speeches and statements in conjunction with this visit.

Commission visits planned for August and later December 2003 were both postponed due to unacceptable conditions placed by the Chinese government. In August, the Chinese government insisted that the Commission remove Hong Kong from its itinerary. In December, the Chinese government agreed to allow the Commission to visit Hong Kong, but insisted it hold no meetings. These conditions were unacceptable because both appeared to violate the "one country, two system" concept that ensures Hong Kong's autonomy under Chinese sovereignty. In January 2004, a delegation of Commissioners and staff traveled to Hong Kong to hold meetings with religious leaders, experts, and human rights advocates. The Commission will continue to press for a visit to the People's Republic of China.

In March 2004, the House of Representatives overwhelmingly passed H.Res. 530, sponsored by Congressman Christopher Smith. The resolution urges that the appropriate representative of the United States to the 60<sup>th</sup> Session of the UN Commission on Human Rights introduce a resolution calling upon China to end its human rights violations, including religious oppression. The forced cancellations of the Commissions' two trips to China were mentioned in the congressional resolution and in several floor speeches during House passage of the legislation.

The Commission has met with Chinese human rights and religious leaders including those representing Buddhists, Muslims, Protestants, Catholics, and various spiritual movements, including Falun Gong.

In addition to recommending that China be designated as a CPC, the Commission has recommended that the U.S. government should:

- ensure that efforts to promote religious freedom in China are integrated into the mechanisms of dialogue and cooperation with the Chinese government at all levels, across all departments of the U.S. government, and on all issues, including security and counter-terrorism;
- urge the Chinese government to end its current crackdown on religious and spiritual groups throughout China, including harassment, surveillance, arrest, and detention of persons on account of their manifestation of religion or belief; the detention, torture, and ill-treatment of persons in prisons, labor camps, psychiatric facilities, and other places of confinement; and the coercion of individuals to renounce or condemn any religion or belief;
- urge the Chinese government to change its system of laws, policies, and practices that govern religious and spiritual organizations and activities, and hold accountable violators of the right to freedom of religion and belief and the human rights of religious believers;
- urge the Chinese government to respect fully the universality of the right to freedom of religion or belief and other human rights and ratify the International Covenant on Civil and Political Rights;
- undertake to strengthen scrutiny by international and U.S. bodies of China's human rights practices and the implementation of its international obligations;
- prohibit U.S. companies doing business in China from engaging in practices that would constitute or facilitate violations of religious freedom or discrimination on the basis of religion or belief;
- raise the profile of the conditions of Uighur Muslims by addressing religious freedom and human rights concerns in bilateral talks; by increasing the number of educational opportunities in the United States available to Uighurs; and by increasing radio broadcasts in the Uighur language;
- endeavor to establish an official U.S. government presence, such as a consulate, in Lhasa, Tibet and Urumqi, Xinjiang, in order to monitor religious freedom and other human rights;
- expand rule of law programs to include regular "dialogues" on religion and law with U.S. government representatives, academic experts, and members of the Commission with a commensurate delegation from China;
- support exchanges between a diverse segment of Chinese government officials and academic experts and U.S. scholars, experts, representatives of religious communities and non-governmental organizations regarding the relationship between religion and the state, the role of religion in society, international standards relating to the right to freedom of religion and belief, and the importance and benefits of upholding human rights, including religious freedom; and
- continue to promote Hong Kong's high degree of autonomy under Chinese sovereignty by:

--urge the Chinese government to uphold the “one country, two systems” concept by allowing the Hong Kong people and their elected government officials to have a voice in the determination of the pace and scope of advances toward direct elections and the protection of human rights, including religious freedom; and

--opposing introduction of any “national security” provision to the Basic Law that would suppress internationally recognized human rights, including the right to freedom of religion or belief and freedom of expression.

## **Indonesia**

The Commission is concerned about serious abuses of freedom of religion in Indonesia. Though the situation has improved since 2001, the government of Indonesia has been unable to halt all religiously-related violence or to consistently punish those responsible for perpetrating acts amounting to severe abuses of religious freedom. The Commission has again placed Indonesia on its Watch List and continues to monitor the actions of the Indonesian government to see if they rise to a level warranting designation as “country of particular concern,” or CPC.

For the past five years, Christian-Muslim violence in the regions of the Moluccas and Sulawesi has resulted in thousands of deaths and hundreds of thousands of internally displaced persons. While many factors added fuel to these conflicts, the killings, destruction of places of worship, and forced conversions were also religiously motivated. Violence was perpetrated by both Christians and Muslims, but attacks on Christians escalated significantly in the Moluccas due to the May 2000 arrival of Laskar Jihad, an Islamic militant group with the stated aim of driving Christians from the area. In the case of the Moluccas, the government allowed unimpeded entry into the islands outside groups such as Laskar Jihad, resulting in some of the worst killing and destruction. In Sulawesi, swifter government action to stop the aggression of militant groups managed to prevent a serious escalation of fighting.

As a result of efforts by the Indonesian government and security forces, peace agreements were signed in Sulawesi and the Moluccas in late 2001 and early 2002. Despite these agreements, violence has continued in some areas, especially in Sulawesi. In the last year, 55 people were killed and almost 300,000 remain displaced.

In 2003-2004, violence against religious groups in Sulawesi has been increasing, carried out by groups that oppose the peace agreements. After the most recent attacks, government authorities responded quickly to apprehend the perpetrators. Muslim and Christian leaders in Sulawesi joined together to call for calm. Despite the swift government response, there is disturbing evidence to suggest that Sulawesi may be a staging ground for a new violent Muslim extremist organization.

In Sulawesi, issues of judicial independence continue to fuel grievances that exacerbate religious tensions. In June 2003, Christian leader Rinaldy Damanik was sentenced to three years in prison for illegal weapons possession. The trial court itself acknowledged that there was little evidence to support the charges. The prison sentence given Damanik, and the earlier acquittal of Jaffar Thalib, the leader of Laskar Jihad, whose group was responsible for killing thousands,

suggest that serious inadequacies remain in the Indonesian judicial system. Damanik appealed his conviction in August 2003, but the local High Court upheld the verdict.

Nevertheless, the Indonesian government has taken some important steps to root out domestic terrorist groups, particularly after the bombings in Bali and Jakarta. In the weeks following the October 2002 Bali bombing, a number of radical Islamist groups, including the Islamic Defenders' Front, Jemaah Islamiah, and the Laskar Jihad, were pressured to cease their activities and disband. The dissolution of Laskar Jihad in particular was prompt and extensive, though they continue to operate in some areas. A number of militant leaders have been arrested and sentenced, including Abu Bakr Ba'asyir, the leader of Jemaah Islamiah, and 23 of his former students for their role in planning and carrying out the Bali bombings. Ba'asyir's sentencing was seen as a "milestone" in Indonesia's efforts to address Islamic militancy. However, Ba'asyir's sentence was reduced on appeal, though fresh evidence of terrorist activity might forestall his scheduled release.

A vocal and influential minority of Indonesians continues to call for implementation of aspects of Sharia. These demands are strongest in the secessionist-minded province of Aceh. As part of the process of addressing Acehnese demands for independence, former-President Wahid agreed to allow the province to implement Islamic law beginning in January 2002. Local officials have reportedly said that non-Muslims could not be prosecuted in the Islamic courts. After the government's decision to allow Sharia in Aceh, several other provincial parliaments began debating whether to impose Islamic law. An August 2002 proposal to implement Sharia at the national level was withdrawn from consideration by the National People's Consultative Assembly when it became clear it did not have sufficient support in the Assembly. Efforts to revive the legislation continue, and as Presidential and legislative candidates vie for votes in this 2004 election year, the re-emergence of proposals for Sharia legislation is likely and bears close watching.

In June 2003, Indonesia's parliament passed a controversial education bill that would require public and private schools to provide religious education for all faiths if a student demands it. Many Christian schools have Muslim students and, as a result of this bill, will be required to provide classes on Islam. Although many moderate Muslim parties, organizations, and intellectuals opposed the legislation, it had considerable popular support. The bill has been challenged in court and as of this writing, has not yet been implemented.

U.S. government assistance supports limited programs in conflict resolution, multi-religious dialogue, and training of teachers from *pesantrens*, or Muslim religious schools, in line with recommendations of the Commission. These programs are small but important experiments in promoting religious freedom in a largely Muslim country. Congress included language in the Consolidated Appropriations Act of 2004 (H.R. 2673) which states that, among other conditions, funds for the "Foreign Military Financing Program" may be made available to Indonesia only if the President certifies that Indonesia is suspending and prosecuting those members of its military who have committed gross violations of human rights. A 2002 Commission recommendation called for the United States to ensure that, if resumed, U.S.-Indonesian military ties be directed toward reform of the Indonesian military, including upholding international human rights standards and holding members accountable for abuses.

In the past year, Commission staff met with Indonesian political leaders, human rights activists, and religious leaders. The religious leaders included representatives of Muslim, Christian, and Hindu communities from the regions of Aceh, Papua, Sulawesi, Java, Bali, and the North Moluccas.

With regard to Indonesia, the Commission has recommended that the U.S. government should:

- continue to press the government of Indonesia to fully disarm all outside militia forces on the Moluccas and Sulawesi and to hold the leaders and members of these groups accountable for the violence perpetrated by them;
- commend the government of Indonesia for its efforts that led to the signing of peace agreements in both the Moluccas and Sulawesi and press the Indonesian government to deepen the reconciliation work already begun;
- monitor the implementation of Sharia in Aceh and other regions to determine if individual rights and freedoms, including religious freedom, as outlined in international documents, are being guaranteed;
- ensure that, if resumed, U.S.-Indonesian military ties be directed toward reform of the Indonesian military, including accepting civilian control, upholding international human rights standards, and holding members accountable for abuses; and
- earmark funds for the training of Indonesian police and prosecutors in human rights, rule of law, and crime investigation.

### **Korea, Democratic People's Republic of**

North Korea is a humanitarian disaster of unimaginable proportions. As devastating as the physical toll has been, the deprivation of the human spirit must be even greater. The people of the Democratic People's Republic of North Korea (DPRK) are among the least free on earth, barely surviving under a totalitarian regime that denies basic human dignity and lets them starve while pursuing military might and weapons of mass destruction. By all accounts there are no personal freedoms of any kind in North Korea and no protection for human rights.

Freedom of thought, conscience, religion, and belief remains essentially non-existent in North Korea, where the government severely represses public and private religious activities and has a policy of actively discriminating against religious believers. Despite the regime's tight grip on information about conditions inside the country, there is a growing body of consistent reports from refugees that officials have arrested, imprisoned, tortured, and sometimes executed North Koreans who were found to have ties with overseas Christian Evangelical groups operating outside the country, as well as those who engaged in such unauthorized religious activities as public religious expression and persuasion. There is no evidence that religious freedom conditions have improved in the past year. The Commission continues to recommend that North

Korea be designated a “country of particular concern,” or CPC, which the State Department has done since 2001.

The North Korean government has formed several religious organizations that it controls for the purpose of severely restricting religious activities in the country, although the government contends that they constitute proof of religious freedom in the country. For example, the Korean Buddhist Federation prohibits Buddhist monks from worshiping at North Korean temples. Most of the remaining temples that have escaped government destruction since the Korean War are portrayed by the government as cultural relics rather than religious sites. Similarly, the Korean Christian Federation restricts Christian activities. Following the reported wholesale destruction of over 1,500 churches during Kim Il Sung’s reign (1948-1994), two Protestant churches and one Roman Catholic church, without a priest, opened in Pyongyang in 1988. The absence of a Catholic priest means that mass and most sacraments cannot be celebrated. Construction of a Russian Orthodox Church was completed in 2003.

According to South Korean pastors operating exchanges with the Korea Christian Federation, although some fraction of North Koreans who attend services at the Catholic and Protestant churches in Pyongyang are genuine in their faith, the majority reportedly attend services to monitor and report to the government on church activities. In January 2004, a former member of the North Korean National Security Agency testified before the Commission that these churches are directly controlled and operated by the National Security Agency. Researchers report that there is little evidence that the Catholic and Protestant churches meet for Sunday services when there are not foreigners in the city requesting to attend. While the North Korean government reports that some 500 house churches operate with government approval outside of Pyongyang for religious believers in rural areas, independent observers have questioned the existence of such facilities or gatherings. They cite consistent denials of repeated requests to visit such gatherings.

Some evidence suggests that underground churches operate in secret under the extremely repressive conditions in North Korea. The Commission has received information that underground Christians meet in small groups and operate in complete secrecy inside North Korea. Researchers in South Korea have also reported on the existence of underground Christians, although there are no good estimates of the numbers of believers in these groups or in what areas of the country they might operate.

Persons found carrying Bibles in public or distributing religious literature, or engaging in unauthorized religious activities such as public religious expression and persuasion, are arrested and imprisoned. There continue to be reports of torture and execution of religious believers. Although the practice of imprisoning religious believers is reportedly widespread, the State Department has been unable to document fully the number of religious detainees or prisoners. According to a South Korean press report cited in the State Department’s 2003 *Annual Report on International Religious Freedom*, an estimated 6,000 Christians are incarcerated in “Prison No. 15” located in the northern part of the country. According to a study from the U.S. Committee on Human Rights in North Korea, several North Korean refugees have reported that Christians are serving long-term sentences in political prisoner camps on account of their religious beliefs or activities. The Commission was informed at a hearing held in January 2002 that such prisoners are reportedly treated worse than other inmates. For example, religious prisoners,

especially Christians, are reportedly given the most dangerous tasks while in prison, where they are subject to constant abuse from prison officials in an effort to force them to renounce their faith. When they refuse, these religious prisoners are reportedly often beaten and sometimes tortured to death.

The North Korean government forcefully propagates an ideology, known as “Juche,” based on the personality cult of the regime’s current leader, Kim Jong Il, and his late father, Kim Il Sung. Korean law reportedly mandates that pictures of Kim Jong Il and his father be placed in every home and venerated. Institutes have also been opened in several locations around the country for the study and veneration of Kim Jong Il and Kim Il Sung

Officials have stratified North Korean society on the basis of family background and perceived loyalty to the regime into 51 specific categories. Religious adherents are by definition relegated to a lower category, receiving fewer privileges and opportunities, such as education and employment, than others. An extensive report recently released by Amnesty International details evidence that persons in lower categories have in some cases been forcibly relocated to remote and desolate areas of the country and then systematically denied access to food aid and therefore left to starve.

Thousands of North Koreans have fled to China in recent years. Refugees who are either forcibly repatriated or those who are detained after having voluntarily returned to the DPRK are accused of treason. All must undergo interrogation, and those found to have had contacts with South Koreans or Christian missionaries are subject to severe punishment, including the death penalty.

In June 2003, the Commission submitted testimony for the Senate Foreign Relations Committee, Subcommittee on East Asian and Pacific Affairs, recommending that the U.S. government launch a major international initiative to expose and raise awareness of human rights abuses in North Korea, including expanded U.S. government reporting, congressional engagement, and multilateral diplomacy. The Commission also participated in a June 2003 press conference held by Senator Sam Brownback, who announced his plans to introduce legislation on North Korea. That legislation, the North Korean Freedom Act of 2003 (H.R. 3573 and S. 1903), includes a number of the Commission’s policy recommendations, such as an increase in broadcasting into North Korea, and would express the sense of Congress that any negotiations with the North Korean government by the United States should include human rights issues, including religious freedom.

In January 2004, the Commission held a hearing in Los Angeles entitled “North Korea: Human Rights Ground Zero,” focusing on conditions of human rights, including religious freedom, the plight of North Korean refugees, and implications of these conditions for U.S. policy. Commissioners heard testimony from David Hawk of the U.S. Committee for Human Rights in North Korea; Roger Winter from the U.S. Agency for International Development; Suzanne Scholte of the Defense Forum Foundation; a North Korean refugee; and a South Korean pastor who works as a missionary inside North Korea.

In March, 2004, the Commission wrote a letter to the U.S. delegation to the 60<sup>th</sup> session of the UN Commission on Human Rights recommending that the delegation support a resolution

on the egregious violations of human rights in North Korea and advocate appointment of a Special Rapporteur on human rights in North Korea to monitor and report on these abuses. In April 2004, a resolution was introduced by the European Union with the support of the United States that included a call for a Special Rapporteur. This resolution passed on April 15, 2004.

In addition to recommending that North Korea be designated a CPC, the Commission has recommended that the U.S. government should:

- work to expand the agenda of the current Six Party Talks on nuclear security on the Korean Peninsula to include issues of human rights and refugees, ensuring that these issues receive a high level of priority in any discussion of security issues regarding North Korea;
- use all available contacts to advance an agenda that includes the provision of humanitarian assistance, the protection of human rights, including the freedom of religion and belief, and the reuniting of Korean Americans with their family members in the DPRK, ensuring that the delivery of humanitarian assistance to North Korea is adequately monitored; monitors should be able to read, speak and understand Korean language;
- use multilateral diplomacy to advance the protection of human rights in North Korea, including by raising human rights violations in North Korea in appropriate international fora, urging the Republic of Korea and Japan to press for improvements on religious freedom and other human rights in their talks with the DPRK, and urging the European Union to include religious freedom concerns as part of its human rights discussions with the North Korean government;
- urge China, Russia, and other members of the international community to grant refugee status to North Koreans;
- urge the Chinese government to allow South Korean and international non-governmental organizations greater access to northern China and greater capacity to serve the needs of North Korean refugees;
- develop and support ways to provide information to the people of North Korea, particularly on religious freedom and other human rights issues, including by expanding or developing broadcasts that target a North Korean audience by the Voice of America and Radio Free Asia; and
- work with the international community to urge the North Korean government to permit monitoring of human rights conditions by UN human rights mechanisms, and to lift restrictions on the freedom of movement by foreign diplomats, independent journalists, and others.

In addition, the U.S. Congress should fund an objective and comprehensive study of human rights conditions in North Korea by a non-governmental source, establish a congressional caucus to focus on human rights in North Korea, and expand its funding for (a) organizations advocating the protection of human rights in North Korea and (b) activities that raise the awareness of human rights conditions in that country.



## Laos

There continue to be serious religious freedom problems in Laos. The government interferes with and restricts the activities of all religious communities, in particular those religions that are relatively new to Laos. Several problematic government policies remain in place, including Decree 92, the law on religion, which reportedly is being used to impede the activities of certain religious groups, especially Protestant Christians. For the past two years, the Commission recommended that Laos be designated a “country of particular concern,” or CPC. In 2003-2004, however, the situation changed somewhat: most known religious prisoners in Laos were released; forced renunciations of faith have reportedly largely ceased; and the government has re-opened a number of churches closed in recent years and pledged to reopen others. Although periodic arrests by local officials continue in certain Lao provinces, those detained have been released in a matter of days. In these cases, the Lao government appears to have been responsive to concerns raised by the U.S. Embassy and others. The Commission has placed Laos on its Watch List this year and will continue to monitor the actions of the Lao government to determine if they again rise to a level warranting CPC designation.

Lao officials, primarily those at the provincial and local levels, have continued to harass, detain, and arrest individuals reportedly for participating in certain religious activities. In December 2002, 30 Christians were detained for a week in the Champhon and Saybouli Districts of Savannakhet province. In May 2003, local authorities arrested 21 Christians in Muang Nong District, Savannakhet province. All were released by October. In December 2003, another group of approximately 11 Christians were arrested in Attapue province. In response to U.S. and international pressure, all were released quickly. Laos released most of its known religious prisoners by the end of the year. However, recent reports from both Savannakhet and Attapue provinces allege that local officials have harassed Protestants, confiscated property, and detained some persons.

Between 1999 and 2002, the State Department reported that campaigns of coerced renunciation of faith occurred in nearly every Lao province. The Commission, during its February 2002 visit to Laos, was told that Lao officials instructed Christians, especially those of the Khmu and Hmong ethnic groups, to sign documents renouncing their faith or face harsh penalties that included arrest, destruction of property, denial of educational opportunities for their children, and restrictions on access to other government services. Such reports have diminished significantly in the past year. However, during this time, there were isolated reports, mostly from the Saisomboun Special Zone and Luang Prabang, Attapue, and Savannakhet provinces, of local officials pressuring minority Christians to renounce their faith. There were also at least two new reports that villagers were being forced from their homes allegedly on account of their religious beliefs.

Between 1999 and 2001, local authorities closed approximately 20 of Vientiane province’s 60 Protestant churches, primarily those in Hin Hoep, Feuang, and Vang Vieng districts, and approximately 65 Protestant churches in Savannakhet and Luang Prabang provinces. Many of these churches were allowed to reopen in the past year, especially in Vientiane and Luang Prabang provinces. For the most part, the churches in Savannakhet remain closed, though State Department officials have been given specific assurances that additional churches would be re-opened in the coming year.

Laos is a one-party, communist authoritarian state that has suppressed the human rights of its citizens and foreigners. Restrictions on religious freedom are placed on all religious communities in Laos. The Lao government has forced its repression on members of non-Buddhist religious communities, especially religions that are relatively new to Laos. Though Theravada Buddhism has gained official support from the Lao authorities, its clergy remain under government control and, in some cases, surveillance. The Catholic Bishop of Luang Prabang is not allowed to travel to five of the six provinces in his diocese. The Lao government does not have relations with the Vatican, and church property confiscated in 1975 has not been returned. The government limits Baha'i religious activities to four recognized centers located in major cities; as a result, Baha'is in remote areas have not been able to practice their faith.

An ongoing concern is the implementation of Decree 92, the Lao government's 2002 decree on religious activities. During its visit to Laos in February 2002, the Commission was assured that passage of the decree would improve religious freedom in Laos by legalizing religious activities and providing guidelines to local and provincial officials so that abuses by those officials would cease. However, the decree provides government officials a legal basis for control of, and interference with, religious activities. Many religious activities can be conducted only with government approval, and the decree contains a prohibition on activities that create "social division," or "chaos," codifying a vague rationale used by government officials to arrest and detain Christians in Laos. The Commission continues to monitor how the decree is implemented and whether the central government has made progress in controlling the alleged abusive acts of local officials.

The Commission has met with U.S. officials, human rights activists, Lao government officials, religious leaders, and experts, and Commission staff have met with experts and Lao-American advocacy groups. The Commission traveled to Laos and issued a report on its findings in February 2003. House Resolution 402 was introduced in the 108<sup>th</sup> Congress and states in it the sense of Congress that the U.S. government should work to implement the Commission's recommendations. Commission findings and accompanying recommendations were also cited in several letters from Members of Congress to the Administration in 2003.

With regard to Laos, the Commission has recommended that the U.S. government should:

- make clear to the government of Laos that the cessation of practices which abuse religious freedom is essential to an improvement in and an expansion of U.S.-Laos relations and urge Lao officials to:
  - halt the harassment, arrests, and detention of persons on account of their religion or belief and release any who are so restricted;
  - end abusive practices such as the ill treatment in detention against such persons;
  - cease practices that coerce individuals to renounce any religion or belief;

--refrain from implementing those elements of Decree 92 on religious activities that are inconsistent with international human rights law and to revise the decree to bring it into conformity with international standards;

--respect and fully implement the freedoms of individuals and organizations to engage in religious and charitable activities in accordance with their own beliefs or doctrines and free from government interference;

--provide access to all parts of Laos by foreign diplomats, humanitarian organizations, and international human rights and religious organizations, in particular, to Savannkhet, Attapue, and Saisomboune Special Zone; and

--ratify the International Covenant on Civil and Political Rights and invite the UN Special Rapporteur on Freedom of Religion or Belief and other relevant rapporteurs to visit the country;

- initiate a bilateral human rights dialogue with the government of Laos that would establish measurable goals related human rights concerns such as torture and other forms of ill-treatment, unlawful arrest or detention and practical steps to eliminate violations of the right to freedom of religion or belief and, absence of due process, and violations of the rights of freedom of expression, association, and peaceful assembly;
- expand support for Lao language broadcasts on Voice of America (VOA) and Radio Free Asia (RFA), ensuring that the content of the Lao language broadcasts on VOA and RFA adequately includes information about the importance of human rights, including religious freedom, within expand assistance programs that support the goals of protecting human rights and religious freedom, including: rule of law programs that provide technical assistance in the drafting and implementing Laos; and
- initiate or of laws and regulations; human rights training for specific sectors of Lao society, including government officials, religious leaders, academics, and representatives of international non-governmental organizations; education programs to combat intolerance of religious and ethnic minorities; and exchange programs that should increase the number and funding of educational, academic, government, and private exchange programs with Laos that will bring a broad cross-section of Lao society to the United States.

## **Vietnam**

Already poor religious freedom conditions have deteriorated in several key areas in Vietnam during the last 18 months. Religious dissidents leaders have been harassed, detained, and imprisoned and the Vietnamese government has continued its crackdown against religious minorities in the northwestern provinces and the Central Highlands, including beatings and the forced renunciation of faith. For the past two years, the Commission has recommended that Vietnam be designated a “country of particular concern,” or CPC. The State Department has yet to name Vietnam a CPC.

The government of Vietnam continues to restrict the activities of organized religious groups, particularly those deemed “to disrupt national unity,” such as the Unified Buddhist Church of Vietnam (UBCV), the Protestant house church movement, and ethnic minority Christian groups. In the past year, religious dissidents have been imprisoned or placed under house arrest and the government continued its crackdown on religious minorities in the northwestern provinces and Central Highlands. Abuses included harassment and surveillance, beatings, church closings, and reportedly a concerted campaign to force believers to renounce their faith. These abuses are authorized at the highest levels of the Vietnamese government, according to documents obtained by human rights and non-governmental organizations. According to these documents, the government of Vietnam seeks to “stamp out” those sponsoring “peaceful revolution,” including religious leaders and free speech and Internet advocates.

In the last year, the UBCV faced severe repression. Despite promises by Prime Minister Pham Van Khai in March 2003 that arrests and harassment would decrease, 26 of the UBCV’s leaders were detained after an October 2003 meeting held to elect new officers. UBCV founders, the Most Venerable Thich Huyen Quang and the Very Venerable Thich Quang Do, were detained and are currently under house arrest at their pagodas in Qui Nhon and Ho Chi Minh City, respectively. They both face charges related to espionage, a charge increasingly used against religious leaders, which carries with it a possible death sentence. There is urgent concern for Thich Huyen Quang’s failing health and access to medical care while under detention.

The Vietnamese government also broadened its campaign against the ethnic minority population. According to documents smuggled out of Vietnam, Hmong Christians in the northwestern provinces of Vietnam reportedly continue to face pressure to renounce their faith. The documents allege that government officials with the Ministry of Public Security have entered places of worship, denounced believers, and forced them to sign confessions and take part in traditional animist rituals. If they refuse, they reportedly face harassment, beatings, imprisonment, or loss of access to government services. For example, in December 2002, officials in Lai Chau province reportedly used noxious gas to attack Hmong Christians during a house church worship service. In August 2002, Hmong Protestant Mua Bua Senh of Lai Chau province died after being beaten several times by Vietnamese officials who attempted to force him to renounce his faith. In the last year, the State Department reported that between one and seven ethnic minority Protestants died in police custody or died as a result of beatings, including Hmong Protestant Vang Seo Giao of Ha Giang province, who died in July 2003. The government of Vietnam has failed to explain adequately the circumstances of these deaths.

Information from Dak Lak and Gai Lai provinces indicates that the reported campaign of forced renunciation of faith continues in some areas of the Central Highlands. After public demonstrations in 2001 regarding land reform and religious freedom, the government of Vietnam forcefully suppressed religious activity in that region. The Vietnamese government has justified this repression, which has included arbitrary arrests and detention, church closings, beatings of pastors and other religious leaders, and even some deaths, by the presence of a separatist movement in the region. The government views the rapidly growing Protestant house church movement as a potential threat, and as a source of sympathy and organization for the separatist movement. Vietnamese authorities have failed to make distinctions between separatists, who may be responsible for violence, and house church Protestants. Reports in April 2004 from Dak

Lak and Gai Lai provinces indicated that over the Easter weekend, violence had flared up again between the Vietnamese government and the indigenous Montagnard populations and that there were several deaths, and possibly hundreds injured and arrested.

Given the lack of judicial transparency, accurate figures on the number of religious prisoners in Vietnam is difficult to obtain, though there are reportedly over one hundred religious adherents in prison or under some form of detention. Hoa Hao Buddhists claim that at least eighteen Hoa Hao followers are in some form of detention. Twenty Hmong Protestants are reportedly in prison, along with dozens of Montagnard Christians in the Central Highlands, both groups having been detained in connection with the government's crackdown on religious minorities in 2001. There are at least ten Catholic priests and lay adherents still imprisoned, including Father Thaddeus Nguyen Van Ly, who was detained after he submitted testimony to the Commission. Fr. Ly's original 15-year prison sentence was reduced to 10 years in June 2003. His niece and nephews were sentenced in September 2003 to between three and five years in prison for passing information to human rights organizations about their uncle's arrest. Because of international pressure, Fr. Ly's relatives were subsequently released.

Vietnamese government officials harass, arrest, and detain individuals who practice their faith outside the government approved religious organizations. Unofficial house church Protestants, UBCV monks, and ethnic minority Protestants are three groups reportedly most subject to this type of harassment. For example, Montagnard Protestants in the Central Highlands have been detained or imprisoned for engaging in religious and other independent activities that are not permitted by government authorities.

Communist party and government officials interfere in the internal affairs of all organized religious communities, registered or otherwise. For example, the government places restrictions on Roman Catholics by imposing limits on the number of candidates allowed to study for the priesthood and by confiscating church property. In addition, the government controls the appointment and assignment of Catholic clergy and also plays an active role in the selection of the bishops, effectively vetoing those papal appointments of which it disapproves.

Commissioners and staff have traveled to Vietnam and met with Vietnamese government officials and religious leaders. In addition, the Commission has met repeatedly with officials in the Administration, Members of Congress, and congressional staff about current U.S. policy and the Commission's policy recommendations.

In February 2004, Commission Chair Michael K. Young testified before the Senate Foreign Relations Committee's hearing *Trade and Human Rights: The Future of U.S.-Vietnamese Relations*. He discussed Vietnam's record on religious freedom, as well as the Commission's recommendations for U.S. policy. In October 2003, Commission Vice Chair Nina Shea testified at a joint Congressional Caucus on Vietnam and Congressional Human Rights Caucus hearing on Vietnam entitled, *Vietnam: A People Silenced*.

In November 2003, Commissioner Shea made a statement at a press conference by Representatives Zoe Lofgren, Loretta Sanchez, and Ed Royce, who unveiled new legislation, H.Res. 427. This Resolution cites the Commission's latest report on Vietnam and urges that Vietnam be designated a CPC, and also advocates that the "Congress and the executive branch

implement the recommendations of the U.S. Commission on International Religious Freedom." The House passed H.Res. 427 on November 19, 2003.

Other pieces of legislation introduced in the 108<sup>th</sup> Congress are the Vietnam Human Rights Act, H.R. 1587, and the Vietnam Freedom of Information Act of 2003, H.R. 1019. Both of these include references to Commission recommendations. The Commission has urged passage of both bills by the Congress.

In addition to its recommendation that Vietnam be designated as a CPC, the Commission has also recommended that the U.S. government should:

- make clear to the government of Vietnam that ending violations of religious freedom is essential to the continued expansion of U.S.-Vietnam relations, urging the Vietnamese government to:
  - halt the arrest, detention, imprisonment, and intimidating surveillance of persons on account of their manifestation of religion or belief, including members of ethnic minorities in the Central Highlands and the northwestern provinces;
  - allow religious groups to govern themselves, select their own leaders, worship publicly, express and advocate their religious beliefs, distribute religious literature, and conduct educational, charitable, and humanitarian activities outside the government and state-controlled religious organizations and eliminate controls on officially registered organizations;
  - establish a legal framework for religious groups to engage in religious activities and charitable work outside the officially recognized organizations;
  - pass a law in the National Assembly banning forced renunciation of faith and detailing penalties for those who carry out such practices;
  - repeal or amend the 1999 Administrative Decree on Religion and ensure that any new law on religion meets international standards;
  - return confiscated religious properties and cease undue interference with the construction of new religious buildings, the repair of existing ones, and the use of homes as places of worship;
  - re-open the churches or meetings points closed in 2001 in the Central Highlands and northwestern provinces;
  - investigate and publicly report on the beating deaths of Hmong Protestants leaders Mua Bua Senh and Vang Seo Giao and prosecute anyone responsible for their deaths; and,
  - halt the practice of diplomatic pressure, offering of bounties, or cross-border police incursions for the purpose of forcibly repatriating ethnic minorities from Cambodia and cease arbitrary detention of those who have returned to Vietnam from Cambodia;

- withhold its support for loans to Vietnam from international financial institutions, except those providing for basic human needs, and withhold U.S. assistance from the Millennium Challenge Corporation, until the government of Vietnam agrees to make substantial improvements in the protection of religious freedom;
- urge the Vietnamese government to provide unhindered access to members of all religious communities in Vietnam, particularly those in the Central Highlands and the northwestern provinces;
- expand funding to overcome jamming of Radio Free Asia broadcasts and increase Vietnamese language programming;
- expand exchange programs, such as the Vietnam Education Foundation, to individuals in Vietnam who advocate religious freedom, the rule of law, and legal reform, including individuals from Vietnam's ethnic and religious minority communities in the northwestern provinces and the Central Highlands;
- create exchange programs between the Vietnamese National Assembly and its staff and the U.S. Congress; and,
- expand existing rule of law programs to include regular exchanges between international experts on religion and law and appropriate representatives from the Vietnamese government, academia, and its religious communities to discuss the impact on Vietnam's laws and decrees on religious freedom and other human rights, to train public security forces on these issues, and to discuss ways to incorporate international standards of human rights in Vietnamese law and legal practice.





## COUNTRY REPORTS: EUROPE AND EURASIA

### Advancing Religious Freedom and Combating Anti-Semitism in the OSCE

The International Religious Freedom Act (IRFA) explicitly mentions U.S. participation in multilateral organizations as a method to advance respect for the right to freedom of religion or belief, which is enshrined in numerous international human rights declarations and conventions. The 55 member states of the Organization for the Security and Cooperation in Europe (OSCE), i.e., all of Europe and the former Soviet republics along with the United States and Canada, have agreed to extensive and forward-looking standards in protecting freedom of religion or belief and combating discrimination, xenophobia, and intolerance, including anti-Semitism. These issues comprise part of what is called in the OSCE the “Human Dimension.”

For several years, the Commission has participated in U.S. delegations to OSCE meetings and made recommendations relating to the work of the OSCE in both the general area of freedom of protecting the right to religion or belief and also specifically on combating anti-Semitism in OSCE member states. Commission participation increased in the last year, as the OSCE held special meetings devoted to both religious freedom and anti-Semitism.

In 2003, Commissioners participated with the U.S. delegations to the OSCE’s first-ever special meeting on anti-Semitism in June; a special meeting on freedom of religion or belief in July; and the OSCE’s annual human rights conference, the Human Dimension Implementation Meeting (HDIM), in October. Commission Vice Chair Felice D. Gaer made public statements on behalf of the Commission at each of these meetings.

#### *Advancing Freedom of Religion or Belief*

The Commission had early input into the U.S. delegation’s official statements and recommendations at the July special meeting on religious freedom and the session devoted to that topic at the 2003 HDIM. The Commission sought to ensure that the U.S. statements named particular countries where the government had engaged in or tolerated serious violations of religious freedom. It also sought to highlight problems in several OSCE countries where (a) laws unduly restrict official registration or recognition, in some cases necessary in order to engage lawfully in organized religious activities, or (b) governments have established specific initiatives targeting so-called “sects” or “cults.”

Working with representatives from the State Department’s Office of International Religious Freedom and the U.S. Commission on Security and Cooperation in Europe (the “Helsinki Commission”), U.S. statements at these meetings noted violations of the right to freedom of religion and belief in Turkmenistan, Uzbekistan, Georgia, Belarus, Russia, and Azerbaijan, as well as “burdensome registration requirements that hinder, instead of facilitate, religious freedom.” In addition, U.S. statements noted certain policies in Western European countries “that have resulted in the stigmatization of minority religions, usually as a consequence of their having been indiscriminately—and often inaccurately—identified with dangerous ‘sects’ or ‘cults.’”

Consistent with Commission recommendations, the United States recommended that member states review OSCE commitments with a view toward developing a new OSCE

commitment addressing the problem of discriminatory registration policies. The U.S. delegation also recommended that the OSCE's Office of Democratic Institutions and Human Rights increase its monitoring and reporting on violations of OSCE commitments regarding the right to freedom of thought, conscience, religion or belief.

At these OSCE meetings, Commissioners also led or participated in bilateral meetings on religious freedom issues with official delegations from Belarus, France, Russia, Turkmenistan, and Uzbekistan. The Commission also met with officials from the Netherlands, in its capacity as OSCE Chairman in Office, and other OSCE officials, as well as members of the Advisory Panel of Experts on Freedom of Religion or Belief. Commissioners also met with representatives of religious groups and human rights non-governmental organizations (NGOs) from throughout the OSCE region. While in Vienna for Special OSCE meetings in June and July, the Commission also met with government officials, representatives of religious communities and religious freedom advocates regarding the situation of freedom of religion in Austria.

### *Combating Anti-Semitism in the OSCE Region*

Following visits to France and Belgium in the spring of 2002, the Commission drew specific attention to, and spoke out against, the rise in anti-Semitic violence taking place in both countries. The U.S. Congress introduced and unanimously passed resolutions in both the Senate and House concerning the rise of anti-Semitism in Europe. The Senate version cited the Commission's findings and urged the Commission to continue documenting the issue. The Commission discussed this disturbing trend with President Bush during a private meeting in October 2003.

Many, but not all, of the recent anti-Semitic incidents in Western Europe reportedly have been committed by disaffected, marginalized young members of North African Muslim immigrant communities. Like the United States, France and other Western European countries are becoming more and more nations of immigrants. However, another source of the violence and anti-Semitic rhetoric in Europe is the so-called "skinhead" gangs that target Jews with bombings and other violence and seek to inflame public opinion against them. In some countries, these gangs have targeted Arabs and other Muslim immigrants as well. Additionally, anti-Semitism by extremist nationalist groups in Eastern Europe and Russia is well documented. To compound the problem, anti-Semitic rhetoric emanating from some intellectual circles that goes uncontested by political and societal leaders has promoted an environment of intolerance toward Jews. The problem is widespread. As numerous studies attest, anti-Jewish sentiment is surfacing again; failure to hold the perpetrators to account is all too often the official response. Anti-Zionism and vilification of Israel can mask anti-Semitism.

When burnings, beatings, and other acts of violence are directed at a particular group because of who they are and what they believe, it should be clear that they reflect degradations of human dignity. Such violent acts should not be viewed merely as police problems, but as human rights violations. The U.S. government should be unequivocal in its position that anti-Semitism is a human rights matter.

The Commission has addressed anti-Semitism and related issues in the course of its work on several countries both inside and outside of Europe, including Belarus, Belgium, Egypt, Iran,

France, Russia, Saudi Arabia, and Pakistan. The Commission has also consulted with representatives of Jewish communities in several countries, other religious leaders, and NGOs.

The Commission has recommended that the OSCE pay separate attention to the rise of anti-Semitism in the region. At the 2003 HDIM and afterwards, the Commission worked with the U.S. delegation to successfully urge member states to agree to hold the OSCE's first-ever special meeting on anti-Semitism.

Addressing the OSCE at the July special meeting, as well as the 2003 HDIM, Commissioner Felice D. Gaer emphasized that acts of anti-Semitism must be seen not as hooliganism, but as a form of human rights abuse that states should vigorously combat by implementing their international human rights commitments.

The OSCE Ministerial Council, at its December 2003 meeting in Maastricht, Netherlands, accepted the German government's invitation to host a special meeting on anti-Semitism in Berlin in 2004, scheduled for the end of April. The Commission participated in the preparations for that meeting, including a consultation by the U.S. government with the German government, and participated as part of the U.S. delegation to the meeting.

Calling the recognition by the OSCE of a resurgence of anti-Semitism throughout the region a good first step, the Commission has recommended that the U.S. government urge:

- that concrete action be taken within the OSCE to ensure that all participating states are living up to their commitments to combat discrimination and intolerance, in particular to combat anti-Semitism, as detailed in the 1990 Copenhagen Document, action which should include adopting laws to protect against incitement to violence based on discrimination, including anti-Semitism, and providing the individual with effective remedies to initiate complaints against acts of discrimination;
- the creation of a mandate within OSCE, perhaps in the Office of Democratic Institutions and Human Rights, with the responsibility to monitor and report regularly on anti-Semitic incidents and the implementation by member states of their Copenhagen commitments;
- review of state compliance within the OSCE of commitments of member states on anti-Semitism on a regular basis; and
- acceptance of the German invitation to host an OSCE meeting on anti-Semitism in Berlin in 2004.

## **Belarus**

Violations of the right to freedom of thought, conscience, religion, or belief, by the government of Belarus became more pronounced in 2003. Implementation of a new law on religion has resulted in severe regulatory obstacles and bureaucratic and legal restrictions enforced by the Belarus government on several religious communities to inhibit their activities. Official intolerance and harassment of various denominations has grown, including of the Greek

Catholic Church and the Belarusian Orthodox Autocephalous Church, as well as of religions relatively new to the country, including Pentecostals, Hindus, and Hare Krishnas. The Commission has placed Belarus on its Watch List and will continue to consider closely whether the government's record rises to a level warranting designation as a "country of particular concern," or CPC.

Belarus has a highly authoritarian government that does not respect the human rights of its citizens. According to the State Department's 2003 *Annual Report on International Religious Freedom*, respect for religious freedom worsened during the most recent period covered by the report. Almost all political power is concentrated in the hands of President Aleksandr Lukashenko and a small circle of advisors. The regime under Lukashenko has been widely accused of serious human rights abuses, including involvement in the "disappearances" of several opposition figures as well as the imprisonment of journalists and other controls on the media. The freedoms of speech, assembly, and association are heavily restricted, and the government has repressed the few institutions of civil society that had emerged after the country gained independence in 1991. In late 2003, the Belarusian authorities stepped up their campaign against all independent actors in their country, including media outlets, trade unions and non-governmental organizations.

Since coming to power in 1994, Lukashenko has constructed a set of regulatory and bureaucratic obstacles that make legitimate religious activities impossible for many religious communities. Some minority religious groups have been attacked in the state-run media and have experienced violent attacks against their persons and property. Police have dispersed religious services and religious leaders continue to face arrest, heavy fines, and other forms of harassment. In October 2002, Lukashenko signed new legislation on religion that led to further restrictions on religious freedom in Belarus. Although the law purports to codify protections for religious freedom, in fact, it provides government officials with tools to repress and control religious activities without providing any clear mechanisms to check abuses by these officials.

Considered by many observers to be the most repressive religion law in Europe, the new law essentially prohibits all unregistered religious activity by organized groups; religious communities with fewer than 20 members; foreign citizens from leading religious activities; and religious activity in private homes, with the exception of small, occasional meetings. The new law accomplishes this in part by establishing a three-tiered system of registration, and restricting the activities of the groups on the lowest rung. The law also requires all religious organizations to apply for re-registration within two years. The registration criteria laid out in the law is vague, thus facilitating continued abuse by government officials. According to the new law, religious publishing and education will be restricted to religious groups that have 10 or more registered communities, including at least one that was in existence in 1982. This requirement of at least 20 years existence in Belarus is particularly onerous, since the cutoff date of 1982 falls during the Soviet period of religious repression when few religious groups were able to operate openly. Moreover, all religious literature is now subject to compulsory government censorship, and most communities are denied the right to establish institutions to train clergy.

Almost one year after the passage of the law, there are reports that only a small number of even previously registered religious groups have been able to re-register. According to the 2003 State Department report, the Belarusian government reported that 110 religious

communities, including 34 Protestant and non-traditional denominations, were registered before the new law went into effect in 2002. Because the new law bans registered religious communities from using residences as their legal addresses without specific authorization, many groups that currently meet in private homes because they are unable to rent or buy meeting space, such as some Greek Catholic and Pentecostal communities, face the risk of being unable to re-register. The Belarusian authorities continue to refuse to register some religious communities outright, such as the Hindu Light of Kaylasa and the Hare Krishnas.

Attacks on Jews or Jewish property have been reported in Belarus, with little attempt made on the part of the authorities to hold perpetrators to account. Anti-Semitic literature is sold in government buildings and in stores and at events directly and indirectly connected with the Belarusian Orthodox Church. Memorials, cemeteries, and other property are regularly subject to violence; though President Lukashenko sometimes condemns the attacks, the perpetrators are not pursued. For example, in January 2004, Alexander Rosenberg, head of Judaic Religious Union in Belarus, reported that the ancient Jewish cemetery in Rahachow had been desecrated. Yakov Gutman, head of the New York-based World Association of Belarusian Jews, was detained in January 2004 for protesting the lack of protection of Jewish cultural sites in Belarus. According to one Belarusian Jewish leader, inaction on the part of the authorities enables those responsible to attack with impunity. In addition, there have been instances of violence directed against members of religious minorities, such as members of the Hindu minority.

Since 1994, President Lukashenko has openly pursued a policy of favoring the Russian Orthodox Church, a policy that frequently results in discrimination against other religious communities. The relationship between the Russian Orthodox Church and the Belarus government has created particular problems for many Protestant groups, which have sometimes been denied registration or permission to build a place of worship by regional authorities who have been influenced by local Orthodox leaders. Several “independent” Orthodox churches that do not accept the authority of the Orthodox Patriarch in Moscow have been denied registration, before and after the new law was passed. These churches include the Autocephalous Orthodox Church and the True Orthodox Church, a branch of the Orthodox Church that rejected the compromise with the Soviet government made by the Russian Orthodox Church in the 1920s. In June 2003, the Belarus government and the Russian Orthodox Church signed a concordat codifying the Orthodox Church’s influence in government affairs and other facets of public life.

In January 2003, then-Commission Chair Felice D. Gaer and Commissioner Bishop William Murphy traveled to Belarus where they met with officials for the State Committee on Religious and Nationalities Affairs as well as with various religious and human rights groups. The Commission released a report on Belarus in May 2003 that presented findings and recommendations for U.S. policy. The Commission has led or participated in bilateral meetings with official Belarus delegations at human rights meetings of the Organization for Security and Cooperation in Europe in July and September 2003.

With regard to Belarus, the Commission has recommended that the U.S. government should:

- use every measure of public and private diplomacy to advance the protection of human rights, including religious freedom, in Belarus, including enhanced monitoring and public

reporting, especially in light of the Organization for Security and Cooperation in Europe's weakened monitoring mandate inside Belarus;

- urge the Belarus government to take immediate steps to end repression, including: repealing the highly repressive religion law; ending to the practice of denying registration to religious groups and then erecting obstacles to religious practice because of that unregistered status; providing the right to conduct religious education and distribute religious material; halting government attacks on the persons and property of minority religious groups; ensuring a greater effort on the part of government officials to find and hold to account perpetrators of attacks on the persons and property of members of religious minorities; and providing free access of domestic and international human rights groups and others to sites of religious violence or destruction of houses of worship;
- urge the Belarus government to ensure that no religious community is given a status that may result in or be used to justify the impairment of the rights of members of other religious groups;
- continue to support, publicly and privately, persons and groups engaged in the struggle against repression in Belarus, including the group of religious and opposition activists who make up the Freedom of Religion Initiative that published the "White Book"; and
- consistently raise religious freedom and other human rights concerns in Belarus with Russian government officials, due to the special relationship between Russia and Belarus, making clear that the human rights situation in Belarus is unacceptable and that the Russian government has some responsibility to use its influence to press for democratic change with respect to human rights, including religious freedom, in Belarus.

In addition, the Commission has recommended that the U.S. Congress pass the Belarus Democracy Act, and that the activities to promote democracy outlined in the Act should include programs that explicitly promote the right to freedom of religion or belief.

## **France**

The Commission has directed its attention to France because of several recent trends or events that have affected conditions of religious freedom in that country. Official government initiatives and activities that target "sects" or "cults" have fueled an atmosphere of intolerance toward members of minority religious groups in France. There has been an upsurge in violence against Jewish persons and property. In addition, a new law banning certain religious garb in public schools threatens the religious freedom of many in France, especially Muslim women and girls, Jews, and Sikhs.

The government of France has taken active measures targeting certain minority religious groups, pejoratively characterized as "cults" or "sects," and the purported threats that these groups pose. These measures have taken a variety of forms, including the publication of official reports or lists characterizing specific groups as harmful or dangerous, and the creation of

government agencies to investigate, monitor, and “fight” these groups. Among other consequences, these actions have created an atmosphere of hostility toward the members of several minority religious groups and threaten their right to religious freedom. These initiatives are particularly troubling because they are serving as models for countries in Eastern Europe and elsewhere where the rule of law and other human rights protections are much weaker than in France. In the past, French officials had traveled to several of these countries promoting its initiatives, although this practice reportedly has ceased. Other recent changes to French policy in this matter, including the restructuring of the main government agency concerned with this issue, have reportedly resulted in improvements in religious freedom protections. The Commission will continue to monitor the effects of these changes.

Anti-Semitic violence and other acts of anti-Semitism in France continue to be of concern. However, the French government appears to have taken several steps to address the problem since the spike in such incidents in the spring of 2002. For example, the government recently introduced a program to train French judges on ways to recognize hate crimes. More information about the Commission’s concerns and activities with regard to anti-Semitism in Europe more generally can be found in the report on the OSCE, found in the Europe and Eurasia section of the Country Reports chapter.

In January 2004, the French government under President Jacques Chirac proposed a new law prohibiting students from wearing certain forms of religious clothing or symbols in French public schools. The proposal would ban dress or symbols that “conspicuously show religious affiliation,” such as headscarves for Muslim girls, “plainly excessive” crosses for Christian children, skullcaps for Jewish boys, and turbans for Sikhs. Since many Muslims, Jews, and Sikhs consider it a religious obligation to cover one’s head, there is concern that this law may violate France’s international commitments, including the European Convention on Human Rights, under which each individual is guaranteed the freedom to manifest religion or belief, in public as well as in private. Under international law, the freedom to manifest one’s religion or belief may be subject to limitation only as necessary to protect public order, health, safety, morals, and the rights and freedoms of others.

President Chirac called the proposed law necessary to maintain the secular (lai’c) nature of French schools. The legislation passed both houses of the legislature by very large margins in February and March 2004. It was signed into law on March 15, 2004 by President Chirac and is due to go into effect with the start of the new school year in the fall. The impact of the new law is to be evaluated one year after it has gone into effect. Reportedly, there are plans for similar legislation to cover the wearing of religious garb and symbols in other public institutions. In addition, there are reports that Belgium and several states in Germany are considering similar legislation regarding schools.

In February 2004, the Commission issued a public statement expressing concern over the proposed new law. The Commission expressed particular concern that the proposed restrictions may violate France’s international human rights commitments. The Commission also stated that though increased immigration in France in recent years has created new challenges for the French government, including integration of these immigrants into French society as well as problems of public order, these challenges should be addressed directly, and not by inappropriately limiting the right to freedom of thought, conscience, religion, and belief. The

French government's promotion of its understanding of the principle of secularism should not result in violations of the internationally recognized individual right to freedom of religion or belief.

In its February 2004 statement, the Commission recommended that the U.S. government urge the government of France to ensure that any state regulations on public expression of religious belief or affiliation adhere strictly to international human rights norms. The French government and legislature should be urged to reassess this initiative in light of its international obligations to ensure that every person in France is guaranteed the freedom to manifest his or her religion or belief in public, or not to do so.

In addition, in July of last year, the Commission held meetings with senior French officials charged with religious affairs to discuss concerns about religious freedom in France and recent changes in official policies.

## **Georgia**

Georgia's previous government under Eduard Shevardnadze maintained a slow and inadequate response to ongoing vigilante violence against some of the country's religious minorities. In a welcome move in March 2004, the new Georgian government of Mikheil Saakashvili ordered the arrest and pretrial detention of seven leaders of mob violence against religious minorities. Following the ouster of Shevardnadze, officials reportedly permitted the Jehovah's Witnesses Watchtower Bible Society to operate legally in November 2003. Nevertheless, other significant religious freedom issues remain unresolved, including the fact that only the Georgian Orthodox Church (GOC) has the right to register and gain legal status, giving the GOC precedence over other religious communities in official affairs, including public education. The Commission placed Georgia on its Watch List in 2004.

After Georgia gained independence from the Soviet Union in 1991, popular protests forced its first president to flee, leading to civil war. During the same period, two violent separatist conflicts in the autonomous regions of Abkhazia and South Ossetia displaced some 300,000 people. In 1992, former Soviet Foreign Minister Eduard Shevardnadze was invited to return to Georgia. Although he was elected president in 1995 and again in 2000, Shevardnadze's rule was marked by territorial disputes, rampant corruption, and poverty. In November 2003, faced with mass popular discontent over what were seen as rigged parliamentary elections, Shevardnadze resigned his office, and in January 2004, Mikheil Saakashvili was elected president. Although Georgia has a lively civil society, with many non-governmental organizations, political parties and a largely free press, since 2000, the human rights situation has worsened, especially after the government's repeal of judicial reforms. According to the 2003 Religious Freedom report issued by the Department of State, religious freedom conditions "remained poor" in Georgia.

The 1995 Constitution guarantees religious freedom and forbids "persecution of an individual for his thoughts, beliefs or religion." In practice, however, violations of religious freedom do occur, especially at the regional level, where local officials restrict the rights of



mainly non-traditional religious minorities, who in recent years have been subjected to societal violence.

In the past three years, minority religious groups in Georgia, including Baptists, Catholics, Hare Krishnas, Jehovah's Witnesses, and Orthodox churches that do not accept the primacy of the GOC Patriarchate have been subjected to more than 100 violent vigilante attacks. The Jehovah's Witnesses have been especially singled out, as well as members of independent Orthodox churches. Pentecostals have also been attacked; adherents have been beaten and property has been vandalized or stolen. Local police are sometimes implicated in these attacks or often refuse to intervene to protect the victims. What began in 1999 as a series of isolated attacks in the capital of Tbilisi escalated into a nation-wide scourge of mob assaults against members of religious minorities treated with relative impunity. According to the Department of State, the number of such attacks continued to increase in 2002 and 2003.

The main instigators of these attacks were "renegade" members of the GOC: defrocked priest Vasili Mkalavishvili and director of the Orthodox "Jvari" Union, Paata Bluashvili, who reportedly was supported by some in the GOC hierarchy. The Georgian government under President Shevardnadze did very little to punish those responsible for attacks on religious minorities. Few investigations were opened, although in many cases the perpetrators were known, and there was only one criminal trial connected to these attacks. Acting on a reported promise in March 2003 to bring to justice those responsible for violence against religious communities, Shevardnadze's government initiated a trial against violent self-appointed Orthodox vigilante Paata Bluashvili and four associates in April. On November 4, 2003, two days after the disputed parliamentary elections, a court in Rustavi sentenced Bluashvili and four associates to conditional prison terms, ranging from two to four years. Although they have allegedly been involved in a series of violent attacks on Protestants and Jehovah's Witnesses, the five men were sentenced only for their violent attacks on two Jehovah's Witnesses meetings.

Similarly convoluted legal proceedings have marked the Georgian judiciary's treatment of defrocked priest Vasili Mkalavishvili, another leader of mob violence against religious minorities. In June 2003, a court ordered that Mkalavishvili be held in preventive detention for three months, but he went into "hiding" and continued to act without consequence. Over 100 police stormed Mkalavishvili's church in Tbilisi in March 2004, where the priest and his followers had barricaded themselves. Mkalavishvili was taken at once into three-month pre-trial detention in conformity with the June 2003 court order. At a closed hearing on March 14, the judge ruled that seven of Mkalavishvili's followers also be held for three months of pre-trial detention.

The police raid against the violent priest caused a stir in Georgia. Immediately after the arrests, President Saakashvili denied that his government was undermining Orthodoxy and justified Mkalavishvili's arrest as a way to "defend" the GOC. According to Saakashvili, "extremist religious groups threaten the Orthodox church." The president declared, "My supreme goal, as an Orthodox Christian and as president, is to defend my religion." He called on people to support his efforts, saying, "The State should protect the Church from negative foreign influence and the activities of extremist groups." Meanwhile, the Georgian Orthodox Patriarchate issued a statement on March 12 pointing out that the GOC had defrocked Mkalavishvili in 1996, but condemned police violence during his arrest.

The GOC, to which 65 percent of the country's population claim adherence, is granted privileges and influence not given to other religions. Article 9 of the Constitution recognizes the "special importance of the GOC in Georgian history," giving the GOC considerable influence in official affairs, particularly education. The GOC is the only religious organization to have been granted tax-exempt status. In October 2002, the Georgian government signed an agreement, or concordat, with the GOC. The agreement grants the Patriarch immunity, excludes the GOC clergy from military service, and gives GOC clergy the exclusive right to conduct religious services in prisons and the military. The agreement also grants the GOC approval authority over construction of religious buildings and publication of religious literature. Assyrian Chaldean Catholics, Lutherans, Muslims, Old Believers, Jehovah's Witnesses and Roman Catholics have informed the Forum 18 News Service that the GOC Patriarchate has often acted to prevent them from acquiring, building, or reclaiming places of worship. The GOC Patriarchate has also reportedly denied permission for Pentecostals, the Salvation Army, and the True Orthodox Church to print religious literature in Georgia, although Assyrian Chaldean Catholics, Baptists, Roman Catholics, and Yezidis (an ancient Kurdish religion) have not reported difficulties in this regard. While there is no obligatory religious education in public schools, the GOC has the authority to review textbooks and has sometimes banned certain materials. Indeed, leaders of the Assyrian Chaldean Catholics, Jehovah's Witnesses, Pentecostals, True Orthodox, Roman Catholics and Yezidis have reported that they believe that school religion and culture classes are in fact obligatory and that the GOC has a monopoly in this regard.

At present, Georgia is the only country of the former Soviet Union that does not have a religion law. Official drafts circulated in the parliament last year contain some problematic areas. For example, what is termed "improper proselytism" could give rise to criminal charges. The absence of a mechanism for obtaining legal status means that only one religious community in the country—the GOC—in effect has such status. In September 2003, the Roman Catholic Church failed to gain legal status in Georgia when the Georgian government suddenly cancelled plans to sign an agreement with the Vatican. The leaders of many religious minorities also seek recognized legal status, since that is a prerequisite for owning property and organizing most religious activities.

## **The Russian Federation**

Since its inception, the Commission has monitored and reported on the status of freedom of religion or belief in the Russian Federation. Russia has consistently drawn the attention of the Commission not because of the severity of the country's religious freedom violations, but because of the fragility of human rights, including religious freedom. Russia is also a model, especially for other former Soviet states and other nations struggling to establish democratic systems after a history of despotism.

In its May 2003 report on Russia, the Commission expressed strong concern that the Russian government was retreating from democratic reform, thereby endangering the significant gains made for human rights, including freedom of religion or belief, in the dozen years since the collapse of the Soviet Union. Recent curtailments in media freedom and in the role of political parties, as well as proposed legislative restrictions on freedom of assembly, are indications that

progress towards democracy is being halted, if not reversed. Most, if not all, of the concerns about freedom of religion or belief raised by the Commission in the past appear to be directly related to the growing influence of authoritarian, and perhaps even chauvinistic, strains in the Russian government. The country's progress toward democratic reform based on rule of law and the protection of human rights is now in peril.

Clearly, the practice of religion in Russia is freer than at any time in its history. Despite that improvement, problems remain. For example, a federal law on religious organizations enacted in 1997 contains provisions that have prevented some religious groups from registering and thus practicing freely. Regional governments have often passed ordinances that result in discrimination against minority religious groups, and acts of violence against members of religious minorities are widespread. What is more, foreign religious leaders and workers have experienced difficulty gaining entry or maintaining residence in Russia. The Russian Orthodox Church has sought preferential treatment from the state in a way that calls into question whether religious freedom will be guaranteed for all. Yet, in the late 1990s, the Russian government responded to some of these concerns, and Russian courts provided some protection against violations. Until recently, progress was continuing.

In the past few years, however, trends have emerged that have raised serious questions about Russia's commitment to democratic reform and protection of religious freedom. Russian authorities have denied registration efforts of certain religious communities, based on the allegedly insufficient time they have existed, despite a February 2002 Russian Constitutional Court decision that found that an active religious organization registered before the 1997 law could not be deprived of its legal status for failing to re-register. The government has meddled in the internal affairs of religious communities, including the Jewish and Orthodox Old Believer communities.

The March 26, 2004 Moscow court decision banning the Jehovah's Witnesses in that city may mark a major shift in Russian official policy towards religious minorities. The protracted trial in Moscow took place even though 135,000 Jehovah's Witnesses practice their faith in registered communities in many other parts of Russia. If that decision is upheld on appeal, the Jehovah's Witnesses will become the first national religious organization to have a local branch banned under the 1997 law. The prosecutor's claim that Jehovah's Witnesses were inciting inter-religious conflict because they see their religion as having the sole claim to truth is especially troubling.

Official efforts to portray "foreign sects," mostly Evangelical Protestants, as alien to Russian culture and society appear to be escalating. In December 2003, state-controlled Kultura TV ran a film made in 1960 that reportedly portrays Pentecostals as practicing human sacrifice. This official campaign appears to be part of an increased effort by the Russian authorities to promote the "more equal" status of the state-approved forms of Russia's purported "traditional" religions: Russian Orthodoxy, Islam, Judaism, and Buddhism. A "Law on Traditional Religions," which was proposed in February 2002 and whose status remains unclear, would grant benefits, at varying levels, to these four religions. In March 2004, the Russian press reported that President Putin, while acknowledging the legal separation of church and state, said that he supports a legal initiative to "support the spiritual leaders of the traditional confessions," including on property issues.

The Russian Orthodox Church (ROC) has played a special role in Russian history and culture. Nevertheless, there is continued concern that the ROC enjoys a favored status among many Russian government officials, a situation that sometimes results in restrictions on other religious communities. President Putin recently declared that Orthodoxy is part of Russian culture and that, regardless of the legal separation of church and state, “in the soul of the people they belong together.” Particularly on the local level, evidence suggests that the Orthodox Church has a very close relationship with officials and other state bodies. For example, there are frequent reports that minority religious communities must secure permission from the local Orthodox Church before being allowed to build a house of worship. Adherents of minority faiths in Russia, including Roman Catholics, Protestants, Muslims, and others, report that government officials often create barriers, and do so oftentimes at the behest of the Orthodox Church.

Russian authorities have increasingly denied visas or residence permits for clergy and other religious workers. Since the beginning of 2002, a Catholic Bishop and several priests have been expelled from Russia, including those who had lived in Russia for years. In addition to the denials or revocations of visas for Catholic priests, there were reportedly numerous other cases in which foreign religious workers were denied visas to enter or re-enter the country, including members of the Protestant Christian, Buddhist, and Muslim faiths. The Buddhist community of Kalmykia continues to appeal to the Russian Foreign Ministry to reverse previous visa denials and allow its spiritual leader, the Dalai Lama, to visit Russia. In late 2003, a court in Tatarstan denied a new residence permit to a Baptist missionary on the basis of the assessment of local security officials that his activities were “extremist.”

Despite statements by President Putin decrying anti-Semitism and various government actions against extremist groups, violence against Jews continues. Jewish religious buildings have been subjected to vandalism and arson. The synagogue in Kostroma was vandalized in December 2003 and police have opened a criminal investigation. Three Molotov cocktails were thrown at a synagogue in Chelyabinsk in February 2004. In Moscow, an explosive device attached to a sign with an anti-Semitic slogan exploded in January 2004; police are investigating the incident. However, there are no reports of arrests in connection with similar incidents in Vladivostok, Moscow, and Kaliningrad.

The Russian authorities often seem to turn a blind eye to societal violence directed against certain religious communities, especially at the local level. On the eve of a national conference in January 2004, the “Initiative” Baptist church in Tula was bombed. Arsonists have attacked Pentecostal churches in Podolsk, Chekhovo, Balashikha, Tula, Lipetsk, and Nizhny Tagil. No criminal investigations into these incidents have been launched. In addition, individuals of nationalities traditionally associated with Islam have been subjected to numerous attacks in Russia. Rarely is anyone held to account. A Muslim cemetery was desecrated in February 2004.

Following a visit to Russia in January 2003, the Commission wrote to President Bush in May 2003 urging him to raise concerns about threats to religious freedom and democracy in Russia during his meeting with Russian President Vladimir Putin. In July 2003, Commissioners took part in a special meeting of the Organization for Security and Cooperation in Europe (OSCE) on Freedom of Religion or Belief at which they held bilateral meetings with Russian government officials. In September 2003, Commission Chair Michael K. Young made a

presentation on the Commission's religious freedom concerns on Russia to senior Administration officials and representatives of non-governmental organizations at the State Department's Europe-Eurasia Religious Freedom Roundtable.

In its May 2003 report, the Commission urged Congress to reinstate the Smith Amendment, which conditions certain foreign assistance to the Russian government on Presidential certification that the Russian government has not implemented any law or regulation that discriminated against religious groups in violation of international agreements to which the Russian Federation is a party. Congress included this provision in the Consolidated Appropriations Act of 2004, now Public Law 108-199.

The Administration and several members of Congress have made clear their intention to seek the repeal of the Jackson-Vanik amendment. In March 2003, Congressman Charles Rangel introduced legislation to grant normal trade relations with Russia. The Rangel bill, introduced in the Senate by Senator Max Baucus, also included a requirement that the U.S. government should continue monitoring Russia's compliance with human rights standards, including through an annual assessment by the U.S. Commission on International Religious Freedom on whether Russia is adequately protecting freedom of religion or belief.

With regard to Russia, the Commission has recommended that the U.S. government should:

- make clear its concern to the Russian government that efforts to combat terrorism should not be used as an unrestrained justification to restrict the rights, including religious freedom, of members of Russia's religious minorities;
- continue to press the Russian government to ensure that the views expressed in the leaked "Zorin" report, in which Catholics, Protestants, and others have been grouped together with Islamic extremists and collectively labeled as threats to Russia's national security, are not adopted as Russian government policy;
- urge the Russian government to ensure that any special role for the Orthodox Church or any other religious community does not result in violations of the rights of or discrimination against members of other religious groups;
- continue to urge the Russian government to cease the practice of unfairly denying entry visas or residence permits to foreign clergy and other religious workers and to cease other forms of interference in the internal affairs of religious communities;
- urge the government of Russia to monitor the actions of regional and local officials who interfere with the right to freedom of religion or belief, and to take steps to bring local laws and regulations on religious activities into conformity with the Russian Constitution and international human rights standards;
- persistently urge the Russian government to take all appropriate steps to prevent and punish acts of anti-Semitism, including to condemn anti-Semitic acts, to pursue and prosecute the

perpetrators of violent incidents of anti-Semitism, and, while vigorously protecting freedom of expression, to counteract anti-Semitic rhetoric and other organized anti-Semitic activities;

- make clear its concern to the Russian government that hostile rhetoric against Muslims and the Islamic faith is fueling an atmosphere in which perpetrators believe they can attack Muslim or Muslim-appearing persons with impunity;
- ensure that the humanitarian and human rights crisis in Chechnya remains a key issue in its bilateral relations with Russia and urge the Russian government to end, and prosecute acts of, torture, arbitrary detention, rape, and other abuses by members of the military in Chechnya and to accept a site visit to Chechnya from the UN Special Rapporteurs on Torture, Extrajudicial Executions, and Violence Against Women;
- raise religious freedom and other human rights violations in multilateral fora, including the OSCE and the UN, and continue, on a bilateral basis, to encourage the government of Russia to agree to the request of the UN Special Rapporteur on Freedom of Religion or Belief to visit Russia;
- use every possible means to engage and support the genuine democrats in the Russian government at the federal and local levels, and ensure that U.S. aid programs are not being used to support the activities in Russia of authoritarian-minded officials; and
- advance human rights, including religious freedom, in Russia by continuing to provide assistance, as appropriate, to non-governmental organizations, public interest groups, journalists, and academic institutions, and expand programs aimed at encouraging religious tolerance and supporting international standards on freedom of religion and other human rights.

In addition, the Commission recommends that if the Jackson-Vanik amendment is repealed with respect to Russia, the U.S. Congress should make certain that some other mechanism is in place to monitor the status of religious freedom and other human rights in Russia and report to Congress.

## **Turkmenistan**

Turkmenistan is among the most repressive states in the world today and engages in particularly severe, ongoing violations of freedom of thought, conscience, religion, or belief. Since 1985, the country has been ruled by President Saparmurat Niyazov, who, since Turkmenistan gained independence in 1991, has assumed total control of the country through a “cult of personality.” Niyazov’s all-pervasive authoritarian rule has effectively prevented any opposition from operating within the country. The Commission continues to recommend that the Secretary of State designate Turkmenistan as a “country of particular concern,” or CPC. Despite the fact that religious freedom is severely proscribed in Turkmenistan, the Secretary of State has not yet named Turkmenistan a CPC. There is no evidence that the situation for religious freedom has improved in the past year.

The overall human rights situation in Turkmenistan deteriorated significantly after November 2002, when, in response to an alleged assassination attempt, Niyazov began arresting hundreds of relatives or associates of dissidents. Many have been sentenced to as many as 25 years in prison. The status of religious freedom declined further after the passage of a new law on religion in November 2003. This law further codifies the Turkmen government's already highly repressive policies that effectively ban most religious activity in Turkmenistan and calls for criminal penalties for those found guilty of participating in "illegal religious activity." According to reports, the law also requires religious groups to coordinate any contacts with co-religionists abroad with the Turkmen government. Contradicting this law, Niyazov issued a surprise decree in March 2004 that religious communities may register "in the prescribed manner" and will no longer have to meet the requirement of 500 members in order to register. However, the decree only amends those portions of the law relating to the numerical requirements for registration and not the penalties for violating it. Turkmen officials have noted that this apparent easing of registration requirements does not mean that religious communities will be able to meet in private homes to conduct services. To date, no religious communities have been registered under the lower numerical requirements for registration.

President Niyazov has promoted a state-controlled version of Islam as part of Turkmen identity. His monopoly of power and absolute control over Turkmen society renders any independent religious activity impossible and is treated as a potential threat to that control. Since independence in 1991, religious groups must register with the government in order to engage in religious activities. The earlier 1997 version of the religion law effectively banned all religious groups except the state-controlled Sunni Muslim Board and the Russian Orthodox Church, though religious instruction even for these two communities is severely limited. Niyazov has allowed only one madrassa, or Islamic school, to remain open. In late March 2004, he proclaimed that no new mosques should be built. Imams have been instructed by the government to repeat an oath of loyalty to the "fatherland" and to the President after each daily prayer. Niyazov bolstered his personality cult with the publication of a three-volume work, *Ruhnama*, containing his "spiritual thoughts," which is required reading in all schools. Copies of *Ruhnama* are now reportedly required in mosques and Russian Orthodox churches, and given equal prominence with the Koran and the Bible. Opposition on religious grounds to this requirement is considered a grave affront to Niyazov's power. Indeed, on March 2, 2004, the country's former chief mufti, Nazrullah ibn Ibadullah, who had opposed the requirement to elevate the *Ruhnama*, was sentenced in a closed trial to 22 years in prison, reportedly on charges of treason for purported involvement in the alleged November 2002 assassination attempt against Niyazov.

Even before the passage of the new law on religion, the 1997 version of the religion law made it all but impossible for religious minorities to register and function legally. Turkmen security forces routinely interrogate and intimidate believers, especially those attempting to fulfill the registration requirement. Members of unregistered religious communities—including Baha'is, Baptists, Hare Krishnas, Jehovah's Witnesses, Pentecostals, Seventh-day Adventists, Shi'a and other Muslims operating independently of the Sunni Muslim Board—have been arrested, detained, imprisoned and reportedly tortured, deported, harassed, and fined. In addition, they have had their congregations dispersed, services disrupted, religious literature confiscated, and places of worship destroyed. Members of some religious minority groups in Turkmenistan have reportedly been forced to renounce their faith publicly, swearing an oath on a

copy of *Ruhnama*. Security officials regularly break up religious meetings in private homes, search homes without warrants, confiscate religious literature, and detain and threaten congregants with criminal prosecution and deportation. Family members of detained religious leaders have been subjected to harassment and internal exile. Even the registered Russian Orthodox community has been affected by the repressive policies of Niyazov, who in September 2003 issued a decree banning residents of Turkmenistan from receiving Russian publications by mail, a ban that included the Journal of the Moscow Patriarchate.

In January 2004, Commission Chair Michael K. Young met with Tracey Jacobson, U.S. Ambassador to Turkmenistan, to discuss bilateral relations, the status of human rights, including religious freedom, and possible steps the United States might take to ameliorate the situation. In December 2003, the Commission issued a statement outlining its concerns about the November 2003 passage of Turkmenistan's harshly repressive law on religion. The Commission has led or participated in bilateral meetings with official Turkmen delegations at human rights meeting of the Organization for Security and Cooperation in Europe in July and September 2003. As recommended by the Commission, the UN Human Rights Commission passed resolutions in 2003 and 2004 condemning Turkmenistan for repression of religious and political rights, including through torture.

In the 108th Congress, the Senate and House of Representatives introduced resolutions on human rights in Central Asia that concerned Turkmenistan, S.J.Res. 3 and H.Con.Res. 32. S.J.Res 3 calls upon the government of Turkmenistan to permit "the free exercise of religious beliefs and cease the persecution of members of religious groups and denominations that do not engage in violence or political change through violence." H.Con.Res. 32 calls on the President, Secretary of State, and Secretary of Defense to follow the Commission's recommendation to designate Turkmenistan a CPC and includes additional provisions reflective of the Commission's other recommendations on Turkmenistan. Over 30 Members of Congress concurred with the Commission's recommendation on CPC status for Turkmenistan in a "Dear Colleague" letter, circulated by Representatives Christopher Smith and Ben Cardin and sent to Secretary Powell in October 2003.

In addition to recommending that Turkmenistan be designated a CPC, the Commission has recommended that the U.S. government should:

- suspend all non-humanitarian assistance to the government of Turkmenistan, with the exception of programs that serve specifically identifiable U.S. national security interests in connection with the current campaign against terrorism. This recommendation does not apply to U.S. assistance to appropriate non-governmental organizations, private persons, or cultural or educational exchanges;
- scrutinize all aspects of any remaining assistance programs in Turkmenistan to ensure that these programs do not facilitate Turkmen government policies or practices that result in religious freedom violations. The United States should also examine its programs in Turkmenistan to determine if opportunities exist within those programs to promote the development of genuine respect for human rights, including religious freedom, in that country;



- support efforts to facilitate Turkmenistan’s sale of natural gas on world markets, including support for the Trans-Caspian Gas Pipeline, only if the Turkmen government takes definitive steps to improve substantially conditions for religious freedom in Turkmenistan;
- identify specific steps that the government of Turkmenistan could take in order to have its currently suspended assistance reinstated and to avoid triggering further restrictions on assistance programs, steps which should include, but not be limited to, the lifting of oppressive legal requirements on religious groups and allowing all such groups to organize and operate freely, the end to harassment and deportation of religious leaders, and the halting of unjust arrest, detention, imprisonment, torture, and residential and workplace intimidation of religious leaders and their adherents (including releasing those currently in detention or imprisoned);
- vigorously press the government of Turkmenistan: (a) to release immediately and unconditionally any persons who have been detained solely because of their religious beliefs, practices, or choice of religious association; (b) to ensure that all people in Turkmenistan are able to exercise their right to religious freedom without threat of harassment, detention, imprisonment, or torture; and (c) to permit all religious groups to organize and worship freely;
- suspend state visits between the United States and Turkmenistan until such time as religious freedom conditions in the country have improved significantly; and
- encourage scrutiny of religious freedom violations in Turkmenistan in appropriate international fora such as the Organization on Security and Cooperation in Europe and other multilateral venues and also raise the issue of religious freedom violations in Turkmenistan at those United Nations bodies that consider human rights questions, including the Commission on Human Rights.

## **Uzbekistan**

Uzbekistan has a highly restrictive law on religion that severely limits the ability of religious groups to function. The Uzbek government in recent years has also been harshly cracking down on Muslim individuals, groups, and mosques that do not conform to government policies on the practice and expression of the Islamic faith. As a result, thousands of people have been arrested, many of whom have been tortured in detention. The Commission has placed Uzbekistan on its Watch List and will continue to consider closely whether the government’s record rises to a level warranting designation as a “country of particular concern,” or CPC.

Since Uzbekistan gained independence in 1992, fundamental human rights, including religious freedom, have not been respected. The use of torture is widespread and, despite promises from the government to prevent it, is not declining. One human rights organization has documented 10 deaths from torture over a five-year period, including two prisoners in May 2003, one of whom was charged with belonging to a banned religious group, *Hizb ut-Tahrir*.

The Uzbek government continues to exercise tight control over all religious practice in the country. Despite the constitutional guarantee of the separation of religion and state, the government under President Islam Karimov strictly regulates Islamic institutions and practice through the officially-sanctioned Muslim Spiritual Board. Over the past 10 years and particularly since 1999, the Uzbek government has arrested and imprisoned, with sentences up to 20 years, thousands of Muslims who reject the state's control over religious practice. In some cases, piety alone is reported to result in state suspicion and arrest. Human rights organizations report that many of those in detention were arrested on specious drug charges or for possession of literature of a banned religious organization. Once arrested, they frequently do not have access to a lawyer or are held incommunicado for weeks and sometimes even months. Many individuals detained for offenses related to religious practice are treated especially severely in prison; those who pray or who observe Muslim religious festivals are reportedly subjected to further harassment, beatings, and even torture.

The UN Special Rapporteur on Torture, in his report on Uzbekistan released in February 2003, concluded, "torture or similar ill-treatment is systematic" in Uzbekistan and that the "pervasive and persistent nature of torture throughout the investigative process cannot be denied." The report also pointed out that "the practice of maintaining families in a state of uncertainty with a view to punishing or intimidating them and others must be considered malicious and amounting to cruel and inhuman treatment."

The government of Uzbekistan does face threats to its security from certain groups that claim religious links, including the Islamic Movement of Uzbekistan, which has used violence in the past but whose membership reportedly declined significantly as a result of U.S. military action in Afghanistan in late 2001. Uzbekistan continues to be subject to violent attacks, though the perpetrators are not often apparent. In late March 2004, 47 people were reported dead after bombings and shootouts during several days of violence in the capital Tashkent and the ancient city of Bukhara, according to the Uzbek government. A female suicide bomber was allegedly involved in one incident. During a nation-wide broadcast on March 29, the BBC reported that President Karimov suggested that unnamed foreign forces were behind the violence. Uzbek Prosecutor-General Rashid Qodirov told the Russian news agency RIA-Novosti, "there are serious reasons to believe that the religious-extremist organization *Hizb ut-Tahrir* (Party of Liberation) and the Wahhabis are implicated in these crimes." On March 29, *Hizb ut-Tahrir* issued a press release denying any involvement in the March bombings and attacks, stating that it "does not engage in terrorism, violence or armed struggle." In addition to expressing condolences to the families of the victims of the attacks, on March 30, Secretary of State Powell offered U.S. assistance to Uzbek investigations into the bombings.

*Hizb ut-Tahrir*, which is banned in most Muslim countries, purports not to engage in violence. However, it is intolerant of other religions and has sanctioned violence in some circumstances. The group calls for the establishment of a worldwide caliphate in place of existing governments, and though it does not specify the methods it would use to attain that goal, it does, according to the State Department's 2003 *Annual Report International Religious Freedom*, reserve the "possibility that its own members might resort to violence" in the effort to achieve this aim. In addition, the State Department reports that the literature of the *Hizb ut-Tahrir* includes "strong anti-Semitic and anti-Western rhetoric." Alleged members of *Hizb ut-Tahrir* make up most of the thousands in prison; however, in the majority of cases, the Uzbek authorities have presented no

evidence that these persons have participated in any violent acts. According to the 2003 State Department human rights report, there are an estimated 6,500 people imprisoned for political or religious reasons. Many of those arrested and imprisoned are not in fact affiliated with *Hizb ut-Tahrir* but are only accused of membership or association, sometimes due to possession of the group's literature when they are arrested. Some reportedly had the group's literature planted on them at the time of arrest. Though security threats do exist in Uzbekistan, neither these threats nor the transitional state of development of democratic institutions can excuse or explain the scope and severity of the government's ill treatment of religious believers.

The Law on Freedom of Conscience and Religious Organizations passed in May 1998 severely restricts the exercise of religious freedom. Through a series of regulations that are often subjectively applied, the law imposes what the State Department calls "strict and burdensome criteria" for the registration of religious groups; criminalizes unregistered religious activity; bans the production and distribution of unofficial religious publications; prohibits minors from participating in religious organizations; prohibits private teaching of religious principles; and forbids the wearing of religious clothing in public by anyone other than clerics. As with Muslims, pastors or other members of Protestant churches have been arrested on spurious drug or other charges. Several Christian leaders have in the past reportedly been detained in psychiatric hospitals, severely beaten, and/or sentenced to labor camps. In the past year, Christian groups continued to have their churches raided, services interrupted, Bibles confiscated, and the names of adherents recorded by Uzbek officials. Several Christian leaders were imprisoned for leading religious services in private homes. Some Christian groups in Uzbekistan have been forced to operate underground.

In November 2003, the State Department did not certify that Uzbekistan was in compliance with the human rights provisions of the Cooperative Threat Reduction (CTR) Agreement on military and human rights issues, and asked that the White House make that same determination. However, on December 30, 2003, the White House found that the military components of CTR outweighed Uzbekistan's lack of human rights compliance and waived the human rights requirement and released \$1.2 million of military assistance to that country.

The Commission has led or participated in bilateral meetings with official Uzbek delegations at human rights meetings of the Organization for Security and Cooperation in Europe in July and September 2003.

The Commission has recommended that U.S. aid to Uzbekistan be contingent on improvements in freedom of religion. Under the Consolidated Appropriations Act of 2004, the Congress conditioned funds to Uzbekistan on its "making substantial and continuing progress in meeting its commitments under the 'Declaration of Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America,' including respect for human rights and freedom of expression." By April 2004, the State Department was to certify whether or not Uzbekistan was in compliance with the specified human rights requirements of the act. H.Con.Res. 32 expresses the sense of Congress that Uzbekistan "risks designation [as a CPC] if conditions in that country do not improve." S.J. Res. 3 also expresses the sense of Congress that Uzbekistan should accelerate reforms to fulfill its human rights obligations, including religious persecution.

With regard to Uzbekistan, the Commission has recommended that the U.S. government should:

- continue to press forcefully its concern about religious freedom violations in Uzbekistan, consistent with the Uzbek government's obligations to promote respect for and observance of human rights. The U.S. government should also encourage scrutiny of these concerns in appropriate international fora such as the Organization on Security and Cooperation in Europe and other multilateral venues;
- press the Uzbek government to cease its abuse of those articles in its criminal code, including Articles 159 and 216, that impinge on religious freedom;
- strongly encourage the Uzbek government to establish a mechanism to review the cases of persons detained under suspicion of or charged with religious, political, or security offenses and to release those who have been imprisoned solely because of their religious beliefs, practices, or choice of religious association, as well as any others who have been unjustly detained or sentenced;
- instruct the U.S. Embassy in Tashkent to continue to every extent possible its policy of carefully monitoring the status of individuals who are arrested for alleged religious, political, and security offenses;
- press the government of Uzbekistan to discontinue its practice of excessively regulating the free practice of religion in Uzbekistan, including the oppressive regulation of the Islamic clergy and the use of registration requirements to prevent minority religious groups from practicing their faith;
- press the Uzbek government to adhere to its international commitments to abide fully by the rule of law and to protect human rights ensuring due process of law to all;
- press the Uzbek government to ensure that every religious prisoner has access to his or her family, human rights monitors, adequate medical care, and a lawyer, as specified in international human rights instruments, including Article 14 of the International Covenant on Civil and Political Rights, and press the Uzbek government to ensure that all prisoners are allowed to practice their religion while in detention, to the fullest extent compatible with the specific nature of their detention;
- make contingent all U.S. assistance to the Uzbek government, with the exception of assistance to improve humanitarian conditions and advance human rights, on that government's taking a number of concrete steps to improve conditions for religious freedom for all individuals and religious groups in Uzbekistan, including: a) releasing persons imprisoned solely because of their religious beliefs, practices, or choice of religious association; b) ending torture; c) halting the arrest and detention of persons because of their religious beliefs, practices, or choice of religious association; and d) refraining from using registration requirements to prevent religious groups from practicing their faith;

- continue to develop assistance programs for Uzbekistan designed to encourage the creation of institutions of civil society that protect human rights and promote religious freedom, including training in human rights, the rule of law, and crime investigation for police and other law enforcement officials, conditioned upon fulfillment of specific goals; and
- retain the reinstated Uzbek language program at the Voice of America (VOA), use VOA and other appropriate avenues of public diplomacy to explain to the people of Uzbekistan why religious freedom is an important element of U.S. foreign policy, and continue its practice of encouraging exchanges between the people of Uzbekistan and the United States, paying attention to opportunities to include human rights advocates and religious figures in those programs.



## COUNTRY REPORTS: THE MIDDLE EAST

### The Exportation of Religious Intolerance from Saudi Arabia

After it became known that 15 of the 19 hijackers who perpetrated the attacks of September 11, 2001 were Saudi nationals, urgent questions emerged about whether intolerant and repressive policies within Saudi Arabia were promoting extremism, violence, or terrorism abroad. There have been a growing number of reports that funding originating in Saudi Arabia has been used to finance religious schools and other activities that allegedly support religious intolerance, and, in some cases, violence, associated with certain Islamic militant and extremist organizations in several parts of the world. Other reports have identified members of extremist and militant groups that have been trained as clerics in Saudi Arabia. Saudi officials have denied these allegations, and U.S. government leaders have praised the Saudi government for its cooperation in the war on terror. Yet, these reports raise troubling questions about the Saudi government's role in propagating worldwide an ideology that is incompatible with both internationally recognized guarantees of the right to freedom of religion or belief as well as the war against terrorism. This, in turn, raises questions about U.S. policy toward Saudi Arabia.

The Saudis fund mosques, university chairs, Islamic study centers, and religious schools known as madrassas all over the world, from New York to Nigeria. During the Afghan war against the Soviets, madrassas were established in Pakistan that were concerned less with scholarship than implementing an extremist agenda. These madrassas provided ideological training for some of those who went to fight in Kashmir, Chechnya, and Afghanistan—and many of these schools still do. The peaceful propagation of religious beliefs, including Islam, is a human right. However, there is concern that the Saudi government may be propagating an ideology that promotes violence against non-Muslims and disfavored Muslims. The line separating the form of Islam allegedly preached by Saudi clerics from the violence incited and perpetrated by radicals is a thin one, and it warrants investigation.

After the events of September 11, 2001, Saudi leaders acknowledged that up to 10 percent of their curriculum contained objectionable material, including language preaching hatred of other religious groups, and vowed to address the issue. Others allege the problem is far more extensive. Anti-Semitic, anti-Christian, and anti-Western sentiment is prevalent in the government-controlled media and in sermons delivered by clerics, who are under the authority of the Ministry of Islamic Affairs. Yet, little attention has been given to the extent to which these materials and practices are found in Saudi-funded religious schools and mosques outside the Kingdom—including in Islamic religious literature available in U.S. prisons and to the U.S. armed forces.

In order to explore further Saudi Arabia's reported export of religious intolerance and the implications for U.S. policy, the Commission held a public hearing on the matter in November 2003. At the hearing, the Commission heard from four panelists: Dr. Mai Yamani, Research Fellow, Middle East Program, Royal Institute for International Affairs; Ambassador Martin Indyk, Director, Saban Center for Middle East Policy, Brookings Institution; Mr. Robert Baer, former CIA operative and author of *Sleeping with the Devil: How Washington Sold our Soul for Saudi Crude*; and Mr. David Aufhauser, former General Counsel, Treasury Department and former Chair, National Security Council Policy Coordinating Committee on Terrorist Financing.

The panelists agreed that several critical issues warranted greater attention by the Saudi government and as a matter of U.S. policy: Saudi exportation of religious intolerance; the need for reform in the Saudi education system; and the virulently inflammatory government-controlled media in Saudi Arabia.

Since September 11, 2001, and in particular since the May 2003 terrorist bombing in Riyadh, Saudi Arabia, Saudi government officials, including Crown Prince Abdullah, have made an increasing number of statements regarding internal reform efforts. At the Commission's November hearing, Aufhauser highlighted some of the Saudi government's efforts thus far, but noted that if these kinds of reforms are indeed genuine, the Saudi government should expand its domestic efforts to regulate funding activities outside the Kingdom and address the propagation of intolerance by Saudi-trained clerics in various countries throughout the world.

The Commission has noted discrepancies among Saudi official statements about reform initiatives and exportation. A recent example is the reported decision of the Saudi government to shut down the Islamic affairs departments in many of its embassies.<sup>1</sup> Several days after the initial press report quoted an unnamed Saudi official confirming the intended closings, the Minister of Islamic Affairs publicly said that an article in the *Washington Post* was incorrect and that "the [Islamic affairs] centers are working and they are part of the Kingdom's message."<sup>2</sup> It has been widely reported that Islamic affairs sections in Saudi embassies globally have distributed religious materials with inflammatory and hate-filled language toward non-Wahhabi religious groups. Saudi embassies have also provided diplomatic status to Muslim clerics, including non-Saudi clerics, some of whom have been known to preach hate and intolerance of other religious communities.

Conditions inside Saudi Arabia, as well as the possibility that the Saudi government has played a role in spreading hatred, intolerance, and even violence against both Muslims and non-Muslims, have very significant implications for U.S. foreign policy. Human rights concerns, including religious freedom, have not heretofore been a public feature of the U.S.-Saudi relationship. The Commission has recommended strengthening and making public U.S. efforts to encourage the government of Saudi Arabia to comply with its international commitments to protect religious freedom. As with other countries where serious human rights violations exist, the U.S. government should identify these problems and publicly acknowledge that they are significant issues in the bilateral relationship.

Witnesses at the November hearing endorsed the Commission's 2003 recommendation that Congress should authorize a study to determine whether, how, and the extent to which the Saudi government, members of the royal family, or Saudi-funded individuals or institutions are propagating in many parts of the world a religious ideology that explicitly promotes hate and violence toward members of other religious groups, including disfavored Muslims. Ambassador Indyk testified that "Shining the light on Saudi practices is very important... I would only urge you to go beyond it, to shine the light not just on Saudi practices when it comes to exporting intolerance, but also on the Saudi education curriculum and the Saudi media, which continues to this day to trot out the most intolerant, racist, and anti-Semitic diatribes."<sup>3</sup>

Aufhauser argued that the Saudis should not fund any religious activities abroad unless they are convinced that these teachings are not intolerant. He noted that while serving in the



U.S. government, “more than one minister – prime minister – told me that they will not even let a Saudi cleric into their land anymore for fear that the preaching would be preaching of hate and revolt and violence rather than religion.”<sup>4</sup> He added that “when you mix that [financing] with religious teachings and the thousands of madrassas that condemn pluralism and mark non-believers as enemies, you have a combustible compound that really needs to be addressed.”<sup>5</sup>

In a September 2003 press report, Saudi Foreign Minister Prince Saud acknowledged that it is possible that individual Saudis have funded religious schools abroad that preach intolerance.<sup>6</sup> He has stated publicly that the Saudi government would welcome information about this funding, which he characterized as a crime in Saudi Arabia. However, Prince Saud has not addressed the possibility that members of the royal family or Saudi government also may have contributed funds to support these types of activities.

Over the past year, the Commission continued to be attentive to developments in Saudi Arabia. In May 2003, it issued a report on Saudi Arabia with policy recommendations. On November 10, 2003, Commissioner Khaled Abou El Fadl published an opinion-editorial in *The Wall Street Journal* addressing the urgent need for Congress to initiate and make public a study on Saudi exportation of intolerance. The Commission’s November hearing on Capitol Hill entitled, “Is Saudi Arabia a Strategic Threat?: the Global Propagation of Intolerance” was mentioned above. In April 2004, the Commission issued a country brief on Saudi Arabia with new and updated policy recommendations based on its November hearing.

In its May 2003 report on Saudi Arabia, the Commission recommended that Congress authorize a study to determine whether, how, and the extent to which the Saudi government, members of the royal family, or Saudi-funded individuals or institutions are propagating globally a religious ideology that explicitly promotes hate and violence toward members of other religious groups, including disfavored Muslims. In April 2004, the Commission’s recommendation was advanced when several Members of Congress wrote to the Comptroller of the U.S. General Accounting Office (GAO) requesting that the agency undertake a study to determine what the U.S. government is doing to identify and monitor sources of Saudi funding for institutions that advocate violence and intolerance, and what the U.S. government is doing to counter that influence. In pursuing this study, GAO was asked to seek information from relevant U.S. government agencies, including this Commission, as well as outside experts.

With regard to the exportation of religious intolerance from Saudi Arabia, the Commission has recommended that the U.S. government should:

- continue efforts, along with those of the Congress, to determine whether and how—and the extent to which—the Saudi government, individual members of the royal family, or Saudi-funded individuals or institutions are directly or indirectly propagating globally, including in the United States, a religious ideology that explicitly promotes hate, intolerance, and human rights violations, in some cases violence, toward members of other religious groups, both Muslim and non-Muslim;
- request the Saudi government to provide an accounting of what kinds of Saudi support go to which religious schools, mosques, centers of learning, and other religious organizations globally, including in the United States;

- urge the Saudi government to stop funding religious activities abroad until the Saudis know the content of the teachings and are satisfied that they do not promote hatred, intolerance, and other human rights violations;
- urge the Saudi government to monitor, regulate, and report publicly about the activities of Saudi charitable organizations based outside the Kingdom in countries throughout the world; and
- urge the Saudi government to: a) stop providing diplomatic status to Islamic clerics and educators teaching outside the Kingdom; and b) close down any Islamic affairs sections in Saudi embassies throughout the world that have been responsible for propagating intolerance.

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<sup>1</sup> Susan Schmidt and Caryle Murphy, *The Washington Post*, “U.S. Revokes Visa of Cleric at Saudi Embassy,” December 7, 2003, A1. For further developments on this issue, see Caryle Murphy and Susan Schmidt, *The Washington Post*, “U.S. Revokes Visas of 16 at Islamic Institute,” January 29, 2004, A10.

<sup>2</sup> *Saudi Press Agency*, “Saudis Deny Closing Religious Centers,” December 9, 2003.

<sup>3</sup> U.S. Commission on International Religious Freedom, Hearing on *Is Saudi Arabia a Strategic Threat?* (Indyk testimony).

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> Lisa Beyer, “Inside the Kingdom,” *Time*, 51, September 15, 2003.

## **Egypt**

Serious problems of discrimination and other human rights violations against members of religious minorities remain widespread in Egypt. The Egyptian government has failed to take effective steps to halt repression of and violence against religious believers, or, in many cases, to punish those responsible for severe violations of religious freedom. Egypt remains on the Commission’s Watch List and the Commission continues to monitor the actions of the government of Egypt to see if the situation rises to a level that warrants designation as a “country of particular concern,” or CPC.

Egypt has a poor overall human rights record that includes repressive practices that seriously violate freedom of thought, conscience, and religion. The government maintains tight control over all Muslim religious institutions, including mosques and religious endowments, which are encouraged to promote an officially acceptable interpretation of Islam. Islamists, including groups such as the Muslim Brotherhood, who believe in or seek to establish an Islamic state in Egypt based on their political interpretation of Islamic law, may be subjected to harassment, arrest, systematic torture and/or prolonged detention. Although some of these

groups advocate and have used violence to achieve their aims, including the assassination of President Anwar al-Sadat in 1981 and the murder of foreign tourists, the government's campaign against Islamists has sometimes resulted in the arrest, detention, and ill-treatment of persons not affiliated with any group and not accused of perpetrating violence.

Coptic Christians face ongoing violence from vigilante Muslim extremists, including members of the Muslim Brotherhood, many of whom act with impunity. Egyptian authorities have been accused of being lax in protecting the lives and property of Christians. Christians are rarely promoted to high levels in the government or military and are frequently discriminated against by private employers in hiring and promotion. For all Christian groups, government permission must still be sought to build or repair a church, and the approval process for church construction is time consuming and inflexible. In January 2004, four Coptic Christian youths were arrested, reportedly for possessing religious material and literature. They were released in early April and all charges were dropped.

At the end of December 1999, communal violence in the village of al-Kosheh resulted in the deaths of 20 Coptic Christians and one Muslim. In February 2001, a criminal court acquitted 92 of 96 defendants, Muslims and Christians, suspected of crimes committed while participating in that violence. None of the four convicted, all Muslim, was convicted of murder. Coptic religious leaders and families of the victims criticized the verdict and the General Prosecution quickly lodged an appeal. In July 2001, the Court of Cassation ordered a retrial of all the defendants, which opened in November 2001. In February 2003, the Sohag Court again acquitted 92 of the 96 defendants arrested in connection with the Al-Kosheh killings. Of the other four who were convicted, one was sentenced to 15 years for the killing of the sole Muslim victim, while the other three men, all Muslims, received either one or two year sentences. According to the State Department, in March 2003 the public prosecutor appealed the verdict, citing "misapplication of the law and inadequate justification of the verdict." The case is ongoing.

During the past two decades, including incidents as recently as late in 2003, several dozen Christians who have been accused of proselytizing or had converted from Islam have been harassed by police or arrested for violating Article 98(F) of the Penal Code, which prohibits citizens from ridiculing or "insulting heavenly religions" or inciting sectarian strife. Neither the Constitution nor the Civil and Penal Codes prohibit proselytizing or conversion. Nevertheless, at least two couples who had converted to Christianity were charged and imprisoned in 2003. According to Amnesty International, several Egyptians who converted to Christianity over the past year reported arbitrary detention and torture or ill treatment. Particular problems often arise in the case of Christian women or girls who convert to Islam.

Also in 2003, authorities charged several converts from Islam to Christianity with violating laws prohibiting the falsification of documents. In such instances, converts, who fear government harassment if they officially register the change from Islam to Christianity, have reportedly altered their own identification cards and other official documents to reflect their new religious affiliation. In October 2003, 20 Egyptians were arrested for allegedly bribing local government authorities to alter their civil records to identify them as Christians. Several of those arrested were converts from Islam to Christianity. As of this writing, two remain in detention.

Members of other religious minorities, including Jews and Baha'is, face discrimination and even violence. All Baha'i institutions and community activities continue to be banned by the government. Over the years, Baha'is have been arrested and imprisoned because of their religious beliefs, often charged with insulting Islam.

Material vilifying Jews and Baha'is appears frequently in the state-controlled and semi-official media. In November and December 2002, Egypt aired on state television a series based on the forged and notorious anti-Semitic tract, the Protocols of the Elders of Zion. Clerics in state-run mosques continue to spread virulently anti-Semitic views. In December 2003, a senior UNESCO official publicly denounced the display of the "Protocols of the Elders of Zion" at the Egyptian Alexandria Library as being anti-Semitic. The display was subsequently removed.

In recent years, there have been an increased number of arrests of members of small Muslim groups accused of defaming Islam. In March 2002, a State Security Emergency Court convicted eight Muslims from the city of Mataria near Cairo of holding "unorthodox Islamic beliefs and practices." Sentences ranged from three years in prison to a one year suspended sentence. In September 2002, a State Security Emergency Court in Nasr City in greater Cairo convicted another 21 persons of "insulting religion due to unorthodox Islamic beliefs and practices." One person was sentenced to three years in prison, another to one year, and the rest to one year suspended sentences. In December 2003, state security forces arrested and detained eight Shi'a Muslims without charge. They were reportedly interrogated about their religious beliefs and physically abused. As of this writing, three remain in detention.

All mosques must be licensed by the government, which seeks to control them in an official effort to combat extremism. The government appoints and pays the salaries of imams in mosques and also monitors their sermons. In June 2002, the Minister of Awqaf (Religious Endowments) announced that of the more than 80,000 mosques in Egypt, the government administratively controls 60,000 regular mosques and 15,000 mosques located in private buildings. The Minister said that the government hoped eventually to control and administer all mosques in the country.

The Commission has urged the State Department to monitor closely religious freedom in Egypt and to respond vigorously to further violations. In January 2004, the House introduced the Egyptian Counterterrorism and Political Reform Act (H.R. 3725) which, among other things, highlights the victimization and discrimination by the Egyptian government of the Coptic Christian community in Egypt. Commissioner Khaled Abou El Fadl traveled to Egypt in October 2003 and held a series of meetings with U.S. Embassy officials and representatives of several Egyptian religious communities and non-governmental organizations on behalf of the Commission. In April 2004, the Commission wrote to President Bush urging him to raise with Egypt's President Hosni Mubarak at their April meeting that the Egyptian government should implement democratic and human rights reforms, including enhanced protections for the right to freedom of religion or belief and an end to messages of hatred, intolerance, or incitement to violence on the basis of religion in the educational system and government-controlled media.

## Iran

The government of Iran engages 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. Since 1999, the State Department has designated Iran as a “country of particular concern,” or CPC. The Commission continues to recommend that Iran be designated a CPC.

The Constitution of the Islamic Republic of Iran proclaims Islam, particularly the doctrine of the Twelver (Shi’a) Jaafari School, to be the official religion of the country. It stipulates that all laws and regulations, including the Constitution itself, be based on Islamic criteria. The Head of State, Ayatollah Ali Khamene’i, is the Supreme Leader of the Islamic Revolution and has direct control over the armed forces, the internal security forces, and the judiciary. The Council of Guardians, half of whose members are appointed by the Supreme Leader, reviews all legislation passed by the *Majles* (parliament) for adherence to Islamic and constitutional principles. The Constitution grants the Council of Guardians the power to screen and disqualify candidates for elective offices based on an ill-defined set of requirements, including candidates’ ideological and religious beliefs. In recent years, dozens of prominent Muslim activists and dissidents advocating political reform have been sentenced by the Revolutionary Court to up to 10 years in prison, ostensibly on charges of seeking to overthrow the Islamic system in Iran; others have been arrested and detained for blasphemy and criticizing the nature of the Islamic regime.

Iranian Sunni leaders have reported widespread abuses and restrictions on their religious practice, including detentions and torture of Sunni clerics and bans on Sunni teachings in public schools and Sunni religious literature, even in predominantly Sunni areas. Sunni and Sufi Muslims also report widespread official discrimination. Even Shi’a clerics are affected. A number of senior Shi’a religious leaders who have opposed various religious and/or political tenets and practices of the Iranian government have also reportedly been targets of state repression, including house arrest, detention without charge, unfair trials, torture, and other forms of ill treatment.

The primacy of Islam and Islamic laws and institutions also adversely affects the rights and status of non-Muslims. While all religious minorities reportedly suffer, severe violations are principally directed towards the 300,000 to 350,000 followers of the Baha’i faith in Iran. Baha’is are often viewed as “heretics,” and may face repression on the grounds of apostasy. Since 1979, Iranian government authorities have killed more than 200 Baha’i leaders in Iran, and more than 10,000 have been dismissed from government and university jobs. Baha’is may not establish houses of worship, schools, or any independent religious associations. In addition, Baha’is are denied government jobs and pensions as well as the right to inherit property, and their marriages and divorces are not recognized. Their cemeteries, holy places, and community properties are often seized and some have been destroyed. Members of the Baha’i faith are not allowed to attend university. Despite some reported improvements in 2000 and 2001, according to the State Department, restrictions on the Baha’i community intensified after the UN Commission on Human Rights ended formal monitoring of the human rights situation in the country in the spring of 2002. Though several Baha’i prisoners have recently been released, Baha’is in Iran continue to face harsh treatment.

The Constitution of Iran formally recognizes Christians, Jews, and Zoroastrians as protected religious minorities who may worship freely and have autonomy over their own matters of personal status (*e.g.* marriage, divorce, and inheritance). However, members of these groups are subject to legal and other forms of discrimination, particularly in education, government, and the armed services. Over the past 15 years, at least eight evangelical Christians have reportedly been killed at the hands of government authorities and between 15 and 23 are reported missing or “disappeared.” According to the 2001 report of the UN Special Representative on Iran, some are said to have been convicted of apostasy. In addition, evangelical Christians in Iran continue to be subject to harassment and close surveillance; many are reported to have fled the country. Jews have reportedly been singled out on the basis of their “ties to Israel,” whether real or perceived. The July 2000 conviction of 10 Jews on widely disputed charges of espionage in secret revolutionary (closed) courts that did not afford minimal due process guarantees raised concerns in the international community about the future of the Iranian Jewish community. By February 2003, all had been released after having served reduced sentences or being pardoned, although in some cases the releases may have been conditional. Non-Muslims may not engage in public religious expression and persuasion among Muslims; some also face restrictions on publishing religious material in Persian.

The government’s monopoly on and enforcement of the official interpretation of Islam, as well as other abuses of the right to freedom of thought, conscience, religion, or belief, negatively affect the fundamental rights of women in Iran, including their right to freedom of movement, association, religion, and freedom from coercion.

In 2003, the U.S. Department of Homeland Security began to deny increasing numbers of Iranian Christians and Jews refugee status, arguing that their treatment in Iran did not rise to the level of persecution. Concerned by its growing population of Iranian religious minorities denied refugee status by the United States, the Austrian government stopped issuing visas to Iranian Christians. Senator Arlen Specter proposed legislative language that would assist such applicants by extending the “Lautenberg Amendment” to cover their cases. The Lautenberg Amendment has eased the burden of proof for Jewish and Christian refugee applicants from the former Soviet Union since 1989. In September 2003, when the Specter language was in danger of being withdrawn due to State Department objections, the Commission recommended passage of the language proposed by Specter and made its decision known to the White House and the State Department. The State Department withdrew its opposition and the language passed the Senate and became law in January 2004 (P.L. 108-199, Division E, Title II, Sec. 213).

In October 2003, both the Senate and the House introduced resolutions (S.Con.Res. 78 and H.Con.Res. 319, respectively) expressing concern regarding the continued repression of the Baha’i community in Iran by the Iranian government.

In January 2004, the Commission held a meeting with members of the Iranian American community in Los Angeles to discuss religious freedom and human rights conditions in Iran and implications for U.S. policy.

## Saudi Arabia

The government of Saudi Arabia engages in systematic, ongoing and egregious violations of the right to freedom of thought, conscience, religion, or belief. The Commission continues to recommend that Saudi Arabia be designated a “country of particular concern,” or CPC. While the State Department’s 2003 *Annual Report on International Religious Freedom* again notes that freedom of religion “does not exist” in Saudi Arabia, the country still has not been designated a CPC.

The Saudi government has engaged in an array of severe violations of human rights as part of its official repression of freedom of thought, conscience, religion, or belief. These violations include: torture and cruel and degrading treatment or punishment imposed by judicial and administrative authorities; prolonged detention without charges and often incommunicado; and blatant denials of the right to liberty and security of the person, including coercive measures aimed at women and the broad jurisdiction of the religious police (*mutawaa*), whose powers are vaguely defined and exercised in ways that violate the religious freedom of others.

The government of Saudi Arabia continues vigorously to enforce its ban on all forms of public religious expression other than the government’s interpretation and presentation of the Hanbali school of Sunni Islam. This policy violates the rights of the large communities of non-Muslims and Muslims from a variety of doctrinal schools of Islam who reside in Saudi Arabia, including Shi’a, who make up 8-10 percent of the population. The government tightly controls even the restricted religious activity it permits—through controls on the building of mosques, the appointment of imams, the regulation of sermons and public celebrations, and the content of religious education in public schools—and suppresses the religious views of Saudi and non-Saudi Muslims that do not conform to official positions. Prominent Shi’a clerics and religious scholars continue to be arrested and detained without charge for their religious views; several remain in prison and reportedly have been beaten or otherwise ill-treated. Several imams, both Sunni and Shi’a, who have spoken in opposition to government policies or against the official interpretation of Islam, have been harassed, arrested, and detained. In the past and reportedly until now, spurious charges of “sorcery” and “witchcraft” have been used by the Saudi authorities against non-Wahhabi Muslims. Saudi authorities occasionally have arrested and detained Ismaili clerics for allegedly practicing sorcery.

Restrictions on public religious practice, for both Saudis and non-Saudis, are enforced in large part by the *mutawaa*, public enforcers of religious behavior. The *mutawaa* conduct raids on worship services, including in private homes. They have also harassed, detained, whipped and beaten, and meted out extrajudicial punishments to individuals deemed to stray from “appropriate” dress and/or behavior, including any outward displays of religiosity, such as wearing non-Wahhabi Muslim religious symbols.

Although the government has publicly taken the position that it permits non-Muslims to worship in private, the guidelines as to what constitutes “private” worship are vague. Many persons worshipping privately continue to be harassed, arrested, imprisoned, tortured, often deported, and generally forced to go to great lengths to conceal private religious activity from the authorities. Even diplomatic personnel from Western countries report difficulties in their religious practice. Foreign contract workers without diplomatic standing and little or no access

to private religious services conducted at diplomatic facilities face even greater difficulties. Moreover, the Saudi government does not allow clergy to enter the country in order to perform private religious services for foreigners legally residing in Saudi Arabia.

A series of arrests of Christian foreign contract workers in Jeddah in 2001 and 2002 cast doubt on Saudi policy regarding private worship rights. Between June and September 2001, 14 Christians were arrested for worshipping privately, and all were deported by the end of March 2002. In April and May 2002, more than 30 Christian foreign workers were detained in raids on religious worship services, and by September, most had been deported.

In April 2003, two Christian foreign workers, Eritrean and Ethiopian expatriates, were arrested for worshipping privately. In June 2003, the Ethiopian was deported, followed by the Eritrean in July. In September 2003, the *mutawaa* arrested 16 foreign workers for practicing Sufism; their status is unknown. In October 2003, two Egyptian Christians were arrested and jailed on religious grounds and released three weeks later. Also in October, several Protestant foreign workers were arrested by the civil police and released the same day without charge. In December 2003, a foreign worker was arrested and charged with apostasy; in early March 2004, a press report indicated that the charge had been reduced to blasphemy and that he had been sentenced to two years in jail and 600 lashes. In March 2004, an Indian Christian foreign worker was reportedly arrested and tortured for “preaching Christianity,” among other charges. As of this writing, he remains in prison.

The government’s monopoly on the interpretation of Islam and other violations of freedom of religion adversely affect the fundamental rights of women in Saudi Arabia, including freedom of speech, movement, association, and religion, freedom from coercion, access to education, and full equality before the law. For example, women must adhere to a strict dress code when appearing in public and can only be admitted to a hospital for medical treatment with the consent of a male relative. Women need to receive written permission from a male relative to travel inside or outside the country and are not permitted to drive motor vehicles. Religiously-based directives limit women’s right to choose employment by prohibiting them from studying for certain professions such as engineering, journalism, and architecture. In addition, the Saudi justice system does not grant women the same legal status as men.

The Commission issued a report on Saudi Arabia with recommendations in May 2003. A number of Commission recommendations have been included in legislation in the 108th Congress. H.Con.Res. 244 urges that Saudi Arabia be named a CPC and calls for human rights, including religious freedom, to be raised during bilateral meetings with the government of Saudi Arabia. H.Con.Res. 242 calls for reform of educational curriculum that promotes and encourages extremism, including anti-American, anti-Semitic, and anti-Western views. The Saudi Arabia Accountability Act, S. 1888 and H.R. 3643, calls upon Saudi Arabia to cooperate with the United States and to permanently close all charities, schools, and other institutions which fund, train, and incite terrorism. In October 2003, in line with the Commission recommendation, more than 30 Members of Congress called for CPC designation for Saudi Arabia in a letter circulated by Representatives Christopher Smith and Ben Cardin and sent to Secretary of State Colin L. Powell.



In November 2003, *The Wall Street Journal* published an opinion-editorial by Commissioner Khaled Abou El Fadl entitled, “Al Qaeda and Saudi Arabia.” Eight days later, the Commission held a public hearing entitled, “*Is Saudi Arabia a Strategic Threat?: the Global Propagation of Intolerance*” to explore Saudi Arabia’s involvement in the global spread of religious extremism. In April 2004, the Commission issued a country brief on Saudi Arabia with new and updated policy recommendations based on its November hearing. The Commission’s findings and recommendations regarding the alleged Saudi support for the spread of religious extremism are included in a separate section of this report.

In addition to naming Saudi Arabia a CPC, the Commission has recommended that the U.S. government should:

- press for immediate improvements in respect for religious freedom, including: (1) establishing genuine safeguards for the freedom to worship privately, (2) entrusting law enforcement to professionals in law enforcement agencies subject to judicial review and dissolving the *mutawaa*, (3) permitting non-Wahhabi places of worship in certain areas and letting clergy enter the country, (4) reviewing cases and releasing those who have been detained or imprisoned on account of their religious belief or practices, (5) permitting independent non-governmental organizations to advance human rights, (6) ending state prosecution of apostasy, blasphemy, criticizing the government, and sorcery, (7) ceasing messages of hatred, intolerance, or incitement to violence against non-Wahhabi Muslims and members of non-Muslim religious groups in the educational curricula and textbooks, as well as in government-controlled mosques and media, and (8) ratifying international human rights instruments, including the International Covenant on Civil and Political Rights, and cooperating with UN human rights mechanisms; and
- use its leverage to encourage implementation of numerous Saudi government statements to carry out political, educational, and judicial reforms in the Kingdom by: (1) raising concerns about human rights, including religious freedom, both publicly and privately in its anti-terrorism dialogue with the Saudi government, (2) institutionalizing a high-level ongoing dialogue on the Saudi reform agenda, (3) expanding human rights assistance, public diplomacy and other programs and initiatives, such as the Middle East Partnership Initiative, to include components specifically for Saudi Arabia, and (4) taking steps to overcome obstacles to broadcasting Radio Sawa.

The U.S. Congress should hold biannual hearings at which the State Department reports on what issues have been raised with the Saudi government regarding that government’s violations of religious freedom and what actions have been taken in light of the Saudi government’s response.



## COUNTRY REPORTS: SOUTH ASIA

### India

In India, the government's response to violence against religious minorities in Gujarat and elsewhere continues to be inadequate. In addition, several government leaders have publicly allied themselves with extremist Hindu organizations that have been implicated in that violence. In 2003, the Commission again recommended that India be designated a "country of particular concern," or CPC.\* To date, the State Department has not named India a CPC.

Unlike other countries recommended for CPC designation, India has a democratically elected government, is governed essentially by the rule of law, and has a tradition of secular governance that dates back to the country's independence. Despite these democratic traditions, religious minorities in India continue to be subject to violent attacks, including killings, in what is called "communal violence." Those responsible for the violence are rarely held responsible for their actions. This violence against religious minorities has coincided with the rise in political influence of groups associated with the Sangh Parivar, a collection of Hindu extremist nationalist organizations that view non-Hindus as foreign to India and aggressively press for national governmental policies to promote the "Hinduization" of culture. The ascent to power in 1998 of the Sangh Parivar's political wing, the Bharatiya Janata Party (BJP), the current ruling party in the national government coalition, has helped to foster a climate in which extremists believe that violence against religious minorities will not be systematically punished.

At the end of February 2002, in the town of Godhra, a mob of Muslims set fire to a train resulting in the death of 58 Hindus. Within days, hundreds of Muslims were killed across Gujarat by Hindu mobs. In addition, hundreds of mosques and Muslim-owned businesses and other kinds of infrastructure were looted or destroyed. More than 100,000 fled their homes and, in the end, as many as 2,000 were killed. Many Muslims were burned to death; others were stabbed or shot. India's National Human Rights Commission (NHRC), an official body, found evidence of premeditation in the killings by members of Hindu extremist groups; complicity by Gujarat state government officials; and police inaction in the midst of attacks on Muslims. The NHRC also noted "widespread reports and allegations of well-organized persons, armed with mobile telephones and addresses, singling out certain homes and properties for death and destruction in certain districts—sometimes within view of police stations and personnel," suggesting the attacks may have been planned in advance. Christians were also victims in Gujarat, and many churches were destroyed. There have been cases of retaliatory violence against Hindus, including in September 2002, when Muslim gunmen opened fire at a Hindu temple in the town of Gandhinagar, killing 32 people. Unlike in Godhra, however, after this incident the Indian government called on citizens to refrain from taking the law into their own hands and further violence was averted. In August 2003, bombings in Bombay killed over 50

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\* Commissioners Bansal, Gaer, and Young dissented from the Commission's recommendation that India be designated a country of particular concern (CPC). Their views with respect to India are reflected in a separate opinion, which immediately follows this report. Commissioner Chaput also joins this separate opinion, and would place India on the Watch List rather than recommend that it be designated a CPC.

people; those arrested in connection with the bombings claimed that they carried out their actions “in revenge for the state-assisted killings of Muslims in Gujarat.”

The BJP-led state government in Gujarat led by Minister Narendra Modi has been widely accused of being reluctant to bring the perpetrators of the killings of Muslims to justice. After more than two years, few persons have been arrested and held to account for the deaths; most of those initially arrested were released without charge. What is more, state officials have been accused of failing to protect witnesses in cases against Hindu extremists believed to have taken part in the attacks. In one instance, 21 Hindu defendants accused of killing 14 men, women, and children in a bakery store were acquitted in June 2003, after the main prosecution witness changed her evidence after receiving several death threats. In spite of the alleged failures of the Gujarat government, the Gujarat High Court later upheld the acquittals. In October, India’s Supreme Court, after declaring that it had “no faith left” in the state’s handling of the investigations, instructed the Gujarat state government to appoint new prosecutors to examine the religious violence of the previous year. Finally, in April 2004, in what was described as an indictment of Modi’s Gujarat government, the Supreme Court overturned the acquittal of the 21 accused in the bakery store case and ordered a new trial of those indicted. India’s highest court also ordered a transfer of that trial to neighboring Maharashtra state and directed both state governments to provide protection to witnesses and victims, appoint a new public prosecutor, and institute new police investigations into the case.

In other developments, in October 2003, police in Gujarat registered a case against a state BJP legislator and four others for allegedly intimidating witnesses in the incident. In November, a court in Gujarat convicted 15 Hindus of the murder of 14 Muslims during the anti-Muslim rioting.

Since 1998, there have been hundreds of attacks on Christian leaders, worshippers, and churches throughout India. These attacks have included killings, torture, rape and harassment of church staff, destruction of church property, and disruption of church events. In January 2003, armed members of a Hindu extremist group attacked an American missionary and seven others with swords; two activists from the Rashtriya Swayamsevak Sangh (RSS), a part of the Sangh Parivar, were later arrested in the state where the attack took place. In a noted development, in September 2003—after years of reported stalling by the prosecutors involved—Dara Singh was found guilty, along with 12 others, of the 1999 murder by an extremist mob of Graham Staines, a Christian burned to death in his car along with his children.

Though there have been some convictions of a few perpetrators of the Gujarat violence and attacks on Christians, and though the BJP-led central government may not be directly responsible for instigating the violence against religious minorities, it is clear that the government does not do all in its power to pursue the perpetrators of the attacks and to counteract the prevailing climate of hostility against these minority groups. India’s two most senior leaders, Prime Minister Atal Bihari Vajpayee and Deputy Prime Minister Lal Krishna Advani, are both members of the RSS and have never renounced its militant Hindu ideology. The severe violence in Gujarat provided the national government with adequate grounds—under the Constitution and existing laws to counteract communal violence—to invoke central rule in the state, yet the BJP government did not do so, despite many requests and the fact that the killing of Muslims continued on a lesser scale for many weeks. Prime Minister Vajpayee did not

condemn the massacre of Muslims unequivocally until more than one year after the violence occurred. Quicker action to forestall Hindu-Muslim violence was taken by the Vajpayee government in October 2003, when police arrested 1,500 members of a militant Hindu group rallying in the town of Ayodhya and demanding a temple on the site where a mosque once stood, until it was torn down by a Hindu mob in 1992.

In March 2003, the Gujarat government passed a bill limiting certain religious conversions. The bill, which is modeled on similar laws in the states of Tamil Nadu and Orissa, requires government officials to assess the legality of conversions and provides for fines and imprisonment for anyone who uses force, fraud, or “inducement” to convert another. Though worded to prohibit only “forced” religious conversions, observers contend that the bill is targeted against conversions generally of Hindus to Christianity and Islam. To date, however, there are no reports of persons having been arrested under this law. Though Article 25 of India’s Constitution provides for “the right to freely profess, practice, and propagate religion,” in 1977, the Indian Supreme Court ruled that the constitutional right to propagate religion did not include a right to convert (or attempt to convert) another.

Throughout the past year, Commission staff conducted personal interviews with members of non-governmental organizations representing various religious communities in India, as well as human rights organizations, academics, and other India experts.

In addition to recommending that India be named a CPC, the Commission has recommended that the U.S. government should:

- urge the BJP leadership to denounce RSS militancy that supports violence and discrimination;
- make clear its concern to the BJP-led government that virulent nationalist rhetoric is fueling an atmosphere in which perpetrators believe they can attack religious minorities with impunity;
- persistently press the Indian government to pursue perpetrators of violent acts that target members of minority religious groups;
- urge the government of India to oppose any attempts to interfere with or prohibit ties between religious communities inside India and their co-religionists outside the country, and any government efforts to regulate religious choice or conversion;
- urge India to allow official visits from foreign government agencies concerned with human rights, including religious freedom; and
- take into account, in the course of working toward improvements in U.S.-Indian economic and trade relations, the efforts of the Indian government to protect religious freedom, prevent and punish violence against religious minorities, and promote the rule of law.

## **Separate Opinion of Commissioners Bansal, Chaput, Gaer, and Young with Respect to India**

We remain deeply concerned over incidents of religiously-based violence in Gujarat and other parts of India that have resulted in loss of life, physical abuse, displacement, and other abuses. Moreover, we are very concerned that justice has not been done for the victims of the violence against Muslims that took place in Gujarat in early 2002, and that incidents of mob violence against Christians, Muslims, and other religious minorities have continued in parts of the country, but we respectfully dissent from the decision to recommend that India be named a CPC.

As noted in the dissent last year, India, unlike the other countries on the Commission's recommended CPC or Watch List, is a respected constitutional democracy with manifold religious traditions that coexist and flourish under extreme economic and other conditions; has a judiciary which is independent, albeit slow-moving and frequently unresponsive, that can work to hold the perpetrators responsible; contains a vibrant civil society with many vigorous, independent non-governmental human rights organizations that have investigated and published extensive reports about the Gujarat government's handling of the situation and the rise of religiously-motivated violence; and is home to a free press that has widely reported on and strongly criticized the situation on the ground in Gujarat and the growing threats to a religiously plural society within India. In fact, some of the most vociferous critics of the Gujarat government's handling of the 2002 situation and the prosecutions thereafter have been Indian governmental bodies – including the National Human Rights Commission, the National Commission on Minorities, and the National Commission for Women, and much of the source material for critical analysis of the state of religious freedom in India derives from publications of the Indian media and of non-governmental and other civil society groups within India.

Moreover, since last year, national governmental bodies have taken a number of significant steps to reign in excesses or to correct insufficient action at the state level. The Indian Supreme Court has forcefully denounced Gujarat state authorities' handling of certain prosecutions, halted key trials, and paved the way for changes of venue to ensure justice. With such visible and proactive intervention, the Supreme Court has made clear that it will take action to ensure justice. In addition, initial convictions and life sentences for a dozen perpetrators of the Gujarat violence have been handed down recently. Justice has been done this year in the state of Orissa in the widely reported case involving the 1999 murder of an Australian missionary and his sons, with a death sentence having been rendered against the main perpetrator of that violence.

Perhaps most notably, a series of actions by Indian officials during the past year have prevented similar outbreaks of large-scale religiously motivated violence in several volatile locales. In August 2003, twin deadly bombings in Mumbai by groups seeking to avenge the previous year's violence in Gujarat were followed by official statements seeking to defuse potential violence, and silent, rather than violent, marches in response. Most recently, arrests and diversion of thousands of demonstrators and deployment of troops in Ayodhya in October 2003 prevented a widely-expected potentially violence-inciting rally by religious nationalists.

We remain very concerned about growing threats to the religiously plural foundations of Indian society. The pace of prosecutions against individual perpetrators of the Gujarat and other

religious violence is slow. This is a moment when Indian government officials need to act in defense of religious freedom by forcefully denouncing and taking concrete steps to redress religious-based violence in order to preserve their own legitimacy with respect to human rights. Nonetheless, despite our concerns, we feel that adding India to the CPC list of nations is inappropriate at this time. India has the legal and democratic traditions to deal with religious intolerance and should be strongly encouraged to do so.

## **Pakistan**

The response of the government of Pakistan to persistent sectarian and religiously motivated violence in Pakistan continues to be inadequate. In addition, official government policies, such as the anti-Ahmadi and blasphemy laws, frequently result in imprisonment and other violations of freedom of religion or belief. The Commission continues to recommend that Pakistan be designated a “country of particular concern,” or CPC. To date, the State Department has not designated Pakistan a CPC.

Successive governments have severely violated religious freedom in Pakistan. Discriminatory legislation has fostered an atmosphere of religious intolerance and eroded the social and legal status of religious minorities. Government officials provide fewer protections from societal violence to non-Muslims than to members of the majority Sunni Muslim community. Perpetrators of attacks on minorities are seldom brought to justice. Belated efforts to curb extremism through reform of Pakistan’s thousands of Islamic religious schools appear to have had little effect thus far. Many of these schools continue to provide ideological training and motivation to those who take part in violence targeting religious minorities in Pakistan and abroad.

Sectarian and religiously-motivated violence, much of it committed against Shi’a Muslims by Sunni militants, is chronic in Pakistan. Religious minorities such as Ahmadis and Christians have also been targeted by Sunni extremist groups. Attacks on Shi’a worship services in February and July 2003 produced multiple fatalities; the July attack alone resulted in over 50 deaths. In October 2003, gunmen fired on a bus carrying Shi’a Muslims, killing at least five, and in March 2004, armed men opened fire on Shi’a worshippers during a religious procession commemorating Al-Shura in the town of Quetta, leaving 45 dead and 160 wounded. In the last two years, there has been an upsurge in anti-Christian violence, including fatal attacks on churches and other Christian institutions. In September 2002, armed men killed seven people on the premises of a Christian charitable organization; in December, three children were killed and 14 injured in a grenade attack on a Christian church in Chianwala village in Sialkot; and in January 2004, a church compound that includes a Christian school for girls was bombed. Police protection appears ineffective, and no one has yet been successfully prosecuted for these crimes. Perpetrators of attacks on minorities are seldom brought to justice. The case of the brutal murder of American journalist Daniel Pearl in early 2002, whose Jewish background was highlighted in a video of his decapitation by his Islamic extremist killers, is not yet fully resolved.

Ahmadis, who number 3-4 million in Pakistan, are prevented by law from engaging in the full practice of their faith. The Constitution of Pakistan declares members of the Ahmadi

religious community to be “non-Muslims,” despite their insistence to the contrary. Barred by law from “posing” as Muslims, Ahmadis may not call their places of worship “mosques,” worship in non-Ahmadi mosques or public prayer rooms (otherwise open to all Muslims), perform the Muslim call to prayer, use the traditional Islamic greeting in public, publicly quote from the Quran, or display the basic affirmation of the Muslim faith. These acts are punishable by imprisonment of up to three years. It is also illegal for Ahmadis to preach in public, to seek converts, or to produce, publish, and disseminate their religious materials. These acts are also punishable by imprisonment of up to three years. Ahmadis have been arrested and imprisoned for all of the above acts, and they are reportedly subject to ill treatment from prison authorities and fellow prisoners. Because they are required to register to vote as non-Muslims, a policy that was reaffirmed by Pakistani government officials in February 2004, Ahmadis who refuse to disavow their claim to being Muslims are effectively disenfranchised. There is no indication that the current government intends, or has even seriously considered, changes to the anti-Ahmadi laws.

Prescribed penalties for blasphemy include death for whoever “defiles the sacred name of the Holy Prophet Muhammad” and life imprisonment for whoever “willfully defiles, damages, or desecrates a copy of the holy Quran.” Blasphemy allegations, which are often false, result in lengthy detention of and sometimes violence against Christians, Ahmadis, and members of other religious minorities, as well as Muslims on account of their religious beliefs. The negative impact of the blasphemy laws is further compounded by the lack of due process involved in these proceedings. In addition, during blasphemy trials, Islamic militants often pack the courtroom and make public threats about the consequences of an acquittal. Such threats have proven credible, as they have sometimes been followed by actual violence. Although no one has yet been executed by the state under the blasphemy laws, some persons have been sentenced to death. Several accused under the blasphemy laws have been attacked, even killed, by vigilantes, including while in police custody; those who escape official punishment or vigilante attack are sometimes forced to flee the country. Others have died in police custody under allegedly suspicious circumstances. Following an abortive attempt in 2000 at introducing procedural reforms, the government of President Pervez Musharraf has made no further effort to reform, much less repeal, the blasphemy laws.

Pakistan’s Hudood Ordinances, Islamic decrees introduced in 1979 and enforced alongside the country's secular legal system, provide for harsh punishments such as amputation and death by stoning for violations of Islamic law. Although these extreme corporal punishments have not been carried out in practice due to high evidentiary standards, lesser punishments such as jail terms or fines have been imposed. Rape victims run a high risk of being charged with adultery, for which death by stoning remains a possible sentence. In October 2003, the National Commission on the Status of Women in Pakistan issued a report on the Hudood Ordinances that stated that as many as 88 percent of women prisoners, many of them rape victims, are serving time in prison for violating these decrees, which make extramarital sex a crime and adultery a state offense. The Hudood laws apply to Muslims and non-Muslims alike.

The work of the Commission has been instrumental in bringing about breakthroughs on several religious freedom issues in Pakistan. The Commission’s May 2001 report on Pakistan played a key role in highlighting to U.S. and Pakistan government officials the un-democratic nature of the Pakistani separate electorate system for religious minorities. In January 2002, the



Pakistan government abolished the system of separate electorates. The requirement for voters to identify themselves as Muslims or non-Muslims, however, continues to disenfranchise many Ahmadis. The Commission also pushed for action against militant religious extremist groups and religious schools that promote violence in Pakistan. This issue came to the forefront of U.S. policy only after the events of September 11, 2001, and the United States responded by urging the Pakistani government to curtail the repressive activities of extremist groups and schools, and authorized funding for education reform in Pakistan.

In an April 2003 letter to President Bush, the Commission outlined its concern that extremists could portray U.S. military action against Iraq as part of an alleged U.S. attack on Islam, and that retribution would be sought against Christians, Jews, and others in Pakistan and throughout the Islamic world, as well as in the West. In advance of a scheduled June 2003 meeting with Pakistani President Musharraf, the Commission wrote to President Bush again to ask that he raise these concerns during his meeting. In May 2003, the Commission hosted a visit to the United States by Mr. Shahbaz Bhatti, President of the All-Pakistan Minorities Alliance and an advocate for religious freedom in Pakistan.

In addition to recommending that Pakistan be designated a CPC, the Commission has recommended that the U.S. government should:

- take the position that the existence and enforcement of laws targeting Ahmadis that effectively criminalize the public practice of their faith violate the right to freedom of religion guaranteed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;
- urge the government of Pakistan to implement procedural changes to the blasphemy laws that will reduce and ultimately eliminate their abuse;
- urge the government of Pakistan to take effective steps to prevent sectarian violence and punish its perpetrators, including disarming militant groups and any religious schools that provide weapons training; and
- support, in conjunction with other donors: (a) improvements in the public education system; (b) judicial reform and law enforcement training; (c) legal advocacy to protect the right to freedom of religion; and (d) educational programs in religious tolerance.



## WESTERN HEMISPHERE

### Cuba

Religious belief and practice continue to be tightly controlled in Cuba. As a result of the recent government crackdown on democracy activists, religious freedom conditions may decline further as part of a generally deteriorating situation. In 2004, the Commission placed Cuba on its Watch List. The Commission will continue to monitor conditions of freedom of religion or belief in Cuba to determine if they rise to a level warranting designation as a “country of particular concern,” or CPC.

Cuba remains a hard-line Communist state, with a poor record on human rights that deteriorated significantly in 2003. Since seizing power in 1959, President Fidel Castro has maintained strong, centralized control of all facets of life in Cuba. While parliamentary, judicial, and executive institutions exist in name, all are under his control, and there is no legal or political avenue of dissent. Individuals who engage in dissent are beaten, harassed, and jailed. In February 2003, the Cuban government initiated a massive crackdown on independent journalists, leaders of independent labor unions and opposition parties, and other democracy activists, including those supporting the Varela Project and the Christian Liberation Movement. One human rights activist called the recent crackdowns and executions “the most intense wave of repression in the history of Cuba.”

Since Castro came to power, the government has sought to suppress religion as being “counterrevolutionary.” Though the Cuban government seeks to project an image to the outside world of religious freedom in that country, in fact, government authorities have long feared the influence of religion as a threat to the government’s pervasive ideology. In the early years of the Castro regime, government and Communist Party officials forced priests, pastors, and others into labor camps or exile and systematically discriminated against those who openly professed their faith by excluding them from certain jobs or educational opportunities. In the past decade, however, the state instituted a limited *rapprochement* with religious believers. For example, the government abandoned its official policy of atheism in the early 1990s, Castro welcomed a visit from Pope John Paul II in 1998, and after 2000, the Christmas holiday was reinstated. The Pope’s visit sparked great hopes inside the religious communities in Cuba, as well as among democratic activists who viewed these steps as a softening of past government policies.

Despite optimism that religious freedom would improve, violations have continued, as has the government’s strong degree of control and generally hostile attitude toward religion. In early 2001, the Communist Party in Havana prepared a report that criticized inroads made by churches, particularly the Roman Catholic Church, into Cuban society, and asserted that the social work of the churches violated laws and regulations. Communist Party officials reportedly apologized to the Catholic Church hierarchy after the report was leaked. Nevertheless, Havana’s Catholic Cardinal gave an interview in 2003 in which he asserted that “restrictions on religious freedom are returning” in Cuba, representing a “return to the ideology” of repression.

The government's main interaction with, and control of, religious denominations is through the Office of Religious Affairs of the Cuban Communist Party. The Cuban government also requires churches and other religious groups to register with the provincial Registry of

Associations within the Ministry of Justice. Currently, there are approximately 50 state-recognized religions, primarily Christian denominations, half of which are members of the government-recognized Cuban Council of Churches. Reportedly, the government in recent years has not granted recognition to any new denominations, although it has tolerated the presence of various new faiths, such as the Baha'is.

The government does not permit the construction of new churches. Thus, those churches that are not recognized or those without adequate space are forced to meet in private homes or other similar accommodations, commonly known as "house churches." Permission for such meetings may be granted from the state if the church is from one of the recognized or official faiths, but permission is usually denied to those the government deems to be "an independent religious movement" (i.e. not recognized). Members of house churches outside the recognized religious faiths feel the brunt of this regulation; because they are not registered, their meetings are in violation of the law. If a complaint is made against a house church meeting, it can be broken up and the attendees imprisoned.

In the past year, both registered and unregistered religious groups continued to experience varying degrees of official interference, harassment, and repression. There are reports that house church pastors are routinely questioned and detained for several days by police and security forces. The U.S. Department of State also reports that Cuban Interior Ministry officials engage in efforts to control and monitor the country's religious institutions, including through surveillance, infiltration, and harassment of religious professionals and laypersons.

Other means by which the government restricts religion include: enforcement of a regulation that prevents any Cuban or joint enterprise (except those with specific authorization) from selling computers, facsimile machines, photocopiers, or other equipment to any church other than at the official—i.e. exorbitant—retail prices; an almost total state monopoly on printing presses; a prohibition on private religious schools; and a requirement that religious groups receive permission from local Communist Party officials before being allowed to hold processions or events outside of religious buildings. Refusal of such permission is often based on the decision of individual government officials rather than the letter of the law.

In the past year, Commission staff has met with Cuban human rights activists, regional experts, and religious leaders.

## IRFA AND THE U.S. REFUGEE AND ASYLUM PROGRAMS

The United States has a long tradition of welcoming those seeking religious freedom. The flow of refugees and religious persecution are inextricably linked, and this is acknowledged throughout Title VI of the International Religious Freedom Act of 1998 (IRFA).

The Commission has called on the Administration to improve the institutional linkages between efforts to promote religious freedom and to provide access to the U.S. Refugee and Asylum Programs. Specifically, the Commission has recommended: (1) a systematic effort to improve access to resettlement for those who have fled “countries of particular concern,” or CPCs, and other countries where there are severe violations of religious freedom; (2) better training of refugee and consular officers in the field of refugee and asylum adjudications and human rights, particularly religious freedom, as required by sections 602 and 603 of IRFA; and (3) the implementation of certain operational requirements imposed on the refugee and asylum programs by IRFA.

Over the last year, the Administration has made some progress in these three areas. More remains to be done, however, before it can be said that the refugee and asylum provisions of IRFA have been implemented.

For example, consistent with sections 601 and 602(d) of IRFA, the State Department’s 2003 *Annual Report on International Religious Freedom*, like those that preceded it, includes a refugee section. Likewise, the FY2004 Refugee Admissions Report to Congress, coordinated by the Department’s Bureau of Population, Refugees and Migration (PRM), contains sections on religious freedom. Neither document, however, sufficiently details the response of the refugee program to those who have fled religious persecution abroad, or from CPCs in particular.<sup>1</sup>

In part, these reports do not adequately explain the linkage between access to the U.S. Refugee Program and the promotion of international religious freedom because, in practice, that linkage remains weak. For example, the FY2004 Refugee Admissions document indicates that only nationals fleeing religious persecution from one CPC—Iran—may apply for refugee status (under Priority Two) without a referral from the UN High Commissioner for Refugees (UNHCR). Nationals of Burma and Sudan are also permitted to apply under the Priority Three designation, but only if they have a spouse, child or (in some circumstances) parent in the United States who has already been granted asylum or refugee status.

Moreover, the State Department’s 2003 *Annual Report on International Religious Freedom* inaccurately characterized U.S. Refugee Program processing of religious minorities from Iran. According to the Report, “Iranian refugees who belong to religious minorities are able to apply directly for U.S. resettlement.” In fact, an Iranian may not “directly” apply to the United States for resettlement without first obtaining a visa to Austria. In 2003, however, Austria stopped issuing visas to Iranian Christians, citing the high denial rate of this group by U.S. refugee adjudicators. In September 2003, the Commission endorsed the Specter Amendment, which would provide relief to the situation by clarifying the adjudication standard for refugee applications from members of Iranian religious minorities. In January 2004, the Specter Amendment was enacted (P.L. 108-199, Division E, Title II, Section 213), and the U.S. Refugee Program is currently developing guidance on its implementation.

To strengthen the linkage between the U.S. Refugee Program and the promotion of religious freedom, the Commission recommended in November 2003 that the Department of State more systematically consider categories to allow refugees who have fled religious persecution to apply for resettlement. Specifically, the Commission recommended that the Department “use its expertise to carefully consider each CPC designation and deliberate how the U.S. refugee program could strategically re-enforce U.S. policy to promote religious freedom, and to protect those who seek to exercise this fundamental human right.”

While the State Department has yet to adopt the Commission’s recommendation regarding the U.S. Refugee Program, PRM has invited the Commission to participate in the recently revitalized regional working groups on refugee admissions. The working groups, which consist of representatives of the Departments of State and Homeland Security, UNHCR, and various non-governmental partner organizations, provide one appropriate framework to improve access to the U.S. Refugee Program for those who have fled religious persecution.

As mentioned earlier, sections 602 and 603 of IRFA also mandate training requirements on religious persecution and other issues relating to the refugee and asylum programs for asylum officers, immigration judges, refugee officers, immigration inspectors, and consular officers. The Departments of Homeland Security and Justice have complied, to varying degrees, with these requirements. The Asylum Division, in particular, has developed and implemented specific training on religious freedom issues. The Commission itself has participated in training sessions for U.S. Immigration Judges.

The Commission, however, would like to draw attention to the need for greater effort by the Department of State to bring itself into compliance with IRFA training requirements for consular officers vis-à-vis the U.S. Refugee Program. According to Appendix C of the 2003 *Annual Report on International Religious Freedom*, the State Department has implemented its training requirements under Section 602(b) of IRFA by including “a lecture” entitled “Working with INS (sic – INS was dissolved on March 1, 2003, with its functions subsumed into the Department of Homeland Security).” The lecture is said to incorporate the discussion of refugee and asylum issues as they pertain to consular officers. The Commission questions whether such a fraction of a lecture is sufficient to comply with section 602(b) of IRFA.<sup>2</sup>

While consular officers do not adjudicate refugee applications, they are authorized to refer individuals in need of protection to the U.S. Refugee Program.<sup>3</sup> A recent draft report by Professor David Martin at the University of Virginia, commissioned by PRM and made available for public comment, recommended that the Department of State provide new foreign service officers with more systematic instruction on refugee and humanitarian programs generally and on the specific opportunities and procedures for referrals.

Finally, IRFA also contains broader requirements for the Refugee Admissions program, including: (1) guidelines for addressing hostile biases in personnel retained at refugee processing posts; (2) guidelines to ensure uniform procedures for establishing agreements with overseas processing entities and personnel; and (3) uniform procedures for such entities and personnel responsible for preparing refugee case files for refugee adjudications. There is no mention of any of these requirements by the State Department in the relevant Appendices of the 2003 *Annual Report on International Religious Freedom*.

While the State Department has developed a “Worldwide Refugee Admissions Processing System” (WRAPS) to promote uniformity in the preparation of refugee case files, WRAPS does not provide any substantive guidance in two central aspects of the preparation of refugee case files: the preparation of each refugee applicant’s persecution story and the filing of requests for reconsideration of denied refugee applications. Similarly, while PRM has inserted language into its cooperative agreements with overseas processing entities (OPEs) to promote compliance with IRFA, uniform procedures for addressing hostile biases in interpreters and other personnel retained at processing posts have not yet been developed.

PRM, however, has expressed its intention to establish a working group on OPEs similar to the regional working groups it has revitalized. The Commission urges the U.S. Refugee Program to make further progress in complying with IRFA.

Finally, section 605 of IRFA authorizes the Commission to appoint experts on refugee and asylum law to study the impact of Expedited Removal procedures on asylum seekers. With the dissolution of the Immigration and Naturalization Service (INS) and the absorption of asylum responsibilities into the Department of Homeland Security, the Commission determined that it would be important to perform such a study at the current time. Consequently, in 2003, the Commission designated its experts and has been working with the Department of Homeland Security and the Department of Justice to collect data for the study. The Commission expects to complete and release the study by the end of 2004.

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<sup>1</sup> For a brief analysis on the Annual Report’s “Overview of U.S. Refugee Policy,” please see the chapter on the State Department’s *Annual Report on International Religious Freedom*.

<sup>2</sup> IRFA section 602(b) requires that:

The Secretary of State shall provide sessions on refugee law and adjudications and on religious persecution to each individual seeking a commission as a United States consular officer. The Secretary shall also ensure that any member of the Service who is assigned to a position that may be called upon to assess requests for consideration for refugee admissions, including any consular officer, has completed training on refugee law and refugee adjudications....

<sup>3</sup> This is an important function, as individuals fleeing persecution may not submit an application for refugee status unless they either (1) receive such a referral from an Embassy or the United Nations High Commissioner for Refugees or (2) fall into one of the narrowly defined processing priorities of “humanitarian concern” to the U.S. Refugee Program.





## **THE STATE DEPARTMENT'S ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM**

The *Annual Report on International Religious Freedom* (Annual Report), the only U.S. government account of religious freedom conditions worldwide, continues to be an important reporting tool. In addition to providing a description of country conditions, the report is mandated to be a source of information on U.S. policies in support of religious freedom throughout the world, as well as what the U.S. government is doing to promote religious freedom. This reporting on policy is vital because through the International Religious Freedom Act (IRFA), Congress sought to ensure that advancing international religious freedom was an integral part of the U.S. government's foreign policy agenda. IRFA required the Administration to report to Congress and to the public on its ongoing efforts to pursue this goal.

As described in the chapter on Countries of Particular Concern in this report, IRFA also requires that the U.S. government take active steps to promote religious freedom and to respond to religious freedom violations in all countries where such violations occur. The Annual Report is the place where Congress stipulated that those actions be described, along with the specific policies that they are intended to further. However, in contrast to the relative wealth of information on religious freedom conditions, far less attention has been paid by the State Department to this requirement to describe U.S. actions. A better balance is needed, since underreporting on policies weakens the report's usefulness as a policy tool. The Commission has raised this serious issue previously and continues to highlight it in the hope that the State Department will take steps to strengthen this portion of the Annual Report.

The Commission thus continues to conclude that while the Annual Report remains a substantial source of information on conditions of religious freedom, it could be significantly improved as a tool for developing, explaining, and implementing policy. In order to do this, the Annual Report should specify, for each foreign country in which religious freedom violations occur:

- the U.S. government's goals and objectives to promote respect for religious freedom in that country, along with the relative priority of these objectives;
- U.S. policies that have been adopted and are being implemented to advance religious freedom;
- U.S. concerns that have been raised with foreign governments, as well as the response of those foreign governments;
- the results, or lack thereof, of specific actions taken by the U.S. government; and
- the nature of foreign aid, public diplomacy, and other programs sponsored by the U.S. government to promote religious freedom.

For example, as part of IRFA implementation, Congress stressed that U.S. government missions in violator countries should develop a strategy to promote respect for religious freedom, as part of their annual program planning.<sup>1</sup> Yet, it is not apparent from the lists of actions presented in the Annual Report that the State Department has conducted its activities with

respect to religious freedom in a coordinated and deliberate fashion, or used all of the available policy tools to advance religious freedom in countries where violations occur.

In addition to potential punitive actions, IRFA also encourages the U.S. government to take positive steps to promote religious freedom.<sup>2</sup> This aspect of the law is less recognized, and judging from the information presented in the U.S. policy section of the Annual Report, appears to be underutilized. For example, IRFA articulates a policy for the United States “to make a priority of promoting and developing legal protections and cultural respect for religious freedom in the provision of foreign assistance.”<sup>3</sup> To that end, Congress recommended that in countries where religious freedom violations occur, U.S. missions allocate funds to programs “deemed to assist in the promotion of the right to religious freedom.”<sup>4</sup>

Accordingly, the Commission recommends that the Annual Report include a detailed description of foreign aid, public diplomacy, educational and cultural exchanges, and other programs sponsored by the U.S. government that seek to promote respect for religious freedom or other related human rights, as well as religious tolerance. Some information of this type is scattered throughout the Annual Report; however, the reports on several important countries that receive substantial funding allocations under the democracy and governance programs of the U.S. Agency for International Development contain very little of this type of information, giving the reader the impression that religious freedom concerns have not been integrated into the mission’s program planning. Where appropriate, activities designed to promote rule of law, effective law enforcement, and accountability for religious freedom and related human rights violations should be a significant component of U.S. efforts to promote religious freedom, and they should also be described in the Annual Report, together with any evaluation of their impact.<sup>5</sup>

#### *The 2003 Annual Report on International Religious Freedom*

Like previous international religious freedom reports, the State Department’s 2003 *Annual Report on International Religious Freedom* is a noteworthy achievement demonstrating the hard work and dedication of foreign-service officers in American embassies around the world. Many of the individual country reports in the 2003 *Annual Report* are comprehensive and up to date, for example, those on India, Indonesia, Pakistan, and Russia.

In some cases, however, questionable conclusions have been reached. For example, in the cases of Russia and Bangladesh, the report states that “there has been no change in the overall respect for religious freedom during the period of this report.” Similar language is used for China. The reports on Russia, Bangladesh, and China conclude that religious freedom conditions have essentially remained the same, yet the reports themselves appear to belie that conclusion. In the case of Egypt, the report concludes that the situation has improved, with little evidence to back up such a claim.

Other individual reports, while adequate on the whole, nevertheless contain significant errors or omissions. For example, in the report on Sudan, there continues to be no mention of the role of oil development in the government’s previous policies of forced displacement of people from oil areas. The report on Saudi Arabia states that “the local press rarely printed articles or commentaries disparaging other religions,” although numerous reports demonstrate that the

government-run media in Saudi Arabia regularly vilifies other religions and members of other religions, including Jews, Christians, and non-Wahhabi Muslims. A particularly glaring omission in that report is the absence of any mention of reports of the Saudi export of an intolerant and hate-filled religious ideology. The report on Uzbekistan downplays the problem of torture in Uzbekistan, despite the fact that there has been no indication that the problem, described in detail last year by a report of the UN Special Rapporteur on Torture, has improved to any degree. Similarly, the executive summary of the report on Turkmenistan, a country run by a despotic dictator, seems to suggest that there is some validity to President Saparmurat Niyazov's concerns about political dissent as a justification for his repressive religious freedom policies.

The Commission was also concerned about Appendix E of the report, the "Overview of U.S. Refugee Policy." One function of the Annual Report is to serve as a resource for officials adjudicating refugee and asylum claims.<sup>6</sup> Appendix E, however, contains information that can mislead these officers, and does not adequately explain the linkage between the refugee program and religious freedom. One example is the East Asia paragraph of this year's report, which simply states "Most countries in the region permit freedom of worship." There is no mention at all of Burma, China or North Korea—each of them a CPC—nor of Vietnam, which the Commission has recommended for CPC status.

In other regional sections, there is little indication of the serious problem of intra-religious oppression, but there is instead an almost exclusive focus on inter-religious strife. Moreover, there is no mention at all of refugee-source countries such as Eritrea and Afghanistan, where serious religious freedom problems persist. Saudi Arabia and Pakistan, which the Commission has recommended be designated as CPCs, are cited in the refugee section for their mistreatment of religious minorities. However, the section does not indicate how the U.S. Refugee Program has been responsive to this mistreatment. Indeed, the U.S. admitted only 18 refugees from Pakistan last year and none from Saudi Arabia. For more information on IRFA and U.S. refugee policy, see the chapter on IRFA and the U.S. Refugee and Asylum Programs in this report.

### *Commission Recommendations*

With regard to the State Department's *Annual Report on International Religious Freedom*, the Commission has recommended that:

- the State Department should expand and strengthen its reporting on U.S. policies and actions to advance religious freedom;
- the Annual Report should describe the policies that the U.S. government has adopted and is implementing to oppose religious freedom violations, as well as to promote religious freedom, on a worldwide, regional, and individual country basis, including policies regarding foreign aid, public diplomacy, multilateral organizations, and international financial institutions;
- the Annual Report should specify, for each foreign country in which religious freedom violations occur: the U.S. government's objectives to advance religious freedom; U.S.

policies that have been adopted and are being implemented to advance religious freedom; the religious freedom concerns that the U.S. government has raised with the foreign government, and the response of that government, including any specific actions taken; and the results, or lack thereof, of the actions taken by the U.S. government;

- the State Department should describe in the Annual Report the specific actions taken pursuant to IRFA in response to the designation of a country as a “country of particular concern” or in response to a finding that a foreign government has engaged in or tolerated a violation of religious freedom;
- where appropriate, activities designed to promote rule of law, effective law enforcement, and accountability for religious freedom and related human rights violations should be a significant component of U.S. efforts to promote religious freedom, and they should be described in the Annual Report.

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<sup>1</sup> IRFA § 106, 22 U.S.C. § 6415.

<sup>2</sup> See IRFA § 106, 22 U.S.C. § 6415. In addition, section 116(e) of the Foreign Assistance Act of 1961, 22 U.S.C. § 2151n(e), as amended by IRFA § 501, encourages that not less than \$3 million in foreign assistance funds be allocated for programs and activities to “encourage or promote increased adherence to civil and political rights, including the right to free religious belief and practice”.

<sup>3</sup> IRFA § 501(a)(2).

<sup>4</sup> IRFA § 106, 22 U.S.C. § 6415.

<sup>5</sup> The Commission made recommendations to this effect in reports on Afghanistan in June 2002 and May 2003, Laos in March 2003, Indonesia and Uzbekistan in May 2002, China in February 2002, Turkmenistan in March 2002 and in its May 2001 Annual Report chapters on India, Indonesia, Nigeria, Pakistan, and Vietnam.

<sup>6</sup> IRFA § 601, 22 U.S.C. § 6471.

## **APPENDIX 1: BIOGRAPHIES OF MEMBERS OF THE U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM**

### **Michael K. Young**

Michael K. Young is the current Chair of the Commission. He also served as the Commission's Chair from September 2001 to June 2002 and as its Vice Chair from June 1999 to June 2000, and from June 2002 to June 2003. Young joined the George Washington University Law School as Dean in the summer of 1998. Prior to that, he was the Fuyo Professor of Japanese Law and Legal Institutions at the School of Law of Columbia University. At Columbia, he also served as Director of the Center for Japanese Legal Studies, the Center for Korean Legal Studies, and the Project on Religion, Human Rights and Religious Freedom. Dean Young has been a Visiting Professor and Scholar at the Law Faculties of the University of Tokyo, Waseda University and Nihon University. He has also been a Japan Foundation Fellow.

During the Administration of President George H.W. Bush, he served as Ambassador for Trade and Environmental Affairs, Deputy Under Secretary for Economic and Agricultural Affairs, and Deputy Legal Advisor to the U.S. Department of State. In 1996, Dean Young also served as Counsel to the Select Subcommittee on Transfers of Iranian Arms to Bosnian Muslims of the U.S. House of Representatives. He is also a member of the Committee on International Judicial Relations of the Judicial Conference of the United States, as well as a Fellow of the American Bar Foundation.

Dean Young has published extensively, including articles and books on the Japanese legal system, dispute resolution, mergers and acquisitions, labor relations, the legal profession, comparative law, industrial policy, international trade law, the North American Free Trade Agreement (NAFTA), the General Agreement on Tariffs and Trade (GATT), international environmental law, and international human rights and freedom of religion.

He is a graduate of the Brigham Young University (B.A., summa cum laude with highest honors, 1973) and Harvard Law School (J.D., magna cum laude, 1976), where he served as Note Editor of The Harvard Law Review. Before beginning his teaching career, Dean Young served as Law Clerk to Supreme Court Justice William H. Rehnquist and to Justice Benjamin Kaplan of the Supreme Judicial Court of Massachusetts.

Commissioner Young was appointed by Senate Majority Leader William Frist (R-TN).

### **Felice D. Gaer**

Felice D. Gaer is currently a Vice Chair of the Commission. She served as Chair from June 2002 to June 2003, and on the Commission's Executive Committee from September 2001 to June 2002. Ms. Gaer is the Director of the Jacob Blaustein Institute for the Advancement of Human Rights of the American Jewish Committee. She is a member of the Committee Against Torture, a 10-person United Nations expert body that reviews reports by governments on their compliance with the Convention Against Torture, a treaty ratified by over 130 countries.

Nominated by the United States, elected in 1999, and again in 2003, she is the first American to serve on the Committee. Ms. Gaer was appointed as a public member of nine U.S. delegations to UN human rights negotiations between 1993 and 1999, including the UN Commission on Human Rights, the World Conference on Women, and the World Conference on Human Rights. She is also a member of the steering committee of Human Rights Watch/Eurasia, and Vice President of the International League for Human Rights. Ms. Gaer is a frequent author on international human rights topics. In 1995, she was awarded the Alumnae Achievement Award from Wellesley College.

Commissioner Gaer was appointed by House Minority Leader Nancy Pelosi (D-CA).

### **Nina Shea**

Since 1999, Nina Shea has served as a Commissioner on the U.S. Commission on International Religious Freedom and, in 2003, she was elected a Vice Chair of the Commission.

Ms. Shea has been an international human rights lawyer for 25 years, and for 18 years she has focused specifically on the issue of religious persecution as the director of the Center for Religious Freedom, a division of Freedom House, America's oldest human rights group.

She is the author of a widely acclaimed book on anti-Christian persecution around the world entitled *In the Lion's Den* (Broadman & Holman Publishers). Ms. Shea has been one of the activists at the forefront of a movement to make religious freedom abroad a U.S. foreign policy priority. It was a conference that Ms. Shea organized under Freedom House auspices in January 1996 that brought 100 top Christian leaders together for the first time to address the issue of worldwide anti-Christian persecution. This marked the beginning of a Church mobilization that has turned into a nationwide movement to advance religious freedom worldwide. In a profile of her, *Newsweek* magazine credited her with "making Christian persecution Washington's hottest cause." The *Far Eastern Economic Review* cited Nina Shea as one of the "leading voices in the fight to put religious persecution at the center of U.S.-China relations."

Since 1998, she has coordinated an interfaith coalition of churches and religious groups to press the United States to bring a just peace in Sudan, where over two million persons, mostly from the non-Muslim south of the country, have been killed in a rebellion against forced Islamization. This coalition has been instrumental in bringing about the creation of a U.S. Special Envoy post for Sudan, the Sudan Peace Act and the southern ceasefire that has largely held over the past year.

Ms. Shea currently directs a Mid-East Democracy and Freedom Project to promote a U.S. foreign policy that advances religious pluralism in Muslim countries. Ms. Shea has organized and sponsored numerous fact-finding missions to Iraq, Sudan, Nigeria, China, Egypt and elsewhere and has testified regularly before Congress on these and other governments.

In 2001, Ms. Shea was appointed by President Bush to serve on the U.S. delegation to the UN Commission on Human Rights in Geneva. During the Clinton Administration, she had also

served on the Advisory Committee on Religious Freedom Abroad to the U.S. Secretary of State and for one year as a U.S. delegate to the UN Commission on Human Rights.

She has written and contributed to articles in *The New York Times*, *Wall Street Journal*, *Los Angeles Times*, *National Review*, *The Weekly Standard*, *The New Republic* and numerous other publications. She has been a guest on hundreds of talk shows on Christian radio and has appeared on CBS, ABC and PBS news programs, as well as numerous religious broadcasts.

She graduated from Smith College and American University Law School and has an honorary degree from Alvernia Franciscan College in Reading, PA. She is a dame of the Knights of Malta.

Commissioner Shea was appointed by Speaker of the House Dennis Hastert (R-IL).

### **Preeta D. Bansal**

Preeta D. Bansal is a constitutional lawyer whose career has spanned government service, private law practice, and academia. She served as the Solicitor General of the State of New York from 1999 through 2001, during the first three years of New York Attorney General Eliot Spitzer's administration. As Solicitor General, Ms. Bansal helped supervise a staff of six hundred lawyers in the New York Department of Law and directly oversaw 45 lawyers in the Solicitor General's Office who handle appeals for the State of New York and its agencies in state and federal courts, write Attorney General opinions to state and municipal agencies on issues of state law, and provide advice and counsel to state agencies on constitutional and statutory matters. Ms. Bansal argued cases in the United States Supreme Court, the en banc Second Circuit Court of Appeals, and the New York Court of Appeals on behalf of New York state; implemented managerial and administrative reforms to enhance the credibility and quality of written and oral advocacy performed by the office; and helped to formulate and articulate a vision for a proactive enforcement role for state attorneys general nationwide in the wake of the Supreme Court's "new federalism" jurisprudence.

Ms. Bansal is a magna cum laude and Phi Beta Kappa graduate of Harvard-Radcliffe College, and a magna cum laude graduate of Harvard Law School, where she was Supervising Editor of *The Harvard Law Review*. She served as a law clerk to Justice John Paul Stevens of the United States Supreme Court (1990-1991) and to Chief Judge James L. Oakes of the United States Court of Appeals for the Second Circuit (1989-1990). Prior to her appointment as New York Solicitor General, Ms. Bansal practiced appellate, constitutional, and media law with private law firms in Washington, D.C. and New York City. She also served in the Clinton Administration (1993-1996) as Counselor in the U.S. Justice Department and as Special Counsel in the Office of the White House Counsel.

Ms. Bansal has been a regular speaker and lecturer on constitutional law, First Amendment, and intellectual property issues in the United States and abroad, and has authored and co-authored pieces published in *The Harvard Law Review*, *Yale Law Journal*, *The Fordham Intellectual Property, Media & Entertainment Law Journal*, and *The Villanova Law Review*, among other publications. She has been profiled in many national news and legal publications, including *The New York Times* and *The New York Law Journal*, in which she has been referred to as a "legal

superstar” and “one of the most gifted lawyers of her generation, who combines a brilliant analytical mind with solid, mature judgment.” She has taught constitutional law and served as a public policy fellow at Harvard University’s John F. Kennedy School of Government.

Ms. Bansal is Of Counsel at Skadden, Arps, Slate, Meagher & Flom in New York City.

Commissioner Bansal was appointed by Senate Minority Leader Thomas Daschle (D-SD),

### **Patti Chang**

As President and CEO of the Women’s Foundation of California, Patti Chang is responsible for the Foundation’s vision and for setting the tenor and momentum of fundraising, which has had a profound impact in increasing the operating budget and funding opportunities for women and girls in California.

Patti’s interests and passion lie in her search for solutions to the many complex and difficult political, social, and economic barriers faced by women and girls, in particular women and girls of color and immigrants. As such, her employment and volunteer history reflect her tireless efforts toward achieving justice and equality for all women and girls.

In 2003, Patti oversaw the merger of the Women’s Foundation (San Francisco) and the Los Angeles Women’s Foundation, which became the Women’s Foundation of California. Over the past 25 years, the two organizations have awarded a combined \$13 million in grants and scholarships to more than 1,000 community-based organizations in every region of the state. The Foundation pursues a vision of women and girls thriving in an environment of political, social, cultural, civil, and economic justice. The Foundation invests in social change work that supports the human rights of women and girls by providing community-based organizations with funding, technical assistance, and opportunities to convene for dialogue and collaboration. The Foundation has also been known for its cross-border work in California and Mexico and for its international funding in China and Afghanistan.

Patti serves on the board of the Women’s Funding Network of which she is the former chair, is the co-founder of The Women’s Leadership Alliance, and is on the National Advisory Board for Gender Public Advocacy Coalition. Patti has served on the board of the National Committee for Responsible Philanthropy (NCRP) and is an Advisory Board member of the Women’s Institute For Leadership Development (WILD) for Human Rights and EMERGE, a political leadership training program for Democratic women in Northern California. She serves on the Council on Foundation’s Strategic Planning Committee. She is a former President of the San Francisco Commission on the Status of Women, a past Commissioner with the San Francisco Commission on the Environment, and is a current member of the Justice and Courage Domestic Violence Oversight Panel of the San Francisco Department on the Status of Women.

Patti has a B.A. from Stanford in International Relations with a concentration on China, and a J.D. from Stanford Law. She is originally from Hawaii.

Commissioner Chang was appointed by House Minority Leader Nancy Pelosi (D-CA).



### **The Most Reverend Charles J. Chaput**

The Most Reverend Charles J. Chaput, Archbishop of Denver, was born September 26, 1944, in Concordia, Kansas, the son of Joseph and Marian DeMarias Chaput. He attended Our Lady of Perpetual Help Grade School in Concordia and St. Francis Seminary High School in Victoria, Kansas. He joined the Order of Friars Minor Capuchin, St. Augustine Province, in 1965.

After earning a Bachelor of Arts in Philosophy from St. Fidelis College Seminary in Herman, Pennsylvania, in 1967, Archbishop Chaput completed Studies in Psychology at Catholic University in Washington, D.C., in 1969. He earned a Master of Arts in Religious Education from Capuchin College in Washington, D.C., in 1970 and was ordained to the priesthood on August 29, 1970.

Archbishop Chaput received a Master of Arts in Theology from the University of San Francisco in 1971. He served as an instructor in theology and spiritual director at St. Fidelis from 1971-1974 and as executive secretary and director of communications for the Capuchin Province of St. Augustine in Pittsburgh from 1974-1977.

In 1977, Archbishop Chaput became pastor of Holy Cross Parish in Thornton, Colorado, and vicar provincial for the Capuchin Province of Mid-America. He was named secretary and treasurer for the province in 1980, and he became chief executive officer and provincial minister three years later.

Archbishop Chaput was ordained Bishop of Rapid City, South Dakota, on July 26, 1988. Pope John Paul II appointed him Archbishop of Denver on February 18, 1997.

Archbishop Chaput was appointed by President George W. Bush.

### **Dr. Khaled M. Abou El Fadl**

Dr. Khaled Abou El Fadl has been described as the most important and influential Islamic thinker in the modern age. He is currently a Visiting Professor at Yale Law School, where he teaches National Security law, Islamic law and Immigration law. He is also a Full Professor of Law at the UCLA School of Law. Dr. Abou El Fadl holds degrees from Yale University, University of Pennsylvania Law School, and Princeton University. An Islamic jurist and scholar, Sheikh Abou El Fadl received formal training in Islamic jurisprudence in Egypt and Kuwait.

A world-renowned expert in Islamic law and an American lawyer, Dr. Abou El Fadl is a strong proponent of human rights and is on the Board of Directors of Human Rights Watch. He regularly serves as an expert in a wide variety of cases ranging from human rights and political asylum to international and commercial law.

Dr. Abou El Fadl is a prolific author and prominent public intellectual on Islamic law and Islam and is most noted for his scholarly approach to Islam from a moral point of view. He writes extensively on universal themes of morality and humanity, and the notion of beauty as a moral value. Dr. Abou El Fadl is a staunch advocate and defender of women's rights, and focuses much of his written attention on issues related to women. As the most critical and powerful voice against puritan and Wahhabi Islam today, he regularly appears on national and international television and radio, and is published and cited extensively in all media venues. His most recent works focus on issues of authority, terrorism, tolerance, Islam, and Islamic law. His latest book is entitled, *Islam and the Challenge of Democracy*, published by Princeton University Press in January 2004.

Other books by Dr. Abou El Fadl include: *Conference of the Books: The Search for Beauty in Islam* (University Press of America/Rowman and Littlefield, 2001); *And God Knows the Soldiers: The Authoritative and Authoritarian in Islamic Discourses* (UPA/Rowman and Littlefield, 2001); *Speaking in God's Name: Islamic law, Authority and Women* (Oneworld Press, Oxford, 2001); *Rebellion and Violence in Islamic Law* (Cambridge University Press, 2001); and *The Place of Tolerance in Islam* (Beacon Press, 2002). Other books include: *Reasoning with God: Rationality and Thought in Islam* (Oneworld Press, Oxford, 2003) and *Jihad in Islam* (Cambridge University Press, 2004).

Commissioner Abou El Fadl was appointed by President George W. Bush.

### **Dr. Richard D. Land**

Richard D. Land, D. Phil. (Oxon.), is President-Treasurer of the Ethics & Religious Liberty Commission, the Southern Baptist Convention's agency for "applied Christianity" (social and moral concerns). He has served in this position since his election in October 1988.

Prior to becoming the Ethics & Religious Liberty Commission's President, Dr. Land served as The Criswell College's Vice-President for Academic Affairs from 1980 to 1988. He had taught as Professor of Theology and Church History at that institution since 1975.

Dr. Land graduated with a Bachelor of Arts degree (magna cum laude) from Princeton University and with a Doctor of Philosophy degree from Oxford University in England. He also received a Master of Theology degree from New Orleans Baptist Theological Seminary, where he served as student body president and received the Broadman Seminarian Award as the outstanding graduating student.

While on leave of absence from The Criswell College, Dr. Land served from January 1987 to May 1988 as Administrative Assistant to the Honorable William P. Clements, Jr., Governor of Texas. Dr. Land was the Governor's senior advisor on church-state issues and areas relating to "traditional family values," as well as anti-drug, anti-pornography, and anti-abortion legislation. In addition to these issues, Dr. Land had senior staff responsibility in the areas of public higher education, mental health and retardation, the physically handicapped, and AIDS. After Dr. Land's return to The Criswell College in May 1988, he continued to serve as a senior consultant to the Governor on these issues.

Dr. Land has spoken on college campuses, in churches, and in media forums across America concerning the crucial issues facing American society. He also hosts two nationally syndicated radio programs, “For Faith & Family” and “Richard Land Live!”

Dr. Land has authored several books, including *For Faith and Family: Changing America by Strengthening the Family* (Nashville: Broadman and Holman, 2002) and *Real Homeland Security* (Nashville: Broadman and Holman, 2004). He is an ordained Southern Baptist minister and has pastored churches in Texas, Louisiana, and England. Dr. Land is married and has three children.

Commissioner Land was appointed by President George W. Bush.

### **The Most Reverend Bishop Ricardo Ramírez, C.S.B.**

The Most Reverend Ricardo Ramírez, C.S.B., is currently Bishop of Las Cruces, New Mexico. He was ordained to the priesthood in 1966. Bishop Ramírez was named Titular Bishop of Vatarba and Auxiliary Bishop of San Antonio in 1981. In 1982 he became the first Bishop of the Diocese of Las Cruces, New Mexico. He holds a B.A. from the University of St. Thomas, in Houston, Texas, an M.A. from the University of Detroit, Michigan, a Doctor of Laws *honoris causa* from Neumann College, Wichita, Kansas, a Doctor of Divinity *honoris causa* from the University of St. Michael’s College, Toronto, Canada, and a Doctor of Humane Letters *honoris causa* from Siena Heights University, Adrian, Michigan. Bishop Ramírez attended St. Basil’s Seminary in Toronto, Canada, Seminario Conciliar in Mexico City, Mexico, and the East Asian Pastoral Institute in Manila, Philippines.

Bishop Ramírez currently serves as a Member of the New Mexico Advisory Committee to the U.S. Commission on Civil Rights; the Catholic Church Extension Society Board; Episcopal Advisor of the Institute for Hispanic Liturgy; Episcopal Moderator of the Asociación Nacional de Sacerdotes Hispanos (ANSH); Member of the U.S. Conference of Catholic Bishops’ (USCCB) International Policy Committee; USCCB Committee for Migration and Refugee Services; Member of the Committee on the Catholic Common Ground Initiative; and Consultant of the USCCB Committee on Hispanic Affairs. He has also served as a member of the U.S. State Department Advisory Committee on Religious Freedom Abroad; chairman of the USCCB’s Catholic Campaign for Human Development; and chairman of the USCCB Committee for the Church in Latin America. He served as administrative secretary for the *Comisión para el Estudio de la Historia la Iglesia en Latinoamérica* (Commission for the Study of the History of the Church in Latin America). Bishop Ramírez was also elected as delegate for the United States at the 1997 Synod for America.

Bishop Ramirez was appointed by Senate Minority Leader Thomas Daschle (D-SD).

### **Ambassador John V. Hanford III**

Ambassador-at-Large for International Religious Freedom

In May 2002, John V. Hanford III, was sworn in as the second U.S. Ambassador-at-Large for International Religious Freedom. This position, created by the International Religious Freedom Act of 1998, is charged with promoting religious freedom worldwide, promoting reconciliation in those areas where conflict has been implemented along religious lines, and making sure that this issue is woven into the fabric of U.S. foreign policy. Amb. Hanford serves as an Ex-Officio member of the U.S. Commission on International Religious Freedom.

Amb. Hanford, originally from Salisbury, North Carolina, attended the University of North Carolina at Chapel Hill on a John Motley Morehead Scholarship (BA in Economics) and holds a Master of Divinity degree from the Gordon-Conwell Theological Seminary in South Hamilton, Massachusetts.

For the past 14 years, Hanford has served as an expert on international religious freedom while working as a Congressional Fellow on the staff of Senator Richard Lugar (R-Indiana). During that time, he worked at the forefront of efforts to mobilize strong and compassionate intervention through U.S. governmental channels on behalf of persons persecuted for their religious beliefs. Amb. Hanford and Sen. Lugar have led numerous efforts in Congress to address some of the world's most severe problems of religious persecution. Their initiatives have rallied Senators, Members of Congress, Presidents, and Secretaries of State in successful interventions to halt execution orders, secure the cessation of torture or harassment on religious grounds, gain the release of religious prisoners, or oppose the policies of governments which repress religious freedom.

In 1998, Amb. Hanford spearheaded a bipartisan congressional effort to develop a strong and responsible U.S. policy on international religious freedom. Amb. Hanford organized and led the group of offices that co-authored the International Religious Freedom Act of 1998 (IRFA). He worked closely with the IRFA's chief sponsor, Senator Don Nickles, and his staff in guiding IRFA through the legislative process to a unanimous (98-0) Senate vote and a unanimous voice vote in the House of Representatives. IRFA ensures U.S. vigilance and an ongoing process of effective action in addressing religious persecution overseas. IRFA is regarded as one of Congress's most significant legislative achievements in human rights. Since the passage of IRFA, the U.S. government's attention to problems of religious persecution has increased significantly. On this and other projects, Amb. Hanford has worked closely with a broad spectrum of human rights and religious organizations at home and abroad.

Prior to his work in the Senate, Amb. Hanford served in pastoral ministry on the staff of West Hopewell Presbyterian Church in Hopewell, Virginia. Hanford is married to Laura Bryant Hanford.

## APPENDIX 2: THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998<sup>1</sup>

### Selected Provisions

#### Section 3. DEFINITIONS (22 U.S.C. § 6402)

(11) PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—The term “particularly severe violations of religious freedom” means 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.

(13) VIOLATIONS OF RELIGIOUS FREEDOM.—The term “violations of religious freedom” means violations of the internationally recognized right to freedom of religion and religious belief and practice, as set forth in the international instruments referred to in section 2(a)(2) and as described in section 2(a)(3), including violations such as—

- (A) arbitrary prohibitions on, restrictions of, or punishment for—
  - (i) assembling for peaceful religious activities such as worship, preaching, and prayer, including arbitrary registration requirements;
  - (ii) speaking freely about one's religious beliefs;
  - (iii) changing one's religious beliefs and affiliation;
  - (iv) possession and distribution of religious literature, including Bibles; or
  - (v) raising one's children in the religious teachings and practices of one's choice; or
- (B) any of the following acts if committed on account of an individual's religious belief or practice: detention, interrogation, imposition of an onerous financial penalty, forced labor, forced mass resettlement, imprisonment, forced religious conversion, beating, torture, mutilation, rape, enslavement, murder, and execution.

#### Section 402. PRESIDENTIAL ACTIONS IN RESPONSE TO PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM (22 U.S.C. § 6442)

(b) DESIGNATIONS OF COUNTRIES OF PARTICULAR CONCERN FOR RELIGIOUS FREEDOM.—

(1) ANNUAL REVIEW.—

(A) IN GENERAL.— Not later than September 1 of each year, the President<sup>2</sup> shall review the status of religious freedom in each foreign country to determine whether the government of that country has engaged in or tolerated particularly severe violations of religious freedom in that country during the preceding 12 months or since the date of the last review of that country under this subparagraph, whichever period is longer. The President shall designate each country the government of which has engaged in or tolerated violations described in this subparagraph as a country of particular concern for religious freedom.

**Section 405. DESCRIPTION OF PRESIDENTIAL ACTIONS (22 U.S.C. § 6445)**

[With respect to each country named a “country of particular concern” (CPC), the President shall, according to section 402(c)(1)(a) and, in general, following an attempt to carry out consultations with the foreign government in question, carry out one or more of the actions described in paragraphs (9) through (15) of section 405(a), as determined by the President. The President may substitute a commensurate action. IRFA § 405(b).]

405(a)(9) The withdrawal, limitation, or suspension of United States development assistance in accordance with section 116 of the Foreign Assistance Act of 1961;

405(a)(10) Directing the Export-Import Bank of the United States, the Overseas Private Investment Corporation, or the Trade and Development Agency not to approve the issuance of any (or a specified number of ) guarantees, insurance, extensions of credit, or participations in the extension of credit with respect to the specific government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402;

405(a)(11) The withdrawal, limitation, or suspension of United States security assistance in accordance with section 502B of the Foreign Assistance Act of 1961;

405(a)(12) Consistent with section 701 of the International Financial Institutions Act of 1977, directing the United States executive directors of international financial institutions to oppose and vote against loans primarily benefiting the specific foreign government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402;

405(a)(13) Ordering the heads of the appropriate United States agencies not to issue any (or a specified number of ) specific licenses, and not to grant any other specific authority (or a specified number of authorities), to export any goods or technology to the specific foreign government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402, under—

(A) the Export Administration Act of 1979;

(B) the Arms Export Control Act;

(C) the Atomic Energy Act of 1954; or

(D) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services;

405(a)(14) Prohibiting any United States financial institution from making loans or providing credits totaling more than \$10,000,000 in any 12-month period to the specific foreign government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402; and/or

405(a)(15) Prohibiting the United States Government from procuring, or entering into any contract for the procurement of, any goods or services from the foreign government, entities, or officials found or determined by the President to be responsible for violations under section 401 or 402.

[In lieu of carrying out action as described above, the President may conclude a binding agreement with the respective foreign government that obligates such government to cease, or take substantial steps to address and phase out, the act, policy, or practice constituting the violation of religious freedom. IRFA § 402(c)(2). Moreover, “[a]t the time the President determines a country to be a country of particular concern, if that country is already subject to multiple, broad-based sanctions imposed in significant part in response to human rights abuses, and such sanctions are ongoing, the President may determine that one or more of these sanctions also satisfies the requirements of this subsection.” IRFA § 402(c)(5).]

**SEC. 407. PRESIDENTIAL WAIVER. (22 U.S.C. § 6447)**

(a) In General.--Subject to subsection (b), the President may waive the application of any of the actions described in paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to a country, if the President determines and so reports to the appropriate congressional committees that--

- (1) the respective foreign government has ceased the violations giving rise to the Presidential action;
- (2) the exercise of such waiver authority would further the purposes of this Act; or
- (3) the important national interest of the United States requires the exercise of such waiver authority.

(b) Congressional Notification.--Not later than the date of the exercise of a waiver under subsection (a), the President shall notify the appropriate congressional committees of the waiver or the intention to exercise the waiver, together with a detailed justification thereof.

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<sup>1</sup> P.L. 105-292, as amended, 22 U.S.C. § 6401, et seq. The full text of IRFA can be found on the Commission’s Web site, [www.uscirf.gov](http://www.uscirf.gov).

<sup>2</sup> The authority to make decisions and take actions under IRFA has been delegated by the President to the Secretary of State.