

UNITED STATES COMMISSION ON
**INTERNATIONAL
RELIGIOUS
FREEDOM**



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INTRODUCTION: WHY RELIGIOUS FREEDOM MATTERS

More than three years ago, in March 2011, Shabbaz Bhatti, a Christian who was Pakistan's Minister for Minority Affairs, was murdered in Islamabad by the Pakistani Taliban for speaking out against his country's blasphemy law and the death sentence for blasphemy against Aasia Bibi. Minister Bhatti, a longtime friend of the U.S. Commission on International Religious Freedom (USCIRF), was not the only one to give his life for these reasons. Two months earlier, Salman Taseer, the Muslim governor of Punjab province, met the same terrible fate for opposing the same law and the Bibi verdict. Ms. Bibi remains jailed while her appealed case slowly drags on. USCIRF is aware of 16 other Pakistanis on death row for blasphemy and 19 serving life sentences.

In August 2007, a week before USCIRF's first official visit to Turkmenistan, the government released a national Muslim leader, former Chief Mufti Nasrullah ibn Ibadullah. USCIRF had called for his release since he was sentenced to a 22-year prison term on trumped-up treason charges three years earlier for refusing to display the *Ruhnama*, a book of sayings by the country's authoritarian ruler, alongside the Qur'an in mosques throughout the nation.

Gao Zhisheng, one of China's most respected human rights lawyers, has not been so fortunate. His brave defense of fellow citizens, including people of various faiths, from Falun Gong practitioners to Christians, continues to cost him dearly at the hands of his persecutors. After disbaring him, China's government imprisoned and tortured him, and has concealed his whereabouts for nearly two years.

Iranian pastor Saeed Abedini, a U.S. citizen, is serving an eight-year prison sentence in Iran since January 2012 for "threatening national security" through his involvement in Iran's house church movement. Also still in prison are the "Baha'i Seven," Baha'i leaders in Iran jailed since 2008 for the "crime" of heading a religious movement that dares to contradict the beliefs of Tehran's theocratic leaders.

Similarly, Eritrean Orthodox Church Patriarch Abune Antonios, the leader of Eritrea's largest religious community, remains under house arrest. He was illegally deposed and replaced in 2006 for protesting government interference in internal church affairs, refusing a government order to excommunicate 3,000 parishioners who opposed the Isaias Afwerki government, and calling for the release of political prisoners. Since 2007, the government has held him at an undisclosed location, and denied him family visits and access to medical care despite his being a severe diabetic.

While their fates and circumstances differ, the harm these men and women suffered was a direct blow to the fundamental right of freedom of religion or belief.¹ Each bears witness to a bedrock truth: When religious freedom is abridged, real people – as well as their families, communities, and countries – pay a price. Whether their names are etched on gravestones or their faces stare at us from behind prison bars, we must never forget them.

What is freedom of religion? It is a broad, inclusive right, sweeping in scope, embracing the full range of thought, belief, and behavior. And it is as deep as it is broad, honoring and upholding the claims of conscience. Religious freedom means the right of all human beings to think as they please, believe or not believe as their conscience leads, and live out their beliefs openly, peacefully, and without fear. When it comes to the peaceful exercise of religion or belief, no government, group, or individual has the right to compel others to act against their conscience or restrain them from answering its call.

¹ In this report, we use the terms religious freedom, freedom of religion, and freedom of religion or belief interchangeably to refer to the broad right to freedom of thought, conscience, and religion or belief protected under international human rights law.

How broad and inclusive is religious freedom as a human right?

Support for religious freedom stands in opposition to every form of coercion or restraint on people's ability to choose and practice their beliefs peacefully. Rather than imposing beliefs, it is about protecting people's right to believe and remain true to their deepest convictions.

Religious freedom applies to the holders of all religious beliefs. Thus, USCIRF advocates for the rights of members of every religious group in the world to practice their faith peacefully.

Broader still, the right to religious freedom extends to those who reject religious beliefs altogether. It upholds the right to embrace any belief, including one that excludes religion. When atheists or agnostics are targeted for expressing their convictions, they, too, are victims of religious persecution and merit USCIRF's advocacy.

Besides protecting every belief, freedom of religion is itself a conviction that is unbounded by geography or nation. Rather than being the exclusive preserve of any one country, it is a universal value endorsed by a majority of countries in Article 18 of the Universal Declaration of Human Rights, which the world community overwhelmingly adopted in 1948, as well as in subsequent agreements. Like every other human right, religious freedom is the birthright of humanity.

Finally, religious freedom is broad and deep enough to merit a seat at the table with economic or security concerns in any nation's conducting its affairs with the world. Human rights, including religious freedom considerations, deserve to be among the central concerns of our foreign policy.

The reason is clear. A country's interests cannot be readily separated from its values. Since its values reflect its identity, such separation is hard to achieve, let alone desirable to pursue.

Moreover, we should not assume that there is an automatic tradeoff between religious freedom or other human rights and economic or security concerns. Both sets of concerns can work together in the real world.

Understanding and communicating the breadth and depth of religious freedom is essential to spurring our country to do more to advance this fundamental right abroad. This is particularly crucial today, since by any measure, religious freedom is under serious and sustained pressure across much of the globe. According

to the most recent Pew study on the subject, more than three-quarters of the world's population lives in countries in which religion is restricted in significant ways, either by the government or by societal actors.

But why should people care? Why should defending religious freedom abroad matter personally to us all?

As Americans, religious freedom reflects who and what we aspire to be as a nation and people. Bound up inextricably with our country's founding and development, enshrined in the First Amendment to our Constitution, religious freedom is our nation's first freedom.

A more comprehensive reason is confirmed by international law and documents like the 1948 Universal Declaration of Human Rights.

Simply stated, freedom of religion is critically important because it enables people to follow what their conscience dictates. For this reason, it must be protected. People are entitled to religious freedom by virtue of their humanity.

We must honor and protect the right of people to lead their lives with authenticity and integrity in line with their best judgments of conscience.

The great English religious thinker John Henry Newman observed that "conscience has rights *because* it has duties." We honor the rights of conscience in matters of faith because people must be free to lead lives of authenticity and integrity by fulfilling what they believe to be their solemn obligations.

But authenticity and integrity are threatened whenever there is coercion or compulsion in these matters. Indeed, coercion does not produce genuine conviction, but pretense and lack of authenticity. Compulsion may cause one to manifest the outward signs of belief or unbelief, but it cannot produce the interior acts of intellect and will that constitute genuine faith.

Therefore freedom of religion or belief must and does include the right to hold any belief or none at all, to change one's beliefs and religious affiliation, to bear witness to these beliefs publicly as well as privately, to be free from coercion, and to act on one's religiously-inspired convictions in fulfilling the duties of citizenship. And it is vital that religious freedom's full protections be extended to those whose answers to life's deepest questions specifically reject belief in the transcendent.

For the vast majority of people across the globe, religion matters: Fully 84 percent of the world's population identifies with a specific religious group.

From worship to prayer, births to funerals, weddings to holy days, almsgiving to thanksgiving, for billions of people, religion remains an inescapable source of identity, meaning, and purpose. And it follows that because religion matters for them, they want, at least for themselves, the freedom to practice the religion or belief system they favor, and not be forced to practice one they do not. Unfortunately, it is also true that for some, religion is a driver of dangerous conflict with others who hold different beliefs. Either way, it follows that our nation and its diplomats cannot have honest, mutually respectful dialogue – let alone productive and satisfactory relations or outcomes – with the rest of the world if we are inclined to ignore, downplay, or dismiss religion's pivotal role.

Because religious freedom is so central to human identity, we would expect that in places where it is unprotected, societal well-being would suffer. And according to a growing number of studies, that indeed may be the case across much of the world.

Politically, religious freedom abuses are linked with the absence of democracy and the presence of abuses of other human rights, such as freedom of expression, association, and assembly.

Economically, religious persecution can destabilize communities and marginalize the persecuted, causing their talents and abilities in many instances to go unrealized, robbing a nation of added productivity, and reducing its ability to fight poverty and create abundance for its citizens.

Civically, whenever religious liberty is violated, nations needlessly surrender the tangible benefit that religious beliefs may yield through the molding of character which can empower individuals to exercise positive and responsible citizenship. As President Bush said in 2008, "someone pledged to love a neighbor [as] they'd liked to be loved . . . is someone who will add to . . . society in constructive and peaceful ways."

Socially, wherever religious freedom is abused, peace and security may become ever more elusive. And this has a direct bearing not only on the well-being of those societies, but on the security of the United States and the overall stability of the world. In his 2009 Cairo speech, President

Obama put it this way: "Freedom of religion is central to the ability of peoples to live together."

Promoting the kind of tolerance that gives rise to religious freedom is critical in these societies.

In addition, for at least three reasons, there appears to be an association between a lack of religious freedom and the presence of violent religious extremism.

First, when governments enforce laws, such as blasphemy-like codes, that stifle religious freedom, they embolden extremists to commit violence against perceived transgressors. In Pakistan, such codes fuel extremist violence threatening all Pakistanis, but particularly Christians and Ahmadi Muslims.

Second, when governments repress religious freedom or fail to protect it, they risk driving some into the arms of radical religious groups and movements. Russia's repression of Muslims in the name of fighting the extremist views of some has produced violent extremism in others.

And finally, governments that crack down on everyone's liberty in the name of fighting extremists risk strengthening the hand of extremists by weakening their more democratic, but often less hardy or resilient competition in the process. Under President Mubarak's rule, Egypt ended up strengthening the Salafists and their allies while enfeebling their more liberal opposition.

An important tool to help defeat terrorism is the ability to persuade people to reject the extremist ideologies that support it. In the struggle for global safety and security, religious freedom might well be a powerful and effective means of countering violent religious extremism.

In summary, the defense of religious freedom is both a humanitarian imperative and a practical necessity. To betray it is to betray human nature and well-being; to affirm it is to affirm our very humanity and its thriving. It is an indispensable freedom that merits our firm and dedicated support abroad, wherever it is threatened.

2014 ANNUAL REPORT OVERVIEW

USCIRF's 2014 Annual Report, the 15th since our creation in 1998, provides an inflection point to review U.S. religious freedom policy over the past decade-and-a-half and discuss ways to strengthen U.S. engagement. To these ends, the report is divided into four sections: 1) a discussion of international standards for religious freedom; 2) a review of what the International Religious Freedom Act (IRFA) provides and how it has been implemented over the past 15 years; 3) recommendations for ways to improve and adapt U.S. foreign policy on religious freedom promotion to the 21st century; and 4) an examination of specific country situations, including country-focused policy recommendations.

The focus of the 2014 Annual Report examines IRFA implementation and recommends ways to adjust U.S. policy to promote freedom of religion or belief more effectively for all. These sections of the report highlight what Congress did in passing IRFA, what the statute provides, and how all administrations since its passage have implemented (or failed to implement) its provisions. We do not just identify shortcomings, but also recommend actions to both the executive branch and Congress. With religious freedom abuses occurring daily around the world for people of all faiths and none, it is critical that the United States recommit itself to meeting these challenges.

The final section of the 2014 Annual Report provides country reports. Due to this year's change in emphasis, they are briefer than in recent years, but still identify religious freedom violations and recommend policies to address the abuses. These reports are grouped into three categories. The first, referred to as Tier 1 CPCs, are those countries that USCIRF concludes meet IRFA's standard for "countries of particular concern," or CPCs, and recommends their designation as such. The statutory language requires the U.S. government to designate as a CPC any country whose government engages in or tolerates particularly severe violations of religious freedom that are systematic, ongoing and egregious. The second category,

referred to as Tier 2, are countries where the violations perpetrated or tolerated by the government are serious and characterized by at least one of the elements of the "systematic, ongoing, and egregious" standard, but do not fully meet the CPC standard. Lastly, there are shorter descriptions of other countries and regions that USCIRF monitored during the year.

For the 2014 Annual Report, USCIRF recommends that the Secretary of State re-designate the following eight countries as CPCs: Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Uzbekistan. USCIRF also finds that eight other countries meet the CPC standard and should be so designated: Egypt, Iraq, Nigeria, Pakistan, Syria, Tajikistan, Turkmenistan, and Vietnam. For 2014, USCIRF places the following countries on Tier 2: Afghanistan, Azerbaijan, Cuba, India, Indonesia, Kazakhstan, Laos, Malaysia, Russia, and Turkey. The other countries and regions discussed are Bahrain, Bangladesh, Belarus, Central African Republic, Ethiopia, Kyrgyzstan, Sri Lanka, and Western Europe.

This report is based on USCIRF's ongoing, independent review of the facts and circumstances surrounding violations of religious freedom abroad. USCIRF Commissioners and staff work with the White House and National Security Council, the State Department and other executive branch agencies, Congress and its various committees, other interested institutions and parties within the U.S. government, and domestic and international non-governmental organizations (NGOs). In addition, USCIRF travels abroad to examine religious freedom conditions first-hand, which includes in-country meetings with senior foreign government officials, representatives of human rights organizations and other NGOs, religious leaders, and victims of religious intolerance. Over the past reporting year, USCIRF Commissioners made country visits to Bahrain, Kazakhstan, Turkey, and after the reporting period, Nigeria, while USCIRF staff visited Afghanistan, Egypt, Russia, and Uzbekistan.

KEY RECOMMENDATIONS

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

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

Demonstrating the Importance of International Religious Freedom

- The President, the Secretary of State, Members of Congress, and other U.S. officials should consistently stress the importance of international religious freedom in their public statements as well as in public and private meetings in the United States and abroad;
- The U.S. government should publicly declare the results of its annual review of religious freedom conditions and make annual designations of “countries of particular concern” for particularly severe violations of religious freedom; and if it does not, Congress should take steps to require annual CPC designations through legislative action;

- The U.S. government should ensure that the CPC list expands and contracts as conditions warrant, and take Presidential actions that are unique to each situation
- Congress should hold annual oversight hearings on IRFA and hearings on religious freedom-specific issues, as well as raise concerns in hearings on countries and ambassadorial confirmations, and Members of Congress should introduce and support legislation focusing on religious freedom violations in specific countries and remedies for such violations.

Reinvigorating IRFA’s Tools

- All of IRFA’s tools should be used in a continuity of action, not limited to “country of particular concern,” or CPC, designations but not ignoring them either;
- Concerns about religious freedom should be included across U.S. engagements, including in diplomatic exchanges and strategic dialogues with other countries, and during country visits;
- Vacancies in relevant positions, including the Ambassador-at-Large for International Religious Freedom and USCIRF Commissioners, should be quickly filled;
- Per IRFA’s mandate that the Ambassador-at-Large for International Religious Freedom be “a principal adviser” to the President and the Secretary of State, and regardless of the formal reporting relationship that is established, the Ambassador-at-Large should have regular and direct access to the Secretary of State; if no action is taken, Congress should clarify its intent through legislation;
- The Office of International Religious Freedom should be better resourced and staffed similar to other offices with a global mandate;

- Congress should give USCIRF flexibility on the timing of the issuance of its annual report, in light of the State Department's change in its timetable for the release of its reports on religious freedom; and
- The State Department should make greater efforts to ensure individuals are denied entry into the United States due to their inadmissibility under U.S. law for their responsibility for religious freedom violations abroad.

Creating New IRFA Tools

- Congress should expand the CPC classification to allow for the designation of countries where particularly severe violations of religious freedom are occurring but a government does not exist or does not control its territory; and
- Congress should allow the naming of non-state actors who are perpetrating particularly severe violations of religious freedom.

Expanding Training, Programming, and Public Diplomacy

- The State Department should provide and implement mandatory training at the Foreign Service Institute on religion and foreign affairs and on the importance of international religious freedom;
- Congress should support State Department grants related to religious freedom programming, and call for entities that receive federal funds, including the Middle East Partnership Initiative, USAID, the National Endowment for Democracy, and U.S. Institute of Peace, to devote resources for religious freedom programming;
- The State Department should ensure that public diplomacy efforts address religious freedom issues and the U.S. commitment to advance this right abroad; efforts to promote Internet freedom for religious actors also should be increased; and
- The State Department should increase strategic communications programs to counter violent extremism by incorporating messaging on the importance of religious tolerance and religious freedom.

Expanding Multilateral Efforts

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

Other Issues

- The U.S. government should address within its Expedited Removal process long-standing flaws that place asylum seekers at risk of being returned to countries where they may face persecution or being detained under inappropriate conditions; and
- Country-specific recommendations can be found in the last section of this report.

WHAT RELIGIOUS FREEDOM MEANS

Freedom of Religion or Belief in International Law

The 193 member states of the United Nations have agreed, by acceding to the UN Charter, to “practice tolerance” and to “promot[e] and encourag[e] respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion.” These rights and freedoms include the freedom of thought, conscience, and religion or belief, which is protected and affirmed in numerous international instruments, including the 1948 Universal Declaration of Human Rights (UDHR), the 1966 International Covenant on Civil and Political Rights (ICCPR), and the 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

Article 18 of the UDHR provides:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 18 of the ICCPR similarly provides:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one’s religion or beliefs 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 and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Freedom of Religion or Belief is a Broad Right for Every Individual

The internationally-guaranteed right to religious freedom protects the freedom of religious communities, as groups, to engage in worship and other collective activities. It also protects every individual’s right to hold, or not to hold, any religion or belief, as well as the freedom to manifest such a religion or belief, subject to only the narrow limitations specified under international law. As such, it is closely related to the freedoms of assembly, association, and expression.

Religious freedom is not only for religious minorities. It affords members of a country’s religious majority the freedom to debate interpretations of the dominant religion, as well as to dissent from or otherwise refuse to follow the favored interpretation. In addition, religious freedom is not only for religious communities deemed “traditional.” The UN Human Rights Committee has found that freedom of religion or belief also includes the rights of individuals or communities to hold new beliefs, polytheistic beliefs, non-theistic beliefs, or atheistic beliefs.²

Religious freedom also encompasses more than just a right to worship or to practice religious rites. The full scope of the right to manifest religion or belief

² See Human Rights Committee, “General Comment no. 22, the right to freedom of thought, conscience, and religion (Art. 18),” UN Doc. CCPR/C/21/Rev.1/Add.4, para 2 (1994) [hereinafter HRC General Comment No. 22].

includes the rights of worship, observance, practice, expression, and teaching, broadly construed. These include: wearing religious dress or symbols; observing dietary restrictions; participating in rituals associated with certain stages of life; possessing property rights regarding meeting places; and maintaining the freedom to manage religious institutions, possess, publish, and distribute liturgical and educational materials, and raise one's children in the religious teachings and practice of one's choice.³

Religious freedom includes the right to keep or to change one's religion or belief without coercion.⁴ It also includes the liberty to manifest one's religion or belief through public expression, including expression intended to persuade another individual to change his or her religious beliefs or affiliation voluntarily.

Finally, religious freedom is not only for a country's citizens. International human rights standards require a state to extend rights and equal status to "all individuals within its territory and subject to its jurisdiction" and to do so "without distinction of any kind," including distinctions based on religion.⁵

Notably, a state may declare an official religion, provided that basic rights, including the individual right to freedom of thought, conscience, and religion or belief, are respected for all without discrimination. Thus, the existence of a state religion cannot be a basis for discriminating against or limiting any rights of adherents of other religions or non-believers or their communities. Providing benefits to official state religions not available to other faiths would constitute discrimination, as would excepting state religions from burdensome processes required for faith communities to establish legal personality. Under the ICCPR, the Human Rights Committee has determined "the fact that" that "a religion is recognized as a state religion or that it is established as official or traditional or that its followers comprise the majority of the population,

shall not result in any impairment of the enjoyment of any of the rights under the Covenant."⁶

Under international law, the broad right to freedom of religion or belief may be subject to only such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others. Limitations are not allowed on grounds unspecified in ICCPR Article 18, even grounds that may be permitted to restrict other rights protected in the Covenant. For example, national security is not a permissible limitation, and states cannot derogate from this right during a declared public emergency. Limitations also must be consistent with the ICCPR's provisions requiring equality before the law for all and prohibiting any measures that would destroy guaranteed rights.⁷ Finally, the Committee has also stated that these limitations on the freedom to manifest a religion or belief that rely on morality must be based on principles not deriving from a single tradition.⁸

³ HRC General Comment No. 22, at para. 4. *See also* 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, Articles 5 and 6.

⁴ ICCPR, Article 18(2).

⁵ ICCPR, Article 2(1). *See also* UDHR Article 2 ("Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as ... religion...")

⁶ HRC General Comment No. 22, at para 9.

⁷ ICCPR, Articles 2 and 5.

⁸ HRC General Comment No. 22, at para. 8.

FIFTEEN YEARS OF U.S. INTERNATIONAL RELIGIOUS FREEDOM POLICY

What Congress Created

In October 1998, the U.S. Congress passed unanimously and President Bill Clinton signed into law the International Religious Freedom Act (IRFA), which sought to make religious freedom a higher priority in U.S. foreign policy. The unanimous passage and Presidential signature were the final steps in a contentious legislative process.⁹ IRFA emerged from two competing bills – in the House, the “Wolf-Specter” bill (which was introduced first and was called the Freedom from Religious Persecution Act) and in the Senate the “Nickles-Lieberman” bill (called the International Religious Freedom Act). Both bills articulated the need to elevate religious freedom in U.S. foreign policy, but differed on the specifics of how the United States could best address religious persecution in other countries. In the end, the law that was passed and enacted contained aspects of both approaches.

The primary focus of Wolf-Specter was the creation of an official in the White House to identify countries that engaged in egregious, violent religious persecution. These countries would then face automatic sanctions (denial of U.S. non-humanitarian aid and export bans on products facilitating persecution) unless the President issued a time-limited waiver and publicly explained why. Wolf-Specter also would have given preference in U.S. asylum law to individuals from persecuted groups in such countries. The bill passed the House of Representatives overwhelmingly in May 1998, but was opposed by the Clinton administration and lacked sufficient support in the Senate.

The main provisions in the Nickles-Lieberman Senate bill created a State Department official and office and required U.S. government action against countries

violating international religious freedom standards. The bill included a menu of options ranging from a diplomatic demarche to economic sanctions, with actions calibrated to the severity of the violations. The most egregious violators were to be designated annually and publicly and subject to an action chosen from the more serious options, though taking action could be waived in some circumstances. Nickles-Lieberman also created a State Department advisory commission of distinguished citizens to assess religious persecution and recommend policy responses. During the negotiations on the bill, the commission was made independent and bipartisan and given a Congressional appropriation.

As a result of the negotiations in the fall of 1998, support coalesced around the amended Nickles-Lieberman bill. It passed the Senate 98-0 on October 9, 1998, and the House by acclamation the following day. The Act was signed into law by President Bill Clinton on October 27, 1998.

In the words of IRFA, the law provides that it shall be the policy of the United States:

- 1) To condemn violations of religious freedom, and to promote, and to assist other governments in the promotion of, the fundamental right to freedom of religion;
- 2) To seek to channel United States security and development assistance to governments other than those found to be engaged in gross violations of the right to freedom of religion . . . ;
- 3) To be vigorous and flexible, reflecting both the unwavering commitment of the United States to religious freedom and the desire of the United States for the most effective and principled response, in light of the range of violations of religious freedom by a variety of persecuting regimes, and the status of the relations of the United States with different nations;

⁹ For a more detailed discussion of the legislative history of IRFA, see Allen D. Hertzke, *Freeing God's Children: The Unlikely Alliance for Global Human Rights* (2004); T. Jeremy Gunn, “The United States and the Promotion of Freedom of Religion or Belief,” in *Facilitating Freedom of Religion or Belief: A Deskbook*, Lindholm, Durham & Tazib-Lie, eds.(2004).

- 4) To work with foreign governments that affirm and protect religious freedom, in order to develop multilateral documents and initiatives to combat violations of religious freedom and promote the right to religious freedom abroad; and
- 5) Standing for liberty and standing with the persecuted, to use and implement appropriate tools in the United States foreign policy apparatus, including diplomatic, political, commercial, charitable, educational, and cultural channels, to promote respect for religious freedom by all governments and peoples.

What the International Religious Freedom Act (IRFA) Provides

IRFA's Principal Provisions

IRFA sought to make religious freedom a priority in U.S. foreign policy in a variety of ways. First, it created governmental institutions, both within and outside the executive branch, to focus on international religious freedom. Inside the executive branch, the law created the position of Ambassador-at-Large for International Religious Freedom (a political appointee nominated by the President and confirmed by the Senate), to head an Office of International Religious Freedom at the State Department. It also urged the appointment of a Special Adviser for the issue on the White House National Security Council staff. Outside of the executive branch, IRFA created the U.S. Commission on International Religious Freedom (USCIRF), an independent U.S. government advisory body mandated to review religious freedom conditions globally and make recommendations for U.S. policy to the President, Secretary of State, and Congress.

Second, IRFA required monitoring and reporting. It mandated the State Department to prepare an annual report on religious freedom conditions in each foreign country, in addition to the Department's annual human rights report. The law also required the State Department to maintain a religious freedom internet site, as well as lists of religious prisoners in foreign countries. And it required USCIRF, based on its review of the State Department's religious freedom and human rights reports and other sources, to issue its own annual report setting forth its independent recommendations for U.S. policy.

Third, IRFA established consequences for the worst violators. The law requires the President – who

has delegated this power to the Secretary of State – to designate annually “countries of particular concern,” or CPCs, and to take action designed to encourage improvements in those countries. Under IRFA, CPCs

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are defined as countries whose governments either engage in or tolerate “particularly severe” violations of religious freedom. A menu of possible actions is available, ranging from negotiating a bilateral agreement, to imposing sanctions, to taking a “commensurate action,” to issuing a waiver. While a CPC designation remains until changed, sanctions tied to a CPC action expire after two years, if not renewed. The law also makes inadmissible foreign government officials who were responsible for, or directly carried out, particularly severe violations of religious freedom from entry to the United States.

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

Fifth, IRFA sought to address perceived deficiencies in U.S. government officials' knowledge and understanding of the issue. It mandated that State Department Foreign Service officers and U.S. immigration officials receive training on religious freedom and religious persecution. It also required immigration officials to use the State Department's annual international religious freedom report as a resource in adjudicating asylum and refugee claims involving religious persecution.

Finally, IRFA sought assessments of whether recently-enacted immigration law reforms were being implemented consistent with the United States' obligations to protect individuals fleeing persecution, including religious persecution. Concerning USCIRF, the law authorized the Commission to appoint experts to examine whether asylum seekers subject to the process of Expedited Removal were being erroneously returned to

countries where they could face persecution or detained under inappropriate conditions. Expedited Removal is a mechanism enacted in 1996 whereby foreign nationals arriving in the United States without proper documentation can be returned to their countries of origin without delay, but also without the safeguard of review by an immigration judge, unless they can establish that they have a “credible fear” of persecution.

USCIRF’s Composition and Work

Under IRFA, USCIRF is an independent, bipartisan advisory body, separate from the State Department, mandated to review religious freedom conditions globally and make recommendations for U.S. policy to the President, Secretary of State, and Congress. USCIRF is led by nine part-time Commissioners appointed by the President and the leadership of both political parties in each house of Congress. Three Commissioners are appointed by the White House (with no requirement of Senate confirmation), three by House leaders, and three by Senate leaders, under a formula in which five Commissioners are appointed by the President’s party and four by the other party. The State Department’s Ambassador-at-Large for International Religious Freedom also serves ex-officio as a non-voting Commissioner.

USCIRF Commissioners are private citizens who serve as volunteers. They are appointed for two years and can be reappointed – subject to, as of 2012, a two-term limit. According to IRFA, Commissioners are to be “selected among distinguished individuals noted for their knowledge and experience in fields relevant to the issue of international religious freedom, including foreign affairs, direct experience abroad, human rights, and international law.” Over USCIRF’s life, Commissioners have been selected from a wide range of professional and religious backgrounds. USCIRF also has a full-time, non-partisan professional staff.

To carry out its work, USCIRF Commissioners and staff travel, meet with a variety of interlocutors, conduct research, testify before Congress, speak to the public and the press, hold hearings and events, and issue written reports and other documents. USCIRF gathers information from a wide range of sources including U.S. and foreign officials, international and regional organizations, human rights organizations, religious organizations, academic and policy experts,

and victims of religious persecution. USCIRF presents its findings and recommendations in an annual report, issued by May 1 of each year as required by IRFA, and in other publications and fora throughout the year, which are available at www.uscirtf.gov.

Religious Freedom Violations under IRFA

IRFA defines violations of religious freedom as “violations of the internationally recognized right to freedom of religion and religious belief and practice” as articulated in the UN Universal Declaration of Human Rights (UDHR), the UN International Covenant on Civil and Political Rights, (ICCPR), the Helsinki Accords, and

Under IRFA, USCIRF is an independent, bipartisan advisory body, separate from the State Department.

other international instruments and regional agreements. In accordance with IRFA, international standards serve as the yardstick that the State Department and USCIRF use when examining state action.

As we have seen, under international standards, respecting religious freedom is not only a matter of protecting the freedom of religious communities, as groups, to engage in worship and other collective activities. Religious freedom also encompasses the freedom of every individual to hold, or not to hold, any religion or belief, and to do so free of coercion. It includes the freedom to manifest a religion or belief through worship, practice, teaching, and observance, broadly construed, subject only to specified, narrow limitations. Religious freedom also is closely related to the freedoms of expression, association, and assembly, as well as protections of equality and non-discrimination. And “religion or belief” has a broad meaning; it includes theistic, non-theistic, atheistic, agnostic, syncretic, “traditional,” “new,” favored, and disfavored beliefs alike, as well as no religion or belief at all.

Over the years, State Department reports have documented a wide range of abuses against a broad array of individuals and groups. In addition, USCIRF has documented violations against, and advocated for

the religious freedom rights of, Muslims, Christians, Buddhists, Hindus, Sikhs, Baha'is, Jews, Mandaeans, Yazidis, Falun Gong, Hoa Hao, Cao Dai, Scientologists, folk religion adherents, atheists, and secular individuals, among others, in the various countries on which we report.

Recognizing that religious freedom abuses can vary widely in form and severity, IRFA includes a non-exclusive list of "violations" of religious freedom, as well as a separate, non-exclusive list of "particularly severe violations" that merit CPC designation. IRFA also recognizes that religious freedom violations can occur through both governmental action and inaction against abuses by private actors. As a result, the statute focuses on violations and particularly severe violations that are "engaged in or tolerated by" foreign countries' governments.

In terms of violations of religious freedom, IRFA provides the following examples: "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." It also lists the following, more violent 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."

In terms of particularly severe violations warranting CPC designation, IRFA defines these as "systematic, ongoing, egregious violations of religious freedom, including violations such as—(A) torture or cruel, inhuman, or degrading treatment or punishment; (B) prolonged detention without charges; (C) causing the disappearance of persons by the abduction or clandestine detention of those persons; or (D) other flagrant denial of the right to life, liberty, or the security of persons."

How IRFA Has Been Implemented

Institutional Issues

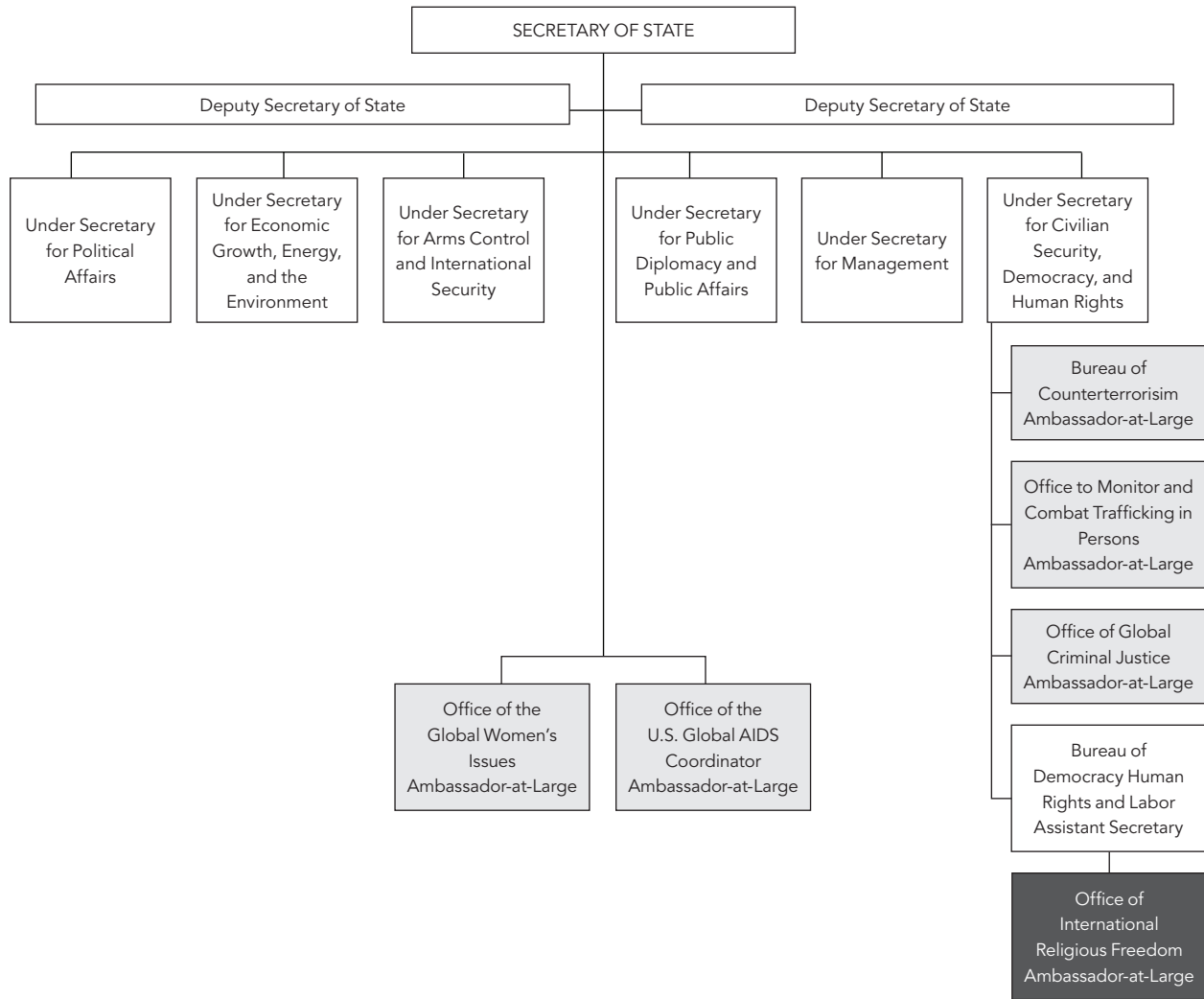
IRFA intended the Ambassador-at-Large for International Religious Freedom to be the highest-ranking U.S.

official on religious freedom, coordinating and developing U.S. policy regarding freedom of religion or belief, while also serving as an *ex officio* member of USCIRF. There have been three Ambassadors-at-Large since IRFA's enactment: Robert Seiple (May 1999 to September 2000); John Hanford (May 2002 to January 2009); and Suzan Johnson Cook (May 2011 to October 2013). As of this writing, the position is vacant, and no nominee has been announced, but reports suggest officials in the Obama administration are vetting candidates.

Under IRFA, the Ambassador-at-Large is to be a "principal adviser to the President and the Secretary of State regarding matters affecting religious freedom abroad." However, since the position was established, every administration, including the current one, has situated the Ambassador-at-Large in the Bureau of Democracy, Human Rights, and Labor (DRL) and thus under its Assistant Secretary, even though the State Department's organizational guidelines consider an Ambassador-at-Large to be of higher rank than an Assistant Secretary. Other Ambassadors-at-Large report to the Secretary, such as those for Global Women's Issues, Counterterrorism, and War Crime Issues, as well as the AIDS Coordinator.

According to a March 2013 report by the Government Accountability Office (GAO), DRL further diminished the status of the position. GAO reported that the then-Ambassador was informed that, while officially reporting to the DRL Assistant Secretary, she would report in practice to the bureau's Principal Deputy Assistant Secretary or a Deputy Assistant Secretary. Even before the change reported by GAO, the Ambassador-at-Large for International Religious Freedom was the lowest-positioned Ambassador-at-Large in the State Department hierarchy.

In addition, it is unclear whether the Ambassador-at-Large retains managerial control of the Office of International Religious Freedom (IRF Office), as has been the case in the past. Moreover, the IRF Office's staff has decreased in recent years, and it now has a smaller staff than other Department offices with a global mandate. It also staffs the Special Envoy to Monitor and Combat Anti-Semitism and works closely with the Special Envoy to the Organization of Islamic Cooperation and the Special Representative to Muslim Communities, but has received no additional resources for these duties.



Source: GAO analysis of Department of State information

Since IRFA’s enactment, no administration has appointed a Special Adviser on International Religious Freedom within the National Security Council (NSC) staff to focus solely on these issues, as the statute urges. A NSC staffer in the Clinton administration was given this title, but still dealt with an array of other issues. Since then, one of the directors in the NSC’s Directorate of Human Rights and Multilateral Affairs has covered religious freedom, among other issues in a large portfolio, but was not granted the title or mandate.

Various administrations have created special State Department positions to focus on particular countries or issues where religious freedom is implicated, such as a Special Envoy for Sudan, a Special Representative to Muslim Communities, and a Special Envoy to the

Organization of Islamic Cooperation. In addition, Congress created the position of Special Envoy to Monitor and Combat Anti-Semitism.

Annual Reports

Mandated by IRFA, the State Department’s *Annual Report on International Religious Freedom* (IRF Report) is a comprehensive resource which extensively documents the nature and extent of religious freedom violations worldwide. While other entities, including USCIRF, the UN Special Rapporteur on Freedom of Religion or Belief, and some NGOs also report on religious freedom violations in various countries, the State Department is the only entity that does so annually on every country (except the United States). As a

result, the report has become an invaluable source of information for religious freedom advocates, lawyers and adjudicators in asylum cases, and academic researchers, among others. For example, without the IRF Report's frequency, detail, and scope, the Pew Research Center studies on global religious restrictions would not have been possible.

IRFA requires the State Department to submit the IRF Report "on September 1 of each year or the first day thereafter on which the appropriate House of Congress is in session." It also requires USCIRF, based on its review of the IRF Report and other sources, to submit its Annual Report by May 1.

However, a recent change by the State Department in its reporting calendar and release date has affected USCIRF's ability to review the IRF Report and still meet the mandated May 1 deadline. In 2010, the State Department decided to consolidate the reporting periods of its various reports on different human rights issues, in an effort to minimize the impact on limited staff resources. As a result, the period covered in each IRF Report was shifted from a mid-year (July 1 to June 30) to a calendar-year (January 1 to December 31) cycle. It also decided to release the report in March or April, rather than comply with the September timeframe established in IRFA.

As a result, since 2011 it has been impossible for USCIRF to review the current IRF Report as part of our Annual Report process. After an interim report covering July to December 2010 (released in September 2011), the first full calendar-year report was for 2011. The 2011 IRF Report was not released until July 2012, and the 2012 IRF Report was released on May 17, 2013. Even a March or April release date would not allow USCIRF enough time for review and analysis before May 1.

It should be noted that, although IRFA mandated both the State Department and USCIRF to report annually on international religious freedom, the two entities' annual reports are significantly different. As mentioned above, the State Department reports on every country in the world, while USCIRF reports on selected countries, generally those exhibiting the worst conditions. In recent years, USCIRF's Annual Reports have included country chapters on about 25 to 30 countries (a large increase from our first several annual reports, which covered fewer than 10), with additional countries addressed more briefly in the-

matic and regional sections. Further, the State Department's reports focus primarily on religious freedom conditions, while USCIRF's country chapters discuss conditions, analyze U.S. policy, and make policy recommendations. USCIRF's Annual Reports also include

USCIRF's country chapters discuss conditions, analyze U.S. policy, and make policy recommendations.

sections assessing the executive branch's implementation of IRFA and discussing religious freedom issues in multilateral organizations.

Furthermore, unlike the State Department, USCIRF periodically issues special reports focusing intensively on a particular country or issue. Over USCIRF's lifetime, such reports have included two studies on religious freedom conditions in North Korea based on first-hand testimony from refugees and defectors;¹⁰ a study on school textbooks in Pakistan;¹¹ two studies on the religion-state relationship and freedom of religion or belief in the constitutions of Muslim-majority countries;¹² and the Expedited Removal study and related follow-up reports (discussed below under *The Treatment of Asylum Seekers in Expedited Removal*). In addition, USCIRF has issued numerous public statements, such as press releases, letters, and op-eds to further highlight its findings and recommendations for U.S. policy.

¹⁰ *Thank You Father Kim Il Sung: Eyewitness Accounts of Severe Violations of Freedom of Thought, Conscience and Religion in North Korea* (2005), available here: http://www.uscirf.gov/sites/default/files/resources/stories/pdf/nkwitnesses_wgraphics.pdf; *A Prison Without Bars* (2008), available here: http://www.uscirf.gov/sites/default/files/resources/A_Prison_Without_Bars/prisonwithoutbars.pdf

¹¹ *Connecting the Dots: Education and Religious Discrimination in Pakistan* (2011), available here: <http://www.uscirf.gov/reports-briefs/special-reports/connecting-the-dots-education-and-religious-discrimination-in>

¹² *The Religion-State Relationship and the Right to Freedom of Religion or Belief: A Comparative Textual Analysis of the Constitutions of Predominantly Muslim Countries* (2005), and *The Religion-State Relationship and the Right to Freedom of Religion or Belief: A Comparative Textual Analysis of the Constitutions of Predominantly Muslim Countries and Other OIC Members* (2012), both available here: <http://www.uscirf.gov/issues/muslim-constitutions>

Prisoner Lists

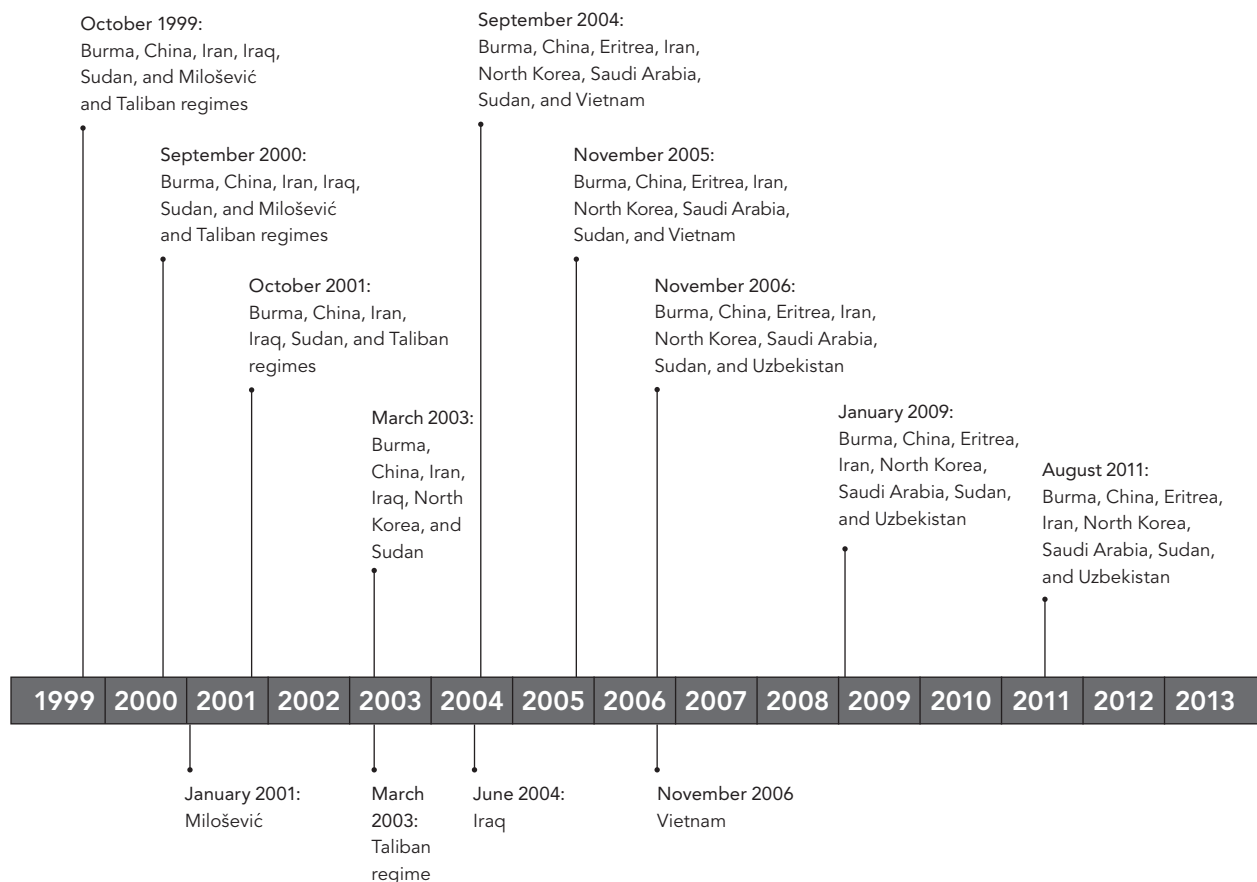
IRFA mandated that the Secretary of State establish monitoring mechanisms “consisting of lists of persons believed to be imprisoned, detained, or placed under house arrest for their religious faith, together with brief evaluations and critiques of the policies of the respective country restricting religious freedom.” In compiling this list, the State Department was directed to use the resources of the various bureaus and embassies and consult with NGOs and religious groups. While the State Department has advocated for individual prisoners, USCIRF is unaware of the Department’s establishing or maintaining a comprehensive list of such prisoners. However, USCIRF maintains informal lists of the prisoners of which it is aware in a number of countries (see lists in Appendix). In addition, the Congressional-Executive Commission on China

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

The CPC Mechanism

In IRFA’s 15-year existence, the State Department has made CPC designations on nine occasions: October 1999, September 2000, October 2001, March 2003, September 2004, November 2005, November 2006, January 2009, and August 2011. As is evident from these dates, for a number of years the designations were generally made annually, but after 2006, designations became increasingly infrequent. As of this writing, the Obama administration has made CPC designations only once, in its first

STATE’S DESIGNATIONS OF COUNTRIES AND REGIMES AS CPCs



STATE’S REMOVALS OF COUNTRIES AND REGIMES FROM CPC LIST

Source: GAO analysis of Department of State information

term. While IRFA does not set a specific deadline, the Act indicates that CPC designations should take place soon after the State Department releases its annual IRF Report, as the decisions are to be based on that review. In August 2011, the Obama administration's only CPC designations were made in conjunction with the IRF Report.

As noted earlier, while a CPC designation remains until it is removed, associated Presidential actions expire after two years if not renewed. The last two CPC designations occurred after the two-year mark had passed. Moreover, two years have now lapsed since the most recent CPC action in 2011. Consequently, as of this writing there are no punitive actions in place against CPC countries for their particularly severe violations of religious freedom.

In addition to the CPC mechanism being used increasingly infrequently, the list has been stagnant. The eight countries designated as CPCs in August 2011 have been on the State Department's CPC list for years: Burma, China, Iran, and Sudan for 15 years; North Korea for 13 years; Eritrea and Saudi Arabia for 10 years; and Uzbekistan for eight years.

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

Over the past 15 years, there also has been a growing disparity between State Department CPC designations and USCIRF CPC recommendations. For instance in 2011, when the most recent the State Department designations named eight countries, USCIRF concluded that seven other countries also should be named. Similarly, in 2009, USCIRF found that 13 countries should be named, five more than the eight nations designated by the State Department.

Besides naming violators, IRFA provides the Secretary of State with a unique toolbox to promote religious freedom effectively and with impact. The Act includes a menu of options for countries designated as CPCs and a list of actions to help encourage improvements in coun-

tries that violate religious freedom but do not meet the CPC threshold. The specific policy options to address severe violations of religious freedom in CPC countries include sanctions (referred to as Presidential actions in IRFA) that are not automatically imposed. Rather, the

Over the past 15 years, there also has been a growing disparity between State Department CPC designations and USCIRF CPC recommendations.

Secretary of State is empowered to enter into direct consultations with a government to find ways to bring about improvements in religious freedom. IRFA also permits the development of either a binding agreement with a CPC-designated government on specific actions it will take to end the violations giving rise to the designation or the taking of a "commensurate action." The Secretary may further determine that pre-existing sanctions are adequate or waive the requirement of taking action to advance the purposes of the Act or the national interests of the United States.

However, in practice, the flexibility provided in IRFA has been underutilized. In addition to repeating the same countries for years, administrations generally have decided not to levy new Presidential actions in accordance with CPC designations, with the State Department instead relying on pre-existing sanctions. While the statute permits such reliance, relying on pre-existing sanctions, or "double-hatting," has provided little incentive for CPC-designated governments to reduce or halt egregious violations of religious freedom. For these mechanisms to have any real impact on promoting religious freedom, the designation of an egregious religious freedom violator as a CPC must be followed by implementing a clear, direct, and unique Presidential action.

The Presidential actions for the eight currently-designated CPC countries are shown in the table to the right. Because of the indefinite waivers for Saudi Arabia and Uzbekistan, the United States has not implemented a unique policy response tied to the CPC designation for either country. The other actions expired on August 18, 2013, when two years elapsed

ACTIONS TAKEN UNDER IRFA

The following Presidential actions under section 402(c)(1) of IRFA were approved by Secretary Clinton on August 18, 2011

Burma	The existing, ongoing arms embargo referenced in 22 CFR 126.1(a).
China	The existing, ongoing restrictions on exports to China of crime control and detection instruments and equipment, under P.L. 101-246 and the Foreign Relations Authorization Act of 1990 and 1991.
Eritrea	The existing, ongoing arms embargo referenced in 22 CFR 126.1(a).
Iran	The existing, ongoing restrictions on certain imports from and exports to Iran, in accordance with section 103(b) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (P.L. 111-195).
North Korea	The existing, ongoing restrictions to which North Korea is subject, pursuant to sections 402 and 209 of the Trade Act of 1974 (the Jackson-Vanik Amendment).
Sudan	The restriction on making certain appropriated funds available for assistance to the Government of Sudan in the annual Department of State, Foreign Operations, and Related Programs Appropriations Act, currently set forth in section 7070(f) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, P.L. 111-117), as carried forward by the Full-Year Continuing Appropriations Act, 2011 (Div. B, P.L. 112-10) and any provision of law that is the same or substantially the same as this provision.
Saudi Arabia & Uzbekistan	Waived the requirements of section 405(a) of the IRF Act with respect to Saudi Arabia, and Uzbekistan, to further the purposes of the IRFA.

without their renewal. As a result, there currently is not a single IRFA-specific sanction in place for particularly severe violations of religious freedom.

CPC Case Studies: Vietnam, Turkmenistan, Saudi Arabia

Looking back over the past 15 years, there are three examples of the CPC mechanism being used to bring about change. Without designation or the threat of designation, concrete improvements in freedom of religion or belief would not have occurred in Vietnam and Turkmenistan. In addition, the naming of Saudi Arabia as a CPC in 2004 helped spur that country's government to make new commitments to improve conditions in the Kingdom, although they remain only partially fulfilled.

Vietnam

The designation of Vietnam as a CPC in 2004 produced tangible religious freedom improvements without hindering other aspects of the U.S.-Vietnam bilateral relationship.¹³ As permitted by IRFA, the State Department entered into negotiations to achieve a binding agreement with Vietnam on steps it could take to get off the CPC list. In addition, negotiations over Vietnam's entry into the World Trade Organization were implicitly tied to its fulfilling this agreement. As a result, the Vietnamese government released a number of prisoners; expanded certain legal protections for nationally-recognized religious groups; banned the

¹³ For more details, see Dr. Maryann Cusimano Love, *The Vietnam Dilemma*, GUIDS Pew Case Study (2010), available at <http://www.uscirf.gov/sites/default/files/resources/stories/pdf/maryann%20love%20vietnam%20case%20study.pdf>

policy of forced renunciations of faith; and expanded the zone of toleration for legally-recognized religious communities to worship and organize, particularly in urban areas. At the same time, U.S.-Vietnamese bilateral trade, humanitarian programs, and security cooperation all expanded. In 2006, the State Department lifted the CPC designation for Vietnam based on the government's progress in implementing the binding agreement. However, USCIRF found that the binding agreement and the steps taken did not address all of the country's severe religious freedom issues, and concluded that the removal was premature. USCIRF has continued to recommend CPC status for Vietnam, and has noted backsliding on religious freedom in Vietnam since the CPC designation was lifted.

Turkmenistan

The threat of CPC designation motivated Turkmenistan to make certain reforms to its religion law and improve the religious freedom environment. In 2003-2004, the State Department leveraged USCIRF's CPC recommendation, increasing Congressional interest in religious freedom there, and the threat of CPC designation to achieve religious freedom improvements in the country.¹⁴ Due largely to these efforts, the President of Turkmenistan issued decrees reducing the number of members required for legal registration as a religious group from 500 to five and treating lack of registration as an administrative rather than a criminal offense, and the government allowed a number of minority religious communities to register. Authorities also released six Jehovah's Witnesses from prison after they had served more than two years for conscientious objection to military service. Religious groups at the time reported an improved climate, with groups allowed to meet more freely without the impending threat of police harassment or imprisonment. However, in the years following these improvements, Turkmenistan has regressed on these issues. USCIRF has continued to recommend Turkmenistan for designation as a CPC.

¹⁴ For more details, see Dr. Maryann Cusimano Love, Taking on Turkmenistan, GUIDS Pew Case Study (2010), available at <http://www.uscirf.gov/sites/default/files/resources/stories/pdf/maryann%20love%20turkmenistan%20case%20study.pdf>

Saudi Arabia

As previously noted, the designation of Saudi Arabia as a CPC in 2004 helped spur new commitments from the Saudi government relating to religious freedom. In 2005, rather than taking action as a follow-up to the CPC designation, the State Department put in place a temporary waiver to allow for continued diplomatic discussions with the Saudi government. In July 2006, the waiver was left in place when the State Department announced that the ongoing bilateral discussions had enabled the U.S. government to identify and confirm a number of policies that the Saudi government "is pursuing and will continue to pursue for the purpose of promoting greater freedom for religious practice and increased tolerance for religious groups." In January 2009 and August 2011, when re-designating Saudi Arabia as a CPC, the State Department instituted an indefinite waiver of any action to "further the purposes" of IRFA.

As a result, promised reforms remain unfulfilled. The only policy among the July 2006 list with an explicit timetable for completion is still incomplete: textbook reform. At that time, the Saudi government confirmed that it would revise and update textbooks to remove remaining intolerant references that disparage Muslims or non-Muslims or that promote hatred toward other religions or religious groups within one to two years [by July 2008]. However, nearly six years after that deadline, revisions are incomplete and language promoting hatred and incitement to violence remains in high school texts. To encourage additional reforms, USCIRF recommends that the U.S. government continue to designate Saudi Arabia a CPC and press the Saudi government to take concrete action towards completing reforms confirmed in July 2006 in U.S.-Saudi bilateral discussions.

Actions against Individual Violators

Another IRFA issue relevant to both the State Department and the Department of Homeland Security (DHS) concerns the admission to the United States of aliens who were "responsible for or directly carried out . . . particularly severe violations of religious freedom." IRFA bars the entry of such individuals. This provision has been invoked only once: in March 2005, it was used to exclude Chief Minister Narendra Modi of Gujarat state in India due to his complicity in riots in his state in

2002 that resulted in the deaths of an estimated 1,100 to 2,000 Muslims. USCIRF had urged this denial of entry. USCIRF continues to urge the Departments of State and Homeland Security to develop a lookout list of aliens who are inadmissible to the United States on this basis, and USCIRF has provided information about several such individuals to the State Department.

Directly related to identifying and barring from entry such severe religious freedom violators, IRFA also requires the President to determine the specific officials responsible for violations of religious freedom engaged in or tolerated by governments of CPC countries, and, “when applicable and to the extent practicable,” publish the identities of these officials in the Federal Register. Despite these requirements, no individual officials from any CPC countries responsible for particularly severe religious freedom violations have been identified to date.

Apart from the inadmissibility provision discussed above, Congress at times has imposed targeted sanctions on specific individuals for severe religious freedom violations. Based on a USCIRF recommendation, Congress included sanctions on human rights and religious freedom violators in the 2010 Iran sanctions act, the Comprehensive Iran Sanctions and Divestment Act (CISADA, P.L. 111-195). This was the first time Iran sanctions specifically included human rights violators. President Obama has now imposed such sanctions (visa bans and asset freezes) by executive order on 16 Iranian officials and entities, including eight identified as egregious religious freedom violators by USCIRF. Also based on a USCIRF recommendation, the Senate included Chechen President Ramzan Kadyrov on the list of gross human rights violators in the Sergei Magnitsky Rule of Law Accountability Act (P.L. 112-208), which imposes U.S. visa bans and asset freezes on designated Russian officials. Kadyrov has engaged in abuses against Muslims and has been linked to politically-motivated killings.

Training

IRFA calls for American diplomats to receive training on how to promote religious freedom effectively around the world. In the past few years, training for Foreign Service Officers on issues of religious freedom has increased, but remains voluntary. The Foreign Service Institute (FSI)

continued to offer a three-day *Religion and Foreign Policy* course. USCIRF staff has been repeatedly invited to speak about the role of the Commission, and regularly speaks to regional studies classes to discuss the Commission’s findings on countries of interest.

By contrast, DHS has made training on religious persecution and IRFA for all new refugee and asylum officers mandatory, and USCIRF and IRF Office representatives regularly speak to these classes. Over the years, USCIRF also has participated in, as well as submitted materials for, training sessions on religious freedom and religious persecution for Department of Justice immigration judges. Training on religious freedom issues in the military education system remains minimal, despite the many schools, military service colleges, and universities providing professional military education. None has a specific focus on training on international standards of freedom of religion or belief.

Programs

IRFA also envisaged the funding of religious freedom programs, authorizing foreign assistance to promote and develop “legal protections and cultural respect for religious freedom.” This authorization was unfunded until fiscal year 2008, when \$4 million was carved out for specific DRL grants on religious freedom programming from the Human Rights Democracy Fund (HRDF). The Consolidated Appropriations Act of 2012 (P.L. 112-74) also directed that appropriated funds for democracy and human rights promotion “shall also be made available to support freedom of religion, especially in the Middle East and North Africa.” While no specific earmark or carve-out was made, the IRF Office has managed more than \$10 million of HRDF funds covering 15 programs over the last several years, including seven NGO programs in Asia and the Middle East that include both legal training and grassroots support for religious freedom.

Engagement with NGOs and Religious Groups

IRFA recognized the importance of State Department officials and USCIRF engaging with relevant civil society organizations, including religious groups and leaders, in order to carry out their respective mandates under the statute.

The U.S. government has long engaged with NGOs and religious groups on domestic policy issues,

but engagement on issues of foreign policy, including international religious freedom, is more novel. In the late 1990s, under the Clinton administration, the State Department had an Advisory Committee on Religious Freedom Abroad. The Bush Administration created venues after 9/11 where American Muslims and other religious minorities could engage with various departments across government, including the State Department. More recently the Obama administration included a Religion and Foreign Policy Working Group in its 2011-2012 Strategic Dialogue with Civil Society. In October 2012, the Working Group made four recommendations to the Secretary of State: 1) Create a “national capacity” to guide the State Department on religion and foreign policy (such as a national strategy on religious engagement); 2) Direct the State Department to create mechanisms to engage with religious communities; 3) Establish an official point of contact within the State Department to foster better communication with religious communities; and 4) Institutionalize the Religion and Foreign Policy Working Group. As a result of these recommendations, the State Department decided to continue the Religion and Foreign Policy Working Group for another two years.

In August 2013, the State Department also created a new Office of Faith-Based Community Initiatives, headed by a Special Advisor, Shaun Casey. According to the announcement, the new Office will “set Department policy on engagement with faith-based communities and . . . work in conjunction with bureaus and posts to reach out to those communities to advance the Department’s diplomacy and development objectives;” “work closely with faith communities to ensure that their voices are heard in the foreign policy process;” and “collaborate regularly with other government officials and offices focused on religious issues, including the Ambassador-at-Large for International Religious Freedom and the Department’s Office of International Religious Freedom.”

During the Working Group process, the State Department Legal Adviser’s office was tasked with providing legal guidance on how diplomats can work with faith-based communities abroad. The guidance has reportedly been issued as an internal document. Also, ongoing training programs at the Foreign Service Institute on religion and foreign policy were approved by

Secretary of State Hillary Clinton. The State Department reports that more than 40 civil society working groups have been set up through American embassies around the world which focus on civil society engagement.

Multilateral Efforts

IRFA specifically cites U.S. participation in multilateral organizations as an avenue for advancing religious freedom. Both the United Nations (UN) and the Organization for Security and Cooperation in Europe (OSCE) have conventions and agreements that protect freedom of religion or belief and related rights, including assembly and expression. Both the UN and OSCE also have mechanisms that can be used to advance religious freedom or call attention to violations, at which the State Department and USCIRF have engaged vigorously over the years.

Multilateral Case Study: Defeating the Defamation of Religions Resolutions

For more than a decade, the UN Human Rights Council and UN General Assembly were the centers of an effort by the Organization of Islamic Cooperation (OIC) and its members to restrict offensive or controversial speech about Islam. From 1999 to 2010, both bodies adopted annual OIC-sponsored resolutions on “combating defamation of religions,” which sought – in violation of the individual rights to freedom of religion and expression – to establish what would be in effect a global blasphemy law.

Years of effort by the State Department, USCIRF, members of Congress, and NGOs helped bring about a marked decline in support for these flawed resolutions between 2008 and 2010 and their replacement in 2011 with a consensus resolution on “combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief.” This effort provides a positive example of the relevant U.S. executive branch entities, USCIRF, Congress, and civil society groups effectively working together on an issue related to international religious freedom. The State Department made defeating the defamation-of-religions resolutions a priority in its multilateral engagement; USCIRF and NGOs bolstered these efforts by highlighting the dangers of the resolutions through public advocacy campaigns and private meetings; and

members of Congress did the same by writing UN delegations and heads of state urging them to vote against the resolutions.

Unlike the defamation resolutions, the consensus resolutions properly focus on protecting individuals from discrimination or violence, instead of shielding religions from criticism; they protect the adherents of all religions or beliefs, instead of privileging one religion; and they do not call for legal restrictions on peaceful expression. Instead, the new approach (often referred to as the “Resolution 16/18” approach, after the first such resolution) calls for speech to be criminalized only if it amounts to incitement to imminent violence, a high threshold which is also the U.S. First Amendment standard.

The Treatment of Asylum Seekers in Expedited Removal

As authorized by IRFA, USCIRF conducted a major research study in 2003 and 2004 on the U.S. government’s treatment of asylum seekers in Expedited Removal.¹⁵ The Departments of Homeland Security (DHS) and Justice (DOJ) cooperated with the Commission, whose designated experts had unrestricted access to the internal workings of Expedited Removal.¹⁶

USCIRF’s February 2005 report, *The Treatment of Asylum Seekers in Expedited Removal* (the Study),¹⁷ found serious flaws placing legitimate asylum seekers at risk of being returned to countries where they could

face persecution. It also found that asylum seekers were being inappropriately detained under prison-like conditions and in actual jails. To address these problems, the Study made a series of recommendations, none requiring Congressional action, to the responsible agencies within DHS and DOJ. The recommendations were geared to help protect U.S. borders and ensure fair and humane treatment for *bona fide* asylum seekers, mirroring the two goals of the 1996 immigration reform law that established Expedited Removal.

USCIRF has continued to monitor the implementation of these recommendations and has issued several follow-up reports finding progress in some areas but no changes in others.¹⁸ For example, as a result of 2009 reforms, DHS’s Immigration and Customs Enforcement agency (ICE) is housing more – though still not all – asylum seekers under civil detention conditions, and its parole policy is more in line with the Study’s recommendations. However, USCIRF remains concerned that, nearly ten years later, the serious flaws relating to the initial interviews of arriving aliens apparently have not been addressed. Moreover, since the time of the Study, DHS has expanded Expedited Removal from a port-of-entry program to one that covers the entire land and sea border of the United States. In addition, over the past several fiscal years, the number of individuals claiming a fear of return in Expedited Removal has increased sharply. As a result, the continuing flaws in the system now potentially affect even more asylum seekers.

¹⁵ Under Expedited Removal, aliens arriving in the United States without proper documents can be returned to their countries of origin without delay and without a hearing before an immigration judge. To ensure that *bona fide* refugees are not mistakenly returned, an alien who claims a fear of return is detained while a preliminary assessment (the “credible fear determination”) is made. If credible fear is found, the case goes before an IJ and the asylum seeker may, at the government’s discretion, be paroled (released) from detention while the case is pending. If credible fear is not found, the individual is put back in Expedited Removal and removed promptly.

¹⁶ Within DHS, Customs and Border Protection (CBP) first encounters aliens and identifies those subject to Expedited Removal and from that group, those seeking asylum. Immigration and Customs Enforcement (ICE) detains asylum seekers until Citizenship and Immigration Services (USCIS) makes the credible fear determination. If credible fear is found, DOJ’s Executive Office for Immigration Review (EOIR) takes over; IJs hear the cases, and the Board of Immigration Appeals (BIA) reviews any appeals.

¹⁷ The Study is available here: <http://www.uscirf.gov/reports-briefs/special-reports/report-asylum-seekers-in-expedited-removal>

¹⁸ Expedited Removal Study Report Card: 2 Years Later (2005), available at: <http://www.uscirf.gov/news-room/press-releases/uscirf-finds-disappointing-response-departments-justice-and-homeland>
Assessing the U.S. Government’s Detention of Asylum Seekers: Further Action Needed to Fully Implement Reforms (2013), available at <http://www.uscirf.gov/sites/default/files/resources/ERS-detention%20reforms%20report%20April%202013.pdf>

THE FUTURE OF U.S. INTERNATIONAL RELIGIOUS FREEDOM POLICY

Current Global Challenges and Opportunities

Over the past 15 years, the global landscape for freedom of religion or belief has undergone drastic changes that impact the U.S. government's ability to promote respect for this human right. Despite the evolving international scene, the tools IRFA created for the executive branch have not been updated or better resourced, leaving them underpowered and ill-equipped to address today's challenges. However, there are straightforward changes that would better position the United States to engage these difficult issues successfully and reenergize its religious freedom promotion efforts.

When IRFA was passed in 1998, the Cold War had only recently ended and the United States was at its height of unipolar power. The Act's tools were geared for highlighting abuses by states, either through commission or omission, and using the United States' influence and power to encourage change or impose consequences. As discussed above, two of IRFA's major achievements with Vietnam and Turkmenistan occurred in classic state-to-state engagements within the context IRFA's drafters had envisioned. Both governments featured authoritarian systems with a communist heritage. Each government was the driver of religious freedom violations and thus was capable of resolving the problems. Pressure and adroit diplomacy brought about improvements that would have not occurred without the CPC mechanisms.

The paradigm for IRFA was state-to-state relations. Non-state actors, extremists groups and terrorist organizations were active in 1998, but lurking in seemingly inconsequential locations, like Afghanistan. In addition, it appeared inconceivable that frozen political systems in the Middle East and elsewhere could thaw rapidly, if at all, with "the street" influencing the direction of governments. Statecraft was the relationship between governments.

Since 1998, world events have transformed U.S. foreign policy in general and the environment for IRFA mechanisms in particular. The demise of the Soviet empire predated IRFA, but its reverberations are still being felt throughout Central Asia and the Caucasus, as well as in other areas where Russia wishes to reestablish its influence. Three years after IRFA's passage, the

Since 1998, world events have transformed U.S. foreign policy in general and the environment for IRFA mechanisms in particular.

shocking attacks of September 11, 2001, demonstrated that foreign affairs would no longer be solely dominated by major powers, but rather be a multilayered contest with and between states and transnational movements, some of which advocated violent religious ideologies. The ensuing American military engagements in Afghanistan and Iraq placed the United States in the center of sectarian and ethnic conflicts in turbulent regions. Starting in 2011, the Arab Awakening both unleashed democratic forces and opened space for extremist groups to vie for influence, if not outright power, with debates about intertwining issues of religion, society, law, governance, and fundamental rights occurring for the first time. At the same time, the information revolution empowered both human rights activists and extremists to share their information globally, at the click of a mouse.

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

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

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

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

Conditions Today

The question is often asked, "Have religious freedom abuses gotten worse since 1998?" It is difficult to answer, in part because it is not simply a matter of measuring and comparing violations around the world. No regular consumer of news can deny the alarming scope and scale of continuing religious freedom abuses. Bringing about systematic change is rarely an easy task. Nevertheless, especially in light of how complex the landscape for religious freedom and related rights has become in an information-driven, exponentially-changing, post-

9/11, post-Arab Awakening world, one surprising fact remains: the mechanisms the Act created continue to bear their share of concrete, positive results despite their limitations. On multiple occasions, for example, the Ambassador-at-Large and USCIRF have been credited with playing a key role in prisoner releases and successfully addressing violations.

The types of violations we see today span a wide range of repressive policies and actions. They include repression by authoritarian governments; abusive laws that target particular religious activity or religious communities for activity deemed illegal or inappropriate;

The challenges of the 21st century call for an updated approach that energizes and mainstreams the promotion of freedom of religion or belief.

suppression of religious minorities under majoritarian domination in democratic contexts; and sectarian violence and attacks by extremist groups and non-state actors in failed or failing states.

In many contexts, authoritarian governments attempt to control the civic space for religious actors, limiting religious activities to those they approve or can manipulate. The motivation for these limitations can come from hostility to particular religious beliefs or fear of alternate sources of influence over the society. In these countries, religious groups and practices are tolerated only to the extent they can be controlled, or even subverted, to the service of the regime. For instance, the legal systems of many post-Soviet states restrict or deny legitimate religious rights in the name of distorted secularism or disguised official, usually majority, religions. USCIRF has documented the growth of increasingly restrictive laws and practices in Uzbekistan, Tajikistan, and Turkmenistan, which criminally punish unapproved religious association and practice. Similar approaches are also seen in China, North Korea and Vietnam. Regardless of the motivation – be it fear of alternative sources of influence or hostility to religion – individuals suffer from their inability to practice their

faith freely and peacefully and the government uses the force of law to punish those who refuse to follow the state-sanctioned approach. In this context, conditions are often better for approved religious groups or those deemed “traditional,” as long as they stay within the government’s parameters.

Religious communities in democracies and countries in transition also suffer from religious freedom abuses. The “tyranny of the majority” can lead to violations against religious minorities or dissenting members of the majority faith, especially if rule of law protections are weak. Countries such as Nigeria and Burma, two countries working to overcome a history of military dictatorships, are struggling to build a culture of tolerance among individuals of different faiths. In both states, politicians and religious leaders have misused religion and religious identity for political purposes, especially around elections. And in doing so, the leaders have increased tensions for short-term gains at the ballot box, often with violent or fatal results.

Environments where religion is hyper-politicized and politics is conducted through ballots and bullets allow extremist groups and terrorist organizations to press their politico-religious agendas and silence competing voices. These highly-charged situations severely limit freedom of religion, especially for religious minorities and dissenters within the majority, as extremists treat differing religious beliefs as competition in their war of ideas. Violence by non-state actors to silence competition shrinks the civic space for peaceful sharing, and chills the debate of, religious ideas. Diversity of thought and belief is lost and societies are unable to consider appropriate religion-and-state arrangements.

Sectarian violence between groups from the same faith community and inter-religious violence can also severely impact religious freedom. In these environments, the state is not a participant, but rather an observer, of the violence. Non-state actors participating in sectarian attacks can vary greatly and include individuals, mobs, vigilante groups, anti-government insurgents, militant organizations, and recognized terrorist groups. The state’s role also varies: the state may be complicit in the private persecution, may choose not to protect the victims or punish the perpetrators, or may be unable to do so. Nevertheless, state inaction,

whatever the cause, often creates a climate of impunity that can lead to a vicious cycle of sectarian attacks and retaliation, such as in India and Indonesia.

Some governments also enforce religious conformity. In countries where governmental and religious authority overlap, there may be a requirement that national laws conform with religious law or that the law of one religion applies to all regardless of individual choice, and/or the government may coerce compliance with an official religion. Iran’s theocratic regime is a good example. And when legal systems promote intolerance, USCIRF has documented that non-state actors often act unilaterally to enforce these biased notions. For instance, blasphemy-type laws empower the forces of intolerance to use state institutions to protect their religious hegemony. International law experts have repeatedly deemed blasphemy-type laws incompatible with human rights commitments.¹⁹ Pakistan’s laws and practice are particularly egregious in this regard, with its constantly-abused law penalizing blasphemous acts with the death penalty or life in prison. In addition to state enforcement, mobs feel enabled, under the cover of this law, to mete out vigilante justice against individuals deemed to have committed blasphemy. The result

¹⁹ The UN Human Rights Committee has stated that “[p]rohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the [ICCPR].” Human Rights Committee, “General comment no. 34, Article 19: Freedoms of opinion and expression,” UN Doc. CCPR/C/GC/34, para. 48 (2011). In addition, an international group of experts convened by the Office of the UN High Commissioner for Human Rights recently recommended that “[s]tates that have blasphemy laws should repeal the[m] as such laws have a stifling impact on the enjoyment of freedom of religion or belief and healthy dialogue and debate about religion.” See “Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, Conclusions and recommendations emanating from the four regional expert workshops organised by OHCHR in 2011, and adopted by experts in Rabat, Morocco on 5 October 2012,” available at www.ohchr.org. Furthermore, these laws run counter to consensus UN resolutions recognizing that religious intolerance is best fought through positive measures, such as education, outreach, and counter-speech, and that criminalization is only appropriate for incitement to imminent violence. See, e.g., Human Rights Council, “Resolution 16/18: Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against, persons based on religion or belief,” UN Doc. A/HRC/RES/16/18 (2011); General Assembly, “Resolution 66/167: Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief,” UN Doc. A/RES/66/167 (2011).

is that extremist groups are empowered and the state's rule-of-law system corrupted in the service of the narrow agendas of extremist groups and unscrupulous religious leaders.

In addition, some governments promote domestically, and sometimes export internationally, extremist religious ideologies that instill hate, and sometimes incite violence, against members of disfavored religions. This is particularly damaging when done through school textbooks used to teach children. The public school curriculum in Saudi Arabia has been a long-standing concern and case in point.

IRFA's Unexpected Impact

While IRFA has not been fully implemented and its provisions often ignored, it has positively influenced the conduct of U.S. foreign policy in unexpected ways. For instance, take the State Department's *Annual Report on International Religious Freedom*, which has been issued every year since its mandated creation. A first- or second-tour diplomat at each embassy usually is responsible for writing the first draft of the report, which means that a generation of Foreign Service Officers gained valuable experience by gathering information and writing about the status of religious freedom in their country of assignment. As a result, diplomats are better informed on and more aware of the relevant issues as they move forward in their careers. As mentioned above, over the past five years, new training opportunities were developed for diplomats at the Foreign Service Institute (FSI), partly because a cadre of diplomats now is more attuned to religious freedom as well as the growing relevance of religion in many key countries and regions for U.S. foreign policy.

Moreover, although USCIRF's task is to advise the U.S. government, not conduct diplomacy, it undertakes fact-finding missions abroad with the assistance of U.S. embassies, which bring it into contact with foreign governments. These country visits also have helped ensure that concerns about religious freedom are put squarely on the agenda of the local U.S. embassy, as it prepares for a USCIRF trip, requests and often participates in meetings, and follows up afterward.

USCIRF's public reports also provide another perspective that the State Department must account for in its dealings with host countries. The information

provided in State Department and USCIRF reports also helps the American public, foreign audiences, academics, and social scientists better understand the situation for religious freedom globally. For instance, due in part to this information, the Pew Forum on Religion and Public Life has devised ways to better understand global trends in restrictions on religion and statistically measure increasing or decreasing limitations.

In addition, the IRFA entities provided new access to the U.S. government for religious communities and religious freedom advocates. The IRF Office and USCIRF opened opportunities for nongovernmental organizations, such as advocacy groups and religious communities, to provide information about religious persecution and ask for the United States to raise concerns in private or public venues. This trend has continued since 1998, with different administrations creating other religiously-oriented offices at the State Department – most recently the Office of Faith-Based Community Initiatives – that provide various avenues for engagement. In addition, USCIRF has worked to raise awareness among NGOs about UN mechanisms that provide venues for civil society advocacy on religious freedom issues, such as the Universal Periodic Review process and the mandate of the Special Rapporteur on Freedom of Religion or Belief, including by holding roundtables with and briefings for interested NGOs. USCIRF has also briefed religious communities and human rights groups on opportunities for public and diplomatic engagement at the annual Human Dimension Meetings of the Organization for Security and Cooperation in Europe (OSCE) as well as other OSCE venues.

This in turn has led the advocacy community to organize itself outside of government to better convey religious freedom concerns to the State Department, Congress, and USCIRF. In recent years, USCIRF staff and representatives of two NGOs established a Roundtable on International Religious Freedom to create a forum where representatives of organizations concerned about religious freedom can share information about their endeavors and U.S. government officials can update the religious freedom advocacy community about their activities. The Roundtable is not a membership organization, but its participants have written the administration, USCIRF, and members of Congress on

several occasions about religious freedom concerns or in support of USCIRF recommendations.

While the United States has not sought to export the IRFA model abroad, it has led the way on advocating for religious freedom internationally. As a result, other nations have looked to the U.S. government for best practices and examined its mechanisms as their own levels of interest in promoting religious freedom internationally increased. Last year, Canada established an

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

USCIRF has drawn a key conclusion from its review of the past 15 years: the IRFA mechanisms have a greater chance of success if they are buttressed by robust political support and if the U.S. government is willing to impose genuine consequences for inaction. In other words, IRFA can work if there is a commitment to make

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ambassador and supporting office in its foreign ministry, looking closely at the IRF Office and USCIRF as models. In Europe, countries such as the United Kingdom, the Netherlands, Italy, Austria, Norway, and Germany have all emphasized this issue at various times in the past five years. The European Union also has become more engaged in recent years. Starting in 2009, a series of Council decisions has emphasized the importance of freedom of religion or belief, which culminated in the issuance of guidelines on the promotion and protection of freedom of religion or belief. The comprehensive document sets out the key issues of concern for the EU's diplomatic corps (the European External Action Service, or EEAS) and member state diplomats when posted outside the Union. Parliamentary efforts to create cross-party support for promoting international religious freedom also have been initiated in the British and German parliaments and in the European parliament. To take advantage of this increased interest, USCIRF initiated the building of an inter-parliamentary coalition to advance religious freedom internationally for people of all faith or none.

Enhancing Current Mechanisms and Creating New Tools

So how should the United States equip and reposition itself to advance freedom of religion or belief more effectively for all? Is a wholesale revision of IRFA needed, a re-energizing of current structures, or both?

it work. By contrast, these tools are weaker and less likely to stimulate corrective action if implemented on the margins of U.S. foreign policy, with limited attention paid by high-ranking policymakers in an administration or Congress.

IRFA requires the United States to bear witness to religious freedom abuses abroad, but to do so credibly our government must maintain its fidelity to the law, its intent, and timing of designations. This requires continuous high-level policymaker interest and commitment. Issues of religious freedom are relevant in many of the key foreign policy challenges facing the United States. While not always the foremost issue, religious freedom is often an overlooked concern in many country contexts. Faith and belief are issues that animate the lives of individuals in governments and societies. To better position the United States to engage countries oppressing religious freedom or to work with nations that see the world through a religious lens, the promotion of freedom of religion or belief needs to be mainstreamed across U.S. foreign policy. In addition, the challenges to religious freedom are often unique, so the mechanisms IRFA created should be strengthened and updated.

This could be implemented in several ways. First, each administration should develop and issue a specific strategy outlining the need to promote freedom of religion or belief internationally across agencies, which would set the tone and give direction. The National Security Council issued a strategy about religious

engagement in July 2013, which has a component on religious freedom and human rights. This positive initiative, which USCIRF staff informally advised, connected religious freedom work to other related issues of conflict prevention and to engaging religious leaders on development goals. A document specifically tailored to the issue of religious freedom would further this effort.

With a national strategy in place, the emphasis on religious freedom should be further concretized through other related steps, such as creating an inter-agency working group of relevant officials, including the Ambassador-at-Large and the Director-level NSC official envisioned in IRFA. The Working Group, in consultation with USCIRF, could drive forward a national strategy and ensure robust implementation. Having this strategy reflected in the State Department's Quadrennial Diplomacy and Development Review (QDDR) and as appropriate in the Defense Department's Quadrennial Defense Review (QDR) would further strengthen this guidance.

Demonstrating the Importance of International Religious Freedom

Ensuring that elected leaders and U.S. officials communicate clearly and regularly about how religious freedom is a foreign policy priority for the United States is an important way to mainstream and deepen U.S. efforts. For instance, both President Obama and President Bush gave major speeches about the importance of international religious freedom. As these speeches demonstrate, one of the most direct ways to stress the importance of religious freedom is to do so in high-profile public events. Such presentations by the President, the Secretary of State and other high ranking U.S. government officials, as well as the leaders of Congress, will be noticed by both the U.S. government bureaucracy and foreign governments. There is a time-worn debate about the wisdom of speaking publicly on country-specific religious freedom concerns or individual cases, about whether it helps or hurts. USCIRF cannot recommend a rule governing all situations, as each will have specific nuances. However, we generally conclude that the United States has hardly reached a point where it speaks too much about international religious freedom.

And after communication must come action. Public advocacy should be tied to a country-specific action plan or strategy for advancing religious freedom. This is

especially important for countries designated as CPCs, as well as those recommended by USCIRF for designation or on USCIRF's Tier 2 list. Such actions would include scheduling trips for embassy officials, including the U.S. ambassador, to visit oppressed religious communities or sites of violence. The United States should also insist that discussions on religious freedom and religious tolerance be included in various bilateral strategic dialogues and summits, such as the strategic dialogues with Russia, Pakistan, or Indonesia, or the U.S.-Nigeria Binational Commission meetings. Concerns about freedom of religion or belief should also be interwoven into negotiations over trade agreements, like the Trans-Pacific Partnership.

It is also essential to ensure that religious freedom is raised during visits by U.S. officials and elected leaders to key countries of concern. It is important for foreign leaders to hear directly from visiting delegations that restrictions on religious freedom are hindering bilateral cooperation and the overall relationship. Face-to-face meetings are unique opportunities to raise concerns directly with government officials who are either directly repressing religious freedom or not intervening against non-state actors. During these country visits, delegations also should make a point to meet with religious leaders representing targeted communities, as well as their advocates. It can be particularly powerful to attend a worship service or visit important religious sites.

The speed with which relevant vacancies are filled is also noticed. It is important to quickly fill the Ambassador-at-Large position and USCIRF Commissioner appointments with distinguished individuals noted for their knowledge and experience in fields relevant to the issue of international religious freedom. Empowering the new Ambassador-at-Large to act in significant ways in the first 100 days after confirmation would also be noted.

Using Language Carefully

In public governmental statements, it is important to use the most precise terminology. U.S. officials sometimes have referred to "religious liberty" or "freedom of worship." While the intent was to convey concern about the full right of freedom of religion or belief, these phrasings are incomplete and only capture part of the right. Freedom of worship, for instance, is simply one component of freedom of religion; it does not include all its aspects

such as the freedoms to choose a belief, change beliefs, and share beliefs. In addition, the more precise phrasing of “freedom of religion or belief” denotes protection of the individual right to profess a particular religious belief, as well as to hold no religious beliefs.

Connected to this is the important point that religious freedom is not just for a particular religious community, but for all members of a society, including members of the majority faith as well as minorities. Language should be avoided that suggests the United States is only interested in the smallest communities, when the majority faith may also be suffering limitations on their religious freedoms. The rights of religious minorities are best protected in environments when the religious freedoms for all persons in a country are respected. In other words, religious freedom must be communicated – again and again – as being a right for all individuals, be they members of a minority religious group, a majority religious group, or no religious group at all.

Reinvigorating the CPC Mechanism

The centerpiece of IRFA for the executive branch is the “country of particular concern,” or CPC, designation. It is what gives IRFA teeth, taking it beyond simply “naming and shaming,” by creating incentives for improvements and consequences for inaction. To be sure, religious freedom advocacy should not only be about naming countries to a black list and sanctions. Yet the designation process and the possibility of punitive actions can breathe new life into diplomatic efforts that should both precede and follow a designation and stimulate political will in foreign capitals where none existed. The designation process itself can have an important impact on affecting a government’s behavior and be supplemented by other tools. However, if the designation of CPC countries occurs without any additional consequences, this limits its value as a tool to encourage reforms. For instance, the use of “double hatted” sanctions towards non-reforming governments undercuts the significance of designation and the levying of a Presidential action. And if the timing of designating countries is erratic over many years, the CPC process becomes less credible.

As a result, USCIRF recommends that current and future administrations and Congress need to recommit themselves to the full and robust application of IRFA’s

mechanisms. Interest has faded over the past decade-and-a-half, allowing these structures to atrophy. The tools remain relevant, as governments still perpetrate or tolerate religious freedom violations and IRFA’s instruments are well-suited to engage those situations. They still can be used to positive effect in many problematic environments for religious freedom.

To revitalize IRFA’s structures, the CPC process must be conducted annually, with Congress conducting annual oversight hearings. While some have argued that

USCIRF recommends that current and future administrations and Congress need to recommit themselves to the full and robust application of IRFA’s mechanisms.

IRFA’s language is unclear about an annual designation, reading the statute with an understanding of Congressional intent makes clear that it is to be an annual process. In fact, the first seven years of State Department implementation generally saw annual designations (see previous GAO graphic). Issuing CPC designations creates moments of clarity for diplomacy and truth telling. The State Department should ensure an annual designation process, and if it does not happen, Congress should make clear its intent by amending IRFA.

The CPC list should also expand and retract as conditions warrant. The current list of countries has not changed in a decade, except for the addition of Uzbekistan in 2006. The past 10 years have seen a worsening of the already-poor religious freedom environment in Pakistan, a continued dearth of religious freedom in Turkmenistan, backsliding in Vietnam, rising violations in Egypt before and after the Arab Spring, and Syria’s descent into a sectarian civil war with all sides perpetrating egregious religious freedom violations. Yet no new countries have been added to the State Department’s CPC list. In fact, based on USCIRF’s findings in this 2014 Annual Report, the current CPC-designation list does not accurately reflect conditions of particularly severe violations of religious freedom around the world and should be doubled in size.

The use of Presidential actions should also be more dynamic. Of the current eight countries designated as CPCs, six had “double hatted” sanctions for which the religious-freedom basis has now expired, and two have indefinite waivers. USCIRF recommends taking Presidential actions that are unique to each situation and applying specific actions directly related to religious freedom violations. Double hatting sanctions can be the appropriate action in some circumstances. In addition, specifically tailored actions can be more precise, either broadly structured or narrowly crafted to target specific government officials or provinces, if acute situations are highly localized. The Act allows for “commensurate actions,” which could include freezing abusers’ assets, for example through the Senior Foreign Political Figure (also known as Politically Exposed Persons) status. In addition, use of the waiver should be judicious and tied to a specific timetable. Indefinite waivers of penalties undermine the effectiveness of efforts to advance religious freedom, as they signal a lack of U.S. interest and communicate to the designated country that there never will be consequences for their religious freedom abuses.

Along with an annual CPC process, we recommend that the IRFA toolbox be used in its entirety in a continuum of action. U.S. diplomatic engagement cannot and should not solely rely on naming CPCs, but rather use a concert of action including: diplomatic engagement; consultations about possible CPC action; CPC designations; binding agreement negotiations; presidential actions; and/or a waiver for the narrowest of circumstances. Past practice provides only a few examples of these tools being used together to bring about change in a country of concern. An annual CPC designation process should be the center of all IRF-related work, driving and energizing other areas of U.S. diplomacy, but should not be the sum total of all activity.

Creating New IRFA Tools

In addition to fulfilling IRFA’s existing mandates, new tools need to be created. Times have changed since 1998, but the Act has not. Accordingly, USCIRF recommends updates to IRFA to meet the challenges of the 21st century.

As alluded to earlier, there are a growing number of situations where the abuses of religious freedom in a country are particularly severe, with systematic,

ongoing, and egregious violations, but no government is in control or able to respond. Current examples would include Somalia and the Central African Republic. The CPC tool should be broadened to allow the naming of countries (and not just governments of countries) where the government either does not exist or cannot exert control over the country.

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

Addressing the Placement of the Ambassador-at-Large

The low placement of the Ambassador-at-Large for International Religious Freedom within the State Department hierarchy has long been a concern for religious freedom advocates, including USCIRF. According to a 2013 report by the Government Accountability Office, the State Department’s Bureau of Democracy, Human Rights and Labor (DRL) dramatically reduced the status of the Ambassador-at-Large. The demotion of the position constitutes a major change in the IRFA structure and frustrates congressional intent. Ensuring the Ambassador-at-Large has direct and regular access to the Secretary of State would fulfill IRFA’s intention that the Ambassador be “a principal advisor to the President and Secretary of State” on matters relating to religious freedom. USCIRF also recommends that the State Department give the Ambassador-at-Large clear oversight of the IRF Office in addition to addressing the placement issue, and if it does not, Congress should clarify its intent.

The increased number of religiously-oriented positions within the State Department means that the

Ambassador-at-Large is now in a crowded field. The Secretary of State should create a working group with all the religiously-oriented positions and programs to ensure consistency in message and strategy. In addition, the Office of International Religious Freedom should be strengthened, including by enlarging its staff, deepening its expertise, and providing dedicated programmatic funds for religious freedom promotion and protection.

Addressing Report Timing Issues

IRFA created a system in which the State Department's and USCIRF's annual reports would be issued approximately eight months apart, and USCIRF's report would be based in part on a review of the State Department's reporting. As discussed above, however, the State Department's change of the reporting period to harmonize the timing of various human reports changed the release date of the IRF Report. This had the unintended effect of upending this system, with both reports now being issued at almost the same time. In light of the State Department's change in its timetable for the release of its reports on religious freedom, Congress should give USCIRF flexibility on the timing of the issuance of its annual report.

Increasing the Use of IRFA's Inadmissibility Provision

USCIRF also recommends that the visa ban for individuals involved in particularly severe violations of religious freedom be used more expansively. USCIRF is only aware of the visa ban being used just once – against the State Minister of the Indian state of Gujarat, Narendra Modi. USCIRF supported and called for this decision, but it is highly likely that other violators of religious freedom applied for a visa to the United States over the past 15 years. A recent initiative of the IRF Office to ensure that people inadmissible under U.S. law for religious freedom violations are denied entry is a useful first step. The consular sections of all embassies should be trained on this requirement and directed that the application of this provision is mandatory.

Expanding Training

Training is another area where IRFA's mandate has only recently been implemented. The current optional class at the Foreign Service Institute is a positive development, but it is one class among many others. The

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

Ensuring Funding for Religious Freedom Programming

While IRFA authorizes the expenditures of funds for grant making to promote religious freedom, there is no annual appropriation of funds specifically for this purpose. In fact, it was more than a decade before any such funds were made available to the Office of International Religious Freedom, a result of Representative Frank Wolf's directing the Bureau of Democracy, Human Rights, and Labor (DRL) to set aside funds from the Human Rights Defenders Fund (HRDF). As a result, the IRF Office currently receives from DRL approximately five percent of the overall HRDF funding.

USCIRF recommends that Congress annually call for the State Department to designate specific HRDF funds to the IRF Office for grant making, to help ensure consistent U.S. funding for civil society efforts to promote religious freedom in places and in ways that the U.S. government cannot do directly. Other potential funding sources would be the State Department's Middle East Partnership Initiative (MEPI) and the U.S. Agency for International Development's (USAID) Bureau for Democracy, Conflict, and Humanitarian Assistance. Congress should also seek to ensure that the National Endowment for Democracy, the U.S. Institute of Peace, and other entities dispersing federal funds for grant making undertake specific programming on religious freedom.

In statute, report language, and discussions, Congress has at times tasked USCIRF to develop recommendations for challenging issues. In addition to the Expedited Removal Study, one such congressional tasking resulted in USCIRF's study of how Pakistan's education system teaches about religious minorities in that country. Another example was the special fellowship program that was funded for two years to enable scholars to focus on the importance of freedom of religion or belief.

Emphasizing Religious Freedom in Public Diplomacy

IRFA, written at the start of the information revolution, stated that religious freedom should be an element in U.S. cultural exchanges and international broadcasting programs. These efforts would begin with the Undersecretary for Public Diplomacy and Public Affairs, who oversees the Bureau of Educational and Cultural Affairs, the Bureau of International Information Programs, the Bureau of Public Affairs, and the Center for Strategic Counterterrorism Communications (which is across the hall from the IRF Office). The mission of public diplomacy is described as "informing and influencing foreign publics and . . . expanding and strengthening the relationship between the people and Government of the United States and citizens of the rest of the world." Religion is often the lens through which many societies see the United States and the world. The United States should be well-positioned to engage these countries on issues of religious freedom and religion-state relations, considering the role religious freedom has played in American history and the commitment the United States has placed on promoting and protecting this right abroad.

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

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

Continuing Vigorous Multilateral Engagement

IRFA specifically cites U.S. participation in multilateral organizations as an avenue for advancing the freedom of religion or belief, and continued U.S. government involvement at the UN and OSCE on religious freedom issues is critical.

United Nations

At the UN Human Rights Council, the Universal Periodic Review (UPR) process allows states to assess the human rights performance of every UN member state, and thereby provides an opportunity for the United States and other like-minded countries to ask questions and make recommendations about religious freedom. This is particularly important when countries designated as "countries of particular concern" under IRFA are reviewed. Country-specific resolutions in the Human Rights Council and the UN General Assembly provide another opportunity to highlight religious freedom concerns, as has been done, for example, in the annual General Assembly resolution on the human rights situation in Iran.

The Human Rights Council also has an independent expert, or Special Rapporteur, who focuses on religious freedom. The position was created in 1986,

at the initiative of the United States. The UN Special Rapporteur on Freedom of Religion or Belief – currently Professor Heiner Bielefeldt of Germany – monitors freedom of religion or belief worldwide, communicates with governments about alleged violations, conducts country visits, and brings religious freedom concerns to the UN and public attention through reports and statements. The United States and other human-rights supporting states should continue their vigorous support of this mandate and its work, including by working to secure sufficient assistance to support the Rapporteur in carrying out this volunteer position. USCIRF also urges the United States to work for the creation of additional country-specific Special Rapporteur positions, especially for CPC countries.

Finally, the United States must remain vigilant against any renewed efforts to seek legal limitations on offensive or controversial speech that does not constitute incitement to violence. As discussed previously, the Organization of Islamic Cooperation (OIC) is no longer sponsoring its flawed “defamation-of-religions” resolutions. Nevertheless, USCIRF remains concerned that OIC members have not abandoned their global anti-blasphemy efforts. Many OIC member states continue to have and enforce repressive domestic blasphemy and religious defamation laws that result in gross human rights abuses. In addition, some OIC countries continue to refer publicly to the defamation-of-religions concept and call for laws against it, including in the context of the “Istanbul Process,” a series of international meetings launched in 2011 to discuss the implementation of the new resolutions that replaced the defamation resolutions. The Arab League also is considering a regional model law against the defamation of religions. Accordingly, the United States and other UN member states that support universal human rights must remain vigilant, including in the Istanbul Process, against any efforts to erode the new resolutions’ language or to expand existing international incitement norms – which comprise only narrow exceptions to the freedom of expression – to include speech defaming religions. Not only would such efforts undermine universal rights, they would exacerbate religious intolerance, discrimination, and violence, the very problems that the OIC claims that it is trying to address.

OSCE

The Organization for Security and Cooperation in Europe (OSCE), comprised of 57 participating States from Europe, the former Soviet Union, Mongolia, the United States, and Canada, continues to be an important forum for holding those states to extensive international standards on freedom of religion or belief and to combat hate crimes, discrimination, xenophobia, intolerance, and anti-Semitism. In recent years, however, some OSCE-participating States, led by Russia, have sought to curtail the OSCE’s human rights activities in favor of a security focus and have tried to limit the participation of NGOs, particularly in the annual Human Dimension (HDim) meeting in Warsaw, Europe’s largest human rights conference.

In 2012, the OSCE’s Office of Democratic Institutions and Human Rights (ODIHR) undertook efforts to “reform” its Advisory Panel of Experts on Freedom of Religion or Belief. The Panel, at the request of participating states, reviews proposed or enacted legislation against international and OSCE commitments, as well as provides expert opinions and guidelines. The Panel previously was composed of 60 persons nominated by OSCE countries, including a 15-member Advisory Council appointed by the ODIHR Director. The restructure resulted in a much smaller panel with 12 members, thus narrowing the expertise available to the OSCE that existed in the larger panel. In 2012, ODIHR discussed forthcoming guidelines on the recognition of religious or belief communities and in 2013, Panel members were involved in consultations on those guidelines in Kiev, Astana and Brussels. USCIRF recommends that the United States urge that these guidelines be released soon.

After the appointment of a new ODIHR director in June 2014, USCIRF recommends that the U.S. government urge that, to ensure and maintain its independence, the new Advisory Panel be empowered to act independently and issue reports or critiques and conduct activities without undue interference by ODIHR or participating States. USCIRF also recommends that the United States urge the new ODIHR director to consider returning the issue of freedom of religion or belief to the mandate of the ODIHR Human Rights Section, rather than its Tolerance Unit. Religious freedom is not merely an issue of tolerance but also encompasses a full range of human rights concerns, such as the freedoms of assembly, association, and expression.

The Role of Congress

Congress has an important role to play to ensure that religious freedom remains a priority to the U.S. government. Hearings are a particularly useful tool to use, as they signal Congressional interest in international religious freedom and in publicly holding administration officials accountable. The U.S. House of Representatives Committee on Foreign Affairs' subcommittee dealing with human rights has held several hearings on religious freedom matters, including around the issuance of the State Department's IRF Report and USCIRF's Annual Report. However, neither the full House Committee on Foreign Affairs nor the full Senate Committee on Foreign Relations has ever held a hearing specific to international religious freedom. In addition, the first oversight hearing of the implementation of IRFA was held in 2013, some 15 years after passage. Holding an oversight hearing of IRFA implementation once during each Congress would signal lasting interest in the issue.

But stand-alone hearings on IRF issues are not the only opportunity. As religious freedom problems are interwoven into some of the most difficult foreign policy challenges facing the United States, both houses of Congress should ensure that religious freedom issues are addressed in specific country hearings and ambassadorial confirmation hearings. In addition, Members of Congress also should introduce and support legislation that focuses on religious freedom violations in specific countries and remedies for such violations. Appropriations bills and supporting report language can also be a way to express congressional concerns to both our own government and other governments, which assiduously monitor how U.S. funds are appropriated. Creating a Senate caucus on international religious freedom, similar to the existing House caucus, would also serve an important function.

Another example of congressional action is the Defending Freedoms Project, an initiative of the Congressional Tom Lantos Human Rights Commission (TLHRC), in conjunction with USCIRF and Amnesty International USA. Through the project, Members of Congress advocate on behalf of prisoners abroad, work toward their release, and shine a spotlight on the laws and policies that have led to their incarceration. The goal of this project is to increase attention to and support for human rights and religious freedom through a focus on these prisoners of conscience.

Working with Like-Minded Nations

The U.S. government should do more to work in concert with like-minded nations and build an international coalition around freedom of religion or belief. The United States is no longer the only player in this field. The United Kingdom's foreign ministry and parliament have increased their focus, the European Union issued guidelines for its diplomats in the field on promoting freedom of religion or belief, and the European Parliament estab-

Congress has an important role to play to ensure that religious freedom remains a priority to the U.S. government.

lished a working group on the subject. Canada also created an ambassadorial position on religious freedom. The Austrians, Dutch, Italians, Norwegians, and Germans also have focused specifically on religious freedom over the past five years. Recently, USCIRF has taken the lead in fostering increased collaboration between the United States, Canada, and a number of European countries in promoting freedom of religion or belief. USCIRF's unique status, 15-year track record, and engagement around the world has served as a catalyst to better integrate and coordinate efforts between the United States and other governments and parliaments.

In early 2014, USCIRF Commissioners and staff met with members of the British All Parties Parliamentary Group on Freedom of Religion or Belief in London and cosponsored with the European Parliament Working Group on Freedom of Religion or Belief (EPWG) an unprecedented joint event in the European Parliament. In Brussels, the event USCIRF cosponsored with the EPWG had a remarkable turnout of almost 200 people, creating a standing room only situation in the large committee room. The London and Brussels meetings have spurred interest in forming a core group of parliamentarians who could advocate in unison and coordinate interventions regarding situations of concern about religious freedom for everyone, everywhere.

Paired with any parliamentary effort should be coordinated inter-government activities. Officials from the United States, Canada, the United Kingdom, and the

EU External Action Service have recognized this need in informal conversations. Efforts are beginning and it is hoped will soon be underway to share information among European and North American countries about activities taken by interested countries to date. While coordinating government action may pose challenges, the impact of many voices is sure to be more significant.

Addressing the Flaws in Expedited Removal

Finally, USCIRF continues to recommend that the Department of Homeland Security (DHS) implement the recommendations from the 2005 Expedited Removal Study that remain either wholly or partly unimplemented. These include addressing the serious flaws identified in the initial interviews of arriving aliens; allowing asylum officers to grant asylum at the credible fear stage in appropriate cases; not detaining asylum seekers after credible fear has been found unless absolutely necessary and, if asylum seekers must be detained, doing so only in civil conditions; codifying the existing parole policy into regulations; and increasing detainees' access to legal representation and in-person hearings. In addition, in light of Expedited Removal's expansion since the 2005 Study and the recent increase in claims of fear, Congress should consider authorizing and funding another study on the treatment of asylum seekers in Expedited Removal by USCIRF, the Government Accountability Office, or another appropriate entity.

2014 COUNTRY REPORTS

This section of the 2014 Annual Report provides this year’s reports on specific countries. Due to this Annual Report’s focus on a 15-year review of U.S. international religious freedom policy, the country reports are shorter than in recent years, but they still identify religious freedom violations and recommend policies to address the abuses.

The country reports are grouped into three categories. The first, referred to as Tier 1 CPCs, are those countries that USCIRF concludes meet IRFA’s standard for “countries of particular concern” and recommends for designation as such. IRFA requires the U.S. government to designate as a CPC any country whose government engages in or tolerates particularly severe violations of religious freedom that are systematic, ongoing and egregious. The second category, referred to as Tier 2, includes countries where the violations engaged in or tolerated by the government are serious and are characterized by at

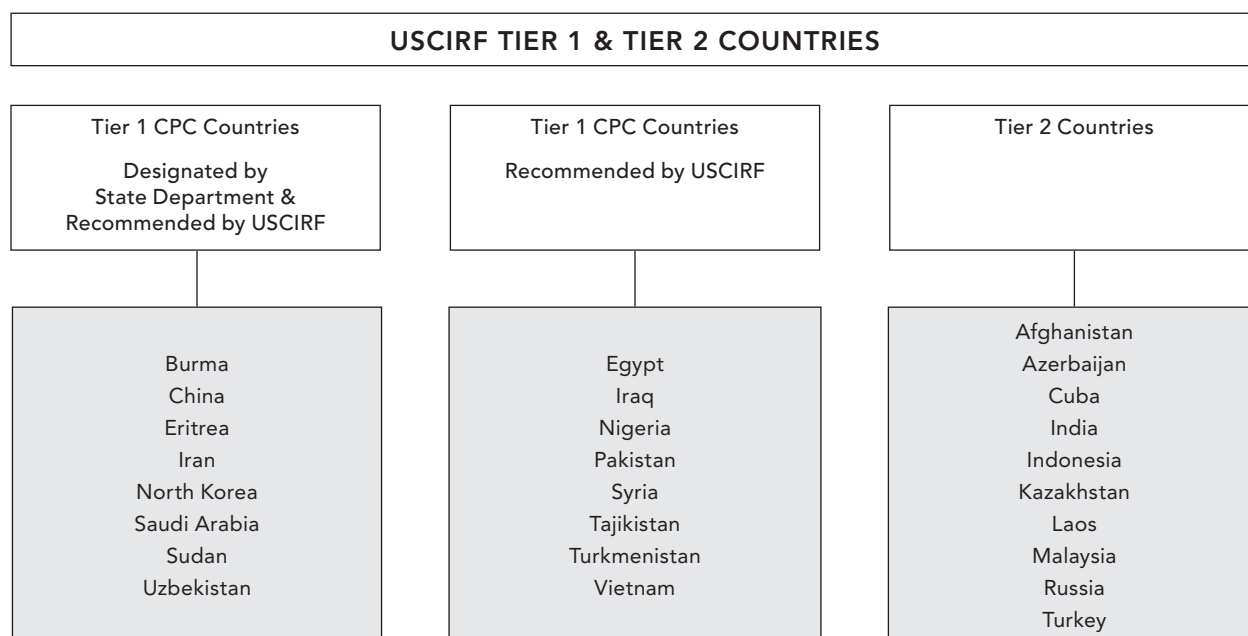
least one of the elements of the “systematic, ongoing, and egregious” standard, but do not fully meet the CPC standard. Lastly, there are brief descriptions of other countries and regions that USCIRF monitored during the year.

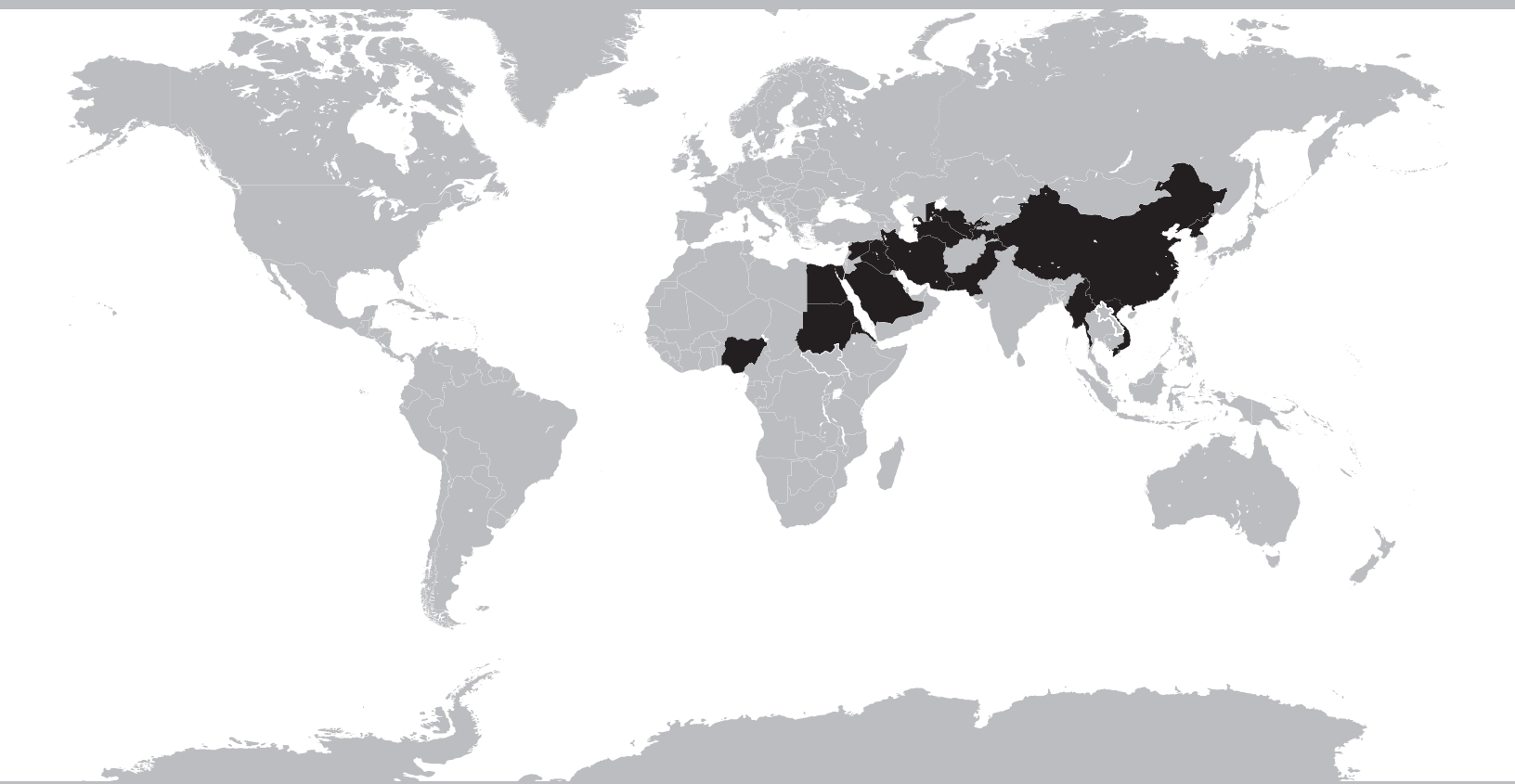
This year, USCIRF recommends that the Secretary of State re-designate the following eight countries as CPCs: Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Uzbekistan.

USCIRF also finds that eight other countries meet the CPC standard and should be so designated: Egypt, Iraq, Nigeria, Pakistan, Syria, Tajikistan, Turkmenistan, and Vietnam.

For 2014, USCIRF places the following ten countries on Tier 2: Afghanistan, Azerbaijan, Cuba, India, Indonesia, Kazakhstan, Laos, Malaysia, Russia, and Turkey.

The other countries and regions discussed are Bahrain, Bangladesh, Belarus, Central African Republic, Ethiopia, Kyrgyzstan, Sri Lanka, and Western Europe.





TIER 1

COUNTRIES OF PARTICULAR CONCERN

- BURMA
- CHINA
- EGYPT
- ERITREA
- IRAN
- IRAQ
- NIGERIA
- NORTH KOREA
- PAKISTAN
- SAUDI ARABIA
- SUDAN
- SYRIA
- TAJIKISTAN
- TURKMENISTAN
- UZBEKISTAN
- VIETNAM



EGYPT

Key Findings

Despite some progress during a turbulent political transition, the Morsi-era government and the interim government failed or were slow to protect religious minorities, particularly Coptic Orthodox Christians, from violence. While the new constitution includes improvements regarding freedom of religion or belief, the interpretation and implementation of relevant provisions remain to be seen. Discriminatory and repressive laws and policies that restrict freedom of thought, conscience, and religion or belief remain in place. For example, Egyptian courts continue to prosecute, convict, and imprison Egyptian citizens for blasphemy. As a consequence, for the fourth year in a row, USCIRF recommends in 2014 that Egypt be designated a “country of particular concern,” or CPC, under the 1998 International Religious Freedom Act (IRFA). Previously, Egypt was on USCIRF’s Watch List from 2002 to 2010.

Background

During 2013, Egypt continued to experience substantial political and societal turmoil. After growing popular discontent and mass demonstrations started on June 30, democratically-elected president Mohamed Morsi was removed from office by the military on July 3 after one year in power. The military, led by General Abdel Fattah al-Sisi, appointed an interim government and released a roadmap to amend the constitution and hold parliamentary and presidential elections. In August, security forces dispersed two sit-ins resulting in the deaths of more than 600 pro-Morsi supporters and nearly 700 civilians in the days that followed. Approximately 100 police and security personnel were killed during this period. After being appointed in September by interim president Adly Mansour, a “Committee of 50” completed a new constitution in December, which was approved overwhelmingly in a January referendum.

Both during and after Morsi’s tenure, there were violent attacks against Coptic Orthodox Christians, including an unprecedented level of violence in August. While the Coptic Church has been more optimistic about its future after Morsi’s removal, the situation remains precarious for Copts. Most perpetrators of sectarian attacks

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have not been convicted, including from large-scale incidents that occurred in 2011 and 2012. During the first half of 2013, sectarian rhetoric and incitement by Islamist clerics against Copts, Shi’a, and Baha’is increased. Both before and after the Morsi era, blasphemy cases continued to be leveled against dissident Muslims and religious minorities. The small communities of Baha’is and Jehovah’s Witnesses remain banned, and anti-Semitism persists in state-controlled and semi-official media.

Religious Freedom Conditions 2013–2014

Violence and Incitement Targeting Christians and Other Religious Minorities

In 2013, violent sectarian attacks, targeting primarily Copts, occurred both during and after Morsi’s tenure. Clerical supporters of President Morsi and some other extremists often used incendiary, sectarian rhetoric and incitement without consequence or accountability. For example, in April 2013, police failed to prevent an attack on St. Mark’s Cathedral during a funeral. The funeral

was being held for five Copts who were killed, along with a Muslim, after sectarian attacks two days earlier. This was the first violent incident on the seat of the Coptic Orthodox Pope in centuries. In June, five members of the Shi'a community were removed from a private home outside Cairo where they were commemorating a religious holiday and were lynched in the street by an angry mob chanting anti-Shi'a slogans. At the end of the reporting period, investigations are ongoing.

Following President Morsi's ouster from office on July 3, there was a significant increase in violent attacks against Christians in July and August. On August 14, the day the Egyptian security forces dispersed pro-Morsi protesters, violent religious extremists and thugs launched a coordinated series of attacks on Christians and their property throughout the country. At least seven Copts were killed and more than 200 churches and other Christian religious structures, homes, and businesses attacked. A commission of inquiry was formed and an investigation is ongoing. In October, four Copts were killed, including two sisters aged eight and 12, when gunmen on motorcycles opened fire at a wedding party outside a church near Cairo. There were a number of other violent attacks on Christians and their property in 2013, particularly in Upper Egypt. USCIRF received reports alleging that police have not investigated many cases, sometimes due to fear of retribution against them by violent extremists. The inability to protect Copts and other religious minorities, and successfully prosecute those responsible for violence, continued to foster a climate of impunity.

Blasphemy Law

Article 98(f) of the Egyptian Penal Code prohibits citizens from "ridiculing or insulting heavenly religions or inciting sectarian strife." Authorities use this blasphemy law to detain, prosecute, and imprison members of religious groups whose practices deviate from mainstream Islamic beliefs or whose activities are alleged to jeopardize "communal harmony" or insult Judaism, Christianity, or Islam (see blasphemy prisoners list in appendix). There has been an increase in these cases since 2011. The trend continued in 2013. The bulk of the charges target Sunni Muslim entertainers, prominent personalities, and journalists. Yet the majority of those sentenced by a court to prison terms for blasphemy have been Christians, Shi'a

Muslims, and atheists, mostly based on flawed trials. Some 40 percent of the defendants were Christians, a high percentage when compared to the approximately 10-15% Christian population.

Baha'is and Jehovah's Witnesses

Baha'is and Jehovah's Witnesses have been banned since 1960 by presidential decrees. As a result, Baha'is living in Egypt are unable to meet or engage in public religious activities. Al-Azhar's Islamic Research Center has issued *fatwas* over the years urging the continued ban on the Baha'i community and condemning its members as apostates. Al-Azhar is one of the preeminent Sunni Muslim centers of learning in the world. During the constitutional drafting process, representatives of the Baha'i community met with Amr Moussa, chairman of the "Committee of 50," yet the new constitution did not include recognition or protections for Baha'is. Since Baha'i marriage is not recognized, married Baha'is cannot obtain identity cards, making it impossible to conduct daily transactions like banking, school registration, or car ownership. In recent years, the government has permitted Jehovah's Witnesses to meet in private homes in groups of fewer than 30 people, despite the community's request to meet in larger numbers. Jehovah's Witnesses are not allowed to have their own places of worship or to import bibles and other religious literature. Over the past year, security officials stepped up harassment and intimidation of Jehovah's Witnesses by monitoring their activities and communications and by threatening the community with intensified repression if it does not provide membership lists.

Anti-Semitism and the Jewish Community

In 2013, material vilifying Jews with both historical and new anti-Semitic stereotypes continued to appear in Egypt's state-controlled and semi-official media. This material included anti-Semitic cartoons, images of Jews and Jewish symbols demonizing Israel or Zionism, comparisons of Israeli leaders to Hitler and the Nazis, and Holocaust denial literature. Egyptian authorities failed to take adequate steps to combat anti-Semitism in the state-controlled media. The small remnant of Egypt's Jewish community, now consisting of fewer than 50 people, owns communal property and finances required maintenance largely through private donations.

Egypt's New Constitution

There are some encouraging changes in the new constitution that could bode well for religious freedom. Several problematic provisions from the 2012 constitution were removed: a provision that narrowly defined Islamic Shari'ah law; a provision potentially giving Al Azhar a consultative role in reviewing legislation; and a provision that effectively banned blasphemy. In addition, a new provision, Article 235, requires the incoming parliament to pass a law governing the building and renovating of churches. This would potentially lift the longstanding requirement of governmental approval for building or repairing churches, which has served as a justification for sectarian-related violence targeting Christians. While

There are some encouraging changes in the new constitution that could bode well for religious freedom.

Article 64 provides that “freedom of belief is absolute,” like the 2012 constitution, this article limits the freedom to practice religious rituals and establish places of worship to only the “divine” religions: Islam, Christianity, and Judaism.¹

Recommendations for U.S. Policy

Egypt continues to experience both progress and setbacks during its transition, the success of which hinges on full respect for the rule of law and compliance with international human rights standards, including freedom of religion or belief. In addition to recommending that the U.S. government designate Egypt as a CPC, USCIRF recommends that the U.S. government should:

- Ensure that a portion of U.S. military assistance is used to help police implement an effective plan for dedicated protection for religious minority communities and their places of worship, and provide

direct support to human rights and other civil society or non-governmental organizations to advance freedom of religion or belief for all Egyptians;

- Press the Egyptian government to undertake immediate reforms to improve religious freedom conditions, including: repealing decrees banning religious minority faiths; removing religion from official identity documents; and passing a law for the construction and repair of places of worship once a new parliament is formed;
- Urge the Egyptian government to revise Article 98(f) of the Penal Code, and, in the interim, provide the constitutional and international guarantees of the rule of law and due process for those individuals charged with violating Article 98(f);
- Press the Egyptian government to prosecute perpetrators of sectarian violence through the judicial system, and to ensure that responsibility for religious affairs is not under the jurisdiction of the domestic security agency, which should only deal with national security matters such as cases involving the use or advocacy of violence; and
- In its annual reporting to Congress on human rights and religious freedom, place particular emphasis on the Egyptian government's progress on the protection of religious minorities, prosecution of perpetrators of sectarian violence, and the ability of Egyptian non-governmental organizations to receive outside funding from sources including the U.S. government.

¹ For a detailed analysis of religious freedom provisions in Egypt's new constitution, see USCIRF's December 2013 Policy Focus: <http://www.uscifr.gov/sites/default/files/resources/Egyptian%20Constitutional%20Review%20Policy%20Brief%20FINAL%2012-17-2013.pdf>.



IRAN

Key Findings

Despite the June 2013 election of a new and purportedly moderate president, the already-poor religious freedom conditions in Iran continued to deteriorate, particularly for religious minorities, especially Baha'is and Christian converts. Sufi and Sunni Muslims and dissenting Shi'a Muslims also faced harassment, arrests, and imprisonment. The government of Iran continues to engage in systematic, ongoing, and egregious violations of religious freedom, including prolonged detention, torture, and executions based primarily or entirely upon the religion of the accused. Since 1999, the State Department has designated Iran as a "country of particular concern," or CPC, under the 1998 International Religious Freedom Act (IRFA). USCIRF again recommends in 2014 that Iran be designated a CPC.

Background

The Islamic Republic of Iran is a constitutional, theocratic republic that proclaims the Twelver (Shi'a) Jaafari School of Islam to be the official religion of the country. While the constitution recognizes Christians, Jews, and Zoroastrians as protected religious minorities, it discriminates against its citizens on the basis of religion or belief, as all laws and regulations are based on unique Shi'a Islamic criteria. Five seats in the parliament are reserved for recognized religious minorities, two for Armenian Christians, one for Assyrian Christians, and one each for Jews and Zoroastrians. Since the 1979 revolution, many members of minority religious communities have fled for fear of persecution. Killings, arrests, and physical abuse of detainees have increased in recent years, including for religious minorities and Muslims who dissent or express views perceived as threatening the government's legitimacy. The government continues to use its religious laws to silence reformers, including human rights defenders and journalists, for exercising their internationally-protected rights to freedom of expression and religion or belief.

Since his June 2013 election, President Hassan Rouhani has not delivered on his campaign promises of strengthening civil liberties for religious minorities. The numbers of Baha'is and Christians in prison for their faith increased over the past year. Physical attacks, harassment, detention, arrests, and imprisonment intensified. Even some of the recognized non-Muslim religious minorities protected under Iran's constitution – Jews, Armenian and Assyrian

Since his June 2013 election, President Hassan Rouhani has not delivered on his campaign promises of strengthening civil liberties for religious minorities.

Christians, and Zoroastrians – face harassment, intimidation, discrimination, arrests, and imprisonment. Majority Shi'a and minority Sunni Muslims, including clerics who dissent, were intimidated, harassed, and detained. Dissidents and human rights defenders were increasingly subject to abuse and several were sentenced to death and even executed for the capital crime of "waging war against God." While anti-Semitic sentiment continued among Iran's clerical establishment, the level of anti-Semitic rhetoric among government officials has diminished since the election of President Rouhani.

Religious Freedom Conditions 2013–2014 Muslims

Over the past few years, the Iranian government has imposed harsh prison sentences on prominent reformers from the Shi'a majority community. Authorities charged many of these reformers with

“insulting Islam,” criticizing the Islamic Republic, and publishing materials that allegedly deviate from Islamic standards. Leaders from the minority Sunni community have been unable to build a mosque in Tehran and have reported widespread abuses and restrictions on their religious practice, including detentions and abuse of clerics and bans on Sunni teachings in public schools. Iranian authorities have destroyed Sunni religious literature and mosques in eastern Iran. Iran’s government also has been stepping up its harassment and arrests of its Sufi Muslim minority, including prominent leaders from the Nematollahi Gonabadi Order, while increasing restrictions on places of worship and destroying Sufi prayer centers and *hussainiyas* (or meeting halls). In recent years, authorities have detained hundreds of Sufis, sentencing many to imprisonment, fines, and floggings. As of February 2014, more than a dozen

Sabet, Behrouz Tavakkoli, and Vahid Tizfahm – and Baha’i educators and administrators affiliated with the Baha’i Institute for Higher Education. Over the past year, violent incidents targeting Baha’is and their property increased. In August 2013, after months of harassment and government interrogation, a local Baha’i leader, Ataollah Rezvani, was murdered for his faith, the first such killing in several years. At the end of the reporting period, no one has been charged with Mr. Rezvani’s death. The government’s draft Citizens’ Rights Charter, released in November 2013, includes protections for the recognized minorities but excludes Baha’is from any legal protections.

Christians

Over the past year, there were numerous incidents of Iranian authorities raiding church services, threatening church members, and arresting and imprisoning

The government’s draft Citizens’ Rights Charter, released in November 2013, includes protections for the recognized minorities but excludes Baha’is from any legal protections.

Sufi activists were either serving prison terms or had cases pending against them. Iranian state television regularly airs programs demonizing Sufism.

Baha’is

The Baha’i community, the largest non-Muslim religious minority in Iran, long has been subject to particularly severe religious freedom violations. The government views Baha’is, who number at least 300,000, as “heretics” and consequently they face repression on the grounds of apostasy. Since 1979, authorities have killed or executed more than 200 Baha’i leaders, and more than 10,000 have been dismissed from government and university jobs. More than 700 Baha’is have been arbitrarily arrested since 2005. As of February 2014, at least 135 Baha’is, nearly twice the number than in 2011, are being held in prison solely because of their religious beliefs, including seven Baha’i leaders – Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naemi, Saeid Rezaie, Mahvash

worshippers and church leaders. Since 2010, authorities arbitrarily arrested and detained about 400 Christians throughout the country. As of February 2014, at least 40 Christians were either in prison, detained, or awaiting trial because of their religious beliefs and activities. In January 2013, Saeed Abedini, an Iranian-born American pastor, was sentenced in a trial without due process to eight years in prison for “threatening the national security of Iran” for his activity in the Christian house church movement. Pastor Abedini had been in Iran since June 2012 to establish an orphanage and was arrested and imprisoned in September 2012. While in Evin prison, Pastor Abedini spent several weeks in solitary confinement and was physically and psychologically abused. In November, he was transferred to the notorious Gohardasht, or Rajai Shahr, prison outside Tehran which is known for its harsh and unsanitary conditions.

Jews and Zoroastrians

Although not as pronounced as in previous years, the

government continues to propagate anti-Semitism and target members of the Jewish community on the basis of real or perceived “ties to Israel.” Numerous programs broadcast on state-run television advance anti-Semitic messages. Official government discrimination against Jews continues to be pervasive, fostering a threatening atmosphere for the approximately 20,000 member Jewish community. In recent years, members of the Zoroastrian community – numbering between 30,000 and 35,000 people – have come under increasing repression and discrimination. At least four Zoroastrians convicted in 2011 for propaganda of their faith, blasphemy, and other trumped-up charges remain in prison.

Human Rights Defenders and Journalists

Iranian authorities regularly detain and harass journalists, bloggers, and human rights defenders who say or write anything critical of the Islamic revolution or the Iranian government.

Recommendations for U.S. Policy

During the past year, U.S. policy on human rights in Iran included a combination of public statements, multilateral activity, and the imposition of unilateral sanctions on Iranian government officials and entities for human rights violations. During the reporting period, high-level U.S. officials in multilateral fora and through public statements urged the Iranian government to respect its citizens’ human rights, including the right to religious freedom. For example, President Obama used public and private occasions – including an unprecedented phone conversation with President Rouhani in September 2013 – to call for the release of Iranian-American pastor Saeed Abedini, among other things.

In addition to recommending that the U.S. government continue to designate Iran as a CPC, USCIRF recommends that the U.S. government should:

- Ensure that violations of freedom of religion or belief and related human rights are part of multilateral or bilateral discussions with the Iranian government whenever possible, and continue to work closely with European and other allies to apply pressure through a combination of advocacy, diplomacy, and targeted sanctions;

- Continue to speak out publicly and frequently at the highest levels about the severe religious freedom abuses in Iran, press for and work to secure the release of all prisoners of conscience (see list of known religious prisoners in appendix), and highlight the need for the international community to hold authorities accountable in specific cases;
- Continue to identify Iranian government agencies and officials responsible for severe violations of religious freedom, freeze those individuals’ assets, and bar their entry into the United States, as delineated under the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (CISADA);
- Call on Iran to cooperate fully with the UN Special Rapporteur on the Human Rights Situation in Iran, including allowing the Special Rapporteur – as well as the UN Special Rapporteur on Freedom of Religion or Belief – to visit, and continue to support an annual UN General Assembly resolution condemning severe violations of human rights, including freedom of religion or belief, in Iran and calling for officials responsible for such violations to be held accountable; and
- Use appropriated Internet freedom funds to develop free, secure email access for use in Iran; facilitate the provision of high-speed internet access via satellite; and distribute immediately proven and field-tested counter-censorship programs in order to prevent the arrest and harassment of religious freedom and human rights activists and help them maintain their freedom of expression and legitimate expectations of privacy.

The U.S. Congress should:

- Reauthorize and make permanent the Lautenberg Amendment, which aids persecuted Iranian religious minorities and others seeking refugee status in the United States by establishing a presumption of eligibility and allowing fast-track processing to prevent backlogs in the countries that host their processing.



IRAQ

Key Findings

In the past year the government failed to stem egregious and increasing violence by non-state actors against Iraqi civilians, including attacks targeting religious pilgrims and worshippers, religious sites, and leaders, as well as individuals for their actual or assumed religious identity. While the Syrian crisis contributed to sectarian tensions, the Iraqi government took actions that increased, rather than reduced, Sunni-Shi'a tensions, threatening the country's already fragile stability and further exacerbating the poor religious freedom environment. Especially concerning is the draft personal status law that would separately apply to Shi'a Iraqis, which risks further hardening the sectarian divide. Based on these concerns, USCIRF again recommends in 2014 that the U.S. government designate Iraq as a "country of particular concern," or CPC. USCIRF has recommended CPC status for Iraq since 2008.

Background

The Iraqi government has made some recent efforts to increase security for religious sites, pilgrims, and worshippers, provide a stronger voice for Iraq's smallest minorities in parliament, and revise secondary textbooks to portray minorities in a more positive light. These efforts, however, have not fundamentally altered the fear built up over the last decade, during which many Iraqis, Muslim and non-Muslim alike, have been victimized by religiously-motivated violence. The government has proven unable to stop religiously-motivated attacks and bring perpetrators to justice. This has created a climate of impunity, which in turn exacerbates a perpetual sense of insecurity for all religious communities, particularly the smallest ones.

Large percentages of the country's most vulnerable religious minorities – which include Chaldo-Assyrian and other Christians, Sabeen Mandaeans, and Yezidis – have fled the country, threatening these

communities' continued existence in Iraq. Those remaining face official discrimination, marginalization, and neglect, particularly in areas of northern Iraq over which the Iraqi government and the Kurdistan Regional Government (KRG) dispute control.

The Iraqi constitution guarantees equality and religious freedom to all Iraqis, but also makes Islam the religion of the state and a fundamental source of legislation and says no law may contradict "the established

*The government has proven
unable to stop
religiously-motivated attacks and
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principles of Islam," which are not defined. The Baha'i faith remains banned under a 1970 law. A 2006 law prohibits Jews who emigrated from regaining Iraqi citizenship, despite a constitutional provision that prohibits the rescinding of citizenship obtained by birth. A 2001 resolution prohibits the practice of the Wahhabi branch of Islam.

Religious Freedom Conditions 2013–2014 Sectarian and Religiously-Motivated Violence

In 2013, the frequency of sectarian and religiously-motivated attacks escalated, negatively impacting all Iraqis' safety and perpetuating the general climate of fear. The primary victims of violence in the past year were members of the Shi'a majority, including pilgrims celebrating important holidays. For example, in 2013 during the major Shi'a holiday of Ashura, over 40 Shi'a pilgrims commemorating the holiday were killed in coordinated attacks. Moreover, space for religious minorities continues to shrink. Attacks are occurring with greater frequency in the northern areas of Iraq, which had been

safe-havens for Iraq's smallest minority communities since 2003.

Sunni-Shi'a Tensions

Over the past year, al-Qaeda linked extremist groups, emboldened by the Syrian crisis, heightened Sunni-Shia' tensions through a series of attacks and bombings. However, the Shi'a-led Iraqi government exacerbated the situation by acting in an authoritarian manner, raiding and disbanding largely peaceful Sunni protests, targeting Sunni areas, citizens, and politicians for security sweeps and arrests, and mistreating Sunni prisoners, which has given rise to charges of sectarian behavior. Prime Minister al-Maliki also continues to defy the power-sharing agreement that allowed the current government to be formed in 2010. These actions strained already frayed Sunni-Shi'a relations, threatening the country's fragile stability.

As of the end of the reporting period, the Iraqi cabinet had approved the Justice Ministry's draft Jaafari (Shi'a) jurisprudence personal status law and referred it to the Council of Representatives. The proposed law would apply to all Shi'a Muslims for issues including

nation, particularly in areas disputed between the central government and the Kurdistan regional government. Although they reported fewer violent incidents than in past years, these groups continued to report a perpetual sense of fear. In January 2014, the Iraqi cabinet announced that it supported, in principle, the creation of three new provinces, including one in the largely Christian Nineveh Plains. Some Christians have long advocated for such a province, viewing it as having the potential to stop the emigration of Christians. The details of the plan and its implementation have yet to be presented.

Recommendations for U.S. Policy

Since 2008, U.S.-Iraqi bilateral relations have been governed by a "Strategic Framework Agreement," which emphasizes cooperation in specified areas such as political and diplomatic, defense and security, cultural, and law enforcement and judicial. The Obama administration's stated goal for this bilateral relationship is to help Iraq become a secure, diverse, and stable democracy. Towards this end, the United States should do more to ensure that the human rights and religious

Opponents fear the proposal would increase Sunni-Shi'a divisions by establishing sectarian religious law and lead to pressure on non-Shi'a communities to adhere to Shi'a jurisprudence and societal norms.

marriage, divorce, inheritance, and adoption. Opponents fear the proposal would increase Sunni-Shi'a divisions by establishing sectarian religious law and lead to pressure on non-Shi'a communities to adhere to Shi'a jurisprudence and societal norms. Opponents also cite troubling articles that would violate other internationally-protected human rights, especially for women and children. For example, one provision would permit girls as young as nine, and boys as young as 15, to marry without parental consent, and even below those ages with the consent of a male guardian.

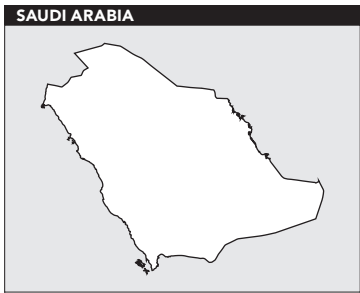
Abuses against the Most Vulnerable Minority Communities

Members of the smallest minority communities continued to experience violence, intimidation, and discrimi-

freedoms of all Iraqis are guaranteed and enforced in law and practice. In addition to recommending that the U.S. government designate Iraq as a CPC, USCIRF recommends that the U.S. government should:

- Urge, and where appropriate assist, the Iraqi government in its efforts to provide security to protect likely targets of sectarian or religiously-motivated violence and to investigate and prosecute perpetrators;
- Include in all military or security assistance to the Iraqi government training for recipient units on universal human rights standards and how to treat civilians, particularly religious minorities, and insist that the Iraqi government ensure greater integration of the government and security forces so that they reflect the country's religious and ethnic diversity;

- Continue to task an embassy official with engaging religious minority communities, and work with Iraq's government and these communities and their political and civic representatives to help them reach agreement on what measures are needed to ensure their rights and security in the country;
- Urge the parties to include the protection of rights for all Iraqis and ending discrimination as part of negotiations between the KRG and the Iraqi government on disputed territories;
- Press the KRG to address alleged abuses against minorities by Kurdish officials in these areas;
- Focus U.S. programming in Iraq on promoting religious freedom and tolerance and fostering human rights compliance and the rule of law, and ensure that marginalized communities benefit from U.S. and international development assistance; and
- Continue to prioritize the resettlement to the United States of vulnerable Iraqi refugees, including those who fled to Syria but are now refugees in a third country; interview applicants by video-conference when in-person interviews cannot be conducted for security reasons; and allocate sufficient resources to the Department of Homeland Security and other agencies to expeditiously process applications and conduct security background checks to facilitate resettlements without compromising U.S. national security.



SAUDI ARABIA

Key Findings

Despite improvements in religious freedom, Saudi Arabia remains unique in the extent to which it restricts the public expression of any religion other than Islam. Not a single church or other non-Muslim house of worship exists in the country. The government privileges its own interpretation of Sunni Islam over all other interpretations. It also has arrested individuals for dissent, apostasy, blasphemy, and sorcery. Based on these continuing violations of religious freedom, despite some areas where progress has been made, USCIRF again recommends in 2014 that Saudi Arabia be designated as a “country of particular concern” (CPC) under the 1998 International Religious Freedom Act (IRFA). Although the State Department has designated Saudi Arabia a CPC since 2004, an indefinite waiver on taking any action in consequence of the CPC designation has been in place since 2006.

Background

Saudi Arabia is officially an Islamic state with a sizeable population of expatriate workers of various faiths. In recent years, the Saudi government has made improvements in policies and practices related to freedom of

Despite improvements in religious freedom, Saudi Arabia remains unique in the extent to which it restricts the public expression of any religion other than Islam.

religion or belief. Nevertheless, the Saudi government persists in restricting most forms of public religious expression inconsistent with its particular interpretation

of Sunni Islam. Saudi officials say they base this on their interpretation of *hadith* and state that they believe this is what is expected of them. This policy violates the rights of other Sunni Muslims who follow varying schools of thought, Shi’a and Ismaili Muslims, and both Muslim and non-Muslim expatriate workers. While the government has taken some steps to address its legitimate interest in limiting advocacy of violence in sermons and educational materials, other steps the government has taken continue to restrict legitimate and peaceful religious activities and expression in other ways by suppressing the legitimate religious views and practices of Saudi and non-Saudi Muslims who do not conform to official positions. It also prohibits any public non-Muslim places of worship and has not fully protected the private religious practice of non-Muslim expatriate workers in the country.

Religious Freedom Conditions 2013–2014

Recent Improvements

USCIRF has noted some improvements that include: curtailing the powers of the Commission for the Promotion of Virtue and Prevention of Vice (CPVPV); promoting a “culture of dialogue” and understanding between Muslim religious communities inside the Kingdom and advancing inter-religious dialogue in international fora; improving conditions for public religious expression by Shi’a Muslims in the Eastern Province; continuing efforts to counter extremist ideology inside the Kingdom; and making further revisions to remove intolerant passages from textbooks and curriculum.

Restrictions on Dissidents and Non-Conforming Muslims, including Blasphemy and Apostasy Charges

Sporadic arrests and detentions of Shi’a Muslim dissidents continued. Since 2007, the government has detained Shi’a Muslims for participating in demonstrations or calling for reform; holding small religious

gatherings in private homes; organizing religious events or celebrating religious holidays; and reading religious materials in private homes. Saudi officials often cite national security concerns as a pretext for cracking down on religious minorities and Muslim dissidents.

The Saudi government has used criminal charges of apostasy and blasphemy to suppress discussion and debate and silence dissidents. Promoters of political and human rights reforms, and those seeking to debate the role of religion in relation to the state, its laws, and society, typically have been the targets of such charges. Hamza Kashgari, a Saudi blogger – who had been held since February 2012 on blasphemy charges for comments he posted on Twitter – was released without explanation in October 2013. In May 2012, the Saudi government detained two Saudis, Sultan Hamid Marzooq al-Enezi and Saud Falih Awad al-Enezi, allegedly for becoming members of the Ahmadi community in the Kingdom. While they could face the death penalty for apostasy, their current whereabouts and status are unknown. From information USCIRF has received, they remain detained without charge and they have had no access to legal counsel. In June 2012, Raif Badawi, the founder and editor of the *Free Saudi Liberals* website, which encourages religious and political debate, was arrested in Jeddah and charged with apostasy, “insulting Islam through

Abuses by the CPVPV

The CPVPV, which reports to the King and is not subject to judicial review, officially enforces public morality and restrictions on public religious manifestations and practice by both Saudis and non-Saudis. In recent years, including during the past year, the public presence of the CPVPV has diminished. Nevertheless, in 2013, members of the CPVPV periodically overstepped their authority in parts of the country. In January 2013, a new law was passed limiting the jurisdiction of the CPVPV. Despite the fact that the CPVPV is not allowed to engage in surveillance, detain individuals for more than 24 hours, arrest individuals without police accompaniment, or carry out any kind of punishment, its members have been accused over the past year of beating, whipping, detaining, and otherwise harassing individuals. USCIRF continues to call for the dissolution of the CPVPV.

The Dissemination and Global Exportation of Intolerant Materials

During USCIRF’s 2013 visit to Saudi Arabia, the Saudi government claimed that textbooks from grades one through nine have been revised to remove intolerant passages, and that revisions for grades 10-12 would be completed in 2014. From reports USCIRF has received, high school textbooks in use during the 2013–2014

From reports USCIRF has received, high school textbooks in use during the 2013–2014 school year continue to teach hatred toward members of other religions and, in some cases, promote violence.

electronic channels,” and “parental disobedience.” In January 2013, a Saudi court elected not to pursue the apostasy charge, which carries the death penalty in the Kingdom. In July 2013 Badawi was sentenced by the court to 600 lashes and seven years in prison, and his website was ordered closed. Badawi received five years for insulting Islam and violating provisions of Saudi Arabia’s 2007 anti-cybercrime law through his liberal website and for promoting “unbelief” and two years for insulting both Islam and the CPVPV in comments during television interviews.

school year continue to teach hatred toward members of other religions and, in some cases, promote violence. For example, some justified violence against apostates and polytheists and labeled Jews and Christians “enemies.” In recent years, a Saudi royal decree banned the financing outside Saudi Arabia of religious schools, mosques, hate literature, and other activities that support religious intolerance and, in some cases, violence toward non-Muslims and disfavored Muslims; however, there continue to be reports that some hate literature and other intolerant materials remain

in distribution. In response to inquiries about the Saudi government's commitment to halting the global dissemination from the Kingdom of extremist ideology, literature, and other materials, government officials cite, among other things, the activities of the Saudi government-funded King Abdullah Bin Abdulaziz International Center for Interreligious and Intercultural Dialogue (KAICIID) in Vienna, Austria.

Recommendations for U.S. Policy

In July 2006, the State Department announced that ongoing bilateral discussions with Saudi Arabia had enabled the U.S. government to identify and confirm a number of policies that the Saudi government "is pursuing and will continue to pursue for the purpose of promoting greater freedom for religious practice and increased tolerance for religious groups." USCIRF has concluded that full implementation by the Saudi government of these policies would diminish significantly the government's institutionalized practices that negatively affect freedom of religion and belief.

USCIRF urges the U.S. government to address religious freedom and other human rights issues actively and publicly with the Saudi government and to report openly on the government's success or failure to implement genuine reforms in these areas, in order to ensure that the Saudi government's initiatives will result in substantial, demonstrable progress.

In response to the policies and practices of the Saudi government, USCIRF recommends that the U.S. government should:

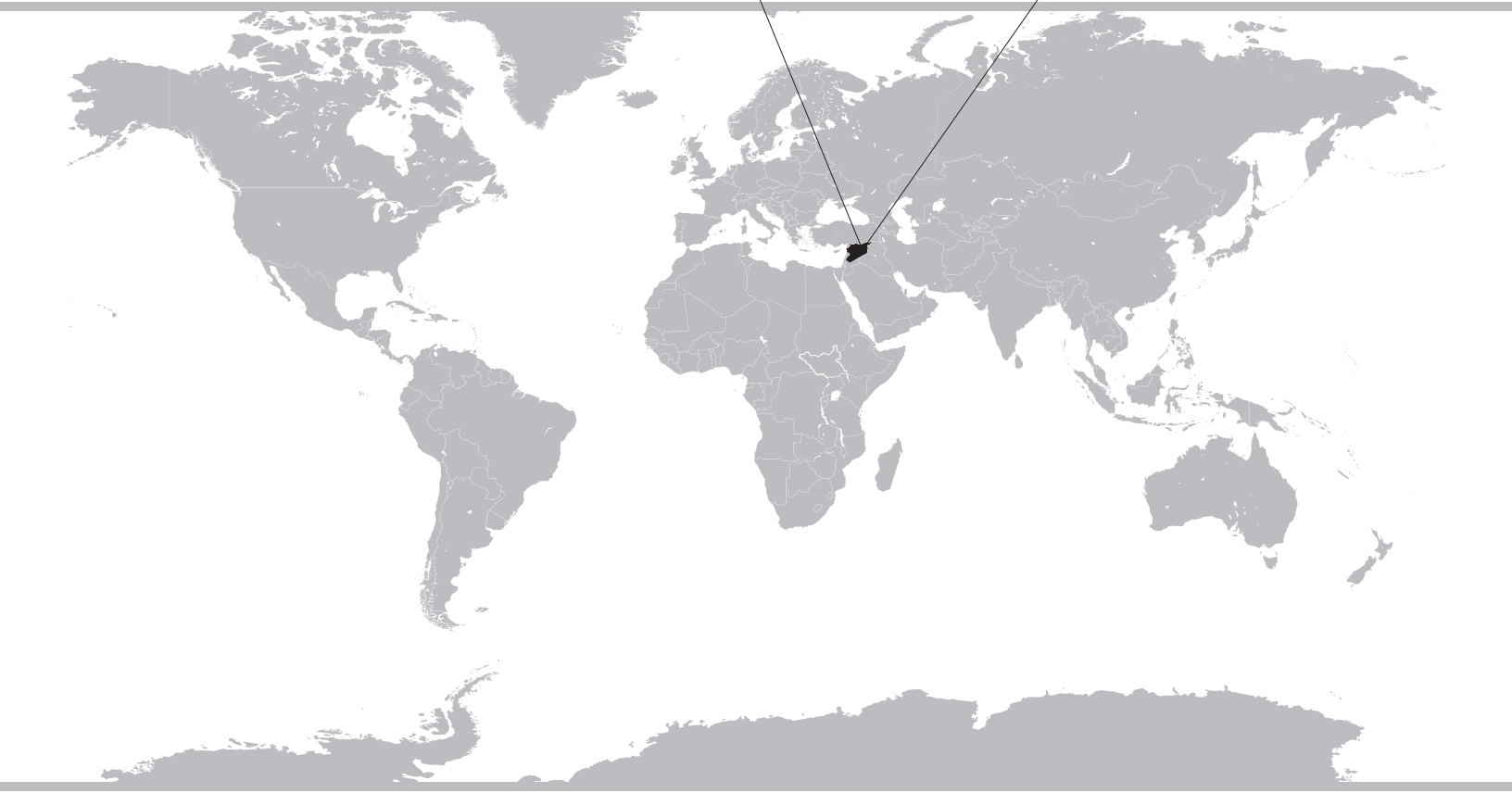
- Continue to designate Saudi Arabia a CPC and press the Saudi government to take concrete action towards completing reforms confirmed in July 2006 in U.S.-Saudi bilateral discussions, and provide a detailed report on progress and lack of progress on each of the areas of concern;
- At the highest levels, press for and work to secure the release of Raif Badawi, Sultan Hamid Marzooq al-Enezi, Saud Falih Awad al-Enezi, and other prisoners of conscience, and press the Saudi government to end state prosecution of individuals charged with apostasy, blasphemy, and sorcery;
- Undertake and make public an assessment of the Ministry of Education textbooks used during the

current school year to determine if passages that teach religious intolerance have been removed, and urge the Saudi government to include the concepts of tolerance and respect for the human rights of all persons;

- Press the Saudi government to continue to address incitement to violence and discrimination against disfavored Muslims and non-Muslims, including by prosecuting government-funded clerics who incite violence against Muslim minority communities or individual members of non-Muslim religious minority communities;
- Press the Saudi government to ensure equal rights and protection under the law for Shi'a Muslim citizens; and
- Work with the Saudi government to allow non-Muslim religious practices to occur with greater security and permit foreign clergy to enter the country to carry out worship services and to bring religious materials for such services.

The U.S. Congress should:

- Require the State Department to issue a public progress report on efforts and results achieved by the Saudi government to implement religious freedom reforms announced in July 2006.



SYRIA

Key Findings

The Syrian crisis has devolved largely into a sectarian conflict, exacerbated by the actions of the Bashar al-Assad regime, with particularly severe violations of religious freedom affecting all Syrians. The regime's targeting of Sunni Muslims and other individuals or groups that oppose it and its indiscriminate shelling of civilian areas have killed tens of thousands of Syrians and displaced millions. In addition, extremist and U.S.-designated terrorist groups, including al-Qaeda and the Islamic State of Iraq and the Levant (ISIL), target religious minority communities, including Christians and Alawites, because of their faith, and internationally-recognized opposition military groups have committed religious freedom violations when working with other groups to secure strategic areas. The existing humanitarian disaster and egregious human rights and religious freedom violations pose a serious danger to Syria's religious diversity post-conflict. Due to the collective actions of the Bashar al-Assad regime, internationally-recognized opposition groups, and extremist and U.S.-designated terrorist groups, USCIRF recommends, for the first time, that Syria be designated as a "country of particular concern" (CPC) under the 1998 International Religious Freedom Act.

Background

The Syrian conflict began in March 2011 with peaceful protests by opponents of the al-Assad regime, mainly Sunni Muslims but also religious minorities. The initial protests had no religious or sectarian undertones and sought repeal of the abusive emergency law, space for political parties, and President al-Assad's resignation. As the protests grew, President al-Assad ordered an increasingly violent crackdown and he and his regime played on sectarian fears by utilizing religiously-divisive rhetoric. In opposition to the al-Assad regime, dozens of domestic and foreign groups, varying widely in goals,

emerged. Some of these groups, including the internationally-recognized Syrian National Council and the Syrian National Coalition, espouse democratic reform. Others, such as the U.S.-designated terrorist organizations, al-Qaeda, ISIL and the al-Nusra Front, are motivated by religious ideologies espousing violence. The regime also is supported by other U.S.-designated terrorist groups, such as Hezbollah and Shabiha.

The conflict became largely sectarian, as the regime responded with violent ground attacks and indiscriminate shelling, and as extremist and terrorist groups that

Now, Sunni Muslims largely associate all Alawites with the regime of Bashar al-Assad, an Alawite himself, and many Alawites and Christians believe they must support Assad or be killed by extremists and terrorists.

opposed the regime became increasingly imbedded and active. Now, Sunni Muslims largely associate all Alawites with the regime of Bashar al-Assad, an Alawite himself, and many Alawites and Christians believe they must support al-Assad or be killed by extremists and terrorists. Initiatives under the auspices of the United Nations and supported by the United States, including the Geneva peace conference meetings, have failed to find a political solution to end the conflict.

Religious Freedom Conditions 2013–2014 Violations by al-Assad Regime and Affiliated Groups

The regime's atrocities have been indiscriminate, primarily targeting the Sunni Muslim population, creating an environment where internationally-recognized and

protected human rights, including religious freedom, do not exist. The UN and most of the international community, including the United States, have found that the al-Assad regime has committed crimes against humanity. The regime has used tactics such as extra-judicial killings, rape, torture of prisoners, chemical weapons, the indiscriminate shelling of civilians, hospitals, places of worship, and schools, and the withholding of food and other aid to maintain its power.

A number of U.S.-designated terrorist groups, including Hezbollah and Shabiha, support the regime. These groups, in the name of the regime, perpetrate egregious human rights and religious freedom violations, especially targeting Sunni Muslim civilians, including women and children. For example, on May

the approximately 3,000 Christians in Raqqa province must either face death, convert to Islam, or be treated as *dhimmi*s (non-Muslim citizens of an Islamic state) who must pay a tax for their “protection” and obey serious restrictions on their religious practices.

In April 2013, Bishop Boulos Yazigi of the Greek Orthodox Church and Bishop John Ibrahim of the Assyrian Orthodox Church were kidnapped by unknown assailants in the northern province of Aleppo. Their whereabouts remain uncertain. Thirteen nuns and three workers from a Greek Orthodox monastery in the Christian village of Maaloula, who were kidnapped by the al-Nusra Front in late November 2013, were freed on March 9, 2014. Maaloula fell to al-Nusra in September 2013. At that time, al-Nusra fighters reportedly attacked

Terrorist organizations espouse violence and the creation of an Islamic state with no space for religious diversity, and have carried out religiously-motivated attacks and massacres against Alawite, Shi'a, and Christian civilians.

25, 2012, in what has become known as the Houla massacre, 108 Sunni Muslims, including 49 children, were killed in two opposition-controlled villages in the Houla region of Syria. The United Nations Supervision Mission in Syria determined that most of the victims had been “summarily executed” and “entire families were shot in their houses.” In addition, it is a common tactic of the regime to bomb areas, and then for regime militias to follow.

Violations by Extremist and Terrorist Groups

Extremist groups and terrorist organizations, including al-Qaeda and ISIL, also are perpetrating egregious religious freedom violations. They espouse violence and the creation of an Islamic state with no space for religious diversity, and have carried out religiously-motivated attacks and massacres against Alawite, Shi'a, and Christian civilians. NGOs report that several different anti-regime opposition groups have established Shari'ah courts in areas they control. Recently ISIL, a terrorist organization not aligned with the internationally-recognized opposition, announced that

Christian homes, killing at least a dozen people, and burning down a church; most Christians fled and those that remained were forced to convert to Islam.

In August 2013, 20 extremist groups attacked the coastal Latakia province. Human Rights Watch reported that 190 civilians were killed and another 200 taken hostage, the vast majority of whom were Alawite Muslims.

Internationally-Recognized Opposition

During the reporting year, the Syrian National Coalition did not effectively or adequately represent religious minorities. It also did not have oversight of local administrations in areas under its control, some of which are enforcing Shari'ah law. In addition, opposition military units on occasion have worked with terrorist groups to secure strategic areas. These joint operations raise concerns that the internationally-recognized organizations are being pulled closer to extremist ideologies and violent sectarian acts. For instance, in August 2012, the Free Syrian Army fought with terrorist groups during the battle for Mengh military base, which reports said led to the deaths of 200 Alawite civilians.

Refugees, Internally-Displaced People, and Sectarian Spillover

According to UN estimates, as of mid-March 2014, the Syrian crisis had led to more than 2.5 million registered refugees, mostly in Lebanon, Jordan, Turkey, Iraq, and Egypt. More than half of the UN-registered refugees are women and girls, and close to half of those are under the age of 17. Whether in refugee camps or cities, the refugees are facing increased societal harassment because they are perceived by their host communities to be taking jobs and using limited resources. Moreover, in many of the host countries, particularly Lebanon and Iraq, sectarianism is growing, putting them at greater risk.

In addition to the millions of refugees, an estimated 9.3 million people in Syria need basic assistance, such as food, water and shelter, including at least 6.5 million internally-displaced people. (The UN stopped counting deaths in mid-January 2014 because of the inability to verify numbers and causes; at the time they estimated at least 100,000 Syrians had been killed, including Syrian military and rebel forces as well as civilians.)

Recommendations for U.S. Policy

All Syrians, including Muslims, Christians, Alawites, and the smallest communities, such as Yezidis and Druze, are living in bleak conditions and face a dire future. The prospect of achieving a post-conflict Syria that values religious diversity, minority rights, and religious freedom is daunting, with an entire generation at risk from fighting, prolonged hunger, disease, and indoctrination into extremist ideologies. In addition to continuing to seek an end to the conflict, USCIRF recommends that the U.S. government should designate Syria a “country of particular concern” and should:

- Ensure that religious freedom is given a high priority and minorities are given a voice as efforts continue to bring about an end to the conflict;
- Ensure that U.S. government planning for a post-conflict Syria is a “whole-of-government” effort and includes consideration of issues concerning religious freedom and related human rights, and that USCIRF and other U.S. government experts on those issues are consulted as appropriate;
- In U.S. efforts to build the capacity of the internationally-recognized opposition, the Bureau of Conflict and Stabilization Operations within the State Department should continue to prioritize training on international standards relating to human rights and religious freedom and stress the need for these groups to include all of Syria’s religious and ethnic communities;
- Initiate an effort among relevant UN agencies, NGOs, and like-minded partners among the Friends of Syria to fund and develop programs that bolster intra- and inter-religious tolerance, alleviate sectarian tensions, and promote respect for religious freedom and related rights, both in neighboring countries hosting refugees and in preparing for a post-conflict Syria;
- Consider issuing a new exemption to U.S. immigration law’s “material support bar” for Syrian refugees who supported specific U.S.-backed rebel groups, and properly apply existing exemptions, so that Syrians who pose no threat to the United States and are fleeing the al-Assad regime or terrorist groups are not erroneously barred from the U.S. refugee program;
- Allocate sufficient resources to the Department of Homeland Security and other agencies to expeditiously process applications and conduct security background checks to facilitate the resettlement of Syrian refugees in the United States without compromising U.S. national security; and
- Continue to provide significant funding and logistical support to the UN, humanitarian organizations, and host nations and communities to provide humanitarian aid to refugees and internally displaced persons, and encourage other countries to do the same.

OTHER COUNTRIES/REGIONS MONITORED

- BAHRAIN
- BANGLADESH
- BELARUS
- CENTRAL AFRICAN REPUBLIC
- ETHIOPIA
- KYRGYZSTAN
- SRI LANKA
- WESTERN EUROPE

BAHRAIN

In January 2014, a USCIRF delegation traveled to Manama as a follow-up to a 2012 visit to assess conditions for freedom of religion or belief, including the government's implementation of relevant recommendations from the Bahrain Independent Commission of Inquiry (BICI). The delegation met in Manama with a range of high-level government officials, opposition groups, Sunni and Shi'a religious leaders, human rights organizations, non-Muslim religious minority communities, and other civil society leaders. Based on the visit, USCIRF has concluded that while the Bahraini government has made some progress in implementing various BICI recommendations, it must act with greater urgency to redress past abuses and embrace genuine reforms. USCIRF remains concerned by the government's continued lack of accountability for abuses against the Shi'a community since 2011, and will continue to monitor closely developments in Bahrain during the coming year.

Background

Bahrain is a diverse country and Bahraini citizens have a deep sense of their culture and history going back centuries. With a population of approximately 1.3 million, approximately half are Bahraini citizens and half are expatriate workers, primarily from South Asian countries. Almost half of the expatriate workers are non-Muslim (approximately 250,000-300,000). The religious demography of Bahraini citizens is estimated at 60-65% Shi'a and 30-35% Sunni, with approximately 1-2% non-Muslims, including Christians, Hindus, Sikhs, Jews, and Baha'is. Compared to other countries in the region, Bahrain is among the most tolerant of non-Muslim religious minority communities. The government officially recognizes several Christian denominations, a tiny Jewish community, Hindus, Sikhs, and a Baha'i community. Most Bahrainis also acknowledge that their society has been historically tolerant of all faiths and religiously pluralistic.

Bahrain is ruled by a Sunni Muslim monarchy, the Al-Khalifa family.

Accountability for Past Abuses

During USCIRF's 2014 visit, the Bahraini government repeatedly expressed a commitment to making demonstrable progress on reforms, including expediting the rebuilding of Shi'a mosques and religious structures destroyed in 2011. Nevertheless, the government

USCIRF remains concerned by the government's continued lack of accountability for abuses against the Shi'a community since 2011 . . .

still has not adequately held security officials accountable for the 2011 abuses and subsequent violations, which included harassing, imprisoning, torturing, and killing predominantly Shi'a demonstrators. Bahraini courts have tried, prosecuted, and convicted only a few lower-level police officers, with little or no transparency about the trials, convictions, and length of prison terms. To date, no high-level officials have been held accountable. The Bahraini government's December 2013 BICI Follow-Up Report stated that Bahraini courts have investigated all 35 deaths of Shi'a protestors during demonstrations in 2011 and, as a result of investigations, 39 cases were sent to court with 13 security officials convicted and 15 acquitted. Some 25 cases are still being heard.

Ongoing Abuses and Discrimination

In 2013, Shi'a Muslims continued to be detained and arrested arbitrarily, including during Ashura commemorations in November. Incendiary, sectarian rhetoric continued in the government and pro-government media,

new media laws that would curb anti-Shi'a incitement have not been passed, and little has been done to ensure the Shi'a community greater media access.

Members of the Shi'a community still cannot serve in the active military, only in administrative positions, and there are no Shi'a in the upper levels of the Bahrain government security apparatus, including the military and police. The December 2013 BICI Follow-Up Report

In 2013, Shi'a Muslims continued to be detained and arrested arbitrarily, including during Ashura commemorations in November.

indicated the government had hired 577 Sunni and Shi'a personnel for entry-level security positions over the past year. Reflecting an effort to address the lack of Shi'a in security posts, the majority of those hired were Shi'a. Bahraini officials stated that new officers will perform police work in all security-related government agencies and will have the authority and function of "security officers."

Rebuilding of Shi'a Mosques and Religious Structures

The Bahraini government has allocated \$8 million for rebuilding Shi'a mosques and religious structures, twice the amount it pledged in 2012. It also has moved its deadline from 2018 to the end of 2014 to complete the construction of the 30 destroyed structures identified in the BICI report. During its visit, the USCIRF delegation visited several sites where Shi'a religious structures were at various stages of reconstruction. However, despite the government's claims that it had rebuilt 10 of these structures, the delegation found that the Shi'a community itself had paid for and built six of the 10. Officials acknowledged this to be accurate but claimed that the six were illegal and that the government had secured legal permits for them. Some government officials also indicated a willingness to reimburse the Shi'a community for its expenses.

In addition, in a few cases disputes continue over where to rebuild the mosque or structure. Bahraini officials committed to an ongoing dialogue with the Shi'a

community to resolve these cases, although some representatives from the Shi'a community did not believe the government was fully committed to the negotiations.

Recommendations

USCIRF urges the U.S. government to continue to press the Bahraini government to implement fully the BICI recommendations, including those related to freedom of religion and belief and accountability for past abuses against the Shi'a community. In addition, USCIRF encourages the Bahraini government to reimburse the Shi'a community for expending its own funds to rebuild six mosques and religious structures that were demolished in 2011. USCIRF also urges the U.S. government to continue to press the Bahraini government and members of the opposition and civil society to resume a genuine dialogue and reconciliation process, which is vital to achieving progress on religious freedom and related human rights.