




# UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

2016 ANNUAL REPORT






Catholics hold a vigil for activist Nguyen Van Dai, who was badly beaten by unknown attackers and was arrested for anti-state "propaganda."

Hanoi, Vietnam.

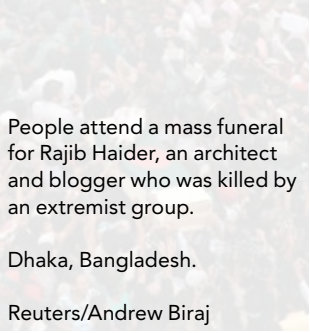
Reuters/Kham



Migrants protest outside a train that they are refusing to leave for fear of being taken to a refugee camp.

Budapest, Hungary.


Matt Cardy/Getty Images



People attend a mass funeral for Rajib Haider, an architect and blogger who was killed by an extremist group.

Dhaka, Bangladesh.


Reuters/Andrew Biraj



An ethnic Uighur man passes by security forces.

Xinjiang, China.

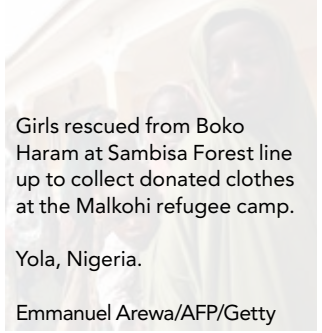
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A woman poses for a photograph at a memorial to pay tribute to the victims of the Paris attacks.

Yangon, Burma.

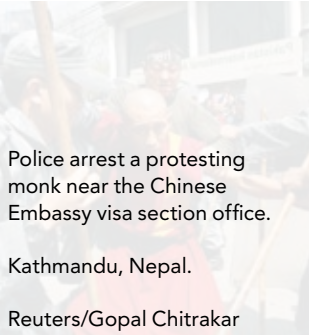
Reuters/Olivia Harris



Girls rescued from Boko Haram at Sambisa Forest line up to collect donated clothes at the Malkohi refugee camp.

Yola, Nigeria.

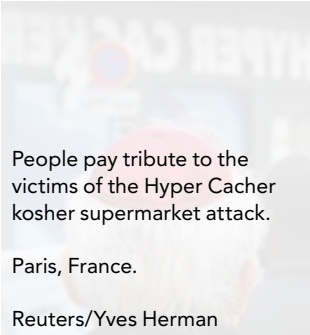
Emmanuel Arewa/AFP/Getty



Police arrest a protesting monk near the Chinese Embassy visa section office.

Kathmandu, Nepal.

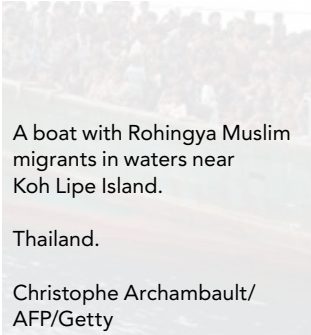
Reuters/Gopal Chitrakar



People pay tribute to the victims of the Hyper Cacher kosher supermarket attack.

Paris, France.

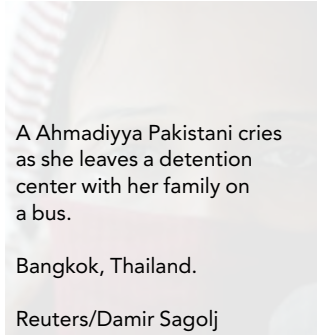
Reuters/Yves Herman



A boat with Rohingya Muslim migrants in waters near Koh Lipe Island.

Thailand.

Christophe Archambault/  
AFP/Getty



A Ahmadiyya Pakistani cries as she leaves a detention center with her family on a bus.

Bangkok, Thailand.


Reuters/Damir Sagolj



A girl waits to receive food provided by the United Nations' World Food Programme (WFP) during a visit by a European Union delegation, at an IDP camp in Azaza.

Blue Nile State, Sudan.

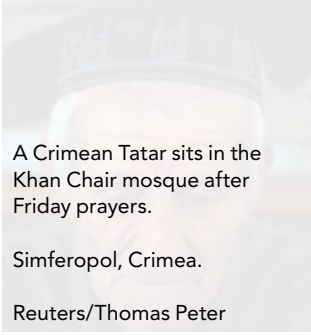
Reuters/Mohamed Nureldin  
Abdallah



A man stands near a car on fire as Muslim families prepare to be evacuated by road.

Bangui, Central African  
Republic.


Reuters/Siegfried Modola



A Crimean Tatar sits in the Khan Chair mosque after Friday prayers.

Simferopol, Crimea.

Reuters/Thomas Peter



Sunni Muslims who fled the Islamic State's strongholds of Hawija and Shirqat rest in a refugee center.

Mosul, Iraq.

Reuters/Azad Lashkari



# ANNUAL REPORT

OF THE U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

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# INTRODUCTION

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By any measure, religious freedom abroad has been under serious and sustained assault since the release of our commission's last Annual Report in 2015. From the plight of new and longstanding prisoners of conscience, to the dramatic rise in the numbers of refugees and internally displaced persons, to the continued acts of bigotry against Jews and Muslims in Europe, and to the other abuses detailed in this report, there was no shortage of attendant suffering worldwide.

The incarceration of prisoners of conscience – people whom governments hold for reasons including those related to religion – remains astonishingly widespread, occurring in country after country, and underscores the impact of the laws and policies that led to their imprisonment.

In China, Pastor Bao Guohua and his wife, Xing Wenxiang, were sentenced in Zhejiang Province in February 2016 to 14 and 12 years in prison, respectively, for leading a Christian congregation that was opposing a government campaign to remove crosses atop churches. They join many other prisoners of conscience, including Ilham Tohti, a respected Uighur Muslim scholar, who was given a life sentence in September 2014 for alleged separatism.

Over the past year, the Chinese government has stepped up its persecution of religious groups deemed a threat to the state's supremacy and maintenance of a "socialist society." Christian communities have borne a significant brunt of the oppression, with numerous churches bulldozed and crosses torn down. Uighur Muslims and Tibetan Buddhists continue to be repressed, and the Chinese government has asserted its own authority to select the next Dalai Lama. Falun Gong practitioners often are held in "black jails" and brainwashing centers, with credible reports of torture, sexual violence, psychiatric experimentation, and organ harvesting.

In Eritrea, where 1,200 to 3,000 people are imprisoned on religious grounds, there reportedly were new arrests this past year. Religious prisoners routinely are

sent to the harshest prisons and receive the cruelest punishments. In 2006, the government deposed Eritrean Orthodox Patriarch Antonios, who protested government interference in his church's affairs. Besides being stripped of his church position, he has been held incommunicado since 2007 and reportedly denied medical care.

Eritrea's dictatorship controls the internal affairs of the state-registered Orthodox Christian and Muslim communities and also bans public activities of non-registered groups. Religious freedom conditions are grave especially for Evangelical and Pentecostal Christians and Jehovah's Witnesses.

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In Iran, Shahram Ahadi, a Sunni cleric, was sentenced in October 2015 to death on unfounded security-related charges. Iran holds many other prisoners of conscience including the Baha'i Seven who were given 20-year sentences in 2010 for their leadership roles in the persecuted Baha'i community. They are: Afif Naeimi, Behrouz Tavakkoli, Jamaloddin Khanjani, Vahid Tizfahm, Fariba Kamalabadi, Mahvash Sabet, and Saeid Rezaie.

Elevating its own interpretation of Shi'a Islam above all others, Iran subjects its people – from Shi'a, Sunni, and Sufi Muslim dissenters to Baha'is and Christian converts – to increasing religious freedom abuses, from harassment to arrests and imprisonment. Some have been sentenced to death for "enmity against God." Since President Hasan Rouhani took office in 2013, the number of individuals from religious minority communities imprisoned due to their beliefs has increased.

In North Korea, thousands of religious believers and their families are imprisoned in labor camps, including those forcibly repatriated from China. Because North Korea is such a closed society, it is hard even to know the names of religious prisoners. The government controls all political and religious expression and activities and punishes those who question the regime. Religious freedom is non-existent. Individuals secretly engaging in religious activities are subject to arrest, torture, imprisonment, and execution. North Koreans suspected of contacts with South Koreans or foreign missionaries or who are caught possessing Bibles have been executed.

laws emboldens the Pakistani Taliban and individual vigilantes, triggering horrific violence against religious communities and individuals perceived as transgressors, most recently Christians and Muslim bystanders on Easter Sunday 2016 in Lahore.

In Saudi Arabia, Ashraf Fayadh, a Saudi poet and artist, was sentenced to death in November 2015 for apostasy, allegedly for spreading atheism. His sentence was changed in February 2016 to eight years in prison and 800 lashes. Raif Badawi, founder and editor of the “Free Saudi Liberals” web site, has been imprisoned since 2012 on charges that include “insulting Islam.” In 2014, an appeals court increased his original sentence

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*More people are on death row or serving life sentences for blasphemy in Pakistan than in any other country in the world.*

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In Pakistan, Abul Shakoor was sentenced on January 2, 2016 to five years in prison on blasphemy charges and three years on terrorism charges for propagating the Ahmadiyya Muslim faith. Another Pakistani, Aasia Bibi, a Catholic mother of five, has been imprisoned since her arrest in 2009 on blasphemy charges. She remains on death row.



“Family members mourn the death of a relative, who was killed in a blast that happened outside a public park, in Lahore, Pakistan” –Reuters

More people are on death row or serving life sentences for blasphemy in Pakistan than in any other country in the world. Aggressive enforcement of these

of seven years in prison and 600 lashes to 10 years in jail and 1,000 lashes.

Imposing its own interpretation of Sunni Islam on the country, Saudi Arabia bans all non-Muslim public worship and continues to prosecute and imprison individuals for dissent, apostasy, blasphemy, and sorcery. During the past year, the Saudi government continued to repress dissident clerics and members of the Shi’a community.

In Sudan, the government prosecuted 25 Quranists for apostasy and stiffened penalties for both apostasy and blasphemy. The regime prosecutes Christian pastors on trumped-up charges and represses and marginalizes the country’s minority Christian community. It imposes a restrictive interpretation of Shari’ah law and applies corresponding hudood punishments on Muslims and non-Muslims alike.

In Uzbekistan, Gaybullo Jalilov, a member of the Human Rights Society of Uzbekistan, remains imprisoned for his work on behalf of persecuted independent Muslims. Jalilov is serving an 11-year sentence handed down in 2010. Uzbekistan enforces a highly restrictive religion law and imposes severe limits on all independent religious activity in this overwhelmingly Muslim-majority nation. The government imprisons as many as 12,800 Muslims. In addition, the Uzbek state often brands Evangelical Protestants and Jehovah’s





"Migrants are escorted through fields by police and the army as they are walked from the village of Rigonce to Brezice refugee camp in Rigonce, Slovenia" –Jeff J Mitchell/Getty Images

Witnesses "extremists" for practicing religion outside of state-sanctioned structures. Peaceful independent Muslims are likely to be victims of torture, and the government often extends their sentences for minor violations of prison regimen just before their scheduled release date.

In Vietnam, Rev. Nguyen Trung Ton, a Protestant minister, was detained in December 2015 and joins other prisoners of conscience including Father Nguyen Van Ly, who has spent decades in prison for advocating religious freedom, democracy, and human rights.

Despite some improvements in the decades following the Vietnam War, the government still controls nearly all religious activities, restricts independent religious practice, and represses individuals and groups viewed as challenging state authority. In order to be considered legal, religious organizations and congregations must register, sometimes at multiple government levels. In 2015, Vietnam proposed a new law on religion. However, initial drafts have not revised adequately or eliminated onerous registration requirements.

In addition to the significant number of people imprisoned on the basis of religion, the horrific global refugee crisis also worsened during the past year, with religion being a factor in humanitarian crises worldwide that have forced millions to flee. According to UNHCR, the UN refugee agency, 59.5 million people worldwide were displaced forcibly as of the end of 2014, the highest on record, and this number likely exceeded 60 million in 2015.



"A Rohingya child who recently arrived by boat has his picture taken for identification purposes at a shelter in Kuala Langsa, in Indonesia's Aceh Province" –Reuters

Among the displaced were thousands of Rohingya Muslims forced to flee their homes in Burma, joining other Rohingya already displaced internally. While last year's general elections marked the country's bid to emerge from its past as a military dictatorship, the government enacted four discriminatory "race-and-religion" bills that not only effectively disenfranchised as many as one million Rohingya, but also denied them the right to contest the elections. These measures reflect a legacy of their brutal persecution by both government and society, which contributed to the refugee crisis. Meanwhile, military incursions in Kachin and Shan states continued to displace and terrorize thousands, including their Christian residents.

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Seeking refuge from a dictatorial government, Eritreans also have fled by the thousands each month, with an estimated half a million escaping one of the world's most closed nations.

Adding disproportionately to the ranks of the displaced were millions from Iraq and Syria, including

Yazidis, Christians, Shi'a Muslims, and Sunni Muslims who do not subscribe to the barbaric interpretation of Islam of the terrorist group ISIL (the Islamic State of Iraq and the Levant, also often referred to as IS, ISIS, or Da'esh). ISIL's summary executions, rape, sexual enslavement, abduction of children, destruction of houses of worship, and forced conversions all are part of what our commission has seen as a genocidal effort to erase their presence from these countries. In March of this year, U.S. Secretary of State John Kerry rightly proclaimed ISIL a perpetrator of genocide, which USCIRF had recommended publicly in December.

The governments of Syria and Iraq can be characterized by their near-incapacity to protect segments of their population from ISIL and other non-state actors, as well as their complicity in fueling the sectarian tensions that have made their nations so vulnerable. Syria's government has not only fueled these tensions but committed crimes against humanity in its treatment of Sunni Muslims.

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***[A] record number of refugees and migrants, more than one million, attempted in 2015 the perilous Mediterranean crossing or sought other avenues to apply for asylum in an unprepared Europe.***

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Conditions in Nigeria have contributed to the crisis there. Boko Haram continues to attack with impunity both Christians and many Muslims. From bombings at churches and mosques to mass kidnappings of children from schools, Boko Haram has cut a wide path of terror across vast swaths of Nigeria and in neighboring countries, leaving thousands killed and millions displaced.

In Central African Republic, a 2013 coup helped create the conditions for sectarian fighting between Christians and Muslims in which civilians were targeted based on their religious identity. As a result, 80 percent of CAR's Muslim population has fled to neighboring countries, and 417 of the country's 436 mosques were destroyed. Sectarian and retaliatory violence continued



"Local people carry a dead body during the funeral ceremony for 5 Muslims killed by Christian anti-balaka militiamen in the capital Bangui, Central African Republic" –Thierry Bresillon/ Anadolu Agency

in 2015, with the most serious resulting in 77 dead and 40,000 displaced.

Where did all these people go? While many were displaced to neighboring countries, a record number of refugees and migrants, more than one million, attempted in 2015 the perilous Mediterranean crossing or sought other avenues to apply for asylum in an unprepared Europe.

This mass influx fueled an already-rising tide of hatred and violence targeting Muslims and Jews, particularly in Western Europe.

Anti-Muslim activity, from verbal harassment to vandalism to violent assaults, increased in multiple Western European nations as xenophobic nationalist political parties and groups, including neo-Nazis, stirred up hatred against the newcomers and older immigrants.



"A member of the Muslim community touches burnt books in Saint Priest, near Lyon, a day after a fire damaged a mosque in an attack that the French interior ministry in Paris said was arson" –Philippe Merle/AFP/Getty Images





"A member of the Jewish community is seen at a cemetery near the town of Colmar, close to the German border, after more than 100 graves were daubed with anti-Semitic slogans"  
– Reuters

Jews increasingly were targeted in similar ways by these same parties and groups, and also by Islamist extremists who in turn sought recruits from disaffected members of Muslim communities. The January 2015 terrorist attack on the Hyper Cacher kosher supermarket in Paris—along with attacks on a Jewish museum in Brussels in 2014 and a synagogue in Copenhagen last year—were among the horrific results. Despite the increasing police protection in places where European Jews congregate, the rise in anti-Semitism has produced an exponential rise in Jewish emigration from Europe, with immigration to Israel from France increasing from less than 2,000 in 2012 to nearly 8,000 last year alone.

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*[A] rise in anti-Semitism has produced an exponential rise in Jewish emigration from Europe. . . .*

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These and other terrorist attacks also have produced backlashes against Muslims by members of the wider society, in which Muslims often are blamed collectively. Mosques have been given police protection in several countries, and European Union officials have stressed the importance of not stigmatizing all Muslims.

The incarceration of prisoners of conscience, the increase in the number of refugees, and the spread of anti-Semitism and anti-Muslim actions across Europe are crises in their own right which cry out for continued action on the part of the international community,

including the United States. To be effective, such action must recognize the unmistakable fact that religious freedom is a common thread in each of these challenges, and deserves a seat at the table when nations discuss humanitarian, security, and other pressing issues. The United States and other countries must fully accord this right the respect it deserves and redouble their efforts to defend this pivotal liberty worldwide.



# 2016 ANNUAL REPORT OVERVIEW

Created by the International Religious Freedom Act of 1998 (IRFA), the U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan U.S. government advisory body, separate from the State Department, that monitors religious freedom worldwide and makes policy recommendations to the President, Secretary of State, and Congress. USCIRF bases these recommendations on its statutory mandate and the standards in the Universal Declaration of Human Rights and other international documents. The 2016 Annual Report represents the culmination of a year's work by Commissioners and professional staff to document abuses and make independent policy recommendations to the U.S. government.

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

The first section focuses on the U.S. government's implementation of the IRFA, and provides recommendations for specific actions to bolster current U.S. efforts to advance freedom of religion or belief abroad.

The second section highlights countries that USCIRF concludes meet IRFA's standard for "countries of particular concern," or CPCs. IRFA requires the U.S. government to designate as a CPC any country whose government engages in or tolerates particularly severe violations of religious freedom that are systematic, ongoing and egregious. In the designations in place during the reporting period (made in July 2014), the State Department designated nine countries as CPCs. In 2016, USCIRF has concluded that 17 countries meet this standard.

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

## TIER 1

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

## TIER 2

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

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

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

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

## USCIRF TIER 1 & TIER 2 COUNTRIES

Tier 1 CPC Countries Designated by State Department & Recommended by USCIRF	Tier 1 CPC Countries Recommended by USCIRF	Tier 2 Countries
<p>Burma China Eritrea Iran North Korea Saudi Arabia Sudan Turkmenistan Uzbekistan</p>	<p>Central African Republic Egypt Iraq Nigeria Pakistan Syria Tajikistan* Vietnam</p>	<p>Afghanistan Azerbaijan Cuba India Indonesia Kazakhstan Laos Malaysia Russia Turkey</p>

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



# IRFA IMPLEMENTATION

## IRFA's Purpose and Main Provisions

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

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

Second, IRFA required monitoring and reporting. It mandated that the State Department prepare an annual report on religious freedom conditions in each foreign country (the IRF Report), in addition to the Department's annual human rights report. The law also required the State Department to maintain a religious freedom Internet site and lists of religious prisoners in foreign countries. Additionally, it required that USCIRF issue its own annual report, setting forth its findings on religious freedom violations and providing independent policy recommendations.

### IRFA'S CPC STANDARD

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

Third, IRFA established consequences for the worst violators. The law requires the President – who has delegated this power to the Secretary of State – to designate annually "countries of particular concern," or CPCs, and take action designed to encourage improvements in those countries. CPCs are defined as countries whose governments either engage in or tolerate "particularly severe" violations of religious freedom. A menu of possible actions is available, ranging from negotiating a bilateral agreement, to imposing sanctions, to taking a "commensurate action," to issuing a waiver. While a CPC designation remains in effect until removed, actions tied to a CPC action expire after two years, if not renewed.

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

Fifth, IRFA mandated that State Department Foreign Service Officers and U.S. immigration officials receive training on religious freedom and religious persecution. It also required immigration officials to use the State Department's annual IRF Report as a resource in adjudicating asylum and refugee claims involving religious persecution.

Finally, IRFA sought assessments of whether 1996 immigration law reforms were being implemented

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

### **Religious Freedom Violations under IRFA**

IRFA brought an international approach to U.S. religious freedom advocacy. It defines violations of religious freedom as "violations of the internationally recognized right to freedom of religion and religious belief and practice" as articulated in the UN Universal Declaration of Human Rights (UDHR), the UN International Covenant on Civil and Political Rights (ICCPR), the Helsinki

persecution. Such a step was taken with the Taliban, which was in effect named a CPC from 1999-2003 despite the United States' not recognizing its control of Afghanistan. Naming these countries or groups would reflect reality, which should be the core point of the CPC process.

IRFA also makes inadmissible to the United States foreign officials who are responsible for or directly carried out particularly severe religious freedom violations. This provision is known to have been invoked only once: in March 2005, it was used to exclude then-Chief Minister Narendra Modi of Gujarat state in India due to his complicity in riots in his state in 2002 that resulted in the deaths of an estimated 1,100 to 2,000 Muslims. USCIRF continues to urge the Departments of State and Homeland Security to develop a lookout list of non-citizens who are inadmissible to the United States on this basis. The IRF Office has worked to identify people inadmissible under U.S. law for religious freedom violations, and USCIRF has provided information about several such individuals to the State Department.

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*IRFA . . . makes inadmissible to the United States foreign officials who are responsible for or directly carried out particularly severe religious freedom violations.*

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Accords, and other international instruments and regional agreements.

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

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

Directly related to identifying and barring from entry severe religious freedom violators, IRFA also requires the President to determine the specific officials responsible for violations of religious freedom engaged in or tolerated by governments of CPC countries, and, "when applicable and to the extent practicable," publish these officials'

names in the Federal Register. Despite these requirements, no names of individual officials from any CPC countries responsible for particularly severe religious freedom violations have been published to date.

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

USCIRF recommends that Congress:

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

## Institutional Issues

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

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

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

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

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

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

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

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

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

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

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

## Annual Reports

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

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## *During the Obama Administration, the State Department took steps to improve its ability to engage with religious actors*

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

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

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

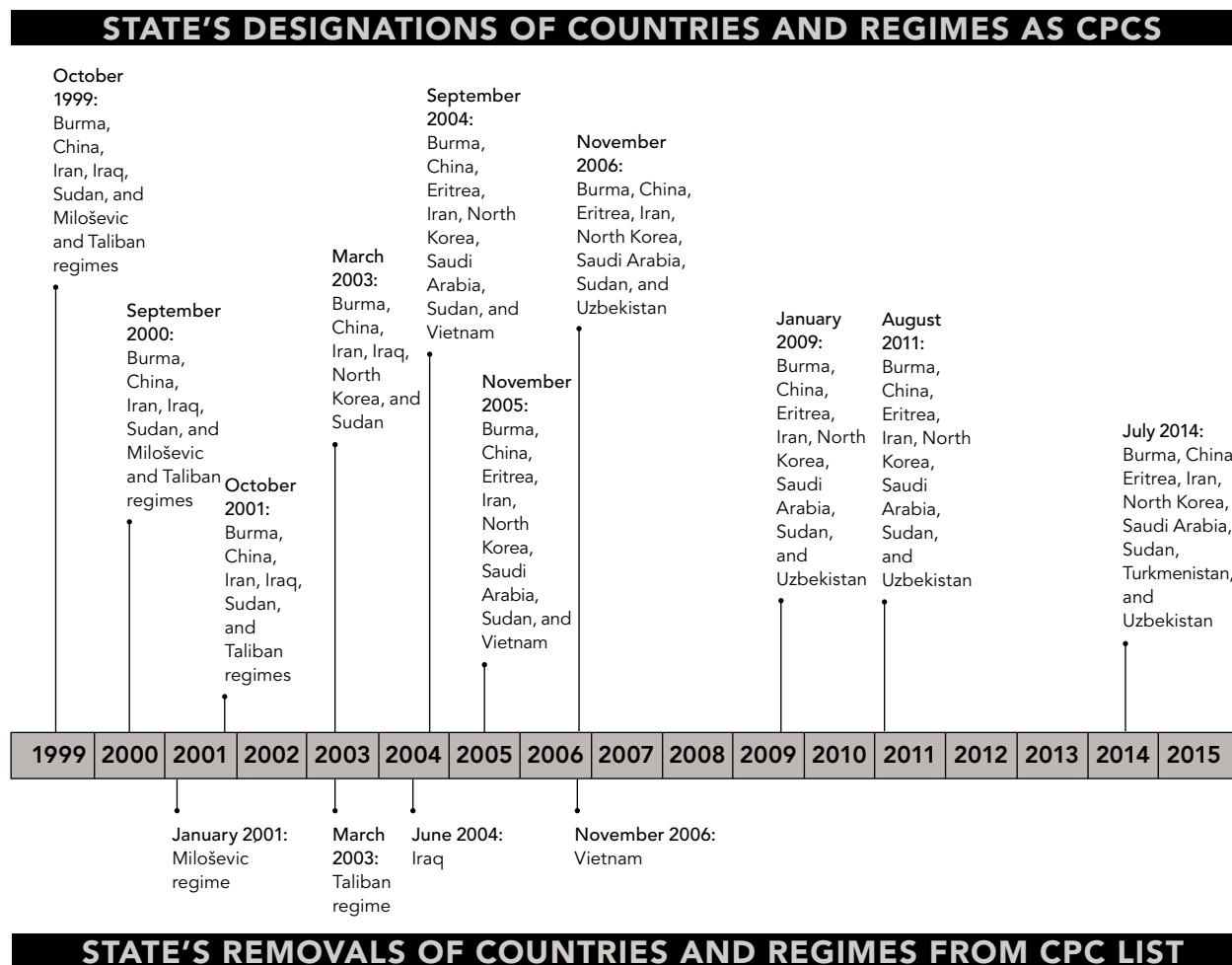
target. The IRF Reports covering 2011 and 2013 were released in July 2012 and July 2014, respectively; the one covering 2012 was released in May 2013; and the one covering 2014 was released in October 2015. For each of these years, USCIRF has been unable to review the IRF Report covering the most relevant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

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

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

## The CPC Mechanism

In IRFA's 17-year existence, the State Department has made CPC designations on 10 occasions: October 1999, September 2000, October 2001, March 2003, September 2004, November 2005, November 2006, January 2009, August 2011, and July 2014. As is evident from these dates, for a number of years the designations generally were annual, but after 2006, they became infrequent. While IRFA does not set a specific deadline, it indicates that CPC designations should occur soon after the State Department releases its annual IRF Report, as the decisions are to be based on that review and on USCIRF



Source: GAO analysis of Department of State information

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

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

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

In addition to CPC designations being infrequent, the list has been largely unchanged. Of the nine countries designated as CPCs in July 2014, most now have been CPCs for well over a decade: Burma, China, Iran, and Sudan for 16 years; North Korea for 14 years; Eritrea and Saudi Arabia for 11 years; and Uzbekistan for nine years. (Turkmenistan was added for the first time in 2014.) Additionally, removal from the CPC list has been rare. Since IRFA's inception, only one country has been removed

## **Federal Register Notices / Vol. 79, No. 185 / Wednesday, September 24, 2014**

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

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

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

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

- For **Burma**, the existing ongoing arms embargo referenced in 22 CFR 126.1(a) pursuant to section 402(c)(5) of the Act;
- For **China**, the existing ongoing restriction on exports to China of crime control and detection instruments and equipment, under the Foreign Relations Authorization Act of 1990 and 1991 (Public Law 101-246), pursuant to section 402(c)(5) of the Act;
- For **Eritrea**, the existing ongoing arms embargo referenced in 22 CFR 126.1(a) pursuant to section 402(c)(5) of the Act;
- For **Iran**, the existing ongoing travel restrictions based on serious human rights abuses under section 221(a)(1)(C) of the Iran Threat Reduction and Syria Human Rights Act of 2012, pursuant to section 402(c)(5) of the Act;
- For **North Korea**, the existing ongoing restrictions to which North Korea is subject, pursuant to sections 402 and 409 of the Trade Act of 1974 (the Jackson-Vanik Amendment) pursuant to section 402(c)(5) of the Act;
- For **Saudi Arabia**, a waiver as required in the "important national interest of the United States," pursuant to section 407 of the Act;
- For **Sudan**, the restriction on making certain appropriated funds available for assistance to the Government of Sudan in the annual Department of State, Foreign Operations, and Related Programs Appropriations Act, currently set forth in section 7042(j) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (Div. K, Pub.L. 113-76), and any provision of law that is the same or substantially the same as this provision, pursuant to section 402(c)(5) of the Act;
- For **Turkmenistan**, a waiver as required in the "important national interest of the United States," pursuant to section 407 of the Act; and
- For **Uzbekistan**, a waiver as required in the "important national interest of the United States," pursuant to section 407 of the Act.



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

Along with requiring the naming of violators, IRFA provides the Secretary of State with a unique toolbox to promote religious freedom. It includes a menu of options for countries designated as CPCs, and a list of actions for countries that violate religious freedom but are not CPCs. Specific policy options for CPC countries include sanctions (referred to as Presidential actions in IRFA), but they are not imposed automatically. Rather, the Secretary of State is empowered to enter into direct consultations with a government to bring about improvements in religious freedom. IRFA also permits the development of either a binding agreement with a CPC-designated government on specific actions it will

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

Of the current nine countries designated as CPCs, six have "double-hatted" sanctions, and three have indefinite waivers. The "double hatting" of sanctions can be the appropriate action in some circumstances. Yet specifically tailored actions can be more precise, either broadly structured or narrowly crafted to target specific government officials or provinces, if acute situations are highly localized. Indefinite waivers of penalties undermine the effectiveness of efforts to advance religious freedom, as they signal a lack of U.S. interest and communicate to the designated country that there never will be consequences for its religious freedom abuses.

Along with an annual CPC process, the IRFA toolbox provides many options for diplomatic action. U.S. diplomatic engagement cannot and should not solely rely on naming CPCs, but rather use a range of actions including: diplomatic engagement; consultations about possible CPC action; CPC designations; binding agreement nego-

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

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take to end the violations, or the taking of a "commensurate action." The Secretary may further determine that pre-existing sanctions are adequate or waive the requirement of taking action to advance IRFA's purposes or the national interests of the United States.

In addition to designating the same countries for years, administrations generally have not levied new Presidential actions in accordance with CPC designations, with the State Department instead relying on pre-existing sanctions. While the statute permits such reliance, relying on pre-existing sanctions – or "double hatting" – has provided little incentive for CPC-designated governments to reduce or halt egregious religious freedom violations.

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

tations; presidential actions; and/or a waiver for the narrowest of circumstances. Past practice provides only a few examples of these tools being used together to bring about change in a country of concern. An annual CPC designation process should be the center of all IRF-related work, driving and energizing other areas of U.S. diplomacy, but should not be the sum total of all activity.

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

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

- Ensure that the CPC list expands and contracts as conditions warrant;
- Wherever possible, when Presidential Actions or commensurate actions are taken as a consequence of CPC designations, undertake specific efforts to emphasize the importance of religious freedom to the United States, and in particular avoid “double-hatted” sanctions; and
- Limit the use of waivers to a set period of time and subject them to review for renewal.

USCIRF recommends that Congress:

- Take steps through legislative action to require the State Department to make annual CPC designations, should the State Department fail to do so; and
- Hold annual oversight hearings on IRFA implementation in the House and Senate.

## Guidance

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

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

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

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

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

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

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

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

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

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

With respect to these issues, USCIRF recommends that:

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

## Training

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

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

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

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

USCIRF recommends that Congress:

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

## Ensuring Funding for Religious Freedom Programming

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

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

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

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

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

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

With respect to these issues, USCIRF recommends that Congress:

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

## **The Treatment of Asylum Seekers in Expedited Removal**

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

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

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

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

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

## Multilateral Efforts

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

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

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

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

## United Nations

At the UN Human Rights Council, the Universal Periodic Review (UPR) process allows states to assess the human rights performance of every UN member state, providing opportunities for the United States and other like-minded countries to ask questions and make recommendations about religious freedom. This is particularly important when countries designated as "countries of particular concern" under IRFA are reviewed. Country resolutions in the Human Rights Council and the UN General Assembly also provide opportunities to highlight religious freedom concerns.

The Human Rights Council's system of independent experts, or Special Procedures, is another important mechanism, particularly the Special Rapporteur who focuses on religious freedom, a position created in 1986 at the initiative of the United States. The UN Special Rapporteur on Freedom of Religion or Belief – currently Professor Heiner Bielefeldt of Germany, who is completing his term in 2016 – monitors freedom of religion or belief worldwide, communicates with governments about alleged violations, conducts country visits, and issues reports and statements. Some of the Council's Special Procedures on specific countries also have drawn attention to religious freedom violations, such as the current UN Special Rapporteur on the



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

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

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

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

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

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

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

## OSCE

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

The HDim draws hundreds of government delegates and NGOs, and includes a plenary session devoted to freedom of religion or belief, providing the United States an opportunity to raise publicly religious



freedom concerns in OSCE countries, including those designated as CPCs. NGOs and religious groups also can raise issues during plenaries, and hold other meetings on specific topics of concern. For the first time in many years, Turkmenistan sent an official delegation to the HDim in September-October 2015. In July 2015, a Supplementary HDim meeting on religious freedom was held in Vienna.

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

conduct activities without undue interference by ODIHR or participating states;

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

### Working with Like-Minded Nations

There are increasing opportunities for the U.S. government to work in concert with like-minded nations on issues relating to freedom of religion or belief. In recent years, the United Kingdom's foreign ministry and parliament have increased their focus on the issue, the European Union issued guidelines for its diplomats, and the European Parliament established a working group

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*There are increasing opportunities for the U.S. government to work in concert with like-minded nations on issues relating to freedom of religion or belief.*

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

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

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

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

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

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

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

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

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

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

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

## **The Role of Congress**

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

House and Senate would reinforce further Congressional interest in the issue.

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

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

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

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

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*Congressional delegations abroad also are important and effective ways to promote international religious freedom.*

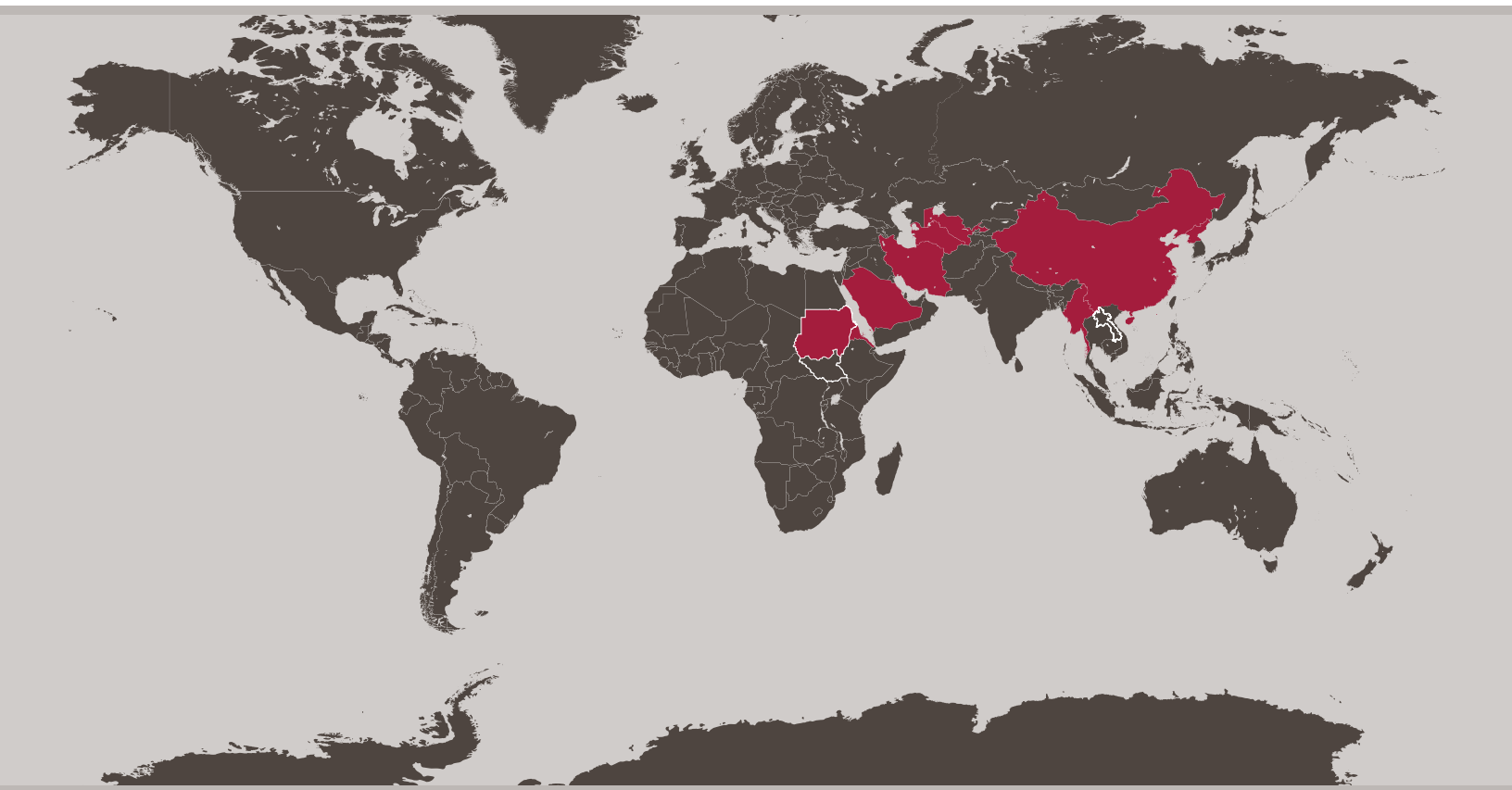
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With respect to these issues, USCIRF recommends that:

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

country-specific hearings and ambassadorial confirmation hearings;

- During delegation trips abroad, Members of Congress examine conditions of religious freedom for all faiths/beliefs, and meet with individuals and organizations that promote religious freedom and related human rights, targeted religious communities, and people detained for their religious beliefs or religious freedom advocacy; and
- Members of Congress participate in the Defending Freedoms Project to advocate for the release of specific prisoners of conscience abroad.



# TIER 1

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## CPCS DESIGNATED BY THE STATE DEPARTMENT AND RECOMMENDED BY USCIRF

- BURMA
- CHINA
- ERITREA
- IRAN
- NORTH KOREA
- SAUDI ARABIA
- SUDAN
- TURKMENISTAN
- UZBEKISTAN





# BURMA

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## Key Findings

In 2015, peaceful elections ended more than 50 years of military-controlled government in Burma, yet the new government faces myriad human rights challenges. Throughout the year, Burma's government and non-state actors continued to violate religious freedom; these violations became a defining element of the campaign season. The abuses were particularly severe for Rohingya Muslims, whose persecution became even more apparent when the magnitude of their flight from Burma captured international media attention. Instead of protecting those most in need, like the Rohingya, Burma's government intensified its isolation and marginalization of vulnerable groups, leaving hundreds of thousands internally displaced and without basic necessities. The government allowed expressions of hatred and intolerance toward religious and ethnic minorities to continue unchecked and shepherded the passage into law of four discriminatory "race and religion bills." Based on these systematic, egregious, and ongoing violations, USCIRF continues to recommend in 2016 that Burma be designated as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). The State Department has designated Burma a CPC since 1999, most recently in July 2014.

seats and taking control of government. The underlying electoral process was deeply flawed due to the exploitation of religious divisions, the disenfranchisement of Rohingya Muslim voters, and the disqualification of Rohingya Muslim candidates. During 2015, Burma's government enacted into law all four race and religion bills before Election Day, prompting nationalist Buddhist group Ma Ba Tha and its supporters to embark upon an extensive celebratory tour throughout the country. Each of the measures – regulating religious conversion, marriage, and births – discriminate against and restrict the religious freedom of non-Buddhists, particularly Muslims, and diminishes women's rights. The laws have been condemned widely within Burma by civil society organizations and women's groups and in the international community, including by the United States.

Although Burma has opened dramatically since the last nationwide elections, President Thein Sein's government continued to restrict basic freedoms – including the right to freedom of religion or belief. For example, growing religious intolerance resulted in discrimination and ill-treatment against religious and ethnic minorities. Regarding other rights, more than 100 students and others were arrested for their involvement in demonstrations opposing the National Education Law, and activist Chaw Sandi Tun was sentenced to six months

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## Background

Burma's November 8 elections dominated 2015, resulting in longtime opposition party, the National League for Democracy (NLD), winning an overwhelming majority of

in prison for Facebook posts criticizing the military. The outgoing government released 52 political prisoners in January 2016, but human rights groups remain concerned about those still facing trial and those still imprisoned, estimated at more than 400 and more than

80, respectively. Moreover, the government's historic ceasefire agreement with armed ethnic groups fell short when barely half the groups agreed to sign, and intense fighting continued in parts of Shan State and other areas, displacing thousands.

Religious demography figures gathered during the 2014 census were not released in 2015. Based on available information, nearly 90 percent of the population is Buddhist, four percent Christian, and four percent Muslim. Rohingya Muslims comprise as many as one million out of a total population of 51 million, though the number fleeing the country continues to grow.

## **Religious Freedom Conditions 2015–2016**

### **The Plight of Rohingya Muslims**

In 2015, conditions remained grave for Rohingya Muslims, particularly those in Rakhine State and especially the approximately 140,000 confined in deplorable camps. While some aid groups were able to reach certain communities – including ethnic Rakhine who also suffer under the state's extreme poverty – the government has left unaddressed the root causes of the Rohingya's dire circumstances. Burma's government continues to deny Rohingya Muslims citizenship, freedom of movement, access to health care, and other basic services. Some Buddhists continued to espouse hatred and discrimination against Muslims, such as when Ma Ba Tha reportedly proposed a ban on hijabs for Muslim schoolgirls and when pressure from some monks forced Muslims to curtail their Eid celebrations or cancel Friday prayers.

holders, many of whom are Rohingya Muslims and had voting rights in previous elections, but this angered some in the Buddhist majority, including influential monks. Following the outcry, the president announced the expiration of all white cards at the end of March and ordered that they be turned in to authorities by the end of May. This resulted not only in the government's revocation of voting rights for white card holders, but also eliminated the only form of identification for many individuals.

Additionally, officials in Rakhine State and at the Union Election Commission denied Rohingya Muslims the right to run for office in the 2015 elections. For example, Shwe Maung, a Rohingya Muslim already serving in parliament, was denied the right to contest the elections because officials falsely claimed his parents were not citizens of Burma when he was born. Kyaw Min, also a Rohingya Muslim, was similarly disqualified. Regarding other Muslim communities, only 28 Muslim candidates ran nationwide: none were successful in winning a seat, marking the first time that Muslims have no representation in the national parliament.

### **Regional Refugee Crisis**

During 2015, despite deep, generational roots in their homeland, many Rohingya Muslims continued to risk the dangerous journey by boat to escape persecution in Burma. According to the UN High Commissioner for Refugees, approximately 31,000 Rohingya Muslims and Bangladeshis fled by boat during the first half of the year, a 34 percent surge over the previous year. The asylum seekers from Burma, whether refugees flee-

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In addition, Rohingya Muslims experienced the denial of their political rights in 2015. Political jockeying between Burma's parliament and President Thein Sein prompted the government to revoke voting rights in any national referendum for individuals with temporary ID cards, also known as "white cards." At one point, the parliament confirmed voting eligibility for white card

ing due to legitimate fears of persecution or migrants seeking a better life, are stateless and ostracized wherever they go. Following the discovery in May 2015 of mass graves in Thailand and Malaysia, a region-wide crackdown on well-established trafficking and people smuggling routes left stranded countless boats

carrying at least 5,000 individuals, many of whom were Rohingya Muslims fleeing Burma. Thousands eventually landed in Malaysia and Indonesia, though many died during the journey, and the whereabouts of many others are unknown. By early 2016, countries in the region had convened two iterations of the “Special Meeting on Irregular Migration in the Indian Ocean,” where participants discussed how to assist individuals fleeing and the root causes influencing their movement throughout the region.

### **Abuses Targeting Ethnic Minority Christians**

Since 2011, at least 100,000 Kachin, primarily Christians, remain internally displaced in camps due to ongoing conflicts with Burma’s military. The longstanding conflicts, although not religious in nature, have deeply impacted Christian communities and those of other faiths, including by limiting their access to clean water, health care, proper hygiene and sanitation, and other basic necessities. Groups like the Kachin Baptist Convention (KBC) and others worked during the year to assist those displaced. During the year, churches in Kachin and Shan States reportedly were destroyed in separate incidents as a result of artillery believed to have been fired by the military. The 2014 murder of two Kachin Christian schoolteachers volunteering with KBC in Shan State remains unsolved. In Chin State, Christian communities remained fearful that the local government would deny necessary permissions to erect crosses or build churches, due in large part to the government’s long-standing practices of destroying crosses and refusing to allow new church construction. In January 2015, Chin elder Tial Cem faced charges of erecting a cross and allegedly cutting down the trees used to construct it. In August, a Buddhist monk in Karen State began building a pagoda and another structure in an area described as a Baptist Church compound, impacting the congregation’s ability to worship.

### **Religious Intolerance and Expressions of Hate**

Throughout 2015, and particularly in the context of the November 8 elections, senior political and Buddhist leaders continued to express intolerance toward Muslims. Buddhist nationalists speciously labeled candidates and political parties “pro-Muslim” to tarnish their reputation and electability and used support for

(or opposition to) the discriminatory race and religion bills to measure suitability to hold office. Burma’s government revealed a troubling double standard in dealing with individuals whose words or actions were perceived to express hate and/or insult religion. On the one hand, Ma Ba Tha figurehead Ashin Wirathu’s slanderous and vile insults of UN Special Rapporteur Yanghee Lee, after she criticized the race and religion bills in January, went unchecked, and the government failed to distance itself from his remarks. Meanwhile, former NLD official Htin Lin Oo was found guilty in June of insulting religion following an October 2014 speech in which he spoke out against the use of Buddhism for extremist purposes. Also, in March 2015, three nightclub managers – a New Zealand man and two Burmese men – were sentenced to two-and-a-half years’ hard labor for insulting religion after posting online a promotional advertisement depicting Buddha wearing headphones. The New Zealand man, Philip Blackwood, was released as part of the January 2016 prisoner amnesty, but his two Burmese colleagues remain in prison. While hateful and intolerant expression should be strongly condemned, the right to freedom of expression is indivisible from the right to freedom of thought, conscience, and religion or belief, and laws making religious defamation a crime violate international human rights norms.

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*Buddhist nationalists speciously labeled candidates and political parties “pro-Muslim” to tarnish their reputation and electability . . .*

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### **U.S. Policy**

During 2015, the United States remained actively engaged with Burma, including high-level visits by several State Department officials, including the first-ever joint visit by Ambassador-at-Large for International Religious Freedom David Saperstein and Ambassador Andrew Bennett, the head of Canada’s Office of Religious Freedom. Ahead of the elections, the United

States and eight other countries issued a joint statement in September in support of credible, transparent, and inclusive elections and expressing concern “about the

than 11,500 in FY2015 through June 30, 2015. According to a State Department spokesperson, the FY2015 resettlements included more than 1,000 Rohingya Muslims.

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prospect of religion being used as a tool of division and conflict during the campaign season.” U.S. government funding supported a number of election-related efforts, including programs to support the Union Election Commission, voter education, and election monitoring. Earlier in the year, the State Department also expressed concern about the possible impact of the population control bill and three race and religion bills – all now law – on ethnic and religious minorities, a concern shared by USCIRF and many others.

The deepening bilateral relationship between the United States and Burma was reflected in the FY2016 spending bill, which included notable first-time language related to religious freedom, as well as standard funding through the Economic Support Fund, and continued to block military assistance other than through consultations with Burma’s military on issues related to human rights and disaster response. (The U.S. arms embargo, the Presidential action applied to Burma pursuant to the CPC designation, remains in effect.) The legislation includes Burma, and particularly Rohingya Muslims, as part of an atrocities prevention report the Secretary of State must submit to Congress. It also prohibits U.S. funds from going to those determined to advocate violence against religious or ethnic groups, specifically mentioning Ma Ba Tha as an example, and the accompanying report language calls for specific review of Ma Ba Tha figurehead Wirathu.

Regarding refugees, at the end of May 2015, the United States announced a \$3 million contribution in response to an appeal from the International Organization for Migration. Nearly 14,600 refugees from Burma were resettled to the United States in FY2014 and more

## Recommendations

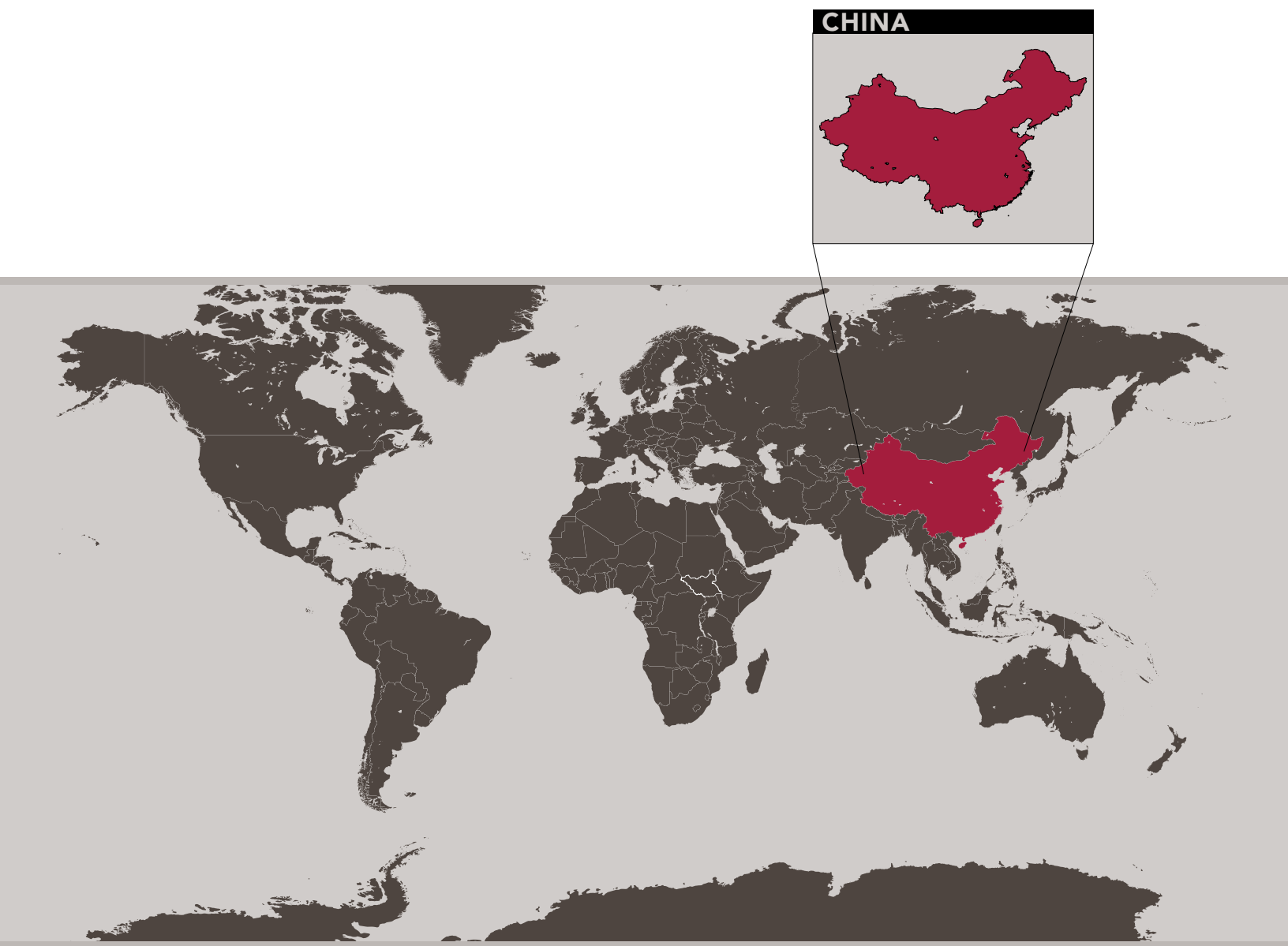
The new NLD government will have many priorities, and it will be essential for the United States and others to consistently reinforce the importance of religious freedom and related human rights and highlight the threat posed by the words and actions of groups like Ma Ba Tha and individuals like Wirathu. Alongside condemnation, the United States also must continue to press for the rights of Rohingya and other Muslims and increase the costs to Burma for perpetuating abuses. As part of a broader framework to encourage Burma’s government to adhere to international human rights standards, USCIRF recommends that the U.S. government continue to designate Burma as a CPC, as well as:

- Enter into a binding agreement with the government of Burma, as authorized under section 405(c) of IRFA, setting forth mutually-agreed commitments that would foster critical reforms to improve religious freedom and establish a pathway that could lead to Burma’s eventual removal from the CPC list, including but not limited to the following:
  - taking concrete steps to end violence and policies of discrimination against religious and ethnic minorities, including the investigation and prosecution of those perpetrating or inciting violence; and
  - lifting all restrictions inconsistent with international standards on freedom of religion or belief;
- Encourage Burma’s new government to become party to the International Covenant on Civil and Political Rights;

- Engage the government of Burma, the Buddhist community and especially its leaders, and religious and ethnic minorities, including Rohingya Muslims and Christian communities, on religious freedom issues, tolerance, inclusivity, and reconciliation to assist them in promoting understanding among people of different religious faiths and to impress upon them the importance of pursuing improvements in religious tolerance and religious freedom in tandem with political improvements;
- Use the term Rohingya, both publicly and privately, which respects the right of the Rohingya Muslim community to identify as they choose;
- Encourage crucial legal and legislative reform that strengthens protections for religious and ethnic minorities, including citizenship for the Rohingya population through the review, amendment, or repeal of the 1982 Citizenship Law or some other means, and support the proper training of local government officials, lawyers, judges, police, and security forces tasked with implementing, enforcing, and interpreting the rule of law;
- Continue to support the unconditional release of all persons detained or awaiting trial for the peaceful exercise or expression of religious freedom and related human rights and urge the new government to abandon the practice of criminalizing non-violent acts;
- Continue to use the leverage of the “specially designated nationals” list by the Treasury Department’s Office of Foreign Asset Control (OFAC) with respect to individuals who have participated in human rights and religious freedom abuses, such as by instigating, carrying out, or supporting publicly anti-Muslim violence and discrimination;
- Apply section 604(a) of IRFA to deny visas to or admission into the United States by Burmese government officials responsible for or known to have directly carried out particularly severe violations of religious freedom; and
- Renew beyond May 2016 the designation of a National Emergency with Respect to Burma, pursuant to the International Emergency Economic

Powers Act, 50 U.S.C. 1701-1706, which sets out measures relating to certain companies and individuals in response to the ongoing nature of intercommunal violence and humanitarian crises, including concerns “regarding the ongoing conflict and human rights abuses in the country, particularly in ethnic minority areas and Rakhine State.”





# CHINA

## Key Findings

China's severe religious freedom violations continued in 2015. While the Chinese government sought to further assert itself on the global stage, at home it pursued policies to diminish the voices of individuals and organizations advocating for human rights and genuine rule of law. During the past year, as in recent years, the central and/or provincial governments continued to forcibly remove crosses and bulldoze churches; implement a discriminatory and at times violent crackdown on Uighur Muslims and Tibetan Buddhists and their rights; and harass, imprison, or otherwise detain Falun Gong practitioners, human rights defenders, and others. Based on the continuation of this long-standing trend of religious freedom violations, USCIRF again recommends in 2016 that China be designated a "country of particular concern," or CPC, for its systematic, egregious, and ongoing abuses. The State Department has designated China as a CPC since 1999, most recently in July 2014.

## Background

The past year was marked by the Chinese government's deliberate and unrelenting crackdown on human rights and dissent. This crackdown transpired while the government considered new laws to bolster its power and reach, such as a national security law enacted July 1 and a terrorism law adopted on December 28. China's leadership has long justified its harsh policies, including against Uighur Muslims, Tibetan Buddhists, and others, by asserting the importance of confronting the so-called "three evils" – separatism, terrorism, and religious extremism. In 2015, the Chinese Communist Party tightened its internal ideology, elevating the crusade against the three evils, particularly with respect to religious freedom.

During the past year, the government increased its targeting of human rights lawyers and dissidents, some of whom advocated for religious freedom or

represented individuals of various beliefs. In July, authorities across China undertook a sweeping drag-net rounding up lawyers and human rights defenders, including religious freedom advocates, with nearly 300 arrested, detained, or disappeared. Many of these individuals came under government suspicion precisely because they chose to represent politically-un-desirable religious groups, such as Uighur Muslims, unregistered Christian leaders and members, and Falun Gong practitioners. While most were released, the location of a few individuals remains unknown and additional detentions and arrests continue. Among those criminally detained or facing charges of sub- version or endangering state security are Wang Yu, Li Heping, and Zhang Kai, human rights lawyers known for defending Falun Gong practitioners, Christians, and others. China also punished individuals exercising their right to free speech, such as human rights lawyer Pu Zhiqiang, who in December was handed a three-year suspended sentence for "picking quarrels" and "inciting ethnic hatred" in a series of social messages critical of the government's policies.

Those following one of China's five officially recognized religions – Buddhism, Taoism, Islam, Catholicism, and Protestantism – and affiliated with one of the corresponding state-sanctioned "patriotic religious associations" are protected in theory from the government's crackdown on religion. However, the continued imprisonment of Pastor Zhang Shaojie of the state-reg- istered Nanle County Christian Church demonstrates that state recognition is no guarantee of protection. The government continued to accuse individuals and religious organizations of engaging in so-called "cult" activities. Underground house churches are particu- larly vulnerable to these accusations; Buddhist leader Wu Zeheng received a life sentence in October for his alleged involvement in a cult.

The Chinese Communist Party officially is atheist and took steps in 2015 to ensure that Party members

reject religion or belief. More than half of China's population is unaffiliated with any religion or belief. There are nearly 300 million Chinese who practice some form of folk religion; more than 246 million Buddhists; at least 68 million Christians; nearly 25 million Muslims; and less than 3.6 million apiece practice Hinduism, Judaism, or Taoism.

## **Religious Freedom Conditions 2015–2016**

### **Uighur Muslims**

In January 2015, Chinese authorities extended their “strike hard” anti-terror campaign launched in 2014 that imposed wide-scale restrictions against Uighur Muslims in Xinjiang. In addition to increased arrests for alleged terrorist activities and the presence of additional troops, security forces reportedly closed religious schools and local authorities continued to crack down on various forms of allegedly “extremist” religious expression, such as beards for men and face-covering veils for women. Local authorities in parts of Xinjiang also threatened action against Muslim business owners if they declined to sell alcohol and cigarettes based on their religious beliefs and traditions. As in years past, officials banned the observance of Ramadan, taking steps to prevent party officials, public servants, and students from fasting. In July 2015, the government of Thailand forcibly repatriated 109 Uighur Muslims to China, reportedly due to Chinese pressure.

an attempt to recruit global support for his campaign of repression against Uighur Muslims in Xinjiang, President Xi Jinping accused the international community of double standards in its response to perceived terrorism within China. This perspective diminishes the connection between the Chinese government's harsh repression and the actions of some Uighur Muslims: the crackdown has led to the detention or deaths of hundreds and possibly thousands of Uighur Muslims as well as instability and insecurity, fueling resentment and the very extremism the government claims it is trying to quell.

Beijing's attempt to control messaging about its treatment of Uighur Muslims reached beyond its own borders. In December 2015, China expelled French journalist Ursula Gauthier for her writings challenging the government's claims regarding Uighur terrorism. While other foreign journalists have been expelled or denied visas in the past, Gauthier's expulsion was the first in several years. Also in December, China released Rexim and Shawket Hoshur, brothers of American journalist Shohret Hoshur; they had been detained since August 2014 and charged with, but not convicted of, endangering state security. The charges against them and a third brother who is still detained were a means to punish Shohret for his reporting on Xinjiang. Though the two brothers' release is a positive step, all three brothers' detentions reflect the Chinese government's increasing willingness to employ extra-judicial methods and spurious charges to retaliate against individuals and their

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*As in years past, officials banned the observance of Ramadan, taking steps to prevent party officials, public servants, and students from fasting.*

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China continued to deny that its repressive policies toward Uighur Muslims contribute to the community's discontent and at times aggressive reaction. Following the November 2015 terrorist attacks in Paris, China equated its own experience with so-called Uighur separatists with the situation faced by France concerning the Islamic State of Iraq and the Levant (ISIL). Days later, Chinese police killed 28 Uighurs the government suspected of involvement in a September 2015 coal mine attack in Xinjiang that killed more than 50, mostly Han Chinese. In

family members who criticize its repressive policies in Xinjiang and elsewhere.

### **Tibetan Buddhists**

In 2015, the Chinese government maintained tight control of Tibetan Buddhists, strictly monitoring and suppressing their cultural and religious practices. Government-led raids on monasteries continued, and Chinese party officials in Tibet infiltrated monasteries with Communist Party propaganda. Reports

indicated increased government interference in the education and training of young Buddhist monks. In protest of these and other repressive policies, at least 143 Tibetans have self-immolated since February 2009. Buddhist leader Tenzin Delek Rinpoche, who had been serving a 20-year sentence, died in prison in July 2015. Supporters of the popular monk maintained he was falsely accused of separatism and terrorism, and there were reports that police opened fire on a group of supporters who had gathered in his memory. Chinese authorities cremated Tenzin Delek Rinpoche's body against his family's wishes and Buddhist practice, leading many to suspect foul play in his death. Also, authorities subsequently detained his sister and niece for nearly two weeks after they requested his body be turned over to them.

The past year was marked by several notable anniversaries: the 80<sup>th</sup> birthday of the Dalai Lama, the 50<sup>th</sup> anniversary of Beijing's control over the Tibet Autonomous Region, and the 20<sup>th</sup> anniversary of the disappearance of Gedhun Choekyi Nyima, also known as the Panchen Lama. Abducted at the age of six, the Panchen Lama has been held in secret by the Chinese government for more than two decades. Also in 2015, the government accused the Dalai Lama of "blasphemy" for suggesting he would not select a successor or reincarnate, effectively ending the line of succession; Beijing also reiterated its own authority to select the next Dalai Lama.

### Protestants and Catholics

In May 2015, authorities in Zhejiang Province circulated draft regulations governing the color, size and location of religious signs, symbols, and structures. While the regulations apply to all religious markers, the move aligned with provincial officials' systematic efforts in recent years to forcibly remove church crosses in Zhejiang Province, an area with a high concentration of Christians. Officially branded the "Three Rectifications and One Demolition" campaign, Chinese authorities use the pretext of building code violations to target houses of worship, particularly churches, as illegal structures. By some estimates, the number of cross removals and church demolitions totaled at least 1,500, and many who opposed these acts were arrested. The campaign reached such intensity in 2015 that even government-approved churches and the provincial arms

of the government-run Catholic Patriotic Association and Protestant Christian Council publicly expressed alarm, including in a public letter written by the government-appointed bishop of Wenzhou, Zhejiang Province and co-signed by several priests.

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Although Chinese authorities released several parishioners and pastors throughout the year, they continued to summon, question, detain, and even arrest clergy and parishioners of unregistered house churches, such as at Huoshi Church in Guizhou Province. In January 2015, local officials informed the family of imprisoned Bishop Cosmas Shi Enxiang that he had died. At the time of his reported death, the underground bishop had been imprisoned, without charges, for 14 years at a secret location, in addition to previous imprisonments and hard labor. In March, a court sentenced Pastor Huang Yizi to one year in prison for trying to protect the cross at Salvation Church in Zhejiang Province from removal. Additionally, as noted above, human rights lawyers often are targeted for assisting religious followers. For example, prior to a meeting with U.S. Ambassador-at-Large for International Religious Freedom David Saperstein in August 2015, Chinese authorities seized human rights lawyer Zhang Kai. Mr. Zhang is known for his work on behalf of those affected by the church demolitions and cross removals in Zhejiang Province and previously represented Pastor Huang. Following six months of being held without charge – likely at one of China's notorious "black jail" facilities known for their use of torture – Zhang Kai was criminally detained in February 2016.

The Vatican and China continued their ongoing formal dialogues, including a Vatican delegation's visit to China in October 2015. During the year, the Vatican reportedly suggested a compromise regarding the selection and approval of bishops in China, though the government of China has not agreed. While some

positive developments transpired – Bishop Wu Qin-jing was installed, Bishop Zhang Yinlin was ordained, and the Vatican approved Bishop-designee Tang Yuange – China still insists it has the authority to appoint bishops independent of the Holy See.

## Falun Gong

In 2015, thousands of Falun Gong practitioners reportedly were arrested or sent to brainwashing centers or other detention facilities. Brainwashing centers are a form of extralegal detention known to involve acts of torture. Based on statements from Chinese health officials, the long-standing practice of harvesting organs from prisoners was to end on January 1, 2015. However, many human rights advocates believe the practice continues. Imprisoned Falun Gong practitioners are particularly targeted for organ harvesting. Li Chang, a former government official sentenced to prison for his involvement in a peaceful Falun Gong demonstration, is among the countless Falun Gong practitioners who remain imprisoned at the end of the reporting period. The Chinese government continued to deny Wang Zhiwen a passport or the ability to travel freely to receive proper medical care following the torture he endured during his 15 years in prison. Chinese authorities denied a visa and barred entry into mainland China to Anastasia Lin, a human rights advocate and Falun Gong practitioner. As Miss World Canada 2015, Ms. Lin was scheduled to participate in the Miss World event held in China in December 2015.

## Forced Repatriation of North Korean Refugees

During its 2015 review of China's record, the UN Committee against Torture recommended that the Chinese government cease its practice of forcibly repatriating North Korean refugees. In its report, the Committee noted it had obtained "over 100 testimonies from North Koreans . . . indicating that persons forcibly repatriated . . . are systematically subjected to torture and ill-treatment." This violates China's obligations under the 1951 UN Convention on Refugees and its 1969 Protocol. China claims North Koreans entering China without permission are economic migrants, but does so without evaluating each individual's case to determine whether they qualify for refugee status. For example, in October 2015, nine North Korean refugees, including a one-year-old infant, were discovered in Vietnam along

the Northeast border with China and transferred to Chinese police. The UN High Commissioner for Human Rights, among others, called on China and Vietnam to disclose their whereabouts. To date, no information has been made available, and human rights organizations fear they have already been returned to North Korea.

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## U.S. Policy

On January 6, 2016, North Korea reported it had detonated a hydrogen bomb. While the claims were largely discredited, the international community – including the United States and China – responded swiftly. Secretary of State John Kerry discussed the matter with Chinese Foreign Minister Wang Yi in Beijing, and while the two sides agreed a response was necessary, they differed on the approach and the degree to which sanctions should be applied. The two also discussed China's activity in the South China Sea. By February, Congress advanced legislation imposing both mandatory and discretionary sanctions against individuals conducting certain kinds of business with North Korea. The UN Security Council considered new sanctions against North Korea in light of the nuclear test and the country's announced plans to launch a satellite, both in violation of Security Council resolutions.

In 2015, the United States and China conducted several bilateral dialogues, including the Strategic & Economic Dialogue (S&ED) in June and the resumption of the Human Rights Dialogue (HRD) in August, both held in Washington, DC. At the S&ED, the two countries reached agreements on climate change, ocean conservation, global health, counterterrorism cooperation, and other matters of bilateral interest. At the HRD, the head of the U.S. delegation, Assistant Secretary of State for the Bureau of Democracy, Human Rights, and Labor Tom Malinowski, discussed several religious freedom issues,

including the treatment of Christians, Uighur Muslims, and Tibetan Buddhists.

In September 2015, President Xi Jinping made his first visit to the United States since becoming president in 2013. Human rights organizations widely condemned Xi's high-profile visit. At a joint press conference with Xi, President Barack Obama said that the discussions during Xi's visit included human rights and religious freedom issues, such as the United States' concerns about forcibly closed churches, the treatment of ethnic minorities, and the importance of preserving Tibetan religious and cultural identity.

Throughout the year, United States raised a number of human rights issues with China both publicly and privately, including individual cases. For example, the U.S. Department of State expressed concern and/or condemnation about the detention of women activists and human rights defenders and also the forced repatriation of Uighur Muslims by Thailand. The Department of State also expressed sadness over the death in prison of Tenzin Delek Rinpoche and called for Pu Zhiqiang's suspended sentence to be vacated. Along with other Administration visits to China, Ambassador-at-Large for International Religious Freedom David Saperstein visited the country in August 2015. At the October release of the 2014 Report on International Religious Freedom, Ambassador Saperstein mentioned human rights lawyer Zhang Kai, who was detained by Chinese authorities one day prior to meeting with the Ambassador.

## Recommendations

China's approach to religious freedom and related human rights does not comply with international standards. At the same time, China increasingly flouts these standards as it grows more assertive on the global stage and seeks to assume the mantle of world leadership. To reinforce to China that such leadership must go hand-in-hand with the respect for and protection of religious freedom and related human rights, the U.S. government consistently should integrate human rights messaging – and specifically religious freedom – throughout its interactions with China. In addition to recommending the U.S. government continue to designate China as a CPC, USCIRF recommends the U.S. government should:

- Continue to raise consistently religious freedom concerns at the U.S.-China Strategic and Economic

Dialogue and other high-level bilateral meetings with Chinese leaders, and encourage Chinese authorities to refrain from conflating peaceful religious activity with terrorism or threats to state security;

- Urge the Chinese government to release prisoners of conscience who have been detained, sentenced, or placed under house arrest for the peaceful exercise of their faith, and continue to raise individual prisoner cases;
- Initiate a “whole-of-government” approach to human rights diplomacy with China in which the State Department and National Security Council staff develop a human rights action plan for implementation across all U.S. government agencies and entities, including developing targeted talking points and prisoner lists, and providing support for all U.S. delegations visiting China;
- Increase staff attention to U.S. human rights diplomacy and the rule of law, including the promotion of religious freedom, at the U.S. Embassy in Beijing and U.S. consulates in China, including by gathering the names of specific officials and state agencies who perpetrate religious freedom abuses;
- Convey more directly U.S. concerns about severe religious freedom violations in China, impose targeted travel bans, asset freezes, and other penalties on specific officials who perpetrate religious freedom abuses—as permitted by IRFA;
- Press China to uphold its international obligations to protect North Korean asylum seekers crossing its borders, including by allowing the UN High Commissioner for Refugees (UNHCR) and international humanitarian organizations to assist them and by ending repatriations, which are in violation of the 1951 Refugee Convention and Protocol and/or the Convention Against Torture; and
- Encourage the Broadcasting Board of Governors to use appropriated funds to advance Internet freedom and protect Chinese activists by supporting the development and accessibility of new technologies and programs to counter censorship.





# ERITREA

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## Key Findings

The Eritrean government continues to repress religious freedom for unregistered, and in some cases registered, religious communities. Systematic, ongoing, and egregious religious freedom violations include torture or other ill-treatment of religious prisoners, arbitrary arrests and detentions without charges, a prolonged ban on public religious activities of unregistered religious groups, and interference in the internal affairs of registered religious groups. The situation is particularly grave for Evangelical and Pentecostal Christians and Jehovah's Witnesses. The government dominates the internal affairs of the Orthodox Church of Eritrea, the country's largest Christian denomination, and suppresses the religious activities of Muslims, especially those opposed to the government-appointed head of the Muslim community. In light of these violations, USCIRF again recommends in 2016 that Eritrea be designated a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). Since 2004, USCIRF has recommended, and the State Department has designated, Eritrea as a CPC, most recently in July 2014.

Pentecostals, and others, one percent. On the positive side, there are no religious conflicts in Eritrea and relationships between religious communities are peaceful.

President Isaias Afwerki and the Popular Front for Democracy and Justice (PFDJ) have ruled Eritrea since the country's independence from Ethiopia in 1993. President Afwerki and his circle maintain absolute authority. Thousands of Eritreans are imprisoned for their real or imagined opposition to the government, and a 2015 UN Commission of Inquiry on Human Rights in Eritrea (COI-E) report describes extensive use of torture and forced labor. No private newspapers, political opposition parties, or independent non-governmental organizations exist. The government requires all physically- and mentally-capable people between the ages of 18 and 70 to perform a full-time, indefinite, and poorly-paid national service obligation, which includes military, development, or civil service components. While the national service does include a civil service component, all Eritreans are required to undertake military training and Eritreans cannot choose which type of service they must complete. Hence, there is no alternative for conscientious objectors. The UN and various human

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*The lack of fundamental human rights and economic opportunities in Eritrea has led thousands of Eritreans to flee the country to neighboring states and beyond to seek asylum, including in Europe and the United States.*

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## Background

There are no reliable statistics of religious affiliation in Eritrea. The Pew Charitable Trust estimates that Orthodox Christians comprise approximately 57 percent of the population, Muslims 36 percent, Roman Catholics four percent, and Protestants, including Evangelical Lutherans, Baptists, Presbyterians, Jehovah's Witnesses,

rights groups reported that individuals completing their national service obligation in the military are prohibited from practicing their religion and that persons who fail to participate in the national service are detained, sentenced to hard labor, abused, and have their legal documents confiscated. Further, a civilian militia program requirement for most males and females between the ages of 18 and 50 not in the military portion of national

service also does not allow for or provide an alternative for conscientious objectors.

The lack of fundamental human rights and economic opportunities in Eritrea has led thousands of Eritreans to flee the country to neighboring states and beyond to seek asylum, including in Europe and the United States. The UN reported in 2015 that since 2014 an estimated six percent of the population has fled the country.

There are very few legal protections for freedom of religion or belief in Eritrea. Those that do exist are either not implemented or are limited by other laws or in practice. The Eritrean constitution provides for freedom of thought, conscience, and belief; guarantees the right to practice and manifest any religion; and prohibits religious discrimination. Unfortunately, the constitution has not been implemented since its ratification in 1997. In May 2014, President Afwerki announced a new constitution would be drafted, although no action had been taken by the end of the reporting period.

## **Religious Freedom Conditions 2015–2016**

### **Registration**

In 2002, the government imposed a registration requirement on all religious groups other than the four officially-recognized religions: the Coptic Orthodox Church of Eritrea; Sunni Islam; the Roman Catholic Church; and the Evangelical Church of Eritrea, a Lutheran-affiliated denomination. All other religious communities

national safety, security and supreme national interests, instigating refusal to serve national service and stirring up acts of political or religious disturbances calculated to endanger the independence and territorial sovereignty of the country.”

To date, no other religious communities have been registered. The Baha'i community, the Presbyterian Church, the Methodist Church, and the Seventh-day Adventists submitted the required applications after the new registration requirements were enacted; the Eritrean government has yet to act on their applications. The government's inaction means that unregistered religious communities lack a legal basis on which to practice their faiths, including holding services or other religious ceremonies. According to the COI-E report and Eritrean refugees interviewed by USCIRF, most churches of non-registered religious communities are closed and government approval is required to build houses of worship. Leaders and members of unregistered communities that continue to practice their faith are punished with imprisonment and fines.

### **Religious Prisoners**

While the country's closed nature makes exact numbers difficult to determine, the State Department reports 1,200 to 3,000 persons are imprisoned on religious grounds in Eritrea. During the reporting period, there were a few reported incidents of new arrests.

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*... 1,200 to 3,000 persons are imprisoned on religious grounds in Eritrea.*

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are required to apply annually for registration with the Office of Religious Affairs. Registration requirements include a description of the group's history in Eritrea; detailed information about its foreign sources of funding, leadership, assets, and activities; and an explanation of how it would benefit the country or is unique compared to other religious communities. Registration also requires conformity with Proclamation No. 73/1995 “to Legally Standardize and Articulate Religious Institutions and Activities,” which permits registered religious institutions the right to preach, teach, and engage in awareness campaigns but prohibits “. . . infringing upon

Reports of torture and other abuses of religious prisoners continue. Religious prisoners are sent routinely to the harshest prisons and receive some of the cruelest punishments. Released religious prisoners have reported that they were confined in crowded conditions, such as in 20-foot metal shipping containers or underground barracks, and subjected to extreme temperature fluctuations. In addition, there have been reports of deaths of religious prisoners due to harsh treatment or denial of medical care. Persons detained for religious activities, in both short-term and long-term detentions, are not formally charged, permitted access to

legal counsel, accorded due process, or allowed family visits. Prisoners are not permitted to pray aloud, sing, or preach, and religious books are banned. Evangelicals, Pentecostals, and Jehovah's Witnesses released from prison report being pressured to recant their faith, forced to sign a statement that they would no longer gather to worship, and warned not to re-engage in religious activities.

### **Pentecostals and Evangelicals**

Pentecostals and Evangelicals comprise the majority of religious prisoners. The Eritrean government is suspicious of newer religious communities, in particular Protestant Evangelical and Pentecostal communities. It has characterized these groups as being part of a foreign campaign to infiltrate the country, engaging in aggressive evangelism alien to Eritrea's cultural traditions, and causing social divisions. During 2015, security forces continued to arrest followers of these faiths for participating in clandestine prayer meetings and religious ceremonies, although toleration of these groups varied by location. The State Department reported that some local authorities denied water and gas to Pentecostals. The Eritrean government and Eritrean religious leaders do not publicize arrests and releases and government secrecy and intimidation makes documenting the exact numbers of such cases difficult. USCIRF received confirmation of almost 200 arrests in 2015.

### **Jehovah's Witnesses**

Jehovah's Witnesses are persecuted for their political neutrality and conscientious objection to military service, which are aspects of their faith. On October 25, 1994, President Afwerki issued a decree revoking their citizenship for their refusal to take part in the referendum on independence or to participate in national service. Since 1994, Jehovah's Witnesses have been barred from obtaining government-issued identity and travel documents, government jobs, and business licenses. Eritrean identity cards are required for legal recognition of marriages or land purchases. The State Department reported that some local authorities denied water and gas to Jehovah's Witnesses.

Jehovah's Witnesses who have refused to serve in the military have been imprisoned without trial, some for over a decade, including Paulos Eyassu, Issac Mogos,

and Negede Teklemariam who have been detained in Sawa prison since September 24, 1994. Moreover, the government's requirement that high school students complete their final year at the Sawa Training and Education Camp, which includes six months of military training, effectively denies Jehovah's Witnesses an opportunity to graduate from high school. Some children of Jehovah's Witnesses have been expelled from school because of their refusal to salute the flag or to pay for membership in the officially sanctioned national organization for youth and students.

Whole congregations of Jehovah's Witnesses are arrested while attending worship services in homes or in rented facilities and individual Witnesses are regularly arrested and imprisoned for expressing their faith to others. Some are quickly released, while others are held indefinitely without charge. In 2015, as many as 55 Jehovah's Witnesses were detained without charge or trial. Of these, 16 are older than 60, five are older than 70, and one is in his 80s.

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*The government-deposed Eritrean Orthodox Patriarch Antonios, who protested government interference in his church's affairs, has been held incommunicado under house arrest since 2007.*

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### **Recognized Religious Communities**

The Eritrean government also strictly oversees the activities of the four recognized religious communities. These groups are required to submit activity reports every six months; instructed not to accept funds from co-religionists abroad (an order with which the Eritrean Orthodox Church reportedly said it would not comply); and have had religious leaders appointed by government officials. The Eritrean government has appointed the Patriarch of the Eritrean Orthodox Church and the Mufti of the Eritrean Muslim community, as well as other lower-level religious officials. The government-deposed Eritrean Orthodox Patriarch Antonios, who protested government interference in his church's affairs, has been held incommunicado under house arrest since

2007. Hundreds of Orthodox Christian and Muslim religious leaders and laymen who protested these appointments remain imprisoned. The COI-E as well as Eritrean refugees interviewed by USCIRF reported government surveillance of services of the four official religions. Muslims opposed to the government are labeled as fundamentalists and human rights organizations report that religious freedom violations against the Muslim community increased following the January 21, 2013 mutiny during which 100-200 Army soldiers seized the headquarters of the state broadcaster in Asmara. Furthermore, Eritrean officials visiting the United States reportedly pressured diaspora members to attend only Eritrean government-approved Orthodox churches in this country.

Within this environment, the Catholic Church is granted a few more, but still restricted, freedoms than other religious communities, including the permission to host some visiting clergy; to receive funding from the Holy See; to travel for religious purposes and training in small numbers; and to receive exemptions from national service for seminary students and nuns.

## **U.S. Policy**

Relations between the United States and Eritrea remain poor. The U.S. government has long expressed concern about the Eritrean government's human rights practices and support for Ethiopian, Somali, and other armed and rebel groups in the region. The government of Eritrea expelled USAID in 2005, and U.S. programs in the country ended in fiscal year 2006. Eritrea receives no U.S. development, humanitarian, or security assistance. Since 2010, the government has refused to accredit a new U.S. ambassador to the country; in response the U.S. government revoked the credentials of the Eritrean ambassador to the United States.

U.S. government officials routinely raise religious freedom violations when speaking about human rights conditions in Eritrea. The United States was a co-sponsor of a 2012 UN Human Rights Council resolution that successfully created the position of Special Rapporteur on the situation of human rights in Eritrea. In July 2014, the United States supported the creation of a UN Commission of Inquiry on Human Rights in Eritrea to investigate systematic violations of human rights, recommend how to improve conditions and ensure

accountability, and raise awareness of the situation in the country. In 2015, the U.S. government supported the continuation of the COI-E's mandate for one additional year to determine if the Eritrean government's actions constitute crimes against humanity.

In September 2004, the State Department designated Eritrea a CPC. When re-designating Eritrea in September 2005 and January 2009, the State Department announced the denial of commercial export to Eritrea of defense articles and services covered by the Arms Export Control Act, with some items exempted. The Eritrean government subsequently intensified its repression of unregistered religious groups with a series of arrests and detentions of clergy and ordinary members of the affected groups. The State Department most recently re-designated Eritrea a CPC in July 2014, and continued the presidential action of the arms embargo, although since 2011 this has been under the auspices of UN Security Council resolution 1907 (see below).

U.S.-Eritrean relations also are heavily influenced, often adversely, by strong U.S. ties with Ethiopia. Gaining independence in 1993, Eritrea fought a costly border war with Ethiopia from 1998 to 2000. The United States, the United Nations, the European Union, and the now-defunct Organization of African Unity were formal witnesses to the 2000 accord ending that conflict. However, Eritrean-Ethiopian relations remain tense due to Ethiopia's refusal to permit demarcation of the boundary according to the Hague's Eritrea-Ethiopia Boundary Commission's 2002 decision. The U.S. government views the commission's decision as "final and binding" and expects both parties to comply.

U.S. policy toward Eritrea also is concentrated on U.S. concerns that the country's activities in the region could destabilize the Horn of Africa. In December 2009, the United States joined a 13-member majority on the UN Security Council in adopting Resolution 1907, sanctioning Eritrea for supporting armed groups in Somalia and failing to withdraw its forces from the Eritrean-Djibouti border following clashes with Djibouti. The sanctions include an arms embargo, travel restrictions, and asset freezes on the Eritrean government's political and military leaders, as well as other individuals designated by the Security Council's Committee on Somalia Sanctions. In April 2010, President Obama announced Executive Order 13536 blocking the

property and property interests of several individuals for their financing of al-Shabaab in Somalia, including Yemane Ghebreab, presidential advisor and the former head of political affairs. In December 2011, the United States voted in favor of UN Security Council Resolution 2023, which calls on UN member states to implement Resolution 1907's sanctions and ensure that their dealings with Eritrea's mining industry do not support activities that would destabilize the region. In 2015, the U.S. government voted in the UN Security Council to retain an arms embargo on Eritrea and to renew for another year the mandate of its Monitoring Group on Somalia and Eritrea.

## Recommendations

The U.S. government should press for immediate improvements to end religious freedom violations in Eritrea and raise concerns through bilateral and multilateral initiatives. In addition to recommending that the U.S. government should continue to designate Eritrea a CPC and maintaining the existing, ongoing arms embargo referenced in 22 CFR 126.1(a), USCIRF recommends that the U.S. government should:

- Continue to use bilateral and multilateral diplomatic channels to urge the government of Eritrea to: release unconditionally and immediately detainees held on account of their peaceful religious activities, including Orthodox Patriarch Antonios; end religious persecution of unregistered religious communities and register such groups; grant full citizenship rights to Jehovah's Witnesses; provide for conscientious objection by law in compliance with international human rights standards; implement the Constitution of 1997; bring national laws and regulations, including registration requirements for religious communities, into compliance with international human rights standards; bring the conditions and treatment of prisoners in line with international standards; and extend an official invitation for unrestricted visits by the UN Commission of Inquiry on Human Rights in Eritrea, the UN Special Rapporteur on human rights in Eritrea, the UN Special Rapporteur on Freedom of Religion or Belief, the UN Working Group on Arbitrary Detention, and the International Red Cross;
- Ensure, if development assistance is to be resumed, that it is directed to programs that contribute directly to democracy, human rights, and the rule of law;
- Intensify international efforts to resolve the current impasse between Eritrea and Ethiopia regarding implementation of the boundary demarcation as determined by the "final and binding" decision of the Eritrea-Ethiopia Boundary Commission that was established following the 1998-2000 war;
- Encourage unofficial dialogue with Eritrean authorities on religious freedom issues by promoting a visit by U.S. and international religious leaders, and expand the use of educational and cultural exchanges, such as the Fulbright Program, the International Visitor Program, and lectures by visiting American scholars and experts; and
- Work with other nations, especially those with mining interests in Eritrea and large Eritrean diaspora communities, to draw attention to religious freedom abuses in Eritrea and advocate for the unconditional and immediate release of detainees held on account of their peaceful religious activities, including Orthodox Patriarch Antonios.





# IRAN

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## Key Findings

Religious freedom conditions continued to deteriorate over the past year, particularly for religious minorities, especially Baha'is, Christian converts, and Sunni Muslims. Sufi Muslims and dissenting Shi'a Muslims also faced harassment, arrests, and imprisonment. Since President Hassan Rouhani was elected president in 2013, the number of individuals from religious minority communities who are in prison because of their beliefs has increased, despite the government releasing some prisoners during the reporting period, including Iranian-American pastor Saeed Abedini. 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. While Iran's clerical establishment continued to express anti-Semitic sentiments, the level of anti-Semitic rhetoric from government officials has diminished in recent years. Since 1999, the State Department has designated Iran as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA), most recently in July 2014. USCIRF again recommends in 2016 that Iran be designated a CPC.

seats in the parliament are reserved for these groups (two for Armenian Christians and one each for Assyrian Christians, Jews, and Zoroastrians). With an overall population of just over 80 million, Iran is approximately 99 percent Muslim – 90 percent Shi'a and nine percent Sunni. According to recent estimates, religious minority communities constitute about one percent of the population and include Baha'is (more than 300,000), various Christian denominations (nearly 300,000), Zoroastrians (30,000 to 35,000), and Jews (20,000).

Nevertheless, the government of Iran discriminates against its citizens on the basis of religion or belief, as all laws and regulations are based on unique Shi'a Islamic criteria. Since the 1979 revolution, many members of minority religious communities have fled in 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.

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## 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. The constitution recognizes Christians, Jews, and Zoroastrians as protected religious minorities, and five

Since his 2013 election, President Hassan Rouhani has not delivered on his campaign promises to strengthen civil liberties for religious minorities. Government actions continued to result in physical attacks, harassment, detention, arrests, and imprisonment. Even some of the constitutionally-recognized non-Muslim minorities – Jews, Armenian and Assyrian Christians,

and Zoroastrians – face harassment, intimidation, discrimination, arrests, and imprisonment. Some 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 “enmity against God.”

## Religious Freedom Conditions 2015–2016

### 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. Dissident Shi’a cleric Ayatollah Mohammad Kazemeni Boroujerdi continued to serve an 11-year prison sentence, and the government has banned him from practicing his clerical duties and confiscated his home and belongings. He has suffered physical and mental abuse while in prison. According to human rights groups and the United Nations, some 150 Sunni Muslims are in prison on charges related to their beliefs and religious activities. In October 2015, an Iranian court sentenced to death a Sunni cleric, Shahram Ahadi, who was arrested in 2009 on unfounded security related charges. More than 30 Sunnis are on death row after having been convicted of “enmity against God” in unfair judicial proceedings. Leaders from the 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 harassment of clerics and bans on Sunni teachings in public schools. Additionally, Iranian authorities have destroyed Sunni religious literature and mosques in eastern Iran.

Iran’s government also continued to harass and arrest members of the Sufi Muslim community, including prominent leaders from the Nematollahi Gonabadi Order, while increasing restrictions on places of worship and destroying Sufi prayer centers and *hussainiyas* (meeting halls). Over the past year, authorities have detained dozens of Sufis, sentencing many to imprisonment, fines, and floggings. In June 2015, a criminal court sentenced Abbas Salehian to 74 lashes for “committing a *haram*

act through advocating Gonabadi Dervish beliefs.” In May 2014, approximately 35 Sufis were convicted on trumped-up charges related to their religious activities and given sentences ranging from three months to four years in prison. Another 10 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. Although the Iranian government maintains publicly that Baha’is are free to attend university, the *de facto* policy of preventing Baha’is from obtaining higher education remains in effect. Over the past 10 years, approximately 850 Baha’is have been arbitrarily arrested.

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*The Baha’i community, the largest non-Muslim religious minority in Iran, long has been subject to particularly severe religious freedom violations.*

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As of February 2016, at least 80 Baha’is were being held in prison solely because of their religious beliefs. These include seven Baha’i leaders – Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naemi, Saeid Rezaei, Mahvash Sabet, Behrouz Tavakkoli, and Vahid Tizfahm – as well as Baha’i educators and administrators affiliated with the Baha’i Institute for Higher Education, some of whom were released during the reporting period. During the past year, dozens of Baha’is were arrested throughout the country. In January 2016, in the Golestan province, 24 Baha’is were sentenced to prison terms ranging from six to 11 years after being convicted for membership in the Baha’i community and

engaging in religious activities. In November 2015, at least 20 Baha'is were arrested in three cities – Tehran, Isfahan, and Mashhad – after their homes were raided and materials confiscated. As part of the crackdown, nearly 30 Baha'i-owned shops were closed following the observance of two Baha'i religious holy days. In April and May, authorities closed 35 Baha'i-owned shops in an effort to force Baha'is not to observe their holy days. In April, in Hamadan, at least 13 Baha'is were arrested over a two-week period for allegedly “engaging in propaganda against the regime.” They have not been formally charged. During the 2015-2016 school year, many Baha'i youth who scored very high on standardized tests were either denied entry into university or expelled during the academic year once their religious identity became known to education officials.

### Christians

Over the past year, there were numerous incidents of Iranian authorities raiding church services, threatening church members, and arresting and imprisoning worshipers and church leaders, particularly Evangelical Christian converts. Since 2010, authorities arbitrarily arrested and detained more than 550 Christians throughout the country. As of February 2016, approximately 90 Christians were either in prison, detained, or awaiting trial because of their religious beliefs and activities.

Some Christians were released from jail during the year, including two long-serving prisoners of conscience, Saeed Abedini (released in January 2016) and Farshid Fathi (released in December 2015). Abedini's early release was part of a prisoner swap between the United States and Iran. He had been serving an eight-year prison sentence for “threatening the national security of Iran” for his activity in the Christian house church movement. Fathi had been serving an extended prison term on trumped-up security charges related to his religious activities.

During the reporting period, human rights groups inside Iran reported a significant increase in the number of physical assaults and beatings of Christians in prison. Some activists believe the assaults, which have been directed against converts who are leaders of underground house churches, are meant to intimidate others who may wish to convert to Christianity. In December

2015, authorities raided a number of private Christmas services and arrested nearly a dozen church members in Tehran. In April 2015, a revolutionary court upheld a one-year prison sentence and two-year travel bans on 13 Christian converts arrested in 2013.

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*During the reporting period, human rights groups inside Iran reported a significant increase in the number of physical assaults and beatings of Christians in prison.*

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### Jews and Zoroastrians

Although not as pronounced as in previous years, the government continued to propagate anti-Semitism and target members of the Jewish community on the basis of real or perceived “ties to Israel.” In 2015, high-level clerics continued to make anti-Semitic remarks in mosques. Numerous programs broadcast on state-run television advance anti-Semitic messages. Official discrimination against Jews continues to be pervasive, fostering a threatening atmosphere for the Jewish community. In a positive development, the government no longer requires Jewish students to attend classes on the Sabbath. In recent years, members of the Zoroastrian community have come under increasing repression and discrimination. At least four Zoroastrians were convicted in 2011 for propaganda of their faith, blasphemy, and other trumped-up charges remain in prison.

### Human Rights Defenders, Journalists, and Others

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. Over the past couple of years, a number of human rights lawyers who defended Baha'is and Christians in court were imprisoned or fled the country. In addition, in August 2015, a revolutionary court sentenced to death Mohammad Ali Taheri, a university professor and founder of a spiritual movement (*Erfan Halgheh* or Spiritual Circle), for the capital crime of “corruption on earth.” In October 2011, Taheri had

been convicted and sentenced to five years in prison and 74 lashes for “insulting religious sanctities” for publishing several books on spirituality; reportedly, he has been held in solitary confinement since his conviction. Some of Taheri’s followers also have been convicted on similar charges and sentenced to prison terms ranging from one to five years. In December, the Iranian Supreme Court overturned Taheri’s death sentence. At the end of the reporting period, he and some of his followers remained in prison.

## **U.S. Policy**

The U.S. government has not had formal diplomatic relations with the government of Iran since 1980, although the United States participated in negotiations with Iran over the country’s nuclear program as part of the group of countries known as the P5+1 (China, France, Russia, United Kingdom, United States, and Germany). In July 2015, the P5+1, the European Union, and Iran announced they had reached the Joint Comprehensive Plan of Action (JCPOA) to ensure that Iran’s nuclear program would be exclusively peaceful. On January 16, “Implementation Day” of the JCPOA, the United States and European Union began lifting nuclear-related sanctions on Iran. Notwithstanding the JCPOA, the United States continues to keep in place and enforce sanctions for Iran’s human rights violations, its support for terrorism, and its ballistic missile program. According to the State Department, these sanctions are intended to target the Iranian government, not the people of Iran.

Iranian government officials or persons acting on their behalf responsible for human rights and religious freedom abuses, bars their entry into the United States, and freezes their assets. In August 2012, the President signed into law the Iran Threat Reduction and Syria Human Rights Act of 2012, or ITRSHRA (H.R. 1905 / P.L. 112-239), which enhances the scope of human rights-related sanctions contained in CISADA. Over the past five years, as a consequence of Iran’s human rights violations, the United States has imposed visa restrictions and asset freezes on 19 Iranian officials and 18 Iranian entities pursuant to CISADA, ITRSHRA, and various Executive Orders.

During the past year, U.S. policy on human rights and religious freedom 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. In December 2015, for the 13th year in a row, the U.S. government co-sponsored and supported a successful UN General Assembly resolution on human rights in Iran, which passed 76 to 35, with 68 abstentions. The resolution condemned the Iranian government’s poor human rights record, including its religious freedom violations and continued abuses targeting religious minorities.

During the year, President Obama and Secretary of State John Kerry used public occasions to call for the

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On July 1, 2010, President Barack Obama signed into law CISADA, the Comprehensive Iran Sanctions, Accountability, and Divestment Act (P.L. 111-195), which highlights Iran’s serious human rights violations, including suppression of religious freedom. CISADA requires the President to submit to Congress a list of

release of Iranian-American pastor Saeed Abedini. On January 16, 2016, the Obama Administration announced it had secured the release from jail of pastor Abedini, and three other Americans, in exchange for the release of seven Iranians in prison in the United States. Abedini returned to the United States later that month.

On July 28, 2014, the Secretary of State re-designated Iran as a country of particular concern. The Secretary designated the following Presidential Action for Iran: “the existing ongoing travel restrictions based on serious human rights abuses under section 221(a)(1)(C) of the Iran Threat Reduction and Syria Human Rights Act of 2012, pursuant to section 402(c)(5) of the Act.” The previous designation made in 2011 cited a provision under CISADA as the Presidential Action. Unlike CISADA, ITRSHRA does not contain a specific provision citing religious freedom violations.

## Recommendations

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

- Notwithstanding the P5+1 nuclear agreement, 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, 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 (CIS-ADA) citing specific religious freedom violations;
- 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,

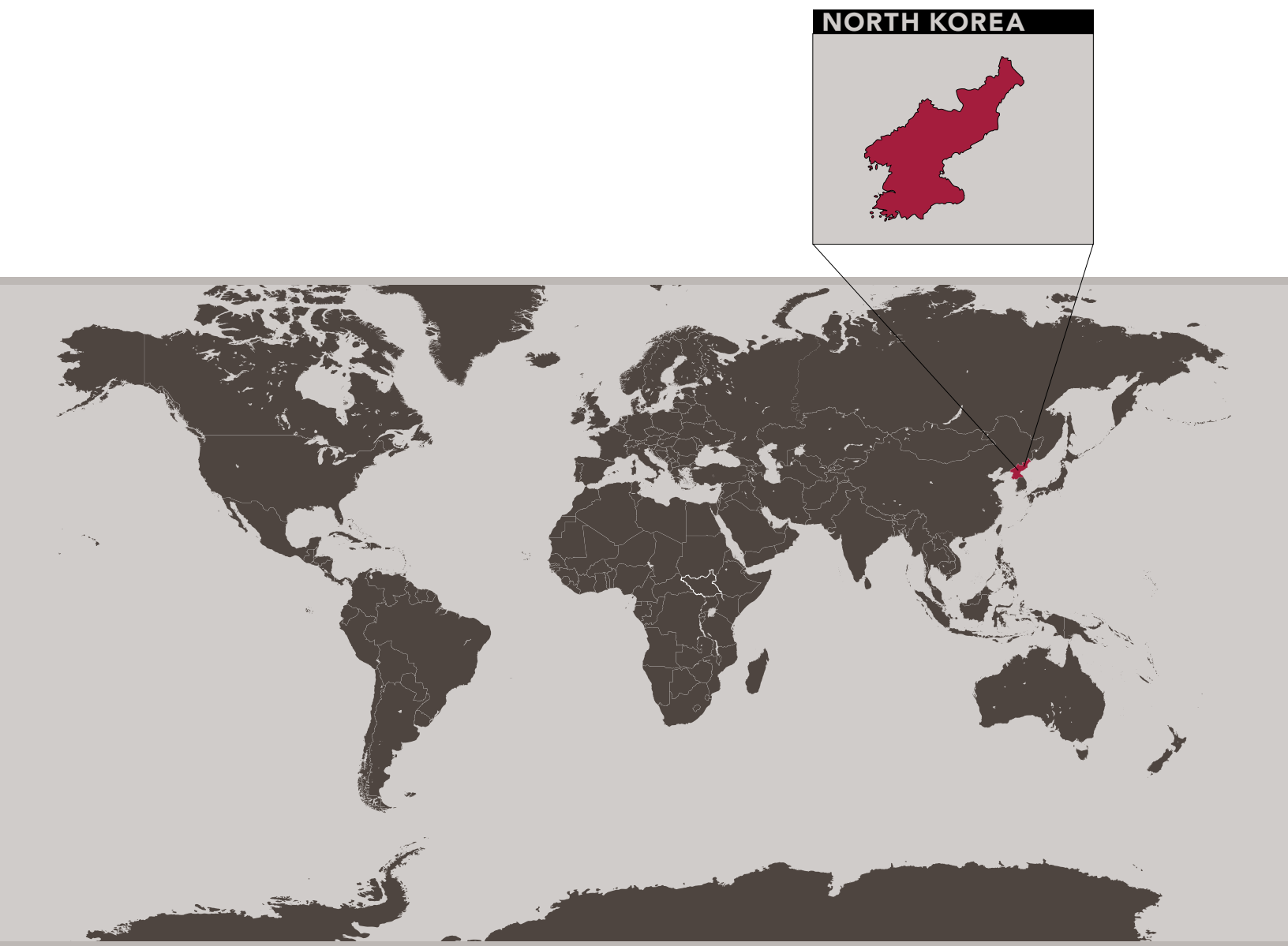
including freedom of religion or belief, in Iran and calling for officials responsible for such violations to be held accountable; and

- Use appropriated funds to advance Internet freedom and protect Iranian activists by supporting the development and accessibility of new technologies and programs to counter censorship and to facilitate the free flow of information in and out of Iran.

The U.S. Congress should:

- Reauthorize the Lautenberg Amendment, which aids persecuted Iranian religious minorities and other specified groups seeking refugee status in the United States, and work to provide the President with permanent authority to designate as refugees specifically-defined groups based on shared characteristics identifying them as targets for persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.





# NORTH KOREA

## Key Findings

North Korea consistently ranks among the world's most repressive regimes, in part because of its deplorable human rights record. The North Korean regime believes that its own absolute ideology sustains all of North Korean society – politically, economically, and morally – and that alternative beliefs, including religion, pose a threat. Thus, the government restricts basic freedoms and often treats most harshly individuals believed to engage in religious activities, including through arrests, torture, imprisonment, and sometimes execution. Family members of religious believers often are considered guilty by association, suffering the same inhumane fate as their loved ones, typically in prison or at one of North Korea's infamous labor camps. Based on the North Korean government's systematic, ongoing, egregious violations of religious freedom, USCIRF again recommends in 2016 that North Korea be designated a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). The State Department has designated North Korea a CPC since 2001, most recently in July 2014.

## Background

For decades, North Korea has indoctrinated its people, including young children, to venerate the ruling Kim family. This forced loyalty leaves no room for the expression of individualized thought, nor does it allow for freedom of religion or belief. The North Korean people must believe in the cult around their "supreme leaders" at the expense of all other forms of belief. Though the constitution grants freedom of religious belief, no such freedom exists in practice. Those who follow a religion or other system of belief do so in secret. The most recent estimate puts North Korea's total population at nearly 25 million. According to UN figures, less than two percent are Christian, or somewhere between 200,000 and 400,000 people. Figures for religious followers of other

faiths are outdated or difficult to confirm. The country also has strong historical traditions of Buddhism and Confucianism, as well as a local religious movement known as Chondoism (also spelled Cheondoism) and the Russian Orthodox Church.

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The regime consistently uses the launch of missiles and rockets, or the threatened use of these and other armaments, to provoke the international community. While some of these threats are directed at South Korea, many are targeted at the United States, which the regime accuses of leading a global plot to discredit it and orchestrate regime change. Not only is North Korea attempting to amass its own nuclear arsenal, but also the country serves as a conduit between other countries with nuclear ambitions. The country put its weapons cache on display during an elaborate celebration and military parade in October 2015 honoring the 70<sup>th</sup> anniversary of the Korean Workers' Party.

Since the 2014 report of the UN Human Rights Council's Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (COI), the United Nations has kept the country and its myriad abuses at the fore. Pursuant to a resolution passed by the UN General Assembly, the Security Council moved in December 2014 to formally add the issue of North Korean human rights to its agenda. In April 2015, the Office of the UN High Commissioner for Human Rights held a briefing on North Korea's human rights abuses; North Korean representatives attempted to hijack the meeting by interrupting statements delivered by North Korean defectors. In June, UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein launched a new

UN Human Rights Office in Seoul, South Korea, based on COI recommendations, dedicated to monitoring human rights conditions in North Korea.

### **Religious Freedom Conditions 2015–2016 Government Control and Repression of Christianity**

The North Korean government reserves its most severe persecution for Christians, although in practice the regime is adverse to all organized religion. Based on information collected by the Database Center for North Korean Human Rights, individuals face persecution for propagating religion, possessing religious items, carrying out religious activities (including praying and singing hymns), and having contact with religious persons. Christians believed to have committed any of these acts are typically jailed, or worse. In prison, Christians reportedly endure harsher treatment than other prisoners. It is estimated that tens of thousands of Christians in North Korea are currently in prison camps facing hard labor or execution. Given the high cost to themselves and their families if caught, many North Koreans likely self-suppress their own consciences, creating a multiplier effect of the government's repressive policies.

visiting North Korea as part of humanitarian efforts are at particular risk, especially if they are Korean nationals. For example, in early 2015, North Korean authorities detained Hyeon Soo Lim, a pastor who had made many humanitarian trips to the country over nearly two decades. Reverend Lim was born in South Korea but is a Canadian citizen. A North Korean court sentenced Reverend Lim to life in prison and hard labor on vague charges of insulting the country's leadership. In March 2015, North Korean authorities detained two South Korean pastors, Kim Kuk Gi and Choe Chun Gil, on charges of espionage, purportedly carried out in part through the use of underground churches; in June, a North Korean court sentenced the two men to life with hard labor.

In the absence of widely available Internet or media that is not controlled by the government, radios have become a means to provide North Koreans limited access to religion. In some parts of the country, radio stations from South Korea or China are able to transmit signals inside North Korea, sometimes with religious programming.

Despite the irrefutable evidence to the contrary, the regime insists it does not violate religious freedom. In

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Except at the handful of state-controlled houses of worship, which are widely believed to exist for the benefit of foreigners, religious believers typically practice their faith individually and secretly, sometimes even keeping their faith private from members of their own family. The state-run Korean Catholic Association has no ties to the Vatican, and the single Catholic church in the country does not have a priest. However, according to reports, officials agreed to allow South Korean priests to visit North Korea to perform services beginning in 2016, a change from the practice of *ad hoc* services performed by visiting clergy.

North Korea regularly detains foreigners on spurious charges as a means to extract diplomatic concessions from their countries of citizenship. Clergy

July 2015, Alejandro Cao de Benos, a Spaniard working for the North Korean government as Special Delegate for North Korea's Committee for Cultural Relations with Foreign Countries, called accusations that Christians are persecuted in the country "absolutely false."

### **North Korean Refugees in China**

China remains North Korea's strongest supporter and its largest trading partner. Despite its displeasure at North Korea's unannounced testing of an alleged hydrogen bomb on January 6, 2016, China thus far has declined to respond punitively or take any action. This partly stems from China's longstanding concerns about an influx of North Korean refugees should its neighbor

become unstable. As a deterrent, the Chinese government maintains tight security along the border with North Korea and forcibly returns individuals crossing into China. This violates China's obligations under the 1951 UN Convention on Refugees and its 1969 Protocol. Reports suggest both China and North Korea recently have installed additional fencing on their respective sides of the border. Both China and North Korea also have responded swiftly to individuals caught crossing the border, such as when the Chinese military shot and killed a North Korean refugee in June 2015 in Yanbian Province. Accounts from North Korean defectors indicate that individuals caught trying to defect or forcibly repatriated from China are severely punished, particularly those believed to have interacted with missionaries or engaged in religious activities.

sanctions. In February, Congress approved and President Barack Obama signed into law the North Korea Sanctions Enforcement Act, which imposes both mandatory and discretionary sanctions against individuals conducting certain kinds of business with North Korea, including any person who "knowingly engages in, is responsible for, or facilitates serious human rights abuses by the Government of North Korea," and directs the Secretary to report on North Korean prison camps and "on persons responsible for serious human rights abuses or censorship in North Korea."

In February 2015, at the request of the UN Security Council, a panel of experts presented a report evaluating the Security Council's actions against North Korea's nuclear efforts that also noted a correlation between the country's nuclear threats in anticipation of and in response to the UN General Assembly's annual human

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*At an April 2015 panel discussion on human rights in North Korea, Ambassador Power noted that the country's abuses are not just a matter of human rights, but also of international peace and security.*

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## U.S. Policy

The United States does not have diplomatic relations with North Korea and has no official presence within the country. North Korea's pursuit of a nuclear weapons program has defined relations between the United States and North Korea for decades. U.S. officials have stated publicly that the United States is open to engagement and substantive dialogue with North Korea, both bilaterally and through the Six-Party process, on the issue of denuclearization.

Throughout 2015, Secretary of State John Kerry similarly called for increased international pressure on North Korea. This continued into 2016 following the North Korea's claims that it had detonated a hydrogen bomb on January 6, 2016. Secretary Kerry met and spoke with counterparts from several countries, including the foreign ministers of China, Japan, and South Korea. U.S. Ambassador to the United Nations Samantha Power made similar entreaties at the UN Security Council, which unanimously approved new

rights resolutions. At an April 2015 panel discussion on human rights in North Korea, Ambassador Power noted that the country's abuses are not just a matter of human rights, but also of international peace and security. In December, during the U.S. presidency of the UN Security Council, the United States and eight other countries convened a meeting to discuss human rights in North Korea.

North Korea continues to target individuals with close ties to the United States; the regime routinely detains them and compels confessions designed to embarrass and undercut the United States. In April 2015, North Korea deported U.S. citizen Sandra Suh, the founder of a humanitarian aid organization, for allegedly spreading propaganda. Also in April, North Korean officials arrested New York University Student Joo Won-moon, a South Korean with U.S. permanent resident status; North Korean authorities alleged he illegally crossed into the country from China. In a May media interview while still detained, Joo Won-moon said he intended to be arrested as a means to foster

better relations between North and South Korea; it is unclear if this was his genuine motive. He was released to South Korean authorities in October. More recently, in January 2016, North Korea arrested University of Virginia student Otto Frederick Warmbier allegedly for committing a “hostile act.” Warmbier was visiting North Korea with a tour group and was detained at the airport as the group was leaving the country. In February 2016, Warmbier publicly confessed to the charges and admitted his actions were coordinated with someone from an Ohio church; however, according to a pastor at the church, the alleged individual is unknown and Warmbier is not a member of the church.

In lieu of prescribing sanctions specific to the CPC designation, the State Department consistently has applied “double-hatted” sanctions against North Korea, in this case via the Jackson-Vanik amendment under the Trade Act of 1974. New U.S. sanctions against the North Korean government and the Korean Workers’ Party went into effect January 2, 2015 following the hack of Sony Pictures Entertainment. In November 2015, the Treasury Department added four individuals and one company to the list of “specially designated nationals” for their involvement with and connection to North Korea’s weapons proliferation; among the individuals named was Kim Sok Chol, North Korea’s Ambassador to Burma.

## Recommendations

Human rights violations committed by North Korea should be addressed alongside the nuclear issue, as appropriate. The United States should continue to engage stakeholders – such as South Korea, Japan, and the United Nations – to maximize the effectiveness of efforts on both the human rights and nuclear fronts. In addition to recommending the U.S. government continue to designate North Korea a CPC, USCIRF recommends the U.S. government should:

- Impose targeted sanctions on specific North Korean officials, or individuals or companies working directly with them, for human rights violations, as part of sanctions imposed via executive order or congressional action or at the United Nations;
- Call for a follow-up UN inquiry within five years to track the findings of the 2014 report by the Commission of Inquiry on Human Rights in the Democratic

People’s Republic of Korea and assess any new developments, and suggest a regularization of such analysis similar to and in coordination with the Universal Periodic Review process;

- Include, whenever possible, both the Special Envoy for North Korean Human Rights Issues and the Ambassador-at-Large for International Religious Freedom in bilateral discussions with North Korea in order to incorporate human rights and religious freedom into the dialogue, and likewise incorporate human rights and religious freedom concerns into discussions with multilateral partners regarding denuclearization, as appropriate;
- Coordinate efforts with regional allies, particularly Japan and South Korea, to raise human rights and humanitarian concerns and specific concerns regarding freedom of religion or belief, and press for improvements, including closure of the infamous penal labor camps;
- Explore innovative ways to expand existing radio programming transmitted into North Korea and along the border, as well as the dissemination of other forms of information technology, such as mobile phones, thumb drives, and DVDs, and improved Internet access so that North Koreans have greater access to independent sources of information;
- Encourage Chinese support for addressing the most egregious human rights violations in North Korea, and raise regularly with the government of China the need to uphold its international obligations to protect North Korean asylum seekers in China, including by allowing the UN High Commissioner for Refugees and international humanitarian organizations to assist them and by ending repatriations, which are in violation of the 1951 Refugee Convention and Protocol and/or the United Nations Convention Against Torture; and
- Implement fully the provisions of the North Korean Human Rights Act, and use authorized funds to promote increased access to information and news media inside North Korea and to promote greater capacity of NGOs to promote democracy and human rights, protect and resettle refugees, and monitor deliveries of humanitarian aid.





**SAUDI ARABIA**



# SAUDI ARABIA

## Key Findings

Despite some improvement in religious freedom, Saudi Arabia remains uniquely repressive in the extent to which it restricts the public expression of any religion other than Islam, and a number of high profile cases during the past year demonstrated the government's continued disregard for freedom of thought, conscience, and religion or belief. The government privileges its own interpretation of Sunni Islam over all other interpretations and prohibits any non-Muslim public places of worship in the country. It continues to prosecute, imprison, and flog individuals for dissent, apostasy, blasphemy, and sorcery, and a 2014 law classifying blasphemy and advocating atheism as terrorism has been used to prosecute human rights defenders and others. In addition, authorities continue to repress and discriminate against dissident clerics and members of the Shi'a community who criticize the government and call for equal rights. Based on the Saudi government's systematic, ongoing, and egregious violations of religious freedom, USCIRF again recommends in 2016 that Saudi Arabia be designated a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). The State Department has designated Saudi Arabia a CPC repeatedly since 2004, most recently in July 2014. However, since 2006, an indefinite waiver has been in place on taking action otherwise mandated by law as a result of the CPC designation.

## Background

Saudi Arabia is officially an Islamic state whose legal system is based on the Hanbali school of Sunni Islamic jurisprudence. The constitution is comprised of the Qur'an and the *Sunna* (traditions of the Prophet Mohammed). The population is nearly 28 million, including approximately eight to 10 million expatriate workers of various faiths, including nearly two million non-Muslims. Approximately 85-90 percent of citizens are Sunni Muslim and 10-15 percent are Shi'a Muslim.

During the reporting period, there was a significant increase in the number of terrorist attacks targeting Shi'a Muslims in the Eastern Province. Many of the attacks were perpetrated by the Islamic State of Iraq and the Levant (ISIL) or its affiliates. Consequently, the Saudi government has arrested hundreds of individuals either involved in the incidents or who were connected to ISIL or promoting its message. In addition, several officials and clerics publicly condemned the attacks against the Shi'a community and called for national unity.

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*[A] number of high profile cases during the past year demonstrated the government's continued disregard for freedom of thought, conscience, and religion or belief.*

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In recent years, the Saudi government has made improvements in policies and practices related to freedom of religion or belief; however, it persists in restricting most forms of public religious expression inconsistent with its particular interpretation of Sunni Islam. Saudi officials base this on their interpretation of a *hadith* and state that this is what is expected of them as the country that hosts the two holiest mosques in Islam, in Mecca and Medina. 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. During the reporting period, Saudi officials stated that the judiciary is in the process of codifying the penal code and working to ensure that it is consistent with human rights standards.

While the government has taken some steps to address its legitimate concerns of combatting religious extremism and countering advocacy of violence in sermons and educational materials, other government

actions continue to restrict peaceful religious activities and expression by suppressing the religious views and practices of Saudi and non-Saudi Muslims who do not conform to official positions. Furthermore, the government has not widely promulgated its policy of protecting private religious practice for non-Muslim expatriate workers in the country, which fosters a sense of insecurity.

## **Religious Freedom Conditions 2015–2016**

### **Recent Improvements**

USCIRF has noted some improvements in recent years that include: curtailing the powers of the Commission for the Promotion of Virtue and Prevention of Vice (CPVPV) as described below; 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 certain areas of the Eastern Province; continuing efforts to counter extremist ideology inside the Kingdom, including by dismissing clerics and teachers who espouse intolerant or extremist views; and making revisions to remove intolerant passages from textbooks and curriculum.

to obtain permits to operate, leaving them at risk of imminent closure. The Shi’a community also faces discrimination in education, employment, the military, political representation, and the judiciary.

In recent years, Shi’a dissidents and reformers have received lengthy prison terms or death sentences for their activities. One prominent Shi’a cleric, Nimr al-Nimr, was executed in January 2016 after being sentenced to death in 2014 by a Specialized Criminal Court for “inciting sectarian strife,” disobeying the government, and supporting rioting. Created in 2008, the Specialized Criminal Court is a non-Shari’ah court that tries terrorist-related crimes, although human rights activists also have been tried in these courts. Al-Nimr – who was a vocal critic of the government and a staunch supporter of greater rights for the Shi’a community – was executed the same day as 46 others, including three other Shi’a Muslims convicted of questionable security-related charges. The execution of al-Nimr resulted in an international outcry by various governments, USCIRF, the United Nations, and human rights groups, and exacerbated sectarian tensions in the country and the region. In August 2014, Tawfiq al-Amr, a Shi’a cleric from the al-Ahsa governorate, was sentenced to eight years in prison, followed by a 10-year travel ban, and barred from

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### **Restrictions on Shi’a Muslims and Dissidents**

Arrests and detentions of Shi’a Muslim dissidents continued. For many years, the government has detained and imprisoned Shi’a Muslims for participating in demonstrations or publicly calling for reform; holding small religious gatherings in private homes without permits; organizing religious events or celebrating religious holidays in certain parts of the country; and reading religious materials in private homes or *huseiniyas* (prayer halls). Saudi officials often cite security concerns – rather than limiting religious freedom – as a justification for these restrictions. According to the State Department, most existing Shi’a mosques in the Eastern Province are unable

delivering sermons. According to human rights groups, a Specialized Criminal Court convicted him on charges of defaming Saudi Arabia’s ruling system, ridiculing its religious leaders, inciting sectarianism, calling for change, and “disobeying the ruler.” In January 2015, his sentence was upheld on appeal.

Dissident Sunni Muslims also encountered repression. For example, in November 2014, a criminal court convicted Mikhliif al-Shammari, a Sunni Muslim writer and activist, and sentenced him to two years in prison and 200 lashes for, in part, visiting prominent Shi’a leaders in the Eastern Province and promoting reconciliation between Sunni and Shi’a Muslims through social media. In

November 2015, his sentence was upheld on appeal. At the end of the reporting period, he had not been summoned to serve his prison term nor had he received any lashes.

### **Increase in Violent Attacks against Shi'a Muslims**

During the past year, terrorists, including ISIL and its affiliates, increasingly targeted Shi'a worshippers. During the reporting period, there have been at least five major attacks targeting Shi'a places of worship: in January 2016, a suicide bombing and gun attack on a Shi'a mosque in al-Ahsa in the Eastern Province resulted in four deaths and at least 18 injured; in October, a gunman opened fire on a Shi'a mosque in Saihat in the Eastern Province, killing five and wounding nine; also in October, a suicide bombing at a Shi'a mosque in the Najran Province resulted in two deaths and at least 19 injured; in May, a suicide bombing outside a Shi'a mosque in Dammam, Eastern Province resulted in four deaths; and earlier in May, a suicide bombing at a Shi'a mosque in Qatif, Eastern Province killed 21 and injured more than 100.

### **Apostasy, Blasphemy, and Sorcery Charges**

The Saudi government continues to use 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.

In February 2015, a General Court reportedly sentenced to death a Saudi man for apostasy. According to multiple reports, the unidentified man allegedly posted a video of himself on a social networking site tearing pages from a Qur'an while making disparaging remarks. The court used this video as evidence to convict him and justify the death sentence; at the end of the reporting period, his status was unknown.

In November 2015, Saudi poet and artist Ashraf Fayadh was sentenced to death for apostasy allegedly for questioning religion and spreading atheist thought through his poetry. He also was charged with violating Article 6 of the Anti-Cyber Crime Law by taking and storing photos of women on his phone. Fayadh said

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*In June 2015, the Saudi Supreme Court upheld Saudi blogger Raif Badawi's sentence of 10 years in prison, 1,000 lashes, and a fine of 1 million SR (US\$266,000) for, among other charges, insulting Islam and religious authorities.*

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In several of these cases, the perpetrators committed suicide while carrying out the attack or were killed by authorities. In most cases, Saudi officials and religious leaders condemned the attacks and called for national unity. During the reporting period, hundreds of individuals were arrested because they were connected to the various attacks; planned attacks or monitored potential targets; or used social media to spread extremist ideology and attract new recruits. In July 2015, the Ministry of Interior stated that more than 400 individuals, mostly those linked to ISIL, had been arrested. Several of the investigations related to these incidents are ongoing. Human rights groups have suggested that Saudi government rhetoric is not sufficient to prevent future attacks and that reform to policies is needed.

in court that the photos were taken at an art gallery. In May 2014, a Saudi general court in the southwestern city of Abha originally sentenced Fayadh to four years in prison and 800 lashes. After his appeal was dismissed, Fayadh was retried in November by a new panel of judges who ordered him executed for apostasy. In February 2016, an appeals court quashed the death sentence and issued a new verdict of eight years in prison and 800 lashes to be administered on 16 occasions. According to his lawyer, Fayadh also must renounce his poetry in Saudi state media.

In June 2015, the Saudi Supreme Court upheld Saudi blogger Raif Badawi's sentence of 10 years in prison, 1,000 lashes, and a fine of 1 million SR (US\$266,000) for, among other charges, insulting Islam and religious authorities. The sentence called for Badawi – the founder and editor of

a Web site that served as an online forum for diverse views to be expressed freely – to be lashed 50 times a week for 20 consecutive weeks. On January 9, 2015, Badawi received his first set of 50 lashes. Immediately after the flogging was carried out, several governments, including the United States, USCIRF, and numerous international human rights groups and individuals condemned the implementation of the sentence. Badawi has not received additional floggings, due in part to the international outrage and in part to a medical doctor's finding that he could not physically endure more lashings. At the end of the reporting period, Badawi continued to languish in prison, where he has been held since June 2012. In July 2014, Badawi's counsel, Waleed Abu al-Khair, was sentenced by a Specialized Criminal Court to 15 years in jail on various spurious charges related to his work as a human rights defender. In January 2015, his verdict was upheld.

Arrests and prosecutions for witchcraft and sorcery – a crime punishable by death – continued during the reporting period. According to the State Department and human rights groups, some individuals have been executed in recent years. The CPVPV has special units throughout the country to combat sorcery and witchcraft.

Islamic religion on which this country is based.” While Saudi Shari’ah courts already permit judges to criminalize various forms of peaceful dissent, the new law provides an additional mechanism to classify as terrorism actions considered blasphemous or advocating atheism. Since the law went into effect, some human rights defenders and atheists reportedly have been charged and convicted under the law. For example, in February 2016, a Saudi man reportedly was convicted of denying the existence of God and ridiculing religious beliefs on Twitter and sentenced to 10-years’ imprisonment, 2,000 lashes, and a US\$5,300 fine.

### **Abuses by the CPVPV**

The Commission for the Promotion of Virtue and Prevention of Vice (CPVPV), which reports to the King and is not subject to judicial review, officially enforces public morality and restricts public religious manifestations and practice by both Saudis and non-Saudis. In recent years, the public presence of the CPVPV has diminished in parts of the country. Nevertheless, in 2015, members of the CPVPV periodically overstepped their authority, including harassing and arresting non-Muslim expatriate workers holding religious services in private homes.

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*[I]n 2015, members of the CPVPV periodically overstepped their authority, including harassing and arresting non-Muslim expatriate workers holding religious services in private homes.*

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### **2014 Law Classifies Blasphemy, Advocating Atheism as Acts of Terrorism**

Saudi Arabia's 2014 counterterrorism law, the Penal Law for Crimes of Terrorism and its Financing, and a series of subsequent royal decrees create a legal framework that criminalizes as terrorism virtually all forms of peaceful dissent and free expression, including criticizing the government's interpretation of Islam or advocating atheism. Under the new law, which went into effect in February 2014, a conviction could result in a prison term ranging from three to 20 years. The Interior Ministry's March 2014 regulations state that, under the new law, terrorism includes “[c]alling for atheist thought in any form, or calling into question the fundamentals of the

In 2013, a 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.

### **Improvements in Saudi Textbooks, Yet Continued Dissemination of Intolerant Materials**

In 2014, the Saudi Embassy in Washington, DC provided USCIRF most textbooks used in public schools

in the Kingdom during the 2013-2014 school year. After an analysis of some of the relevant religious textbooks that had previously contained inflammatory language advocating hatred and violence, USCIRF found that there were improvements concerning the removal of intolerant content. USCIRF subsequently requested seven additional textbooks, which it had not received by the end of the reporting period. In January 2016, Saudi officials claimed that some of the requested high school-level textbooks were still in the process of being revised. In its annual international religious freedom report released in October 2015, the State Department found that the Saudi government had not completed its multi-year project to remove objectionable content from textbooks and that intolerant materials remained, “including directives to kill ‘sorcerers’ and socially exclude infidels. . .”

## U.S. Policy

Despite a series of challenges in recent years, U.S.-Saudi relations remain close. Since 2010, the U.S. government has notified Congress of more than \$100 billion in proposed arms sales to the Kingdom, and, since March 2015, the United States has provided weapons, logistical, and other support for Saudi operations in Yemen. For years, the U.S. government’s reliance on the Saudi government for cooperation on counterterrorism, regional security, and energy supplies has limited its willingness to press the Saudi government to improve its poor human rights and religious freedom record.

During the past year, shared concerns over Islamist terrorism, particularly advances by ISIL, and Iranian regional ambitions provided a renewed impetus for increased strategic cooperation. Since 2014, Saudi forces have participated in some coalition strikes on ISIL

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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 violence toward non-Muslims and non-conforming Muslims. Nevertheless, some literature, older versions of textbooks, and other intolerant materials reportedly remain in distribution in some countries despite the Saudi government’s policy that it would attempt to retrieve previously-distributed materials that teach hatred toward other religions and, in some cases, promote violence. For example, some of the older books justified violence against apostates, sorcerers, and homosexuals, and labeled Jews and Christians “enemies of the believers;” another high school textbook presented the “Protocols of the Elders of Zion” – a notorious forgery designed to promote hostility toward Jews – as an authentic document. Concerns also remain about privately-funded satellite television stations in the Kingdom that continue to espouse sectarian hatred and intolerance.

targets in Syria. Critics have expressed concerns that the United States has been reluctant to jeopardize important bilateral initiatives by pushing publicly for political and human rights reforms. Nevertheless, during the reporting period, the State Department issued some public statements raising human rights and religious freedom issues, including expressing concern about the execution of Shi’a cleric Nimr al-Nimr in January 2016 and urging the Saudi government to cancel the flogging against blogger Raif Badawi and to review his case and sentence in January 2015.

According to the State Department, U.S. policy seeks to press the Saudi government “to respect religious freedom, eliminate discrimination against religious minorities, and promote respect for non-Muslim religious belief.” The U.S. government continues to encourage the Saudi government’s efforts to remove intolerant passages advocating violence in textbooks, and it continues to include Saudi officials in exchange and U.S. visitor programs that promote religious tolerance and interfaith dialogue. According to reports, the



number of Saudi students pursuing higher education in the United States increased ten-fold from 2000 to 2015. In 2015, Saudi officials stated that there were more than 125,000 Saudis in the United States as part of their scholarship program and that plans were in place to expand Saudi government financial support to cover all Saudi students studying in the United States.

In September 2004, consistent with USCIRF's recommendation, the State Department designated Saudi Arabia a CPC for the first time. In 2005, a temporary waiver was put in place, in lieu of otherwise legislatively mandated action as a result of the CPC designation, to allow for continued diplomatic discussions between the U.S. and Saudi governments and "to further the purposes of IRFA." In July 2006, the waiver was left in place indefinitely when the State Department announced that ongoing bilateral discussions with Saudi Arabia had enabled the U.S. government to identify and confirm

- Guarantee and protect the right to private worship for all, including non-Muslims who gather in homes for religious practice, and the right to possess and use personal religious materials.
- Ensure that members of the CPVPV do not detain or conduct investigations of suspects, implement punishment, violate the sanctity of private homes, conduct surveillance, or confiscate private religious materials; and hold accountable any CPVPV officials who commit abuses.
- Bring the Kingdom's rules and regulations into compliance with human rights standards.

On July 18, 2014, the State Department re-designated Saudi Arabia a CPC but kept in place a waiver of any sanctions citing the "important national interest of the United States," pursuant to section 407 of IRFA.

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*USCIRF urges the U.S. government to address religious freedom issues actively and publicly with the Saudi government and to report openly on the government's success or failure to implement genuine reforms. . .*

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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. Some of the measures that Saudi Arabia confirmed as state policies included the following:

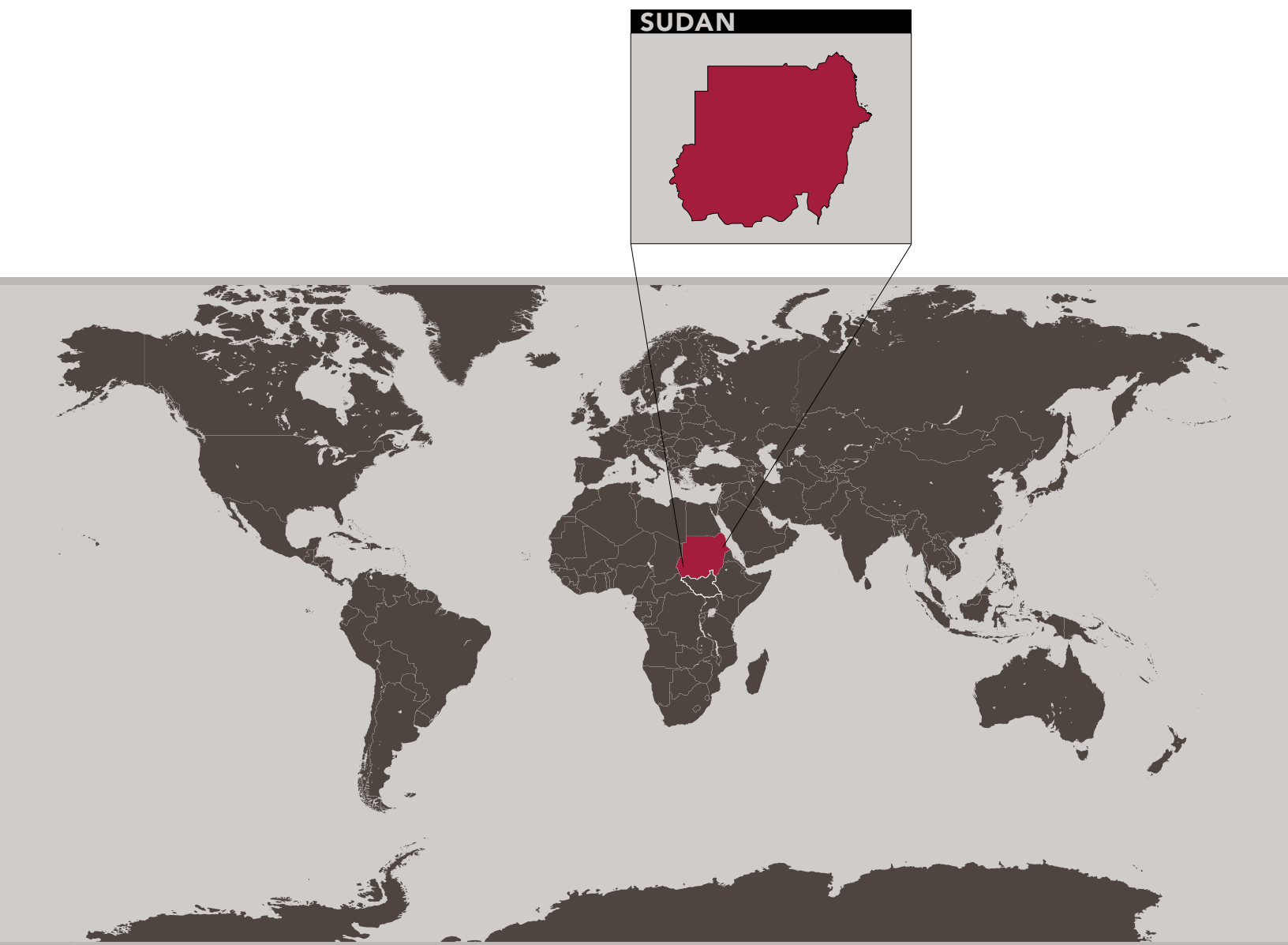
- Halt the dissemination of intolerant literature and extremist ideology within Saudi Arabia and around the world.
- Revise and update textbooks to remove remaining intolerant references that disparage Muslims or non-Muslims or that promote hatred toward other religions or religious groups, a process the Saudi government expected to complete in one to two years [no later than July 2008].

## Recommendations

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

- Continue to designate Saudi Arabia a CPC, no longer issue a waiver, and press the Saudi government to take concrete action towards completing reforms confirmed in July 2006 in U.S.-Saudi bilateral discussions; provide a detailed report on progress and lack of progress on each of the areas of concern;
- Press for at the highest levels and work to secure the immediate release of Raif Badawi, his counsel Waleed Abu al-Khair, and other prisoners of conscience;

- Press the Saudi government to end state prosecution of individuals charged with apostasy, blasphemy, and sorcery;
- Undertake and make public an annual assessment of the relevant Ministry of Education religious textbooks to determine if passages that teach religious intolerance have been removed;
- Press the Saudi government to publicly denounce the continued use around the world of older versions of Saudi textbooks and other materials that promote hatred and intolerance, to include the concepts of tolerance and respect for the human rights of all persons in school textbooks, and to make every attempt to retrieve previously distributed materials that contain intolerance;
- 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;
- Press the Saudi government to remove the classification of advocating atheism and blasphemy as terrorist acts in its 2014 counterterrorism law;
- Include Saudi religious leaders, in addition to government officials, in exchanges and U.S visitor programs that promote religious tolerance and interfaith dialogue; and
- Work with the Saudi government to codify non-Muslim private religious practice, and permit foreign clergy to enter the country to carry out worship services and to bring religious materials for such services.



# SUDAN

## Key Findings

Religious freedom conditions in Sudan deteriorated in 2015 as government officials stiffened penalties for apostasy and blasphemy and continued to arrest persons accused of apostasy and Christians. The government of Sudan, led by President Omar Hassan al-Bashir, prosecutes individuals for apostasy, imposes a restrictive interpretation of Shari'ah (Islamic law) and applies corresponding *hudood* punishments on Muslims and non-Muslims alike, and represses and marginalizes the country's minority Christian community. In 2016, USCIRF again recommends that Sudan be designated as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA) for engaging in systematic, ongoing, and egregious violations of freedom of religion or belief. The State Department has designated Sudan a CPC since 1999, most recently in July 2014.

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*[G]overnment officials stiffened penalties for apostasy and blasphemy and continued to arrest persons accused of apostasy and Christians.*

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## Background

More than 97 percent of the Sudanese population is Muslim. The vast majority of Sudanese Muslims belong to different Sufi orders, although Shi'a and Sunni Muslims who follow the Salafist movement are also present. Christians are estimated at three percent of the population and include Coptic, Greek, Ethiopian, and Eritrean Orthodox; Roman Catholics; Anglicans; Presbyterians; Seventh-day Adventists; Jehovah's Witnesses; and several Pentecostal and Evangelical communities.

Sudan's overall human rights record is poor. President al-Bashir and his National Congress Party (NCP) have ruled with absolute authority for more than 25 years. Freedoms of expression, association and assembly are limited, with routine crackdowns and arrests of journalists, human rights advocates, and demonstrators. The armed conflicts in Darfur, South Kordofan and Blue Nile states continued. All parties to the conflict are responsible for mass displacement, civilian deaths, and other human rights abuses. In areas of conflict, government forces deliberately bombed civilian areas and restricted humanitarian access to civilians. In 2009 and 2010 the International Criminal Court issued arrest warrants for President al-Bashir accusing him of genocide, war crimes, and crimes against humanity in Darfur.

The Interim National Constitution includes religious freedom protections and acknowledges Sudan's international human rights commitments. Article 1 recognizes Sudan as a multi-religious country; article 6 articulates a series of religious freedom rights, including to worship, assemble, establish and maintain places of worship, establish and maintain charitable organizations, teach religion, train and elect religious leaders, observe religious holidays, and communicate with co-religionists; and article 31 prohibits discrimination based on religion. However, article 5 provides that "Islamic sharia and the consensus of the people" shall be the "leading sources" of legislation thereby restricting freedom of religion or belief. In October 2011, President al-Bashir stated publicly that Sudan should adopt a constitution to enshrine Islamic law as the main source of legislation.

Religious freedom also is restricted through the implementation of the 1991 Criminal Code, the 1991 Personal Status Law of Muslims, and state-level "public order" laws. The 1991 Criminal Code imposes the NCP's interpretation of Shari'ah law on Muslims and Christians by permitting: death sentences for apostasy (article

126); death or lashing for adultery (articles 146-147); cross-amputations for theft (articles 171-173); prison sentences, flogging, or fines for blasphemy (article 125); and floggings for undefined “offences of honor, reputation and public morality,” including undefined “indecent or immoral acts” (articles 151-152). Prohibitions and related punishments for “immorality” and “indecent” are implemented through state level Public Order laws and enforcement mechanisms; violations carry a maximum penalty of 40 lashes, a fine, or both.

Government policies and societal pressure promote conversion to Islam. The government is alleged to tolerate the use of humanitarian assistance to induce conversion to Islam; routinely grant permits to construct and operate mosques, often with government funds; and provide Muslims preferential access to government employment and services and favored treatment in court cases against non-Muslims. The Sudanese government prohibits foreign church officials from traveling outside Khartoum and uses school textbooks that negatively stereotype non-Muslims. The Sudanese Minister of Guidance and Religious Endowments announced in July 2014 that the government no longer will issue permits for the building of new churches, alleging that the current number of churches is sufficient for the Christians remaining in Sudan after South Sudan’s 2011 secession. This announcement was especially problematic given that state and non-state actors have confiscated, destroyed, or damaged almost a dozen churches or church properties since 2011. While Sudanese labor laws require employers to give Christian employees two hours off prior to 10 a.m. Sunday for religious purposes, this does not occur in practice. The International Labor Organization reports that Christians are pressured to deny their faith or convert to gain employment.

## **Religious Freedom Conditions 2015–2016**

### **Criminalization of Apostasy and Blasphemy**

Article 126 of the Criminal Code makes conversion from Islam a crime punishable by death. In February 2015, the National Assembly amended article 126 to provide that persons accused of apostasy who recant can still be punished with up to five years’ imprisonment.

During the reporting period, the Sudanese government continued to prosecute those accused of apostasy.

On November 3, security officers arrested 27 Quranists, including two imams and three children, at a mosque in Mayo, Khartoum. On December 10, the government charged 25 of them with apostasy for not recognizing the *hadith*. The individuals were released on bail on December 14. On February 9, the Sudanese government stayed all charges. The government also charged two additional individuals with apostasy: Imam Al-Dirdiri Abd al-Rahman was indicted on September 8 for praying to someone other than God during Friday prayers; and a Christian convert was reported to authorities by his father in July. Both cases are ongoing.

In February 2015, the National Assembly increased penalties for blasphemy under article 125 of the Criminal Code. Per the amended article, blasphemy is extended to include public criticism of the Prophet Mohamed, his household, his friends or Abu Bakr, Omer, Osman or Ali in particular, and his wife Aisha. The expanded definition of blasphemy is believed to target Shi’a Muslims. In 2014, Sudan started distancing itself from Iran and strengthened its relationship with Saudi Arabia, and the government closed the Iranian Cultural Center, claiming that it was spreading Shi’a Islam.

### **Application of Shari’ah Law Provisions**

The government continued to apply Shari’ah-based morality provisions of the 1991 Criminal Code and corresponding state-level Public Order laws. Every year, hundreds of Christian and Muslim women are fined or flogged for violating article 152 of the Criminal Code by wearing “indecent” dress. What constitutes indecent dress is not defined by law, but is left to the discretion

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of Public Order police and judges. The vast majority of women prosecuted under the Public Order regime come from marginalized communities and receive summary

trials, with no legal representation. As such, their cases are rarely reported in the media.

The June 25, 2015 arrest of 13 female students between the ages of 17 and 23 for “indecentcy” was the most high profile public order case of the year. Two of the students were released four hours after their arrest and 10 others were released on bail on June 27. On August 16, Ferdous Al Toum was sentenced to 20 lashings and fined 500 Sudanese pounds. After international condemnation, all charges against Al Toum and the other 12 students were dropped.

### **Destruction and Confiscation of Churches**

Since 2011, Sudan’s minority Christian community has endured arrests for proselytization, attacks on religious buildings, closure of churches and Christian educational institutions, and confiscation of religious literature.

The trials against Bahri Evangelical Church Reverends Yat Michael Rout and Peter Yein Reith concluded on August 6, 2015 when they were convicted of minor offences and released from prison on time served. Rev. Michael had been arrested in December 2014 and Rev. Reith one month later after protesting the Sudanese government’s efforts to confiscate Bahri Evangelical Presbyterian Church property. Rev. Michael was convicted of breaching public peace and Rev. Reith of inciting hatred. The more serious charges were dropped, including: undermining the constitutional system; espionage;

In 2014, the Bahri Evangelical Church entered into a legal battle to maintain ownership of the church property and land. On August 31, 2015, an Administrative Court of Appeal ruled that Sudanese government efforts to impose an administrative committee on the church were unconstitutional.

On October 17, an Evangelical Lutheran Church in Gadaref was destroyed in an arson attack, and a second one in Omdurman was demolished on October 21. Sudanese authorities in Omdurman had informed Evangelical Lutheran Church officials that their church would not be demolished for development projects.

On December 13 and 18, respectively, the NISS arrested Revs. Telahoon Nogosi Kassa Rata and Hassan Abduraheem Kodi Taour. At the time of this writing, neither has been charged with an offense and both were denied access to a lawyer and family.

### **U.S. Policy**

The United States remains a pivotal international actor in Sudan. U.S. government involvement was vital to achieving the Comprehensive Peace Agreement (CPA) that ended the North-South civil war and to bringing about the referendum on South Sudan’s independence, as well as ensuring that its result was recognized. The U.S. government continues multilateral and bilateral efforts to bring peace to Southern Kordofan, Blue Nile, and Darfur, including supporting African Union peace talks.

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*Since 2011, Sudan’s minority Christian community has endured arrests for proselytization, attacks on religious buildings, closure of churches and Christian educational institutions, and confiscation of religious literature.*

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inducing another person to commit an offense; self-defense; and blasphemy. The charge of undermining the constitutional system carries the death penalty. Revs. Michael and Reith returned to South Sudan following their release. On November 19, the Criminal Court of Appeal in Khartoum decided to re-open the case following reports that the National Intelligence Security Services (NISS) had new evidence against them, and issued arrest warrants for the pastors on November 30.

In 1997, then-President Bill Clinton utilized the International Emergency Economic Powers Act (IEEPA) to sanction Sudan, based on its support for international terrorism, efforts to destabilize neighboring governments, and prevalent human rights and religious freedom violations. These sanctions imposed a trade embargo on the country and a total asset freeze on the government. Since 1997, an arms embargo, travel bans, and asset freezes have been imposed in



response to the genocide in Darfur. With the 1999 designation of Sudan as a CPC, the Secretary of State has utilized IRFA to require U.S. opposition to any loan or other use of funds from international financial institutions to or for Sudan. In an attempt to prevent sanctions from negatively impacting regions in Sudan under assault by the government, the sanctions have been amended to allow for increased humanitarian activities in Southern Kordofan State, Blue Nile State, Abyei, Darfur, and marginalized areas in and around Khartoum. In February 2015, the United States allowed the exportation throughout Sudan of communication hardware and software, including computers, smartphones, radios, digital cameras, and related items, as part of a “commitment to promote freedom of expression through access to communications tools.”

Neither country has had an ambassador in country since the late 1990s, after the U.S. Embassy bombings in East Africa and U.S. airstrikes against al-Qaeda sites in Khartoum. However, successive U.S. administrations have appointed special envoys to Sudan. The current U.S. Special Envoy to Sudan and South Sudan is Donald E. Booth.

During the reporting period, senior State Department officials raised the issue of Sudan’s CPC status and concerns about the country’s religious freedom record with Sudanese officials. This engagement continues an increase of U.S. government attention to Sudan’s violations of freedom of religion or belief since the 2014 case of Meriam Ibrahim. These issues were raised during visits to Sudan by U.S. Deputy Assistant Secretary of State for Democracy, Human Rights and Labor Steve Feldstein and Ambassador-at-Large for International Religious Freedom David N. Saperstein.

U.S. government assistance programs in Sudan support conflict mitigation efforts, democracy promotion, and emergency food aid and relief supplies. The United States remains the world’s largest donor of food assistance to Sudan, providing needed aid, either directly or through third parties, to persons from Darfur, Abyei, Southern Kordofan, and Blue Nile.

## Recommendations

With the al-Bashir regime taking steps that would move Sudan toward a more repressive state, the U.S. government should increase efforts to encourage reforms and

discourage deteriorating behavior. The normalization of relations with Sudan and any lifting of U.S. sanctions must be preceded by demonstrated, concrete progress by Khartoum in implementing peace agreements, ending abuses of religious freedom and related human rights, and cooperating with efforts to protect civilians. In addition to recommending that Sudan continue to be designated a CPC, USCIRF recommends the U.S. government should:

- Seek to enter into an agreement with the government of Sudan which would set forth commitments the government would undertake to address policies leading to violations of religious freedom, including but not limited to the following:
- End prosecutions and punishments for apostasy;
- Maintain all of the provisions respecting the country’s international human rights commitments and guaranteeing freedom of religion or belief currently in the interim constitution;
- Lift government prohibitions on church construction, issue permits for the building of new churches, and create a legal mechanism to provide compensation for destroyed churches and address future destructions if necessary;
- Create a Commission on the Rights of Non-Muslims to ensure and advocate religious freedom protections for non-Muslims in Sudan;
- Repeal or revise all articles in the 1991 Criminal Code which violate Sudan’s international commitments to freedom of religion or belief and related human rights; and
- Hold accountable any person who engages in violations of freedom of religion or belief, including attacking houses of worship, attacking or discriminating against any person because of his or her religious affiliation, and prohibiting any person from fully exercising his or her religious freedom.
- Work to ensure that Sudan’s future constitution includes protections for freedom of religion or belief, respect for international commitments to human rights, and recognition of Sudan as a multi-religious, multi-ethnic, and multi-cultural nation;

- Continue to support dialogue efforts with civil society and faith-based leaders and representatives of all relevant political parties; educate relevant parties to the national dialogue about international human rights standards, including freedom of religion or belief; and work with opposition parties and civil society to resolve internal disputes related to freedom of religion or belief; and
- Urge the government in Khartoum to cooperate fully with international mechanisms on human rights issues, including by inviting further visits by the UN Special Rapporteur on Freedom of Religion or Belief, the Independent Expert on the Situation of Human Rights in Sudan, and the UN Working Group on Arbitrary Detention.



# TURKMENISTAN

## Key Findings

In 2015, in a climate of pervasive government information control, particularly severe religious freedom violations persisted in Turkmenistan. The government requires religious groups to register under intrusive criteria, strictly controls registered groups' activities, and bans and punishes religious activities by unregistered groups. Police raids and harassment of registered and unregistered religious groups continued. The penalties for most "illegal" religious activities were increased in 2014. Turkmen law does not allow a civilian alternative to military service, and at least one Jehovah's Witness conscientious objector is known to be detained. In light of these severe violations, USCIRF again recommends in 2016 that the U.S. government designate Turkmenistan as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). In July 2014, the State Department designated Turkmenistan a CPC for the first time. USCIRF has recommended CPC designation for Turkmenistan since 2000.

## Background

Turkmenistan has an estimated total population of 5.1 million. The Turkmen government does not track religious affiliation; the U.S. government estimates that the country is about 85 percent Sunni Muslim, and nine percent Russian Orthodox. Other smaller religious groups include Jehovah's Witnesses, Jews, and Evangelical Christians. The Russian Orthodox community is mostly ethnic Russians and Armenians. The small Shi'a Muslim community is mostly ethnic Iranians, Azeris, or Kurds on the Iranian border or along the Caspian Sea. The country's Jewish community numbers around 400.

Turkmenistan is the most closed country in the former Soviet Union. The country's first president, Saparmurat Niyazov, who died in late 2006, oversaw one of the world's most repressive and isolated states. Turkmenistan's public life was dominated by Niyazov's

quasi-religious personality cult set out in his book, the *Ruhnama*, which was imposed on the country's religious and educational systems. After assuming the presidency in early 2007, President Gurbanguly Berdimuhamedov ordered the release of 11 political prisoners, including the former chief mufti; placed certain limits on Niyazov's personality cult; set up two new official human rights commissions; and registered 13 minority religious groups. He eased police controls on internal travel and allowed Turkmenistan to become slightly more open to the outside world. Since then, however, President Berdimuhamedov has not reformed oppressive laws, maintains a state structure of repressive control, and has reinstituted a pervasive presidential personality cult.

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*Turkmenistan is the most closed country in the former Soviet Union.*

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A 2014 Internet law makes it illegal for citizens to insult or slander the president in web postings. While the law states there are plans to ensure free Internet access in Turkmenistan, in 2015 the government reportedly engaged in a campaign to dismantle private satellite cables. In March 2015, a new demonstrations law enacted potentially allows for limited public rallies, including by registered religious organizations, but they must take place at least 200 meters from government buildings and cannot be funded by individuals or foreign governments, RFE/RL reported.

In 2015, the Taliban reportedly killed Turkmen guards on the Turkmen-Afghan border. The adjacent region of northern Afghanistan is home to some 250,000 Turkmen, some of whom allegedly sympathize with Islamist extremist groups, giving rise to concern

about religious radicalism spreading into Turkmenistan. In early 2016, President Berdimuhamedov reportedly told the parliament that Turkmenistan's laws on religion should be modified in light of terrorism and increased inter-ethnic and interreligious conflicts, and ordered the constitutional commission to submit proposals for consideration.

## **Religious Freedom Conditions 2015–2016**

### **Government Control over Religious Activities**

Turkmenistan's constitution purports to guarantee religious freedom, the separation of religion from the state, and equality regardless of religion or belief. The 2003 religion law, however, contradicts these provisions. Despite minor reforms in 2007, this law sets intrusive registration criteria and bans any activity by unregistered religious organizations; requires that the government be informed of all foreign financial support; forbids worship in private homes; allows only clerics to wear religious garb in public; and bans private religious education.

The government-appointed Council on Religious Affairs (CRA) supervises religious matters; it controls the hiring, promoting, and firing of Sunni Muslim and Russian Orthodox clergy; censors religious texts; and oversees the activities of all registered groups. CRA members include only government officials and Sunni Muslim and Russian Orthodox Church representatives.

The secret police, anti-terrorist police units, local government, and local CRA officials continue to raid registered and unregistered religious communities. It is illegal for unregistered groups to rent, purchase, or build places of worship, and even registered groups must obtain scarce government permits.

### **Government Interference in Internal Religious Affairs**

The Turkmen government interferes in the internal leadership and organizational arrangements of religious communities. In early 2013, the President named a new Grand Mufti. Under an official policy, the government has replaced imams who had formal Islamic theological training from abroad with individuals lacking such education. The government appoints all senior officials of Turkmenistan's Muslim administration, who also function as CRA officials and thereby oversee the activities of other religious communities. Local secret

police officers reportedly require Muslim and Orthodox clerics to report regularly on their congregations.

### **Registration of Religious Groups**

Since 2005, some small religious groups have been registered, such as Baha'is, several Pentecostal groups, Seventh-Day Adventists, several Evangelical churches, and the Society for Krishna Consciousness. In 2010, Turkmenistan told the UN Human Rights Committee there were 123 registered religious groups, 100 of which are Sunni and Shi'a Muslim and 13 Russian Orthodox. Some communities have decided not to register due to the onerous and opaque process, while certain Shi'a Muslim groups, the Armenian Apostolic Church, some Protestant groups, and the Jehovah's Witnesses have faced rejection of numerous registration applications.

### **State Control of Religious Literature**

A decree has banned publication of religious texts inside Turkmenistan and only registered groups can legally import religious literature under tight state censorship. The CRA must stamp approved religious texts and literature; documents without such a stamp may be confiscated and individuals punished.

### **State Restrictions on Foreign Travel**

The government continues to deny international travel for many citizens, especially those travelling to religious events. The approximately 110,000 individuals with dual Russian-Turkmen citizenship, who mainly are Russian Orthodox, usually can meet coreligionists abroad as well as undertake clerical training. Muslims, however, are not allowed to travel abroad for religious education. In 2014 – the latest year for which statistics were available – the government allowed 650 Turkmen Muslims to make

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*Muslims often must wait up to 11 years to reach the top of the hajj waiting list.*

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the pilgrimage to Mecca; this was an increase over the usual 188, but is still less than a seventh of the country's quota. According to Forum 18, Muslims often must wait up to 11 years to reach the top of the *hajj* waiting list.

## Punishments for Religious Activities

The government continues to impose harsh penalties, such as imprisonment, involuntary drug treatment, and fines, for religious and human rights activities. In January 2014, new administrative code provisions raised the penalties for most “illegal” religious activities. In recent years, Muslims, Protestants, and Jehovah’s Witnesses have been detained, fined, imprisoned or internally exiled for their religious beliefs or activities. Most religious prisoners of conscience are held at Seydi Labor Camp in the Lebap Region desert, where they face very harsh conditions, including torture and frequent solitary confinement. The government of Turkmenistan denies the International Committee of the Red Cross access to the country’s prisons.

An unknown number of Muslim prisoners of conscience remain jailed. In February 2015, five prisoners convicted of “Wahhabism” were sent to Seydi Labor Camp, where prison guards reportedly beat them so brutally that one man had his hand broken; it could not be determined if the five men were jailed for non-violent religious practice or for actual crimes, since in Central Asia the term “Wahhabi” is often used to describe any devout Muslim.

Reports have faded of a dissident imam who spent years in a psychiatric hospital; this news drought also applies to dozens of other political and religious prisoners, according to the NGO coalition known as “Prove they are Alive.” On a positive note, Protestant Umid Gojayev, imprisoned at Seydi Labor Camp for “hooliganism,” was freed under amnesty in February 2015.

objector Soyunmurat Korov has been in the Seydi Labor camp since November 2014; a year later, he still had not stood trial. In February 2015, Jehovah’s Witness conscientious objector Ruslan Narkuliyev was released.

## Treatment of Religious Minorities

According to Forum 18, after hosting a religious meeting, Jehovah’s Witness Bahram Hemdemov received a four-year prison term in May 2015 on false charges of inciting religious enmity in the city of Turkmenabad. His son Serdar also was jailed for two 15-day terms, and both men were beaten. Since February 2015, 14 Jehovah’s Witnesses have been detained; one was still held as of May 2015, and about 30 others were fined, especially those who insisted on their legal rights or appealed to the UN. School officials have fired Protestant teachers and publicly bullied Protestant families and pressured them to sign statements denying their faith. Turkmen officials have cancelled summer camps for Protestant children.

## U.S. Policy

For the past decade, U.S. policy in Central Asia was dominated by the Afghan war. The United States has key security and economic interests in Turkmenistan due to its proximity to and shared populations with Afghanistan and Iran, and its huge natural gas supplies. Despite its official neutral status, Turkmenistan has allowed the Northern Distribution Network to deliver supplies to U.S. and international troops in Afghanistan as well as the refueling of U.S. flights with non-lethal

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*[A] news drought applies to dozens of political and religious prisoners. . . .*

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## Conscientious Objectors

Turkmen law has no civilian alternative to military service for conscientious objectors. Reportedly, such a bill was drafted in 2013 but not enacted. Those who refuse to serve in the military can face up to two years of jail. Until 2009, the Turkmen government had given suspended sentences, but since then conscientious objectors have been imprisoned. Jehovah’s Witness conscientious

supplies at the Ashgabat International Airport. During counterterrorism operations, U.S. Special Operations Forces reportedly have been allowed to enter Turkmenistan on a “case-by-case” basis with the Turkmen government’s permission.

Initiated five years ago by the State Department, the Annual Bilateral Consultations (ABC’s) are a regular mechanism for the United States and Turkmenistan



to discuss a wide range of bilateral issues, including regional security, economic and trade relations, social and cultural ties, and human rights. The fourth ABC session was held in Washington in October 2015, and some concerns about Turkmenistan's religious freedom record were discussed.

In November 2015, Secretary of State John Kerry visited Turkmenistan and met with President Berdimuhamedov. In advance of the meeting, Secretary Kerry said he anticipated "a good conversation" on "human dimension issues." The regional trip was preceded by a joint declaration by the United States and the five Central Asian states, referred to as the "C5+1." That declaration includes a pledge to "protect human rights, develop democratic institutions and practices, and strengthen civil society through respect for recognized norms and principles of international law."

The United States funds programs in Turkmenistan that support civil society organizations, training on legal assistance, Internet access and computer training, capacity building for civil servants, and exchange programs. In recent years, however, the Turkmen government has barred many students from participating in U.S.-funded exchange programs and in 2013 it ordered the Peace Corps to stop its 20-year operations in the country. As part of its worldwide, decade-long American Corners program, the U.S. government continues to support three American Corners that provide free educational materials and English language opportunities in Dashoguz, Mary, and Turkmenabat. For 15 years, Turkmenistan has led the world in U.S. government funding for cultural preservation projects.

religious literature." In September 2014, a waiver of a Presidential action was tied to the designation.

## Recommendations

The CPC designation positions the U.S. government to negotiate specific commitments to improve religious freedom while setting a pathway of needed reforms to eventually remove Turkmenistan from the list. In addition to recommending that the U.S. government continue to designate Turkmenistan as a CPC, USCIRF recommends that the U.S. government should:

- Negotiate a binding agreement with the government of Turkmenistan, under section 405(c) of IRFA, to achieve specific and meaningful reforms, with benchmarks that include major legal reform, an end to police raids, prisoner releases, and greater access to foreign coreligionists; should an agreement not be reached, the waiver of presidential actions should be lifted;
- Ensure that the U.S. Embassy, including at the ambassadorial level, maintains active contacts with human rights activists;
- Press the Turkmen government to release all prisoners of conscience and to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, and lawyers;
- Raise concerns about Turkmenistan's record on religious freedom and related human rights in bilateral meetings, such as the ABCs, as well as appropriate international fora, including the UN

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*In September 2014, a waiver of a Presidential action was tied to the [CPC designation of Turkmenistan].*

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When the State Department announced its designation of Turkmenistan as a "country of particular concern" in July 2014, it cited "concerns about the detention and imprisonment of religious minorities, the rights of religious groups to register, the lack of public access to registration procedures, and restrictions on importing

and Organization for Security and Cooperation in Europe (OSCE);

- Encourage the UN Regional Centre for Preventive Diplomacy for Central Asia (UNRCCA), which is based in Ashgabat, to enhance the human rights aspect of its work;

- Urge the Turkmen government to agree to another visit by the UN Special Rapporteur on Freedom of Religion or Belief, as well as visits from the Rapporteurs on Independence of the Judiciary and on Torture, set specific visit dates, and provide the full and necessary conditions for their visits;
- Encourage the Broadcasting Board of Governors to increase radio broadcasts and Internet programs to Turkmenistan on religious freedom, including the informative new Islam and Democracy website, as well as information on human rights and basic education, to help overcome decades of isolation; and
- Continue to press the Turkmen government to resume the U.S. Peace Corps program.



# UZBEKISTAN

## Key Findings

The government of Uzbekistan continues to enforce a highly restrictive religion law and impose severe restrictions on all independent religious activity, particularly by Muslims, unregistered Protestants, and Jehovah's Witnesses. The government imprisons and often subjects to brutal treatment individuals, including an estimated 12,800 Muslims, who do not conform to officially-prescribed religious practices or who it claims are extremist. Based on these systematic, ongoing, and egregious violations of religious freedom, USCIRF again recommends in 2016 that Uzbekistan be designated a "country of particular concern," or CPC, under the 1998 International Religious Freedom Act (IRFA). While the State Department has so designated Uzbekistan since 2006, most recently in July 2014, it indefinitely waived taking any action as a consequence of the designation.

all religious groups and facilitates government control of religious activity, particularly of the majority Muslim community. The law criminalizes unregistered religious activity; requires official approval of the content, production and distribution of religious publications; bans minors from religious organizations; allows only clerics, and not laypeople, to wear religious clothing in public; and prohibits proselytism and other missionary activities. Many religious groups cannot meet registration requirements, such as a permanent representation in eight of the country's 13 provinces. A detailed censorship decree went into effect in 2014 banning materials that "distort" beliefs or encourage individuals to change religions.

The Uzbek government actively represses individuals, groups, mosques and other houses of worship that do not conform to officially-prescribed religious practices or for alleged association with extremist political

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*[T]he government has used vague anti-extremism laws against peaceful religious adherents. . . .*

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## Background

With an estimated 28.7 million people, Uzbekistan is the most populous post-Soviet Central Asian state. An estimated 93 percent of its population is Muslim, mostly following the Hanafi school of Sunni Islam, with about one percent Shi'a, mostly in Bukhara and Samarkand. Some four percent are Russian Orthodox, while the other three percent include Roman Catholics, ethnic Korean Christians, Baptists, Lutherans, Adventists, Pentecostals, Jehovah's Witnesses, Buddhists, Baha'is, Hare Krishnas, and atheists. About 6,000 Ashkenazi and 2,000 Bukharan Jews live in Tashkent and other cities.

Uzbekistan's 1998 Law on Freedom of Conscience and Religious Organizations severely limits the rights of

programs. While Uzbekistan faces security threats from groups using violence in the name of religion, the government has used vague anti-extremism laws against peaceful religious adherents and others who pose no credible security threat. Particular targets include those allegedly linked to the May 2005 protests in Andijon over the conviction of 23 businessmen for their supposed membership in the banned Muslim group *Akromiya*. Responding to that largely peaceful protest, Uzbek government troops killed up to 1,000 civilians. Linked to that tragedy, 230 individuals remain jailed, and 11 prisoners have died in custody, including Muslim religious leader Akram Yuldashev. In January 2016, a month before his release from 17 years of imprisonment, Uzbek

officials informed the world, and Yuldashev's family, that he had died in 2010 – supposedly of tuberculosis. The Uzbek government also pressures other countries to return hundreds of Uzbeks who fled after the Andijon tragedy and bans their relatives from leaving Uzbekistan to reunite with their family members abroad.

Despite Uzbekistan's repressive religion laws and policies, official mosques are often full, including with large numbers of young people. Tens of thousands gathered in Tashkent to bid farewell to the country's former Grand Mufti, Muhammad-Sodiq Muhammad-Yusuf, who died of a heart attack in March 2015 at the age of 63. The former Grand Mufti, with whom the Commission met several times, was also a prominent Islamic scholar; his many books included texts on Islam and human rights and his website provides perspectives on foreign, and limited information on domestic, Islam.

## Religious Freedom Conditions 2015–2016

### Application of Extremism Laws

The Uzbek government continued its decade-long policy of arresting and imprisoning individuals who reject state control over religious practice or for their suspected religious affiliation, some for as long as 20-year prison terms. Many are denied due process and are tortured; some are detained in psychiatric hospitals. According to the Uzbek Initiative Group of Independent Human Rights Defenders (UIGIHRD), as of late 2015, there are 12,800 religious prisoners, many at risk of torture; reportedly 84 religious prisoners are held in solitary confinement. UIGIHRD also

Muslim individuals or groups, including violent extremists, political opponents, those with foreign education, and others. In July 2015, the United Nations Human Rights Committee concluded that Uzbekistan engaged in “unlawful arrests, detentions, torture and ill-treatment and convictions on religious extremism related charges of independent Muslims practicing their faith outside registered structures.”

In June 2015, police in Tashkent held Muslim Olmosbek Erkaboyev for two months, beating him to make him confess to religious extremism, according to Uzbek human rights activist Surat Ikramov. In February 2016, a Jizzak court sentenced Armenian Christian Aramays Avakian to a seven-year jail term, Muslim Furkat Juraev to 12 years, and three other Muslims to five-and-a-half to six-and-a-half year terms. They were all charged with Islamic extremism, according to their defense group Avakian+4.

In the February 2015 lead up to presidential elections, the Uzbek government granted amnesty to six known Muslim prisoners of conscience, including Hairulla Hamidov, a well-known sports journalist and Muslim commentator. As a release condition, all were told to write apologies to President Karimov. According to Uzbek human rights groups, religious prisoners are not eligible for Uzbekistan's traditional Constitution Day amnesties. For example, Zuboyd Mirzorkhimov, a Tajik citizen arrested in 2013 for having a Qur'an text on his cell phone, was not amnestied in January 2016.

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*[T]here are 12,800 religious prisoners, many at risk of torture. . . .*

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reported mass arrests in 2015 of labor migrants returning from Russia, Turkey, Europe, and the United States on suspicion of links to the terrorist group the Islamic State of Iraq and the Levant (ISIL); the fate of at least 200 is unknown, partly because secret police have told their relatives not to hire lawyers or contact human rights activists. The government claims that many detainees are linked to extremist groups that it labels “Wahhabi” or “jihadist” but often provides no evidence of the use or advocacy of violence. These terms can refer to a range of

### Detention Conditions

Despite the Uzbek government's claims, torture remains endemic in prisons, pretrial facilities, and police precincts, and reportedly includes the threat or use of violence, including rape, and the use of gas masks to block victims' air supply. Torture allegedly is used to force adults and children to renounce their religious beliefs or to make confessions. According to a 2015 Amnesty International report, men and women charged or convicted of extremism-related offenses

over the past 15 years are most vulnerable to being tortured, particularly Muslims who worship in independent mosques and members or alleged members of opposition political parties and banned Islamic movements or Islamist groups and parties. In late 2015, a Muslim prisoner, Khayrullo Tursunov, seemed to be on the verge of death, his sisters observed during a visit; he had been illegally extradited by Kazakhstan in 2013 and later got a 16-year term. The Uzbek human rights group *Ezgulik* has reported on torture of female detainees, including many jailed for religious beliefs. Shortly before religious prisoners complete their terms, Uzbek authorities often fabricate charges of violation of prison regimen, thereby prolonging prisoners' terms by three to six years, as recently happened to Muslim prisoners, Kamol Odilov and Botir Tukhtamurodov; they are among over 100 Muslims jailed for studying Said Nursi's texts. In early 2013, the International Committee of the Red Cross took the highly unusual step of halting its work in Uzbekistan, citing lack of official cooperation.

### **Restrictions on Muslims**

The Uzbek government tightly controls Islamic institutions and prohibits the independent practice of Islam. In the Ferghana Valley, the government has confiscated several mosques and banned children from attendance. The state-controlled Muslim Spiritual Board oversees the training, appointment, and dismissal of imams, and censors the content of sermons and Islamic materials. Reportedly, a group of Muslims in the Tashkent region were subjected to

### **Treatment of Non-Muslims**

The state-controlled media encourages prejudice against minority religious groups and has equated missionaries with religious extremists. The government often brands Evangelical Protestants and Jehovah's Witnesses as "extremists" for practicing religion outside of state-sanctioned structures. They face massive fines, detention, and arrest for "illegal religious activity." In February 2016, Council of Churches Baptist prisoner Tohar Haydarov was told he will not be freed on parole this year. In November 2015, after a Tashkent school principal told police that two pupils were sharing their faith, police raided a Protestant meeting, some attendees were tortured and detained. Police also stole money and confiscated Christian texts. In April 2015, police renewed a search in the Kashkadarya region for Protestant Guljahon Kuzebayeva; she has been in hiding since July 2014 due to fear of police brutality. As Jehovah's Witnesses met in May 2015 for worship near Samarkand, they were raided and later fined; some were given two years' probation on false drug charges; female Witnesses were threatened with rape and tortured. In July 2015, Jehovah's Witnesses sought government approval to bury a relative in a local cemetery, but police and the local imam blocked the burial. At a Tashkent meeting of non-Muslim religious leaders, officials "suggested" – but only to ethnic Uzbek non-Muslims – that their wills should specify burial wishes. Reportedly, officials pressure Protestant churches when they publicly complain about burial problems. Authorities raid meetings of registered and unregistered Christian and Baha'i groups.

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## *The state-controlled media encourages prejudice against minority religious groups. . . .*

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severe harassment since mid-2015. Four were jailed for one to two months and 18 were fined for "violation of the procedure for holding religious meetings." A group of ten women were detained and fined for the same "offense." In August 2015, Anti-Terrorism police raided the homes of their male relatives; they were told that they will be jailed if they still pray together.

### **Surveillance Regime**

A 2014 law set up a Preventive Register that listed all previous convicts who have served at least one year of "preventive measures," including for religious "offenses." It authorizes state agencies to extend Register listings beyond one year and allows local authorities to "prevent the activity of unregistered religious



groups.” In May 2015, Navoi regional police stopped four Protestants; during police questioning, one was tortured; one of the four, Murot Turdiyev, reportedly is on the Preventive Register. In April 2015, three years after she was fired as a teacher for wearing the Islamic headscarf, Gulchohra Norbayeva faced accusations of “illegal” teaching of the Qur’an, and police pressure to incriminate Muslim men; police told her that she is on the Preventative Register.

### **Restrictions on Religious Materials**

The Council on Religious Affairs (CRA) censors religious materials. The government also maintains an extensive list of banned international websites, particularly on human rights and religious freedom. The religion law prohibits the importing, storing, producing, and distributing of unapproved religious materials. Members of various religious communities reportedly destroy their own sacred texts due to fear of confiscation during police raids. According to a CRA official, Uzbek law only allows religious texts to be read inside buildings of registered religious groups. After he publicly offered a religious pamphlet, Baptist Doniyor Akhmedov became one of three known Uzbek Protestants jailed for up to 15 days in early 2015. He later was fined over three times the official yearly minimum wage. In September 2015, 10 Baptists in Karshi were fined up to 50 times the minimum monthly wage for unauthorized worship meetings, and their Bibles and hymnals were ordered destroyed. According to Forum 18, after police raids and text seizures during the first ten months of 2015, Jehovah’s Witnesses faced 75 fines, each totaling as much as 20 times the minimum monthly wage.

### **Limits on Religious Instruction and Travel**

Uzbekistan severely restricts the number of Muslims who can make the *hajj*, including via lengthy secret police scrutiny. In 2015, an Uzbek human rights activist noted that she will be 205 years old before she reaches the top of the *hajj* waiting list – and even then may be denied an exit visa. Religious instruction is limited to officially-sanctioned religious schools and state-approved instructors, and only six registered religious communities have the required eight legally-registered regional branches so that they can conduct legal religious education. Private religious education is punished.

Muslim religion teacher Mehrinisso Hamdamova is still serving a seven year prison term imposed in 2010 for teaching women about Islam; she reportedly suffers from cancer but is denied medical care.

### **U.S. Policy**

Uzbekistan is Central Asia’s most populous country and shares borders with the four other former Soviet Republics in Central Asia as well as Afghanistan. It is central to the regional Soviet-era rail system that also connects with Russia, and therefore U.S. policy in Uzbekistan has focused on the country’s key position in the Northern Distribution Network (NDN), a supply route for international forces in Afghanistan. Uzbekistan is the NDN hub but at times has not been cooperative.

In 2004, Congress prohibited U.S. assistance to the Uzbek central government unless the Secretary of State reports that Uzbekistan is making substantial progress in meeting human rights commitments, establishing a multi-party system, and ensuring free and fair elections. Since 2004, some U.S. aid to Uzbekistan had been withheld due to a lack of progress on democratic reforms. In 2008, Congress adopted a measure blocking Uzbek officials from entering the United States if they are deemed responsible for the 2005 Andijon violence or other human rights violations.

In recent years, however, military assistance has increased. As of 2009, Uzbekistan reportedly has allowed “case-by-case” counter-terrorism operations on its territory. In 2010, Congress permitted expanded military education and training programs for Uzbekistan. In 2012, the State Department certified on national security grounds that military aid to Uzbekistan should resume for six months, despite its human rights assessment citing numerous concerns, such as severe limitations on religious freedom, persistent torture, and no independent probe into the 2005 Andijon events. Such aid includes training border troops and possibly providing military supplies.

At the November 1, 2015 first-ever meeting of Central Asian foreign ministers with the United States, held in Uzbekistan, Secretary of State Kerry emphasized that the United States and Central Asia are economic and security “partners” and listed “human dimension” issues last among the meeting’s five other topics. While Secretary Kerry noted that his country shared Uzbek concerns over

Afghanistan's security and radical religious extremism, he did not mention human rights issues.

The United States instituted Annual Bilateral Consultations (ABCs) with each Central Asian state in 2009. The most recent U.S.-Uzbekistan ABC was held in Washington, D.C. in January 2016. The U.S. delegation was led by Assistant Secretary of State for South and Central Asia Affairs Nisha Desai Biswal; Foreign Minister Abdulaziz Kamilov headed Uzbekistan's delegation. Human rights issues discussed included the status of several religious and other prisoners, restrictions on civil society and media, labor rights, and religious freedom, particularly the onerous registration requirements for religious groups.

Since 2006, the State Department has designated Uzbekistan a "country of particular concern," or CPC, for its systematic, ongoing, and egregious violations of religious freedom. The CPC designation was renewed most recently in July 2014, but the State Department continued its policy of indefinitely waiving taking any action as a consequence. It stated that the waiver is in the "important national interest of the United States" pursuant to IRFA section 407.

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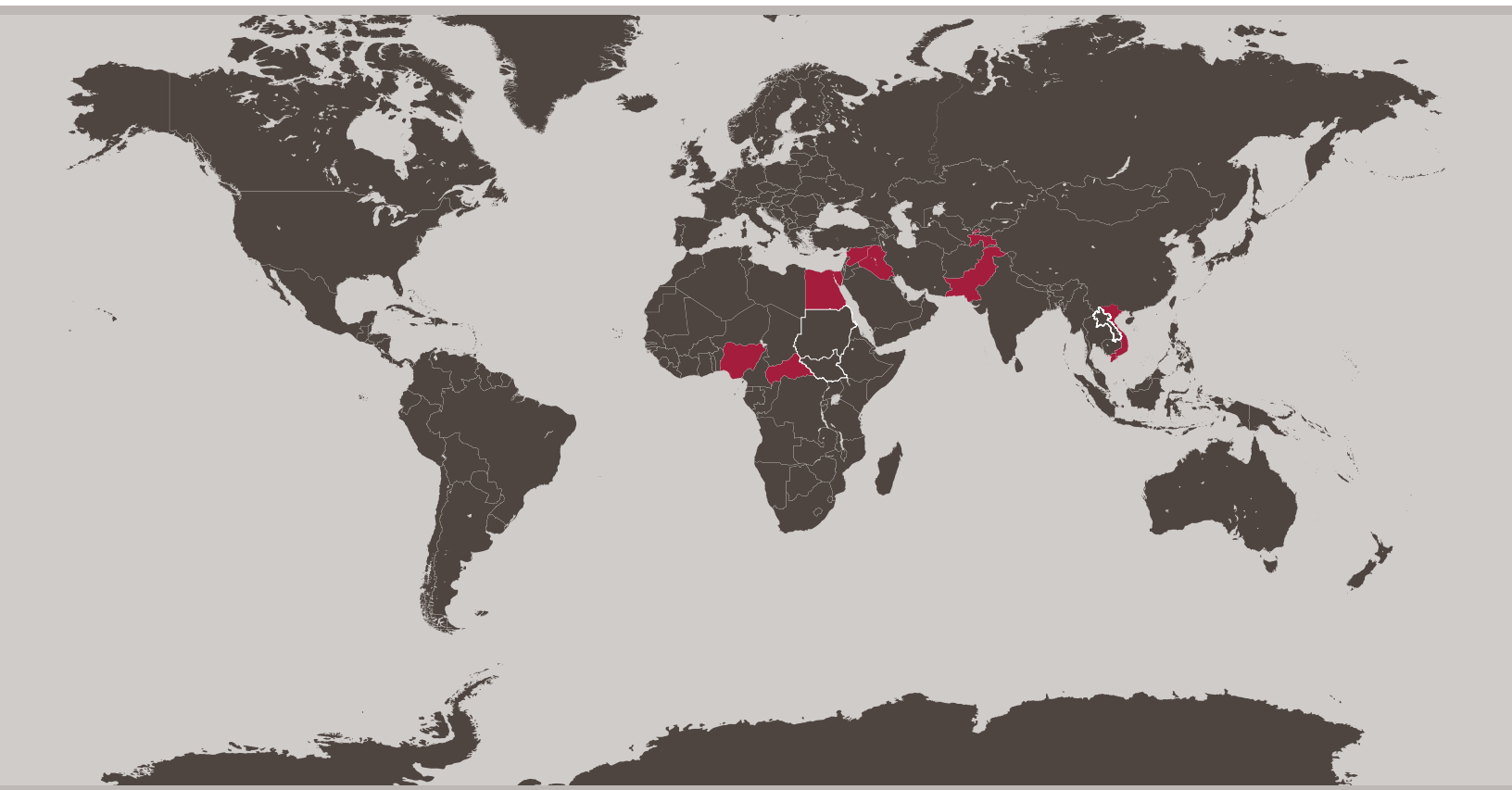
*The State Department  
continued . . . indefinitely waiving  
taking any [CPC] action. . . .*

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## Recommendations

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

- Work to establish a binding agreement with the Uzbek government, under section 405(c) of IRFA, on steps it can take to be removed from the CPC list; should negotiations fail or Uzbekistan not uphold its commitments, lift the waiver on taking any action in consequence of the CPC designation, in place since January 2009, and impose sanctions, as stipulated in IRFA;
- Consider making U.S. assistance, except humanitarian assistance and human rights programs, contingent on the Uzbek government's adoption of specific actions to improve religious freedom conditions and comply with international human rights standards, including reforming the 1998 religion law and permitting international investigations into the 2005 Andijon events and the 2010 prison death of Muslim leader Akram Yuldashev;
- Press for UN Human Rights Council scrutiny of the human rights situation in Uzbekistan, as well as raise concerns in other multilateral settings, such as the OSCE, and urge the Uzbek government to agree to visits by UN Special Rapporteurs on Freedom of Religion or Belief, the Independence of the Judiciary, and Torture, set specific visit dates, and provide the full and necessary conditions for such a visit;
- Ensure that U.S. statements and actions are coordinated across agencies so that U.S. concerns about religious freedom and related human rights are reflected in its public statements and private interactions with the Uzbek government, including calls for the release of religious prisoners;
- Ensure that the U.S. Embassy maintains appropriate contacts, including at the ambassadorial level, with human rights activists;
- Press for at the highest levels and work to secure the immediate release of individuals imprisoned for their peaceful religious activities or religious affiliations, and press the Uzbek government to ensure that every prisoner has greater access to his or her family, human rights monitors, adequate medical care, and a lawyer;
- Maintain the two-day duration of the Annual Bilateral Consultations to allow full discussion of relevant issues, particularly human rights and religious freedom; and
- Encourage the Broadcasting Board of Governors to ensure continued U.S. funding for the Uzbek Service of the Voice of America and for RFE/RL's Uzbek Service website, Muslims and Democracy, and consider translating material from RFE/RL's Uzbek Service into other relevant languages.



# TIER 1



## CPCS RECOMMENDED BY USCIRF

–CENTRAL AFRICAN REPUBLIC

–EGYPT

–IRAQ

–NIGERIA

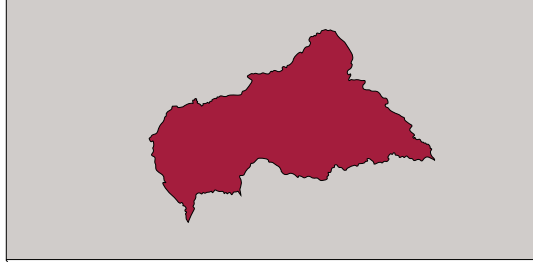
–PAKISTAN

–SYRIA

–TAJIKISTAN

–VIETNAM

**CENTRAL AFRICAN REPUBLIC**



# CENTRAL AFRICAN REPUBLIC

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## Key Findings

Militias formed along opposing Muslim and Christian lines in the Central African Republic (CAR) continue to kill individuals based on their religious identity, leading to retaliatory attacks and waves of violence. CAR's Muslim population remains disproportionately displaced, and in the western part of the country, trapped in peacekeeper enclaves and unable to freely practice their faith. The 2013 coup resulted in rampant lawlessness and the complete collapse of government control. State authorities have almost no presence outside of the capital, Bangui, with the remainder of the country controlled by armed groups. Despite an overall reduction in violence, the passage of a new constitution with religious freedom protections, and the holding of peaceful presidential elections, CAR remains highly volatile, fractured along religious lines, and susceptible to regular outbreaks of sectarian violence. Accordingly, USCIRF again recommends in 2016 that CAR should be designated a "country of particular concern," or CPC. In 2015, USCIRF determined that the ethnic cleansing

U.S. engagement to work with the new CAR government to demobilize armed groups, address impunity, tackle the root causes of the conflict, improve interfaith relations, and reverse the effects of the ethnic cleansing of the Muslim community.

## Background

CAR has a long history of political strife, coups, severe human rights abuses, and underdevelopment. Military dictatorships ruled the country for all but nine years since independence and, despite being rich in natural resources, CAR routinely is at the bottom of development indexes. Despite this, sectarian violence and targeted killing based on religious identity are new to the majority-Christian country. The current conflict has resulted in thousands dead, 2.7 million in need of humanitarian assistance, 450,000 internally displaced, and 450,000 refugees. Before 2012, 85 percent of CAR's population was Christian and 15 percent was Muslim. By the end of 2014, 80 percent of the country's Muslim population had been driven out of CAR.

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*. . . CAR remains highly volatile, fractured along religious lines, and susceptible to regular outbreaks of sectarian violence.*

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of Muslims and sectarian violence in CAR meet the International Religious Freedom Act's (IRFA) standard for CPC designation. While IRFA's language focuses CPC designations on governmental action or inaction, its spirit is to bring U.S. pressure and attention to bear to end egregious violations of religious freedom and broaden the U.S. government's ability to engage the actual drivers of persecution. Bringing stability to CAR will take years and significant U.S. and international support. A CPC designation should be part of sustained

Fighting started in December 2012 due to a rebellion by a coalition of four northern majority-Muslim armed rebel groups, the Séléka, which ostensibly protested the government's failure to implement previous peace agreements and address marginalization in the country's Muslim-majority northeast. Complicating the conflict, large numbers of Chadian and Sudanese foreign fighters and diamond sellers seeking access to CAR's natural resources also supported the rebels. Following a brief peace agreement, the Séléka took the capital, Bangui, in March 2013 and deposed President



François Bozizé. Subsequently, Séléka leader Michel Djotodia proclaimed himself President. In September 2013, Djotodia formally disbanded the Séléka following international condemnation of its crimes against humanity, including enforced disappearances, illegal detentions, torture, and extrajudicial killings. This announcement, however, had no practical impact; ex-Séléka continued to engage in violence, and its coalition members splintered into multiple armed political parties.

In June 2013, deposed president Bozizé, his inner circle, and former Central African Armed Forces (FACA) soldiers planned his return to power by recruiting existing self-defense militias (known as the anti-balaka), FACA soldiers, and other aggrieved non-Muslims. They framed the upcoming fight as an opportunity to avenge Séléka attacks on non-Muslims. Many Central African Christians feared for their future under the country's first Muslim leader, who sought support from Muslim leaders during a period when Séléka attacks disproportionately targeted Christians, including by attacking churches while sparing mosques and Muslims. Even prior to this hostility, Muslims in CAR were distrusted and faced consistent societal discrimination.

Ex-Séléka and anti-balaka fighting started in September 2013, and escalated dramatically when the anti-balaka attacked Muslim neighborhoods in Bangui on December 5, 2013. The ensuing fighting led to a large-scale conflict in which civilians were targeted based on their religious identity. In January 2014, Djotodia was forced to resign and the country's parliament elected Catherine Samba-Panza, then mayor of Bangui, as Interim President. When French peacekeeping troops arrived that same month, they targeted ex-Séléka fighters for disarmament, leading those fighters to withdraw from western CAR and leaving Muslim civilians in those newly-deserted areas vulnerable to anti-balaka attacks.

## **Religious Freedom Conditions 2015–2016**

### **Ethnic Cleansing of Muslims**

In December 2014, the United Nations Commission of Inquiry on the Central African Republic (COI) issued a report finding a “pattern of ethnic cleansing committed by the anti-balaka in the areas in which Muslims had been living.” In the first part of January 2014, the anti-balaka emptied CAR's western and northwestern

cities, towns, and villages of their Muslim residents. Anti-balaka fighters deliberately killed Muslims because of their religious identity or told them to leave the country or die. The anti-balaka even killed Muslims fleeing the violence, including those in humanitarian-assisted evacuation convoys. Muslims from ethnic groups deemed “foreign” to or “invaders” of CAR were especially targeted. The UN reports that in 2014, 99 percent of the capital's Muslim residents left Bangui, 80 percent of the entire country's Muslim population fled to Cameroon or Chad, and 417 of the country's 436 mosques were destroyed.

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During the reporting period, the situation for Muslims in western CAR remained the same. The existing Muslims in western CAR continue to live in peacekeeper-protected enclaves and are vulnerable to anti-balaka attacks and killings if they leave. Few displaced Muslims returned to CAR or their homes. The few Muslims in western CAR who have returned or continue to live in their home villages report that anti-balaka soldiers forced them to convert or hide their faith. In a particularly troubling development, the interim parliament, the National Transitional Council, voted in July to prohibit CAR refugees from voting in the presidential and legislative elections; given that Muslims comprise the majority of refugees, this vote would have disenfranchised that population. The Constitutional Court, however, overruled the vote that same month, and refugees were able to vote in the December 2015 and February 2016 elections.

### **Continuing Sectarian Violence**

Killings and skirmishes based on religious identity continue in CAR, particularly in Bangui and central CAR,

where there are more religiously-mixed communities. This violence, albeit reduced from 2013-14 levels, now is largely within and between militias for land and resource control. It continues despite the country's *de facto* partition between the ex-Séléka and the anti-balaka; the presence of French, European Union, and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) peacekeepers; promised ceasefires and disarmaments; and the successful Bangui Forum on National Reconciliation (see below under Positive Developments).

The most serious episode of sectarian and retaliatory violence in 2015 erupted on September 26 in Bangui, after a Muslim taxi driver was murdered and his body left near a mosque in the capital's PK-5 Muslim enclave. The ensuing violence between Muslims and anti-balaka fighters over the next several days resulted in 77 dead and 40,000 displaced. Continuing violence through mid-November left more than 100 dead in total. Individuals were deliberately targeted because of their faith and were killed entering into neighborhoods dominated by the opposite faith.

dent Samba-Panza promulgated the establishment of the Special Criminal Court, a hybrid court composed of CAR judges and international judges, to investigate and prosecute grave human rights violations committed in the country since 2003. During an incident-free trip to the country in late November, Pope Francis visited Bangui's PK-5 central Koudoukou mosque. Between December 13 and 15, 93 percent of Central Africans voted to approve a new constitution. The new constitution: recognizes the country's religious diversity; provides for separation of religion and state; establishes equal legal rights for all persons regardless of religion; guarantees freedom of conscience, assembly, religion and worship; and prohibits the formation of political parties based on religion. Unfortunately, however, the vote was marred by low turnout, poor voter education, and violence, including in Bangui's Muslim PK-5 neighborhood on December 13, as discussed above, which prevented Muslims in that area from voting. The vote was extended by two days in response to violence in Bangui, Bria, and elsewhere. Finally, peaceful presidential elections were held in December 2015 and February 2016.

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*Individuals were deliberately targeted because of their faith and were killed entering into neighborhoods dominated by the opposite faith.*

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Other incidents during this reporting period include: fighting on August 20 between ex-Séléka and anti-balaka in Bambari that left 10 dead and thousands displaced after a 19-year-old Muslim was beheaded; and violence in the PK-5 neighborhood on December 13, during the constitutional referendum vote, that resulted in five dead and 20 injured.

### **Positive Developments**

There were several positive developments during the reporting period. From May 4-11, 2015, 600 Central Africans from around the country and different religious communities participated in the Bangui Forum for National Reconciliation to create recommendations to CAR leaders and the international community to bring stability to the country. On June 3, Transitional Presi-

### **U.S. Policy**

U.S.-Central African Republic relations are generally good, but limited. U.S. Embassy Bangui has closed multiple times due to instability. It closed at the start of the current conflict, but reopened in September 2014, and in October 2015 Jeffrey Hawkins was sworn in as U.S. Ambassador to the Central African Republic. U.S.-CAR policy is led by Special Representative for the Central African Republic Ambassador W. Stuart Symington, who has served in this position since April 2014.

As part of U.S. and international efforts to bring justice to the country, on May 13, 2014, President Barack Obama issued Executive Order 13667 sanctioning the following persons identified by the UN Security Council for threatening CAR's stability: former president François Bozizé, former transitional president Michel

Djotodia, ex-Séléka leaders Nourredine Adam and Abdoulaye Miskine, and anti-balaka “political coordinator” Levy Yakite. On December 17, 2015, the UN Security Council and U.S. government also sanctioned Haroun Gaye, ex-Séléka/Popular Front for the Rebirth of CAR (FPRC) leader, and Eugène Ngaikosset, Bangui’s anti-balaka commander. The Treasury Department sanctions block these individuals’ property and financial interests in the United States.

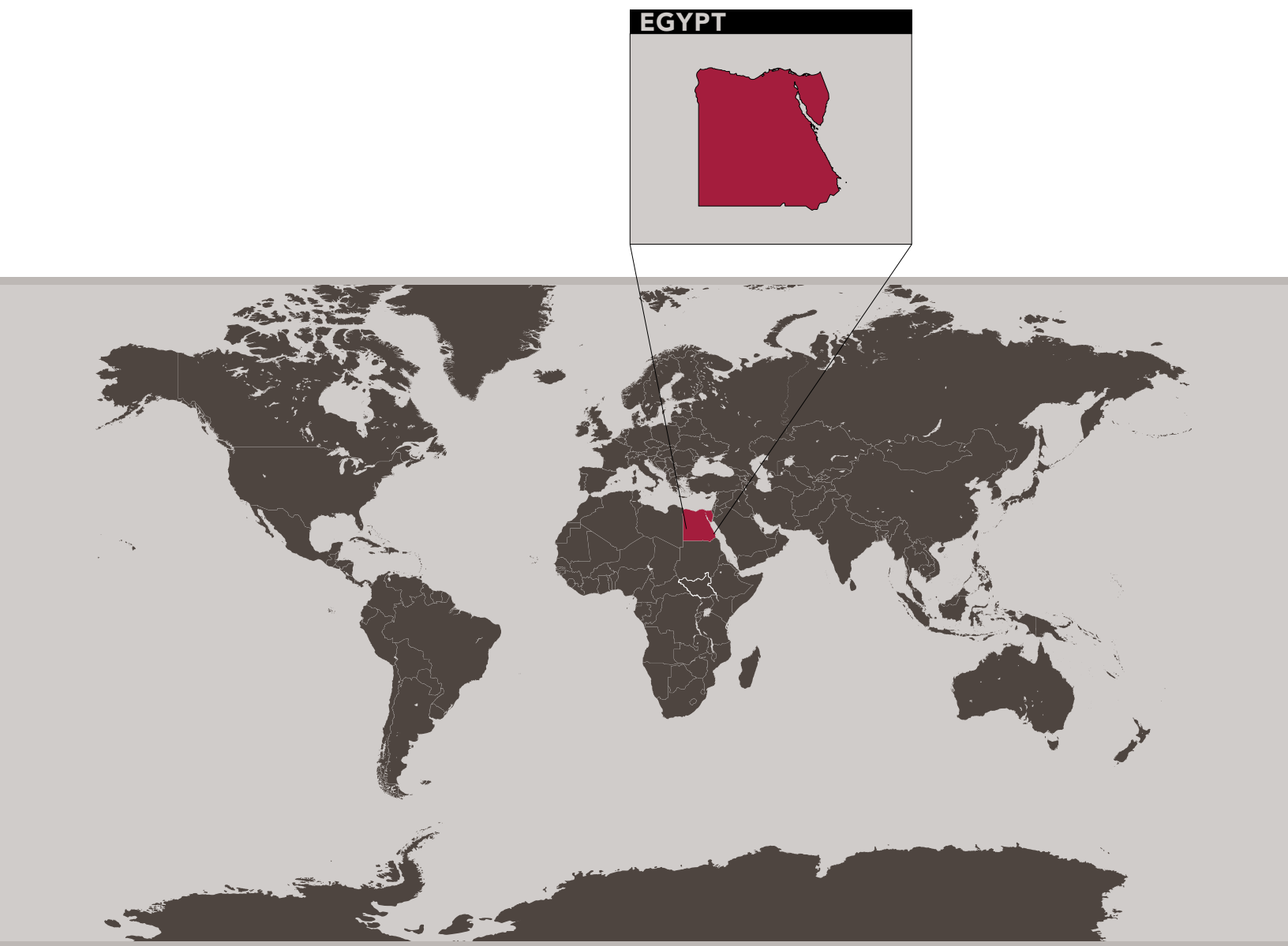
Over the past two years, the United States has provided over \$800 million in humanitarian, development, and security assistance, including support for international peacekeepers, conflict mitigation, and interfaith relations. U.S. Permanent Representative to the United Nations Samantha Power, Assistant Secretary of State for African Affairs Linda Thomas-Greenfield, and other senior U.S. government officials have traveled to the Central African Republic in the past two years, as part of efforts to prevent and end mass atrocities, increase interfaith dialogue, and encourage national reconciliation efforts. During the reporting period, the U.S. government quickly denounced episodes of sectarian violence and urged the holding of the constitutional referendum and elections.

## Recommendations

In addition to recommending that the United States designate the Central African Republic a “country of particular concern” for systematic, ongoing, and egregious violations of freedom of religion or belief, USCIRF recommends that the U.S. government should:

- Sustain a high-level of engagement with CAR authorities, the United Nations, and international donors following the country’s presidential elections, and ensure that issues related to ending sectarian violence and impunity, reducing interfaith tensions, and affirming the rights of religious freedom and religious minorities are supported and raised in all engagements with relevant parties;
- Press MINUSCA, CAR authorities, and international donors to increase activities on disarmament, demobilization and reintegration (DDR) equally for all armed groups, while simultaneously providing sustainable reintegration opportunities;
- Work with the UN Security Council to continue to sanction ex-Séléka and anti-balaka members responsible for organizing and/or engaging in sectarian violence, ethnic cleansing, and crimes against humanity, and continue to speak out regularly against sectarian violence and gross human rights abuses;
- Continue to contribute to and work with international donors to fully fund the Special Criminal Court, re-establish and professionalize the CAR’s judiciary, and ensure that future security forces and police units reflect the country’s diversity;
- Encourage CAR transitional authorities to undertake initiatives to ensure that Muslims have a future in the country, by issuing statements that Muslims are full and equal citizens, undertaking development missions in the northeast, ensuring Muslim participation in government administration, safeguarding sustainable returns of Muslim refugees and internally displaced persons to their homes, recognizing Muslim holidays as national holidays, and rebuilding destroyed mosques and Muslim properties;
- Continue to support interfaith dialogues and efforts by religious leaders to rebuild social cohesion; and
- Continue to support humanitarian assistance for refugees and displaced persons, as well as rebuilding projects.





# EGYPT

## Key Findings

Against a backdrop of deteriorating human rights conditions, the Egyptian government has taken positive steps to address some religious freedom concerns, including intolerance in religious curricula and extremism in religious discourse. In addition, President Abdel Fattah al-Sisi continued to make public statements encouraging religious tolerance and moderation and attended a Coptic Christmas Eve mass for the second consecutive year. Furthermore, there were notably fewer sectarian attacks against Christians and other religious minorities, and investigations and prosecutions continued for the unprecedented scale of destruction of churches and Christian property that occurred in the summer of 2013. However, other past large-scale sectarian incidents have not resulted in prosecutions, which continued to foster a climate of impunity. In addition, the longstanding discriminatory and repressive laws and policies that restrict freedom of thought, conscience, and religion or belief remain in place. During the past year, there was an increase in Egyptian courts prosecuting, convicting, and imprisoning Egyptian citizens for blasphemy and related charges. While the 2014 constitution includes

Religious Freedom Act (IRFA). USCIRF will continue to monitor the situation closely to determine if positive developments warrant a change in Egypt's status during the year ahead.

## Background

Egypt's 2014 constitution identifies Islam as the state religion and principles of Shari'ah as the primary source of legislation. The population is approximately 89 million, with 85 to 90 percent adhering to Sunni Islam and non-Sunni Muslims comprising less than one percent. Christians are estimated at 10 to 15 percent of the overall population, with the vast majority belonging to the Coptic Orthodox Church and less than two percent belonging to various other Christian denominations, including Catholic, Protestant, Maronite, Armenian Apostolic, Orthodox (Greek and Syrian), and Anglican. There are at least 2,000 Baha'is, approximately 1,500 Jehovah's Witnesses, and fewer than 20 Jews.

During the reporting period, Egypt continued its volatile political transition following the military's 2013 ouster of former president Mohamed Morsi. In January 2014, a new constitution was approved overwhelmingly

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*Against a backdrop of deteriorating human rights conditions, the Egyptian government has taken positive steps to address some religious freedom concerns. . . .*

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improvements regarding freedom of religion or belief, the interpretation and implementation of relevant provisions remain to be seen, since the newly seated parliament has yet to act on the provisions. Based on these ongoing concerns, for the sixth year in a row, USCIRF recommends in 2016 that Egypt be designated a "country of particular concern," or CPC, under the International

by referendum, and in May 2014, al-Sisi was elected president. Following delays, parliamentary elections occurred in stages starting in October 2015 and concluded in December. The parliament was seated in January 2016 and is comprised of 596 members, including an unprecedented 36 Christians. The improved religious freedom provisions in the constitution have not yet been implemented, although the parliament is



mandated to take action before the completion of its first session.

During the past year, the government's efforts to combat extremism and terrorism have had a chilling impact on human rights and civil society activities in the country. Despite some political prisoners and other dissidents being released from prison in 2015, the government continues to crack down on all forms of dissent. Sympathizers and members of the Muslim Brotherhood, journalists, secular and liberal activists, and opposition figures have been harassed, jailed, and given harsh prison terms, including death sentences for Brotherhood members and other Islamists, sometimes on legitimate, but also on unfounded, security charges. In addition, during the reporting period, an intensified crackdown on Egyptian non-governmental organizations – including human rights groups that monitor religious freedom conditions – has resulted in new criminal investigations, harassment, and travel bans on prominent human rights defenders.

In March 2016, a USCIRF staff member traveled to Egypt to assess religious freedom conditions and meet with a range of Egyptian government officials, U.S. Embassy officials, and members of civil society, including religious leaders, religious freedom advocates, human rights defenders, lawyers, and researchers.

perpetrators have been prosecuted and imprisoned.

In March 2015, the Ministry of Education announced that it had decided to remove and/or clarify passages from primary school textbooks, particularly Islamic education books, deemed to promote incitement and extremist ideology; during the past year it expedited this process, which is ongoing. The Ministry also has intensified efforts to incorporate concepts of religious tolerance and understanding into all textbooks. According to Egyptian officials, the government-funded Al-Azhar – one of the preeminent Sunni Muslim centers of learning in the world – is evaluating reforms to its religious curricula and reportedly will review high school texts during the summer of 2016. In addition to higher education, Al-Azhar has oversight of a network of schools with approximately two million students throughout Egypt.

Regarding religious discourse in society, the Egyptian government actively monitors *fatwas* (religious edicts) issued by clerics; Dar al-Ifta, a government entity headed by the Grand Mufti, has countered publicly dozens of *fatwas* that espouse radical views. During the reporting period, the Ministry of Religious Endowments and Dar al-Ifta started training senior imams on the skills of issuing responsible and accurate *fatwas*, and the Grand Mufti created a committee to evaluate other possible reforms.

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*Since the 2013 ouster of former president Morsi, the government has increased its control over all Muslim religious institutions, including mosques and religious endowments.*

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## **Religious Freedom Conditions 2015–2016 Recent Improvements**

Since he assumed office in 2014, President al-Sisi has made several noteworthy public statements and gestures encouraging religious tolerance and moderation and urging reform of textbooks and religious discourse in society, an important shift in tone and rhetoric from his predecessors. Perhaps the most encouraging trend over the past two years has been the significant decrease in the number and scale of targeted, sectarian attacks against Copts. Since the violent assault on Copts and their churches and properties in August 2013, dozens of

## **Government Control and Regulation of Islamic Institutions**

Since the 2013 ouster of former president Morsi, the government has increased its control over all Muslim religious institutions, including mosques and religious endowments. Egyptian officials have justified this regulation as necessary to counter extremism and to prevent incitement to violence in mosques. In February 2015, an administrative court upheld a 2013 decree by the Ministry of Religious Endowments that prevents imams who are not graduates of Al-Azhar from preaching in licensed and unlicensed mosques. The law bans

unlicensed mosques from holding Friday prayers, requires Friday sermons to follow government-approved content, and provides tougher penalties for preaching without a license, including a prison term of up to one year and/or a fine. The government appoints and pays the salaries of all Sunni Muslim imams and monitors sermons.

those responsible for past violence against Copts and other religious minorities has continued to foster an atmosphere of impunity.

Over the past year, the number and severity of violent incidents targeting Copts and their property decreased significantly when compared to previous years; however, sporadic violence continued, particu-

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*The inability to successfully prosecute those responsible for past violence against Copts and other religious minorities has continued to foster an atmosphere of impunity.*

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### **Progress and Ongoing Challenges for Coptic Christians**

President al-Sisi was the first head of state to attend a Coptic Christmas Eve mass in January 2015. He did so again in January 2016, publicly apologizing that authorities had not yet finished rebuilding churches destroyed in August 2013 and pledging to complete the process within a year. Following the unprecedented scale of violence against Copts that summer, the Egyptian government found that 29 people died in sectarian-related killings, 52 churches were completely destroyed, another 12 damaged, and numerous Christian-owned properties were destroyed. At the end of the reporting period, at least half of the destroyed churches had been rebuilt and the other half were still being constructed or repaired. In February 2015, President al-Sisi offered condolences in person to Coptic Pope Tawadros after ISIL (the Islamic State in Iraq and the Levant) killed 20 Copts and one Ghanaian in Libya. In October, Egyptian authorities started building a new church, as ordered by President al-Sisi, to honor the slain Copts.

While the Coptic community in general welcomes these and other symbolic gestures, repressive laws and discriminatory policies against Copts remain in place, including blasphemy charges and convictions, limits on building and maintaining churches, and limits on conversion from Islam. There also continues to be inadequate accountability for past violent attacks; most perpetrators from large-scale incidents that occurred between 2011 and 2013 – and even before that – have not been prosecuted. The inability to successfully prosecute

larly in Upper Egypt. For example, in June 2015, at the time of the two-year anniversary of the overthrow of former president Morsi, a number of Christian homes and properties were attacked, and in July, a mob firebombed a church in Alexandria and authorities reportedly responded slowly. In March, local police failed to prevent a mob attack on a Coptic church in the al-Our village, the hometown of 13 of the 20 Copts killed in Libya. In some parts of the country, Egyptian security services increased protection of churches during significant religious holidays, which lessened the level of fear and insecurity among members of the Coptic community.

There has been progress on accountability for the destruction of and damage to Christian churches and properties in the summer of 2013. In April 2015, an Egyptian court convicted and sentenced approximately 70 individuals to life in prison for their role in burning a church in the village of Kafr Hakim just outside Cairo. In December 2014, some 40 perpetrators found responsible for attacks on five churches in Assiut, Upper Egypt, were sentenced to prison terms ranging from one to 15 years. Other cases are ongoing; in some cases, police have not conducted adequate investigations, making it more difficult to prosecute perpetrators.

Furthermore, in response to sectarian-related violence, local Egyptian authorities continue to conduct “customary reconciliation” sessions between Muslims and Christians as a way of easing tensions and resolving disputes. In some cases, local authorities and Muslim and Christian religious leaders have abused these

reconciliation sessions to compel victims to abandon their claims to any legal remedy. Human rights groups have argued that reconciliation sessions disadvantage Christians in resolving various disputes, many of which are sectarian-related attacks targeting Christians.

In addition, following the August 2013 church attacks, the number of incidents of kidnappings for ransom and extortion of Christians rose dramatically. While these incidents have decreased over the past year, they continue in parts of the country, particularly in Upper Egypt. Furthermore, Egyptian-born Muslims who have converted to Christianity still cannot reflect their change of religious affiliation on identity documents, and in many cases, these converts also face intense social hostility.

### **Blasphemy Law and Limits on Religious Expression**

Article 98(f) of the Egyptian Penal Code prohibits citizens from “ridiculing or insulting heavenly religions or inciting sectarian strife.” Authorities use this “contempt-of-religion,” or 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. In January 2015, President al-Sisi issued a decree that permits the government to ban any foreign publications it deems offensive to religion.

For example, in January 2016, Egyptian writer and poet Fatma Naoot was sentenced to three years in prison for “defaming Islam” for a Facebook post criticizing the ritual slaughtering of animals during a Muslim holiday. In May 2015, a well-known television show host, Islam El-Beheiry, was convicted of “defaming religious symbols” and sentenced to five years in prison for comments he made about Islam on his program. In December, his sentence was reduced on appeal to one year in prison. In May, a dentist from the Daqahlia governorate was sentenced to six months in prison for contempt of religion and practicing Shi’a Islam, partly because authorities found Shi’a books and materials in his home. In April 2015, four Coptic Christian teenagers and their teacher were arrested and charged with blasphemy for making a short, private video mocking ISIL. In February 2016, three of the four teens were sentenced to five years in prison and the fourth was placed in a juvenile facility. In December 2015, the teacher was sentenced to three years in prison in a separate trial and was expelled from his village; appeals for both cases are ongoing.

Egyptian atheists have seen a rise in blasphemy charges in recent years, as well as growing societal harassment and various Egyptian government-sponsored initiatives to counter atheism. In December 2014, Dar al-Ifta published a survey claiming that Egypt was home to 866 atheists, supposedly the “highest number” of any country in the Middle East. Two officials

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Blasphemy cases have increased since 2011, and this trend continued during the reporting period. While the majority of charges are leveled against Sunni Muslims, most of those sentenced by a court to prison terms for blasphemy have been Christians, Shi’a Muslims, and atheists, largely based on flawed trials. According to Egyptian human rights groups, there were at least 21 new blasphemy cases between the beginning of 2015 and the end of the reporting period, a sharp increase when compared to the previous year.

from the office of the Grand Mufti publicly called this a “dangerous development.” Over the past two years, the Ministries of Religious Endowments and Sports and Youth co-sponsored a national campaign to combat the spread of atheism among Egyptian youth. In February 2016, online activist Mustafa Abdel-Nabi was convicted in absentia to three years in prison for blasphemy for postings about atheism on his Facebook page. In February 2015, a blogger from Ismailia, Sherif Gaber, was sentenced to one year in prison for discussing his atheist

views on Facebook; he has gone into hiding. In January 2015, atheist student Karim Al-Banna was given a three year prison term for blasphemy because a court found his Facebook posts to “belittle the divine.” His sentence was upheld by an appeals court in March.

In addition, in April 2015, the Ministry of Religious Endowments announced it would launch a campaign to combat what it perceives as threatening topics in mosques: Shi’a Islam, atheism, the Baha’i faith, and other social issues such as murder and drug addiction.

### **Baha’is, Jehovah’s Witnesses, and Shi’a Muslims**

The Baha’i and Jehovah’s Witness faiths 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. Over the past two years, the Ministry of Religious Endowments has sponsored public workshops to raise awareness about the “growing dangers” of the spread of the Baha’i faith in Egypt. 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 or home 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 continued to harass, interrogate, and intimidate Jehovah’s Witnesses by monitoring their activities and communications and by threatening the community with intensified repression if it does not provide membership lists.

In addition to the blasphemy cases targeting members of the Shi’a community and government campaigns to counter Shi’a Islam in public and in mosques, the Deputy Minister of Religious Endowments announced in October 2015 that the Shi’a community would not be permitted to celebrate Ashura in several mosques in Cairo. A subsequent statement from the Ministry reportedly justified the closure stating that Shi’a rituals had no basis in Islam.

### **Anti-Semitism and the Jewish Community**

In 2015, material vilifying Jews with both historical and new anti-Semitic stereotypes continued to appear in Egypt’s state-controlled and semi-official media; Egyptian authorities have failed to take adequate steps to combat anti-Semitism in the state-controlled media. Egypt’s once-thriving Jewish community of tens of thousands in the mid-20<sup>th</sup> century is now on the verge of extinction. It owns communal property, including synagogues in Cairo and Alexandria, and finances required maintenance largely through private donations. Many of the community’s sites are in dire need of repair and/or renovation.

### **Egypt’s Constitution**

There are some encouraging changes in the 2014 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. While Article 64 provides that “freedom of belief is absolute,” this article limits the freedom

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*There are some encouraging changes in the 2014 constitution that could bode well for religious freedom.*

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to practice religious rituals and establish places of worship to only the “Abrahamic” religions: Islam, Christianity, and Judaism. 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. In addition, Article 53 mandates the establishment of an independent anti-discrimination commission, the jurisdiction of which would include discrimination on the basis of religion or belief.

## U.S. Policy

For many years, U.S. policy toward Egypt has focused on fostering strong bilateral relations, continuing military and counterterrorism cooperation, maintaining regional stability, and sustaining the 1979 Camp David peace accords. Successive administrations have viewed Egypt as a key ally in the region and it is among the top five recipients in the world of U.S. aid. The FY2016 Consolidated Appropriations Act provides Egypt with \$1.3 billion in foreign military financing (FMF) and \$150 million in economic support funds (ESF). During the reporting period, in addition to periodic criticism of Egypt's human rights record, the Obama Administration has expressed the view that the denial of fundamental human rights create conditions that could fuel the growth of violent extremism, including in comments by Secretary of State John Kerry during the August 2015 "strategic dialogue" of high-level officials.

Public Law 114-113, the FY2016 Consolidated Appropriations Act, places conditions on U.S. assistance to Egypt related to limits on human rights, including religious freedom. Specifically, it requires the Secretary of State to certify that Egypt has taken steps to advance the democratic process, protect free speech, and protect the rights of women and religious minorities, among other measures. However, the Act also authorizes the Secretary to provide assistance to Egypt if he or she determines that the assistance is important to the national security interests of the United States.

On March 31, 2015, the U.S. government announced that it would release an October 2013 hold on the delivery of select weapons systems and continue foreign military financing and economic support funds to Egypt. On May 12, Secretary of State Kerry certified in a report to Congress that the resumption of aid to Egypt was in the national security interest of the United States. Despite the certification, the report concluded that the overall trajectory for human rights and democracy in Egypt was negative. In addition, the report found that the Egyptian government "had taken steps to advance and protect the rights of religious minorities," although these protections were limited to followers of Islam, Christianity, and Judaism, and that "the government continues to prosecute individuals for 'denigrating religions,' and accountability for past sectarian crimes remains problematic."

According to the State Department, officials at all levels of the U.S. government continue to raise a range of religious freedom concerns with Egyptian counterparts. Despite USCIRF recommending since 2011 that Egypt should be designated a "country of particular concern," the State Department has not taken such action.

## Recommendations

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 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;
- Press the Egyptian government to undertake immediate reforms to improve religious freedom conditions, including: repealing decrees banning religious minority faiths, including the Baha'i and Jehovah's Witness faiths; removing religion from official identity documents; and passing laws consistent with Article 53 (creating an anti-discrimination body) and Article 235 (regulating the construction and renovation of churches) of the constitution;
- Urge the Egyptian government to repeal or revise Article 98(f) of the Penal Code, which criminalizes contempt of religion, or blasphemy, 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;
- Press the Egyptian government to address incitement to violence and discrimination against

disfavored Muslims and non-Muslims, including by prosecuting government-funded clerics who incite violence against Muslim or non-Muslim minority communities;

- Press the Egyptian government to continue to revise all textbooks and other educational materials to remove any language or images that promote intolerance, hatred, or violence toward any group of persons based on religion or belief, and include the concepts of tolerance and respect for human rights of all individuals, including religious freedom, in all school curricula, textbooks, and teacher training;
- Provide direct support to human rights and other civil society or non-governmental organizations to advance freedom of religion or belief for all Egyptians; and
- Place particular emphasis, in its annual reporting to Congress on human rights and religious freedom, 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.





# IRAQ

## Key Findings

Iraq's religious freedom climate continued to deteriorate in 2015, especially in areas under the control of the Islamic State of Iraq and the Levant (ISIL). ISIL targets anyone who does not espouse its extremist Islamist ideology, but minority religious and ethnic communities, including the Christian, Yazidi, Shi'a, Turkmen, and Shabak communities, are especially vulnerable. In 2015,

by ISIL, but also due to the Iraqi government's toleration of attacks by security forces and the PMF, in 2016 USCIRF again recommends that the U.S. government designate Iraq as a "country of particular concern," or CPC, under the International Religious Freedom Act of 1998 (IRFA). USCIRF has recommended CPC designation for Iraq since December 2008. Post-Saddam Iraq has never been designated a CPC by the State Department.

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*In 2015, USCIRF concluded that ISIL was committing genocide against [the Christian, Yazidi, Shi'a, Turkmen, and Shabak communities], and crimes against humanity against these and other groups.*

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USCIRF concluded that ISIL was committing genocide against these groups, and crimes against humanity against these and other groups. While ISIL was the most egregious perpetrator of human rights and religious freedom violations, the Popular Mobilization Forces (PMF), recognized by Prime Minister al-Abadi in September 2015 as officially part of the Iraqi state, have continued to commit systematic attacks against Sunni Muslim civilians, exacerbating sectarian tensions. Although al-Abadi attempted to bring the PMF into the fold of government-sanctioned armed groups through this maneuver, so far it has remained clear that the group – which technically reports to the Ministry of Interior – exercises a significant amount of autonomy and espouses strong pro-Shi'a leanings, mostly to the exclusion of Iraq's Sunni population. However, because the PMF is one of the most effective groups in fighting ISIL, the Iraqi government has not curtailed their activities or prosecuted those who have perpetrated violent attacks. Millions of Iraqis are now refugees or are internally displaced due to ISIL's actions and the government's inability to protect religious communities. Based on violations perpetrated primarily

## Background

Iraq has long suffered from sectarian tensions, which have adversely affected the country's human rights and religious freedom climate. Under Saddam Hussein, the Iraqi government maintained relative order through intimidation and terror while favoring the Sunni Muslim minority, who comprise approximately 35 percent of the country's population. Following the fall of Saddam Hussein in 2003, Nouri al-Maliki, Iraq's Prime Minister between 2003 and 2014, acted in an authoritarian and sectarian manner. He failed to implement fully an agreement to share government power between Shi'a and Sunni Muslims, targeted Sunni areas and Sunni politicians, and marginalized Sunni Muslims in the government and the military. Since Maliki's resignation, Prime Minister Haider al-Abadi has attempted but not yet succeeded to ease sectarian tensions, although he has made some overtures to integrate Sunni Muslims into the government or recruit them into the military. The PMF and Iranian-backed Shi'a militias that operate outside of government control have further complicated al-Abadi's attempts to ease Sunni-Shi'a tensions on the political and societal level.

This background helped create the conditions that allowed ISIL to rise, spread and ultimately control significant areas of northern and central Iraq. The political actions by Saddam Hussein and Nouri al-Maliki created significant distrust between Iraq's Shi'a majority population and the Sunni Muslim minority population, which impacts Iraq today. The Sunni population has a distrust of the Iraqi government, and doubts its willingness to allow Sunni Muslims to participate at high levels in the government and military. Moreover, Sunni Muslim populations who abhor ISIL fear that the Iraqi government will not provide them protection. Religious minority communities, especially the Yazidi population, doubt the Iraqi government's willingness, ability, or both to protect them from ISIL. This degree of mistrust among Iraq's religious and ethnic communities and these communities' lack of confidence in the Iraqi government have combined to exacerbate sectarian tensions, undermine the country's stability, and create doubt that religious freedom and human rights are a priority and will be protected by the government.

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Since 2014, the semi-autonomous Kurdistan region and its government (KRG) have played a significant role in providing a safe haven for religious minority communities fleeing ISIL's advancements and attacks. The population of the KRG is approximately 5.2 million people. Since ISIL's advent and the beginning of the Syrian conflict, an additional 1.8 million Syrian refugees and Iraqi internally displaced persons (IDPs) from other parts of Iraq have flooded the KRG, straining its ability to provide sufficient humanitarian aid and services. The pressure on the KRG to provide for communities that sought safety there has further strained relations between the KRG and Baghdad.

Even before ISIL's rise, the country's smallest religious communities – which include Catholics, Orthodox

Christian, Protestants, Yazidis, and Sabeen Mandeans – were already significantly diminished. Before 2003, non-Muslim Iraqis made up around three percent of the Iraqi population. By 2013, the Christian population had dwindled to 500,000 – half of its reported size in 2003 – and today, some Christian leaders report the number to be as low as 250,000 to 300,000. Also in 2013, the Yazidis reported that since 2005 their population had decreased by nearly 200,000 to approximately 500,000, and the Mandeans reported that almost 90 percent of their community had left the country or been killed, leaving just a few thousand. The size of these religious communities continues to decline as the crisis in Iraq deepens, with many members of Iraq's smallest minority communities having been killed, driven out of the country or internally displaced, especially since ISIL's advance in northern Iraq since 2014.

## **Religious Freedom Conditions 2015–2016**

### **Violations by ISIL**

ISIL threatens the region, Iraq's stability, and human rights and religious freedom for all Iraqis. ISIL's violent religious and political ideology allows for no space for religious diversity or freedom of thought or expression. The group has deliberately expelled minority communities from their historic homelands, forced them to convert to ISIL's version of Islam, raped and enslaved women and children, and tortured and killed community members, including by stoning, electrocution, and beheading. ISIL has targeted all of Iraq's smallest religious minority communities; its ongoing actions could well mark the end of ancient religious communities in northern Iraq. After the reporting period, on March 17, 2016, Secretary of State John Kerry announced that, in his judgment, ISIL "is responsible for genocide against groups in areas under its control, including Yazidis, Christians, and Shi'a Muslims [and] for crimes against humanity and ethnic cleansing directed at these same groups and in some cases also against Sunni Muslims, Kurds, and other minorities."

ISIL has committed horrific crimes against the Yazidi community, a small religious group it regards as "devil worshippers" and does not consider "People of the Book" (the Abrahamic faiths). A 2015 U.S. Holocaust Memorial Museum (USHMM) report found that ISIL committed acts of genocide against the Yazidi community in the summer of 2014. According to survivor

accounts, ISIL gave Yazidis two options: convert or face death. The USHMM documents at least 1,562 Yazidis killed in the summer of 2014, including those who died on Mount Sinjar from starvation and dehydration. According to the United Nations, at least 16 mass graves have been uncovered around Sinjar, with the remains of likely Yazidi victims. Yazidi women and girls are subject to mass rape, sexual slavery, assault, and forced marriage to ISIL fighters. In January 2016, the United Nations Assistance Mission for Iraq (UNAMI) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) reported that ISIL had abducted 5,838 people since August 2014: 3,192 women and 2,646 men.

ISIL also has targeted Christian communities. In August 2015, Iraqi Defense Minister, Khaled al-Obeidi reported that ISIL had killed 2,000 Iraqis in the largely Christian Nineveh Plains between January and August 2015, and that more than 125,000 Christians fled to the

of Baghdad and in August, 67 Shi'a Muslims were killed in the Jamila Market near Sadr City. In July, 22 members of the Sunni Jubur tribe were executed north of Mosul and in October, ISIL executed 70 members of Sunni Abu Nimer tribe Anbar Province.

### Violations by the Iraqi Government

At the 2015 United Nations General Assembly, Prime Minister al-Abadi announced that the PMF would be part of the official Iraqi state, accountable to the Ministry of Interior; however, the PMF operates with significant autonomy. Religious leaders, such as Grand Ayatollah Ali Sistani, Iraq's top Shi'a cleric, publicly have called on the Iraqi government and the Prime Minister to exert more robust control over the PMF's actions. In spite of this, al-Abadi has allocated at least \$1 billion to the PMF from Iraq's state budget and regularly mentions the group when speaking about the Iraqi government's battles against ISIL.

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KRG for protection. In Kirkuk, ISIL has used churches as bases and stormed and desecrated cemeteries; it also demolished Assyrian monasteries. In late January 2016, it was reported that ISIL had destroyed the oldest Christian monastery in Iraq, the St. Elijah's Monastery in Erbil, which has been a place of worship for more than 1,400 years; the destruction is believed to have occurred between August and September 2014.

In addition, ISIL victimizes both Sunni and Shi'a Muslims. The group has taken responsibility for numerous bombings and killings throughout the country that target both communities. ISIL kills and injures Shi'a Muslims indiscriminately through bombings and other mass killing methods, whereas with Sunnis, it targets communities – and community leaders – that pose threats to its authority or are engaged in resistance activities against it. For example, in July 2015, 115 Shi'a Muslims were killed in Khan Bani Saad, north

Although the PMF is an effective military force in the fight against ISIL, it and Shi'a militia groups under its umbrella (such as the Badr Brigades, League of the Righteous, Hezbollah Battalions, and the Imam Ali Battalions) also have been accused of carrying out systematic and egregious sectarian violence against Sunni Muslims and others. According to reports, after the recapture of Tikrit in March 2015, Shi'a militias destroyed hundreds of buildings in the Sunni villages of al-Dur, al-Bu' Ajil, and al-Alam neighborhoods. Two hundred Sunni men also were abducted. In mid-January 2016 in Muqdadiah, Shi'a militias burned and destroyed six Sunni mosques and a Sunni marketplace. Sunni neighbors and two journalists for Iraqi's al-Sharqiya TV, a channel sympathetic to Iraqi Sunnis, also were executed. At the end of December 2015, PMF groups were reported to be harassing Christian women who did not wear the Islamic headscarf. Christians in Baghdad said that

the PMF hung posters on churches and monasteries in Christian neighborhoods urging women to cover their hair and that some Christians received threats that they should not celebrate Christmas or New Year's or disrespect PMF martyrs who died fighting ISIL. Human rights groups have urged the government to hold the PMF and other government-sanctioned actors accountable by, prosecuting them for their perpetration of extortions, torture, extrajudicial killings, kidnappings, and abductions of non-Shi'a, especially Sunni, individuals.

### Issues in the KRG

The Kurdish Peshmerga forces have been at the forefront of the fight with ISIL in northern Iraq and more than 1.8 million Syrian refugees and Iraqi IDPs have flooded the KRG. However, at the end of the reporting period, the KRG had not successfully integrated minority communities into its system of governance. According to reports, there are no seats for Arabs, Yazidis, Kaka'is, or other smaller minorities on the Kurdistan National Council (Parliament). Additionally, there are no specialized ministerial positions for minority populations that would allow for qualified, legitimate representatives from non-Kurdish groups.

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### U.S. Policy

The rise of ISIL in June 2014 brought with it increased U.S. involvement in Iraq. The actions of the U.S.-designated terrorist group and the threat it poses to Iraq's territorial integrity and security led the United States to boost cooperation with the governments in both Baghdad and the KRG and their respective security forces, the Iraqi Security Forces (ISF) and the Peshmerga. The United States' assistance has ranged from organizing the U.S.-led anti-ISIL coalition to conducting regular airstrikes to building indigenous partner capacity. The anti-ISIL coalition, dubbed Operation Inherent Resolve, includes 65 countries, of which Australia, Bahrain, Canada, France,

Jordan, Saudi Arabia, Turkey, the United Arab Emirates, the United Kingdom, and the United States are conducting airstrikes. Since September 2014, over 10,000 airstrikes have occurred, at least 7,000 of which have been in Iraq and most of which have been carried out by the United States. In December 2015, the United States announced the deployment of 100 U.S. special operations forces to conduct raids, gather intelligence, free hostages, and seize ISIL leaders. Additionally, the anti-ISIL coalition has sent 6,500 troops to Iraq, 3,500 of which are American. Through the Iraq Train and Equip Fund (ITAF), the United States has allocated over \$1.6 billion to train over 17,000 ISF and over 2,500 Peshmerga personnel, as well as Iraqi police and tribal fighters; provide military transportation vehicles, small arms and heavy weapons; and coordinate airlift missions. The G7, which includes the United States, also is working to stem the flow of foreign fighters and coordinate global intelligence to stop ISIL recruitment.

In 2015, the United States provided Iraq with over \$623 million in humanitarian aid, including to support internally displaced persons in the KRG. The funding supported the activities of the U.S. State Department, U.S. Agency for International Development, International Committee of the Red Cross (ICRC), International Organization for Migration (IOM), UN Children's Fund (UNICEF), UN Office for the Coordination of Humanitarian Affairs (OCHA), UN Population Fund (UNFPA), UN World Health Organization (WHO), UN Development Program (UNDP), and the UN High Commissioner for Refugees (UNHCR), among others. The efforts supported by the United States include camp coordination, health and medical support, education projects, food assistance, psychosocial support, shelter rehabilitation, and livelihood development. The United States also continues to resettle Iraqi refugees to the United States. According to State Department statistics, 12,676 Iraqis were resettled to the United States in FY2015, second only to the number of refugees resettled from Burma.

The United States continues to work with Prime Minister al-Abadi to encourage the creation of a more inclusive government representative of Iraq's various religious and ethnic communities. Salim al-Jabouri, the Sunni Muslim Speaker of the House, has been working alongside Al-Abadi to improve Sunni-Shi'a relations, and the two are known to have a closer working relationship than al-Maliki and his Sunni Speaker of the House, Osama

al-Nujaifi. Moreover, in 2014, al-Abadi appointed Khaled Al-Obaidi, a Sunni Muslim, as the Minister of Defense to lead the fight against ISIL. Numerous prominent Sunni generals also have been appointed to lead combat against the group in Ramadi. Such moves have increased the trust between the Sunni community, and specifically Sunni soldiers, and the Iraqi military, although sectarian relations remain strained due to previous experiences of the Sunni community under former Prime Minister al-Maliki and the continued actions of government-sanctioned paramilitary groups like the PMF.

The United States in 2015 spent over \$52.49 million in Iraq on good governance, rule of law and human rights, political competition and consensus building, and civil society programs. The United States continues to fund projects focused on minority issues. The Support for Minorities in Iraq (SMI) program is one such project. SMI collaborates with centers in Iraq to train and provide assistance to the country's minority groups so they can better represent themselves in civil society, address common challenges, and empower women economically.

## Recommendations

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

- Call for or support a referral by the UN Security Council to the International Criminal Court (ICC) to investigate ISIL violations in Iraq and Syria against religious and ethnic minorities, following the models used in Sudan and Libya, or encourage the Iraqi government to accept ICC jurisdiction to investigate ISIL violations in Iraq after June 2014;
- Encourage the Global Coalition to Counter ISIL, in its ongoing international meetings, to work to develop measures to protect and assist the region's most vulnerable religious and ethnic minorities, including by increasing immediate humanitarian aid, prioritizing the resettlement to third countries of the most vulnerable, and providing longer-term support in host countries for those who hope to return to their homes post-conflict;
- Develop a government-wide plan of action to protect religious minorities in Iraq and help establish the conditions for them to return to their homes;

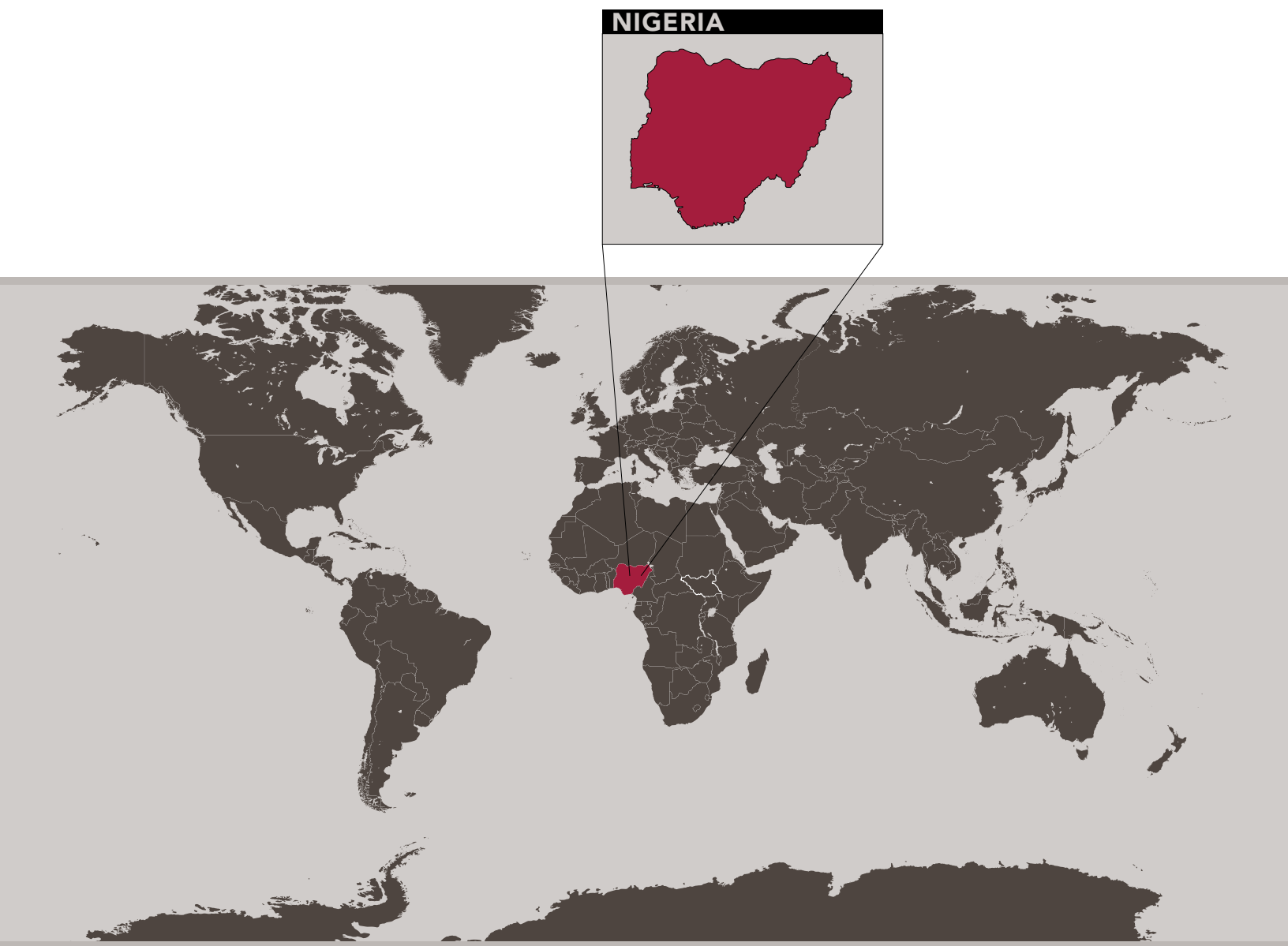
charge the Ambassador-at-Large for International Religious Freedom with engaging with the Inter-Governmental Contact Group on Freedom of Religion or Belief to coordinate similar efforts by other governments;

- Include in all military or security assistance to the Iraqi and Iraqi Kurdistan governments a requirement that security forces are integrated to reflect the country's religious and ethnic diversity, and provide training for recipient units on universal human rights standards and how to treat civilians, particularly religious minorities;
- Urge the Iraqi government to continue to prosecute and hold to account the Popular Mobilization Forces for abuses of non-combatant Sunni Muslims and other religious minorities, and investigate and prosecute perpetrators when violations occur;
- 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, and press the KRG to address alleged abuses against minorities by Kurdish officials in these areas;
- Continue to task Embassy officials 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; and
- Focus U.S. programming in Iraq on promoting religious freedom and tolerance and ensure that marginalized communities benefit from U.S. and international development assistance.

The U.S. Congress should:

- Include in the Fiscal Year 2017 Department of State, Foreign Operations, and Related Programs Appropriations Bill, or in another appropriate vehicle, a provision that would permit the U.S. government to appropriate or allocate funds for in-kind assistance to genocide, crimes against humanity, or war crimes cases at the ICC on a case-by-case basis and when in the national interest to provide such assistance.





# NIGERIA

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## Key Findings

Religious freedom conditions in Nigeria continued to be troubling during the reporting period. While the Nigerian military successfully recaptured territory from and arrested members of Boko Haram, the terrorist group returned to an asymmetrical warfare campaign, including suicide bombings of mosques and other civilian targets. It also reportedly forced Christians to convert and forced Muslims to adhere to its extreme interpretation of Islam. Boko Haram violence and recurring clashes between Muslim herders and Christian farmers continue to impact negatively religious freedom and interfaith relations in the country. The Nigerian federal government fails to implement effective strategies to prevent or stop terrorism and sectarian violence and it does not bring to justice those responsible for such violence, thus fostering a climate of impunity. Additionally, the Nigerian military's excessive use of force against a

International Religious Freedom Act (IRFA). USCIRF first recommended that Nigeria be designated a CPC in 2009; Nigeria was on the Commission's Tier 2 (Watch List) from 2002-2009. The State Department has not designated Nigeria a CPC.

## Background

Nigeria's population of 180 million is equally divided between Muslims and Christians and is composed of more than 250 ethnic groups. The vast majority of the population of northern Nigeria identifies as Muslim, and primarily is from the Hausa-Fulani ethnic group. In southwest Nigeria, which has large Christian and Muslim populations, the Yoruba is the largest ethnic group. Southeast Nigeria is largely Christian and is dominated by the Igbo ethnic group. The "Middle Belt" in central Nigeria is home to numerous smaller ethnic groups that are predominantly Christian, with a significant Muslim population.

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*Polling indicates that Nigeria is one of the continent's most religious nations, that religious identity is of primary importance to many Nigerians, and that Nigerians report high levels of distrust towards people of other religions and high levels of concern about religious conflict.*

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Shi'a Muslim group in Kaduna in December 2015 killed hundreds and worsened the government's relations and societal tensions with that minority community. Finally, religious freedom abuses continue at the state level, including through the application of Shari'ah law. During the reporting period, a Shari'ah court in Kano state sentenced a Sufi cleric and five followers to death for blasphemy. Based on these concerns, in 2016 USCIRF again recommends that Nigeria be designated as a "country of particular concern" or CPC, under the

Managing this diversity and developing a national identity has been, and continues to be, a problem for Nigerians and the Nigerian government, especially between its "Muslim north" and "Christian south." Fears of ethnic and religious domination are long-standing. Given that religious identity frequently falls along regional, ethnic, political, and socio-economic lines, it routinely provides flashpoints for violence. In addition, religious practice is pervasive and churches and mosques operate independently of state control. Polling indicates that Nigeria is one of the

continent's most religious nations, that religious identity is of primary importance to many Nigerians, and that Nigerians report high levels of distrust towards people of other religions and high levels of concern about religious conflict.

The 1999 Constitution of Nigeria includes provisions protecting religious freedom and prohibiting discrimination based on religion, among other grounds. However, the implementation of some constitutional provisions in different regions result in religious freedom violations. Article 147 creates the legal category of "indigenes," a term that the constitution does not define but is used in Nigeria to mean persons whose ethnic group is considered native to a particular area (as opposed to so-called "settlers," who have ethnic roots in another part of the country). State and local governments issue certifications granting indigene status, which bestow many benefits and privileges such as political positions, access to government

government and impose what it considers "pure" Shari'ah law. Boko Haram opposes Nigeria's federal and northern state governments, political leaders, and Muslim religious elites and has worked to expel all Christians from the north. The Council on Foreign Relations' Nigeria Security Tracker reports that from May 2011 through December 2015, Boko Haram killed more than 15,000 persons; another 12,000 were killed in fighting between Boko Haram and Nigerian security forces. More than 2.2 million Nigerians have been internally displaced by Boko Haram violence, and 180,000 have sought refuge in Cameroon, Chad, and Niger, according to the United Nations. In March 2015, Boko Haram pledged its allegiance to the Islamic State of Iraq and the Levant (ISIL).

During the reporting period, the Nigerian military, assisted by troops from Benin, Cameroon, Chad, and Niger, as well as by local vigilante groups, recaptured almost all the territory Boko Haram had seized in

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employment, and lower school fees. In Nigeria's Middle Belt, indigene and settler identities often fall along ethnic and religious lines, leading to ethno-religious violence over who controls local governments to determine indigene status and distribute the corresponding benefits. The constitution's federalism provisions also create an overly centralized rule-of-law system that hinders effective and timely police responses to sectarian violence and impedes prosecutions. In 12 Muslim-majority northern Nigerian states, federalism has allowed the adoption Shari'ah law in the states' criminal codes.

## **Religious Freedom Conditions 2015–2016**

### **Boko Haram**

Boko Haram is a terrorist organization engaged in an insurgent campaign to overthrow Nigeria's secular

2013–2014, when it controlled an area roughly the size of Belgium. Since he assumed office in May, President Muhammadu Buhari and his government sought to improve their effectiveness in fighting Boko Haram, including by: relocating the countering Boko Haram command and control center to Maiduguri; initiating corruption cases against former senior government officials charging that they stole money earmarked for arms and operations to defeat terrorists; addressing morale issues in the army; training religious leaders and their congregations on how to provide security for houses of worship and other religious sites; and many other smaller initiatives.

However, while Boko Haram lost territory, it reverted to asymmetrical attacks and expanded its violence into Cameroon, Chad, and Niger. During the reporting period, terrorists attacked at least 30

houses of worship and religious ceremonies in the Lake Chad Basin area, including suicide bombings during Ramadan, Eid al-Adha, and Ashura. Boko Haram also attacked markets, internally displaced persons (IDP) camps, and small villages, which were completely destroyed. Human rights groups and escaped Boko Haram abductees report that Christians under Boko Haram control were forced to convert or die and that Muslim abductees were required to attend Quranic schools to learn the group's extreme interpretation of Islam. There are also reports that Boko Haram applied *hudood* punishments in its camps.

### **Clashes with the Islamic Movement of Nigeria**

Between December 12 and 14, the Nigerian army killed, injured, and detained hundreds of Islamic Movement of Nigeria (IMN) members in Zaria, Kaduna state. The IMN is a Shi'a Muslim movement dedicated to the creation of an Islamic state in northern Nigeria. On December 12, IMN members blocked the procession of the army's chief of staff. Following this incident, soldiers fired on IMN members, killing at least 300, and the army destroyed the group's spiritual headquarters. The group's leader, Sheikh Ibrahim Zakzaky, was severely injured and detained;

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The Nigerian government's efforts against Boko Haram continue to be primarily military actions. While it has announced multiple initiatives to support Boko Haram's victims and address the economic and educational issues driving conflict, there have been no concrete actions. A December 2015 comprehensive conference for the northeast was delayed indefinitely, and it is unclear who in the Nigerian government is responsible for Northeastern affairs. Further, the Nigerian government is doing little to counter radicalization among potential Boko Haram recruits.

In last year's annual report, USCIRF raised concerns about the Nigerian military's use of excessive force in its campaign against Boko Haram. During the reporting period, there were few reports of such military abuses, although little is known about the military's actions in Borno state. On a positive note, in December 2015, the Chief of Staff of the Nigerian army announced that the army and the Nigerian Bar Association will jointly monitor Nigerian military activities to ensure compliance with human rights protections. Finally, despite routine reports of arrests of Boko Haram fighters or terrorist defections, there are very few trials and convictions. Rather, those arrested remain in military detention without charge.

Zakzaky's son and other leaders were among those killed. The Nigerian army claimed its actions were in response to an IMN assassination attempt on the chief of staff, although there is no evidence of this. The December 2015 confrontation followed a similar, but smaller, clash in 2014, which resulted in the death of three of Zakzaky's sons.

Five separate investigations into the incident were ongoing as of the end of the reporting period, with the leading one by the Kaduna State Commission of Inquiry. However, by the end of the reporting period, the IMN had refused to cooperate with the Commission until its members or lawyers would be able to access Zakzaky who remains detained. On February 10, Nigerian prosecutors charged 191 IMN members with illegal possession of firearms, causing a public disturbance, and incitement.

Sunni-Shi'a relations in Nigeria have worsened since the December 2015 clash. While Nigeria's predominantly Sunni community always has been opposed to the IMN, religious leaders in the past denounced the government's excessive force in other IMN-government clashes, including the 2014 incident. Similar denunciations were not issued following the December 2015 violence. Further, an increasing

number of Sufi clerics, including Emir Sanusi, have rejected the IMN on theological grounds. Previously, only Salafi clerics were known to make anti-Shi'a comments.

### **Sectarian Violence**

Since 1999, violence between Christian and Muslim communities in Nigeria, particularly in the Middle Belt states, has resulted in the deaths of more than 18,000 people, displaced hundreds of thousands, and damaged or destroyed thousands of churches, mosques, businesses, homes, and other structures. While this violence usually does not start as a religious conflict, it often takes on religious undertones and is perceived as a religion-based conflict for many involved.

In recent years, this violence has occurred primarily in rural areas. Recurrent violence between predominantly Christian farmers and predominantly Muslim nomadic herders in rural areas continued in 2015 and early 2016 and has resulted in hundreds of deaths and destroyed a number of churches. While disputes over land and cattle grazing rights for Muslim herders occur in many Nigerian regions, Christian and Muslim communities in the religiously-balkanized Middle Belt states view these conflicts in religious terms. Once fighting starts, the communities view the conflict in terms of

in police stations and their weapons and other evidence commingled, making it nearly impossible to link individual suspects to any specific crime. Additionally, the security forces frequently fail to follow up on complaints from victims identifying their perpetrators, leading many victims to stop making such reports. The police's failure to respond to and investigate religious violence impedes prosecutions, which fosters an atmosphere of impunity. In addition, in some cases, federal and state attorneys general argue over jurisdiction.

As in previous reporting periods, the Nigerian federal and state government response was non-existent or ineffective. President Buhari created a committee to investigate herder-farmer violence, but has not implemented the committee's recommendation to create grazing reserves for cattle herders.

### **State-Level Religious Freedom Concerns**

Twelve Muslim-majority northern Nigerian states apply their interpretation of Shari'ah law in their criminal codes. Shari'ah criminal provisions and penalties remain on the books in these 12 states, although application varies by location. State governments in Bauchi, Zamfara, Niger, Kaduna, Jigawa, Gombe, and Kano funded and supported *Hisbah*, or religious police, to enforce such interpretations.

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protecting their religious community from violence, not about land.

Nigerian security services have long failed to respond adequately to this violence. The police – a federal entity commanded from Abuja, not by state governors – are rarely deployed, let alone in a timely manner. Rather, the military eventually is called in to end the violence, often with excessive force, indiscriminate shooting, and extrajudicial killings. During or immediately following most episodes of violence, the police or military round up hundreds of persons; the suspects are then housed

The vast majority of the Shari'ah cases revolve around criminal acts such as cattle rustling and petty theft. However, on January 5, 2016, a Kano Shari'ah Court sentenced Tijaniyya Sufi Muslim cleric Abdul Nyass to death for derogatory remarks against the Prophet Mohammed. Five of his followers were likewise found guilty of blasphemy and sentenced to death in July; an additional four were acquitted. Nyass and his followers are appealing the convictions and sentences.

Christian leaders in the northern states report that state governments discriminate against Christians

in denying applications to build or repair places of worship, access to education, and representation in government bodies and employment. In November, in Zamfara state, properties of Anglican, Catholic, and Christian Corpers Fellowship churches were destroyed due to a zoning error. The Zamfara governor promised to reimburse the communities for the destroyed properties, but at the end of the reporting period, the churches had not received any compensation.

Reports of discrimination against Muslims in southern states continued in 2015. Lagos State bans the wearing of the Islamic headscarf in all state schools.

to improve the relationship. In July 2015, Secretary Kerry called President Buhari a “ready and willing partner.”

The U.S. government has a large military assistance and anti-terrorism program in Nigeria to stop Boko Haram. The United States has designated Boko Haram as a Foreign Terrorist Organization (FTO), and has designated as terrorists, imposed economic sanctions on, and offered rewards for the capture of several Boko Haram leaders. It also has supported UN Security Council sanctions on Boko Haram to prohibit arms sales, freeze assets, and restrict movement. In 2014, following the kidnappings of almost 200 schoolgirls

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## U.S. Policy

Nigeria is a strategic U.S. economic and security partner in Sub-Saharan Africa. Senior Obama Administration officials, including Secretary of State John Kerry and other senior State Department officials, regularly visit the country. The United States is Nigeria’s largest trading partner. Nigeria is the second largest recipient of U.S. foreign assistance in Africa and the United States is the largest bilateral donor to Nigeria. Nigeria’s importance to U.S. foreign policy was demonstrated in 2010 with the establishment of the U.S.-Nigeria Bi-National Commission. The Bi-National Commission has four working groups, on good governance, terrorism and security, energy and investment, and food security and agricultural development.

Bilateral relations improved following Nigeria’s successful presidential elections in April 2015, which resulted in a peaceful political transition. Prior to the inauguration of President Buhari, U.S. officials unsuccessfully urged the Nigerian government to expand its campaign against Boko Haram beyond its military approach, address problems of economic and political marginalization in the north, and end Nigerian security forces’ excessive use of force in response to Boko Haram. Following President Buhari’s victory, both nations sought

in Chibok, President Barack Obama sent to Abuja a multi-disciplinary team composed of humanitarian experts, U.S. military personnel, law enforcement advisors, investigators, and hostage negotiation, strategic communication, civilian security and intelligence experts to advise Nigerian officials and help secure the return of the kidnapped girls. In September 2015, the White House announced it would provide \$45 million to Benin, Cameroon, Chad, Niger, and Nigeria to fight Boko Haram, including providing military training, equipment, and intelligence for the regional force to fight the terrorist group. In October, President Obama informed the U.S. Congress that he planned to send 300 U.S. troops and surveillance drones to Cameroon to provide intelligence, surveillance, and reconnaissance support. In January 2016, the U.S. government donated 24 Mine-Resistant Armor-Protected vehicles to Nigeria’s military authorities. U.S. officials also are considering the deployment of U.S. Special Operations personnel to serve in noncombatant advisory roles. However, in compliance with the Leahy Amendment, U.S. security assistance to the Nigerian military is limited due to concerns of gross human rights violations by Nigerian soldiers. Additionally, both USAID and the State Department support counter-radicalization communication



programs in northeast Nigeria. Furthermore, across the Lake Chad Basin region, the United States has provided more than \$195 million in humanitarian assistance for persons fleeing Boko Haram.

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The State Department and USAID fund programs on conflict mitigation and improving interfaith relations in line with USCIRF recommendations, including a multi-year capacity-building grant to the Kaduna Interfaith Mediation Center to address ethnic and religious violence across the country.

## **Recommendations**

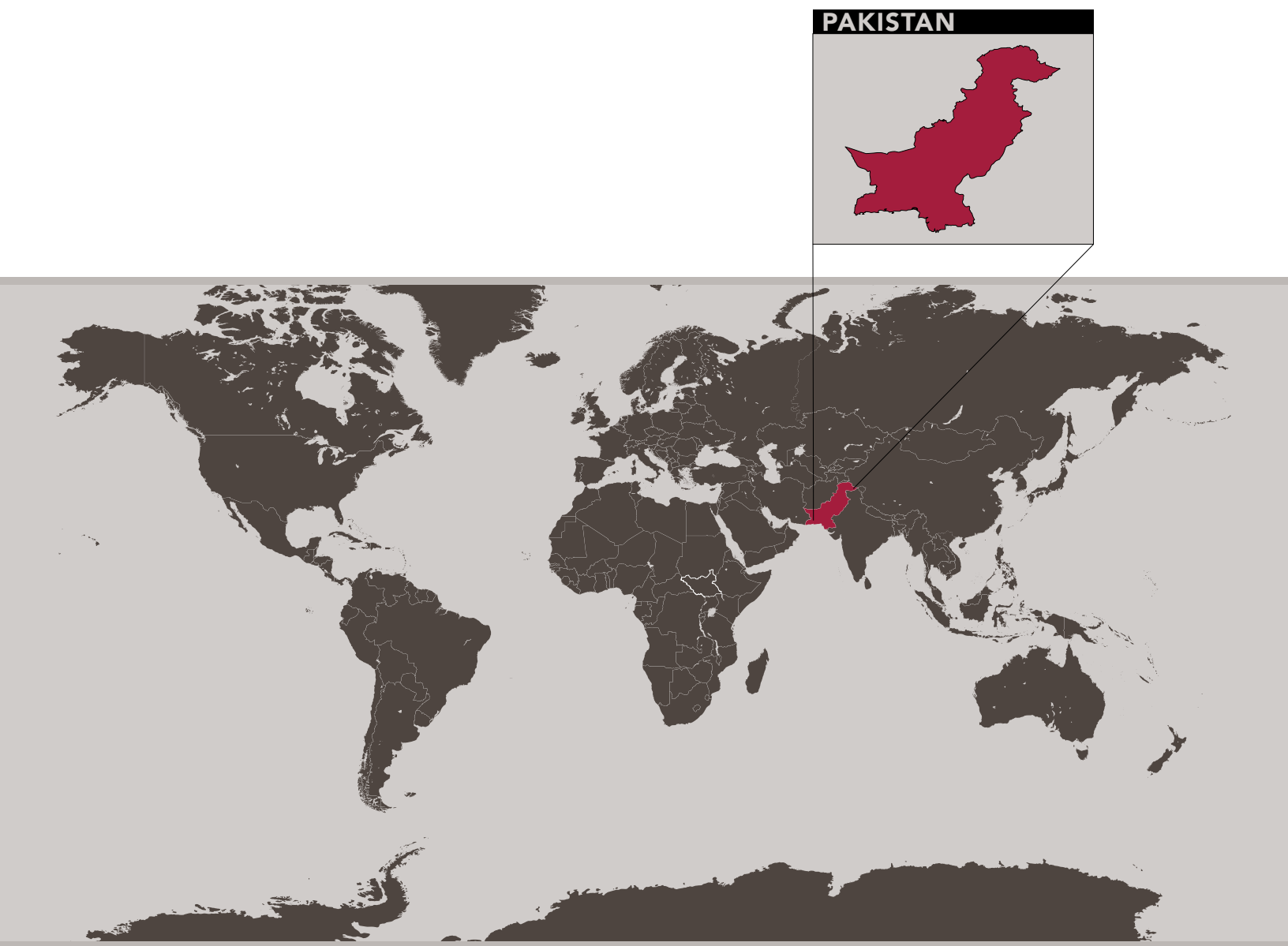
Nigeria has the capacity to improve religious freedom conditions by more fully and effectively countering Boko Haram and sectarian violence, and will only realize respect for human rights, security, stability, and economic prosperity if it does so. For these reasons, USCIRF recommends that the U.S. government designate Nigeria a CPC. In addition, USCIRF recommends that the U.S. government should:

- Seek to enter into a binding agreement with the Nigerian government, as defined in section 405(c) of IRFA, and be prepared to provide financial and technical support to help the Nigerian government undertake reforms to address policies leading to violations of religious freedom, including but not limited to the following:
  - professionalize and train specialized police and joint security units to respond to sectarian violence and acts of terrorism, including in counter-terrorism, investigative techniques, community policing, non-lethal crowd control, and conflict prevention methods and capacities;
  - conduct professional and thorough investigations of and prosecute future incidents of sectarian violence and terrorism and suspected and/or accused perpetrators;
- develop the capability to monitor patterns in the timing and location of sectarian violence and terrorism as it occurs, and to rapidly deploy specialized police and joint security units to prevent and combat such violence;
- develop effective conflict-prevention and early-warning mechanisms at the local, state, and federal levels using practical and implementable criteria;
- advise the Nigerian government in the development of counter- and de-radicalization programs;
- ensure that all military and police training educates officers on international human rights standards; and
- develop a system whereby security officers accused of excessive use of force and other human rights abuses are investigated and held accountable.
- Hold a joint session of the U.S.-Nigeria Bi-National Commission working groups on good governance and security to address issues of Nigeria's recurrent sectarian violence and failure to prosecute perpetrators;
- Encourage the Nigerian government to work with Muslim herders to demarcate and establish reserved pastures and routes for the cattle grazing and migrations to reduce sectarian conflicts in the Middle Belt;
- Expand engagement with Middle Belt and northern religious leaders and elders on universal human rights, including freedom of religion or belief;
- Continue to support civil society and faith-based organizations at the national, regional, state, and local levels that have special expertise and a demonstrated commitment to intra-religious and interreligious dialogue, religious education, reconciliation and conflict prevention;
- Encourage the Nigerian government to increase funding and implementation of initiatives for



development assistance, counter radicalization, and conflict mitigation in northeast Nigeria;

- Assist non-governmental organizations working to reduce tensions related to the reintegration of victims of Boko Haram, including youth and women, and of former Boko Haram fighters; and
- Ensure that U.S-funded education efforts in northern Nigeria to increase access to schools and reform traditional Islamic schools include lessons on the promotion of freedom of religion or belief, tolerance, and human rights.



# PAKISTAN

## Key Findings

In 2015, the Pakistani government continued to perpetrate and tolerate systematic, ongoing, and egregious religious freedom violations. Religiously-discriminatory constitutional provisions and legislation, such as the country's blasphemy law and anti-Ahmadiyya laws, intrinsically violate international standards of freedom of religion or belief and result in prosecutions and imprisonments. The actions of non-state actors, including U.S.-designated Foreign Terrorist Organizations such as Tehrik-e-Taliban Pakistan (Pakistani Taliban), continue to threaten all Pakistanis and the country's overall security. Religious minority communities, including Shi'a and Ahmadiyya Muslims, Christians, and Hindus, experience chronic sectarian and religiously-motivated violence from both terrorist organizations and individuals within society. The government's failure to provide adequate protection for likely targets of such violence or prosecute perpetrators has created a deep-rooted climate of impunity. Discriminatory content against minorities in provincial textbooks remains a significant concern, as are reports of forced conversions and marriages of Christian and Hindu girls and women. While the Pakistani government has taken some steps over the last two years to address egregious religious freedom violations, it has failed to implement systemic changes. Accordingly, USCIRF again recommends in 2016 that Pakistan be designated a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA), as it has recommended since 2002.

## Background

Pakistan is an ethnically and religiously diverse country of over 190 million people. According to the last official census, in 1998, 95 percent of the population identified as Muslim; of that 75 percent identified as Sunni and 25 percent as Shi'a. The remaining five percent were adherents of non-Muslim faiths, including Christians,

Hindus, Parsis/Zoroastrians, Baha'is, Sikhs, Buddhists, and others. However, Shi'a Muslim, Christian, and Hindu groups believe their communities are larger than the census reported. An estimated two to four million Ahmadis consider themselves Muslims, but Pakistani law does not recognize them as such.

Pakistan's religious freedom environment has long been marred by religiously-discriminatory constitutional provisions and legislation, including its blasphemy laws. For years, the Pakistani government has failed to protect citizens, minority and majority alike, from sectarian and religiously-motivated violence. Pakistani authorities also have failed to consistently bring perpetrators to justice or take action against societal actors who incite violence. In addition, U.S.-designated terrorist organizations, such as the Pakistani Taliban, pose a significant security challenge to the government, targeting Pakistani civilians, governmental offices, and military locations.

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Over the past several years, Prime Minister Nawaz Sharif and his party have taken steps to address some of these issues. Following the December 2014 Pakistani Taliban attack on an army school that killed 130 children, the government announced a 20-point National Action Plan (NAP) to address terrorism, attacks on minority communities, and hate speech and literature intended to incite violence. In November 2015, the government declared the Ministry of Human Rights (MoHR) independent from the Ministry of Law and Justice (MoLJ). The mandate of the MoLJ includes defending the state against

human rights complaints, which could conflict with the mandate of the MoHR to redress human rights violations, including those perpetrated by the state. In May 2015, the government authorized the country's first independent National Commission for Human Rights, with the ability to conduct inquiries and take action, but provided it no budget. In June 2014, the Supreme Court ordered the federal government to establish a special police force to protect religious minorities and to revise biased school curricula, but the government has not made any progress on either. Overall, implementation of these and other steps by the government have fallen short. Societal violence and terrorist activity continues, and inherently discriminatory laws remain.

In March 2015, a USCIRF delegation made its first-ever Commissioner-level visit to Pakistan. Commissioners met with high-ranking Pakistani officials, including National Security Adviser Sartaj Aziz, as well as officials in the Ministries of Interior and Religious Affairs. Tragically, suicide bombers affiliated with the Pakistani Taliban attacked two churches in Lahore the day the USCIRF delegation departed Pakistan.

## **Religious Freedom Conditions 2015–2016**

### **Blasphemy Laws**

Sections 295 and 298 of Pakistan's Penal Code criminalize acts and speech that insult a religion or religious beliefs or defile the Qur'an, the Prophet Muhammad, a place of worship, or religious symbols. These provisions inherently violate international standards of freedom of religion or belief, as they protect beliefs over individuals. Accusers are not required to present any evidence that blasphemy occurred, which leads to abuse, including false accusations. There are no penalties for false allegations, though they may exist in other criminal code provisions. Moreover, the law sets severe punishments, including death or life in prison, which have been levied against religious minorities including Christians, Hindus, and Ahmadiyya and Shi'a Muslims, as well as Sunni Muslims. USCIRF is aware of nearly 40 individuals currently sentenced to death or serving life sentences for blasphemy in Pakistan.

An estimated two-thirds of all blasphemy cases in Pakistan occur in Punjab province, where the majority of Pakistan's religious minorities reside. While Muslims represent the greatest number of individuals charged or

sentenced, religious minority communities are disproportionately the victims of blasphemy allegations and arrests, as compared to their percentage of the country's population. The non-governmental National Commission for Justice and Peace has reported that in 2014, 105 people were charged with blasphemy: 11 Ahmadis, 7 Christians, 5 Hindus, and 82 Muslims. In February 2015, the Punjab Prosecution Department and provincial judiciary announced that they had reviewed 262 blasphemy cases awaiting trial and recommended that 50 be reviewed for dismissal because the accused had been victimized by complainants. No religious minorities were included in the review.

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During the reporting period, Pakistan's Supreme Court suspended the death sentence of Aasia Bibi, a Christian woman convicted of blasphemy in 2010 after a dispute with co-workers, until her appeal could be heard. She remains imprisoned, is in poor health, and in October 2015 was put into isolation due to concerns for her safety. On February 29, 2016, Mumtaz Qadri was executed by hanging for the murder of Punjab governor Salman Taseer, who had spoken out in support of Mrs. Bibi. In the last year, there has been no progress in prosecuting individuals for the 2011 assassination of Minister of Minority Affairs Shahbaz Bhatti, a Christian who had called for blasphemy law reform.

In January 2016, Muhammad Khan Sherani, the Chairman of the Council of Islamic Ideology, called on the government to refer the blasphemy law to his council for review. The Council of Ideology is a constitutional body that advises the Pakistani government on whether legislation is compatible with Islam and Islamic law.

### **Anti-Ahmadiyya Laws**

Ahmadis are subject to severe legal restrictions, and suffer from officially-sanctioned discrimination. September 2014 marked the 40<sup>th</sup> anniversary of Pakistan's

second amendment, which amended the constitution to declare Ahmadis to be “non-Muslims.” Additionally, sub-clauses B and C of Penal Code Section 298 make it criminal for Ahmadis to refer to themselves as Muslims; preach, propagate, or disseminate materials on their faith; or refer to their houses of worship as mosques. They also are prevented from voting.

70 new intolerant or biased passages were added. Fifty-eight of these passages came from textbooks used in the Baluchistan and Sindh provinces, while 12 came from the Punjab and Khyber Pakhtunkhwa provinces. Overall, the report found that Pakistani textbooks continue to teach bias against and distrust of non-Muslims and any faith other than Islam, and portray them as

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*In early 2016, USCIRF released a new report, “Teaching Intolerance in Pakistan: Religious Bias in Public Textbooks,” a follow-up to its 2011 study, “Connecting the Dots: Education and Religious Discrimination in Pakistan.” The 2016 report found that while 16 problematic passages outlined in the 2011 report were removed, 70 new intolerant or biased passages were added.*

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In November 2015, in Jhelum, Punjab province, a mob set ablaze a factory owned by members of the Ahmadiyya community. Reportedly, the mob attacked the factory after a person who worked there was accused of desecrating the Qur’an. An Ahmadiyya mosque nearby was burned and looted the following day. Three individuals were arrested for their role in the factory attack, but no further information was available by the end of the reporting period.

In January 2016, Shakoor Shakoor, an optician and store owner in Rabwah, Punjab province, was sentenced to five years in prison on blasphemy charges and three years on terrorism charges, to be served concurrently, for propagating the Ahmadiyya Muslim faith by selling copies of the Qur’an and Ahmadiyya publications. His Shi’a Muslim store manager, Mazhar Sipra, also was sentenced to 5 years on terrorism charges. Both have appealed their sentences.

## Education

Discriminatory content against religious minorities in provincial textbooks remains a significant concern. In early 2016, USCIRF released a new report, *“Teaching Intolerance in Pakistan: Religious Bias in Public Textbooks,”* a follow-up to its 2011 study, *“Connecting the Dots: Education and Religious Discrimination in Pakistan.”* The 2016 report found that while 16 problematic passages outlined in the 2011 report were removed,

inferior. Moreover, the textbooks portray non-Muslims in Pakistan as non-Pakistani or sympathetic towards Pakistan’s perceived enemies – Pakistani Christians as Westerners or British colonial oppressors and Pakistani Hindus as Indians. These portrayals stoke pre-existing societal tensions and create a negative climate for Pakistan’s religious minority communities.

## Forced Conversions

Forced conversion of Christian and Hindu girls and young women into Islam and forced marriage remains a systemic problem. In October 2014, the Pakistan-based Aurat Foundation reported that around 1,000 girls, many under the age of 18, are forcibly converted to Islam each year, mostly through forced marriages or bonded labor. According to the report, public pressure on the police often leads to inadequate or biased investigations in these cases and the girls and their families face intimidation to say they converted willingly. Hindu and Christian women are particularly vulnerable to these crimes. Pakistani law, except in one province, does not recognize Hindu marriages. In February 2016, Sindh province passed a law to allow the Hindu community to officially register their marriages. The law is also retroactive, allowing previously married couples to register. Reportedly, the National Assembly is considering a bill that would pertain to all Hindu marriages throughout the country. Christian marriages are recognized through the Marriage Act of 1872.

## Targeted Sectarian Violence

Numerous terrorist groups are active in Pakistan, creating a serious security and stability threat to the region, the country, and its people, especially religious minority communities. In addition to attacking government and military sites, the Pakistani Taliban has been a major persecutor of religious minorities, as well as Sunni Muslims who oppose their religious and political agenda. In December 2015, Pakistani Taliban spokesperson Muhammad Khorsani claimed that the group carried out 136 attacks in 2015 that killed more than 680 people.

Early attempts in 2014 to negotiate peace with the Pakistani Taliban dissolved after repeated attacks, which spurred a major Pakistani military offensive that continues. These significant challenges notwithstanding, religious minority communities view the Pakistani government as unwilling to stem the violent attacks against them by terrorist organizations like the Pakistani Taliban or bring the attackers to justice, and believe that some government officials and local police may be sympathetic to the violent acts.

During the reporting period, religious minority communities suffered numerous violent attacks. For example, in March 2015, two Christian churches in Youhanabad town in Lahore, Punjab province, were bombed, killing at least 15 people and injuring 70. The Pakistani Taliban claimed that it had carried out the attack, and in August 2015, five individuals were arrested. In May 2015, 43 Shi'a Muslims were killed in the southern city of Karachi by a splinter group of the Pakistani Taliban called Jundullah. The Pakistani Taliban reportedly has killed 1,000 Shi'a Muslims in the last two years.

## U.S. Policy

U.S.-Pakistan relations have long been marked by strain, disappointment, and mistrust. Human rights and religious freedom have not been among the highest priorities in the bilateral relationship. Pakistan has played a critical role in U.S. government efforts to combat al-Qaeda, the Afghani Taliban, and other terrorist organization in the areas. The United States relies on Pakistan for transport of supplies and ground lines of communication to Afghanistan. In October 2015, President Obama announced that the United States would halt the withdrawal of American military forces from Afghanistan until the end of his pres-

idential term in 2017. Therefore, U.S. reliance on Pakistan is unlikely to change in the next year. Additionally, the United States, Pakistan, and China are engaged in the Afghan peace process. These three countries, along with Afghanistan, are working together to create a roadmap for restarting a negotiated peace between the Afghan government and the Afghani Taliban.

The United States and Pakistan established a Strategic Dialogue in 2010 to discuss topics such as the economy and trade; energy; security; strategic stability and non-proliferation; law enforcement and counter-terrorism; science and technology, education; agriculture; water; health; and communications and public diplomacy. Human rights are not included in the Dialogue structure. Although the Dialogue was dormant for some time, in January 2015 Secretary Kerry traveled to Islamabad for ministerial meetings.

The aid relationship with Pakistan is complex and changing. In October 2009, President Obama signed the Enhanced Partnership with Pakistan Act (also known as the Kerry-Lugar-Berman Act), authorizing an additional \$7.5 billion (\$1.5 billion annually over five years) in mostly non-military assistance to Pakistan. However, the \$1.5 billion amount was only met in the first year, and the appropriated amount was approximately one-third of that each year since. The Act expired in 2014. Congress has placed certification requirements on U.S. military assistance to Pakistan focusing on counterterrorism cooperation. The State Department notified Congress that the Obama administration would waive the certification requirements in July 2014. However, in August 2015, the United States threatened to withhold nearly \$300 million of military support funding because Pakistan did not do enough to stem terrorist activity. Non-military U.S. aid dramatically increased in recent years, while military aid has ebbed and flowed over the decades of engagement. For FY2016, more than \$800 million in non-military foreign assistance is planned for Pakistan.

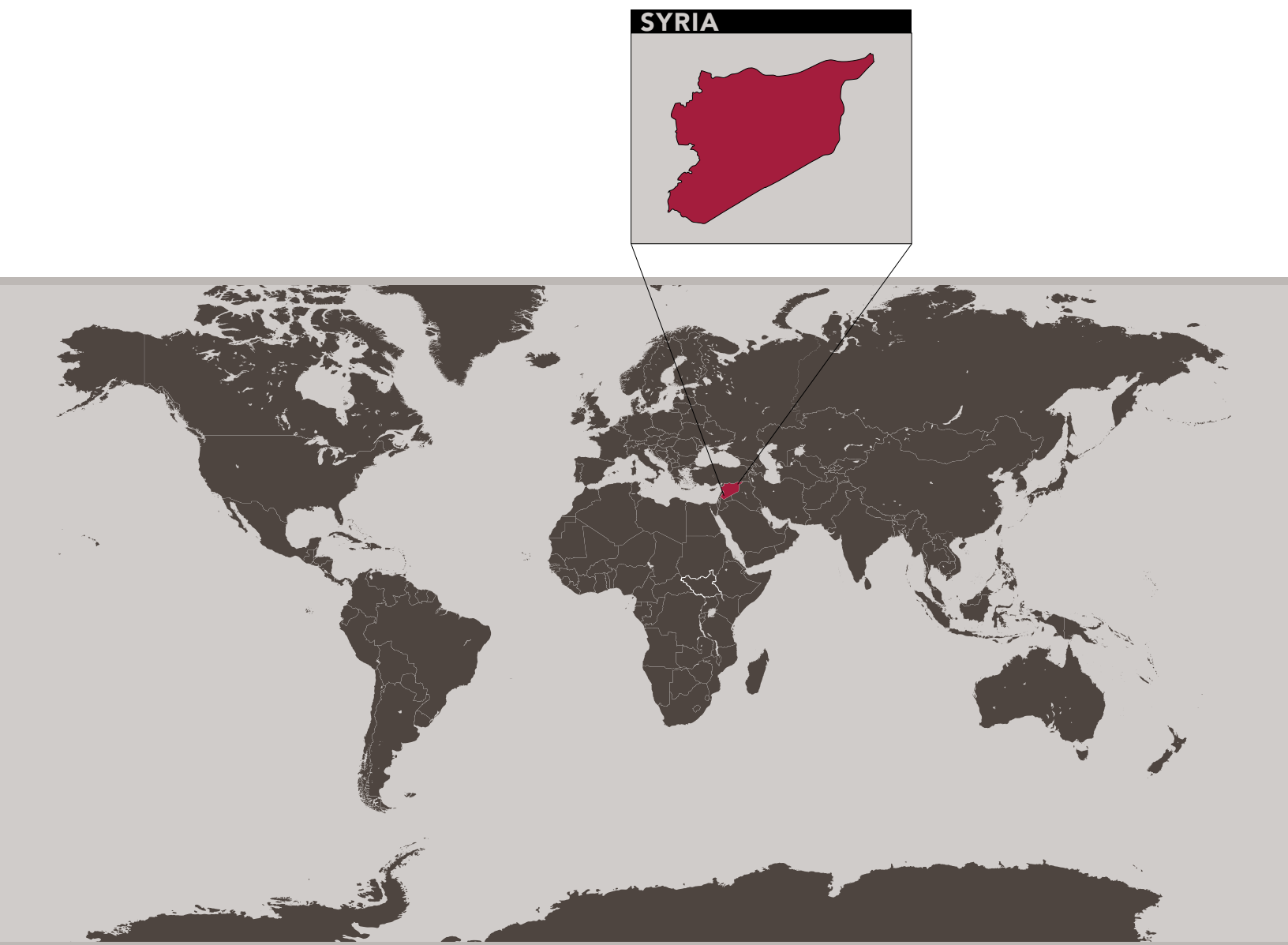
## Recommendations

Promoting respect for freedom of religion or belief must be an integral part of U.S. policy in Pakistan, and designating Pakistan a CPC would enable the United States to more effectively press Islamabad to undertake needed reforms. The forces that target religious minorities and

members of the majority faith present a human rights and security challenge to Pakistan and the United States. USCIRF recommends that the U.S. government should:

- Designate Pakistan as a CPC for engaging in and tolerating systematic, ongoing, and egregious violations of freedom of religion or belief;
- As a consequence of CPC designation, work to reach a binding agreement with the Pakistani government on steps to be delisted and avoid Presidential actions; such an agreement should be accompanied by U.S.-provided resources for related capacity building through the State Department and USAID mechanisms;
- Press the Pakistani government to implement its Supreme Court's decision to create a special police force to protect religious groups from violence and actively prosecute perpetrators, both individuals involved in mob attacks and members of militant groups;
- Recognize the unique governmental offices focusing on religious tolerance at the federal and provincial levels by including discussions on religious freedom in U.S.-Pakistan dialogues or by creating a special track of bilateral engagement about government efforts to promote interfaith harmony;
- Work with international partners to raise religious freedom concerns with Pakistani officials in Islamabad and in multilateral settings, and to encourage the Pakistani government to invite the UN Special Rapporteur on Freedom of Religion or Belief for a country visit;
- Encourage national textbook and curricula standards that actively promote tolerance towards members of all religions, both in government schools and the madrassa system overseen by the religious affairs ministry;
- Encourage the government of Pakistan to launch a public information campaign about the historic role played by religious minorities in the country, their contributions to Pakistani society, and their equal rights and protections; either in parallel or independently, use the tools of U.S. public diplomacy to highlight similar themes;
- Urge the Pakistani government and provincial governments to review all cases of individuals charged with blasphemy in order to release those subjected to abusive charges, as is underway in Punjab, while still calling for the unconditional release and pardoning of all individuals sentenced to prison for blasphemy or for violating anti-Ahmadiyya laws;
- Work with federal and provincial parliamentarians to support the passage of marriage bills recognizing Hindu and Christian marriages;
- Call for the repeal of the blasphemy law and the rescinding of anti-Ahmadiyya provisions of law; until those steps can be accomplished, urge the Pakistani government to reform the blasphemy law by making blasphemy a bailable offense and/or by adding penalties for false accusations or enforcing such penalties found elsewhere in the penal code;
- Ensure that a portion of U.S. security assistance is used to help police implement an effective plan for dedicated protection for religious minority communities and their places of worship; and
- Provide USAID capacity-building funding to the provincial Ministries of Minority Affairs, and work with Pakistan's government and minority religious communities to help them reach agreement on measures to ensure their rights and security in the country.





# SYRIA

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## Key Findings

Syria's religious communities are largely deprived of religious freedom due to the actions of President Bashar al-Assad's regime, elements of the armed opposition, and U.S.-designated terrorist groups, in particular the al-Qaeda affiliated Jabhat al-Nusra and the Islamic State of Iraq and the Levant (ISIL), among others. The Syrian crisis has evolved into a largely sectarian conflict. The al-Assad regime continues to target Arab Sunni Muslim civilians and other individuals or groups that oppose it, including through indiscriminate bombings, sieges, starvation, and the use of chemical weapons. ISIL targets the regime and its supporters, religious minorities, and any Muslims opposing its violent version of Islamist ideology. Syrian and international groups alike have documented attacks on places of worship, kidnappings and killings of religious leaders, and public beheadings and mass murders of anyone who does not submit to the control and authority of ISIL. Due to the collective actions of the Bashar al-Assad regime, elements of the armed opposition, and U.S.-designated terrorist groups, USCIRF again recommends in 2016 that Syria be designated as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA), as it has recommended since 2014.

forces were permitted to perpetrate egregious human rights abuses to oppress anyone critical of the government. An adherent of the minority Alawite community, an off-shoot of Shi'a Islam, Hafez al-Assad named himself president in 1970. To maintain control over all aspects of Syrian society, he placed Alawites loyal to him in key positions of his government, army, and security forces and oppressed political opposition from the majority Sunni Arab population. Following Hafez's June 2000 death, he was succeeded by his son, Bashar. While there were hopes that Bashar al-Assad would usher in a new political openness, he maintained his father's status quo of strict political restrictions to oppress any opposition.

In March 2011, the current Syrian conflict began, with peaceful protests initially calling for democratic reforms, a repeal of the abusive emergency law, and space for political parties to compete with the ruling Ba'athist party. As more protests were held around the country, President al-Assad ordered a brutal crackdown to discourage the gatherings that were widely covered by the international media. As a result, violence quickly escalated across the country. By mid-to-late 2012, the strife between the government and protesters had turned into a full-blown military confrontation.

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*The al-Assad regime continues to target Arab Sunni Muslim civilians and other individuals or groups that oppose it, including through indiscriminate bombings, sieges, starvation, and the use of chemical weapons.*

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## Background

The al-Assad family's brutal authoritarian rule for over 40 years created the political conditions for the current conflict. Under both Hafez and Bashar al-Assad, no political opposition was allowed and Syrian security

In mid-2011, the government released numerous prisoners previously designated as "Islamic fundamentalists," including prominent Sunnis who became leaders in Jabhat al-Nusra, ISIL, and other factions, and facilitated the "Islamization" of the armed opposition. President al-Assad and his regime played on

sectarian fears, repeatedly stating it was fighting “extreme Islamist factions” that were acting to increase sectarian tensions. Five years into the conflict, many Sunni Muslims have come to associate Alawites and Shi’a Muslims with the regime of President al-Assad, an Alawite himself, and many Alawites, Shi’a Muslims, Christians and other groups believe that they will be killed by ISIL and other extremist Sunni groups if the al-Assad government falls.

The involvement of international actors has produced mixed results, but in many cases it has contributed to increased ethno-sectarian tensions throughout the country. The Iranian-backed, U.S.-designated terrorist group, Hezbollah, has provided military support for the Syrian Arab Army. Human rights groups have documented Hezbollah’s sectarian rhetoric against Sunni Muslims. Additionally, ceasefire and negotiations overseen – and at times orchestrated – by Iran and Hezbollah have facilitated the forced relocation of Sunni Muslims to northern Syria and Shi’a Muslims to Damascus. The Russian government denies calling its intervention in Syria a “holy war” and disputes the authenticity of pictures of Russian Orthodox priests

opposition have not successfully attracted ethno-sectarian minorities to join their ranks, leaving communities such as the Kurds, Druze, and Christians feeling disenfranchised and sidelined in the political process, even if they are not supportive of the al-Assad regime. While minority groups have not been driven out of opposition-controlled areas, they have felt the need to maintain a low profile, sometimes adopting Muslim attire and avoiding going to their religious institutions so as not to attract attention.

ISIL has attacked pro-Assad and anti-Assad groups alike, and while it managed to seize significant territory in 2014, it lost territory in 2015. According to some estimates, ISIL has lost 10 to 20 percent of its territory in Syria, along with oil wells, refineries, and military bases. Despite military setbacks inflicted by the U.S.-led anti-ISIL coalition and the armed opposition, ISIL’s method of governance continues to be brutal. Reports have emerged from all groups, including Muslims, Christians, Ismailis, and others, of gross human rights violations, including beheading, rape, murder, torture of civilians and religious figures, and the destruction of mosques and churches.

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bleeding missiles headed to Syria. However, it consistently has compared even the moderate elements of the armed opposition to extremist Chechen rebels in an attempt to delegitimize their aims. Additionally, as of September 2015, according to Russia’s Federal Migration service, only 2,000 of the 12,000 Syrian refugees in Russia (most of whom are Muslim Circassians) have legal status. Meanwhile, the armed opposition, which has received support from various countries including Saudi Arabia, Qatar, and Turkey, has been led primarily by Islamist factions on the ground. Many of these groups have established Shari’ah courts and imposed Islamic regulations, such as prohibiting the sale and consumption of alcohol. The political and military

More than five years of conflict has led to a devastating humanitarian crisis. The death toll is significantly greater than 250,000 according to most sources. As of January 2016, more than 4.7 million Syrians were registered with UNHCR as refugees in neighboring countries, more than 6.5 million were internally displaced, and over 140,000 children had been born stateless. Such large numbers of refugees are straining resources and exacerbating sectarian tensions in neighboring countries.

Prior to the onset of the conflict in 2011, Syria was home to a multitude of religious groups. The U.S. government, based on official Syrian government figures, estimates that the country’s religious demography before the

conflict was as follows: 87 percent Muslim (comprising 74 percent Sunni and 13 percent Alawi, Ismaili, and Shi'a), 10 percent Christian, three percent Druze, and a very small number of Jews in Damascus and Aleppo. Other 2010 estimates include the following breakdown: 92.8 Muslim, 5.2 percent Christian, two percent unaffiliated, and all other groups less than 0.1 percent.

## Religious Freedom Conditions 2015–2016

### Violations by al-Assad Regime and Affiliated Groups

According to human rights groups, the regime and its allies, Russia and Iranian-backed Hezbollah, have indiscriminately targeted primarily Arab Sunni Muslim residential neighborhoods, market places, schools, and hospitals. The United Nations and many of its member states, including the United States, have reported the use of rape, extrajudicial killings, starvation, sniper attacks, and torture by the al-Assad regime and its military in its attempt to maintain power. In addition, paramilitary units, previously known as the *shabiha* but now recognized as the National Defense Forces, also have been accused of extortion, blackmail, kidnapping, and extrajudicial killing. The National Defense Forces have been described by many as “mafia-like gangs” modeled after the Iranian Basij Resistance Force, comprised mostly of local Shi'a and Alawite fighters (including females).

Members of the Christian community also have been victims of the Syrian government. Since 2011, at least 50 Christians have been killed and at least 450 remain detained, although the numbers cannot be confirmed. Offices of Christian pro-democracy and charity groups have been raided, and prominent Christian civil rights activists, humanitarian workers, and religious leaders have been among the detained and killed.

### Violations by ISIL

ISIL makes little distinction between sects and ethnicities in its attempt to seize and maintain control of its territory. It has established brutal governing structures that apply strict Shari'ah law to everyone, violating due process and international human rights standards. Since 2014, ISIL has killed at least seven non-Syrian journalists and humanitarian workers, including Americans James Foley and Kayla Mueller. According to SNHR, of the more than 5,800 individuals ISIL killed in Syria since 2014, at least 97 percent were Muslims. ISIL reportedly has killed at least 100 individuals from religious minority communities, including 50 Christians. Additionally, since 2014, ISIL has kidnapped roughly 450 Christians; it has periodically released them in small groups (10-20 at a time) through negotiations between ISIL and Sunni Arab tribes, but about 150 remain in captivity. ISIL has also kidnapped well-known

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According to the Syrian Network for Human Rights (SNHR), in 2015, the Syrian regime killed more than 12,000 civilians, and Russian forces killed 832 civilians. More than 6,909 individuals were arrested, including 452 children, and 1,546 individuals died under torture. According to various sources, the regime used chemical weapons at least 64 times. In 2015, the regime targeted at least 166 places of worship. More specifically, since 2011, according to various sources, 50 to 63 percent of Christian places of worship were targeted by govern-

ment forces. Members of the Christian community also have been victims of the Syrian government. Since 2011, at least 50 Christians have been killed and at least 450 remain detained, although the numbers cannot be confirmed. Offices of Christian pro-democracy and charity groups have been raided, and prominent Christian civil rights activists, humanitarian workers, and religious leaders have been among the detained and killed.

Christian leaders, including the Italian Jesuit Priest, Paolo Dall'Oglio. The group has attacked and closed down all churches and non-Sunni mosques in areas it controls, often destroying the buildings altogether or converting them to ISIL administrative buildings or military bases. There also is evidence that ISIL and other extremist groups have seized and sold on the black market Christian relics and artifacts. In December 2015, USCIRF concluded that ISIL was committing genocide against the Christian, Yazidi, Shi'a, Turkmen,

and Shabak communities in the areas it controls in Iraq and Syria, and crimes against humanity against these and other groups. After the reporting period, on March 17, 2016, Secretary of State John Kerry announced that, in his judgment, ISIL “is responsible for genocide against groups in areas under its control, including Yezidis, Christians, and Shi’a Muslims [and] for crimes against humanity and ethnic cleansing directed at these same groups and in some cases also against Sunni Muslims, Kurds, and other minorities.”

pressure, however, the Alawites were removed from the cages the next day.

### Political Opposition Groups

Throughout most of 2015, the National Coalition for Syrian Revolutionary and Opposition Forces, the organization recognized by the United States as the legitimate representative of the Syrian people, continued to include insufficient minority representation. The organization’s lack of funding, uncertain future, and

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*In Idleb and Aleppo, where al-Nusra is strongest, minority religious groups often hide their identity (for example, Christians refrain from selling alcohol and dress in Muslim attire), although they have not been forced from their homes.*

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### Armed Opposition Groups

Religious freedom conditions vary by locality. According to reports, there are at least 228 armed opposition groups, ranging from Jabhat al-Nusra and its allies to independent, U.S.-backed, moderate opposition groups. Not all groups have violated religious freedom to the same degree. In Idleb and Aleppo, where al-Nusra is strongest, minority religious groups often hide their identity (for example, Christians refrain from selling alcohol and dress in Muslim attire), although they have not been forced from their homes. Some armed groups have characterized clashes on the basis of religious identity as “individual actions” not supported by a group’s leadership. For example, in June 2015, after Jaish al-Fateh seized control of Idleb Province, there were clashes between villagers and al-Nusra that resulted in the deaths of 12 Druze accused of allying with the regime. Waleed Jumblatt, a well-known Druze leader in Lebanon, was able to mediate between the two groups, and al-Nusra attributed the killings to individual soldiers and punished the perpetrators. In another widely-reported incident in November 2015, the armed group Jaish al-Islam placed 700 Alawite soldiers and their families in 100 cages throughout Eastern Ghouta. The group argued that using the Alawites as “human shields” was acceptable because it protected hundreds of thousands of residents under siege from aerial bombardment by the al-Assad regime. Due to international

intra-Syrian disputes continue to hinder its ability to protect the interests of all Syrians, especially those from religious minority groups. In October 2015, the International Syria Support Group (ISSG), which includes the United States, launched the Vienna Process. This political process aims to include Syrians from a variety of ethno-sectarian backgrounds in political negotiations with the al-Assad regime.

### Kurdish Groups

The Kurdish military group, the YPG, remains one of the most capable armed groups in the fight against ISIL. However, human rights groups have accused both the YPG and the Kurdish administration in the *de facto* autonomous area of Rojava in northern Syria of demolishing Arab and Turkmen villages and homes and ousting non-Kurdish groups from Rojava lands or preventing them from returning to their homes. Kurdish groups, including the Rojava leadership, deny these accusations and blame the demolitions on YPG-ISIL fighting or the Syrian Arab Army’s Air Force. The Rojava also denied blocking non-Kurds from returning home, except for families that it believed were still in communication with ISIL members.

### U.S. Policy

On August 18, 2011, only five months after the conflict in Syria began, President Obama called on President

al-Assad to step down and issued an executive order immediately freezing all Syrian government assets subject to U.S. jurisdiction. The order also prohibited Americans from engaging in any transactions involving the Syrian government. In 2012, the United States closed its embassy in Damascus, and in March 2014, it ordered the Syrian Embassy and consulates to close in the United States. In December 2012, the U.S. government recognized the National Coalition for Syrian Revolutionary and Opposition Forces as the legitimate representative of the Syrian people, and in May 2014, it recognized the Washington, DC and New York offices as diplomatic foreign missions. However, the United States has stopped short of recognizing the Coalition as the official government of Syria.

France, Germany, Iran, Iraq, Italy, Jordan, Lebanon, Oman, Qatar, Russia, Saudi Arabia, Turkey, United Arab Emirates, the United Kingdom, the United Nations, and the United States. At the end of the reporting period, the ISSG had met three times: in October and November 2015 and February 2016. This process has produced the Vienna Statement, a framework document for a Syrian-led and Syrian-owned political transition based on the 2012 Geneva Communiqué.

The anti-ISIL coalition, dubbed Operation Inherent Resolve, is led by the United States, and includes 65 countries. Coalition nations conducting air strikes are Australia, Bahrain, Canada, France, Jordan, Saudi Arabia, Turkey, the United Arab Emirates, and the United Kingdom. The coalition has conducted over

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Since 2011, the U.S. government has provided over \$4.5 billion in humanitarian aid to Syrians and neighboring countries dealing with the Syrian crisis; \$1.6 billion was provided in 2015 alone. The funding has supported activities of the U.S. State Department, U.S. Agency for International Development, International Committee of the Red Cross (ICRC), International Organization for Migration (IOM), UN Children's Fund (UNICEF), UN Office for the Coordination of Humanitarian Affairs (OCHA), UN Population Fund (UNFPA), UN World Health Organization (WHO), UN Development Program (UNDP), and the UN High Commissioner for Refugees (UNHCR), among others. The efforts supported by the United States include civil society trainings, local council capacity building, health and medical support, education projects, food assistance, psychosocial support, shelter rehabilitation, and livelihood development.

The United States continues to advocate for a political solution to the Syria crisis. The Vienna Process, launched in October 2015, brought together the International Syria Support Group (ISSG), made up of the Arab League, China, Egypt, the European Union,

10,000 strikes, at least 3,500 of which have been in Syria and most of which have been carried out by the United States. As of January 2016, the total cost of the anti-ISIL operations exceeded \$6 billion. In October 2015, President Obama announced the deployment of 50 U.S. special operations forces to advise local forces fighting ISIL but not play a direct combat role. The coalition's successes include the retreat of ISIL from Kobani and Tel Abyad, both cities along the Turkish-Syrian border. Air support provided by the United States and its allies to the YPG in Kurdish-held areas in al-Hasakeh Province has kept ISIL from making new advances in northeastern Syria, something ISIL was able to do effectively before the air strikes.

## Recommendations

Since 2011, Syria has been a hostile place for all ethno-sectarian groups, including Christians, Druze, Shi'a and Sunni Muslims, Alawites, and Turkmen. With over 13.5 million people in Syria in need of humanitarian assistance, the protection of human rights and religious freedom is especially challenging. In addition to continuing to seek an end to the Syrian conflict, USCIRF



recommends that the U.S. government should designate Syria a CPC and should:

- Condemn the al-Assad regime's brutal persecution of, and crimes of humanity against, Sunni Muslims and others, and urge other nations to do the same;
- Urge the UN Security Council and its member states to rigorously implement and comply with ratified resolutions, including UN Security Council resolutions 2118 (elimination of Syrian chemical weapons), 2139 (calling for humanitarian access into besieged areas and an end to barrel bombs), 2165 (approving humanitarian access across conflict lines), 2209 (calling for an end to the use of chlorine bombs), and 2254 (ceasefire and road map for peace in Syria);
- Continue to call for an International Criminal Court (ICC) investigation into crimes committed by the al-Assad regime, following the models used in Sudan and Libya;
- Call for or support a referral by the UN Security Council to the International Criminal Court to investigate ISIL violations in Iraq and Syria against religious and ethnic minorities;
- Encourage the Global Coalition to Counter ISIL, in its ongoing international meetings, to work to develop measures to protect and assist the region's most vulnerable religious and ethnic minorities, including by increasing immediate humanitarian aid, prioritizing the resettlement to third countries of the most vulnerable, and providing longer-term support in host countries for those who hope to return to their homes post-conflict;
- Ensure that religious freedom and diversity are given a high priority in the Vienna Process by encouraging both the National Coalition for Syrian Revolutionary and Opposition Forces and any negotiating teams developed by the ISSG to be inclusive of all religious and ethnic groups; the ISSG should also provide training to negotiating teams on international human rights standards;
- 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;

- Initiate an effort among relevant UN agencies, NGOs, and like-minded partners among the Global Coalition to Combat ISIL 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 (especially Lebanon, Jordan, Egypt, and Turkey), and in preparing for a post-conflict Syria;
- Commit to a goal of resettling 100,000 Syrian refugees to the United States, subject to proper vetting and a prioritization based on vulnerability, in order to aid those Syrians in the greatest peril, demonstrate U.S. leadership in efforts to address this extraordinary humanitarian crisis, and show support for governments in the Middle East and Europe that are hosting millions of Syrian refugees;
- Allocate sufficient resources to the Department of Homeland Security and other agencies that conduct the rigorous individualized vetting of refugees being considered for resettlement to allow them to expeditiously process applications and thoroughly conduct background checks, in order to facilitate resettlement without compromising U.S. national security; and
- Consider issuing an exemption to U.S. immigration law's "material support bar" provision for Syrian refugees who supported specific U.S.-backed rebel groups or provided "support" by force or under duress to terrorist organizations, 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.

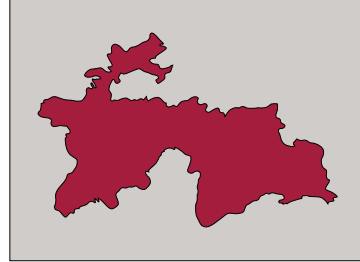
The U.S. Congress should:

- Include in the Fiscal Year 2017 Department of State, Foreign Operations, and Related Programs Appropriations Bill, or in another appropriate vehicle, a provision that would permit the U.S. government to appropriate or allocate funds for



in-kind assistance to genocide, crimes against humanity, or war crimes cases at the ICC on a case-by-case basis and when in the national interest to provide such assistance.

**TAJIKISTAN**



# TAJIKISTAN

## Key Findings

The government of Tajikistan suppresses and punishes all religious activity independent of state control, particularly the activities of Muslims, Protestants, and Jehovah's Witnesses. Since 2009, numerous laws that severely restrict religious freedom have been implemented in the country. The government also imprisons individuals on unfounded criminal allegations linked to Islamic religious activity and affiliation. In 2015, a Tajik court banned as "extremist" the Islamic Renaissance Party of Tajikistan, an opposition political party that had been legal for 15 years, and 200 of its leaders and members reportedly were imprisoned. Jehovah's Witnesses have been banned since 2007. Based on these concerns, as it has since 2012, USCIRF again recommends in 2016 that the U.S. government designate Tajikistan a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA).<sup>\*</sup> Previously, Tajikistan was on USCIRF's Tier 2 (formerly Watch List) from 2009 to 2011.

## Background

Tajikistan is an isolated and impoverished country that experienced in the 1990s a five-year civil war that resulted in as many as 100,000 deaths; the official post-war amnesty included many Tajik officials responsible for torture. The government is weak and highly corrupt, and 40 percent of the country's gross domestic product is from labor remittances, mostly from Russia. With the Russian economy's recent downturn, hundreds of thousands of Tajik workers have returned home to few job prospects, giving rise to new social tensions.

Over 90 percent of Tajikistan's estimated population of 7.9 million is Muslim, most from the Hanafi school of Sunni Islam; about four percent are Ismaili Shi'a. Of the country's 150,000 Christians, most are

Russian Orthodox, but there are also Protestants and Roman Catholics. In addition, there are small numbers of Baha'is, Hare Krishnas, and Jehovah's Witnesses, and fewer than 300 Jews.

Tajikistan's legal environment for religious freedom has seen a sharp decline since the passage of several highly restrictive laws in 2009. The 2009 religion law sets onerous registration requirements for religious groups; criminalizes unregistered religious activity and private religious education and proselytism; sets strict limits on the number and size of mosques; allows state interference with the appointment of imams; requires official permission for religious organizations to provide religious instruction and communicate with foreign co-religionists; imposes state controls on the content, publication and importation of religious materials; and restricts Muslim prayer to mosques, cemeteries, homes, and shrines.

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In 2011 and 2012, administrative and penal code amendments set new penalties, including large fines and prison terms, for religion-related charges, such as organizing or participating in "unapproved" religious meetings. Alleged organizers of a "religious extremist study group" face eight-to-12-year prison terms. A 2011 law on parental responsibility banned minors from any organized religious activity except funerals. The State Department has noted that "Tajikistan is the only country in the world in which the law prohibits persons under the age of 18 from participating in public religious activities."

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<sup>\*</sup> On April 15, 2016, after this report was finalized, the State Department designated Tajikistan as a CPC for the first time.

Tajikistan's extremism law punishes extremist, terrorist, or revolutionary activities without requiring acts that involve violence or incitement to imminent violence. Trials under these charges lack due process and procedural safeguards. The Tajik government uses concerns over Islamist extremism to justify actions against individuals taking part in certain religious activities. According to the State Department, the Tajik government's list of groups banned as extremist includes non-violent religiously-linked groups such as Hizb ut-Tahrir, Jamaat Tabligh, the Muslim Brotherhood, and Group 24 (a Tajik political opposition group), along with such recognized terrorist groups as al-Qaeda, the Taliban, the Islamic Group (Islamic Community of Pakistan), the Islamic Movement of Eastern Turkestan, the Islamic Party of Turkestan (former Islamic Movement of Uzbekistan – IMU), and Lashkar-e-Tayba. In September 2015, the legal Islamic Renaissance Party of Tajikistan was added to that list

## Religious Freedom Conditions 2015–2016

### Restrictions on Muslims

The law restricts Muslim prayer to four locations: mosques, cemeteries, homes, and shrines. Tajik officials monitor mosques and attendees for views they deem extremist or critical of the government, place restrictions on Muslim religious dress, and limit the number and age of *hajj* (religious pilgrimage) participants; as of April 2015, no one under the age of 35 can take part. The official State Committee on Religious Affairs (SCRA) controls the selection and retention of imams and the content of sermons. Since 2014, the government has paid the salaries of imams of cathedral mosques; these are the only mosques where the state allows sermons (prepared in advance by the semi-official Council of Ulema.) President Emomali Rahmon also instructed the Council of Ulema to adopt a standard uniform for imams. The Tajik NGO Sharq Analytical Center reports such policies have widened the gap between official and unofficial Muslim clergy, leading to popular mistrust of Muslim institutions. In July 2015, an Interior Ministry official in Dushanbe warned mosque-goers during Friday prayers not to leave early, which he claimed was a sign of non-Hanafi Islam; three months later the SCRA prohibited Tajik state employees from attending early afternoon Friday prayers, the Asia-Plus news agency reported.

The law prohibits headscarves in educational institutions, and bans teachers younger than 50 from wearing beards in public buildings. In March 2015, President Rahmon condemned women wearing “uncharacteristic” dress; state television showed police stopping 10 women in headscarves, claiming they were prostitutes. Asia-Plus reported in January 2016 that Khatlon region law enforcement officials “encouraged” 6,673 women to stop wearing Islamic headscarves as part of a 2015 national campaign; throughout the country, hundreds of thousands of bearded men were detained by police, had their fingerprints taken, and were forced to shave.

Between 2004 and 2014, the Council of Ulema banned women from attending mosques. In 2014, it said it would allow women to attend mosques and female students at religious schools to become *imam-hatibs* (imams' assistants) to work with females at mosques with women-only sections.

### Trials and Imprisonment of Muslims

During 2015, Tajik law enforcement officials continued to prosecute dozens for their alleged links to banned Islamic groups or international terrorist networks. Due to Tajikistan's flawed judicial system, it is almost impossible to ascertain the accuracy of such charges.

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*[G]roup banned as extremist  
include[d] non-violent  
religious-linked groups. . . .*

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The government has expressed concern over the increasing number of Tajik officials who reportedly have become Salafis or Shi'a Muslims, and the Salafist movement has been banned as extremist since 2014. The Sharq Analytical Center reports that Salafism has become increasingly popular among the Tajik elite. The SCRA Deputy Head has called Salafis extremist because their discussions show that they are not in total agreement about Islam. Salafi Muslims now risk prosecution under three Criminal Code articles relating to extremism, with possible five to 12-year jail terms.

In February 2015, Tajikistan's Interior Minister claimed that 200 Tajik labor migrants in Russia had joined militants in Syria, RFE/RL reported, but others could not confirm that figure. General Gulmurod Khalimov, head of Tajikistan's Special Assignment Police Unit, said in a May 27, 2015 video that one reason he had defected to ISIL in Syria was due to increasing restrictions on religious freedom in Tajikistan.

### **IRPT Ban**

Until last year, Tajikistan had the only legal Islamist political party in the former Soviet Union, the Islamic Renaissance Party (IRPT), which was granted such status under the country's post-civil war peace settlement. Government repression of Islamic practice is often intertwined with official efforts to suppress the IRPT, which had called for respecting Tajikistan's secular constitution and international religious freedom commitments. In 2014, the IRPT backed a parliamentary initiative to allow children to attend mosque and in 2015 it was critical of an official campaign against beards and headscarves.

Hikmatulloh Saifullohzoda, Islamic scholar Zubaidullah Roziq, and many regional activists. They are denied access to doctors and lawyers. The day after Saidumar Husaini was jailed, the former parliamentarian told his defense lawyer that he had been tortured. Husaini's lawyer, Buzurgmehr Yorov, was also arrested. Jailed IRPT female lawyer Zarafo Rahmoni, has threatened suicide due to detention conditions. Amnesty International has expressed concern that the imprisoned IRPT activists are subjected to torture. In January 2016, three lawyers – two Turkish and one Russian – were expelled from Tajikistan after they sought access to imprisoned IRPT members. Relatives of IRPT members are threatened by the government; after the Tajik government learned in December 2015 that Muhiddin Kabiri would speak at a public event in Washington, DC, it detained 10 of his relatives, including his 95-year-old father. At least 1,000 IRPT members are reported to have fled the country; the Tajik government continues to press for their extradition. On February 9, 2016, the Tajik Supreme Court began closed hearings in the trial of 13 leading IRPT members accused of attempting to

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## *Some 200 IRPT members reportedly have been imprisoned. . . .*

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In late August 2015, the Tajik government ordered the IRPT to halt all activity. On September 17, the Prosecutor General accused the IRPT of instigating violence, including a September 4 attack on a police station in which 39 died. In late September, the Tajik Supreme Court banned the IRPT as “an extremist and terrorist organization” for its alleged role in that attack. IRPT Chair Muhiddin Kabiri – forced into foreign exile – asserts that the extremism charges against his party are false and politically motivated. The U.S. delegation to the Organization for Security and Cooperation in Europe (OSCE) has said that it has “seen no credible evidence that the IRPT as an organization was involved with the attacks in Dushanbe and surrounding towns.”

Some 200 IRPT members reportedly have been imprisoned, including former parliamentarian Saidumar Husaini, Deputy Chair Mahmadali Hait, journalist

overthrow the government, including Mahmadali Hait and Zarafo Rahmoni.

### **Status of Houses of Worship**

Tajik law sets strict limits on the numbers of mosques permitted. Since 2008, the government has closed hundreds of unregistered mosques and prayer rooms and demolished three unregistered mosques in Dushanbe. The nation's only synagogue, located in Dushanbe, was bulldozed in 2008. The Jewish community later was allowed to worship in a building provided by President Rakhmon's brother-in-law, one of Tajikistan's richest bankers. In contrast, the Aga Khan Cultural Center, Central Asia's first Ismaili center, opened in Dushanbe in 2009, and Tajikistan announced that one of the world's largest mosques, funded by Qatar, will open in Dushanbe in 2017.

### Restrictions on Religious Minorities

Small Protestant and other groups cannot obtain legal status under onerous registration requirements, and Jehovah's Witnesses have been banned since 2007 for allegedly causing "discontent" and for conscientious objection to military service. Forum 18 reported on several relevant incidents: in July 2015, police in the Sogd region twice detained Jehovah's Witnesses and imposed administrative punishments. In January 2015, the SCRA threatened to punish various Protestant churches if they did not stop allowing children to worship.

### Restrictions on Religious Literature

The government must approve the production, import, export, sale, and distribution of religious texts by registered religious groups, in effect a ban on religious materials by unregistered religious groups. The Ministry of Culture has confiscated religious texts, including from Jehovah's Witnesses. In August 2015, the State Communications Agency ordered mobile phone operator Tcell to block several websites, including turajon.org, a California-based website operated by Nuriddinjon, Haji Akbar and Mahmudjon, sons of prominent deceased Sufi sheikh Mahamaddrafi Turajon. Two of the brothers publicly opposed the 2004 ban on women's mosque attendance; their website hosted a question and answer section on religion, a rare venue for women to seek religious rulings from male Muslim leaders.

### Civil Society and Religious Issues

Tajik civil society is subject to increasing official pressure, and Tajik non-governmental organizations are fearful of reporting on religious freedom conditions due to perceived dangers of government backlash. During 2015, there was an increase in the presidential personality cult. For example, in December 2015, Tajik lawmakers voted to give President Emomali Rahmon the title "Leader of the Nation" as "the founder of peace and national unity of Tajikistan" and grant him lifelong immunity from prosecution. In January 2016, a leading Muslim scholar reportedly proposed that Rahmon's wife be recognized as the leader of all Tajik women adherents of Islam.

### U.S. Policy

Tajikistan is strategically important for the United States, partly because Tajiks are the second largest ethnic group in Afghanistan, the country's southern neighbor. Since 2010, the United States has expanded cooperation with Central Asian states, including Tajikistan, to allow it to ship cargo overland via the Northern Distribution Network as U.S. and NATO troops in Afghanistan continue to withdraw. Tajikistan has given U.S. Special Operations Forces permission to enter the country on a case-by-case basis during counter-terrorism operations.

Since 2010, the United States and Tajikistan have discussed bilateral policy and economic assistance

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*During 2015, there was an increase in the presidential personality cult.*

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### Restrictions on Religious Education

A state license is required for religious instruction, and both parents must give written permission for such teaching. Only central mosques are allowed to set up educational groups. As of 2013, the activities of seven of the country's eight madrassahs were suspended, according to the State Department; only one madrassah operates in Tursonzade, near Dushanbe. The state-controlled Islamic University announced in mid-2015 that its madrassah was "temporarily suspended," but as of this writing it remains closed.

issues through an Annual Bilateral Consultation (ABC); the fifth U.S.-Tajikistan ABC was held in Washington DC in June 2015. The State Department's stated priorities in Tajikistan include increasing respect for the rights of Tajikistan's citizens and strengthening sovereignty and stability. The State Department's annual International Religious Freedom Reports have documented a deterioration of religious freedom in Tajikistan.

Since 1992, the U.S. government has provided over one billion dollars in assistance programs supporting economic growth, democratic institutions, healthcare,

education, and security. On democratic institutions, U.S. assistance promotes improved legislation relating to civil society, the media, and speech; legal assistance to non-governmental organizations; and stronger non-state electronic media outlets. On security, the focus has been countering violent extremism and illegal narcotics trafficking.

During 2015, Tajikistan hosted a series of high-level U.S. officials, mostly from the Department of Defense, including General Lloyd J. Austin III, Commander of U.S. Central Command (USCENTCOM). In September 2015, the U.S. Embassy in Dushanbe hosted the Exercise Regional Cooperation, the largest annual, multilateral USCENTCOM command-post exercise with Central and South Asia. U.S. Secretary of the Navy Ray Mabus visited Tajikistan in November 2015. Secretary of State John Kerry also visited Tajikistan in November. After meeting with President Rahmon, Secretary Kerry made a public statement noting Tajikistan's security and economic challenges and highlighted the need to fight violent extremism while respecting human rights, religious freedom, and active political participation.

## Recommendations

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

- Press the Tajik government to bring the 2009 religion law and other relevant laws into conformity with international commitments, including those on freedom of religion or belief, and publicly criticize violations by the Tajik government of those commitments;
- Work with the international community, particularly during events on countering terrorism sponsored by the OSCE, to ensure there is private and public criticism of Tajikistan's repressive approach to regulating religion and countering extremism, including its risk of radicalizing the country's population;
- Urge the Tajik government to permit visits by the UN Special Rapporteurs on Freedom of Religion or Belief, the Independence of the Judiciary, and Torture, set specific visit dates, and provide the full and necessary conditions for such visits;
- Press for at the highest levels and work to secure the immediate release of individuals imprisoned for their peaceful religious activities or religious affiliations;
- Ensure that the U.S. Embassy in Dushanbe continues to monitor the trials of individuals charged on account of their religious activities or affiliations, maintains appropriate contacts with human rights activists, and presses the Tajik government to ensure that every prisoner has greater access to his or her family, human rights monitors, adequate medical care, and a lawyer; and
- Ensure that U.S. assistance to the Tajik government, with the exception of aid to improve humanitarian conditions and advance human rights, be contingent upon the government establishing and implementing a timetable of specific steps to reform the religion law and improve conditions of freedom of religion or belief.





# VIETNAM

## Key Findings

Government restrictions on religious activities in Vietnam vary widely across geographical areas, as well as among religious organizations based on their relationship with the state. This sends conflicting messages about Vietnam's overall commitment to respecting and protecting freedom of religion or belief. On the one hand, the country's rich religious diversity, the absence of interreligious conflict, and the room for religious practice permitted to some groups in certain areas indicate a positive trajectory towards a rights-respecting environment; on the other hand, the government's continuing heavy-handed management of religion continues to lead not only to restrictions and discrimination, but also to individuals being outright harassed, detained, and targeted with physical violence. The continuing abuses meet the threshold for designating the country as a "country of particular concern," or CPC, under IRFA. USCIRF therefore again recommends CPC designation for Vietnam in 2016, as it has every year since 2001. USCIRF believes that engaging Vietnam through the structured, strategic framework of a CPC designation can be a helpful tool to both strengthening the U.S.-Vietnam bilateral partnership and protecting the rights of all religious people and communities.

## Background

While the broader human rights situation in Vietnam remains fluid, religious freedom in particular continues to be nuanced and complex. Diverse faith communities are represented in Vietnam, and the degree to which the Vietnamese people have the ability to practice freely without fear of harassment, detention, or violence widely varies. According to estimates, the majority of Vietnam's more than 94 million people practice Buddhism. More than six million Vietnamese are Catholic, more than one million apiece practice the Cao Dai or Hoa Hao faiths, and approximately one to two million

are Protestant. Smaller numbers are Khmer Krom Buddhist, Muslim (including ethnic Cham Muslims), Baha'i, Mormon, and Falun Gong, as well as several local religions or other forms of traditional worship.

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*Some [religious organizations] have broad freedom to freely practice their faith, and others have comparatively little.*

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The government has made dramatic openings with respect to religious freedom, including considering more space for charitable work by religious organizations and, according to government officials, allowing more houses of worship. Also, government officials informed USCIRF during the year that interactions between the government and individuals they referred to as "religious dignitaries" have increased, improving communication and understanding.

Nevertheless, the government continues to view some groups and activities as threatening to the state and to Vietnam's unified national identity. This has had mixed results for religious organizations, as evident in the contrasting experiences of state-sponsored religious organizations versus independent groups, or of registered organizations versus unregistered ones. Some have broad freedom to freely practice their faith, and others have comparatively little. While the severe abuses are not uniform nationwide, and, in fact, greatly vary across provinces, the violations indicate a pattern of behavior by government officials and their affiliates, either at the national or provincial/local level, targeting specific religious faiths, organizations, and/or individuals. Many of these violations stem from police brutality against individuals accused of vague "national security" transgressions.

In August 2015, a USCIRF Commissioner-led delegation visited Vietnam, traveling to Ho Chi Minh City, Tay Ninh, and Hanoi to meet with government officials and representatives of a wide variety of religious and ethnic groups, including state-sponsored, independent, registered, and unregistered organizations. During USCIRF's visit, discussions focused on Vietnam's draft law on religion, which first became publicly available

first time. Interlocutors also noted open communication with local officials and, in some cases, years of relationship building, but recognized these were no guarantees to being allowed to freely practice their faith. Some offered input to the government regarding the draft law on religion, though the select few whose feedback the government solicited had limited time to review the draft and much of their analysis was critical.

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*Religious organizations that choose not to seek government recognition face greater risk of abuse by government authorities, particularly provincial or local officials, or government-employed proxies.*

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in April 2015 and is expected to receive a vote in the National Assembly sometime in 2016. Although the visit occurred with less government interference than previous USCIRF visits, one interlocutor was detained and beaten after meeting with the USCIRF delegation.

### **Religious Freedom Conditions 2015–2016**

#### **Positive or Encouraging Trends**

Relations between the Vietnamese government and the Vatican improved in 2015, with Vatican prefect Cardinal Fernando Filoni visiting Hanoi in January and Pope Francis naming Pierre Nguyen Van Nhon as Vietnam's newest Cardinal. The Vietnamese government also approved a new Catholic university centered around a theological institute, and government officials highlighted to USCIRF the expanding opportunities for charitable and social work by the Catholic Church.

During USCIRF's visit, some interlocutors stated that their religious activities and gatherings faced little to no interference, though several acknowledged that religious organizations in other areas experienced problems. In some cases, these positive trends were new and welcome developments, for which local authorities should be lauded. For example, in January 2016, Hoa Hao Buddhists conducted a religious ceremony at Quang Minh Temple in An Giang Province; public security officials were present, but did not interfere in the proceedings as they have previously. Also, parishioners at the Montagnard Evangelical Church of Christ in Kontum Province held Christmas celebrations for the

### **Harassment of Certain Religious Groups**

Religious organizations that choose not to seek government recognition face greater risk of abuse by government authorities, particularly provincial or local officials, or government-employed proxies. This is often a two-fold problem: provincial or local officials do not understand central government religion policies, and the central government permits inconsistent and contradictory implementation of such policies. Based on meetings during the August visit, USCIRF concluded that some central government officials are aware of this inconsistency, which at the very least suggests the draft law on religion should include robust training and oversight of local officials, but also demonstrates some degree of central government complicity in or indifference to provincial-level abuses.

In addition to seeking to protect their right to freedom of religion or belief, individuals from some independent or unregistered religious groups advocate on other topics deemed sensitive by the government, such as democracy promotion and human rights, or are viewed as having current or historical ties to Western countries, including the United States. As a result, certain individuals and religious groups falling into these categories – such as the Cao Dai, Montagnards, and followers of Duong Van Minh – face harassment, detention, and physical violence. Moreover, the government's suspicion of large crowds includes individuals congregating for religious purposes, resulting, at times, in similar forms of ill-treatment. For example, Vietnam's Falun Gong practitioners often gather in groups as part

of their regular practices, and adherents have been detained and harassed as a result.

The Vietnamese government accuses ethnic minority Montagnards from the Central Highlands of seeking some form of autonomy. Montagnards, many of whom are Protestant, face numerous restrictions: some are prevented from holding religious ceremonies, pastors are harassed or punished, and many are summoned to meet with local authorities and pressured to cease practicing their “poisonous” faith. Since October 2014, up to 300 Vietnamese Montagnards have fled the country for Cambodia, many because of religious persecution. Only 13 have been granted refugee status with UNCHR, countless others are waiting for Cambodia to process their asylum claims, and dozens have been returned to Vietnam, often at great risk of reprisals.

Throughout 2015, in Gia Lai Province, parishioners at an unregistered Mennonite Church were detained and beaten, and some were pressured to renounce their faith. Similarly, the government harassed followers of the small Christian sect known as Duong Van Minh and burned and/or destroyed funeral storage sheds central to the group’s core practices. As of October 2015, 27 of 33 funeral sheds throughout four provinces had been attacked. Moreover, Duong Van Minh followers regularly are imprisoned, and in February 2015, government agents attacked followers in Cao Bang Province. Provincial-level public security officials detained one Duong Van Minh follower after he met with USCIRF in August 2015, and reportedly beat and tortured the man when he refused to answer their questions.

Even though Buddhism is the most widely practiced faith in Vietnam, those operating independent from the state-sanctioned Vietnamese Buddhist Sangha often are government targets. This includes the leadership of the Unified Buddhist Church of Vietnam (UBCV), such as Thich Quang Do, who remains under house arrest, and Buddhist Youth Movement leader Le Cong Cau. In April 2015, Le Cong Cau was detained and questioned for three days, and later in the year he was prevented several times from traveling to meet visiting government officials from the United States and Germany.

During 2015, local authorities in some areas continued to harass and question independent Hoa Hao in connection with the practice of their faith. For example, worshippers’ homes and businesses in Dong Thap

Province were repeatedly vandalized and surveilled, causing significant disruptions to their livelihoods. The family of one Hoa Hao woman believes the severe stress of such ill-treatment contributed to her untimely death. While this connection cannot be confirmed, the allegation indicates some religious believers’ sentiments about the impact of government restrictions on their ability to freely practice their faith.

Mennonite pastor Nguyen Hong Quang and others were attacked and beaten in January and March 2015 just north of Ho Chi Minh City. In recent years, their unregistered church has been the site of multiple raids and attacks by police, security forces, and others. Throughout the year, in Gia Lai Province, police attacked Catholics, including nuns. In December 2015, Protestant minister Rev. Nguyen Trung Ton was arrested; at the end of the reporting period, little is known about his status. Several times during the year, Pastor Y Noen Ayun of the Evangelical Church of Christ in Kon Tum was either arrested or threatened with jail time because he continued preaching. During one instance, in October 2015, a public security officer physically abused him when he refused to cease his religious activities.

### **Harassment of Property and/or Disruption of Religious Activities**

Religious groups across Vietnam remain fearful the government will seize religious property through eviction or demolition and believe the government is targeting them for their faith. Whether motivated by greed, corruption, or an antipathy toward religion, intimidation or destruction of property interferes with the practice of faith. For example, throughout the year, authorities continued to threaten with demolition the UBCV-affiliated Lien Tri Pagoda in Thu Thiem, an area in Ho Chi Minh City slated for significant redevelopment. The UBCV-affiliated Dat Quang Pagoda in Ba Ria Vung Tao Province was harassed in October 2015 when large groups aggressively pursued individual Buddhists and also blocked access to the temple.

Authorities similarly have threatened to close the Catholic school located in Thu Thiem, but reportedly suspended its demolition. In addition, the local government threatened the Dak Jak Parish of approximately 5,000 Catholics in the Diocese of Kon Tum with demolition and expulsion of its priest. Authorities in Kon

Tum Province in the Central Highlands are known for particular harshness toward followers of independent, unregistered faiths. Reportedly, local officials drove out many parishioners at Dong Yen Parish in the Diocese of Vinh; this occurred after authorities denied local Catholic schoolchildren access to education.

Khmer Krom Buddhists experienced similar harassment. For example, local authorities in Soc Trang Province have allowed private enterprises to establish commercial businesses on temple grounds, which Khmer Krom Buddhists believe violates the sanctity of the temples. Independent Cao Dai followers in Phu Yen Province protested the local government's attempts to bulldoze Tuy An Temple where they worship. Throughout 2015, followers were threatened by police and warned to stay away from the temple.

### **Draft Law on Religion**

Although the draft law on religion presents Vietnam with an opportunity for positive change, some troubling trends are apparent in the drafts that have been made public. Government officials informed USCIRF that the legislation would provide a structured legal framework for religious policy (as opposed to the current policy comprised of multiple decrees and ordinances), with some suggesting it will provide more equal legal treatment of all religious groups and improve training for local authorities. Many religious organizations and international groups, however, view the draft as increasing government control over every aspect of religious life through layers of notifications and approvals and making "illegal" activities subject to the force of law, rather than ordinance and decree. Thus, critics describe the bill as a "step backward," codifying existing bad policies and intensifying the government's micro-management of religion. Some have suggested modifications to the draft, including elimination of the requirements for mandatory registration and government approval of religious activities, including the appointment or moving of pastors and other religious leaders, as well as reducing wait times for government approvals.

### **Prisoners**

On September 2, 2015, the country's 70<sup>th</sup> National Day, the Vietnamese government released more than 18,200 prisoners, though none considered to be political or

religious prisoners. There were additional high-profile prisoner releases throughout the year, including: the June release of Catholic activist and human rights lawyer Le Quoc Quan; and the August release of Catholic blogger Paulus Le Van Son, Protestant leader Nguyen Van Oai, and Catholic activists Tran Minh Nhat and Thai Van Dung. However, between 100 and 150 prisoners of conscience are believed to remain in prison, including several held for their religious beliefs and/or religious freedom advocacy, such as Father Thaddeus Nguyen Van Ly. Prominent Khmer Krom Buddhists also remain in prison, such as the Venerable Thach Thuol, the Venerable Lieu Ny, and Thach Phum Rich.

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Released prisoners are particularly vulnerable to harassment. Christian human rights activist Tran Minh Nhat, released from prison in August 2015, was twice detained and beaten by police in November. In March 2015, unknown aggressors attacked Nguyen Van Dai, a Christian human rights lawyer, who was previously under house arrest and served time in prison. He also was beaten and arrested in December 2015 under Article 88 of the Penal Code, a vague provision often used against human rights activists whom the government accuses of allegedly "conducting propaganda against the state." The United States government spoke out strongly against his arrest.

### **U.S. Policy**

In 2015, the United States and Vietnam marked the 20<sup>th</sup> anniversary of normalized ties and conducted a number of high-level visits, including General Secretary Nguyen Phu Trong's July visit to the United States, the first by any head of the Communist Party of Vietnam, and Secretary of State John Kerry and Assistant Secretary of State for Human Rights, Democracy, and Labor Tom Malinowski's August trip to Vietnam. The two countries also held another regular session of their bilateral Human Rights

Dialogue, which prominently featured discussion of religious freedom concerns, in part due to the participation of Ambassador-at-Large for International Religious Freedom David Saperstein.

Areas of bilateral cooperation between the United States and Vietnam include trade, maritime security and defense, energy/environment, science/technology, health care, education, and human rights. These priorities were strategically outlined in 2013 when the two countries launched the U.S.-Vietnam Comprehensive Partnership. The FY2016 spending bill included allocations for Vietnam through the Economic Support Fund and Development Assistance programs.

Throughout 2015, Vietnam was a focal point in negotiations of the Trans-Pacific Partnership (TPP) regional free trade agreement, with critics of the agreement advocating for stronger commitments from Vietnam on human rights and other issues, including religious freedom. This discussion prompted, in part, the addition of language to the Trade Promotion Authority bill (the legislative vehicle to help facilitate streamlined congressional review of the TPP agreement) incorporating religious freedom as a negotiating objective when the U.S. government collaborates with international partners on trade agreements.

## Recommendations

The United States should actively take steps to support meaningful and lasting reforms in Vietnam, including to improve religious freedom. As a means to facilitate such improvements, USCIRF recommends that the U.S. government designate Vietnam as a CPC and that it:

- Work with the government of Vietnam to develop mutually agreed commitments that would foster critical reforms under section 405(c) of IRFA, building on the two countries' proven working relationship under an earlier binding agreement when Vietnam was designated as a CPC from 2004 to 2006;
- Continue discussions with the government of Vietnam on the drafting of the proposed law on religion and emphasize the importance of compliance with international human rights standards as well as simplified, optional registration requirements to ensure that religious organizations opting not to

register have other appropriate means by which to operate legally;

- Encourage the government of Vietnam to acknowledge and address violations against religious communities by state and non-state actors, and support the proper training of local government officials, lawyers, judges, and police and security forces who implement, enforce, and interpret the rule of law;
- Ensure that human rights and religious freedom are pursued consistently and publicly at every level of the U.S.-Vietnam relationship, including in discussions related to military, trade, or economic and security assistance, and in programs on Internet freedom and civil society development, among others, and follow up on these priorities after agreements or deals are reached, such as in the Trans-Pacific Partnership;
- Increase the frequency and visibility of U.S. government visits to remote, rural areas in Vietnam, including direct contact with independent religious communities as appropriate;
- Urge the Vietnamese government to cease detaining and imprisoning members of religious organizations, as well as human rights activists, for peaceful religious activity or religious affiliations and to promptly and unconditionally release all prisoners of conscience;
- Encourage the U.S. Embassy in Hanoi and the U.S. Consulate General in Ho Chi Minh City to maintain appropriate contact, including in-person visits, with Vietnamese prisoners of conscience, to ensure them regular access to their families, human rights monitors, adequate medical care, and proper legal representation, as specified in international human rights instruments; and
- Consider the use of targeted tools, such as the "specially designated nationals" list maintained by the Treasury Department's Office of Foreign Asset Control and visa denials under section 604(a) of IRFA, against specific officials and agencies identified as having participated in human rights abuses, including particularly severe violations of religious freedom.

