THE 2011 INTERNATIONAL RELIGIOUS FREEDOM REPORT

HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS

OF THE

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HOUSE OF REPRESENTATIVES

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THE 2011 INTERNATIONAL RELIGIOUS FREEDOM REPORT

THURSDAY, NOVEMBER 17, 2011

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
AND HUMAN RIGHTS
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 3:06 p.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH OF NEW JERSEY. The subcommittee will come to order, and good afternoon everyone, and thank you for attending this important oversight hearing on the congressionally mandated International Religious Freedom Report and designations of Countries of Particular Concern for 2011.

This is the first oversight hearing on the IRF Feport since I chaired a hearing on the 2006 report in December of that year. It is one of the series being held by this subcommittee that is examining the critically important issue of religious freedom. In June of this year, we held a hearing on prioritizing international religious freedom in U.S. foreign policy in the context of amending the International Religious Freedom Act of 1998, also known as IRFA. We also examined freedom of conscience and religion in the context of China's and North Korea's overall abysmal human rights records.

A study by Dr. Brian Grim of the Pew Forum on Religion and Public Life, who testified before our subcommittee in June, found that almost 70 percent of the world's population lives in countries with high or very high restrictions on religion. Although this study was conducted between 2006 and 2009, it was apparent back in the late 1990s that the fundamental human right of religious freedom was under severe attack around the world.

Congress gave expression to our commitment to international religious freedom with the passage in 1998 of IRFA, which concretely established the promotion and protection of religious liberties as a serious foreign policy goal. I was shocked at the time when IRFA was strongly opposed on the record by the Clinton administration. John Shattuck, then the Assistant Secretary for Democracy, Human Rights, and Labor, claimed right here in this room at that witness table that it would establish a hierarchy of human rights under U.S. law and, therefore, they opposed it.

I chaired the hearings on the legislation and I, as well as others, pointed out that, for example, when we fought against apartheid and enacted laws to mitigate the abomination of racism in South

Africa, we certainly did not detract from other human rights policies. Instead, it was always value added. Similarly, we took up the cause of Soviet Jewry, and the Jackson-Vanik amendment was employed with such effectiveness to help release Refuseniks, and we even risked superpower confrontation in order to release Soviet Jews who were being harassed and persecuted in the former Soviet Union. It did not detract from any of our other human rights laws. It was not a hierarchy of human rights. It was all value added.

In like manner, the International Religious Freedom Act was an important—and I would say historic addition—to the overall efforts to defend and promote human rights by focusing the spotlight on one of the most fundamental of all human rights. We persisted and eventually the bill, authored by my good friend and colleague, Frank Wolf of Virginia, was signed into law.

A critical component of the law is the requirement that the State Department review foreign countries each year and submit a report on the status of religious freedom to Congress. Those countries found to be engaged in or tolerating particularly severe violations of religious freedom during the preceding 12 months, are to be designated as Countries of Particular Concern, or CPC countries.

In September, the Department of State issued its report for the last 6 months of 2010. The reason for the abbreviated report is to introduce a new reporting cycle that will be based on the calendar year instead of the previous July to June reporting period.

The State Department also notified Congress in September that eight countries have been redesignated as CPCs: Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Uzbekistan. These are the same eight countries that previously had been designated by the Bush administration on January 16 of 2009.

Pursuant to the IRF Act, the Secretary must impose new Presidential actions, issue waivers or authorize an additional 90-day extension for such actions against these eight countries by December 12. I and other Members of Congress are strongly urging the administration not to double-hat sanctions against these countries as has been done previously, but to impose measures that have some teeth and that are likely to produce the desired results. Any thoughts from our witnesses about what actions should be taken would be both timely and most appreciated.

The U.S. Commission on International Religious Freedom recommended several additional countries be added to that list. They include Egypt, Iraq, Nigeria, Pakistan, Turkmenistan, and Vietnam. I would also be interested in hearing from our witnesses as to whether they agree with the Commission that any or all of these countries should be CPC countries.

Just 2 days ago, I chaired a hearing of the Helsinki Commission on the horrific plight of Coptic Christians in Egypt. In July, the Foreign Affairs Committee accepted two religious freedom amendments that I proposed to the Foreign Relations Authorization Act, or H.R. 2583. One calls on the administration to include the protection of Coptic Christian communities as a priority in our diplomatic engagements with the Government of Egypt, and the other prohibits increased nonhumanitarian assistance to Vietnam until its government makes substantial progress toward respecting the right

to freedom of religion, among other requirements, rather than what they doing now, which is serious regression.

I was also deeply disturbed by the assassination of Pakistan's Federal Minister of Minorities, as we all were, and joined by several people on this subcommittee and throughout the House, including Frank Wolf and so many other Members, when Shahbaz Bhatti on March 12 of this year died by assassination.

I had met personally, on a number of occasions, with Minister Bhatti when he visited Washington, DC, and was extremely inspired, encouraged and nearly awed by his courage and by his commitment to promote the rights of religious minorities and harmony among all faiths in his country. His killing was a tragic loss for all Pakistanis, and the ongoing failure of the Pakistani Government to identify his assassins and bring them to justice is an ongoing violation of respect for the religious freedom.

In closing, I would like to note that the State Department's Ambassador-at-Large for International Religious Freedom, Dr. Suzan Johnson Cook, was invited to testify at this hearing and present the report written by her office. Unfortunately, the State Department refused to allow her to appear without another State Department official on her panel. Given the important responsibilities assigned to the Ambassador-at-Large pursuant to the IRF Act, including advancing the right to religious freedom abroad through diplomatic representations on behalf of the United States, our subcommittee looks forward to the opportunity to hear from Ambassador Johnson Cook when she is allowed to testify on her own.

And I would point out parenthetically that time and again in this room we have had the Ambassador-at-Large sit right there and give a world view, country specific view, as to what the Bush administration, or what they were doing in the last year of the Clinton administration, to advance fundamental human rights relative to religious freedom. We hope that Ambassador Johnson Cook will be here at some point.

I now yield to my friend, Donald Payne, the ranking member.

Mr. PAYNE. Thank you very much and let me begin by thanking Chairman Smith for calling this hearing on the State Department's 2011 International Religious Freedom Report. This hearing follows a June hearing on the U.S. Commission on International Religious Freedom (USCIRF) 2011 report.

I would like to thank our distinguished witnesses for being here today to shine light on religious freedom and justices throughout the world. Mr. Leo, you testified at the hearing as well at that time, and I thank you for agreeing to return again.

According to the Pew Research Center's Forum on Religion and Public Life, the majority of the world's populations, some 70 percent, live under high or very high restrictions on religious practice. Some 2.2 billion people live in nations where government restrictions or social hostilities are increasing. A combination of religious discrimination, political exclusion and social unrest is dangerous for conflict and extremist groups, which often thrive under such circumstances by exploiting the grievances of disenfranchised religious minorities. Many times they do not really have the true concerns about the problem. However, they move in to exploit the situation, and that creates a difficult situation.

Take Nigeria, where the nebulous Islamic extremist group Boko Haram has become increasingly active. This August, for the first time, the group attacked a Western target, the U.N. building in Abuja. This week Nigeria's President, Goodluck Jonathan, announced a special security fund to help the military tackle Boko Haram. However, to successfully limit the group's recruitment base, social development and interface dialogue must be a priority.

We note that Nigeria's interreligious tensions stem from a myriad of nonreligious civilian grievances against the government, including the lack of basic social services and adequate distribution of wealth, corruption, and laws that allow discrimination in various areas, including employment and political participation, based on whether an individual was considered to be a native or a settler in a given geographic area. The addendum to the 2011 State Department report cites an example of a property dispute which ignited clashes between Muslims and Christians leaving 96 dead.

So we see people move in to exploit some of the problems that the government has left unanswered, interfaith conflict resolutions and traditional community-based mediation mechanisms are key to addressing these tensions. But the Nigerian Government will need to do more through development and improved governance to tackle the root causes of grievances in the same way that they instituted initiatives in their government to successfully target human trafficking, making Nigeria, on the one hand the only African nation ranked as a Tier I country in the 2011 Trafficking in Persons report. The Nigerian Government can also use innovative approaches to address this challenge, on the one hand extremely successful, really have made tremendous strides. We heard that in a recent hearing that we had. Tier I, which is unusual for many of the developing countries in Africa, but in religious persecution we find just the opposite. So somehow we have got to be able to translate the same interests that we have and that area into this.

As Dr. Smith points out in his testimony, many of the most atrocious violators of religious freedom are also the most authoritarian and oppressive dictators. In Sudan, Bashir's attempt to severely restrict religious freedom were among the factors that fueled the country's decade long civil war between the North and the South, 4 million people displaced, 2 million people died since 1989 when the conflict began.

I was in Juba at the joyful celebration of South Sudan's independence this summer. However, since then there have been numerous clashes on the border area. Adding to his laundry list of gross human rights violations against his own people, Bashir continues to impose Sharia law on Sudan's citizens and continues to discriminate against non-Muslims.

I look forward to hearing from our panelists about how the United States and the international community can work to improve interfaith conflict resolutions in countries like Sudan by supporting U.S. and indigenous peace-building solutions.

The United States Institute of Peace is making great strides in this area. Yet not everyone in Congress believes that investing in peace building is better than taking a military approach, and the organization's funding is currently in jeopardy.

For example, USIP's religious and peacemaking center is promoting interfaith dialogue and mediation in combat zones. The center announced a 2006 study, authored a 2006 study which demonstrated that military chaplains as clergy and officers are well suited to serve as intermediaries between military and religious leaders in the area of conflict and post-conflict stabilization.

A recent article in the Atlantic Magazine highlighted the story of a naval chaplain, Lieutenant Commander Nathan Solomon, an Afghan army captain and mullah, Abdul Khabir. The two sought to refute Taliban propaganda about Afghan soldiers and improve relations with the locals through both dialogue and service. The two managed to bring together local citizens and religious leaders from various tribes to discuss the negative forces that the Taliban is having on both Islam and Afghanistan.

The article closes with Solomon, the noncombatant, who had perhaps shaped the battlefield as powerfully as any bullet fire or bomb dropped across Afghanistan that particular day.

These innovative approaches are important in fighting religious persecution and resolving religious conflict globally. And we cannot focus on defending the right of only one or two religions when promoting religious tolerance. People of all faiths, Christians, Muslims, Jews, Buddhists, Hindus, Sikhs and all the rest deserve equal rights to practice their faith without persecution.

I look forward to our discussion on how USCIRF is working to protect the rights of all faiths as well as hearing from our second panel of experts about how to improve U.S. programs aimed at eliminating religious persecution and promoting interfaith conflict resolution.

Thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Payne. Mr. Turner.

Mr. TURNER. Thank you, Mr. Chairman, I have no comment.

Mr. SMITH OF NEW JERSEY. Okay. Mr. Carnahan.

Mr. CARNAHAN. Thank you, Mr. Chairman, and Ranking Member Payne for holding this hearing about the State Department's International Religious Freedom Report. This really is part of the human rights jurisdiction of this subcommittee, so I appreciate the focus that is being given to this topic, and I really hope we can shed light on the serious human rights infringements that far too many around the world encounter.

We have heard the daunting statistics: An estimated 6.8 billion people, 70 percent of the world's population, live under high restrictions on religious activity. In countries around the world minority religious groups are targets of state sanctioned repression, while others go so far as providing safe havens for violent extremism, or suppressing religious expression virtually writ large.

Evidence shows the U.S. has a strong interest in promoting religious freedom globally. As with other indicators of democracy and human rights, nations that respect religious tolerance generally enjoy greater economic prosperity and social stability.

I look forward to hearing from the panelists on these trends along with the recommendations of the most strategic and effective means for the U.S. and the international community to influence

governing systems to respect all human rights, including religious freedom, and foster attitudes of greater tolerance around the world.

I am especially interested in how we might strengthen our efforts to support interfaith dialogue and public diplomacy tools that promote religious freedom.

In closing, I would like to thank the panelists for their testimony and their time and expertise that you bring to bear today.

I yield back.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Carnahan. I would now like to welcome to the witness table Mr. Leonard A. Leo, who serves as executive vice president of the Federalist Society, but he is here today as the chairman of the U.S. Commission on International Religious Freedom, and has served as commissioner for USCIRF since 2007.

The Commission was created by the International Religious Freedom Act of 1998 and has the legislative mandate to review the facts and circumstances of religious freedom violations presented in the administration's human rights and international religious freedom reports and to make policy recommendations to the President, the Secretary of State, and Congress with respect to international religious freedom matters.

Mr. Leo is a prolific author, has published several articles on religious liberty under the U.S. Constitution. Among his many activities, he has served as U.S. Delegate to the U.N. Commission on Human Rights and is involved with the U.S. National Commission to the U.N. Educational, Scientific, Cultural Organization.

Mr. Leo received his undergraduate degree with high honors from Cornell University in 1987 and his law degree from Cornell Law School with honors in 1989. Mr. Leo, the floor is yours.

STATEMENT OF MR. LEONARD LEO, CHAIRMAN, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Mr. LEO. Thank you very much, Mr. Chairman. It is a privilege to be here. We are very grateful, Mr. Chairman, for your leadership on these issues involving the preservation of freedom of religion around the world. Mr. Payne, it is nice to see you again. We had a wonderful conversation about a number of African countries during the last hearing and we are very grateful for your leadership in Sudan and Nigeria, as you mentioned, and a number of other countries, and we are, as a commission, always interested in talking with you about your experiences in that part of the world where we have been spending a lot of our time and attention.

Mr. Chairman, with your permission, I would like to have the full content of my testimony entered into the record, not the redacted version.

Mr. SMITH OF NEW JERSEY. Without objection.

Mr. LEO. Well, again, Mr. Chairman and Ranking Member Payne and members of the committee, on behalf of the U.S. Commission on International Religious Freedom, or USCIRF, I am grateful for today's opportunity to testify about the State Department's 2011 Annual Report on International Religious Freedom, or the IRF Report, as it is known, and the critical role of the legislative and executive branches and USCIRF in promoting religious freedom abroad.

Religious freedom, of course, is a fundamental human right and a key issue in countries that top our foreign policy agenda. From Egypt to China, Iraq to Sudan, Nigeria to Vietnam, Russia to Turkey, promoting and protecting this right has never been more violent or challenging.

By any measure, religious freedom matters, and yet as you have noted, across the globe it is routinely violated. I know a number of you mentioned the Pew study, which was quite alarming and disconcerting. Members of the every religious community are being persecuted somewhere in the world, Hindus, Sikhs, Catholics, Eastern Orthodox, evangelicals, Jews, Baha'is, Ahmadis, Sunnis, Sufis, Uyghur Muslims, Tibetan Buddhists, the Falun Gong, Jehovah's Witnesses. It is truly chilling to see the number of religious minorities that are persecuted, and in some countries it is majority Muslim communities that are even persecuted by their own governments. And now this raises an obvious question, why should we as the United States care about this?

Well, first of all, of course, we should care because first it is wrong to hunt down, imprison, torture, and kill people simply because they want to follow the dictates of their conscience. We also should care because every available study finds that religious freedom is correlated with stability and security in this world. Nations that fail to protect religious freedom and other rights are breeding grounds for poverty, war and violent extremist movements which give rise to terrorism, of course, Mr. Payne, Nigeria being a very perfect example of this right now.

In the struggle for religious freedom overseas, USCIRF remains the world's only independent government body fully dedicated to this cause, and through our work we spotlighted the world's worst religious freedom violators. We have helped to get religious prisoners released in places like Saudi Arabia and Turkmenistan. We helped lay the groundwork this year for the defeat this year at the U.N. Defamation of Religions Resolution, essentially a global blasphemy measure by partnering with Members of Congress, the State Department and specific U.N. member states.

We raised the need to identify Iranian officials and entities responsible for severe religious freedom violations and imposed travel bans and asset freezes on such offenders. These sanctions are included in the Comprehensive Iran Sanctions, Accountability, and Divestment Act, which requires the President to impose tough sanctions against Iranian human rights and religious freedom violators.

As part of its continued concern about religious freedom in Sudan, USCIRF was the first entity to call for the U.S. Secretary of State's direct engagement in the implementation of the Comprehensive Peace Agreement and was one of the first U.S. Government entities to meet with U.S.-Sudanese refugees who had fled aerial bombardments in the Nuba Mountains and were now at the Aida refugee camp in South Sudan. Our staff just came back from that area a couple of weeks ago and the situation is really concerning and chilling in the border region, as you noted, Mr. Payne.

USCIRF recently released a landmark study, which I have here, detailing how Pakistan's educational system, both its public schools and madrasas, serve as an incubator of intolerance and religious

extremism, while also revealing some unexpected opportunities to pursue positive reforms.

By any reasonable calculation, USCIRF is an effective and pivotal advocate for freedom of religion or belief, yet our commission, of course, cannot go it alone. Simply stated, we need both our legislative and executive branch partners to help us fulfill our mission.

In September of this year, the full House voted overwhelmingly to reauthorize our commission. The Senate has yet to pass a measure reauthorizing USCIRF and USCIRF is on the verge of expiring. This must not happen. It would signal to the world that the United States is retreating from the cause of religious freedom. So our hope is that the Senate will act and hopefully can act this week.

Clearly, we need Congress, and we also need the executive branch as full partners in the religious freedom battle. That includes the State Department—and let me commend the great work by Ambassador Johnson Cook and her team at the Office of International Religious Freedom in compiling the September 2011 IRF Report. We applaud the concurrent release of the IRF Report and the State Department's designating the CPC status for the world's worst religious freedom violators.

While we are disappointed that our recommendations for CPC status for countries like Vietnam and Pakistan were not acted on, we welcome the Barack Obama administration keeping prior CPC mentions on the list.

Make no mistake, religious freedom matters. As Elie Wiesel once said, and I quote, "I swore never to be silent whenever and wherever human beings endure suffering and humiliation. We must take sides. Neutrality helps the oppressor. . . . Silence encourages the tormentor. . . ." What all victims need is to know that they are not alone, that when their voices are stifled we shall lend them ours, that while their freedom depends on ours, the quality of our freedom depends on theirs. Let us have a fully engaged U.S. Government dedicated to that proposition.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Leo follows:]

TESTIMONY OF CHAIRMAN LEONARD A. LEO

U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

BEFORE THE

HOUSE COMMITTEE ON FOREIGN AFFAIRS

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS

ON THE

2011 INTERNATIONAL RELIGIOUS FREEDOM REPORT

November 17, 2011

INTRODUCTION

Chairman Smith, Ranking Member Payne, and Members of the Committee: I'm grateful for the opportunity to testify today about the 2011 International Religious Freedom (IRF) Report, the importance of our government vigorously promoting religious freedom abroad, and the role of the U.S. Commission on International Freedom, or USCIRF, in pursuing this critical objective.

Permit me first to acknowledge the crucial importance of this Congressional committee and this hearing. Religious freedom is a fundamental human right – indeed, a "first freedom" – as well as a vital factor in the formulation of U.S. foreign and national security policies, especially in a post-9/11 world. Today, religious freedom is a key issue in countries that top the U.S. foreign policy agenda. From Egypt to China, Iraq to Sudan, Nigeria to Vietnam, and Russia to Turkey, promoting and protecting this fundamental right has never been more challenging.

Throughout much of the globe, religious freedom and related human rights are egregiously and routinely violated. According to a Pew Research Center study released in December 2009, seventy percent of the world's population dwells in countries where religious freedom is highly restricted. Pew's August 2011 report, *Rising Restrictions on Religion*, largely reaffirmed this finding, noting that more than 2.2 billion people, about a third of the world's population, live in countries where government restrictions or social hostilities involving religion are increasing: Only 1% live in countries where government restrictions or social hostilities are decreasing.

Religious freedom abuses, whether caused by government action or inaction, should not go unchallenged. Research has found that countries that uphold religious freedom have more vibrant and democratic political institutions, rising economic and social well-being, diminished tension and violence, and greater stability. Nations that trample on or fail to protect basic rights, including religious freedom, provide fertile ground for poverty and insecurity, war and terror, and violent, radical movements and activities. In the battle against violent religious extremism, the key is to offer a competing vision of freedom, peace and prosperity, and a foreign policy that prioritizes and advances freedom of thought, conscience, and religion or belief.

THE NEED TO REAUTHORIZE USCIRF

Before discussing this year's IRF Report, let me stress the imperative of reauthorizing our Commission.

USCIRF is the world's only independent governmental body fully devoted to advancing freedom of religion or belief. USCIRF functions as an advisory body to Members of Congress and their staffs, works closely with the State Department and serves as a voice for the voiceless -- be they Baha'is, Ahmdiyya, Uighurs, or others who have been silenced by repressive governments or impunity. These and other groups rely on us to stand with them. Through the Commission's advocacy work and visits, USCIRF also has played central roles in the release of religious prisoners, including those in Turkmenistan and Saudi Arabia. Other countries are using USCIRF as a model for their efforts in support of religious freedom.

Congress felt that an independent body monitoring executive branch activities relating to religious freedom was needed and thus created USCIRF in 1998. In 2002 it reauthorized the Commission, recognizing the continued importance of USCIRF's work highlighting shortcomings in the implementation of IRFA by both Republican and Democratic administrations.

In September 2011, the House of Representatives again recognized the continued need for USCIRF's work, overwhelmingly approving another extension (by a vote of 391-21) and sending its reauthorization to the Senate in mid-September.

The Senate, however, has yet to reauthorize USCIRF and is poised to let USCIRF expire. Senate action has been blocked, reportedly by concerns about a totally unrelated issue. The Senate needs to reauthorize USCIRF now, before the clock runs out. Disbanding USCIRF would be a tragic blunder. It would signal to the world that the United States is retreating from the cause of religious freedom.

IRF REPORT

On September 13th, Secretary Clinton released the State Department's Annual Report on International Religious Freedom. This report, covering 198 countries and territories, is a herculean effort by Ambassador Johnson-Cook's small team in the Office of International Religious Freedom. The IRF Office works with all our embassies around the world to create the most comprehensive catalog on religious freedom across the globe. We commend it for this effort.

A change in past practice, the September report covers a truncated period, the six months between July 1 and December 31, 2010, although it did include an addendum highlighting events that have occurred since December 2010, such as the murders in Pakistan of Punjab's Governor Salman Taseer and Federal Minister of Minorities Affairs Shahbaz Bhatti. This change in practice reflects the Department of State's decision to adjust the reporting cycle for all their human rights reports so that they cover the same calendar year.

We have encouraged the State Department to discuss this reporting cycle change with Congress, since according to IRFA, the IRF Report is due by September 1 and must cover the preceding year. Congress designed alternating reporting cycles for the religious freedom and human rights reports to ensure that religious freedom is not lost amidst broader human rights issues. USCIRF has no opinion on the change in the reporting period, but does want to see the continuation of independent releases as a way to ensure U.S. government attention and action to promote freedom of religion or belief. The State Department has indicated to us that it will continue separate rollouts.

CPC DESIGNATIONS

The 1998 IRF Act did not only require reporting, but also created a special designation -- "countries of particular concern"—for the worst violators of religious freedom. IRFA requires the President, who has delegated this authority to the Secretary of State, to undertake annually a

review of every country to "determine whether the government of that country has engaged in or tolerated particularly severe violations of religious freedom." IRFA defines "particularly severe" violations as ones that are "systematic, ongoing, and egregious," including acts such as torture, prolonged detention without charges, disappearances, or "other flagrant denial[s] of the right to life, liberty, or the security of persons." Any country meeting that threshold is to be designated a CPC, and the U.S. government is required to take action to encourage improvements in each CPC country. IRFA provides a range of possibilities for such action, from bilateral agreements to sanctions, or invoking a waiver if circumstances warrant.

With the release in September of the State Department's international religious freedom report, the first CPC designations of the Obama administration also were announced. We welcome the announcement that Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Uzbekistan remain CPCs. We also welcome the release of CPC designations along with the international religious freedom report: such a concurrent release respects Congressional intention that designations are based on these annual reports.

Prior to the September announcement, the annual CPC designation process had fallen off track. While IRFA does not set a specific deadline, the statute indicates that CPC designations should take place soon after the State Department releases its Annual Report on International Religious Freedom, as decisions are to be based on that review. Both the Bush and Obama administrations went for more than two years between issuing designations, thus sending an unfortunate signal that these issues did not top the U.S. foreign policy agenda. This is problematic, as it is precisely the CPC process that gives IRFA teeth. The process forces the State Department bureaucracy to grapple with proposing concrete actions that can bring about change. This often meets resistance, as such decisions may directly impact the bilateral relationship. But that is the point of the exercise – to convey serious U.S. concerns so that abusive behaviors change.

It is our hope that reuniting the IRF report with the CPC announcement will reestablish this connection and that next year the State Department will again concurrently issue the religious freedom report and its CPC designations.

EXPANDING THE CPC LIST

In addition to concerns about timing, there are the designations themselves. A key responsibility IRFA gave to USCIRF is to recommend to the executive and legislative branches which countries meet the IRFA threshold for CPCs: USCIRF has recommended that the CPC list be expanded to include Egypt, Iraq, Nigeria, Pakistan, Turkmenistan, and Vietnam. Yet the State Department has designated the same eight countries for over five years, leading to glaring omissions, foremost Vietnam and Pakistan.

In **Vietnam**, human rights and religious freedom conditions have deteriorated after the lifting of the CPC designation in late 2006. The Vietnamese government continues to detain prisoners of concern, repress independent religious practice, disband groups viewed as a challenge to its political authority, and maintain a Religious Security Police force. The U.S./Vietnam held an annual Human Rights Dialogue last week while over a dozen Catholics and several Falun Gong practitioners were arrested there in the preceding months. The CPC designation and

corresponding emphasis placed on religious freedom in bilateral relations brought real change when it was tried before—without hampering progress on trade or security interests. U.S. officials have called Vietnam our "new best friend in Asia," but expanded ties have little value if they only advance Vietnam's security interests without corresponding improvements in religious freedom and related rights for the Vietnamese people.

Concerning **Pakistan**, we have concluded that Pakistan continues to be responsible for systematic, ongoing, and egregious violations of freedom of religion or belief, and the religious freedom situation deteriorated greatly during the past year. The country is rife with attacks against minority religious communities, as well as members of the majority faith. Its laws banning the Ahmadi faith and penalizing blasphemy with the death penalty violates religious freedom guarantees and fosters a climate of impunity. USCIRF has received reports of at least 44 persons given life sentences based on blasphemy charges, with 15 individuals on death row. Religious freedom violations benefit violent extremists who seek to harm the Pakistani government and the United States. There will never be a convenient time to make this designation and designating Pakistan as a CPC would enable the United States to effectively press for needed reforms, which are in our national security interests.

IRFA provides the Secretary of State with a unique toolbox with which to promote religious freedom more effectively and with greater impact. The Act includes a menu of options that the U.S. government can take with regard to countries designated as CPCs, along with a list of actions to help encourage improvements in countries that violate religious freedom but do not meet the CPC threshold. The provisions in the Act that address severe violations of religious freedom include sanctions (referred to as Presidential actions in IRFA) that are not automatically imposed. Rather, the Secretary of State is empowered to enter into direct consultations with a government to find ways to bring about improvements in religious freedom. IRFA also permits the development of either a binding agreement with a CPC-designated government on specific actions that it will take to end the violations that gave rise to the designation or the taking of a "commensurate action." The Secretary additionally may determine that pre-existing sanctions are adequate or waive the requirement of taking action in furtherance of the Act.

In practice, the flexibility IRFA provides has been underutilized and, as a result, the statute has not been used to bring about real progress. Generally, no new Presidential actions pursuant to CPC designations have been levied, with the State Department relying on pre-existing sanctions, a practice commonly known as "double-hatting." Of the eight countries the State Department has designated as CPCs only one – Eritrea – faces sanctions specifically imposed under IRFA for religious freedom violations. While relying on pre-existing sanctions technically is correct under the statute, the practice of "double-hatting" has provided little incentive for other CPC-designated governments to reduce or end egregious violations of religious freedom. For these mechanisms to have any real impact on promoting religious freedom, the State Department must follow the designation of an egregious religious freedom violator as a CPC by implementing a clear, direct, and specific Presidential action.

IRF OFFICE

While we focus on the good work of the IRF Office and the Ambassador-at-Large, who is an *ex-offico* member of the Commission, we also should note that Congress intended the Ambassador-at-Large to be a "principal adviser to the President and the Secretary of State regarding matters affecting religious freedom abroad." USCIRF remains concerned that the position is not adequately placed within the State Department hierarchy. Since the position was established, every administration, including the current one, has situated the Ambassador-at-Large in the Bureau of Democracy, Human Rights and Labor (DRL) and therefore under its Assistant Secretary. The Ambassador-at-Large for International Religious Freedom is the only such ambassador positioned this low in the hierarchy. USCIRF encourages the Obama administration to fulfill IRFA's intent that the Ambassador-at-Large be "a principal adviser" and ensure that he or she has direct access to the President and the Secretary of State.

IRFA also calls for American diplomats to receive training on how to promote religious freedom effectively around the world. In the past, training for Foreign Service Officers on issues of religious freedom has been minimal, consisting mainly of ad hoc lectures on the subject. However, the Foreign Service Institute, in consultation with the Office of International Religious Freedom, recently has developed policy seminars on Religion and Foreign Policy. USCIRF welcomes this initiative and hopes to be included in future sessions. However, while positive, these courses remain optional and are not yet part of the core curriculum for all diplomats in the training.

TIME FOR ACTION

USCIRF's work is accomplished through the leadership of its Commissioners and the engagement of its professional staff. Three Commissioners are appointed by the President and six are appointed by the leadership of both parties in the House and Senate. The Commission is bipartisan. The Ambassador-at-Large for International Religious Freedom serves as a non-voting ex officio member of the Commission.

Unfortunately, around the world, violations of the right to religious freedom occur with alarming frequency. As I have testified previously before this subcommittee, USCIRF has identified three main kinds of government actions or inactions which trigger these violations. First, there is state hostility toward religion, religious communities, and/or religious leadership: this would include laws restricting both majority and minority religions, such as post-Soviet laws in Uzbekistan and Belarus which criminalizes non-violent religious activity not authorized by the government. Second, there is state sponsorship of extremist religious ideology and education. We see this most readily in Saudi Arabia, with government controlled textbooks that teach hatred of the other. Third, there is state failure to prevent and punish religious freedom violations. Nigeria is front and center here, with the ongoing sectarian violence and virtually no government prosecutions.

USCIRF uses these classifications as a lens through which we organize our efforts. Below are some examples of the Commission's recent efforts:

- Defamation of Religion in the United Nations -- Intolerance Resolution Takes the Place of Defamation Resolution: Over the past decade, resolutions in the UN General Assembly and

UN Human Rights Council on the so-called defamation of religions sought to establish a global blasphemy law. USCIRF's engagement with the State Department, the U.S. Congress and specific UN member states helped bring about a notable decrease in support for these resolutions over the past three years. It is an example of the catalytic and coordinating role that the Commission has played.

Since 2008, the resolutions were supported by only a plurality of member states. Due to this loss of support, the UN Human Rights Council in March 2011 adopted, in place of the divisive "combating defamation of religions" resolution, a consensus resolution on "combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief." The resolution properly focuses on protecting individuals from discrimination or violence, instead of protecting religions from criticism. The new resolution protects the adherents of all religions or beliefs, instead of focusing on one religion. Unlike the defamation of religions resolution, the new consensus resolution does not call for legal restrictions on peaceful expression, but rather, for positive measures, such as education and awareness-building, to address intolerance, discrimination, and violence based on religion or belief.

- Iran Sanctions: USCIRF has long called for the U.S. government to identify Iranian officials and entities responsible for severe religious freedom violations and impose travel bans and asset freezes on those individuals. Previously, no sanctions measures against Iran had provisions dealing with human rights violations; USCIRF worked with Congressional offices on the need to develop such sanctions. These sanctions are included in CISADA, the Comprehensive Iran Sanctions, Accountability, and Divestment Act (P.L. 111-195). CISADA requires the President to submit to Congress a list of Iranian government officials or persons acting on their behalf who are responsible for human rights and religious freedom abuses, bar their entry into the United States, and freeze their assets. The Executive Order President Obama issued in September 2010 imposed travel bans and asset freezes on eight Iranian officials for having committed serious human rights abuses after the Iranian Presidential election in June 2009. Since then, three other Iranian officials and three government entities have been added to the list. USCIRF had recommended that seven of these officials be sanctioned.

- Pakistan: USCIRF was instrumental in introducing the U.S. Government to Pakistan's Minister of Minorities Affairs, Shahbaz Bhatti, who was an ardent defender of human rights within the Pakistani government. These connections provided Minister Bhatti with important leverage with his own government in Islamabad. Tragically, Minister Bhatti was assassinated in March 2011 by Pakistani Taliban. After his death, USCIRF worked with congressional offices to have a resolution introduced in his honor that pressed for improvements on these issues.

  USCIRF also sought to understand the roots of this culture of violent religious extremism. With the support of USCIRF's Congressional authorizers and appropriators, the Commission sponsored a study released just last week of Pakistan's public schools and madrassas, "Connecting the Dots: Education and Religious Discrimination in Pakistan." The study was conducted by the International Center for Religion and Diplomacy (ICRD). ICRD reviewed

more than 100 textbooks from grades 1 through 10 from Pakistan's four provinces, and undertook qualitative interviews with students and teachers from public schools and madrassas in Khyber Pakhtunkhwa (formerly known as the North-West Frontier Province), Balochistan, Sindh, and Punjab. Thirty-seven middle and high schools were visited, with 277 students and teachers interviewed individually or in group settings. Researchers also interviewed 226 madrassa students and teachers from 19 madrassas.

The study found that Pakistan's public schools and madrassas are incubators of extremism that negatively portray the country's religious minorities and reinforce biases, and that these negative portrayals fuel acts of discrimination, and possibly violence, against these communities. Specifically, the study found:

- Public school textbooks used by all children often had a strong Islamic orientation, and Pakistan's religious minorities were referenced derogatorily or omitted altogether;
- Hindus were depicted in especially negative terms, and references to Christians were often inaccurate and offensive;
- Public school and madrassa teachers had limited awareness or understanding of religious minorities and their beliefs, and were divided on whether religious minorities were citizens;
- Teachers often expressed very negative views about Ahmadis, Christians, and Jews, and successfully transmitted these biases to their students; and
- Interviewees' expressions of tolerance often were intermixed with neutral and intolerant comments, leaving some room for improvement.

- Saudi Arabia: The Commission's work on Saudi Arabia is an example of the independent role we play as envisioned by IRFA. USCIRF urged the State Department to take a stronger stance toward Riyadh to undertake needed reforms. USCIRF's public reporting on Saudi Arabia was central to it being named a CPC in 2004. In fact, USCIRF was reporting on concerns such as Saudi exportation of extremist ideology and intolerant content in Saudi textbooks before these issues were included in State Department religious freedom reports. Furthermore, the policies contained in the 2006 document released by the State Department and confirmed by the Saudi government on religious practice and tolerance were in large part based on the range of concerns USCIRF raised. Much of the progress (albeit limited) that has taken place with regard to Saudi Arabia can no doubt be attributed to USCIRF's public advocacy on these issues when the State Department was not focused on this issue.

- Sudan: USCIRF has long been concerned about the long-term sustainability of freedom of religion in Sudan. Such freedom depended upon a free and fair referendum concerning independence for the South. USCIRF was the first entity to call for Secretary of State Clinton's direct engagement in the implementation of the Comprehensive Peace Agreement (CPA) and was instrumental in strengthening working ties between the government of South

Sudan and religious groups that proved essential for facilitating voter education and turnout in the referendum process. USCIRF also has been a critical bridge in bringing the Southern Sudanese together with the U.S. judiciary and other public and private U.S. institutions in order to begin the process of providing capacity-building and technical assistance in an independent South Sudan.

However, this peace now is in jeopardy. In early November, Sudanese Armed Forces (SAF) bombed the Yida refugee camp in the Unity state of the Republic of South Sudan. Located approximately 10 miles south of the border with Sudan, the camp holds more than 20,000 refugees who had fled the SAF's attacks in Southern Kordofan. Only a few weeks before this attack, USCIRF staff met at the Yida camp with refugees who described Khartoum's aerial bombardment in the Nuba Mountains and how SAF planes targeted them as they fled south toward Yida. Christian pastors said they were targeted and their churches burned and looted because Khartoum does not want Christianity in Sudan. Refugees witnessed soldiers killing Christians and declaring Christianity to be the enemy of Islam. Muslim refugees were threatened by soldiers in the mosques in which they sought safety and witnessed mosques being destroyed. They claimed that Khartoum does not consider them legitimate Muslims because they are Nuban.

The government of Sudan has attacked churches, mosques, schools, and markets in the Nuba Mountains and the neighboring Blue Nile state, but not the Sudan People's Liberation Army – North (SPLA-N) in these regions. Khartoum also has been denying humanitarian assistance which is needed due to the destruction of crops resulting from the bombing of farms. According to local sources, more than 230,000 persons are internally displaced in Southern Kordofan, 20,000 from Southern Kordofan have sought refuge at Yida refugee camp, 29,000 from Blue Nile have sought refuge at Tongo refugee camp in Ethiopia, and an unknown number from the two states are in Juba, South Sudan.

While Khartoum continues to attack innocent civilians, it is seeking debt relief. The U.S. government should deny debt relief to Sudan until the bombardments stop and unrestricted, international humanitarian assistance is permitted.

In addition to the religious-based attacks during the conflict in Southern Kordofan and Blue Nile, USCIRF is concerned by the increase in religious freedom violations in and around Khartoum. To date this year, USCIRF has documented three distinct cases of apostasy charges being brought against non-conforming Muslims, including one case affecting more than 100 individuals. Apostasy charges carry a death sentence in Sudan. Additionally, I recently met with Bishop of the Episcopal Church in Sudan Ezekiel Kondo who spoke about increased threats to Christians and churches in Sudan causing many Christians to flee the country. These violations are particularly worrying in light of President Omar al-Bashir's statements that sharia will be the basis of a new constitution.

CONCLUSION

Since starting its work in 1999, USCIRF has worked diligently to fulfill our mission of promoting the right of freedom of religion or belief around the globe. From the beginning, we

recognized that we could not fulfill our mission alone. That is why we value our partnerships, such as with NGOs and religious communities, and also importantly with the State Department's Office of International Religious Freedom. We have built a good relationship with the Ambassador-at-Large for International Religious Freedom, Dr. Suzan Johnson Cook.

We especially value our relationships with members of Congress. Indeed, since its role in creating our Commission 13 years ago through IRFA, Congress has been invaluable in helping the Commission advance its goals. I believe USCIRF has been a very useful resource and partner for the Congress as well.

Congress now can make a lasting difference this year for religious freedom through reauthorizing USCIRF, reaffirming the commitment to the promotion abroad of freedom of religion as a fundamental human right.

I look forward to our continuing to work together to fulfill our mandate.

Mr. SMITH OF NEW JERSEY. Mr. Leo, thank you very much for your testimony. This report that your commission put out this year, if not the best is certainly among the best, but I would argue the best year's to date. So thank you for a very comprehensive analysis of the problem. We have very concrete examples that hopefully Congress and the executive branch and all interested parties will take seriously and look to implement. But when it comes to legislation, obviously, that is here and at the White House that we need to be taking special note.

You were too kind, I think, in suggesting that the existing CPC countries were retained. Of course there is always concerns that political issues will intervene and some of those countries might drop off. I think the shock value for China, for example, having been on it now virtually every year, they have realized that there is next to no sanction that follows. Therefore, my hope would be that the administration is serious, because just this morning I held my 33rd hearing on human rights abuses in China. As chairman of the Congressional-Executive Commission on China. I see that things are getting far worse in China toward everyone who cares about human rights, workers rights, but especially toward those who manifest a belief in God, or, in the case of the Falun Gong, a spiritual exercise. The crackdown is pervasive and severe. It is not just ongoing, it is getting worse. And I would hope, as you have said and had said before, that we don't just talk about double hatting sanctions that are preexisting, that there be some breakout and that these countries like China and Sudan and certainly Saudi Arabia, which has gotten away virtually scot free as well, when it comes to penalty are held to account.

But the countries you did mention, Egypt, Iraq, Nigeria, Pakistan, Turkmenistan and Vietnam, it is baffling as to why—when we did this legislation and all of the hearings were held in this room by yours truly on Frank Wolf's bill and he testified, and he was obviously the author of the legislation, but we never meant that the designation should in any way be nothing but speaking truth to power, and yet these countries, which you so bravely, I think, put forward that should be on the list have been elusive in terms of the State Department putting those countries on the list. It is baffling, and I do hope we can get some answers from the administration as to why, because what they do in terms of penalty and the next step, you know, may go through an additional process of what is the most efficacious way of advancing the ball, but just tell the truth. If they are a Country of Particular Concern, put them on.

Maybe you might want to speak to some of those countries. Egypt, we just had a hearing, as you know, on the forced abduction of Coptic Christian girls. Michele Clark testified, a great leader at the OSCE for years on human trafficking, and she has done great reporting, working with Christian Solidarity International on these young teenagers who are first abducted, and then forced into Islamic marriages when they turn 18, abused along the way, and yet our administration says these are just allegations. It is time, she said, we are beyond the allegation stage, it is real and it is pervasive.

Egypt—you might want to speak to some of the issues that you believe ought to have been placed on CPC status.

Mr. LEO. Thank you, Mr. Chairman. Well, first as an institutional matter, there is a real problem with passing over certain countries for CPC status, just as there is a real problem with not imposing sanctions or always double hatting sanctions. Eritrea is, I think, the only country that has direct sanctions under the IRFA on it.

The problem with not designated countries—there clearly should be—and the problem with not having a sanctions regime that really works—is it sends a terrible message to (1) some of the countries that are on the list because they believe being placed on the list really doesn't have any impact. And (2) it sends a very strong message to other countries that we are not serious about bolstering preservation of freedom of religion around the world, so why should they do anything to improve conditions there back at home.

And so it is very, very important and I think that the creators of the IRF Act understood this. The CPC designation process itself be very rigorous, and that similar countries be treated alike, and that they be placed on the list and that when you are placed on the list, there is some, there is some force that comes to bear on that country to ensure compliance with international human rights standards.

And with regard to the particular countries you mentioned, Mr. Chairman, that are not on the list, for example, Pakistan and Egypt, conditions in Pakistan, as you well know, are horrific. In addition to various forms of state-sponsored repression, one of the most serious problems of Pakistan is impunity, private, sectarian violence that is unchecked by the government, and that is caused by a number of factors. For one thing it is caused by a blasphemy law which incentivizes people to take matters into their own hands and to seek to punish individuals who they believe are not treating religion properly.

Secondly, as we noted in the report we just issued on Pakistan's educational system, the madrasas and public schools in Pakistan are teaching a level of intolerance that is just unacceptable, and that level of intolerance affects not only minority Muslim communities and Christians but also Hindus in Pakistan, and that is a very, very serious problem.

Egypt, you know, Egypt you see a lot of the same problems, Mr. Chairman. You see, again, impunity, a situation where violence perpetrated against the Coptic Christian communities remains unchecked. This was a problem during the Mubarak administration, but it is a problem now just as well and there doesn't seem to be any end of it in sight.

We have also seen very significant repression by the state of various religious minorities, including the Baha'i community.

Mr. SMITH OF NEW JERSEY. Without objection, I would like to add the summary, multi-page summary of "Connecting the Dots: Education and Religious Discrimination in Pakistan," the excellent study. I know it is much longer, but this is the shorter version in which your office has looked so carefully into the educational system. If you want to just further elaborate on that briefly, because this is a very, very troubling report.

Mr. LEO. Sure, be happy to. We commissioned a study to look at a number of public schools, as well as madrasas around Pakistan. And the idea behind the study was (1) to see what kinds of things are being taught to these children regarding various faiths in Pakistan, and then (2) to see what links existed between the education they received and the kinds of intolerance and extremism we see in Pakistani society right now.

And much to our dismay, what we found was that there are elements of nationalism and prejudice that cause teachers to teach students in these schools that those who are religious minorities are not full citizens in Pakistan. All of the normal prejudices about Jews and Christians and Hindus are perpetrated through the curriculum, and what we found, through the focus groups and other studies that took place here over the course of the year, is that this discrimination and these pejorative references end up creating a young citizenry in Pakistan which is very intolerant of religious minorities, doesn't understand what they believe in, view them as a threat to Pakistan's culture, and that is a very, very serious, a very serious problem and, we believe, and I think the study bears this out, that that kind of extremist intolerant education creates great instability in the country.

It fuels extremism, it causes Pakistan to be a breeding ground for violent extremist ideology that is exported throughout North and sub-Saharan Africa. Mr. Payne, if you go to northern Nigeria you will find pamphlets and leaflets that were sent over from Pakistan that are quite extremist in their orientation. So we think the educational system in Pakistan needs great improvement.

Fortunately, the madrasas in Pakistan, the private schools, many of them actually want to reform the curriculum. But the stumbling block is that that would require a change in the rules or laws by the Interior Ministry of Pakistan and until the Interior Ministry responds and starts to change the rules of the game, those private madrasas can't change their curriculum. And so one of our objectives is to try to have the United States put as much pressure as possible on the Pakistani Government to change those rules so that those madrasas can reform their curricula which we believe in turn would put competitive pressure on the public schools to do the same.

Mr. SMITH OF NEW JERSEY. Very briefly on Vietnam because then I will yield to my colleagues for any questions, and I am going to submit several questions because time does not permit asking all of them.

But would you briefly touch on what was clearly an about face, what looked like some progress was being made in the lead-up to the trade agreement between the U.S. and Vietnam and most-favored nation status being granted. Almost to the day there was a U-turn and people espousing human rights in general, and religious freedom in particular, have been rounded up and have been harassed, clearly indicating that CPC status ought to be imposed upon Vietnam.

And secondly, in Sudan, with Bashir and Khartoum contemplating a new Constitution that would be very exclusionary toward people of other faiths and even some Muslims, many people are

leaving, some going to South Sudan. Could you just touch on that very briefly?

Mr. LEO. Well, as you point out, Mr. Chairman, the situation in Vietnam took an about face after WTO accession. The Vietnamese wanted WTO accession. Once they got it they walked away from the table on religious freedom. It is just that simple. There was a carrot and a stick around prior to WTO accession. When that went away there wasn't much left.

And this is one of those instances where we believe that CPC status would really be a game changer, because we know that that kind of pressure has worked with the Vietnamese in the past and we are at a stage in our relations with Vietnam where there are bilateral negotiations on a lot of fronts involving trade and the economy and culture. And to have, you know, that leverage again would be extraordinarily valuable.

You are quite right. The situation in Vietnam is getting worse, not better. You have public order, regulations and rules that are being used in a very arbitrary and abusive way to put away and detain people of faith, oftentimes Catholic priests. You have communities in Vietnam that have had their cemeteries and religious grounds bulldozed so that the state can erect resorts. This is a very, very serious problem.

With regard to Sudan, where to begin. You know, all of us saw July 9 come and go, and there was a lot of fanfare in the press about Sudan's independence.

Where is the press now? Mass graves of more than 5,000 Christians and other Southern Sudanese, aerial bombardments at night of refugee camps, every single church and clergyman in Southern Kordofan is gone, they have left. There is not a single church in the entire state. When you combine all of that which is happening on the border region with the so-called constitutional reform, which is going to be taking place in North Sudan, where President Bashir has said he wants to create an Islamist state, you have an extremely unstable set of regimes and you have a set of regimes where human rights abuses will continue to be perpetrated in a way that it should be of enormous concern and alarm to the United States, but it is not making the pages of the New York Times, the Washington Post. It is not capturing the attention of most world leaders. It is a very, very serious situation.

We met just a couple of weeks ago with the Deputy National Security Adviser to the German Chancellor and he wasn't aware of the mass graves in the border region of South Sudan. He wasn't aware of the area of bombardments, the refugee camps. It is terrible, absolutely terrible, and we must stand up and do something, and I think the first step that we should take right now is tell the North Sudanese that if they want debt relief, which is something they are trotting the globe trying to get right now, it should be conditioned on them creating a pathway for humanitarian assistance to the refugees in the border region and the cessation of aerial bombardments.

And if they are not willing to undertake those two humanitarian gestures, which will not only protect people of faith but all peoples, then we should not bargain with Khartoum.

Mr. SMITH OF NEW JERSEY. Thank you. Mr. Payne.

Mr. PAYNE. Once again, thank you very much, Mr. Leo, for your continued strong positions on this issue. I too am very disturbed at what is occurring in Sudan. We, as you indicated, thought July 9 would be a new time, a new day. The Government of Sudan has actually even had some of bombings across the border into South Sudan recently it has been reported. And the situation in Southern Kordofan is just untenable. As you know, there was supposed to be an agreement since Southern Kordofan was incorporated into Sudan although Southern Kordofan, as you know, fought with the South Sudanese and were part of the SPLM and SPLA. And so the fact that they have been incorporated in another country really makes them captives in Sudan where they really should be a part of South Sudan.

And so I too agree there has been in the past several months, it seems, you know, a feeling on the part of some in the administration that because Bashir went along with July 9 that there should be some carrots that should be given.

But I agree certainly, I certainly concur with you that I think that there are too many unresolved issues, there is no question about Darfur. Darfur is even not discussed very much. People living out in desert conditions in Chad and refugee camps are going to be going on 8 years with no plans for Sudan to talk about a right to return for people in Darfur. They are just there.

As a matter of fact, as you may recall, they even had the humanitarian food delivery interrupted about a year or so ago where they were excluding human rights organizations attempting—and decided which NGOs would have the right to give relief to the Darfurians. And so we have a very serious situation there.

In your opinion, since the separation, and I know it has only been a short time, do you think that in the North things have in general have worsened or is there more unity in Sudan, Khartoum Government?

Mr. LEO. Thank you, Mr. Payne and, again, thank you very much for your leadership on these issues as part of the caucus.

Unfortunately, things have deteriorated in the northern part, in North Sudan on a couple of fronts. First of all, President Bashir has tried to snuff out all political opposition. And in the absence of that sort of diverse political opposition, there is not going to be a full throttle debate about what kind of constitutional government Sudan should have and whether freedom of religion will be an integral part of it. Because as you know, some of that political opposition is grounded in other nonconforming views of Islam. And so in the absence of that, you won't have the kind of diversity of opinion that would lead to a Constitution that had greater protections for religious minorities.

Secondly, you know, there still have, in addition to certain nonconforming Muslims, there are still some Christians who live in the North and they are very, very concerned for their well-being because the kind of Islamist state that President Bashir has promised to create would be wholly consistent with their long-term well-being and survival in North Sudan, part of the reason why so many of them have fled to South Sudan. The problem, of course, is that things are not a whole lot better there for them because South

Sudan doesn't have the capacity to care for these people. So they are in a no-win, they are in a no-win situation.

And, then, finally, because the North never really created a media law that allows for a vibrant press, there is very little sunlight cast on what is going on there, and so much of the world, the EU and other parts of the world, really don't fully comprehend the extent of the repression.

Mr. PAYNE. Thank you very much. Getting to the State Department, I understand that the State Department has labeled eight Countries of Particular Concern. In the report produced by USCIRF you identified an additional six. Is there any way you could determine what factors factor into the way that CPC looks at it as opposed to the State Department?

Mr. LEO. Well, some of it, Mr. Payne, is institutional. I mean USCIRF's mandate is to look solely at religious freedom violations. So when we look at a country, you know, that is our single-minded focus by the terms of our statute. Obviously the State Department has to look, does look at a broad range of factors when it decides how to deal with a country.

So even though, you know, oftentimes our findings and the State Department's on a country might be very similar in terms of religious freedom violations. They may make the determination that naming them a Country of Particular Concern or imposing certain sanctions is not going to have the intended effect on improving conditions. Now, we often disagree with that.

So in the case of Pakistan, I suspect what the State Department would tell you is naming Pakistan a CPC will hurt rather than help. That will be their argument. We respectfully disagree. We believe that there is not going to ever be a perfect time to name Pakistan as a CPC, but that in fact we are at a point in Pakistan's cultural life where there are a sufficient number of imams and madrasas who believe in reform that naming Pakistan as a CPC and then being very strategic in terms of the way we dialogue about various kinds of reforms, we could actually help to embolden communities in Pakistan who could sort of start to move the ball in a positive direction.

Similarly, what you have been told about a country like Vietnam is that there has been some progress made and we are having human rights dialogues with them. Again, we understand that argument, but we respectfully disagree. Our view of the history is that Vietnam has only responded and responded favorably when they have had a lot of pressure come to bear on them as a country.

So to some extent it is institutional. You know, we look at one issue, they look at a basket. To some extent it is situational. You know, we sometimes gauge the cultural factors differently than the State Department does.

Mr. PAYNE. Thank you very much. Since we are going to have votes, I agree that they tend to, even in dealing with Bashir, when I would be pushing for very hard sanctions they would say, well, you know, there are some other leaders in Sudan that could be worse, and so we have to be careful so it doesn't get worse. I agree, you know, I have never heard anyone being able to predict, or predict the unknown. I mean, you can't validate the unknown, you don't know what the next leader would be.

So I have the same kind of problems with some of their findings that you probably have in your capacity. Thank you very much, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Payne.

Mr. Carnahan.

Mr. CARNAHAN. Thank you, Mr. Chairman, and I had a couple of issues I wanted to cover with you, Mr. Leo. Again, thank you for being here.

I wanted to really talk about the importance of interfaith dialogue. In Nigeria, there is a model program there, the mediation center, we have heard good reports about. I wanted to ask how important this interfaith dialogue is in promoting religious freedom. Number one, what is USCIRF doing to promote this and is there anything more that can be done?

Mr. LEO. Thank you, Mr. Carnahan. Interfaith dialogue is obviously very important, and you mentioned Nigeria, where there has been an infrastructure for interfaith dialogue between the Muslim communities and the Christian communities there, oftentimes led by the Sultan of Sokoto and Archbishop of Uwe Akan of the Catholic Church and the Sultan of Northern Nigeria, a leading member of the Muslim community there.

But, you know, in recent months and in the past year, we noticed in our trips to Nigeria, we have been there about four times in the past 2 years, that things are really starting to break down and the interfaith dialogue isn't working as well as it used to.

And I think the reason that is the case is because you need to buttress interfaith dialogue with a strong set of enforcement mechanisms when extremists break the law. So in Nigeria the problem and, Mr. Payne, you mentioned Boko Haram, the problem in Nigeria right now is there that there are a bunch of extremist, Boko Haram among them, that are perpetrating an enormous amount of violence in the middle belt region of Nigeria. And the Nigerian Government is doing very little, if anything, to investigate, prosecute and bring to justice the people who perpetrate that violence.

Well, what does that do? What it does is it breaks up that discussion at that interfaith table. Because suddenly, the people who have friends and relatives who have been killed and that no justice has been done to sort of, you know, punish the perpetrators of that violence, they don't want to talk anymore. They don't want to find common ground. They want vindication that what was done to their community is wrong.

And so what I think in terms of what more can be done to bolster interfaith dialogue, first of all you have to find the kinds of talented leaders that Nigeria has, like the Sultan and the Archbishop, but then also the government has to be committed to enforcing the law when violence takes place or no one will sit down and dialogue. And we have seen that in country after country after country, although Nigeria in recent years has been the most, the most recent example.

The U.S. has dedicated, I think, a significant amount of aid in various countries toward this dialogue. I think that is a good thing, Nigeria being one of them. But I think we need to probably combine that kind of aid with aid to train prosecutors and law enforce-

ment officials about how to deal with the perpetration of religiously related violence in a way that is consistent with human rights.

Mr. CARNAHAN. If we have time, Mr. Chairman, I will try to get one more in before we have to go vote. I wanted to ask about the role that the Internet and social media are playing either in a harmful way or a positive way within the context of religious freedom. Certainly we have seen it have a dramatic impact across the Middle East and North Africa during this Arab Spring, but in particular how are those tools being used in positive or negative ways to promote international religious freedom?

Mr. LEO. There is no question that the Internet and social media has been very empowering for human rights defenders and religious minorities around the world. You have seen some of it in the Middle East, you see some of it in China and Vietnam and that is very, very important. So Internet freedom is a very important policy issue for the United States in this regard because it really does empower and bolster those human rights defenders and those people who want to defend religious minorities.

But at the same time, Mr. Carnahan, the Internet and social media can be a tool used for violence and for evil. And so what we have seen in northern and sub-Saharan Africa, for example, is that the Internet has been a tool for the Taliban and other extremist groups to shift their ideology to groups and individuals in north and sub-Saharan Africa for example. Boko Haram, for example, gets a lot of its material off the Internet.

When we met in Nigeria with the head of security services, they said that the Internet is probably the number one thing that sort of perpetuates the sort of violent extremism amongst members of Boko Haram. And that is the case in other countries, too. We see that in Indonesia where there are extremist elements that get a lot of extremist ideology through the Internet from Pakistan and Saudi Arabia. So it is a wonderful tool and resource for human rights defenders, but it can also be used for evil purposes. And so we need to probably complement our Internet freedom efforts with a campaign against the exportation of extremist ideology around the world.

Mr. CARNAHAN. Thank you very much. I yield back.

Mr. SMITH OF NEW JERSEY. Thank you, Mr. Carnahan. Let me ask three final questions, and I will keep the record open even if we all have to leave here, and I would hope, Mr. Leo, you would answer the questions in full.

With regard to India, Bishop Ramirez has made a very interesting point in his testimony that the State Department doesn't designate India as a CPC country, has no watch list. India is one of the few countries where USCIRF has not been able to arrange even a delegation visit despite several attempts to obtain visas. The failure seems to be particularly unusual in light of the fact that the U.S. entered into a strategic dialogue with India in 2009, and there have been several high-level visits exchanged. Religious freedom does not appear to have been a topic of discussion in this strategic dialogue.

Secondly on Iraq, as the Bishop points out again, Bishop Ramirez, these are my words, we kind of own Iraq in a sense that we, by being involved in the war, which was opposed by the Church,

there is a responsibility now, a heightened responsibility in the U.S. to ensure that the minority religions that are a millennium old go back to the founding of the Church, are facing extreme pressures, discrimination and murder. If you want to speak on Iraq, I would appreciate that.

And finally, the Bishop makes another very important comment, many important comments, that there is little, too little public evidence, he writes, that protection of religious freedom is factored into major bilateral foreign policy decisions on a day-to-day basis.

The strategic dialogues with several key countries seldom mentions religious freedom in public records of discussions. The issue may have been raised in private, but there needs to be a more overt recognition of the importance that the U.S. places on protection of religious freedom. Otherwise, it may appear that our Nation is going through the motions of satisfying a congressional mandate of not following up by making religious freedom an integral part of the foreign policy decision-making process.

As you know, that is why we passed this law in the first place, because religious freedom was always relegated to the back of the talking points, if that. And if you could speak to that issue, if you would, because, you know, how many years after, since 1998, since enactment of this law, and we are still having this discussion where this has not been mainstream and made an integral part of our foreign policy.

Mr. LEO. Well, His Excellency Bishop Ramirez is, as he always was as a commissioner of USCIRF, you know, spot on. These religious freedom issues are not adequately factored into our bilateral discussions and we are constantly pressing for those issues to sort of come to the surface and be higher priorities. That has especially been the case recently with a number of Southeast Asian countries where in the case of China and Vietnam, for example, we are just not seeing freedom of religion reach that level.

My hope is that over time the IRF office and the IRF Ambassador can inflict more pressure within the State Department system to sort of try to make those issues a higher priority. We have hopes that Vice President Biden, in his upcoming visit to Turkey—I think he is leaving very soon—will engage the Turks on the issue of freedom of religion and particularly the reopening of the Halki Seminary.

So I think having the Vice President engaged in that way would send a very, very strong signal to the bureaus in the State Department that religious freedom needs to be critical on a bilateral basis.

You mentioned India and Iraq, very different countries in a lot of ways, you know, but the one common element there is impunity. And what you see in India and in Iraq is just a situation where, you know, there needs to be as much as possible an effort to prosecute religiously related violence. Obviously the situation is very different in India, where there have been investigations and prosecutions. The question is the extent and speed, and that is something we are looking into and trying to engage with the Indian Government on.

The situation in Iraq is much worse. I mean there, there is almost a total breakdown in prosecution of religiously related vio-

lence and it is causing the extinction of the Christian community in that country.

Mr. TURNER [presiding]. If I may, another question on—if we can get back to Pakistan for a moment. I might catch my breath. The madrassases. I understand there is funding from Saudi Arabia. Do you feel that has an impact? And does our own foreign aid, which is probably not used as leverage, kind of counter it; are we doing what we can and should?

Mr. LEO. First of all, there is no question that the Saudis are responsible for the exportation of an enormous amount of extremist ideology. Their textbooks and educational materials have not been reformed as they should be. They speak of spilling the blood of the infidel. That is Christians and Jews. There are a lot of other very concerning passages throughout their materials.

When we visited Saudi Arabia recently and met with the Minister of Religious Affairs, we were not satisfied with the responses he or the Administrator of Education gave in terms of the extent to which they are trying to clean up their educational and other materials. But the bottom line is because Saudi Arabia is, if you will, the Vatican of Islam. Their educational materials serve as the basis for a lot of education elsewhere in the world. So they are exporting a brand of extremism often which is very toxic.

And we have seen that in Pakistan, Mr. Turner, with a number of the madrassases where there are a lot of pejorative commentaries about Hindus and about Christians and about Jews. And that is helping to perpetuate some very negative stereotypes amongst the young people in Pakistan, which breeds violence. I mean, Pakistan is a little bit more complicated than that, though, in the sense that there are some madrassases in Pakistan—we were talking about this earlier—that do want to reform their curriculum. This is, I think, due in part to the fabulous work that was done by the late Shahbaz Bhatti, the Minister of Minority Affairs who was violently assassinated on his way to his first cabinet meeting. He brought together quite a number of imams in and around Islamabad and Pakistan who wanted to see reform. They control some of those madrassases and others. And some of those madrassases do want to reform their curricula, but that is going to require new rules and laws that could be handed down by the Interior Ministry in Pakistan. And they haven't done that. Until they do that, those who do want to reform their curricula within the madrassases won't be able to.

Now, our hope is that if we can get the Pakistani Government to change those rules, that some of these madrassases can actually change their curricula, that will begin to put valuable competitive pressure on other madrassases and, by extension, public schools in Pakistan so that some of them will begin to think about whether they should be changing their curricula as well. There are signs of hope here.

There are some young people and there are some teachers who want to reform education in Pakistan, who are more broad-minded about the role that minorities play in their country. But a lot of work has to be done and that is going to require both the Pakistani Government to change some of its rules and, frankly, on a global scale, the Saudis to begin to take more seriously their obligation

to clean up their own educational materials which do get pushed around all over the world, including here in the United States at the Islamic Saudi Academy just across the river in Fairfax.

Mr. TURNER. As far as United States leverage is concerned, are we exercising that properly? Are we exercising it at all with both the Saudis and with Pakistan?

Mr. LEO. The Commission's position is that we are not exercising our leverage sufficiently. In the case of Saudi Arabia, though, we have named Saudi Arabia as a Country of Particular Concern for years. Years. We have had an indefinite Presidential waiver on any sanctions. The Commission's position is that basically there should be a time period within which that Presidential waiver remains, but that if certain reforms are not achieved within that time period, the waiver ceases to exist and sanctions begin to come down hard on the Saudi Government.

Where they really need reforms are in terms of their educational material, in terms of their religious beliefs and a couple of other things under Saudi law.

With regard to Pakistan, I would say the same thing. You know, there is never going to be, as we said before, never going to be a good time to name Pakistan or any other country as a CPC. But the bottom line is that in our view, now is the time to name them as a CPC. Conditions are worsening. The blasphemy law is being applied in terrible ways. There are over 100 individuals, and we can supply you with a chart, there are over 100 individuals, Christians, nonconforming Muslims, Hindus, who are imprisoned under their blasphemy law. And that, by the way, breeds enormous violence and hostility in the country, and the United States is doing nothing to really sort of try to put pressure on the Pakistanis to try to change that.

Mr. TURNER. The final question. You noted in your testimony that a political issue in the Senate, unrelated to the Commission, is holding up the Commission's reauthorization, which technically expired in September, although the continuing resolution is providing temporary funding for the Commission and we hope another CR is passed tomorrow, and that will take the Commission at least through December. The failure of the Senate to pass USCIRF's reauthorization is extremely problematic. Could you tell us how it is affecting your operation?

Mr. LEO. Well, it is very hard for the Commission to do any long-range planning when we are not sure of our continued existence. And when we live from CR to CR—in a way it is different from most other Federal agencies, because we are not an executive branch agency that has the benefit of longevity. So basically we have had a very hard time mapping out a longer-range agenda. There have been a number of missed opportunities in terms of putting pressure on various countries. But, you know, our hope is that the Senate will act on a piece of free-standing legislation that is at the Senate desk right now. We are hoping it gets done this week and that that legislation gets sent here to the House and we can resolve this issue, you know, before long. It should have happened over a month ago, but it didn't.

Mr. TURNER. Indeed. Thank you. Thank you for your testimony, Mr. Leo.

And at this point, we would like to seat—call the second panel. And again we thank you.

We have Bishop Ricardo Ramirez. Bishop Ricardo Ramirez is a Catholic Bishop of the Diocese of Las Cruces, New Mexico. He served as a commissioner in the U.S. Commission on International Religious Freedom from 2003 to 2006. Bishop Ramirez was ordained to the episcopacy in 1981 and has lived in Canada, Mexico and the Philippines. He is a member of the International Justice and Peace Commission within the United States Conference of Catholic Bishops.

Mr. Benedict Rogers of the Christian Solidarity Worldwide. Mr. Rogers is the East Asia team leader for Christian Solidarity Worldwide. Mr. Rogers specializes in human rights in Burma, Indonesia, and North Korea and oversees CSW's work in China, Vietnam, and Laos. He has traveled extensively in the region and regularly publishes articles and books about human rights in these countries. Mr. Rogers serves as the deputy chairman of the Conservative Party Human Rights Commission in the UK. And in 2005, he served as special advisor to the Special Representative of the Foreign and Commonwealth Office Freedom of Religion panel.

We have Reverend Majed El Shafie. How is that, bad?

Rev. EL SHAFIE. Very bad. But that is okay.

Mr. TURNER. Very bad. Okay. Would you please say it for me? Majed El Shafie.

Rev. EL SHAFIE. Majed El Shafie. You did a good job. Thank you.

Mr. TURNER. A little better. All right. Well, thank you. From One World International, Reverend El Shafie is the President and founder of the One Free World International, a human rights NGO dedicated to securing the rights of religious minorities around the world. The reverend is both an ordained minister and an Egyptian lawyer by training. After converting from Islam to Christianity, Reverend El Shafie was arrested by the Mubarak regime in 1998, tortured and sentenced to death. He escaped, fled to Israel and finally settled in Canada in 2002. He has been interviewed by numerous media outlets and has advised the Canadian Government on religious freedom issues. Thank you.

And finally we have Mr. R. Drew Smith, Center for Church and Black Experience of the Garrett Evangelical Theological Seminary. Dr. Smith is the director of the Center for the Church and the Black Experience at Garrett Evangelical Theological Seminary in Evanston, Illinois. He is also scholar in residence at the Leadership Center at Morehouse College in Atlanta, Georgia. Dr. Smith has taught at several major institutions of higher education and has traveled widely in Latin America and Africa. He served as a Fulbright professor in South Africa in 2005 and as a Fulbright senior specialist in Cameroon, and has lectured in Brazil, Ghana, Lesotho and Israel. He has published widely on religious and public life, including numerous articles and book chapters. Thank you very much.

Bishop Ramirez, would you please open and proceed?

STATEMENT OF FR. RICARDO RAMIREZ, BISHOP, DIOCESE OF LAS CRUCES, FORMER COMMISSIONER, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Bishop RAMIREZ. Mr. Chairman and members of the subcommittee, thank you for advising the U.S. Conference of Catholic Bishops to offer testimony under the protection of religious freedom.

Mr. Chairman, we appreciate your leadership on this issue. I am, as you said, Ricardo Ramirez, the Bishop of Las Cruces. I currently serve on the Committee of International Justice and Peace of our Bishops Conference. I also had the honor and pride of serving on the U.S. Commission on International Religious Freedom from 2003 to 2007. I will summarize our testimony and ask that the full written testimony be entered into the record.

Mr. SMITH OF NEW JERSEY [presiding]. Without objection, yours and those of all who would like to submit their testimonies will be made a part of the record, as well as any extraneous materials you would like to add.

Bishop RAMIREZ. Thank you, Mr. Chairman. According to the Catholic teaching, religious freedom rooted in the dignity of the human person is a cornerstone of the structure of human rights and is closely tied to freedoms of speech, association and assembly. Religious freedom is not solely freedom from coercion in matters of personal faith, it is also freedom to practice the faith individually and communally in private and public.

Freedom of religion extends beyond freedom of worship. It includes the freedom of the Church and religious organizations to provide education, health, and other social services, as well as to allow religiously motivated individuals and communities to participate in public policy debates and thus contribute to the common good.

Unfortunately, as has been mentioned before today, religious freedom is under attack in many countries around the world. In China, the police crack down on the faithful who simply want a place to worship. In Egypt, extremists burn churches, and Christians are persecuted in Eritrea, Baha'is in Iran, Ahmadiyyas in Indonesia, and Christians and Muslims in Uzbekistan. The New Year's Day bombing of a Coptic church in Egypt, the Christmas Eve bombings of churches in Nigeria, and the October 2010 attack on the Syrian Catholic Church in Baghdad are grim reminders of what is at stake.

While the annual State Department's International Religious Freedom Report for 2010 is commendable and fairly thorough, let me offer brief comments on a few countries. Our staff met on several occasions with Shahbaz Bhatti, the Pakistani Minister for Minority Affairs who was assassinated in March 2011. This followed the January 2011 assassination of Punjab Governor Salman Tasser, a Muslim. Both were targeted because of their support for changes in blasphemy laws that are often used to justify acts against religious minorities. Our Bishops Conference asked the Department of State to consider whether these assassinations and other issues warrant designating Pakistan as a Country of Particular Concern next year. The State Department report documents

a number of abuses of religious freedom in India; however, there are undoubtedly other instances not documented.

Our staff visited India in March 2010 to look into the 2008 attacks of Christians in the State of Orissa. While the report does refer to the incident, there is no mention, as you said, Mr. Chairman, of the ongoing suffering experienced by Christian villagers whose homes and livelihoods were destroyed. Many remain displaced, fearful of returning to their homes. The State Department report on forced conversions makes scant mention of Christians being forced to convert to Hinduism in order to return to their villages. The U.S. entered into a strategic dialogue with India in 2009, but religious freedom does not appear to have been a topic for discussion.

This October, two of our bishops made a pastoral visit to Baghdad. The ancient Christian communities in Iraq have been decimated. The State Department report does not highlight the fact that high levels of violence have led to a disproportionate number of Christians, many professionals, fleeing abroad as refugees are being displaced internally.

As the U.S. withdraws, we must work with Iraqis to improve the rule of law, security and economic opportunity. We must also help refugees and internally displaced persons. This will require continued U.S. international assistance.

We have several recommendations. First, the Congress and the administration need to place a higher priority on religious freedom. There is too little public evidence that protection of religious freedom is factored into major bilateral foreign policy decisions.

Second, the State Department needs to give greater consideration to designating countries of particular concern. The Commission on International Religious Freedom's list is longer, adding other countries such as Iraq, Pakistan, Nigeria, and Turkmenistan. USCIRF also maintains a watch list of countries where trends indicate the predisposition toward severe violations of religious freedom. Countries on USCIRF's Watch List change from year to year. We are concerned that the State Department list may not adequately reflect changing conditions.

Third, the President and the Secretary of State should consider more closely actions that might be applied to those states where particularly these severe violations of religious freedom occur.

Fourth and finally, the Senate should move to reauthorize the U.S. Commission on International Religious Freedom whose mandate expires tomorrow. It would be tragic if this vital institution were to cease its promotion of religious freedom around the world.

Let me close by commending the distinguished members of the subcommittee for holding this hearing and for raising the profile of religious freedom in our Nation's conscience and in its foreign policy. Thank you.

Mr. SMITH OF NEW JERSEY. Thank you very, very much, Bishop Ramirez, for your testimony and for your leadership and that of the Catholic Bishops Conference.

[The prepared statement of Bishop Ramirez follows:]

Testimony by Bishop Ricardo Ramirez, CSB
Bishop of Las Cruces, New Mexico

on behalf of the
United States Conference of Catholic Bishops

before the Foreign Affairs Committee
of the United States House of Representatives

Subcommittee on Africa, Global Health and Human Rights
November 17, 2011

Mr. Chairman and distinguished members of the Subcommittee, thank you for inviting the United States Conference of Catholic Bishops to offer testimony today on a high priority for our Conference, the protection of international religious freedom. We appreciate the leadership you have shown, Mr. Chairman, in calling this hearing to emphasize the importance of religious freedom and the need to make it a more integral element of U.S. foreign policy. I am Ricardo Ramirez, the Bishop of Las Cruces. I currently serve on the Committee on International Justice and Peace of the U.S. Bishops' Conference. I will summarize our testimony and ask that the full written testimony be entered into the record.

I had the honor and responsibility of serving on the U.S. Commission on International Religious Freedom from 2003 to 2007. Three other Catholic bishops, Cardinal Theodore McCarrick, Archbishop Charles Chaput, and Bishop William Murphy have served on the Commission since it was established in 1999. It was an enlightening and enriching experience. I traveled to China, Egypt, South Africa, Sudan and Uzbekistan with other Commissioners to meet with people of different religious traditions and examine the conditions in which they were allowed to practice their religion.

While membership on the Commission expanded my knowledge of the challenges facing religious people around the world, the global presence of the Catholic Church and the work of local, national and international Catholic organizations throughout the world, has enabled members of our Conference of Bishops to make particular contributions to both the Commission's and our nation's understanding of how religious freedom serves society and advances development and democracy.

I have been asked to comment on the state of religious freedom around the world as well as suggest ways Congress and the Administration might work to improve international religious freedom. But first let me outline the Catholic Church's understanding of Religious Freedom.

Catholic Church's Perspective on Religious Freedom

The Catholic Church has long championed religious freedom throughout the world. In 1965 the Second Vatican Council declared that "the human person has a right to religious freedom,"[1] and

[1] Flannery, Austin, ed. Vatican Council II: the Conciliar and Post Conciliar Documents (new rev. ed.), Northport, NY: Costello Publishing, 1992, Declaration on Religious Liberty, 7 December 1965, No. 2.

called upon governments to "assume the safeguard of the religious freedom of all [their] citizens, in an effective manner, by just laws and by other appropriate means."[2] According to the Catholic teaching, religious freedom, rooted in the dignity of the human person, is "a cornerstone of the structure of human rights,"[3] and is closely tied to freedoms of speech, association and assembly.

At a time of alarming incidents of religious intolerance and even persecution, Pope Benedict XVI focused his January 1, 2011 World Day of Peace message on "Religious Freedom: The Path to Peace." In that message, he states, "When religious freedom is acknowledged, the dignity of the human person is respected at its root, and the *ethos* and institutions of people are strengthened."

Religious freedom has both a personal and a social dimension because human beings are by their very nature social. Pope Benedict notes, "Religious freedom expresses what is unique about the human person, for it allows us to direct our personal and social life to God…to eclipse the public role of religion is to create a society which is unjust, inasmuch as it fails to take account of the true nature of the human person; *it is to stifle the growth of the authentic and lasting peace of the whole human family*."[4]

When the Church speaks about religious freedom, it is not arguing solely for freedom from coercion in matters of personal faith and conscience; it is also advocating for freedom to practice the faith individually and communally, in both private and public. Freedom of religion extends beyond freedom of worship to include the institutional freedom of the Church and religious organizations to provide education, health and other social services, to propagate their faith through the media, and to allow religiously-motivated individuals and communities to participate in public policy debates and contribute to society and the common good.

Religious Freedom Under Attack

Unfortunately, recent events tragically show that religious freedom is under attack in many countries around the world. A Pew study showed that Christians, more than any other religious group, face some form of either governmental or societal harassment in 133 countries.[5] There are many examples of the ongoing hardship and violence that people suffer for their belief every day: the police crackdown on the faithful who simply want a place to pray and worship in China, the burning of churches and attacks by extremists against Copts in Egypt, and the persecution of Christians in Eritrea, Baha'is in Iran, Ahmaddis in Indonesia, and Muslims in Uzbekistan who reject state government control over religious practice.

The January and March 2011 assassinations in Pakistan of Punjab Governor Salman Taseer (a Muslim) and of Minister for Minority Affairs Shahbaz Bhatti (a Catholic and the only Christian member of the Cabinet) for their support for amending blasphemy laws; the New Year's Day bombing of a Coptic Church in Egypt; the Christmas eve bombings of Christian churches in Nigeria; and the October 2010 attack on worshippers at a Syrian Catholic Church in Baghdad are

[2] Flannery, No. 6.
[3] Pope John Paul II, World Day of Peace message, 1 January 1988.
[4] Pope Benedict XVI, World Day of Peace message, 1 January 2011, no. 1.
[5] Dr. Brian Grim, "Religious Persecution and Discrimination against Christians and Members of Other Religions," paper presented to European Parliament, October 5, 2010.

just a few of the more horrific reminders of how people are paying with their lives for what they believe.

A December 2009 Pew study on "Global Restrictions on Religion" found that 64 nations, with 70 percent of the world's population, have high or very high governmental or societal restrictions on religion.[6] Recent examples of government restrictions include: controlling religious groups through registration, fines and harassment; prohibiting conversions; restricting foreign missionaries; and favoring one religious group over others. Social hostilities, defined as "concrete, hostile actions that effectively hinder the religious activities of the targeted individuals or groups," may include harassment over attire, practices or occupations which run counter to those of the majority; vandalism of religious property or homes of religious minorities; and beatings and murders. What is more discouraging is that even though many nations have freedom of religion provisions in their constitutions, the Pew study found that only 27 percent fully respected religious rights.

An August 2011 follow-up Pew study found that restrictions on religion rose between 2006 and 2009 in some of the most populous countries, affecting about a third of the world's population. The study points to China, Egypt, France, Nigeria, Russia, Thailand, Vietnam and the United Kingdom as eight countries where governmental or social restrictions increased substantially while religious restrictions in countries such as India, Pakistan, Indonesia, Iran, Bangladesh, Saudi Arabia, Malaysia and Myanmar remained very high.[7]

These statistics make clear that more must be done to protect religious freedom. It is not just Christians who are under attack, but Buddhists, Muslims, Hindus and others who often comprise a minority group within a given religion or society. For example, the Pew study shows that Muslims, who constitutes about a quarter of the world's population, face governmental or societal harassment in about 115 countries.[8]

The Church recognizes the pluralism of religious belief and encourages tolerance, and beyond tolerance, respect, for those of differing religious traditions. It behooves leaders of all religions to work together to build a global culture of respect for religious freedom as a guarantor of human dignity and a contributor to justice.

For our nation to have credibility in addressing religious freedom globally, we must continually work to protect religious freedom at home in the United States. Cardinal Theodore McCarrick testified before the Senate Judiciary Committee on March 29, 2011 in a hearing on the protection of civil rights and religious freedom. While the focus on his talk was on combating religious bigotry, bias and prejudice within the United States, he also pointed to threats to the identity and integrity of Catholic social institutions as well as those of other religious traditions, if faith-based institutions are not allowed to offer services in keeping with their religious tenets. He noted that it is necessary to have "conscience clauses" in legislation for this purpose. He said, "…when the state narrowly defines in legislation which religious institutions are 'religious enough' to enjoy religious freedom protections, or when the state imposes restrictions on how religious institutions

[6] Pew Forum on Religion & Public Life, "Global Restrictions on Religion," December 2009
[7] Pew Forum on Religion & Public Life, "Rising Restrictions on Religion," August 2011
[8] Dr. Brian Grim, paper presented to European Parliament.

and individuals are able to serve those in need, the ability to exercise religious freedom in an effective and authentic manner is greatly undermined."

The status of religious liberty in our own nation prompted our Conference of Bishops to establish an Ad Hoc Committee for Religious Liberty two months ago. Bishop William Lori, the chairman of that Committee testified to the Subcommittee on the Constitution of the House Judiciary Committee on October 26, 2011. In his testimony, he noted, "In the recent past, the Bishops of the United States have watched with increasing alarm as this great national legacy of religious liberty, so profoundly in harmony with our own teachings, has been subject to ever more frequent assault and ever more rapid erosion." These developments have the potential to undermine our nation's credibility as a promoter of international religious freedom.

Reflections on Department of State Annual Religious Freedom Report

Our Conference of Bishops commends the Department of State for its preparation of the annual International Religious Freedom Reports, as mandated by the International Religious Freedom Act (IRFA) of 1998. We recognize the work and efforts of hundreds of foreign service officers and local embassy staff in gathering information from a variety of sources, sometimes under rather hazardous conditions. This report evaluates the state of religious freedom around the world. While the 2010 report on religious freedom in 198 countries appears to be fairly thorough, let me offer some comments on a few countries on which our Bishops' Conference has focused particular concern in recent years. These remarks are by no means comprehensive.

Pakistan: The violence against religious minorities in Pakistan is of deep concern. USCCB staff met on several occasions with Shahbaz Bhatti, Minister for Minority Affairs, who was assassinated on March 2, 2011 in broad daylight. His death followed the early January 2011 assassination of Punjab Governor Salman Taseer, a Muslim, by his own security guard. Both were allegedly targeted because of their support for changes in their country's blasphemy laws. These laws are often used to justify attacks against religious minorities, especially Christians. Their brutal deaths and the "hero" status accorded to their assassins indicate a degree of impunity with which religiously-motivated perpetrators are allowed to operate and reflect a worrisome increase in violence. Over the years, as we have been alerted to attacks perpetrated against Christians in Pakistan, USCCB has written letters to the Secretary of State asking that the U.S. government press the Pakistani government to better protect the human rights of all its citizens, especially Christians and other vulnerable minorities. Our Conference asks the Department of State to consider whether the religiously motivated assassinations of Punjab Governor Taseer and Minister Bhatti warrant designating Pakistan as a Country of Particular Concern (CPC) next year.

India: The State Department report does document a number of abuses of religious freedom; however, given the size and complexity of the country and the limits on federal power, there are undoubtedly other instances that have not been registered due to lack of cooperation between national and local authorities. Staff of our Conference of Bishops visited India in March 2010 to look into attacks on Christians in the state of Orissa during the period August to October 2008. While the report does refer to the incident and notes that Christian groups in one Orissa town complained of police harassment "at the instigation of Hindu extremist groups," there is no mention of the ongoing suffering experienced by Christian villagers whose homes and

livelihoods were destroyed in the 2008 riots. Over 60 people were killed, thousands injured and 50,000 displaced at the time. The report mentions that the Orissa state government has "subsequently ensured law and order in Kandhamal district by promoting reconciliation, rehabilitation and justice and ensuring a visible administrative, policy and civil society presence." Our staff observations on the ground indicate that this may be too optimistic an assessment. Many Christians are still living in limbo, fearful of returning to their original villages, waiting for justice. The section on forced conversions in the State Department report makes scant mention of Christians being forced to convert to Hinduism in order to be able to return to their villages.

The U.S. Commission on International Religious Freedom (USCIRF) placed India on its Watch List due to inadequate government responses, at various levels, to ensure the rights of religious minorities. The State Department report notes that "some state-level laws and policies restricted this (religious) freedom," but does not designate India as a CPC country and has no "Watch List" category. India is one of the few countries where USCIRF has not been able to arrange a delegation visit, despite several attempts to obtain visas. This failure seems particularly unusual in light of the fact that the U.S. entered into a Strategic Dialogue with India in 2009 and there have been several high-level visits exchanged. Religious freedom does not appear to have been a topic for discussion in this Strategic Dialogue.

Iraq: As a sign of solidarity with the suffering Church in Iraq, on October 2-5 of this year, Bishop Gerard Kicanas of Tucson and Bishop George Murry, S.J. of Youngstown made a pastoral visit to the Church in Baghdad, Iraq, as representatives of the U.S. Conference of Catholic Bishops. They visited many Catholic churches, convents, schools and hospitals in the city and met with four Catholic communities in Baghdad: the Chaldean, Armenia, Syrian and Latin Rites. The overwhelming message of the visit was that Christians in Baghdad have suffered greatly; their faith has been tested. They desperately need improved security and economic opportunity.

The State Department report accurately observes, "The general lawlessness that permitted criminal gangs, terrorists, and insurgents to victimize citizens with impunity affected persons of all ethnicities and religious groups." However, Christians appear to be specifically targeted; 38 percent of the violent incidents mentioned in the report were perpetrated against Christians who only make up only 1 or 2 percent of the population. Brutal attacks such as the October 2010 storming of the Syrian Catholic Church in Baghdad that left at least 58 dead and 75 wounded point to the appalling lack of security and ongoing perilous situation facing Christians and other minorities. In 2003, the Christian population of Iraq was estimated to be between 800,000 and 1.4 million. Now Christians are estimated to number between 400,000 and 600,000. The State Department report does not highlight the fact that high levels of violence and hostility have led to a disproportionate number of Christians fleeing abroad as refugees or being displaced internally.

Having earlier raised grave moral questions about U.S. military intervention in Iraq, the Conference of Catholic bishops now believe the United States bears a moral responsibility to work effectively with the Iraqi government for a "responsible transition" that provides greater security for all Iraqi citizens, expands reconciliation, promotes human rights, and provide long-

term solutions to assist refugees and international displaced persons (IDPs). This is all the more urgent given the planned withdrawal of U.S. forces from Iraq by the end of 2011.

Catholic Relief Services and our Conference's Migration and Refugee Service have been involved in trying to assist Iraqi refugees and internally displaced persons (IDPs). Our government must do more to assist Iraqi refugees in the region, to provide aid to IDPs within Iraq, and to receive into our country Iraqi refugees who are unable to return home. The bishops urge more be done to assist the Christian community that has existed for centuries in Iraq and has made significant contributions to Iraqi society, especially in the health and education sectors. More must be done to protect them and other vulnerable minorities and to plan for their ability to live in peace and security within that strife-riven country.

Advancing Religious Freedom

Religion can play an important role in the public square. Pope Benedict says "the contribution of religious communities to society is undeniable."[9] Certainly religion can be a potent inspiration for positive social change. A healthy civil society is needed for a country to have good governance and long-term sustainable development, providing the checks and balances to government to ensure transparency and accountability. Religious institutions are a vital part of civil society. Faith-based institutions, often in partnership with governments, have a longstanding track record of providing education and health services, and humanitarian and development assistance around the world to those in need, regardless of religious affiliation. For example, Catholic Relief Services has programs in about 100 countries and receives grants from the U.S. government to work in partnership with local communities to implement sustainable development projects.

Allowing religious organizations to freely make their contribution to the common good strengthens social cohesion, civil society, democratic tendencies and stability. Pope Benedict has said, "In a globalized world marked by increasingly multi-ethnic and multi-religious societies, the great religions can serve as an important factor of unity and peace for the human family."[10] Peace, security and stability, promotion of human rights and economic development – these are all foreign policy goals that have been adopted by successive U.S. Administrations. Our government, at all levels, must respect the fact that religious organizations can make a substantial contribution toward these goals. It is, therefore, important for policy makers to ask: What can be done to improve religious freedom around the world?

First, the Congress and the Administration need to place a higher priority on religious freedom and the role that it plays in foreign policy. Given the growing influence of religion and religious actors in many countries, the U.S. government should be urging other governments to better protect the human rights, including the religious freedom, of all their people, including Christians and other vulnerable minorities. At the same time, the United States, through its diplomatic presence around the world and through high-level bilateral and multilateral deliberations, should seek to integrate consideration of religion and religious actors more closely into the development of foreign policy. The annual reports on religious freedom prepared by the Department of State

[9] Pope Benedict XVI, World Day of Peace message, 1 January 2011, no. 6.
[10] Ibid. no. 10.

and by the U.S. Commission on International Religious Freedom are a start but there is too little public evidence that protection of religious freedom is factored into major bilateral foreign policy decisions on a day-to-day basis. The strategic dialogues with several key countries seldom mention protection of religious freedom in public records of discussions. The issue may have been raised in private, but there needs to be a more overt recognition of the importance that the U.S. places on protection of religious freedom. Otherwise, it may appear that our nation is going through the motions of satisfying a Congressional mandate, but not following up by making religious freedom an integral part of the foreign policy decision-making process.

Unfortunately, there was an 18-month delay in nominating an Ambassador at Large for International Religious Freedom. The bishops wrote twice to the Secretary of State urging that she expedite the appointment and confirmation of a well-qualified and well-placed Ambassador. After 27 months, an Ambassador was confirmed and we appreciate her leadership in examining ways to advance the cause of religious freedom and demonstrate U.S. leadership in this crucial area. We welcome opportunities to contribute on this work and our Conference welcomes the appointment of one of my brother bishops, Bishop Howard Hubbard, Chairman of our Committee on International Justice and Peace, to serve on the State Department's Religion and Foreign Policy Working Group.

Second, the Department of State needs to give greater consideration to its designation of nations as "Countries of Particular Concern (CPC)" under the International Religious Freedom Act (IRFA), i.e. as nations whose governments that have tolerated "particularly severe" violations of religious freedom. In reviewing the annual International Religious Freedom reports submitted by the State Department, we noted that the same eight countries (Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan and Uzbekistan) have been designated CPC for the years 2010, 2009, 2008, 2007. In 2006, Vietnam substituted for Uzbekistan on the State Department's CPC list. The U.S. Commission on International Religious Freedom's (USCIRF) list of CPCs is longer, including those on the State Department's list, but adding other countries such as Iraq, Pakistan, Nigeria, and Turkmenistan based on their analysis. USCIRF also adds a Watch List of countries where trends indicate the predisposition toward severe violations of religious freedom. Countries on the USCIRF's Watch List change from year to year. This is a good practice and reflects the changing situations in various countries.

While we have little doubt that the countries on the State Department's list of CPCs warrant that designation, we remain concerned that the list is not dynamic enough and may not adequately reflect changing conditions in other countries where religious minorities are at risk. For example, the State Department's report on Pakistan states: "Despite the government's steps to protect religious minorities, the number and severity of reported high-profile cases against minorities increased during the reporting period. Organized violence against minorities increased." The report goes on to detail the high degree of tension between religious communities, the widespread societal discrimination against religious minorities and instances where police abused religious minorities in their custody. Nonetheless Pakistan is not listed as a CPC by the State Department, whereas it has been given that designation by USCIRF every year since 2004. We would encourage the State Department to consider whether the religiously motivated assassinations of Punjab Governor Salman Taseer and Minister for Minority Affairs Shahbaz Bhatti would warrant designating Pakistan as a CPC country next year.

Third, the President and the Secretary of State should consider more closely Presidential actions that might be applied to those states where particularly severe violations of religion freedom occur. The IRFA provides a range of flexible and specific actions that can be taken to address serious violations of religious freedom. While nations that have been designated as Countries of Particular Concern (CPC) have had sanctions applied -- from restrictions on funding or trade to bans on exports of crime control and defense equipment -- in most instances those sanctions were already in place for other reasons. Thus a CPC country has little motivation to change its behavior and work to improve religious freedom conditions for their own populations if there are no additional or separate negative consequences to maintaining the status quo regarding religious freedom. In addition, two of the eight CPC countries have waivers of Presidential actions. In order for human rights and religious freedom to be taken seriously, they must be factored into the decision-making process along with political, economic and security concerns.

Fourth, Congress should move expeditiously to reauthorize the U.S. Commission on International Religious Freedom whose mandate is set to expire tomorrow, November 18, 2011. It would be tragic if this vital institution of the International Religious Freedom Act, which passed with overwhelmingly bipartisan support in 1998, were to cease its promotion of religious freedom. The USCCB had worked closely with various Congressional offices in support of IRFA and advocated vigorously for the creation of the Office of International Religious Freedom in the Department of State and the U.S. Commission on International Religious Freedom. Both institutions play important roles and, with strong leadership and funding, should increasingly strengthen our nation's work for religious freedom. We have advocated strongly for the reauthorization of USCIRF and look toward other legislation that would strengthen both USCIRF and the Office of International Religious Freedom in their mission to promote religious freedom abroad.

Conclusion

The U.S. Commission on International Religious Freedom's annual report released on April 28, 2011 and the State Department's Religious Freedom Report for the period July 1, 2010 to December 31, 2010 both chronicle disturbing incidents of governmental or societal harassment and violence, sometimes resulting in death, directed at individuals and groups based on their religious beliefs or practices. How governments respond to religious actors and organizations within their own countries can have wide ranging and profound implications for human rights more widely.

As his predecessor, Blessed John Paul II, had done before him, Pope Benedict XVI hosted a day of reflection, dialogue and prayer for peace and justice in the world in Assisi on October 27, 2011. This gathering of world religious leaders is a powerful reminder that religious freedom allows religions to make positive contributions to social justice and peace.

As Pope Benedict said in this year's World Day of Peace Message, "Whenever the legal system at any level, national or international, allows or tolerates religious or antireligious fanaticism, it fails in its mission, which is to protect and promote justice and the rights of all." To deny an individual or a group their religious freedom is to deny them their inherent human dignity and

respect. Repression of religion so often leads to conflict, instability, violence – the very antithesis of a just and peaceful social order that we all seek. Religion can play a vital role in promoting social justice, stability, accountability and harmony within society, especially when religious leaders come together to work on resolution of common problems. In identifying religious freedom "as the fundamental path to peace," Pope Benedict called for all religious and political leaders to "renew their commitment to promoting and protecting religious freedom, and in particular to defending religious minorities."

Let me close by commending the distinguished members of this Subcommittee for holding this hearing and for raising the profile of religious freedom in our nation's conscience and in its foreign policy. The promotion of religious freedom strengthens the welfare of our nation and world.

Mr. SMITH OF NEW JERSEY. And I would like to now ask, Mr. Rogers, if you could present your testimony.

STATEMENT OF MR. BENEDICT ROGERS, EAST ASIA TEAM LEADER, CHRISTIAN SOLIDARITY WORLDWIDE

Mr. ROGERS. Chairman Smith, distinguished members of the committee, first of all may I thank you very much indeed for this opportunity to submit evidence to this very important and timely hearing. And thank you also for your leadership and many years of dedicated hard work on behalf of those who are persecuted for their faith.

With permission, I will focus on the countries for which I am responsible; namely, Burma, China, Indonesia, North Korea, and Vietnam. And I will attempt to do so in just as many minutes.

Let me start first with Burma. Many Buddhist monks, including U Gambira, a very prominent monk, remain in prison. The plight of the Muslim Rohingya people remains unchanged. In the predominately Christian Kachin state, which I have visited several times, the regime has launched a new military offensive, resulting in very grave human rights violations, including attacks on churches and new restrictions on religious freedom. There is some talk of change in Burma. However, as long as the regime holds Buddhist monks and other prisoners of conscience in jail, attacks civilians in the ethnic states, and violates religious freedom, the United States should maintain pressure on the regime and redesignate Burma a CPC.

Briefly, Indonesia. In July, the European Parliament passed a resolution expressing grave concern at the incidence of violence against religious minorities. A similar resolution from this Congress would be very welcome. In May, four Ahmadiyya Muslims traumatized, terrorized and stigmatized, sat in a Jakarta apartment and described to me how they were almost killed by an extremist mob. One man had been stripped naked, beaten to a pulp and a machete held at his throat. Another fled into a fast-flowing river pursued by attackers throwing rocks and shouting kill, kill, kill. Churches are also coming under increasing pressure in Indonesia. This year alone so far, at least 30 churches have been attacked. There are serious concerns over the rule of law in Indonesia, and I have detailed these concerns in my written submission.

But I would like to draw your particular attention to the case of the GKI Yasmin church in Bogor, which I visited just a few weeks ago. Increasing intolerance toward religious minorities poses significant challenges to Indonesia's tradition of religious freedom. The failure of the government to protect minorities and uphold the rule of law has encouraged extremists. I hope that when President Obama visits Indonesia in the next few days, he will appeal to the President of Indonesia to uphold religious freedom and the rule of law.

I turn now to North Korea. I visited North Korea in October last year with two British Parliamentarians, Lord Alton and Baroness Cox. North Korea is clearly one of the worst violators of human rights, including religious freedom, in the world. An estimated 200,000 people, some of them Christians, are trapped in a brutal

system of political prison camps. Just a few days ago, I received from a trusted source a story of a young female North Korean teenager who had engaged in evangelism which was eventually discovered by the regime. She was executed. Where else in the world are teenagers, minors who share their faith, executed for doing so? Alarmingly, the reach of the North Korean regime's brutality extends even beyond its borders, involving assassinations or attempted assassinations of South Korean Christian missionaries working with North Korean refugees.

Earlier this year, CSW, along with 40 other organizations, launched an international coalition to stop crimes against humanity in North Korea. And we believe that these violations, including violations of religious freedom, do amount to crimes against humanity, that it is time that impunity in North Korea be ended, crimes investigated, and Kim Jong Il's regime brought to account.

As you said, Mr. Chairman, religious freedom in China has severely deteriorated. A widely publicized case is that of the Shouwang church in Beijing, which has faced continual pressure to stop meeting. They have been denied access to their building and have been meeting outdoors, facing arrest and detention. Pastor Shi Enhao was arrested in May of this year and sentenced to 2 years reeducation through labor. Alimujiang Yimiti, a Christian Uyghur from Xinjiang, was sentenced in 2009 to 15 years in prison, the harshest sentence in a decade for a Christian. Finding a lawyer to represent such cases is increasingly difficult. Lawyers increasingly face intense pressure from the authorities.

One lawyer, Dr. Fan Yafeng, has been under house arrest since December 2010. Another lawyer, Gao Zhisheng, disappeared and has not been heard of since April of last year. China is now considering amending the criminal procedure law to effectively legalize forced disappearance. Currently there is no basis for house arrest under Chinese law, but these amendments would legalize this and allow police to hold individuals in secret locations without informing their families. China should certainly remain a CPC.

Following the removal of Vietnam from the CPC list in 2006, the religious freedom situation has indeed deteriorated, as other speakers have said. Several Christians remain in jail. These include the Catholic priest, Father Ly, and two Protestant lawyers. Father Ly remains in extremely poor health and has been returned to prison after medical parole. A U.S. diplomat who tried to visit him earlier this year was physically harassed.

Some of the most severe violations affects ethnic minorities. In September this year, 11 protestant families in the Dien Bien province were forced to renounce their faith. A major impediment to religious freedom in Vietnam is the registration system. Vietnam should be urged to redraft legislation to update Decree 22 to ensure the recognition of denominations and congregations continues.

Mr. Chairman, in conclusion, of these five countries, three are listed as Countries of Particular Concern. One is a former Country of Particular Concern that, as others have said, ought not to have been removed from that list and ought to be returned. And one is the world's largest Muslim majority country, the third largest democracy with, until recently, a great tradition of pluralism and a successful transition to democracy, which nevertheless shows wor-

rying signs of failing to face challenges to religious freedom and the rule of law. There is therefore much work for all of us who are concerned about freedom of religion or belief in the East Asia region still to do.

I want to express my appreciation to the U.S. Commission for its work, and I hope very much it is able to continue its work. And I welcome and appreciate this committee's efforts as well. Thank you.

Mr. SMITH OF NEW JERSEY. Mr. Rogers, thank you so very much.

As a matter of fact, on your last point, a mere matter of lifting a hold that Senator Durbin and apparently one other Senator has on the reauthorization of the Commission would bring it to the floor and it would pass, I believe, unanimously in the Senate. So there is only one obstruction and the hope is that that obstruction which is totally unrelated, we are told, to religious freedom be lifted.

You know, the Senate, as you know, has arcane rules that allows one Member to throw a monkey wrench into the process which is archaic, and most outsiders can't believe the U.S. Senate operates under those rules. But Senator Durbin has a hold on that bill. We hope that he lifts it. It would be totally unjust if he allows this Commission to expire.

[The prepared statement of Mr. Rogers follows:]

November 2011
For Public Use

Written Statement
by Mr. Benedict Rogers, East Asia Team Leader, Christian Solidarity Worldwide
to the
U.S. House of Representatives Foreign Affairs Committee
Subcommittee on Africa, Global Health, and Human Rights

Hearing on "The 2011 International Religious Freedom Report"
November 17, 2011

Chairman Smith, Ranking Member Payne, Distinguished Members of the Committee - firstly, thank you for the opportunity to submit evidence to this timely hearing. May I begin by expressing my deep appreciation for your leadership on these important issues of religious freedom and human rights. My colleagues in Christian Solidarity Worldwide join me in applauding your many years of dedicated work on behalf of those who are persecuted and oppressed for their faith, and we have greatly appreciated the opportunities over the years to work with you and your staff.

In looking at this year's International Religious Freedom Report, I would like to welcome the fact, as stated in the Introduction to the Report, that "President Obama has emphasised the U.S. commitment to defend religious freedom in the United States and around the world" and that the United States recognises that religious freedom is "an essential element" of a "global commitment to advance human rights and promote national security". I welcome the expansion of training in promoting human rights and religious freedom at the Foreign Service Institute for officials from all U.S. agencies, and the formation of the Religion and Foreign Policy Working Group of the Secretary of State's Strategic Dialogue with Civil Society. Other countries, including my own, the United Kingdom, are now starting to increase their focus on religious freedom, but for many years the United States has led the way in putting religious freedom on the human rights agenda and others have much to learn from the experiences, policies and practices which have been pursued here.

In this submission, I will focus on the countries for which I am responsible, in the East Asia region, namely Burma, China, Indonesia, North Korea and Vietnam. My own personal expertise is in Burma, Indonesia and North Korea, and I have travelled regularly to these areas, but I oversee a colleague working on China and Vietnam, and have travelled to those countries as well.

Burma

Let me start with Burma. I have no disagreement with the IRF report on Burma, and simply wish to add some updates on developments in Burma in recent months. Many Buddhist monks, including U Gambira, whose case is noted in the IRF report, remain in prison. In the recent release of an estimated 220 political prisoners, no prominent Buddhist monks held in prison were freed. U Gambira is held in solitary confinement in Kale prison, and is reportedly seriously ill and in need of urgent medical care. He sustained serious injuries as a result of torture in 2009. The United States should press for his immediate release and for urgent medical care to be provided.

The plight of the Rohingya people remains unchanged, and they face continuous discrimination on religious, as well as racial, grounds. It is vital that the United States continues to press the regime to recognise the Rohingya as equal citizens of Burma, by returning their citizenship status, and that pressure is put on any country, particularly Malaysia, that is considering repatriating Rohingya people to Burma, to desist until the Rohingyas are fully recognised as citizens of Burma and can live in Burma in freedom, peace and security.

I have travelled more than forty times to Burma and its different borders, including several times to the predominantly Christian Chin on the India-Burma border and Kachin on the China-Burma border, the predominantly Muslim Rohingyas on the Bangladesh-Burma border, and the Karen, Karenni, Shan and Mon, who include Christians, Buddhists, Animists and Muslims, on the Thailand-Burma border. I have also travelled several times inside the country, and in March this year I was deported by the authorities because they became aware of a book I had written about the dictator at the time, *Than Shwe: Unmasking Burma's Tyrant*. When I spoke to leading representatives of major church organisations in Burma in March, they told me nothing had changed and the pattern of restrictions, discrimination and persecution of religious minorities continues. It is worth noting that in 2007, Christian Solidarity Worldwide published a report, *Carrying the Cross: The military regime's campaign of restrictions, discrimination and persecution against Christians in Burma*, which drew a significant response from the regime. Daily full-page denunciations were published in the state media for at least a fortnight.

I would like to highlight in particular the current situation in Kachin State. The Kachin are predominantly Christian, and their faith is integral to their cultural identity. In 1994, after decades of civil war, the Kachin Independence Organisation (KIO) and its armed wing, the Kachin Independence Army (KIA), signed a ceasefire with the regime. During the ceasefire period, a genuine peace was never established and the Burma Army continued to perpetrate violations of human rights, including violations of religious freedom, but there was at least an absence of conflict and violations, while grave, were of a reduced intensity. In June this year, however, the regime broke the 17-year ceasefire and launched a new military offensive against the Kachin people, resulting in very grave human rights violations, including the widespread use of rape and forced labour, burning of houses, and attacks on civilians. A report released by the Kachin Women's

Association-Thailand (KWAT), *Burma's Covered Up War: Atrocities Against the Kachin People*, published last month, details many of these violations.

Christian Solidarity Worldwide has received many reports, and photographs, from sources in Kachin State, including reports of attacks on churches and new restrictions on religious freedom. On 6 November, for example, soldiers from the Burma Army's 88th Light Infantry Division shot at worshippers in a church in Muk Chyik village, Wai Maw Township. Soldiers attacked the Assemblies of God church in the village, injuring several people. The congregation was expelled from the church, and soldiers reportedly looted church donation boxes. The house of one church member, Mr Jumphpawk Hawng Lum, was burned down. At least fifty church members are taken to work as forced porters for the Burma Army. The pastor of the church, the Reverend Yajawng Hkawng, was severely tortured and is now in hospital. One of the church deacons, Hpalawng Lum Hkawng, who is the youth music team leader, was injured in his leg.

This attack follows one on 16 October when soldiers from Light Infantry Battalion 438 seized control of a Roman Catholic Church in Namsan Yang village, Waimaw township, where 23 worshippers, mostly women and elderly people, had gathered for the 8am Sunday service. The worshippers took refuge from the gunfire behind the Maria prayer sanctuary. When the troops saw them, they shot several rounds of bullets into the sanctuary. The Catholic assistant to the priest, 49 year-old father-of-four Jangma Awng Li, decided to speak to the troops as he is fluent in Burmese. He was beaten in his head with a rifle butt, and injured his forehead when he hit a concrete wall. He and four other men were handcuffed and detained by the soldiers.

The troops, who were later joined by soldiers from Light Infantry Battalion 121, continued to march through the village shooting, and reached the Baptist church compound in the evening. During the march the detainees, including four from other villages who had been with the troops for two weeks, were used as forced labour. The detainees had to stay with the troops overnight and were temporarily stationed in the Baptist church compound. The whole northern part of village was burned and both church properties were destroyed.

In addition to physically attacking church congregations and individual Kachin civilians, it has been reported that the Burmese authorities are imposing new restrictions on religious activities in Kachin State. On 14 October, 2011 the Chairman of Maw Wan Ward in Phakant Township, Kachin State sent a letter to local churches, titled "Concerning Christians conducting cultural training". The letter refers to an order by the General Township Administration Department requiring Christians in Phakant Township to submit a request at least 15 days in advance for permission to conduct "short-term Bible study, Bible study, Sunday school, reading the Bible, fasting prayer, Seasonal Bible study and Rosary of the Virgin Mary Prayer". A request for permission must be accompanied by recommendations from other departments, and must be submitted to the Township Administration Office. Churches in Burma are already required to obtain permission for

any events other than Sunday services, but this new regulation imposes further severe restrictions. A copy of this order is available from Christian Solidarity Worldwide.

In addition to these violations of religious freedom, there have been many reports of shooting and killing of civilians in Kachin State in recent months. A 72 year-old man, Maru Je Hkam Naw, was shot in the arms and legs whilst he was erecting a fence around his house in Namsan Yang village. A19 year-old Rakhine boy was shot dead, his body burned and thrown into the mine in Namsan Yang where he worked. A 19 year-old girl, Maran Kawbu, was detained, tortured and gang-raped by soldiers from the same battalion in Namsan Yang. Her body was left on the river bank and has since disappeared. On 19 October, a Shan farmer named Mr Tintun, was shot dead by soldiers from Light Infantry Brigade 601, while fishing.

There is some talk of change in Burma, and the regime has made some gestures which are positive and which should be welcomed. Meetings between the regime and Aung San Suu Kyi, a relaxation of restrictions on some media, the suspension of the Myitsone dam construction in Kachin State and the release of 220 political prisoners are, in and of themselves, welcome moves. However, as long as the regime continues to hold almost 2,000 political prisoners in jail, as long as it continues to attack civilians in the ethnic states and perpetrate rape, forced labour, the destruction of villages and killings of civilians, as long as it continues to forcibly recruit child soldiers and use people as human minesweepers, and as long as it continues to violate freedom of religion or belief, we cannot speak of significant or substantial change, and therefore the United States should maintain and indeed intensify pressure on the regime. The 'Country of Particular Concern' designation for religious freedom should be maintained, particularly in light of the situation in Kachin State, and every possible tool should be used to urge the regime to match its reformist rhetoric with real action, end its policies of repression and its military offensives which amount to crimes against humanity and war crimes, and engage in a meaningful dialogue process with the democracy movement led by Aung San Suu Kyi, and the ethnic nationalities.

Indonesia

Let me turn now to Indonesia. I have visited Indonesia twice this year, and am deeply concerned about the situation there. It is worth noting that on 26 April, 2011 the United Nations High Commissioner for Human Rights wrote to the Indonesian Minister of Foreign Affairs expressing her concern at the deterioration in religious freedom, and calling for a review of all discriminatory laws. She urged Indonesia to invite the UN Special Rapporteur for Freedom of Religion or Belief to visit the country. On 7 July, 2011 the European Parliament passed a resolution expressing *"grave concern at the incidents of violence against religious minorities, particularly Ahmadi Muslims, Christians, Baha'is and Buddhists...at the local blasphemy, heresy and religious defamation by-laws, which are open to misuse, and at the 2008 Joint Ministerial Decree prohibiting the dissemination of Ahmadiyya Muslim teachings"*, calling on the Indonesian authorities to *"repeal or revise them."* The resolution also applauds the work of civil society groups in Indonesia,

including Muslim, Christian and secular think tanks, human rights organisations and counter-extremism organisations in promoting religious freedom and human rights, and pledges support for those *"actively promoting democracy, tolerance and peaceful co-existence between different ethnic and religious groups."* A similar resolution from the United States Congress would be very welcome, building on the letter sent by Members of Congress earlier in the year.

In May this year, four men, traumatized, terrorized and stigmatized, sat in a Jakarta apartment and described to me how they were almost killed by a Muslim mob earlier this year.

One was stripped naked, beaten to a pulp, a machete held at his throat with a threat to cut off his penis. He was dragged through the village and dumped in a truck like a corpse. Another fled into a fast-flowing river, pursued by attackers throwing rocks and shouting "kill, kill, kill." He hid in a bush, dripping wet and extremely cold, for four hours. A third suffered a broken jaw, while a fourth, pursued by men armed with sickles, machetes and spears, was detained by the police for three days, treated as a suspect not a victim.

The four were members of Indonesia's Ahmadiyya community, a Muslim sect regarded by other Muslims as heretical. They were victims of an attack in Cikeusik, Banten province, on February 6. More than 1,500 Muslims attacked 21 Ahmadis, killing three.

If Cikeusik was an isolated incident, it could be dismissed as a tragedy. Sadly, such tragedies are increasingly frequent. On that same visit I went to Cisalada, West Java, the scene of a similarly violent attack in October. Houses had broken windows boarded up, and some had been burned. A mob had thrown Molotov cocktails at the Ahmadi mosque and carried samurai swords. Anti-Ahmadi abuse was scrawled on the walls.

Last month, I visited Bekasi, in the suburbs of Jakarta, to see an Ahmadi mosque that until recently had experienced no difficulties, but has now come under increasing threat from extremist groups and now faces restrictions on their activities under a new decree introduced by the Mayor of Bekasi. I visited another mosque in Depok, ten kilometers from Jakarta, which has been forced to close.

Churches are also coming under increasing pressure. According to the Setara Institute in Indonesia, 91 violations of religious freedom were documented in 2010, at least 75 of which affected Christians. Up until 22 September this year, at least thirty churches have been attacked in 2011 alone. The most severe recent example of this was the suicide bombing of a church in Solo, Central Java, on 25 September, in which more than twenty people were injured. The 31-year-old suicide bomber, Pino Damayanto, otherwise known as Ahmad Yosepa Hayat, reportedly believed it was his religious duty to kill "the enemies of Islam". Police believe he was linked to the Jamaah Ansharut Tauhid ("Partisans of the Oneness of God" or JAT), a terrorist group believed to be founded by Abu Bakar Bashir,

who is currently serving a prison sentence on charges of terrorism. Other recent examples include the burning of some of the buildings belonging to two churches in East Luwu, South Sulawesi, on 2 June; an attack on a church in Klaten, Central Java, in which Molotov cocktails were thrown early in the morning of 2 June; the burning of two churches in Kuantan Singingi, Riau, on 1 August; and attacks on two churches in Tangerang on 5 September, resulting in injuries sustained by Reverend Will.

In addition to violence and harassment, there are serious concerns over the rule of law in religious cases in Indonesia. The mob which carried out the attack against Ahmadis in Cikeusik numbered more than one thousand, yet only three of the perpetrators were arrested. During the trial, one of the survivors of the attack was subjected to extraordinary harassment by one of the judges, recorded in a video available on youtube. The three perpetrators were sentenced to between three and six months in jail, and one Ahmadi man, Deden Darmawan Sudjana, was sentenced to six months in jail for disobeying police orders to leave his home.

Similarly, in March 2011, nine people who had attacked a pastor with a club and stabbed a church elder at a church in West Java had been sentenced to between five and seven months.

The case of Gereja Kristen Indonesia (GKI) Yasmin church in Bogor, West Java illustrates the threats to the rule of law most starkly. The church has secured all the appropriate approvals, has a legitimate permit to open, and the Supreme Court has ruled that the church should be opened, and yet the Mayor of Bogor still refuses to permit the church building to be unlocked and the congregation to use the church for worship. As a spokesman for Muhammadiyah, one of the largest Muslim social organisations, told CSW, "the Supreme Court has approved it, and so by law the Mayor and the President should follow the law. The President should take over the issue and uphold the Supreme Court ruling."

I visited GKI Yasmin Church and attended a Sunday service in the street last month, surrounded by police, who were present to protect the congregation from a small mob of extremists. The congregation is prohibited by the local Mayor from entering their church building, so they hold a short Sunday service in the street. On this particular day, a small mob of protestors was present, the other side of the police lines, but on Sunday 16 October, a larger crowd, perhaps as many as one hundred, had held a demonstration against the church, armed with rattan/bamboo sticks. The following Sunday, 30 October, members of Forkami (Forum Komunikasi Muslim Indonesia – Indonesia Muslim Communication Forum) threatened to attack, "hurling verbal abuse at the Christians." It was reported, although CSW was not able to verify this, that most of the demonstrators are from outside West Bogor sub-district where the church has been built, and are paid 200,000 Rupiah (US$2.2) each. They typically do not even know what they are protesting against, they simply take the money and stage a protest. Church representatives told CSW that in the Yasmin area of Bogor, there are approximately 300 Christian families,

and at least 1,000 individual Christians, so there is a sizeable local Christian population to justify the presence of the church. In addition, the majority of local Muslims support the GKI Yasmin Church and have no objection to it functioning. A *kyai* (Islamic cleric), who is a member of National Commission on Violence Against Women, attended the Sunday service to demonstrate his support. Opposition has been stirred up by radical groups, in particular Hizb-ut-Tahrir Indonesia (HTI) and Forkami.

CSW obtained a copy of the letter sent by the Ombudsman (Number: 475/ORI-SRT/X/2011), dated 12 October 2011, to the President of Indonesia, in which the Ombudsman reiterates that his recommendations issued on 8 July 2011 have not been implemented by the Mayor of Bogor or the Governor of West Java, and therefore the President himself should intervene. He concludes: *"This report is submitted to the President of the Republic of Indonesia to bring to his attention that the actions of the Mayor of Bogor and the Governor of West Java is not in accordance to the principles of good governance and the ongoing bureaucratic reformation conducted by the Government. This case requires the attention, follow up and steps from the President of Indonesia in the form of supervision and (character) building."*

CSW is also deeply concerned about the situation in West Papua. Although it is not primarily a religious freedom issue, there are religious dimensions to the situation. The predominantly Christian indigenous Papuans are feeling increasingly marginalised in their own land, as a result of the migration of people from other parts of Indonesia. Migrants appear to benefit most economically, securing the best business opportunities. Many are Muslims, and although there is generally good inter-faith harmony, there are concerns that radical Islamists could develop a presence in West Papua and that a conflict, similar to the situation in the Moluccas a decade ago, could develop as a result of the Papuans' marginalisation. Attacks by the military on pastors and churches are a serious cause for concern. More detail can be found in CSW's recent reports on Indonesia and West Papua.

Increasing intolerance, both in the form of violence perpetrated by non-State actors and in the form of discriminatory regulations by local and national government authorities, towards religious minorities, pose significant challenges to Indonesia's tradition of religious harmony enshrined in the State ideology known as the 'Pancasila'. Furthermore, the failure of the Indonesian Government to protect minorities, and uphold the rule of law, has encouraged radicals and extremists to pursue religious intolerance, both in violent and non-violent ways. As Masdar Hilmy notes in *Islamism and Democracy in Indonesia: Piety and Pragmatism,* "Pancasila has come to face sustained challenges and attacks from Islamists". Although Indonesian Islam "has enjoyed the reputation of being a distinctive and tolerant variant of Islam compatible with democracy," Hilmy continues, "this rosy assumption is being challenged by the upsurge of Islamist activism in Indonesia."

The situation has deteriorated even further due to the twin factors of impotency on the part of the national government to uphold the rule of law and human rights, and complicity on the part of some local authorities, acting to appease radical Islamists for political purposes. Rev. Gomar Gultom, General Secretary of PGI, notes that *"the most worrying ... development is the absence of the state. In various acts of violence ... it looked as if the police were helpless and even tended to let the violence occur in front of them."* As Franz Magnis-Suseno concludes: *"The government seems to let religiously motivated violence go by. Local politicians seem to calculate opportunistically that a hard attitude towards minorities will pay a dividend at the next elections. The national leadership, while occasionally condemning violence, close their eyes. They have never spoken out in favour of minorities ... The one that does not do its duty is the state. It is the state that does not take action when minorities are threatened. Both the executive, the legislative and the judiciative branches of state power do not show courage and character. We notice an unpleasant mix of cowardice, opportunism and narrow-mindedness. If the state surrenders its mandate to carry out the rule of law, to make the constitution and Pancasila effective, this will not only have bad consequences for minorities, but also for state and society in general."*

According to a senior representative of Muhammadiyah, one of the two largest Islamic mass social organisations and a voice for moderation and religious harmony, *"the absence of the government is a trigger for increasing religious violence."* Although he emphasised that overall, *"the situation is very harmonious, the levels of understanding among faith organisations, faith leaders and faith members are very constructive, and there is a high-level of awareness and commitment to building harmony,"* the existence of tensions and violence between faiths and within a faith cannot be negated. Weakness on the part of the President in particular has fuelled intolerance. *"The government is inconsistent. It proclaims pluralism and inter-faith dialogue, and so receives international acclaim, but it is very indecisive and reluctant to act. It is not very confident. The government should be more confident. If the Government is more confident, then I am confident we can overcome these challenges. The culture and nature of Indonesia is not extreme. The majority want harmony, tolerance, respect."*

I would therefore urge the United States to address these concerns at every opportunity with the Government, and particularly the President, of Indonesia. I hope that when President Obama visits Indonesia in the next few days, he will raise these issues, and appeal to the President of Indonesia to act to uphold Indonesia's proud tradition of religious freedom and harmony, and the rule of law.

North Korea

I turn now to North Korea. I visited North Korea in October last year with two British Parliamentarians, Lord Alton and Baroness Cox, and I would be happy to provide a copy of our report to the Committee if that would be of interest. In 2007, Christian Solidarity Worldwide published a major report, *North Korea: A Case to Answer, A Call to Act*, which

argues that the regime is perpetrating crimes against humanity through the gross violations of human rights in the prison camps.

North Korea is clearly one of the worst violators of human rights, including religious freedom, in the world. An estimated 200,000 people, some of them Christians, are trapped in a brutal system of political prison camps akin to Hitler's concentration camps and Stalin's gulag. Slave labor, horrific torture and bestial living conditions are now well-documented in numerous reports by human rights organizations, through the testimonies of survivors of these camps who have escaped. Although there is still a shroud of mystery surrounding North Korea, the world can no longer claim ignorance as an excuse.

Just a few days ago, I received from a trusted source a story of a North Korean defector, now in China, who recounted that he'd been evangelized in North Korea by a young female North Korean teenager some years ago. Eventually, this young teen's witness, including urging him to memorize the Lord's prayer, bore fruit and the man, a government worker, accepted Christ and fled to China. However, this teen's practice of bold evangelism in her hometown was eventually discovered by the regime and, according to the source, she was executed. It is believed this took place in the border city of Hyesan, just across from the Chinese city of Chambai, near the famed Mount Baekdu.

Alarmingly, the reach of the North Korean regime's brutality extends even beyond its borders. On 7 November video footage was revealed showing the alleged shooting of a North Korean defector on Chinese territory by a North Korean border guard stationed on the North Korean side of the border. In August, a South Korean pastor and missionary involved in helping North Korean refugees in China died in very mysterious circumstances after collapsing in Dandong, a Chinese city on the Yalu river close to the North Korean border. It is alleged that he was murdered by North Korean agents using a poisoned needle. A day after his death, another South Korean missionary in Yanji was standing at an intersection when he felt a pinprick in his back. He then collapsed. In mid-September, South Korean intelligence announced that they had arrested a North Korean on charges that he planned a similar attack in Seoul, aimed at the prominent North Korean defector and activist Park Sung-hak, who has been involved in launching balloons into North Korea carrying anti-regime leaflets. The intended weapon, once again, was reportedly a poisoned needle. If these reports are accurate, they illustrate the lengths to which the regime is prepared to go to silence its critics, and in particular it illustrates its hostility to Christian missionaries engaged in assisting refugees.

North Korea's human rights situation must be treated as an issue of international concern, just as nuclear and security questions have been. It is not in anyone's interest to separate human rights from security, or to ignore Kim Jong Il's crimes. Earlier this year, President Obama issued a Presidential Directive on Mass Atrocities, declaring that preventing such crimes is "a core national security interest and a core moral responsibility."

From my visit to North Korea, I can confirm that the IRF report's observations about the existing State-approved churches in Pyongyang are accurate. The Catholic Church in particular has no priest, and although we raised this with the regime repeatedly, there has been no change in that situation. While we were able to engage to a limited extent with some of the clergy and congregations in the Catholic Church, the Russian Orthodox Church and the Bongsu Protestant Church and a new Protestant seminary, it is clear from all the other evidence available that these are to a large extent Potemkin-style show churches and that in North Korea as a whole there is no freedom of religion or belief.

In every meeting with the regime we raised the grave human rights situation, and brought detailed evidence of specific cases and issues which we presented to senior officials. In particular, we raised the recent executions of Christians, particularly the reported execution in 2009 of Ms. Ryi Hyuk Ok and Ms. So Keum Ok, and the execution in August 2010 of three house church leaders. We also raised the case of the reported imprisonment of at least twenty Christians who were arrested in August 2010 and sent to Camp No. 15 in Yodok. We were told repeatedly that such reports were "lies" and that the execution of Christians was "impossible".

Although our efforts on this visit, and previous visits by Lord Alton and Baroness Cox, have not resulted in any meaningful change in the human rights situation in North Korea, I believe that a twin-track approach, combining critical engagement of this kind with targeted international pressure is what is needed. To end the horrific violations of human rights and religious freedom perpetrated by this brutal regime, we need to use every possible tool. That means supporting the flow of information into the country, principally through radio broadcasts. It means targeted sanctions and efforts to investigate crimes against humanity. It also means seeking opportunities to sit face-to-face with the regime, as we did, look them straight in the eye, and ask them why they are doing these terrible things to their own people. Kim Jong-il's regime is the most isolated in the world. Our objective should be to open it up, through whatever means possible including attempting to influence mindsets of officials, rather than further isolation. When we raised specific cases with officials, it was in many instances the first time any foreigner had spoken to them directly in such detail. At the very least we were sending them a message that the world does know, and that they cannot commit these crimes unnoticed.

However, critical engagement can only ever be effective if combined with international pressure. In September, 2011 Christian Solidarity Worldwide, along with Human Rights Watch, Amnesty International, the International Federation for Human Rights (FIDH), the North Korea Freedom Coalition, the Committee for Human Rights in North Korea, Liberty in North Korea (LiNK), Jubilee Campaign, the Inter-American Christian Lawyers Association, Advocates International and at least forty other human rights organisations from across Asia, Latin America, North America and Europe launched the International Coalition to Stop Crimes Against Humanity in North Korea (ICNK), specifically to

campaign for the establishment of a UN Commission of Inquiry to investigate crimes against humanity in North Korea. One of the first acts of the new Coalition is a letter to Kim Jong Il calling for access for international monitors, particularly the U.N. Special Rapporteur for Human Rights in North Korea and the International Committee of the Red Cross, and the dismantling of North Korea's prison camps. The Coalition will work across all continents to build support for a Commission of Inquiry.

It is time that impunity is ended, crimes are investigated and Kim Jong-il's regime brought to account. I hope the United States will support such an initiative and work with others in the international community to ensure that such an inquiry is set up. The European Parliament called for a Commission of Inquiry on North Korea last year. The former U.N. Special Rapporteur Vitit Muntarbhorn called on the international community to "mobilize the totality of the U.N. to promote and protect human rights in the country." He also said North Korea's case is *sui generis*—in a category of its own. It is time that the recommendation of the U.N.'s own expert is taken up, and the modern-day gulags brought to an end.

Before I turn to the situation in China itself, I wish to raise one final point about North Korea in relation to China. Over the years, thousands of North Koreans have escaped from North Korea into China. However, China has a policy of forcible repatriation, in complete breach of international norms and the principle of *non-refoulement*. Those who are forcibly repatriated face a terrible fate, with almost certain arrest, imprisonment in the prison camps, severe torture and dire conditions, and sometimes execution. The international community, including the United States, has so far failed miserably to address this, and the time has come now for concerted pressure to be put on China to live up to its responsibilities and end its policy of forcible repatriation. Creative solutions can be found that address China's legitimate concerns over immigration and population control, and that allow North Koreans to pass through China and seek refuge in a third country, either South Korea or elsewhere, but China must stop forcibly repatriating North Koreans to a fate of almost certain death or near-death, and the United States must make this a priority, using every diplomatic, political and economic tool at its disposal to put pressure on China to change this policy.

China

The People's Republic of China, for all its economic advances in recent years, has sadly seen little improvement in its human rights record. While the Chinese government often reminds the international community of the advances that have been made in the area of economic rights for its people, the reality of life for the huge number of Chinese citizens who happen to find themselves in contradiction to the Communist state, as one Chinese intellectual put it to me, is "pretty miserable".

The area of religious freedom has seen a tightening over recent months with the Chinese government clamping down on various religious groups and individuals. It is important

to note at the beginning of this statement that China has been listed by the state department as a Country of Particular Concern (CPC) since 1999 due to its systematic, ongoing and egregious violations of religious freedom, affecting hundreds of thousands, if not millions, of people. Indeed the US State Department's 2010 International Religious Freedom Report noted that "The [Chinese] government's level of respect for religious freedom in law and in practice declined during the reporting period." Religious freedom is raised as part of US-China relations and features as a regular item on the agenda for the US-China Human Rights Dialogue.

Despite constitutional protection of the right to religious freedom, the primary characteristic of the approach to religion in China is one of control. China recognises five "official" religions: Buddhism, Catholicism, Taoism, Protestantism and Islam. By definition, those who choose to practise their faith outside of the five official religions operate in a legal grey area. In addition, by law, only citizens engaging in "normal religious activities" are guaranteed liberty to practise their religion, and this has led to arbitrary definitions of what constitutes "normal" activities.

Each official religion has a state-sanctioned body under which it is governed. For Protestants this is the Three-Self Patriotic Movement (TSPM); for Catholics, the Catholic Patriotic Association (CPA) and for Muslims the Islamic Association of China (IAC). Even these official bodies are subject to varying restrictions, including the selection and training of religious personnel; the location, purchase and renovation of venues; publications; finances; teaching on certain topics and relationships with co-religionists abroad. Restrictions are placed on working with certain classes of persons, including those aged under 18. It is worth noting that many of these restrictions go against internationally recognised human rights laws. For example, China has ratified the United Nations Convention on the Rights of Child, which protects the right of parents to raise their children in a faith of their choosing. Restricting under-18s from attending religious meetings clearly goes against the CRC.

Anyone holding a belief that cannot be categorised within the five recognised religions is therefore deemed to be illegal, automatically classifying certain forms of peaceful activity as unlawful. In addition, certain groups, such as practitioners of Falun Gong, have been labelled as "evil cults" under specific legislation.

The Chinese government would like the international community to believe that China is a country where religion is embraced as part of the harmonious society where people are free to worship wherever they choose. Indeed, this autumn, a Bible exhibition called "Thy Word is Truth," is currently touring the United States. It has been organised by the "Bible Ministry Exhibition of the Protestant Church in China," which is part of China's official TSPM Church. The exhibition aims to educate Americans about the history of Christianity in China, focusing on the activities of the official church in China and the distribution of Bibles from the state-sanctioned Amity Press. While CSW welcomes the distribution of a large number of Bibles in this way, the exhibition only gives one point of view. While

there are some Christians in China who are able to purchase Bibles at state-sanctioned churches and who can meet together freely, this is only one side of the coin. The exhibition has been described by several observers as 'a propaganda tool'. It ignores the very existence of the house churches, as well as the fact that many house church Christians, particularly those in rural areas, are unable to access Bibles because they live too far away from a state-sanctioned bookshop. Nor does it mention the harsh penalties in place for those who distribute religious materials outside of this system. In 2008, Beijing Christian bookshop owner Shi Weihan was arrested and sentenced the following year to two years' imprisonment and given a hefty fine for "illegal business practices" because he printed and distributed Bibles and religious materials free of charge.

The official churches do not have the capacity or the independence from the state to serve the spiritual needs of the Chinese population. However, those churches that do choose to meet independently often face restrictions from the authorities. A widely publicised case is that of Shouwang Church, Beijing. Shouwang, or Watch Tower Church, is a 1000 member Protestant church in the university district of Haidian, which has faced continual pressure from the Chinese government to stop meeting together. They have been denied access to the building they were meeting in and have been meeting outdoors since April this year. Each week, those who try and meet together outdoors face arrest and detention by government officials. A recent Congressional Executive Committee on China Report cited that over 500 members from Shouwang had been arrested, detained or placed under house arrest since the arrests began. In October 2011, authorities also arrested a number of members, including the pastor, of Xinshu or New Tree Church, a house church whose members have chosen to attend Shouwang's outdoor services to show their support and solidarity.

The persecution of house church Christians is not limited to Beijing. In Jiangsu province, Pastor Shi Enhao, house church Pastor and Deputy Chairman of the Chinese House Church Alliance, was arrested in May this year. The reasons for his arrest were unclear and in October he was sentenced to two years' re-education through labour (RTL) for "organising illegal meetings" and "illegally organising venues for meetings". The church where Pastor Shi works has several thousand members who meet in several venues across the city. Many observers originally thought that by breaking up the congregation into smaller groups they would avoid attracting the attention of the authorities. This has not been the case. First, it is worth noting that the RTL system allows conviction without a trial; and second that the church had been meeting for many years before the accusation of "illegal meetings" was brought. The house church is in a precarious position. Due to reasons of conscience when groups do not wish to join the official TSPM church they can find themselves arbitrarily labelled as illegal, leaving themselves open to an array of charges and punishments, such as in the case of Pastor Shi Enhao.

On 13 May 2011, a petition calling for the right to religious freedom to be respected was delivered to Chairman Wu Bangguo of the Standing Committee of the National People's Congress by 17 leading Chinese house church leaders.[1]

Alimjan Yimit (Alimujiang Yimiti in Chinese), a Christian Uyghur from Xinjiang, was sentenced to 15 years in prison[2] on 28 July 2009 for "Revealing state secrets or intelligence to overseas organizations." The sentence given is the most severe for the charge and is the harshest given to a Christian in a decade. Mr. Yimiti was working for Jirehouse, a British-owned Agricultural Company and the charges related to a conversation Mr. Yimiti had with an American Christian. The UN Working Group on Arbitrary Detention has given the Opinion that his detention is arbitrary, and that he is being held because of his religious beliefs.[3] An appeal was rejected in March 2010 and the 15-year sentence upheld.

Religious practitioners who find themselves on the wrong side of the law are increasingly finding it more difficult to find a lawyer or legal representative to represent them. The already small number of lawyers who are willing to take on 'sensitive' cases, such as, representing underground religious personnel or practitioners of Falun Gong, is getting smaller due to intense pressure on lawyers not to take on such cases.

Dr. Fan Yafeng, expert in constitutional law and leader of the Chinese Christian Human Rights Lawyers Association, was placed under house arrest in December 2010 following short periods of detention the previous month, during which he was reportedly beaten. He remains under house arrest in Beijing.

An extremely worrying development came this summer as China announced it was considering amends to the criminal procedure law that would effectively legalise forced disappearance. As it stands currently, there is no basis for house arrest in Chinese law; these amendments would change that, legalising "residential surveillance" and allowing police to hold individuals in secret locations without informing their families, in cases that involve national security, terrorism or corruption.

The most high profile disappearance case in recent years is that of Gao Zhisheng, the Christian human rights lawyer who has not been seen or heard from since a brief reappearance in April 2010. There are grave fears for Gao's safety, wellbeing and health. During his April 2010 reappearance he gave several media interviews outlining in graphic

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[1] The petition requests three actions: 1.To conduct an investigation into the incident where Shouwang Church cannot have a fixed place to hold regular worship services, and to press the Beijing Municipal Government to come up with a sound solution in accordance with law; 2. To review the currently effective rules for religious affairs to determine whether the rules are constitutional or not; and 3. To propose to draft and adopt the Law of the People's Republic of China for the Protection of the Liberty of Religious Faith.

[2] Mr Yimiti is being held at: Section 11, the Xinjiang No. 3 Prison, 1339, Dongzhan Road, Urumqi city, Xinjiang Uyghur Autonomous Region 830013.

[3] Opinion No.29/2008 (PRC)

detail the horrific, inhumane torture that he was subjected to from February 2009 to April 2010. Gao's family have not been given any information about his whereabouts or condition and repeated requests to the Chinese government for information about his case have not warranted a response. This silence provokes grave concern.

How many more Gao Zhishengs will there be? There was a spike in disappearances in the early part of 2011, affecting some of Gao's old friends and legal contemporaries. Lawyers Teng Biao, Tian Jitian, Jiang Tianyong, and many others, including prominent artist Ai Weiwei, were 'disappeared' to secret locations as part of a wider crackdown on all forms of dissent. The Chinese government pays lip service to the rule of law, but how can it seriously be respected for upholding the rule of law when the fundamental cogs in the wheel of the legal system, the lawyers themselves, are removed?

In the Catholic community there continues to be a struggle between those loyal to the Holy See and the state-sanctioned body of the Catholic Church. Those Bishops who chose to maintain ties with the Vatican run underground churches. The CPA has increasingly provoked tension by forcing underground clergy to attend ordinations of state-sanctioned clergy. This was the case with the ordination of Father Guo Jincai on 20 November 2010, when many underground Bishops and clergy were forced to attend, in clear violation of their religious freedom. Bishop Julius Jia Zhiguo from Hebei province is an underground Bishop who has spent over 20 years in prison for his consistent refusal to join the CPA. In what is thought to be retaliation for Bishop Jia's refusal to join the CPA, an orphanage for 100 disabled children set up by the Bishop and a community of nuns has been threatened with closure. In December 2010, Bishop Jia was taken away by police three times. The police attempted to force him to sign a document authorising handover of the orphans to the district. He refused, and the seventy-five-year-old is reported to be under constant harassment from the authorities.

The spiritual practice of Falun Gong has been outlawed in China since 1999; following a mass peaceful gathering of Falun Gong practitioners in Tiananmen Square, the Chinese government banned Falun Gong, and labelled it an "evil cult". As a result practitioners face very harsh treatment, a special office known as the "610 Office" has been tasked with job of eradicating the practice. According to the Falun Dafa Information Centre between 500,000 and 1 million practitioners are in prison at any given time, making them the largest group of prisoners of conscience in China today. There is particular concern over the "2010-2012 Transformation through Re-education, Assault and Consolidation Overall Battle Work Plan" which refers to the process of pressurising Falun Gong practitioners to renounce their belief, often using violent means.

It would be wrong not to mention the situations in Xinjiang and Tibet today. Uyghur Muslims in Xinjiang accuse the government of settling millions of ethnic Han in their territory with the ultimate goal of obliterating its identity and culture. The Chinese government's fear of the rise of Islamic extremism and the threat of terrorism has led to Uyghur Islam being viewed with suspicion. (It is worth nothing that the Uyghur are

predominately Sunni Muslim and practice a moderate form of Islam.) The Islamic Association of China has full control over the training of Imams and religious personnel. Distribution of religious literature and the Qur'an is restricted. A small underground group of Muslims who choose to practise their faith outside the IAC face harassment, meetings being broken up or imprisonment. Due to regulations which do not allow religious activity among under-18s, parents in Xinjiang risk a fine or detention if they allow their children to attend a mosque. According to a report from Amnesty International, Uyghur students have reported that they risk expulsion from school if they are caught attending a mosque. Civil servants in the Xinjiang region, including teachers, policemen and other government employees, are also prohibited from practising their religion, at the risk of losing their employment and criminal prosecution.

The Tibetan people suffer some of the most aggressive forms of control and repression in the area of religious freedom in China. Recent months and weeks have seen a dramatic and hugely worrying increase in self-immolations of monks and nuns calling, among other things, for 'religious freedom' 'freedom for Tibet' and the 'return of the Dalai Lama'. A situation where a twenty-year-old Buddhist nun – Tenzin Wangmo – douses herself in petrol and sets herself on fire is a cry of desperate proportions and deserves the international community's attention and urgent assistance.

CSW recommends that the US government regularly raise the issue of religious freedom with the Chinese authorities and explore constructive ways of building safeguards for religious liberty within Chinese law and practice, which correspond to international human rights law and norms. The Chinese government should be encouraged to:

- Ratify the International Covenant on Civil and Political Rights (ICCPR) and amend legislation and practice to conform to the rights laid out therein;
- Recognise the right of freedom to choose any religion, including those outside the official organisations and the five recognised religions;
- Rescind the registration system in its present form so that it is no longer a mechanism for controlling religious activity;
- Cease harassment of human rights lawyers and rescind restrictions on their ability to represent sensitive cases of religious freedom, and release Dr. Fan Yafeng from house arrest;
- Cease the policy of imposing penalties, including administrative and criminal detention, fines, confiscation of property and destruction of premises, for religious behaviour;
- Issue a standing invitation to the UN Special Rapporteur on freedom of religion or belief;
- Immediately release all those detained for their religious belief, including Alimujiang Yimiti, and provide information on the whereabouts and status of Gao Zhisheng;

- Immediately release the leaders of Shouwang Church from house arrest; halt any harassment of members and ultimately allow Shouwang access to the building they have purchased so that they can worship indoors;
- Cease the continued harassment of Bishop Jia Zhiguo and allow the orphanage he runs to remain open without state interference;
- Implement effective protection for religious believers from arbitrary detention and abuse by officials and address the impunity of officials who abuse individuals and groups due to their religious beliefs.
- Allow the free movement of religious materials and personnel into and within the country.

It must be recognised that as human rights for Chinese citizens have dramatically declined over recent years, human rights have become increasingly sidelined in China's bilateral relationships with third countries. Human rights dialogues with the US, UK, European Union, Norway and others have resulted in little, if any, discernable progress. Indeed the Chinese appear to be growing more confident in the area of human rights and less sensitive to criticism. Yet if the Western world, the US included, is to hold to its belief that all human beings are created equal beings whose rights should be respected, we must do all we can to assist the many brave individuals for whom defence of the rights of their people results in the most egregious abuses of their freedom. It is in this regard that CSW recommends that the US government, with regards to its religious freedom policy on China:

- Continue to classify China as a Country of Particular Concern;
- Increase transparency pertaining to the US-China human rights dialogue. Keeping the process and discussions relatively private has allowed the Chinese to misrepresent and undermine the process;
- Introduce benchmarks for the human rights dialogue which outline clear measures for progress;
- Outline short-term goals for the dialogue, for example, the release of specific prisoners or the lifting of restrictions for human rights lawyers, progress towards repealing the evil cult legislation;
- Follow each round of the dialogue with an assessment of the impact and progress made towards benchmarked measures. Dialogue should only be resumed if clear progress is being made;
- Increase media interviews and public statements by US officials commenting on the China's religious freedom record;
- Ensure that discussions regarding China's religious freedom record continue outside of the dialogue process;
- US Congressmen, government officials, diplomats and embassy staff in China should take every effort to meet with human rights defenders in safe locations, such as the US Embassy, in China to show their support;
- Increase public statements condemning China's human rights record and mentioning specific individual cases;

- The US should not sideline human rights discussions to the dialogue only, rather human rights should form an integral part of the broad US-China relationship and should be raised in all aspects of the bilateral relationship.

Vietnam

2011 began with the Eleventh Vietnamese Communist Party Congress. With it came an intensification of pressure on human rights activists and activity. In 2011 the international community, including states and non-state actors, have expressed public concern regarding Vietnam's lack of progress in respecting civil and political rights (while noting progress in certain areas, such as the Millennium Development Goals).[4] The human rights situation in Vietnam remains a cause for concern. The escalating unrest in North African and Middle Eastern states has fueled fear that similar revolutionary action may occur in the region. Calls for a 'Jasmine Revolution' in China were followed by a crackdown on dissidents, lawyers and civil society. Vietnam has followed suit. In the latter part of 2010 and the early part of 2011, there was been a notable deterioration in respect for freedom of expression, including a crackdown on internet activists, writers, bloggers and netizens. In 2011, Reporters Without Borders labelled Vietnam an 'internet enemy' for the harsh restrictions placed on freedom of expression for journalists, bloggers and netizens seeking to express their views through social networking micro-sites.[5]

Following the removal of Vietnam from the US State Department's Countries of Particular Concern (CPC)[6] List in 2006, the religious freedom situation has remained fragile. The picture is complex and it is difficult to make generalisations. However, religious freedom is restricted for most religious groups in Vietnam including Protestants, Catholics, Cao Dai, various Buddhist groups including Theravada Buddhists, the Unified Buddhist Church of Vietnam (UBCV) and Hoa Hao Buddhists. The most severe violations of religious freedom have received international media attention, such as those affecting the UBCV.

CSW largely agrees with the assessment made in the 2010 State Department International Religious Freedom Report which says regarding religious freedom, "Despite areas of progress, significant problems remained, especially at the provincial and village levels."

In terms of Vietnam's cooperation with the United Nations, no progress has been made regarding a visit of the UN Special Rapporteur on Freedom of Religion or Belief to the

[4] For more information on the Millennium Development Goals please refer to the UN website: http://www.wpro.who.int/vietnam/mdg.htm

[5] Reporters Without Borders, *Internet Enemies 2011 - Vietnam*, 11 March 2011, available at: http://www.unhcr.org/refworld/docid/4d82268b28.html (accessed 4 April 2011)

[6] The CPC list exists to list the world's worst violators of religious freedom and currently includes Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan and Uzbekistan.

country. However, in 2010, Vietnam accepted two visits by UN Independent Experts, which should be welcomed. First, a visit was made by the UN Independent Expert on Minority Issues in July 2010,[7] and second, by the UN Independent Expert on Human Rights and Extreme Poverty in August 2010.[8] It is worth noting that both experts expressed frustration that they were not granted unfettered access to citizens, and that both pointed out significant areas of continuing concern. Of contextual interest, in May 2009, Vietnam rejected 45 recommendations to improve its human rights record made at the UN Universal Periodic Review, specifically rejecting recommendations made by UN member states pertaining to the use of arbitrary detention of individuals from unofficial religious groups; human rights defenders; freedom of peaceful expression; freedom of association, freedom of religion and the use of torture.

During the period leading up to Vietnam's accession to the World Trade Organisation (WTO) on 11 January 2007 and election to the UN Security Council on 1 January 2008, some improvements in religious freedom were made. But since 2008 progress has varied; significant areas of concern remain.

Tensions between the Vietnamese Government and both Catholic and Protestant communities regarding confiscated church property declined in 2010–11. However, Catholic parishioners at Con Dau near Da Nang clashed with police during a funeral procession on 4 May 2010, during which tear gas and rubber bullets were used by police. The conflict arose over a burial ground, which the local government laid claim to in order to sell it to a resort developer. Catholics view the ground as sacred and dispute the amount of compensation the church was offered for the land. The congregants went ahead with a funeral on 4 May, despite pressure from authorities to stay away and 59 people were arrested.[9] Tensions regarding property disputes run high and it is difficult to assess to what degree religious communities' land is targeted, as there is widespread redevelopment in many provinces of Vietnam pushing up demand for land which has increased in desirability and monetary value.

Of relevance to Vietnam's ongoing repression of any form of dissent and freedom of expression are human rights defenders whose activism is motivated by their religious belief. This category includes some leaders and members of the UBCV. In addition, at the time of publication, this category also includes dissident Catholic priest Father Nguyen Van Ly and Protestant lawyers Mr Nguyen Van Dai and Ms Le Thi Cong Nhan. The prominent dissident and outspoken human rights activist, Roman Catholic Priest, Father Nguyen Van Ly, was returned to prison in July 2011 after just over one year's medical parole. Father Ly is in extremely poor health, having suffered several strokes which have

[7] To read the statement made by the Independent Expert on conclusion of her visit please see http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10223&LangID=E

[8] To read the statement made by the Independent Expert on conclusion of her visit please see: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10300&LangID=E

[9] Information from Asia News: http://www.asianews.it/news-en/59-Catholics-from-Con-Dau-arrested-for-accompanying-funeral-18344.html (accessed 4 April 2011)

left him partially paralysed, as well as having a brain tumour. His religiously-motivated rights activism has continually irritated the Vietnamese authorities. In a four-hour trial on March 30, 2007, he was accused and convicted of disseminating anti-government propaganda and sentenced to eight years in prison and five years house arrest. During the trial, Father Ly was physically restrained, gagged and prevented from giving a defense. A US diplomat was roughed up and physically ill-treated by Vietnamese authorities during an attempted visit to Father Ly in January 2011, sparking a diplomatic incident.

Lawyer Nguyen Van Dai was released from prison in early 2011 and is currently under house arrest. Lawyer Le Thi Cong Nhan is also serving four years' house arrest. Vietnam consistently states, "There are no political or religious prisoners in Vietnam". However, independent research undertaken by NGOs, coupled with testimony from released prisoners suggests otherwise.

At a macro level, the Socialist Republic of Vietnam continues to be home to violations of religious freedom across the board, from the repressed monks of the banned United Buddhist Church of Vietnam to Roman Catholics whose ability to practise their faith is affected by the tense relationship between the government and the Vatican, to the repression experienced by Protestant Christians in the Northern and Central Highlands of Vietnam, who often belong to ethnic minorities.

This submission will focus on Protestant Christians in ethnic minority areas such as the Northern and Central Highlands, as well as those in the vicinity of Hanoi and Ho Chi Minh City, where despite legislative protection, violations of religious freedom are still occurring at the local level.

2011 marked the centenary of Protestantism in Vietnam. Large-scale celebrations took place in Hanoi in the North, Da Nang in Central Vietnam and in Ho Chi Minh City in the South. These events were attended by thousands of people and passed without major incident, this should be welcomed. However, the existence of large-scale celebrations viewed alone does not give the whole picture.

Over the past six years, CSW has documented violations of religious freedom by collecting first-hand testimony on the ground from church leaders from officially recognised denominations such as the Evangelical Church of Vietnam – North (ECVN-N) and South (ECVN – S), the Assemblies of God, leaders from unregistered house church denominations, independent church leaders who are not affiliated with a particular denomination, individual members of these communities and the families of prisoners.

Evidence suggests that some of the most severe violations of religious freedom continue to affect ethnic minorities such as the Hmong. A key indicator of religious freedom is the ability of religious groups to meet together at the local level. The majority of church leaders who were interviewed reported few restrictions in this regard. However, local

officials are still preventing religious activities in isolated cases, for example, harassing church leaders through restricting their freedom of movement to visit other groups or attend theological training. Evangelism is restricted in the majority of provinces, with church leaders reporting restrictions on new ethnic minority converts joining existing congregations.

While the number of reports of forced renunciations has declined in recent years, these incidents still continue to occur in isolated incidents. In September 2011, eleven Protestant families in the far north-western province of Dien Bien were forced to sign renunciation papers at risk of being evicted from their village and denied access to farmland.

In the same province, CSW reported that the number of Christians in a particular area grew from 31 to 114 due to evangelism in early 2011. The hamlet and village chiefs put pressure on the new believers to renounce their faith and rebuild the traditional altars in their homes. They were threatened with being thrown out of the village if they did not comply. Since this time, the new believers have all rebuilt the altars out of fear, but say they are Christians inwardly, even if they are too scared to attend worship services or publicly profess their faith.

CSW sources confirmed a similar incident affecting a Tai ethnicity family in Dak Lak province. The family is the only Protestants in their village. Several days after the head of the family's funeral, the family was visited at home by a group of police from the village, district and provincial level. The policemen told the family that they must renounce their faith and the family was pressured to rebuild the ancestral altar. Since January 2011 the family has been visited regularly by the village and district-level police who make the same requests. The new head of the family, a man in his 30s, has been threatened that unless the family returns to ancestor worship they will be thrown out of the village.

A major impediment to the broad protection of religious freedom in Vietnam is the registration system. According to legislation, all groups should be allowed to register their meeting places at the local level, whether or not the denomination they belong to is recognised by the government or not. Since the 'Decree on Religion' (22/2005/ND-CP) took effect in 2005, progress in the system of registration for individual congregations has been varied. Again, the ability for local groups to register congregations easily and effectively – thus gaining legal recognition – is a key indicator of religious freedom. In 2009 and 2010, CSW reported a slowing of progress in this area, for unregistered denominations, and in 2011 this had spread to registered denominations.

Unregistered groups exist in a legal grey area and are open to harassment on the basis of their unregistered status. The protective provisions of Decree 22 do not appear to apply broadly or fairly. Vietnam should be encouraged to consider redrafting revised legislation to update Decree 22, to ensure the registration and recognition of denominations and congregations continues.

Of continued contextual relevance to the situation in ethnic minority areas is the *Training Manual for the Task Concerning the Protestant Religion*, a revision of an internal government document obtained by CSW in 2009.[10] CSW has published analyses of previous editions of the manual, which first came to our attention in 2006. Earlier editions were geographically specific to the Northern Highlands; this edition appears to apply to the whole of Vietnam. While this edition is less critical of Protestantism in its rhetoric and addresses some of the criticisms of the earlier editions, strong concerns remain. Attitudes expressed in this manual can be viewed as indicative of Vietnamese government policy regarding Protestantism.

Of primary concern is the manual's retention of an underlying suspicion of the Protestant religion and its perceived potential to be abused by 'hostile forces' to cause political instability. In addition, although the manual expressly states that forced renunciations of faith are not permitted, it still encourages local officials to 'create the conditions' for new converts to Protestantism to return to their traditional beliefs if they have a "need" to do so, allowing for arbitrary implementation. Another major shortcoming concerns deficiency in the process of registration of congregations – local authorities are encouraged to begin with 'pilot projects' before undertaking widespread registrations, and additional stringent requirements are imposed on ethnic minorities in the Northern Highlands seeking to register Protestant meeting places. Evidence confirming this is included later in this report. Finally, the 2008 manual adds an entirely new section to make clear the government's intent in ongoing regulation and tight control of all levels of religious activities of registered groups, individual congregations and meeting places.

The legal rights of ethnic minorities to have their religion recognised as Protestant on identity cards and family registration documents continue to be restricted. CSW has documented consistent, widespread violations of this right among ethnic minorities in all areas of Vietnam over the past six years.

One of the root causes of religiously motivated harassment at the local level is the problematic nature of the legislative framework, which contains significant loopholes and unclear language resulting in arbitrary implementation. In addition, local police and authority figures incite familial and clan pressure to force new converts to renounce their faith, and in one incident, to harass family members of an imprisoned pastor.

In several cases documented by CSW over the past year, Christians have been accused of separatist activities. CSW has obtained evidence that accusations of separatist activity continue to be used to clamp down on church activity deemed successful in attracting new converts. This pertains particularly to the Central Highland region.

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[10] For further information, see the CSW briefing on the 2008 Training Manual: http://dynamic.csw.org.uk/article.asp?t=report&id=110

Pastors Y Du and Y Co, both of Ede ethnicity and Pastors of an unregistered denomination, were sentenced on 15 November 2010 to six years followed by three years house arrest and four years followed by two years house arrest respectively for "undermining the state". At the trial the pastors were tried before the People's Investigation Bureau (PIB) of Phu Yen province. They did not have access to a lawyer and both men were tried together, in violation of domestic law. The individual circumstances of each detainee were not taken into account (such as one of the men having a prior criminal record and the other did not). According to the People's Investigation Bureau of Phu Yen, Ksor Y Du and Kpa Y Co stood accused of communicating with and receiving direction from Ksor Y Lit[11] in July and August 2009. According to interviews conducted with family members, the men made phone calls to family members in the United States to request financial assistance and have not been involved in political activity.

The two pastors were arrested on 27 January 2010. Research undertaken by CSW in September 2010 found that their families had been visited by the Phu Yen provincial-level official with responsibility for Protestantism, who told their wives that the pastors would be released if their wives renounced their faith. They have also been promised new houses, free education for their children and various other incentives if they renounce their faith and membership of an unregistered denomination.

In June 2011 seven Vietnamese activists, including three Christians, were convicted of subversion and given prison sentences of between two and eight years. Mennonites, Pastor Duong Kim Khai, Tran Thi Thuy and Nguyen Thanh Tam were active in peaceful campaigning for land rights and were convicted along with four others.

Tran Thi Thuy received eight years, Pastor Duong Kim Khai six years and Nguyen Thanh Tam a two-year sentence. The seven were denied access to legal representation at the trial, which took place under heavy security, and the outcome of which is thought to have been pre-determined. They were charged under Article 79 of the Criminal Law.

The three Christians are members of the unrecognised branch of the Mennonite church and attended the "Cow Shed Church" in Ho Chi Minh City. Inspired by their Christian faith, they worked assisting fellow Vietnamese citizens who lost farmland when it was forcibly sold by local government to large corporations, helping them to file complaint letters asking for adequate compensation. The three are also said to be members of Viet Tan, an overseas-based democracy party that calls for peaceful political reform.

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[11] According to the PIB, Ksor Y Lit is "an individual active in the Tin Lanh Degar (Protestant Degar) movement, who emigrated to America in order to propagandise and recruit ethnic minority people to develop and consolidate the Tin Lanh Degar organization in Phu Yen and Dak Lak Provinces, for the purpose of inciting and organizing demonstrations which disturb political stability, divide the unity of the people and demand the formation of a Degar nation" – as reported by Vietnam's *Phap Luat* (Law) newspaper on 16 November 2010.

Pastor Duong Kim Khai was held since 10 August 2010, having been detained in Ho Chi Minh City. Pastor Khai's disabled wife and then 17-year-old son were not given arrest papers or details of Pastor Khai's detention. Those close to the case told CSW that Pastor Khai is a gentle man who wanted to help others and speak up for injustice. Pastor Khai has previously served two years in prison on similar charges.

In May 2011, CSW reported that 130 men were detained and military personnel were sent to Dien Bien province, North West Vietnam to seal off an area where ethnic Hmong followers of a cultic movement were disbanded by local military and the Vietnam People's Army.

CSW sources reported that two cult leaders fled into the forest and were beaten by the military. Journalists and foreign diplomats were denied access to the Muong Nhe area and all telephone communications are cut. CSW reported concerns for those who remain in the area due to the lack of access to outsiders, poor sanitary conditions and the high military presence. Three children were confirmed to have died due to poor sanitary conditions. Church leaders within Vietnam told CSW they were concerned that the Hmong Protestant Christians who are not followers of the cult will be falsely identified as such.

The group had gathered following the teaching of two cult movements that have been active among the Hmong ethnic group in the months preceding. A Vietnamese government website erroneously portrayed the followers as Protestant Christians. The US-based Harold Camping cult, which taught that the world would end on 21 May, had gathered a following among the Hmong after Hmong-language materials were distributed. In addition, two men, both claiming to be "Messiah" figures appeared in Muong Nhe district. Many thousands of Hmong migrated from other areas of the country, including from as far as the Central Highland region, to follow this teaching. Hmong mythological belief suggests that a messiah will appear and establish a pan-Hmong kingdom. Little information was available to the international community during the time this situation was ongoing. In addition, there has been no information regarding those men who were detained during the situation.

Repression of religious freedom among ethnic minorities in Vietnam continues to be a serious issue for concern. The testimonies recorded by CSW bear witness to the ongoing struggle for true freedom of religious belief for a wide variety of ethnic groups spanning geographical areas. Vietnam's continued repression of religious activity including the refusal to recognise Christianity among some ethnic minorities, the slow progress of registration of meeting places, the harassment of religious personnel when carrying out religious activities such as evangelism or attending training, all point to Vietnam's lack of commitment to internationally recognised standards on religious freedom. The control and repression of religious activity is justified by the de facto ban on religious activities deemed to "violate national security... negatively impact the unity of the people or the

nation's cultural traditions". [12] CSW recommends these issues be raised with the government of Vietnam at the highest level to push for Vietnam's respect for religious freedom to match internationally recognised standards.

In addition, CSW welcomes the interest taken in religious freedom by the US government, particularly pertaining to staff on the ground at the US Embassy in Hanoi and the US consulate general in Ho Chi Minh City, which made regular representation to the Vietnamese government regarding religious freedom concerns during the reporting period. CSW also welcomes Secretary of State Hilary Clinton's willingness to raise religious freedom with the Vietnamese government. However, there is room for further engagement and CSW recommends that the US government:

1. Continue to monitor and raise issues of religious freedom in all appropriate fora, including bilateral and multilateral human rights dialogues;
2. Ensure that the human rights dialogue is transparent and establish clear benchmarks for progress that are tracked and discussed openly;
3. Encourage the government of Vietnam to establish and implement a comprehensive legislative framework for religious groups to engage in peaceful activities, both religious and humanitarian, which is fully consistent with international standards on religious freedom and free from ill-defined caveats;
4. Request that the government of Vietnam fully investigate all allegations of religious freedom infringements by officials, including imprisonment without charge; forcible renunciations of faith; physical assaults, and, where possible, to seek the conviction of the perpetrators;
5. Urge the government of Vietnam to allow a visit by the UN Special Rapporteur on Freedom of Religion or Belief;
6. Advise embassies in Vietnam to develop relationships with key religious leaders who often act as human rights defenders and, where appropriate and in consultation with such leaders, to visit areas where religious freedom is infringed;
7. Advise embassies in Vietnam to continue to travel to remote areas, particularly ethnic minority areas in the central and northern highlands, where abuses of religious freedom are more frequent;
8. Request information regarding those detained in Dien Bien province during the Muong Nhe gatherings in early 2011;
9. Pursue the immediate and unconditional release of all prisoners of conscience in Vietnam, including religiously-motivated human rights defenders, Mr Nguyen Van Dai, Ms Le Thi Cong Nhan (who are both under house arrest), and request release from prison for Father Nguyen Van Ly;
10. Pursue the immediate and unconditional release of prisoners of conscience, including Pastor Y Du, Pastor Y Co and Pastor Duong Kim Khai, Tran Thi Thuy and Nguyen Thanh Tam.

[12] Article 15 of the Ordinance on Beliefs and Religions, (21/2004/PL-UBTVQH)

Of the five countries I have highlighted today, three are listed by the State Department as Countries of Particular Concern (CPC), one – Vietnam – is a former CPC which, despite some signs of improvement in previous years continues to give some serious causes for concern, and one, Indonesia, the world's largest Muslim-majority country, the third largest democracy and a country with a great tradition of pluralism and religious harmony and a successful transition from authoritarianism to democracy, shows worrying signs of failing to face challenges to religious freedom and the rule of law and thereby risks undermining much that it has achieved. There is, therefore, much work for all of us who are concerned about freedom of religion or belief in East Asia still to do, and I welcome and appreciate the Committee's commitment to ensuring that the United States Government does all it can to help promote, defend and advance religious freedom and human rights around the world. I am grateful to the Committee for this opportunity to address you today, and I look forward to working together to ensure that Article 18 of the Universal Declaration of Human Rights is upheld as a basic right for all people around the world.

Mr. SMITH OF NEW JERSEY. I would like to now have Reverend El Shafie, if you could proceed.

STATEMENT OF REV. MAJED EL SHAFIE, PRESIDENT AND FOUNDER, ONE FREE WORLD INTERNATIONAL

Rev. EL SHAFIE. Thank you, Chairman Smith. And I would like to thank as well Ranking Member Donald Payne, and I would like to thank Mr. Turner and the rest of the members and the staffers, thank you so much for your hard work. Mr. Chair, I will ask my full written statement to be included in the record, please, if possible.

Mr. SMITH OF NEW JERSEY. Without objection, so ordered.

Rev. EL SHAFIE. Thank you.

One Free World International is a human rights organization based in Toronto, Canada. We have 28 branches around the world. Most of our branches operate as intelligence branches, which means that we collect information about the persecution that is happening to the minorities. We deal with many minorities, we help many minorities—Christians, Falun Gongs, Uyghurs, Baha'is, Ahmadiyya and many more—and as well we stood against the rising of anti-Semitism in many countries.

After fact-finding missions that I took personally, we confronted many governments. And usually in our delegation to meet with many governments such as the Government of Iraq and Pakistan and Afghanistan, we were accompanied by a Canadian Member of Parliament and Canadian Senators.

Today I will be speaking specifically about two countries, which are Egypt and Iraq. And I will be just briefly will be talking about the situation in Pakistan and Afghanistan.

After the so-called Arab Spring—and I have no idea who called it Arab Spring—today the world is waking up to find it is not Arab Spring, it is a cold, deadly winter on the minorities in the Middle East.

If we talk about Egypt, since the starting of the revolution in January 25 until now, there are 12 attacks on the Christian Coptic minorities in Egypt. These 12 attacks are the major attacks. According to our sources on the ground, there are more than 36 attacks. But the ones that we are aware of are the major attacks.

Now, if I spoke specifically about one specific attack that was on October 9th, the massacre of Maspero. Now, if we track a little bit before October 9, in September 30, there is over 3,000 Muslim extremist mobs that they attack a church in Aswan; after these attacks in October 9, the Christian Egyptian community went into demonstration, a peaceful demonstration—I repeat, a peaceful demonstration—in Maspero and Cairo. The Egyptian military responded back by firing live ammunition on the demonstrators, armed cars and the tanks run over the people. Basically over 26 people were killed, 300 were wounded. Not only that, but basically the Muslim hospitals in Cairo refused to receive the 300 wounded. Only one hospital accepted to receive the Muslim. It was the Coptic hospital in Cairo. After that, the Egyptian police arrested some of the wounded from this hospital and until now they are prisoners in the Egyptian prison.

All that we are seeing right now, according to our sources—this is just some of the pictures that we basically—from the demonstration. Mr. Chair, after that on October 16th, 5 days, a young man by the name of Ayman Labib, 17 years old, was asked to remove—he is a student in the school. He was asked to remove his cross. When he refused, his teacher and a student beat him to death.

Just yesterday, on the remember day of October 9th, 40 days of the memory yesterday, over 30 people were hurt trying again to demonstrate in Maspero. This happened just yesterday.

We talk about Iraq. I visited Iraq 2 months ago. In my visit to Iraq, I was accompanied by one Member of the Canadian Parliament, Mr. John Weston, and one Member of the Canadian Senate, Don Murdoch, as observants in my mission. And they were part of my delegation. I was able to visit with the Vice Prime Minister of Iraq, the Vice President, the Deputy Prime Minister, the Minister of Human Rights in Iraq.

By the way, in any country, if you found a Minister for Human Rights, that means that they have no human rights at all. It is a ruse, more or less.

So the difficult part that I found in Iraq is the massacre that is facing the minorities. Not just the Christians, but the minorities in general. Right now the Christians in Iraq—half of the Christians in Iraq was forced to leave or was killed. This is a massacre. This is a genocide. This is not just ethnic cleansing. This is a genocide when you are forcing half the community to be killed or to leave your land.

And I visited a church by the name of Our Lady of Salvation. It is a Catholic church that on October of last year was attacked by five terrorists. They entered the church and over 54 people were killed. Four hours that Iraqi police did not interfere to save these people's lives, 4 hours. I met with some of the victims.

Mr. Chair, what I am holding here is the bullets from the bombs and the shooting that took place in Our Lady of Salvation. Some of them still have blood from the victims. When the police entered after 4 hours into Our Lady of Salvation, the police did not—I repeat, the Iraqi police did not help the wounded. The opposite. They started to take the gold and the money from the pockets of the victims. And I have an eyewitness and I spoke with a priest of Our Lady of Salvation.

And not only the Christians are facing persecution. I will mention as well the Sabean Mandaeans and the Yezidis. The Sabean Mandaeans, there were 50- to 60,000 in the country. Now there are 3,500 to 7,000 of them. The solution—and I know that I have 5 minutes. The solution—thank you, Mr. Chair. If you read my written statement, there are many solutions that we propose. But because of time, I will just focus on one of them, connecting the American aid and the international trade with improvement of the human rights situation record in these countries. I don't know until when we will keep giving them blank checks. I don't know until when we will keep giving the American people money to the people that goes over these crimes. This is not the government money. This is the American people money.

Right now, in October 10, the Secretary of State, Hillary Clinton, she indicated that they will continue supporting the Egyptian mili-

tary. Now, the United States, they give $1.9 billion to $2 billion to Egypt; 1.3 of that is military aid. And she said—and this was written in the Web site of the State Department—that they will continue supporting the military. This is the military that killed innocents, who killed the minority.

The Iraqi Government is asking for $2 billion for security sanctions and the United States is—according to the media, that they are willing to give them this money. The State Department in October of 11th, the day after—after the massacre, she had the phone call with Mohamed Kamel, the Foreign Affairs Minister of Egypt, and she supported him or she encouraged an investigation that is made by the army. Now, can you explain to me how come the army can investigate themselves if they are the criminals?

And here, the White House press secretary, Jay Carney, he issued a statement that the President is deeply concerned about the violence in Egypt that led to the tragic loss of life among the demonstrators and the security forces. The American President is concerned? It was a massacre. Concerning is not really—did anything to the people on the ground. And at the same time, they said that he feels the tragic loss—he feels sorry for the tragic loss of life among demonstrators and security forces. You make them equal. When you put the demonstrators and the security forces that were firing on them, you make them equal. You make both of them victims. No. One is the persecuted and one is the persecutors. Do not give them the same moral equality in your press release.

Mr. Chair, forgive me for taking very long time from you. In closing, Mr. Chair, the reason that I am very passionate, I am not just the head of my organization or NGO, I used to be a prisoner. Until now, if I took off my jacket, you would find scars on my body. Until now I have nightmares in the night from the torture that I suffered. But, Mr. Chair, there is only one thing that I know in the middle of all of this. I know that the persecuted people that believe in faith are dying, but they still are smiling. It is a very deep dark night, but they still have the candle of hope. I know by fact that our enemy, the enemy of democracy and freedom, have very strong army, have very strong weapon, but we have the Lord Almighty. I know for a fact that they can always kill the dreamer, but no one can kill the dream. Thank you, Mr. Chair.

Mr. SMITH OF NEW JERSEY. Mr. El Shafie, thank you, Reverend, for that very powerful testimony.

[The prepared statement of Reverend Majed El Shafie follows:]

One Free World International
El Shafie Ministries

RELIGIOUS FREEDOM IN EGYPT AND IRAQ

A STATEMENT BY
REV. MAJED EL SHAFIE
PRESIDENT AND FOUNDER OF
ONE FREE WORLD INTERNATIONAL

BEFORE THE
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS
OF THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON FOREIGN AFFAIRS

CHRISTOPHER H. SMITH (R-NJ)
(CHAIRMAN)

NOVEMBER 17, 2011

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I. Introduction

I would like to thank the members of the Subcommittee on Africa, Global Health, and Human Rights for the opportunity to present my comments and recommendations on this important matter of religious freedom. My mission and calling is to stand up for religious minorities and individuals around the world who are being persecuted because of their personal beliefs. My goal in presenting these recommendations is to encourage the United States to step up to the plate and take a principled stand for justice and freedom for religious minorities that are voiceless, vulnerable, and oppressed.

I have been asked to comment specifically on the situation in Egypt and Iraq based on my extensive experience with religious freedom issues in these countries. My work is not limited to these countries, however, and I would be remiss under the circumstances if I did not include some brief mention of the issues facing religious minorities in Afghanistan and Pakistan, especially given their central role in U.S. foreign policy at the present time.

Freedom of religion is a fundamental, universal right that speaks to the very core of what it means to be human. The basic freedom to believe in (or not believe in) and to practice the religion of one's choice (or equally to refrain from any religious practice) forms the very basis of human dignity and is a pre-requisite for true equality under the law. This right is recognized both by U.S. and international law as foundational and intrinsic to any truly free society, and without freedom of religion experience has shown that there can be no democracy, peace, or security.

In order to live up to its stated commitment to global religious freedom, the United States must take a more comprehensive and proactive approach to this issue, and it must take immediate steps to improve integration of freedom of religion considerations within its overall foreign policy. Although I will not dwell extensively on institutional issues, I would like to note that in order for this shift to take place, both the Office of Religious Freedom and Ambassador-at-Large must be elevated to the status envisioned by Congress in the *International Religious Freedom Act*. Such concrete steps will send a strong message that the United States is committed to religious freedom as part of its vital foreign policy interests, thereby enabling the United States to have a positive impact on the behaviour of the countries examined in these comments.

I also feel it necessary to briefly comment on some aspects of the International Religious Freedom Report's portrayal of the situation in Egypt and Iraq. Because this report inevitably shapes the perceptions of U.S. decision-makers, I am concerned that the State Department's analysis may lead some to underestimate the seriousness of the situation facing religious minorities in both countries. The need for action is urgent due to the historic circumstances facing these countries and the United States needs to take immediate and decisive action in its relations with these states.

To this end, the United States must explicitly link its aid and trade relationship with each of these countries to positive progress with regard to freedom of religion. In the case of both Egypt and Iraq, the U.S. government cannot continue to provide billions of dollars of military aid with 'no strings attached' to governments that refuse to protect (and even directly attack) their religious

minorities. The United States must also make religious freedom a priority in its diplomatic and bilateral relations with both countries, and actively hold each government accountable for its failure to uphold religious freedom. As part of these efforts, the United States should seek out multilateral partnerships to enhance the effectiveness of its efforts.

Both Egypt and Iraq are entering a critical period of transition in their respective history. Both have recently emerged from decades of dictatorship, and both are, in different ways, trying to forge their own path toward a stable democracy. In both cases, the United States is in a position to help determine whether each country goes down the path of freedom and the rule of law or a path of extremism and sectarian violence. To its credit, the United States, including the present administration, has repeatedly and publicly reiterated its commitment to promote and defend freedom of religion in this region and around the world. While such strong public endorsements of religious freedom are an important first step, the time has come for the reality of U.S. foreign policy to live up to the rhetoric.

II. Biography and Expert Qualifications

My name is Reverend Majed El Shafie, and I am the President and Founder of One Free World International (OFWI), an international human rights organization based out of Toronto, Canada, which focuses on the rights of religious minorities around the world. I was born in Egypt to a prominent Muslim family of judges and lawyers. After I converted to Christianity and began advocating equal rights for my fellow Egyptian Christians, I was detained and severely tortured by Egyptian authorities. Sentenced to death, I fled Egypt by way of Israel and settled in Canada in 2002, establishing OFWI to share a message of freedom, hope, and tolerance for religious differences and to promote human rights in this area through advocacy and public education.

As a young law student, I tried to work within the Egyptian system to secure equal rights for Christians by beginning a ministry and human rights organization, which in just two years grew to 24,000 members. Through numerous operations to investigate allegations of persecution against Christians, assist them in escaping persecution and other hardship, build churches, and build bridges between Muslims and Christians, I gained a great deal of knowledge and insight into the persecution of the Christian community in Egypt both by the government and by society at large.

I have been invited to speak in churches and synagogues across Canada and the United States and have been interviewed by numerous magazines, newspapers, and broadcast media, both religious and secular. I have also provided expert evidence for numerous courts and tribunals on behalf of individuals seeking protection in Canada and the United States. I have appeared three times before the Canadian Parliament's Sub-Committee on International Human Rights in Ottawa and once before the Parliamentary Coalition against Antisemitism's inquiry into antisemitism in Canada. I have succeeded in building bridges with politicians inside and outside North America and have addressed these issues directly with cabinet ministers and high-level officials in the Canadian government, including the Prime Minister's Office, in order to help educate decision-makers about the on-going issue of religious persecution around the world.

Because of my steadfast commitment never to back down from any opportunity to stand against injustice, I have travelled to countries such as Iraq, Pakistan, and Afghanistan, where I have met face-to-face with top government officials, confronting them with evidence of human rights abuses in their countries and the failure of their governments to address these issues. My organization has built an extensive network of trusted local sources in 28 countries around the world and where possible I visit countries of concern personally to see firsthand what the threats are. OFWI also cooperates with and relies on other trusted human rights organizations and media sources as necessary in order to ensure that we can help as many as possible.

III. Religious Freedom

1. Freedom of Religion as a Human Right and in International Law

Recognition of the rights of individuals and nations, minorities and majorities, is basic. Ultimately everyone is in some respect or at some time or place a member of a minority and one need only consider one's own position but for a moment in order to see the importance of respecting the rights of others and the universal nature of this principle, known in the Christian tradition as the Golden Rule, or "Do unto others as you would have others do unto you".

Human beings have learned this painful lesson the hard way over thousands of years of violations of this foundational principle. As a result, communities and humanity as a whole have sought ways to promote respect for these lessons learned by enshrining the principle in constitutions and international documents such as the *Universal Declaration of Human Rights* (UDHR) and the *International Covenant on Civil and Political Rights* (ICCPR).

The UDHR, while not in itself binding, is considered by international law experts to reflect customary international law which in turn is binding on states. The UDHR states in Article 18 that,

> Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.[1]

However, it is not necessary to rely on general principles of morality or international law or even less on mere declarations of principle or aspiration in order to establish the rights of religious minorities. A large part of the world community has expressly agreed to submit to binding international law in this matter by signing or acceding to the ICCPR. Article 18 of the (ICCPR) states that,

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

[1] *Universal Declaration of Human Rights*, GA Res. 217(III), UN GAOR, 3d Sess., Supp. No. 13, UN Doc. A/810 (1948).

> 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
> 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. ...[2]

Freedom of religion requires that all members of a given society are not only able to live without fear, but are also free to meaningfully participate in all aspects of their society without having to divorce their fundamental beliefs from their participation as citizens. Religious freedom touches the very core of human dignity and identity, and the ability to believe in and practice according to one's religion of choice is a pre-requisite for true equality under the law.

2. Freedom of Religion in U.S. Law and Diplomacy

In order for the United States to live up to its responsibility as the 'leader of the free world,' it is not enough that the American government respect the rights and freedoms of its citizens within U.S. borders. The United States must ensure that its foreign policy is consistent with the fundamental values that form the basis of American society and identity. There is no question that freedom of religion, as articulated in the *United States Constitution*, is one such basic and universal right that is central to both the American legal system and society at large.

The First Amendment of the *Constitution* clearly states that the U.S. government "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."[3] Although the scope of the so-called "Establishment Clause" and the "Free Exercise Clause" has been the subject of some debate, the placement of this guarantee in the first clause of what is commonly referred to as the *Bill of Rights* clearly indicates a desire by the founders of the United States to enshrine freedom of religion as a foundational principle of the new nation. Article VI of the *Constitution* further ensures that individuals will not be excluded from participating in government on the basis of their religion, by prohibiting the "requirement" of any kind of "religious test ... as a Qualification for any Office or public Trust under the United States."[4]

The foundational role played by religious freedom in the United States is eloquently expressed in the preamble of the *International Religious Freedom Act* of 1998, where Congress stated that:

> The right to freedom of religion undergirds the very origin and existence of the United States. Many of our Nation's founders fled religious persecution abroad, cherishing in their hearts and minds the ideal of religious freedom. They established in law, as a fundamental right and as a pillar of our Nation, the right to freedom of religion. From its birth to this day, the United States has prized this legacy of religious freedom and honored this heritage by standing for religious freedom and offering refuge to those suffering religious persecution.[5]
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> (emphasis added)

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[2] *International Covenant on Civil and Political Rights*, 19 December 1966, 999 UNTS 171, online: Office of the United Nations High Commissioner for Human Rights <http://www2.ohchr.org/english/law/ccpr.htm> accessed 12 November 2011.
[3] U.S. Const. amend. I.
[4] U.S. Const. art. VI.
[5] U.S., Bill H.R. 2431, *International Religious Freedom Act of 1998*, 105th Cong., 1998, § 2(a)(1) (enacted) [*IRFA*].

Indeed, freedom of religion is absolutely intrinsic to the broader system of rights and freedoms that underpin the United States as a society and a nation. As President Obama acknowledged in his 2009 Cairo speech, "[f]reedom in America is indivisible from the freedom to practice one's religion."[6] Ever since the birth of the United States, American leaders have recognized that no society can be truly free if it denies an individual's inviolable right to believe and practice his or her religion of choice.

For U.S. foreign policy to be truly 'American' it must be reflective of and consistent with core American values, including freedom of religion, especially given the centrality of this principle in shaping U.S. domestic policy and legislation. When the United States overlooks violations of religious freedom perpetrated (or condoned) by states with which it has ongoing diplomatic and economic relations, it is legitimizing the actions of those who would undermine the very principles that underlie American identity and society. Yet within the context of U.S. diplomacy and international relations, however, freedom of religion appears to be viewed as little more than a niche 'humanitarian' concern related strictly to relieving the direct human cost of persecution in individual cases. Nonetheless, while addressing and eliminating religious persecution around the world is an imperative for all nations – and it forms the core of my organization's mission – religious freedom involves more than simply the absence of persecution or discrimination.

3. Religious Freedom and Egypt

a. The Mubarak Regime

Egypt is a predominately Muslim country with a population of approximately 77 million. Prior to the advent of Islam, Egypt was a primarily Christian country. Nevertheless, Christians today account for only about 10% of the population and do not enjoy the same rights as their Muslim countrymen. Recent events have caused a sea-change in the governance of the country, but the prognosis for Egypt is not nearly as positive as most international observers and optimists in policy-making positions would like to think.

Despite Egypt's attempts to portray itself as a democracy, it has been ruled for decades as a dictatorship by successive presidents, most recently Hosni Mubarak. The only religions recognized by the government have been Islam, Christianity, and Judaism. Islam is the dominant and official religion and Islamic fundamentalism is a powerful force. Anti-semitism has also been on the rise even though the Jewish community in Egypt is virtually non-existent and the few remaining members are mostly elderly individuals.

The Mubarak regime walked a fine line between opposing the extremists and appeasing them in order to maintain its hold on power. While extremists were closely monitored by the regime for anti-government activity, as long as their activities were focused on minorities the authorities paid little attention. Minorities, on the other hand, were left at the mercy of the extremists due to fears that any perceived government support could have turned the extremists against the authorities. During this period extremists also penetrated many government agencies, especially

[6] "Remarks by the President on a New Beginning at Cairo University, Cairo, Egypt", 4 June 2009, online: The White House, Office of the Press Secretary <http://www.whitehouse.gov/the-press-office/remarks-president-cairo-university-6-04-09> accessed 12 November 2011 ["A New Beginning"] (emphasis added).

local positions, and were able to exercise influence over government action or inaction in many cases. As a result, the Egyptian government has long paid lip-service to human rights conventions and international conferences for the protection of religious freedom and human rights, but the reality has been quite different.

During a tumultuous spring of 2011, however, the world watched with incredulity as the Egyptian people forced President Mubarak to step down after more than 30 years, raising hopes that a democratic, peaceful government would take his place. The government is currently in the hands of a transitional military council as the country prepares to hold elections to determine its future direction. At the same time, the only group with any substantial support and ability to organize for those elections is the Muslim Brotherhood which, despite its rhetoric, has never renounced its extreme ideals and objectives for Egyptian society. It is the ideological parent of terrorist movements such as Hamas and Al-Qaeda and members and supporters are behind daily forced conversion attempts, violent attacks, and torture against Egyptian Christians. With a profoundly religious, largely uneducated population (illiteracy is approximately 30%) there is great reason to be concerned for the future.

b. Day-to-day Experiences

In the meantime, the bureaucracy and local government positions remain in the hands of the same people as during the Mubarak regime. As a result, little positive change can be expected in the day-to-day lives of religious minorities who experience serious violations of their rights on a daily basis, ranging from discrimination in official and civil matters such as employment, to intimidation, threats, and physical violence against property and the person, including death. Police and security forces typically do not come to the assistance of religious minorities and often charge the victims if they try to lay a complaint. When confronted by state security forces members of religious minorities face the very real possibility of torture, which international observers, including the United Nations, confirm is a systemic problem in the country.

AFP

A man holds up a blood-soaked cloth during demonstrations in Cairo on October 9, 2011.

Even though Christianity is recognized by the government, Christians are treated as second-class citizens in every respect and left at the whim and mercy of Islamic extremists. Members of unrecognized religions, such as Bahá'í's, and Muslim converts to Christianity face even greater challenges in the most basic transactions, from obtaining an education or owning property, to

marriage and divorce or burying their dead, because of their inability to obtain official recognition of their religious status on identity documents. Converting to Islam is easy, but Muslims who convert to other religions find it virtually impossible to make the change official, not to mention being faced with the threat of death for apostasy from Islamic extremists and family members. Moreover, a child whose parent converts to Islam is automatically registered as a Muslim, regardless of the child's or the other parent's wishes, thus exposing the child to the apostasy threat if they choose to identify with Christianity or another minority religion.

Despite the restrictions, life has been tolerable for most Egyptian Christians but only as long as they maintain a low profile and bear their circumstances in silence. They must constantly be on their guard against any real or perceived offence to their Muslim neighbours which can result in everything from simple harassment and property damage to the torture and death of the perceived offender(s) or their family members. Christian girls face kidnapping and forced marriage to Muslim men and related forced conversion. While government agencies are sometimes directly involved either officially or unofficially, the perpetrators most often are family members, neighbours, friends, employers, or local mobs, often with the tacit approval or encouragement of the police or other government agencies.

The offence that can bring on the wrath of the Muslim community, leaving the Christian with no option but to flee for their safety or their life, can be anything as simple as a personal or business dispute, dating a Muslim, explaining Christianity to a Muslim or helping a Muslim convert to Christianity, coming to the aid of a Christian who had been forced to convert to Islam, or refusing themselves to convert. Often the purported offence is based on simple allegations, inferences, or a misinterpretation of the facts.

In a society that is not closed and private like North American society, once Christians have attracted the attention of Muslim extremists, even inadvertently or through the innocent exercise of their right to freedom of religion, they are marked in society and cannot escape the threats and persecution. Moreover, if the government security services have been involved in the incident, the unfortunate Christian will likely have been placed on an internal watch-list.

c. Hope for the Future?

The revolution that began on January 25, 2011 raised the hopes of Egyptians and the international community alike for a new era of freedom and democracy. The future, however, begins today and the signs are not good. Whether the Muslim Brotherhood and other Islamic extremists will move into control of the government is almost a foregone conclusion. In any event, their influence has been growing in the absence of any force determined to keep them in check and regardless of the shape the new government will take, Muslim extremists will unquestionably have a strong influence in the coming regime.

The signs for minorities in the current situation are foreboding. Weeks before the revolution, one of the most destructive attacks on a Christian church in many years killed at least 21 and injured more than 70 at an Alexandria church during a New Year's mass. After the revolution, on the other hand, there have been eleven major attacks against Christians that have been significant enough to attract the attention of the media. Many of these have been perpetrated by Muslim

mobs such as one on September 30, 2011 in which a church and several Coptic homes and businesses were burned down. On October 9, 2011, however, the world watched in horror as the army turned in full force with a vicious attack against peaceful Coptic demonstrators who were demanding only that the interim government provide protection against an ever-escalating series of attacks. Twenty-seven were confirmed dead (although my sources indicate that the number is likely much higher) as the army fired indiscriminately into the crowd of Christian protesters with live ammunition from behind tanks and drove armoured vehicles into the crowd, ruthlessly crushing any demonstrators in their path.

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Victims of the October 9, 2011 massacre in Cairo.

4. Religious Freedom and Iraq

The area comprising modern-day Iraq has been populated since ancient times by numerous successive civilizations. As in Egypt and much of the Middle East, Christianity was once the dominant religion and its presence pre-dates the existence of Islam by several centuries while earlier various indigenous beliefs prevailed. Beginning in the 7th century, however, Islam spread through the region, mostly violently, leaving Christians and other local religions a frightened minority, subdued and subject to the Islamic majority.

Under Saddam Hussein's secular Ba'athist party, however, Iraqi minorities shared a relatively equal existence with their Muslim compatriots and, despite the regime's other failures, experienced a measure of prosperity in business, education, and society. With the invasion and subsequent insurgency, however, the fragile balance collapsed as the majority Sunni and Shi'a Muslims, encouraged by religious extremists from within and without, began vying for influence.

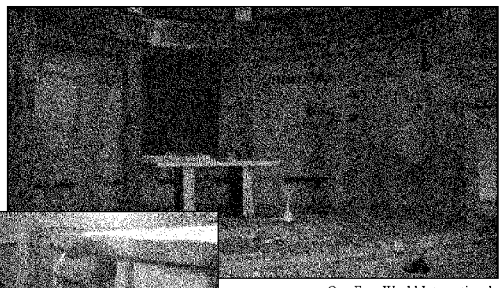
A once rich and diverse population is rapidly becoming more and more homogenous. Prior to the 2003 intervention by the United States-led coalition, Christians numbered an estimated 800,000 to 1 million, possibly as high as 1.4 million, but not more than approximately 3-5% of the population. It is estimated that eight years later only some 400,000-500,000 remain. Yezidis, with 4,000 year-old roots in the area, are estimated at 500,000 compared to 700,000 only a few years ago. Sabean Mandaeans are another minority unique to the region. With only some 60,000-70,000 worldwide, of whom approximately 50,000 resided in Iraq before the invasion, the Iraqi population is now an estimated 5,000-6,000. As members have fled Iraq, this close-knit community whose very continuation depends on its ability to maintain close community ties, faces being scattered around the globe and lost forever. The Jewish community was once a thriving minority whose presence in Iraq dates from some 2,600 years ago but it has been

reduced to a handful of individuals who live in anonymity, and Bahá'í's number about 2,000 members who are scattered across the country.

Sunni and Shi'a Muslims and Kurdish separatists in the north all have large, heavily-armed militias and access to outside support, often from foreign extremist groups. Iraqi Christians and other minorities, however, are tiny communities which refuse to arm themselves or to compromise their non-violent beliefs in order to protect themselves. Christians in particular are further prevented from seeking outside help for fear of giving credence to accusations of suspect loyalties, despite the 2,000-year tradition of Christianity in the area, and thus imperilling their situation even further. Despite, or perhaps because of, their non-violent principles, Iraqi minorities are caught in the crossfire as Sunni and Shi'a factions continue to attack each other and both, in turn, attack the Christians and other minorities.

An estimated 4 million Iraqis have been displaced by the violence, 2 million internally and another 2 million as refugees, mostly in Syria, Jordan, and other surrounding countries. Of these, a vastly disproportionate number are Christians, or about a quarter of all Iraqi refugees compared with about 3% of the population. Most minorities cannot stay in these countries where they cannot find work and where they continue to face discrimination as foreigners but, unlike Muslim Iraqis, also because they are, once again, of a different religion than the local Muslim population. On the other hand, they cannot return to Iraq where their jobs, homes, lives, and communities have been destroyed and where they would face further threats, torture, and possibly even death.

Although the Iraqi government has had some success in stabilizing the security situation, it has not succeeded in decisively stemming the insurgency or creating the conditions that would allow Iraqis to move on and create a prosperous society and as Western forces prepare to leave Iraqi authorities fully responsible there is reason for concern. The Iraqi constitution provides some limited recognition of religious rights but it has serious flaws, from fundamental ambiguities that leave the door open to interpretations mandating the implementation of shariah law to conflicting provisions regarding the respective supremacy of Islamic principles or the rights enumerated in the constitution. Many



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Rev. Majed El Shafie visits Our Lady of Salvation Church in Baghdad which was attacked in October 2010 with over 50 dead.

provisions require implementing legislation and others will not be clarified until the courts weigh in or a constitutional reform process takes place.

Yet despite the *prima facie* religious rights afforded in theory by the Iraqi Constitution, there is an undeniable and unacceptable gap between its promises and the reality faced by minorities in their day-to-day lives. Not only are there fundamental flaws in the text itself, but there is also a systemic lack of enforcement of the protections articulated in the constitution. The resulting culture of impunity has enabled extremist groups and left religious minorities in danger of being wiped out by what can only be described as a concerted and widespread campaign aimed at eliminating Christians and other non-Islamic minorities from Iraq.

Extremists have employed a variety of violent tactics. In certain areas, Christians and other minorities have been forced to pay *jizya*, an Islamic tax on non-Muslims akin to protection money, under threat to convert to Islam, pay the *jizya*, leave, or be killed. Churches and priests have been targeted with the aim of terrorizing parishioners. Basic extortion, kidnappings, and murders are typically informed as much by religious considerations as they are by criminal aims. While the Constitution commits the state to protecting the religious sites of all religions, Sunni and Shi'a militias continue to intermittently attack each other's places of worship and Christian churches.

In this regard, over 50 people were killed in a bloody assault and siege on Our Lady of Salvation Church in Baghdad on October 31, 2010. On August 15, 2011 a church in Kirkuk was bombed in the midst of a wave of deadly attacks on a variety of targets across Iraq in which over 70 were killed. While fortunately no one at the church was hurt as a priest narrowly escaped injury, the physical damage was significant. However, this attack came less than two weeks after an August 2, 2011 car-bomb attack on another church in Kirkuk injured 13 neighbourhood residents and car-bombs near two other Kirkuk churches were discovered and dismantled with only minor damage to one of the churches.

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Rev. Majed El Shafie with Iraqi Vice-President Tareq al-Hashemi.

While the majority of the outright attacks against Christians and other minorities are not directly perpetrated by government agencies – although in some cases government-allied militias or even individual government officials have been implicated – there is a systemic lack of enforcement of protective laws. In the case of Attra Qiryaqous, for example, a young man who was shot and left for dead after a demanded ransom was not paid in 2007, not a single person has been arrested or

charged and brought to justice. This could be taken as an isolated case, but unfortunately it is not. Moreover, a police guard who came across Attra in the hospital would not have hesitated to "finish the job" if he had not been held off by by-standers, and some of the gang-members responsible for kidnapping and torturing him wore police uniforms.

Clearly no government can be expected to solve every crime that occurs within its borders; however, the government's efforts in this regard set the tone and an example for the population. Unfortunately, the Iraqi authorities have time and again failed in the area of enforcement. Moreover, what little action has been taken has come in response to events that have brought international scrutiny, such as the October 2010 church attack, where the authorities had no choice but to respond. Such selective action is an abdication of responsibility on the part of the authorities and sends the wrong message to criminals and religious extremists as well as average Iraqis. To the minorities, on the other hand, it sends the message that the government is not committed to protecting their rights.

5. Religious Freedom: Pakistan and Afghanistan

Pakistan is a key ally in the United States' effort to ensure the stability of the region and especially because of its nuclear capability. Yet the country's commitment to American interests in the region is suspect at best, as confirmed with the discovery in 2011 of Osama Bin Laden's hiding-place. Its commitment to human rights and religious freedom is certainly at least equally questionable. The issues are far too complex and broad-ranging to address in this brief statement; however, I would like to take this opportunity to briefly mention two issues, namely the brick factories where poor Pakistani Christians and other minority members are forced to work in indentured servitude in a form of modern-day slave camp where they live and work with their families in appalling conditions and the Pakistani blasphemy laws.

Minority rights groups and others have long advocated the repeal of Pakistan's vague and draconian blasphemy laws, sections 295B and 295C of the penal code, which mandate life imprisonment for defiling, damaging, or desecrating a copy of the Koran or an extract from it and life imprisonment or death for derogatory remarks, direct or indirect, against the Islamic prophet Mohammed. Section 295C reads:

> 295-C. Use of derogatory remarks, etc., in respect of the Holy Prophet: Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.[7]

The blasphemy laws are typically used to terrorize minorities and pursue personal scores and vendettas but once accused, even if acquitted, the hapless victim is not safe from murder by frenzied mobs. On March 2, 2011, two months after the government's weak response to the January 4, 2011 assassination of Salman Taseer, Governor of Punjab, who was killed by his own security guard for his opposition to the blasphemy laws, Shabhaz Bhatti, the country's first Christian Minister for Minority Affairs, was killed for the same reason.

[7] *Pakistan Penal Code*, (XLV OF 1860), c. 15, s. 295-C., online: <http://www.unhcr.org/refworld/docid/485231942.html > accessed 13 November 2011.

Afghanistan, on the other hand, is 99% Muslim and religious freedom is for all intents and purposes non-existent in a country that claims all its citizens are Muslim. It has tiny historic communities of Hindus, Sikhs, and others, but all indigenous Christians (whose numbers are impossible to determine but have been estimated by the State Department at 500-8,000) are converts from Islam and must not only worship secretly but must even keep their very conversion secret due to the threat of death for apostasy. The immediate threat is from family, neighbours, or co-workers but converts have no relief even from the Western-backed government. In the summer of 2010, a television program focused on exposing converts led to a public outcry and a campaign that was pushed by a leading parliamentarian and supported by President Karzai himself, to find and execute converts. Several converts were arrested and Western aid organizations were suspended while numerous converts fled the country.

IV. Religious Freedom in U.S. Foreign Policy

In the *International Religious Freedom Act,* the United States has established a unique mechanism with enormous potential to foster positive change around the world with regard to freedom of religion. I would like to commend the United States government for taking such an important (and virtually unparalleled) step toward making religious freedom a true focus of its foreign policy. I strongly support on-going efforts by the Canadian government to introduce similar structures into Canada's foreign policy framework, and I sincerely hope that our government will adopt the lessons from your experience.

Unfortunately, half-hearted implementation by the Clinton, Bush, and now the Obama administrations, along with a systemic subordination of religious freedom to other foreign policy objectives, has hindered the realization of the promise of *IRFA* and threatens to undermine the effectiveness and legitimacy of U.S. policy on global freedom of religion specifically, and its foreign policy in highly religious regions more broadly (as outlined later in this statement).

The prevailing view with the American foreign policy establishment of religious freedom as distinct from the more 'traditional' focuses of diplomacy and international relations – such as peace, security, and, more recently, fostering democracy – has led to a perpetual subordination of freedom of religion to other, more 'vital' concerns. However, experience has shown us that this approach is not only morally untenable, but also fundamentally flawed. In a world where religion holds an enduring (and arguably increasing) relevance, the absence of religious freedom has far-reaching implications beyond individual abuses that must be taken into account in the formulation of foreign policy, as even a cursory review of history shows that societies that restrict religious freedom are far more likely to experience profound social upheaval that jeopardizes the long-term survival of democracy in the state in question.

At the same time, freedom of religion must not be viewed as merely a 'means to an end,' as this will lead to a similar result, namely compromising the 'means' (religious freedom) for the sake of the 'ends' (such as national security). Any diplomatic initiatives on behalf of religious freedom must be premised on a commitment to its intrinsic value as an inalienable right vested in

individuals on the basis of their humanity alone. However, the realization that a denial of this fundamental right impacts all other U.S. interests will help to give it the priority it deserves.

1. Need for a Comprehensive and Proactive Approach to Religious Freedom

Despite the goal of *IRFA* to prioritize freedom of religion, this issue remains marginalized within U.S. foreign policy. While case-specific interventions are essential and, in a very real sense, can be credited with saving numerous lives, religious freedom must be more than a 'niche' concern focused primarily on *ad hoc* interventions. In this regard, the United States has acknowledged the role of religious freedom as a fundamental pre-requisite not only for the existence of stable, rights-based democracies, but also for international peace and security. In her remarks at the release of the latest International Religious Freedom Report, Secretary of State Hillary Clinton stated that

> ...it is [the United States'] core conviction that religious tolerance is one of the essential elements not only of a sustainable democracy but of a peaceful society that respects the rights and dignity of each individual. People who have a voice in how they are governed—no matter what their identity or ethnicity or religion—are more likely to have a stake in both their government's and their society's success. That is good for stability, for American national security, and for global security.[8]
>
> (emphasis added)

This conviction, however, has not been translated into practice, as the State Department has taken a very narrow view of the role of religious freedom in U.S. foreign policy. Its freedom of religion initiatives have been primarily reactive, consisting almost entirely of *ad hoc* measures triggered by specific instances of persecution – and even these have been applied very selectively subject to other 'overriding' political considerations.

While I steadfastly endorse the notion that violations of religious freedom must be met with consequences (as I will discuss in a moment), the United States must also implement a pro-active long-term policy aimed at promoting religious freedom as a key component of its overall foreign policy. The United States must not only respond decisively when religious freedom is denied, it must also work consistently and positively to promote the ability of all individuals in all places to be full participants in their societies irrespective of their religious beliefs or practice. Interventions in individual instances of persecution must be part of an overall, concerted strategy to actively promote the creation of free and inclusive societies where such instances of persecution will not occur in the first place.

2. Prioritizing and Integrating Religious Freedom in Overall U.S. Foreign Policy

Not only does the United States need to adopt a more comprehensive and proactive approach to the issue of global religious freedom, it also needs to take immediate steps to ensure that this issue is both prioritized in and effectively integrated into its broader foreign policy apparatus. While it is not my purpose to engage in a detailed examination of the structural and institutional

[8] Remarks by Hillary Rodham Clinton, "Remarks at the Release of the 13th Annual Report on International Freedom", 13 September 2011, online: State Department < http://www.state.gov/secretary/rm/2011/09/172254.htm> accessed 12 November 2011.

dynamics around freedom of religion in U.S. foreign policy, it must be emphasized that the current institutional commitment to religious freedom falls short of the broad-based emphasis on freedom of religion envisioned by Congress in *IRFA*. Section 2 of *IRFA* clearly states that

> (b) It shall be the policy of the United States ...:
>
> ...
>
> (3) To be vigorous and flexible, reflecting both the unwavering commitment of the United States to religious freedom and the desire of the United States for the most effective and principled response, in light of the range of violations of religious freedom by a variety of persecuting regimes, and the status of the relations of the United States with different nations.
>
> ...
>
> (5) Standing for liberty and standing with the persecuted, to use and implement appropriate tools in the United States foreign policy apparatus, including diplomatic, political, commercial, charitable, educational, and cultural channels, to promote respect for religious freedom by all governments and peoples.[9]
>
> (emphasis added)

Even a cursory examination of the current U.S. foreign policy mechanism reveals both a lack of "unwavering commitment" to religious freedom and a failure to integrate freedom of religion considerations into the full range of foreign policy initiatives envisaged in *IRFA*.

The type of institutional integration and prioritization outlined briefly below will foster a balanced and multi-faceted approach that will be responsive both to global realities and individual contexts. Moreover, it will communicate to the entire U.S. foreign policy establishment that religious freedom is a key objective that forms a vital part of U.S. interests. Finally, and most importantly, these reforms will send a clear message to the governments discussed in this report that the United States is committed to religious freedom as a key component of its foreign policy interests, which will enhance its ability to both effectively address the systemic violations of religious freedom outlined earlier in this statement and promote meaningful change in these countries in accordance with the recommendations herein.

a. The Role of the Office of Religious Freedom and Ambassador-at-Large

The subordination of the Ambassador-at-Large for Religious Freedom, and the marginalization of the Office of Religious Freedom more generally, within the State Department must be addressed. According to *IRFA*, the Ambassador-at-Large is to be a "principal adviser to the President and the Secretary of State regarding matters affecting religious freedom abroad".[10] Yet one of the most common criticisms of the Office is that, contrary to normal State Department procedure and the evident intention of Congress, the Ambassador-at-Large reports not to the Secretary of State directly, but to the Assistant Secretary of State for Democracy, Human Rights, and Labor. In order for religious freedom to receive the priority it deserves in U.S. foreign policy, the Ambassador-at-Large must be in a position to be consulted directly by the Secretary of State and other key decision-makers when formulating broader policy and making key decisions.

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[9] *IRFA, supra* note 5 at §2.
[10] *IRFA, supra* note 5 at § 101(c)(2).

Moreover, the Office of Religious Freedom must be given appropriate priority in the overall scheme of United States policy. The recent two year delay in filling the position of Ambassador-at-Large sends the message to both U.S. foreign policy officials and to the world at large that freedom of religion is little more than an afterthought.[11] It is vital that the Office and the Ambassador be given sufficient attention and resources not only to carry out their advisory and reporting duties, but also to effectively incorporate religious freedom expertise into the broader State Department context.

b. Effectively Integrating Religious Freedom into Broader U.S. Foreign Policy

Religious freedom must be effectively integrated and prioritized not only within the State Department apparatus, but also into the foreign policy initiatives undertaken by other agencies and departments – such as USAID, the Department of Defense, the Department of Homeland Security, the Office of the U.S. Trade Representative, and others. Once again, the practice of the United States must reflect the recognition that freedom of religion is not merely a peripheral 'humanitarian' concern, but it affects every single aspect of U.S. foreign policy – including security and counter-terrorism policy. One of the concrete steps needed is to follow through with the creation of the position of Special Adviser on International Religious Freedom on the National Security Council as proposed by *IRFA* (amending the *National Security Act* of 1947).[12] This would ensure that the impact on religious minorities of high-level security decisions in foreign theatres is taken into account by the Executive – and ensure that U.S. foreign policy reality lives up to its rhetoric on the relevance of religious freedom to issues such as global security.

c. Addressing Systemic Subordination of Religious Freedom to Other Objectives

While verbal condemnations of countries that violate religious freedom are a necessary and extremely valuable first step, 'naming and shaming' must be backed up by a demonstrable commitment to take substantive policy action against persistent offenders who fail to respond to other measures. The "Country of Particular Concern" (CPC) designation set out in *IRFA*, provides the United States government with a mandate for effective action against a country that "has engaged in or tolerated particularly severe violations of religious freedom."[13] Unfortunately other considerations – such as trade – have taken priority both in the designation of CPCs and in the determination of policy responses. Serious concerns have been raised, for instance, about the practice of 'double-hatting' (or simply citing) already existing sanctions as a 'response' to violations of religious freedom which not only conveys a lack of commitment by the United States to defending religious freedom around the world – thereby rendering its official

[11] It should be noted that the Bush administration also did not fill the position for a full year.
[12] Sec. 301(i) of *IRFA* states: "It is the sense of the Congress that there should be within the staff of the National Security Council a Special Adviser to the President on International Religious Freedom, whose position should be comparable to that of a director within the Executive Office of the President. The Special Adviser should serve as a resource for executive branch officials, compiling and maintaining information on the facts and circumstances of violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998), and making policy recommendations. The Special Adviser should serve as liaison with the Ambassador-at-Large for International Religious Freedom, the United States Commission on International Religious Freedom, Congress and, as advisable, religious nongovernmental organizations." *IRFA, supra* note 5 at § 301(i).
[13] *Ibid.* at § 402(b)(1)(A).

condemnations empty and meaningless – it is also entirely ineffective in influencing the behaviour of the states in question. As a leader in global affairs and a country that has tremendous influence around the world, the United States has a responsibility translate its "unwavering commitment" to religious freedom into real and meaningful action.

V. Recommendations for U.S. Foreign Policy in Egypt, Iraq, Afghanistan, and Pakistan

The restrictions on religious freedom and persecution of religious minorities described earlier in this statement and U.S. integrity demand immediate and substantive action on the part of the United States. Despite the fact that, as I mentioned earlier, President Obama stood in Cairo in June 2009 when he affirmed that, "[f]reedom of religion is central to the ability of peoples to live together,"[14] religious freedom has been marginalized and subordinated to other considerations in the formulation and implementation of U.S. foreign policy toward Egypt and the other countries discussed in this statement. This trend cannot be allowed to continue. Any U.S. foreign policy efforts aimed at promoting democracy, social stability, peace, and security without taking into account the issue of religious freedom effectively ignore one of the fundamental sources of the very problem they are seeking to address and are slated to fail.

Unless meaningful steps are taken to prioritize religious freedom in U.S. relations with Egypt, Iraq, Pakistan, and Afghanistan, U.S. foreign policy in these highly religious states will not only be highly ineffective, but will also risk exacerbating tensions and insecurity in the region. I have seen firsthand how, in these societies where the role of religion as a foundational source of individual identity is particularly heightened and the acknowledged organizing principle of society itself, the absence of religious freedom forces individuals to choose between living as second class citizens, being denied the right to participate in the full benefits of society, or denying their most deeply held beliefs in order to participate in the public sphere. This is an untenable choice, and history and experience clearly demonstrate that societies where religious freedom is denied are incapable of sustaining meaningful democratic institutions and are highly susceptible to both internal and external conflict.

Moreover, ignoring the fundamental role played by religion in these states in the name of 'secularizing' U.S. foreign policy and exporting the 'separation between church and state' will lead (and already has led) to the perception of U.S. policy as threatening the religious identity of the majority community and of the state as a whole. U.S. analysis and policy measures in these highly religious societies must be based on a recognition of the historical and social role played by religion in each country and a realization that religion will continue to play a major role in the public life of each community. Therefore, U.S. policy must accept and work within this historical and social framework, and steadfastly promote the creation of free and inclusive societies while respecting the unique identity of each individual country.

[14] "A New Beginning", *supra* note 6.

1. The Role of the International Religious Freedom Report

The International Religious Freedom Report ("the Report") is a unique and vital instrument in the promotion of global religious freedom. Given the importance of the Report both in informing the formulation of foreign policy and, in the case of the Countries of Particular Concern (CPC), in triggering substantive policy, it is vital that the Report present not only a comprehensive record of the violations occurring in a particular state but also an analysis that accurately reflects the overall state of religious freedom in each country. While a detailed analysis of the Report goes beyond the scope of these comments, I have several key concerns regarding both the failure to designate the countries discussed in part III as CPCs and the overall approach to the dynamics of religious persecution in these countries. Far from being merely academic critiques regarding analytical method, I submit that the problems I am about to discuss contribute to a misleading portrayal of the religious dynamics in Egypt and Iraq, in particular, which could, in turn, lead to misguided policy in the region.

a. Failure to Identify CPCs on a Coherent Basis

A source of great concern is the failure by the State Department to designate any of the four countries discussed in this statement as "Countries of Particular Concern." According to *IRFA*, a "country of particular concern" is one that "has engaged in or tolerated particularly severe violations of religious freedom."[15] In light of the patterns of impunity and violations outlined earlier in this statement, it is difficult to conceive of any reason why each of these countries would not meet this threshold. It is notable that, with the exception of Afghanistan, the U.S. Commission on International Religious Freedom recommended that all of the states in question receive the CPC designation in its 2011 report.[16] In light of recent events, particularly in Egypt, this recommendation has even greater force and urgency. In order for the CPC mechanism to live up to its potential, political and diplomatic considerations cannot be allowed to guide what should be an objective analysis of the condition of religious freedom in a state.

b. Concerns re Overall Approach to Country Reports

While a detailed examination of the treatment of individual incidents is beyond the scope of this statement, I would like to identify a number of broader issues surrounding the portrayal of the dynamics of religious persecution in these four countries that bear highlighting. Specifically, while the Report presents an extensive catalogue of individual restrictions or violations of religious freedom, the fragmented reporting style actually obscures the overall trends and dynamics in each country.

This is partly due to the failure of the Report to draw a distinction between different classes of events, notably the important difference between attacks perpetrated by an armed majority religious group against an unarmed minority, on the one hand, and 'sectarian' violence between two armed religious factions, on the other. This is particularly problematic in the case of Iraq,

[15] *IRFA*, *supra* note 5 at § 402(b)(1)(A).
[16] United States Commission on International Religious Freedom, *Annual Report 2011*, online: United States Commission on International Religious Freedom <http://www.uscirf.gov/images/book%20with%20cover%20for%20web.pdf> accessed 12 November 2011.

where the report systematically conflates the violence perpetrated between various armed Islamic factions and the attacks by those armed factions against unarmed minorities. The Report's treatment of the religious dynamics in Egypt is similarly problematic, as the 'tit for tat' approach taken to the so-called 'sectarian violence' between the Muslim majority and the Coptic minority glosses over the fact that the latter is a vulnerable minority. This is not to suggest that violence by vulnerable minorities should be overlooked or go unreported. However, to simply include very distinct phenomena (each calling for distinct solutions) under the heading of 'sectarian violence' is profoundly misleading as to the true dynamics. While it is important to be fair by reporting all violations, the Report appears to go too far in the direction of 'balancing the score sheet'. The resulting flawed analysis leads to flawed policy.

On the other hand, the Report tends to set up a rather unhelpful (and once again misleading) rigid dichotomy between "societal actions" that restrict religious freedom, on the one hand, and official abuses by government officials, on the other. While this is undoubtedly a valid analytical distinction, its use as the basis for analysis obscures the fundamental role played by government inaction in enabling "societal actions". If the authorities fail to make reasonable efforts to meet their responsibilities, they encourage lawless individuals to oppress the vulnerable and in doing so, are just as guilty as the criminals and extremists who pull the trigger or set the detonator. In Iraq, for example, despite the absence of an official government policy to persecute religious minorities, the impunity with which non-state actors are allowed to attack vulnerable religious groups has enabled the rise of extremism and rendered the government effectively complicit in the violence.

Finally, there is little discussion of any follow-up or substantive action taken by the U.S. government in response to the violations summarized in the report or of any response by the government concerned. Repeated references are made to instances where U.S. officials "raised concerns" with their Egyptian and Iraqi counterparts over issues surrounding religious freedom. However, "raising concerns" should not be equated with addressing the problem. It is an invaluable first step but cannot be the sum total of U.S. actions in response to these violations.

2. General Recommendations

In light of the deplorable state of religious freedom in Egypt, Iraq, Pakistan, and Afghanistan, the United States must use all foreign policy tools at its disposal both to address the violations described in this statement and the State Department's Report and to ensure that the governments in question take the necessary steps to ensure long-term protection of the rights of religious minorities. As history has shown, diplomatic engagement and political dialogue – however sustained and constructive – is often insufficient.

In order for U.S. diplomatic engagement to be effective in these four countries, it must be backed by a demonstrable commitment to take substantive policy measures. If any of these governments is not willing to respond positively to the United States' representations, it must not continue its relationship with that country on a "business-as-usual" basis but be willing to disengage and make the resumption of normal relations conditional on measurable progress in the area of religious freedom. While some specific recommendations for Egypt and Iraq will be discussed in

more detail in the following sections, the current section will outline some more general recommendations that apply to all four countries.

The purpose behind the recommended actions is not simply to punish violating states and voice the United States' outrage at the behaviour in question. The ultimate purpose is to see these four states take positive steps toward the protection of religious freedom by providing them with a real incentive to change their behaviour. In Pakistan, for instance, the United States must apply substantive policy measures to exert pressure on the government to repeal its blasphemy laws, while in Afghanistan such targeted measures must be used to compel the Western-backed government to desist from its officially-sanctioned policy of pursuing converts from Islam. These examples are certainly not an exhaustive list of the issues that must be addressed, or even of the ultimate goals of achieving real religious freedom, but they demonstrate areas in which the United States must begin to move beyond mere rhetoric and take real, substantive action.

a. Linking U.S. Aid to Religious Freedom

Perhaps the most effective way for the United States to encourage these states to address the state of religious freedom is to create an explicit link between that country's respect for freedom of religion and its eligibility to receive U.S. aid. Given the magnitude of U.S. contributions to each of these countries, international aid is perhaps the United States' most powerful means of exerting pressure on states that refuse to respond positively to its diplomatic efforts in matters relating to religious freedom. Moreover, the resumption of aid payments (or the return to previous levels) must be made conditional on the attainment of achievable yet substantial targets in terms of protecting freedom of religion. This approach will provide an incentive for violating states to take measurable steps while, at the same time, demonstrating the United States' unwavering commitment to religious freedom as a vital component of its foreign policy.

The legislative authority for such an explicit link between aid and religious freedom already exists within *IRFA* and the *Foreign Assistance Act* of 1961. Section 2(b) of *IRFA* clearly states that it "shall be the policy of the United States ... to seek to channel United States security and development assistance to governments other than those found to be engaged in gross violations of freedom of religion."[17] Moreover, section 405(a) of *IRFA*[18] empowers the President to authorize the "withdrawal, limitation, or suspension of" both "development assistance" (paragraph 9) and "security assistance" (paragraph 11) in accordance with the *Foreign Assistance Act*. Section 116(a) of the *Foreign Assistance Act* further states that "no assistance may be provided under this part to the government of any country which engages in a consistent pattern of gross violations of international human rights,"[19] including "particularly severe violations of religious freedom."[20] If the United States is serious about its commitment to religious freedom, it must take action based on this authority given to it by Congress to compel these countries to undertake positive change or face serious consequences.

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[17] *IRFA, supra* note 5 at § 2(b).
[18] *Ibid.* at § 405(a).
[19] *The Foreign Assistance Act of 1961, as Amended,* Pub.L. No. 87-195, § 116(a), 75 Stat 424 (enacted September 4, 1961, 22 U.S.C. § 2151 et seq.) [*Foreign Assistance Act*].
[20] *Ibid.* at § 116(c)(3).

b. Linking U.S. Trade to Religious Freedom

While the United States must not carry on 'business-as-usual' aid relationships with the countries discussed in this report so long as their respective governments refuse to take substantive steps to address the abuses occurring within their borders, all of these countries – but especially Iraq and Egypt – have significant trading relationships with the United States. In 2010, the United States exported nearly $4 billion of goods to Egypt and nearly $1.5 billion to Iraq, while importing nearly $8 billion of goods from Iraq – primarily consisting of oil and gas. According to figures compiled by the European Union and the International Monetary Fund, the United States is Iraq's top trading partner as of 2010, accounting for 26% of Iraqi exports and nearly 20% of total Iraqi trade.[21]

These economic relationships provide the United States with a significant avenue for influence over both the Iraqi and Egyptian governments if they fail to make the necessary changes to ensure the protection of religious minorities. If other policy options to this end fail, the United States must, as a last resort, curtail its trade relationship with these states. Any government that persistently refuses to protect the human rights of its citizens must not be able to count on a business relationship with the United States with 'no strings attached' – as this would amount to an outright abdication of the United States's stated commitment to global religious freedom.

At the same time, the Unites States government must identify specific steps relating to religious freedom that would lead to a resumption (or continuation, as the case may be) of normal economic relations. By setting achievable yet substantial targets for progress in the area of religious freedom in these countries, the United States can both promote positive and sincere engagement and ensure that the governments in question demonstrate a commitment to achieve measurable progress toward the protection of fundamental human rights for all their citizens. Such an approach will help prevent the perception of the measures as heavy-handed and overly punitive, while also providing a positive incentive for each respective government to make measurable changes to its behaviour.

c. Building multilateral partnerships

Based on my observations, I believe that a major hindrance to U.S. efforts to promote religious freedom in these countries is the strong reaction against perceived U.S. unilateralism. While bilateral engagement is vitally important – and indeed most of my recommendations relate to U.S. bilateral relations – in order to enhance the effectiveness and legitimacy of its policies, the United States must be willing to create partnerships with like-minded states and to strengthen its engagements with multilateral initiatives on these issues. The importance of such multilateral engagement was emphasized by Congress in *IRFA*, which states, in section 2:

> (b) It shall be the policy of the United States ...:
>
> ...
>
> (4) To work with foreign governments that affirm and protect religious freedom, in order to develop multilateral documents and initiatives to combat violations of religious freedom and promote the right to religious freedom abroad.

[21] *Iraq: EU Bilateral Trade and Trade with the World*, online: European Union <http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113405.pdf> accessed 11 November 2011.

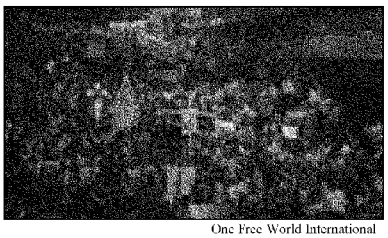
To this end, the United States must broaden its partnerships with regional organizations and countries such as Canada who share the same commitment to global religious freedom. Working with initiatives such as the Canadian government's newly-announced Office of Religious Freedom, for example, will help create a coalition of states that can both assist and support U.S. efforts in these countries.

Moreover, in order to ensure that it has the necessary moral authority to promote religious freedom around the world, it is vital that the United States strengthen its engagement with other human rights initiatives and instruments. As has already been noted above, religious freedom is intimately inter-connected with all other human rights; therefore, any efforts to promote religious freedom while overlooking other key rights will be incomplete at best. Additionally, U.S. actions will be seen as more legitimate – and not driven by narrow interests – if its efforts to uphold global religious freedom are accompanied by corresponding efforts on behalf of human rights more broadly.

d. Assisting Vulnerable Refugees

Despite all other efforts, victims of religious persecution often have no option but to flee their homes to secure their safety. During the course of my work on behalf of victims of persecution in Egypt and Iraq in particular, I have observed first-hand the importance of refugee protection as a safety net where all other efforts have failed. It is critical that the United States ensure that its refugee protection system is up to the task of providing this last-ditch solution. This means ensuring that its decision-makers are knowledgeable about issues around religious persecution and given the necessary resources so that legitimate cases can be determined in a timely fashion. In particular, my team and I have seen a number of Egyptian cases rejected in the U.S. system leaving legitimate refugees without alternatives, especially when the U.S. rejection compromises their ability to claim in another country due to safe third country agreements.

Moreover, the United States must not only take all steps necessary to accept as many refugees from these countries as possible, but must also ensure that its refugee admission process prioritizes members of minorities whose circumstances and non-violent beliefs render them especially vulnerable. Unarmed minorities such as the Christians, Bahá'í's, and Sabean Mandaeans in Iraq or the Coptic Christians in Egypt, some of whom are forbidden by their beliefs from carrying weapons or engaging in violence of any kind – even in self defence – are particularly vulnerable. Yet these groups do not have the option of seeking refuge in the surrounding countries where their religious beliefs and practices render them all but as vulnerable as in their country of origin.



One Free World International

Coptic Christians demonstrating in Cairo on October 9, 2011.

3. U.S. Foreign Policy in Egypt

With the fall of the Mubarak regime, Egypt is

in a state of transition. Given the United States' significant economic and political influence in Egypt, as will be outlined in more detail below, it is imperative that the United States take immediate steps to prioritize freedom of religion in its economic and political relations with the provisional military government and the future permanent government. With great influence comes great responsibility, and the United States cannot continue to stand by while the atrocities outlined above continue with the acquiescence and even direct participation by the military government's own security forces.

a. Linking Military Aid with Human Rights

The most important area in which the United States must take action to address the egregious violations of religious freedom in Egypt documented above is by linking U.S. military aid with real progress and substantive positive change on these issues. Since 1979, when the *Special International Security Assistance Act* was passed, Egypt has been the second largest recipient of overall U.S. aid, receiving approximately $2 billion in general and military assistance annually.[22] Since 2007, the United States has given approximately $1.3 billion annually in military aid to Egypt,[23] an amount that has been requested once again as part of the fiscal year 2012 budget.[24]

The United States cannot continue to provide essentially 'blank cheques' to a military and security establishment that not only refuses to live up to its basic responsibilities toward Egypt's most vulnerable citizens, but that is also responsible for directly attacking and murdering members of the Christian minority. Secretary of State Clinton is on the record as stating that the United States "believe[s] in aid to [the Egyptian] military without any conditions" and "no conditionality."[25] Yet such unconditional support for the perpetrators of the very abuses the United States government purports to condemn – and even claims to take action against – is indefensible, especially as the latest instalment of U.S. military aid will be directed to the very same military forces that, during the incidents on October 9 described above, viciously turned their guns and armoured vehicles on the crowd.

As was the case with general aid, Congress has clearly indicated its intention that U.S. military aid should not be directed at systemic violators of human rights. Section 502B(2) of the *Foreign Assistance Act* clearly states that, except under "extraordinary circumstances" warranting military assistance, "no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights,"[26] including severe violations of religious freedom. Once again, section 405(a) of *IRFA* empowers the President to authorize the "withdrawal, limitation, or suspension of ... security

[22] Jeremy M. Sharp, *U.S. Foreign Assistance to the Middle East: Historical Background, Recent Trends, and the FY2010 Request*, 17 June 2009, online: USAID <http://pdf.usaid.gov/pdf_docs/PCAAB954.pdf> accessed 12 November 2011.
[23] *Egypt*, online: Foreign Assistance.Gov <http://foreignassistance.gov/OU.aspx?OUID=165&FY=2012> accessed 12 November 2011.
[24] Bureau of Resource Management, *FY 2012 State and USAID – Core Budget*, online: State Department <http://www.state.gov/s/d/rm/rls/fs/2011/156553.htm> accessed 12 November 2011.
[25] Interview with Secretary of State Hillary Rodham Clinton, "Interview with Sharif Amer of Al-Hayat TV", 29 September 2011, online: State Department <http://www.state.gov/secretary/rm/2011/09/174882.htm> accessed 12 November 2011.
[26] *Foreign Assistance Act, supra* note 19 at § 502B(2).

assistance" (paragraph 11) to countries engaged in such violations.[27] The State Department itself attests to the violations of religious freedom taking place in Egypt, and it is time for the United States to stop subordinating religious freedom to self-interested political considerations and follow through on its moral (and legal) responsibilities. The United States cannot go on providing unconditional assistance to a military regime that has shown blatant disregard for the basic human rights of vulnerable religious minorities.

b. U.S. Diplomatic Relations with Egypt

The United States must actively prioritize religious freedom in its diplomatic relations with the Egyptian government, all the more so in this time of uncertainty and transition. Low-key diplomatic efforts are important but public statements by the United States carry enormous weight. However, the United States has, to date, failed in its responsibility to use this influence to vigorously defend the vulnerable minorities in Egypt.

This is particularly evident in the administration's muted response to the October 9 massacre. On October 10, White House Press Secretary Jay Carney issued a statement noting that "the President is deeply concerned about the violence in Egypt that has led to a tragic loss of life among demonstrators and security forces."[28] Not only is an expression of "deep concern" falling short of outright condemnation unacceptable given the horrific events that transpired, but equating the "loss of life" among demonstrators with that incurred by heavily armed security forces is a blatant failure to indict those actually responsible for the vicious attacks against unarmed civilians. Furthermore, a statement vigorously condemning the attacks should have come from President Obama directly, rather than his press secretary, in order to appropriately reflect the gravity of the attacks for which responsibility must be taken by the provisional military council.

Moreover, in a call with Egyptian Foreign Minister Mohamed Kamel Amr on October 11, Secretary of State Clinton expressed U.S. support for the transitional military government's decision to "launch a transparent and credible investigation into the violence and stressed the importance of ... holding accountable all responsible parties with full due process of law."[29] While such support for an immediate investigation into the killings is commendable, I am unaware of any clear and substantive statements by the United States with regard to the subsequent decision by the ruling military council to take over the inquiry from the civilian prosecutor and 'investigate' its own actions. An 'investigation' conducted by officials falling within the chain of command of the very same forces that carried out these brutal attacks is neither "transparent" nor "credible" – and yet the United States has been silent on this development.

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[27] *IRFA, supra* note 5 at § 405(a).

[28] White House Office of the Press Secretary, "Statement by the Press Secretary on Violence in Egypt," 10 October 2011, online: White House <http://www.whitehouse.gov/the-press-office/2011/10/10/statement-press-secretary-violence-egypt> accessed 12 November 2011.

[29] State Department Office of the Spokesperson, "Secretary Clinton's Call with Egyptian Foreign Minister Mohamed Kamel Amr", 11 October 2011, online: State Department <http://www.state.gov/r/pa/prs/ps/2011/10/175236.htm> accessed 12 November 2011.

The United States cannot stand quietly by while the transitional government oppresses the rights of its religious minorities and engages in what can only be described as a thinly-veiled cover-up of its actions. The United States has a unique opportunity to help shape the future of the nascent Egyptian democracy, and it must take this responsibility seriously. Overlooking or downplaying such blatant violations sends the message to the Egyptian military council and the people at large that the United States is not committed to religious freedom and that it will tolerate systemic human rights abuses so long as U.S. economic interests are not directly affected.

c. Address the Rising Influence of the Muslim Brotherhood

As Egypt looks forward to future elections and the easing of restrictions on the Muslim Brotherhood, there have been indications of its rising influence in Egyptian politics, particularly through its newly established Freedom and Justice Party. The United States has been pursuing an "approach of limited contacts" with the Muslim Brotherhood,[30] and Secretary of State Clinton has stated publicly that the United States is willing to "work with all those who have a real commitment to what an Egyptian democracy should look like."[31] She has also emphasized the United States' commitment to "democratic principles," including "non-violence, respect for minority rights, and the full inclusion of women in any democracy."[32]

It is imperative that the United States translate this commitment to such key democratic principles into reality, especially in its dealings with the Muslim Brotherhood given that the Freedom and Justice Party has already shown signs of rejecting the full inclusion of minorities and women, by announcing publicly that it "rejects the candidacy of women or Copts for Egypt's presidency."[33] The United States must base its foreign policy on the realization that democracy alone is not the answer and democratic elections must not be used as either a licence to violate human rights by foreign governments or as a justification for inaction by the United States. Democracy that is not founded in and informed by universal principles of human rights and the rule of law is simply licence for mob rule and democratic institutions must be developed and protected by a government committed to enforcing and protecting human rights. In this regard, supporting the approach to democracy espoused by the Muslim Brotherhood would be a betrayal of the minorities, women, and any other vulnerable segments of the population and ultimately a betrayal of the very principles of democracy itself which can only truly exist where people have the right and unhindered ability to pursue their goals and express their individuality.

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[30] Remarks by Secretary of State Hillary Rodham Clinton, "Remarks with Hungarian Prime Minister Viktor Orban", 30 June 2011, online: State Department <http://www.state.gov/secretary/rm/2011/06/167374.htm> accessed 12 November 2011.

[31] Interview by Secretary of State Hillary Rodham Clinton, "Secretary Clinton's Interview with Sharif Amer of Al-Hayat TV", 1 October 2011, online: <http://translations.state.gov/st/english/texttrans/2011/10/20111001163846su9.648639e-02.html> accessed 12 November 2011.

[32] "Remarks with Hungarian Prime Minister Viktor Orban," *supra* note 30.

[33] "Freedom and Justice Party Open to Copt as Deputy," online: IkhwanWeb (Official English Site of the Muslim Brotherhood) <http://www.ikhwanweb.com/article.php?id=28554> accessed 12 November 2011.

4. U.S. Foreign Policy in Iraq

As Iraq is on the verge of being fully responsible for its own affairs, the United States' role in Iraq is changing but its responsibility toward the Iraqi people still remains. Although the 'official' war in Iraq is drawing to a close, the troubling pattern of violations described above clearly shows that the crisis for religious minorities in Iraq is far from over. The United States must take immediate and concrete steps to help ensure that Iraq goes down the path of freedom and the rule of law rather than a path of extremism and sectarian violence which will inexorably affect both the broader security situation in the region and U.S. security interests.

a. Accountability for Enforcing the Law and Fighting Impunity

Perhaps the most important way in which the United States can have a positive impact on the state of religious freedom in Iraq is to vigorously and consistently hold the Iraqi government accountable for its systematic failure to enforce the laws protecting vulnerable groups from religious persecution. Despite the absence of an active, concerted policy on the part of the government to target and attack minorities the authorities must ultimately bear responsibility in these matters. While religious extremists have the ability even to infiltrate government positions, they must be pursued for their violations and brought to justice.

What little action has been taken by the Iraqi authorities in response to the violations outlined above has come in response to events that have brought international scrutiny, such as the October 2010 church attack – when the world was watching and there was no choice but to act. While such cases are a clear sign that the Iraqi government is failing in its responsibility toward religious minorities, they should also serve as an encouragement in that they show that Iraq is listening and sensitive to outside opinion. Consequently, these cases are also a call to action for the United States to step up its engagement with and scrutiny of the enforcement policies of the Iraqi government, not only to secure justice in individual cases but to help eliminate the culture of impunity within Iraq's legal system. The United States cannot sit quietly by while the Iraqi government continues to allow these crimes to go unpunished.

b. Prioritizing Religious Freedom in Bilateral Framework and U.S. Aid

In light of the imminent change in the nature of U.S.-Iraqi relations with the upcoming pull-out of U.S. troops, the United States must seize this unique (but limited) opportunity to prioritize religious freedom within its new bilateral relationship with Iraq. Of immediate concern is the fact that the *Strategic Framework Agreement for a Relationship of Friendship and Cooperation between the United States of America and the Republic of Iraq*[34], which was signed in November of 2008 and still forms the legal basis of the long-term bilateral relationship,[35] makes no mention

[34] *Strategic Framework Agreement for a Relationship of Friendship and Cooperation between the United States of America and the Republic of Iraq*, United States and Iraq, 17 November 2008, online: State Department <http://www.state.gov/documents/organization/122076.pdf> accessed 12 November 2011 [*Strategic Framework Agreement*].

[35] See Secretary Clinton's statement: "With the new government in place, we look forward to expanding our economic and security relationship, promoting cooperation on science, education, and health, strengthening the rule of law and transparent governance, deepening our cultural exchanges, and improving our partnership in all the areas laid out in our Strategic Framework Agreement" (emphasis added). Press Statement by Secretary of State Hillary

of religious freedom and only refers to human rights once as part of a vague statement about promoting Iraq's efforts in "the field of social welfare and human rights."[36] This blatant subordination of human rights in general, and religious freedom in particular, to other political considerations is not only morally unacceptable but also politically unwise. A failure by the United States to emphasize human rights during this transitional period in Iraq will only serve to perpetuate the instability and conflict in Iraq and the region as a whole with obvious broader implications.

The need to prioritize religious freedom in the United States' bilateral relations with Iraq is especially crucial in the management of U.S. aid to Iraq, particularly the $2 billion of security and military assistance that have been requested as part of the fiscal year 2012 budget.[37] While it is unnecessary to reiterate the points made above in the context of U.S. military aid to Egypt, it is valuable to state once more that the United States cannot simply sign over $2 billion to a government that has, to date, consistently failed in its responsibility to enforce the law and protect its religious minorities. While this pervasive culture of impunity can be viewed as precisely the reason why such assistance is necessary, the United States cannot simply turn over $2 billion dollars to the Iraqi government with 'no strings attached.' This security sector aid must be conditional on the Iraqi government taking clear and substantive steps toward the protection of religious freedom. The United States aid policy must be based on the realization that an Iraq that systematically ignores the violation of the basic human rights of its citizens – and allows for the rise of extremism and the influence of Iran, as discussed below – will not only fail as a democratic state but will also emerge as a grave threat to U.S. national security.

c. Act to Neutralize Influence of Iran in Iraq

While a detailed examination of Iran's role and influence in Iraq goes beyond the scope of these comments, a brief mention is necessary. The upheaval of recent years in Iraq has allowed Iran to increase its influence in the country – especially given the rise of the Shi'ite sector that has close ties to Iran. As U.S. forces prepare to withdraw at the end of the year, there is a very real risk that Iran could step into the void. This will inevitably lead to further curtailment of minority rights and a strengthening of Iran in the region. As of the preparation of this statement, 4,421 U.S. servicemen and women have given their lives for "Operation Iraqi Freedom" – and nearly 32,000 have been wounded. If the United States stands by and allows Iraq to become a satellite of Iran, the blood of all those brave American heroes will have been shed in vain.

VI. Conclusion

Every member of the international community has undertaken a sacred trust to uphold fundamental human rights. There is no right more fundamental to human dignity and to truly free

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Rodham Clinton, "Announcement of New Iraqi Government," 21 December 2010, online: Secretary of State <http://www.state.gov/secretary/rm/2010/12/153423.htm> accessed 12 November 2011. See also *Iraq*, online: Foreign Assistance.Gov <http://foreignassistance.gov/OU.aspx?OUID=167&FY=2012> accessed 12 November 2011 ("the Strategic Framework Agreement between the United States and the GOI will continue to guide the relationship between the two nations").

[36] *Security Framework Agreement, supra* note 34 at § IV(5).

[37] *Iraq, supra* note 35.

and inclusive societies than freedom of religion. In light of the horrific abuses of this basic right occurring throughout the world today, no country, the United States included, can say that it has fulfilled its duty to protect religious freedom and the vulnerable minorities to whom this freedom is denied. As a leader in global affairs and a country with an unmatched influence on the world stage, the United States cannot stand by while these abuses continue.

While I commend the United States for publicly stating its commitment to religious freedom – and for enshrining that commitment in law – statements of concern and condemnation must be followed up with substance and action. The full implementation of the promise of the *International Religious Freedom Act* is long overdue. Well over a decade after the creation of this first-of-its-kind legislative mechanism with incredible potential for the promotion of global religious freedom, the United States faces a moment of truth. Will it continue to treat religious freedom as an afterthought in its foreign policy and lose its moral authority as a leader on this issue, or will the United States government renew its commitment to global freedom of religion and take an unwavering stand on behalf of vulnerable minorities?

The United States is facing a choice as to how its influence will help shape the future of two would-be democracies entering a critical state of transition. This is a unique opportunity to assist both Egypt and Iraq to pursue the path of freedom and the rule of law, but inaction at this crucial juncture could have devastating consequences not only for the regions' religious minorities, but also for global stability and, therefore, the security of the United States itself. At this pivotal moment in history, will the United States choose to be part of the problem or the heart of the solution?

RECOMMENDATIONS
– SUMMARY –

The United States has the opportunity to fully implement the vision of *IRFA* and address the systemic subordination and marginalization of religious freedom in U.S foreign policy and the historic opportunity to make a long-term impact on peace, democracy, and stability in the Middle East and beyond by prioritizing freedom of religion in its dealings with Egypt and Iraq.

1. Religious Freedom and General U.S. Foreign Policy

- U.S. policy must be based on the premise that religious freedom is not only a humanitarian concern, but also a pre-requisite for stable democracy, social stability, and global security
- the U.S. must adopt a more comprehensive and proactive approach to religious freedom as part of its foreign policy
  - religious freedom initiatives must be fully implemented into long-term policy and not restricted to *ad hoc* interventions in individual cases
  - the U.S. must be proactive in promoting religious freedom as part of its vital foreign policy interests, and not merely reactive
- religious freedom must be prioritized in and integrated into the mainstream of U.S. foreign policy as envisioned in *IRFA*, a process that can be facilitated by:
  - elevating the Ambassador-at-Large for Religious Freedom to the proper position in State Department hierarchy to ensure consultation on key policy decisions
  - allocating sufficient resources to the Office of Religious Freedom and placing religious freedom experts in other departments
  - following through with the creation of the position of Special Adviser on International Religious Freedom on the National Security Council (as proposed in *IRFA*)
  - following through with substantive action against states designated as Countries of Particular Concern (CPC)
- such concrete steps will:
  - communicate to the U.S. foreign policy establishment and the world that religious freedom is a vital component of U.S. interests
  - foster a balanced and multi-faceted approach to religious freedom in U.S. foreign policy

2. General Recommendations for U.S. Foreign Policy in Egypt, Iraq, Afghanistan, and Pakistan

- U.S. foreign policy in these highly religious societies must be based on a recognition of the prominent role played by religion as a source of individual and collective identity
- U.S. foreign policy officials must steadfastly promote free and fully inclusive societies while respecting the role of religion as an organizing principle of society in these countries
- the State Department must address the unsatisfactory portrayal of the religious dynamics in these countries and designate them as Countries of Particular Concern
- U.S. foreign aid to these countries (both general and military aid) must be explicitly linked to religious freedom and conditional on substantive progress in this area

- the U.S. must not continue 'business-as-usual' economic relations with these states, and must be willing to curtail its trade relationships in the absence of positive progress
- the U.S. must build multilateral partnerships with like-minded states and international bodies to enhance the effectiveness of its policies and counter perceptions of unilateralism
- the U.S. must ensure that its refugee protection system provides an effective remedy of last resort for legitimate refugees and that members of vulnerable, unarmed minorities are prioritized

3. Recommendations for U.S. Foreign Policy in Egypt

- U.S. military aid must be made conditional on substantial and measurable progress in the area of religious freedom
  - the U.S. must not continue to provide $1.3 billion annually with 'no strings attached' to a military establishment that not only fails to protect religious minorities, but also attacks them directly
- the U.S. must make use of its influence in Egypt and prioritize religious freedom in its diplomatic relations with the transitional government
  - U.S. officials must move beyond merely "expressing concern" and hold their Egyptian counterparts accountable for their failures and direct violations of religious freedom
- the U.S. must address the rising influence of the Muslim Brotherhood and uphold democracy not as an end to itself but as a means to promote and protect fundamental human rights

4. Recommendations for U.S. Foreign Policy in Iraq

- the U.S. must actively hold the Iraqi government accountable for its failure to protect religious minorities and ensure that reforms are enacted to end systemic impunity
- religious freedom must be prioritized in the new U.S. bilateral relationship with Iraq following the withdrawal of U.S. forces
  - religious freedom (and human rights more generally) must receive greater emphasis in existing agreements such as the *Strategic Framework Agreement*
- U.S. aid to Iraq (especially $2 billion of security sector aid) must be conditional on significant progress toward the protection of religious freedom
- the U.S. must act decisively to prevent Iran from stepping into the void left by the departure of U.S. forces, to ensure that American blood was not spilled in vain

Mr. SMITH OF NEW JERSEY. I would like to now yield to Dr. Smith.

STATEMENT OF R. DREW SMITH, PH.D., SCHOLAR-IN-RESIDENCE, LEADERSHIP CENTER, MOREHOUSE COLLEGE

Mr. SMITH. Thank you, Mr. Chairman and Ranking Member Payne, distinguished members of the committee. I am honored to be asked to bring perspective on the important matter of religious freedom, especially as it relates to the sub-Saharan Africa context. I appreciate the very important and vital work that has been done by this committee and by the State Department and the Commission on this very important topic. I would like to summarize and ask that the written testimony be included in the record.

Mr. SMITH OF NEW JERSEY. Without objection, so ordered.

Mr. SMITH. The first thing I would like to say, Mr. Chairman, is that I would like to draw attention to a broader range of government intimidation and coercion of the religious sector, which is really on a less severe scale than many of the countries that are designated as CPC countries. But religious repression exists in multiple African countries where civil and political freedoms have been significantly constricted in general. And I would like to suggest that some of these cases may help to ground the U.S. discussion on religious freedom in slightly broader perspective, not to take anything away from the urgency of the cases that have been legitimately at the center of the discussion. But I believe that the issue of religious freedom transcends some of the ways that it typically is discussed in official circles.

One example from the African context is Zimbabwe, ruled by Robert Mugabe for 31 years. Mr. Mugabe's repressive response to challenges to his continued rule have been well documented. But less well known has been his targeting of the religious community. Especially during the past several years, the Mugabe regime has unleashed violence on church persons or intimidated them by other means for being insufficiently supportive of his leadership and his ZANU–PF political party, or because they supported the leadership of his political rival, Morgan Tsvangirai who has been in a power-sharing arrangement with Mugabe since 2009. For example, persons affiliated with the Johane Masowe Apostolic Church, one of Zimbabwe's largest denominations at roughly 1 million members, have been murdered, tortured, assaulted or arrested primarily because of their political inclinations and disinclinations.

One church leader, a prophet, Patric of Machaya, was purportedly killed for not allowing access to his church for campaign meetings by ZANU–PF. Two other church members were beaten to death in 2008, including the son of a church leader. The homestead of a church leader, Prophet Obey Mapuranga, was burned down for supporting Tsvangirai's MDC political party. Another church leader, Prophet Wainege, was beaten, tortured, and his home burned down for supporting the MDC party. Yet another church leader, Apostle Harrison Chimutsimhu was beaten and tortured for attending church on Friday rather than ZANU–PF campaign meetings.

There are also quite a few additional incidents reported of church members who were beaten, tortured, or detained for presumed disloyalty to ZANU–PF.

Mugabe's demands for allegiance have been forcefully imposed on other churches and church leaders as well. A Catholic priest was arrested in April 2011 for holding a memorial service in remembrance of 20,000 Zimbabweans from the Ndebele ethnic group, massacred by Mugabe's troops shortly after he came to power in 1980. The priest was charged with "communicating false statements against the state" by referring to the killings and stirring "offense to a particular tribe."

In another 2011 incident, police in Harare used tear gas to disperse groups of churchpersons gathered for a peace vigil. Thirteen of the worshipers were arrested, including four clergymen, on charges related to fomenting public violence.

But there has been a particularly systematic effort to politically reorient if not expel the majority of the Anglican Church in Zimbabwe, a church that has been a consistent promoter of political reform. When the former head of the Anglican Church in Zimbabwe, a pro-Mugabe bishop named Nolbert Kunonga was excommunicated by the church in 2007 for inciting violence through his sermons, he and his followers took over the main cathedral, the church's bank accounts and dozens of Anglican schools and properties with the help of Mugabe's police force.

Meanwhile, it is reported that the Anglican majority in Zimbabwe are being prevented by Bishop Kunonga and his followers, with the assistance from the police, from accessing many of their church buildings in various parts of the country. Where access to church buildings may still exist, priests and church leaders have been arrested with some regularity and held in jail over weekends so as to prevent them from holding worship services. Anglican bishops have received death threats. An elderly Anglican member was found murdered after repeatedly refusing demands to join Bishop Kunonga's church.

The result of these repressive measures is that many Anglican churches lie empty on Sundays. These and other intimidation attacks were reported in the media and itemized, and a report delivered to Mr. Mugabe in October 2011 by the Archbishop of Canterbury, Rowan Williams, who traveled to Zimbabwe for an urgent meeting with Mr. Mugabe.

Another country where the government has curtailed religious freedom through intimidation and coercion is Cameroon, a country ruled by the same President, Paul Biya, for 29 years. The country engages in periodic multiparty elections and has a Constitution that enshrines civil liberties and religious freedom; nevertheless, the power of Biya's regime is essentially without challenge and the regime's capacity for manipulating or cowing opposition is extensive.

The religious sector has not been especially politicized within post-colonial Cameroon, but in recent decades there has been a cadre of religious leaders that have openly criticized the Biya regime for policies and practices that continue to mire the country in poverty, especially the Anglophone population, as well as in a culture of corruption. One of the most consistent critics has been

Christian Tumi, a Roman Catholic cardinal whose outspokenness has sometimes encouraged other Catholic leaders to speak out though apparently not without consequences. Cardinal Tumi has endured death threats, government surveillance and the Catholic radio station—Catholic Radio Veritas was banned. Also in the last 25 years, a number of Catholic religious leaders have been killed in Cameroon under suspicious circumstances. I itemized the names and the locations of these Catholic leaders that includes seven priests, two nuns and one Archbishop. Pope John Paul II in 1995 asked the Cameroonian Government to investigate these unsolved deaths of Catholic clergy and religious leaders, but his request did not produce results. Nevertheless, according to a 2009 report on challenges faced by churches in Cameroon, "Catholics are broadly convinced these killings were an effort to intimidate the Church to keep it out of politics." As startling as the killings are, the numbers still pale in comparison to the scale of religious violence in countries such as Sudan, Eritrea and Nigeria which partly explains why Cameroon and countries like it have not received as much attention in discussion on religious freedom. What also explains Cameroon's omission is the difficulty of seeing past constitutional and governmental declarations of religious freedom to the actual constrictions and constraints endured by religious communities on the ground. Let me skip, Mr. Chairman, to a second point that I really want to make in the remarks, which we can—and we can return to the other point in a question and answer session. I would like to suggest that there are a number of factors, including social inequality, interethnic grievances and governmental manipulation that contribute to religious conflicts and demand attention in efforts to resolve these conflicts. Religion features prominently and religiously explicit forms of mediation I think are very much required in trying to mediate these. So the second point I would like to make is to emphasize the important role interdenominational and interfaith organizations should increasingly play in mediating these conflicts. The All-Africa Conference of Churches is an ecclesiastical network extending across sub-Saharan Africa that is developing ever stronger partnerships with national and regional council of churches and with the African Union on social development matters, but also on peacemaking, which is its primary objective, especially in Sudan, the Great Lakes and the Horn of Africa. Also, each region in Africa has a regional fellowship of Christian councils and churches. And there are at least two regional interfaith networks in Africa. Both of those are located in East Africa. Moreover, national church councils and interfaith councils exist in many African countries, including Sudan, Nigeria and Eritrea. Although the impact of these various types of councils on conflict resolution has been debated and the impartiality and diplomatic skill sets of religious leaders questioned at times, some of these councils have been very strategic to mediation and peacemaking. These religious councils have demonstrated a number of significant strengths that uniquely position them for effective mediation and peacemaking, including extensive deep rooted relationships with localized constituencies in situations where there oftentimes is a scarcity of local civil society infrastructure, capabilities to reach beyond culturally confined localisms and politically constricted local context

so as to facilitate broader collaborative platforms for expression and action. And thirdly, an ability to speak to religious struggles with the religious authority that comes from theologically and ecclesiastically positioning responses to social problems. In building consensus around the Comprehensive Peace Agreement in Sudan, the Sudan Council of Churches, the Sudan Catholic Bishop's Conference and Sudan Interreligious Council works systematically to increase support for CPA among their local constituencies and to leverage local pressure on governmental parties while deriving support from regional and international religious councils in the form of materials, resources, insertions of skilled personnel and leveraging of pressure from other governments and multilateral organizations in support of CPA. But without the credibility local councils had with their Sudanese constituencies across denominational and religious lines, the external support for CPA may not have been sufficient to keep the process from collapsing. These local, regional and international faith-based collaborations are continuing to evolve in East Africa in response to ongoing problems in Sudan, Eritrea, Somalia and elsewhere. The Religious Leaders Peace Initiative, for example, a multilateral interfaith initiative involving faith leaders from various denominational and conciliar bodies as well as staff from the Intergovernmental Authority on Development are facilitating broad-based dialogue and research and training in response to conflicts in the region. With increased capacity, the contributions by these religious councils to mediation and peacemaking can be expanded. Unfortunately, expanding mediation and peacemaking activities of religious organizations seemingly has not been a U.S. foreign policy priority. There has been a policy interest in faith-based organizations within the context of the AIDS relief prioritizations within U.S.-Africa policy, but very little attention to the strategic positioning of faith-based organizations for crucial mediation and peacemaking work. So my recommendation is that more attention be given within the overall government strategy to utilizing and helping to expand the mediation and peacemaking capacities of religious councils. To cite one other piece of information related to this, Mr. Chairman, the PEPFAR program, as you know, is the most extensive operation that the U.S. Government has affecting African countries, with $15 billion allocated in 2003 for disbursal over 5 years and another $48 billion allocated in reauthorization in 2008. Ten percent of those monies went to FBOs, faith-based organizations, but only $220 million has been allocated in the USAID's 2008 budget for democratic reform. So the very real gap between the monies allocated toward PEPFAR versus the monies allocated for democratic reform in which many of these interfaith and interdenominational groups could play a role in mediation and reconciliation work is underfunded and certainly needs to have more attention. Thank you, Mr. Chairman and committee members, for allowing me to share a few perspectives on these issues.

Mr. SMITH OF NEW JERSEY. Dr. Smith, thank you so very much for your testimony and for bringing very close scrutiny on the issue in Cameroon, which this committee is deeply concerned about. But you have highlighted that, particularly with your listing of priests and nuns and bishops who have been killed there. We have not

spent, frankly, enough time on this committee focusing on that in Cameroon. So I thank you for that and for the other very fine points that you made.

[The prepared statement of Mr. Smith follows:]

Testimony of Dr. R. Drew Smith
Scholar-in-Residence at the Leadership Center at Morehouse College
Before the House Committee on Foreign Affairs
Subcommittee on Africa, Global Health, and Human Rights
November 17, 2011

Chairman Smith, Ranking Member Payne, and Members of the Committee:

I am honored to be asked to share my perspectives on this important matter of religious freedom, especially as it relates to sub-Saharan African contexts. I greatly appreciate the U.S. State Department's engagement on these issues, and the vital research and analysis on religious freedom being done by the State Department and by the Commission on International Religious Freedom.

Both the State Department report and the Commission report very effectively cover the urgent situations in Sudan, Eritrea, and Nigeria, and the mounting problems in Somalia. The challenges in those countries have been carefully itemized, and I would only add that there has been troubling continuations of religious conflict and violence subsequent to the reporting periods in all four countries, especially in the border states between North and South Sudan, and in the Plateau state in Nigeria and in Abuja where the UN headquarters may have been bombed by a radical Islamic group. While many factors (including social inequality, interethnic grievances, and governmental manipulation) contribute to these interreligious conflicts, and demand attention in efforts to resolve these conflicts, religion features prominently and religiously explicit forms of mediation are required.

With that in mind, I would like to emphasize the important role interdenominational and interfaith organizations should increasingly play in mediating these conflicts. The All Africa Conference of Churches is an ecclesiastical network extending across sub-Saharan Africa that is developing ever stronger partnerships with national and regional councils of churches and with the African Union on social development matters but, also, on peacemaking—especially in Sudan, the Great Lakes, and the Horn. Also, each region in Africa has a regional Fellowship of Christian Councils and Churches, and there are at least two regional interfaith networks in Africa (with both located in East Africa). Moreover, national church councils and interfaith councils exist in many African countries, including Sudan, Nigeria, and Eritrea. Although the impact of these various types of councils on conflict resolution has been debated, and the impartiality and diplomatic skills sets of religious leaders questioned at times, some of these councils have been very strategic to mediation and peacemaking.

These religious councils have demonstrated a number of significant strengths that uniquely position them for effective mediation and peacemaking, including:

- Extensive and deep-rooted relationships with localized constituencies in situations where there oftentimes is a scarcity of local civil society infrastructure;
- Capabilities to reach beyond culturally confined localisms and politically constricted local contexts so as to facilitate broader collaborative platforms for expression and action; and
- An ability to speak to religious struggles with a religious authority that comes from theologically and ecclesiastically positioning responses to social problems.

In building consensus around the Comprehensive Peace Agreement (CPA) in Sudan, the Sudan Council of Churches, the Sudan Catholic Bishops' Conference, and the Sudan Interreligious Council worked systematically to increase support for CPA among their local constituencies and to leverage local pressure on governmental parties—while deriving support from regional and international religious councils in the form of material resources, insertions of skilled personnel, and leveraging of pressure from other governments and multilateral organizations in support of CPA. But without the credibility local councils had with their Sudanese constituencies (across denominational and religious lines), the external support for CPA may not have been sufficient to keep the process from collapsing. These local, regional, and international faith-based collaborations are continuing to evolve in East Africa in response to ongoing problems in Sudan, Eritrea, Somalia, and elsewhere. The Religious Leaders Peace Initiative for example, a multilateral, interfaith initiative involving faith leaders from various denominational and conciliar bodies as well as staff from the Intergovernmental Authority on Development, are facilitating broad-based dialogue, research, and training in response to conflicts in the region.

With increased capacity the contributions by these religious councils to mediation and peacemaking can be expanded. Unfortunately, expanding mediation and peacemaking activities of religious organizations seemingly has not been a U.S. foreign policy priority. There has been a policy interest in faith-based organizations within the context of the AIDS relief prioritizations within US-Africa policy, but very little attention to the strategic positioning of faith-based organizations for crucial mediation and peacemaking work. My first recommendation is that more attention be given within our overall government strategy to utilizing and helping to expand the mediation and peacemaking capacities of religious councils.

I would also like to draw attention to a broader range of government intimidation and coercion of the religious sector. On a less severe scale than in the "Countries of Particular Concern", religious repression exists in multiple African countries where civil and political freedoms have been significantly constricted in general. A poignant example is Zimbabwe, ruled by Robert Mugabe for 31 years. Mr. Mugabe's repressive response to challenges to his continued rule has been well documented, but less well known has been his targeting of the religious community (although briefly mentioned in the State Department report). Especially during the past several years, the Mugabe regime has unleashed violence on churchpersons or

intimidated them by other means for being insufficiently supportive of his leadership and his ZANU-PF political party or because they supported the leadership of his political rival, Morgan Tsvangirai, who has been in a power-sharing arrangement with Mugabe since 2009.

Persons affiliated with the Johane Masowe Apostolic Church, one of Zimbabwe's largest denominations at roughly a million members, have been murdered, tortured, assaulted, or arrested, primarily because of their political inclinations and disinclinations. One church leader, Prophet Patric of Machaya was purportedly killed for not allowing access to his church for ZANU-PF campaign meetings. Two other church members were beaten to death in 2008, including the son of a church leader. The homestead of a church leader, Prophet Obey Mapuranga, was burned down for supporting Tsvangirai's MDC political party. Another church leader, Prophet Wainege, was beaten, tortured and his home burned down for supporting the MDC party. Yet another church leader, Apostle Harrison Chimutsimhu was beaten and tortured for attending church on Friday rather than ZANU-PF campaign meetings. There are also quite a few additional instances reported of church members who were beaten, tortured or detained for presumed disloyalty to ZANU-PF.

Mugabe's demands for allegiance have been forcefully imposed on other churches and church leaders as well. A Catholic priest was arrested in April 2011 for holding a memorial service in remembrance of the 20,000 Zimbabweans from the Ndebele ethnic group massacred by Mugabe's troops shortly after he came to power in 1980. The priest was charged with "communicating false statements against the state" by referring to the killings and stirring "offense to a particular tribe." In another April 2011 incident, police in Harare used tear gas to disperse a group of churchpersons gathered for a peace vigil. Thirteen of the worshippers were arrested, including four clergymen, on charges related to fomenting public violence. But there has been a particularly systematic effort to politically reorient, if not expel, the majority of the Anglican Church in Zimbabwe, a church that has been a consistent promoter of political reform.

When the former head of the Anglican Church in Zimbabwe, a pro-Mugabe bishop named Nolbert Kunonga was excommunicated by the church in 2007 for inciting violence through his sermons, he and his followers took over the main cathedral, the church's bank accounts, and dozens of Anglican schools and properties with the help of Mugabe's police force. Meanwhile, it is reported that the Anglican majority in Zimbabwe are being prevented by Bishop Kunonga's followers (with assistance from the police) from accessing many of their church buildings in various parts of the country. Where access to church buildings may still exist, worship services have frequently been disrupted by police using tear gas and batons. Anglican priests and church leaders have been arrested with some regularity and held in jail over weekends so as to prevent them from holding worship services. Anglican bishops have received death threats, and an elderly Anglican member was found murdered after repeatedly refusing demands to join Bishop Kunonga's church. The result of these repressive measures is that many Anglican churches lie empty on Sundays.

These and other intimidation tactics have been widely reported in the media and were itemized in a report delivered to Mr. Mugabe in October 2011 by the Archbishop of Canterbury, Rowan Williams, who traveled to Zimbabwe for an urgent meeting with Mr. Mugabe. Although the situation facing Anglicans in Zimbabwe has been characterized by many Zimbabweans locally as factionalism, Archbishop Williams characterizes the situation as "serious persecution," and the Anglican Bishop of Bath and Wells recently remarked on "the persecution of Anglican Christians in Zimbabwe [as]one of the most serious and sustained violations of human rights and religious freedom" and one demanding "international advocacy."

Another country where the government has curtailed religious freedom through intimidation and coercion is Cameroon, a country ruled by the same president, Paul Biya, for 29 years. Although the country engages in periodic multiparty elections and has a constitution that enshrines civil liberties and religious freedom, the power of the Biya regime is essentially without challenge and the regime's capacity for manipulating or cowing opposition is extensive. The religious sector has not been especially politicized within post-colonial Cameroon, but in recent decades there has been a cadre of religious leaders that have openly criticized the Biya regime for policies and practices that continue to mire the country in poverty (especially the Anglophone population)as well as in a culture of corruption. One of the most consistent critics has been Christian Tumi, a Roman Catholic Cardinal, whose outspokenness has sometimes encouraged other Catholic clergy to speak out, though apparently not without consequences. Cardinal Tumi has endured death threats, government surveillance, and the Catholic Radio Veritas station was banned. Also, in the last 25 years, a number of Catholic religious leaders have been killed in Cameroon under suspicious circumstances:

- Father. Joseph Mbassi, an editor-in-chief of the country's Catholic newspaper was murdered in October 1988, with his body mutilated;
- Father. Bernabe Zambo, a pastor in the Bertoua archdiocese was poisoned in 1989;
- Father. Anthony Fonteh, principal of Saint Augustine College in Nso was assassinated on campus in May 1990;
- Retired Archbishop Yves Plumey of Garoua was murdered in 1991;
- Sisters Germaine Marie and Marie Leonie of the Congregations of Daughters of Our Lady of Sacred Heart were killed in August 1992;
- Jesuit Father. Englebert Mveng, a noted theologian was killed in 1995;
- Father Appolinaire Ndi, Parish Priest of Nkol-Top, Yaounde Archdiocese, was killed in 2001;
- Father Henryk Dejneka, an Oblate Missionary of Mary Immaculate (OMI), was found shot dead at his mission in Nguoudere in 2001;
- German missionary Fr. Anton Probst was murdered in 2003; and
- a priest was also murdered in the Anglophone section of Cameroon in 2006.

Pope John Paul II in 1995 asked the Cameroonian government to investigate unsolved deaths of Catholic clergy and religious leaders, but his request did not produce results. Nevertheless, according to a 2009 report on challenges faced by churches in Cameroon, "Catholics are broadly convinced [these killings] were an effort 'to intimidate the church, to keep it out of politics.'"

As startling as these killings are, the numbers still pale in comparison to the scale of religious violence in countries such as Sudan, Eritrea, and Nigeria—which partly explains why Cameroon and countries like it have not received as much attention in discussions of religious freedom. What also explains Cameroon's omission is the difficulty of seeing past constitutional and governmental declarations of religious freedom to the constrictions and constraints endured by religious communities on the ground.

As a Fulbright professor at a Protestant Seminary in Cameroon in 2009, I dialogued in and out of the classroom with clergy about challenges Christians are facing individually and institutionally within the country. What came through clearly in these discussions was a strong sense of frustration (even resignation), in the face of what was described as a political crippling of social, economic, and religious life (especially as it relates to the country's English-speaking minority). They talked about churches having little choice but to cooperate with a government whose unrivaled economic and institutional resources, and whose mastery in rewarding its friends and punishing its enemies could easily determine any individual's or institution's prospects within the country. They discussed how this dynamic has increasingly silenced existing pockets of opposition within the Church to the Biya regime, how it has condensed the Church's internal discourse by dissuading theological conversations bearing on inequality and injustice, and how it has undermined a broader sense of Christian community and collective purpose by cultivating a mindset of placing individual or subgroup interests ahead of a broader theologically defined community. These dynamics may not rise to the level of open repression of religion, but they are indicative of a coercive governmental impact on religious life that has resulted in a significant diminishing of religious freedom.

A somewhat more openly repressive mechanism governments have used to control religious life has been the requirement that religious organizations submit to a governmental registration and approval process. This requirement exists in Cameroon, as it does in many other countries in and beyond Africa, and has been used to regulate who is allowed to engage in an open, collective religious witness and practice. Several countries with these regulatory procedures currently ban groups such as the Jehovah's Witnesses, for example, including Malawi, Ethiopia, and Tanzania. The extent and overall effect of these regulatory practices on religion is a matter deserving further attention, as part of a wider concern about government curtailment of civil society sector activities. Commenting on Equatorial Guinea, Human Rights Watch reports: "Freedom of

association and assembly are . . . severely curtailed, infringing on the development of civil society. The government imposes restrictive conditions on the registration and operation of nongovernmental groups. As a result, there is not one legally registered human rights organization in the country." In the same way that such regulatory screenings may filter out a range of civil society activities, these regulatory screenings may also filter out a range of religious activities that are not favored by the government in question.

Conclusions that can be drawn from these cases include the following:

The collective religious witness of faith groups suffers where religious believers are not free to openly express their convictions and to join together in public assemblies defined along lines of conscience they themselves establish—and this problem is more widespread than much of the official reporting on religious freedom makes clear—at least with respect to sub-Saharan Africa.

Repressive and coercive infringements of religious freedom are a strong likelihood in countries characterized by a lack of political rights and civil liberties in general, and perhaps greater emphasis on the connections between these factors may expand the countries in sub-Saharan Africa and elsewhere receiving close scrutiny within official discussions of religious freedom.

[This analysis might be employed in further considering religious freedom in several African countries classified as "not free" with respect to political rights and civil liberties, including: Zimbabwe; Equatorial Guinea; Congo (Kinshasa); Cameroon; Chad; Swaziland, and Angola (Freedom House, 2006). It is also important to note that five of the seven African countries with the longest serving presidents are on this list: Equatorial Guinea and Angola currently have presidents who have been in office for 32 years; Swaziland's king has presided for 24 years, and the Zimbabwean and Cameroonian situations have already been noted here.]

In accounting more fully for these sometimes less obvious forms of religious repression, my primary recommendation is that every effort be made to continue to seek assessments from within the religious sector in countries where religious freedom is verifiably endangered or is suspected to be—and not only assessments from persons at the top levels of ecclesiastical leadership, but also from younger religious leaders and activists.

Thank you, Mr. Chairman for this opportunity to share perspectives on these matters.

Mr. SMITH OF NEW JERSEY. Mr. Payne does have to leave. So I would like to yield to him first if he could——

Mr. PAYNE. Thank you very much. Of course several members have been waiting for me for about half an hour, so I really have to leave. But let me just thank all of you for your testimony.

The situation must improve. I just might ask you, Dr. Smith, it seems like it is a new phenomena so far as I know that the extremists—that there has always been this conflict in Africa. However, it seems to me to be only in the last decade, or less even, that we have seen this question of phenomena of suicide bombings. This was not African. I mean, they might have been at war, but as we have seen in Somalia now and everyone in Nigeria, we have seen this phenomena of suicide bombing. And I wonder—and they are doing it under these people who are taking advantage of Islam. Have you—do you know when this change occurred? And have you noticed the fact that there is an increase in that, when in the past it seemed to have been absent?

Mr. SMITH. Thank you, Mr. Payne. I cannot date the exact time in which that form of activity gained the kind of prominence that it has. I would say in response to your question that one of the things that is important to note in the discussion of religious freedom and the denials and the declines of religious freedom in many contexts is the extent to which governments and opportunistic groups can manipulate perspectives and ongoing grievances within context and move them in directions that had not necessarily been the role religion played within those particular contexts.

So in these countries and where these types of activities—the suicide bombing activities are taking place, that would certainly be an instance where these situations of religion are being manipulated by nonreligious groups who really have issues in mind and concerns in mind that are not specific to the religious community, manipulating religion for purposes that are political in nature.

So I don't think that you would necessarily find that kind of activity taking place in countries that are not border countries to the Islamic world, where some of these things have occurred with more frequency, the ability of governments and other groups to manipulate that particular fact. It would probably be far less in countries where it has not been an inherent part of the culture or at least a growing part of the cultural milieu within those contexts.

Mr. PAYNE. And you raise a point about comparing the amount of funds that we have for PEPFAR and the very small amount for democracy and public diplomacy. So in your view, you know, what is the role of public diplomacy in promoting religious freedom? And I think it is clear from your previous comments, but is the U.S. doing enough to work with indigenous community-based interreligious mediation organizations, such as the internationally acclaimed Interfaith Mediation Center headed by Imam Mohammed Ashafa and the Pastor James Wuye in Nigeria?

Mr. SMITH. Yes, thank you, Mr. Payne. The short answer to the question is that I don't believe enough is being done to engage the very vital resources both in terms of moral resources, relational resources, and infrastructural resources that are embodied by interfaith groups and interdenominational councils across the African continent, and other places undoubtedly. But certainly in sub-Saha-

ran Africa there is a very rich network, a very rich infrastructure of these organizations. As I mentioned, there are not only local councils, both interfaith and interdenominational, within many counties, but there are regional councils in every region of Africa, east, west, southern and the Horn and the Great Lakes region.

There is also the All-African Conference of Churches which is continent-wide in its impact and its involvement on various issues, particularly peacemaking issues.

So there are significant resources and possibilities for involvement by these structures and by these religious leaders to engage in the very important work of mediation and reconciliation and peacemaking within these contexts.

Not all of these situations of religious conflict are necessarily susceptible to government mediation or demonstrations of hard power. Some of these situations can be perhaps prevented or mediated in some way by more soft-power diplomacy skills. And I think that is precisely what these faith leaders and faith organizations can bring to the table. They have credibility with local populations that has been demonstrated in a number of instances.

The All-African Conference of Churches has worked very closely with the African Religious Leaders Council in East Africa on Interfaith Dialogue related to Sudan, Eritrea, Somalia, the ACC, and the Africa Religious Peace Council has also worked closely with the Africa Union who understands the importance of those infrastructures and those leaders to the mediation process, to the peacemaking process. The African Union combined efforts with the Africa Religious Peace Council in the Abuja initiative, a dialogue that took place not too long ago, to bring faith leaders around the table to discuss the issues of religious violence in Nigeria.

So I think the African Union is demonstrating, as well as IGAD, the Intergovernmental Authority on Development, the importance that they place on the religious community for mediation and peacemaking. I think the U.S. Government through the State Department and other mechanisms can make much better use of those resources.

Mr. PAYNE. Thank you very much. I just want to let—I appreciate your comments. And since time is short, I won't ask any other questions.

But I do want to say to Reverend Shafie, I will be visiting Egypt in the next week or so. And I will look at your testimony and raise some issues with the authorities there, although it is not on the agenda. We are there to observe the elections coming up. But I think that these issues are important and if we get an opportunity to—and I know there will be an opportunity to be before some of the government authorities—I will certainly raise those issues.

And secondly, if you have any other issues you would like to highlight, I will be leaving tomorrow, the last day, but you certainly can feel free to get anything to my office. But I do have your testimony in full that I will review and will take points from that. So thank you very much.

Let me thank all of you. Thank you, Mr. Smith.

Mr. SMITH OF NEW JERSEY. Let me just ask some questions. Thank you, all four of you, for your very, very decisive testimonies.

Bishop Ramirez, in your testimony, you, I think, provided a very robust and rich and deep definition of religious freedom. When the Church speaks, you write, about religious freedom, it is not arguing solely for freedom in matters of coercion of personal faith and conscience, it is also advocating for freedom to practice faith individually and communally in both private and public. Freedom of religion extends beyond freedom of worship to include the institutional freedom of the Church and religious organizations to provide education, health, and other social services, and it then goes on from there.

You also point out some very disturbing Pew studies that shows that 70 percent of the world's population have high or very high governmental or societal restrictions on religion. And you point out, most ominously, that as recently as August 2011, a Pew study found that between 2006 and 2009, in some of the most populous countries affecting about a third of the world's population that China, Egypt, France, Nigeria, Russia, Thailand, Vietnam and the United Kingdom as eight countries where government or societal restrictions increased substantially while religious restrictions in countries such as India, Pakistan, Indonesia, Iran, Bangladesh, Saudi Arabia, Malaysia and Burma remain very high, I mean, a very serious erosion of religious freedom that you have highlighted which I think has been underscored by each of our witnesses, and I thank you for giving that broad sweep of the world.

I don't think we are doing enough, I don't think Congress is doing enough. The fact that the Commission has been stymied over on the Senate side thus far underscores a lack of prioritization, and I think your point and others' points about the administration more fully integrating the irreligious freedom message in all of its rich manifestations has not happened so far. Hope springs eternal, hopefully they will, but it has not happened in my view.

If I could specifically in Iraq, because I know the Church, all the churches have been extremely concerned about what happens when U.S. and coalition forces leave, it has been a dismal record while we were there, what happens when we leave? Do you have any recommendations, any of you, perhaps Bishop Ramirez, starting with you, on what we should be doing to ensure that as the baton is passed, the situation does not deteriorate further?

Bishop RAMIREZ. I mentioned in my testimony, my oral testimony, that we had two bishops visit Iraq very recently, just 2 weeks ago they were there, and they were pressed by the Christians whom they visited that they are concerned about what would happen, what will happen when the U.S. troops leave, will there be any kind of protection. So we would hope that the U.S. would continue to monitor the situation and provide as much assistance as it can.

On the issue of what can, what actions the President and the State Department could take against some of these countries that are egregious violators of religious freedom, some of these we might suggest are something like travel restrictions for some of the government leaders, arms sales, a restriction of arms sales to those countries, the sales of materiel that might eventually be used for torture.

When I was in the Commission, we made an issue of that in certain countries that we not export certain materiel that could eventually be used as torture. Also, perhaps, economic sanctions aimed not at everybody in that country but especially at the elite so that we wouldn't hurt the vulnerable people in their particular country.

So we do have those recommendations to make, and we would reinforce the recommendations of the Commission on taking these various actions on behalf of the President and the State Department.

Mr. SMITH OF NEW JERSEY. Thank you very much. Yes, did you want to touch on that?

Rev. EL SHAFIE. Now, when I visited Iraq, Mr. Chair, the major thing that took my attention is the Iraqi Government completely trying to blame Syria, the old regime, but they wouldn't touch on the persecution that is happening to the Christians there. They wouldn't touch on Iran.

The major thing that took my attention is the increase of influence of the Iranian regime in Iraq.

Let me put it in a very simple way. I spoke with one of the Iraqi officials in Iraq who indicated to me in private, I will not mention his name to protect him, but with me was one MP and one Senator that was witness to the conversation, John Weston and Bill Meredith, that when the Iraqi Government choose an administrator in Iraq the Iranian regime has to approve first. That is what was said to me in front of a Canadian Member of Parliament and a Canadian Senator, some very high official Iraqi.

Now, here is the problem with that. If United States did not prevent Iran from taking over Iraq or to have an absolute increase of influence in Iran, as we can see, even Jaish-al-Mahdi, the Mahdi Army, which is very responsible directly on the persecution of a lot of Christians in Iraq, such as Utra Conyerkos, who was kidnapped and tortured by them. And now he is 20 years old and he cannot even walk because they broke his back.

Jaish-al-Mahdi start to integrate them in the Iraqi Government, the influence of Iran is increasing. And here is the problem, Mr. Chair. The United States, more than any other country in the world, paid very heavy price to free Iraq from dictatorship. To be exact around 5,000 American soldiers, around 52—American soldiers were wounded—5,000, almost 5,000 American soldiers were killed. I will not even talk to you about the finance that the United States put in Iraq, I will talk to you about the blood. Because the blood you can't replace it, money you can. Blood you can't.

Mr. Chairman, if we did not protect the Christians in Iraq, if we did not prevent Iran from increasing their influence in Iraq, our American soldiers, our American children, their blood, will go in vain.

Thank you.

Mr. SMITH OF NEW JERSEY. Mr. Rogers, have I asked you, I know you recently visited Pyongyang with Lord Alton and Baroness Cox. As a matter of fact I was in email contact with Lord Alton prior to his traveling there most recently.

Could you give us—you mentioned 200,000 people in camps. There is one show church, I understand, in Pyongyang, and if that

is still up and running, what is the state of religious persecution in the Hermit Kingdom?

Mr. ROGERS. Mr. Chairman, thank you. Just before I answer that question could I correct one omission from my oral testimony where I neglected formally to request that my written testimony be included.

Mr. SMITH OF NEW JERSEY. Without objection, all of the testimonies will be put in the record.

Mr. ROGERS. Thank you very much. In answer to your question, I think one can say about North Korea, and it is not something one can say about too many countries, that there is no religious freedom in North Korea. There are actually three show churches in Pyongyang, one Protestant, one Russian Orthodox and one Roman Catholic.

And we did visit all three of them, but I think it is fair to say that all three of them are show churches. The Catholic Church in particular is—the other churches have a veneer which can be deceptive. The Catholic Church has clearly no veneer because it does not have a priest. And we have raised this consistently with the North Korean authorities that there is no Catholic priest in the Catholic Church in Pyongyang.

Instead there is actually a party cadre who looks almost like a stereotypical party cadre in a mouse suit with not even much of a smile. So the situation there was, really there were Potemkin style churches. Outside Pyongyang, to my knowledge, there are no churches permitted by the authorities. We believe that there are gatherings of Christians who meet at significant risk if they are caught.

It's my understanding that anyone engaged in religious activity ends up in one of the prison camps and in some cases, not all, but in some cases they face execution for their religious faith and activities and particularly anybody who has been repatriated by China, people who have gone across the border to China, perhaps converted in China or had contact with South Korean Christian missionaries in China, if that is discovered or if they are discovered bringing Bibles back into North Korea, they face death or certainly extremely severe penalties.

And just one final point, in relation to China's policy of repatriation, I think that is a really serious situation that so far the international community, including the United States, has failed to properly address for China. And I would want pressure to be put on China to stop repatriating North Koreans, some of whom are Christians and some of whom face severe penalties and violations of religious freedom.

Mr. SMITH OF NEW JERSEY. Thank you very much. I know, Bishop Ramirez, you have to leave for a flight, so I thank you on behalf of the committee for your testimony and very wise counsel and insights.

Bishop RAMIREZ. Thank you very much.

Mr. SMITH OF NEW JERSEY. Just a few final questions, I know it is getting late, and we will submit some additional questions if you would as quickly as you can turn those answers around.

Reverend El Shafie, if I could just add and reiterate something you mentioned earlier that I found outrageous as well when on Oc-

tober 10 the President of the United States said that he is deeply concerned—or the White House said, the President is deeply concerned about the violence in Egypt that has led to a tragic loss of life. Now that is fine of course.

Now is the time for restraint on all sides so that Egyptians can move forward and forge a strong, united Egypt, clearly conveying a quality of culpability on both sides as if they weren't a victim and aggressor. Your point was, I think, very well taken and it is something that I raise as well.

There is an aggressor. And as a matter of fact the Supreme Council of the Armed Forces, their staff, routinely come here and into the Pentagon. And to the best of my knowledge, we are saying investigate, but investigate yourself. It does raise very serious questions about credibility.

And I do think it is time to look at that $1.3 billion and all money flowing to the country of Egypt because of this heightened crackdown on the Coptic Christians, as well as other religious minorities, but no one seems to be suffering more than the Coptics. So your points, I think were very, very, well taken.

Rev. EL SHAFIE. Could I just add one point before we move?

Mr. SMITH OF NEW JERSEY. Sure.

Rev. EL SHAFIE. Sorry, forgive me for interrupting you.

I found that very disconcerting that this administration is missing the care and missing that action when it comes to freedom of religion. I am not just talking about that it was Egypt or the Arab Spring where you cannot expect that there is a democracy between them. When they are basically without education, democracy dies. Thirty to forty percent of the Egyptian population is illiterate. This means they cannot read or write their own name. So no matter how much you reform the Constitution, they still will not understand what is in it. So you have to start by education before you start by democracy.

The support of some of the people in this administration, that they believe that Muslim Brotherhood is a peaceful organization, that is shocking to me. Muslim Brotherhood is the foundation of al-Qaeda, of Hamas, of Hezbollah, and they—and some of them, talking with them the—our Secretary of State went to meet with them in Cairo. After the meeting they came out of the meeting and they completely dismissed her. They actually spoke about her with disrespect.

And not only Egypt or Iraq, Mr. Chair, but even in Iran, when President Obama gave his speech in Cairo in June 2009, a week later the Green Revolution has started in Tehran and nobody did anything from the American administration. And this is a fact, the fact that we cannot even stand against China.

We know that China is killing the Uyghurs and the Falun Gong and the Christians and the Tibetans, and we cannot do anything because our financial and our economy depends on them. The truth and the reality that even the Ambassador-at-Large, Dr. Suzan Johnson Cook, is not here, that tells you something.

Thank you, Mr. Chair.

Mr. SMITH OF NEW JERSEY. Just a few, couple final questions.

Dr. Smith, the Department of State seems to view the North-South conflict in Nigeria as primarily political in nature and not religious. Do you agree with that and why or why not?

Mr. SMITH. Thank you, Mr. Chairman. I think that clearly there are more than religious dimensions to the conflict, but religion is also a verifiable part of the conflict. One of the things that I think is important to do in order to—because there are clearly tensions within official circles about where the conversation on religious freedom fits with overall government U.S. policy in various parts of the world, and I think it is important that as we pursue the conversation on religious freedom that we are careful to emphasize not only the religious freedom dimensions but to emphasize those within a larger conversation about denial of civil liberties and political freedoms in general.

I think to tie the religious freedom discussion to a very, very clear and detailed concern about impediments to religious or to freedom of expression, impediments to freedom of assembly, gives the religious freedom discussion a kind of breadth.

And in the Nigerian context I think it is quite important to place that in context and Nigeria would not be the only African context where there are some concerns about the real agenda behind the discussion of religious freedom. I think in a number of African contexts there are concerns that the way religious freedom is being discussed, it is being discussed as sort of an extension of the global war on terror or perhaps even as an extension of the ecclesiastical expansion concerns of American churches and proselytizing concerns of American churches.

I think to tie the religious freedom discussion more closely to these very real and legitimate political and civil liberties issues helps to ground the discussion so that we don't have the kind of pushback on our religious freedom issues. Clearly Nigeria is about more than just the religious freedom issue, but it is very much a part of the conversation as well.

Mr. SMITH OF NEW JERSEY. If you could on Eritrea, we know that some Christians and Jehovah's Witnesses have been locked into containers and died when put out into the desert.

How widespread is that? We know others have been killed, obviously in jail and tortured to death. And who has leverage with the Eritreans, with their leadership?

Mr. SMITH. Thank you, Mr. Chairman. I think, unfortunately, with the Eritrean situation, what we have is the context of virtually a failed state, a failed state and the virtual absence of a civil society sector. And so in the absence of any kind of civil society groups that can really challenge the government on these issues, I think the situation is bound to continue and to grow worse.

The pressure, I think, will have to come from outside of Eritrea to a great extent, not necessarily outside the continent or the region.

Mr. SMITH OF NEW JERSEY. Like the AU.

Mr. SMITH. Like the AU and like some of these regional and continent-wide interfaith and interdenominational groups as well as U.S. Government, the European Government, the pressures on the Eritrean situation. There is virtually little that is going on inside of Eritrea that is going to provide the pushback that is needed.

Mr. SMITH OF NEW JERSEY. Bishop Ramirez said, and I meant to ask him before he left, that the greatest number of religious persecutions and discriminatory activities is directed at Christians. Would you all agree with that in terms of numbers?

Rev. EL SHAFIE. Yes.

Mr. ROGERS. Yes, I would.

Mr. SMITH. I think the numbers probably stack up that way.

Mr. SMITH OF NEW JERSEY. And it is in his written testimony, so it is part of the record.

Let me just ask a couple of final questions before we conclude.

Mr. Rogers, can you explain why you think concerns exist over the rule of law in Indonesia and exactly what you saw when you visited GYI, Yasmin Church in Bogor, and secondly, you mentioned new restriction of religious freedom in the Kachin State in Burma, and maybe perhaps you could elaborate on that for the committee.

And Reverend El Shafie, if I could ask you, we focused on this committee in the past on the UNRWA textbooks that the Palestinian Authority uses that are rife with anti-Semitic statements as well as anti-American with the rise in Hamas, which was very much responsible for that anti-Semitic hatred, as well as anti-Christian and anti-Americans and anti-Israel. Have you seen any abatement with any of that, have you followed that closely at all? Because it seems to me, as has been said, and it is in the report that the Commission put out about the absolute essential character of teaching. If you teach young people to hate, they will hate, and it is very hard to change that behavior when it has been so indoctrinated into a young man or a young woman.

I remember in one of my previous hearings, we had a man from Saudi Arabia whose brother had been imprisoned who brought the textbooks and read from them and said this is what a little 8-, 9-, 10-year-old is subjected to in terms of hate formation, and I am just wondering if you might want to speak to that as well. But then if you could start and then we will go to——

Mr. ROGERS. Thank you, Mr. Chairman. In relation to serious concerns of the rule of law in Indonesia, I think there are two clear examples that illustrate this. One is the DKIS in the case of Charles Kamanti because you specifically referenced that.

But the other is the trial earlier this year following a very brutal attack that I described very briefly in my opening statement, attack on the Ahmadiyya community, in a town called Cikeusik, a mob of about, of more than 1,000 people attacked a community of 21. Of the perpetrators who carried out that attack, only three individuals were arrested and put on trial.

During the trial, one of the Ahmadi survivors was subjected to the most extraordinary verbal harassment by the judge, and that is actually available on YouTube, it was captured on video. And the three perpetrators were sentenced—and these were people who carried out murder and other really, really seriously violent acts—were sentenced to between 3 and 6 months in jail. And one Ahmadi man, who had simply been there to try to protect his community—he hadn't actually engaged in any violence—but he was sentenced to 6 months for disobeying police orders to leave his home. To me that says something is wrong with the rule of law when people who carry out these kinds of acts receive those kinds of light sentences.

The case of GKI Yasmin Church also illustrates a breakdown in the rule of law because this is a church that some years ago secured all the necessary permissions and licenses to set up as a church. The local mayor actually approved the construction of the church. The local mayor then came under pressure from extremist groups and reversed his decision.

The church challenged this decision in the courts at every level, a local court, district court and all the way to the Supreme Court. And then we staged the court rules in the church's favor all the way out to the Supreme Court. The Supreme Court has ruled that the church should be allowed to open, is legal, and the mayor is still refusing to allow it to open.

When I visited the church for its Sunday service just a few weeks ago, they are worshipping in the street outside the church building because the church building is locked and sealed. They are surrounded by rows of police for their own protection, because there is a mob of extremists on the other side of the police, and it is the first time I have ever worshipped on a Sunday morning in the streets surrounded by police, who in this particular case were there to protect the congregation. But nevertheless the church should be allowed to open, and it is now a rule of law issue because the mayor is in defiance of the Supreme Court ruling.

In answer to the situation in Kachin, just in recent weeks—the Kachin are a predominantly Christian people along the border with China. And in recent weeks Burma army soldiers have attacked several churches. They shot at worshippers in an Assembly of God church, injuring several people, including the pastor and the deacon. And they also seized control of a Catholic Church where they shot at the congregation during a Sunday service and beat the priest assistants with a rifle butt.

They have introduced legislation in one particular township. We don't know yet whether this is being applied in other parts of the country, but in one particular township in Kachin State on the 14th of October, an order was sent requiring Christians to seek permission from the local authorities at least 15 days in advance and with several letters of recommendation from government departments, require 15 days in advance if they want to pray, read the Bible, carry out Bible studies, carry out Sunday school or fast. And I have never seen that in Burma before that one should apply 15 days in advance simply to pray or read the Bible. But that is a new order in one locality at least.

Mr. SMITH OF NEW JERSEY. Reverend.

Rev. EL SHAFIE. Thank you, Mr. Chair. Mr. Chair, what we are seeing right now in the Palestinian territory is not only happening in Gaza, it is happening in the Palestinian Authority areas, which are supposed to be the ones that are less extremist in education.

But what we are seeing right now in the Middle East when it comes to schoolbooks with regard to anti-Semitism is what we call this in the free world, it is in essence the new kind of anti-Semitism. Now the old kind of anti-Semitism is basically that you attack the Jewish people. Here is a Jewish person. So kill the Jewish, or no Jewish allowed and all of the stuff.

Now the new anti-Semitism is not necessarily pointed at the Jewish people, but pointed at Israel, that they exist in Israel as a

nation and the people who live in it. Now, I am not saying that we were not allowed to criticize Israel. Israel is a country like any country, has its good, has its bad, of course, but I am seeing once you cross this line of just useful criticizing to denying their existence or denying the right to defend itself, this becomes anti-Semitism. This becomes a new kind of anti-Semitism. That is in my opinion.

And right now we are seeing these books not only in the Palestinian areas, not only the Palestinian territory, even in Egypt, for example, a country that has a peace agreement with Israel for 62 years.

So basically what we are seeing right now is that what I can say is preparing a new generation for hatred and war and the only solution that we can do right now with this regard is basically that our aid, to aim more on the programs in these countries that basically would promote harmony and interfaith and will put some pressure on the governments to change these textbooks.

And you are right, once the child learned this in his young age—sir, I mean to tell you, when I was in Egypt, 9 years old, I was in a school in Egypt. One day I went to my history teacher and I ask him why do we hate Israel in the schoolbooks, in the history books while we have peace agreement with them? I was 9 years old and I received 10 beatings from a stick on my hand.

Mr. SMITH OF NEW JERSEY. Just for asking.

Rev. EL SHAFIE. Just for asking this question, and the stick—it took very long time for the teacher to understand the truth, but it is never too late. That is what I know, it is never too late to act now.

Thank you.

Mr. SMITH OF NEW JERSEY. You know Natan Sharansky made a very famous speech where he talked about how you recognize when it is not just disagreeing with an Israeli policy, and he calls it the three Ds definition. The first is demonization of Israel, second delegitimization, and the third denial of Israel's right to exist. So it certainly comports with exactly what you just said.

Rev. EL SHAFIE. What we are seeing right now in the Islamic faith, if I may, the biggest dilemma that Islam as a faith is facing is not rising of the extremists but is the silence of the moderate Muslims. What I am really saying here is, sir, can I be just not politically correct just for half a minute and after this I will be politically correct again if you want to.

What we are facing right now is when you sit down with a Muslim community that is supposed to be—really the key thing teaching the children and supposed to improve their ideas about Jewish people and Christians, they will ask from us not to judge them on the actions of the extremists and they will tell me that the extremists did hijack the religion. Well, why did you let them hijack it? Is this not a Christian question? Why did you let them hijack it? It is not—the dilemma of the Islamic faith is not the rising of the extremists, of the moderate Muslims who remain silent on the crimes that happened to the Jews and the Christians.

Thank you, sir.

Mr. SMITH OF NEW JERSEY. Dr. Smith, I have one final question and then any final comments any of the three of you would like to make.

In your discussion about Cameroon you point out that in the last 25 years a number of Catholic leaders have been killed in Cameroon under suspicious circumstances, and you list a number of those who have died. From reading it correctly, the last was in 2006. And in your statement you say according to a 2009 report on challenges faced by churches in Cameroon, "Catholics are broadly convinced these killings were an effort to intimidate the Church to keep it out of politics."

When you say war, do you mean is it truly past tense or is it past tense and present tense as well?

Mr. SMITH. Thank you, Mr. Chairman. No, I definitely am alluding to a fact that it is an ongoing problem. In 2009 that was a report and that was reported during that time. But when I was actually in Cameroon in 2010, I believe it was as a Fulbright professor, the kinds of concerns that are itemized in the report came out very clearly from many of the students, religious leaders around the country about the ongoing intimidation, coercion, repression of Christian churches, particularly in—and also Muslim groups—and particularly in the Anglophone section of Cameroon, which is the least developed part of the country, sort of the minority population within the larger Francophone context, and the extent to which the national government has manipulated leaders even of religious communities within the Anglophone section as a means of suppressing the voices of resistance. That was quite extensive and to the point that I think many of the religious leadership that I spoke with felt that they had very little ability to truly express their point of view, their interests, their concerns and in some respects, even, to truly express matters that they felt were at the heart of their faith experience.

Their religious experience was not just an individualistic concern, their religious experience was about community and the ability of community to be able to form freely and to represent an embodied interest of constituencies that they represent.

Mr. SMITH OF NEW JERSEY. Any final comments from any of our witnesses? Yes.

Mr. ROGERS. Mr. Chairman, I would just like to firstly thank you again very much and other members for your leadership on this issue.

I would like to just make a couple of final points. On the positive side, coming from the United Kingdom, not being a U.S. citizen and not being embroiled in domestic politics in the United States, we really appreciate the United States' leadership on the issue of international religious freedom, the leadership that you have given them, other Members of Congress, but also the leadership that the State Department and the U.S. Commission on International Religious Freedom have given over the years.

I think the United Kingdom is perhaps trying to catch up, and I was in Europe also. There was a recent conference in the United Kingdom on international religious freedom and the new government, I think, is prioritizing it much more than they used to. But over the years the United States has given this issue real leader-

ship, which those of us who work on international religious freedom in other parts of the world deeply appreciate.

However, in recent months I think we have been very concerned by some of the trends in the United States, the serious delay in the nomination and appointments of the Ambassador-at-Large. It is concerning that the Ambassador-at-Large was not here today and also the issues regarding the reauthorization of the Commission, and I hope very much that all those concerns that have arisen in recent months will be addressed and that the United States will really continue and increase its important leadership on this very important issue.

Mr. SMITH. Thank you, Mr. Chairman. One brief comment. First of all, again, thank you for the opportunity to be here and share perspective on this important issue today, and I think it is a very important issue. I think that the ongoing work around religious freedom is vital and the work of this committee, the work of the Commission, the work that other sectors of the U.S. Government is doing on this important topic, and I would hope that there would be ways to really have bipartisan cooperation around these issues so that the important issue of religious freedom does not somehow get lost in the politics.

And I think what I tried to do here today is to suggest that there are some mechanisms for bridging that may draw a wider level of support for the issue of religious freedom, not only within U.S. Government conversations, but also with our partners around the world on these issues. And I think that one of those ways is to demonstrate that religious freedom is an issue that transcends some of the kind of divisions that we have in our conversations about that by situating that more in a larger conversation of civil liberties and political freedoms.

Thank you.

Mr. SMITH OF NEW JERSEY. And on those fine comments, the hearing is adjourned.

[Whereupon, at 5:45 p.m., the subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS
Christopher H. Smith (R-NJ), Chairman

November 10, 2011

You are respectfully requested to attend an OPEN hearing of the Subcommittee on Africa, Global Health, and Human Rights, to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at http://www.hcfa.house.gov):**

DATE: Thursday, November 17, 2011

TIME: 3:00 p.m.

SUBJECT: The 2011 International Religious Freedom Report

WITNESSES: Panel I
Mr. Leonard Leo
Chairman
U.S. Commission on International Religious Freedom

Panel II
Fr. Ricardo Ramirez
Bishop
Diocese of Las Cruces
Former Commissioner, U.S. Commission on International Religious Freedom

Mr. Benedict Rogers
East Asia Team Leader
Christian Solidarity Worldwide

Rev. Majed El Shafie
President and Founder
One Free World International

R. Drew Smith, Ph.D.
Scholar-in-Residence
Leadership Center
Morehouse College

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *Africa, Global Health, and, Human Rights* HEARING

Day *Thursday* **Date** *November 17, 2011* **Room** *2172 Rayburn*

Starting Time *3:00 p.m.* **Ending Time** *5:45 p.m.*

Recesses *0* (____to ____) (____to ____) (____to ____) (____to ____) (____to ____) (____to ____)

Presiding Member(s)

Rep. Chris Smith, Rep. Robert Turner

Check all of the following that apply:

Open Session ☑
Executive (closed) Session ☐
Televised ☑
Electronically Recorded (taped) ☑
Stenographic Record ☑

TITLE OF HEARING:

The 2011 International Religious Freedom Report

SUBCOMMITTEE MEMBERS PRESENT:

Rep. Chris Smith, Rep. Donald Payne, Rep. Robert Turner, Rep. Russ Carnahan

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not members of full committee.)*

HEARING WITNESSES: Same as meeting notice attached? Yes ☑ **No** ☐
(If "no", please list below and include title, agency, department, or organization.)

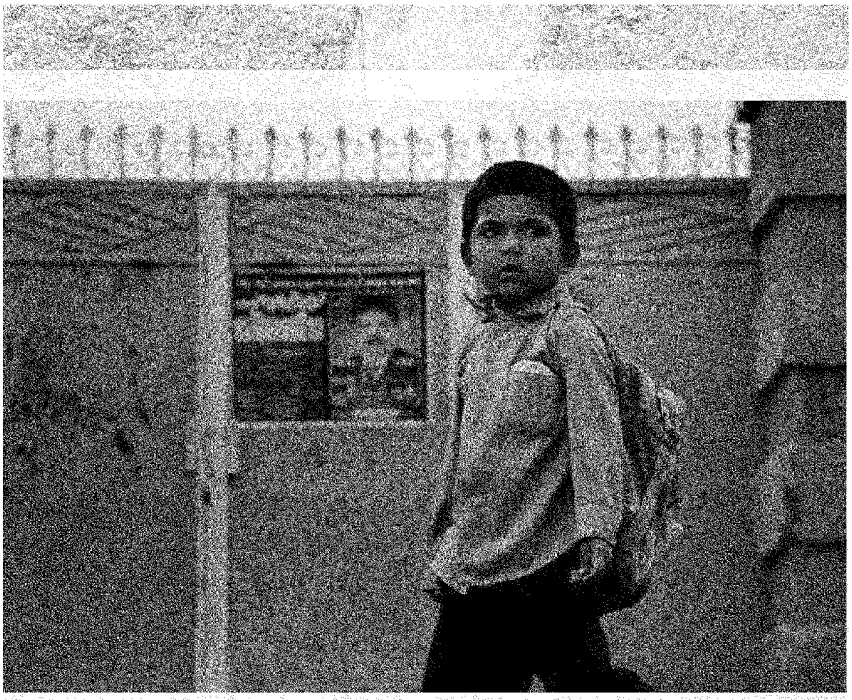
STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Prepared statement from Mr. Leo
Prepared statement from Fr. Ramiriez
Prepared statement from Mr. Rogers
Prepared statement from Rev. El Shafie
Prepared statement from Dr. Smith
USCIRF report: Connecting the Dots

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *5:45 p.m.*

Shari Gustat
Subcommittee Staff Director

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN, SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS



Connecting the Dots: Education and Religious Discrimination in Pakistan

A Study of Public Schools and Madrassas

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Executive Summary

OVERVIEW

Pakistan is undergoing incredible stress in its capacity to govern. Relief efforts in response to the floods of 2010 and 2011 alone seem capable of overwhelming all other government priorities, as do the constant military campaigns and the deadly effects of ongoing terrorist attacks. The enormous investment in its armed forces, which has consumed much of Pakistan's GDP since its inception, has diverted vital resources from education, and the situation is only worsening with the need to deal with the rampant insecurities currently confronting the country. In the midst of this turmoil, and with an administration that faces strong political and religious opposition, the Pakistani government has nevertheless put forward recommendations for education reforms, building on efforts begun in 2006 which included revisions to the national curricula. With an eye to increasing the protection and social inclusion of religious minorities, these reforms would soften the strong Islamization of the curricula and textbooks that began in the late 1970s under General Zia-Ul Haq, who stated:

> *"The highest priority would be given to the revision of the curricula with a view to reorganizing the entire content around Islamic thought and giving education an ideological orientation so that Islamic ideology permeates the thinking of the younger generation and helps them with the necessary conviction and ability to refashion society according to Islamic tenets."*[1]

The reforms have leaned on the 22nd article of the Constitution of 1973, which codifies the rights of religious minorities in education:

> *"(1) No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own."*

Despite these efforts, in the nearly six years since the revised curricular guidelines were created, textbooks comprehensively incorporating the revisions prescribed by these 2006 guidelines have not been created. The existing textbooks have been reprinted since 2006 with only minor adjustments, but, as demonstrated in this study, have not addressed much of the problematic content.

The challenges to Pakistan's education system will require enormous efforts

1 Saigol, R. "Boundaries of Consciousness: Interface between the Curriculum, Gender and Nationalism." Ed. R. S. Saigol and N. S. Khan. *Locating the Self: Reflections on Women and Multiple Identities*. Ed. A. S. Zia. Lahore, 1994. 41-76. Print.

to overcome. In 2009, Pakistan committed only 2.69% of its GDP to education.[2] Pakistan's prominent Dawn newspaper stated in a 2011 article that "50 percent [of school age students] cannot read a sentence."[3] On the UNDP World Development Report Education Index, Pakistan ranks 141st of 182 ranked countries.[4] Illiteracy and attendance compare unfavorably to similar countries, with a serious gap in gender representation. Literacy was just over 50%, with less than 50% literacy for females.[5] In such an environment, the capacity for teachers to have the appropriate training, texts and tools to convey basic ideas of religious tolerance faces a serious uphill battle.

Attitudes toward religious minorities are decidedly mixed, with clear demonstrations of tolerance . . . and equally clear expressions of bigotry.

The primary objective of the current study was to analyze the impact of textbooks and teaching practices on the attitudes of students towards religious minorities. Under a grant from the U.S. Commission on International Religious Freedom (USCIRF), the research conducted by the International Center for Religion & Diplomacy in partnership with the Pakistan-based Sustainable Development Policy Institute (SDPI) uncovered a wide range of perceptions among teachers and students on the rights, practices, and character of religious minorities. It was unsurprising to find a strong correlation between Pakistani and Islamic identity, considering the religious make-up and strength of Islamic practice in the country. However, the attitudes toward religious minorities are decidedly mixed, with clear demonstrations of tolerance, understanding and acceptance in both public schools and religious schools (madrassas) on the one hand and equally clear expressions of bigotry, ignorance, and hostility in both on the other.

There are many public school students and teachers who advocate respect for religious minorities, but a large portion do not understand minority citizenship rights and are wary about them ever holding public office. A strong sentiment of antagonism was expressed across the board toward the enemies of Islam, but there is widespread confusion about who constitutes an enemy by virtue of their non-Muslim or foreign status. Similarly, a great deal of the anger expressed toward religious minorities often stems from a feeling that they do not respect Islam and Muslims.

Although this chaos of opinion creates challenges for the full social inclusion of religious minorities, it also provides certain opportunities. A large percentage of public school teachers teach their students to be tolerant of faiths other than the dominant Sunni Islam, with much of that tolerance driven by a desire to inspire conversions to Islam (much like the Christian concept of "witnessing by example"). At the same time, while largely resistant to non-Muslims and their role in society, madrassa teachers and students were aware of Qur'anic passages encouraging them to treat non-Muslims with kindness and understanding.

SUMMARY OF FINDINGS

Textbook Analysis

An integrated curriculum is frequently used for early grades with no clear separation between dominant religious content and non-religious content in materials given to

2 World Bank (WB). World Bank Education Expenditure Project (Edstats). Washington, DC, United States: World Bank (WB). 2011.

3 "Education Emergency Pakistan." *Dawn.com*. 9 Mar. 2011. Web. <http://www.dawn.com/2011/03/09/education-emeregency-pakistan.html>.

4 "Human Development Report 2009 - Education Index." *International Human Development Indicators - UNDP*. Web. <http://hdrstats.undp.org/en/indicators/93.html>.

5 Pakistan Economic Survey 2010-2011, Government of Pakistan Ministry of Finance <http://finance.gov.pk/survey_1011.html>

religious minorities. This is perhaps the most apparent violation of minorities' rights as enshrined in Article 22 of the Constitution. A review of ostensibly non-religious textbooks, some of which are compulsory for students from religious minorities, found significant Islamic content.

Dominant religious values, cultural values, and national aspirations are an integral part of the textbooks. For example, a review of compulsory Urdu language textbooks for all students up to Grade 10, published by the Punjab Textbook Board, found that 96 chapters and poems out of 362 had a strong Islamic orientation, without any mention of Pakistan's religious minorities or their beliefs. An examination of the first grade textbook used for the integrated curriculum, titled *Meri Kitab*[6] or "My Book," which is required for the majority of public school students, revealed that seven of the 16 total chapters contained Islamic sermons. In the accompanying instructions, teachers are instructed to underscore its Islamic content. The Ethics Course, which was intended to fulfill the Article 22 requirement for religious minorities in later grades, is still inaccessible to students in many parts of the country for a variety of reasons.

Pakistan and Social Studies textbooks are rife with negative comments regarding India and Great Britain, but Hindus are often singled out for particular criticism in texts and in interview responses, together with Ahmadis, who consider themselves Muslims but are not considered so by the Pakistani constitution. Although an unbiased review of history would show that Hindus and Muslims enjoyed centuries of harmonious co-existence, Hindus are repeatedly described as extremists and eternal enemies of Islam. Hindu culture and society are portrayed as unjust and cruel, while Islam is portrayed as just and peaceful.

Hindus are often singled out for particular criticism in texts and in interview responses, together with Ahmadis.

According to the National Commission for Justice and Peace (NCJP) report:

> *"Government issued textbooks teach students that Hindus are backward and superstitious, and given a chance, they would assert their power over the weak, especially, Muslims, depriving them of education by pouring molten lead in their ears…"*[7]

Ultimately, while citizenship is mentioned in textbooks without religious qualification, and a few references to universal religious freedom can be found, textbooks generally emphasize the fundamental Islamic identity of Pakistan and the need for unity within the Muslim community. The defense of Pakistan is equated with the defense of Islam. The Islamic identity of Pakistan is established throughout the Social Studies and Pakistan Studies textbooks, to the exclusion of religious minorities. The following textbook excerpt suggests why:

> *"The foreign cultures are leaving deep influence over the Islamic values because of the electronic media. There is every danger that we may lose our cultural identities. In such circumstances and because of the vast changing cultural and religious situations, it is necessary for us that we must fully defend our political borders, take care of our basic views with love and devotion for Islam. This can ensure the safety of our country. The anti-Islamic forces are always trying to finish the Islamic domination of the world. This*

6 'My Book' (Integrated Curriculum). This book was published by "Chaudhary Ghulam Rasool and Sons," a private publisher. However, it was distributed by the Government of Punjab for the academic year 2010-11. The book states. "This book is prepared as per international standards under the National Curriculum 2006 and National Textbook and Learning Materials Policy 2007."

7 National Commission for Justice and Peace (NCJP) report 2008

can cause danger for the very existence of Islam. Today, the defense of Pakistan and Islam is very much in need."[8]

Teacher Interviews

Extensive interviews revealed that public school teachers have a limited or contradictory understanding of religious minorities and their beliefs. The same confusion was demonstrated in the responses of their students. Madrassa representatives demonstrated some clarity about the legal status of religious minorities in Pakistan, but were in various ways less tolerant toward them, most likely because of their lack of exposure to them due to the homogenous nature of the madrassas. Wide-scale confusion about the role of religious minorities in Pakistani society and history inevitably produces distortion and discrimination.

Public school teachers often advocated respectful treatment of religious minorities. However, this respect was understandably conditional upon the attitudes of religious minorities towards Islam, which seemed to be in question. Reflective of the teachings in the Qur'an, teachers are generally more favorably predisposed towards "People of the Book" (i.e. Jews and Christians) than they are toward the non-monotheistic traditions. There was a notable dislike and distrust expressed for Hindus that was equally evident in the textbooks. Public school teachers seemed equally divided between those who considered Islamic sectarian differences to be inconsequential and those who found them to be highly significant. Many described Ahmadis as non-Muslims and expressed a particular distaste for them.

All of the public school teachers interviewed believed the concept of jihad to refer to violent struggle, compulsory for Muslims to engage in against the enemies of Islam. Only a small number of teachers extended the meaning to include both violent and nonviolent struggle. Aside from the generalized belief that "enemies of Islam" should be targeted, the overwhelming majority of public school teachers held the view that an individual decides when and against whom jihad is appropriate. It is important to note that upwards of 80% of the public school teachers viewed non-Muslims as "enemies of Islam" in some form or another, despite contradictory views expressed in other parts of the interviews. The majority of public school teachers cited blasphemy against the Prophet Mohammed as a significant cause of anger towards religious minorities. The killing of Muslims in the Global War on Terror and the use of alcohol were also cited. It was also revealing that teachers repeatedly expressed a feeling that non-Muslims did not understand or respect Muslims, suggesting a sense of reverse persecution.

There was a broader view of jihad expressed among madrassa teachers than was found among public school teachers, which included a stronger sense of the concept of internal jihad. This included religiously prescribed self-control and, in isolated cases, madrassa teachers even specified a religiously-based rejection of suicide bombing and other violent techniques. Madrassa teachers also demonstrated a stronger sense than their public counterparts that other "Religions of the Book" were acceptable, albeit perverted in their modern practice. Regarding internal sectarian differences among Muslim practitioners, there was a broadly expressed desire for reconciliation. However, this was largely conditioned on the adoption of the teacher's own belief system.

8 Social Studies Textbook, Grade 5, Punjab Textbook Board, p.7

Predictably, most madrassa teachers viewed religious education to be more important than worldly education, which they tended to view as vocational training. They also cited the role of madrassas as a positive social justice mechanism, particularly in the education of poor children. All of the madrassa teachers interviewed correctly identified religious minorities as citizens of Pakistan. This contrasts markedly from their public school counterparts, of whom only 60% understood this. Broadly, the recognition of citizenship of religious minorities in Pakistan was tempered by the opinion that, in order to protect Pakistan and Muslims, religious minorities must not be allowed to hold positions of power.

A large portion of public school students could not correctly identify religious minorities as citizens.

Student Interviews

The attitudes towards religious minorities expressed by public school students in interviews and focus group discussions were often as contradictory as the responses of their teachers. Some overarching themes included the view that the Pakistani national identity and Islamic religious identity are correlated. This is a similar emphasis on "Islamic Pakistan" to that found in most textbooks. Over the course of the interviews, it became clear that while students advocated respecting religious minorities in the abstract, they found much to criticize in their practices and contributions to Pakistani society.

Some public school students expressed some of the more enlightened and tolerant views towards religious minorities that could be found throughout the study. However, when probed on other issues, many students expressed discomfort or disdain for the practices of other traditions. A large portion of public school students could not correctly identify religious minorities as citizens, and many were skeptical about the potential for religious minorities to assist in the development of Pakistan. Like their teachers, the majority of public school students also viewed non-Muslims as the enemies of Islam.

Students from both public and madrassa education systems reported being encouraged in many ways to respect non-Muslims, but both subscribed to misinformation regarding non-Muslim beliefs and practices. While public school students held more complex views of religious minorities based on their actual exposure to them, most madrassa students could only opine in the abstract. An overwhelming majority of the public school respondents stated that their teachers teach them to respect all religions and their places of worship, beliefs, personalities, rituals, and books. The motivation to do so in many instances was driven by the respondent's desire to impress minority students with Islam and encourage their conversion.

RECOMMENDATIONS

The core findings of this report point to challenges as well as opportunities. In texts and curricula supplements there are demonstrable beginnings of reform. However, it has moved slowly and is rife with inconsistencies and contradictions. Social hostility toward religious minorities in Pakistan, as reflected in recent onerous interpretations of the Blasphemy Law, is extremely high. According to a recent study conducted by the Pew Research Center's Forum on Religion & Public Life,[9] Pakistan is the third least tolerant country in the world in terms of social acceptance of religious diversity. As experience has shown, any significant effort to combat religious discrimination,

9 Pew Research Center's Forum on Religion & Public Life, *Rising Restrictions on Religion*, August 2011

especially in education, will likely face strong opposition. The textbook evaluation boards do not adhere to the mandated guidelines for the National Curriculum while reviewing and approving textbooks.

If a way can found to inspire collaboration between madrassa teachers with their greater grasp of the nuances of Islamic teachings and public teachers with their inherently closer relationship to religious minorities, it might be possible to expand each group's general awareness to mutual advantage. Further, if civil society, government and teachers could be inspired to work together not only to deepen understanding, but to improve the basic infrastructure for education, everyone would benefit. Student and teacher awareness should also be given the appropriate support when it comes to behavior in educational settings. The government should develop stronger standards and provide authentic and functioning mechanisms to ensure compliance with educational regulations and for the reporting and investigation of acts of intolerance toward religious minorities.

Foreign aid could be used to build schools with teacher training centers on campuses to promote and implement less exclusionary ideas. Finally, pedagogy reform that promotes critical thinking would undoubtedly prove beneficial in arresting the derogatory portrayal of religious minorities.

Specific reforms that could prove beneficial include:

Public Schools

1. Promote the full implementation of the 2006 curricular reforms, especially the:
    a. Consolidation of all content related to Islamic Studies into the Islamiat course;
    b. Inclusion of content relating to the contributions of religious minorities to Pakistan;
    c. Removal of gratuitously derogatory content, especially against Hindus.
2. Create an effective and confidential reporting mechanism for incidents of religious discrimination against minority students as part of the newly-formed National Harmony Ministry and:
    a. Empower the National Harmony Ministry to take disciplinary action;
    b. Train public school leadership, faculty, and administration officials to adhere to anti-discrimination policies.
3. Make the course "Ethics for Non-Muslims" compulsory for all students;
4. Develop teacher-training programs to focus on the constitutional rights of religious minorities, critical thinking, and the importance of promoting tolerance for diversity in classroom pedagogy;
5. Initiate interfaith dialogue and joint academic and extracurricular activities with faculty and students of others religions where possible;
6. Remove pejorative content from the Constitution of 1973 (e.g. Articles 41(2), 91(3) and 260(3)(b));

7. Develop public-private partnerships with diverse religious representation to enhance pubic school physical infrastructure and to increase cooperation.

Madrassas

1. Facilitate official engagement and cooperation on madrassa educational enhancement between the madrassa boards and the government of Pakistan (GOP);
2. Develop and promote pedagogical training programs;
3. Put in place a system of madrassa accreditation and teacher certification programs to ensure that madrassas meet mutually accepted educational standards;
4. Encourage and make public curricular reforms, with a particular focus on religious tolerance and modernizing textbooks.