

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-officio* 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.