

# U.S. Commission *on* International Religious Freedom

Annual Report 2012



*Front Cover:* Nearly 3,000 Egyptian mourners gather in central Cairo on October 13, 2011 in honor of Coptic Christians among 25 people killed in clashes during a demonstration over an attack on a church.

MAHMUD HAMS/AFP/Getty Images

**Annual Report of the  
United States Commission on International Religious Freedom**

**March 2012  
(Covering April 1, 2011 – February 29, 2012)**

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**Table of Contents**

<b>Overview of Findings and Recommendations</b> .....	1
Introduction.....	1
Countries of Particular Concern and the Watch List.....	2
Overview of CPC Recommendations and Watch List.....	6
Prisoners.....	12
<b>USCIRF’s Role in IRFA Implementation</b> .....	14
Selected Accomplishments.....	15
Engaging the U.S. Executive Branch and Foreign Governments.....	17
Testifying before Congressional Committees, Press Conferences, Briefing Congressional Staff, and Other Events.....	22
Working with Congress.....	24
Crapa Fellowship Program.....	25
Raising Public Awareness through the Media.....	26
IRFA Implementation.....	26
<b>Country Chapters: Countries of Particular Concern</b>	
Burma.....	31
Democratic People’s Republic of Korea (North Korea).....	41
Egypt.....	50
Eritrea.....	70
Iran.....	78
Iraq.....	95
Nigeria.....	107
Pakistan.....	120
People’s Republic of China.....	136
Saudi Arabia.....	158
Sudan.....	176
Tajikistan.....	184
Turkey.....	199
Turkmenistan.....	228
Uzbekistan.....	242
Vietnam.....	260

## **Country Chapters: USCIRF's Watch List**

Afghanistan.....	282
Belarus.....	298
Cuba.....	301
India.....	304
Indonesia.....	309
Laos.....	313
Russian Federation.....	316
Somalia.....	320
Venezuela.....	323
<b>Other Countries and Issues</b>	
Countries Closely Monitored: Kazakhstan, Bangladesh.....	326
Other National and Regional Issues: Bahrain, Western Europe.....	328
Freedom of Religion in U.S. Policy.....	329
International Organizations: United Nations, Organization for Security and Cooperation in Europe.....	330
<b>Appendix 1: Biographies of USCIRF Commissioners.....</b>	<b>332</b>
<b>Appendix 2: The International Religious Freedom Act of 1998, Selected Provisions.....</b>	<b>339</b>
<b>Appendix 3: International Standards for Constitutional Religious Freedom Protections.....</b>	<b>342</b>
<b>Appendix 4: Introductions and recommendations from USCIRF's study <i>Connecting the Dots: Education and Religious Discrimination in Pakistan - A Study of Public Schools and Madrassas</i> (November 2011).....</b>	<b>345</b>
<b>Appendix 5: USCIRF Policy Focus <i>Crisis in Sudan</i> (December 2011).....</b>	<b>353</b>
<b>Appendix 6: Excerpts from Crapa Fellows' papers.....</b>	<b>364</b>
<b>Appendix 7: Expanded prisoner list for Pakistan.....</b>	<b>385</b>
<b>Appendix 8: Expanded prisoner list for Uzbekistan.....</b>	<b>390</b>
<b>Appendix 9: Report for the USCIRF by the Law Library of Congress, Global Legal Research Center, on Legal Provisions on Fighting Extremism in China, Pakistan, and the Russian Federation (December 2011).....</b>	<b>396</b>

## OVERVIEW OF FINDINGS AND RECOMMENDATIONS

### Introduction

Over the past year, while economic woes captured world headlines, an ongoing crisis of equal breadth and scope frequently went unnoticed. Across the global landscape, the pivotal human right of religious freedom was under escalating attack. To an alarming extent, freedom of thought, conscience, and religion or belief was being curtailed, often threatening the safety and survival of innocent persons, including members of religious minorities.

In Egypt, an epicenter of the Arab Spring, hope turned to dismay, as human rights conditions, particularly religious freedom abuses, worsened dramatically under military rule. Authorities continued to prosecute and sentence citizens charged with blasphemy and allowed official media to incite violence against religious minority members, while failing to protect them or to convict responsible parties. Law enforcement and the courts fostered a climate of impunity in the face of repeated attacks against Coptic Christians and their churches. Rather than defending these minorities, military and security forces turned their guns on them, using live ammunition against Coptic Christians and other demonstrators, killing dozens and wounding hundreds in Maspero Square.

Other governmental actors over the past year also repressed the right to religious freedom, especially of religious minority members. Iran's theocracy targeted Baha'is, as well as Christians, Zoroastrians, and Sufi Muslims. Members of these groups were harassed, arrested, and imprisoned, including Pastor Youcef Nadarkhani, a Christian convert who was put on trial for his life. Some dissenters were even executed, while hatred was fomented against Jews through repeated Holocaust denial and other means. In China, the government made conditions for Tibetan Buddhists and Uighur Muslims the worst in decades.

The failure to prevent or punish violence against vulnerable religious minorities provided a grim portrait of how states can create or fuel a culture of impunity, encouraging private citizens or groups to threaten, intimidate, and even murder others. In Nigeria, the government for years had failed to stem Muslim-Christian violence or bring the perpetrators to justice, emboldening others to commit further bloodshed. The violence reached a terrible peak over the past year, claiming more than 800 lives, displacing 65,000 people, and destroying churches and mosques in the three days after Nigeria's presidential election, and at least 35 more lives in a series of coordinated church bombings on Christmas Day. In Pakistan, blasphemy laws and other discriminatory measures such as the anti-Ahmadi provisions have created an atmosphere conducive to chronic violence, which has worsened due to the government's failure to bring to justice, or even to charge, anyone for the March 2011 assassination of Shahbaz Bhatti, a Christian who was Pakistan's Federal Minister for Minority Affairs and a longtime religious freedom advocate.

Coupled with the continued exportation of religious extremist material from Saudi Arabia across the Middle East and into parts of Africa, Asia, and Europe, cultures of impunity have strengthened the hand of terrorist groups like Boko Haram in Nigeria and the Taliban in Afghanistan and Pakistan, ramping up killings and other abuses.

Whether Ahmadis, Baha'is, Christians, or others, religious minority individuals and their communities are – to a chilling extent – in trouble. Across much of the Middle East, Christian communities that have been a presence for nearly 20 centuries have experienced severe declines in population, aggravating their at-risk status in the region.

To be sure, religious freedom abuses harm members of religious majorities and minorities alike. But make no mistake: across much of the world, persons associated with religious minority communities often are harmed the most. Even when violations do not include or encourage violence, intricate webs of discriminatory rules, regulations, and edicts can impose tremendous burdens on these communities and their adherents, making it difficult for them to function and grow from one generation to the next, potentially threatening their existence. For example, while an electoral democracy, Turkey fails to legally recognize religious minority communities, such as the Alevis, the Greek, Armenian, and Syriac Orthodox Churches, the Roman Catholic and Protestant Churches, and the Jewish community. Furthermore, Turkish officials meddle in these communities' internal government and education and limit their worship rights.

In the end, the right to freedom of religion or belief should extend to every individual in every community and country. Since its inception, the U.S. Commission on International Religious Freedom (USCIRF) has been committed to this fundamental principle and universal standard. USCIRF will continue to report on countries where this freedom is lacking and make positive recommendations for reform.

Religious freedom abuses must never go unchallenged. This is not merely USCIRF's opinion, or a reflection of our own heritage as a free people. It is a basic tenet of humanity, a moral, ethical and legal duty that the United States ought to honor with action.

### **Countries of Particular Concern and the Watch List**

The International Religious Freedom Act of 1998 (IRFA) established as USCIRF's "primary responsibility" the annual and ongoing review of the facts and circumstances of religious freedom violations worldwide and the making of policy recommendations to the President, the Secretary of State, and Congress. The 2012 Annual Report represents the culmination of the efforts over the past year by Commissioners and staff to fulfill this responsibility.

This year's reporting period addresses events from April 2011 through February 2012, and the Annual Report includes chapters on 25 countries. The report is divided into two main sections. The first section highlights countries which USCIRF recommends that the State Department designate as "countries of particular concern" (CPCs) under IRFA for particularly severe violations of religious freedom. The second section focuses on countries USCIRF has placed on a Watch List for serious violations of religious freedom that do not meet the CPC threshold but require very close attention. In addition, there is a chapter on USCIRF's role in IRFA implementation, a chapter discussing other countries and issues of concern, and an appendix containing biographies of Commissioners and supplemental materials.

IRFA requires the President, who has delegated this authority to the Secretary of State, to designate as "countries of particular concern," or CPCs, those governments that have 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.” After a country is designated a CPC, the President is required by law to take one or more of the actions specified in IRFA, or to invoke a waiver if circumstances warrant.

For the 2012 Annual Report, USCIRF recommends that the Secretary of State designate the following 16 countries as CPCs: Burma, the Democratic People’s Republic of Korea (North Korea), Egypt, Eritrea, Iran, Iraq, Nigeria, Pakistan, the People’s Republic of China, Saudi Arabia, Sudan, Tajikistan, Turkey, Turkmenistan, Uzbekistan, and Vietnam.

The State Department made CPC designations in October 2011 when releasing the *Annual Report on International Religious Freedom*, repeating the designations of eight countries issued by the previous administration in January 2009: Burma, the Democratic People’s Republic of Korea (North Korea), Eritrea, Iran, the People’s Republic of China, Saudi Arabia, Sudan, and Uzbekistan. It also announced Presidential actions for six of the countries it designated, and waivers on taking any action against Saudi Arabia and Uzbekistan (see the table Actions Taken Under IRFA, below). As a result of these waivers, the United States has not implemented any policy response to the particularly severe violations of religious freedom in either country.

USCIRF also maintains a Watch List of countries where the serious violations of religious freedom engaged in or tolerated by the governments do not meet the CPC threshold but require close monitoring. The Watch List provides advance warning of negative trends that could develop into severe violations of religious freedom, thereby providing policymakers with the opportunity to engage early and increasing the likelihood of preventing or diminishing the violations. The following nine countries are on USCIRF’s Watch List in this reporting period: Afghanistan, Belarus, Cuba, India, Indonesia, Laos, Russia, Somalia, and Venezuela.

<b>Current CPC and Watch List Countries</b>		
<b>Countries Designated as CPCs by the Department of State</b>	<b>USCIRF Recommendations for CPC Designation</b>	<b>USCIRF Watch List Countries</b>
Burma	Burma	Afghanistan
China	China	Belarus
Eritrea	Eritrea	Cuba
Iran	Iran	India
North Korea	North Korea	Indonesia
Saudi Arabia	Saudi Arabia	Laos
Sudan	Sudan	Russia
Uzbekistan	Uzbekistan	Somalia
	-----	
	Egypt	Venezuela
	Iraq	
	Nigeria	
	Pakistan	
	Tajikistan	
	Turkey	
	Turkmenistan	
	Vietnam	

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 range of options for countries designated as CPCs, and a list of actions to help encourage improvements in countries that violate religious freedom but do not meet the CPC threshold. Specific policy options to address severe violations of religious freedom in CPC countries include sanctions (referred to in IRFA as Presidential actions) 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 may additionally determine that pre-existing sanctions are adequate or waive the requirement of taking action in furtherance of the Act.

However, in practice, the flexibility provided in IRFA has been underutilized and as a result the statute has not been fully employed to bring about adequate progress to warrant removing countries designated as CPCs. Generally, the State Department relies on pre-existing sanctions, which is technically correct under the statute. However, the practice of “double-hatting” provides little incentive for CPC-designated governments to reduce or end egregious violations of religious freedom. For these actions to have any real impact on promoting religious freedom, the designation of an egregious religious freedom violator as a CPC should always be followed by the implementation of a clear, direct, and specific Presidential action.

<b>Actions Taken Under IRFA</b>	
The following Presidential actions under section 402(c)(1) of IRFA were approved by Secretary Clinton on August 18, 2011	
<b>Burma</b>	The existing, ongoing arms embargo referenced in 22 CFR 126.1(a).
<b>China</b>	The existing, ongoing restrictions on exports to China of crime control and detection instruments and equipment, under P.L. 101-246 and the Foreign Relations Authorization Act of 1990 and 1991.
<b>Eritrea</b>	The existing, ongoing arms embargo referenced in 22 CFR 126.1(a).
<b>Iran</b>	The existing, ongoing restrictions on certain imports from and exports to Iran, in accordance with section 103(b) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (P.L. 111-195).
<b>North Korea</b>	The existing, ongoing restrictions to which North Korea is subject, pursuant to sections 402 and 209 of the Trade Act of 1974 (the Jackson-Vanik Amendment).
<b>Sudan</b>	The restriction on making certain appropriated funds available for assistance to the Government of Sudan in the annual Department of

	State, Foreign Operations, and Related Programs Appropriations Act, currently set forth in section 7070(f) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, P.L. 111-117), as carried forward by the Full-Year Continuing Appropriations Act, 2011 (Div. B, P.L. 112-10) and any provision of law that is the same or substantially the same as this provision.
<b>Saudi Arabia &amp; Uzbekistan</b>	Waived the requirements of section 405(a) of the IRF Act with respect to Saudi Arabia, and Uzbekistan, to further the purposes of the IRFA.

In addition to implementing specific Presidential actions, the U.S. government should designate CPCs in a timely manner. While IRFA does not set a specific deadline, it 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. The State Department’s October 2011 CPC designations, which were made along with its release of the 2011 *Annual Report on International Religious Freedom*, were a welcome change from past practice, when the two had been separated by years. CPC designations were made in 2006, 2009, and 2011. USCIRF encourages the State Department to continue the practice of announcing CPC designations with the issuance of the 2012 *Annual Report on International Religious Freedom*, as envisioned by IRFA.

### **Overview of CPC Recommendations and Watch List**

#### *Justification of Commission Recommendations for CPC Designation*

**Burma:** The Burmese military is implicated in some of the world’s worst human rights abuses, including rape, torture, ethnic cleansing, conscription of child soldiers, and particularly severe religious freedom violations. These abuses continued in the past reporting period, despite November 2010 elections that installed a new civilian government and some initial reforms announced during 2011-2012. Religious groups, particularly ethnic minority Christians and Muslims and Buddhist monks suspected of engaging in anti-government activity, faced intrusive monitoring, arrest, mistreatment, destruction or desecration of property, severe restrictions on worship, education, and religious activities, and targeted violence. Monks are still imprisoned for participating in peaceful demonstrations in 2007, and the ban on independent Protestant “house church” activities remains.

**China:** The Chinese government continues to violate severely its international obligations to protect the freedom of thought, conscience, and religion or belief. Religious groups and individuals considered to threaten national security or social harmony, or whose practices are deemed superstitious, cult-like, or beyond the vague legal definition of “normal religious activities” face severe restrictions, harassment, detention, imprisonment, and other abuses. Religious freedom conditions for Tibetan Buddhists and Uighur Muslims remain particularly acute, as the government broadened its efforts to discredit and imprison religious leaders, control the selection of clergy, ban certain religious gatherings, and control the distribution of

religious literature by members of these groups. The government also detained hundreds of unregistered Protestants in the past year and stepped up efforts to shutter “illegal” meeting points and public worship activities. Dozens of unregistered Catholic clergy remain in detention or have disappeared, and relations between the Vatican and Beijing have declined in the past year. Falun Gong adherents continue to be targeted by extralegal security forces and tortured and mistreated in detention. The Chinese government also continues to harass, detain, intimidate, disbar, and forcibly disappear attorneys who defend vulnerable religious groups.

**Egypt:** Over the past year, the Egyptian transitional government continued to engage in and tolerate systematic, ongoing, and egregious violations of freedom of thought, conscience and religion or belief. Serious problems of discrimination, intolerance, and other human rights violations against members of religious minorities, as well as disfavored Muslims, remain widespread in Egypt. Violence targeting Coptic Orthodox Christians increased significantly during the reporting period. The transitional government has failed to protect religious minorities from violent attacks at a time when minority communities have been increasingly vulnerable. This high level of violence and the failure to convict those responsible continued to foster a climate of impunity, making further violence more likely. During the reporting period, military and security forces used excessive force and live ammunition targeting Coptic Christian demonstrators and places of worship resulting in dozens of deaths and hundreds of injuries. The government also continued to prosecute, convict, and impose prison terms on Egyptian citizens charged with blasphemy. Implementation of previous court rulings – related to granting official identity documents to Baha’is and changing religious affiliation on identity documents for converts to Christianity – has seen some progress but continues to lag, particularly for Baha’is. In addition, the government has not responded adequately to combat widespread and virulent anti-Semitism in the government-controlled media.

**Eritrea:** Systematic, ongoing, and egregious religious freedom violations continue in Eritrea. These violations include: torture or other ill-treatment of thousands of religious prisoners; arbitrary arrests and detentions without charges of members of unregistered religious groups; a prolonged ban on public religious activities; revocation of citizenship rights of Jehovah’s Witnesses; interference in the internal affairs of registered religious groups; and inordinate delays in responding to registration applications from religious groups.

**Iran:** The government of Iran continues to engage in systematic, ongoing, and egregious violations of religious freedom, including prolonged detention, torture, and executions based primarily or entirely upon the religion of the accused. Iran is a constitutional, theocratic republic that discriminates against its citizens on the basis of religion or belief. During the past year, religious freedom conditions continued to deteriorate, especially for religious minorities, most notably Baha’is, as well as Christians and Sufi Muslims, and physical attacks, harassment, detention, arrests, and imprisonment intensified. Even the recognized non-Muslim religious minorities protected under Iran’s constitution – Jews, Armenian and Assyrian Christians, and Zoroastrians – faced increasing discrimination, arrests, and imprisonment. Majority Shi’a and minority Sunni Muslims, including clerics who dissent, were intimidated, harassed, and detained. Dissidents and human rights defenders were

increasingly subject to abuse and several were sentenced to death and even executed for the capital crime of “waging war against God.” Heightened anti-Semitism and repeated Holocaust denials by senior government officials have increased fear among Iran’s Jewish community. Since the 1979 Iranian revolution, members of minority religious communities have fled Iran in significant numbers for fear of persecution.

**Iraq:** The Iraqi government continues to tolerate systematic, ongoing, and egregious religious freedom violations. In the past year, religious sites and worshippers were targeted in violent attacks, often with impunity, and businesses viewed as “un-Islamic” were vandalized. The most deadly such attacks during this period were against Shi’a pilgrims. While the Iraqi government has made welcome efforts to increase security, it continues to fall short in investigating attacks and bringing perpetrators to justice. It also took actions against political rivals in late 2011 that escalated Sunni-Shi’a sectarian tensions. Large percentages of the country’s smallest religious minorities – which include Chaldo-Assyrian and other Christians, Sabeen Mandaeans, and Yazidis – have fled the country in recent years, threatening these ancient communities’ very existence in Iraq; the diminished numbers that remain face official discrimination, marginalization, and neglect, particularly in areas of northern Iraq over which the Iraqi government and the Kurdistan Regional Government (KRG) dispute control. Religious freedom abuses of women and individuals who do not conform to strict interpretations of religious norms also remain a concern.

**Nigeria:** The past year saw a dramatic rise in sectarian or religiously-related violence in Nigeria, confirming USCIRF’s warnings in our 2011 Annual Report. Over 800 people were killed, and more than 65,000 displaced, in three days of rioting in northern states following the presidential 2011 elections. Although triggered by political issues, the post-election violence quickly became sectarian. In addition, Boko Haram, a militant group that espouses an extreme and violent interpretation of Islam, has been emboldened by the climate of impunity. Boko Haram has shifted its tactics and emphasis by targeting, killing, and bombing Christians and Christian clergy and threatening to kill all remaining Christians in the north, while continuing its attacks against government officials, as well as killing hundreds of Muslims, including Muslim religious leaders who spoke out against the group.

**North Korea:** Despite the December 2011 death of autocratic leader Kim Jong Il and the succession of his son and chosen successor Kim Jong Un, the Democratic People’s Republic of North Korea (DPRK or North Korea) remains one of the world’s most repressive regimes, with a deplorable human rights and religious freedom record. There continue to be reports of severe religious freedom abuses occurring during the past year, including: discrimination and harassment of both authorized and unauthorized religious activity; the arrest, torture, and possible execution of those conducting clandestine religious activity; and the mistreatment and imprisonment of asylum-seekers repatriated from China, particularly those suspected of engaging in religious activities, having religious affiliations, or possessing religious literature.

**Pakistan:** The government of Pakistan continues to both engage in and tolerate systematic, ongoing, and egregious violations of freedom of religion or belief. Pakistan’s repressive blasphemy laws and other religiously discriminatory legislation, such as the anti-Ahmadi

laws, have created an atmosphere of violent extremism and vigilantism. Sectarian and religiously-motivated violence is chronic, and the government has failed to protect members of the majority faith and religious minorities. Pakistani authorities have not consistently brought perpetrators to justice or taken action against societal leaders who incite violence. Growing religious extremism threatens the freedoms of religion and expression, as well as other human rights, for everyone in Pakistan, particularly women, members of religious minorities, and those in the majority Muslim community who hold views deemed “un-Islamic” by extremists. It also threatens Pakistan’s security and stability.

**Saudi Arabia:** During the reporting period, systematic, ongoing, and egregious violations of religious freedom continued in Saudi Arabia despite improvements. More than 10 years since the September 11, 2001 attacks on the United States, the Saudi government has failed to implement a number of promised reforms related to promoting freedom of thought, conscience, and religion or belief. The Saudi government persists in banning all forms of public religious expression other than that of the government’s own interpretation of one school of Sunni Islam; prohibits churches, synagogues, temples, and other non-Muslim places of worship; uses in its schools and posts online state textbooks that continue to espouse intolerance and incite violence; and periodically interferes with private religious practice. There have been numerous arrests and detentions of Shi’a Muslim dissidents, partly as a result of increasing protests and demonstrations related to 2011 uprisings in the region, and Ismaili Shi’a Muslims continue to suffer repression on account of their religious identity. Members of the Commission to Promote Virtue and Prevent Vice (CPVPV) continue to commit abuses, although their public presence has diminished slightly and the number of reported incidents of abuse has decreased in some parts of the country. In addition, the government continues to be involved in supporting activities globally that promote an extremist ideology, and in some cases, violence toward non-Muslims and disfavored Muslims.

**Sudan:** Systematic, ongoing, and egregious violations of freedom of religion or belief continue in Sudan. Violations include: the criminalization, subject to the death penalty, of apostasy; the efforts by the government in Khartoum to impose its restrictive interpretation of Shari’ah (Islamic law) on Muslims and non-Muslims; attacks and threats against the Christian community; the application of the Public Order Act and related laws and use of floggings for undefined acts of “indecent” and “immorality;” the denial of public religious expression and persuasion of Muslims by non-Muslims, while allowing proselytizing of non-Muslims by Muslims; and the difficulty in obtaining permission to build churches, as compared to government funding of mosque construction.

**Tajikistan:** The religious freedom situation in Tajikistan further deteriorated during the reporting period, as it has over the past several years, leading to systematic, ongoing, and egregious violations of freedom of religion or belief. The state suppresses and punishes all religious activity independent of state control, and imprisons individuals on unproven criminal allegations linked to religious activity or affiliation. The Tajik government’s restrictions on freedom of religion or belief primarily affect the country’s majority Muslim community, but also target minority communities viewed as foreign-influenced, particularly Protestants and Jehovah’s Witnesses. Jehovah’s Witnesses are banned and, as a result, that

community has faced numerous official penalties, including allegations of inciting inter-religious discord. In recent years, the Tajik government has destroyed a synagogue, a church, and three mosques, and it has closed down hundreds of unregistered mosques, including 50 in early 2011.

**Turkey:** Due to the Turkish government's systematic and egregious limitations on the freedom of religion or belief that affect all religious communities in Turkey, and particularly threaten the country's non-Muslim religious minorities, USCIRF recommends Turkey be designated a "country of particular concern." The Turkish government, in the name of secularism, has long imposed burdensome regulations and denied full legal status to religious groups, violating the religious freedom rights of all religious communities. These restrictions, including policies that deny non-Muslim communities the rights to train clergy, offer religious education, and own and maintain places of worship, have led to their decline, and in some cases, their virtual disappearance. Turkey has a democratic government, and the country's constitution protects the freedom of belief and worship. While the political climate in Turkey is generally more open to public debate on religious freedom matters and the government has recently taken some positive steps on property, education, and religious dress, these *ad hoc* announcements have not resulted in systematic changes in constitutional and legal structures that would remedy violations of religious freedom for non-Muslim minorities. Longstanding policies continue to threaten the survivability and viability of minority religious communities in Turkey.

**Turkmenistan:** Severe religious freedom violations and official harassment of religious adherents persist in Turkmenistan. Despite a few limited reforms undertaken by President Berdimuhamedov since 2007, the country's laws, policies, and practices continue to violate international human rights norms, including those on freedom of religion or belief. Police raids and other harassment of registered and unregistered religious groups continue. The highly repressive 2003 religion law remains in force, causing major difficulties for religious groups to function legally, and has justified police raids and arrests. Turkmen law does not allow a civilian alternative to military service, and six Jehovah's Witnesses are imprisoned for conscientious objection.

**Uzbekistan:** Since Uzbekistan gained independence in 1991, its government has systematically and egregiously violated freedom of religion or belief. The Uzbek government violates the full range of human rights and harshly penalizes individuals for independent religious activity regardless of their religious affiliation. A restrictive religion law facilitates the government's control over all religious communities, particularly the majority Muslim community. The government continues to arrest Muslims and repress individuals, groups, and mosques that do not conform to officially-prescribed practices or that it claims are associated with extremist political programs. Thousands of such persons remain imprisoned as alleged extremists, including many who reportedly are denied due process and subjected to torture. While Uzbekistan does face security threats from members of groups that advocate or perpetrate violence in the name of Islam, the government arbitrarily applies vague anti-extremism laws against many Muslims and others who pose no credible threat to security.

**Vietnam:** The government of Vietnam continues to control all religious communities, restrict and penalize independent religious practice severely, and repress individuals and groups viewed as challenging its authority. Religious activity continues to grow in Vietnam and the government has made some important changes in the past decade in response to international attention, including from its designation as a “country of particular concern” (CPC). Nevertheless, individuals continue to be imprisoned or detained for reasons related to their religious activity or religious freedom advocacy; independent religious activity remains illegal; legal protections for government-approved religious organizations are both vague and subject to arbitrary or discriminatory interpretations based on political factors; and new converts to ethnic-minority Protestantism and members of one Buddhist community face discrimination, intimidation, and pressure to renounce their faith.

*The Commission’s Watch List*

**Afghanistan:** Conditions for religious freedom are exceedingly poor for dissenting members of the majority faith and for minority religious communities. The Afghan constitution fails explicitly to protect the individual right to freedom of religion or belief and allows other fundamental rights to be superseded by ordinary legislation. It also contains a repugnancy clause stating that no law can be contrary to the tenets of Islam, which the government has interpreted to limit fundamental freedoms. Individuals who dissent from the prevailing orthodoxy regarding Islamic beliefs and practices are subject to legal action that violates international standards, for example prosecutions for religious “crimes” such as apostasy and blasphemy. In addition, the Afghan government remains unable, as well as at times unwilling, to protect citizens against violence and intimidation by the Taliban and other illegal armed groups.

**Belarus:** The government of Belarus, through intrusive laws and policies, continues to violate the freedom of thought, conscience, and religion or belief throughout the country. Religious communities and individuals found to have violated these restrictive laws have been harassed, raided, fined, and detained. Vandalism of religious properties has occurred with impunity.

**Cuba:** Serious religious freedom violations continue in Cuba despite some improvements. Violations by the Cuban government include: detention, sporadic arrests, and harassment of clergy and religious leaders, as well as interference in church affairs. The Cuban government also controls and monitors religious belief and practices through surveillance and legal restrictions.

**India:** Progress in achieving justice for victims of past large-scale incidents of communal violence in India continued to be slow and ineffective. In addition, intimidation, harassment, and occasional small-scale violence against members of religious minority groups continued, particularly against Christians in states with anti-conversion laws. While there has been no large-scale communal violence against religious minorities since 2008, and despite the Indian government’s recognition of past communal violence and the creation of some structures at various levels to address these issues, the deleterious pace of the judicial responses and the adopted anti-conversion laws enable impunity.

**Indonesia:** Indonesia is a stable democracy with stronger human rights protections than at any time in its history, but the country's tradition of religious tolerance and pluralism has been strained. While the government has addressed past sectarian violence and curtailed terrorist networks, religious minorities continue to experience intimidation, discrimination, and societal violence. The Indonesian government, including the police and provincial officials, sometimes tolerate activities of extremist groups, and national laws and provincial decrees have restricted religious freedom.

**Laos:** Serious religious freedom abuses continue in Laos. The Lao government restricts religious practice through its legal code and has not curtailed religious freedom abuses in some rural areas. Provincial officials continue to violate the freedom of religion or belief of ethnic minority Protestants through detentions, surveillance, harassment, property confiscations, forced relocations, and forced renunciations of faith. However, religious freedom conditions have improved for the majority Buddhist groups and for Christians, Muslims, and Baha'is living in urban areas.

**Russia:** Religious freedom conditions in Russia continue to deteriorate. The government increasingly used its anti-extremism law against peaceful religious groups and individuals, particularly Jehovah's Witnesses and Muslim readers of the works of Turkish theologian Said Nursi. National and local officials also apply other laws to harass Muslims and groups they view as non-traditional or alien. These actions, along with rising xenophobia and intolerance, including anti-Semitism, are linked to violent or lethal hate crimes. Despite increased prosecutions in Moscow, the Russian government has not addressed these issues consistently or effectively, leading to significant problems of impunity in many regions.

**Somalia:** Egregious religious freedom violations by the U.S.-designated terrorist group al-Shabaab continue in Somalia, including: the violent implementation of its extremist interpretation of Islamic law and use of hudood punishments; execution of those it deems "enemies of Islam;" and killing of Christian converts. The internationally-recognized Transitional Federal Government (TFG) lacks the capacity to enforce religious freedom protections or address religious freedom violations. Although al-Shabaab conducts systematic, ongoing, and egregious violations of religious freedom, it is not the governing authority and Somalia cannot be designated a "country of particular concern."

**Venezuela:** Violations of freedom of religion or belief continue in Venezuela. These violations include: the government's failure to investigate and hold accountable perpetrators of attacks on religious leaders and houses of worship, and virulent rhetoric from President Hugo Chavez, government officials, state media, and pro-Chavez media directed at the Venezuelan Jewish and Catholic communities.

### Prisoners

USCIRF has also compiled an informal list of prisoners that reflects only a small number of those detained, jailed, or disappeared.

<b>Individuals Referenced in the Annual Report as Detained, Jailed or Disappeared on Account of Religious Beliefs and/or Activities</b> (Individuals listed below reflect only a small number of those detained, jailed, or disappeared)
<b>Afghanistan:</b> Baljit Singh
<b>China:</b> Gao Zhisheng, Wang Yonghang, Tang Jitian, Alimujiang Yimiti, Qahar Menus, Muhemmed Tursun, Yang Rongli, Wang Xiaoguang, Fr. Li Huisheng, Fr. Joseph Zhang, Bishop Su Zhimin, Bishop Shi Enxiang, Fan Yafeng, Jin Tianming, Namkha Gyaltzen, Gedun Choekyi Nyima, Runggye Adak, Tenzin Delek Rinpoche, Liu Gang, Liu Fengmei, Song Sheng
<b>Eritrea:</b> Patriarch Abune Antonios, Paulos Eyassu, Isaac Mogos, Negede Teklemariam
<b>Iran:</b> Youcef Nadarkhani, Farshid Fathi, Noorollah Qabitzade, Mehdi Furutan Ayatollah Mohammad Kazemini Boroujerdi, Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naemi, Saeid Rezaie, Mahvash Sabet, Behrouz Tavakkoli, Vahid Tizfahm
<b>Pakistan:</b> Aasia Bibi, Abdul Sattar, Muhammad Mushtaq, Muhammad Yousaf, Imran Ghafoor, Wajihul Hassan, Rafiq from Punjab province, Mohammad Shafi, Mohammad Aslam, Ruqqiya Bibi, Munir Masih, Hector Aleem, Rehmat Masih
<b>Saudi Arabia:</b> Hamza Kashgari, Ali Sabat, and 35 Ethiopian Christians
<b>Tajikistan:</b> Sharifjon Yoqubov, Igbolsho, Amirali Davlatov, Murodali Davlatov, Nosir Rakhimov, Doniyor Khashimov, Saynurdin Kalugshoyev, Churabek Saidzoda, Jamshed Boyakov, Mahkamjon Azizov, Umarjon Azizov, Nasrullo Khisomov, Talabsho Abdusamadov, Abdumanon Sattorov, Khudaydod Alnazarov, Churakhon Mirzoyev, Toirjon Samadov, Abduvali Murodov
<b>Turkmenistan:</b> Muhammed-Rahim Muhammedov, Vladimir Nuryllayev, Dovleyet Byashimov, Ahmet Hudaybergenov, Sunet Japbarov, Matkarim Aminov, Dovran Matyakubov, Mahmud Hudaybergenov
<b>Uzbekistan:</b> Hairulla Khamidov, Bakhtiyar Makhamatov, Nematilla Sakhilov, Akram Yuldashev, Suhrob Zokirov, Islom Alikulov, Islom Manopov, Alisher Karimov, Farhod Sarymsokov, Botyr Sheraliyev, Kudrat Sulstonov, Nosyr Mamazhanov, Muhammad Yarmatov, Ramzhon Abdukodyrov, Nasibullo Karimov, Akhror Saidvaliev, Adkham Siddiqov, Ammoridin Bahromov, Abdullo Turgunov, Sharifjon Boltaboev, Habibullah Madmarov, Mamirzhan Yusupov, Akhmadzhon Bekpulatov, Sanzharbek Satvaldiev, Rustam Amanturdiev, Dilshodbek Amanturdiev, Zarbotzhon Akbarov, Alim Boymatov, Mehriniso Hamdamova, Zulkhumor Hamdamova, Shahlo Rakhmonova, Abdubannob Ahmedov, Olim Turaev, Sergey Ivanov, Tohar Haydarov, Nasibullo Karimov
<b>Vietnam:</b> Fr. Nguyen Van Ly, Cam Tu Huynh, Kpa Y Co, Ksor Y Du, Nguyen Cong Chinh, Nguyen Trung Ton, Nguyen Van Lia, Tran Hoai An, Thich Quang Do

## USCIRF'S ROLE IN IRFA IMPLEMENTATION

Separate and distinct from the State Department, the U.S. Commission on International Religious Freedom (USCIRF) is the first and only federal government commission in the world with the sole mission of reviewing and making policy recommendations on the facts and circumstances of religious freedom globally. USCIRF bases these recommendations on the standards found in the Universal Declaration of Human Rights and other international documents.

Far from duplicating the work of the State Department and its Office of International Religious Freedom, USCIRF's independence provides it the freedom to speak publicly on the national and international stage about violations of this fundamental right and ways the United States can engage positively. In doing this, USCIRF issues written analyses, like this Annual Report, as well as periodic policy briefs and frequent press statements. In addition, USCIRF has released major reports on a variety of issues, highlighting specific actions the U.S. government should take to improve religious freedom. In 2005, USCIRF released *Thank you, Father Kim Il Sung*, with eyewitness accounts of religious freedom violations in North Korea, as well as the Congressionally-mandated *Report on Asylum Seekers in Expedited Removal*. In 2008, USCIRF issued *A Prison Without Bars: Refugee and Defector Testimonies of Severe Violations of Freedom of Religion or Belief in North Korea*. In 2011, in response to a Congressional request, USCIRF issued *Connecting the Dots: Education and Religious Discrimination in Pakistan*, which analyzed whether the portrayal of the country's religious minorities in public school and *madrassa* textbooks leads to acts of discrimination or violence against them.

USCIRF also plays a leading role in mobilizing Congress on a range of issues, including to engage key countries on religious freedom violations, as well as helping convene public hearings. Commissioners and USCIRF staff serve as a resource to Members of the House and Senate and their offices on a range of countries and issues, including testifying before Congressional committees about USCIRF's independent findings and recommendations. USCIRF also engages with religious groups and non-governmental organizations (NGOs), seeking their insights and benefiting from their information. Commissioners and staff meet with representatives of religious communities and institutions, victims of religious persecution and their families, human rights groups, academics, and policy experts.

USCIRF's constructive engagement with the State Department, National Security Council, and other executive branch entities helps ensure international religious freedom remains a key foreign policy priority, as IRFA mandated. The Commission also meets with high-ranking officials from foreign governments and international organizations, participates in U.S. delegations to international meetings, and helps provide training to Foreign Service officers and other U.S. officials. The Commission travels internationally to examine conditions firsthand, meeting with high-level officials, including presidents, prime ministers, and foreign ministers, as well as with representatives of religious and civil society groups. Through these efforts, USCIRF continues to address the need to end violations directed against a diverse array of religious communities: Uighur Muslims in China; Shi'a, including Ismaili Muslims, in Saudi Arabia; Sunni Muslims in Uzbekistan and Russia; Ahmadis in Pakistan and Indonesia; Baha'is, Christians and dissident Muslims in Iran and Pakistan; Buddhists in Vietnam and China; Jews in

Belarus and Venezuela; and a range of indigenous faiths and spiritual movements in China, Egypt, Iraq, and Vietnam.

USCIRF's work is accomplished through the leadership of its Commissioners, who serve in a voluntary capacity without pay, and the engagement of its professional staff. Three Commissioners are appointed by the President, while six are appointed by the leadership of both parties in the House and Senate. The Commission is bipartisan: Congressional leaders of the party that is not the President's party appoints four Commissioners, and the party in the White House appoints five. Dr. Suzan D. Johnson Cook, the Ambassador-at-Large for International Religious Freedom, serves as a non-voting *ex officio* member. On July 1, 2011, Leonard Leo began his third term as Chair of USCIRF, and Dr. Don Argue and Dr. Elizabeth H. Prodromou continued as Vice Chairs, after their election in June.

The terms of five Commissioners will end on March 21, 2012 due to the provisions of P.L. 112-75, the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011, which reauthorized USCIRF through September 30, 2014. Those Commissioners are Dr. Don Argue, Felice Gaer, Dr. Richard Land, Dr. Elizabeth H. Prodromou, and Nina Shea. The term of a sixth Commissioner, Leonard Leo, will end on May 14, 2012.

Because of this change in Commissioners and to ensure compliance with the statutory reporting deadline of May 1, USCIRF felt compelled to accelerate and compress its process of preparing the 2012 Annual Report. P.L. 112-75 requires five of the nine Commissioners to terminate their service before then, possibly leaving no quorum. Faced with the strong possibility of a significantly delayed report or none at all, the Commission opted to issue the Annual Report in March. With a significant deterioration of conditions for religious freedom around the world, the Commission believes it would have been unsatisfactory to countenance a substantial delay, or to skip a report for 2012 altogether. Too much is at stake for international religious freedom.

### **Selected Accomplishments**

During the reporting period, USCIRF continued to engage at high levels to discuss how the United States can promote religious freedom more effectively on a number of issues critical to U.S. foreign policy. USCIRF has a history of successfully focusing high-level U.S. government attention on conditions for religious freedom around the world, and that tradition has continued. In this respect, some recent accomplishments include:

- Egypt: P.L. 112-74, the Consolidated Appropriations Act of 2012, appropriated \$1.3 billion to Egypt from the foreign military financing program and \$250 million from its economic support fund. Importantly, and for the first time, the report language (Report 112-231) requires that the Secretary of State certify that the government of Egypt is using the funds appropriated through the Foreign Military Financing Program to support "the transition to civilian government including holding free and fair elections; implementing policies to protect freedom of expression, association, and religion, and due process of law." The report also includes a national security interest waiver from the certification requirements. USCIRF worked with Congressional offices to ensure freedom of religion was included as one of the certification factors.

- 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. Such 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. USCIRF recommended eight of the thirteen Iranian government officials that the United States has sanctioned, two of whom were sanctioned during FY 2011.
- Nigeria: At the invitation of Assistant Secretary of State for African Affairs, Johnnie Carson, a USCIRF delegation traveled to Nigeria in March 2012, just after the end of the reporting period, to learn more about sectarian violence, assess its impact on religious freedom in Nigeria, and encourage religious leaders to work more closely together to address the nation's problems. USCIRF convened a meeting with the country's foremost religious leaders, many of whom had not formally met together in more than a year, to encourage strengthened cooperation to press the Nigerian government to end impunity and denounce attacks and threats by Boko Haram. In addition, Commissioners successfully engaged high-level federal and state officials on the government's failure to prevent sectarian violence and punish perpetrators. USCIRF also met with a range of religious and civil leaders.
- Pakistan: With the support of USCIRF's Congressional authorizers and appropriators, USCIRF undertook in 2011 the first study of Pakistan's public schools and *madrassas*, "Connecting the Dots: Education and Religious Discrimination in Pakistan." The study analyzed more than 100 social studies, Islamic studies, and Urdu textbooks used in grades 1 through 10 in public schools in Pakistan's four provinces -- Balochistan, Sindh, Punjab, and KPK (formerly the North West Frontier Province -- as well as the books used in the *madrassa* system. It also conducted teacher and student interviews in both systems. The study found that Pakistan's public schools and *madrassas* are incubators of extremism which negatively portray the country's religious minorities and reinforce biases, and that these portrayals fuel acts of discrimination, and possibly violence, against those communities. (See appendix)
- Russian Federation: In response to a USCIRF recommendation on Russia, S. 1039 – the Sergei Magnitsky Rule of Law Accountability Act of 2011 – included Chechen President Ramzan Kadyrov on a list of gross human rights violators, due to his continued abuses against Muslims in Chechnya and his alleged links to politically-motivated killings. The bill would impose U.S. visa bans and bank asset freezes on Kadyrov and other designated Russian officials.
- Saudi Arabia: In February 2012, King Abdullah pardoned Hadi Al-Mutif, an Ismaili Muslim man who had been one of the longest-held religious prisoners in the world, since being jailed in 1994 on charges of apostasy. For years, USCIRF had highlighted his case and called upon high-level Saudi officials to free Al-Mutif and the U.S. government to demand Al-Mutif's release. In addition, due to USCIRF's engagement, six young Shi'a Muslims in Saudi Arabia

were released in February 2011. USCIRF raised concerns about these individuals during its January/February 2011 visit to the Kingdom. The six were released on February 23, 2011 after a year in detention without charges, despite a limit of six months for pretrial detention under the Saudi criminal procedure code.

- Sudan and South Sudan: USCIRF has long been concerned about religious freedom violations and attacks on religious diversity in Sudan and the effects of these violations and attacks on the viability and stability of South Sudan. In 2011-12, USCIRF continued to advocate for full implementation of the Comprehensive Peace Agreement (CPA) as the best means to secure religious freedom in Sudan. USCIRF worked in South Sudan to strengthen current protections of religious freedom that had been gained since the signing of the CPA. In October 2011, USCIRF staff visited refugee camps in South Sudan, interviewing refugees, including pastors, who were fleeing religious freedom and other human rights violations in the Sudanese states of Blue Nile and Southern Kordofan. USCIRF released a report detailing the trip's findings and recommendations for U.S. policy at a press conference and related events on December 13-14. (See appendix)
- United Nations – Intolerance Resolution Takes the Place of Defamation of Religions Resolution: Over the past decade, resolutions in the UN General Assembly and UN Human Rights Council on the “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 marked decrease in the support for these flawed resolutions between 2008 and 2010. As a result, in 2011 both UN bodies instead adopted consensus resolutions on “combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief.” The new resolutions properly focus on protecting individuals from discrimination or violence, instead of protecting religions from criticism; protect the adherents of all religions or beliefs, instead of privileging one religion; and do not call for legal restrictions on peaceful expression, but rather for positive measures, such as education and outreach. In fact, the new resolutions call for criminalization only in the case of incitement to imminent violence, which is the U.S. First Amendment standard.

### **Engaging the U.S. Executive Branch and Foreign Governments on Religious Freedom**

During the reporting period, USCIRF played an active role in raising awareness of religious freedom concerns with the executive branch of the U.S. government. USCIRF had face-to-face meetings with a range of government representatives and wrote to U.S. officials, including President Obama and Secretary of State Hillary Clinton. USCIRF also engaged with representatives of foreign governments in Washington, D.C.

#### *Meetings with the Executive Branch, Foreign Governments, and International Organizations*

- Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner – February 16, 2012: Commissioners and staff met with Assistant Secretary Posner to discuss events in Bahrain and the implementation of recommendations from the Bahraini

Independent Commission on Inquiry report on the violence, as well as discussed China and Egypt.

- Ambassador Robert King, Special Envoy for North Korean Human Rights Issues – January 10, 2012: Special Envoy King briefed Commissioners and staff on the religious freedom situation in North Korea after the death of Kim Jong Il.
- Special Representative on Afghanistan and Pakistan Marc Grossman – November 8, 2011: Commissioners and staff met with Ambassador Grossman to share Commission recommendations relating to Pakistan and Afghanistan, and to present a copy of USCIRF’s report on Pakistan’s education system.
- Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner – November 8, 2011: Commissioners and staff meet with Assistant Secretary Posner to discuss events in Bahrain, to present a copy of USCIRF’s report on Pakistan’s education system, and to discuss other relevant countries of concern, such as Vietnam and Egypt.
- Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner – November 7, 2011: Staff joined an NGO roundtable briefing for A/S Posner before the U.S.-Vietnam Human Right dialogue.
- Ambassador Namik Tan of Turkey – September 13, 2011: Commissioners and staff met with Ambassador Tan to discuss religious freedom limitations in Turkey and its placement on USCIRF’s Watch List.
- Canada’s Director General of International Organizations, Human Rights, and Democracy David Angell – September 9, 2011: Commissioners and staff met with Director General Angell to discuss Canada’s efforts to establish its own religious freedom office.
- U.S. Ambassador to Egypt Anne Patterson – July 26, 2011: Commissioners and staff met with Ambassador Patterson to discuss USCIRF recommendations on Egypt and to learn about how the U.S. government is advancing religious freedom during this period of transition.
- Ambassador-at-Large for International Religious Freedom Suzan Johnson Cook and Ambassador Mike Kozak – July 25, 2011: Ambassadors Johnson Cook and Kozak briefed Commissioners and staff about a recent Organization of Islamic Cooperation (OIC) meeting in Istanbul discussing implementation of the UN Human Rights Council’s resolution 16/18 on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief.
- United Nations High Commissioner for Refugees (UNHCR) Representative Vincent Cocheti – July 19, 2011: Staff met with the UNHCR regional representative to discuss the issue of Afghan refugees being refouled from India back to Afghanistan.

- U.S. Ambassador to Uzbekistan George Krol – June 24, 2011: USCIRF staff briefed Ambassador Krol on religious freedom conditions in Uzbekistan and USCIRF recommendations for U.S. policy.
- Deputy Assistant Secretary of State for Near Eastern Affairs Michael Corbin – June 8, 2011: Deputy Assistant Secretary Corbin briefed Commissioners and staff on the current situation of minorities in Iraq.
- National Security Council Interagency Taskforce on Religious Minorities – June 8, 2011: Members of the Interagency Taskforce on Religious Minorities at the National Security Council briefed USCIRF Commissioners and staff about their work. USCIRF also briefed the taskforce members on USCIRF recommendations.
- Ambassador Merat Orazov of Turkmenistan – May 13, 2011: Staff met with Ambassador Orazov to discuss a possible USCIRF trip to Turkmenistan.
- Chargé d’Affairs of Consulate Juba Chris Datta – May 10, 2011: Commissioners and staff were briefed by Chris Datta, the Chargé d’Affairs of Consulate Juba (now Embassy Juba) about the transition of South Sudan under the CPA to an independent country.
- Special Envoy for Sudan Princeton Lyman – April 27, 2011: Commissioners and staff met with Ambassador Lyman to discuss religious freedom in northern Sudan and Khartoum’s relations with the south.
- U.S. Ambassador to Turkmenistan Robert Patterson – April 20, 2011: Staff met with Ambassador Patterson to brief him on the religious freedom situation in Turkmenistan and USCIRF recommendations, and discussed the possibility of a USCIRF visit.
- Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner – April 4, 2011: Commissioners and staff met with Assistant Secretary Posner to receive a readout of his visit to Egypt and to seek his views on the impact of USCIRF’s CPC recommendation on Egypt.
- OSCE meetings: USCIRF staff participated in U.S. delegations to the OSCE Human Dimension Implementation Meeting (HDIM) in Warsaw and the OSCE Ministerial in Vilnius. Staff met with the Tajik, Turkish and United Kingdom delegations and took part in State Department meetings with the Uzbek and Kazakh delegations at the HDIM, and met with Lithuanian and Irish delegations at the Ministerial.
- U.S. Military Chaplains: Commission staff met with chaplains from the U.S. armed services throughout the reporting period to discuss ways USCIRF could serve as a resource in the training of the chaplaincy corps on liaising with religious leaders in areas of operation.

*Written Engagement with U.S. Officials and Foreign Governments*

USCIRF wrote directly to U.S. government officials and foreign government representatives to raise concerns about religious freedom concerns. In addition, USCIRF wrote to the embassies of all the countries covered in the 2011 Annual Report to request updated information about their laws and policies. The embassies of Bangladesh, China, Egypt, Pakistan, Tajikistan, Turkey, and Vietnam responded.

*Selected Letters to U.S. Officials:*

- U.S. Envoy for Somalia James Swan – February 23, 2012: USCIRF wrote Ambassador Swan to urge the U.S. government to press the Somali constitution drafting commission to include international protections for the human right to freedom of thought, conscience, religion or belief, as well as other human rights, in the new document.
- President Barak Obama – February 3, 2012: USCIRF wrote to urge the President to demonstrate support for freedom of religion or belief and the rule of law by raising in meetings with China's Vice President Xi Jinping the situation of those in prison, disappeared, or under pressure in China for seeking greater government accountability, religious freedom, and other human rights.
- U.S. Ambassador to Turkey Francis J. Ricciardone – January 26, 2012: USCIRF wrote to raise two issues: the reopening of the Greek Orthodox Theological school of Halki and the ability of members of religious communities in the area administered by Turkish Cypriots and the Turkish military in northern Cyprus to freely access, use, restore and maintain their places of worship and cemeteries, especially those in Turkish military bases or zones.
- Special Representative for Afghanistan and Pakistan Marc Grossman – January 6, 2012: USCIRF wrote to express concern about the charges brought against former Pakistani ambassador to the United States Hussain Haqqani, and to encourage continued U.S. government engagement on religious freedom concerns in Pakistan.
- Secretary of State Hillary Rodham Clinton – December 27, 2011: USCIRF wrote to urge Secretary Clinton to ensure that U.S. diplomacy regarding North Korea gives a prominent place to the protection of human rights, including the freedom of religion and belief, as well as the provision of humanitarian assistance and the protection of North Korean refugees.
- U.S. Ambassador to Sri Lanka Patricia A. Butenis – December 22, 2011: USCIRF wrote to raise concerns about reports of closures of churches, the possible reintroduction of an anti-conversion bill, and the ongoing displacement of 100,000 Muslims in the north and northeastern parts of the country.
- President Barak Obama – December 7, 2011: USCIRF wrote the President before his meeting with Iraqi Prime Minister Nouri al-Maliki and urged him to raise religious freedom issues.

- Secretary of State Hillary Rodham Clinton – November 23, 2011: USCIRF urged the Secretary to raise concerns about freedom of religion publicly during her trip to Burma, and to make religious freedom a benchmark for gauging Burma’s commitment to genuine reform.
- Vice President Joseph Biden – November 16, 2011: Before his December visit to Turkey, USCIRF wrote the Vice President to urge him to address religious freedom issues with Prime Minister Erdoğan.
- President Barak Obama – November 14, 2011: USCIRF wrote before the President’s visit to Indonesia and encouraged him to raise religious freedom concerns.
- Vice President Joseph Biden – August 15, 2011: USCIRF wrote to urge the Vice President during his trip to China to speak candidly to Chinese leaders about the importance of religious freedom in U.S.-China relations and to raise concerns about individuals imprisoned for peaceful advocacy of universal freedoms.
- Deputy Secretary of State William Burns – August 2, 2011: USCIRF wrote to convey the 2011 Annual Report and to highlight recommendations for Pakistan and Egypt.
- Assistant Secretary of State for the Bureau of Population, Refugees, and Migration Eric Schwartz – July 25, 2011: USCIRF raised concerns about a population of Afghan Christians in India who have applied for refugee status with the UN High Commissioner for Refugees office in New Delhi.
- Assistant Secretaries of State for Near East Affairs, African Affairs, South and Central Asian Affairs, and East Asia and Pacific Affairs – July 15, 2011: USCIRF wrote these assistant secretaries to convey the 2011 Annual Report and to highlight recommendations for their respective regions and countries.
- U.S. Ambassador to Pakistan Cameron Munter – July 7, 2011: USCIRF wrote Ambassador Munter about a student group in Lahore that issued a list of Ahmadis to be killed, and asked that he urge Pakistani authorities to arrest the agitators directly inciting violence.
- Vice President Joseph Biden – May 17, 2011: USCIRF wrote Vice President Biden to encourage him to consider representing the United States at South Sudan’s independence ceremony in Juba on July 9, 2011.
- Assistant Secretary of State for International Organization Affairs Esther Brimmer – April 13, 2011: USCIRF wrote to emphasize the importance of the United States and its partners using Sudan’s May 10 Universal Periodic Review session at the UN Human Rights Council to signal that the international community will continue to closely monitor and demand improvements in the Khartoum government’s human rights and religious freedom record.
- Secretary of State Hillary Rodham Clinton – April 1, 2011: USCIRF wrote to urge the State Department to use the sanctions regime currently in place on the government of Sudan to

leverage much-needed improvements in religious freedom and help ensure respect for this fundamental freedom for Muslims and non-Muslims alike.

*Selected Letters to Foreign Officials:*

- Ambassador of Kazakhstan Erlan Idrissov – November 9, 2011: USCIRF wrote to inquire about whether the Kazakh government planned to submit several laws signed by President Nursultan Nazarbayev to the Constitutional Council to rule on whether they comply with Kazakhstan’s constitution and international commitments on freedom of religion or belief.
- Ambassador of Turkey Namik Tan – October 21, 2011: USCIRF wrote Ambassador Tan to follow up on a September meeting, asking for information about forming a technical committee regarding the reopening of the Halki Seminary, as well as religious freedom issues in northern Cyprus and the imprisonment of a conscientious objector to military service.
- Ambassador of India Nirupama Rao – October 21, 2011: USCIRF wrote Ambassador Rao to request a meeting to discuss religious freedom issues in India, as well as the prospects of India receiving a USCIRF delegation to learn more about the steps the country has taken to address accountability and the slow justice system.
- Ambassador of Canada Gary Doer – June 28, 2011: USCIRF wrote to offer to discuss how the Canadian government can create an Office of Religious Freedom within the Department of Foreign Affairs and International Trade.
- Turkmen Minister of Foreign Affairs Rashid Meredov – June 22, 2011: USCIRF wrote Minister Meredov about the conditions for a possible USCIRF country visit.
- Ezekiel Lol Gatkuoth, Head of Mission of the Government of South Sudan – June 13, 2011: USCIRF wrote Mr. Gatkuoth to provide a review of the draft of the Government of South Sudan’s interim constitution and to provide suggestions to strengthen the freedom of religion or belief provisions.

**Testifying before Congressional Committees, Press Conferences, Briefing Congressional Staff, and Other Events**

USCIRF has organized and participated in public hearings and events, including the following:

- Reception for Supporters of Human Rights in Iran – February 15, 2012: USCIRF participated in an event, “Belief Behind Bars: Iran’s Imprisoned Baha’i Leaders and Educators.” Along with USCIRF Commissioner Felice Gaer, speakers at this event included Representatives Robert Dold (R-IL), Howard Berman (D-CA), and Michael Grimm (R-NY), Victoria Alvarado, Director, State Department Office of International Religious Freedom, and Naim Sobhani, son of imprisoned Baha’i in Iran. USCIRF also hosted a briefing for the family members of imprisoned Baha’i leaders at the Commission’s offices.

- Sudan Press Conference – December 13 -14, 2011: A press conference and related events were held on Capitol Hill on December 13-14, during which a report detailing USCIRF’s trip findings and recommendations for U.S. policy was released and photos displayed of refugees in the Yida Refugee Camp in South Sudan.
- Briefing on “Connecting the Dots: Education and Religious Discrimination in Pakistan” – December 1, 2011: USCIRF held a briefing to highlight the findings of its study of Pakistan’s public schools and *madrassas*. The study analyzed social studies, Islamic studies, and Urdu textbooks used by schools in Pakistan’s four provinces – Balochistan, Sindh, Punjab, and KPK (formerly the North West Frontier Province) – as well as conducted teacher and student interviews.
- Briefing on the Interplay between Religious Freedom, Extremism, and Security – Implications for U.S. Policy – July 29, 2011: USCIRF held a briefing to focus attention on the interplay between religious freedom, extremism, and security and the implications for U.S. policy. USCIRF brought together a panel of experts on this issue area, with a particular focus on U.S. policy toward Egypt, Nigeria, and Pakistan. Several of the panelists presented findings and offered policy recommendations from their recently published book, *God’s Century: Resurgent Religion and Global Politics*, while another panelist spoke about patterns of ethno-religious violence with case studies from countries he recently had visited, Egypt and Nigeria.
- Prioritizing Religious Freedom Hearing – June 3, 2011: The House Committee on Foreign Affairs, Subcommittee on Africa, Global Health, and Human Rights held a hearing on “Prioritizing International Religious Freedom in US Foreign Policy.” Commission Chair Leonard Leo testified about the reauthorization of USCIRF, the correlation between religious freedom, stability and prosperity, and the importance of incorporating religious freedom as a central factor in foreign policy and the continued erosion of religious tolerance worldwide.
- Lautenberg Amendment – May-August 2011: The Lautenberg Amendment provides critical safeguards for historically persecuted groups seeking refugee status by easing the burden of proof and permitting “fast track” processing to prevent undue backlogs in countries where processing takes place. The Amendment, a provision of the Foreign Operations Appropriations Act for FY 1990, first aided thousands of Soviet Christians and Jews facing religious persecution who were denied refugee status by the United States, and was expanded in 2003 to cover Iranian religious minorities -- Jews, Baha’is and Christians in Iran. This provision lapsed between September 30, 2010 and April 15, 2011 when it was temporarily reinstated in the Continuing Appropriations Act of 2011 (P.L. 112-10). USCIRF worked in support of the reinstatement of this Amendment.
- Universal Periodic Review for Sudan: Holding Sudan Accountable for Human Rights Violations Briefing – March 3, 2011: USCIRF hosted a briefing for Congressional staff and NGOs on ways to leverage Sudan’s then upcoming Universal Periodic Review (UPR) session at the UN Human Rights Council to increase international attention to human rights and religious freedom violations. The roundtable discussed strategies on how best to influence the session, including which human rights violations should be addressed and how best to

engage Council members to help ensure that concerns and questions about human rights violations were raised during the session.

- Briefing Congressional Offices: Throughout the reporting period, USCIRF briefed Congressional offices prior to Members' trips to nations including Egypt, Pakistan, and Morocco. In addition, USCIRF worked with Congressional offices on issues including religious minorities in Egypt and Iraq; Pakistan's blasphemy laws; understanding the UPR process at the UN; religious freedom concerns in Cyprus and Turkey; and religious minorities imprisoned in Saudi Arabia and Afghanistan.
- USCIRF Reauthorization: USCIRF worked to educate Congressional staff on the Commission's mandate and work.

### **Working with Congress**

USCIRF's work with Congressional offices has resulted in the incorporation of its findings and policy recommendations into many bills, resolutions, and letters from Members of Congress. USCIRF also is a regular source of information, counsel, and insight for many committees and Members of Congress. Highlights of USCIRF work with Congressional offices include:

- Egypt Certification – December 2011: P.L. 112-74, the Consolidated Appropriations Act of 2012, appropriated \$1.3 billion to Egypt from the foreign military financing program and \$250 million from its economic support fund. Importantly, and for the first time, the law's report language (Report 112-231) requires that the Secretary of State certify that the Government of Egypt is using the funds appropriated through the Foreign Military Financing Program to support "the transition to civilian government including holding free and fair elections; implementing policies to protect freedom of expression, association, and religion, and due process of law." The report also includes a national security interest waiver from the certification requirements. USCIRF worked with Congressional offices on including religion as one of the certification factors.
- "Defamation of Religions" – March 2011: USCIRF staff worked with the offices of Representative Eliot Engel (D-NY), Christopher Smith (R-NJ), Shelley Berkley (D-NV) and Frank Wolf (R-VA) on letters sent to the members of the U.N. Human Rights Council (March 2011) and 158 members of the General Assembly (November 2010) urging their opposition to the "Defamation of Religions" resolution. This resolution seeks to establish a global blasphemy law. 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 "Defamation of Religions," a consensus resolution that focuses on protecting individual adherents of all religions from discrimination or violence and calls for positive measures, such as education and awareness-building, to address intolerance, discrimination, and violence based on religion or belief
- Religious Minorities in Pakistan – March 2011: USCIRF staff arranged meetings for Pakistan Minister for Minorities Affairs Shahbaz Bhatti with Members of Congress and their staffs in February. Following his March 2, 2011 assassination, USCIRF worked with Congressional

offices on H. Res. 164, a resolution that expressed condolences over his assassination; highlighted the need for religious freedom, related human rights, and an active civil society to ensure Pakistan's future as a free, strong, vibrant, and stable society; noted the initiatives that the Pakistani government has undertaken in support of interfaith harmony; and criticized the blasphemy law and the defamation of religions resolutions that have come before the United Nations. The resolution also urged the U.S. government to include a special working group on interfaith harmony and religious tolerance in U.S.-Pakistan strategic dialogues; and urged the Pakistani government to reform the blasphemy laws, work with international partners to support UN resolutions promoting religious freedom and tolerance, and engage with international partners to ensure promotion of interreligious dialogue and the protection and promotion of religious freedom and related human rights for all people.

### **Crapa Fellowship Program**

In September 2009, USCIRF inaugurated the Joseph R. Crapa Fellowship program in honor of former USCIRF Executive Director Joseph Crapa (2002-2007) who passed away in late 2007. Unfortunately, because of the reduction in USCIRF's level of appropriated funding, no new fellows were named for the 2011-2012 cycle. Excerpts of the work of the 2010-2011 Crapa Fellows can be found in the appendix. The 2010-2011 Fellows were:

Ali Al-Ahmed (September 2010 – September 2011): Mr. Al-Ahmed's research project focused on Saudi government textbooks. He analyzed the key themes found in these textbooks, focusing particularly on their religious content and other relevant areas. The support of the Fellowship over twelve months allowed him to complete a work product, in the form of a report, which included analysis and findings as well as recommendations for U.S. policy on how to encourage Saudi educational reform and benchmarks for such reforms. During his Fellowship, he advised the Commission and undertook additional research, including a public briefing on the Saudi Commission to Promote Virtue and Prevent Vice (CPVPV), the global exportation of extremism from Saudi Arabia, and what role regional unrest has had on political reform inside the Kingdom.

Geraldine Fagan (April 2011 – March 2012): Ms. Fagan's research project focused the role of religious freedom in the Belarusian pro-democracy movement and Islam in Russia and the limits of religious freedom by examining the attitudes of Muslims in Russia toward freedom of religion or belief. The support of the Fellowship over eleven months allowed her to complete an academic journal article on Belarus, and she is working toward completing a second journal article on Russia. Additionally, she presented her findings at two seminars in Washington, DC, one at the Woodrow Wilson Center in December 2011, and the other in February 2012 at Carnegie Endowment for International Peace. She also has provided advice to the Commission on these and other areas of expertise as appropriate.

Ziya Meral (November 2010 – November 2011): For his research project, Mr. Meral developed a policy model for states that see recurrent patterns of ethno-religious violence, particularly between Muslim and Christian ethnic groups, with case studies on Egypt and Nigeria. The support of the Fellowship over twelve months allowed him to prepare a report of his analysis and findings as well as policy recommendations for the United States and international community. During the Fellowship period, he presented at roundtables and events in Washington, DC related

to the issue of impunity in Nigeria and Egypt, among other topics. He also provided advice to the Commission on these and other additional areas of expertise as appropriate.

### **Raising Public Awareness through the Media**

From April 2011 to February 2012, USCIRF released numerous press releases regarding international religious freedom violations throughout the world, and its work was noted in many articles in domestic and international media outlets. USCIRF press releases have received broad media exposure in the Washington Post, the Washington Times, USA Today, the Wall Street Journal, BBC, the New York Times, Fox News, CNN, the Toronto Star, All Africa, the Associated Press, Reuters, and Agence France Press, resulting in thousands of USCIRF mentions in the world's print, television and digital media. These press releases have focused on a wide range of issues including Christians in China, blasphemy laws in Pakistan, religious minorities in Iraq, religious conflict in Nigeria, Bahai's in Iran, Buddhists in Vietnam, and Copts in Egypt.

Commissioners have been interviewed on major networks including CNN and Fox. They also have authored essays which appeared in the Harvard International Review, the Harvard Journal of Law and Public Policy, and the Yale Journal of International Affairs, and opinion articles published in the Washington Post, the Huffington Post, the Baltimore Sun, The Hill, the Houston Chronicle, and elsewhere.

USCIRF's website – [www.uscirtf.gov](http://www.uscirtf.gov) – is a resource containing USCIRF documents and materials, as well as information about its activities.

### **IRFA Implementation**

#### *U.S. Government Religious Freedom Structures*

IRFA established as the policy of the United States that the U.S. government would “condemn violations of religious freedom” and would work to “promote, and to assist other governments in the promotion of, the fundamental right to freedom of religion.” The key official inside the U.S. government for the coordination and development of U.S. policy regarding freedom of religion or belief is the Ambassador-at-Large for International Religious Freedom. Dr. Suzan D. Johnson Cook was sworn into that position in May 2011. The Ambassador-at-Large also serves as a non-voting, *ex officio* member of USCIRF.

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,” but USCIRF is concerned that the position is not adequately placed within the State Department hierarchy. Since the position was established, every administration has situated the Ambassador-at-Large in the Bureau of Democracy, Human Rights and Labor (DRL) and therefore under its Assistant Secretary. The Office of International Religious Freedom, which supports her work, also currently staffs the Special Envoy to Monitor and Combat Anti-Semitism, and works closely with the Special Envoy to the Organization of the Islamic Conference and the Special Representative to Muslim Communities. It has, however, received no additional resources.

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; ensure that the Ambassador and the Office of International Religious Freedom are provided the necessary resources for travel and staffing, similar to other offices with a global mandate; and continue the practice of having the Ambassador maintain direct oversight of the Office of International Religious Freedom.

#### *Other U.S. Government Activities*

During the reporting period, Secretary of State Hillary Clinton initiated a Strategic Dialogue with Civil Society, composed of five working groups, with one focusing on religion and foreign policy. The Religion and Foreign Policy Working Group is intended to provide an opportunity for dialogue between the State Department and religious leaders, scholars and practitioners about issues relating to religion and foreign policy. The Working Group is comprised of three subgroups that meet quarterly – Religious Freedom, Stability & Democracy; Religious Engagement & Conflict Prevention/Mitigation; and Religion & Development and Humanitarian Aid. The Working Group is co-chaired by Under Secretary for Civilian Security, Democracy, and Human Rights Maria Otero, Ambassador-at-Large for International Religious Freedom Suzan Johnson Cook, and Executive Director of the White House Office of Faith-Based and Neighborhood Community Partnerships Joshua DuBois. The co-chairs sit on the Strategic Dialogue with Civil Society Federal Advisory Commission and forward working group recommendations to that body. Two advisors from the non-governmental sector, Dr. Chris Seiple and Dr. William Vendley, help chair the sub-groups and also sit on the Federal Advisory Committee. USCIRF Commissioners and staff participated in several of the sub-groups.

The Pentagon has expanded the chaplaincy corps' role to include religious leader liaison. Under Joint Publication 1-05 issued in November 2009, commanders now have the option of deploying chaplains beyond their traditional pastoral roles to serve as liaisons to religious leaders in theaters of operation. Mindful of their noncombatant status, chaplains can engage religious leaders overseas in humanitarian efforts and advise commanders about the concerns of the local religious community in a foreign country. USCIRF has engaged the chaplaincy corps on the importance of religious freedom in the countries where they will be serving and the need for religious freedom to be a core component of training.

#### *Funding for Religious Freedom Programs*

IRFA also envisaged the funding of religious freedom programs, authorizing foreign assistance to promote and develop "legal protections and cultural respect for religious freedom." This authorization was unfunded until fiscal year 2008, when \$4 million was appropriated for specific DRL grants on religious freedom programming under the Human Rights Democracy Fund (HRDF). Since then, the Office of International Religious Freedom has managed approximately \$10 million in assistance funds. These programs include: support for the creation of an international association of journalists focused on religion issues; efforts to document and combat anti-Semitism and intolerance in Middle Eastern and South Asian media; reform of the Saudi educational curriculum; an interfaith documentary film competition for Iraqi university students; support for Christian, Muslim and Druze community development projects in Lebanon;

an interfaith youth leadership program in India; and a program in Afghanistan, Pakistan and Bangladesh to increase support among Muslim leaders for women's rights.

Considering the statutory recognition of these programs and the demonstrated interest and capacity of human rights and religious freedom organizations, Congress should provide a specific carve-out of HRDF funds to ensure ongoing religious freedom programming that is managed by the Office of International Religious Freedom.

### *Monitoring Mechanisms*

IRFA mandated that the Secretary of State establish monitoring mechanisms “consisting of lists of persons believed to be imprisoned, detained, or placed under house arrest for their religious faith, together with brief evaluations and critiques of the policies of the respective country restricting religious freedom.” In compiling this list, the State Department was directed to use the resources of the various bureaus and embassies and to consult with NGOs and religious groups. While the State Department has advocated for individual prisoner cases, USCIRF is unaware of the Department establishing or maintaining a comprehensive list of such prisoners. However, USCIRF has compiled an informal list of prisoners (see Overview of Findings and Recommendations) that reflects only a small number of those detained, jailed, or disappeared. The Congressional-Executive Commission on China maintains a comprehensive database of prisoners in China. The ability of both commissions to track prisoners, even while operating with substantially fewer resources and access to international information than the State Department, demonstrates that the State Department can fulfill this statutory mandate.

### *Training and Planning*

IRFA 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 consisted mainly of ad hoc lectures on the subject. However, the Foreign Service Institute (FSI), in consultation with the Office of International Religious Freedom, has developed and held four-day courses on *Religion and Foreign Policy*. In addition, efforts are reportedly underway to incorporate religious freedom in senior-level presentations, such as at FSI's senior policy seminar. FSI also continues to hold its annual “Appeal of Conscience” gathering, organized by Rabbi Arthur Schneier, with panels of religious figures and diplomats. The keynote speaker this year was Secretary of State Hillary Clinton. USCIRF welcomes these initiatives. However, while positive, these courses remain optional, not yet part of the core curriculum for all diplomats in training, and have no discernable follow-up or course-related outcomes.

Training on religious freedom issues within the military education system remains minimal, despite the many schools, military service colleges, and universities providing professional military education. None have a specific focus on training on international standards of freedom of religion or belief. Overall, professional military education at the various service colleges should be expanded to include religious freedom as a topic, so as to ensure U.S. service members are mindful of these standards when engaging or partnering with religious leaders or local government officials and understand the value of religious freedom in countering violent

religious extremism. For the chaplaincy corps, the Army has created the Center for World Religions, which is a small U.S. Army Chaplain Corps Directorate co-located at the Armed Forces Chaplaincy Center in Ft. Jackson, South Carolina. Expanding its capability to train on religious freedom standards, as well as other matters concerning religious issues, could fill a void in joint and interagency planning. In addition, the curriculum of the Armed Forces Chaplaincy Center should be expanded so chaplains involved in religious leader liaison are better equipped to understand religious freedom standards in the context of human rights and stability operations.

#### *Admissibility to the United States of Severe Violators of Religious Freedom*

Another IRFA issue relevant to both the State Department and the Department of Homeland Security relates to the admission to the United States of aliens who were “responsible for or directly carried out ... particularly severe violations of religious freedom.” IRFA bars the entry of such individuals. This provision has been invoked only once: in March 2005, it was used to exclude Chief Minister Narendra Modi of Gujarat state in India due to his complicity in the 2002 riots that resulted in the deaths of an estimated 1,100 to 2,000 Muslims. USCIRF had urged this action. USCIRF also continues to urge the Departments of State and Homeland Security to develop a lookout list of aliens who are inadmissible to the United States on this basis. Directly related to identifying and barring from entry such severe religious freedom violators, IRFA also requires the President to determine the specific officials responsible for violations of religious freedom engaged in or tolerated by governments of CPCs, and, “when applicable and to the extent practicable,” publish the identities of these officials in the Federal Register.

#### *Expedited Removal*

In 2005 USCIRF released the Congressionally-mandated *Report on Asylum Seekers in Expedited Removal* (hereafter referred to as the Study). The Study identified serious flaws that place asylum seekers at risk of being returned to countries where they may face persecution and being mistreated while in detention. To address these concerns, USCIRF issued recommendations, none of which require congressional action, to agencies in the Departments of Homeland Security (DHS) and Justice (DOJ). The recommendations were geared to help protect U.S. borders and ensure fair and humane treatment for *bona fide* asylum seekers, two goals of the 1996 immigration reform law that established the Expedited Removal procedure. In 2007, two years after the release of the Study, USCIRF released a “report card” grading the federal agencies on their implementation of the Study’s recommendations.

While DOJ has implemented a number of USCIRF recommendations, including expanding increasing training and supervision of judges and staff to ensure better consistency and quality of asylum decisions and expanding pro bono programs, the record of DHS agencies is mixed. Customs and Border Protection reports that it took steps to increase enforcement and review of its procedures and field guidance related to cases of Expedited Removal, and improve and enhance field officer training. However, USCIRF’s primary recommendations, expanding existing videotape systems and employing “testers” to verify that procedures are correctly followed, have yet to be implemented. DHS released, in December 2007, a training module on cultural awareness and asylum issues for detention officers. This training, however, is not mandatory for intergovernmental service agreement (IGSA) staff, who work at facilities where

more than 50 percent of asylum seekers are held. Since 2005, U.S. Citizenship and Immigration Services increased quality assurance review for positive credible fear determinations, released an updated Asylum Officer Basic Training Course Lesson Plan, and expanded its *pro bono* legal program to all asylum offices nationwide. However, the agency continues to conclude that allowing Asylum Officers to grant asylum at the credible fear stage would be too resource-intensive, would benefit only a small number of asylum seekers and may disadvantage others, and therefore, it has not implemented that recommendation.

The Immigration and Customs Enforcement (ICE) agency has begun to apply USCIRF recommendations regarding the treatment of asylum seekers in detention, although full implementation is incomplete. In December 2009, ICE issued new parole guidelines for asylum seekers in Expedited Removal in line with the Study's recommendations. Under the new directive, parole may be granted once asylum seekers establish credible fear, identity, community ties, and that they are not security risks, unless there are "exceptional overriding factors." The directive also establishes procedures for informing all asylum seekers of their right to request parole, documenting parole decisions, and reviewing and reporting on adjudications. The agency's new Performance Based National Detention Standards expand access to medical, mental health, and legal services, institute an extensive complaint process, and increase visitation and recreation opportunities for asylum seekers.

In October 2009, ICE unveiled a plan to develop a new asylum-seeker detention system, with facilities holding only non-criminal populations in locations with access to legal services, emergency rooms, and transportation. To fulfill this plan, ICE opened one new detention center in Texas that is more suitable for asylum seekers (with a second one planned to open in California), moved some asylum seekers to more appropriate centers, and instituted reforms in some existing facilities, including Hutto in Texas. However, most asylum-seekers still are detained in jail-like conditions; ICE has issued few specifics about the new system; and the new Texas facility is in a rural area far from legal service providers. ICE's employee union has questioned security and costs and ignored USCIRF's 2005 findings that facilities with non-penal detention standards are safe, secure, and cost-effective, delaying implementation of the reformed detention system for asylum seekers.

## COUNTRY CHAPTERS: COUNTRIES OF PARTICULAR CONCERN

### Burma

**FINDINGS:** The Burmese military is implicated in some of the world's worst human rights abuses, including rape, torture, ethnic cleansing, conscription of child soldiers, and particularly severe religious freedom violations. These abuses continued in the past reporting period, despite November 2010 elections that installed a new government and some initial reforms announced during 2011-2012. Religious groups, particularly ethnic minority Christians and Muslims and Buddhist monks suspected of engaging in anti-government activity, faced intrusive monitoring, arrest, mistreatment, destruction or desecration of property, severe restrictions on worship, education, and religious activities, and targeted violence. Monks are still imprisoned for participating in peaceful demonstrations in 2007, and the ban on independent Protestant "house church" activities remains.

In light of these continued systematic, ongoing, and egregious violations, USCIRF again recommends in 2012 that Burma be designated as a "country of particular concern" (CPC). The State Department has designated Burma as a CPC since 1999.

Religious freedom violations affect every religious group in Burma. Although the new government has released prominent leaders of the 2007 demonstrations, Buddhist monks suspected of anti-government activities have been detained in the past year. Most of the recent releases were conditional. U Gambira, head of the All-Burma Monks Alliance, has been twice detained by police because of his public criticism of the government and for unilaterally re-opening sealed monasteries. Muslims routinely experience strict controls on a wide range of religious activities, as well as government-sponsored societal violence. The Rohingya Muslim minority, in particular, is subject to systematic discrimination and a forced relocation program that has produced thousands of refugees. In ethnic minority areas, where low-intensity conflict has been waged for decades, the Burmese military forcibly promotes Buddhism and targets Christian religious groups for intimidation, forced labor, rape, and destruction of religious sites. Such tactics continued in the past year, particularly in Kachin and northern Shan states, where a large military operation began in the past reporting period. A 2008 regulation continues essentially to ban independent "house church" religious venues throughout the country and Protestant religious leaders in Rangoon have been pressured to sign pledges to stop meeting in unapproved venues.

**PRIORITY RECOMMENDATIONS:** In the past year, the Burmese government has released hundreds of political and religious prisoners including Nobel laureate Aun San Suu Kyi, eased some Internet and media controls, signed a tentative cease-fire with the largest Karen ethnic group, and scheduled parliamentary by-elections in which Aung San Suu Kyi and her National League for Democracy (NLD) party will be allowed to participate. These are important steps that have won praise from the United States and other governments. However, because religious freedom improvements and democratization are closely linked in Burma, the U.S. government should not consider removing targeted sanctions until all political prisoners are released, there is a nationwide ceasefire, and the new, freely-elected, parliament is allowed to reform laws limiting religious freedom, as well as associated rights of free speech, assembly, and association. In addition, the United States should not remove the CPC designation until the serious religious freedom violations experienced by Buddhist monks, Rohingya Muslims, and ethnic minority Christians have ended completely. Any future U.S. assistance funds should be targeted to empower civil society groups focusing on public advocacy, religious harmony, democratic leadership, and legal training. Additional recommendations for U.S. policy toward Burma can be found at the end of this chapter.

## Religious Freedom Conditions

### *Initial Reforms*

November 2010 elections installed a new government led by President Thein Sein, a former military general, and a cabinet dominated by former generals and military officers from the disbanded State Peace and Development Council (SPDC). The elections were widely discredited, as the main opposition party, the National League for Democracy (NLD) party, and several ethnic minority groups were not allowed to participate. However, in the past year, the Thein Sein government has released hundreds of political and religious prisoners including Nobel laureate Aun San Sui Kyi, eased some Internet controls, signed a cease-fire with the Karen ethnic group, and scheduled parliamentary by-elections in which Aun San Sui Kyi and the NLD will be allowed to participate. In January 2012, the civilian government conditionally released U Gambira, the head of the All-Burma Monks Alliance, and as many as 29 other monks. In response, the United States and international community have increased their engagement with the civilian government and the U.S. government announced the resumption of full diplomatic relations. Despite these reforms, serious problems remain regarding religious freedom and related human rights.

### *Ongoing Repression of Buddhists*

While ethnic minority Christians and Muslims have encountered the most long-term difficulties in Burma, in the aftermath of peaceful anti-government demonstrations in 2007, the regime began systematically to repress Buddhist monks publicly critical of government policies and monasteries viewed as epicenters of the protests. Hundreds of monks were arrested, defrocked, beaten, and forced to perform hard labor in prison. At least 30 deaths were reported, although some experts say the actual number was much higher. At least 4,000 people, an unknown portion of whom were monks, were arrested during the crackdown, and between 500 and 1,000 were believed to remain in detention months later. Many of the detained reportedly have been mistreated or tortured. Given the lack of transparency in Burma, it is difficult to determine how many people remain in prison or are missing. According to the Thailand-based Assistance Association of Political Prisoners in Burma (AAPP), approximately 150 monks remain in prison as of this date.

Understanding the importance of Buddhism in Burma's life and culture is critical to understanding the significance of the September 2007 protests and the government's harsh reaction. The monks broadened the scope of the initial protests and began calling for the release of all political prisoners and the initiation of a process leading to democratization in the country. As the protests broadened, the military ordered the crack down on the monk-led demonstrations.

Government interference in Buddhist affairs predated the 2007 protests and continued in the past reporting year, focusing on monks and ceremonies viewed as critical of the government. Members of the Buddhist *sangha* are subject to a strict code of conduct that is reportedly enforced through criminal penalties. Monks are not allowed to preach political sermons, make public statements, or produce literature with views critical of government policies or the military. Monks are also prohibited from associating with or joining political parties or taking part in

peaceful demonstrations or ceremonies viewed as political, such as commemorations of Aung Sang Suu Kyi or for the victims of the 2007 demonstrations. Military commanders retain jurisdiction to try Buddhist monks in military courts.

In the year prior to the 2010 elections, government authorities closely monitored monasteries viewed as focal points of anti-government activity and restricted usual religious practices in these areas. Monks perceived to be protest organizers have been charged under vague national security provisions, including “creating public alarm;” “engaging in activities inconsistent with and detrimental to Buddhism;” “the deliberate and malicious . . . outraging of religious feelings;” and “engaging in prohibited acts of speech intended for religious beliefs.” In September 2010, authorities sentenced monk Ashin Uk Kong Sah to 15 years in prison for violating the Electronics Transactions Act, Press Act, and Section 505 B of Penal Code for writing “no 2010 election” along a highway. In December 2011, a monk was arrested for delivering speeches about the need for further political reform.

Monks and Buddhist laypeople arrested for conducting peaceful religious services on behalf of Aung San Suu Kyi or to commemorate the victims of the 2007 demonstrations were detained, including four monks, U Chit Phay, U Aung Soe U Damathara, and U Nandara Wai, and approximately 50 members of the opposition National League for Democracy. The whereabouts of the monks remain unknown.

In February 2010, four members of the Tuesday Prayer Group, including Naw Ohn Hla, were sentenced to two years’ confinement each for “disturbing public tranquility” for allegedly offering alms to monks at Magwe monastery in Rangoon. The government said they acted with “the intent to incite public unrest.” Naw Ohn Hla and her colleagues were released in May 2011.

Despite its crackdown on monks who participated in the 2007 “Saffron Revolution” and restrictions on perceived anti-government Buddhists, the military generally promotes Theravada Buddhism, particularly in the ethnic minority areas, sometimes pressuring or offering economic inducements to encourage conversion. Throughout Burma’s history, patronage of the Buddhist community was necessary to legitimize a government’s hold on power. Military and civilian government leaders have continued this practice, publicly participating in Buddhist rituals. Buddhist doctrine is an optional course taught in all government-run schools and daily prayer is required of all students; in some schools, children who are not Buddhist reportedly are allowed to leave the room during this time, but in others they are compelled to recite the prayer. In addition, the Burmese military builds pagodas and has destroyed religious venues and other structures in Christian and Muslim areas.

### *Active Repression of Religious Minorities*

Burma has experienced ongoing conflict since its independence in 1948. The Burmese military deals harshly with any group it perceives as a threat to its hold on power, especially ethnic minority groups whose religious affiliation is an identifying feature. In the past year, minority religious groups, especially Muslims and Christians, continued to face serious abuses of religious freedom and other human rights by the military. In some localities, military commanders have conscripted members of ethnic and religious minorities against their will for forced labor. Those

who refuse conscription are threatened with criminal prosecution or fined and there are credible reports in the past of death and beatings of those who refused conscription.

Christians and Muslims have been forced to destroy mosques, churches, and graveyards and to serve as military porters. They reportedly have also been forced to “donate” labor to build and maintain Buddhist pagodas and monasteries. There continue to be credible reports that government officials compelled people to donate money, food, or materials to state-sponsored projects to build, renovate, or maintain Buddhist religious shrines or monuments. In addition, women from the Chin minority report that the military abducted them from church services and subjected them to rape and sex trafficking.

### *Burmese and Rohingya Muslims*

Muslims in Rakhine (Arakan) state, and particularly those of the Rohingya minority group, continued to experience the most severe forms of legal, economic, religious, educational, and social discrimination. The government denies citizenship to Rohingyas because their ancestors allegedly did not reside in the country at the start of British colonial rule. Approximately 800,000 Rohingya live in Burma, concentrated mostly in the cities of Maungdaw, Buthidaung, Akyab, Rathedaung, and Kyauktaw.

Without citizenship, Rohingyas lack access to secondary education in state-run schools, cannot be issued government identification cards (essential to receive government benefits), and face restrictions on freedoms of religion, association, and movement. Refugees living in Bangladesh report that some Rohingya are prevented from owning property, residing in certain townships, or serving as government officials. Since 1988, the government reportedly has severely restricted Muslim marriage ceremonies in certain villages of Rakhine (Arakan) state. Efforts to lift this restriction have failed. Muslims also report difficulties in obtaining birth certificates for newborns, particularly in the city of Sittwe.

Police often restricted the number of Muslims who could gather in one place. In some places, Muslims were only allowed to gather for worship and religious training during major Muslim holidays. Police and border guards also continued inspections of Muslim mosques in Rakhine state; if a mosque cannot show a valid building permit, the venue can be ordered closed or destroyed. The government has, in recent years, ordered the destructions of mosques, religious centers, and schools. During the current reporting period, the Burmese military maintained a campaign to create “Muslim Free Areas” in parts of Rakhine (Arakan) state. Military commanders have closed mosques and *madrassas*, stoked ethnic violence, and built pagodas in areas without a Buddhist presence, often with forced labor. Refugees report that the military continues to entice conversion to Buddhism by offering charity, bribes, or promises of jobs or schooling for Muslim children.

The Burmese military has instigated riots against ethnic minority Muslims in the past, targeting both Rohingya and the Chinese Pathay Muslim groups.

An estimated 300,000 Muslim Rohingya live in refugee camps in Bangladesh, Thailand, and other Southeast Asian countries. They often live in squalid conditions and face discrimination,

trafficking, and other hardships. They also have faced forced repatriation to Burma from Bangladesh, and Thailand has pushed the boats of Rohingya asylum seekers back out to sea. Bangladesh has recently announced that it will repatriate around 9,000 Rohingya living in refugee camps. In October 2011, the new Burmese government agreed to take back registered Rohingya refugees.

In March 2011, the UN Special Rapporteur on Human Rights in Burma again reported to the UN Human Rights Council that he was “deeply concerned about the systematic and endemic discrimination faced by the Muslim community... [which] lead[s] to [their] basic and fundamental human rights being denied.” Specific concerns identified included “restrictions of movement; limitations on permission to marry; various forms of extortion and arbitrary taxation; land confiscation and forced evictions; restricted access to medical care, food and adequate housing; forced labor; and restrictions on Muslim marriages.”

#### *Abuses Targeting Ethnic Minority Christians*

Christian groups in ethnic minority regions, where low-intensity conflicts have been waged for decades, face particularly severe and ongoing religious freedom abuses. The Burmese military has destroyed religious venues, actively promoted conversion to Buddhism, confiscated land, mandated forced labor, and used rape as an instrument of war and intimidation. The Chin, Naga, Kachin, Shan, Karen, and Karenni peoples, each with sizable Christian populations, have been the targets of these abuses.

In January 2012, the civilian government announced that a ceasefire was reached with the Karen National Union (KNU), temporarily ending one of the longest and bloodiest ethnic insurgencies. However, military operations continue in other regions. In June 2011, the Burmese military ended a seventeen-year ceasefire with the Kachin Independence Organization (KIO) and its armed wing, the Kachin Independence Army (KIA). According to the Special Rapporteur on Burma’s September 2011 report, armed conflict has threatened ethnic and religious minorities and “engender[s] serious human rights violations, including extrajudicial killings, sexual violence, arbitrary arrest and detention, internal displacement, land confiscations, the recruitment of child soldiers and forced labor and portering.” According to the Kachin Women’s Association-Thailand (KWAT), between 25,000 and 50,000 civilians have fled their villages and are living as internally displaced persons (IDPs) in makeshift camps along the China-Burma border, or hiding in the jungle.

According to sources compiled by the non-governmental organization (NGO) Christian Solidarity Worldwide (CSW), the military campaign in Kachin state is targeting Chin Christian churches and believers. On October 16, 2011, soldiers from Light Infantry Battalion 438 seized control of a Roman Catholic Church in Namsan Yang village, Waimaw township. The troops fired into the church during mass and beat the priest’s assistant, Jangma Awng Li. He and four other men were handcuffed and detained by the soldiers. The same battalion, later joined by soldiers from Light Infantry Battalion 121, continued through the village and stopped at a Baptist church compound, looting and burning it. Members of the village were taken away to be used for forced labor.

On November 6, 2011, Burmese soldiers broke into a church in Kachin state, burning and looting it, severely beating its pastor, the Rev. Yajawng Hkawng, and kidnapping 50 of its members for forced labor, including detaining and raping a 19-year-old woman later left for dead.

In addition, according to CSW sources, the military arrested Rev. Gam Aung, pastor of Banggaw Kachin Baptist Church, Manwin village on November 17, 2011. Local sources say no reasons were given for his arrest and his whereabouts are unknown. CSW also reported that the Rev. Shayu Lum Hkawng, assistant pastor of an Assemblies of God church in Muk Chyuk village, Waimaw Township, died on November 7, 2011 after being severely tortured by the military. He had been detained earlier that week, along with Rev Lajaw Lum Hkawng. The whereabouts of Lum Hkawng are unknown at this time.

In order to stop religious believers from gathering in Kachin state, military commanders issued new regulations requiring religious groups to get permission 15 days in advance for “reading the Bible, fasting, prayer . . . and [saying] the rosary of the Virgin Mary.” In most ethnic minority areas, Christians are required to obtain a permit for any gathering of more than five people outside of a Sunday service, but these regulations cover both public and private religious observance.

Chin Christians continue to claim that the government operates a high school that only Buddhist students are permitted to attend. Students must convert to attend, but they are guaranteed jobs upon graduation. Refugees continue to claim that government officials encourage conversion to Buddhism through promises of economic assistance or denial of government services, although reportedly such incidents have decreased in recent years. Chin families who agree to convert to Buddhism were offered monetary and material incentives, as well as exemption from forced labor. Burmese Buddhist soldiers are also offered financial and career incentives to marry and convert Chin Christian women.

Naga Christian refugees leaving Burma report that members of the military, together with Buddhist monks, closed churches in their villages and attempted to force adherents to convert to Buddhism in recent years.

#### *Forced Closure of Burmese Protestant House Churches*

Christian groups in Burma continue regularly to experience difficulties in obtaining permission to build new churches, hold public ceremonies or festivals, and import religious literature. In some areas around Rangoon, police restrict the number of times Burmese Christians can gather to worship or conduct religious training.

A government regulation promulgated in early 2008 bans religious meetings in unregistered venues, such as homes, hotels, or restaurants. Burmese Christians claim that the regulation could close 80 percent of the country’s religious venues. “House churches” proliferated in the past decade because the government regularly denied permission to build new churches. In 2009, the military government took steps to enforce the regulation, ordering 100 churches and religious meeting places in Rangoon to stop holding services and forcing Protestant leaders to sign pledges to that effect. There were additional reports of church closings in Mandalay. Burmese Christians believe that enforcement of the government’s ban came in response to humanitarian

aid they provided to Cyclone Nargis victims in May 2008. In the aftermath of the cyclone, the military government forcibly closed some religious charities providing humanitarian support, particularly those channeling foreign assistance. In addition to restrictions on meeting places and charitable activities, government authorities prohibited Protestants from proselytizing in some areas, particularly in places hardest hit by Cyclone Nargis. In the past year, local authorities sometimes refused residency permits for clergy seeking to move to new towns or villages.

## **U.S. Policy**

U.S. and international engagement with the Burmese government increased dramatically after Aung San Suu Kyi's November 2010 release, including a visit from Secretary of State Hillary Clinton and the naming of Derek Mitchell as Special Envoy for Burma. In January 2012, Secretary Clinton announced that the United States would re-establish full diplomatic relations with Burma due to reforms instituted by the new civilian government of President Thein Sein, a former military general. The United States has diplomatic relations with Burma but has not had an ambassador in the country since 1992. In early February 2012, Secretary Clinton also signed a partial waiver of restrictions imposed on Burma under the Trafficking Victims Protection Act. The waiver will enable the United States to support assessment missions and limited technical assistance by international financial institutions (IFIs), such as the World Bank, the Asian Development Bank, and the International Monetary Fund, in Burma.

There is a broad bipartisan consensus, including among Obama administration officials and Senate leaders, that the steps taken by the Thein Sein government are welcome but not sufficient for the lifting of all economic and other sanctions placed on Burma, and that the United States will not consider lifting sanctions until Aung San Suu Kyi signals that the process of democratization is permanent.

Important additional benchmarks are the unconditional release of all political prisoners; the establishment of ceasefires, and meaningful reconciliation dialogues, with all ethnic minorities; and steps to broaden political and civic activity, including free and fair parliamentary by-elections and implementation of legislation that would protect freedoms of thought, conscience, and religion as well as assembly, speech, and association. Furthermore, the Obama administration has expressed concern over the military's potential proliferation activities and its ties to North Korea.

Prior to the changes instituted by the Burmese government, the United States signaled its support for a proposal by the UN Special Rapporteur on human rights in Burma to establish a UN commission of inquiry to address possible international criminal law violations in Burma committed by the military and former government leaders. Coordination and support for such an inquiry continues, though at a slower pace than before governmental reforms started. NGOs and experts on Burma, including most Burmese dissidents, continue to believe that a UN commission of inquiry is an important potential tool for the international community to spur further reforms and hold responsible individuals who allegedly committed massive human rights abuses.

## **Recommendations**

U.S. leadership is essential to ensuring the full transition to democratic rule, ending human rights violations, and advancing religious freedom in Burma. The United States should maintain Burma's CPC designation, as there continue to be serious, ongoing, and egregious religious freedom violations, particularly in ethnic minority areas. The United States also should maintain its support for targeted sanctions and full access to the country by various UN mechanisms, while also coordinating the diplomatic actions of regional allies, particularly the democracies of Southeast and South Asia. Future diplomatic and economic rewards offered to the Burmese government should be linked to specific and concrete reforms and targeted to assist the advancement of democracy, the transparent distribution of humanitarian and development aid in all regions of Burma, the expansion of peace and reconciliation in ethnic minority areas, and technical assistance to assist the Burmese parliament reform laws that restrict the freedoms of religion, expression, association, and assembly and limit the rights of Rohingya Muslims. In addition, the United States should work closely with Aung San Suu Kyi to develop a roadmap to greater democracy and socially responsible investment in Burma.

### **I. Seeking Immediate Improvements to Ensure Democracy and End Religious Freedom Abuses**

The U.S. government should maintain the CPC designation and related sanctions until the government of Burma takes concrete and verifiable steps to:

- release unconditionally all persons detained or arrested for the peaceful exercise of religious freedom and related human rights, and reveal the whereabouts of people who are still detained and missing, including an estimated 150 Buddhist monks and others who led or participated in peaceful 2007 protests;
- formally end policies of discrimination that have led to the forced closures of churches and mosques, the destruction of religious shrines and symbols, the instigation of communal violence against Muslims, the forced promotion of Buddhism and the renunciation of other religions among ethnic minorities, and discrimination against non-Buddhist minorities;
- lift all restrictions inconsistent with international standards on the construction and renovation of churches and mosques and on the printing of religious literature, and end policies of forced eviction from, and the confiscation and destruction of, Muslim and Christian properties, including mosques, churches, religious meeting points, schools, cemeteries, and cultural centers;
- end the military operations in Kachin and northern Shan states immediately and seek a genuine nationwide ceasefire and reconciliation process with each ethnic minority group;
- issue orders that end the use of forced labor and the use of children and members of religious minorities as porters or military labor, and adhere to its own Order 1/99 (May 1999) and Order Supplementing 1/99 (November 2000), which instructs military commanders to refrain

from employing forced labor of civilians, except in emergencies; and

- adopt new laws that end discrimination on the basis of religion or ethnicity in land use, education, allocation of land, job promotion, marriage, access to government services, citizenship, freedom of movement, and marriage, and invite international technical assistance to help draft laws that conform to international legal standards on these matters.

## **II. Supporting Local Democracy Efforts through U.S. Programs**

The U.S. government should:

- consider creating a pilot program as an Asian counterpart to Supporting Eastern European Democracy (SEED) called the Promoting Universal Rights and Rule of Law (PURRL) program that will support the development of nascent political parties and democratic institutions, provide technical assistance to civilian government agencies, legal entities, courts, and the parliament to build support for democracy and to revise laws that restrict religious freedom, discriminate against ethnic and religious minorities, and limit the freedoms of expression and association;
- continue to provide assistance, through the State Department's Economic Support Fund and all other means, to empower Burmese civil society groups organizing humanitarian assistance, conducting human rights documentation efforts (particularly of religious freedom abuses faced by the Muslim, Christian, and Buddhist communities), and providing public advocacy, leadership, and legal training to Burmese living in and outside of Burma; and
- provide technical assistance and financial support to monitor the April 1, 2012 parliamentary by-elections with reputable and independent international election observers.

## **III. Assisting and Supporting Multilateral Diplomatic Efforts**

The U.S. government should:

- support unimpeded access to the country by relevant UN mechanisms including, in particular, the UN Special Rapporteur on human rights in Burma and the UN Special Rapporteur on Freedom of Religion or Belief as well as other UN international organizations such as the International Labor Organization (ILO), Office for the Coordination of Humanitarian Affairs (OCHA), the International Committee for the Red Cross (ICRC), and United Nations Children's Fund (UNICEF);
- urge the Organization of Islamic Cooperation (OIC) to issue public statements condemning religious freedom and related human rights violations experienced by Rohingya Muslims in Burma, and to work with the Burmese government and members of the Association of South East Asian Nations (ASEAN) to end religious freedom violations and find a durable solution for Rohingya Muslim refugees; and

- urge ASEAN nations to expand efforts to bring reform in Burma, including protections for ethnic minorities and refugee issues, particularly a durable solution for Rohingya Muslims.

**The Democratic People's Republic of Korea  
(North Korea)**

**FINDINGS:** Despite the December 2011 death of autocratic leader Kim Jong Il and the succession of his son and chosen successor Kim Jong Un, the Democratic People's Republic of North Korea (DPRK or North Korea) remains one of the world's most repressive regimes, with a deplorable human rights and religious freedom record. There continue to be reports of severe religious freedom abuses occurring during the past year, including: discrimination and harassment of both authorized and unauthorized religious activity; the arrest, torture, and possible execution of those conducting clandestine religious activity; and the mistreatment and imprisonment of asylum-seekers repatriated from China, particularly those suspected of engaging in religious activities, having religious affiliations, or possessing religious literature.

Based on these severe, egregious, and ongoing violations, USCIRF again recommends in 2012 that North Korea be designated as a "country of particular concern," or CPC. The State Department has designated North Korea as a CPC since 2001.

The North Korean government controls nearly every aspect of its citizens' daily lives, including religious activity. All unapproved religious activity is prohibited and what is approved is small and tightly controlled. Anyone discovered engaging in clandestine religious activity is subject to discrimination, arrest, arbitrary detention, disappearance, torture, and public execution, and refugees repatriated from China are reported to be particularly vulnerable. A large number of religious believers are incarcerated in North Korea's infamous penal labor camps (*kwan-li-so*), though the exact number is difficult to verify. There is evidence that the North Korean government interrogates asylum-seekers repatriated from China about their religious belief and affiliations, and mistreats and imprisons those suspected of distributing religious literature or having ongoing connections with South Korean religious groups. Despite overt repression, clandestine religious activity in North Korea is increasing, as are the regime's attempts to halt its spread. There is first-hand evidence that suggests police and security agency offices have begun training police and soldiers about the dangers of religion, and infiltrated Protestant churches in China, sometimes setting up fake prayer meetings to catch worshippers.

**PRIORITY RECOMMENDATIONS:** Following the death of Kim Jong Il, the status of multilateral non-proliferation negotiations and bilateral talks between the United States and North Korea is uncertain. USCIRF urges the United States and its regional allies to seek agreements on humanitarian, religious freedom, and human rights concerns as part of any future negotiations with North Korea and to link future economic, political, and diplomatic assistance to concrete progress in these areas. USCIRF also recommends that the U.S. government continue to implement fully the North Korea Human Rights Act of 2008, including its provisions to support non-governmental organizations (NGOs) working to build democracy and protect human rights in North Korea and to discuss, with allies, a way to create a security cooperation regime in northeast Asia similar to the Organization for Security and Cooperation in Europe (OSCE). Additional recommendations for U.S. policy toward North Korea can be found at the end of this chapter.

## Religious Freedom Conditions

### *The Government-Imposed Cult of Personality*

Since 1945, North Korea's once-diverse and vibrant religious community has largely disappeared. This community once included Buddhists, Catholics, Protestants, and Chondokoyists (followers of Chondokyo, or "Eastern Learning," a syncretic belief system based largely on Confucianism but which also incorporates elements of Taoism, Shamanism, Buddhism, and Catholicism). An untold number of religious leaders and practitioners were killed, jailed, or disappeared, or have fled to South Korea.

The government forcibly propagates a nationalist ideology based upon the cult of personality surrounding both Kim Il Sung and his son, Kim Jong Il. All citizens are required to adhere to this belief system, often called *Juche*, or face onerous fines and penalties. The government views any functioning religious belief or practice outside of *Juche* as a challenge to the personality cult surrounding the Kim family, and thus to the regime's authority. Under this system, pictures of the "Great Leader" (Kim Il Sung) and the "Dear Leader" (Kim Jong Il) must be displayed on the walls of homes, schools, and workplaces. Every North Korean wears a lapel pin of the Great Leader, and students are required to study and memorize the "Ten Principles for the Establishment of the One-Ideology System of the Party." *Juche*'s ideological education takes precedence over all other academic subjects in the nation's schools. Each North Korean community reportedly maintains a "Kim Il Sung Research Center" or similar institution where local citizens are required to attend weekly meetings to watch propaganda films, listen to educational sessions on the principles of *Juche*, and engage in public self-criticism sessions. There are an estimated 100,000 *Juche* "research centers" throughout the country.

It is unclear whether the personality cult of the Kim family will survive the transition to Kim Jong Il's son, Kim Jong Un. North Korean media has already dubbed Kim Jong Un as the "Supreme Leader." If the personality cult continues, it is unlikely there will be dramatic improvements in human rights or religious freedom. Any activity perceived to challenge Kim Jong Un's legitimacy, including clandestine religious activity, will continue to be viewed as a security threat.

### *Government Control of Religious Activity*

North Korea is an officially atheist state in which the goal is to make sure that no religious group or belief can challenge the cult of personality surrounding the Kim family. All religious activity is either tightly controlled or actively suppressed. In the 1992 constitution, Article 68 grants freedom of religious belief and guarantees the right to construct buildings for religious use and religious ceremonies. There is no guarantee to manifest or practice religion, a core element of the universal right to freedom of thought, conscience, and religion or belief. The constitution also states that "no one may use religion as a means by which to drag in foreign powers or to destroy the state or social order." As such, private religious activity, particularly that occurring outside of government control, is viewed as a potential security threat.

In 1988, the North Korean government attempted to blunt international criticism of its abysmal religious freedom record by creating “religious federations” for Buddhists, Chondokysts, Protestants, and Catholics. The federations were intended to demonstrate the rebirth of long-repressed religious communities and direct the construction of churches and temples in the capitol city of Pyongyang. The federations also became the main interlocutors with international religious organizations, including negotiating development assistance from international humanitarian organizations. However, former refugees and defectors testify that the federations are led by political operatives who conceal from international attention the government’s repression of religious activity, maintain religious venues as both cultural relics and tourist attractions, and direct assistance programs from foreign donors. It is too soon to determine whether Kim Jong Un’s policies on religion will differ from those of his father.

#### *Government Control of Buddhism*

The state-controlled press has reported on several occasions that Buddhist ceremonies had been carried out in various locations in North Korea, though this is impossible to verify independently. According to former North Korean refugees, Buddhist temples and shrines are maintained as cultural heritage sites by *gwalliwon* (caretaker monks) who do not perform religious functions. Employed by the regime, these monks are limited to giving lectures, leading tours, and meeting foreign dignitaries. The preservation of Buddhist temples, including the government’s refurbishment of an existing site at Anbul, South Hamgyeong Province and the rebuilding of the Shingye Temple, is mainly a testament to North Korea’s Buddhist culture; these sites are not currently functioning places of worship or pilgrimage. Refugee testimony provides little evidence of an actual underground Buddhist religious presence.

According to North Korean media accounts, renovation of the Ryongthong temple in Kaesong was completed in early 2005, coinciding with the creation of a special economic zone started in the area to build South Korean goods in the North. Foreign diplomats who visited the site were told that two monks were living at the site. In 2007, the North Korean government announced that 500 monks and Buddhist followers were making day-long pilgrimages to the temple strictly for religious purposes and plans were announced for 2,000 more Buddhist followers to make the pilgrimage in 2008. There are no state-media reports of Buddhist followers visiting this site during the past year.

#### *Government Control and Repression of Christianity*

The DPRK authorized the building of some churches beginning in 1988. The capital city of Pyongyang contains one Catholic church, two Protestant churches, and a Russian Orthodox church built in 2006. Services have reportedly been held in the churches since the mid-1990s, when foreign humanitarian aid workers came to Pyongyang during North Korea’s famine. Nonetheless, North Korean refugees assert that these churches are heavily monitored and that the sites exist primarily as showpieces for foreign visitors. According to visitors, North Koreans who attend services in the churches are not allowed to interact with foreign visitors, no children are present at the services, and the North Korean worshipers arrive and leave together on tour buses. There is no Catholic clergy in North Korea, but visiting priests occasionally provide mass at the Changchun Church. According to a Russian religious leader who visited North Korea, the

Orthodox church is run by a North Korean priest who had studied in Russia. The purported aim of the church was to provide pastoral care for Russians in the country.

The North Korean government claims that there are 500 officially approved “house churches” in the country. There are credible reports from South Korean academics that the participants in these gatherings are individuals whose families were Christians before 1950 and as such, are allowed to gather for worship without leaders or religious materials. Most of the house churches are in urban areas and the families who attend are often segregated in separate housing units. Several schools for religious education exist in the country, but whether these schools teach Christian or Buddhist precepts has not been verified. A religious studies program was established at Kim Il Sung University in 1998. According to refugees who attended the university, graduates from this program work for the religious federations, the foreign trade sector, or as border guards seeking to identify clandestine religious activity. In 2000, a Protestant seminary was opened with assistance from foreign missionary groups, but critics, including at least one South Korean sponsor, charged that the government opened the seminary only to facilitate the reception of donations from foreign faith-based NGOs.

There continue to be credible reports of private religious activity in North Korea, though its scope remains difficult to verify. Refugee reports continue to confirm that unapproved religious materials are available and secret religious meetings occur, spurred by cross-border contact with individuals and groups in China. The North Korean government views such activity in the border regions as illegal and a threat to national security. It sees new religious growth as spurred by South Korean humanitarian and missionary groups based in China. Police and border security units are trained to halt the spread of religious ideas and root out clandestine activity.

According to information gathered by the Database Center for North Korean Human Rights, anyone caught distributing religious materials, holding unapproved religious gatherings, or having ongoing contact with overseas religious groups is subject to severe punishment ranging from labor camp imprisonment to execution. In May 2010, 23 Christians were reportedly arrested for belonging to an underground church in Kuwol-dong, Pyongsong City, South Pyongan Province. Three reportedly were executed, and the others sent to the Yoduk political prison camp. South Korean NGOs claim that in June 2009, Ri Hyon Ok was publicly executed for distributing Bibles in the city of Ryongchon. Her family, including her parents, husband, and three children, reportedly were sent to a political prison camp the day after her execution. In March 2006, Son Jong Nam was sentenced to death for spying reportedly based on evidence that he converted to Protestantism. According to Son’s brother, Son was tortured and died in prison in July 2010.

Imprisoning religious believers remains a common practice, according to numerous reports of former North Korean refugees. While it is difficult to corroborate the exact number of prisoners, it is estimated that 150,000 to 200,000 prisoners currently may languish in North Korea’s network of political prison camps, some for religious reasons. North Korea experts in South Korea, using testimony from refugees, estimate that there may be 6,000 Christians incarcerated in “Prison No. 15” in the northern part of the country. Former North Korean prison inmates and prison guards allege that religious prisoners are typically treated worse than other inmates. They

are generally given the most dangerous tasks in the labor camps and are victims of constant abuse to force them to renounce their faith.

### *North Korean Refugees in China*

Over the past decade, hundreds of thousands of people fled to neighboring China and South Korea to escape persecution and famine in North Korea. Should famine conditions return, the number of North Korean refugees in China may spike. Repatriation, trafficking, forced labor, and generally poor social conditions in China are issues of international concern. The Chinese government continually labels North Korean refugees as “illegal” economic migrants and routinely repatriates them, despite China’s international obligation to offer protection to asylum-seekers and the documented proof that repatriated refugees suffer mistreatment and imprisonment in North Korea when returned. According to the concluding observations of the UN Committee Against Torture’s (CAT) 2008 review of China, repatriation of North Koreans may violate Article 3 of the Convention Against Torture, to which China is a party. Article 3 provides that no “State should expel, return or extradite” anyone to another country where there is “substantial grounds for believing” that they would be subjected to torture. The Committee urged China to halt forced repatriations, adopt legislation to protect asylum seekers consistent with Article 3, and provide precise data to the CAT. Although North Korean asylum-seekers continue to flow into China, no such actions have been taken.

North Korean law criminalizes leaving the country without state permission. Due to the large number of citizens seeking food or employment in China, the North Korean government had reduced punishments of those leaving for those reasons to short periods of detention and forced labor. However, over the past few years, refugees report that the government is returning to harsher penalties for repatriated North Koreans, regardless of their reasons for fleeing. The harshest treatment reportedly is reserved for refugees suspected of becoming Christian, distributing illegal religious materials, or having ongoing contact with either South Korean humanitarian or religious organizations working in China. Increasingly, the North Korean government views refugees with religious beliefs or contacts as potential security threats. Refugees continue to provide credible evidence that security forces use torture during interrogation sessions. Those suspected of religious conversation or contacts are sent to hard labor facilities designated for political prisoners. The government reportedly offers rewards to its citizens for providing information that leads to the arrest of individuals suspected of involvement in cross-border missionary activities or the distribution of Bibles or other religious literature. Former government security agents now abroad have reported intensified police action aimed at halting religious activity at the border.

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

The United States does not have diplomatic relations with North Korea and has no official presence within the country. The United States raises religious freedom and related human rights concerns in various multilateral fora, as well as through other governments with diplomatic missions in North Korea. Because of the sinking of the South Korean naval vessel the Cheonan, the multilateral nuclear non-proliferation negotiations (the Six-Party Talks) were disbanded in 2010. Prior to the death of Kim Jong Il, U.S. officials held several bilateral

discussions with North Korea about a potential U.S. package of food aid in exchange for a resumption of the Six-Party Talks. North Korea has expressed a desire for direct negotiation with the United States, on a treaty formally ending the Korean War, before re-engaging in denuclearization talks. U.S. officials have consistently stated that the United States will not accept a nuclear North Korea and will only negotiate on this issue through the Six-Party Talks with regional allies. With the death of Kim Jong Il, diplomatic discussions on denuclearization have been put on hold.

Ambassador Robert King, the Special Envoy for North Korean Human Rights, has stated that human rights will significantly impact the prospects for improved U.S.-North Korea relations and that specific improvements will be required for normalization of relations. Nevertheless, given Pyongyang's acknowledgement of its uranium enrichment efforts, its attacks on the South Korean military, and international unease over the leadership transition, human rights concerns have not been given a high priority on the diplomatic agenda.

In November 2011, the UN General Assembly again passed a resolution on North Korea that criticized the government's continuing refusal to cooperate with the Secretary-General's Special Rapporteur for human rights and "the persistence of continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights," including cruel and degrading treatment, public executions, extrajudicial and arbitrary detentions, and extensive restrictions on freedom of thought.

The 2008 North Korea Human Rights Act provides the agenda and tools to conduct human rights diplomacy with North Korea. The Act provides funds to support human rights and democracy programs, expands public diplomacy resources, sets guidelines for monitoring and reporting on U.S. humanitarian programs, and seeks to facilitate resettlement of North Korean refugees to the United States. It also expresses the sense of Congress that a Northeast Asia Security and Cooperation regime should be created, following the model of the OSCE, a long-standing USCIRF recommendation. At this time, Korean-American and other human rights organizations are calling on the Special Envoy for North Korean Human Rights to take a larger role in coordinating resettlement of North Koreans in the United States.

## **Recommendations**

USCIRF has concluded that negotiations with North Korea should be rooted in a broader policy framework that raises human rights, religious freedom, and humanitarian concerns as part of all negotiations, including on nuclear non-proliferation. The United States should not postpone discussion of human rights until nuclear security agreements are reached and should link any future economic, political, and diplomatic assistance to concrete progress in these areas. In addition to recommending the continued designation of North Korea as a CPC, USCIRF urges the Obama administration to coordinate the efforts of regional allies and raise human rights concerns, including concerns about religious freedom, refugees, abductions, and North Korea's infamous labor-penal camps. The United States and its allies should clearly signal that future political, diplomatic, or economic inducements will require improvements in human security as well as nuclear security issues. The U.S. government also should continue to protect and assist North Korean refugees.

## **I. Linking Human Rights and Human Security in Negotiations on Northeast Asian Security Concerns**

The U.S. government should:

- in all negotiations with North Korea, including the Six-Party Talks, work with regional allies to reach agreements on pressing human rights and human security concerns, including the monitoring of humanitarian aid, the resettlement of refugees, family reunifications, abductions, the closure of political-penal labor camps, and the release of innocent children and family members of those convicted of political crimes, and link future economic assistance and diplomatic recognition to concrete progress in these areas;
- initiate, within the formal structure of the Six-Party Talks, targeted working groups on issues of regional and international concern, including monitoring of humanitarian and food aid, refugees, abductions, and the closure of the labor penal camps; fully integrate these issues into the agenda of the Six-Party Talks when appropriate; and link future economic, political, and diplomatic assistance to progress in these areas; and
- work with regional and European allies to fashion a comprehensive plan for security concerns on the Korean Peninsula that includes agreements on human rights and humanitarian concerns – modeled after the Helsinki Final Act of 1975 and the Organization for Security and Cooperation in Europe (OSCE) – as suggested by the Commission and set forth in Sec. 106 of the North Korean Human Rights Act of 2008 (P.L. 108-333; 22 U.S.C. 7801).

## **II. Fully Implementing the North Korean Human Rights Act of 2008**

The U.S. government should:

- implement fully the North Korean Human Rights Act of 2008, and ensure that all funds authorized under the Act are requested and used to fulfill the purposes of the Act, including assistance to expand public diplomacy by increasing access to information and new media, increase the capacity of NGOs working to promote democracy and human rights, protect and resettle refugees, monitor humanitarian aid and progress on human rights, and support NGOs conducting democracy and human rights training in the North Korean diaspora;
- ensure that the Special Envoy on Human Rights in North Korea is fully engaged in setting policy priorities that promote measurable progress on the protection of human rights;
- target appropriated foreign assistance to build a cadre of experts and potential leaders among North Korean refugee populations, through the creation of scholarship, leadership, educational, and other programs in the United States; and
- ensure full implementation of the North Korean Human Rights Act's provisions to facilitate North Korean refugee resettlement in the United States by, among other things, having the Special Envoy for North Korean Human Rights, working with other State Department offices

and the Department of Homeland Security, assess and report on current implementation and obstacles.

### **III. Protecting North Korean Refugees**

The U.S. government should:

- raise routinely with the Chinese government that it should uphold international obligations to protect asylum seekers by: allowing the UN High Commissioner for Refugees (UNHCR) to confer temporary asylum on those seeking asylum and to permit safe transport to countries of final asylum; providing UNHCR with unrestricted access to interview North Korean nationals in China; and ensuring that the return of any refugees relating to any bilateral agreement with North Korea does not violate China's obligations under the 1951 Refugee Convention and its 1967 Protocol or under Article 3 of the Convention Against Torture;
- urge the Chinese government to allow international humanitarian organizations greater access to North Koreans in China to address growing social problems, abuses, and exploitation experienced by this vulnerable population, and work with regional and European allies to articulate a clear and consistent message about China's need to protect North Korean refugees; and
- continue to stress U.S. and international concerns about providing safe haven, secure transit, quick processing, and clear resettlement procedures for North Koreans in bilateral relations with China, Russia, Mongolia, Vietnam, Thailand, Cambodia, and other countries in East Asia.

### **IV. Pursuing Multilateral Diplomacy and Human Rights in North Korea**

The U.S. government should:

- encourage the UN Secretary General to develop a coordinated plan of action to achieve access to North Korea and carry out the recommendations of various UN bodies and special procedures, particularly those of the Human Rights Council's Special Rapporteur on North Korea; and
- urge the Office of the UN High Commissioner on Human Rights to open an office in Seoul, South Korea in order to initiate technical assistance programs addressing regional and transnational issues including, but not limited to, abductions, human trafficking, police and border guard training, legal reform, political prisoners, monitoring of aid, and abuses of freedom of thought, conscience, and religion or belief.

**V. Congressional Action to Advance Religious Freedom and Related Rights on the Korean Peninsula**

The U.S. Congress should:

- work to build an international coalition of parliamentarians, experts, diplomats, and other opinion-makers to ensure that human rights and human security concerns are an integral part of future security arrangements in Northeast Asia, including support for creating a new economic, human rights, and security zone in Asia similar to the OSCE; and
- continue to appropriate all the funds authorized in the North Korea Human Rights Act of 2008 for public diplomacy, refugee assistance, democratization programs, and relevant travel by the Special Envoy on North Korea.

## Egypt

**FINDINGS:** Over the past year, the Egyptian transitional government continued to engage in and tolerate systematic, ongoing, and egregious violations of freedom of thought, conscience and religion or belief. Serious problems of discrimination, intolerance, and other human rights violations against members of religious minorities, as well as disfavored Muslims, remain widespread in Egypt. Violence targeting Coptic Orthodox Christians increased significantly during the reporting period. The transitional government has failed to protect religious minorities from violent attacks at a time when minority communities have been increasingly vulnerable. This high level of violence and the failure to convict those responsible continued to foster a climate of impunity, making further violence more likely. During the reporting period, military and security forces used excessive force and live ammunition targeting Coptic Christian demonstrators and places of worship resulting in dozens of deaths and hundreds of injuries. The government also continued to prosecute, convict, and impose prison terms on Egyptian citizens charged with blasphemy. Implementation of previous court rulings – related to granting official identity documents to Baha’is and changing religious affiliation on identity documents for converts to Christianity – has seen some progress but continues to lag, particularly for Baha’is. In addition, the government has not responded adequately to combat widespread and virulent anti-Semitism in the government-controlled media.

Based on these concerns, USCIRF again recommends in 2012 that Egypt be designated as a “country of particular concern,” or CPC, for systematic, ongoing, and egregious violations of religious freedom.\* In 2011, USCIRF, for the first time, recommended that Egypt be designated a CPC. Before that, Egypt had been on USCIRF’s Watch List since 2002.

Despite claims by the Supreme Council of Armed Forces (SCAF) that it dismantled the state security apparatus, partially lifted the state of emergency, and addressed some ongoing religious freedom concerns, discriminatory and repressive laws and policies that restrict freedom of thought, conscience and religion or belief in Egypt remain in place. Religious freedom conditions have not improved in most areas and attacks targeting religious minorities have continued. In 2011, violent sectarian attacks, targeting primarily Coptic Orthodox Christians, have resulted in nearly 100 deaths, surpassing the death toll of the previous 10 years combined. During the transitional period, the lack of adequate security in the streets has contributed to lawlessness in parts of the country, particularly in Upper Egypt.

**PRIORITY RECOMMENDATIONS:** Egypt continues to experience a period of significant change during its transition, the success of which hinges on full respect for the rule of law and compliance with international human rights standards, including freedom of religion or belief. Pursuant to the Consolidated Appropriations Act of 2012 (P.L. 112-74), the U.S. government should not certify the disbursement of military assistance to Egypt until the Egyptian transitional government demonstrates that it is using funds appropriated through the Foreign Military Financing Program to implement policies that protect freedom of religion and related human rights in Egypt. In addition, once the Egyptian government demonstrates its commitment to freedom of religion and related rights, the U.S. government should ensure that a portion of military assistance is used to help the Egyptian police assess security needs and develop and implement an effective plan for dedicated police protection for religious minority communities and their places of worship. The U.S. government should press the transitional, and future civilian government, to undertake reforms to improve religious freedom conditions, including repealing decrees banning religious minority faiths, removing religion from official identity documents, and passing a unified law for the construction and repair of places of worship. In addition, the United States should more actively press the Egyptian government to prosecute perpetrators of sectarian violence and to ensure that responsibility for religious affairs is not placed under the jurisdiction of the domestic security agency. Additional recommendations for U.S. policy toward Egypt can be found at the end of this chapter.

\*Commissioner al-Hibri dissented from the CPC recommendation for Egypt. Her full dissent can be found at the end of this chapter.

## **Religious Freedom Conditions**

### *Transition, Parliamentary Elections, Crackdown on Dissent, and the Emergency Law*

On February 11, 2011, President Hosni Mubarak was removed from power following 18 days of a mostly non-violent, popular uprising by the Egyptian people. Subsequently, the Egyptian Supreme Council of Armed Forces (SCAF) took control of the country. Within days, the SCAF dissolved the parliament, suspended the constitution, formed a committee to recommend constitutional amendments, and called for presidential and parliamentary elections. Over the past year, the SCAF appointed a civilian cabinet; conducted a referendum that approved amendments to Egypt's constitution; issued a 63-article constitutional declaration to govern the country through the transition; and issued laws governing the formation of political parties and the structure of parliamentary elections.

The lower house of parliament (People's Assembly) was elected through a three-stage process between November 2011 and January 2012. The Freedom and Justice Party (Muslim Brotherhood alliance) and the Al-Nour Party (Salafi alliance) won approximately 47 percent and 24 percent, respectively, of the 498 seats in the lower house; all other political parties won less than 10 percent of the seats. No women and only two Christians won seats, slightly fewer than during the Mubarak regime. The SCAF appointed another 10 members, which included five Christians and three women. Elections for 180 of the 270 seats in the upper house (Shura Council) concluded in February 2012, followed by the convening of its first session at the end of that month. The remaining 90 seats of the Shura Council will be appointed by Egypt's next president. Once the parliament begins its session, it will name a 100-person constituent assembly to draft a new constitution. Presidential elections are expected to begin in May and conclude in June.

Although the parliamentary elections, despite some irregularities, were the most free and fair in decades, the SCAF tightened its grip on opposition groups. The SCAF used deadly force against public protestors, including Coptic Christians; arrested, tried, and imprisoned democracy activists; raided pro-democracy non-governmental organizations (NGOs) and also imposed travel bans on their American and European personnel; and fostered anti-Western xenophobia through state-run media. Over the past year, human rights groups have accused the military of arresting thousands of demonstrators and subsequently holding trials lacking due process, convicting, and sentencing many to three- to five-year prison terms. Many of those convicted did not have access to legal counsel and some of the trials and convictions were carried out the same day.

The transitional government undertook efforts to dismantle the state security apparatus that has operated under the Emergency Law, in effect since 1981 and most recently renewed for another two years in May 2010. In January 2012, the SCAF announced it would be lifting the Emergency Law except in cases of "thuggery," although it did not define that term. Because Egypt has operated under a state of emergency, the government has had the option to hear cases

involving terrorism or drug trafficking in state security courts rather than criminal courts. The Emergency Laws restrict many human rights, including freedom of religion or belief as well as freedom of expression, assembly, and association. In addition, the state security courts do not allow the right to appeal guilty verdicts. Egyptian and international human rights groups have been critical of the courts' procedures and limits on the rule of law and due process.

Over the years, thousands of persons have been detained without charges under the Emergency Law on suspicion of illegal terrorist or political activity. Egyptian and international human rights groups have asserted that the primary purpose of the state security courts is to punish political activism and dissent, even when that dissent is peaceful. These courts also have been used to detain and try individuals deemed by the state to have "unorthodox" or "deviant" Islamic or other religious beliefs or practices. During the past year, many "security detainees" were released from prison.

### *Government Control of Islamic Institutions*

As it did during the Mubarak era, the government maintains control over all Muslim religious institutions, including mosques and religious endowments, which are encouraged to promote an officially-sanctioned interpretation of Islam. According to Egyptian officials, the government regulates these Muslim institutions and activities as a necessary precaution against religious extremism and terrorism. The state appoints and pays the salaries of all Sunni Muslim imams, requires all mosques to be licensed by the government, and monitors sermons. During the reporting period, Egyptian transitional government officials were concerned that increasing numbers of mosques were operating independently of any government oversight and that some of these mosques were used to incite violence.

The government-funded Al-Azhar University is one of the preeminent Sunni Muslim centers of learning in the world. The Grand Sheikh of Al-Azhar, Ahmed Al-Tayeb, was appointed by former president Hosni Mubarak in 2010. The Islamic Research Center (IRC) of Al-Azhar has legal authority to censor and, since 2004, to confiscate any publications dealing with the Qur'an and *hadith* (oral traditions). In recent years, the IRC has ruled on the suitability of non-religious books and artistic productions. Al-Azhar also has the legal right to recommend confiscations, but must obtain a court order to do so. In January 2012, before the People's Assembly convened for the first time, the SCAF passed a law mandating that the Grand Sheikh be elected by Al-Azhar's Senior Scholars Authority rather than chosen by the president of the country. Such a system of election previously was in force before 1961.

During the Mubarak regime, the Egyptian government consulted Al-Azhar on a wide range of religious issues impacting Muslims in the country. Over the years, clerics and scholars at Al-Azhar have issued discriminatory *fatwas* (religious edicts) and delivered controversial sermons about some non-Muslim faiths, particularly the Baha'i faith, as well as disfavored or dissenting Muslims. Non-Muslims are prohibited from attending Al-Azhar University. In January 2012, Al-Azhar Grand Sheikh Ahmed Al-Tayeb put forward a "Bill of Rights" that discussed freedom of belief and expression, among other things. (See in *Positive Developments in Egypt*)

*Blasphemy and Violations against Muslims and Dissidents*

Egyptian law forbids blasphemy through Article 98(f) of its Penal Code, which prohibits citizens from “ridiculing or insulting heavenly religions or inciting sectarian strife.” This provision has been applied to detain and prosecute individuals and members of religious groups whose practices deviate from mainstream Islamic beliefs or whose activities are alleged to jeopardize “communal harmony” or to insult the three “heavenly religions:” Judaism, Christianity, and Islam. Groups and individuals impacted in recent years include Ahmadis, Qur’anists, Christians, and Sunni, Shi’a, and Sufi Muslims.

In 2010, government security officials arrested without charge 11 members of the country’s small Ahmadi community; all were subsequently released within weeks or months. The Ahmadis were charged under Article 98(f) with “contempt for religion” and also on vague Emergency Law charges of undermining social cohesion. Although they were never prosecuted, the small Ahmadi community continues to fear government arrest and prosecution for alleged blasphemy.

Qur’anists – a tiny group that accepts only the Qur’an as the sole source of religious guidance and thus has been accused by the Egyptian government of deviating from Islamic law – also have been targeted in recent years, although not during the past year. Nevertheless, during the reporting period, members of the Qur’anist community report discrimination in employment and continue to suffer from harassment and surveillance by security services. Authorities have prevented some members from leaving the country.

Over the years, the small Shi’a Muslim community has faced periodic discrimination, harassment, arrests, and imprisonment. In January 2012, Egyptian authorities closed the Shi’a Hussein mosque in Cairo to prevent Shi’a Muslims from observing Ashura. In December 2011, at least four Shi’a Muslims reportedly were detained and charged with “insulting and denying tenets” of Islam. Among the four was an Australian national, who was freed after one month in detention. The status of the other three is unknown. In September and October 2010, Egyptian authorities detained nearly 100 Shi’a Muslims. According to media reports, at least 12 of the Shi’a Muslims were accused by a state security court of “contempt of religion” and forming an illegal group to overthrow the government. Their current status is unknown.

On February 1, 2012, well-known Egyptian actor and comedian, Adel Imam, was sentenced to three months in prison and fined by a Cairo court for “contempt of religion” because of characters he portrayed in several films in recent years. In October 2011, a Cairo court sentenced Ayman Yusef Mansour to three years in jail with hard labor for “insulting” Islam in postings on Facebook. The court found that Mansour “intentionally insulted the dignity of the Islamic religion and attacked it with insults and ridicule on Facebook.” In another case, Egyptian telecom mogul and Coptic Christian parliamentarian Naguib Sawiris was tried in January 2012 for blasphemy under Article 98(f) of the Penal Code because he tweeted cartoons in June 2011 of Mickey and Minnie Mouse wearing conservative Muslim attire. The case was dismissed in February.

### *Islamists and Extremism*

The Muslim Brotherhood and other Islamist groups which advocate or seek to establish an Islamic state in Egypt based on their interpretation of Islamic law were illegal organizations during the Mubarak era under a law prohibiting political parties based on religion. While this prohibition remains in place even after new amendments to the constitution went into effect in March 2011, the Muslim Brotherhood and other Islamist groups formed political parties on other platforms. In April 2011, a Muslim Brotherhood alliance formed the Freedom and Justice Party. Similarly, in June an alliance of ultra-conservative Salafi Muslims formed the Al-Nour Party.

The Muslim Brotherhood and other Islamist groups have used violence in the past to achieve their aims, including the assassination of President Anwar al-Sadat in 1981 and attacks on foreign tourists. The Muslim Brotherhood publicly renounced violence in the 1970s. Under the Mubarak regime, Egyptian security forces arrested hundreds, if not thousands, of suspected Islamists every year, and some were subject to torture and/or prolonged detention without charge. Human rights groups that closely monitor the detention of such individuals claim that the vast majority are in prison as a result of their political beliefs or activities, and not on the basis of religion.

Human rights activists inside Egypt increasingly are concerned that extremist groups that support policies aimed at destroying the rights of others continue to advance in the country, with detrimental effects on the prospects for genuine democratic reform or improvements in freedom of religion or belief. During the transition period, Egypt has witnessed an increase in crime and lawlessness due to a decrease in police and security presence. Some Islamist militant groups have used this lapse to impose extra-judicial punishments. During the early months of the transition, Sufi Muslims experienced increased attacks and harassment by Islamist militant groups, as they deem as heretical a number of Sufi religious practices, including the veneration of saints. In Alexandria, extremists targeted at least 16 historic mosques belonging to Sufi orders and attempted to deface and destroy tombs of important Sufi Islamic scholars. In Qalyoub, north of Cairo, militants attacked at least five Sufi shrines. By the end of the reporting period, at least two people had been detained in relation to the attacks, although no one had been brought to justice.

### *Incitement to violence in media and government-funded mosques*

In the months leading up to the November 2011 parliamentary elections, an increase in incitement to violence in Egyptian media and government-funded mosques exacerbated sectarian tensions between Muslims and Coptic Christians. In October, Egypt state media falsely accused Coptic Christians of attacking the Egyptian military during peaceful protests marching toward the Maspero state television station. State media called on Egyptian citizens to support the Egyptian military in “protecting Egypt” from Christian protestors. This incitement by state media led to counter-revolutionary elements and extremists attacking Coptic Christians (see more detail below).

During the reporting period, there continued to be reports of incitement and anti-Christian hatred espoused by imams in mosques. In recent years, some imams in mosques have incited large

crowds to oppose and/or prevent the building and maintenance of churches, particularly in Upper Egypt. For example, in late September 2011, in the Aswan province, local imams incited at least 1,000 Muslim villagers, who subsequently set fire to the St. George Coptic Orthodox Church as well as some Christian-owned businesses and homes (see more detail below).

There continues to be intolerance of Jews and Baha'is in both the independent and government-controlled media. Material vilifying Jews with both historical and new anti-Semitic stereotypes appear regularly in the state-controlled and semi-official media. In February 2012, a Salafi leader and former parliamentary candidate in Alexandria, Abdel Moneim al-Shahat, publicly stated on the al-Haqiqa television program that Baha'is should be prosecuted for treason because they are apostates and are not entitled to any rights in Egypt.

### *Violence Targeting Christians*

Since early 2011, hundreds of Egyptians were killed in the streets as a result of a decrease in security and a dramatic increase in violence. Violent sectarian attacks targeting Coptic Orthodox Christians and their property also increased significantly. In 2011, Coptic and human rights groups reported more than 40 sectarian incidents resulting in nearly 100 deaths, mostly Coptic Christians, surpassing the death toll of the previous 10 years combined. In most cases, perpetrators have not been convicted. In other cases, alleged perpetrators have been detained for short periods but eventually released without charge.

The ongoing violence, and the failure to prosecute those responsible, continued to foster a climate of impunity, especially in Upper Egypt. In recent years, in response to sectarian violence, Egyptian authorities have conducted "reconciliation" sessions between Muslims and Christians as a way of easing tensions and resolving disputes. In some cases, authorities compelled victims to abandon their claims to any legal remedy. This continued during the reporting period. USCIRF has stated that reconciliation efforts should not be used to undermine enforcing the law and punishing perpetrators for wrongdoing. In recent years, the State Department concluded that reconciliation sessions not only "prevented the prosecution of perpetrators of crimes against Copts and precluded their recourse to the judicial system for restitution" but also "contributed to a climate of impunity that encouraged further assaults."

Below are examples of violent incidents, primarily during the reporting period, impacting the Coptic Orthodox community, who comprise approximately 10 to 15 per cent of Egypt's 80 million people.

In late January 2012, in the Sharbat village near Alexandria, Muslim villagers set on fire and destroyed several Christian-owned homes and businesses after a rumor surfaced about an alleged sexual relationship between a married Muslim woman and a Christian man. At least three people were injured. After reconciliation sessions convened by local politicians and religious leaders, eight Christian families were ordered to leave the village and to abandon their properties. Subsequently, a parliamentary delegation from Cairo visited the village and investigated the incidents. It concluded that the eviction of at least five of the Christian families should be overturned and their properties be returned. The delegation also blamed the local media for

exaggerating facts and urged police to investigate to determine who was individually responsible for the destruction of Christian property and injuries suffered. An investigation is ongoing.

On October 9, 2011, at least 26 people were killed, mostly Coptic Orthodox Christians, and more than 300 injured in downtown Cairo after armed men confronted and attacked peaceful protestors. The demonstrators, both Christians and Muslims, were marching to the Maspero state television station to protest the September 30 destruction of a church in Aswan, Upper Egypt. Egyptian state-owned media incited the violence when broadcasters urged Egyptians to go out into the streets to protect security forces from attacks by Christian protestors. Responding to the violence, Egyptian military forces used live ammunition and excessive force, including armored vehicles that deliberately crushed and killed at least 12 protestors. Dozens of suspects have been detained and interrogated. In December, a Cairo court decided to release, pending further investigations, the remaining 27 Coptic Christian detainees arrested in connection with the violence. The investigation reportedly is ongoing.

On September 30, in the Aswan province, an estimated mob of more than 1,000 Muslims looted and burned the St. George Coptic Orthodox Church, as well as some Christian-owned businesses and homes, after incitement by local imams in village mosques. Local media reports indicated that a Ministry of Justice fact-finding mission traveled to Aswan on October 12, in the aftermath of the Maspero violence, to investigate the St. George church burning. According to the State Department, the status of the investigation is unknown.

On May 8, at least 15 Christians and Muslims were killed and more than 200 people were wounded as Islamist extremists attacked Christians at the St. Mina Church in the Imbaba district of Cairo. Another church, the Church of the Virgin Mary, was burned to the ground and several Christian-owned shops were vandalized and looted. The government is prosecuting 48 individuals charged with murder, attempted murder, and a variety of other crimes. At the end of the reporting period, the prosecution is ongoing.

On March 8 in the Mokattam area of Cairo, 13 people were killed and nearly 150 wounded in clashes that erupted during large-scale demonstrations by Christians protesting the destruction of a church in the provincial town of Sol. The demonstrators called for rebuilding the church, punishment of perpetrators, and better treatment by Egyptian authorities. According to some accounts, troops from the Egyptian military stood by for as long as four hours without intervening. Egyptian officials said that all of those killed died of gunshot wounds, although it is still unclear who was responsible for the killings. While the SCAF expeditiously rebuilt the church by Easter, no one has been charged with the deaths. The status of the investigation is unknown.

On March 4, also in Sol, local Muslims set fire and destroyed a church after clashes between Christians and Muslims left two dead. The clashes reportedly resulted from a feud between the families of a Christian man and a Muslim woman who allegedly were having a romantic relationship. According to reports, there has been no investigation and no one has been brought to justice.

On February 23, the Egyptian military reportedly used excessive force and live ammunition at the Anba Bishoy monastery in Wadi Natroun, north of Cairo, to destroy a wall monks had built to defend their property from criminals recently set free from local prisons. One monk and six church workers were injured, and the monk later died. According to reports, military forces used heavy machine guns and armored personnel carriers to bulldoze the wall. To date, no one has been held accountable.

On January 1, 2011, a bomb exploded at the Coptic Orthodox Church of the Two Saints (Al Qiddissin) in Alexandria where a New Year's prayer service was being held, killing at least 23 people and wounding approximately 100. At the end of the reporting period, there were no suspects in custody and no one has been brought to trial for murder. The Egyptian government reports that its investigation is ongoing.

On January 6, 2010, in the town of Naga Hammadi, Qena Governorate, three men sprayed automatic gunfire on Coptic churchgoers leaving midnight Christmas Mass, resulting in the deaths of six Christians and one off-duty Muslim police officer and several injuries. On January 16, 2011, a state security court convicted and sentenced to death one of the three, Mohamed Ahmed Hussein. On February 20, 2011, the court ratified the verdict against Hussein but acquitted the two other men, who were known to be accomplices in the killings. Hussein was executed on October 10, 2011. According to official Egyptian government media reports in November 2011, an Egyptian state security court intends to retry the two defendants who were acquitted.

In 2004, the Court of Cassation upheld the acquittal of 94 out of the 96 persons suspected of involvement in the killing of 21 Christians in Al-Kosheh in late 1999 and early 2000. Some Egyptian human rights groups believe that Egyptian authorities should still investigate claims of police negligence and inadequate prosecution of those involved in this earlier violence.

### *Discrimination against Christians*

In addition to violence, Christians face official and societal discrimination. Although Egyptian government officials claim that there is no law or policy that prevents Christians from holding senior positions, the Coptic Orthodox Christian community faces *de facto* discrimination in appointments to high-level government and military posts. There are only a few Christians in the upper ranks of the security services and armed forces. There are no Christian governors out of 27 in the country, after the SCAF approved 11 new governors in August 2011. Previously there had been one Christian governor. There are only a handful of elected members of the People's Assembly out of 498 seats, no known university presidents or deans, and very few legislators or judges. According to the State Department, public university training programs for Arabic-language teachers exclude non-Muslims because the curriculum involves the study of the Qur'an. Under Egyptian law, Muslim men can marry Christian women but Muslim women are prohibited from marrying Christian men. Contacts between such persons are often a source of societal tension between Muslim and Christian communities in Egypt.

For all Christian groups, government permission is required to build a new church or repair an existing one, and the approval process for church construction is time-consuming and inflexible.

Former President Mubarak had the authority to approve applications for new construction of churches. Although most of these applications were submitted more than five years ago, the majority have not received a response. Even some permits that have been approved cannot, in fact, be acted upon because of interference by the state security services at both the local and national levels.

In 2005, former President Mubarak devolved authority to approve the renovation and re-construction of churches from the president to the country's governors. Several years later, some churches continue to face delays in the issuance of permits. Even in cases where approval to build or maintain churches has been granted, many Christians complain that local security services have prevented construction or repair, in some cases for many years. In addition, local security services have been accused of being complicit in inciting violence against some churches undergoing routine maintenance or repair. In recent years, the government repeatedly has pledged, most recently in October 2011, to adopt a new law that would apply to all places of worship. In June, after consulting with religious leaders and other experts, the SCAF released publicly a draft version of the law. The draft was criticized widely by Muslims, Christians, and Egyptian human rights groups. While a subsequent version has not been made public, some reports have indicated that the revised draft law covers only churches and not other places of worship.

#### *Converts and Reconverts to Christianity*

Although neither the Constitution nor the Penal Code prohibits proselytizing or conversion, the Egyptian government has used Article 98(f) of the Penal Code to prosecute alleged proselytizing by non-Muslims. In some instances, converts, who fear government harassment if they officially register their change in religion from Islam to Christianity, reportedly have altered their own identification cards and other official documents to reflect their new religious affiliation. Over the years, some individuals have been arrested for falsifying identity documents following conversion. Other converts have fled the country for fear of government and societal repercussions.

In 2008, Egypt's highest court ruled that 12 individuals who were born Christian could not be legally prohibited from returning to Christianity after converting to Islam. However, the court ruled that their identity documents must list them as "formerly declared Muslim," thus potentially making them subject to continued discrimination, police harassment, and societal violence. On July 3, 2011, the Supreme Administrative Court ruled that reconverts to Christianity would be permitted to obtain new national identity documents indicating their Christian faith without having to be listed as former Muslims. In October 2011, the first known implementation of the new ruling was made public when an Egyptian mother's twin sons received new identity cards identifying them as Christian.

In addition, reports in recent years support claims that there were cases of Muslim men forcing Coptic Christian women to convert to Islam. The State Department has asserted that such cases are often disputed and include "inflammatory allegations and categorical denials of kidnapping and rape." For example, there were credible cases in which Coptic girls voluntarily converted to Islam to marry Muslim men, and subsequently, when the relationship failed, sought to return to

Christianity. Nevertheless, during the reporting period, experts and human rights groups have found that there were also credible cases where Coptic Christian women were lured deceptively into marriages with Muslim men and forced to convert to Islam. According to these reports, if a woman returns or escapes from the marriage and wants to convert back to Christianity, she faces the same legal hurdles in changing her religious affiliation on official identity documents as discussed above.

In contrast to the re-conversion cases, the Egyptian government generally does not recognize conversions of Muslims to other religions. Egyptian courts also have refused to allow Muslims who convert to Christianity to change their identity cards to reflect their conversions. In the first such case, brought by Muhammad Hegazy, a lower court ruled in January 2008 that Muslims are forbidden from converting from Islam based on principles of Islamic law because conversion would constitute a disparagement of the official state religion and entice other Muslims to convert. Hegazy is currently in hiding and has appealed the ruling. The second such case was brought in 2009 by Maher El-Gohary, who went into hiding for two and a half years because of threats and harassment by extremists. El-Gohary, with whom the USCIRF delegation met during its January 2010 visit, fled Egypt in late February 2011 when his travel ban was lifted just days after former president Mubarak stepped down. El-Gohary has applied for asylum in France with his 16 year-old daughter.

### *Baha'is*

All Baha'i institutions and community activities have been banned since 1960 by a presidential decree. As a result, the approximately 2,000 Baha'is who live in Egypt are unable to meet or engage in communal religious activities. In the past, Baha'is have been arrested and imprisoned because of their religious beliefs, often on charges of insulting Islam. There have been no arrests in recent years. Most Baha'i community members are known to the state security services, and many are regularly subject to surveillance and other forms of harassment. Al-Azhar's Islamic Research Center has issued *fatwas* over the years, most recently in 2003, urging the continued ban on the Baha'i community and condemning Baha'is as apostates.

Intolerance of Baha'is has increased in both the independent and government-controlled media in recent years. In March 2009, Muslim villagers vandalized several Baha'i homes in a village in the Sohag province. Egyptian human rights groups immediately condemned the violence and contended that it had been prompted by incitement by a media commentator who, during a television program, labeled an individual member of the Baha'i faith an apostate and called for her to be killed. Three years after the incident, there has been no investigation or prosecution. In late February 2011, after rumors that the Baha'i families would be returning to the homes vandalized in 2009, local villagers set on fire several Baha'i homes in the Sohag province. An Egyptian human rights group alleged that at least two local security officers incited local villagers to attack the homes. An investigation is ongoing.

There has been some legal progress for Baha'is related to identity documents. In March 2009, the Supreme Administrative Court rejected a final legal challenge to a 2008 lower court ruling that required the Egyptian government to issue national identification documents to three Baha'i plaintiffs containing a dash or other mark in the religion field. Until this ruling, identity

documents permitted registration in only one of the three officially approved faiths – Islam, Christianity, or Judaism – thereby effectively preventing Baha'is from gaining the official recognition necessary to have access to numerous public services. Since the 2008 decision, the government has issued birth certificates to at least 120 Baha'is, documents which it previously refused to issue to them. In addition, approximately 20 to 30 single male and female Baha'is have received identity cards. However, no married couples have been able to receive identity cards because the Egyptian government does not recognize Baha'i marriages. Over the past few years, some Baha'is lost their jobs and a few young Baha'is were dismissed from universities because they did not have identity cards.

During the reporting period, representatives of the Baha'i community have had discussions with the SCAF and transitional government; however, there have been no long-term resolutions to their ongoing concerns.

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

In 2011, material vilifying Jews with both historical and new anti-Semitic stereotypes continued to appear regularly in the state-controlled and semi-official media. This material includes anti-Semitic cartoons, images of Jews and Jewish symbols that reference Israel or Zionism, comparisons of Israeli leaders to Hitler and the Nazis, and Holocaust denial literature. Egyptian authorities have not taken adequate steps to combat anti-Semitism in the media, despite official claims that they have advised journalists to avoid anti-Semitism. Egyptian officials claim that anti-Semitic statements in the media are a reaction to Israeli government policy toward Palestinians and do not reflect historical anti-Semitism. Human rights groups cite persistent, virulent anti-Semitism in the education system, which increasingly is under the influence of Islamist extremists, a development the Egyptian government has not adequately addressed.

The small remnant of Egypt's once sizeable Jewish community, now consisting of fewer than 100 people, owns communal property and finances required maintenance largely through private donations. In 2007, Egyptian authorities, including the Minister of Culture and the head of the Ministry's Supreme Council of Antiquities, pledged to move forward over the next few years with the restoration of at least seven synagogues, as well as the possible development of a Jewish museum, sought by the Jewish community to memorialize Egypt's substantial and historic Jewish religious and cultural properties and relics. Restoration of the Maimonides synagogue in Cairo, named after a 12<sup>th</sup> century rabbinic scholar, was completed in March 2010, although Egyptian government authorities canceled an official public dedication ceremony.

### *Jehovah's Witnesses*

A 1960 presidential decree banned all Jehovah's Witnesses activities. According to the State Department, there are between 800 and 1,200 Jehovah's Witnesses living in Egypt. While government interference into the activities of the small community has abated somewhat since former President Mubarak stepped down in February 2011, Egyptian authorities continue to conduct surveillance and sometimes impede their private worship. In past years, secret police monitored the homes, phones, and private meeting places of members. The Egyptian

government permits Jehovah's Witnesses to meet in private homes in groups of less than 30 people, despite the community's request to meet in larger numbers.

For years, the Jehovah's Witnesses have pursued legal recognition through the court system. Finally, in December 2009, the Seventh Circuit Administrative Court handed down a verdict denying Jehovah's Witnesses legal status. The local community continues to appeal the verdict.

### *Egypt's Universal Periodic Review*

In February 2010, the UN Human Rights Council examined the human rights record of Egyptian authorities under the Universal Periodic Review (UPR) procedure. The head of Egypt's delegation stated that freedom of religion and worship are guaranteed in the constitution and are not limited by law, despite the reality that, as described above, in practice the law is arbitrarily and inconsistently applied. The Egyptian delegation also characterized relations between Muslims and Coptic Christians as "healthy and positive," attributing recent sectarian tensions to extremism and asserting that the law is implemented whenever violent incidents occur.

The recommendations that the Egyptian delegation supported at the UPR included those that urged the government to take all necessary measures to guarantee religious freedom, prevent discrimination that affects this freedom, and promote inter-religious dialogue and tolerance. The delegation rejected recommendations which urged the Egyptian government to remove any categorization of religion on official government documents and to eliminate the legal and bureaucratic restrictions that complicate an individual's right to choose his or her religion. Despite supporting a number of recommendations from the UPR, the Egyptian government has made little progress in implementing them in practice.

### *Positive Developments in Egypt*

During the transition, there have been some positive developments. In January 2012, the Interior Ministry stated publicly that it worked with the SCAF on an extensive security plan to protect all churches around the celebration of Coptic Christmas. According to some reports, members of the Muslim Brotherhood also have participated in protecting churches. The 2011-2012 holiday season passed without incident. In May, the government began to re-open more than 50 churches that had been closed, in some cases for years. In March, the Egyptian government released Coptic Christian priest Mitau Wahba from prison, where he had served three years of a five-year sentence for presiding over a wedding of a Christian convert from Islam.

In the aftermath of the October Maspero violence, the government took steps to reduce discrimination in the Penal Code. On October 15, the SCAF issued a decree amending Egypt's Penal Code to prohibit discrimination on the basis of religion, gender, language, faith, or race. The decree also delineated prison sentences and specific fines for discriminatory acts, as well as failure to prevent discrimination. These included more severe penalties for government officials found to be complicit in discrimination. These new Penal Code provisions, if applied, could strengthen the Egyptian constitution's ban on discrimination. At the end of the reporting period, however, there were no known cases in which the government applied the new amendments.

During the reporting period, Al-Azhar University spearheaded a number of initiatives and published statements expressing support for freedom of religion or belief in Egypt. In January 2012, Al-Azhar Grand Sheikh Ahmed Al-Tayeb put forward a “Bill of Rights” that discussed the importance of freedom of belief and expression, among other things, ahead of the drafting of the constitution. The statement asserts that “freedom of belief” and equal citizenship rights for all Egyptians are the cornerstones of a new modern society. The statement reportedly took three months to gain support of a number of diverse religious and political leaders in Egypt, as well as other domestic and international actors.

In June 2011, the Grand Sheikh released an 11-point program, known as the “Al-Azhar Document,” setting out Al-Azhar’s vision for Egypt’s democratic future. The document endorsed a democratic government in Egypt, placing governance in the hands of the civil or secular powers of the parliament, the executive, and the judiciary. The document also expressed support for universal human rights and emphasized that religious minorities should be able to practice their religion freely and enjoy their rights as citizens in full equality with the majority. Some human rights groups have expressed concern over the document’s vagueness, pointing out the lack of safeguards needed to prevent human rights abuses. Moreover, while both the January 2012 and June 2011 documents call for full respect and protection of the three “heavenly religions” – Judaism, Christianity, and Islam – no other faiths in Egypt were mentioned.

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

For many years, U.S. policy toward Egypt had focused on fostering strong bilateral relations, continuing security and military cooperation, maintaining regional stability, and sustaining the 1979 Camp David peace accords. Successive administrations viewed Egypt as a key ally in the region. Until a few years ago, Egypt was the second largest recipient of U.S. aid; it now ranks fourth, behind Afghanistan, Israel, and Pakistan. In recent years, including during the reporting period, the Obama administration and Congress have increased efforts to urge the Egyptian government to make more expeditious progress on economic and political reforms, including on human rights and religious freedom issues. During the past year, the relationship encountered a number of challenges, the most serious of which started in December 2011 when Egyptian authorities raided the offices of five foreign pro-democracy NGOs, four of which are American, and subsequently charged staff members with working without a license and receiving unauthorized foreign funding.

During the first few days of the January 2011 uprisings in Egypt, the Obama administration remained supportive of the Mubarak regime. Secretary of State Hillary Clinton expressed confidence that the regime was stable and urged peaceful protests by the Egyptian people. As the demonstrations continued and grew, high-level U.S. government officials expressed concern about incidents of government violence against peaceful protestors, and President Obama advocated that Mubarak step down. Mubarak did so on February 11, 2011. In March 2011, Secretary of State Hillary Clinton visited Egypt and the U.S. government announced that \$100 million in unspent economic support funds were being reprogrammed to support economic growth and development, in addition to \$65 million being reprogrammed to support democratic development in Egypt.

In the current reporting period, the U.S. government highlighted religious freedom concerns in Egypt through public statements and remarks more frequently than in previous years. For example, in January 2012, Deputy Secretary of State William Burns and Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner each publicly raised a number of religious freedom issues while visiting Egypt. On January 6, 2012, President Obama released a statement on Coptic Christmas eve asserting that in Egypt and elsewhere “freedom of religion, the protection of people of all faiths, and the ability to worship as you choose are critical to a peaceful, inclusive and thriving society.” In October 2011, statements from both President Obama and Secretary of State Clinton expressed deep concern about the Maspero violence and called for a prompt investigation, including into allegations of excessive security and police force. On May 19, 2011, President Obama delivered a major policy speech on the Middle East and North Africa and specifically raised the importance of freedom of religion, respecting religious minorities, and the plight of Coptic Christians in Egypt. On January 1, 2011, President Obama issued a strong statement condemning the New Year’s Day bombing of a church targeting Christians in Alexandria and offered assistance to the Egyptian government to bring the perpetrators to justice.

U.S. assistance reflects the recognition of Egypt’s continued and crucial role in ensuring Arab-Israeli peace. P.L. 112-74, the Consolidated Appropriations Act of 2012, appropriated \$1.3 billion in Foreign Military Financing (FMF) assistance and \$250 million for Economic Support Fund (ESF) assistance. For the first time, the law requires the Secretary of State to certify that the Egyptian government is using the funds appropriated through the Foreign Military Financing program to support “the transition to civilian government including holding free and fair elections” and “implementing policies to protect freedom of expression, association, and religion, and due process of law.” The law also includes a national security interest waiver from the certification requirements. In seeking to meet the certification requirement, the State Department must report about positive progress and trends in Egypt only on the requirement about policies to protect freedom of religion. USCIRF worked with Congressional offices on including freedom of religion as one of the certification factors.

In recent years, only a small portion of U.S. programming has supported initiatives in areas related to religious freedom, including funding for programs of the Coptic Evangelical Organization for Social Services that work with Coptic and Muslim community groups in Upper Egypt, as well as support for NGOs that monitor the country’s media for sectarian bias.

During the past year, the Obama administration reversed a controversial 2009 decision that restricted USAID funding for Egyptian civil society to those organizations whose official NGO registration has been approved by the Egyptian government. Direct grants to registered Egyptian NGOs previously had to be vetted by the Egyptian government. As a consequence, many new Egyptian NGOs did not seek formal registration, and instead formed a civil corporation, to avoid unnecessary government interference and oversight.

In July 2011, the Egyptian government launched an investigation into U.S. funding of civil corporations, suggesting that it violates Egyptian law. This cast serious doubt on the ability of the U.S. government to support the programs and activities it was already funding. The investigations culminated in December 2011 with raids on the offices of four American, and one

European, pro-democracy NGOs and confiscation of materials from these offices. In January 2012, the Egyptian government announced criminal charges against 43 personnel, including 16 Americans, and issued travel bans against those remaining in the country, including seven Americans. Despite Egyptian judicial authorities lifting the travel ban in late February, staff members from these NGOs, including from the International Republican Institute, the National Democratic Institute, and Freedom House, face criminal charges and possible prison terms for working illegally in the country without a license and receiving and using unauthorized foreign funding. Since the raids on NGOs in December, an increasing number of members of Congress have advocated cutting off all U.S. aid to Egypt, although, at the end of the reporting period, no measure has been passed in Congress prohibiting aid to Egypt.

After former President Mubarak was removed from power, several congressional resolutions were introduced in the House and Senate in the 112<sup>th</sup> Congress to: encourage religious freedom (H.Res.459); express solidarity with the Egyptian people's democratic aspirations (H.Res. 88); respect human rights and the freedoms of religion and expression (H.Res. 200); support democracy, universal rights and the peaceful transition to a representative government (S. Res. 44); condemn the New Year's day attack on the Coptic church in Alexandria and urge the Egyptian government to investigate and prosecute the perpetrators (S.Res.22); and support democracy, human rights, and civil liberties (S. Res. 586).

In September 2011, in its most recent International Religious Freedom report, the State Department again concluded that religious freedom conditions remained poor, similar to its 2010 conclusion. From 2007 to 2009, the State Department reported that religious freedom conditions in Egypt had declined. This assertion did not result in any significant change in U.S. policy toward Egypt other than the increase in public comments and statements discussed above.

## **Recommendations**

As described above, the Egyptian government has engaged in and tolerated religious freedom violations during the transition period. During the reporting period, violence targeting Coptic Orthodox Christians increased and the Egyptian government failed to convict those responsible for the violence. In addition, the Egyptian government has failed to protect religious minorities from violent attacks during the transitional period when minority communities have been increasingly vulnerable. During the transition period, military and security forces used excessive force and live ammunition targeting Christian demonstrators and places of worship resulting in dozens of deaths and hundreds of injuries. Despite claims by the Supreme Council of Armed Forces that it dismantled the state security apparatus, partially lifted the state of emergency, and addressed some ongoing religious freedom concerns, discriminatory laws and policies continue to have a negative impact on freedom of religion or belief in Egypt.

Accordingly, based on the Egyptian government's systematic, ongoing, and egregious religious freedom violations, USCIRF is recommending for the second year in a row that Egypt be designated a country of particular concern, or CPC. Pursuant to the Consolidated Appropriations Act of 2012 (P.L. 112-74), the U.S. government should not certify the disbursement of military assistance to Egypt until the Egyptian government demonstrates that it is using the funds appropriated through the Foreign Military Financing program to implement policies that protect

freedom of religion and related human rights in Egypt. The U.S. government also should direct a portion of existing military assistance and emergency economic assistance to enhance security for religious minority communities. In addition, the United States should press the Egyptian transitional government, as well as the future civilian government and newly elected parliament, to implement a series of reforms to advance freedom of religion or belief and related human rights.

### **I. Withholding Military Assistance and Directing a Targeted Amount of Military and Economic Assistance During Egypt's Transition**

In addition to designating Egypt as a CPC, the U.S. government should:

- pursuant to the Consolidated Appropriations Act of 2012 (P.L. 112-74), not certify the disbursement of the appropriated \$1.3 billion in Foreign Military Financing (FMF) to Egypt until the Egyptian government demonstrates that it is using FMF funds to implement policies that protect freedom of religion and related human rights in Egypt;
- once the Egyptian government so demonstrates, ensure that a portion of the FMF funding for the Egyptian government is used to help the Egyptian police assess security needs and develop and implement a comprehensive and effective plan for dedicated police protection for religious minority communities and their places of worship, particularly Coptic Orthodox Christians, Sufi Muslims, and Jews, in consultation with these communities' representatives; and
- conduct or support specialized training, either in Egypt or abroad, for Egyptian military and police forces on human rights standards and non-lethal responses to crowd control and to quell sectarian violence.

The U.S. Congress should:

- require the Departments of State and Defense to report every 90 days on the Egyptian transitional government's progress on the issues described in this section.

### **II. Ensuring that Responsibility for Religious Affairs Not Fall Within the Jurisdiction of the New Egyptian Domestic Security Agency**

The U.S. government should urge the Egyptian government to:

- repeal fully the state of emergency, in existence since 1981, in order to allow for the full consolidation of the rule of law in Egypt;
- ensure that *de facto* responsibility for religious affairs does not fall under the jurisdiction of the domestic security agency, with the exception of espionage cases or cases involving the use or advocacy of violence, including conspiracy to commit acts of terror;
- pass a unified law that would subject all places of worship to the same transparent, non-discriminatory, and efficient regulations regarding construction and maintenance, and

continue to take special measures to preserve and restore Coptic Orthodox and other Christian properties and antiquities that have been subject to societal violence and official neglect; and

- consistent with the March and December 2011 resolutions of the UN Human Rights Council and the UN General Assembly on “combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief,” repeal Article 98(f) of the Penal Code, which “prohibits citizens from ridiculing or insulting heavenly religions or inciting sectarian strife” and, in the interim, provide the constitutional and international guarantees of the rule of law and due process for those individuals charged with violating Article 98(f).

### **III. Implementing Additional Reform in Order to Comply with International Human Rights Standards**

The U.S. government should urge the transitional Egyptian government and newly elected parliament to:

- ensure that a new constitution has robust protections for the right to freedom of religion or belief consistent with international human rights law, including:
  - recognizing the universal right to the freedom of thought, conscience, and religion or belief for every individual and every religious or belief community;
  - recognizing that each person’s freedom to hold and to manifest any religion or belief, or not to hold any religious belief, should not be limited, aside from the narrow exceptions delineated in international law;
  - affirming that the right to freedom of religion or belief includes the right to have, adopt, or change one’s own religion or belief without coercion and to manifest it publicly, as well as to persuade others to change their beliefs or affiliations voluntarily;
  - ensuring that the rights and benefits of citizenship are not limited to individuals belonging to particular religious communities; and
  - ensuring that all persons are equal before the law and are entitled to the equal protection of law, regardless of religion or belief, and guaranteeing all persons equal and effective protection against discrimination on religious grounds;
- ensure the neutral non-discriminatory application of any laws according legal status and benefits to religious communities, even if one faith is declared as the official state religion;
- establish a special unit in the Office of the Public Prosecutor dedicated to investigating acts of violence against Egyptian citizens on the basis of religion or belief, vigorously prosecuting and bringing to justice perpetrators, and ensuring compensation for victims;

- address incitement to imminent violence and discrimination against disfavored Muslims and non-Muslims by:
  - prosecuting in regular criminal courts government-funded clerics, government officials, or individuals who incite violence against Muslim minority communities or individual members of non-Muslim religious minority communities;
  - disciplining or dismissing government-funded clerics who espouse intolerance;
  - publicly and officially refuting incitement to violence and discrimination by clerics and the government-controlled media against Muslim minority communities, such as the Qur'anists, and members of non-Muslim religious minorities, such as Baha'is; and
  - rescinding any previously-issued *fatwas* by Al-Azhar that are discriminatory toward or incite violence against Muslim minority communities or non-Muslim religious minority communities;
- discontinue the use of reconciliation sessions as a bypass for punishing perpetrators, commensurate with the gravity of the crime and in accordance with the rule of law;
- repeal 1960 presidential decrees banning members of the Baha'i faith and Jehovah's Witnesses from practicing their faith, officially grant legal personality to these and other minority faiths, and permit these faiths to congregate in public places of worship without government interference;
- remove mention of religious affiliation from national identity documents;
- cease all messages of hatred and intolerance in the government-controlled media and take active measures to promote understanding and respect for members of minority religious communities;
- take all appropriate steps to prevent and punish acts of anti-Semitism, including condemnation of anti-Semitic acts, and, while vigorously protecting freedom of expression, counteract anti-Semitic rhetoric and other organized anti-Semitic activities;
- permit any Egyptian citizen to learn voluntarily the Coptic language in the public school system; and
- investigate claims of police negligence and inadequate prosecution of those involved in the Al-Kosheh case, as well as other recent instances of violence targeting individuals on account of their religion or belief, particularly members of the vulnerable Coptic Orthodox Christian community.

#### **IV. Ensuring that U.S. Government Aid Promotes Prompt and Genuine Political and Legal Reforms and is Offered Directly to Egyptian Civil Society Groups**

The U.S. government should:

- provide direct support to human rights and other civil society or non-governmental organizations (NGOs) without vetting by the Egyptian government;
- urge the Egyptian government to ensure that NGOs engaged in human rights work can pursue their activities without government interference, and monitor and report to what extent this is accomplished; and
- expand support of initiatives to advance human rights, promote religious tolerance, and foster civic education among all Egyptians, including support for:
  - revising all textbooks and other educational materials to remove any language or images that promote enmity, intolerance, hatred, or violence toward any group of persons based on faith, gender, ethnicity, or nationality, and including the concepts of tolerance and respect for human rights of all persons, including religious freedom, in all school curricula, textbooks, and teacher training;
  - civic education and public awareness programs that reflect the multi-confessional nature of Egyptian society and the diversity of Egypt's religious past;
  - efforts by Egyptian and international NGOs to review Egyptian educational curricula and textbooks for messages of hatred, intolerance, and the advocacy of violence, and to monitor equal access to education by girls and boys regardless of religion or belief; and
  - preserving and restoring Egyptian Jewish properties and antiquities in publicly accessible sites.

#### **V. Promoting Freedom of Religion and Belief and Related Human Rights in Multilateral Fora**

The U.S. government should:

- call on the Egyptian government to comply with and fully implement recommendations from the UN Human Rights Council's February 2010 Universal Periodic Review of Egypt, including those related to freedom of religion or belief; and
- urge the Egyptian government to invite, provide specific dates, and admit UN special procedures mandate holders who are waiting for an invitation, including the UN Special Rapporteur on Freedom of Religion or Belief, the UN Special Rapporteur on Human Rights Defenders, and the UN Special Rapporteur on Torture.

**Dissenting Statement of Commissioner al-Hibri:**

So much is happening in Egypt this year. The peaceful revolution has been unfortunately marred by violence that spread across Egypt from Maspero to Aswan to Port Said. Over 850 Egyptians have died during this period, around 6,000 were injured, and the dust has not settled yet. The transitional military government has not done enough to stem the violence and, as the report points out, together with the official media, it encouraged sectarian violence by counterrevolutionaries and extremists in Maspero.

At the same time, al-Azhar, the venerable religious institution, extended its hand in dialogue to the Coptic leadership, including the late Pope Shenouda. Also, Egyptians spoke loud and clear in the streets and on private television, rejecting sectarian and other violence. The photo on the cover of the report shows average Egyptians, Muslim and Coptic, mourning the victims of the Maspero violence. Many Egyptians carried signs saying “Muslim + Christian= Egyptian.”

Now Egyptians are voting for a new parliament, and a new government and constitution. I believe in the fundamental fairness of the Egyptian people and their ability to ultimately rebuild a nation based on religious freedom. After all, this is a tradition that has deep roots in their history.

For this reason, I respectfully dissent from designating Egypt as a CPC at a time when the whole nation is undergoing indiscriminate violence. I would also revisit the situation after the election of a democratic government and the drafting of the new constitution.

## Eritrea

**FINDINGS:** Systematic, ongoing, and egregious religious freedom violations continue in Eritrea. These violations include: torture or other ill-treatment of thousands of religious prisoners; arbitrary arrests and detentions without charges of members of unregistered religious groups; a prolonged ban on public religious activities; revocation of citizenship rights of Jehovah's Witnesses; interference in the internal affairs of registered religious groups; and inordinate delays in responding to registration applications from religious groups.

In light of these violations, USCIRF again recommends in 2012 that Eritrea be designated as a "country of particular concern," or CPC. Since 2004, the Commission has recommended, and the State Department has designated, Eritrea as a CPC. The State Department most recently re-designated Eritrea as a CPC in September 2011.

The religious freedom situation in Eritrea under the regime of President Isaias Afwerki remains extremely grave, with an estimated 2,000 to 3,000 religious prisoners and reports of torture and other inhumane treatment of religious prisoners. The situation is particularly dire for Jehovah's Witnesses and members of other small and non-traditional religious groups, such as Evangelical and Pentecostal Christians. The government dominates the internal affairs of the Orthodox Church of Eritrea, the country's largest Christian denomination, and suppresses Muslim religious activities or groups viewed as radical or opposed to the government-appointed head of the Muslim community. The government has appointed the heads of both the Orthodox and Muslim communities, despite community objections, and has kept the government-deposed Eritrean Orthodox Patriarch Abune Antonios, who protested government interference in his church's affairs, under house arrest since 2006.

**PRIORITY RECOMMENDATIONS:** USCIRF recommends that, in addition to continuing the existing presidential action against Eritrea, the U.S. government should employ the International Emergency Economic Powers Act to impose targeted sanctions against individuals and institutions identified as responsible for, or complicit in, serious religious freedom and human rights abuses. USCIRF further recommends that the U.S. government prohibit any foreign company from raising capital or listing its securities in the United States while engaged in developing Eritrea's mineral resources; work with international partners to draw attention to religious freedom abuses in Eritrea and advocate for the release of religious prisoners, including Orthodox Patriarch Abune Antonios; engage in vigorous advocacy of religious freedom at all levels of involvement with the Eritrean government; condition any resumption of development assistance to Eritrea on measurable improvements in religious freedom and human rights; and intensify international efforts to resolve the current political impasse between Eritrea and Ethiopia. Additional recommendations for U.S. policy toward Eritrea can be found at the end of this chapter.

## Religious Freedom Conditions

### *Government Policies toward Religious Groups and Activities*

Eritrea has been ruled by President Isaias Afwerki and the Popular Front for Democracy and Justice (PFDJ) since the country gained independence from Ethiopia in 1993. After an initially promising start toward democratization, the Isaias regime has become increasingly repressive. President Isaias is said to be exceedingly fearful about losing control, concentrating power in his hands and those of a small cadre of associates who fought in the liberation struggle. The constitution and elections have been indefinitely suspended. Thousands of Eritreans with religious or civil society affiliations and allegiances are imprisoned for their real or imagined opposition to the government, and arbitrary arrests, torture, and forced labor are extensive. No private newspapers, opposition political parties, or independent non-governmental organizations exist. Independent public gatherings are prohibited.

In this context, the Eritrean government officially recognizes only four religious communities: the (Coptic) Orthodox Church of Eritrea; Sunni Islam; the Roman Catholic Church; and the Evangelical Church of Eritrea, a Lutheran-affiliated denomination. The government imposes a number of invasive controls over the four recognized religious groups that prevents their ability to operate freely. The government is also hostile toward other Christian groups, particularly Evangelical and Pentecostal denominations.

In 2002, the government increased its control over civil society following a second war with Ethiopia, and imposed a registration requirement on all religious groups other than the four officially-recognized religions. The requirement mandated that communities provide detailed financial and membership information, as well as background on their activities in Eritrea. Among those affected were Protestant Evangelical and Pentecostal Christian denominations, as well as the Baha'is. Some of these religious communities have operated in Eritrea for decades.

Because of the government's registration requirement, no group can legally hold public religious activities until its registration is approved. This effectively makes unregistered religious activity "illegal," which has resulted in places of worship being closed and public religious activities, including worship services, of all unregistered religious communities being prohibited. No religious group has been registered since 2002, although the Presbyterian Church, Methodist Church, Seventh-day Adventists, and Baha'i religious community all submitted the required applications. As a result of the registration requirement and the government's inaction on registration applications, all of Eritrea's religious communities (except the four government-sanctioned ones) lack a legal basis on which to practice their faiths publicly, including holding prayer meetings or weddings. Further restrictions are described below.

Government violations of religious freedom are particularly severe in the armed forces, where members are banned from attending Protestant prayer meetings, subject to punishment by imprisonment. Armed forces members and national service inductees reportedly face severe punishment for possessing religious literature, including Bibles.

*Arrests, Detention, and Torture*

The State Department, non-governmental human rights organizations, and Christian advocacy groups estimate that 2,000 to 3,000 persons are imprisoned on religious grounds in Eritrea, the vast majority of whom are Evangelical or Pentecostal Christians. In 2006, the government deposed Eritrean Orthodox Patriarch Abune Antonios and placed him under house arrest after he protested the Eritrean Department of Religious Affairs' interference in his church's affairs. Since then, he has been prevented from communicating with the outside world and reportedly denied medical care. There is no new information on the three reformist members of the Orthodox clergy who have been imprisoned since 2005.

Fifty-three Jehovah's Witnesses are detained without trial or administrative appeal. A third of the Jehovah's Witnesses currently detained are reported to be over 60 years old, well beyond draft age. Additionally, three Jehovah's Witnesses—Paulos Eyassu, Isaac Mogos, Negede Teklemariam—have been held for more than 15 years despite the maximum legal penalty for refusing to perform national service being two years. International human rights organizations report that many of the Muslims detained without charge are non-violent critics of the government-imposed leadership of the Muslim community or of policies that discriminate against independent Muslims. Those detained include more than 180 Muslims opposed to the state's appointment of the Mufti of the Eritrean Muslim community.

Detainees imprisoned in violation of freedom of religion have reportedly been beaten and tortured. Prisoners are not permitted to pray aloud, sing, or preach, and no religious books are allowed. Released religious prisoners report being confined in cramped conditions such as 20-foot metal shipping containers or in underground barracks, some located in areas subjecting prisoners to extreme temperature fluctuations. There are credible reports, including during the past year, that the security forces have coerced detainees to renounce their faith; some prisoners were required to recant their religious beliefs as a precondition of release. Persons detained for religious activities, in both short- and long-term detentions, often are not formally charged, permitted access to legal counsel, accorded due process, or allowed access to their families. There continue to be reports of deaths of religious prisoners who refused to recant their beliefs, were denied medical care, or were subjected to other ill treatment.

There were several reports of new incidents of mass arrests in late 2010 and throughout 2011. In November 2010, 40 parishioners from the Kale-Hiwet and Mulu-Wengel evangelical churches were arrested. Two of the women were released in March prior to giving birth; the others remain in custody. On December 30, 2010, more than 100 Christians, including the entire congregation of the Philadelphia Church of Asmara, were arrested and allegedly beaten. In May 2011, 64 evangelical Christians were arrested; only six have been released. On June 2, 2011, 26 Christian college students were arrested for reportedly refusing to participate in Independence Day celebrations; they were released a few weeks later. On July 3, 35 Pentecostal Christians were arrested and continue to be imprisoned.

### *The Situation of Unregistered Religious Groups*

#### *Jehovah's Witnesses*

Since 1994, the government of Eritrea has denied Jehovah's Witnesses citizenship and a range of government services, as well as civil and political rights. President Isais Afwerki issued a decree in October 1994 specifically barring Jehovah's Witnesses from obtaining government jobs, business licenses, and government-issued identity and travel documents. He reportedly viewed their refusal on religious grounds to participate in the 1993 independence referendum or to perform mandatory national military service as a rejection of Eritrean citizenship. Without Eritrean identity cards Jehovah's Witnesses cannot obtain legal recognition of marriages or land purchases.

The government requires a military training component for secondary school graduation, with no non-military alternative service option, which effectively denies educational and employment opportunities to young Jehovah's Witnesses, causing many to flee the country. Some children of Jehovah's Witnesses have been expelled from school because of their refusal to salute the flag or to pay for membership in the officially-sanctioned national organization for youth and students.

#### *Evangelical and Pentecostal Christians*

The government's campaign against religious activities by persons belonging to unregistered denominations frequently targets Evangelical and Pentecostal Christians. Government officials have criticized "non-traditional" Christian denominations for engaging in evangelism that they allege is socially divisive and alien to Eritrea's cultural traditions. The ruling party also fears that these religious communities could be encouraged by their co-religionists in the United States to take actions against the government's undemocratic rule. As discussed above, in the past year Eritrean security forces continued to conduct mass arrests of Evangelical and Pentecostal Christians, including at prayer meetings, although fewer such arrests were reported than in previous years.

### *The Situation of Recognized Religious Groups*

The government strictly controls and dominates the internal affairs of the four recognized religions, including appointing religious leaders and overseeing and monitoring religious activities. The recognized groups are required to submit activity reports to the government every six months. In December 2010, the Eritrean Department of Religious Affairs reportedly told these groups to stop accepting funds from co-religionists abroad. The Eritrean Orthodox Church reportedly said it would not comply with the order.

#### *Eritrean Orthodox Church*

The government's interference in the internal affairs of the Orthodox Church began increasing in 2005, after the Church started resisting Asmara's demands. The Orthodox Church of Eritrea is the country's largest Christian denomination and the institutional expression of the country's traditionally-dominant form of Christianity. Security forces began targeting reformist elements in

the Orthodox Church, arresting religious activists, and preventing their meetings. In July 2005, the government revoked the exemption of Orthodox priests, monks, and deacons from mandatory national service, reportedly resulting in a shortage of clergy, particularly in smaller, rural churches. In May 2006, the government appointed a new Patriarch of the Orthodox Church of Eritrea, replacing Patriarch Antonios and placing him under house arrest.

According to the Eritrean Orthodox Church North America Archdioceses, more than 1,700 Orthodox clergy have been forced out of the church, including 24 imprisoned, 14 banned from entering Eritrean Orthodox Church properties, and seven restricted from leaving Asmara. Hundreds have fled the country. In addition, a government-appointed administrator, who is not a member of the Orthodox clergy, manages the Church's affairs and controls its finances.

### *Eritrean Muslim community*

The Department of Religious Affairs appoints the Mufti of the Eritrean Muslim community, despite community protests. The government does not permit Muslim religious activities or groups it views as "radical." Government officials point to the actions of foreign or foreign-inspired Muslim fundamentalists, whom they believe are seeking to radicalize the traditional Eritrean practice of Islam and thus possibly create tensions in a society that is roughly half Christian and half Muslim.

### *Eritrean Refugees*

Hundreds of thousands of Eritreans have fled the country, mostly to Ethiopia and eastern Sudan, due to the Eritrean government's oppression and human rights violations. The office of the UN High Commissioner for Refugees estimates more than 220,000 Eritreans have been forced to flee. While the majority of Eritrean refugees are escaping mandatory military service, UNHCR reports that increasingly large numbers are claiming religious persecution. Pentecostal Christians make up a large percentage of these cases, followed by Jehovah's Witnesses. Christian Solidarity Worldwide reports that the number of Eritrean Orthodox clergy leaving the country has increased since the government revoked their exemption from mandatory military service.

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

Relations between the United States and Eritrea remain poor. The U.S. government has long expressed concern about Eritrea's human rights practices and its activities in the region, including its support of Islamist insurgents in Somalia. The government of Eritrea expelled USAID in 2005, and U.S. programs in the country ended in fiscal year 2006. Eritrea has refused to accredit the proposed new U.S. ambassador to the country since July 2010; in response the U.S. government revoked the credentials of the Eritrean ambassador to the United States.

U.S. relations with Eritrea have been heavily influenced, often adversely, by strong U.S. ties with Ethiopia. After independence in 1993, Eritrea fought a costly border war with Ethiopia in 1998-2000. The United States, the United Nations, the European Union, and the now-defunct Organization of African Unity were formal witnesses to the 2000 accord ending that conflict. However, Eritrean-Ethiopian relations remain tense due to Ethiopia's refusal to permit

demarcation of the boundary according to the 2002 decision of an independent commission based at the International Court of Justice. The U.S. government views the commission's decision as "final and binding" and expects both parties to comply. The United States was the largest financial contributor to the now-defunct UN peacekeeping force—the UN Mission in Ethiopia and Eritrea (UNMEE)—separating the two armies. The UN Security Council terminated the mandate of UNMEE in July 2008 "in response to crippling restrictions imposed by Eritrea on UNMEE."

The State Department designated Eritrea a CPC under IRFA in September 2004. When renewing the CPC designation in September 2005 and January 2009, the State Department announced the denial of commercial export to Eritrea of defense articles and services covered by the Arms Export Control Act, with some items exempted. This represents the only unique presidential action to be undertaken through the IRFA regime in response to a CPC designation anywhere in the world. The Eritrean government subsequently intensified its repression of unregistered religious groups with a series of arrests and detentions of clergy and ordinary members of the affected groups. The State Department most recently re-designated Eritrea as a CPC in September 2011, and imposed as the presidential action the existing, ongoing arms embargo referenced in 22 CFR 126.1(a).

In December 2009, the United States joined a 13-member majority on the UN Security Council in adopting Resolution 1907, sanctioning Eritrea for having "provided support to armed groups undermining peace and reconciliation in Somalia" as well as for not having withdrawn its forces following clashes with Djibouti. The sanctions include an arms embargo, travel restrictions, and asset freezes on the Eritrean government's political and military leaders, as well as other individuals designated by the Security Council's Committee on Somalia Sanctions. In April 2010, President Obama announced Executive Order 13536 blocking the property and property interests of several individuals who have "engaged in acts that threaten the peace, security, or stability of Somalia," "obstructed the delivery of humanitarian assistance to or within Somalia," "supplied arms or related materiel in violation of the United Nations arms embargo on Somalia," or "provided support for any of these activities." Among those listed was Yemane Ghebream, head of political affairs and senior advisor on Somali issues for the Eritrean president.

In December 2011, the United States voted in favor of UN Security Council Resolution 2023, which was prompted by the UN Monitoring Group on Somalia's findings that Eritrea planned to bomb civilian and government targets in Addis Ababa to disrupt a 2011 African Union summit and that it continued to support Somali extremists. The resolution calls on UN member states to implement the sanctions in Resolution 1907 and "undertake appropriate measures to promote the exercise of vigilance" in their dealings with Eritrea's mining industry to prevent those monies from being used to support activities which would destabilize the region. It also condemns Eritrea's two-percent tax on the diaspora, used "for purposes such as procuring arms and related materiel for transfer to armed opposition groups."

## **Recommendations**

In response to the policies and practices of Eritrea's government, the U.S. government should press for immediate improvements to end religious freedom violations in Eritrea and advance religious freedom through sanctions and other bilateral and multilateral efforts.

### **I. Advancing Religious Freedom through Sanctions**

In addition to continuing to designate Eritrea as a CPC, the U.S. government should:

- maintain the existing, ongoing arms embargo referenced in 22 CFR 126.1(a), as decided by the Secretary of State in August 2011;
- prohibit any foreign company from raising capital or listing its securities in U.S. markets if it is engaged in the development of Eritrea's mineral resources or involved in ventures with the government or government-controlled entities;
- employ the International Emergency Economic Powers Act (IEEPA) to impose economic sanctions on senior Eritrean officials in response to their undermining of democratic institutions and engaging in gross human rights abuses, including abuses of religious freedom, in that country, including, as appropriate, the President, the security forces and their officers, and the ruling party and ruling party officials; and
- condition any resumption of development assistance to Eritrea's people on measurable improvements by the government to religious freedom and, if such assistance is to be resumed, ensure that it is directed to programs that contribute directly to democracy, human rights, and the rule of law.

### **II. Advancing Religious Freedom through Other Bilateral and Multilateral Efforts**

The U.S. government should:

- work with international allies and religious freedom partners and counterparts to draw attention to religious freedom abuses in Eritrea and advocate for the unconditional and immediate release of religious prisoners, including Orthodox Patriarch Abune Antonios;
- request a briefing at the UN Security Council on religious freedom and human rights in Eritrea by the Office of the High Commissioner for Human Rights and seek to send a team of thematic Special Rapporteurs to the country, including the Special Rapporteurs on Freedom of Religion or Belief and Freedom of Opinion and Expression and the UN Working Group on Arbitrary Detention;
- encourage unofficial dialogue with Eritreans on religious freedom issues, by promoting a visit to Eritrea by U.S. and international leaders concerned with religious freedom to meet with Eritrean authorities to facilitate dialogue among all of Eritrea's religious communities and expanding the use of educational and cultural exchanges, such as the Fulbright Program,

the International Visitor Program, and lectures by visiting American scholars and experts;  
and

- intensify international efforts to resolve the current impasse between Eritrea and Ethiopia regarding implementation of the boundary demarcation as determined by the “final and binding” decision of the International Boundary Commission that was established following the 1998-2000 war.

## Iran

**FINDINGS:** The government of Iran continues to engage in systematic, ongoing, and egregious violations of religious freedom, including prolonged detention, torture, and executions based primarily or entirely upon the religion of the accused. Iran is a constitutional, theocratic republic that discriminates against its citizens on the basis of religion or belief. During the past year, religious freedom conditions continued to deteriorate, especially for religious minorities, most notably Baha'is, as well as Christians and Sufi Muslims, and physical attacks, harassment, detention, arrests, and imprisonment intensified. Even the recognized non-Muslim religious minorities protected under Iran's constitution – Jews, Armenian and Assyrian Christians, and Zoroastrians – faced increasing discrimination, arrests, and imprisonment. Majority Shi'a and minority Sunni Muslims, including clerics who dissent, were intimidated, harassed, and detained. Dissidents and human rights defenders were increasingly subject to abuse and several were sentenced to death and even executed for the capital crime of “waging war against God.” Heightened anti-Semitism and repeated Holocaust denials by senior government officials have increased fear among Iran's Jewish community. Since the 1979 Iranian revolution, members of minority religious communities have fled Iran in significant numbers for fear of persecution.

Since 1999, the State Department has designated Iran as a “country of particular concern,” or CPC, under the International Religious Freedom Act (IRFA). USCIRF recommends in 2012 that Iran again be designated as a CPC.

Since the disputed 2009 elections, religious freedom conditions in Iran have regressed to a point not seen since the early days of the Islamic revolution. Killings, arrests, and physical abuse of detainees have increased, including for religious minorities and Muslims who dissent or express views perceived as threatening the legitimacy of the government. During the reporting period, the government continued to use its religious laws to silence reformers and critics, including women's rights activists and journalists, for exercising their internationally-protected rights to freedom of expression and freedom of thought, conscience, and religion or belief. In January 2012, the Guardian Council approved a law which, despite efforts by the parliament since 2008, did not codify the death penalty for apostasy.

**PRIORITY RECOMMENDATIONS:** During the past year, U.S. policy on human rights in Iran included a combination of public statements, heightened activity in multilateral fora, and the imposition of unilateral sanctions on Iranian government officials for human rights violations. The U.S. government should continue to identify specific Iranian officials – including Supreme Leader Ayatollah Ali Khamenei and President Mahmoud Ahmadinejad – and entities responsible for severe human rights and religious freedom violations and impose travel bans and asset freezes on those individuals, while continuing to work with its European and other allies to do the same. USCIRF urges the U.S. government to remain vocal and vigorously speak out, including during formal or informal bilateral or multilateral fora, about deteriorating human rights and religious freedom conditions, and to demand the release of all prisoners of conscience. Additional recommendations for U.S. policy toward Iran can be found at the end of this chapter.

## Religious Freedom Conditions

### *Heightened Concerns since the June 2009 Disputed Elections*

Since the June 12, 2009 disputed elections, human rights and religious freedom conditions have regressed to a point not seen since the early days of the Islamic revolution more than 30 years ago. Security and paramilitary forces have used brutal force against the hundreds of thousands of Iranians who demonstrated and protested in the streets in the months after the elections, as well as after the uprisings started in the Arab world in early 2011. Dozens of Iranians have been killed and thousands have been arrested, convicted, and given lengthy prison terms. Hundreds remain in detention. More than a dozen dissidents have been executed, on a variety of charges, including alleged religious crimes such as “waging war against God,” “spreading corruption on earth,” and “moral corruption.” During the reporting period, the Iranian government leveled unsubstantiated charges and used trial procedures for national security cases against members of religious minority communities and individuals for alleged crimes such as “confronting the regime” and apostasy. In the run-up to the March 2, 2012 parliamentary elections, Iranian security services increasingly cracked down on any form of public dissent, particularly by journalists.

### *Government Structure*

The Constitution of the Islamic Republic of Iran proclaims Islam, specifically the doctrine of the Twelver (Shi’a) Jaafari School, to be the official religion of the country. It stipulates that all laws and regulations, including the Constitution itself, must be based on Islamic criteria. The head of state, Ayatollah Ali Khamenei, is the Supreme Leader of the Islamic Revolution and has direct control over the armed forces, the internal security forces, and the judiciary. The Supreme Leader is chosen by the Assembly of Experts, a group of 86 Islamic scholars elected by popular vote from a government-screened list of candidates. All legislation passed by the *Majles* (parliament) is reviewed for adherence to Islamic and constitutional principles by the Guardian Council, six of whose 12 members are appointed by the Supreme Leader. The Guardian Council also has the power under the Constitution to screen and disqualify candidates for all elective offices, including the Assembly of Experts and the 290-member parliament [membership will increase to 310 during the March 2012 elections], based on a vague and arbitrary set of requirements, including candidates’ ideological and religious beliefs. Disputes over legislation between the parliament and the Guardian Council are adjudicated by the Expediency Council, an advisory body appointed by the Supreme Leader. Five seats in the parliament are reserved for recognized religious minorities, two for Armenian Christians, one for Assyrian Christians, and one each for Jews and Zoroastrians.

### *Majority and Minority Muslims*

Over the past few years, and especially after the contested June 2009 presidential election, the Iranian government has imposed harsh prison sentences on prominent reformers from the Shi’a majority community, many of whom have been tried on criminal charges of “insulting Islam,” criticizing the Islamic Republic, and publishing materials that allegedly deviate from Islamic standards. The Iranian government has been repressing its citizens on the basis of religious identity for years, but since June 2009 it has increasingly manipulated the reach of its religious

laws to silence, and in some cases put to death, dissidents simply for exercising their internationally-protected rights of freedom of expression and freedom of thought, conscience, and religion or belief. In February 2011, the Iranian government placed prominent reformers and former presidential candidates Mir Hossein Mousavi and Mehdi Karroubi under house arrest after they expressed public support for the uprisings in Egypt and Tunisia. At the end of the reporting period, they remain in detention.

In early 2010, the Iranian government began convicting and executing reformers and peaceful protestors on the charge of *moharebeh* (waging war against God). Reportedly, nearly 20 individuals have been charged, convicted, and sentenced to death for *moharebeh*. At least a dozen are known to have been executed.

Since the June 2009 elections, the government has stepped up its crackdown on Shi'a clerics, prohibiting them from publicly questioning the election results and from criticizing the government's response to protests and demonstrations. Over the years, a number of senior Shi'a religious leaders who have opposed various religious and political tenets and practices of the Iranian government also have been targets of state repression, including house arrest, detention without charge, trial without due process, torture, and other forms of ill treatment. For example, in October 2006, Ayatollah Mohammad Kazemini Boroujerdi, who advocates the separation of religion and state and has spoken out on behalf of the rights of Iran's religious minorities as well as those of its Shi'a Muslim majority, was arrested and imprisoned without charge. He and 17 of his followers initially were tried by a special court with jurisdiction over Shi'a clerics, and sentenced to death on spurious charges, including "enmity against God" and spreading propaganda against the regime. After an appeal, the death sentence was withdrawn and Ayatollah Boroujerdi was sentenced to 11 years in prison. Ayatollah Boroujerdi currently is serving his prison term, and the government has banned him from practicing his clerical duties and confiscated his home and belongings. Ayatollah Boroujerdi's supporters claim that he has suffered physical and mental abuse while in prison.

### *Sunni Muslims*

Muslim minorities continue to face repression. Several of the country's ethnic minorities – Arabs, Baluchis, Kurds, and Turkmen – practice Sunni Islam. This means these groups are doubly affected, and subject to discriminatory policies based on both their ethnic identity and their faith. Sunni Muslim leaders regularly are intimidated and harassed by intelligence and security services and report widespread official discrimination. In addition, the Iranian government discriminates against the Sunni community in government employment, particularly in leadership positions in the executive and judicial branches.

Sunni leaders have reported widespread abuses and restrictions on their religious practice, including detentions and abuse of Sunni clerics, as well as bans on Sunni teachings in public schools and Sunni religious literature, even in predominantly Sunni areas. In December 2011, Sunni Muslim members of parliament wrote to the Supreme Leader asking for an end to discrimination against Sunni Muslims in Iran, an end to the imposition of religious limitations, and permission to build a mosque in Tehran. The Sunni community still has not been able to build a mosque in Tehran and, in recent years, Sunni mosques were destroyed in eastern Iran

near Zabol, Sistan-Baluchistan, and Mashhad. In recent years, dozens of Sunni clerics reportedly were arrested for spreading Sunni teachings in several parts of the country, including Kurdistan, Kermanshah, Baluchistan, West Azerbaijan, Ahvaz, Tavalesh, and Khorassan provinces.

### *Sufi Muslims*

During the past year, arrests and harassment of Sufi Muslims increased significantly. Sufi Muslims have faced growing government repression of their communities and religious practices, including increased harassment and imprisonment of prominent Sufi leaders by the intelligence and security services and the destruction of prayer centers and *hussainiyas* (places of worship). In 2011, some Shi'a clerics and prayer leaders denounced Sufism and Sufi activities in both sermons and public statements. Government restrictions on Sufi groups and places of worship have become more pronounced.

Over the past few years, authorities have detained hundreds of Sufi Muslims, particularly from the Nematollahi Gonabadi order, sentencing many to imprisonment, fines, and floggings. In September and October 2011, a Sufi Muslim from the Gonabadi order was killed and several were injured during a government crackdown in southwestern Iran, Fars province, during which the Basij militia arrested at least 60 Sufis. At the end of the reporting period, at least 11 remain in detention. Four attorneys – Farshid Yadollahi, Amir Eslami, Afshin Karampour, and Omid Behruz – who defended the dervishes in court were also arrested in September. At the end of the reporting period, human rights groups report that the four attorneys continue to be held in Evin Prison and were charged in December with insulting the Supreme Leader, “spreading lies,” and membership in a “deviant group.”

In April 2011, eight Sufi dervishes from the Gonabadi order were re-arrested on charges of disrupting public order, previous charges for which they received floggings and had been imprisoned. The previous month, in March, over 200 Gonabadi Sufis were summoned to courts throughout the country based on allegations that they were insulting Iranian authorities. In January, three Iranian lawyers who defended Sufi dervishes were sentenced to prison terms. Farshid Yadollahi and Amir Eslami were sentenced to six months by a penal court on Kish Island in southern Iran, and Mostafa Daneshjoo was sentenced to seven months by a court in the northern province of Mazandaran. According to human rights groups, the three lawyers were found guilty of “propagating lies and creating public anxiety,” while their clients were acquitted of “acting against national security.”

Furthermore, Iranian state television continued to air a series of programs designed to denigrate and demonize Sufism, particularly the Nematollahi Gonabadi order. Since 2006, several prayer centers of the Gonabadi order have been demolished or attacked by Iranian authorities. There also have been reports over the past few years that the government is considering a ban on Sufism.

### *Non-Muslim Religious Minorities*

The constitution of Iran formally recognizes Christians, Jews, and Zoroastrians as protected religious minorities who may worship freely and have autonomy over their own matters of

personal status (e.g., marriage, divorce, and inheritance). Nevertheless, the primacy of Islam and Islamic laws and institutions adversely affects the rights and status of non-Muslims and the recognized religious minorities live, in effect, as second class citizens. Members of these groups are subject to legal and other forms of discrimination, particularly in education, government jobs and services, and the armed services. In addition, their places of worships frequently are defaced with graffiti and photos of the religious leadership. Their private schools are administered by Iran's Ministry of Education, which imposes a state-approved religious curriculum.

Non-Muslims may not engage with Muslims in public religious expression or persuasion; some also face restrictions on publishing religious material in Persian. In 2004, the Expediency Council authorized the collection of equal blood money for the death of Muslim and non-Muslim men. Baha'is, Sabeian Mandaean men, and all women remain excluded from the revised ruling. According to Iranian law, Baha'i blood is *mobah*, which means members of the Baha'i faith can be killed with impunity.

Since the June 2009 elections, the Iranian government has intensified its campaign against non-Muslim religious minorities. A consistent stream of virulent and inflammatory statements by political and religious leaders and an increase in harassment and imprisonment of, and physical attacks against, these groups have led to a renewal of the kind of oppression seen in the years immediately following the Iranian revolution in the early 1980s. In October 2010 in Qom in central Iran, Iranian Supreme Leader Ayatollah Ali Khamenei publicly stated that "enemies of Islam" are using the spread of Sufism, the Baha'i faith, and Christian house churches to weaken the faith of young people in society. Ayatollah Ahmad Jannati, head of the Guardian Council, continued to demonize non-Muslims publicly and refer to them as "sinful animals" and "corrupt."

In early 2008, the Iranian parliament began considering a new law that would impose serious punishments, including the death penalty, on converts from Islam. Although the Iranian government has in the past applied the death penalty for apostasy under Islamic law, it had never explicitly codified it. Despite efforts in the parliament to advance this amendment, in January 2012, the Guardian Council approved a law which did not include a provision mandating the death penalty for apostasy.

### *Baha'is*

The Baha'i community has long been subject to particularly severe religious freedom violations in Iran. Baha'is, who number at least 300,000, are viewed as "heretics" by Iranian authorities and may face repression on the grounds of apostasy. Since 1979, Iranian government authorities have killed more than 200 Baha'i leaders in Iran and dismissed more than 10,000 from government and university jobs. Baha'is may not establish places of worship, schools, or any independent religious associations in Iran. In addition, Baha'is are barred from the military and denied government jobs and pensions as well as the right to inherit property. Their marriages and divorces also are not recognized, and they have difficulty obtaining death certificates. Baha'i cemeteries, holy places, and community properties are often seized or desecrated, and many important religious sites have been destroyed. The Baha'i community faces severe economic pressure, including denials of jobs in both the public and private sectors and of business licenses.

Iranian authorities often pressure employers of Baha'is to dismiss them from employment in the private sector. In recent years, Baha'is in Iran have faced increasingly harsh treatment, including increasing numbers of arrests and detentions and violent attacks on private homes and personal property.

More than 500 Baha'is have been arbitrarily arrested since 2005. For the first time since the regime's early years, nearly 100 Baha'is are being held in prison solely because of their religious beliefs. Throughout 2011 and early 2012, Baha'i-owned businesses and personal property were the target of arson attacks in several cities across the country; in all cases, police said nothing could be done to find the perpetrators.

Dozens of Baha'is are awaiting trial while others were sentenced to prison terms ranging from 90 days to several years. All of those convicted are reportedly in the process of appealing the verdicts. According to human rights groups, more than 400 Baha'is continue to have active cases pending against them, despite having been released from detention. Also in recent years, Baha'i cemeteries in various parts of the country, including Tehran, Ghaemshahr, Marvdasht, Semnan, Sari, Yazd, Najafabad, and Isfahan, have been desecrated, defaced, or in some way blocked to the Baha'i community. Over the past several years, several articles in the government-controlled newspaper *Kayhan*, whose managing editor is appointed by Supreme Leader Ayatollah Khamenei, and other media outlets have vilified and demonized the Baha'i faith and its community in Iran. Iranian authorities also have gone to great lengths in recent years to collect information on members of the Baha'i community and monitor their activities.

During the reporting period, dozens of Baha'is were arrested in several different cities throughout the country, including Tehran, Babolsar, Karaj, Nazarabad, Shahrekord, *Semnan*, Mashhad, Bandar Abbas, Shiraz, and Ghaemshahr. In most of these cases, Ministry of Intelligence officials appeared at the homes of Baha'is, searched the premises and confiscated computers, books and other materials, and then made arrests. In most cases, no formal charges were filed.

In February 2012, Iranian authorities raided several Baha'is homes in Shiraz, confiscated materials, and arrested at least 13 Baha'is. At the end of the reporting period, nine of those arrested remain in detention. In late December 2011, in Sanandaj, northwestern Iran, at least 12 Baha'i homes were raided and materials confiscated. Although no one was arrested, some Baha'is reported physical abuse by Iranian authorities.

In March and May 2008, seven Baha'i leaders – Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naemi, Saeid Rezaie, Mahvash Sabet, Behrouz Tavakkoli, and Vahid Tizfahm – were arrested and taken to the notorious Evin prison in Tehran. In January 2010, they were formally charged with espionage, propaganda activities against the Islamic order, the establishment of an illegal administration, cooperation with Israel, acting against the security of the country, and corruption on earth. In August 2010, the seven Baha'is were sentenced to 20 years in prison and moved to Gohardasht prison in Karaj, a facility known for violence between inmates and unsanitary conditions. After a brief transfer to Qarchak prison in May 2011, Sabet and Kamalabadi were transferred again to Evin prison where they remain. In September 2010, authorities informed the seven Baha'is orally that their 20-year sentences were reduced to 10; however, prison authorities

told the seven in March 2011 that their original 20-year sentences had been reinstated. Attorneys for the seven Baha'is, including Nobel Laureate Shirin Ebadi, have had extremely limited access to their clients and court proceedings and have said categorically that the charges against them are baseless.

In May 2011, in at least four different cities, Iranian authorities raided more than 30 homes of Baha'is involved with the Baha'i Institute for Higher Education (BIHE), the community's 24 year-old effort to educate its youth, whom the government bars from undergraduate or graduate studies. Approximately 18 Baha'is were arrested and a number of books, documents, computers, and other materials associated with the BIHE were seized. Several Baha'is were released after days or weeks in detention, but in October, seven were tried and found guilty of membership in a deviant sect with the goal of taking action against the security of the country. The seven were sentenced to either four- or five-year prison terms. In January 2012, Vahid Mahmoudi, one of the seven educators imprisoned, was released after his sentence was suspended. At the end of the reporting period, the other six educators – Mahmoud Badavam, Noushin Khadem, Farhad Sedghi, Riaz Sobhani, Ramin Zibaie, and Kamran Mortezaie – remain in prison. In September, prominent human rights defender Abdolfattah Soltani was arrested for preparing a defense for the Baha'i educators. He was arrested and detained for several months in 2005 and 2009 under similar circumstances. In February 2012, relatives of imprisoned members of the BIHE briefed USCIRF in Washington.

In January 2011, Navid Khanjani, a twenty-four-year-old Baha'i who began advocating for human rights after he was denied access to higher education, was sentenced to 12 years in prison after being convicted of “engaging in human rights activities,” “illegal assembly,” and “disturbance of the general public’s opinion.” In August 2011, a Revolutionary Court upheld his prison term. Although he remains out of prison and has yet to begin serving this sentence, the Iranian authorities continue to harass him through a barrage of intimidation, threats, and summonses.

Although the Iranian government maintains publicly that Baha'is are free to attend university, reports over the past year indicate that the *de facto* policy of preventing Baha'is from obtaining higher education remains in effect. Of the very few Baha'is who were enrolled in universities in recent years, most were expelled once their religious beliefs became known. Furthermore, during the past few years, young Baha'i schoolchildren in primary and high schools increasingly have been vilified, pressured to convert to Islam, and in some cases expelled on account of their religion.

In recent years, emboldened by Iranian law and policy, militant societal actors have physically attacked Baha'is and committed violent acts, including arson on Baha'i homes and businesses, with impunity. A recent wave of arson attacks on Baha'i-owned businesses in Rafsanjan appears to be part of a campaign to fracture relationships between Baha'is and Muslims in the city. Since October 2010, nearly two dozen shops have been attacked and at least 20 Baha'i homes and businesses have received letters warning that Baha'is will suffer severe consequences for forming friendships with Muslims.

### *Christians*

During the reporting period, the number of incidents of Iranian authorities raiding church services, harassing and threatening church members, and arresting, convicting, and imprisoning worshippers and church leaders increased significantly. Christians, particularly Evangelical and other Protestants, are subject to harassment, arrests, close surveillance, and imprisonment; many are reported to have fled the country. Indigenous Assyrian and Armenian Christian religious leaders also have been targeted. Since becoming president, Iranian President Mahmoud Ahmadinejad has called for an end to the development of Christianity in Iran. The government requires Evangelical Christian groups to submit congregational membership lists.

Since June 2010, approximately 300 Christians have been arbitrarily arrested and detained throughout the country, including in Arak, Bandar Abbas, Bandar Mahshahr, Ardabil, Tabriz, Khoramabad, Mashhad, Hamadan, Rasht, Shiraz, Isfahan, and Elam. In cases involving offenses based on religious belief, Iranian authorities typically release prisoners, but leave the charges against them or their convictions in place in order to be able to threaten them with re-imprisonment at any future time. On February 8, 2012, Iranian authorities raided a house church gathering in Shiraz, confiscated religious materials, and arrested 10 Christian converts. At the end of the reporting period, at least seven remain in detention without charge. In late December 2011, Iranian authorities raided an Assemblies of God church in Ahvaz, southwestern Iran, and arrested all attendees. While most were released within days, pastor Farhad Sabokroh and another member reportedly were released on bail after serving two months in prison. No charges have been filed.

In September 2011, several leaders of a Christian house church network in various parts of the country were arrested. Behnam Irani, a 41-year-old pastor from Karaj, Iran, was convicted of crimes against national security in January 2011 and sentenced to one year in prison. He started serving his sentence in May 2011 and learned in October that he would have to serve five years in connection with a previous conviction.

In April 2011 in the northern Iranian city of Bandar Anzali, 11 members of the Church of Iran were arrested and charged with “acting against national security” and consuming alcohol. The following month, all 11 were tried and acquitted by a Revolutionary court on grounds that the group was performing a legitimate private religious ceremony protected under Article 13 of the constitution.

In December 2010 and January 2011 alone, approximately 120 Christians were arrested. While most were released within days, at the end of the reporting period, a number of pastors remain jailed amid reports of physical and emotional abuse. For example, Farshid Fathi and Noorollah Qabitzade, two Christian converts arrested in December 2010, remain in prison without charge, and have spent a number of months in solitary confinement. Pastor Mehdi Furutan was arrested in January 2011 and charged with crimes against national security and blasphemy against Islam. Although acquitted on the blasphemy charge and released on bail a month later, Furutan was sentenced to one year in prison. He began serving his sentence in September 2011.

In September 2010, pastor Vahik Abrahamian, his wife Sonia Keshish-Avanesian, Arash Kermanjani, and Arezo Teymouri were arrested at Abrahamian's home in Hamadan. All four were held in solitary confinement for 40 days and reportedly suffered physical abuse and psychological pressure. The four were charged with propagating Christianity, opposing the Islamic Republic, and having contact with exiled opposition figures. Kermanjani, Teymouri, and Ketish-Avanesian were released in April 2011 and Abrahamian in August 2011.

In June 2010, Christian pastor Behrouz Sadegh-Khanjani, Mohammad Baliad, Parviz Khalaj, and Nazly Beliad were arrested on charges of apostasy, holding political meetings, blasphemy, and "crimes against the Islamic order." The Revolutionary Court in Shiraz found the four men guilty of crimes against the Islamic order and sentenced each to one year in prison. After serving eight months, they were released on bail in February 2011. In September 2011, a Shiraz appeals court upheld a one-year sentence on another charge of "propaganda against the regime" against the same four individuals, as well as against a fifth Christian, Amin Afshar Manesh.

Christian pastor Yousef Nadarkhani, jailed since October 2009, was sentenced to death for apostasy in November 2010 by a court in Gilan province. Prosecutors acknowledged he had never been a Muslim as an adult but said the apostasy law still applies because he has Islamic ancestry. Rejecting his appeal in June 2011, the court suspended the sentence contingent upon his recanting his faith, which he refused to do during hearings in September. At the end of the reporting period, he remains imprisoned, reportedly awaiting an opinion from Supreme Leader Khamenei, although unconfirmed reports surfaced in February 2012 that a provincial court had renewed Nadarkhani's execution order. According to human rights groups, Iran's judiciary has ordered the verdict to be delayed, possibly until late 2012, hoping that he will recant at some point before then.

Rhetoric from political and religious leaders demonizing and insulting the Christian community also has increased significantly. In August 2011, 6,500 Bibles were confiscated as they were being transported between the cities of Zanjan and Ahbar in the northwestern province. Commenting on the confiscation, a high-level government official said that Christian missionaries were attempting to deceive people, especially the youth, with an expensive propaganda campaign. In January 2011, the governor of Tehran, Morteza Tamaddon, publicly referred to detained Christians as "deviant" and "corrupt" and vowed to identify and detain more. He likened Evangelical Christians to the Taliban and accused them of placing "themselves within the religion of Islam like a pest and under the cover of Christianity and with the support of England they have designed a movement."

#### *Zoroastrians and Sabean Mandaean*

In recent years, members of the indigenous Zoroastrian community have come under increasing repression and discrimination. In August 2011, a Zoroastrian man, Mohsen Sadeghipour, began serving a four-and-a-half year prison term, having been charged and convicted of propaganda of the Zoroastrian faith. Several of his relatives were convicted and imprisoned in 2010 on blasphemy and other charges.

Over the past few years, the unrecognized Sabean Mandaean religious community, numbering between 5,000 and 10,000 people, has been facing intensifying official harassment. There continue to be reports that members of the Sabean Mandaean community experienced societal discrimination and pressure to convert to Islam, and they were often denied access to higher education. In 2011, nearly 300 Sabean Mandaean families reportedly fled the country.

### *Jews and Anti-Semitism*

In recent years, official policies promoting anti-Semitism have risen sharply in Iran, and members of the Jewish community have been targeted on the basis of real or perceived ties to Israel. President Ahmadinejad and other top political and clerical leaders have made public remarks during the reporting period actively denying the Holocaust and calling for the elimination of the state of Israel. In 2011, there continued to be officially-sanctioned anti-Semitic propaganda, involving official statements, media outlets, publications, and books. In recent years, in line with a stepped-up state-sponsored campaign, numerous programs broadcast on state-run television advanced anti-Semitic messages, a prominent newspaper held a Holocaust denial editorial cartoon contest, and the Iranian government sponsored a Holocaust denial conference. Anti-Semitic editorial cartoons depicting demonic and stereotypical images of Jews, along with Jewish symbols, also were published in the past year.

Official government discrimination against Jews continues to be pervasive, fostering a threatening atmosphere for the approximately 25,000-30,000 member Jewish community. According to the State Department, despite minimal restrictions on Jewish religious practice, education of Jewish children has become increasingly difficult in recent years, and distribution of Hebrew religious texts is strongly discouraged.

### *Women's Rights*

The government's enforcement of its official interpretation of Islam negatively affects the human rights of women in Iran, including their freedoms of movement, association, and thought, conscience, and religion or belief, as well as freedom from coercion in matters of religion or belief. The Iranian justice system does not grant women the same legal status as men. For example, testimony by a man is equivalent to the testimony of two women. Civil and penal code provisions, in particular those dealing with family and property law, discriminate against women.

For example, men can marry up to four permanent wives and an infinite number of "temporary wives" at any one time. Men also have the absolute right to divorce while women may initiate divorce only under certain conditions, some of which must have been agreed to in the marriage contract. Mothers have custody rights over children only until they reach the age of seven, after which fathers have automatic custody. The age of adult criminal responsibility for girls is nine years old, but for boys is 15. Men have complete immunity from punishment for murdering adulterous wives and their lovers. Women convicted of adultery may be stoned to death.

During the reporting period, Iranian authorities heightened their enforcement of the strict Islamic dress code for women. By law, Iranian women, regardless of their religious affiliation or belief, must be covered from head to foot while in public. Social interaction between unrelated men

and women is banned. Iran's "morality police" increased their presence in the streets throughout the country and more frequently stopped cars with young men and women inside to question their relationship.

Over the past few years, many key women's rights activists have been arrested, and some remain in prison, for their involvement in the Campaign for Equality movement aimed at ending discrimination against women in the application of Islamic law in Iran. For example, Nasrin Sotoudeh, a member of the Equality movement and human rights defender, was arrested in September 2010 and charged with "propaganda against the regime," "acting against national security," and failing to adhere to the Islamic dress code. In January 2011, Sotoudeh was sentenced to 11 years in prison and barred from practicing law and from leaving the country for 20 years. In September, an appeals court reduced her sentence to six years. She remains in Evin prison, where she has spent much of her time in solitary confinement. Bahareh Hedayat, a student leader and a member of the Equality movement, was arrested in December 2009 and sentenced in May 2010 to nine-and-a-half years in prison on trumped-up charges of "assembly and collusion against the regime," "insulting the Supreme Leader," and "insulting the President." She remains in Evin prison.

Women also have been sentenced to death under Islamic law. For example, Sakineh Ashtiani, an Azeri woman, was convicted of adultery in 2006 and sentenced to death by stoning. In October 2010, when rumors surfaced that Ashtiani's impending death sentence would be carried out within days, an international outcry helped delay it. In December 2011, the Iranian government indicated it is considering carrying out the death sentence by hanging instead of stoning. She remains in prison.

#### *Crackdown on Internet Freedom, the Media, and Human Rights Defenders*

In January 2011, Iranian authorities formed a "cyber police force" to strengthen the government's control of the Internet. This entity has cracked down on allegedly destructive online networks and arrested hundreds of individuals. Authorities issued a "list of Internet offences" which includes content "contrary to the morals of society" and contrary to religious values. In addition, it is prohibited to sell filter circumvention software in the country.

Since the June 2009 disputed election, the Iranian government has cracked down on and arbitrarily arrested dozens of human rights defenders and activists who have reported on human rights violations, including violations of freedom of religion or belief. The crackdown has included cyber attacks on Persian and English language Web sites of several human rights groups, which limited these groups' ability to send reports outside the country on human rights and religious freedom abuses. In addition, the Iranian government took steps to prevent its citizens from freely communicating and receiving information through television, radio satellite broadcasting, and the Internet, including information related to violations of freedom of religion or belief.

Iranian authorities regularly detain and harass journalists and bloggers who write anything critical of the Islamic revolution or the Iranian government. The government requires bloggers to register their Web sites with the Ministry of Art and Culture. Government officials reportedly

claim to have blocked millions of Web sites, particularly since the June 2009 elections. Pending legislation would make the creation of blogs promoting “corruption, prostitution, and apostasy” punishable by death.

In January 2012, at least 10 Iranian journalists were arrested as part of a heightened crackdown on dissent ahead of the March 2 parliamentary elections. Several have been charged with being an “enemy of God,” “propaganda against the regime,” and “insulting the Supreme Leader.”

In November 2008, well-known Iranian-Canadian blogger Hossein Derakhshan was arrested in Tehran while visiting the country and remains in the notorious Evin prison. According to human rights groups, Derakhshan was physically and psychologically abused while in prison. In September 2010, Branch 15 of the revolutionary court sentenced Derakhshan to 19-and-a-half years in prison on a number of charges, including propaganda against the regime and “insulting sanctities.” In September 2010, the revolutionary court sentenced Emadeddin Baghi, a journalist and activist, to a six-year prison term and five years of “civil deprivation” on charges of “engaging in propaganda against the system” and “colluding against the security of the regime.” The basis for his conviction was his interview of dissident cleric Grand Ayatollah Montazeri, which was aired on BBC’s Persian language service in December 2009. He was released in June 2011 while in the midst of a hunger strike. He spent much of his time in prison in solitary confinement.

#### *Government Rejection of UN Reports and Actions*

In February 2010, at the Universal Periodic Review (UPR) of Iran conducted by the UN Human Right Council (UNHRC), the government of Iran rejected a number of recommendations from countries urging it to comply with its international human rights responsibilities, including those related to freedom of religion or belief. The Iranian government agreed to a few recommendations that, if fully implemented in practice, would advance religious freedom in the country. Such recommendations include upholding constitutional provisions guaranteeing freedom of worship, respecting freedom of religion, protecting religious minorities, and ensuring a fair and transparent trial for the seven Baha’i leaders as guaranteed under international human rights treaties to which Iran is a party. In June 2010, the UNHRC concluded the UPR of Iran. Despite accepting a few recommendations, Iran largely defied calls by the international community to address its most serious violations. At the June 2010 UNHRC session, 54 countries, including the United States, issued a joint statement condemning Iran’s human rights and religious freedom record and calling on Iran to implement fully the UPR recommendations, including taking “all measures necessary to ensure the protection of religious minorities.”

In March 2011, the UNHRC created a new Special Rapporteur position to investigate and report on human rights abuses in Iran, a longstanding USCIRF recommendation. This is the first new rapporteur position focusing on a specific country since the UNHRC’s creation in 2006. A UN special investigator position focusing on human rights in Iran has not existed since 2002. On August 1, 2011, Ahmed Shaheed, the former Maldivian foreign minister, started in his new role as special rapporteur. At the end of the reporting period, the Iranian government had not responded to the Special Rapporteur’s request to visit Iran, although various Iranian officials have said publicly he would never be permitted in the country. In October 2011, the Special

Rapporteur released his first report which focused on a wide range of violations, including those faced by Baha'is, Christians, Sufi and Sunni Muslims, and dissident Shi'a Muslims.

In September 2011, UN Secretary General Ban Ki-Moon issued a report on the situation of human rights in Iran, which included details of abuses, including arbitrary detentions and false imprisonment, against religious minorities, particularly Baha'is and Christians. In December 2011, for the ninth year in a row, the U.S. government co-sponsored and supported a successful UN General Assembly resolution on human rights in Iran, which passed 89 to 30, with 64 abstentions, the highest vote margin yet. The resolution condemned the Iranian government's poor human rights record, including its continued abuses targeting religious minorities.

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

The U.S. government has not had diplomatic relations with the government of Iran for over 30 years, and U.S. law prohibits nearly all trade with Iran. The United States has imposed sanctions on Iran because of its sponsorship of terrorism, refusal to comply with International Atomic Energy Agency regulations regarding its nuclear program, and, in 2010 for the first time, severe human rights and religious freedom violations. According to the State Department, these sanctions target the Iranian government, not the people of Iran. As a result, there are a number of exemptions, including exports of U.S. agricultural and medical products, U.S. donations of humanitarian articles, and U.S. imports of Iranian carpets and certain food items.

Beginning in early 2010, and especially since the uprisings started in the Arab world in early 2011, the U.S. government more frequently has expressed support for reformers in Iran and highlighted publicly the Iranian government's human rights and religious freedom abuses. During the reporting period, in multilateral fora and through public statements, high-level U.S. officials urged the Iranian government to respect its citizens' human rights, including the right to religious freedom. For example, in February 2012, both the White House and State Department released statements citing reports that pastor Youcef Nadarkhani's execution order had been renewed, and called for the lifting of the death sentence and for his immediate release. In September 2011, the White House released a statement condemning the Nadarkhani's conviction and calling for his release. Also in September, Secretary of State Hillary Clinton released a statement expressing concern about the treatment of other religious minorities in Iran. In March 2011, President Obama delivered his third annual Persian new year (*Nowruz*) message. The President directed this message to the people of Iran, particularly the youth, and stated that the Baha'i community and Sufi Muslims are "punished for their faith" and that "hundreds of prisoners of conscience" remain in prison.

Since 2010, the United States and the European Union (EU) have worked closely together on a range of human rights issues in Iran. In April 2011, the EU imposed travel bans and asset freezes on 32 Iranian officials responsible for serious human rights abuses. In October, the EU added another 29 officials to the list. In addition, the United States and EU issued a number of statements in tandem conveying similar messages condemning human rights and religious freedom abuses in Iran.

On July 1, 2010, President Obama signed into law CISADA, the Comprehensive Iran Sanctions, Accountability, and Divestment Act (P.L. 111-195), which highlights Iran's serious human rights violations, including suppression of religious freedom. CISADA requires the President to submit to Congress a list of Iranian government officials, or persons acting on their behalf, who are responsible for human rights and religious freedom abuses, bars their entry into the United States, and freezes their assets. President Obama issued an executive order in September 2010 sanctioning eight Iranian officials for having committed serious human rights abuses after the June 2009 elections. Since then, the President has added five more Iranian officials and three Iranian government entities to the list. USCIRF long had 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, and had specifically identified seven of the officials named in the executive order and an eighth named in June 2011. No existing or previous Iran sanction measures had provisions dealing with human rights violations. USCIRF worked with Congressional offices on the need to develop such sanctions.

Several pieces of legislation were introduced in the 112th Congress to increase sanctions on Iranian human rights abusers. The Iran Human Rights and Democracy Promotion Act of 2011 (S. 879 / H.R. 1714), introduced in May 2011, would mandate investigations of Iranian human rights abusers, forbid the sale to Iran of equipment that could be used to suppress demonstrations, reauthorize the Iran Freedom Support Act, and create a "Special Representative" position at the Department of State to highlight Iran's human rights abuses. This legislation is intended, in part, to build on several human rights-related provisions of CISADA. Elements of these bills are also contained in broader Iran sanctions bills, H.R. 1905 and S. 1048, the former of which passed the full House in December 2011.

In July 2011, the United States and United Kingdom imposed visa restrictions on more than 50 Iranian government officials and other individuals who were responsible for or participated in human rights abuses, including government ministers, military and law enforcement officers, and judiciary and prison officials. This action was taken under the authority of the Immigration and Nationality Act (INA). Under INA, visa records are confidential, including the names of individuals subject to specific visa bans.

The U.S. government seeks to increase Iranian citizens' access to information about international human rights standards and to publicize the Iranian government's human rights abuses through Voice of America radio and television broadcasts, the Persian-language version of the America.gov Web site, and the Persian-language radio station Radio Farda, which broadcasts to Iran. Additionally, since 2004, the U.S. government has funded a wide range of programs to support civil society, human rights, and the rule of law in Iran, as well as expand the free flow of information and the documentation of human rights abuses in Iran. The State Department does not name grantees for security reasons.

According to USAID, funding in 2011-2012 will continue to include support for civil society and advocacy, promoting the rule of law and human rights, and increasing access to alternative sources of information in Iran. In Fiscal Years 2010 and 2011, no request was made for specific democracy or human rights programming, although some portion of the \$40 million requested for Near East democracy programs likely was used to support continued human rights and public

diplomacy programming in Iran. In Fiscal year 2012, \$35 million was requested for similar programming as 2010 and 2011.

## **Recommendations**

In response to the systematic, ongoing, and egregious violations of religious freedom, and the repressive policies and practices repeatedly and routinely imposed by the Iranian government, the U.S. government should continue to work closely with its European and other allies, in bilateral and multilateral fora, to apply pressure on the Iranian government through a combination of advocacy, diplomacy, and targeted sanctions with the aim of halting the government's human rights and religious freedom violations.

### **I. Stopping Abuses of Freedom of Religion or Belief and Supporting Human Rights and Democracy**

In addition to continuing to designate Iran as a CPC, the U.S. government should:

- continue to speak out publicly and frequently at the highest levels about the severe religious freedom abuses in Iran, and draw attention to the need for the international community to hold Iranian authorities accountable in specific cases, including by calling on the Iranian government to:
  - release the seven Baha'i leaders – Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naemi, Saeid Rezaie, Mahvash Sabet, Behrouz Tavakkoli, and Vahid Tizfahm – and the six Baha'i educators, as well as other Baha'is in prison on account of their religion or belief, and drop all charges against those Baha'is who have cases pending against them;
  - rescind immediately laws that permit members of the Baha'i faith to be killed with impunity, permit the Baha'i community to practice their faith in Iran, and allow full access for Baha'is to study in public universities without discrimination;
  - release all Christians, including Youcef Nadarkhani, Farshid Fathi, Noorollah Qabitzade, and Mehdi Furutan, in prison on account of their religion or belief, and drop all pending charges against Christian converts;
  - release Shi'a cleric Ayatollah Mohammad Kazemini Boroujerdi and his followers and other dissident Muslims, including Sufis, in prison on account of their religion or belief; and
  - halt state-sponsored acts of anti-Semitism and Holocaust denial promotion campaigns, and, while vigorously protecting freedom of expression, counteract anti-Semitic rhetoric and other organized anti-Semitic activities by the President and other high-level government officials;
- work within its current overall policy framework to ensure that violations of freedom of religion or belief and related human rights are part of all formal and informal multilateral or bilateral discussions with representatives of the Iranian government, including by pressing the Iranian government to:

--release all prisoners of conscience, including members of Muslim and non-Muslim religious communities identified above;

--release from prison women's rights activists, including Nasrin Sotoudeh and Bahareh Hedayat, who advocate for ending discrimination against women in the application of Islamic law in Iran, and Sakineh Ashtiani, who remains on death row for allegedly committing adultery;

--release from prison human rights defenders, activists, and journalists, including Hossein Derakhshan, who have been targeted for reporting on human rights and religious freedom abuses in Iran;

--cease all messages of hatred and intolerance, particularly toward Jews and Baha'is, in the government-controlled media and remove the government-appointed editor of *Kayhan*, Hossein Shariatmadari; and

--cease the jamming of satellite broadcasting and Internet censorship and ensure the right to freedom of expression as set out in the International Covenant on Civil and Political Rights, to which Iran is a party;

- use appropriated Internet freedom funds to develop free, secure email access for use in Iran; facilitate the provision of high-speed Internet access via satellite; and distribute immediately proven and field-tested counter-censorship programs in order to prevent the arrest and harassment of religious freedom and human rights activists and help them maintain their freedom of expression and legitimate expectations of privacy;
- ensure that funding budgeted to promote democracy and human rights in Iran includes support for effective initiatives advancing freedom of religion or belief, as well as ways to promote rule of law and human rights defenders programs that specifically seek to protect religious minorities in Iran; and
- fund U.S. public diplomacy entities adequately, such as Voice of America and Radio Farda, and expand and develop new programming focusing solely on the situation of human rights, including the freedom of thought, conscience, and religion or belief, in Iran.

## **II. Imposing Targeted Sanctions for Human Rights and Religious Freedom Violations**

The U.S. government should:

- continue to identify Iranian government agencies and officials responsible for particularly severe violations of religious freedom, including but not limited to:
  - Supreme Leader Ayatollah Ali Khamenei;
  - President Mahmoud Ahmadinejad;
  - Sadegh Ardeshir Larijani, Head of the Judiciary;

--Ayatollah Ahmad Jannati, Chair, Guardian Council;  
--Ayatollah Muhammad Taqi Mesbah Yazdi, Assembly of Experts  
--Hossein Shariatmadari, Managing Editor, Kayhan  
--Mohammad Moghiseh, Presiding Judge of Branch 28 of the Islamic Revolutionary Courts;  
--Abbas Pir-Abbassi, Presiding Judge of Branch 26 of the Islamic Revolutionary Courts; and  
--Abolghassem Salavati, Presiding Judge of Branch 15 of the Islamic Revolutionary Courts;  
and

- continue to bar from entry into the United States and freeze the assets of Iranian government officials identified as having engaged in particularly severe religious freedom violations, including but not limited to those listed above, and, where appropriate, their immediate family members.

### **III. Promoting Freedom of Religion or Belief and Related Human Rights in Multilateral Fora**

The U.S. government should:

- call on the UN Human Rights Council (UNHRC) to follow up vigorously on Iran's compliance with the recommendations from the February 2010 UPR, including those related to freedom of religion or belief;
- continue to support an annual UN General Assembly resolution condemning severe violations of human rights, including freedom of religion or belief, in Iran, and calling for officials responsible for such violations to be held accountable;
- press for a resolution condemning severe violations of human rights in Iran, including freedom of religion or belief, at the UNHRC;
- call on Iran to cooperate fully with the UN Special Rapporteur on the Human Rights Situation in Iran, including allowing the Special Rapporteur to visit;
- call on the UNHRC to monitor carefully and demand Iran's compliance with the recommendations of those UN special representatives who have already visited Iran, particularly the Special Rapporteur on Freedom of Religion or Belief (1995), the Working Group on Arbitrary Detention (2003), the Special Rapporteur on the Right to Freedom of Opinion and Expression (2003), and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context (2005); and
- encourage the UNHRC to continue to use its existing procedures to maintain oversight of conditions for freedom of religion or belief in Iran, including continued visits and reporting by the Special Rapporteur on Freedom of Religion or Belief, the Special Rapporteur on Freedom of Opinion and Expression, and other relevant special rapporteurs and working groups, to which Iran has issued a standing invitation.

## Iraq

**FINDINGS:** The Iraqi government continues to tolerate systematic, ongoing, and egregious religious freedom violations. In the past year, religious sites and worshippers were targeted in violent attacks, often with impunity, and businesses viewed as “un-Islamic” were vandalized. The most deadly such attacks during this period were against Shi’a pilgrims. While the Iraqi government has made welcome efforts to increase security, it continues to fall short in investigating attacks and bringing perpetrators to justice. It also took actions against political rivals in late 2011 that escalated Sunni-Shi’a sectarian tensions. Large percentages of the country’s smallest religious minorities – which include Chaldo-Assyrian and other Christians, Sabeen Mandaeans, and Yazidis – have fled the country in recent years, threatening these ancient communities’ very existence in Iraq; the diminished numbers that remain face official discrimination, marginalization, and neglect, particularly in areas of northern Iraq over which the Iraqi government and the Kurdistan Regional Government (KRG) dispute control. Religious freedom abuses of women and individuals who do not conform to strict interpretations of religious norms also remain a concern.

Based on these concerns, USCIRF again recommends in 2012 that Iraq be designated as a “country of particular concern,” or CPC.\* USCIRF has recommended CPC status for Iraq since 2008, and placed Iraq on its Watch List in 2007.

Although the Iraqi government has increased security and reportedly prevented several bombings, Muslim and Christian religious sites and worshippers still experienced violent attacks in 2011-2012. Four individuals were convicted and sentenced for the high-profile October 2010 attack on a Catholic church in Baghdad, but there appeared to be little progress in investigating and prosecuting perpetrators of other attacks. Sunni-Shi’a sectarian tensions increased significantly in late 2011 after the Shi’a-led government sought to arrest or fire senior Sunni officials. Christian and Yazidi businesses deemed “un-Islamic,” such as liquor stores, were vandalized in Baghdad and the KRG region during 2011. Non-Muslims and ethnic minorities in disputed areas continued to report abuses and discrimination, and human rights groups continued to report abuses against women, girls, and secular Iraqis. Violence against Iraqi civilians continued in 2011 at approximately the same level as in 2010. Large numbers of Iraqis, many of whom fled religious persecution, remain displaced internally or outside the country, including in Syria where the security situation is increasingly dire.

**PRIORITY RECOMMENDATIONS:** For Iraq to become a secure, diverse, and stable democracy, the United States must do more to help ensure that the human rights of all Iraqis are guaranteed and enforced in law and practice. The United States government should urge, and where appropriate assist, the Iraqi government in its efforts to provide security to protect likely targets of sectarian or religiously-motivated violence and to investigate and prosecute perpetrators. The United States also should prioritize human rights issues in its relationship with both the Iraqi central government and the KRG. In addition, the U.S. police development program should emphasize outreach to minority communities. Other U.S. programs in Iraq should focus on promoting religious freedom and tolerance, fostering human rights compliance and the rule of law, improving ethnic and religious minorities’ ability to organize themselves and convey their concerns to their government effectively, and prioritizing development assistance for areas where marginalized communities are concentrated. The U.S. government also should continue to assist Iraqi refugees and internally displaced persons, including interviewing Iraqi refugees in the U.S. resettlement process in Syria by videoconferencing now that U.S. immigration officials are not traveling there. Additional recommendations for U.S. policy toward Iraq can be found at the end of this chapter.

\*Commissioner al-Hibri dissented from the CPC recommendation for Iraq. Her full dissent can be found at the end of this chapter.

## Religious Freedom Conditions

### *Continuing Violent Attacks*

Although the Iraqi government has increased security and reportedly prevented several bombings, Muslim and Christian religious sites and worshippers still experienced violent attacks during the 2011-2012 reporting period. The most deadly such attacks during this timeframe were against Shi'a pilgrims. In the vast majority of attacks, perpetrators were never identified, prosecuted, or punished. Four individuals were convicted and sentenced for the high-profile October 2010 siege on a Catholic church in Baghdad, but there appeared to be little progress in investigating and prosecuting perpetrators of other attacks. In addition, Christian and Yazidi businesses viewed as "un-Islamic," such as liquor stores, were vandalized in Baghdad and the KRG region during 2011.

As in past years, the Iraqi government provided heavy security on pilgrimage routes and at Shi'a holy sites, particularly for important holidays. Nevertheless, in January 2011, attacks targeted Shi'a pilgrims traveling to the holy city of Karbala for Arbaeen, including three bombings on January 21 and two more on January 24 that together killed at least 75 people and wounded at least 200. Other attacks were perpetrated throughout the year. For example, on July 15, three bombs across the holy city of Karbala killed or injured more than 100 people. On September 12, gunmen hijacked a bus of Shi'a pilgrims in Anbar province as they returned from a shrine in Syria to Karbala; all 22 men on the bus were killed. Several days later, Iraqi security forces arrested at least 10 suspects, but it is not clear if any prosecutions resulted. On September 22, a suicide bombing killed four pilgrims, and injured 17, on their way into Karbala. In December, several attacks targeted Shi'a pilgrims commemorating Ashura, killing 28 people and wounding 78. In January 2012, a series of attacks targeted Shi'a pilgrims commemorating Arbaeen – including one on January 5 that killed 48 people and wounded 81 and another on January 14 that killed 53 and injured 137 – and security forces reportedly foiled several other attacks. On January 27, a car bomb attack targeted a Shi'a funeral procession in Baghdad, killing 33 people and wounding 65, including mourners, police, and security forces.

There also continued to be attacks in 2011 targeting Sunni worshippers, particularly those linked to the government or opposed to Sunni extremist groups. On June 3, a suicide bomber blew himself up in a Sunni mosque in a government compound in Tikrit during Friday prayers, and another suicide bomber detonated himself at the hospital where the wounded were taken; a total of 21 people were killed and around 70 injured. Among multiple attacks that occurred across Iraq on August 15, gunmen dressed in military uniforms and identifying themselves as members of the al-Qaeda-linked Islamic State of Iraq group stormed a Sunni mosque in Yusifiya during Ramadan evening prayers and sought out and killed 7 men affiliated with Sons of Iraq groups. On August 28, a suicide bomber detonated himself in the Umm al Qura mosque – the largest Sunni mosque in Baghdad, which houses the Sunni Endowment – during Ramadan prayers; at least 28 people, including a member of parliament, were killed and dozens more injured. In

addition, on April 28, a suicide bomber blew himself up in a Shi'a mosque in Diyala governorate where Shi'as and Sunnis were holding an interfaith gathering; ten people were killed and 30 wounded.

In 2011, there were three attacks resulting in injuries but no fatalities, and several attempted attacks, on Christian churches. On April 24, Easter Sunday, a bomb exploded outside the Sacred Heart church in Baghdad as an Iraqi police truck pulled away from the church after the service had finished and all worshippers had left; two policemen and two passers-by were injured. On August 2, a car bomb exploded outside of the Holy Family Syriac Catholic church in Kirkuk, damaging the church and nearby buildings and injuring 15 people. The same day, Iraqi security forces found and defused car bombs outside two other churches in Kirkuk. On August 15, also in Kirkuk, a bomb exploded near St. Ephraim Syriac Orthodox church, damaging the church but causing no injuries; in addition, security forces defused a bomb near a Presbyterian church in Kirkuk.

In August 2011, a Baghdad court convicted and sentenced three individuals to death, and one to 20 years' imprisonment, for masterminding and preparing the October 31, 2010 hostage siege at Our Lady of Perpetual Help Syriac Catholic church in Baghdad. Several other suspects were killed while attempting to escape from a Baghdad prison in May 2011. The October 2010 attack, which took place during a mass, was the worst single attack targeting Christians in Iraq since 2003; it left more than 50 people dead, including 2 priests, and more than 60 injured. In its wake, senior Iraqi government officials, including Prime Minister Nuri al-Maliki, President Jalal Talabani, and KRG President Massoud Barzani, issued public condemnations, as did two important Shi'a leaders. The government also increased security at churches and in Christian neighborhoods and said that it would provide compensation to the families of those killed and injured and financial assistance to repair the church.

As in past years, there were attacks on allegedly "un-Islamic" minority businesses in 2011. In mid-January 2011, at least three liquor stores and a Christian social club in Baghdad were raided and vandalized, and had property stolen and their occupants threatened, by groups of men in civilian clothes wielding pipes and handguns. In all three cases, witnesses reported that police officers or individuals posing as police officers accompanied the attackers. On December 2-3, 2011, mobs vandalized and burned a number of Christian and Yazidi businesses, including liquor stores, restaurants, and hair salons, in Zakho and several nearby towns in Dohuk governorate, KRG region. Following the violence, KRG President Barzani visited the area, promised an investigation, legal action, and compensation, and deployed police and *peshmerga* forces to provide security.

Christian, Mandaean, and Yazidi organizations also continued to report individual cases of violence against community members in 2011, although these incidents seemed to be less frequent than in past years. For example, the Mandaean Human Rights Group reported that two Madaeans were killed in separate incidents, and two others kidnapped in a single incident, during 2011. The group has documented 175 Madaeans killed in Iraq since 2003 and hundreds more kidnapped, threatened, assaulted, raped, forcibly converted to Islam, forcibly displaced, and subjected to other crimes. Few, if any, of these individual cases ever result in investigations

or prosecutions, fostering a climate of impunity for attacks against members of Iraq's most vulnerable groups.

### *The Smallest Religious Minorities*

In recent years many Iraqis, Muslim and non-Muslim alike, have been victimized by religiously-motivated violence, but those from the country's smallest, non-Muslim religious minorities have been particularly vulnerable. They lack militia or tribal structures to defend themselves against attacks, and do not receive adequate official protection or justice. Large numbers have fled the country, threatening these ancient communities' very existence in Iraq; many others are internally displaced, primarily in the north. The diminished numbers that remain in Iraq face a pattern of official discrimination, marginalization, and neglect, particularly in areas over which the Iraqi government and the KRG dispute control.

Half or more of the pre-2003 Iraqi Christian community is believed to have left the country. In 2003, there were thought to be 800,000 to 1.4 million Chaldean Catholics, Assyrian Orthodox, Assyrian Church of the East members, Syriac Catholics and Orthodox, Armenian Catholics and Orthodox, Protestants, and Evangelicals in Iraq. Today, community leaders estimate the number of Christians to be around 500,000. Other communities also have experienced declines. The Sabeian Mandaean report that almost 90 percent of their small community either has fled Iraq or been killed, leaving some 3,500 to 5,000 Madaeans in the country, as compared to 50,000 to 60,000 in 2003. The Yazidi community reportedly now numbers approximately 500,000, down from about 700,000 in 2005. The Baha'i faith, which is estimated to have only 2,000 adherents in Iraq, remains banned under a 1970 law, and Iraq's ancient and once large Jewish community now numbers fewer than 10, who essentially live in hiding.

Many of the non-Muslim minorities internally displaced by violence have gone to the north of the country, mainly to Nineveh governorate and the three governorates controlled by the KRG. Northern Iraq, particularly the Nineveh Plains area of Nineveh governorate, is the historic homeland of Iraq's Christian community, and the Yazidi community is indigenous to Nineveh and the KRG governorate of Dahuk. The three KRG governorates are relatively secure, but Nineveh governorate, particularly in and around its capital Mosul, remains extremely dangerous, and control over this ethnically and religiously mixed area is disputed between the KRG and the central Iraqi government.

The dispute stems from Kurdish efforts to annex into the KRG additional territories – including parts of the governorates of Nineveh, Kirkuk (Tamim), Salah al-Din, Diyala, and Wasit – on the basis of their claim that these areas are historically Kurdish. Since 2003, Kurdish *peshmerga* (armed fighters), security forces, and political parties have moved into these territories, establishing *de facto* control over many of the disputed areas. Religious and ethnic minorities in these areas, including non-Muslims and ethnic Shabak and Turkomen, have accused Kurdish forces and officials of engaging in systematic abuses and discrimination against them to further Kurdish territorial claims. These accusations include reports of Kurdish officials interfering with minorities' voting rights; encroaching on, seizing, and refusing to return minority land; conditioning the provision of services and assistance to minority communities on support for Kurdish expansion; forcing minorities to identify themselves as either Arabs or Kurds; and

impeding the formation of local minority police forces. The minorities also accuse both Arab and Kurdish officials of ignoring these vulnerable communities as they focus on their fight for territorial control.

To address their lack of security and political and economic marginalization, some Iraqi minority groups, both inside and outside Iraq, have been seeking an autonomous area for Christians, and some say for other minorities as well, in the Nineveh Plains area. They argue that this would give effect to Article 125 of the Iraqi Constitution, which “guarantee[s] the administrative, political, cultural and educational rights of the various nationalities, such as Turkomen, Chaldeans, Assyrians, and all other constituents,” and provides that this “shall be regulated by” a future law. However, the specifics of what such a law would entail, including the territory that such an area would cover, its religious and ethnic make-up, how it would be secured, what governance and economic powers it would have, and how it would relate to the KRG and the central government remain disputed, even among those who say they favor autonomy. Other leaders from minority religious communities disagree with this approach, concerned that it would make minorities a more concentrated target for violence.

Members of the smallest minorities also have urged reforms to provisions in Article 2 of the Iraqi Constitution that gives Islam a preferred status, arguing that this favoritism provides a potential justification for discrimination against non-Muslims. The Iraqi government apparently has made no serious efforts to address these proposals.

In a positive development for the smallest minorities, the Iraqi parliament (Council of Representatives or COR) that was elected in 2010 has eight seats reserved for these groups: five for Christians and one each for Mandaean, Yazidi, and Shabak. In addition, six Yazidi candidates were elected to the COR on the Kurdistan Alliance list, bringing the total current number of religious minority parliamentarians to 14 (out of 325). A minority caucus was also established for the first time in the COR; it includes the representatives of all the ethnic and religious minorities’ political parties and is supported by a civil society alliance. According to the U.S. Institute of Peace, which is working to help build its capacity, the caucus’ goals for the current parliamentary term include reforming the education curriculum to reflect Iraq’s minority communities more positively, eliminating discrimination in education and employment, improving the delivery of basic services in minority communities, increasing minorities’ participation in all levels of government, and having greater control over local affairs.

### *Sunni-Shi’a Tensions*

As reflected in previous USCIRF reports, in past years many serious sectarian abuses were attributed to actors from the Shi’a-dominated Ministries of Interior and Defense and armed Shi’a groups with ties to the Iraqi government or elements within it. Since 2007, such sectarian violence has diminished markedly. Nevertheless, sectarianism within the government remains a concern. For example, there continue to be reports of torture and other abuses, some allegedly along sectarian lines, in detention facilities, including secret prisons run by the Prime Minister’s special counterterrorism forces. The Shi’a-led government’s slow pace of integrating Sunni Sons of Iraq members into the security forces or government jobs, as well as its attempts to bar certain politicians, mostly Sunnis, from participation in the political process for alleged Baathist

ties, also have caused tensions. According to nationwide polling conducted in Iraq in October 2011, 75% of Sunnis feel that their sect is treated unfairly by the government and 60% feel their sect is treated unfairly by society.

Sunni-Shi'a political tensions escalated in 2011. Throughout the year, the Prime Minister failed to implement aspects of the November 2010 power-sharing agreement that finally allowed a government to be formed after the March 2010 elections, including by continuing to run both the Defense and Interior Ministries and taking no steps to create the new national strategic council that was supposed to be led by his main rival, former Prime Minister Ayad Allawi of the Iraqiya bloc. (Iraqiya is a cross-sectarian bloc supported by many Sunnis, which won two more parliamentary seats than al-Maliki's bloc in the 2010 election.) In the fall, the government arrested hundreds of individuals, including many prominent Sunnis, for alleged Baathism, prompting the provincial governments of several Sunni or mixed governorates to attempt to seek greater autonomy from Baghdad. In December, just after the last U.S. troops left the country, the Prime Minister announced an arrest warrant for the Sunni Vice President, Tariq al-Hashimi, for alleged terrorism, and sought a no-confidence vote against the Sunni Deputy Prime Minister, Saleh al-Mutlaq, both of the Iraqiya bloc. The government also arrested members of al-Hashimi's staff. Al-Hashimi, who denied the charges and called them politically motivated, left Baghdad for the KRG region, and Iraqiya began a boycott of parliament and the cabinet. Meanwhile, terrorist groups exacerbated the situation, perpetrating multiple mass-casualty attacks against mainly Shi'a targets in December and January, including the attacks against Shi'a pilgrims and the Shi'a funeral procession referenced above. As of February 29, 2012, al-Hashimi was still in Erbil, al-Mutlaq remained in his position, Iraqiya had returned to parliament and the cabinet, and negotiations to convene a conference of all the political blocs to resolve the crisis were ongoing.

#### *Women and Other Vulnerable Groups*

In the past year, human rights groups continued to express concern about violence against women and girls, including domestic violence and honor killings, throughout Iraq, including in the KRG region, as well as about pressure on women and secular Iraqis to comply with conservative Islamic norms, particularly relating to dress and public behavior. In recent years, women and girls have suffered religiously-motivated violence and abuses, including killings, abductions, forced conversions, restrictions on movement, forced marriages, and other violence including rape. Individuals considered to have violated extremists' interpretations of Islamic teachings, including politically-active females, have been targeted by Sunni and Shi'a extremists alike.

In a positive development, the KRG region enacted a law in June making family violence a crime, subject to imprisonment and/or fines, and establishing a special court for such cases; the law's coverage includes abuse of women and children, female circumcision, forced or child marriage, nonconsensual divorce, the offering of women to settle family feuds, and female suicide if caused by a family member.

In late February and early March 2012, reports emerged of numerous killings and threats targeting young people perceived as homosexual or who dressed in the so-called "emo" goth

style, particularly in Baghdad. The number killed reportedly ranged from six to more than 40. Preceding the violence, the Iraqi Interior Ministry posted a statement on its Web site in mid-February that it was “launch[ing] a campaign to stem the ‘Emo,’” whom it called “Satan worshippers,” although after the killings were widely reported, the Ministry claimed that the statement was misunderstood. Many observers attributed the attacks and threats to Shi’a militias. However, a representative of Grand Ayatollah Ali Sistani condemned the killings as terrorism, and cleric Moqtada al-Sadr, whose Mahdi Army militia was suspected in past attacks on homosexuals, denied involvement. According to Iraqi press reports, Al-Sadr called emo youth “unnatural” but said they should be dealt with through legal means. The U.S. embassy reportedly raised its concerns with the Iraqi government.

### *Iraqi Refugees and Internally Displaced Persons*

Since USCIRF last reported on Iraq, there have been few developments related to the situation of refugees and internally displaced persons (IDPs). No significant new displacement was reported in 2011, and voluntary returns, mostly IDPs returning to Baghdad, continued in larger numbers than in 2010. Nevertheless, according to estimates by the UN High Commissioner for Refugees (UNHCR), more than 1.5 million Iraqis remain internally displaced within Iraq and hundreds of thousands continue to live as refugees in neighboring countries. Many of these individuals have fled religious-based persecution. Members of Iraq’s smallest religious minorities continue to make up a disproportionate percentage of the refugees registered with UNHCR in the region: around 17 percent, though they comprise only about 3 percent of Iraq’s population. Sunnis continue to represent the largest percentage of registered Iraqi refugees at 57 percent, also a disproportionate percentage (they are approximately 35 percent of Iraq’s total population).

UNHCR remains concerned about continuing threats to Iraq’s smallest religious minorities and continues to recommend they be given *prima facie* refugee status. It also continues to recommend that Iraqis not be forcibly returned to certain governorates in Iraq, including Nineveh, Kirkuk, and Baghdad, due to continuing insecurity, or to regions that are not their areas of origin, such as the KRG.

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

Since 2008, U.S.-Iraqi bilateral relations have been governed by a “Strategic Framework Agreement,” which emphasizes cooperation in specified areas such as political and diplomatic, defense and security, cultural, and law enforcement and judicial. The Obama administration’s stated goal for this bilateral relationship is to help Iraq become “secure, stable and self reliant; with a government that is just, representative, and accountable; that denies support and safe haven to terrorists; is able to assume its rightful place in the community of nations; and contributes to the peace and security of the region.”

Pursuant to the 2008 Status of Forces Agreement between Iraq and the United States, the last remaining U.S. troops departed from Iraq in December 2011. The United States’ diplomatic mission in Iraq is its largest and most costly in the world, employing around 16,000 civilians, mostly contractors, in multiple locations including the embassy in Baghdad, consulates in Erbil, Kirkuk, and Basra, and several office of security cooperation and police training sites. In

addition to the Department of State and the U.S. Agency for International Development (USAID), the federal agencies involved in implementing the U.S.-Iraqi partnership under the Strategic Framework Agreement include the Departments of Justice, Homeland Security, Commerce, Treasury, Transportation, and Agriculture.

A major component of current U.S. efforts in Iraq is a police development program, launched in October 2011, which seeks to assist the Iraqi Ministry of Interior (MOI) to improve its senior leadership and management practices. According to November congressional testimony by the Deputy Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, M. Brook Darby, the program “mentors Iraqi police leadership on how to regularize their engagement with the people they serve while protecting Iraq’s communities, its borders, and respect for human rights.” However, as the Special Inspector General for Iraq Reconstruction (SIGIR) noted in a January 2012 report, “the program faces a number of challenges, including an uncertain security environment that limits the movement of its advisors and skepticism on the part of senior MOI officials about the program’s ultimate utility.”

Over the past several years, the U.S. government has increased its efforts to help address the problems facing Iraq’s ethnic and religious minorities, which USCIRF welcomes. The State Department has designated officials in both Washington and Baghdad to coordinate its efforts on minority issues; the Deputy Assistant Secretary of State for Iraq also serves as the Secretary’s Coordinator for Iraq’s Religious and Ethnic Minorities, and Embassy Baghdad’s Assistant Chief of Mission for Assistance Transition also serves as Coordinator on Minority Issues. In addition, according to the State Department, the U.S. government has spent more than \$35 million to support these communities as of the end of 2010. Nevertheless, some Iraqi minority communities have complained of not seeing any benefits, and in 2010 several members of Congress requested a Government Accountability Office (GAO) audit of State and USAID’s administration of these funds. The GAO’s report is expected to be released in the coming months. Other countries also have made efforts regarding these issues. For example, in January 2011 the Danish government funded an interfaith summit of Iraqi religious and political leaders, under the auspices of an NGO led by Canon Andrew White of Baghdad’s St. George’s Anglican Church, which resulted in the Muslim religious leaders who were present issuing a *fatwa* (ruling) banning violence against non-Muslim minorities.

The United States makes significant contributions to various international and non-governmental organizations assisting Iraqi refugees and IDPs. In addition, beginning in FY 2007, the U.S. government increased its efforts to resettle Iraqi refugees, and since that time, more than 62,000 Iraqi refugees have been resettled to this country. The United States continues to be the largest recipient of both UNHCR referrals of Iraqis and resettled Iraqi refugees. In the past year, however, resettlements of Iraqis dropped significantly after the U.S. government imposed new pre-travel security checks for refugees worldwide. Around 9,000 Iraqi refugees were resettled to the United States in FY 2011, as compared to approximately 18,000 in FY 2010. In addition, in early 2012, the U.S. government stopped sending Department of Homeland Security officials to Syria to interview refugees for resettlement due to the deteriorating security situation in that country. There are approximately 20,000 Iraqis in Syria who currently are somewhere in the process of applying for resettlement to the United States.

In February 2008, the State Department increased direct access for certain Iraqis to the U.S. Refugee Admissions Program, as mandated by the Refugee Crisis in Iraq Act of 2008. That Act created a new Priority 2 (P2) category for Iraqis from “religious or minority” communities with close family members in the United States, and authorized the Secretary of State to create additional P2 categories for other vulnerable Iraqis. (A P2 category allows those covered to apply directly to the United States for resettlement, without first having to be referred by UNHCR. This speeds up the process for those applicants, but it does not guarantee resettlement of all individuals from the category who apply.) The State Department policy covers Iraqis in Egypt or Jordan “who are the spouses, sons, daughters, parents, brothers or sisters of a citizen of the United States, or ... the spouses or unmarried sons or daughters of a Permanent Resident Alien of the United States....”

## **Recommendations**

In response to the severe abuses of religious freedom in Iraq, the United States should advocate measures to ensure security, justice, and legal protections for all Iraqis; prioritize human rights, including freedom of religion or belief, in its relationship with the Iraqi central government and the Kurdistan Regional Government (KRG); promote these rights and freedoms through various U.S. programs; and continue to assist internally displaced persons and refugees.

### **I. Ensuring Security, Justice, Human Rights, and Legal Protection for All Iraqis**

In addition to designating Iraq as a CPC, the U.S. government should:

- urge, and where appropriate assist, the Iraqi government, in consultation with the affected communities, to continue its efforts to provide increased security to protect likely targets of sectarian or religiously-motivated violence, including areas where religious or minority communities live or congregate such as religious sites;
- urge, and where appropriate assist, the Iraqi government to undertake prompt, transparent, and effective investigations of all incidents of sectarian or religiously-motivated violence and bring the perpetrators to justice consistent with due process of law;
- press the Iraqi government to ensure that its revenues neither directly nor indirectly support any militia, para-state actor, or other organization credibly charged with involvement in sectarian or religiously-motivated violence;
- urge the Iraqi government to ensure that provisions in the Iraqi Constitution providing that no law may contradict “the established provisions of Islam” and guaranteeing “the Islamic identity of the majority” are not used to undermine the human rights of every Iraqi, including their rights to freedom of religion or belief and equality before the law; and
- work with Iraq’s government and its smallest minority communities and their political and civic representatives to help them reach agreement on what measures are needed to ensure their rights and security in the country.

## **II. Prioritizing Human Rights, including Freedom of Religion or Belief, in the U.S. Relationship with the Iraqi Government and the KRG**

The U.S. government should:

- ensure that all U.S.-Iraqi cooperation under the Strategic Framework Agreement to “promote Iraq’s efforts in the field of ... human rights” places a high priority on ensuring the interdependent rights to freedom of religion or belief and freedom of opinion and expression;
- ensure that human rights issues, including freedom of religion or belief and minority rights, are raised in the context of negotiations between the Iraqi central government and the KRG concerning disputed internal boundaries; and
- demand immediate investigations of, and accounting for, alleged human rights abuses against minority communities by Kurdish regional and local officials, and make clear that decisions on U.S. financial assistance and other interaction with the KRG will take into account whether perpetrators are being investigated and held accountable.

## **III. Promoting Human Rights, including Freedom of Religion or Belief, through U.S. Programs**

The U.S. government should:

- ensure that all participants in the police development program are thoroughly vetted to confirm they have not been implicated in human rights abuses and include in the program an emphasis on training Iraqi police leadership on best practices for law enforcement outreach to vulnerable minority communities;
- direct U.S. officials and recipients of U.S. grants to prioritize projects that promote multi-religious and multi-ethnic efforts to encourage religious tolerance and understanding, foster knowledge of and respect for universal human rights standards, build judicial capacity to enforce the rule of law, and develop the political ability of ethnic and religious minorities to organize themselves and convey their concerns to the government effectively;
- fund exchange and educational opportunities focusing on religious freedom and tolerance, including through the State Department’s International Visitors Program and the Fulbright Foreign Student and Visiting Scholars Programs, for Iraqi officials, legal professionals, representatives of non-governmental organizations, religious leaders, students, and other members of key sectors of society;
- assist the Iraqi government to develop curricula and materials to teach Iraqi students about religious freedom, tolerance, and Iraq’s history as a multi-religious and multi-ethnic state; and

- ensure that U.S. development assistance prioritizes areas where Iraq's smallest minority communities are concentrated, and that the use of such funding is determined in consultation with these communities' political and civic leaders.

#### **IV. Addressing the Situation of Internally Displaced Persons and Refugees**

The U.S. government should:

- continue to provide significant funding to the UN, humanitarian organizations, host nations, and host communities to provide essential humanitarian aid to vulnerable Iraqi internally displaced persons and refugees, and encourage the Iraqi government and other countries to do likewise;
- continue its efforts to process a significant number of Iraqi refugees for resettlement to the United States, including by interviewing applicants by videoconference in locations where in-person interviews cannot be conducted for security reasons; and
- ensure that Iraqi refugees scheduled to be resettled to the United States are not delayed unnecessarily by providing adequate personnel to conduct background screening and enforcing proper application of the existing waiver of the material support bar to individuals forced to provide support to terrorists under duress.

#### **Dissenting Statement of Commissioner Azizah al-Hibri:**

Commissioner al-Hibri dissents from the majority in its designation of Iraq as a country of particular concern (CPC) because the USCIRF report for 2012 itself does not support such designation.

The International Religious Freedom Act (IRFA) provides the standard for a CPC designation. It requires for such designation that: The government "has engaged in or tolerated particularly severe violations of religious freedom," which is defined as "systematic, ongoing, egregious violations of religious freedom."

In turning to the Iraq country report, we find out in the opening paragraph that it describes a dismal state of systematic, ongoing religious freedom violations. It states in particular that the most deadly violations were attacks against Shi'i pilgrims and that the country's smallest religious minorities face discrimination particularly in areas where control is disputed.

These facts are significant, given that the prime minister is himself Shi'i. They indicate that the prime minister is not able to protect his own religious sect; nor is he able to assert control in disputed regions.

Later the report notes that where Sunni worshippers were attacked, they tended to be those linked to the government or opposed to Sunni extremist groups. In other words, these attacks were

waged against the government, the prime minister's religious sect, the government's apparent supporters, and those opposed to its opponents.

Despite these facts, the report states that "based on these concerns," USCIRF recommends redesignating Iraq as a CPC. This is strange, since neither element required for recommending such status was established by the report. The report does not establish either that the government engaged itself in severe violations or that it tolerated them. It only establishes the existence of such violations and the inability of the government to prevent them always (or to prevent them often).

To the contrary, we are informed later that the government increased security and reportedly prevented several bombings, that it provided heavy security on pilgrimage routes and Shi'i holy sites. Despite all that, attacks took place on Shi'i pilgrims and holy sites.

Furthermore, the report informs us that courts have been convicting criminals responsible for religious violence, and the president and prime minister have been publicly condemning the violence. We are also informed that the government has increased security at churches and offered compensation for families of those who were killed. It also offered financial assistance to repair a church.

So, the picture here is one of a country in turmoil and a government trying to bring it to order, but unable to control it. This picture does not justify a CPC status.

## Nigeria

**FINDINGS:** The past year saw a dramatic rise in sectarian or religiously-related violence in Nigeria, confirming USCIRF's warnings in our 2011 Annual Report. Over 800 people were killed, and more than 65,000 displaced, in three days of rioting in northern states following the presidential 2011 elections. Although triggered by political issues, the post-election violence quickly became sectarian. In addition, Boko Haram, a militant group that espouses an extreme and violent interpretation of Islam, has been emboldened by the climate of impunity. Boko Haram has shifted its tactics and emphasis by targeting, killing, and bombing Christians and Christian clergy and threatening to kill all remaining Christians in the north, while continuing its attacks against government officials, as well as killing hundreds of Muslims, including Muslim religious leaders who spoke out against the group.

Based on this deterioration and the Nigerian government's continued unwillingness to address severe, ongoing, and egregious religious freedom violations, USCIRF again recommends in 2012 that Nigeria be designated as a "country of particular concern," or CPC. USCIRF has recommended CPC status for Nigeria since 2009. Before that, Nigeria was on USCIRF's Watch List since 2002.

Since 1999, more than 14,000 Nigerians have been killed in religiously-related violence between Muslims and Christians. The government of Nigeria continues to fail to prevent and contain acts of religiously-related violence, prevent reprisal attacks, or bring those responsible for such violence to justice. Other religious freedom concerns in Nigeria include the application of a strict interpretation of Shari'ah (Islamic law) in the criminal codes of several northern Nigerian states and discrimination against minority communities of Christians and Muslims.

**PRIORITY RECOMMENDATIONS:** The religious nature of the April 2011 post-election violence, the attacks and threats against Christians by Boko Haram, and the subsequent rise in religiously-charged rhetoric are testing Nigeria's young democracy and further straining Christian-Muslim relations. Religion and religious identity are intertwined in ethnic, political, economic, and social controversies, and are misused by politicians, religious leaders, or others to rouse their constituencies for political gain. While several causes, including governance, "indigeneship," poverty, and ethnicity, factor into the violence in the north and Plateau State, religion is a significant catalyst. As conflicts take on an increasingly sectarian character, the consequences may be dire. The Nigerian government must end the culture of impunity for religiously-related violence. USCIRF has concluded that Nigeria could muster the resources to address inter-communal violence, including religiously-related violence, and that such action is necessary for the country to realize lasting progress, security, stability, and prosperity as a democracy. In addition to designating Nigeria as a CPC, the United States should press the Nigerian government to take substantial steps to address religious freedom violations, including bringing perpetrators of sectarian violence to justice and resolving jurisdictional disputes between federal and state officials that thwart prosecutions. These issues should also be made an essential part of bilateral relations, including as a component of the U.S.-Nigeria Bi-National Commission. Additional recommendations for U.S. policy toward Nigeria can be found at the end of this chapter.

## Religious Freedom Conditions

### *USCIRF 2012 Trip*

A USCIRF delegation traveled to Nigeria in March 2012, just after the end of the current reporting period, to learn more about sectarian violence, assess its impact on religious freedom, and encourage religious leaders to work more closely together to address the nation's problems. USCIRF convened a meeting with the country's foremost religious leaders, many of whom had not formally met together in more than a year, to encourage strengthened cooperation to press the Nigerian government to end impunity and denounce Boko Haram attacks and threats. In addition, Commissioners engaged high-level federal and state officials on the government's failure to prevent sectarian violence and punish perpetrators, and discussed USCIRF's recommendation that Nigeria be designated a CPC. USCIRF also met with a range of religious and civil leaders.

### *Recurrent Sectarian Violence*

Since 1998, religiously-related and inter-communal violence in Nigeria has resulted in more than 14,000 people killed and thousands displaced, with numerous churches, mosques, businesses, vehicles, private homes, and other structures burned and destroyed. The past year saw a dramatic rise in sectarian or religiously-related violence. In April 2011, over 800 people were killed (although some estimates push the death toll considerably higher) and more than 65,000 displaced in three days of rioting throughout the northern states immediately following the presidential elections. To date, almost no one has been prosecuted for their role in perpetrating violence.

Religiously-related tensions and conflict remain problems in the Middle Belt region, including Jos, Plateau State, but large-scale outbreaks did not occur during the reporting period. In past years, the most severe incidents have occurred in Jos, Plateau State (September 2001, November 2008, January 2010, March 2010, December 2010, and January-April 2011); Bauchi State (January 2011); Kaduna State (February and May 2000 and November 2002); Kano State and Yelwa, Plateau State (February-May 2004); and northern and southeastern Nigeria (February 2006). (Post election violence and Boko Haram attacks are discussed below.)

In addition to its attacks against federal and state institutions and government personnel in Nigeria, the militant group Boko Haram has increased religious tensions between Muslims and Christians by targeting churches, Christians, and non-northerners in repeated and sustained attacks. During its March trip to Abuja, USCIRF was told repeatedly by Christian leaders that they see a sectarian dimension to Boko Haram's objectives, including the eradication of Christians in central and northern Nigeria. USCIRF also was told by a number of significant Muslim leaders that Boko Haram was un-Islamic and not a true representation of Islam.

During its March 2012 visit to Nigeria and through its monitoring of Nigerian media outlets in the reporting period, USCIRF noted an escalation in anxiety, frustration, concern, and even militancy among mainstream religious leaders. USCIRF found that religious leaders were using more heated public rhetoric, issuing fewer calls for restraint, and making more calls for defensive

and offensive action to counter sectarian or religiously-motivated attacks perpetrated by Boko Haram or other actors. Religion has been only one dimension of the apparent sectarian clashes in Nigeria, as it has been used as a tool to foster political, economic, and ethnic discord. However, Boko Haram attacks on Christians and churches, tensions between Muslims and Christians emanating from the post-election violence, and the rise in religious rhetoric could increase sectarian hostility to the point that religion transcends the other variables and identities that have historically factored into violence in Nigeria.

#### April 2011 Post-Election Violence

In April 2011, immediately following the Presidential elections, over 800 people were killed in three days of rioting in the northern states, and more than 65,000 were displaced. Protests by supporters of the main opposition candidate, Muhammadu Buhari, a northern Muslim who lost the presidential election, quickly turned violent against Christians who were thought to have been sympathetic to incumbent President Goodluck Jonathan, a Christian. While political issues sparked the violence, its consequences were severe violations of religious freedom, including individuals being killed because of their religious identity and churches and mosques being attacked. The Christian Association of Nigeria (CAN) reported that at least 187 people were killed, 243 people injured, and more than 430 churches burned or destroyed. Some of the worst post-election violence between Muslims and Christians occurred in Kaduna State. Human Rights Watch reports that more than 500 were killed in Kaduna State, the vast majority of whom were Muslims. Kaduna had been largely peaceful for the past ten years and often was held up as a positive model for how to stem religiously-related violence. To date, there is no indication that Nigerian authorities have prosecuted any perpetrators involved in the post-election violence.

#### Boko Haram

The violent militant group Boko Haram repeatedly has attacked Nigerian officials and security services throughout Nigeria. In August 2011, people claiming to be affiliated with Boko Haram took responsibility for bombing the United Nations' main office in Abuja, an attack that killed 34 people.

Without minimizing the severe impact of Boko Haram attacks on the Christian community in the north (see below), Muslim leaders point out that Boko Haram has killed more Muslims than Christians and that the Muslim community is also suffering at the hands of this violent, extremist group. Throughout the year, Boko Haram or those claiming to represent the group, assassinated Muslim religious leaders who spoke out against them. During the March trip, self-identified Boko Haram representatives announced they planned to “tackle” the President of the Supreme Council for Islamic Affairs, the Sultan of Sokoto Muhammad Sa’ad Abubakar, to “purify” Islam in the country. In meetings with Muslim leaders USCIRF was told of three clerics who were killed after denouncing Boko Haram.

During the reporting period, Boko Haram increased its targeting of churches and pastors in northern Nigeria, with attacks against pastors, churches, Christians, and non-northerners occurring frequently. On Christmas day 2011, bombs exploded in or around churches in five cities in central and northeastern Nigeria – Jos, Kano, Madalla, Gadaka, and Damaturu – leaving

at least forty dead in Madalla alone, with people claiming to represent Boko Haram taking responsibility. Several days after the Christmas attacks, people thought to be affiliated with or sympathetic to Boko Haram threatened all Christians and non-northerners living in the north, issuing statements telling them to leave in three days or they would be killed. After the deadline, attacks against Christians, churches, and non-northerners resumed with more intensity, including in the suburbs of Abuja, resulting in well over 100 deaths and many more injured. On January 20, 2012, suspected Boko Haram operatives conducted highly-coordinated attacks in the city of Kano that killed at least 185 people. Perhaps as many as 100 operatives exploded improvised explosive devices, utilized suicide bombers, and opened fire in busy sections of town with automatic weapons. Targets included police stations, government buildings, and churches.

The attacks against churches, Christians, and non-northerners have continued up to the end of the reporting period. Many places of worship in the north have increased their security measures, such as searching vehicles and using metal detectors to screen worshippers or entrants to church compounds.

### *Jos and the Middle Belt*

During the reporting period, there was less large-scale violence between Christians and Muslims in the Middle Belt states and in and around Plateau State's capital city, Jos, than in past years. However, Jos remains tense due to the longstanding strife in the city, the post-election violence, and the Christmas day 2011 attacks. A special security joint task force comprised of the army, police, and other security services is present in large numbers in the city and its environs and to some degree can be credited with minimizing another large-scale outbreak.

Jos remains largely divided between Muslim and Christian sectors, and there continue to be regular reports of smaller-scale attacks and reprisals between communities. The charged atmosphere can turn a minor confrontation or misunderstanding between people of different faiths into a major incident resulting in property destruction, personal injuries, and/or deaths, particularly around religious holidays. For instance, on August 29, toward the end of Ramadan, over 16 people were killed when fighting broke out between Christians and Muslims at a Muslim prayer service. Also, a person can be killed or attacked after wandering into the wrong part of town and being identified as not belonging to the predominant faith community.

Elsewhere in Plateau State and the Middle Belt, longstanding tensions remain, and sometimes result in violence, between cattle-herding Muslim Fulanis and landed Christian Berom. Numerous attacks were reportedly perpetrated by Fulanis on Berom villages located on the outskirts of Jos and elsewhere in the Middle Belt. Some reports indicate that over 70 Christians have been killed this year in 23 attacks in the predominantly Christian Tafewa Belawa area of Bauchi state; the number of Muslims killed is unknown. Despite tensions running very high between these communities, large-scale attacks did not occur during this reporting period, in contrast to previous years.

*“Indigenes” versus “Settlers”*

The violence in and around Jos, as throughout the rest of Nigeria, is not purely religious in nature, although the results are religious freedom violations. Religion and religious identity are intertwined in ethnic, political, economic and social controversies, and can be misused by politicians, religious leaders, or others to rouse their constituencies for political gain or other purposes.

One aspect of the intertwined nature of the conflict in Jos stems from the legal distinction between “indigenes” and “settlers” in Nigeria. The 1999 constitution identified the status of indigeneship in Article 147 to keep balance between different ethnic groups in government positions. Indigenes are persons whose ethnic group is considered native to a particular area, while settlers are those who have ethnic roots in another part of the country, even though they may have lived in the area for generations. Indigenes often receive privileges, such as political positions, access to government employment, and lower school fees. State and local governments issue certifications granting indigeneship, which bestow many benefits. In and around Jos, people of Hausa tribal origin, who are mainly Muslim, are mostly accorded settler status, and therefore denied the Plateau State benefits for indigenes. The people in Jos with indigene status are from the Berom tribe, who are predominantly Christians or African traditionalists. Many Hausas living in and around Jos have lived there for years, and the Hausa community has been active in seeking political, social, and economic benefits usually accorded to indigenes.

In October 2010, a non-governmental organization, led by one of Nigeria’s leading human rights lawyers, Festus Okoye, and two other prominent lawyers, challenged the constitutionality of the indigene and settler identification before Kaduna federal court on behalf of 20 Nigerian citizens. The case reportedly is still pending.

*Nigerian Government Response*

After repeated attacks on government institutions and personnel, the Nigerian government has mobilized against the threat posed by Boko Haram, and reportedly made numerous arrests in this reporting period of suspected Boko Haram members, including a lead suspect in the Christmas 2011 bombings. It does not appear, however, that the Nigerian government is prosecuting these alleged perpetrators in a fair and open manner consistent with due process, giving the Nigerian public little confidence that justice will be served. Furthermore, the government is not prosecuting perpetrators of Muslim-Christian violence in the Middle Belt and northern Nigeria.

With regard to other incidences of sectarian or religiously-related violence, the Federal Justice Minister told USCIRF in January 2011 that five persons were convicted for their role in March 2010 violence in Jos. He and state attorneys general have told USCIRF that there have also been other successful prosecutions and that they would provide USCIRF with statistics and information. Unfortunately, by the end of the reporting period, no such information had been presented to USCIRF.

Federal-state jurisdictional disputes continue to pose a challenge to successful prosecutions. It is

difficult, if not impossible, for state attorneys general to pursue prosecutions because Nigeria's police force, a federal entity, conducts the investigations, detains the suspects, and retains all case files. Unless the federal police cooperate with the various state attorneys general, no prosecutions can occur at the state level. In addition, prosecuting perpetrators of sectarian violence requires political will. In light of the scale of the violence that has occurred in recent years, the paucity of successful prosecutions is insufficient to stop the cycle of impunity. Many more prosecutions are needed, so that all parties involved in religiously-related or inter-communal violence understand that there will be penalties and they will not be allowed to commit similar crimes again. Many religious and civil society leaders with whom USCIRF has met commented that there cannot be religious harmony without a sense of justice, and there is no such justice in this climate of impunity.

#### *Application of Strict Interpretations of Shari'ah*

Since 1999, 12 northern Nigerian states established, or announced plans to establish, their interpretation of Shari'ah law in their criminal codes. No new Shari'ah laws were established during the reporting period. Each of these 12 states have sought to extend the jurisdiction of Shari'ah courts beyond personal status matters to include Shari'ah crimes and punishments for Muslims alone. In the past, such punishments included amputation, flogging, or death by stoning. Trials in the Shari'ah courts in these states often fall short of basic international legal standards, and defendants have limited rights of appeal and sometimes have no opportunity to seek legal representation. Women face discrimination under these provisions, especially in adultery cases where pregnancy alone has been used as adequate evidence of guilt. Allegations of rape and sexual violence rarely are investigated.

In addition, some Nigerian states in recent years have instituted discriminatory practices based on religious precepts or tolerated the societal application of such practices. These include banning the sale and consumption of alcohol and disadvantaging women in education, health care, and public transportation. These practices affect Muslims and non-Muslims alike. The *Hisbah*, or religious police, as they call themselves, which are funded and supported by state governments in Bauchi, Zamfara, Niger, Kaduna, and Kano, enforce their interpretation of Shari'ah in their respective states. In some areas, the *Hisbah* primarily work as traffic wardens and marketplace regulators, but the Kano *Hisbah* have focused on enforcing prohibitions against alcohol and prostitution. It is not uncommon for a truck transporting beer to be pulled over by the Kano *Hisbah* and for its contents to be confiscated, even if the truck was on a federal highway.

A debate has arisen in recent years over whether certain Shari'ah punishments, such as death by stoning and amputation, constitute torture or inhumane or degrading treatment under international law or the Nigerian Constitution. The UN Committee against Torture and the UN Special Rapporteur on Torture have stated that flogging, stoning, and amputation do breach the prohibition against inhuman or degrading treatment contained in international human rights standards and treaties. On this issue, the UN Special Rapporteur stated that the Nigerian government should ensure that practices and codes of all states are in compliance with international human rights conventions, and that it should conduct an "assessment of all the laws in force and analyze their compatibility with international human rights law." The government

has not yet done so. However, in recent years a number of stoning cases have been reversed on appeal in Nigerian courts, and there have been no floggings or amputations carried out during the reporting period.

### *Discrimination*

Christians in northern Nigerian states complain of what they view as discrimination at the hands of Muslim-controlled state governments and describe members of their communities as being treated as “second-class citizens.” Their allegations of official discrimination include denials of applications to build or repair places of worship, lack of access to education, failure to make provisions for the teaching of the Christian religion in public schools, failure to allow for Christian religious programs in state-run media, and lack of representation in government bodies and government employment. Discrimination along these lines reportedly occurs against both indigenes of the state who have embraced the Christian faith and settlers or those who do not originate from the state.

Reports indicate that in certain northern states, it is very difficult to obtain permits to repair or build non-Muslim places of worship, that some churches have been torn down because they lacked appropriate government permits, and that specific zoning laws are invoked to justify action or inaction by state authorities. Christian leaders report that applications are either denied or left unattended, sometimes for decades. Forced to build without permit, the structure is subject to demolition at any time. Christians report that some state governments in the north have officially stated that land shall be allocated on the condition that it shall not be used for a “drinking house, brothel, or church.” Although the Nigerian constitution permits proselytizing, several northern states continue to ban some public religious activities under the guise of maintaining public safety and security.

The State Department continues to report that Muslim communities in southeastern Nigeria echo some of the complaints of minority Christian communities in northern Nigeria. Southern Muslim leaders report official or officially-sanctioned discrimination in the media, education, and representation in government institutions.

### *Extremism*

USCIRF previously has expressed concern about reports of foreign sources of funding for extremist and violent Islamist groups and activity in northern Nigeria, and has urged the Nigerian government to place a high priority on preventing the possible alignment of Nigerian extremist groups with international terrorist groups, if that has not already occurred. Several observers have reported that financial support from Libya, Saudi Arabia, and Sudan has been used to build mosques and Islamic religious schools in northern Nigeria that preach and teach a nontraditional and extreme interpretation of Islam. Also, there are reports that an increasing number of Nigerian Islamic scholars and clerics are being trained in Saudi Arabia or Pakistan, and return with a politico-religious ideology that explicitly promotes hatred of, and violence against, non-Muslims.

### *Interfaith Efforts*

Over the past year, some state governors, including those from northern states, actively encouraged interfaith and inter-communal discussions in an attempt to prevent further violence and tension along religious lines. While such activities are limited and vary from state to state, efforts to bring the Muslim and Christian communities together could improve interfaith relations and decrease future incidents of sectarian violence.

For example, several Muslim leaders in Kano visited Christian places of worship and stood with their Christian colleagues in the face of Boko Haram threats and attacks. This was reported to be the first time in recent years that Muslim religious leaders have met Christians in their places of worship in the city of Kano. In addition, Christians surrounded Muslims during prayers at protests against the federal government's decision to eliminate a fuel subsidy.

In recent years, the Nigerian Inter-Religious Council (NIREC) – composed of 25 Muslim and 25 Christian leaders and co-chaired by the President of the Christian Association of Nigeria and the Sultan of Sokoto, a Christian and a Muslim – was a valuable forum that attempted to reduce inter-religious tension and promote inter-religious cooperation. NIREC used to meet quarterly, but NIREC reportedly met only once in the past year, hampering its ability to be an effective meeting and discussion venue for leaders from both the Muslim and Christian community.

In response to the threats made by Boko Haram against the Christian community in northern Nigeria, several leading Muslim figures visited churches in Kano and in Kaduna. Other reports indicate that Muslim and Christian women have led protest vigils together in Maiduguri, Bauchi State, a center of Boko Haram activity.

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

The United States and Nigeria have a strong relationship, with Nigeria being important to U.S. foreign policy for a number of reasons. Nigeria is the most populous country in Africa, with a population evenly split between Christians and Muslims. Despite having had its first transition of power since independence from one civilian government to another in 2003, democratic institutions remain underdeveloped. A large Nigerian diaspora community resides in the United States and significant trade relations exist between the two countries. The United States is Nigeria's largest trading partner and by some estimates, Nigeria is the fourth largest supplier of imported oil to the United States. Nigeria is also a regional leader. Its contribution to international peacekeeping missions has supported stability and peace in Africa and generally has been in concert with U.S. interests in promoting peace and stability on the continent. Increased violence and instability in Nigeria could have a serious spillover effect on other countries in the area.

In April 2010, the two countries established a U.S.-Nigeria Bi-National Commission. Its purpose, in the words of Secretary of State Hillary Rodham Clinton, is to help the two countries “work together on issues of common concern and shared responsibility” and to “support the aspirations of the Nigerian people for a peaceful, prosperous, stable, democratic future.” The Bi-National Commission has four working groups on: 1) good governance and transparency,

focusing on elections, corruption, and strengthening Nigeria's democratic institutions and civil society; 2) regional cooperation and collaboration on security, terrorism, and the Niger Delta; 3) energy reform and investment; and 4) food security and agricultural development.

Issues of recurrent sectarian violence and the culture of impunity surrounding the failure to prosecute perpetrators have not been addressed specifically in any of the four working groups. The position of the U.S. government consistently has been that the conflicts in Nigeria are not predominantly sectarian in nature. This position is problematic, given Nigeria's religious, social, and political framework, the sectarian nature of the April 2011 post-election violence, and the rise of Boko Haram. This stance also is in stark contrast to the perspectives of a number of prominent Nigerian Christian leaders, who believe that Boko Haram has a significant sectarian dimension to it, and in particular, seeks to eradicate Christian communities in central and northern Nigeria. This chasm in perspective is a serious concern. If Nigeria's most prominent Christian leaders view the ongoing violence as escalation, the faithful communities who follow their lead may also embrace this view, adversely affecting tolerance and respect across religions. Understanding this perspective, addressing religious tension, and recognizing the religious dynamics of the various political, social, and ethnic conflicts is important to engaging effectively with Nigeria.

Nigeria is the second largest recipient of U.S. foreign assistance in Africa, and the United States is the largest bilateral donor to Nigeria. By far the greatest amount of assistance in recent years has been through the President's Emergency Plan for AIDS Relief (PEPFAR) and the President's Malaria Initiative (PMI). U.S. assistance also has focused on democratic governance, professionalization of the security services, economic and agricultural support and assistance, and improving health and education services. Nigeria is a participant in the Trans-Sahara Counterterrorism Partnership (TSCTP), a regional U.S. security partnership, and also receives other security assistance through Department of Defense funds, including funding for the development of a counterterrorism infantry company and for building the capacity of a counterterrorism unit and its tactical communications interoperability. U.S. counterterrorism assistance to Nigeria includes programs coordinated through TSCTP. Nigeria also received coastal radar and communications training and equipment. To date, U.S. support for Nigerian law enforcement has been limited due to human rights concerns.

The U.S. Embassy in Abuja continued implementation of a program to enhance the capacity of the Interfaith Mediation Center (IMC) in Kaduna and to build capacity to implement further U.S. government programs. The IMC addressed ethnic and religious violence across the country by engaging in activities that support interfaith dialogue, interethnic relations, trauma healing for women and youth, early warning and response, media sensitization, and special election monitoring. The Obama administration has requested funding in FY2012 for new conflict mitigation programs to address extremism in the north and conflict in the Niger Delta. USAID's Leadership, Empowerment, Advocacy and Development (LEAD) project in Sokoto and Bauchi states is designed to build partnerships between state and local governments, civil society, and the private sector to improve governance, accountability, and service delivery.

Some of USCIRF's longstanding recommendations regarding Nigeria are being implemented, such as a revamped conflict and mitigation program that will engage religious leaders and utilize

existing social, religious, and civil institutions to address and prevent communal conflict more effectively. USAID's new five-year TOLERANCE program is a \$4.5 million project with the Interfaith Mediation Center based out of Kaduna that will provide conflict mitigation and management assistance in northern and Middle Belt states in Nigeria. USAID noted USCIRF's long-standing recommendations on this issue and incorporated them into the design plan for the program.

USCIRF has also recommended that the United States open a consulate in Kano city, Kano State. Reportedly, plans to establish such a presence are moving forward.

## **Recommendations**

The Nigerian government's toleration of criminal acts has created a permissive environment for continued sectarian violence, leading to a culture of impunity which must be broken by the top levels of the Nigerian state and federal government. In USCIRF's view, Nigeria has the capacity to address religiously-related violence, and will only realize lasting progress, security, stability, and prosperity as a democracy if it does so. For these reasons, USCIRF recommends that Nigeria be named as a country of particular concern (CPC) for tolerating particularly severe violations of religious freedom and that the United States press Nigeria to bring perpetrators of religiously-related violence to justice.

USCIRF is also concerned by the charged rhetoric used by religious leaders, which could lead to an escalation of violence and a more divided, sectarian Nigeria. While religion has been only one dimension of the problem, the continued misuse of religion as a tool to foster political, economic, or ethnic discord could increase sectarian hostility to the point where religion becomes central. The attacks against Christians by Boko Haram and the tensions between Christians and Muslims resulting from the post-election violence threaten to make religion transcend the other variables and identities that have also factored into violence in Nigeria.

### **I. CPC Designation and Next Steps**

In addition to designating Nigeria as a CPC, the U.S. government should:

- enter into a binding agreement with the Nigerian government, as defined in section 405(c) of the International Religious Freedom Act, which obligates the government to cease or take substantial steps to address policies leading to violations of religious freedom, or take an appropriate commensurate action;
- ensure that any such binding agreement includes a commitment by the Nigerian government to meet benchmarks, including but not limited to the following:
  - vigorously investigating, prosecuting, and bringing to justice perpetrators of all sectarian and communal violence;
  - developing effective conflict-prevention and early-warning mechanisms at the local, state, and federal levels using practical and implementable criteria;

--developing the capability to deploy specialized police and army units rapidly to prevent and combat sectarian violence in cities around the country where there has been a history of sectarian violence;

--taking steps to professionalize its police and military forces in its investigative, community policing, crowd control, and conflict prevention capacities by conducting specialized training for its military and security forces on human rights standards, as well as non-lethal responses to crowd control and quelling mob or communal violence;

-- enhancing the use of legal and law enforcement mechanisms and intelligence capabilities to prevent the formation of violent religious groups; and

--in light of concerns that have been expressed to USCIRF with respect to the particular application of Shari'ah codes in Nigeria, ensuring that all laws, as applied, uphold the principle of equality under the law between men and women and between Muslims and non-Muslims, and do not permit violations of international human rights standards with regard to freedom of religion or belief, due process of law, equal treatment before the law, freedom of expression, non-discrimination against women, and humane treatment and punishment.

- include as a priority the issues of Nigeria's recurrent sectarian violence and failure to prosecute perpetrators in the discussions of the working groups of good governance and security of the U.S.-Nigeria Bi-National Commission;
- call on the Nigerian government to utilize the judiciary fully to combat the Boko Haram movement, and not rely solely on a counterterrorism strategy involving the security services apparatus;
- support interfaith efforts that urge religious and political leaders, both Muslim and Christian, to stop using religion to incite or mobilize constituencies, and call on the Nigerian government to reinvigorate NIREC or other appropriate forums to strengthen Christian and Muslim leadership consultation and development of strategies and practices to address religious freedom violations;
- call on the Nigerian government to eliminate "indigene" status through either constitutional reform or judicial review;
- call on the Nigerian government to consider the establishment of a peace-and-reconciliation commission for the situation in Jos and Plateau State, while continuing to investigate and prosecute acts of inter-communal or religiously-related violence;
- urge the UN Special Adviser for the Prevention of Genocide, Francis Deng, whom UN Secretary General Ban Ki Moon tasked with examining the March 2010 violence in and around Jos, to visit Nigeria and take steps to ensure this violence is adequately addressed by Nigeria's judicial system; and

- call on the UN Human Rights Council to monitor carefully and demand Nigeria's compliance with the recommendations of the representatives of the UN special procedures who have already visited Nigeria, particularly the UN Special Rapporteur on Freedom of Religion or Belief (2005) and the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (2005).

## **II. Expanding U.S. Support for Communal Conflict Prevention and Mitigation**

The U.S. government should ensure sufficient funding for technical and programmatic assistance, while insisting that such assistance is consistent with all U.S. laws restricting foreign support and is otherwise not provided to individuals or units whom the Secretary of State deems to have engaged in serious violations of human rights or religious freedom, by:

- increasing funding, training, and assistance through the U.S. Department of State's Bureau of International Narcotics and Law Enforcement Affairs to train Nigerian military and federal and state police forces to improve their investigative, community policing, crowd control, conflict prevention, emergency response, and coordination capacities;
- offering technical assistance to the office of the Federal Attorney General and Minister of Justice, and to the states' attorneys general, to resolve jurisdictional disputes that prevent state and federal prosecutors from conducting timely and effective investigations and prosecutions, and to increase their capacity to prosecute perpetrators of sectarian violence, including training and retraining state and police prosecutors and assisting in the development of computer/electronic file and case storage;
- supporting civil society organizations at the national, regional, state, and local levels that have special expertise and a demonstrated commitment to inter-religious and inter-ethnic reconciliation and conflict prevention;
- funding USAID's conflict mitigation work with Nigerian NGOs working on communal conflict prevention fully, emphasizing capacity-building at the local level, and evaluating the new TOLERANCE project being funded by USAID one year after implementing the program;
- assisting human rights defenders, including legal aid groups that defend the rights of individuals, especially women, impacted by Shari'ah-based criminal codes and that respond to credible allegations of religious discrimination in any part of Nigeria; and
- creating programs and institutions, particularly in areas where communal violence has occurred, that promote objective, unbiased, and non-inflammatory reporting, consistent with the right to freedom of expression.

### **III. Expanding U.S. Presence and Outreach Efforts, Primarily in Northern Nigeria**

The U.S. government should:

- continue to proceed with plans to open a consulate or other official presence in Kano, and Congress should fund this effort fully in the current appropriations cycle;
- provide Embassy and Consulate staff with appropriate local language skills, require political and public affairs officers to travel regularly throughout Nigeria, and dedicate one foreign service officer to coordinate outreach and relationships with, and conduct analysis of, Nigeria's diverse religious communities;
- increase the capacity of the Hausa Service of the Voice of America to report fair and balanced views on communal conflict and human rights issues; and
- sponsor several exchange programs each year on the topics of freedom of religion or belief, religious tolerance, and Islamic law and human rights for religious leaders, human rights advocates, government officials, and northern Nigerians.

## Pakistan

**FINDINGS:** The government of Pakistan continues to both engage in and tolerate systematic, ongoing, and egregious violations of freedom of religion or belief. Pakistan's repressive blasphemy laws and other religiously discriminatory legislation, such as the anti-Ahmadi laws, have created an atmosphere of violent extremism and vigilantism. Sectarian and religiously-motivated violence is chronic, and the government has failed to protect members of the majority faith and religious minorities. Pakistani authorities have not consistently brought perpetrators to justice or taken action against societal leaders who incite violence. Growing religious extremism threatens the freedoms of religion and expression, as well as other human rights, for everyone in Pakistan, particularly women, members of religious minorities, and those in the majority Muslim community who hold views deemed "un-Islamic" by extremists. It also threatens Pakistan's security and stability.

In light of these particularly severe violations, USCIRF again recommends in 2012 that Pakistan be designated a "country of particular concern," or CPC. Since 2002, USCIRF has recommended Pakistan be named a CPC, but the U.S. State Department has not followed that recommendation.

The religious freedom situation in Pakistan remained exceedingly poor during the reporting period. The Zardari government has failed to reverse the erosion in the social and legal status of religious minorities and the severe obstacles to the free discussion of sensitive religious and social issues faced by the majority Muslim community. A number of Pakistan's laws abridge religious freedom and freedom of expression. Blasphemy laws, used predominantly in Punjab province but also nationwide, target members of religious minority communities and dissenting Muslims and frequently result in imprisonment on account of religion or belief. While no one has been executed under the blasphemy law, the law has created a climate of vigilantism that has resulted in societal actors killing accused individuals. Anti-Ahmadi laws discriminate against individual Ahmadis and effectively criminalize various practices of their faith. The Hudood Ordinances provide for harsh punishments for alleged violations of Islamic law by both Muslims and non-Muslims. Anti-government elements espousing an intolerant interpretation of Islam continue to perpetrate acts of violence against other Muslims and religious minorities. The government's response to religiously-motivated extremism remains inadequate, despite increased military operations.

**PRIORITY RECOMMENDATIONS:** Promoting respect for freedom of religion or belief must be an integral part of U.S. policy toward Pakistan, and designating Pakistan as a CPC would enable the United States to press Islamabad more effectively to undertake needed reforms. The forces that threaten Pakistani and U.S. security interests largely are motivated by a violent extremist ideology that rejects international human rights standards, including freedom of religion or belief. To make religious freedom promotion a key element in the bilateral relationship, the U.S. government should urge Pakistan to reinforce the rule of law and align its laws, particularly those regarding blasphemy and the Ahmadis, with international human rights standards; actively prosecute those committing acts of violence against Sufis, Shi'a Muslims, Ahmadis, Christians, Hindus, Sikhs, and others; unconditionally release individuals currently jailed for blasphemy; and repeal the blasphemy law. Additional recommendations for U.S. policy toward Pakistan can be found at the end of this chapter.

## Religious Freedom Conditions

### *Government Policies toward Religious Groups and Activities*

Pakistan's civilian government has been led by Prime Minister Syed Yousuf Raza Gilani and President Asif Ali Zardari since 2008. Both Zardari and Gilani are leaders of the Pakistan People's Party (PPP). Zardari is the widower of Benazir Bhutto, a popular PPP leader and former Prime Minister who was assassinated in December 2007, reportedly by militants linked to al-Qaeda. The Bhutto and Zardari families are Shi'a Muslims from the province of Sindh and have assumed leadership roles in a country traditionally dominated by Sunnis from Punjab. However, despite the return to democratic control, the Pakistani military and intelligence services continue to be influential. During the reporting period, the civilian government was buffeted by crises with the military and Supreme Court that led commentators to question whether the PPP would finish its five-year term. There also were concerns about extremist infiltration of the military, as a Brigadier General and four others were arrested in 2011 for links with religious extremist organizations, with the general being the highest-ranking official to be arrested on such charges in over a decade.

The situation in Pakistan remains exceedingly poor for religious freedom. Discriminatory laws promulgated in previous decades and persistently enforced have fostered an atmosphere of religious intolerance and eroded the social and legal status of members of religious minorities, including Shi'a Muslims, Christians, Ahmadis, Hindus, and Sikhs. Government officials do not provide adequate protections from societal violence to members of religious minority communities, and perpetrators of attacks on minorities rarely are brought to justice. This impunity is partly due to the fact that Pakistan's democratic institutions, particularly the judiciary and the police, have been weakened by endemic corruption, ineffectiveness, and a general lack of accountability.

After the March 2011 assassination of Federal Minister for Minorities Affairs Shahbaz Bhatti, Prime Minister Gilani appointed his brother, Dr. Paul Bhatti, as Special Adviser to the Prime Minister on Minority Affairs. While Dr. Bhatti cannot serve in the cabinet since he is not an elected official, he reportedly was assured that as the Special Adviser he will have all the powers, responsibilities, resources, and protections of a federal minister, including responsibility over the Ministry of Minorities Affairs. Despite these promises, Riaaz Hussain Pirzada, a Muslim and a member of the PPP coalition partner Pakistan Muslim League-Q, was appointed in May as the Federal Minister for Minorities Affairs. Pirzada soon resigned from the post and received another appointment.

The Pakistani government has taken some positive steps regarding religious freedom and tolerance, mainly through the efforts of the late Minister Bhatti. In May 2009, the government announced a five-percent minimum quota in federal employment for members of religious minority communities; however, it appears that the quota has not been met, and if applied at all, it has been done so unevenly across the country. The government also designated August 11 as an annual federal holiday, called "Minorities' Day," which President Zardari and Prime Minister Gilani celebrated for the first time in 2011, with both giving separate statements about the importance of religious minorities to Pakistan. Minister Bhatti also established a National

Interfaith Council, convened in July 2010, to promote understanding and tolerance among the different faiths, as well as District Interfaith Harmony Committees to promote religious tolerance through understanding in every district of Pakistan. The Pakistani embassy reported that 124 interfaith committees have been established at the district level.

The 18<sup>th</sup> amendment to the Pakistani constitution, passed in 2010, created 10 seats for religious minorities in the National Assembly, the lower house of Pakistan's parliament, and four seats in the Senate. It also required seats for non-Muslims in the provincial assemblies. However, the allocation of seats was not set on a per-capita basis, so is not reflective of the size of the non-Muslim community. In addition, the 18<sup>th</sup> amendment specifically stipulated that the prime minister must be a Muslim and did not address the constitution's anti-Ahmadi provisions.

Also under the 18<sup>th</sup> amendment, unspecified ministries were to be devolved to the provincial level. Despite protests from parliamentarians from religious minority communities, the Ministry of Minorities Affairs was removed from the federal cabinet and devolved to the provinces. It is unclear whether all provinces have created their own ministry for religious minorities (Punjab province already had such a ministry). After devolution, the Zardari government established a new Federal Ministry for National Harmony in July. Dr. Paul Bhatti's title was changed to Advisor to Prime Minister for National Harmony to reflect the new ministry. He also is barred from serving as its minister, due to not being an elected official. Akram Gill, a Christian from the PPP coalition partner Pakistani Muslim League-Q, was named State Minister but not the full Federal Minister. Consequently, there is no religious minority in the federal cabinet and the reporting lines between Dr. Bhatti and State Minister Gill within the new ministry are unclear.

According to information received from the Pakistani embassy, the government is planning to create a National Commission for Minorities, which will consist of two representatives each from the Christian and Hindu communities, a Sikh, a Parsi and two Muslims. These individuals have yet to be named. The Commission will review laws and policies brought to its attention for discrimination, investigate allegations of abuse, recommend actions to fully include minority religious communities into the life of Pakistan, and ensure that places of worship are protected. It is unclear how this Commission will interact with the Ministry for National Harmony or the provincial Ministries for Minorities Affairs.

Although Pakistan has signed and ratified the International Convention on Civil and Political Rights, it has placed a reservation which could potentially be misused to undermine Article 18's religious freedom protections. Its reservation declares that the provisions "shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan and the Shari'ah laws."

### *Sectarian or Religiously-motivated Violence and Discrimination*

During the reporting period, Pakistan continued to experience acts of violence against members of the majority faith whose views contradicted those of extremists and members of minority faith communities. Armed extremists, some with ties to violent extremist groups or the Pakistani Taliban, continued their attacks, including bombings, against Bareilvi Sufis, Shi'a Muslims, Ahmadis, and Christians. Sectarian or religiously-motivated violence reached beyond Pakistan's

tribal northwest, targeting groups in major urban centers and foreign countries. The following examples of sectarian or religiously-motivated violence are illustrative of the numerous and often fatal attacks against innocent Pakistanis by extremists who use religion to justify their crimes.

*Assassinations of Blasphemy Law Opponents*

Two prominent Pakistani officials – Punjab Governor Salman Taseer and Federal Minister for Minorities Affairs Shahbaz Bhatti – were assassinated in early 2011, during the previous reporting period, because of their opposition to Pakistan’s flawed blasphemy law. On January 2, Salman Taseer was assassinated by one of his police bodyguards, Mumtaz Qadri, who later confessed that he had killed the governor because of his views on blasphemy. Sentenced to death by an anti-terrorism court on October 1, his case is on appeal and he is being represented by a former chief justice of the Lahore High Court, Khawaja Muhammad Sharif. The Barelvi Sufi group Sunni Ittehad Council and other organizations protested the sentence. The judge and his family have fled to Saudi Arabia due to death threats. Taseer’s son also was abducted in August by militants and remains missing.

On March 2, 2011, Shahbaz Bhatti, a longtime Christian activist for religious freedom and the first-ever Christian in Pakistan’s federal cabinet, was assassinated outside his mother’s home in Islamabad by members of Tehrik-i-Taliban, commonly known as the Pakistani Taliban. Bhatti had received multiple death threats because of his advocacy against the blasphemy law, including one from Tehrik-i-Taliban threatening to kill him if he was reappointed to the cabinet. The investigation into his murder has made little progress, with initial efforts focusing on the Christian community and Bhatti’s family. The government announced the issuance of arrest warrants in December for three Pakistanis residing in the Persian Gulf region. All of those arrested for suspected involvement have been released.

*Attacks near and across the Afghan Border*

Many acts of violence were perpetrated in response to Pakistani military operations against Taliban elements in the tribal areas of Pakistan near the Afghan border. Since 2009, military offensives there have met with some success, although military forces and Pakistani civilians have suffered significant casualties. Many internally displaced persons, particularly members of religious minority communities including Sikhs, fear to return to these contested areas, and extremists have assassinated religious figures who have worked with the government. Schools and mosques repeatedly were attacked by extremists throughout the year. In August during Ramadan celebrations, at least 25 people were killed and more than 100 injured after a bomb leveled a mosque in Pakistan’s Khyber Agency.

An individual who attempted, but survived, a suicide attack reported in April 2011 that 350 individuals were receiving suicide bombing training in Waziristan, on the Afghan border. Religiously-motivated extremists have used Pakistan as a base from which to commit terrorism in other countries, notably the September 2011 attack on the U.S. Embassy and the December 2011 attack on a Shi’a shrine, both in Kabul. These operations are believed to be the work of the Haqqani network and Lashkar-e-Jhangvi, respectively, groups active in Pakistan and widely thought to have links to Pakistan’s intelligence agency.

Attacks against Barelvis

Attacks targeted Barelvi Sufi shrines during the reporting period. Sunni extremists condemn Barelvis, who come from a Sufi tradition, for certain beliefs and practices, including the use of music for religious purposes and the veneration of living and dead religious figures. Barelvi leaders publicly have condemned the Pakistani Taliban and supported the government's military campaign against anti-government elements, but some leaders also publicly support the murderer of Salman Taseer. On April 3, two suicide bombers attacked the Sakhi Sarwar Shrine dedicated to a 13th-century Sufi saint, Ahmed Sultan, located in southern Punjab. Over 40 were killed.

Attacks against Shi'a Muslims

Violent extremists targeted Shi'a processions and mosques during the reporting period, particularly in the province of Balochistan. On May 5, 2011, extremists opened fire on a group of Hazara Shi'a in Quetta, Balochistan province, killing at least eight and wounding 10 more. Lashkar-e-Jhangvi (LeJ), a banned sectarian militant group that is anti-Shi'a, claimed responsibility for the attack. LeJ perpetrated a follow-up attack against Shi'a Muslims later in May in Quetta, killing seven more and wounding six. In January 2012, 18 Shi'a were killed during a religious procession by a bomb blast in Punjab province. Three Shi'a lawyers were murdered near the Karachi city court in January. In February, 31 Shi'a Muslims were killed and dozens injured in Kurram agency when a suicide bomber targeted a local mosque. According to Pakistani press sources, security forces shot and killed two Shi'a Muslims who were protesting the bombing.

Attacks on Shi'a pilgrims occurred throughout the year, many perpetrated by LeJ. In June, an attacker fired repeatedly into a bus carrying Shi'a Muslims in southwestern Pakistan, killing three people and wounding nine. In July in Quetta, two separate attacks killed 18 Shi'a Muslims and injured dozens. In September, seven Shi'a Muslims were killed in Kurram agency when unidentified gunmen opened fire on a minibus. That same month near Quetta, a bus of Shi'a pilgrims travelling to Iran was attacked. The passengers were ordered to disembark, were lined up and shot, and 26 were killed. A follow-up attack that same day on relatives trying to collect the bodies claimed three more lives. LeJ claimed responsibility. In October, another bus of Shi'a pilgrims was attacked, with victims lined up and shot, killing 13. That same month, police arrested 70 individuals suspected of involvement in the sectarian violence.

In July, Pakistan's Supreme Court released LeJ leader Malik Ishaq from prison after 14 years, deciding prosecutors failed to present evidence of his involvement in the murders of Shi'a Muslims. Ishaq was allegedly involved in 44 cases involving 70 murders, but courts acquitted him in 34 of the cases and granted bail in 10. Soon after his July release, he was rearrested under public order laws after giving speeches that could incite violence against Shi'a. However, in January a Punjab provincial review board turned down a government request to extend the arrest and ended his detention.

At least 18 people were killed in late February in the Kohistan district of Khyber-Pakhtunkhwa Province when militants affiliated with Jundullah, a banned Sunni extremist group, attacked a

bus of Shi'a. The attackers reportedly pulled all the victims off the bus and checked their identity cards before shooting them. At least seven people were reported to be wounded.

*Attacks and Discrimination against Ahmadis*

In recent years, scores of Ahmadis have been murdered in attacks which appear to be religiously motivated. In July, a well-known Ahmadi lawyer, Malik Mabroor Ahmad, was killed in a religiously-motivated attack in Sindh when he was shot at point blank range by an unidentified gunman. In September, Naseem Ahmad Butt was murdered inside his home in Faisalabad. In October, three Ahmadi businessmen were kidnapped. An Ahmadi mother of three from Punjab province was murdered in December.

In June, the All Pakistan Students Khatam-e-Nabuwat Federation distributed pamphlets in Faisalabad, Punjab province, urging the killing of named Ahmadis and the boycotting of specific Ahmadi businesses. The organization later disavowed the flier and police arrested one individual. In October, 10 students were expelled and one teacher dismissed from a school in Punjab province because they were members of the Ahmadi religious community. Another teacher, Dilawar Hussain, was murdered in October in Punjab province due to his decision to become a member of the Ahmadi faith.

In Punjab province, a local Ahmadi community intended to build a worship facility, but a member of Lashkar-e-Taiba (a militant organization banned for its terrorist activities), filed a complaint with the district police office to halt its construction. The local authorities agreed, forbidding the construction of a place of worship, but agreeing that the community could build a community hall without minarets. Once construction began, a mob was rallied to destroy the building. Police intervened, but eventually local authorities succumbed to pressure and ordered the building destroyed.

*Attacks and Discrimination against Christians*

Incidents of mob attacks against Christians were reported during the past year. In April 2011, a mob ransacked several Christian houses and a school after allegations of blasphemy spread through the community in the Gujranwala district of Punjab. Local police intervened to break up the attack, later arresting several instigators after an investigation. Police also took into "protective custody" two Christian pastors who were accused of desecrating the Qur'an and filed charges of blasphemy against them. In May, extremists carrying guns interrupted a church service outside Lahore, threatening the congregation, breaking the glass altar, and desecrating Bibles. Despite the multiple witnesses, police did not arrest the intruders due to their political connections, and reportedly pressed the church members to accept an apology. In January 2012, a group of men attacked a church in Sindh province in response to children singing carols, hitting the children and vandalizing the church. Local police did not file a case and the Christian community apologized to the assailants.

In May 2011, a small Islamic political party launched a campaign to ban the Bible, arguing that the Supreme Court should declare it blasphemous. In response to public pressure, the political

party reversed its position in June. Christian NGOs also have noted discrimination in university admissions tests, as Muslim students are given extra credit for memorizing the Qur'an.

Punjab province is the locus for the majority of discrimination, violence and blasphemy cases against Christians, as it is home to the largest Christian community. Members of the Pakistan Muslim League-N, which controls the Punjab provincial assembly, tried to prevent Kamran Michael, a Christian cabinet member of the same party, from presenting the provincial budget in May. In January 2011, in response to criticism by Pervez Rafique, a PPP Christian member of the provincial assembly, that the Punjab government should do more to protect minorities and to help Aasia Bibi (sentenced to death in 2010 for blasphemy), a Punjab government minister threatened violence against those who made blasphemous statements. Also in January, a Catholic facility used to provide community assistance in Lahore was bulldozed to the ground on orders of the provincial government, which claimed the church did not have proper title to the property. During the demolition copies of the Bible were destroyed. The Christian community is requesting the return of the property and restitution for the destroyed facilities. Also, several leading Christian human rights activists in Punjab received death threats during the past year.

Marginalization and poverty make the Christian community in Pakistan vulnerable, and sexual assaults against underage Christian girls by Muslim men continue to be reported. Catholic NGOs estimate at least 700 Christian girls are kidnapped and forced to convert to Islam every year. Throughout the reporting period, multiple reports surfaced of Christian women being raped, with law enforcement either hesitant to act or societal actors pressuring victims to recant their allegations. In September 2011, a Christian woman allegedly was gang-raped and police reportedly pressured her to not press charges. In September, the NGO CLASS reported that a court ruled in favor of a Christian girl, sentencing her rapist to jail for 25 years.

During the current reporting period, the prosecutions of the 2009 attacks in Gojra, where eight Christians were killed and two churches and about 75 houses burned following an accusation that Christians had desecrated the Qur'an, effectively ended. Gojra victims reportedly were pressured to drop their cases. For those that did proceed to trial, all of the alleged attackers were acquitted or granted bail.

However, other court cases resulted in convictions and sentences. Two Christian brothers, Pastor Rashid Emmanuel and Sajid Emmanuel, were murdered in July 2010 in front of a courthouse in Faisalabad, Punjab province, as they were defending themselves against blasphemy charges. On April 18, 2011, an anti-terrorism court found the accused guilty and sentenced him to death. Pakistani NGOs report that this is the first such sentence to be issued for a murder related to blasphemy charges. Three individuals convicted of killing a Christian in Punjab province for refusing to convert to Islam were given life sentences in July, which in Pakistan is 25 years. In July 2011, the American Center for Law and Justice reported that three individuals were sentenced to life in prison for the 2010 murder of a Christian businessman.

Attacks and Discrimination against Hindus and Sikhs

Due to their minority status, Pakistan's Hindus and Sikhs are vulnerable to crime, including robbery and kidnapping for ransom. A Hindu attorney was kidnapped in December in Sindh province, as was a Sikh businessman. Hindus also have been targeted in the province of Balochistan, where they are the largest religious minority and where the security situation is problematic due to a long-running ethnic insurgency. In November 2011, three Hindu doctors were gunned down in Sindh province.

There are persistent reports of kidnappings, rapes, and forced conversions to Islam of Hindu women, including minors. Fifteen to 20 Hindu kidnapping cases are reported each month to the Hindu Council in Karachi, and the Human Rights Council of Pakistan has reported that cases of forced conversion are increasing. In February 2012, a Hindu girl reportedly was kidnapped and forced to convert to Islam in the Ghotki district of Sindh province. NGOs report that President Zardari directed the Sindh government to conduct an inquiry. In September 2011, two dozen armed men attacked a group of Hindus in Sindh province after allegations of sexual assault of a minor girl by a Hindu. Two people were killed and Hindu properties were destroyed. Police responded to the assault, killing two attackers.

In July, police prevented a Sikh congregation from accessing the Gurdwara Shaheed Bhai Taru Singh in Lahore. Due to a Muslim commemoration scheduled two days later, the Sikhs coming to venerate an eighteenth-century saint were asked to change the date of their celebration.

On a positive note, the 160-year-old Goraknath Hindu temple in Peshawar was reopened on the order of the Peshawar High Court, allowing Hindus in northwest Pakistan to worship there for the first time in 60 years. In addition, the National Database and Registration Authority (NADRA) reportedly was directed by the federal government to register Sikh marriages.

*Blasphemy Law*

Widespread Abuse

Severe penalties for blasphemy and other activities deemed insulting to Islam were added to the penal code during the regime of General Zia-ul-Haq. Article 295, Section B, makes defiling the Qur'an punishable by life imprisonment. Under Section C of the same article, remarks found to be "derogatory" against the Prophet Mohammed carry the death penalty. Blasphemy allegations, which are often false, have resulted in the lengthy detention of, and occasional violence against, Christians, Ahmadis, Hindus, other religious minorities, and members of the Muslim majority community. Reportedly, more cases are brought under these provisions against Muslims than any other faith group, although the law has a greater impact per capita on minority religious faiths. While no one has been executed under the blasphemy law, the law has created a climate of vigilantism that has resulted in societal actors killing accused individuals.

Despite the law's national application, two-thirds of all blasphemy cases reportedly are filed in Punjab province. Because the law requires neither proof of intent nor evidence to be presented after allegations are made, and includes no penalties for false allegations, blasphemy charges are

commonly used to intimidate members of religious minorities or others with whom the accusers disagree or have business or other conflicts. The provisions also provide no clear guidance on what constitutes a violation, empowering the accuser and local officials to rely on their personal interpretations of Islam. Militants often pack courtrooms and publicly threaten violence if there is an acquittal. Lawyers who have refused to prosecute cases of alleged blasphemy or who defend those accused, as well as judges who issue acquittals, have been harassed, threatened, and even subjected to violence. The lack of procedural safeguards empowers accusers to use the laws to abuse religious freedom, carry out vendettas, or gain an advantage over others in land or business disputes or in other matters completely unrelated to blasphemy.

The highest-profile blasphemy case in recent years involved Aasia Bibi, a Christian farm worker and mother of five, who was sentenced to death under Article 295C in November 2010. President Zardari stated he would pardon Ms. Bibi, should her appeal not move forward quickly. However, the Lahore High Court ruled in December 2010 that President Zardari did not have the power to pardon an individual whose case was on appeal. In response, President Zardari directed that Ms. Bibi be kept separate from the general prison population during the appeals process, which will take years. NGOs report that Ms. Bibi's health has been affected from being kept separate from the prison population. Ms. Bibi was assaulted by a prison guard in October. In response, the guard was suspended.

Aasia Bibi was not the only person sentenced to death for blasphemy. In June 2011, Abdul Sattar was sentenced to death in Punjab province for allegedly texting blasphemous messages. To date, there are at least 14 individuals who have death sentences pending or who are in the process of appeal. Lengthy prison sentences also were imposed for blasphemy or other conduct deemed offensive to Islam during the reporting period. Two Muslims and a Christian were sentenced to life in prison for defiling the Qur'an during the reporting period, joining at least 16 other individuals who are serving life sentences. In addition, more than 40 individuals are currently in jail for violating the blasphemy law; a detailed list of these individuals is included in the appendix to this Annual Report.

Although, as mentioned, no one yet has been executed by the state under the blasphemy law, individuals accused of blasphemy have been killed, including while in police custody. For example, in September 2011, Aslam Masih died of preventable diseases while in police custody and in March, Qamar David, a Christian, was found dead in a Karachi jail. In addition, the law was used extra-territorially in February 2012. Four Danish nationals not residing in Pakistan were charged in a district court of the Jhang District in Punjab province for publishing "blasphemous material" in Denmark that was accessible in Pakistan via the Internet.

Accusations of blasphemy in a community also can create inter-religious tension. In September, a young Christian girl was expelled from her school near Abbottabad for a spelling error that was deemed blasphemous. The girl and her mother fled to a different city. The Pakistan Telecommunication Authority issued regulations to limit text messages that used language considered obscene or blasphemous. The regulations have yet to be enforced.

In February 2012, Saira Khokar, a Christian from Lahore, was accused of desecrating a Qur'an. After a mob gathered around her Christian school, police took her into protective custody to

evaluate whether charges should be brought. The mob gathered outside the police station and demanded she be turned over. Christian activists contacted Paul Bhatti, the Advisor to the Prime Minister on Interfaith Harmony, who then contacted Prime Minister Gilani and urged him to take action for Khokar's safety. Prime Minister Gilani reportedly contacted the Chief Minister of Punjab province, Shahbaz Sharif, and asked him to ensure her safety. At the end of the reporting period, Saira Khokar was safe and no charges had been brought.

Before the murders of Governor Taseer and Minister Bhatti, discussions were underway to reform the blasphemy law. Sherry Rehman, PPP parliamentarian and now ambassador to the United States, introduced amendments, and Awami National Party (ANP) parliamentarian Bushra Gohar had introduced a bill for the law's repeal. After the murders, Prime Minister Gilani and other PPP officials stated that reform was no longer being considered, and the two bills were not acted upon. Since the killings, the Prime Minister has repeatedly stated that the government will not permit the blasphemy law to be abused, but that it has no plans to amend it.

### *The Ahmadi Minority and Anti-Ahmadi Legislation*

Among Pakistan's religious minorities, Ahmadis are subject to the most severe legal restrictions and officially-sanctioned discrimination. As described above, egregious acts of violence have been perpetrated against Ahmadis and anti-Ahmadi laws have helped create a permissive climate for vigilante violence against the members of this community. Ahmadis, who may number between three and four million in Pakistan, are prevented by law from engaging in the full practice of their faith and may face criminal charges for a range of religious practices, including the use of religious terminology. In 1974, the government of Zulfikar Ali Bhutto amended Pakistan's constitution to declare members of the Ahmadi religious community to be "non-Muslims," despite their insistence to the contrary.

Basic acts of worship and interaction also have been made criminal offenses. In 1984, during General Zia-ul-Haq's dictatorship, sections B and C of Article 298 were added to the penal code, criminalizing Ahmadis "posing" as Muslims, calling their places of worship "mosques," worshipping in non-Ahmadi mosques or public prayer rooms, performing the Muslim call to prayer, using the traditional Islamic greeting in public, publicly quoting from the Qur'an, or displaying the basic affirmation of the Muslim faith. It is also a crime for Ahmadis to preach in public, seek converts, or produce, publish, or disseminate their religious materials. Ahmadis are restricted in building new houses of worship, holding public conferences or other gatherings, and traveling to Saudi Arabia for religious purposes, including the *Hajj*.

Obtaining a Pakistani national identity card or passport requires the applicant to sign a religious affirmation denouncing the founder of the Ahmadi faith as a false prophet. Moreover, because Ahmadis are required to register to vote as non-Muslims and national identity cards identify Ahmadis as non-Muslims, those who refuse to disavow their claim to being Muslims are effectively disenfranchised from participating in elections at any level. Since Ahmadis were declared non-Muslim in 1974, no Pakistani government has attempted to reform the anti-Ahmadi laws and regulations, with the sole exception of an abortive attempt in late 2004 to remove the religious identification column in Pakistani passports, which would have enabled Ahmadis to participate in the *hajj*. This initiative was reversed in 2005 when the government restored the

column, reportedly in response to pressure from Islamist political parties. In recent years, individuals have refused to sign the religious affirmation clause for a passport and still received the document.

Reports also have arisen that the Punjabi government is changing its identification cards to include an entry labeled “Qadiani,” which is a pejorative term for Ahmadis. As discussed below, applicants for Pakistani national identity cards or passports already are required to denounce the founder of the Ahmadi faith as a false prophet. Under this new scheme, the Punjabi government will also require that Ahmadis affirmatively identify themselves as such, thereby placing them at risk of persecution.

### *Hudood Ordinances*

Under the Hudood Ordinances, which criminalize extramarital sex, rape victims risk being charged with adultery, for which death by stoning remains a possible sentence. In 2003, the National Commission on the Status of Women in Pakistan reported that as many as 88 percent of the women in prison, many of them reported rape victims, were serving time for allegedly violating these decrees. The Hudood laws apply to Muslims and non-Muslims alike. The UN Committee against Torture and the UN Special Rapporteur on Torture have stated that the punishments of stoning and amputation breach international obligations to prevent torture or cruel, inhuman, and degrading treatment or punishment. Although these extreme corporal punishments generally have not been carried out in practice in Pakistan, lesser punishments such as jail terms or fines have been imposed.

In 2006, the Protection of Women Act removed the crime of rape from the sphere of the Hudood Ordinances and put it under the penal code, thereby eliminating the requirement that a rape victim produce four male witnesses to prove the crime. Under the law, convictions for rape must be based on forensic and circumstantial evidence. The Act also prohibited a case of rape from being converted into a case of fornication or adultery, which had been possible under the Hudood laws. Marital rape once again was made a criminal offense, as it had been prior to the implementation of the Hudood laws in 1979. However, an offense of fornication was included in the penal code, punishable by imprisonment for up to five years. In December 2010, the Federal Shariat Court ruled that key sections of the 2006 law were unconstitutional and un-Islamic, which threatened to undermine these reforms entirely. The federal government is appealing and has taken no action to implement the ruling.

### *Religious Freedom Concerns in Pakistani Education*

A significant minority of Pakistan’s thousands of religious schools, or *madrassas*, reportedly continue to provide ongoing ideological training and motivation to those who take part in religiously-motivated violence in Pakistan and abroad. In mid-2005, the Pakistani central government required all *madrassas* to register with the government and expel all foreign students. While most registered, the registration process reportedly has had little if any effect on the curricula, which in many of these schools includes materials that promote intolerance and exhortations to violence. The government also still lacks full knowledge of the *madrassas*’ sources of funding. A memorandum of understanding was signed in October 2010 between the

Ministry of Interior, which oversees the *madrassa* system, and the five main *madrassa* boards in another attempt to better reform their curriculum and regulate their financing.

Religious freedom concerns also are evident in Pakistan's public schools. Pakistani primary and secondary schools continue to use textbooks that foster prejudice and intolerance of religious minorities, especially Hindus and Christians. Hindu beliefs and practices are contrasted negatively with those of Islam. Bangladesh's struggle for independence from Pakistan is blamed in part on the influence of Hindus in the education sector of the former East Pakistan. Such references are not restricted to Islamic studies textbooks but take place in both early elementary and more advanced social studies texts used by all public school students, including non-Muslims. Moreover, the textbooks contain stories, biographies, and poems regarding exclusively Muslim characters.

In 2011, USCIRF commissioned a study that analyzed more than 100 social studies, Islamic studies, and Urdu textbooks used in grades 1 through 10 by schools in Pakistan's four provinces: Balochistan, Sindh, Punjab, and KPK (formerly the North West Frontier Province). The study also examined pedagogical methods and asked teachers and students their views on Pakistan's religious minority communities. Researchers in Pakistan interviewed students and teachers from schools in the four provinces, visiting 37 middle schools and high schools, 19 *madrassas*, and speaking with over 500 students and teachers.

The study found that Pakistan's public schools and privately-run religious *madrassas* devalue religious minority groups, fostering a climate conducive to acts of discrimination and even violence against these groups. For instance, in public schools, all children, regardless of their faith, had to use textbooks that often had a strong Islamic orientation and frequently omitted mention of religious minorities or made derogatory references to them. Hindus were depicted in especially negative ways, and descriptions of Christians often were erroneous and offensive. Also, both public school and *madrassa* teachers lacked an understanding of religious minorities and a large portion of their pupils could not identify these minorities as citizens of Pakistan. The Executive Summary of the study and recommendations can be found in the appendix to this annual report.

## **U.S. Policy**

Pakistan is central to the United States' global campaign against al-Qaeda and to the support of U.S. and multinational forces fighting in Afghanistan. The Obama administration is actively engaged with Pakistan, viewing Afghanistan and Pakistan as a single theater in the ongoing conflict with al-Qaeda and the Taliban. The administration's quarterly review of its Pakistan and Afghanistan policy of disrupting, dismantling, and defeating al-Qaeda most recently was released in September 2011. While it reported progress toward defeating al-Qaeda, there was little sustainable progress on the other objectives, none of which referred to human rights. Furthermore, the State Department's most recent annual report on terrorism around the world reported that Pakistani courts acquit 75 % of all terrorism suspects. It noted that the Pakistani justice system is "almost incapable of prosecuting suspected terrorists."

U.S.-Pakistan relations often have been marked by strain, disappointment, and mistrust. Regardless of the large-scale U.S. relief efforts after recent earthquakes and floods, many Pakistanis view the United States as untrustworthy because of its perceived lack of support in Pakistan's conflicts with India, cancellation of assistance over Pakistan's acquisition of nuclear weapons, and sharp drop-off in engagement after the Soviet withdrawal from Afghanistan in 1989. Many in Pakistani civil society also view the United States as too focused on the security component of the relationship. They note that the United States has provided massive assistance to Pakistan's powerful military establishment, excused past military rule and downplayed attendant human rights abuses, and failed to support elements of Pakistani society that espouse respect for human rights. Anti-Americanism is widespread among the Pakistani public, and this negative popular sentiment has strained bilateral relations and limited government-to-government cooperation. In the past year, the U.S.-Pakistan bilateral relationship was further strained by a series of events, including the arrest of CIA contractor Raymond Davis, the Navy SEAL raid that killed Osama Bin Laden near Pakistan's equivalent to West Point, deeply unpopular drone attacks by American UAVs launched from Pakistani military bases, and a November incident near the Pakistan-Afghanistan border in which U.S. and NATO forces fired on Pakistani soldiers, killing two dozen Pakistanis.

Human rights and religious freedom have not been visible priorities in the bilateral relationship. According to the joint statement issued after the first strategic dialogue in March 2010, the "core foundations of [U.S.-Pakistani] partnership are shared democratic values, mutual trust and mutual respect." Human rights was absent from the list of bilateral concerns incorporated into the dialogue, which included "economy and trade; energy; security; strategic stability and non-proliferation; law enforcement and counter-terrorism; science and technology, education; agriculture; water; health; and communications and public diplomacy." However, Embassy Islamabad has been active in tracking cases and privately raising concerns with Pakistani officials.

The aid relationship with Pakistan is complex and changing. Non-military U.S. aid dramatically increased in recent years, while military aid has risen and fallen over the decades of engagement. In October 2009, President Obama signed the Enhanced Partnership with Pakistan Act (also known as the Kerry-Lugar Bill) authorizing an additional \$7.5 billion (\$1.5 billion annually over five years) in mostly non-military assistance to Pakistan. Particularly controversial in Pakistan, however, were provisions intended to lend U.S. support to effective civilian control of Pakistan's powerful military. Many Pakistanis viewed these provisions, which include a reporting requirement to the U.S. Congress to describe the elected government's oversight of the military, as well as the process for determining Pakistan's defense budget and even the promotion process for senior military officers, as intrusive to Pakistan's sovereignty. Since 2009, \$2.2 billion in civilian assistance has been disbursed, of which \$500 million was for emergency humanitarian relief. That same year Congress also established the Pakistan Counterinsurgency Fund (PCF) within the Defense Department appropriations and the Pakistan Counterinsurgency Capability Fund (PCCF) within the State-Foreign Operations Appropriations. The Congressional Research Service reported that Pakistan is the second highest recipient in aid after Afghanistan, as Congress provided \$4.5 billion in fiscal year 2010 in military and economic assistance, the majority coming from the coalition support fund. In addition, a provision was added to the FY 2012 defense spending bill providing \$1 million for the Department of Defense to conduct an

outside review of U.S. strategy in Afghanistan and Pakistan. The Afghanistan/Pakistan Study Group would be comprised of experts from outside of government, but the Secretary of Defense has yet to establish the group.

After the May killing of Osama Bin Laden, Members of Congress seriously questioned the partnership and levels of funding, while also understanding the need to balance Pakistan's strategic importance. Several laws condition aid or have certification requirements and new bills were introduced to encourage greater accountability. For instance, both the Economic Support Funds and the Pakistan Counterinsurgency Fund place conditions on U.S. assistance. Other laws, before U.S. aid can be disbursed, require the Executive branch to certify that Pakistan meets specific criteria, such as on human rights or in combating terrorism.

## **Recommendations**

Promoting respect for freedom of religion or belief must be an integral part of U.S. policy in Pakistan, and designating Pakistan as a CPC would enable the United States more effectively to press Islamabad to undertake needed reforms. USCIRF has concluded that the conflict with violent religious extremists now taking place in Pakistan and in neighboring Afghanistan requires the United States actively to bolster the position of elements in both societies that respect democratic values, the rule of law, and international standards of human rights, including freedom of religion or belief.

To this end, USCIRF recommends a number of measures to advance religious freedom through specific U.S. programs and policies, end violations of religious freedom, and improve education in Pakistan.

### **I. Advancing Religious Freedom through U.S. Programs and Policies**

In addition to designating Pakistan as a CPC, the U.S. government should:

- articulate clearly that upholding religious freedom and related human rights is an essential element of the U.S. policy toward Pakistan, and include discussions on religious freedom and religious tolerance in U.S.-Pakistan dialogues and summits;
- instruct the Secretary of Defense and the commander of U.S. Central Command to raise with Pakistan's military leadership the importance of combating violent extremism through rule of law, law enforcement, and policing, and stress the need to reform Pakistan's blasphemy law;
- ensure that allocations in the Pakistan assistance package for fiscal years 2010-2014 from the funds provided through the Enhanced Partnership with Pakistan Act of 2009 strengthen the promotion and protection of religious freedom and tolerance by supporting Pakistani government and civil-society institutions that work to uphold and guarantee these rights;
- ensure that U.S. assistance for government capacity development going to the Pakistani executive, legislative, and judicial branches addresses religious freedom and related human

rights by, for example, assisting the programs developed by the Federal Ministry of National Harmony that promote pluralism and religious tolerance;

- ensure that U.S. assistance focuses on improving security and legal institutions through police training, addresses religious freedom and related human rights, and promotes the rights and full participation of women and girls in Pakistan's social and political life;
- fund teacher-training programs that promote positive concepts of tolerance and respect for the rights of others and exclude material promoting intolerance, hatred, or violence against any group of persons based on religious or other differences;
- engage the political leadership of Punjab province about reducing the large number of blasphemy cases in that province and preventing violence against religious minorities; and
- expand the Fulbright Program, the International Visitor Program, Hubert Humphrey Fellowship Program, and other exchanges for professionals, journalists, students, women, and religious and civil society leaders from all of Pakistan's diverse religious and ethnic communities, in order to promote a vibrant civil society in Pakistan.

## **II. Ending Violations of Religious Freedom in Pakistan**

The U.S. government should urge the government of Pakistan to:

- repeal the blasphemy law, immediately release those detained on blasphemy charges, and unconditionally pardon all individuals convicted of blasphemy;
- ensure that those accused of blasphemy, their defenders and individuals willing to testify against such charges, and trial judges are given adequate protection, including by investigating and prosecuting death threats and other statements inciting violence issued by political leaders, religious officials, or other members of society;
- increase efforts to find, arrest and prosecute all those involved in the murder of Shahbaz Bhatti, as well as prioritize the prevention of religiously-motivated and sectarian violence and the punishment of its perpetrators;
- amend the constitution and rescind criminal laws targeting Ahmadis, which effectively criminalize the public practice of their faith and violate their right to freedom of religion;
- ensure that the Ministry for National Harmony is adequately funded and staffed and that minority affairs ministries are established in all four provinces;
- make permanent the National Interfaith Council established by Shahbaz Bhatti and create an interfaith directorate under the President's office that can serve as a secretariat for ongoing activities;

- enforce government-mandated employment quotas for minorities and work to see that religious minorities are proactively recruited into government jobs, consistent with current policies, and that the representation of non-Muslims in the parliament is increased;
- ensure security measures are in place along processional and pilgrimage routes during specific holidays to protect against sectarian attacks;
- address incitement to imminent violence against disfavored Muslims and non-Muslims by prosecuting government-funded clerics, government officials, or individuals who incite violence against Muslim minority communities or individual members of non-Muslim religious minority communities, and disciplining or dismissing government-funded clerics who espouse intolerance.

### **III. Improving Education**

The U.S. government should urge the government of Pakistan, and provincial authorities, as appropriate, to:

- set national textbook and curricula standards that actively promote tolerance toward all persons, establish appropriate review and enforcement mechanisms to guarantee that such standards are being met in public schools, and take concrete steps to fully implement the 2006 curricular reforms;
- introduce into the curriculum for all students the “Ethics for Non-Muslims” course in order to promote interfaith understanding;
- sign into law and implement the *madrassa* reform agreement made with the National *Madrassa* Oversight Board; until that can be accomplished, ensure that a temporary *madrassa* oversight board is empowered to develop, implement, and train teachers in human rights standards and provide oversight of *madrassa* curricula and teaching standards; and
- implement guidelines for textbooks used in public schools and replace current public school textbooks with ones that exclude messages of intolerance, hatred, or violence against any group of persons based on religious or other differences.

## People's Republic of China

**FINDINGS:** The Chinese government continues to violate severely its international obligations to protect the freedom of thought, conscience, and religion or belief. Religious groups and individuals considered to threaten national security or social harmony, or whose practices are deemed superstitious, cult-like, or beyond the vague legal definition of “normal religious activities” face severe restrictions, harassment, detention, imprisonment, and other abuses. Religious freedom conditions for Tibetan Buddhists and Uighur Muslims remain particularly acute, as the government broadened its efforts to discredit and imprison religious leaders, control the selection of clergy, ban certain religious gatherings, and control the distribution of religious literature by members of these groups. The government also detained hundreds of unregistered Protestants in the past year and stepped up efforts to shutter “illegal” meeting points and public worship activities. Dozens of unregistered Catholic clergy remain in detention or have disappeared, and relations between the Vatican and Beijing have declined in the past year. Falun Gong adherents continue to be targeted by extralegal security forces and tortured and mistreated in detention. The Chinese government also continues to harass, detain, intimidate, disbar, and forcibly disappear attorneys who defend vulnerable religious groups.

Because of these systematic, ongoing, and egregious violations of religious freedom, USCIRF recommends in 2012 that China again be designated as a “country of particular concern,” or CPC. The State Department has designated China as a CPC since 1999.

Religious communities continue to grow rapidly in China. Hundreds of millions of Chinese manifest their beliefs openly and senior government officials now praise religious communities’ positive role and articulate a desire for approved religious groups to promote “economic and social development.” There has been some discussion of allowing approved religious groups to conduct charitable activities. These are positive developments that were unthinkable two decades ago. Nevertheless, the government continues to expand its control over religious activities of groups it views as political threats. Government authorities continue to praise religious groups who resist “foreign infiltration,” forbid religious affiliation among Communist Party members, and support an extralegal security force to suppress the activities of so-called “evil cult” organizations. The Chinese government also severely restricts online access to religious information and the authority of religious communities to choose their own leadership and parents to teach their children religion. Restrictions on religious activity cause deep resentment in Tibetan and Uighur communities.

**PRIORITY RECOMMENDATIONS:** Promoting religious freedom is a vital U.S. interest that can positively affect the United States’ future security, economic, and political relations with China. The United States should raise religious freedom concerns repeatedly at all levels of the U.S.-China relationship and coordinate potential sources of leverage within the U.S. government and with allies to build a consistent and multi-level human rights diplomacy. Consistent public statements by top U.S. officials, negotiations of human rights agreements at the U.S.-China Strategic Dialogue, and the inclusion of human rights concerns at every level of the relationship are needed to show that religious freedom and related rights are fundamental interests of bilateral relations and not secondary concerns. In addition, the CPC designation should be used specifically to advance religious freedom. As it has done in other cases, the U.S. government should use the CPC designation to impose new sanctions, including travel bans and other financial penalties, targeting officials or state agencies that perpetuate religious freedom abuses and provinces where religious freedom conditions are most egregious. Additional recommendations for U.S. policy toward China can be found at the end of this chapter.

## Religious Freedom Conditions

### *Restrictive Legal Framework and Government Interference*

The Chinese Constitution guarantees the freedom of religion, but protects only “normal” religious activities and does not explicitly protect the right of individuals to manifest their beliefs without state interference. While a growing number of Chinese citizens are allowed to practice their religion legally, the government tightly controls the affairs of all religious groups and actively represses and harasses religious activity that it views as “superstitious,” a “cult,” a threat to national security or social harmony, or falling outside the vague parameters of “normal” religious practices. The majority of religious practice in China falls within these disfavored categories, creating large problems for the government’s religion policies which prioritize only the five government-approved religions – Buddhism, Daoism, Catholicism, Protestantism, and Islam. Chinese government officials, at many levels, have echoed President Hu Jintao’s 2007 speech describing a “positive role” for religious communities in China. However, they view this role in terms of bolstering support for state economic and social goals, not promoting international religious freedom norms. According to Wang Zuo’an, the head of State Administration of Religious Affairs (SARA) in a January 2011 speech, “the starting point and stopping point of work on religion is to unite and mobilize, to the greatest degree, the religious masses’ zeal to build socialism with Chinese characteristics.”

Chinese officials are increasingly adept at employing the language of human rights and the rule of law to defend repression of religious communities, citing purported national security concerns or using Chinese law broadly to restrict rather than advance universal freedoms. While the Chinese government has signed the International Covenant on Civil and Political Rights, it has neither ratified nor fully applied the treaty to its domestic legal framework, particularly in the area of freedom of religion and belief. A 2011 State Council Information Office human rights “white paper,” issued to describe the previous year’s human rights progress, mentioned a range of civil, political, economic, and social rights, but did not mention religious freedom.

Despite restrictions, harassment, arrests, and government oversight, the number of religious adherents continues to grow in China and the government continues to tolerate regular and public worship activities of both legally-approved and some unregistered religious groups. Tolerance for unregistered religious activity often varies, depending on province or locality. Government estimates place the total number of religious believers of all faiths in China at around 100 million, though those figures are probably too conservative, as this number has been used for most of the past decade. Chinese academics, for instance, estimate that there as many as 75 million Protestants in the country alone, and this does not account for Buddhist and Daoist religious communities, which are the largest in China.

Tolerance for religious practice does not extend to members of the Communist Party, which continues to see religious affiliation as a threat to the party’s longevity. In an essay in the party’s journal *Qiushi* (Seeking Truth), Zhu Weiqun, deputy director of the United Front Work Department, warned that allowing religious believers membership will “divid[e] the party ideologically and theoretically” and undermine its fight against religious extremism, particularly if believers gain control over religion policy.

The Chinese government's religion policy is governed by the National Regulations on Religious Affairs (NRRA), first issued in March 2005 and updated in 2007. The NRRA requires all religious groups and venues to affiliate with one of seven government-approved associations and allows government control of every aspect of religious practice and related activities. Within the bounds of the Chinese legal system, the NRRA does expand protections for registered religious groups to carry out some religious activities and charitable work. When registered, religious communities can apply for permission to possess property, provide social services, accept donations from overseas, conduct religious education and training, and host inter-provincial religious meetings. The NRRA permits only "normal religious activity" and contains vague national security provisions that can justify the suppression of unregistered religious activity, the activities of organizations deemed "cults," and the peaceful religious activity of Uighur Muslims and Tibetan Buddhists.

In the past year, SARA has also announced plans to issue new legal guidelines governing the religious activities of foreigners, the granting of degrees in religious training schools, and the management of the foreign relations of religious groups. There have also been numerous public statements about plans to allow some faith-based charitable activities, but no concrete proposals have emerged. While SARA's proposed new guidelines may provide clarity to the often-vague provisions of the NRRA, they also indicate new levels of management and control over all aspects of religious affairs, including the religious life of a growing number of foreigners living in China.

The government continues to use law to restrict religious activity rather than protect religious freedom, particularly with respect to the peaceful religious practice of Tibetan Buddhists and Uighur Muslims. Any unregistered religious activity, particularly by Protestants, Catholics, folk religionists, and Falun Gong, is technically illegal and vulnerable to official abuse. Repression of unregistered religious activity varies by region, province, politics, and ethnicity. In some localities, officials arbitrarily implement national government policy and allow some unregistered groups, sometimes with thousands of members, to carry out worship activities openly. Such practices are, however, exceptions to the larger rule.

There is evidence that the government seeks to "guide" unregistered Christian groups toward affiliation with government-sanctioned groups and to stop the proliferation of unregistered Buddhist, Daoist, or folk religion venues because they promote "superstition." Catholics, Protestants, Buddhists, and members of spiritual movements consistently have refused to join the officially-sanctioned religious organizations because they refuse, among other things, to: provide the names and contact information of their followers; submit leadership decisions to the government or to one of the government-approved religious organizations; or seek advance permission from the government for all major religious activities or theological positions. In addition, they do not trust government oversight given past persecution.

In Tibetan and Uighur regions, the NRRA includes additional restrictions on peaceful religious expression and leadership decisions and is supplemented by extensive provincial regulations. During the reporting period, the Chinese government intensified its campaign of "patriotic education" among monks, nuns, and imams in these regions, in an effort to quell activities viewed as political dissent, and issued new regulations to promote leaders who are considered

“patriotic and devoted.” The government-approved Islamic Association of China also has issued a series of sermons whose goal was to put forward “authentic interpretations of Islam.” (For more information, see the sections on Tibetan Buddhists and Uighur Muslims below.)

The Chinese government, as part of official policy, continues to restrict peaceful religious expression and the expansion of religious ideas or worship on the Internet. It confiscates or punishes the distribution of unapproved Bibles, Muslim books, Falun Gong documents, and interpretations of religious texts. It also blocks access to Internet sites of religious groups or those with “illegal” religious content. Nevertheless, there is evidence that a wide array of religious materials and books is available for purchase without restrictions.

### *Tibetan Buddhists*

The religious freedom conditions in Tibetan Buddhist areas of China remained acute, worse now than at any time over the past decade. Since 2008 protests in Tibetan areas, the Chinese government has intensified efforts to discredit the Dalai Lama, issued new measures to increase government oversight of Tibetan Buddhist monastic affairs, implemented new “education” programs to measure the political loyalty of monks and nuns, and expanded the security presence at monasteries and nunneries. The government’s control of the doctrines, worship sites, and selection of religious leaders of Tibetan Buddhism, and its arrests and detentions of individuals who oppose government policy or support the Dalai Lama, have nurtured deep resentments among Tibetans and led to the self-immolation protests of 18 Tibetan nuns, monks, and former monks as of the end of this reporting period.

In August 2011, nine of the ten Tibetan autonomous regions in China issued new measures to subordinate internal Tibetan Buddhist affairs to central government regulation, particularly over monasteries that had resisted “management by law and supervision by the public.” These measures were coordinated with local initiatives of April 2011 that allowed religious personnel to be removed for perceived disloyalty to government policy, determined quotas for the number of monks and nuns who can live at monasteries, provided for more secular oversight of monastic groups through existing Democratic Management Committees, and required religious personnel to re-register based on conformity with unspecified political, professional, and personal criteria. These measures severely threaten Tibetan Buddhists’ ability to educate and select their own leaders and are a severe violation of the freedoms of religion, speech, and association. There is real concern that government officials will use the new regulations to remove monks, nuns, or *trulkus* (living Buddhas) viewed as devoted to the Dalai Lama or his recognized Panchen Lama, or to those holding positions the government deems problematic or illegal.

During the past year, the Chinese and local governments in Tibetan areas continued their campaigns to undermine the authority of the Dalai Lama with the goal of selecting his eventual successor. Government officials continue to call him a “splittist” who uses religion to “deceive” Tibetans and the world community. During a U.S. visit, Jampa Phuntsog, Chairman of the Standing Committee of the Tibetan Autonomous Region People’s Congress, stated that “Tibet could develop much better without the Dalai Lama and his followers” and challenged the Dalai Lama’s stated intent to select his own successor. The NRRRA allows extensive interference with

the selection of reincarnated lamas, including requiring government approval, in violation of an essential element of Tibetan Buddhist religious practice and education.

Suppression of peaceful Tibetan Buddhist religious activity played a primary role in stoking demonstrations in 2008 in the Tibetan Autonomous Region (TAR), as well as Tibetan areas elsewhere in China. Hundreds of monks and nuns were arrested and detained in the aftermath of the demonstrations. Protests against government interference in Tibetan religious life and the imprisonment of religious leaders continued in 2011, mostly in Tibetan areas of Sichuan province. At least 240 Tibetan Buddhist monks, nuns, and trulkus are currently imprisoned in China, according to the database of the Congressional-Executive Commission on China (CECC). Despite requests, the Chinese government has not provided full details or a credible accounting of those detained, missing, or “disappeared,” trials have not been open, and those accused are not given adequate legal representation.

The Chinese government continues to deny repeated international requests for access to the “disappeared” 19-year-old Gendun Choekyi Nyima, whom the Dalai Lama designated as the 11th Panchen Lama when he was six years old. Government officials claim that he is alive and being “held for his own safety.” The Chinese government insists that another boy, Gyaltsen Norbu, is the “true” Panchen Lama, one of the most revered positions in Tibetan Buddhism and a religious figure who will play an important role in selecting the next Dalai Lama.

In the past year, local government officials have escalated campaigns to require monks and nuns to sign statements denouncing the Dalai Lama and expanded an already-heavy security presence at monasteries and nunneries, particularly in Tibetan areas of Sichuan. According to the CECC, these areas have the highest number of Tibetan religious and political prisoners. A heavy security presence at monasteries and nunneries in these areas has caused further resentment and restrictions on the religious life and movement of Tibetan Buddhist monastics.

During the past reporting period, at least 16 monks, nuns, former monks, and three laypeople attempted self-immolation protests against government interference in Tibetan Buddhist affairs. At least twelve have died. The others were hospitalized and are being held in unknown locations. As they burned, the protesters reportedly called for Tibetan freedom and the Dalai Lama’s return to Tibet. According to the International Campaign for Tibet, the majority of the self-immolations involved current and former monks of the Kirti Monastery, located in Aba (Ngaba) county, Aba Tibetan and Qiang Autonomous Prefecture. The protests have spread beyond Kirti to monasteries and nunneries in Ganzi (Kardze), Tibetan Autonomous Prefecture, Chamdo prefecture in the TAR, and Golog Tibetan Autonomous Prefecture in Qinghai province.

In November 2011, the Dalai Lama stated that the self-immolations are “desperate acts by people seeking justice and freedom.” Chinese authorities have not acknowledged that their policies of repression have contributed to the self-immolations. In a November, 2011 *Xinhua* story, local Chinese officials called the self-immolations “terrorist acts in disguise” that “took place with the Dalai clique’s orchestration, instigation and support.”

Despite the efforts of the U.S. and other governments, no formal dialogue took place between the Dalai Lama’s representatives and Chinese government and Communist Party officials during the past year. Moreover, the environment for productive exchanges deteriorated markedly, given the

new measures restricting religious freedom and the government's public denunciation campaigns against the Dalai Lama.

### *Uighur Muslims*

In the Xinjiang Uighur Autonomous Region (XUAR) and other areas of Xinjiang province, religious freedom conditions continue to deteriorate. Long-standing Uighur grievances are exacerbated by Chinese government efforts to stamp out "the three evil forces" of terrorism, separatism, and religious extremism. The government's connection of independent religious activity and terrorism has led to serious religious freedom abuses in recent years. China's active repression of Uighur religion and culture may be counterproductive, leading to the very type of extremism Beijing's policies are trying to forestall. In the past year, the government intensified campaigns to curtail "religious extremism," "illegal religious gatherings," and "weaken religious consciousness." Regional regulations and local directives restricting religious practice in Uighur areas are harsher than those found in other parts of China.

Following demonstrations and riots in July 2009, the XUAR government instituted sweeping security measures and campaigns to promote "ethnic unity," curb free speech, and halt independent religious activity or public protest. Both Muslims and some Protestants in the XUAR have experienced increased harassment, arrests, and efforts to weaken religious adherence and cultural identity. XUAR authorities continue to view "illegal religious activities" and "religious extremism" as a threat to provincial stability. The exact meaning of these terms is vague and undefined, though authorities reported targeting 23 kinds of "illegal religious activity," including student prayer, holding unauthorized religious classes, "distortion" of religious doctrine, conducting certain marriage and divorce practices, and advocating "Pan-Islamism" and "Pan-Turkism." Restrictions on such peaceful expressions of speech, association, and religion do not comport with obligations under international human rights treaties to which China is a party.

According to Radio Free Asia, XUAR Communist Party Secretary Zhang Chunxian kicked off an August 2011 "strike-hard" anti-terrorism campaign by pledging to curtail illegal religious activities. In April 2011, two Muslim men, Qahar Mensur and Muhemmed Tursun, were sentenced to three years' imprisonment for allegedly distributing "illegal religious publications," though local residents claim that the men were arrested because they refused to bring government documents into the mosque where Qahar Mensur was employed.

In June 2011 in the city of Hotan, according to RFA, security personnel closed seven schools and detained 39 people in nighttime raids. Also in June, seven Uighurs and one Chinese police officer died during an attempt by a group of Uighurs to cross the border into Pakistan. Although Chinese media claimed the group was going to Pakistan to engage in "holy war," surviving members of the party told RFA they were fleeing to Pakistan to worship without restrictions, as they had previously been arrested for conducting religious studies in their homes.

In January 2012, XUAR officials announced new measures to increase security and "discourage religious extremism." According to the Chinese official media source *Xinhua*, authorities will stage public lectures throughout Xinjiang to "discourage illegal religious activities ... and advocate

proper dress codes, patriotism, and efforts to promote peace and discourage violence.” In addition, 8,000 new police officers will be deployed, with at least one police officer in every village, to manage the migrant population and “crack down on illegal religious activities,” according to the spokesman of the XUAR Committee of Political and Legislative Affairs of the Communist Party of China.

Such efforts are part of the larger XUAR government policy to “weaken religious consciousness,” particularly among women, minors, and government employees. Regulations prohibit “luring” or “forcing” minors to participate in religious activities, and there continue to be reports that minors are barred from entering mosques. In March 2010, officials in Ili Kazakh Autonomous Prefecture issued regulations to forbid students from believing in religion, participating in religious activities, fasting, or wearing religious clothing, among other things. Guidelines were put in place to provide oversight of Uighur women religious leaders (*buwi*) and to dissuade women from wearing veils. In response to these government efforts, 600 protestors marched in Hotan against a proposed ban on headscarves and other restrictions on religious freedom. XUAR authorities maintained their campaign to halt “illegal” religious schools and the home study of the Qur’an.

Increasingly, XUAR authorities are also creating systems of “religious information gatherers” to provide information on Friday sermons and Muslims’ religious activity. According to information compiled by the CECC, such a system was authorized last year in Chapchal Xibe Autonomous County, Ili Kazakh Autonomous Prefecture, and in parts of the city of Urumqi, where authorities called on religious personnel to halt the emergence of “illegal religious sects” that they deem “contrary” to the Qur’an. In Usu city, Tacheng district, “information corps” in some residential areas were required to report the presence of outsiders wearing long beards or veiling their faces or “residents holding extremist religious thoughts.” According to the Uyghur-American Association (UAA), villages in Hoten implemented a system of “voluntary pledges” to regulate religious and political behavior of villagers, placing special emphasis on promises to curb “illegal religious activity.”

In Uighur areas, imams are required to undergo annual political training seminars to retain their licenses, and local security forces monitor imams and other religious leaders. Imams at Uighur mosques are reportedly required to meet monthly with officials from the Religious Affairs Bureau and the Public Security Bureau to receive “advice” on the content of their sermons. Failure to attend such meetings can result in the imam’s expulsion or detention.

The XUAR government limits access to mosques and spiritual pilgrimages, including by women, children, communist party members, and government employees. Uighur Muslim clerics and students have been detained for various “illegal” religious activities, “illegal” religious centers and religious schools have been closed, and police confiscate religious publications. Throughout Xinjiang, teachers, professors, university students, and other government employees are prohibited from engaging in public religious activities, such as reciting daily prayers, distributing religious materials, observing Ramadan, and wearing head coverings; they are reportedly subject to fines if they attempt to do so. A township in Aqsu district included veiling and wearing long beards or “bizarre clothes” among targets of a campaign against “illegal” religious activities.

These standards are enforced more strictly in southern Xinjiang and other areas where Uighurs account for a higher percentage of the population.

The State Department estimates that over 1,000 people were arrested in the XUAR on charges related to state security over the past two years, including on charges of “religious extremism.” Numerous Uighur Muslims have been arrested for peacefully organizing and demonstrating for their religious freedom, including Abdukadir Mahsum, who is serving a 15-year prison sentence. Due to the lack of judicial transparency and the government’s equation of peaceful religious activity with religious extremism and promotion of terrorism, it is difficult to determine how many prisoners are being held for peaceful religious activity or for peacefully protesting restrictions on the freedom of thought, conscience, and religion.

Three members of the family of Rebiya Kadeer, one of the most prominent Uighur human rights and religious freedom advocates, are still in prison. Kadeer’s three sons, Kahar, Alim, and Ablikim, were arrested in June 2006 to prevent them from meeting with a visiting U.S. congressional delegation. Both Alim and Ablikim remain in prison, where they are reported to have been tortured and abused. Ablikim is reported to be in poor physical health without adequate medical care.

### *Catholics*

The Chinese government continues to interfere in the religious activities of Chinese Catholics and to harass clergy in the officially-sanctioned Catholic Patriotic Association (CPA) who have been secretly recognized by the Vatican, as well as clergy and members of the Catholic community who refuse to affiliate with the CPA. Governmental efforts to suppress the activities of “underground” Catholic congregations and to coerce Catholic clergy to join the CPA are particularly intense in the two provinces with the largest Catholic communities, Hebei and Shaanxi. Government efforts to exert control over the Catholic Church’s affairs expanded in the past year, as Beijing ordained a Bishop without Vatican approval and arranged for the election of unapproved Bishops to main leadership positions in the CPA and the Bishops’ Conference of the Catholic Church in China. These organizations are not recognized by the Holy See.

Beijing continues to prohibit Catholic clergy from communicating with the Vatican, resulting in strained relations between the CPA and the unregistered Chinese Catholic church and between the Chinese government and the Holy See. Despite this official policy, an estimated 90 percent of CPA bishops and priests are secretly ordained by the Vatican and, in many provinces, CPA and unregistered Catholic clergy and congregations work closely together. Since 2006, the Vatican and the Chinese government had worked together to select bishops, reversing a previous trend of the government appointing bishops without Vatican approval. In 2010, eleven Chinese bishops were ordained, only one of whom was not Vatican-approved. In November 2010 the CPA ordained Guo Jincai bishop of Chengde (Hebei) without prior approval or affiliation with the Vatican -- a move that, according to a Vatican spokesman, “set back” relations between Beijing and the Holy See. In April and June 2010, respectively, the CPA ordained Paul Meng Qinglu bishop of a diocese in Inner Mongolia and Joseph Han Yinghin bishop of Sanyuan (Shaanxi), both with the approval of the Holy See. Nevertheless, Bishop Meng’s ordination was not without controversy, as the CPA insisted that Bishop Du Jiang, recognized by the Vatican,

attend the ordination ceremony with Ma Yinglin, a bishop ordained without Vatican approval in 2006. Bishop Du was later placed under house arrest where he reportedly remains.

In July 2011, the CPA ordained without prior approval Fr. Huang Bingzhang as the new bishop of Shantou and Paul Lei Shiyin as bishop of Leshan. Four bishops loyal the Vatican, Liao Hongqing, Su Yongda, Gan Junqui, and Liang Jiansen, were taken into custody and reportedly forced to participate in the ordination ceremony of Fr. Huang. Both Huang Bingzhang and Paul Lei Shiyin were later excommunicated by Rome. The ordination of Fr. Joseph Sun Jigen as bishop of Handan, however, was postponed because Fr. Sun secretly sought and obtained approval of the Holy See prior to his scheduled June 29, 2011 ordination. He was taken into custody and reportedly remains detained at his home.

In June 2011, CPA president Liu Bainian announced that seven bishop candidates were being vetted for ordination during the following year, including the November 2011 installation of Vatican-approved Bishop Peter Luo Xuegang in Yinbin, Sichuan province. Nevertheless, the Vatican objected to the participation in the ceremony of excommunicated Bishop Paul Lei Shiyin. The CPA stated that it was moving forward with the ordination of at least 40 bishops.

The government continues to deny Catholic leaders the right to abstain from activities that contravene Holy See policies. For example, several bishops were forced to attend the National Conference of Chinese Catholic Representatives (NCCCR) in 2010, including the forcible removal of Bishop Feng Xinmao from his Hengshui city, Hebei province cathedral. The Vatican forbids leadership meetings with unaffiliated Catholic bishops.

According to the CECC, at least 40 Roman Catholic bishops remain imprisoned or detained, or were forcibly disappeared, including the elderly Bishop Su Zhimin, whose current whereabouts are unknown and who has been under strict surveillance since the 1970s. In addition, the whereabouts of Bishop Shi Enxiang, who was detained in April 2001, and Auxiliary Bishop Yao Ling, remain unknown. In July 2010, unregistered Catholic bishop Jia Zhiguo was released; he had been detained since March 2009 to prevent him from meeting with another bishop who had reconciled with the Vatican.

In January 2012, six priests from the Inner Mongolian city of Erenhot reportedly were arrested while attempting to meet to discuss pastoral care and leadership issues for unregistered Catholics in the Suiyuan diocese. Four of the six reportedly were released within several days, but the whereabouts of Fathers Ban Zhanxiong and Ma Mumin remain unknown. The arrests were allegedly related to a dispute over the transfer of priests in Erenhot by Bishop Paul Meng Qinglu, a Vatican-affiliated bishop who previously had participated in the illicit ordination of the bishop of Chengde (Hebei). Since the arrests, police reportedly have expanded efforts to curtail the activities of unregistered Catholics, closing the seminary and stationing police at churches.

The whereabouts of two unregistered priests, Ma Shengbao and Paul Ma, detained in March 2009, remain unknown. In addition, Father Li Huisheng remains in custody serving a seven-year term for “inciting the masses against the government” and Fr. Wang Zhong is serving a three-year sentence for organizing a ceremony to consecrate a new registered church. In March 2010, underground priests Luo Wen and Liu Maochun were detained after they organized youth camps

for university students. Authorities released Luo within two weeks, but there is no evidence that Liu was released.

### *Protestants*

The Chinese government continues to restrict the religious activities of Protestants who worship in the government-approved church and to harass, intimidate, arrest, and detain unregistered Protestants. In the past year, government efforts to suppress the growth and activities of unregistered “house church” Protestants were systematic and intense. Authorities raided house church gatherings and took participants into custody, placed unregistered Protestant pastors under house arrest, and blocked access to sites of worship.

According to the NGO ChinaAid, over a thousand Protestants were detained in the past year and given sentences of over one year for their religious activities or religious freedom advocacy. Authorities were holding Protestant leaders under an extra-legal form of “soft detention” or house arrest. The pastors of Beijing’s Shouwang Church and Protestant leaders such as Dr. Fan Yafeng have not been able to leave their heavily-monitored homes for over a year.

The majority of Protestants in China, estimated to be at least 70 million, are affiliated with the house church movement, which refuses, both for theological and political reasons, to affiliate with the government-sanctioned Three-Self Protestant Movement (TSPM) or the China Christian Council (CCC). Nevertheless, government policy maintains that all Protestants must register and join one of the officially-recognized religious organizations. Those that do not are technically illegal, though there is uneven enforcement of this provision, with some house churches meeting openly and regularly with memberships of several hundred to a thousand. In the past year, SARA urged government authorities to help “guide” Protestants who “participate in ... unauthorized gathering places” to worship in state-controlled churches. Two editorials in the Communist Party newspaper *Global Times* warned Protestants to participate only in government-sanctioned religious activities. Such public warnings often precede police enforcement of government policy.

House church leaders claim they do not want government oversight of their religious teachings or theology. The Chinese government publicly encourages TSPM and the CCC leaders to emphasize “theological reconstruction” in their religious training and teaching, doctrines which purge elements of Christian faith and practice that the Communist Party regards as incompatible with its goals and policies. In the past year, government leaders have publicly commended the TSPM and CCC for their efforts to promote “social harmony and stability,” for “resolutely resisting various forms of foreign religious infiltration,” and for “achieving positive results through promoting theological reconstruction.”

Beginning in April 2011, authorities in Beijing started to detain the leadership and prevent the worship activities of the Shouwang church, one of the largest unregistered congregations in China, with over 1,000 members. Church members began to organize outdoor worship gatherings to protest government efforts to close or break up their congregation. Beijing authorities reportedly pressured landlords to deny the Shouwang Church rented meeting space and blocked the church’s efforts to buy property. In the past year, over 700 church members

have been detained, interrogated, or threatened with the loss of jobs and apartments. In several instances, those detained reported mistreatment in custody, including an alleged rape of one female. Shouwang Church leaders, including pastors Jin Tianming, Yuan Ling, Zhang Xiaofeng, and Li Xiaobai, and lay leaders Sun Yi, You Guanhui, and Liu Guan, have been confined to their homes. Church members continue to attempt to meet weekly, though they are reportedly concluding attempts to engage in public worship activities in early April 2012.

In a May 2011, 22 house church leaders submitted a petition to the National People's Congress (NPC) calling on the body to resolve the stand-off between the Shouwang Church and authorities, examine the constitutionality of the NRRRA, and pass a law that protects freedom of religion consistent with Article 18 of the Universal Declaration of Human Rights. The church leaders argued that freedom of religion includes the right to assembly, association, expression, education, and evangelization. Several of those who signed the letter, including Zhang Mingxuan, president of the China House Church Association (CHCA), have been harassed and detained.

According to multiple media reports, in May 2011, public security officials in Zhengzhou city, Henan province, raided a house church gathering and detained 49 people, including three members previously detained for making contact with the CHCA. All were released within a week. In June 2011, police in Suqian city, Jiangsu province, detained CHCA vice president Shi Enhao on suspicion of "using superstition to undermine the implementation of the law;" later he was sentenced to two years of re-education through labor. Following his sentencing, police raided his church three times and detained its leadership, and in November 2011, local authorities banned the church from holding services. Nevertheless, on January 20, 2012, Shi Enhao was released and his church has resumed regular worship services.

The Chinese government continues to view with suspicion religious organizations with extensive foreign ties, whose memberships grow too quickly, whose leadership becomes too popular, or whose religious activities disrupt ethnic or social "harmony." The CHCA has affiliated churches in several provinces and helped organize invitations for unregistered house church leaders to the Third Lausanne Congress on World Evangelization, held in South Africa in 2010. Over 200 Protestants were refused visas and briefly detained for attempting to attend the conference. Those who were detained were told that attending the conference would "endanger state security," a rationale often used to detain rights defenders.

According to ChinaAid, in September 2011, authorities in Ulangab, Inner Mongolia raided the Mengfu Student Fellowship, banned its gatherings, and fined its leader for "evangelizing" students. In October 2011, eleven house church leaders were also detained in the Tibetan capital of Lhasa. They were held for nearly a month before being released. They reported mistreatment in detention and the confiscation of religious materials.

The regular worship services of the unregistered Protestant church in Linfen, Shanxi province are still being suppressed, after its facilities were demolished and ten of the church's leaders were sentenced to prison terms ranging from two to seven years. The church was reported, at one time, to have as many as 50,000 members. In the past year, church members were prohibited from resuming regular services and during the 2011 Christmas season, police vehicles and

armored personnel carriers closed off the road leading to their former meeting point. In the past two years, the Wanbang Church of Shanghai and the Autumn Rain Church in Chengdu, Sichuan province experienced similar problems.

Authorities also have interfered in the religious activities of officially-recognized Protestants. For example, in February 2012, authorities demolished without compensation the two decades old Xin'an church in Lieshan village, Anhui province. On November 19, 2010, the registered Chengnan Church, in Tinghu district, Yancheng city, Jiangsu province, was demolished after government officials and real estate developers had unsuccessfully sought to purchase the church's property to build commercial residential buildings.

Members of unregistered Protestant groups that the government arbitrarily deems "evil cults" were the most vulnerable to detention and harassment. The extrajudicial security apparatus, called the 6-10 Office, has broadened its mandate beyond Falun Gong activity to include groups that self-identify as Protestant. The government has banned at least 18 Protestant groups, as well as many more congregations and movements that are active in only one province. Examples of banned groups include the South China Church (SCC), the Disciples Association, the "Shouters," and the Local Church, a group that was founded by Chinese church leader Watchman Nee, one of the most influential and widely-read theologians of the 20<sup>th</sup> century. The Chinese government continues to reserve for itself the final right to determine a religious group's theological legitimacy. In March 2011, security officials in Qu County, Sichuan province arrested Liao Zhongxiu, leader of a house church, on charges of "suspicion of utilizing a cult organization in undermining the implementation of the state law and regulations." It was the second time that Ms. Liao's church was raided since September 2010. Ms. Liao remains in custody and has reportedly been threatened if she seeks to hire a lawyer.

In January 2012, according to the NGO China Human Rights Defenders Network, officials in Hunan Province threatened parents with the expulsion of their children from school unless they signed a guarantee not to take part in the "evil cult" activities involving Falun Gong and house church Protestantism. Parents in Wugang City must sign such an agreement to register their children for school, which violates both the rights to education and freedom of religion or belief. To spread information about the requirement, the local government held more than 30 events related to "evil cults" during the Chinese New Year, disseminating tens of thousands of publications about opposing Falun Gong and house churches.

Protestant pastor Alimjan Yimit (Himit) continues to serve a fifteen-year sentence in the XUAR, allegedly for "leaking state secrets to overseas organizations." According to his lawyer, he was arrested for having contact with visiting Protestants from the United States. Unregistered Protestant pastor Zhang Rongliang was released in November 2011 after completing his seven-year sentence for allegedly "obtaining a fraudulent passport and illegally crossing the border." Zhang frequently traveled overseas to speak at Christian gatherings. Also released was Protestant pastor Shi Weihuan, who completed his four year sentence for "illegal business operation" after it was discovered that he was printing and distributing Bibles free of charge. Jiang Yaxi remains in custody awaiting trial; she was arrested in November 2011 for the sale and distribution of a Christian documentary, "Beyond," which was confiscated from Beijing area bookstores after police seized Ms. Jiang's records.

TSPM and CCC Protestants churches have been given some latitude to operate charitable and social welfare programs, including a growing number of clinics, homes for the elderly, and orphanages. Although these organizations have an uncertain legal status and limited capacity, they are allowed in order to fill social service gaps in some localities and rural areas. The government, through its religious agency SARA, is reportedly studying ways legally to register religious charities. The charitable activities of unregistered Protestants, such as efforts to aid victims of the Sichuan earthquake, were actively discouraged by government officials.

### *Falun Gong*

The Chinese government continued its thirteen-year campaign to eradicate Falun Gong activity and pressure practitioners to renounce their beliefs. China maintains an extrajudicial security apparatus, the 6-10 office, to stamp out Falun Gong activities and created specialized facilities known as “transformation through reeducation centers” to force practitioners to renounce their beliefs. Over the past decade, the government has carried out an unprecedented campaign against the Falun Gong, imprisoning large numbers of practitioners and torturing and abusing them in detention. Practitioners who do not renounce their beliefs are subject to torture, including credible reports of deaths in custody and the use of psychiatric experiments. In the year before the Olympic Games, police waged a concerted campaign to harass and detain known Falun Gong practitioners and brutally suppressed their activities. That campaign continued in the past year with specific emphasis on “transforming” practitioners through coercive means in special detention facilities or in re-education through labor centers (RTL).

Falun Gong adherents report, and official Chinese government statements confirm, long-term and arbitrary arrests, forced renunciations of faith, and torture in detention. Officials detain Falun Gong practitioners using Article 300 of the Criminal Procedure Code, which deals with individuals accused of crimes associated with “evil cults,” and its associated legislation, the Decision of the Standing Committee of the National People’s Congress on Banning Heretical Cult Organizations, Preventing and Punishing Cult Activities. These pieces of legislation do not conform to international human rights standards which China has pledged to uphold.

It is difficult to determine how many Falun Gong practitioners are in detention because they are most often incarcerated in RTL camps and mental health institutions. However, in its 2011 *Country Report on Human Rights Practices* for China, the U.S. Department of State noted that Falun Gong adherents constituted at least half of the 250,000 officially recorded inmates in RTL camps. The UN Special Rapporteur on Torture reported that Falun Gong practitioners make up two-thirds of the alleged victims of torture in custody presented to him in China.

According to the CECC, the government has increased efforts to “transform” Falun Gong practitioners in recent years. The Falun Dafa Information Center (FDIC), using information gathered within China, estimated that 2,000 individuals were detained in the extralegal “transformation through re-education centers” over the past two years, many in Hebei and Shandong provinces, but also in Shanghai and Beijing. As of December 2011, the CECC’s prisoner database lists 486 Falun Gong practitioners as currently serving prison sentences, though the actual number may be much higher. The FDIC also provides evidence that 53 Falun Gong practitioners died in custody in 2011. These include Ms. Wang Mingrong from Chendgu,

Sichuan province, whose family was informed on September 17, 2011 that she had died 10 days after her detention, and Ms. Wang Yujie from Hubei province, whose family was informed of her death on September 3, 2011, after she had spent a year in a “transformation” center.

Numerous allegations of government-sanctioned organ harvesting and psychiatric experimentation also continue to surface. The UN Special Rapporteur on Torture has called for an independent investigation into these allegations. The Committee against Torture, a UN treaty-monitoring body, also called on the government during its 2008 review of China to conduct independent investigations to clarify discrepancies in statistics related to organ transplants and allegations of torture of Falun Gong practitioners.

### *Other Religious Groups*

Folk religion, which the government calls “feudal superstition,” is not among the five recognized religions (Buddhism, Daoism, Protestantism, Catholicism, and Islam), but is sometimes tolerated by local officials. For example, the practices of the so-called “Mazu cult” reportedly have been reclassified as “cultural heritage” rather than religious practice, so individuals are allowed to participate openly in its rituals and ceremonies. In addition, some ethnic minority groups have been allowed to retain traditional religious practice, such as Dongba among the Naxi people in Yunnan and Buluotuo among the Zhuang people in Guangxi. However, authorities in Hunan Province have begun to implement provincial-level regulations to oversee folk religious venues. These regulations are significant because they protect religious practice outside the five recognized communities and allow venues to register directly with provincial government officials, which is not allowed to Protestants. However, the regulations allow registration only of existing venues and stipulate that no new sites may be built. In addition, any venue that is destroyed may not be rebuilt unless it retains “historical stature” and “great influence.” The State Administration for Religious Affairs has established a division to deal directly with the management of folk religions.

According to the State Department, provincial governments in Xinjing, Heilongjiang, Zhejiang, and Guangdong have tolerated the religious practice of Orthodox Christianity. In May 2010, the Ohel Rachel Synagogue in Shanghai was allowed to open and hold services on weekends for visiting tourists and the city’s expatriate community. The synagogue, which was closed in 1949 and previously used only for cultural events, was allowed to re-open during the 2010 Shanghai World Expo.

### *Human Rights Defenders*

Over 100 lawyers and human rights defenders were forcibly disappeared, tortured, detained, or sentenced to prison terms in 2011, as authorities tried to avert any political unrest similar to the popular uprisings in the Arab world. However, the systematic targeting of human rights lawyers and activists belonging to the *wei quan* (rights defense) movement predates the previous year’s persecution. For the past five years, the government has harassed and intimidated rights defenders, shutting down law firms and revoking the legal licenses of lawyers that take on human rights and religious freedom cases.

At least four prominent human rights lawyers who defended Falun Gong practitioners and arrested Christians were detained and tortured in custody in 2011. On April 29, 2011, Li Fangping went missing in Beijing. He was released five days later and there are reports that he was tortured in custody. On February 19, 2011, Jiang Tianyong was taken from his home and detained for 60 days. He recently made statements to the press about his torture in custody. Dr. Fan Yafeng, a prominent Protestant leader, human rights lawyer, and drafter of Charter '08, was first detained in March 2010 to prevent him from meeting foreign media. He remains under house arrest and over the past year has undergone intense periods of interrogation and mistreatment, including reportedly being shown video of Gao Zhisheng's torture. Fan Yafeng represented several high-profile cases in recent years involving unregistered Protestants and was an outspoken critic of the Chinese government's detention of some religious leaders and denial of travel visas to others seeking to attend the 2010 Lausanne Conference in South Africa.

In February 2011, Beijing public security officials detained human rights lawyer Tang Jitian. The Beijing Municipal Justice Bureau had revoked Tang's law license in 2010 in connection with his representation of a Falun Gong practitioner in 2009. Along with lawyers Teng Biao and Jiang Tiangyong, Tang also was working on the cases of blind activist Chen Guangcheng and Dr. Fan Yafeng, and had called publicly for an end to their harassment and mistreatment while under house arrest. Several other Beijing-based lawyers who handled Falun Gong cases were also denied renewal of their professional licenses, including Liu Wei who was disbarred in 2010. In November 2010, Wang Yonghang from Liaoning province was given a seven-year prison sentence for defending Falun Gong.

The signers of Charter '08 have met with harassment including detention, surveillance, raids and property seizures. The most prominent signer, Nobel Prize laureate Liu Xiaobo, was arrested and tried on subversion charges and is now serving an 11-year sentence. His wife is living under house arrest, virtually incommunicado. Individuals who helped draft the Charter, which includes suggested reforms to protect the freedom of religion and belief, have been harassed, interrogated and threatened during brief detentions, and placed under house arrest. These include Yu Jie, a house church leader, author, and human rights advocate. In a January 2012 public statement, Yu described his mistreatment in detention, including being stripped naked, forced to kneel and look straight ahead for long periods of time, and slapped repeatedly in the face. He and his family are currently seeking asylum in the United States.

The whereabouts of Gao Zhisheng, one of China's best-known human rights lawyers, remain unknown. He disappeared in February 2009, though he was briefly allowed to make contact with friends, family, and some media in April 2010. Gao defended Falun Gong and unregistered Protestants and was a vocal critic of the Chinese government's human rights record and corruption. Before his 2009 disappearance, he published a report of the torture he endured during a September 2007 interrogation. It was reported in January 2012 that Gao had been sentenced to three years' imprisonment for "parole violations." He had no representation at the reported trial and has not been able to contact family or legal representation. Gao's legal partner, Yang Maodong, was released from prison after completing his seven-year sentence.

#### *Failure to Protect North Korean Refugees*

China is a party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol, but no Chinese law provides for the protection of asylum seekers. The Chinese government cooperates with the UN High Commissioner for Refugees (UNHCR) on some refugee or asylum cases, and allowed UNHCR to process 100 refugee claims last year, all for non-Koreans. North Korean asylum-seekers continue to face hardship, including discrimination and trafficking, and repatriation. Beijing considers all North Koreans to be economic migrants rather than refugees fleeing persecution, limits UNHCR access to North Korean asylum-seekers, and does not allow UNHCR to operate in China's border region with North Korea. North Korean refugees under UNCHR care are subjected to harassment and restrictions by authorities.

North Koreans who are forcibly repatriated, particularly those suspected of having religious belief or affiliations, face torture, imprisonment in penal labor camps, and possible execution. Since 2008, the Chinese government has intensified its campaign against North Korean refugees, harassing religious communities that assist refugees and offering rewards to those who turn asylum seekers over to authorities. The government also reportedly arrested individuals who organized food, shelter, transportation, and other assistance to North Koreans. In August 2009, a court in Erlianhoate, Inner Mongolia sentenced Protestant house church leaders Li Ming-shun and Zhang Yong-hu to 10 and seven years imprisonment, respectively, and imposed substantial fines for their efforts to assist North Korean refugees.

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

In November 2011, the Obama administration outlined a new policy of “re-balancing” relations with Asia, formally shifting to a more confrontational position toward China. Administration officials have stated repeatedly that the new U.S. stance is intended to strengthen cooperative ties with China while establishing a strong and credible American presence across Asia. The United States wants to encourage constructive Chinese behavior and provide confidence to other countries in the region that they need not yield to potential Chinese regional hegemony. The Chinese official press and others characterize the new policy as the “new China containment.”

During a November 2011 trip to Asia, President Obama launched the administration's efforts to create a new economic regime in Asia that will exclude China because of its trade practices and currency manipulation, and also announced the extension of a U.S. military presence in Australia and the Philippines. While the economic and security pillars of the administration's new Asia policy are the most developed, the President did state in a speech that the United States will “lead in Asia” in promoting democracy and human rights, declaring that “fascism and communism, rule by one man and rule by committee” have been tried and failed “for the same simple reason: they ignore the ultimate source of power and legitimacy -- the will of the people.” These sentiments are similar to those expressed by Secretary Clinton in May 2011, when she said that China's leaders were on a “fool's errand” trying to stop the inevitable march of democracy.

In a shift from its early emphasis on seeking China's cooperation on financial, environmental, and security priorities and relegating human rights interests to private diplomacy, the Obama administration more recently has publicly highlighted human rights priorities. This has included advocating publicly for the release of Nobel Prize winner Liu Xiaobo and lawyers Gao Zhisheng and Chen Guangcheng. In a January 2011 speech, Secretary Clinton characterized China's

human rights record as “deplorable,” and said that “America will continue to speak out and press China when it censors bloggers and imprisons activists, when religious believers, particularly those in unregistered groups, are denied full freedom of worship, when lawyers and legal advocates are sent to prison simply for representing clients who challenge the government's positions.”

Nevertheless, despite an increasing emphasis on Internet freedom, the protection of human rights advocates, and freedom of religion in China, it is unclear exactly what prominence or urgency these issues will be given in bilateral relations. Human rights concerns have not been fully integrated into the architecture of U.S.-China bilateral relations. Efforts to coordinate with allies who share concerns have only begun recently, and human rights issues were sidelined during the U.S.-China Economic and Security Dialogue, the most significant bilateral cooperation mechanism. A new round of the Strategic and Economic Dialogue will be held in May 2012, but it is unclear if or how human rights and religious freedom issues will be pursued in that forum.

China and the United States engage in a regular formal Human Rights Dialogue and convened a U.S.-China Legal Experts Dialogue last year. However, changes to China's repressive religion laws were not a priority of the legal experts' dialogue. In describing the discussions at the human rights dialogue, Assistant Secretary of State for Democracy, Human Rights, and Labor Michael Posner said that he had “frank and constructive” exchanges on specific cases, the independence of the judiciary and the bar, and freedom of religion, among other things. At the dialogue, China raised issues of the treatment of Muslim Americans, immigration, and racial discrimination in the United States. One specific benchmark that emerged from the dialogue was the creation of a bilateral Religious Freedom Working Group, although in over a year there has been no progress toward a formal meeting.

This administration, like its predecessors, places much weight on conducting human rights dialogues and not enough on supporting activists and intellectuals inside China who are seeking peaceful reform, although this emphasis may change following the President's announcement of the new Asia policy. Despite recent strong public statements, and recent policy shifts prioritizing Asia, the administration continues to be perceived as weak on human rights in China.

## **Recommendations**

Religious freedom and related human rights should be an important part of U.S.-China bilateral relations because they are directly related to expanding the rule of law, developing civil society, aiding stability in ethnic minority areas, expanding the freedom of expression, and bringing China firmly within the international system through assisted implementation of universal human rights obligations. Conducting the most substantive human rights discussions only in a bilateral dialogue allows the Chinese to downgrade these issues and characterize human rights as peripheral to U.S. interests. Bilateral dialogues should be part of a larger, consistent, and principled engagement with China on human rights, where the United States regularly presses its interests visibly and consistently outside the dialogue process and at all levels of bilateral relations.

A stable China that is committed to protecting and advancing its citizens' fundamental rights and religious freedoms is in the interests of the United States. In pursuit of these interests, USCIRF recommends that religious freedom and related human rights be woven firmly into the architecture of the U.S.-China bilateral relationship. In addition, USCIRF urges the Obama administration, as it continues to pursue various policy approaches, to raise religious freedom concerns in multilateral fora where the United States and China are members, to signal clearly and publicly that human rights are a vital U.S. interest that affect the flexibility and scope of U.S.-China relations, and to coordinate potential sources of leverage, within the U.S. government and with allies, in order to build a consistent human rights diplomacy with China.

### **I. Ending Religious Freedom and Related Human Rights Abuses in China**

In addition to continuing to designate China as a CPC, the U.S. government should:

- demonstrate unwavering support for those peacefully seeking religious freedom and the rule of law in China by making strong, consistent, and clear public statements directly to the Chinese people in support of human rights activists;
- initiate a “whole-of-government” approach to human rights diplomacy in which the State Department and National Security Staff (NSS) develop a human rights action plan and coordinate its implementation across all U.S. government agencies and entities, including developing targeted talking points and prisoner lists, and providing staffing and support for all U.S. delegations visiting China;
- issue travel restrictions or financial penalties for Chinese authorities who engage in human rights abuses, officials from provinces with the worst religious freedom conditions, and those working for state agencies shown to perpetrate religious freedom and related rights abuses;
- reinvigorate multilateral cooperation on human rights and technical assistance programs with allies who conduct bilateral human rights dialogues with China; and
- increase the number of staff dedicated to supporting U.S. human rights diplomacy and the rule of law, including the promotion of religious freedom, at the U.S. Embassy in Beijing and U.S. consulates in China.

### **II. Raising Human Rights in the U.S.-China Strategic Dialogue and other Bilateral Forums**

The U.S. government should:

- raise a full range of religious freedom concerns in the Strategic Dialogue and seek to reach agreements on key religious freedom and human rights concerns as part of the Dialogue's regular outcomes, as is done on other bilateral interests; and
- ensure that the U.S.-China Legal Experts Dialogue includes ongoing discussions about issues of religion and law in China, including seeking to reach agreements on technical assistance

and legal exchanges on the compatibility of Chinese laws, regulations, and decrees with international standards on freedom of religion or belief.

In addition, during bilateral discussions with China, the U.S. government should seek to raise religious freedom concerns and urge the Chinese government to:

- release all those imprisoned, detained, or disappeared on account of their religious belief, activities, or religious freedom advocacy;
- account fully for all those detained, released, tried and sentenced and/or missing following public order disturbances in Tibet or Xinjiang; allow immediate access for international observers, including the International Committee of the Red Cross, to all acknowledged or unacknowledged detention facilities; and implement all Tibet and Xinjiang-related recommendations of the UN High Commissioner for Human Rights, Committee against Torture, and Special Rapporteurs on Torture, Freedom of Religion or Belief, Extrajudicial and Summary Executions, and Human Rights Defenders;
- allow faith-based non-governmental organizations to register with the Ministry of Civil Affairs and operate nationally, including in the border regions with North Korea;
- cease the use of torture and ensure that alleged incidents are consistently and impartially investigated and that evidence procured through torture is excluded from legal proceedings, end the mistreatment of Falun Gong and North Korean refugees in detention, and ensure that no asylum-seeker is returned to a country where he or she faces a real possibility of torture;
- ensure that religious education for minors is not restricted and is fully guaranteed in national and provincial laws, including by directing the State Administration on Religious Affairs (SARA) to state publicly that religious education for minors is allowable in all religious venues;
- establish a mechanism for reviewing cases of persons, including religious leaders, detained under suspicion of, or charged with, offenses relating to state security, disturbing social order, “counterrevolutionary” or “splittist” activities, or organizing or participating in “illegal” gatherings or religious activities;
- end the harassment, arrest, detention, and mistreatment of lawyers who take on cases of Falun Gong, unregistered Protestants, Uighur Muslims, or Tibetan Buddhists, reinstate the licenses arbitrarily removed from lawyers who take sensitive human rights cases, and engage in discussions with international legal institutions on new ways to train and license legal advocates; and
- allow visits to China by the UN Special Rapporteurs on the Independence of Lawyers and Judges, on the Freedom of Religion or Belief, on the Freedom of Opinion and Expression, on Human Rights Defenders, and on the Freedom of Assembly and Association, with full access in compliance with the terms of reference required by the Special Rapporteurs.

### **III. Supporting Chinese Dissidents and Rights Defenders**

To strengthen the ability of Chinese lawyers and activists to defend religious freedom or related rights, address violations on account of religion or belief, and encourage freedom of expression and a vibrant civil society, media, and the rule of law, the U.S. government should:

- use appropriated Internet freedom funds to develop free and secure email and web access for use in China, to facilitate the dissemination of high-speed Internet access via satellite, and to distribute immediately proven and field-tested counter-censorship programs in order to prevent the arrest and harassment of activists and help them maintain their freedom of expression and legitimate expectations of privacy;
- institute new programs through the State Department's Human Rights and Democracy Fund that:
  - build the capacity, training, and networking ability of non-governmental organizations that address issues of human rights, including religious freedom and the freedoms of expression, association, and assembly; and
  - create a regular religious freedom dialogue between U.S. and international experts and members of the Chinese Academy of Social Sciences; and
- ensure that programs to assist rule of law reforms and facilitate exchanges of legal experts are designed to:
  - provide support and capacity for Chinese lawyers who defend human rights activists, Falun Gong practitioners, Tibetans, Uighurs, and unregistered Christians;
  - assist human rights lawyers to educate dissidents and religious groups on their rights under Chinese and international law and create legal materials and training seminars, accessible online, for Chinese law students, lawyers, and judges; and
  - require that all commercial law programs and legal exchanges include appropriate human rights training, discussions, and technical assistance support.

### **IV. Expanding Diplomacy and Human Rights Programs in Tibet and Xinjiang**

The U.S. government should:

- urge the Chinese government to allow a U.S. government presence, such as consulates, in Lhasa, Tibet and Urumqi, Xinjiang, which could monitor religious freedom and other human rights conditions;
- strengthen efforts to highlight conditions faced by Uighur Muslims and Tibetan Buddhists by:

--increasing educational opportunities in the United States for religious and other leaders from these regions, in order to enhance their understanding of international religious freedom and other human rights standards;

--creating legal clinics to assist Uighur Muslims and Tibetan Buddhists to enforce their human rights under the Chinese Constitution and international law, similar to existing programs that serve other ethnic minority areas in China;

--supporting religious groups and organizations to address chronic needs, as articulated by the Tibetan and Uighur people, in such areas as education, conflict resolution, language and culture preservation, environmental protection, drug and alcohol abuse prevention, and sustainable development; and

-- ensuring continued availability of funds to maintain appropriate Tibetan and Uighur language broadcasting through the Voice of America and Radio Free Asia; and

- offer publicly to facilitate meetings between Chinese officials and envoys of the Dalai Lama and seek to broker trust-building agreements to end religious freedom restrictions in Tibet and Tibetan areas.

## **V. Protecting and Aiding North Korean Refugees in China**

The U.S. government should work with regional and European allies to articulate a consistent and clear message about China's obligation to protect North Korean refugees and should urge the Chinese government to:

- uphold its international obligations to protect asylum seekers by: working with the UN High Commissioner for Refugees (UNHCR) to establish a mechanism to confer temporary asylum on those seeking such protection and to permit safe transport to countries of final asylum; providing UNHCR unrestricted access to interview North Korean nationals in China; and ensuring that the return of any migrants pursuant to any bilateral agreement does not violate China's obligations under the 1951 Refugee Convention and its 1967 Protocol or under Article 3 of the Convention Against Torture;
- allow international humanitarian organizations greater access to North Koreans in China; and
- allow greater numbers of North Korean migrants who desire resettlement to have safe haven and secure transit until they reach third countries; and grant legal residence to the North Korean spouses of Chinese citizens and their children.

## **VI. Recommendations for the U.S. Congress**

The U.S. Congress should:

- require the State Department to submit a regular public report (as is required on Vietnam) to the appropriate congressional committees detailing issues of concern discussed during the U.S.-China Strategic and Economic Dialogue, Human Rights Dialogue and the U.S.-China Legal Experts Dialogue and describing progress made toward a series of benchmarks identified by Congress;
- authorize and appropriate the funds necessary to implement a comprehensive and integrated U.S. government human rights strategy toward China, including creation of an inter-agency human rights strategy and staffing, efforts to coordinate human rights diplomacy with allies, and new positions at the U.S. Embassy in Beijing to improve promotion of human rights and religious freedom;
- ensure that any funding for rule of law and legal exchange programs prioritizes human rights and religious freedom over commercial programs and provides appropriate technical support to assist human rights defenders who have been disbarred, jailed, or disappeared for taking on politically-sensitive cases; and
- ensure that the North Korea Human Rights Act of 2008 is fully implemented, including provisions to provide humanitarian support to asylum-seekers and remove legal obstacles to North Korean refugee resettlement in the United States.

## Saudi Arabia

**FINDINGS:** During the reporting period, systematic, ongoing, and egregious violations of religious freedom continued in Saudi Arabia despite improvements. More than 10 years since the September 11, 2001 attacks on the United States, the Saudi government has failed to implement a number of promised reforms related to promoting freedom of thought, conscience, and religion or belief. The Saudi government persists in banning all forms of public religious expression other than that of the government's own interpretation of one school of Sunni Islam; prohibits churches, synagogues, temples, and other non-Muslim places of worship; uses in its schools and posts online state textbooks that continue to espouse intolerance and incite violence; and periodically interferes with private religious practice. There have been numerous arrests and detentions of Shi'a Muslim dissidents, partly as a result of increasing protests and demonstrations related to 2011 uprisings in the region, and Ismaili Shi'a Muslims continue to suffer repression on account of their religious identity. Members of the Commission to Promote Virtue and Prevent Vice (CPVPV) continue to commit abuses, although their public presence has diminished slightly and the number of reported incidents of abuse has decreased in some parts of the country. In addition, the government continues to be involved in supporting activities globally that promote an extremist ideology, and in some cases, violence toward non-Muslims and disfavored Muslims.

USCIRF again recommends in 2012 that Saudi Arabia be designated as a "country of particular concern," or CPC. Although so designated by the State Department since 2004, an indefinite waiver on taking any action in consequence of the CPC designation has been in place since 2006.

Despite King Abdullah undertaking some limited reform measures and promoting inter-religious dialogue in international fora, there has been little progress more than five years after the State Department publicly announced in July 2006 that, as a result of bilateral discussions, the Saudi government had confirmed that it would advance specific policies to improve religious freedom conditions. During a USCIRF 2011 visit, Saudi officials often cited national security concerns as grounds for cracking down on religious minorities and dissidents; however, in some cases, such explanations served as a pretext to engage in an array of severe violations of freedom of religion or belief. USCIRF continues to find that full implementation by the Saudi government of the July 2006 policies would diminish some of its institutionalized abusive practices.

**PRIORITY RECOMMENDATIONS:** USCIRF has concluded that U.S. policy in Saudi Arabia does not adequately prioritize issues of human rights, including freedom of religion or belief. The CPC designation and subsequent U.S.-Saudi bilateral discussions, including the July 2006 confirmation of policies, have not resulted in substantial reforms by the Saudi government concerning religious freedom. Unrest in the region since early 2011 and lack of progress on reforms provide added incentive for the U.S. government to lift the indefinite waiver of action, or at a minimum extend a limited 180-day waiver, during which time the Saudi government should complete reforms on textbooks, ensure that members of the CPVPV do not exceed their jurisdiction, and hold CPVPV members accountable for abuses. In addition, Congress should require the State Department to issue a public report within 180 days on efforts and results achieved by the Saudi government to implement reforms in the Saudi curriculum and textbooks announced in July 2006. Additional recommendations for U.S. policy toward Saudi Arabia can be found at the end of this chapter.

## Religious Freedom Conditions

### *Uprisings in the Arab World & USCIRF 2011 visit*

The uprisings in the Arab world in 2011 did not bring political and human rights reforms to Saudi Arabia as they did to several other countries in the region. In early March, the Ministry of Interior, the Shura Council, the Council of Senior Ulema, and the Commission to Promote Virtue and Prevent Vice (CPVPV) announced a ban on all public protests. In response to protests throughout the year in the Kingdom, the Saudi government forcibly dispersed several demonstrations, particularly by the Shi'a community in the Eastern Province. Some of these incidents resulted in a few deaths, dozens of injuries, and hundreds of arrests. Most of those arrested were released after signing pledges not to take part in further protests, but several face travel bans and some were dismissed from their jobs. In response to the uprisings and the increasing number of demonstrations in the Kingdom, King Abdullah announced in March 2011 a number of economic reforms, including: social, unemployment, and housing benefits totaling approximately \$36 billion, wage increases for government workers, the creation of 60,000 security-related jobs, and anti-corruption measures.

During its visit to the Kingdom in January/February 2011, USCIRF confirmed many of its ongoing concerns. The Saudi government invokes national security to justify repression of minorities and dissidents. Shi'a and Ismaili Muslims continue to face discrimination, harassment, and imprisonment. Members of the CPVPV, also known as the *mutaween*, who allegedly committed abuses in the past, including killings, have gone unpunished by Saudi authorities. Despite the Saudi government's 2006 confirmation to the State Department of a policy to remove by 2008 all remaining textbook references that were religiously intolerant or promoted hatred toward other religions or religious groups, textbook revisions are limited and incomplete and content espousing intolerance and even inciting violence remains. Saudi officials claim to have a plan in place to complete revisions for grades one to 12 by 2013, although revisions of textbooks have been "in progress" for over 10 years. The government also has made little progress on halting the global dissemination from Saudi Arabia of extremist ideology, literature, and other materials, some of which is published by the government itself, or by publishing houses that are tightly monitored by the government.

USCIRF noted improvements in certain areas. The CPVPV had less of a public presence in some areas of the country, particularly Jeddah and the Eastern Province, and the number of reported incidents of abuses committed by the CPVPV has decreased. Women and Muslim minorities have had a more pronounced public presence to discuss human rights and religious freedom concerns. According to the Minister of Islamic Affairs, since 2004, approximately 3,500 imams have been relieved of their duties for espousing extremist views and more than 20,000 imams have been re-trained, a higher number than cited in the past. However, it is unclear if the training programs for the CPVPV, teachers, and imams, which are administered by the National Dialogue Center, are in fact curbing extremist views and instilling religious tolerance.

### *State Coercion of Religious Conformity*

Saudi Arabia contains a diversity of peoples and religions, despite decades of Saudi government coercion of religious conformity. The Saudi government persists in severely restricting all forms of public religious expression, other than the government's interpretation of its version of Sunni Islam. This policy violates the human rights of large, indigenous Saudi communities of Muslims from a variety of schools of Islam, including significant populations of Sunni Muslims who follow variant schools of thought, Shi'a Muslims, and Ismaili Muslims, as well as both Muslim and non-Muslim expatriate workers. The government enforces its tight controls by heavily restricting the religious activity it does permit—through limits on the building of mosques, the appointment of imams, the regulation of sermons and public celebrations, and the content of religious education in public schools—and suppresses the religious views of Saudi and non-Saudi Muslims who do not conform to official positions. In addition, the Saudi government continues its systematic practices of short-term detentions, without trial, of minority Muslims, particularly Shi'a Muslims, for religious observance not in accordance with the government's interpretation of Islam. Such practices are intended to intimidate and harass these groups.

Some government-approved Sunni Muslim clerics continued to issue *fatwas* (religious edicts) and delivered sermons during the past year that justify committing violent acts against dissident Sunni Muslims, Shi'a Muslims, Jews, and Christians. Saudi officials acknowledged that some clerics continue to preach such views. However, in recent years, the Saudi government has taken some initial steps to address intolerant *fatwas*. In September 2010, several Web sites containing intolerant *fatwas* were blocked, following a decree by King Abdullah. The decree was issued to reduce controversial *fatwas* issued by ultra-conservative clerics, some of which have been a serious embarrassment to Saudi authorities. The decree restricts the right to issue *fatwas* to members of the officially-approved Council of Senior Islamic Scholars. Also, in May 2010, the Council issued a *fatwa* condemning terrorist financing as forbidden by Islamic law.

Moreover, in January 2011, in an effort to curb extremism in mosques in the Kingdom, prominent Saudi scholar Sheikh Abdul-Aziz Al-Fouzan joined other religious scholars in calling for Saudi government-supported imams to end the practice of prayers that incited violence against non-Muslims. Al-Fouzan, a member of the Saudi Human Rights Commission, said that such supplications were an act of aggression against non-Muslims and were “against the spirit of Islam.”

During USCIRF's 2011 visit, officials at the Ministry of Islamic Affairs (MIA) claimed that at least 3,500 imams had been dismissed for espousing extremist views and more than 20,000, of a total of 75,000 imams in the country, had been re-trained, a higher number than cited in the past. The MIA estimates that approximately 70 percent of all imams in the country are “free of fanaticism” and meet the necessary qualifications to be a cleric. The MIA claims to be making efforts to re-train the remaining 30 percent of imams.

The Saudi government's policy toward expatriate workers, particularly non-Muslim workers, reflects the view that they have come to Saudi Arabia only to work. As a result, the government curtails universal human rights for non-Saudi visitors to the country and inhibits the enjoyment of human rights by expatriate workers coming for temporary employment, particularly religious

freedom for the two to three million non-Muslim workers, including Christians, Hindus, Buddhists, and others. Restrictions are often included in labor contracts requiring expatriate workers, including female domestic laborers, to conform to Saudi religious customs and traditions, thereby forcing them to waive their inalienable human rights and submitting them to limitations, amounting to human rights abuses, enforced by Saudi employers.

### *Shi'a and Ismaili Muslims*

Shi'a Muslims—approximately 10 to 15 percent of the population and most heavily concentrated in the Eastern Province—and members of indigenous Muslim communities who follow schools of thought other than that favored by the government are subject to government restrictions on public religious practices and official discrimination, particularly in government employment and education. There are no Shi'a ministers in the government, only five of the 150-member *Shura* (Consultative Council) are Shi'a Muslims, and there are very few Shi'a Muslim leaders in high-level government positions, particularly in the security agencies. In predominantly Sunni Muslim areas of the country outside the Eastern Province, Shi'a and Ismaili Muslims face harassment, arrest, and detention. Furthermore, since many Saudi judges consider Shi'a and Ismaili Muslims to be “non-believers,” courts frequently treat them more severely. In addition, children of Shi'a and Ismaili Muslims are indoctrinated in public schools with the government's interpretation of Sunni Islam, and there is no alternative option for instruction according to the wishes of the parents.

In January 2012 in the Qatif region, Saudi security forces clashed with Shi'a Muslims who were celebrating Arbaeen, which marks the end of the 40-day mourning period after the anniversary of the death of the Prophet Muhammad's grandson. The clashes resulted in the death of a 22 year-old Shi'a man and injuries to at least three people. In November 2011, security forces killed four Shi'a men and wounded nine during protests in the same region. Saudi authorities have started an investigation into the deaths, which is ongoing.

Between February and April 2011, Saudi authorities cracked down on Shi'a demonstrators who were calling for the release of religious and political prisoners. Dozens were arrested, particularly in March, and several were injured during clashes with Saudi security forces, primarily in the Qatif area of the Eastern Province. According to human rights groups, during peaceful protests of several hundred to a few thousand Shi'a youth and activists in mid-March in the Eastern towns of Safwa, Qatif, and Al-Ahsa, nearly 150 protesters were arrested and remain in detention. In early March, the Interior Ministry and the Council of Senior Islamic Scholars announced a ban on protests ahead of demonstrations for a “Day of Rage” that had been called for March 11.

Over the past few years, Saudi authorities have carried out a series of short-term detentions of members of the Shi'a community, a pattern which continued in 2011. Generally, none of the individuals is charged with any crime, nor do Saudi authorities offer any explanation other than suggesting that the short-term detentions are punishment for holding private religious gatherings. Some of the reasons cited by the Shi'a community for arbitrary arrests include: reading of religious materials in private homes; congregating outside *hussainiyas* (Shi'a community centers), using a loud speaker outside a community center; refusing to close down a makeshift

place of worship; taking part in religious celebrations; and distributing sweets during religious occasions.

In addition, some Shi'a and other dissident Muslims who travel to Saudi Arabia to perform the *hajj* (pilgrimage) have been harassed, detained, or arrested by authorities. For example, in December 2011, an Australian Shi'a Muslim man, Manor Almaribe, was sentenced to 500 lashes and a year in jail after being convicted of blasphemy. Almaribe was detained in Medina in November during pilgrimage after being accused of insulting the companions of the Prophet Muhammad. After receiving a reduced punishment of 75 lashes, Almaribe was released and returned to Australia after nearly two months in detention.

On February 27, 2011, Saudi Shi'a cleric Tawfiq Al-Amer was detained by police after calling for the country to become a constitutional monarchy and for an end to corruption and discrimination against Shi'a Muslims in a sermon in the Eastern Province town of Hofuf. The cleric previously had been detained for calling for greater religious freedom for the Shi'a community. Al-Amer was released on March 6, 2011 after hundreds of people took to the streets in Hofuf and near Qatif in the Eastern Province to protest his arrest. Al-Amer was rearrested on August 3 in connection with his calls for reform in the Kingdom. He has been charged with "inciting public opinion" and remains in detention.

During the reporting period, authorities shut down several Shi'a mosques in the Eastern Province and refused a mosque permit for the Al-Khobar Shi'a community. In April 2010, the Minister of Interior Prince Naif reportedly said publicly that Shi'a mosques which were closed in the past would not be permitted to be re-opened for security reasons. Authorities also justify the closures by citing improper zoning and lack of mandated permits.

On a positive note, there have been some improvements for the Shi'a community in the Eastern Province, particularly regarding the public expression of religious practice. Members of the Shi'a community in Qatif, where they represent the majority of the population, have held large public gatherings since 2007 in observance of Ashura without government interference. However, authorities continue to prohibit observance in other areas of the Eastern Province, such as in Al-Ahsa and Dammam. While there has been increased dialogue between the Shi'a community and the Saudi government, there has not been progress on a number of practical issues, such as teaching Shi'a beliefs to Shi'a children in schools and re-opening mosques and *hussainiyas* in Al-Ahsa and Dammam that have long been closed by the government.

Ismaili Muslims, a Shi'a sect numbering some 700,000 in Saudi Arabia, continue to suffer severe abuse and discrimination by Saudi authorities, particularly in religious practice, government employment, the justice system, and education. The government does not finance the building of mosques for Ismailis, although it does so for Sunni Muslim houses of worship, and it has closed down several Ismaili places of worship in recent years in Al Khobar, Abqaiq, Jubail, Dammam, and Al Khafji. In 2000, after CPVPV members raided and closed down an Ismaili mosque in the Najran region, approximately 100 Ismailis, including clerics, were arrested. Many were released after serving reduced sentences, but dozens remained in prison for several years. In August 2009, King Abdullah ordered the early release of the last group of 17 Ismailis associated with the Najran incident after they served more than nine years of a 10-year sentence.

In February 2012, after serving more than 18 years, Hadi al-Mutif, an Ismaili Muslim man, was released from prison after being pardoned by King Abdullah. Al-Mutif had been in prison since 1994 for an offhand remark he made as a teenager that was deemed blasphemous. In 1996, he was convicted and sentenced to death for apostasy, despite the fact that he remains a Muslim. Lawyers and experts familiar with the case have said that the judge was biased against Ismaili Muslims and that Al-Mutif's trial was neither fair nor transparent. Al-Mutif had alleged physical abuse and mistreatment during his incarceration. In 2009, al-Mutif received an additional five-year prison term for criticizing the government's justice system and human rights record on a tape that was smuggled out of prison and later broadcast. During USCIRF's 2011 visit, Saudi authorities stated that al-Mutif had exhausted all legal appeals and his fate was in the hands of King Abdullah, who could pardon him at anytime. During his time in prison, al-Mutif repeatedly attempted to commit suicide. His psychological and physical health remain a concern.

### *Other Dissidents*

The Saudi government uses criminal charges of apostasy and blasphemy to suppress discussion and debate and to silence dissidents. Promoters of political and human rights reforms, as well as those seeking to debate the appropriate role of religion in relation to the state, its laws, and society, are typically the target of such charges.

In February 2012, after receiving numerous death threats, Hamza Kashgari, a 23-year old Saudi blogger, fled from Saudi Arabia to Malaysia amid possible apostasy and blasphemy charges for comments he posted on Twitter. After a few days, Malaysian authorities deported him back to Saudi Arabia, where he remains in detention in Jeddah awaiting formal charges and a trial. In October 2011, a Filipino expatriate worker was arrested and charged with blasphemy after his employer told authorities he insulted the Prophet Muhammad. His current status is unknown. In January 2009, Hamoud al-Amri, a Saudi convert to Christianity, was arrested for discussing his Christian faith on his blog. In March 2009, after his case received international attention, al-Amri was released from prison on the condition that he not leave the country or appear in the media. Al-Amri was previously detained for nine months in 2004 and a month in 2008. He is banned from leaving the country and fears for his safety.

Historically, Saudi authorities have used spurious charges of "sorcery" and "witchcraft" against Muslims who do not adhere to the government's interpretation of Islam. Anti-sorcery departments exist in CPVPV branches across the country, responsible for investigating and reporting incidents of "sorcery" to local police. Several Sunni Muslims remain in prison on alleged sorcery charges and others have been executed. In December 2011, a Sudanese woman was executed for witchcraft. Reportedly, others suffered a similar fate during the reporting period. According to Saudi officials, Lebanese national Ali Sabat's 2009 death sentence for witchcraft was overturned, although he allegedly pleaded guilty to several charges leveled against him, including sorcery and blasphemy. Sabat remains in prison while his case is ongoing.

In addition, over the past few years, members of the Sufi and Ahmadi Muslim communities have been harassed, arrested, and detained because of their non-conforming religious views, but no such incidents were reported in the past year.

### *Women's Rights*

The government's monopoly on the interpretation of Islam adversely affects the human rights of women in Saudi Arabia, including their freedom of speech, movement, association, and religion; freedom from coercion; access to education; and full equality before the law. Over the past few years, there has been some increase in public space to discuss human rights practices affecting women. Nevertheless, the Saudi government has continued discriminatory measures that violate women's human rights. For example, women seeking medical care, whether emergency or not, may be refused medical treatment by hospitals if they lack the consent of a male relative. When appearing in public, women must adhere to a strict religious dress code. Women require written permission from a male relative to travel inside or outside the country and are not permitted to drive motor vehicles. Women were not permitted to vote in the September 2011 municipal elections, although the week before the elections were held, King Abdullah announced that women would be able to vote and run in the next round of municipal elections in 2015 and be appointed to the Shura Council.

In addition, Saudi courts, which apply the Saudi government's interpretation of Islamic law to the cases before them, do not grant women equal legal status to men. A woman's testimony is treated as one-half the testimony of a man; daughters receive half the inheritance that their brothers receive; and women have to demonstrate legally-specified grounds for divorce, while men may divorce without giving cause. During USCIRF's 2011 visit, Ministry of Justice officials stated that women have equal justice under the law and independent legal personalities, although these claims were not substantiated. Officials also claimed that women are granted guardianship of children under the law, although Saudi women's rights activists and human rights groups dispute this claim.

### *State Harassment of Private Worship and Restrictions on Religious Materials*

Non-Muslims are not allowed to have Saudi nationality and no churches, synagogues, temples, or other non-Muslim places of worship are permitted in the country. In addition, the Saudi government enforces and limits public worship to its sanctioned version of Sunni Islam.

For years, Saudi officials have argued that it is impossible to have places of worship other than mosques in the Kingdom because Saudi Arabia is home to Islam's two holiest sites: Mecca and Medina. Moreover, government officials point to a *hadith* (oral tradition) from the Prophet Muhammad which says that only Islam can exist on the Arabian Peninsula, although other Islamic experts contend that this *hadith* is subject to differing interpretations. During USCIRF's 2011 visit, some Saudi officials continued to assert that having non-Muslim places of worship on Saudi soil would be equivalent to building mosques on Vatican property in Italy. As in previous meetings with Saudi officials, USCIRF drew a distinction between a geographic entity in Italy of two square miles with 800 to 900 residents versus a country the size of Saudi Arabia with between two and three million non-Muslim residents.

In 2011, Saudi officials reiterated the government position that non-Muslim expatriate workers are permitted to worship in private. However, guidelines as to what constitutes "private"

worship remain unclear and vague. The Saudi government has said that as long as non-Muslims practice their religion in small groups in private homes, no security entity would interfere, since there is no law that prohibits non-Muslims from practicing in this manner.

Nevertheless, the Saudi government continues in practice to violate its public position about permitting private worship. There are still instances in which members of the CPVPV have entered and raided private homes where non-Muslim expatriate workers were worshipping, although the number of such incidents reportedly decreased over the past year. Expatriate workers from the Philippines, India, Pakistan, and several African countries continue to be subject to surveillance and raids by Saudi authorities, despite the fact that CPVPV members technically are not permitted to conduct such surveillance. In fact, representatives of some non-Muslim communities continue to assert that, in practice, religious freedom simply does not exist in the Kingdom. In the Nejd region in the central part of the country, private religious services continue to be surveilled and, in some cases, raided by Saudi authorities. Conditions for private worship are better in the Eastern Province and Jeddah than elsewhere in the country.

Other than at a few compounds populated by foreign workers, where private worship is allowed, expatriate workers continue to fear government interference with their private worship. This interference can occur for many reasons, such as if a worship service is too loud, has too many attendees, or occurs too often in the same place. Furthermore, Saudi officials do not accept that for members of some religious groups, the practice of religion requires more than an individual or a small group worshipping in private, but includes the need for religious leaders to conduct services in community with others. The government continues to prohibit foreign religious leaders from seeking and obtaining visas to enter Saudi Arabia and minister to local religious communities.

During the past year, a number of people were detained for non-public, non-Muslim worship. Several cases involving non-Muslim detentions were not publicized in order to secure releases. On December 15, 2011, approximately 35 Ethiopian Christians were detained for holding a private prayer gathering and formally charged with “mixing with the opposite sex.” Some have alleged physical abuse during interrogations. All 35 remained in detention at the end of the reporting period and at risk of imminent deportation. In January 2011, two Indian Christians, Yohan Nese and Vasantha Sekhar Vara, were arrested when members of the CPVPV raided a private residence where the two attended a prayer gathering. The CPVPV interrogated and allegedly abused the two men physically. After more than six months in detention, they were deported to India in July. On February 12, 2011, an Eritrean Christian man, Mussie Eyob, was detained and charged with preaching Christianity at a mosque in Jeddah. In July, Eyob was deported to Eritrea after approximately five months in detention.

During USCIRF’s 2011 visit, non-Muslim interlocutors stated that it takes several weeks for the bodies of deceased non-Muslim expatriate workers to be shipped by Saudi authorities to their home country. Saudi authorities almost never permit non-Muslims to be buried in the Kingdom. Despite going to great lengths to urge Saudi officials to expedite the process, non-Muslim workers have had little success. In some cases, religious obligations of expatriate workers require deceased bodies to be buried within a period of days, not weeks. Nevertheless, it remains nearly impossible to fulfill such requirements.

According to the State Department, in recent years, there were fewer reports of government officials confiscating religious materials and no reports that customs officials confiscated religious materials from travelers, whether Muslims or non-Muslims. Individuals were able to bring personal religious materials into the country without difficulty. Also, during the reporting period, senior Saudi government officials, including King Abdullah and the Grand Mufti, have made statements with the reported aim of improving the climate of tolerance toward other religions; both also continued publicly to call for moderation. In recent years, press reports confirmed that representatives of the Vatican were in negotiations with the Saudi government about building the first church in Saudi Arabia, so far to no avail.

*Abuses by the Commission to Promote Virtue and Prevent Vice (CPVPV)*

Restrictions on public religious manifestations and practice by both Saudis and non-Saudis are officially enforced in large part by the CPVPV, a government entity that includes a force of approximately 5,000 field officers and 10,000 employees in over 500 offices throughout the country. There are also hundreds of “unofficial” volunteers who take it upon themselves to carry out the work of the CPVPV, although Saudi officials claim that the CPVPV no longer accepts volunteers. The CPVPV, which reports to the King, is tasked with enforcing public morality based on the Saudi government’s interpretation of Islamic law. Members of the CPVPV patrol the streets enforcing dress codes, maintaining the strict separation of men and women, ensuring that restaurants and shops are closed during daily prayers, and enforcing other restrictions on behavior.

Members of the CPVPV periodically overstep authority but despite numerous documented infractions, they are not subject to judicial review. Despite the fact that the CPVPV is not allowed to engage in surveillance, detain individuals for more than 24 hours, arrest individuals without police accompaniment, or carry out any kind of punishment, its members have been accused in recent years of killing, beating, whipping, detaining, and otherwise harassing individuals.

In recent years, the public presence of the CPVPV has diminished. Several activists, particularly women, have stated that Saudi citizens have challenged members of the CPVPV when they were harassed. For example, interlocutors cited examples where members of the CPVPV would instruct women to adhere better to a newly-devised aspect of the dress code but women would either ignore the advice or counter it with learned arguments.

Saudi government officials claim to have dismissed, disciplined, and criminally tried members of the CPVPV for abuses of power. Saudi Ministry of Justice officials confirmed that there have been cases where members of the CPVPV have been accused of abuse. Officials claimed that several individuals already have been compensated by Saudi administrative courts for damages and that there are cases before the criminal courts alleging that members of the CPVPV were responsible for the death or injury of Saudi citizens.

In December 2010, the director of the CPVPV, Abdul Aziz al-Humain, announced that the CPVPV had begun to implement a strategic plan to combat extremist ideology promoted by

terrorist and other similar groups in the Kingdom. It is not clear what, if any, progress the CPVPV has made since the announcement.

Over the past few years, CPVPV abuses were the subject of numerous articles in the Arabic and English press, garnering unprecedented attention by the public and in international media. Numerous cases went to trial or are proceeding to trial, including alleged beatings and deaths of Saudi citizens. However, in most of the cases that have been prosecuted, CPVPV members have not been held accountable and complainants report summary dismissals of cases without due process. During USCIRF's 2011 visit, Ministry of Justice officials claimed that one CPVPV member was found guilty of killing a citizen and sentenced to death by beheading, but would not provide details because the case is on appeal.

### *Intolerant References in Educational Materials and Textbooks*

Saudi textbooks posted on the Saudi Ministry of Education's Web site and in use during the 2010-2011 school year continue to teach hatred toward other religions and, in some cases, promote violence. For example, some high school texts justified violence against apostates and homosexuals and labeled Jews and Christians "enemies of the believers." The State Department's July-December 2010 religious freedom report stated: "Although many intolerant statements had been removed, some school textbooks continued to contain overtly intolerant statements against Jews and Christians and intolerant references by allusion against Shi'a and Sufi Muslims and other religious groups." For example, they stated that apostates from Islam should be killed if they do not repent within three days of being warned and that treachery is a permanent characteristic of non-Muslims, especially Jews. A September 2011 report by the U.S.-based Hudson Institute's Center for Religious Freedom also confirmed that textbooks continue to promote violent jihad and hatred and violence against Jews, Christians, and infidels.

In July 2006, the State Department stated that the Saudi government had confirmed that it planned to "revise and update textbooks to remove remaining intolerant references that disparage Muslims or non-Muslims or that promote hatred toward other religions or religious groups, a process the Saudi government expects to complete in one to two years [by July 2008]." According to the State Department's 2009 human rights report, in 2007, the Saudi government started a multi-year project "to revise textbooks, curricula, and teaching methods to promote tolerance and remove content disparaging religions other than Islam." Nevertheless, there continues to be very little transparency regarding the textbook revision process, curriculum reform, and teacher training efforts.

During USCIRF's 2011 visit, Saudi government officials claimed that the government had thoroughly revised texts in grades one, four, and seven, is currently working on grades two, five, and eight, and will complete revisions in high school and other grades by 2013.\*

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\* During USCIRF's 2011 visit, Saudi Ministry of Education officials provided the USCIRF delegation with the link to the new Ministry of Education website that included revised textbooks from grades one, four and seven: [http://www.cpfdc.gov.sa/index.php?option=com\\_content&view=article&id=55&Itemid=61](http://www.cpfdc.gov.sa/index.php?option=com_content&view=article&id=55&Itemid=61)

In addition, Ministry of Education officials claim that the number of subjects taught in public schools textbooks will decrease as a result of the revisions. In January 2012, the Minister of Education stated publicly that the government needed an additional three years to revise textbooks, and that the Ministry is “developing curricula that would absorb new visions and promote citizenship, tolerance, and openness toward others...” It is not clear when these revised texts will be used in Saudi schools throughout the country.

During its February 2011 meeting with the Minister of Education, USCIRF was promised two sets of textbooks currently used in Saudi schools. More than a year later, USCIRF has not received any copies of the textbooks despite follow-up.

*The Dissemination of Extremist Ideology and Intolerant Literature in Saudi Arabia and its Exportation around the World*

There continue to be reports that funding originating in Saudi Arabia is used globally to finance religious schools, mosques, hate literature, and other activities that support religious intolerance and, in some cases, violence toward non-Muslims and disfavored Muslims. In recent years, reports continue to surface about Saudi funding of intolerance throughout the Middle East, parts of Africa (e.g., Nigeria, Tanzania, Kenya), South, Central, and Southeast Asia (e.g., Afghanistan, Uzbekistan, Indonesia, Philippines), and parts of Western and Eastern Europe including the Balkans (e.g., Germany, United Kingdom, Russia, Bosnia, and Kosovo). Reports also surfaced in 2011 alleging that funding from Saudi Arabia and other Gulf countries helped to finance Salafi groups in Egypt.

Over the past few years, the Saudi government has undertaken some measures to combat extremism inside the country, such as rehabilitation and prevention programs for convicted extremists and terrorists, as well as retraining and/or dismissing imams and school teachers known to espouse extremist views. As part of the prevention program’s “mindset” component, the Saudi government is distributing to the public millions of pamphlets, tracts, messages, and ads of religious opinions condemning terror and warning against the hijacking of airplanes, bombings, and assassinations. Many of these initiatives, implemented through the Saudi Interior Ministry’s guidance department, are designed to confront extremism through the propagation of a “more judicious interpretation of religious doctrine.” Examples include dropping the *takfir* doctrine, which involves accusing another Muslim of being an apostate to justify his murder, and insisting on strict jurisprudence of recognized authorities. However, these efforts appear to be designed to address security concerns rather than to implement reforms to protect human rights, including religious freedom.

Saudi officials claim that they continue to screen and monitor prospective and current teachers who espoused extremist religious views. However, there were reports of teachers who, in defiance of government policy, promoted intolerant views in the classroom and did not face disciplinary measures. According to Saudi officials, the government also continues to screen and monitor government-paid clerics in mosques throughout the country, although some public officials and clerics continued to make discriminatory and intolerant statements.

During the past year, there were continued reports of virulently anti-Semitic and anti-Christian sentiments expressed in the official media and in sermons delivered by clerics, who in some cases continue to pray for the death of Jews and Christians. This continues despite some having been disciplined for preaching extremist views.

In 2011, the Saudi Ministry of Islamic Affairs stated that the King Abdulaziz National Center for Dialogue has been retraining 40,000 additional Muslim clerics as part of a program to promote tolerance and moderation in Saudi society. Imams reportedly receive special training that exposes them to more moderate views. The Saudi government also asserts that teachers, imams, or professors who promote hatred and intolerance are dismissed, but has not supported this assertion with any statistics or details.

Islamic Affairs sections in Saudi embassies worldwide reportedly have been responsible for both distributing extremist and intolerant materials and providing diplomatic status to Muslim, even non-Saudi, clerics. According to the Saudi government, these sections have been closed temporarily due to such reports. Their current status is unknown.

During USCIRF's 2011 visit, Saudi officials provided no details of programs or initiatives that had been undertaken over the past year by the government to halt the dissemination of intolerant literature and extremist ideology globally.

#### *Empowerment of Officially Sanctioned Human Rights Institutions*

In September 2005, the Council of Ministers, chaired by King Abdullah, approved the establishment of a government-appointed, 24-member Human Rights Commission (HRC) that reports directly to the King. The HRC continues to engage the Saudi government on a variety of human rights concerns, although evidence of specific actions on religious freedom issues has been limited. During USCIRF's 2011 visit, members and staff of the HRC stated that religious tolerance had improved over the past few years and that women's empowerment programs had resulted in significant strides for women in all aspects of society. Members of the HRC also suggested that the attitudes of members of the CPVPV toward women had changed over the past three years as a result of training programs and a change in CPVPV leadership.

In March 2004, the Saudi government approved the formation of a National Society for Human Rights (NSHR), the country's first and only independent, legally-recognized human rights body. The NSHR is comprised of 41 members, including 10 women. The NSHR, which was originally endowed by King Fahd, submits its reports and recommendations directly to King Abdullah. Over the years, the NSHR has publicly criticized alleged human rights violations committed by the Saudi government. During USCIRF's 2011 visit, members and staff of the NSHR downplayed religious freedom concerns by asserting that NSHR offices rarely, if ever, receive complaints about violations of freedom of religion or belief.

#### *Other Developments Internationally and in the Kingdom*

In 2009, at the UN Human Rights Council's Universal Periodic Review (UPR) of Saudi Arabia, the Saudi government accepted a number of recommendations related to freedom of religion or

belief. In its response, the Saudi government stated that non-Muslims in the Kingdom have a “fully guaranteed” right to private worship which “in no way detracts from the freedom of religion of non-Muslims in the Kingdom, nor does it indicate any lack of respect for other Faiths,” and that “no one has the right to interfere in their individual religious observances or compel them to renounce their beliefs.” However, these assertions are contrary to the facts on the ground, as discussed above. In addition, requests from five UN human rights special rapporteurs or working groups for in-country visits have not been answered since 2005.

In 2008, King Abdullah initiated a series of international interfaith conferences and events in Europe and at the United Nations which included representatives from Muslim, Christian, Jewish, Hindu and other faith communities. In October 2011, foreign minister Prince Saud Al-Faisal inaugurated the Saudi government-funded International King Abdullah Center for Dialogue (IKACD) in Vienna, Austria. According to the Saudi government, IKACD “will support dialogue among followers of religions and cultures, enhance understanding, respect and cooperation among all peoples, promote justice, peace and reconciliation, and confront the use of religion as a cover to hide violence and aggression.”

## **U.S. Policy**

Despite a series of challenges in recent years, U.S.-Saudi relations remain close; however, U.S. government efforts to encourage political reform and the protection of human rights, including freedom of religion or belief, in Saudi Arabia continue to face significant obstacles. Many experts agree that Saudi leaders seek to preserve their political authority by maintaining their legitimacy among the conservative religious establishment. For years, the U.S. government’s reliance on the Saudi government for cooperation on counterterrorism, regional security, and energy supplies has limited its willingness and/or ability to press the Saudi government to improve its poor human rights record. Many observers contend that, even now, the United States does not want to jeopardize important bilateral security and economic ties by pushing for political and human rights reforms, despite opportunities emerging as a result of demonstrations calling for increased reforms and greater rights throughout the Arab world in 2011.

The United States-Saudi Arabia Strategic Dialogue, inaugurated in November 2005, has constituted a high-level institutionalized forum for coordinating U.S. and Saudi interests. The Strategic Dialogue consists of six working groups focusing on human development, economy, energy, consular affairs, military cooperation, and counterterrorism. The Strategic Dialogue working groups have met periodically to address issues, including human rights and religious freedom, but substantial human rights improvements in the Kingdom have not resulted.

In October 2010, the Obama administration informed Congress of its intent to sell approximately \$60 billion in arms to Saudi Arabia over a period of 10 years. In November, nearly 200 members of Congress wrote to Secretary of State Clinton raising concerns and questioning the impact of such sales on the national security interests of the United States and its allies. The letter did not address concerns about the Saudi government’s poor human rights and religious freedom record, and the sale continues to move forward. Moreover, in December 2011, the U.S. government announced that it had agreed to sell Saudi Arabia \$29.4 billion worth of advanced F-

15SA fighter aircraft. This deal also includes upgrades to Saudi Arabia's current fleet of 70 F-15 aircraft, as well as munitions, spare parts, training, maintenance, and logistics.

According to the State Department, the U.S. government regularly raises religious freedom issues with senior Saudi government officials and encourages them to protect private religious worship, eliminate discrimination against religious minority communities, and promote tolerance toward non-Muslims and those Muslims who do not adhere to the government's interpretation of Sunni Islam. The U.S. government supports King Abdullah's interfaith and intercultural initiative to promote religious dialogue and tolerance and continues to encourage the government's efforts to revise and update its textbooks and remove intolerant passages advocating violence. Several exchange programs and U.S. speaker programs promote religious tolerance and interfaith understanding.

Since 2000, USCIRF has recommended that Saudi Arabia be designated as a CPC for engaging in systematic, ongoing, and egregious violations of the right to freedom of religion or belief. In September 2004, the State Department followed the Commission's recommendation and designated Saudi Arabia a CPC for the first time. In 2005, a temporary waiver was put in place, in lieu of any action as a consequence of CPC designation, to allow for continued diplomatic discussions between the U.S. and Saudi governments and "to further the purposes of the International Religious Freedom Act" (IRFA). In July 2006, the waiver was left in place when the State Department announced that ongoing bilateral discussions with Saudi Arabia had enabled the U.S. government to identify and confirm a number of policies that the Saudi government "is pursuing and will continue to pursue for the purpose of promoting greater freedom for religious practice and increased tolerance for religious groups." In September 2011, the State Department re-designated Saudi Arabia a CPC but kept in place a waiver of any action to "further the purposes" of IRFA.

## **Recommendations**

USCIRF continues to conclude that the CPC designation and subsequent U.S.-Saudi bilateral discussions have not resulted in the Saudi government making substantial reforms concerning religious freedom. The State Department in practice has addressed reform issues with the Saudis privately, and not made public findings that would demonstrate the Saudi government's inadequate progress. USCIRF urges the U.S. government to address religious freedom and other human rights issues actively and publicly with the Saudi government and to report openly on the government's success or failure to implement genuine reforms in these areas, in order to ensure that initiatives by the Saudi government will result in substantial, demonstrable progress.

### **I. Strengthening U.S. Human Rights Diplomacy as Part of the Bilateral Relationship**

The U.S. government should:

- continue to designate Saudi Arabia a CPC for engaging in systematic, ongoing, and egregious violations of the right to freedom of religion or belief;

- lift the waiver, in place since 2005, or at a minimum extend a temporary 180-day waiver, as a consequence of CPC designation, during which time the Saudi government should complete the following religious freedom reforms agreed to in the July 2006 confirmed policies:
  - revise and update textbooks to remove remaining intolerant references that disparage Muslims or non-Muslims or that promote hatred toward other religions or religious groups; and
  - ensure that members of the CPVPV do not abuse the right of freedom of religion or belief of those individuals living in Saudi Arabia or exceed their jurisdiction, such as to investigate or detain suspects, implement punishment, violate the sanctity of private homes, conduct surveillance, or confiscate private religious materials;
- press the Saudi government to: dissolve the CPVPV and entrust law enforcement to professionals in law enforcement agencies with a precise jurisdiction and subject to judicial review; conduct prompt and independent investigations into reported abuses; ensure complainants due process and other rights under international law, including the right to challenge the lawfulness of his/her detention and be released if it is not lawful; and provide the right to a remedy, including an enforceable right to compensation;
- call, at the highest levels, for the release of Hamza Kashgari, Ali Sabat, and other religious prisoners, including Shi'a and Ismaili Muslims and Muslim and non-Muslim expatriate workers, who have been convicted and remain in prison on charges of apostasy, blasphemy, sorcery, or criticizing the government;
- press the Saudi government to address incitement to violence and discrimination against disfavored Muslims and non-Muslims by:
  - prosecuting government-funded clerics and other officials who incite violence against Muslim minority communities or individual members of non-Muslim religious minority communities;
  - dismissing or disciplining government-funded clerics who espouse intolerance;
  - refuting, publicly and officially, incitement to violence and discrimination by clerics, government officials, and the government-controlled media against Muslim minority communities, such as Shi'a and Ismaili Muslims, and members of non-Muslim religious minorities; and
  - rescinding *fatwas* issued by government-funded clerics that are discriminatory toward or incite violence against Muslim minority communities or non-Muslim religious minority communities;
- press the Saudi government to permit the expeditious transport of bodies of deceased non-Muslim expatriate workers to their home countries, a process that, at present, can take several weeks; and

- address the work of the Human Rights Commission (HRC) and National Society for Human Rights (NSHR) by:
  - urging the Saudi government to ensure that all government agencies cooperate fully with the HRC and the NSHR, including by publishing the decree requiring cooperation and imposing penalties for failure to cooperate;
  - urging the HRC and NSHR to study the situation of freedom of religion or belief in the Kingdom with regard to majority and minority faiths, using universal human rights standards as a benchmark, and report its findings publicly; and
  - urging the Saudi government to implement recommendations from the NSHR's reports, which, if implemented, could be a welcome initial step toward improving human rights compliance in the Kingdom.

The U.S. Congress should:

- require the State Department to issue a public progress report within 180 days of the publication of this report on efforts and results achieved by the Saudi government to implement religious freedom reforms announced in July 2006 following bilateral discussions between the two countries; and
- fund and develop regular exchanges between U.S. Members of Congress and members of the Saudi Consultative Council (*Shura*) on human rights and religious freedom.

## **II. Addressing Publicly the Exportation of Extremist Ideology and Intolerance in Education Materials in Saudi Arabia and around the World**

The U.S. government should:

- undertake and make public an assessment of the Ministry of Education textbooks used during the current school year in Saudi Arabia to determine if they have been revised to remove passages that teach religious intolerance or hatred, which the Saudi government confirmed in July 2006 that it would do within one to two years;
- urge the Saudi government to include in all school curricula, in school textbooks, and in teacher training the concepts of tolerance and respect for the human rights of all persons, including religious freedom, consistent with the standards set forth in the Universal Declaration of Human Rights;
- urge the Saudi government to end its restriction permitting only the teaching of the government's interpretation of Sunni Islam at public and private universities in the country;
- request that the Saudi government:

- make publicly available teacher training manuals used in state primary and secondary schools inside the country;
- upon receipt by the U.S. government of credible information about incitement to violence, and consistent with U.S. law, provide an accounting of what kinds of Saudi official support have been and continue to be provided to which religious schools, mosques, centers of learning, and other religious organizations globally, including in the United States;
- make public the content of educational and other materials sent abroad to demonstrate whether such activities promote hatred, intolerance, or justify or encourage other human rights violations;
- establish a transparent public program to monitor, regulate, and report on the activities of Saudi charitable organizations based outside Saudi Arabia in countries throughout the world;
- cease granting diplomatic status to Muslim clerics and educators teaching outside Saudi Arabia; and
- ensure that Islamic affairs sections in Saudi embassies throughout the world remain closed indefinitely in accordance with past promises;
- report publicly to Congress on all the above areas as part of the reporting on progress of Saudi government implementation of the July 2006 confirmation of policies, referred to in the recommendation above; and
- communicate and share information with other concerned governments related to Saudi exportation of hate literature and extremist ideology.

### **III. Pressing for Immediate Improvements in Other Areas Related to Freedom of Religion or Belief**

The U.S. government should press for other immediate improvements in respect for religious freedom, including by urging the Saudi government to:

- comply with the recommendations from the UN Human Rights Council's February 2009 Universal Periodic Review, including those related to freedom of religion or belief, and ratify international human rights instruments, including the International Covenant on Civil and Political Rights;
- establish genuine safeguards for the freedom to worship in accordance with international standards, and end state prosecution of individuals charged with apostasy, blasphemy, and sorcery;

- allow foreign clergy to enter the country to carry out worship services and to bring into the country religious materials for such services;
- convene a public interfaith conference inside Saudi Arabia with Muslim and non-Muslim faiths represented, and continue the Kingdom's interfaith activities globally;
- broadcast inside Saudi Arabia activities and programs of the International King Abdullah Center for Dialogue in Vienna, Austria; and
- permit independent non-governmental organizations to monitor, promote, and protect human rights, including freedom of religion or belief, and invite the UN Special Rapporteur on Freedom of Religion or Belief to conduct a visit to Saudi Arabia in accordance with the standard terms for such a UN visit.

## Sudan

**FINDINGS:** Systematic, ongoing, and egregious violations of freedom of religion or belief continue in Sudan. Violations include: the criminalization, subject to the death penalty, of apostasy; the efforts by the government in Khartoum to impose its restrictive interpretation of Shari'ah (Islamic law) on Muslims and non-Muslims; attacks and threats against the Christian community; the application of the Public Order Act and related laws and use of floggings for undefined acts of "indecentcy" and "immorality;" the denial of public religious expression and persuasion of Muslims by non-Muslims, while allowing proselytizing of non-Muslims by Muslims; and the difficulty in obtaining permission to build churches, as compared to government funding of mosque construction.

Based on these concerns, USCIRF again recommends in 2012 that Sudan be named a "country of particular concern," or CPC. The State Department has designated Sudan a CPC since 1999.

USCIRF identified Sudan as the world's most violent abuser of the right to freedom of religion or belief for its actions during the North-South civil war of 1983-2005. While religious freedom conditions greatly improved in South Sudan and contested areas during the Interim Period of the Comprehensive Peace Agreement (CPA) that ended the civil war in January 2005, conditions in Sudan deteriorated during the reporting period, especially following South Sudan's vote for, and subsequent, independence. Religiously-based attacks on the Christian community reportedly amounting to ethnic cleansing occurred in the fighting in Southern Kordofan; more than 150 persons were arrested for apostasy and many forced to renounce their faith; Christian leaders and houses of worship were attacked and threatened; and a new constitution is predicted to remove religious freedom and human rights protections included in the Interim National Constitution.

**PRIORITY RECOMMENDATIONS:** In addition to recommending that Sudan continue to be designated a CPC, USCIRF urges the U.S. government to engage at the highest levels to prevent Sudan from moving toward a more repressive state. The U.S. government should build international pressure on Khartoum to allow for international, unrestricted humanitarian access to Southern Kordofan and Blue Nile states, and discourage nations from offering debt relief to Sudan until humanitarian access is opened to all affected persons. With the Khartoum regime considering religious freedom limitations in the new constitution, the State Department should increase efforts to end Khartoum's regressive behavior and insist on a transparent and inclusive drafting process to strengthen human rights, including religious freedom, protections in the new constitution. Finally, the U.S. government should maintain current sanctions on Sudan until the country's religious freedom and human rights record complies with international standards. Additional recommendations for U.S. policy toward Sudan can be found at the end of this chapter.

## Religious Freedom Conditions

Sudan continues to be governed by the Interim National Constitution (INC) while members of the ruling National Congress Party (NCP) draft a new constitution. Sudanese President Omar al-Bashir and several NCP leaders have stated repeatedly since the end of 2010 that the new constitution will be based on Shari'ah law and will not include specific provisions recognizing Sudan's religious, ethnic, and linguistic diversity.

The INC guarantees the freedoms to worship and assemble, establish and maintain places of worship and appropriate charitable or humanitarian institutions, observe days of rest and celebrate holidays and ceremonies, and communicate with co-religionists at both the national and international levels. However, the INC's human rights guarantees are disregarded in practice and are often superseded by other laws. Apostasy from Islam is legally punishable by death. Blasphemy is legally prohibited under Sudan's criminal laws, and blasphemy accusations have been used to intimidate those expressing disfavored views. While missionaries are allowed to engage in humanitarian activities and promote Muslim-Christian cooperation, they are not permitted to proselytize within Sudan. Government policies promote conversion to Islam, such as by allegedly allowing the use of humanitarian assistance to induce conversion and providing early release to prison inmates who memorize the Qur'an. The government has the right to appoint and dismiss imams in most mosques and to pre-approve the content of locally-printed religious publications. Finally, government security forces monitor the religious activities of Christians and of Muslims belonging to Islamic groups not allied with the government.

### *Apostasy Charges and Forced Renunciations of Faith*

In 2011, nearly 170 persons were imprisoned and charged with apostasy, a crime punishable by death in Sudan. In the past, suspected converts were subjected to intense scrutiny, intimidation, and sometimes torture by government security personnel. On May 8, Sudanese intelligence officers arrested Hawa Abdulla Muhammad Saleh, a Christian, for apostasy, proselytizing, "Christianization of minors," and other crimes. Upon her arrest, the government posted a picture of Hawa holding a Bible in her hand, putting her life in danger. She was later released and remains in the country. On July 29, 150 people were arrested and 129 were charged with apostasy, disturbance of the public peace, and being a public nuisance. The individuals are members of the Darfur Hausa ethnic group and practice a version of Islam different than the one propagated by the ruling NCP; they follow the Qur'an but not the sunna. The individuals were released in September only after they renounced their faith and agreed to follow the government's interpretation of Islam. On September 8, Suleman Aboulgasim Musa and 17 of his followers were arrested and charged with apostasy. Musa, who believes he is Jesus Christ and a follower of the Prophet Mohammed, and his followers have been practicing their religion since 1981.

### *Attacks on Christians*

Attacks on Christians and churches in Sudan increased in 2011. A senior Christian leader from Khartoum told USCIRF in October 2011 that Christians fear for their future and safety in Sudan and that churches are no longer places of sanctuary, but targets of the government.

In the fighting in Southern Kordofan, USCIRF was told by Nuban refugees during a trip to Yida refugee camp and Juba, South Sudan that Sudanese Armed Forces (SAF) and paramilitary soldiers targeted Christians for executions and arrest because of their faith or because, as Christians, they were assumed to be supportive of the opposition Sudan People's Liberation Movement-North. SAF and paramilitary soldiers executed seminary student Philip Kalo and two other Christians in early June. Catholic priest Abraham James Lual has been arrested three times since July. He is accused of supporting the opposition and preaching against Islam. There are reports of other Christians being arrested. In addition to the killings and arrests, USCIRF was told that four of the five churches in Kadugli were destroyed by government forces in the fighting. On February 1, 2012, the first day of school, the government bombed Heiban Bible College. While no one was hurt, two building were destroyed.

Christian leaders in Khartoum were threatened during this reporting period. On July 18, a group of Muslim extremists attacked the home of Bishop Andudu Adam Elnail, attempting to kill him and two other pastors. When the attackers found no one home, they left a letter warning the pastors of future, similar attacks. In July and August, Christian leaders reported receiving text messages warning that they and their respective churches would be attacked. One text message reportedly stated, "We want this country to be purely an Islamic state, so we must kill the infidels and destroy their churches all over Sudan." Additionally, pastors in Khartoum, including some who fled Southern Kordofan for the capital city, told USCIRF that Muslim extremists came to their houses looking for them. No government action was taken against these attacks or threats.

A number of churches were attacked in this reporting period. On January 15, extremists burned down the Presbyterian Church of the Sudan; another group burned down a church in Omdurman on June 28. A mob attacked the congregation of the Sudanese Church of Christ on Omdurman West on August 5 as congregants attempted to build a church. The mob threw stones at the members of the congregation and said that they did not want Christians in their neighborhood. In October, a religious statue in a Catholic church in Kosti, White Nile state, was defaced. In a meeting with USCIRF in October, Anglican Bishop Ezekiel Kondo said that numerous churches were razed this year. The government has not responded to any of these attacks.

There were threats to additional Christian houses of worship. On September 11, officials from the Ministry of Physical Planning and Public Utilities threatened to demolish the Sudanese Church of Christ, the Episcopal Church of Sudan, and the Roman Catholic Church in Omdurman if the churches continued to conduct services. The officials, who marked the church doors with a red X, said that the churches were operating on government land without permission. In addition to these threats, church leaders report that Ministry of Guidance and Religious Endowment officials have asked them to reveal information about church activities and church members. At the end of the reporting period, no action had been taken against the churches.

#### *Official Enforcement of the Government's Interpretation of Shari'ah (Islamic Law)*

All Sudanese, including Christians and followers of traditional African religions, are subject to the government's interpretation of Shari'ah (Islamic law). In meetings in Khartoum in

December 2009, both Christians and Muslims told USCIRF that they felt their religious freedoms were infringed upon by the government's imposition of its own particular Islamic ideology on the entire population, including its enforcement of religiously-based morality codes and corporal punishment.

The government enforces religiously-based morality laws and imposes corporal punishments on both non-Muslims and Muslims through the Public Order Regime. This Regime comprises the Public Order Police, the Public Order Courts, the Public Order Acts, and sections of the 1991 Criminal Act on "offences of honor, reputation and public morality," including undefined "indecent or immoral acts." Public order violations carry a maximum penalty of 40 lashes through flogging, a fine, or both. Each year, dozens of Muslim and Christian women and girls in Khartoum are flogged for indecent dress in violation of the Public Order Regime. What constitutes indecent dress is not defined in law, but is left to the discretion of arresting officers and prosecuting judges. According to the African Centre for Justice and Peace Studies (ACJPS), indecency charges relating to dress or the brewing or selling of alcohol are used primarily against poor Southern Sudanese women, the vast majority of the female inmate population in Khartoum. The public order laws also are used to discriminate against women of all classes, including the requirement that all women wear the *hijab* and wide restrictions on women's economic activities, including the limitation on work hours for women in Darfur. Under the guise of protecting morality and preventing co-mingling, which is deemed "prostitution," the Public Order laws have also been used against unmarried men and women who share office space and taxi rides or attend parties together. These arrests often target the government's political opponents. In 2011, a number of Muslims and Christians arrested for consuming alcohol were sentenced to 80 lashes, more than what is specified in the law.

In 2009, the Minister of Justice approved a set of Coptic laws, provided by the Coptic Church in Cairo, for Copts in Sudan; therefore, all legal proceedings related to Copts, including alcohol-related issues, are to be transferred to church officials for judgment.

### *Citizenship*

In the lead-up to the referendum, inflammatory statements from NCP that Southerners would lose access to services and rights should the South gain independence led hundreds of thousands of Southerners to leave the North and repatriate to the South; thousands continue to return to South Sudan. After South Sudan's independence, Southerners were fired from government and military jobs and Khartoum announced that because Southerners could access South Sudan citizenship, they would be stripped of their Sudanese citizenship on April 9, 2012. To remain in Sudan, the Southerners will have to be granted residency or find a job that will allow them to secure a permit. At the time of this writing, 700,000 Southerners remain in Sudan, almost all of whom will be stripped of their legal status in April.

### *Other Religious Freedom Violations*

Muslims have also been victims of religious freedom violations. Khartoum has targeted both churches and mosques in its bombing campaign of the Nuba Mountains, at times during services. On December 3, the 600-year-old Sheikh Idris Wad Al-Rabab shrine, a symbol of Sufism in

Sudan, was set on fire. In January 2012, the Association of Islamic Scholars and Preachers issued a *fatwa* against former president and National Umma Party leader Sadiq al-Madi after he called for women to be allowed to attend marriage ceremonies as witnesses, participate in funerals, and stand in the same line as men while they prayed. He also said that the headcovering is not part of Islam.

Although the government routinely grants permits to construct and operate mosques and supports mosque construction with government funds, only three churches have been granted permits for new construction since 1975, all during the CPA period. Churches built without official permission, by owners who register land for personal rather than church use, exist at the authorities' sufferance. Even legally recognized church-owned properties are vulnerable to official harassment as noted above.

Muslims receive preferential access to limited government services and preferential treatment in court cases involving Muslims against non-Muslims. Christians told USCIRF during its December 2009 trip to Khartoum that foreign church officials are not permitted outside of Khartoum, that except for a Christmas Day broadcast, the state media denies Christians air time, and that Christians are denied educational opportunities and employment services when administrators discover their religious background. In addition, school textbooks negatively stereotype non-Muslims and ignore their contributions to the country.

## **U.S. Policy**

The United States is the pivotal international actor in Sudan. U.S. involvement in the peace negotiations was vital to achieving the CPA and ending the North-South civil war. As a guarantor of the CPA, along with the United Kingdom and Norway, the U.S. government was crucial to bringing about a successful referendum on independence in South Sudan in January 2011, as well as ensuring that its result was recognized by the government of Sudan and the international community.

In 1997, President Bill Clinton utilized the International Emergency Economic Powers Act (IEEPA) to sanction Sudan, finding that "continued support for international terrorism, ongoing efforts to destabilize neighboring governments, and the prevalence of human rights violations, including slavery and the denial of religious freedom, constituted an unusual and extraordinary threat to the national security and foreign policy of the United States." These sanctions imposed a trade embargo on the entire country as well as a total asset freeze on the government. Since 1997, an arms embargo on Sudan and travel bans and asset freezes have been imposed in response to the genocide in Darfur. With the 1999 designation of Sudan as a Country of Particular Concern (CPC), the Secretary of State has utilized the International Religious Freedom Act (IRFA) to require U.S. opposition to any loan or other use of funds from international financial institutions to or for Sudan. In an attempt to prevent sanctions from negatively impacting regions in Sudan which have been assailed by Khartoum, U.S. government amendments and orders have attempted to lift the impact of U.S. sanctions on the regional governments of Southern Sudan, Southern Kordofan State, Blue Nile State, Abyei, Darfur, and marginalized areas in and around Khartoum.

In September 2010, the administration announced a series of incentives to encourage Khartoum to implement the CPA's final provisions and bring peace to Darfur. The United States immediately lifted some sanctions on Sudan, including a prohibition on importing agricultural tools. In return for Khartoum's efforts to secure an on-time and credible referendum, respecting its outcome, coming to agreement on post-2011 issues, and bring lasting peace to Darfur, as well as certain measures previously taken to cooperate with U.S. counterterrorism agents, the administration said it would take steps to remove Sudan from the list of state sponsors of terrorism, normalize relations, and help Khartoum seek debt relief. Following Khartoum's recognition of the South's vote for independence in February, Secretary of State Hillary Clinton announced she was charging the State Department with investigating whether Sudan met the legal requirements to remove Sudan from the state sponsors of terrorism list; no such removal has occurred.

The administration currently has three senior diplomats appointed to further U.S. policy in Sudan. In September 2011, former Special Assistant to the President and Senior Director for African Affairs on the White House National Security Staff Mary Yates was appointed Interim Charge d'Affaires at the U.S. Embassy in Khartoum. In March 2011, Ambassador Princeton Lyman was named Special Envoy to Sudan, having served previously as a senior advisor to former Special Envoy to Sudan Major General J. Scott Gration. In December 2010, Ambassador Dane Smith was announced as a senior advisor on Darfur to increase efforts to bring peace to that region.

Throughout the reporting period, the U.S. government continued multilateral and bilateral efforts to bring peace to Southern Kordofan, Blue Nile, Abyei, and Darfur; implement outstanding CPA provisions; and finalize post-2011 negotiations on oil. In the context of the Southern Kordofan and Blue Nile fighting, President Obama and senior officials spoke out against reports of ethnic cleansing; called on the parties to the conflict to end hostilities, reach a political agreement, and permit international, unrestricted humanitarian access to affected populations, and urged allies to undertake similar outreach efforts to Khartoum to address the humanitarian situation in the two states; urged independent investigations of human rights violations in the two states; and called on the Sudanese Armed Forces to end aerial bombardments. The Obama administration also supported the efforts by the African Union High-Level Implementation Panel, led by former South African President Thabo Mbeki, to reach agreement on post-2011 negotiations, particularly oil revenue sharing between Sudan and South Sudan.

U.S. government assistance programs in Sudan support conflict mitigation efforts, democracy promotion, and emergency food aid and relief supplies. The United States remains the world's largest donor of food assistance to Sudan, providing needed aid, either directly or through third parties, to persons from Darfur, Abyei, Southern Kordofan, and Blue Nile. The U.S. government continues to support programs promoting broad participation in the CPA-mandated popular consultation in Southern Kordofan and Blue Nile, and a new Sudanese constitution.

U.S. government officials in Khartoum and Juba regularly meet with religious leaders and Northern and Southern government officials to discuss religious freedom in Sudan as well as promote respect for religious freedom and implementation of religious freedom provisions in the CPA and the constitutions.

## Recommendations

USCIRF recommends that Sudan continue to be designated a CPC, and urges the U.S. government to remain engaged at the highest levels in bringing about a just and lasting peace for all of Sudan. With the Bashir regime taking steps that would move Sudan toward a more repressive state, the State Department should increase efforts to encourage reforms and discourage regressive behavior. The normalization of relations with Sudan and any considerations of lifting U.S. sanctions must be preceded by concrete action and demonstrated progress by Khartoum in implementing peace agreements, ending abuses of religious freedom and related human rights, and cooperating with efforts to protect civilians. USCIRF also recommends that the U.S. government require full implementation of the remaining unresolved issues in the CPA.

### I. Strengthen Religious Freedom and Related Human Rights Protections

The U.S. government should:

- require, before the United States will normalize relations or lift the IRFA and IEEPA sanctions, that the government of Sudan abide by international standards of freedom of religion or belief, including repealing the apostasy law, Public Order Regime, and laws and practices which discriminate against non-Muslim minorities;
- urge that the government of Sudan hold a transparent and inclusive national drafting process to ensure that Sudan's new constitution includes protections for freedom of religion or belief, respect for international commitments to human rights, and recognition of Sudan as a multi-religious, multi-ethnic, and multi-cultural nation; and support indigenous efforts to influence the process positively;
- support the re-creation of an independent Commission for the Rights of Non-Muslims in the National Capital that has the capacity to protect, monitor, and investigate human rights abuses and to promote respect for internationally-recognized standards on freedom of religion or belief and related human rights;
- ensure protections for Southern Sudanese in Sudan who are scheduled to lose their citizenship by holding the government of Sudan to its commitments to protect international human rights and prevent statelessness by not forcibly repatriating Southerners to South Sudan as they seek Sudanese residency or stay permits or until they are assisted in their return to the South;
- urge the government in Khartoum to cooperate fully with international mechanisms on human rights issues, inviting further visits by the UN Special Rapporteur on Freedom of Religion or Belief, the Independent Expert on the Situation of Human Rights in Sudan, and the UN Working Group on Arbitrary Detention; and
- use bilateral and multilateral diplomacy to ensure that Sudanese authorities cooperate fully with the International Criminal Court.

**II. Address Human Rights Abuses and the Humanitarian Situation in Southern Kordofan and Blue Nile**

The U.S. government should:

- build international pressure on the government of Sudan to allow unrestricted, international humanitarian assistance to all areas in the two states and fund operations to support affected persons;
- support an independent international inquiry into reported violations of international human rights and humanitarian law and bring perpetrators to account;
- impose financial and other sanctions on officials responsible for human rights abuses in Southern Kordofan and Blue Nile, and work with our allies to do the same; and
- urge allies to refrain from providing economic assistance and debt relief to the government of Sudan until it allows unrestricted humanitarian assistance to persons in Southern Kordofan and Blue Nile, ends hostilities, and abides by its international commitments to universal human rights.

**III. Insist on Full CPA implementation**

The U.S. government should:

- work with the CPA signatories, in coordination with international partners, to implement the remaining CPA provisions, including reaching agreement on post-2011 negotiations, holding the Abyei referendum and the popular consultations in Southern Kordofan State in a free, fair, and credible manner; and demarcating the North-South border.

## Tajikistan

**FINDINGS:** The religious freedom situation in Tajikistan further deteriorated during the reporting period, as it has over the past several years, leading to systematic, ongoing, and egregious violations of freedom of religion or belief. The state suppresses and punishes all religious activity independent of state control, and imprisons individuals on unproven criminal allegations linked to religious activity or affiliation. The Tajik government's restrictions on freedom of religion or belief primarily affect the country's majority Muslim community, but also target minority communities viewed as foreign-influenced, particularly Protestants and Jehovah's Witnesses. Jehovah's Witnesses are banned and, as a result, that community has faced numerous official penalties, including allegations of inciting inter-religious discord. In recent years, the Tajik government has destroyed a synagogue, a church, and three mosques, and it has closed down hundreds of unregistered mosques, including 50 in early 2011.

Based on this deterioration and these systematic, ongoing, and egregious violations of religious freedom, USCIRF recommends for the first time in 2012 that Tajikistan be designated a country of particular concern (CPC). Tajikistan had been on USCIRF's Watch List since 2009.

The government's actions against peaceful religious practice are based in part on a recent and ongoing expansion of repressive laws limiting religious freedom. The 2009 Tajik religion law establishes onerous and intrusive registration requirements for religious groups; criminalizes unregistered religious activity, private religious education, and proselytism; sets strict limits on the number of mosques and their size; allows government interference with the appointment of imams; requires official permission for religious organizations to provide religious instruction and communicate with foreign co-religionists; and imposes state controls on the publication and import of religious literature. In 2011, new administrative and penal code provisions set new penalties, including large fines and prison terms, for religion-related charges. A new parental responsibility law also came into force in 2011, banning minors from any organized religious activity except in official religious institutions. Women are not permitted to go to mosques or wear headscarves in educational institutions, and men are not permitted to wear beards in public buildings.

**PRIORITY RECOMMENDATIONS:** Tajikistan is strategically important for the United States due to its long and porous border with Afghanistan and the key role of ethnic Tajiks in that country. The U.S. government should designate the country a CPC and engage the Tajik government about the importance of enacting specific reforms. In doing so, the U.S. government should press Tajik officials and work with civil society to bring the relevant laws into conformity with international commitments. The U.S. embassy should monitor the trials of those charged solely because of religious belief or practice and call for the release of such prisoners. The U.S. should work with the international community to provide training for judges and prosecutors in civil law and human rights standards. U.S. officials should criticize publicly violations by the Tajik government of its international and Organization for Security and Cooperation in Europe (OSCE) human rights commitments. Additional recommendations for U.S. policy toward Tajikistan can be found at the end of this chapter.

## Religious Freedom Conditions

### *Restrictive Legal Framework*

#### *New Legal Restrictions*

In 2011, the Tajik government successfully sought passage of several repressive and vague amendments to the criminal and administrative codes. The changes empower the government to arbitrarily limit the peaceful practice of religion by setting lengthy prison terms for “unapproved” religious activity and placing heavy fines for religious education and expression.

Two new Administrative Code articles went into effect in January 2011 that set new penalties for peaceful religious activity. One article sets onerous fines for “teaching religious knowledge without [state] permission.” Individuals may be fined up to U.S. \$800; groups, up to U.S. \$1,600; and repeat violations are subject to fines of up to three times these amounts. The 2010 official minimum monthly wage and pension in Tajikistan is U.S. \$19. Another article similarly sets onerous fines for the production, distribution, import or export of religious literature that has not passed the compulsory review by state censors.

The Tajik parliament amended the criminal code in June 2011 and set maximum two-year prison terms as punishment for organizers and participants in “unapproved gatherings, meetings, demonstrations, pickets and street processions,” which could include unregistered or unapproved religious meetings. Another criminal code provision was added that punished the “organization of a religious extremist study group and participation in it without regard to the place of study.” Alleged participants in such groups face prison terms of five and eight years; organizers face eight to 12-year terms. Property confiscation also may be imposed.

The Parental Responsibility Law went into effect in August 2011. The law bans almost all religious activity by children, including mosque attendance and participation in funerals, but permits participation in approved religious education. The law also restricts children’s religious dress and even limits parents’ choice of their children’s names. The state Religious Affairs Committee (RAC) and other state agencies are tasked with enforcing parents’ responsibilities under the law. In August 2011, the heads of the RAC and of the government-backed Council of Ulema traveled around the country to clarify the new law’s practical effects, but some communities were not satisfied with the explanations about the new law’s implementation.

Nevertheless, many young people reportedly were still attending places of worship after the law took effect. It was reported in August that police stopped people under 18 from entering mosques to celebrate Eid al-Fitr at the end of Ramadan. The 57-member Organization of Islamic Cooperation (OIC), of which Tajikistan is a member, publicly expressed concern about the law, which it noted affects not only Muslims, but also Christians and members of other religious communities. It is not known if the Tajik government has responded to the OIC’s official request for clarification but, in a February 2012 letter to USCIRF, the Tajik embassy claimed that the law was justified to protect youth from alleged radical influences and argued that it did not violate international legal commitments on freedom of religion or belief.

2009 Religion Law

Tajikistan enacted a highly restrictive religion law in March 2009 and aggressively enforced the law after February 2010 parliamentary elections. The law places onerous administrative burdens on religious groups, which prevent or control religious activity. Non-violent unregistered religious groups, which either were denied registration or decided not to seek registration, are deemed “illegal” and the Tajik government has closed their houses of worship.

The 2009 law also prohibits private religious education, requires state permission for an institution or organization to provide religious instruction, and requires that both parents provide written permission for a child to receive such instruction. It is not clear whether under the law religious instruction includes children attending religious services, though police have tried to prevent children from praying at mosques after school hours on Fridays. The law also bans proselytism and requires prior official approval for religious organizations to invite foreigners into the country or attend religious conferences outside the country. Under the law, the government must approve the content and “appropriate quantities” of all published or imported religious literature and religious communities must pay for this “service.” Although Tajikistan has the only legal Islamic political party in Central Asia, the law forbids religious associations from participating in political activities.

The law’s preamble notes the “special role of the [Sunni] Hanafi school of Islam” in Tajik culture, ignoring any role of the country’s Ismaili Shi’a Muslims, who comprise from five to 10 percent of the population, as well as contributions of Tajik Jews and Orthodox Christians.

The international community, including the United Nations, the OSCE, and USCIRF, raised numerous concerns about the 2009 law. The UN Special Rapporteur on Freedom of Religion or Belief told the UN Human Rights Council that the law “could lead to undue limitations on the rights of religious communities and could impermissibly restrict religious activities of minority communities.” The OSCE’s Advisory Panel of Experts on Freedom of Religion or Belief also found that many of the law’s provisions do not meet international standards regarding the freedom of religion or belief. In October 2011, the UN Human Rights Council undertook its first Universal Periodic Review of Tajikistan. Tajik representatives promised to undertake various labor and human rights reforms, including on torture. Nevertheless, Tajikistan rejected key recommendations on freedom of religion or belief, including amending the new Parental Responsibility Law.

Members of various Tajik minority religious communities, including Seventh-day Adventists, Baptists, Baha’is and Hare Krishna, expressed similar concerns about the law’s impact on freedom of religion or belief. In February 2011, Patriarch Kirill of the Russian Orthodox Church reportedly noted the new law’s numerous restrictions. Tajik government officials, however, have said that concerns about the religion law are baseless and have accused Tajik organizations that share these concerns of supporting “alien ideas.”

### Registration Issues

As discussed above, the Tajik religion law requires religious groups to register, and the administrative and criminal codes penalize unregistered religious activity. There are two types of registration: as a religious organization, which has legal personality, or as a religious community, which does not. National religious centers, central mosques, central prayer places, religious educational institutions, churches, and synagogues can apply for registration as religious organizations. Other religious entities, including smaller central mosques and prayer mosques, can register only as religious communities. To register as a religious organization, 10 adult citizen founders must present a certificate from local officials attesting that they have lived in the area for at least five years, as well as provide proof of citizenship, dates of birth, home addresses, and descriptions of their beliefs and religious practices, their views on education, family, and marriage, and data on their founders' state of health. State officials and members of political parties are not eligible to be among the 10 founders. Religious organizations must specify all their activities in their charters and report annually on their activity or face loss of registration. The religion law also requires that the charters define the geographic status of religious organizations as well as religious communities, thereby limiting their activities to the national, town, or district level.

The law singles out mosques for particularly strict regulation: one large, so-called Friday prayer mosque is allowed in a district of 10,000-20,000 people and one smaller five-time-daily prayer mosque is permitted in an area of 100-1,000 people; quotas are higher for the capital, Dushanbe. Mosques that exceed the quota for an area can be closed. Under the law, "appropriate state bodies in charge of religious affairs" select all imams and their assistants (*imam-khatibs*); other religions appear to be allowed to appoint their own leaders. Muslim worship is restricted to mosques, homes, and cemeteries, and is not permitted in places of work or on streets around mosques. Under the 2009 religion law, only state-licensed mosques are permitted to hold Qur'an study classes; previously, any mosque could do so.

The 2009 religion law imposed a re-registration deadline of January 1, 2010. The State Department reported that as of the end of 2010, most religious groups had applied for re-registration. As of March 2011, however, some mosques had been denied re-registration and many others were still waiting for registration. According to a February 2012 letter from the Tajik embassy to USCIRF, 4,000 religious organizations, 74 of which are non-Muslim, are currently registered. Muslim structures include 3,366 mosques, 345 Friday mosques, 41 central mosques and one national Islamic Religious Center, a modest increase over official statistics from a year ago. These figures did not include Ismaili *Jamatkhonas* (places of worship).

### Law on Traditions and Rituals

Tajikistan's 2007 Law on Observing National Traditions and Rituals regulates private celebrations, allegedly to protect the public from spending excessive amounts of money. This law restricts the manner in which individuals can conduct private celebrations, including those with religious significance, such as weddings, funerals, gatherings after the return of a pilgrim from the *hajj*, and the birthday of the Prophet Muhammad. National minorities specifically are exempted from restrictions in celebrating their national events.

### *Restrictions on Muslims*

Through various legal provisions, the Tajik government in effect controls the practice of Islam. This control is carried out via the state-appointed Council of Ulema (CoU). The CoU promotes official government policies on Islam, issues *fatwas* and religious guidance to Islamic religious organizations, and drafts Friday sermon topics for national distribution. It is the only “national center” allowed for Muslims under the religion law, and its “decisions and *fatwas* are viewed as government policies,” according to the State Department. The government also indirectly controls the selection and retention of imams, including through “attestations” on Islamic teachings and religious principles. In addition, the RAC selects, controls, collects the fees and limits the age and the numbers of those who annually participate in the *hajj*; in 2010, 5,500 were allowed to participate. According to the State Department, observers have noted that the government drafts Muslim sermons and manipulates teachings so as to bolster its own political standing against the Islamic Renaissance Party (IRP), the major legal opposition party.

In December 2011, the CoU accused three prominent Tajik religious and political opposition leaders in the IRP, the Turajonzoda brothers, of “endangering the spiritual unity of our nation” by performing the “alien” Shi’a ritual of Ashura at their mosque near Dushanbe. Although the brothers denied observing Ashura, the CoU distributed its accusatory statement to all Tajik mosques and requested that imams read it at Friday prayers. Tajik authorities later dismissed several imams who refused to do so, including one brother who was imam at the family mosque. The CoU also called on the Tajik authorities to examine whether the Turajonzoda family’s religious activity is in accord with the religion law.

Three days later, 50 police and officials raided the Turajonzoda mosque during Friday prayers, and detained nine worshippers without charges for 10 days. In addition, the RAC downgraded the mosque’s status for three months so that Friday sermons – which attracted 10,000 worshippers – could not legally be held, and threatened that its return to Friday prayer status would depend on the absence of any further legal violations. In addition, the government dismissed two of the brothers, Nuriddin and Mahmudjon, as the mosque’s imams. A Tajik court also fined Nuriddin and his brother, Akbar, about U.S. \$70 each for allegedly insulting the leader of the CoU, but ignored their counterclaims against the government.

The CoU issued a *fatwa* in 2004 that bans women from praying in Tajik mosques, which remains in effect. In October 2010, a fire destroyed the IRP’s Dushanbe cultural center, the country’s only mosque that officially allowed women to pray alongside men. An IRP official has claimed that the fire, which took place one day after Religious Affairs Committee officials visited the center to tell party officials that they could no longer use it for prayers, was not an accident. There has been no known official investigation of the incident. Reportedly, however, some unregistered mosques, particularly in remote regions of Tajikistan, still allow women to pray in their buildings.

Tajik officials, including those from the State Committee on National Security, monitor mosques throughout the country. Officials attend services to listen to imams and observe individuals attending the mosques, as well as monitor audio and video cassettes for possible extremist and

anti-government views. Officials also monitor weddings and funerals for compliance with the law on traditions and rituals. The Tajik president, Emomali Rahmon, established a Center for Islamic Studies, under the Presidential Administration, to direct religious policy in 2009. This center is headed by a former director of the state Committee on Religious Affairs, Murodullo Dovlatov, who reportedly also is linked to the security services.

### *Application of Extremism Laws*

Several articles of Tajikistan's Criminal Code penalize extremist, terrorist, or revolutionary activities without requiring acts that involve violence or incitement to imminent violence. Article 189 prohibits "inciting ethnic, communal or religious hatred," and, as discussed above, in 2011 a provision was added to punish the "organization of a religious extremist study group and participation in it without regard to the place of study." However, the criminal code does not define "extremist religious" study or teaching. These overly broad provisions permit Tajik authorities to apply these laws against peaceful religious activity in an arbitrary and sweeping fashion or to penalize other non-violent activities which the government claims constitute prohibited practices.

Moreover, in 2011 Tajik officials reportedly claimed that domestic security agencies need additional training to more effectively counter religious extremists. Reportedly, some Tajik security staff was fired in 2010 due to a lack of professional qualifications, according to the Tajik National Security Committee's Counterterrorism Department. In 2011, security staff is being retrained, reportedly with the assistance of Pakistani and Russian specialists.

Tajikistan is unique among the former Soviet republics in that it experienced a civil war in which liberals and Islamists faced off against former communists led by current President Rahmon. During the five-year conflict, which ended in late 1997, over 100,000 persons were killed. Tajikistan continues to face genuine security concerns due to serious threats from groups which advocate or perpetrate violence in the name of religion and from terrorist groups based in neighboring Afghanistan. Nevertheless, the Tajik government's security policies are highly problematic, partly due to its application of overly broad anti-extremism laws against religious adherents and others who pose no credible threat to security. In a May 2011 report, the International Crisis Group, a non-governmental organization, noted the inept policies of the Soviet-trained Tajik leadership in dealing with a society increasingly drawn to observant Islam. According to the Tajik embassy, the Tajik government has legally banned 12 organizations for extremism and terrorism, including al-Qaeda, the Islamic Movement of Eastern Turkestan, the Taliban Movement, *Ikhvan-almuslimin*, the Pakistan Islamic Society, *Tabligh Jamaat*, and *Hizb-ut-Tahrir*. The acting chief prosecutor of the northern Sughd province announced in January 2012 that 135 individuals had been arrested in 2011 on charges of membership in religious extremist groups; 14 criminal proceedings have been initiated.

*Hizb ut-Tahrir* (HT), or the Islamic Party of Liberation, is an international, secretive, radical Sunni Muslim political movement. While HT is active in 40 countries, its political emphasis varies somewhat in individual countries. HT seeks to establish a trans-national Islamic state by educating Muslims to spread HT views in their countries and thereby cause the eventual collapse

of secular governments. At that point, according to HT, a supreme Islamic leader, a Caliph, would rule all Muslims with political and religious authority.

Individual HT members may have committed violent acts, and its literature suggests that it might resort to armed action. While HT is banned in most Muslim countries, it has not been officially designated a terrorist group by the United States due to a lack of proof that HT as an organization has engaged in violent acts. While HT literature expresses virulently anti-Semitic and anti-Western views, it also has denounced the 9/11 terrorist attacks and the London bombings as un-Islamic.

Observers have noted that the Tajik government's prosecution of alleged HT members seems mainly motivated by their political activity. Further, the Tajik government has reportedly not presented proof that specific defendants were involved in or advocated violence during trials of HT members, which generally lacked due process guarantees. The government of Tajikistan has been criticized, by both the UN Committee against Torture and groups such as Human Rights Watch, for its widespread use of torture against prisoners.

Tajikistan has jailed over 500 people for HT membership in the past ten years, according to the AFP news agency; 40 individuals were convicted of this in the first six months of 2011. Two alleged Tajik leaders of the HT movement were arrested in early June 2011. One was the alleged head of a local HT organization in the northern Sughd region and Sharifjon Yoqubov, arrested in Dushanbe, allegedly is a key national HT leader. He was arrested after his emails with HT's London headquarters were monitored; Yoqubov reportedly has spent a decade in prison for his HT membership.

In recent years, the Tajik government also has used extremism charges against journalists who have been critical of official religion policies. On June 13, 2011, Tajik police arrested local BBC reporter, Urunboy Usmonov, allegedly for being in contact with HT leaders and assisting in the development and distribution of "printed material, calling for the violent seizure of power and change in the constitutional design of Tajikistan." Usmonov, an ethnic Uzbek, said he met with HT members as part of his work as a journalist and that he had been burned with cigarettes and beaten in detention. The BBC and the American and British embassies protested his arrest. The charge against Usmanov was later changed to "complicity" in HT's activities and failing to provide details about HT members to police. On October 14, 2011, Usmonov was sentenced to three years in jail, but the judge granted him an amnesty and ordered his release. In November 2010, Mukhamadyusuf Ismoilov, a journalist in the Sughd region, was fined the equivalent of U.S. \$7,300 on charges including incitement of national, racial, local, or religious hostility. He was released under amnesty, but banned from journalism for three years.

Opposition journalists also have been subject to attacks. In February 2011, Khikmatullo Saifullozoda, the editor of the newspaper of the Islamic Renaissance Party of Tajikistan, was beaten in Dushanbe by unidentified assailants. January 2012 saw the stabbing in Moscow of Dodojon Atovulloev, founder of the Tajik opposition monthly *Charogi Ruz* (Daily Light) and head of the *Vatandor* movement, which is critical of Tajik religious policies. Some observers claim the Tajik government was involved. Since 2001, the Tajik government has charged Atovulloev twice with insulting the president and inciting ethnic, racial, and religious hatred,

charges subject to potential 15-year prison terms. Atovulloev left Tajikistan for political reasons 20 years ago, and Russia has refused numerous Tajik extradition requests, most recently in 2011.

*Tabligh Jamaat* is an Islamic missionary group with origins in South Asia. With a presence in 150 countries, its 12 to 80 million followers emphasize prayer, preaching and respect for others. The State Department, the International Crisis Group, and Stratfor, among others, describe *Tabligh Jamaat* as a non-political, non-violent movement that stresses the strict practice of individual piety. Some former members, who reportedly left the movement in frustration with its apolitical stance, have attempted acts of violence. Tajik officials have expressed concern that the group propagated a foreign ideology and threatened social stability. In March 2011, four Tajik women accused of belonging to *Tabligh Jamaat* were released from detention, although their husbands reportedly continue to serve prison terms for alleged membership in this group.

A court in Tajikistan's northern Sughd Province has sentenced seven individuals to between three and five years imprisonment for their alleged membership in *Tabligh Jamaat*, RFE/RL reported on February 23, 2012. In 2010, Tajik courts jailed at least 59 people for terms of three to eight years, and fined at least 33 others between US \$5,340 and US \$10,680, for alleged membership in *Tabligh Jamaat*. According to Forum 18, those imprisoned include brothers Igbolsho, Amirali and Murodali Davlatov, Nosir Rakhimov, Doniyor Khashimov, Saynuridin Kalugshoyev, Churabek Saidzoda, Jamshed Boyakov, Mahkamjon Azizov, Umarjon Azizov, Nasrullo Khisomov, Talabsho Abdusamadov, Abdumanon Sattorov, Khudaydod Alnazarov, Churakhon Mirzoyev, Toirjon Samadov, and Abduvali Murodov. Tajik officials claimed that the Supreme Court banned the group as extremist in 2006, but two Supreme Court officials said in May 2009 that they were not aware of this ban.

The Tajik Supreme Court banned the Salafi school of Islam in February 2009, although no criminal acts have been linked to followers of Salafism in Tajikistan. The court did not release the text of its decision. Reportedly, it was based on the alleged need to protect the constitutional order, strengthen national security, and prevent conflict between religious confessions. In January 2010, seven individuals were sentenced to prison terms of five to seven years for membership in the Salafi movement, according to the State Department. They were arrested in 2009 when local police and security service officials raided a Dushanbe mosque during evening prayers. A Tajik official also told Forum 18 that Salafis engage in "hooliganism" by disturbing other worshippers in mosques with their bodily gestures and shouting during prayers.

### *Restrictions on Religious Minorities*

The Jehovah's Witnesses were banned in October 2007 on official charges of causing discontent among the people. The Ministry of Culture said that their conscientious objection to military service and refusal of blood transfusions were among the reasons for the ban, and cited "expert analysis" from the Tajik Academy of Sciences Institute of Philosophy and Law that concluded Jehovah's Witnesses are a "destructive cult." A prosecutor reportedly has said that the accusation is based on the fact that Jehovah's Witnesses do not interpret the Bible as Protestants do.

Police raided a Jehovah's Witness meeting in Dushanbe in July 2011; the police had no warrant and took all those present, including children, to a police station, where they were questioned for several hours. In August 2011, a court ordered the deportation of Sherzod Rahimov, a Jehovah's Witness who is an Uzbek citizen. He and other Jehovah's Witnesses were detained and fined in August for their unregistered religious activity. Rahimov, who is disabled, was beaten by police officers because he did not renounce his faith.

In 2008, the Tajik government temporarily halted the activity of the Ehyo Church and the Abundant Life Christian Center, two Protestant churches in Dushanbe. The Ehyo Church was allowed to resume its activity in late 2008, but the Abundant Life Christian Center decided in May 2008 to close permanently due to official restrictions.

### *Closures and Destructions of Houses of Worship*

In recent years, the Tajik government has closed dozens of unregistered mosques and prayer rooms, and ordered the demolition of three unregistered mosques in Dushanbe. In April 2011, Tajik authorities demolished an unregistered mosque in the city of Qurghonteppa; a court also fined its imam. Recent examples of closures include the following: In December 2010, the Religious Affairs Division in the south-eastern Badakhshan Region denied registration to 22 out of the 32 mosques in that region, forcing their closure. In January 2011, the government closed around 50 mosques in Dushanbe. Asked whether the authorities would demolish these places of worship, an official of the Dushanbe Mayor's Office said: "None of the places will be torn down, but the people were warned not to use them for religious worship."

The CoU has claimed that Tajik authorities consult with congregants to reach consensus about their future, but as of March 2011, Forum 18 could not confirm from worshippers at any demolished place of worship that such a consultation process exists. In September 2011, the chief religious affairs official of Khatlon Region stated that 229 unregistered mosques in the region will soon "change their status and become first-aid stations and sports halls." In addition, the same region's Jomi District had forcibly changed 16 unregistered mosques into similar "social facilities."

In 2008, the nation's only synagogue, located in Dushanbe, was bulldozed. Dushanbe's Jewish community later received a building for use as a synagogue, which is now being used for worship services. The new building, however, was not provided as compensation by the city of Dushanbe, but rather was donated by one of the country's richest bankers, who is also President Rahmon's brother-in-law. The Tajik delegation at a 2008 OSCE meeting stated that the government could not provide compensation for the building, citing "separation of church and state."

In 2009, the Grace Sunmin Church, the country's largest Protestant congregation, lost its appeal to save its property from repossession by Dushanbe city authorities and had to vacate the premises. Another registered Protestant church in Dushanbe, whose building was demolished in 2008, has not received any compensation. The government typically does not pay compensation for such demolitions.

### *Restrictions on Religious Literature*

As stated earlier, the government must approve the production, import, export, sale, and distribution of religious literature and other items, which is only permitted for registered religious organizations (not religious communities) and only in an undefined “appropriate quantity.” Literature and other items must carry the full name of the registered religious organization that produced them, effectively banning private or commercial publishing by any religious group that is not represented by a registered religious organization. It is unclear whether this ban extends to publications on anti-religious, atheist, or agnostic material. Government-owned presses only occasionally published religious literature, including the Qur’an in Tajik. The Tajik government restricted distribution of Christian and Islamic literature that it deemed extremist or promoting foreign ideology, according to the State Department.

The Ministry of Culture has confiscated religious literature it deems inappropriate, including from the Jehovah’s Witnesses. A Jehovah’s Witness reported that three tons of confiscated Jehovah’s Witnesses literature was destroyed in early 2010 after three years of open storage caused it to become “decayed and unusable.”

The registered Islamic Revival Party of Tajikistan distributed one weekly newspaper and one monthly magazine, the State Department reported.

### *Restrictions on Religious Education*

Tajikistan, as previously stated, requires a state license to conduct religious instruction, and both parents must give written permission for children aged between seven and 18 to receive such instruction. These rules mean that only registered religious organizations can provide religious instruction and that children under the age of seven cannot participate. Another restriction applies only to Muslims: registered central mosques can set up basic educational groups, but local mosques cannot. The religion law permits parents to teach religion to their own children at home, but religious homeschooling outside the nuclear family is forbidden. In 2008, the government nationalized the previously independent Islamic University, the country’s only religious institution of higher learning, and took full control of its activities and curriculum. Teachers underwent a vetting process, and the institution was downgraded from a university to an “Islamic institute.”

Many Tajik religious communities say it is difficult to gain official approval for religious education. At most, 80 Islamic educational centers have official approval, a number deemed insufficient by Tajik religious communities. While children can attend Christian Sunday schools, Tajik officials limit the number of locations for Islamic religious education for children. Registered non-Muslim religious communities must register their religious schools as separate organizations. In addition, some Tajiks complained that it is difficult for children to attend registered religious schools because of transportation difficulties, the State Department reported. As discussed above, Tajikistan faces genuine security concerns due to serious threats from groups which advocate or perpetrate violence in the name of religion, including groups based in Afghanistan. In response to these concerns, however, the Tajik government has developed an ineffectual and heavy-handed policy which restricts access to foreign religious education while

providing few suitable domestic alternatives. During an August 2010 speech on state television, President Rahmon called on all Tajik parents to recall their children from foreign Islamic colleges to prevent them from becoming “extremists and terrorists.” A senior presidential advisor later clarified that he did not mean all students who are studying abroad, but only those “studying in violation of the [2009] Religion Law.” In July 2011, the Tajik religion law was amended to limit access to religious education abroad only to those Muslims who have completed religious education in officially-approved institutions inside Tajikistan and who receive written permission from the state agencies for religious affairs and education. According to the Tajik embassy in the United States, as of early 2012, 1,219 Tajiks have returned from foreign study programs, mostly in Turkey, Egypt and Pakistan, but at least 700 Tajik Muslim students remain abroad “illegally.”

In May 2010, the Tajik Interior Ministry launched “Operation *Madrassa*,” mainly targeted against the unlicensed religious instruction of children and youth, including numerous police raids of “illegal” (unregistered) private Qur’an lessons. In January 2011, local authorities in the southern province of Khatlon detained individuals who reportedly had held private, allegedly Salafi, classes on Islam for some 60 local children. Three women were fined in May and June 2011 for unauthorized teaching of the Qur’an to girls in private homes in the Khatlon Region. Local officials visited eight *madrassas*, 93 Friday mosques, and 955 daily prayer mosques in May 2011 and brought charges against 11 individuals for private religious education in the northern Sughd region; three illegal *madrassas* were closed and an administrative investigation launched into school personnel. In addition, an administrative case for the private teaching of religion was opened in June 2011 against the imam of a registered mosque in the Rudaki District near Dushanbe.

The Tajik government halted teaching at four higher education Islamic schools in northern Tajikistan’s Sughd region. In August 2011, a regional religious affairs official told RFE/RL’s Tajik Service that the schools had not re-registered as required under the religion law, the teachers had not provided required religious education, and the buildings did not meet official standards.

#### *Restrictions on Religious Dress*

In 2005, the government banned the wearing of Islamic headscarves in schools, arguing that it was not traditional Tajik dress. Such restrictions were enforced, although students at the Islamic Institute are allowed to wear headscarves. The Tajik National University fired a teacher and expelled a student in April 2010 for wearing a headscarf outside class, the State Department reported. Some women said that they chose not to pursue higher education in secular institutions due to the dress code. Girls are not permitted to wear headscarves after the ninth grade and, according to Forum 18, some who tried to do so reported that schoolteachers mocked their religious views. In some rural areas, teachers allowed girls to wear headscarves but asked them to leave the classroom during official inspections. CoU members have not disputed the Ministry of Education dress code banning headscarves in schools, saying that a scarf, tied in the traditional way, may substitute for Islamic headscarves.

Some women who wore the Islamic headscarves reported difficulty in finding employment due to discrimination against women in religious dress, the State Department reported. Some also expressed concern that men pressure female relatives to wear headscarves.

In 2009, the Tajik government banned teachers from wearing beards and in January 2011, Tajik authorities reportedly began to detain, fingerprint, and interrogate bearded men. Some 30 teachers were forced to shave and a journalist whose official identity documents showed him wearing a beard was not allowed to leave the country. Reportedly, Tajik officials associate beards with the conservative Salafi school of Sunni Islam banned in January 2009.

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

Tajikistan is strategically important for the United States, due in part to the key role of ethnic Tajiks in Afghanistan, the country's southern neighbor. Tajiks are the second largest ethnic group in Afghanistan, and included a former Afghan president and Ahmad Shah Masoud, the head of the Northern Alliance who fought the Soviets and the Taliban and was murdered on September 9, 2001. In September 2011, a Taliban suicide bomber killed Burhanuddin Rabbani, the de facto leader of the eight million Tajiks in Afghanistan. Rabbani, a former Afghan president and former Northern Alliance member, was leading peace talks with the Taliban. He was killed four days before he was due to attend a meeting in Dushanbe.

Tajikistan is an isolated and impoverished country that experienced a five-year civil war in the 1990s, which resulted in as many as 100,000 deaths. In the aftermath of the civil war, the official amnesty extended to most of those Tajik officials allegedly responsible for torture and maltreatment of detainees and prisoners. In 2006, the UN Committee against Torture called on the Tajik government to establish an independent body to investigate numerous allegations of torture and to punish those found responsible for such acts including during the civil war.

Tajikistan has a weak state with an inadequate and highly corrupt government. Corruption in Tajikistan is endemic and slows the pace of crucial reforms, according to a 2011 report by the United Nations Development Program and the Strategic Research Centre of the President of Tajikistan. That study also found that corruption tends to become institutionalized over time, and that a key cause is the low salaries of government officials. The country's economy is also heavily dependent on remittances from an estimated one million migrant workers, mostly in Russia. Due to the 2008 economic crisis, these remittances declined in 2010, but again increased last year. Many Tajik migrant workers have returned, giving rise to new social tensions in the country.

The State Department repeatedly has documented the worsening religious freedom conditions in Tajikistan. The State Department's *Annual Report on International Religious Freedom* between 2007 and 2010 stated that the Tajik government's respect for religious freedom was "poor and declined," "remained poor," "continued to decline," and "eroded." Similar concerns were expressed publicly in 2011 by high ranking U.S. officials, up to and including Secretary of State Hillary Clinton, who highlighted the Tajik government's poor human rights record, including regarding freedom of religion or belief.

In March 2011, the U.S. Ambassador to the OSCE, Ian Kelly, identified Tajikistan as a government that “cite[s] concerns about political security as a basis to repress peaceful religious practice.” During the second Annual Bilateral Consultations with Tajikistan in April 2011, Assistant Secretary of State for South and Central Asian Affairs, Robert Blake, raised human rights concerns, including religious freedom. In October 2011, Secretary Clinton visited Tajikistan, and said publicly that the government’s recent steps to control faith could drive “legitimate religious expression underground” and thus fuel extremism. She also stated that “Tajik citizens deserve the opportunity to . . . practice whatever religion they choose,” noting that Tajik leaders are responsible to “ensure that fundamental freedoms, including religious freedom, are protected for all people: men and women, young and old.” The main purpose of Clinton’s visit was to thank the Tajik president for his support for the U.S.-led coalition in Afghanistan and for its role in the Northern Distribution Network (NDN) overland supply route. During a December visit to Tajikistan that focused on Afghanistan, Assistant Secretary of State Blake again raised human rights concerns.

U.S. foreign, humanitarian, and security assistance to Tajikistan amounted to approximately \$49 million in FY 2010. According to the State Department, the U.S. priority for human rights and democracy promotion in Tajikistan is to increase respect for the rights of Tajikistan’s citizens and strengthen the country’s sovereignty and stability, which is a difficult task due to “acute challenges,” including “border security issues, failed educational and healthcare systems, and a legacy of Soviet repression.” According to the State Department, “U.S.-Tajik relations have developed considerably since September 11, 2001” and “the two countries now have a broad-based relationship, cooperating in such areas as counter-narcotics, counterterrorism, non-proliferation, and regional growth and stability.” In February 2010, the United States and Tajikistan launched an annual bilateral consultations process to enhance cooperation on a broad range of policy and assistance issues. The United States continues to assist Tajikistan on economic reforms and integration into the broader global marketplace, such as pursuing World Trade Organization accession.

In 2010, the United States expanded its security cooperation with Central Asian states to allow it to ship cargo bound for U.S. and NATO forces in Afghanistan overland through Central Asia via the NDN, rather than through areas in Pakistan that are subject to constant attack. According to the U.S. Transportation Command, 40 percent of supplies for U.S. and NATO troops in Afghanistan are now shipped via the NDN. U.S. Special Operations Forces have been given permission to enter Tajikistan, as well as Kyrgyzstan, Turkmenistan, and Uzbekistan on a “case-by-case” basis, with permission from the host nation, when conducting counter-terrorism operations, as the U.S. Central Command confirmed. In September 2010, U.S. Special Forces provided tactical support to Tajik government troops in repelling an attempted Islamic militant operation in the Rasht valley, which left 20 militants and one Tajik government soldier dead.

## **Recommendations**

USCIRF recommends that the U.S. government designate Tajikistan as a CPC and engage in negotiations to see concrete progress to address religious freedom abuses. If those negotiations fail, the U.S. government should apply a presidential action or a commensurate action under IRFA. As described more fully below, USCIRF also recommends that the U.S. government

should prioritize the issue of freedom of religion or belief in U.S.-Tajik bilateral relations, support Tajik civil society and religious actors, and encourage greater international scrutiny of Tajikistan's human rights record.

### **I. Promoting Reform to Protect Freedom of Religion or Belief**

In addition to designating Tajikistan as a CPC, the U.S. government should:

- engage the Tajik government in immediate negotiations for the implementation of concrete steps to address religious freedom abuses, with specific areas for improvement including, but not being limited to:
  - amending the 2009 religion law and other relevant legislation to bring them into conformity with Tajikistan's international and OSCE commitments, including eliminating legal and other restrictions on peaceful religious practice and worship for all denominations;
  - limiting its legal definition of extremism to those acts that involve violence or incitement to imminent violence and to drop bans on non-violent organizations, literature, and groups;
  - affirming publicly its official intention to comply fully with Tajikistan's international and OSCE commitments to respect freedom of religion or belief, as well as the rights of members of all non-violent religious communities in the country, including by statements from President Rahmon;
  - establishing a mechanism to review the convictions of persons previously detained or charged with non-violent religious, political, or security offenses;
  - releasing those individuals who have been imprisoned solely as a result of their non-violent practice of their religious or other beliefs;
  - ceasing the harassment, raids, fines, detention and imprisonment of individuals who are exercising their rights to the non-violent practice of their religious or other beliefs; and
  - engaging in an open and public dialogue with religious groups and groups with a religious affiliation that explicitly repudiate the use of violence, and repeal laws banning such organizations and encourage their participation in Tajikistan's political and social life;
- make U.S. assistance to the Tajik government, with the exception of assistance to improve humanitarian conditions and advance human rights, contingent upon the implementation of the above-named benchmarks; and

- restrict U.S. security and other forms of assistance to ensure that it does not go to Tajik government agencies, such as certain branches of the Interior and Justice Ministries, which have been responsible for violations of religious freedom and other human rights.

## **II. Emphasizing Tajikistan's Religious Freedom and Human Rights Record**

The U.S. government should:

- continue to monitor the status of individuals who are arrested for alleged religious, political, and security offenses, and continue to monitor the trials of leaders or members of religious communities that lose their registration;
- publicly criticize any Tajik government violations of international and OSCE commitments on human rights, including respect for freedom of religion or belief, both in Tajikistan and at international meetings;
- urge the Tajik government to implement the religious freedom recommendations, such as reform of its religion law, raised in the October 2011 UN Human Rights Council after its Universal Periodic Review of Tajikistan;
- urge the OSCE Mission in Tajikistan to pay particular attention to violations of freedom of religion or belief and to undertake relevant programs, including holding training sessions with local officials and journalists on international obligations;
- work with the international community in Tajikistan to undertake efforts to improve judicial standards and to provide training for judges and prosecutors in civil law and international human rights standards; and
- increase opportunities for Tajik human rights advocates and religious figures to participate in exchange programs, and use appropriate avenues of public diplomacy to explain to the people of Tajikistan both why religious freedom is an important element of U.S. foreign policy and the United States' specific concerns about violations of religious freedom in their country.

## Turkey\*

**FINDINGS:** Due to the Turkish government’s systematic and egregious limitations on the freedom of religion or belief that affect all religious communities in Turkey, and particularly threaten the country’s non-Muslim religious minorities, USCIRF recommends Turkey be designated a “country of particular concern.” The Turkish government, in the name of secularism, has long imposed burdensome regulations and denied full legal status to religious groups, violating the religious freedom rights of all religious communities. These restrictions, including policies that deny non-Muslim communities the rights to train clergy, offer religious education, and own and maintain places of worship, have led to their decline, and in some cases, their virtual disappearance. Turkey has a democratic government, and the country’s constitution protects the freedom of belief and worship. While the political climate in Turkey is generally more open to public debate on religious freedom matters and the government has recently taken some positive steps on property, education, and religious dress, these *ad hoc* announcements have not resulted in systematic changes in constitutional and legal structures that would remedy violations of religious freedom for non-Muslim minorities. Longstanding policies continue to threaten the survivability and viability of minority religious communities in Turkey.

Based on these concerns, USCIRF recommends in 2012 that Turkey be designated a country of particular concern (CPC).\*\* Turkey was on the USCIRF Watch List from 2009 to 2011.

The state’s strict control of religion in the public sphere significantly restricts religious freedom, especially for non-Muslim religious minority communities – including the Greek, Armenian, and Syriac Orthodox Churches, the Roman Catholic and Protestant Churches, and the Jewish community – as well as for the majority Sunni Muslim community and the country’s largest minority, the Alevis. Other concerns include the Turkish government’s intervention into minority religious communities’ religious affairs; societal discrimination and occasional violence against religious minorities; limitations on religious dress; and anti-Semitism in Turkish society and media. Additionally, Turkey’s military control over northern Cyprus supports numerous arbitrary regulations implemented by local Turkish Cypriot authorities. These regulations limit the religious activities of all non-Muslims living in northern Cyprus, deny these religious communities the right to worship freely and restore, maintain, and utilize their religious properties, and threaten the long-term survival of non-Muslim religious communities in the area.

**PRIORITY RECOMMENDATIONS:** The United States regards Turkey as an important strategic partner and continues to support Turkey’s European Union accession process. By designating Turkey as a CPC, U.S. policy should urge Turkey to comply with its international commitments regarding freedom of religion or belief by ending its longstanding denial of full legal recognition for religious communities and permitting religious minorities to train religious clergy in Turkey, including by reopening the Greek Orthodox Theological Seminary of Halki and returning the entire territory of the Mor Gabriel Syrian Orthodox monastery. With respect to northern Cyprus, the United States should urge the Republic of Turkey and the Turkish Cypriot authorities to end all restrictions on the access, use, and restoration of places of worship and cemeteries for religious minorities, and cease the ongoing desecration of religious sites. Additional recommendations for U.S. policy can be found at the end of this chapter.

\* House Resolution 1631 called on USCIRF to “investigate and make recommendations on violations of religious freedom in the areas of northern Cyprus under control of the Turkish military.”

\*\*Commissioners al-Hibri, Gaer, Shaw, and Van Der Meid dissented from the CPC recommendation for Turkey. Their dissenting statements can be found at the end of the chapter.

## Religious Freedom Conditions

### *The Constitution and Secularism in Turkey*

Under the 1923 founding constitution, and reiterated in the current constitution drafted in 1982, the Republic of Turkey is a secular state. Secularism, equated as the ideology of Mustafa Kemal Atatürk, has been a continuous source of political-social tension. The Turkish military ousted governments in 1960, 1971, and 1980 in part due to concerns that secularism was under threat. In line with Atatürk’s interpretation of secularism, Turkish governments over the years have adopted and enforced policies that severely limit the free practice of all religions, including limiting expressions of personal belief in the public sphere. Turkish policies subject Islam to state control through the *Diyanet* (the Presidency of Religious Affairs), and systematically restrict the ability of religious minorities to function through the *Vakıflar* (the General Directorate for Foundations), threatening their survival. The Turkish state has also interfered continuously with religious communities’ internal affairs, especially for minority faiths, including their rights to train clergy and provide religious education, and has hindered their right to own property and build and maintain houses of worship.

The ruling Justice and Development Party (known in Turkish as the AKP, or the AK Party), which was first elected in 2002, favors Turkey’s accession to the EU and the democratic integration of Islam into public life. While some view the AKP as a moderate party that espouses Islamic religious values within a modern, democratic society, others contend that it has more radical intentions, such as the eventual introduction of Islamic law in Turkey.

In September 2010, in an attempt to comply with certain EU standards, a constitutional reform package on judicial reform was adopted by a wide margin in a popular referendum. The package increased presidential appointments to the judiciary and granted parliament the power to prevent the closure of political parties. It also addressed several human rights issues, such as the creation of an ombudsman office to mediate between the state and Turkish citizens, and, starting in September 2012, citizens will have the right to file individual petitions with the Turkish Constitutional Court. Critics, however, viewed the measures as solidifying power for the AK Party, particularly over the judiciary. The enacting legislation for the ombudsman’s office has yet to pass parliament.

In its platform for the June 2011 elections, the AK Party pledged to replace Turkey’s current constitution, which was drafted by a military government in 1982, with a civilian constitution that, in the words of Prime Minister Erdoğan, would be “short, compact, open, focused on the

individual, and committed to freedom.” Since the election, in which the AK Party won nearly half the vote, the Turkish government has met regularly with various religious communities, the Kurdish community, civil society groups, and constitutional experts. The government also has said publicly that it will consult with the Council of Europe’s Venice Commission. In November 2011, the Constitutional Reconciliation Commission was established, comprised of three special subgroups tasked with collecting information and recommendations from civil society, associations, foundations, and religious and minority representatives.

In February 2012, the Greek Orthodox Ecumenical Patriarch, Bartholomew I, addressed the Turkish Parliamentary Constitution Commission, a first in the history of the modern Republic, and submitted an 18-page proposal on new constitutional protections for religious minority communities and religious freedom. Religious minority communities, including the Ecumenical and Syriac Patriarchs, the Chief Rabbi, and Alevi representatives, have welcomed these changes, and reportedly are “hopeful” that these reforms will be part of a redrafted constitution. For example, the Ecumenical Patriarch is said: “Unfortunately there have been injustices toward minorities until now, these are slowly being corrected and changed. A new Turkey is being born.”

However, the constitutional redrafting process will likely continue for years, in part because it faces the major difficulty that the Constitution’s first three articles, which include the definition of Turkey as a secular state, are considered by some as irrevocable. Moreover, the AK Party faces continuing opposition from the “deep state,” comprised of entrenched supporters of traditional Turkish secularism found in the judiciary, military, and elsewhere. Turkish society and the government are grappling with religious and ethnic diversity, but serious questions remain as to the ruling AK Party’s will – or ability – to match its *ad hoc* gestures with action and fully recognize Turkey’s religious and ethnic diversity by codifying religious freedom in law and practice.

#### *Restrictions on Non-Muslim Minorities*

Turkey has a diverse but small (approximately 0.1% of the total population) non-Muslim minority population, one that is historically and culturally significant. The Turkish government does not maintain population statistics based on religious identity, but according to estimates by the State Department, in 2010, Turkey’s non-Muslim religious minority population included: 65,000 Armenian Orthodox Christians; 23,000 Jews; 15,000 Syriac Christians; 10,000 Baha’is; 5,000 Yezidis; 3,300 Jehovah’s Witnesses; 3,000 Protestant Christians; and 1,700 Greek Orthodox Christians, as well as small Georgian Orthodox, Bulgarian Orthodox, Maronite, Chaldean, Nestorian Assyrian, and Roman Catholic communities.

Since the founding of the Turkish Republic, the government has imposed burdensome restrictions on the ability of all religious minorities to own, maintain, and transfer both communal and individual property, to control internal governance, and to train clergy. These restrictions have contributed to a critical shrinkage of these communities, and in many cases, make it impossible for them to chart a sustainable and vibrant future. Although most religious minority communities in Turkey have noted that Prime Minister Erdoğan’s government has made positive gestures toward them in recent years, these generally have not been through

permanent, institutional, or legal reforms. Rather, rights and privilege have been granted on an *ad hoc* basis, leaving open the possibility that they could be revoked or discontinued. In addition, members of these minority groups continue to face societal discrimination and occasional violence, partly because most are both religious and ethnic minorities and, therefore, are viewed with suspicion by some ethnic Turks.

*Restrictions relating to Property*

Turkish law places minorities in two general categories: 1) the three non-Muslim minorities acknowledged by the Turkish government as protected by the 1923 Lausanne Treaty (the Armenian Orthodox, Greek Orthodox, and Jewish communities), as well as the Syriac Orthodox, Chaldean, and Roman Catholic communities, which existed in Turkey in 1923 but are not viewed by the Turkish government as covered by that treaty (together referred to as the “Lausanne Treaty plus three” minorities); and 2) religious communities not linked to a specific ethnic minority, such as the Protestant and Jehovah’s Witnesses communities and the Baha’is.

The 1923 Treaty of Lausanne, a peace treaty between Turkish military forces and several European powers, contained specific guarantees and protections for non-Muslim minorities in Turkey. As a constitutionally secular state, however, Turkey does not recognize the corporate legal status of any religious minority communities. Instead, it has created a complex framework of laws and regulations that provide the “Lausanne Treaty plus three” religious minorities with limited and varying legal opportunities to own property, conduct religious services, and open schools, hospitals, and other institutions. This framework includes the Lausanne Treaty, which the government only applies to the Armenian Orthodox, Greek Orthodox, and Jewish communities; the Foundations Law, which generally applies to the “Lausanne Treaty plus three” groups; and the Associations Law, which applies to all religious minorities. However, only the Armenian Orthodox, Greek Orthodox, and Jewish minorities have the technical right to refer to their churches and synagogues as such. All other religious minority groups, including those established in Turkey at the time of the Lausanne Treaty, must officially refer to their houses of worship as cultural or community centers.

For the last 75 years, Turkish governments have expropriated properties from religious minority communities, including schools, businesses, hospitals, orphanages, and cemeteries. Most of the confiscations occurred during three distinct periods of time: first, in 1936, with the passage of the Foundations Law; second, with the passage of the 1971 Private University Law, which required all private colleges to be affiliated with a state-run-university; and third, in 1974, when Turkey ruled that non-Muslim communities could not own properties other than those registered in 1936. The government continues to retain the power to expropriate religious minority properties.

Under the Foundations Law, generally only the “Lausanne Treaty plus three” groups are permitted to form foundations, which can purchase, own, and sell property in accordance with appropriate zoning and safety rules. When the original law was passed in 1936, 161 religious foundations, the vast majority of which existed during the Ottoman Empire, were grandfathered in. These foundations can administer property used for religious purposes or for revenue-generating activities, but they cannot conduct religious activity. In other words, the law makes a distinction between the individual legal entity of a foundation and the larger religious community

with which it is affiliated. Consequently, minority groups cannot use funds from their properties in one part of Turkey to support their population elsewhere in the country. A government agency, the General Directorate for Foundations (the *Vakiflar*) regulates the activities of all foundations in Turkey, with particular emphasis on their religious and cultural property.

In 2008, the Foundations Law was amended to allow foundations to change their scope or purpose from that specified upon the original incorporation, permit the Armenian Orthodox, Greek Orthodox, and Jewish communities to have one elected representative on the *Vakiflar*, and allow foundations to apply for the return of confiscated property still under Turkish state control. The 2008 amendments, however, did not solve fundamental problems of the Foundations Law. For example, there was no mechanism for foundations to apply for the return of property that had been sold to third parties or for compensation for irretrievable property. After the 2008 amendments went into effect, the *Vakiflar* received around 1,400 applications for the return of confiscated minority properties, some 150 of which were immediately approved and the property returned, according to the *Vakiflar* Director General. In addition, 940 applications were deemed by the *Vakiflar* to have insufficient documentation and the *Vakiflar* extended the application deadline, but, of these, only about 500 were resubmitted. Between the passage of the 2008 amended law and August 2011, a total of 200 properties were returned to religious minority foundations of various denominations.

In August 2011, Prime Minister Erdoğan announced a new decree creating a process for the restitution of previously-expropriated foundation property that was surveyed and registered in 1936, and for which the foundation has a deed or title to the property. The new decree allows for the restitution of property that was registered in 1936 but not specifically described in the official documentation (i.e. the registration could show four properties, but not explicitly say that a property was a church, hospital, school, etc.). The decree also differs from the 2008 amendments to the Foundations Law in permitting foundations to receive financial compensation if their property was sold to a third party and cannot be retrieved. Since August 2011, 19 additional properties have been returned to minority foundations, and the *Vakiflar* is still considering some 1,500 applications (although some of these may be duplicate applications or different foundations applying for a single property).

While this action is commendable, it is not codified by law. In addition, the 219 properties returned since 2008 represent only a small portion of the minority properties expropriated by successive Turkish governments over many years. Moreover, despite the 2008 amendments and the August 2011 decree, the Turkish government retains the right to expropriate land from religious communities, although it has not confiscated any religious foundations' properties since 2007.

Under the Associations Law, which was adopted in 2004 and amended in 2007, any religious minority may form a legally-recognized association, and has the right to conduct religious services and determine religious curriculum. An association cannot, however, own property. In addition, association status is granted and may be revoked by provincial governors, providing little long-term protection.

During its February 2011 visit to Turkey, USCIRF was told that some religious minority groups choose not to register as foundations or associations because such registration makes their names and their religious faith matters of public record, leading to possible societal discrimination or harassment. In addition, municipal and local officials often use zoning laws, implementation guidelines for religious facilities, and purported security concerns to restrict the ability of members of these groups to open and maintain houses of worship and conduct religious services.

*Actions relating to Property*

On January 12, 2012, an Istanbul court imposed an interim injunction to prohibit the *Vakiflar* from using or selling an historical Armenian building, Sansaryan Han. Although the Armenian Patriarchate filed an application for the return of the property, the *Vakiflar* claims that the Patriarch does not control the foundation with the recognized title and therefore cannot claim ownership.

Also in January 2012, the Ministry of Education announced that a Greek Orthodox school on the Aegan island of Imvros (Gökçeada) could open to replace a school closed in 1936. The curriculum of the school will be determined by the Ministry of Education, as is the case for all schools, but the island's Greek Orthodox foundation will control the school's funding and daily operation. The community on the island reports that they are pleased that a school will open, but fear there will not be enough students for the school to operate. Reportedly, five families with school-aged children will relocate to the island to attend the school.

The same month, the *Vakiflar* recognized the Izmir Jewish Community Foundation, resulting in the foundation's full control over 22 immovable properties, including 18 synagogues and four stores.

In 2008, the European Court of Human Rights (ECtHR) ruled that the Turkish government had violated Article 1 of Protocol No. 1 (protection of property) of the European Convention on Human Rights by expropriating a Greek Orthodox orphanage on the Turkish island of Buyukada. In June 2010, the ECtHR ruled that the orphanage must be returned to the Ecumenical Patriarchate, and in late November 2010, the deed was registered in the Patriarchate's name.

Since 2008, there has been an ongoing dispute over the Turkish government's attempted seizure of some territory of the 1,600-year-old Mor Gabriel Monastery, the Syriac Patriarch's residence from 1160 to 1932. In January 2011, the Turkish Supreme Court overturned a lower court's decision and granted substantial parts of the land, on which the monastery and adjacent religious center are located, to the Turkish treasury. Reportedly, the Syriac community has filed a petition with the ECtHR for the full return and control of the territory where the Mor Gabriel Monastery is located.

In a meeting with USCIRF in February 2011, the Syriac Orthodox Patriarch verified that his community's foundation owns only one church in Istanbul, which is inadequate to meet the community's needs. This means that the Syriac Orthodox Church must rely on the goodwill of other Christian denominations to use their churches. However, in October 2011, the Syriac Christian community secured from the Turkish government the right to build a church in the

Yeşilköy neighborhood in Istanbul. Construction will begin when an appropriate location can be determined. In addition, Syriac Christians have one recognized foundation in Istanbul.

In February 2012 in Malatya, three buildings in an Armenian cemetery, including a chapel, a guard house, and an annex, were demolished. The guard house was scheduled for demolition, but the chapel and annex were demolished accidentally as well. The governor and mayor have publically apologized, and the municipality has agreed to rebuild the demolished buildings. The governor also has publicly confirmed that the municipality will restore another Armenian church in the neighborhood where Hrant Dink, a Turkish-Armenian journalist killed in 2007, lived.

In the last reporting period, the government did permit some religious minority communities to use ancient religious sites for religious purposes. In August of 2010 and 2011 the Turkish government granted permission to the Greek Orthodox community to hold a liturgy at the Sümela Orthodox Monastery in Trabzon. In September of 2010 and 2011, several thousand worshippers were permitted to attend a service in the 1,000-year-old Akdamar Armenian Orthodox church on Lake Van, abandoned since 1915 and restored by the Turkish government in 2007. In October 2011, Archbishop Khajag Barsamian, Primate of the Diocese of the Armenian Church of America, led a group to the city of Dikranakert, where they were permitted to re-consecrate the St. Giragos Armenian Church. The church is controlled now by the St. Giragos Armenian Church Foundation. In July 2011, for the first time in 90 years, the Syriac community consecrated and held a liturgy service at Mor Petrus and Mor Paulus Church in the eastern province of Adiyaman. Again, while these are positive developments, the government still controls access and use of the various sites.

#### *Interference in Internal Governance*

The Turkish government officially does not accord the ecclesiastical title “ecumenical” to the Greek Orthodox Ecumenical Patriarch. In March 2010, the Venice Commission, a Council of Europe advisory body, urged the Turkish government to recognize the status and role of the Ecumenical Patriarchate, although the Commission also stated that Turkey is not obligated to legally recognize the ecumenical title. The Commission noted, however, that Turkey must comply with Article 9 of the European Convention of Human Rights, which guarantees religious freedom, and “cannot force anyone to deny a historical title that is defined and universally accepted.” During an official visit to Athens in May 2010, Prime Minister Erdoğan said that the Turkish government has “no issue with the title of ecumenical.”

The Turkish government has interfered in the internal governance of the Greek Orthodox community by insisting only Turkish citizens can be members of the Greek Orthodox Church’s Holy Synod and vote in patriarchal elections, although this is not required by the Treaty of Lausanne or the Turkish constitution. However, in 2004, the government did not block the Ecumenical Patriarch’s appointment of six non-citizen metropolitans to participate rotationally on the Holy Synod. In 2010, Prime Minister Erdoğan approved dual citizenship for 25 Metropolitans (including from Austria, France, the United States and some parts of Greece) who fall within the jurisdiction of the Ecumenical Patriarch. As of this report, 13 Metropolitans have received their citizenship papers, 11 are still being processed, and one was denied, reportedly for having a criminal record in his home country. The line of succession for the Ecumenical

Patriarch, and thereby the survival of the religious community, only can be elected through the Holy Synod. Although the recent dual citizenship approvals are a positive development, these *ad hoc* accommodations, while helpful, fail to ensure institutional integrity and independence in intra-religious decisions.

The government also has interfered in the selection process of the Armenian Patriarchate's religious leadership, which lacks a legal procedure to replace Mesrop Mutafian, the current Patriarch, who is very ill. An 1863 regulation sets procedures only after the Patriarch's death or resignation. In late 2009, two factions in the Turkish Armenian community separately approached the Turkish government: the Patriarchal Advisory Council asked for the selection of a Co-Patriarch, while the Council of Armenians in Turkey asked for the election of a new Patriarch. The Turkish Interior Ministry proposed a new post of Patriarchal Vicar-General be created until Mesrop's death; in July 2010, an Armenian Orthodox council selected Archbishop Aram to this temporary post. The Patriarchal Advisory Council had rejected this proposal because it was not consistent with Armenian Orthodox Church tradition and it placed the Turkish government in the role of arbitrator.

#### Restrictions on Training of Clergy

In 1971, the government's nationalization of higher education institutions included the closing of the Greek Orthodox Theological School of Halki on the island of Heybeli, thereby depriving the Greek Orthodox community of its only educational institution in Turkey for training its religious leadership. Furthermore, in November 1998, the General Authority for Public Institutions dismissed the school's Board of Trustees. The Halki seminary remains closed. In February 2011, USCIRF was told by various Turkish officials that they are actively exploring with the Patriarchate the reopening of the Halki seminary. The USCIRF delegation also discussed with the Ecumenical Patriarch the potential benefits of forming a technical committee, comprised of representatives from the Ecumenical Patriarchate and the Turkish government, to collectively review all details relevant to an expeditious reopening of the Halki seminary.

In late February 2012, Turkey's Deputy Prime Minister stated publicly that no law prohibited the re-opening of Halki and that the government would support such a move. However, the government and the Greek Orthodox community disagree over the seminary's status. The government wants Halki to open as a school under the broader umbrella of a national university via the Turkish Higher Education Board (YÖK) and operate and train its clergy in a similar way to how imams are trained in the country. The Ecumenical Patriarch wants it to be under the purview of the Ministry of Education and be given legal vocational school status, which is the status it had prior to its closing in 1971. The YÖK, a separate body from the Ministry of Education, sets the regulations for high schools and higher education.

The Turkish state also has closed other minority communities' seminaries, denying these communities the right to train clergy and thereby the ability to build church communities for succeeding generations in Turkey. The Armenian Orthodox community, which is Turkey's largest non-Muslim religious minority, lacks a seminary in the country to educate its clerics and today has only 26 priests to minister to an estimated population of 65,000.

The lack of institutions to train future religious leaders of the religious minority communities further erodes their long-term viability.

### *Restrictions on Muslims and Alevis*

The government officially does not permit the individual or communal practice of Islam outside of government-regulated institutions. The majority Sunni Muslim community is under the control of the *Diyanet*, or Presidency of Religious Affairs, which reports directly to the Prime Minister. The *Diyanet*, which is funded from the national budget, officially allows only the practice of Hanafi Sunni Islam. Some groups have recently proposed that the *Diyanet* should be financed on a voluntary basis by individual taxpayers so only those citizens who benefit from its services would pay for it. Many Alevis, Turkey's largest religious minority, believe that the *Diyanet* should be abolished while some secularists and others believe that the *Diyanet* contradicts Turkish secularism.

The *Diyanet* oversees 85,000 Hanafi Sunni community mosques and pays imams' salaries. Most mosques are owned by the *Diyanet* foundation, which is legally independent of the *Diyanet*. Mosques also are owned by local communities or individuals, and 22 mosques are owned by the Turkish army. Every province has an official mufti, also employed by the *Diyanet*, to which each imam in that province reports on a monthly basis. Since 2007, each of Turkey's 81,000 imams can write their own sermons, indicating greater official openness toward the country's Sunni Muslim majority. However, the President of the *Diyanet* told USCIRF in February 2011 that it continues to produce and disseminate themes for sermons.

Other Muslim groups independent of the *Diyanet* technically are banned under Turkish law, but generally are able to function. Sufi brotherhoods and other Muslim social orders (*tarikats*) and lodges (*cemaats*) officially have been banned since 1925; nevertheless, unofficially they remain active and widespread. The Caferis, Turkey's main Shi'a Muslim community, is comprised largely of Azeris and Iranians in eastern Turkey and in Istanbul; *de facto*, they are permitted to build and operate mosques and appoint imams.

The legal vacuum in which non-Sunni Muslim groups exist outside the *Diyanet* results in a lack of transparency on various matters, including funding sources. In addition these communities have reported being subject to discrimination, including in public-sector employment.

The Alevis comprise 15 to 25 percent of the population or as many as 25 million people. Alevi beliefs and practices are a source of debate both inside the Alevi community and within Islam. Although the Turkish government and many Alevi view them as heterodox Muslims, many Sunni Muslims do not accept that definition. Some Alevi identify as Shi'a Muslim, while others reject Islam and view themselves as a unique culture. While the *Diyanet* President told USCIRF in February 2011 that most Alevi want a closer relationship with the *Diyanet*, the President of the Alevi Bektasi Foundation told USCIRF that his group believes that the *Diyanet* should not exist in a secular state.

Over the past several years, the Turkish government has held regular workshops with the Alevi community to discuss their concerns, though some Alevi have complained that these discussions

include only community groups that are close to the government. The Alevi are seeking to address five key issues: legal status for Alevi houses of worship; the abolishment of compulsory religious education classes; an end to the building of Hanafi Sunni mosques in Alevi villages; the return of Alevi properties confiscated under a 1925 law; and the establishment of a museum at the Madimak Hotel in Sivas where Alevi were killed in a 1993 arson attack.

Alevi worship in what are called “gathering places” (*cemevi*). In Ottoman times, they worshipped in Sufi dervish lodges (*tekke*), which were banned in 1925. The Turkish government officially does not recognize *cemevi* as houses of worship, but considers them to be “cultural centers.” In November 2011, an Ankara court upheld a ruling that the Alevi could publicly refer to their *cemevis* as houses of worship, but the court did not confer official legal recognition; therefore, they still cannot receive the legal and financial benefits that are associated with such legal status. In January 2012, Mersin Governor Hasan Güzeloğlu vetoed a decision by the provincial assembly to pay for the operation of local *cemevis*. In late January 2012, the Alevi Cem Foundation filed a petition with the European Court of Human Rights seeking legal recognition of *cemevis* as houses of worship.

The inherited title of Alevi leaders is *Dede* (elder) for men or *Ana* for women, but the Alevi are not entitled to official or legal recognition of that title under a 1925 Reform Law, which, under the current Turkish constitution, cannot be amended.

### *Restrictions Affecting All Religious Communities*

#### *Education*

With regard to Turkish education policy, there have been two longstanding religious freedom issues for religious minorities: first, the inability of religious minority communities to educate their youth in schools that are in line with their religious beliefs; and second, derogatory comments about and/or misrepresentations of religious groups and their historical legacies in school textbooks.

Since the Turkish government maintains that there are only three officially-designated Lausanne minorities, it therefore allows only the Armenian Orthodox, Greek Orthodox, and Jewish communities to operate primary and secondary schools as communities, under the supervision of the Ministry of Education. Until 2007, in violation of the Lausanne Treaty, these schools were required to appoint a Muslim as deputy principal; under a 2007 law, non-Muslims were allowed to take up the position. Nevertheless, regulations continue to make it difficult for non-Muslim children to register and attend their community schools, thereby leading to the gradual disappearance of the community schools protected under Lausanne. School registration must be carried out in the presence of Ministry of National Education inspectors, who reportedly ensure that the child’s father is from the relevant minority community.

In February 2011, the Acting Armenian Patriarch told USCIRF that the Turkish government does not allow some 12,000 school-age children of Armenian migrant workers to attend Armenian minority schools in Turkey. However, the Ministry of Education currently is working on a bill to allow children of Armenian, Greek, and Jewish non-citizen residents of Turkey to attend

minority schools as “visiting students.” Since September 2011, some Armenian school children who are not Turkish citizens have been permitted to attend minority schools in Turkey.

In December 2011, Erol Dora, a deputy of Syriac origin from the Peace and Democracy Party (BDP), publically stated that Education Minister Ömer Dinçer has promised to “alter clauses in Turkish history books that are antagonistic toward Armenians and Syriac Christians.”

Members of the Alevi community have long objected to their children having to take part in compulsory religious education for Muslims. Some Alevi believe that these classes should be optional for members of their community, others have advocated for curriculum reform so that their religion is accurately presented, while others advocate for the abolition of required religion courses. A member of the community brought this issue to the ECtHR, which ruled in 2007 that religious education should be optional for Alevis since the curriculum was limited to Sunni Islam; that position was later upheld by a Turkish regional court. In September 2011, the Turkish government announced it would revise 2012-13 textbooks to provide a more accurate description of Alevi beliefs and practices. The changes to the textbooks are to reflect recommendations made during the governmental and community workshops held over the last couple of years. Nevertheless, some Alevi still object to their children participating in compulsory religious and ethics education.

In December 2011, the YÖK ended the application of different grading scales for university entrance exams. This change ended the penalization against graduates of Muslim vocational schools who are applying for non-religious university programs.

The constitution establishes compulsory religious and moral instruction in public primary and secondary schools, with a curriculum established by the Ministry of National Education's Department of Religious Instruction. Until a 2010 change in the curriculum to include information on all religions as well as atheism, these classes focused largely on Islam. Although non-Muslim children can be exempted from the classes, there have been cases of individual schools failing to act on this policy. In addition, there have been reported cases of societal discrimination as a result of children being excused from the classes. Christians also have complained that school history textbooks used in the classes refer to Christian missionaries in the 20<sup>th</sup> century as criminals.

### *Religious Dress*

Due to the emphasis on Turkish secularism, the government has long banned religious dress, including the wearing of headscarves, in state buildings, including public and private universities, the parliament, courts, and schools. Under Turkish law, only the titular head of any religious group may wear religious garb in public facilities. In the past, women who wore headscarves, and their advocates, have been expelled from universities and have lost public sector jobs, such as nursing and teaching.

In 2005, the ECtHR ruled that in view of Turkey's constitutional definition of secularism, a Turkish university's headscarf ban did not violate the European Convention on Human Rights, even though it contravened religious freedom standards. In 2008, the Turkish parliament voted

to amend the 1982 constitution to guarantee all citizens the right to attend university, but the Turkish constitutional court invalidated the amendment for violating Turkish secularism. In October 2010, the YÖK reportedly issued a directive that universities could not expel women for wearing headscarves, and in July 2011, the Council of State upheld the circular. However, some school and university administrators and professors reportedly are not adhering to the circular. According to press reports, students from the Kastamonu Abdurrahmanpaşa High School in Ankara have filed a criminal complaint against an administrator who forced them to remove their headscarves in order to take an examination in March 2011.

### National Identity Cards

Religious affiliation is listed on Turkish national identity cards, but some religious groups, such as the Baha'is, are unable to state their religion because it is not on the official list of options. Although a 2006 law allowed individuals to leave the religion section of their identity cards blank or apply to change the religious designation, the Turkish government reportedly has continued to restrict applicants' choice of religion. The Turkish government treats Jehovah's Witnesses as a "sect" within Christianity, and many Jehovah's Witnesses officially identify themselves as Christians; however, school administrators reportedly often view them as a separate religion and deny them exemptions from religious education classes. Individuals who leave the religious designation blank also encounter difficulties in opting out of Islamic religion classes. There were reports that local officials harassed Muslim converts when they tried to amend their identity cards.

### *Conscientious Objectors*

Turkish law does not include a provision for alternative military service. The ECtHR has made two recent rulings on two Turkish conscientious objector/Jehovah's Witnesses cases. In November 2011, the court found Turkey in violation of the Articles 6 (fair trial) and 9 (freedom of religion, conscience and thought) of the European Convention. On January 17, 2012, the court found Turkey in violation of European Convention Articles 3 (mistreatment and torture), 6, and 9.

In mid-February 2012, Bariş Görmez, a 33-year-old Jehovah's Witness who had been imprisoned since 2007 for being a conscientious objector, was acquitted of all charges stemming from his conscientious objection and released from a Turkish military prison. Also, in early March 2012, just after the end of the reporting period, a Turkish military court ruled that conscientious objection should be recognized, citing ECtHR rulings against Turkey and Armenia on conscientious objectors and the religious freedom provision of the Turkish constitution. Reportedly, the Turkish parliament also is discussing options for legally recognizing conscientious objection and offering alternatives to military service.

According to a July 2008 Ministry of Justice decree, police require a court warrant before they can arrest or detain deserters. Therefore, conscientious objectors no longer can be arrested at a military recruitment office. If an objector refuses conscription, or to wear a military uniform, these acts are treated under the Military Criminal Code as a refusal to obey orders and may initiate a cycle of prosecution and imprisonment. Conscientious objectors in Turkey fall mainly

into two groups: pacifists who refuse any form of compulsory state service, including civilian service, and Jehovah's Witnesses, who reject military service but are willing to serve in an alternative capacity that is strictly civilian.

*The Ergenekon Conspiracy and Violence against Religious Minorities*

In recent years, Turkish authorities have acted against an alleged conspiracy by Ergenekon, which some view as an underground, ultra-nationalist organization with ties to the military and security forces, as well as the judiciary, secularist political elites and journalists (collectively known as "the deep state"). Allegedly, Ergenekon has plotted to overthrow the AKP government and reportedly it has been implicated in carrying out and planning violence against religious minorities. Members linked to the alleged group reportedly have been implicated in the 2006 murder in Trabzon of a Catholic priest, Father Andrea Santoro; the 2007 murders of three Protestant employees, Necati Aydın, Uğur Yüksel, and German national Tilmann Ekkehart Geske, of the Zirve Publishing House in Malatya; and the 2007 murder of a prominent ethnic Armenian journalist, Hrant Dink, in Istanbul.

In March 2011, Turkish police detained 20 individuals, including a professor and members of the military, as part of a probe into the 2007 Malatya murders. That same month, seven individuals, including six journalists, were arrested as part of the alleged Ergenekon conspiracy. According to the non-governmental organization Compass Direct, in April 2012, the Third Criminal Court of Malatya likely will announce the indictment of five individuals allegedly associated with the Malatya murders. The delay of trials through lengthy procedures and the lack of convictions on some high profile cases is a concern.

Protracted trials and lengthy detentions of individuals allegedly associated with the alleged Ergenekon conspiracy continue to occur, including governmental and military officials, academics and journalists. The exact number of jailed journalists is not known. According to Prime Minister Erdoğan, 27 journalists currently are imprisoned in Turkey. The Journalists' Union of Turkey and the Turkish media group Bianet report 106 jailed journalists. The Turkish government claims that there are no journalists in jail for freedom of expression matters, such as for their criticisms of the AKP party or the Prime Minister, but rather because of various activities defined as terrorism under the Turkish Penal Code and the Counterterrorism Code. Critics of the government and the Ergenekon investigation claim the journalists were arrested due to their anti-AK Party or anti-government articles or books.

Those alleged to be part of the purported Ergenekon plot also allegedly planned to assassinate the Ecumenical and Armenian Orthodox Patriarchs, an Alevi leader, and a prominent Jewish business leader. The May 2011 case pending against Ismet Rençber, the man accused in the assassination attempt of Greek Orthodox Ecumenical Patriarch Bartholomew I, was merged with the larger Ergenekon trials. In another Ergenekon-related case, a Turkish army general is alleged to have plotted to plant weapons in the homes of followers of Muslim preacher Fethullah Gülen to create fears of Islamic militancy. In early 2010, more than 30 current and retired military officers were arrested in 13 Turkish cities in connection with a separate alleged conspiracy to overthrow the AKP government, known as the "sledgehammer conspiracy." This conspiracy allegedly included plans to bomb two Istanbul mosques. Turkish military representatives have

denied institutional involvement by the army. Others have alleged that the “sledgehammer conspiracy” data was forged, because some of the groups mentioned in the supposed evidence did not exist at that time.

Observers have widely divergent views on whether the so-called Ergenekon case represents progress or regression on the Turkish road to democratization and the rule of law. Some analysts suggest that current government officials themselves are engaged in political manipulation of the purported plot around the Ergenekon investigation, pointing out that many of the detainees, including those who were arrested preemptively, are prominent critics of Prime Minister Erdoğan’s government and individuals who support strict secularism. Turkish researcher and USCIRF Crapa Fellow Ziya Meral noted in 2011 that, although there have not yet been final verdicts in the Ergenekon cases, fatal attacks on Christians decreased after key figures who called for vigilance against Christian activities were arrested in the Ergenekon operation. However, in early 2012 the Association of Protestant Churches’ Committee for Religious Freedom and Legal Affairs in İzmir reported an increased number of attacks, ranging from harassment and vandalism to death threats, against Protestant churches and individuals in 2011, as compared to 2010.

In addition, government officials have issued statements that could incite violence against ethnic and religious minorities. For instance, in late February 2012, during a rally in Taskim Square to remember Azerbaijanis who were killed during the 6-year war with Armenia over Nagorno-Karabakh, an ethnic Armenian enclave in Azerbaijan, Interior Minister İdris Naim Şahin reportedly said, “As long as the Turkish nation stays alive that blood will be answered for.”

In September 2010, the ECtHR ruled that Turkey had violated the European Convention’s guarantees of the rights to life, to freedom of expression, and to an effective remedy in failing to protect Turkish-Armenian journalist Hrant Dink, who was killed in Istanbul in January 2007. The court also cited Turkey’s refusal to prosecute two *gendarmerie* officers despite evidence of involvement. Dink, with whom USCIRF met in Istanbul in 2006, had been convicted under Article 301 of the Turkish Penal Code for “insulting Turkishness” by referring to the 1915 killings of Armenians as genocide and, therefore, had become a target for extreme nationalists. In 2011 and 2012, two individuals, Ogun Samast and Yasin Hayal, were convicted for their involvement in the assassination of Dink. However, an additional 19 other suspects were acquitted from charges of belonging to the alleged Ergenekon group and its role in the slaying of Dink. In late February 2012, the State Supervisory Council (DDK) of the Turkish Presidency released the findings of its 649-page report on the Dink verdict, which among other things, found negligence by the court. In response, Justice Minister Sadullah Ergin announced that a retrial or new charges could be filed against those allegedly involved in the Dink assassination, including governmental officers.

In June 2010, Bishop Luigi Padovese, the Vicar Apostolic of Anatolia, was murdered in the city of Iskenderun while en route to join the Pope in Cyprus. Currently, the alleged assassin is awaiting trial. The motive and any connection to the alleged Ergenekon group is not clear.

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

Representatives of the Jewish community in Istanbul told USCIRF in February 2011 that their situation in Turkey is better than that of Jews in other majority Muslim countries. Jews in Turkey are able to worship freely, and their synagogues generally receive government protection when needed. According to the Chief Rabbi, Isak Haleva, if Jewish property is vandalized, the Turkish police generally are responsive. Jews also operate their own schools, hospitals, two elderly persons' homes, and welfare institutions, as well as a newspaper.

However, the Jewish community reported to USCIRF in 2011 that a rise in anti-Semitism in Turkey is often "directly linked to events in the Mideast." Jewish community organizations reportedly have received anti-Semitic mailings and phone calls, allegedly as a result of public opinion and some Turkish media reports that links the country's Jewish minority community to the policies of the Israeli state, giving rise to concern that criticism of Israeli actions may result in acts of hostility and anti-Semitism against the Jews of Turkey.

On January 29, 2012, International Holocaust Remembrance Day, Turkey reportedly became the first Muslim-majority country to screen on state television *Shoah*, a nine-hour documentary on the Jewish Holocaust.

### *EU Accession and Legal Reforms*

In March 2001, the EU adopted the Accession Partnership which required the Turkish government to implement numerous reforms to ensure that its laws are consistent with EU standards. Since 2002, in accord with this goal, Prime Minister Erdoğan has instituted a number of unprecedented domestic human rights reforms, including limiting convictions on incitement charges, narrowing the scope of defamation of the state, and strengthening the principle of equality between men and women. The Turkish constitution was amended to ensure the primacy of international and European human rights conventions over domestic law and Turkey has boosted efforts since 2002 to comply with some ECtHR rulings. In February 2008, the Council of the European Union revised the accession partnership with Turkey and set goals that include human rights and religious freedom. The 2011 EU Progress Report stated "freedom of worship continues to be generally respected," but found "limited progress on freedom of thought, conscience and religion." It also noted, "[a] legal framework in line with the ECHR has yet to be established, so that all non-Muslim religious communities and the Alevi community can function without undue constraints."

The Turkish government has ratified numerous major international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR). In 1966, it placed a reservation on Article 27 of the ICCPR, setting conditions on its commitment to cultural, religious, and linguistic rights for those religious minority groups covered by the Lausanne Treaty. Article 27 reads, "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language." The Turkish government reservation states, "The Republic of

Turkey reserves the right to interpret and apply the provisions of Article 27 of the International Covenant on Civil and Political Rights in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes.” Therefore, the reservation potentially undermines the guarantees to “profess and practice” religion in Article 27, and possibly the more extensive religious freedom guarantees in Article 18.

*Issues in the Area Administered by Turkish Cypriots or Turkish Military in Cyprus*

In September 2010, in Resolution 1631, the U.S. House of Representatives called on USCIRF to “investigate and make recommendations on violations of religious freedom in the areas of northern Cyprus under control of the Turkish military.” Consistent with House Resolution 1631, the USCIRF delegation investigated only religious freedom issues in northern Cyprus. USCIRF did not examine or comment on the legal status of northern Cyprus or ongoing efforts of reunification.

The USCIRF delegation found three main issues in northern Cyprus: 1) the inability of Orthodox Christians, other religious communities, and clergy to access and hold services at their places of worship and cemeteries in the north, particularly those in Turkish military bases and zones; 2) the disrepair of churches and cemeteries and issues relating to the preservation of religious heritage, such as iconography, mosaics, and other religious symbols; and 3) the lack of schools and opportunities for young people in the north, which has led to an exodus of Greek Cypriots and other religious minorities. These combine to hamper the freedoms of the remaining members of these communities, including religious freedom and any meaningful perpetuation of these minority faiths in the north.

Turkey has approximately 35,000 to 40,000 military troops in northern Cyprus and provides an estimated US \$6 to 8 billion annually to subsidize the economy of the area. Overall, the degree of autonomy of the local Turkish Cypriot authorities vis-à-vis Turkey is unclear, although most experts agree that Turkey exercises substantial control over the politics and security of the local Turkish Cypriot authorities. In early March 2012, Egemen Bağış, Turkey’s Minister of EU Affairs and Chief Negotiator for the Republic of Turkey commented publicly that if reunification talks between the Republic of Cyprus and northern Cyprus fail, Turkey would annex northern Cyprus. However, in subsequent reporting, Bağış claimed he was misquoted and clarified his statement by saying a reunified island is still the goal but annexation is one option if reunification talks fail. Currently, northern Cyprus is only recognized by Turkey and only has direct air connection with Turkey. Further, northern Cyprus is excluded from all international finance and trade, cannot be considered for international development aid and is banned from all international sporting and cultural events. The presence of the Turkish military in northern Cyprus directly impacts all aspects of religious freedom for religious minorities in the north, including the small Greek Orthodox Cypriot enclaved community living in the north and all religious minorities seeking access to the northern part of the island.

Since 1974 the island of Cyprus has been divided into two parts, with a UN Peacekeeping Force (UNFICYP) patrolling the “Green Line” between the two. The Green Line virtually was impassible until 2003, when one crossing point was opened. There are now seven crossing

points, and 13,000 crossings between north and south reportedly occur every day. With the exception of the Greek Orthodox Cypriot enclaved community – approximately 350 individuals living in the north – all non-Muslim minorities were displaced in 1974 to the southern part of the island under the control of the Republic of Cyprus. All access to northern Cyprus occurs at the crossing points, and Greek Orthodox, Armenian Orthodox, Maronite, and Jewish citizens of the Republic of Cyprus living in the south who wish to access the north are subject to review by the Turkish Cypriot authorities and Turkish military.

In areas not directly under the control of the Turkish military, there is greater access to religious sites, but restrictions exist. In February 2011, soon after USCIRF's visit, the Turkish Cypriot administration changed its policy regarding applications for permission to access some religious sites and hold services. The policy now allows Greek Orthodox Cypriots to hold services on any day and at any time in churches already in use in their areas of residence; previously the Turkish Cypriot authorities claimed that permission was needed for any day other than Sunday. For religious services in churches or monasteries that are not already in use, or for services administered by a priest other than the two priests already serving northern Cyprus, or for services that southern Greek Cypriots plan to attend, permission will be required 10 working days prior to the service, down from the previous requirement of 30 days. Lastly, when southern Cypriots apply for religious services through UN peacekeepers, the advance application requirement is also to be reduced from 30 days to 10 working days. Since February 2011, 43 applications have been submitted, 34 were approved, and nine rejected. The Bishop of Karpasia has twice been denied permission to perform religious services in northern Cyprus.

The Republic of Cyprus and Christian and Jewish leaders report that approximately 500 monasteries, churches, and cemeteries in northern Cyprus have been purposely desecrated, are in ruins due to Turkish and Turkish Cypriot authorities' negligence, or are being used for non-religious purposes such as storage or community halls.

In February 2012, the Bicomunal Technical Committee on Cultural Heritage organized under the auspices of the United Nations announced that it would proceed with an emergency plan to support and restore the Saint Andreas Monastery located on the Karpasia peninsula in northern Cyprus. The plan was by the Patras University in Greece. As USCIRF learned in February 2011, the monastery's main arch is damaged badly and recently has further shifted. Previous attempts to restore the monastery failed because of different views on whether the Greek Orthodox Church, northern Cypriot authorities, or the United Nations should be responsible for the renovation. Currently, the Bicomunal Committee will have the general responsibility for the maintenance and it will be overseeing the emergency and restoration work.

In May 2011, the 200-year-old Greek Orthodox Chapel of Saint Thekla in the village of Vokolida was demolished, reportedly by accident. The Turkish Cypriot authorities publicly condemned the demolition. In addition, two individuals were arrested for demolishing the church and the "department of antiquities and museums" promised to rebuild it. However, according to the U.S. embassy, the rebuilding has been stalled because the Greek Orthodox Archbishop wants the Greek Orthodox Church to have a say in the church's rebuilding but opposes any interaction between the church and the northern Cypriot authorities.

## **U.S. Policy**

The U.S. government engages Turkey as an important strategic partner. Turkey is a NATO ally and there is a U.S. airbase in Incirlik, Turkey. During the reporting period, high-level U.S. officials, including Vice President Joseph Biden, Secretary of State Hilary Clinton, U.S. Deputy Secretary of State William Burns, and Ambassador-at-Large for International Religious Freedom Suzan Johnson Cook, travelled to Turkey. Each addressed religious freedom and human rights matters in Turkey, including the re-opening of the Greek Orthodox seminary of Halki. Since the turbulent events of the so-called Arab Spring, the United States has relied heavily on Turkey's relationships with Syria, Libya, Egypt, and Iran to attempt to quell tensions in the region. The United States' bilateral and multilateral agenda with Turkey spans stability and security in the region, including in Iraq and Afghanistan, trade and investment, and counterterrorism.

The United States continues to support Turkish accession to the EU, encouraging Turkey to continue the reforms necessary for accession, and arguing that a Turkey that meets EU membership criteria would be good for the United States, for the EU, and for Turkey. The United States has designated the Kurdish Workers' Party (PKK) a Foreign Terrorist Organization and has supported Turkish military operations against the PKK in northern Iraq. At the same time, the United States has criticized Turkish domestic limitations on human rights.

Since President Carter, every U.S. president has called for Turkey to re-open the Greek Orthodox Theological School of Halki under the auspices of the Ecumenical Patriarchate and to take specific steps to address concerns of the ethnic Kurdish population and other minority communities. The U.S. government cooperates with Turkey to assist in the advancement of freedom of expression, respect for individual human rights, civil society, and promotion of ethnic diversity. In February 2011, one day after police raided a news Web site and detained four journalists for their alleged links to the purported Ergenekon conspiracy, U.S. Ambassador Francis Ricciardone said that the United States was trying to "make sense" of Turkey's stated support for press freedoms and the detention of journalists. The next day, some AK Party members accused the ambassador of interfering in Turkey's internal affairs.

The United States officially does not recognize the "Turkish Republic of Northern Cyprus." The U.S. government does discuss religious freedom with Turkish Cypriot authorities and supports international efforts to reunify the island. In the context of reconciliation between the Republic of Cyprus and northern Cyprus, the United States provides funds for programs, such as the Bicomunal Support Program and the Cyprus Partnership for Economic Growth program. These programs promote civil engagement, business, and trade between the Republic of Cyprus and northern Cyprus, and seek to preserve cultural heritage sites on the island, including those USCIRF visited.

## **Recommendations**

Due to systematic, ongoing, and egregious violations of religious freedom, USCIRF recommends that the U.S. government designate Turkey a CPC, and in its bilateral relations with Turkey, urge the Turkish government to bring its laws and practices into compliance with international standards on freedom of religion or belief.

## I. Pressing for Immediate Improvements to End Religious Freedom Violations

In addition to designating Turkey as a CPC, the U.S. government should urge the government of Turkey to address restrictions on the legal status of religious communities and governance of their own internal affairs by:

- fully implementing the 1923 Lausanne Treaty the Universal Declaration of Human Rights by granting full legal recognition for all religious communities in Turkey;
- fully respecting articles 18 and 27 of the International Covenant on Civil and Political Rights by withdrawing the reservation that limits its application to the three Lausanne minorities;
- permitting religious communities to select and appoint their leadership in accordance with their internal guidelines and beliefs, end Turkish citizenship requirements for the Ecumenical Patriarchate and Holy Synod of the Greek Orthodox Church, and grant official recognition to the Ecumenical status of the Greek Orthodox Patriarch;
- encouraging the Prime Minister's office and the *Diyanet* to work with the Alevi community regarding the recognition of that community in Turkey; and
- allowing the independent and peaceful practice of Islam outside of the *Diyanet* and ending the legal prohibitions on Shi'a Islam and on Sufi spiritual orders.

Regarding restrictions on religious expression, including dress, the U.S. government should urge the government of Turkey to:

- abolish Article 301 of the Turkish Penal Code, which restricts the freedoms of thought and expression and negatively affects the freedom of religion or belief;
- remove restrictions on all clergy and members of religious minority communities to wear religious garb in public areas, state institutions, and public and private universities;
- allow women the freedom to express their religious or non-religious views through dress so as to respect their beliefs, while ensuring a lack of coercion for those choosing not to wear headscarves and protecting the rights and freedoms of others, and providing access to public education and to public sector employment for those choosing to wear a headscarf;
- draft legislation to provide an alternative service to military service, on the grounds of conscientious objection and release any imprisoned conscientious objectors; and
- omit the legal requirement to list religious affiliation on official identification cards and adopt specific steps to implement this new requirement.

Regarding property and education rights for religious minorities, the U.S. government should urge the government of Turkey to:

- expand and expedite the process to regain clear title or fair compensation for expropriated holdings, end the authority of the *Vakıflar* or any government agency to seize the property of any religious community, and submit the Supreme Court decision on the land property case of the Mor Gabriel Syrian Orthodox monastery to Turkey's constitutional court;
- permit all religious minorities to train clergy, including by:
  - permitting the reopening of the Greek Orthodox Theological School of Halki, according to Turkey's international obligations, and allowing religious training to occur;
  - organizing a technical committee comprised of representatives from the Ecumenical Patriarchate and Turkish government representatives, to review all technical details relevant to expeditious opening of the Halki seminary; and
  - encouraging the Ministry of Education to respond favorably to the official request of the Armenian Patriarch to permit his community to establish a theological faculty that incorporates instruction from the Patriarch, as required under Turkey's international obligations.

Regarding combating intolerance, the U.S. government should urge the government of Turkey to:

- continue to undertake practical initiatives to establish and enhance trust among the country's diverse religious and ethnic communities, including: convening public roundtables on the local and national levels; publicly expressing commitments to a democratic and diverse Turkish society at a high political level; and developing civic education programs that reflect the religious and ethnic diversity of Turkish society, past and present;
- continue to condemn violent hate crimes against members of religious and ethnic communities and ensure prompt investigation and prosecutions of such crimes;
- take all appropriate steps to prevent and punish acts of anti-Semitism, including condemning such acts, and, while vigorously protecting freedom of expression, counteract anti-Semitic rhetoric and other organized anti-Semitic activities; and
- act in accordance with international human rights obligations to prevent and punish discrimination against Alevi.

## **II. Advancing Religious Freedom through Multilateral Efforts**

The U.S. government should:

- encourage the Turkish government, in view of its invitation to UN human rights special rapporteurs, to actively schedule such visits, including by the UN Special Rapporteur on Freedom of Religion or Belief and the UN Independent Expert on Minority Issues;
- encourage the Turkish government to remove its reservation to Article 27 of the ICCPR to ensure full respect for the protection of freedom of religion or belief to minority communities;
- speak out publicly at Organization for Security and Cooperation in Europe (OSCE) meetings and events about violations by the government of Turkey of OSCE human rights commitments, including those concerning respect for freedom of religion or belief;
- urge the Turkish government to request that the OSCE Office of Democratic Institutions and Human Rights (ODIHR) Panel of Experts on Freedom of Religion or Belief:
  - provide an assessment of Turkey's legislation affecting religious freedom;
  - conduct conferences with relevant government officials, leaders of religious communities, and members of civil society on teaching about religion in public schools from a human rights perspective; and
  - provide training sessions for members of the Turkish judiciary and law enforcement on how to combat hate crimes, including those motivated by religious prejudice; and
- urge the Turkish government to interpret the Turkish Constitution and the Lausanne Treaty consistent with international obligations, such as Article 18 of the ICCPR and OSCE commitments on freedom of religion or belief.

## **III. Recommendations concerning northern Cyprus**

The U.S. government should:

- urge the Turkish government to allow religious communities living in the Republic of Cyprus and religious minority communities living in northern Cyprus access to (including rights to restore, maintain, and utilize) religious sites, places of worship, and cemeteries that are located in Turkish military bases and zones in northern Cyprus;
- urge the Turkish government and/or Turkish Cypriot authorities to abandon all restrictions on the access and use of churches and other places of worship, including requiring applications for permission to hold religious services;

- urge the Turkish Cypriot authorities and Turkish military to return all religious places of worship and cemeteries to their rightful owners; cease any ongoing desecration and destruction of Greek Orthodox, Maronite, Armenian Orthodox, and Jewish religious properties; and cease using any such religious sites as stables, military storage sites, vehicle repair shops, and public entertainment venues or any other non-religious purpose;
- urge the Turkish government and/or the Turkish Cypriot authorities to permit the restoration of St. Andreas monastery and other churches located in northern Cyprus;
- urge the Turkish government and/or the Turkish Cypriot authorities to return Christian religious iconography and other religious art that is in the hands of Turkish Cypriot authorities and that remain in churches to their rightful owners; and
- urge the Turkish Cypriot authorities to provide a full list of catalogued religious artifacts and to allow access by UNESCO authorities, if UNESCO deems it appropriate and necessary to review such materials under possession of the Turkish Cypriot authorities and/or Turkish military.

**Dissenting Statement of Commissioners Ted Van Der Meid, Azizah al-Hibri, and William J. Shaw, with whom Commissioner Felice D. Gaer Joins:**

We strongly dissent from recommending that the Republic of Turkey be named a Country of Particular Concern (CPC). There is nothing in the country's record that indicates Turkey has regressed in terms of religious freedom in the past year. In fact the record is clear, Turkey should be commended for the progress it has made and encouraged to do more. To dwell on the past, as the majority does, without noticing new developing opportunities for advancing religious freedom in Turkey, is counterproductive. We reject that approach, and remain hopeful.

The International Religious Freedom Act (IRFA) sets forth a clearly defined standard for CPC designation. The government "has engaged in or tolerated particularly severe violations of religious freedom," which is defined as "systematic, ongoing, egregious violations of religious freedom, including violations such as – (A) torture or cruel, inhuman, or degrading treatment or punishment; (B) prolonged detention without charges; (C) causing the disappearance of persons by the abduction or clandestine detention of those persons; or (D) other flagrant denial of the right to life, liberty, or the security of persons." In our opinion Turkey does not qualify for CPC status under any of the above criteria.

To the contrary, Turkey has begun to rectify many of the religious freedom restrictions that have been in place for some time. A careful reading of the chapter shows that in the last year Turkey has moved forward with returning properties to some religious minority communities, is allowing headscarves to be worn in schools and universities, is restoring churches and allowing greater worship, and has begun implementing reforms relating to textbooks and educational opportunities for religious minority communities. This is just a small example of recent developments in Turkey that are connected to religious freedom. There have been several more, which are scattered throughout the Turkey chapter.

Our colleagues in the majority believe recommending CPC designation is appropriate for Turkey because they judged the developments in Turkey as simply mere gestures or ad hoc acts that could be easily revoked because they are neither codified in law nor enshrined in the Turkish constitution. This may be a fair point, however, as the media widely reports Turkey is well into the process of redrafting its constitution. In consideration for a new constitution the government has met with, solicited the opinions of, and heard the recommendations of every religious minority community including the Greek, Syrian, and Armenian Orthodox communities, the Jewish community and the Alevi. For example, in February 2012, the Greek Orthodox Patriarch, Bartholomew I, made an unprecedented presentation to the Parliament's constitution-making commission in his religious garb. Afterwards he said "Unfortunately there have been injustices in the past. These are all slowly being rectified. A new Turkey is being born. We are leaving the meeting with hope and are extremely grateful."

In light of actions taken by Turkey with regard to religious freedom in the last year, the positive words from the Ecumenical Patriarch, and the ongoing constitutional drafting process, which may very well codify the religious freedom matters about which USCIRF has been concerned, recommending CPC designation now is unwarranted and maybe counterproductive. Further, recommending CPC designation presupposes a conclusive judgment that despite its encouraging actions, Turkey is not genuine in its endeavors. We are not ready to reach that judgment yet. We choose to judge Turkey on the steps it has taken in the last year, and wait for further actions next year to ascertain its intentions.

Further evidence that Turkey is moving in the right direction with respect to religious freedom can be found in comments USCIRF received from religious minorities who live in Turkey. One said "I think Turkey should be monitored but it is nowhere near other countries on the CPC list." A second said "I think Turkey belongs where it is (Watch List). Certainly no move up to CPC status." A third said "...the status of Christian faith in Turkey today is infinitely better than in virtually any other Muslim country in the world. Turkey's respect for and adherence to the international conventions it has signed to support freedom of religion and conscience far surpass any of those other countries. It is to be congratulated on the steps it has taken, and encouraged to continue on the path to full citizenship for all its people." We share their sentiments that Turkey should not be recommended for CPC designation.

In February, 2011, USCIRF travelled to Turkey where we had the opportunity to meet with representatives of the Jehovah's Witness community. They informed us about Barış Görmez, who is a member of their religious community in Turkey. Mr. Görmez has been imprisoned since 2007 because he refused to serve in the military. His refusal was based on his religious beliefs. USCIRF raised his situation with the Turkish embassy in Washington, DC on a few occasions, and now he is a free man. While we cannot say categorically USCIRF had influence on his release, it is no less significant that the Turkish government has secured his release from prison; for it demonstrates the commitment to reform and signifies progress toward religious freedom. It also demonstrates that Turkey is moving toward, not regressing from, upholding international standards of religious freedom.

A major argument throughout USCIRF's deliberations was that (a) Turkey has not moved fast enough or that (b) the steps it has taken were not codified in law. In our opinion, the government has moved forward in their commitments, although there are additional actions that we very much would like for it and urge it to take, such as the re-opening of the Halki Seminary.

The Turkish Deputy Prime Minister's new and important public affirmation at the end of February that the Halki Seminary can be re-opened is discussed in the chapter, including the current controversy over the status of the school and whether it is to be under the authority of one or another Turkish governmental institution.

It is our view that the governmental policy in Turkey restricting the freedoms of religious institutions must come to an end for both majority and minority populations alike; and that private religious institutions should be permitted to operate freely in Turkey. As to (b), we note that codified laws are also readily revocable or can remain unenforced by a government. The issue is really about intent, not form; and that in our view has not been conclusively established yet. To hinge Turkey's religious freedom status on whether the advancements were codified in law or some other vehicle is too narrow a criterion and does not give Turkey the credit or encouragement to do better next year. It is perhaps for such reasons that Secretary of State Clinton has commended Turkey on its progress. So should the U.S. Commission on International Religious Freedom.

In conclusion, the recommendation to designate Turkey as a CPC is extremely unfortunate, and unwarranted on the facts with respect to the IRFA standards. We encourage Turkey to continue moving forward in rectifying many of its long-standing religious freedom issues.

**Dissenting Statement of Commissioner Felice D. Gaer, with whom Commissioners Azizah al-Hibri, William J. Shaw, and Ted Van Der Meid join:**

Turkey has long been a country with a very troublesome human rights record on matters such as excessive use of force, torture, disappearances, and limits on free speech, as has been documented extensively in the U.S. State Department country reports on human rights, and by many international human rights groups, for years. Since USCIRF's first visit to Turkey in November 2006, our Annual Reports have also detailed the many substantial issues regarding measures affecting freedom of thought, conscience, and religion or belief that merit attention. But USCIRF has also in those reports acknowledged improvements, progress, and clear-cut changes that citizens and religious leaders praised. It is therefore particularly worrying that the Commission would declare this year, even as it detailed even more positive steps, that Turkey had deteriorated to such an extent that it had to be characterized as a "country of particular concern." While many matters may not have been resolved definitively, there is no indication of a deterioration regarding freedom of religion and on the contrary, there have been specific improvements, raising hopes that further changes will be in store. In sum, this is not a point at which the determination of "CPC" status is or seems warranted and I respectfully dissent from it.

USCIRF has obtained ample testimony of positive developments regarding religious freedom in Turkey, notwithstanding other ongoing endemic problems, particularly affecting minority religious communities in Turkey. Many of these longstanding measures, legal and practical, are

being addressed by government officials as they engage with European institutions and the United States.

USCIRF Commissioners were informed in a staff memorandum detailing developments in the past year that "...since its June 2011 general election, Turkey has implemented numerous reforms to begin to rectify some of the restrictions imposed on Turkey's diverse religious communities... Turkey's new policies begin to address many of USCIRF's long-standing concerns, including the return of expropriated minority properties...while the Turkish government retains absolute control over religion in the public sphere, the reforms implemented in the past year indicate movement in a positive direction." Reforms in return of property, religious dress, and reform of textbooks have also resulted from "new policies," according to staff. It is incomprehensible to me that such a nuanced assessment would be met by the Commissioners declaring that current Turkish policy and practice had actually deteriorated to such an extent that Turkey should be recommended for "country of particular concern" status.

A bit of history is in order. USCIRF's previous scrutiny of Turkey also offers evidence of a vibrant, complex and changing society that has seen a number of specific improvements regarding human rights including religious freedom. USCIRF visited Turkey in November 2006 on what it then explicitly termed a "fact-finding" visit – meeting with representatives of eight religious communities, several non-governmental policy experts, and a number of working level government officials in Ankara. It reported in May 2008 that "Throughout its visit, people of almost every tradition stated that, despite serious problems regarding the opening, maintaining, and operation of houses of worship, they were free to gather and worship as provided for in the country's constitution. Moreover, most groups reported that conditions for religious freedom had improved in the past decade and particularly due to the reforms undertaken by the government during the accession process to the European Union. However, the Commission also learned of significant restrictions on religious freedom..." (USCIRF, 2008, p. 277)

The Commission had reported earlier that "Without exception, everyone the delegation met with in Turkey, including those from among all of Turkey's religious communities, stressed EU membership as the most promising means to advance religious freedom and other human rights protections and to drive democracy forward in Turkey." (USCIRF, 2007, p. 23) It stated that "Ankara undertook important legal changes..." but cautioned that the lack of full legal recognition created a number of serious problems for minorities, including with regard to property rights, attacks on minorities, closure of religious institutions, and other items.

The same issues were addressed again in May 2009 when USCIRF decided to place Turkey on its "Watch List" of countries whose religious freedom violations are serious but fall short of the statutory requirement for "Country of Particular Concern" status, and yet require close monitoring.

Along with identification of the Ergenekon plot and government efforts in response, the USCIRF 2010 report offered similar argumentation on religious freedom concerns, including citation of the State Department's conclusions that freedom of religion was largely observed "in practice" although serious limits were maintained on religious expression in state institutions in order to

preserve the “secular state.” Turkey has a constitutional provision separating religion from public life, known as “secularism.”

In February 2011, USCIRF travelled again to Turkey, where Commissioners met with senior government officials for the first time: these included the Deputy Prime Minister, the Minister for European Union Affairs, as well as the Directors of the *Diyanet* and *Vakıflar*, which address religious affairs and “foundation” affairs, respectively. USCIRF also met with heads and other leaders of eight minority faith communities, and various journalists, academics, and civil society representatives. As a result, USCIRF declared in 2011 that “the government has failed to take decisive action to address the climate of impunity against religious minorities,” that it intervenes in the internal governance of religious communities, and that serious “limitations” on freedom of religion or belief continue, “threatening the continued vitality and survival of minority religious communities” in the country.

The Commission also reported that “Most religious minority communities have noted that the ruling AK party has made positive gestures toward them, but that the Turkish government has not made institutional reforms, particularly on corporate legal status.” Yet, then and since, the Commission was informed about numerous steps taken to comply with European Court of Human Rights decisions and return property, new discussions exploring reopening of the Halki Seminary closed since 1971, the Prime Minister’s unprecedented visits to the leaders of the religious minority communities, the religious services conducted at Soumela monastery, at Armenian Holy Cross church on Lake Van – for the first time in 90 years – and, significantly, efforts made to begin a process of restoration of property through the Foundation law, and more. Once more, USCIRF cited the European Union Progress Report which affirmed that “Turkey generally respected freedom of worship.” In its own voice, USCIRF also acknowledged the following: “Since 2002, Prime Minister Erdogan has instituted a number of unprecedented domestic human rights reforms, including limiting convictions on incitement charges, narrowing the scope of defamation of the state, and strengthening the principle of equality between women and men.” It cited a constitutional amendment to ensure primacy on international human rights treaties over domestic law.

In the 11 months since then, events have brought a variety of welcome official measures related to restoration of property/the foundations law, along with other steps continuing along the lines cited above and in the current USCIRF chapter. True, the government maintains ultimate control over many of the facilities and their use and it has not acted in accord with its international human rights obligations in many areas, but the trend for many of the issues affecting minority communities is hopeful.

The Turkish government’s handling of the so-called Ergenekon conspiracy and the related due process abuses in the Sledgehammer case have been worrying to the Commission, which has reported on them briefly, along with the arrest of journalists. Plenty of other concerns remain about which direction the AK Party will take regarding the Constitutional reform and the protection of members of minority communities, as opposed to measures related to the majority. This is reason to continue monitoring developments. But it does not merit reaching a determination that Turkey’s incomplete reforms cast it into the CPC, worst violator status, as set forth in the International Religious Freedom Act (IRFA).

Weighing the reforms in Turkey in 2011, I recall the words of Nobel Laureate Elie Wiesel, author and survivor of Auschwitz, who cautioned: “Because I remember, I despair. Because I remember, I have the duty to reject despair.” Indeed, I choose to be hopeful: it is the traditional response to adversity that has enabled Jews to survive over the centuries.

**Dissenting Statement of Commissioner William J. Shaw, with whom Commissioners Azizah al-Hibri and Ted Van Der Meid, join:**

I strongly dissent to the decision of USCIRF, by a 5 to 4 vote, to designate Turkey as a CPC. My dissent is grounded in the following reasons: Turkey was named a Watch List country in our 2011 report. Since that naming in 2011, the listing of initiatives both taken and accomplished by the government of Turkey set forth in the 2012 analysis do not justify the negative listing of the country to CPC status. If the initiatives and accomplishments do not fully satisfy Commission wishes or desires, the country should at least continue on Watch List status.

Further, once again I dissent to including portions of the Republic of Cyprus in the report on Turkey. Neither the government of Cyprus nor the U.S. government recognizes Northern Cyprus as a separate country. If Cyprus is to be reviewed by the Commission, it is my conviction that the total country, north and south, should be examined. Hence, I dissent from the Turkey report both in terms of substance and in terms of the inclusion of the part of the Republic of Cyprus in the report on Turkey.

**Statement of Commissioners Nina Shea, Leonard Leo, and Elizabeth Prodromou:**

We join the majority in recommending Turkey for Country of Particular Concern designation on the basis that it is in flagrant denial of the right to liberty under the International Religious Freedom Act. We cannot overlook the still unaltered overall decline of Turkey’s Christian minorities that is hastened and made inexorable by the laws and regulations enforced by the current government. Nor can we forget the urgent words of a senior Christian religious leader in Turkey, who requested anonymity for fear of reprisals against his community: “We are an endangered species here in Turkey.”

2011 was a pivotal year. In June 2011 elections, the Justice and Development (AKP) party won a popular mandate and a third term for Prime Minister Erdogan. As we observed during the USCIRF visit to Turkey that spring, expectations were palpably high for the country’s long-oppressed and now very fragile Christian minorities – expectations that relief to loosen the hangman’s noose of religious freedom restrictions was in the immediate offing. But those expectations again went unfilled as the government failed to undertake the substantial reforms needed to permit the Christian Church to finally breathe free.

Instead, in that regard, the past year was much like the other ten years of AKP rule. The Christian minorities continued to struggle to find places in which they could worship, went without seminaries in which to train future leaders, were barred from wearing clerical garb in public, saw the trials of the murderers of their prominent members end with impunity, and, above all, lacked the legal right to be recognized as churches so that their members can be assured of

their rights to gather freely in sacred spaces for religious marriages, funerals and baptisms and otherwise carry out the full practice of their respective religions.

They confront a dense web of legal regulations that thwart the ability of their churches to perpetuate themselves and, in some cases, even to meet together for worship. These laws, aimed at promoting extreme secular nationalism, also encourage a climate of animosity toward Christians, who are seen to undermine “Turkishness” despite Christianity’s two thousand year presence there.

Last year marked the 40th year that the Greek Orthodox seminary of Halki remained closed and in government hands, and standing now at less than 2, 000 in number, that minority remains unable to educate and train its clergy. Indeed, none of the Christians of Turkey are permitted to train its leaders in the country. The Armenian Church is anxious to train more priests and in 2006 petitioned the Education Minister to allow the establishment of a state university faculty on Christian theology including instruction by the Patriarchate. Their request was ignored again throughout the past year. The Syriac Orthodox community continued to be denied permission to have a second church to accommodate its flock of 20,000 in Istanbul, where the group has gathered for security after having been driven by violence out of its traditional lands over the last century. In 2010, the Supreme Court had granted the state’s treasury parts of the 1,600 year old Mor Gabriel monastery, a site that is a second Jerusalem for the Syriacs. In November 2011, the government removed from museum status St Sophia church in Iznik – where the first Christian Ecumenical Council had met in 325 AD – and turned it into a mosque.

Turkey’s 3,000 or so Protestants have very few church buildings and frequently turn to worshipping in house churches. In a 2012 interview, Protestant Association chair Zekai Tanyar expressed their frustrations in trying to navigate the regulations and obtain government permission to obtain a place of worship:

“There has been dialogue several times but with no result. There is need for more talk. However, these visits do not go beyond polite stalling.... Churches find themselves shuttled between municipalities and governorships in their search for a solution to this problem. Even if one municipality responds positively, often the state Governor does not give approval. Sometimes the authorities respond with ridiculous excuses saying ‘there are not enough Christians in the neighbourhood.’ So are we supposed to do head counts and form ghettos?”

In January 2012, five years after the murder of Turkish -Armenian writer and editor Hrant Dink, the case ended with the conviction of a handful of young men. Many in the international human rights community concluded that the failure of the court to find a broader plot defied the evidence. This continues a pattern of impunity in cases of religious violence. Even starting a discussion on genocide of Christians that occurred 100 years ago is a criminal offense in Turkey. Dink himself was convicted of “insulting Turkishness” for trying to do so.

While Turkey’s Muslim converts to Christianity have greater rights than those in Saudi Arabia and Iran, this is “damning with faint praise,” as a Christian leader in Turkey put it. He explains that the societal approbation, pressure and fear faced by these converts is relentless:

“They have to contest for every inch of legal territory. They are constantly surveilled by national security agencies. They have been threatened, attacked, hauled into court on bogus charges, and even brutally murdered by ultra-nationalists linked to a nationwide plot to destabilize the Turkish government. It is a disheartening, and sometimes dangerous, environment in which to worship and share one’s faith. Although many Turkish congregations meet quietly and safely on a Sunday, no group anywhere in the country meets without carefully taking the measure of each new person who walks through the door.”

With its flag conspicuously planted and its troops ever present in northern Cyprus, Turkey, which alone recognizes the north as a separate country from the rest of the Republic of Cyprus, is the looming reality there. On its watch, Christian practice throughout northern Cyprus is being suppressed, in some instances, directly by strict prohibitions, and, in others, indirectly by a shifting regime of bureaucratic regulations. Church buildings, some historically important, are being vandalized, looted and stripped of their artistic treasures, or allowed to decay under the watchful eye of the Turkish military. May 2, 2011, saw the demolition of the 200-year-old Greek Orthodox Chapel of Saint Thekla in the northern village of Vokolida. Over time, all vestiges of Christianity’s rich cultural history there are being destroyed, dismantled and erased. Today, in the north, the only Christians are some 400, most elderly Greek Orthodox who live enclaved.

To be sure, the AKP government has ushered in some improvements for Christians, including the addition of worship services allowed for a particular church, citizenship for the leaders of another, and accurate national identity cards for converts. But, overall, the downward trajectory continues: Turkey’s Christian communities struggle for survival even into the next generation.

Despite ten years of rule, despite its revolutionary measures in other spheres, such as in the economy, and despite its powerful mandate from the 2011 elections, the AKP government has failed to take critical action for religious freedom. Specifically, it has failed to rescind the regulatory regime that is contributing to the steady decline into statistical insignificance of its Christian minorities, who now number a mere 0.15%.

As one of Turkey’s Christian leaders told us in a weary voice, heavy with irony: “I’m full of hope. I’ve been hopeful for ten years, so I am full of hope.”

After past genocide, and other violence, and current, suffocating legal restrictions, Turkey’s Christian communities are barely hanging on.

Every year that passes without substantial religious reform places these minorities in greater peril and helps seal their fate. In the Arab Spring, Turkey holds itself out to be an Islamist model. But it is no model for religious freedom. We have waited for ten years for the AKP to make a real difference in the Christians’ fate. We can no longer sit by and just “Watch.”

## Turkmenistan

**FINDINGS:** Severe religious freedom violations and official harassment of religious adherents persist in Turkmenistan. Despite a few limited reforms undertaken by President Berdimuhamedov since 2007, the country's laws, policies, and practices continue to violate international human rights norms, including those on freedom of religion or belief. Police raids and other harassment of registered and unregistered religious groups continue. The highly repressive 2003 religion law remains in force, causing major difficulties for religious groups to function legally, and has justified police raids and arrests. Turkmen law does not allow a civilian alternative to military service, and six Jehovah's Witnesses are imprisoned for conscientious objection.

In light of these severe violations, USCIRF continues to recommend in 2012 that the U.S. government designate Turkmenistan as a "country of particular concern," or CPC. The Commission has recommended CPC designation for Turkmenistan since 2000, but the State Department has never followed this recommendation.

Under the late President Niyazov, Turkmenistan was among the world's most repressive and isolated states. Niyazov's personality cult dominated public life, and there is evidence that President Berdimuhamedov is building a cult to justify his own dominance, but without religious overtones. While President Berdimuhamedov has ordered a few limited reforms and released the former chief mufti from prison in 2007, since then his government has not adopted essential systemic legal reforms on freedom of religion or belief and other human rights. Moreover, the Turkmen government has reinstated restrictive policies regarding education, foreign travel, dual citizenship, and telecommunications that have again led to the country's extreme isolation.

**PRIORITY RECOMMENDATIONS:** In addition to designating Turkmenistan as a CPC, the United States should raise human rights and religious freedom in all bilateral meetings with the Turkmen government, urge it to adopt specific new laws and practices that comply with international human rights standards, and establish a regular reporting mechanism on these issues. If the Turkmen government continues to violate its human rights obligations, including on freedom of religion or belief, and to threaten Turkmen human rights defenders regardless of country of residence, the United States should express its concern publicly at appropriate international fora, including the United Nations and the Organization for Security and Cooperation in Europe (OSCE). The United States also should increase exchange programs and broadcasts to Turkmenistan to help overcome decades of isolation which have created a dangerous cultural and educational vacuum. Additional recommendations for U.S. policy toward Turkmenistan can be found at the end of this chapter.

## Religious Freedom Conditions

### *Governing and Legal Framework*

Until the 2006 death of President Saparmurat Niyazov, Turkmenistan was among the world's most repressive and isolated states. Virtually no independent public activity was allowed, and the 2003 religion law banned most religious activity. Moreover, Turkmenistan's public life was dominated by Niyazov's quasi-religious personality cult expressed in his book, the *Ruhnama*, which the government imposed on the country's religious and educational systems.

Since assuming the presidency in early 2007, Gurbanguly Berdimuhamedov has implemented limited educational reforms and has promised, but not undertaken, reform of the country's oppressive laws. He ordered the release of 11 political prisoners, including the former chief mufti, in 2007; placed certain limits on Niyazov's personality cult; set up two new official human rights commissions; and registered 13 additional minority religious groups. In addition, he eased police controls on travel inside Turkmenistan and made the country slightly more open to the outside world.

Turkmenistan's constitution purports to guarantee religious freedom, the separation of religion from the state, and equality regardless of religion or belief. The 2003 religion law, however, contradicts these provisions and violates international standards on freedom of religion or belief. This law sets intrusive registration criteria and bans any activity by unregistered religious organizations; requires that the government be informed of all foreign financial support; forbids worship in private homes and the public wearing of religious garb except by religious leaders; and places severe and discriminatory restrictions on religious education.

Religious matters fall under the purview of the government-appointed Council on Religious Affairs (CRA), which reports to the president. While the CRA's membership includes government officials and Sunni Muslim and Russian Orthodox Church representatives, no other religious groups are represented. The CRA controls the hiring, promotion, and firing of Sunni Muslim imams (who must report regularly to the CRA), censors religious publications, and oversees the activities of all registered groups.

CRA Deputy Chair Andrei Sapunov, a Russian Orthodox Church (ROC) priest, has official responsibility for policies relating to Christian communities and reportedly has veto power over the ability of other Christian groups to function in Turkmenistan. Some ROC members have told human rights groups that Sapunov has disclosed to the secret police confidential information from religious confessionals. Moreover, members of religious minorities view recently-named CRA officials as favoring state-controlled Islam and denying permission for non-Muslim activity more often than their Niyazov-appointed predecessors. Four of the officials appointed in September 2009 to head CRA regional branches were also appointed as new regional chief imams; in their dual role, they are expected to collaborate with government agencies, including the security police.

### *Stalled Legal Reforms*

In 2007, President Berdimuhamedov set up a new government commission, headed by the Supreme Court Chairman, to examine citizens' petitions on the work of law enforcement bodies, but it has no other members and no specified procedures. Reportedly, the commission has received thousands of petitions on police abuse, bribery, unjust arrests, and prosecutions. In August 2007, the commission pardoned and released 11 prisoners of conscience, including former Chief Mufti Nasrullah ibn Ibadullah, who had been sentenced to a 22-year prison term in a secret 2004 trial. His release occurred on the eve of USCIRF's visit to the country. Ibadullah had opposed Niyazov's decree that the *Ruhnama* be displayed in mosques, but was charged with treason for his alleged role in a 2002 coup attempt against Niyazov. After his release, Ibadullah was allowed to resume work in Ashgabat as a senior adviser to the CRA. The commission's more recent activities, if any, are unknown.

During USCIRF's August 2007 visit to Turkmenistan, the President established a new commission to examine how the country's laws conform to international human rights commitments. In 2008, the government requested that the U.S. Agency for International Development (USAID) provide a technical critique of Turkmen laws affecting religious freedom. The critique, prepared by the International Center for Not-for-Profit Law (ICNL), was presented to the government in July 2008, but the government has not implemented any of the recommendations. The government postponed, without setting a future date, a follow-up seminar on the religion law with international experts scheduled for March 2010. It also has failed to implement any of the recommendations of a largely critical legal review of the religion law published by the OSCE in late 2010. In November 2011, the UN Committee on Economic, Social and Cultural Rights also called on Turkmenistan to amend its religion law "to remove undue registration criteria pertaining to certain religious groups as well as various restrictions impacting negatively on the freedom of religion." The government has not responded to this recommendation.

### *Registration*

In response to international pressure, President Niyazov issued several decrees in 2004 that reduced the number of members required for registration as a religious group from 500 to five and eased other registration requirements. Nevertheless, unregistered religious activity remains illegal, and subject to penalties under the administrative code that may include imprisonment and large fines. Even registered groups are forbidden to meet for private worship, to print and import religious literature, or to be led by foreign citizens. They are subject to financial restrictions and must provide the government with detailed information about their meetings and activities.

The Justice Ministry manages the registration process, and the CRA plays an advisory role. A commission, which includes representatives from the Ministries of Justice and Internal Affairs and the security services, reviews registration applications. Although the review process should not last more than three months and written denials are supposed to be issued, often these standards are not met. Reportedly, Justice Ministry officials have denied registration due to minor or spurious clerical errors or required religious groups to amend their charters in order to register. After national registration, religious groups must also obtain local approval for

religious activities, and some groups reported difficulty in obtaining such permission. Some communities have decided not to submit applications due to the onerous and opaque registration process, while others prefer an underground existence, due in part to the numerous legal restrictions on religious activity and to the limited advantages of registration.

After the 2004 decrees, nine small minority religious groups were registered, including the Baha'i faith, several Pentecostal communities, the Seventh-day Adventists, several Evangelical churches, and the Society for Krishna Consciousness. The Ashgabat parish of the ROC was reregistered in 2005 and the Turkmenabat ROC parish was reregistered in early 2006. The Source of Life Church in Turkmenabat and a Muslim group in Akhal were registered in late 2007. According to the CRA, Shi'a Muslim groups were allowed to register collectively, likely in 2008. In a January 2010 report to the UN Human Rights Committee, the Turkmen government claimed that 123 religious communities were registered in the country, fewer than previously cited. Of these, 100 are Sunni and Shi'a Muslim and 13 are Russian Orthodox. The rest include Baptist, Pentecostal, Greater Grace, Seventh-day Adventist, New Apostolic, Baha'i, and Hare Krishna communities. Also, according to the same report, the Turkmen Justice Ministry was considering registration applications from four religious communities, including the Path of Faith Church in Dashoguz, an independent ethnic Turkmen Baptist congregation whose registration has been "pending" for five years. In March 2010, after 13 years of effort, Ashgabat's Polish-led and mostly foreign Catholic community gained local legal status, in an apparent exception to the legal requirement that any religious community must be headed by a Turkmen citizen. In August 2010, the religious organization Ibrahim Edhem was registered in the Dashoguz province, but registration applications of the Abadan branch of Light of Life Christian Church and the Turkmen Baptist Church in Dashoguz remained pending.

Certain Shi'a Muslim groups, the Armenian Apostolic Church, and some Protestant groups have had numerous registration applications rejected or their registration efforts refused entirely. The government rejected as "incomplete" the Jehovah's Witnesses' previous registration application; but the CRA would not tell the community which documents were missing. The Peace to the World Pentecostal Church in Mary, headed by the recently-released Pastor Nurliev, has applied unsuccessfully for registration since 2007. Reportedly, the Turkmen government has also pressured some groups to write promises that they will not gather for worship until they receive official registration.

#### *Status of Presidential Personality Cult*

The presidential personality cult forms the basis of official Turkmen ideology. Turkmen citizens, regardless of their religious views or personal beliefs, are taught to view the president as the living embodiment of the state. The *Ruhnama* has been removed from government buildings and mosques, but its citations remain inscribed on the huge mosque in Gipchak, Niyazov's home town. While the current government has moved away from Niyazov's personality cult, President Berdimuhamedov is establishing his own cult, which includes the appearance of many large posters of the current president.

Most textbooks were revised to remove references to Niyazov and his family, but new textbooks highlight President Berdimuhamedov's family and his "New Revival" ideology. Further,

President Berdimuhamedov reportedly will soon issue a new “spiritual guide” for the Turkmen people, which, according to the Turkmen media, will be called the *Turkmennama* (Book for Turkmen) or *Adamnana* (Book for Humanity). The Turkmen president has been granted the official title of *Arkadag* (Protector). Teachers and other state employees are compelled to purchase the president’s five previous books, such as on the Akhal-Tekke horse or folk medicine. Teachers and students still must also spend 70 to 80 days of the academic year in elaborate state-sponsored presidential parades.

While imams no longer are required to include a loyalty oath to the fatherland in their daily prayers, they must pray for the president. Public school students spend less time studying the *Ruhnama*, but still must pass exams on that book for advancement, graduation, or admission to higher educational institutions. Although the government reopened the Turkmen Academy of Sciences and allowed books by Turkmen historians and classical Turkmen authors to be published, in 2010 it opened a university named for the *Ruhnama*. The long-term effects of this state ideology and the presidential personality cult -- combined with Turkmenistan’s continuing isolation and severe educational deficiencies -- are difficult to calculate.

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

The Turkmen government continues to interfere in the internal leadership and organizational arrangements of religious communities. The current Chief Mufti, Gurban Haitliev, was selected and appointed by the president; at the time of Haitliev’s appointment, numerous regional imams also were transferred to new duties, following former President Niyazov’s practice of frequent rotation of official leaders. Friday sermons by imams increasingly are used to convey state messages, with the CRA “recommending” suitable topics.

Muslims in Turkmenistan have expressed concern that the state has replaced imams who have formal Islamic theological training with those who lack such education. Indeed, many Turkmen view the former Chief Mufti, Nasrullah ibn Ibadullah, an ethnic Uzbek who was imprisoned from 2004-2007, as the country’s last Muslim leader with a thorough knowledge of theology. Turkmen officials have also stated that imams cannot be appointed if they have received theological training outside the country. The government also recently removed from office ethnic Uzbek imams in the Dashogus region and replaced them with ethnic Turkmen imams.

While the government officially banned as extremist only those groups that advocate violence, it has prevented all groups that advocate strict interpretations of Islamic religious doctrine from operating in the country, according to the State Department.

Former President Niyazov requested that the ROC in Turkmenistan be removed from the Central Asian diocese in Tashkent and come under Moscow Patriarchate jurisdiction. The new president continued to press for this transfer. The ROC placed Turkmenistan’s 12 ROC parishes and one Ashgabat convent under the Moscow Patriarchate’s jurisdiction in 2008, after a meeting between President Berdimuhamedov and ROC officials. The ROC named Bishop Feofilakt (Kuryanov) as the first head of the Patriarchal Deanery for Turkmenistan.

The Turkmen Justice Ministry reportedly has “advised” several smaller unregistered groups to combine with other currently-registered communities, regardless of possible doctrinal differences or need for organizational autonomy.

*Penalties for Religious and Human Rights Activities*

According to the International Crisis Group, Turkmenistan has one of the world’s highest prisoner-to-population ratios. A June 2011 report by the UN Committee Against Torture (CAT) on Turkmenistan concluded that reports of torture are “numerous and consistent” and “there appears to be a climate of impunity resulting in the lack of meaningful disciplinary action or criminal prosecution against persons of authority accused of [torture].” Three religious prisoners who were in the Seydi prison camp, where most of the religious prisoners are held, reported that solitary confinement and severe beatings by guards were “routine” in 2011.

In recent years, members of religious communities, including Muslims, Protestants, and Jehovah’s Witnesses, as well as a Hare Krishna adherent, have been imprisoned or sent into internal exile due to their religious convictions. Nurmuhamed Agaev, a former Muslim prayer leader, remains at the closed psychiatric hospital in the Lebap Region, where reportedly he is subject to forcible drug treatment. Islamic cleric Shiri Geldimuradov died in prison under unexplained circumstances in July 2010. Geldimuradov, 73, was arrested in April 2010 along with his three sons Muhammed, Abdullah, and Abdulhay. A fourth son, Abdulmejid, was sentenced to three years in prison in February 2010 for “misusing urban water resources.” An anonymous January 2012 message to Radio Liberty’s Turkmen Service claimed that an unnamed Muslim man was imprisoned the previous year for distributing religious audio and video discs; the government reportedly charged him with distributing pornography.

In October 2010, Pastor Ilmurad Nurliev of the unregistered Peace to the World Protestant Church in Mary was sentenced to four years’ imprisonment on charges of swindling, which his family and church members refuted in court. He was denied the right to appeal his case and was held at the notorious Seydi prison camp, where reportedly he was put in a cell with an inmate with tuberculosis. The court ordered that Nurliev be given “forcible medical treatment to wean him off his narcotic dependency,” and he reportedly was denied his diabetes medication and a Bible. Nearly 18 months after his arrest, Nurliev was released on February 18, 2012 along with about 230 prisoners, Forum 18 reported, but he must still report regularly to the police.

According to Forum 18, Pastor Nurliev expressed concern over several Muslim prisoners in Seydi who may have been imprisoned for peaceful religious activity, including Musa (last name unknown), a young Muslim from Ashgabat who reportedly received a four-year sentence for teaching the Qur’an to children. Pastor Nurliev also said the former chief imam of Mary Region, Muhammed-Rahim Muhammedov, remains in the Seydi camp for allegedly resisting the authorities.

In January 2012, Jehovah’s Witness Vladimir Nuryllayev was sentenced to four years’ imprisonment at a secret trial in Ashgabat on criminal charges of spreading pornography, which his community vehemently denies.

Unregistered religious communities continue to face raids by secret police, anti-terrorist police units, local government, and local CRA officials. Registered religious communities, particularly outside Ashgabat, also may face such treatment. Local secret police officers reportedly require Muslim and Orthodox clerics to make regular reports on their towns or neighborhoods. At least six secret police agents, as well as informants, allegedly have been placed in each Muslim and Orthodox community, and the secret police and ordinary police also try to recruit agents in unregistered religious groups, Forum 18 reported.

In 2011, seventeen Protestants in Turkmenabad were each fined up to US \$140 for the administrative offense of participating in unregistered religious activity. (The average monthly wage in Turkmenistan is US \$100). The city judge reportedly told them that the imam had said that their faith was “against the state.” Two Protestant schoolchildren were not fined, but endured public humiliation at their school. Members of an independent ethnic Turkmen Baptist church in Dashoguz, denied registration since 2005, were subjected to a police raid while on summer holiday in July 2011.

In October 2010, Farid Tuhbatullin, exiled head of the Turkmen Initiative for Human Rights, said that two reliable sources had informed him that the Turkmen Ministry of Security (MNB) planned an “accidental” physical attack on him in Vienna. Since that time, despite Austrian police protection, Tuhbatullin has felt compelled to change his country of residence and to observe certain security measures for self-protection. In January 2012, Turkmen civil society activist Natalya Shabunts, a longtime critic of her government’s human rights and religious freedom record whom USCIRF met during its 2007 visit, found a bloody sheep’s head outside her door after she gave an interview to RFE/RL. The Turkmen Initiative for Human Rights reported on these incidents and shortly thereafter its Web site was hacked.

### *Conscientious Objectors*

Current Turkmen law has no civilian alternative to military service for conscientious objectors, as it did until 1995. Individuals who refuse military service for religious reasons can only serve noncombatant roles in the military. The penalty under the criminal code for refusing to serve in the armed forces is up to two years’ imprisonment. In September 2010, the Turkmen parliament adopted a new law setting the military conscription age for men at between 18 and 27, but it did not provide an alternative service regime. It is not known if President Berdimuhamedov has signed the unpublished law.

Six Jehovah’s Witnesses currently are serving prison sentences for refusing military service, while two others are serving suspended sentences. The six imprisoned Jehovah’s Witness conscientious objectors are: Dovleyet Byashimov (sentenced to 18 months in August 2010); Ahmet Hidaybergenov (sentenced to 18 months in September 2010); Sunet Japbarov (sentenced to 18 months in December 2010); Matkarim Aminov (sentenced to 18 months in December 2010); Dovran Matyakubov (sentenced to 18 months in December 2010); and Mahmud Hidaybergenov (sentenced to 2 years in August 2011). All are being held in the Seydi labor camp, where some prisoners have been subjected to psychiatric abuse. Reportedly, another Jehovah’s Witness, Denis Petrenko, must regularly report to the police under the terms of a suspended sentence imposed by an Ashgabat court in April 2010. Until 2009, the Turkmen

government had given suspended sentences to Jehovah's Witnesses who refused military service. None of the known religious prisoners was released during an April 2011 presidential amnesty.

### *Restrictions on Religious Meetings and Houses of Worship*

It is illegal for unregistered religious groups to rent, purchase, or construct places of worship, and even registered groups must obtain government permission, which is often difficult to secure, to build or rent worship places. For meeting to worship in unapproved places, such as private homes, congregations face police raids, court-imposed fines, and other forms of harassment. While the government has allowed some mosque construction, it refuses to permit the building of three Shi'a mosques. The Turkmen government is using state funds to build monumental mosques in Koneürgench, Mary, and Gypchak, but it is unclear how such mosque construction is in line with the constitutional separation of religion from the state. In addition, the Turkmen government reportedly has not adequately compensated the owners of private houses destroyed on the sites of these future mosques.

The ROC has been trying to build a new cathedral and educational center in Ashgabat for years. In the mid-1990s, President Niyazov had allocated the ROC a plot in Ashgabat, but Turkmen authorities refused to allow the cathedral to be built. The site remained vacant until the government built the Ruhnama University there in 2010. In March 2011, after a meeting between the ROC Bishop of Smolensk and the Turkmen Foreign Minister, the government donated a site for the future cathedral in an Ashgabat suburb; the ROC will pay for the construction. Most ROC churches in Turkmenistan were built before 1917 and are in urgent need of repair.

Security police reportedly continue to break up religious meetings in private homes and search homes without warrants. Nevertheless, ten small registered minority religious communities have established places of worship (five in rented facilities, two in residential buildings used exclusively as church facilities, and three in private homes). Even for registered religious communities, worship in private homes is limited to nuclear family members.

There have been no recent reports of government destruction of houses of worship, unlike in the Niyazov era, when the Turkmen state closed, confiscated, or destroyed at least 17 mosques and churches. Despite the country's vast financial resources from the sale of natural gas (most funds reportedly are held in personal accounts in western banks), the government has paid no compensation to any religious community for these destructions or confiscations.

### *Restrictions on Religious Literature*

The publication of religious literature inside Turkmenistan is banned by decree. By law, only registered religious communities can import such literature, and the quantities must correlate to the number of members in their congregations. Customs officers restrict returning travelers, regardless of citizenship, to only one copy of a religious text for personal use. Border guards and police also search departing and arriving travelers and confiscate religious material. According to the State Department, Turks who reside in Turkmenistan have had their personal Qur'ans confiscated at the border. Religious literature also is routinely confiscated in police raids on religious individuals and groups, and is rarely returned.

The CRA must approve all imported religious literature, but since the CRA only includes representatives of Islam and Russian Orthodoxy, its knowledge of other religions is limited. Members of religious minority communities report that they are often denied official permission to import religious literature which is often confiscated before it can be submitted for official examination. Local CRA branches frequently confiscate and photocopy literature. Religious communities need a license to copy religious literature already in their possession. One leader of a registered Protestant community said that the Justice Ministry had threatened his church for trying to copy religious material without a license.

According to the State Department, the Qur'an is "practically unavailable" at state bookstores in Ashgabat. While most homes have one Arabic copy of the Qur'an, few are available in Turkmen. The ROC can receive and distribute Bibles easily, but reportedly it does not share them with Protestants because it views them as competitors. In early 2011, the Turkmen government lifted the ban on the Russian Orthodox community receiving certain Russian publications by mail, including the *Journal of the Moscow Patriarchate*. According to Protestant groups, a Bible society and Christian bookshops are not permitted in the country.

In February 2011, two students reportedly were expelled from the National Institute of Sports and Tourism in Ashgabat for propagating "religious extremism" after Education Ministry inspectors found audio recordings of Qur'anic verses on their computers. Unlike in previous years, there are no reports that the Turkmen government singled out for particularly harsh treatment ethnic Turkmen members of unregistered religious groups accused of disseminating religious material.

Internet users in Turkmenistan cannot access most international religious Web sites. The government has a monopoly on Internet access, and uses a computer program to search emails for coded words and block "suspicious" messages. Further, the Turkmen government has shut down the cell phone service that provided telecommunication for most of the Turkmen population. Nevertheless, some communities maintain that the Internet has improved their access to religious literature and the Russian Orthodox Church in Turkmenistan recently opened a Web site.

#### *Restrictions on Education and the Training of Clergy*

The Turkmen authorities have become concerned about the Nursi movement that supported Turkmen-Turkish schools in Turkmenistan for more than a decade. In April, the Turkish schools stopped taking new pupils. In August, the Nursi schools were closed in Turkmenbashi, Nebitdag, Turkmenabad, and other cities; only in Ashgabat is a Nursi-funded Turkmen-Turkish school still open, reports the *Chronicles of Turkmenistan*.

Turkmenistan's religion law bans the private teaching of religion. Only graduates of institutions of higher religious education (domestic or foreign is not specified) who are CRA-approved may offer religious instruction, and such instruction must take place in officially-approved institutions. Nevertheless, some independent religious education takes place unofficially.

Under the religion law, mosques are allowed to provide religious education to children after school for four hours per week, as long as parents have given their approval. Some Sunni mosques have regularly-scheduled Qur'an instruction. However, the law prohibits the ROC from conducting religious education programs without CRA and presidential approval, which to date apparently has not been granted.

Muslims are not allowed to travel abroad for religious education, and women are barred from studying Islamic theology at Turkmen State University, the only place where it is permitted to be taught. According to Forum 18, the theology faculty only has 60 students in its five-year course, the faculty's building was torn down, and it no longer is allowed to employ foreign staff.

The country's largest religious minority, the Russian Orthodox community, has 15 priests for 12 parishes, but no institution in Turkmenistan to train clergy. Russian Orthodox men are allowed to leave the country for clerical training and reportedly nine are studying in Belarus. Shi'a Muslims, most belonging to Iranian and Azeri ethnic minorities, also lack religious training institutions in Turkmenistan. Even registered religious minorities face difficulties in this regard; one leader has said that most religious training is conducted informally and in private homes.

#### *Restrictions on International Travel for Religious Reasons*

The government continues to interfere with the ability of religious adherents to travel outside the country, including the reported reinstatement of blacklists for hundreds of Turkmen citizens. In 2009, authorities did not allow any Muslims to leave the country to perform the *hajj* (pilgrimage to Mecca), allegedly due to fear of swine flu infection. Instead, the government organized "an internal *hajj*" for 188 officially-designated Muslim pilgrims to travel to 38 sites inside Turkmenistan. In 2010, the Turkmen government resumed its previous practice of permitting 188 pilgrims (out of the reported official Saudi quota of 5,000) to travel at state expense to Mecca. Pilgrims reportedly have had to pay bribes to be included on the list.

Foreign religious workers and co-religionists of certain groups continue to have difficulty obtaining entry visas to Turkmenistan. The last known visit to the country by Armenian Apostolic Church clergy was in 1999. The Baha'i community reports that it is impossible for their foreign relatives to receive permission to visit Turkmenistan, but Baha'is in the country are allowed to go on foreign visits. ROC then-Metropolitan Kyril was permitted to visit Turkmenistan in 2008, the first visit by a ROC leader since 2003. In addition, the New Apostolic Church was allowed a visit by a European church leader for the first time in 2009. While foreign Adventists were allowed to visit Turkmenistan after Niyazov's death, reportedly no such visits have been permitted since 2008.

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

In April 2011, Robert E. Patterson was sworn in as U.S. Ambassador to Turkmenistan, becoming the first fully accredited U.S. ambassador to this strategically-important country in five years. Previous ambassadors have played a key role in highlighting the importance of respect for human rights in Turkmenistan, and USCIRF had long called for this post to be filled.

USCIRF also has recommended that the United States and Turkmenistan engage in regular discussions on important bilateral issues, including human rights and religious freedom. Accordingly, USCIRF welcomed the first U.S.-Turkmenistan Annual Bilateral Consultations in Ashgabat in June 2010, as well as the fact that the U.S. government addressed the need to improve religious freedom conditions in the wider human rights context.

The United States has important interests in Turkmenistan, including those related to over-flight rights and railroad links to Afghanistan and to the country's huge natural gas supplies. The United States also has an interest in ensuring that the Turkmen government adequately addresses numerous gaps in its education system and does not return to an official policy of isolationism. It is also in the United States' interest to help prevent radical Islamist influences from flowing into the country over its long and porous borders with Iran and Afghanistan.

Due to its official policy of neutrality, Turkmenistan is not part of the Northern Distribution Network (NDN) for the delivery of supplies to U.S. and NATO troops in Afghanistan. Nevertheless, the United States government has held high-level meetings with Turkmen officials on related issues. Turkmenistan has allowed U.S. refueling rights at the Ashgabat International Airport for non-lethal supplies to Afghanistan, and construction will soon begin on a railroad linking Afghanistan and Turkmenistan. Some observers claim the United States may be interested in using this rail link to ship fuel to NATO troops.

Nevertheless, despite its official neutral status, Turkmenistan is trying to improve its naval and military capacity. The United States is training Turkmenistan's burgeoning navy as well as organizing exchange programs on English language and basic naval administration. During the conduct of counterterrorism operations in 2011, U.S. Special Operations Forces reportedly were allowed to enter Turkmenistan, as well as Kyrgyzstan, Tajikistan, and Uzbekistan, on a "case-by-case" basis, with permission from the host nation.

In December 2010, Turkmenistan entered into agreements with Afghanistan, Pakistan, and India to begin construction on a major gas pipeline, known as "TAPI," due to be completed in 2014. This project, encouraged by the United States, could help stabilize the Turkmen gas export market as well as create economic and political bonds with energy-poor South Asian markets.

The U.S. government has stressed the importance of freedom of information and media in its programs in Turkmenistan and has sent Turkmen professionals, government officials, and students to the United States for foreign policy and broadcast journalism programs. In recent years, however, the Turkmen government has imposed last-minute rules barring many students from participating in U.S.-funded exchange programs. The U.S. government also provides funding for local civil society projects, including leadership camps and seminars, as well as for a resource center to provide Turkmen with Internet access and computer training. In addition, the United States has encouraged the Turkmen government to revise its laws on religion, NGOs, and mass media and to reform its criminal code. The U.S. government meets with representatives of Turkmen religious groups to promote religious freedom.

Despite President Berdimuhamedov's personal invitation to USCIRF in 2007 to make a return visit, his government has refused to meet with USCIRF three times in the past two years, most

recently in December 2010, each time just prior to the USCIRF delegation's departure. Despite promises from the Turkmen Ambassador to the United States in February 2011 that his country would host a USCIRF visit, no concrete dates were proposed.

## **Recommendations**

While the geo-strategic importance of Turkmenistan is on the rise, the United States should raise concerns about human rights and religious freedom in all meetings with the Turkmen government, urge it to reform its laws and practices to comply with international human rights standards, and, if concrete improvements are not made, designate Turkmenistan as a CPC. To this end, USCIRF recommends that the U.S. government take a number of specific steps to expand its bilateral relations with Turkmenistan, promote religious freedom and related human rights, and expand U.S. programs and other activities in pursuit of this aim.

### **I. Promoting Freedom of Religion or Belief and Other Human Rights**

The U.S. government should:

- raise human rights and freedom of religion or belief during all bilateral meetings with the government of Turkmenistan, explore ways in which Turkmenistan can implement laws and practices to comply with international human rights standards, and establish a regular reporting mechanism on these issues; and
- designate Turkmenistan as a CPC, if specific improvements are not made in line with the recommendations immediately below.

The U.S. government should urge the government of Turkmenistan to:

- repeal all laws, decrees or regulations, and amend those articles of the religion law that violate international norms on freedom of religion or belief, including by implementing the recommendations of the USAID-funded analysis of the religion law;
- restore genuine legal alternatives to military service on the grounds of religious or conscientious objection based on international commitments, including those of the OSCE, and cease the criminal prosecution and fully restore the civil and political rights of Jehovah's Witnesses and others who refuse to serve in the army on the grounds of conscience;
- end state interference in the management of religious communities and in the selection and training of religious leaders, including those from Sunni and Shi'a Muslim and the Russian Orthodox communities, as well as from Protestant and other minority communities;
- honor its commitment to allow a USCIRF delegation to return to Turkmenistan to assess current conditions for freedom of religion or belief, speak with current or former prisoners of conscience in places of detention, and speak unimpeded with religious and other organizations and their members; and

- fulfill its previous human rights promises, including those regarding freedom of religion or belief made to the USCIRF delegation during its August 2007 visit.

## **II. Expanding U.S. Programs and Activities to Promote Human Rights and Reform Efforts**

The U.S. government should:

- increase and improve radio, Internet, and other broadcasts of objective news and information, including on freedom of religion or belief and on other human rights and religious tolerance, by:
  - expanding and improving broadcasts to Turkmenistan by the Turkmen Service of Radio Free Europe/Radio Liberty (RFE/RL), such as increased coverage of issues relating to freedom of religion or belief including for the Turkmen diaspora, and adding Russian-language broadcasts; and
  - restoring Voice of America's Russian-language television and radio broadcasts to Central Asia, particularly those broadcasts relating to human rights, including freedom of religion or belief;
- assist in improving Turkmenistan's educational system, particularly with regard to curricula on religious freedom and other human rights, by:
  - reprinting Russian and Turkmen language materials on human rights, particularly on international norms on freedom of religion or belief; and
  - providing funds for libraries in Ashgabat and other cities, including materials on human rights, as well as freedom of religion or belief, tolerance, civic education, and international legal standards;
- develop assistance programs to encourage civil society groups that protect human rights and promote freedom of religion or belief, including by expanding legal assistance programs for representatives of religious communities through grants that address freedom of religion or belief; and
- expand international contacts and increase U.S. involvement in communities in Turkmenistan, including through Peace Corps and USAID programs, include religious leaders in community projects in order to address social problems and increase tolerance, and expand exchange programs, including with civil society leaders, students, and others concerned with human rights and religious freedom.

### **III. Strengthening Efforts in the International Arena**

In various international fora, the U.S. government should urge the Turkmenistan government to:

- implement the recommendations of the October 2006 Report of the UN Secretary General on the Situation of Human Rights in Turkmenistan, the 2008 recommendations of the UN Human Rights Council during the Universal Periodic Review of Turkmenistan and the 2008 recommendations of the UN Special Rapporteur on Freedom of Religion or Belief issued after a country visit;
- agree to the numerous requests for visits by UN Special Rapporteurs, as well as representatives of the OSCE, including its Panel of Experts on Freedom of Religion or Belief, and provide the full and necessary conditions for such visits; and
- participate fully in the OSCE, including in the annual Human Dimension meeting in Warsaw, and expand the activities of the OSCE Center in Ashgabat, particularly on civic education, human rights, including programs with local schools, universities, and institutes on human rights standards, including freedom of religion or belief.

## Uzbekistan

**FINDINGS:** Since Uzbekistan gained independence in 1991, its government has systematically and egregiously violated freedom of religion or belief. The Uzbek government violates the full range of human rights and harshly penalizes individuals for independent religious activity regardless of their religious affiliation. A restrictive religion law facilitates the government's control over all religious communities, particularly the majority Muslim community. The government continues to arrest Muslims and repress individuals, groups, and mosques that do not conform to officially-prescribed practices or that it claims are associated with extremist political programs. Thousands of such persons remain imprisoned as alleged extremists, including many who reportedly are denied due process and subjected to torture. While Uzbekistan does face security threats from members of groups that advocate or perpetrate violence in the name of Islam, the government arbitrarily applies vague anti-extremism laws against many Muslims and others who pose no credible threat to security.

Based on these systematic, ongoing, and egregious violations, USCIRF continues to recommend in 2012 that Uzbekistan be designated as a "country of particular concern," or CPC. Since 2006, the State Department has so designated Uzbekistan, but since 2009 it placed a waiver on any punitive action that would sanction the country, as set forth in IRFA.

Uzbek police and security forces continue to raid and detain members of unregistered, and sometimes registered, religious groups for peaceful religious activity. Over the past decade, an estimated 5,000 individuals reportedly have been sentenced or imprisoned, sometimes in psychiatric hospitals, for terms of up to 20 years due to their non-violent Islamic religious affiliations or beliefs in trials that fall far short of international standards. For example, the Uzbek government continues its campaign against the *Nur* group for alleged extremism. It also targets religious minority groups, especially those viewed as engaging in proselytism.

**PRIORITY RECOMMENDATIONS:** The State Department should again designate Uzbekistan as a CPC. Upon re-designation, the United States immediately should engage Uzbekistan in intensive negotiations to see concrete progress to address religious freedom abuses. If those talks fail after 180 days, it should lift the waiver and impose sanctions, including a ban on visits to the United States by high-level and mid-level Uzbek officials. U.S. policy on Uzbekistan should be coordinated across agencies to ensure that human rights concerns are reflected in all dealings with the Uzbek government. Measures need to be taken to ensure that U.S. security and other assistance does not go to agencies responsible for particularly severe violations of religious freedom. To the extent possible, U.S. assistance, except humanitarian assistance and human rights programs, should be contingent on the Uzbek government's adoption of specific actions to improve religious freedom conditions and comply with international human rights standards. The United States also should press the Uzbek government to revise its 1998 religion law to comply with international standards; establish a mechanism to review the cases of persons previously detained under suspicion of or charged with religious, political, or security offenses; and permit an independent international investigation into the May 2005 Andijon events. Additional recommendations for U.S. policy toward Uzbekistan can be found at the end of this chapter.

## Religious Freedom Conditions

### *Legal Framework*

Uzbekistan's 1998 Law on Freedom of Conscience and Religious Organizations includes provisions on freedom of worship and the separation of religion from the state. Through regulations that often are arbitrarily applied, however, the law imposes onerous hurdles for the registration of religious groups, particularly minority religious groups, severely restricts religious freedom for unregistered groups, and restricts rights deemed in conflict with national security. The law criminalizes unregistered religious activity; bans the production and distribution of unofficial religious publications; prohibits minors from participating in religious organizations; and forbids the wearing of religious clothing in public by anyone other than clerics.

The religion law grants, but only to registered religious groups, the right to establish schools and train clergy. It also limits the right to conduct religious instruction to officially sanctioned religious schools and state-approved instructors, does not permit private instruction, and authorizes court fines for violations. Only six entities meet the Uzbek religion law's requirements for training religious personnel, and only seven have the legal right to import, publish, or distribute religious literature. The term "religious clothing" is not defined; reportedly, Muslim men hesitate to grow beards or wear traditional clothing in order to avoid possible harassment. Women wearing head scarves face official harassment and possible sentences. Reportedly, teachers are instructed not to wear religious head coverings, nor to allow their students to do so.

The criminal code distinguishes between improperly registered "illegal" groups and banned "prohibited" groups. Individuals participating in organizations deemed to be religious extremist, fundamentalist, or separatist groups face up to 20 years in prison. Alleged organizers of "illegal" religious groups face up to five-year terms, as do those who resume the activities of a group denied registration or ordered to disband. Alleged participants of such groups may spend up to three years in prison. The Uzbek government deploys the following criminal code articles against religious activity: Article 159 (anti-constitutional activity); Article 216 (illegal establishment of public associations or religious organizations); Article 216, section two (violation of legislation on religious organizations, including proselytism); Article 244, section one (production and distribution of materials that create a threat to public security and public order); and Article 244, section two (establishment, direction of, or participation in religious extremist, separatist, fundamentalist, or other banned organizations).

The country's criminal and administrative codes permit the levying of heavy fines, of as much as 200 to 300 times the minimum monthly wage, for repeated violations of the regulations on religious meetings, processions, other ceremonies, and education. Repeated violations of the provisions related to religious literature may result in a fine of 100 to 200 times the minimum monthly wage or corrective labor of up to three years.

Under the Uzbek religion law, worship meetings and all other religious activities are illegal for unregistered religious groups. Unregistered religious congregations may be subject to massive fines and police raids, as well as threats or use of physical violence, detention and arrest.

Without legal registration status, religious groups cannot open bank accounts; construct, rent, or buy buildings; print religious literature; or appoint or hire religious leaders. Many religious groups are unable to meet the registration requirements, which include: a minimum membership of 100 Uzbek citizens; a fee which is 50 times the minimum monthly wage; numerous documents setting out the group's rules and meeting protocols and certifying the fulfillment of other requirements; and proof of a valid legal address. Registration of a central body also requires that it be present in eight of the 13 provinces, impossible for most minority religious groups. Uzbek officials reportedly set up administrative hurdles to registration, such as rejecting applications that meet registration requirements, claiming that applicants have falsified congregation lists, finding grammatical or minor errors in a religious group's charter, creating difficulties in certifying addresses, or claiming improper fire and sanitation inspections.

In 1998, the Uzbek government closed down some 3,000 of the 5,000 mosques that were then open; since then, mosques have faced registration difficulties. Several mosques in the Ferghana valley, the country's most actively religious region, have not been registered in recent years even though they had the legally required number of congregants. Nevertheless, the government reportedly allows a number of unofficial, independent mosques to operate under the watch of official imams. For example, for many years Uzbek authorities have permitted the operation of an unregistered Sufi monastery in Kokand in the Ferghana valley. The Uzbek government sometimes promotes Sufism, particularly the native Naqshbandi order, as an alternative to "foreign" Islam, which it views as extremist.

Many non-Muslim religious groups in Uzbekistan also encounter major registration difficulties. For instance, the registration requests of all Baptist churches have been rejected since 1999. The Uzbek government repeatedly has denied registration to the Bethany Baptist Church in the Mirzo-Ulugbek District of Tashkent, the Pentecostal Church in Chirchik, the Emmanuel and *Mir* (Peace) Churches in Nukus, the Hushkhabar Church in Guliston, the Pentecostal Church in Andijon, the Baptist Church in Gazalkent, and the Adventist, Greater Grace Christian, and Miral Protestant Churches in Samarkand, among others. Many churches, particularly evangelical churches with ethnic Uzbek membership, do not apply for registration because they expect local officials to refuse their applications. The Council of Churches Baptists refuses on principle to seek registration. Reportedly, Jewish groups have not been allowed to register in various cities.

In 2007 the Tashkent City Civil Court invalidated the property title of the Grace Presbyterian Church of Tashkent, thereby depriving it of the legal address required for registration. Since 1996, the Jehovah's Witnesses have made at least 23 registration applications in Tashkent and some 13 applications in various Uzbek provinces, but only one Jehovah's Witness group in Chirchik was registered. Nevertheless, the Uzbek government reportedly has made frequent attempts to restrict the activities of Jehovah's Witnesses in Chirchik.

#### *Application of Extremism Laws*

The highly-regarded Russian human rights group Memorial reported in 2011 that there are more political prisoners in Uzbekistan than in all of the other former Soviet republics combined. Over the past decade, an estimated 5,000 individuals reportedly were imprisoned (sometimes in psychiatric hospitals), for terms of up to 20 years because of their Islamic religious affiliations or

beliefs. Some Uzbek human rights activists, however, estimate that there are almost 10,000 people imprisoned for their alleged links to groups the Uzbek government views as extremist, as well as Muslims who choose to practice Islam independently of officially-approved entities. USCIRF has received information from the Initiative Group of Independent Human Rights Defenders of Uzbekistan concerning 65 Muslim political prisoners in Uzbekistan who were arrested or sentenced in 2011 and early 2012; a detailed list of these individuals is included in the appendix to this Annual Report.

Many of these individuals have been imprisoned because they reject state control over religious practice or because the Uzbek government claims they are associated with extremist groups. According to international and Uzbek human rights advocates, however, the only “crime” of many of these individuals is the independent practice and intensive study of Islam. The Uzbek government does not consider repression of persons or groups suspected of extremism to be an issue of religious freedom, but rather prevention of armed resistance. Security threats do exist and terrorist bombings have occurred in Uzbekistan, including from groups which advocate or perpetrate violence in the name of religion. Nevertheless, the Uzbek government’s policies are highly problematic, since they lack due process guarantees, are based on arbitrary application of vague anti-extremism laws against religious adherents and others who pose no credible threat to security, and often involve credible allegations of torture.

The Uzbek government bans certain Islamic organizations it labels “Wahhabi” or “Jihadist.” Alleged membership in these groups, which include *Hizb ut-Tahrir* (HT), *Akromiya*, *Tabligh Jamaat*, *Nur*, and others, is a crime under Uzbek law. Although the term “Wahhabi” usually refers to followers of the highly restrictive interpretation of Sunni Islam practiced in Saudi Arabia, the Uzbek government uses the term to refer to a wide range of Muslim individuals or groups, including genuine violent extremists, political opponents of President Karimov’s regime, those educated abroad, those who practice non-violent Islam outside of government entities, or followers of three Uzbek imams prominent in the 1990s. Two of these prominent imams have disappeared in Uzbek prisons.

The third such imam, Obidkhon Qori Nazarov, known for his defense of religious freedom and condemnation of violence, was the imam of a large mosque in Tashkent from 1990 to 1996. He was fired from this position and his house was demolished by the government in 1996. Two years later, Nazarov faced criminal charges, which Uzbek human rights activists say were fabricated, and he fled Uzbekistan to Kazakhstan. During that time, Kazakh and Uzbek security police reportedly made two attempts to kidnap Nazarov. The United Nations High Commissioner for Refugees (UNHCR) granted him political refugee status and in 2006 Sweden granted him political asylum. Nazarov’s son Khusnuddin disappeared in 2004, shortly after police questioning in Tashkent. On February 22, 2012 Nazarov was shot in Stromsund, Sweden, and remains in critical condition. Nazarov’s followers, both in Uzbekistan and elsewhere, believe that the Uzbek government is responsible for the attempt on the imam’s life, and some who have expressed these views have been threatened. The Swedish police, from whom Nazarov had requested protection a few days before the attack, are investigating the crime.

In January 2010, a young Muslim journalist, Hairulla Khamidov, was arrested in Tashkent and charged with membership in an alleged extremist group. A police search of his home found

recordings of sermons by the independent Muslim clerics mentioned above. Many believe that Khamidov was targeted because of his popular religious program on a private radio station. In May 2010, Khamidov received a six-year prison camp sentence, and five others were sentenced to terms ranging from four to six years.

In June 2011, Bakhtiyar Makhamatov and Nematilla Sakhibov were convicted of HT membership and sentenced to seven years in prison, while six other detainees received six-year prison sentences, RFE/RL's Uzbek Service reported. Alleged HT members are believed to comprise the vast majority of the political prisoners in Uzbek prisons, although arrests of alleged HT members appear to have decreased since 2008. According to the State Department, "authorities made little distinction between actual members [of HT] and those with marginal affiliation with the group, such as persons who had attended its Qur'anic study sessions." Often, there was reportedly no evidence of violence and many of those arrested claim they are falsely accused of HT membership. Some arrests follow alleged, or planted, possession of HT literature.

HT is an international, secretive, radical Sunni Muslim political movement. While HT is active in 40 countries, its political emphasis varies somewhat in individual countries. HT seeks to establish a trans-national Islamic state by educating Muslims to spread HT views in their countries and thereby cause the eventual collapse of secular governments. At that point, according to HT, a supreme Islamic leader, a Caliph, would rule all Muslims with political and religious authority.

Individual HT members may have committed violent acts, and its literature suggests that it might resort to armed action. While HT is banned in most Muslim countries, it has not been officially designated a terrorist group by the United States due to a lack of proof that HT as an organization has engaged in violent acts. While HT literature expresses virulently anti-Semitic and anti-Western views, it has also denounced the 9/11 terrorist attacks and the London bombings as un-Islamic.

Observers have noted that the Uzbek government's prosecution of HT members is mainly motivated by the group's political activity and there was no evidence presented that individual defendants were involved in or advocated violence. These actions by the Uzbek government also lack due process guarantees and involve credible allegations of torture.

The Uzbek government has also repressed and prosecuted members of *Akromiya* (or *Akromiylar*) since 1997, although there were no known convictions for alleged *Akromiya* membership during the current reporting period. Uzbek authorities claim that *Akromiya* is a branch of HT and that it, along with the terrorist Islamic Movement of Uzbekistan (IMU), attempted to overthrow the Uzbek government in Andijon in May 2005. According to religious experts, however, *Akromiya* is an informal association not known to use or advocate violence that promotes Islamic business principles as espoused by the 1992 writings of imprisoned Uzbek mathematics teacher, Akram Yuldashev. The charges against the 23 businessmen on trial in Andijon included alleged membership in *Akromiya*. (See *The Andijon Protest and its Aftermath*, below.)

Another group prohibited in Uzbekistan, *Tabligh Jamaat*, is an Islamic missionary group with origins in South Asia; its 12 to 80 million followers in 150 countries emphasize non-violence,

piety, prayer, preaching and respect for others, according to the State Department, the International Crisis Group, and Stratfor. Nevertheless, some former members, who reportedly left the movement in frustration with its apolitical stance, have attempted acts of violence. In 2011, a group of 17 alleged *Tabligh Jamaat* members were convicted in one trial, the first time such a large number of alleged members of this group were convicted.

After 1999, but particularly since 2008, the Uzbek government has imprisoned numerous alleged members of what it labels the *Nur* group: followers of Said Nursi, a Turkish mullah. Many observers do not consider Nursi's followers as a formal movement, but rather informal groups of individuals who read his books, which were in wide public circulation in the 1990's. Although Nursi followers are not known to have advocated or engaged in violence, the Uzbek Religious Affairs Committee (RAC) listed *Nur* as a banned religious organization in 2000. Uzbek state television has aired a documentary that described *Nur* as an extremist sect with a goal of establishing a pan-Turkic state; the program claimed that Nur's activities "undermine our centuries-old values."

An estimated 141 members of *Nur* were convicted in recent years and sentenced to periods of imprisonment ranging from six to 12 years. For example, in May 2010, ten *Nur* followers were sentenced by the Fergana Regional Criminal Court: Suhrob Zokirov was imprisoned for eight years; Islom Alikulov for seven years; Islom Manopov, Alisher Karimov, Farhod Sarymsokov, Botyr Sheraliyev and Kudrat Sultonov for six years; and Nosyr Mamazhanov, Muhammad Yarmatov and Ramzhon Abdukodyrov for five years and two months. All were charged with the "preparation or distribution of materials threatening public security and public order," and the "creation, leadership or participation in religious extremist, separatist or fundamentalist or other banned organizations," according to the Initiative Group of Independent Human Rights Defenders of Uzbekistan.

In December 2010, 18 Muslims received prison sentences ranging from three to nine years for "membership in an extremist group." Reportedly, they belonged to Shohidiya, an Islamic religious movement which follows the Qur'an but not the hadith. The prisoners included Nasibullo Karimov, the movement's leader, who received a nine-year sentence.

Eleven Muslims were arrested in Tashkent in September 2011 on suspicion of "extremism," including Akhror Saidvaliev, 23, and Adkham Siddiqov, 47. Siddiqov is charged with the leadership of an extremist religious group; the identity of the other nine men and women is not known, RFE/RL reported. In November 2011, 20 young men were taken into custody for alleged "Wahhabism" in the Andijon region, including Ammoridin Bahromov and Abdullo Turgunov, relatives of imam Abdvali Qori who disappeared in prison. Reportedly, two weeks previously, a follower of the same imam was arrested in the Ferghana region.

A group of 16 men were charged with extremism in Yangibozor in the Tashkent region for their alleged discussions during a 2008 religious rite celebrating the birth of a child. In November 2011, they were sentenced to terms of up to six years. Uzbek human rights activists say that the defendants' guilt for their alleged comments made three years previously was not proven in court. In another incident, in January 2012, police in the town of Kosonsoy in the Namangan region of the Ferghana valley arrested five men and the imam of a registered mosque, Sharifjon

Boltaboev, on charges of alleged terrorism and extremism. The detained men have been denied access to lawyers or relatives, making it difficult to determine the veracity of the charges.

The Uzbek authorities also have adopted repressive measures against entire families on charges of alleged religious extremism. One such case is Akhmadjan Madmarov, a human rights activist from Margilan in the Ferghana valley, with whom USCIRF met during its 2004 visit to Uzbekistan. In 2007, Uzbek authorities extended by 16 and one-half years the prison term of Madmarov's son, Habibullah, for his alleged role in a supposed extremist conspiracy. One of Madmarov's sons was released on parole in 2008 after his seven-year term ended, but another son and two nephews remain in prison.

In reportedly the largest extradition case in post-Soviet history, the Kazakh authorities returned 28 Uzbek asylum seekers to Uzbekistan in June 2011; they had been in Kazakhstan between one and three years. Reportedly, some were arrested in the Almaty UNHCR office where they had sought protection. The refugees denied the official charges of extremism and terrorism and said they were persecuted for their Muslim beliefs. They already have been sentenced to prison terms ranging from five to 15 years; Amnesty International says that they face "real risk of torture." The families of the returnees also face possible extradition from Kazakhstan.

#### *The Andijon Protest and its Aftermath*

After 23 businessmen in the city of Andijon were charged for alleged ties to Islamic extremism in 2004, their supporters held peaceful protests before and during their trial. In May 2005, however, a group of armed men freed the businessmen from prison, and then held 20 officials hostage in the Andijon regional administration building and tried to seize the city's National Security Service headquarters. The next day, several thousand mostly-unarmed civilians gathered on the Andijon central square to protest the trial and Uzbek armed forces fired without warning into the crowd. Estimated fatalities range from an official Uzbek total of 187 to over 700, according to the Organization for Security and Cooperation in Europe (OSCE); some non-governmental organizations (NGOs) report a higher death toll of as many as 1,000 men, women, and children. The Uzbek government continues to reject calls from the United States, the European Union (EU), the OSCE, and the UN High Commissioner for Human Rights for an independent international investigation into these events.

After the May 2005 Andijon events, the number of court cases in Uzbekistan against independent Muslims increased markedly. The Uzbek authorities also jailed hundreds of local residents, human rights activists, and journalists on suspicion of involvement in these events. They also reportedly imposed forcible drug treatments, as in the case of Jamshid Karimov, who was released in November 2011 after five years in psychiatric hospital. The Uzbek government continues to seek out and persecute persons that it deems to have a connection to, or information about, the Andijon events. Even the relatives of human rights activists have been threatened, dismissed from their jobs, beaten, and sometimes imprisoned on fabricated criminal charges. The government also closed down most domestic and foreign-based NGOs, particularly those that focus on human rights.

Particularly since the 2005 Andijon events, it is difficult to get independent verification of Uzbek government claims that it is combating torture in prison. According to the Uzbek human rights group Andijon-Justice and Revival, since 2010, 10 prisoners have died out of 241 individuals imprisoned in connection with the Andijon events. One such case is that of Abdumannon Ortikov, 34, who died in prison in July 2011; allegedly his body was covered with slashes. Sentenced to a five-year term in 2005 for alleged terrorism, Ortikov died shortly before his scheduled release.

In addition, the Uzbek government has pressured other countries to return Uzbek refugees who fled after the Andijon events, including those who were under UNHCR protection. In December 2010, for the first time, two Russian courts outside Moscow ruled that extradition requests for Uzbek refugees should not be granted because they face the likelihood of torture. Nevertheless, Mamirzhan Yusupov, Akhmadzhon Bekpulatov and Russian citizen Sanzharbek Satvaldiev were extradited from Moscow. In January 2012 they stood trial in the Andijon region and received terms ranging from five to eight years reportedly on unproven charges of extremism.

### *Conditions in Detention*

Human rights organizations report that many detainees in Uzbekistan were arrested for, among other things, possessing the literature of a banned organization. Once arrested, they often are denied access to a lawyer, or are held incommunicado for weeks or months.

Many of those imprisoned or detained on religion-related charges are treated particularly harshly. Reportedly, prisoners who pray or observe Muslim religious festivals are beaten, tortured to force them to renounce their religious or political views as well as to reveal the names of other possible suspects. In May 2011 hundreds of prisoners protested their cruel treatment due to their religious beliefs in a labor colony in Kashkadar region, after which four men were sent to punishment isolation cells and visits by relatives were banned. Some prisoners charged with Islamic extremism were not permitted to pray or to observe Ramadan since such observances were violations of “internal prison regulations.” Convictions are almost entirely based on confessions, which are often gained through the use of torture.

In 2011, the Ezgulik human rights group documented the alleged torture of female detainees, including many imprisoned due to their religious beliefs. Not only is sexual violence common, but the “standard” torture methods increasingly also are being applied to female detainees. Despite the Uzbek government’s promises to halt the practice, torture remains endemic in prisons, pretrial facilities, and local police and security service precincts, and reportedly includes the threat or use of physical violence, rape, and the use of gas masks to block victims’ air supply. According to an October 2011 appeal by their parents, Rustam and Dilshodbek Amanturdiev, sentenced respectively to 15 and 17-year sentences on allegedly false charges of HT membership, have been subjected to frequent torture and terms in punishment isolation cells. Torture also allegedly is used to force adults and children to renounce their beliefs or to implicate themselves or others.

In 2008, the UN Committee against Torture (CAT) confirmed numerous, ongoing, and consistent allegations of the use of torture, often before formal charges are brought and often to extract

confessions to be used in criminal proceedings. The CAT acknowledged that the Uzbek government had taken some limited steps to end torture in detention, but noted numerous reports that ill-treatment remained routine and that those who engaged in torture were rarely punished. The Uzbek government has not responded to repeated requests from the UN Special Rapporteur on Torture for permission to revisit the country.

The CAT also called for the closure of the “special regimen” prison in Jaslyk where well-known poet, Yusuf Jumaev, was serving a 12-year term after he wrote a poem about the 2005 Andijon events. In May 2011, Jumaev was pardoned by President Karimov and allowed to leave Uzbekistan to join his family in the United States. After his release, he told RFE/RL that in Jaslyk he had often been beaten and that he had spent time in solitary confinement.

In September 2011, President Karimov signed a new law that prohibits torture, discrimination, and harassment in pretrial detention centers and jails. However, the Uzbek human rights group Ezgulik reports that the new law will not improve the appalling conditions of pretrial detention, and that it has information about the existence of special, extremely cold cells used for punishment amounting to torture.

In addition, Uzbek authorities seem to have stepped up their practice of refusing to release prisoners, especially those convicted of religious extremism, at the end of their terms. Instead, prison authorities often extend inmates’ terms by accusing them, without judicial review, of new crimes or even minor infractions of prison regulations, and claiming that the prisoners still represent a danger to society. Zarbotzhon Akbarov, imprisoned in 2003 for a nine-year term in connection with unofficial religious literature, was resentenced in 2011 for alleged violations of camp regimen and was denied an October family visit. Alim Boymatov was sentenced to a 5-and-a-half-year term in August 2006 for alleged participation in a religious-extremist group, and re-sentenced in November 2011 to a three-year term; his mother reported that the bottom of his feet are calloused as a result of beatings.

### *Restrictions on Muslims*

Despite the constitutional separation of religion and state, the Uzbek government controls Islamic institutions and practice through the officially-sanctioned Sunni Muslim Spiritual Board, the *Muftiate*. The *Muftiate* controls the training, appointments, and dismissals of Muslim leaders, the content of imams’ sermons, and the amount and substance of published Islamic materials. The government does not permit the separate training of Shi’a imams inside the country, and does not recognize such education received abroad.

In the Ferghana Valley, the country’s most actively religious region, the government has confiscated a number of mosques in recent years and uses them as warehouses or for other state purposes. Several years ago, the government introduced various administrative and other obstacles to religious practice in this region. Since 2007 the *Muftiate* has not allowed imams in the Namangan area to preach or children to pray during Ramadan night prayers and limited public calls to prayer.

The central government has instructed regional officials that children should not attend mosque.

Nevertheless, despite efforts to limit young people's interest in Islam, the country's registered mosques reportedly are very full. People are attracted to Islam because they view religion as an alternative to the unjust Uzbek government, according to the Ezgulik human rights group.

Reports continued in 2011 from Uzbek human rights groups about the official Uzbek campaign against Muslims alleged to have violated religion laws: nine Muslim adherents were held in Tashkent prison punishment isolation cells; 40 religious adherents in the Yangiyulsky region were arrested. Three women were convicted in April 2010 on criminal charges of threatening the constitutional order, public security, and public order because they had conducted the private religious instruction of girls. Mehriniso Hamdamova, a teacher at an officially-approved women's religion course at Karshi's Kuk Gumbaz Mosque, was sentenced to seven years in a prison camp; her sister Zulkhumor Hamdamova and their relative Shahlo Rakhmonova each received six and a half year terms. According to Uzbek human rights defender Surat Ikramov, the court hearings did not prove the defendants' guilt under the official charges. These women prisoners could be released, particularly since they are eligible under a December 2011 constitution day prisoner amnesty.

The Uzbek government also exercises strict control over information and restricts the media and civil society. Surat Ikramov, leader of the Initiative Group of Independent Human Rights Defenders of Uzbekistan, whose group issues frequent reports on official Uzbek persecution of Muslims and others, was fined for slander and defamation in September 2010. The Commission met with him during its 2004 visit to Uzbekistan.

#### *Charges against Non-Muslims*

The Uzbek government frequently brands Protestants and Jehovah's Witnesses "extremists" for their practice of religion outside state-sanctioned structures, and they face ongoing harassment, detention, and arrest for "illegal religious activity," such as holding private prayer meetings or possessing "illegal" religious literature.

Pentecostal pastor Dmitri Shestakov from the city of Andijon was sentenced to a four-year term in a closed labor colony in 2007. He was released in January 2011 after serving his full sentence, but is still under police surveillance. He must visit the police on a weekly basis and is subject to a curfew. Reportedly, Shestakov had been involved in the conversion of some ethnic Uzbeks to Christianity, but the official charges against him consisted of organizing an illegal religious group, inciting religious hatred, and distributing extremist religious literature.

Three Jehovah's Witnesses have been imprisoned for "illegal" religious activity. In April 2008, Olim Turaev was sentenced to four years in a labor camp. In July 2008 Abdubannob Ahmedov was sentenced to a four-year prison term and Sergey Ivanov to three and a half years. As of late January 2012, however, Turaev and Ivanov will likely undergo new trials, resulting in possible additional five year terms, because they allegedly disobeyed orders in prison. Although their imprisonment began in open labor camps, after they requested amnesty they were transferred to a stricter prison. In the summer of 2011, the three Jehovah's Witnesses prisoners were told by a prison official that if they did not renounce their faith, they would not be released when their terms ended.

Baptist Tohar Haydarov received a 10-year term on drugs charges in the city of Guliston in March 2010; his appeal was rejected one month later. Church members insist that the charges were fabricated.

### *Police Raids against Non-Muslims*

In 2011, Uzbek authorities raided several meetings of registered and unregistered Christian and Baha'i groups. Officials justified the raids of registered groups by citing supposed restrictions on meetings outside of the group's geographic area of registration. During an alleged anti-terror operation in March 2011, police stopped a Baptist Sunday service in an old peoples' home in the Tashkent region, alleging that the meeting had not been officially authorized. Six Baptists who were leading the service were briefly detained in the local police station. In the Syrdarya region, unidentified district police broke into an unregistered Baptist Church in March 2011. They confiscated three Bibles, which were sent for review by the state Religious Affairs Committee in Tashkent, and the police opened an administrative case against the church's leader.

In February 2011, a Tashkent court sentenced three members of Tashkent's Full Gospel Pentecostal Church to 15 days of administrative detention for holding an "illegal" religious meeting, and fined 10 other members 50 times the minimum monthly wage. The Second Baptist Church of Tashkent was raided by police in April 2011 for allegedly operating an illegal Bible school and printing and distributing Christian literature. Reportedly, 53,000 items of religious literature were confiscated along with computers and printing equipment; a court ordered fines of a total of US \$7,000 against four church members and the church was fined US \$3,000.

In some regions of Uzbekistan, such as Karakalpakstan and Khorezm, almost all churches have been closed and Hare Krishna and evangelical Protestant students have been expelled from university. In Karakalpakstan, no non-Muslim and non-Orthodox religious communities have official registration status and more than 20 Protestant and Jehovah's Witnesses congregations in that region are denied registration, making their activity illegal.

The state-controlled media also has encouraged intolerant views of certain minority religious groups, particularly Protestants, Baha'is, and Jehovah's Witnesses. Furthermore, journalists have accused missionaries of posing a danger to society and equated them with religious extremists. Government officials have held meetings at universities and schools around the country warning students about the "negative consequences of missionaries and religious extremism." In November 2011, the Deputy Head of the Angren City Administration warned representatives of registered Catholic, Russian Orthodox, Presbyterian, Seventh-day Adventist and Baptist churches not to be involved in "missionary activity" and not to allow children or youth to take part in worship meetings.

### *Restrictions on Religious Materials*

The official Council on Religious Affairs (CRA) must approve all religious literature. Under the religion law, importing, storing, producing, or distributing unapproved religious materials is prohibited. Administrative violations are subject to fines of 20 to 100 times the minimum monthly wage for individuals, or 50 to 100 times the minimum monthly wage for officials of

organizations. The materials and the means of producing and distributing them also can be confiscated and destroyed. Individuals already convicted of administrative offenses are liable under the criminal code to pay court-ordered fines of 100 to 200 times the minimum monthly wage or to serve a term of corrective labor of up to three years. The Uzbek criminal and administrative codes also punish the production and distribution of “literature promoting racial and religious hatred.”

Only eight registered religious organizations (an inter-denominational Bible Society, the Muslim Board of Uzbekistan, two Islamic centers, and Russian Orthodox, Full Gospel, Baptist, and Roman Catholic offices) have the legal right to publish, import, and distribute religious literature. Moreover, a 2006 instruction issued by the Uzbek government reportedly limits the press run of any religious book to fewer than 1,000 copies. In 2011, authorities in Karakalpakstan reportedly ordered the destruction of Christian books, including the Bible, and the registration of each Bible with the CRA.

It remains difficult to secure permission from the CRA and the *Muftiate* to publish Muslim literature, and almost no foreign Islamic literature is allowed to be imported. In March 2011, Uzbek National Security Service (NSS) agents, police and tax officers, and CRA representatives raided and closed twenty bookstores in the World of Books trading center, the only place where officially approved books on Islam can be sold. Imam Obidkhon Nazarov, the exiled imam of Tashkent’s Tukhtaboi mosque, noted that even books by renowned Muslim scholars were no longer published in Uzbekistan. In addition to materials printed by the state-controlled Muslim Board, the independent former Chief Mufti, Muhamad Sadyk Muhamad Yusuf, whom USCIRF met in 2004, has official permission to publish religious materials and to host a radio program.

After a January 2012 police raid on a Protestant church in Jarkurgan, officers confiscated Christian books and DVDs from the Uzbek Bible Society. Three church members will face administrative charges for alleged distribution of religious materials and missionary activity. One of the three was beaten, threatened by local police and told to stop his religious activity. In November and December 2011, courts in Tashkent and in the Syrdarya region upheld administrative fines against nine Baptists, including a massive fine of the equivalent of U.S. \$2,220 against a member of a registered Baptist Church. In another incident, two members of an unregistered Baptist Church in Ferghana were fined and had books, a laptop computer, and DVDs confiscated. In February 2011, after police ordered a Jehovah’s Witness to open a package that contained officially-approved religious literature, a Navoi region court fined him 70 times the minimum monthly wage for possessing the literature.

The Uzbek government also monitors and restricts access to the Internet. Over 250 websites viewed as hostile by the Uzbek government are blocked inside the country. As of March 2011, the Uzbek authorities required operators of Internet sites to inform the government of mass distributions of text messages with undefined “suspicious content” and to monitor activity on social networks and the Internet.

Fazliddin Zainuddinov, a Tashkent Islamic University student, visited an Internet café where he thought he was exchanging emails with imam Mukhammadsolikh Abutov, who has political asylum in Sweden. He was actually communicating with an Uzbek national security service

website and, after Zainuddinov agreed to put up leaflets calling for a protest rally, he was arrested in December 2011. He is being held in an isolation cell and his parents have been threatened by the Uzbek security services, according to Uzbek human rights activists.

### *Restrictions on Education*

Only six registered religious communities have the necessary eight regional branches to qualify as a central administrative body, and thereby be permitted to engage in religious education. Moreover, Uzbek law limits religious instruction to officially-sanctioned religious schools and state-approved instructors. The law permits no private instruction and provides for fines for violations. The state has also closed or confiscated privately-funded religious schools.

There are 11 state-controlled *madrassas* (including two for women) that also provide secular secondary education, and an official Islamic Institute and Islamic University in Tashkent that provides higher education. The official *Muftiate* conducts regulated Sunni Muslim religious education for adults. According to a 2012 report issued by the Uzbek Initiative Group of Independent Human Rights Activists, however, the official Muslim educational establishment is riddled with bribery, corruption, and favoritism.

Despite the presence of a Shi'a minority in the country, there is no training for Shi'a religious leaders, nor does the government recognize foreign Shi'a religious education. Reportedly, however, some Sunni *madrassas* offer some courses in Shi'a jurisprudence.

The government allows religious minorities only extremely limited educational opportunities. The Russian Orthodox Church operates two monasteries (one for women, one for men) and a seminary, and many of its churches offer Sunday school education. The Jewish community lacks a rabbinate or yeshiva because it does not have synagogues in eight different Uzbek provinces and therefore cannot meet the legal requirements for a registered central office. A Jewish school in Tashkent provides instruction on Jewish culture. In 2008, the Uzbek government did not renew the visa of Uzbekistan's chief rabbi, effectively expelling him from the country. Registered Christian groups and other religious communities may establish Sunday schools subject to numerous government restrictions, but registered religious communities that offer religious education have also been persecuted. The director of the registered Baptist Union was banned for three years from official work for alleged tax evasion and for involving children in religious activity. Pentecostal preachers have been detained and received massive fines allegedly for violating the legal ban on teaching children religion. There were several reports that children faced increasing difficulties in practicing their faith. Some schools sent questionnaires asking parents if their children attend church or mosque and were told not to allow it. Some school officials have questioned students about their religion and why they attend worship services.

In recent years, school principals and teachers in secular schools have enforced the official ban on the *hijab*. Moreover, in December 2011, the Uzbek Ministry of Education began requiring students at all institutions of higher education to sign a 23-page pledge agreeing not to wear religious or "immodest" Western-style clothing, not to "allow foreign religious or extremist influences," and not to criticize professors or problems in higher education on the Internet.

Reportedly, students are angry about the new rules, which they view as unconstitutional and contradicting official efforts to encourage Internet use in Uzbekistan.

### *Restrictions on Foreign Travel for Religious Purposes*

As in previous years, the Uzbek government restricted international travel for religious purposes. The Uzbek authorities continued to place strict limits and controls on pilgrims for the October 2011 *Hajj* and restricted the total to 5,078, or about one fifth of the available quota. Would-be pilgrims under the age of 45 are not allowed to take part. Pilgrims also are required by the government to obtain permission from local and police authorities, for which they reportedly have paid high fees and alleged bribes.

As of the end of the reporting period, Russian Orthodox Church Patriarch Kirill's announced visit to mark the 140th anniversary of the church in Uzbekistan had still not occurred. Allegedly, the Uzbek government has blocked the patriarch's visit because the Moscow Patriarchate had appointed a new bishop to Tashkent in July 2011 without first obtaining official Uzbek approval.

The Uzbek government continues to restrict international travel for religious purposes, including denying exit visas to members of religious minorities. Muslims, Protestants, and Jehovah's Witnesses reportedly have been denied exit visas in recent years. Several expatriate staff members of NGOs were deported for suspected "missionary" activity.

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

In response to terrorist activity in the 1990's, Uzbek President Islam Karimov launched an ongoing campaign that has resulted in the incarceration of thousands of Muslims, mainly on unproven charges of religious extremism. Uzbekistan's drive against Islam in the name of security could have serious practical consequences for Central Asia. Not only is this mass repression an ineffective response to real security threats, it also has fueled popular anger and reportedly aids recruitment efforts by genuine terrorist groups.

U.S. policy in Uzbekistan focuses on that country's key position as a supply route for U.S. and NATO forces in Afghanistan via the Northern Distribution Network (NDN). In 2010, the United States expanded its security cooperation with Uzbekistan and several other Central Asian states to allow it to ship supplies overland through Central Asia into Afghanistan, rather than through areas in Pakistan that are subject to constant Taliban attack. According to the U.S. Transportation Command, 40 percent of supplies for U.S. and NATO troops in Afghanistan are now shipped via the NDN. Reportedly, as early as 2009, U.S. Special Operations Forces were given permission to enter Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan on a "case-by-case" basis to conduct counter-terrorism operations, with permission from the host nation. Uzbekistan also has allowed U.S. soldiers to be transferred to Afghanistan via its military base in Termez, where German troops are based.

While the Department of Defense will not disclose how much Uzbekistan is paid for its NDN role, the governments of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan receive an annual total of US \$500 million in transit fees. Uzbekistan, with Central Asia's most developed railway

network, is the NDN hub, but the country is also known as one of the world's most corrupt and repressive states. In addition, it often has been uncooperative in its NDN role, which will become more important as the withdrawal of American forces from Afghanistan accelerates. In the summer of 2011, Eurasianet reported that the Pentagon is considering alternative routes to the NDN.

The State Department has designated Uzbekistan as a "country of particular concern," or CPC, for its systematic, egregious, ongoing violations of religious freedom since 2006. The CPC designation was most recently renewed in September 2011. At that time, the State Department again waived any action under the International Religious Freedom Act (IRFA) to "further the purposes of the Act." However, it ended its previous approach of issuing a 180 day waiver and replaced it with an indefinite waiver.

The U.S. reliance on Uzbekistan for the NDN has led human rights groups to express concerns that the U.S. government may temper its criticisms of the Uzbek government and reduce its efforts to promote human rights in Uzbekistan. The United States instituted Annual Bilateral Consultations (ABCs) with each of the Central Asian countries in December 2009. According to Assistant Secretary of State for South and Central Asia Robert Blake, the ABCs constitute "a face-to-face structured dialogue, based on a jointly developed agenda that facilitates candid discussions on the full spectrum of bilateral priorities, including human rights, religious freedom, science and technology collaboration, economic development, defense cooperation, and any other issue that either side would like to bring to the table." Reportedly, however, the U.S. government agreed with Uzbek officials to defer discussion of religious freedom during its initial ABC talks with Uzbekistan.

Since 2003, under the FREEDOM Support Act, Congress has prohibited U.S. assistance to the Uzbek central government unless the Secretary of State determines and reports that Uzbekistan is making substantial progress in meeting human rights commitments, establishing a multi-party system, and ensuring free and fair elections. Since 2004, some U.S. aid to Uzbekistan has been withheld due to a lack of progress on democratic reforms. In 2008, Congress blocked Uzbek government officials from entering the United States if they are deemed to have been responsible for the events in Andijon or other human rights violations. In 2010, Congress permitted expanded International Military Education and Training (IMET) programs for Uzbekistan, consisting of courses stressing civil-military relations and military justice. The U.S. defense bill signed into law on December 31, 2011 included a provision under which the U.S. could renew its military aid to Uzbekistan, if the Secretary of State certified to national security grounds and the State Department provided an assessment of the human rights progress. In January 2012, the State Department used that provision, allowing the ban on military aid to Uzbekistan to be lifted temporarily. The State Department's human rights assessment included numerous human rights concerns, such as severe limitations on religious freedom, persistent torture in prisons, and the lack of an independent probe into the 2005 Andijon tragedy. The assessment also stated that the State Department is in negotiations with the Uzbek government to arrange a visit by Ambassador-at-Large for International Religious Freedom Suzan Johnson Cook in early 2012. The aid in question reportedly includes training border troops and possibly providing military supplies.

For FY 2012, the State Department has requested \$1.7 million in Peace and Security assistance for Uzbekistan, including \$300,000 for IMET programs and \$380,000 for programs relating to security sector reforms. The total amount of the U.S. assistance requested by the Department of State for Uzbekistan for FY 2012 is \$11.8 million.

## **Recommendations**

USCIRF recommends that the U.S. government continue to designate Uzbekistan as a CPC and immediately engage in intensive negotiations to see concrete progress to address religious freedom abuses. If those talks fail after 180 days, it should lift the waiver and impose sanctions, including a ban on visits to the United States by high-level and mid-level Uzbek officials. As described more fully below, USCIRF also recommends that the U.S. government should prioritize freedom of religion or belief as an issue in U.S.-Uzbek bilateral relations, encourage greater international scrutiny of Uzbekistan's human rights record, and support Uzbek human rights defenders and religious freedom initiatives.

### **I. Prioritizing Freedom of Religion or Belief as an Issue in Bilateral Relations**

In addition to continuing to designate Uzbekistan as a CPC, the U.S. government should:

- press for concrete progress to address religious freedom abuses, and if those efforts fail after 180 days, lift the waiver that has been in place since January 2009 and impose sanctions, including a ban on visits to the United States by high-level and mid-level Uzbek officials, as a consequence of Uzbekistan's CPC designation;
- reduce aid and arms sales to Uzbekistan and ban visits by high-level and mid-level Uzbek officials in response to the Uzbek government's refusal to allow an independent investigation into the violence in Andijon in May 2005;
- ensure that U.S. assistance to the Uzbek government, with the exception of assistance to improve humanitarian conditions and advance human rights, be made contingent upon establishing and implementing specific measures to improve conditions of freedom of religion or belief and observe international human rights standards, including:
  - establishing a mechanism to review the cases of persons previously detained under suspicion of or charged with religious, political, or security offenses, including Criminal Code Articles 159 (criminalizing "anti-state activity") and 216 (criminalizing membership in a "forbidden religious organization"); releasing those who have been imprisoned solely because of their religious beliefs or practices as well as any others who have been unjustly detained or sentenced; and making public a list of specific and detailed information about individuals who are currently detained under these articles or imprisoned following conviction;
  - revising the 1998 Law on Freedom of Conscience and Religious Organizations to bring it into compliance with international standards, including making changes consistent with recommendations made by the Organization for Security and Cooperation in Europe

(OSCE) Panel of Experts on Freedom of Religion or Belief, and registering religious groups that have sought to comply with the legal requirements;

--ending reliance on convictions based solely on confessions and implementing the recommendations of the UN Committee Against Torture and the UN Special Rapporteur on Torture; and

--adopting policies to ensure that every prisoner has greater access to his or her family, human rights monitors, adequate medical care, and a lawyer, as specified in international human rights instruments, and allowing prisoners to practice their religion while in detention to the fullest extent compatible with the specific nature of their detention; and

- for any assistance provided, make certain that it does not go to Uzbek government agencies, such as branches of the Interior and Justice Ministries and certain judges and prosecutors, responsible for particularly severe violations of religious freedom.

## **II. Encouraging Greater International Scrutiny of Uzbekistan's Human Rights Record**

The U.S. government should:

- encourage public scrutiny of Uzbek religious freedom and related human rights in appropriate international fora, such as the UN, OSCE and other multilateral venues, and facilitate the participation of Uzbek human rights defenders in multilateral human rights mechanisms; and
- urge the Uzbek government to agree to visits by UN Special Rapporteurs on Freedom of Religion or Belief, the Independence of the Judiciary, and Torture, set specific visit dates, and provide the full and necessary conditions for such a visit.

## **III. Supporting Uzbek Human Rights Defenders and Religious Freedom Initiatives**

The U.S. government should:

- continue to monitor closely the status of individuals who are arrested for alleged religious, political, and security offenses, and continue efforts to improve the situation of Uzbek human rights defenders, including by pressing for religious communities and human rights groups to be allowed to register or to operate freely without registration;
- counteract the Uzbek government's blockade on information into the country by increasing radio, Internet, and other broadcasting of objective news and information on issues relevant to Uzbekistan, including explaining why religious freedom is an important element of U.S. foreign policy and what specific concerns about violations of religious freedom exist in Uzbekistan, and continue funding for the Voice of America Uzbek Language Service;
- ensure that the U.S. Embassy in Uzbekistan maintains active contacts with Uzbek human rights activists and publicly recognizes their contributions;

- increase foreign travel opportunities for civil society activists, religious leaders, and others in Uzbekistan concerned with religious freedom so as to permit them to take part in relevant international conferences and exchange programs, and ensure that the U.S. Embassy vigorously protests if Uzbek authorities harass participants in such programs after their return to Uzbekistan, and if such harassment continues, implement penalties in other areas of U.S.-Uzbek bilateral relations, including a ban on high-level meetings;
- encourage the creation of civil society institutions to protect religious freedom and related human rights by funding training in human rights, the rule of law, and crime investigation for law enforcement officials, by expanding legal assistance programs for Uzbek relatives of detainees, by expanding “train-the-trainer” legal assistance programs for religious communities; and
- specify freedom of religion as a grants category and area of activity in the Democracy and Conflict Mitigation program of the U.S. Agency for International Development and the Democracy Commission Small Grants program administered by the U.S. Embassy.

## Vietnam

**FINDINGS:** The government of Vietnam continues to control all religious communities, restrict and penalize independent religious practice severely, and repress individuals and groups viewed as challenging its authority. Religious activity continues to grow in Vietnam and the government has made some important changes in the past decade in response to international attention, including from its designation as a “country of particular concern” (CPC). Nevertheless, individuals continue to be imprisoned or detained for reasons related to their religious activity or religious freedom advocacy; independent religious activity remains illegal; legal protections for government-approved religious organizations are both vague and subject to arbitrary or discriminatory interpretations based on political factors; and new converts to ethnic-minority Protestantism and members of one Buddhist community face discrimination, intimidation, and pressure to renounce their faith.

Given these systematic, ongoing, and egregious violations, USCIRF again recommends that Vietnam be designated as a “country of particular concern,” or CPC, in 2012. The Commission has recommended that Vietnam be named a CPC every year since 2001. The State Department named Vietnam a CPC in 2004 and 2005, but removed the designation in 2006 because of “progress” made toward fulfilling a 2005 binding agreement under IRFA.

In the past reporting period, there were marked increases in arrests, detentions, and harassment of groups and individuals viewed as hostile to the Communist Party, including violence aimed at peaceful ethnic minority gatherings and Catholics protesting land confiscations and harassment. Relations deteriorated between Catholics and local government officials in Hanoi, DaNang, Vinh, and Ho Chi Minh City. Police used force to disperse peaceful Catholic prayer vigils at disputed properties and arrested over a dozen Catholic activists and several ethnic minority Catholics. Independent Protestants in the Central Highlands were detained and had their property destroyed in an ongoing campaign to repress their activities. Independent Hoa Hao activists were arrested and sentenced and congregations harassed. Forced renunciations of faith continued in the northwest provinces among Hmong Protestants and some areas in the Central Highlands. Father Nguyen Van Ly was returned to prison after being given a one-year medical parole.

**PRIORITY RECOMMENDATIONS:** The U.S. government should use its diplomatic and political resources to advance religious freedom and related human rights in Vietnam. The U.S. should use the CPC designation to spur diplomatic engagement and achieve measurable improvements, while not hampering progress on other areas in the U.S.-Vietnam relationship. Overall, U.S. policy, programs, and public statements should protect and support those in Vietnam peacefully seeking greater freedoms and the rule of law. USCIRF recommends that any expansion of U.S. economic or security assistance programs in Vietnam be linked with human rights progress and the creation of new and sustainable initiatives in religious freedom and programs in non-commercial rule of law and civil society development. Additional recommendations and benchmarks for U.S. policy toward Vietnam can be found at the end of this chapter.

## Religious Freedom Conditions

### *Overall Human Rights and Religious Freedom Situation*

Vietnam's overall human rights record remains poor, and has deteriorated since Vietnam was removed from the CPC list and joined the World Trade Organization in January 2007. Vietnam is an authoritarian state ruled by the Communist Party. Over the past four years, the government has moved decisively to repress any perceived challenges to its authority, tightening controls on freedom of expression, association, and assembly. New decrees were issued prohibiting peaceful protest in property disputes, limiting speech on the Internet, and tightening controls on journalists and access to the Internet at cafes. During 2011 alone, the government sentenced at least 33 peaceful dissidents including political reform advocates, free speech and democracy activists, and those protesting religious freedom restrictions.

The U.S.-Vietnamese relationship has grown quickly in recent years, but it has not led to needed improvements in religious freedom and related human rights in Vietnam. The Vietnamese government responded to some U.S. religious freedom concerns in the past, particularly after being designated a CPC in 2004. It released prisoners; expanded certain legal protections for nationally-recognized religious groups; prohibited the policy of forced renunciations of faith, resulting in fewer forced renunciations; and expanded the zone of toleration for legally-recognized religious communities to worship and organize, particularly in urban areas. Most religious leaders in Vietnam attributed these positive changes to the CPC designation and the priority placed on religious freedom concerns in U.S.-Vietnamese bilateral relations.

The number of religious adherents continues to grow in Vietnam, and in large urban areas the Vietnamese government allows religious activity to occur openly. The government has supported the building of religious venues and the training of religious leaders, and allowed some large religious gatherings and pilgrimages (though not without restrictions). Government training sessions for local officials on Vietnam's religion laws have occurred, though the content remains problematic and serious abuses continue in ethnic minority areas. In some parts of the Central Highlands, churches and meeting points have been re-opened, and the government and the officially-recognized Protestant organization have established a working relationship.

Since the CPC designation was lifted in 2006, however, religious freedom conditions have not improved. The government continues a policy of control, suppressing independent religious activity and arresting and detaining individuals for publicly advocating for greater religious freedoms or engaging in independent religious activity. Religious freedom conditions often depend on geographic area, ethnicity, relationships between religious leaders and provincial officials, or perceived "political" activity. In addition, lingering property disputes over venues and facilities previously confiscated by the Communist government have led to church demolitions, property confiscations, detentions, and violence.

In addition, the Vietnamese government continues to imprison individuals for peaceful religious activity or religious freedom advocacy. Father Nguyen Van Ly was returned to prison in July 2011 to serve the remainder of his 8-year prison term after being released on medical parole.

*Implementation of Vietnam's Legal & Policy Framework on Religion*

In a February 2012 speech summarizing the government's goals for religion policy, Deputy Prime Minister Nguyen Xuan Phuc encouraged stronger oversight on matters related to land and property rights and urged continued government management of Protestantism in order to limit its extraordinary growth. Overall, the Deputy Prime Minister stressed the need to avoid religious "hot spots" and counter "enemy forces" that use religion to "destroy our nation."

Religion policy is carried out by both the Interior Ministry's Committee on Religious Affairs and by special "religious police" forces. The "religious police" unit (A41) monitors and sets policies toward groups the authorities consider "extremist," and a Special Task Force of the Mobile Intervention Police (Unit PA43) in the Central Highlands assists local police to "detain and interrogate persons they identify as Dega Protestants ... and neutralize the dangerous key actors ... in a clever way, in order to avoid the scrutiny of hostile forces on human rights issues," according a story in the January 2011 *Da Nang Police Journal*.

Relations between religious groups and the Vietnamese government are governed by the 2004 Ordinance on Religion and Belief which requires religious groups to operate within government-approved parameters. The Ordinance promises fewer government intrusions in regular religious activities for those who succeed at gaining "national" legal status. However, the registration process is ill-defined. Religious groups whose applications for registration are denied or who do not meet the Ordinance's vague standards are technically illegal and can be harassed or disbanded without warning. Some provincial officials ignore registration applications and require religious groups to include membership lists, or pressure to join registered groups, despite theological or other objections. In addition, the Ordinance provides for two lower levels of legal status, neither of which offers the same protections as "national" recognition. Communities obtaining the first level of recognition, "permission for religious operation," report government intrusions in daily religious activity, such as requesting the names of congregants, interfering in church leadership decisions, or limiting participation in and the scope of worship services.

Other provisions of the Ordinance do not meet international standards and restrict rather than promote religious freedom. For example, national security and national solidarity provisions override any legal protections guaranteeing the rights of religious communities. These include Article 8(2) of the Ordinance, which prohibits the "abuse" of religion to undermine national unity, "sow division among the people, ethnic groups and religions" or "spread superstitious practices," and Article 15, which provides that religious activities will be suspended if they "negatively affect the unity of the people or the nation's fine cultural traditions." The government continues to limit the organized activities of independent religious groups and individuals viewed as a threat to party authority on these grounds. There are reports that Vietnamese officials are considering revising the Ordinance on Religion and Belief, which would offer the international community an opportunity to engage Vietnam in ways to change its legal structure on religion so that it conforms to international standards.

Contrary to its provisions, local officials have told religious groups and visiting USCIRF delegations that the Ordinance's provisions do not apply in their provinces. In the northwest

provinces, there remain hundreds of applications for legal registration that have not been acted upon by government officials. In the past year, the government has formally indicated to the recognized Southern Evangelical Church of Vietnam (SECV) that it will no longer register any new meeting places in the Central Highlands.

The central government has also delayed implementation and enforcement of the Ordinance in ethnic minority areas and issued a training manual on religious groups in the northwest provinces that counsels restricting rather than advancing religious freedom. The manual, first issued in 2007 by the central government's Committee on Religious Affairs, has gone through several revisions because of international scrutiny. Nevertheless, problematic language regarding measures to halt the growth of religious communities remains. Provincial officials continue to carry out the manual's recommendation to halt the growth of Protestantism.

A USCIRF delegation traveled to Vietnam in May 2009 and ascertained that new converts to Protestantism, mainly in ethnic minority areas, face official intimidation and discrimination if they do not renounce their faith (see later discussion under *Hmong Protestants: Northwest Provinces*). This tactic seems to be a policy developed and condoned by central government authorities and carried out in the provinces. There are also reports that similar tactics are used against new monks and nuns of Buddhist teacher Thich Nhat Hanh and individuals who frequent pagodas affiliated with the Unified Buddhist Church of Vietnam (UBCV).

During the reporting period, religious groups without legal status were harassed, had venues destroyed, and faced severe discrimination. In addition, there were reports that ethnic minority Protestants were arrested and detained because their meeting points were not legally recognized, they did not meet the Ordinance's criteria for "20 years of stable operation," or they were not affiliated with the government-approved religious organization. For example, two unregistered Protestant churches in the city of Hue had their services raided and meeting points closed four times by police between December 2009 and June 2011. Local officials accused the pastors of violating the law by "gathering illegally." Both congregations had applied for registration and were denied. Churches affiliated with the unregistered Good News Mission continue to face difficulties throughout Vietnam. Several pastors associated with the GNM were arrested in 2010 and religious training seminars in Vinh Long province faced ongoing problems.

There continue to be over 600 Hmong congregations in the northwest provinces whose applications to join the recognized Northern Evangelical Church are being ignored. In addition, there continue to be dozens of reports of Protestant congregations, whose larger denominational affiliation does not meet the "20-years-of-stable-operation" guideline, who are refused any form of legal recognition, despite meeting the vague criteria for local recognition.

The government continues to extend legal recognition to, and allows religious venues to affiliate with, officially-recognized religious groups, including Buddhism, Islam, Catholicism, Protestantism, Hoa Hao, Cao Dai, Pure Land Buddhist Home Practice, the Bani Muslim sect, Threefold Enlightened Truth Path, Threefold Southern Tradition, the Baha'i community, the Mysterious Fragrance from Precious Mountains, the Four Gratuities, and the Vietnam Christian Fellowship. In October 2009, the Assembly of God denomination was granted permission to

operate, a status that had previously been denied because the Assembly of God did not meet the 20-year requirement.

Police also continue, explicitly or implicitly, to sanction violence against religious communities and venues, including by “contract thugs” and gangs. For example, police and military units forcibly removed several thousand Hmong Christians in May 2011 who gathered for religious reasons. There are reports of death and arrests, though the government has closed access to that part of Dien Bien province. In August 2011, police reportedly watched as a group of men attacked a Catholic from Vinh who was returning from participating in a public protest at embattled Thai Ha parish. On November 13, 2011, a group of men, including a local official, attacked the Agape Baptist Church in Vietnam’s northwest provinces, destroying vehicles and property, severely beating eight members of the congregation and threatening to kill Pastor Nguyen Danh Chau if he “continued gathering Christians.” The attackers were not arrested.

### *Prisoners of Concern*

In the past, the State Department maintained that one of the reasons Vietnam’s CPC designation was lifted was that there are no longer any “prisoners of concern.” USCIRF contends that dozens of prisoners remain detained in Vietnam for either their religious activity or religious freedom advocacy. During the reporting period, as many as 27 individuals were arrested or disappeared for their religious affiliations, religious activities, or peaceful protest of religious freedom restrictions, among them Hoa Hao Buddhists, Catholics, Protestants, and Falun Gong practitioners.

Father Nguyen Van Ly was returned to prison in July 2011 to serve the rest of his eight-year sentence. He had been granted a medical parole in March 2010 after suffering several strokes in prison that left him partially paralyzed. Father Ly has been imprisoned numerous times for his religious freedom and human rights advocacy, including after he submitted testimony to a 2001 USCIRF hearing on Vietnam. A USCIRF delegation was allowed to meet with Fr. Ly in May 2009.

Hoa Hao activists Nguyen Van Lia and Tran Hoi An were sentenced to five and three years, respectively, for “abusing democratic freedom” (Article 258 of the Criminal Code). The two were arrested in November 2011 for allegedly possessing printed materials, CDs, and DVDs criticizing the Vietnamese government’s religious record. Both men are part of an independent Hoa Hao community in An Giang province and met with USCIRF in 2009 to discuss religious freedom violations. At least twelve other Hoa Hao are serving sentences for peaceful public protests against religious freedom restrictions.

Falun Gong practitioners Le Van Thanh and Vu Duc Trung were each sentenced in September 2011 to two years for “illegally using information in computer networks” (Article 226 of the Criminal Code). The two men operated a short-wave radio broadcast called Sound of Hope broadcasting information about human rights abuses in China. Thirty Falun Gong practitioners were beaten and briefly detained for staging a peaceful meditation protest outside the Chinese embassy. Falun Gong is not explicitly banned in Vietnam.

On December 30, 2011 Pastor Nguyen Trung Ton, the head of the Full Gospel Church in Thanh Hoa province, was sentenced to two years' house arrest for "collecting documents and writing articles which tarnished the reputation of the Communist Party and the Socialist regime."

In April 2011, Pastor Nguyen Cong Chinh, a long-time government critic and religious freedom advocate, was arrested for allegedly "disrupting national unity's policy" according to Article 87 of the penal code. His current whereabouts are unknown.

Two ethnic minority Protestant pastors Ksor Y Du and Kpa Y Ko remain in prison for "undermining national unity" after being sentenced in 2011 for allegedly being part of anti-government organizations and making calls to relatives in North Carolina. The family and the leaders of the Good News Mission denomination claim that the charges are completely fabricated and due to the growing number of converts achieved by the two pastors. Ksor Y Du was reportedly handcuffed and dragged behind a motorbike to the police station and both men were repeatedly tortured in prison in order to elicit a confession. In addition, family members were asked to provide evidence against the two religious leaders in exchange for money and food, but refused.

Also remaining in prison is Cam Tu Huynh, a leader of an unrecognized sect of the Cao Dai faith who was arrested in 2010 for criticizing several police officers for breaking up a public protest against the government-sanctioned Cao Dai Administrative Board, as well as two Catholic residents of Con Dau village, arrested for staging a banned burial ceremony on land the government wanted to buy to build an eco-tourism resort.

Over a dozen religious leaders are being held under long-term administrative detention (house arrest) orders, including UBCV leader Thich Quang Do and other UBCV leaders, Catholic Fr. Phan Van Loi, Hoa Hao leader Le Quang Liem, Protestants Nguyen Van Dai and Le Thi Cong Nhan, and Mennonite leader Nguyen Thi Hong.

Khmer Buddhist abbot Thach Sophon continues to serve a house detention sentence given in 2010. The situation of the ethnic Khmer Buddhists has been an underreported problem in the State Department's Religious Freedom report.

Hundreds of Montagnard Protestants arrested after 2001 and 2004 demonstrations for religious freedom and land rights remain in detention in the Central Highlands. Authorities in the Central Highlands have targeted independent Protestants and Catholic religious groups to prevent future demonstrations. Montagnard Protestants who engage in independent religious activity have been subject to a number of short-term detentions, disappearances, forced renunciations of faith, and mistreatment in custody. According to Human Rights Watch, as many as 70 people were detained in 2010 in the Central Highlands, many for conducting "illegal" religious services. In the past year, USCIRF has been able to confirm police detention and disappearance of at least 11 ethnic minority Protestants and Catholics in Gai Lai province. The number may be much higher given the intensity of the government's ongoing campaigns to curtail "illegal" religious activity. (For more information on these arrests, see *Central Highlands* section below.)

*Buddhists, Hoa Hao, and Cao Dai*

The government continues to discourage independent Buddhist religious activity and refuses legal recognition for the UBCV and some Hoa Hao and Cao Dai groups. Government-approved organizations oversee Buddhist and other indigenous religions' pagodas, temples, educational institutes, and activities. Approval is required for all ordinations and ceremonies, donations, and expansions of religious venues. The government-approved leaders of Buddhist, Hoa Hao, and Cao Dai organizations also vet the content of publications and religious studies curricula offered at schools.

The Vietnamese government requires the UBCV, independent Hoa Hao, and Cao Dai groups to affiliate with the government-approved religious organization. Those who refuse typically face serious abuses, including arrests, detentions, fines, forced renunciations of faith, destruction of property, and other harassment. Notably, these groups, along with the ethnic minority Khmer Buddhists, represent the largest number of religious adherents in Vietnam.

*Unified Buddhist Church of Vietnam (UBCV)*

The UBCV is Vietnam's largest religious organization with a history of peaceful social activism and moral reform. The UBCV has faced decades of harassment and repression for seeking independent status and for appealing to the government to respect religious freedom and related human rights. Senior UBCV monks, including the Most Venerable Thich Quang Do, with whom USCIRF delegations met in 2007 and 2009, remain under some form of administrative probation or arrest in their home or pagoda.

Local authorities continue to prevent monks from organizing UBCV provincial boards or carrying out charitable activities. Police routinely question UBCV monks and monitor their movement and activities. Foreign visitors to UBCV monasteries have been assaulted and harassed. Government officials have taken steps to make sure that government-affiliated monasteries do not affiliate overtly with the UBCV. Routine systematic harassment of UBCV monks and affiliated pagodas occurs in the provinces of Quang Nam-Danang, Thua Thien Hue, Binh Dinh, Khanh Hoa, Ba Ria-Vung Tau, Dong Nai, Hau Giang, and An Giang.

There are continued reports of harassment and disbanding of religious ceremonies and other activities conducted by UBCV monks. Police routinely interrogated the Venerable Thich Vien Dinh and other monks from the Giac Hoa Pagoda in Ho Chi Minh City and issued fines for minor building code violations. Officials also have prevented them from holding festivals on *Vesak* (Buddha's Birthday) and the Lunar New Year.

During Buddhist festivals in May and August 2011, Da Nang police blocked access to Giac Minh Buddhist pagoda and interrogated the pagoda's abbot, who is the provincial representative of the UBCV. Police monitored the *Vesak* celebrations on May 28 at the Giac Hoa and Lien Tri pagodas in Ho Chi Minh City but did not intervene. UBCV officials claimed attendance by followers at the celebrations was lower than normal due to the increased police presence. Some followers stated that they were questioned by police officers after celebrations at the Lien Tri pagoda.

UBCV adherents also experience harassment and intimidation. During its visits to Vietnam, USCIRF learned that the Vietnamese government's Religious Security Police (*cong an ton giao*) routinely harasses and intimidates UBCV followers, warning that if they continue to frequent known UBCV pagodas, they may be arrested, lose their jobs, or see their children expelled from school. The government has actively sought to suppress the activities and growth of its Buddhist Youth Movement.

*Hoa Hao and Cao Dai*

The Vietnamese government continues to ban and actively discourage participation in independent factions of the Hoa Hao and Cao Dai, two religious traditions unique to Vietnam that claim memberships of four and three million, respectively. The State Department continues to report repression of independent groups that includes loss of jobs, discrimination, and harassment of Hoa Hao followers, and imprisonment of individuals who peacefully protest religious freedom restrictions.

Both the Cao Dai and Hoa Hao groups report ongoing government oversight and control of their communities' internal affairs, including rituals, celebrations, funerals, and the selection of religious leadership, even of government-approved organizations. In addition, the government rejected the Cao Dai charter drawn up before the 1950s, has refused to allow the community to maintain its own independent source of income, and beginning in 1975, seized, without compensation, Cao Dai properties. Some Cao Dai traditionalists have refused to participate in the government-appointed management committees and have formed independent groups. Eleven Cao Dai members were arrested in 2005 for protesting government intrusion in Cao Dai affairs; five remain in prison at the time of this report.

Independent Hoa Hao groups face severe restrictions and abuses of religious freedom, particularly in An Giang province. According to the State Department, members of the independent Hoa Hao Central Buddhist Church (HHCBC) face "significant official repression." There is continued friction between independent Hoa Hao and government officials in the Mekong Delta region, including reports of confiscation and destruction of HHCBC-affiliated buildings. HHCBC religious leaders refuse to affiliate with the government-approved Hoa Hao Administrative Council (HHAC) and are openly critical of it, claiming that it is subservient to the regime. HHCBC leaders and their followers have been arrested and sentenced to terms up to four years for staging hunger strikes, distributing the writings of their founding prophet, had ceremonies and holiday celebrations broken up by police and sacred properties confiscated or destroyed, and individual followers faced discrimination and loss of jobs.

In March 2011, two leaders of large unrecognized Hoa Hao congregations in Can Tho, Dang Thanh Dinh and Dang Van Nghia, were denounced in the state-run media and by local officials for opposing the government and stirring unrest. The two leaders were later detained and released, but such public denunciations often lead to government action. Several Hoa Hao activists face serious medical problems during imprisonment. Hoa Hao Buddhist activist Mai Thi Dung, who is currently serving an 11-year prison term, is gravely ill, with both feet paralyzed, and is suffering from heart disease and gallstones, according to her family members.

Also, Hoa Hao scholar Nguyen Van Lia has lost most of his hearing, suffers from high blood pressure, and has several cracked ribs, reportedly from mistreatment in custody.

### Khmer Buddhism

The Vietnamese government's ongoing repression of the language, culture, and religion of ethnic Khmer living in Vietnam has led to rising resentment in the Mekong Delta, where as many as one million ethnic minority Khmer Buddhists live. Khmer Buddhism is associated with the Theravada branch and has religious and ethnic traditions distinct from the dominant Mahayana Buddhist tradition practiced in most of Vietnam. Some Khmer Buddhists have called for a separate religious organization, distinct from the government-approved Vietnamese Buddhist Sangha (VBS). Religious freedom concerns continue to be central to demands of ethnic minority Khmer for human rights protections and preservation of their unique language and culture.

Long-simmering tensions emerged in 2007, as Khmer Buddhist monks in Tra Vinh and Soc Trang provinces peacefully protested government restrictions on their freedoms of religion and movement and Khmer language training. The monks objected to the government's restricting the number of days allowed for certain Khmer religious festivals and called on the government to allow Khmer Buddhist leaders to make decisions regarding the monk ordinations and the content of religious studies at pagoda schools. The protestors also called for more education in Khmer language and culture. Provincial officials initially promised to address the monks' concerns, but soon began arresting monks suspected of leading the protests; some reportedly were beaten during interrogations. At least 20 monks were defrocked and expelled from their pagodas, and five suspected of leading the demonstrations were sentenced to between one and five years in prison. Defrocked monks were sent home to their villages, where they were placed under house arrest or police detention.

In 2009 interviews with USCIRF, monks who had fled Vietnam described severe restrictions on their religious life. They claimed that they had applied to hold a demonstration in advance, and contrary to government views, it was not a spontaneous event. They also described in detail the beatings and torture they endured in detention, including one monk stating that he was beaten every day for a full year.

The Vietnamese government, through the VBS, began an academy in 2008 that focused on Theravada Buddhism and allowed for the possibility of lengthier ordination ceremonies. In addition, the government expanded the Pali language school in Soc Trang province, the site of the demonstrations. However, it is unclear whether these actions will be sufficient to address long-standing grievances over religious restrictions, land confiscation, and discrimination based on ethnicity.

### Crackdown on the Lang Mai Buddhists of Bat Nha Monastery

The Lang Mai (Plum Village) Buddhist order associated with well-known Zen Master Thich Nhat Hanh remains banned in Vietnam. The monks and nuns affiliated with the order are dispersed and some live in exile in third countries. In September 2009, after months of government harassment, over 300 Lang Mai Buddhist monks and nuns were forcibly removed

from Bat Nha monastery in Lam Dong province. The government took action to disband the order after Thich Nhat Hanh called publicly on the government to release all political prisoners, disband the “religious police,” and establish an “independent Buddhist church” not connected to politics.

Monks were reportedly beaten, degraded, and sexually assaulted; two senior monks, Phap Hoi and Phap Sy, were detained. Over 200 Buddhist monks and nuns sought temporary refuge at the nearby pagoda of Phuoc Hue; three months later, the government forcibly evicted all 400 monks and nuns residing at Phuoc Hue. A senior monk at another Lang Mai meditation center in Khanh Hoa province went into hiding to avoid arrest. Two hundred Lang Mai followers left to seek asylum in Thailand and, as of the end of the reporting period, were seeking religious worker visas to reside in the United States, Germany, Australia, or France. Another 200 monks and nuns returned to their home provinces in Vietnam, where police harassment continues and authorities threaten family members with job loss and reduced government benefits unless they renounce their Lang Mai affiliation.

In 2005, the Vietnamese government had welcomed Thich Nhat Hanh and the establishment of the Lang Mai order in Vietnam. His return was hailed as evidence of religious freedom progress by both Hanoi and the State Department when the CPC designation was removed in 2006.

### *Catholics*

Catholicism continues to grow rapidly, and the church has expanded both clerical training and charitable activities in recent years. Hanoi and the Vatican continue to discuss resuming diplomatic relations. Nevertheless, the relationship between the Vietnamese government and the Catholic Church laity and members of the Redemptorist Order continues to be tense. In the past several years, including last year, police have used tear gas and batons against, and have detained, participants at peaceful prayer vigils and demonstrations at properties formerly owned by the Catholic Church. Government officials have employed “contract thugs” to assault and intimidate Catholics attending these vigils and attack individuals viewed as organizers.

Catholics in Hanoi and Vinh have demonstrated publicly against intimidation by unofficial gangs and plans to confiscate and use properties formerly owned by the Catholic Church. In August 2011, thousands of Catholics in Vinh protested against a decision by local authorities to seize land in Cau Ram parish to build a park dedicated to soldiers who died during the war with the United States. In November and December 2011, priests and laypeople from the Thai Ha parish in Hanoi took to the streets to protest further government plans to expropriate church property to build a sewage treatment plant and public attacks on their church properties. Thai Ha parish church was the site of 2008 protests against land confiscation that led to violence and the arrest of six Catholics. The church is part of the Redemptorist Order, whose priests, parishes, and leadership have been targeted in recent years.

In July 2011 immigration police at the Ho Chi Minh City airport prevented Father Pham Trung Thanh, the leader of the Redemptorists in Vietnam, from leaving the country to attend a religious meeting in Singapore, stating that he belongs to “the category of those who have not been

allowed to leave the country.” Two days later, border police prevented another Redemptorist leader, Father Dinh Huu Thoai, from leaving the country.

On July 30, 2011, Vietnamese police detained three Catholic activists in Ho Chi Minh City as they returned from abroad. Over the next three weeks, police arrested an additional twelve Catholic lay activists and bloggers from Vinh. Ten have been charged with violating Criminal Code Article 79, subversion of the administration, which can carry a sentence of 15 years to life. According to their lawyer, they were arrested for protesting appropriation of land from Thai Ha parish, circulating a petition online to free legal rights activist Cu Huy Ha Vu and against the government-run Bauxite mining project.

On November 3, 2011, an estimated 100 police and military assaulted the Thai Ha church and monastery, smashing the monastery’s doors, intimidating parishioners with dogs, and reportedly beating several priests and resident monks. On December 2, police detained two priests and about 34 parishioners from Thai Ha who peacefully protested violence against their church. They were held in the city’s rehabilitation center for prostitutes before being released. Government-run media continue to vilify members of the Thai Ha parish.

Thai Ha church and Ky Dong church in Ho Chi Minh City, both affiliated with the Redemptorist Order, hold regular prayer vigils calling for the release of prisoners, including the legal advocate Cu Huy Ha Vu, the Buddhist Hoa Hao activist Nguyen Van Lia, the blogger Nguyen Van Hai (Dieu Cay), and those arrested in August 2011. Pastoral leaders at both churches report that they suffer from regular surveillance, individuals attending the vigils have been beaten by “thugs” while the police watch, and there were detentions during vigils during the Christmas holidays.

The new wave of persecution targeting Catholics was foreshadowed by events of the past several years. In January 2010, an estimated 500 police and army engineers used explosives to blow up a crucifix at the cemetery of Hanoi’s Dong Chiem Parish Church and assaulted and briefly detained those who tried to top the action. In May 2010, police and local Catholics clashed at a cemetery in Con Dau village near Da Nang. Sixty people were detained and six were sentenced for inciting riots and attacking state officials. Two remain in prison at this time and over 40 residents of Con Dau are seeking asylum.

Despite the tensions between Catholics and the Vietnamese government in the past several years, Hanoi continues to discuss with the Holy See conditions for the normalization of relations and other issues of concern. The Vietnamese president met again with Pope Benedict to discuss diplomatic relations. The government maintains veto power over appointments of bishops, but often cooperates with the Vatican in the appointment process. Two new bishops were ordained in the past year without incident. Catholic leaders in Ho Chi Minh City reported that they often move ahead with ordinations and placement of priests without seeking government approval. All students must be approved by local authorities before enrolling in a seminary and again prior to their ordination as priests, and the province of Thien-Hue restricted the number of seminarians. However, in 2009, the government allowed a new Jesuit seminary to be built in Ho Chi Minh City and permitted several local dioceses to conduct religious education classes for minors on weekends and to engage in some sizeable medical and charitable activities. Hundreds of new priests were trained in seminaries to meet a growing Catholic population in Vietnam.

*Montagnard Protestants and Catholics: Central Highlands*

Religious freedom conditions have improved overall for Protestant communities associated with the SECV and other nationally recognized religious organizations. Unregistered or independent religious groups, including those who refuse to register or those affiliated with denominations not recognized by the Vietnamese government, face severe restrictions, including harassment, property destruction, arrests, and forced renunciations of faith. The government tolerates religious activity within approved parameters, has reopened closed religious venues, granted permission for some religious training classes, and facilitated the building of new churches in the region.

The State Department reports that conditions are best in Gia Lai province, where SECV officials have established working relationships with provincial officials. However, the most persistent number of arrests and forced renunciations of faith also occur in Gia Lai province, including forced renunciations of faith and at least seven arrests in the past year.

New problems have emerged, however, even within the legally-recognized SECV. The Hanoi-based Committee on Religious Affairs reportedly issued a 2009 directive saying that no new “meeting points” would be allowed to register with the SECV, meaning that the government will no longer allow small house churches to grow and join established churches. While registration of meeting points was apparently supported by the 2005 Prime Minister’s Special Instruction Regarding Protestantism, it is now said to have been a temporary concession. Religious leaders in Vietnam have interpreted the instructions as an attempt to stop or control the growth of Protestantism among Montagnards. Gathering together in a new “meeting point” would be illegal.

After 2001 and 2004, mass demonstrations for religious freedom and land rights, the Vietnamese government has supported various campaigns to repress any perceived political organization and independent religious activities, particularly in Chu Se and Chu Prong districts of Gia Lai province and in parts of Kontum and Dak Lak provinces. According to available public sources in Vietnam, Unit PA43 and provincial police are in the midst of a three-year campaign to capture and transform both “reactionary operatives” and “Dega Protestants.” These campaigns have led to beatings, detentions, deaths in custody, forced renunciations of faith, and disappearances of Montagnards suspected of being part of the *Tin Lahn Dega*.

In the past year, confirmed through various sources inside Vietnam, there were at least 13 individuals arrested and disappeared in the Central Highlands, though that number may be higher given difficulties confirming information from the remote regions.

In December 2011, police warned an estimated 24 villages throughout Chu Se district not to hold Christmas celebrations and to disband worship activities permanently. In many cases, leaders were beaten and worshippers briefly detained.

Montagnard Protestants from Papet village, Bongoong commune refused to disband their worship activities. In February 2012, police beat a pastor in the village, Ju Rahlan, and forced

him to sign a document renouncing *Tin Lanh Dega*. Six others in the village were detained. Police remain stationed in the village to make sure the villagers did not protest police action or engage in unauthorized religious activity.

Over the past year, police and local officials in Kontum and Dak Lak province have started a new campaign to crack down on the growth of “Ha Mon Catholics.” According to government-controlled media sources, officials equate this group, reportedly started in Ha Mon village of Kontum province, as the Catholic equivalent of *Tin Lanh Dega*. The Catholic Bishop of Kontum, Michael Hoang Duc Oanh, has complained publicly and repeatedly that authorities block his visits to certain villages and attempts to intimidate Catholic Montagnards. In April 2011, Bishop Oanh was detained and interrogated in Kontum province while trying to celebrate an Easter Mass. He was told by government officials that he had violated the “permit” because he had baptized people in the village, which they saw as a sign that Catholicism was growing.

According to Human Rights Watch, three Catholics were reportedly arrested for alleged affiliation with “Ha Mon” including individuals known as Blei, Phoi, and Dinh Pset. Their whereabouts are unknown at this time.

There continue to be reports that officials cut off access to funding and benefits originating with the government and non-governmental organizations (NGOs), including housing and medical assistance programs, to certain Protestant villages. Children reportedly have been denied access to high school based on outdated laws prohibiting entrance of children from religious families. In addition, local officials reportedly pressure family elders, threatening to take away their government benefits unless they convince younger family members to renounce their faith. Montagnard Protestants have long complained of targeted discrimination, but at least one eyewitness report indicates that provincial officials are being trained in discriminatory tactics.

According to a March 2011 Human Rights Watch report, individuals and churches affiliated with Pastor Nguyen Cong Chinh, including the Vietnam People’s Christian Evangelical Fellowship Church (UKCC-VPCEF) and the Evangelical Lutheran Church, faced harassment and intimidation from local officials, in part because of Pastor Chinh’s public criticism of the government’s policies. Pastor Chinh was arrested in April 2011 and his whereabouts are unknown at this time.

### *Hmong Christians: Northwest Provinces*

The government continues to view with suspicion the growth of Christianity among Hmong in Vietnam’s northwest provinces. In the past year, government officials, police, and military forces have subjected Hmong Protestants to forced renunciations of faith and violence.

Hmong Protestants are able to meet openly in some areas of the northwest provinces, something that was not allowed ten years ago. The Vietnamese government recognizes that there is a “genuine need” for religion among the Hmong. Nevertheless, provincial officials continue their efforts to curtail the growth of religion overall by discouraging “new” converts to Protestantism among the Hmong. Despite a national decree prohibiting forced renunciation of faith, the practice continues to occur in the northwest highlands. Religious leaders also report that local

authorities sometimes use “contract thugs” to harass, threaten, or beat them and have encouraged clan elders to pressure members of their extended families to cease practicing Christianity and return to traditional practices.

According to the State Department, local officials continue to repress Protestant believers in some parts of the northwest provinces by forcing church gatherings to cease, closing house churches, confiscating property, and pressuring individuals to renounce their religious beliefs, though often unsuccessfully. They targeted small house churches affiliated with the Inter-Evangelistic Movement (IEM), the Baptists, and the Good News Mission, who continued to report difficulties in several locations in Dien Bien province because their congregations cannot register.

During the first two weeks of May 2011, Vietnamese police and military units clashed with thousands of Hmong Protestants who had gathered in Muong Nhe district of Dien Bien province. Though largely unconfirmed, there are reports of deaths and arrests, and the forced dispersal of Hmong into Laos, China, and Burma. The cause of the clash is not entirely clear given the government’s tight control over the remote region. Initial reports suggested that Hmong had gathered to demonstrate for land rights and religious freedom in ways reminiscent of the 2001 and 2004 demonstrations in the Central Highlands. Vietnamese officials blamed the gathering on Hmong who allegedly wanted to set up a separate state covering parts of Vietnam, Laos, China, and Burma.

The evidence thus far indicates that thousands of Hmong gathered in Muong Nhe district for several different and overlapping reasons. An estimated 5,000-10,000 Hmong traveled to the district from other parts of Vietnam, Burma, China, and Laos, raising suspicions and tensions with government authorities. Hmong Protestants first started to gather in March, drawn by radio and print materials predicting the end of the world on May 21, 2011. In addition, there emerged at least three Hmong “messiahs,” several who promised to gain land from the government and set up a pan-Hmong kingdom. There have been other Hmong messiahs in the past. According to Catholic sources from the region, the size of the Hmong group in the district may have been enhanced by Catholics gathering publicly on May 1 to support the beatification of Pope John Paul II.

Beginning on May 1, 2011, police dispersed most of those assembled in Muong Nhe district, though as many as 3,000 remained. On May 5-6, 2011, police and military units moved in to remove the rest of those assembled, reportedly arresting and beating about 50 of the followers of one of the purported Hmong messiahs and tearing down compounds built by his followers. There are unconfirmed reports that dozens of Hmong were killed or injured and arrested. Vietnamese authorities have sealed the area and refused permission to foreign diplomats and journalists to travel there.

Vietnamese media continue to blame Hmong Protestants and outside forces for the gathering. The government has not allowed Protestant religious leaders into the area, despite their attempts to counter apocalyptic expectations. Doubts about the cause of the incident and the force used by Vietnamese authorities and the number of dead, missing, or arrested will continue until there is a full and impartial investigation of the incident.

There continues to be little progress made in extending legal recognition to over 600 Protestant churches that have sought affiliation with the ECVN. Hundreds of applications for legal recognition have been declined or ignored, despite provisions in the Ordinance on Religion and Belief requiring government officials to respond to applications in a timely manner.

The legal rights of ethnic minority Protestants in northern Vietnam have been impaired by the refusal of authorities to issue them identity cards that recognize their religious affiliation. Without proper recognition of their Protestant status, they are left in an indeterminate and vulnerable position: either they have no identity card, or the fact that they are identified as subscribing to no religion may be used to prevent their attendance at churches.

Also, the government continues to deny publication of religious materials and Bibles in the Hmong language, despite approving printing of religious materials in other ethnic minority languages. This has led to beatings, fines, and brief detentions of those who transport Hmong language materials. For example, in March 2011, in Dien Bien province, a Hmong Protestant leader was briefly detained and the Bibles he was carrying were confiscated. He was warned not to transport “illegal materials” in the future.

#### *Forced Renunciations of Faith Remain a National Policy*

The practice of forced renunciations of faith was officially banned by Decree 22, which states that “acts to force citizens to follow a religion or renounce their faith...are not allowed.” The Vietnamese government hailed this prohibition as a major change conceded after their designation as a CPC in 2004. The number and intensity of the government’s campaigns of forced renunciation have decreased in the past decade. Yet reports continue of forced renunciations of faith, specifically targeting ethnic minorities. Moreover, these efforts are not isolated cases, but are sanctioned by central government authorities to thwart both the growth of Protestantism in the northwest provinces and independent religious activity in the Central Highlands.

In 2006, the Committee on Religious Affairs in Hanoi published a handbook instructing provincial officials in the northwest provinces on how to manage and control religious practice among ethnic minorities. The handbook offered instructions on ways to restrict religious freedom, including a command to “resolutely subdue” new religious growth, “mobilize and persuade” new converts to return to their traditional religious practice, and halt anyone who “abuses religion” to undermine “the revolution” – thus seemingly condoning forced renunciations of faith. Although the 2006 handbook recognizes the legitimacy of some religious activity, it also indicates that the Vietnamese government continues to control and manage religious growth, label anyone spreading Christianity in the northwest provinces a national security threat, and use unspecified tactics to “persuade” new converts to renounce their beliefs.

In 2007, the Committee on Religious Affairs promised to revise the handbook and, since then, USCIRF has received two new versions. Neither, however, offers much improvement on the original. In the 2007 revision, provincial officials are still told to control and manage existing religious practice through law, halt “enemy forces” from “abusing religion” to undermine the Vietnamese state, and “overcome the extraordinary...growth of Protestantism.” This last

instruction is especially problematic, since it again suggests that the growth of Protestantism among ethnic minority groups is a threat to combat. The 2007 revised version also states that local officials must try to “solve the root cause” of Protestant growth by “mobilizing” ethnic groups to “preserve their own beautiful religious traditions.” A 2008 version of the handbook contains all the language in the 2007 revision but adds a final chapter which chides local officials for “loose control” over Protestantism, leading to an increase in illegal meeting places. Local officials are instructed that these meeting places “must be...disbanded.”

In early January 2011, Protestant leaders in Lao Cai province reported that local officials in the Ban Me Commune told Protestants to renounce their faith or face fines and expulsion from village properties. In March 2011, district police in Pha Khau village, Phinh Giang commune, Dien Bien Dong district harassed and threatened a group of newly converted Christians, taking away access to land and threatening to expel them from the village if they continued to meet for worship. The individuals refused and authorities continue to harass and intimidate them. Also in March 2011, two Hmong Protestant pastors who live in Muong Nhe district traveled to another district for worship services with a new group of Protestants in Ha Tam village, Muong Ba commune, Tua Chua district, Dien Bien province. The “new” converts in Ha Tam village were threatened and ordered to renounce their faith. When they refused, they were reportedly expelled from the district.

Between June and October 2010, at least 40 individuals from Ban Xa Fi #1, Xa Xa Tong, Huyen Muang Cha district, Dien Bien province were threatened with confiscation of property and beatings unless they gave up Protestantism. Pastors Van Cho Sung and Hang A Xa were beaten severely by police. Another pastor was driven from his home and relocated to another village. Authorities continue to harass and intimidate the villagers.

According to a recent Human Rights Watch report, there also is an extensive campaign of forced renunciation of faith going on in the Central Highlands, centered in Gai Lai province, but including parts of Dak Lak and Kontum provinces as well. Throughout 2010 and early 2011, according to Human Rights Watch, hundreds of Montagnards in the Central Highlands were pressured or coerced to abandon “Dega Protestantism” in public criticism ceremonies by signing pledges or through intimidation in private meetings with police or local authorities.

### *Human Rights Defenders*

The Vietnamese government continues to harass, threaten, intimidate, detain, and sentence lawyers and human rights defenders who have assisted religious communities or religious freedom advocates in cases against the state.

In April 2011, human rights defender Cu Hu Va Huy was sentenced to seven years under vague national security laws for defending victims of land confiscation and abuse of power, including Catholic villagers of Con Dau who refused to sell or vacate land – including a 135-year-old religious burial site – to create an eco-tourist resort. In April and August 2011, Hanoi lawyer Le Quoc Quan was detained for seeking to attend the trial of Cu Hu Va Huy and for assisting Catholics peacefully seeking the return of Church properties. His law license was revoked and

he has been unable to get his license renewed. His activities remain restricted and he is under constant surveillance.

In May 2011 Mennonite religious leaders Duong Kim Khai and two other members of his Cattle Shed Congregation were sentenced to between two and seven years for organizing petitions by farmers against land confiscations and for peaceful advocacy of democracy. Pastor Khai is a member of the banned democracy group, Viet Tan. USCIRF met with Pastor Khai in 2007 after he was released from a 2004 sentence for holding of an “illegal religious gathering.” In 2011, the UN Working Group on Arbitrary Detention ruled that the detention and conviction of Pastor Khai and the 6 others he was convicted with violated international law.

In August 2011, lawyer Huynh Van Dong was disbarred for his active defense of Catholic protesters and Mennonites assisting land petitioners.

In January 2010, human rights lawyer Le Cong Dinh was sentenced to 16-years’ imprisonment for “conducting propaganda” against the state. As a lawyer, he defended human rights and religious freedom advocates Nguyen Van Dai and Le Thi Cong Nhan in 2007.

## **U.S. Policy**

The U.S.-Vietnamese relationship has expanded in many areas in the past two years as the United States has intervened to help mediate Vietnam’s ongoing dispute with China over ownership of several island chains and extraction rights in the South China Sea. The U.S. continues to press for a more systematic bilateral relationship, including the creation of a regular Strategic Dialogue and new military and trade ties, but has linked expanded relations with improved human rights conditions. In November 2011, Secretary of State Clinton stated publicly that “if we are to develop a strategic partnership ... Vietnam must do more to respect and protect its citizens' rights.”

The U.S. Congress continues to press the Administration to take a more active role in improving human rights, including through the Vietnam Human Rights Act and resolutions supporting the CPC designation and Internet freedom in Vietnam. In January 2012, Senators Joseph Lieberman and John McCain stated that the “backward movement” on human rights will “directly impact” security ties and planned military sales to Vietnam.

The United States is Vietnam’s largest trading partner, and U.S. investments in Vietnam topped \$1.5 billion in 2009. The United States and Vietnam engage in a wide range of cooperative activities in the areas of peacekeeping, humanitarian assistance and disaster relief, search and rescue, maritime and border security, law enforcement, and non-proliferation. The countries cooperate on counter-narcotics and regional security issues, including an annual political-military strategic consultation. Vietnam has hosted multiple visits by American carriers, destroyers, and humanitarian supply ships. The U.S. and Vietnamese governments hold regular dialogues on the return of the remains of Americans who died during the Vietnam War.

The U.S. government has committed over \$125 million dollars in economic assistance to Vietnam for the current fiscal year, the bulk of which goes to fund an HIV/AIDs program. The

U.S. government has commercial rule-of-law programs and has funded small human-rights-related programs for woman, labor, and religious freedom. The Vietnam Education Foundation has brought 300 Vietnamese to the United States for graduate study over the past five years. The U.S.-Vietnam Fulbright program remains one of the largest per capita, with an estimated 2,500 Vietnamese students and scholars coming to the United States to study in the past decade.

Religious freedom was an agreed part of the renewed annual U.S.-Vietnam human rights dialogue. Vietnam's suppression of political dissent and religious freedom continues to be a source of bilateral contention. During two visits to Vietnam in 2010, Secretary Clinton raised publicly the "differences" that exist between the United States and Vietnam on human rights, citing "violence against religious groups" as a particular problem. U.S. government officials publicly discuss their interactions on human rights with Vietnamese officials, including mentioning disappointment at deteriorating conditions.

In the past, the State Department has maintained that one of the reasons Vietnam's CPC designation was lifted was the lack of any "prisoners of concern." In Vietnam, the State Department only considers persons who are arrested "for reasons connected to their faith" when evaluating religious freedom conditions. This narrow definition excludes anyone arrested or detained for peaceful public advocacy to protect religious freedom, including expressing support for the legal or political reforms needed to ensure it, or those who defend vulnerable religious leaders or religious freedom advocates in court. The State Department's criterion also excludes those who monitor the freedom of religion and are arrested or otherwise punished for publishing their findings. It also excludes those who, motivated by ongoing restrictions on religious practice or the arrests of fellow believers, peacefully organize or protest to draw attention to government repression. This approach runs counter to the fact that in all of the most recent cases of arrest, detention, and imprisonment, religious leaders or religious-freedom advocates engaged in legitimate activities protected by international treaties and covenants to which both the United States and Vietnam are signatories.

## **Recommendations**

In addition to designating Vietnam as a CPC, USCIRF recommends that the U.S. government press for immediate improvements to end religious freedom abuses, ease restrictions, and release prisoners of conscience; establish new priorities for assistance and refugee programs that facilitate religious freedom; and make sure that human rights are pursued consistently and publicly at every level of the U.S.-Vietnam relationship, including any new military and trade ties. USCIRF also recommends that the State Department implement a wider definition of "prisoners of concern." Furthermore, in order to demonstrate the importance of human rights as a U.S. interest, USCIRF recommends that if the United States expands economic or security assistance programs in Vietnam, these should include new and sustainable initiatives in human rights and religious freedom and additional programs in non-commercial rule of law and civil society development.

## **I. Pressing for Immediate Improvements to End Religious Freedom Abuses, Ease Restrictions, and Release Prisoners**

In designating Vietnam as a CPC, and in its general bilateral relations and in multilateral fora, the U.S. government should urge the Vietnamese government to:

### *Release Prisoners*

- release or commute the sentences of all religious prisoners of conscience, including those imprisoned or detained on account of their advocacy of religious freedom and related human rights; and
- publicize the names of all Montagnard Protestants currently in detention, allow visits from representatives of the International Committee of the Red Cross or other independent foreign observers, and promptly review all such prisoner cases.

### *Ensure Laws Meet International Human Rights Standards*

- amend the 2004 Ordinance on Religious Beliefs and Religious Organizations, Decree 22, the “Prime Minister’s Instructions on Protestantism,” and other domestic legislation to conform to international norms regarding freedom of thought, conscience, and religion or belief, including revising the vague national security provisions in the 2004 Ordinance;
- enforce the provisions in the Prime Minister’s “Instructions on Protestantism” that outlaw forced renunciations of faith and establish specific criminal penalties for anyone who carries out such abusive practices;
- establish a non-discriminatory legal framework for religious groups to engage in peaceful religious activities without requiring affiliation with officially registered religious organizations, approve immediately all pending registration applications of ethnic minority churches in the north and northwest provinces, and establish a clear and consistent legal framework allowing religious groups to organize and engage in humanitarian, medical, educational, and charitable work;
- end the use of “national security” provisions found in Article 88 and Article 258 of the Criminal Code, when used improperly to justify the detaining of advocates for religious freedom and related human rights, and end the harassment, threats, arrest, and revocation of legal licenses of human rights lawyers who take up politically sensitive cases;
- revise or repeal ordinances and decrees that empower local security police to arrest, imprison, or hold citizens in administrative detention for vague national security or national solidarity offenses, including Ordinance 44, Decree 38/CP, and Decree 56/CP, and Articles 79, 88, and 258, among others, of the Criminal Code;
- investigate and report publicly on the deaths of Hmong and Montagnard Protestants and prosecute any government official or police found responsible for these crimes; and

- revise or repeal ordinances and decrees that limit the freedom of expression, assembly or association, including new regulations banning peaceful public protests of property disputes; and,
- implement the recommendations of the UN Human Rights Council pursuant to Vietnam's May 2009 UN Universal Periodic Review, including cooperation with various UN mechanisms and special procedures.

*Protect Peaceful Religious Practice*

- create a national commission of religious groups, government officials, and independent, non-governmental observers to find equitable solutions regarding returning confiscated properties to religious groups;
- allow the banned Unified Buddhist Church of Vietnam (UBCV) and the Khmer Buddhists to operate legally and independently of the official Buddhist organizations and the Vietnam Buddhist Sangha, including allowing the UBCV's Provincial Committees and Buddhist Youth Movement to organize and operate without restrictions or harassment;
- allow UBCV leaders and pagodas to hold ceremonies and celebrate Buddhist holidays without harassment of monks, nuns, or worshippers.
- allow all Hoa Hao groups freely and fully to celebrate their founding Prophet's Birthday, allow the printing and distribution of all the groups' sacred writings, and permit the rebuilding of the Hoa Hao Buddhist Library in Phu Tan, An Giang province;
- allow re-establishment in Vietnam of the Plum Village (Lang Mai) order associated with Thich Nhat Hanh, rescind the government decree to disband the order in Vietnam, and allow them to live and worship together legally and in community without harassment; and
- disband the Religious Security Police (*cong an ton giao*) and the Special Task Force of the Mobile Intervention Police (Unit PA43) and investigate, punish, or prosecute, through a process respecting due process, all police or government officials credibly accused of beating, harassing, or discriminating against those exercising the universal right to the freedom of religion or belief.

*Train Government Officials*

- create a new *Training Manual for the Work Concerning the Protestant Religion in the Northwest Mountainous Region* that reflects international standards regarding the protection of religious freedom;
- issue clear public instructions for provincial officials and religious groups on the registration process, including by restating the timetables for responding to applications; providing redress for denials; and ceasing unreasonable demands for information or other ad hoc conditions placed on registration applications;

- train government officials engaged in “religious work” on the duties of provincial officials to respect religious freedom and the rights of religious communities under international human rights standards, including providing avenues to report inappropriate actions by local officials or police; and
- issue a public statement, or corresponding legislation, clearly stating that the denial of educational, medical, housing, and other government services or economic assistance, including foreign aid, based on religious belief, affiliation, or ethnicity is contrary to Vietnamese law and that government officials engaging in discriminatory practices will be prosecuted under the law.

## **II. Establishing New Priorities for U.S. Assistance & Refugee Programs**

The U.S. government should assist the government of Vietnam and other international governmental and non-governmental organizations to protect religious freedom and refugees in Vietnam and to develop civil society and the rule of law, including by taking the following actions:

- fully implement or re-authorize the Montagnard Development Program (MDP) created as part of the House and Senate Foreign Operations conference report of 2005 and continued in the 2008 conference report, and consider expanding the MDP to assist all ethnic minority communities in Vietnam to provide targeted humanitarian and development funds to ethnic minorities whose demands for land rights and religious freedom are closely connected;
- ensure that any rule-of-law programs include regular exchanges between international experts on religion and law and appropriate representatives from the Vietnamese government, academia, and religious communities to discuss the impact of Vietnam’s laws and decrees on religious freedom and other human rights, train public security forces on these issues, and discuss ways to incorporate international standards of human rights in Vietnamese laws and regulations;
- work to improve the capacity and skills of Vietnamese civil society organizations, including medical, educational, development, relief, youth, and charitable organizations run by religious organizations, and offer Fulbright Program grants to individuals and scholars to promote understanding of religious freedom and related human rights;
- continue funding for Voice of America (VOA) and Radio Free Asia (RFA) programming for Vietnam and to overcome the jamming of VOA and RFA broadcasts;
- provide unimpeded access to UN High Commissioner for Refugees (UNCHR) and other appropriate international organizations to the Central Highlands to monitor the safe resettlement of Montagnards repatriated from Cambodia;
- increase the use of Priority 1 authority to accept refugees facing a well-founded fear of persecution, both those who have escaped to other countries in the region and those who are still in Vietnam, without the prerequisite of a referral by the United Nations High

Commissioner for Refugees, including seeking to expand in-country processing in areas outside of Ho Chi Minh City; and

- allow monks and nuns affiliated with the Plum Village Buddhist order to enter the United States from Thailand under temporary religious worker visas (R-1), and remove any obstacles to the immediate granting of their visas so that they may join a functioning religious community in the United States until their order in Vietnam is re-established.

### **III. Recommendations for U.S. Congressional Action**

The U.S. Congress should:

- ensure that any new funds appropriated or allocated to expand bilateral economic or security relations with Vietnam are met with corresponding funding for new human rights and religious freedom, civil society capacity-building, and non-commercial rule-of-law programs;
- consider creating the Promoting Universal Rights and Rule of Law (PURRL) program (akin to the Supporting Eastern European Democracy program (SEED)) to support the development of nascent political parties and democratic institutions, provide technical assistance for independent legal entities and courts, and support civil society capacity-building, independent media ventures, and non-commercial rule-of-law programs;
- continue oversight, establish benchmarks, and measure progress of the U.S.-Vietnam Human Rights Dialogues by holding appropriate hearings on the progress report the State Department is required to submit to Congress on the trajectory and outcomes of bilateral discussions on human rights as required by Sec. 702 of PL 107-228;
- appropriate additional funds for the State Department's Human Rights and Democracy Fund for new technical assistance and religious freedom programming that at least should be commensurate with ongoing programs for Vietnamese workers, women, and rule-of-law training; and
- engage in international parliamentary exchanges that focus on balancing national security and civil liberties including discussion of best practices and model laws to protect the rights of individuals and revise national security provisions so that they cannot be used inappropriately to arrest and detain peaceful advocates for religious freedom and related human rights.

## COUNTRY CHAPTERS: USCIRF'S WATCH LIST

### Afghanistan

**FINDINGS:** Conditions for religious freedom are exceedingly poor for dissenting members of the majority faith and for minority religious communities. The Afghan constitution fails explicitly to protect the individual right to freedom of religion or belief and allows other fundamental rights to be superseded by ordinary legislation. It also contains a repugnancy clause stating that no law can be contrary to the tenets of Islam, which the government has interpreted to limit fundamental freedoms. Individuals who dissent from the prevailing orthodoxy regarding Islamic beliefs and practices are subject to legal action that violates international standards, for example prosecutions for religious “crimes” such as apostasy and blasphemy. In addition, the Afghan government remains unable, as well as at times unwilling, to protect citizens against violence and intimidation by the Taliban and other illegal armed groups.

Based on these concerns, USCIRF in 2012 again places Afghanistan on its Watch List.\* Afghanistan has been on the Commission’s Watch List since 2006. In 2000 and 2001, USCIRF had recommended that the Taliban regime, then in control of most of Afghanistan’s territory, be designated as a “particularly severe violator of religious freedom.” The Secretary of State designated the Taliban as such in 1999 and 2000.

Despite gains in human rights since U.S. and international forces ousted the Taliban regime in late 2001, conditions for religious freedom remain very poor. The 2004 Afghan constitution effectively has established a restrictive interpretation of Islamic law as the law of the land. Afghan jurists and government officials do not view the guarantees to human rights that come later in the document as taking precedence. Individuals lack protection to dissent from state-imposed orthodoxy, debate the role and content of religion in law and society, advocate for the human rights of women and members of religious minorities, or question interpretations of Islamic precepts. In recent years, the small and vulnerable Christian community experienced a spike in arrests, with Christians being detained and some jailed (and later released) for the “crime” of apostasy. While the minority Hazara Shi’a community has experienced greater freedoms to hold public religious festivals without incident, suicide bombers targeted religious events in late 2011. Gains for women’s human rights remain tenuous and reversible. Violence and intimidation by the Taliban and other insurgents pose a serious threat to the human rights of all Afghans. Finally, the potential implications for human rights protections in the efforts at national reconciliation with the Taliban and other insurgents are of serious concern.

**PRIORITY RECOMMENDATIONS:** Promoting religious freedom and religious tolerance should be an integral part of U.S. policy, particularly as the government of Afghanistan pursues a peace or reconciliation process with the Taliban and other anti-government insurgents. U.S. policy can better prioritize freedom of religion or belief and engage the underlying dynamics that continue to lead to religious freedom abuses. USCIRF recommends that the U.S. government: clearly state its concern that guarantees ensuring religious freedom and religious tolerance are an essential element in U.S. policy in Afghanistan; urge the inclusion of representatives of civil society, including women and members of minority communities, in any reconciliation talks; include a special working group on religious tolerance in U.S.-Afghan strategic dialogues; use its influence to support those who advocate respect for freedom of religion or belief; and increase efforts to ensure that the formal judicial sector upholds international standards of human rights for all. Additional recommendations for U.S. policy toward Afghanistan can be found at the end of this chapter.

\*Commissioner Shea dissented from the placement of Afghanistan on the Commission's Watch List. Her full dissent can be found at the end of the chapter.

## Religious Freedom Conditions

Compared with the brutal rule of the Taliban, which controlled most of Afghanistan from 1996 until 2001 and applied an extremist interpretation of Islamic law, conditions for religious freedom have markedly improved, especially for religious minorities. However, comparisons to the abusive actions of the Taliban provide an incomplete and misleading picture. Religious freedom conditions today are exceedingly poor, as dissenting members of the majority faith and minority religious communities face significant restrictions on the free practice of religion. Governmental and nonstate actors have taken action against individuals for activity deemed to be “un-Islamic,” and the Afghan constitution fails explicitly to protect the individual right to freedom of religion or belief. In addition, the Afghan government remains unable, as well as at times unwilling, to protect citizens against violence and intimidation by the Taliban and other illegal armed groups.

### *Governing and Legal Framework*

The United States and the international community have placed great emphasis on the 2004 Afghan constitution, particularly its language guaranteeing women's human rights and incorporating international standards. Foremost, Article 7 declares “[t]he state shall abide by the UN charter, international treaties, international conventions that Afghanistan has signed, and the Universal Declaration of Human Rights.” Article 2 also provides that “followers of other religions [than Islam] are free to exercise their faith and perform their religious rites within the limits of the provisions of law.” However, the constitution does not explicitly protect the right to freedom of religion or belief for every Afghan, and provides that fundamental rights can be superseded by ordinary legislation.

These shortcomings are compounded by the interpretation and application of a vague repugnancy clause in Article 3 that states that “no law can be contrary to the beliefs and provisions of the sacred religion of Islam,” as well as Article 130, which empowers the judicial system to enforce the repugnancy clause and to apply Hanafi Shari'ah (Islamic) jurisprudence where there is no other applicable law. In addition, Article 149 of the constitution prohibits any amendments that would be contrary to the “provisions of adherence to the fundamentals of the sacred religion of Islam.”

In practice, the constitution has been interpreted and applied as establishing a restrictive interpretation of Islamic law as the law of the land and prioritizing that interpretation over human rights guarantees, which has resulted in abuses. During a 2010 visit by USCIRF staff to Kabul, government ministers and government-backed religious leaders repeatedly explained that, in their view, Islamic law trumped the constitution's human rights provisions, as those references come later in the document and do not take precedence.

Given that the influence of the Taliban will likely increase as negotiations with insurgents move forward, this widely-held interpretation of the constitution becomes increasingly problematic. The United States and President Hamid Karzai have made respecting the constitution a nonnegotiable plank in the peace talks with anti-government elements. While positive on the surface, the constitution's undefined notions of Islamic law superseding human rights guarantees could seriously undermine religious freedom and women's human rights in the country. In other words, any potential peace deal could therefore be meaningless, if the protection of human rights for all could be overridden by interpretations of religious law.

Afghanistan's system of government involves religious leaders in reviewing laws and recommending government action. Foremost is the Kabul-based Ulema Council, a group of influential and mainly Sunni scholars and imams, which advises President Karzai on legal and religious issues. The body is nominally independent, but members receive financial support from the government. In August 2010, the Ulema Council voted to demand that President Karzai implement Shari'ah law nationwide. Council representatives said that Shari'ah does not require corporal punishments, such as stoning, but rather mandates peace and women's rights. However, Shari'ah law punishments, such as stoning, were used by the Taliban during their rule. At the end of the reporting period, the Council's recommendation had not been acted upon.

In the judicial branch, the constitution requires that the chief justice be an expert in Afghan law and Islamic jurisprudence. The Supreme Court also maintains a General Directorate of *Fatwas* and Accounts. Staffed by Islamic scholars and imams, the body advises the court on issues of state and religion and issues *fatwas* in response to questions received. The Ministry of Hajj and Islamic Affairs oversees imams paid by the government and is responsible for sending Afghans on the *hajj* (pilgrimage). The Ministry of Education has attempted to implement curriculum reforms for the country's *madrassas*, with limited success due to budget constraints. It also oversees how Islam is taught in public schools. The Afghan National Army has the equivalent of Muslim chaplains called Religious and Cultural Affairs officers. For all these reasons, it becomes important that the official interpretation and application of Islamic law be consistent with international religious freedom standards.

The demands of influential religious leaders have resulted in limitations of freedom of expression in the country. In 2007, the Ulema Council urged President Karzai to limit freedom of expression, so as to "safeguard our national honors and Islamic values." A media law passed by parliament in September 2008 prohibits works and materials that are contrary to the principles of Islam, works and materials offensive to other religions and sects, and propagation of religions other than Islam. President Karzai initially vetoed the bill, but it was passed with a two-thirds majority and was promulgated in the national gazette in September 2009. Article 45 specifically prohibits production, reproduction, print, and publishing of works and materials contrary to the principles of Islam or offensive to other religions and sects. At the end of the reporting period, there were no reports of prosecutions under the law. Nevertheless, media outlets, including radio and television journalists, face pressure due to the passage of the law and by societal actors who object to particular content.

*Continuing Security Problems*

The security situation remains serious, exacerbating the religious freedom and human rights problems in many parts of the country. The Afghan government and international forces continue to fight the Taliban and other insurgent groups. The Taliban movement is governed by the Quetta Shura, which includes the top leadership of the Afghan Taliban and Mullah Mohammed Omar. After the removal of the Taliban in late 2001, the leadership relocated to the city of Quetta in the Balochistan province of Pakistan. While a major partner during the Taliban regime, al Qaeda operatives today are considered to be present in low numbers. The other major insurgent group to the Taliban is the Haqqani network, led by Jalaluddin Haqqani, a former U.S. funded mujahidin fighter against the Soviets, and his son Sirajuddin. The Haqqani network enjoys safe havens inside Pakistan in North Waziristan, and while it partners with the Taliban, it is not subservient.

President Karzai's government does not exercise full control over the country, particularly outside Kabul and the major provincial centers, even with the active support of U.S. and International Security Assistance Forces (ISAF), which is comprised of NATO forces plus forces from 20 other nations. The Taliban and other insurgents continue to stage attacks inside Afghanistan, posing an ongoing threat to the stability of the country. Attacks have included the September 2011 assault on the U.S. Embassy in Kabul and bombings of Islamic religious sites – for instance, the main Shi'a shrine in Kabul was bombed in December 2011.

In some areas of Afghanistan, the Taliban administer a virtual parallel state where they impose their interpretation of Islamic law and custom. Some Afghans reportedly prefer Taliban courts, which they view as less corrupt than government ones. However, the Taliban and other insurgents still perpetrate political killings, torture, coercion to enforce social and religious conformity, and abuses against women and girls. In February 2012, the Taliban beheaded four individuals in southern Afghanistan during evening prayers because they were allegedly spies. Also in February, Sadeem Khan Bahader Zoi, the director of a radio station in southern Afghanistan described as "progressive," was brutally murdered in his car. The substantial disregard of human rights for all presents a persistent danger to the establishment of democracy and the rule of law throughout Afghanistan, and constitutes a serious security threat.

Protests erupted during the reporting period in response to the destruction of Qur'ans, which resulted in several deaths and injuries. After the burning of a Qur'an in Florida in March 2011, and following public comments by President Karzai, protests occurred throughout the country in April. The most violent protest was in Mazar-e-Sharif, a major city in northern Afghanistan, where protestors stormed a UN compound and killed 12 UN employees. Other violent protests occurred in Kandahar in the south.

In February 2012, American forces burned Islamic religious materials, including copies of the Qur'an, at the U.S. Bagram Air Base, in an attempt to dispose of materials from the library in the Parwan Detention Facility. "Extremist communications" reportedly had been written in the materials. American military officials apologized and said all service members will be trained on how to properly handle religious materials. President Barack Obama also sent a letter of apology to Afghan President Hamid Karzai. The Taliban issued a statement calling on Afghans

to attack U.S. military bases and American soldiers for daring to “insult the holy Qur’an.” In reaction to the violent protests after the burning, President Karzai urged all Afghans to not participate in violent retaliation against international forces, while also separately requesting that NATO put on trial those involved in burning the Qur’ans.

During the protests, at least 30 Afghans were killed and scores injured. In addition, in two separate incidents, individuals wearing Afghan army uniforms killed American soldiers, prompting a pullout of all NATO personnel from Afghan ministries. In northern Afghanistan, protesters threw a grenade that injured at least six U.S. service members. Protesters attempted to storm the U.S. Consulate in Herat and the United Nations compound in Kunduz, with at least nine Afghans dying between the two events. A suicide bomber also drove a truck bomb into the entrance to a NATO airbase in Jalalabad, eastern Afghanistan, killing nine Afghans and wounding many more. Despite these incidents, U.S. ambassador to Afghanistan Ryan Crocker stated that the U.S. strategy in the country will not change.

#### *State Enforcement of Religious Conformity against Dissenting Muslims*

The absence of a constitutional guarantee of the individual right to freedom of thought, conscience, and religion or belief and the empowerment of state-backed religious leaders to interpret arbitrarily, and the judicial system to enforce, undefined Islamic principles and a restrictive interpretation of Shari’ah law have permitted the official imposition of harsh, unfair, and at times even abusive interpretations of religious orthodoxy. As a result, Afghans cannot debate the role and content of religion in law and society, advocate for the rights of women and religious minorities, or question interpretations of Islamic precepts without fear of retribution or being charged with religious “crimes” such as apostasy, blasphemy, or insulting Islam. In meetings with USCIRF staff in Kabul in December 2010, Afghan government officials repeatedly cited religious law to justify the state’s actions that limit religious freedom and basic human rights for all.

While there were no new major cases known to USCIRF during the reporting period, past cases demonstrate that the structural flaws in the Afghan legal system will allow for future abuses. For instance, in September 2009, former student journalist Parwiz Kambakhsh went into exile after being released from prison as the result of an unpublicized Presidential pardon. Kambakhsh had been sentenced to death for blasphemy in Balkh province in January 2008 for circulating material to other students, some of which he had downloaded from the Internet, concerning women’s rights in Islam. Another blasphemy case similarly ended with a presidential pardon and the release of three prisoners in March 2010. In that case, in September 2008, a court in Kabul sentenced journalist Ahmed Ghous Zalmai and mosque leader Mullah Qari Mushtaq to 20 years in prison, and publisher Mohammad Ateef Noori to five years, for their roles in publishing an independent translation of the Qur’an. Authorities were influenced by religious scholars on the Ulema Council who alleged that the translation misinterpreted verses on social issues, was “un-Islamic,” and did not have a parallel Arabic text next to the Dari translation.

These cases demonstrate the inadequacies of the Afghan constitution’s human rights provisions and the willingness of state actors to enforce their alternative understanding of Islamic principles in ways that undercut the basic human rights guarantees of the constitution and Afghanistan’s

international treaty obligations on human rights for all. They also represent a problem for the country's development as a democratic state based on the rule of law where fundamental human rights are protected. This problem has been exacerbated by the persistent weakness of the country's central government, which continues to face substantial challenges that include insecurity, a lack of basic infrastructure, massive corruption, an illegal drug trade, and unresolved human rights violations from previous conflicts that have given rise to a climate of impunity in many parts of the country.

### *The Shi'a Muslim Minority*

Despite the situation of Afghanistan's Shi'a Muslim minority having improved markedly since the end of Taliban rule, its members still are threatened by insurgents and their future is uncertain once international forces withdraw. Most Shi'a Afghans are from the Hazara ethnic group and comprise between 10 to 19 percent of the population. Hazaras traditionally have been harshly discriminated against and segregated from the rest of society for a combination of political, ethnic, and religious reasons.

During the reporting period, Shi'a Muslims generally were able to perform their traditional *Ashura* public processions and rituals in Kabul without incident or hindrance. USCIRF staff saw large, temporary commemorative gates set up throughout Kabul in December 2010, and Shi'a Muslims with flags flying from their cars or motorcycles were a common sight. However, in December 2011 a suicide bomber attacked the main Shi'a shrine in Kabul as worshipers were entering, killing at least 56 people. Shortly afterward, explosives attached to a bicycle killed four Shi'a pilgrims in the northern city of Mazar-e Sharif. The Afghan Taliban denied involvement, but the Pakistani based terrorist group, Lashkar-i-Jhangvi, claimed responsibility. Lashkar-i-Jhangvi militants have repeatedly targeted Shi'a Muslims and Shi'a religious gatherings in Pakistan.

Hazara Shi'a Muslims participate fully in public life, including in parliament and in senior positions in the Karzai government. Fifty-nine of 249 parliamentary seats are held by Hazara Shi'a Muslims. In addition, four Ismaili Muslims, followers of a branch of Shi'a Islam, were also elected. The constitution provides that Shi'a Islamic law will be applied in cases in which both parties are Shi'a Muslims. The government's efforts in 2009 to further accommodate Shi'a practices with the adoption of a version of Shi'a family law proved controversial, however, due to provisions that many Afghan and international observers believed to be contrary to constitutional guarantees of equal rights for women, particularly in regard to women's rights in marriage.

### *Non-Muslim Minorities*

The penal code discriminates against religious minorities by permitting the courts to defer to Shari'ah in cases involving matters that neither the penal code nor the constitution explicitly address, such as apostasy and conversion, resulting in those charges being punishable by the death penalty. While the Afghan state has not executed anyone for apostasy, there were two known cases in 2010-11 of non-Muslims being prosecuted for apostasy and potentially facing

death sentences – Said Musa and Shoaib Assadullah (see below). Marriage is formally restricted to Muslims; non-Muslims can marry as long as they do not publicly express their faith.

The few Afghan Christians, converts from Islam or their children, have long been forced to conceal their faith and are unable to worship openly. The situation for Christians deteriorated after a May 2010 broadcast by Noorin TV showed Afghans being baptized. This broadcast set off a firestorm of criticism from the religious establishment. The Afghan government suspended the operations of two Christian relief groups on charges of proselytizing. Both groups rejected these assertions and reportedly have been allowed to resume their work in the country. President Karzai also tasked his ministries with tracking down converts. Reportedly, 26 individuals were arrested. The majority were released soon after. Many fled to India, where they have applied for refugee status due to a fear of religious persecution should they be forced to return.

However, Said Musa, a Christian, was detained in a Kabul prison for six months before quietly being released due to U.S. and international pressure. Musa was reported to have fled the country with his family. Later, Shoaib Assadullah was arrested in late October 2010 and was imprisoned in Mazar-i-Sharif for six months, after being accused of giving a Bible to a friend. He was released in May 2011 and his whereabouts are unknown.

The NGO the Barnabas Fund reported that the Taliban has used social media to threaten Christians. In October 2011, the Taliban released on its website a warning that any Afghan suspected of converting to Christianity will be targeted for death. In January 2012, a Taliban blog posted pictures of Christians being baptized, individual baptismal certificates, and worship times. The one public church in Afghanistan, which predominately was used by the expatriate community, closed in 2010 when the landowner reportedly breached its 99 year lease. The courts did not uphold the lease and the facility was destroyed in March 2010. The one synagogue located in Kabul is not used due to the departure of the Jewish population years ago.

The situation of Afghanistan's small communities of Hindus and Sikhs has improved since the fall of the Taliban, but as with other minority groups, these communities face discrimination and violence. Hindus and Sikhs are allowed to practice their faith and have places of public worship. USCIRF staff visited a Hindu temple in Kabul, located on a major road and next to a mosque. However, Hindu leaders have complained about difficulties in finding locations to erect funeral pyres, and Hindus and Sikhs effectively are barred from most government jobs and face societal hostility and harassment. According to the Afghanistan Independent Human Rights Commission, there have been several cases of illegal seizure and occupation of Hindu owned lands in Kabul and Khost province. In these cases, according to the Hindu America Foundation, Hindus have been unable to reclaim their lands and have received little assistance from the government.

One Sikh is known to be jailed for more than 18 months. Baljit Singh was arrested on July 6, 2010, upon his return to Afghanistan after 18 years outside the country. Reportedly, he was on a flight carrying Afghan returnees and was arrested for falsely claiming Afghan citizenship. Observers state that he was detained after police noticed his distinctive Sikh turban.

Members of Afghanistan's small Baha'i community lead an essentially covert existence, particularly since May 2007 when the General Directorate of *Fatwa* and Accounts ruled that their faith is a form of blasphemy and that all Muslims who convert to the Baha'i faith are apostates. There were no reports, however, of anti-Baha'i incidents or court cases during the past year.

### *Women's Human Rights*

The Taliban regime severely and egregiously violated the human rights of women. Women were excluded completely from all forms of public life, including from jobs as teachers, civil servants, and journalists. Since the ouster of the Taliban, the status of women has improved, but the gains are tenuous and reversible, as space for advocating or exercising women's human rights has narrowed. Women's progress in the public sphere remains threatened both by the Taliban's resurgence and by the strong influence of religious traditionalists. Women who seek to engage in public life are often condemned as "immoral" and targeted for intimidation, harassment, or violence by the Taliban or other extremists.

The Afghan government has undertaken a number of efforts to protect women's human rights. Afghanistan has a constitutional provision on gender equality and acceded without reservation in 2003 to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In the November 2010 NATO summit declaration, the government of Afghanistan reaffirmed its commitment to "respect for human rights, in particular the rights of women." During discussions with USCIRF staff in December 2010, virtually all government interlocutors, including government-backed religious leaders, made a point of citing the protection of women's human rights as a priority for the country. Their willingness to back up these words with action was less clear.

The constitution reserves for women at least 17 of the 102 seats in the upper house, and requires the election of two female delegates from each of the 34 provinces in the lower house. Currently, there are 23 women serving in the upper house, six more than the mandated bloc of 17 appointments. In the lower house, 68 women have been elected, six more than the minimum quota of 62.

The adoption of the Shi'a Personal Status Law in March 2009, which appeared to sanction marital rape and restricted the freedom of women to go outside the home, was considered by many to be a set-back for women's rights. In response, the Justice Ministry substantially revised the offending clauses in July 2009 and President Karzai signed the law. However, there are continued objections to articles in the law that pertain to minimum age of marriage, polygamy, inheritance rights, right of self-determination, freedom of movement, sexual obligations, and guardianship.

Pervasive discrimination based on religious interpretations continues to place women in a second-class status and to limit their opportunities to obtain education, employment, and even medical care. Although the enveloping *burqa*, required during the Taliban regime, is less common in Kabul, almost all women wear some form of head covering, out of either personal piety or fear of communal pressure. In rural areas, local religious leaders continue to pressure

women about their dress and most women wear the *burqa*. In March 2011, President Karzai dismissed the deputy governor of Helmand province for organizing a concert that featured female performers without headscarves.

Women in Afghanistan frequently are denied equal access to legal representation and due process, especially in rural areas in the informal justice system. Numerous reports by the UN and other international observers have documented the widespread and deeply-rooted problem of violence against women, including so-called “honor killings.” The aforementioned lack of access to the legal system hampers efforts to combat violence against women, particularly domestic violence, despite Article 398 of the Afghan penal code stipulating two years’ imprisonment for perpetrators who kill female relatives alleged to have committed adultery. The government has taken some steps to address this problem. According to the UN High Commissioner for Human Rights, Afghanistan’s Law on the Elimination of Violence against Women (EVAW), endorsed by presidential decree in July 2009, “explicitly criminalizes rape, as well as underage and forced marriage, and other forms of violence against women.”

Afghan women have expressed concern that efforts by President Karzai and the international community to persuade insurgents to end their fight and rejoin the political process could result in a return to serious abuses of women’s human rights. President Karzai has said he does not envision such backsliding and insisted that respecting Afghanistan’s constitution be a core point of any reconciliation effort. However, some Afghan officials close to him reportedly do not rule out the possibility of amending the constitution to accommodate certain Taliban demands. In addition, the widespread interpretation of the constitution that ignores human rights guarantees could seriously undermine religious freedom and women’s human rights in the country, even if insurgents agree to abide by the constitution.

### *Reconciliation and Reintegration*

President Karzai has stated publicly that he is open to talking with anti-government insurgents, and the United States has encouraged this exploration to be an “Afghan-led and Afghan-owned process.” However, the United States has conducted exploratory talks with Taliban emissaries about ending the ongoing conflict, and in January 2012 Taliban representatives agreed to establish an office in Qatar that could allow for direct negotiations. While the office cannot be used to fundraise or run insurgent operations, President Karzai withdrew his ambassador to Qatar once it became known such an office was being considered. A reversal of the Taliban’s longstanding refusal to participate in talks about the insurgency, the office reportedly will be staffed by top Taliban members close to Mullah Omar. However, Taliban members made clear that they would not cease fighting, accept the Afghan constitution, or engage with the Afghan government directly, and also requested the transfer of several of Taliban prisoners from the U.S. military prison at Guantanamo Bay.

The Qatar office gives the Taliban international credibility as a unified movement, despite the insurgency being comprised of many disparate elements. It also provides an area for discussions on a negotiated settlement away from the influences of its patron Pakistan. Secretary Clinton and other U.S. officials have said that the conditions for a political solution to the conflict include renouncing violence, cutting links with terrorist groups, and accepting the Afghan

constitution. The U.S. government's focus on the Taliban historically has gone beyond military action, as the State Department designated the Taliban during its rule as a "particularly severe violator of religious freedom" in 1999 and 2000. Observers have expressed concern that negotiations may result in serious compromises on human rights and minority rights.

Afghan-led discussions with insurgents were dealt a major blow with the September 2011 assassination of Buhanuddin Rabbani, who led the High Peace Council and headed the predominately ethnic Tajik Jamiat-e Islami party. The Council was created by a vote of a 1,600 member peace jirga in June 2010, and was established the following October. While the United States welcomed Afghan-led peace efforts, human rights advocates criticized the composition of the Council, as its 68 members included former warlords and human rights violators, as well as religious scholars, and only eight women. The entire enterprise was thrown into question with Rabbani's killing, which came one week after Taliban insurgents conducted a surprise attack on several neighborhoods in Kabul. USCIRF Commissioners met with Rabbani during a visit in 2003. He was president of the country from 1992 to 1996, having fought the Soviets and then the Taliban for control of the country.

The Afghan government is implementing a lower-level reconciliation and reintegration process, called the Afghan Peace and Reintegration Program. It works to reintegrate lower-level and less ideological elements among the insurgents by encouraging them to end their armed opposition to the government and to reintegrate peacefully into society. ISAF reported in June 2011 that "reintegration is happening in 16 provinces and emerging in five to eight more." However, observers have expressed concern about the implications of reintegrating major human rights violators. In addition, the number of participants has been low, and as of June 2011, ISAF estimates did not exceed 2,000 individuals.

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

The declared goal of U.S. policy in Afghanistan is "to disrupt, dismantle, and defeat al Qaeda while also eliminating safe havens and preventing its return to the region." The Obama administration has pursued these objectives by focusing on disrupting terrorist networks, promoting a more accountable and effective government, developing Afghan security forces, and involving the international community and the United Nations. The counterinsurgency strategy now being pursued in Afghanistan is designed to improve the security of Afghanistan's civilian population by providing better protection from insurgent violence and to strengthen Afghanistan's economy and institutions in order to increase popular support for the Afghan government.

In October 2011 testimony before the House Foreign Relations Committee, Secretary of State Hillary Clinton outlined a three point strategy of "fight, talk, and build." All three efforts are undertaken simultaneously: military action against the Taliban and other insurgents; civilian efforts to bolster the Afghan government, as well as the national economy and civil society; and diplomatic activity to bring the conflict in Afghanistan to an end while increasing regional security. She reiterated that the conditions for a political solution to the conflict include renouncing violence and peacefully entering the political process, cutting links with terrorist groups, such as al-Qaeda, and agreeing to abide by the Afghan constitution, including its

protections for women and minorities. She added that coalition and Afghan forces will continue to press militarily the Taliban, the Haqqani network, and other insurgents.

This reporting period witnessed the beginning of the withdrawal of the U.S. forces that were surged into Afghanistan and brought U.S. troop levels to around 100,000, with an additional 40,000 from the nations comprising the International Security Assistance Force. In June 2011, President Obama announced that the surge had accomplished its goal of pressuring insurgents to the negotiating table and that the additional 33,000 troops would be withdrawn by September 2012, as part of a larger drawdown of overall forces through 2014. During this phased withdrawal, U.S. forces, NATO countries, and the 20 other troop-contributing nations comprising ISAF will transition to a security force assistance role, moving responsibility to Afghan forces so that they will “be in the lead country-wide by the end of 2014.”

To guide the future relationship, U.S. and Afghan officials are negotiating a new Strategic Partnership Declaration, to replace the one that expired after five years. USCIRF has recommended that freedom of thought, conscience, and religion or belief and related human rights be incorporated into this document, and raised this directly with Ambassador Marc Grossman, the U.S. Special Representative for Afghanistan and Pakistan. The agreement has yet to be signed over disagreements regarding the ability of U.S. forces to conduct military and security operations.

According to the Congressional Research Service, U.S. assistance to Afghanistan is intended to stabilize and strengthen the economic, social, political, and security environment in order to “blunt popular support for extremist forces in the region.” Since the U.S. intervention in Afghanistan after the September 11, 2001 terrorist attacks, CRS reports that the United States has spent over \$67 billion on this effort. Approximately \$39 billion of this has been assistance to Afghan military and police forces, primarily for training and equipment. In addition, a provision was added to the FY 2012 defense spending bill providing \$1 million for the Department of Defense to conduct an outside review of U.S. strategy in Afghanistan and Pakistan. The Afghanistan/Pakistan Study Group would be comprised of experts from outside of government, but the Secretary of Defense has yet to establish the group.

The United States Embassy continued its partnership with the Ministry of Hajj and Religious Affairs in a program referred to as “Countering Extremist Voices.” The focus is to “build capacity and develop a database of religious leaders for education and outreach,” and to bring imams from other countries to Afghanistan, so as to “exchange ideas on religion and governance.” Former USCIRF Commissioner Imam Talal Eid participated in such a program in 2011. Afghan imams also were taken to “moderate Islamic countries. . . to broaden education and international contacts.” In addition, the embassy’s Public Affairs Section sponsored “women’s radio and television programming and international visitors focused on the rights of women in Islam.” The U.S. military worked with ISAF partners from Muslim countries to engage Afghan Islamic religious leaders about moderate Islam. In one effort, Jordanian and American military chaplains hosted Afghani imams on visits to Jordan associated with the hajj.

As part of its rule of law initiatives, USAID has a program engaging the informal justice system in Afghanistan. The vast majority of the Afghan population uses the traditional community-

based dispute resolution mechanisms found in villages, which enjoy greater trust, are perceived as less corrupt, and have a speedier outcome than the formal courts, but are based on custom and local understanding of Islamic law. These programs seek to train practitioners in recently stabilized areas on rule of law systems, and look for ways to create linkages between the formal judicial system and these informal bodies. This approach has the support of the U.S. military, which views the informal justice system as a way to speedily remove local grievances that can be used by insurgents to create resistance to international forces.

The U.S. military also established the Afghan Local Police (ALP), separate from the Afghan National Security Forces (ANSF), which comprises the Afghan National Army (ANA) and Afghan National Police (ANP). The ALP program recruits locally, so as to defend villages and small towns from insurgent activity. Participants reportedly are vetted by a local shura council and Afghan intelligence. The program eventually will operate in 100 districts and have 30,000 ALP recruits.

However, human rights groups both inside and outside of Afghanistan fear that the informal justice system and the ALP will not respect human rights, particularly religious freedom and women's rights. Decisions of the informal justice system primarily will be based on local custom, determined by traditional male community leaders. Leading human rights figures have expressed concern to USCIRF that these local courts ignore core human rights protections. Additionally, critics note that these programs siphon resources away from efforts to reform the formal judicial sector and that it is impossible for the Afghan government to provide any meaningful oversight of the thousands of informal bodies. Regarding the ALP, Human Rights Watch in September 2011 issued a highly critical report citing serious human rights abuses by recruits, including arbitrary detentions, rapes, and extrajudicial killings.

## **Recommendations**

In light of these circumstances, and considering the priority placed on the U.S.-Afghanistan relationship by President Obama, USCIRF recommends that the U.S. government increase and strengthen its diplomatic, development, and military engagement to promote human rights, especially religious freedom, including the freedom for diverse religious opinions on matters of religion and society.

### **I. Promoting Freedom of Religion or Belief and Religious Tolerance**

The U.S. government should:

- clearly articulate a concern for human rights for all and especially religious freedom as an essential element of U.S. policy in Afghanistan and have the Special Representative for Afghanistan and Pakistan, the American Ambassador in Kabul, the head of U.S. Central Command, and their staffs increase their effective engagement on these issues, including by:
  - bolstering the position of Afghans who advocate respect for human rights for all and religious tolerance by supporting those advocating for human rights and religious tolerance,

inter alia, by encouraging the Afghan government to fund, train, and deploy law enforcement personnel to provide them security;

--ensuring that U.S. assistance to educational programs promotes respect for human rights for all and religious tolerance;

--supporting judicial sector and legal reforms conducive to protecting human rights for all Afghans; and

--advocating for the integration of human rights concerns into the reconciliation process looking toward a post-conflict Afghanistan;

- amplify the voices of political reformers and human rights defenders by, among other things, encouraging President Karzai to appoint independent human rights defenders and other Afghans promoting religious freedom and tolerance to the country's independent national human rights commission, peace jirgas, and court system;
- encourage the Afghan government to sponsor, with the official and semi-official religious bodies, an initiative on interfaith dialogue, focusing on both intra-Islamic dialogue and engagement among different faiths within Afghanistan;
- include a special working group on religious tolerance in U.S.-Afghan strategic dialogues and in the trilateral dialogues with the United States, Afghanistan, and Pakistan;
- actively press for the protection of individuals against charges that may be used to stifle debate, such as blasphemy, "offending Islam," apostasy, or similar offenses, and continue to urge for the release of any individuals detained for these "crimes;"
- ensure that international meetings focusing on the situation in Afghanistan, such as meetings hosted by the International Contact Group, and the new Strategic Partnership Declaration between the United States and Afghanistan address the issue of how to make progress in ensuring freedom of thought, conscience, and religion or belief and related human rights;
- increase the training of U.S. and International Security Assistance Forces, including U.S. military chaplains, on international standards of freedom of religion or belief, to ensure that military forces conducting operations throughout Afghanistan understand international standards when engaging or partnering with Afghan religious leaders, local government officials, or Afghan local police forces; and
- use the engagement of the U.S. military's chaplains corps with Afghan Religious and Cultural Affairs officers (the Afghan equivalent to U.S. military chaplains) to help ensure that religious extremists do not infiltrate the chaplaincy corps of the Afghan army.

In order to improve the prospects for human rights in a post-conflict Afghanistan, the U.S. government should press in talks with the Taliban and other insurgent groups for:

- a guarantee of the right of every individual to freedom of thought, conscience, and religion or belief, and the protection, in law and practice, of fundamental human rights, including freedom of conscience and the equal rights of women;
- the inclusion of recognized representatives of civil society, including Shi'a Muslims, members of other religious and ethnic minorities, and women, in negotiations, as well as the consultative Peace Jirga, the High Peace Council, the Afghan Peace and Reintegration Program, and any other reconciliation talks with anti-government elements; and
- no immunity to known human rights violators and the barring of such individuals from appointive or elective office, as well as from leadership positions in political parties.

## **II. Advancing Institutional Reform**

The U.S. government should:

- increase efforts to urge and assist the Afghan government to reform the legal system and constitution to ensure that laws and judicial systems uphold international standards on human rights and religious freedom, and provide training in civil law and international human rights standards, including to state-sponsored Muslim clerics, judges, and prosecutors;
- end efforts to train practitioners from the informal justice sector, as it diverts resources away from improving the formal judicial system, and ensure that decisions violating international standards are vacated;
- urge the Afghan government to ensure that Afghan government funds neither are directed to nor indirectly support any militia, para-state actor, local police unit, or other organization credibly charged with involvement in severe human rights abuses;
- ensure that programs administered by the U.S. Agency for International Development to help develop primary and secondary education, including through printing textbooks and providing civic education, incorporate education on international standards with regard to human rights, including freedom of religion or belief, and religious tolerance;
- continue to increase public diplomacy efforts relating to religious freedom and religious tolerance, bringing delegations of Afghan religious and NGO leaders to the United States and taking American religious and NGO leaders to Afghanistan, and increasing radio and television broadcasts discussing Afghanistan's history of religious tolerance;
- fund training on religion/state issues for Afghan officials, policymakers, legal professionals, representatives of non-governmental organizations, religious leaders, and other key members of society; and
- assist legal experts to visit Afghanistan, engage their Afghan counterparts, and provide information to the Afghan public on the universality of human rights and the compatibility of Islam and human rights, including freedom of religion or belief, and expand existing

programs to bring Afghans to the United States to experience how Islam and other faiths are practiced in a free society.

### **Dissenting Statement of Commissioner Nina Shea:**

A large part of our role as USCIRF Commissioners is to assess the status of religious freedom violations around the world and to do so unburdened by other issues that preoccupy the White House and the State Department. I therefore support recommending Afghanistan for designation as a “Country of Particular Concern.” Every year since 2008, I have also supported USCIRF’s recommendation of CPC status for Iraq – another country where the United States fought an unpopular war against an insurgency in partnership with the local government.

Apart from the depredations of the Taliban, Afghanistan’s government under President Hamid Karzai fails to respect religious freedom, and its violations are egregious, ongoing and systematic. The State Department’s recent religious freedom report on Afghanistan found:

“The government’s level of respect for religious freedom in law and in practice declined during the reporting period, particularly for Christian groups and individuals.”

An example was the razing of that country’s last remaining church after its 99-year lease was cancelled, as reported in the State Department’s annual report on religious freedom just last September. This event did not draw the international protest that accompanied the Taliban’s detonation of the Buddhist statues in 2001, but, with respect to the status of religious freedom, it is equally emblematic.

Afghanistan therefore has now joined the lonely company of hard-line Saudi Arabia as a country with no churches. The millions of Christians in Afghanistan, including some very beleaguered and oft-jailed converts, must hide their faith and seek the protection and secrecy of walled embassy compounds to pray in community. For perspective, it should be recognized that Qatar, another country with a Wahhabi tradition, has six open churches that are protected by the state’s security forces (this opening in Qatar came about through the diplomatic efforts of Pres. Reagan’s Ambassador Joseph Ghougassian in the 1980s).

The one synagogue, located in Kabul, is closed because Jews dare not venture there.

Furthermore, we learn from the State Department report that in addition to Christians, Hindu and Sikh groups are particular “targets of discrimination and persecution.”

Apostasy and blasphemy codes are enforced by President Karzai’s government and this is contributing to the country’s radicalization. For example, even writing an article against the stoning of women can result in imprisonment for blasphemy, as was seen in the case against the Shi’a scholar Ali Mohaqeq Nasab, editor of Women’s Rights magazine.

The Afghan government’s slide into extreme intolerance deepened this month when, at the behest of his senior Islamic advisers, Pres. Karzai publicly backed their statement that women

should not mingle with men in workplaces, schools or other areas of daily life, and should not travel without a male relative, according to a March 6, 2012, BBC report.

Afghanistan's constitution, drafted with U.S. support, embraces both religious freedom and the proposition that no law can contradict Islam. The Afghanistan government has failed to reconcile these pivotal provisions, at the expense of religious freedom.

## Belarus

The government of Belarus, through intrusive laws and policies, continues to violate the freedom of thought, conscience, and religion or belief throughout the country. Religious communities and individuals found to have violated these restrictive laws have been harassed, raided, fined, and detained. Vandalism of religious properties has occurred with impunity. In light of these concerns, Belarus remains on the USCIRF Watch List in 2012, as it has been since 2003.

### Background

Political power in Belarus is concentrated in the hands of President Aleksandr Lukashenko, whose regime continues to perpetrate human rights abuses. The government views any independent groups, including religious communities, as a potential challenge to its rule. After the December 2010 presidential elections, widely viewed as rigged, security forces dispersed 30,000 peaceful protesters, arrested 600, and beat hundreds. Seven of nine presidential candidates were imprisoned. There are numerous reports that political prisoners are denied access to clergy, particularly in pre-trial detention.

The 2002 religion law bans unregistered religious activity. Article 193-1 of the Criminal Code punishes unregistered religious activity with penalties ranging from a fine to imprisonment of up to two years. However, in recent years individuals engaged in unregistered activity have been fined under the administrative code, not the criminal code. The government often denies registration, typically without stating reasons, to some religious groups, particularly Protestants and Jehovah's Witnesses. Reportedly, a secret 2008 government ruling denied registration to 12 groups officially deemed "destructive sects," including Ahmadis.

The 2002 religion law gave privileged status to the Belarusian Orthodox Church (BOC) by recognizing its "definitive role" in Belarusian traditions. It also identifies Catholicism, Judaism, Islam, and Evangelical Lutheranism as "traditional faiths," without mentioning the Old Believer and Calvinist churches, both of which have been in Belarus for hundreds of years. In June 2003, the government and the BOC signed a concordat setting out cooperation on education, development, cultural preservation, security, and a joint struggle against the public danger of "pseudo-religious structures." The government often denies registration to other Orthodox churches.

Even the activities of registered religious groups are restricted, with violations subject to penalties under administrative laws. Religious groups are not allowed to function outside of their geographic area of registration, and official permission is required for private worship services, which is usually denied. The government severely restricts and censors religious literature. Registered groups are limited in their rights to own or use property for religious purposes, and requests from Protestant churches and other "new" religious communities for property registration are often rejected. Religious organizations do not have legal priority in reclaiming property confiscated during Soviet rule if their buildings are now used for cultural or sports activities. Only nine of 92 synagogues have been returned to Jewish communities since 1991, and few historic Lutheran and Calvinist churches have been returned. Foreign religious workers must state in their visa application that they plan to participate in religious activities in

Belarus or face reprimands or expulsion, and Belarusian authorities often unduly question foreign religious workers, humanitarian workers, and citizens on their funding sources.

### **Religious Freedom Conditions**

***Abuses against Unregistered Religious Groups:*** Authorities raid, harass, and interfere with unregistered religious communities, including through court-ordered fines. In late 2011, police raided the worship meetings of three Jehovah's Witness communities that have been denied state registration due to disputes over their legal addresses. Council of Churches Baptist congregations, which refuse to register for doctrinal reasons, have long been targeted; in September 2011, Pastor Aleksei Abramovich, of a Minsk region congregation, was fined several weeks' average local wages.

***Abuses against Registered Religious Groups:*** Police raided a Protestant discussion group in Minsk on February 8, 2012 and for several hours detained 34 members of registered Protestant churches who were at the meeting. In January 2012, the pastor of a registered Pentecostal church in a Brest region village was threatened with court action and loss of registration for holding a service outside its legal address without prior official permission. Three Pentecostal pastors faced problems in January 2012 for leading religious worship regarded by officials as illegal; at least two of them received verbal official warnings. The Minsk-based New Life Pentecostal Church continues to refuse to pay a fine of the equivalent of US \$ 81,745 for alleged "environmental damage" imposed in July 2010.

***Restrictions on Religious Literature:*** Religious materials may be published only by religious organizations with 10 registered communities, including at least one community dating back to the Soviet period in 1982, when policies on religion were even more restrictive. The government has sweeping powers to regulate on-line content and usage, requires registration of internationally-hosted Web sites, and maintains an official list of local and international sites it deems offensive.

***Anti-Semitism:*** Government officials, including President Lukashenko and the state media have made anti-Semitic remarks. Further, the government has not investigated, identified, or punished those responsible for vandalism against Jewish memorials, cemeteries, or other property.

***Challenges to the Religion Law:*** In 2008, human rights defenders were harassed after organizing the largest non-party political petition in Belarusian history calling for reform of the religion law. The petition garnered 50,000 signatures and was sent to Parliament, the Presidential Administration and the Constitutional Court, but was rejected. In early 2012, activists seeking religion law reform and an end to the ban on unregistered religious, political and social activity stepped up their campaign, writing to 10 state agencies, including both chambers of Parliament, the Presidential Administration and the Justice Ministry, and launching an Internet petition.

## Recommendations for U.S. Policy

In October 2004, President Bush signed into law the Belarus Democracy Act (BDA) which was reauthorized in 2007 and 2011. The United States imposed sanctions on Belarus in 2006, and expanded them in 2007 and 2008, targeting government entities and officials responsible for human rights abuses. In response, Belarus asked that the U.S. ambassador be withdrawn in March 2008; currently, neither country maintains an ambassador in the other country. U.S.-Belarusian relations were further strained by repressions after the December 2010 presidential elections. In light of the religious freedom concerns in the country, the U.S. government should:

- urge Belarus to repeal the restrictive 2002 religious law; end the practice of denying registration to non-violent religious groups; grant the right to conduct religious education and distribute religious materials; and ensure that no religious community is given a privileged status that results in discrimination against others;
- use public and private diplomacy to advance the protection of religious freedom in Belarus, including enhanced monitoring and public reporting by the U.S. Department of State, the Special Envoy on Anti-Semitism, and Ambassador-at-Large for International Religious Freedom;
- coordinate with the EU on the imposition of financial sanctions and visa bans on high-ranking Belarusian officials, particularly those responsible for human rights abuses, and work with international partners to reinstate the position of UN Special Rapporteur on the Situation of Human Rights in Belarus; and
- ensure that activities to promote democracy authorized by the Belarus Democracy Reauthorization Act, and Belarus civil society programs of the National Endowment for Democracy, include the right to freedom of religion or belief and promotion of religious tolerance.

## Cuba

Serious religious freedom violations continue in Cuba despite some improvements. Violations by the Cuban government include: detention, sporadic arrests, and harassment of clergy and religious leaders, as well as interference in church affairs. The Cuban government also controls and monitors religious belief and practices through surveillance and legal restrictions. Based on these concerns, USCIRF again places Cuba on its Watch List in 2012. Cuba has been on USCIRF's Watch List since 2004.

### Background

The Cuban government largely controls religious denominations through government-authorized surveillance and harassment, and at times detentions, of religious leaders and through its implementation of legal restrictions. The government requires churches and other religious groups to undergo an invasive registration procedure with the Ministry of Justice. Only registered religious communities are legally allowed to receive foreign visitors, import religious materials, meet in approved houses of worship, and apply for travel abroad for religious purposes. Local Communist Party officials must approve all religious activities of registered groups. The government also restricts religious practices by: denying the construction or repair of houses of worship; denying access to state media and exit visas; requiring the registration of publications; limiting the entry of foreign religious workers; denying Internet access to religious organizations; denying religious literature, such as Bibles, to persons in prison; denying permission to hold processions or events outside religious buildings; and discriminating on the basis of religion in the area of employment.

### Religious Freedom Conditions

***Arrests of Religious Leaders:*** A number of religious leaders and followers were arrested and held for short periods of time in this reporting period, including dozens of members of the Apostolic Reformation. The Apostolic Reformation garnered the attention of Cuban authorities after it attracted pastors from several churches belonging to Cuban Council of Churches (CCC), the government-approved umbrella organization for Protestant denominations.

Baptist pastor, human rights activist, and blogger Mario Feliz Lleonart Barroso was placed under short-term house arrests several times in 2011. The harassment started after he gave pastoral support to EU human rights prize-winner Guillermo Fariñas during his hunger strike. In June, Lleonart Barroso, his wife, and 21 others were arrested and prevented from attending church services for protesting the removal of a Methodist pastor from his post (see below).

There were new developments in 2011 in key cases. Apostolic Reformation pastor Gude Perez was released from jail in April 2011, after serving two years of a six-year sentence for illicit economic activity and falsification of documents. While he and his family were granted asylum to the United States, he has been unable to secure an exit visa from Cuban authorities. In September, Reverend Robert Rodriguez, president of the umbrella Interdenominational Fellowship of Evangelical Pastors and Ministers, was found not guilty of “offensive behavior.” Rev. Rodriguez had been under house arrest since October 2008. He was charged with

“offensive behavior” after his denomination withdrew from the CCC due to state interference in internal church affairs. During Rev. Rodriguez’s house arrest, pro-government mobs attacked his family members and damaged his house, forcing them to move; they remain unable to return.

***Interference in Church Affairs:*** Religious leaders throughout Cuba reported increased government surveillance, interference in internal affairs, and pressure to prohibit democracy and human rights activists from participating in their churches’ activities. Most of this harassment occurred in Santa Clara, where two prominent Protestant pastors left their positions due to government pressure – Baptist pastor Homero Carbonell resigned in protest, and Methodist pastor Yordi Toranzo was removed. The removal of pastor Toranzo prompted protests by his congregation.

In related developments, government-support mobs continued to block members of the Ladies in White from attending Sunday mass outside of Havana.

***Improvements:*** Positive developments for the Catholic Church and major registered Protestant denominations, including Baptists, Pentecostals, Presbyterians, Episcopalians, and Methodists, continued over the last year. The State Department reports that religious communities were given greater freedom to discuss politically sensitive issues. Sunday masses were held in more prisons throughout the island. Religious denominations continued to report increased opportunities to conduct some humanitarian and charity work, receive contributions from co-religionists outside Cuba, and obtain Bibles and other religious materials. Small, local processions continued to occur in the provinces in 2011. The government granted the Cuban Council of Churches time for periodic broadcasts early Sunday mornings, and Cuba’s Roman Catholic Cardinal read Christmas and Easter messages on state-run stations. Additionally, there were fewer reports of illegal house churches being fined, confiscated, or evicted.

Relations between the Catholic Church and Cuban government continue to improve, although the government maintains strict oversight of, and restrictions on, church activities. Cardinal Jaime Ortega has been instrumental in negotiating the release of political prisoners and intervening to stop officials from preventing the Ladies in White from attending mass in Havana. March 2012 marks the 400th anniversary of the appearance of the Virgin de Caridad de Cobre (Our Lady of Charity), Cuba’s patron saint. Pope Benedict XVI will travel to Cuba starting on March 26 to participate in the celebrations, at which time he will be received by Cuban President Raúl Castro. Throughout the year, a replica of the Our Lady of Charity statue, *La Mambisa*, has toured the island, drawing large crowds.

### **Recommendations for U.S. Policy**

The United States and Cuba do not have full diplomatic relations, and U.S.-Cuba policy continues to be dominated by U.S. trade sanctions and the travel embargo on Cuba. The detention and March 2011 sentencing of USAID contractor Alan Gross to 15 years for crimes against the state also has impeded improved U.S.-Cuban relations. Gross has been imprisoned since December 2009, despite efforts to secure his release by U.S. government officials and the U.S. Jewish community.

The U.S. government's programs to promote human rights in Cuba do not adequately promote religious freedom. USCIRF recommends that, in addition to demanding that Havana end the detentions of religious leaders and followers, the U.S. government should:

- press the Cuban government to meet the following benchmarks concerning religious freedom prior to considering resuming full diplomatic relations with the country: stop arrests and harassment of clergy and religious leaders; cease interference with religious activities and the internal affairs of religious communities; allow unregistered religious groups to operate freely and legally; revise government policies that restrict religious services in homes or on other personal property; and hold accountable police and other security personnel for actions that violate the human rights of non-violent religious practitioners;
- use appropriated funds to advance Internet freedom and protect Cuban activists from harassment and arrest by supporting the development of new technologies, while also immediately distributing proven and field-tested programs to counter censorship; and
- encourage international partners, including key Latin American and European countries, to ensure that violations of freedom of religion or belief and related human rights are part of all formal and informal multilateral or bilateral discussions with Cuba.

## India

Progress in achieving justice for victims of past large-scale incidents of communal violence in India continued to be slow and ineffective. In addition, intimidation, harassment, and occasional small-scale violence against members of religious minority groups continued, particularly against Christians in states with anti-conversion laws. While there has been no large-scale communal violence against religious minorities since 2008, and despite the Indian government's recognition of past communal violence and the creation of some structures at various levels to address these issues, the deleterious pace of the judicial responses and the adopted anti-conversion laws enable impunity. Based on these concerns, USCIRF again places India on its Watch List for 2012.\*

### Background

India is the world's largest democracy with an estimated 1.22 billion population, and has a deeply religious plural society. A country with a Hindu majority, India is estimated to have the third largest Muslim population in the world and a Christian population of over 25 million. The current two-term Prime Minister is Sikh, the past president is Muslim, and the head of the national governing alliance is Catholic. Buddhist, Christian, Hindu, Muslim, Sikh, and Parsi holidays are recognized as public holidays. India also has an independent judiciary, independent media, and a dynamic civil society. In recent years, the national government and several state governments have taken positive steps to improve religious freedom, including increasing support for governmental bodies that provide financial support for minority groups and programs.

Despite these positive characteristics, India has seen periodic outbreaks of large-scale communal violence against religious minorities over the years, most notably against Christians in Orissa in 2007-08, against Muslims in Gujarat in 2002, and against Sikhs in 1984. The Indian government, at all levels, has created structures to attempt to address these issues, including Fast-Track Courts, Special Investigative Teams (SITs), and independent investigative commissions. The records of these structures is mixed, due to limited capacity to investigate and prosecute cases, inconsistent use, political corruption, and religious bias, particularly at the state and local levels. In addition, limited public information makes it difficult to ascertain whether decisions, when rendered, were fair. In addition, problems that plague the Indian legal system generally – including low ratios of police and judges to the population and an overburdened and antiquated judicial system – hamper redress for victims of religiously-motivated crimes and create a climate of impunity for the on-going intimidation, harassment, and occasional violence against religious minorities. These incidents are more common in states with “Freedom of Religion Act(s)” intending to limit forced religious conversions. These laws infringe on rights guaranteed under India's constitution and international human rights law.

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\* Commissioner Gaer dissented from the placement of India on the Commission's Watch List. Her full statement can be found at the end of this chapter.

## Religious Freedom Conditions

***Redress for Orissa Victims:*** In December 2007, in Kandhamal, Orissa, violence between Christians and Hindus resulted in several deaths, dozens of injuries, churches and homes destroyed, and displacement. The murder of an influential Hindu political leader in August 2008 sparked a further violent campaign targeting Christians, even though Maoist extremists claimed responsibility. The State Department reported 40 deaths, 134 injuries, the destruction of churches and homes, and over 10,000 fleeing the state. There was no immediate police or state government reaction. Religious leaders and aid agencies were denied access.

According to the non-governmental organization All India Christian Council, state police documented an estimated 3,500 complaints related to the violence and registered 827 cases with the local and state court system. Of these, approximately 300 cases have now been heard, with 68 individuals found guilty and incarcerated and 412 individuals given minor punishments such as monetary fines. Around 200 cases were dismissed for lack of evidence, and reportedly over 300 cases are pending. Shortcomings in the system are evident in the case of Manoj Pradhan, a leader in the Hindu-nationalist BJP party. In September 2010, he was charged for the murder of 11 individuals, however, the state's high court convicted him only for the culpable homicide of one person and ordered him to pay a small fine. Despite that conviction and pending charges for seven other crimes associated with the 2007-08 violence, Pradhan was released on bail and remains a member of the Orissa state legislature.

***Redress for Gujarat Victims:*** In February 2002 the state of Gujarat erupted in communal violence. In response to a train fire reportedly set by Muslims, Hindu mobs killed 1,200-2,500 Muslims, forced 100,000 people to flee, and destroyed homes. Christians were also killed and injured, and many churches were destroyed. India's National Human Rights Commission found evidence of premeditated killing by members of Hindu nationalist groups, complicity by state government officials, and police inaction.

Hundreds of court cases related to the Gujarat violence remain unresolved and are slowly moving through the judicial process. A large number of cases have been closed by Gujarati police, citing the unavailability of witnesses. In November 2011, a fast-track court in Gujarat sentenced 31 people to life imprisonment for their involvement in the violence, while 42 others were acquitted. Developments in Gujarat during the past year also highlight the political corruption and religious bias that hampers state and local efforts to provide justice to victims. In May 2011, Sanjiv Bhatt, a former senior police officer, filed an affidavit with the national Supreme Court stating that the Chief Minister of Gujarat, Narendra Modi (who stills holds the position), ordered police not to stop the violence because "they [Hindus in Gujarat] had a right to vent their anger." Reportedly, Bhatt has faced intimidation, including from the Gujarat Minister of State for Home Affairs, and he fears for his and his family's safety.

Notably, in early February 2012, the Gujarat High Court strongly chastised the Gujarat government and Chief Minister Modi for "inaction and negligence" during the violence. The court has also ordered the government to pay compensation for the over 500 houses and businesses that were destroyed during the violence.

***Redress for Victims of 1984 Anti-Sikh Riots:*** In 1984, anti-Sikh riots erupted following the assassination of Prime Minister Indira Gandhi. Nearly 3,000 Sikhs were killed, allegedly with the support of Congress Party officials. In April 2009, the Congress Party dropped two individuals from its candidate roster for their suspected roles in the riots. In December 2009, the government amended the Code of Criminal Procedure, making it easier for victims of religious persecution to appeal judgments. Ten days later, the High Court accepted an appeal to bring two alleged perpetrators to justice.

There have been few developments in the past year relating to the 1984 violence. However, in a case currently pending in a New Delhi court, Resham Singh, a Sikh, alleges that he witnessed Congress Party leader Jagdish Tytler leading rioters. Singh has requested to testify before the court gives its final decision, which is expected sometime in March 2012.

***“Freedom of Religion Act(s)”/Anti-Conversion Laws:*** Five Indian states have adopted “Freedom of Religion Act(s),” and several others are considering similar laws. While intended to reduce forced conversions and decrease communal violence, states with these laws have higher incidents of intimidation, harassment, and violence against religious minorities, particularly Christians, than states that do not. USCIRF has repeatedly received reports that societal actors who harass and intimidate minority groups often cite these laws. The laws require government officials to assess the sincerity of conversions and fine or imprison anyone using force, fraud, or “inducements” to convert others. In some states, those intending to change their religion must give the government prior notice of any conversion from Hinduism, but not toward it. Proponents allege that financial, educational, and/or other service-based benefits take advantage of economically-marginalized individuals. Opponents, however, note the laws’ ill-defined terminology regarding inducements or coercive acts, leaving them open to abuse by biased officials, police, and societal actors. It should be noted that there are credible reports that some proselytizing groups use tactics that Hindus perceive as coercive or offensive.

### **Recommendations for U.S. Policy**

Since 2004, the U.S. and India have pursued a strategic relationship based on shared concerns about the growing threat of terrorism, energy, and security, as well as shared values of democracy and the rule of law. The U.S. government should:

- integrate concern for religious freedom into all bilateral contacts with India, and urge the Indian government to strengthen the ability of state and central police to provide effective measures to prohibit and punish cases of religious violence to the fullest extent of the law while protecting victims and witnesses;
- urge India to increase training on human rights and religious freedom standards and practices for police and the judiciary, particularly in areas with a history or likelihood of communal violence;
- urge India to encourage states that have adopted “Freedom of Religion Act(s)” to repeal them, so as to conform with international standards;

- encourage the establishment of an impartial body of interfaith religious leaders, human rights advocates, legal experts, and government officials to discuss and recommend actions to promote religious tolerance and understanding; and
- urge all political parties and religious and social organizations to denounce violence against and harassment of religious minorities, women, and low-caste members publicly, and to communicate to all members and affiliates that acts of violence or harassment will not be tolerated.

**Dissenting Statement of Commissioner Felice D. Gaer:**

I respectfully dissent from the decision to recommend that India be placed on the Commission’s Watch List of countries with egregious, severe violations of religious freedom. I also continue to be deeply concerned over past and present religiously-motivated violence in India, when it occurs, and the need to pursue accountability.

As the Commission notes, India is “the world’s largest democracy and has a deeply religious plural society” and “in recent years, the national and several state governments have taken positive steps to improve religious freedom...” In identifying India for “Watch List” status this year, the Commission has cited concerns that “justice for past communal violence continues to be slow and ineffective” and that there is harassment of members of minority groups, “particularly Christians in states with anti-conversion laws.” Yet it is widely acknowledged that special structures for investigating and prosecuting past religiously motivated violence have been created by Indian governmental actors at the federal and state levels. Data reveals hundreds of persons have been convicted, although many more remain to be processed through India’s slow moving but highly regarded courts. India’s judiciary can work effectively to hold the perpetrators responsible and this is in progress.

In my view, the Commission’s decision to place India on the 2012 Report’s Watch List is ill-advised. It ignores the logic of its own observations – namely, that the Indian national government and Supreme Court have taken a range of commendable and significant steps demonstrating the will to prevent new outbreaks of large-scale religiously motivated communal violence, to reign in excesses or to correct insufficient action at the state level, to ensure accountability of those responsible for past cases, and to provide rehabilitation and restitution to victims. For example, prior to the Ayodhya mosque verdict, Indian authorities issued public appeals, placed advertisements in newspapers urging respect for the rule of law, and mobilized tens of thousands of security forces to prevent violence.

The Commission has inexplicably failed to credit the national government for the very measures that demonstrate the capacity and will of the government to be proactive and to prevent large-scale violence. Instead, it merely acknowledges that there has been no large-scale violence since 2008 – and trivializes the Fast-Track courts, Special Investigative teams, and independent investigative commissions, citing their mixed record as evidence of irrelevance.

While the functioning of some of these structures in some of the local settings may indeed reveal such inconsistencies and even bias, the results of them, taken together, should be understood to

be substantial. Even though many of those initially accused have been acquitted or had charges dropped, and more remains to be done, such results are neither a “slow” nor “ineffective” response.

The Commission also raises, as decisive for Watch List status, the existence of “freedom of religion” laws that prohibit coercion or allurement or fraud in decisions on changing religion. The Commission reports that states with these laws have had “higher incidents of intimidation, harassment, and violence against religious minorities, particularly Christians.” Hindu and other groups point out that the laws prohibit coercive measures or forced conversion, not all acts of conversion per se, and Commission staff have confirmed that that these laws have resulted in few arrests and no convictions. Based on this evidence, they do not present an adequate basis for listing India as a Watch List country. Moreover, the Hindu-American Foundation has written to the Commission about so-called “predatory proselytization,” claiming that the measures taken by Christian missionary organizations seeking converts in parts of India has denigrated individual believers and the Hindu religion itself and gives vent to added religious intolerance. Commendably, the Commission has noted this year, for the first time, “reports that some proselytizing groups use tactics that Hindus perceive as coercive or offensive.”

These “anti-conversion” laws are not without their shortcomings. The former UN Special Rapporteur on Freedom of Religion has expressed concern about the vague and overbroad terms in them, which have enabled local authorities to use “unfettered discretion” in interpreting and applying them. She called for authorities to “reconsider” them, and to take a number of proactive measures, from promoting public debate to developing specific safeguards to avoid abuse of the laws, to other preventive steps such as creating a central telephone hotline for allegations against police. USCIRF, in its recommendations in 2011, called for an impartial public commission to study the matter of religious conversion, including allegations of forced conversion in those states that have such laws. A public commission and further forthright discussion of the issue, including at the national level, could also help to clarify whether these laws, in themselves, and their application in the states where they exist, are so arbitrary and restrictive as to merit national action.

India has the legal and democratic traditions to deal with religious intolerance and should be strongly encouraged to continue to do so. Its central government has demonstrated both will and capacity to bring about accountability for violent abuses. Its vibrant civil society is uniquely placed to urge sustained efforts to strengthen the ability of the national authorities and central police to prohibit and punish cases of religious violence, and to monitor those responses in the public arena.

## Indonesia

Indonesia is a stable democracy with stronger human rights protections than at any time in its history, but the country's tradition of religious tolerance and pluralism has been strained. While the government has addressed past sectarian violence and curtailed terrorist networks, religious minorities continue to experience intimidation, discrimination, and societal violence. The Indonesian government, including the police and provincial officials, sometimes tolerate activities of extremist groups, and national laws and provincial decrees have restricted religious freedom. Based on these concerns, USCIRF again places Indonesia on its Watch List in 2012.

### Background

The majority of Indonesia's diverse religious communities operate openly and with few restrictions, particularly the six recognized religious groups (Islam, Buddhism, Hinduism, Catholicism, Protestantism, and Confucianism). Nevertheless, political forces, terrorist networks, and extremist groups continue to stoke societal violence and perpetrate ongoing violations of religious freedom and related human rights.

The activities of extremist organizations, such the Islamic Defenders Front (FPI) and dozens of other similar groups, have increased both religious tensions and societal violence in recent years. Though these groups' influence far exceeds their size or electoral appeal, their activities are too often tolerated by sympathetic police and government officials. In some parts of Indonesia a culture of impunity exists in which extremist groups operate with few consequences, harassing places of worship, extorting protection money from religious minorities, pressuring local officials to detain and restrict allegedly heterodox religious groups, and recruiting potential members for terrorist activities. This is not only a religious freedom concern, but a threat to Indonesia's tradition of tolerance and its democratic future.

In the past year, governmental action and societal violence lead to the closure of Christian churches, Ahmadiyah and Shi'a mosques, and a Hindu religious site. In addition, Bahai's continue to be jailed on charges of proselytizing children in East Java, and blasphemy charges were used to harass or arrest individuals practicing heterodox versions of Islam or one of the six official religions. Also, individuals who killed Ahmadiyah Muslims during a February 2011 mob attack were given light sentences of between five to seven months. Police and local officials sometimes intervene to prevent property destruction and arrest individuals responsible for violence, but the uneven response and inconsistent punishments have not deterred attacks.

President Susilo Bambang Yudhoyono has frequently supported religious tolerance and pluralism and promised to protect religious minorities and hold perpetrators of sectarian violence accountable. Nevertheless, he also expressed support for a 2008 decree "freezing" Ahmadiyah activities and has refused to enforce a Supreme Court decision to re-open the GKI Yasim church in West Java. Members of his government have also sent mixed messages. The Minister of Religious Affairs publicly supports provincial Ahmadiyah bans and recently called Shi'a Islam a "heresy." However, Coordinating Minister for Political, Legal and Security Affairs Djoko Suyanto stated flatly that a ban of the Ahmadiyah was "unconstitutional" and the head of the National Counter-Terrorism Agency (BNPT) has urged more concerted action to counter the

political goals of extremist groups saying, that “if Ahmadiyah is banned, our country is defeated.”

### **Religious Freedom Conditions**

While Indonesia has demonstrated progress in advancing human rights overall, serious religious freedom challenges remain. Problematic laws contradict Indonesia’s constitutional protections and international commitments, extremist groups use violence to intimidate religious minorities, and authorities are passive in the face of, and sometimes complicit in, these groups’ actions.

***Restrictions and Societal Violence Targeting the Ahmadiyah:*** Since the 2008 Joint Ministerial decree “freezing” their religious activity, at least 50 Ahmadiyah mosques have been vandalized, 36 mosques and meeting points forcibly closed, and three Ahmadiyah followers killed in mob violence. Ahmadiyah are reportedly allowed to gather for worship in most parts of the country, but in some parts of East and West Java, South Sulawesi, and Lombok provinces, extremist groups consider any visible Ahmadiyah activity as “proselytizing” and pressure local officials to close places of worship. Governors of East Java, West Java, and South Sulawesi banned public Ahmadiyah practice, and the national Ministers of Religious Affairs and Law and Human Rights endorsed these measures. In October 2011, the mayors of Bekasi and Bajar, West Java banned Ahmadiyah activity. In the past year in West Java, mosques and schools were forcibly closed and incidents of societal violence against Ahmadiyah reported. Indonesian non-governmental organizations (NGOs) report the involvement of West Javan and Indonesian military officials and Muslim religious leaders in forcing Ahmadiyah to renounce their faith, sometimes through the cancellation of debt. In South Sulawesi, several persons are on trial for a mob attack in the past year on an Ahmadiyah mosque. Officials in East Jakarta closed an Ahmadiyah place of worship for violating local zoning rules.

***Forced Closure and Vandalism of Religious Minorities’ Properties:*** During the reporting period, extremist groups forcibly closed or vandalized as many as 60 religious venues of religious minority groups other than Ahmadiyah, an increase from the previous year. Most cases were reported in West Java, with others in East Java, West Lombok, West Sumatra and Madura.

The sizeable number of religious venues closed or vandalized remains troubling. In September 2011, the mayor of Cirebon stopped construction of the GBI Bethel Church and hundreds of Muslims protested their weekly worship activities. In November 2011, an estimated 600 people burned down a Hindu center in Sukabumi, West Java because they believed it was being used illegally for rituals. In August 2011, mobs burned three churches in the Riau province of Sumatra. In February 2011, a mob destroyed a Shi’a boarding school and mosque in Kenep village, East Java. In January 2012, looters attacked the homes and shops of Shi’a families and burned a Shi’a school in Sampang, East Java. At least 300 Shi’a were displaced. Police detained suspected perpetrators and the East Javan governor promised to restore Shi’a properties.

The situation of the GKI Yasim Church of Bogor, West Java has gained international attention. Despite a January 2011 Indonesian Supreme Court decision and a ruling by the National Ombudsman favoring the church, Bogor city officials continue to deny it a building permit and have sealed the church. Since March 2011, extremist groups protested the church’s weekly

outdoor worship services. In February 2012, President Yudhoyono refused to enforce the Supreme Court ruling, citing Indonesia's regional autonomy law, and instructed the Ministry of Religious Affairs to assist in finding a local solution so that "worship may be held at the church."

***Enforcement of the Law against "Deviancy":*** In the past year, local authorities continued to enforce Indonesia's "deviancy" or blasphemy law (Article 156(a) of the criminal code), which punishes "hostility, hatred or contempt against religions" or "disgracing a religion" with up to five years in jail. Despite efforts by Indonesian parliamentarians and NGOs to challenge it, the Indonesian Supreme Court upheld the law in 2010, based on fears of increased societal violence from "a proliferation of sects." According to Indonesian think tanks tracking human rights, the use of the deviancy law has increased in the past decade. Since 2003, over 150 individuals have been detained and dozens of others sentenced under Article 156(a). Most cases have been against allegedly heterodox Muslims, including *al-Qiyadah al-Islamiyah*, *Jamaah Alamulla*, and *Santriloka*, but also some against Christian groups, such as the *Sion City of Allah*. According to the Wahid Institute, in the past year, police sought to disband groups such as *Nurul Amal* and *Jamaah Islam Suci* based on recommendations from local religious leaders. Police arrested the leader of *Nurul Amal* on charges related to "physical abuse," and not Article 156(a), because members testified to being whipped for disobedience.

In February 2011, a court in West Java sentenced a Christian man, Antonius Banwengan, to five years' imprisonment for distributing material mocking Islamic symbols. Although he was given the maximum sentence, a mob rioted, targeting churches and church properties, because they viewed the verdict as too lenient. In addition, in March 2012, Alexander Aan, a civil servant in West Sumatra, was attacked by a mob and later arrested for blasphemy for creating a Facebook fan page titled *Ateis Minang* (Minang Atheist). His trial is pending at this time.

***Terrorist Violence Targeting Religious Minorities:*** In September 2011, a suicide bomber attacked a church in the city of Solo, Central Java, killing himself and wounding 30 church members. Similar pipe bombs were found and diffused outside churches in Ambon, the site of massive sectarian violence from 1999-2001. Since June 2011, police have captured or killed more than 20 suspected militants in Central Java and West Lombok and sentenced the leader of Jemmah Anshorut Tauhid (JAT) to 15 years in prison for funding a terrorist training camp in Aceh. In February 2012, the United States designated JAT a foreign terrorist organization.

***Shari'ah Law in Aceh:*** The Aceh provincial government continues to implement Presidential Decree 11/2003, which allowed the province to implement a local interpretation of Shari'ah law, establish Shari'ah courts, and operate a vice patrol, known as *Wilayatul Hisbah* (WH). Christians and other non-Muslims are exempted. WH patrols have enforced dress codes and bans on alcohol consumption, gambling, and unchaperoned male-female liaisons (seclusion) with punishments including canings and fines. Government oversight of WH forces has improved since 2009 provincial elections, with efforts to disband some patrols and turn cases over to civil courts. WH members were arrested and sentenced for raping a woman detained for an alleged dress code violation. Nevertheless, WH patrols continue to enforce dress code and seclusion laws, and women are the majority of those fined and detained. In the past year, WH members broke up a "punk" rock concert, shaved the spiked hair of concert goers, and removed all clothing deemed inappropriate.

## Recommendations for U.S. Policy

As part of the U.S.-Indonesia Comprehensive Partnership and Counterterrorism Cooperation efforts, the U.S. government should:

- create a regular bilateral mechanism to discuss the protection and promotion of religious freedom and related human rights and in those discussions, urge the Indonesian government to:
  - overturn the Joint Ministerial Decree on the Ahmadiyah community and any provincial bans on Ahmadiyah religious practice, fully protect the rights of religious minorities under the Indonesian constitution and international law, and hold accountable any individual who organizes or carries out violence targeting the Ahmadiyah or other religious minorities;
  - amend or repeal Article 156(a) of the Penal Code, release anyone sentenced for “deviancy,” “denigrating religion,” or “blasphemy,” and provide clear guidelines to local governments on ending prosecutions of those detained under Article 156(a); and
  - amend the Joint Ministerial Decree No. 1/2006 (Regulation on Building Houses of Worship) to comply with the Indonesian constitution and international standards, remove any restrictive barriers on building and refurbishing places of worship, provide restitution to religious communities whose venues have been destroyed or closed due to mob violence or protests, and ensure that those responsible for such acts are prosecuted;
- prioritize programs that support religious and civil society groups that promote religious freedom, counter extremism, teach tolerance, and build interfaith alliances, including by:
  - expanding the capacity, training, and reporting ability of human rights defenders;
  - training members of provincial Joint Forums for Religious Tolerance (FKUBs) to mediate sectarian disputes in ways consistent with Indonesia’s national and international religious freedom commitments; and
  - training and building capacity for legal reform advocates, governmental judicial officials and judges, and legal and human rights organizations; and
- train Indonesian police and counter-terrorism officials to address sectarian conflict and religiously-related violence through practices consistent with international human rights standards, while ensuring any officers participating in such programs have not been implicated in abuses and deny any funding, training, or U.S. visas to any police or security agency personnel found to have engaged in violations of human rights.

## Laos

Serious religious freedom abuses continue in Laos. The Lao government restricts religious practice through its legal code and has not curtailed religious freedom abuses in some rural areas. Provincial officials continue to violate the freedom of religion or belief of ethnic minority Protestants through detentions, surveillance, harassment, property confiscations, forced relocations, and forced renunciations of faith. However, religious freedom conditions have improved for the majority Buddhist groups and for Christians, Muslims, and Baha'is living in urban areas. Based on these ongoing concerns, USCIRF maintains Laos on its Watch List in 2012.

### Background

The Lao government's toleration of religious activity varies by region, ethnicity, and religious group. Buddhism, which is deeply embedded in Lao culture and is practiced by the vast majority of the population, is now generally free from restrictions and oversight. Lao Catholics have been allowed to build churches and, in the past several years, to ordain priests and the first new bishop since 1975. Lao Protestants in urban areas also have reported an increased ability to worship and to re-open, build, and expand some religious venues. The small Baha'i community also reports better working relations with government officials and an expansion of their facilities. Officials with the Lao Front for National Construction (LFNC), the agency tasked with monitoring religious activity and carrying out the government's religion policy, visited the Baha'i world headquarters in Israel last year.

The government officially recognizes four religions: Buddhism, Christianity, Islam, and the Baha'i faith. Recognized Christian groups include the Catholic Church, the Lao Evangelical Church (LEC), and the Seventh-day Adventist Church. The government requires all Protestant groups to be part of either the LEC or the Seventh-Day Adventist Church, allegedly to prevent "disharmony," and has not allowed other Protestant denominations to apply for recognition, making their activities illegal and subject to harassment, detention, or other serious abuses. For example, in some provincial areas, Methodist congregations cannot gather for worship, build religious venues, or conduct Christian funeral services. The Methodists and other Protestant denominations continue to seek legal recognition.

The Lao Constitution provides for freedom of religion, but the Prime Minister's 2002 Decree on Religious Practice (Decree 92) contains language allowing government control of, and interference in, religious activities. Religious leaders have reported that legally permitted religious activities, such as proselytizing and producing religious materials, are restricted in practice. They also complain that the requirement to obtain permission for most new religious activities is used to restrict their ability to import religious materials and construct religious venues. In addition to the cumbersome approval requirements, the decree contains vague prohibitions on activities that create "social division" or "chaos" and reiterates parts of the Lao criminal code arbitrarily used in the past to arrest and detain ethnic minority Christians.

The Lao government has been either unwilling or unable to take action publicly against provincial authorities or security officials who commit serious abuses against ethnic minority

Protestants. Lao authorities continue to view the rapid spread of Christianity among ethnic minorities, particularly those who have long resisted or resented government control, as an “American import” that potentially threatens the communist political system. However, LFNC officials at times have sought to resolve disputes privately between religious groups and provincial officials.

### **Religious Freedom Conditions**

***Abuses in Ethnic Minority Areas:*** Local officials reportedly interfered with the right of Protestants to conduct religious activities in a number of locations. The most such serious abuses during the past year, including detentions, forced evictions, arrests, denials of government services, and forced renunciations of faith occurred in Saravan, Vientiane, Bokeo, Savannakhet, Khammouan, Luang Namtha, and Luang Prabang provinces.

In January 2011, at least nine ethnic minority Protestants were detained in Nakoon village, Hinboun district, Khammouan province and charged with holding “a secret meeting” for celebrating Christmas without prior approval. Most were freed after paying heavy fines, but two pastors, Wanna and Yohan, remain in jail and reportedly are in poor health. The two have refused to gain their freedom by renouncing their faith, according to their families.

In July 2011, police reportedly detained Pastor Seng Aroun and three other men from Sounya village, Namtha district, Luang Namtha province. Pastor Aroun remains in detention and authorities have ordered all Protestants in the village to cease worship in private homes. In 2009, police tore down the Sounya village church and have not given them a permit to build another structure because they do not belong to one of the officially recognized religious organizations.

In August 2011, authorities reportedly confiscated the church and land from ethnic minority Protestants in Dongpaiwan village, Saybuil district, Savannakhet Province because they did not have official permission to build or to meet. The villagers claimed they did not want to affiliate with the LEC. According to the non-governmental organization Human Rights Watch for Lao Religious Freedom (HRWLRF), at least 20 other churches are operating in Savannakhet without official permission.

In March 2011, local LFNC officials intervened to secure the release of Abee Weng, a Protestant leader from Luang Prabang city. He was arrested and charged initially with “spreading a foreign religion and eradicating Lao traditional religion” after he instructed several new converts to burn their items associated with traditional animist religious practice.

***Forced Renunciations of Faith:*** In the past year, there continued to be reports of forced renunciations of faith, entirely among ethnic minority Protestants. Lao provincial officials use threats, detentions, and denial of government services to force individuals to renounce their faith. In addition, officials have threatened entire villages by denying schooling to children and access to water projects, land, and medical care.

In July 2011 police detained Vong Veu, a Protestant from Pookong village, Viengkhan district, Luang Prabang province and ordered him to return to traditional animist worship. He refused and may still be detained.

In late August 2011, officials in Nonsawang village, Thapangthong district, Savannakhet province ordered 10 ethnic minority Protestants to renounce their faith or be evicted from their fields. The Christians refused to recant but have not yet been evicted from their rice paddies, according to HRWLRF.

In December 2011, officials threatened to destroy a Protestant church in Natoo village, Palansai district, Savannakhet province and to arrest its leaders unless they renounced their faith. This action came soon after police in nearby Boukham village placed eight Protestant leaders in wooden stocks until they paid a fine for organizing a large, unauthorized Christmas celebration. It has been reported publicly that provincial officials have organized to stop the spread of unauthorized Protestantism in Savannakhet province. Leaders from the LEC have sought to intervene in this matter with local police and government officials.

### **Recommendations for U.S. Policy**

Most U.S. assistance programs in Laos invest in public health, economic development, and counter-narcotics programs, although new security sector reform programs started in the past year. There is a small religious freedom training programs for Lao officials. However, human rights, rule of law, and good governance programs for Laos are very small and are not funded at the level of other assistance programs. In order to further promote freedom of religion or belief in Laos, the U.S. government should:

- initiate a formal human rights mechanism to address regularly such issues as ethnic and religious discrimination, torture and other forms of ill-treatment in prisons, unlawful arrest and detention, lack of due process and an independent judiciary, and refugee resettlement.
- initiate human rights and religious tolerance training as part of any new U.S.-Laos security sector reform programs, ensure that any officers participating in such programs are thoroughly vetted to confirm that they have not been implicated in any human rights abuses, and deny U.S. training, visas, or assistance to any unit or personnel found to have engaged in violations of human rights, including religious freedom;
- initiate technical assistance and human rights programs that support the goals of protecting and promoting religious freedom, including: rule of law programs and legal exchanges that focus on revising Decree 92; training for provincial officials on international human rights standards and Laotian laws regarding the freedom of religion; training and exchange programs in human rights, the rule of law, and religious freedom for Laotian police, religious leaders, and academics; and capacity-building for Lao civil society groups carrying out charitable, medical, and development activities in accordance with the Lao government's new law on non-governmental organizations; and
- continue to provide adequate funding for the Voice of America and Radio Free Asia Lao language broadcasts and increase efforts to provide uncensored Internet, and other information, into Laos.

## The Russian Federation

Religious freedom conditions in Russia continue to deteriorate. The government increasingly used its anti-extremism law against peaceful religious groups and individuals, particularly Jehovah's Witnesses and Muslim readers of the works of Turkish theologian Said Nursi. National and local officials also apply other laws to harass Muslims and groups they view as non-traditional or alien. These actions, along with rising xenophobia and intolerance, including anti-Semitism, are linked to violent or lethal hate crimes. Despite increased prosecutions in Moscow, the Russian government has not addressed these issues consistently or effectively, leading to significant problems of impunity in many regions. Based on these concerns, USCIRF again places Russia on its Watch List in 2012. The Commission has reported on Russia every year since 1999, and first placed Russia on its Watch List in 2009.

### Background

The Russian government uses the country's extremism law to sanction religious individuals and groups and other activists who are viewed, often unjustifiably, as security threats. Russia's 2002 Extremism Law defines extremist activity in a religious context as "propaganda of the exclusivity, superiority or inferiority of citizens according to their attitude toward religion," and after 2007 amendments, no longer requires the threat or the use of violence.

If a Russian court ruling of a text as extremist is upheld, it is banned throughout Russia. Individuals who prepare, store, or distribute banned texts may be criminally prosecuted for "incitement of ethnic, racial or religious hatred," with penalties ranging from a fine to five years in prison. In December 2011, the criminal code was amended to add prison terms starting in 2013 of up to three years for organizing or participating in a banned group. As of February 2012, 1081 titles were banned as extremist. Islamic materials constitute most of the banned religious texts, including Russian translations of 15 texts by Muslim theologian Said Nursi. As of 2012, 68 Jehovah's Witnesses texts were deemed extremist. A positive decision on a Scientology religious text is on appeal; two bans were overturned, as was a ban on the *Bhagavad Gita-As It Is*.

Other laws place onerous requirements on religious communities. Russia's 1997 Law on Freedom of Conscience defines three categories of religious communities with varying legal status and privileges. Ministry of Justice officials reportedly require more registration data from Protestant churches and new religious organizations. Officials can bring court cases which may result in banning religious communities found to have violated Russian law. Russia's 2006 NGO law, which also applies to religious groups, empowers the Ministry of Justice to examine documents on foreign donations and data on executive boards and other internal matters of religious bodies.

Despite Russian constitutional provisions for a secular state with equal legal status for all religions, the preface to the 1997 religion law refers to Islam, Judaism, Buddhism, and especially Orthodox Christianity as "traditional" faiths. As of the start of the 2012 school year, public school children must choose between courses on Orthodox Christianity, Islam, Judaism, or Buddhism; world religion; or secular ethics. Atheists and agnostics have objected to these

compulsory courses, other groups view them as divisive, and some minority communities have expressed concern about biased teachers and textbooks. Russian officials and police make negative references to Protestants, Hare Krishnas, and Jehovah's Witnesses, adding to an intolerant climate that has led to discrimination, vandalism, and violent hate crimes against religious and other minorities.

The human rights crisis reflects the Russian government's increasingly authoritarian tilt and the growing influence of violent extremist groups. Russian journalists, lawyers, and human rights defenders have been killed and attacked, with the perpetrators usually acting with impunity. Human rights violations, including in regard to religious freedom, persist in Chechnya and other areas of the north Caucasus. Widespread popular protests starting in late 2011 over contested results of parliamentary elections may lead to human rights reforms, but it is too soon to predict the eventual outcome.

### **Religious Freedom Conditions**

***Application of the Extremism Law:*** In the past several years, extremism charges frequently have been brought against Jehovah's Witnesses and Nursi readers. According to Forum 18, internal Russian government documents indicate high-level coordination and close police surveillance against Jehovah's Witnesses and Nursi readers.

In 2007, a Russian court banned Nursi's work as extremist, allegedly for advocating the exclusivity of the Islamic religious faith. In 2008, the Russian Supreme Court deemed Nursi's followers an extremist group, although experts doubt that they are a formal group. Suspected Nursi groups have been raided and those suspected of reading Nursi's works have been charged and sentenced for extremism. In October 2011, three of six Nursi readers convicted on extremism charges in Nizhny Novgorod received prison terms, including one year for Elshan Gasanov. Nursi reader Asylzhan Kelmukhambetov was freed in January 2012 after being jailed for seven months in Orenburg, but still faces extremism charges.

In 2008, the Russian Supreme Court liquidated the Jehovah's Witness congregation in Taganrog, partly due to a court designation of its texts as extremist. As of early 2012, raids, detentions, and literature seizures continued against Jehovah's Witnesses. In addition, charges of "incitement of hatred or enmity" for distributing Jehovah's Witnesses literature have been brought against Maksim Kalinin in the Republic of Mari-El, Andrei and Lyutsiya Raitin in Chita, and Elena Grigoreva in Akhtubinsk.

Russian officials have equated the practice of Islam outside of government-approved structures with extremism and even terrorism. In the North Caucasus and other areas of Russia, Muslims viewed as "overly observant" reportedly have been arrested, disappeared, or even killed for alleged religious extremism. Some suspects allegedly linked to Muslim extremist groups were jailed reportedly due to planted evidence and later tortured in detention, prisons, and camps.

***Legal Status Issues:*** Local authorities continue to delay or refuse to register some religious groups. The Salvation Army was re-registered in Moscow in 2009 in the first Russian remedial action in response to a European Court of Human Rights (ECtHR) ruling, but the Jehovah's

Witnesses were not re-registered in 2010 after a similar ruling. Despite a 2009 ECtHR finding that the 15-year existence rule for registration violated the European Convention on Human Rights, the Church of Scientology is still denied registration, and the rule was cited in a 2010 refusal to register an Armenian Catholic parish in Moscow.

**Status of Places of Worship:** By 2012, federal, regional, and municipal authorities must return property claimed by a religious community with a supporting court decision, either for rent-free use or full ownership of worship buildings, hospitals, or schools. Russian officials turned over Catholic and Protestant churches to the Russian Orthodox Church in Kaliningrad. Building or renting worship space is difficult for Jehovah's Witnesses, Mormons, Pentecostals, non-Moscow Patriarchate Orthodox, Molokans, and Old Believers. Muslims also face hurdles in gaining permits to open mosques, particularly in Moscow. The 2014 Olympic Games site, Sochi, has 20,000 Muslims, but its mayor refuses to allow an official mosque. The ECtHR is considering an Astrakhan mosque case on a Russian court order to demolish its building.

**Violent Hate Crimes against Persons and Property:** Chauvinist groups have stepped up their campaign, including death threats, against individuals, groups, and officials that defend the rights of religious and ethnic minorities and migrants. While the Russian police, particularly in Moscow, have offered some assistance to victims, these efforts are inconsistent and often ineffective. Local authorities often fail to investigate hate crimes against members of ethnic and religious minorities, leading to the problem of impunity for "skinhead" racist groups' attacks on mainly Muslim Central Asians and Jews.

**Chechnya:** The Kremlin-appointed president, Ramzan Kadyrov, condones or oversees mass violations of human rights, including religious freedom. Kadyrov is accused of involvement in murders, torture and disappearances of political opponents and human rights activists in Russia and abroad. He has distorted Chechen Sufi traditions to justify his rule, instituted a repressive state based on his religious views, and ordered the wearing of the *hijab*. Nine women were killed for "immodest behavior" since 2008; Kadyrov has appeared on television to praise these murders and the killers have not stood trial.

## Recommendations for U.S. Policy

In response to continuing violations of religious freedom in Russia, the U.S. government should:

- pass into law the Sergei Magnitsky Rule of Law Accountability Act of 2011 (S. 1039, hereafter referred to as the Magnitsky bill) to impose U.S. visa bans and bank asset freezes against specified Russian officials, including Chechen President Ramzan Kadyrov, for alleged human rights and religious freedom violations;
- after the Magnitsky bill becomes law, lift the trade sanctions against Russia included in the 1974 Jackson-Vanik Amendment linking trade relations with restrictions on freedom of emigration, as has been done for seven of the 15 non-market economies initially cited in the Jackson-Vanik Amendment;

- recommend Chechen President Ramzan Kadyrov and other relevant Russian officials named in the Magnitsky bill for inclusion in the Politically Exposed Persons list of government officials whose bank assets should be frozen due to their corrupt practices and gross human rights violations;
- make freedom of religion or belief a key human rights and security concern in the U.S.-Russia relationship and press Russia to reform its extremism law to add criteria related to advocacy or use of violence and ensure the law is not used against peaceful religious communities;
- implement the Smith Amendment included in the FY 2010 Consolidated Appropriations Act to prohibit U.S. financial assistance to the Russian Federation government due to its official policies on non-violent religious groups, especially the Extremism Law;
- include in U.S.-funded exchange programs participants from Russian regions with sizeable Muslim and other religious minority populations and initiate an International Visitor's Program for Russian officials on the prevention and prosecution of hate crimes; and
- institute a visa ban and freeze the bank assets of Chechen President Ramzan Kadyrov due to his continued gross human rights violations and alleged links to politically-motivated killings, and urge European partners to do the same.

## Somalia

Egregious religious freedom violations by the U.S.-designated terrorist group al-Shabaab continue in Somalia, including: the violent implementation of its extremist interpretation of Islamic law and use of hudood punishments; execution of those it deems “enemies of Islam;” and killing of Christian converts. The internationally-recognized Transitional Federal Government (TFG) lacks the capacity to enforce religious freedom protections or address religious freedom violations. Although al-Shabaab conducts systematic, ongoing, and egregious violations of religious freedom, it is not the governing authority and Somalia cannot be designated a “country of particular concern.” Therefore, USCIRF again places Somalia on its Watch List in 2011. Somalia has been on the Watch List since 2009.

### Background

***Governing and Legal Framework:*** Somalia has not had a central government since the fall of former dictator Siad Barre in 1991. Neither the TFG nor al-Shabaab has full control of central or southern Somalia. Al-Shabaab seeks to establish a Caliphate, and violently challenges the TFG and the peacekeeping African Union Mission in Somalia (AMISOM) that protects it. The TFG gained control over the capital Mogadishu in this reporting period, due to advances by a bolstered AMISOM force and al-Shabaab’s surprising withdrawal from the city in August. Additional gains were made in southern Somalia with Kenya’s October intervention. However, the terrorist organization continues to control an extensive amount of territory in central and southern Somalia and fight a guerrilla war in Mogadishu. On February 9, 2012, al-Shabaab formally merged with al-Qaeda.

Internal divisions among the President, Prime Minister and Speaker of Parliament prevented them from implementing the Transitional Federal Charter and changing over to a permanent, elected government by August 2011. On June 9, President Sheikh Sharif and the Transitional Federal Parliament Speaker Sharif Hassan signed the Kampala Accord ending months of political stalemate and effectively extending the transitional period until August 2012. On September 6, all major political stakeholders, except Somaliland, signed the Roadmap for Ending the Transition in Somalia. It includes benchmarks, timelines and compliance mechanisms for the implementation of priority tasks, including presidential and parliamentary speaker elections by August 20, 2012 and the drafting and passage of a new constitution.

The Transitional Federal Charter, adopted in 2007, adheres to the 1960 Somali Constitution’s provisions of freedom of religion or belief, including the right to discuss and study one’s religion of choice. In December, Somali political and civil society leaders decided that a new constitution will be adopted no later than May 15, 2012. The new constitution will be built upon the Independent Federal Constitution Commission’s July 2010 draft constitution. The first article of the draft constitution states that it is “based on the foundations laid by the Holy Qur’an and Sunna...” Islam is to be the religion of the state and Shari’ah to be the supreme law of the land; no religion other than Islam will be permitted to be propagated and no law contrary to Shari’ah permitted to be enacted. The draft constitution prevents state discrimination on the basis of religion and does permit each Somali to freely practice his or her religion, although it also states that Muslims cannot convert from Islam. In May 2009, the TFG parliament

unanimously approved nationwide implementation of Shari'ah; however, implementation likely will be difficult given the differing opinions of what this would entail.

***Somaliland and Puntland:*** Separate constitutions govern Somaliland and Puntland. Both regions establish Islam as the official religion, prohibit the promotion of other religions, ban conversion from Islam, and require presidential candidates to be Muslim. The Somaliland constitution also requires Islamic education and that adopted laws not contradict Islam. The May 2009 Puntland constitution provides non-Muslims the freedom to practice their religion. There are few reports of religious freedom violations in Somaliland and Puntland.

### **Religious Freedom Conditions**

Al-Shabaab continues to engage in systemic and egregious violations of religious freedom and is actively working to establish Somalia as a base for terrorism and spread violent religious extremism. The goal of the U.S.-designated terrorist group is to turn Somalia into an Islamic state, build a greater Somalia by incorporating regional areas with large ethnically-Somali populations such as Djibouti and areas of Ethiopia and Kenya, and spread its radical version of Islam. Al-Shabaab is responsible for attacks in Uganda and Kenya. Support for al-Shabaab continues to erode among Somalis who view its interpretation of Islam, use of hudood punishments, and al-Qaeda combat tactics as foreign to Somali society.

***Shari'ah Law under al-Shabaab:*** Al-Shabaab violently implements its interpretation of shari'ah law in the territories it controls. Somalis accused of committing crimes or who al-Shabaab deems to have deviated from accepted behaviors are punished through stoning, amputation, flogging, and/or detention. It requires women to be fully covered in public and forbids them from engaging in commerce that brings them into contact with men. Men are forbidden to shave their beards, and those deemed with "inappropriate hairstyles" have had their heads shaved. Al-Shabaab orders businesses to close during Islam's five daily prayer times. A number of activities, such as playing soccer or listening to music, are forbidden.

In this reporting period, members of the terrorist organization executed dozens of persons accused of murder or spying for the TFG or Kenyan forces, calling them "enemies of Islam;" amputated the hands of accused thieves; opened fire on Somalis playing soccer, killing and injuring a number of victims; and arrested men and women for failing to abide by the organization's behavioral norms.

***Al-Shabaab Killings of Christians/Converts:*** Al-Shabaab targets the very small and extremely low-profile Christian and Christian convert community. Five Christian converts were reported executed by al-Shabaab in this reporting period. Although conversion is legal in Somalia, it is socially unacceptable and there were a number of attacks on converts by fellow Somalis in 2011. Proselytism is banned and also considered socially unacceptable. Christians worship secretly in house churches.

***Al-Shabaab Attacks on Sufis:*** In previous reporting periods, al-Shabaab killed Sufi clerics, attacked Sufi followers, destroyed Sufi mosques, and desecrated the tombstones of Sufi saints. It arrested Sufi clerics and prevented them from conducting classes or attending mosques because

of their “questionable” Islamic views, and prevented pilgrimages to Sufi shrines. There were no reports of such attacks in this reporting period.

### **Recommendations for U.S. Policy**

The U.S. does not have an embassy or on-the-ground presence in Somalia. In September 2010, the Obama administration announced its “dual-track” policy. The first track continues U.S. policy supporting the TFG, primarily through training, equipping, and financing its security officers. The second track expands engagement with Puntland, Somaliland, and other areas outside of TFG control, focusing on service provisions and governance capacity to help them fight extremism. Executive Order 13536 blocks the property of certain persons contributing to the conflict in Somalia. The government has also successfully employed a strategy of using drone strikes against al-Shabaab leaders. In response to the serious violations of religious freedom in Somalia, the U.S. government should:

- engage TFG partners to make clear that the new constitution should explicitly include protections for religious freedom and human rights consistent with international law;
- engage TFG partners to make clear they must fully respect universal human rights, including freedom of religion or belief, in its practices and laws;
- urge the Special Representative of the UN Secretary-General for Somalia to make human rights, including religious freedom, a priority in his engagement with Somali actors;
- engage government officials, religious leaders, and clan elders in Somalia, Somaliland, and Puntland on universal human rights, including freedom of religion or belief, and good governance;
- increase funding for indigenous civil society organizations that promote human rights; and
- increase engagement by the U.S. State Department and other relevant agencies with the Somali diaspora community in the U.S. on human rights, freedom of religion or belief, rule of law, and good governance.

## Venezuela

Violations of freedom of religion or belief continue in Venezuela. These violations include: the government's failure to investigate and hold accountable perpetrators of attacks on religious leaders and houses of worship, and virulent rhetoric from President Hugo Chavez, government officials, state media, and pro-Chavez media directed at the Venezuelan Jewish and Catholic communities. Based on these concerns, USCIRF again places Venezuela on its Watch List in 2012. Venezuela has been on USCIRF's Watch List since 2009.

### Background

Since 1998, there has been a steady increase of government rhetoric, and in some cases government actions, against the Venezuelan Jewish and Catholic communities, creating an environment in which Jewish and Catholic religious leaders and institutions are vulnerable to attack. These developments occurred against a backdrop of efforts by President Hugo Chavez to extend political control over the economy, non-governmental organizations, and society, as well as his backtracking on democracy and respect for human rights. The Constitution of Venezuela provides for freedom of religion on the condition that its practice does not violate public morality, decency, or public order. There are no official restrictions on religious practice. Religious groups are required to register with the Directorate of Justice and Religion (DJR) in the Ministry of Interior and Justice, and no groups were refused registration in the past few years.

National laws passed within the past few years allow for the creation of ruling-party-dominated "communal councils" to oversee the curriculum, teachers, and school administrators of all public and private schools, including religious schools, as well as the confiscation of Catholic Church property, including churches, schools, and other ecclesiastical buildings. A draft law in the National Assembly would require all non-governmental organizations, including religious groups, that receive at least 10 percent of funding from foreign sources to obtain advanced government approval of their activities and funding sources and provide the government with information on their sources of funding, organizational leadership, and activities.

### Religious Freedom Conditions

The government of Venezuela has not brought to justice the perpetrators of egregious attacks against Jews and Christians, continues to sponsor anti-Semitism, and seeks to diminish the influence of the Catholic Church.

**Impunity:** In a positive development, six persons were sentenced to 10 years in prison for the vandalism and desecration of the Tiferet Israel Synagogue in January 2009. The trial for the five other persons detained for this incident began on July 15, 2011. However, no investigations or arrests have been initiated in response to tear gas canisters being thrown into the Apostolic Nunciature, also in January 2009, although a pro-government organization, "La Piedrita," publicly took credit for that attack as well as earlier ones against the Nunciature. In addition, no arrests or prosecutions have occurred in response to the following attacks in 2009: the forcible entry and occupation of the residence of the Archbishop of Caracas by President Chavez's

supporters, the vandalism of the Beth Shmuel synagogue, or the robbery and vandalism of the Ibrahim al-Ibrahim mosque.

***Anti-Semitism:*** State media and pro-government media continue to make anti-Semitic statements, especially around important international events regarding Israel and the Middle East. For instance, in September, in support of Palestine seeking statehood at the United Nations, President Chavez again called Israel a “genocidal state.” In past years, Jewish institutions were vandalized and individual Jews threatened following such statements. The Jewish community in Venezuela continues to believe that they will be held responsible for actions taken by the Israeli government and such statements by the President leave them vulnerable to attack.

As the October 2012 presidential election approaches, some fear an increase of anti-Semitic statements and possible attacks on the Jewish community. Henrique Capriles Radonski, the opposition candidate, was raised as a Roman Catholic but is the grandson of Polish Jews who fled Nazi persecution, and his great-grandparents were killed in the Treblinka concentration camp. Within a week of Capriles’ selection in February 2012, state-run Radio Nacional de Venezuela posted on its website a column calling him a supporter of “international Zionism” and including a number of traditional anti-Semitic themes and conspiracies; a state-run newspaper published a cartoon depicting Capriles wearing a swastika; and a mob formed in front of a Caracas synagogue until it was broken up by the police. There also were anti-Semitic attacks on Capriles when he ran for governor in 2008. In the past, the Jewish community center in Caracas has been attacked during important political events.

The Venezuelan Jewish community also has expressed concern about the diplomatic, military, financial, and trade ties between Venezuela and Iran, and the growing relationship between President Chavez and Iranian President Mahmoud Ahmadinejad.

***Government-Catholic Church Tensions:*** Given that more than 90 percent of Venezuelans are Catholic, the Catholic Church is a large and influential entity in Venezuela, and therefore is viewed as a potential threat to President Chavez. In this reporting period, the government began wiretapping the telephones of some Catholic leaders; expropriated some Catholic schools and community centers; and prohibited church representatives from visiting prisoners for humanitarian or spiritual missions.

President Chavez and his supporters often try to discredit the Catholic Church and its leaders in the state media to counter the church’s criticisms of government actions. Such government statements decreased in 2011.

### **Recommendations for U.S. Policy**

U.S.-Venezuelan relations remained poor during the past year, after deteriorating in late 2010 when President Chavez refused to accept the U.S. Ambassador to Venezuela, Larry Palmer. Issues about President Chavez’s health complicate the relationship. USCIRF recommends that the U.S. government take a number of critical steps to advance religious freedom in Venezuela

through key programs and policies and through multilateral efforts. USCIRF recommends that the U.S. government:

- increase its efforts to promote freedom of religion or belief in Venezuela, stress the importance of holding accountable perpetrators of attacks on religious institutions, and continue to speak out against attacks on religious leaders and institutions when they occur;
- work with countries such as Brazil and Argentina that have influence with the Venezuelan government to encourage it to stop making anti-Semitic statements, investigate attacks on religious communities, institutions and leaders fully, and hold perpetrators accountable;
- speak out publicly at the highest levels and continue to draw international attention to state-sponsored anti-Semitism and to recently intensified efforts to pressure and silence the Catholic Church in Venezuela; and
- work with the Organization of American States, including the OAS General Assembly and the Inter-American Commission on Human Rights, to investigate and condemn religious freedom violations in Venezuela, including attacks on religious communities, institutions, and leaders.

## OTHER COUNTRIES AND ISSUES

### Countries Closely Monitored

In recent years, USCIRF has closely monitored countries not on either the CPC list or Watch List, such as Kazakhstan and Bangladesh.

#### *Kazakhstan*

Conditions for religious freedom declined sharply in Kazakhstan during the reporting period. In October 2011, President Nazarbaev signed two new laws regarding freedom of religion or belief. The laws garnered strong criticism from the Organization for Security and Cooperation in Europe (OSCE), which Kazakhstan chaired in 2010, as well as from domestic civil society and religious communities. The restrictive new religion law establishes a complex four-tiered registration system, bans unregistered religious activity, imposes compulsory religious censorship, and requires both central and local government approval to build or open new places of worship. All registered religious organizations must re-register under strict new criteria or face liquidation by the courts. While registered religious organizations may teach their faith to their own members, only regional and national registered religious organizations can train clergy in officially-approved institutions. Despite official pressure on religious groups to stop activity immediately until they re-register by October 25, 2011, which was four months ago, re-registration regulations have not been adopted. In early 2012, 579 small religious groups (with less than 50 adult citizen members) were stripped of registration. In February 2012, in the first known use of expanded penalties, a leader of an unregistered Baptist community in eastern Kazakhstan was fined a year and a half's average local wages (equivalent to U.S. \$ 3,273).

Even before the new Kazakh religion law came into effect, police acted against disfavored religious groups. In October 2011, police raided a worship meeting of a registered Protestant church in Atyrau, due to a new legal requirement restricting activity to its legal address. Also in October, authorities detained Jehovah's Witnesses in Almaty because the new religion law bans public missionary activity. In November 2011, Kazakh officials closed mosques, churches, and Muslim and Russian Orthodox prayer rooms in prisons and social care institutions, due to a new ban on religious activity in state institutions. Registered religious community branches affiliated with Central Grace Presbyterian Church in Karaganda and the Seventh-day Adventist Church in Astana were officially warned to halt activity and return registration certificates. The head of Kazakhstan's registered Baptist Union told Forum 18 that their small communities across the country had received similar warnings. The Church of Scientology reported two members were found guilty for unregistered religious activity and police raided church properties. Kazakhstan's Agency of Religious Affairs actively supports "anti-sect centers," which promote intolerance against disfavored religious communities.

The regional Agency for Religious Affairs instructed the independent but registered Abai District Mosque in the Karaganda region to re-register by February 14 or it would close the mosque, but it is unknown if any action has been taken. The government-sponsored Muslim Board issued a *fatwa* declaring Almaty's small Ahmadi community "infidels," which state-controlled media promoted. The Ahmadi mosque in Almaty and the Grace Presbyterian Church near Turkestan

are both facing challenges from local prosecutor's offices as to whether they can be used as places of worship. Kazakhstan's leading human rights activist, Evgeny Zhovtis, was released from a labor colony on February 17, 2012 after serving more than half of his four-year sentence for involuntary vehicular manslaughter. His case was widely viewed by human rights advocates as having been manipulated to prevent him from vocal human rights activity during Kazakhstan's OSCE chairmanship in 2010.

### *Bangladesh*

In addition, the Commission continued to follow developments in Bangladesh, which was on USCIRF's Watch List from 2005 to 2008. USCIRF removed Bangladesh from the Watch List after the 2008 general election that brought to power the Awami League party, which is considered to promote secular policies and be favorable toward minority rights, and the announcement by Prime Minister Sheik Hasina that her government would implement religious freedom reforms. USCIRF is encouraged by the government's recent steps to begin to rectify past religious freedom violations, including the seizure of Hindu-owned land, and to protect vulnerability of religious and ethnic minorities from exploitation or violence, especially in the Chittagong Hill Tracts (CHT). While these initial steps are commendable, USCIRF will continue to monitor how Bangladesh implements these reforms and recommendations.

In December 2011, the Bangladeshi cabinet passed the Vested Property Return Act, which established an application process for families or individuals to apply for the return of, or compensation for, property seized under the Vested Property Act. However, this process is only available for citizens of Bangladesh who currently reside in the country, leaving out many possible claimants who left the country in previous years. With respect to the Chittagong Hill Tracts Peace Accords, the government has established the Land Commission, the Task Force on Rehabilitation of Jumma Refugees and IDPs (internally displaced persons), and reportedly deferred planned developments on confiscated lands. These actions demonstrate a governmental effort to resolve long-standing issues relating to IDPs and property confiscation and return.

In the past year, Bangladesh has taken steps to investigate post-2001 election violence, including creating a Commission of Inquiry, which issued recommendations in April 2011 on preventing future violence and ensuring accountability for perpetrators of religiously-motivated violence. Regarding communal violence, in early February an altercation between Muslims and Hindus in the CHT area escalated into wider violence, destruction and looting. Hindu temples and shrines, and mosques, as well as businesses, were burned and looted. According to the Hindu American Foundation, the Bangladesh High Court Division of the Supreme Court ordered that the Bangladesh government assist in restoring Hindu properties that were damaged or destroyed in the violence, mandated that protection be provided to minorities in the area, and directed the local police to find perpetrators of crimes and hold them responsible. Reportedly, local police have filed two cases, naming approximately 800 individuals for the arson and vandalism of several Hindu temples, shrines, and other property.

## Other National and Regional Issues

### *Bahrain*

USCIRF also followed events in Bahrain in 2011, including the abuses committed by the government against protestors. In response to the violence, the Bahraini Independent Commission on Inquiry (BICI), created and funded by the Bahraini government, released a 500-page report detailing systematic and egregious abuses in the government's response to protests. The BICI report includes findings and recommendations related to the destruction of 53 Shi'a religious structures by Bahraini authorities between March 1 and May 11, 2011. The report found that, in violation of its own law, the Bahraini government did not give adequate notice of the demolitions nor did it allow judicial review before the demolitions took place.

In a December 2011 public statement, USCIRF welcomed the King's decision to establish the BICI, as well as his announcement that the government intends to rebuild Shi'a places of worship. However, USCIRF found that the BICI recommendations were incomplete because they did not help ensure that illegally destroyed religious structures are rebuilt or that the Shi'a community is adequately compensated or restituted for the loss of religious materials. USCIRF also noted the importance that these structures be rebuilt in close consultation with the local Shi'a community and not unilaterally. Furthermore, USCIRF concluded that findings in the BICI report do not address allegations by multiple human rights groups that some individual members of the Shi'a community were harassed, interrogated, and arrested for returning to some of the destroyed sites to pray or retrieve religious materials. USCIRF recommended that these allegations should be addressed and officials responsible should be reprimanded and held to account.

### *Western Europe*

USCIRF has also observed a growing trend of increasing limitations on certain forms of Muslim religious dress in Western Europe. In 2011, laws banning full-face veils in public came into force in France and Belgium, and in late September the first two fines were imposed under the French law. The French law follows legislation enacted in 2004 that bans the wearing of "conspicuous" religious symbols in French public schools, which includes the *hijab*. In August 2011, an Italian parliamentary commission approved a draft law that would ban such veils anywhere in public, and in September the Swiss parliament's lower house passed a bill that would ban face-covering veils on public transport and in public buildings. In January 2012, the Cabinet of the Netherlands affirmed an earlier decision that would ban such veils later in the year on public transport, in public buildings, and on the streets.

International standards guarantee every individual the freedom to manifest peacefully his or her religious beliefs in public as well as in private, which includes the freedom to wear clothing that the individual believes is mandated by his or her religion. International standards state that freedom of religion and expression must be respected, which also ensures a lack of coercion for those choosing not to wear headscarves or other religious dress. Despite real challenges of integration, it is regrettable that governments that otherwise value and protect human rights and

women's rights are limiting access to education and individual religious expression through dress.

### **Freedom of Religion in U.S. Policy**

It is the policy of the United States to encourage respect for human rights and freedom of thought, conscience, and religion or belief around the world. While carrying out this policy, the United States is also engaging in conflicts against actors motivated by violent religious extremism. In this context, IRFA provides the United States with unique capabilities to address pressing foreign policy challenges. Promoting religious freedom is crucial, given that many egregious limitations on freedom of religious practice not only constitute human rights abuses but also can impact national security.

The national security implications of religious freedom violations are clear. In many regions of the world, including South and Central Asia, the Caucasus, the Middle East, and Africa, issues of freedom of religion or belief are explicit or implicit factors in civil strife and violent extremism. The U.S. commitment in Afghanistan until at least 2014 is forcing the United States to partner with countries with poor human rights records to ensure the Northern Distribution Network (NDN) supply route for U.S. and international forces. For instance, Uzbekistan and Tajikistan both play vital roles in NDN and have very poor religious freedom records, including applying overbroad "extremism laws" against religious individuals and groups that have been accused but not been proven to be connected to violent acts (see Tajikistan and Uzbekistan chapters). Human rights organizations have expressed concern that the U.S. government will downplay these governments' chronic and severe human rights and religious freedom abuses as U.S. reliance on NDN countries increases. Moreover, the scale and scope of human rights abuses could destabilize those countries in the NDN network, as well as in South and Central Asia more broadly, and thereby jeopardize U.S. foreign policy goals beyond the short-term need for alternative supply routes.

The human rights and religious freedom records of other key NDN participants, including Russia, Kazakhstan, Azerbaijan, and Kyrgyzstan, are also of concern. (Regarding Russia, see the 2012 Watch List chapter; regarding Kazakhstan, see the discussion under Countries Closely Monitored, above.) In Azerbaijan, the non-violent practice of religion is now illegal, and producing or distributing religious literature can result in up to five years in prison. Registration applications for hundreds of religious communities have not been processed, leaving them vulnerable to police action. Since 2008, the government of Azerbaijan has closed several Sunni and Shia mosques, deemed it a crime for individuals who have studied abroad to lead Islamic prayers, and banned the wearing of headscarves in public elementary and secondary schools. Recent legal changes in Kyrgyzstan also threaten religious freedoms: the 2009 Kyrgyz religion law requires that the state examine all imported religious materials, bans distribution of religious materials outside officially-sanctioned locations, and bans children from activity in religious organizations. Hundreds of mosques, Protestant churches, and Jehovah's Witness, Ahmadi, and Hare Krishna communities have not been registered, making them also vulnerable to police raids.

Away from South and Central Asia, the United States is supporting the African Union to defeat the U.S.-designated terrorist organization al-Shabaab in Somalia. Al-Shabaab is known for

brutally enforcing its extremist interpretation of Islamic law, applying hudood punishments, executing those it deems “enemies of Islam,” killing Christian converts, attacking Sufis and their shrines, and indiscriminately bombing Somali citizens. Regionally, al-Shabaab is responsible for attacks in Kenya and Uganda, and in February 2012, it formally merged with al-Qaeda. To defeat al-Shabaab and stop the spread of violent religious extremism in the Horn and East Africa, the conditions which allowed for al-Shabaab to gain control of central and southern Somalia must be addressed, including poor governance and rule of law, inequality, and violations of human rights and religious freedom.

Within the complex context in these and other nations, American policymakers, and U.S. policy itself, would benefit from better information about the concept and conditions of religious freedom, as well as the role of the various religions in these and other countries.

### **International Organizations**

#### *United Nations*

Continued strong U.S. support for religious freedom, and the related right of freedom of expression, in multilateral institutions is also critical. Internationally, over the past decade, the Organization of Islamic Cooperation (OIC) sponsored annual resolutions focused on “combating defamation of religions” in the UN General Assembly and UN Human Rights Council. These sought – in violation of the individual rights to freedom of religion and expression – to establish a global blasphemy law. Years of effort by USCIRF, the State Department, members of Congress, and NGOs helped bring about a marked decrease in the support for these flawed resolutions between 2008 and 2010. As a result, in 2011 both UN bodies instead adopted consensus resolutions on “combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief.” The new resolutions properly focus on protecting individuals from discrimination or violence, instead of protecting religions from criticism; protect the adherents of all religions or beliefs, instead of privileging one religion; and do not call for legal restrictions on peaceful expression, but rather for positive measures, such as education and outreach. In fact, the new resolutions call for criminalization only in the case of incitement to imminent violence, which is the U.S. First Amendment standard.

USCIRF welcomes this new approach, and commends the efforts that led to these new formulations. Nonetheless, USCIRF remains concerned that the OIC has not abandoned its global anti-blasphemy efforts. OIC member states continue to have and enforce repressive domestic blasphemy laws that result in gross human rights abuses, and the OIC continues to refer publicly to the defamation concept, including in statements regarding the “Istanbul Process,” a series of international meetings launched in 2011 to discuss the implementation of the new resolutions. As part of this effort, in mid-December, the State Department convened in Washington, DC, the first Istanbul Process meeting, bringing together law enforcement experts and practitioners from approximately 30 countries and international organizations, to focus on implementation of two areas of the resolution: 1) promoting effective government strategies to engage members of religious minorities and training government officials on religious and

cultural awareness; and 2) enforcing laws that prevent discrimination on the basis of religion or belief. Commissioners were invited to the open sessions and staff observed the entire meeting.

The United States and other UN member states that support universal human rights must remain vigilant, including in the Istanbul Process, lest certain countries that led the initial “defamation” initiative continue their efforts to erode the new resolutions’ language or to expand existing international incitement norms – which comprise only narrow exceptions to the freedom of expression – to include speech “defaming” religions. Not only would such efforts undermine universal rights, they would exacerbate religious intolerance, discrimination, and violence, the very problems that the OIC claims that it is trying to address.

#### *Organization for Security and Cooperation in Europe*

The Organization for Security and Cooperation in Europe (OSCE), comprised of 56 participating States from Europe, the former Soviet Union, the United States, and Canada, continues to be an important forum for holding its member countries to extensive international standards on freedom of religion or belief and to combat discrimination, xenophobia, intolerance, and anti-Semitism. In recent years, however, some participating States, led by Russia, have sought to curtail or derail the organization’s focus on human rights activities. In light of this, USCIRF continues to urge the United States to protect and revitalize the OSCE’s human rights and religious freedom activities.

The OSCE recently announced efforts to reform its Advisory Panel of Experts on Freedom of Religion or Belief, a consultative resource for OSCE governments that can provide expert opinions on proposed or enacted legislation. This Panel is composed of 60 persons nominated by OSCE countries, including a 15-member Advisory Council appointed by the Director of the OSCE’s Office of Democratic Institutions and Human Rights (ODIHR). Under the proposed reforms, the Panel will become similar to other ODIHR advisory bodies, with 12 experts selected on the basis of expertise and representing an equitable geographical distribution of the OSCE region and gender balance. USCIRF recommends the U.S. government closely monitor this restructuring plan (formally announced after the end of the reporting period), and encourage the OSCE to utilize the Advisory Panel more effectively, for example by enhancing the transparency of its activities and funding it to provide training seminars for OSCE missions and Mediterranean partner states about OSCE commitments on freedom of religion or belief.