

ANNUAL REPORT OF THE
UNITED STATES COMMISSION
ON
INTERNATIONAL RELIGIOUS FREEDOM

MAY 2002

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May 2002

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LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM
Washington, DC, May 1, 2002

The PRESIDENT
The White House

DEAR MR. PRESIDENT: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the annual report, prepared in compliance with section 205 of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55.

We would welcome the opportunity to discuss with you this Report, and the policy recommendations that it contains.

Sincerely,

MICHAEL K. YOUNG
Chair

Enclosure

LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM
Washington, DC, May 1, 2002

Hon. COLIN L. POWELL
Secretary of State
Department of State

DEAR MR. SECRETARY: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the annual report, prepared in compliance with section 205 of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55.

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Chair

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UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM
Washington, DC, May 1, 2002

Hon. DENNIS HASTERT
Speaker of the House
U.S. House of Representatives

DEAR MR. SPEAKER: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the annual report, prepared in compliance with section 205 of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55.

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MICHAEL K. YOUNG
Chair

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LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM
Washington, DC, May 1, 2002

Hon. ROBERT C. BYRD
President Pro Tempore
U.S. Senate

DEAR MR. BYRD: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the annual report, prepared in compliance with section 205 of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55.

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Sincerely,

MICHAEL K. YOUNG
Chair

Enclosure

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I. THE U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM: INTRODUCTION AND ACTIVITIES FROM MAY 15, 2001 TO MAY 1, 2002

A. Introduction and Overview of the Commission

The U.S. Commission on International Religious Freedom (the Commission or USCIRF) is the first government commission in the world with the sole mission of reviewing and making policy recommendations on the facts and circumstances of religious freedom violations abroad. The Commission's impact and its success in accomplishing its mission are dependent on bringing advice and accountability to U.S. foreign policy in its promotion of international religious freedom. By providing reliable information and analysis, and careful and creative policy recommendations, the Commission provides the U.S. government and the American public the tools necessary to promote this fundamental freedom throughout the world.

In its three years of operation, the Commission has made recommendations to the Administration and Congress that have had a significant impact on the promotion of religious freedom as an integral part of U.S. foreign policy. The Commission's recommendations have been implemented by the President, the State Department, and Congress on several countries that violate international norms of religious freedom, including Afghanistan, China, the Democratic People's Republic of Korea (DPRK or North Korea), Pakistan, Sudan, and Vietnam. Several examples are listed in Subsection 2 below.

The USCIRF was established as an agency independent of the executive branch. The Commission reviews information on violations of religious freedom as presented in the Department of State's *Country Reports on Human Rights Practices*, and its *Annual Report on International Religious Freedom*.¹ The Commission also consults regularly with independent human rights groups, non-governmental organizations (including representatives of religious communities and denominations), academics, and policy experts,² as well as the intelligence community and other government agencies. It also undertakes its own missions to foreign countries to examine religious freedom conditions firsthand. The Commission holds public hearings taking testimony from expert witnesses and victims of religious freedom violations.

Based on its evaluations, the Commission considers and recommends on an ongoing basis options for U.S. policies with respect to foreign countries engaging in or tolerating violations of religious freedom. Each year, the Commission compiles these policy recommendations into a report to the President, the Secretary of State, and Congress. In addition, the Commission testifies before Congress and gives briefings to government officials on religious liberty issues.

Collected in this report are policy recommendations on China, North Korea, Sudan, Turkmenistan, and Uzbekistan, all of which were released earlier in this reporting cycle (May 15, 2001 to May 1, 2002). This report also includes policy recommendations on Indonesia that are being released for the first time. Full reports on all of these countries are being released concurrently with this document. The present report also contains a description of the Commission and its activities during this reporting cycle; and a progress report on the implementation of the International Religious Freedom Act of 1998 (IRFA), including a critique of the State Department's *Annual Report on International Religious Freedom*.

1. Commission Membership

The Commission is composed of 9 appointed members – three of whom are appointed by the President, three by the President *pro tempore* of the Senate, and three by the Speaker of the House of Representatives –as well as an Ambassador at Large for International Religious Freedom who serves *ex officio* as a nonvoting member. The appointed Commissioners are public members and serve on an unpaid, part-time basis.

Each appointed member of the Commission serves a two-year term and can be reappointed. The current Commissioners' terms began on May 15, 2001, and will end on May 14, 2003. Soon after the issuance of the Commission's second annual report, the previous Commissioners' terms expired on May 14, 2001. There was a considerable delay in appointing new Commissioners and it was mid-September before all nine Commissioners were in place. President Bush has nominated, and the Senate has confirmed, John V. Hanford III to serve as the Ambassador at Large for International Religious Freedom. Mr. Hanford had not yet been sworn in as of this writing.

Dean Michael K. Young currently serves as the Commission's Chair, and Felice Gaer and Ambassador Charles Stith serve with him on an executive committee.

Current Commissioners reflect a wide range of expertise and religious diversity. The Commissioners are noted for their knowledge and experience in fields relevant to the issue of international religious freedom, including foreign affairs, direct experience abroad, human rights, and international law.³ In addition to attending meetings of the Commission, Commissioners: travel on missions abroad, hear expert briefings; receive testimony at hearings from experts and victims; develop USCIRF policy recommendations; issue public statements; and meet with religious adherents and officials from other countries, non-governmental organizations (NGOs), members of Congress, Administration officials, and other government agencies. Individual Commissioners also testify before Congress on the Commission's behalf.

2. The Commission's Impact on U.S. Policy

The Commission has significantly influenced and guided the debate on U.S. foreign policy regarding **Sudan**. The Commission:

- was one of the first to call for a Special Envoy for Sudan⁴– named by President Bush in September 2001 – and recommended three of the four benchmarks the envoy delivered to the government of Sudan;
- brought to prominence the use of oil extraction by the government of Sudan to finance a war against its own people and spearheaded the call for capital-market reforms to inform American investors and discourage foreign entities from participating in Sudan's oil industry, resulting in, among other things, the House of Representatives adopting the Commission's recommended disclosure requirements and capital-market-access restrictions, and an ongoing debate in Congress;⁵
- was instrumental in raising awareness of the fact that a mammoth stock offering by a

Chinese company – the largest investor in Sudan’s oil industry – was about to be offered in the United States (this played a part in the restructuring of the offering and, thus, a decrease in its proceeds);

- helped ensure that desperately needed humanitarian assistance go to the worst-hit areas of Sudan, including the Nuba Mountains, by persuading the United States to increase aid outside of the UN’s Operation Lifeline Sudan program that is influenced by the government of Sudan;⁶
- successfully encouraged the Administration to increase non-lethal assistance to opposition-controlled areas in Sudan, including, through the U.S. Agency for International Development’s (USAID) Sudan Transitional Assistance for Rehabilitation (STAR) program, assistance in the development of civil society in southern Sudan;⁷
- urged the President to use the “bully pulpit” of his office to raise awareness of Sudan’s religious freedom violations and other related human rights abuses, which he did in a May 2001 public speech;⁸ and
- played a significant role in moving the Administration to launch a major diplomatic initiative that has led to a cease-fire in the Nuba Mountains – monitored by international and U.S. personnel – and an international commission to examine Khartoum’s complicity in slave raids as part of its war effort.⁹

The Commission has had an impact on a number of significant policies with regard to **China**. The Commission:

- recommended to President Bush that he condition a state visit to China on the Chinese government’s providing an opportunity to make a major speech on religious freedom and human rights televised live and uncensored to the Chinese people (it was delivered on February 21, 2002); and
- successfully urged the Administration to work vigorously for the resumption of a high-level human rights dialogue with the Chinese government.¹⁰ The dialogue took place in October 2001 and included a meeting between the Commission and the Chinese delegation.

The Commission’s work has been instrumental in recent breakthroughs in **Pakistan**. The Commission:

- played a major role in highlighting to U.S. and Pakistan government officials the undemocratic nature of the Pakistani separate-electorate system for religious minorities¹¹ (the Pakistan government announced plans to abolish separate electorates in January 2002); and
- pressed for action against militant religious extremist groups and religious schools that promote violence, an issue that came to the forefront of U.S. policy only after the events of September 11.¹²

With regard to U.S. policy toward **Vietnam**, the Commission:

- successfully advised the U.S. House of Representatives to ratify the U.S.-Vietnam Bilateral Trade Agreement only after it passed legislation calling for the Vietnamese government to make substantial improvements in the protection of religious freedom – sending a signal to the Vietnamese government of America’s commitment to human rights.¹³ The Vietnam Human Rights Act was overwhelmingly passed by the House prior to the Bilateral Trade Agreement vote.

Immediately after the events of September 11, the Commission urged the U.S. government to promote religious freedom as an integral part of the war on terrorism. Its recommendations on **Afghanistan** and the worldwide effort to fight **terrorism** have played an important role in shaping U.S. policy. The Commission:

- was one of the first and most vocal groups to call for continued attention to religious freedom both in Afghanistan and in light of the worldwide campaign against terrorism after September 11; and
- successfully recommended that the Administration highlight the universal right to religious freedom in President Bush’s November 10, 2001, UN General Assembly speech, affirm that the war on terror is not an excuse for governments to violate religious freedom, and call for an interim Afghan government that represents all Afghan people.

The Commission also **raised the profile of religious freedom** around the world through its letters, public statements, hearings, and travel. For example, the Commission:

- convinced the Administration of the need to highlight religious freedom abuses in meetings with a host of high-level dignitaries, including representatives of the governments of China, Indonesia, Nigeria, Pakistan, Russia, Sudan, Uzbekistan, and Vietnam;
- successfully urged the State Department to add North Korea to its list of “countries of particular concern” in the fall of 2001; and
- released policy recommendations and findings, of which at least a dozen have been incorporated into legislative proposals introduced thus far in the 107th Congress.

B. Commission Activities During the 2001-2002 Reporting Cycle

1. Countries of Particular Concern

In August 2001 the Commission sent a letter to Secretary Colin L. Powell recommending countries for designation by the State Department as “countries of particular concern” (CPCs), subject to U.S. action under IRFA. In 1999 and 2000, the State Department designated Burma, China, Iran, Iraq, and Sudan as CPCs. Though not a recognized government, the Taliban regime in Afghanistan was designated a “particularly severe violator” in both years as well. The Milosevic regime in Serbia was also named, but was dropped from the list in January 2001 as a result of the democratic election of a new president in October 2000. In its August 2001 letter,

the Commission recommended that Burma, China, Iran, Iraq, Sudan, and the Taliban regime in Afghanistan remain listed, and that Laos, North Korea, Saudi Arabia, and Turkmenistan be added. In October 2001 Secretary Powell followed the Commission's recommendation to re-designate previously addressed countries and also added North Korea.

2. Commission Hearings

The Commission held two public hearings in the 2001-2002 cycle. In November, the Commission held a hearing on "*Promoting Religious Freedom During the Campaign Against Terrorism.*" In January 2002 the Commission held a hearing on religious freedom in North Korea. Each hearing will be discussed in more detail below. The purpose of the hearings was to gather information about religious freedom violations from individuals with direct experience with the countries or issues of concern and to hear from current and former Administration officials, foreign-policy experts, academics, and human rights professionals about potential foreign policy concerns and tools.

3. The Campaign Against Terrorism

The members of the Commission strongly condemned the terrorist attacks in New York, Washington, and Pennsylvania on September 11 and mourned the terrible loss of life sustained that day. The Commission supports the U.S. government's strong commitment to respond and stands with our country and the world in fighting terrorism. Concerned, however, that the United States not compromise its commitment to human rights in forging alliances against terrorism, the Commission convened a hearing on November 27, 2001, to address these issues in greater depth. It invited current and former Administration officials, foreign-policy experts, academics, and representatives from human rights organizations to discuss regional concerns and how to utilize policy tools to promote international religious freedom. The hearing covered a variety of world regions, including the Islamic world, Pakistan, the Middle East, Central and Southeast Asia, China, India, and Africa. In addition, participants at the hearing discussed various policy tools that can be used during the campaign, including diplomatic, financial, political-development, and public-diplomacy tools. In response to a question taken from the Commission at the hearing, Under Secretary of State for Global Affairs Paula Dobriansky has written that "Our message to governments that violate religious freedom is that religion is not a cause of terrorism; to the contrary, a guarantee of religious freedom is one of the most effective antidotes to terrorism. It is no surprise that countries in which religions flourish – where freedom of religion and conscience is valued and protected – are countries inhospitable to terrorism. By the same token, extremism in the name of religion tends to take root where religious freedom does not exist." The Commission also wrote to President Bush expressing its concerns.

In a September 4, 2001, letter to National Security Advisor Condoleezza Rice, the Commission also urged the President, during his planned speech before the UN General Assembly, to address the inalienable right to religious freedom. During President Bush's November 10 speech, he affirmed that, "The war against terror must not serve as an excuse to persecute ethnic and religious minorities in any country." He went on to say that, "Innocent people must be allowed to live their own lives, by their own customs, under their own religion."

Commissioners also received private briefings from a number of experts on various movements within Islam and the motives behind the activities of radical groups such as al-Qaeda.

4. Afghanistan

From the Commission's very beginning, it maintained that the Taliban regime in Afghanistan was a "particularly severe violator" of religious freedom, and repeatedly recommended that the Secretary of State so designate it. In July 2001 the Commission hosted a roundtable for experts from NGOs to explore ideas for U.S. policies to improve religious freedom in Afghanistan. The Commission wrote Secretary Powell in August 2001 recommending that he continue to designate the Taliban regime as a "particularly severe violator" of religious freedom, which he did. Following the launch of U.S. military action in Afghanistan, the Commission wrote Secretary Powell in October urging the Administration "to promote . . . the idea of a future Afghan political system that practices religious tolerance and respects the basic human rights of all, including religious minorities and women." The President thereafter pledged, in a speech before the UN General Assembly on November 10, 2001, that the United States will work to support a post-Taliban government that represents all of the Afghan people. Other Administration officials have made similar comments.

The Commission discussed its concerns regarding the need to foster religious tolerance and respect for human rights in the reconstruction of post-Taliban Afghanistan in a series of meetings with senior Administration officials. The Commission is currently working on a report and recommendations on Afghanistan.

5. Belgium

The Commission is concerned with what appears to be a growing atmosphere of intolerance with respect to new religious movements and other religious minorities in Belgium. To gather further information on the issue, Commissioners Michael Young and Richard Land in March 2002 traveled to Belgium and met with government officials, representatives of both large and small religious communities, and various other regional experts. While in Belgium, the Commission also met with representatives of the European Union to discuss that body's external policy and activities with respect to countries of particular interest to the Commission, including China, North Korea, and Sudan. The Commission is currently formulating recommendations resulting from these meetings. In April 2002 the Commission issued a press statement deploring anti-Semitic attacks in Belgium.

6. Burma

The government of Burma systematically violates the religious freedom of Buddhist monks and ethnic-minority Christians and Muslims. The government coercively promotes one school of Buddhism, and as a result Christians and Muslims face obstacles in obtaining permission to build places of worship or to print or import sacred texts. The Commission wrote to Secretary Powell in August 2001 to urge that he again designate Burma as a CPC for ongoing, systematic, and egregious religious freedom violations. The Secretary did so.

7. China

The Commission continued monitoring and commenting on the serious deterioration of religious freedom in China. In July 2001 Secretary Powell made a trip to Asia, including stops in China and Vietnam, where it was reported he might meet with officials from North Korea on the margins of a meeting of the Association of Southeast Asian Nations. The Commission wrote to Secretary Powell urging him to raise prominently the protection of religious freedom in all three countries during any meetings with officials of those countries. During Secretary Powell's visit to China, the Chinese government agreed to resume the suspended bilateral human rights dialogue.

Also in July 2001 the Commission publicly expressed its deep disappointment that the International Olympic Committee awarded the 2008 Olympic Games to Beijing. The Commission had recommended in its 2001 Annual Report that China not be awarded the Olympics unless it made significant and sustained improvements in its egregious human rights record. Commissioners in August 2001 wrote to Secretary Powell recommending that he continue to designate China as a CPC, which he did.

In October 2001 Commission members met in Washington, D.C., with officials from the Chinese Foreign Ministry, Bureau of Religious Affairs, and other official Chinese organs, to discuss the Commission's concerns about religious freedom violations in China. The Commission members noted the resumption of the bilateral human rights dialogue between the United States and China, as the Commission recommended in its May 2000 and May 2001 annual reports. Commissioners reiterated their request for an official visit to China, which China had previously rejected, and raised a number of concerns and recommendations from the Commission's May 2001 annual report. The Commission received a private policy briefing from a number of China experts in November 2001.

After Chinese authorities sentenced a Chinese Protestant pastor to death and indicted a Hong Kong businessman for allegedly smuggling Bibles, the Commission in January 2002 issued a press release urging President Bush to press religious freedom cases with China. In February 2002 the Commission again wrote to President Bush recommending he seek an opportunity during a scheduled trip to China later that month to address the Chinese people directly by live, uncensored broadcast on fundamental human rights and freedoms, particularly freedom of religion and belief. Shortly thereafter, the Department of State announced President Bush's intention to make such a speech, and the Chinese government's acquiescence as a result of U.S. insistence. Following the President's return from China, the Commission issued a statement praising his televised speech before a university audience on religious freedom and other human rights. Also in February, the Commission publicly released its 2002 policy recommendations on China. The House International Relations Subcommittee on International Operations and Human Rights held a hearing on religious freedom in China and Vietnam, at which the Commission testified and announced its recommendations. The Commission discussed its concerns regarding China's religious freedom violations in a series of meetings with senior Administration officials and the new U.S. ambassador to China. Its February 2002 recommendations regarding China are included in this report.

8. Egypt

The Commission has closely followed developments in Egypt during the last two years, particularly the treatment of religious minorities such as Coptic Christians and members of the banned Baha'i community. The Commission raised these issues during meetings with senior Administration officials.

9. France

In June 2001 France enacted what has become commonly known as the "anti-cult law." While this alone was enough to raise concerns about the state of religious freedom in that country, when coupled with France's 1995 list of "cult movements" and subsequent creation of an interministerial department for the fight against cults, the Commission became concerned. It met in October 2001 with René Roudaut, the Counselor for Religious Affairs of the French Ministry of Foreign Affairs. In order to gather more information on the issue, Commissioner Land traveled to Paris in March 2002 and met with various government officials, leaders of religious communities, and other experts. While in France, the Commission also traveled to Strasbourg, where Commissioner Land was joined by Commissioners Young and Gaer. There the Commission met with a variety of persons and offices within the Council of Europe (COE), including the Secretary General of the COE, the Commissioner on Human Rights, the European Court of Human Rights, the Venice Commission, the Director of Human Rights, and the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the COE, to discuss their efforts to promote religious freedom in their member states. The Commission is currently formulating recommendations resulting from its visit to France, including its discussions at the COE. In April 2002 the Commission issued a press statement deploring anti-Semitic attacks in France, urging the U.S. government to press the French authorities to follow through on their stated commitments to track down the perpetrators and hold them to account.

10. Georgia

Noting an increase in religious violence in Georgia, with Jehovah's Witnesses particularly targeted, the Commissioners wrote in October 2001 to National Security Advisor Rice and Assistant Secretary of State A. Elizabeth Jones to urge that President Bush raise the issue of religious violence during his meeting with Georgian President Eduard Shevardnadze. The Commission also raised this issue during meetings with senior Administration officials.

11. India

The Commission has focused on India in light of the increase in recent years in severe violence against religious minorities in that country – Muslims, Christians, and Sikhs nationwide, and Hindus in Tripura State. Following an outburst of communal violence in March 2002 that took the lives of scores of Hindus and at least 800 Muslims, the Commission issued a statement calling on the United States to help the Indian government foster a climate of religious tolerance and citing its May 2001 recommendations for U.S. policy to promote religious freedom in India.

12. Indonesia

The Commission included a chapter on Indonesia in its May 2001 annual report, forwarding policy recommendations to the Administration and Congress. Language reflecting two of the Commission's recommendations was included in the Foreign Relations Authorization bill passed by the House of Representatives.

In September 2001 Commissioners wrote National Security Advisor Rice asking that President Bush "raise prominently religious freedom concerns" in his meeting with Indonesian President Megawati Sukarnoputri. With Muslim-Christian violence flaring yet again in Indonesia (this time on the island of Sulawesi), the Commission in December 2001 wrote to Secretary Powell to call attention to the increasingly alarming situation there. Thereafter, the Commission was informed that the U.S. ambassador to Indonesia raised the issue of the recent sectarian violence in Sulawesi with the Indonesian government, and urged it to remove outside extremist groups from all conflict areas and ensure the professionalism and neutrality of security forces. The Commission subsequently met with the ambassador to discuss the conflict. USAID testified before Congress in December 2001 that it is funding programs and organizations in Indonesia aimed at decreasing inter-faith tensions, reflecting another Commission recommendation. That same month, Muslims and Christians in Sulawesi signed the "Malino Declaration" to "end conflict and create peace." Using that as a model, on February 12, 2002, 35 Muslim and 35 Christian delegates signed an accord calling for all sides in the Moluccas to cease all conflicts and violence and respect the rights and practices of all religious believers. An updated and expanded set of recommendations on Indonesia is included in this report.

13. Iran

The government of Iran engages in or tolerates systematic, ongoing, and egregious violations of religious freedom, including prolonged detention and executions based primarily or entirely upon the religion of the victims. While all religious minorities suffer, these violations are principally directed towards the 300,000 to 350,000 followers of the Baha'i faith in Iran. In an August 2001 letter to Secretary Powell, the Commission recommended that he re-designate Iran as a CPC, which he did. The Commission also discussed its concerns regarding religious freedom violations in Iran with senior Administration officials. In April 2002 the Commission issued a press statement deploring the unwarranted rejection of a resolution on Iran by the UN Commission on Human Rights.

14. Iraq

Saddam Hussein's government has for decades conducted a brutal campaign of murder, summary execution, arbitrary arrest, and protracted detention against the religious leaders and followers of the majority Shi'a Muslim population and has sought to undermine the identity of minority Christian (Assyrian and Chaldean) and Yazidi groups. In an August 2001 letter to Secretary Powell, the Commission recommended that he re-designate Iraq as a CPC, which he did. The Commission also discussed its concerns regarding religious freedom violations in Iraq with senior Administration officials.

15. Kazakhstan

The Commission in March 2002 wrote to Assistant Secretary of State Jones opposing a draft law approved by Kazakhstan's parliament that would ban unregistered religious groups while at the same time making it extremely difficult for such groups to register. The Commission urged the U.S. government to make known U.S. concerns about the proposed law persistently and in all contacts with Kazakhstan government officials. Kazakhstan's Constitutional Court in April 2002 determined that some of the provisions of the proposed religion law were unconstitutional. As President Nursultan Nazarbayev reportedly has decided not to contest the Court's decision, for the time being the previous religion law remains in force.

16. Laos

In Laos during 2000 more than 95 Christians and their leaders from several provinces were arrested, detained (at times for months), and in some cases convicted of criminal offenses and imprisoned on account of their faith. Seven Lao Christian church leaders and one church member were arrested in May 2001 (and subsequently released) for resisting government pressure to renounce their faith. The Commission wrote to Secretary Powell in August 2001 urging that Laos be designated a CPC. In February 2002 Commissioner Firuz Kazemzadeh and Commission staff traveled to Laos and met with Lao government officials and representatives of religious groups and NGOs. The Commission is currently working on a report and recommendations resulting from this mission.

17. Nigeria

In May 2001 the Commission wrote President Bush, asking him to raise religious freedom issues with Nigerian President Olusegun Obasanjo during his visit to the United States. Both Ambassador Howard Jeter and President Bush are reported to have stressed religious tolerance in meetings with Nigerian officials, including President Obasanjo. Commission staff also met with Nigerian diplomats in Washington.

18. Democratic People's Republic of Korea

The Commission continued to examine the situation in North Korea, where religious freedom is non-existent. In October 2001 the Commission had a private briefing from three prominent experts on U.S.-North Korea relations and the potential for U.S. policy to promote religious freedom there. For the second consecutive year, the Commission recommended the designation of North Korea as a CPC in its letter to the Secretary of State in August; the Secretary made the designation in October 2001. In November 2001 Commissioner Young traveled to South Korea and met with refugees from North Korea and representatives of non-governmental and religious organizations who assist such refugees. A Commission staff member participated in an early February international conference in Tokyo on human rights and refugee issues in North Korea. In January 2002 the Commission held a hearing on religious freedom in that country. Witnesses included North Korean refugees and other eyewitnesses as well as policy experts, who described in detail conditions in North Korea and proposed recommendations for U.S. policy. Commissioners also discussed their concerns regarding religious freedom violations in North Korea in a series of meetings with senior Administration

officials. In addition, Commissioner Young testified in April 2002 at a Congressional Human Rights Caucus briefing on human rights and religious freedom in North Korea, at which the Commission announced its policy recommendations. Those recommendations are contained in this report.

19. Pakistan

In May 2001 the Commission wrote Secretary Powell, asking him to raise religious freedom issues with Pakistani Foreign Minister Abdul Sattar during his visit to Washington on June 18-20. It was reported that Assistant Secretary of State for South Asian Affairs Christina Rocca raised concerns about abuses of the blasphemy law with Pakistani officials during her July 2001 trip to the region.

In its May 2001 annual report, the Commission recommended that the United States, in its bilateral relations with the Pakistani government, take the position that the separate-electorate system for religious minorities is inconsistent with democratic principles. On a number of occasions, the Commission reiterated its recommendations to U.S. officials and representatives of the Pakistani government. Commission staff also met with the new U.S. ambassador to Pakistan. In January 2002 the Pakistani government announced plans to abolish the separate-electorate system. In recent months the Pakistani government has also undertaken efforts to prevent militant religious extremist groups and religious schools from promoting violence or possessing any type of weapons, in line with a Commission recommendation. As recommended by the Commission, the 2002 Foreign Operations Appropriations bill allocated funds (\$8 million to USAID) for basic education programs in Pakistan. The Commission wrote President Bush in February 2002, on the eve of President Musharraf's state visit to the United States, acknowledging the Pakistani government's progress on the above-noted issues and asking that President Bush raise religious freedom issues with the Pakistani leader during their talks.

20. Russia

In both its 2000 and 2001 annual reports, the Commission made policy recommendations regarding Russia. Among other things, the Commission urged the U.S. government to raise religious freedom issues at the highest levels of the Russian government. Secretary Powell testified before Congress that religious freedom was among the human rights concerns President Bush raised when he met with President Putin in June 2001. The Commission also recommended a number of positive steps the U.S. government should take to promote religious freedom in Russia. USAID Deputy Administrator Frederick Schieck testified before the Senate Foreign Relations Committee in December 2001 that USAID supports efforts in Russia to monitor persecution and discrimination and to "implement effective legal frameworks that protect an individual's right to the free practice of religion." For example, USAID is planning to conduct an assessment on the climate for inter-ethnic and religious tolerance in one of Russia's regions.

The Commission continues to monitor religious freedom in Russia. Commissioner Land and Commission staff in March 2002 traveled to Russia, where Commissioner Land addressed a conference on religion, politics, and human rights on the Commission's behalf. The mission also had the opportunity to meet with representatives of the Russian government, religious

communities, and NGOs. In addition, Commission staff met with Russian diplomats and religious leaders in Washington.

21. Saudi Arabia

The government of Saudi Arabia denies religious freedom and vigorously enforces its prohibition against all forms of public religious expression other than that of those who follow the government's interpretation and presentation of the Hanbali school of Sunni Islam. Numerous Christians and Shi'a Muslims continue to be detained, imprisoned, and deported. In its August 2001 letter to Secretary Powell, the Commission for the second consecutive year recommended that Saudi Arabia be designated as a CPC. The Commission regrets that to date this designation has not been made. The Commission discussed concerns regarding religious freedom violations in Saudi Arabia – particularly the arrest, detention, and deportation of several third-country Christians in Jeddah – with senior Administration officials.

22. Sudan

The 18-year civil war in Sudan and the continuing attacks on Christians, animists, and dissident Muslims by the government of Sudan continues to garner much Commission attention. The Commission wrote to Secretary Powell in August 2001 to recommend that he re-designate Sudan as a CPC, which he did.

Among the Commission's Sudan recommendations in its May 2001 annual report was a call for the appointment of a prominent special envoy to work for an end to the civil war there. In early September, President Bush appointed former Senator John Danforth as his Special Envoy for Peace in Sudan. The House of Representatives also acted by including language in the House-passed Foreign Relations Authorization bill that would authorize the creation of a similar position within the State Department. Prior to his first trip to Sudan, the Commission wrote Senator Danforth with a four-point set of policy recommendations for his talks with that country's government, which were reflected in the proposals presented by Senator Danforth to the government of Sudan. The Commission wrote again to Senator Danforth in January 2002, congratulating him on the progress he had made in talks with the warring parties and urging him to press the government in Khartoum for significant improvement in religious freedom conditions.

Several of the Commission's other Sudan recommendations have been incorporated into legislation introduced in Congress. The Commission's recommendation that foreign companies engaged in the development of oil and gas fields in Sudan be de-listed from U.S. stock exchanges, and its recommendation that all foreign companies doing business in Sudan be required to disclose the circumstances of that business have been incorporated into the House-passed version of the Sudan Peace Act. Both the House and Senate versions of the Sudan Peace Act urge the President to continue to increase the amount of U.S. humanitarian assistance that passes outside of the UN Operation Lifeline Sudan, thereby bypassing the government of Sudan's flight bans, as recommended by the Commission.

The Commission also successfully encouraged the United States to increase its assistance to southern Sudan and the coalition of opposition groups known as the National Democratic

Alliance (NDA). In the spring of 2001, the President announced an increase in aid to the NDA. The 2002 Foreign Operations Appropriations Act also included language authorizing the President to increase aid to the NDA. President Bush prominently featured Sudan in a major speech in May 2001, and the Administration undertook a diplomatic initiative that has so far secured a cease-fire in the Nuba Mountains – monitored by international and U.S. personnel – and established an international commission to examine Khartoum’s complicity in slave raids as part of its war effort.

The Commission raised its concerns about religious freedom violations in Sudan and recommendations for U.S. policy in a series of meetings with senior Administration officials and with Special Envoy Danforth. The Commission released its 2002 set of policy recommendations on Sudan in April 2002. These recommendations are included in this report.

23. Turkmenistan

For the second consecutive year, the Commission recommended to Secretary Powell in August 2001 that Turkmenistan be designated a CPC for egregious, ongoing, and systematic violations of religious freedom. The Commission regrets that to date, this designation has not been made. The Commission discussed its concerns regarding religious freedom violations in Turkmenistan in meetings with senior Administration officials. In March 2002 the Commission participated in an experts’ briefing on U.S. policy and human rights concerns in Central Asia before the U.S. Commission on Security and Cooperation in Europe at which Commissioner Nina Shea discussed religious freedom in Turkmenistan. At that time, it released a report and recommendations on that country in which it found religious freedom conditions there to be very poor and deteriorating. The Commission’s recommendations regarding Turkmenistan are included in this report.

24. Uzbekistan

Since 1999, the government of Uzbekistan has arrested, tortured, and imprisoned thousands of Muslims who reject the state’s control over religious practice. It continues to exercise excessive control over all religious practice in that country. In November 2001 the Commission forwarded to President Bush a series of recommendations to promote religious freedom in Uzbekistan. The Commission received briefings on religious freedom there from a number of experts and discussed its concerns in a series of meetings with senior Administration officials and Uzbek diplomats in Washington. In response to a January 2002 Commission letter urging her to raise religious freedom and human rights issues during her trip to Central Asia, Assistant Secretary of State Jones replied that Assistant Secretary of State Lorne Craner had told Uzbek government officials that “there must be progress on human rights and religious freedom issues if Uzbekistan hopes to continue to develop close relations with the United States.” She also wrote that President Islam Karimov acknowledged to her that Uzbekistan must make progress in this area and that the United States has begun a “productive” human rights dialogue with the Interior and Justice Ministries in Uzbekistan, as well as with human rights organizations in that country. In March 2002 the Commission participated in an experts’ briefing on U.S. policy and human rights concerns in Central Asia before the U.S. Commission on Security and Cooperation in Europe at which Commissioner Shea discussed religious freedom in Uzbekistan. Immediately before President Karimov’s state visit to the United States the same month, the

Commission issued a statement expressing concern over Uzbekistan's poor record on religious freedom and other human rights and reiterating its recommendations for U.S. policy to address those issues. Those recommendations are included in this report.

25. Vietnam

The Commission issued policy recommendations on Vietnam in its May 2001 annual report, including a recommendation that religious freedom be made a priority in the annual U.S.-Vietnam bilateral human rights dialogue. It was pleased to learn that Assistant Secretary of State Craner invited the Director of the Office of International Religious Freedom to participate in the dialogue in Hanoi in August.

The Commission recommended that the U.S. Congress ratify the U.S.-Vietnam Bilateral Trade Agreement (BTA) only after it passed a sense of the Congress resolution calling for the Vietnamese government to make substantial improvements in the protection of religious freedom. In September, and immediately *before* approving the BTA, the House passed the Vietnam Human Rights Act (H.R. 2833), which would primarily condition any new or increased U.S. non-humanitarian aid on the government of Vietnam improving its record on human rights, including religious freedom. The Vietnam Human Rights Act also would legislate a number of the Commission's recommendations: aid to Vietnamese NGOs, cultural exchanges between the United States and Vietnam, funding Radio Free Asia, and opposing non-humanitarian aid to Vietnam from international financial institutions until improvements are made in the protection of religious freedom. The Commission in September 2001 urged the Senate to act likewise. The Foreign Relations Authorization bill, which passed the House and is pending in the Senate, would also authorize funding for Radio Free Asia for fiscal years 2002 and 2003.

A Vietnamese Roman Catholic priest, Father Thaddeus Nguyen Van Ly, provided a written statement in connection with the Commission's February 2001 hearing, after which he was imprisoned and sentenced to 15 years. In October 2001 the Commission issued a press release condemning Fr. Ly's treatment by the Vietnamese government. The sentencing of Fr. Ly occurred in spite of the Commission's protest, as well as those of the State Department and Congress.

In February 2002 the Commission testified before the House International Relations Subcommittee on International Operations and Human Rights on the religious freedom situation in Vietnam and its policy recommendations for that country. Commissioner Kazemzadeh and Commission staff traveled to Vietnam in February 2002. The mission met with Vietnamese government officials and representatives of religious and non-governmental organizations. Commissioners also addressed their concerns regarding religious freedom in Vietnam with senior Administration officials and the new U.S. ambassador to Vietnam, as well as in meetings with Vietnamese diplomats in Washington. The Commission is currently at work on a report and recommendations concerning Vietnam.

26. U.S. Capital Markets

In late May 2001 the Securities and Exchange Commission (SEC) announced plans to require foreign companies doing business in countries subject to sanctions administered by the

U.S. Treasury Department to disclose more fully those business activities in their registration statements. That action partially reflects a recommendation made by the Commission in its May 2001 annual report. The Commission is disappointed, however, that its full recommendation has not been implemented.

In September 2001 the Commission urged President Bush to support the capital-market provisions passed by the House in the Sudan Peace Act, as described above. The Commission believes that these provisions would give the United States important tools to help end the fighting in Sudan and restore religious freedom and other human rights. In addition, the Commission called upon Senate conferees to accede to the capital-market provisions in the House version of the bill.

27. International Religious Freedom Act of 1998 (IRFA)

In its May 2001 annual report, the Commission also addressed IRFA and the State Department's *Annual Report on International Religious Freedom*. Commissioners examined the Executive Branch's implementation of IRFA, critiqued the State Department's religious freedom report, and addressed the effectiveness of U.S. actions and policy to promote religious freedom around the world. One of the Commission's recommendations was to increase staffing at U.S. embassies to cover religious freedom issues. This recommendation has been taken up in the House and Senate versions of the Foreign Relations Authorization bill, which would authorize funds for staff positions at U.S. embassies to monitor human rights developments.

The Commission's critique also addressed the importance of the position of the Ambassador at Large for International Religious Freedom as a crucial part of U.S. policy initiatives to promote religious freedom abroad. This position was vacant for a year and a half and has only recently been filled.

28. United Nations Commission on Human Rights

In January 2002 the Commission recommended in a letter to Secretary of State Colin Powell that the United States seek to regain its seat on the UN Commission on Human Rights (UNCHR). It is extremely important that the United States serve as an active member of the UNCHR, where country-specific resolutions and other resolutions concerning religious freedom are initiated. The Commission also discussed the issue in meetings with senior Administration officials. The United States was re-elected to the UNCHR in April 2002. The Commission also issued a press statement in April 2002 deploring the UNCHR's unwarranted rejection of a resolution on Iran.

Commissioners met with the UN Special Rapporteur on Freedom of Religion or Belief in November 2001 and March 2002.

Commission staff in November 2001 participated in the U.S. delegation to the International Consultative Conference on School Education in relation with Freedom of Religion and Belief, Tolerance and Non-discrimination, held in Madrid.

29. Registration and “Anti-Cult” Laws in Europe

The Commission is concerned over the proliferation of religious registration laws and “anti-cult” initiatives in the member states of the Organization for Security and Cooperation in Europe. These laws and initiatives can infringe upon the right to religious freedom, either directly or by creating an atmosphere of intolerance. The Commission is also concerned that these laws and proposals are being used as models elsewhere. Such initiatives are currently under way, for example, in Belgium, France, and Russia, and have been discussed or are being considered by a broad range of countries, such as Chile, Hong Kong, Lithuania, and Kazakhstan. In order to gather more information on the topic, the Commission raised the issue during travel to Belgium, France, and Russia and in meetings with the Council of Europe. In addition, the Commission in January 2002 heard statements from, and discussed these issues with, several international experts. The Commission is currently at work on a report and recommendations on these issues.

All of the above information and documentation of the Commission’s work can be found on its Web site at www.uscirf.gov. There the Commission posts its annual reports and individual country reports; the State Department’s annual reports on international religious freedom and human rights; all prepared and oral testimony from the Commission’s hearings; copies of Commission testimony to congressional committees; its speeches, statements and press releases; international human rights documents; and information about the Commission, the Commissioners, and the International Religious Freedom Act of 1998.¹⁴

¹ The USCIRF and the Office of International Religious Freedom work in cooperation, but they are independent of one another. They were established by the same legislation. The Ambassador at Large for International Religious Freedom serves *ex-officio* as a nonvoting member of the Commission.

² IRFA § 202(e), 22 U.S.C. § 6432(e).

³ IRFA § 201(b)(2)(A), 22 U.S.C. § 6431(b)(2)(A).

⁴ *Report of the U.S. Commission on International Religious Freedom*, May 1, 2001, 128.

⁵ *Ibid.*, 131-2.

⁶ *Ibid.*, 129.

⁷ *Ibid.*, 130.

⁸ *Ibid.*, 128.

⁹ *Ibid.*, 130.

¹⁰ *Ibid.*, 42.

¹¹ Ibid., 106.

¹² Ibid., 108.

¹³ Ibid., 145.

¹⁴ Between May 1, 2001, and March 31, 2002, about 73,000 individuals visited the site, an average of 6,600 per month.

II. THE INTERNATIONAL RELIGIOUS FREEDOM ACT AND THE STATE DEPARTMENT'S ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM – 2001.

A. Introduction

One of the guiding purposes and principles behind the International Religious Freedom Act of 1998 (IRFA) is to make the issue of international religious freedom an integral part of this nation's foreign policy agenda. The conditions of religious freedom in certain countries may be grave and deteriorating – in many instances on account of factors beyond the control of the United States – but not, if the IRFA process is working properly and vigorously, on account of a lack of attention paid to the issue as a matter of U.S. foreign policy. This report assesses the implementation of IRFA and the State Department's *Annual Report on International Religious Freedom 2001*.

IRFA sets out a number of interrelated mechanisms to further U.S. promotion of international religious freedom:

- the creation in the State Department of an Office of International Religious Freedom headed by an Ambassador at Large for International Religious Freedom;
- an annual report by the State Department on the conditions of religious freedom in each foreign country and U.S. actions to promote religious freedom;
- a requirement that the President designate those countries that are the most egregious violators of religious freedom and generally take action to oppose violations; and
- the creation of the U.S. Commission on International Religious Freedom to monitor international religious freedom and to make recommendations to the President, the Secretary of State, and the Congress as to how the United States can further the protection and promotion of religious freedom.

Substantial strides have been made by the State Department to improve its Annual Report, which provides detailed information on violations of the right to freedom of religion or belief in 195 countries around the globe. Nevertheless, as described in the Annual Report, actions taken by the executive branch in response to serious violations of religious freedom have been sporadic and, in several cases, not consistent with either the seriousness of the violations in question or a deterioration of conditions.

The Department's Annual Report lists actions taken by U.S. government officials, but by and large does not adequately describe how U.S. policy furthers protection of religious freedom in countries where violations occur. In other words, it is not apparent from the description of the measures taken or the policies implemented how the United States is seeking to promote – in a coordinated and deliberate fashion – religious freedom in countries where violations occur.

Moreover, the post of Ambassador at Large for International Religious Freedom, the key position in the U.S. government whose responsibility it is to advise the President and the Secretary of State on international religious freedom, has only recently been filled after being

vacant for a year and a half. The extended absence of an Ambassador at Large has weakened U.S. efforts.

Consistent with the recommendation of the Commission, the Secretary of State in October 2001 renewed the designations of Burma, China, Iran, Iraq, and Sudan as “countries of particular concern” (CPCs) under IRFA and designated North Korea as a CPC for the first time.¹ However, the Commission believes that the Secretary should also designate as CPCs additional countries recommended by the Commission, including Saudi Arabia and Turkmenistan. In addition, as of the time this report went to print in April 2002, the Secretary had not informed Congress what steps he has taken to oppose particularly severe violations of religious freedom and promote the right to freedom of religion in those countries designated as CPCs, notwithstanding a statutory requirement to do so within 90 days of the designation.²

Despite the availability of a range of policy tools, the State Department continues to take no additional action under IRFA against those countries the Secretary names as CPCs, explicitly relying instead on pre-existing sanctions to meet IRFA’s requirement to oppose particularly severe violations of religious freedom. Although this consistent non-response may be technically permissible under the statute, it is an indefensible policy in the case of China and Sudan (see section D.3 below).

As with all aspects of U.S. foreign policy since the terrorist attacks of September 11, the promotion of religious freedom also must be evaluated in the context of what is currently the single overriding objective of the United States: protecting its citizens, national interests, and robust democratic government around the globe through, in part, the combating of terrorism and those who support it. In October 2001 the Commission wrote to President Bush expressing the concern that, in forging alliances against terrorism, the United States not compromise its commitment to human rights – including religious freedom. The Commission urged that the U.S. government continue to press human rights both publicly and privately and to protect human rights worldwide.

The United States has sought cooperation on terrorism from several governments that are among the world’s most egregious violators of religious freedom and other human rights, and that have been designated as CPCs by the U.S. government, or recommended for that status by this Commission. Some of the countries are also on the State Department’s list of states that sponsor international terrorism. As the United States works with these governments, it should make clear that their current commitment to cooperate in eradicating terrorism does not mean that the United States will abandon its longstanding commitment to strengthen human rights protections in their countries. The U. S. government should not, in effect, signal to these governments that it is indifferent to the violent persecution they inflict on their own populations provided they stop exporting terrorism to the United States. Cooperation in the fight against terrorism does not grant them license to continue to abuse the rights of their own people, abuses that several governments attempt to justify as necessary to fight terrorism in their own country.

The campaign against terrorism has changed the relationships that the United States has with many foreign countries, including several whose governments engage in severe violations of religious freedom. In some cases, these new relationships afford a unique opportunity to encourage much-needed improvements by governments in the protection of religious freedom.

For example, the United States now has the heightened attention of the governments of Uzbekistan, Afghanistan, and Pakistan, as well as significant assistance programs in those countries. IRFA encourages flexibility in response to religious freedom violations and emphasizes positive actions where appropriate – such as foreign assistance programs and educational and cultural exchanges – as well as punitive ones. This Commission has recommended the enhanced use of these positive incentives and constructive tools with those countries' governments.³ At the same time, the U.S. government must ensure that steps to improve relations with cooperating countries that have major problems protecting religious freedom and other human rights (e.g., China, Russia, Pakistan, Sudan, and Uzbekistan) do not undermine its human rights message to the governments of these countries, and it should carefully monitor whether these steps are impeding progress on improvements in protecting human rights.

B. The State Department's Annual Report on International Religious Freedom - 2001

1. Importance of the Annual Report

The State Department's *Annual Report on International Religious Freedom* is an important means of keeping religious freedom high on the foreign policy agenda and promoting religious freedom abroad. It brings to light the facts on the ground, and – perhaps just as significantly – it describes what the U.S. government is doing to promote religious freedom around the world. IRFA states that it is the policy of the United States to oppose violations of religious freedom engaged in or tolerated by governments of foreign countries and to promote religious freedom both through specific actions targeting violators and other strategies, such as foreign assistance programs and cultural exchanges. In other words, the law requires that U.S. foreign policy take into account the nature and severity of religious freedom violations, and be adjusted accordingly.

The Department's Annual Report can be a yardstick with which to measure the U.S. government's progress in meeting the goals of the statute, by describing both changes in the situation on the ground and what actions the U.S. government is taking to promote religious freedom. The Commission urges all those interested in promoting international religious freedom to review carefully what the 2001 Annual Report states about the nature of U.S. policy toward violators of religious freedom and what the United States is doing to promote religious freedom. In several key countries – including those in which significant religious freedom violations occur – the report shows that U.S. policies and actions do not reflect the gravity of the situation (see pp. 34-35 below).

The Commission regrets that, in contrast to prior years, the Department issued its 2001 Annual Report without significant publicity. This year, the Department Spokesman made an announcement at the daily press briefing. In prior years, a press conference was held – in 2000 then-Secretary of State Madeleine K. Albright presided – devoted specifically to the issuance of the report. The Commission also regrets that Congress did not hold hearings on the report. The Commission understands that the events of September 11 and thereafter had a substantial impact on the activities of the State Department and Congress. The Commission hopes that next year will see a return to the earlier laudable practice of focusing public attention on the Department's Annual Report and its efforts to promote religious freedom.

2. Reporting on the Facts and Circumstances of Religious Freedom

In its 2001 Annual Report the State Department has again done a highly commendable job in telling the tragic story of severe violations of religious freedom around the globe. The Department continues to improve the already high quality of its report and to reflect a more complete understanding of religious freedom issues through the extensive presentation of facts. The report again reflects serious efforts by foreign service officers around the world.

The Commission is pleased that the Department has adopted some of the Commission's prior recommendations regarding the report, such as a section at the beginning of each report that briefly describes the most significant religious freedom problems and a section that references relevant law. Additionally, the Commission's review of the Department's instruction cable shows that the Department asked more specific questions to help its officers write a more complete report. For example, more attention is paid in this year's report to the status of religious education in each country.

Despite the overall high quality of the reporting on the facts and circumstances of religious freedom, some fundamental points are inadequately articulated, and there are still improvements that can be made. Several examples are presented below.

An exception to the generally thorough reporting on the facts and circumstances of religious freedom is this year's report on France. During the period covered by the report, the French Parliament enacted an amendment to the criminal code that established a new crime of "fraudulent abuse of a state of ignorance or weakness" and allowed for the dissolution of any organization whose leadership has been convicted twice of certain criminal offenses, including the offense established by the new law. Although the new law applies to all organizations in France, it was enacted in response to concerns regarding the activities of so-called "sects", a vaguely defined set of groups that include, in some government documents, Jehovah's Witnesses, Scientologists, and various Roman Catholic and Evangelical Christian groups. While the fact that a law was passed during the reporting period is mentioned, the provisions of the law are inadequately described in the report. Moreover, while the report sensibly concludes that this legislation "has the potential to restrict religious freedom," specific concerns – including those raised by several organizations both inside and outside of France – are not discussed. This omission is striking given the tremendous amount of international attention that has been paid to this legislative initiative over the past three years, including in the Department's 1999 Annual Report. Furthermore, as noted below, the section on policy does not describe how the U.S. plans to monitor the implementation of this law or the atmosphere of discrimination toward religious minorities that some contend has resulted from its enactment. On another note, although the report mentions and provides some statistics on an upswing in anti-Semitic violence in France, it does not discuss the reasons behind this trend or the French government's ineffective response to it.

Although the report on Saudi Arabia correctly concludes that "[f]reedom of religion does not exist" in that country, it does not adequately describe the extent of restrictions on the religious practice of both non-Muslims and Muslim religious minorities. The report notes briefly that most non-Muslims are forced to "worship in such a manner as to avoid discovery by the government or others." The report does not, however, document the lengths to which non-

Muslims must go to organize and keep their religious practice secret from the authorities, neighbors, or employers. In addition, although it does describe numerous restrictions on the public religious practice of Saudi Arabia's one million Shi'a Muslims, the report does not present a complete characterization of restrictions on Muslims who do not follow the strict interpretation of Islam enforced by the government. Public manifestations of the religious belief of such Muslims are all but completely prohibited. The report should state this, but does not. Notwithstanding some of the procedural standards mentioned that govern the activities of the *mutawaa*, or religious police, the report fails to note that there is no viable mechanism to lodge official complaints regarding its abuses or any independent monitoring of its actions. Nor does the report describe the informal pressures that dissuade foreign workers, in particular, from making such complaints. Finally, the report does not describe the role of the state's education system – a system controlled by the official religious establishment – in fostering some of the prevalent, intolerant attitudes reported to exist among the general population toward non-Muslims and the Shi'a Muslim minority.

The report on Vietnam describes in detail the many restrictions and controls on religious organizations in that country. It also recounts the arrest, detention, and in some cases imprisonment of prominent religious figures of several religious communities in Vietnam, leaders who have been vocal in their criticism of the Vietnamese government's failure to protect religious freedom. Despite the fact that these arrests occurred during the period covered by the report, the report concluded that the status of respect for religious freedom did not change during that period. Although the report properly concludes that the government "imposed . . . its own leadership" on the official bodies created to govern the affairs of the Buddhist, Hao Hoa, and Cao Dai faiths, it does not mention that the majority of the members of the Hao Hoa management body are members of the Vietnamese Communist Party and are therefore unlikely to be dedicated to the beliefs and goals of that faith.⁴

In the report on China, numerous serious violations of religious freedom and related human rights are listed under the heading of "abuses" of religious freedom. Absent from this listing, however, are severe violations of the rights of Uighur Muslims in Xinjiang, including executions and torture of prisoners. The report does note some significant regional variations in the protection of religious freedom and the enforcement by local officials of repressive central government policies. It would be helpful, however, if the report described these differences in greater detail and gave underlying reasons, if known, for those regional variations. This type of information would assist policymakers in targeting U.S. actions to oppose violations and promote respect for religious freedom.

The chapter on Nigeria describes extensive communal conflict arising from the introduction of Shariah criminal law in several northern states, conflict that has resulted in the deaths of hundreds of Muslims and Christians, as well as extensive damage to places of worship and other property. Although some attention is paid to efforts by the Nigerian government to prevent further violence and reduce communal tensions, virtually no information is provided on Nigerian government efforts to bring the perpetrators of violence to justice. The same is true in relation to the abuses, described in the report, by quasi-official or vigilante "Shariah enforcers" who have begun to operate in several of the northern states. Information on holding violators of human rights accountable for their actions – whether government officials or private persons – is critical in assessing a government's ability and willingness to protect religious freedom. Such

information should be routinely provided as part of the reporting on violations of religious freedom and related human rights.⁵ Information is notably lacking in other country reports where egregious violations of religious freedom are described. One example is the report on Mexico, where several serious incidents are reported involving community leaders in the Chiapas region targeting religious minorities with expulsion and other serious forms of harassment. With one exception, no information is provided on efforts by the Mexican government to hold these leaders accountable for their actions.

The Commission has noted in the past that the Department's Annual Report should include contextual information that helps to explain more fully religious freedom problems and that relates religious freedom concerns to other issues of U.S. policy. This year, several reports contain more such information. One example is Sudan, cited last year by the Commission as lacking in important contextual information. This year's report on Sudan describes the civil war and its associated humanitarian abuses (such as indiscriminate aerial bombardment of schools, medical facilities, and markets), as well as the taking of slaves, in the context of religious freedom concerns. The report does not, however, discuss the well-established link between government oil revenues and its prosecution of the civil war, although this is mentioned in the Department's Sudan Country Report on Human Rights Practices for 2001.

However, in some countries, significant context is still lacking. The report on the Former Yugoslav Republic of Macedonia deals only cursorily with the conflict between the Macedonian Orthodox majority and the Albanian Muslim minority. There is a significant element of religion in the conflict, and thus the potential for religious freedom abuses, that is not addressed in the report. Addressing this issue would not only help to clarify the conditions of religious freedom in the country, but also highlight how religious freedom concerns are included in U.S. policy regarding the conflict itself.

Last year's Annual Report included a section in the Executive Summary entitled "Improvements in International Religious Freedom," the contents of which was also reported in the individual country chapters. At that time, the Commission commented that the reporting of such "improvements" must be carefully handled in order to avoid misrepresentation of the conditions of religious freedom. Positive developments deserve to be noted in the report, but anything less than real and fundamental progress should not be labeled as "improvements". The mention of small steps in the Executive Summary could overshadow an overall negative situation. The executive summary should be the place to report on fundamental, lasting change in the protection of religious freedom – indeed, IRFA requires this – but not isolated events that may be positive. Severe persecutors can make a positive gesture without improving the overall conditions of religious freedom. On occasion they do it to deflect criticism and mislead foreign observers.

Although the name of the heading for this section has been changed in this year's report, the basic problem remains: the Executive Summary should highlight real improvements, not small, potentially insignificant steps. The latter should be discussed in the context of the overall conditions of religious freedom in a particular country; i.e. in the country reports, and not in a separate section of the Executive Summary.

Finally, in the Annual Report the State Department should cite appropriate key findings and recommendations by the Commission: for example, its determinations that certain countries merit designation by the Secretary of State as CPCs and other findings such as that religion is a major factor in the ongoing civil war in Sudan. As IRFA provides, the Secretary of State should prepare the Annual Report “taking into consideration the recommendations of the Commission.”⁶ Those preparing the reports should be familiar with the Commission’s reports, and should – where appropriate – use and cite them.

3. Reporting on U.S. Policy to Promote Religious Freedom

The State Department’s Annual Report on International Religious Freedom is not only a report on facts and circumstances, but is also a report on U.S. policies and specific actions undertaken by the U.S. government to promote religious freedom. In this important way, it differs from the Department’s annual Country Reports on Human Rights Practices. As noted above, what the Department’s Annual Report says about U.S. government policy with respect to religious freedom in each country can be a singular measurement of the Administration’s implementation of IRFA’s central principles to oppose violations and promote religious freedom.

Although the Annual Report is a valuable research tool for obtaining facts about religious freedom in other countries, it is significantly less useful as a guide to U.S. policies and actions taken to promote that basic human right. The Commission’s conclusions regarding those policies and actions, including how they are reported, are set forth in the following section.

C. Implementation of IRFA

1. Designating “Countries of Particular Concern”

Among the most significant responsibilities conferred under IRFA on the President or his designee, the Secretary of State, are the identification of those governments that engage in particularly severe violations of religious freedom, the consequent designation of their countries as “countries of particular concern” (CPCs), and the implementation of meaningful policies in response to such designations. The designation of CPCs is important, since it brings into the spotlight the most egregious violators. The designation is also designed to inform decision-making in other aspects of U.S. relations, such as foreign assistance, including security assistance, and U.S. participation in international financial institutions with regard to those countries. Unfortunately, the State Department has failed to designate countries that meet the IRFA criteria.

Based on its review of systematic, ongoing, and egregious violations of religious freedom abroad, in August 2001 the Commission recommended to the Secretary of State that he determine that the governments of the following nine countries have engaged in or tolerated particularly severe violations of religious freedom, thereby requiring their designation as CPCs: Burma, China, Iran, Iraq, Laos, North Korea, Saudi Arabia, Sudan, and Turkmenistan. In addition, the Commission recommended that the Taliban regime in Afghanistan be re-designated a particularly severe violator of religious freedom. The Commission had made the same recommendations in July 2000.⁷

In October 2001, for the third straight year, Burma, China, Iran, Iraq, and Sudan were designated by the Secretary as CPCs (along with North Korea, which was designated for the first time). As detailed in the Department's Annual Report, the governments of these countries continue to commit particularly severe violations of religious freedom as defined in IRFA, and have not taken substantial and verifiable steps to halt such violations.

Indeed, in some countries particularly severe violations have increased. In the past several months, the Chinese government has intensified its repression of religious and spiritual groups that operate outside of state control, including Protestant Christians, Tibetan Buddhists, Uighur Muslims, and Falun Gong adherents (or practitioners). In December 2001 – for reportedly the first time since adoption of a 1999 “evil cult” law – a Protestant Christian pastor was sentenced to death, and fifteen other leaders of his banned church were sentenced to between two years and life imprisonment. That same month, the cult law was used to indict a Hong Kong businessman for allegedly smuggling Bibles to another banned Protestant group. Last August and September, 63 Protestant believers reportedly were arrested, mostly in Hubei and Hebei provinces. Recently issued Chinese government documents demonstrate support by some in China's top leadership for systematic efforts to repress religion in general and particularly the Falun Gong and some Protestant house churches.⁸ According to at least one human rights group, government repression of Uighur Muslims has intensified since September 11, 2001.⁹

Also for the third straight year, the Taliban regime in Afghanistan was designated as a particularly severe violator of religious freedom. Although the Taliban have been defeated by the international coalition forces led by the United States, the roots of religious intolerance and abuses of religious freedom and other human rights still exist in Afghanistan, particularly with respect to vulnerable groups such as women, minorities, internally displaced persons, and returning refugees. In October, the Commission urged the Administration “to promote, in all its programs for Afghanistan and contacts with the Afghans, with interested governments, and with the United Nations, the idea of a future Afghan political system that practices religious tolerance and respects the basic human rights of all. . . .” The new central government authority in Kabul – the “Interim Authority” – has committed itself to abiding by international human rights norms, but turning this commitment into practice will not be easy, given, among other things, the different parties exercising control over various parts of the country. In light of this situation, the State Department should monitor carefully conditions in Afghanistan and identify any individuals or groups responsible for particularly severe violations as defined by IRFA.

Also in October 2001 the Secretary designated North Korea as a CPC for the first time. The Commission welcomes this well-deserved designation. By all accounts, in North Korea personal freedoms are absent and human rights are systematically violated. The Department's 2001 Annual Report states (as it has for the prior two years), “Genuine religious freedom does not exist.” Information on conditions in North Korea is limited, in large part because of the government's extremely tight control of foreign contacts and the flow of information out of the country. Nevertheless, over time a very grim picture has emerged: the government suppresses all independent religious activity; persons engaging in public religious expression or other unauthorized religious activities are arrested and imprisoned; and since July 1999, there have been new reports (from escaped refugees and other credible firsthand sources) of the ongoing torture and execution of religious believers.¹⁰ Testimony presented at the Commission's January 2002 public hearing on North Korea supported these conclusions.

The Commission believes that Saudi Arabia and Turkmenistan continue to deserve designation as CPCs. The facts clearly bear this out. The Commission urges the Department to re-examine the conditions in these two countries and make the appropriate designations as soon as possible. Under IRFA, the Secretary may designate a CPC at any time as the facts dictate.¹¹

The findings from the Commission's visit to Saudi Arabia in March 2001 confirmed the State Department's conclusion, stated for the last several years in its own human rights reports, that religious freedom "does not exist" in that country. Serious violations of religious freedom there – violations that target members of all religious communities other than those who follow the government's interpretation and presentation of the Hanbali school of Sunni Islam – clearly warrant CPC designation.

Last summer, fourteen Christians of various nationalities were imprisoned in Jeddah in what appears to be a crackdown on a loose network of private Christian "home fellowships." All were arrested and detained without charge. Several reported harsh prison conditions (including beatings) and were subject to repeated interrogations. All were deported by March 2002 after as much as six months in prison. The Saudi government has publicly taken the position in recent years that citizens and residents of Saudi Arabia – both Muslim and non-Muslim – have the right to practice their religion *in private*, a position Saudi officials affirmed to the Commission during its visit. This recent spate of arrests appears to be a serious breach of even their commitment to permit private religious worship – a commitment that, even if upheld, falls far short of international norms of religious freedom.

The Saudi government enforces a strict interpretation of Islam – to the exclusion of all others – and uses that interpretation as a justification for comprehensive restrictions on minority religious practice. Thus, activities that are financed or supported by the Saudi government to promote its interpretation of Islam outside of Saudi Arabia raise some troubling questions about that government's role in promoting religious intolerance in other countries.¹² Also of concern are reports that some members of extremist and militant groups that promote intolerance and even violence targeting others on the basis of their religion in several countries have apparently been trained as clerics in Saudi Arabia. It is not clear from the information currently available to the Commission the role of the Saudi authorities in these training activities or the content of such training. The State Department should pay close attention to activities undertaken by the Saudi government that have detrimental effects on the protection of religious freedom in countries outside of Saudi Arabia. It should report on such activities and take further action as appropriate.

The government of Turkmenistan severely restricts religious activity other than that engaged in by the official Sunni Muslim Board and the Russian Orthodox Church. Members of unrecognized religious communities – including Baha'is, Baptists, Hare Krishnas, Jehovah's Witnesses, Muslims operating independently of the Sunni Muslim Board, Pentecostals, and Seventh-day Adventists – have reportedly been arrested, detained (with allegations of torture and other ill-treatment), imprisoned, deported, harassed, fined, and have had their services disrupted, congregations dispersed, religious literature confiscated, and places of worship destroyed. Specific promises made by President Niyazov to senior U.S. officials in 1999 have not been carried out; in fact, the situation continues to deteriorate, eliminating expectations for improvement. Although a prominent religious prisoner, Baptist Shageldy Atakov, was recently

released after three years in prison, the underlying laws, policies, and practices that severely repress independent religious activity in Turkmenistan remain unchanged.

2. Other Countries Meriting Close Scrutiny as Candidates for CPC Designation

The Commission also finds grave violations of religious freedom engaged in or tolerated by the governments of India, Pakistan, Uzbekistan, and Vietnam. The Commission's findings concerning India, Pakistan, and Vietnam are discussed in detail in its annual report of May 1, 2001. A report on Uzbekistan is being released concurrently with this annual report of May 2002. The Commission is seriously considering whether these and additional countries meet the statutory criteria for designation as CPCs. The Commission urges the State Department to monitor closely religious freedom in these countries and to respond vigorously to further violations there that may merit CPC designation later this year.

Recent events in Vietnam are particularly troubling. In October 2001 Roman Catholic priest Father Thaddeus Nguyen Van Ly was sentenced to 15 years in prison for allegedly disobeying probation rules and "undermining national unity." Father Ly is an advocate of religious freedom in Vietnam who has been persistently critical of the Vietnamese government's failure to protect religious freedom. The Commission invited Fr. Ly to testify at its February 2001 hearing on Vietnam, and he submitted written testimony. His imprisonment and sentence followed this submission. The Commission is thus particularly concerned about his case and urges continued pressure by the U.S. government to see it resolved. Father Ly's treatment is a flagrant violation of human rights and reflects a disturbing recent trend of religious freedom violations in Vietnam. The government of Vietnam has also recently detained or imprisoned several leaders of religious groups not officially recognized, including The Venerable Thich Huyen Quang and The Venerable Thich Quang Do of the Unified Buddhist Church of Vietnam, The Rev. Nguyen Hong Quang of the Mennonite Church in Ho Chi Minh City, and Hoa Hao Buddhist Mr. Le Quang Liem. A Commission delegation visited Vietnam in February 2002. Although Vietnamese officials severely restricted the delegation's freedom of movement, the visit confirmed that the government continues to exert strict control over religious groups.

The Commission has also observed with great concern the communal rioting between Muslims and Hindus in India since February 2002 that has taken more than 800 lives, primarily Muslims. The Commission continues to urge the U.S. government to press Indian authorities to exercise their power to halt the atrocities and violence, bring the perpetrators to justice, and do more to root out the causes of religious intolerance, especially by resolving the impasse over the Babri mosque in Ayodhya destroyed in 1992 by Hindu nationalists who are vowing to construct a Hindu temple on the site.

On a more positive note, the Commission welcomes recent steps taken by Pakistan's President Pervez Musharraf to abolish the separate electorate system for religious minorities, to improve the education system, and to curb violence in the name of religion. The Commission strongly hopes that these steps will be followed by others that address ongoing violations of religious freedom in Pakistan. Several of these are detailed in the Commission's 2001 annual report and they include eliminating abuses under the blasphemy laws and laws targeting Ahmadis. Moreover, there have recently been deadly attacks on churches in Pakistan. Although

the government has taken steps to investigate these incidents, these steps have not yet been adequate to hold accountable those responsible for the attacks.

3. U.S. Actions Taken in Response to CPC Designation

Designation of CPCs is an important aspect of IRFA, but it is only one aspect. IRFA requires policy responses, both for CPCs and for all other violators of religious freedom. IRFA does not, however, dictate what the precise response must be in every case. Sanctions are not the only option, as the statute provides an extensive list of policy tools of varying intensity from which to choose. These tools are discussed below.

Despite the availability of this range of policy tools, the State Department continues to take no additional action under IRFA against those countries the Secretary names as CPCs, relying instead on pre-existing sanctions to meet IRFA's requirement to oppose particularly severe violations of religious freedom. Although this consistent non-response may be technically permissible under the statute, it is an indefensible policy in the case of China and Sudan.

As discussed above, in October 2001 the Secretary of State designated for the third consecutive year Burma, China, Iran, Iraq, and Sudan as CPCs, and added North Korea, which was designated for the first time. However, as of the time this report went to print in April 2002, the Secretary had not informed Congress what steps he has taken to oppose particularly severe violations of religious freedom and promote the right to freedom of religion in countries of particular concern. The Secretary has yet to submit this information, despite a statutory requirement to do so within 90 days of CPC designation.¹³ Although the Secretary of State, as the President's designee, may choose from several options to meet IRFA's statutory requirements – including designation of an existing sanction against a CPC country – he is required to inform the Congress (and through it the public) of his determination.

IRFA directs the President to promote religious freedom in a designated CPC by taking one or more of certain actions specified in §405, unless the President determines that pre-existing sanctions, regardless of their origin, are satisfactory, or otherwise waives the requirement.¹⁴ The actions specified in § 405 include the suspension of U.S. development assistance or security assistance under the Foreign Assistance Act of 1961; restrictions on the activities of the Export-Import Bank of the United States, the Overseas Private Investment Corporation, or the Trade and Development Agency with respect to the foreign government involved (and certain related entities); U.S. opposition to loans by international financial institutions primarily benefiting the foreign government; the restriction of certain licenses for exports to the foreign government; prohibitions on certain transactions of U.S. financial institutions; and prohibitions on U.S. government procurement activities.¹⁵ The President may also substitute any other action he or she considers commensurate in effect to others listed if he or she feels it would further U.S. policy.¹⁶ The authority to make these decisions has been delegated by the President to the Secretary of State.

The five countries named as CPCs in 1999 were already subject to ongoing, multiple, broad-based sanctions. As permitted by Section 402(c)(5) of IRFA, the Secretary determined that the following pre-existing sanctions satisfied the IRFA requirements¹⁷:

Burma	22 CFR 126.1: prohibition on exports or other transfers of defense articles and defense services pursuant to §38 of the Arms Export Control Act (22 U.S.C. §2778).
China	Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, §902(a)(4) (22 U.S.C. §2151 note): restriction of exports of crime control and detection instruments and equipment.
Iran	Arms Export Control Act, §40 (22 U.S.C. §2780): restrictions on United States security assistance.
Iraq	Arms Export Control Act, §40 (22 U.S.C. §2780): restrictions on United States security assistance.
Sudan	International Financial Institutions Act, §1621 (22 U.S.C. §262p-4q): use of the voice and vote of the United States to oppose any loan or other use of the funds of the International Financial Institutions to or for Sudan.

These positions were reiterated in the State Department’s report to Congress designating CPCs in September 2000. The Secretary concluded that because the above-mentioned sanctions were still in effect, no further action was necessary.¹⁸

The State Department has not submitted to the Congress the required evaluation of the effectiveness of the prior actions against CPCs.¹⁹ In the cases of Sudan and China, the pre-existing sanctions the Secretary of State identified in 1999 as meeting the requirements of IRFA are inadequate and have been ineffective. No other sanctions have been identified since 1999.

The situation in Sudan continues to deteriorate, and there is no evidence to suggest that the identified sanction (opposition to international loans) has had any effect on the religious freedom policies or the human rights abuses of the government of Sudan. More effective actions that the Commission has recommended include closing U.S. capital markets to third country companies that participate in the development of Sudanese oil fields (the revenue from which helps to fund the Sudanese government’s war effort). The U.S. government has developed and implemented some of the other actions recommended by the Commission, for example, by taking steps to end Sudan’s ability to control foreign food aid and use it as a weapon of war, though more is required in this area.²⁰

With respect to China, the identified sanction has failed to send a strong message to Beijing on religious freedom. In February 2002 the Commission recommended to President Bush that he secure during his then-upcoming visit to China an opportunity to address the Chinese people directly about U.S. concerns for the protection of freedom of religion and belief in that country. During the visit, the President delivered an address to students at Tsinghua University on the importance of freedom, including religious freedom, to the American people and in American society. The Commission also recommended that the U.S. government ensure that the annual U.S.-China human rights dialogue involves high-level officials and establishes

measurable goals and practical steps for improvement in the protection of human rights. One mechanism to establish such goals and benchmarks is to negotiate a binding agreement between the U.S. and Chinese governments within the context of the dialogue and as authorized under section 405(c) of IRFA. In October 2001 the Commission met in Washington with the Chinese delegation to the dialogue, and that delegation appeared to view the dialogue as an end in itself, rather than as a means to specific steps to improve the protection of human rights.

In its 2001 Annual Report, the State Department continued its practice of not publicizing the decisions that the Secretary had made pursuant to IRFA to oppose particularly severe violations of religious freedom in CPCs, i.e. in each case to rely on pre-existing sanctions. As the Commission noted last year, the Department continues this practice in spite of the statutory mandate in IRFA to state in the Annual Report what steps were taken to comply with IRFA as a result of CPC designation.²¹ In addition, the Commission notes that under IRFA, the President must take action (or issue a waiver of the requirement to take such action) with regard to each country the government of which engages in or tolerates violations of religious freedom, and not only CPCs.²² These actions do not appear to be so recorded in the 2001 Annual Report. The State Department should identify in the Annual Report each of the actions taken pursuant to IRFA in response to CPC designation or in response to a finding that a foreign government has engaged in or tolerated a violation of religious freedom.

4. Other U.S. Policies and Actions Taken to Promote Religious Freedom²³

The State Department's 2001 Annual Report reflects that U.S. government officials have raised concerns over religious freedom violations in many countries. These efforts were often led by U.S. embassy personnel who reported raising various issues with appropriate host government officials. Embassy officials have also met with religious leaders and representatives of various religious and non-governmental organizations concerned with religious freedom and other related human rights issues, and monitored legal proceedings. Members of Congress have traveled to several countries in order to express concerns regarding the situation of religious freedom. In addition, senior State Department officials, as well as the Director and staff members of the State Department's Office of International Religious Freedom, have visited several countries and have discussed religious freedom with government representatives and others in those countries.

While all of these efforts are significant, the Annual Report does not reflect that they are being conducted in any coordinated way designed to implement particular policies or to achieve specific goals.

The Executive Summary and most of the individual country reports in the Department's Annual Report contain what are essentially lists of isolated actions the State Department or others in the U.S. government have taken in each country in response to concerns regarding religious freedom violations. While this type of report is informative, important pieces are missing. Like the previous two reports, the 2001 Annual Report does not contain a good description of the policies that the State Department has adopted and is implementing – on a worldwide, regional, or even individual country basis – to oppose religious freedom violations and to promote religious freedom. Also, the Annual Report does not describe the results (or lack thereof) of the particular actions taken, such as meetings with foreign government officials. The

absence of this information leaves the impression that the Department has not taken a considered approach to formulating and implementing policies designed to bring about improvements of religious freedom in individual countries.

For example, of all the countries mentioned in the Executive Summary of the 2001 Annual Report, only the reports on China, Egypt, Indonesia, and Vietnam attempt any kind of systematic explanation of U.S. policies and how the actions taken by the U.S. government during the reporting period further those policies. This type of explanation is notably absent in the reports of many countries where serious religious freedom violations occur, such as Saudi Arabia, India, Pakistan, Nigeria, Sudan, and Laos with whom the United States has diplomatic relations and is engaged on various levels with the host government.

Moreover, the Annual Report does not explain how the promotion of religious freedom is advanced in particular countries through U.S. policies on:

- foreign aid (including security and development assistance, as well as aid specifically designed to promote civil society, democracy, good governance, rule of law, and specific human rights objectives);
- public diplomacy (including international broadcasting and U.S. sponsored educational and cultural exchanges); and
- participation in international organizations (such as the UN and the Organization for Security and Cooperation in Europe, both of which have several mechanisms for addressing human rights issues) and international financial institutions (such as the International Monetary Fund and the World Bank).

These policy areas are specifically mentioned in IRFA as potential mechanisms to promote religious freedom. Indeed, the Commission has made recommendations on promoting religious freedom in several countries through each of these mechanisms.

Again, in the absence of information to the contrary, the Annual Report leaves the impression that the Department is without a plan as to how to implement one of IRFA's central statutory purposes: "to use and implement appropriate tools in the United States foreign policy apparatus . . . to promote respect for religious freedom by all governments and peoples."²⁴

IRFA encourages the U.S. government to take positive steps to promote religious freedom.²⁵ For example, Congress recommended that in countries where religious freedom violations occur, U.S. missions develop a strategy, as part of their annual program planning, to promote religious freedom and to allocate funds to programs "deemed to assist in the promotion of the right to religious freedom."²⁶ The Annual Report should include a description of the nature and magnitude of programs sponsored by the U.S. government that help promote religious freedom or religious tolerance (including person-to-person exchanges with the United States) in each country that has significant religious freedom violations but nevertheless receives U.S. foreign aid. Some information of this type is scattered throughout the Annual Report, particularly in the country reports on Indonesia and Egypt. However, the reports of several relevant countries that receive substantial funding allocations under the democracy and governance programs of the U.S. Agency for International Development, such as Bulgaria,

Georgia, Nigeria, Russia, and Ukraine, contain very little of this type of information, giving the reader the impression that religious freedom concerns have not been integrated into the mission's program planning.

In the descriptions of U.S. actions contained in the Annual Report, the Department appears to have adopted a relatively narrow view of actions taken to promote religious freedom. In the report on Sudan, for instance, no information is given as to U.S. policies or actions taken regarding the civil war or the humanitarian situation, both of which the Commission has determined are intimately related to religious freedom problems in that country. In countries such as India, Georgia, and Nigeria, where there is a substantial connection between religious freedom violations and inadequate or abusive law enforcement, lack of rule of law, and ineffective judicial process, the reports do not describe in any detail U.S. policies and actions with respect to these deficiencies. Some information of this type is included in the reports on Bosnia-Herzegovina and Indonesia. Where appropriate, activities designed to promote rule of law, competent law enforcement, and accountability for religious freedom and related human rights violations should be a significant component of U.S. efforts to promote religious freedom, and they should be described in the Department's Annual Report.²⁷

The September 11 terrorist attacks have had a significant impact on U.S. foreign policy and on relations between the United States and many other countries. The Commission has discussed in several of its recent reports how these new relationships may present important opportunities to encourage much-needed changes in the protection of religious freedom and other human rights in foreign countries cooperating with the United States in the campaign against terrorism. While every government has a duty to protect its people from violence and terrorism from whatever source, it must nevertheless respect human rights. Restrictions on the freedom to manifest religion or belief must be directly related and proportionate to the specific need on which the restriction is predicated. Furthermore, restrictions must not be applied in a discriminatory manner.²⁸

The fight against terrorism is an opportunity to demonstrate a commitment to rule of law and human rights, rather than an excuse to abuse them. The Commission has looked closely at countries such as China where under the banner of fighting terrorism, a government has repressed non-violent political opposition and the practice of religion. These governments have swept up along with those who are engaged in violence those who are peacefully manifesting their religion or belief or exercising their right to freedom of association. The methods used in these campaigns have violated fundamental human rights and restricted the right to freedom of religion.

Moreover, as noted above, the Commission has expressed concern that the United States not compromise its commitment to promoting human rights – including religious freedom – during the campaign against terrorism, and not “trade-off” that commitment for the cooperation of foreign governments in that campaign. Although senior Administration officials have stated that the U.S. government will continue to promote human rights, the United States has taken and continues to take significant steps to improve relations with cooperating countries that have major problems protecting religious freedom and other human rights: e.g., China, Russia, Pakistan, Sudan, and Uzbekistan. The U.S. government must ensure that these steps do not

undermine its human rights message to the governments of these countries and carefully monitor whether these steps are impeding progress on improvements in protecting human rights.

Next year's State Department Annual Report should pay close attention to the interrelationship between fighting terrorism and protecting religious freedom, especially in those countries cooperating with the United States in the campaign against terrorism. In addition to clearly articulating U.S. policies and their implementation in cooperating countries, it should carefully scrutinize claims that religious freedom restrictions are justified in order to combat terrorism, take actions commensurate with those findings, and identify such actions in the Annual Report.

Again this year, several country reports in the Annual Report describe a situation in which U.S. policy does not appear to be commensurate with the gravity of religious freedom problems or where conditions of religious freedom have deteriorated, yet U.S. policy and actions toward those countries have not been adjusted as a result.

For example, with respect to Uzbekistan, the Annual Report describes numerous severe abuses of religious freedom by the government of that country. This Commission has examined the situation and, as noted above, is concerned over the extent of religious freedom violations occurring there. Since 1999, the Uzbek government has arrested, tortured, and imprisoned (with sentences up to 20 years) thousands of Muslims who reject the state's control over religious practice. In some cases, an individual's piety alone brings down state suspicion and arrest. The Uzbek government continues to exercise excessive control over all religious practice in that country, in part through a repressive 1998 law that severely restricts the right of independent Muslims, as well as minority religious groups, to exercise their religious freedom. The State Department has documented these abuses well, and U.S. embassy officials have raised issues with the Uzbek government and have monitored criminal proceedings. Nevertheless, recent developments in relations between the United States and Uzbekistan raise concerns that other U.S. policy interests in that country have overshadowed promotion of human rights. Agreements signed between Uzbekistan and the United States since September 11, including the most recent agreement signed during the visit of Uzbek President Islam Karimov in March 2002, provide for a considerable increase in U.S. economic and security assistance to Uzbekistan. However, in none of these agreements is this assistance in any way tied to any improvement in the Uzbek government's performance with regard to the protection of human rights, including religious freedom. In November 2001 the Commission wrote to President Bush with a number of recommendations for U.S. policy, including conditioning U.S. assistance to the Uzbek government (with the exception of assistance to improve humanitarian conditions and advance human rights) on that government's taking a number of concrete steps to improve conditions for religious freedom for all individuals and religious groups in Uzbekistan.

With respect to Turkmenistan, for the second consecutive year the Annual Report states that the government's respect for religious freedom deteriorated. The report clearly states that the government is responsible for "all forms of religious persecution ... [and] ...harassment of unregistered religious groups intensified and included torture, arrest, and seizure or destruction of property." President Niyazov has not carried out his explicit promise to senior U.S. officials in 1999 that restrictive registration requirements in that country would be relaxed. As a result of such deteriorating conditions, the Commission, for the second consecutive year, recommended

that Turkmenistan be designated a CPC. In the Commission's view, expectations for improvement have all but been eliminated in the absence of fundamental changes in the country.²⁹ Yet there is no indication in the Department's report what steps the U.S. government has taken to respond to the deterioration of conditions. In March 2002 the Commission made several recommendations in this regard, including the suspension of all non-humanitarian assistance to the government of Turkmenistan (with the exception of programs that serve specifically identifiable U.S. national security interests in connection with the current campaign against terrorism).³⁰

Another example is France, where the 2001 Annual Report indicates the passage of legislation that "has the potential to restrict religious freedom." This new law has been criticized both inside and outside of France as inconsistent with the protection of human rights, including religious freedom. Also, what has happened in France has had an influence far beyond its borders, as several other countries are emulating French "anti-sect" initiatives, in some cases at the urging of French officials. Yet, for the second consecutive year, the State Department has not reported a significant engagement with the French government on this issue. Nor does it report how the United States plans to monitor the implementation of the new law, or its impact on legal developments in other countries.

Despite its insistence to the contrary last year, the Commission's visits to foreign countries and other activities continue to be listed in the State Department's Annual Report. The Commission remains firm in its belief that this practice should be discontinued. The Commission is not empowered by Congress to implement U.S. foreign policy and has not done so; rather its mandate is to monitor and analyze conditions of religious freedom and to make policy recommendations to the U.S. government. Congress has required the Commission to report on its activities separately from the State Department. Including Commission actions in the Annual Report may blur the distinction between it and the State Department – in the minds of the American public, non-governmental organizations (NGOs), religious communities, and foreign governments. Moreover, the report on India states that the Commission received an invitation from the Indian government to visit that country, which is simply incorrect. Notwithstanding requests that have been made since the fall of 2000, the Commission has yet to receive an official invitation from the government of India.

U.S. embassy personnel and others in the State Department have been very helpful in facilitating Commission visits to examine first-hand conditions of religious freedom in foreign countries. The Commission has met with several senior officials in the Department, as well as outgoing U.S. ambassadors, to discuss matters of religious freedom and U.S. policy. The Office of International Religious Freedom and other offices have facilitated those meetings. However, the State Department has been less helpful in assisting the Commission in meeting with representatives of foreign governments during their visits to Washington. For example, the Commission was disappointed that it did not receive more assistance in connection with the visit of Uzbekistan's President Islam Karimov in March 2002. The Commission has an important role to play in the context of such visits, and hopes for more cooperation from the Department in the future.³¹

5. The Ambassador at Large for International Religious Freedom

U.S. efforts to promote religious freedom around the globe and to integrate that objective into the conduct of U.S. foreign policy have suffered significantly by the prolonged vacancy of the Ambassador at Large position. The Ambassador is the principal advisor to the President and the Secretary of State on international religious freedom. The Department's 2001 Annual Report called the Ambassador's office "the fulcrum of the effort to promote religious freedom." However, the post remained vacant for over a year and a half after Ambassador Robert A. Seiple left in September 2000. The White House announced the President's nomination of John W. Hanford III in September 2001. The Senate confirmed Mr. Hanford in January 2002, but he had yet to be sworn in as of the date this report went to print.

The 2001 Annual Report bears out the loss stemming from this critical vacancy. Many of the types of efforts undertaken by Ambassador Seiple – in particular his travels to countries to investigate religious freedom conditions and raise concerns directly with foreign governments – are absent from the bulk of the period covered in the 2001 Annual Report. The absence of an Ambassador at Large also means that the senior Administration official responsible for international religious freedom is not present during daily senior staff meetings with the Secretary of State to review critical policy developments. IRFA mandates a high-level official whose sole responsibility is international religious freedom and who reports directly to the President and the Secretary. No less is necessary to implement IRFA's objectives.

6. Identifying Parties Responsible for Religious Freedom Violations

The Commission is disappointed that, with the single exception of Burma in 1999, the State Department has not identified the parties responsible for the particularly severe violations of religious freedom in the CPCs, as required by IRFA.³² Government agencies and instrumentalities are required to be identified, as well as the specific individuals responsible for these violations in each country. The identification of the designated responsible parties is required to be transmitted to the appropriate congressional committees as soon as practicable after the CPC designations are made.³³ According to information available to the Commission, this has not been transmitted.

Identification of responsible parties is important for several reasons. IRFA explains that designation is to be made in order to target appropriately the sanctions that may be imposed under that Act.³⁴ In addition, a list of individual responsible parties is necessary to enforce immigration provisions excluding them from the United States (see section D.7 below). Moreover, the Commission recommended in May 2001 that no U.S. foreign assistance should be provided to any person (whether governmental or non-governmental) who has committed acts of violence targeting individuals on account of their religious belief or practice or has served as an instrumentality of official government policies of invidious religious discrimination.

In its first transmittal of CPC designations to Congress in October 1999, the Department identified the ruling State Peace and Development Council in Burma as responsible for massive human rights violations, including violations of religious freedom. No further specificity regarding responsible Burmese government agencies or officials has been reported since. The 1999 transmittal noted the difficulty of identifying specific individuals and entities in China,

citing closed judicial proceedings and an opaque justice system, and promised to include them in future reports to Congress as credible information about their identity became known. This has not yet occurred.³⁵ The CPC transmittal to Congress in 2000 did not identify abusers in any of the CPCs, and the Commission believes that responsible parties should be identified. Information is available on government officials who have committed particularly severe violations of religious freedom, and the State Department has the capacity to investigate reports and make the necessary determinations. To take a recent example, Narendra Modi, the chief minister of the state of Gujarat in India, has been accused of delaying the deployment of the army to subdue communal riots that broke out in February 2002 and stopping police from cracking down on Hindu mobs that burned mosques, attacked and killed Muslims, and destroyed their homes and other property. At the very least, the State Department should continue to report to Congress on its progress in identifying responsible parties.

In addition to identifying responsible parties in CPC countries, parties responsible for violations of religious freedom in non-CPC countries should be identified as well.³⁶ For example, a government might not have tolerated a particularly severe violation for which one or more of its officials was responsible or the violation might have been otherwise terminated before the country could be designated a CPC. Even so, any responsible party still should be identified and reported for foreign assistance and immigration purposes.

7. Immigration Restrictions for Violators

Section 604 of IRFA amended the Immigration and Nationality Act to make current or former government officials who are particularly severe violators of religious freedom ineligible for visas and inadmissible for entry into the United States until 24 months have passed since the last violation for which they were responsible.³⁷ These violators also are subject to deportation and may not adjust their status from nonimmigrant to permanent resident, even if they otherwise are in the United States legally. As far as the Commission is able to determine, this provision has never been enforced. According to officials from both agencies, neither the State Department nor the Immigration and Naturalization Service (INS) has a record of a visa, admission, or status adjustment denied or deportation ordered on grounds of religious freedom violation. Although this provision is mentioned in some training materials, based on the Commission's preliminary research, few operational officers in either agency seem to pay it attention, if they know about it at all. However, in the 2000 Annual Report, but not in the 1999 or 2001 reports, the appendix reporting on INS activities did mention that the INS had notified all employees about IRFA and its affect on agency operations, explaining the new inadmissibility provision and referring officials to various Web sites for more information on IRFA.³⁸

There is no realistic way for consular and immigration officers, as well as immigration judges, to know whom they should exclude or deport without a list of individuals who are inadmissible because of their religious freedom violations. Since these are the same individuals who are required to be designated by the State Department (see section D.6 above), this underscores the urgent need for such designation on a timely basis. Without it, the provision can be of little effect.³⁹ Once the State Department begins to designate individuals as particularly severe violators of religious freedom, it should disseminate "watch lists" and background information to consular and immigration officers and immigration judges so that the exclusion

can be enforced. The training of these officials should be augmented to include enforcement of these provisions.

8. Reform of Refugee and Asylum Policy

Like its 1999 and 2000 reports, the Department's 2001 Annual Report includes an appendix in which the INS, as required by IRFA,⁴⁰ describes the development and implementation (jointly with the State Department) of specified guidelines to assure that the processing of refugee and asylum claims is free from bias and competently performed, as well as a description of religious freedom training provided to all federal officials who adjudicate refugee and asylum claims. Although training has been strengthened significantly for asylum and refugee officers, other officials, such as inspection and detention officers, have received little, if any, training about international religious freedom. Also, unfortunately, very little has been done to comply with IRFA regarding elimination of bias. In some cases, the reports, which are remarkably similar from year to year, demonstrate a misunderstanding of the statutory requirements.

In 2001 the INS reported that it had drafted preliminary guidelines to address hostile biases in personnel hired abroad to process refugee claims. However, the preliminary guidelines were also reported as drafted in the 1999 and 2000 reports, noting that revisions were under discussion by an INS working group. The Commission is disappointed that the INS and State Department have not been able to draft final guidelines over a three-year period, let alone implement these guidelines for the protection of aliens seeking refugee or asylum status.

Guidelines are also required for establishing agreements with U.S. government-designated NGOs abroad that prepare refugee case files for use by the INS during refugee adjudication. The guidelines are to assure that refugee applicants are not disadvantaged by faulty case file preparation.

In the 2001 report, the appendix noted that the INS and State Department were discussing ways to include these IRFA obligations in the standard contract between the Department and NGOs involved in refugee processing, and they anticipated developing these guidelines more fully during Fiscal Year 2002. Similar wording appeared in the 1999 and 2000 reports, each time promising progress in the following year. In three years, the two agencies have been unable to draft and implement the required guidelines.

IRFA also requires guidelines to assure that persons with potential religious or other biases not "in any manner" be used to interpret conversations between aliens and inspection or asylum officers. The statute particularly singles out personnel of airlines known by governments to practice persecution under international refugee law.

In 1999, the INS reported that it would explore expansion of the contract with its private interpreter service to include specific provisions for the elimination of bias in interpreting conversations between aliens and inspection or asylum officers. By the 2000 report, the INS had determined that the contract could indeed be modified to include such provisions. The 2001 report states that efforts are underway to include those provisions in future interpreter contracts. As this report goes to print, the INS reports that it has provided final language to its asylum

interpreter contractor and that the new provisions are expected to be signed shortly. Contract interpreters, whether present in person or via telephone, are now required to take an oath of neutrality and lack of bias before each asylum interview. This contract does not extend to interpretation during inspection at ports of entry.

In each of the three Annual Reports, the INS has described its internal compliance with IRFA's anti-bias provisions, which includes notifying all ports-of-entry employees of the provisions and advising them to avoid the use of airline employees as interpreters "whenever possible" for secondary inspection. This is commendable, as far as it goes, but (assuming that the report accurately reflects the guidelines) it misinterprets the statute. The IRFA proscription against the use of employees of airlines owned by persecuting governments is absolute, not just whenever possible. On the other hand, there is no proscription against using employees of other airlines as interpreters, unless there is reason to believe that they, personally, have a potential bias that would disqualify them from assisting in the inspection or asylum process.

9. Other IRFA issues

As it reported for the last two years, the Commission has still not gained full access to State Department cables to and from embassies because of the Department's assertion of a legal position (executive privilege as to deliberative process within the Administration) with which the Commission does not agree. The Department has since constructed a time-consuming, cumbersome, and lengthy process whereby Commission staff is able to review some cables after they have been redacted. This process means that the Commission cannot see cables until months after they are sent, making it difficult for the Commission to formulate timely policy recommendations in fast-moving situations overseas. The Commission has tried this system in good faith and concluded last year that it does not meet the Commission's needs. In recent weeks, however, the Commission has worked out with the Department's Bureau of European and Eurasian Affairs a much more streamlined procedure to review cables relevant to that Bureau. The Commission hopes that this procedure – if it works in practice – can be replicated in other Bureaus in the Department.

International religious freedom has become an important foreign-policy issue. The growing interest in the United States in the conditions of religious freedom around the globe and in the promotion of religious freedom through U.S. foreign policy is exemplified not only by the passage of IRFA but also by increasing public awareness of religious freedom violations in countries such as China and Sudan. Secretary of State Powell has publicly stated that, in his view, the State Department has not been given adequate resources to perform its functions. The Commission believes that this is true in numerous areas impinging on concerns expressed in IRFA regarding religious freedom and related human rights. We further believe that in order to meet its obligations under IRFA and to ensure that the promotion of religious freedom remains a foreign-policy priority, adequate staff must be devoted to these and closely intertwined tasks. The Commission continues to urge the State Department to review its staffing of religious freedom issues in U.S. embassies and in its regional and functional bureaus, particularly in the Office of International Religious Freedom, and to increase staffing adequately to perform the important task of promoting international religious freedom.⁴¹

D. Recommendations

I. Campaign Against Terrorism

1. The United States should not compromise its commitment to promoting human rights – including religious freedom – during the campaign against terrorism, and should not “trade-off” that commitment for the cooperation of foreign governments in that campaign. The U.S. government must ensure that steps to improve relations with cooperating countries that have major problems protecting religious freedom and other human rights (e.g., China, Russia, Pakistan, Sudan, and Uzbekistan) do not undermine its human rights message to the governments of these countries. It should carefully monitor whether these steps are impeding progress on improvements in protecting human rights.

2. The State Department’s *Annual Report on International Religious Freedom* should pay close attention to the interrelationship between fighting terrorism and protecting religious freedom, especially in those countries cooperating with the United States in the campaign against terrorism. In addition to clearly articulating U.S. policies and their implementation in cooperating countries, the State Department should carefully scrutinize claims that religious freedom restrictions are justified in order to combat terrorism, take actions commensurate with those findings, and identify such actions in the Annual Report.

II. Countries of Particular Concern (CPCs)

3. The State Department should use the full range of available policy tools, especially in the case of China and Sudan, to take additional action under the International Religious Freedom Act of 1998 (IRFA) against those countries the Secretary names as CPCs. Although it may be technically permissible to rely on pre-existing sanctions to oppose particularly severe violations of religious freedom, such reliance provides little incentive for CPC governments to reduce or end those violations.

4. The Secretary of State should inform Congress of what steps he has taken pursuant to IRFA to oppose particularly severe violations of religious freedom and promote the right to freedom of religion in those countries that he designated in October 2001 as CPCs, i.e. Burma, China, Iran, Iraq, North Korea, and Sudan. This is required by IRFA § 404(a).

5. The Secretary of State should designate as CPCs those countries recommended by the Commission, including Saudi Arabia and Turkmenistan.

6. The State Department should monitor closely religious freedom in India, Pakistan, Uzbekistan, and Vietnam and respond vigorously to further

violations there that may merit CPC designation at any time throughout the year.

7. The State Department should pay close attention to activities undertaken by the Saudi government that have detrimental effects on the protection of religious freedom in countries outside of Saudi Arabia. It should report on them and take further action as appropriate.

III. The State Department's *Annual Report on International Religious Freedom*

8. The Annual Report should contain a complete description of the policies that the State Department has adopted and is implementing – on a worldwide, regional, or even individual country basis – to oppose religious freedom violations and to promote religious freedom. Also, the Annual Report should describe the results (or lack thereof) of the particular actions taken, such as meetings with foreign government officials.

9. The State Department should identify in the Annual Report each of the actions taken pursuant to IRFA in response to CPC designation or in response to a finding that a foreign government has engaged in or tolerated a violation of religious freedom.

10. The Annual Report should explain how the promotion of religious freedom is advanced in particular countries through U.S. policies on:

10.a. foreign aid (including security and development assistance, as well as aid specifically designed to promote civil society, democracy, good governance, rule of law, and specific human rights objectives);

10.b. public diplomacy (including international broadcasting and U.S. sponsored educational and cultural exchanges); and

10.c. participation in international organizations (such as the UN and the Organization for Security and Cooperation in Europe – both of which have several mechanisms for addressing human rights issues) and international financial institutions (such as the International Monetary Fund and the World Bank).

11. The Annual Report should include a description of the nature and magnitude of programs sponsored by the U.S. government that touch on the promotion of religious freedom or religious tolerance (including person-to-person exchanges with the United States) in each country that has significant religious freedom violations but nevertheless receives U.S. foreign aid.

12. Where appropriate, activities designed to promote rule of law, competent law enforcement, and accountability for religious freedom and related human rights violations should be a significant component of U.S. efforts to

promote religious freedom, and they should be described in the Annual Report.

13. The Executive Summary of the Annual Report should highlight fundamental, lasting change in the protection of religious freedom, not smaller, potentially insignificant steps. The latter should be discussed in the context of the overall conditions of religious freedom in a particular country; i.e. in the country reports and not in a separate section of the Executive Summary.

14. In the Annual Report, the State Department should cite appropriate key findings and recommendations by the Commission, for example, its determinations that certain countries merit designation by the Secretary of State as CPCs and other findings such as that religion is a major factor in the ongoing civil war in Sudan.

15. Information on holding violators of human rights accountable for their actions – whether government officials or private persons – should be routinely reported in the Annual Report, both in the sections describing the violations and in the sections on “Legal/Policy Framework.” The latter sections should describe the laws and policies that govern the punishment of religious freedom violators and mechanisms of redress for victims, or the lack thereof. Such information is critical in assessing a government’s ability and willingness to protect religious freedom.

IV. Other Issues

16. The State Department should identify foreign government agencies and individual officials responsible for particularly severe violations of religious freedom in CPCs or other countries. The Department should continue to report to the Congress on its progress in countries where responsible parties truly cannot yet be identified. Once identified, the Department should disseminate “watch lists” and background information to consular and immigration offices and immigration judges so that they can deny responsible parties benefits under U.S. immigration laws.

17. The State Department should review its staffing of religious freedom issues in U.S. embassies and in its regional and functional bureaus, particularly in the Office of International Religious Freedom, and increase staffing adequately to perform the important task of promoting international religious freedom.

¹ The Secretary continued the designation of the former Taliban regime in Afghanistan as a particularly severe violator, which also was recommended by the Commission.

² IRFA § 404(a), 22 U.S.C. § 6444(a).

³ See below, Recommendations 9-10 (Uzbekistan), 64-65; *Report of the U.S. Commission on International Religious Freedom*, May 1, 2001, "Pakistan," Recommendation 7, 109.

⁴ USCIRF 2001 Annual Report, 142.

⁵ This recommendation relates not only to the sections of the reports describing violations of religious freedom, but also the section on "Legal/Policy Framework." This section should describe the laws and policies that govern the punishment of religious freedom violators and mechanisms of redress for victims, or the lack thereof.

⁶ IRFA § 102(b)(1), 22 U.S.C. § 6412(b)(1).

⁷ Under IRFA, as part of the basis of review for making determinations whether a country should be a CPC, the President "shall [among other things] take into account any finding or recommendations [made] by the Commission [on International Religious Freedom] with respect to the foreign country" in question. International Religious Freedom Act of 1998 (IRFA) § 402(b)(1)(B), 22 U.S.C. § 6442(b)(1)(B).

⁸ Shixiong Li and Xiqiu (Bob) Fu, ed., "Religion and National Security in China: Secret documents from China's security sector," Center for Religious Freedom, Freedom House, February 11, 2002 (<http://www.religiousfreedomforchina.org/English/docs/Final%20Report.htm>, accessed April 25, 2002).

⁹ Amnesty International, "People's Republic of China: China's Anti-Terrorism Legislation and Repression in the Xinjiang Uighur Autonomous Region," March 2002, 1.

¹⁰ See U.S. Commission on International Religious Freedom, *Report on the Democratic People's Republic of Korea*, April 2002.

¹¹ IRFA § 402(b)(1)(C), 22 U.S.C. § 6442(b)(1)(C).

¹² The Saudi government, government-controlled charitable organizations, and individual members of the Saudi Royal Family have financed mosques, Islamic cultural centers, religious schools, media, and centers for training clergy throughout the world. See "Huge Saudi Efforts in the Field of Establishing Islamic Centers, Mosques and Academies All Over the World," Ain-Al-Yaqeen, March 1, 2002. The precise role of the government in each of these activities is unclear, and it is uncertain to what extent the institutions that are being financed espouse the same interpretation of Islam that is the only one permitted by the government in Saudi Arabia.

¹³ IRFA § 404(a), 22 U.S.C. § 6444(a).

¹⁴ IRFA §§ 402(c)(4) and (5), 407 (22 U.S.C. §§ 6442(c)(4) and (5), 6447). According to § 407, sanctions may be waived if the President determines "(1) the respective foreign government has ceased the violations giving rise to the Presidential action; (2) the exercise of such waiver authority would further the purposes of this Act; or (3) the important national interest of the United States requires the exercise of such waiver authority."

¹⁵ IRFA §§ 402(c)(1)(A), 405(a)(9)-(15), 22 U.S.C. §§ 6442(c)(1)(A), 6445(a)(9)-(15).

¹⁶ IRFA §§ 405(b), 22 U.S.C. § 6445(b).

¹⁷ If the President finds that a CPC designee is already subject to ongoing, multiple, broad-based sanctions “imposed in significant part in response to human rights abuses,” then he or she may determine that one or more of these sanctions meet the requirements of IRFA. See IRFA § 402(c)(5).

¹⁸ IRFA § 402(c)(4), 22 U.S.C. § 6442(c)(4) (providing that the President is not required to take action with respect to a CPC designee if he has done so in a previous year and any such actions are still in effect). Under IRFA, sanctions remain in place for the shorter of either two years or if the foreign government in question has “ceased or taken substantial and verifiable steps to cease” the violations. IRFA § 409, 22 U.S.C. § 6449.

¹⁹ See IRFA §§ 402(c)(4)(C), 404(a)(4), 22 U.S.C. §§ 6442(c)(4)(C), 6444(a)(4).

²⁰ See USCIRF 2001 Annual Report, 129.

²¹ IRFA § 102(b)(1)(C), 22 U.S.C. § 6412(b)(1)(C).

²² See IRFA § 401, 22 U.S.C. § 6441.

²³ It should be noted that all statements regarding the activities of the U.S. government with respect to religious freedom reported on in the 2001 Annual Report reflect the situation prior to September 11, 2001. Obviously, U.S. foreign policy and relations with many countries have changed significantly. Nevertheless, the points raised in this section remain relevant and important as the U.S. continues its objective to promote international religious freedom.

²⁴ IRFA § 2(b)(5), 22 U.S.C. § 6401(b)(5).

²⁵ See IRFA § 106, 22 U.S.C. § 6415. In addition, section 116(e) of the Foreign Assistance Act of 1961 (22 U.S.C. § 2151n(e)), as amended by section 501 of IRFA, encourages that not less than \$3 million in foreign assistance funds be allocated for programs and activities to “encourage or promote increased adherence to civil and political rights, including the right to free religious belief and practice”.

²⁶ IRFA § 106, 22 U.S.C. § 6415.

²⁷ The Commission most recently made recommendations to this effect in reports on China (February 13, 2002) and Turkmenistan (March 7, 2002), as well as in its May 1, 2001, Annual Report chapters on India, Indonesia, Nigeria, Pakistan, and Vietnam.

²⁸ See Human Rights Committee, General Comment No. 22 (48) (art. 18), U.N. Doc. CCPR/C/21/Rev.1/Add.4 (1993), ¶ 8.

²⁹ See August 16, 2001 letter from the Commission to Secretary of State Powell regarding the designation of “Countries of Particular Concern.”

³⁰ See below, Recommendation 2 (Turkmenistan), 61.

³¹ As noted above, the Commission – with the assistance of the State Department – met in October 2001 with the visiting delegation of China to the U.S.-China bilateral human rights dialogue.

³² IRFA, § 402(b)(2) (22 U.S.C. § 6442(b)(2)). The State Department has designated what might be considered responsible parties in two additional cases, but not in CPC’s. In the Department’s 1999 and 2000 CPC transmittals, the Taliban regime in Afghanistan was designated a particularly severe violator, as was the Milosevic regime in Serbia. The Taliban regime also was redesignated in 2001. As a practical matter, since neither of those regimes remains in power, those institutional designations are no longer useful. However, the Department should identify individual officials of those regimes as responsible parties in order to deny them various benefits under U.S. immigration laws, as discussed below.

³³ IRFA, § 402(b)(3)(B) (22 U.S.C. § 6442(b)(3)(B)).

³⁴ IRFA, § 402(b)(2), 22 U.S.C. § 6442(b)(2).

³⁵ In its May 2001 Annual Report, the Commission recommended that the State Department identify those parties responsible for religious freedom violations in China. *USCIRF 2001 Annual Report*, “China,” Recommendation 7, 43.

³⁶ IRFA § 401(c)(1)(B), 22 U.S.C. § 4441(c)(1)(B), requiring actions in response to simple violations of religious freedom be targeted “as narrowly as practicable with respect to the agency or instrumentality of the foreign government, or specific officials thereof, that are responsible for such violations”.

³⁷ INA, § 212(a)(2)(G) (8 U.S.C. § 1182(a)(2)(G)).

³⁸ Department of State, *Annual Report on International Religious Freedom -- 2000*, App. D.

³⁹ Also, although a question has been added to the immigrant visa application form asking whether the applicant meets the definition of a particularly severe violator, no such question appears on the nonimmigrant form. Not only does this fail to discourage violators from applying for nonimmigrant visas in the first place, it also makes it impossible to prosecute them for visa fraud for failure to answer correctly a (nonexistent) question on the application.

⁴⁰ Reporting requirements at IRFA, § 102(b)(1)(E) (22 U.S.C. § 6412(b)(1)(E)); guideline and training requirements at IRFA, § 602 (22 U.S.C. § 6472) for refugee policy and IRFA, §603 (22 U.S.C. § 6473) for asylum policy.

⁴¹ See IRFA, § 101(d), 22 U.S.C. § 6411(d).

III. COMMISSION RECOMMENDATIONS

The Commission issued seven individual country reports during the current reporting year of May 15, 2001, through May 1, 2002. The following are the recommendations contained in each of those reports.

The complete text of each report can be found on the Commission's Web site at www.uscirf.gov. Reports may also be obtained by contacting the Commission's offices.

A. China

Despite the Chinese government's signature on and/or ratification of several international human rights treaties, and its stated adherence to the Universal Declaration of Human Rights, it has continued to commit severe violations of freedom of religion and belief and to discriminate against individuals on the basis of their religion or belief. The widespread and serious abuses of the right to freedom of religion and belief in China are documented by the State Department, this Commission, and religious and other non-governmental organizations. In October 2001, the Secretary of State concluded for the third straight year that the Chinese government severely and systematically violates freedom of religion and belief, and named China as a "country of particular concern" under the International Religious Freedom Act of 1998. There are numerous egregious violations against members of many of China's religious and spiritual communities, including Evangelical Christians, Roman Catholics, Tibetan Buddhists, Uighur Muslims, and other groups, such as the Falun Gong, that the government has labeled "evil cults."

In order to protect freedom of thought, conscience, religion, and belief, the Chinese government must take effective steps in the following four critical areas. U.S. policy should encourage such steps and effectively respond to whether or not such steps are indeed taken.

(I) Ending the Crackdown: The Chinese government should end the abusive practices that constitute its current crackdown on religious and spiritual groups throughout China.

(II) Reforming the Repressive Legal Framework: The Chinese government should substantially change its system of laws, policies, and practices that govern religious and spiritual organizations and activities. It should establish an effective mechanism of accountability for alleged violations of the right to freedom of religion and belief and the human rights of religious believers, and for related abuses.

(III) Affirming the Universality of Religious Freedom and China's International Obligations: The Chinese government should fully respect the universality of the right to freedom of religion and belief along with other human rights. The Chinese government should also ratify the International Covenant on Civil and Political Rights. The U.S. government should undertake to strengthen scrutiny by international and U.S. bodies of China's human rights practices and the implementation of its international obligations.

(IV) Fostering a Culture of Respect for Human Rights: In light of its international obligations to ensure and protect human rights, the Chinese government should take steps to initiate and foster a culture of respect for human rights in China. The Chinese

government can be assisted and motivated in this effort through U.S. government action in the areas of foreign assistance, public diplomacy, securities disclosure requirements, business practices, as well as other avenues.

Recommendations

I. Ending the Crackdown

1. The U.S. government should urge the Chinese government to:
 - 1.a. halt the harassment, surveillance, arrest, and detention of persons on account of their manifestation of religion or belief;
 - 1.b. end abusive practices such as detention, torture, and ill-treatment in prisons, labor camps, psychiatric facilities, and other places of confinement against such persons;
 - 1.c. cease practices that coerce individuals to renounce or condemn any religion or belief;
 - 1.d. cease discrimination against individuals on the basis of their religion or belief, which currently exists in the areas of government benefits, including education, employment, and health care; and
 - 1.e. provide access to religious persons (including those imprisoned, detained, or under house arrest or surveillance) in all regions of China (including Tibet and Xinjiang) by foreign diplomats, humanitarian organizations, and international human rights and religious organizations, as well as the U.S. Commission on International Religious Freedom.
2. The President of the United States should ensure that efforts to promote religious freedom in China are integrated into the mechanisms of dialogue and cooperation with the Chinese government at all levels, across all departments of the U.S. government, and on all issues, including security and counter-terrorism.
3. Prior to any state visit by the respective heads of state of the United States and the People's Republic of China, the President of the United States should obtain assurances that: (a) freedom of religion and belief will be included as a prominent agenda item for his discussions; and (b) he be given an opportunity to address the Chinese people directly by live, uncensored broadcast of a major speech on fundamental human rights and freedoms, particularly freedom of religion and belief.
4. During any state visit to China, the President of the United States should take further steps to promote religious freedom in his activities and those of the delegation. The Commission should be invited to designate representatives to participate in the delegation.

5. The U.S. government should consistently raise with the Chinese government at the highest levels individual cases of violations of the right to freedom of religion and belief.
6. The U.S. government should instruct the U.S. Embassy in Beijing and U.S. consulates in China to continue to monitor the status of individuals who are arrested or detained in violation of their human rights.
7. In its reporting on conditions of religious freedom in China, the State Department should:
 - 7.a. articulate regional and local variations in the protection of the right to freedom of religion and belief;
 - 7.b. identify specific individuals and/or entities that commit violations of this right; and
 - 7.c. consider the record of provincial and local officials in protecting freedom of religion and belief when deciding whether to deepen cultural and economic cooperation between the United States and China.

II. Reforming the Repressive Legal Framework

8. The U.S. government should urge the Chinese government to respect and fully implement the freedom of individuals and organizations to engage in religious activities outside of state control and free from government interference, in accordance with international human rights standards. This freedom must not be limited to the five state-sanctioned religious groups, but encompass all groups that are engaged in the manifestation of religion or belief. This freedom includes, *inter alia*, as affirmed in the international instruments to which the Chinese government is a party, the right:
 - 8.a. to worship publicly;
 - 8.b. to express and advocate religious beliefs;
 - 8.c. to distribute religious literature;
 - 8.d. (for parents) to ensure the religious and moral education of their children in conformity with their own convictions;
 - 8.e. (for religious groups) to govern themselves according to their own rules, including:
 - 8.e.1. to select and train their leaders;
 - 8.e.2. to define and teach the beliefs and doctrines to which they adhere;

8.e.3. to solicit and receive voluntary financial and other contributions;

8.e.4. to establish and maintain associations for religious and spiritual purposes; and

8.e.5. to establish freely and maintain communications with individuals and communities – both inside and outside China – in matters of religion and belief.

9. The U.S. government should urge the Chinese government to establish a mechanism for reviewing cases of persons 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. This mechanism should also review cases of detained or imprisoned religious leaders (many of whom have been charged with specious criminal offenses).

10. The U.S. government should urge the Chinese government to drop charges against, and/or to release from imprisonment, detention, house arrest, or surveillance persons who are so restricted on account of their manifestation of religion or belief, as well as any others who, in contravention of international human rights standards, have been detained or sentenced unjustly.

11. The U.S. government should urge the Chinese government to allow both faith-based and secular non-governmental organizations formally to establish and maintain institutions to provide humanitarian and social services in China.

III. Affirming the Universality of Religious Freedom and China’s International Obligations

12. The U.S. government should urge the Chinese government to:

12.a. reaffirm its commitment to the protection of the internationally recognized right to freedom of thought, conscience, religion, and belief;

12.b. ratify the International Covenant on Civil and Political Rights; and

12.c. abide by its international commitments and recognize as refugees North Koreans who have fled that country and who meet international criteria.

13. The U.S. government should take steps to ensure that the annual U.S.-China human rights dialogue involves high-level officials and, along with consideration of other human rights, serves as a forum to: (a) communicate U.S. concerns about the protection of freedom of religion and belief in China; (b) review the requirements of international human rights standards regarding the right to

freedom of religion and belief; and (c) establish measurable goals and practical steps for improvement.

14. Until China significantly improves its protection of freedom of religion and belief, the U.S. government should propose and promote a resolution to censure China at the annual meeting of the UN Commission on Human Rights and engage in sustained efforts to enlist the support of other governments at the highest levels to both vote for and advocate such a resolution.

15. The U.S. government, at the highest levels, should urge foreign governments and appropriate international entities (such as the European Union) to join the United States in a common policy that vigorously promotes freedom of religion and belief in China along with other human rights. The components of such a policy should include human rights monitoring and a dialogue with the Chinese government that incorporates specific benchmarks.

16. The U.S. government should endeavor to establish an official U.S. government presence, such as a consulate, in Lhasa, Tibet and Urumqi, Xinjiang, in order to monitor religious freedom and other human rights.

17. The U.S. Congress should continue to engage in and expand its ongoing review of human rights practices in China jointly with the U.S. Commission on International Religious Freedom. The U.S. Congress should also extend an invitation to the Dalai Lama to address a Joint Meeting of Congress.

IV. Fostering a Culture of Respect for Human Rights

18. In its promotion of religious freedom, the U.S. government should resolutely oppose other human rights violations in China that are closely connected to violations of religious freedom. Such violations include, among others: torture; unlawful arrest or detention; arbitrary executions; absence of due process and discriminatory treatment under the criminal procedure code (including the lack of access to family members, human rights monitors, adequate medical care, and a lawyer); and violations of the rights of freedom of expression (including the freedom to seek, receive, and impart information), freedom of association, and peaceful assembly.

19. The U.S. government should, through its foreign assistance, visitor exchanges, and other public diplomacy programs, expand its efforts to promote and protect human rights, including freedom of religion and belief, in China through supporting and, as appropriate, funding:

19.a. individuals and organizations in China that are advocating respect for China's international human rights obligations, including freedom of religion and belief;

19.b. exchanges between Chinese (including Tibetan and other ethnic minorities) and U.S. scholars, experts, representatives of religious

communities and non-governmental organizations, and appropriate officials (both at the central and local levels) regarding the relationship between religion and the state, the role of religion in society, international standards relating to the right to freedom of religion and belief, and the importance and benefits of upholding human rights protection, including religious freedom; and

19.c. the efforts of those both inside and outside China to promote the rule of law, legal reform, and democracy in China.

20. The U.S. government should seek expanded opportunities to speak frankly and directly to the Chinese people to express why the U.S. government, on behalf of the American people, is concerned with violations of internationally recognized human rights, including freedom of religion or belief.

21. The U.S. government should prohibit U.S. companies doing business in China from engaging in practices that would constitute or facilitate violations of religious freedom or discrimination on the basis of religion or belief.

22. The United States should require any U.S. or foreign issuer of securities that is doing business in China to disclose in any registration statement filed with the U.S. Securities and Exchange Commission (SEC) for any new offering of securities the following information:

22.a. the nature and extent of the business that it and its affiliates are conducting, including any plan for expansion or diversification and any business relationship with agencies or instrumentalities of the Chinese government, and specifying the identity of such agencies or instrumentalities;

22.b. whether it plans to use the proceeds of the sale of the securities in connection with its business in China and, if so, how; and

22.c. all significant risk factors associated with doing business in China, including, but not limited to: political, economic, and social conditions inside China, including the policies and practices of the Chinese government with respect to religious freedom; the extent to which the business of the issuer and its affiliates directly or indirectly supports or facilitates those policies and practices; and the potential for and likely impact of a campaign by U.S. persons based on human rights concerns to prevent the purchase or retention of securities of the issuer, including a divestment campaign or shareholder lawsuit.

The United States should require any issuer that is doing business in China to disclose the information specified in items (a) and (c) above in its filings with the SEC, including its annual proxy statement or annual report, in the case of a U.S. issuer, or its U.S. markets annual report, in the case of a foreign issuer.

23. The U.S. government should raise the profile of the conditions of Uighur Muslims by addressing religious freedom and human rights concerns in bilateral talks, by increasing the number of educational opportunities in the United States available to Uighurs, and by increasing radio broadcasts in the Uighur language.

B. Indonesia

Indonesia is a country in major transition. After 40 years of authoritarian rule, a fledgling democratic system has yet fully to take root. The economy, imbued with corruption during the decades of state control, collapsed in 1997 and has yet to recover. Accustomed to playing a central political and economic role, the Indonesian military remains reluctant to accept civilian control and accountability for its actions. Certain policies of the previous era, particularly the transmigration program involving the mass movement of peoples from one island to another, resulted in the breakdown of centuries old political, economic, social, and religious customs, creating grievances that were stifled during the long rule of President Suharto.

All of these factors combine to make Indonesia a particularly unstable country at the present time. Moreover, Indonesia continues to face several conflicts in which religion has played a central role or in which religious freedom has been affected. In the Moluccan Islands, brutal sectarian fighting between Muslims and Christians erupted in May 1999, resulting in the deaths of approximately 9,000 people. On the island of Sulawesi, fighting between Christians and Muslims that has occurred intermittently since 1998 threatened to develop into a full-scale massacre after members of a militant Muslim group known as Laskar Jihad entered the island in July 2001. In the case of the Moluccas, government neglect of the conflict prolonged the sectarian violence and allowed unimpeded the entry into the islands of such groups as Laskar Jihad, raising the level of violence and killing. In Sulawesi, swifter government action to stop the aggression of militant groups managed to prevent a serious escalation of fighting. Peace accords have since been signed in both regions: in Sulawesi in December 2001 and in the Moluccas in February 2002. However, particularly in the Moluccas, concerns about the durability of the agreement remain.

The Commission continues to be concerned about religious freedom and religion-based violence in Indonesia. The Commission's May 2001 annual report included a chapter on Indonesia that focused and made several recommendations on the conflict in the Moluccas. Since the last report, the Commission has met with numerous religious and other human rights delegations from Indonesia, representing views across the religious spectrum, as well as American scholars, representatives of human rights organizations, and other experts on the country. In November 2001, the Commission held a hearing on "Religious Freedom and the Campaign Against Terrorism," at which the Commissioners examined conditions for religious freedom in Indonesia.

The following Commission recommendations incorporate, enhance, or modify the recommendations in the May 2001 report.

Recommendations

1. The U.S. government should continue to press the government of Indonesia to fully disarm all outside militia forces such as Laskar Jihad on the Moluccas and Sulawesi. The U.S. government should also press Indonesia to hold the leaders and members of these groups accountable for the violence perpetrated by them.
2. The U.S. government should strongly encourage the Indonesian government to maintain scrupulously neutral and professional troops in the Moluccas and Sulawesi until reconciliation efforts have taken root and rule of law established to such an extent that refugees are able to return safely. Moreover, rogue elements in the Indonesian security forces, particularly those that have taken sides in the sectarian conflicts, must be brought under control. Similarly, special efforts should be made to establish justice in both regions, including by holding the perpetrators of violence, whether Christian or Muslim, accountable for their actions.
3. The U.S. government should commend the government of Indonesia for calling for religious tolerance in its reconciliation efforts that led to the signing of peace agreements in both the Moluccas and Sulawesi. The U.S. government should put sustained pressure on the Indonesian government to deepen the reconciliation work already begun and should provide technical assistance for these efforts. Such efforts should pay particular attention to the establishment of an effective system of registering and investigating complaints about human rights abuses.
4. The U.S. government should continue to support the reconciliation and reconstruction efforts of indigenous or international non-governmental organizations in the Moluccas and Sulawesi. This should include increased funding for such efforts through support for the U.S. government's democracy and good-governance programs, interreligious programs in educational institutions, and other programs in Indonesia. This should include working with respected Indonesian human rights lawyers and academics to devise an emergency program for restoring the rule of law in Indonesia, especially in regions that have experienced sectarian violence or where there is the threat that such violence could break out. Within its assistance program to Indonesia, the U.S. government should continue to earmark assistance specifically for both Christian and Muslim victims and refugees of the conflicts.
5. The U.S. government should monitor the implementation of Shariah in Aceh to determine if individual rights and freedoms, including religious freedom, as outlined in international documents, are being guaranteed. If it becomes apparent that such rights, including religious freedom, are being violated, the U.S. government should press the Indonesian government to oppose its implementation in Aceh and elsewhere in the country.

6. The U.S. government should ensure that, if resumed, U.S.-Indonesian military ties be directed toward reform of the Indonesian military, including accepting civilian control, upholding international human rights standards, and holding members accountable for abuses.
7. The U.S. government should earmark funds for the training of Indonesian police and prosecutors in human rights, rule of law, and crime investigation.
8. The U.S. government should continue to support programs in Indonesia, particularly in the regions that have experienced sectarian violence, that promote objective, unbiased, and non-inflammatory reporting. Such efforts should be consistent with Indonesia's obligations to protect the right of freedom of expression.
9. The U.S. government should urge the government of Indonesia to amend the 1969 Ministerial Decree that restricts the building of houses of worship and impedes the use of private homes for worship purposes. The U.S. government should offer technical assistance in amending this legislation in order to bring it into conformity with international standards.

C. Korea, Democratic People's Republic of

The people of the Democratic People's Republic of Korea (North Korea or DPRK) are perhaps the least free on earth, barely surviving under a totalitarian regime that denies basic human dignity and lets them starve while pursuing military might and weapons of mass destruction. By all accounts, there are no personal freedoms of any kind in North Korea, and no protection for human rights. Religious freedom does not exist, and what little religious activity that is permitted by the government is apparently staged for foreign visitors.

North Korea is also a humanitarian disaster of unimaginable proportions. Failed economic policies and natural disasters have reportedly left 1 million or more North Koreans dead from starvation and disease in the last 10 years, and there may be countless millions more, particularly children, who are stunted in both their mental and physical growth. As awful as the physical toll has been, the deprivation of the human spirit must be even greater. Just how bad the situation is in North Korea is not known, as the ruling regime maintains strict control over communication media and the flow of information into and out of the country.

The following recommendations are the result of the Commission's extensive attention to the situation in North Korea, including through the holding of a public hearing in January 2002. The recommendations are grouped together according to three essential areas of focus. The first group of recommendations looks to initiatives on the part of various branches of the U.S. government to develop and/or support American and international efforts against human rights violations in North Korea. The second group addresses the issue of North Korean refugees, particularly those who have fled to China. Finally, the third group of recommendations focuses on the ways in which human rights in North Korea can be advanced through official contacts between the U.S. and North Korean governments.

Recommendations

I. International Initiative Against Human Rights Abuses in North Korea

1. The U.S. Congress should fund an objective and comprehensive study of human rights conditions in North Korea by a non-governmental source.
2. The State Department should expand both its capability to obtain information and reporting on human rights violations in North Korea.
3. The President should continue to speak out personally on the humanitarian situation in North Korea and the lack of freedom and protection of human rights there.
4. The U.S. Congress should establish a congressional caucus to focus on human rights in North Korea.
5. The U.S. Congress should expand its funding for (a) organizations advocating the protection of human rights in North Korea and (b) activities that raise the awareness of human rights conditions in that country.
6. The U.S. government should develop and support ways to provide information to the people of North Korea, particularly on religious freedom and other human rights issues. This includes expanding or developing:
 - broadcasts that target a North Korean audience by the Voice of America and Radio Free Asia; and
 - channels of people-to-people exchange and other forms of contact with North Koreans.
7. The U.S. government should use multilateral diplomacy to advance the protection of human rights in North Korea. This should include:
 - 7.a. raising human rights violations in North Korea in appropriate international fora, and encouraging others to do so as well. The United States should sponsor a resolution at the United Nations condemning religious freedom and other related human rights violations in North Korea and calling for the appointment of a UN special rapporteur to investigate the situation in North Korea.
 - 7.b. urging the Republic of Korea and Japan, as part of the trilateral coordination among the United States and those two countries, to press for improvements on religious freedom and other human rights in their talks with the DPRK.
 - 7.c. urging the European Union to include religious freedom concerns as part of its human rights discussions with the North Korean government.

II. Protecting North Korean Refugees and Advancing Human Rights

8. The U.S. government should urge China, Russia, and other members of the international community to grant refugee status to North Koreans.
9. The U.S. government should urge the Chinese government to allow South Korean and international non-governmental organizations greater access to northern China and greater capacity to serve the needs of North Korean refugees.

III. Advancing Human Rights Through Official Contacts

10. Although the U.S. government has very limited contacts with the North Korean government at the present time, it should use what contacts it does have to advance an agenda that includes the provision of humanitarian assistance, the protection of human rights, including the freedom of religion and belief, and the reuniting of Korean Americans with their family members in the DPRK.

10.a. In any discussions regarding humanitarian assistance, the U.S. government should urge the North Korean government to allow considerable expansion of both the amount of assistance and the number of providers, which should include non-governmental organizations.

10.b. With all humanitarian assistance to North Korea, the U.S. government should work to ensure that the delivery of such aid is adequately monitored. Monitors should be able to read, speak, and understand the Korean language. The U.S. should ensure that delivery of U.S. and other foreign aid is not misrepresented by the North Korean government through false claims that the aid is being provided by that government.

11. The U.S. government should work with the international community to urge the North Korean government to permit monitoring of human rights conditions by UN human rights mechanisms, and to lift restrictions on the freedom of movement by foreign diplomats, independent journalists, and others.

12. The U.S. government should work with the international community to urge the North Korean government to address the concerns and implement the recommendations of the UN Human Rights Committee as a result of the Committee's recent review of North Korea's compliance with the International Covenant on Civil and Political Rights.

13. The U.S. government should ensure that any permanent peace treaty between the parties to the Korean War includes provisions on religious freedom and non-discrimination in the treatment of religious minorities.

D. Sudan

The U.S. Commission on International Religious Freedom, in its past two annual reports, found the government of Sudan to be the world's most violent abuser of the right to freedom of religion and belief. The Commission also found that religion is a major factor in Sudan's ongoing civil war between Sudan's largely Arab and Muslim north and African and non-Muslim south, and that religious persecution by the Khartoum regime is intertwined with other human rights and humanitarian violations, including aerial bombardment of civilians and of humanitarian facilities, deliberate denial of humanitarian assistance, abduction of women and children into conditions of slavery, and the forcible displacement of populations from oil-producing areas.

Over the past three years, the Commission has made a series of recommendations regarding U.S. policy toward Sudan, several of which have been adopted. President Bush prominently raised the situation in Sudan in a major address in May 2001. The President appointed former Senator John Danforth as Special Envoy for Sudan in September 2001. The Administration has also taken several steps to alleviate the humanitarian crisis of the Sudanese people, including designation of U.S. Agency for International Development (USAID) Administrator Andrew Natsios as Special Humanitarian Coordinator for Sudan and several reforms undertaken by USAID. All of these efforts implement directly or indirectly prior recommendations of this Commission.

The Commission has found that the development of Sudan's oil wealth has become an increasingly important factor in the intensification of the conflict. Thus, the United States should make as an essential condition of any comprehensive cease-fire the placement of Khartoum's oil revenues in an internationally-administered trust fund to be expended solely for developmental and humanitarian purposes on an equitable basis in both the north and the south. A cease-fire without such an arrangement will make the regime far less likely to engage in good faith bargaining over power-sharing. It is crucial that Khartoum be given this incentive to cooperate in the successful and prompt completion of an agreement for a just peace.

The Commission sees the Sudan Peace Act as a crucial part of American diplomatic efforts to achieve a conditioned cease-fire. The Commission supports the Sudan Peace Act as passed by the House of Representatives, with its important disclosure requirements and the provision limiting access to American capital markets by foreign oil companies involved in Sudan's oil industry. These provisions were first proposed by the Commission in its 2000 annual report.

The U.S. government should build upon the Danforth Mission and take a central role in seeking a just and lasting peace in Sudan. The Commission urges implementation of its additional recommendations, particularly those directed toward ending the civil war.

Recommendations

1. The U.S. government should urge the government of Sudan to abide by its international obligations to protect and ensure the right to freedom of religion. Specifically, the U.S. government should urge the government of Sudan to:

1.a. unequivocally affirm that Shariah-based criminal code provisions do not apply to Sudan's southern states or to non-Muslims throughout Sudan and re-affirm its commitment to Section 3.4 of the Declaration of Principles of the Intergovernmental Authority on Development (IGAD);

1.b. allow all religious groups to conduct their activities freely without interference or burdensome regulation by the state, including the selection and training of religious leaders, the content of sermons, and the distribution of religious literature, subject only to restrictions provided for by international standards;

1.c. ensure that all religious groups are free to build, repair, and operate houses of worship and social service ministries without delay or harassment, subject to land-use regulations that are applicable to all, regardless of religion;

1.d. ensure the protection of religious properties, return confiscated religious properties, and compensate religious groups for demolished or damaged properties; and

1.e. repeal any laws that punish changing one's faith or encouraging another to do so (e.g., Article 126 of the Sudan Penal Code), and release any persons convicted of or detained on account of any such law.

2. The U.S. government's diplomatic effort in Sudan should have as its major goal encouraging the government of Sudan, including all its allied militia, to enter into a comprehensive and conditioned cease-fire with the Sudan People's Liberation Movement/Army (SPLM/A) and the National Democratic Alliance (NDA) that would apply to all areas of the country and be subject to monitoring by international observers.

The U.S. government should urge the government of Sudan, as an essential condition of the ceasefire, to agree either to cease the extraction of oil in the country, or to place its oil revenues in an internationally-administered trust fund to be expended solely for development and humanitarian purposes on an equitable basis in both the north and the south.

3. The U.S. government should strengthen economic sanctions against Sudan and should urge other countries to adopt similar policies. Specifically, the United States should:

3.a. require companies doing business in Sudan to disclose the nature and extent of that business in connection with their access to U.S. capital markets,

3.b. prohibit any foreign company from raising capital or listing its securities in U.S. markets as long as it is engaged in the development of oil and gas fields in Sudan, and

3.c. deny licenses for the importation of gum arabic from Sudan to the United States.

The Administration and the Senate should support the adoption of the House-passed version of the Sudan Peace Act.

4. The U.S. government should urge the government of Sudan to demonstrate a good-faith commitment to and participation in internationally-recognized and -monitored peace talks based upon the Declaration of Principles developed under the auspices of the Intergovernmental Authority on Development (IGAD) and previously agreed to by the government of Sudan and the Sudan People's Liberation Movement/Army.

The re-establishment of full diplomatic relations with Sudan or the opening of a USAID mission in Khartoum should be conditional upon the government of Sudan demonstrating a fundamental change in its policies.

5. In fostering such peace talks, the U.S. government should work to ensure the inclusion of Sudan's civil society, including its various political parties and religious leaders from the north and the south.

6. The U.S. government should urge all parties to the conflict to include as an element of the peace settlement a full accounting for crimes against humanity, such as the systematic aerial bombardment of civilians. Moreover, the parties to the conflict should undertake efforts now to investigate reports of war crimes and other human rights abuses and to prosecute those individuals responsible.

7. The U.S. government should continue to increase the amount of its humanitarian assistance that passes outside of the UN humanitarian relief mission, Operation Lifeline Sudan (OLS), and should press OLS to deliver aid wherever it is needed, especially to the Nuba Mountains, with or without the approval of the Sudanese government.

8. The U.S. government should increase its non-lethal assistance to southern Sudan and to the National Democratic Alliance. As provided for by law, this assistance should include, but not be limited to, "communications equipment to notify civilians of aerial bombardment."

9. The U.S. government should work to increase human rights and media reporting on abuses in Sudan, including supporting, diplomatically and financially, the placement of human rights monitors in southern Sudan and in surrounding countries where refugee populations are present.

10. The U.S. government should further promote grassroots reconciliation among Sudanese as an essential building block toward a lasting peace settlement in Sudan.

E. Turkmenistan

Turkmenistan can be described as one of the most totalitarian states in the world today. Human rights are severely curtailed by the highly authoritarian government of President Saparmurad Niyazov, who rules Turkmenistan by means of an extensive cult of personality. Criticism of Niyazov or the government is not tolerated and there is no legal organized opposition. Major opposition figures have been imprisoned, institutionalized, deported, or have fled the country, and their family members are routinely harassed by the authorities. As the government completely controls all media, there is no press freedom and foreign media is not permitted. No independent, politically-active non-governmental organizations exist.

Conditions for religious freedom in Turkmenistan are extremely poor. Only two religions, Sunni Islam and Russian Orthodoxy, are officially recognized, and even these two are highly restricted by the state. The government tolerates only those Muslim religious teachers and believers who accept and fully cooperate with state authority. Similar to its control over the Islamic clergy, the Turkmen government's Council for Religious Affairs exercises direct control over the hiring, promotion, and firing of the Russian Orthodox Clergy. Other religions are effectively prohibited from operating freely. Members of minority religious groups have reportedly been arrested, detained (with allegations of torture and other ill-treatment), imprisoned, deported, harassed, fined, and have had their services disrupted, congregations dispersed, religious literature confiscated, and places of worship destroyed.

The Commission has broadly studied the situation in Turkmenistan. It has held a number of private briefings with academics, former diplomats, and other experts on Central Asia and Turkmenistan, and conducted personal interviews with representatives of human rights organizations and victimized groups. In view of the ongoing, egregious, and systematic violations of religious freedom in Turkmenistan, in 2000 and 2001, the Commission called on the U.S. Department of State to name Turkmenistan a country of particular concern, or CPC, pursuant to the International Religious Freedom Act. However, in both years, the State Department declined to designate Turkmenistan a CPC.

Recommendations

1. The U.S. government should designate Turkmenistan as a country of particular concern for particularly severe violations of religious freedom pursuant to the International Religious Freedom Act of 1998.
2. The U.S. government should immediately suspend all non-humanitarian assistance to the government of Turkmenistan, with the exception of programs that serve specifically identifiable U.S. national security interests in connection with the current campaign against terrorism. This recommendation does not apply to U.S. assistance to appropriate non-governmental organizations, private persons, or cultural or educational exchanges.
3. The U.S. government should scrutinize all aspects of any remaining assistance programs in Turkmenistan to ensure that these programs do not facilitate Turkmen government policies or practices that result in religious freedom

violations. The United States should also examine its programs in Turkmenistan to determine if opportunities exist within those programs to promote the development of genuine respect for human rights, including religious freedom, in that country.

4. The U.S. government should support efforts to facilitate Turkmenistan's sale of natural gas on world markets, including support for the Trans-Caspian Gas Pipeline, only if the Turkmen government takes definitive steps to improve substantially conditions for religious freedom in Turkmenistan.
5. The U.S. government should identify specific steps that the government of Turkmenistan could take in order to have its currently suspended assistance reinstated and to avoid triggering further restrictions on assistance programs. These steps should reflect a substantial improvement in the protection of religious freedom and should include, but not be limited to, the lifting of oppressive legal requirements on religious groups and allowing all such groups to organize and operate freely, the end to harassment and deportation of religious leaders, and the halting of unjust arrest, detention, imprisonment, torture, and residential and workplace intimidation of religious leaders and their adherents (including releasing those currently in detention or imprisoned).
6. The U.S. government should press forcefully its concern about religious freedom violations in Turkmenistan, consistent with the Turkmen government's obligations to promote respect for and observance of all human rights. The U.S. government should vigorously press the government of Turkmenistan: (a) to release immediately and unconditionally any persons who have been detained solely because of their religious beliefs, practices, or choice of religious association; (b) to ensure that all people in Turkmenistan are able to exercise their right to religious freedom without threat of harassment, detention, imprisonment, or torture; and (c) to permit all religious groups to organize and worship freely.
7. State visits between the United States and Turkmenistan should be suspended until such time as religious freedom conditions in the country have improved significantly.
8. The U.S. government should also encourage scrutiny of religious freedom violations in Turkmenistan in appropriate international fora such as the Organization on Security and Cooperation in Europe and other multilateral venues. The U.S. government should also raise the issue of religious freedom violations in Turkmenistan at those United Nations bodies that consider human rights questions, including the Commission on Human Rights. The United States should sponsor a resolution at the United Nations condemning religious freedom and other related human rights violations in Turkmenistan, and creating a UN special rapporteur to investigate the situation in Turkmenistan.

F. Uzbekistan

The conditions for religious freedom are very poor in Uzbekistan. In addition to a highly restrictive law on religion that severely limits the ability of minority religions to function, the Uzbek government in recent years has been harshly cracking down on Muslim individuals, groups, and mosques that do not conform to government-prescribed ideas on how the Islamic faith should be practiced and expressed. This crackdown has resulted in the arrests of thousands of persons and there are credible reports that many have been and continue to be tortured in detention, torture that in some cases has led to the death of those detained. While the government of Uzbekistan does face threats to its security from certain religious groups that have used violence against it, the government's mass arrests of religious believers and reports of torture nevertheless suggest that gravely troubling religious freedom violations are occurring in that country.

The Commission has widely studied the situation for religious freedom in Uzbekistan. It held numerous private briefings with scholars, former diplomats, and other experts on Uzbekistan, and conducted personal interviews with representatives of American and international human rights organizations, a religious organization that visited Uzbekistan, and with human rights activists from Uzbekistan. In addition, the Commission met several times with Uzbekistan's ambassador to the United States. In November 2001, the Commission held a hearing on "Religious Freedom and the Campaign Against Terrorism," at which Commissioners examined conditions for religious freedom in the Central Asian countries.

Recommendations

1. The U.S. government should continue to press forcefully its concern about religious freedom violations in Uzbekistan, consistent with the Uzbek government's obligations to promote respect for and observance of human rights. The U.S. government should also encourage scrutiny of these concerns in appropriate international fora such as the Organization on Security and Cooperation in Europe and other multilateral venues.
2. The U.S. government should press the Uzbek government to cease its abuse of those articles in its criminal code, including Articles 159 and 216, that impinge on religious freedom.
3. The U.S. government should strongly encourage the Uzbek government to establish a mechanism to review the cases of persons detained under suspicion of or charged with religious, political, or security offenses and to release those who have been imprisoned solely because of their religious beliefs, practices, or choice of religious association, as well as any others who have been unjustly detained or sentenced.
4. The U.S. government should instruct the U.S. Embassy in Tashkent to continue to every extent possible its policy of carefully monitoring the status of individuals who are arrested for alleged religious, political, and security offenses.

5. While recognizing the Uzbek government's duty to protect its people from violence and terrorism from whatever source, the U.S. government should press the government of Uzbekistan to discontinue its practice of excessively regulating the free practice of religion in Uzbekistan, including the oppressive regulation of the Islamic clergy and the use of registration requirements to prevent minority religious groups from practicing their faith.
6. The U.S. government should press the Uzbek government to adhere to its international commitments to abide fully by the rule of law and to protect human rights ensuring due process of law to all.
7. The U.S. government should press the Uzbek government to ensure that every religious prisoner has access to his or her family, human rights monitors, adequate medical care, and a lawyer, as specified in international human rights instruments, including Article 14 of the International Covenant on Civil and Political Rights. In addition, the U.S. government should press the Uzbek government to ensure that all prisoners are allowed to practice their religion while in detention, to the fullest extent compatible with the specific nature of their detention.
8. All U.S. assistance to the Uzbek government, with the exception of assistance to improve humanitarian conditions and advance human rights, should be made contingent upon that government's taking a number of concrete steps to improve conditions for religious freedom for all individuals and religious groups in Uzbekistan. These steps should include:
 - 8.a. releasing persons imprisoned solely because of their religious beliefs, practices, or choice of religious association, following the review mechanism as described in Recommendation 3;
 - 8.b. ending torture;
 - 8.c. halting the arrest and detention of persons because of their religious beliefs, practices, or choice of religious association; and
 - 8.d. refraining from using registration requirements to prevent religious groups from practicing their faith.

The state should also relinquish at least some control over the Islamic clergy and believers. In addition, U.S. security and other forms of assistance should be carefully scrutinized to ensure that these programs do not facilitate Uzbek government policies that result in religious freedom violations.

9. The U.S. government should continue to develop assistance programs for Uzbekistan designed to encourage the creation of institutions of civil society that protect human rights and promote religious freedom. This assistance could include training in human rights, the rule of law, and crime investigation for police and other law enforcement officials. Since such programs have been attempted in the past with little effect, they should be carefully structured to

accomplish, and carefully monitored and conditioned upon fulfillment of, these specific goals.

10. The U.S. government should retain the reinstated Uzbek language program at the Voice of America (VOA), and should use VOA and other appropriate avenues of public diplomacy to explain to the people of Uzbekistan why religious freedom is an important element of U.S. foreign policy, as well as specific concerns about religious freedom in their country. In addition, the U.S. government should continue its practice of encouraging exchanges between the people of Uzbekistan and the United States, paying attention to opportunities to include human rights advocates and religious figures in those programs.

APPENDIX 1: BIOGRAPHIES OF MEMBERS

U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Michael K. Young is the Chair of the Commission, and served as the Commission's first Vice-Chair from June 1999 to June 2000. He joined the George Washington University Law School as Dean in 1998 after serving as the Fuyo Professor of Japanese Law and Legal Institutions at the School of Law of Columbia University. He also served as Director of the Center for Japanese Legal Studies, the Center for Korean Legal Studies, and the Project on Religion, Rights, and Religious Freedom at Columbia University. During the Administration of President George H. W. Bush, he served as Ambassador for Trade and Environmental Affairs, Deputy Under Secretary for Economic and Agricultural Affairs, and Deputy Legal Advisor to the U.S. Department of State.

Felice D. Gaer is the Director of the Jacob Blaustein Institute for the Advancement of Human Rights of the American Jewish Committee and serves on this Commission's *Executive Committee*. She is also a member of the Committee Against Torture, a 10-person supervisory body and is the first American to serve on the Committee. Ms. Gaer was appointed as a public member of nine U.S. delegations to UN human rights negotiations between 1993 and 1999, including the UN Commission on Human Rights, The World Conference on Women (1995), and the World Conference on Human Rights.

The Honorable Charles R. Stith is the Director of the African Presidential Archives and Research Center at Boston University. Reverend Stith serves on this Commission's *Executive Committee*. He served as the United States Ambassador to Tanzania from September 1998 to January 2001. He is founder of the Organization for a New Equality, a nonprofit organization dedicated to expanding economic opportunity for people historically excluded from the economic mainstream, serving as president from 1985-1998. Ambassador Stith was a member of President Clinton's official delegation to monitor the South African election in 1994.

Firuz Kazemzadeh, of Alta Loma, California, is the Senior Advisor for the National Spiritual Assembly of the Baha'is of the United States. He served as the Commission's Vice-Chairman from May 2000 to May 2001. He is Professor Emeritus of History at Yale University, having taught Russian history there from 1956 until his retirement in 1992. During his tenure at Yale, Dr. Kazemzadeh also served variously as Director of Graduate Studies in Russian and Eastern European Studies; Chair of the Committee on Middle Eastern Studies; Director of Graduate Studies in History; and Master of Davenport College.

Richard D. Land is President-Treasurer of the Ethics & Religious Liberty Commission, the Southern Baptist Convention's agency for "applied Christianity" (social and moral concerns). Dr. Land has served in this position since his election in October 1998. Prior to becoming the Ethics & Religious Liberty Commission's President, Dr. Land served as The Criswell College's Vice-President for Academic Affairs from 1980 to 1988. He had taught as Professor of Theology and Church History at that institution since 1975. Dr. Land graduated with the Bachelor of Arts degree (magna cum laude) from Princeton University and with the Doctor of Philosophy degree

from Oxford University in England. He also received a Master of Theology degree from New Orleans Baptist Theological Seminary.

The Most Reverend Bishop William F. Murphy is the Bishop of the Diocese of Rockville Centre, New York. Prior to this position, Bishop Murphy was the Vicar General and Moderator of the Curia for the Archdiocese of Boston for eight years. He served as the Director of the Office of Social Justice and the Secretary of Community Relations for the Archdiocese of Boston from 1987 to 1993, and during these years also served on the Board of Directors of the Pope John XXIII Seminary. In 1974 he was named to the Pontifical Commission *Justitia et Pax* in Vatican City, serving as Under Secretary from 1980 until his return to the Boston Archdiocese in 1987. Since 1996 Bishop Murphy has been serving in several positions with the National Conference of Catholic Bishops and the United States Catholic Conference. Bishop Murphy is a graduate of St. John's Seminary and the Pontifical Gregorian University.

Leila Nadya Sadat is a Professor of Law at Washington University School of Law. Professor Sadat is one of the country's leading experts in international and comparative law. She joined the Washington University School of Law in 1992, after practicing law for several years at three distinguished firms in Paris. In addition to her teaching at Washington University, Professor Sadat has taught abroad in France, Ireland, Italy, and Greece. She is the author of more than two-dozen publications in English and French dealing with such topics as genocide; crimes against humanity; the new International Criminal Court; official language laws in the United States and France; the prosecutions of Paul Touvier and Maurice Papon; the role of the European Court of Justice; and the Euro (on which she organized a major conference).

Nina Shea is the Director of the Center for Religious Freedom of Freedom House in Washington, D.C. She has been an international human rights lawyer for 23 years and has for 16 years focused specifically on the issue of religious persecution. Before her appointment to this Commission, on which she has served from the beginning, Ms. Shea served on the Advisory Committee on Religious Freedom to the U.S. Secretary of State. Ms. Shea has organized and sponsored numerous fact-finding missions to Sudan, China, Egypt, and elsewhere and has testified regularly before Congress on the governments of these countries. She is the author of *In the Lion's Den*, a book on anti-Christian persecution around the world. She was appointed as a public delegate on the U.S. delegation to the UN Commission on Human Rights in 2001.

The Honorable Shirin Tahir-Kheli is a Research Professor and Director, South Asia Program of the Foreign Policy Institute, Johns Hopkins University School of Advanced International Studies in Washington, D.C. Tahir-Kheli was appointed Alternate United States Representative to the United Nations for Special Political Affairs (1990-1993), a post that carries the rank of Ambassador. She served as Director of Near East and South Asian Affairs (1986-1989) and Director of Political Military Affairs (1984-1986) for the National Security Council. She was a member of the Policy Planning Staff in the office of the Secretary of State during 1982-1984. She served on the Presidential Commission on the Public Service. Upon leaving the U.S. government, she was a Fellow at the Center of International Studies at Princeton University. Tahir-Kheli is a member of the Advisory Board of Princeton University's Institute for the Trans-regional Study of Contemporary Middle East North Africa and Central Asia.

APPENDIX 2: THE INTERNATIONAL RELIGIOUS FREEDOM ACT¹

SELECTED PROVISIONS

Section 3. DEFINITIONS (22 U.S.C. § 6402)

(11) PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—The term “particularly severe violations of religious freedom” means 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.

(13) VIOLATIONS OF RELIGIOUS FREEDOM.—The term “violations of religious freedom” means violations of the internationally recognized right to freedom of religion and religious belief and practice, as set forth in the international instruments referred to in section 2(a)(2) and as described in section 2(a)(3), including violations such as—

- (A) arbitrary prohibitions on, restrictions of, or punishment for—
 - (i) assembling for peaceful religious activities such as worship, preaching, and prayer, including arbitrary registration requirements;
 - (ii) speaking freely about one's religious beliefs;
 - (iii) changing one's religious beliefs and affiliation;
 - (iv) possession and distribution of religious literature, including Bibles; or
 - (v) raising one's children in the religious teachings and practices of one's choice; or
- (B) any of the following acts if committed on account of an individual's religious belief or practice: detention, interrogation, imposition of an onerous financial penalty, forced labor, forced mass resettlement, imprisonment, forced religious conversion, beating, torture, mutilation, rape, enslavement, murder, and execution.

Section 402. PRESIDENTIAL ACTIONS IN RESPONSE TO PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM (22 U.S.C. § 6442)

(b) DESIGNATIONS OF COUNTRIES OF PARTICULAR CONCERN FOR RELIGIOUS FREEDOM.—

(1) ANNUAL REVIEW.—

(A) IN GENERAL.— Not later than September 1 of each year, the President shall review the status of religious freedom in each foreign country to determine whether the government of that country has engaged in or tolerated particularly severe violations of religious freedom in that country during the preceding 12 months or since the date of the last review of that country under this subparagraph, whichever period is longer. The President shall designate each country the government of which has engaged in or tolerated violations described in this subparagraph as a country of particular concern for religious freedom.

¹ P.L. 105-292, as amended, 22 U.S.C. § 6401, et seq. The full text of the Act can be found on the Commission's Web site, www.uscirf.gov.