



Soe Zeya Tun/Reuters

# UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Annual Report 2013



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Cover photo: Smoke rises as people  
look on in Meikhtila, Burma – the  
site of sectarian violence, March 2013

**Annual Report of the  
U.S. Commission on International Religious Freedom**

**April 2013  
(Covering January 31, 2012 – January 31, 2013)**

**Commissioners**

Dr. Katrina Lantos Swett

*Chair*

Ambassador Mary Ann Glendon

Rev. William J. Shaw

*Vice Chairs*

Hon. Elliott Abrams

Hon. Sam Gejdenson

Dr. Robert P. George

Dr. Azizah Y. al-Hibri

Dr. M. Zuhdi Jasser

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## REPORT OVERVIEW

The U.S. Commission on International Religious Freedom (USCIRF), created by the International Religious Freedom Act of 1998 (IRFA) as an entity separate and distinct from the State Department, is an independent, bipartisan U.S. government advisory body that monitors religious freedom worldwide and makes policy recommendations to the President, Secretary of State, and Congress. USCIRF bases these recommendations on the standards found in the Universal Declaration of Human Rights and other international documents. The 2013 Annual Report represents the culmination of a year's work by Commissioners and staff to document abuses on the ground and make independent policy recommendations to the U.S. government.

The 2013 Annual Report has been reformatted and is divided into three sections.

The first section highlights countries which USCIRF designates as Tier 1 countries. Tier 1 countries are those that USCIRF recommends the United States designate as “countries of particular concern” (CPCs) under IRFA for their governments’ engagement in or toleration of particularly severe violations of religious freedom. Tier 1 countries include countries already officially designated as CPCs by the U.S. government and additional countries USCIRF has concluded meet the CPC threshold and should be so designated.

The second section focuses on countries USCIRF designates as Tier 2 countries. The Tier 2 category replaces the Watch List designation used by USCIRF in previous years. Neither Tier 2 nor the Watch List are required by IRFA, but USCIRF created them to highlight situations where religious persecution and other violations of religious freedom engaged in or tolerated by the governments are increasing. To be placed on Tier 2, USCIRF must find that the country is on the threshold of CPC status—that the violations engaged in or tolerated by the government are particularly severe and that at least one, but not all three, of the elements of IRFA’s “systematic, ongoing, egregious” standard is met (e.g., the violations are egregious but not systematic or ongoing).

The third section discusses other countries and regions USCIRF monitored during the year. This section also examines crosscutting themes affecting religious freedom in a range of countries around the world and highlights issues in multilateral organizations. An appendix contains biographies of Commissioners, supplemental materials, and prisoner lists.

### **THE WORK OF USCIRF FOR THE 2013 ANNUAL REPORT**

With a reporting period of January 31, 2012 through January 31, 2013, this Annual Report addresses 29 countries around the world in the Tier 1, Tier 2, and other countries monitored sections. Additional countries are discussed in the Western Europe and thematic issues sections.

To gather information and carry out its work during the past year, USCIRF sent delegations of Commissioners and staff to Russia, Bahrain, Tajikistan, Ethiopia, Saudi Arabia, and Egypt; staff visited refugee camps in Ethiopia; and Commissioners and staff engaged multilateral institutions such as the United Nations, the Organization for Security and Cooperation in Europe (OSCE) and the African Union. USCIRF staff convened civil society roundtables to discuss Pakistan’s Universal Periodic Review and to educate civil society about the UN Special Rapporteur on Freedom of Religion or Belief. USCIRF Commissioners also testified before Congress on the status of human rights and religious freedom in Iran, Vietnam, Egypt, and the Middle East, stressing the need to improve U.S. engagement on religious freedom, as well as on the issue of anti-Semitism.

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USCIRF Commissioners and staff regularly interacted with nongovernmental organizations and religious communities. During the reporting period, USCIRF Commissioners and staff met with NGOs from the International Religious Freedom Roundtable to introduce new Commissioners and discuss USCIRF's agenda for the upcoming year, and hosted a follow-up meeting with them to coordinate religious freedom promotion efforts. In its work, USCIRF advocates on behalf of a diverse array of religious communities, including but not limited to: Uighur Muslims in China; Shi'i and Ismaili Muslims in Saudi Arabia; Ahmadiyya in Pakistan and Indonesia; Baha'is, Christians and dissident Muslims in Iran and Pakistan; Buddhists in Vietnam and China; and a range of indigenous faiths and spiritual movements in China, Egypt, Iraq, and Vietnam, as well as atheistic belief communities. USCIRF cosponsored with the Tom Lantos Human Rights Commission an event for the Spiritual Leader of the Ahmadiyya Muslim community. In addition, Commissioners and staff met with representatives of religious communities and institutions, such as the head of the Mandaean religious community from Iraq, Coptic Orthodox bishops, and religious leaders of multiple faiths from Sudan.

During the reporting period, USCIRF engaged the Obama administration at high levels to discuss how the United States can promote religious freedom more effectively on a number of issues critical to U.S. foreign policy. USCIRF Commissioners and staff met with high-ranking officials from the State Department and with U.S. ambassadors to key countries, as well as with National Security Council officials such as Deputy National Security Advisor Denis McDonough. Commissioners and staff also provided information to the Government Accountability Office about USCIRF's work and our recommendations on how the U.S. government can better advocate for religious freedom. USCIRF Commissioners and staff met with officials from foreign governments and international organizations, and USCIRF staff provided training to Foreign Service officers and other U.S. officials. USCIRF Commissioners and staff also engaged with human rights groups, victims of religious persecution, and academics, as well as other non-governmental organizations and policy experts.

USCIRF played a leading role in mobilizing Congress on a range of issues, including how to engage key countries on religious freedom violations, as well as helping convene public hearings. USCIRF Commissioners and staff serve as a resource to Members of the House and Senate and their offices on a range of countries and issues, including testifying before Congressional committees about USCIRF's independent findings and recommendations. USCIRF was instrumental in helping to establish the Defending Freedoms Project under the Tom Lantos Human Rights Commission (TLHRC). Working with the TLHRC and Amnesty International USA, the goal of the project is to increase attention to and support for human rights and religious freedom through a focus on prisoners of conscience around the world.

Over the course of the year, USCIRF issued a number of press releases. USCIRF was cited in numerous print and broadcast media, and op-eds were published in many outlets including: the Washington Post online, the Economist, Reuters, McClatchy, Fox News, the Huffington Post, Yahoo News, CNN News, the Foreign Policy.com, Deseret News, the Washington Times, the Moscow Times, the Christian Science Monitor, Roll Call, and Politico.

## USCIRF'S COMPOSITION

USCIRF's work is accomplished through the leadership of its Commissioners and the engagement of its professional staff. USCIRF by statute is composed of ten members, three of whom are appointed by the President, three by the Senate, and three by the House of Representatives. The Ambassador-at-Large for International Religious Freedom serves *ex officio* as a non-voting member. Dr. Suzan Johnson Cook is the Ambassador-at-Large, nominated by the Obama administration in 2010 and sworn in on May 16, 2011.



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In December 2012, Congress passed and the President signed the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011 (P.L.112-75), reauthorizing USCIRF until September 30, 2014. In addition, the reauthorization act ended the terms of several Commissioners, which led to six new appointments during the reporting period.

USCIRF Commissioners are:

Dr. Katrina Lantos Swett, Chair (Appointed by Senate Majority Leader Harry Reid)  
Ambassador Mary Ann Glendon, Vice Chair (Appointed by Senate Minority Leader Mitch McConnell)  
Rev. William J. Shaw, Vice Chair (Appointed by President Obama)  
Hon. Elliott Abrams (Appointed by House Speaker John Boehner)  
Dr. Robert P. George (Appointed by House Speaker John Boehner)  
Hon. Sam Gejdenson (Appointed by House Minority Leader Nancy Pelosi)  
Dr. Azizah al-Hibri (Appointed by President Obama)  
Dr. M. Zuhdi Jasser (Appointed by Senate Minority Leader Mitch McConnell)

Commissioners may serve no more than two full terms, with each term of office being two years and with no appointments being held over until a new Commissioner is named. There was one Presidential vacancy during the entirety of the reporting period.

### **TIER 1 COUNTRIES OF PARTICULAR CONCERN**

IRFA requires the President, who has delegated this authority to the Secretary of State, to designate as “countries of particular concern,” or CPCs, those governments that have engaged in or tolerated “particularly severe” violations of religious freedom. IRFA defines “particularly severe” violations as ones that are “systematic, ongoing, and egregious,” including acts such as torture, prolonged detention without charges, disappearances, or “other flagrant denial[s] of the right to life, liberty, or the security of persons.” After a country is designated a CPC, the President is required by law to take one or more of the actions specified in IRFA, or to invoke a waiver if circumstances warrant.

For the 2013 Annual Report, USCIRF recommends that the Secretary of State re-designate the following eight countries as CPCs: Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Uzbekistan. USCIRF also finds that seven other countries meet the CPC threshold and should be so designated: Egypt, Iraq, Nigeria, Pakistan, Tajikistan, Turkmenistan, and Vietnam.

### **TIER 2 COUNTRIES**

USCIRF also places countries on its Tier 2, where the country is on the threshold of CPC status, meaning that the violations engaged in or tolerated by the government are particularly severe and that at least one, but not all three, of the elements of the “systematic, ongoing, egregious” standard is met. The Tier 2 designation provides advance warning of negative trends that could develop into severe violations of religious freedom, thereby giving policymakers an opportunity to engage early and increasing the likelihood of preventing or diminishing the violations. USCIRF has concluded that the following eight countries meet the Tier 2 standard in this reporting period: Afghanistan, Azerbaijan, Cuba, India, Indonesia, Kazakhstan, Laos, and Russia.

## REPORT OVERVIEW

<b>Tier 1 and Tier 2 Countries</b>	
<b>Tier 1 CPC Countries</b>	<b>Tier 2 Countries</b>
Burma*	Afghanistan
China*	Azerbaijan
Eritrea*	Cuba
Iran*	India
North Korea*	Indonesia
Saudi Arabia*	Kazakhstan
Sudan*	Laos
Uzbekistan*	Russia
Egypt	
Iraq	
Nigeria	
Pakistan	
Tajikistan	
Turkmenistan	
Vietnam	
* Countries officially designated as CPCs by the U.S. Department of State	

### **ACTIONS TAKEN UNDER IRFA**

As of the end of the reporting period, the Obama administration had only once issued CPC designations during its first term. Countries remain designated until removed, but any corresponding penalties will expire after two years. The countries currently designated—Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Uzbekistan—were named in August 2011. The State Department issued indefinite waivers on taking any action against Uzbekistan and Saudi Arabia, in both cases to “further the purposes of the [International Religious Freedom] Act.” As a result of these waivers, the United States has not implemented any policy response tied to the CPC designation for either country.

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

However, in practice, the flexibility provided in IRFA has been underutilized. Generally, no new Presidential actions pursuant to CPC designations have been levied, with the State Department instead relying on pre-existing sanctions. While relying on pre-existing sanctions is technically correct under the statute, the practice of “double-hatting” has provided little incentive for CPC-designated governments to reduce or end egregious violations of religious freedom. For these mechanisms to have any real impact on promoting religious freedom, the designation of an egregious religious freedom violator as a CPC must be followed by the implementation of a clear, direct, and specific Presidential action.

<b>Actions Taken Under IRFA</b>	
The following Presidential actions under section 402(c)(1) of IRFA were approved by Secretary Clinton on August 18, 2011	
<b>Burma</b>	The existing, ongoing arms embargo referenced in 22 CFR 126.1(a).
<b>China</b>	The existing, ongoing restrictions on exports to China of crime control and detection instruments and equipment, under P.L. 101-246 and the Foreign Relations Authorization Act of 1990 and 1991.
<b>Eritrea</b>	The existing, ongoing arms embargo referenced in 22 CFR 126.1(a).
<b>Iran</b>	The existing, ongoing restrictions on certain imports from and exports to Iran, in accordance with section 103(b) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (P.L. 111-195).
<b>North Korea</b>	The existing, ongoing restrictions to which North Korea is subject, pursuant to sections 402 and 209 of the Trade Act of 1974 (the Jackson-Vanik Amendment).
<b>Sudan</b>	The restriction on making certain appropriated funds available for assistance to the Government of Sudan in the annual Department of State, Foreign Operations, and Related Programs Appropriations Act, currently set forth in section 7070(f) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, P.L. 111-117), as carried forward by the Full-Year Continuing Appropriations Act, 2011 (Div. B, P.L. 112-10) and any provision of law that is the same or substantially the same as this provision.

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<b>Saudi Arabia &amp; Uzbekistan</b>	Waived the requirements of section 405(a) of the IRF Act with respect to Saudi Arabia, and Uzbekistan, to further the purposes of the IRFA.
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USCIRF recommends that, in addition to implementing specific Presidential actions, the U.S. government should designate CPCs in a timely manner. While IRFA does not set a specific deadline, the Act indicates that CPC designations should take place soon after the State Department releases its *Annual Report on International Religious Freedom*, as decisions are to be based on that review. The August 2011 designations were made in conjunction with the *Annual Report*, but that was not repeated in 2012. It is important that the Obama administration in its second term issue designations annually after each State Department religious freedom report, in order to bring the timing back on track with the intended schedule. It should also ensure that the Presidential actions do not expire in August 2013.

### OVERVIEW OF TIER 1 CPC RECOMMENDATIONS AND TIER 2 PLACEMENT

#### Justification of Commission Recommendations for Tier 1 CPC Designation

**Burma:** Ongoing and important political reforms in Burma have yet to significantly improve the situation for freedom of religion and belief. During the reporting period, most religious freedom violations occurred against ethnic minority Christian and Muslim communities, with serious abuses against mainly Christian civilians during military interventions in Kachin State and sectarian violence by societal actors targeting Muslims in Rakhine (Arakan) State. In addition, Buddhist monks suspected of anti-government activities were detained or removed from their pagodas, and at least eight monks remain imprisoned for participating in peaceful demonstrations. In addition to sometimes severe restrictions on worship, education, and other religious activities and ceremonies, religious groups continue to face a range of problems, including: pervasive surveillance, imprisonment, discrimination, societal violence, destruction or desecration of property, and censorship of religious materials.

**China:** The Chinese government continues to perpetrate particularly severe violations of the freedom of thought, conscience, and religion or belief. Religious groups and individuals considered to threaten national security or social harmony, or whose practices are deemed beyond the vague legal definition of “normal religious activities,” are illegal and face severe restrictions, harassment, detention, imprisonment, and other abuses. Religious freedom conditions for Tibetan Buddhists and Uighur Muslims remain particularly acute, as the government broadened its efforts to discredit and imprison religious leaders, control the selection of clergy, ban certain religious gatherings, and control the distribution of religious literature by members of these groups. The government also detained over a thousand unregistered Protestants in the past year, closed “illegal” meeting points, and prohibited public worship activities. Unregistered Catholic clergy remain in detention or disappeared. Falun Gong face some of the most intense and violent forms of persecution. Adherents are tortured and mistreated in detention and are pursued by an extralegal security force chartered to stamp out “evil cults.” The Chinese government also continues to harass, detain, intimidate, and disbar attorneys who defend members of vulnerable religious groups.

**Egypt:** During the reporting period, the Egyptian transitional and newly elected governments have made some improvements related to freedom of religion or belief and there was positive societal progress between religious communities. Nevertheless, during a February 2013 visit to Egypt, USCIRF found that the Egyptian government continued to engage in and tolerate systematic, ongoing, and egregious violations of freedom of thought, conscience and religion or belief. Despite a significant decrease in the number of fatalities and injuries from sectarian violence during the reporting period, Coptic Orthodox Christians, and their property, continued to experience sustained attacks. In many cases, the government failed or was slow to protect religious minorities from violence. This violence and the failure to convict

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those responsible continued to foster a climate of impunity. Egyptian courts continued to prosecute, convict, and imprison Egyptian citizens charged with “contempt” or “defamation” of religion. In some instances, disfavored Muslims faced harassment, detention, and imprisonment by government authorities. Egypt’s newly adopted constitution, which has been widely criticized, includes several problematic provisions related to freedom of religion or belief and related rights. Implementation of previous court rulings—related to granting official identity documents to Baha’is and changing religious affiliation on identity documents for converts to Christianity—has seen some progress but continues to lag, particularly for Baha’is. In addition, the government has not responded adequately to combat widespread and virulent anti-Semitism in the government-controlled media.

**Eritrea:** Systematic, ongoing, and egregious religious freedom violations continue in Eritrea. These violations include: thousands of religious prisoners; arbitrary arrests and detentions without charges of members of unregistered religious groups; a prolonged ban on public religious activities; revocation of citizenship rights of Jehovah’s Witnesses; interference in the internal affairs of registered religious groups; and inordinate delays in responding to registration applications from religious groups. USCIRF interviews with Eritrean refugees in late 2012 heard credible reports indicating many prisoners are subjected to torture and other inhumane treatment. The situation is particularly dire for Jehovah’s Witnesses and members of other small, disfavored religious groups, such as Evangelical and Pentecostal Christians. The government dominates the internal affairs of the four recognized religious, but especially the Orthodox Church of Eritrea, the country’s largest Christian denomination. The government-deposed Eritrean Orthodox Patriarch Abune Antonios remains under house arrest since 2007.

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

**Iraq:** Over the last several years the Iraqi government has made efforts to increase security for religious sites and worshippers, provide a stronger voice for Iraq’s smallest minorities in parliament, and revise secondary school textbooks to portray minorities in a more positive light. Nevertheless, the government of Iraq continues to tolerate systematic, ongoing, and egregious religious freedom violations, including violent religiously-motivated attacks. Violence against Iraqi civilians continued in 2012 at approximately the same level as in 2011. In addition, the government took actions that increased, rather than reduced, Sunni-Shi’i and Arab-Kurdish tensions, threatening the country’s already fragile stability and further exacerbating the poor religious freedom environment.

**Nigeria:** The government of Nigeria continues to tolerate systematic, ongoing, and egregious violations of religious freedom that lead to particularly severe violations affecting all Nigerians, both Christian and Muslim. For many years, the government has failed to bring those responsible for sectarian violence to justice, prevent and contain acts of such violence, or prevent reprisal attacks. As a result since 1999,

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more than 14,000 Nigerians have been killed in sectarian violence between Muslims and Christians. Boko Haram, a militant group that espouses an extreme and violent interpretation of Islam, benefits from this culture of impunity and lawlessness as it exploits Muslim-Christian tensions to destabilize Nigeria. Boko Haram also justifies its attacks on churches by citing, among other things, state and federal government actions against Muslims.

**North Korea:** The recent leadership transition in the Democratic People’s Republic of North Korea (DPRK or North Korea) has not improved human rights or religious freedom conditions. North Korea remains one of the world’s most repressive regimes, where severe religious freedom abuses continue. In the past year, refugees and defectors reported discrimination and harassment of both authorized and unauthorized religious activity; the arrest, torture, and possible execution of those conducting clandestine religious activity or engaging in “fortune-telling;” and the mistreatment and imprisonment of asylum-seekers repatriated from China, particularly those suspected of engaging in religious activities, having religious affiliations, or possessing religious literature. In addition, North Korea continues to operate one of the world’s most expansive systems of political prison camps, which include a sizable number of individuals arrested for “illegal” religious activity.

**Pakistan:** The government of Pakistan continues to engage in and tolerate systematic, ongoing, and egregious violations of freedom of religion or belief. Sectarian and religiously-motivated violence is chronic, especially against Shi’i Muslims, and the government has failed to protect members of religious minority communities, as well as the majority faith. Pakistan’s repressive blasphemy laws and other religiously discriminatory legislation, such as the anti-Ahmadi laws, have fostered an atmosphere of violent extremism and vigilantism. Pakistani authorities have not consistently brought perpetrators to justice or taken action against societal actors who incite violence. Growing religious extremism threatens Pakistan’s security and stability, as well as the freedoms of religion and expression, and other human rights, for everyone in Pakistan.

**Saudi Arabia:** During the reporting period, the Saudi government made improvements in policies and practices related to freedom of religion or belief, but remains a “country of particular concern,” or CPC, for violations of freedom of religion or belief. The Saudi government continues to ban most forms of public religious expression other than that of the government’s own interpretation of one school of Sunni Islam; prohibits any public non-Muslim places of worship; and periodically interferes with the private religious practice of non-Muslim expatriate workers in the country. There continued to be sporadic arrests and detentions of Shi’i Muslim dissidents, partly as a result of more frequent protests and demonstrations since early 2011. Saudi officials often cite national security concerns as a pretext for cracking down on religious minorities and Muslim dissidents. In addition, the Saudi government continued to prosecute, convict, and imprison individuals charged with apostasy, blasphemy, and sorcery.

**Sudan:** Systematic, ongoing, and egregious violations of freedom of religion or belief continue in Sudan. While religious freedom conditions greatly improved in South Sudan and improved in Sudan during the Interim Period of the Comprehensive Peace Agreement (CPA) that ended the civil war in January 2005, conditions in Sudan have deteriorated since South Sudan’s independence. Violations include: the criminalization, subject to the death penalty, of apostasy; the efforts by the government in Khartoum to impose its restrictive interpretation of Shari’ah (Islamic law) on Muslims and non-Muslims; the application of the Public Order Act and related laws and use of floggings for undefined acts of “indecent” and “immorality;” attacks and threats against the Christian community; and discrimination against the Christian community.

**Tajikistan:** Tajikistan’s restrictions on religious freedom remained in place during the reporting period, and systematic, ongoing, and egregious violations of freedom of religion or belief continue. The government suppresses and punishes all religious activity independent of state control, and imprisons

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individuals on unproven criminal allegations linked to religious activity or affiliation. These restrictions and abuses primarily affect the country's majority Muslim community, but also target minority communities, particularly Protestants and Jehovah's Witnesses. The Jehovah's Witnesses community has been banned since 2007. In recent years, the Tajik government has destroyed a synagogue, a church, and three mosques, and it has closed down hundreds of unregistered mosques.

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

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

**Vietnam:** The government of Vietnam continues to expand control over all religious activities, severely restrict independent religious practice, and repress individuals and religious groups it views as challenging its authority. Religious activity continues to grow in Vietnam and the government has made some important changes in the past decade in response to international attention, including from its designation as a "country of particular concern" (CPC). Nevertheless, authorities continue to imprison or detain individuals for reasons related to their religious activity or religious freedom advocacy; independent religious activity remains repressed; the government maintains a specialized police for dealing with religious groups; legal protections for government-approved religious organizations are subject to arbitrary or discriminatory interpretations based on political factors; and converts to ethnic-minority Protestantism and Catholicism face discrimination, intimidation, and pressure to renounce their faith.

### **Justification of Commission Placement on Tier 2**

**Afghanistan:** Conditions for religious freedom are exceedingly poor for dissenting members of the majority faith and minority religious communities. Individuals who dissent from the prevailing orthodoxy regarding Islamic beliefs and practices are subject to legal actions that violate international standards. The threat of violence by the Taliban and other armed groups is an increasing reality, as the Afghan government increases its responsibility of providing security nationwide, yet remains unable to protect citizens against violence and intimidation.

**Azerbaijan:** Despite the government's claims of official tolerance, religious freedom conditions in Azerbaijan deteriorated over the past few years. During the reporting period, religious organizations were closed and non-violent religious activity was punished with detentions, fines and other penalties. The Azeri government applied the repressive religion law adopted in 2009 that curtails a range of religious

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activities. Penalties were increased for religion law violations in 2010 and 2011. Unregistered religious activity is illegal and the activities of registered groups are tightly regulated.

**Cuba:** Serious religious freedom violations continue in Cuba, despite some improvements for government-approved religious groups. Reports indicate a tripling in the number of violations, such as detentions and sporadic arrests of clergy and religious leaders; harassment of religious leaders and laity; interference in religious groups' internal affairs, and pressure to prevent democracy and human rights activists from participating in religious activities. Despite constitutional protections for religious freedom, the Cuban government actively controls and monitors religious practice through a restrictive system of laws and policies.

**India:** There has been no large-scale communal violence against religious minorities in India since 2008, and in recent years the Indian government has created special investigative and judicial structures in an effort to address previous such attacks. Nevertheless, in the past year, progress in achieving justice through these structures for the victims of past incidents continued to be slow and ineffective. In addition, members of religious minority communities, including Muslims, Christians, Sikhs, and Jehovah's Witnesses, reported an increase during the reporting period of intimidation, harassment, and violence, particularly in states with anti-conversion laws.

**Indonesia:** Indonesia is a stable and robust democracy with political institutions able to advance and protect human rights. In recent years, however, the country's traditions of religious tolerance and pluralism have been strained by ongoing sectarian tensions, societal violence, and the arrest of individuals considered religiously "deviant." While the government has addressed past sectarian violence and effectively curtailed terrorist networks, religious minorities continue to experience intimidation, discrimination, and violence. The Indonesian government, including the local police, provincial officials and the courts, often tolerates activities of extremist groups, fails to enforce national laws protecting religious minorities, and issues lenient sentences to individuals arrested for engaging in violence. In addition, national laws and provincial decrees have led to serious abuses of the freedom of thought, conscience, and religion or belief, including destruction or forced closure of religious venues and imprisonment of individuals accused of blasphemy or "deviant" religious teachings.

**Kazakhstan:** Religious freedom conditions in Kazakhstan deteriorated in 2012. In late 2011, the Kazakh government adopted a repressive new religion law, which resulted in a sharp drop in the number of registered religious groups in 2012. Unregistered religious activity is illegal, and the activities of registered groups are strictly regulated. During the reporting period, religious organizations were closed and religious activity was penalized with police raids, short-term detentions, fines, and other penalties.

**Laos:** Serious religious freedom abuses continue in Laos. The Lao legal code restricts religious practice, and the government is either unable or unwilling to curtail ongoing religious freedom abuses in some provincial areas. In the past year, provincial officials violated the freedom of religion or belief of ethnic minority Protestants through detentions, surveillance, harassment, property confiscations, forced relocations, and forced renunciations of faith. Nonetheless, religious freedom conditions have improved for the majority Buddhist groups and for other religious groups living in urban areas. In addition, the Lao Front for National Construction (LFNC), the agency tasked with carrying out government religious policy, has engaged with religious groups in Laos and with international NGOs, to better understand religious freedom and to occasionally intervene in cases of detention or property confiscation.

**Russia:** During the reporting period, religious freedom conditions in Russia deteriorated further and major problems discussed in previous USCIRF reports continue. These include the application of laws on religious and non-governmental organizations to violate the rights of allegedly "non-traditional" religious groups and Muslims; the use of the extremism law against religious groups and individuals not



## REPORT OVERVIEW

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known to use or advocate violence, particularly Jehovah's Witnesses and readers of Turkish Muslim theologian Said Nursi; official favoritism of the Moscow Patriarchate of the Russian Orthodox Church and intolerance of religious groups deemed "alien" to Russian culture; and the government's failure to adequately address xenophobia, including anti-Semitism, which results in sometimes lethal hate crimes. In addition, an arsenal of restrictive new laws against civil society was passed in 2012, and a draft blasphemy bill before the Duma, would, if passed, further curtail the freedoms of religion, belief and expression.

## **USCIRF AND STATE DEPARTMENT IMPLEMENTATION OF IRFA**

The International Religious Freedom Act (IRFA) provides the U.S. government with unique capabilities to address violations of religious freedom, which are often involved in some of the world's most pressing foreign policy challenges. By using these tools, the United States can more effectively encourage respect for human rights and also address factors driving violent religious extremism. Promoting religious freedom can help policymakers achieve crucial foreign policy goals, fostering respect for human rights while promoting stability and ultimately national security.

### **HIGH LEVEL STATEMENTS**

The Obama administration spoke about the importance of religious freedom several times during the reporting period. President Obama referenced international religious freedom in his Presidential proclamations on Religious Freedom Day in 2012 and 2013, marking the passage of the Virginia Statute for Religious Freedom. In addition, Denis McDonough, then deputy national security advisor and now White House Chief of Staff, gave two statements on the importance of religious freedom. On July 30, 2012, he issued a statement on the White House website entitled, "International Religious Freedom: A Human Right, A National Security Issue, A Foreign Policy Priority." Mr. McDonough stated, "the United States will continue to make the promotion of international religious freedom a key national security and foreign policy priority for the United States, to advocate forcefully for these issues publically and privately, in both multilateral and bilateral settings." He gave a speech along similar lines on September 12, 2012, where he noted that the "lack of religious freedom – or discriminating against people because of their faith – can be a recipe for instability," and cited China, Burma, Pakistan, Nigeria, Sudan, Afghanistan, Cuba, and Egypt.

During the reporting period, Secretary of State Hillary Clinton gave two major speeches that highlighted the importance of religious freedom. On July 30, 2012, for the release of the 2011 State Department's *Annual Report on International Religious Freedom*, Secretary Clinton spoke at the Carnegie Endowment for International Peace and described religious freedom advocacy as a "bedrock" of U.S. foreign policy. She explained how governments have a unique obligation to protect the human rights of all their citizens, and stated the U.S. government would "if necessary, look at ways to use consequences" to encourage reforms. On December 6, 2012 at Dublin City University in Ireland, Secretary Clinton described four "frontlines" for human rights, stating the "first frontline is religious freedom and the rights of religious minorities." Noting the bundled nature of the right, she said "while religious freedom is a human right unto itself, this issue is about other rights, too," such as freedoms of speech, association, and assembly.

### **REDUCTION OF THE STATUS OF THE AMBASSADOR-AT-LARGE**

Dr. Suzan D. Johnson Cook continued to serve throughout the reporting period as the State Department's Ambassador-at-Large for International Religious Freedom. The highest-ranking U.S. official on religious freedom, the Ambassador-at-Large is a key official for the coordination and development of U.S. policy regarding freedom of religion or belief, and serves as an *ex officio* member of USCIRF.

According to a report by the Government Accountability Office, the State Department's Bureau of Democracy, Human Rights and Labor (DRL) dramatically reduced the rank of the Ambassador-at-Large. GAO reported that the current Ambassador was informed that, while officially reporting to the DRL Assistant Secretary, she would in practice report to the bureau's Principal Deputy Assistant Secretary or a Deputy Assistant Secretary. This constitutes a major change in the structure IRFA established and a thwarting of congressional intent. Under IRFA, the Ambassador-at-Large is to be a "principal adviser to

## **USCIRF AND STATE DEPARTMENT IMPLEMENTATION OF IRFA**

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the President and the Secretary of State regarding matters affecting religious freedom abroad.” Since the position was established, every administration, including the current one, has situated the Ambassador-at-Large in the Bureau of Democracy, Human Rights and Labor (DRL) and therefore under its Assistant Secretary. This is despite the State Department’s organizational structure guidelines, which, as reported by the GAO, consider an Ambassador-at-Large to be of higher rank than an Assistant Secretary. Furthermore, other Ambassadors-at-Large report to the Secretary, such as those for Global Women’s Issues, Counterterrorism, and War Crime Issues, as well as the AIDS Coordinator. Even before GAO reported that the Ambassador reports to a Deputy Assistant Secretary, the Ambassador-at-Large for International Religious Freedom was the lowest positioned ambassador-at-large in the State Department hierarchy.

In addition, it is unclear whether the Ambassador-at-Large retains managerial control of the Office of International Religious Freedom, as has been the case in the past. Moreover, the Office’s staff has decreased in recent years, and it now has a smaller staff than other offices with a global mandate. It also staffs the Special Envoy to Monitor and Combat Anti-Semitism and works closely with the Special Envoy to the Organization of the Islamic Conference and the Special Representative to Muslim Communities, but has received no additional resources for these duties.

USCIRF recommends the Obama administration fulfill IRFA’s intent that the Ambassador-at-Large be a “principal adviser to the President and the Secretary of State regarding matters affecting religious freedom abroad” by ensuring he or she has direct access to the President and the Secretary of State; continue the practice of having the Ambassador maintain direct oversight of the staff of Office of International Religious Freedom; and have the Ambassador chair a working group with other religiously-oriented positions and programs at the State Department to ensure consistency in message and strategy. In addition, the Office of International Religious Freedom should be empowered to be the central location for all State Department efforts on religious freedom and religious engagement, including by enlarging its staff, deepening its expertise, and providing at least \$4 million annually in dedicated programmatic funds for religious freedom promotion/protection.

USCIRF also recommends that the Obama administration quickly fill the position of Special Envoy to Monitor and Combat Anti-Semitism, which currently is filled by another official in an acting capacity. Considering the global challenge of anti-Semitism, the position should be provided its own staff, distinct from the IRF Office, so the Special Envoy can have dedicated support and resources are not removed from the IRF Office. In addition, the Special Envoy should be provided with independent programmatic funds. In addition, the Special Envoy to the Organization of the Islamic Conference and the Special Representative to Muslim Communities should receive additional resources to allow both to increase their ability to promote religious freedom initiatives, within their broader mandates.

### **STATE DEPARTMENT WORKING GROUP ON RELIGION AND FOREIGN POLICY**

During the reporting period, the State Department concluded its Strategic Dialogue with Civil Society, which was composed of five working groups. The Religion and Foreign Policy Working Group allowed for dialogue between the State Department and religious leaders, scholars and practitioners about issues relating to religion and foreign policy. The Working Group was comprised of three subgroups – Religious Freedom, Stability & Democracy; Religious Engagement & Conflict Prevention/Mitigation; and Religion & Development and Humanitarian Aid. The Working Group was co-chaired by Under Secretary for Civilian Security, Democracy, and Human Rights Maria Otero, Ambassador-at-Large for International Religious Freedom Suzan Johnson Cook, and Executive Director of the White House Office of Faith-Based and Neighborhood Community Partnerships Joshua DuBois. The co-chairs sat on the Strategic Dialogue with Civil Society Federal Advisory Commission and forwarded working group recommendations to that body. Two advisors from the non-governmental sector, Dr. Chris Seiple and Dr.

## USCIRF AND STATE DEPARTMENT IMPLEMENTATION OF IRFA

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William Vendley, helped chair the sub-groups and also sat on the Federal Advisory Committee. USCIRF Commissioners and staff participated in several of the sub-groups.

Through this process, the State Department Legal Adviser's office was tasked with providing legal guidance on how diplomats can work with faith-based communities abroad. The guidance has reportedly been issued as an internal document. Also, training programs at the Foreign Service Institute on religion and foreign policy were approved. The State Department reports that more than 40 civil society working groups have been set up through American embassies around the world that focus on civil society engagement.

In October 2012, the Religion and Foreign Policy Working Group issued a white paper with four recommendations for the Secretary of State: 1) Create a "national capacity" to guide the State Department on religion and foreign policy (such as a national strategy on religious engagement); 2) Direct the State Department to create mechanisms to engage with religious communities; 3) Establish an official point of contact within the State Department to foster better communication with religious communities; and 4) Institutionalize the Religion and Foreign Policy Working Group. Of these recommendations, the State Department is expected to continue the Working Group for another two years. In addition, the State Department will likely create a point of contact for religious communities, based in the Secretary's office. It is unclear how this position will relate to the Ambassador-at-Large and the Office of International Religious Freedom.

USCIRF recommends that the State Department establish a formal mechanism to liaise with NGOs and religious communities working on religious freedom issues, such as by continuing the Working Group on Religion and Foreign Policy, and that it more fully involve USCIRF in this effort. Through the strategic dialogue generally and the Religion and Foreign Policy Working Group specifically, the State Department has begun to systematically increase its engagement with religious communities and other individuals who engage on religious freedom and tolerance, thereby improving its ability to promote religious freedom, interfaith understanding, and stability. The white paper recommendations provided an important opportunity to increase the State Department's ability to leverage the inputs of nongovernmental organizations to advance U.S. foreign policy. Moving forward, the State Department should bring the Working Group closer to current policy discussions and debates within the agency, ensuring that officials from regional bureaus are more involved.

### **NATIONAL STRATEGY AND GUIDANCE**

The May 2010 National Security Strategy made only modest reference to human rights and only passing reference to freedom of worship. USCIRF recommends that, during its second term, the Obama administration's national security strategy address directly issues of international religious freedom and create specific guidance for the U.S. government's promotion of freedom of religion or belief abroad. With this, the administration should establish an interagency working group at the National Security Council to coordinate a whole-of-government effort on religious freedom, including civilian and defense agencies and USCIRF, and staff this initiative with the Director-level position provided for in the International Religious Freedom Act. A robust National Security Strategy, with a supporting taskforce and dedicated staff, would ensure that the strategy is implemented across agencies.

USCIRF also recommends that religious freedom be addressed directly in the next Quadrennial Diplomacy and Development Review (QDDR), and, as appropriate in the Quadrennial Defense Review (QDR). While the first QDDR did recognize the need to engage religious groups along with others to create the partnerships needed to advance American interests, it was silent on the issue of religious freedom.

## **USCIRF AND STATE DEPARTMENT IMPLEMENTATION OF IRFA**

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In addition, IRFA encourages U.S. embassies abroad to develop strategies for religious freedom promotion. USCIRF recommends the State Department develop individual country strategies to promote religious freedom, in consultation with USCIRF and nongovernmental organizations, to leverage both U.S. government influence and partnerships with advocacy organizations and religious communities.

### **FUNDING FOR RELIGIOUS FREEDOM PROGRAMS**

IRFA also envisaged the funding of religious freedom programs, authorizing foreign assistance to promote and develop “legal protections and cultural respect for religious freedom.” This authorization was unfunded until fiscal year 2008, when \$4 million was appropriated for specific DRL grants on religious freedom programming under the Human Rights Democracy Fund (HRDF). The Consolidated Appropriations Act of 2012 (P.L. 112-74) also directed that appropriated funds for democracy and human rights promotion “shall also be made available to support freedom of religion, especially in the Middle East and North Africa.” While no specific earmark or carve-out was made, over the last three years, the Office of International Religious Freedom has managed over \$10 million of HRDF funds covering 15 programs, including seven NGO programs in Asia and the Middle East that include both legal training and grassroots support for religious freedom.

Considering the statutory recognition of these programs and the demonstrated interest and capacity of human rights and religious freedom organizations, USCIRF recommends Congress provide a specific carve-out of HRDF funds to ensure ongoing religious freedom programming managed by the Office of International Religious Freedom. The National Endowment for Democracy, the U.S. Institute of Peace and other entities dispersing federal funds for grant should also be instructed to undertake specific programming on religious freedom. In addition, USAID should be tasked with developing and disseminating education materials on human rights, religious freedom, and the importance of interfaith understanding for the achievement of development objectives in countries of particular concern and fund teacher training initiatives to support this effort.

### **MONITORING MECHANISMS**

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

## USCIRF AND STATE DEPARTMENT IMPLEMENTATION OF IRFA

<b>Individuals Referenced in the Annual Report as Detained, Jailed or Disappeared on Account of Religious Beliefs and/or Activities</b> (This list reflects only a small number of those detained, jailed, or disappeared)
<b>Azerbaijan:</b> Rufat Nuriyev, Nurani Mammadov and Fakhraddin Mirzayev
<b>China:</b> Gao Zhisheng, Wang Yonghang, Alimujiang Yimiti, Cao Nan, Qahar Mensur, Muhemmed Tursun, Yang Rongli, Wang Xiaoguang, Chen Zhenping, Fr. Li Huisheng, Fr. Joseph Zhang, Bishop Su Zhimin, Bishop Ma Daqin, Fan Yafeng, Jin Tianming, Yuan Ling, Zhang Xiaofeng, Li Xiaobai, Namkha Gyaltzen, Gedun Choekyi Nyima, Wang Xiaomei, Wang Xiaodong, Runggye Adak, Tenzin Delek Rinpoche, Liu Gang, Wei Jun, Liu Fengmei, Song Sheng
<b>Eritrea:</b> Patriarch Abune Antonios, Paulos Eyassu, Isaac Mogos, Negede Teklemariam
<b>Ethiopia:</b> Abubekr Ahmed, Kamil Shemsu, Yassin Nuru, Sheikh Mekete Muhe, Bedru Hussen, Ahmeddin Jebel, Ahmed Mustefa, Sheikh Sultan Amam, Jemal Yasin, Yusuf Getachew
<b>Iran:</b> Saeed Abedini, Farshid Fathi, Behnam Irani, Ayatollah Mohammad Kazemeini Boroujerdi, Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naemi, Saeid Rezaie, Mahvash Sabet, Behrouz Tavakkoli, Vahid Tizfahm Mahmoud Badavam, Noushin Khadem, Farhad Sedghi, Riaz Sobhani, Ramin Zibaie, Kamran Mortezaie, Faran Hessami, Kamran Rahimian, Shahin Negari, Kayvan Rahimian
<b>Kazakhstan:</b> Vadim Kuramshin
<b>Pakistan:</b> Hazrat Ali Shah, Sufi Ishaque, Soofi Mohammad Ishaq, Abdul Sattar, Rafiq, Wajihul Hassan, Malik Muhammad Ashraf, Malik Ashraf, Abdul Sattar, Aasia Noreen, Muhammad Shafeeq Latif, Liaqat, Muhammad Shafiq, Abdul Hameed, Anwar Kenneth, Wajihul Hassan aka Murshid Masih, Manzarul Haq Shah Jahan, Muhammad Mushtaq alias Masta, Muhammad Yousaf, Imran Ghafoor, Muhammad Ishaq, Mohammad Shafi, Muhammad Safdar, Muhammad Shafi, Muhammad Aslam, Imran Masih, Ruqiya Bibi, Abdul Kareem, Inayat Rasool, Arif Mahdi, Shamas ud Din, Maqsood Ahmad, Muhammad Shahzad, Muhammad Yousaf, Rehmat Ali
<b>Russia:</b> Maria Alyokhina, Inur Khafizov, Ramil Latipov, Ilhom Merazhov, Komil Odilov, Nakiya Sharifullina, Nadezhda Tolokonnikova
<b>Saudi Arabia:</b> Hamza Kashgari, Raif Badawi, Turki al-Hamad
<b>Turkmenistan:</b> Nurmuhamed Agaev, Zafar Abdullaev, Muhammed Rahim Muhammedov, Mahmud Hudaybergenov, Navruz Nasyrlyayev, Juma Nazarov, Davran Matyakubov, Yadgarbek Sharipov, Matkarim Aminov, Arslan Dovletov
<b>Uzbekistan:</b> Akram Yuldashev, Gayrat Khusanov, Shuhrat Yunusov, Abdubannob Ahmedov, Mehriniso Hamdamova, Zulkhumor Hamdamova, Shahlo Rakhmonova, Khruilla Khamidov
<b>Vietnam:</b> Fr. Nguyen Van Ly, Le Quoc Quan, Kpa Y Co, Ksor Y Du, Kpuil Mel, Kpuil Le, Nay Y Nga, Runh, Jonh, Byuk, Nguyen Cong Chinh, Mai Thi Dung, Nguyen Trung Ton, Nguyen Van Lia, Tran Hoai An, Thich Quang Do, Bui Van Tham, Phan Ngoc Tuan, Thuy Vo Thi Thu

### TRAINING

IRFA calls for American diplomats to receive training on how to promote religious freedom effectively around the world. In the past few years, training for Foreign Service Officers on issues of religious freedom has increased, but remains voluntary. During this reporting period, the Foreign Service Institute (FSI) continued to offer a policy seminar entitled *Engaging Communities of Faith to Advance Policy Objectives* and a three-day course on *Religion and Foreign Policy*. USCIRF staff was invited to speak to these classes about the role of the Commission, and also has been invited regularly to regional studies classes to discuss the Commission's findings on countries of interest. FSI also continues to hold its annual "Appeal of Conscience" gathering, organized by Rabbi Arthur Schneier, with panels of religious figures and diplomats. While USCIRF welcomes these initiatives, these courses remain optional and are not yet part of the core curriculum for all diplomats in training.

To ensure that U.S. diplomats, service members, and military chaplains are adequately equipped to deal with issues of religious freedom in the field, USCIRF recommends that all diplomats at the Foreign Service Institute and relevant members of the military receive training on the importance of religious freedom and practical ways to best promote this freedom as an aspect of U.S. foreign policy.

Training on religious freedom issues in the military education system remains minimal, despite the many schools, military service colleges, and universities providing professional military education. None have a specific focus on training on international standards of freedom of religion or belief. Overall, professional military education at the various service colleges should be expanded to include religious freedom as a topic, to ensure U.S. service members are mindful of these standards when engaging or partnering with religious leaders or local government officials and understand the value of religious freedom in countering violent religious extremism. For the chaplaincy corps, the Army has created the Center for World Religions, which is a small U.S. Army Chaplain Corps Directorate co-located at the Armed Forces Chaplaincy Center in Ft. Jackson, South Carolina. Expanding its capability to train on religious freedom standards, as well as other matters concerning religious issues, could fill a void in joint and inter-agency planning. In addition, the curriculum of the Armed Forces Chaplaincy Center should be expanded so chaplains involved in religious leader liaison are better equipped to understand religious freedom standards in the context of human rights and stability operations.

### ADMISSIBILITY TO THE U.S. OF SEVERE VIOLATORS OF RELIGIOUS FREEDOM

Another IRFA issue relevant to both the State Department and the Department of Homeland Security (DHS) relates to the admission to the United States of aliens who were "responsible for or directly carried out...particularly severe violations of religious freedom." IRFA bars the entry of such individuals. This provision has been invoked only once: in March 2005, it was used to exclude Chief Minister Narendra Modi of Gujarat state in India due to his complicity in the 2002 riots that resulted in the deaths of an estimated 1,100 to 2,000 Muslims. USCIRF had urged such an action.

USCIRF continues to urge the Departments of State and Homeland Security to develop a lookout list of aliens who are inadmissible to the United States on this basis. USCIRF wrote to Secretary Clinton in 2012 about the possibility that Chief Minister Modi might apply for a visa, to reiterate USCIRF concerns about his admissibility to the United States. Directly related to identifying and barring from entry such severe religious freedom violators, IRFA also requires the President to determine the specific officials responsible for violations of religious freedom engaged in or tolerated by governments of CPCs, and, "when applicable and to the extent practicable," publish the identities of these officials in the Federal Register. Despite these requirements, no individual officials from any CPC countries responsible for particularly severe religious freedom violations have been identified to date.

### **ENGAGING THE U.S. EXECUTIVE BRANCH, CONGRESS, AND FOREIGN GOVERNMENTS ON RELIGIOUS FREEDOM**

During the reporting period, USCIRF played an active role in raising awareness of religious freedom concerns with the Executive branch of the U.S. government. USCIRF had face-to-face meetings with a range of government representatives and wrote to U.S. officials, including President Obama and Secretary of State Clinton. USCIRF also engaged with representatives of foreign governments in Washington, D.C., including, in preparation for this Annual Report, writing to the embassies of countries covered in the previous year's report to request information relevant to their laws and policies affecting freedom of religion or belief. USCIRF's work with Congressional offices on both sides of the aisle has resulted in the incorporation of its findings and policy recommendations into many bills, resolutions, and letters from Members of Congress. USCIRF also is a regular source of information, counsel, and insight for many committees and Members of Congress.

For the 2013 Annual Report, USCIRF wrote 24 embassies inviting submissions for USCIRF to consider regarding the status of religious freedom in their countries. The following embassies sent responses: Bangladesh, Burma, Tajikistan, Turkey, Uzbekistan, and Vietnam.

A list of selected USCIRF activities and statements can be found in the appendix.



# TIER 1

## Countries of Particular Concern

BURMA\*

CHINA\*

EGYPT

ERITREA\*

IRAN\*

IRAQ

NIGERA

NORTH KOREA\*

PAKISTAN

SAUDI ARABIA\*

SUDAN\*

TAJIKISTAN

TURKMENISTAN

UZBEKISTAN\*

VIETNAM\*

\*Countries officially designated as CPCs by the U.S. Department of State

# BURMA



## **USCIRF STATUS:**

**Tier 1 Country of Particular Concern**

## **BOTTOM LINE:**

Ongoing political reforms have yet to significantly improve the situation for freedom of religion and belief, as sectarian violence and severe abuses of religious freedom and human dignity targeting ethnic minority Christians and Muslims continue to occur with impunity.

### **EXECUTIVE SUMMARY**

**FINDINGS:** Ongoing and important political reforms in Burma have yet to significantly improve the situation for freedom of religion and belief. During the reporting period, most religious freedom violations occurred against ethnic minority Christian and Muslim communities, with serious abuses against mainly Christian civilians during military interventions in Kachin State and sectarian violence by societal actors targeting Muslims in Rakhine (Arakan) State. In addition, Buddhist monks suspected of anti-government activities were detained or removed from their pagodas, and at least eight monks remain imprisoned for participating in peaceful demonstrations. In addition to sometimes severe restrictions on worship, education, and other religious activities and ceremonies, religious groups continue to face a range of problems, including: pervasive surveillance, imprisonment, discrimination, societal violence, destruction or desecration of property, and censorship of religious materials.

In light of these systematic, ongoing, egregious violations of freedom of religion and belief, USCIRF recommends that Burma again be designated as a “country of particular concern” in 2013. The State Department has designated Burma as a CPC since 1999.

Over the past year, the Burmese government continued to release political and religious prisoners, revised laws on media censorship and freedom of assembly, and allowed Aung San Suu Kyi’s National Democracy Party (NLD) to assume its seats in parliament. Nevertheless, Burma’s overall human rights record remains poor and the government was either unable or unwilling to curtail security forces or social actors who engaged in serious abuses against religious minorities and others during armed conflicts in Kachin State and sectarian violence in Rakhine (Arakan) State. Rohingya Muslims, who are denied Burmese citizenship, experience widespread discrimination, strict controls over their religious activities and ceremonies and societal violence that is often incited by Buddhist monks and carried out with impunity by mobs and local militias, including police in Rakhine (Arakan) State. In the past year, over 1,000 Rohingya have been killed, their villages and religious structures destroyed, and women raped during attacks. In Kachin and northern Shan states, home to large Christian minority populations, the military conducted large operations beginning in January 2013. The military reportedly continues to limit religious worship and forcibly promote Buddhism as a means of pacification in these areas and targets Christians for forced labor, rape, intimidation, and destruction of religious sites. The government also continues to censor religious publications and prohibits the import of Bibles and Qu’rans in indigenous languages. Released prisoners face harassment and restrictions, including U Gambria, the head of the All-Burma Monks Alliance.

**PRIORITY RECOMMENDATIONS:** The speed of Burmese government reforms was unexpected, but they remain fragile and reversible, and their long term success will depend on building capacity for governance and addressing religious and ethnic minority issues. The U.S. government should maintain targeted sanctions, and potentially re-impose lifted sanctions, if a series of benchmarks are not met, including the release of all religious and political prisoners, a nationwide ceasefire with religious and ethnic minorities, a durable citizenship solution for Rohingya Muslims, and reform of laws limiting religious freedom and other human rights. In addition, the U.S. government should maintain the CPC designation until severe religious freedom violations have ended. The United States and other donor nations should also maintain targeted technical assistance to empower civil society actors, parliamentarians, and religious groups that promote the rule of law, interfaith cooperation, peace-building, economic development, human rights documentation, education, democratic leadership, and legal and human rights training. Additional recommendations for U.S. policy toward Burma can be found at the end of this chapter.

**RELIGIOUS FREEDOM CONDITIONS**

**BACKGROUND**

Theravada Buddhism is the dominant religious tradition in Burma. The government shows preference for Buddhism through financial support and donations to monasteries, pagodas, monastic schools, and missionary activities. Promotions to senior levels of the military and civil service are reserved for Buddhists. Christianity, which is expanding among some ethnic minority communities, is the largest religious tradition among ethnic Kachin, Chin, and Naga peoples and is practiced widely among the Karen and Karenni minorities. Islam is practiced both by ethnic Burmese and the Rohingya community of Rakhine (Arakhan) state. Muslims and Christians reportedly make up 8%-10% of the population.

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ONGOING AND IMPORTANT  
POLITICAL REFORMS IN  
BURMA HAVE YET TO  
SIGNIFICANTLY IMPROVE THE  
SITUATION FOR FREEDOM OF  
RELIGION AND BELIEF.

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The constitution and laws continue to restrict religious freedom. Article 34 of the constitution states that, “Every citizen is equally entitled to freedom of conscience and the right to freely profess and practice religion subject to public order, morality or health and to other provisions of this Constitution.” Article 354 states that, “every citizen shall be at liberty...if not contrary to the laws, enacted for Union security, prevalence of law and order, community peace and tranquility...to develop religion and customs without prejudice to the relations between one national race and another or among national races to other faiths.” Article 364 forbids the “abuse of religion for political purposes” and bars religious leaders from running for political office and members of “religious orders” from voting.

The 1982 Citizenship Law denies Rohingya Muslims citizenship, which in turn prevents access to government services, educational opportunities for children, acceptance of marriages, and the building of religious venues and schools. Local ordinances in Rangoon restrict public worship for Muslims to significant religious holidays.

A 2008 regulation banning independent “house church” religious venues has not been repealed or revised. Permits for new church buildings or for repairing existing sites are routinely denied.

The government continues to censor religious materials, despite the 2012 repeal of pre-publication censorship regulations for other media. Government censorship includes a list of more than 100 words prohibited in Christian and Islamic literature because they are either derived from the Pali language, used in Theravada Buddhist literature, or viewed as endorsing violence against non-believers.

**ONGOING RESTRICTIONS ON BUDDHISTS**

The government controls Buddhist clergy (*sangha*), who are subject to a strict code of conduct that reportedly is enforced through criminal penalties. Monks are not allowed to preach political sermons, make public statements, or produce literature with views critical of government policies or the military. Monks are also prohibited from associating with or joining political parties or taking part in peaceful demonstrations or ceremonies viewed as political, such as for the victims of the 2007 demonstrations. Military commanders retain jurisdiction to try Buddhist monks in military courts.

The government closely monitors monasteries viewed as focal points of anti-government activity and has restricted usual religious practices in these areas. Monks perceived to be protest organizers have been charged under vague national security provisions, including “creating public alarm;” “engaging in activities inconsistent with and detrimental to Buddhism;” “the deliberate and malicious...outraging of

## BURMA

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religious feelings;” and “engaging in prohibited acts of speech intended for religious beliefs.” In February 2012, Ashin Pyinna Thiha, the abbot of Sardu Pariyatti Monastery, was banned from giving sermons because he was considered too “political.” In December 2012, after he met with Secretary of State Clinton, the Buddhist *sangha* leadership and the Religious Affairs Ministry dismissed him from his monastery.

In June 2012, over 30 monks were injured and 10 detained during an environmental protest at the Latpadaung Mountain copper mine. Reportedly, police attacked while the monks were at prayer. Senior Buddhist monks demanded an apology from the government for its handling of the protest. In December 2012, five monks from Rangoon’s prominent Shwedagon Pagoda were arrested for planning to stage a protest against government actions at the copper mine. The Religious Affairs Ministry later issued an apology for the violence, injuries, and arrests that occurred at the Latpadaung Mountain site.

At least eight monks remain in prison for engaging in peaceful protests from 2001-2010, according to the Assistance Association of Political Prisoners in Burma. Those released were released conditionally, and can be re-imprisoned. Monks often face harassment and detention upon release and those who were defrocked in prison face difficulties re-joining monastic orders. U Gambria, one of the leaders of the 2007 Saffron Revolution as head of the All-Burma Monks Alliance, has been detained and subject to intimidation for his public criticism of the government and for unilaterally seeking to re-open sealed monasteries.

### **ACTIVE REPRESSION OF ETHNIC MINORITY CHRISTIANS**

There continue to be severe human rights violations in conflict-affected ethnic border areas, including attacks against civilians, extrajudicial killings, sexual violence, arbitrary arrest and detention, internal displacement, land confiscations, forced labor and portering, and the recruitment of child soldiers. The government has forged ceasefires with 10 ethnic minority militias, but armed clashes continue in Kachin, Kayah, Kayin and Shan states.

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THE MILITARY REPORTEDLY CONTINUES TO LIMIT RELIGIOUS WORSHIP AND FORCIBLY PROMOTE BUDDHISM AS A MEANS OF PACIFICATION IN THESE AREAS AND TARGETS CHRISTIANS FOR FORCED LABOR, RAPE, INTIMIDATION, AND DESTRUCTION OF RELIGIOUS SITES.

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Christian groups in ethnic minority regions, where low-intensity conflicts have been waged for decades, face particularly severe and ongoing religious freedom abuses. The UN Special Rapporteur on Human Rights in Burma, Tomas Quintana, has highlighted in his reports the discrimination against religious and ethnic minority groups by the Burmese military and continued by the civilian government, including policies preventing the teaching of minority languages in schools and restrictions on freedom of religion or belief. His 2012 report contains evidence of severe religious freedom abuses against ethnic minority Kachin and Chin, including restrictions on the building of places of worship, destruction of religious venues and artifacts, prohibitions on some religious ceremonies, and the policy

of coerced conversions to Buddhism at the government’s “National Races Youth Development Training Schools,” where Buddhist monks were reported to be working together with the Ministry of Religious Affairs.

In 2011, the Burmese military ended a 17-year ceasefire with the Kachin Independence Organization (KIO) and its armed wing, the Kachin Independence Army (KIA). The military intensified operations, including the use of aerial bombardment against civilian targets in late December 2012.

According to sources compiled by the non-governmental organization (NGO) Christian Solidarity Worldwide (CSW), the military campaign against the KIA has led to massive human rights and religious

## BURMA

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freedom violations. Burmese military units have bombed and seized control of Christian churches. As many as 60 Protestant churches were damaged by indiscriminate shelling. Military forces have beaten and arrested religious leaders and taken away church members as forced labor.

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

The Chin Human Rights Organization continues to compile evidence that government officials encourage conversion to Buddhism through promises of economic assistance or denial of government services, although reportedly such incidents have decreased in recent years. Chin families who agree to convert to Buddhism were offered monetary and material incentives, as well as exemption from forced labor. Burmese Buddhist soldiers are also offered financial and career incentives to marry and convert Chin Christian women.

### **SECTARIAN VIOLENCE AND RELIGIOUS FREEDOM ABUSES FACED BY BURMESE AND ROHINGYA MUSLIMS**

Muslims in Rakhine (Arakan) State, particularly those of the Rohingya minority group, continued to experience the most severe forms of legal, economic, religious, educational, and social discrimination. The 1982 Citizenship Law denies Rohingya citizenship because their ancestors allegedly migrated to Burma during British colonial rule. Approximately 800,000 Rohingya live in Burma, concentrated mostly in Rakhine (Arkan) State and in the cities of Maungdaw, Buthidaung, Akyab, Rathedaung, and Kyauktaw.

In June 2012, sectarian violence between ethnic Arakanese Buddhists and ethnic Rohingya Muslims led to hundreds of deaths and an estimated 100,000 internally displaced. Provincial police did not stop initial violence and supported ongoing attacks by both Arakanese groups and Buddhist monks on Rohingya villages and the denial of humanitarian access to Rohingya areas and camps. In October, sectarian violence erupted again in dozens of coordinated attacks that resulted in beatings, deaths, rapes, the destruction of entire villages, and additional displacement of Rohingya. Rohingya asylum seekers have been turned away from Bangladesh and Thailand, including being forcibly pushed back to sea by Thai military forces. Untold numbers have died attempting to seek refuge in these countries. Despite considerable international attention, the Burmese government, backed by a majority of popular opinion and groups promoting “Buddhist Nationalism,” continues to restrict humanitarian assistance, sanction clandestine violence through impunity, and encourage refugee flows to other Southeast Asia countries.

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MUSLIMS IN RAKHINE (ARAKAN) STATE, PARTICULARLY  
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Without citizenship, Rohingya Muslims lack access to secondary education in state-run schools, cannot be issued government identification cards (essential to receive government benefits), and face restrictions on freedoms of religion, association, assembly, and movement. Reports by refugees indicate that many Rohingya are prevented from owning property, residing in certain townships, or serving as government officials. Muslims are restricted in the number of children they may have and have difficulties obtaining

## BURMA

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birth certificates for newborns, particularly in the city of Sittwe. During the current reporting period, the Burmese government maintained “Muslim Free Areas” in the Thndwe, Gwa, and Taungup areas of Rakhine (Arakan) State.

Police often restricted the number of Muslims who could gather in one place, effectively banning public worship, religious ceremonies, and education. In Rangoon and surrounding areas, Muslims are only

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.... SECTARIAN VIOLENCE  
BETWEEN ETHNIC  
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allowed to gather for worship and religious training during major Muslim holidays. In December 2012, seven Muslims were arrested for holding a prayer service at a mosque without permission. Similar arrests were made in 2011. All those arrested were released after paying fines. In early 2013, police reportedly beat Muslims living near the Takeda mosque in Rangoon and later removed them from their homes.

It is almost impossible for Muslims to obtain building permits for either mosques or schools and unlicensed venues are regularly closed or destroyed. The government has, in recent years, ordered the destructions of mosques, religious centers, and schools, including the Sufi Shahul Hamid Nagori Flag Post and Mosque in Insein during February 2012.

An estimated 300,000 Muslim Rohingya live in refugee camps in Bangladesh, Thailand, and other Southeast Asian countries. They often live in squalid conditions and face discrimination, trafficking, and other hardships. They also have been forcibly repatriated to Burma. Bangladesh has recently announced that it will go ahead with plans to repatriate Rohingya living in refugee camps but will not accept new asylum seekers.

### **RESTRICTIONS ON BURMESE CHRISTIAN GROUPS**

Burmese Christians living outside the aforementioned conflict zones report that conditions have improved in the past year, with more regular and open contact with the new government and the Religious Affairs Ministry. However, they continue to experience difficulties in obtaining permission to build new churches, hold public ceremonies or festivals, and import religious literature. In some areas around Rangoon, police restrict how often Burmese Christians can gather to worship or conduct religious training, despite a new law guaranteeing the right of assembly.

A government regulation promulgated in early 2008 bans religious meetings in unregistered venues, such as homes, hotels, or restaurants. It has not been strictly enforced in recent years. Limits on charitable and humanitarian activities have existed since 2009 and the government occasionally prohibits Protestants from proselytizing in some areas, particularly among rural Buddhists populations.

### **U.S. POLICY**

In September 2009, the Obama administration announced a new U.S. policy direction for relations with Burma, promising to replace diplomatic isolation with “pragmatic engagement,” and pledging an “action-for-action” approach to lifting import bans and economic sanctions, including U.S. opposition to assessments and loans from the World Bank, Asian Development Bank, and other international financial institutions.

Important benchmarks set initially in the “action-for-action” approach included the unconditional release of all political prisoners; the establishment of ceasefires and meaningful reconciliation dialogues with all

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ethnic minorities; and steps to broaden political and civic activity, including free and fair parliamentary by-elections and implementation of legislation that would protect the freedoms of religion, assembly, speech, and association. Furthermore, the Obama administration has expressed concern over the military's potential proliferation activities and its ties to North Korea. Human rights groups, including Burmese groups in the United States and Thailand, point out that to date, none of these benchmarks, including the release of all political prisoners, have been met fully, and no conditions have been outlined under which the United States would re-impose sanctions.

President Obama and senior U.S. officials, as well as other global leaders and UN officials, visited Burma in the past year, expressing optimism about the reforms initiated by President Thein Sein's government. President Obama visited Burma in November 2012, and raised prominently ongoing human rights concerns. At a speech at Rangoon University, the President raised the issues of civilian oversight of the military, conflict in ethnic minority areas, and abuses targeting Rohingya. A large delegation of U.S. officials, led by Assistant Secretary of State for Democracy, Human Rights, and Labor Michael Posner, initiated a human rights dialogue with Burmese officials.

The President's visit to Burma coincided with the lifting of the last import bans, despite the objections from Aung San Suu Kyi to prohibitions on oil and gas investments, the ongoing detention of prisoners of conscience, and recurring sectarian violence and military incursions in ethnic minority areas. The only remaining sanction that the administration can lift on its own, without Congressional approval, is the CPC designation for Burma. Any additional easing of restrictions on political and economic relations with Burma will require Congressional authorization or new legislation. The United States still maintains travel and asset bans against particular individuals, businesses, and organizations; prohibitions on certain military-to-military activities; continued restrictions on the import of jadeite and rubies; restrictions on investments and financial services tied to Burma's armed forces; and the arms embargo. These sanctions mostly ensure, however, that the United States will not be complicit in past or ongoing human rights abuses.

Over the next five years, the United States and other international donors have pledged over \$100 million in technical assistance programs for civil society and good governance programs and economic development and lifted prohibitions on humanitarian assistance provided by international NGOs. These efforts are intended to build up democratic, legal, and political expertise and bolster independent institutions and political parties ahead of the 2015 national elections.

### RECOMMENDATIONS

U.S. leadership is essential to ensuring the full transition to democratic rule, ending human rights violations, and advancing religious freedom and the rule of law in Burma. U.S. coordination of diplomatic actions with regional allies, particularly the democracies of Southeast and South Asia, is critical for providing Burmese leaders with incentives for undertaking additional political reforms and advancing the rule of law. In addition, the United States should maintain Burma's CPC designation, as systematic, ongoing, and egregious religious freedom violations continue, particularly in religious and ethnic minority areas.

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THE UNITED STATES AND OTHER  
DONOR NATIONS SHOULD ... EMPOWER  
CIVIL SOCIETY ACTORS,  
PARLIAMENTARIANS, AND RELIGIOUS  
GROUPS THAT PROMOTE THE RULE OF  
LAW, INTERFAITH COOPERATION,  
PEACE-BUILDING, ECONOMIC  
DEVELOPMENT, HUMAN RIGHTS  
DOCUMENTATION, EDUCATION,  
DEMOCRATIC LEADERSHIP, AND LEGAL  
AND HUMAN RIGHTS TRAINING.

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## BURMA

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The United States also should maintain support for targeted sanctions until benchmarks set by both the U.S. Congress and the UN Special Rapporteur for Burma are fully met. The Obama administration and/or the Congress should make recommendations for the targeted delivery of economic assistance and direct investments in Burma, focusing some non-humanitarian assistance to ethnic minority areas. In addition, the administration and/or Congress should create specific benchmarks for the Burmese government to meet or face the gradual re-imposition of sanctions already lifted, including some import and export bans and opposition to assessment missions and loans from international financial institutions.

### **I. SUPPORTING DEMOCRATIZATION & THE RULE OF LAW THROUGH U.S. PROGRAMS**

In addition to maintaining the CPC designation for Burma, the U.S. government should:

- encourage the reform process in Burma by targeting ethnic minority areas for some political and economic development assistance and providing clear benchmarks for the Burmese government to meet or face re-imposition of some of the sanctions already lifted. Such benchmarks should include:
  - the release of all religious and political prisoners;
  - an immediate nationwide ceasefire with religious and ethnic minorities;
  - a durable citizenship solution for Rohingya Muslims;
  - accountability for state or non-state actors who perpetrated acts of violence against religious and ethnic minorities;
  - the reform of laws limiting religious freedom and other human rights and end to discriminatory policies that result in the closure of religious minority places of worship, the inability to repair structures, and the censorship of religious materials; and
  - the holding of free and fair elections in 2015;
- provide technical assistance to empower Burmese civil society groups organizing humanitarian assistance, refugee protections, conducting human rights documentation efforts (particularly of religious freedom abuses faced by the Muslim, Christian, and Buddhist communities), and providing public advocacy, leadership, and legal training to Burmese living in and outside of Burma;
- seek to establish inter-parliamentary exchanges and discussions to help Burma develop effective structures and procedures to strengthen its legislative branch and to raise productively issues of ongoing concern, including religious freedom and related rights;
- coordinate economic support and technical assistance programs with other donors, including with governments and non-governmental actors, in order to avoid duplicative programs and to work toward similar goals of permanent democratization, the rule of law, the integration of ethnic minority communities, refugee protections, unimpeded humanitarian aid delivery, and human rights protections; and
- consider creating a coordinated program, an “Asia Pivot” corollary of the Supporting Eastern European Democracy (SEED) program, bringing together U.S. government resources to support the development of nascent political parties and democratic institutions, provide technical assistance to

## BURMA

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civilian government agencies, legal entities, courts, civil society, interfaith coalitions, bureaucrats, and the parliament to build support for democracy, human rights, humanitarian assistance, refugee protections, and the rule of law.

### II. ASSISTING AND SUPPORTING MULTILATERAL DIPLOMATIC EFFORTS

The U.S. government should:

- support the creation of a “Commission on Inquiry” by the UN Human Rights Council to determine if human rights abuses in Burma are possible “crimes against humanity;”
- urge the Organization of Islamic Cooperation (OIC) to increase efforts on issues related to Rohingya Muslims in Burma in order to end sectarian violence, deliver humanitarian assistance, and create a path for both Burmese citizenship;
- urge ASEAN nations to expand efforts to bring reform in Burma, including protections for ethnic minorities and asylum-seekers, civilian control of the military, civil society development, and a durable solution for Rohingya refugees; and
- support unimpeded access to the country by relevant UN mechanisms including, in particular, the UN Special Rapporteur on Human Rights in Burma and the UN Special Rapporteur on Freedom of Religion or Belief, as well as other international organizations such as the International Labor Organization (ILO), Office for the Coordination of Humanitarian Affairs (OCHA), the International Committee for the Red Cross (ICRC), and United Nations Children’s Fund (UNICEF).

# CHINA



## **USCIRF STATUS:**

**Tier 1 Country of Particular Concern**

## **BOTTOM LINE:**

Poor religious freedom conditions in China deteriorated significantly, particularly for Tibetan Buddhists and Uighur Muslims. To stem the growth of independent Catholic and Protestant groups, the government detained and arrested leaders, forcibly closed churches, and selected Catholic bishops without the approval of the Vatican. The Falun Gong, and other groups deemed “evil cults,” face long-term imprisonments, forced renunciations of faith, and torture in detention.

## EXECUTIVE SUMMARY

**FINDINGS:** The Chinese government continues to perpetrate particularly severe violations of the freedom of thought, conscience, and religion or belief. Religious groups and individuals considered to threaten national security or social harmony, or whose practices are deemed beyond the vague legal definition of “normal religious activities,” are illegal and face severe restrictions, harassment, detention, imprisonment, and other abuses. Religious freedom conditions for Tibetan Buddhists and Uighur Muslims remain particularly acute, as the government broadened its efforts to discredit and imprison religious leaders, control the selection of clergy, ban certain religious gatherings, and control the distribution of religious literature by members of these groups. The government also detained over a thousand unregistered Protestants in the past year, closed “illegal” meeting points, and prohibited public worship activities. Unregistered Catholic clergy remain in detention or disappeared. Falun Gong face some of the most intense and violent forms of persecution. Adherents are tortured and mistreated in detention and are pursued by an extralegal security force chartered to stamp out “evil cults.” The Chinese government also continues to harass, detain, intimidate, and disbar attorneys who defend members of vulnerable religious groups.

Because of these systematic, ongoing, and egregious violations of religious freedom, USCIRF recommends in 2013 that China again be designated as a “country of particular concern” (CPC). USCIRF has recommended and the State Department has designated China as a CPC since 1999.

Millions of Chinese manifest their beliefs openly and senior government officials have praised religious communities’ positive role in society and urged approved religious groups to promote “economic and social development” and “socialist principles.” New directives were issued last year to allow approved religious groups to conduct some charitable activities. These are positive developments that were unthinkable just two decades ago. Nevertheless, the government continues to see the growth of religious communities who resist its oversight as potential threats to social “harmony” or to its “core interests.” Peaceful public protest or worship activities are criminalized and both Christian and Muslim missionary activities are curtailed. Government authorities praise religious groups who resist “foreign infiltration,” prohibit religious affiliation among Communist Party members and some government employees, and restrict the amount of religious materials available. The Chinese government also restricts online access to religious information and the authority of religious communities to choose their own leadership and parents to teach their children religion, particularly in Uighur and Tibetan areas.

**PRIORITY RECOMMENDATIONS:** The United States should raise religious freedom concerns at all levels of the U.S.-China relationship and coordinate potential sources of leverage within the U.S. government and with allies to build a consistent and multi-level human rights diplomacy. Consistent public statements by top U.S. officials, negotiations of human rights agreements at the U.S.-China Strategic Dialogue, and the inclusion of human rights concerns at every level of the relationship are needed to show that religious freedom is a fundamental interest of bilateral relations and not a secondary concern. In addition, the U.S. government should use the CPC designation in a more targeted manner, using both positive and negative incentives to improve religious freedom. This includes such actions as travel bans and other financial penalties targeting specific officials or agencies that perpetuate religious freedom abuses and provinces where religious freedom conditions are most egregious, as well as positive political, cultural, or financial incentives for leaders and regions that improve religious freedom conditions. Additional recommendations for U.S. policy towards China are at the end of this chapter.

## RELIGIOUS FREEDOM CONDITIONS

### RESTRICTIVE LEGAL FRAMEWORK AND GOVERNMENT INTERFERENCE

The Chinese Constitution guarantees the freedom of religion, but protects only “normal” religious activities and does not explicitly protect the right of individuals to manifest their beliefs without state interference. While a growing number of Chinese citizens are allowed to practice their religion, the government tightly controls religious groups and actively represses and harasses religious activity that it views as “superstitious,” a “cult,” a threat to national security or social harmony, or falling outside the vague parameters of “normal” religious practices. The majority of religious practice in China falls within these disfavored categories, creating large problems for the government’s religion policies.

The Chinese government’s approach to religion prioritizes the five government-approved religions – Buddhism, Daoism, Catholicism, Protestantism, and Islam. Chinese government officials, at many levels, view religious organizations as an extension of state policy, bolstering support for state economic and social goals, and do not promote religious freedom. In an April 2012 speech, the head of the United Front Work Department (UFWD), the Communist Party’s organization tasked with implementing state policy on religion, said the government should “remove the chaff” of religious practice so it can better adapt to “socialist society.”

While the Chinese government has signed the International Covenant on Civil and Political Rights, it has not ratified or fully applied it to its legal framework, particularly freedom of religion or belief.

Despite restrictions, harassment, arrests, and government oversight, the number of religious adherents continues to grow in China and the government continues to tolerate regular and public worship activities of both legally-approved and some unregistered religious groups. Tolerance for unregistered religious activity often varies, depending on province, locality, or relationship with provincial government officials.

The government continues to use law to restrict religious activity and manage religious groups. The Chinese government’s religion policy is governed by the National Regulations on Religious Affairs (NRRA), first issued in March 2005 and updated in 2007. The NRRA requires all religious groups to affiliate with one of seven government-approved associations and allows government control of every aspect of religious practice and related activities. The NRRA does allow registered religious groups to carry out some religious activities and charitable work. When registered, religious communities can apply for permission to possess property, accept donations from overseas, conduct religious education and training, and host inter-provincial religious meetings. The NRRA permits only “normal religious activity” and contains vague national security provisions that suppress the peaceful activity of unregistered religious groups, organizations deemed “cults,” and Uighur Muslims and Tibetan Buddhists.

In the past year, State Administration for Religious Affairs (SARA) announced plans to issue new legal guidelines governing the religious activities of foreigners, the granting of degrees in religious training schools, and the management of the foreign relations of religious groups. In February 2012, SARA and five other government agencies issued a public opinion that appeared to encourage participation of religious organizations in charitable activities. Nevertheless, according to the U.S. Congressional-Executive Commission on China (CECC), the opinion emphasizes “supervision” and “guiding religion and socialist society to mutually adapt.” It remains difficult for approved religious groups to establish a charity and legally impossible for unregistered groups or those in Tibetan and Uighur areas.

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In Tibetan and Uighur regions, the NRRA includes additional restrictions on peaceful religious expression and leadership decisions and is supplemented by extensive provincial regulations. (For more information, see the sections on Tibetan Buddhists and Uighur Muslims below.)

The government seeks to “guide” unregistered Christian groups toward affiliation with government-sanctioned groups and to stop the proliferation of unregistered Buddhist, Daoist, or folk religion groups because they promote “superstition.” Catholics, Protestants, Buddhists, and spiritual movements consistently have not joined officially-sanctioned religious organizations because they refuse, among other things, to: provide the names and contact information of their followers; submit leadership decisions to the government or to one of the government-approved religious organizations; or seek advance permission for all major religious activities or theological positions. They also do not trust government oversight, given past persecution.

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

### **TIBETAN BUDDHISTS**

The religious freedom conditions in Tibetan Buddhist areas of China are worse now than at any time over the past decade. Since 2008 protests in Tibetan areas, the government’s control of the doctrines, worship sites, and selection of religious leaders of Tibetan Buddhism, and its arrests and detentions of individuals who oppose government policy or support the Dalai Lama, have nurtured deep resentments among Tibetans.

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THE RELIGIOUS FREEDOM CONDITIONS IN TIBETAN  
BUDDHIST AREAS OF CHINA ARE WORSE NOW  
THAN AT ANY TIME OVER THE PAST DECADE.

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Since May 2011, 106 Tibetans have staged self-immolation protests calling for Tibetan independence and the return of the Dalai Lama, among other things. At least 52 Tibetan nuns, monks, and former monks had self-immolated as of the end of this reporting period.

During the past year, the Chinese government continued efforts not only to strengthen control over Tibetan Buddhism but also to chart its future development, including new regulations, new oversight bureaucracy, and the opening of a government approved Tibetan Theological Institute. Zhu Weiqun, UFWO deputy director and director of the Communist Party’s General Office for Tibet Affairs, said the goal of the new institute was to “conform Tibetan Buddhism...to the development of our times, and to resist the Dalai clique’s religious infiltration... and remove the crude customs and habits that are not in line with social progress.”

In February 2012, government officials completed the establishment of a new Monastery Management Committee (MMC) headed by Party and government officials residing in every Tibet Autonomous Region (TAR) monastery. According to the CECC, the goals of the new MMC’s are to ensure that monks and nuns observe regulations, abide Chinese laws, and build “harmony.”

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Nine of the ten Tibetan autonomous regions in China issued measures to subordinate internal Tibetan Buddhist affairs to central government regulation, particularly over monasteries that had resisted “management by law and supervision by the public.” These measures were coordinated with local initiatives of April 2011 that allowed religious personnel to be removed for perceived disloyalty to government policy, limited the number of monks and nuns living in monasteries, and required religious personnel to conform with unspecified political, professional, and personal criteria. There is real concern that government officials will use the new regulations to remove monks, nuns, or *trulkus* (living Buddhas) viewed as devoted to the Dalai Lama or his recognized Panchen Lama, or to those holding positions the government deems problematic or illegal. The Dalai Lama denounced these measures and publicly detailed his plans for the search for his successor.

Since May 2011, there have been 106 self-immolations, including 52 monks, nuns, and former nuns. Eighty-eight people have died and the others remain detained. In the past year, the number of self-immolations, mostly involving laypeople, has increased. The self-immolations are also spreading to other Tibetan areas from the Kirti monastery epicenter in Aba (Ngaba) county, Aba Tibetan and Qiang Autonomous Prefecture, Sichuan province. According to the International Campaign for Tibet (ICT), the protests have spread to areas of Ganzi (Kardze), Tibetan Autonomous Prefecture, Chamdo prefecture in

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CHINESE AUTHORITIES HAVE NOT ACKNOWLEDGED THAT THEIR POLICIES OF REPRESSION HAVE CONTRIBUTED TO THE SELF-IMMOLATIONS, INSTEAD CALLING THEM “TERRORIST ACTS” THAT ARE ORCHESTRATED WITH THE “INSTIGATION AND SUPPORT” OF THE DALAI LAMA.

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the TAR, and Golog Tibetan Autonomous Prefecture in Qinghai province, and have also occurred in Beijing and India. The Dalai Lama has called the self-immolations “desperate acts by people seeking justice and freedom.” Chinese authorities have not acknowledged that their policies of repression have contributed to the self-immolations, instead calling them “terrorist acts” that are orchestrated with the “instigation and support” of the Dalai Lama.

Reports indicate that those who spoke during their self-immolations called for Tibetan independence and the return of the Dalai Lama to Tibet. In several cases, the protestors also called for the release of the Panchen Lama and protection of the environment. In some areas of Qinghai and Sichuan provinces,

self-immolation protests have drawn sympathetic crowds who gather to pray and chant slogans. According to Radio Free Asia, at least six people died when police attempted to stop the spontaneous demonstrations.

In response to the increasing number of self-immolations, in early December 2012, China’s Supreme Court, prosecution agency, and Ministry of Public Security issued guidelines that criminalized the act of self-immolation and stated that anyone assisting or encouraging self-immolation would be charged with murder. Later that month, police arrested Lorong Konchok, a 40-year-old monk, and his nephew in Sichuan province for encouraging eight people to burn themselves. Lorong Konchok was reported to have confessed to acting on the instructions of the Dalai Lama. The Tibetan government-in-exile in India denied this and said the confession must have been coerced. As of the end of the reporting period, 70 people had been arrested for assisting self-immolations. Most were given long prison terms or, in the case of Lorong Konchok, a suspended death sentence.

In March 2012, security officials arrested five Tibetan men for planning a demonstration against the closure of five monasteries and a nunnery in Biru county, Naqu prefecture, TAR. According to ICT, the religious sites were closed because the monks and nuns refused to conform to recent regulations.

Hundreds of monks and nuns were arrested and detained in the aftermath of 2008 demonstrations. At least 283 Tibetan Buddhist monks, nuns, and *trulkus* are currently imprisoned in China, according to the CECC prisoner database. Despite requests, the Chinese government has not provided full details or a credible

## CHINA

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accounting of those detained, missing, or “disappeared,” trials have not been open, and those accused are not given adequate legal representation.

The Chinese government continues to deny repeated international requests for access to the “disappeared” 20-year-old Gendun Choekyi Nyima, whom the Dalai Lama designated as the 11th Panchen Lama when he was six years old. The Chinese government continues to insist that Gyaltsen Norbu, selected with the support of Chinese officials, is the “true” Panchen Lama.

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

### UIGHUR MUSLIMS

In the Xinjiang Uighur Autonomous Region (XUAR) and other areas of Xinjiang province, there continue to be severe religious freedom abuses affecting both Uighur Muslims and others engaged in independent religious activity. In an effort to eradicate “extremism and terrorism” the XUAR authorities view independent religious activities as evidence of “extremism” and prohibit outward manifestations of Islamic piety among students and government employees. China’s active repression of Uighur religion and culture may be counterproductive, leading to the very type of extremism Beijing’s policies are allegedly trying to forestall.

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...[CHINESE] AUTHORITIES VIEW INDEPENDENT [MUSLIM] RELIGIOUS ACTIVITIES AS EVIDENCE OF “EXTREMISM” AND PROHIBIT OUTWARD MANIFESTATIONS OF ISLAMIC PIETY AMONG STUDENTS AND GOVERNMENT EMPLOYEES.

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Efforts to promote “ethnic unity,” curb free speech and public protest, and halt independent religious activity, which started after 2009 demonstrations and riots in the XUAR, continued during the past year. Local governments pursued campaigns to curtail illegal religious gatherings, and in January 2012, the deployment to rural areas of 8,000 new security personnel was announced, tasked with “cracking down on illegal religious activities,” among other things.

The increased police presence in rural areas of the XUAR is complimented by a system of informal “religious information gatherers” who are paid to provide details on Friday sermons and other religious activity. According to information compiled by the CECC, such a system was authorized last year in Chapchal Xibe Autonomous County, Ili Kazakh Autonomous Prefecture, and in parts of the city of Urumqi, where authorities called on religious personnel to halt the emergence of “illegal religious sects” that they deem “contrary” to the Qur’an. According to the Uyghur-American Association (UAA), villages in Hoten implemented a system of “voluntary pledges” to regulate religious and political behavior of villagers, placing special emphasis on promises to curb “illegal religious activity.” Provincial authorities reportedly target 23 kinds of “illegal religious activity,” including student prayer, holding unauthorized religious classes, “distortion” of religious doctrine, conducting certain marriage and divorce practices, and advocating “Pan-Islamism” and “Pan-Turkism.” During June 2012, police conducted neighborhood sweeps in the city of Hoten as part of a campaign to stop illegal religious schools. There have been yearly campaigns and arrests of individuals in Hoten engaged in private study of the Qur’an. In February 2012 police detained and fined over one hundred people and shut down hundreds of religious sites.

During the current reporting period, police raids on independent religious schools reportedly led to at least a dozen injuries and the death of one child in police custody. In June 2012, in the city of Hoten, a dozen



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children were injured when a tear gas canister exploded during a police raid. According the CECC, local officials claimed that teachers were holding the students against their will. Also in June, in Korla city, Bayangol Mongol Autonomous Prefecture (BMAP), an 11 year old boy died after being detained for attending an unauthorized religious school, reported RFA.

There continue to be reports of campaigns to prevent men from wearing “large beards” and women from wearing veils. In March 2012, RFA reported that authorities in Aksu prefecture destroyed 13,000 “illegal propaganda materials” confiscated from students, including electronic versions of the Qur’an and other religious materials. In July 2012, government officials required welfare recipients in Hoten, Asku, and Kashgar to sign pledges promising not to cover their faces for religious reasons. In Hejing country, BMAP, welfare recipients were told that their benefits would be cut if women wore veils and parents allowed minors to attend mosques.

In Uighur areas, imams are required to undergo annual political training seminars to retain their licenses, and local security forces monitor imams and other religious leaders. Imams at Uighur mosques are reportedly required to meet monthly with officials from the provincial level Religious Affairs and Public Security Bureaus to receive “advice” on the content of their sermons. Failure to attend such meetings can result in the imam’s expulsion or detention. The XUAR government restricts observance of religious holidays, particularly Ramadan. Teachers, professors, university students, and other government employees are prohibited from observing Ramadan and reportedly are subject to fines if they attempt to do so. Government officials are prohibited from fasting or attending mosques.

Uighur Muslims continued to serve prison sentences for engaging in independent religious activity. In May 2012, nine Uighurs were sentenced to prison on charges related to their “illegal religious activities.” Qahar Mensur and Muhemmed Tursun continue to serve three-year terms for allegedly distributing “illegal religious publications,” although the charge is disputed.

Members of the family of Rebiya Kadeer, one of the most prominent Uighur human rights and religious freedom advocates, are either in prison or under constant surveillance and harassment.

### CATHOLICS

The Chinese government continues to interfere in the religious activities of Chinese Catholics, including the ability of priests and bishops to affiliate with the Holy See. Tensions between the government-approved “Catholic Patriotic Association” (CPA) and so-called “underground” Catholics continued, and priests and bishops continued to be imprisoned. Governmental efforts to convince or coerce Catholic clergy to join the CPA are particularly intense in the two provinces with the largest Catholic communities, Hebei and Shaanxi.

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The Chinese government continued to put forward bishops not recognized by the Holy See and to place these bishops in charge of both the CPA and the Catholic Bishop’s Council in China. An estimated 90 percent of CPA bishops and priests are secretly ordained by the Vatican and, in many provinces, CPA and unregistered Catholic clergy and congregations work closely together. In 2006, the Vatican and the CPA worked together to select eleven bishops, reversing a previous trend of the government appointing all bishops without Vatican approval. However, beginning in late 2010, the CPA ordained seven bishops without Vatican approval, and the Vatican excommunicated four of them. Three bishops received prior Vatican approval, though the Chinese government is now detaining two of these bishops for secretly contacting the Holy See.

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In July 2012, the CPA ordained a bishop of Harbin, Heilongjiang province without Vatican approval. Before the ceremony, police detained individuals opposed to the ordination, including several priests and the Holy See-recognized apostolic administrator in Harbin. They were released after the ceremony, but two priests have been forced to stay away from their parishes. Also in July 2012, Ma Daqin was ordained a bishop in Shanghai with both Vatican and CPA approval. The new bishop refused to allow the participation of a non-Vatican-approved CPA bishop in his ceremony and publicly resigned from the CPA in front of the congregation. Bishop Ma was immediately taken to a “Catholic seminary,” where he is being detained while the CPA investigates whether he violated its regulations.

Chinese authorities continue to pressure Catholic clergy to affiliate with the CPA and recognize its leadership. Priests, seminarians, and some laity were forced to attend political “education” sessions in the past year. In January 2012, six priests from the Inner Mongolian city of Erenhot reportedly were arrested while attempting to meet to discuss pastoral care and leadership issues for unregistered Catholics in the Suiyuan diocese. Four of the six reportedly were released within several days, but the whereabouts of Fathers Ban Zhanxiong and Ma Mumin remain unknown. The arrests were allegedly related to a dispute over the transfer of priests in Erenhot by Bishop Paul Meng Qinglu, a Vatican-affiliated bishop who previously had participated in the illicit ordination of the bishop of Chengde (Hebei). Since the arrests, police reportedly have closed the seminary and stationed police at churches in the region.

According to the CECC, at least 40 Roman Catholic bishops remain imprisoned or detained, or were forcibly disappeared, including the elderly Bishop Su Zhimin, whose current whereabouts are unknown and who had been under strict surveillance since the 1970s. In addition, the whereabouts of Bishop Shi Enxiang, who was detained in April 2001, and Auxiliary Bishop Yao Ling, remain unknown. The whereabouts of two unregistered priests, Ma Shengbao and Paul Ma, detained in March 2009, remain unknown. In addition, Father Li Huisheng remains in custody serving a seven-year term for “inciting the masses against the government” and Fr. Wang Zhong is serving a three-year sentence for organizing a ceremony to consecrate a new unregistered church.

### **PROTESTANTS**

The Chinese government continues to restrict the religious activities of Protestants who worship in the government-approved church and to harass, intimidate, detain, and arrest unregistered Protestants for religious activities protected by China’s constitution. In the past year, police and security officials detained almost 1,500 Protestants, some in long-term home detention, sentenced as many as 18 religious leaders to prison or re-education through labor, harassed and closed churches, and curtailed both public worship activities and outreach to students.

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The majority of Protestants in China, estimated to be at least 70 million, are affiliated with the “house church” movement, which refuses, both for theological and political reasons, to affiliate with the government-sanctioned Three-Self Protestant Movement (TSPM) or China Christian Council (CCC). The government requires all Protestant groups to register and join one of these officially-recognized religious organizations; those that do not are technically illegal, though there is uneven enforcement of this provision, with some churches meeting openly and regularly with memberships of several hundred to a thousand. The government largely tolerates groups that meet in homes or in small groups, but continues

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to view with suspicion religious organizations with extensive foreign ties, whose memberships grow too quickly, whose leadership becomes too popular or organizes across provincial lines, or whose religious activities allegedly disrupt ethnic or social “harmony.”

In recent years, both SARA and various security bureaus have sought to reduce the visibility of large unregistered churches and curtail missionary, educational, and charitable work. During the reporting period, the NGO ChinaAid published several government directives, including a ten-year plan to “eradicate” churches that refuse to affiliate with the TSPM or the CCC, and orders to limit missionary activity among university students in order to “resist foreign influence.”

The plan on house churches was issued by SARA and the Ministries of Public Security and Civil Affairs, and counseled a three- step approach to dealing with the unregistered churches over a 10- year period. According to the CECC, authorities would deal individually with unregistered congregations, registering those willing to register, and, if these measures fail, “forcefully” ban congregations “influenced or controlled” by overseas organizations or by “cult organizations.”

During the reporting period, the government attempted to force unregistered groups to either join the TSPM or face harassment, closure or other penalties. In Xilinhot city, Xilingol league, Inner Mongolia Autonomous Region, local authorities demanded that the New Canaan Church affiliate with the TSPM. In January 2012, public security officials raided the house church, confiscated Bibles and hymnals, installed new locks, pressured the landlord to terminate the lease, and interrogated the pastor and two members of the congregation for several hours before releasing them. In May 2012, police interrupted services at house churches in Shijiazhuang city, Hebei province, and Langzhong city, Nanchong municipality, Sichuan province, and told parishioners to worship only at a TSPM church. In August 2012, three churches in Dongguan, Guangdong province were closed after they refused to join the TSPM. Also in August, a house church in Gushi county, Henan province, was raided, the church's pastor beaten, and the police said the church must join the TSPM if it was to remain open.

The May 2012 directive on campus missionary activity was jointly issued by six ministries affiliated with the Central Committee of the Communist Party. It advises university officials to shut down Protestant outreach activities to students, characterizing unregistered Protestantism as being directed by “foreign forces.” Although it is not clear how this directive will be implemented, during the past year a church-run summer camp for students in Hou village, Lichuan county, Jiangxi province was forcibly closed and its leaders detained and told to join the TSPM. In August, nine Protestants from Ulanhot, Inner Mongolia, were arrested for engaging in missionary activity and two were sentenced to two years of re-education through labor.

Police continued to detain members of Beijing’s Shouwang Church, who have tried to hold weekly public worship services since April 2011 to protest government efforts to close their church. Nine hundred people were detained for short periods in the past year, some multiple times. Sixty members of the Shouwang Church were evicted from their apartments, ten lost government jobs, and others lost Beijing residency permits. Shouwang Church leaders, including pastors Jin Tianming, Yuan Ling, Zhang Xiaofeng, and Li Xiaobai, and lay leaders Sun Yi, You Guanhui, and Liu Guan, remain confined to their homes.

Members of unregistered Protestant groups that the government arbitrarily deems “evil cults” are the most vulnerable to detention, arrest, and harassment. The extrajudicial security apparatus, called the 6-10 Office, has broadened its mandate beyond Falun Gong activity to include groups that self-identify as Protestant. The government has banned at least 18 Protestant groups. Examples of banned groups include the Disciples Association, the “Shouters,” and the Local Church, a group that was founded by Chinese church leader Watchman Nee.

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In February, two leaders of a house church in Yulin, Shaanxi province, were sent to a labor camp for allegedly leading an “evil cult.” In April, seven leaders of a house church in Pingdingshan, Henan province, were arrested on a similar charge. In December, Pastor Cao Nan of Shenzhen, Guangdong province and several members of his church were arrested for holding public worship services in a local park. The members were released after a few days, but Cao Nan was held in administrative detention for several weeks for using “false religion” to “harm social order.” Pastor Cao is suing the local police for his detention.

Protestant pastor Alimjan Yimit (Himit) continues to serve a 15-year sentence in the XUAR, allegedly for “leaking state secrets to overseas organizations.” Jiang Yaxi also remains in custody awaiting trial; she was arrested in November 2011 for the sale and distribution of a Christian documentary.

### **FALUN GONG**

The Chinese government continued its fourteen-year campaign to eradicate Falun Gong activity and pressure practitioners to renounce their beliefs. Falun Gong adherents report, and official Chinese government statements confirm, long-term and arbitrary arrests, forced renunciations of faith, and torture in detention. Reportedly, over 3,500 Falun Gong practitioners have died as a result of government-approved persecution. China maintains an extrajudicial security apparatus, the 6-10 office, to stamp out Falun Gong activities and uses specialized facilities known as “transformation through reeducation centers” to force practitioners to renounce their beliefs through the use of torture and medical experimentation. Falun Gong practitioners have documented dozens of deaths in these transformation centers.

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Provincial authorities were urged to conduct anti-cult campaigns, including public meetings and the signing of anti-cult “pledge cards.” According to the CECC, a government website provided training materials for these campaigns.

The government detains Falun Gong practitioners under Article 300 of the Criminal Procedure Code, which deals with individuals accused of crimes associated with “evil cults.” Lawyers who have challenged the law and those who sought to defend Falun Gong have been harassed and detained, including in recent years lawyers Wei Liangyue and Wang Yonghang.

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

It is difficult to determine how many Falun Gong practitioners are in detention because they are most often incarcerated in re-education through labor (RTL) camps and mental health institutions. However, the U.S. Department of State noted that Falun Gong adherents may constitute half of the 250,000 officially recorded inmates in RTL camps. The UN Special Rapporteur on Torture has reported that practitioners make up two-thirds of the alleged victims of torture presented to him.

As of December 2012, the CECC's prisoner database lists 486 Falun Gong practitioners as currently serving prison sentences, though the actual number may be much higher. One such prisoner is Wei Jun, currently serving a five-year sentence at the Heilongjiang Women's Prison, her fourth incarceration since 1999. According to her testimony of torture and abuse while in custody, which was smuggled from prison, she suffers from partial paralysis from being beaten by both prison guards and other prisoners. The Falun Dafa Information Center (FDIC) claims evidence showing that over 50 Falun Gong practitioners died in custody since 2011.

Numerous allegations of government-sanctioned organ harvesting and psychiatric experimentation also continue to surface, and both the UN Special Rapporteur on Torture and the Committee against Torture, a UN treaty-monitoring body, have highlighted concerns.

### **RESTRICTIONS ON OTHER "ILLEGAL" RELIGIOUS GROUPS**

Judaism, the Eastern Orthodox Church, the Baha'i faith, the Unification Church, the Church of Jesus Christ of Latter-day Saints (Mormons) and various folk religions have adherents in China but are not legal. However, some groups, such as the Mormons, do meet in homes for weekly services. In May 2010, the Ohel Rachel Synagogue in Shanghai was allowed to open and hold services on weekends for visiting tourists and the city's expatriate community. Orthodox churches are allowed to operate, primarily in Xinjiang and Heilongjiang provinces. Efforts to legalize the Orthodox have failed.

Various folk religions, some with millions of followers, are sometimes tolerated at the provincial level. Authorities in Hunan Province have begun to implement provincial-level regulations to oversee folk religious venues. These regulations are potentially significant because they protect religious practice outside the five recognized communities and allow venues to register directly with provincial governments, something that is not allowed to Protestant, Catholic, or Orthodox religious sites. However, the regulations allow registration only of existing venues and stipulate that no new sites may be built. In addition, any venue that is destroyed may not be rebuilt unless it retains "historical stature" and "great influence." The State Administration for Religious Affairs has established a division to deal directly with the management of folk religions.

### **RESTRICTIONS ON GOVERNMENT-APPROVED RELIGIOUS GROUPS**

Members of the officially-approved religious groups (Taoist, Buddhist, Muslim, Protestant, and Catholic) are subject to similar government oversight and restrictions, including on issues of doctrine, clergy, religious activities, and religious sites. All agree to "uphold the leadership of the Communist Party and the socialist system," "participate in socialist material, political, and spiritual civilization," and protect "religious harmony, national unity ... and world peace." According to the CECC, these groups allow SARA to interpret scriptures.

Buddhist Master Wu Zeheng, since his release from prison in 2010, has been closely monitored by police and local authorities in Guangzhou province. He was arrested twice for holding meetings and ceremonies with students and followers. Several of his students have been harassed for seeking his teaching. His freedom of movement also continues to be restricted.

Government oversight of the Islamic Association of China (IAC) affects both Uighurs and Hui Muslims, the majority of China's Muslim population. In the past year, authorities continued to regulate the selection of religious leaders and overseas pilgrimages. Authorities also continued to control the content of sermons and the ability of Muslims to do missionary work (*dawa*). Some provincial areas issued bans on *dawa*, including Changde city, Hunan province and in the Menyuan Hui Autonomous County, Qinghai province.

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In December 2012, 14 people were sentenced to prison for clashing with police over a disputed mosque in Hexi township, Ningxia Hui Autonomous Region (NHAR). After local authorities sought to tear down a newly refurbished mosque, members of the Hui Muslim community demonstrated. RFA stated that 2 people died and 50 were injured in the clash.

### **HUMAN RIGHTS DEFENDERS**

For the past five years, the government has harassed and intimidated rights defenders, shutting down law firms and revoking the licenses of lawyers that take on sensitive human rights cases and defend vulnerable religious communities. Over 100 lawyers and human rights defenders have been forcibly

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disappeared, tortured, detained, or sentenced to prison terms since 2011. During the past year, the CECC documented efforts by Chinese authorities to intimidate and physically harm human rights lawyers as well as their families. Local government security agencies monitored rights defenders' whereabouts, forced them to leave their homes for remote locations during sensitive visits of foreign delegations, and detained them in their homes.

Human rights lawyers who defended Falun Gong practitioners faced the most difficulty. Lawyer Li Fangping was detained and tortured in custody and Lawyers Liu Wei and Tang Jitian's law licenses were revoked by the Beijing Municipal Justice Bureau. In 2011, Wang Yonghang, from Liaoning province, was given a seven-year prison sentence for defending a Falun Gong client.

Dr. Fan Yafeng, a prominent Protestant leader, human rights lawyer, and drafter of Charter '08, was first detained in March 2010 to prevent him from meeting foreign media. He remains under house arrest and over the past year has undergone intense periods of interrogation and mistreatment, including reportedly being shown video of Gao Zhisheng's torture.

It was announced in January 2012 that Gao Zhisheng, one of China's best-known human rights lawyers, was to serve a three-year sentence for parole violation. Gao had been disappeared since April 2010 and under some form of detention since 2007. Gao defended Falun Gong and unregistered Protestants and was a vocal critic of the Chinese government's human rights record and corruption. Before his disappearance, he published a report of the torture he endured during a September 2007 interrogation. Videos of Gao's torture have been shown to other dissidents.

### **FAILURE TO PROTECT NORTH KOREAN REFUGEES**

During the last year, the Chinese government continued to detain and repatriate North Korean asylum-seekers despite its international obligations to protect refugees. North Koreans who are forcibly repatriated, particularly those suspected of having religious beliefs or affiliations, face torture, imprisonment in penal labor camps, and possible execution. China is a party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol, but no Chinese law provides for the protection of asylum seekers and China continues to insist that North Koreans are economic migrants and not refugees. The South Korean Unification Ministry estimates that around 5,000 North Koreans are repatriated each year.

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In February, 2012 South Korean media and CNN reported that dozens of North Koreans were arrested in Jilin province and later repatriated. According to various foreign media reports, in May 2012 public security officials in Yanbian Korean Autonomous Prefecture (Jilin province) conducted a five month sweep of “illegal” refugees and international NGOs and religious organizations working to assist them. In March 2012, public security officials detained four South Koreans activists on charges of “endangering state security.” After their release and deportation in July 2012, one of the activists claimed that he was tortured while in custody.

The Chinese government cooperates with the UN High Commissioner for Refugees (UNHCR) on some refugee or asylum cases for North Koreans who are able to make it to Beijing. However, the Chinese government does not allow the UNHCR to work in the border regions and continues to deny humanitarian assistance for asylum-seekers.

### U.S. POLICY

During the past year, the U.S. government has pursued a policy of “re-balancing” relations with Asia or the so-called “Asia Pivot.” Officials have stated repeatedly that the new U.S. stance is intended to strengthen cooperation with China while establishing a strong and credible American presence across Asia. The United States wants to encourage constructive Chinese behavior and provide confidence to other countries in the region that they need not yield to Chinese regional hegemony. The Chinese official press and observers characterize the new policy as containment.

The Obama administration announced detailed security and economic positions, including the creation of a new economic regime in Asia (the Trans-Pacific Partnership or TPP) that will exclude China because of its trade practices and currency manipulation, and the expansion of U.S. military presence in Australia and the Philippines. The President said the United States will “lead in Asia” in promoting democracy and human rights, declaring that “fascism and communism, rule by one man and rule by committee” have been tried and failed. President Obama is reported to have raised religious freedom concerns with the Chinese leadership, and in September 2012, then Deputy National Security Advisor Dennis McDonough publicly criticized China for continuing to “outlaw and imprison the worshippers of religious and spiritual groups, including unregistered Christian churches and Tibetan Buddhists.” Despite these statements, the security and economic pillars of the Asia Pivot remain more developed, and no new democracy, human rights, or humanitarian policy proposals have been offered.

Outside of this rebalancing, the U.S. government has emphasized Internet freedom, the protection of human rights advocates, and freedom of religion in China. Administration officials, including the President, have raised publicly the cases of Nobel Prize winner Liu Xiaobo, human rights lawyer Gao Zhisheng, and the self-immolation of Tibetan Buddhists. Nevertheless, human rights issues, unlike other issues of bilateral concern, are not fully integrated into the architecture of U.S.-China bilateral relations, particularly during the U.S.-China Economic and Security Dialogue, the most significant bilateral cooperation mechanism.

This administration, like its predecessors, places emphasis on conducting rights dialogues to advance the freedom of religion and related human rights. China and the United States engage in a regular formal Human Rights Dialogue and convened a U.S.-China Legal Experts Dialogue. In describing the discussions at the human rights dialogue, Assistant Secretary of State for Democracy, Human Rights, and Labor Michael Posner said that he had “frank and constructive exchanges” including freedom of religion, among other things. There has been no progress towards creating a bilateral Religious Freedom Working Group.

## RECOMMENDATIONS

The United States should undertake consistent and principled engagement with China on human rights by regularly, visibly, and consistently pressing human rights at all levels of bilateral relations—trade, security, environment, educational, and civil society development. A stable China committed to protecting and advancing its citizens’ fundamental rights and religious freedoms is in the interests of the United States. Religious freedom and related human rights are directly related to expanding the rule of law, developing civil society, aiding stability in ethnic minority areas, and expanding the freedom of expression.

In pursuit of these interests, USCIRF recommends that religious freedom and related human rights be woven into the architecture of the U.S.-China bilateral relationship. In addition, USCIRF urges the Obama administration to raise religious freedom concerns in multilateral fora where the United States and China are members, to signal clearly and publicly that human rights are a vital U.S. interest that affect the flexibility and scope of U.S.-China relations, and to coordinate potential sources of leverage, within the U.S. government and with allies, in order to build a consistent human rights diplomacy with China.

### **I. ENDING RELIGIOUS FREEDOM AND RELATED HUMAN RIGHTS ABUSES IN CHINA**

In addition to continuing to designate China as a CPC, the U.S. government should initiate a “whole-of-government” approach to human rights diplomacy that would:

- use the CPC designation to develop political, cultural, or financial incentives, both positive and negative, for provinces with the worst religious freedom conditions and state agencies shown to perpetrate abuses of religious freedom and related rights;
- task the National Security Staff (NSS) to develop a human rights action plan and coordinate its implementation across all U.S. government agencies and entities, including developing targeted talking points and prisoner lists, and providing support on human rights concerns for U.S. delegations visiting China;
- maintain lists of Chinese authorities who engage in human rights abuses and issue travel restrictions or potential financial penalties for these actions;
- coordinate human rights and technical assistance programs with allies who conduct bilateral human rights dialogues with China; and
- make consistent and clear public statements directly to the Chinese people in support of human rights activists, and increase the number of staff supporting human rights diplomacy and the rule of law, including religious freedom, at the U.S. embassy and consulates.

### **II. RAISING RELIGIOUS FREEDOM IN THE U.S.-CHINA STRATEGIC DIALOGUE AND OTHER FORUMS**

The U.S. government should:

- raise a full range of religious freedom concerns in the Strategic Dialogue and seek to reach agreements on key religious freedom issues as part of the Dialogue’s regular outcomes; and



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- ensure that the U.S.-China Legal Experts Dialogue includes ongoing discussions about issues of religion and law in China, including seeking to reach agreements on technical assistance and legal exchanges on the compatibility of Chinese laws, regulations, and decrees with international standards on freedom of religion or belief.

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

- release all those imprisoned, detained, or disappeared on account of their religious belief, activities, or religious freedom advocacy;
- account fully for all those detained, released, tried and sentenced and/or missing following public order disturbances in Tibet or Xinjiang; allow immediate access for international observers, including the International Committee of the Red Cross, to all detention facilities; and implement all UN recommendations on Tibet and Xinjiang;
- allow faith-based non-governmental organizations to operate legally and nationally, including in the border regions with North Korea;
- cease the use of torture and ensure that alleged incidents are consistently and impartially investigated and that evidence procured through torture is excluded from legal proceedings, end the mistreatment of Falun Gong and North Korean refugees in detention, and ensure that no asylum-seeker is returned to a country where he or she faces a real possibility of torture;
- ensure that religious education for minors is fully guaranteed in national and provincial laws and state publicly that religious education for minors is allowable in all religious venues;
- establish a mechanism for reviewing cases of persons, including religious leaders engaged in peaceful activities, detained under suspicion of, or charged with, offenses relating to state security, disturbing social order, “counterrevolutionary” or “splittist” activities, or organizing or participating in “illegal” gatherings or religious activities;
- end the harassment, arrest, detention, and mistreatment of lawyers who take on cases of Falun Gong, unregistered Protestants, Uighur Muslims, or Tibetan Buddhists, reinstate the licenses removed from lawyers who take sensitive human rights cases, and engage in discussions with international legal bodies on ways to train and license legal advocates; and
- allow visits to China by the UN Special Rapporteurs on the Freedom of Religion or Belief, on the Independence of Lawyers and Judges, on the Freedom of Opinion and Expression, on Human Rights Defenders, and on the Freedom of Assembly and Association, with full access in compliance with the terms of reference required by the Special Rapporteurs.

### **III. SUPPORTING CHINESE DISSIDENTS AND RIGHTS DEFENDERS**

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

- use appropriated Internet freedom funds to develop free and secure email and web access for use in China, to facilitate the dissemination of high-speed Internet access via satellite, and to distribute

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immediately proven and field-tested counter-censorship programs in order to prevent the arrest and harassment of activists and help them maintain their freedom of expression and legitimate expectations of privacy;

- ensure that programs to assist rule of law reforms and facilitate exchanges of legal experts are designed to provide support and capacity for Chinese lawyers who defend human rights activists, Falun Gong practitioners, Tibetans, Uighurs, and unregistered Christians; and
- assist human rights lawyers to educate dissidents and religious groups on their rights under Chinese and international law; and require that all commercial law programs and legal exchanges include appropriate human rights training, discussions, and technical assistance support.

#### **IV. EXPANDING DIPLOMACY AND HUMAN RIGHTS PROGRAMS IN TIBET AND XINJIANG**

The U.S. government should:

- urge the Chinese government to allow a U.S. government presence, such as consulates, in Lhasa, Tibet and Urumqi, Xinjiang, which could monitor religious freedom and other human rights conditions;
- offer publicly to facilitate meetings between Chinese officials and envoys of the Dalai Lama and seek to broker trust-building agreements to end religious freedom restrictions in Tibet and Tibetan areas; and
- strengthen efforts to highlight conditions faced by Uighur Muslims and Tibetan Buddhists by:
  - creating legal clinics to assist Uighur Muslims and Tibetan Buddhists to enforce their human rights under the Chinese Constitution and international law, similar to existing programs that serve other ethnic minority areas in China;
  - supporting religious groups and organizations to address chronic needs, as articulated by the Tibetan and Uighur people, in such areas as education, conflict resolution, language and culture preservation, environmental protection, drug and alcohol abuse prevention, and sustainable development; and
  - ensuring continued availability of funds to maintain appropriate Tibetan and Uighur language broadcasting through the Voice of America and Radio Free Asia.

#### **V. PROTECTING AND AIDING NORTH KOREAN REFUGEES IN CHINA**

The U.S. government should work with regional and European allies to press China on its obligation to protect North Korean refugees and should urge the Chinese government to:

- uphold its international obligations to protect asylum seekers by: working with the UN High Commissioner for Refugees (UNHCR) to establish a mechanism to confer temporary asylum on those seeking such protection and to permit safe transport to countries of final asylum; providing UNHCR unrestricted access to interview North Korean nationals in China; and ensuring that the return of any migrants pursuant to any bilateral agreement does not violate China's obligations under the 1951 Refugee Convention and its 1967 Protocol or under Article 3 of the Convention Against Torture;

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- allow international humanitarian organizations greater access to North Koreans in China and end harassment, detentions, and other restrictions on those groups already working to assist asylum-seekers;
- allow greater numbers of North Korean migrants who desire resettlement to have safe haven and secure transit until they reach third countries; and grant legal residence to the North Korean spouses of Chinese citizens and their children; and
- facilitate exchanges between public security officials and U.S. and international agencies on issues of refugee processing, border control, and trafficking.

### **VI. RECOMMENDATIONS FOR THE U.S. CONGRESS**

The U.S. Congress should:

- require the State Department to submit a regular public report (as is required on Vietnam) to the appropriate congressional committees detailing issues of concern discussed during the U.S.-China Strategic and Economic Dialogue, Human Rights Dialogue and the U.S.-China Legal Experts Dialogue and describing progress made toward a series of benchmarks and goals identified by Congress;
- authorize, appropriate, or re-program the funds necessary to implement a comprehensive and integrated U.S. government human rights strategy towards China, including creation of an inter-agency human rights strategy and staffing, efforts to coordinate human rights diplomacy with allies, and new positions at the U.S. Embassy in Beijing to raise the number of diplomats engaged in the promotion of human rights and religious freedom;
- ensure that any funding for rule of law and legal exchange programs includes significant programs in human rights and religion and law and provides appropriate technical support to assist human rights defenders who have been disbarred, jailed, or disappeared for taking on politically-sensitive cases; and
- ensure full implementation of the North Korea Human Rights Act of 2012, including provisions to provide humanitarian support to asylum-seekers and remove legal obstacles to North Korean refugee resettlement in the United States.

# EGYPT



## **USCIRF STATUS:**

**Tier 1 Country of Particular Concern**

## **BOTTOM LINE:**

Despite some progress during a turbulent political transition, the Egyptian government has failed or been slow to protect religious minorities, particularly Coptic Orthodox Christians from violence. It continues to prosecute, convict, and imprison Egyptian citizens, including Copts and dissenting Muslims, for “contempt” or “defamation” of religion. The newly-adopted constitution includes several problematic provisions relevant to religious freedom and related human rights.

## **EXECUTIVE SUMMARY**

**FINDINGS:** During the reporting period, the Egyptian transitional and newly elected governments have made some improvements related to freedom of religion or belief and there was positive societal progress between religious communities. Nevertheless, during a February 2013 visit to Egypt, USCIRF found that the Egyptian government continued to engage in and tolerate systematic, ongoing, and egregious violations of freedom of thought, conscience and religion or belief. Despite a significant decrease in the number of fatalities and injuries from sectarian violence during the reporting period, Coptic Orthodox Christians, and their property, continued to experience sustained attacks. In many cases, the government failed or was slow to protect religious minorities from violence. This violence and the failure to convict those responsible continued to foster a climate of impunity. Egyptian courts continued to prosecute, convict, and imprison Egyptian citizens charged with “contempt” or “defamation” of religion. In some instances, disfavored Muslims faced harassment, detention, and imprisonment by government authorities. Egypt’s newly adopted constitution, which has been widely criticized, includes several problematic provisions related to freedom of religion or belief and related rights. Implementation of previous court rulings—related to granting official identity documents to Baha’is and changing religious affiliation on identity documents for converts to Christianity—has seen some progress but continues to lag, particularly for Baha’is. In addition, the government has not responded adequately to combat widespread and virulent anti-Semitism in the government-controlled media.

It is unclear how much the current government could do to effectively address the ongoing violence and continuing climate of impunity in the country even if it had the genuine desire to do so. During the past year, the lack of adequate security in the streets continued to contribute to lawlessness in parts of the country, particularly in Upper Egypt. Sectarian and other forms of violence continue regularly, and discriminatory and repressive laws and policies restricting freedom of thought, conscience and religion or belief in Egypt remain in place.

Based on these concerns, USCIRF again recommends in 2013 that Egypt be designated as a “country of particular concern,” or CPC, for systematic, ongoing, and egregious violations of religious freedom. In 2011, USCIRF, for the first time, recommended that Egypt be designated a CPC. Before that, Egypt had been on USCIRF’s Watch List since 2002.

**PRIORITY RECOMMENDATIONS:** Egypt continues to experience both progress and setbacks during its transition, the success of which hinges on full respect for the rule of law and compliance with international human rights standards, including freedom of religion or belief. The U.S. government should press the Egyptian government to prosecute perpetrators of sectarian violence and to prevent responsibility for religious affairs from falling under the jurisdiction of the domestic security agency. In addition, the United States should more actively press the Egyptian government to undertake reforms to improve religious freedom conditions, including repealing decrees banning religious minority faiths, removing religion from official identity documents, and accelerating the passage of a law for the construction and repair of places of worship. The U.S. government should not certify the disbursement of military assistance to Egypt until the Egyptian government demonstrates that it is using funds appropriated through the Foreign Military Financing Program to implement policies that protect freedom of religion and related human rights in Egypt. In addition, the U.S. government should urge the Egyptian government to ensure that its police assess security needs and develop and implement an effective plan for dedicated police protection for religious minority communities and their places of worship. Additional recommendations for U.S. policy towards Egypt can be found at the end of this chapter.

## RELIGIOUS FREEDOM CONDITIONS

### USCIRF FEBRUARY 2013 VISIT

In February 2013, a USCIRF delegation traveled to Cairo to assess the Egyptian government’s progress on policies and practices related to freedom of religion or belief. The delegation met with high-level Egyptian officials, including the Minister of Justice, the Assistant Minister for Foreign Affairs, a Senior Advisor to President Morsi, the Director General of the National Council for Women, and a senior official at Al-Azhar. The delegation also met with a senior bishop from the Coptic Orthodox Church, Protestant and Catholic leaders, former Members of Parliament and the Constituent Assembly, and representatives from religious minority communities. In addition, the delegation met with the U.S. Ambassador and Embassy staff.

### POSITIVE DEVELOPMENTS

The USCIRF delegation noted several positive societal developments during the transition. Christian communities—including Coptic Orthodox, Protestant, Catholic, and other groups—have started to organize with both opposition groups and representatives from Al-Azhar to counter religious extremism. Previously, Christians infrequently participated in various civil and political activities; however, many Christian churches have urged community members to be active in the democratic transition of a new Egypt. In February 2013, Christian groups came together to form for the first time ever an Egyptian Council of Churches.

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In addition, many diverse interlocutors expressed positive views of the moderating role Al-Azhar has played since the January 2011 revolution. During the reporting period, Al-Azhar University spearheaded initiatives and published statements expressing support for freedom of religion or belief in Egypt. In January 2012, Al-Azhar Grand Sheikh Ahmed Al-Tayeb put forward a “Bill of Rights” that discussed the importance of freedom of belief and expression, among other things, ahead of the drafting of the constitution. The statement asserted that “freedom of belief” and equal citizenship rights for all Egyptians are the cornerstones of a new modern society. The Grand Sheikh undertook a number of additional efforts, including interfaith dialogue initiatives, aimed at unifying the various religious communities and countering extreme Islamist views. For example, in 2012 Al-Azhar formed an umbrella organization, “The Family Home,” to foster interfaith harmony with Christians.

Furthermore, over the past two years, the government began to re-open more than 50 existing churches that had been closed, in some cases for years. In the aftermath of the October 2011 Maspero violence, the transitional government took steps to reduce discrimination by issuing a decree amending Egypt’s Penal Code to prohibit discrimination on the basis of religion, gender, language, faith, or race. These included more severe penalties for government officials found to be complicit in discrimination. During USCIRF’s visit, officials stated that three drivers of military vehicles that ran over and killed at least 12 protestors during the Maspero violence were convicted and sentenced to prison terms, although the length of the prison terms and whether the three are in fact imprisoned remains unclear. In addition, officials claimed that an anchorperson on a government-controlled TV channel who allegedly incited violence against Coptic Christians during the Maspero incident was dismissed from her post.

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## **ONGOING DEMOCRATIC TRANSITION**

Nevertheless, during USCIRF's visit, the majority of non-governmental interlocutors expressed little optimism about the country's short-term trajectory under President Mohamed Morsi. Many expressed concern that the Morsi government has not been inclusive of or taken seriously the views of the liberal and secular opposition. The most common concerns relating to religious freedom focused on: increasing radicalization in society that negatively affects women and religious minorities; troubling provisions in the new constitution that limit religious freedom and other rights; and frustration about the continuing climate of impunity for numerous acts of violence – including those targeting Coptic Christians – since the beginning of the revolution two years ago.

In January 2012, the Supreme Council of Armed Forces (SCAF) announced it would be lifting the Emergency Law except in cases of “thuggery,” although it did not define that term. Because Egypt has long operated under a state of emergency, the government has had the option to hear cases involving terrorism or drug trafficking in state security courts rather than criminal courts. Finally on May 31, the State of Emergency expired and the Emergency Law was lifted completely. The Emergency Law restricted many human rights, including freedom of religion or belief, as well as freedom of expression, assembly, and association.

In May 2012, the first round of voting began in Egypt's presidential elections. In late June 2012, Mohamed Morsi, a former member of the Muslim Brotherhood, won the presidency in a second run-off against challenger and former member of the Mubarak government Ahmed Shafiq. Despite some irregularities, the presidential elections were hailed as the most free and fair in modern Egyptian history. On June 14, 2012, the SCAF formally dissolved the People's Assembly, the lower house of parliament. An election for a new People's Assembly may occur during the second half of 2013. During USCIRF's visit, Egyptian government officials asserted that much progress has been made despite an arduous and difficult transition. Officials cited free and fair presidential and parliamentary elections, the acceptance of a new constitution, and the emergence of a new democratic political system that will take time to implement.

## **THE CONSTITUTIONAL PROCESS AND A NEW CONSTITUTION**

In April 2012, the SCAF dissolved the first Constitutional Assembly (CA) to draft the country's constitution after an administrative court ruled the CA unconstitutional because members of parliament voted some parliamentarians into the CA. In addition, critics had said that the CA was not representative of the Egyptian population, particularly women and minorities. In June, the People's Assembly elected a new CA, again including several parliamentarians, but this time the CA was permitted to continue its work despite another court case being lodged. Critics complained that the second CA also was not representative, and eventually in November, representatives of liberal and opposition parties, Christians, and members from Al-Azhar withdrew from the body. During the USCIRF delegation's 2013 visit, some former CA members stated that conservative elements hijacked the process of drafting the constitution. Despite this, alternate members were added to the CA in November and the body produced a 234-article constitution and approved it on November 30. In December, the constitution was passed by referendum by approximately 64% of the vote, with about one-third of eligible voters participating.

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During USCIRF's visit, interlocutors expressed concern about a number of articles in the constitution that may negatively impact freedom of religion or belief.<sup>1</sup> Almost all were most worried about Article 219, which defines Islamic Shari'ah in narrow terms that may marginalize some Muslim schools of thought. Christians also were concerned that Article 219 could infringe on their rights. Most interlocutors supported Article 2, which is holdover language from the 1971 constitution, and states that "The principles of Islamic Shari'a are the principal source of legislation." However, Article 4, when read in conjunction with Article 2, potentially gives Al-Azhar scholars a consultative role in reviewing religiously-significant legislation. Human rights groups have stated emphatically that only the Supreme Constitutional Court should be designated with this role, not a religious body.

Depending on how it is interpreted, Article 43 could be especially problematic. It states: "Freedom of belief is an inviolable right. The State shall guarantee the freedom to practice religious rites and to establish places of worship for the divine religions, as regulated by law." Article 43 has a number of flaws. Protections are limited to "rites" and places of worship; international standards protect a much broader range of activities and expression. Furthermore, because this concept of religious expression is limited to followers of the "divine" religions, followers of other religions, such as Baha'is, as well as atheists and agnostics, may be excluded from enjoying basic freedoms. Also, there is no mention of the right to change one's religion. During USCIRF's visit, government officials stated that Article 43 guarantees religious freedom for all Egyptian citizens, including Baha'is. However, some officials felt that Baha'is would need to test this freedom in court, since the Baha'i faith is not one of the religions the constitution specifically references.

Articles 31, 44 and 45 also raised concern. Article 44 states that "insult or abuse of all religious messengers and prophets shall be prohibited." This ban is supported by Article 31, which says "[i]nsulting or showing contempt toward any human being shall be prohibited." These are impermissible limitations on freedom of expression under international human rights law. Article 45 states: "Freedom of thought and opinion shall be guaranteed. Every individual has the right to express an opinion and to disseminate it verbally, in writing or illustration, or by any other means of publication and expression." However, the language in the Articles 44 and 31 appears to limit this provision. Egyptian officials were unequivocal in their support for Article 44, stating that there are consequences for insulting or injuring the religious feelings of others, thereby in essence affirming the criminalization of "defamation of religion."

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### **GOVERNMENT CONTROL OF ISLAMIC INSTITUTIONS**

As it did during the Mubarak era, the government maintains control over all Muslim religious institutions, including mosques and religious endowments, which are encouraged to promote an officially sanctioned interpretation of Islam. According to Egyptian officials, the government regulates these Muslim institutions and activities to prevent religious extremism and terrorism. The state appoints and pays the salaries of all Sunni Muslim imams, requires all mosques to be licensed by the government, and monitors sermons.

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<sup>1</sup> In December 2012, USCIRF released an analysis of several problematic provisions in the new constitution, which is available here:  
<http://www.uscifr.gov/images/Egyptian%20Draft%20Constitution%20Analysis%20of%20Provisions%201272012.pdf>



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## NEW INDEPENDENCE FOR AL-AZHAR

Al-Azhar is one of the preeminent Sunni Muslim centers of learning in the world. Former president Hosni Mubarak appointed the Grand Sheikh of Al-Azhar, Ahmed Al-Tayeb, in 2010. The Islamic Research Center (IRC) of Al-Azhar is empowered by law to censor and, since 2004, to confiscate any publications dealing with the Qur'an and *hadith* (oral traditions). In recent years, the IRC has ruled on the suitability of non-religious books and artistic productions. Al-Azhar also has the legal right to recommend confiscations, but must obtain a court order to do so. In January 2012, before the People's Assembly convened for the first time, the SCAF passed a law mandating that the Grand Sheikh be elected by Al-Azhar's Senior Scholars Authority rather than chosen by the president of the country. Such a system of election previously was in force before 1961. In addition, in February 2013, the Senior Scholars Authority elected a new Grand Mufti, Shawki Ibrahim Abdel-Karim. Previously, the Grand Mufti was appointed by the president, another change of the law amended by the SCAF.

During the Mubarak regime, the Egyptian government consulted Al-Azhar on a wide range of religious issues affecting Muslims in the country. Over the years, clerics and scholars at Al-Azhar have issued discriminatory *fatwas* (religious edicts) and delivered controversial sermons about some non-Muslim faiths, particularly the Baha'i faith, as well as disfavored or dissenting Muslims. Non-Muslims are prohibited from attending Al-Azhar University.

During the past year, Sheikh Al-Tayeb reportedly made disparaging public comments about Shi'i Muslim places of worship and the spread of Shiism in Sunni Muslim countries.

## CONTEMPT OF RELIGIONS AND VIOLATIONS AGAINST NON-MUSLIMS AND DISFAVORED MUSLIMS

Article 98(f) of Egypt's Penal Code prohibits "contempt" or "defamation" of religions by criminalizing "any use of religion to promote or advocate extremist ideologies...with a view toward stirring up sedition, disparaging or showing contempt for any divinely revealed religion, or prejudicing national unity and social harmony." In the past, this provision has been used to detain and prosecute individuals and members of religious groups whose practices deviate from mainstream Islamic beliefs or whose activities are alleged to jeopardize "communal harmony" or insult the three "heavenly religions": Judaism, Christianity, and Islam. Other provisions of the penal code also address various forms of religious insult.

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For example, Article 161 prohibits the printing and dissemination of deliberately distorted religious texts for state-protected religions (Islam, Christianity, and Judaism), and also criminalizes the mocking or ridicule of religious ceremonies in public. Article 176 punishes public incitement and holding a religious community in hatred or contempt.

During USCIRF's visit, some Egyptian officials stated that if individuals in Egypt make statements publicly that "injure" or insult the religious feelings of others, there should be consequences, including criminal prosecution. However, appeals courts have sometimes reversed such convictions, as in the case of famous Egyptian actor Adel Imam. In September 2012, a court overturned Imam's conviction for defaming Islam in several of his films, for which he had been sentenced to three months in prison.

During the transition, there has been an increase of "contempt of religion" cases affecting both Muslims and Coptic Christians. In October 2011, a Cairo criminal court sentenced Ayman Yousef Mansour, a Christian, to three years in prison for insulting Islam and the Prophet Muhammad on a Facebook page he allegedly created. His 2012 appeal was rejected and he remains in prison. Gamal Abdou Masoud, a 17-

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year-old Coptic Christian youth, was sentenced to three years' imprisonment in January 2012 reportedly because he was tagged on Facebook in a picture that allegedly criticized the Prophet Muhammad. In September 2012, an Egyptian court upheld the conviction and three-year prison sentence for Coptic teacher Bishoy Kameel for posting cartoons defaming the Prophet Muhammad on Facebook. In December, an Egyptian court convicted and sentenced to three years in prison atheist activist Alber Saber on extremism charges for his posting of online content that allegedly "insulted God and cast doubt on the books of the Abrahamic religions" and "denied the existence of God and his creation of mankind." After Saber's release on appeal, he reportedly fled the country in late January 2013. In November, an Egyptian court convicted in absentia seven Egyptian expatriate Copts – allegedly associated with the "Innocence of Muslims" online film – and sentenced them to death for harming national unity, insulting and publicly attacking Islam, and spreading false information. The Grand Mufti upheld their death sentences in January 2013. A Salafi cleric, Abu-Islam Ahmed Abdullah, awaits trial for allegedly insulting Christianity and burning a Bible in September 2012.

Over the years, the small Shi'i Muslim community has faced periodic discrimination, harassment, arrests, and imprisonment. For example, in July 2012, Mohamed Asfour, a Shi'i teacher, reportedly was sentenced to one year in prison, reduced from three years, for contempt of religion and "desecration of a place of worship," although Asfour's lawyer says he was found guilty solely for praying in a mosque according to Shi'i rituals. In January 2012, Egyptian authorities reportedly closed the Shi'i Hussein mosque in Cairo to prevent Shi'i Muslims from observing Ashura.

### **EXTREMISM AND INCITEMENT TO VIOLENCE IN MEDIA AND GOVERNMENT-FUNDED MOSQUES**

The Muslim Brotherhood and other Islamist groups have used violence in the past to achieve their aims. The Muslim Brotherhood publicly renounced violence in the 1970s. Under the Mubarak regime, Egyptian security forces arrested hundreds, if not thousands, of suspected Islamists every year, and some were subject to torture and/or prolonged detention without charges.

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IN THE MONTHS LEADING UP TO THE JUNE 2012 PRESIDENTIAL ELECTIONS, AN INCREASE IN INCITEMENT TO VIOLENCE IN EGYPTIAN MEDIA AND GOVERNMENT-FUNDED MOSQUES EXACERBATED SECTARIAN TENSIONS BETWEEN MUSLIMS AND CHRISTIANS.

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Human rights activists inside Egypt remain concerned that radical groups continue to advance in the country, with detrimental effects on the ability to foster an open civil society, the prospects for genuine democratic reform, or improvements in freedom of religion or belief. During the transition period, crime and lawlessness in Egypt has increased due to a decrease in police and security presence. Some extremist militant groups have used this lapse to impose extra-judicial punishments. During the early months of the transition, Sufi Muslims experienced increased attacks and harassment by Islamist militant groups, which deem as heretical a number of Sufi religious practices, including the veneration of saints.

In the months leading up to the June 2012 presidential elections, an increase in incitement to violence in Egyptian media and government-funded mosques exacerbated sectarian tensions between Muslims and Christians. There was another spike in September 2012 after the surfacing on the Internet of an anti-Muslim film, "Innocence of Muslims," resulted in protests at the U.S. Embassy in Cairo. Islamist clerics and some Gulf-funded satellite television stations used the film as an opportunity to denounce and demonize Coptic Christians, including a prominent Salafi cleric who publicly defiled and ripped a Bible. Intolerance of Jews and Baha'is also continued to appear in both independent and government-controlled

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media. In February 2012, a Salafi leader in Alexandria, Abdel Moneim al-Shahat, publicly stated on the al-Haqiqa television program on the Dream TV satellite station that Baha'is should be prosecuted for treason because they are apostates and are not entitled to any rights in Egypt.

During the reporting period, there continued to be reports of imams in mosques espousing incitement and anti-Christian hatred. During the year, some imams in mosques incited large crowds to oppose and/or prevent the building and maintenance of churches, particularly in Upper Egypt, resulting in violence and destruction of Christian property.

### **VIOLENCE TARGETING CHRISTIANS**

The number of fatalities and injuries from sectarian violence in 2012 decreased significantly from 2011, although there continued to be periodic attacks and destruction of property. In most cases, perpetrators have not been convicted. In other cases, alleged perpetrators have been detained for short periods but eventually released without charge.

Perpetrators of past sectarian attacks affecting predominantly Copts but also some Muslims, such as in Alexandria in January 2011, Imbaba in May 2011, and Maspero in October 2011, have gone unpunished. During USCIRF's 2013 visit, Egyptian officials stated that three drivers of military vehicles that killed at least 12 protestors at Maspero were convicted and sentenced to prison terms. In addition, officials claim that an anchorperson who allegedly incited violence on government-controlled television against Copts at Maspero was dismissed from her post. However, several Egyptian officials also asserted that violence experienced by Copts was not a sectarian problem, or one facing just Copts, but one that affects all Egyptians. Egyptian human rights groups and Christian activists refute this claim. Egyptian officials noted that some of the investigations from past incidents have produced insufficient evidence to prosecute perpetrators. Nevertheless, impunity has been a recurring problem for many years, and the new government installed since the revolution has not moved adequately to address the issues of justice and accountability.

The ongoing violence, and the inability to prosecute successfully those responsible, continued to foster a climate of impunity, especially in Upper Egypt. In recent years, in response to sectarian violence, Egyptian authorities have conducted "reconciliation" sessions between Muslims and Christians as a way of easing tensions and resolving disputes. In some cases, reconciliation sessions have been abused by local authorities and Muslim and Christian religious leaders to compel victims to abandon their claims to any legal remedy.

During the reporting period, there were several incidents where Christians in various parts of the country fled their homes out of fear of extremist threats and attacks. For example, in August 2012, in the Dahshur village in Giza, a dispute between a Christian and Muslim at a dry-cleaning business after the Muslim man's shirt was accidentally burned resulted in the death of one Muslim man and more than a dozen Muslims and Christians injured. Several Coptic-owned homes and businesses were destroyed and nearly all of the Christian families living in the village fled, fearing reprisal attacks. While most have since have returned with the assistance of security officials, some families have not. According to reports, families impacted by the attacks were compensated. Despite President Morsi ordering a criminal investigation into the violence in Dahshur, there have been no prosecutions to date.

According to human rights groups, in one of the two cases of sectarian violence in which prosecutors brought charges in 2012, in May, an emergency state security court in Minya sentenced 12 Christians to life in prison. The court also acquitted eight Muslim defendants. The case arose from clashes between Muslims and Christians in April 2011 in the nearby towns of Abu Qurqas and al-Fekria. The violence left two Muslims dead, scores of Christian shops and homes burned, and several Muslims and Christians

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wounded. However, in December 2012, the verdict was annulled, and in January 2013 a criminal court began retrying the 12 Christians and eight Muslims. At the end of the reporting period, the retrial was ongoing.

A second prosecution followed a May 2011 riot in the Cairo neighborhood of Imbaba, in which Muslim residents assaulted two churches, triggering clashes that left more than 13 people dead and hundreds injured. In April 2012, the judge ordered the release of all defendants pending a ruling from the Supreme Constitutional Court on the constitutionality of the Emergency Law, which made emergency state security courts the competent courts for all trials referred during the state of emergency. On May 31, 2012 the state of emergency expired, ending the public prosecutor's authority to refer cases to state security courts. At least six sectarian-related cases had been referred to those courts in 2011 and 2012, and two other trials were ongoing from before 2011. In June, the public prosecutor ordered cases referred to emergency courts after January 2012 to be transferred to regular civilian courts, but did not do so for cases referred before that date. In effect, it appears that cases referred before 2012 will not be prosecuted.

### **DISCRIMINATION AGAINST CHRISTIANS**

In addition to violence, Christians—who comprise approximately 10-15% of Egypt's population—face official and societal discrimination. Although Egyptian government officials claim that there is no law or policy that prevents Christians from holding senior positions, the Coptic Orthodox Christian community faces *de facto* discrimination in appointments to high-level government and military posts. There are only a few Christians in the upper ranks of the security services and armed forces. There are no Christian governors out of 27 in the country. There were only four Christian members on the Constituent Assembly before their withdrawal from the process. According to the State Department, public university training programs for Arabic-language teachers exclude non-Muslims because the curriculum involves the study of the Qur'an. Under Egyptian law, Muslim men can marry Christian women but Muslim women are prohibited from marrying Christian men. Additionally, neither Coptic men nor Coptic women may marry outside their faith. As a result, marriages between men and women across the two communities are often a source of societal tension between Muslims and Christians in Egypt.

For all Christian groups, government permission is required to build a new church or repair an existing one, and the approval process continues to be time-consuming and inflexible. In 2005, former President Mubarak devolved authority to approve the renovation and re-construction of churches from the president to the country's governors. Although several applications were submitted years ago during the Mubarak era, many did not receive a response. Even some permits that had been approved cannot, in fact, be acted upon because of interference by the state security services at both the local and national levels.

No churches were approved for new construction or repair in 2012, despite applications being submitted to governors, as currently required. During USCIRF's visit, Egyptian officials stated that the delay was due to the stalled discussions regarding the law regulating the establishment of places of worship. In 2011 and 2012, Egyptian officials stated that there had been progress on that law. However, after the People's Assembly was disbanded in 2012, Christian groups temporarily placed on hold negotiations about the draft law because they wanted it to be significantly revised. Some Christian interlocutors expressed preference to have a law that only governs churches, and not all places of worship. In all likelihood, until the election and seating of the People's Assembly later this year, there will be no progress on this issue.

During USCIRF's visit, several Christian interlocutors expressed concern about their difficulty in adopting children in Egypt. However, although Muslims may not adopt children, Egyptian family law preserves for Christians the right to adopt, but they cannot adopt a child unless it is established that the

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orphan child is of Christian parents. Egyptian officials stated this was not a religious issue, but a civil problem that could be remedied through a new law.

### CONVERTS AND RECONVERTS TO CHRISTIANITY

Egyptian-born Muslims who have converted to Christianity cannot reflect their change of religious affiliation on identity documents, and in many cases, these converts also face intense social hostility. In past cases where converts have sued for the right to reflect their new religious affiliation on ID cards, Egyptian courts have ruled that Muslims are forbidden from converting from Islam based on principles of Islamic law because conversion would constitute a disparagement of the official state religion and entice other Muslims to convert.

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Regarding re-converts to Christianity, there remain systemic problems for individuals who converted to Islam and decided to convert back to Christianity to have this change reflected on identity documents. During USCIRF's 2013 visit, several interlocutors explained that despite a July 2011 law making it easier to reflect one's religion on ID cards—and not having to declare “formerly Muslim”—it still is difficult in practice to obtain identity cards.

In addition, during the reporting period, there continued to be claims about Muslim men forcing Coptic Christian women to convert to Islam. According to the State Department, such cases are often disputed and include “inflammatory allegations and categorical denials of kidnapping and rape.” During USCIRF's visit, several Christian sources stated that kidnapping of men was more common than kidnapping of women and girls. In addition, in most cases, incidents were not kidnappings but cases of girls converting to Islam voluntarily to marry young Muslim men and then seeking to return to Christianity when the relationship failed. Some reported that the girls' families were shamed by the conversions of their daughters and resorted to claiming kidnapping to hide the situation. Egyptian government officials stated that reporting of such cases was inaccurate and that they typically are the result of feuds between families in Upper Egypt. Nevertheless, some human rights groups continue to assert that there were also cases where Coptic Christian women were lured deceptively into marriages with Muslim men and forced to convert to Islam.

### BAHA'IS

Before 1960, the Baha'i faith was recognized in Egypt. However, all Baha'i institutions and community activities were banned after 1960 by a presidential decree. As a result, the approximately 2,000 Baha'is who live in Egypt are unable to meet or engage in communal religious activities. Al-Azhar's Islamic Research Center has issued *fatwas* over the years, most recently in 2003, urging the continued ban on the Baha'i community and condemning Baha'is as apostates.

Intolerance of Baha'is has increased during the past year, particularly in the government-controlled media and in public statements made by prominent members of the Muslim Brotherhood and Salafi groups. For example, in July 2012 Mahmoud Ghozlan, a spokesman for the Muslim Brotherhood, said Baha'is are of “Zionist origin” and, thus, should not be protected under the constitution to practice their faith. In February 2012, Abdel Moneim al-Shahat, a prominent Salafi leader, stated publicly that Baha'is were a security threat undeserving of any rights in a new constitution, and should be tried for treason. Furthermore, in August, Gamal Abdel Rahim was appointed as chief editor of the state-controlled newspaper, Al-Ghomhurriya. Rahim was accused in 2009 of calling for the murder of a Baha'i activist on live television and inciting residents in Sohag to burn Baha'i homes. Three days after the program

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aired, arson destroyed several Baha'is houses in a Sohag village. In November 2012, and reiterated again in January 2013, the Minister of Education reportedly said in two separate media interviews that Baha'is cannot enroll their children in public schools because their faith is not among those protected by state law or the constitution. Article 43 of the new constitution does not permit Baha'is to build places of worship since the provision only cites the "divine religions," allowing only Muslims, Christians, and Jews to build places of worship. During USCIRF's visit, Egyptian government officials stated that Baha'is would have to test provisions in the new constitution in court to see if they could build places of worship or be recognized as an independent religion.

Baha'is who are married still cannot get identity cards, which makes it impossible to conduct everyday transactions such as banking, registering for school, and owning a car, among other things. Unmarried Baha'is can put a dash on ID cards in the space for religion.

### **ANTI-SEMITISM AND THE JEWISH COMMUNITY**

In 2012, material vilifying Jews with both historical and new anti-Semitic stereotypes continued to appear regularly in the state-controlled and semi-official media. This material includes anti-Semitic cartoons, images of Jews and Jewish symbols that reference Israel or Zionism, comparisons of Israeli leaders to Hitler and the Nazis, and Holocaust denial literature. Egyptian authorities have not taken adequate steps to combat anti-Semitism in the media, despite official claims that they have advised journalists to avoid anti-Semitism. Egyptian officials claim that anti-Semitic statements in the media are a reaction to Israeli government policy toward Palestinians and do not reflect historical anti-Semitism. Human rights groups cite persistent, virulent anti-Semitism in the education system, which increasingly is under the influence of Islamist extremists, a development the Egyptian government has not adequately addressed.

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IN 2012, MATERIAL VILIFYING JEWS WITH BOTH HISTORICAL AND NEW ANTI-SEMITIC STEREOTYPES CONTINUED TO APPEAR REGULARLY IN THE STATE-CONTROLLED AND SEMI-OFFICIAL MEDIA.

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In January 2013, anti-Semitic comments made by President Morsi in 2010 – before he was elected president – came to light. President Morsi had urged Egyptians to “nurse our children and grandchildren on hatred for Jews and Zionists,” and in another interview that year he referred to Jews as the descendants of “apes and pigs.” When the USCIRF delegation raised these comments during its February 2013 visit, Egyptian officials said President Morsi's comments were made before he was president and were taken out of context; in addition, officials did not distinguish between anti-Semitism and anti-Israeli policy and diverted the discussion to attacking the state of Israel.

The small remnant of Egypt's once sizeable Jewish community, now consisting of only approximately 50 people, owns communal property and finances required maintenance largely through private donations. In 2010, Egyptian authorities restored the Maimonides synagogue in Cairo, named after a 12<sup>th</sup> century rabbinic scholar.

### **JEHOVAH'S WITNESSES**

A 1960 presidential decree banned all Jehovah's Witnesses activities. According to the State Department, there are between 1,000 and 1,500 Jehovah's Witnesses living in Egypt. While government interference into the activities of the small community has abated somewhat since former President Mubarak stepped down in 2011, Egyptian authorities continue to conduct surveillance and sometimes impede their private worship. The Egyptian government permits Jehovah's Witnesses to meet in private homes in groups of less than 30 people, despite the community's request to meet in larger numbers.

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

### U.S. POLICY

For many years, U.S. policy toward Egypt had focused on fostering strong bilateral relations, continuing security and military cooperation, maintaining regional stability, and sustaining the 1979 Camp David peace accords. Successive administrations viewed Egypt as a key ally in the region. Until a few years ago, Egypt was the second largest recipient of U.S. aid; it now ranks fifth, behind Afghanistan, Iraq, Israel, and Pakistan. In recent years, including during the reporting period, the Obama administration and Congress have increased efforts to urge the Egyptian government to speed progress on economic and political reforms, including on human rights and religious freedom issues. During the past year, the relationship continued to encounter challenges, including due to Congress' suspension of additional economic aid announced by the Administration in early 2011 and its continuing concerns about the ongoing criminal trial of Americans working for democracy NGOs in Egypt.

P.L. 112-74, the Consolidated Appropriations Act of 2012, appropriated \$1.3 billion in Foreign Military Financing (FMF) assistance and \$250 million for Economic Support Fund (ESF) assistance. For the first time, the law required the Secretary of State to certify that the Egyptian government is using the funds appropriated through the FMF program to support "the transition to civilian government including holding free and fair elections" and "implementing policies to protect freedom of expression, association, and religion, and due process of law." The law also includes a national security interest waiver from the certification requirements. In March 2012, Secretary of State Clinton exercised the waiver on the basis of U.S. national security interests and the goal of maintaining the strategic partnership with Egypt. In recent years, only a small portion of U.S. assistance has supported initiatives in areas related to religious freedom, including funding for programs that work with Coptic and Muslim community groups in Upper Egypt, as well as support for NGOs that monitor the country's media for sectarian bias.

The administration proposed the same bilateral foreign operations appropriation request for Egypt in FY2013 that Egypt received in the previous three fiscal years (\$1.55 billion). However, some members of Congress have put on hold the implementation of new administration aid initiatives previously authorized by Congress, such as debt relief (\$450 million) and an Enterprise Fund (\$60 million). U.S. assistance reflects the recognition of Egypt's continued and crucial role in ensuring Arab-Israeli peace.

In December 2011, Egyptian authorities raided the offices of four American and one European pro-democracy NGOs and confiscated materials from these offices. In January 2012, the Egyptian government announced criminal charges against 43 personnel, including 16 Americans. Defendants continue to face criminal charges and possible prison terms for working illegally in the country without a license and receiving and using unauthorized foreign funding. In 2011, the Obama administration reversed a controversial 2009 decision restricting USAID funding for Egyptian civil society to those organizations whose official NGO registration has been approved by the Egyptian government; previously, direct grants to registered Egyptian NGOs had to be vetted by the Egyptian government. As a consequence, many new Egyptian NGOs have not sought formal registration, and instead formed civil corporations, to avoid unnecessary government interference and oversight.

During the current reporting period, the U.S. government continued to highlight religious freedom concerns in Egypt through regular public statements and remarks. For example, in July 2012, the day after the rollout of the State Department's international religious freedom report, Secretary of State Clinton used a public event to express concern that religious freedom conditions in Egypt were "quite

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tenuous.” In September 2012, Deputy National Security Adviser Dennis McDonough stated in a public speech that there had been “a troubling rise in sectarianism and violence [and] innocent Egyptians, including Coptic Christians, have lost their lives.” He added, “Protecting religious freedom and religious minorities in Egypt is therefore a key element of our engagement with Cairo.” In addition, Secretary of State Clinton and Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner publicly raised religious freedom concerns during multiple visits to Egypt in 2012 and early 2013.

During the past year, several congressional resolutions were introduced during the 112<sup>th</sup> and 113<sup>th</sup> Congresses related to U.S. aid and human rights concerns in Egypt. These included H.R. 416 (the Egypt Accountability and Democracy Promotion Act), which limits specified security and economic assistance to Egypt unless the Secretary of State certifies to Congress every six months that the Egyptian government has implemented legal reforms that protect the political, economic, and religious freedoms and human rights of all citizens and residents of Egypt, among other things.

In July 2012, in its most recent International Religious Freedom report, the State Department again concluded that religious freedom conditions in Egypt remained poor – similar to the previous year’s conclusion – despite the ouster of former president Hosni Mubarak.

### RECOMMENDATIONS

As described above, despite some progress, the Egyptian transitional government and the newly elected government under President Morsi have not sufficiently improved a number of concerns related to freedom of religion or belief. During the reporting period, violence targeting Coptic Orthodox Christians continued and the Egyptian government failed to convict those responsible for the violence. In addition, discriminatory laws and policies continue to negatively impact freedom of religion or belief in Egypt.

Accordingly, based on the Egyptian government’s systematic, ongoing, and egregious religious freedom violations, USCIRF is recommending for the third consecutive year that Egypt be designated a country of particular concern, or CPC.

The United States should press the Egyptian government to comply with international human rights standards by implementing a series of reforms to advance freedom of religion or belief and related human rights. In addition, pursuant to the Consolidated Appropriations Act of 2012 (P.L. 112-74), the U.S. government should not certify the disbursement of military assistance to Egypt until the Egyptian government demonstrates that it is using the funds appropriated through the Foreign Military Financing program to implement policies that protect freedom of religion and related human rights in Egypt.

#### **I. IMPLEMENTING REFORMS IN ORDER TO COMPLY WITH INTERNATIONAL HUMAN RIGHTS STANDARDS**

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

- bring the new constitution in line with the internationally-recognized standards for freedom of religion and belief;
- address incitement to imminent violence and discrimination against disfavored Muslims and non-Muslims by:



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- prosecuting in regular criminal courts government-funded clerics, government officials, or individuals who incite violence against Muslim or non-Muslim minority communities or their individual members;
- disciplining or dismissing government-funded clerics who espouse intolerance;
- publicly and officially taking a clear stand against incitement to violence and discrimination by clerics and the government-controlled media against Muslim and non-Muslim minority communities, such as Shi'i Muslims, Qur'anists, and Baha'is; and
- urging Al-Azhar to rescind any previously issued fatwas that are discriminatory toward or incite violence against Muslim and non-Muslim minority communities alike;
- in consultation with religious minority communities, pass a law that would provide transparent, non-discriminatory, and efficient regulations regarding construction and maintenance of religious facilities, and continue to take special measures to preserve and restore Coptic Orthodox and other Christian properties and antiquities that have been subject to societal violence and official neglect;
- re-examine and restructure the use of reconciliation sessions as a fair mechanism towards the enhancement of national peace and interfaith understanding, and ensure that it is not used to bypass punishing perpetrators in accordance with the rule of law;
- establish a special unit in the Office of the Public Prosecutor dedicated to investigating acts of violence against Egyptian citizens on the basis of religion or belief, vigorously prosecuting and bringing to justice perpetrators, and ensuring compensation for victims;
- ensure the neutral and non-discriminatory application of laws according legal status and benefits to religious communities, even if one faith is declared as the official state religion;
- repeal 1960 presidential decrees banning members of the Baha'i faith and Jehovah's Witnesses from practicing their faiths, officially grant legal personality to these and other minority faiths, and permit these faiths to congregate in public places of worship without government interference;
- remove mention of religious affiliation from national identity documents;
- rectify adoption laws to remove any limitations or obstacles to the right of religious minorities to adopt;
- cease all messages of religious hatred and intolerance in the government-controlled media and take active measures to promote understanding and respect for members of minority religious communities;
- take all appropriate steps to prevent and punish acts of anti-Semitism, including by condemning anti-Semitic acts, and, while vigorously protecting freedom of expression, counteract anti-Semitic rhetoric and other organized anti-Semitic activities; and
- permit any Egyptian citizen to learn voluntarily the Coptic language in the public school system.

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### II. ENSURING THAT RELIGION IS NOT POLITICIZED BY SECURITY AND JUDICIAL ENTITIES

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

- ensure that *de facto* responsibility for religious affairs does not fall under the jurisdiction of the domestic security agency, with the exception of national security matters, such as espionage cases or cases involving the use or advocacy of violence, including conspiracy to commit acts of terror;
- consistent with the 2011 and 2012 resolutions of the UN Human Rights Council and the UN General Assembly on “combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief,” revise Article 98(f) of the Penal Code, which prohibits “any use of religion to promote or advocate extremist ideologies...with a view toward stirring up sedition, disparaging or showing contempt for any divinely revealed religion, or prejudicing national unity and social harmony,” consistent with these resolution, and, in the interim, provide the constitutional and international guarantees of the rule of law and due process for those individuals charged with violating Article 98(f); and
- ensure respect for Al-Azhar’s independence.

### III. WITHHOLDING MILITARY ASSISTANCE AND DIRECTING A TARGETED AMOUNT OF MILITARY AND ECONOMIC ASSISTANCE DURING EGYPT’S TRANSITION

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

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

The U.S. Congress should:

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

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### IV. ENSURING U.S. GOVERNMENT AID PROMOTES GENUINE POLITICAL AND LEGAL REFORMS AND IS OFFERED DIRECTLY TO EGYPTIAN CIVIL SOCIETY GROUPS

The U.S. government should:

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

### V. PROMOTING FREEDOM OF RELIGION AND BELIEF AND RELATED HUMAN RIGHTS IN MULTILATERAL FORA

The U.S. government should:

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

# ERITREA



## **USCIRF STATUS:**

**Tier 1 Country of Particular Concern**

## **BOTTOM LINE:**

Religious freedom conditions continue to be extremely grave in Eritrea, with torture or other ill-treatment of 2,000 to 3,000 religious prisoners, arbitrary arrests and detentions without charges, a prolonged ban on public religious activities, and interference in the internal affairs of registered religious groups.

## **EXECUTIVE SUMMARY**

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

In light of these particularly severe violations, USCIRF again recommends in 2013 that Eritrea be designated as a "country of particular concern," or CPC. Since 2004, the Commission has recommended, and the State Department has designated, Eritrea as a CPC. The State Department most recently re-designated Eritrea as a CPC in September 2011.

The religious freedom situation in Eritrea under the regime of President Isaias Afwerki remains extremely grave. An estimated 2,000 to 3,000 religious prisoners continue to languish in prison. USCIRF interviews with Eritrean refugees in late 2012 heard credible reports indicating many prisoners are subjected to torture and other inhumane treatment. The situation is particularly dire for Jehovah's Witnesses and members of other small, disfavored religious groups, such as Evangelical and Pentecostal Christians. The government dominates the internal affairs of the four recognized religious, but especially the Orthodox Church of Eritrea, the country's largest Christian denomination. The government has appointed over community objections the heads of both the Orthodox and Muslim communities. The government-deposed Eritrean Orthodox Patriarch Abune Antonios remains under house arrest since 2007.

**PRIORITY RECOMMENDATIONS:** USCIRF recommends, in addition to again designating Eritrea as a CPC, continuing the existing presidential action against Eritrea of an arms embargo. In addition, the U.S. government should utilize the International Emergency Economic Powers Act to impose targeted sanctions against individuals and institutions identified as responsible for, or complicit in, serious religious freedom and human rights abuses. USCIRF further recommends that the U.S. government work to limit the Eritrean government's ability to levy and forcibly collect a "diaspora tax" on Eritreans living in the United States; work with international partners to draw attention to religious freedom abuses in Eritrea and advocate for the release of religious prisoners, including Orthodox Patriarch Abune Antonios; engage in vigorous advocacy of religious freedom at all levels of involvement with the Eritrean government; and condition any resumption of assistance to Eritrea on measurable improvements in religious freedom and human rights conditions. Additional recommendations for U.S. policy toward Eritrea can be found at the end of this chapter.

**RELIGIOUS FREEDOM CONDITIONS**

**GOVERNMENT POLICIES TOWARD RELIGIOUS GROUPS AND ACTIVITIES**

Eritrea has been ruled by President Isaias Afwerki and the Popular Front for Democracy and Justice (PFDJ) since the country gained independence from Ethiopia in 1993. After an initially promising start toward democratization, the Isaias regime has become increasingly insular and repressive as the ailing President Isaias has become exceedingly fearful about losing control. The constitution and elections have been indefinitely suspended. Thousands of Eritreans are imprisoned for their real or imagined opposition to the government, and arbitrary arrests, torture, and forced labor are extensive. No private newspapers, opposition political parties, or independent non-governmental organizations exist. Independent public gatherings are prohibited. On January 21, 2013 a small group of soldiers attempted a “coup d’etat,” briefly taking over the Ministry of Information before being removed.

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

In 2002, the government imposed a registration system for all religious groups other than the four officially-recognized religions, requiring communities to provide detailed information on their finances, membership, and activities.

Since 2002, the government has not registered any religious group, despite the Presbyterian Church, Methodist Church, Seventh-day Adventists, and Baha’i community all submitting the required applications. Without registration, religious communities lack a legal basis on which to practice their faiths publicly in the country. Unrecognized groups’ places of worship have been closed and public religious activities prohibited. Further restrictions are described below.

Government violations of religious freedom are particularly severe in the armed forces and national service. Eritrean refugees told USCIRF in late 2012 that soldiers are frequently banned from engaging in religious activities, subject to penalty of imprisonment, and face severe punishment for possessing religious literature, including Bibles and Qur’ans.

**ARRESTS, DETENTION, AND TORTURE**

The State Department, non-governmental human rights organizations, and Christian advocacy groups estimate that 2,000 to 3,000 persons are imprisoned on religious grounds in Eritrea. The vast majority are Evangelical or Pentecostal Christians. Religious prisoners have reportedly been beaten and tortured. Prisoners are not permitted to pray aloud, sing, or preach, and no religious books are allowed. Released religious prisoners interviewed by USCIRF report having been confined in cramped conditions, such as 20-foot metal shipping containers or underground barracks, some located in areas subject to extreme temperature fluctuations. The refugees also told USCIRF that security forces beat detainees and coerce them to renounce their faith, at times as a precondition of release. Persons detained for religious activities, serving both short- and long-term sentences, often are not formally charged, permitted access to legal counsel, accorded due process, or allowed access to their families. Reports continue to arise of deaths of religious prisoners who refused to recant their beliefs, were denied medical care, or were subjected to other ill treatment.

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## ERITREA

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In 2007, the government deposed Eritrean Orthodox Patriarch Abune Antonios and placed him under house arrest after he protested the Eritrean Department of Religious Affairs' interference in his church's affairs. Since then, he has been prevented from communicating with the outside world and reportedly denied medical care despite suffering from severe diabetes. There is no new information on the three reformist Orthodox clergy who were imprisoned in 2005.

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IN 2007, THE GOVERNMENT DEPOSED ERITREAN ORTHODOX PATRIARCH ABUNE ANTONIOS AND PLACED HIM UNDER HOUSE ARREST...

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Fifty-one Jehovah's Witnesses are detained without trial or administrative appeal. A third of the Jehovah's Witnesses currently detained are reported to be over 60 years old, well beyond draft age. Additionally, three Jehovah's Witnesses—Paulos Eyassu, Isaac Mogos, and Negede Teklemariam—have been held for more than 15 years, despite the maximum legal penalty for refusing to perform national service being two years.

International human rights organizations report that the government has imprisoned more than 180 Muslims because of their opposition to the state's appointment of the Mufti of the Eritrean Muslim community. Other Muslims are detained without charges because of their non-violent criticism of policies that discriminate against the independent practice of Islam.

There were reports of two new mass arrests during the reporting period. Twenty-one evangelicals who had gathered to worship on Good Friday were reported to have been rounded up and continue to be detained, with unconfirmed reports that they were being held in metal shipping containers and were undergoing military punishment. Seventeen Christians, including several women, were arrested in October following a raid on a house in Emba-Derho where they had gathered for a service and remain detained. In addition, several Protestant pastors were reported arrested following the January 2013 "coup."

### **THE SITUATION OF UNREGISTERED RELIGIOUS GROUPS**

#### **Jehovah's Witnesses**

President Asaias issued a decree in October 1994 specifically barring Jehovah's Witnesses from obtaining government jobs, business licenses, and government-issued identity and travel documents. He reportedly viewed them as rejecting the duties of Eritrean citizenship, due to their refusal on religious grounds to participate in the 1993 independence referendum or to perform mandatory national military service. Without Eritrean identity cards Jehovah's Witnesses cannot obtain legal recognition of marriages or land purchases.

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

# ERITREA

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## Evangelical and Pentecostal Christians

The government's campaign against religious activities by persons belonging to unregistered denominations frequently targets Evangelical and Pentecostal Christians. Government officials have

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REFUGEES TOLD USCIRF THAT  
GOVERNMENT OFFICIALS OFTEN  
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PENTECOSTAL CHRISTIANS AS  
CIA AGENTS...

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criticized "non-traditional" Christian denominations for engaging in evangelism, which they allege is socially divisive and alien to Eritrea's cultural traditions. The regime also fears co-religionists in the United States could encourage these religious communities to take actions against the government's undemocratic rule. Refugees told USCIRF that government officials often refer to Evangelical and Pentecostal Christians as CIA agents, and that they are frequently discriminated against in employment and housing opportunities. As discussed above, in the past year

Eritrean security forces conducted mass arrests of Evangelical and Pentecostal Christians, including at prayer meetings, although fewer such arrests were reported than in previous years.

## THE SITUATION OF RECOGNIZED RELIGIOUS GROUPS

The government strictly controls and dominates the internal affairs of the four recognized religions, including appointing religious leaders and overseeing and monitoring religious activities. The recognized

groups are required to submit activity reports to the government every six months. In December 2010, the Eritrean Department of Religious Affairs reportedly told these groups to stop accepting funds from co-religionists abroad. The Eritrean Orthodox Church reportedly said it would not comply with the order. All religious workers including those from

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...3,000 RELIGIOUS WORKERS FROM  
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WILL.

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registered religious communities must participate in national military service; according to the State Department, 3,000 religious workers from recognized religious communities have been compelled to participate in the national military service against their will.

## Eritrean Orthodox Church

The Orthodox Church of Eritrea is the country's largest Christian denomination and the institutional expression of the country's traditionally-dominant form of Christianity. According to Eritrean Orthodox refugees interviewed by USCIRF, government interference in church affairs began increasing in 2005 when the government revoked the exemption of Orthodox priests, monks, and deacons from mandatory national service. This resulted in the closure of smaller, rural churches due to a shortage of clergy, and increased opposition within the church to the government's religious policies. Security forces began targeting reformist elements in the Orthodox Church, arresting religious activists, and preventing their meetings. In May 2006, the government appointed a new Patriarch of the Orthodox Church of Eritrea, replacing Patriarch Antonios and placing him under house arrest.

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



# ERITREA

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## Eritrean Muslim Community

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

Additionally, the International Crisis Group reports that the only military and government officials arrested following the “coup” were Muslims and that President Isaias stated that they were engaging in “jihad.”

## ERITREAN REFUGEES

Hundreds of thousands of Eritreans have fled the country, mostly to Ethiopia and eastern Sudan, due to the Eritrean government’s oppression and human rights violations. The office of the UN High Commissioner for Refugees estimates the number of Eritrean refugees to be more than 250,000. While the majority of Eritrean refugees are escaping mandatory military service, large numbers are fleeing religious persecution, including religious leaders forced to participate in the national service despite their religious objections. Pentecostal Christians make up a large percentage of these cases, followed by Jehovah’s Witnesses. Christian Solidarity Worldwide reports an increase in the number of Eritrean Orthodox clergy leaving the country since the government revoked their exemption from mandatory military service. Many Eritrean refugees become victims of human trafficking, sometimes suffering torture and ill-treatment, as they attempt to move from refugee camps in Ethiopia or Sudan to Europe.

## **U.S. POLICY**

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

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THE U.S. GOVERNMENT  
HAS LONG EXPRESSED  
CONCERN ABOUT  
ERITREA’S HUMAN  
RIGHTS PRACTICES...

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U.S. relations with Eritrea have been heavily influenced, often adversely, by strong U.S. ties with Ethiopia. After independence in 1993, Eritrea fought a costly border war with Ethiopia from 1998 to 2000. The United States, the United Nations, the European Union, and the now-defunct Organization of African Unity were formal witnesses to the 2000 accord ending that conflict. However, Eritrean-Ethiopian relations remain tense due to Ethiopia’s refusal to permit demarcation of the boundary according to the 2002 decision of an independent commission based at the International Court of Justice. The U.S. government views the commission’s decision as “final and binding” and expects both parties to comply. The United States was the largest financial contributor to the now-defunct UN peacekeeping force -- the UN Mission in Ethiopia and Eritrea (UNMEE) -- separating the two armies. The UN Security Council terminated the mandate of UNMEE in July 2008 “in response to crippling restrictions imposed by Eritrea on UNMEE.”

The State Department designated Eritrea a CPC under IRFA in September 2004. When renewing the CPC designation in September 2005 and January 2009, the State Department announced the denial of commercial export to Eritrea of defense articles and services covered by the Arms Export Control Act,

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with some items exempted. This represents the only unique presidential action taken under IRFA in response to a CPC designation anywhere in the world. The Eritrean government subsequently intensified its repression of unregistered religious groups with a series of arrests and detentions of clergy and ordinary members of the affected groups. The State Department most recently re-designated Eritrea as a CPC in September 2011, and continued the presidential action of the arms embargo.

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

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U.S. GOVERNMENT OFFICIALS, THE UN SOMALIA AND ERITREA  
MONITORING GROUP, AND ERITREAN DIASPORA REPORT THAT THOSE WHO  
REFUSE TO PAY [THE MANDATORY DONATIONS] ARE SUBJECT TO THREATS,  
INTIMIDATION, AND COERCION.

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In December 2011, the United States voted in favor of UN Security Council Resolution 2023, which was prompted by the UN Monitoring Group on Somalia’s findings that Eritrea planned to bomb civilian and government targets in Addis Ababa to disrupt a 2011 African Union summit and that it continued to support Somali extremists. The resolution calls on UN member states to implement the sanctions in Resolution 1907 and “undertake appropriate measures to promote the exercise of vigilance” in their dealings with Eritrea’s mining industry to prevent those monies from being used to support activities which would destabilize the region.

UN resolution 1907 also condemns Eritrea’s two-percent tax on the diaspora, used “for purposes such as procuring arms and related materiel for transfer to armed opposition groups.” The Eritrean government relies heavily on its controversial two percent diaspora tax to boost its poor economy. According to the Eritrean government, the mandatory “donations” are used for “recovery and rehabilitation” and to assist the country’s national defense. U.S. government officials, the UN Somalia and Eritrea Monitoring Group, and Eritrean diaspora report that those who refuse to pay are subject to threats, intimidation, and coercion. The families back in Eritrea are also targeted for harassment. In 2011, the United Kingdom suspended collection of this tax stating that it may contravene the Vienna Convention on Diplomatic Relations. In 2012 the Eritrean consulate in Ottawa, Canada agreed to stop collecting the tax after Canadian threats to remove the Eritrean Ambassador. This move corresponds with Canadian efforts to make it illegal to finance the Eritrean military in compliance with UNSC Resolution 1907. The Netherlands and Germany are also considering ending the collection of the diaspora tax within their territories.

## RECOMMENDATIONS

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

### **I. ADVANCING RELIGIOUS FREEDOM THROUGH SANCTIONS**

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

- maintain the existing, ongoing arms embargo referenced in 22 CFR 126.1(a), as decided by the Secretary of State in August 2011;
- employ the International Emergency Economic Powers Act (IEEPA) to impose economic sanctions on senior Eritrean officials in response to their undermining of democratic institutions and engaging in gross human rights abuses, including abuses of religious freedom, in that country, including, as appropriate, the President, the security forces and their officers, and the ruling party and ruling party officials;
- work to limit the Eritrean government's ability to levy and forcibly collect a "diaspora tax" on Eritreans living in the United States; and
- condition any resumption of assistance to Eritrea's people on measurable improvements by the government to religious freedom conditions and, if such assistance is to be resumed, ensure that it is directed to programs that contribute directly to democracy, human rights, and the rule of law.

### **II. ADVANCING RELIGIOUS FREEDOM THROUGH OTHER BILATERAL AND MULTILATERAL EFFORTS**

The U.S. government should:

- work with other nations, especially those with mining interests in and large diaspora communities from Eritrea, to draw attention to religious freedom abuses in Eritrea and advocate for the unconditional and immediate release of religious prisoners, including Orthodox Patriarch Abune Antonios;
- request the visit to Eritrea by the special rapporteur on human rights in Eritrea and a team of thematic Special Rapporteurs to the country, including the Special Rapporteurs on Freedom of Religion or Belief and Freedom of Opinion and Expression and the UN Working Group on Arbitrary Detention;
- encourage unofficial dialogue with Eritrean authorities on religious freedom issues by promoting a visit by U.S. and international religious leaders to facilitate dialogue among all of Eritrea's religious communities and expand the use of educational and cultural exchanges, such as the Fulbright Program, the International Visitor Program, and lectures by visiting American scholars and experts;
- further target assistance to UNHCR and nongovernmental organizations to provide support to Eritrean refugees, especially those with psychosocial needs due to torture and other ill-treatment; and
- intensify international efforts to resolve the current impasse between Eritrea and Ethiopia regarding implementation of the boundary demarcation as determined by the "final and binding" decision of the International Boundary Commission that was established following the 1998-2000 war.

# IRAN



## **USCIRF STATUS:**

**Tier 1 Country of Particular Concern**

## **BOTTOM LINE:**

Already poor religious freedom conditions in Iran continue to deteriorate, particularly for religious minorities, especially Baha'is, Christians, and Sufi Muslims, as well as for dissenting Shi'i and Sunni Muslims. Harassment, arrests, and imprisonment intensified, a trend likely to worsen as the June 2013 presidential election approaches.

## EXECUTIVE SUMMARY

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

Since 1999, the State Department has designated Iran as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). USCIRF recommends in 2013 that Iran again be designated as a CPC.

Since the disputed 2009 elections, religious freedom conditions in Iran have regressed to a point not seen since the early days of the Islamic revolution. Killings, arrests, and physical abuse of detainees have increased, including for religious minorities and Muslims who dissent or express views perceived as threatening the legitimacy of the government. During the reporting period, the government continued to use its religious laws to silence reformers and critics, including women's rights activists, journalists, and lawyers for exercising their internationally-protected rights to freedom of expression and freedom of thought, conscience, and religion or belief. With the June 2013 presidential election approaching, the Iranian government will likely increase its efforts to crush any form of dissent and scapegoat religious minorities, as it has done in the past.

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

## RELIGIOUS FREEDOM CONDITIONS

### HEIGHTENED CONCERNS SINCE THE JUNE 2009 DISPUTED ELECTIONS

The disputed June 2009 elections marked a decisive turning point in the human rights and religious freedom environment in Iran, as security and paramilitary forces used brutal force against the hundreds of thousands of Iranians who protested in the streets in the months after the elections. Dozens of Iranians have been killed and thousands have been arrested, convicted, and given lengthy prison terms. Hundreds remain in detention. More than two dozen dissidents have been executed, on a variety of charges, including alleged religious crimes such as “waging war against God,” “spreading corruption on earth,” and “moral corruption.” During the reporting period, the Iranian government brought national security cases against members of religious minority communities and individuals for alleged crimes such as “confronting the regime” and apostasy. In the run-up to the June 2013 presidential elections, Iranian security services will likely increasingly crack down on any form of public dissent, particularly by journalists, and scapegoat religious minorities.

### GOVERNMENT STRUCTURE

The Constitution of the Islamic Republic of Iran proclaims the Twelver (Shi'i) Jaafari School of Islam to be the official religion of the country. All laws and regulations, including the Constitution itself, must be based on Islamic criteria. The head of state, Ayatollah Ali Khamenei, is the Supreme Leader of the Islamic Revolution and directly controls the armed forces, the internal security forces, and the judiciary. The Supreme Leader is chosen by the Assembly of Experts, a group of 86 Islamic scholars elected by popular vote from a government-screened list of candidates. All legislation passed by the *Majles* (parliament) is reviewed for adherence to Islamic and constitutional principles by the Guardian Council, six of whose 12 members are appointed by the Supreme Leader. The Guardian Council also screens and disqualifies candidates for all elective offices, including the Assembly of Experts and the 290-member parliament, based on vague and arbitrary requirements, including candidates' ideological and religious beliefs. Disputes over legislation between the parliament and the Guardian Council are adjudicated by the Expediency Council, an advisory body appointed by the Supreme Leader. Five seats in the parliament are reserved for recognized religious minorities, two for Armenian Christians, one for Assyrian Christians, and one each for Jews and Zoroastrians.

### MAJORITY AND MINORITY MUSLIMS

Over the past few years, the Iranian government has imposed harsh prison sentences on prominent reformers from the Shi'i majority community, many of whom have been tried on criminal charges of “insulting Islam,” criticizing the Islamic Republic, and publishing materials that allegedly deviate from Islamic standards, for simply exercising their internationally-protected rights of freedom of expression and freedom of thought, conscience, and religion or belief. In early 2010, the Iranian government began convicting and executing reformers and peaceful protestors, including on the charge of *moharebeh* (waging war against God). Reportedly, more than two dozen individuals have been charged, convicted, and sentenced to death for *moharebeh*. Approximately 20 are known to have been executed.

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SINCE THE JUNE 2009 ELECTIONS, THE  
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CRACKDOWN ON SHI'I CLERICS...

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Since the June 2009 elections, the government has stepped up its crackdown on Shi'i clerics, prohibiting them from publicly questioning the election results and from criticizing the government's response to demonstrations, while also targeting some for house arrest, detention without charge, trial without due

process, torture, and other forms of ill treatment. For example, during the reporting period, Ayatollah Ali-Mohammad Dastgheeb and Ayatollah Yusuf Saanei, both publicly critical of the regime's post-2009 crackdown, have been harassed and intimidated by authorities and had their properties vandalized by security agents.

In October 2006, Ayatollah Mohammad Kazemeini Boroujerdi, who advocates the separation of religion and state and has spoken out on behalf of the rights of Iran's religious minorities as well its Shi'i Muslim majority, was arrested and imprisoned without charge. He and 17 of his followers were sentenced to death on spurious charges, including "enmity against God" and spreading propaganda against the regime. After an appeal, the death sentence was withdrawn and Ayatollah Boroujerdi was sentenced to 11 years in prison. Ayatollah Boroujerdi remains in prison, and the government has banned him from practicing his clerical duties and confiscated his home and belongings. According to reports, Ayatollah Boroujerdi's health continues to deteriorate and he has suffered physical and mental abuse while in prison.

### **Sunni Muslims**

Muslim minorities continue to face repression. Several of the country's ethnic minorities—Arabs, Baluchis, Kurds, and Turkmen—practice Sunni Islam. These groups are subject to discriminatory policies based on both their ethnic identity and their faith. Sunni Muslim leaders regularly are intimidated and harassed by intelligence and security services and report widespread official discrimination in government employment, particularly in leadership positions in the executive and judicial branches. Sunni Muslims comprise approximately 9% of Iran's population of nearly 80 million.

Sunni leaders report widespread abuses and restrictions on their religious practice, including detentions and abuse of Sunni clerics, as well as bans on Sunni teachings in public schools and Sunni religious literature, even in predominantly Sunni areas. In December 2011, Sunni Muslim members of parliament wrote to the Supreme Leader asking for an end to discrimination against Sunni Muslims and seeking permission to build a mosque in Tehran. The Sunni community still has not been able to build a mosque in Tehran and, in recent years, Sunni mosques were destroyed in eastern Iran near Zabol, Sistan-Baluchistan, and Mashhad. In recent years, dozens of Sunni clerics reportedly were arrested for spreading Sunni teachings, including in Kurdistan, Kermanshah, Baluchistan, West Azerbaijan, Ahvaz, Tavalesh, and Khorassan provinces.

### **Sufi Muslims**

During the past year, arrests and harassment of Sufi Muslims increased significantly. Sufi Muslims—who come from the Shi'i Muslim tradition—face government repression of their communities and religious practices, including harassment and imprisonment of prominent Sufi leaders and the destruction of prayer centers and *hussainiyas* (places of worship). Since the 2011 denunciation of Sufis by some Shi'i clerics, government restrictions on Sufi groups and places of worship have become more pronounced.

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DURING THE PAST YEAR, ARRESTS AND HARASSMENT OF SUFI MUSLIMS INCREASED SIGNIFICANTLY.

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Over the past few years, authorities have detained hundreds of Sufi Muslims, particularly Nematollahi Gonabadi dervishes, sentencing many to imprisonment,

fines, and floggings. In September and October 2011, a Gonabadi dervish was killed and several were injured during a government crackdown in southwestern Iran, Fars province, during which the Basij militia arrested at least 60 Sufis. Seven remain in detention, including Hamidreza Moradi, Mostafa Daneshjou, Reza Entesari and four attorneys—Farshid Yadollahi, Amir Eslami, Afshin Karampour, and Omid Behruzi—who defended the dervishes in court. Three of the four attorneys continue to be held in

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Evin prison and were charged in late 2011 with insulting the Supreme Leader, “spreading lies,” and membership in a “deviant group.” According to human rights groups, the fourth attorney, Amir Eslami, has a serious heart condition and has been sent to the hospital for medical attention. In December 2012, the other six in detention reportedly were tried in a revolutionary court, some charged with “waging war against God,” a capital offense. By the end of the reporting period, their trial was ongoing.

Furthermore, during the reporting period Iranian state television aired a series of programs designed to denigrate and demonize Sufism, particularly the Nematollahi Gonabadi order. In January 2013, several prayer centers of the Gonabadi order have been demolished or attacked by Iranian authorities. Reportedly, the government is considering banning Sufism.

### **NON-MUSLIM RELIGIOUS MINORITIES**

The constitution of Iran formally recognizes Christians, Jews, and Zoroastrians as protected religious minorities who may worship freely and have autonomy over personal status matters (e.g., marriage, divorce, and inheritance). Nevertheless, the primacy of Islam and Islamic laws and institutions adversely affects their rights and status and they live, in effect, as second class citizens. Members of these groups are subject to legal and other forms of discrimination, particularly in education, government jobs and services, and the armed services. In addition, their places of worship frequently are defaced with graffiti. Iran’s Ministry of Education administers their schools and they must use state-approved religious curriculum.

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

Since the June 2009 elections, the Iranian government has intensified its campaign against non-Muslim religious minorities at a level not seen since the years immediately following the Iranian revolution in the early 1980s. Virulent and inflammatory statements by political and religious leaders continue with an increase in harassment and imprisonment of, and physical attacks against, these groups. In October 2010, Supreme Leader Ayatollah Ali Khamenei publicly stated that “enemies of Islam” are using the spread of Sufism, the Baha’i faith, and Christian house churches to weaken the faith of young people. Ayatollah Ahmad Jannati, head of the Guardian Council, referred to them as “sinful animals” and “corrupt.”

### **Baha’is**

The Baha’i community has long been subject to particularly severe religious freedom violations. Iranian authorities view Baha’is, who number at least 300,000, as “heretics,” and repress them for “apostasy” and other baseless charges. Since 1979, the government has killed more than 200 Baha’i leaders and dismissed more than 10,000 from government and university jobs. Baha’is may not establish places of worship, schools, or any independent religious associations. In addition, Baha’is are barred from the military and denied government jobs and pensions as well as the right to inherit property. Their marriages and divorces also are not recognized, and they have difficulty obtaining death certificates. Baha’i cemeteries, holy places, and community properties are often seized or desecrated, and many important religious sites have been destroyed. The Baha’i community faces severe economic

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pressure, including denials of jobs in both the public and private sectors and of business licenses. Iranian authorities often pressure employers of Baha'is to dismiss them from private sector employment.

During the past two years, Baha'is have faced increasingly harsh treatment, including increasing arrests and detentions and violent attacks on private homes and personal property. More than 650 Baha'is have been arbitrarily arrested since 2005. As of February 2013, at least 110 Baha'is are being held in prison solely because of their religious beliefs, twice the number held in early 2011. Throughout 2012 and early 2013, Baha'i-owned businesses and personal property were the target of arson attacks in several cities, with police doing nothing to find the perpetrators.

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Dozens of Baha'is are awaiting trial while others were sentenced to prison terms ranging from 90 days to several years. All of those convicted are reportedly appealing the verdicts. According to human rights groups, more than 500 Baha'is have active cases pending against them, despite having been released from detention. Also in recent years, Baha'i cemeteries in various parts of the country, including Tehran, Ghaemshahr, Marvdasht,

Semnan, Sari, Yazd, Najafabad, and Isfahan, have been desecrated, defaced, or in some way blocked to the Baha'i community. Over the past several years, numerous articles in the government-controlled newspaper *Kayhan*, whose managing editor is appointed by Supreme Leader Ayatollah Khamenei, and other media outlets have vilified and demonized the Baha'i faith and its community.

Iranian authorities have gone to great lengths in recent years to collect information on Baha'is and monitor their activities. During the reporting period, dozens of Baha'is were arrested throughout the country, including in Tehran, Babolsar, Karaj, Nazarabad, Shahrekord, Semnan, Mashhad, Bandar Abbas, Shiraz, and Ghaemshahr. In most of these cases, Ministry of Intelligence officials appeared at their homes, searched the premises and confiscated computers, books and other materials, and then made arrests. In most cases, no formal charges were filed.

According to a February 2013 report by the Special Rapporteur on the situation of human rights in Iran, more than 30 Baha'is were imprisoned in 2012 alone. Baha'is in the small town of Semnan have been particularly impacted, with approximately 35 Baha'is having been arrested and nearly 50 homes and businesses in Semnan have been either raided and ransacked or vandalized and destroyed. Eleven Baha'is from Semnan remain in prison. In September 2012, a five-month-old boy was imprisoned with his mother, who is serving a 23-month sentence. The infant was hospitalized outside the prison because of a lung disease caused by unsanitary prison conditions. Another woman is serving a 30-month sentence with her 10-month old boy. In December 2012, a third Semnan woman was imprisoned with her one-year-old child. At the end of the reporting period, all three women and their children remain in prison.

In February 2012, Iranian authorities raided several Baha'i homes in Shiraz, confiscated materials, and arrested at least 13 Baha'is. At the end of the reporting period, several of those arrested remain in detention.

In May 2011, in at least four different cities, Iranian authorities raided more than 30 homes and arrested 18 Baha'is involved with the Baha'i Institute for Higher Education (BIHE), the community's effort to educate its youth. Several Baha'is were released after days or weeks in detention, but in October 2011, seven were tried and found guilty of membership in a deviant sect with the goal of acting against national security. The seven were sentenced to either four- or five-year prison terms. In January 2012, Vahid Mahmoudi, one of the seven educators imprisoned, was released on probation after his sentence was suspended. The other six educators—Mahmoud Badavam, Noushin Khadem, Farhad Sedghi, Riaz Sobhani, Ramin Zibaie, and Kamran Mortezaie—remain in prison. In late 2011 and 2012, three

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additional BIHE instructors—Faran Hessami, Kamran Rahimian, Shahin Negari—were convicted and sentenced to four years in prison, and a fourth—Kayvan Rahimian—was convicted and sentenced to a five-year term. In September 2011, prominent human rights lawyer Abdolfattah Soltani was arrested for defending the Baha’i educators. In March 2012, a court sentenced him to 18 years’ imprisonment and banned him from practicing law for 20 years. In June, an appellate court upheld the conviction but reduced his sentence to 13 years.

Since 2008, seven Baha’i leaders—Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naemi, Saeid Rezaie, Mahvash Sabet, Behrouz Tavakkoli, and Vahid Tizfahm—have been in jail based on an assortment of dubious charges, ranging from espionage to “corruption on the earth.” In August 2010, the seven were sentenced to 20 years in prison. The two women currently are held in Evin prison while the five men are held under appalling conditions in the notorious Gohardasht prison outside Tehran. Attorneys for the seven Baha’is, including Nobel Laureate Shirin Ebadi, have had extremely limited access to their clients and court proceedings.

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

In recent years, militant societal actors emboldened by Iranian law and policy have physically attacked Baha’i individuals and property with impunity. Since October 2010 in Rafsanjan, dozens of shops have been attacked and more than 20 Baha’i homes and businesses have received letters warning Baha’is of severe consequences for forming friendships with Muslims.

### Christians

During the reporting period, Iranian authorities continued to raid church services, harass and threaten church members, and arrest, convict, and imprison worshippers and church leaders. Christians, particularly Evangelical and other Protestants, are subject to harassment, arrests, close surveillance, and imprisonment; many reportedly have fled the country. Assyrian and Armenian Christian religious leaders also have been targeted. Since becoming president, President Mahmoud Ahmadinejad has called for an end to the development of Christianity in Iran. The government requires Evangelical Christian groups to submit membership lists.

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IN JANUARY 2013, SAEED ABEDINI, AN IRANIAN-BORN AMERICAN PASTOR, WAS SENTENCED IN A TRIAL WITHOUT DUE PROCESS TO EIGHT YEARS IN PRISON FOR “THREATENING THE NATIONAL SECURITY OF IRAN” FOR HIS ACTIVITY SINCE 2000 IN THE CHRISTIAN HOUSE CHURCH MOVEMENT.

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Christian converts face severe restrictions on religious practice and association, arbitrary arrests and detentions for practicing their faith, and violations of the right to life through state execution for apostasy and extrajudicial killings. Since June 2010, at least 300 Christians have been arbitrarily arrested and detained throughout the country, including in Arak, Bandar Abbas, Bandar Mahshahr, Ardabil, Tabriz, Khoramabad, Mashhad, Hamadan, Rasht, Shiraz, Isfahan, and Elam. Iranian authorities typically release prisoners, but leave the charges against them or their convictions in place to threaten them with re-imprisonment at any future time. At the end of the reporting period, at least a dozen Christians remain in prison.

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In January 2013, Saeed Abedini, an Iranian-born American pastor, was sentenced in a trial without due process to eight years in prison for “threatening the national security of Iran” for his activity since 2000 in the Christian house church movement. Pastor Abedini had been in Iran since June 2012 to continue work to establish an orphanage and was arrested and imprisoned in September. Reportedly, he has spent several weeks in solitary confinement and was physically and psychologically abused by authorities in Evin prison.

In October 2012, five Iranian converts to Christianity—Mohammad Roghangir, Surush Saraee, Eskandar Rezaee, Shahin Lahooti and Massoud Rezaee—were arrested in a raid on a prayer gathering at a house church in Shiraz. They were charged with evangelism and are scheduled for trial in March 2013. The five men are members of the Church of Iran, one of the country’s largest house church movements. In February 2012, Iranian authorities raided a house church gathering in Shiraz, confiscated religious materials, and arrested 10 Christian converts. At the end of the reporting period, four remain in detention without charges—Mojtaba Hosseini, Homayoon Shokoohi, Vahid Hakkani, and Mohammad-Reza Paroei.

In January 2011, Behnam Irani, a pastor from Karaj was convicted of crimes against national security and sentenced to one year in prison. He started serving his sentence in May 2011 and learned in October that he would have to serve five years in connection with a previous conviction. He is reported to be in poor health and has not received proper medical attention. Farshid Fathi, a Christian convert arrested in Tehran in December 2010, was sentenced to a six year prison term in February 2012. Part of the evidence offered at trial was that Fathi possessed and unlawfully distributed Farsi language Bibles and Christian literature. He has spent a number of months in solitary confinement and remains in prison.

Christian pastor Yousef Nadarkhani, jailed since October 2009, was sentenced to death for apostasy in November 2010 by a court in Gilan province. Prosecutors acknowledged he had never been a Muslim as an adult but said the apostasy law still applies because he has Islamic ancestry. Rejecting his appeal in June 2011, the court suspended the death sentence contingent upon his recanting his faith, which he refused to do. Facing international pressure, officials released Nadarkhani in September 2012, only to re-arrest him on Christmas day and then release him days later in early January 2013.

### **Zoroastrians and Sabean Mandaean**

In recent years, members of the Zoroastrian community—numbering between 30,000 and 35,000 people—have come under increasing repression and discrimination. In 2011, a Zoroastrian man, Mohsen Sadeghipour, began serving a four-and-a-half year prison term for propaganda of the Zoroastrian faith. Three others—Mojtaba Ahmadi, Pouria Shahpari, and Mohammad Javad Shahpari—were convicted and imprisoned in 2010 on blasphemy and other trumped-up security-related charges. All four remain in prison.

Over the past few years, the unrecognized Sabean Mandaean religious community, numbering between 5,000 and 10,000 people, has been facing intensifying official harassment. Reports continue about Sabean Madaeans facing societal discrimination and pressure to convert to Islam, and being denied access to higher education. Many families have fled the country.

### **Jews and Anti-Semitism**

In recent years, official anti-Semitism has risen sharply in Iran, and members of the Jewish community have been targeted on the basis of real or perceived ties to Israel. President Ahmadinejad and other leaders made public remarks during the reporting period denying the Holocaust and calling for the elimination of the state of Israel. Officially-sanctioned anti-Semitic propaganda continued to appear in official statements, media outlets, publications, and books in 2012. In recent years, in line with a stepped-

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up state-sponsored campaign, numerous programs broadcast on state-run television advanced anti-Semitic messages, a prominent newspaper held a Holocaust denial editorial cartoon contest, and the Iranian government sponsored a Holocaust denial conference. Anti-Semitic editorial cartoons depicting demonic and stereotypical images of Jews, along with Jewish symbols, also were published in the past year.

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IN RECENT YEARS, OFFICIAL ANTI-SEMITISM HAS RISEN SHARPLY IN IRAN, AND MEMBERS OF THE JEWISH COMMUNITY HAVE BEEN TARGETED ON THE BASIS OF REAL OR PERCEIVED TIES TO ISRAEL.

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Official government discrimination against Jews continues to be pervasive, fostering a threatening atmosphere for the approximately 20,000-25,000 member Jewish community. According to the

State Department, despite minimal restrictions on Jewish religious practice, education of Jewish children has become increasingly difficult, and distribution of Hebrew religious texts is strongly discouraged.

### **WOMEN'S RIGHTS**

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

During the reporting period, Iranian authorities heightened their enforcement of the strict dress code for women. By law, Iranian women, regardless of their religious affiliation or belief, must be covered from head to foot while in public. Social interaction between unrelated men and women is banned. Iran's "morality police" increased their presence throughout the country and more frequently stopped cars with young men and women inside to question their relationship.

Over the past few years, many leading women's rights activists have been arrested, and some remain in prison, for their involvement in the Campaign for Equality movement aimed at ending discrimination against women in the application of Islamic law in Iran. For example, Nasrin Sotoudeh, a member of the Equality movement, was sentenced to 11 years in prison (later reduced to six years) and barred from practicing law and from leaving the country for 20 years. She started a hunger strike in October 2012 to protest a travel ban imposed on her 12-year-old daughter. She ended the hunger strike in December after the travel ban was lifted. She remains in Evin prison, mostly in solitary confinement.

Women also have been sentenced to death under Islamic law. For example, Sakineh Ashtiani, an Azeri woman, was convicted of adultery in 2006 and sentenced to death by stoning. Unconfirmed reports in 2012 indicated that authorities no longer plan to carry out the stoning sentence, although the government has not clarified its position. She remains in prison in northwest Iran.

### **CRACKDOWN ON INTERNET FREEDOM, THE MEDIA, AND HUMAN RIGHTS DEFENDERS**

According to human rights groups, throughout 2011 and 2012, Iranian authorities continued to restrict access to thousands of websites, particularly international news sources, the Green Movement, ethnic and religious minorities, and human rights groups. With the upcoming June 2013 presidential elections, the Iranian government is likely to crack down on journalists, activists, and netizens even further. Authorities have issued a "list of Internet offences" which includes content "contrary to the morals of society" and contrary to religious values, and Iran's "cyber police force" has arrested hundreds of individuals. In

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February 2011, the Ministry of Intelligence arrested eight bloggers who had been critically discussing Islamic doctrine on the Internet. In January 2012, they were sentenced to prison terms ranging from five to nine years.

Iranian authorities regularly detain and harass journalists and bloggers who write anything critical of the Islamic revolution or the Iranian government and block websites. The UN Special Rapporteur on human rights in Iran estimates at least 45 journalists and bloggers remain in prison as of the end of 2012. Several have been charged with being an “enemy of God,” “propaganda against the regime,” and “insulting the Supreme Leader.” Since the June 2009 disputed election, the Iranian government has engaged in cyber attacks on Persian and English language websites, which limited groups’ ability to send reports outside the country on human rights and religious freedom abuses.

In September 2012, human rights lawyer Mohammad Ali Dadkhah, a co-founder of the Center for Human Rights Defenders, began serving a nine-year prison sentence after being convicted of “membership in an organization seeking to overthrow the government” and spreading propaganda against the system through interviews with foreign media.” Human rights groups believe Dadkhah was targeted because he served as a lawyer for Pastor Yousef Nadarkhani and conducted some media interviews about his case in 2010 and 2011. Dadkhah is serving his sentence in Evin prison.

### **UN REPORTS AND ACTIONS**

In March 2011, the UNHRC created a Special Rapporteur position to investigate and report on human rights abuses in Iran, a longstanding USCIRF recommendation, which had not existed since 2002. In August 2011, Ahmed Shaheed, the former Maldivian foreign minister, started in his new role as Special Rapporteur. The Iranian government has not responded to the Special Rapporteur’s request to visit Iran, although various officials said publicly he would never be permitted in the country. On February 28, 2013, the Special Rapporteur released his most recent report to the UN Human Rights Council, which focused on a wide range of violations, including those faced by Baha’is, Christians, Sufi and Sunni Muslims, and dissident Shi’i Muslims. His report includes a detailed list of Baha’is and Christians in prison. In October 2012, UN Secretary General Ban Ki-Moon issued his annual report on the situation of human rights in Iran, which included details of abuses, including arbitrary detentions and false imprisonment, against religious minorities, particularly Baha’is and Christians. In December 2012, for the 10th year in a row, the U.S. government co-sponsored and supported a successful UN General Assembly resolution on human rights in Iran, which passed 86 to 32, with 65 abstentions. The resolution condemned the Iranian government’s poor human rights record, including its continued abuses targeting religious minorities.

### **U.S. POLICY**

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

The U.S. government continued to highlight publicly the Iranian government’s human rights and religious freedom abuses. During the reporting period, in multilateral fora and through public statements, high-

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level U.S. officials urged the Iranian government to respect its citizens' human rights, including the right to religious freedom. For example, in January 2013 spokespersons from both the White House and State Department expressed concern and called for the release of Iranian-American pastor Saeed Abedini. In July 2012, the State Department released a statement marking 1,000 days that pastor Yousef Nadarkhani had been in prison, called for his immediate release, and condemned the Iranian government's treatment of ethnic and religious minorities. In February 2012, both the White House and State Department released statements citing reports that Pastor Nadarkhani's execution order had been renewed, and called for the lifting of the death sentence and for his immediate release.

Since 2010, the United States and the European Union (EU) have worked closely on a range of human rights issues in Iran. In April 2011, the EU imposed travel bans and asset freezes on 32 Iranian officials and entities responsible for serious human rights abuses. Since then, the EU has added 55 officials and entities bringing the number to 87. The United States and EU have issued a number of joint statements condemning human rights and religious freedom abuses in Iran.

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

In August 2012, the President signed into law the Iran Threat Reduction and Syria Human Rights Act of 2012 (H.R. 1905 / P.L. 112-239). This law enhances human rights-related provisions of previous Iran sanctions laws such as CISADA. In October, the administration issued Executive Order 13628, implementing the law by blocking the property of Iranians deemed to have committed censorship or limited free expression in Iran. Nevertheless, sanctions have not yet altered Iran's repression of dissent or its efforts to control the Internet.

The U.S. government seeks to increase Iranian citizens' access to information about international human rights standards and to publicize the Iranian government's human rights abuses through Voice of America radio and television broadcasts, the Persian-language version of the America.gov Web site, and the Persian-language radio station Radio Farda, which broadcasts to Iran. Additionally, since 2004, the U.S. government has funded a wide range of programs to support civil society, human rights, and the rule of law in Iran, as well as expand information and documentation of human rights abuses.

According to USAID, funding in 2012-2013 will continue to include support for civil society and advocacy, promoting the rule of law and human rights, and increasing access to alternative sources of information in Iran. In Fiscal Year 2012, no request was made for specific democracy or human rights programming, although some portion of the \$35 million requested for Near East democracy programs likely was used to support continued human rights and public diplomacy programming in Iran. In Fiscal year 2013, \$30 million was requested for similar programming.

In August 2011, the Secretary of State re-designated Iran as a country of particular concern. According to the State Department, "as an action under the IRFA, the secretary of state designated the existing ongoing

restrictions on certain imports from and exports to the country, in accordance with section 103(b) of the Comprehensive Iran Sanctions Accountability and Divestment Act of 2010, pursuant to section 402(c)(5) of the act.”

### RECOMMENDATIONS

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

#### **I. STOPPING ABUSES OF FREEDOM OF RELIGION OR BELIEF AND SUPPORTING HUMAN RIGHTS AND DEMOCRACY**

In addition to continuing to designate Iran as a CPC, the U.S. government should continue to speak out publicly and frequently at the highest levels about the severe religious freedom abuses in Iran, and ensure that violations of freedom of religion or belief and related human rights are part of all formal and informal multilateral or bilateral discussions with the Iranian government, by calling on the Iranian government to:

- release the seven Baha’i leaders—Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naemi, Saeid Rezaie, Mahvash Sabet, Behrouz Tavakkoli, and Vahid Tizfahm—and 10 Baha’i educators and administrators, as well as other Baha’is in prison on account of their religion or belief, and drop all pending charges against these and other Baha’is;
- rescind immediately laws that allow Baha’is to be killed with impunity, permit the Baha’i community to practice their faith in Iran, and allow full access for Baha’is to study in public universities without discrimination;
- release all Christians, including Saeed Abedini, Behnam Irani, Farshid Fathi, in prison on account of their religion or belief, and drop all pending charges against Christian converts;
- release Shi’i cleric Ayatollah Mohammad Kazemeini Boroujerdi and his followers and other dissident Muslims, including Sufis, in prison on account of their religion or belief;
- release from prison women’s rights activists, including Nasrin Sotoudeh, who advocate for ending discrimination against women in the application of Islamic law, and Sakineh Ashtiani, who remains on death row for allegedly committing adultery;
- release from prison human rights defenders, activists, and journalists, including Muhammad Ali Dadkhah and Adolfattah Soltani, who have been targeted for reporting on human rights and religious freedom abuses and defending victims; and
- halt state-sponsored anti-Semitism and Holocaust denial, and cease all messages of hatred and intolerance, particularly toward Jews and Baha’is, in the government-controlled media and remove the government-appointed editor of *Kayhan*, Hossein Shariatmadari.

## II. U.S. GOVERNMENT ACTIVITIES RELATED TO HUMAN RIGHTS AND RELIGIOUS FREEDOM

The U.S. government should:

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

## III. IMPOSING TARGETED SANCTIONS FOR HUMAN RIGHTS AND RELIGIOUS FREEDOM VIOLATIONS

The U.S. government should:

- continue to identify Iranian government agencies and officials responsible for particularly severe violations of religious freedom, including but not limited to:
  - Supreme Leader Ayatollah Ali Khamenei;
  - President Mahmoud Ahmadinejad;
  - Sadegh Ardeshir Larijani, Head of the Judiciary;
  - Ayatollah Ahmad Jannati, Chair, Guardian Council;
  - Ayatollah Muhammad Taqi Mesbah Yazdi, Assembly of Experts;
  - Hossein Shariatmadari, Managing Editor, Kayhan;
  - Mohammad Moghiseh, Presiding Judge of Branch 28 of the Islamic Revolutionary Courts;
  - Abbas Pir-Abbassi, Presiding Judge of Branch 26 of the Islamic Revolutionary Courts; and
  - Abolghassem Salavati, Presiding Judge of Branch 15 of the Islamic Revolutionary Courts; and
- continue to bar from entry into the United States and freeze the assets of Iranian government officials identified as having engaged in particularly severe religious freedom violations, including but not limited to those listed above, and, where appropriate, their immediate family members.



#### IV. PROVIDING THE OPPORTUNITY FOR RELIGIOUS MINORITIES TO SEEK ASYLUM

The U.S. Congress should:

- reauthorize and make permanent the Lautenberg Amendment, which aids persecuted Iranian religious minorities and others seeking refugee status in the United States by establishing a presumption of eligibility and allowing fast-track processing to prevent backlogs in the countries that host their processing.

#### V. PROMOTING FREEDOM OF RELIGION OR BELIEF AND RELATED HUMAN RIGHTS IN MULTILATERAL FORA

The U.S. government should:

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

# IRAQ



## **USCIRF STATUS:**

**Tier 1 Country of Particular Concern**

## **BOTTOM LINE:**

Despite the government's efforts to improve security, religiously-motivated violence by extremist groups continues with impunity, with Shi'i Muslims experiencing the worst attacks in the past year. In recent years, such violence has forced large percentages of the country's smallest religious minority communities, including Christians, Mandaeans, and Yezidis, to flee the country, and those who remain live in fear of further violence and face discrimination, marginalization, and neglect.

## **EXECUTIVE SUMMARY**

**FINDINGS:** Over the last several years the Iraqi government has made efforts to increase security for religious sites and worshippers, provide a stronger voice for Iraq's smallest minorities in parliament, and revise secondary school textbooks to portray minorities in a more positive light. Nevertheless, the government of Iraq continues to tolerate systematic, ongoing, and egregious religious freedom violations, including violent religiously-motivated attacks. Violence against Iraqi civilians continued in 2012 at approximately the same level as in 2011. In addition, the government took actions that increased, rather than reduced, Sunni-Shi'i and Arab-Kurdish tensions, threatening the country's already fragile stability and further exacerbating the poor religious freedom environment.

Based on these concerns, USCIRF again recommends in 2013 that Iraq be designated as a "country of particular concern," or CPC. USCIRF has recommended CPC status for Iraq since 2008, and placed Iraq on its Watch List in 2007.

Shi'i Muslims experienced the worst attacks of any religious community during the reporting period, including against pilgrims participating in celebrations on or around important religious holidays. The government has proven unable to stop religiously-motivated attacks from occurring and lacks the will or capacity to investigate attacks and bring perpetrators to justice. This has created a climate of impunity, which in turn exacerbates a perpetual sense of fear for all religious communities, particularly the smallest ones. Large percentages of the country's smallest religious minorities—which include Chaldo-Assyrian and other Christians, Sabeen Mandaeans, and Yezidis—have fled the country in recent years, threatening these communities' continued existence in Iraq. The diminished numbers that remain face official discrimination, marginalization, and neglect, particularly in areas of northern Iraq over which the Iraqi government and the Kurdistan Regional Government (KRG) dispute control. Religious freedom abuses continue towards women and individuals who do not conform to strict interpretations of religious norms or attacks on businesses viewed as "un-Islamic". However, in a positive development, the Iraqi parliament shelved a problematic draft Information Crimes law that would have restricted the freedoms of religion and expression. Additionally the KRG parliament rejected a draft law to "protect sanctities," which, if adopted, would violate these same freedoms. However, there are reports that KRG officials may still pursue legal action against the media for offending religion, Kurdish history, or national symbols.

**PRIORITY RECOMMENDATIONS:** For Iraq to become a secure, diverse, and stable democracy, the United States must do more to help ensure that the human rights of all Iraqis are guaranteed and enforced in law and practice. The United States government should urge, and where appropriate assist, the Iraqi government in its efforts to provide security to protect likely targets of sectarian or religiously-motivated violence and to investigate and prosecute perpetrators. The United States also should prioritize human rights issues in its relationship with both the Iraqi central government and the KRG. In addition, the U.S. police development program should emphasize outreach to minority communities. Other U.S. programs in Iraq should focus on promoting religious freedom and tolerance, fostering human rights compliance and the rule of law, improving ethnic and religious minorities' ability to organize themselves and convey their concerns to their government effectively, and prioritizing development assistance for areas where marginalized communities are concentrated. Additional recommendations for U.S. policy toward Iraq can be found at the end of this chapter.

**RELIGIOUS FREEDOM CONDITIONS**

**CONSTITUTIONAL AND LEGAL FRAMEWORK**

The 2005 Iraqi constitution makes Islam the official religion of the state and guarantees “the Islamic identity of the majority of the Iraqi people.” The constitution also guarantees “the full religious rights of all individuals to freedom of religious belief and practice, such as Christians, Yezidis, and Sabean Mandaeans.” It further provides that all Iraqis are equal before the law without discrimination based on religion, creed, belief, or opinion, among other grounds, and guarantees to every individual the freedom of thought, conscience, and belief.

The constitution provides that Islam is “a fundamental source of legislation” and that no law can contradict “the established principles of Islam,” the principles of democracy, or the rights and freedoms protected in the constitution. The Federal Supreme Court has jurisdiction to interpret the constitution and assess the constitutionality of laws and regulations. However, the principles of Islam referred to in the constitution are not defined, creating ambiguity and tension between international human rights standards and the religious views of Iraqi officials, judges and legislators.

While the Iraqi Penal Code does not prohibit or penalize apostasy, other laws and policies restrict the freedom to change religion. Iraqi officials, citing regulations preventing Muslims from converting to another religion, have refused to allow Baha’is to change their religious affiliation on their identity documents from “Muslim.” The 1972 Law of Civil Affairs explicitly allows non-Muslims to convert to Islam, but makes conversion of minor children automatic if one parent converts to Islam, even if the other parent objects. In 2008 the Iraqi Court of Cassation refused to allow a child in this situation to reflect his religion of birth on his identity card after reaching adulthood.

Other laws and policies contradict the constitutional provisions guaranteeing equality and religious freedom, but have not been invalidated or repealed. For example, the constitution grants Iraqis freedom “in their commitment to their personal status according to their religions, sects, beliefs, or choices,” but implementing legislation has not yet been passed. As a result, courts continue to apply the 1959 Personal Status Law to all Iraqis, except specified non-Muslims.

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OTHER LAWS AND POLICIES  
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The Baha’i faith remains banned under a 1970 law. A 2006 law prohibits Jews who emigrated from regaining Iraqi citizenship, despite a constitutional provision that prohibits the rescinding of citizenship obtained by birth and guarantees persons whose citizenship has been rescinded the right to demand reinstatement. A 2001 resolution prohibits the practice of the Wahhabi branch of Islam. While no court challenges have been brought to have the laws invalidated, the Iraqi parliament has also not proposed legislation to repeal them.

**HEIGHTENED SECTARIAN AND ETHNIC TENSIONS**

Longstanding, unresolved Sunni-Shi’i and Arab-Kurdish tensions have escalated over the past several years, threatening Iraq’s already fragile stability. According to nationwide polling conducted in Iraq in October 2011, 75% of Sunnis feel that their sect is treated unfairly by the government and 60% feel their sect is treated unfairly by society. There continue to be reports of torture and other abuses, some allegedly along sectarian lines, in detention facilities, including secret prisons run by the Prime Minister’s special counterterrorism forces. Tensions have increased further, due to the Shi’i-led government’s slow

pace of integrating Sunni Sons of Iraq members into the security forces or government jobs, its attempts to bar Sunnis from participating in the political process for alleged Baathist ties, and its actions against leading Sunni officials.

Prime Minister al-Maliki continues to defy the November 2010 power-sharing agreement that finally allowed a government to be formed after the March 2010 elections, and he has taken no steps to create the national strategic policies council that was supposed to be led by his main rival, former Prime Minister Ayad Allawi of the Iraqiya bloc. (Iraqiya is a cross-sectarian bloc supported by many Sunnis, which won two more parliamentary seats than al-Maliki's bloc in the 2010 election.) Efforts by his political opponents to unseat him have been unsuccessful, and the Prime Minister still controls the Defense and Interior Ministries.

In the fall of 2011, the government arrested hundreds of individuals, including many prominent Sunnis, for alleged Baathism. In December 2011, just after the last U.S. troops left the country, the Prime Minister announced an arrest warrant for the Sunni Vice President, Tariq al-Hashimi, of the Iraqiya bloc, for alleged terrorism and members of al-Hashimi's staff and bodyguards were also arrested. Al-Hashimi, who denied the charges and called them politically motivated, left Baghdad for the KRG region and then Turkey, where he remains. By late 2012, he had been convicted in absentia and sentenced to several death sentences, sparking Sunni-led protests. In December 2012, the government arrested 10 bodyguards assigned to Iraq's finance minister, Rafia al-Issawi, one of the most senior Sunni officials, sparking further protests. The timing of these arrests, just after Iraqi President Jalal Talabani suffered a stroke and went abroad for medical treatment, concerned many observers, as Talabani, a Kurd, had played a mediating role in past political crises.

Major protests against the al-Maliki government began in late 2012, mostly in Sunni governorates, and continued through the end of the reporting period. For example, in December in the northern city of Mosul, around 3,000 demonstrators took to the streets to denounce what they called the sidelining of Sunnis in Iraq and to demand the release of Sunni prisoners, with demonstrators chanting the Arab Spring slogan: "The people want the

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MAJOR PROTESTS AGAINST THE AL-MALIKI GOVERNMENT  
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downfall of the regime." In January 2013, approximately 7,000 Sunnis and Kurds blocked major highways leading to Baghdad and in a coordinated effort, Sunni and Kurdish governmental ministers

boycotted a cabinet meeting to demand that al-Maliki stop arresting political rivals and marginalizing Sunni and Kurdish representatives. During a protest in Mosul on January 20, a man set himself on fire. On January 25 in Fallujah, four protesters and two Iraqi soldiers were killed when violence broke out after central government troops arrested three protesters. The Iraqi government freed several hundred prisoners in January in an attempt to satisfy the protesters, but demonstrations continued.

In addition, the al-Maliki government and Kurdish authorities remain at an impasse over the control of northern areas, including Kirkuk, and other issues of power and revenue-sharing. In mid-2012, Prime Minister al-Maliki created a new Iraqi military command for disputed areas, which Kurdish authorities saw as a provocation. Both sides sent troops to the disputed areas, and in mid-November the resulting standoff flared up into an armed clash between Iraqi and Kurdish security forces in the disputed town of Tuz Khurmatu.

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## **VIOLENT ATTACKS AGAINST SHI'I MUSLIMS**

Sectarian discontent and tensions continue to fuel violence by militants and extremist groups. Shi'i Muslims and Shi'i pilgrims on or around religious holidays have been especially vulnerable to violent attacks during the 2012-2013 reporting period. Although the Iraqi government has increased security and reportedly prevented several bombings, in the vast majority of attacks, perpetrators, generally suicide bombers, continue to strike processions and their co-conspirators are rarely identified, prosecuted, or punished.

As in past years, the Iraqi government provided heavy security on pilgrimage routes and at Shi'i holy sites, particularly for important holidays. In November 2012, the day of Ashura, a major Shi'i holiday, occurred without any significant attacks, unlike in previous years. However, later the same week major attacks targeted Shi'i mosques in Baghdad and Shi'i pilgrims and shrines in southern Iraq, killing more than 40 and injuring many others. In addition, Shi'i worshippers were targeted on other holidays, often in multiple attacks. For example, on June 13, 2012, a series of bombings targeting security forces and pilgrims marking the death of Imam Mosa al-Kadhumi, occurred in Baghdad, Mosul, Kirkuk, and Ramadi, killing at least 78 and injuring some 300 people. And as in previous years, attacks occurred in October 2012 against Shi'i populations on Eid al-Adha, including several bombings in Shi'i dominated neighborhoods in Baghdad that killed 14 and wounded 52; an attack on a bus carrying Shi'i pilgrims near Taji that killed 5; and bombings of shops in Mosul belonging to the Shabak sect that killed 5 and wounded 7. In January 2013, there were also a number of attacks against Shi'i Muslims. A bomb was detonated inside a Shi'i mosque in Tuz Khurmatu, with a reported 22 killed and upwards of 90 injured. A suicide bomber killed at least 27 Shi'i Muslims and injured at least 60 others in the town of Mussayab, where the bomber drove into a bus station where Shi'i pilgrims were returning from Karbala after making an annual pilgrimage. Also, in separate incidents, four Shi'i Muslim pilgrims were reportedly killed after a bomb placed on their car detonated, and at least 8 other Shi'i Muslims were killed in Salahudin Province by two bombs.

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HOWEVER, LATER THE SAME WEEK MAJOR ATTACKS TARGETED SHI'I MOSQUES IN BAGHDAD AND SHI'I PILGRIMS AND SHRINES IN SOUTHERN IRAQ, KILLING MORE THAN 40 AND INJURING MANY OTHERS.

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In addition to the attacks on Shi'i Muslims on or around religious holidays, other attacks targeting Shi'a, including suicide bombings, have been reported. For example, in early February 2013 two car bombs exploded in Kadhimiya, Baghdad killing 16 and injuring an additional 44, a second car bomb killed 15 in Hilla, and a third car bomb exploded in Karbala, killing 3. The organizers of such attacks are rarely identified, prosecuted or punished.

## **VIOLENT ATTACKS AGAINST THE SMALLEST RELIGIOUS MINORITIES**

In recent years many Iraqis, Muslim and non-Muslim alike, have been victimized by religiously-motivated violence, but those from the country's smallest, non-Muslim religious minorities have been particularly vulnerable. They lack militia or tribal structures to defend themselves against attacks, and they have not received adequate official protection or justice.

For these reasons half or more of the pre-2003 Iraqi Christian community is believed to have left the country. In 2003, there were thought to be 800,000 to 1.4 million Chaldean Catholics, Assyrian Orthodox, Assyrian Church of the East members, Syriac Catholics and Orthodox, Armenian Catholics and Orthodox, Protestants, and Evangelicals in Iraq. Today, community leaders estimate the number of Christians to be around 500,000. Other communities also have experienced declines. The Sabean Mandaeans report that almost 90 percent of their small community either has fled Iraq or been killed, leaving some 3,500 to 5,000 Mandaeans in the country, as compared to 50,000 to 60,000 in 2003. The

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Yezidi community reportedly now numbers approximately 500,000, down from about 700,000 in 2005. The Baha'i faith, which is estimated to have only 2,000 adherents in Iraq, remains banned under a 1970 law, and the country's ancient and once large Jewish community is largely extinct in Iraq. These diminished communities face a pattern of official discrimination, marginalization, and neglect, particularly in areas in northern Iraq over which the Iraqi government and the KRG dispute control.

There were no large-scale violent attacks causing death or injuries against the smallest religious minority communities in the 2012-2013 reporting period. The Chaldean Catholic Sacred Heart Cathedral of

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NEVERTHELESS, THE  
SEPTEMBER 2012  
EXPLOSION NEAR  
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Kirkuk was struck by a bomb set outside its walls on September 16, 2012, which caused only property damage. It is unclear whether the bombing was aimed at the Cathedral or an Iraqi security forces checkpoint nearby. Nevertheless, the September 2012 explosion near the Cathedral and previous attacks on churches, including three in 2011, have created an ongoing generalized sense of fear.

The Iraqi government made little progress in investigating and prosecuting perpetrators of religiously-motivated attacks aimed at Muslims or small minority communities. One exception is the high-profile case of the October 2010 hostage siege at Our Lady of Perpetual Help Syriac Catholic church in Baghdad, in which more than 50 people were killed and more than 60 injured. In August 2011, a Baghdad court convicted and sentenced three individuals to death, and one to 20 years' imprisonment, for masterminding and preparing the attack. The three were executed in February 2012, according to press reports. In the wake of that attack, which was the worst on Christians in Iraq since 2003, senior Iraqi government officials, including Prime Minister al-Maliki,

President Talabani, and KRG President Massoud Barzani, issued public condemnations, as did two important Shi'i leaders. The government also increased security at churches and in Christian neighborhoods and said that it would provide compensation to the families of those killed and injured and financial assistance to repair the church.

Christian, Mandaean, and Yezidi organizations also continued to report individual cases of violence against community members during the reporting period. In August 2012, nine Yezidis were killed in separate gun and bomb attacks in Nineveh governorate. In September, five Yezidis were stopped by unidentified men, and two were killed, while driving from Sheberqasim Temple in Karsi village to Sinjar city. In October 2012, Kurdish security forces arrested a Yezidi leader, Khoudeida Ibrahim Fendi, and detained him for about a week; community members say he was arrested because of his advocacy for Yezidi rights. USCIRF also received reports during the course of 2012 of two Yezidis, four Mandaeans, and two Christians being kidnapped; two Christians and one Mandaean being killed; and three Mandaean families being threatened and injured. In May 2012, the NGO Open Doors reported that 20 Christian families in Mosul received anonymous threatening letters urging them to leave Iraq immediately. In January 2013, Shdha Elias, a Chaldean school teacher, was found with her throat slit by Mosul police.

### **ISSUES FOR MINORITIES IN DISPUTED AREAS**

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

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Religious and ethnic minorities in these areas, including non-Muslims and ethnic Shabak and Turkomen, have accused Kurdish forces and officials of engaging in systematic abuses and discrimination against them to further Kurdish territorial claims. These accusations include reports of Kurdish officials interfering with minorities' voting rights; encroaching on, seizing, and refusing to return minority land; conditioning the provision of services and assistance to minority communities on support for Kurdish

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THESE ACCUSATIONS  
INCLUDE REPORTS OF  
KURDISH OFFICIALS  
INTERFERING WITH  
MINORITIES' VOTING  
RIGHTS...

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expansion; forcing minorities to identify themselves as either Arabs or Kurds; and impeding the formation of local minority police forces. The minorities also accuse both Arab and Kurdish officials of ignoring these vulnerable communities as they focus on their fight for territorial control.

To address their lack of security and political and economic marginalization, some Iraqi minority groups, both inside and outside Iraq, have been seeking an autonomous area for Christians, and some say for other minorities as well, in the Nineveh Plains area. They argue that this would give effect to Article 125 of the Iraqi Constitution, which "guarantee[s] the administrative, political, cultural and educational rights of the various nationalities, such as Turkomen, Chaldeans, Assyrians, and all other constituents," and provides that this "shall be regulated by" a future law. However, the specifics of what such a law would entail, including the territory that such an area would cover, its religious and ethnic make-up, how it would be secured, what governance and economic powers it would have, and how it would relate to the KRG and the central government remain disputed, even among those who say they favor autonomy. Other leaders from minority religious communities disagree with this approach, concerned that it would make minorities a more concentrated target for violence. Members of the smallest minorities also have urged reforms to provisions in Article 2 of the Iraqi Constitution that gives Islam a preferred status, arguing that this favoritism provides a potential justification for discrimination against non-Muslims. The Iraqi government apparently has made no serious efforts to address these proposals.

### **POSITIVE DEVELOPMENTS FOR THE SMALLEST MINORITIES**

In a positive development for the smallest minorities, the Iraqi parliament (Council of Representatives or COR) that was elected in 2010 has eight seats reserved for these groups: five for Christians and one each for Mandaean, Yezidi, and Shabak. In addition, six Yezidi candidates were elected to the COR on the Kurdistan Alliance list, bringing the total current number of religious minority parliamentarians to 14 (out of 325). A minorities caucus was also established for the first time in the COR; it includes the representatives of all the ethnic and religious minorities' political parties and is supported by a civil society alliance.

In 2012, the efforts of the minorities' caucus and alliance, with support from the U.S. Institute of Peace, saw progress on a more positive portrayal of minorities in the educational system and the improved delivery of basic services to neglected minority areas.

The minorities alliance reviewed intermediate (grades 5 to 9) material for four subjects (history, geography, civics, and Arabic language) to identify problems, recommended alternative language, and worked with the Ministry of Education to see those reforms implemented. Many of these recommendations were incorporated into new textbooks released in September 2012, and the ministry has said that more will be included in 2013 textbooks. As a result, instead of referring to Iraq's population as "Arabs, Kurds, and others," the educational materials now specifically discuss Iraqi Christians, Yezidis, Shabak, and Mandaean as part of Iraqi history and society.

In addition, members of the minorities' alliance worked with other Iraqi parliamentarians first to change federal budget procedures to require that provincial governments distribute construction and development



funds on the basis of population, rather than leaving the allocation entirely to the provincial government's discretion. This will help ensure minority communities receive annual development funds. The alliance next worked with provincial, local, and civil society leaders in Nineveh to successfully allocate money from the 2012 regional development budget towards projects their communities had identified as priorities—specifically, the construction of five health facilities and a water project—in under-served minority districts and sub-districts. Construction on one of the health facilities, in Bartilla, has already begun.

### **OTHER ISSUES**

As in past years, there were attacks on allegedly “un-Islamic” minority businesses in 2012 and reports of the Iraqi government seeking to impose, or tolerating the private imposition of, conservative Islamic religious norms on non-consenting individuals. For example, in September 2012, Iraqi security forces raided a number of private businesses that served alcohol in Baghdad, beating customers and staff and damaging property.

In the past year, human rights groups continued to express concern about violence against women and girls, including domestic violence and honor killings, throughout Iraq, including in the KRG region, as well as about pressure on women and secular Iraqis to comply with conservative Islamic norms, particularly relating to dress and public behavior. For example, there were reports of increasing public pressure from religious leaders on women to cover their hair, particularly in neighborhoods near religious shrines. Although extra-legal, these dress norms reportedly were sometimes enforced by Iraqi security forces, as well as by private, self-appointed “morality police” that the Iraqi government did nothing to stop.

### **PROPOSED LAWS**

In 2012, the central government and the KRG considered draft laws that, due to their broad and vague language, could be applied in ways that violate both freedom of religion or belief and freedom of expression. In a positive development, the proposed federal Information Crimes Law was shelved in January 2013 after Iraqi civil society groups raised serious concerns. It would have imposed life imprisonment or large fines on anyone found guilty of “inflaming sectarian violence or strife,” “encroach[ing] on any religious, moral, family, or social values or principles,” or “creat[ing], administer[ing], or help[ing] to create...any programs, information, photographs, or films that infringe on probity or public morals or advocate or propagate such things.”

In June 2012, the Kurdish regional Committee for Religious Endowments proposed a draft “Law to Protect Sanctities.” This proposal would make offending God or prophets, or deliberately damaging holy books or religious buildings, punishable by up to 10 years in prison. In addition, any media organization found guilty of publishing or broadcasting blasphemous content would be subject to being shut down for at least six months. However, in September, the Kurdish Parliament’s Legal, Human Rights and Civil Affairs Committees rejected the draft law, noting that it would contravene the human rights principles, the Iraqi constitution and the 2007 Press Law. Nevertheless, according to a report by the NGO Human Rights Watch, officials of the Justice Ministry and Ministry of Religious Endowments have instructed subordinate officials to monitor and report on any media publication that

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IN JUNE 2012, THE KURDISH REGIONAL COMMITTEE FOR RELIGIOUS ENDOWMENTS PROPOSED A DRAFT “LAW TO PROTECT SANCTITIES.” THIS PROPOSAL WOULD MAKE OFFENDING GOD OR PROPHETS, OR DELIBERATELY DAMAGING HOLY BOOKS OR RELIGIOUS BUILDINGS, PUNISHABLE BY UP TO 10 YEARS IN PRISON.

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“disrespects religion, Kurdish history, or national symbols,” so that “the public prosecution can take legal action against the source of the publication.” Human Rights Watch reported it was unable to ascertain if any arrests occurred because of this directive.

### U.S. POLICY

The reporting period covered most of Iraq’s first year without a U.S. military presence since 2003. Pursuant to the 2008 Status of Forces Agreement between Iraq and the United States, the last remaining U.S. troops departed from Iraq in December 2011. Since 2008, U.S.-Iraqi bilateral relations have been governed by a “Strategic Framework Agreement,” which emphasizes cooperation in specified areas such as political and diplomatic, defense and security, cultural, and law enforcement and judicial. The Obama administration’s stated goal for this bilateral relationship is to help Iraq become “secure, stable and self reliant; with a government that is just, representative, and accountable; that denies support and safe haven to terrorists; is able to assume its rightful place in the community of nations; and contributes to the peace and security of the region.” A major underlying concern for the United States is countering Iran’s influence in Iraq.

The United States’ diplomatic mission in Iraq is its largest and most costly in the world, employing around 16,000 civilians as of mid-2012, mostly contractors, in multiple locations including the embassy in Baghdad, consulates in Erbil, Kirkuk, and Basra, and several offices of security cooperation and police training sites. However, the State Department has concluded that this is larger than necessary and plans to downsize the staffing by 25 percent by the end of 2013. In addition to the Department of State and the U.S. Agency for International Development (USAID), the federal agencies involved in implementing the U.S.-Iraqi partnership under the Strategic Framework Agreement include the Departments of Justice, Homeland Security, Commerce, Treasury, Transportation, and Agriculture; the Department of Defense also continues to staff the office of security cooperation, which works with the Iraqi military.

A police development program was meant to be a major component of the continuing U.S. civilian efforts in Iraq. However, due to security concerns and the Iraqi government’s lack of interest in the program, in 2012 it was scaled back to only 36 advisors, from a planned 350. Other U.S.-funded programs in Iraq seek to promote Iraqi political reconciliation and peaceful dispute resolution, strengthen parliamentarians’ ability to represent their constituents, increase the effectiveness of electoral institutions, improve service delivery, improve the primary education system, assist local governing bodies, promote Iraqi economic growth and private-sector development, and fight corruption.

Over the past several years, the U.S. government has increased its efforts to help address the problems facing Iraq’s ethnic and religious minorities. In 2008, the State Department designated officials in both Washington and Baghdad to coordinate its efforts on minority issues. In addition, according to the State Department, the U.S. government has spent more than \$70 million to support these communities as of the end of 2011. Nevertheless, some Iraqi minority communities have complained of not seeing any benefits, and in 2010, based on a USCIRF recommendation, members of Congress requested a Government Accountability Office (GAO) audit into the State Department and USAID’s administration of these funds. In July 2012, the GAO issued its report, which looked at three Congressional directives from 2008 and 2010 that State and USAID said they had met by providing US \$40 million to minorities. GAO concluded that the agencies had met two of the directives with US \$26.9 million in aid for essential services and humanitarian assistance, but that USAID could not demonstrate that it had met the other directive, as it was only able to link 26 percent of the assistance it said responded to that directive to the Nineveh Plain region and could not substantiate that those projects benefitted minorities.

## IRAQ

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The United States makes significant contributions to various international and non-governmental organizations assisting Iraqi refugees and IDPs, and is the largest recipient of both UNHCR referrals of Iraqis and resettled Iraqi refugees. In the past two years, however, resettlements of Iraqis dropped significantly after the U.S. government imposed new pre-travel security checks for refugees worldwide. In addition, in early 2012, the U.S. government stopped sending Department of Homeland Security officials to Syria to interview refugees for resettlement due to the deteriorating security situation in that country. According to news reports many Iraqis who fled to Syria at the height of the Iraqi conflict have either returned to Iraq or have joined Syrian refugees in neighboring countries, including Turkey, Jordan, and Lebanon.

### RECOMMENDATIONS

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

#### **I. ENSURING SECURITY, JUSTICE, HUMAN RIGHTS, AND LEGAL PROTECTION FOR ALL IRAQIS**

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

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

### **II. PRIORITIZING HUMAN RIGHTS, INCLUDING FREEDOM OF RELIGION OR BELIEF, IN THE U.S. RELATIONSHIP WITH THE IRAQI GOVERNMENT AND THE KRG**

The U.S. government should:

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

### **III. PROMOTING HUMAN RIGHTS, INCLUDING FREEDOM OF RELIGION OR BELIEF, THROUGH U.S. PROGRAMS**

The U.S. government should:

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

#### IV. ADDRESSING THE SITUATION OF INTERNALLY DISPLACED PERSONS AND REFUGEES

The U.S. government should:

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

# NIGERIA



## **USCIRF STATUS:**

**Tier 1 Country of Particular Concern**

## **BOTTOM LINE:**

Religious freedom declined, primarily due to attacks by Boko Haram and despite government attempts to protect churches. The government continued to fail to prosecute perpetrators of religiously-related violence that has killed more than 14,000 Nigerians, both Christian and Muslim.

## NIGERIA

### EXECUTIVE SUMMARY

**FINDINGS:** The government of Nigeria continues to tolerate systematic, ongoing, and egregious violations of religious freedom that lead to particularly severe violations affecting all Nigerians, both Christian and Muslim. For many years, the government has failed to bring those responsible for sectarian violence to justice, prevent and contain acts of such violence, or prevent reprisal attacks. As a result since 1999, more than 14,000 Nigerians have been killed in sectarian violence between Muslims and Christians. Boko Haram, a militant group that espouses an extreme and violent interpretation of Islam, benefits from this culture of impunity and lawlessness as it exploits Muslim-Christian tensions to destabilize Nigeria. Boko Haram also justifies its attacks on churches by citing, among other things, state and federal government actions against Muslims.

Based on these concerns, USCIRF again recommends in 2013 that Nigeria be designated as a “country of particular concern,” or CPC. USCIRF has recommended CPC status for Nigeria since 2009. Before that, Nigeria had been on USCIRF’s Watch List since 2002.

While there were fewer incidents of sectarian conflict during the reporting period, the government made no progress on prosecuting perpetrators. Despite thousands of deaths in religion-related violence, USCIRF is aware of no case being prosecuted during the past year, and only 170 individuals having ever been prosecuted for perpetrating such violence. While other causes factor into the violence in areas of conflict, religion is a significant catalyst and is often misused by politicians, religious leaders, or others for political gain. The Nigerian government’s failure to address chronic religion-related violence contrasts with its commitment to stop Boko Haram, which at times has resulted in the indiscriminate use of force against civilians and in human rights abuses. Other religious freedom concerns in Nigeria include the application of a strict interpretation of Shari’ah (Islamic law) in the criminal codes of several northern Nigerian states and discrimination against local minority communities of Christians and Muslims.

**PRIORITY RECOMMENDATIONS:** Nigeria’s young democracy is being tested by the religious nature of the repeated sectarian violence, the attacks and threats against Christians by Boko Haram, and the subsequent rise in religiously-charged rhetoric. These dynamics strain Christian-Muslim relations, in a country where religion and religious identity are intertwined in ethnic, political, economic, and social issues. By designating Nigeria as a CPC, the United States can encourage the Nigerian government to end the culture of impunity and address religious freedom violations by bringing perpetrators of sectarian violence to justice, resolving jurisdictional disputes between federal and state officials that thwart prosecutions, and training police on how to conduct professional investigations and practice community policing. These issues should also be made an essential part of bilateral relations, including as a component of the U.S.-Nigeria Bi-National Commission. The U.S. government should also urge the Nigerian government to increase support and protection for Muslim and northern leaders who endanger themselves by speaking out against Boko Haram. Additional recommendations for U.S. policy toward Nigeria can be found at the end of this chapter.

# NIGERIA

## RELIGIOUS FREEDOM CONDITIONS

### BACKGROUND

Nigeria's population of 150 million people is equally divided between Muslims and Christians. Northern Nigeria is predominately Muslim and southern Nigeria is predominately Christian, with religious minorities residing in both areas. In the middle of the country, or the "Middle Belt," there are more equal numbers of Muslims and Christians in each state.

In 1999, after a return to civilian rule, Nigeria ushered in its Fourth Republic founded on democracy, federalism, and a new constitution. The governing objectives of the Fourth Republic and 1999 constitution include recognizing Nigeria's ethnic diversity while maintaining a national character, reducing the possibility of future coups, and limiting the ability of a centrally-led dictatorship to form. The Nigerian constitution provides for freedom of religion or belief and prohibits a state religion, and the Nigerian government does not actively perpetrate religious freedom violations. However, several constitutional provisions negatively impact the full protection of religious freedom, such as provisions that bestow privileges based on ethnicity and promote individual states rights. These provisions, while intended to address Nigeria's diversity and history of coups, actually fuel sectarian violence, impede rule of law, and, in the process, help create a culture of impunity.

NIGERIA'S  
POPULATION OF  
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The constitution, in an effort to create balance between different ethnic groups in government positions, established in Article 147 a legal distinction between "indigenes" and "settlers." Indigenes are persons whose ethnic group is considered native to a particular area, while settlers are those who have ethnic roots in another part of the country. State and local governments issue certifications granting indigeneship, which bestow many benefits and privileges, such as political positions, access to government employment, and lower school fees. The settler designation can be made even if a particular group may have lived in an area for generations. Indigene and settler identities fall not only along ethnic lines, but frequently along religious lines leading to ethno-religious fights to control state and local governments and hence determine who is and is not considered an indigene.

... THE NIGERIAN GOVERNMENT DOES NOT ACTIVELY  
PERPETRATE RELIGIOUS FREEDOM VIOLATIONS.

The constitution's provisions on federalism create jurisdictional conflicts between federal and state entities, which have negatively impacted religious freedom by creating a confused rule of law system. The system impedes successful prosecutions as federal and state attorneys often fight over jurisdictional questions regarding the prosecution of cases. The frequent result is no prosecutions. Additionally, to prevent and address Nigeria's history of coups by security forces, the police force is a federal entity. Officers are routinely rotated to new locations (and never in their home areas). This hinders the ability of police to gain the trust of local populations, which is needed for successful investigations. The process also leads to slow police responses to outbreaks of sectarian violence, as federal approval is necessary for a full deployment of troops to conflict areas. Finally, Muslims and Christians in the north disagree whether the application of Shari'ah into criminal matters is permitted under federalism or violates the constitution's prohibition of a national religion. These disagreements led to large outbreaks of Muslim-Christian violence when Shari'ah was first expanded in the north more than a dozen years ago.



## RECURRENT SECTARIAN VIOLENCE

### **Impunity for Sectarian Violence**

Since 1999, sectarian and inter-communal violence in Nigeria has resulted in more than 14,000 deaths and hundreds of thousands displaced, with numerous churches, mosques, businesses, vehicles, private homes, and other structures destroyed. Religion and religious identity are intertwined in Nigeria's ethnic, political, economic, and social controversies. In this context, religious identity has been misused by

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SINCE 1999, SECTARIAN AND INTER-COMMUNAL VIOLENCE IN NIGERIA HAS RESULTED IN MORE THAN 14,000 DEATHS AND HUNDREDS OF THOUSANDS DISPLACED...

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politicians, religious leaders, or others to rouse their constituencies for political gain or other purposes, which deepen cleavages in society and increase the likelihood of continued violence.

The Nigerian government, at the state and federal levels, has proven unable or unwilling to address the violence and its underlying causes. The State Department's most recent international religious freedom report found that the government "did not act swiftly or effectively" to stop communal violence or to bring to justice individuals who perpetrated violence. It went on to note that, "Federal, state, and local authorities have not effectively addressed underlying political, ethnic, and religious grievances leading to violence. A climate of impunity exists, as authorities rarely prosecute and punish those responsible for violent attacks." These views were shared by the UN Special Rapporteur on freedom of religion or belief in 2005, during a country visit.

Almost universally, individuals identified as perpetrators have not been prosecuted, and there were no known prosecutions for sectarian violence in 2012. In more than a decade, and out of 14,000 sectarian deaths, fewer than 200 individuals are confirmed by USCIRF to have been prosecuted for their involvement in sectarian violence. In 2011, the Minister of Justice told USCIRF that he expected a number of prosecutions, and said that his Director of Public Prosecutions would provide USCIRF with statistics of prosecutions and convictions that have occurred that year. Unfortunately, by the end of the reporting period the Ministry of Justice had not provided this information to either the U.S. Embassy in Abuja or to USCIRF. During a USCIRF meeting with Plateau State Governor Jonah Jang and the Plateau State Attorney General, in October 2011, the Attorney General indicated he believed some prosecutions were moving forward. In 2012, a number of prosecutions moved forward in both Kaduna and Plateau states, including some convictions.

This dearth of prosecutions is despite the fact that video and photographic evidence of sectarian conflicts identifying perpetrators can be found on the internet. While police and judicial mechanisms have been underutilized in curbing sectarian violence, the government has repeatedly called upon Nigerian federal police and military to intervene, and they have been repeatedly accused of using excessive force, including extrajudicial killings.

Since USCIRF first recommended that Nigeria be designated a CPC in 2009 for its toleration of severe religious freedom violations and the failure to prosecute perpetrators of sectarian and communal violence, the federal government has prosecuted only a handful of cases, all against Fulani Muslims. These cases concerned 41 individuals convicted for terrorism and 123 individuals convicted for illegal possession of a weapon during their involvement in communal violence in Plateau State in March 2010 where 500 persons were killed (see below). USCIRF is not aware of any other successful prosecutions for violence perpetrated during this or other attacks.

A climate of impunity exists due to the lack of effective law enforcement and failure to impose penalties for religious violence. Since there are no consequences for violence, large-scale incidents regularly

## NIGERIA

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trigger ricochet riots in other areas for retaliation. Such incidents include, but are not limited to, the following: clashes in February 2009 in Bauchi State in retaliation for the destruction of two mosques in Jos in March 2008, killing between 11 and 20, displacing 1,500 and destroying churches, parsonages and one mosque; attacks in April 2009 on a procession of Christians who were celebrating Easter in two separate towns; riots in January 2010 in Plateau State, after Christians attacked a Muslim trying to build a home in a Christian area, which left an estimated 150 persons dead and 3,000 displaced; in March 2010 Muslim Fulani herdsmen attacked Christian villages in Jos South, killing at least 500 persons including women, children, and babies, and displacing an estimated 800 persons; January 2011 violence in Bauchi state over the burning of a Christian man's billiards table that left at least 20 dead and mosques and Muslim homes burned; April 2011 post-election violence and August 2011 violence in Jos after Christian youths attempted to prevent a Muslim Izala from using prayer grounds during the Muslim holiday of Eid al-Fitr, which killed between 40 and 100 Christians and Muslims. To date, there have been no confirmed prosecutions of perpetrators of any of the above violence.

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SINCE THERE ARE NO CONSEQUENCES FOR VIOLENCE, LARGE-SCALE INCIDENTS REGULARLY TRIGGER RICOCHET RIOTS IN OTHER AREAS FOR RETALIATION.

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Federal-state jurisdictional disputes and a lack of political will continue to pose a challenge to successful prosecutions. In order for state attorneys general to pursue prosecutions, Nigeria's federal police must cooperate with state-level criminal justice partners to conduct investigations to develop a case. If this occurs and a case is developed, the state attorneys general must then have the political will to prosecute the cases. Thus far, neither side has shown the will to fully and professionally investigate perpetrators of sectarian violence or prosecute those arrested.

In response to religion-related violence, federal and state officials have formed commissions of inquiry to review the causes of the violence and make recommendations to prevent further violence. More than a dozen such commissions have been formed since 1999, and they often make the same recommendations to federal and state officials. These recommendations include: arresting and prosecuting perpetrators; better training of police forces to respond to violence; improving and increasing inter-faith dialogues; repealing "indigeneship" provisions in the constitution, which grant preferences to ethnic groups considered native to an area; ending discrimination based on religion in the building of houses of worship; monitoring religious institutions for religious hate speech and incitement to violence and removing outdoor speakers from religious institutions where such sentiments are aired; and improving early warning systems and procedures. However, these recommendations are rarely implemented, and these commissions often fault the government for failing to implement the recommendations put forth by previous such commissions.

On a positive note, in Jos since 2010, a special security joint task force comprised of the army, police, and other security services has been present in large numbers in the city and its environs, which has helped prevent large-scale outbreaks by quickly responding to violence.

### **Sectarian Violence in 2012**

Sectarian violence continued in 2012, although not at the levels of previous reporting periods. There were three reported instances of sectarian violence in this reporting period. On January 10, in Potiskum, eight people were killed when gunmen opened fire in a bar, in reprisal for an assault on a mosque and Islamic school in Benin in which five were killed and six injured. Three were arrested in this incident, but there are no reports of prosecutions. On November 18, Christians set up an illegal checkpoint on a road near their church during services to prevent attacks. A Muslim who tried to go through the checkpoint was killed. Muslims retaliated and riots ensued, houses and shops were torched, and 10 were killed, including

## NIGERIA

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both Muslims and Christians. There were no known arrests or prosecutions. In Bichi town on November 22, a Christian allegedly blasphemed the Prophet Muhammad, leading to riots by hundreds of Muslim youths, in which Christian shops and places of worship were looted and burnt and four Christians died. Police and soldiers sent in to restore calm arrested 10 with no prosecutions to date.

In 2012, there were numerous reported incidents of Fulani in the middle of the night attacking Christian villages in Plateau and Kaduna states, killing and wounding hundreds. The most serious recent incident occurred on July 7, when armed Muslim Fulani killed at least 25 Christians in three villages in Jos South. Nineteen of the gunmen were killed in an exchange with the military Special Task Force. Mourners were then attacked the following day during a burial service, with at least 20 killed, including Federal Senator for Plateau State North Gyang Dalyp Datong and Majority Leader in the Plateau State House Assembly Gyang James Fulani.

### **ATTACKS BY BOKO HARAM**

Boko Haram (a Hausa-language name meaning as “western education is a sin”) is an Islamic sect that sees the federal and northern state governments, as well as political and religious elites, as morally corrupt. Boko Haram rejects the secular state and seeks the universal implementation of what it considers “pure” Shari’ah law to resolve the ills facing northern Nigerian Muslims. While Shari’ah is currently applied in the 12 northern Nigeria states, Boko Haram believes that it has been corrupted by politicians for their own gain. The group has also called on all Christians to leave northern Nigeria. Despite the extrajudicial killing of its former leader and the arrests of hundreds of followers in 2009, Boko Haram has grown and now operates throughout northern Nigeria. The group’s targets include police stations, government buildings, churches, Christians, schools, banks, politicians and Muslim critics. Tactics include drive-by shootings on motorcycles, the use of improvised explosive devices (IEDs), and suicide bombings.

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BOKO HARAM REJECTS THE SECULAR STATE AND SEEKS THE  
UNIVERSAL IMPLEMENTATION OF WHAT IT CONSIDERS “PURE”  
SHARI’AH LAW TO RESOLVE THE ILLS FACING NORTHERN  
NIGERIAN MUSLIMS.

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Boko Haram attacks on Christians exacerbate existing tensions from Nigeria’s history of sectarian violence and impunity. Boko Haram leader Abubakar Shekau has stated that the group’s attacks on Christians are in retaliation for Christians killing Muslims, specifically referencing the August 29, 2011 attack on a Muslim prayer service at the end of Ramadan. The Christian Association of Nigeria (CAN) has repeatedly warned that Christians would take the law into their own hands to avenge the Boko Haram attacks and what it believes is an inadequate government response. In an effort to further destabilize Nigeria, church attacks are predominately occurring in northern cities which have a history of sectarian violence, including Kaduna, Bauchi and Jos. Three Kaduna city bombings in 2012 did result in Christian reprisal attacks, which killed more than 100 people. In this reporting period, Boko Haram attacked more than 25 churches and church services, killing and injuring hundreds. It also assassinated individuals Christians and Muslims critical of the organization.

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In contrast to its response to sectarian violence, the Nigerian government in 2012 took a number of steps to prevent or end Boko Haram attacks in northern Nigeria. President Goodluck Jonathan declared a six-month state of emergency in Borno, Yobe, Niger, and Plateau states on December 31, 2011, allowing the Nigerian army to enter those states. However, rather than stop Boko Haram, the army's use of excessive force exacerbated the problem. Hundreds of Muslims were jailed without charge for being suspected Boko Haram members, with trial dates yet to be determined. The Nigerian government attempted three times in 2012 to enter into peace negotiations with the group, which failed when Boko Haram continued to undertake acts of violence. On November 25, the government announced hundreds of thousands of dollars of rewards for information leading to the capture of suspected Boko Haram leader and U.S.-designated terrorist Abubakar Shekau and other senior Boko Haram commanders.

Due to repeated Boko Haram attacks on churches, the Nigerian government has taken steps to try to protect churches, including stationing police and erecting barriers at church entry points. While this has not stopped all attackers, it has prevented a number of them from reaching their targets, thereby reducing the number of deaths and injuries.

For more information on Boko Haram, see the Religious Freedom Violations by Non-State Actors section of the annual report.

### **APPLICATION OF STRICT INTERPRETATIONS OF SHARI'AH**

Since 1999, all 12 Muslim-majority northern Nigerian states established, or announced plans to establish, their interpretation of Shari'ah law in their criminal codes. No new Shari'ah laws were established during the reporting period. Each of these 12 states has sought to extend the jurisdiction of Shari'ah courts beyond personal status matters to include Shari'ah crimes and punishments for Muslims alone. In the past, such punishments included amputation, flogging, or death by stoning. No such sentences were reported in 2012. Trials in Shari'ah courts in these states often fall short of basic international rule of law standards, and defendants have limited rights of appeal and sometimes have no opportunity to obtain legal representation. Women face discrimination under these provisions, especially in adultery cases where pregnancy alone has been used as adequate evidence of guilt. Allegations of rape and sexual violence rarely are investigated.

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

# NIGERIA

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## DISCRIMINATION

Christians in northern Nigerian states complain of what they view as discrimination at the hands of Muslim-controlled state governments and say they are treated as “second-class citizens.” Their allegations of official discrimination include denials of applications to build or repair places of worship, lack of access to education, failure to make provisions for the teaching of the Christian religion in public schools, failure to allow for Christian religious programs in state-run media, and lack of representation in government bodies and government employment.

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

## **U.S. POLICY**

The United States and Nigeria have a strong relationship, with Nigeria being important to U.S. foreign policy for energy, regional security, and counter terrorism. Nigeria is the most populous country in Africa, with a population evenly split between Christians and Muslims. Despite having had its first civilian transition of power in 2003, democratic institutions remain underdeveloped. A large Nigerian diaspora community resides in the United States and the two countries have significant trade relations. The United States is Nigeria’s largest trading partner and Nigeria is the fifth largest supplier of petroleum to the United States. Nigeria is also a regional leader. Its contribution to international peacekeeping missions has supported stability and peace in Africa and generally has been in concert with U.S. interests in promoting peace and stability on the continent.

Under the Obama administration, Nigeria is a frequent stop in Africa for senior U.S. government officials. Over the past few years, U.S. visits included Secretary of State Hillary Clinton, Deputy Secretary of State William J. Burns, Under Secretary of State for Democracy and Global Affairs Maria Otero, USAID Administrator Rajiv Shah, and Assistant Secretary of State for African Affairs Johnnie Carson, including trips by Under Secretary Otero (February 2012), Secretary Clinton (August 2012), and Administrator Shah (January 2013) in this reporting period.

In April 2010, the two countries established a U.S.-Nigeria Bi-National Commission. Its purpose, in the words of Secretary Clinton, is to help the two countries “work together on issues of common concern and shared responsibility” and to “support the aspirations of the Nigerian people for a peaceful, prosperous, stable, democratic future.” The Bi-National Commission has four working groups on: 1) good governance and transparency, focusing on elections, corruption, and strengthening Nigeria’s democratic institutions and civil society; 2) regional cooperation and collaboration on security, terrorism, and the Niger Delta; 3) energy reform and investment; and 4) food security and agricultural development. In June 2012, Deputy Secretary Burns and Nigerian Foreign Minister Olugbenga Ashiru led a two-day meeting of all four working groups of the Bi-National Commission. Government officials from the two nations discussed efforts to promote governance, development, and security as a means to tackle Boko Haram.

With the rise of Boko Haram as a serious threat to Nigerian stability and regional security in 2012, the U.S. government increased its efforts to support the Nigerian government’s fight against that organization. In meetings with Nigerian officials, including Secretary Clinton’s meeting with Nigerian President Goodluck Jonathan in August 2012, the U.S. government consistently has urged the Nigerian government to expand its strategy against Boko Haram from solely a military solution to addressing problems of economic and political marginalization in the north, arguing that Boko Haram’s motivations

## NIGERIA

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are not religious but socio-economic. Additionally, senior U.S. officials frequently warn in private bilateral meetings and in public speeches that Nigerian security forces' excessive use of force in response to Boko Haram is unacceptable and counterproductive. The United States in June 2012 offered to assist Nigeria in creating an intelligence collection center to help prevent Boko Haram attacks and identify members of the organization and continues to wait for the Nigerian government to develop an operations plan before starting such assistance. While the United States has resisted pressure to designate Boko Haram as a Foreign Terrorist Organization (FTO), on June 21 the State Department designated as terrorists Boko Haram leaders Abubakar Shekau, Abubakar Adam Kamar, and Khalid el Barnawi.

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...THE RISE OF BOKO HARAM AS A SERIOUS  
THREAT TO NIGERIAN STABILITY AND REGIONAL  
SECURITY...

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Issues of recurrent sectarian violence and the culture of impunity have not been addressed specifically in any of the four working groups.

While recognizing the problem of impunity, the U.S. government's position has been that the conflicts in Nigeria are not predominantly sectarian in nature but economic and social. This position is problematic, given Nigeria's religious, social, and political framework, the sectarian nature of the violence, and the rise of Boko Haram. This stance also is in stark contrast to the perspectives of a number of prominent Nigerian Christian leaders, who believe that Boko Haram has a significant sectarian dimension, and in particular, seeks to eradicate Christian communities in central and northern Nigeria. This chasm in perspective is a serious concern. If Nigeria's most prominent Christian leaders view the ongoing violence as sectarian, the faithful communities who follow their lead may also embrace this view, adversely affecting tolerance and respect across religions. Understanding this perspective, addressing religious tension, and recognizing the religious dynamics of the various political, social, and ethnic conflicts is important to engaging effectively with Nigeria.

Nigeria is the second largest recipient of U.S. foreign assistance in Africa, and the United States is the largest bilateral donor to Nigeria, with the State Department requesting \$599,450,000 for programs in fiscal year 2013, down from an estimated \$625,388,000 in fiscal year 2012. By far the greatest amount of assistance in recent years has been through the President's Emergency Plan for AIDS Relief (PEPFAR) and the President's Malaria Initiative (PMI). U.S. assistance also has focused on democratic governance, professionalization of the security services, economic and agricultural support and assistance, and improving health and education services. Nigeria is a participant in the Trans-Sahara Counterterrorism Partnership (TSCTP), a regional U.S. security partnership, and also receives other security assistance through Department of Defense funds. To date, U.S. support for Nigerian law enforcement has been limited due to human rights concerns and the Leahy Amendment.

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

Some of USCIRF's longstanding recommendations regarding Nigeria are being implemented, such as a revamped conflict and mitigation program that will engage religious leaders and utilize existing social, religious, and civil institutions to address and prevent communal conflict more effectively. USAID's new five-year TOLERANCE program is a \$4.5 million project with the IMC that will provide conflict

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mitigation and management assistance in northern and Middle Belt states in Nigeria. USAID noted USCIRF's long-standing recommendations on this issue and incorporated them into the design plan for the program. Additionally, the State Department's Office of International Religious Freedom funds inter-faith conflict mediation programs in the Middle Belt.

## RECOMMENDATIONS

The Nigerian government's toleration of criminal acts has created a permissive environment for continued sectarian violence, leading to a culture of impunity. In USCIRF's view, Nigeria has the capacity to address sectarian violence, and will only realize lasting progress, security, stability, and prosperity as a democracy if it does so. For these reasons, USCIRF recommends that the U.S. government designate Nigeria as a country of particular concern (CPC) for tolerating particularly severe violations of religious freedom, and press Nigeria to bring perpetrators of religiously-related violence to justice. Recognizing the sectarian element to the ongoing violence and the religious elements of Boko Haram violence would also better position the United States to engage with the Nigerian government at all levels and with key religious leaders, who view the violence in part through a sectarian lens. USCIRF is also concerned by the charged rhetoric used by religious leaders, which could lead to an escalation of violence and a more divided, sectarian Nigeria. While religion is one dimension of the problem, it is becoming increasingly central due to the continued misuse of religion as a tool to foster political, economic, or ethnic discord, which could increase sectarian hostility. Boko Haram attacks against Christians and continued Muslim-Christian violence threaten to strengthen religious identities and turn all violence in the North and Middle Belt of Nigeria into religious, not religion-related, conflicts.

### **I. CPC DESIGNATION AND NEXT STEPS**

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

- enter into a binding agreement with the Nigerian government, as defined in section 405(c) of the International Religious Freedom Act, which would set forth commitments the government would undertake to address policies leading to violations of religious freedom, including but not limited to the following:
  - vigorously investigating, prosecuting, and bringing to justice perpetrators of all past and future incidents of sectarian violence;
  - developing effective conflict-prevention and early-warning mechanisms at the local, state, and federal levels using practical and implementable criteria;
  - developing the capability to deploy specialized police and army units rapidly to prevent and combat sectarian violence in cities around the country where there has been a history of sectarian violence;
  - taking steps to professionalize its police and military forces in its investigative, community policing, crowd control, and conflict prevention capacities by conducting specialized training for its military and security forces on human rights standards, as well as non-lethal responses to crowd control and quelling mob or communal violence; and
  - ensuring that all laws, including all Shari'ah codes in Nigeria, uphold the principle of equality under the law between men and women and between Muslims and non-Muslims, and do not permit violations of international human rights standards with regard to freedom of religion or

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belief, due process of law, equal treatment before the law, freedom of expression, non-discrimination against women, and humane treatment and punishment.

### **II. PRIORITIZING RELIGIOUS FREEDOM IN U.S.-NIGERIAN BILATERAL RELATIONS**

To increase U.S. government engagement on religious freedom:

- prioritize in the U.S.-Nigeria Bi-National Commission issues of Nigeria's recurrent sectarian violence and failure to prosecute perpetrators in the discussions of the working groups of good governance and security;
- call on the Nigerian government to utilize the judiciary fully to combat the Boko Haram movement, and not rely solely on a counterterrorism strategy involving the security services;
- encourage and support efforts by the Nigerian government to provide additional security personnel to protect northern Christian minorities and clerics and Muslim traditional rulers who denounce Boko Haram attacks, and consider creating a witness protection-like program;
- call on the Nigerian government to eliminate "indigene" status through either constitutional reform or judicial review;
- urge and support extensive civil society consultations in the ongoing constitutional review process;
- establish a U.S. consulate in Kano and call on the Nigerian government to create a Ministry of Northern Affairs to address the economic and political marginalization of the north; and
- call on the UN Human Rights Council to monitor carefully and demand Nigeria's compliance with the recommendations of the representatives of the UN special procedures who have already visited Nigeria, particularly the UN Special Rapporteur on Freedom of Religion or Belief and the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions.

### **III. EXPANDING U.S. SUPPORT FOR COMMUNAL CONFLICT PREVENTION AND MITIGATION**

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

- increasing funding, training, and assistance through the U.S. Department of State's Bureau of International Narcotics and Law Enforcement Affairs to train Nigerian military and federal and state police forces to improve their investigative, community policing, crowd control, conflict prevention, emergency response, and coordination capacities;
- working with British counterparts to increase technical assistance to the office of the Federal Attorney General and Minister of Justice, and to the states' attorneys general, to resolve jurisdictional disputes that prevent state and federal prosecutors from conducting timely and effective investigations and prosecutions, and to increase their capacity to prosecute perpetrators of sectarian violence, including



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training and retraining state and police prosecutors and assisting in the development of computer/electronic file and case storage;

- supporting civil society organizations at the national, regional, state, and local levels that have special expertise and a demonstrated commitment to interreligious and interethnic reconciliation and conflict prevention; and
- supporting programs and institutions, particularly in areas where communal violence has occurred, that monitor and report on religiously-inflammatory language and incitement to sectarian violence as well as promote objective, unbiased, and non-inflammatory reporting, consistent with the right to freedom of expression.

#### IV. EXPANDING U.S. PRESENCE AND OUTREACH EFFORTS, PRIMARILY IN NORTHERN NIGERIA

The U.S. government should:

- continue to proceed with plans to open a consulate or other official presence in northern Nigeria;
- provide Embassy and Consulate staff with appropriate local language skills;
- increase the capacity of the Hausa Service of the Voice of America and local radio programs to report accurately on sectarian issues and provide fair and balanced views on communal conflict and human rights issues; and
- sponsor several exchange programs each year on the topics of freedom of religion or belief, religious tolerance, and Islamic law and human rights for religious leaders, human rights advocates, government officials, and northern Nigerians.

# NORTH KOREA



## **USCIRF STATUS:**

**Tier 1 Country of Particular Concern**

## **BOTTOM LINE:**

The government tightly controls all religious activity and perpetuates an extreme cult of personality venerating the Kim family as a pseudo-religion. Individuals engaged in clandestine Protestant activity or “fortune telling” are arrested, tortured, and even executed, and thousands of religious believers remain imprisoned in North Korea’s notorious penal labor camps, including refugees repatriated from China.

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### EXECUTIVE SUMMARY

**FINDINGS:** The recent leadership transition in the Democratic People’s Republic of North Korea (DPRK or North Korea) has not improved human rights or religious freedom conditions. North Korea remains one of the world’s most repressive regimes, where severe religious freedom abuses continue. In the past year, refugees and defectors reported discrimination and harassment of both authorized and unauthorized religious activity; the arrest, torture, and possible execution of those conducting clandestine religious activity or engaging in “fortune-telling;” and the mistreatment and imprisonment of asylum-seekers repatriated from China, particularly those suspected of engaging in religious activities, having religious affiliations, or possessing religious literature. In addition, North Korea continues to operate one of the world’s most expansive systems of political prison camps, which include a sizable number of individuals arrested for “illegal” religious activity.

Based on these severe, egregious, and ongoing violations, USCIRF again recommends in 2013 that North Korea be designated as a “country of particular concern,” or CPC. The State Department has designated North Korea as a CPC since 2001.

The North Korean government controls nearly every aspect of its citizens’ daily lives, including religious activity. All unapproved religious activity is prohibited and approved activity is tightly controlled. Anyone discovered engaging in clandestine religious activity is subject to discrimination, arrest, arbitrary detention, disappearance, torture, and public execution, and refugees repatriated from China are reported to be particularly vulnerable. There is evidence from eyewitnesses that the North Korean government interrogates asylum-seekers repatriated from China about their religious belief and affiliations, and mistreats and imprisons those suspected of distributing religious literature or having ongoing connections with South Korean religious groups. Despite overt repression, clandestine religious activity in North Korea is increasing, as are the regime’s attempts to halt its spread. There is first-hand evidence that police and security agency officers are trained to believe that the spread of religion from China is dangerous, and that they infiltrate Protestant churches in China and sometimes set up fake prayer meetings in North Korea to catch worshippers.

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

# NORTH KOREA

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## RELIGIOUS FREEDOM CONDITIONS

### THE GOVERNMENT-IMPOSED CULT OF PERSONALITY

The government forcibly propagates a nationalist ideology based upon the cult of personality surrounding both Kim Il Sung and his son, Kim Jong Il. It is unclear whether the Kim family personality cult will survive the transition to Kim Jong Il's son, Kim Jong Un, though North Korean media has already dubbed him the "Supreme Leader" and a continuation of the Kim family legacy. If the personality cult continues, it is unlikely there will be dramatic improvements in human rights or religious freedom. Any activity perceived to challenge Kim Jong Un's legitimacy, including clandestine religious activity, will continue to be viewed as a security threat.

All citizens are required to adhere to this belief system, the "Ten Principles of Unitary Ideology" (often called *Juche*), or face onerous fines, penalties, or imprisonment. The government views any functioning religious belief or practice outside of *Juche* as a challenge to the personality cult surrounding the Kim family, and thus to the regime's authority. Under this system, pictures of the "Great Leader" (Kim Il Sung) and the "Dear Leader" (Kim Jong Il) must be displayed on

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IF THE PERSONALITY CULT [OF  
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RELIGIOUS FREEDOM.

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the walls of homes, schools, and workplaces and people are required to save the portraits in case of fire or flood. Every North Korean wears a lapel pin of the Great Leader, and students are required to study and memorize the "Ten Principles." *Juche's* ideological education takes precedence over all other academic subjects in the nation's schools. Each North Korean community reportedly maintains a "Kim Il Sung Research Center" or similar institution where local citizens are required to attend meetings to

watch propaganda films, listen to educational sessions on the principles of *Juche*, and engage in public self-criticism sessions. There are an estimated 100,000 such "research centers" throughout the country.

### GOVERNMENT CONTROL OF RELIGIOUS ACTIVITY

In North Korea's revised 2010 constitution, Article 68 continues to purport to grant "freedom of religion," and guarantees the right to construct buildings for religious use and religious ceremonies. Article 68 also states that "no one may use religion as a means by which to bring in foreign powers or to harm the state or social order." As such, private religious activity, particularly that occurring outside of government control or because of contact with South Korean groups, is viewed as a potential security threat.

In 1988, the North Korean government attempted to blunt international criticism of its abysmal religious freedom record by creating "religious federations" for Buddhists, Chondokysts, Protestants, and Catholics. The federations were intended to demonstrate the rebirth of long-repressed religious communities and direct the construction of churches and temples in the capitol city of Pyongyang. The federations also became the main interlocutors with international religious organizations, including negotiating development assistance from international humanitarian organizations. However, former refugees and defectors continue to testify that the federations are led by political operatives who maintain religious venues as both cultural relics and tourist attractions and seek economic assistance from foreign donors.

Several schools for religious education exist in the country, but whether these schools teach Christian or Buddhist precepts has not been verified. A religious studies program was established at Kim Il Sung University in 1998. According to refugees who attended the university, graduates from this program work for the religious federations, the foreign trade sector, or as border guards seeking to identify

## NORTH KOREA

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clandestine religious activity. In 2000, a Protestant seminary was opened with assistance from foreign missionary groups, but critics, including at least one South Korean sponsor, charged that the government opened the seminary only to facilitate the reception of donations from foreign faith-based NGOs.

In the past year, there are widespread eye-witness reports from refugees about efforts to curtail the services of “fortune-tellers,” who are often consulted by government and military officials. Fortune-tellers and some practitioners are given prison sentences and the government has publicly warned, through advertisements and lectures, about the illegality and “dangers of superstition.”

### **Government Control of Buddhism**

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

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

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

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

The North Korean government claims that there are 500 officially approved “house churches” in the country. There are credible reports from South Korean academics that the participants in these gatherings are individuals whose families were Christians before 1950 and as such, are allowed to gather for worship without leaders or religious materials. Most of the house churches are in urban areas and the families who attend are often segregated in separate housing units.

## NORTH KOREA

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There continue to be credible reports of private Christian religious activity in North Korea, though its scope remains difficult to verify. Refugee reports continue to confirm that unapproved religious materials are available and secret religious meetings occur, spurred by cross-border contact with individuals and groups in China.

The North Korean government views such activity in the border regions as illegal and a threat to national security. It sees new religious growth as spurred by South Korean humanitarian and missionary groups based in China. Police and border security units are trained to halt the spread of religious ideas and root out clandestine activity. According to information gathered by the Database Center for North Korean Human Rights (NKHR), anyone caught possessing religious materials, holding unapproved religious gatherings, or having ongoing contact with overseas religious groups is subject to severe punishment ranging from labor camp imprisonment to execution. NKHR continues to compile recent testimonies from refugees and defectors of severe religious freedom abuses. For example, in May 2010, 23 Christians were reportedly arrested for belonging to an underground church in Kuwoldong, Pyongsong City, South Pyongan Province. Three reportedly were executed, and the others sent to the political prison camp. Refugee testimony also indicates that the wife of an “officer in the tactical Air Command” was publicly executed for possessing Bibles in North Hamgyeong Province in June 2009.

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THE NORTH KOREAN GOVERNMENT VIEWS SUCH  
ACTIVITY IN THE BORDER REGIONS AS ILLEGAL  
AND A THREAT TO NATIONAL SECURITY.

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

### **NORTH KOREAN REFUGEES IN CHINA**

Over the past decade, hundreds of thousands of North Koreans fled to neighboring China and South Korea to escape persecution and famine. Asylum-seekers face trafficking, forced labor, and generally poor social conditions in China. In addition, the Chinese government routinely repatriates North Koreans, considering them economic migrants. China’s repatriation of North Koreans is an international concern, given China’s international obligation to protect asylum-seekers and the documented proof that repatriated refugees suffer mistreatment and imprisonment in North Korea when returned.

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THE HARSHTEST TREATMENT . . . IS RESERVED FOR REFUGEES  
SUSPECTED OF BECOMING CHRISTIAN, DISTRIBUTING ILLEGAL  
RELIGIOUS MATERIALS, OR HAVING ONGOING CONTACT WITH  
EITHER SOUTH KOREAN HUMANITARIAN OR RELIGIOUS  
ORGANIZATIONS WORKING IN CHINA.

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North Korean law criminalizes leaving the country without state permission. Due to the large number of citizens seeking food or employment in China, the North Korean government had reduced punishments of those leaving for those reasons to short periods of detention and forced labor. However, over the past few years, refugees report that the government is returning to harsher penalties for repatriated North Koreans, regardless of their reasons for fleeing. The harshest treatment reportedly is reserved for refugees suspected of becoming Christian, distributing illegal religious materials, or having ongoing contact with

## NORTH KOREA

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either South Korean humanitarian or religious organizations working in China. Refugees continue to provide credible evidence that security forces use torture during interrogation sessions. The government reportedly offers rewards to its citizens for providing information that leads to the arrest of individuals suspected of involvement in cross-border missionary activities or the distribution of Bibles or other religious literature. Former government security agents have reported intensified police action aimed at halting religious activity at the border.

### U.S. POLICY

The United States does not have diplomatic relations with North Korea and has no official presence within the country. The United States raises religious freedom and related human rights concerns in various multilateral fora, as well as through other governments with diplomatic missions in North Korea. The multilateral nuclear non-proliferation negotiations (the Six-Party Talks) were disbanded in 2010 because of North Korean attacks on South Korean ships and military facilities. Prior to the death of Kim Jong Il, U.S. officials held several bilateral discussions with North Korea about a potential U.S. package of food aid in exchange for a resumption of the Six-Party Talks. North Korea has expressed a desire for direct negotiation with the United States, and on a treaty formally ending the Korean War, before re-engaging in denuclearization talks. U.S. officials have consistently stated that the United States will not accept a nuclear North Korea and will only negotiate on this issue through the Six-Party Talks with regional allies.

As of the end of the reporting period, the United States had suspended formal diplomatic discussions with North Korea after Kim Jong Un directed the launch of a satellite via a long-range missile and resumed nuclear testing.

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

On December 20, 2012 the UN General Assembly again passed a resolution on North Korea that criticized the government's continuing refusal to cooperate with the UN Special Rapporteur for human rights in North Korea and "the persistence of continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights," including cruel and degrading treatment, public executions, extrajudicial and arbitrary detentions, and extensive restrictions on freedom of thought. In January 2013, Navi Pillay, the UN High Commissioner for Human Rights, said that "world powers" needed to help bring about change for the "beleaguered, subjugated, population of North Korea," and called for an international investigation into what may be "crimes against humanity."

The 2004 North Korea Human Rights Act (reauthorized in 2008 and 2012) provides the agenda and tools to conduct human rights diplomacy with North Korea. The Act provides funds to support human rights and democracy programs, expands public diplomacy resources, sets guidelines for monitoring and reporting on U.S. humanitarian programs, and seeks to facilitate resettlement of North Korean refugees to the United States. It also expresses the sense of Congress that a Northeast Asia Security and Cooperation regime should be created, following the model of the OSCE, a long-standing USCIRF recommendation.

## RECOMMENDATIONS

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

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THE UNITED STATES... SHOULD CLEARLY SIGNAL THAT FUTURE POLITICAL, DIPLOMATIC, OR ECONOMIC INDUCEMENTS WILL REQUIRE IMPROVEMENTS IN HUMAN SECURITY AS WELL AS NUCLEAR SECURITY ISSUES.

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### **I. LINKING HUMAN RIGHTS AND HUMAN SECURITY IN NEGOTIATIONS ON NORTHEAST ASIAN SECURITY CONCERNS**

The U.S. government should:

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

### **II. FULLY IMPLEMENTING THE NORTH KOREAN HUMAN RIGHTS ACT OF 2008**

The U.S. government should:

- implement fully the North Korean Human Rights Act of 2012, and ensure that all funds authorized under the Act are requested and used to fulfill its purposes, including increasing access to information and new media, increasing the capacity of NGOs working to promote democracy and human rights, protecting and resettling refugees, monitoring humanitarian aid and progress on human rights, and supporting NGOs conducting democracy and human rights training among the North Korean diaspora;
- ensure that the Special Envoy on Human Rights in North Korea is fully engaged in setting policy priorities that promote measurable progress on the protection of human rights;



## NORTH KOREA

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- target appropriated foreign assistance to build an educated cadre of experts and potential leaders among refugees who might later return to North Korea, through the creation of scholarship, leadership, media, educational, and other programs in the United States; and
- ensure full implementation of the North Korean Human Rights Act's provisions to facilitate North Korean refugee resettlement in the United States by, among other things, having the Special Envoy for North Korean Human Rights, working with other State Department offices and the Department of Homeland Security, assess and report on current implementation and obstacles.

### **III. PROTECTING NORTH KOREAN REFUGEES**

The U.S. government should:

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

### **IV. PURSUING MULTILATERAL DIPLOMACY AND HUMAN RIGHTS IN NORTH KOREA**

The U.S. government should:

- encourage the UN Secretary General to develop a coordinated plan of action to achieve access to North Korea and carry out the recommendations of various UN bodies and special procedures, particularly those of the Human Rights Council's Special Rapporteur on North Korea; and
- urge the Office of the UN High Commissioner on Human Rights to open an office in Seoul, South Korea to initiate technical assistance programs addressing regional and transnational issues including abductions, human trafficking, police and border guard training, legal reform, political prisoners, monitoring of aid, and abuses of freedom of thought, conscience, and religion or belief.

## NORTH KOREA

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### V. CONGRESSIONAL ACTION TO ADVANCE RELIGIOUS FREEDOM AND RELATED RIGHTS ON THE KOREAN PENINSULA

The U.S. Congress should:

- work to build an international coalition of parliamentarians, experts, diplomats, and other opinion-makers to ensure that human rights and human security concerns are an integral part of future security arrangements in Northeast Asia, including support for creating a new economic, human rights, and security zone in Asia similar to the OSCE;
- consider establishing programs for North Korean students to attend schools in the United States or other Western countries, similar those started in apartheid South Africa that produced a generation of leaders prepared to take over the reins of post-apartheid leadership; and
- continue to appropriate sufficient funds to expand radio broadcasting into North Korea and encourage the Department of State and the Broadcasting Board of Governors to seek additional media avenues, including through supporting defectors groups, to provide information directly to the North Korean people, as stipulated by the North Korean Human Rights Act.

# PAKISTAN



**USCIRF STATUS:**

**Tier 1 Country of Particular Concern**

**BOTTOM LINE:**

Religious freedom violations in Pakistan rose to unprecedented levels due to chronic sectarian violence particularly targeting Shi'i Muslims. The government continues to fail to protect Christians, Ahmadis, and Hindus. Pakistan's repressive blasphemy laws and anti-Ahmadi laws are widely used to violate religious freedoms and foster a climate of impunity.

## **EXECUTIVE SUMMARY**

**FINDINGS:** The government of Pakistan continues to engage in and tolerate systematic, ongoing, and egregious violations of freedom of religion or belief. Sectarian and religiously-motivated violence is chronic, especially against Shi'i Muslims, and the government has failed to protect members of religious minority communities, as well as the majority faith. Pakistan's repressive blasphemy laws and other religiously discriminatory legislation, such as the anti-Ahmadi laws, have fostered an atmosphere of violent extremism and vigilantism. Pakistani authorities have not consistently brought perpetrators to justice or taken action against societal actors who incite violence. Growing religious extremism threatens Pakistan's security and stability, as well as the freedoms of religion and expression, and other human rights, for everyone in Pakistan.

In light of these particularly severe violations, USCIRF recommends in 2013 that Pakistan be designated a "country of particular concern," or CPC. Since 2002, USCIRF has recommended Pakistan be named a CPC, but the State Department has not followed that recommendation. Pakistan represents the worst situation in the world for religious freedom for countries not currently designated as "countries of particular concern" by the U.S. government.

The exceedingly poor religious freedom environment in Pakistan worsened during the reporting period. The Pakistani government failed to effectively intervene against a spike in targeted violence against the Shi'i Muslim minority community, as well as violence against other minorities. With elections scheduled for May 2013, additional attacks against religious minorities and candidates deemed "un-Islamic" will likely occur. Chronic conditions remain, including the poor social and legal status of non-Muslim religious minorities and the severe obstacles to free discussion of sensitive religious and social issues faced by the majority Muslim community. The country's blasphemy law, used predominantly in Punjab province but also nationwide, targets members of religious minority communities and dissenting Muslims and frequently results in imprisonment. USCIRF is aware of at least 16 individuals on death row and 20 more serving life sentences. The blasphemy law, along with anti-Ahmadi laws that effectively criminalize various practices of their faith, has created a climate of vigilante violence. Hindus have suffered from the climate of violence and hundreds have fled Pakistan for India. Human rights and religious freedom are increasingly under assault, particularly for women, members of religious minority communities, and those in the majority Muslim community whose views are deemed "un-Islamic." The government has proven unwilling or unable to confront militants perpetrating acts of violence against other Muslims and religious minorities.

**PRIORITY RECOMMENDATIONS:** Promoting respect for freedom of religion or belief must be an integral part of U.S. policy towards Pakistan, and designating Pakistan as a CPC would enable the United States to press Islamabad to undertake needed reforms. The forces that threaten Pakistani and U.S. security interests largely are motivated by a violent extremist ideology that rejects international human rights standards, including freedom of religion or belief. To make religious freedom a key element in the bilateral relationship, the U.S. government should include discussions on religious freedom and religious tolerance in U.S.-Pakistan strategic dialogues and summits. It should urge Pakistan to protect religious minorities from violence and actively prosecute those committing acts of violence against Shi'a, Ahmadi, Christians, Hindus, and others; unconditionally release individuals currently jailed for blasphemy; repeal or reform the blasphemy law and repeal anti-Ahmadi laws; and ensure that the Federal Ministry for National Harmony continues in the new government. Additional recommendations for U.S. policy towards Pakistan can be found at the end of this chapter.

## RELIGIOUS FREEDOM CONDITIONS

### GENERAL OVERVIEW

The situation in Pakistan for religious freedom declined during the reporting period. Pakistan's civilian government has been led by President Asif Ali Zardari since 2008, and is scheduled to complete its full term after the close of the reporting period, which will be a first in the history of Pakistan. President Zardari is the widower of former Prime Minister Benazir Bhutto, who was assassinated in 2007, reportedly by militants linked to al-Qaeda. The Bhutto and Zardari families are Shi'i Muslims from the province of Sindh and have assumed leadership roles in a country traditionally dominated by Sunnis from Punjab. Despite a civilian government, the Pakistani military and intelligence services continue to be influential and independent of civilian oversight and are believed to maintain close contacts with terrorist organizations and other militant groups.

Discriminatory laws promulgated in previous decades and persistently enforced have fostered an atmosphere of religious intolerance and eroded the social and legal status of members of religious minorities, including Shi'a, Christians, Ahmadis, and Hindus. While the constitution provides for religious freedom, the right is undercut by other provisions and basic laws. Government authorities do not adequately protect members of religious minority communities from societal violence, and rarely bring perpetrators of attacks on minorities to justice. This impunity is partly due to the fact that Pakistan's democratic institutions, particularly the judiciary and the police, have been weakened by endemic corruption, ineffectiveness, and a general lack of accountability. Also important are the suspected links between Pakistan's army and intelligence service with militants who target religious minorities.

In December 2012, Tehreek-e-Taliban Pakistan (the TTP, also known as the Pakistani Taliban) offered, in exchange for a cessation of TTP violence, that Pakistan amend its constitution to bring it into conformity with their version of Islamic law and break all ties with the United States. While a senior Pakistani government official reportedly called the offer "preposterous," there are concerns Pakistan would agree to such an offer, as similar demands were met in 2009 after the TTP took the Swat valley. In that situation, both the local and federal government agreed to implement the Nizam-e-Adl Regulation 2009, which imposed the TTP's interpretation of Shari'ah (Islamic law) in that area. According to the International Crisis Group, these regulations remain in place and there has been no effort to repeal them.

Pakistan is a religiously diverse country. U.S. government figures estimate that 85-90 percent of the population is Sunni Muslim, with 10-15 percent belonging to the Shi'i Muslim community. The Sunni community is divided into Barelvi, Sufi, Deobandi, Whahabbi, and other sects. Approximately 4 percent comprise other minority religious communities, such as Christian, Hindus, and Sikhs. Ahmadis are estimated to comprise 3-4 million Pakistanis, and the community considers themselves part of the Muslim majority.

### SECTARIAN OR RELIGIOUSLY-MOTIVATED VIOLENCE AND DISCRIMINATION

Violent attacks continued during the reporting period against members of minority faith communities and members of the majority faith whose views contradicted those of extremists. During the reporting period, militants and terrorist organizations consistently attacked schools. In October 2012, the Pakistani Taliban attempted to execute Malala Yousafzai, a 15-year-old advocate for girl's education from the Swat District of Khyber Pakhtunkhwa province, because of her outspokenness. She survived the attack and was taken to the United Kingdom to receive medical care.

## PAKISTAN

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Sunni Muslim leaders and other members of the majority faith also were attacked. In June, a bomber targeted a Sunni mosque in Quetta, killing 14 and wounding 40. In the same city the following month, a Sunni religious leader, Maulvi Abdul Qasim, was killed in a drive-by shooting. Also in June, a bomb exploded near the Panj Pir Sufi shrine, killing three individuals and wounding 34 others. In May, a Sunni cleric described as “anti-Taliban” was targeted for assassination; Maulana Syed Moshin Shah and his son were killed in Khyber Pakhtunkhwa province when militants attacked his madrassa.

Overall, the U.S. Department of State has noted a five-fold increase in extremist violence since 2006. In this environment, armed extremists, some with ties to banned militant groups, continued their attacks on religious minorities, including bombings, against Shi’a, Ahmadis, Christians, Hindus and others. The following examples of sectarian or religiously-motivated violence are illustrative of the numerous and often fatal attacks against innocent Pakistanis by militants who use religion to justify their crimes.

### Attacks against Shi’i Muslims

Militants and terrorist organizations targeted Shi’i processions and mosques with impunity during the reporting period. Organizations such as Human Rights Watch put the number of Shi’a killed over the past

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MILITANTS AND TERRORIST ORGANIZATIONS  
TARGETED SHI’I PROCESSIONS AND MOSQUES  
WITH IMPUNITY...

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year at over 400. Attacks occurred across Pakistan, but particularly large bombings occurred in the province of Balochistan. Information collected by USCIRF during the reporting period, which is not exhaustive, documented approximately 50 incidents of violent attacks causing death, as well as 10 different

attacks with explosive devices or suicide bombers. Shi’i activists have referred to the level and severity of attacks as constituting genocide.

The response by the Pakistani government has been grossly inadequate. While at times police were present when attacks occurred, they were unable to stop attackers before people were killed. Recognizing this inadequacy, in September 2012, a panel of three Supreme Court judges, led by Pakistan’s Chief Justice Iftikhar Chaudhry, issued a highly critical statement of government efforts to bring security in Quetta, the capital of Balochistan. Federal rule was imposed in Balochistan after a large bombing in January 2013. This move came in part as a result of families of the deceased refusing to bury the dead until there was an adequate governmental response. However, the government has proven unwilling or unable to crack down on groups that repeatedly plan, conduct, and claim credit for attacks, or prevent future violence.

Following are select examples of violence against Shi’a that occurred during the reporting period:

- On January 10, 2013, 81 people died in twin bombings on a pool hall in a Shiite area of Quetta. Lashkar-e-Jhangvi (LeJ) claimed responsibility. The day before, Dr. Syed Riaz Hussain was shot outside his Karachi medical clinic in a drive by shooting and later died of his wounds. He was a leader in the Karachi Shiite community and had received death threats from LeJ and other militant groups for his advocacy against violence.
- In November 2012, a suicide bomber struck a Shi’i processional during Muharram in Rawalpindi, killing 23 people, including 8 women and children. Police reportedly tried to search for the attacker, but he evaded capture and detonated his explosives in a crowd. The Pakistani Taliban claimed responsibility. In Hyderabad, members of the Dawoodi Bohra community, which is considered a subset of Ismaili Shiism, were targeted in shootings in November, with 11 individuals killed.

## PAKISTAN

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- On September 10, a car bomb killed 12 Shi'a in the Kurram tribal region, the only tribal area where Shi'a are a majority. On September 19, the Dawoodi Bohra community in Karachi was targeted in two bombings, killing at least seven people, including a three-month-old baby and a 12-year-old girl, and injuring at least 22. There was also separate drive by shootings targeting Shi'i Muslims in Quetta that month.
- At least 25 Shi'a were killed on August 16, when armed men intercepted four buses en route to Gilgit Baltistan. The attackers lined the people up and opened fire on passengers whose identity documents listed them as being Shi'a.
- On July 11, two brothers were reportedly beheaded for converting to the Shi'i faith in Punjab province. That same month, 14 Hazara Shi'a were killed in Balochistan after LeJ gunmen opened fire on a bus carrying 50 pilgrims to Iran.
- On June 28, attackers bombed a bus carrying pilgrims to Iran near Quetta. At least 13 people died and 20 were injured. The bus had a police escort and two policemen were also killed.
- On April 3, a group described as a Sunni mob forcibly removed 9 Shi'a from buses and killed them. The incident occurred about 60 miles south of Gilgit.
- In February, 18 Shi'i pilgrims were murdered while returning from a religious pilgrimage. They were taken off the buses on which they were traveling from Rawalpindi to Gilgit Baltistan. Also in February, 29 Shi'a died in a bomb blast targeting a Shi'i market near Peshawar.
- On January 16, a remote controlled bomb detonated near a Shi'i religious processional in Khanpur. 18 people were killed, and at least 30 wounded. On January 25, four Shi'i attorneys were targeted in a drive-by shooting near a courthouse in Karachi. Three of the four died of their wounds.

Many of the attacks were perpetrated either by LeJ or TTP. LeJ, which originated from Punjab province but has developed a nationwide network, has proclaimed its goal of “cleansing” Pakistan of Shi'a, who it believes are not true Muslims. The Pakistani Taliban has stated they are in a “war or beliefs” against Shi'a and will “continue attacking them.” Both organizations have been designated as Foreign Terrorist Organizations by the U.S. State Department. While the Pakistani government has banned them both, some observers conclude that the Pakistani intelligence maintains contacts with the groups and fosters relationships.

The Pakistani government and court system have been unable to keep LeJ's leader Malik Ishaq in jail. In July 2011, Pakistan's Supreme Court released Ishaq from prison after 14 years, deciding prosecutors failed to present evidence of his involvement in the murders of Shi'i Muslims. Ishaq was implicated in 44 cases involving 70 murders, but courts acquitted him in 34 of the cases and granted bail in 10. Soon after his July release, he was rearrested under public order laws after giving speeches that could incite violence against Shi'a. However, in January 2012 a Punjab provincial review board turned down a government request to extend the arrest and ended his detention. Ishaq was again arrested for inciting violence against Shi'a in August 2012 in Lahore, after his return from a pilgrimage in Saudi Arabia, but was released on bail the next month. He was rearrested after the close of the reporting period, after LeJ claimed responsibility for a major bombing targeting Shi'a.

## Assassinations of Blasphemy Law Opponents

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

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THE INVESTIGATION INTO  
[SHAHBAZ BHATTI’S] MURDER HAS  
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On March 2, 2011, Shahbaz Bhatti, a longtime Christian activist for religious freedom and the only Christian in Pakistan’s federal cabinet, was assassinated outside his mother’s home in Islamabad by the Pakistani Taliban. Bhatti had received multiple death threats because of his advocacy against the blasphemy law. The investigation into his murder has seemingly ended and no one is currently in jail.

## Attacks and Discrimination against Ahmadis

In recent years, scores of Ahmadis have been murdered in attacks which appear to be religiously motivated. During the reporting period, USCIRF received reports of 44 different attacks targeting Ahmadis, with 22 incidents resulting in the death of 23 individuals. Attacks occurred across the country, including major cities such as Lahore, Quetta, and Karachi. For instance, the president of the local Ahmadi community in the Orangi Town section of Karachi, Mr. Naeem Ahmad Gondal, was killed in

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July in a drive-by shooting as he left his home for work. Many of the targeted Ahmadis were professionals, such as doctors or businesspersons, with drive-by shootings a common tactic. In addition, an Ahmadi schoolteacher, Mr. Abudl Qudoos Ahmad, died while in police custody in Punjab province, with his body showing signs of torture. The poor legal standing of Ahmadis under Pakistan’s constitution and criminal code (discussed below) fosters a climate of impunity, where perpetrators feel empowered to attack them with little or no fear of arrest or prosecution.

In addition to attacks on individual Ahmadis, local police repeatedly forced Ahmadis to remove Qu’ranic scripture from mosques and minarets. USCIRF is aware of nine such incidents over the past year, including the following examples. On January 18, 2013, local Punjab police ordered scripture to be removed from an Ahmadi owned property. When the president of the local community refused, police destroyed the tiles with chisels. In September 2012, local police, at the insistence of imams from the town, removed Islamic scripture from an Ahmadi mosque in Punjab province. In March, local police removed Islamic scripture from within an Ahmadi mosque in Lahore.

There were also at least seven instances of Ahmadi graves being desecrated, some by local police. Graves often have inscribed passages from the Qu’ran. On September 4, 2012 in Faisalabad, police demolished 23 Ahmadi gravestones to remove Islamic inscriptions at the request of local Islamic leaders. A similar event occurred in Hafizabad in Punjab in August, with police removing religious text from Ahmadi graves.



## Attacks and Discrimination against Christians

Violence against Christians continued, usually perpetrated by banned militant groups or other societal actors, but also at times at the hands of government officials. USCIRF received reports of 16 different incidents of violent attacks against Christians during the reporting period, with 11 individuals killed. While the murders could not always be definitely linked to religious animus, five churches were attacked by mobs during the reporting period, as were one Catholic hospital and one Christian village. These attacks were on: St. Francis Xavier's Catholic Cathedral in Hyderabad; St. Francis Catholic Church in Karachi; Bawa Chak Presbyterian Church in Faisalabad; Philadelphia Pentecostal Church in Karachi; St. Paul's Lutheran Church in Mardan; St. Elizabeth Hospital in Hyderabad; and the Christian colony in Lahore. The vulnerable position of Christians in Pakistani society makes them susceptible to such violence.

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VIOLENCE AGAINST  
CHRISTIANS CONTINUED,  
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Punjab province is the locus for the majority of violence, blasphemy cases, and discrimination against Christians, as it is home to the largest Christian community. (See the section below for more about blasphemy cases.) Observers note a trend of Christian cemeteries being seized without compensation. In addition, some Christian schools that were nationalized by past governments have yet to be de-nationalized. In January 2012, a Catholic facility used to provide community assistance in Lahore was bulldozed to the ground on orders of the provincial government, which claimed the church did not have proper title to the property. During the demolition copies of the Bible were destroyed. The Christian community is requesting the return of the property and restitution for the destroyed facilities. Local authorities have reportedly made a verbal commitment to do so, but it had not been fulfilled by the end of the reporting period.

Marginalization and poverty make the Christian community in Pakistan vulnerable, and sexual assaults against underage Christian girls by Muslim men continue to be reported. Catholic NGOs estimate at least 700 Christian girls are kidnapped and forced to convert to Islam every year. During the reporting period, two reports surfaced of Christian women being forcibly converted to Islam, married, and then raped, with law enforcement either hesitant to act or societal actors pressuring victims to recant their allegations. Three cases of kidnapping of Christians were also reported.

## Attacks and Discrimination against Hindus

Due to their minority status, Pakistan's Hindus are vulnerable to kidnapping, rapes, and forced conversions of Hindu women, including minors. Hindus predominately live in Sindh province, as well as Balochistan. Persistent reports of such abuses continued to arise during the reporting period. Fifteen to 20 Hindu kidnapping cases are reported each month to the Hindu Council in Karachi, and the Human Rights Council of Pakistan has reported that cases of forced conversion are increasing.

Allegations of kidnapping of Hindu women, followed by the forced conversion to Islam and force marriage to Muslim men, consistently arose throughout the reporting period. In early 2012, 16 year-old Rachna Kumari was reportedly kidnapped by a police officer guarding a Hindu temple in Sindh province. A court affirmed the conversion and marriage, despite Kumari's family alleging she was forced into the marriage. In August, the family of Manisha Kumari, a 14 year-old Hindu, claimed she was forcibly converted and married to a Muslim. Press reports stated she claimed her conversion and marriage were voluntary.

The highest profile case involved a Hindu girl named Rinkle Kumari, who was reportedly kidnapped, forced to convert to Islam, and married to a Muslim man in the Ghotki district of Sindh province in

## PAKISTAN

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February 2012. Her case, along with that of two others, Lata Kumari and Asha Kumari, was appealed all the way to the Supreme Court. In August 2012 the court gave the three women the right to decide their future and they chose to go with their Muslim husbands. However, as is common in these cases, there is concern that the women's decisions were a result of societal pressure and fear of repercussions from the local community, and not a genuine act of free will.

A parliamentary panel has been established to investigate the issue of forced conversions and, at the direction of President Zardari, prepare amendments to the constitution. The president also directed the Sindh parliament to take action. At the end of the reporting period, USCIRF was unaware of any action taken by either body.

According to local organizations, at least 80 Hindus were kidnapped in Balochistan province between 2011 and the first months of 2012. In July 2012, armed men kidnapped three prominent Hindu businessmen traveling in Sindh province. One of the abducted men was Ramesh Lal, president of a Hindu local council. Their whereabouts are still unknown, and no ransom was demanded. The Asian Human Rights Commission (AHRC) reported in December 2012 that a six year-old Hindu girl named Vijanti Meghwar was raped and tortured in Sindh province, but the police took no action against the perpetrator.

Hindu religious sites have also been targeted for violence. In December 2012, a private developer, assisted by Karachi police and Pakistani Army Rangers, destroyed the Shri Rama Pir Mandir, a century-old Hindu temple, along with several nearby Hindu homes. The event occurred while the Sindh High Court was hearing a petition seeking a stay order. Authorities removed religious statues, but claimed there was no temple, but only unauthorized encroachments. In September 2012, a Hindu temple outside Karachi was attacked by violent mobs protesting the YouTube film about the Prophet Mohammed. Religious statues were broken, a copy of the Bhagavad Gita destroyed, and the temple's priest assaulted.

USCIRF received reports of 250 Hindu families having left Balochistan and Sindh provinces for India during the reporting period, due to concerns of violence and impunity. The Pakistan Hindu Council (PHC), a non-governmental body representing Hindus in Pakistan, estimates that more than 50 Hindu

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USCIRF RECEIVED REPORTS OF 250 HINDU FAMILIES HAVING LEFT BALOCHISTAN AND SINDH PROVINCES FOR INDIA DURING THE REPORTING PERIOD, DUE TO CONCERNS OF VIOLENCE AND IMPUNITY.

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families are migrating to India from Pakistan every month due to the climate of impunity and fear of violence.

Hindus are also the largest religious minority in Pakistan whose marriages are not registered officially by the government. Without a way to register marriages, Hindu women are left vulnerable to forcible marriage as they cannot prove their

marital status. In addition, Hindu wives cannot claim inheritance from deceased husbands and have difficulty obtaining divorces or remarrying. In 2011, the Hindu Marriage Registration Bill was introduced in the National Assembly to correct this serious problem. However, passage has been delayed, due to a lack of cross-party support and reports that some Hindu religious leaders object to provisions in the bill. Notably, in 2011 the federal government directed the National Database and Registration Authority (NADRA) to register Sikh marriages and it has done so.

### **BLASPHEMY LAW**

#### **Legal System**

Severe penalties for blasphemy and other activities deemed insulting to Islam were added to the penal code during the regime of General Zia-ul-Haq. Article 295, Section B, makes defiling the Qur'an

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punishable by life imprisonment. Under Section C of the same article, remarks found to be “derogatory” against the Prophet Mohammed carry the death penalty. Blasphemy allegations, which are often false, have resulted in the lengthy detention of, and occasional violence against, Christians, Ahmadis, Hindus, other religious minorities, and members of the Muslim majority community. Reportedly, more cases are brought under these provisions against Muslims than any other faith group, although the law has a greater impact per capita on minority religious faiths. While no one has been executed under the blasphemy law, the law has created a climate of vigilantism that has resulted in societal actors killing accused individuals.

Despite the law’s national application, two-thirds of all blasphemy cases reportedly are filed in Punjab province. Because the law requires neither proof of intent nor evidence to be presented after allegations are made, and includes no penalties for false allegations, blasphemy charges are commonly used to intimidate members of religious minorities or others with whom the accusers disagree or have business or other conflicts. The provisions also provide no clear guidance on what constitutes a violation, empowering the accuser and local officials to rely on their personal interpretations of Islam. In addition, blasphemy offenses are considered cognizable, so that the police file charges and can arrest without a warrant. And blasphemy is a non-compoundable crime, a category that does not allow for out-of-court settlements. Consequently, once a charge is filed, it is difficult for the case to be quashed, and the accuser cannot simply drop the charges.

Once a case is registered and a court hearing is scheduled, militants often pack courtrooms and publicly threaten violence if there is an acquittal. Lawyers who have refused to prosecute cases of alleged blasphemy or who defend those accused, as well as judges who issue acquittals, have been harassed, threatened, and even subjected to violence. The lack of procedural safeguards empowers accusers to use the laws to abuse religious freedom, carry out vendettas, or gain an advantage over others in land or business disputes or in other matters completely unrelated to blasphemy.

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USCIRF IS AWARE OF AT LEAST 16 INDIVIDUALS ON DEATH ROW AND 20 MORE SERVING LIFE SENTENCES.

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Pakistani law does contain legal provisions that could limit blasphemy abuses, but they are not commonly applied to do so. When allegations of blasphemy arise against members of religious minorities, mobs often form to pressure police to file a First Information Report and to intimidate the broader minority community. In some cases, loudspeakers from mosque minarets are used to broadcast news about an alleged case, which quickly escalates the situation and fosters the growth of a mob. The use of these loudspeakers in this way violates Pakistani law: Section 3 of the Misuse of Loudspeakers Act limits the use of mosque loudspeakers to the call to prayer and the Friday sermon. In addition, under Article 153 of the Pakistani Penal Code, an individual can be sentenced to prison and fined for “wantonly giving provocation with intent to cause riot.” These two legal provisions offer a potential foundation from which to deter communal violence against minority groups.

### **Individual Cases**

During the reporting period, a high-profile blasphemy case caught international attention. Rimsha Masih, believed to be between 10 and 13 years old, was accused of burning pages with Qu’ranic passages. Rimsha comes from an impoverished Christian family living near Islamabad, and reportedly suffers from Down Syndrome. Police took her into custody for her own protection on August 17 after she was reportedly assaulted. Threats against the Christian community forced almost 400 families to flee to other parts of the capital and drove Rimsha’s family into hiding.

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In response, police filed more than 150 First Information Reports against protesters who damaged property and threatened violence. In an unexpected turn of events, witnesses testified against Rimsha's accuser, a local imam, saying that the imam had falsified evidence by placing pages of the Qu'ran in the trash. Since this was considered blasphemous, he was charged with blasphemy and arrested by Pakistani police. Rimsha was held in jail for several weeks, before being released on bail in October. Dr. Paul Bhatti, the Prime Minister's Adviser for National Harmony, and others worked to have her and her family moved to a safe house, due to death threats (including a veiled one from the accuser's attorney). Her case was eventually dismissed by the Islamabad High Court on November 20. The case against the accuser was also dismissed, after three of the four witnesses recanted their statements that he falsified evidence.

Before the Rimsha case, the highest-profile blasphemy case in recent years involved Aasia Bibi, a Christian farm worker and mother of five, who was sentenced to death under Article 295C in November 2010. She remains in jail while her case is on appeal. NGOs report that Ms. Bibi's health has been affected from being kept separate from the prison population. Her family is in hiding.

Two individuals were sentenced to death during the reporting period: Sufi Ishaque and Hazrat Ali Shah (the latter was also sentenced to 10 years in prison). These individuals join 14 others USCIRF is aware of on death row for alleged blasphemy. In addition, USCIRF received reports of an additional 20 individuals serving life sentences. Manzarul Haq Shah Jahan was sentenced to life in prison and a fine of 200,000 rupees during the reporting period. In addition, USCIRF has received reports of more than 40 individuals currently in jail for violating the blasphemy law; a detailed list of these individuals is included in the appendix to this Annual Report.

The accusation of blasphemy can lead to acts of violence perpetrated by societal actors. In April, an elderly man was shot dead in Punjab, after being acquitted by a court from blasphemy charges and released from prison. Also shocking was the mob attack in June on Ghulam Abbas, a Sunni Muslim accused of blasphemy. He was pulled from a police station in Punjab province, beaten to death, and his body burned.

On January 17, 2013, the Pakistani Supreme Court accepted a petition filed against the Pakistani ambassador to the United States, Sherry Rehman, over allegedly blasphemous comments made two years ago while speaking on television about Aasia Bibi's sentencing under the country's blasphemy laws. Police were instructed by the two judge panel to collect evidence.

### **THE AHMADI MINORITY AND ANTI-AHMADI LEGISLATION**

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

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

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public conferences or other gatherings, and traveling to Saudi Arabia for religious purposes, including the *hajj*.

During the reporting period, USCIRF received reports of 10 Ahmadis being charged under Article 298. In many of these cases, police were pressured to act by local religious leaders who are opposed to the Ahmadi faith. Many of the individuals arrested were released on bail, but will likely spend years in the backlogged Pakistani court system as their cases are tried and possibly appealed.

In 2002, then President Musharraf issued an executive order that abolished Pakistan's separate electorate system. However, he soon thereafter issued Chief Executive's Order No. 15 mandating that Ahmadis register in a separate voter registry, therefore keeping a separate electoral system for this religious community alone. In addition, obtaining a Pakistani national identity card or passport requires the applicant to sign a religious affirmation denouncing the founder of the Ahmadi faith as a false prophet. Because Ahmadis are required to register to vote as non-Muslims and national identity cards identify Ahmadis as non-Muslims, those who refuse to disavow their claim to being Muslims are effectively disenfranchised from participating in elections at any level.

Since Ahmadis were declared non-Muslim in 1974, no Pakistani government has attempted to reform the anti-Ahmadi laws and regulations, with the sole exception of an abortive attempt in late 2004 to remove the religious identification column in Pakistani passports, which would have enabled Ahmadis to participate in the *hajj*. This initiative was reversed in 2005 when the government restored the column, reportedly in response to pressure from Islamist political parties. In recent years, individuals have refused to sign the religious affirmation clause for a passport and still received the document. In 2012, the government blocked the international website for the Ahmadi community.

### **HUDDOD ORDINANCES**

Under the Hudood Ordinances, which criminalize extramarital sex, rape victims risk being charged with adultery, for which death by stoning remains a possible sentence. The Hudood laws apply to Muslims and non-Muslims alike. Although these extreme corporal punishments generally have not been carried out in practice, lesser punishments such as jail terms or fines have been imposed. In 2006, the Protection of Women Act removed the crime of rape from the sphere of the Hudood Ordinances and put it under the penal code, thereby eliminating the requirement that a rape victim produce four male witnesses to prove the crime. Under the law, convictions for rape must be based on forensic and circumstantial evidence. The Act also prohibited a case of rape from being converted into a case of fornication or adultery, which had been possible under the Hudood laws. Marital rape once again was made a criminal offense, as it had been prior to the 1979 implementation of the Hudood laws. However, an offense of fornication was included in the penal code, punishable by imprisonment for up to five years. In 2010, the Federal Shariat Court ruled that key sections of the 2006 law were unconstitutional and un-Islamic, which threatened to undermine these reforms entirely. The federal government has taken no action to implement the ruling.

### **RELIGIOUS FREEDOM CONCERNS IN PAKISTANI EDUCATION**

A significant minority of Pakistan's thousands of religious schools, or *madrassas*, reportedly continue to provide ongoing ideological training and motivation to those who take part in religiously-motivated violence in Pakistan and abroad. In mid-2005, the Pakistani central government required all *madrassas* to register with the government and expel all foreign students. While most registered, this reportedly has had little if any effect on the curricula, which in many of these schools includes materials that promote intolerance and violence. The government also still lacks full knowledge of the *madrassas'* sources of funding. In 2010, the Ministry of Interior, which oversees the *madrassa* system, and the five main

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*madrassa* boards signed a memorandum of understanding in another attempt to reform their curriculum and regulate their financing.

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

In 2011, USCIRF commissioned a study that analyzed more than 100 social studies, Islamic studies, and Urdu textbooks used in grades 1 through 10 by schools in Pakistan's four provinces. The study also examined pedagogical methods and asked teachers and students their views on Pakistan's religious minority communities. Researchers visited 37 middle schools and high schools and 19 *madrassas* and interviewed over 500 students and teachers.

The study found that an alarming number of Pakistan's public schools and privately-run *madrassas* devalue religious minority groups. While there are some positive exceptions, many foster a climate conducive to acts of discrimination and even violence against members of these groups. For instance, in public schools, all children, regardless of their faith, had to use textbooks that often had a strong Islamic orientation and frequently omitted mention of religious minorities or made derogatory references to them. Hindus were depicted in especially negative ways, and descriptions of Christians often were erroneous and offensive. Also, both public school and *madrassa* teachers lacked an understanding of religious minorities and a large portion of their pupils could not identify these minorities as citizens of Pakistan.

### **GOVERNMENTAL EFFORTS TO IMPROVE INTERFAITH UNDERSTANDING AND MINORITY RIGHTS**

The government has taken some steps to promote interfaith understanding. After the March 2011 assassination of Federal Minister for Minorities Affairs Shahbaz Bhatti, Prime Minister Gilani appointed his brother, Dr. Paul Bhatti, as the Minister In Charge for the Ministry of National Harmony and Advisor to Prime Minister on inter-faith harmony. While Dr. Bhatti cannot serve in the cabinet since he is not an elected official, he enjoys all the powers, responsibilities, resources, and protections of a federal minister, including responsibility over the Federal Ministry of National Harmony. President Zardari and then-Prime Minister Yousaf Raza Gilani issued statements in March 2012 commemorating the one year anniversary of the murder of Shahbaz Bhatti.

Dr. Paul Bhatti played an important role in the release of Rimsha Masih from blasphemy charges (discussed above). During the reporting period, Dr. Bhatti and others in the government worked to expand the number of reserved seats for non-Muslim minorities in the National Assembly and provincial assemblies. The federal cabinet unanimously approved an expansion in early fall 2012, and the government moved a bill in December to amend the constitution. Under what would be the 23<sup>rd</sup> amendment, the National Assembly would gain four seats for non-Muslim minorities, bringing the total to 14. In provincial assemblies, the number of reserved seats in each would increase at different rates; the Punjab provincial assembly would see an increase of 10 for a total of 18, Sindh increase by 12 for a total of 21, and Khbyer Pakhtunkwa and Balochistan would both have their current 3 seats increased by an additional 4 for a total of 7 each. These increases address concerns that previous increases in reserved seats under the 18<sup>th</sup> amendment in 2010 did not reflect the size of the non-Muslim community. At the end of the reporting period, the National Assembly had yet to approve the amendment.

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Dr. Bhatti also scheduled an international conference on interfaith harmony to be held in Islamabad in January 2013, but it was postponed due to security threats. USCIRF Commissioners and staff were invited to participate and planned to attend. Dr. Bhatti convened a domestic conference after the end of the reporting period that was attended by Prime Minister Raja Pervaiz Ashraf and Muslim and non-Muslim religious leaders.

It has been difficult to gauge the success of previous efforts taken by the Pakistani government under the late Minister Bhatti. In May 2009, the government announced a five-percent minimum quota in federal employment for members of religious minority communities. However, it appears that the quota has not been met, and if applied at all, it has been done so unevenly across the country. The government also designated August 11 as an annual federal holiday, called “Minorities’ Day,” which President Zardari celebrated in 2012 for the second time, giving a statement about the importance of religious minorities to Pakistan. Minister Bhatti also established District Interfaith Harmony Committees to promote religious tolerance through understanding in every district of Pakistan. The Pakistani embassy reported that in 2011, 124 interfaith committees have been established at the district level.

Also under the 18<sup>th</sup> amendment, the Ministry of Minorities Affairs was removed from the federal cabinet and devolved to the provinces. It is unclear whether all provinces have established a Minority Affairs Ministry, and if so, what level of funding and support they receive from the provincial government. Sindh has reportedly done so and Punjab province already had a ministry that focused on minority concerns and human rights.

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

### U.S. POLICY

Pakistan is central to the United States’ global campaign against al-Qaeda and to the support of U.S. and multinational forces fighting in Afghanistan. The 2014 scheduled departure of combat troops from Afghanistan will change the relationship with Pakistan, potentially dramatically, as U.S. government reliance on Pakistan for transport of supplies and ground lines of communication to Afghanistan will decrease. However, the United States will remain engaged with Pakistan, due to concerns about Pakistani links to terrorists and other militants opposed to the Afghan government, the country’s nuclear arsenal, its contentious relationship with neighboring India, and other issues.

U.S.-Pakistan relations have long been marked by strain, disappointment, and mistrust. The government-to-government relationship improved somewhat during the reporting period, after reaching a nadir following the raid that killed Osama Bin Laden and a November 2011 incident near the Pakistan-Afghanistan border in which U.S. and NATO forces fired on Pakistani soldiers, killing two dozen Pakistanis. In retaliation for the shooting incident, Pakistan closed all ground lines of communication and supply used by NATO forces into Afghanistan. These were not reopened until Secretary Clinton apologized in July 2012. In what the Congressional Research Service calls “an apparent quid pro quo for the reopening,” on July 6, 2012, the U.S. government released \$1.18 billion in Coalition Support Fund military reimbursements to Pakistan. In addition, the bilateral Strategic Dialogue was later restarted, albeit with a more modest agenda.

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Human rights and religious freedom have not been visible priorities in the bilateral relationship, although U.S. Embassy Islamabad has been active in tracking cases and U.S. officials have raised concerns with Pakistani officials. One example of the lack of visibility is the Strategic Dialogue, established between the United States and Pakistan in 2010 that includes the topics of “economy and trade; energy; security; strategic stability and non-proliferation; law enforcement and counter-terrorism; science and technology, education; agriculture; water; health; and communications and public diplomacy.” The Dialogue was dormant for some time, due to the aforementioned challenges in the bilateral relationship. However, by the end of the reporting period, select bilateral working groups were reportedly restarted: defense, finance, law enforcement and counter-terrorism, strategic stability and non-proliferation, and energy. Human rights remained absent from the list of bilateral concerns incorporated into the dialogue.

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HUMAN RIGHTS AND RELIGIOUS FREEDOM HAVE NOT BEEN VISIBLE PRIORITIES IN THE BILATERAL RELATIONSHIP, ALTHOUGH U.S. EMBASSY ISLAMABAD HAS BEEN ACTIVE IN TRACKING CASES AND U.S. OFFICIALS HAVE RAISED CONCERNS WITH PAKISTANI OFFICIALS.

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The aid relationship with Pakistan is complex and changing. During the reporting period, Congress continued to question the U.S. partnership with Pakistan and levels of funding, while also understanding the need to balance Pakistan’s strategic importance. Several laws condition aid or have certification requirements and new bills were introduced to encourage greater accountability. For instance, both the Economic Support Funds and the Pakistan Counterinsurgency Fund place conditions on U.S. assistance. Other laws, before U.S. aid can be disbursed, require the Executive branch to certify that Pakistan meets specific criteria, such as on human rights or in combating terrorism. On September 13, 2012, the State Department notified Congress that the Obama administration would waive two certification requirements that placed conditions on U.S. assistance. According to the Congressional Research Service, the State Department certified that Pakistan was “cooperating with the United States on a range of counterterrorism, nonproliferation, democracy, and other issue-areas.”

Non-military U.S. aid dramatically increased in recent years, while military aid has ebbed and flowed over the decades of engagement. In October 2009, President Obama signed the Enhanced Partnership with Pakistan Act (also known as the Kerry-Lugar Bill) authorizing an additional \$7.5 billion (\$1.5 billion annually over five years) in mostly non-military assistance to Pakistan. However, the \$1.5 billion amount was only met in the first year, and the appropriated amount has been approximately one-third of that each year since.

The Obama administration’s FY2013 request for aid to Pakistan totaled \$2.2 billion. The Congressional Research Service reported that Pakistan was the third highest recipient in aid in FY2012. Since 2009, over \$2 billion in civilian assistance has been disbursed, of which \$500 million was for emergency humanitarian relief. That same year Congress also established the Pakistan Counterinsurgency Fund (PCF) within the Defense Department appropriations and the Pakistan Counterinsurgency Capability Fund (PCCF) within the State-Foreign Operations Appropriations.

### RECOMMENDATIONS

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



## PAKISTAN

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

### **I. ENDING VIOLATIONS OF RELIGIOUS FREEDOM IN PAKISTAN**

As part of designating Pakistan as a CPC, the U.S. government should urge the government of Pakistan to:

- initiate a nationwide effort to end the activities of banned militant groups, such as LeJ and TTP, and arrest and prosecute their leaders and any members perpetrating acts of violence against religious minorities or others deemed “un-Islamic;”
- provide visible security protection for vulnerable minority religious communities, such as Shi’a, Ahmadis, Christians, and Hindus, their routes used for religious processions, and their leaders;
- place a moratorium on the use of the blasphemy law until it is reformed or repealed, immediately release those detained on blasphemy charges, and unconditionally pardon all individuals convicted of blasphemy;
- ensure that those accused of blasphemy, their defenders, witnesses, and trial judges are given adequate protection, including by investigating and prosecuting death threats and other statements inciting violence issued by political leaders, religious officials, or other members of society;
- address incitement to imminent violence by prosecuting government-funded clerics, government officials, or individuals who incite violence against disfavored Muslims and non-Muslims, disciplining or dismissing government-funded clerics who espouse intolerance, and enforcing the Misuse of Loudspeakers Act and Article 153 of the Penal Code regarding starting a riot;
- increase efforts to find, arrest, and prosecute all those involved in the murder of Shahbaz Bhatti, and prioritize the prevention of religiously-motivated and sectarian violence and the punishment of its perpetrators;
- amend the constitution and rescind criminal laws targeting Ahmadis and repeal Chief Executive’s Order No. 15 to permit Ahmadis to vote alongside all other Pakistanis as part of a joint electorate;
- ensure that the Federal Ministry for National Harmony continues in the new government, is adequately funded and staffed, and that minority affairs ministries are established in all four provinces;
- enforce government-mandated employment quotas for minorities and work to see that religious minorities are proactively recruited into government jobs, consistent with current policies, and that the representation of non-Muslims in the parliament is increased; and
- call on the Pakistani government to comply with and fully implement recommendations from the UN Human Rights Council’s Universal Periodic Review of Pakistan, including those related to freedom of religion or belief.

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### II. ADVANCING RELIGIOUS FREEDOM THROUGH U.S. PROGRAMS AND POLICIES

To clearly articulate that upholding religious freedom and related human rights is an essential element of the U.S. policy toward Pakistan, the U.S. government should:

- include discussions on religious freedom and religious tolerance in U.S.-Pakistan strategic dialogues and summits;
- instruct the Secretary of Defense and the commander of U.S. Central Command to raise with Pakistan's military leadership the importance of addressing violent extremism by combating militant groups with paramilitary and law enforcement bodies, rule of law, law enforcement, and policing, and stress the need to reform Pakistan's blasphemy law;
- ensure U.S. assistance supports Pakistani government and civil-society institutions that work to uphold and guarantee religious freedom and increase religious tolerance and understanding, including by directing U.S. officials and recipients of U.S. grants to prioritize projects promoting multi-religious engagement and developing the political ability of ethnic and religious minorities to organize themselves and convey their concerns to the government effectively;
- increase the funding for strategic communications programs to counter violent extremism, and incorporate messaging on the importance of religious tolerance and religious freedom to oppose rhetoric used to promote and justify violent acts;
- ensure that U.S. assistance for capacity development going to the Pakistani executive, legislative, and judicial branches addresses religious freedom and related human rights by, for example, assisting the programs developed by the Federal Ministry of National Harmony that promote pluralism and religious tolerance;
- emphasize the training of Pakistani police officers and leadership to enhance their capacity to fight violent religious extremism by providing technical assistance, equipment, and training on best practices for law enforcement outreach to and protection of vulnerable minority religious communities, such as Shi'a, Ahmadis, Christians, and Hindus;
- fund teacher-training programs that promote positive concepts of tolerance and respect for the rights of others and exclude material promoting intolerance, hatred, or violence against any group of persons based on religious or other differences;
- engage the political leadership of Punjab province about reducing the large number of blasphemy cases in that province and preventing violence against religious minorities; and
- expand the Fulbright Program, the International Visitor Program, Hubert Humphrey Fellowship Program, and other exchanges for professionals, journalists, students, women, and religious and civil society leaders from all of Pakistan's diverse religious and ethnic communities, in order to promote a vibrant civil society in Pakistan.

### III. IMPROVING EDUCATION

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

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

# SAUDI ARABIA



## **USCIRF STATUS:**

**Tier 1 Country of Particular Concern**

## **BOTTOM LINE:**

Despite improvements in religious freedom, Saudi Arabia remains unique in the extent to which it restricts the public expression of any religion other than Islam. Not a single church or other non-Muslim house of worship exists in the country. The government privileges its own interpretation of Sunni Islam over all other interpretations. It also arrests and detains Shi'i Muslim dissidents and continues to imprison individuals for apostasy, blasphemy, and sorcery.

### EXECUTIVE SUMMARY

**FINDINGS:** During the reporting period, the Saudi government made improvements in policies and practices related to freedom of religion or belief, but remains a “country of particular concern,” or CPC, for violations of freedom of religion or belief. During a February 2013 visit to the Kingdom, an array of nongovernmental interlocutors told USCIRF that King Abdullah continued to make concerted efforts to advance an agenda of reform that has positively impacted religious freedom. The areas of progress include: curtailing the powers of the Commission for the Promotion of Virtue and Prevention of Vice (CPVPV); promoting a “culture of dialogue” and understanding between Muslim religious communities inside the Kingdom and advancing inter-religious dialogue in international fora; improving conditions for public religious expression by Shi’i Muslims in the Eastern Province; continuing efforts to counter extremist ideology inside the Kingdom; and making further revisions to remove intolerant passages from textbooks and curriculum.

Nevertheless, the Saudi government continues to ban most forms of public religious expression other than that of the government’s own interpretation of one school of Sunni Islam; prohibits any public non-Muslim places of worship; and periodically interferes with the private religious practice of non-Muslim expatriate workers in the country. There continued to be sporadic arrests and detentions of Shi’i Muslim dissidents, partly as a result of more frequent protests and demonstrations since early 2011. Saudi officials often cite national security concerns as a pretext for cracking down on religious minorities and Muslim dissidents. In addition, the Saudi government continued to prosecute, convict, and imprison individuals charged with apostasy, blasphemy, and sorcery.

Despite progress by the Saudi government on certain policies and practices, USCIRF again recommends in 2013 that Saudi Arabia be designated as a CPC for systematic, ongoing, and egregious violations of religious freedom. Although so designated by the State Department since 2004, an indefinite waiver on taking any action in consequence of the CPC designation has been in place since 2006.

**PRIORITY RECOMMENDATIONS:** USCIRF has concluded that full implementation by the Saudi government of policies it confirmed in July 2006 would diminish significantly the government’s institutionalized practices that negatively affect freedom of religion and belief. Religious freedom in Saudi Arabia has not been a U.S. priority in the bilateral relationship and, as a consequence, the U.S. government has not adequately held to account the Saudi government on its implementation of reforms confirmed in 2006 to advance freedom of religion and belief in the Kingdom. The U.S. government should replace the indefinite waiver of action with a limited 180-day waiver, during which time the Saudi government should advance and complete reforms, including those confirmed in July 2006 in U.S.-Saudi bilateral discussions. The U.S. government should call, at the highest levels, for the release of prisoners convicted and imprisoned on charges of apostasy, blasphemy, or sorcery. In addition, Congress should require the State Department to issue a public report 180 days after the publication of this report on the Saudi government’s efforts and results achieved in implementing reforms related to freedom of religion or belief. Additional recommendations for U.S. policy toward Saudi Arabia can be found at the end of this chapter.

## SAUDI ARABIA

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### RELIGIOUS FREEDOM CONDITIONS

#### USCIRF FEBRUARY 2013 VISIT

In February, a USCIRF delegation traveled to Jeddah, Dhahran, and Riyadh to assess the Saudi government's progress on policies and practices related to freedom of religion or belief. The delegation

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met with high-level Saudi government officials, including the Ministers of Foreign Affairs, Justice, Education, Culture and Information, as well as the Assistant Minister of Islamic Affairs. The delegation also met with representatives from the King Abdulaziz Center for National Dialogue (KACND), the government-appointed National Human Rights Commission, the quasi non-governmental National Society for Human Rights, the Shi'i community, and Christian expatriate community, as well as lawyers, scholars, and women's rights activists. In addition, the delegation met with the U.S. Ambassador in Riyadh, the Consuls General in Jeddah and Dhahran, and U.S. Embassy staff.

During the visit, an array of non-governmental interlocutors asserted that Saudi Arabia is in the midst of a series of positive changes—although very slowly because the general population is still very conservative—and also asserted that King Abdullah is making every effort to advance an agenda of reform and modernization that has positive implications on a range of human rights concerns, including freedom of religion and belief.

#### POSITIVE DEVELOPMENTS

During the reporting period, conditions for public religious practice for Shi'i and Ismaili Muslims in certain parts of the country improved. The Shi'i community openly performed Ashura and other religious processions in Qatif and some other towns in the Eastern Province. In addition, the government temporarily shut down various media entities, particularly satellite television channels, which promoted intolerance and sometimes violence against the Shi'i community through their programming. Nevertheless, there continued to be some reports of limitations on religious practice and discrimination targeting members of the Shi'i community.

The Saudi government reiterated that in recent years approximately 3,550 government-appointed imams were fired for promoting an extremist ideology and more than 20,000 out of 75,000 imams and prayer leaders have been re-trained to espouse tolerance. In addition, according to the Saudi government, much of the language promoting intolerance and violence in Saudi textbooks and curriculum has been removed in grades one through nine and they continue to work on grades 10-12, which are expected to be completed by 2014. USCIRF was unable to confirm these assertions.

Furthermore, women and Muslim minorities have had a more pronounced public presence to discuss human rights and religious freedom concerns. In January 2013, for the first time ever, King Abdullah appointed 30 women to the previously all-male 150-member Shura Council.

#### STATE ENFORCEMENT OF A PARTICULAR INTERPRETATION OF ISLAM

Saudi Arabia is a Muslim country with a sizeable population of expatriate workers of various faiths. Nevertheless, the Saudi government persists in restricting most forms of public religious expression inconsistent with Sunni Islam and especially with its narrow interpretation. This policy violates the

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human rights of significant populations of Sunni Muslims who follow varying schools of thought, Shi'i and Ismaili Muslims, and both Muslim and non-Muslim expatriate workers. The government also tightly restricts the religious activity it does permit—through limits on the building of mosques, the appointment of imams, the regulation of sermons and public celebrations, and the content of religious education in public schools—and suppresses the religious views of Saudi and non-Saudi Muslims who do not conform to official positions. The Saudi King's official title is “Custodian of the Two Holy Mosques” in Mecca and Medina.

Some government-approved Sunni Muslim clerics continued to issue *fatwas* (religious edicts) and delivered sermons during the past year that justify committing violent acts against dissident Sunni Muslims, Shi'i Muslims, Jews, and Christians. Saudi officials acknowledged to USCIRF that some clerics continue to preach such views. However, in recent years, the Saudi government has taken steps to address intolerant *fatwas*. In 2010, several websites containing intolerant *fatwas* were blocked, following a decree by King Abdullah. The decree was issued to reduce controversial *fatwas* issued by ultra-conservative clerics. The decree restricts the right to issue *fatwas* to members of the officially-approved Council of Senior Islamic Scholars. Also, in 2010, the Council issued a *fatwa* condemning terrorist financing as forbidden by Islamic law. During USCIRF's 2013 visit, Saudi officials estimated that at least 3,550 imams had been dismissed for espousing extremist views and more than 20,000, of a total of 75,000 imams in the country, had been re-trained.

Muslim holy places in Mecca and Medina in the Hejaz region continue to be destroyed under the direction of the General Presidency's office, which reports directly to the King. The process has intensified over the past 10 years, and Saudi authorities have said that it has become necessary to raze areas surrounding the holy sites to accommodate a significant increase in the number of pilgrims visiting Mecca and Medina annually. The demolition has focused on mosques, burial sites, homes, and locations associated with Islamic history. During USCIRF's visit, some interlocutors suggested that this ongoing phenomenon is part of a state-endorsed policy to reject practices or habits that may lead to idolatry and polytheistic association (*shirk*) surrounding or near the holy sites.

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The Saudi government's policy toward expatriate workers, particularly non-Muslim workers, reflects the view that they have contracted to work in the Kingdom with advance knowledge of the special conditions in Saudi Arabia. As a result, the government curtails human rights, including religious freedom, for non-Saudis in the country and temporarily-employed expatriates. This affects two to three million non-Muslim workers, including Christians, Hindus, Buddhists, Sikhs, and others. Restrictions are often included in labor contracts requiring expatriate workers, including female domestic laborers, to conform to Saudi religious customs, thereby forcing them to waive their inalienable human rights protections, and submitting them to limitations, amounting to human rights abuses, enforced by Saudi employers.

### **CLASHES WITH SHI'I MUSLIM DEMONSTRATORS**

In March 2011, after unrest began to envelope the Arab world including Saudi Arabia, the Ministry of Interior banned public protests as contrary to Shari'ah. Despite this ban, periodic small-scale demonstrations and protests have continued, some of which have resulted in violence, injuries, and deaths. In January 2012 in the Qatif region, Saudi security forces clashed with Shi'i Muslims celebrating Arbaeen, which marks the end of the 40-day mourning period after the anniversary of the death of the Prophet Muhammad's grandson. The clashes resulted in one death and at least three injuries. In July and August 2012, protests in the Qatif region intensified after Shi'i cleric Sheikh Nimr al-Nimr was wounded

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and arrested by police on July 8. Three men were killed in a protest on the evening of the arrest, and another killed five days later in nearby al-Awamiyah. Al-Nimr reportedly was physically abused while detained. Protest organizers in al-Awamiyah stated their support for al-Nimr and insisted on the use of non-violent resistance. One protester, Mohamed al-Shakhouri, reportedly was shot in the back and neck and arrested in late July after calling for al-Nimr's release. Further protests called for all Shi'i and Sunni detainees to be freed, including al-Shakhouri.

In addition, according to interlocutors in Saudi Arabia, approximately 180 Shi'i Muslims remain in prison for involvement in demonstrations since early 2011. Reportedly there have been no prosecutions for the deaths of least 15 Shi'i protestors killed in clashes with Saudi security forces during demonstrations. Authorities have compensated families of some of the victims.

### **DISCRIMINATION AGAINST SHI'I AND ISMAILI MUSLIMS**

Shi'i Muslims—approximately 10 to 15 percent of the population and most heavily concentrated in the Eastern Province—and members of indigenous Muslim communities who follow schools of thought other than that favored by the government are subject to official discrimination, particularly in government, education, political representation, the judiciary, and the media. This exclusion is partly political in motivation.

During USCIRF's February 2013 visit, representatives from the Shi'i community stated that conditions for public religious practice in parts of the Eastern Province had improved. Members of the Shi'i community in Qatif, where they represent the vast majority of the population, have held large public gatherings since 2007 in observance of Ashura and other religious processions without government interference. In addition, Shi'i interlocutors stated that most discriminatory language denigrating Shi'i Muslims in Saudi textbooks has been removed, although USCIRF was unable to confirm these assertions.

However, authorities continue to prohibit Shi'i observance in other areas of the Eastern Province, such as in al-Ahsa and Dammam. According to interlocutors, there are no Shi'i mosques in Dammam or Khobar. While dialogue between the Shi'i community and the Saudi government has increased, there has not been progress on re-opening mosques and *hussainiyas* (Shi'i meeting halls) in al-Ahsa and Dammam that have long been closed by the government.

Problems also remain in areas of the Eastern Province where the population is more evenly split. Over the past five years, Saudi authorities have carried out a series of short-term detentions of members of the Shi'i community, a pattern which continued in 2012. Generally, the individuals are not charged with any crime, nor do Saudi authorities offer any explanation other than suggesting that the detentions are punishment for holding private religious gatherings.

According to interlocutors, over the past five year, at least 600 Shi'i worshippers were detained for up to 30 days for worshipping in private homes or makeshift *hussainiyas* or for displaying various Shi'i symbols. Some of the other reasons cited for the arrests include: using a loud speaker outside a meeting hall; refusing to close down a makeshift place of worship; taking part in religious celebrations; and distributing sweets during religious occasions.

There are no Shi'i ministers in the government, only six of the 150-member *Shura* (Consultative Council) are Shi'i Muslims, and there are very few Shi'i Muslim leaders in high-level government positions, particularly in the security agencies. Since many Saudi judges consider Shi'i and Ismaili Muslims to be "non-believers," courts frequently treat them more severely. In addition, public schools indoctrinate children of Shi'i and Ismaili Muslims with the government's interpretation of Sunni Islam, and there is no alternative option in these schools for instruction according to the wishes of the parents.



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Ismaili Muslims, a Shi'i sect numbering some 700,000 in Saudi Arabia, continue to face discrimination by Saudi authorities, particularly in religious practice, government employment, the justice system, and education. There were also reports that the government has relocated some Ismailis from the southwest of the country to other areas in the Kingdom, as well as encouraged them to emigrate. The government does not finance the building of mosques for Ismailis, although it does so for Sunni Muslim houses of worship.

### **APOSTASY, BLASPHEMY, AND SORCERY CHARGES**

The Saudi government uses criminal charges of apostasy and blasphemy to suppress discussion and debate and to silence dissidents. Promoters of political and human rights reforms, as well as those seeking to debate the role of religion in relation to the state, its laws, and society, are typically the target of such charges.

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During USCIRF's 2013 visit, Saudi officials asserted that there are limits on free speech, particularly when it comes to the Prophet Muhammad or Islam in general. Officials stated that unrestricted speech which transgresses "moral values" is unacceptable. One official suggested that Saudi media entities regularly criticize the government but they are not permitted to offend the feelings of individual members of the government or to criticize Islam. Saudi officials also stated that the government is making efforts to promote responsible and accountable expression.

In February 2012, after receiving numerous death threats, Hamza Kashgari, a 24-year old Saudi blogger, fled from Saudi Arabia to Malaysia amid possible apostasy and blasphemy charges for comments he posted on Twitter. After a few days, Malaysian authorities deported him back to Saudi Arabia, where he remains in detention in Jeddah awaiting formal charges. During USCIRF's visit, Saudi officials stated that Kashgari was detained because he wrote statements online which "disturbed the public order," a crime in the Kingdom. Saudi officials said that an individual can be held for up to six months without charge, and that Kashgari could, in fact, sue the government if he is not formally charged because he has been held for more than one year. Several officials claimed that Kashgari continues to be held for his own safety because many Saudi citizens have called for his death. In addition, authorities claimed to be "educating" Kashgari to express his opinions without arousing conflict or injuring the feelings of others.

In June 2012, Raif Badawi, the editor of the *Free Saudi Liberals* website which encourages religious debate, was arrested in Jeddah and reportedly charged with apostasy, "insulting Islam through electronic channels," and "going beyond the realm of obedience." In January 2013, a Saudi court decided not to pursue the apostasy charge, which carries the death penalty. However, Badawi continues to face the other two charges and remains in prison. In December 2012, Saudi writer Turki al-Hamad was arrested after reportedly publishing a series of tweets calling for reform of Islamist teachings. He remains in detention without charge.

Historically, Saudi authorities have used charges of "sorcery" and "witchcraft" against individuals, including handing down severe punishments for those who are convicted. During USCIRF's visit, Saudi officials explained that sorcery is forbidden in Islam because it is considered a deceptive practice that preys on ignorant and vulnerable individuals and inflicts psychological or physical harm, including death. Saudi authorities explained that the practice of "witchcraft" is a lesser offense. Anti-sorcery departments exist in CPVPV branches across the country, responsible for investigating and reporting incidents of "sorcery" to local police. Several Muslims remain in prison on alleged sorcery charges and others have

## SAUDI ARABIA

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been executed over the past few years. In June 2012, a Saudi man, Muree bin Issa al-Asiri, reportedly was executed in Najran for sorcery and adultery.

### **WOMEN'S RIGHTS**

On a positive note, over the past few years, there has been an increase in the role of women in society and more public space to discuss human rights practices affecting women. In January 2013, for the first time ever, King Abdullah appointed 30 women to the previously all-male 150-member Shura Council. Women were not permitted to vote in the September 2011 municipal elections, although King Abdullah announced that women would be able to vote and run in the next round of municipal elections in 2015.

Nevertheless, the government's adoption of a legal system that combines local tribal customs with 18<sup>th</sup> century jurisprudence of a conservative school of Islamic thought adversely affects the human rights of women in Saudi Arabia, including their freedom of speech, movement, association, and religion; freedom from coercion; access to education; and full legal equality.

Women face discrimination both in law and in practice. For example, women seeking medical care, whether emergency or not, may be refused medical treatment by hospitals if they lack the consent of a male relative. When appearing in public, women must adhere to a conservatively-interpreted religious dress code. Women must obtain written permission from a male relative to travel inside or outside the country and are not permitted to drive motor vehicles. In addition, Saudi courts, which apply the Saudi government's mix of laws to the cases before them, do not grant women equal legal status to men. A woman's testimony is treated as one-half the testimony of a man and divorce laws are interpreted to require a woman to demonstrate legally-specified grounds for divorce, while men may divorce without cause.

### **STATE HARASSMENT OF PRIVATE WORSHIP**

Non-Muslims are not allowed to have Saudi nationality and no non-Muslim places of worship are permitted in the country. In addition, the Saudi government enforces and limits public worship to its sanctioned version of Sunni Islam.

In March 2012, Saudi Grand Mufti Abdulaziz Al al-Sheikh was quoted in the Arabic press as saying it is "necessary to destroy all the churches of the region" in response to a visiting Kuwaiti delegation who asked him if churches should be banned in Kuwait. For years, and also during USCIRF's February 2013 visit, Saudi government officials argued that places of worship other than mosques cannot exist in the Kingdom because Saudi Arabia is home to Islam's two holiest sites: Mecca and Medina. In addition, government officials pointed to a *hadith* (oral tradition) from the Prophet Muhammad which says that only Islam can exist on the Arabian Peninsula, although other Islamic experts contend that this *hadith* can be interpreted differently.

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In 2012 and 2013, Saudi officials reiterated the government position that non-Muslim expatriate workers are permitted to worship in private. However, what constitutes "private" worship remains unclear and vague. The Saudi government has said that as long as non-Muslims practice their religion in small groups in private homes, no security entity would interfere, since no law prohibits non-Muslims from practicing

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in this manner. During USCIRF's visit, some non-Muslim interlocutors said they are able to worship in rented compounds with as many as 300 or more participants. In one case, the congregation voluntarily affirmed to Saudi authorities that they do not proselytize and do not permit any Saudi citizens to attend their gatherings.

Saudi authorities continue to subject expatriate workers from South Asia and several African countries to surveillance and raids. In fact, representatives of some non-Muslim communities continue to assert that, in practice, religious freedom does not exist in the Kingdom, but some others disagree. During USCIRF's 2013 visit, Saudi officials stated that no one is arrested for private worship, but some gatherings are raided because foreign workers' residency permits have expired. Some expatriate workers dispute this assertion. Outside the compounds populated by foreign workers, where private worship is allowed, expatriate workers continue to fear government interference with their private worship. This interference can occur for many reasons, such as if a worship service is too loud, has too many attendees, including if there are too many vehicles in front of a compound, or occurs too often at the same place.

During the year, there continued to be public reports of incidents in which Saudi authorities entered and raided private homes where non-Muslim expatriate workers were worshipping in private. Several other cases were not publicized in order to secure releases. In February 2013, police and CPVPV members reportedly arrested nearly 50 Ethiopian and Eritrean expatriate workers conducting a religious fellowship gathering in a private home. At least five have since been released, although more than 40 remain in detention at the end of the reporting period. Several reportedly do not have residence permits and risk deportations, but more than 20 possess valid work permits. In December 2011, approximately 35 Ethiopian Christians reportedly were detained for holding a private prayer gathering and charged with "mixing with the opposite sex." Some alleged physical abuse during interrogations. By August 2012, all 35 had been deported. Saudi officials stated that the group was arrested not because of religious beliefs but because they were monitoring the home of an Ethiopian citizen suspected of housing expatriate workers without valid permits. According to Saudi authorities, at least 20 individuals did not have valid residency permits and were deported.

During the past year, there were no reports of government officials confiscating religious materials and no reports that customs officials confiscated religious materials from travelers, whether Muslims or non-Muslims. Individuals were able to bring personal religious materials into the country without difficulty.

In addition, in September 2012, the Saudi government eased the rules and regulations for non-Muslim expatriates to bury their dead in their home countries as well as at a designated cemetery in Riyadh. Also, during the reporting period, senior Saudi government officials, including King Abdullah, made statements with the reported aim of improving the climate of tolerance toward members of non-Muslim religions.

### **THE DIMINISHING ROLE OF THE COMMISSION TO PROMOTE VIRTUE AND PREVENT VICE (CPVPV)**

Restrictions on religious practice by both Saudis and non-Saudis are officially enforced in large part by the CPVPV, a government entity that includes a force of approximately 5,000 field officers, nearly 2,000 administrative workers, and more than 3,500 field offices throughout the country. In the past, there were hundreds of "unofficial" volunteers who took it upon themselves to carry out the work of the CPVPV, although in 2012, the Saudi government disbanded the volunteer force. Furthermore, in January 2012, King Abdullah appointed a new director of the CPVPV, Abdullatif al-Alsheikh. The CPVPV, which reports to the King, is tasked with enforcing public morality based on the Saudi government's interpretation of Islamic law. Members of the CPVPV patrol the streets enforcing dress codes, maintaining the strict separation of men and women, ensuring that restaurants and shops are closed during

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daily prayers, and enforcing other restrictions on behavior. USCIRF continues to call for the dissolution of the CPVPV.

In recent years, including during the past year, the public presence of the CPVPV has diminished. Nevertheless, in some cases, members of the CPVPV periodically overstep authority. Despite the fact

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THE CPVPV, WHICH  
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that the CPVPV is not allowed to engage in surveillance, detain individuals for more than 24 hours, arrest individuals without police accompaniment, or carry out any kind of punishment, its members have been accused over the past year of beating, whipping, detaining, and otherwise harassing individuals.

In January 2013, a new law was passed limiting the jurisdiction of the CPVPV. According to reports, members of the CPVPV will no longer have the power to interrogate or press charges against individuals. In 2012, the CPVPV director banned searches without prior agency approval, delegated arrest and interrogation power to other agencies, and prohibited officers from patrolling outside shopping malls to prevent people from entering. During USCIRF's 2013 visit, several activists, including women, stated that Saudi citizens have challenged members of the CPVPV when they were harassed.

Saudi government officials claim to have dismissed, disciplined, and criminally tried members of the CPVPV for abuses of power. During USCIRF's 2013 visit, Saudi officials confirmed that there have been cases where members of the CPVPV have been accused of abuse. Officials claimed that several individuals already have been awarded damages by Saudi administrative courts and that there are cases before the criminal courts alleging that members of the CPVPV were responsible for the death or injury of Saudi citizens.

### **INTOLERANT REFERENCES IN EDUCATIONAL MATERIALS AND TEXTBOOKS**

In July 2006, the State Department publicly stated that the Saudi government had confirmed that it planned to “revise and update textbooks to remove remaining intolerant references that disparage Muslims or non-Muslims or that promote hatred toward other religions or religious groups, a process the Saudi government expects to complete in one to two years [no later than July 2008].” Several years later, the revisions remain incomplete.

During USCIRF's 2013 visit, Saudi officials stated that textbooks from grades one through nine have been revised to remove intolerant passages, and that the government is still working on revisions for grades 10-12, which they expect to complete by 2014. By the end of the reporting period, despite efforts to access the textbooks on a website provided by the Saudi government, USCIRF was unable to download the books and review the revisions for grades one through nine<sup>2</sup>. Nevertheless, Saudi high school textbooks in use during the 2011-2012 school year continue to teach hatred toward other religions and, in some cases, promote violence. For example, some high school texts justified violence against apostates, sorcerers, and homosexuals and labeled Jews and Christians “enemies of the believers.” In addition, one high school textbook continues to present the “Protocols of the Elders of Zion” —a notorious forgery designed to promote hostility toward Jews—as an authentic document.

In October 2012, past and current leaders of prominent American publishing companies published an op-ed expressing “profound disappointment that the Saudi government continues to print textbooks inciting

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<sup>2</sup> The following Web Site of the Ministry of Education's textbooks was provided by the Saudi Embassy in Washington, DC: <http://www.ed.edu.sa/books/>.

## SAUDI ARABIA

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hatred and violence against religious minorities.” The article also cited two examples of passages from the “most recent” eighth and ninth textbooks which incite hatred and intolerance.

The State Department’s latest report on religious freedom, released in July 2012, stated: “The [Saudi] government reported completing revisions in half the grades, but Arabic and religion textbooks continued to contain overtly intolerant statements against Jews and Christians as well as intolerant references by allusion against Shi’i and Sufi Muslims and other religious groups...Reform programs for the other grades were being developed at year’s end, but most school children used textbooks that retained language intolerant of other religious traditions, especially Jewish, Christian, and Shi’i beliefs, and included commands to hate infidels for their kufr (unbelief) and kill apostates.”

In early 2012, the Saudi Minister of Education stated publicly that the government needed an additional three years to revise textbooks, and that the Ministry is “developing curricula that would absorb new visions and promote citizenship, tolerance, and openness towards others....”

### COUNTERING EXTREMISM INSIDE THE KINGDOM AND HALTING ITS EXPORTATION

There continue to be reports that funding originating in Saudi Arabia is used globally to finance religious schools, mosques, hate literature, and other activities that support religious intolerance and, in some cases, violence toward non-Muslims and disfavored Muslims.

Over the past several years, the Saudi government has undertaken measures to combat extremism inside the country, such as rehabilitation and prevention programs for convicted extremists and terrorists, as well as retraining and/or dismissing imams and school teachers known to espouse extremist views. As part of the prevention program’s “mindset” component, the Saudi government distributed to the public millions of pamphlets, tracts, messages, and ads of religious opinions condemning terror and warning against the hijacking of airplanes, bombings, and assassinations. Many of these initiatives, implemented through the Saudi Interior Ministry’s guidance department, are designed to confront extremism through the propagation of a “more judicious interpretation of religious doctrine.” Examples include dropping the *takfir* doctrine, which involves accusing another Muslim of being an apostate to justify his murder, and insisting on strict jurisprudence of recognized authorities.

Saudi officials assert that they continue to screen and monitor prospective and current teachers who espoused extremist religious views. During USCIRF’s 2013 visit, representatives of the government-funded KACND stated that it had trained hundreds of teachers on “Educational Dialogue in the Classroom.” According to Saudi officials, the government also continues to screen and monitor government-paid clerics in mosques throughout the country, although some public officials and clerics still make discriminatory and intolerant statements. In rural areas, the KACND “Caravan of Dialogue” program worked with local imams to include the concepts of dialogue in their Friday sermons and is in the process of retraining 40,000 additional Muslim clerics as part of a program to promote tolerance and moderation in Saudi society.

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DURING THE PAST YEAR, THERE WERE CONTINUED REPORTS OF VIRULENTLY ANTI-SEMITIC, ANTI-CHRISTIAN, AND ANTI-SHI’I SENTIMENTS IN THE OFFICIAL MEDIA AND OCCASIONALLY IN SERMONS DELIVERED BY CLERICS.

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During the past year, there were continued reports of virulently anti-Semitic, anti-Christian, and anti-Shi’i sentiments in the official media and occasionally in sermons delivered by clerics. This continues despite some clerics having been disciplined for preaching extremist views. According to the State Department,

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the Ministry of Islamic Affairs supervised clerics through “regular inspections, surprise inspections, complaints received from worshipers, and investigations of accusations in the press.” Representatives from the Ministry of Culture and Information stated that the Saudi government is working on promoting “responsible and accountable freedom” through government-controlled media outlets.

In response to inquiries about the Saudi government’s commitment to halting the global dissemination from the Kingdom of extremist ideology, literature, and other materials, government officials cited, among other things, the new activities of the Saudi government-funded King Abdullah Bin Abdulaziz International Center for Interreligious and Intercultural Dialogue (KAICIID) in Vienna, Austria as a counter measure. After its inauguration in October 2011, the KAICIID opened its offices in November 2012. KAICIID’s stated objective is “to enhance inter-religious and intercultural dialogue thus fostering respect, understanding and cooperation among people, promote justice, peace and reconciliation, and counter-act the abuse of religion to justice oppression, violence and conflict.”

In the past, Islamic Affairs sections in Saudi embassies worldwide reportedly were responsible for both distributing extremist and intolerant materials and providing diplomatic status to Muslim clerics, including non-Saudi clerics. According to the Saudi government, these sections have been closed due to such reports.

### **EMPOWERMENT OF OFFICIALLY-SANCTIONED HUMAN RIGHTS INSTITUTIONS**

In September 2005, the Council of Ministers, chaired by King Abdullah, approved the establishment of a government-appointed, 24-member Human Rights Commission (HRC) that reports directly to the King. The HRC continues to engage the Saudi government on a variety of human rights concerns. During USCIRF’s 2013 visit, HRC members and staff stated that the climate for freedom of religion and belief had improved over the past few years and that there had been significant progress for women in all aspects of society. In particular, the HRC cited progress on public religious practice for Shi’i and Ismaili Muslims in the Kingdom and, also, that a high percentage of Saudi Shi’i students were studying aboard on scholarships, including in the United States, when compared to the overall percentage in the population.

In March 2004, the Saudi government approved the formation of a National Society for Human Rights (NSHR), the country’s first and only independent, legally-recognized human rights body. The NSHR is comprised of 41 members, including 10 women. The NSHR, which was originally endowed by King Fahd, submits its reports and recommendations directly to King Abdullah. Over the years, the NSHR has publicly criticized alleged human rights violations committed by the Saudi government, including violations of freedom of religion or belief.

### **U.S. POLICY**

Despite a series of challenges in recent years, U.S.-Saudi relations remain close. For years, the U.S. government’s reliance on the Saudi government for cooperation on counterterrorism, regional security, and energy supplies has limited its willingness to press the Saudi government to improve its poor human rights record. Many experts agree that Saudi leaders seek to preserve their political authority by maintaining their legitimacy among the conservative religious establishment. Many observers contend that the United States does not want to jeopardize important bilateral initiatives by pushing for political and human rights reforms, despite opportunities emerging as a result of demonstrations calling for increased reforms and greater rights throughout the Arab world.

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Security cooperation continues to be a foundation of official U.S.-Saudi relations, bolstered by major new arms sales, continued security training arrangements, enhanced counterterrorism cooperation, and shared concerns about potential threats posed by Iran and al-Qaeda. New joint efforts to build stronger economic and educational ties are intended to broaden the basis of the bilateral relationship and help meet the economic demands and aspirations of the Kingdom's growing young population.

In late December 2011, the Obama administration publicly announced that Saudi Arabia had agreed to terms to proceed with a \$29 billion sale of advanced F-15 fighter aircraft. In March 2012, the Pentagon announced that Boeing had been selected for another contract worth \$11.4 billion to supply 84 new F-15s along with related systems and weaponry as part of the sale. Congress was notified of the proposed sale in October 2010, and Saudi Arabia received the formal letter of offer and approval for consideration in April 2011.

According to the State Department, U.S. policy seeks to press the Saudi government to “respect religious freedom and honor its public commitment to permit private religious worship by non-Muslims, eliminate discrimination against minorities, promote respect for non-Muslim religious belief, and combat violent extremism.” The U.S. government supports King Abdullah's interfaith and intercultural initiative to promote religious dialogue and tolerance and continues to encourage the government's efforts to revise and update its textbooks and remove intolerant passages advocating violence. The U.S. government included Saudi officials in several exchange and U.S. visitor programs to promote religious tolerance and interfaith dialogue.

Since 2000, USCIRF has recommended that Saudi Arabia be designated as a CPC for engaging in systematic, ongoing, and egregious violations of the right to freedom of religion or belief. In September 2004, the State Department followed the Commission's recommendation and designated Saudi Arabia a CPC for the first time. In 2005, a temporary waiver was put in place, in lieu of any action as a consequence of CPC designation, to allow for continued diplomatic discussions between the U.S. and Saudi governments and “to further the purposes of the International Religious Freedom Act” (IRFA). In July 2006, the waiver was left in place when the State Department announced that ongoing bilateral discussions with Saudi Arabia had enabled the U.S. government to identify and confirm a number of policies that the Saudi government “is pursuing and will continue to pursue for the purpose of promoting greater freedom for religious practice and increased tolerance for religious groups.” Among the measures that were confirmed by Saudi Arabia as state policies were:

- Revise and update textbooks to remove remaining intolerant references that disparage Muslims or non-Muslims or that promote hatred toward other religions or religious groups, a process the Saudi government expects to complete in one to two years [no later than July 2008].
- Prohibit the use of government channels or government funds to publish or promote textbooks, literature, or other materials that advocate intolerance and sanction hatred of religions or religious groups.
- Control distribution of Saudi educational curricula to ensure that unauthorized organizations do not send them abroad.
- Ensure Saudi embassies and consulates abroad review and destroy any material given to them by charities or other entities that promote intolerance or hatred.
- Guarantee and protect the right to private worship for all, including non-Muslims who gather in homes for religious practice.

## SAUDI ARABIA

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- Address grievances when the right to private worship is violated.
- Ensure that customs inspectors at borders do not confiscate personal religious materials.
- Ensure that members of the CPVPV do not detain or conduct investigations of suspects, implement punishment, violate the sanctity of private homes, conduct surveillance, or confiscate private religious materials.
- Hold accountable any CPVPV officials who commit abuses.
- Bring the Kingdom's rules and regulations into compliance with human rights standards.

In August 2011, the State Department re-designated Saudi Arabia a CPC but kept in place a waiver of any action "to further the purposes" of IRFA.

### RECOMMENDATIONS

USCIRF has concluded that full implementation by the Saudi government of the previously-confirmed policies in July 2006 would diminish significantly the government's institutionalized practices that negatively affect freedom of religion and belief. USCIRF urges the U.S. government to address religious freedom and other human rights issues actively and publicly with the Saudi government and to report openly on the government's success or failure to implement genuine reforms in these areas, in order to ensure that the Saudi government's initiatives will result in substantial, demonstrable progress.

#### **I. STRENGTHENING U.S. HUMAN RIGHTS DIPLOMACY AS PART OF THE BILATERAL RELATIONSHIP**

The U.S. government should:

- continue to designate Saudi Arabia a CPC and as a consequence replace the indefinite waiver with a temporary 180-day waiver, during which time the Saudi government should complete the religious freedom reforms agreed to in the July 2006 confirmed policies;
- press the Saudi government to dissolve the CPVPV and continue efforts to ensure that law enforcement is entrusted to professionals from law enforcement agencies with a precise jurisdiction and subject to judicial review; conduct prompt and independent investigations into reported abuses; ensure complainants due process and other rights under international law, including the right to challenge the lawfulness of his/her detention and be released if it is not lawful; and provide the right to a remedy, including an enforceable right to compensation;
- call, at the highest levels, for the release of Hamza Kashgari, Raif Badawi, Turki al-Hamad, and other prisoners who have been convicted and remain in prison on charges of apostasy, blasphemy, or sorcery;
- press the Saudi government to address incitement to violence and discrimination against disfavored Muslims, such as Shi'i and Ismaili Muslims, and non-Muslims by:



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- prosecuting government-funded clerics and other officials who incite violence against members of Muslim or non-Muslim minority communities, and dismiss or discipline those espousing intolerance;
- refuting, publicly and officially, incitement to violence and discrimination by clerics, government officials, and the government-controlled media against members of Muslim or non-Muslim minority communities; and
- rescinding *fatwas* issued by government-funded clerics that are discriminatory toward or incite violence against members of Muslim or non-Muslim minority communities; and
- address the work of the Human Rights Commission (HRC) and National Society for Human Rights (NSHR) by:
  - urging the Saudi government to ensure that all government agencies cooperate fully with the HRC and the NSHR, including by publishing the decree requiring cooperation and imposing penalties for failure to cooperate;
  - urging the HRC and NSHR to study the situation of freedom of religion or belief in the Kingdom with regard to majority and minority faiths, using universal human rights standards as a benchmark, and report its findings publicly; and
  - urging the Saudi government to implement recommendations from the NSHR's reports, which would improve human rights compliance in the Kingdom.

The U.S. Congress should:

- require the State Department to issue a public progress report within 180 days of the publication of this report on efforts and results achieved by the Saudi government to implement religious freedom reforms announced in July 2006 following bilateral discussions between the two countries; and
- fund and develop regular exchanges with members of the Saudi Consultative Council (*Shura*) on human rights and religious freedom.

## **II. ADDRESSING INTOLERANCE IN EDUCATION MATERIALS IN SAUDI ARABIA AND AROUND THE WORLD**

The U.S. government should:

- undertake and make public an assessment of the Ministry of Education textbooks used during the current school year in Saudi Arabia to determine if they have been revised to remove passages that teach religious intolerance or hatred, which the Saudi government confirmed in July 2006 that it would do within one to two years;
- urge the Saudi government to include in all school curricula, in school textbooks, and in teacher training the concepts of tolerance and respect for the human rights of all persons, including religious freedom, consistent with the Universal Declaration of Human Rights;
- urge the Saudi government to end its restriction permitting only the teaching of the government's interpretation of Sunni Islam at public and private schools and universities in the country;

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- request that the Saudi government make publicly available teacher training manuals used in state primary and secondary schools inside the country or sent abroad, to evaluate whether materials promote hatred, intolerance, or justify or encourage human rights violations; and
- report publicly to Congress on all the above areas as part of the reporting on progress of Saudi government implementation of the July 2006 confirmation of policies, referred to in Part I above.

### **III. PRESSING FOR IMMEDIATE IMPROVEMENTS IN OTHER AREAS RELATED TO FREEDOM OF RELIGION OR BELIEF**

The U.S. government should press for other immediate improvements in respect for religious freedom, including by urging the Saudi government to:

- ratify international human rights instruments, including the International Covenant on Civil and Political Rights and without reservations that would undermine the Covenant;
- establish genuine safeguards for the freedom to worship in accordance with international standards, and end state prosecution of individuals charged with apostasy, blasphemy, and sorcery;
- allow non-Muslim religious practices to occur more openly and allow foreign clergy to enter the country to carry out worship services and to bring religious materials for such services;
- convene a public interfaith conference inside Saudi Arabia with Muslim and non-Muslim faiths represented, and continue the Kingdom's interfaith activities globally;
- broadcast inside Saudi Arabia activities and programs of the King Abdullah Bin Abdulaziz International Center for Interreligious and Intercultural Dialogue in Vienna, Austria; and
- permit independent non-governmental organizations to monitor and promote human rights, including freedom of religion or belief, and invite the UN Special Rapporteur on Freedom of Religion or Belief to conduct a visit to Saudi Arabia in accordance with the standard terms for such a UN visit.

# SUDAN



## **USCIRF STATUS:**

**Tier 1 Country of Particular Concern**

## **BOTTOM LINE:**

Religious freedom in Sudan remains poor due to the government's imposition of a restrictive interpretation of Shari'ah (Islamic law) on Muslims and non-Muslims alike, including use of amputations and floggings for crimes and acts of "indecent" and "immorality." The government continues to make arrests for Christian proselytizing and for the capital offense of apostasy, and governmental and non-governmental attacks against the Christian community continue.

## EXECUTIVE SUMMARY

**FINDINGS:** Systematic, ongoing, and egregious violations of freedom of religion or belief continue in Sudan. Violations include: the criminalization, subject to the death penalty, of apostasy; the efforts by the government in Khartoum to impose its restrictive interpretation of Shari'ah (Islamic law) on Muslims and non-Muslims; the application of the Public Order Act and related laws and use of floggings for undefined acts of "indecency" and "immorality;" attacks and threats against the Christian community; and discrimination against the Christian community.

Based on these concerns, USCIRF again recommends in 2013 that Sudan be named a "country of particular concern," or CPC. The State Department has designated Sudan a CPC since 1999.

USCIRF identified Sudan as the world's most violent abuser of the right to freedom of religion or belief for its actions during the North-South civil war of 1983-2005. While religious freedom conditions greatly improved in South Sudan and improved in Sudan during the Interim Period of the Comprehensive Peace Agreement (CPA) that ended the civil war in January 2005, conditions in Sudan have deteriorated since South Sudan's independence. Religiously-based attacks on the Christian and Nuban communities in the fighting in Southern Kordofan reportedly amount to ethnic cleansing; stoning sentences for adultery and frequent floggings for undefined "indecent or immoral acts have been imposed;" Christian leaders and houses of worship were attacked and threatened; and it is expected that the new constitution will remove religious freedom and human rights protections included in the Interim National Constitution.

**PRIORITY RECOMMENDATIONS:** In addition to recommending that Sudan continue to be designated a CPC, USCIRF urges the U.S. government to engage at the highest levels to prevent Sudan from moving towards a more repressive state. The U.S. government should build international pressure on Khartoum to allow for international, unrestricted humanitarian access to Southern Kordofan and Blue Nile states, and discourage nations from offering debt relief to Sudan until humanitarian access is opened to all affected persons. With the Khartoum regime considering religious freedom limitations in the new constitution, the State Department should increase efforts to end Khartoum's regressive behavior and insist on a transparent and inclusive drafting process to strengthen human rights, including religious freedom, protections in the new constitution. Finally, the U.S. government should maintain current sanctions on Sudan until the country's religious freedom and human rights record complies with international standards. Additional recommendations for U.S. policy toward Sudan can be found at the end of this chapter.

**RELIGIOUS FREEDOM CONDITIONS**

Sudan continues to be governed by an amended version the Interim National Constitution (INC) while members of the ruling National Congress Party (NCP) draft a new constitution. President Omar al-Bashir and several NCP leaders increased their rhetoric in this reporting period that the new constitution will be based on the government’s interpretation of Shari’ah, despite domestic calls for separation of religion and state and full recognition of religion freedom.

The INC guarantees the freedoms to worship and assemble, establish and maintain places of worship and appropriate charitable or humanitarian institutions, observe days of rest and celebrate holidays and ceremonies, and communicate with co-religionists at both the national and international levels. However, the INC’s human rights guarantees are disregarded in practice and are often superseded by other laws, particularly the 1991 Criminal Act. While Christian groups are allowed to engage in humanitarian activities and promote Muslim-Christian cooperation, they are not permitted to proselytize. In contrast, government policies promote conversion to Islam, such as by allowing the use of humanitarian assistance to induce conversion and providing early release to prison inmates who memorize the Qur’an. The government has the right to appoint and dismiss imams in most mosques and to pre-approve the content of locally-printed religious publications. Finally, government security forces monitor the religious activities of Christians and of Muslims belonging to Islamic groups not allied with the government.

...GOVERNMENT  
POLICIES  
PROMOTE  
CONVERSION TO  
ISLAM...

**OFFICIAL ENFORCEMENT OF THE GOVERNMENT’S INTERPRETATION OF SHARI’AH (ISLAMIC LAW)**

All Sudanese, including Christians and followers of traditional African religions, are subject to the government’s interpretation of Shari’ah (Islamic law).

Under Article 126 of the 1991 Criminal Act, apostasy from Islam is legally punishable by death. While this punishment has not been carried out in almost two decades, there have been a number of apostasy cases in the past two years. Most recently, on December 10, 2012, Coptic Orthodox priests Rev. Markus Anthony and Rev. Sarbion Hussein and three other Christians were arrested for converting a young Muslim woman to Christianity. The convert fled the country fearing for her life. The Sudanese priests and others were later released.

UNDER ARTICLE 126 OF THE 1991  
CRIMINAL ACT, APOSTASY FROM ISLAM IS  
LEGALLY PUNISHABLE BY DEATH.

In 2012, there were three reported cases of individuals charged with adultery under Article 146 of the Criminal Act. On May 13, Intisar Sharif Abdallah was sentenced to death by stoning for adultery in Omdurman. She was later released and her charges dropped on appeal on July 3. On July 10, Layla Ibrahim Issa Jumul was also sentenced to death by stoning. Jumul remains imprisoned. On August 6, a couple was lashed 100 times for adultery, even though they had a customary marriage license.

Government officials ordered doctors to perform a number of cross-amputations to punish individuals found guilty of armed robbery (*Haraba*). The 1991 Criminal Act Article 168(b) permits cross-amputation for convicted armed robbers when the crime results in grievous injury or involves the robbery of property equivalent to an amount decreed by the judiciary.

## SUDAN

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The government also enforces religiously-based morality laws related to dress and alcohol consumption and imposes corporal punishments on both non-Muslims and Muslims through a legal regime relating to “public order” offenses. This legal regime comprises the Public Order Police, the Public Order Courts, the Public Order Acts, and sections of the 1991 Criminal Act on “offences of honor, reputation and public morality,” including undefined “indecent or immoral acts.” Public order violations carry a maximum penalty of 40 lashes through flogging, a fine, or both. Each year, dozens of Muslim and Christian women and girls in Khartoum are flogged for indecent dress in violation of the public order regime. What constitutes indecent dress is not defined in law, but is left to the discretion of arresting officers and prosecuting judges. Under the guise of protecting morality and preventing co-mingling, which is deemed “prostitution,” the Public Order laws have also been used against unmarried men and women who share office space and taxi rides or attend parties together. Arrests and punishments under the Public Order laws continued in 2012.

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EACH YEAR, DOZENS OF MUSLIM AND CHRISTIAN WOMEN AND GIRLS IN KHARTOUM ARE FLOGGED FOR INDECENT DRESS IN VIOLATION OF THE PUBLIC ORDER REGIME.

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Blasphemy is legally prohibited under Sudan’s criminal laws, and blasphemy accusations have been used to intimidate those expressing disfavored views. In January 2012, the government-backed Association of Islamic Scholars and Preachers issued a *fatwa* against former president and National Umma Party leader Sadiq al-Madi after he called for women to be allowed to attend marriage ceremonies as witnesses, participate in funerals, and stand in the same line as men while they prayed. He also said that the head covering is not part of Islam. Islamic leaders who have publicly supported the rebel movement, Sudanese Revolutionary Front, also have been accused of blasphemy.

In 2009, the Minister of Justice approved a set of Coptic laws, provided by the Coptic Church in Cairo, for Copts in Sudan; therefore, all legal proceedings related to Copts, including alcohol-related issues, are to be transferred to church officials for judgment.

### **ATTACKS ON CHRISTIANS**

Attacks on Christians and churches in Sudan continued in 2012. A senior Christian leader from Khartoum told USCIRF in October 2011 that Christians fear for their future and safety in Sudan and that churches are no longer places of sanctuary, but targets of the government.

During an October 2011 trip to Yida refugee camp and Juba, South Sudan, USCIRF staff was told by Nuban refugees that, in the fighting in Southern Kordofan, Sudanese Armed Forces (SAF) and paramilitary soldiers targeted Christians for executions and arrest because of their faith or because, as Christians, they were assumed to be supportive of the opposition Sudan People’s Liberation Movement-North. USCIRF staff also received testimony that churches and mosques were bombed and razed in Khartoum’s targeted campaign against civilian areas in Southern Kordofan and Blue Niles states. On February 1, 2012, the first day of school, the government bombed Heiban Bible College. While no one was hurt, two building were destroyed. Furthermore, Nuban Muslims told USCIRF that because of their ethnic identities and support for the rebel movements, they are viewed as “bad Muslims,” and there are reports of arrested individuals being called “kefir.” The findings of this trip were reported in a special USCIRF Sudan Policy Focus.

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...CHURCHES AND MOSQUES WERE BOMBED AND RAZED IN KHARTOUM’S TARGETED CAMPAIGN AGAINST CIVILIAN AREAS IN SOUTHERN KORDOFAN AND BLUE NILES STATES.

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A number of churches were attacked or threatened in this reporting period. The most egregious incident occurred on April 21 in Khartoum, when a 300-person mob destroyed the Gerief West Bible School and damaged the Sudan Presbyterian Evangelical Church and other buildings in the church's compound. While authorities later criticized the attack, police on site did not stop the mob until after the destruction had occurred. Additionally, two other church buildings were bulldozed in this reporting period, the St. John Episcopal Church of Sudan and a Catholic church building, both located in the Haj Yousif area of Khartoum, and several other churches were threatened with closure.

### **CITIZENSHIP**

Since January 2011, Sudan and South Sudan have been engaged in a series of negotiations over the citizenship and legal status of Southern Sudanese in Sudan and Sudanese in South Sudan. While South Sudan has offered citizenship to Sudanese in their country and government officials have stated that long-standing Sudanese residents are welcomed and would be safe, Sudan has not reciprocated such protections for South Sudanese in their territory. After South Sudan became independent, the government of Sudan declared that all individuals who could access South Sudanese citizenship would lose their Sudanese citizenship on March 1, 2012, and called on them to return to South Sudan. In July 2011, they also fired all Southerners employed with the government. Leading up to and following the March 1 deadline, few Southerners returned to South Sudan. Most Southerners in Sudan are Christian, and Sudanese citizens and government representatives have closed or threatened to close churches on the grounds that they are Southern, not Sudanese. In 2012, several human rights organizations also reported that South Sudanese humanitarian workers employed at Christian organizations were arrested and deported to South Sudan and Southern university students were being prohibited from attending classes or taking exams.

On September 27, Sudan and South Sudan signed an agreement on how to move forward on the question of citizenship rights for Southerners in Sudan and Sudanese in South Sudan. The approximately 500,000 Southerners who did not move to South Sudan by March 1 are currently stateless and vulnerable to deportation, although few deportations have been reported. The agreement calls on each nation to establish a Joint High Level Committee, led by the respective ministries of interior and incorporating other appropriate government officials, to negotiate the status and treatment of nationals in each country. The negotiations are to be focused on providing freedom of residence, movement, economic activity, and property. The agreement further states that such rights are to be consistent with each nation's laws, despite Khartoum's use of national laws to restrict human rights and religious freedom. The agreement, however, does not explicitly provide protection from statelessness and does not include protections for each citizen's human rights, including religious freedom. No further progress on the negotiations has been made since September 27.

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THE APPROXIMATELY 500,000 SOUTHERNERS WHO DID NOT MOVE TO SOUTH SUDAN BY MARCH 1 ARE CURRENTLY STATELESS AND VULNERABLE TO DEPORTATION...

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### **U.S. POLICY**

The United States is the pivotal international actor in Sudan. U.S. government involvement in the peace negotiations was vital to achieving the CPA and ending the North-South civil war. As a guarantor of the CPA, along with the United Kingdom and Norway, the United States was crucial to bringing about a successful referendum on independence in South Sudan in January 2011, as well as ensuring that its result was recognized by the government of Sudan and the international community.

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In 1997, President Bill Clinton utilized the International Emergency Economic Powers Act (IEEPA) to sanction Sudan, finding that “continued support for international terrorism, ongoing efforts to destabilize neighboring governments, and the prevalence of human rights violations, including slavery and the denial of religious freedom, constituted an unusual and extraordinary threat to the national security and foreign policy of the United States.” These sanctions imposed a trade embargo on the entire country as well as a total asset freeze on the government. Currently, neither country is represented at an ambassadorial level. In August 1998, the United States pulled its Ambassador from Sudan following the U.S. embassy bombings in East Africa by al-Qaeda and U.S. missile strikes in Khartoum against Osama bin Laden and believed al-Qaeda headquarters. Sudan subsequently pulled its Ambassador from the United States. To date neither position has been refilled. Since 1997, an arms embargo on Sudan and travel bans and asset freezes have been imposed in response to the genocide in Darfur. With the 1999 designation of Sudan as a CPC, the Secretary of State has utilized the International Religious Freedom Act (IRFA) to require U.S. opposition to any loan or other use of funds from international financial institutions to or for Sudan. In an attempt to prevent sanctions from negatively impacting regions in Sudan which have been assailed by Khartoum, U.S. government amendments and orders have attempted to lift the impact of U.S. sanctions

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THE UNITED STATES IS THE  
PIVOTAL INTERNATIONAL  
ACTOR IN SUDAN.

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on the regional governments of Southern Sudan, Southern Kordofan State, Blue Nile State, Abyei, Darfur, and marginalized areas in and around Khartoum.

In September 2010, the administration announced a series of incentives to encourage Khartoum to implement the CPA’s final provisions and bring peace to Darfur. The United States immediately lifted some sanctions on Sudan, including a prohibition on importing agricultural tools. In return for Khartoum’s efforts to secure an on-time and credible referendum, respecting its outcome, coming to agreement on post-2011 issues, and bring lasting peace to Darfur, as well as certain measures previously taken to cooperate with U.S. counterterrorism agents, the administration said it would take steps to remove Sudan from the list of state sponsors of terrorism, normalize relations, and help Khartoum seek debt relief. Following Khartoum’s recognition of the South’s vote for independence in February, Secretary of State Hillary Clinton announced in February 2011 that she was charging the State Department with investigating whether Sudan met the legal requirements to be removed from the state sponsors of terrorism list. However, fighting in Southern Kordofan and Blue Nile states that began in summer 2011 stopped the efforts to remove Sudan from the state sponsors of terrorism list, help with debt relief, or normalize relations.

Throughout the reporting period, the U.S. government continued multilateral and bilateral efforts to bring peace to Southern Kordofan, Blue Nile, Abyei, and Darfur; implement outstanding CPA provisions; and finalize post-2011 negotiations on oil. Secretary of State Clinton’s travel to South Sudan in August 2012 was instrumental in moving forward oil negotiations. Additionally, U.S. efforts at the UN Security Council to pass Resolution 2046 threatening sanctions unless progress was made in post-2011 negotiations were vital to the signing of an accord on the citizenship issues on September 27. In the context of the Southern Kordofan and Blue Nile fighting, the U.S. government is the leading advocate for direct talks between the parties to the conflict to end hostilities, reach a political agreement, and permit international, unrestricted humanitarian access to affected populations. The Obama administration also supports the efforts by the African Union High-Level Implementation Panel, led by former South African President Thabo Mbeki, to reach agreement on post-2011 negotiations.

U.S. government assistance programs in Sudan support conflict mitigation efforts, democracy promotion, and emergency food aid and relief supplies. The United States remains the world’s largest donor of food assistance to Sudan, providing needed aid, either directly or through third parties, to persons from Darfur, Abyei, Southern Kordofan, and Blue Nile. The U.S. government continues to support programs promoting broad participation in the CPA-mandated popular consultation in Southern Kordofan and Blue Nile, and a new Sudanese constitution.



## RECOMMENDATIONS

USCIRF recommends that Sudan continue to be designated a CPC, and urges the U.S. government to remain engaged at the highest levels in bringing about a just and lasting peace for all of Sudan. With the Bashir regime taking steps that would move Sudan toward a more repressive state, the State Department should increase efforts to encourage reforms and discourage regressive behavior. The normalization of relations with Sudan and any considerations of lifting U.S. sanctions must be preceded by concrete action and demonstrated progress by Khartoum in implementing peace agreements, ending abuses of religious freedom and related human rights, and cooperating with efforts to protect civilians. USCIRF also recommends that the U.S. government require full implementation of the remaining unresolved issues in the CPA.

### **I. STRENGTHEN RELIGIOUS FREEDOM AND RELATED HUMAN RIGHTS PROTECTIONS**

The U.S. government should:

- Require, before the United States will normalize relations or lift the IRFA and IEEPA sanctions, that the government of Sudan abides by international standards of freedom of religion or belief, including repealing the apostasy law, public order regime, and laws and practices which discriminate against non-Muslim minorities;
- Urge the government of Sudan to hold a transparent and inclusive national drafting process with civil society leaders and representatives of all relevant political parties to ensure that Sudan's new constitution includes protections for freedom of religion or belief, respect for international commitments to human rights, and recognition of Sudan as a multi-religious, multi-ethnic, and multi-cultural nation; and support indigenous efforts to influence the process positively;
- Ensure protections for Southern Sudanese in Sudan who lost their citizenship on March 1, 2012 by holding the government of Sudan to its international commitments to protect human rights and prevent statelessness by not forcibly repatriating Southerners to South Sudan or denying them religious rights or opportunities to work or attend school;
- Increase attention to the stalled citizenship negotiations, urge the Joint High Level Committee on Nationals to immediately meet, and provide support to the Committee to ensure that the final laws on the status and treatment of nationals in each country reflect commitments to protect against statelessness and fully respect universal human rights, including religious freedom;
- Expand efforts to ensure that the new constitution includes provisions protecting internationally-guaranteed human rights, including by working to educate relevant parties to a constitutional drafting process about international human rights standards, including regarding freedom of religion or belief;
- Encourage and support civil society groups to monitor implementation of the public order regime and advocate for its repeal;
- Strengthen partnerships with and pressure on countries with economic interests in Sudan, such as China and Qatar, to use their influence in Sudan for full implementation of UN Security Council Resolution 2046 and to resolve long-standing political conflicts in the country to ensure long-term stability; and

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- Urge the government in Khartoum to cooperate fully with international mechanisms on human rights issues, including by inviting further visits by the UN Special Rapporteur on Freedom of Religion or Belief, the Independent Expert on the Situation of Human Rights in Sudan, and the UN Working Group on Arbitrary Detention.

### **II. ADDRESS HUMAN RIGHTS ABUSES AND THE HUMANITARIAN SITUATION IN SOUTHERN KORDOFAN AND BLUE NILE**

The U.S. government should:

- Work with partners on the UN Security Council to undertake a trip to the region to support the work of the United Nations, African Union, League of Arab States, and the African Union High Implementation Panel during their negotiations with the government of Sudan and SPLM-N concerning humanitarian operations, cessation of hostilities, and a political solution to the fighting in Southern Kordofan and Blue Nile states;
- Press the government of Sudan to stop targeting individuals in the conflict zone in Southern Kordofan and Blue Nile based on their religion or perceived religious affiliation;
- Support an independent international inquiry into reported violations of international human rights and humanitarian law and bring perpetrators to account;
- Impose financial and other sanctions on officials responsible for human rights abuses in Southern Kordofan and Blue Nile, and work with our allies to do the same; and
- Urge allies to refrain from providing economic assistance and debt relief to the government of Sudan until it allows unrestricted humanitarian assistance to persons in Southern Kordofan and Blue Nile, ends hostilities, and abides by its international commitments to universal human rights.

# TAJIKISTAN



## **USCIRF STATUS:**

**Tier 1 Country of Particular Concern**

## **BOTTOM LINE:**

The Tajik government suppresses all religious activity independent of state control, particularly the activities of Muslims, Protestants, and Jehovah's Witnesses. The government also imprisons individuals on unproven criminal allegations linked to Islamic religious activity and affiliation.

### EXECUTIVE SUMMARY

**FINDINGS:** Tajikistan's restrictions on religious freedom remained in place during the reporting period, and systematic, ongoing, and egregious violations of freedom of religion or belief continue. The government suppresses and punishes all religious activity independent of state control, and imprisons individuals on unproven criminal allegations linked to religious activity or affiliation. These restrictions and abuses primarily affect the country's majority Muslim community, but also target minority communities, particularly Protestants and Jehovah's Witnesses. The Jehovah's Witnesses community has been banned since 2007. In recent years, the Tajik government has destroyed a synagogue, a church, and three mosques, and it has closed down hundreds of unregistered mosques.

Based on these systematic, ongoing, and egregious violations of religious freedom, USCIRF again recommends in 2013 that Tajikistan be designated a country of particular concern (CPC). USCIRF first recommended that Tajikistan be designated a CPC in 2012. Previously, Tajikistan had been on USCIRF's Watch List since 2009.

The government's recent actions against peaceful religious practice are based on an expansion, over the past four years, of repressive laws limiting religious freedom. The 2009 religion law establishes onerous and intrusive registration requirements for religious groups; criminalizes unregistered religious activity as well as private religious education and proselytism; sets strict limits on the number and size of mosques; allows government interference with the appointment of imams; requires official permission for religious organizations to provide religious instruction and communicate with foreign co-religionists; and imposes state controls on the publication and import of religious literature. In 2011 and 2012, administrative and penal code amendments set new penalties, including large fines and prison terms, for religion-related charges. In addition, a 2011 law on parental responsibility banned minors from any organized religious activity except in official religious institutions. Women are not allowed to wear headscarves in educational institutions, and men are not permitted to wear beards in public buildings.

**PRIORITY RECOMMENDATIONS:** Tajikistan is strategically important for the United States due to its long and porous border with Afghanistan and the key role of ethnic Tajiks in that country. The U.S. government should designate the country a CPC and engage the Tajik government about the importance of enacting specific religious freedom reforms. In doing so, the U.S. government should press Tajik officials and work with civil society to bring relevant laws into conformity with international commitments. The U.S. embassy should monitor the trials of those charged solely because of religious belief or peaceful practice and advocate for the release of such prisoners. The United States also should work with the international community to provide training for judges and prosecutors in civil law and human rights standards. U.S. officials should criticize publicly violations by the Tajik government of its international and Organization for Security and Cooperation in Europe (OSCE) human rights commitments. Additional recommendations for U.S. policy toward Tajikistan can be found at the end of this chapter.

## RELIGIOUS FREEDOM CONDITIONS

### 2012 USCIRF VISIT

In December 2012, a USCIRF delegation visited Tajikistan to gain on-the-ground information about the current status of freedom of religion or belief in the country. This was the first Commissioner-level visit to Tajikistan, although USCIRF staff had visited in 2009. The USCIRF delegation met with Tajik government officials, representatives of the Council of Ulema, the head of the Islamic Renaissance Party, the U.S. Ambassador to Tajikistan, and officials from the OSCE Mission, as well as representatives of various religious communities, think-tanks, independent journalists, and civil society activists in Dushanbe and Khujand. The delegation found that the concerns expressed in USCIRF's previous reporting on Tajikistan continue.

### RESTRICTIVE LEGAL FRAMEWORK

Tajikistan enacted a highly restrictive religion law in 2009, and since then it has increased the criminal and administrative penalties for violations, including with amendments setting heavy new fines that came into force during the current reporting period. The religion law places onerous administrative burdens on religious groups, which prevent or control religious activity. Non-violent unregistered religious groups, which either were denied registration or decided not to seek registration, are deemed "illegal," and the Tajik government has closed many of their houses of worship.

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TAJIKISTAN ENACTED A  
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The religion law prohibits unregistered religious activity and private religious education, requires state permission for an institution or organization to provide religious instruction, and requires that both parents provide written permission for a child to receive approved instruction. In addition, the 2011 Parental Responsibility Law bans

almost all religious activity by children (except participation in approved religious education), including mosque attendance and participation in funerals, and police have stopped children from entering mosques. This law also restricts children's religious dress and even limits parents' choice of their children's names. The Organization of Islamic Cooperation (OIC), of which Tajikistan is a member, publicly expressed concern about the parental responsibility law, but it is not known if the Tajik government responded to the OIC's request for clarification. In a letter to USCIRF, the Tajik embassy claimed that the law was justified to protect youth from alleged radical influences.

The religion law also bans proselytism and requires prior official approval for religious organizations to invite foreigners into the country or attend religious meetings outside the country. Under the law, the government must approve the content and "appropriate quantities" of all published or imported religious literature, and religious communities must pay for this "service." Although Tajikistan has Central Asia's only legal Islamic political party, the law forbids religious associations from participating in political activities. In addition, a 2007 law on traditions and rituals regulates private celebrations, including religious celebrations, allegedly to protect people from spending excessive amounts of money. National minorities specifically are exempted from restrictions in celebrating their national events, however.

In terms of penalties, organizers and participants in "unapproved gatherings, meetings, demonstrations, pickets and street processions," which could include unregistered or unapproved religious meetings, can be subject to two-year prison terms. Participants in "religious extremist study groups" face prison terms of five and eight years; organizers face eight to 12-year terms. Property confiscation also may be

## TAJIKISTAN

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imposed. In addition, individuals who “teach religious knowledge without [state] permission” may be fined up to US \$800; groups, up to US \$1,600; and repeat violators may be fined up to three times these amounts. The 2012 official minimum monthly wage and pension in Tajikistan is US \$43. Similarly onerous fines apply to the production, distribution, import or export of religious literature that has not passed the compulsory official censorship review.

In addition, in July 2012, new penalties came into force for receiving religious education abroad, preaching and teaching religious doctrines, establishing connections with foreign religious organizations, or conducting activities not listed in a group’s registration charter. The new punishments set fines ranging between U.S. \$240 and U.S. \$800, which are significant amounts, especially for the unemployed or rural poor. The official Committee on Religious Affairs (CRA) is mandated to administer these penalties without police or prosecutors’ investigations or court trials.

The religion law’s preamble notes the “special role of the [Sunni] Hanafi school of Islam” in Tajik culture, ignoring the country’s Ismaili Shi’i Muslims, who comprise from five to 10 percent of the population, as well as contributions of Tajik Jews, Orthodox Christians or other religious groups.

The UN Special Rapporteur on Freedom of Religion or Belief and the OSCE’s Advisory Panel of Experts on Freedom of Religion or Belief have expressed concern that the 2009 law does not meet international standards. In 2011, the UN Human Rights Council undertook its first Universal Periodic Review of Tajikistan, at which the government promised labor and human rights reforms, including on torture, but rejected religious freedom recommendations. During USCIRF’s 2012 visit, Tajik officials defended current laws and implementation, including based on the need to prevent radical influences from Afghanistan.

Minority religious communities in Tajikistan, including Seventh-day Adventists, Baptists, Baha’is and Hare Krishna, have also expressed concerns about the 2009 religion law’s impact on freedom of religion or belief. In 2011, Russian Orthodox Patriarch Kirill reportedly also noted the new law’s numerous restrictions. Government officials have accused Tajik groups that share such concerns of supporting “alien ideas.”

### **REGISTRATION ISSUES**

The religion law requires religious groups to register, and the administrative and criminal codes penalize unregistered religious activity. There are two types of registration: as a religious organization, which has legal personality, or as a religious community, which does not. National religious centers, central mosques, central prayer places, religious educational institutions, churches, and synagogues can apply for registration as religious organizations. Other religious entities, such as smaller central mosques and prayer mosques, can register only as religious communities. To register as a religious organization, 10 adult citizen founders must present a certificate from local officials attesting that they have lived in the area for at least five years, and also provide proof of citizenship, dates of birth, home addresses, and descriptions of beliefs and religious practices, views on education, family, and marriage, and data on their founders’ state of health. State officials and members of political parties are not eligible to be among the 10 founders. Religious organizations must specify activities in their charters and report annually or face loss of registration. The religion law also requires that charters define the geographic status of religious organizations and religious communities, thereby limiting activities to national, town, or district levels.

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MOSQUES ARE  
SUBJECT TO  
PARTICULARLY STRICT  
LEGAL REGULATION...

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Mosques are subject to particularly strict legal regulation: one large, so-called Friday prayer mosque is allowed for 10,000-20,000 people and one smaller five-time-daily prayer mosque for 100-1,000; quotas

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are higher for the capital, Dushanbe. Mosques that exceed the area's quota can be closed. Under the law, "appropriate state bodies in charge of religious affairs" select all imams and their assistants (*imam-khatibs*); other religions are allowed to appoint their own leaders. Muslim worship is restricted to mosques, homes, and cemeteries, and is not permitted in places of work or on streets near mosques. Under the 2009 religion law, only state-licensed mosques can hold Qur'an study classes, whereas any mosque could do so previously.

The 2009 religion law imposed a re-registration deadline of January 1, 2010. The State Department reported that as of late 2010, most religious groups had applied for re-registration. As of March 2011, some mosques were denied re-registration and many others were still waiting. According to the Tajik embassy, 4,000 religious organizations, 74 of which are non-Muslim, are registered, including 3,366 mosques, 345 Friday mosques, 41 central mosques and one national Islamic Religious Center. These figures did not include Ismaili *Jamathonas* (places of worship). During USCIRF's meetings in December 2012, with the Committee on Religious Affairs (CRA) and the Ministries of Internal Affairs and Education, Tajik officials confirmed the 2011 registration statistics. They claimed that Tajikistan has more registered religious communities than any other post-Soviet Central Asian state. The CRA chairman claimed to USCIRF that only mosques that violated Tajik law had been closed by courts and that 46 of the closed mosques are undergoing registration.

### **RESTRICTIONS ON MUSLIMS**

The Tajik government controls the practice of Islam through the legal provisions described above, as well as via the state-appointed Council of Ulema (CoU). The CoU promotes official government policies on Islam, issues *fatwas* and religious guidance to Islamic religious organizations, and drafts Friday sermon topics for national distribution. Under the religion law, it is the only "national center" allowed for Muslims; its "decisions and *fatwas* are viewed as government policies," according to the State Department. The government indirectly controls the selection and retention of imams, including through "attestations" on Islamic teachings and religious principles. Moreover, the CRA selects, controls, collects the fees and limits the age and the numbers of those who participate in the *hajj*. According to the State Department, observers have noted that the government drafts Muslim sermons and manipulates teachings so as to bolster its own political standing vis-a-vis the Islamic Renaissance Party (IRP).

In December 2011, the CoU accused three prominent IRP religious and political opposition leaders, the Turajonzoda brothers, of "endangering the spiritual unity of our nation" by performing the "alien" Shi'i ritual of Ashura at their mosque near Dushanbe. Although the brothers denied observing Ashura, the CoU requested that all the country's imams read its statement at Friday prayers; several imams who refused to do so were later dismissed. The CoU also called on the government to examine if the Turajonzoda family's religious activity was in line with the religion law. Three days later, 50 police and officials raided the Turajonzoda mosque during Friday prayers, and detained nine worshippers without charges for 10 days.

The CRA then downgraded the Turajonzade mosque's status for three months so that Friday sermons—which had drawn 10,000 worshippers—could not legally be held, and the government dismissed two brothers, Nuriddin and Mahmudjon, as the mosque's imams. A court also fined Nuriddin and his brother, Akbar, about U.S. \$70 each for allegedly insulting the CoU director, but ignored their counterclaims. In May 2012, a court ruled that the Turajonzade mosque must be closed, EurasiaNet reported.

The CoU 2004 *fatwa* that bans women from praying in Tajik mosques remains in effect. In an uninvestigated 2010 incident a fire destroyed the IRP's Dushanbe cultural center, the country's only mosque that officially allowed women to pray with men. Reportedly, some unregistered mosques, particularly in remote regions of Tajikistan, still allow women to pray in their buildings. The CRA

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chairman told USCIRF in December 2012 that if the government were to countermand the 2004 *fatwa*, it illegally would be interfering in the internal affairs of religious communities. The CoU, however, is considered controlled by the Tajik government.

Government officials, including those from the State Committee on National Security, monitor mosques throughout the country, by listening to imams' sermons, observing mosque attendees, and monitoring audio and video cassettes for extremist and anti-government views. Weddings and funerals are also monitored for compliance with the law on traditions and rituals.

### **APPLICATION OF EXTREMISM LAWS**

Tajikistan's criminal code penalizes extremist, terrorist, or revolutionary activities without requiring acts that involve violence or incitement to imminent violence. The law prohibits "inciting ethnic, communal or religious hatred" and "organization of a religious extremist study group and participation in it without regard to the place of study." However, the criminal code does not define "extremist religious" study or teaching. These overly broad provisions permit the government to apply these laws against peaceful religious activity in an arbitrary fashion or to penalize other non-violent activities.

Tajikistan is unique among former Soviet republics in its experience of a civil war in which liberals and Islamists faced off against former communists led by President Rahmon. Over 100,000 were killed during the five-year conflict, which ended in 1997. Tajikistan still faces security concerns due to serious threats from groups which advocate or commit violence in the name of religion and from terrorist groups based in neighboring Afghanistan. Nevertheless, the Tajik government's policies are highly problematic, partly due to its application of broad anti-extremism laws against religious adherents and others who pose no credible threat to security.

In a 2011 report, the International Crisis Group, a non-governmental organization, noted the inept policies of the Soviet-trained Tajik leadership in dealing with a society increasingly drawn to observant Islam. According to the Tajik embassy, its government has banned 12 organizations for extremism and terrorism, including al-Qaeda, the Islamic Movement of Eastern Turkestan, the Taleban Movement, *Ikhvan-almuslimin*, the Pakistan Islamic Society, *Tabligh Jamaat*, and *Hizb-ut-Tahrir* (HT). In January 2013, the country's general prosecutor stated that during 2012, the government had opened 30 criminal cases against 144 suspected terrorists and extremists, *Avesta.tj* reported. Of these, 26 cases involving 123 suspects were sent to the courts. The suspects were accused of membership in groups including HT, *Tabligh Jamaat*, the Islamic Movement of Turkestan (also known as Islamic Movement of Uzbekistan, or IMU), and *Ansarullah*.

The government of Tajikistan jailed over 500 people for HT membership over ten years, according to the AFP news agency in 2011. Observers have noted that the prosecution of alleged HT members seems mainly motivated by their political activity. Further, during trials of HT members, the government reportedly has not proven that defendants were involved in or advocated violence and the trials generally lacked due process guarantees. While HT is banned in most Muslim countries for its political activities, it has not been officially designated a terrorist group by the United States due to a lack of proof that HT as an organization has engaged in violent acts. Some HT members may have committed violent acts independent of the organization.

Another group prohibited in Tajikistan, *Tabligh Jamaat*, is an Islamic missionary group from South Asia that emphasizes piety, prayer, and preaching. Some former members who reportedly left the movement due to frustration with its apolitical stance have attempted acts of violence. The Tajik Supreme Court reportedly banned the group in 2006 as an extremist foreign ideology, although two Supreme Court members said in 2009 that they were unaware of this ban. A court in Tajikistan's northern Sughd



## TAJIKISTAN

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Province sentenced seven people to prison terms of three to five years as alleged *Tabligh Jamaat* members, RFE/RL reported in February 2012.

The Tajik Supreme Court banned the Salafi school of Islam in February 2009, although no criminal acts have been linked to its followers in Tajikistan. Although the court did not release the text of its decision, reportedly it was based on the alleged need to protect the constitutional order, strengthen national security, and prevent conflict among religions. A Tajik official told Forum 18 that Salafis engage in “hooliganism” by disturbing other mosque worshippers with their bodily gestures and shouting during prayers.

The Tajik government has also charged with extremism journalists who have been critical of official religion policies. In 2011, local BBC reporter, Urunboy Usmonov, was sentenced to a three-year jail term for “complicity” in HT activities. Usmonov, an ethnic Uzbek, said he met with HT members as part of his work as a journalist. He also said that he was burned with cigarettes and beaten while in detention. In December 2012, USCIRF met with Usmonov in Khujand. Although he had been amnestied and released, he told USCIRF that the Supreme Court still had not cleared him of the charges. In another case, Mukhamadyusuf Ismoilov, a journalist in the Sughd region, was fined the equivalent of U.S. \$7,300 on charges including incitement of national, racial, local, or religious hostility in 2010. He was released under amnesty, but banned from journalism for three years.

Opposition journalists also have been subject to violent attacks. Some observers claim government involvement in the January 2012 stabbing in Moscow of Dodojon Atovulloev, founder of the opposition monthly *Charogi Ruz* (Daily Light) and head of the *Vatandor* movement, which is critical of Tajik religion policies. The government has twice charged Atovulloev with inciting ethnic, racial, and religious hatred, a charge subject to a potential 15-year prison term. Russia has refused numerous requests to extradite Atovulloev, most recently in 2011. In another incident, after the reporting period, an unknown assailant attacked prominent Tajik opposition journalist Bakhtior Sattori in Moscow, according to RFE/RL.

### **CONDITIONS IN DETENTION**

The government of Tajikistan has been criticized by the UN Committee against Torture, the European Court of Human Rights, and groups such as Human Rights Watch and Amnesty International (AI), for its widespread use of torture against prisoners, including those detained on charges relating to religious extremism. During the USCIRF visit, the delegation received documentation that Delshodbek Muradov had died in 2009 as a result of torture in a Tajik labor camp. During the USCIRF meeting with the Ministry of Internal Affairs, officials noted that in 2012 a Center to Combat Extremism, modeled on that of Russia, had been set up, even though Amnesty International has reported that the Russian Internal Ministry’s Center for Extremism Prevention engages in torture.

### **BAN ON JEHOVAH’S WITNESSES**

The Jehovah’s Witnesses were banned in October 2007 for “causing popular discontent.” The Ministry of Culture said that their conscientious objection to military service and refusal of blood transfusions were reasons for the ban, and cited “expert analysis” from the Tajik Academy of Sciences Institute of Philosophy and Law that concluded Jehovah’s Witnesses are a “destructive cult” because Jehovah’s Witnesses do not interpret the Bible as do Protestants. The CRA chairman confirmed to USCIRF that the Jehovah’s Witnesses had been denied registration by the Ministry of Culture (which previously had been in charge of religious affairs).

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THE JEHOVAH’S WITNESSES WERE  
BANNED IN OCTOBER 2007...

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## TAJIKISTAN

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He claimed that the Jehovah's Witnesses could apply for registration with the CRA; he also claimed that a draft law on military service was under consideration by the Tajik government.

In August 2011, a court ordered the deportation of Sherzod Rahimov, a Jehovah's Witness who is an Uzbek citizen. Rahimov, who is disabled, was beaten by police because he did not renounce his faith. He and other Jehovah's Witnesses had been detained and fined for their unregistered religious activity.

### **CLOSURES AND DESTRUCTIONS OF HOUSES OF WORSHIP**

In recent years, the Tajik government has closed dozens of unregistered mosques and prayer rooms, and ordered the demolition of three unregistered mosques in Dushanbe. In 2011, Tajik authorities demolished an unregistered mosque in the city of Qurghonteppa, and the government closed around 50 mosques in Dushanbe. According to the Islamic Renaissance Party, in late 2012 and early 2013 numerous unregistered mosques were closed in and around Dushanbe.

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IN RECENT YEARS, THE TAJIK GOVERNMENT HAS CLOSED DOZENS OF  
UNREGISTERED MOSQUES AND PRAYER ROOMS...

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The CoU has claimed that Tajik authorities consult with congregants to reach consensus about their future, but observers could not confirm that such a consultation process exists. In September 2011, the chief religious affairs official of Khatlon Region stated that 229 unregistered mosques in the region will soon "change their status and become first-aid stations and sports halls." In addition, the same region's Jomi District had forcibly changed 16 unregistered mosques into similar "social facilities."

In 2008, the nation's only synagogue, located in Dushanbe, was bulldozed. Dushanbe's small Jewish community later received a building for use as a synagogue. The new building, however, was not provided as compensation by the city of Dushanbe, but was donated by one of the country's richest bankers, who is also President Rahmon's brother-in-law. The Tajik officials have stated that the government could not provide compensation for the building, citing "separation of church and state."

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In 2009, the Grace Sunmin Church, the country's largest Protestant congregation, lost its appeal to save its property from repossession by Dushanbe city authorities and had to vacate the premises. Another registered Protestant church in Dushanbe, whose building was demolished in 2008, has not received any compensation. The government typically does not pay compensation for such demolitions.

### **RESTRICTIONS ON RELIGIOUS LITERATURE**

As stated earlier, the government must approve the production, import, export, sale, and distribution of religious literature and other items, which is only permitted for registered religious organizations (not religious communities) and only in an undefined "appropriate quantity." Literature and other items must carry the full name of the registered religious organization that produced them, effectively banning private or commercial publishing by any religious group that is not represented by a registered religious organization. It is unclear whether this ban extends to publications on anti-religious, atheist, or agnostic material. Government-owned presses only occasionally published religious literature, including the Qur'an, in the Tajik language. The government restricted distribution of Christian and Islamic literature that it deemed extremist or promoting foreign ideology, according to the State Department.

## TAJIKISTAN

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The Ministry of Culture has confiscated religious literature it deems inappropriate, including from the Jehovah's Witnesses. A Jehovah's Witness reported that three tons of confiscated Jehovah's Witnesses literature was destroyed in early 2010 after three years of open storage caused it to become "decayed and unusable."

The registered Islamic Revival Party of Tajikistan distributed one weekly newspaper and one monthly magazine, the State Department reported.

### **RESTRICTIONS ON RELIGIOUS EDUCATION**

As previously stated, a state license is required to conduct religious instruction, and both parents must give written permission for children aged between seven and 18 to receive such instruction. These rules mean that only registered religious organizations can provide religious instruction and that children under the age of seven cannot participate. Another restriction applies only to Muslims: registered central mosques can set up basic educational groups, but local mosques cannot. The religion law permits parents to teach religion to their own children at home, but religious homeschooling outside the nuclear family is forbidden. In 2008, the government nationalized the previously independent Islamic University, the country's only religious institution of higher learning, and took full control of its activities and curriculum. Teachers underwent a vetting process, and the institution was downgraded from a university to an "Islamic institute."

Many religious communities say it is difficult to gain official approval for religious education. A maximum of 80 Islamic educational centers have official approval, a number that religious communities view as insufficient. Children can attend Christian Sunday schools, but officials limit the number of locations for Islamic religious education for children. Registered non-Muslim religious communities must register their religious schools as separate organizations.

As discussed above, Tajikistan faces genuine security concerns due to serious threats from groups which advocate or perpetrate violence in the name of religion, including groups based in Afghanistan. In response to these concerns, however, the Tajik government has developed an ineffectual and heavy-handed policy which restricts access to foreign religious education while providing few suitable domestic alternatives. During a 2010 speech on state television, President Rahmon called on all Tajik parents to recall their children from foreign Islamic colleges to prevent them from becoming "extremists and terrorists." A senior presidential advisor later clarified that he did not mean all students who are studying abroad, but only those "studying in violation of the [2009] Religion Law."

In 2011, the religion law was amended to limit access to religious education abroad only to those Muslims who have completed religious education in officially-approved institutions inside Tajikistan and who receive written permission from the state agencies for religious affairs and education. According to the Tajik embassy in the United States, as of early 2012, 1,219 Tajiks have returned from foreign study programs, mostly in Turkey, Egypt and Pakistan, but at least 700 students remain abroad "illegally."

In May 2010, the Interior Ministry launched "Operation *Madrassa*," mainly targeted against the unlicensed religious instruction of children and youth, including numerous police raids of "illegal" (unregistered) private Qur'an lessons. In January 2011, local authorities in the southern province of Khatlon detained individuals who reportedly had held private, allegedly Salafi, classes on Islam for some 60 local children. Three women were fined in May and June 2011 for unauthorized teaching of the Qur'an to girls in private homes in the Khatlon Region. Local officials visited eight *madrassas*, 93 Friday mosques, and 955 daily prayer mosques in May 2011 and brought charges against 11 individuals for private religious education in the northern Sughd region; three illegal *madrassas* were closed and an administrative investigation

## TAJIKISTAN

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launched into school personnel. In addition, an administrative case for the private teaching of religion was opened in June 2011 against the imam of a registered mosque in the Rudaki District near Dushanbe.

In 2011, the government halted teaching at four higher education Islamic schools in northern Tajikistan's Sughd region. A regional religious affairs official told RFE/RL's Tajik Service that the schools had not re-registered as required under the religion law, the teachers had not provided required religious education, and the buildings did not meet official standards.

### **RESTRICTIONS ON RELIGIOUS DRESS**

In 2005, the government banned the wearing of Islamic headscarves in schools, arguing that it was not traditional Tajik dress. This restriction is enforced, although students at the Islamic Institute are allowed to wear headscarves. The Tajik National University fired a teacher and expelled a student in 2010 for wearing a headscarf outside class, the State Department reported. Women have said they chose not to pursue higher education in secular institutions due to the dress code, and women who wore the Islamic headscarves reported difficulty in finding employment, the State Department reported. Some women also expressed concern that men pressure female relatives to wear headscarves.

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Girls are not permitted to wear headscarves after the ninth grade and, according to Forum 18, some who tried to do so said that teachers mocked their religious views. In some rural areas, teachers allowed girls to wear headscarves but asked them to leave the classroom during official inspections. CoU members have not disputed the official ban, saying that a scarf, tied in the traditional way, may substitute for an Islamic headscarf.

In 2009, the Tajik government banned teachers from wearing beards and in 2011, Tajik authorities reportedly began to detain, fingerprint, and interrogate bearded men. Some 30 teachers were forced to shave and a journalist whose official identity documents showed him wearing a beard was not allowed to leave the country. Reportedly, Tajik officials associate beards with the conservative Salafi school of Sunni Islam, which was banned in 2009.

### **U.S. POLICY**

Tajikistan is strategically important for the United States, due in part to the key role of ethnic Tajiks in Afghanistan, the country's southern neighbor. Tajiks are the second largest ethnic group in Afghanistan, and included a former Afghan president and Ahmad Shah Masoud, the head of the Northern Alliance who fought the Soviets and the Taliban and was murdered on September 9, 2001. In September 2011, a Taliban suicide bomber killed Burhanuddin Rabbani, the de facto leader of the eight million Tajiks in Afghanistan. Rabbani, a former Afghan president and former Northern Alliance member, was leading peace talks with the Taliban. He was killed four days before he was due to attend a meeting in Dushanbe.

Since 2010, the United States has expanded its security cooperation with Central Asian states, including Tajikistan, to allow it to ship cargo bound for U.S. and ISAF forces in Afghanistan overland through Central Asia via the Northern Distribution Network (NDN), rather than through areas in Pakistan that are subject to frequent attack. According to the U.S. Transportation Command, 40 percent of supplies for U.S. and NATO troops in Afghanistan are shipped via the NDN. U.S. Special Operations Forces were given permission to enter Tajikistan, as well as Kyrgyzstan, Turkmenistan, and Uzbekistan on a "case-by-case" basis, with permission from the host nation, when conducting counter-terrorism operations, according to the U.S. Central Command. The United States has also played a role in internal security issues in Tajikistan. In September 2010, U.S. Special Forces provided tactical support to Tajik

## TAJIKISTAN

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government troops in repelling an attempted Islamic militant operation in the Rasht valley. In another incident, however, when Tajik troops were sent to the country's southern Badakshan region bordering Afghanistan in July 2012, the U.S. Embassy publicly expressed concern for civilian loss of life and called on the government to respect human rights, including those of detainees, and to respect press freedom.

Tajikistan is an isolated and impoverished country that experienced a five-year civil war in the 1990s, which resulted in as many as 100,000 deaths. In the aftermath of the civil war, the official amnesty extended to many officials allegedly responsible for torture and maltreatment of detainees and prisoners. In 2006, the UN Committee against Torture called on the Tajik government to establish an independent body to investigate numerous allegations of torture and to punish those found responsible for such acts including during the civil war.

Tajikistan has a weak state with an inadequate and highly corrupt government. Corruption in Tajikistan is endemic and slows the pace of crucial reforms, according to a 2011 report by the United Nations Development Program and the Strategic Research Centre of the President of Tajikistan. That study also found that corruption tends to become institutionalized over time, and that a key cause is the low salaries of government officials. The country's economy is also heavily dependent on remittances from an estimated one million migrant workers, mostly in Russia. Due to the 2008 economic crisis, these labor remittances declined in 2010, but have since increased. Many Tajik migrant workers have returned home, giving rise to new social tensions in the country. Tajikistan has good relations with Iran, its second-largest trading partner; these two countries also share a common language and heritage.

The State Department has documented the worsening religious freedom conditions in Tajikistan. The State Department's *Annual Report on International Religious Freedom* between 2007 and 2011 stated that the Tajik government's respect for religious freedom was "poor and declined," "remained poor," "continued to decline," and "eroded." Similar concerns were expressed publicly in 2011 by high ranking U.S. officials, including Secretary of State Hillary Clinton, who highlighted the Tajik government's poor human rights record, including freedom of religion or belief during an October 2011 trip to the country. The main purpose of Clinton's visit was to thank the Tajik president for his support for the U.S.-led coalition in Afghanistan and for its role in the NDN overland supply route.

In a January 2012 speech at Johns Hopkins University, Assistant Secretary of State for South and Central Asian Affairs Robert O. Blake, who had raised human rights issues in bilateral consultations with Tajikistan, noted the United States' disagreements with Central Asian governments' anti-extremism policies. He stated that "it's very, very important to distinguish between terrorists who want to use their religion and use violence to achieve their objectives, and those who want to exercise their right to peaceful worship." He observed that most Central Asians want to exercise their beliefs peacefully, while governments have a legitimate fear of religiously-based terrorism. He noted the importance of religious freedom by stating, "if you do not allow peaceful worship, if you do not allow parties like the Islamic Revival Party in Tajikistan to operate, you simply drive people underground and you also take people who might otherwise be quite moderate and turn them into people who will become more radical. So it's very, very important to provide these peaceful opportunities for worship and assembly and media...."

Since 1992, the U.S. government has provided more than \$984 million in development assistance to Tajikistan. According to the State Department, "U.S.-Tajik relations have developed considerably since September 11, 2001" and "the two countries now have a broad-based relationship, cooperating in such areas as counter-narcotics, counterterrorism, non-proliferation, and regional growth and stability." In 2010, the United States and Tajikistan launched an Annual Bilateral Consultation (ABC) process to enhance cooperation on a broad range of policy and assistance issues. The United States assists Tajikistan on economic reforms and integration into the broader global marketplace; in late 2012 Tajikistan joined the World Trade Organization. In October 2012, the U.S. government agreed to provide

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\$9.5 million to support programs related to border security, law enforcement reform, counter narcotics, trafficking-in-persons, and justice sector development in Tajikistan.

The United States government currently operates six American Corners in the country, in Dushanbe, Kulob, Qurghonteppa, Khorugh, Gharm, and Khujand, providing free Internet access for educational purposes, free English language materials, educational advising, as well as clubs and web chats on American culture. The State Department's priorities for human rights and democracy promotion include increasing respect for the rights of Tajikistan's citizens and strengthening the country's sovereignty and stability, which is a difficult task due to "acute challenges," including "border security issues, failed educational and healthcare systems, and a legacy of Soviet repression."

### RECOMMENDATIONS

USCIRF recommends that the U.S. government designate Tajikistan as a CPC and engage in negotiations to see concrete progress to address religious freedom abuses. If those negotiations fail, the U.S. government should apply a presidential action or a commensurate action under IRFA. As described more fully below, USCIRF also recommends that the U.S. government should prioritize the issue of freedom of religion or belief in U.S.-Tajik bilateral relations, support Tajik civil society and religious actors, and encourage greater international scrutiny of Tajikistan's human rights record.

#### **I. PROMOTING REFORM TO PROTECT FREEDOM OF RELIGION OR BELIEF**

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

- engage the Tajik government in immediate negotiations for the implementation of concrete steps to address religious freedom abuses, with specific areas for improvement including, but not being limited to:
  - amending the 2009 religion law and other relevant legislation to bring them into conformity with Tajikistan's international and OSCE commitments, including eliminating legal and other restrictions on peaceful religious practice and worship for all denominations;
  - limiting its legal definition of extremism to those acts that involve violence or incitement to imminent violence and to drop bans on non-violent organizations, literature, and groups;
  - affirming publicly its official intention to comply fully with Tajikistan's international and OSCE commitments to respect freedom of religion or belief, as well as the rights of members of all non-violent religious communities in the country, including by statements from President Rahmon;
  - establishing a mechanism to review the convictions of persons previously detained or charged with non-violent religious, political, or security offenses;
  - releasing those individuals who have been imprisoned solely as a result of their non-violent practice of their religious or other beliefs;
  - ceasing the harassment, raids, fines, detention and imprisonment of individuals who are exercising their rights to the non-violent practice of their religious or other beliefs;

## TAJIKISTAN

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- engaging in an open and public dialogue with religious groups and groups with a religious affiliation that explicitly repudiate the use of violence, and repeal laws banning such organizations and encourage their participation in Tajikistan's political and social life; and
- make U.S. assistance to the Tajik government, with the exception of assistance to improve humanitarian conditions and advance human rights, contingent upon the implementation of the above-named benchmarks, if these reforms are not undertaken.

### **II. EMPHASIZING TAJIKISTAN'S RELIGIOUS FREEDOM AND HUMAN RIGHTS RECORD**

The U.S. government should:

- continue to monitor the status of individuals who are arrested for alleged religious, political, and security offenses, and continue to monitor the trials of leaders or members of religious communities that lose their registration;
- publicly criticize any Tajik government violations of international and OSCE commitments on human rights, including respect for freedom of religion or belief, both in Tajikistan and at international meetings;
- urge the Tajik government to implement the religious freedom recommendations, such as reform of its religion law, raised in the October 2011 UN Human Rights Council's Universal Periodic Review of Tajikistan;
- urge the OSCE Mission in Tajikistan to pay particular attention to violations of freedom of religion or belief and to undertake relevant programs, including holding training sessions with local officials and journalists on international obligations;
- work with the international community in Tajikistan to undertake efforts to improve judicial standards and to provide training for judges and prosecutors in civil law and international human rights standards;
- restrict U.S. security and other forms of assistance to ensure that it does not go to Tajik government agencies, such as certain branches of the Interior and Justice Ministries, which have been responsible for violations of religious freedom and other human rights; and
- increase opportunities for Tajik human rights advocates and religious figures to participate in exchange programs, and use appropriate avenues of public diplomacy to explain to the people of Tajikistan both why religious freedom is an important element of U.S. foreign policy and the United States' specific concerns about violations of religious freedom in their country.

# TURKMENISTAN



## **USCIRF STATUS:**

**Tier 1 Country of Particular Concern**

## **BOTTOM LINE:**

The religious freedom environment remains extremely poor, as the Turkmen religion law makes it difficult for religious groups to function. Police raids and other harassment of registered and unregistered religious groups continue, and Jehovah's Witnesses are imprisoned for conscientious objection.



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### **EXECUTIVE SUMMARY**

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

In light of these severe violations, USCIRF continues to recommend in 2013 that the U.S. government designate Turkmenistan as a "country of particular concern," or CPC. The Commission has recommended CPC designation for Turkmenistan since 2000, but the State Department has never followed this recommendation.

Under the late President Niyazov, whose personality cult dominated public life, Turkmenistan was among the world's most repressive and isolated states. President Berdimuhamedov is building a cult to justify his own dominance, but without religious overtones. The Turkmen government has reinstated restrictions on education, foreign travel, and telecommunications that have again led to the country's extreme isolation. While President Berdimuhamedov ordered a few limited reforms and released the former chief mufti from prison in 2007, his government has not adopted systemic legal reforms on freedom of religion or belief and other human rights.

**PRIORITY RECOMMENDATIONS:** In addition to designating Turkmenistan as a CPC, the United States should raise human rights and religious freedom in all bilateral meetings with the Turkmen government, urge it to adopt new laws and practices that comply with international human rights standards, and establish a regular reporting mechanism on these issues. If the Turkmen government continues to violate human rights obligations, including on freedom of religion or belief, and to threaten Turkmen human rights defenders both inside and outside of the country, the United States should express its concern publicly at international fora, including the United Nations and the Organization for Security and Cooperation in Europe (OSCE). The United States also should increase educational and exchange programs and broadcasts to Turkmenistan to help overcome decades of isolation that created a dangerous cultural and educational vacuum. Additional recommendations for U.S. policy toward Turkmenistan can be found at the end of this chapter.

# TURKMENISTAN

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## RELIGIOUS FREEDOM CONDITIONS

### LEGAL FRAMEWORK

Turkmenistan is the most closed country in the former Soviet Union. Since 2007, it has been led by President Gurbanguly Berdimuhamedov. The country's first president, Saparmurat Niyazov, who died in late 2006, oversaw one of the world's most repressive and isolated states. Virtually no independent public activity was allowed, and the 2003 religion law banned most religious activity. Moreover, Turkmenistan's public life was dominated by Niyazov's quasi-religious personality cult set out in his book, the *Ruhnama*, which the government imposed on the country's religious and educational systems.

Upon assuming the presidency in early 2007, Berdimuhamedov implemented limited educational reforms and took some steps to address the country's international image. He ordered the release of 11 political prisoners, including the former chief mufti, in 2007; placed certain limits on Niyazov's personality cult; set up two new official human rights commissions; and registered 13 minority religious groups. He eased police controls on internal travel and allowed Turkmenistan to become slightly more open to the outside world. However, Berdimuhamedov has not delivered on promises to reform the country's oppressive laws, thereby maintaining a state structure of control and repression that violates human rights including

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TURKMENISTAN IS THE MOST CLOSED  
COUNTRY IN THE FORMER SOVIET UNION.

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freedom of religion or belief. For instance, a system of categorical denials of international travel for many citizens remains in place, and as of 2013, the Turkmen government will no longer recognize dual citizenship.

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

Religious issues are under the purview of the government-appointed Council on Religious Affairs (CRA), which reports to the president and includes only Sunni Muslim and Russian Orthodox Church representatives and government officials. The CRA controls the hiring, promotion, and firing of Sunni Muslim imams (who must report regularly to the CRA), censors religious publications of all denominations, and oversees the activities of all registered groups. There are continued reports that CRA officials outside Ashgabat have ordered Muslim men to shave their beards and Muslim women not to wear headscarves.

CRA Deputy Chair Andrei Sapunov, a Russian Orthodox Church (ROC) priest, has official responsibility for policies on Christian communities, reportedly including veto power over rights of other Christian groups to function in Turkmenistan. Some ROC members claim that Sapunov has disclosed to the secret police confidential information from religious confessionals. Moreover, members of religious minorities view recently-named CRA officials as favoring state-controlled Islam and denying permission for non-Muslim activity more often than under the Niyazov regime.

# TURKMENISTAN

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## STALLED LEGAL REFORMS

During USCIRF's August 2007 visit to Turkmenistan, the president established a new commission to examine how the country's laws conform to international human rights commitments. In February 2013, this commission met to review its activities and stressed the need for improved contacts with the United Nations and more seminars in which international human rights experts take part. Yet the Turkmen government still has not implemented the recommendations for religion law reform in a 2008 study by the International Center on Not-for-Profit Law (ICNL), which it requested, or a 2010 OSCE review. It also has not implemented similar relevant recommendations from the UN Committee on Economic, Social and Cultural Rights in 2011 and the UN Human Rights Committee in 2012. In addition, the government has indefinitely postponed a seminar on the religion law with international experts scheduled for March 2010.

## REGISTRATION

In response to international pressure, President Niyazov issued several decrees in 2004 that reduced the number of members needed for a religious group's registration from 500 to five. As a result of this change, nine small minority religious groups were registered. Nevertheless, unregistered religious activity remains illegal and subject to administrative penalties that still may include imprisonment and large fines. Even registered groups are forbidden to meet for private worship, to print and import religious literature, or to be led by foreign citizens. Registered communities must allow state officials to attend any meeting, read any document, and check their accounts and donations every week, and some have reported being ordered to collaborate with the secret police. If a community receives two official warnings about "violations" of the law or various regulations, its registration can be stripped.

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EVEN REGISTERED GROUPS ARE FORBIDDEN TO  
MEET FOR PRIVATE WORSHIP, TO PRINT AND  
IMPORT RELIGIOUS LITERATURE...

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The Justice Ministry manages the registration process, with the CRA playing an advisory role. In addition, there is a large commission of government and security service officials that reviews applications. The review process should take three months and denials are supposed to be in writing, but often these standards are not met. Reportedly, officials sometimes impose extra-legal requirements, deny registration due to minor or spurious clerical errors, or require religious groups to amend their charters in order to register. Some communities have not applied for registration due to the onerous and opaque process and the limited advantages of registration.

In February 2012, the Turkmen government informed the UN Committee on the Elimination of Racial Discrimination that 128 religious communities were registered: 99 Sunni Muslim, five Shi'i Muslim, 13 Russian Orthodox, and 11 of other faiths (including one Catholic, one Hare Krishna, one Baha'i, one Baptist, one Pentecostal, one Greater Grace church, one Seventh-day Adventist and one New Apostolic community). Registration applications of Ashgabat's Pentecostal Church and the Turkmen Baptist Church in Dashoguz remained pending. Certain Shi'i Muslim groups, the Armenian Apostolic Church, and some Protestant groups have faced numerous registration rejections or refusals. The government rejected as "incomplete" the Jehovah's Witnesses' previous registration application, but the CRA would not tell the community which documents were missing. The Peace to the World Pentecostal Church in Mary, headed by former prisoner Pastor Nurliev, has unsuccessfully applied for registration since 2007.

Unregistered religious activity remains an administrative offense, but, at least until mid-2012, fewer administrative penalties were issued than in previous years. The administrative code sets fines that are between five and 10 times the minimum monthly wage for such violations and repeat violators face doubled fines.

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## STATUS OF PRESIDENTIAL PERSONALITY CULT

Turkmen citizens, regardless of their religious views or personal beliefs, are taught to view the president as the living embodiment of the state. While there is movement away from Niyazov's personality cult, the Berdimuhamedov government still promotes it. In addition, President Berdimuhamedov has instituted his own cult, with fewer religious overtones, including a new requirement that a poster of him be part of all wedding photos.

Most textbooks had references to Niyazov removed, but new textbooks highlight President Berdimuhamedov's family and his "New Revival" ideology which supposedly has brought the "era of

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supreme happiness in a stable state." The new president was granted the official title of *Arkadag* (Protector) and reportedly will soon issue a new Turkmen "spiritual guide" to be called the *Turkmennama* (Book for Turkmen) or *Adamnana* (Book for Humanity). State employees have been ordered to buy the president's previous five books, on topics including the Akhal-Tekke horse and folk medicine. Teachers and students must spend 70 to 80 days of the school year in elaborate state-sponsored presidential parades.

While imams no longer are required to include a loyalty oath in their daily prayers, they must pray for the president. The *Ruhnama* was removed from state buildings and mosques, but its citations remain inscribed on the huge mosque in Gipchak, Niyazov's home town. Public school students spend much less time studying the *Ruhnama*, but still must pass exams on that book for graduation. Berdimuhamedov's government opened a new university named for the *Ruhnama* in 2010. The long-term effects of this still-pervasive presidential personality cult—combined with Turkmenistan's continuing isolation and severe educational deficiencies—are difficult to calculate.

## PENALTIES FOR RELIGIOUS AND HUMAN RIGHTS ACTIVITIES

According to the International Crisis Group, Turkmenistan has one of the world's highest prisoner-to-population ratios, and a 2011 report by the UN Committee Against Torture (CAT) on Turkmenistan concluded that torture is widespread and occurs with impunity. Three conscientious objectors in the Seydi prison camp, where most such prisoners are held, reported in 2011 that solitary confinement and severe beatings by guards were "routine."

Nevertheless, Turkmen officials deny that there are any political prisoners in their country. During a November 2011 UN Committee on Economic, Social and Cultural Rights session, Turkmen First Deputy Justice Minister said that "there were no political prisoners or politically motivated prosecutions in Turkmenistan."

To mark Turkmen Independence Day on October 23, 2012 President Berdimuhamedov amnestied more than 2,000 prisoners, but reportedly did not release prisoners of conscience and conscientious objectors, according to Forum 18. Although under Turkmen law, all prisoners can invite registered clergy, conduct religious rites, and own religious literature, these rights are routinely ignored. Muslims in the general regime section of Seydi Labor Camp have a prison mosque, but prisoners of other religions do not have access to worship facilities.

In recent years, members of religious communities, including Muslims, Protestants, and Jehovah's Witnesses, as well as a Hare Krishna adherent, have been imprisoned or sent into internal exile due to their religious convictions. Nurmuhammed Agaev, a former Muslim prayer leader, remains at the closed

## TURKMENISTAN

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psychiatric hospital in the Lebap Region, where reportedly he is subject to forcible drug treatment. Islamic cleric Shiri Geldimuradov died in prison under unexplained circumstances in July 2010. Geldimuradov, 73, was arrested in April 2010 along with his three sons Muhammed, Abdullah, and Abdulhay. A fourth son, Abdulmejid, was sentenced to three years in prison in February 2010 for “misusing urban water resources.” An anonymous January 2012 message to Radio Liberty’s Turkmen Service claimed that an unnamed Muslim man was imprisoned the previous year for distributing religious audio and video discs; the government reportedly charged him with distributing pornography.

In January 2012, Jehovah’s Witness Vladimir Nuryllayev was sentenced to four years’ imprisonment at a secret trial in Ashgabat on criminal charges of spreading pornography, which his community vehemently denies. He was released in May under an amnesty, but must report to police three times a week. In April 2012, another Jehovah’s Witness, Aibek Salayev, was sentenced to four years in a labor camp on allegedly fabricated charges of distributing pornography. After being brutally beaten in detention, he was sent to the Seydi labor camp. Officials in the Dashoguz pre-trial detention center had warned Salayev that he would be raped once he arrived at that notorious camp.

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TURKMENISTAN HAS  
ONE OF THE WORLD’S  
HIGHEST PRISONER-TO-  
POPULATION RATIOS...

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In February 2012, Pastor Ilmurad Nurliev of the unregistered Peace to the World Protestant Church in Mary was released after 19 months in the Seydi prison camp, but he still must report regularly to police. He was sentenced to four years’ imprisonment in 2010 on charges of swindling, which he denies. He was not allowed the right to appeal his case and, while imprisoned, he reportedly was placed in a cell with an inmate with tuberculosis and denied his diabetes medication and a Bible.

Reportedly, Pastor Nurliev expressed concern over several Muslim prisoners in Seydi who may have been imprisoned for peaceful religious activity, including Musa (last name unknown), a young Muslim from Ashgabat who reportedly received a four-year sentence for teaching the Qur’an to children. Nurliev also said the former chief imam of Mary Region, Muhammed-Rahim Muhammedov, remains in the Seydi camp for allegedly resisting the authorities.

Unregistered religious communities continue to face raids by secret police, anti-terrorist police units, local government, and local CRA officials. Registered religious communities, particularly outside Ashgabat, are also raided at times. After the summer of 2012, there were more frequent reports of police raids of religious communities, particularly Protestants, in various parts of the country. In one particularly egregious case, police raided the home of a Baptist family in Dashoguz in September 2012, dragging the 75-year-old father from the house and beating his 68-year-old wife. In another September 2012 incident, police raided another Protestant meeting in Dashoguz and three participants were fined, including a visiting dual Russian-Turkmen citizen, who was then banned from leaving Turkmenistan at Ashgabat airport. More than 20 Protestants reportedly have been fined for unregistered religious activity in 2012, some of whom were fined the equivalent of about two months’ average local wage.

The Turkmen government has threatened Turkmen human rights activists both inside and outside the country for their advocacy. In January 2012, Turkmen civil society activist Natalya Shabunts, a longtime critic of her government’s human rights and religious freedom record whom USCIRF met during its 2007 visit, found a bloody sheep’s head outside her door after she gave an interview to RFE/RL. In 2010, Farid Tuhbatullin, exiled head of the Turkmen Initiative for Human Rights, said that two reliable sources had informed him that the Turkmen Ministry of Security planned an “accidental” physical attack on him in Vienna. Despite Austrian police protection, Tuhbatullin continues to maintain security measures for self-protection and his relatives in Turkmenistan continue to be subjected to official pressure. The Turkmen Initiative for Human Rights continues to report on these incidents and other human rights concerns; its Web site was hacked in 2012, shutting down the site for weeks.

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### CONSCIENTIOUS OBJECTORS

Current Turkmen law has no civilian alternative to military service for conscientious objectors, as it did until 1995. Individuals who refuse military service for religious reasons can only serve noncombatant roles in the military. The penalty under the criminal code for refusing to serve in the armed forces is up to two years' imprisonment. In September 2010, the Turkmen parliament adopted a new law setting the military conscription age for men at between 18 and 27, but it did not provide an alternative service regime. It is not known if President Berdimuhamedov has signed the unpublished law.

At the start of Berdimuhamedov's presidency, conscientious objectors were not imprisoned, but that policy ended in 2009. Currently, eight Jehovah's Witnesses are in prison in Turkmenistan for conscientious objection: Mahmud Hidaybergenov, sentenced to 2 years, Dashoguz Court, August 2011; Zafar Abdullaev, 2 years, Dashoguz Court, March 2012; Navruz Nasyrlayev, 2 years, Dashoguz Court, May 2012; Juma Nazarov, 18 months, Ashgabad Court, July 2012; Dovran Matyakubov, 2 years,

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CURRENT TURKMEN LAW HAS NO CIVILIAN ALTERNATIVE TO MILITARY SERVICE FOR CONSCIENTIOUS OBJECTORS...

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Dashoguz Court, December 2012; Yadgarbek Sharipov, 1 year, Dashoguz Court, December 2012; Matkarim Aminov, 2 years, Dashoguz Court, January 2013; and Arslan Dovletov, 18 months, Dashoguz Court, January 2013, Forum 18 reported.

Hidaybergenov, Abdullaev and Nazarov are in the general regime section of the labor camp in the desert near Seydi in Lebap Region. Nasyrlayev is in the strict regime section of the same camp. Some of these prisoners reportedly have been subjected to brutal treatment in prison.

Since May 2012, four other Jehovah's Witness conscientious objectors are known to have been sentenced to two-year suspended terms, plus up to 20 percent of income deductions: Merdan Tachmuradov in May; Jamshid Kurbanov in July; Nazargeldy Chariyev in June; and Begench Nabatov in August.

On January 24, 2013, seven weeks after the UN Human Rights Committee requested an official response from the Turkmen government to a case brought by 10 Jehovah's Witness conscientious objectors, about 30 police officers raided the lead complainant's home in Dashoguz. Two family members and four guests were taken to a police station where reportedly they were beaten and one was threatened with rape. Three were fined and religious literature was confiscated, Forum 18 reported.

### GOVERNMENT INTERFERENCE IN INTERNAL RELIGIOUS AFFAIRS

The Turkmen government continues to interfere in the internal leadership and organizational arrangements of religious communities. The president selects and appoints the chief mufti, who also is deputy CRA chair. The CRA, with input from state security, selects regional imams, who are often transferred in line with former President Niyazov's practice of frequent rotation of officials. Friday sermons by imams are used to convey state messages, with the CRA "recommending" suitable topics.

Muslims in Turkmenistan have expressed concern that the state has replaced imams who have formal Islamic theological training with those who lack such education. Indeed, many Turkmen view the former Chief Mufti, Nasrullah ibn Ibadullah, an ethnic Uzbek who was imprisoned from 2004-2007, as the country's last Muslim leader with a thorough knowledge of theology. Turkmen officials have also stated that imams cannot be appointed if they have received theological training outside the country. The government also has removed from office ethnic Uzbek imams in the country's northern regions and replaced them with ethnic Turkmen imams. Reportedly, non-ethnic Turkmen can only serve as district imams.

## **TURKMENISTAN**

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Both former President Niyazov and President Berdimuhamedov requested that the ROC in Turkmenistan be removed from the Central Asian diocese in Tashkent and come under Moscow Patriarchate jurisdiction. The ROC placed Turkmenistan's 12 ROC parishes and one Ashgabat convent under the Moscow Patriarchate's jurisdiction in 2008, after President Berdimuhamedov met with ROC officials. The ROC named Bishop Feofilakt (Kuryanov) as the first head of the Patriarchal Deanery for Turkmenistan and he often visits the country. Since early 2011, he has negotiated with the Turkmen government for a construction permit so that the ROC can build a new cathedral in an Ashgabat suburb.

The Turkmen Justice Ministry reportedly also has "advised" several smaller unregistered groups to combine with other currently-registered communities, regardless of possible doctrinal differences.

### **RESTRICTIONS ON RELIGIOUS MEETINGS AND HOUSES OF WORSHIP**

It is illegal for unregistered religious groups to rent, purchase, or construct places of worship, and even registered groups must obtain government permission, which is often difficult to secure, to build or rent worship places. Reportedly, some registered groups have had to move locations as often as 12 times in the same year. Nevertheless, ten small registered minority religious communities have established places of worship in recent years (five in rented facilities, two in residential buildings used exclusively as church facilities, and three in private homes). For meeting to worship in unapproved places, such as private homes, congregations face police raids, court-imposed fines, and other forms of harassment. Even for registered religious communities, worship in private homes is limited to nuclear family members.

While the government has allowed some mosque construction and is funding the construction of large Sunni mosques in Turkmenabad and Koneürgenç, it refuses to permit the building of three Shi'i mosques. The government also reportedly has not adequately compensated the owners of private houses destroyed on the sites of the future Turkmenabad and Koneürgenç mosques.

The ROC has been trying to build a new cathedral and educational center in Ashgabat for years. In the mid-1990s, President Niyazov had allocated the ROC a plot in Ashgabat, but Turkmen authorities refused to allow the cathedral to be built. The site remained vacant until the government built the Ruhnama University there in 2010. In March 2011, after a meeting between the ROC Bishop of Smolensk and the Turkmen Foreign Minister, the government donated a site for the future cathedral in an Ashgabat suburb; the ROC will pay for the construction. Most ROC churches in Turkmenistan were built before 1917 and are in urgent need of repair.

There have been no recent reports of government destruction of houses of worship, unlike in the Niyazov era, when the Turkmen state closed, confiscated, or destroyed at least 17 mosques and churches. Despite the country's vast financial resources from the sale of natural gas (most funds reportedly are held in personal accounts in western banks), the government has paid no compensation to any religious community for these destructions or confiscations.

### **RESTRICTIONS ON RELIGIOUS LITERATURE**

The publication of religious literature inside Turkmenistan is banned by decree. By law, only registered religious communities can import such literature, and the quantities must correlate to the number of members in their congregations. Customs officers restrict returning travelers, regardless of citizenship, to only one copy of a religious text for personal use. Border guards and police also search departing and arriving travelers and confiscate religious material. According to the State Department, Turkish citizens who reside in Turkmenistan have had their personal Qur'ans confiscated at the border. Religious literature also is routinely confiscated in police raids on religious individuals and groups, and is rarely returned.

## TURKMENISTAN

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The CRA must approve all imported religious literature, but since the CRA only includes representatives of Islam and Russian Orthodoxy, its knowledge of other religions is limited. Members of religious minority communities report that they are often denied official permission to import religious literature which is often confiscated before it can be submitted for official examination. Local CRA branches frequently confiscate and photocopy literature. Religious communities need a license to copy religious literature already in their possession.

In February 2012, Begjan Shirmedov, the leader of a registered Protestant community in Dashoguz, was questioned by police for six hours and banned from travel outside his home area for trying to copy religious material (a small book of his own religious poetry) without a license. His case reportedly remains under investigation by the local police unit in charge of counter-terrorism and organized crime. Also in February 2012, after a raid on a private home, four Protestants in Ashgabat were briefly detained, had Bibles confiscated, and were threatened by a CRA official that he would have drugs planted on them; they later were fined US \$125 for possessing “illegal” religious literature.

According to the State Department, the Qur’an is “practically unavailable” at state bookstores in Ashgabat. While most homes have one Arabic copy of the Qur’an, few are available in Turkmen. The ROC can receive and distribute Bibles easily, but reportedly it does not share them with Protestants because it views them as competitors. In 2011, the Turkmen government lifted the ban on the Russian Orthodox community receiving certain Russian publications by mail, including the *Journal of the Moscow Patriarchate*. According to Protestant groups, a Bible society and Christian bookshops are not permitted in the country.

Internet users in Turkmenistan cannot access most international religious Web sites. The Turkmen government adopted a new media law in January 2013. Despite its liberal-sounding reforms, the law subjects local internet to the same censorship as other media. The government maintains a monopoly on internet access, doubled access costs in 2013 and uses a computer program to search emails for coded words and block “suspicious” messages. Further, the Turkmen government has shut down the cell phone service that provided telecommunication for most of the Turkmen population. Nevertheless, some communities maintain that the internet has improved their access to religious literature and the Russian Orthodox Church in Turkmenistan recently opened a Web site.

### **RESTRICTIONS ON EDUCATION AND THE TRAINING OF CLERGY**

Turkmenistan’s religion law bans the private teaching of religion. Only graduates of institutions of higher religious education (domestic or foreign is not specified) who are CRA-approved may offer religious education which must take place in officially-approved institutions.

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TURKMENISTAN’S RELIGION LAW  
BANS THE PRIVATE TEACHING OF  
RELIGION.

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Under the religion law, mosques are allowed to provide religious education to children after school for four hours per week, as long as parents have given their approval. Some Sunni mosques have regularly-scheduled Qur’an instruction. However, the law prohibits the ROC from conducting religious education programs without CRA and presidential approval, which to date apparently has not been granted.

In 2011, the government began to restrict registered schools supported by the movement of Turkish theologian Said Nursi, which had existed in Turkmenistan for more than a decade. In April of that year, the schools were required to stop taking new students, and in August, Nursi schools were closed in Turkmenbashi, Nebitdag, Turkmenabad, and other cities. The only place a Nursi-funded school remains open is in Ashgabat, according to the Chronicles of Turkmenistan. Unlike in Russia or Uzbekistan,



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however, there are no known cases of Nursi readers imprisoned for their participation in alleged Nursi groups.

Muslims are not allowed to travel abroad for religious education, and women are barred from studying Islamic theology at Turkmen State University, the only place where it is permitted to be taught. According to Forum 18, students must be certified by the secret police before they can enroll in its five-year theology program. This is the only Turkmen institution authorized to train imams, the number of students is limited to 50, and foreign staff can no longer be employed.

The country's largest religious minority, the Russian Orthodox community, has 15 priests for 12 parishes, but no institution in Turkmenistan to train clergy. Russian Orthodox men are allowed to leave the country for clerical training and reportedly nine are studying in Belarus. Shi'i Muslims, most belonging to Iranian and Azeri ethnic minorities, also lack religious training institutions in Turkmenistan. Even registered religious minorities face difficulties in this regard; one leader has said that most religious training is conducted informally and in private homes.

### **RESTRICTIONS ON INTERNATIONAL TRAVEL FOR RELIGIOUS REASONS**

The government continues to restrict the right of religious adherents to travel outside the country, including the reported reinstatement of travel blacklists for hundreds of Turkmen citizens. The government allows only 188 pilgrims per year (out of the reported official Saudi quota of 5,000) to travel at state expense to Mecca for the *hajj* pilgrimage. Those who want to pay their own way are ineligible. The selection of pilgrims is tightly controlled, involving review by the secret police, the CRA, the state-run Sunni Muslim Spiritual Administration, regional and central government administrations. Pilgrims reportedly have had to pay bribes to be included on the list and must be recommended by religious leaders in their place of residence. A Muslim from the city of Turkmenbashi said there were about 1,000 would-be pilgrims on that city's waiting list.

Active religious believers who have been allowed to leave the country are subject to close scrutiny on departure or re-entry. Reportedly, several known religious believers who are allowed to travel abroad have their religious activity noted in a computerized database at borders, including the Ashgabat airport.

The government also tightly controls visits from foreign religious workers and co-religionists, particularly of disfavored groups, further isolating local religious communities. In order to invite foreigners, local communities must be registered and still must have CRA permission, which is very difficult to obtain. The last known visit to the country by Armenian Apostolic Church clergy was in 1999. The Baha'i community reports that it is impossible for their foreign relatives to receive permission to visit Turkmenistan, but Baha'is in the country are allowed to go on foreign visits. Foreign Adventists have not been permitted to visit the country since 2008.

### **U.S. POLICY**

The United States has important security and economic interests in Turkmenistan due to its proximity to Afghanistan and Iran, including those related to over-flight rights, railroad links to Afghanistan, and the country's huge natural gas supplies. Due to its official policy of neutrality, however, Turkmenistan is not part of the Northern Distribution Network (NDN) for the delivery of supplies to U.S. troops and International Security Assistance Forces (ISAF) in Afghanistan. Nevertheless, Turkmenistan has allowed U.S. refueling rights at the Ashgabat International Airport for non-lethal supplies to Afghanistan and there is construction on a railroad linking Afghanistan and Turkmenistan. Some observers claim the United States may be interested in using this rail link to ship fuel to ISAF troops. According to Eurasianet, in

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2012 Washington spent US \$820 million on military resupply routes through Turkmenistan, far more than in all the other Central States combined.

Despite its official neutral status, Turkmenistan is trying to improve its naval and military capacity. The United States is training Turkmenistan's burgeoning navy as well as organizing exchange programs on English language and basic naval administration. During counterterrorism operations in 2011, U.S. Special Operations Forces reportedly were allowed to enter Turkmenistan, as well as Kyrgyzstan, Tajikistan, and Uzbekistan, on a "case-by-case" basis, with permission from the host nation.

In 2010, Turkmenistan entered into agreements with Afghanistan, Pakistan, and India to begin construction on a major gas pipeline, known as "TAPI," due to be completed in 2014. This project, encouraged by the United States, could help stabilize the Turkmen gas export market as well as create economic and political bonds with energy-poor South Asian markets.

As part of the Annual Bilateral Consultation (ABC) process, which began in 2010, Assistant Secretary of State for South and Central Asian Affairs Robert O. Blake visited Turkmenistan in January 2013. During that visit, Blake had a "civil society" meeting, at which, according to a reliable source, he met with only two representatives of that sector. Most of his public comments were devoted to expressions of appreciation for Turkmenistan's support to Afghanistan and for TAPI. He also said that he urged "progress on all fundamental freedoms," although he made no specific mention of religious freedom. In the first U.S.-Turkmenistan ABC, in Ashgabat in June 2010, the U.S. government did address the need to improve religious freedom conditions in the wider human rights context.

The State Department has requested a total of \$6,725,000 for FY 2013 for Turkmenistan, including \$1,850,000 for democratic governance and civil society, including to support civil society organizations, training on legal assistance, internet access and computer training, capacity building for civil servants, as well as exchange programs. In recent years, however, the Turkmen government has barred many students from participating in U.S.-funded exchange programs and ordered the Peace Corps to stop its operations in 2013 after almost 20 years of operation in that country.

Despite President Berdimuhamedov's personal invitation to USCIRF in 2007 to make a return visit, his government has refused to meet with USCIRF three times since then, most recently in December 2010, each time just prior to the USCIRF delegation's departure. Despite promises from the Turkmen Ambassador to the United States in February 2011 that his country would host a USCIRF visit, no concrete dates have been proposed. In April 2012 Ambassador-at-Large for International Religious Freedom Suzan Johnson Cook and Deputy Assistant Secretary of State for Democracy, Human Rights, and Labor Thomas Melia visited Turkmenistan. It was not until the delegation already was in Uzbekistan, however, that the Turkmen government informed them it was willing to receive their visit.

### RECOMMENDATIONS

Considering Turkmenistan's rising geo-strategic importance, the United States should raise concerns about human rights and religious freedom in all meetings with the Turkmen government, urge it to reform its laws and practices to comply with international human rights standards, and, if concrete improvements are not made, designate Turkmenistan as a CPC. To this end, USCIRF recommends that the U.S. government take a number of specific steps to expand its bilateral relations with Turkmenistan, promote religious freedom and related human rights, and expand U.S. programs and other activities, particularly including educational programs.

# TURKMENISTAN

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## **I. PROMOTING FREEDOM OF RELIGION OR BELIEF AND OTHER HUMAN RIGHTS**

The U.S. government should:

- raise human rights and freedom of religion or belief during all bilateral meetings with the government of Turkmenistan, explore ways in which Turkmenistan can implement laws and practices to comply with international human rights standards, and establish a regular reporting mechanism on these issues; and
- designate Turkmenistan as a CPC, if specific improvements are not made in line with the recommendations immediately below.

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

- repeal all laws, decrees or regulations and amend those articles of the religion law that violate international norms on freedom of religion or belief, including by implementing the recommendations of the ICNL analysis of the religion law;
- restore genuine legal alternatives to military service on the grounds of religious or conscientious objection based on international commitments, and cease the criminal prosecution and fully restore the civil and political rights of Jehovah's Witnesses and others who refuse to serve in the army on the grounds of conscience;
- end state interference in the management of religious communities and in the selection and training of religious leaders, including those from Sunni and Shi'i Muslim and the Russian Orthodox communities, as well as from Protestant and other minority communities;
- honor its commitment to allow a USCIRF delegation to return to Turkmenistan to assess current conditions for freedom of religion or belief, providing USCIRF access to Turkmen government officials, current or former prisoners of conscience in places of detention, and unimpeded contact with religious and other organizations and their members; and
- fulfill its previous human rights promises, including those regarding freedom of religion or belief made to the USCIRF delegation during its August 2007 visit.

## **II. EXPANDING U.S. PROGRAMS AND ACTIVITIES TO PROMOTE HUMAN RIGHTS AND REFORM EFFORTS**

The U.S. government should:

- increase and improve publicly-funded radio, Internet, and other broadcasts of objective news and information, including on freedom of religion or belief and religious tolerance, by expanding the Turkmen Service of Radio Free Europe/Radio Liberty (RFE/RL), adding RFE/RL Russian-language broadcasts, and restoring Voice of America's Russian-language television and radio broadcasts;
- support projects to translate educational materials on human rights, freedom of religion or belief, tolerance, civic education, and international legal standards into the Turkmen and Russian languages and make them available to schools and libraries;

## TURKMENISTAN

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- develop programs, including by the publicly-funded National Endowment for Democracy, to encourage civil society groups to promote freedom of religion or belief, including by expanding legal assistance programs to include representatives of religious communities as well as through grants that address freedom of religion or belief; and
- expand international contacts and increase U.S. involvement in communities in Turkmenistan, including through USAID programs, include religious leaders in community projects in order to address social problems and increase tolerance, and expand exchange programs, including with civil society leaders, students, and others concerned with human rights and religious freedom.

### **III. STRENGTHENING EFFORTS IN THE INTERNATIONAL ARENA**

In various international fora, the U.S. government should urge the Turkmenistan government to:

- implement past recommendations of UN human rights bodies to improve religious freedom conditions in Turkmenistan, including from the UN Human Rights Council's Universal Periodic Review, the UN Human Rights Committee, and the UN Special Rapporteur on Freedom of Religion or Belief;
- allow UN Special Rapporteurs, including the Special Rapporteur on Freedom of Religion or Belief, and OSCE representatives, including its Panel of Experts on Freedom of Religion or Belief, to visit the country, and provide the full and necessary conditions for such visits; and
- participate fully in the OSCE, including in the annual Human Dimension meeting in Warsaw, and expand the activities of the OSCE Center in Ashgabat, particularly on civic education, human rights, including programs with local schools, universities, and institutes on human rights standards, including freedom of religion or belief.

# UZBEKISTAN



## **USCIRF STATUS:**

**Tier 1 Country of Particular Concern**

## **BOTTOM LINE:**

The Uzbek government continues to repress religious freedom through a restrictive religion law facilitating state control over all religious communities, particularly the majority Muslim community. It imprisons individuals who do not conform to officially-prescribed practices or who it claims are extremist, including as many as 5,000 to 10,000 Muslims.

### **EXECUTIVE SUMMARY**

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

Based on these systematic, ongoing, and egregious violations, USCIRF continues to recommend in 2013 that Uzbekistan be designated as a “country of particular concern,” or CPC. Since 2006, the State Department has so designated Uzbekistan, but since 2009 it placed a waiver on taking any action as a consequence of the CPC designation.

Uzbek police and security forces continue to raid and detain members of unregistered, and sometimes registered, religious groups for peaceful religious activity. Over the past decade, the Uzbek government reportedly has sentenced or imprisoned, sometimes in psychiatric hospitals, as many as 10,000 individuals for terms of up to 20 years for their non-violent Islamic religious affiliations or beliefs in trials that fall far short of international standards. For example, the Uzbek government continues its campaign against the *Nur* group for alleged extremism. It also targets religious minority groups, especially those viewed as engaging in proselytism.

**PRIORITY RECOMMENDATIONS:** The State Department should again designate Uzbekistan as a CPC. Upon re-designation, the United States immediately should engage Uzbekistan in intensive negotiations to see concrete progress to address religious freedom abuses. If those talks fail after 180 days, it should lift the waiver and impose sanctions, such as a ban on visits to the United States by high-level and mid-level Uzbek officials including President Islam Karimov. Considering Uzbekistan’s geographical position in the Northern Distribution Network and the impending withdrawal of U.S. combat forces from Afghanistan, U.S. policy toward Uzbekistan should be coordinated across agencies to ensure that human rights concerns are reflected in all dealings with the Uzbek government. Measures should be adopted to ensure U.S. security materiel and other assistance are not given to Uzbekistan without concrete improvements in respect for religious freedom, and if assistance is given, Uzbek agencies or units known to be responsible for severe violations of religious freedom should be excluded. The United States also should press the Uzbek government to revise its 1998 religion law in line with international standards and establish a mechanism to review the cases of persons detained under suspicion of or charged with religion-related offenses. Additional recommendations are at the end of the chapter.

## RELIGIOUS FREEDOM CONDITIONS

### LEGAL FRAMEWORK

Uzbekistan's 1998 Law on Freedom of Conscience and Religious Organizations imposes onerous hurdles for the registration of religious groups, severely restricts religious freedom for unregistered groups, and restricts rights deemed in conflict with national security. The law criminalizes unregistered religious activity; restricts the right to establish schools and train clergy to registered groups alone; bans the production and distribution of unofficial religious publications; and prohibits minors from participation in religious organizations.

A RESTRICTIVE RELIGION  
LAW FACILITATES STATE  
CONTROL OVER ALL  
RELIGIOUS COMMUNITIES,  
PARTICULARLY THE  
MAJORITY MUSLIM  
COMMUNITY.

Registration requirements include: a minimum membership of 100 Uzbek citizens; a fee of 50 times the minimum monthly wage; documents detailing the group's rules and meeting protocols; and other data. Many religious groups, particularly minority communities, are unable to meet these requirements. Uzbek officials reportedly reject

valid registration applications from disfavored groups on artificial grounds. Without registration, religious groups cannot open bank accounts; construct, rent, or buy buildings; print, distribute, or import religious literature; appoint or hire religious leaders; or engage in any religious activities.

Under Uzbek criminal and administrative codes, the penalties for "illegal" (unregistered) religious activities include fines of as much as 300 times the minimum monthly wage and up to five years' imprisonment. Unregistered groups can be ordered to disband. Groups deemed extremist, fundamentalist, or separatist can be banned and those who take part in a banned group face up to 20 years in prison.

In 1998, the Uzbek government closed 3,000 of the 5,000 mosques open in the country, and mosques still face registration difficulties. Many non-Muslim religious groups encounter major registration difficulties. For instance, the registration requests of all Baptist churches have been rejected since 1999. Reportedly, Jewish groups have not been allowed to register in various cities. Since 1996, the Jehovah's Witnesses applied for registration 23 times in Tashkent and 13 times in Uzbek provinces, and only one Jehovah's Witness group in Chirchik was registered.

### EXTREMISM CHARGES AGAINST MUSLIMS

Although the precise numbers are impossible to verify, human rights groups estimate that there could be as many as 5,000 to 10,000 Muslims who have been imprisoned for up to 20 years for their practice of independent, non-violent Islam or for alleged links to groups the Uzbek government views as extremist. USCIRF has received information from the Initiative Group of Independent Human Rights Defenders of Uzbekistan concerning Muslim political prisoners in Uzbekistan who were arrested or sentenced in 2012 and early 2013; a detailed list of these 27 individuals is included in the appendix to this Annual Report.

Uzbekistan does face security threats, including from groups which advocate or perpetrate violence in the name of religion. Nevertheless, Uzbek government actions lack due process, are based on arbitrary application of vague laws against those who pose no credible threat to security, and often involve credible allegations of torture. As a result, to avoid harassment Muslim men reportedly are hesitant to grow beards or wear traditional clothing. Women wearing *hijabs* face official harassment and possible sentences. These long-standing Uzbek policies fuel popular anger, and may aid recruitment efforts by genuine terrorist groups.

## UZBEKISTAN

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The Uzbek government bans and criminalizes alleged membership in Islamic groups it deems “*Wahhabi*” or “*Jihadist*,” including *Hizb ut-Tahrir* (HT), *Akromiya*, *Tabligh Jamaat*, *Nur*, and others. Although “*Wahhabi*” usually refers to the highly restrictive interpretation of Sunni Islam in Saudi Arabia, the government applies the term to include violent Islamist extremists, domestic political opponents, Uzbeks educated abroad, and practitioners of non-violent independent Islam.

The Uzbek government has undertaken a systematic campaign against three Uzbek imams prominent in the 1990’s, two of whom were disappeared in Uzbek prisons. The third, Obidkhon Qori Nazarov, has political asylum in Sweden and was shot and critically injured there in February 2012. In July 2012, Sweden’s Chief Public Prosecutor accused the Uzbek secret service of involvement in his attempted assassination. After a police search found recordings by these imams, journalist Khairulla Khamidov received a six-year prison sentence in 2010.

Nine Muslim men from the Tashkent Region, who held informal discussions on religion and prayer instruction, were sentenced in November 2012, Forum 18 reported. Gayrat Khusanov and Shuhrat Yunusov each received seven-year jail terms while seven other defendants received three-year suspended terms. Charges against the men focused on their alleged role in an illegal religious group, perhaps because they had literature by prominent dissident imams discussed above. Uzbek activists consider the charges to be fabricated.

Alleged members of HT are believed to comprise the majority of the political prisoners in Uzbek prisons, although arrests seem to have decreased since 2008. According to the State Department, “authorities made little distinction between actual members [of HT] and those with marginal affiliation with the group, such as persons who had attended its Koran study sessions.” Frequently, cases involve false accusations of HT membership and are based on planted evidence, a lack of credible evidence of violence, due process violations, and allegations of torture. While most Muslim countries ban HT for political activities, the United States has not designated it a terrorist group due to lack of evidence that HT as an organization has committed violence. Some HT members may have committed violent acts independent of the organization.

The Uzbek government has also repressed and prosecuted members of *Akromiya* (or *Akromiylar*) since 1997; it claims that *Akromiya*, along with the terrorist Islamic Movement of Uzbekistan (IMU), attempted to overthrow the Uzbek government in Andijon in May 2005. *Akromiya* is considered an informal, non-violent association that promotes Islamic business principles, as espoused by the 1992 writings of imprisoned Uzbek mathematics teacher, Akram Yuldashev.

In May 2005, the Uzbek government violently repressed largely peaceful protests in Andijon over the trial of 23 businessmen for their alleged membership in *Akromiya*. The Uzbek response killed as many as 1,000 civilians; after the crackdown, the Uzbek government ramped up its efforts against independent Muslims, human rights activists, journalists, and others suspected of involvement in the protests. According to the Uzbek human rights group, Andijon-Justice and Revival, 10 prisoners have died of the 241 imprisoned in connection with the Andijon events. The Uzbek government continues to prosecute persons it deems to have a connection to, or information about, these events, and has pressured other countries to return Uzbek refugees who fled after Andijon, including those under UNHCR protection.

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IN MAY 2005, THE UZBEK GOVERNMENT  
VIOLENTLY REPRESSED LARGELY PEACEFUL  
PROTESTS IN ANDIJON...

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Another group prohibited in Uzbekistan, *Tabligh Jamaat*, is an Islamic missionary group from South Asia that emphasizes piety, prayer, and preaching. Some former members who reportedly left the movement



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due to frustration with its apolitical stance have attempted acts of violence. In 2011, a group of 17 alleged *Tabligh Jamaat* members were convicted in one trial, the first known conviction of such a large number of alleged members of this group.

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...10 PRISONERS HAVE DIED OF THE 241 IMPRISONED IN  
CONNECTION WITH THE ANDIJON EVENTS.

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Since 2008, the Uzbek government has imprisoned numerous alleged members of what it labels the *Nur* group -- readers of the works of Said Nursi, a Turkish theologian, whose books were widely circulated in Uzbekistan in the 1990s. Nursi's followers are not known to have advocated or used violence and are doubted to constitute a formal group. However, 141 members of *Nur* were convicted in recent years and sentenced to prison terms ranging from six to 12 years.

Three Muslim women, convicted in April 2010, are still imprisoned on criminal charges of threatening the constitutional order, public security, and public order for their private religious instruction of girls. Mehriniso Hamdamova, a teacher at an officially-approved women's religion course at Karshi's Kuk Gumbaz Mosque, was given a seven-year prison camp term; her sister Zulkhumor Hamdamova and their relative Shahlo Rakhmonova are both serving 6 ½ year terms.

### **EXTREMISM AND OTHER CHARGES AGAINST NON-MUSLIMS**

The Uzbek government frequently brands Protestants and Jehovah's Witnesses "extremists" for their practice of religion outside state-sanctioned structures. These groups face ongoing harassment, detention, and arrest for "illegal religious activity," such as holding private prayer meetings or possessing "illegal" religious literature.

Pentecostal pastor Dmitri Shestakov from the city of Andijon was sentenced to a four-year term in a labor colony in 2007. He was charged with organizing an illegal religious group, inciting religious hatred, and distributing extremist religious literature. He was released in January 2011 after serving his full sentence, but remained under police surveillance. In late January 2013, Pastor Shestakov and his family flew to Ukraine where they were given political asylum status by the UN High Commissioner for Refugees. USCIRF informed UNHCR of his planned departure, so as to ensure that Shestakov was not forcibly returned to Uzbekistan from Ukraine as has happened in several recent cases.

Observers note that Uzbek authorities increasingly refuse to release prisoners, especially those convicted of religious extremism, at the completion of their terms. Prison authorities often extend inmates' terms by accusing them, without judicial review, of new crimes or even minor infractions of prison regulations, and claiming that the prisoners still represent a danger to society. For instance, in June 2012, Jehovah's Witness Abdubannob Ahmedov received a new 30-month sentence one month before his sentence ended for allegedly violating prison rules.

The Uzbek authorities also have adopted repressive measures against families on charges of alleged religious extremism, including that of Akhmadjan Madmarov, a human rights activist, whom USCIRF met during its 2004 visit to Uzbekistan.

Uzbek authorities also continue to raid, harass, and fine both registered and unregistered Christian groups and individuals throughout the country for "illegal" activities such as teaching of religion privately, meeting outside their geographic area of registration, possessing unapproved religious literature, discussing their faith, or singing religious songs. The ethnic identity of Christian leaders may be a factor

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in discriminatory Uzbek policies. Three Baptist churches in the Tashkent region led by an Uzbek, Azeri, and a Tatar received official warnings. Officials deported two Jehovah's Witnesses to Russia in 2012, despite both being born in Uzbekistan and holding residency status, for speaking about their faith, one after 23 days in jail.

### **TORTURE IN DETENTION**

The Uzbek human rights group *Ezgulik* documented in 2011 the alleged torture of female detainees, including many imprisoned due to their religious beliefs. Despite Uzbek government promises, torture remains endemic in prisons, pretrial facilities, and local police and security service precincts, and reportedly includes the threat or use of physical violence, rape, the use of gas masks to block victims' air supply, and the use of extremely cold cells. Torture allegedly is used to force adults and children to renounce their religious beliefs or to implicate themselves or others. Convictions are almost entirely based on confessions, which are often gained by torture.

In June 2012, the UN Committee against Torture (CAT) found that it had been "sufficiently established" that Uzbekistan has a "pattern of gross, flagrant or mass violations of human rights and [a] significant risk of torture or other cruel, inhuman or degrading treatment ... in particular for individuals practicing their faith outside of the official framework." The CAT found that the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been violated when 28 Uzbek asylum seekers were forcibly returned to Uzbekistan in June 2011 from Kazakhstan. The asylum seekers claimed persecution for their Muslim beliefs. The Committee noted that the men were detained as soon as they arrived back in Uzbekistan and that some had received prison terms of more than ten years. The Uzbek government has not responded to repeated requests for permission to revisit the country from the UN Special Rapporteur on Torture, who was last permitted to visit in 2002.

In 2011, President Karimov signed a new law that prohibits torture, discrimination, and harassment in pretrial detention centers and jails. However, *Ezgulik* reports that the new law has not improved the poor conditions of pretrial detention, including extremely cold cells used for punishment amounting to torture.

Dr. Gulchehra Abdullayeva, a 54-year-old Jehovah's Witness, reported she was tortured by police in August 2012 in the Khorezm region, according to Forum 18. In an effort to extract a confession that she owned religious literature, police forced her to stand for four hours with no food or water and placed a gas mask over her head, blocking her air supply. Unlike most Uzbek torture victims who fear retribution, Abdullayeva complained about her treatment to Uzbek officials and the UN Special Rapporteurs on Torture and Freedom of Religion or Belief.

Two Russian courts in 2010 denied extradition requests for Uzbek refugees because they face the likelihood of torture. Nevertheless, according to a report by the Moscow-based Human Rights Center "Memorial" (HRCM), Uzbek security police are given access to Uzbek prisoners in Russia. After he made this report public in late 2012, Vitaly Ponomarev, HRCM director, has received email death threats reportedly from Uzbek sources.

### **OTHER RESTRICTIONS ON MUSLIMS**

Despite the purported constitutional separation of religion and state, the Uzbek government controls Islamic institutions and practice through the officially-sanctioned Sunni Muslim Spiritual Board, the Muftiate. The Muftiate controls the training, appointments, and dismissals of Muslim leaders, the content of imams' sermons, and the amount and substance of published Islamic materials. The government does not permit the separate training of Shi'i imams inside the country, and does not recognize such education received abroad.

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The government films participants at Friday prayer services, has instructed neighborhood committees and imams to identify local residents as possible extremists, including those who pray daily, and monitors social meetings at which religious issues are discussed. Since several men were arrested due to their alleged discussions at social meetings in 2011, reportedly Muslims are more reluctant to discuss religion outside of mosques.

In the Ferghana Valley, the country's most actively religious region, the government has confiscated a number of mosques in recent years and uses them as warehouses or for other state purposes. For the past several years, the government has maintained various administrative obstacles to religious practice in this region. Since 2007 the Muftiate has not allowed imams in the Namangan area to preach or children to pray during Ramadan night prayers and limited public calls to prayer. The central government has told regional officials that children should not attend mosque, but many young people reportedly attend registered mosques.

### **ACTIONS AGAINST NON-MUSLIMS**

Uzbek authorities continue to raid meetings of registered and unregistered Christian groups. In November 2012, the Tashkent region Justice Ministry summoned leaders of some registered Protestant churches, warning them to eliminate from their statutes provisions on missionary activity and instructed them to re-register within one month. Written warnings of this nature place congregations and their leadership in a vulnerable position for future prosecution of "illegal" activity.

Uzbek police in December 2012 raided a group of about 80 Protestants on holiday in the Tashkent region; four were charged under the Administrative code for discussing their faith and singing Christian songs. Local police also confiscated three Bibles and 100 Christian songbooks, insulted the group, and took fingerprints. In June 2012, police officers with a warrant told Yelena Kim at her Baptist church in Fergana that criminal charges were lodged against her; in July 2011 she had been tried and fined for the private teaching of religion.

In some regions of Uzbekistan, such as Karakalpakstan and Khorezm, almost all churches have been closed and Hare Krishna and evangelical Protestant students have been expelled from university. In Karakalpakstan, no non-Muslim and non-Orthodox religious communities are registered, making "illegal" the activity of more than 20 Protestant and Jehovah's Witnesses congregations. In Karakalpakstan region and elsewhere, ethnic Korean congregations have been told that they cannot be in contact with other countries.

The state-controlled media has encouraged intolerant views of certain minority religious groups, particularly Protestants, Baha'is, and Jehovah's Witnesses. Furthermore, journalists have accused missionaries of posing a danger to society and equated them with religious extremists. Government officials have held meetings at universities and schools around the country warning students about the "negative consequences of missionaries and religious extremism."

### **RESTRICTIONS ON RELIGIOUS MATERIALS**

The official Council on Religious Affairs (CRA) must approve all religious literature. Under the religion law, importing, storing, producing, or distributing unapproved religious materials is prohibited; violations are subject to large fines, corrective labor of up to 3 years, confiscation of the materials, and/or destruction of means of production and distribution. Uzbek law punishes the production and distribution of literature deemed "promoting racial and religious hatred."

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Only eight registered religious organizations (an inter-denominational Bible Society, the Muslim Board of Uzbekistan, two Islamic centers, and Russian Orthodox, Full Gospel, Baptist, and Roman Catholic offices) may legally publish, import, and distribute religious literature. A 2006 government instruction

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THE OFFICIAL  
COUNCIL ON  
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reportedly limits the press run of any religious book to fewer than 1,000 copies. It remains difficult to secure permission from the CRA and the Muftiate to publish Muslim literature, and almost no foreign Islamic literature is allowed to be imported.

USCIRF received reports of 37 individuals being targeted for police raids for possessing “illegal” religious literature in 2012-13. Additional actions included heavy fines and confiscations of religious books from private homes, with incidents reported against Protestants, Baptists, Jehovah’s Witnesses, and Russian Orthodox. Two Protestants found with “illegal” religious material in 2012, Sharofat Allamova and Nina Chashina, may face criminal or administrative punishments. Courts routinely order the destruction of confiscated religious material, including Muslim, Christian and Jehovah’s Witness literature. In July 2012, a Kashkadarya regional court issued administrative fines against ten members of an unregistered Baptist congregation: seven were each fined the equivalent of 1,280 US Dollars. Confiscated Christian materials were ordered destroyed. Since nine of the Baptists are deaf, they were absent from the trial since they had not been properly notified. In another egregious incident, during an August 2012 police raid on the Tashkent home of a Russian Orthodox woman, Valentina Pleshakova, her disabled daughter was beaten and religious literature seized.

The Uzbek government also monitors and restricts access to the Internet. Over 250 websites viewed as hostile by the Uzbek government are blocked inside the country, including many with religious content. According to the OpenNet Initiative, which monitors web censorship, Uzbekistan has the “most pervasive regime of filtering” in the former Soviet Union.

### **RESTRICTIONS ON RELIGIOUS EDUCATION**

Only six registered religious communities have the required eight regional branches to qualify as a central administrative body, and therefore are permitted to engage in religious education. Moreover, Uzbek law limits religious instruction to officially-sanctioned religious schools and state-approved instructors. The law prohibits private instruction and sets fines for violations. The state has also closed or confiscated privately-funded religious schools.

There are 11 state-controlled *madrassas* (including two for women) that also provide secular secondary education. The Islamic Institute and Islamic University in Tashkent provide higher education and religion programs, although the Islamic University in Tashkent is a secular institution. There is no other officially sanctioned religious instruction on Islam. Imams no longer offer informal religious education, the State Department noted, out of fear of arrest. According to a 2012 report issued by the Uzbek Initiative Group of Independent Human Rights Activists, the official Muslim educational establishment is riddled with bribery, corruption, and favoritism. Despite the presence of a Shi’i minority, Uzbekistan does not have training facilities for Shi’i leaders, nor does the Uzbek government recognize foreign Shi’i religious education. Reportedly, however, some Sunni *madrassas* offer some courses in Shi’i jurisprudence.

The Uzbek government allows religious minorities very limited educational opportunities. The Russian Orthodox Church operates two monasteries (one for women, one for men) and a seminary, and many of its churches offer Sunday school education. The Jewish community lacks a rabbinate or yeshiva because it does not have synagogues in eight different Uzbek provinces and therefore cannot meet the legal requirements for a registered central office. A Jewish school and kindergarten operates in Tashkent.

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Although registered Christian groups may establish Sunday schools, they are subject to numerous government restrictions. Registered Baptist and other Protestant leaders have been charged and fined for “illegally” involving children in religious activities. There also have been reports that some schools sent questionnaires asking parents if their children attend church or mosque and telling parents not to allow it. Some school officials have questioned students about their religion and why they attend worship services.

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THE LAW PROHIBITS  
PRIVATE INSTRUCTION  
AND SETS FINES FOR  
VIOLATIONS.

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The government forbids the wearing of Islamic headscarves in state schools. Since 2011, the government has required students at all institutions of higher education to sign a 23-page pledge agreeing not to wear religious dress or “immodest” Western-style clothing, and not to “allow foreign religious or extremist influences.”

### **RESTRICTIONS ON FOREIGN TRAVEL FOR RELIGIOUS PURPOSES**

As in previous years, the Uzbek government restricted international travel for religious purposes, including limiting the number of Muslims allowed to make the *hajj* well below its quota. The government denied exit visas to Muslims, Protestants, and Jehovah’s Witnesses. It also has blocked Russian Orthodox Church Patriarch Kirill from visiting to mark the 140th anniversary of the church in Uzbekistan, reportedly because the Moscow Patriarchate had appointed a new bishop to Tashkent in 2011 without first obtaining Uzbek approval.

### **U.S. POLICY**

For the past several years, U.S. policy in Uzbekistan has focused on that country’s key position in the Northern Distribution Network (NDN), a supply route via Central Asia rather than Pakistan for U.S. and International Security Assistance Forces (ISAF) in Afghanistan. According to the U.S. Transportation Command, 40 percent of supplies for U.S. and ISAF troops in Afghanistan are now shipped via the NDN. In addition, as of 2009, U.S. Special Operations Forces were reportedly permitted by Uzbekistan on a “case-by-case” basis to conduct counter-terrorism operations. Uzbekistan also has allowed U.S. service members to be transferred to Afghanistan via its military base in Termez, where German troops are based.

While the Department of Defense will not disclose how much Uzbekistan is paid for its NDN role, the governments of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan receive a combined annual total of US \$500 million in transit fees. Uzbekistan, with Central Asia’s most developed railway network, is the NDN hub, but at times has been uncooperative. Uzbekistan’s role will become more important in 2014 as the withdrawal of combat forces accelerates.

The U.S. reliance on Uzbekistan for the NDN has led human rights groups to express concerns that the U.S. government tempers its criticisms of Uzbek violations and reduces its efforts to promote human rights. Increased government corruption in connection with NDN payments is another concern. The United States instituted Annual Bilateral Consultations (ABCs) with each of the Central Asian countries in December 2009. According to Assistant Secretary of State for South and Central Asia Robert Blake, the ABCs constitute “a face-to-face structured dialogue, based on a jointly developed agenda that facilitates candid discussions on the full spectrum of bilateral priorities, including human rights, religious freedom ... defense cooperation, and any other issue that either side would like to bring to the table.” Reportedly, the United States agreed with Uzbek requests to defer discussion of religious freedom during the initial ABC talks in 2009. Assistant Secretary Blake co-chaired the first Civil Society Forum in August 2012 where NGOs and Uzbek officials discussed human rights commitments.

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Under the FREEDOM Support Act, U.S. assistance to the Uzbek central government was prohibited unless the Secretary of State reports that Uzbekistan is making substantial progress in meeting human rights commitments, establishing a multi-party system, and ensuring free and fair elections. Since 2004, some U.S. aid to Uzbekistan had been withheld due to a lack of progress on democratic reforms. In 2008, Congress adopted a measure blocking Uzbek officials from entering the United States if they are deemed responsible for the 2005 Andijon violence or other human rights violations. In 2010, Congress permitted expanded International Military Education and Training (IMET) programs for Uzbekistan, such as courses on civil-military relations and military justice.

In January 2012, the State Department certified on national security grounds that military aid to Uzbekistan should resume, temporarily lifting the ban on military aid. The State Department also provided an assessment of the human rights situation. Reportedly under strong pressure from the Defense Department, the aid in question includes training border troops and possibly providing military supplies. The lifting of the ban occurred despite the State Department's human rights assessment finding numerous concerns, such as severe limitations on religious freedom, persistent torture, and no independent probe into the 2005 Andijon events.

Since 2006, the State Department has designated Uzbekistan as a "country of particular concern," or CPC, for its systematic, egregious, ongoing violations of religious freedom. The CPC designation was most recently renewed in September 2011. At that time, the State Department again waived taking any action under the International Religious Freedom Act (IRFA) to "further the purposes of the Act." However, it ended its previous approach of issuing a 180 day waiver and replaced it with an indefinite waiver.

The State Department negotiated with the Uzbek government to arrange an April 2012 visit by Ambassador-at-Large for International Religious Freedom Suzan Johnson Cook and Deputy Assistant Secretary of State for Democracy, Human Rights, and Labor Thomas Melia. In Johnson Cook's interview with the VOA Uzbek Service, she noted that the visit's main purpose was to "initiate a dialogue," did not mention the CPC designation until asked about it by the reporter, and then merely noted that Uzbekistan was one of eight CPCs.

During his August 2012 visit to Uzbekistan for the third ABC session, Assistant Secretary Blake stated to the press that the U.S. government can now "provide non-lethal military assistance to Uzbekistan, even though they have not met a lot of the human rights conditions that would allow for more regular military assistance." Blake confirmed that the United States will continue providing Uzbekistan with non-lethal military assistance and did not exclude providing Uzbekistan with other types of military assistance under Excess Defense Articles allocations. Blake noted Uzbekistan's "strong support" of the NDN, which effectively had raised its profile with international terrorist groups that may want to target the country.

For FY 2012, the State Department has requested \$1.7 million in Peace and Security assistance for Uzbekistan, including \$300,000 for IMET programs and \$380,000 for programs relating to security sector reforms. The total amount of the U.S. assistance requested by the Department of State for Uzbekistan for FY 2012 is \$11.8 million. According an August 2012 Congressional Research Service report, the Obama administration has requested \$12.595 million for FY2013 foreign aid for Uzbekistan (not including Defense and Energy Department funds).

## RECOMMENDATIONS

USCIRF recommends that the U.S. government continue to designate Uzbekistan as a CPC and immediately engage in intensive negotiations to see concrete progress to address religious freedom abuses. If those talks fail after 180 days, it should lift the waiver and impose sanctions, including a ban on visits to the United States by high-level and mid-level Uzbek officials. As described below, USCIRF recommends that the U.S. government should prioritize freedom of religion or belief in U.S.-Uzbek bilateral relations, encourage greater international scrutiny of Uzbekistan's rights record, and support human rights defenders and religious freedom initiatives.

### **I. PRIORITIZING FREEDOM OF RELIGION OR BELIEF AS AN ISSUE IN BILATERAL RELATIONS**

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

- press for concrete progress to address religious freedom abuses, and if those efforts fail after 180 days, lift the indefinite waiver and impose sanctions, including a ban on visits to the United States by high-level and mid-level Uzbek officials, and work to have Uzbek officials up to and including President Karimov added to the Politically Exposed Persons list as a consequence of Uzbekistan's CPC designation and human rights violations;
- ensure that U.S. assistance to the Uzbek government, such as U.S. security materiel and other assistance, with the exception of assistance to improve humanitarian conditions and advance human rights, be made contingent upon establishing and implementing specific measures to improve conditions of freedom of religion or belief and observe international human rights standards, including:
  - establishing a mechanism to review the cases of persons previously detained under suspicion of or charged with religious, political, or security offenses; releasing those who have been imprisoned solely because of their religious beliefs or practices as well as others unjustly detained or sentenced; and making public detailed information about individuals detained under these articles or imprisoned following conviction;
  - revising the 1998 Law on Freedom of Conscience and Religious Organizations to bring it into compliance with international standards, including making changes consistent with recommendations made by the Organization for Security and Cooperation in Europe (OSCE) Panel of Experts on Freedom of Religion or Belief, and registering religious groups that have complied with the legal requirements;
  - ending reliance on convictions based solely on confessions and implementing the recommendations of the UN Committee Against Torture and the UN Special Rapporteur on Torture; and
  - adopting policies to ensure that every prisoner has greater access to his or her family, human rights monitors, adequate medical care, and a lawyer, as specified in international human rights instruments, and allowing prisoners to practice their religion while in detention to the fullest extent compatible with the specific nature of their detention; and

## UZBEKISTAN

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- for any assistance provided, make certain that it does not go to Uzbek government agencies, such as branches of the Interior and Justice Ministries and certain judges and prosecutors, responsible for particularly severe violations of religious freedom.

### **II. ENCOURAGING GREATER INTERNATIONAL SCRUTINY OF UZBEKISTAN'S HUMAN RIGHTS RECORD**

The U.S. government should:

- encourage public scrutiny of Uzbek religious freedom and related human rights in appropriate international fora, such as the UN, OSCE and other multilateral venues, and facilitate the participation of Uzbek human rights defenders in multilateral human rights mechanisms; and
- urge the Uzbek government to agree to visits by UN Special Rapporteurs on Freedom of Religion or Belief, the Independence of the Judiciary, and Torture, set specific visit dates, and provide the full and necessary conditions for such a visit.

### **III. SUPPORTING UZBEK HUMAN RIGHTS DEFENDERS AND RELIGIOUS FREEDOM INITIATIVES**

The U.S. government should:

- continue to monitor closely the status of individuals who are arrested for alleged religious, political, and security offenses;
- continue efforts to improve the situation of Uzbek human rights defenders, including by pressing for religious communities and human rights groups to be allowed to register or to operate freely without registration and ensuring that the U.S. Embassy in Uzbekistan maintains active contacts with Uzbek human rights activists and recognizes their work;
- increase foreign travel opportunities for religious leaders, civil society activists and others in Uzbekistan concerned with religious freedom so that they can take part in international conferences and exchange programs, and ensure that the U.S. Embassy vigorously protests if Uzbek authorities harass participants after their return to Uzbekistan, and if such harassment continues, implement penalties, including a ban on high-level meetings;
- support the development of civil society institutions' ability to protect religious freedom and related human rights, including by funding training in human rights and the rule of law, expanding legal assistance programs for Uzbek relatives of detainees and religious communities;
- specify freedom of religion as a grants category and area of activity in the Democracy and Conflict Mitigation program of the U.S. Agency for International Development and the Democracy Commission Small Grants program administered by the U.S. Embassy, and encourage the publicly-funded National Endowment for Democracy to make grants for civil society programs on tolerance and freedom of religion or belief; and
- counteract the Uzbek government's blockade on information into the country by increasing radio, Internet, and other broadcasting, particularly in the Uzbek language, of objective news and information on relevant issues, including specific religious freedom concerns in the country and explaining why religious freedom is an important element of U.S. foreign policy.



# VIETNAM



## USCIRF STATUS:

**Tier 1 Country of Particular Concern**

## BOTTOM LINE:

Religious freedom conditions remain very poor despite some positive changes over the past decade in response to international attention. The Vietnamese government continues to imprison individuals for religious activity or religious freedom advocacy. It uses a specialized religious police force (*công an tôn giáo*) and vague national security laws to suppress independent Buddhist, Protestant, Hoa Hao, and Cao Dai activities, and seeks to stop the growth of ethnic minority Protestantism and Catholicism via discrimination, violence and forced renunciations of their faith.

### **EXECUTIVE SUMMARY**

**FINDINGS:** The government of Vietnam continues to expand control over all religious activities, severely restrict independent religious practice, and repress individuals and religious groups it views as challenging its authority. Religious activity continues to grow in Vietnam and the government has made some important changes in the past decade in response to international attention, including from its designation as a “country of particular concern” (CPC). Nevertheless, authorities continue to imprison or detain individuals for reasons related to their religious activity or religious freedom advocacy; independent religious activity remains repressed; the government maintains a specialized police for dealing with religious groups; legal protections for government-approved religious organizations are subject to arbitrary or discriminatory interpretations based on political factors; and converts to ethnic-minority Protestantism and Catholicism face discrimination, intimidation, and pressure to renounce their faith.

Given these systematic, ongoing, and egregious violations, USCIRF recommends that Vietnam be designated as a Country of Particular Concern country. The Commission has recommended that Vietnam be named a CPC since 2001. The State Department did so in 2004 and 2005, but removed the designation in 2006 because of progress toward fulfilling a binding agreement.

In this reporting period, groups and individuals viewed as hostile to the Communist Party or that refuse government oversight were arrested, detained, and harassed. Vietnam also issued a revised decree on religion that expanded control over religious affairs. Government officials continued to target Catholic communities, including with destruction of properties, detentions, and arrests. Police used force against Catholic clergy engaged in religious activities and continue to restrict members of the Redemptorist Order. Independent Protestants and Catholics in the Central Highlands were detained, beaten, and arrested in an ongoing campaign to repress their activities. Hoa Hao activists were sentenced for documenting religious freedom violations. Independent Hoa Hoa congregations, Cao Dai and Khmer Buddhist temples, and United Buddhist Church of Vietnam (UBCV) pagodas faced harassment and restrictions. Human rights defender Le Quoc Quan was arrested and is being held without charge.

**PRIORITY RECOMMENDATIONS:** The U.S. government should use its diplomatic and political resources to advance religious freedom and related human rights in Vietnam. The United States should use the CPC designation to spur high level engagement and achieve measurable improvements. Overall, U.S. policy, programs, and public statements should support those in Vietnam peacefully seeking greater freedoms and the rule of law. USCIRF recommends that any expansion of U.S. economic or security assistance programs in Vietnam be linked with human rights progress and the creation of new and sustainable initiatives in religious freedom and programs in rule of law and civil society development. Additional recommendations and benchmarks for U.S. policy toward Vietnam can be found at the end of this chapter.

## RELIGIOUS FREEDOM CONDITIONS

### OVERALL HUMAN RIGHTS AND RELIGIOUS FREEDOM SITUATION

Vietnam's overall human rights record remains very poor. In the wake of battles within the Communist Party's leadership during the past several years, the government has moved decisively to repress any perceived challenges to its authority, tightening controls on freedom of expression, association, and assembly. In the past year, new decrees were issued prohibiting peaceful protest, limiting speech on the Internet, and tightening controls on journalists and access to the internet at cafes. At least 34 dissidents and human rights defenders were imprisoned, some to long sentences.

The U.S.-Vietnamese relationship has grown quickly in recent years, and security cooperation has increased in response to Chinese claims to disputed islands in the South China Sea. But increased bilateral engagement, particularly in the areas of trade and defense, have not led to improvements in religious freedom and related human rights in Vietnam. The Vietnamese government responded to some U.S. religious freedom concerns in the past, particularly after being designated a CPC in 2004. It released prisoners; expanded certain legal protections for nationally-recognized religious groups; prohibited the policy of forced renunciations of faith, resulting in fewer forced renunciations; and expanded the zone of toleration for legally-recognized religious communities to worship and organize, particularly in urban areas. Most religious leaders in Vietnam attributed these positive changes to the CPC designation and the priority placed on religious freedom concerns in U.S.-Vietnamese bilateral relations.

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IN THE WAKE OF BATTLES WITHIN THE  
COMMUNIST PARTY'S LEADERSHIP  
DURING THE PAST SEVERAL YEARS,  
THE GOVERNMENT HAS MOVED  
DECISIVELY TO REPRESS ANY  
PERCEIVED CHALLENGES TO ITS  
AUTHORITY, TIGHTENING CONTROLS  
ON FREEDOM OF EXPRESSION,  
ASSOCIATION, AND ASSEMBLY.

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Since the CPC designation was lifted from Vietnam in 2006, religious freedom conditions in Vietnam remain mixed, often depending on geographic area, ethnicity, relationships between religious leaders and local officials, or perceived "political" activity. In large urban areas the Vietnamese government allows religious activity to occur without disruption. But ethnic minority Protestants and Buddhists and religious groups that seek to operate independent of government control continue to experience severe abuses, including arrests, forced renunciations of faith, and long-term incarcerations. In addition, lingering property disputes over land or facilities owned by the Catholic Church or Catholic villages, have led to church demolitions, property confiscations, detentions, and violence, including the beating death of one individual incarcerated due to the property stand-off at Con Dau village in Central Vietnam.

Despite government control, the number of religious adherents continues to grow in Vietnam. The government has supported the building of religious venues and the training of religious leaders, and allowed some large religious gatherings and pilgrimages to occur regularly. The government also has trained local officials in provincial areas on Vietnam's religion laws, but the content of that training remains problematic and serious abuses in ethnic minority areas continue. In most parts of the Central Highlands, churches and meeting points have been re-opened, and the government and the officially-recognized Protestant organization have established a working relationship with registered groups who do not evangelize. However, in the northwest provinces, registration has essentially stalled, leaving individual congregations illegal and vulnerable. Provincial officials remain suspicious of the growth of Protestantism among ethnic minority populations and have instituted campaigns to curtail new conversions. Large Hmong religious gatherings in 2011 to await an anticipated millennial event brought

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arrests, detentions, displacements, and harassment of members of new Protestant churches in the past year.

The Vietnamese government continues to imprison individuals for peaceful religious activity or religious freedom advocacy, including in the past year. Father Nguyen Van Ly remains in prison and the Most Venerable Thich Quang Do, Supreme Patriarch of the United Buddhist Church of Vietnam, remains under “pagoda arrest.”

### **IMPLEMENTATION OF VIETNAM’S LEGAL AND POLICY FRAMEWORK ON RELIGION**

In January 2012, the government unveiled a new implementation decree (Decree 92) for the 2004 Ordinance on Religion and Belief. Decree 92 reportedly replaced the *Decree on Religion 22/2005/CP* (Decree 22) and the *Prime Minister’s Special Instructions #1 Regarding Protestantism* (PM’s Special Instruction). Although touted as an advance, Decree 92 does not expand protections for religious freedom, continues government oversight and control of all religious activity, and demonstrates the government’s continued suspicion of religious individuals and groups.

One advantage of Decree 92 is that it shortens the timeframe within which authorities must respond to applications for registration and permission for religious activities. Authorities now must issue a receipt which includes a date for a decision, and must provide a written explanation if the application is denied. If implemented, these aspects of Decree 92 will provide greater clarity to applicants and require additional transparency from government officials.

However, Decree 92 maintains intrusive requirements for legal recognition or permission to conduct activities, therefore failing to meet Vietnam’s international obligations to protect the freedom of thought, conscience, and religion or belief. Decree 92 firmly entrenches the Ministry of Interior in overseeing all religious activities and fails to disband the “religious police” unit (A41) that monitors and sets policies toward groups deemed “extremist.” The Ministry of Interior’s Committee on Religious Affairs (CRA) is currently headed by Lt. General Pham Dung, formerly an official in the Ministry of Public Security.

Decree 92 treats religious groups as a potential threat to “national security” by retaining language from previous decrees that religious freedom cannot be guaranteed for those who “sow division among the people, ethnic groups and religions;” “spread superstitious practices;” or challenge “fine national cultural traditions.” These provisions give authorities wide latitude to control or ban specific religious activities or entities. Vague national security laws are used every year to charge and convict human rights and reform advocates.

Decree 92 also does not improve the ill-defined and intrusive process of legal registration, and may make it worse. Groups that gain “national recognition” status are afforded protections not available in two

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DECREE 92 ALSO DOES NOT IMPROVE THE ILL-DEFINED AND INTRUSIVE PROCESS OF LEGAL REGISTRATION, AND MAY MAKE IT WORSE.

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lower forms of legal status, which requires organizations to apply yearly for permission to conduct religious activities at specific sites. The new decree requires that a religious organization must have 20 years of

government approved operation before it can apply for a higher level of recognition. Under the earlier Decree 22, religious groups only had to have 20 years of “stable” operation since 1975 with or without government approval. The new requirement would make it impossible for many organizations, including independent Protestant and Hoa Hao groups, to gain any form of legal status because they have emerged in the past ten to fifteen years.

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Decree 92 also may make it harder for individual churches, temples, or pagodas to join nationally-recognized religious organizations or form their own entities. Each new meeting point must gain governmental approval for operation and continue to receive yearly approval for twenty years before being allowed to affiliate with an existing organization or to organize nationally with other like-minded entities. There continue to be hundreds of Hmong congregations in the northwest provinces whose applications to join the recognized Northern Evangelical Church (NECV) are ignored. The Southern Evangelical Church of Vietnam (SECV) also reports that the government has stopped allowing new ethnic minority churches in the Central Highlands to affiliate.

Since 2004, the Vietnamese government has extended national recognition to, and allowed religious venues to affiliate with, a number of officially-recognized religious groups. These include Vietnam Buddhist Sangha, Cham Islam, Catholicism, the Southern Evangelical Church of Vietnam, the Northern Evangelical Church of Vietnam, Southern Baptists, Adventists, one branch of the Mennonites, several branches of the Cao Dai faith, Hoa Hao, Pure Land Buddhist Home Practice, the Bani Muslim sect, Threefold Enlightened Truth Path, Threefold Southern Tradition, the Baha'i community, the Mysterious Fragrance from Precious Mountains, the Four Gratuities, the Vietnam Christian Fellowship, and the Assembly of God.

Though the process of legal registration of religious entities is intrusive, vague, and problematic, there are some benefits for organizations allowed to organize nationally with legal approval. Assistant Secretary of State for Democracy, Human Rights, and Labor Michael Posner, claimed in 2012 that the United States continues to urge Vietnam to extend national recognition to additional religious organizations and allow individual churches, temples, pagodas, or mosques to affiliate with them.

### **PRISONERS OF CONSCIENCE**

Prisoners continue to be detained in Vietnam for either their religious activity or religious freedom advocacy, including human rights defenders who assist vulnerable groups, during the past year.

In March 2012, eight Hmong Protestants were sentenced to two years' imprisonment for "partaking in a separatist ethnic movement." They were arrested in May 2011 at a large religious gathering forcibly disbanded by police and military units.

In February 2012, Pastor Nguyen Cong Chinh, a long-time government critic and religious freedom advocate from the Central Highlands, was sentenced to five years for "distorting the domestic situation, criticizing the government, and the army with foreign media."

In May 2012, Hoa Hao activist Bui Van Tham was sentenced to 30 months in prison for "resisting officials in the performance of their official duties." He was arrested in a police raid on a ceremony commemorating the anniversary of the disappearance of the group's founder Huynh Phu So.

In January 2013, a court sentenced 22 members of the Buddhist Council for the Laws and Public Affairs of Bia Son Mountain to jail terms ranging from 12 years to life for "aiming to overthrow" the state. The group says they are religious people guided by the 16<sup>th</sup> century prophecies of Nguyen Binh Khiem to protect the environment by creating eco-tourism properties in Phu Yen province. The government claimed that they were seeking to set up their own independent state.

In April and June 2012, three Protestant from Gai Lai province in the Central Highlands, Kpuil Mel, Kpuil Le, and Nay Y Nga, were sentenced to a combined 22 years in prison for practicing Dega Protestantism, according to Human Rights Watch. In May 2012, three other ethnic Montagnard activists,

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Runh, Jonh, and Byuk, were arrested for affiliation with the unregistered Ha Mon Catholic group. They were charged with “undermining national unity.”

Hundreds of Montagnard Protestants arrested after 2001 and 2004 demonstrations for religious freedom and land rights remain in detention, though the government has slowly been granting amnesties for some of the longest-serving prisoners. According to Human Rights Watch, over 100 Montagnards were detained as the government started a three year program in 2010 to halt the spread of Dega Protestantism, many for conducting independent religious practice.

Over the past two years, USCIRF has been able to confirm police detention and disappearance of at least 11 ethnic minority Protestants and Catholics in Gai Lai province. The number may be much higher given the intensity of the government’s ongoing campaigns to curtail “illegal” religious activity there.

In March 2012, Thuy Vo Thi Thu and Nguyen Van Thanh were sentenced to five and three years’ imprisonment, respectively, for “slandering the state.” The court accused the two of distributing “anti-Chinese” leaflets prepared by Fr. Nguyen Van Ly. Family members of Ms. Vo claim that she never met Fr. Ly and was arrested for her efforts to oppose the government’s seizure of the historic Tam Toa church.

In August 2012, an appeals court upheld the five year sentence of Phan Ngoc Tuan for “slandering the state.” According to the *Vietnam News*, an official government newspaper, Phan Ngoc Tuan was arrested for distributing leaflets accusing authorities of suppressing religion.

The home detention sentence for Pastor Nguyen Trung Ton, the head of the Full Gospel Church in Thanh Hoa province, was extended in February 2012. USCIRF delegation met with Pastor Ton in 2007 and 2009.

Hoa Hao activists Nguyen Van Lia and Tran Hoi An continue to serve sentences of between five and three years, respectively, for “abusing democratic freedom” (Article 258 of the Criminal Code). Both men are part of an independent Hoa Hao community in An Giang province and met with USCIRF in 2009 to discuss religious freedom violations. At least twelve other Hoa Hao are serving sentences for peaceful public protests against religious freedom restrictions in 2005.

Two ethnic minority Protestant pastors Ksor Y Du and Kpa Y Ko remain in prison for “undermining national unity,” allegedly being part of anti-government organizations, though this last charge is disputed by family members. Ksor Y Du is in poor health as a result of torture he received in custody. He has been refused adequate medical care.

Falun Gong practitioners Le Van Thanh and Vu Duc Trung are serving two year sentences for “illegally using information in computer networks” (Article 226 of the Criminal Code). The two men operated a short-wave radio broadcast called Sound of Hope broadcasting information about human rights abuses in China.

Father Nguyen Van Ly remains in prison, despite declining health. Father Ly has been imprisoned numerous times for his religious freedom and human rights advocacy, including after he submitted testimony to a 2001 USCIRF hearing on Vietnam. A USCIRF delegation was allowed to meet with Fr. Ly in 2009.

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GROUPS...

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Over a dozen religious leaders are being held under long-term administrative detention (house arrest) orders, including UBCV leader Thich Quang Do and other UBCV leaders, Catholic Fr. Phan Van Loi, Hoa Hao leader Le Quang Liem, and Protestants Nguyen Van Dai and Le Thi Cong Nhan.

### **UNIFIED BUDDHIST CHURCH OF VIETNAM (UBCV)**

The UBCV is Vietnam's largest religious organization, with a history of peaceful social activism and moral reform efforts. The UBCV has faced decades of harassment and repression for seeking independence from the officially-approved Vietnamese Buddhist Sangha (VBS) and for appealing to the government to respect religious freedom and related human rights. Senior UBCV monks, including the Most Venerable Thich Quang Do, remain under some form of administrative probation or arrest in their home or pagoda.

The meeting of the UBCV's 20 representative boards, in 15 cities and provinces, continue to be restricted. Many UBCV-affiliated pagodas operate without day-to-day restrictions on worship activities, though they are subject to constant governmental surveillance and young monks who come for study from other regions have lost residency permits. UBCV followers have been harassed and intimidated by the Religious Security Police, including threats of arrest, job loss, or expulsion of their children from school for continuing to frequent the pagoda or offer donations to "reactionary monks." Laypeople affiliated with pagodas' charitable activities, management committees, or the Buddhist Youth Movement are particularly targeted.

During prominent Buddhist festivals in May and August 2012, Vietnamese authorities either prohibited or restricted celebrations in the central provinces of Thua Thien-Hue, Quang Nam-Danang, Phu Yen, and Binh Thuan. In Thua Thine-Hue, UBCV monks were forced to tear down banners and asked by police to sign pledges criticizing the UBCV, which they refused to do.

In Quang Nam-Danang province, police blocked access to the Giac Minh pagoda, which is the headquarters of the UBCV Buddhist Youth Movement, in order to prevent celebration of *Vesak* (Buddha's Birthday). Authorities threatened local Buddhists with reprisals if they brought donations and offerings to the pagoda. In August 2012, the UBCV reported that Thich Thanh Quang, the pagoda's abbot, was beaten by unidentified assailants.

Police threatened UBCV monks, nuns, and laity in Phu Yen and Binh Thuan provinces, warning of "preventive measures" if the UBCV went ahead with *Vesak* celebrations. Police also monitored the *Vesak* celebrations at the Giac Hoa and Lien Tri pagodas in Ho Chi Minh City but did not intervene. UBCV officials report that attendance at the celebrations was lower than normal due to the increased police presence. Some followers stated that they were questioned by police officers after celebrations at the Lien Tri pagoda.

There also continue to be reports that police routinely interrogate the Venerable Thich Vien Dinh and other monks from the Giac Hoa Pagoda in Ho Chi Minh City. Police also prevented the pagoda from issuing free meals to disabled war veterans who are without government assistance.

### **HOA HAO AND CAO DAI**

The Vietnamese government continues to ban and actively discourage participation in independent factions of the Hoa Hao and Cao Dai, two religious traditions unique to Vietnam that claim memberships of four and three million, respectively. The repression of these groups includes interference with religious activities and leadership selection; loss of jobs, discrimination, and harassment of followers; and

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imprisonment of individuals who peacefully protest religious freedom restrictions. (See Prisoners of Concern section above)

The Vietnamese government requires that all Hoa Hao and Cao Dai groups affiliate with the government-approved religious organizations, which oversee all pagodas, temples, educational institutes, and activities. Approval is required for all ordinations and ceremonies, donations, and expansions of religious venues. The government-approved leaders of the Hoa Hao and Cao Dai organizations also vet the content of publications and religious studies curricula for schools.

Independent groups, such as members of the Hoa Hao Central Buddhist Church (HHCBC), face significant official repression, including disbanding under the new Decree 92 or arrest under national security provisions of the legal code. HHCBC leaders and their followers have been arrested and sentenced to terms of up to four years for staging hunger strikes, distributing the writings of their founding prophet, holding ceremonies and holiday celebrations, or interfering as police tried to break up worship activities. HHCBC properties have been confiscated or destroyed and individual followers faced discrimination and loss of jobs. At least 12 HHCBC leaders remain imprisoned, including Mai Thi Dung, currently serving an 11-year prison term, who according to family members is gravely ill, with both feet paralyzed and suffering from heart disease.

Authorities continue to restrict celebrations of the Hoa Hao founder, who was killed by Communists Party members in 1949. In March 2012, authorities of An Giang, Dong Thap, Vinh Long, and Can Tho ordered surveillance of unsanctioned Hoa Hao monks. Police blocked roads, harassed or threatened followers and reportedly severely beat and arrested one follower.

In June 2012, authorities in Dong Thap province confiscated property used for worship services from the leader of an independent Hoa Hao congregation without compensation. Also in Dong Thap province, an HHCBC-affiliated worship site was disbanded after police threatened to arrest the leader, Tong Thiet Linh, and issued a heavy fine. Linh was told to affiliate with the government approved Hoa Hao organization.

### **KHMER BUDDHISTS**

The Vietnamese government's ongoing restrictions on the language, culture, and religion of ethnic Khmer living in Vietnam has led to rising resentment in the Mekong Delta, where as many as one million ethnic minority Khmer Buddhists live. Some Khmer Buddhists have called for a separate religious organization, distinct from the government-approved VBS. Religious freedom concerns continue to be central to demands of ethnic minority Khmer for human rights protections and preservation of their unique language and culture.

In 2007, Khmer Buddhist monks in Tra Vinh and Soc Trang provinces peacefully protested government restrictions on their freedom of religion, movement, and language training. In response, the government defrocked at least 20 monks, expelled them from their pagodas, and sentenced the five suspected of leading the demonstrations to between one and five years in prison. However, the government, also established an academy focused on Theravada Buddhism, allowed for the possibility of lengthier ordination ceremonies, and expanded the Pali language school in Soc Trang province, the site of the demonstrations. It remains unclear whether these actions will be sufficient to address long-standing grievances over religious restrictions, land confiscation, and discrimination based on ethnicity and language.

In the past year, provincial and VBS officials raided the Tra Set temple in Soc Trang province and defrocked or tried to defrock monks. The temple was home to several of the monks arrested during the



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2007 demonstrations. In July 2012, VBS officials and police defrocked Thach Thuol, who had refused to defrock a fellow monk who he believed was falsely accused of sexual assault. In November 2012 the VBS also sought to defrock the temple's new abbot, Venerable Lieu Ny, for breaking undisclosed VBS rules. The abbot has been staying inside the temple since that time. Officials reportedly have summoned lay members of the Tra Set temple's management committee and offered them money to accuse Ven. Lieu Ny and Ven. Thach Thoul of sexual improprieties.

### CATHOLICS

Catholicism continues to grow rapidly in Vietnam, and the church has expanded both clerical training and charitable activities in recent years. Hanoi and the Vatican continue to discuss resuming diplomatic relations. Nevertheless, the relationship between the Vietnamese government, some members of the Church's hierarchy, Catholic laity, and members of the Redemptorist Order continue to be tense. Over the past several years, including in the past year, Catholics have been detained for participating in peaceful prayer vigils and demonstrations at properties formerly owned by the Catholic Church. In addition, government officials have employed "contract thugs" to assault and intimidate Catholics from engaging in both private study and worship at "unregistered" locations.

In April 2012, a mob attacked the Agape Family orphanage in the Chuong My district of Hanoi, damaging the building, injuring several children, and severely beating Fr. Nguyen Van Binh, who ran the orphanage. Police reportedly assisted the mob in destroying the orphanage, which was considered illegal.

Nghe An province has become a flashpoint of tensions between the Vietnamese government and Catholics. In March and May, five young Catholic activists—Vo Thi Thu Thuy, Nguyen Van Thanh, Dau Van Duong, Tran Huu Duc, and Chu Manh Son—were jailed for distributing pro-democracy leaflets. They all had begun their activism, blogging and conducting peaceful prayer vigils at disputed property of the Thai Ha parish in Hanoi.

In June and July 2012, local authorities sought to prevent Catholic worship at private homes in Con Cuong and Quy Chau districts in Nghe An province. Unidentified groups of young men regularly gather to throw stones at worshipers and block roads to the sites, and officials reportedly have visited homes asking people to sign pledges not to "illegally celebrate Mass." On July 3, 2012 a mob beat several of those worshipping in Con Cuong, at least one severely. Catholics in Con Cuong have been frequent targets of abuse and intimidation in recent years. In November of 2011, a pipe bomb explosion caused heavy damages to the site used for worship. In both areas, local Catholics have filed multiple requests to register as legal sites for religious activity without success.

In the past year, the Nghe An government also has continued to disrupt private religious activities of Catholic college students, including by hiring thugs to beat up students and having police pressure them to sign pledges not to hold religious activities in private homes.

The Vietnamese government's efforts to develop a number of church properties it confiscated in 1975 have led to ongoing property disputes. On January 3, 2013 authorities in Hanoi began destroying the historic Carmelite monastery in order to build a new hospital. The Archbishop of Hanoi, Mgr. Peter Nguyen Van Nhon, wrote a public letter objecting to the "illegal demolition" and calling on the Catholics to "come together to pray" to defend "the rights of the Church."

Also in January 2013, the Standing Committee of the Catholic' Bishop's Conference issued an unprecedented statement recommending changes to Vietnam's Constitution "to protect the sovereignty of the people." The recommendations included removing Article 4, which grants the Communist Party the

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sole leadership role, and revising the provisions on freedom of speech, artistic and literary creation, and freedom of religion and belief.

Nevertheless, Hanoi continues to discuss with the Holy See conditions for the normalization of relations. Nguyen Phu Trong, the general secretary of the Communist Party, had a private audience with Pope Benedict XVI in January 2012. The government maintains veto power over appointments of bishops, but often cooperates with the Vatican in the appointment process. Catholic leaders in Ho Chi Minh City reported that they often move ahead with ordinations and placement of priests without seeking government approval. All students must be approved by local authorities before enrolling in a seminary and again prior to their ordination as priest.

In October 2012, authorities in Quang Binh province returned property formerly owned by the Catholic Church after decades of petitions from parishioners. In November 2012, the Ho Chi Minh City People's Committee granted a Catholic orphanage for AIDS-affected children permission to operate, the first time the government has allowed religious control of a social, health, or educational entity.

### **CENTRAL HIGHLANDS: MONTAGNARD PROTESTANTS & HA MON CATHOLICS**

In the past year, new problems have emerged for legally-recognized church groups in the Central Highlands. The Interior Ministry's Committee on Religious Affairs issued a directive saying that it will no longer allow small house churches to grow and affiliate with established organizations. Gathering at a new "meeting point" would be illegal or would be subject to the 20-year waiting period for legal recognition stipulated in the new Decree 92. Religious leaders interpret this as an attempt to stop the growth of Protestantism among Montagnards.

Leaders in SECV and house churches in the provinces of Dak Lak, Gia Lai, Kon Tum, Binh Phuoc, Phu Yen, and Dak Nong also experienced increased government scrutiny for alleged association with separatist groups overseas. In the past year, religious leaders also reported increased threats and restrictions on evangelism and pressure on new converts to recant their faith, policies the central government has sanctioned to stop the growth of Protestantism in the northwest provinces.

The central government continues to assert that some Montagnards operate an illegal "Dega" church seeking the creation of an independent Montagnard state. A "religious police" unit (A41) continues to monitor "extremist" groups and a Special Task Force of the Mobile Intervention Police (Unit PA43) operates in the Central Highlands, assisting local police in detaining and interrogating suspected Dega Protestants or Ha Mon Catholics. (The latter group started in the Ha Mon village of Kontum province and is viewed by officials as the Catholic equivalent of *Tin Lanh Dega*.) Unit PA43 and provincial police are in the midst of a three-year campaign to capture and transform both "reactionary operatives" and "Dega Protestants." These campaigns have led to beatings, detentions, deaths in custody, forced renunciations of faith, and disappearances of Montagnards suspected of being part of the *Tin Lahn Dega*.

Over the past year, police and local officials in Kontum and Dak Lak province continued their campaign to crack down on the growth of Ha Mon Catholics. At least three Ha Mon Catholics were arrested. The Catholic Bishop of Kontum, Michael Hoang Duc Oanh, has complained publicly and repeatedly that authorities intimidate ethnic minority Catholics and priests and block his visits to ethnic minority villages.

In February 2012 an unidentified group of men beat Fr. Luy Gonzaga Nguyễn Quang Hoa in the village of Kon Hnong, Kontum province. In April 2012, Bishop Oanh was detained and interrogated in Kontum province while trying to celebrate an Easter Mass in the same area where Fr. Luy was beaten. He was told by government officials that parts of Kontum province were "religion-free zones."

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### **HMONG CHRISTIANS: NORTHWEST PROVINCES**

The government continues to view with suspicion the growth of Christianity among Hmong in Vietnam's northwest provinces. In the past year, government officials, police, and military continued to be encouraged not to attend religious services, particularly of organizations that had not applied for or been granted legal sanction. Local officials have forced church gatherings to disperse, required groups to limit religious holiday celebrations, closed unregistered house churches, and pressured individuals to renounce their religious beliefs.

Hmong Protestants meet openly in some areas of the northwest provinces, something that was not allowed ten years ago. The Vietnamese government recognizes that there is a "genuine need" for religion among the Hmong. Nevertheless, provincial officials continue to discourage "new" Hmong converts to Protestantism through official intimidation, discrimination, and property confiscation if they do not renounce their faith. This tactic seems to be a policy developed and condoned by central government authorities and carried out in the provinces. (See *Forced Renunciations of Faith as National Policy* section below)

There continues to be little progress in extending legal recognition to over 600 Protestant churches seeking affiliation with the ECVN. Hundreds of applications have been declined or ignored, despite the Ordinance on Religion and Belief requiring government officials to respond to applications in a timely manner. Churches without legal approval are illegal.

Unregistered churches affiliated with the Inter-Evangelistic Movement (IEM), the Baptists, and the Good News Mission continued to report harassment and other difficulties in Dien Bien province.

Suspicion of Hmong religious activity has increased since May 2011 clashes between military units and thousands of Hmong Protestants who had gathered in Muong Nhe district of Dien Bien province expecting either a millennial event or the return of an expected "messiah." Vietnamese officials blamed the gathering on Hmong wanting to set up a separate state covering parts of Vietnam, Laos, China, and Burma. (See USCIRF 2011 Annual Report Chapter on Vietnam for a more detailed account of this event.)

Authorities refuse to issue identity cards to ethnic minority Protestants in northern Vietnam that recognize their Protestant religious affiliation. This leaves them in a vulnerable position: either they have no identity card and cannot receive government benefits, or they are identified as subscribing to no religion, which may be used to prevent their attendance at churches.

### **FORCED RENUNCIATIONS OF FAITH REMAIN A NATIONAL POLICY**

After being designated a CPC in 2004, the Vietnamese government officially banned the practice of forced renunciations of faith in 2005. As a result, the number and intensity of the government's campaigns of forced renunciation have decreased significantly in the past decade. Yet reports continue of forced renunciations of faith, specifically targeting ethnic minorities who convert to Protestantism. These efforts are not isolated cases, but are sanctioned by central government authorities to thwart the growth of Protestantism among ethnic minorities.

In 2006, the Committee on Religious Affairs in Hanoi published a handbook instructing provincial officials in the northwest provinces on ways to restrict religious freedom, including a command to "resolutely subdue" new religious growth, "mobilize and persuade" new converts to return to their traditional religious practice, and halt anyone who "abuses religion" to undermine "the revolution"—thus seemingly condoning forced renunciations of faith. Subsequent revisions of the handbook still state that

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it is government policy to “halt enemy forces” from “abusing religion” to undermine the Vietnamese state and “overcome the extraordinary...growth of Protestantism.” The 2007 revised version also states that local officials must try to “solve the root cause” of Protestant growth by “mobilizing” ethnic groups to “preserve their own beautiful religious traditions.” A 2008 version continues the 2007 language, but also adds a final chapter chiding local officials for “loose control” over Protestantism, leading to an increase in illegal meeting places, and instructing that these meeting places “must be...disbanded.”

In 2011, USCIRF was able to confirm numerous incidents of forced renunciations of faith in Lao Cai and Dien Bien provinces, and Human Rights Watch confirmed in the Central Highlands. More recently, in December 2012, officials in Tua Chua district, Dien Bien province beat several members of a house church, issued heavy fines, and threatened to

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...FORCED RENUNCIATIONS OF FAITH [CONTINUE],  
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expel them from their properties unless they renounced their faith and “returned to our family alters” (traditional animist practices). After the reporting period in February 2013, mobs attacked new Protestant converts in Ngoc La village, Mang Ri commune, Tumorong district for leaving their ancestral religion and bringing Christianity to

“revolutionary villages” (areas important during the U.S.-Vietnam war). Several individuals were badly beaten and homes and personal property were destroyed. Local authorities did nothing to deter the attacks. The group was affiliated with the Christian Mission Church in DaNang, a legally-recognized group in Vietnam.

### **LANG MAI BUDDHISTS OF BAT NHA MONASTERY**

The Lang Mai (Plum Village) Buddhist order associated with the well-known Zen Master Thich Nhat Hanh remains banned in Vietnam and monks and nuns affiliated with the order are dispersed, with some living in exile in third countries. The order was forcibly banned in 2009 after Thich Nhat Hanh called publicly on the government to release all political prisoners, disband the “religious police,” and establish an “independent Buddhist church” not connected to politics. Monks were beaten, degraded, defrocked, and sexually assaulted. In 2005, the Vietnamese government had welcomed Thich Nhat Hanh and the establishment of his Plum Village order in Vietnam. His return was hailed as evidence of religious freedom progress by both Hanoi and the State Department when the CPC designation was removed in 2006.

### **HUMAN RIGHTS DEFENDERS**

The Vietnamese government continues to harass, threaten, intimidate, detain, and sentence lawyers and disbar human rights defenders who have assisted religious communities or religious freedom advocates in cases against the state. In December 2012, lawyer and human rights defender Le Quoc Quan, who has assisted Catholics in seeking return of church properties, was again arrested. In November 2012 he was severely beaten by unidentified assailants; he has been beaten on other occasions in the past. His legal license was revoked in 2010.

### **U.S. POLICY**

The U.S.-Vietnamese relationship has expanded in many areas in the past two years as the United States has intervened to help mediate Vietnam’s ongoing dispute with China over ownership of several island chains and extraction rights in the South China Sea. The United States continues to press for a more

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systematic bilateral relationship, including the creation of a regular Strategic Dialogue and new military and trade ties, but has linked expanded relations with improved human rights conditions. The U.S. Congress has pressed the administration to take a more active role in improving human rights, including through the Vietnam Human Rights Act and resolutions calling for a CPC designation and Internet freedom in Vietnam.

The United States is Vietnam's largest trading partner, with investments exceeding \$1.7 billion. The United States and Vietnam engage in a wide range of cooperative activities in the areas of peacekeeping, humanitarian assistance and disaster relief, search and rescue, maritime and border security, law enforcement, and non-proliferation. The countries cooperate on counter-narcotics and regional security issues, including an annual political-military strategic consultation. Vietnam has hosted multiple visits by American carriers, destroyers, and humanitarian supply ships in recent years. The U.S. and Vietnamese governments hold regular dialogues on the return of the remains of Americans who died during the Vietnam War.

The U.S. government has committed over \$125 million dollars in economic assistance to Vietnam for the current fiscal year, the bulk of which goes to fund an HIV/AIDs program. The U.S. government has commercial rule-of-law programs and has funded small human-rights-related programs for woman, labor, and religious freedom. The Vietnam Education Foundation has brought 300 Vietnamese to the United States for graduate study over the past five years. The U.S.-Vietnam Fulbright program remains one of the largest per capita, with an estimated 2,500 Vietnamese students and scholars coming to the United States to study in the past decade.

Religious freedom was part of an annual U.S.-Vietnam human rights dialogue in the past. However, U.S. officials have not scheduled a dialogue for 2013, citing how unproductive the exchanges have become. The then-Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner said publicly in 2012 that the human rights situation in Vietnam is "discouraging and unacceptable" and has "deteriorated for the past several years."

### RECOMMENDATIONS

In addition to designating Vietnam as a CPC, USCIRF recommends that the U.S. government continue to link the expansion of U.S.-Vietnamese relations with significant and concrete human rights progress, including on freedom of religion and belief. U.S. officials, at all levels, should press for immediate human rights improvements, including an end to religious freedom abuses, easing of restrictions, and release of prisoners of conscience. Furthermore, in order to demonstrate the importance of human rights as a U.S. interest, the United States should expand initiatives in human rights and religious freedom, including additional programs in non-commercial rule of law, civil society development, and targeted economic assistance for ethnic minority areas that suffer the worst human right abuses.

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...ANY EXPANSION OF U.S. ECONOMIC OR SECURITY ASSISTANCE PROGRAMS IN VIETNAM BE LINKED WITH HUMAN RIGHTS PROGRESS AND THE CREATION OF ...INITIATIVES IN RELIGIOUS FREEDOM AND PROGRAMS IN RULE OF LAW AND CIVIL SOCIETY DEVELOPMENT.

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#### **I. PRESSING FOR IMMEDIATE IMPROVEMENTS TO END RELIGIOUS FREEDOM ABUSES, EASE RESTRICTIONS, AND RELEASE PRISONERS**

The U.S. government should designate Vietnam as a CPC and, in both its general bilateral relations and in multilateral fora, should urge the Vietnamese government to:

## **Release Prisoners**

- release or commute the sentences of all religious prisoners of conscience, including those imprisoned or detained on account of their advocacy of religious freedom and related human rights; and
- publicize the names of all Montagnard Protestants currently in detention, allow visits from representatives of the International Committee of the Red Cross or other independent foreign observers, and promptly review all such prisoner cases.

## **Ensure Laws Meet International Human Rights Standards**

- amend domestic legislation, including the 2004 Ordinance on Religious Beliefs and Religious Organizations and Decree 92, to conform to international norms regarding freedom of thought, conscience, and religion or belief;
- end the use of “national security” provisions in the criminal code to detain advocates for religious freedom and human rights, and end the harassment, threats, arrest, and revocation of legal licenses of lawyers who take up politically-sensitive cases;
- revise or repeal ordinances, decrees, and criminal code provisions that empower local security police to arrest, imprison, or hold citizens in administrative detention for vague national security or national solidarity offenses;
- investigate and report publicly on forced renunciations of faith and any resulting injuries and deaths, and prosecute government officials or police found responsible;
- revise or repeal ordinances and decrees that limit the freedom of expression, assembly or association, including new regulations banning peaceful public protests of property disputes; and
- implement the recommendations of the UN Human Rights Council pursuant to Vietnam’s 2009 UN Universal Periodic Review, including by cooperating with UN mechanisms, including the Special Rapporteur on the Freedom of Religion or Belief.

## **Protect Peaceful Religious Practice**

- disband the Religious Security Police (*cong an ton giao*) and the Special Task Force of the Mobile Intervention Police (Unit PA43) and investigate, punish, or prosecute all police or government officials credibly accused of beating, harassing, or discriminating against those exercising the universal right to the freedom of religion or belief;
- create a national commission of religious groups, government officials, and independent, non-governmental observers to find equitable solutions regarding returning confiscated properties to religious groups; and
- allow all religious groups that do not wish to affiliate with official organizations to organize and operate independently without restrictions or harassment.

## VIETNAM

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### **Train Government Officials**

- create new manuals and train government officials engaged in “religious work” to respect international religious freedoms standards, including ending practices of intimidating or harassing new converts to Christianity and providing avenues to report inappropriate actions by local officials or police; and
- issue a public statement, or corresponding legislation, clearly stating that the denial of educational, medical, housing, and other government services or economic assistance based on religious belief, affiliation, or ethnicity is contrary to Vietnamese law and that government officials engaging in discriminatory practices will be prosecuted.

### **II. ESTABLISHING NEW PRIORITIES FOR U.S. ASSISTANCE & REFUGEE PROGRAMS**

The U.S. government should assist the government of Vietnam and other international governmental and non-governmental organizations to protect religious freedom and refugees in Vietnam and to develop civil society and the rule of law, by taking the following actions:

- create a program of economic development assistance to provide targeted humanitarian and development funds to ethnic minorities whose demands for land rights and religious freedom are closely connected;
- ensure that any rule-of-law programs include regular exchanges between international experts on religion and law and appropriate representatives from the Vietnamese government, academia, and religious communities to discuss the impact of Vietnam’s laws and decrees on religious freedom and other human rights, train public security forces on these issues, and discuss ways to incorporate international standards of human rights in Vietnamese laws and regulations;
- work to improve the capacity and skills of Vietnamese civil society organizations run by religious organizations, and offer Fulbright Program grants to individuals and scholars to promote understanding of religious freedom and related human rights;
- continue funding for Voice of America (VOA) and Radio Free Asia (RFA) programming for Vietnam and to overcome the jamming of VOA and RFA broadcasts;
- provide unimpeded access to UN High Commissioner for Refugees (UNCHR) and other appropriate international organizations to the Central Highlands to monitor the safe resettlement of Montagnards repatriated from Cambodia;
- increase the use of Priority 1 authority to accept refugees facing a well-founded fear of persecution, both those who have escaped to other countries in the region and those who are still in Vietnam, without the prerequisite of a referral by the United Nations High Commissioner for Refugees, including seeking to expand in-country processing in areas outside of Ho Chi Minh City; and
- allow monks and nuns affiliated with the Plum Village Buddhist order to enter the United States from Thailand under temporary religious worker visas (R-1), and remove any obstacles to the immediate granting of their visas so that they may join a functioning religious community in the United States until their order in Vietnam is re-established.

### III. RECOMMENDATIONS FOR U.S. CONGRESSIONAL ACTION

The U.S. Congress should:

- ensure that any new funds appropriated or allocated to expand bilateral economic or security relations are matched with new funds for human rights and religious freedom, civil society capacity-building, and non-commercial rule-of-law programs;
- appropriate additional funds for the State Department's Human Rights and Democracy Fund for new technical assistance and religious freedom programming commensurate with ongoing programs for Vietnamese workers, women, and rule-of-law training; and
- consider creating a program for East Asia (akin to the Supporting Eastern European Democracy program (SEED)) to support the development of democratic institutions, provide technical assistance for independent legal entities and courts, and support civil society capacity-building, independent media, and non-commercial rule-of-law programs.



# TIER 2

Afghanistan

Azerbaijan

Cuba

India

Indonesia

Laos

Russia

# AFGHANISTAN



## **USCIRF STATUS:**

**Tier 2**

## **BOTTOM LINE:**

Religious freedom conditions continued to be exceedingly poor for dissenting Sunni Muslims, as well as Shi'i Muslims, Hindus, Sikhs, Christians and Bahai's. The Taliban and other nonstate actors continue to target individuals for activity deemed "un-Islamic," and the Afghan constitution fails explicitly to protect the individual right to freedom of religion or belief.

# AFGHANISTAN

Conditions for religious freedom are exceedingly poor for dissenting members of the majority faith and minority religious communities. Individuals who dissent from the prevailing orthodoxy regarding Islamic beliefs and practices are subject to legal actions that violate international standards. The threat of violence by the Taliban and other armed groups is an increasing reality, as the Afghan government increases its responsibility of providing security nationwide, yet remains unable to protect citizens against violence and intimidation. Based on these concerns, USCIRF places Afghanistan on its Tier 2 list in 2013. Afghanistan has been on the Commission's Watch List every year since 2006.

## **BACKGROUND**

Compared with the brutal rule of the Taliban, which enforced their extremist interpretation of Islamic law in most of Afghanistan between 1996 and 2001, conditions for religious freedom have markedly improved, especially for religious minorities. However, comparisons to the abusive actions of the Taliban provide an incomplete and misleading picture. Dissenting members of the majority faith and minority religious communities continue to face significant restrictions on the free practice of religion. Governmental and non-state actors have taken action against individuals for activity deemed to be “un-Islamic.” In addition, the Afghan government remains unable to protect citizens against violence and intimidation by the Taliban and other armed groups.

The 2004 Afghan constitution effectively has established a restrictive interpretation of Islamic law as the law of the land, which has resulted in abuses. Individuals lack protection to dissent from state-imposed orthodoxy, debate the role and content of religion in law and society, advocate for the human rights of women and members of religious minorities, or question interpretations of Islamic precepts. In recent years, the small and vulnerable Christian community experienced a spike in arrests, with Christians being detained and some jailed (and later released) for the “crime” of apostasy. While the minority Hazara Shi'i community has experienced greater freedoms to hold public religious festivals without incident, suicide bombers targeted religious events in late 2011. Gains for women's human rights remain tenuous and reversible. Violence and intimidation by the Taliban and other insurgents pose a serious threat to the human rights of all Afghans. Finally, the potential implications for human rights protections in the efforts at national reconciliation with the Taliban and other insurgents are of serious concern.

## **RELIGIOUS FREEDOM CONDITIONS**

Despite gains in human rights since the Taliban regime's ouster in late 2001, conditions for religious freedom are problematic. The government places limits on the freedom of expression and restrictions on

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DESPITE GAINS IN HUMAN RIGHTS SINCE THE TALIBAN REGIME'S OUSTER IN LATE 2001, CONDITIONS FOR RELIGIOUS FREEDOM ARE PROBLEMATIC.

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some religious minorities, curtails women's rights, and is unable to adequately protect religious minorities from violence.

President Hamid Karzai has undercut the Afghanistan Independent Human Rights Commission (AIHRC), an independent government agency that monitors human rights. In December 2011, President Karzai dismissed three of its nine commissioners and has yet to fill these vacancies, hindering the effectiveness of the strongest domestic human rights institution in the country.

**Legal Restrictions:** The United States and the international community have placed great emphasis on the 2004 Afghan constitution, particularly its language guaranteeing women's human rights and incorporating international standards. Article 7 declares “[t]he state shall abide by the UN charter,

## AFGHANISTAN

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international treaties, international conventions that Afghanistan has signed, and the Universal Declaration of Human Rights.” Article 2 also provides that “followers of other religions [than Islam] are free to exercise their faith and perform their religious rites within the limits of the provisions of law.” However, the constitution does not explicitly protect the right to freedom of religion or belief for every Afghan, and provides that fundamental rights can be superseded by ordinary legislation.

These shortcomings are compounded by the interpretation and application of a vague repugnancy clause in Article 3 that states that “no law can be contrary to the beliefs and provisions of the sacred religion of Islam,” as well as Article 130, which empowers the judicial system to enforce the repugnancy clause and to apply Hanafi Shari’ah (Islamic) jurisprudence where there is no other applicable law. In addition, Article 149 of the constitution prohibits any amendments that would be contrary to the “provisions of adherence to the fundamentals of the sacred religion of Islam.”

In practice, the constitution has been interpreted and applied as establishing a restrictive interpretation of Islamic law as the law of the land and prioritizing that interpretation over human rights guarantees, which has resulted in abuses. During a 2010 visit by USCIRF staff to Kabul, government ministers and government-backed religious leaders repeatedly explained that, in their view, Islamic law trumped the constitution’s human rights provisions, as those references come later in the document and do not take precedence. In addition, Afghanistan’s highest religious body, the government-backed Ulema Council, stated in November 2012 that it wants the power to issue legally binding decrees. This would further reinforce Islamic law’s precedence over secular provisions, leaving a wide range of legal questions up to the interpretation of government-appointed clerics.

This widely-held interpretation of the constitution will become even more problematic as the Taliban’s influence increases as negotiations with insurgents move forward. The United States and President Karzai have made respecting the constitution a nonnegotiable plank in the peace talks with anti-government elements. While this appears positive on the surface, the constitution’s undefined notions of Islamic law superseding human rights guarantees could seriously undermine religious freedom and women’s human rights in the country. Any potential peace deal respecting the constitution and human rights could be meaningless, if the protection of human rights for all could be overridden by interpretations of religious law.

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...THE CONSTITUTION DOES NOT EXPLICITLY PROTECT THE RIGHT TO FREEDOM OF RELIGION OR BELIEF FOR EVERY AFGHAN, AND PROVIDES THAT FUNDAMENTAL RIGHTS CAN BE SUPERSEDED BY ORDINARY LEGISLATION.

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**Shi’i Muslims:** The situation of Afghanistan’s Shi’i Muslim community, the largest religious minority in the country, has improved markedly since the end of Taliban rule. However, insurgents still threaten its members, and the community’s future is uncertain once international forces withdraw. Most Shi’i Afghans are from the Hazara ethnic group and comprise between 10 to 19 percent of the population. Hazaras traditionally have been harshly discriminated against and segregated from the rest of society for a combination of political, ethnic, and religious reasons.

During the reporting period, Shi’i Muslims generally were able to perform their traditional Ashura public processions and rituals in Kabul without incident or hindrance. However, there continued to be sporadic attacks against Shi’i Hazaras. In November, Shi’i and Sunni students at Kabul University clashed when Shi’i students marched in an Ashura religious procession. At least one person was killed and 16 others were wounded. Notably, Shi’i processions occurred elsewhere in the city that same day without incident, one year after a suicide bomber killed more than 70 people at an Ashura procession in the capital.

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**Non-Muslim Religious Minorities:** The penal code discriminates against religious minorities by permitting the courts to defer to Shari'ah in cases involving matters that neither the penal code nor the constitution explicitly address, such as apostasy and conversion, resulting in those charges being punishable by the death penalty. While the Afghan state has not executed anyone for apostasy, charges are occasionally brought against Christian converts. For instance, there were two known cases in 2010-11 of Afghans accused of conversion being prosecuted for apostasy and potentially facing death sentences. They were eventually released, with one seeking asylum in Europe. Marriage is formally restricted to Muslims; non-Muslims can marry as long as they do not publicly express their faith.

The few Afghan Christians, converts from Islam or their children, long have been forced to conceal their faith and cannot worship openly. The situation for Christians worsened in 2010, when authorities arrested 26 Christians. After their release, many fled to India, where they have applied for refugee status due to a fear of religious persecution. There were no reports of Christians being arrested due to their faith during the reporting period. The one public church in Afghanistan, which predominately was used by the

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expatriate community, closed in 2010 when the landowner reportedly breached its 99-year lease. The courts did not uphold the lease and the facility was destroyed in March 2010. The one synagogue located in Kabul is not used due to the departure of the Jewish population years ago.

Members of Afghanistan's small Baha'i community lead an essentially covert existence, particularly since May 2007 when the General Directorate of Fatwa and Accounts ruled the Baha'i faith blasphemous and all Muslim converts to the Baha'i faith apostates.

The situation of Afghanistan's small communities of Hindus and Sikhs has improved since the fall of the Taliban. Hindus and Sikhs are allowed to practice their faith and have places of public worship, but they continue to face security threats and discrimination by the government. In November 2012, Afghan security personnel and local residents reportedly prevented Sikhs from performing cremation ceremonies for their deceased relatives. In 2010, a Sikh man, Baljit

Singh, was jailed after being pulled from a customs line at the Kabul airport due to his distinctive turban. Singh, who was returning to Afghanistan after 18 years outside the country, was arrested for falsely claiming Afghan citizenship. Singh was released in July 2012, reportedly after being tricked into making a televised conversion to Islam. He was deported to the United Kingdom.

**Women's Rights:** Since the ouster of the Taliban, the status of women has improved, but this progress is fragile and reversible. The number of female students has increased exponentially, and women are reported to hold 27 percent of the seats in parliament, three Cabinet posts and 120 judicial positions. Despite this, women's progress in the public sphere remains threatened both by the Taliban's resurgence and the strong influence of religious traditionalists.

Despite the constitutional reservation of seats for women in government, women who seek to engage in public life often are condemned as "immoral" and targeted for intimidation, harassment, or violence by the Taliban or other extremists. In March 2012, Afghanistan's highest Islamic authority, the Ulema Council, issued a non-binding ruling stating that women were secondary to men and women should wear the burqa. The ruling did condemn forced marriages and the practice of exchanging women to settle family and tribal disputes. Problematically, President Karzai's office endorsed the decree, with President Karzai stating at a news conference that the decree "is in accordance with a Shari'ah view of our country, which all Muslims and Afghans are committed to."

## AFGHANISTAN

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The 2009 Law on Elimination of Violence against Women remains largely unenforced, and pervasive discrimination based on traditional religious interpretations continues to place women in a second-class status. This limits opportunities for women to obtain education, employment, and medical care. Women in Afghanistan frequently are denied equal access to legal representation and due process, especially in rural areas. Human Rights Watch reported that approximately 400 women and girls are imprisoned for morality crimes, such as running away from home or sex outside of marriage.

Women's rights advocates have expressed concern that efforts by President Karzai and the international community to persuade insurgents to end their fight and rejoin the political process could result in serious abuses of women's human rights. Female members of the 70-member High Peace Council established to seek ways to reconcile with the Taliban say they have been effectively excluded from the negotiations. The May 2012 Chicago Summit Declaration on Afghanistan, issued by troop-contributing countries to the NATO-led International Security Assistance Force (ISAF) and the government of Afghanistan, had strong language on women's rights. However, the language was in the context of respecting the Afghan constitution. As discussed above, its widespread interpretation ignoring human rights guarantees could seriously undermine religious freedom and women's human rights in the country, even if insurgents agree to abide by the constitution.

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...IT'S WIDESPREAD INTERPRETATION IGNORING HUMAN RIGHTS  
GUARANTEES COULD SERIOUSLY UNDERMINE RELIGIOUS  
FREEDOM AND WOMEN'S HUMAN RIGHTS IN THE COUNTRY, EVEN  
IF INSURGENTS AGREE TO ABIDE BY THE CONSTITUTION.

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**Limits on the Freedom of Expression:** As a result of the legal restrictions discussed above, Afghans cannot debate the role and content of religion in law and society, advocate for the rights of women and religious minorities, or question interpretations of Islamic precepts without fear of retribution or being charged with religious "crimes" such as apostasy, blasphemy, or insulting Islam.

During the reporting period, the government considered increasing restrictions on the media to limit programming considered religiously offensive, but the draft legislation was revised after international pressure. The move was seen as an effort to appease Taliban sympathizers. In February 2012, the Afghan government asked female television reporters to wear headscarves and not wear makeup, in response to criticism from conservative parliamentarians. In addition, the current law governing the media requires that reporting "observe the principles of Islam," another example of a vague reference to religious law the government can use to detain or harass journalists. In September 2012, Human Rights Watch reported that Afghanistan's media commission requested the attorney general investigate two Afghan media organizations for broadcasting programs considered "immoral." HRW also reported that a new media standards committee was created in October 2012 to further supervise the conduct of media outlets and journalists.

In response to the September 2012 YouTube film about the Prophet Mohammed that spurred violent protests worldwide, President Karzai condemned the film and the government blocked access to YouTube to prevent Afghans from viewing it. The government has yet to unblock access to YouTube.

**Security Problems:** The transition of security from International Security Assistance Forces (ISAF) to the Afghan government continues to move ahead towards the 2014 withdrawal date of combat forces, with large sections of the country now under government responsibility. The Afghan government is struggling with its expanded security responsibilities, and the serious security situation exacerbates the

## AFGHANISTAN

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religious freedom and human rights problems in many parts of the country. Despite the handover of responsibility, President Karzai's government does not exercise full control over the country, particularly outside Kabul and the major provincial centers, even with the active support of U.S. and ISAF troops.

Taliban and other insurgents continue to stage attacks inside Afghanistan. In some areas of Afghanistan, the Taliban administer a virtual parallel state, based on their interpretation of Islamic law. In August 2012, 15 men and 2 women were beheaded by Taliban for dancing at a party. A Taliban suicide bomber attacked a mosque in Nangahar province in August 2012, killing 19, and another bomber targeted a mosque in Faryab Province during Eid celebrations in October, killing at least 42 and wounding more than 50.

The NGO the Barnabas Fund reported that the Taliban has used social media to threaten Christians. In October 2011, the Taliban released on its website a warning that any Afghan suspected of converting to Christianity will be targeted for death. In January 2012, a Taliban blog posted pictures of Christians being baptized, individual baptismal certificates, and worship times.

### **RECOMMENDATIONS FOR U.S. POLICY**

The United States and its allies are repositioning themselves in Afghanistan, with the impending withdrawal of combat troops in 2014. The State Department did implement USCIRF's recommendation to create an interagency taskforce on religious freedom issues. USCIRF recommends that the U.S. government, both directly and in concert with its allies, increase and strengthen diplomatic, development, and military engagement to promote human rights, especially religious freedom. Helping create and protect civic space for diverse religious opinions on matters of religion and society can help counter the rise of violent religious extremism. To do so, the U.S. government should:

- ensure that human rights concerns are integrated in the reconciliation process and that the parties to any peace agreement pledge to uphold the Universal Declaration of Human Rights and not just the Afghan constitution;
- raise directly with President Karzai the importance of religious freedom, especially for dissenting Muslims, Muslim minorities, and non-Muslim minorities;
- make religious freedom and related human rights an essential element of U.S. strategy in Afghanistan and increase effective engagement on these issues, including by:
  - bolstering the position and protection of Afghans who advocate respect for human rights and religious tolerance;
  - supporting judicial-sector and legal reforms conducive to protecting human rights; and
  - including a special working group on religious tolerance in U.S.-Afghan strategic dialogues and the trilateral dialogues with the United States, Afghanistan, and Pakistan;
- create an interagency U.S. government taskforce on religious freedom in Afghanistan to ensure religious freedom issues are properly integrated into the State and Defense Department strategies concerning Afghanistan;
- ensure that international meetings and documents focusing on the situation in Afghanistan, such as meetings hosted by the International Contact Group and communiqués from donors, address the

## AFGHANISTAN

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issues of promoting religious tolerance and ensuring freedom of thought, conscience, and religion or belief and related human rights;

- encourage the Afghan government to sponsor, with official and semi-official religious bodies, an initiative on interfaith dialogue that focuses on both intra-Islamic dialogue and engagement with different faiths;
- increase efforts to ensure that the formal and informal judicial sectors uphold international standards of human rights; and
- press the government of Afghanistan to ensure that recognized representatives of civil society, including Shi'i Muslims, members of other religious and ethnic minorities, and women, are included in the consultative Peace Jirga, the High Peace Council, the Afghan Peace and Reintegration Program, and any other reconciliation talks with anti-government elements.



# AZERBAIJAN



## **USCIRF STATUS:**

**Tier 2**

## **BOTTOM LINE:**

Despite the Azeri government's claims of tolerance, the religious freedom situation has deteriorated, especially after passage of its restrictive 2009 religion law. Registration requests from religious organizations are delayed or denied and in the past year non-violent religious activists have been detained, fined, and imprisoned.

## AZERBAIJAN

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Despite the government's claims of official tolerance, religious freedom conditions in Azerbaijan deteriorated over the past few years. During the reporting period, religious organizations were closed and non-violent religious activity was punished with detentions, fines and other penalties. The Azeri government applied the repressive religion law adopted in 2009 that curtails a range of religious activities. Penalties were increased for religion law violations in 2010 and 2011. Unregistered religious activity is illegal and the activities of registered groups are tightly regulated. Based on these concerns, USCIRF places Azerbaijan on Tier 2 for the first time in 2013. USCIRF briefly discussed Azerbaijan in previous Annual Reports and issued a press statement critical of the religion law in 2009.

### **BACKGROUND**

Approximately 96 percent of the population is Muslim, and the remainder includes Russian Orthodox, Armenian Apostolic, other Christian groups, Jews, and non-believers. About 65 percent of the country's Muslims are Shi'a and 35 percent are Sunni, according to Azerbaijan's State Committee on Work with Religious Associations (SCWRA). Most Christians are Russian Orthodox, whose identity, like that of Muslims, tends to be based on culture and ethnicity. Approximately 20,000 Jews live in Baku, with smaller communities throughout the country. Other small religious groups have been in Azerbaijan for over 100 years, including Lutherans, Roman Catholics, Baptists, Molokans, Seventh-day Adventists, and Baha'is. Since the country's independence in 1991, other religious groups considered foreign or "non-traditional," have emerged, including other evangelical Christians, Jehovah's Witnesses, Hare Krishnas, and Salafi Muslims. Baku is also home to a significant expatriate Christian community.

### **RELIGIOUS FREEDOM CONDITIONS**

**Restrictive Legal Framework:** Azerbaijan's religion law has been amended 14 times since it was first adopted in 1992, with major restrictive changes adopted in secret. The law is used as the basis for limiting religious freedoms and for justifying police raids, detentions, and fines. The law's numerous problematic provisions include: compulsory state registration, including complex and intrusive registration requirements; no mechanism for appealing registration denials; religious activities limited to a community's registered address and not in private homes or in public; an elaborate system of government censorship of religious materials combined with the requirement of official permission to produce, import, export and disseminate such materials; and a requirement for government-approved religious education to preach or teach religion or lead religious ceremonies. After the reporting period, the Azeri parliament adopted further restrictive amendments to the religion, NGO, and other laws, purportedly to prevent the spread of religious extremism and of foreign missionary organizations through additional financial reporting requirements.

The following violations of the religion law are subject to fines under the country's administrative code: failing to register with the state; holding religious meetings or ceremonies without state approval; conducting religious activity outside a religious association's registered address; and engaging in activity not in accord with a religious community's state-approved statute. In 2010, the applicable fines were increased 16-fold from 2009: individuals may be fined up to US \$2,550 and church officials up to US \$10,200. The country's average monthly wage in May 2012 was US \$484, but the rural population earns much less.

Violations of provisions relating to religious education are subject to penalties under the criminal code. Individuals found to have forced children to take part in religious activity or religious education are liable for fines or jail terms of up to two years. Officials of religious organizations are subject to larger fines or

## AZERBAIJAN

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between two and five years' imprisonment. In late 2011 the Administrative Code introduced dramatically increased fines for such "offenses."

Muslims are subject to additional restrictions which do not apply to other faiths: all Muslim religious leaders are appointed by the state-backed Caucasus Muslim Board; such appointments are limited to Azeri citizens educated in Azerbaijan; all mosques must be members of, and submit written reports to, the Caucasus Muslim Board; and only Azeri citizens can establish Islamic religious communities. Under a 2008 "informal" and unpublished government order, prayer is no longer allowed outside of mosques, and police have enforced this ban. The Ministry of Education's introduction of a standard school uniform in 2010 led to a massive petition campaign over the ban on the Islamic headscarf. Large public protests over the headscarf ban have resulted in numerous arrests and detentions, including 72 arrests after a rowdy Baku demonstration in October 2012. After the reporting period, the headscarf ban was extended to Azeri university students.

In October 2012, the Council of Europe's Venice Commission and the Organization for Security and Cooperation in Europe (OSCE) issued a joint legal opinion that Azerbaijan's religion law failed to meet the country's international human rights commitments. A senior Presidential Administration official and a senior official of the ruling New Azerbaijan Party both rejected the Venice Commission/OSCE's recommendations for legal reforms, Forum 18 reported. The government did not address the identified shortcomings and the highlighted problems remain.

**Government Control through Registration:** Religious groups in Azerbaijan have been required to re-register five times since the 1992 religion law. The registration process is mandatory and groups which are denied registration or refuse on theological grounds are considered "illegal." The process is arbitrary and requires prior approval from local authorities before registering with the national government. Any activity of registered religious organizations can only occur at the community's legal address and the organization must inform the government of religious education activities.

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RELIGIOUS GROUPS IN AZERBAIJAN HAVE  
BEEN REQUIRED TO RE-REGISTER FIVE TIMES  
SINCE THE 1992 RELIGION LAW.

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All independent mosques outside the framework of the state-backed Caucasian Muslim Board have failed to obtain registration, as well as some of the Board's own mosques. Also without legal status are almost all Protestant denominations (including Baptists, Seventh-day Adventists and Pentecostals), as well as Jehovah's Witnesses.

Some NGOs that campaign for religious freedom or discuss religious topics, such as the International Religious Liberty Association and Devamm, have been denied registration as non-governmental organizations (NGO). Reportedly, official pressure resulted in the 2012 emigration to Norway of the leader of the "Moral Purity" Muslim NGO. Previously, that NGO had been allowed to organize popular Azeri TV programs on religious issues.

In February 2012, the Azeri Supreme Court ordered the registration of the Baku-based Cathedral of Praise Pentecostal Church, but that same month the Jehovah's Witnesses lost their Supreme Court case over registration. In September 2012, the SCWRA won a legal battle to strip the only registered Muslim community in the town of Hirdalan, near Baku, of its registration, leaving the town's 40,000 residents with no legal place of worship. Other religious communities reportedly have not challenged registration denials in the courts, based on the belief that they cannot win against the government in corrupt Azeri courts. Only six religious communities are known to have achieved state registration in 2012, Forum 18 reported.

## AZERBAIJAN

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After the reporting period, the European Court of Human Rights (ECtHR) dismissed a case brought by Baku's independent Juma Mosque Congregation. They sued over the government's refusal to re-register the congregation and the government's eviction of the congregation from the state-owned mosque it had used for 12 years. The court held that the congregation had failed to exhaust domestic remedies and had no protected right to obtain a place of worship from state authorities. According to lawyers representing the congregation, the government's actions against the Juma Mosque were caused by the group's refusal to replace its leader, Ilgar Ibrahimoglu Allahverdiyev, a prominent democracy and religious liberty activist, with a government-appointed imam.

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ONLY SIX RELIGIOUS COMMUNITIES ARE KNOWN TO HAVE ACHIEVED  
STATE REGISTRATION IN 2012...

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**Penalties for Religious Activity:** Unregistered religious communities lack legal status and may face raids and other penalties. In January 2012, a group of Muslims were ordered to close an unregistered prayer room in Baku. In March 2012 in Turan village in northern Azerbaijan, police raided the home of a reader of the works of Turkish theologian Said Nursi and confiscated literature. In May 2012, police raided the Baku home of a Muslim that resulted in the detention of many of the Muslim's friends and the confiscation of the Qur'an and books by Muslim authors, including Nursi. In November 2012, police raided the homes of two former Baptist prisoners of conscience in the town of Aliabad in the Zakatala region and confiscated New Testaments. Jehovah's Witnesses have been the victims of numerous police raids since 2007, including in 2012, and have filed five separate cases at the ECtHR; no decisions have been issued.

The religion law and administrative code bans on undefined "religious propaganda" by foreigners and stateless persons have led to deportations of some Muslims, Protestants and Jehovah's Witnesses. Some deportees were former Soviet citizens and long-term residents.

The Human Rights Center of Azerbaijan (HRCA), a non-governmental organization, has compiled a list of 220 Azeris convicted between 2005 and 2011 for alleged religious extremism, including Shi'i and Wahhabi Muslims. According to the HRCA, three people have been sentenced in connection with their religious views: Fakhraddin Mirzayev (whose case is described below) and two Muslims, Nurani Mammadov and Rufat Nuriyev, who protested the school headscarf ban. All three are scheduled for release from prison in 2013.

In January 2013, a rapporteur of the Parliamentary Assembly of the Council of Europe (PACE) issued his final human rights report on Azerbaijan including a list of political prisoners. Of these cases, 23 individuals have been convicted in Azerbaijan for alleged membership in Islamist groups, organizations and political parties.

After the reporting period, Azerbaijan's Supreme Court rejected an appeal by Movsum Samedov, one of the 23 individuals highlighted by PACE. He was arrested in January 2011, after denouncing Azeri officials for the headscarf ban, and was sentenced to 10-12 years in jail in October 2011 on security related charges. Reportedly he will file a challenge in the ECtHR.

**Refusal to Allow Conscientious Objection:** While the Azerbaijan Constitution explicitly allows for alternative service, other laws subject those who refuse military service subject to a prison term of up to two years. In the first such criminal case since 2010, Fakhraddin Mirzayev, a Jehovah's Witness conscientious objector, is currently imprisoned. A court in the city of Gyanja had sentenced him to a one-year term in September 2012. Despite Azerbaijan's membership in the Council of Europe (CoE) since

## AZERBAIJAN

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2001 and its promises to allow alternative service to comply with CoE standards, the government continues to penalize conscientious objectors. In July 2011, the ECtHR explicitly recognized the right to conscientious objection to military service for a Jehovah's Witness in Armenia as a right protected under international standards of freedom of religion or belief. Two Jehovah's Witnesses conscientious objectors currently have cases pending against Azerbaijan in the ECtHR.

**Government Censorship of Religious Materials:** State permission is required to produce, import, export, and distribute religious material. Religious material cannot be sold outside officially-approved locations and foreigners cannot preach. Penalties for first time offenders include heavy fines or up to two years' imprisonment, while a "conspiratorial" or organized group, a repeat offender, or an organization official faces a prison term of between two and five years. Azerbaijan is the only Council of Europe member state to impose a system of compulsory censorship of religious and other literature.

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The government has confiscated religious materials, including personal copies of the Qur'an and the Bible, as well as religious materials from Baptists, Jehovah's Witnesses and Hare Krishnas, at the country's borders. In 2012, police raided the homes of members of numerous religious communities, including Muslims, Adventists, Baptists and Jehovah's Witnesses. Reportedly, the Georgian Orthodox Church, and many Muslim groups are more easily permitted to obtain or publish literature than religious minority groups. Members of the Catholic Church rely on email to receive religious materials. Jehovah's Witnesses have had particular difficulties and have appealed through the Azeri courts to challenge the SCWRA's censorship rights.

**Closure and Confiscation of Places of Worship:** Since 2009, Azerbaijan has closed or destroyed numerous houses of worship, mainly Sunni mosques, despite efforts by local Muslim communities. Mosques closed in 2009 include the "Albanian" Mosque in the city of Gyanja, as well as two mosques built by Turkey's Diyanet in the 1990's: the Martyrs' Mosque in Baku and the Juma Mosque in the city of Nakhichevan. The closure of these mosques has had numerous adverse consequences for their communities. For example, in Gyanja, members of their city's only Sunni "Albanian" mosque must pray in small groups in private homes, often under police surveillance.

Other religious minority communities, such as the Baptists in Baku, are also seeking the return of their historic places of worship. In December 2012, Baku's Baha'i community lost its struggle to save its last historic building from being razed as part of urban renewal. The Georgian Orthodox Church would like to reopen four churches in the Gakh Region and establish a monastery. In recent years, however, Azeri authorities have restricted worship to 30 minutes in three churches and a Georgian Orthodox Bishop told Forum 18 that many in his community are deprived of the sacraments. As of April 2012, two Georgian Orthodox communities had been registered.

**Situation in the Nakhichevan Exclave:** Residents of the Nakhichevan exclave encounter more severe religious freedom restrictions than in Azerbaijan's other regions. For example, in 2009 government employees and students were ordered not to attend Ashura mosque commemorations and the next day many Muslims were detained, including in a psychiatric hospital. In 2010, secret police detained without trial four Muslim readers of Nursi's works for three days. After a Turkish-funded Sunni imam left Nakhichevan in 2011, the Shi'i community took over the Sunni Juma Mosque, leaving local Sunni Muslims nowhere to pray. Baha'is, a small Adventist group and a Hare Krishna community have been banned by local authorities, leading some members of these communities to move to other areas of Azerbaijan.

## AZERBAIJAN

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### RECOMMENDATIONS FOR U.S. POLICY

In order to promote freedom of religion or belief in Azerbaijan, the U.S. government should:

- press the Azeri government to allow religious groups to operate freely without registration, and advocate for substantive amendments to the religion law's registration process so as to ease its requirements and to make it voluntary;
- urge the Azeri government to cease police raids of religious meetings, as well as the issuance of fines, property confiscation, detentions and imprisonment of participants and leaders;
- encourage President Aliev to speak publicly about respect for religious freedom for all Azeris, to state that repressive government actions will not be tolerated, and to include minority and other domestic religious communities in various conferences that discuss and promote international religious tolerance in Baku;
- encourage public scrutiny of Azerbaijan's record on religious freedom and related human rights in appropriate international fora, such as the UN, OSCE, and other multilateral venues, and highlight cases of prosecution of Azeri citizens that violate these international norms in comments at such fora;
- urge the Azeri government to agree to visits by UN Special Rapporteurs on Freedom of Religion or Belief, the Independence of the Judiciary, and Torture, set specific visit dates, and provide the full and necessary conditions for such a visit;
- ensure that the U.S. Embassy in Azerbaijan maintains active contacts with Azeri human rights activists and press the Azeri government to ensure that every prisoner has greater access to his or her family, human rights monitors, adequate medical care, and a lawyer, as specified in international human rights instruments;
- specify freedom of religion as a grants category and area of activity in the Democracy and Conflict Mitigation program of the U.S. Agency for International Development and the Democracy Commission Small Grants program administered by the U.S. Embassy, and encourage the publicly-funded National Endowment for Democracy to make grants for civil society programs on tolerance and freedom of religion or belief; and
- increase radio, Internet, and other broadcasting, particularly in the Azeri language, of objective news and information on relevant issues, including specific religious freedom concerns in the country and explaining why religious freedom is an important element of U.S. foreign policy.

# CUBA



## **USCIRF STATUS:**

**Tier 2**

## **BOTTOM LINE:**

Despite some improvements for government-approved religious groups, religious freedom deteriorated in Cuba with a sharp rise in the number of violations, primarily due to government pressure to prevent democracy and human rights activists from participating in religious activities.

Serious religious freedom violations continue in Cuba, despite some improvements for government-approved religious groups. Reports indicate a tripling in the number of violations, such as detentions and sporadic arrests of clergy and religious leaders; harassment of religious leaders and laity; interference in religious groups' internal affairs, and pressure to prevent democracy and human rights activists from participating in religious activities. Despite constitutional protections for religious freedom, the Cuban government actively controls and monitors religious practice through a restrictive system of laws and policies. Based on these concerns, USCIRF places Cuba on its Tier 2 list in 2013. Cuba had been on USCIRF's Watch List since 2004.

## **BACKGROUND**

The Cuban government largely controls religious denominations through government-authorized surveillance and harassment, and at times detentions, of religious leaders and through its implementation of legal restrictions. The government requires churches and other religious groups to undergo an invasive registration procedure with the Ministry of Justice. Only registered religious communities are legally allowed to receive foreign visitors, import religious materials, meet in approved houses of worship, and apply for travel abroad for religious purposes. Local Communist Party officials must approve all religious activities of registered groups. The government also restricts religious practices by: denying permits to construct or repair houses of worship; denying access to state media and exit visas; requiring the registration of publications; limiting the entry of foreign religious workers; denying Internet access to religious organizations; denying religious literature, such as Bibles, to persons in prison; and denying permission to hold processions or events outside religious buildings.

## **RELIGIOUS FREEDOM CONDITIONS**

**Arrests and Beatings of Religious Leaders:** Several religious leaders and followers were arrested, held for short periods of time, and sometimes mistreated in this reporting period. The most serious incident occurred on February 6, when Pentecostal pastor Reutilio Columbie was attacked on his way to file a complaint with regional authorities regarding the arbitrary confiscation of the church vehicle by local officials in late 2011. Pastor Columbie suffered permanent brain damage as a result of the beating, which he believes to have been orchestrated by local Communist Party officials since the only thing taken from him was the document proving his legal ownership of the vehicle. There were also three separate incidents (on February 25, August 11, and October 6) in which evangelical pastors were beaten and detained for several hours after public preaching at bus stations.

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**Denial of Religious Freedom to Human Rights/Democracy Activists:** The vast majority of religious freedom violations in this reporting period reflected the denial of religious freedom rights to members of the Ladies in White and other human rights/democracy activists, primarily in Holguin and Santiago provinces in the eastern part of Cuba. At least 75 separate incidents were reported of a specific group of activists being prevented from attending Sunday masses, either by being arrested before mass and released hours later or by police officers blockading them from reaching their respective churches. Additionally, Cuban human rights groups estimate that at least 200 activists were arrested and imprisoned for the duration of Pope Benedict XVI's visit in March, to prevent them from attending the Pope's mass.

**Targeting of Religious Communities:** The government continued to harass the Apostolic Reformation and the Western Baptist Convention in 2012. The Apostolic Reformation is a fast-growing, unregistered network of Protestant churches, which garnered the attention of Cuban authorities after it attracted pastors



## CUBA

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from several churches belonging to Cuban Council of Churches (CCC), the government-approved umbrella organization for Protestant denominations. Harassment of this religious community includes: short-term arrests of leaders, confiscation, destruction or threats of destruction of church property; harassment and surveillance of church members and their relatives; fines of churches; and threats of losses of job, housing or educational opportunities. The Western Baptist Convention has been targeted presumably because of its support of democracy activists. The Convention resisted new government pressure to change its administrative structure from a board to one leader and hold its board meetings every two years instead of annually. Three churches were being threatened with closure: one in Sancti Spiritus Province, the Trinidad First Baptist Church in Santa Clara, and the Cristo Rompe las Cadenas Church in Havana. These churches have also been fined and had their assets frozen, and pastors have been harassed, including with threats of physical violence.

**Improvements for Registered Communities:** Positive developments for the Catholic Church and major registered Protestant denominations, including Baptists, Pentecostals, Presbyterians, Episcopalians, and Methodists, continued over the last year. The State Department reports that religious communities were given greater freedom to discuss politically sensitive issues. Catholic and Protestant Sunday masses were held in more prisons throughout the island. Religious denominations continued to report increased opportunities to conduct some humanitarian and charity work, receive contributions from co-religionists outside Cuba, and obtain Bibles and other religious materials. Small, local processions continued to occur in the provinces in 2012. The government granted the Cuban Council of Churches time for periodic broadcasts early Sunday mornings, and Cuba's Roman Catholic Cardinal read Christmas and Easter messages on state-run stations.

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RELATIONS BETWEEN THE CATHOLIC  
CHURCH AND CUBAN GOVERNMENT  
CONTINUED TO IMPROVE.

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Relations between the Catholic Church and Cuban government continued to improve. March 2012 marked the 400th anniversary of the appearance of the Virgin de Caridad de Cobre (Our Lady of Charity), Cuba's patron saint. Pope Benedict XVI travelled to Cuba March 26-29 to participate in the celebrations, at which time he met Fidel Castro and Cuban President Raúl Castro. Throughout the year, a replica of the Our Lady of Charity statue toured the island drawing large crowds. Prior to the Pope's visit, 13 individuals occupied the Church of Charity of Cobre in Central Havana seeking an audience with His Holiness. The government removed, but did not charge, the individuals at the request of the Church.

### **RECOMMENDATIONS FOR U.S. POLICY**

The United States and Cuba do not have full diplomatic relations, and U.S.-Cuba policy continues to be dominated by U.S. trade sanctions and the travel embargo on Cuba. The detention and March 2011 sentencing of USAID contractor Alan Gross to 15 years for crimes against the state also has impeded U.S.-Cuban relations. Gross has been imprisoned since December 2009, despite efforts to secure his release by U.S. government officials. In April 2009, President Barack Obama lifted restrictions on the number of times Cubans in the United States can travel to Cuba and the amount of money they can send to relatives in the country. In January 2011, the Obama Administration increased travel opportunities for U.S. schools, churches and cultural groups to visit Cuba. Religious communities can now apply to travel to the island under a general license and remittances can be sent to religious communities to support religious activity in Cuba.

## CUBA

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The U.S. government's programs to promote human rights in Cuba do not adequately promote religious freedom. USCIRF recommends that, in addition to demanding that Havana end the detentions of religious leaders and followers, the U.S. government should:

- press the Cuban government to meet the following benchmarks concerning religious freedom prior to considering resuming full diplomatic relations with the country: stop arrests and harassment of clergy and religious leaders; cease interference with religious activities and the internal affairs of religious communities; allow unregistered religious groups to operate freely and legally; revise government policies that restrict religious services in homes or on other personal property; and hold accountable police and other security personnel for actions that violate the human rights of non-violent religious practitioners;
- use appropriated funds to advance Internet freedom and protect Cuban activists from harassment and arrest by supporting the development of new technologies, while also immediately distributing proven and field-tested programs to counter censorship;
- increase the number of visas issued to Cuban religious leaders from both registered and unregistered religious communities to travel to the United States to interact with co-religionists; and
- encourage international partners, including key Latin American and European countries and regional blocks, to ensure that violations of freedom of religion or belief and related human rights are part of all formal and informal multilateral or bilateral discussions with Cuba.

# INDIA



## **USCIRF STATUS:**

**Tier 2**

## **BOTTOM LINE:**

Justice for past incidents of sectarian violence targeting Muslim, Christians and Sikhs has not been achieved fully. Anti-conversion laws adopted in some states have led to higher incidents of intimidation, harassment and violence against religious minority communities, particularly Christians and Muslims. In addition, rape has become a common feature of communal violence.

## INDIA

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There has been no large-scale communal violence against religious minorities in India since 2008, and in recent years the Indian government has created special investigative and judicial structures in an effort to address previous such attacks. Nevertheless, in the past year, progress in achieving justice through these structures for the victims of past incidents continued to be slow and ineffective. In addition, members of religious minority communities, including Muslims, Christians, Sikhs, and Jehovah's Witnesses, reported an increase during the reporting period of intimidation, harassment, and violence, particularly in states with anti-conversion laws. Based on these concerns, USCIRF places India on Tier 2 in 2013. India had been on USCIRF's Watch List since 2009.

### **BACKGROUND**

India is the world's largest democracy with an estimated 1.22 billion population, and has a deeply religious plural society. A country with a Hindu majority, India is estimated to have the third largest Muslim population in the world and a Christian population of over 25 million. The current two-term Prime Minister is Sikh, the past president is Muslim, and the head of the national governing alliance is Catholic. Buddhist, Christian, Hindu, Muslim, Sikh, and Parsi holidays are recognized as public holidays. India also has an independent judiciary, independent media, and a dynamic civil society. Additionally India has created several governmental bodies that monitor human rights violations and provide financial support for minority welfare programs. For example the National Commission on Minorities, established in 1992, makes recommendations to the national and state governments on the effective implementation of special protections for minorities provided in the national constitution and can investigate specific complaints made by an individual or community. In recent years, the national government and several state governments have taken positive steps to improve religious freedom, including increasing support for governmental bodies that provide financial support for minority groups and programs.

Despite these positive characteristics, India has seen periodic outbreaks of large-scale communal violence targeting religious minorities over the years, most notably against Christians in Odisha (formerly Orissa) in 2007-08, against Muslims in Gujarat in 2002, and against Sikhs in 1984, which still impacts the religious and political landscape of the country. The Indian government, at all levels, has created structures to attempt to address these issues, including Fast-Track Courts, Special Investigative Teams (SITs), and independent investigative commissions. However, the effectiveness of these structures is mixed, due to limited capacity, inconsistent use, political corruption, and religious bias, particularly at the state and local levels. Moreover, limited public information makes it difficult to ascertain whether decisions, when finally rendered, respected due process. In addition, problems that plague the Indian legal system generally—including low ratios of police and judges to the population and an overburdened and antiquated judicial system—hamper redress for victims of religiously-motivated crimes. As a result, the lack of penalties encourages the ongoing intimidation, harassment, and occasional violence against religious minorities and fosters a climate of impunity. These incidents are more common in states with "Freedom of Religion Act(s)." Although purporting to limit forced religious conversions, these vague laws encompass conduct beyond that and infringe on rights guaranteed under India's constitution and international human rights law.

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# INDIA

## RELIGIOUS FREEDOM CONDITIONS

**Redress for Odisha (formerly Orissa) Victims:** In December 2007, in Kandhamal, Odisha, violence between Christians and Hindus resulted in several deaths, dozens of injuries, churches and homes destroyed, and displacement of thousands. The murder of an influential Hindu political leader in August 2008 sparked a further violent campaign targeting Christians, even though Maoist extremists claimed responsibility. The State Department reported 40 deaths, 134 injuries, the destruction of churches and homes, and over 10,000 fleeing the state. There was no immediate police or state government reaction. Religious leaders and aid agencies were denied access.

An estimated 3,500 complaints were documented by state police, but only 828 cases were registered by the police with the local and state court system. Two hundred cases were dismissed due to lack of evidence, approximately 350 cases have been heard thus far, and the rest are still pending. Of the cases heard, approximately 465 individuals were convicted of crimes including murder, rape, arson, and destruction of property. However, the vast majority, approximately 400 individuals, were given minor punishments such as monetary fines.

Shortcomings in the system are evident in the case of Manoj Pradhan, a leader in the Hindu-nationalist BJP party. In September 2010, he was charged for the murder of 11 individuals. However, the state's

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high court convicted him only for the culpable homicide of one person, ordered him to pay a small fine, and released him on bail. In January 2011, India's Supreme Court overturned his release, but following a brief return to jail, state authorities again released him on bail. He also was allowed to return to his post in the Odisha state parliament, despite having as many as 7 other cases stemming from the violence pending against him. In November 2012, another murder case against Pradhan was dismissed for lack of evidence. NGOs allege that police investigations were religiously biased and intentionally defective. In addition, NGOs report that 7 Christians accused of killing the Hindu leader that sparked the violence have been jailed for more than 3 ½ years, despite Maoists claiming responsibility. Bijay Kumar Sunseth, Gornath Chalanseth, Budhadeb Nayak, Bhaskar Sunamajhi, Durjo Sunamajhi, Munda Badmajhi, and Sanatan Badmajhi

have had their trial delayed numerous times, despite a court ruling that there was insufficient evidence and the trial should proceed quickly.

Some victims from the Odisha violence have received compensation from the state and central government. Victims whose homes were completely destroyed received 50,000 rupees and 20,000 rupees for partially destroyed homes. Reportedly, however, it costs on average 85,000 rupees to construct a new home. In addition, reports continue to arise that Christians are prevented from returning unless they convert to Hinduism. Several churches and businesses received 300,000-500,000 rupees from state and central governments.

**Redress for Gujarat Victims:** In February 2002 the state of Gujarat erupted in communal violence. In response to a train fire reportedly set by Muslims, Hindu mobs killed 1,200-2,500 Muslims, forced 100,000 people to flee, and destroyed homes. Christians were also killed and injured, and many churches were destroyed. India's National Human Rights Commission found evidence of premeditated killing by members of Hindu nationalist groups, complicity by state government officials, and police inaction.

In the last two years approximately 100 people have been convicted of various crimes, with punishments ranging from minor monetary fines to life imprisonment, and more than 100 individuals have been acquitted because of lack of evidence, witnesses refusing to testify or the death of witnesses. Additionally, Gujarati police have closed a large number of cases, citing the unavailability of witnesses. Notably in the

## INDIA

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last year, Mayaben Kodnani, the former Minister for Women and Child Welfare, was sentenced to 28 years in jail for her involvement in the Gujarat violence. However, it was widely reported in the media that many in the Muslim community believe she was the “fall guy” for Narendra Modi, the Chief Minister of Gujarat at the time of the riots (who still holds that position and was recently reelected).

Notably, in early February 2012, the Gujarat High Court strongly chastised the Gujarat government and Chief Minister Modi for “inaction and negligence” during the violence. The court has also ordered the government to pay compensation for the over 500 houses and businesses that were destroyed during the violence.

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**Redress for Victims of 1984 Anti-Sikh Riots:** In 1984, anti-Sikh riots erupted following the assassination of Prime Minister Indira Gandhi. Nearly 3,000 Sikhs were killed, allegedly with the support of Congress Party officials. There have been few developments relating to prosecuting perpetrators of the anti-Sikh riots. In late 2010 the Central Bureau of Investigation (CBI) requested the Delhi Additional Sessions Court to begin criminal proceeding against a Congress Party leader, Sajjan Kumar, and five others for their alleged role in the 1984 anti-Sikh riots. After pressure from the central government, the court accepted the CBI’s request. Proceedings began in the spring of 2010 and still continue.

In another case currently pending, Resham Singh, a Sikh who was a taxi driver in 1984, alleges that he witnessed Congress Party leader Jagdish Tytler leading a mob of rioters. In late 2011 Singh requested that the Delhi court allow him to testify before the court gives its final decision which was expected sometime in March 2013, and before the CBI files its final report with the court. In mid-2012 an official court case was filed against Tytler, but the date for the trial is unknown as of this reporting.

**“Freedom of Religion Act(s)"/Anti-Conversion Laws:** Five Indian states have adopted “Freedom of Religion Act(s),” and several others are considering similar laws. While intended to reduce forced conversions and decrease communal violence, states with these laws have higher incidents of intimidation, harassment, and violence against religious minorities, particularly Christians, than states that do not. USCIRF has repeatedly received reports that societal actors who harass and intimidate minority groups often cite these laws. The laws require government officials to assess the sincerity of conversions and fine or imprison anyone using force, fraud, or “inducements” to convert others. In some states, those intending to change their religion must give the government prior notice of any conversion from Hinduism, but not toward it. Proponents allege that financial, educational, and/or other service-based benefits take advantage of economically-marginalized individuals. Opponents, however, note the laws’ ill-defined terminology regarding inducements or coercive acts, leaving them open to abuse by biased officials, police, and societal actors. Some NGOs report that some proselytizing groups use tactics that Hindus perceive as coercive or offensive.

In August 2012, the High Court of the state of Himachal Pradesh struck down parts of its “Freedom of Religion Act” for violating the state constitution. The two offending provisions were: Rule 4 (obligation to notify the authorities within 30 days of one’s intention to convert to a religion other than Hinduism), and Rules 3 and 5 (requiring the state to investigate conversions). This may prompt other states to review the legality of their own anti-conversion laws, or the federal government to require states to review their

## INDIA

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laws to ensure they are in line with the national constitution. However, as of this reporting, there are no signs that either any state government or the federal government is doing so.

**Harassment and Violence against Religious Minorities:** NGOs and religious communities, including Muslim, Christian, Sikh and Jehovah's Witnesses groups, have reported an increase in religiously-motivated harassment and violence by individuals and groups in society and by local police during the past year. In addition, rape is a common feature of communal violence, particularly of Muslim and Christian women, where the tactic spreads fear and humiliation on the community being targeted. Many NGOs and religious communities believe that religiously-motivated harassment and violence will increase before India's upcoming 2014 general election, as political parties use religious divides to bolster their political platforms and energize their voting base.

Since July and September 2011 terrorist attacks in Mumbai and New Delhi respectively, there have been reports of increased police harassment and detentions of Muslims on unfounded allegations of terrorist activities and membership in terrorist groups. For example, in a July 2012 report, the Tata Institute of Social Sciences (TISS) found that 96% of Muslims in jails in the state of Maharashtra are not linked to criminal gangs or terrorist groups, despite being detained on those allegations. Additionally, the report noted that 25% of those Muslims in jail do not have lawyers. The report also found that most prisoners were detained by police with just mere allegations of criminal or terrorist activities, and that evidence was not required.

Christian groups have also claimed an increase of harassment and violence, and report a perpetual fear of violence. For example in June 2012, a Pentecostal pastor was beaten up in the village of Mitrapur, Odisha. After the pastor's congregants took him to a hospital for treatment, a mob of 50 individuals attacked approximately 12 families associated with the Pastor's church, looting their homes and physically attacking 20 men, women and children. Reportedly, several women were raped.

Jehovah's Witnesses report an increase in mob attacks over the last two years, especially in Karnataka. The community reports that mobs of 20 to 50 individuals regularly harass and occasionally physically assault congregants or destroy religious property. For example, in July 2012, 15 young men beat up four Jehovah's Witnesses in Madikeri, Karnataka state, and took them to a police station, where the Jehovah's Witnesses were charged with "insulting the religion or religious beliefs of another class." The Jehovah's Witnesses were later released on bail.

Sikh NGOs that advocate for justice for the 1984 anti-Sikh violence report frequent harassment by both governmental officials and members of society. Reportedly the police often refuse to investigate acts of harassment targeting Sikhs.

Hindus mostly from the Sindh and Baluchistan provinces of Pakistan have been fleeing in recent years due to religious persecution, including kidnappings, forced conversion and violent attacks. The U.S.-based Hindu American Foundation reports that an estimated 1,000 Hindus flee Pakistan annually for India. After the end of the reporting year, the Indian Minister of State for Home Affairs announced that the Indian government would not recognize refugee status for these individuals.

### **RECOMMENDATIONS FOR U.S. POLICY**

Since 2004, the U.S. and India have pursued a strategic relationship based on shared concerns about energy, security, and the growing threat of terrorism, as well as shared values of democracy and the rule of law. The U.S. government should:

## INDIA

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- integrate concern for religious freedom into all bilateral contacts with India, and urge the Indian government to ensure that religious freedoms are protected at the federal and state level;
- urge India to increase training on human rights and religious freedom standards and practices for police and the judiciary, particularly in areas with a history or likelihood of communal violence;
- engage directly with Indian states with a history of communal violence or that have anti-conversion laws, encouraging them to strengthen the ability of state and central police to provide effective measures to prohibit and punish cases of religious violence to the fullest extent of the law while protecting victims and witnesses;
- urge the central Indian government and states that have adopted “Freedom of Religion Act(s)” to repeal or amend them, so as to conform with international standards;
- urge India to utilize the National Commission on Minorities to the fullest extent, including empowering it with enforcement mechanisms including the ability to conduct trials or hear appeals;
- encourage the establishment of an impartial body of interfaith religious leaders, human rights advocates, legal experts, and government officials to discuss and recommend actions to promote religious tolerance and understanding; and
- urge all political parties and religious and social organizations to denounce publicly violence against and harassment of religious minorities, women, and low-caste members, and to communicate to all members and affiliates that acts of violence or harassment will not be tolerated.



# INDONESIA



## **USCIRF STATUS:**

**Tier 2**

## **BOTTOM LINE:**

The country's rich tradition of religious tolerance and pluralism is threatened by the arrests of individuals considered religiously deviant and by the violence of extremist groups like the Islamic Defenders Front (FPI) targeting Ahmadiyya, Christians, Shi'a, and Hindus. Federal and provincial officials, police, courts, and religious leaders often tolerate and abet the activities of FPI and other religious freedom abusers.

## INDONESIA

Indonesia is a stable and robust democracy with political institutions able to advance and protect human rights. In recent years, however, the country's traditions of religious tolerance and pluralism have been strained by ongoing sectarian tensions, societal violence, and the arrest of individuals considered religiously "deviant." While the government has addressed past sectarian violence and effectively curtailed terrorist networks, religious minorities continue to experience intimidation, discrimination, and violence. The Indonesian government, including the local police, provincial officials and the courts, often tolerates activities of extremist groups, fails to enforce national laws protecting religious minorities, and issues lenient sentences to individuals arrested for engaging in violence. In addition, national laws and provincial decrees have led to serious abuses of the freedom of thought, conscience, and religion or belief, including destruction or forced closure of religious venues and imprisonment of individuals accused of blasphemy or "deviant" religious teachings. Based on these ongoing concerns, USCIRF places Indonesia on Tier 2. Indonesia had been on USCIRF's Watch List since 2001.

### **BACKGROUND**

The majority of Indonesia's diverse religious communities operate openly and with few restrictions, particularly the six recognized religious groups (Islam, Buddhism, Hinduism, Catholicism, Protestantism, and Confucianism). Indonesia's vibrant media allows for a free market of religious ideas and publications, including the presence of popular religious television personalities from many different faith traditions. Indonesian law does not prohibit changing one's religion, though it does prohibit proselytizing to members of other recognized groups.

There are more Muslims in Indonesia than in any other single country and Indonesian Islam is known for its accommodation of a variety of indigenous cultural and religious traditions. Over the past decade, there has been a revival of Islamic awareness and piety. The wearing of traditional forms of Islamic dress has re-emerged as an outward sign of devotion; the number of Islamic banks, businesses, and publications is growing; and Islamic-themed art and fiction are becoming more popular. Indonesian Muslim leaders have often played an important role in public life and there are numerous religiously-based political parties, universities and schools, media, and other institutions.

Christians represent an estimated 10%-12% of Indonesia's population. Christian groups in Indonesia also report a surge in attendance and adherence in recent years. This apparent growth is an ongoing source of contention, particularly in areas that historically were devoid of non-Muslim religious minorities. Hindus, mostly practicing on the island of Bali, are an estimated 3% of the population, and Buddhists, Confucionists, and adherents of local religious traditions make up another 2%. The State Department estimates approximately 200,000-400,000 persons belonging to the Ahmadiyya interpretation of Islam. There may be as many as 50-60 million members of religious minorities in Indonesia.

### **RELIGIOUS FREEDOM CONDITIONS**

**Religiously-Motivated Extremist Organizations:** Over the past fifteen years, Indonesia has experienced a growth in political groups, terrorist networks, and extremist militia groups that have stoked religious tensions, sectarian conflict, societal violence, and intimidation and discrimination against religious minorities, resulting in severe and ongoing violations of religious freedom and related human rights.

Though the influence of these groups—which include the Islamic Defender Front (FPI) and dozens of other similar groups—far exceeds their size or electoral appeal, sympathetic police and government

## INDONESIA

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officials too often tolerate their activities. In some parts of Indonesia, a culture of impunity exists in which extremist groups operate with few consequences, harassing places of worship, extorting protection money from religious minorities, pressuring local officials and judges to detain and restrict allegedly heterodox individuals, and recruiting potential members for terrorist activities. Observers note these actions threaten religious freedom, as well as Indonesia's tradition of tolerant pluralism and its democratic future.

In the past year, both governmental action and societal violence led to the death of a Shi'i follower, the forced closure of Christian churches and Ahmadiyya mosques, and the imprisonment of individuals practicing allegedly heterodox versions of Islam or spreading atheism. Individuals who killed Ahmadiyya Muslims during a February 2011 mob attack were released from prison after serving light sentences of five to seven months. Police and local officials sometimes intervene to prevent property destruction and arrest individuals responsible for violence. However, the uneven response and inconsistent punishments have not deterred attacks and foster fear and uncertainty in religious minority communities, particularly in West Java, South Sumatra, South Sulawesi, Lombok, and parts of East Java. According to Indonesia's Setara Institute, which monitors religious freedom and the activities of Islamists militants, there were 264 cases of attacks against religious minorities in 2012, a slight increase from the previous year.

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IN SOME PARTS OF  
INDONESIA, A  
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President Susilo Bambang Yudhoyono has publicly supported religious tolerance and pluralism and promised to protect religious minorities and hold perpetrators of sectarian violence accountable. His government has also taken an active role in counter-terrorism efforts, effectively disrupting many terrorist cells engaged in ongoing attempts to stoke sectarian violence. Nevertheless, the Yudhoyono government supported the 2008 decree "freezing" Ahmadiyya activities, refused to intervene when provinces of West Java and South Sulawesi banned Ahmadiyya activity, and has not enforced a Supreme Court decision to re-open closed churches, such as the GKI Yasim church in Bogor, West Java. Moreover, in September 2012, President Yudhoyono called for an international instrument to prosecute "religious blasphemy," seeking to globalize an approach that has sent over a hundred people to jail in Indonesia over the past seven years.

Members of the President's cabinet sometimes send mixed messages on religious freedom. His Minister of Religious Affairs, Suryadharma Ali, publicly supported provincial bans on Ahmadiyya and stated that the "solution" to religious intolerance in Indonesia was the conversion of Ahmadiyya and Shi'a to the dominant form of Sunni Islam. However, the Coordinating Minister for Political, Legal and Security Affairs, Djoko Suyanto, stated that an outright ban of the Ahmadiyya was "unconstitutional" and Home Affairs Minister Gamawan Fauzi has said FPI and other "archaic" and "violent mass organizations" should be disbanded.

Religiously-motivated extremist organizations, though a clear political and religious minority, have outsized societal influence because they are able to organize large public demonstrations and have advocates in influential political, military, and religious circles, particularly in the government-supported Indonesian Ulema Council (MUI) and the Attorney General's religion advisory group (*Bakor Pacem*). With Indonesian parliamentary and presidential elections slated for 2014, issues of religion and state, the protection of religious minorities, and the importance of tolerance and religious freedom will engender additional debate and potentially more sectarian conflict in the year ahead.

**Restrictions and Societal Violence Targeting the Ahmadiyya:** Since the 2008 Joint Ministerial decree "freezing" Ahmadiyya religious activity and banning them from proselytizing under threat of five-year prison sentences, at least 60 Ahmadiyya mosques were vandalized, 42 mosques forcibly closed, and three

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Ahmadiyya followers killed in mob violence. Ahmadiyya are reportedly allowed to gather for private worship in most parts of the country, but in some parts of East and West Java, South Sulawesi, and Lombok provinces, extremist groups consider any visible Ahmadiyya activity as proselytizing and pressure local officials to close places of worship. The governors of East Java, West Java, and South Sulawesi have banned public Ahmadiyya practice by decree.

During the reporting period, FPI leaders and government officials in West Java cited local ordinances to justify attacks on or closures of Ahmadiyya mosques. In April 2012, a mob of 150 destroyed part of an Ahmadiyya mosque in Singaparna, West Java. Police were outnumbered and did not stop the vandals. In July 2012, a mob attacked an Ahmadiyya compound in Cisalada village, West Java, causing injury and property damage. Local government officials reportedly later forced Ahmadiyya leaders to publicly apologize for angering the community. In October 2012, an FPI group attacked and destroyed the An

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THE GOVERNORS OF EAST JAVA, WEST  
JAVA, AND SOUTH SULAWESI HAVE BANNED  
PUBLIC AHMADIYYA PRACTICE BY DECREE.

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Nasir mosque in Bandung, West Java. Police later arrested one person for the mob attack, who was given a three-month sentence.

Hasan Suwandi, a guardian of the Ahmadiyya Cipeuyeum mosque in Cianjur, West Java, was given a two year sentence for “criminal defamation.” He was arrested in 2012 for saying publicly that the local police chief had given permission for an Ahmadiyya mosque to be reopened.

Indonesian non-governmental organizations (NGOs) and media continue to report the involvement of Indonesian military officials (TNI) in discussions with Ahmadiyya leaders in West Java. TNI officers reportedly offer to cancel debts of Ahmadiyya who renounce their faith.

**Forced Closure and Vandalism of Religious Minorities’ Properties:** During the reporting period, extremist groups and local government officials denied permits, forcibly closed, sanctioned protests at, or vandalized venues of religious minority groups other than Ahmadiyya. Most cases were reported in West Java, with others in East Java, West Lombok, West Sumatra, Aceh, and Madura, involving Christian, Buddhist, and Shi’i Muslim facilities.

Religious leaders and human rights advocates continue to blame conflicts over religious properties on the Revised Joint Ministerial Decree on the Construction of Houses of Worship (2006). The difficulties and delays inherent in getting building and worship permits provide FPI and other extremist groups a pretext for vandalism, intimidation, and pressuring local officials to revoke or delay permissions. The decree mandates that religious groups obtain the signatures of at least 90 congregation members and 60 area residents on an application, as well as approval from both a local religious “harmony” board and the local government.

The city of Bekasi, West Java, continues to be flashpoint of conflict between Christian churches and the local government. In February 2012, the Batak Protestant Church Kaliabang (HKBP), the Merciful Christ Church of Indonesia (GKRI), and a Pentecostal Church in Indonesia (GPdI) were closed, allegedly for lack of required permits. Two of the churches had met the requirements of the 2006 Decree and submitted applications to the city government. In May 2012, a mob threw bags of urine and feces at members of the Philadelphia Batak Christian Protestant Church. There continue to be weekly protests at this church site.

In March 2012, authorities and police raided and forcibly closed down construction of St. Ignatius Church in Padang, West Sumatra, citing opposition from Muslim residents. After church leaders threaten to sue, authorities allowed church members to meet at the site. Also in March 2012, gunmen attacked a church in Indramayu, West Java. There were no injuries. Police do offer protection during Sunday worship

services there. In April 2012, authorities in Tangerang, Banten province, closed down a small Pentecostal church after FPI members twice attacked it and threatened its pastor.

The situation of the GKI Yasim Church of Bogor, West Java has gained international attention. Despite a January 2011 Indonesian Supreme Court decision and a ruling by the National Ombudsman favoring the church, Bogor city officials continue to deny it a building permit and have sealed the church. In February 2012, President Yudhoyono refused to enforce the Supreme Court ruling, citing Indonesia's regional autonomy law, and instructed the Ministry of Religious Affairs to assist in finding a local solution so that "worship may be held at the church." The Minister of Religious Affairs has proposed a separate site for the church, a solution rejected by church leadership.

**New Violence and Abuses Targeting Shi'i Muslims:** There has been a noticeable increase in violence targeting Shi'a in East Java during the past reporting year. Tensions between Sunni religious leaders and officials and the small Shi'i communities have been rising for several years, particularly in the province of Madura. Violence has escalated because government officials, including the Religious Affairs Minister, and government-supported religious institutions, such as the MUI and *Bakor Pacem*, have started to label Shi'i teachings as "heresy."

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IN AUGUST 2012, A MOB AGAIN ATTACKED...[A] SHI'I VILLAGE, BURNING DOWN THE REMAINING HOMES, KILLING ONE MAN, AND INJURING ANOTHER.

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In January 2012, looters attacked and burned the homes and shops of Shi'i families in Sampang, Madura province. At least 500 Shi'a were displaced to a local sports pavilion where they were reportedly asked to sign statements saying they would "return to the right path" of Sunni Islam before receiving humanitarian assistance. Police detained one suspect in the attack and the East Javan governor promised to restore and protect Shi'i properties. In August 2012, a mob again attacked the same Shi'i village, burning down the remaining homes, killing one man, and injuring another. Police officers at the scene did not intervene to stop the attack and no arrests have been made.

In January 2012, police arrested Tajul Muluk, a Shi'i cleric, after a local MUI fatwa declared his teachings to be "deviant." In July 2012, Muluk was sentenced to two years' imprisonment for blasphemy under Article 156(a) of the criminal code.

**Enforcement of the Law against "Deviancy" and Arrests of Religious Minorities:** In the past year, local authorities continued to enforce Indonesia's "deviancy" or blasphemy law (Article 156(a) of the criminal code), which punishes "hostility, hatred or contempt against religions" or "disgracing a religion" with up to five years in jail. According to Indonesian think tanks tracking human rights, the use of the deviancy law has increased over the past decade. Since 2003, over 150 individuals have been detained and dozens of others sentenced under Article 156(a).

In March 2012, Andreas Guntur, the leader of the spiritual group *Amanat Keagungan Ilahi*, was sentenced to four years' imprisonment for blasphemy, allegedly because of his heterodox Islamic teachings. In February 2012, Alexander Aan, a civil servant in West Sumatra, was arrested on charges of blasphemy for starting a Facebook page advocating atheism. A Sijunjung district court in West Sumatra gave him a two-year sentence for "incitement," allegedly because a local FPI group attacked and beat Aan for his Facebook postings. Aan's lawyers are attempting to take his case to the Supreme Court.

Two Baha'i members remain in prison in East Lampung, East Java. They were accused of "trying to convert" Muslim children after they offered classes that taught moral virtues drawn from the Baha'i faith to neighborhood children. They were sentenced under Indonesia's law prohibiting proselytizing of minors, which was used in 2005 to imprison three Christian women who ran a daycare center.

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**Issues in Aceh Province:** The Aceh provincial government continues to implement Presidential Decree 11/2003, which allowed the province to implement a local interpretation of Shari'ah law, establish Shari'ah courts, and operate a vice patrol, known as *Wilayatul Hisbah* (WH). Christians and other non-Muslims are exempted. WH patrols continue to enforce dress codes and bans on alcohol consumption, gambling, and unchaperoned male-female liaisons (seclusion) with punishments including canings and fines. Government oversight of WH forces has improved, and WH members have been sentenced for raping a woman detained for a dress code violation.

Nonetheless, WH patrols continue to enforce dress code and seclusion laws, and women are the majority of those fined and detained. In the past reporting year, WH members continued to target the “punk” youth subculture, detaining suspects, breaking up concerts, and shaving spiked hair.

In the past year, groups similar to FPI have attacked Christian churches in Aceh and convinced local authorities to close 29 churches and 5 Buddhist temples. Between March and May 2012, under threat of mob violence, authorities closed 20 Protestant house churches and four Catholic Churches in the Singkil regency of Aceh. Ten Protestant churches belonging to the ethnic minority group Pakpak Dairi were closed and another attacked with a firebomb. One of the closed Catholic churches, the Napagaluh Catholic Church of St. Paul in the village of Lae Balno, Singkil regency, had been operating since 1974 without incident. In October 2012, the Deputy Mayor of Banda Aceh, the provincial capital, closed nine churches and five Buddhist temples because they did not have required permits, despite having registered with the Indonesian Religious Ministry and submitted applications for permits. The Deputy Mayor cited a 1979 agreement between Muslims and Christians in Aceh that stated that only one church would be built per district. Home Minister Gamawan Fauzi defended the decision of the Aceh local administration, saying that the buildings did not have the required permits.

In November 2012, Acehnese villagers attacked an allegedly “heretical” Muslim sect in Bireuen, Aceh, targeting the house of Muslim teacher Tengku Aiyub Syakuban, who was killed in the attack along with one of his students. No villager was arrested for taking part in the attack.

### **RECOMMENDATIONS FOR U.S. POLICY**

As part of the U.S.-Indonesia Comprehensive Partnership and Counterterrorism Cooperation efforts, the U.S. government should:

- create a regular bilateral mechanism to discuss the protection and promotion of religious freedom and related human rights and in those discussions, urge the Indonesian government to:
  - overturn the Joint Ministerial Decree on the Ahmadiyya community and any provincial bans on Ahmadiyya religious practice, fully protect the rights of religious minorities under the Indonesian constitution and international law, and hold accountable any individual who organizes or carries out violence targeting the Ahmadiyya or other religious minorities;
  - amend or repeal Article 156(a) of the Penal Code, release anyone sentenced for “deviancy,” “denigrating religion,” or “blasphemy,” and provide clear guidelines to local governments on ending prosecutions of those detained under Article 156(a); and
  - amend the Joint Ministerial Decree No. 1/2006 (Regulation on Building Houses of Worship) to comply with the Indonesian constitution and international standards, remove any restrictive barriers on building and refurbishing places of worship, provide restitution to religious communities whose venues have been destroyed or closed due to mob violence or protests, and ensure that those responsible for such acts are prosecuted;

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- prioritize programs that support religious and civil society groups that promote religious freedom, counter extremism, teach tolerance, and build interfaith alliances, including by:
  - expanding the capacity, training, and reporting ability of human rights defenders;
  - training members of provincial Joint Forums for Religious Tolerance (FKUBs) to mediate sectarian disputes in ways consistent with Indonesia's national and international religious freedom commitments; and
  - training and building capacity for legal reform advocates, governmental judicial officials and judges, and legal and human rights organizations; and
- train Indonesian police and counter-terrorism officials to address sectarian conflict and religiously-related violence through practices consistent with international human rights standards, while ensuring any officers participating in such programs have not been implicated in abuses and deny any funding, training, or U.S. visas to any police or security agency personnel found to have engaged in violations of human rights.

# KAZAKHSTAN



## **USCIRF STATUS:**

**Tier 2**

## **BOTTOM LINE:**

Although the Kazakh government promotes religious tolerance at the international level, its restrictive 2011 religion law bans unregistered religious activity and has been enforced through police raids, detentions, and major fines. The law's onerous registration requirements have led to a sharp drop in the number of registered religious groups, both Muslim and Protestant.



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Religious freedom conditions in Kazakhstan deteriorated in 2012. In late 2011, the Kazakh government adopted a repressive new religion law, which resulted in a sharp drop in the number of registered religious groups in 2012. Unregistered religious activity is illegal, and the activities of registered groups are strictly regulated. During the reporting period, religious organizations were closed and religious activity was penalized with police raids, short-term detentions, fines, and other penalties. Based on these concerns, in 2013 USCIRF places Kazakhstan on Tier 2 for the first time. The Commission has reported on Kazakhstan in its Annual Reports since 2008.

### **BACKGROUND**

Kazakhstan, as befits a country which is home to a wide array of ethnic groups, was once considered one of the most liberal countries in post-Soviet Central Asia regarding religious freedom. Over the past five years, however, conditions have steadily deteriorated due to a growing array of repressive laws and policies, as well as government action against peaceful religious practice deemed “illegal.” Despite commitments by President Nazarbaev to promote “traditional” faiths domestically and internationally, he has overseen actions against religious freedom. The Kazakh government has also used deadly force against public protests, such as in December 2012 when police killed 16 striking oil workers in the western city of Zhanaozen. Afterwards, the government deployed security forces in that region, with observers noting a crackdown on human rights, particularly on the freedoms of press and religion. As a result, the situation in Kazakhstan has grown closer to the negative conditions of its southern neighbors.

This trend accelerated after President Nazarbaev signed new legislation limiting freedom of religion or belief in late 2011, despite a 2009 ruling by the Constitutional Council that a similar law violated the constitutional provision of equal status for all religious groups under the law. The new law garnered strong criticism from the Organization for Security and Cooperation in Europe (OSCE), which Kazakhstan chaired in 2010, as well as from domestic civil society and religious communities.

The 2011 law set complex registration requirements for religious organizations, banned all unregistered religious activity, restricted the activities of registered groups, and increased the penalties for violations, which include monetary fines, suspensions, or liquidations. Under the new registration rules, religious organizations must register with national, regional and/or local Ministry of Justice authorities. Regional and local religious organizations are only allowed to be active in their geographic area of registration. Central and local government permission is required to build or open new places of worship. The distribution of religious materials is only permitted in places of worship and other government-approved premises. Registered religious groups may teach their faith to their own members, but regional and national registered religious groups can only train clergy in officially-approved institutions. Praying and prayer rooms are not allowed in government buildings.

Under the 2011 law, all religious organizations were required to re-register by October 2012 with both the central government and local governments of regions where they have congregations, or face liquidation by the courts. To register locally, a religious organization must have at least 50 members whose names and addresses must be included in the application. Unless registered as regional or national organizations with at least 500 members in each of two regions, communities are only permitted to be active in geographic areas of registration. National registration requires 5,000 members in each of the country’s oblasts. The statute of each registered religious organization must disclose its religious ideas, types of activity, attitudes towards marriage and family, and personal data about its leaders and members. As a result, many of the previously registered religious organizations could not meet the new threshold and lost their legal status.

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Under the new law, all founders of religious communities must be Kazakh citizens. The leaders of religious organizations appointed by foreign religious groups need prior approval by the Agency of Religious Affairs (ARA), the government body in charge of monitoring religious activity. Missionaries must be invited by a registered religious community, must limit activities to its area of registration, and must have an official annual permit which specifies all activities and religious materials.

The religion law restricts children's participation in religious activities if a parent or guardian objects and it is an administrative offense not to prevent a child's participation. The amended Law on the Rights of the Child does not allow religious activities in children's holiday, sport, or leisure organizations and camps.

Other laws also limit religious freedoms. Under the Kazakh Administrative Code, organizations that hold illegal meetings, disseminate unregistered religious materials, or build religious facilities without a permit can be suspended for three months. A suspended organization is banned from media contacts, holding meetings, or undertaking most financial transactions. If a religious organization engages in illegal activities or fails to correct the violations that led to its suspension, the organization is banned. The Administrative Code also sets fines for religion law violations. For example, the leader of a registered group can be fined US \$5,503 for ignoring a legal violation or US \$3,302 if the group conducts activities not listed in its charter. New criminal penalties that restrict freedom of religion and belief are part of the draft new Criminal Code released for public discussion in January 2013. This draft will likely be considered in parliament, the Majilis, in August and adopted by late 2013, Forum 18 reported.

### **RELIGIOUS FREEDOM CONDITIONS**

**Registration Refusals and Liquidations:** By October 2012, when the year-long re-registration period ended, the number of registered religious organizations fell from 46 to 17, Eurasianet reported. The number of registered faith-based civic groups fell from 4,551 to 3,088. The ARA director said in Almaty that of 666 registered Protestant religious associations, 462 were re-registered and the remaining 204 "will be liquidated." He also said that out of 48 "non-traditional" religious organizations—whose identity he did not specify—only 16 were registered. Catholic communities were exempted from re-registration because of an agreement between the Holy See and Kazakhstan. Religious groups have described the re-registration process as "complex," "burdensome," "arbitrary," "unnecessary," and "expensive."

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THE NUMBER OF REGISTERED RELIGIOUS ORGANIZATIONS FELL FROM 46 TO 17...

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After the re-registration deadline passed, courts ordered the closure a number of religious communities in rulings deemed arbitrary by observers. For example, the Kostanai congregation of the Russian Orthodox Church Abroad was denied registration because it does not have its own house of worship. One Protestant church was liquidated for "false information" after one of its 54 founders died, even though registration requires 50 founders. Another Protestant church said it was closed down because most of its members are ethnic Kazakhs. The Grace Presbyterian Church was required to reduce the number of its registered churches from 70 to 14.

In 2012, the Seventh-day Adventist Church in Astana was officially warned to halt activity and return its registration certificate. The head of the registered Baptist Union told Forum 18 that their small communities across the country had received similar warnings. In December 2012, a court ordered the liquidation of the Almaty and Medeo Scientology Churches; after the reporting period, the rulings were

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upheld on appeal. Land use and other regulations are also used as a means to deny religious communities legal status. In 2012 in Taldykorgan, the authorities forced a Methodist church to “voluntarily” close and fined the wife of its pastor. Kentau’s Love Presbyterian Church was fined and forced to close by a court due to alleged fire safety violations.

Although there is no law or regulation to this effect, President Nazarbaev and other officials insist that only Hanafi Sunni Muslim communities that belong to the state-backed Muslim Board are allowed legal status through registration. As of late 2012, only those Muslim communities affiliated with the state-backed Muslim Board had been registered. Aktobe’s independent Hanafi Sunni Nurdaulet Mosque had been registered in 2001, but the mosque’s attempt at re-registration was rejected in November 2012 and the rejection later upheld on appeal. The community plans to continue to hold services. Shi’i Muslim communities were denied legal status, as were all Ahmadi Muslim communities. In addition, mosques whose attendees mainly belong to one ethnic minority also were denied re-registration, such as Almaty’s Azeri Shi’i community. The 160-year-old Tatar-Bashkir Din-Muhammad Mosque in Petropavl, rebuilt by its community; lost its court appeal against liquidation after the reporting period. A Kazakh official told Forum 18 that its leaders will be punished if prayers are held in that mosque after the liquidation order comes into effect.

**Police Raids, Fines, and other Penalties for Religious Activity:** Kazakh human rights activist Vadim Kuramshin was arrested in November 2012 before he could call public attention to the closure of the aforementioned Tatar-Bashkir Din-Muhammad Mosque in Petropavl. He had also criticized Kazakhstan’s problem with torture at the OSCE’s Human Dimension Meeting in September. In December 2012, Kuramshin received a 12-year term of imprisonment for “arbitrary acts” after a trial widely seen as unfair; as of the end of the reporting period, his sentence was on appeal.

Before the October 25, 2012 re-registration deadline, raids continued on registered religious communities, EurasiaNet reported. The Grace Church in Astana and New Life Church in Oral (Uralsk) in West Kazakhstan Region were raided in early October 2012. Raids, often without search warrants, also continued on members of the unregistered Baptist Council of Churches, who face possible confiscation of their homes if they continue to meet for worship and refuse to pay court-ordered fines. Baptist Vasily

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RAIDS...CONTINUED ON  
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Stakhnev reportedly was framed by police and then fined for distributing religious literature. The Church of Scientology reported two members were found guilty for unregistered religious activity and police raided church properties.

In February 2012, the leader of an unregistered Baptist community in eastern Kazakhstan was fined a year and a half’s average local wages for holding unregistered religious services. In October 2012, a Protestant pastor in Astana was accused of driving a member insane, harboring extremist literature and giving worshippers a red drink with “hallucinogenic ingredients inducing euphoria,” EurasiaNet reported. In January 2013 police raided at least five Protestant worship meetings in Kazakhstan, according to Forum 18. Three Council of Churches Baptist pastors in the North Kazakhstan Region received maximum administrative court fines of nearly two months’ average wages. In the Karaganda region, local anti-terrorist police raided the registered New Life Protestant Church. Police also raided three Jehovah’s Witnesses meetings in January 2013 and briefly detained attendees; these incidents occurred in the village of Sarykolv in Kostanai Region, in Karazhal in the Karaganda Region, and in the village of Esil in northern Akmola Region.

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Since August 2012, four Jehovah's Witnesses, two Muslims, and a Protestant have stood trial for "illegal missionary activity" and received heavy fines. At least three others were awaiting prosecution in early 2013, Forum 18 reported.

Russian citizen Leonid Pan, who had lived in Kazakhstan for 15 years, was denied a new Kazakh residence permit, reportedly because he is a Protestant preacher.

**Extremism Law Issues:** Kazakhstan's 2005 extremism law, which applies to religious and other organizations, does not define extremism in terms of the use or advocacy of violence and gives the government wide latitude in designating a group as an extremist organization, banning a designated group's activities, and criminalizing membership in a banned organization. The amended Civil Procedural Code provides a vague definition of the legal criteria for government agencies to bring suit against an organization on extremism charges. The Procurators have the right to conduct annual inspections of all registered organizations, and they regularly do so.

In October 2011, an Almaty court found nine members of a Sufi group guilty of religious extremism, unlawful restraint, and causing damage to health by practicing "faith healing." The group's leader received a 14-year prison sentence, one member received a 12-year sentence, and seven others received sentences ranging from two to nine years, the State Department reported.

**Official Intolerance of Disfavored Groups:** The 2011 religion law declares all religious communities equal under the law. The law's preamble, however, "recognizes the historical role of Hanafi Islam and Orthodox Christianity in the development of the nation's culture and spiritual life." While the preamble lacks legal status, it sends a signal that some religions are officially viewed as more equal than others.

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THE KAZAKH GOVERNMENT  
SUPPORTS "ANTI-SECT CENTERS,"  
WHICH PROMOTE INTOLERANCE...

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The Kazakh government supports "anti-sect centers," which promote intolerance against certain religious communities, particularly some Protestant groups. Government and ruling party officials have publicly denigrated these groups as "non-traditional," "destructive," and "dangerous sects," while publicly praising "traditional" religions. For example,

in 2012 government officials, the Muslim Board and local authorities in West Kazakhstan, Karaganda and Aktobe regions held public meetings for this purpose.

**Increased Government Control of Muslims:** The Muslim Board is closely tied to the Kazakh government and exercises major influence over mosque construction, the administration of exams and background checks for aspiring imams, and coordinating *hajj* travel. The Muslim Board reportedly pressures nonaligned imams and congregations to join it or face the closure of their mosques, according to the State Department. Imams of independent mosques have said that they are willing to join the Board, but they do want to retain property rights to their mosque buildings and they want to remain as imams. Officials have also pressured the financial backers of independent mosques to urge their imams to join the Muslim Board. Reportedly, all mosques that join the Muslim Board must transfer one third of their income to that organization.

Government surveillance of all religious communities, including Muslims, continued. By 2012, increased official surveillance of observant Muslims had fueled popular resentment and official discrimination in Kazakhstan's western regions, according to Eurasianet.

**Treatment of Asylum Seekers:** In June 2012, the UN Committee Against Torture (CAT) ruled that Kazakhstan had violated its commitments under the Convention against Torture by returning 29 Muslim asylum seekers in 2011 to Uzbekistan, where they would likely face torture. The men were detained when they arrived back in Uzbekistan and some received prison terms of over ten years.

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On a positive note, Uzbek Protestant pastor Makset Djabbarbergenov was released from prison in Almaty on December 4, 2012 and he and his family left Kazakhstan for asylum in Germany. The United Nations High Commissioner for Refugees (UNHCR) had facilitated the pastor's release, despite Uzbek efforts to extradite the pastor for leading an unregistered Protestant community, for which he could be subject to a 15-year prison term.

**Restrictions on Religious Materials:** In 2012, the new religion law's censorship regulations for religious literature went into effect. By May, only 182 Muslim religious texts had passed the required official examination. It is unknown how many religious texts await review or how many had been banned. In Kazakhstan the numbers of bookshops allowed to sell religious material is restricted. The only Muslim texts that can be sold are Hanafi Sunni Muslim texts, according to Forum 18. By early 2013, Kazakh local authorities and police were strictly enforcing the expanded censorship regulations through the imposition of raids and fines. In Astana in January 2013, anti-terrorist police arrested 44 Muslims for alleged distribution of illegal religious literature; reportedly, at least two are facing administrative charges.

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IN 2012, THE NEW RELIGION LAW'S  
CENSORSHIP REGULATIONS FOR RELIGIOUS  
LITERATURE WENT INTO EFFECT.

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### **RECOMMENDATIONS FOR U.S. POLICY**

In order to promote freedom of religion or belief in Kazakhstan, the U.S. government should:

- press the Kazakh government to allow religious groups to operate freely without registration until substantive amendments to the 2011 Religion Law's registration process ease it and make it voluntary, thereby bringing it into compliance with recommendations of the Organization for Security and Cooperation in Europe (OSCE) Panel of Experts on Freedom of Religion or Belief;
- urge the Kazakh government to cease police raids of religious meetings, as well as the issuance of fines, property confiscation, detentions and imprisonment of participants and religious leaders;
- encourage President Nazarbaev to speak publicly about respect for religious freedom for all Kazakhstanis, to clarify that repressive government actions will not be tolerated, and to include minority religious communities into the Congress of World and Traditional Religions held biannually in the capital Astana;
- encourage public scrutiny of Kazakhstan's record on religious freedom and related human rights in appropriate international fora, such as the UN, OSCE and other multilateral venues, especially in cases of prosecution of Kazakh citizens for comments at such fora;
- urge the Kazakh government to agree to visits by UN Special Rapporteurs on Freedom of Religion or Belief, the Independence of the Judiciary, and Torture, set specific visit dates, and provide the full and necessary conditions for such a visit;
- ensure that the U.S. Embassy in Kazakhstan maintains active contacts with Kazakh human rights activists and press the Kazakh government to adopt policies to ensure that every prisoner has greater access to his or her family, human rights monitors, adequate medical care, and a lawyer, as specified in international human rights instruments;

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- specify freedom of religion as a grants category and area of activity in the Democracy and Conflict Mitigation program of the U.S. Agency for International Development and the Democracy Commission Small Grants program administered by the U.S. Embassy, and encourage the publicly-funded National Endowment for Democracy to make grants for civil society programs on tolerance and freedom of religion or belief; and
- increase radio, Internet, and other broadcasting, particularly in the Kazakh language, of objective news and information on relevant issues, including specific religious freedom concerns in the country and explaining why religious freedom is an important element of U.S. foreign policy.

# LAOS



## **USCIRF STATUS:**

**Tier 2**

## **BOTTOM LINE:**

Over the past five years religious freedom conditions have improved for the majority Buddhist groups and for other religious groups in urban areas, but provincial officials continue to violate religious freedoms of ethnic minority Protestants through detentions, surveillance, harassment, property confiscations, and forced renunciations of faith.

Serious religious freedom abuses continue in Laos. The Lao legal code restricts religious practice, and the government is either unable or unwilling to curtail ongoing religious freedom abuses in some provincial areas. In the past year, provincial officials violated the freedom of religion or belief of ethnic minority Protestants through detentions, surveillance, harassment, property confiscations, forced relocations, and forced renunciations of faith. Nonetheless, over the past five years religious freedom conditions have improved for the majority Buddhist groups and for other religious groups living in urban areas. In addition, the Lao Front for National Construction (LFNC), the agency tasked with monitoring religious activity and carrying out government religious policy, has engaged with religious groups in Laos and with international NGOs, to better understand religious freedom and to occasionally intervene in cases of detention or property confiscation. Based on these ongoing concerns, USCIRF places Laos on Tier 2 in 2013. Laos had been on USCIRF's Watch List since 2009.

## **BACKGROUND**

The Lao government's toleration of religious activity varies by region, ethnicity, and religious group. Buddhism, which is deeply embedded in Lao culture and is practiced by the vast majority of the population, is now generally free from restrictions and oversight. Lao Catholics have been allowed to build churches and, in the past several years, to ordain priests and the first new bishop since 1975. Lao Protestants in urban areas also have reported an increased ability to worship and to re-open, build, and expand some religious venues. The small Baha'i community also reports better working relations with government officials and an expansion of their facilities. Animism is practiced by most rural ethnic minority groups and, while not officially recognized, is often tolerated by provincial officials. Nevertheless, there are reports that the government discourages some animist practice viewed as dangerous or "superstitious" and actively promotes Buddhism as an alternative to traditional beliefs.

The government officially recognizes four religions: Buddhism, Christianity, Islam, and the Baha'i faith. Recognized Christian groups include the Catholic Church, the Lao Evangelical Church (LEC), and the Seventh-day Adventist Church. The government requires all Protestant groups to be part of either the LEC or the Seventh-Day Adventist Church, allegedly to prevent "disharmony." The government has not allowed other Protestant denominations, such as Methodists, to apply for recognition, making their activities illegal and subject to harassment, detention, or other serious abuses. For example, in some provincial areas, Methodist congregations cannot gather for worship, build religious venues, or conduct Christian funeral services. In other areas, provincial authorities have refused to register new churches affiliated with the LEC, in order to slow the spread of Protestantism.

The Lao Constitution provides for freedom of religion, but the Prime Minister's 2002 Decree on Religious Practice (Decree 92) contains language allowing government control of, and interference in, religious activities. Religious leaders have reported that legally permitted religious activities, such as proselytizing and producing religious materials, are restricted in practice. They also complain that the requirement to obtain permission for any new religious activity is used to restrict their ability to import religious materials and construct religious venues. In addition to cumbersome approval requirements, the decree contains vague prohibitions on activities that create "social division" or "chaos" and reiterates parts of the Lao criminal code arbitrarily used in the past to arrest and detain dissidents. Provincial officials routinely cite the social and familial divisions caused by the spread of Protestantism as justification for serious religious freedom abuses.

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...OVER THE PAST FIVE  
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GROUPS LIVING IN  
URBAN AREAS.

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# LAOS

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The Lao government has been either unwilling or unable to stop provincial authorities and security officials from committing serious abuses against ethnic minority Protestants. Reports indicate that provincial authorities either are unaware of laws protecting religious practice or fail to implement them.

THE LAO GOVERNMENT HAS BEEN EITHER UNWILLING OR UNABLE TO STOP PROVINCIAL AUTHORITIES AND SECURITY OFFICIALS FROM COMMITTING SERIOUS ABUSES AGAINST ETHNIC MINORITY PROTESTANTS.

Lao authorities continue to view the rapid spread of Christianity among ethnic minorities, particularly those who have long resisted or resented government control, as both an “American import” that potentially threatens Communist political oversight or a cause of social and familial friction in local, mostly animist or Buddhist communities.

There have been reports that LFNC officials at times have sought to resolve disputes privately between religious groups and provincial officials. For example, in the 2011 case of Abee Weng, a Protestant leader from Luang Prabang city, LFNC officials intervened to secure his release. Provincial officials had arrested Weng on charges of “spreading a foreign religion and eradicating Lao traditional religion” after he instructed several new converts to burn their items associated with traditional animist religious practice. Such interventions are a positive step, though the LFNC has not curtailed ongoing and serious religious freedom problems in provincial areas.

## RELIGIOUS FREEDOM CONDITIONS

**Serious Abuses in Ethnic Minority Areas:** Provincial officials reportedly interfered with the right of Protestants to conduct religious activities in a number of locations. The most serious abuses of the past year included detentions, forced evictions, denials of government services, and forced renunciations of faith, and occurred in Savannakhet, Luang Namtha, and Borikhamxai provinces.

In April 2012, Lao officials forcibly closed unregistered Protestant churches in Saybuli district, Savannakhet province, including the Khamnonsung church, established in 1963. Officials in Savannakhet closed unregistered churches in Saybuli district in 2011 as well, including confiscating the land of Protestants in Dongpaiwan village. Church leaders claimed that they did not want to affiliate with the LEC and did not believe they were required to, under Decree 92. According to the non-governmental organization Human Rights Watch for Lao Religious Freedom (HRWLRF), at least 20 other churches are operating in Savannakhet without official permission.

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THE MOST SERIOUS ABUSES OF THE PAST YEAR INCLUDED DETENTIONS, FORCED EVICTIONS, DENIALS OF GOVERNMENT SERVICES, AND FORCED RENUNCIATIONS OF FAITH...

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Also in April, 2012, police arrested two Protestant pastors and closed down a church in Paksong village, Songkorn district, Savannakhet province. Several weeks later, police arrested four more members of the church for ignoring the prohibition on their religious activities. Church members were forced to sign documents stating that they will not meet again and were released.

Lao authorities detained a Lao student and six Thai Christians for participating in unauthorized worship in Phonesawang village, Luang Namtha province during May 2012. The Thai Christians were charged with “illegal proselytizing” and remain in detention awaiting further charges or deportation.

In May 2012, provincial officials temporarily detained three Lao church leaders in Alowmai village, Kengsainoi village and Kapang village, Phin district, Savannakhet province. Authorities stated that the growth of the church’s membership was destabilizing to local traditions. In August 2012, a similar charge was leveled at a Lao Protestant leader who was evicted from his home and later arrested for refusing to leave the village congregation, in Nongpong village, Khamkerd district, Borikhamxai province.

## LAOS

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In June 2012 police detained a Lao Protestant pastor for proselytizing in Preeyeur village, Sing district, Luang Namtha province. He was later released and forced to sign an affidavit that he would no longer proselytize.

Local officials and police in Phin district, Savannakhet province, have used force, intimidation, and arrest to stop the spread of Protestantism. In September 2012, authorities temporarily detained three Protestant pastors after they refused to obey a local government order to close down their unregistered churches. In October 2012, authorities evicted Protestant church members who refused to renounce their faith in Vongseekaew village of Phin district. And in February 2013, three Protestant leaders were temporarily detained for “illegally disseminating” religious literature, after they were discovered making a copy of a religious DVD at a local shop. Phin district police have closed several unregistered house churches in the past year.

### **RECOMMENDATIONS FOR U.S. POLICY**

Most U.S. assistance programs in Laos invest in public health, economic development, and counter-narcotics programs, although new security sector reform programs started in 2011. There is a small religious freedom training programs for Lao officials, run through an NGO. However, human rights, rule of law, and good governance programs for Laos are very small and are not funded at the level of other assistance programs. In order to further promote freedom of religion or belief in Laos, the U.S. government should integrate concerns about religious freedom into its bilateral agenda by raising issues directly with the central government and provincial Lao officials. In addition, the U.S. government should:

- initiate a formal human rights mechanism to address regularly such issues as ethnic and religious discrimination, torture and other forms of ill-treatment in prisons, unlawful arrest and detention, and the lack of due process and an independent judiciary;
- initiate human rights and religious tolerance training as part of U.S.-Laos security sector reform programs, ensure that any officers participating in such programs are thoroughly vetted to confirm that they have not been implicated in any human rights abuses, and deny U.S. training, visas, or assistance to any unit or personnel found to have engaged in violations of human rights, including religious freedom;
- initiate technical assistance and human rights programs that support the goals of protecting and promoting religious freedom, including: rule of law programs and legal exchanges that focus on revising Decree 92; training for provincial officials on international human rights standards and Laotian laws regarding the freedom of religion; training and exchange programs in human rights, the rule of law, and religious freedom for Laotian police, religious leaders, and academics; and capacity-building for Lao civil society groups carrying out charitable, medical, and development activities in accordance with the Lao government’s new law on non-governmental organizations; and
- continue to provide adequate funding for the Voice of America and Radio Free Asia Lao language broadcasts and increase efforts to provide uncensored Internet, and other information, into Laos.

# RUSSIA



## **USCIRF STATUS:**

**Tier 2**

## **BOTTOM LINE:**

In the context of growing human rights abuses, religious freedom conditions in Russia suffered serious setbacks. The Russian government's application of its extremism law violates the rights of members of certain Muslim groups and allegedly "non-traditional" religious communities, particularly Jehovah's Witnesses, through raids, detentions, and imprisonment. Various laws and practices increasingly grant preferential status to the Moscow Patriarchate of the Russian Orthodox Church.

## RUSSIA

During the reporting period, religious freedom conditions in Russia deteriorated further and major problems discussed in previous USCIRF reports continue. These include the application of laws on religious and non-governmental organizations to violate the rights of allegedly “non-traditional” religious groups and Muslims; the use of the extremism law against religious groups and individuals not known to use or advocate violence, particularly Jehovah’s Witnesses and readers of Turkish Muslim theologian Said Nursi; official favoritism of the Moscow Patriarchate of the Russian Orthodox Church and intolerance of religious groups deemed “alien” to Russian culture; and the government’s failure to adequately address xenophobia, including anti-Semitism, which results in sometimes lethal hate crimes. In addition, an arsenal of restrictive new laws against civil society was passed in 2012, and a draft blasphemy bill before the Duma, would, if passed, further curtail the freedoms of religion, belief, and expression.

Based on these concerns, USCIRF places Russia on Tier 2 in 2013. USCIRF has reported on Russia in every annual report, and Russia has been on USCIRF’s Watch List since 2009. A USCIRF delegation traveled to Russia in September 2012.

### **BACKGROUND**

Russia’s 1997 religion law, the Law on Freedom of Conscience, defines three categories of religious communities with varying requirements, legal status, and privileges. The preface to the religion law singles out Islam, Judaism, Buddhism, and Orthodox Christianity as the country’s four “traditional” faiths, despite Russian constitutional guarantees of a secular state and equal legal status for all religions. This preface lacks legal standing, but its mention of four “traditional faiths” sets an official tone.

The Moscow Patriarchate Russian Orthodox Church (MPROC)—which claims adherents among 60 percent of Russians and has a special role in Russian history and culture—has *de facto* favored status. The MPROC has special arrangements with state agencies and bodies to conduct religious education and spiritual counseling. Most religious facilities in prisons are Russian Orthodox. While the MPROC receives most Russian state support, Islam, Buddhism, and Judaism also benefit, as have Old Believers in Moscow. Protestants and other minority religious communities do not receive state subsidies.

The 2006 NGO law granted the Ministry of Justice major oversight functions of non-governmental organizations (NGOs) and religious organizations, but reporting requirements for religious organizations were eased in 2007 after MPROC lobbying. In 2009, an Expert Religious Studies Council, headed by an “anti-cult” activist, was created to advise the Ministry on investigations of religious groups, but there are reports that its activities have since been curtailed.

Other new laws relevant to religious freedom include a 2012 requirement that public school children select from among four courses on religion or ethics and the setting of legal procedures in 2010 for the return of state-held religious property, mostly MPROC, confiscated under the Soviets.

Russia’s Constitutional Court in December 2012 ruled that organizers of religious events are not required to ask for advance official permission. The court did note, however, that religious events outside of houses of worship, designated places, or private homes, might obstruct the normal functioning of transport and therefore might require a license.

### **RELIGIOUS FREEDOM CONDITIONS**

**Application of the Extremism Law:** A serious threat to religious freedom has emerged in the Russian government’s application of its much-amended anti-extremism law. The June 2002 Extremism Law

## RUSSIA

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defines extremism in a religious context as “propaganda of the exclusivity, superiority or inferiority of citizens according to their attitude towards religion or religious affiliation.” In 2007, the definition was expanded to include “obstruction of the lawful activity (...) of social, religious or other organizations” without requiring the threat or use of violence.

Russia’s Muslim representatives have said that the extremism law has resulted in “blatant cases of persecution of Muslims” and Russian human rights groups have reported numerous prosecutions of non-violent Muslims for extremism or terrorism. These included dozens of cases of individuals detained for possession of religious literature, such as the Qur’an, or on the basis of evidence—including banned literature, drugs, weapons, or explosives—allegedly planted by the police. Russian human rights groups claim that many, if not most, of the accused are denied proper due process in these trials and are maltreated in detention. There also have been numerous extremism cases against Jehovah’s Witnesses.

According to the Memorial Human Rights Center (MHRC), at least 100 individuals, allegedly connected with Islamic groups deemed extremist by the Russian authorities, were detained in police raids in Moscow and Bashkortistan in the fall of 2012. Two imams in Novosibirsk, Ilhom Merazhov and Komil Odilov, were arrested in September 2012 for allegedly organizing a banned Nursi group and could face a maximum four-year prison term, Forum 18 reported. The imams claim they reject violence. The trial is ongoing as of this writing.

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...THE USE OF THE EXTREMISM  
LAW AGAINST RELIGIOUS  
GROUPS AND INDIVIDUALS  
NOT KNOWN TO USE OR  
ADVOCATE VIOLENCE...

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In Kazan, Tatarstan, five suspects were held in connection with a July 2012 attack on the republic’s Chief Mufti Ildus Faizov and the murder of its Deputy Mufti Valiulla Yakupov, but dozens of Muslims not linked to these attacks were arrested, according to Russian human rights groups. Moreover, several publicized cases of police torture in Tatarstan reveal an allegedly widespread issue.

In August 2012, a Chuvash Republic court ordered the arrest of five Jehovah’s Witnesses for alleged extremism; two were held in pre-trial detention for six weeks. Reportedly, this is the first court-ordered detention in contemporary Russia solely for belonging to a Jehovah’s Witness community.

A Russian court at any level may rule a work of literature extremist, which then places it on the Justice Ministry’s Federal List of Extremist Materials that are banned throughout Russia. By February 2013, 1700 titles were banned as extremist, the SOVA Center reported, and texts continue to be added to the list. Most religious texts are Islamic materials, including texts printed by Russia’s official-sanctioned Islamic publishers and approved by the Council of Muftis, as well as Russian translations of 15 texts by Turkish Muslim theologian Said Nursi. In addition, 68 Jehovah’s Witnesses texts have been banned, as well as Falun Gong literature. Once literature is banned, preparing, possessing, or distributing it can result in criminal penalty of up to 4 years or administrative charges. Jehovah’s Witnesses told Forum 18 that they have faced 56 such prosecutions since early 2010, although fewer than 18 resulted in convictions. Muslims, particularly readers of Said Nursi, have also faced such prosecutions. After the reporting period, 23 homes of Nursi readers in Kazan were raided by police; Ilnur Khafizov and Nakiya Sharifullina were arrested for alleged extremism.

In 2009, the Ministry of Justice set up a Scientific Advisory Board to check religious materials for extremism. Reportedly, by 2012 the Russian state no longer refers cases to the board after most of its members voted that texts of Turkish theologian Fetullah Gulen are not extremist.

In 2008, the Russian Supreme Court liquidated the Jehovah’s Witness group in Taganrog, partly because a court ruled its texts extremist. In November 2012 criminal charges were again brought against 16

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Jehovah's Witnesses for belonging to an allegedly extremist organization. Hundreds of raids, detentions, and literature seizures occurred since early 2009 against Jehovah's Witnesses. Russian police harassment against them may be declining, Forum 18 noted in early 2013, but that might also be due to fewer reports.

Forum 18 has reported on the results of the extremism-related trials of 18 Nursi readers and Jehovah's Witnesses across Russia. Of these, five Nursi readers received prison terms of up to 18 months and have since been released, five other Nursi readers received suspended sentences, two Jehovah's Witnesses were given required community service, and two Jehovah's Witnesses were acquitted. The trial of four Nursi readers ran out of time before a verdict was reached. Police raids and trials continue; since 2010 Nursi reader Ramil Latipov has faced a series of trials for alleged extremism in Orenburg. On another issue, a trial began in the Nizhny Novgorod Region in December 2012 to declare the book "International Tribunal for Chechnya" extremist and its authors—Stanislav Dmitrievsky, Oksana Chelysheva and Bogdan Guareli—will face criminal charges.

**Legal Status Issues:** During its September 2012 trip, USCIRF heard reports of Ministry of Justice officials requiring certain Protestant churches and new religious groups to submit extra registration data or refusing to register such groups. Officials can bring court cases to ban religious groups found in violation of Russian law. While the Salvation Army was re-registered in Moscow in 2009, it had to litigate to the European Court of Human Rights (ECtHR) to get that result. Its re-registration was the first Russian remedial action in response to an ECtHR ruling, but the Jehovah's Witnesses were not re-registered after a similar 2010 ruling. Despite a 2009 ECtHR finding that the 15-year existence rule for registration violated the European Convention on Human Rights, the Church of Scientology continues to be denied registration, and that rule was cited in a 2010 refusal to register an Armenian Catholic parish in Moscow.

Lack of registration can have dire consequences. In September 2012, police presided over the demolition of the unregistered Holy Trinity Pentecostal Church near Moscow. According to Forum 18, the Pentecostal community had tried to register this church unsuccessfully for over 15 years. A Moscow city spokesperson defended the destruction as due to a court order.

Government officials continue to obstruct the building or rental of buildings for worship, particularly for allegedly "non-traditional" groups such as Jehovah's Witnesses, the Church of Jesus Christ of Latter-day Saints (Mormons), Pentecostals, the Evangelical Christian Missionary Union, as well as non-MPROC Orthodox congregations and Old Believers. In Kaliningrad, a Catholic church was handed to the Russian Orthodox Church in 2010, although local Catholics had tried for 20 years to regain title to the church.

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MUSLIMS...OFTEN FACE  
HURDLES IN GAINING  
PERMITS TO OPEN MOSQUES.

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Muslims, particularly where they are in the minority, often face hurdles in gaining permits to open mosques. St. Petersburg Muslims have faced difficulty in opening worship space. There are five mosques in Moscow, but they cannot serve some two million Muslims, including many Central Asian migrants. Muslim representatives told USCIRF that although the Moscow mayor told them that each city district should have at least one mosque, they were denied a permit for a sixth mosque. In Sochi, the 2014 Olympic Games site, officials have denied for 15 years a mosque building permit for the city's 20,000 Muslims. The ECtHR is still considering a Russian Supreme Court ruling that an Astrakhan mosque community should demolish its own building.

**Issues in the North Caucasus:** Europe's largest violent internal armed conflict is in the North Caucasus between the Russian government and insurgents seeking a regional Shari'ah-based political unit. Since the fall of the USSR, observers report that the Salafist form of Islam has been spreading in the North Caucasus. Its growth is influenced by the negative official treatment of conservative Muslims, local traditions of religion and ethnicity, ties to the Chechen conflict, and the roles of local religious leaders, the

## RUSSIA

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International Crisis Group noted in October 2012. Most local Salafis are peaceful but face difficult integration into local societies and economies. In Dagestan, the North Caucasus' most violent region, Salafi communities are banned, but the local government has initiated an effort to build social consensus on Islam. That initiative, however, may have been hindered by the August 2012 murder of Said Afandi Atsayev, a key local Sufi leader. Three individuals were arrested in December 2012 for their alleged assistance to the female suicide attacker.

Chechnya's Kremlin-appointed president, Ramzan Kadyrov, oversees mass human rights violations, including of religious freedom. He distorts Chechen Sufi traditions to justify his rule, instituted a repressive state based on his personal religious *diktat*, and has ordered the wearing of the Islamic headscarf in public buildings. Kadyrov has praised the murders of at least nine women for "immodest behavior" since 2008; the killers have not stood trial. Kadyrov and his men stand accused of murders, tortures, and disappearances of opponents and human rights activists in Russia and abroad. By early 2013, Human Rights Watch reports, the ECtHR issued over 210 rulings against Russia for human rights violations in its counter-insurgency campaign in Chechnya. Since the start of the conflict, some 160,000 Chechens have received refugee status in Europe, according to the Jamestown Foundation.

Another North Caucasus republic, Kabardino-Balkaria, was the site of popular conflict in 2005, partly because of the closure of all mosques in its capital, Nalchik. USCIRF has recently received reports of maltreatment of prisoners sentenced for their alleged role in those events. Rustam Matsev, a lawyer who has defended the Nalchik prisoners, allegedly received death threats in June 2012, according to Amnesty International.

**Discrimination, Intolerance and Anti-Semitism:** Russian officials and police often refer negatively to certain religious groups, particularly Protestants, Hare Krishnas, and Jehovah's Witnesses, thereby contributing to a climate of discrimination, vandalism, and sometimes violence. For example, in the autumn of 2012 President Putin called for action against what he termed "totalitarian sects." The "Young Guard"—the youth wing of Putin's political party—has staged protests outside Church of the Latter Day Saints' buildings.

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RUSSIAN OFFICIALS AND  
POLICE OFTEN REFER  
NEGATIVELY TO CERTAIN  
RELIGIOUS GROUPS...

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Russian chauvinist groups also have stepped up their campaign, including death threats, against those who defend the rights of religious and ethnic minorities and migrants. Russian police, particularly in Moscow, have increased efforts to combat violent hate crimes and, according to the SOVA Center, violence has decreased three-fold since 2008. Local authorities often fail to investigate crimes and "skinhead" attacks, mainly against Muslim Central Asians and migrants. Jewish community leaders told USCIRF that although anti-Semitism still exists in Russia, the Russian government no longer supports it. President Putin donated one month's salary towards Moscow's Jewish Museum of History and Tolerance Center, which opened in November 2012.

**2012 Repressive Laws and Restrictive Bills:** In June, July, and November 2012 the Kremlin passed five sweeping new legal restrictions on civil society. These laws: increased fines for taking part in unauthorized public meetings that violate "public order;" criminalized foreign-funded NGOs involved in political activity that did not register as "foreign agents;" increased state control of the internet; re-criminalized libel, especially against state officials; and vastly expanded the definition of treason to include participation in international meetings.

According to Forum 18, the new law on unauthorized public meetings was used in September 2012 against religious communities: A Pentecostal pastor was fined for holding a religious service; in the north

## RUSSIA

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Caucasus republic of Adygea, a Muslim prayer room was closed; and Muslims in two locations were told that Eid al-Fitr ceremonies in rented premises must conform to the new law.

In September 2012 the lower house of the Russian parliament was considering a bill to levy heavy fines, community service, or possible three to five-year prison terms for “offenses against religion and religious sentiment” or affronts to the rites of religions that are an integral part of Russia’s heritage. However, President Putin announced in November 2012 that its consideration would be postponed until the spring of 2013.

In November 2012, the Russian parliament passed in its first reading amendments to the education and 1997 religion laws that would allow, at the request of parents and students, religious buildings and chapels inside Russian public schools and higher education institutes. The MPROC welcomed these proposals, but Muslim and Jewish representatives have not.

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IN...2012 THE  
KREMLIN PASSED  
FIVE SWEEPING  
NEW LEGAL  
RESTRICTIONS ON  
CIVIL SOCIETY.

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Existing Russian law has already been used to punish expression deemed to be blasphemous. In October 2012, a Russian appeals court confirmed the two-year prison terms for Maria Alyokhina and Nadezhda Tolokonnikova. These two members of the group Pussy Riot were convicted of “hooliganism motivated by religious hatred” for their February punk art performance in Moscow’s main MPROC cathedral. A third defendant received a suspended sentence because guards had blocked her from participating. The defense argued that the group’s actions were not anti-church but to protest the close ties of Russian political and religious elites. Although the group received positive support outside Russia, in Moscow USCIRF heard largely negative views about the punk protest, although only MPROC representatives supported their prison sentences.

### **RECOMMENDATIONS FOR U.S. POLICY**

In response to continuing violations of religious freedom in Russia, the U.S. government should:

- urge the Russian government, in public and at high political levels, to amend the extremism law to ensure respect for international norms on freedom of religion or belief;
- make freedom of religion or belief a key human rights and security concern in the U.S.-Russia relationship, such as by creating in the U.S.-Russia Bilateral Presidential Commission a working group comprised of legal experts on international norms on freedom of religion or belief;
- press the Russian government to reform the extremism law by adding criteria related to advocacy or use of violence to ensure the law is not used against peaceful religious communities, and to amend the process for banning books by either removing that power or giving it only to the Supreme Court;
- recommend Chechen President Ramzan Kadyrov for inclusion in the Politically Exposed Persons list of government officials whose bank assets should be frozen due to their corrupt practices and gross human rights violations;
- include in U.S.-funded exchange programs participants from Russian regions with sizeable Muslim and other religious minority populations and initiate an International Visitor’s Program for Russian officials on the prevention and prosecution of hate crimes; and



## RUSSIA

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- reprogram funding from the \$50 million slated for the now defunct USAID Russia program to other programs benefitting Russian civil society, including a new Internet program to address issues relating to post-Soviet historical and cultural issues and practical programs on tolerance and on freedom of religion or belief.

# **OTHER COUNTRIES AND REGIONS MONITORED**

BAHRAIN  
BANGLADESH  
BELARUS  
ETHIOPIA  
TURKEY  
VENEZUELA  
WESTERN EUROPE

## OTHER COUNTRIES AND REGIONS MONITORED

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### BAHRAIN

In December 2012, a USCIRF delegation traveled to Manama to assess conditions for freedom of religion or belief, particularly progress by the Bahraini government in implementing relevant recommendations from the Bahrain Independent Commission of Inquiry (BICI), including related to the rebuilding of Shi'i mosques and religious structures the government destroyed in 2011.

The delegation met in Manama with high-level government officials, including the Minister of Justice and Islamic Affairs and the Minister of Human Rights. The delegation also met with the Secretary-General of one of the leading Shi'i opposition groups, the Al-Wefaq National Islamic Society; Sunni and Shi'i religious leaders; representatives of human rights organizations; representatives of non-Muslim religious minority communities; other civil society leaders, such as lawyers and media personalities; and ordinary Bahraini citizens. In addition, the delegation met with the U.S. Ambassador and other Embassy staff.

While Bahrain does not meet the criteria to be placed this year on USCIRF's Tier 1 or Tier 2, inadequate implementation of the relevant BICI recommendations over the next year may negatively impact its status. USCIRF remains concerned by the government's ongoing lack of accountability for abuses against the Shi'i community since 2011. USCIRF acknowledges some progress by the Bahraini government in implementing various BICI recommendations related to freedom of religion or belief, but much more needs to be done. USCIRF will continue to monitor closely the religious freedom situation in Bahrain over the next year.

### **BACKGROUND**

Bahrain is a somewhat diverse country and Bahraini citizens have a deep sense of their culture and history going back centuries. With a population of approximately 1.2 million, approximately half are Bahraini citizens and half are expatriate workers, primarily from South Asian countries. Almost half of the expatriate workers are non-Muslim (approximately 250,000-300,000). The religious demography of Bahraini citizens is estimated at 60-65% Shi'a and 30-35% Sunni, with approximately 1-2% non-Muslims, including Christians, Hindus, Sikhs, Jews, and Baha'is. Bahrain is ruled by a Sunni Muslim monarchy, the Al-Khalifa family. All Bahrainis interviewed during the visit—including governmental and non-governmental interlocutors—described Bahraini society as historically tolerant of all faiths and religiously pluralistic.

### **UNREST IN 2011 AND THE BICI REPORT**

February 14, 2011 marked the beginning of a series of demonstrations by the predominantly Shi'i Muslim majority population in Bahrain. The demonstrators initially called for various political reforms by King Hamad bin Isa Al-Khalifa. However, over time, and after authorities brutally cracked down on the protestors, the demands changed with some demonstrators calling for an end to the monarchy. Particularly in February and March, Bahraini authorities and security forces overwhelmingly targeted the Shi'i Muslim population with mass arrests, detentions, imprisonments, torture, and killings. Sectarian violence between Shi'i and Sunni Muslims increased.

The Bahraini government implemented an emergency State of National Safety by royal decree from March 15 to June 1. During that period, military and civilian security forces carried out extensive security operations and arrested individuals, the vast majority of whom were Shi'i Muslims, including activists and clerics whose activities were both political and religious. In June, the Bahraini government created and funded the Bahraini Independent Commission of Inquiry (BICI) to write a report on the

## **OTHER COUNTRIES AND REGIONS MONITORED**

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violence and to offer recommendations to the Bahraini government. The BICI released its final report in November 2011.

The BICI report found that nearly 3,000 people were detained during the crackdown, and as many as half faced abuses such as electric shocks and beatings in detention. The report concluded that the government of Bahrain committed systematic and egregious human rights violations by suppressing pro-democracy protests, particularly in February and March 2011. It concluded that a lack of accountability by Bahraini authorities led to a “culture of impunity” and violations of international and Bahraini law. The abuses included excessive use of force against protesters leading to more than 35 deaths and hundreds of injuries, arbitrary arrests and detentions, psychological and physical abuse of detainees that in “many cases” amounted to torture, and a pattern of due process violations and unfair trials. Some security forces also were killed by protestors. Nevertheless, the report found that security forces systematically raided homes in order to arrest individuals. This practice often was accompanied by sectarian insults and verbal abuse. The report also documented the unfair and summary dismissals of thousands of professionals, workers, and students, the vast majority of whom were Shi’i Muslims. The report found no evidence linking the government of Iran to the unrest and no evidence that Gulf area troops, led by Saudi Arabia, committed human rights abuses.

The BICI received information that Bahraini authorities demolished 53 Shi’i religious structures during or in consequence of the crackdown but was only able to visit 30 sites, 28 of which were mosques, one a *matam* (congregation hall), and one a shrine. The BICI recommended that the Bahraini government “consider rebuilding, at its expense, some of the demolished religious structures in accordance with administrative regulations” as soon as possible.

### **GENERAL FINDINGS FROM USCIRF VISIT**

Since the 2011 unrest, sectarian tension and polarization has risen dramatically. Many of USCIRF’s interlocutors, who came from various perspectives, could not envision a positive outcome or possible resolution to the political stalemate between the government and Shi’i opposition. Some asserted that the only way forward was through genuine dialogue without any preconditions, something that remains elusive.

During USCIRF’s visit, there were two competing narratives that dominated. The first narrative reflects the government perspective and those sympathetic to the government: opposition Shi’i activists and protestors are emboldened and supported by the Iranian government and are trying to create chaos and instability in the country by rioting and demonstrating in the streets, including by committing violent acts. The second narrative reflects the predominantly Shi’i majority and opposition movement: the government has committed serious human rights abuses on opposition demonstrators over the past two years, primarily against the Shi’i community and opposition groups, and it is not willing to make genuine political reforms which the Bahraini people have been demanding for years.

Representatives from the various non-Muslim religious minority communities stated that the unrest since 2011 had not adversely impacted their communities, although they all hoped for a resolution soon. Compared to other countries in the region, Bahrain is among the most tolerant of non-Muslim religious minority communities. The government officially recognizes several Christian denominations, a tiny Jewish community, Hindus, Sikhs, and a Baha’i community. The Catholic Church is in the process of building a church on land donated by King Hamad and other communities have public worship facilities.

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### **RELIGIOUS FREEDOM IMPLICATIONS OF THE UNREST**

The government crackdown on dissent and opposition over the past two years has negatively impacted religious freedom in the country, in that it involved:

- discrimination and physical abuse in 2011 against Shi'i Muslims who participated in demonstrations;
- dismissal of Shi'i students from universities and doctors and government workers from private and public sector jobs because of their involvement in demonstrations;
- ongoing discrimination against Shi'i Muslims in government employment, particularly upper defense and security jobs;
- the destruction of at least 30-35 Shi'i mosques and religious structures in the spring of 2011; and
- increased rhetoric from official media outlets inflaming sectarian tensions and demonizing the Shi'i Muslim population.

### **Abuses, Accountability, and Discrimination**

Some Shi'i Muslims interviewed by the USCIRF delegation alleged physical abuse and torture on the basis of their religious identity and because they had participated in various demonstrations since February 2011. Some examples include physical beatings, electric shock, being forced to stand for many hours at a time, being subject to derogatory religious slurs during interrogation, being forced to eat their own fecal matter, and being doused with urine. To date, only a few lower-level police officers or security officials have been tried, prosecuted, and convicted for abuses, with little or no transparency about these trials and convictions. No high-level government officials have been held accountable for the killing, torturing, imprisoning, and targeting of Shi'i Muslims during the 2011 unrest.

The government asserted that as many as 120 Bahraini security officials and police are being investigated or tried and approximately 18-20 are in jail. Other interlocutors disputed the numbers, saying there may be 20 cases that are going through the court system, although very slowly and without transparency.

Members of the Shi'i community still cannot serve in the active military, only in administrative positions, and there are no Shi'a in the upper levels of the Bahrain government security apparatus, including the military and police. The vast majority of the more than 4,000 Shi'i workers in the public and private sectors who were dismissed from jobs have been reinstated, although some were either demoted or reassigned to lower-level jobs. In addition, the majority of the Shi'i university students who were expelled from universities have been reinstated.

### **Destruction of Shi'i Religious Structures and the Status of Reconstruction**

The government acknowledged the destruction of Shi'i religious structures only by accepting the BICI report, but has not publicly taken responsibility or apologized. Although it is unclear who in the government ordered the demolition of the structures, it appears to have been carried out by security forces to intimidate and humiliate the Shi'i opposition in response to the demonstrations. The government demolished at least 30-35 Shi'i mosques, *matams* (religious gathering halls), and other religious structures, some of which existed for decades. During USCIRF's visit, government officials claimed that most of the

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structures were illegal, but they could not answer why so many were destroyed in a short period of time (between March and May 2011).

According to Bahraini officials, only five mosques had fully complied with legal and administrative requirements for acquisition of land and obtaining required permits. The others were in violation of a law requiring all mosques to have at least a building permit and a royal deed. However, according to the BICI report, the Bahraini government did not follow legal provisions requiring notice and an administrative, and possibly judicial, hearing before the demolitions.

Government officials claimed that the reconstruction of at least seven mosques was complete or almost complete, and others were in the process of, or being planned for, reconstruction. The Ministry of Justice and Islamic Affairs stated that several million dollars had been allotted for reconstruction of mosques. The USCIRF delegation visited four sites where Shi'i mosques were being reconstructed. At three of the locations, construction was nearly complete. At the fourth location, the destroyed mosque was right off a major highway, and the government said it would build the mosque about 200 meters off the highway so that it would not be a safety hazard. Construction had not yet started at the fourth location.

The BICI Follow-Up Unit, a Bahraini government entity, released a report in November 2012 stating that construction at five mosque sites was 70% complete. In addition, the government stated that progress was being made to regularize the status of all unlicensed Shi'i religious structures. The report identified 30 mosques, which were in various stages of being constructed, obtaining permits, or seeking approval. There is no clear timeframe for completion of all 30 mosques.

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### BANGLADESH

#### **BACKGROUND**

The Commission continues to follow developments in Bangladesh, which was on USCIRF's Watch List from 2005 to 2008. USCIRF removed Bangladesh from the Watch List after the Awami League party, which is considered to promote secular policies and be favorable towards minority rights, won the 2008 general election and promised to implement religious freedom reforms. In the last reporting year, Bangladesh continued to take positive steps in rectifying past religious freedom violations, including the seizure of Hindu-owned land, and to protect vulnerable religious and ethnic minorities from exploitation or violence, especially in the Chittagong Hill Tracts (CHT). However, incidents of communal violence occurred in 2012 and 2013 against Buddhists, Ahmadis, and Hindus.

In 2011, the Vested Property Return Act established an application process for families or individuals to apply for the return of, or compensation for, Hindu property seized under the Vested Property Act. In 2012, as required by the Act, all districts widely published the properties eligible for return. Additionally, the government established seven tribunals across the country to review and adjudicate return applications. With respect to the CHT Peace Accords, the government has established the Land Commission and the Task Force on Rehabilitation of Jumma Refugees and IDPs (internally displaced persons). It also has reserved over 300 seats for minority students in universities and has been actively recruiting religious and ethnic minority for the Bangladeshi police. These actions demonstrate a governmental effort to resolve long-standing issues relating to IDPs and property confiscation and return.

#### **VIOLENCE TARGETING RELIGIOUS MINORITIES**

Regarding communal violence, in September 2012 in Ramu, Cox's Bazaar, 12 Buddhist temples and approximately 50 Buddhist homes were set on fire, after false claims were made that a Buddhist youth defamed Islam and the Qur'an on Facebook. Prime Minister Sheika Hasina condemned the attack, and provided 24.8 million taka (approximately \$315,000 U.S. dollars) in cash aid and building materials. Over 450 individuals were arrested in 19 criminal cases, and a four-member Inquiry Committee was formed to investigate the incident. After the reporting period, in February 2013, a mob described to be over 20,000 Islamic extremists burned down the venue in Dhaka that the Ahmadi community intended to use for their annual convention. It is unknown if any arrests were made. The convention was moved to another venue and occurred without additional incidents.

Also after the close of the reporting period, in late February 2013, the conviction and death sentence by hanging by the country's International War Crimes Tribunal of a Jamaat-e-Islami leader, Delawar Hossain Sayedee, sparked violent attacks against Hindus and their religious temples and shrines, and homes and businesses. Over 80 individuals died, and dozens of temples, shrines, homes and businesses were burned down. The government was slow in responding to violence, and local police allegedly stood by as the violence occurred. The government in early March began to deploy the army to stop the violence, and a few perpetrators of violence were arrested. USCIRF will continue to monitor the situation and the government's response.

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### BELARUS

Through its stifling network of laws and policies, the government of Belarus violates its international human rights commitments on freedom of thought, conscience, and religion or belief. In the past year, religious communities and individuals found in violation of restrictive laws were harassed, raided, and fined, and individuals were detained for short periods but not imprisoned. Therefore, although USCIRF continues to monitor the situation in Belarus, the country does not meet the standard for Tier 2. Belarus was on USCIRF's Watch List since 2003.

#### **GOVERNING AND LEGAL FRAMEWORK**

The authoritarian government of President Aleksandr Lukashenko views any independent groups, including religious communities, as a potential challenge to its rule. However, after strong popular support in 2008 and 2012 for petitions seeking reform of the restrictive religion law, the government has decreased its repression of religious groups over the past few years, particularly the country's large Orthodox Christian and Catholic communities. This may be out of concern about driving some believers to political opposition. Other groups, including Protestants and Jehovah's Witnesses, however, continue to encounter official discrimination and foreign religious workers continue to be circumscribed. There also continue to be reports that prisoners are denied access to clergy, particularly in pre-trial detention and even before their executions.

The 2002 religion law bans unregistered religious activity. The criminal code punishes unregistered religious activity by imposing a fine or imprisonment of up to two years. In recent years, however, unregistered activity has been penalized only by administrative fines. The language of two administrative code articles was eased and fines are more rarely imposed.

The religion law gave privileged status to the Belarusian Orthodox Church (BOC) Moscow Patriarchate by recognizing its "definitive role" in Belarusian traditions. It also identifies Catholicism, Judaism, Islam, and Evangelical Lutheranism as "traditional faiths," but ignores the presence of Old Believer and Calvinist churches in Belarus for hundreds of years. In 2003, the government and the BOC signed a concordat setting out cooperation in various fields as part of a joint struggle against the public danger of "pseudo-religious structures." The government usually denies registration to Orthodox churches not linked to the Moscow Patriarchate. It also denies registration to other disfavored groups, particularly Protestants and Jehovah's Witnesses.

#### **RESTRICTIONS ON REGISTERED GROUPS AND HARRASSMENT OF UNREGISTERED COMMUNITIES**

The activities of registered religious groups are also restricted, with violations subject to administrative law penalties. Religious groups are not allowed to function outside of their geographic area of registration, and official permission is required but difficult to obtain for private worship services. Registered groups are limited in rights to own or use property for religious purposes, and requests from Protestant churches and other "new" religious communities for property registration are often rejected. Since 1991 the state has returned only nine of 92 synagogues and few historic Lutheran and Calvinist churches seized in Soviet times. Foreign religious workers operate under tight restrictions, such as only working on the premises of registered communities. In visa applications, they must state that they will participate in religious activities or face likely expulsion. The Catholic Church and registered Protestant communities have encountered particular difficulties in this regard.



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Authorities harass unregistered religious communities, especially by imposing court-ordered fines. Council of Churches Baptist congregations, which refuse to register for doctrinal reasons, have long been targeted in this manner. In February 2012, police raided a Protestant discussion group in Minsk, perhaps because the sponsoring congregation included several political activists. The government also continues to harass and threaten to close the New Life Pentecostal Church in Minsk, as it has done for years.

Religious materials may be published only by religious organizations with 10 registered communities, including at least one community dating back to the Soviet period in 1982, when policies on religion were even more restrictive. The government has sweeping powers to regulate on-line content and usage, requires registration of internationally-hosted Web sites, and maintains an official list of local and international sites it deems offensive.

### **ANTI-SEMITISM**

Government officials, including President Lukashenko, and the state media have made anti-Semitic remarks. The government has not investigated, identified, or punished those responsible for vandalism against Jewish memorials, cemeteries, or other property.

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### ETHIOPIA

Over the past year and a half, concerns about religious freedom in Ethiopia have increased due to reports of government efforts to impose a particular Islamic interpretation on the country's Muslim community. Throughout 2012, Ethiopian Muslims protested government interference in their internal religious affairs, holding almost weekly demonstrations following Friday prayers. In November 2012, USCIRF issued a press release expressing concerns about the forcible application of a particular form of Islam on the Ethiopian Muslim community and the charging of 29 protestors with terrorism. In December, a USCIRF delegation visited Addis Ababa to learn more about the situation. The delegation met with Ethiopian government officials, such as the Minister of Federal Affairs and State Minister of Foreign Affairs, as well as representatives from the Ethiopian Islamic Affairs Supreme Council (EIASC), the U.S. Ambassador to Ethiopia, the Interim Patriarch of the Ethiopian Orthodox Church, the government Human Rights Commission, and several non-governmental human rights and interfaith organizations. USCIRF also met with Muslim protestors and attorneys representing protestors who are in jail. USCIRF will continue to monitor closely the ongoing trial of the charged protestors and religious freedom conditions for both the Muslim and Christian communities. Developments in these two areas will influence how USCIRF will report on Ethiopia in next year's annual report.

#### **BACKGROUND**

Ethiopia has a long history of religious tolerance and its constitution protects freedom of religion or belief and provides for separation of religion and state. Inter-religious marriage and conversion are socially acceptable and there is an established tradition of religious organizations working together. However, Ethiopia has experienced religious freedom problems, particularly at the local level with regard to access to land to build houses of worship and for cemeteries. There also have been sporadic instances of inter-religious violence, although the Ethiopian government has made a concerted effort to hold perpetrators accountable and maintain religious harmony.

#### **MANDATORY TRAININGS**

From July to December 2011, the Ethiopian Ministry of Federal Affairs and the Ethiopian Islamic Affairs Supreme Council (EIASC) held mandatory "religious tolerance" trainings for all imams and Islamic school teachers and administrators in the Addis Ababa and the Amhara, Harar, and Omiriyia regions. The trainings, paid for by the Ethiopian government, were in response to long-standing government concerns of rising Wahhabism in Ethiopia and religious violence in the Jimma region in March 2011, when Muslims torched over 60 Christian churches and homes after a reported Qur'an desecration.

Program participants told USCIRF that the trainings were led by al-Ahbash clerics from Lebanon and were organized by the government to promote the al-Ahbash Islamic ideology. The Minister of Federal Affairs and the Deputy Minister of Foreign Affairs, by contrast, stated to the USCIRF delegation that the government played no role in the al-Ahbash trainings. They stated that government officials present at the trainings only educated participants about constitutional provisions related to religious freedom and separation of religion and state. Officials also rejected USCIRF's concerns that the government was promoting a particular religious belief, claiming that the government respects individuals' rights to religious belief of all interpretations. Notably, they also said that they do not violate religious freedom or intervene in religious affairs unless "red lines" are crossed, which were not defined.

#### **DISMISSAL OF IMAMS AND SCHOOL CLOSING**

USCIRF received reports of imams who refused to preach al-Ahbash ideology being dismissed from their

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positions and replaced with other imams. Representatives of the Muslim community provided USCIRF with the names at least 15 imams fired, and at times jailed, in 2012. Ethiopian government officials denied to USCIRF that they have fired clerics who refused to preach the al-Ahbash ideology. However, they did acknowledge the closing of the Aweliya Islamic School in Addis Ababa in December 2011, which they claimed, without providing proof, advocated for a violent Salafi/Wahabbi interpretation of Islam.

### **PROTESTS AND ARRESTS**

In response to the required trainings and the closing of the Aweliya Islamic School, Muslims in Addis Ababa and several other Ethiopian cities held peaceful protests in mosques after Friday prayers throughout this reporting period. Protestors told USCIRF that they are calling on the government to respect constitutional protections for separation of religion and state and end its interference in their community's internal religious affairs. The Ethiopian government has generally allowed Muslim protests to occur without interference, yet USCIRF also received reports of protestors being harassed and monitored throughout this reporting period. Almost a thousand protestors were arrested in July while planning a charity event and protests to coincide with an upcoming African Union Summit in Addis Ababa. Protestors were beaten and arrested, with some witnesses alleging police use of teargas and live ammunition against protestors. Almost all the individuals arrested were later released. Additionally, media coverage of the protests has been banned in Ethiopia with several reporters being arrested.

### **TERRORISM CHARGES AGAINST PROTESTERS**

On October 29, 2012, authorities charged 29 people connected with the protests under the Anti-Terror Proclamation, accused of "intending to advance a political, religious or ideological cause" by force and the "planning, preparation, conspiracy, incitement and attempt of terrorist acts." On December 18, the charges were changed to engaging in acts of terrorism. Those charged include nine members of the Arbitration Committee tasked by the protestors to negotiate with the government on their demands, including the editor-in-chief of the magazine *Ye'Muslimoch Guday* Yusuf Getachew, and Habiba Mohammed, the wife of the former Minister of Civil Service. Mohammed has specifically been accused of accepting funds from the Saudi embassy to promote religious extremism. Attorneys for 28 of the 29 charged told USCIRF during the Commission's December trip that their clients have been tortured and the lawyers have been hampered in their ability to meet with those imprisoned. The trial is ongoing. USCIRF requested to meet with the 29, but the request was not granted.

### **ETHIOPIAN ISLAMIC AFFAIRS SUPREME COUNCIL**

There are also concerns about undue government interference over the government-backed EIASC. At the time of the trainings in 2011, those who composed the EIASC were appointed by the government, not elected by the Muslim community per national laws. The government did agree to protestors' demands and allowed new elections for the EIASC to occur in October 2012. However, numerous interlocutors told USCIRF before, during, and after its December trip that the election was not free and fair, as the government interfered with the final voting. In its meeting with USCIRF, EIASC members almost word for word reiterated the government's talking points about the Ethiopian government's respect for separation of religion and state. Some EIASC members also used charged language, referring to protestors against the government's interference as "terrorists," despite the fact that some of the new EIASC members themselves participated in the protests before being elected to the Council. Of note, Ethiopian Orthodox Christians also complain of government interference in the leadership of the Ethiopian Orthodox Church.

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### TURKEY

For the last several years Turkey has implemented a number of reforms to begin to rectify many of the longstanding restrictions on the country's diverse religious communities. These new policies and initiatives, which relate to returning expropriated minority properties, loosening the ban on headscarves, and issues related to textbook reforms and increased educational opportunities, among others, indicate that Turkey is moving in a positive direction with regard to religious freedom. In addition, a parliamentary commission is currently engaged in redrafting the national constitution, which many believe will support greater human rights, including religious freedom. The political and societal climate in Turkey over the last several years has also been more open to public debate on religious freedom matters. Nevertheless, the Turkish government's interpretation of secularism requires absolute state control over all aspects of religion in the public sphere. As a result, no religious community has full legal status, which limits their rights to own and maintain places of worship, train clergy, and offer religious education. Other concerns also remain, including societal discrimination and occasional violence against religious minorities, anti-Semitism in Turkish society and media, and Turkey's military presence in northern Cyprus.

USCIRF will continue to be vigilant in monitoring the religious freedom situation in Turkey. USCIRF continues to recommend that the U.S. government encourage the Turkish government to end its longstanding denial of full legal recognition for religious communities and permit religious minorities to train clergy in Turkey, including by reopening the Greek Orthodox Theological Seminary of Halki and returning the entire territory of the Mor Gabriel Syrian Orthodox monastery. With respect to northern Cyprus, the United States should urge the Republic of Turkey and the Turkish Cypriot authorities to end all restrictions on the access, use, and restoration of places of worship and cemeteries for religious minorities.

#### **THE CONSTITUTION AND SECULARISM IN TURKEY**

Under the 1923 founding constitution, and reiterated in the current constitution drafted in 1982, the Republic of Turkey is a secular state. The constitution provides for freedom of belief, worship, and the private dissemination of religious ideas and prohibits discrimination on religious grounds. Nevertheless, longstanding government policies limit religious freedom for all religious groups, including limiting expressions of personal belief in the public sphere. Islam is subject to state control through the *Diyanet* (the Presidency of Religious Affairs), and religious minorities are subject to state control through the *Vakıflar* (the General Directorate for Foundations). The Turkish state also interferes continuously with religious communities' rights and ability to fully worship and practice their religious faith.

Since first being elected in 2002 the Justice and Development Party (known in Turkish as the AKP, or the AK Party), which favors Turkey's accession to the EU and the democratic integration of Islam into public life, has begun to reverse many of the longstanding impediments to religious freedom, including through constitutional reform.

Following its 2011 re-election, the AK Party pledged to replace Turkey's current constitution with a civilian constitution that, in the words of Prime Minister Erdoğan, would be "short, compact, open, focused on the individual, and committed to freedom." A parliamentary commission was established to collect information and recommendations from civil society, associations, foundations, and religious and minority representatives. It has heard from a vast range of individuals and groups, including the Greek Orthodox Ecumenical Patriarch, the Syriac Orthodox Patriarchate, Alevi communities, and the Chief Rabbi of Turkey. The commission is currently drafting the document and it is expected to be completed by April 2013. If political consensus on the draft can be found, the Turkish parliament will vote to

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approve or reject it, otherwise it will be put to national referendum. Nevertheless, even after the adoption of a new constitution, Turkey will still have to rewrite the laws that regulate daily religious life in the country.

### **RESTRICTIONS ON NON-MUSLIM MINORITIES**

Turkey has a diverse but small (approximately 0.1 percent of the total population) non-Muslim minority population, one that is historically and culturally significant. The Turkish government does not maintain population statistics based on religious identity, but according to estimates by the State Department, in 2010, Turkey's non-Muslim religious minority population included: 65,000 Armenian Orthodox Christians; 23,000 Jews; 15,000 Syriac Christians; 10,000 Baha'is; 5,000 Yezidis; 3,300 Jehovah's Witnesses; 3,000 Protestant Christians; and 1,700 Greek Orthodox Christians, as well as small Georgian Orthodox, Bulgarian Orthodox, Maronite, Chaldean, Nestorian Assyrian, and Roman Catholic communities.

In the name of Turkish secularism, the government has long restricted religious minority communities' ability to own, maintain, and transfer both communal and individual property, to control internal governance, and to train clergy. However, the AK Party recently has begun to reverse many of these restrictive policies, actions which the minorities generally view as positive.

#### **Restrictions Relating to Property**

For many years, successive Turkish governments expropriated properties from religious minority and Muslim communities, including schools, businesses, hospitals, orphanages, and cemeteries. Most of the confiscations occurred during three distinct periods of time: first, in 1936, with the passage of the Foundations Law; second, in 1971, when the Private University Law required that all private colleges (including theological schools) be affiliated with state-run-universities; and third, in 1974, when non-Muslim communities were forbidden from owning properties other than those registered in 1936. The government continues to retain the power to expropriate religious minority properties, although there have been no reports of property seizures since 2007.

Under the Foundations Law, only Armenian, Greek and Syriac Orthodox, Jewish, and Chaldean and Roman Catholic communities are permitted to form foundations, which can purchase, own, and sell property in accordance with appropriate zoning and safety rules. However, in recent years other religious groups, including Protestants and Roman Catholics, have been permitted to register foundations. Currently, there are 165 registered non-Muslim community foundations in Turkey. These foundations can administer property used for religious purposes or for revenue-generating activities, but they cannot conduct religious activity. In other words, the law provides legal identity to the foundation but continues to limit the religious community's ability to publicly practice their faith.

In 2008, the Foundations Law was amended to allow foundations to change their scope or purpose from that specified upon the original incorporation, permit the Armenian Orthodox, Greek Orthodox, and Jewish communities to have one elected representative on the *Vakiflar*, and allow foundations to apply for the return of confiscated property still under Turkish state control. The 2008 amendments, however, did not solve fundamental problems of the Foundations Law. For example, there was no mechanism for foundations to apply for the return of property that had been sold to third parties or for compensation for irretrievable property. However, in August 2011, Prime Minister Erdoğan announced a new decree to improve on the 2008 amendments.

The 2011 decree created a process for the restitution of previously-expropriated foundation property that was surveyed and registered in 1936, and for which the foundation has a deed or title to the property. The

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decree allows for the restitution of property that was registered in 1936 but not specifically described in the official documentation (i.e. the registration could show four properties, but not explicitly say that a property was a church, hospital, school, etc.). The decree also permits foundations to receive financial compensation if their property was sold to a third party and cannot be retrieved.

Between the passage of the 2008 amendment and August 2011, approximately 200 properties were reportedly returned to religious minority foundations of various denominations. Between the August 2011 decree and January 31, 2013, some 300 additional properties (worth an estimated 1.5 billion dollars) have been returned to minority foundations. Thousands of applications are still being considered, although some of these may be duplicate applications or different foundations applying for a single property.

In the last reporting period notable property returns include: 470 acres of forest land to the owner of the Greek Orthodox Halki Seminary, the Aya Triada Monastery Foundation (January 2013); the Syriac Patriarchate's building in Istanbul, concluding a 25-year legal battle (July 2012); seven properties of nearly 6,000 hectares to the Christian-Bulgarian foundation, the first return to a group not viewed by the Turkish government as protected by the 1923 Lausanne Treaty (June 2012); the Panagia Ayazma Square in Istanbul to the relevant Greek Orthodox Foundation (June 2012); several properties to the Armenian community, including a cemetery, an estate, and a clerical school (April 2012); and a five-acre estate in Istanbul to the Rum (Anatolian Greek) community (April 2012). Additionally, in the last reporting year the *Vakıflar* has agreed to pay market value for at least seven properties that had been sold to third parties.

The Turkish government also has begun reconstructing buildings in an Armenian cemetery in Malatya demolished in February 2012. Additionally, the government is funding restorations of the Jewish Synagogue in Edrine, the St. Nicholas Church in Cunda, the St. Marina Greek Orthodox Church on the Aegean island of Imvros (Gökçeada), and the Akdamar Armenian Church in Van.

Since 2008, there has been an ongoing dispute over the Turkish government's attempted seizure of some territory of the 1,600-year-old Mor Gabriel Monastery, the Syriac Patriarch's residence from 1160 to 1932. In July 2012, the Supreme Court of Appeals, the highest court in Turkey, ruled that the monastery is occupying state lands and the majority of the land should be given to the Turkish treasury.

The Syriac Orthodox Patriarch told USCIRF in February 2011 that his community's foundation owns only one church in Istanbul, which is inadequate to meet the community's needs. In October 2011, the community secured from the Turkish government the right to build a second church in Istanbul. However, construction has been delayed because the Catholic community claims that the site of the proposed church belongs to them.

According to official Turkish governmental records there are more than 380 places of worship for non-Muslim religious minority communities in Turkey. Nevertheless, the Turkish government still controls access and use of various religious sites such as the Greek Orthodox Sümela Orthodox Monastery in Trabzon, the 1,000-year-old Akdamar Armenian Orthodox church on Lake Van, and the Syriac Mor Petrus and Mor Paulus Church in the eastern province of Adiyaman. In recent years the Turkish government has permitted the religious communities to access these religious sites for specific religious observances.

### **Restrictions on Training of Clergy and Internal Governance**

While the Turkish government continues to insist that only Turkish citizens be members of the Greek Orthodox Church's Holy Synod, thereby interfering in the church's internal structures, it has made exceptions and granted citizenship to foreign nationals so they may be members of the Holy Synod,

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which determines the line of succession of the Greek Orthodox Patriarch. In 2004, the government did not block the Ecumenical Patriarch's appointment of six non-citizen metropolitans to participate rotationally on the Holy Synod and in the last two years 21 foreign nationals have been granted Turkish citizenship so they too could be members.

Unfortunately, the Greek Orthodox Theological School of Halki on the island of Heybeli, the only Greek Orthodox educational institution in Turkey for training its religious leadership, remains closed after 42 years. In late February 2012, Turkey's Deputy Prime Minister stated publicly that no law prohibited the re-opening of Halki and that the government would support such a move. The government offered to reopen Halki as part of the national university system, which would have put it within the jurisdiction of the Turkish Higher Education Board (YÖK). Reportedly, however, the Ecumenical Patriarch wants Halki to be under the purview of the Ministry of Education and be given legal vocational school status, which is the status it had prior to its closure in 1971.

The Turkish state also closed other minority communities' seminaries in the past, denying these communities the right to train clergy. The Armenian Orthodox community, which is Turkey's largest non-Muslim religious minority, lacks a seminary in the country to educate its clerics and today has only 26 priests to minister to an estimated population of 65,000.

### **RESTRICTIONS ON ALEVIS AND MUSLIMS**

#### **Alevis**

Alevis comprise 15 to 25 percent of the population, or as many as 25 million people. Alevi beliefs and practices are a source of debate both inside the Alevi community and within Islam. Although the Turkish government and many Alevi view them as heterodox Muslims, many Sunni Muslims do not accept that definition and consider them non-Muslims. Some Alevi identify as Shi'i Muslim, while others reject Islam and view themselves as a unique culture.

Over the past several years, the Turkish government has held regular workshops with the Alevi community to discuss their concerns. However, since the Alevi community has varying views on its relation to Islam, ascertaining its collective goals is difficult. For example, some Alevi wish to have closer ties to the *Diyanet*, while others have indicated publically that the *Diyanet* should be abolished.

Alevis worship in "gathering places" (*cemevi*), which the Turkish government does not consider legal houses of worship, effectively meaning they cannot receive the legal and financial benefits associated with such status. The government's position was upheld by the Supreme Court of Appeals in July 2012. The same month, the Turkish parliament rejected a request that a *cemevi* be opened within the parliamentary grounds for the same reason. In 2012, the Alevi Cem Foundation filed a case with the European Court of Human Rights seeking legal recognition of *cemevis* as houses of worship.

The inherited title of Alevi leaders is Dede (elder) for men or Ana for women, but the Alevis are not entitled to official or legal recognition of that title under a 1925 law.

#### **Muslims**

The *Diyanet* controls the religious structures of the majority Sunni Muslim community, which reports directly to the Prime Minister. The *Diyanet*, which is funded from the national budget, officially allows only the practice of Sunni Islam.

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The *Diyanet* oversees 85,000 Hanafi Sunni community mosques and pays imams' salaries. Most mosques are owned by the *Diyanet* foundation, which is legally independent of the *Diyanet*. Mosques also are owned by local communities or individuals, and 22 mosques are owned by the Turkish army. Every province has its own self-appointed official mufti, although he is an employee of the *Diyanet*. Since 2007, each of Turkey's 81,000 imams can write their own sermons, indicating greater official openness towards the country's Sunni Muslim majority. However, the President of the *Diyanet* told USCIRF in February 2011 that it continues to disseminate suggested themes for sermons.

Other Muslim groups independent of the *Diyanet* technically are banned under Turkish law, but generally are able to function. Sufi brotherhoods and other Muslim social orders (*tarikats*) and lodges (*cemaats*) officially have been banned since 1925; nevertheless, unofficially they remain active and widespread. The Caferis, Turkey's main Shi'i Muslim community, comprised largely of Azeris and Iranians in eastern Turkey and in Istanbul, are permitted to build and operate mosques and appoint imams.

### **RESTRICTIONS AFFECTING ALL RELIGIOUS COMMUNITIES**

#### **Education**

There have been two longstanding religious freedom issues for religious minorities relating to education: first, the inability of minority communities to educate their youth in schools that are in line with their religious beliefs; and second, derogatory comments about and/or misrepresentations of religious groups and their historical legacies in school textbooks.

The constitution makes religious and moral instruction compulsory in public primary and secondary schools, with a curriculum established by the Ministry of National Education's Department of Religious Instruction. Since 2010 the course, which had primarily focused on Islam, has expanded to include all religions and atheism. Non-Muslim children can be exempted, though in the past there have been reports of societal discrimination against children who are excused from the classes.

Additionally, after complaints by religious minority communities, the Ministry of Education has made an effort to revise textbooks so as not to portray them in a negative light.

In February 2011, the Acting Armenian Patriarch told USCIRF that the Turkish government does not allow some 12,000 school-age children of Armenian migrant workers to attend Armenian minority schools in Turkey. Beginning in September 2011, some of these children were permitted to attend Armenian schools. In March 2012 the Ministry of Education put forth new regulations allowing non-citizen residents to attend minority schools as "visiting students", as well as allowing minority students to attend any minority school they choose. Previously minority students could only attend their own minority affiliated school. However, the new regulations are reported to be confusing, and they place quotas on opening schools and caps on the number of students that can attend.

In December 2011, the YÖK ended the use of different grading scales for university entrance exams, a practice that had disadvantaged graduates of Muslim vocational schools applying for non-religious university programs.

#### **Religious Dress**

Due to its interpretation of secularism, the government has long banned religious dress, including the wearing of headscarves, in state buildings, including public and private universities, the parliament, courts, and schools. Under Turkish law, only the titular head of any religious group may wear religious garb in public facilities.



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In the past, women who wore headscarves, and their advocates, have been expelled from universities and have lost public sector jobs. However, in recent years, new policies have loosened headscarf restrictions. In October 2010, the YÖK reportedly issued a directive that universities could not expel women for wearing headscarves, and in July 2011, the Council of State upheld the circular. In November 2012, it was announced that beginning with the 2013-2014 school year, female students will be allowed to wear headscarves, if they so choose, in schools providing religious education, including secondary, primary, Imam Hatip schools and universities. In January 2013, Turkey's Council of State revoked the ban on female lawyers wearing headscarves while working; this not only applies to courtrooms, but to all offices related to the judicial process.

### **VIOLENCE AGAINST RELIGIOUS MINORITIES**

In recent years, there have been several high profile attacks against religious minorities. The Turkish government has taken action against individuals believed to be linked to the alleged "Ergenekon" conspiracy to overthrow the AKP government. Individuals associated with the alleged Ergenekon conspiracy have been implicated in the 2006 murder in Trabzon of a Catholic priest, Father Andrea Santoro; the 2007 murders of three Protestant employees of the Zirve Publishing House in Malatya; the 2007 murder of Hrant Dink, a prominent ethnic Armenian journalist; and the 2010 assassination of Bishop Luigi Padovese, the Vicar Apostolic of Anatolia. In the case of Father Santoro, Oğuzhan Akdin was convicted in October 2006 and is serving 18 years, 10 months for premeditated murder. In 2011 and 2012, two individuals, Ogun Samast and Yasin Hayal, were convicted for their involvement in the assassination of Dink. However, 19 other suspects were acquitted. In January 2013, a Turkish court sentenced Murat Altun to 15 years in prison for the murder of Bishop Padovese. The pace of the court case for the Malatya murders has been incredibly slow. As of January 2013, 9 individuals are on trial, which has been fraught with procedural delays.

In the last two years there have been no major incidents of anti-Semitism against houses of worship, properties, or people. However, isolated incidents of harassment and intimidation were reported, including anti-Semitic language in the media. Representatives of the Jewish community in Istanbul told USCIRF in February 2011 that their situation in Turkey is better than that of Jews in other majority Muslim countries. Jews in Turkey are able to worship freely, and their synagogues generally receive government protection when needed. The community also has a representation foundation and owns and operates its own schools, hospitals, two elderly persons' homes, and welfare institutions, as well as a newspaper. However, there has been a steady use of anti-Semitic views and expression in Turkey in recent years. Prime Minister Erdoğan's comments, made shortly after the reporting period, referring to Zionism as a "crime against humanity," along with anti-Semitism, fascism, and Islamophobia may exacerbate this trend and raises serious questions about contemporary forms of anti-Semitism.

In late 2012 and early 2013, the Armenian Orthodox community reported increased fears of violence after three Armenians were murdered. In one case, in late December 2012 an 84-year-old woman was found murdered in her home with a cross carved into her chest. Turkish local police promptly launched investigations into the three cases, but it is not known if any arrests have been made connected to any of these incidents.

### **ISSUES IN THE NORTHERN PART OF CYPRUS**

Since the 1974 invasion, Turkey has maintained a significant military presence in northern Cyprus, and currently approximately 35,000 to 40,000 military troops occupy the area. Turkey also provides an estimated US \$6 to 8 billion annually to subsidize the economy of the area. Regarding the degree of autonomy of the local Turkish Cypriot authorities vis-à-vis Turkey, the European Court of Human Rights

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(ECtHR) has held that Turkey as an occupying power is responsible for its actions and those of its “subordinate local administration” in the northern part of Cyprus. However, since 2010 the ECtHR has directed claimants in cases involving properties, including religious properties, to exhaust the “domestic remedies” available through Turkish Cypriot “authorities.” USCIRF visited the northern part of Cyprus in February 2011.

USCIRF identified three main religious-freedom issues in the northern part of Cyprus: 1) the inability of Orthodox Christians, other religious communities, and clergy to access and hold services at their places of worship and cemeteries in the north, particularly those in Turkish military bases and zones; 2) the disrepair of churches and cemeteries and issues relating to the preservation of religious heritage, such as iconography, mosaics, and other religious symbols; and 3) the lack of schools and opportunities for young people in the north, which has led to an exodus of Greek Cypriots and other religious minorities.

Religious minority communities living in the northern part of Cyprus and displaced persons now living in the areas controlled by the government of the Republic of Cyprus are restricted from accessing houses of worship and cemeteries in the north. However, in the last few years the Turkish military has made rare exceptions on particularly important religious festivals and holidays.

In areas not directly under the control of the Turkish military, there is greater access to religious sites, but restrictions exist. In February 2011, after USCIRF’s visit the Turkish Cypriot “authorities” changed their policy regarding applications for permission to access some religious sites and hold services. The policy now allows Greek Orthodox Cypriots to hold services on any day and at any time in churches already in use in their areas of residence. For religious services in churches or monasteries that are not already in use, or for services administered by a priest other than the two priests already serving the northern part of Cyprus, or for services that displaced Greek Cypriots plan to attend, permission must be requested 10 working days prior to the service, down from the previous requirement of 30 days. Lastly, when displaced Cypriots apply for religious services through UN peacekeepers, the advance application requirement is also to be reduced from 30 days to 10 working days. In the current reporting period, the majority of applications submitted by individuals residing in the government-controlled areas of the Republic of Cyprus and in the northern part of Cyprus were approved. Most of the applications that were denied were for access to churches or cemeteries located within Turkish military bases or zones. In addition, the Bishop of Karpasia was again denied permission to perform religious services in northern Cyprus on several occasions.

The government of the Republic of Cyprus and religious leaders there have reported that approximately 500 monasteries, churches and cemeteries in northern Cyprus have been purposely desecrated, are in ruins due to Turkish and Turkish Cypriot authorities’ negligence, or are being used for non-religious purposes such as storage or community halls.

In January 2013, the Technical Committee on Cultural Heritage and the United Nations Development Programme Partnership for the Future (UNDP-PFF) announced a multi-donor partnership agreement for the restoration of the Monastery of Apostolos Andreas. USCIRF visited the site in February 2011. Two protocols were signed between UNDP-PFF, the Church of Cyprus, and the Turkish Cypriot authorities.

Given the political and economic situation of the divided island and the small size of the minority populations, there are few economic or educational opportunities for minority youth. For example, while the northern part of Cyprus has both public and private primary and secondary schools, the religious minority population does not have enough schools or teachers to educate its own youth in its religious principles outside of the established public school system. Additionally, local authorities control religious education and teaching. This allows local authorities to censor textbooks that contain religious content.

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Further, as a result of the existing political situation, all textbooks meant for the northern part of Cyprus must be submitted to the UN starting in June of each year for delivery to the schools.

<p style="text-align: center;"><b>DISSENT BY COMMISSIONERS ELLIOTT ABRAMS, ROBERT P. GEORGE, MARY ANN GLENDON, AND M. ZUHDI JASSER:</b></p>
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1-After three years on USCIRF's "watch list" (now Tier 2) without significant improvement, Turkey was designated a "country of particular concern" (CPC) in USCIRF's 2012 report. That designation was supported by findings of "systematic and egregious limitations on the freedom of religion or belief that affect all religious communities in Turkey, and particularly threaten the country's non-Muslim religious minorities." It was accompanied by several specific recommendations. This year, with negligible change in the circumstances condemned in previous reports and with USCIRF's recommendations largely ignored, USCIRF has promoted Turkey to the status of a country merely to be monitored.

2-Although the CPC designation by a divided Commission in 2012 was understandable in view of Turkey's intransigence, we believe it was an error to place Turkey among the world's worst violators of religious freedom. But this year's designation has erred in the opposite direction. We believe that Turkey should continue to be designated as a Tier 2 (formerly "watch list") country and therefore we dissent from the Turkey section of the 2013 report.

3-Since the 2013 report itself does not reveal significant improvements in the conditions that led to placing Turkey on the watch list in 2009, 2010 and 2011, and listing it as a CPC in 2012, we are at a loss to understand how Turkey can be described as "moving in a positive direction." In fact, the report paints a dismal picture of persistent religious freedom violations in Turkey and in the Turkish-occupied northern part of Cyprus.

\*The Turkish government, in the name of secularism, continues to impose burdensome regulations and to deny full legal recognition to religious minorities. These restrictions, including policies that deny non-Muslim communities the rights to train clergy, offer religious education, and own and maintain places of worship, threaten the very survival of minority religious communities in Turkey.

\*The Turkish government also continues to severely restrict the religious freedoms of Muslims, especially those who do not belong to the Sunni majority. As the 2013 report reveals, Turkey's *Diyanet* (Religious Affairs Department) tightly controls all the mosques of the Sunni majority community and does not legally recognize the existence of any other form or interpretation of Islam beyond the state-sponsored interpretation of Hanafi Islam. These serious denials of religious freedom are currently being challenged in the European Court of Human Rights.

\*The Turkish government's strict control of religion in the public sphere continues to restrict religious freedom and freedom of expression, especially for non-Muslim religious minority communities.

\*Social discrimination and sporadic violence against religious minorities continue to be major concerns. As the 2013 report notes, this situation has worsened rather than improved over the past year, with a steady rise in anti-Semitism. Moreover, the Turkish Prime Minister's recent comments equating Zionism with fascism, so-called "Islamophobia" and crimes against humanity has raised serious questions about official sanction or encouragement for contemporary forms of anti-Semitism.

\*Under Turkish occupation, nearly every trace of the once flourishing Christian communities in the northern part of the Republic of Cyprus has been eliminated. Turkish-controlled local officials have

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imposed regulations that continue to restrict the religious activities of the few non-Muslims still living in northern Cyprus, and to severely limit access to northern religious sites by Christians displaced from their homes in the north and who now live in areas controlled by the Republic of Cyprus. In 2010, House Resolution 1631 called on USCIRF to "investigate and make recommendations on violations of religious freedom in the areas of northern Cyprus under control of the Turkish military." In 2012, USCIRF called on the Turkish government and the Turkish-controlled authorities in the northern part of Cyprus to end all restrictions on the access, use, and restoration of places of worship and cemeteries for religious minorities, and cease the ongoing desecration of religious sites. But to no avail.

4-For these reasons, we believe that Turkey has not shown nearly enough improvement in addressing religious freedom violations over the past year to justify its promotion to the status of a country that is merely being monitored. We also deplore its studious disregard of recommendations that USCIRF made last year and the years before. A few positive steps here and there, and a few vague promises, do not suffice.

We respectfully dissent.

<b>DISSENT BY COMMISSIONERS WILLIAM J. SHAW AND AZIZAH AL-HIBRI:</b>
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We strongly object to the inclusion of Northern Cyprus in the chapter report on Turkey. Northern Cyprus is not an official territorial or governmental part of Turkey.

We also strongly object to an examination of religious freedom issues in only one part of the island of Cyprus—the Northern part—when there is a clear historical contextual connect with conditions of religious freedom in the Southern part of the island. Both Northern and Southern religious freedom concerns are more rooted in historical political developments between the South and North regions than in real religious tensions between peoples. Conclusions arrived at through a decision to examine only part of the evidence does not carry the weight of fairness and of justice.

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### VENEZUELA

USCIRF placed Venezuela on its Watch List in 2009 due to concerns about increasing anti-Semitism and government actions targeting the Catholic Church because of its political statements. While conditions for both the Jewish community and Catholic leadership have improved, concerns remain and the gains are reversible. With the passing of Venezuelan President Hugo Chavez on March 5, 2013 and a new president, Venezuela has an opportunity to continue to improve the religious freedom climate and to combat anti-Semitism and intolerance. USCIRF will continue to follow religious freedom conditions in Venezuela in the upcoming year and closely monitor whether anti-Semitic statements are made by government officials or in state media, as well as whether relations between the government and Catholic Church backslide.

#### ANTI-SEMITISM

Between 1998 and 2009, thousands of Jews fled the country due to increased anti-Semitism, the negative political and economic results of the president's socialist agenda, or some combination of both. The State Department reports that the Jewish population today is estimated to be 12,000, down from an estimated 22,000 in 1998. Prior to President Chavez's rule, Venezuela was not known to have problems with anti-Semitism; rather it enjoyed a reputation of welcoming Jews during and after the Holocaust.

For many years, President Chavez, government officials, government-controlled media, and President Chavez's supporters frequently espoused anti-Semitic statements and Jewish conspiracy theories. The American Jewish Committee (AJC) and the Anti-Defamation League (ADL) noted a pattern of this anti-Semitism between 2006 and 2010 where the actions of the state of Israel were conflated with Venezuelan Jews, who were then blamed for Israel's policies. During this period, President Chavez and other senior government officials harshly criticized the actions of Israel, often crossing the line into anti-Semitism. For instance, at different times between 2006 and 2010, the President compared the actions of Israel to the Nazis. President Chavez and other government officials also blamed Israel and Jews for the world's problems and promoted stereotypes of Jewish financial influence and control. Government media and pro-Chavez private media echoed these anti-Semitic sentiments in cartoons and opinion pieces, on state radio programs, and in rallies. Furthermore, anti-Semitic cartoons and graffiti equating the Star of David with a swastika were graffitied on synagogues during these time periods.

La Confederación de Asociaciones Israelitas de Venezuela (CAIV), the Venezuelan Jewish community's umbrella organization, reports that beginning in 2011 anti-Semitic statements made by government officials and in state media have dramatically declined, although they have not entirely ceased. Much of the decline followed a September 2010 meeting between President Chavez and Jewish community representatives, during which these representatives presented him with a dossier of anti-Semitic statements in state media. The improvement, noted the AJC, also followed statements by Cuba leader Fidel Castro, President Chavez's mentor, against Iranian President Mahmoud Ahmadinejad's denials of the Holocaust, saying, "I don't think anyone has been slandered more than the Jews."

There was, however, an increase in political rhetoric and cartoons that was considered anti-Semitic in 2012, according to CAIV and the ADL. The statements were directed against Henrique Capriles Radonski, the opposition candidate in the October 2012 presidential elections. Capriles was raised as a Roman Catholic but is the grandson of Polish Jews who fled Nazi persecution, and his great-grandparents were killed in the Treblinka concentration camp. Within a week of Capriles' selection in February 2012, state-run Radio Nacional de Venezuela posted on its website a column calling him a supporter of "international Zionism" and including a number of traditional anti-Semitic themes and conspiracies; a

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state-run newspaper published a cartoon depicting Capriles wearing a swastika; and a pro-Chavez mob formed in front of a Caracas synagogue until it was broken up by the police. These incidents were the most serious of the entire campaign, and unlike when Capriles successfully ran for governor in 2008, there were no attacks on his home. Capriles again is running for president in elections to replace President Chavez following his death in March 2013.

The last attack on the Venezuelan Jewish community occurred on January 30, 2009, when 15 masked men overran security guards, broke into, and vandalized the Tiferet Israel synagogue in Caracas. President Chavez publicly condemned the synagogue attack the next day, and the foreign minister and communications minister met with Jewish leaders. Following an international outcry, 11 individuals, including the bodyguard to a rabbi at the synagogue and eight intelligence officers, were arrested on suspected involvement in the attacks. U.S. Embassy Caracas reports that by mid-2012, 7 of the 11 men had been sentenced to 10 years in prison. There have been no further reported synagogue attacks, and the government has provided synagogues and the La Hebraica community center with security during the high holidays and during important Middle Eastern events.

### **GOVERNMENT AND THE CATHOLIC CHURCH RELATIONSHIP**

For many years, there were strong tensions and exchanges of heated rhetoric between President Chavez and Catholic Church leaders in response to the Church's vocal criticism of the President's undemocratic record.

2012 saw an ease of tension between the President Chavez and the Venezuelan Catholic Church and some rapprochement. President Chavez expressed more religious belief in response to his battle with cancer and sought increased spiritual guidance from Catholic religious leaders. Additionally, the U.S. Conference of Catholic Bishops (USCCB) reports that the new leadership of the Venezuelan Episcopal Conference has decided to be less publicly critical, as it has found it more productive to quietly work with the government for reforms. Rhetoric between the two already started decreasing in 2011.

While no arrests have been made in response to the 2008 and 2009 "La Piedrita" attacks on the Apostolic Nunciature, President Chavez in January 2009 did condemn the attack and no further incidents have reportedly occurred. Similarly, the USCCB does not report any instances in 2012 of pro-Chavez groups or individuals interrupting Catholic masses with pro-Chavez and anti-Catholic statements.

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### WESTERN EUROPE

#### RESTRICTIONS ON RELIGIOUS DRESS, PRACTICES, AND PLACES OF WORSHIP

During the past few years there have been increasing restrictions on, and efforts to restrict, various forms of religious expression in Western Europe, particularly religious dress and visible symbols, ritual slaughter, religious circumcision, and the construction of mosques and minarets. These, along with limits on freedom of conscience and hate speech laws, are creating a growing atmosphere of intimidation against certain forms of religious activity in Western Europe. These restrictions also seriously limit social integration and educational and employment opportunities for the individuals affected.

The International Covenant on Civil and Political Rights (ICCPR) and other international documents guarantee to every individual not only the right to believe, but also the right to manifest one's beliefs, individually or in community with others, in public or in private, through worship, observance, practice and teaching.<sup>3</sup> This encompasses a broad range of acts, including building places of worship, displaying symbols, observing dietary restrictions, wearing distinctive clothing or headcoverings, and participating in rituals associated with certain stages of life.<sup>4</sup> Any limitations on these freedoms must meet several requirements: be prescribed by a narrowly-drawn law; not discriminatory; not destructive of guaranteed rights; not based solely on a single tradition; and necessary to protect an interest specifically enumerated in ICCPR Article 18. The five interests enumerated in Article 18 are public safety, public order, public health, public morals, or the fundamental rights and freedoms of others.

#### Religious Dress

In 2011, national laws banning the wearing of full-face veils anywhere in public came into force in France and Belgium. Since then, Muslim women in both countries who wear such veils have been stopped by police, questioned, and fined for violating these laws. In early 2012, the Netherlands also was moving forward on enacting a full-face veil ban. This effort came to a halt when the Dutch coalition government fell in April 2012. French and Belgian courts have rejected constitutional and human rights challenges to the bans (most recently, the Belgian Constitutional Court in a December 2012 decision). A case concerning the French law is currently pending in the European Court of Human Rights (ECtHR).

Covering one's face in public presents legitimate issues, including in certain circumstances the necessity of facial identification. These limited circumstances may justify narrowly-tailored governmental restrictions. Under international religious freedom standards, a justifiable limit on religious expression, including dress, must be narrowly tailored to achieve a specified permitted ground—public safety, public order, public health, public morals, or the rights and freedoms of others—and it must be non-discriminatory. The 2011 French and Belgian laws appear to ban all face-covering garments in a neutral way. However, the public debate surrounding their enactment, their legislative history, their many exceptions—for garments required by law or regulation, or worn for health, safety, professional, or athletic reasons, or for festivals—and their enforcement make clear that they are directed at religiously-motivated face coverings worn by some Muslim women, specifically the Islamic *burqa* and *niqab*. This raises discrimination concerns. The French law also penalizes, with imprisonment or very large fines, anyone who coerces a woman or a minor to wear a full-face veil “by threat, violence, force, or abuse of

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<sup>3</sup> ICCPR, Article 18(1).

<sup>4</sup> Hum. Rts. Comm., gen. cmt. 22, art. 18, para. 2 (forty-eighth session, 1993), UN Doc. CCPR/C/21/Rev.1/Add.4 (1994).

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power or authority.” While seeking to address concerns about coercion, if too broadly applied this provision may raise questions of parental rights and freedom of choice. To date no charges have been brought under this section.

The 2011 French full-face veil law followed legislation enacted in that country in 2004 that bans the wearing in all public schools of “conspicuous” religious symbols. This law was drafted to target the Islamic headscarf, but also prohibits the Jewish yarmulke, the Sikh turban, and large Christian crosses. In 2008, the UN Human Rights Committee requested France to reconsider the 2004 law,<sup>5</sup> but it remains in force. In Belgium, the Flemish region prohibits the wearing of visible religious symbols in its public schools, as does the municipality of Brussels. These restrictions limit educational opportunities for Muslim girls who wear headscarves and other affected students, and limit their ability to integrate and advance in society.

In a recent case relating to religious dress, the ECtHR held in January 2013 that the wearing of visible religious symbols in the workplace is a protected manifestation of religion or belief that employers may limit only under certain circumstances.<sup>6</sup> The case involved two women who wanted to wear cross necklaces at work, and the court found that a business’ desire to project a certain corporate image did not justify restriction but a hospital’s need to protect health and safety on a medical ward did. As the court noted, most European states do not regulate the wearing of religious dress or symbols at work, particularly in private workplaces, but rather leave it up to individual employers.

Under its strict interpretation of secularism, the French government does not permit any government employees to wear visible religious symbols or religious dress at work. After the end of the reporting period, President François Hollande and other high-ranking government officials publicly called for legislation extending this ban to at least some private workplaces. These calls came after the country’s highest appeals court, the Court of Cassation, ruled that a daycare center discriminated against a Muslim employee by dismissing her for refusing to remove her headscarf at work. The court stressed that the daycare center was a private institution whose staff did not provide a public service.

In Belgium, some public authorities do not permit employees, particularly those who interact with the public, to wear religious symbols or dress at work. For example, teachers in the Flemish public schools may not wear religious dress, nor may employees of the city of Antwerp who have direct public contact. Many private employers in Belgium have similar policies. These restrictions limit employment and economic opportunities, particularly for Muslim women who wear headscarves.

### **Religious Practices**

A 2009 European Union directive generally requires stunning before slaughter but allows countries to exempt religious slaughter. Nevertheless, EU members Luxembourg and Sweden and non-EU members Switzerland, Norway, and Iceland continue to ban all slaughter without stunning, including ritual slaughter. In 2011, the lower house of the Dutch parliament passed such a ban, proposed by an animal-rights party, but the resulting outcry by Muslim and Jewish groups led to a compromise to allow religious slaughter to continue, as long as a veterinarian is present to anesthetize the animal if it is not unconscious

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<sup>5</sup> Hum. Rts. Comm., Concluding Observations on France, para. 23, UN Doc. CCPR/C/FRA/CO/4 (2008) (noting that “respect for a public culture of secularism would not seem to require forbidding wearing such common religious symbols” and recommending re-examination of the law “in light of the guarantees of article 18 of the Covenant concerning freedom of conscience and religion, including the right to manifest one’s religion in public as well as private, as well as the guarantee of equality under article 26.”).

<sup>6</sup> *Eweida and others v. the United Kingdom*, nos. 48420/10, 59842/10, 51671/10 and 36516/10, chamber judgment (January 15, 2013).



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within 40 seconds. In November 2012, the Polish Constitutional Court ruled ritual slaughter unconstitutional, but the government has since put forward in parliament a bill to amend the animal protection law to allow the practice to continue. The bill remained pending at the end of the reporting period.

In June 2012, a regional appeals court in Cologne, Germany ruled that doctors could be criminally prosecuted for performing religious circumcisions of male children. Muslim and Jewish groups condemned the decision as violating their religious freedom rights, and in December the German parliament passed a law making clear that religious circumcision of male infants is permitted. The Norwegian ombudsman for children—an independent governmental body— has suggested that Muslims and Jews should adopt “a symbolic, non-surgical ritual” instead of infant male circumcision.

### **Places of Worship**

In 2009, Swiss voters and cantons approved a popular initiative to amend the Swiss federal constitution to ban the future construction of minarets. The amendment added a new sub-article to the constitution’s article on church and state, which provides that “[t]he building of minarets is prohibited.” The Swiss government had opposed the ban as irreconcilable with human rights guarantees in the European Convention on Human Rights, the ICCPR, and the Swiss constitution, but voters passed it anyway. A number of cases concerning the minaret ban have been filed at the ECtHR; one was found inadmissible in 2011 and others remain pending.

No other European country has a constitutional provision or national law banning minarets, but in various countries generally-applicable zoning and other laws have been applied in a discriminatory manner to Muslim places of worship. According to the Council of Europe’s Commissioner for Human Rights, “[l]ocal authorities in many European cities regularly find reasons to delay building permits for mosques, but not for other houses of worship.” In some places, existing Muslim worship facilities are insufficient, particularly for Friday prayers, leading worshippers to have to pray outside. In Greece, there continues to be no official mosque in Athens, making it the only EU capital without such a place of worship, despite the Greek parliament approving construction in 2011.

### **HATE SPEECH LAWS**

Almost all European states have “incitement to hatred” laws, also referred to as “hate speech” laws, which reach beyond incitement to violence and therefore can be used to restrict and punish peaceful expression deemed offensive, including the expression of religious beliefs.<sup>7</sup> These laws differ from “hate crimes” laws, which many countries also have, under which a criminal act committed with evident religious or other bias may be subject to enhanced penalties.

The peaceful public sharing of one’s religious beliefs—including beliefs that others may view as controversial or intolerant—is both an integral part of religious freedom and also protected by freedom of expression. This includes making religious truth or superiority claims, questioning or criticizing a religion or religious tenet, and seeking to convince another individual to change his or her religious

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<sup>7</sup> For example, articles 137c, d, and e of the Dutch Penal Code criminalize, subject to up to one year in prison and a fine, “giv[ing] intentional public expression to views insulting to a group of persons on account of their race, religion or convictions, their heterosexual or homosexual preferences or physical, mental or intellectual disability;” “publicly incit[ing] hatred against or discriminating of other persons or violence against the person or the property of others on account of” these grounds; or “for reasons other than the provision of factual information ... mak[ing] public an utterance which [the speaker] knows or can reasonably be expected to know is insulting to a group of persons on account of” these grounds.

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beliefs or affiliation voluntarily, even though other individuals may find these forms of expression offensive or insulting. It also includes the expression of religious beliefs that may be controversial in society, such as views on homosexuality or abortion. Overbroad laws against “incitement to hatred” pose a risk of chilling protected expression, and if used against the peaceful expression of beliefs can result in violations of the freedoms of speech and religion.

UN resolutions have recognized that under international human rights standards, governments should address intolerant speech through counter-speech and positive measures, including education and outreach; criminalization is only appropriate for speech that constitutes incitement to imminent violence.<sup>8</sup> The UN Special Rapporteur on Freedom of Religion or Belief likewise has noted that the international provision relating to laws against incitement, ICCPR Article 20(2), sets a high threshold under which “expressions should only be prohibited...if they constitute incitement to imminent acts of violence or discrimination against a specific individual or group,” and that lowering this threshold “would not only shrink the frontiers of free expression, but also limit freedom of religion or belief itself.”<sup>9</sup> The Parliamentary Assembly of the Council of Europe also has said that “national law should only penalise expressions about religious matters which intentionally and severely disturb public order and call for public violence.”<sup>10</sup>

Despite this, most countries in Europe criminalize expression that does not amount to incitement to violence. For example, the United Kingdom’s 1986 Public Order Act, which applies in England and Wales, makes it an offense to use threatening, abusive or insulting words or behavior, or to publish, distribute, display, or broadcast any threatening, abusive, or insulting material, if the defendant does so with intent to stir up racial hatred or if in the circumstances racial hatred is likely to be stirred up. In 2006, the law was amended to add a similar provision on incitement to religious hatred. In an effort to limit the intrusion on protected speech, this provision requires that the words, behavior or material must be threatening (not just abusive or insulting), must be intended to stir up religious hatred (not just likely to do so), and must not merely express criticism or dislike of a religion or religious belief.<sup>11</sup> Also, no prosecution under the incitement to religious hatred provision can be instituted without the consent of the Attorney-General. Nevertheless, the law still goes beyond incitement to violence and its breadth and vagueness places individuals at risk, at a minimum, of threats of prosecution for protected expression. This is illustrated by a September 2011 incident in which police in Blackpool, England warned a coffeehouse owner to stop showing Bible verses on a TV screen in the shop, or face Public Order Act

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<sup>8</sup> Human Rights Council, “Resolution 16/18: Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against, persons based on religion or belief,” UN Doc. A/HRC/RES/16/18 (2011); General Assembly, “Resolution 66/167: Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief,” UN Doc. A/RES/66/167 (2011); Human Rights Council, “Resolution 19/25 : Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against, persons based on religion or belief,” UN Doc. A/HRC/RES/19/25 (2012); General Assembly, “Resolution 67/178: Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief,” UN Doc. A/RES/67/178 (2012). See also Leo, Gaer, and Cassidy, “Protecting Religions from ‘Defamation’: A Threat to Universal Human Rights Standards,” 34 Harv. J. Law & Pub. Pol. 769 (2011).

<sup>9</sup> UN Document A/HRC/2/3, paras 47, 50 (2006).

<sup>10</sup> Parliamentary Assembly of the Council of Europe, Recommendation 1805 (2007) on blasphemy, religious insults and hate speech against persons on grounds of their religion, adopted June 29, 2007.

<sup>11</sup> The 2006 amendments adding the religious incitement offence include the following provision: “Nothing in this Part shall be read or given effect in a way which prohibits or restricts discussion, criticism or expressions of antipathy, dislike, ridicule or abuse of particular religions or the beliefs or practices of their adherents, or of any other belief system or the beliefs or practices of its adherents, or proselytizing or urging adherents of a different religion or belief system to cease practising their religion or belief system.”

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charges, after a customer complained the verses were homophobic. The police later apologized for “misinterpreting” the Act.

### **ACCOMMODATION OF RELIGIOUS OBJECTIONS**

There also have been issues in various European countries concerning the accommodation of religious objections to generally-applicable laws, government policies, or employer requirements. The ECtHR recently addressed two such cases in the combined case of *Eweida et al. v United Kingdom*. The decision did not establish a uniform approach for all cases, but rather gave great deference—in the court’s terminology “a wide margin of appreciation”—to national authorities to decide how to strike the balance in each particular case.

The cases involved a local registrar of births, deaths and marriages who objected to registering same-sex partnerships and a counselor who objected to providing psycho-sexual therapy to same-sex couples; both were disciplined and ultimately lost their jobs. The court recognized that objecting to homosexuality was a protected manifestation of religious belief under the European Convention, and that these individuals were severely impacted by their employers’ refusal to accommodate their beliefs. The court also rejected the argument that there was no violation of their rights because the individuals could find other jobs; instead, it said national courts should “weigh that possibility [finding another job] in the overall balance when considering whether the restriction was proportionate.”

In both cases, the court found that the employers were seeking to “to secure the rights of others which also were protected under the Convention” and concluded that it could not say that the lower courts had erred in balancing the competing rights. However, two judges dissented with respect to the registrar, on the grounds that she had held the job since before civil partnerships existed and should have been permitted to opt out of performing them based on her conscientious objections, as other local authorities had allowed.

Another example of individuals objecting to government policies that limit their ability to practice elements of their faith concerns homeschooling in Germany. Public school attendance is required by law in Germany with very few exceptions that do not include religious objections. This has implications regarding the right of parents to educate their children consistent with their own beliefs, which is protected by ICCPR Article 18. In recent years, German parents who want to home school their children for religious reasons have been fined and at least one family has sought asylum in the United States.<sup>12</sup>

### **GOVERNMENTAL MONITORING OF DISFAVORED RELIGIOUS GROUPS**

Since the 1990s, the governments of several European countries—particularly France, but also Austria, Belgium, and Germany—have taken measures against religious groups pejoratively characterized as “cults” or “sects.” These efforts have included the publication of official reports or lists identifying certain groups as harmful or dangerous “cults” or “sects;” the use or creation of government agencies to monitor these groups; the application of registration, immigration, tax or other generally-applicable laws in ways that restrict these groups’ rights;<sup>13</sup> and in the case of France, the passage of a specific law “to

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<sup>12</sup> An Immigration Judge in Tennessee granted asylum to Uwe and Hannelore Romeike and their children in 2010. The government appealed, and a Board of Immigration Appeals reversed. The Romeikes appealed to the U.S. Circuit Court of Appeals for the Sixth Circuit, where the case is now pending.

<sup>13</sup> For example, a long-running tax case against the Jehovah’s Witnesses – in which the French government assessed high taxes and penalties on members’ donations to the church – finally concluded in 2011 with the European Court of Human Rights ordering France to reimburse the Witnesses more than 4.6 million Euros.

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reinforce the prevention and repression of sects which infringe human rights and fundamental freedoms.”<sup>14</sup>

The most extensive “anti-cult” efforts have been in France. Since 1998, the French government has had a governmental entity specifically tasked with collecting and disseminating official information on groups deemed to be “cults” and coordinating government efforts to oppose such groups. The organization in its current form is called the “Inter-ministerial Mission for Vigilance and to Combat Sectarian Aberrations,” or MIVILUDES (its acronym in French).<sup>15</sup> Various French government reports on and lists of “cult” groups have included Jehovah’s Witnesses, Scientologists, the French Federation of Krishna Consciousness, a Baptist Bible college, several Evangelical Christian churches, and many more small, non-traditional, and/or new religious communities. Groups that are on these lists or that have been addressed in MIVILUDES’ or its predecessor’s work say that this system creates a climate of intolerance and has led to both official and private discrimination against them.

In December 2012, French President Hollande announced the establishment of a new government agency, the National Observatory of Secularism, about which a number of religious groups have expressed concerns. The observatory’s mandate is to observe and promote secularism in the country, including by recommending how to promote secular values in French schools. According to press reports, the Minister of Education described the effort as seeking to counter religious extremism. When asked to provide examples of religious extremist groups, he cited creationists, radical Islamists, traditionalist Catholics, and ultra-Orthodox Jews, without making any reference to the use or advocacy of violence.

### **SOCIETAL INTOLERANCE, DISCRIMINATION, AND VIOLENCE BASED ON RELIGION OR BELIEF**

Governmental restrictions on religious freedom both arise from and encourage a societal atmosphere of intolerance against the targeted religious groups. This increasingly hostile climate, in turn, can result in instances of private discrimination, and sometimes even violence, against members of these groups.

Some supporters of the restrictive measures previously discussed have displayed and sought to exacerbate religious bigotry. For example, in Switzerland, the minaret ban’s main proponents, the Swiss People’s Party (SVP), argued that minarets were a symbol of domination and deployed campaign posters with an illustration of a fully-veiled woman in front of a Swiss flag pierced by numerous minarets shaped like missiles. In Belgium, an official of the political party Vlaams Belang offered publicly in June 2012 to pay a 250 euro reward to anyone who reports a fully-veiled woman to police.

Anecdotal evidence suggests that hostility towards Muslim women who wear full-face veils has increased in France since the 2011 ban. For example, in a 2012 report, *Choice and Prejudice: Discrimination against Muslims in Europe*, the NGO Amnesty International interviewed a 20-year-old, *niqab*-wearing French woman who said that police had stopped and rudely questioned her multiple times, and on one

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<sup>14</sup> This 2001 French law, often referred to as the “About-Picard Law,” created the vaguely-defined crime of “the abuse of ignorance or of weakness” (subject to a five-year prison term and substantial fine) and authorized the government to legally dissolve religious associations on account of offenses committed by its leaders, including the new offense. Although criticized by the Council of Europe, the law remains in force. The new crime provision apparently has been used only once, against the leader of a group called “New Lighthouse,” who claimed he was Christ and predicted the imminent apocalypse, leading one follower to commit suicide and two others to attempt it. He was convicted and sentenced to three years in prison in 2004.

<sup>15</sup> The agency was originally called the “Inter-ministerial Mission for the Fight against Cults,” or MILS, and its mandate included traveling abroad to discuss fighting “cults” with other countries (which MILS officials did, including to other European countries, as well as to China and Russia). MIVILUDES, which replaced MILS in 2002, does not appear to have this international component.

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occasion pushed her into a police car, bruising her arm; she also reported increased societal harassment, saying that she was often verbally assaulted on the street, and sometimes even spat at.<sup>16</sup>

In recent years, the atmosphere of religious intolerance across Europe appears to be rising. In its 2012 report *Rising Tide of Restrictions on Religion*, the Pew Forum on Religion and Public Life found an overall rise in the median level of social hostilities based on religion throughout Europe, and significant increases in a number of individual countries, including Croatia, France, Germany, Greece, and the United Kingdom.<sup>17</sup> Its 2011 report had found substantial increases in social hostilities based on religion in 5 European countries: Bulgaria, Denmark, Russia, Sweden, and the U.K., as compared to its baseline 2009 report.<sup>18</sup> According to Pew, “[m]uch of the tension in Europe focused on the region’s rapidly growing Muslim population, but in some cases it also reflected rising anti-Semitism and antagonism toward Christian minorities, such as Jehovah’s Witnesses.”<sup>19</sup> In addition, polling in early 2012 in 10 countries (Austria, France, Germany, Hungary, Italy, the Netherlands, Norway, Poland, Spain and the U.K.) found that significant percentages of those surveyed believed some of the most pernicious anti-Semitic stereotypes, and that anti-Semitic attitudes had increased in all but one of the countries since a similar 2009 survey, with the most dramatic increases in Hungary, Spain, and the U.K.<sup>20</sup>

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<sup>16</sup> Amnesty International, *Choice and Prejudice: Discrimination against Muslims in Europe*, p. 94 (2012).

<sup>17</sup> Pew Forum on Religion & Public Life, *Rising Tide of Restrictions on Religion* (2012).

<sup>18</sup> Pew Forum on Religion & Public Life, *Rising Restrictions on Religion*, p. 45 (2011).

<sup>19</sup> *Id.*

<sup>20</sup> Anti-Defamation League, *Attitudes toward Jews in Ten European Countries* (prepared by First International Resources, LLC 2012).

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In monitoring religious freedom conditions globally, USCIRF often observes transnational issues and trends occurring in multiple countries, including in countries where the overall religious freedom situation does not merit their inclusion in USCIRF's tier system. This section of the 2013 Annual Report highlights and analyzes several such issues and trends, specifically: constitutional changes; severe violations by non-state actors; increasing adoption and enforcement of laws against blasphemy and defamation of religions; imprisonment of conscientious objectors; legal retreat in post-Communist countries; and kidnapping and forced de-conversion in Japan. The section also discusses issues relevant to religious freedom and related rights in international organizations.

### CONSTITUTIONAL CHANGES

Recent world events have spurred renewed interest in how constitutions treat the religion-state relationship and freedom of religion or belief. Over the past several years, new constitutions are being or have been drafted in Egypt, Somalia, Libya, Sudan, and Turkey, among other countries. (For more on the constitutional processes in Egypt, Sudan, and Turkey, see the chapters on those countries in this Annual Report.) These events prompted USCIRF in 2012 to update and re-release a study first issued in 2005, *The Religion-State Relationship and the Right to Freedom of Religion or Belief: A Comparative Textual Analysis of the Constitutions of Majority Muslim Countries and other OIC Members* (hereafter the Constitutions Study).<sup>21</sup> The original study was prompted by the constitutional processes then underway in Afghanistan and Iraq.

#### CONSTITUTIONS STUDY BACKGROUND

The Constitutions Study is both descriptive and analytical. It compiles, into a long table, the existing constitutional provisions on the religion-state relationship, religious freedom, and related human rights from 56 countries—the 46 countries in the world with majority Muslim populations, plus the 10 other countries that also are members of the Organization of Islamic Cooperation (OIC).<sup>22</sup> This group was chosen because these countries' constitutions are influential sources when other majority Muslim and OIC member countries draft or revise constitutions. The Constitutions Study then analyzes how these existing provisions compare to international human rights standards.

Overall, the Constitutions Study shows that these countries encompass a variety of constitutional arrangements on these issues. The religion-state arrangements range from Islamic republics with Islam as the official state religion to secular states with strict separation of religion and state. The role of religion in the law and the extent of guarantees for internationally-recognized human rights, including religious freedom, also vary.

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<sup>21</sup> The 2012 version of the study is available here: <http://www.uscifr.gov/reports-and-briefs/special-reports/3787.html>. The 2005 version is available here: <http://www.uscifr.gov/reports-and-briefs/special-reports/1887.html>

<sup>22</sup> The 46 majority Muslim countries surveyed are: Afghanistan, Albania, Algeria, Azerbaijan, Bahrain, Bangladesh, Brunei, Burkina Faso, Chad, Comoros, Djibouti, Egypt, Gambia, Guinea, Indonesia, Iran, Iraq, Jordan, Kazakhstan, Kosovo, Kuwait, Kyrgyzstan, Lebanon, Libya, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Sierra Leone, Somalia, Syria, Tajikistan, Tunisia, Turkey, Turkmenistan, United Arab Emirates (UAE), Uzbekistan, and Yemen. The 10 other OIC members are: Benin, Cameroon, Gabon, Guinea-Bissau, Guyana, Ivory Coast, Mozambique, Suriname, Togo, and Uganda.

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### **INTERNATIONAL STANDARDS AND THE IMPORTANCE OF CONSTITUTIONAL RELIGIOUS FREEDOM PROTECTIONS**

While the drafting and approval processes, and the resulting constitutional language, will differ in every country, international human rights standards prescribe certain basic elements for constitutional religious freedom protections. These elements include: universal applicability to everyone as individuals; the freedom to manifest a religion or belief, either individually or in community with others, in public or private; no coercion that would impair the freedom to change religion; and limitations on religious freedom only in certain narrow circumstances allowed under international law.<sup>23</sup>

Constitutional text matters, both as a statement of a nation's laws and aspirations and as a way for people to hold their government accountable for protecting their rights. To be sure, enshrining religious freedom in a country's constitution will not guarantee its respect in practice. Religious freedom abuses can still occur in countries whose constitutional provisions compare favorably with international standards. Constitutional text may not reflect actual practice, especially in the field of human rights.<sup>24</sup> But problematic constitutional provisions that limit this right taint legal systems, making respect for religious freedom on the ground extremely unlikely.

### **CONSTITUTIONS STUDY FINDINGS ON THE RELIGION-STATE RELATIONSHIP**

On the religion-state relationship, the Constitutions Study found that 23 of the countries surveyed—all of which are majority Muslim—make Islam the state religion. The remaining 33 either proclaim the state to be secular or make no pronouncements concerning an official state religion.

Under international standards, a state may declare an official religion, provided that basic rights—including the right to freedom of thought, conscience and religion or belief—are respected for all without discrimination. This means that the existence of a state religion cannot be a basis for discriminating against or impairing any rights of adherents of other religions or non-believers or their communities. Unfortunately, in practice many states with official state religions do discriminate against non-adherents of that religion.

On the role of religion in the law, the study found that 22 of the countries surveyed provide that Islamic law, principles, or jurisprudence should serve as a source of, or limitation on, general legislation or certain select matters. This is the case in 18 of the 23 countries where Islam is the religion of the state, as well as four majority Muslim countries where Islam is not the declared state religion. The latter four countries are Gambia, Nigeria, Sudan, and Syria.

These arrangements vary among these 22 countries. Some countries establish Islamic law, principles, or jurisprudence as “the basis for” legislation (Oman, the Maldives); “the principal (or chief, or main) source of” legislation (Libya, Egypt) or “a principal (or fundamental) source of” legislation (Bahrain, the UAE, Iraq). The constitutions of Afghanistan and Iraq also include what are often referred to as “repugnancy” clauses. Afghanistan Article 3 states that “no law can be contrary to the sacred religion of Islam and the values of this Constitution.” Iraq Article 2 provides: “A. No law that contradicts the established provisions of Islam may be established. B. No law that contradicts the principles of democracy may be

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<sup>23</sup> For more detailed discussion, see USCIRF, *International Standards for Constitutional Religious Freedom Protections*, *International Standards for Constitutional Religious Freedom Protections*, Yale Journal of International Law, December 2011, available at <http://www.uscifr.gov/news-room/op-eds/3679-international-standards-for-constitutional-religious-freedom-protections.html>.

<sup>24</sup> Those actual practices are beyond the scope of the Constitutions Study, but are addressed in USCIRF's annual reports and other publications.



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established. [and] C. No law that contradicts the rights and basic freedoms stipulated in this constitution may be established.”

In some countries, it is unclear what body, mechanism, or process is charged with assessing the conformity of legislation with Islamic principles or law. For example, in Egypt this task has fallen to the Supreme Constitutional Court, whereas in Pakistan the constitution specifically assigns this role to the Shariat Court. Also, many of these constitutions do not define the terms Islam, Shari’ah, or the fundamentals, principles, or jurisprudence of Islam or Islamic law.

Other countries restrict the role of Islam or Islamic law to specific legal matters, such as personal status issues (Jordan, Malaysia, Gambia), or the work of special councils designed to advise the government on questions of religion and religious life (Algeria, Mauritania, Comoros).

### **CONSTITUTIONS STUDY FINDINGS ON THE RIGHT TO FREEDOM OF RELIGION OR BELIEF**

The Constitutions Study found that only 6 of the countries surveyed, in all of which Islam is the declared state religion, provide no constitutional provision at all concerning religious freedom specifically. These are Algeria, Comoros, Maldives, Mauritania, Saudi Arabia, and Yemen.

Regarding the 50 countries that do provide some constitutional guarantee of the right to freedom of religion or belief, the Study found that these provisions comply in varying degrees to international human rights norms. For example, some provisions compare favorably in clearly specifying that the right to freedom of religion or belief is to be extended to every individual, or in protecting individuals against coercion in matters of religion or belief. (The latter would include guarantees against being forced to join a particular religious group, to profess a particular religion or belief publicly, to receive religious instruction or education, to take a religious oath, or to pay a religious tax). Other provisions do not compare favorably with international norms, for example by only protecting particular religions or classes of religions, only encompassing worship or the practice of religious rites, or allowing non-permitted limitations.

For example, in terms of the individual nature of the right, Pakistan and Senegal’s religious freedom clauses apply to “every citizen” and “all citizens,” respectively, and Indonesia’s covers “every person.” At the same time, however, other provisions in Pakistan’s constitution basically disenfranchise the Ahmadi community and repress their religious freedoms.

Other constitutions include the right, but do not frame it individually. For example, Bahrain’s constitution provides: “Freedom of conscience is absolute. The State guarantees the inviolability of worship, and the freedom to perform religious rites and hold religious parades and meetings in accordance with the customs observed in the country.” This is also an example of a provision that only protects certain religious activities, as well as one that allows limitations based on grounds not specified in international law.

Some other countries’ provisions only reference specific religious groups. For example, Iran’s only covers “Zoroastrian, Jewish, and Christian Iranians,” and Afghanistan’s only applies to non-Muslims. This means that in these countries, individual members of the majority religion are not afforded the freedom to debate interpretations of the dominant religion, or to dissent from or otherwise refuse to follow the favored interpretation.

Under international law, the broad right to manifest one’s religion or belief may be subject to only such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or

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the fundamental rights and freedoms of others. Limitations are not allowed on other, non-specified grounds, even grounds that may be permitted to restrict other rights (such as national security). Limitations also must be consistent with the ICCPR's provisions requiring equality before the law for all and prohibiting any measures that would destroy guaranteed rights. Finally, limitations on the freedom to manifest a religion or belief that rely on morality must be based on principles not deriving from a single tradition.

Many of the countries surveyed allow for limitations beyond those permitted under international human rights law. For example, in Afghanistan, the right to manifest religion is contingent upon "provisions of the law," which may enable limitations of the right based on non-enumerated grounds. Provisions in other countries also introduce limitations on grounds not recognized under international standards including "public policy" (Kuwait), "custom" (Bahrain, Kuwait), "decorum" (Jordan), or state sovereignty and national security (Gambia, Kyrgyzstan, Turkmenistan, Turkey).

### **SEVERE RELIGIOUS FREEDOM VIOLATIONS BY NON-STATE ACTORS**

Particularly severe violations of religious freedom are increasingly perpetrated by non-state actors in failing or failed states. Given this troubling reality, the U.S. government must develop strategies for countering these violent groups and protecting religious freedom. Non-state actors vary greatly and include individuals, mobs, vigilante groups, anti-government insurgents, militant organizations, and recognized terrorist groups. While they all act without the color of law, they can differ significantly in ideology, purpose, end goals, and level of international and domestic recognition. The groups discussed in the 2013 Annual Report and in this section are generally motivated by a violent religious ideology to impose their religious beliefs on local populations and harshly punish those who do not abide by their religious edicts. Some of these groups are U.S.-designated Foreign Terrorist Organizations (FTOs) or are members of the al-Qaeda terrorist network. Others are local militias whose domestic political agendas are pushed forward within a religious framework.

In countries where these organizations operate, central and local government authorities often lack the capacity to stop the groups and need international assistance. To date, governmental responses to these groups have been primarily military, with little attention given to addressing political, societal, or economic policies that drive conflict and allow such groups to gain a foothold in society. Situations of impunity are particularly difficult to address, because they often involve circumstances where a government is unable to bring perpetrators of violence to justice. However, when violent non-state actors remain unchallenged, they pose not only a threat to human rights, but also to the stability of the government in the country, as well as to regional security if they undertake cross border actions.

It is important to note that while governments may not be directly involved in these groups' actions, governmental action can foster violence. USCIRF has found that violence from non-state actors often arises in countries where the government exhibits hostility towards particular religious communities, either religious minorities or dissenting members of the religious majority. When discriminatory government laws or policies signal that certain groups are disfavored, non-state actors feel empowered to carry out violent attacks with little fear of reprisal. A government may also sponsor radical teachings or propaganda through education that speaks against certain religious communities. The government's devaluation of certain groups as the religious "other" can make them viewed as deserving of attack.

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In several of the countries addressed in USCIRF's 2013 Annual Report, non-state actors perpetrated particularly severe violations of religious freedom. This section provides details on non-state actors that perpetrate religious freedom violations that were not fully addressed in other report chapters.

### SOMALIA

From 2008 to 2012, al-Shabaab, a U.S.-designated foreign terrorist organization allied with al-Qaeda, controlled central and southern Somalia. While it has lost territory to the recognized Somali government and supporting African Union forces, al-Shabaab is actively working to establish Somalia as a base for terrorism. Its goal is to turn Somalia into an Islamic state, build a greater Somalia by incorporating regional areas with large ethnic-Somali populations such as Djibouti and areas of Ethiopia and Kenya, and spread its radical version of Islam. Al-Shabaab continues to control territory in central Somalia and near the border with Puntland and to fight a guerrilla war in major towns and cities controlled by the government or African Union forces. Al-Shabaab is also engaging in suicide attacks and other violence in Kenya.

Al-Shabaab engages in systemic and egregious violations of religious freedom, and violently implements its interpretation of Shari'ah law in the territories it controls. Somalis accused of committing crimes or who al-Shabaab deems to have deviated from accepted behaviors are punished through stoning, amputation, flogging, and/or detention. With its Wahhabi/Salifi leanings, al-Shabaab views Sufi Islamic interpretations and practices as un-Islamic and has killed Sufi clerics, attacked Sufi followers, destroyed Sufi mosques, and desecrated the tombstones of Sufi saints. It has arrested Sufi clerics and prevented them from conducting classes or attending mosques, and prevented pilgrimages to Sufi shrines.

Al-Shabaab requires women to be fully covered in public and forbids them from engaging in commerce that brings them into contact with men. Men are forbidden to shave their beards, and those deemed with "inappropriate hairstyles" have had their heads shaved. Al-Shabaab orders businesses to close during Islam's five daily prayer times. A number of activities, such as playing soccer or listening to music, are forbidden. The terrorist organization also executes persons accused of working with the central government or the African Union peacekeeping force, calling them apostates and "enemies of Islam." Al-Shabaab also targets the very small and extremely low-profile Christian and Christian convert community, and has executed dozens of Christians in the past five years.

### NIGERIA

The violent religious extremist organization Boko Haram started in northern Nigeria's Yobe and Borno states in 2002 and became a dangerous threat to Nigeria's stability in 2011. Boko Haram (a Hausa-language name meaning western education is a sin, given to the militants by Northern Nigerians) sees the federal and northern state governments, as well as the country's political and religious elites, as morally corrupt. It rejects the West and the secular state and seeks the universal implementation of "pure" Shari'ah law to resolve the ills facing northern Nigerian Muslims. While Shari'ah is already applied in the 12 northern Nigeria states, Boko Haram believes that it has been corrupted by politicians for their own gain.

Boko Haram has grown in numbers in the past two years with scores of economically and politically-marginalized northerners joining the group. Boko Haram is known to receive training from and have connections with al-Qaeda in the Maghreb. The U.S. government designated three of its leaders terrorists in June 2012.

Boko Haram targets include police stations, government buildings, churches, politicians, newspapers, banks, and schools throughout northern Nigeria. Tactics include drive-by shootings on motorcycles, the

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use of improvised explosive devices, and starting in 2011, suicide bombings. In August 2011, individuals claiming to be affiliated with Boko Haram took responsibility for bombing the United Nations' main office in Abuja, an attack that killed 34 people. International Criminal Court prosecutor Fatou Bensouda has said that there is a "reasonable basis" to believe that Boko Haram has committed crimes against humanity in Nigeria.

In addition to attacks on state institutions, Boko Haram attacks have targeted the northern Christian population. In 2012, Boko Haram, or people thought to be affiliated with or sympathetic to the group, attacked at least 25 churches, killing and injuring hundreds; three attacks led to Christian reprisals. Boko Haram has attacked churches on Christmas Eve or Christmas day three years in a row from 2010 to 2012. It also killed individual Christians and called on Christians to leave northern Nigeria. It also seeks to further destabilize Nigeria by striking churches in cities with histories of Muslim-Christian tensions to exacerbate that hostility.

Boko Haram is also responsible, or is suspected of being responsible, for a number of attacks on Muslim clerics critical of the group. Victims include the second most prominent Islamic leader in Nigeria, the Shehu of Borno State Alhaji Ibn Abubakar Umar Garbai Elkanemi and the Emir of Fika. Boko Haram also is believed to have assassinated a number of clerics critical of the religious extremist group in 2012. In efforts to "purify" northern Nigeria, Boko Haram kills those engaged in what it deems un-Islamic behavior, such as gambling and drinking alcohol in bars.

In response to the Boko Haram attacks, President Goodluck Jonathan declared a state of emergency in Borno, Yobe, Niger, and Plateau states on December 31, 2011, allowing the Nigerian army to enter those states. However, rather than stop Boko Haram, the army's use of excessive force exacerbated the problem. Hundreds of suspected Boko Haram members are in detention, with trial dates yet to be determined. The Nigerian government has also entered into failed peace negotiations with the group and on November 25 announced hundreds of thousands of dollars of rewards for information leading to the capture of suspected Boko Haram leader and U.S.-designated terrorist Abubakar Shekau and other senior commanders. The Nigerian government has also taken steps to try to protect churches, including stationing police and erecting barriers at church entry points. While this has not stopped all attackers, it has prevented a number of them from reaching their targets, thereby reducing the number of deaths and injuries.

### **MALI**

Mali, once a model for democracy and freedom of religion and belief in Africa, experienced a dramatic rise in severe religious freedom violations in 2012 due to the activities of several violent religious extremist groups in the ungoverned northern part of the country. A March 2012 coup d'état led to a breakdown of government in northern Mali, leaving it vulnerable to militias already rebelling against the central government and religious extremist groups operating in the region, including: al-Qaeda in the Lands of the Islamic Maghreb (AQIM), Ansar al-Din (Defenders of the Faith), and the Movement for the Unity and Jihad in West Africa (MUJWA).

AQIM is a U.S.-designated FTO whose initial objective was to overthrow Algeria's secular military government and establish an Islamic caliphate. It is composed of Arabs and has sworn its allegiance to al-Qaeda and declared that it shares its goals of an Islamic Caliphate. Until 2012, however, most of AQIM's operations were kidnappings for ransom and smuggling, not trying to impose its extremist interpretation of Islamic law. With its long-standing presence in northern Mali and ties to local populations, AQIM had presences in the main northern cities of Gao, Kidal and Timbuktu.

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Ansar al-Din is a Malian violent religious extremist group formed in November 2011 after its founder, Iyad Ag Ghaly, was rejected as the leader of a secular Tuareg militia. Predominately composed of members from the Tuareg Ifoghas tribe of Kidal and other Tuareg soldiers returned from Libya after that country's civil war, Ansar al-Din controlled Kidal as well as parts Timbuktu. Its goal is for Mali to be an Islamic state. Leaders of Ansar al-Din have connections, including familial, with AQIM.

MUJWA is a splinter group of AQIM that seeks to implement an extremist interpretation of Shari'ah across West Africa. Its African leaders split from AQIM believing that organization's Arab leadership was racist toward its African members. MUJWA's members are non-Malian Africans and ethnically-African northern Malians. Previously operating in northern Mali and southern Algeria, MUJWA gained control over the city of Gao following the March coup d'état.

All of these groups commit gross religious freedom violations in the territories they control. They violently imposed their extremist interpretation of Islam on the populations despite local protests, including use of floggings for violations of behavioral and dress codes. Ansar al-Din and MUJWA used hudood punishments, including stoning, amputation and flogging, for alleged violations of Islamic law and crimes. Additionally, Ansar al-Din and AQIM waged war on Mali's Sufi heritage in the World Heritage site of Timbuktu, desecrating nearly a dozen historic Sufi shrines and burning the Ahmed Baba Centre for Documentation and Research in an attempt to destroy the Centre's 60,000 to 100,000 ancient Muslim and Greek manuscripts. Fearing for their safety, Mali's northern Christian population fled that region as the religious extremists took control.

As the international community trained for a UN-sanctioned peacekeeping force, the extremist groups expanded the territory under their control, leading France to militarily intervene in the country on January 11, 2013. Within weeks, AQIM, Ansar al-Din, and MUJWA were pushed out of all major northern cities, although they are expected to continue to attack cities and military forces for the foreseeable future. French forces are now planning their withdrawal and replacement by the African peacekeeping force. Political negotiations with Ansar al-Din and its offshoots continue.

### **SOUTH ASIA**

Several groups of non-state actors that perpetrate severe violations of religious freedom can be found in Afghanistan and Pakistan. The chapters on Afghanistan and Pakistan detail the specific attacks perpetrated by these groups.

In Afghanistan, the Taliban are internationally-known abusers of human rights and religious freedom. During their rule of Afghanistan from 1996-2001, they repressed religious freedoms and human rights through the enforcement of their vision of religious law, which resulted in gross abuses. Non-Muslim religious statues were destroyed, women were forced to wear the burqa and prevented from attending school. They also banned social and recreational activities, such as music, television and kite flying. While the Taliban were initially welcomed in some quarters because they brought a form of rule of law, their implementation of "justice" was swift, violent, and without appeal.

Because of these violations, conditions in Afghanistan during this period met the statutory threshold for a "country of particular concern" due to the systematic, ongoing and egregious violations of religious freedom. However, since the United States did not recognize the Taliban as the legitimate representatives of the Afghan people, they were not recognized as the governing power. This led the State Department to designate the Taliban as a "particularly severe violator of religious freedom" in 1999 and 2000.

Upon the Taliban's removal from power in 2001 by the United States and international partners, the "particularly severe violator" designation was dropped. Notably, the Taliban has never been designated an FTO by the State Department, although the group was subject to UN sanctions due to its connections

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with al-Qaeda. While the Taliban lost on the battlefield, they have continued to wage asymmetrical attacks against the Afghan government and U.S. and international forces, while enforcing their religiously-inspired worldview upon people in areas they control.

There were several examples of Taliban attacks during the reporting period. In July, the Taliban executed 11 women for their advocacy work, and in August they beheaded 15 men and two women for dancing at a party. They also continued their sectarian violence, including targeting of places of worship. In August, the Taliban bombed a mosque in Nangahar province killing 19, and in October, a Taliban suicide bombing killed at least 42 at a mosque during Eid.

In Pakistan over the past several years, the level of religiously-motivated violence has steadily increased, both against minority religious communities and members of the majority faith whose views run counter to those of extremists groups. Violence has been perpetrated by individual actors and by spontaneous mob attacks. In addition, a number of violent militant groups operate with significant freedom in Pakistan and perpetrate attacks in the name of religion. Two of the worst violators are Lashkar-e-Jhangvi (LeJ) and Tehrik-e Taliban Pakistan (TTP).

The Pakistani government has banned LeJ and TTP and the State Department has designated them as FTOs—LeJ in January 2003 and TTP in September 2010. Both organizations are driven by an extremist religious agenda and openly take credit for attacks on religious minorities. For instance, the TTP took credit for the March 2011 assassination of Shahbaz Bhatti, the Federal Minister for Minority Affairs and an outspoken critic of Pakistan's blasphemy laws. LeJ has claimed credit for a series of bombings targeting Shi'i Muslims in January.

The government of Pakistan is at times unable, but also often unwilling, to enforce its laws and prevent attacks by non-state actors. Pakistan's laws and policies discriminate against religious minorities, which fosters an environment where vigilante violence is accepted. Furthermore, the Pakistani government has proven unable and unwilling to crack down on groups like LeJ and TTP, as well as other organizations that use violence to advance their agenda.

### **INCREASING ADOPTION AND ENFORCEMENT OF LAWS AGAINST BLASPHEMY AND DEFAMATION OF RELIGIONS**

Many countries around the world have laws that punish expression deemed blasphemous, defamatory, or insulting to religion or religious symbols, figures, or feelings. These laws are incompatible with international human rights standards, as they protect beliefs over individuals. In addition, they often result in violations of the freedoms of speech and religion, or at least a chilling of these rights, as they empower governments, majorities, and extremists to enforce particular religious views against individuals, minorities, and dissenters. Though often justified as needed to promote religious harmony, these laws in fact have the opposite effect, exacerbating religious intolerance, discrimination, and violence.

The existence and enforcement of these laws contradict consensus UN resolutions recognizing that religious intolerance is best fought through positive measures, such as education, outreach, and counter-

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speech, and that criminalization is only appropriate for incitement to imminent violence.<sup>25</sup> They also contradict the views of the UN Human Rights Committee, which has stated that “[p]rohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the [International] Covenant [on Civil and Political Rights],”<sup>26</sup> as well as the conclusions of an international group of experts convened by the Office of the UN High Commissioner for Human Rights. Those experts recently recommended that “[s]tates that have blasphemy laws should repeal the[m] as such laws have a stifling impact on the enjoyment of freedom of religion or belief and healthy dialogue and debate about religion.”<sup>27</sup>

Several of the countries USCIRF reported on in the 2013 Annual Report have these types of laws and are enforcing them. The most egregious example is Pakistan, where, as discussed in this report’s Pakistan chapter, USCIRF knows of 17 individuals currently on death row on blasphemy convictions and 20 serving life sentences, and where individuals have been murdered in vigilante violence associated with blasphemy allegations. Specific cases of religious blasphemy, defamation, or insult also are reported in the chapters on Egypt, Indonesia, and Saudi Arabia. In some of these countries, such as Egypt, the number of blasphemy-type cases in this reporting period increased from previous years. In addition, as discussed in the relevant chapters, during this reporting period both Russia and the Kurdistan region of Iraq considered enacting new laws of this type.

USCIRF also is aware of cases of blasphemy, defamation of religion, or religious insult during this reporting period in the following countries:

- **Greece:** In September 2012, Philippos Loizos was arrested and charged with blasphemy for setting up a Facebook page criticizing a deceased Greek Orthodox monk as close-minded and xenophobic and mocking the monk’s name, which was similar to the Greek word for a pasta dish. The blasphemy charge was later dropped, but replaced with a charge of insulting religion, which remains pending. Under the Greek penal code, blasphemy or insulting religion is subject to imprisonment for up to two years.

In November, blasphemy charges were brought against the director and cast of a play, *Corpus Christi*, which portrays Jesus and his apostles as homosexuals living in Texas. The play had been cancelled after weeks of sometimes violent protests against it. The charges remain pending. The play’s director said in the press that he received death threats for several months, including threats sent to his parents.

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<sup>25</sup> Human Rights Council, “Resolution 16/18: Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against, persons based on religion or belief,” UN Doc. A/HRC/RES/16/18 (2011); General Assembly, “Resolution 66/167: Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief,” UN Doc. A/RES/66/167 (2011); Human Rights Council, “Resolution 19/25 : Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against, persons based on religion or belief,” UN Doc. A/HRC/RES/19/25 (2012); General Assembly, “Resolution 67/178: Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief,” UN Doc. A/RES/67/178 (2012).

<sup>26</sup> Human Rights Committee, “General comment no. 34, Article 19: Freedoms of opinion and expression,” UN Doc. CCPR/C/GC/34, para. 48 (2011).

<sup>27</sup> “Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, Conclusions and recommendations emanating from the four regional expert workshops organised by OHCHR in 2011, and adopted by experts in Rabat, Morocco on 5 October 2012,” available at [http://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat\\_draft\\_outcome.pdf](http://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf).

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In both cases, members of the ultra-nationalist Golden Dawn party, including Golden Dawn members of parliament, stirred up outrage against the expression at issue and called for the charges, as did some Greek Orthodox clergy. In the case of the play, the charges were filed by the Orthodox bishop of Piraeus.

- **India:** In March 2012, two lay Catholic organizations filed charges of “insulting religion” against the head of the Indian Rationalist Association, Sanal Edamaruku, after he questioned whether water dripping from a statue of Jesus in a Catholic church was a miracle or a plumbing issue. The charges are under Section 295A of the Indian Penal Code, which criminalizes “[d]eliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs,” subject to imprisonment of 3 years, or a fine, or both. Edamaruku also received death threats. He has left India for Finland, where he remains.

In November, police in Mumbai arrested two women, Shaheen Dhada and Renu Srinivasan, and charged them under Section 295A of the Penal Code and Section 66A of the Information Technology Act for posting and liking a post on Facebook complaining about the city coming to a standstill after the death of a Hindu-nationalist leader, Bal K. Thakeray. (Section 66A penalizes sending a “grossly offensive” message through a computer resource or communication device with three years’ imprisonment and a fine.) Shortly after she made the post, Dhada received a harassing phone call and a mob of Thakeray supporters descended on her neighborhood, demanding her arrest and vandalizing her uncle’s medical clinic. Both women were released on bail the next day. The charges against the women were later dropped, and several police officials and the magistrate involved in the case were disciplined. Ten individuals involved in the violence also reportedly were arrested.

- **Kuwait:** During the reporting period, the Kuwaiti parliament voted to increase the criminal penalty for blasphemy to the death sentence. USCIRF wrote the Kuwaiti ambassador to the United States to highlight that blasphemy laws violate international standards and UN resolutions that the Kuwaiti government had supported. In addition, USCIRF engaged the U.S. Embassy in Kuwait and the State Department about these concerns, and encouraged Members of Congress to write the Kuwaiti Emir. In June, the Emir vetoed the change in Kuwaiti law.

However, also in June 2012, in the midst of the Saudi military intervention in Bahrain to help quell Shi’i protests, a Kuwaiti court sentenced Shi’i blogger, Hamad al-Naqi to 10 years in prison for Twitter messages insulting Islam, the Prophet Mohammed, his wife, his companions, and Saudi and Bahraini leaders. Al-Naqi has said he did not write the messages and his account was hacked. An appeal is ongoing.

- **The Philippines:** In January 2013, a Manila trial court convicted Carlos Celdran under a penal code article that criminalizes “offending the religious feelings of the faithful.” In 2010, to protest the Catholic church’s opposition to a then-pending reproductive health bill, Celdran, dressed as author Jose Rizal, held up a sign reading “Damaso” and shouted “you bishops, stop getting involved in politics” during a service at Manila Cathedral, before being removed by police. Damaso is the last name of a villainous character, a corrupt and abusive priest, in Rizal’s 1887 novel *Nolo Me Tangere*. Celdran is out on bail awaiting sentencing, which could be up to 13 months imprisonment.
- **Poland:** In October 2012, the Supreme Court of Poland reversed the acquittal of a heavy-metal rock musician, Adam “Nergal” Darski, on criminal charges of “offending religious feelings” for ripping up a Bible and criticizing the Catholic Church during a concert performance in 2007. A trial court found him not guilty in 2011, holding that what he had done was artistic expression,



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but prosecutors appealed. The Supreme Court held that a person may be convicted of offending religious feelings even if he had not directly intended to do so, as long as he was aware that his actions may lead to offense being taken. The case will now return to the trial court for further proceedings. The potential penalties are a fine, restriction of liberty, or up to two years' imprisonment.

- **Tunisia:** In March 2012, a Tunisian court sentenced two men—Ghazi Ben Mohamed Beji and Jaber Ben Abdallah Majri—to seven years in jail for publishing writings and caricatures perceived as offensive to Islam. In July, an appeals court upheld the verdict and prison terms.

In May 2012, a TV-station executive, Nabil Karoui, was fined 2,400 dinars (around \$1,500) for “violating sacred values” and “disturbing the public order” by airing the film *Persepolis* on his channel in October 2011. Tunisian Salafi Muslims deemed the animated film, about a young girl growing up during the Iranian revolution, blasphemous because of a dream scene depicting God. After the film aired, armed mobs attacked Karoui's home and the Prime Minister's office, and during Karoui's trial, individuals opposed to the film attacked peaceful demonstrators supporting Karoui outside the courthouse. No charges have been brought against perpetrators of the violence. Karoui plans to appeal the fine.

- **Turkey:** In June 2012, an Istanbul court indicted Fazil Say, a prominent pianist and composer, on charges of “publicly insulting religious values that are adopted by a part of the nation.” The charges are based on tweets in which Say, a self-declared atheist, allegedly insulted Islam. The trial began last autumn and will next resume in April. The potential penalty is up to 18 months in prison.

### IMPRISONMENT OF CONSCIENTIOUS OBJECTORS

Conscientious objection to military service is closely tied to freedom of religion or belief. In USCIRF's global monitoring of religious freedom, we have observed how many conscientious objectors are motivated by deeply-held religious beliefs. In countries not providing a civilian alternative service regime, the conflict between religious beliefs and forced conscription into military service has resulted in lengthy prison sentences for individuals.

The UN Human Rights Council, and its predecessor the UN Human Rights Commission, repeatedly have recognized “the right of everyone to have conscientious objection to military service as a legitimate exercise of the right to freedom of thought, conscience, and religion, as laid down in article 18 of the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights.” As recently as July 2012, the Human Rights Council called on all states to review their laws, policies and practices relating to conscientious objection to military service.

The Parliamentary Assembly of the Council of Europe repeatedly has called on member states to provide alternative civilian service, and recognition of conscientious objection is required for Council of Europe (CoE) membership. In 2011, the European Court of Human Rights (ECtHR), in a case against Armenia, ruled that the failure to recognize conscientious objection violates the European Convention's guarantee of the freedom of thought, conscience and religion or belief. As the CoE's Human Rights Commissioner has said, “[p]eople should not be imprisoned when their religious or other convictions prevent them from doing military service. Instead they should be offered a genuinely civilian alternative.”

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Nevertheless, some countries continue to imprison Jehovah's Witnesses and other individuals who object, based on conscience or religion, to compulsory military service. As discussed in the relevant country chapters in this Annual Report, there currently are conscientious objectors in prison in Eritrea, Turkmenistan, and Azerbaijan. In recent years, conscientious objectors also have been imprisoned in Belarus and Turkey.

Armenia and South Korea are two countries not on either of USCIRF's tiers that have imprisoned significant numbers of conscientious objectors and continue to struggle with balancing national security concerns with their international human rights obligations.

When it joined the CoE in 2001, Armenia committed itself to introduce a civilian alternative service by 2004. However, the law it enacted—which has been criticized by experts from the UN, the CoE, and the Organization for Security and Cooperation in Europe—leaves alternative service under Defense Ministry oversight, making it unacceptable for most conscientious objectors. Moreover, the 42-month duration of alternative service is the world's longest. The ECtHR has issued four decisions along with fines against Armenia in conscientious objection-related cases. In its most recent ruling, in November 2012, the ECtHR found that Armenia had violated the rights of 17 jailed Jehovah's Witness conscientious objectors and for the first time in such a case, the Armenian judge on the court did not dissent. Also in November 2012, two Jehovah's Witnesses were imprisoned in Armenia, bringing the current total of conscientious objectors in prison to 31, most of whom are serving terms of two to three years. An additional 15 have been convicted but are not in prison pending appeals, according to Forum 18.

Since 1950, over 17,000 Jehovah's Witnesses and other conscientious objectors have served eighteen-month sentences for violating South Korea's Military Service Act (MSA), which requires all 19 to 35-year-old Korean men to serve a two-year military commitment. National military service is a national duty stipulated in Article 39 of the Constitution. There are around 800 Koreans currently serving 18-month sentences for refusing military service. The UN Human Rights Committee has repeatedly ruled that South Korea is violating the basic human rights of conscientious objectors, contrary to its commitments under the International Covenant on Civil and Political Rights, particularly Article 18.

There have been several attempts to create a system of alternative civilian service for conscientious objectors in South Korea. South Korea's Supreme Court and National Human Rights Committee have recommended an alternative civilian service system for conscientious objectors. In 2007, the outgoing administration of President Roh Moo-hyun announced a program offering objectors three years of civilian service. However, that program was postponed indefinitely by the administration of President Lee Myung-bak, citing heightened conflict with neighbor North Korea. South Korea's Ministry of Defense views mandatory military service as a matter of both national security and social cohesion. This view was supported by the Constitutional Court in August 2011, which upheld the law penalizing conscientious objectors who refuse military service. The incoming President, Park Guen-hye, continues to face the twin dilemmas of heightened security concerns and the imprisonment of individuals who object by conscience and religion to any military service.

### LEGAL RETREAT FROM RELIGIOUS FREEDOM IN POST-COMMUNIST COUNTRIES

In recent years, various post-Communist countries have enacted increasingly restrictive laws relating to religion and religious groups, and have applied them to limit rather than promote religious freedom. This negative trajectory is discussed in this Annual Report's chapters on Azerbaijan, Belarus, Kazakhstan, Russia, Tajikistan, Turkmenistan, and Uzbekistan.

This trend is also evident in Ukraine and Kyrgyzstan.

In December 2012, Ukrainian President Viktor Yanukovich signed controversial amendments to the country's 1991 Law on the Freedom of Conscience and Religious Organizations. Ukrainian civil society and religious communities criticized the amendments as overly broad and vague and the amendment process as non-consultative. The leaders of Ukraine's largest religious communities, Patriarch Filaret of the Ukrainian Orthodox Church-Kyiv Patriarchate (UOC-KP) and Major Archbishop Sviatoslav of the Ukrainian Greek Catholic Church, separately joined in this appeal. Some observers expressed concern that the amendments would provide opportunities for President Yanukovich to favor the UOC-KP.

The amendments complicate the registration process for religious groups by introducing two unclear and separate processes. The number of state regulatory bodies also was increased to include the Prosecutor's Office, the central body on religious matters (the Ministry of Culture), other ministries, and local authorities. Other issues of concern include requirements that religious groups must obtain prior permission to hold peaceful assemblies and that the Ministry of Culture must approve the activities of foreign religious personnel, including students and volunteers. The amendments have already taken effect and Ukrainian religious groups have expressed concern about a possible destabilizing effect on civil society. Ukraine's major Muslim organization also has criticized the autonomous Crimean government for disregarding Ukrainian laws, including using textbooks that promote religious discrimination.

In Kyrgyzstan, before 2009, both registered and unregistered religious groups could function quite freely. The 2009 Religion Law, however, sets numerous restrictions, including a complex and cumbersome registration process required for all religious communities to complete by 2010. To register, at least 200 adult citizens (a major increase from the previous requirement of 10) must submit detailed personal and other data. The registration application must include written permission from local officials to use local meeting premises, and if a religious community has administrative centers outside Kyrgyzstan or foreign citizens on its executive board, it is classified a "mission" and must re-register annually. The State Committee on Religious Affairs (SRCA) can recommend rejection of a registration application if it deems the group a threat to national security, inter-ethnic and inter-religious harmony, public order, health, or morality. Religious groups must submit financial data to the State Agency for Statistics, tax authorities, the SCRA, and the Prosecutor's Office. If they do not comply, the SCRA can seek a court order to close down the organization.

By early 2012, only 135 Muslim communities and three Russian Orthodox parishes had been registered, leaving hundreds of mosques, Protestant churches, Jehovah's Witnesses and Hare Krishna communities unregistered. Reportedly, the SCRA often refused to inform religious organizations why their registration or re-registration was denied. Unregistered religious groups are banned from renting space and holding religious services, although many hold regular services without official interference. As of December 2012, Ahmadi Muslims had gone to court to challenge denials of registration at the local and national

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levels and Jehovah's Witnesses had taken consistent state registration denials to the UN Human Rights Committee.

The law also allows the government to examine any religious materials, including in libraries and imported literature which must also be examined by the National Security Service. The law also restricts distribution of religious materials to a religious group's legal property, or in places allocated by local authorities. Under the religion law, local cemeteries are controlled by local officials who often deny non-Muslims burial sites. The 2009 law also bans involvement of minors in religious groups, "insistent attempts to convert followers of one religion to another (proselytism)," and undefined "illegal missionary activity." It allows for the teaching in public schools of religious courses only if the state deems them mainstream.

During the its Universal Periodic Review before the UN Human Rights Council in 2010, the Kyrgyz government agreed to review the 2009 law, but it has not done so. Yet, during the reporting period, the Kyrgyz parliament considered amendments to the 2009 law that would: authorize the National Security Services to request assistance from the Russian Orthodox Church and the Spiritual Board of Muslims in examinations of religious literature; require state permission to send students for foreign religious education; and require a state license for all foreigners exercising freedom of religion or belief. Additionally, in January 2013, new and higher administrative penalties for violations of religion laws were part of proposed Justice Ministry amendments to the Kyrgyz code of administrative offenses, Forum 18 reported.

### **KIDNAPPING AND FORCED RELIGIOUS DE-CONVERSION IN JAPAN**

Japan is a thriving democracy with an advanced judicial system, both of which have generally promoted and protected the freedom of religion and belief. Nonetheless, over the past several decades, thousands of individuals belonging to the Unification Church, the Jehovah's Witnesses, and other new religious movements (NRMs) have been kidnapped by their families in an effort to force them to renounce their chosen beliefs. In some extreme cases, as with Unification Church member Toro Goto, individuals were confined against their will for a decade or more. Those abducted describe psychological harassment and physical abuse by both family members and "professional deprogrammers." Police and judicial authorities have neither investigated nor indicted those responsible for these acts, often citing lack of evidence.

The Japanese Constitution guarantees the freedom of religion and also protects citizens against false imprisonment. In addition, Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which Japan has ratified, protects the freedom "to have or to adopt a religion or belief of his choice" and provides that "no one shall be subject to coercion which would impair his freedom to have or to adopt a religion of belief of his choice." Nevertheless, Japanese authorities continue to see these cases as family matters in which they will not intervene.

The number of abductions for the purpose of forced de-conversion has dropped dramatically since the 1990s, though they have continued to occur each year, particularly targeting Unification Church members. For the Jehovah's Witness, forced de-conversions stopped after an August 2002 court case declared their "deprogramming" illegal and several other cases resulted in civil judgments against parents and "professional deprogrammers." However, in a 2003 Supreme Court case involving the alleged

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kidnapping and forced de-conversion of Unification Church members, the Court rejected the appeal, stating that the facts of the case did not violate the Constitution. Other criminal cases, including the 12-year abduction and torture of Toro Goto, have been dropped because of “lack of evidence.” The Unification Church alleges that dozens of cases of forced de-conversion still occur each year in Japan, including in the past year, when five cases were confirmed by human rights groups working on this issue.

A civil case brought by Toro Goto against his kidnappers will proceed this year. The case has garnered media attention in Japan, as well as the attention of Japanese legislators. Religious and human rights groups that have worked to expose the practice of forced de-conversion hope that the number of abduction cases will continue to decline and that in the future police and judicial authorities will pursue criminal charges against family members and “professional deprogrammers” who kidnap and mistreat members of the Unification Church or other NRMs.

### RELIGIOUS FREEDOM ISSUES IN INTERNATIONAL ORGANIZATIONS

The International Religious Freedom Act of 1998 (IRFA) specifically cites U.S. participation in multilateral organizations as an avenue for advancing religious freedom. Both the United Nations (UN) and the Organization for Security and Cooperation in Europe (OSCE) have conventions and agreements that protect freedom of religion or belief and related rights, including assembly and expression. In addition, both the UN and OSCE have mechanisms that can be used to advance religious freedom or call attention to violations. Continued strong U.S. support for religious freedom and related rights in these institutions is critical.

#### **UNITED NATIONS**

The United States should continue to participate actively in the UN Human Rights Council, including its Universal Periodic Review (UPR) process. The UPR, which currently is in its second cycle, allows states to assess the human rights performance of every UN member state. USCIRF urges the United States to seek to ensure that each country’s compliance with international religious freedom standards constitutes an important part of the UPR, including by asking probing questions and making strong recommendations concerning religious freedom. This is particularly important when countries designated as “countries of particular concern,” or CPCs, under IRFA are reviewed. The U.S. government also should seek to highlight religious freedom concerns in country-specific resolutions in both the Human Rights Council and the UN General Assembly, particularly regarding CPC countries.

Further, the United States should continue firmly and unequivocally to support the mandate and work of the Human Rights Council’s independent expert, or Special Rapporteur, on Freedom of Religion or Belief, including by working to secure sufficient assistance to help the Rapporteur carry out this volunteer position. The Special Rapporteur—currently Professor Heiner Bielefeldt of Germany—monitors freedom of religion or belief worldwide, communicates with governments about alleged violations, conducts country visits, and brings religious freedom concerns to the UN and public attention through reports and statements. The United States also should encourage the Special Rapporteur to pay particular attention to CPC countries, including by seeking visits. In addition, the U.S. government should seek the appointment or continuation of country-specific Special Rapporteurs for states violating religious freedom and related human rights, particularly CPC countries.

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Finally, the United States should continue vigorously to oppose efforts seeking legal limitations on offensive or controversial speech. The Human Rights Council and General Assembly have been centers of such activity for more than a decade by the Organization of Islamic Cooperation (OIC), with its annual resolutions focused on “combating defamation of religions.” These sought—in violation of the individual rights to freedom of religion and expression—to establish what would be in effect a global blasphemy law. Years of effort by USCIRF, the State Department, members of Congress, and NGOs helped bring about a marked decrease in the support for these flawed resolutions between 2008 and 2010. As a result, in 2011 and 2012 both UN bodies instead adopted consensus resolutions on “combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief.” The new resolutions properly focus on protecting individuals from discrimination or violence, instead of protecting religions from criticism; protect the adherents of all religions or beliefs, instead of privileging one religion; and do not call for legal restrictions on peaceful expression, but rather for positive measures, such as education and outreach. In fact, the new resolutions call for criminalization only in the case of incitement to imminent violence, which is the U.S. First Amendment standard.

USCIRF welcomes this new approach, and commends the efforts that led to these new formulations. Nonetheless, USCIRF remains concerned that the OIC has not abandoned its global anti-blasphemy efforts. As discussed elsewhere in this Annual Report, OIC member states continue to have and enforce repressive domestic blasphemy and defamation-of-religion laws that result in gross human rights abuses. In addition, the OIC and leaders of OIC countries continue to refer publicly to the defamation-of-religions concept and call for laws against it, including in high-level statements at the UN after the YouTube video about the Prophet Mohammed. Similar statements were made in the context of the “Istanbul Process,” a series of international meetings launched in 2011 to discuss the implementation of the new resolutions.

The United States and other UN member states that support universal human rights must remain vigilant, including in the Istanbul Process, against any efforts to erode the new resolutions’ language or to expand existing international incitement norms—which comprise only narrow exceptions to the freedom of expression—to include speech “defaming” religions. Not only would such efforts undermine universal rights, they would exacerbate religious intolerance, discrimination, and violence, the very problems that the OIC claims that it is trying to address.<sup>28</sup>

### **ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE**

The Organization for Security and Cooperation in Europe (OSCE), comprised of 56 participating States from Europe, the former Soviet Union, the United States, and Canada, continues to be an important forum for holding its member countries to extensive international standards on freedom of religion or belief and to combat discrimination, xenophobia, intolerance, and anti-Semitism. In recent years, however, some participating States, led by Russia, have sought to curtail or derail the organization’s focus on human rights activities. In light of this, USCIRF continues to urge the United States to protect and revitalize the OSCE’s human rights and religious freedom activities.

In 2012, the OSCE undertook efforts to “reform” its Advisory Panel of Experts on Freedom of Religion or Belief, a consultative resource that can provide expert opinions on proposed or enacted legislation to OSCE governments. The Panel previously was composed of 60 persons nominated by OSCE countries, including a 15-member Advisory Council appointed by the Director of the OSCE’s Office of Democratic Institutions and Human Rights (ODIHR). Now, like other ODIHR advisory bodies, the new panel has 12 members representing an equitable geographical distribution of the OSCE region. The new U.S.

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<sup>28</sup> For more information, see Leo, Gaer, and Cassidy, “Protecting Religions from ‘Defamation’: A Threat to Universal Human Rights Standards,” 34 Harv. J. Law & Pub. Pol. 769 (2011).

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representative is Ms. Engy Abdelkader, who is also Vice-Chair of the ABA Committee on National Security and Civil Liberties and Vice President of KARAMAH: Muslim Women Lawyers for Human Rights.

USCIRF recommends that the U.S. government encourage the OSCE to utilize the Advisory Panel more effectively, for example by enhancing the transparency of its activities and funding it to provide training seminars for OSCE missions and Mediterranean partner states about OSCE commitments on freedom of religion or belief. In addition, to ensure and maintain the independence of the new Advisory Panel, it should be empowered to act independently and issue reports or critiques without undue interference or review by ODIHR or participating States.

## **APPENDIX 1**

### **BIOGRAPHIES OF USCIRF COMMISSIONERS**

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#### **DR. KATRINA LANTOS SWETT, CHAIR**

Dr. Katrina Lantos Swett established the Lantos Foundation for Human Rights and Justice in 2008 and serves as its President and Chief Executive Officer. This human rights organization is proudly carrying on the unique legacy of the late Congressman Tom Lantos who, as the only survivor of the Holocaust ever elected to Congress, was one of our nation's most eloquent and forceful leaders on behalf of human rights and justice. In addition to managing the Lantos Foundation, Dr. Lantos Swett teaches human rights and American foreign policy at Tufts University. She also taught at the University of Southern Denmark while her husband, former Congressman Richard Swett, was serving as the U.S. Ambassador in Copenhagen.

Her varied professional experiences include working on Capitol Hill as Deputy Counsel to the Criminal Justice Sub-Committee of the Senate Judiciary Committee for then Senator Joe Biden and as a consultant to businesses, charitable foundations, and political campaigns.

Dr. Lantos Swett also has experience in broadcasting, having co-hosted the highly regarded political talk show "Beyond Politics" for many years on WMUR TV, New Hampshire's only network affiliated television station. As co-host, she interviewed state, national, and international figures, including Prime Minister Benjamin Netanyahu, Vice President Al Gore, First Lady Hillary Clinton, Members of the United States Congress, and George Stephanopoulos on the issues of the day.

From 2003-2006 Dr. Lantos Swett served as the Director of the Graduate program in Public Policy at New England College, where she now serves on the college's Board of Trustees. She is also a member of the Board of HRNK Human Rights in North Korea and the Tom Lantos Institute in Budapest. She has served on numerous Boards in the past, including the Christa McAuliffe Planetarium Foundation, the Institute for Justice Sector Development, the Granite State Coalition Against Expanded Gambling (co-Chair), and the NH Citizen's Commission on the State Courts. She has also been active in Democratic politics for over three decades. In 2002, she was the Democratic nominee for Congress in New Hampshire's 2nd District, and she was chosen as a Presidential elector in 1992. She has been a member of the New Hampshire Democratic Party (NHDP) Executive Committee and served as Vice-Chair of the NHDP Finance Committee.

Under Dr. Lantos Swett's leadership as President and CEO, the Lantos Foundation has quickly become a distinguished and respected voice on many key human rights concerns ranging from rule of law in Russia and Internet freedom in closed societies to the on-going threat of anti-Semitism and Holocaust denial. The Foundation also supports human rights defenders around the globe through its Front Line Fund and runs the Lantos Congressional Fellows program in conjunction with Humanity in Action. Each year the Lantos Foundation awards the Lantos Human Rights Prize to an individual who has demonstrated a commitment to standing up for decency, dignity, freedom, and justice. Past recipients have included His Holiness the Dalai Lama, Professor Elie Wiesel, and Paul Rusesabagina.

Dr. Lantos Swett graduated from Yale University in 1974 at the age of 18 and earned her Juris Doctor at the University of California, Hastings College of the Law in 1976. She received her Ph.D. in History from the University of Southern Denmark in 2001. Dr. Lantos Swett has been married for 31 years to former Congressman and Ambassador Richard Swett and they are parents of 7 children and 2 grandchildren. She resides in Bow, New Hampshire.



## **APPENDIX 1**

### **BIOGRAPHIES OF USCIRF COMMISSIONERS**

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#### **AMBASSADOR MARY ANN GLENDON, VICE CHAIR**

Mary Ann Glendon is the Learned Hand Professor of Law at Harvard University and President of the Pontifical Academy of Social Sciences, and former U.S. Ambassador to the Holy See. She writes and teaches in the fields of human rights, comparative law, constitutional law, and political theory.

Glendon is a member of the American Academy of Arts and Sciences since 1991, the International Academy of Comparative Law, and a past president of the UNESCO-sponsored International Association of Legal Science. She served two terms as a member of the U.S. President's Council on Bioethics (2001-2004), and has represented the Holy See at various conferences including the 1995 U.N. Women's conference in Beijing where she headed the Vatican delegation.

Glendon has contributed to legal and social thought in several articles and books, and has lectured widely in this country and in Europe. Her widely translated books, bringing a comparative approach to a variety of subjects, include The Forum and the Tower (2011), a series of biographical essays exploring the relation between political philosophy and politics-in-action; Traditions in Turmoil (2006), a collection of essays on law, culture and human rights; A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights (2001), which the New York Times reviewer said should be the definitive study of the framing of the UDHR; A Nation Under Lawyers (1996), a portrait of turbulence in the legal profession, analyzing the implications of changes in legal culture for a democratic polity that entrusts crucial roles to legally trained men and women; Seedbeds of Virtue (co-edited with David Blankenhorn) (1995); Rights Talk (1991), a critique of the impoverishment of political discourse; The Transformation of Family Law (1989), winner of the legal academy's highest honor, the Order of the Coif Triennial Book Award; Abortion and Divorce in Western Law (1987), winner of the Scribes Book Award for best writing on a legal subject; The New Family and the New Property (1981), and textbooks on comparative legal traditions.

Her prizes and honors include the National Humanities Medal, the Bradley Foundation Prize, and honorary doctorates from numerous universities including the Universities of Chicago and Louvain.

Glendon taught at Boston College Law School from 1968 to 1986, and has been a visiting professor at the University of Chicago Law School and the Gregorian University in Rome.

She received her bachelor of arts, juris doctor, and master of comparative law degrees from the University of Chicago. During a post-graduate fellowship for the study of European law, she studied at the Université Libre de Bruxelles and was a legal intern with the European Economic Community. From 1963 to 1968, she practiced law with the Chicago firm of Mayer, Brown & Platt, and served as a volunteer civil rights attorney in Mississippi during "Freedom Summer" 1964.

A native of Berkshire County, she lives with her husband, Edward R. Lev, in Chestnut Hill, Massachusetts. They have three daughters and six grandchildren.

#### **REV. WILLIAM J. SHAW, VICE CHAIR**

Dr. William J. Shaw is the Immediate Past President of the National Baptist Convention, USA, Inc. and Pastor of White Rock Baptist Church in Philadelphia, a position he has held since 1956. In addition to his work as Pastor of the White Rock Baptist Church, Dr. Shaw is a recognized leader in Pennsylvania and across the nation. He was previously appointed to serve on the Bush-Clinton Katrina Fund and currently sits on the Board of the Hospital of the University of Pennsylvania.

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Dr. Shaw has served as President of The Baptist Ministers' Conference of Philadelphia and Vicinity, The Metropolitan Christian Council of Philadelphia, and the Union Theological Seminary National Alumni Association. From 1981 through 1994, Dr. Shaw served as Director of the Ministers' Division of the National Congress of Christian Education. He has been the recipient of numerous awards, including most recently, the Unitas Award, given by the Alumni Association of the Union Theological Seminary and the T. B. Maston Foundation Christian Ethics Award from the Southwestern Baptist Theological Seminary.

Dr. Shaw was appointed in June 2010 by President Barack Obama. President Obama reappointed Dr. Shaw in May 2012.

#### **HON. ELLIOTT ABRAMS, COMMISSIONER**

Elliott Abrams is senior fellow for Middle Eastern studies at the Council on Foreign Relations (CFR) in Washington, D.C. He served as deputy assistant to the president and deputy national security adviser in the administration of President George W. Bush, where he supervised U.S. policy in the Middle East for the White House.

Mr. Abrams joined the Bush administration in June 2001 as special assistant to the president and senior director of the National Security Council (NSC) for democracy, human rights, and international organizations. From December 2002 to February 2005, he served as special assistant to the president and senior director of the National Security Council for Near East and North African affairs. He served as deputy assistant to the president and deputy national security adviser for global democracy strategy from February 2005 to January 2009, and in that capacity supervised both the Near East and North African affairs, and the democracy, human rights, and international organizations directorates of the NSC.

Mr. Abrams was president of the Ethics and Public Policy Center in Washington, D.C., from 1996 until joining the White House staff. He was a member of the United States Commission on International Religious Freedom from 1999 to 2001, and chairman of the commission in the latter year. Mr. Abrams is currently a member of the U.S. Holocaust Memorial Council, which directs the activities of the U.S. Holocaust Memorial Museum. He teaches U.S. foreign policy at Georgetown University's School of Foreign Service.

Earlier in his career, Mr. Abrams spent four years working for the United States Senate, including as special counsel to Senator Henry M. Jackson in 1975-1976, and as special counsel and then chief of staff to Senator Daniel P. Moynihan from January 1977 to June 1979. Mr. Abrams served in the State Department during all eight years of the Reagan Administration, as assistant secretary of state for international organization affairs, then as assistant secretary for human rights and humanitarian affairs, and finally as assistant secretary for inter-American affairs. In 1988, Mr. Abrams received the Secretary of State's distinguished service award from Secretary George P. Shultz.

Mr. Abrams was educated at Harvard College (BA, 1969), the London School of Economics (MSc, 1970) and Harvard Law School (JD, 1973). He is the author of four books, Undue Process (1993), Security and Sacrifice (1995), Faith or Fear: How Jews Can Survive in a Christian America (1997), and Tested by Zion: The Bush Administration and the Israeli-Palestinian Conflict (2013); and the editor of three more, Close Calls: Intervention, Terrorism, Missile Defense and "Just War" Today; Honor Among Nations: Intangible Interests and Foreign Policy; and The Influence of Faith: Religion and American Foreign Policy. He also writes about U.S. foreign policy, with special focus on the Middle East and democracy and human rights issues, on his CFR blog, "Pressure Points."

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### **BIOGRAPHIES OF USCIRF COMMISSIONERS**

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#### **HON. SAM GEJDENSON, COMMISSIONER**

Sam Gejdenson served as a Member of Congress from 1981 until 2000 as the U.S. Representative from the Second Congressional District in Connecticut. During his tenure in Congress, he rose to be the senior Democrat on the House Foreign Affairs Committee. While on the Committee, he was widely recognized for his expertise in, among other areas, human rights, democracy and global engagement. His leadership on curbing international trafficking of women and children is reflected in his co-authorship of the groundbreaking Trafficking Victims Protection Act (which was reauthorized in 2008). Since leaving office, Mr. Gejdenson has, among other activities, worked to help build democracy in Eastern Europe and nations of the former Soviet Union. He has served on numerous boards including American Jewish World Service (AJWS), and the National Democratic Institute (NDI), monitored elections in Bangladesh, Belarus, Georgia, Peru and Ukraine, and advised NDI's country offices world-wide on promoting democracy and good government.

Gejdenson, the first child of Holocaust survivors elected to the U.S. House of Representatives, was born in 1948 in a U.S. displaced persons camp in Eschwege, Germany. He received an A.S. degree from Mitchell College in New London, Connecticut in 1968 and a B.A. from the University of Connecticut in Storrs, Connecticut in 1970. In 1974, he was elected to the Connecticut House of Representatives, serving two terms before accepting a post in the administration of Connecticut Governor Ella T. Grasso.

Mr. Gejdenson was appointed by the Commission on the recommendation of House Minority Leader Nancy Pelosi on April 27, 2012.

#### **DR. ROBERT P. GEORGE, COMMISSIONER**

Robert P. George is McCormick Professor of Jurisprudence and Director of the James Madison Program in American Ideals and Institutions at Princeton University.

He has served on the President's Council on Bioethics and as a presidential appointee to the United States Commission on Civil Rights. He has also served on UNESCO's World Commission on the Ethics of Scientific Knowledge and Technology (COMEST), of which he remains a corresponding member.

A graduate of Swarthmore College and Harvard Law School, Professor George also earned a master's degree in theology from Harvard and a doctorate in philosophy of law from Oxford University, which he attended on a Knox Scholarship from Harvard. He holds honorary doctorates of law, letters, science, ethics, humane letters, civil law, and juridical science.

He is the author of Making Men Moral: Civil Liberties and Public Morality and In Defense of Natural Law, among other books. His articles and review essays have appeared in the Harvard Law Review, the Yale Law Journal, the Columbia Law Review, the Review of Politics, the Review of Metaphysics, the American Journal of Jurisprudence, and Law and Philosophy. He has also written for the New York Times, the Wall Street Journal, the Washington Post, First Things magazine, National Review, the Boston Review, and the Times Literary Supplement.

Professor George is a former Judicial Fellow at the Supreme Court of the United States, where he received the Justice Tom C. Clark Award.

His other honors include the United States Presidential Citizens Medal, the Honorific Medal for the Defense of Human Rights of the Republic of Poland, the Bradley Prize for Intellectual and Civic

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Achievement, the Phillip Merrill Award for Outstanding Contributions to the Liberal Arts of the American Council of Trustees and Alumni, a Silver Gavel Award of the American Bar Association, and the Paul Bator Award of the Federalist Society for Law and Public Policy.

He is a member of the Council on Foreign Relations and is Of Counsel to the law firm of Robinson & McElwee.

#### **DR. AZIZAH Y. AL-HIBRI, COMMISSIONER**

Dr. Azizah Y. al-Hibri is a Professor, Emerita at the T. C. Williams School of Law, University of Richmond where she taught for twenty years. She is the first Muslim woman to become tenured in an American law school.

Dr. al-Hibri is a former professor of Philosophy, founding editor of *Hypatia: a Journal of Feminist Philosophy*, and founder and chair of *Karamah: Muslim Women Lawyers for Human Rights* (see <http://www.karamah.org>).

Dr. al-Hibri is also a presidential appointee to the United States Commission on International Religious Freedom (2011-present) and a Fulbright scholar (2001).

For the last two decades, Dr. al-Hibri has written and lectured extensively on issues of Muslim women's rights, Islam and democracy, human rights in Islam, and Muslim civil rights in the U.S. Her seminal article *Islamic Constitutionalism and the Concept of Democracy* (24 Case Western Reserve Journal of International Law, 1, 1992) focused on an issue that became dominant years later. The same was true of her article *A Critique of Personal Status Codes in Select Arab Countries*, published in United Nations series entitled Studies on Women and Development, no. 25 (1997).

Dr. al-Hibri publishes mostly in law journals and other legal publications. Her articles include: *An Islamic Perspective on Domestic Violence*, 27 Fordham International Law Journal 195 (December 2003), *Redefining Muslim Women's Roles in the Next Century*, in *Democracy and the Rule of Law*, Norman Dorsen and Prosser Gifford, eds. (Congressional Quarterly, 2001), *Muslim Women's Rights in the Global Village: Opportunities and Challenges*, in *The Journal of Law and Religion* (Fall, 2001).

Other important articles by Dr. al-Hibri include: "The Nature of the Islamic Marriage Contract: Sacramental, Covenantal or Contractual," to *Covenant Marriage in Comparative Perspective*, J. Witte and E. Ellison, eds. (Eerdmans 2006), "Divine Justice and the Human Order: An Islamic Perspective," to *Humanity Before God: Contemporary Faces of Jewish, Christian, and Islamic Ethics*, ed. William Schweiker *et al.* (Fortress Press forthcoming 2006). She also edited a section on Islam in *Sex, Marriage and Family in World Religions* (Columbia University Press 2006), and guest-edited a special volume on Islam for the *Journal of Law and Religion* (fall, 2001). Many of Dr. al-Hibri's articles can be accessed at [www.karamah.org/articles](http://www.karamah.org/articles).

Dr. al-Hibri has traveled and lectured extensively in Muslim countries, and in Europe where she addressed Muslim communities as well as parliamentarians and human rights activists. She has received many awards, including the Virginia First Freedom Award, presented in 2007 by the Council for America's First Freedom, the Life Time Achievement Award in 2009 from the *Journal of Law & Religion*, and Dr. Betty Shabazz Recognition Award presented by Women in Islam.

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#### **DR. M. ZUHDI JASSER, COMMISSIONER**

M. Zuhdi Jasser, M.D. is the President of the American Islamic Forum for Democracy (AIFD) based in Phoenix, Arizona. A first generation American Muslim, Dr. Jasser's parents fled the oppressive Baath regime of Syria in the mid-1960's for American freedom. A devout Muslim, he and his family have strong ties to the American Muslim community having helped lead mosques in Wisconsin, Arkansas, Virginia and Arizona.

In the wake of the 9/11 attacks on the United States, Dr. Jasser and a group of American Muslims founded AIFD which promotes Muslim voices for liberty and freedom through the separation of mosque and state in order to counter the root cause of Islamist terrorism--the ideology of political Islam (Islamism) and a belief in the supremacy of the Islamic state. AIFD's primary projects include the Muslim Liberty Project, the American Islamic Leadership Coalition and Save Syria Now!

An internationally recognized expert on Islamism, Dr. Jasser is widely published on domestic and foreign issues related to Islam, Islamism, and modernity. He has spoken at hundreds of national and international events including testimony to the U.S. Congress on the centrality of religious liberty in countering Muslim radicalization within the "House of Islam". He is a contributing writer to a number of books and the author of The Battle for the Soul of Islam: An American Muslim Patriot's Fight to Save His Faith (Simon & Schuster, 2012).

Dr. Jasser earned his medical degree on a U.S. Navy scholarship at the Medical College of Wisconsin in 1992. He served 11 years as a medical officer in the U. S. Navy, achieving the rank of Lieutenant Commander. His tours of duty included Medical Department Head aboard the U.S.S. El Paso, Chief Resident at Bethesda Naval Hospital, and Staff Internist for the Office of the Attending Physician to the U. S. Congress. He is a recipient of the Meritorious Service Medal.

Dr. Jasser is a respected physician currently in private practice specializing in internal medicine and nuclear cardiology. He is a Past-President of the Arizona Medical Association. He and his wife Gada and their three children reside in Arizona.

Dr. Jasser was appointed to the Commission on March 20, 2012 by Senate Minority Leader Mitch McConnell (R-KY).

## APPENDIX 2

### SELECTED ACTIVITIES

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#### *Africa*

- Meeting: Assistant Secretary of State for African Affairs Johnnie Carson – September 14, 2012: USCIRF Commissioners and staff met with Assistant Secretary Carson to discuss religious freedom concerns in Africa and share USCIRF recommendations to advance religious freedom on that continent.
- Meeting: Special Assistant to the President and Senior Director for African Affairs Grant Harris – September 13, 2012: USCIRF Commissioners and staff met with Special Assistant Harris to discuss religious freedom concerns in Africa and share USCIRF recommendations to advance religious freedom on that continent.
- Letter: Assistant Secretary of State for African Affairs Johnnie Carson – April 16, 2012: USCIRF wrote to Assistant Secretary Carson sharing with him USCIRF’s 2012 Annual Report, highlighting the status of religious freedom in Eritrea, Nigeria, Sudan, and Somalia, and requesting a meeting with him to discuss these countries. USCIRF also urged Assistant Secretary Carson to support the continued designations of Eritrea and Sudan as “countries of particular concern” (CPCs) and to designate Nigeria as a CPC.

#### *Afghanistan*

- Letter: Deputy Assistant Secretary William Burns – January 3, 2013: USCIRF wrote Deputy Secretary Burns to ask about U.S. government efforts to promote religious freedom in Afghanistan and the possibility of establishing an interagency taskforce on these issues. Secretary Burns responded after the reporting period and confirmed the start of the taskforce.
- Meeting: U.S. Special Representative on Afghanistan and Pakistan Ambassador Marc Grossman – June 27, 2012: USCIRF Chair Katrina Lantos Swett paid a courtesy call to Ambassador Grossman to introduce herself and follow up on their March meeting on religious freedom concerns in Afghanistan.
- Meeting: Deputy Secretary of State William Burns and U.S. Special Representative on Afghanistan and Pakistan, Ambassador Marc Grossman – March 16, 2012: USCIRF Commissioners and staff met with Deputy Secretary Burns and Ambassador Grossman about USCIRF findings regarding religious freedom in Afghanistan.

#### *Azerbaijan*

- Meeting: U.S. Ambassador to Azerbaijan Richard Morningstar – August 15, 2012: USCIRF’s Executive Director and staff met with Ambassador Morningstar to discuss religious freedom concerns in Azerbaijan.
- Letter: Ambassador of Azerbaijan Elin Suleymanov – July 19, 2012: USCIRF wrote to Ambassador Suleymanov requesting information on religious freedom conditions in Azerbaijan and the implementation of certain provisions of the restrictive 2009 religion law.

#### *Bahrain*

- Meeting: Ambassador of Bahrain Houda Nonoo – January 16, 2013: The Ambassador of Bahrain to the United States met with members of the USCIRF delegation in follow up to the USCIRF trip to Bahrain in December 2012.

## APPENDIX 2 SELECTED ACTIVITIES

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- Trip: Bahrain – December 11-14, 2012: USCIRF Chair Lantos Swett, Commissioners al-Hibri and Jasser, and staff traveled to Bahrain to learn more about the religious freedom situation for the majority Shi'i religious community and minority faiths.
- Phone Briefing: Dr. Cherif Bassiouni, Former Chair, Bahrain Independence Commission of Inquiry (BICI) – September 5, 2012: Dr. Bassiouni briefed USCIRF Commissioners and staff on the implementation of the BICI recommendations, his view on the sectarian nature of the ongoing conflict in Bahrain, and potential USCIRF engagement on religious freedom in the country.
- Meeting: Khalil al-Marzooq, former Bahraini member of Parliament – May 1, 2012: USCIRF staff met with Khalil Al Marzooq, a former Bahraini member of parliament from the Al Wefaq party, to discuss implementation of recommendations from the Bahrain Independent Commission of Inquiry.
- Meeting: Parliamentarians of the al-Wefaq Party from Bahrain – March 5, 2012: USCIRF staff met with a delegation of parliamentary members of Bahrain's Al Wefaq party to discuss human rights and religious freedom conditions in Bahrain.
- Meeting: Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner – February 16, 2012: USCIRF Commissioners and staff met with Assistant Secretary Posner to discuss events in Bahrain and the implementation of recommendations from the Bahrain Independent Commission of Inquiry report, as well as China and Egypt.

### ***Bangladesh***

- Meeting: Bangladeshi Deputy Chief of Mission to the United States Shameem Ahsan – September 28, 2012: USCIRF staff met with Deputy Chief of Mission Ahsan to discuss the return of properties to religious and ethnic minority communities, particularly Hindus, in Bangladesh.

### ***Belarus***

- Meeting: Former Belarusian President Stanislaw Shushkevich – March 27, 2012: USCIRF staff met with former President Shushkevich to discuss the current political and human rights situation in Belarus.

### ***Burma***

- Letter: President Barack Obama – November 15, 2012: USCIRF wrote to President Obama prior to his trip to Burma urging him to raise issues of religious freedom and the abuses that continue to arise from ongoing ethnic and communal violence, particularly in the Rakhine, Kachin, and Shan states of Burma.
- Op-Ed: *The Indianapolis Star* – September 6, 2012: In "Our View: Burmese Muslims Face Severe Persecution," Commissioners Azizah al-Hibri and Robert P. George highlight the plight of the Rohingya Muslims in Burma, specifically addressing the role of the government and historic ethnic conflict and calling for international action.
- Press Release: *World Must Stand with Burma's Rohingya Muslims* – August 31, 2012: In this press release, USCIRF Commissioners Azizah al-Hibri and Robert P. George draw attention to the plight of Rohingya Muslims in Burma and raised other religious freedom concerns.

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- Letter: Assistant Secretary of State for East Asian and Pacific Affairs Kurt Campbell – August 8, 2012: USCIRF wrote to Assistant Secretary Campbell urging the Administration to focus additional attention on the religious freedom restrictions and other abuses that arise from ongoing ethnic and communal violence in Burma and the continued designation of Burma as a “country of particular concern.” USCIRF also urged the State Department to work with the Burmese government to increase efforts to protect the Rohingya Muslim minority.
- NGO Roundtable: Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner and U.S. Ambassador to Burma Derek Mitchell – June 7, 2012: Assistant Secretary Posner and Ambassador Mitchell briefed an NGO roundtable, which USCIRF staff joined, on U.S. policy toward Burma.

#### *Canada*

- Meeting: Delegation of Canadian Members of Parliament – April 18, 2012: USCIRF Commissioners and staff met with a group of current and former Canadian Members of Parliament to discuss religious freedom issues and share insights into U.S. engagement on international religious freedom.

#### *Central Asia*

- Meeting: Deputy Assistant Secretary of State for Central and South Asia Susan Elliott – April 4, 2012: Deputy Assistant Secretary Elliott met with former USCIRF Chair Leonard Leo and USCIRF staff to discuss religious freedom issues in Central Asia, particularly Uzbekistan and Tajikistan.

#### *China*

- Congressional Meetings: Religious Freedom in China – September 27, 2012: USCIRF staff met with staff of the Tom Lantos Human Rights Commission to discuss religious freedom conditions in China.
- Press Release: USCIRF Urges China to End Restrictions and Violence during Ramadan – July 25, 2012: USCIRF issued a press release urging China to end violence and restrictions on peaceful religious activity in China’s Xinjiang Uighur [Muslim] Autonomous Region (XUAR), particularly during the month of Ramadan.
- NGO Roundtable: Assistant Secretary of State for East Asia and Pacific Affairs Kurt Campbell and Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner – May 9, 2012: Assistant Secretary Campbell and Assistant Secretary Posner briefed an NGO roundtable, which USCIRF staff joined, on the outcome of the U.S.-China Human Rights dialogue and the U.S.-China Strategic dialogue.
- Meeting: Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner – February 16, 2012: USCIRF Commissioners and staff met with Assistant Secretary Posner to discuss events in Bahrain and the implementation of recommendations from the Bahrain Independent Commission of Inquiry report on the violence. USCIRF also raised issues related to China.
- Op-Ed: Des Moines Register – February 16, 2012: In “China’s Leaders Must Honor Religious Freedoms,” former Commissioners Felice Gaer and Richard Land draw attention to the disappearance of Gao Zhisheng, a prominent Chinese human rights and religious freedom attorney, and other missing religious minority leaders and religious freedom advocates.



## APPENDIX 2 SELECTED ACTIVITIES

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- NGO Roundtable: Ambassador-at-Large for International Religious Freedom Dr. Suzan Johnson Cook – February 2012: Ambassador Johnson Cook held an NGO roundtable, which USCIRF staff joined, on religious freedom issues in China prior to the U.S.-China Human Rights dialogue.
- Letter: President Barack Obama – February 3, 2012: USCIRF wrote to President Obama to highlight the deteriorating religious freedom situation in China and urge the President to raise critical issues of religious freedom and rule of law during his meetings with China’s Vice President Xi Jinping. USCIRF also recommended actions the President could take before Vice President Jinping arrived in the United States.

### *Cuba*

- Meeting: Cuban Interest Section – December 21, 2012: USCIRF staff met with representatives of the Cuban Interest Section to share findings of the 2012 Annual Report and to explain concerns about religious freedom violations on the island.
- Press Release: USCIRF Mourns the Death of Cuban Rights Activist Oswaldo Paya – July 24, 2012: USCIRF issued a press release mourning the death of Oswaldo Paya, a longtime human rights advocate in Cuba and urging Cuba to investigate the circumstances of his death.
- Meeting: Reverend Carlos Lamelas and Reverend Alexandri Sosa – May 22, 2012: USCIRF Commissioners and staff met with Cuban asylees Rev. Lamelas and Rev. Sosa and their wives to discuss the status of religious freedom in Cuba and discuss ways USCIRF can help to promote religious freedom in the country.

### *Egypt*

- Press Release: U.S. Government Advisory Body Concerned by Draft Egyptian Constitution – December 7, 2012: USCIRF expressed its concerns about problematic provisions in the draft constitution limiting religious freedom for all Egyptians, and highlighted Egypt’s unique opportunity to lay the foundations of a stable society. USCIRF also urged Egypt to fully respect the rule of law and comply with international human rights standards.
- Special Report: Initial Analysis of Problematic Provisions Related to Freedom of Religion or Belief and Associated Rights in Egyptian Draft Constitution – December 7, 2012: The special report addressed the problematic provisions incorporated in Egypt’s draft constitution approved in November 2012, including provisions that favor an interpretation of one conservative school of Sunni Islam over all others, limits the concept of religious freedom, and provides vague and broad provisions which allow the government much leeway to restrict a whole host of other individual human rights.
- Letter: Ambassador of Egypt Mohamed M. Tawfik – September 28, 2012: USCIRF wrote to Ambassador Tawfik to share USCIRF’s 2012 study, *The Religion-State Relationship & the Right to Freedom of Religion or Belief: A Comparative Textual Analysis of the Constitutions of Majority Muslim Countries and Other OIC Members*, and express concerns about Egypt’s draft constitution.
- Meeting: Bishop Angaelos of the Coptic Church in the United Kingdom, Father Michael of the Coptic Church of New York and other Coptic Church representatives – September 21, 2012: USCIRF Commissioners and staff met with Bishop Angaelos, Father Michael, and other Coptic Church representatives to discuss religious freedom conditions for Coptic Christians in Egypt.

## APPENDIX 2 SELECTED ACTIVITIES

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- Congressional Briefing: Religious Freedom in Egypt – September 21, 2012: USCIRF staff participated in a Hill briefing on the religious freedom conditions for Coptic Christians in Egypt.
- Congressional Meetings: Religious Freedom in Egypt – August 2, 2012: USCIRF staff arranged for and accompanied Mohamed Ghoneim, an Egyptian Shi’i Muslim advocate, to meetings in the offices of Representative Berman (D-CA), Representative Smith (R-NJ), and Representative Wolf (R-VA).
- Meeting: Egyptian Shi’i Muslim Activist Mohamed Ghoneim – August 2, 2012: USCIRF Executive Director Jackie Wolcott and staff met with Mr. Ghoneim to discuss human rights concerns in Egypt and the current status of the Shi’i population.
- Letter: Secretary of State Hillary Clinton – July 19, 2012: USCIRF wrote to Secretary Clinton to discuss Egypt’s progress and backsliding during its democratic transition and encouraged the Administration to implement USCIRF recommendations.
- Congressional Testimony: U.S. Commission on Security and Cooperation in Europe (Helsinki Commission) – July 18, 2012: USCIRF Chair Katrina Lantos Swett testified on the status of religious freedom in Egypt at a Helsinki Commission hearing entitled “Escalating Violence against Coptic Women and Girls: Will the New Egypt be More Dangerous than the Old”.
- Op-Ed: Roll Call Opinion – July 16, 2012: In “Egyptian Tolerance is Democracy Barometer,” USCIRF Chair Katrina Lantos Swett expresses concern about the increase in violence against religious minorities, especially Coptic Christians, in Egypt.
- Speech: Coptic Solidarity Third Annual Conference – June 28, 2012: During the Coptic Solidarity Third Annual Conference entitled “US National Security and Advancing Human and Minority Rights in Egypt: Is there a policy connection,” USCIRF Chair Katrina Lantos Swett gave remarks on religious freedom conditions for Coptic Christians in the country.
- Letter: U.S. Ambassador to Egypt Anne Patterson – April 20, 2012: USCIRF wrote to Ambassador Patterson urging her to encourage members of the Constituent Assembly and other experts who have input on the constitution drafting process to include international standards for the protection of freedom of thought, conscience, religion or belief. USCIRF included its brief summary of the international religious freedom standards.
- Meeting: Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner – February 16, 2012: USCIRF Commissioners and staff met with Assistant Secretary Posner to discuss events in Bahrain and the implementation of recommendations from the Bahrain Independent Commission of Inquiry report on the violence. Conditions in Egypt also were discussed.

### *Ethiopia*

- Trip: Addis Ababa, Ethiopia – December 15-19, 2012: A USCIRF delegation of Commissioner M. Zuhdi Jasser, Executive Director Jackie Wolcott, and Senior Policy Analyst Tiffany Lynch travelled to Addis Ababa, Ethiopia to gather information on religious freedom conditions in that country.
- Meeting: Ethiopian Ambassador to the United States Girma Birru – December 6, 2012: USCIRF Chair Katrina Lantos Swett, Commissioner Azizah al-Hibri, and USCIRF staff met with the Ethiopian Ambassador to the United States to discuss religious freedom conditions in Ethiopia.

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- Press Release: USCIRF Deeply Concerned by Emerging Religious Freedom Violations in Ethiopia – November 8, 2012: USCIRF expressed its deep concern about the increasing deterioration of religious freedoms for Muslims in Ethiopia, including the government’s arrest of 29 peaceful protestors and its imposition of the al-Ahbash Islamic sect on the country’s Muslim community. USCIRF urged the U.S. government to raise with the Ethiopian government the importance of abiding by Ethiopia’s own constitution and international standards on freedom of religion or belief.

#### *Eritrea*

- Trip: Visit to Eritrean refugee camps in Ethiopia – December 12-15, 2012: USCIRF staff visited Eritrean refugee camps in Ethiopia to interview Eritrean refugees about credible reports of religious freedom violations, including that many prisoners are subjected to torture and other inhumane treatment.
- Press Release: Month of May Marks Eritrea’s Religious Freedom Abuses – May 25, 2012: USCIRF issued a press release calling attention to two important anniversaries that underscore the continuing deterioration of religious freedom and related human rights in Eritrea: the 2007 house arrest of Eritrean Orthodox Patriarch Abune Antonios and the 2002 imposition of onerous registration requirements on all but four officially recognized religious communities.

#### *Eurasia*

- Meeting: Coordinator of U.S. Assistance to Europe and Eurasia Ambassador Daniel Rosenblum – July 2, 2012: USCIRF staff met with Ambassador Rosenblum to discuss freedom of religion or belief as a component of State Department programs to the countries of the former Soviet Union.
- India Letter: Secretary of State Hillary Clinton – November 14, 2012: USCIRF wrote to Secretary Clinton asking that the possible U.S. visa application by Narendra Modi, Chief Minister of the Indian state of Gujarat, be denied until there is full transparency into the violence in 2002.
- Meeting: U.S. Ambassador to India Nancy Powell – June 8, 2012: USCIRF Executive Director Jackie Wolcott and staff met with Ambassador Powell to discuss religious freedom concerns in India, as well as a possible USCIRF trip to the country.
- Letter: Ambassador of India Nirupama Rao – May 15, 2012: USCIRF wrote to Ambassador Rao requesting a meeting with the Ambassador and the Deputy Chief of Mission, Ambassador Arun Singh, to discuss a potential USCIRF visit to India.

#### *Indonesia*

- Congressional Meetings: Religious Freedom in Indonesia – September 27, 2012: USCIRF staff met with staff of the Tom Lantos Human Rights Commission to discuss religious freedom conditions in Indonesia.

#### *Iran*

- Press Release: Iran’s “Hanging Judge” Sentences Iranian-American Pastor to 8 Years in Prison – January 28, 2013: USCIRF voiced its concerns regarding the trial and conviction of Iranian-born American pastor Saeed Abedini, which contravened both Iranian and International law, highlighted the ongoing religious freedom violations in the country, and noted Iran’s status as a “country of particular concern.”

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- Press Release: *USCIRF Calls Charges against Iranian-American Pastor Bogus, Urges Immediate Release* – January 16, 2013: USCIRF called for the immediate release of Saeed Abedini, an Iranian-American pastor awaiting trial in Iran before Judge Abbas Pir-Abbassi, who is notorious for conducting trials without due process, and discussed the status of religious freedom in the country.
- Op-Ed: *Roll Call* – September 7, 2012: In “Lautenberg Amendment a Lifeline for Iranian Refugees,” USCIRF Chair Katrina Lantos Swett discusses the importance of reauthorization of the Lautenberg Amendment to religious minorities.
- Op-Ed: *The Star-Ledger* – August 14, 2012: In “Lautenberg Amendment is Vital to Refugees,” USCIRF Vice Chair Mary Ann Glendon and Commissioner Sam Gejdenson voiced support for the Lautenberg Amendment’s protection of Iranian religious minority refugees, briefly summarized the purpose and process established by the Amendment, and called on Congress to renew the Amendment.
- Op-Ed: *Roll Call Opinion* – July 3, 2012: In “Honor Independence Day by Upholding the First Freedom,” USCIRF Chair Katrina Lantos Swett discusses the importance of freedom of thought, conscience, religion or belief and the United States’ passage of the International Religious Freedom Act, which reaffirmed that freedom. Chair Lantos Swett also notes specific religious freedom concerns in Iran and China.
- USCIRF Event: *Iran’s Imprisoned Baha’i Leaders and Educators* – February 16, 2012: USCIRF Commissioners and the relatives of imprisoned Iranian Baha’is held a press briefing on the harassment, arrest and detention of Baha’is in Iran and the conditions for religious freedom in the country. The event took place at USCIRF.
- Press Release: *USCIRF Press Briefing Announcement: Iran’s Imprisoned Baha’i Leaders and Educators* – February 13, 2012: USCIRF issued a press release announcing a February 16 press briefing on the harassment, arrest and detentions of Baha’is in Iran.

### *Iraq*

- Meeting: *Sheikh Ganzabra Sattar Jabbar Al-Hilo Al-Zahrony, Patriarch of the Mandaean* – June 19, 2012: USCIRF Commissioners and staff met with the Mandaean Patriarch and other Mandaean community representatives to discuss USCIRF concerns about the persecution of the Mandaean community, particularly in Iran and Iraq, and USCIRF recommendations.
- Press Release: *USCIRF Condemns Attacks on Shi’i Pilgrims in Iraq* – January 9, 2012: USCIRF issued a press release condemning the wave of attacks targeting Shi’i pilgrims traveling to Karbala, Iraq to commemorate Arbaeen, and called on the Iraqi government to increase security and bring the attackers to justice.

### *Kazakhstan*

- Letter: *Ambassador of Kazakhstan Erlan Idrissov* – September 17, 2012: USCIRF wrote to Ambassador Idrissov inquiring about the status and pending extradition of Masket Djabbarbergenov, an Uzbek refugee and pastor who fled to Kazakhstan in 2007 under threat of criminal prosecution arising from his religious activities.

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#### *Kuwait*

- Letter: Ambassador of Kuwait Salem Abdullah Al-Jaber Al-Sabah – June 18, 2012: USCIRF wrote to Ambassador Al-Sabah welcoming the Emir’s rejection of amendments to the penal code which would have imposed a potential death sentence on Kuwaiti Muslims found guilty of blasphemy and urged the Kuwaiti government to reevaluate existing blasphemy laws in the country.
- Press Release: USCIRF Alarmed By Blasphemy Amendments in Kuwait – May 10, 2012: USCIRF issued a press release expressing concern over the Kuwaiti Parliament’s approval of amendments that would impose the death penalty for blasphemy.
- Congressional Letter: Blasphemy Amendments in Kuwait – May-June 2012: USCIRF worked with the office of Representative Keith Ellison (D-MN) on a letter to the Kuwaiti government expressing concern about legal amendments pending in the Kuwaiti Parliament that would impose the death penalty for blasphemy.

#### *Mali*

- Factsheet: Religious Freedom Violations by Violent Religious Extremist Groups in Northern Mali – September 2012: This Factsheet provides background information on religious extremist groups operating in northern Mali and the unrest in the region beginning in January 2012.

#### *Middle East*

- Op-Ed: The Detroit News – August 14, 2012: In “Stand Up for Religious Minorities in the Middle East,” USCIRF Chair Katrina Lantos Swett draws attention to the plight of religious minorities, including Mandaeans, Christians, Yazidis and Shi’a, in the Middle East. She additionally provides specific policy suggestions related to Egypt, Iran, and Saudi Arabia.
- Speech: USCIRF Chair Dr. Katrina Lantos Swett, Keynote Speaker at Hill event sponsored by the International Religious Freedom Caucus and the Tom Lantos Human Rights Commission – July 19, 2012: USCIRF Chair Lantos Swett provided the keynote address at the Hill event, “Religious Pluralism in the Middle East, Will the Arab Spring Break the Cycle of Religious Persecution? An Exhibit of Religious Minorities in the Middle East.” In her remarks, Chair Lantos Swett discussed concerns about the conditions for religious minorities in the region.
- Letter: Assistant Secretary of State for Near Eastern Affairs Jeffrey Feltman – April 16, 2012: USCIRF wrote to Assistant Secretary Feltman to share with him USCIRF’s 2012 Annual Report, highlight the status of religious freedom in Egypt, Iran, and Iraq, and urge him to support the continued designation of Iran and Saudi Arabia as “countries of particular concern” (CPCs) and to designate Egypt and Iraq as CPCs. USCIRF also requested a meeting with the Assistant Secretary to discuss USCIRF’s recommendations concerning these countries.
- Op-Ed: The Hill – February 9, 2012: In “Honoring Religious Freedom After ‘Arab Spring,’” former USCIRF Chair Leonard Leo and former USCIRF Vice Chair Elizabeth Prodromou stressed the importance of the protection of religious freedom by the new governments formed during the Arab Spring and provided specific suggestions as steps to ensure the protection of religious freedom.

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### *Nigeria*

- Meeting: Archbishop Okoh and other representatives of the Church of Nigeria Anglican Communion – August 16, 2012: USCIRF Commissioners and staff met with Archbishop Okoh to discuss Boko Haram’s attacks on churches, the Nigerian government’s failure to prosecute perpetrators of Muslim-Christian violence, and U.S.-Nigeria policy.
- Factsheet: Religious Freedom Violations and Religious Violence in Nigeria – July 2012: This Factsheet provides an overview of the sectarian violence in Nigeria, in particular the violence connected to Boko Haram. The Factsheet notes USCIRF’s recommendation that the State Department designate Nigeria as a “country of particular concern” and recommends the U.S. government support the Nigerian government’s efforts to tackle Boko Haram.
- Meeting: President of the Christian Association of Nigeria Pastor Ayo Oritsejafor and other Christian Association of Nigeria representatives – July 11, 2012: USCIRF Commissioners and staff met with Pastor Ayo to discuss Boko Haram’s attacks on churches, the Nigerian government’s failure to prosecute perpetrators of Muslim-Christian violence, and U.S.-Nigeria policy.
- Letter: Assistant Secretary of State for African Affairs Johnnie Carson – May 7, 2012: USCIRF wrote to Assistant Secretary Carson briefing him on USCIRF’s March trip to Nigeria and providing recommendations for actions the U.S. government should take to help the Nigerian government protect and promote religious freedom and prevent sectarian violence.
- Trip: Nigeria – March 4-10, 2012: USCIRF staff traveled to Abuja and Jos, Nigeria to meet with Nigerian officials, U.S. Embassy officials and senior religious officials to discuss Boko Haram and other religiously motivated violence in Nigeria and hold a senior inter-faith meeting to encourage Muslim and Christian cooperation to advance religious freedom in Nigeria.

### *Organization for Security and Cooperation in Europe (OSCE)*

- Letter: Ambassador Ian Kelly, U.S. Representative to the OSCE – October 26, 2012: USCIRF wrote Ambassador Kelly expressing concerns about “reforms” occurring at the Office of Democratic Institutions and Human Rights (ODIHR) that have disbanded the panel of experts and jeopardize U.S. involvement on the Council and asked he reiterate the U.S.’s strong desire for a strong and independent Council supported by ODIHR.
- Op-ed: Eurasia Review – October 18, 2012: In “Governments Must Protect Religious Freedom,” USCIRF Chair Katrina Lantos Swett discusses her statement on USCIRF’s behalf at the religious freedom session of the OSCE Human Dimension Implementation Meeting in Warsaw, Poland, highlighting two obstacles faced by places of worship and continued restrictions on religious rites.
- Trip: OSCE – October 1-5, 2012: Along with Ambassador-at-Large for International Religious Freedom Suzan Johnson Cook, USCIRF Chair Katrina Lantos Swett delivered the U.S. plenary statement on certain freedom of religion issues. Chair Lantos Swett also met with the UN Special Rapporteur on Freedom of Religion or Belief, the Chair of the UN Committee against Torture, and U.S. and foreign government officials.

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### *Pakistan*

- Meeting: Dr. Paul Bhatti, as the Minister In Charge for the Ministry of National Harmony and Advisor to Prime Minister on inter-faith harmony – January 16, 2013: Staff met with Dr. Bhatti to discuss the religious freedom situation in Pakistan and a possible trip to the country.
- Press Release: USCIRF Condemns Attack on Shi'i Muslims in Pakistan – January 11, 2013: USCIRF condemned a series of terror attacks that took place on January 10 targeting Pakistani Shi'i Muslims and urged the U.S. to press the Pakistani government to do more to protect their minority Shi'i Muslim community.
- Press Release: USCIRF Applauds Pakistani Court Dropping Blasphemy Charges against Rimsha Masih – November 20, 2012: USCIRF welcomed a Pakistani court's decision to drop all charges against Rimsha Masih, a young Christian girl accused of blasphemy, applauded the successful efforts of Paul Bhatti, the Adviser on National Harmony to the Pakistani Prime Minister, and discussed the blasphemy law which fuels violence and religious extremism in Pakistan.
- Letter: Secretary of State Hillary Rodham Clinton – October 18, 2012: USCIRF wrote to Secretary Clinton asking for the prominent discussion of religious freedom concerns in Pakistan at the Universal Periodic Review session at the UN Human Rights Council and that the U.S. do everything in its power to oppose its candidacy to join the Human Rights Council. In particular, Chair Lantos Swett focused on the repressive blasphemy law as an example of the violation of religious freedom in Pakistan.
- Meetings: Dr. Paul Bhatti, Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner and Special Representative for Afghanistan and Pakistan Ambassador Marc Grossman – September 26, 2012: USCIRF facilitating meetings with Dr. Paul Bhatti, Assistant Secretary Posner, and Ambassador Grossman, during his trip to New York to discuss religious freedom in Pakistan.
- Letter: Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner and Special Representative for Afghanistan and Pakistan Ambassador Marc Grossman – September 18, 2012: USCIRF met with Assistant Secretary Posner, Ambassador Grossman and Dr. Paul Bhatti, Advisor to the Pakistani Prime Minister on Interfaith Harmony and brother of slain Federal Minister Shahbaz Bhatti, during his trip to New York to discuss religious freedom in Pakistan.
- Letter: Secretary of State Hillary Clinton – September 13, 2012: USCIRF wrote to Secretary Clinton noting developments in the case of Rimsha Masih, calling attention to the continued abuse of Pakistan's blasphemy law and the grave situation of religious freedom in that country, and requesting the Secretary designate Pakistan as a "country of particular concern" absent substantial evidence that it is in the process of addressing the blasphemy law and other concerns.
- Congressional Letter: Senator Robert Menendez (D-NJ) – August 31, 2012: USCIRF staff worked with the staff of Senator Menendez on a bipartisan letter to Pakistan's President Asif Ali Zardari that condemned religious discrimination in Pakistan and urged Pakistan to immediately end the unjust imprisonment of Rimsha Masih.

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- Letter: Founder and Chair of International Christian Voice Peter Bhatti – August 11, 2012: USCIRF Chair Katrina Lantos Swett wrote to Chair Bhatti to highlight the Commission’s work with his late brother Federal Minister Shahbaz Bhatti and welcome the appointment of his brother Paul Bhatti as Advisor to the Prime Minister on Interfaith Harmony. She also discussed the ongoing concerns for religious freedom in Pakistan.
- Meeting: Ambassador of Pakistan Sherry Rehman – August 8, 2012: USCIRF Chair Katrina Lantos Swett and staff met with Ambassador Rehman to discuss USCIRF’s concerns regarding religious freedom in Pakistan, urge reform of Pakistan’s blasphemy law, and present a list of individuals jailed under that law.
- Congressional Meetings: Founder and Chair of International Christian Voice Peter Bhatti – July 26-27, 2012: USCIRF staff arranged for and accompanied Chair Bhatti to meetings in the offices of Senator Robert Casey (D-PA) and Representative Gus Bilirakis (R-FL), Representative Chris Smith (R-NJ), and Representative Frank Wolf (R-VA).
- Meeting: Member of the Punjab Provincial Assembly Pervez Rafique and Bishop Jonathan Rehmat of the Church of God, Pakistan – May 16, 2012: USCIRF staff met with Mr. Rafique and Bishop Rehmat to discuss the current religious freedom situation in Pakistan.
- Press Release: USCIRF Urges Justice in Pakistan for Slain Minister Bhatti – March 1, 2012: USCIRF issued a press release renewing its call for justice for Shahbaz Bhatti, Pakistan’s slain Federal Minister for Minorities Affairs and a longtime religious freedom advocate, whom the Pakistani Taliban assassinated a year earlier.

### ***Russia***

- Policy Brief: “Unruly State of Law” in Russia – January 8, 2013: The policy brief analyzed the state of religious freedom and related rights in Russia and reflected USCIRF’s findings from the Commission’s visit in late September 2012.
- Op-ed: *Christian Science Monitor* – December 20, 2012: In “Obama Must Remind Vladimir Putin of Human Rights, Religious Freedom Concerns” USCIRF Chair Katrina Lantos Swett describes the recently passed Russian laws curtailing a range of fundamental freedoms and the proposed bill criminalizing blasphemy, and urges President Obama and to convey concerns related to these restrictions and to reiterate to Mr. Putin the need to adhere to universal human rights and religious freedom standards if relations are to progress between the U.S. and Russia.
- Trip: Moscow, Russia – September 25-30, 2012: USCIRF Chair Katrina Lantos Swett and staff met with 30 representatives of religious communities, civil society groups, journalists and experts on issues relating to freedom of religion or belief in Russia. The delegation also met with an official from the Russian Foreign Ministry and the U.S. Ambassador to the Russian Federation Michael McFaul.
- Op-Ed: *Moscow Times Opinion* – July 31, 2012: In “Russia’s Failure to Protect Freedom of Religion,” USCIRF Chair Katrina Lantos Swett and Commissioner Robert P. George address the need to hold Russia accountable for religious freedom abuses and criticize the Russian government for its extremism law and restrictions on public protests.



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- Meeting: Director, Russian Academy of Sciences Oriental Institute and Director, Russian Justice Ministry Advisory Council on Extremist Literature, Vitaly Naumkin – July 12, 2012: USCIRF staff met with Mr. Naumkin in Washington, D.C. to discuss his Council’s role.

#### ***Saudi Arabia***

- Meeting: Saudi Embassy official Khalid al-Assaf – September 27, 2012: USCIRF staff met with an official from the Saudi Embassy regarding the Saudi government’s response to USCIRF’s Annual Report chapter on Saudi Arabia.
- Press Release: *USCIRF Concerned about Saudi Blogger and Welcomes Release of Long-Held Religious Prisoner* – February 14, 2012: USCIRF issued a press release expressing grave concern for Hamza Kashgari, a 23-year-old blogger in Saudi Arabia who could face apostasy charges, which could be punishable by death. USCIRF also welcomed the Saudi government’s pardon of Hadi al-Mutif, an Ismaili Muslim who had been one of the longest held religious prisoners in the world, and called on the Saudi government to release other prisoners of conscience.
- Press Release: *Saudi Arabia: USCIRF Urges Release of Prisoners* – February 2, 2012: USCIRF issued a press release calling for the immediate release of 35 Ethiopian Christians detained by Saudi Arabian police since December 15, allegedly for participating in a private religious gathering.

#### ***Somalia***

- Policy Brief: *Somalia – Summer 2012:* This Policy Brief discusses USCIRF’s concerns about inconsistencies between language found in the draft of Somalia’s draft constitution and international standards of freedom of religion or belief. It also incorporates USCIRF policy recommendations for the U.S. government including engaging with the Somali government and Somali religious leaders and funding rule-of-law programs.
- Letter: U.S. Envoy to Somalia Ambassador James Swan – February 23, 2012: USCIRF wrote to Ambassador Swan urging the U.S. government to press the Somali constitution drafting commission to include international protections for the right to freedom of thought, conscience, religion or belief and included USCIRF’s brief summary of international religious freedom standards.

#### ***South and East Asia***

- Op-Ed: *The Hill Opinion* – July 16, 2012: In “US Should Pressure Nations to Rescind Anti-Ahmadiyya Laws,” USCIRF Chair Katrina Lantos Swett drew attention to the anti-Ahmadiyya laws in Indonesia, Pakistan, and other religious freedom concerns related to the Ahmadiyya community and other religious minorities.
- USCIRF Event and Speech: *Reception for U.S. Visit of the Spiritual and Administrative Leader of the Ahmadiyya Muslim Community His Holiness Mirza Masroor Ahmad Khalifatul Masih V* – June 27, 2012: USCIRF co-hosted an event on the Hill with the Tom Lantos Human Rights Commission and Ahmadiyya USA to welcome His Holiness Mirza Masroor Ahmad to the United States. USCIRF Chair Katrina Lantos Swett provided remarks, along with His Holiness, Minority Leader Nancy Pelosi (D-CA), Senator Robert Casey (D-PA), Representative Keith Ellison (R-MN), Representative Michael Honda (D-CA), Representative Zoe Lofgren (D-CA), Representative Brad Sherman (D-CA), and Representative Frank Wolf (R-VA).

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- Journal Article: *Columbia University Journal of International Affairs* – May 15, 2012: In “Religious Freedom Violations in South Asia,” former USCIRF Chair Leonard Leo and current USCIRF Chair Katrina Lantos Swett highlight religious freedom conditions in Afghanistan, Pakistan and India, along with policy recommendations for substantive reform. They specifically comment on the blasphemy laws and the treatment of religious minorities.
- Congressional Testimony: Tom Lantos Human Rights Commission – March 21, 2012: Former USCIRF Chair Leonard Leo testified before the Tom Lantos Human Rights Commission at a hearing entitled “Challenges Facing Religious Minorities in South Asia.”

### *Sudan*

- Policy Brief: *Sudan: Humanitarian Access into Southern Kordofan and Blue Nile States* – September 2012: In this Policy Brief, USCIRF provides policy recommendations that address restrictions on access to humanitarian assistance in the Southern Kordofan and Blue Nile regions and the Sudanese government’s targeting of individuals in these areas based on their religion.
- Journal Article: *The Fletcher Forum of World Affairs* – Summer 2012 edition: In “(Yet Another) Crisis In Sudan: Khartoum’s Religious Freedom and Human Rights Abuses,” former USCIRF Chair Leo and former USCIRF Vice Chair Elizabeth Prodromou provide a background on the conflict in Sudan, and address ethnic and religious cleansing and the humanitarian crisis in the Southern Kordofan and Blue Nile regions.
- Press Release: *USCIRF Marks Khartoum’s Continued Anti-Nuba Aggression* – June 4, 2012: USCIRF issued a press release marking the one-year anniversary of Khartoum’s campaign against the Nuba people. USCIRF condemned the bombing of civilians and places of worship and the denial of humanitarian assistance in Southern Kordofan and Blue Nile states. USCIRF also criticized the shortage of humanitarian assistance for refugees and the Sudanese government’s refusal to abide by international humanitarian standards.
- Journal Article: *World Affairs Journal* – March 20, 2012: In “Sudan’s Continuing War on Religious Freedom,” former USCIRF Chair Leonard Leo, former Commissioner Felice Gaer, and Senior Policy Analyst Tiffany Lynch discuss the continuing religious freedom violations taking place in Sudan and its split with South Sudan.

### *Tajikistan*

- Meeting (telephonic): Susan Elliott, the U.S. Ambassador to Tajikistan – January 12, 2013: The USCIRF Chair spoke by phone with Ambassador Elliott about religious freedom conditions in Tajikistan.
- Trip: *Dushanbe, Tajikistan* – December 10-17, 2012: USCIRF Commissioner Sam Gejdenson and Senior Policy Analyst Catherine Cosman traveled to Dushanbe and Khujand to assess the status of freedom of religion or belief.
- Meeting: U.S. Ambassador to Tajikistan Susan Elliott – September 10, 2012: USCIRF staff met with Ambassador Elliott to discuss a possible visit to Tajikistan and religious freedom and other human rights concerns in Tajikistan.

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- Meeting: Tajikistan Foreign Minister Hamrokhon Zarifi – May 17, 2012: USCIRF staff met with Foreign Minister Zarifi at The Johns Hopkins Center for the Study of the Caucasus and Central Asia to discuss Tajikistan’s poor religious freedom record.
- Letter: Deputy Chief of Mission at the Embassy of Tajikistan Farhod Salim – May 4, 2012: At the suggestion of Assistant Secretary of State Robert Blake, USCIRF wrote to Deputy Chief of Mission Salim requesting a meeting with Foreign Minister Hamrokhon Zarifi, during his visit to the Annual Bilateral Consultations in Washington, DC to discuss religious freedom concerns in Tajikistan.

### *Tunisia*

- Letter: Ambassador of Tunisia Mohamed Salah Tekaya – September 28, 2012: USCIRF wrote to Ambassador Tekaya to share the findings from the USCIRF study, *The Religion-State Relationship & the Right to Freedom of Religion or Belief: A Comparative Textual Analysis of the Constitutions of Majority Muslim Countries and Other OIC Members*. USCIRF also expressed concern that the new Tunisian constitution may include language criminalizing blasphemy.
- Meeting: Tunisian Constituent Assembly Members – May 4, 2012: USCIRF Commissioners and staff met with members of the Constituent Assembly at the Berkley Center at Georgetown University to discuss religious freedom concerns and progress on Tunisia’s draft constitution.
- Letter: Ambassador of Tunisia Mohamed Salah Tekaya – April 20, 2012: USCIRF wrote to Ambassador Tekaya to provide recommendations for Tunisia’s Constituent Assembly during the constitutional drafting process that may act as guideposts for the protection of religious freedom and other human rights. USCIRF included a brief summary of international religious freedom standards.

### *Turkey*

- Meeting: Ambassador of Turkey Namik Tan – September 14, 2012: USCIRF Commissioners and Ambassador Tan discussed various religious freedom matters, including the reopening of the Greek Orthodox Theological Seminary of Halki, the redrafting of Turkey’s constitution, and the Mor Gabriel Seminary.
- Letter: U.S. Ambassador to Turkey Francis Ricciardone – April 20, 2012: USCIRF wrote to Ambassador Ricciardone urging him to encourage Turkey’s Constitution Conciliation Commission to include international standards for the protection of freedom of thought, conscience, religion or belief, as well as other human rights in its new constitution. USCIRF included a brief summary of international religious freedom standards.

### *Turkmenistan*

- Briefing: Deputy Assistant Secretary of State for Democracy, Human Rights and Labor Thomas Melia – March 21, 2012 and April 4, 2012: Deputy Assistant Secretary Melia briefed USCIRF staff regarding his visit, along with Ambassador-at-Large for International Religious Freedom Suzan Johnson Cook, to Uzbekistan and Turkmenistan.
- Meeting: U.S. Ambassador to Turkmenistan Robert Patterson – March 16, 2012: USCIRF Commissioners and staff met with Ambassador Patterson to share USCIRF findings on the country and to discuss a possible trip.

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#### *United Nations*

- Meeting: Third Committee of the UN General Assembly and UN Special Rapporteur on Freedom of Religion or Belief Heiner Bielefeldt – October 25, 2012: USCIRF staff attended the Third Committee presentation by the Special Rapporteur and later met with him to share USCIRF findings on a range of issues.
- Meeting: UN Special Rapporteur on Freedom of Religion or Belief Heiner Bielefeldt – October 1, 2012: USCIRF Chair Katrina Lantos Swett and staff discussed the status of freedom of religion or belief globally and at the United Nations.

#### *Uzbekistan*

- Letter: Assistant Secretary of State for South and Central Asia Robert Blake – August 6, 2012: USCIRF wrote to Assistant Secretary Blake noting numerous religious freedom concerns in Uzbekistan and requesting that during his trip to Tashkent for the Annual Bilateral Consultation he raise religious freedom issues with the Uzbek government, particularly the imprisonment of thousands of non-violent Muslims, including Akram Yuldashev.
- Meeting: Uzbek Senator Svetlana Artikova – April 26, 2012: USCIRF staff meet Senator Artikova, with whom USCIRF had met in Uzbekistan in 2004, to discuss violations of religious freedom in Uzbekistan.
- Meeting: Deputy Assistant Secretary of State for Central and South Asia Susan Elliott – April 4, 2012: Former USCIRF Chair Leonard Leo and staff met with Deputy Assistant Secretary Elliott to discuss religious freedom issues in Central Asia, particularly Uzbekistan and Tajikistan.
- Briefing: Deputy Assistant Secretary of State for Democracy, Human Rights and Labor Thomas Melia – March 21, 2012 and April 4, 2012: Deputy Assistant Secretary Melia briefed USCIRF staff regarding his visit, along with Ambassador-at-Large for International Religious Freedom Suzan Johnson Cook, to Uzbekistan and Turkmenistan.

#### *Vietnam*

- Meeting: Ambassador-at-Large for International Religious Freedom Dr. Suzan Johnson Cook – October 1, 2012: Ambassador Johnson Cook held an NGO roundtable, which USCIRF staff joined, to discuss religious freedom issues prior to the U.S.-Vietnam Human Rights dialogue.
- Journal Article: *Cornell International Affairs Review* – May 23, 2012: In “Vietnam Still Abuses Human Rights and Religious Freedom,” Commissioner Robert P. George comments on the deterioration of human rights and religious freedom in Vietnam. He also notes USCIRF’s recommendation that the State Department designate Vietnam as a “country of particular concern.”
- Congressional Testimony: Tom Lantos Human Rights Commission – May 15, 2012: USCIRF Commissioner Robert P. George testified before the Tom Lantos Human Rights Commission at a hearing entitled “Vietnam: Continuing Abuse of Human Rights and Religious Freedom” on the status of religious freedom in the country and USCIRF’s recommendation that the State Department designate Vietnam as a “country of particular concern.”

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#### Thematic Activities

##### *Anti-Semitism*

- Press Release: *USCIRF Alarmed by Anti-Semitic Remarks in Hungary* – December 3, 2012: USCIRF expressed alarm about the statement in Parliament by Marton Gyongyosi, a Hungarian politician from the far-right Jobbik party, urging the government to create a list of Jews who pose a “national security risk.” USCIRF noted the importance of the strong response by Parliament and the Hungarian government.
- Briefing: *Envoy to Monitor and Combat Anti-Semitism, Hannah Rosenthal* – August 6, 2012: Special Envoy Rosenthal briefed USCIRF Commissioners and staff about her work on anti-Semitism issues and areas of common concern.

##### *Asylum and Refugees*

- Op-Ed: *Roll Call* – September 7, 2012: In “Lautenberg Amendment a Lifeline for Iranian Refugees,” USCIRF Chair Katrina Lantos Swett discusses the importance of reauthorization of the Lautenberg Amendment to religious minorities.
- Op-Ed: *The Star-Ledger* – August 14, 2012: In “Lautenberg Amendment is Vital to Refugees,” Vice Chair Mary Ann Glendon and Commissioner Sam Gejdenson voiced support for the Lautenberg Amendment’s protection of Iranian religious minority refugees, briefly summarized the purpose and process established by the Amendment, and called on Congress to renew the Amendment.
- Trip: *Immigrant Detention Facilities in Florida, Texas, and California* – July 22-23, August 7-10, August 19-24, 2012: USCIRF staff toured immigrant detention facilities to monitor implementation of USCIRF’s 2005 Report on Asylum Seekers in Expedited Removal recommendations and U.S. Immigration and Customs Enforcement’s 2009 announcement of civil detention reforms.
- Congressional Efforts: USCIRF staff reached out to Congressional offices to urge the reauthorization of the Lautenberg Amendment that would provide a critical lifeline for thousands of religious minorities escaping persecution in certain countries that have long been recognized as engaging in or tolerating particularly severe violations of religious freedom.

##### *Defending Freedoms Project*

- Journal Article: *Georgetown Journal of International Affairs* – January 14, 2013: USCIRF Chair Katrina Lantos Swett promotes the Defending Freedoms Project, an effort by the Tom Lantos Human Rights Commission in conjunction with USCIRF and Amnesty International USA.
- Op-ed: *Politico* – December 14, 2012: USCIRF Chair Katrina Lantos Swett joined Congressmen Frank Wolf (R-VA) and James McGovern (D-MA) to announce the launch of the *Defending Freedoms Project* and describe the imprisonment of the first two adopted prisoners, Gao Zhisheng from China and Nabeel Rajab from Bahrain, as well as the human rights conditions in those countries.
- Speech: *Announcement of the Defending Freedoms Project* – December 6, 2012: USCIRF Chair Katrina Lantos Swett provided remarks at the announcement of the *Defending Freedoms Project*, a project of the Tom Lantos Human Rights Commission, in conjunction with USCIRF and Amnesty International USA. The goal of this project is to increase attention to and support for human rights and religious freedom through a focus on prisoners of conscience around the world.

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- Meetings: Defending Freedoms Project – May 14, 2012 – September 30, 2012: USCIRF staff met with representatives from the offices of Representative Frank Wolf (R-VA) and Representative James McGovern (D-MA), and representatives from Amnesty International USA to discuss a prospective joint project which would highlight the situation of specific prisoners of conscience worldwide and the conditions in the country in which the person has been detained.

### *Constitutions of Majority Muslim Countries and Other OIC Members*

- Speech: Conference on Religious Freedom, Violent Religious Extremism, and Constitutional Reform in Muslim-Majority Countries – December 7, 2012: USCIRF Chair Katrina Lantos Swett provided remarks at this conference, cosponsored by USCIRF and Georgetown University's Berkley Center for Religion, Peace & World Affairs, highlighting the findings from USCIRF's 2012 special report, "The Religion-State Relationship & the Right to Freedom of Religion or Belief."
- Letter: Deputy Secretary William Burns, Under Secretary Wendy Sherman, Assistant Secretary Michael Posner, Acting Assistant Secretary Elizabeth Jones, Assistant Secretary Blake, and Special Representative Marc Grossman – October 18, 2012: USCIRF shared its special report, "The Religion-State Relationship & the Right to Freedom of Religion or Belief," so the State Department could use its findings to engage with countries that are re-drafting their constitutions in order to protect religious freedom and other human rights.
- Op-ed: Foreign Policy – October 15, 2012: In "Why a Constitution is a Bad Place for a Blasphemy Law," USCIRF Chair Katrina Lantos Swett and Commissioner Robert P. George address the constitutional drafting processes occurring in many nations of the Muslim World, and relay USCIRF's findings from its Constitution Study.
- Press Release: USCIRF Issues New Study of OIC Country Constitutions – August 3, 2012: USCIRF issued a press release calling attention to the release of the USCIRF study on OIC Country Constitutions, *The Religion-State Relationship & the Right to Freedom of Religion or Belief: A Comparative Textual Analysis of the Constitutions of Majority Muslim Countries and Other OIC Members*, which analyzes how constitutions of OIC countries treat issues of human rights and religious freedom.
- Special Report: The Religion-State Relationship & the Right to Freedom of Religion or Belief: A Comparative Textual Analysis of the Constitutions of Majority Muslim Countries and Other OIC Members – August 3, 2012: This study, which updates a 2005 USCIRF study, focuses on 56 countries and their constitutions' treatment of human rights and religious freedom. The study finds that these countries encompass a variety of constitutional arrangements addressing the role of Islam and the scope of religious freedom and other related human rights.

### *National Security*

- Meeting: Deputy National Security Advisor Denis McDonough – July 25, 2012: USCIRF Chair Katrina Lantos Swett paid a courtesy call to Deputy National Security Advisor McDonough to introduce herself and to present a copy of USCIRF's 2012 Annual Report.
- Meeting: Deputy National Security Advisor for Strategic Communication and Speechwriting Ben Rhodes – July 19, 2012: USCIRF Chair Katrina Lantos Swett paid a courtesy call to Deputy National Security Advisor Rhodes to introduce herself and to present a copy of the 2012 Annual Report.

## APPENDIX 2 SELECTED ACTIVITIES

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- Meeting: Acting Senior Director for Multilateral Affairs and Human Rights Steve Pomper – June 26, 2012: USCIRF Chair Katrina Lantos Swett paid a courtesy call to introduce herself and to present a copy of the 2012 Annual Report.
- Congressional Meeting: U.S. Senator Kelly Ayotte (R-NH) – June 7, 2012: USCIRF Chair Katrina Lantos Swett, USCIRF Executive Director Jackie Wolcott and staff met with Senator Ayotte (R-NH) and her staff to discuss USCIRF’s policy agenda and the connection between religious freedom and national security.

### ***Religious Holidays***

- Op-ed: *The Washington Post, On Faith* – December 26, 2012: In “So This is Christmas...” USCIRF Chair Katrina Lantos Swett describes the persecution of Christians globally, cites specific examples of violence and harassment Christians have faced during the Christmas season in countries such as Nigeria, Iran, Egypt, and Iraq, and notes that the same tyrannical forces that assault the right of Christians to practice their faith freely do likewise to others.
- Op-Ed: *The Washington Post, On Faith* – August 1, 2012: In this *On Faith* piece, “Ramadan and Religious Freedom,” Commissioners Azizah al-Hibri and M. Zuhdi Jasser take the opportunity of Ramadan to call for Muslims and non-Muslims to try to understand each other better in an effort to promote religious freedom.

### ***United Nations Resolution 16/18***

- Briefing: Special Advisor to the Bureau of Democracy, Human Rights and Labor Ambassador Michael Kozak – December 14, 2012: Ambassador Kozak briefed USCIRF staff on the implementation of UN Human Rights Council Resolution 16/18 and progress in the Istanbul Process.
- Op-Ed: *The Hill* – May 16, 2012: In “Blasphemy Bans Threaten Arab Spring, Religious Freedom,” USCIRF Chair Katrina Lantos Swett and Commissioner M. Zuhdi Jasser address the spread of blasphemy bans and the threat they pose to individual rights to freedom of religion and expression and other human rights.
- Briefing: Special Advisor to the Bureau of Democracy, Human Rights and Labor Ambassador Michael Kozak – April 27, 2012: Ambassador Kozak briefed USCIRF staff on the implementation of UN Human Rights Council Resolution 16/18 on “combating intolerance, negative stereotyping, and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief.”

### ***USCIRF and Religious Freedom***

- Op-ed: *Richmond Times-Dispatch* – January 22, 2013: In “Government Must Protect Nonbelievers,” USCIRF Chair Lantos Swett and Commissioner Jasser marking National Religious Freedom Day, focus on the persecution of atheists, countries where disseminating atheist views is specifically prohibited or restricted, and the implication that those who stand for the right of believers to follow their conscience must do the same for nonbelievers.

## APPENDIX 2

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- Op-ed: *The National Interest* – December 18, 2012: In “Western Europe vs. Religious Freedom” USCIRF Commissioners Mary Ann Glendon and Azizah al-Hibri highlight the continuing restriction of religious practice and expression, from religious dress to fundamental life rituals such as circumcision in a number of countries in Western Europe, including Belgium, France, Germany, Norway, Sweden, and Switzerland, and urge the region to embrace religious diversity and accord religious freedom to all.
- Op-ed: *Boston Herald* – November 26, 2012: In “Grateful for Religious Freedom,” USCIRF Chair Katrina Lantos Swett addresses the history of religious freedom in the U.S. and America’s position as a beacon of hope to those persecuted abroad due to their faith, and discusses the International Religious Freedom Act of 1998 and the creation of USCIRF.
- Op-ed: *The Birmingham News* – November 10, 2012: In “Honor Our Veterans by Standing for Religious Freedom,” USCIRF Chair Katrina Lantos Swett, marking Veterans Day, honors the veterans who defend our freedoms against the world’s most violent aggressors and highlights the importance of defending religious freedom abroad.
- Op-ed: *The Washington Post, On Faith* – October 27, 2012: In “Commemorating International Religious Freedom Day,” USCIRF Chair Katrina Lantos Swett marks the signing of the International Religious Freedom Act, which created USCIRF and the International Religious Freedom office in the State Department, led by the Ambassador-at-Large for International Religious Freedom, and addressed the dire situation for religious freedom globally.
- Op-ed: *Roll Call* – October 25, 2012: In “Fight Hate Across the Globe with Dignity and Freedom,” USCIRF Chair Katrina Lantos Swett and Commissioners Mary Ann Glendon and Robert P. George address the global reaction to the notorious anti-Muslim film and the power of the pen as opposed to the use of violence or restrictions on speech to combat intolerance on account of one’s faith.
- Op-Ed: *The Washington Times* – September 27, 2012: In “No Human Rights Without Religious Freedom,” USCIRF Chair Katrina Lantos Swett and Commissioner M. Zuhi Jasser address the prevalence of religious freedom abuses around the globe, including in UN member countries that approved the Universal Declaration of Human Rights.
- Op-Ed: *The Washington Post, On Faith* – August 1, 2012: In “Ramadan and Religious Freedom,” Commissioners Azizah al-Hibri and M. Zuhi Jasser take the opportunity of Ramadan to call for Muslims and non-Muslims to try to better understand each other in an effort to promote religious freedom.
- Press Release: *USCIRF on Release of State Department’s Annual Report on International Religious Freedom* – July 30, 2012: USCIRF issued a press release noting the release of the State Department’s International Religious Freedom Report and urging the State Department to promptly designate “countries of particular concern.”
- Congressional Meeting: Religious Freedom and the Internet – July 18, 2012: USCIRF Chair Katrina Lantos Swett and staff met with Representative Anna Eshoo (D-CA) to discuss religious freedom and the role of the Internet.



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- Congressional Meeting: USCIRF and Congress – July 18, 2012: USCIRF Chair Katrina Lantos Swett and staff met with Representative Brad Sherman (D-CA) to discuss religious freedom and how USCIRF can work with Congress to best support religious freedom.
- Op-Ed: Roll Call Opinion – July 3, 2012: In “Honor Independence Day by Upholding the First Freedom,” USCIRF Chair Katrina Lantos Swett discusses the importance of freedom of thought, conscience, religion or belief and the United States’ passage of the International Religious Freedom Act, which reaffirmed that freedom. Chair Lantos Swett also notes specific religious freedom concerns in Iran and China.
- Meeting: Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner – June 6, 2012: USCIRF Commissioners and staff met with Assistant Secretary Posner to introduce USCIRF’s new Commissioners and discuss how the Commission can work cooperatively with the State Department to encourage the strongest possible response by the United States on religious freedom.
- Congressional Meetings: USCIRF – June 5, 2012: USCIRF Chair Katrina Lantos Swett and USCIRF staff met with Representative Wolf (R-VA) and Representative McGovern (D-MA) and staff from the offices of Senator Leahy (D-VT), Senator Durbin (D-IL) and Senate Majority Leader Reid (D-NV) to discuss USCIRF post-reauthorization and, with many new Commissioners, the agenda for the upcoming year.
- Meetings with GAO: USCIRF – April-September 2012: USCIRF staff met with GAO to answer questions from GAO investigators for the report mandated by Congress in USCIRF’s reauthorization.
- Congressional Meetings: Sign-on Letter to Secretary of State Hillary Clinton – April 16-May 4, 2012: USCIRF staff worked with Hill offices on a sign-on letter to Secretary Clinton on USCIRF’s recommendations for “countries of particular concern” and issuing these designations annually.
- Congressional Meetings: FY 2013 Budget – April 10, 2012 and April 18, 2012: USCIRF staff met with Senate Appropriations staffers from the offices of Senator Patrick Leahy (D-VT) and Senator Lindsey Graham (R-SC) in support of USCIRF’s FY 2013 budget submission.
- Congressional Meetings: USCIRF – January 30-February 10, 2012: USCIRF staff met with Congressional offices, including the offices of Senator Dick Durbin (D-IL) and Senator Lindsey Graham (R-SC) and Representative Nita Lowey (D-NY), to discuss USCIRF post-reauthorization.
- Congressional Meetings: USCIRF – January 16-17, 2012: USCIRF staff met with Congressional offices, including the offices of Senator John Kerry (D-MA), House Minority Leader Nancy Pelosi (D-CA) and Representative Howard Berman (D-CA), Representative Chris Smith (R-NJ), and Representative Frank Wolf (R-VA), to discuss USCIRF post-reauthorization.

### APPENDIX 3 PRISONER LIST—IRAN

**LIST OF CURRENTLY IMPRISONED BAHAI'S IN IRAN (AS OF JANUARY 3, 2013)**  
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Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Mahvash Shahriari Sabet	Three charges on religious grounds ("forming an illegal cult"), Three charges related to "espionage" and "acting against national security"	05-Mar-2008	20 years' imprisonment	Mashhad (Razavi Khorasan)	Tehran (Evin)	N/A	Trial ended 14-Jun-2010
Fariba Kamalabadi Taefi	Three charges on religious grounds ("forming an illegal cult"). Three charges related to "espionage" and "acting against national security"	1) 26-Jul-2005 2) 14-May-2008	20 years' imprisonment	1) Mashhad 2) Tehran (Tehran)	Tehran (Evin)	1) 19-Sep-2005 2) N/A	Trial ended 14-Jun-2010
Jamaloddin Khanjani	Three charges on religious grounds ("forming an illegal cult"). Three charges related to "espionage" and "acting against national security"	1) 25-Sep-2007 2) 14-May-2008	20 years' imprisonment	1) Isfahan (Isfahan) 2) Tehran (Tehran)	Gohardasht 9-Aug-2010	1) 01-Oct-2007 2) N/A	Trial ended 14-Jun-2010
Afif Naimi	Three charges on religious grounds ("forming an illegal cult"). Three charges related to "espionage" and "acting against national security"	14-May-2008	20 years' imprisonment	Tehran (Tehran)	Gohardasht 9-Aug-2010	N/A	Trial ended 14-Jun-2010

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Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
	national security"						
Saeid Rezaie Tazangi	Three charges on religious grounds ("forming an illegal cult"). Three charges related to "espionage" and "acting against national security"	14-May-2008	20 years' imprisonment	Tehran (Tehran)	Gohardasht 9-Aug-2010	N/A	Trial ended 14-Jun-2010
Behrouz Azizi Tavakkoli	Three charges on religious grounds ("forming an illegal cult"). Three charges related to "espionage" and "acting against national security"	1) 26-Jul-2005 2) 14-May-2008	20 years' imprisonment	1) Mashhad; 2) Tehran (Tehran)	Gohardasht 9-Aug-2010	1) 15-Nov-2005 2) N/A	Trial ended 14-Jun-2010
Vahid Tizfahm	Three charges on religious grounds ("forming an illegal cult"). Three charges related to "espionage" and "acting against national security"	14-May-2008	20 years' imprisonment	Tehran (Tehran)	Gohardasht 9-Aug-2010	N/A	Trial ended 14-Jun-2010

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Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Mohammad Reza Kandi	Posing a threat to the holy regime of the Islamic Republic by teaching Baha'is ideas through communication with the usurper country of Israel	1) 09-Apr-2008 2) 19 or 25-Apr-2009	1) 7 months' imprisonment	Mahforouzak (Mazandaran)	N/A	1) 13-Apr-2008 2) N/A	25-Dec-2008
Alibakhsh Bazrafkan	Plotting overthrow, acting against national security and propaganda against the regime	31-Oct-2009	2.5 years' imprisonment and 5 years of internal exile	Yasouj (Kohgiluyeh and Boyer-Ahmad)	Yasouj	N/A	07-Dec-2009
Manijeh Nasrollahi (Monzavian)	Acting against national security through propagandist activity in the interests of groups and populations hostile to the regime related to Baha'is and membership in illegal groups and populations related to Baha'is including the group of Khademin of Semnan with the post of secretary and the education committee	1) 17-Jun-2009	3.5 years' imprisonment (3 + .5) and confiscation of documents and materials in connection with the administrative institutions of Bahaism	Semnan (Semnan)	Tehran (Evin) 27-Feb-2010	1) 30-Jun-2009 2) N/A	1) 28-Aug-2009 2) Verdict upheld on appeal (signed 25-Jan-2010)

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Name	Charges	Date of Arrest	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Rozita Vaseghi	N/A	1) 04-Aug-2005 2) 16-Mar-2010	1) 5 years' imprisonment; Sentence upheld and 2 years added on appeal 2) 5 years' imprisonment on separate charge	Mashhad (Razavi Khorasan)	Mashhad	1) 21-Aug-2005 2) N/A	1) 25-Oct-2009 2) Appeal
Nahid Ghadiri	N/A	1) 04-Aug-2005 2) 16-Mar-2010	1) 5 years' imprisonment; Sentence upheld on appeal 2) 5 years' imprisonment on separate charge = 10 years total	Mashhad (Razavi Khorasan)	Mashhad	1) 21-Aug-2005 2) N/A	1) 25-Oct-2009 2) Appeal
Davar Nabilzadeh	N/A	1) 19-Aug-2005 2) 13-Jul-2010	1) 5 years' imprisonment 2) Sentence upheld on appeal	Mashhad (Razavi Khorasan)	Mashhad	1) 28-Sep-2005 2) N/A	1) 25-Oct-2009 2) Appeal
Jalayer Vahdat	N/A	1) 04-Aug-2005 2) 26-Jan-2009 3) 24-Oct-2010	1) 5 years' imprisonment 2) Sentence upheld on appeal	Mashhad (Razavi Khorasan)	N/A	1) 28-Aug-2005 2) 12-May-2009 3) N/A	1) 25-Oct-2009 2) Appeal
Sima Eshraghi (Aghdaszadeh)	N/A	1) 06-Aug-2005 2) 26-Jan-2009 3) 24-Oct-2010	1) 5 years' imprisonment 2) Sentence upheld on appeal	Mashhad (Razavi Khorasan)	Mashhad	1) Unknown 2) 12-May-2009 3) N/A	1) 25-Oct-2009 2) Appeal
Siamak Ighani	Membership in illegal groups and gatherings	1) 27-Apr-2009 2) 6-Nov-2010	1) 3 years' imprisonment upheld on appeal	Semnan (Semnan)	Semnan	1) 2-May-2009 2) N/A	Trial: 30-Jun-2009 Appeal: Oct-2010

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Name	Charges	Date of Arrest:	Sentence	Details			
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	related to the Baha'is especially "acceptance of post of chairperson for the Semnan Khademin. Engaging in propaganda against the regime and for the benefit of the Baha'is		2) N/A				
Feizollah Rowshan	N/A	1) 01-Nov-2006 2) 18-Nov-2007 3) 06-Dec-2008 4) 15-Jan-2011	1 year's imprisonment and 4 years internal exile to Damghan. Ordered to go to Bijar. Remaining internal exile changed to additional 6 months' imprisonment in Sari.	Sari (Mazandaran)	Sari	1) 01-Jan-2007 2) 30-Apr-2008 3) 20-May-2009 4) N/A	1) 24-Apr-2007; 19-Aug-2007 2) Obtained conditional release Began exile 26 Jul-2008 in Damghan
Farhad Amri	N/A	01-Jan-2011	N/A	Mashhad suburb (Razavi Khorasan)	N/A	N/A	N/A
Shahin Shafaie	N/A	05-Feb-2011	N/A	Ghaemshahr (Mazandaran)	N/A	N/A	N/A
Badiollah Lohrasb	N/A	21-Feb-2011	N/A	Motel Ghou (Salman Shahr, Mazandaran)	N/A	N/A	N/A

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				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Peyman Kashfi	"Membership in an anti-Islamic group and propaganda against the regime"	1) 19-Oct-2009 2) 13-Feb-2011	4 years' imprisonment	Tehran (Tehran)	Evin	1) Nov/Dec-2009 2) N/A	1) 15-Jun-2010
Afshin Safaieyan	N/A	27-Feb-2011	N/A	Nasim Shahr, Saveh suburb (Markazi)	N/A	N/A	N/A
Mesbah Monghate	N/A	18-Mar-2011	N/A	Tehran (Tehran)		N/A	N/A
Sara Mahboubi	N/A	1) 24-Jun-2010 2) 9-Apr-2011	N/A	Sari (Mazandaran)	Sari	1) 18-07-2010 2) N/A	N/A
Behzad Zabihi	N/A	1) 22-Feb-2011 2) 10-Apr-2011	N/A	Sari (Mazandaran)	Sari	1) 26-Feb-2011 2) N/A	N/A
Vesal Mahboubi	N/A	25-Apr-2011	N/A	Sari (Mazandaran)	N/A	N/A	N/A
Kamran Mortezaie	"Membership of the deviant sect of Baha'ism, with the goal of taking action against the security of the country, in order to further the aims of the deviant sect and those of organizations outside the country".	22-May-2011	5 years' imprisonment	Tehran (Tehran)	Gohardasht	N/A	25-Sep-2011 17-Oct-2011

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Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Noushin Khadem	"Membership of the deviant sect of Baha'ism, with the goal of taking action against the security of the country, in order to further the aims of the deviant sect and those of organizations outside the country".	22-May-2011	4 years' imprisonment	Tehran (Tehran)	Gohardasht	N/A	27-Sep-2011
Mahmoud Badavam	"Membership of the deviant sect of Baha'ism, with the goal of taking action against the security of the country, in order to further the aims of the deviant sect and those of organizations outside the country".	22-May-2011	4 years' imprisonment	Tehran (Tehran)	Gohardasht	N/A	27-Sep-2011
Ramin Zibaie	"Membership of the deviant sect of Baha'ism, with the goal of taking action against the security of the country, in order to further the aims of the deviant sect and those of organizations	22-May-2011	4 years' imprisonment	Karaj (Alborz)	Gohardasht	N/A	N/A



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Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
	outside the country".						
Farhad Sedghi	"Membership of the deviant sect of Baha'ism, with the goal of taking action against the security of the country, in order to further the aims of the deviant sect and those of organizations outside the country".	22-May-2011	4 years' imprisonment	Karaj (Alborz)	Gohardasht	N/A	20-Sep-2011
Riaz Sobhani	"Membership of the deviant sect of Baha'ism, with the goal of taking action against the security of the country, in order to further the aims of the deviant sect and those of organizations outside the country".	14-Jun-2011	4 years' imprisonment	Tehran (Tehran)	Gohardasht	N/A	N/A

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Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Behfar Khanjani	Forming groups and membership in groups and assemblies with intention to disturb the national security; Activity against national security through propaganda against the regime; Use, possession, and distribution of 63 illegal compact discs containing appalling and offensive material.	1) 05-Jan-2010 2) 21-Jun-2011	4 years' imprisonment	Mashhad (Razavi Khorasan)	Semnan	1) 02-Mar-2010 2) N/A	1) 26 Sep 2007 2) 04-May-2010 6-Feb-2012. Appeal denied
Sanaz Tafazoli	N/A	27-Jun-2011	N/A	Mashhad (Razavi Khorasan)	N/A	N/A	N/A
Nika Barazandehniya	N/A	N/A	N/A	Isfahan (Isfahan)	N/A	N/A	N/A
Jila Rezvani (Ghanei)	N/A	06-Jul-2011	N/A	Mashhad (Razavi-Khorasan)	N/A	N/A	N/A
Saideh Foroughi (Negari)	N/A	06-Jul-2011	N/A	Mashhad (Razavi-Khorasan)	N/A	N/A	N/A

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Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Mitra Azmayandeh	N/A	03-Jul-2011	N/A	Isfahan (Isfahan)	N/A	N/A	N/A
Hajir Septo	N/A	11-Jul-2011	N/A	Kata (Kohgiluyeh and Boyer-Ahmad)	Yasouj	N/A	22-May-2011
Samin Ehsani	N/A	17-Aug-2011	N/A	Tehran (Tehran)	N/A	10-Sep-2011*	N/A
Afshin Heyratian	N/A	03-Jun-2010	4 years' imprisonment	Tehran (Tehran)	Evin	21-Jun-10	N/A
Emamgholi Behamin	N/A	24-Aug-2011	N/A	Kata (Kohgiluyeh Boyer Ahmad)	N/A	N/A	N/A
Janali Rasteh	N/A	24-Aug-2011	N/A	Kata (Kohgiluyeh Boyer Ahmad)	N/A	N/A	N/A
Kamran Rahimian	Using falsely obtained degrees, illegal counselling, running illegal classes, defrauding the public	14-Sep-2011	4 years' imprisonment	Tehran (Tehran)	Gohardasht around 5-Jan-2012	N/A	N/A
Hassanali Delavarmansh	N/A	04-Sep-2011	N/A	Kata (Kohgiluyeh Boyer Ahmad)	Yasouj	N/A	N/A

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Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Afshin Ighani	Formation of a group and membership in illegal groups and assemblies with the intention of disturbing national security, Actions against national security through propaganda against the regime [and in support of anti-regime groups], i.e., propaganda for the perverse sect of Bahaism.	1) 18-May-2005 2) 05-Jan-2010 3) Sep-2011	4 years' 3 months' 1 day's imprisonment	Semnan (Semnan)	Semnan	1) 20-May-2005 2) 28-Feb-2010 3) N/A	05-May-2010*
Didar Raoufi	N/A	1) 14-Jan-2009 2) 16-Oct-2011	3 years' imprisonment	Tehran (Tehran)	Evin	1) 11-Mar-2009 2) N/A	12-Feb-2011
Sousan Badavam (Farhangi)	N/A	23-Oct-2011 or 24-Oct-2011	N/A	Rasht (Gilan)	N/A	N/A	N/A
Nadia Asadian (Abdu'l-Hamidi)	N/A	23 or 24-Oct-2011	N/A	Rasht (Gilan)	N/A	N/A	N/A
Shiva Kashaninejad (Samiian)	N/A	23 or 24-Oct-2011	N/A	Rasht (Gilan)	N/A	N/A	N/A

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Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Anvar Moslemi	N/A	1) 22-Nov-2008 2) 3 or 5-Aug-2009 3) 12-Nov-2011	1) 1 year's imprisonment 2) 300,000 toman fine	Sari (Mazandaran)	Sari	1) 14-Dec-2008 2) 09-Sep-2009 3) N/A	7-Jun-2009
Shahnam Golshani	N/A	30-Jan-2012	N/A	Shiraz (Fars)	N/A	N/A	N/A
Shahrokh Taef	N/A	1) 06-Mar-2005 2) 14-Jan-2009 3) Jan-2012	4 years' imprisonment sentence upheld in appeals court	1) Tehran (Tehran) 2) Tehran 3) Tehran	Evin	1) 06-Jun-05 2) 17-Mar-09 3) N/A	NA
Foad Khanjani	N/A	27-Apr-2010	4 years' imprisonment	Tehran (Tehran)	Evin	08-May-10	N/A
Payam Taslimi	N/A	03-Feb-2012	N/A	Shiraz (Fars)	Ministry of Intelligence detention centre to Adelabad prison 20-Mar-2012	N/A	N/A
Semitra Momtazian	N/A	05-Feb-2012	N/A	Shiraz (Fars)	Ministry of Intelligence detention centre to Adelabad prison 20-Mar-2012	N/A	N/A

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				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Naghmeh Zabihian	N/A	17-Feb-2012	6 months' imprisonment	Mashhad (Razavi Khorasan)	N/A	N/A	N/A
Shahram Chiniyan Miandoab	N/A	1) 01-Mar-2009 2) 15-Jan-2012	8 years	Hassanabad (Tehran)	Evin	1) 03-Mar-2010 2) N/A	N/A
Negar Malekzadeh	Co-organizing junior youth exhibit	02-Apr-2012	6 months' imprisonment	Mashhad (Razavi Khorasan)	N/A	N/A	N/A
Iqan Shahidi	N/A	03-Mar-2010	5 years' imprisonment	Kermanshah (Kermanshah)	Gohardasht	11-May-2010	N/A
Shahram Mokhtari	N/A	24-Apr-2012	N/A	Birjand (South Khorasan)	N/A	N/A	N/A
Atiyeh Anvari	N/A	20-May-2012	N/A	Isfahan (Isfahan)	N/A	N/A	N/A
Sholeh Afshari	N/A	15-May-2012	N/A	Vila Shahr, Najafabad (Isfahan)	N/A	N/A	N/A
Mona Pour Pir Ali	N/A	15-May-2012	N/A	Najafabad (Isfahan)	N/A	N/A	N/A
Mohammad Hosein Nakhaei	N/A	13-May-2012	N/A	Birjand (South Khorasan)	N/A	N/A	N/A
Saeed Azimi	N/A	29-May-2012	N/A	Nashtarood (Mazandaran)	N/A	N/A	N/A

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Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Roufia Beidaghi	N/A	1) 07-Nov-2010 2) late May-2012	1 year's imprisonment	Semnan (Semnan)	Semnan	1) 16-Nov-2010 2) N/A	08-Oct-2011
Jinous Nourani	N/A	1) 18-May-2005 2) 12-Mar-2011 3) late May-2012	1) 91 days* 2) 1 year's imprisonment 3) N/A	Semnan (Semnan)	Semnan	1) 20-May-2005 2) 03-Apr-2011 3) N/A	1) 10-Sep-2006 2) 26-Nov-2011 3) N/A
Faran Khan Yaghma	N/A	09-Jun-2012	N/A	Sari (Mazandaran)	Sari	N/A	N/A
Adel Fanaiyan	Membership in a group; forming and mobilizing a group with intent to disturb the national security, Propaganda against the sacred regime of the Islamic Republic of Iran in the interest of anti-regime groups and organizations by promoting the teachings and ideologies of the sect of Baha'ism through publishing pamphlets	1) 18-May-2005 2) 04-Jan-2009 3) 14-Nov-2010 4) 10-Jun-2012	1) 6 months' imprisonment 2) 6 years' imprisonment 3) N/A 4) N/A	Semnan (Semnan)	Semnan	N/A	1) 12 Apr 2006* 2) 04-Jan-2009 3) 08-Oct-2011* 4) N/A

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Name	Charges	Date of Arrest	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
	and materials and producing and distributing announcements containing administrative information on the sect of Baha'ism and opposing the sacred regime of the Islamic Republic of Iran. Propaganda against the government of the Islamic Republic of Iran						
Taherverdi "Taheer" Eskandarian	N/A	1) N/A 2) 04-Jan-2009 3) 23-Jun-2012	1) 6 months' imprisonment 2) N/A	Semnan (Semnan)	N/A	1) N/A 2) 2-Jul-2009 3) N/A	N/A
Azizollah Samandari	An active member of the perverse Baha'i sect with the intention to act against the national security	1) 14-Jan-2009 2) 07-Jul-2012	5 years' imprisonment	Tehran (Tehran)	Evin	1) 11-Mar-2009 2) N/A	1) N/A 2) 04-Oct-2011
Adel Naimi	N/A	10-Jul-2012	N/A	Tehran (Tehran)	N/A	N/A	N/A
Khashayar Tafazzoli	N/A	11-Jul-2012	N/A	Mashhad (Razavi Khorasan)	N/A	N/A	N/A



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Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Shayan Tafazzoli	N/A	1) 17 Feb-2012 2) 11-Jul-2012	6 months' imprisonment	Mashhad (Razavi Khorasan)	N/A	1) N/A 2) N/A	1) N/A 2) N/A
Sina Aghdasizadeh	N/A	11-Jul-2012	N/A	Mashhad (Razavi Khorasan)	N/A	N/A	N/A
Rahman Vafaie	N/A	14-Jul-2012	N/A	Shiraz (Fars)	Adelabad 20-Sep-2012	N/A	N/A
Hamid Eslami	N/A	14-Jul-2012	N/A	Shiraz (Fars)	Adelabad 20-Sep-2012	N/A	N/A
Faran Hesami (Rahimian)	Conspiracy and assembly with the intention to act against the national security by membership in perverse Baha'i sect as the primary director of the Department of Psychology at the illegal Baha'i university under the direction of the House of Justice, Earning illegal income in the sum of 7,000,000 تومان.	1) 14-Sep-2011 2) 15-Jul-2012	4 years' imprisonment	Tehran (Tehran)	1) Evin 2) N/A	1) 29-Nov-2011 2) N/A	1) 09-May-2012 2) N/A
Goudarz Beidaghi	Propaganda against the government of the Islamic Republic of	1) 01-Mar-2010 2) 16-Jul-2012	1) 2.5 million rial fine 2) 1 year's imprisonment under Ta'zir	1) Semnan 2) Sangsar (Semnan)	Sangsar	1) 8-Sep-2007 2) 26-Apr-2010	1) 9 Sep 2007* 2) 17 Aug 2011 04-Oct-2011*

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Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
	Iran. Disturbance of the general public's opinion through distribution of flyers (letter of the Baha'i community of Iran addressed to the President of the Islamic Republic of Iran).		3-year exile from Semnan; confiscation of all documents and materials pertaining to the sect of Bahaism. 4 October 2011				08-Oct-2011*
Ramin Eidelkhani	Spreading propaganda against the regime, insulting the supreme leader	1) 05-May-2010 2) 19-Aug-2012	2 years' imprisonment + 5 years of internal exile	Parsabad Moghan (Ardabil)	Meshkin Shahr	15-May-2010	
Mr. Vahed Kholousi	"Involvement in subversive political activities against the regime through providing assistance to the earthquake victims" later changed to "distributing contaminated food"	1) 23-Aug-2011 2) 22-Aug-2012	N/A	1) Tehran (Tehran) 2) Tabriz (East Azerbaijan)	Evin	N/A	N/A

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Name	Charges	Date of Arrest:	Sentence	Details:			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Navid Khanjani	Engaging in human rights activities, illegal assembly" (in support of university students deprived of higher education), and disturbance of the general public's opinion".	1) 02-Mar-2010 2) 22-Aug-2012	12 years' imprisonment + 5 million rial (~US\$500) fine	1) Isfahan (Isfahan) 2) Tabriz (East Azerbaijan)	Nikbakht detention center in Isfahan  3-Mar-2010 (Evin)	03-Apr-2010	07-Dec-2010 10-Aug-2011 verdict upheld
Shayan Vahdati	"Involvement in subversive political activities against the regime through providing assistance to the earthquake victims" later changed to distributing contaminated food"	22-Aug-2012	N/A	Tabriz (East Azerbaijan)	N/A	N/A	N/A
Leva Khanjani (Mobasher)	N/A	1) 3-Jan-2010 2) 25-Aug-2012	N/A	Tehran (Tehran)	Evin and Gohardasht	1) 1-Mar-2010 2) N/A	N/A
Kayvan Rahimian	Assembly and collusion with intent to commit acts of crime against national security, membership in the perverse sect of Baha'ism, and earning illegal income (last charge dismissed).	1) 06-Mar-2005 2) 14-Sep-2011 3) 30-Sep-2012	5 years' imprisonment + 97,877,000 rial fine (~US\$8,000)	Tehran (Tehran)	N/A	1) 16-Mar-2005 2) 21-Sep-2011 3) N/A	12-Jun-2012

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Name	Charges	Date of Arrest	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Payman Hejabian	Propaganda against the regime, activity against national security, and insulting the President.	25-Aug-2012	1 year's imprisonment under Ta'zir law	Karaj (Alborz)	Karaj	N/A	N/A
Zohreh Nikayin (Tebyanian) and infant child	Forming illegal administrative groups known as moral education classes with intent to attract Muslims and to promote the ideologies of the perverse sect of Baha'ism, and being present among Muslims. Membership in groups and illegal organizations, including the Ruhi institute, organizing gatherings, science and technology [sic], and Nineteen Day Feasts for the purpose of propaganda [against] the sacred regime of the Islamic Republic of Iran and in the interest of Bahaism, Propaganda against the	1) 12-Mar-2011 2) 22-Sep-2012	23 months' imprisonment reduced on appeal from 7 years'	Semnan (Semnan)	N/A	03-Apr-2011	08-Dec-2011 sentenced; Appeal

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Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
	sacred regime of the Islamic Republic of Iran in the interest of anti-regime groups through receiving messages and instructions issued by the House of Justice, and "implementation of such instructions"						
Taraneh Torabi (Ehsani) and infant child	N/A	1) 12-Mar-2011 2) 22-Sep-2012	5 years and 10 months' imprisonment was commuted to 2.5 years' imprisonment on appeal	Sangsar (Semnan)	N/A	1) 3-Apr-2011 2) N/A	N/A
Adib Shoaei	N/A	06-Oct-2012	N/A	Mashhad (Razavi Khorasan)	N/A	N/A	N/A
Farzin Shahriari	N/A	Late Oct-2012	N/A	Tehran (Tehran)	Evin	N/A	N/A
Ramin Shahriari	N/A	Late Oct-2012	N/A	Tehran (Tehran)	Evin	N/A	N/A
Afshin Seyyed-Ahmad	N/A	08-Nov-2012	N/A	Tehran (Tehran)	N/A	N/A	N/A
Erfan Ehsani	N/A	1) Shortly before 26-Jan-2012 2) 21-Apr-2012 3) 30-Oct-2012	1 year's imprisonment under Ta'zir law	Sangsar (Semnan)	Semnan	1) 1 day after arrest 2) 06-May-2012 3) N/A	N/A
Farhad Fahandej	N/A	17-Oct-2012	N/A	Gorgan (Golestan)	Gorgan	N/A	N/A

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Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Farahmand Sanaie	N/A	17-Oct-2012	N/A	Gorgan (Golestan)	Evin 22-Nov-2012	N/A	N/A
Kamal Kashani	N/A	17-Oct-2012	N/A	Gorgan (Golestan)	N/A	N/A	N/A
Shahram Jazbani	N/A	17-Oct-2012	N/A	Gorgan (Golestan)	N/A	N/A	N/A
Navid Moallemi	N/A	17-Oct-2012	N/A	Gorgan (Golestan)	N/A	N/A	N/A
Behnam Hassani	N/A	17-Oct-2012	N/A	Gorgan (Golestan)	N/A	N/A	N/A
Sasan Badi'i	N/A	1) 20-Apr-2008 2) Oct/Nov-2012	not yet announced	Karaj (Alborz); Fardis, Karaj (Alborz)	N/A	NA	N/A
Siamak Sadri	N/A	18-Nov-2012	N/A	Gorgan (Golestan)	Evin 22-Nov-2012	N/A	N/A
Payam Markazi	N/A	18-Nov-2012	N/A	Gorgan (Golestan)	Evin 22-Nov-2012	N/A	N/A
Foad Fahandej	N/A	18-Nov-2012	N/A	Gorgan (Golestan)	Evin 22-Nov-2012	N/A	N/A
Kourosh Ziari	N/A	20-Nov-2012	N/A	Gonbad (Golestan)	Gorgan	N/A	N/A
Sina Aghdasi	N/A	05-Dec-2012	N/A	Tabriz (East Azerbaijan)	N/A	N/A	N/A
Behnam Momtazi	N/A	11-Dec-2012	N/A	Ghazvin (Ghazvin)	N/A	N/A	N/A
Adnan Rahmatpanah	N/A	12-Dec-2012	N/A	Shiraz (Fars)	N/A	N/A	N/A
Neda Majidi	N/A	17-Dec-2012	N/A	Sangsar	Semnan	N/A	N/A

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Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
				(Semnan)			
Nadia Khalili	N/A	15-Dec-2012	N/A	Mehrshahr, Karaj (Alborz)	N/A	20-Dec-2012 if released	N/A
Sahar Vadaie	N/A	15-Dec-2012	N/A	Mehrshahr, Karaj (Alborz)	N/A	20-Dec-2012 if released	N/A

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Name	Charges	Date of Arrest	Sentence	Details			
				City of Arrest	Prison	Status	Notes
Yousef Nadarkhani	Apostasy	13-Oct-2009	Death	Rasht	Lakan	Was released following a court hearing on 8 September 2012. The pastor was acquitted of apostasy, but found guilty of evangelising Muslims. He was sentenced to three years imprisonment for evangelising, but was released on minimum bail as he had already served the vast majority of this time. On Christmas day, (December 25th), 2012 Pastor Yousef was rearrested to serve the 45 remaining days of his sentence at Lakan Prison, Rasht.	N/A
Behnam Irani	December 2006 charged with "national security crimes". Found guilty on February 23, 2008. This verdict recommended prosecutor pursue apostasy death sentence. January 2011 - convicted of "action against the order" & "national security	December 2006; April 14, 2010	February 23, 2008, 5-year suspended sentence; January 2011, 1-year sentence. After serving almost the entire year, told must also serve 5 year from previous suspended sentence from 2008 verdict.	Karaj	Ghezal Hezar	Serving sentence	* In poor health and not receiving proper medical treatment.



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Name	Charges	Date of Arrest	Sentence	Details			
				City of Arrest	Prison	Status	Notes
	threat".						
Farshid Fathi Malayeri	"Actions against national security, being in contact with enemy foreign countries, religious propaganda" - - part of the evidence offered at trial was having Farsi language Bibles, unlawful distribution of Bibles, and possessing Christian literature	26-Dec-2010	Six years prison	Tehran	Evin	In prison serving sentence. On 5 February 2012, Pastor Fathi Malayeri, was tried before the Revolutionary Court in Evin Prison. On 22 February 2012, his six years sentence was upheld by the by the Iranian Revolutionary Court.	* Asked not to make public* Paid over \$400K for bail. Fathi was detained without an indictment for 16 months, and kept in solitary confinement most of those months. Fathi's lawyer was deprived of full access to his client's case: "When the lawyer went to court they wouldn't give him the file ... Until ... a few days [before the trial] they gave him the file, but not even the full file."
Mojtaba Houseini	No formal charges brought	08-Feb-2012	N/A	Shiraz	Adel-Abad	Still detained awaiting trial	He was previously arrested on 11 May 2008 along with eight other Christians on the charge of having a Christian faith. At that time he was asked to renounce his faith. 15 October 2012 they were tried, at branch 3 of the Revolutionary Court in Shiraz. The court session finished without issuing any specific verdict.

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Name	Charges	Date of Arrest	Sentence	Details			
				City of Arrest	Prison	Status	Notes
Homayoun Shokoohi	No formal charges brought	08-Feb-2012	N/A	Shiraz	Adel-Abad	Still detained awaiting trial	Fariba Nazemian's husband
Vahid Hakkani	No formal charges brought	08-Feb-2012	N/A	Shiraz	Adel-Abad	Still detained awaiting trial	N/A
Mohammad-Reza Paroei (Kourosh)	No formal charges brought	08-Feb-2012	N/A	Shiraz	Adel-Abad	Still detained awaiting trial	N/A
Saeed Abedini	N/A	26-Sep-2012	N/A	Tehran	Evin	Saeed could not have a lawyer until Dec 2012. He has not appeared before a court for formal sentencing.	He was supposed to travel back to his family in US from Iran on July 30, but his passport confiscated and was called for questioning several time before his arrest.
Mehdi Amerooni	No formal charges brought	12-Oct-2012	N/A	Shiraz	N/A	Still being held in custody.	Was arrested when security authorities raided a gathering place of the group located at Jomhuri Street in Shiraz
Mohammad (Vahid) Roghangir	No formal charges brought	12-Oct-2012	N/A	Shiraz	N/A	Still being held in custody.	Was arrested when security authorities raided a gathering place of the group located at Jomhuri Street in Shiraz
Soroush Saraee	No formal charges brought	12-Oct-2012	N/A	Shiraz	N/A	Still being held in custody.	Was arrested when security authorities raided a gathering place of the group

## APPENDIX 3 PRISONER LIST—IRAN

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### LIST OF CURRENTLY IMPRISONED CHRISTIANS IN IRAN

Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-56\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-56_en.pdf)

Name	Charges	Date of Arrest	Sentence	Details			
				City of Arrest	Prison	Status	Notes
							located at Jomhuri Street in Shiraz
Eskandar Rezaee	No formal charges brought	12-Oct-2012	N/A	Shiraz	N/A	Still being held in custody.	Was arrested when security authorities raided a gathering place of the group located at Jomhuri Street in Shiraz
Shahin Lahooti	No formal charges brought	12-Oct-2012	N/A	Shiraz	N/A	Still being held in custody.	Was arrested when security authorities raided a gathering place of the group located at Jomhuri Street in Shiraz

**APPENDIX 4**  
**PRISONER LIST—PAKISTAN**

**Individuals with pending death sentences or in the process of appeal for violation of Pakistan’s blasphemy laws**

Name(s)	Religion	Sex	Location	Date of Accusation, Arrest or Sentence	Section	Allegation	Sentence
Hazrat Ali Shah	*	Male	Barenis Village, Khyber-Pakhtunkhwa	12/15/2012	295	Blasphemy	Death and 10 years in prison
Sufi Ishaque	*	*	Lahore	2/01/2012	*	Blasphemy	Death
Soofi Mohammad Ishaq	Muslim	Male	Talagang/Chakwal	1/20/2012	295-A, C	Claiming to be a prophet	Death and Fined Rs. 200,000
Abdul Sattar	*	Male	Larkana	6/22/11	*	Blasphemy	Death & fined Rs. 50,000
Rafiq	*	Male	Jalalpur Peerwala	2/2/11	*	Blasphemy	Death
Wajihul Hassan	*	*	*	9/29/10	*	Blasphemy	Death / Appeal Pending in SC
Malik Muhammad Ashraf	Muslim	Male	Central Jail (Adiala) Rawalpindi	2/17/10	295-C, 298-A	Derogatory remarks against the Prophet	Death sentence pending
Malik Ashraf	Muslim	Male	Pind Dadan Khan (Punjab)	3/9/10	*	Blasphemy	Death
Abdul Sattar	Muslim	Male	District Jail Jhelum	2/5/10	295-A, B, C	Sending derogatory text messages	Death sentence and fine pending
Ms. Aasia Noreen (Bibi)	Christian	Female	District Jail Sheikhpura	6/19/09	295-C	Derogatory remarks against the Prophet	Death, Rs. 100,000 fine, appeal pending
Muhammad Shafeeq Latif	*	Male	Sialkot, Punjab	6/18/08	*	Blasphemy	Death

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**PRISONER LIST—PAKISTAN**

**Individuals with pending death sentences or in the process of appeal for violation of Pakistan’s blasphemy laws**

Name(s)	Religion	Sex	Location	Date of Accusation, Arrest or Sentence	Section	Allegation	Sentence
Liaqat	Muslim	Male	District Jail Faisalabad	3/21/06	295-C	Blasphemy	Death & life imprisonment, confined in central jail Faisalabad
Muhammad Shafiq	Muslim	Male	District Jail Sahiwal	3/17/06	295-B, C	Passing derogatory remarks about Prophet and burning Quran	Death, 6 months jail, fine Rs. 500,000 - appeal pending
Abdul Hameed	Muslim	Male	District Jail Sahiwal	3/3/06	295-A,B&C	Proclaimed himself a prophet of Islam, built model of Kaaba in yard	Death & 35 years, fined Rs. 80,000
Anwar Kenneth	Christian	Male	New Central Jail Multan (Multan Jail)	6/15/01	295-C	Distributing pamphlet containing Bible verses	Death and Rs. 500K fine,
Wajihul Hassan aka Murshid Masih	Christian - convert	Male	District Jail Sheikhpura	3/3/99	295-A, C, 298 & 298-A	Writing/passing derogatory remarks	Death, appeal pending

**APPENDIX 4**  
**PRISONER LIST—PAKISTAN**

**Individuals sentenced to life in prison for violation of Pakistan’s blasphemy laws**

Name(s)	Religion	Sex	Location	Date of Accusation, Arrest or Sentence	Section	Allegation	Sentence
Manzarul Haq Shah Jahan	*	Male	Kasur	03/17/2012	295-C	Blasphemy	Life and Fined 200,000
Muhammad Mushtaq alias Masta	Muslim	Male	New Central Jail Multan	8/1/11	295-B	Disgracing Quran	life - appeal pending
Muhammad Yousaf	Muslim	Male	New Central Jail Multan	8/1/11	295-B	Blasphemy	Life/ appeal pending
Imran Ghafoor	Christian	Male	District Jail Faisalabad	7/1/11	295-A, B	Burning pages of Quran in front of his shop	life
Muhammad Ishaq	*	Male	Uch Sharif, Mohallah Qadirabad	1/5/11	*	Blasphemy	Life
Mohammad Shafi	Muslim	Male	*	1/1/2011	*	Blasphemy	Life and Fined 200,000
Muhammad Safdar	Muslim	Male	New Central Jail Multan	10/1/10	295-B	Blasphemy	life - appeal pending
Muhammad Shafi	Muslim	Male	New Central Jail Multan	4/8/10	*	Vandalizing poster with Quran verses on it	life, Rs. 200,000 fine, appealed
Muhammad Aslam (son)	*	Male	New Central Jail Multan	4/8/10	*	Vandalizing poster with Quran verses on it	life, Rs. 200,000 fine, appeal pending
Imran Masih	Christian	Male	District Jail Faisalabad	1/1/10	295-A, B	Blasphemy	10 years rigorous, life and fined 100,000/appeal pending
Ms. Ruqiya Bibi	Christian	Female	District Jail Sahiwal	12/8/08	295-B	Unlawful use of Quran and defiled name of Prophet touched Quran with unclean hands	Acquittal

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**Individuals sentenced to life in prison for violation of Pakistan’s blasphemy laws**

Name(s)	Religion	Sex	Location	Date of Accusation, Arrest or Sentence	Section	Allegation	Sentence
Abdul Kareem	Muslim	Male	District Jail Sahiwal	6/21/07	295-B	Blasphemy	life - appeal pending
Inayat Rasool	Muslim	Male	District Jail Sahiwal	6/23/06	295-B	Putting Quran in canal water	life - appeal pending
Asif	Muslim	Male	District Jail Sahiwal	6/18/06	295-B	Burning the Quran	life - appeal pending
Arif Mahdi	Muslim	Male	New Central Jail Multan	4/18/06	295-B	Disgracing Islamic booklets.	life - appeal pending
Imran	Muslim	Male	District Jail Faisalabad	7/1/05	295-B	Blasphemy - after property dispute	life imprisonment
Shamas ud Din	Muslim	Male	District Jail Sahiwal	7/1/05	295-A, C	Writing blasphemous letter	life and 150,000 Rs fine, appeal pending
Maqsood Ahmad	Muslim	Male	District Jail Sahiwal	6/28/05	295-C	Put Quran on floor	life, fined Rs. 20,000/ appeal pending
Muhammad Shahzad	Muslim	Male	District Jail Sahiwal	3/24/03	295-B	Assisting Muhammad Yousaf - burning Quran	life, appeal pending
Muhammad Yousaf	Muslim	Male	District Jail Sahiwal	3/24/03	295-B	Burning the Quran	life, appeal pending
Rehmat Ali	Muslim	Male	District Jail Faisalabad	*	295-A, B	Blasphemy	life imprisonment

**APPENDIX 5**  
**PRISONER LIST—UZBEKISTAN**

<b>Article</b>	<b>Description</b>	<b>Number of Accusations</b>
159	Anti- constitutional activity	8
216	Illegal establishment of public associations or religious organizations	18
241	Failure to report a crime or its concealment	1
244-1	Production and distribution of materials that create a threat to public security and public order	10
244-2	Establishment, direction of, or participation in religious extremist, separatist, fundamentalist, or other banned organizations	13

**Prisoners in Uzbekistan arrested/sentenced due to their Muslim religious activities or affiliations Based on NGO reporting from April 2012-January 2013<sup>i</sup>**

	<b>Name</b>	<b>Date of Accusation, Arrest or Sentence</b>	<b>Trial Location</b>	<b>Section of Criminal Code</b>	<b>Sentence</b>
1.	Nosirova Dinara Abdurashadovna	Convicted: January 7, 2013	Tashkent Oblast	159, 216, 244-1, 244-2 <sup>ii</sup>	8.5 years
2.	Soipov Abdurakhim Turgunovich	Convicted: January 7, 2013	Tashkent Oblast	159, 216, 244-1, 244-2	18 years
3.	Askarov Obydkhon Abdurasilovich	Convicted: January 7, 2013	Tashkent Oblast	159, 216, 244-1, 244-2	12 years
4.	Kulbekov Riskul Tursunmuradovich	Convicted: January 7, 2013	Tashkent Oblast	159, 216, 244-1, 244-2	10 years
5.	Salmatov Farkhod Nabievich	Convicted: January 7, 2013	Tashkent Oblast	159, 216, 244-1, 244-2	10 years
6.	Yusupov Furkat Kocimovich	Convicted: January 7, 2013	Tashkent Oblast	159, 216, 244-1, 244-2	10 years
7.	Muminova Shokhida Abdumazkidovna	Convicted: January 7, 2013	Tashkent Oblast	159, 216, 244-1, 244-2	8 years



**APPENDIX 5**  
**PRISONER LIST—UZBEKISTAN**

<b>Prisoners in Uzbekistan arrested/sentenced due to their Muslim religious activities or affiliations Based on NGO reporting from April 2012-January 2013<sup>i</sup></b>					
	<b>Name</b>	<b>Date of Accusation, Arrest or Sentence</b>	<b>Trial Location</b>	<b>Section of Criminal Code</b>	<b>Sentence</b>
8.	Yusupova Mukarram Kosimovna	Convicted: January 7, 2013	Tashkent Oblast	159, 216, 244-1, 244-2	8 years
9.	Obidov Odilzhon	Convicted: January 21, 2013	Tashkent	244-2 <sup>iii</sup>	8 years
10.	Nizamutdinov Fazliddin	Convicted: January 21, 2013	Tashkent	216	Fined 100 Minimum Financial Indicators (~\$3600)
11.	Ushmukhamedov Davron	Convicted: January 21, 2013	Tashkent	216	Fined 100 Minimum Financial Indicators (~\$3600)
12.	Zokirov Davronzhon	Convicted: January 21, 2013	Tashkent	216	Fined 100 Minimum Financial Indicators (~\$3600)
13.	Khazhiev Adkham	Granted amnesty: January 21, 2013	Tashkent	241	Granted amnesty
14.	Khusanov Gairat	Convicted: November 22, 2012	Yangibazar District	244-1	7 years
15.	Yunusov Shykhvat	Convicted: November 22, 2012	Yangibazar District	244-1	7 years
16.	Ikromov Botir	Convicted: November 22, 2012	Yangibazar District	216	3 years probation
17.	Rakhimboev Alisher	Convicted: November 22, 2012	Yangibazar District	216	3 years probation
18.	Oripov Otabek	Convicted: November 22, 2012	Yangibazar District	216	3 years probation
19.	Miraliev Muzaffar	Convicted: November 22, 2012	Yangibazar District	216	3 years probation
20.	Salimov Dilshod	Convicted: November 22, 2012	Yangibazar District	216	3 years probation

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<b>Prisoners in Uzbekistan arrested/sentenced due to their Muslim religious activities or affiliations Based on NGO reporting from April 2012-January 2013<sup>i</sup></b>					
	<b>Name</b>	<b>Date of Accusation, Arrest or Sentence</b>	<b>Trial Location</b>	<b>Section of Criminal Code</b>	<b>Sentence</b>
21.	Mykhammedov Fazliddin	Convicted: November 22, 2012	Yangibazar District	216	3 years probation
22.	Abdiev Khasan	Convicted: November 22, 2012	Yangibazar District	216	3 years probation
23.	Nurmatov Shovkatzhon Abdumannopovich	Detained: November 5, 2012	Tashkent Oblast	Not charged	Died in custody November 14, 2012
24.	Khorunov Abdurashid	December 26/29, 2012	Tashkent Oblast	244-2	Pending
25.	Tadzhibaev Shukhrat	December 26/29, 2012	Tashkent Oblast	244-2	Pending
26.	Karimov Bobur	December 26/29, 2012	Tashkent Oblast	244-2	Pending
27.	Karimov Akhmadzhon	December 26/29, 2012	Tashkent Oblast	244-2	Pending

<sup>i</sup> Source: Surat Ikramov, Chairman, Initiative Group of Independent Human Rights Defenders of Uzbekistan

<sup>ii</sup> Nosirova Dinara Abdurashadovna, Soipov Abdurakhim Turgunovich, Askarov Obydkhon Abdurasilovich, Kulbekov Riskul Tursunmuradovich, Salmatov Farkhod Nabievich, Yusupov Furkat Kocimovich, Muminova Shokhida Abdumazkidovna, and Yusupova Mukarram Kosimovna were convicted of violating Articles 159, 216, 244-1, and 244-2. They were accused of being members of a “Wahhabi” sect.

<sup>iii</sup> Obidov Odilzhon, Nizamutdinov Fazliddin, Ushmukhamedov Davron, Zokirov Davronzhon, and Khazhiev Adkham were accused of being members of the “Islamic Movement of Turkestan.”

# UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

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