

**ANNUAL REPORT OF THE
UNITED STATES COMMISSION
ON
INTERNATIONAL RELIGIOUS FREEDOM**

MAY 2003

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* Effective March 24, 2003, Ambassador Shirin Tahir-Kheli was appointed Special Assistant to the President and Senior Director for Democracy, Human Rights and International Operations by National Security Advisor Condoleezza Rice. This appointment necessitated Amb. Tahir-Kheli's resignation from the Commission.

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May 2003

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LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 1, 2003

The PRESIDENT

The White House

DEAR MR. PRESIDENT: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the annual report, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228.

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

Sincerely,

FELICE D. GAER
Chair

Enclosure

LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 1, 2003

Hon. COLIN POWELL

Secretary of State

Department of State

DEAR MR. SECRETARY: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the annual report, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228.

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LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 1, 2003

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

DEAR MR. SPEAKER: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the annual report, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228.

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LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 1, 2003

Hon. TED STEVENS
President Pro Tempore
U.S. Senate

DEAR MR. STEVENS: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the annual report, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228.

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Sincerely,

FELICE D. GAER
Chair

Enclosure

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I. THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM: INTRODUCTION AND ACTIVITIES FROM MAY 1, 2002 TO MAY 1, 2003

“Religious freedom is a fundamental right of every individual, regardless of race, sex, country, creed, or nationality, and should never be arbitrarily abridged by any government.”

International Religious Freedom Act of 1998 (U.S. Public Law 105-92)

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

Article 18, *Universal Declaration of Human Rights*

A. Introduction and Overview of the Commission

The United States Commission on International Religious Freedom (USCIRF) is an independent federal government agency created by the International Religious Freedom Act of 1998 (IRFA) to monitor religious freedom in other countries and advise the President, Secretary of State, and Congress on how best to promote it.¹ The Commission is the only government commission in the world with a mandate to review and report violations of the internationally-guaranteed right to freedom of religion and belief worldwide. By providing reliable information, analysis, and careful and creative policy recommendations, the Commission gives the U.S. government and the American public the tools necessary to promote religious freedom throughout the world.

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

In carrying out its mandate, the Commission reviews information on violations of religious freedom as presented in the Department of State’s *Country Reports on Human Rights Practices*, and its *Annual Report on International Religious Freedom*. The Commission also consults regularly with independent human rights groups, non-governmental organizations including representatives of religious communities and denominations, academics, and policy experts, as well as the intelligence community and other government agencies. It also undertakes its own missions to foreign countries to examine religious freedom conditions firsthand. The

Commission holds public hearings, taking testimony from expert witnesses and victims of religious freedom violations.

While the work of the Commission is conducted year round, the Commission compiles an annual report in May to the President, the Secretary of State, and Congress that provides country and issue-specific policy recommendations to promote religious freedom. In addition, the Commission testifies before Congress and gives briefings to government officials on religious liberty issues.

Collected in Chapter IV of this report are policy recommendations on Afghanistan, Belarus, Laos, Russia, Saudi Arabia, Sudan, and Vietnam, all of which were released during this reporting cycle (May 1, 2002 to May 1, 2003). Individual reports on those countries (except Sudan) were released during the reporting cycle. The present report also contains a description of the Commission and its activities during this reporting cycle, information on the 12 countries that the Commission recommended be designated as “countries of particular concern” under IRFA, and a progress report on the implementation of the IRFA, including a critique of the State Department’s *2002 Annual Report on International Religious Freedom*.

B. Membership of the Commission

The Commission is composed of 10 members – three of whom are appointed by the President, three by the President *pro tempore* of the Senate, three by the Speaker of the House of Representatives, and an Ambassador-at-Large who serves *ex officio* as a non-voting member. The system of appointments provides that leaders of the party in the White House shall appoint five voting members and leaders of the other party shall appoint four voting members.

Each member of the Commission serves a two-year term and can be reappointed. The current commissioners’ terms began on May 15, 2001 and will end on May 14, 2003. Commissioner Ambassador Shirin R. Tahir-Kheli resigned from the Commission, effective March 24, 2003, when she was appointed Special Assistant to the President and Senior Director for Democracy, Human Rights and International Operations on the National Security Council.

Commissioner Dean Michael Young served as the Chair and Commissioners Felice Gaer and Ambassador Charles Stith served with the Chair on an executive committee until July 1, 2002. Commissioner Gaer then became the Commission’s Chair for the remainder of the current reporting period, with Commissioner Young as Vice Chair. In May 2002, John V. Hanford III was sworn in as the Ambassador-at-Large for International Religious Freedom. (See further information about Commissioners in Appendix I).

Current commissioners reflect a wide range of expertise and religious diversity. Commissioners are noted for their knowledge and experience in fields relevant to the issue of international religious freedom, including foreign affairs, direct experience abroad, human rights, and international law. In addition to attending regular meetings of the Commission where they develop policy recommendations, commissioners meet with Members of Congress, testify before Congress on the Commission’s behalf, meet with Administration officials and other government agency officials, issue public statements, receive testimony at hearings from experts and victims, conduct foreign fact-finding trips, meet with religious adherents and officials from other

countries, meet with non-governmental organizations (NGOs), and participate in expert briefings.

C. Policy Impact

One of the primary functions of the Commission is to make creative policy recommendations to the President, the Secretary of State, and the Congress to ensure that the promotion and protection of religious freedom and other human rights are an integral part of U.S. foreign policy. Over the course of the four years that it has been in existence, the Commission's recommendations have had a significant impact with respect to specific countries, issues, and international organizations, several examples of which are summarized below.

Immediately after the events of September 11, 2001, the Commission urged the U.S. government to promote religious freedom as an integral part of the **war on terrorism**. Its recommendations on **Afghanistan** and the worldwide effort to fight terrorism have played an important role in shaping U.S. policy. The Commission:

- pressed for the incorporation of specific provisions on human rights, including religious freedom, in the final version of the Afghanistan Freedom Support Act (P.L.107-327), signed into law December 4, 2002. The Act included provisions urging the President to use his diplomatic resources to promote the expansion of the International Security Assistance Force beyond Kabul, as well as authorize assistance programs to promote religious freedom in school curricula, include guarantees for religious freedom in the drafting of the constitution, strengthen a civil society that respects religious freedom, train the military, police, and legal personnel on human rights, and promote women and girls in the areas of human rights, including religious freedom.
- successfully recommended that the Administration highlight the universal right to religious freedom in President Bush's November 10, 2001 UN General Assembly speech, affirm that the war on terror is not an excuse for governments to violate religious freedom, and call for an interim Afghan government that represents all Afghan people.
- was one of the first and remains one of the most vocal groups in calling for continued attention to religious freedom both in Afghanistan and in light of the worldwide campaign against terrorism after September 11, 2001.

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

- recommended to President Bush that he condition a state visit to China on an opportunity to make a major speech on religious freedom and other human rights that would be televised live and uncensored to the Chinese people. This speech was delivered on February 21, 2002.
- successfully urged President Bush to raise religious freedom issues with Chinese

President Jiang Zemin at an October 2002 meeting in Crawford, Texas, at which President Bush reportedly shared his views on the importance of freeing prisoners of conscience and giving fair treatment to people of faith.

- pressed the U.S. government to urge the Chinese government, in accordance with its international commitments, to recognize as refugees North Koreans who have fled North Korea and to cooperate fully with the UN High Commissioner for Refugees. The Senate introduced and unanimously passed a resolution (S. Con. Res. 114) that included provisions reflecting these recommendations.
- convinced the Administration to work vigorously for the resumption of a high-level human rights dialogue with the Chinese government. The dialogue resumed in October 2001 and included a meeting with the Commission.

With respect to **France**:

- Commissioners undertook two missions there in 2002 where it met with high-ranking government officials, heads of religious communities, leading academics, and other experts; and the Commission delivered a speech to an audience of French policy experts. At the end of 2002, the French government announced significant policy changes regarding religious minorities and anti-Semitism.

With respect to **North Korea**, the Commission:

- urged the U.S. government to use multilateral diplomacy to advance the protection of human rights in North Korea, including sponsoring a resolution at the United Nations condemning religious freedom and other related human rights violations in North Korea. In March 2003, the House passed a resolution (H. Res. 109) citing USCIRF findings and urging the Secretary of State to introduce and promote passage of a resolution addressing human rights abuses in North Korea at the 59th Session of the UN Human Rights Commission in Geneva. The United States and the European Union co-sponsored a resolution on North Korea at that meeting, which was approved.
- successfully urged the Secretary of State to add North Korea to its list of Countries of Particular Concern in the fall of 2001.

The Commission's work has been instrumental in developments in **Pakistan**. The Commission:

- played a major role in highlighting to U.S. and Pakistani government officials the undemocratic nature of the Pakistani separate-electorate system for religious minorities. In 2002, the Pakistan government abolished the separate electorates.
- called for action against militant religious extremist groups and religious schools that promote violence. This issue came to the forefront of U.S. policy only after the events of September 11, 2001, and the United States responded by urging the

Pakistani government to curtail the repressive activities of extremist groups and schools, and authorized funding for education reform in Pakistan in the Fiscal Year 2002 Foreign Operations Appropriations Act (P.L.107-115).

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

- was one of the first to call for a Special Envoy for Sudan – named by President Bush in September 2001 – and recommended three of the four benchmarks the envoy delivered to the government of Sudan.
- was instrumental in raising awareness of the fact that a mammoth stock offering by a Chinese company – the largest investor in Sudan’s oil industry – was about to be offered. This played a part in the restructuring of the offering and, thus, a decrease in its proceeds.
- helped ensure that desperately needed humanitarian assistance go to the worst hit areas of Sudan, including the Nuba Mountains, by persuading the United States to increase aid outside of the UN’s Operation Lifeline Sudan program that is influenced by the government of Sudan.
- persuaded Congress in regard to the Sudan Peace Act to require the Administration to take steps to deny the Sudanese government access to oil revenues in the absence of a good faith performance of its commitments in peace negotiations.
- successfully encouraged the Administration to increase non-lethal assistance to opposition-controlled areas in Sudan, including, through USAID’s Sudan Transitional Assistance for Rehabilitation (STAR) program, assistance in the development of civil society in southern Sudan.

In March 2002, the Commission released a report on **Turkmenistan**. The Commission:

- urged the U.S. government to raise the issue of religious freedom violations in Turkmenistan before UN human rights bodies. The United States co-sponsored a resolution on Turkmenistan that was adopted at the 59th Session of the UN Human Rights Commission in Geneva.

In May 2002, the Commission released a report on **Uzbekistan**. The Commission:

- successfully recommended that assistance to Uzbekistan, with the exception of assistance to improve humanitarian conditions and advance human rights, be made contingent upon the government’s efforts to improve conditions of religious freedom there. The U.S. Congress included in the Fiscal Year 2002 Supplemental Appropriations Act provisions conditioning assistance to Uzbekistan on the government’s substantial and continued progress toward meeting its commitments to protect human rights, including religious freedom, as agreed to under the Declaration of Strategic Partnership and Cooperation Framework between the United States and

Uzbekistan. The Fiscal Year 2003 Omnibus Appropriations Act (P.L.108-7) conditioned assistance to Uzbekistan on the same criteria.

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

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

In the spring of 2002, the Commission drew specific attention to and spoke out against the rise in **anti-Semitic violence** taking place in France and Belgium.

- Congress introduced and unanimously passed Senate and House resolutions concerning the rise of anti-Semitism in Europe. The Senate version cited USCIRF findings and urged the Commission to continue documenting the issue.

With respect to the **Organization for Security and Cooperation in Europe**, the Commission, as a member of the U.S. delegation to the Human Dimension Implementation Meeting in Warsaw, Poland, in 2002:

- successfully urged members of that body to hold meetings specifically focused on religious freedom concerns, including anti-Semitism.

D. Commission Activities During the 2002-2003 Reporting Cycle

Throughout its fourth reporting period, the Commission undertook a wide range of activities in support of its effort to promote religious freedom as an important part of U.S. foreign policy. A summary of these activities follows.

1. Reporting and Policy Recommendations

a. Third annual report

In May 2002, the Commission held a press conference at the National Press Club to release its third annual report, which included policy recommendations on China, the Democratic People’s Republic of Korea, Indonesia, Sudan, Turkmenistan, and Uzbekistan. The Commission met with both National Security Advisor Condoleezza Rice and Secretary of State Colin Powell to discuss the Commission’s recommendations at that time.

Several thousand copies of the Commission’s third annual report and individual country reports were distributed broadly to Administration and congressional offices, NGOs, the media, and the public. In addition, more readers worldwide viewed them on the Commission’s Web site, which received more than 93,000 hits in 2002.

b. Countries of particular concern

In September 2002, the Commission sent a letter to Secretary Powell recommending countries for designation as “countries of particular concern” (CPCs) – egregious religious freedom violators subject to U.S. action under IRFA. The previous year, the Secretary of State designated as CPCs Burma, China, Iran, Iraq, and Sudan, and added North Korea from the Commission’s recommendations. In its September 2002 letter, the Commission recommended that each of these countries remain listed and that India, Laos, Pakistan, Saudi Arabia, Turkmenistan, and Vietnam be added.² The Commission met with Deputy Secretary of State Richard Armitage in October to discuss its CPC recommendations.

In March 2003, the Secretary of State designated as CPCs the same countries that were designated in 2001. The Commission was deeply disappointed that Secretary Powell did not designate India, Laos, Pakistan, Saudi Arabia, Turkmenistan, and Vietnam. (The particularly severe violations of religious freedom that warrant CPC designation for each of the twelve countries that the Commission designated as CPC’s are discussed in Chapter II of this report.) Following the March 2003 CPC designations, the Commission urged the State Department to continue to assess religious freedom violations in these countries and make CPC designations throughout the year. The Commission also stated that it was looking for the Administration to designate policy measures it will take to improve the situation in the six countries that the Secretary did designate as CPCs.

c. “Watch List” countries

Concerned about the nature and extent of violations of religious freedom engaged in or tolerated by the governments of Egypt, Indonesia, Nigeria, and Uzbekistan, the Commission decided to place those countries on a “Watch List” because their governments have failed to take effective steps to halt repression and/or violence against religious believers, or, in most cases, to punish those responsible for severe violations of religious freedom. In so doing, the Commission stated that it would continue to consider whether the countries on this Watch List meet the statutory criteria for designation as CPCs.

The continued failure on the part of governments to address effectively these violations would be a critical component of those decisions. The Commission also urged the State Department to monitor closely religious freedom in these countries and to respond vigorously to further violations that may merit CPC designation.³

d. IRFA and the State Department’s Annual Report on International Religious Freedom

In October 2002, Commission Chair Felice Gaer testified before the House Subcommittee on International Operations and Human Rights of the House International Relations Committee on the recently released State Department 2002 *Annual Report on International Religious Freedom*. Commissioner Gaer offered a critique of the report and of the policies developed and actions taken by the State Department in response to the violations contained in the report on more than a dozen countries. She also outlined the Commission’s

findings, urging the Secretary of State to designate India, Laos, Pakistan, Saudi Arabia, Turkmenistan, and Vietnam as CPCs.

e. Individual reports

During the current reporting cycle, the Commission issued individual reports that include policy recommendations on Afghanistan (June 2002 and May 2003), Laos (March 2003), and Belarus, Russia, Saudi Arabia, and Vietnam (May 2003).

2. Outreach

a. Public hearings

In June 2002, the Commission held a hearing on *Recent Communal Violence in Gujarat, India, and the U.S. Response*. In January 2003, the Commission, in cooperation with The George Washington University Law School, convened a forum entitled *Reconstructing Afghanistan: Freedom in Crisis?* Each event is discussed in more detail below.

b. Media and public appearances

The Commission's outreach activities are focused on its various constituencies in the Congress, the Administration, non-governmental and private voluntary organizations, religious communities, academia, and the media.

In carrying out its research and advisory functions, the Commission consults regularly with individuals who have direct knowledge of discrimination and religious freedom violations. These include representatives of religious communities, current and former U.S. government officials, embassy officials, foreign policy experts, academics, and human rights professionals. In addition, the Commission conducts hearings such as those mentioned above, gives Congressional testimony, and addresses audiences in the United States and overseas.

The Commission testified at a hearing on *Defining the Next Step on the Path to Peace in Sudan* before the House Committee on International Relations, a hearing on North Korea before the Senate Judiciary Committee's Immigration Subcommittee, and briefings on anti-Semitism and *Human Rights in Saudi Arabia: The Role of Women* before the Congressional Human Rights Caucus. In addition, as it does annually, the Commission provided testimony on the State Department's *Annual Report on International Religious Freedom*. The Commission also addressed the French Center on the United States in Paris, France, delivering a speech entitled "U.S. Policy to Promote International Religious Freedom: France and the U.S. Commission on International Religious Freedom."

Media outreach has included op-eds by Commissioners and interviews with major U.S. and international news organizations. Commissioners have appeared on ABC World News Tonight, CNN, BBC, USA Radio Network, PBS, and Voice of America.

c. USCIRF's Web site

The Commission maintains a Web site, *www.uscirf.gov*, with a wealth of information. The site contains all of the Commission's annual reports and individual country reports to date, all prepared and oral testimony from the Commission's hearings on Sudan, China, India, Pakistan, Vietnam, Indonesia, Promoting Religious Freedom During the Campaign Against Terrorism, North Korea, Communal Violence in Gujarat, India, and the transcript of the Commission's forum on Afghanistan.

In addition, the site contains legislation in which the Commission's work has been cited is available, as well as congressional testimony delivered by the Commission. For example, the Vietnam Human Rights Act, introduced by Congressman Christopher Smith (R-NJ), includes USCIRF findings and requires the Secretary of State to consult with the USCIRF before annually reporting to Congress on human rights in Vietnam. Senator Max Baucus (D-MT) and Congressman Charles Rangel (D-NY) have introduced legislation authorizing nondiscriminatory trade relations with Russia that cites concern over religious freedom violations and would charge the USCIRF to annually report on whether or not Russia is meeting standards on religious freedom and other human rights. Copies of all congressional testimony delivered by the Commission can also be found on the Commission's Web site.

Also available are the Commission's newsletter; its statements, letters, and press releases; international human rights documents; information about the Commissioners; the International Religious Freedom Act of 1998; and the State Department's annual reports on international religious freedom and human rights.

d. Commission staff activities

In addition to the specific activities listed elsewhere in this chapter, Commission staff has spoken on the work and recommendations of the Commission in several venues, including a conference of the European Parliament – *South-East Asia: Democracy Denied, Freedom Suppressed*, and the 2002 Center for Studies on New Religions (CESNUR) international conference – *Minority Religions, Social Change, and Freedom of Conscience*. In addition, staff has made presentations at briefings held on Capitol Hill and sponsored by NGOs, such as Lao-American groups.

Staff members have met with dozens of representatives of a wide range of religious groups and NGOs, as well as other experts from around the world. They have also met with numerous delegations of religious leaders, journalists, women's leaders, and human rights activists concerned with religious freedom issues that were visiting the United States under the auspices of the State Department's International Visitors Program, including groups from Afghanistan, Egypt, France, Georgia, Indonesia, Kyrgyzstan, Nigeria, Mali, and Uzbekistan. Staff members have also hosted and participated in meetings with foreign officials, diplomats, and UN personnel. In addition, staff members have also had numerous meetings with Members of Congress and their staffs, the U.S. Department of State, the U.S. Agency for International Development, the U.S. Commission on Security and Cooperation in Europe, and the U.S. Institute of Peace. Furthermore, staff members have briefed State Department human rights

officers enroute to countries of concern to the Commission and led training sessions of Foreign Service Officers and Immigration and Naturalization Service personnel.

3. Training

a. Asylum and refugee issues

As mandated by section 603(c) of IRFA, training for immigration judges must cover the extent and nature of religious persecution internationally, including country-specific conditions, as well as the use of the *Annual Report on International Religious Freedom*. In June 2002, the Commission was invited to participate in the annual training conference for all U.S. Immigration Judges. Commissioners Michael Young, Richard Land, and Commission staff conducted training workshops for more than 200 immigration judges on types and trends of religious freedom violations around the world, providing an overview of country-specific information on eighteen countries. In October 2002, Commission Chair Felice Gaer and staff participated as experts in a roundtable on religious-based persecution claims by persons seeking refugee status sponsored by the UN High Commissioner for Refugees and the Church World Service. In November 2002, Commission staff conducted a training session for new staff attorneys of the Immigration and Naturalization Service.

b. U.S. Foreign Service Officer training

The Commission dedicated time to training U.S. Foreign Service Officers. As mandated by section 104 of IRFA, such training must cover the internationally-recognized right to freedom of religion, activities and beliefs of different religions, and the various aspects and manifestations of religious freedom violations. On a number of occasions throughout the year, Commission staff participated in training sessions on international religious freedom issues at the Foreign Service Institute.

E. Synopsis of the Commission's Work with Respect to Specific Countries and Issues

During the current reporting period, the Commission engaged in a course of activities to bring to the attention of policymakers violations of religious freedom and opportunities to advance human rights, including religious freedom, in numerous countries. The Commission has also addressed specific religious freedom issues that cut across particular countries or regions. The Commission's work on specific countries and issues is discussed below.

1. Afghanistan

The Commission has dedicated a great deal of attention to monitoring and making policy recommendations on Afghanistan. From the start of the U.S.-led war in Afghanistan, the Commission has spoken out regarding the need for the U.S. government to promote a future Afghan political system that practices religious tolerance and respects the universal human rights of all, including members of religious minorities and women. It has raised concerns over mounting evidence that Afghanistan is being reconstructed as a state with oppressive crimes and punishments and that there are indications of a number of religious freedom and other human rights violations. It has also urged that the United States actively support the expansion of the

ISAF beyond Kabul to provide greater protection for Afghans; unequivocally oppose human rights abuses; support efforts to strengthen the rule of law; promote teacher training and women in the reconstruction of Afghanistan; nurture a culture for democracy in Afghanistan through public education, broadcasting, and educational and cultural exchanges; and assign a high-ranking official to the embassy in Kabul to advance religious freedom and other human rights. The Commission released a report with these recommendations in June 2002. Commissioners have discussed conditions in Afghanistan, along with the U.S. response to those conditions, in meetings with Secretary of State Colin Powell, National Security Advisor Condoleezza Rice, Special Assistant to the President and Senior Director for Democracy, Human Rights and International Operations Elliott Abrams, Assistant Secretary of State for South Asian Affairs Christina Rocca, Director of Policy Planning Ambassador Richard Haass, Coordinator for Afghanistan Ambassador David Johnson, and Lakhdar Brahimi, the United Nations Secretary General's Special Representative for Afghanistan and head of the United Nations Assistance Mission in Afghanistan.

In September 2002, the Commission released a letter sent to House International Relations Committee Chairman Henry Hyde, detailing the aforementioned early warning signs of human rights problems in the reconstruction of Afghanistan and noting its recommendations. The Commission shared its findings and recommendations with the Senate sponsors of the Afghanistan Freedom Support Act of 2002 (P.L. 107-327). As a result, several of the Commission's recommendations were included in the Act.

In 2003, the Commission has continued, publicly and actively, to raise the level of awareness of human rights concerns, including religious freedom, in Afghanistan and promote its recommendations on reconstruction efforts there. On January 29, the Commission held an international forum, "*Reconstructing Afghanistan: Freedom in Crisis*" in cooperation with The George Washington University Law School. The Commission brought together senior officials from the U.S. and interim Afghan governments, along with experts on Islamic law, law reform, judicial reconstruction, the conditions of women in Afghanistan, and U.S. foreign policy.

Special Presidential Envoy to Afghanistan Zalmay Khalilzad, Senator Chuck Hagel, and U.S. Agency for International Development Administrator Andrew Natsios spoke at the forum. A distinguished 11-person delegation from Afghanistan was led by the Minister of Justice and included the Chairman of the Judicial Reform Commission and members of Afghanistan's Human Rights Commission and Constitutional Drafting Committee. Participants in the forum discussed how the protection of human rights, including religious freedom, could be incorporated into Afghanistan's new constitution, judicial system, and laws; how human rights protections could be extended throughout a highly decentralized country, much of it currently dominated by warlords; how tolerance can best be instilled in a society that has known enmity and war for over two decades; and what the United States can do to assist Afghanistan in the process of reconstructing its legal and judicial systems. The forum sought to raise concerns about negative trends in the current phase of Afghanistan's judicial and constitutional reconstruction, and to encourage Afghans and the international donor community to ensure that Afghanistan's new institutions, laws, and practices reflect internationally-accepted human rights standards. Following the forum, Commission Chair Felice Gaer and Commissioner Nina Shea conducted a

briefing on developments in Afghanistan for congressional staff members of the House International Relations Committee.

In February 2003, the Commission sent a letter to President Bush urging him to impress upon President Karzai at their upcoming meeting the need to ensure that human rights are fully guaranteed in Afghanistan. The Commission's view was also expressed in an op-ed entitled "Remember Afghanistan," published in the February 27, 2003, edition of *The Washington Post*. A second letter to the President in April 2003 warned that insufficient U.S. involvement in the constitution-drafting process may lead to a constitution that codifies repression.

The Commission has issued an individual report on Afghanistan contemporaneous with the release of this annual report, and Commission recommendations on Afghanistan from both the May 2003 and June 2002 reports are included in this annual report. (See Chapter IV.)

2. Belarus

In January 2003, as a result of the passage of a regressive law on religion as well as violations of religious freedom in the country, Commission Chair Felice Gaer, Commissioner Bishop William Murphy, and staff traveled to Belarus, where they met with representatives of the government's Committee on Religious and Nationalities Affairs, the Russian Orthodox Church, and several other religious groups and NGOs.

The government of Belarus has erected a set of regulatory and bureaucratic obstacles that make a vast number of legitimate religious activities impossible for many religious groups. Members of the Hindu community who attempted to hold public events were detained and victimized by violent attacks about which the state has failed to take remedial measures or otherwise intervene. In August 2002, Belarusian officials bulldozed the Autocephalous Orthodox Church in Pahranchny, which was to have been consecrated the following day. Its priest had already been arrested several times for conducting religious services. A synagogue was firebombed and Jewish graves desecrated in a wave of anti-Semitic acts that the government has done little to combat.

In October 2002, a newly-passed law provided government officials with more tools to repress and control religious activities without providing any clear mechanisms to check official abuses. The law requires all religious organizations to apply for re-registration within two years, and threatens to restrict religious freedom in Belarus still further, in violation of its obligations under OSCE and other applicable international human rights norms. In November 2002, Commissioner Nina Shea addressed growing concerns about the protection of religious freedom in Belarus during a presentation at a conference in Washington entitled *Axis of Evil: Belarus - the Missing Link*, hosted by the U.S. Embassy in Belarus, the New Atlantic Initiative, and others. Also in November, Commission staff met with several Belarus opposition leaders to discuss the impact of the new law on religion.

The Commission has issued an individual report on Belarus contemporaneous with the release of this annual report, and the Commission's recommendations on Belarus are included in this annual report. (See Chapter IV.)

3. Belgium

Following a March 2002 visit to Belgium by then-Commission Chair Michael Young and Commissioner Richard Land, the Commission has remained concerned about official initiatives targeting “harmful sectarian organizations” that have fueled an atmosphere of intolerance toward members of minority religious groups. These initiatives not only have effects in Belgium but are used as models by countries in Eastern Europe and elsewhere where the rule of law and other human rights protections are much weaker than in Belgium. The Commission has also been troubled by an increase in anti-Semitic violence.

In May 2002, Commissioner Land presented and discussed the Commission delegation’s findings at the State Department’s Europe/Eurasia Religious Freedom Roundtable. In September 2002, the Commission’s Acting Executive Director Tad Stahnke met in Belgium with representatives of several minority religious groups, including the Jewish community.

4. Burma

The Burmese government exercises strict control over all religious activities in that country and has persistently discriminated against members of minority religious groups and restricted public religious expression, education, and the building of places of worship by those groups. Government restrictions and abuses appear to be most severe for non-Buddhist religions and their followers, especially those in ethnic minority areas. Additionally, the government has imprisoned more than 100 Buddhist monks for advocating democracy and encouraging dialogue between the government and pro-democracy forces. In September 2002, the Commission wrote to Secretary Powell recommending that he continue to designate Burma as a CPC, which he did in March 2003.

5. China

The Commission has continued to monitor and report on the deterioration of protections for religious freedom in China in the current reporting year. The Chinese government commits numerous egregious violations against members of many of China’s religious and spiritual communities, including Evangelical Christians, Roman Catholics, Tibetan Buddhists, Uighur Muslims, and other groups, such as the Falun Gong, that the government has labeled “evil cults.” In addition, the Commission is concerned about the 30,000 to 300,000 North Koreans who are currently in China, having fled severe repression in their country. The Chinese government has refused to grant refugee status to these individuals and has forcibly repatriated many of them. In September 2002, the Commission wrote to Secretary Powell recommending that he continue to designate China as a CPC, which he did in March 2003.

In a letter to Deputy Secretary Richard Armitage in August 2002, the Commission urged, in his meetings with Chinese officials in preparation for President Jiang Zemin’s October 2002 meeting with President Bush in Crawford, Texas, that he ensure religious freedom, particularly the release of persons imprisoned on account of their religious beliefs, be a prominent agenda item for discussion between Presidents Bush and Jiang. Reportedly, Secretary Armitage stressed the absolute need for China to treat the Uighur Muslim minority with respect and dignity. The Commission also wrote to President Bush in October 2002 urging him to raise the issue of the

Chinese government's continued violent crackdown on the freedom of religion and belief, as well as the plight of North Koreans who have fled to China, with President Jiang at his Crawford, Texas, meeting in October. In President Bush's remarks subsequent to this meeting, he stated that he shared with President Jiang "the importance of China freeing prisoners of conscience and giving fair treatment to peoples of faith."⁴

Also in accordance with a Commission recommendation, the Senate introduced and unanimously passed a concurrent resolution in the 107th Congress that called on China to make an effort to identify and protect North Korean refugees, allow them to petition for asylum, give the UNHCR access to North Koreans in China, and halt the repatriation of refugees seeking asylum.⁵

For three years, the Commission has requested an official invitation to visit China. At the December 2002 U.S.-China bilateral human rights dialogue in Beijing, Assistant Secretary for Democracy, Human Rights and Labor, Lorne Craner, and Ambassador-at-Large for International Religious Freedom, John V. Hanford III, requested and received an oral invitation for the Commission from the Chinese government. Discussions are underway between the Commission, the State Department, and the Chinese Foreign Ministry for the Commission to conduct a trip to China in the near future. In January 2003, Commissioners Nina Shea and Shirin Tahir-Kheli met with the U.S. Ambassador to China to discuss the Commission's concerns about religious freedom violations in that country and the Chinese government's invitation for the Commission to visit.

The Commission held a China Religious Freedom Roundtable in March 2003. The Roundtable brought together in an off-the-record setting senior policymakers, China experts, and representatives of religious and other non-governmental organizations to share views on advancing religious freedom in China. Members of Congress and Administration officials present included: Senator Sam Brownback of Kansas; Representative Chris Smith of New Jersey; Representative Mike Pence of Indiana; Assistant Secretary Craner; Ambassador Hanford; and Deputy Assistant Secretary of State for East Asian and Pacific Affairs Randall Schriver. The topics discussed at the Roundtable, the first in an on-going series, included the U.S.-China bilateral human rights dialogue, U.S. preparation for the 59th Session of the UN Commission on Human Rights, and ways that religious freedom and related human rights can be advanced within the framework of U.S.-China relations.

The recommendations from the Commission's February 2002 report on China are included in this annual report. (See Chapter IV.)

6. Democratic People's Republic of Korea (North Korea)

The Commission has been a leader on shining the spotlight on the horrific human rights violations by the government of the Democratic People's Republic of Korea (DPRK or North Korea) and the plight of tens of thousands of North Korean refugees in China. The DPRK government severely represses public and private religious activities. The Commission has received reports – including at a January 2002 public hearing and in visits to South Korea and Japan – that officials have arrested, imprisoned, tortured, and sometimes executed North Koreans who engage in unauthorized religious activities such as public religious expression and

persuasion as well as those returning North Koreans who were found to have had contact with foreign Christian groups, many of which conduct humanitarian and educational activities across the border in China.

For the last three years, the Commission has recommended that the DPRK be named a CPC. Secretary Powell adopted the Commission's recommendation in 2001, and the DPRK remains on the CPC list.

In June 2002, Commissioner Felice Gaer testified on the Commission's policy recommendations regarding religious freedom violations and North Korean refugees before the Senate Judiciary Subcommittee on Immigration. In July, the House Policy Committee issued a report on religious persecution and other human rights violations in North Korea, as well as the condition of North Korean refugees, citing the Commission and its findings. Also in accordance with a Commission recommendation, both the House and the Senate passed concurrent resolutions in June 2002 that called on China to make an effort to identify and protect North Korean refugees, allow them to petition for asylum, give the UNHCR access to North Korean refugees in China, and halt the repatriation of refugees seeking asylum.

In October 2002, on the eve of the visit to North Korea by Assistant Secretary of State for East Asian and Pacific Affairs James Kelly, the Commission wrote President Bush urging him to ensure that renewed high-level discussions with officials of the DPRK advance an agenda that gives a prominent place to the protection of human rights, including the freedom of religion and belief; the provision of humanitarian assistance; the protection of North Korean refugees; and the reuniting of Korean Americans with their family members in the DPRK.

As recommended by the Commission, in March 2003, the U.S. delegation to the UN Commission on Human Rights announced that it would seek a resolution on human rights violations in North Korea.

The recommendations from the Commission's April 2002 report on North Korea are included in this report. (See Chapter IV.)

7. Egypt

Serious problems of discrimination against a number of religious groups remain widespread in Egypt. Coptic Christians face ongoing violence from Muslim extremists. For all Christian groups, government permission must still be sought to build or repair a church. The government maintains tight control over all Muslim religious institutions, including mosques and religious endowments.

The Commission welcomes the March 18, 2003 acquittal of Saad Eddin Ibrahim, an Egyptian and American citizen who has been an outspoken advocate of democracy and human rights, including religious freedom, in Egypt. The Commission, however, remains concerned about the Egyptian Sohag Criminal Court's February 27, 2003 acquittal, for the second time, of 92 of the 96 defendants arrested in connection with the January 2000 killings of 22 persons, including one Muslim and 21 Coptic Christians, in communal violence in the village of Al-Kosheh. The Commission urges the U.S. government to press the Egyptian authorities to ensure

that those responsible for committing the acts of violence in Al-Kosheh, particularly those responsible for the killings, will be brought to justice through a fair trial.

Concerned about the nature and extent of violations of religious freedom engaged in or tolerated by the government of Egypt, the Commission decided to place that country on a “Watch List” because its government has failed to take effective steps to halt repression and/or violence against religious believers, or, in most cases, to punish those responsible for severe violations of religious freedom. In so doing, the Commission stated that it would continue to consider whether Egypt met the statutory criteria for designation as a CPC, and the continued failure on the part of its government to address effectively these violations would be a critical component of that decision. The Commission also urged the State Department to monitor closely religious freedom in Egypt and to respond vigorously to further violations.

8. France

Following a March 2002 visit to France by Commissioner Richard Land, the Commission has remained concerned in the current year about official initiatives and activities which target “sects” or “cults” that have fueled an atmosphere of intolerance toward members of minority religious groups in that country. In addition, the French initiatives have served as models for countries in Eastern Europe and elsewhere where the rule of law and other human rights protections are much weaker than in France. French officials had traveled to several of these countries promoting its initiatives. The Commission welcomes recent changes to French policy in this matter and will continue to monitor the effects of these changes.

In May 2002, Commissioner Land presented and discussed the Commission delegation’s findings from its visit to France at the State Department’s Europe/Eurasia Religious Freedom Roundtable. In June, 2002, Commissioner Leila Sadat, with the support of the U.S. Embassy in Paris, delivered a speech (in French) at the French Center on the United States, a part of the French Institute of International Relations, a leading French foreign policy think tank. Her speech discussed IRFA, the work of the Commission, and its concerns with respect to religious freedom in France. Commissioner Sadat continued to inquire about anti-Semitic violence and “anti-cult initiatives” in meetings with French government officials, religious leaders, and human rights activists.

The Commission continues to be concerned about anti-Semitism in France, following an upsurge in violence and other anti-Semitic incidents in the first half of 2002. Commission Chair Felice Gaer testified on this subject before the Congressional Human Rights Caucus in August 2002. The French government appears to have taken several steps to address this problem.

9. Georgia

The Commission has monitored Georgia with concern, noting ongoing attacks against religious minorities, particularly Jehovah’s Witnesses, to which the Georgian government has failed to respond. In December 2002, Commission Chair Felice Gaer met with a delegation from Georgia and elsewhere visiting the United States as part of the State Department International Visitor’s Program. The delegation included a member of the Georgian National Security

Council, two senior representatives of the Georgian Orthodox Church, a Deputy Director of Tbilisi District Court, a member of the Georgian media, and a member of Georgian civil society.

10. India

The Commission has grown increasingly concerned about abuses of religious freedom in India, including the communal violence and killings that took place in Gujarat in 2002. After the killing of 58 Hindus by Muslims on a train in the town of Godhra on February 27, 2002, retaliatory violence in Gujarat by Hindus against Muslims resulted in the deaths of at least 1,000 Muslims, many of whom were burned alive. Several reports suggested that the government of Gujarat, which is dominated by the Bharatia Janata Party, and some members of the police force may have been implicated in planning the violence and doing little to halt the attacks against Muslims. These reports came from many domestic and international sources, including India's own National Human Rights Commission.

Alarmed by the religious violence and in response to the U.S. Administration's failure forthrightly and publicly to condemn the killings of Muslims in Gujarat, the Commission held a hearing in June 2002 to learn more about the situation, highlight violations of religious freedom in India, and discuss how the United States, through its policy toward India, can play a role in helping to protect religious freedom there. In July 2002, Commission Chair Felice Gaer and Vice Chair Michael Young met with the Indian Ambassador to the United States. In August 2002, the Commission sent a letter to Deputy Secretary of State Richard Armitage, urging him to raise religious freedom concerns with the Indian government during his trip to South Asia. Deputy Secretary Armitage told the Commission that he did so. The Commission also met with several Members of Congress to discuss the violence in Gujarat and the U.S. government's response. In light of the alarming level of religious violence that occurred in that country, in September 2002, the Commission recommended that India be designated as a CPC.

11. Indonesia

The long authoritarian rule of President Suharto has left a legacy of political, economic, social, and religious strife in Indonesia, a majority Muslim country with a large Christian minority. Sectarian violence between Christians and Muslims broke out in several regions in the late 1990s, resulting in the deaths of thousands. The Indonesian government did little to stop the violence, even after a militant Islamic group exploited the conflicts and raised the level of fighting against the Christian population. Because of religious violence and initial government inaction, the Commission in 2002 placed Indonesia on its "Watch List" and urged the State Department to continue to monitor conditions there to consider whether it meets the statutory criteria for designation as a CPC.

U.S. policy has reflected some of the Commission's recommendations on Indonesia. In December 2001, USAID Deputy Administrator Frederick Schieck told the Senate Foreign Relations Committee that the USAID Office of Transition Initiatives is funding programs and organizations in Indonesia aimed at decreasing interfaith tensions. In addition, the FY 2003 Foreign Relations Authorization Act (P.L. 107-228) expressed a Sense of the Congress reflecting the Commission's recommendation that the Indonesian government should make substantial progress toward ending human rights violations by the armed forces, and investigate and

prosecute those responsible for the violations, including officials of the armed forces and terrorist organizations. Also reflective of a 2002 recommendation on Indonesia, the FY 2003 Omnibus Appropriations Act (P.L.108-7) requires the President to certify that the Indonesian military is suspending, and the Indonesian government is prosecuting and punishing, members of the armed forces that have committed human rights violations before funds for foreign military financing can be given to Indonesia.

The recommendations from the Commission's May 2002 report on Indonesia are included in this annual report. (See Chapter IV.)

12. Iran

The government of Iran engages in systematic, ongoing, and egregious violations of religious freedom, including prolonged detention and executions based primarily or entirely upon the religion of the victims. Minority religious groups that are not officially recognized by the state and those perceived to be attempting to convert Muslims suffer particular repression. In September 2002, the Commission wrote to Secretary Powell recommending that he continue to designate Iran as a CPC, which he did in March 2003.

13. Iraq

The Iraqi regime of Saddam Hussein conducted a brutal campaign of murder, summary execution, arbitrary arrest, and protracted detention against the religious leaders and followers of the majority Shi'a Muslim population and attempted to undermine the identity of minority Christian (Chaldean and Assyrian), Yazidi, and Sabeen Mandaean groups. In September 2002, the Commission wrote to Secretary Powell recommending that he continue to designate Iraq as a CPC, which he did in March 2003. In April 2003, the Commission wrote to President Bush, noting that some segments of the Shi'a community in Iraq have been vociferously demanding the implementation of Islamic law in a manner that may preclude respect for freedom of religion and freedom of conscience. The Commission urged President Bush to ensure that the Iraqi people can exercise their religious freedom in full accordance with international human rights standards and to promote, in all U.S. reconstruction programs, the idea of a future Iraqi political system that practices religious tolerance and respects universal human rights.

14. Laos

Lao government officials, primarily those at the provincial and local levels, continue to engage in particularly severe violations of religious freedom against religious believers, including arrest, prolonged detention and imprisonment of members of minority religions, forced renunciations of faith by Christians, and extensive governmental interference with and restrictions on all religious communities, including Baha'is, Buddhists, Evangelical Christians, and Roman Catholics. In July 2002, the Lao government promulgated a new decree on religious affairs that provides a legal basis for control of and interference with religious activities. While some religious detainees have reportedly been released since July 2002, others remain in detention.

In February 2002, Commissioner Firuz Kazemzadeh and staff traveled to Laos to meet with Lao government officials and representatives of religious groups and non-governmental organizations. In September 2002, the Commission wrote to Secretary Powell to recommend the designation of Laos as a CPC. In March 2003, the Commission issued a report with policy recommendations that reflect findings from that mission.

The Commission issued an individual report on Laos in March 2003, and the Commission's recommendations on Laos are included in this annual report. (See Chapter IV.)

15. Nigeria

Nigeria continues to suffer from outbursts of violent communal conflict along religious and ethnic lines, pervasive mistrust among religious and ethnic communities, and reportedly serious lapses in the protection of human rights generally. The expansion of the legal application of Sharia (Islamic law) into the criminal law of several northern Nigerian states has led to communal tension and violence between Muslims and Christians at the national and local levels. Several thousand people have been killed throughout the country since 1999 in a cycle of attacks and reprisals. Concerned about religious freedom violations tolerated by the government of Nigeria, the Commission decided to place that country on a "Watch List." In so doing, the Commission stated that it would continue to consider whether Nigeria met the statutory criteria for designation as a CPC. The Commission also urged the State Department to monitor closely religious freedom in Nigeria and to respond vigorously to further violations.

16. Pakistan

Pakistan suffers from considerable sectarian and religiously motivated violence, much of it committed against Shi'a Muslims by Sunni militants, but also against religious minorities such as Ahmadis and Christians. Over the past year, there has been an upsurge in anti-Christian violence, including fatal attacks directed against churches, a missionary hospital, and humanitarian organizations. Police protection appears ineffectual and although the Pakistani government did take some steps with regard to the recent attacks on Christians, no one has yet been successfully prosecuted for the killings. Perpetrators of attacks on minorities are seldom brought to justice. In its September 2002 letter to Secretary Powell, the Commission recommended Pakistan for CPC designation.

A number of recommendations from the Commission's 2001 report on Pakistan were implemented in 2002, one of which was that the United States, in its bilateral relations with Pakistan, take the position that the separate electorate system for religious minorities is inconsistent with democratic principles. In January 2002, the Commission welcomed the decision of the Pakistani government to abolish the separate electorate system. In addition, as recommended by the Commission, an allocation of \$8 million for basic education programs in Pakistan was included in the 2002 Foreign Operations Appropriations Act, signed into law on January 10, 2002.

17. Russia

In May 2002, Commissioner Richard Land participated in a Europe-Eurasia Religious Freedom Roundtable sponsored by Assistant Secretary of State for European and Eurasian Affairs Elizabeth Jones and Senator Gordon Smith, at which he reported on his March 2002 visit to Russia where he addressed an international conference on religion and human rights and also met with government officials, representatives of religious communities, and non-governmental organizations. Also in May 2002, the Commission sent a letter to President Bush urging him to raise religious freedom issues with President Vladimir Putin, and to meet with representatives of minority religious communities during his visit to Russia that month. While in Moscow, President Bush raised religious freedom concerns in his talks with President Putin, and spoke on the importance of religious freedom to a group of religious leaders. He also met with Jewish and Roman Catholic leaders during his visit.

In January 2003, Commissioners Felice Gaer (Chair), Bishop William Murphy, Dr. Firuz Kazemzadah, and Commission staff traveled to Russia to follow up on the Commission's longstanding concerns and to investigate reports that the situation for religious freedom had deteriorated in Russia over the past year. Among the Commission's main concerns were the increased number of foreign clergy expelled from Russia or denied entry visas, the continued prevalence of violence against Jews and Muslims in Russia, the uncertain legal situation affecting religious practice, and the leaked "Zorin Report," allegedly written by Russian government officials, which, among other assertions, designates particular religious groups as threats to Russia's national security. The delegation met with representatives of the Russian government's executive and legislative branches, members of the NGO community, representatives of several religious groups, and the press.

The Commission has issued an individual report on Russia contemporaneous with the release of this annual report, and the Commission's recommendations on Russia are included in this annual report. (See Chapter IV.)

18. Saudi Arabia

In 2002, the Commission devoted considerable attention to Saudi Arabia. Both the Commission's and State Department reports have noted that freedom of religion "does not exist" in Saudi Arabia. In testimony at a June 2002 Congressional Human Rights Caucus briefing on Saudi Arabia, Commission Chair Felice Gaer outlined the level and extent of violations of religious freedom within Saudi Arabia, including violations of women's equal right to religious freedom, and discussed several recommendations for U.S. policy. In its September 2002 letter to Secretary Powell, the Commission recommended that Saudi Arabia be designated a CPC.

In addition to ongoing and egregious violations of religious freedom inside Saudi Arabia, activities that are financed or supported, directly or indirectly, by the Saudi government to promote its interpretation of Islam, often referred to as Wahhabism, outside of Saudi Arabia have raised some troubling questions about that government's role in promoting religious intolerance in other countries toward both Muslims and non-Muslims in other countries. In September 2002, the Commission held a private briefing on religious freedom concerns in Saudi Arabia. Scholars, religious leaders, former diplomats, and other Saudi experts discussed religious freedom

conditions, global propagation of the government's religious ideology, and U.S. policy options regarding Saudi Arabia. Commission staff interviewed numerous Saudi nationals and foreign workers who currently live or have lived in Saudi Arabia, including several foreign workers who had been arrested, imprisoned, deported, and reportedly beaten on account of their religious activities.

The Commission has issued an individual report on Saudi Arabia contemporaneous with the release of this annual report, and the Commission's recommendations on Saudi Arabia are included in this annual report. (See Chapter IV.)

19. Sudan

For the past three years, the Commission has described Sudan as the world's most violent abuser of the right to freedom of religion and belief and has found that religion is a major factor in Sudan's ongoing civil war, a conflict that has taken more than two million lives and left four million displaced. In September 2002, the Commission recommended that Sudan remain on the list of CPCs. Sudan was again designated as a CPC in March 2003.

In June 2002, then-Commission Chair Michael Young testified at a House International Relations Committee hearing entitled *Defining the Next Step on the Path to Peace in Sudan*. The hearing followed the release of the May 2002 report by Special Envoy for Peace in Sudan, Senator John Danforth, on his efforts to end the civil war. Senator Danforth's report reflected the Commission's recommendations urging participation in the peace process of a broad range of groups beyond the government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A), increased monitoring of the Nuba Mountains cease-fire, an international commission to investigate slavery, and a reported agreement on a verification mechanism to monitor bombardment of civilians, including humanitarian and relief operations.

Diplomatic activity by the United States continues to reflect the Commission's recommendations. According to the State Department's Special Advisor on Sudan, Michael Ranneberger, the U.S. government continues to support peace talks between the government of Sudan, the SPLM/A, and grassroots, particularly "intra-South," reconciliation efforts. Following a Commission recommendation to increase human rights monitoring and reporting on Sudan, in March 2002, the United States helped to establish a Joint Military Commission to monitor a cease-fire agreement in the Nuba Mountains. Also in line with a Commission recommendation urging efforts to investigate reports of war crimes and other human rights abuses, the U.S.-led international group of "eminent persons" investigated and reported on slavery in Sudan. The Sudan Peace Act, which became law in October 2002, also included language requiring the Secretary of State to collect information about incidents which may constitute crimes against humanity, genocide, war crimes, and other violations of international humanitarian law by all parties to the conflict in Sudan, including slavery, rape, and aerial bombardment of civilian targets, and to report regularly to Congress. The United States also helped to create the Civilian Protection Monitoring Team to monitor and investigate alleged abuses against civilians, such as aerial bombardment. In February 2003, the Civilian Protection Monitoring Team's mandate was extended to include verification of the ceasefire agreed upon by the government of Sudan and the SPLM/A in October 2002.

In addition, a number of the Commission's recommendations on Sudan were enacted through legislation in the 107th Congress. Namely, the Sudan Peace Act of 2002 (P.L. 107-245), signed by the President on October 21, 2002, reflected many of the Commission's recommendations from its 2001 and 2002 Sudan reports. The Act stated that the President should continue to increase the use of non-Operation Lifeline Sudan agencies in the distribution of relief supplies in southern Sudan; the United States should use all means available to help end the war in Sudan, including the use of economic and diplomatic tools multilaterally to compel the government of Sudan to enter into a good faith peace agreement; the creation of a viable democratic civil authority outside of government control; and support of people-to-people reconciliation mechanisms in areas outside government control. The Act also expressed the Sense of Congress that the President, acting through the United Nations, should seek to take appropriate measures to end slavery and aerial bombardment of civilians by the government of Sudan. In the Act, Congress found that the Sudanese government has committed acts of genocide. Also in accordance with a Commission recommendation, the FY 2003 Omnibus Appropriations Act (P.L.108-7) continued to authorize non-lethal, non-food assistance to the opposition National Democratic Alliance to protect civilians from attacks, slave raids, and aerial bombardment.

In April 2003, the Commission wrote Secretary Powell to urge that the United States oppose any efforts at the 59th Session of the UN Commission on Human Rights to abandon ongoing scrutiny of continuing serious violations of human rights in Sudan. In a second letter to Secretary Powell in the same month, the Commission urged that the Administration's upcoming report to Congress required by the Sudan Peace Act frankly address violations of the Sudanese government's ceasefire violations, as well as raising several other concerns.

The recommendations on Sudan included in the Commission's April 2003 Sudan Peace Act letter are included in this annual report, along with the Commission's recommendations from its April 2002 report on Sudan. (See Chapter IV.)

20. Turkmenistan

The Commission has found that conditions for religious freedom in Turkmenistan are extremely poor. Only two religions, Sunni Islam and Russian Orthodoxy, are officially recognized and even those are highly restricted by the state. Other religions are effectively prohibited from operating freely. Thus, in its September 2002 letter to Secretary Powell, the Commission recommended for the third consecutive year that Turkmenistan be designated a CPC. The Senate and House have introduced resolutions (S. J. Res. 3 and H. Con. Res. 32) in the 108th Congress on human rights in Central Asia that urge the President and the Secretary of State to follow the Commission's recommendation to designate Turkmenistan as a CPC and include other provisions reflecting the Commission's March 2002 recommendations on Turkmenistan. Following a Commission recommendation, the United States co-sponsored a resolution regarding the situation on human rights in Turkmenistan at the 59th Session of the UN Commission on Human Rights, which was adopted.

The recommendations from the Commission's March 2002 report on Turkmenistan are included in this annual report. (See Chapter IV).

21. Uzbekistan

The Commission has found that conditions for religious freedom are very poor in Uzbekistan. In addition to a highly restrictive law on religion that severely limits the ability of minority religions to function, the Uzbek government in recent years has been harshly cracking down on Muslim individuals, groups, and mosques that do not conform to government prescribed ideas on how the Islamic faith should be practiced and expressed. As a result, thousands of people have been arrested, many of whom have been tortured in detention. Concerned about religious freedom violations engaged in by the government of Uzbekistan, the Commission decided to place that country on a “Watch List.” In so doing, the Commission stated that it would continue to consider whether Uzbekistan met the statutory criteria for designation as a CPC. The Commission also urged the State Department to monitor closely religious freedom in Uzbekistan and to respond vigorously to further violations there that may merit CPC designation.

In accordance with a Commission recommendation first made in November 2001, the Congress has conditioned assistance to Uzbekistan in the FY 2002 Supplemental Appropriations Act (P.L. 107-206) on that government’s substantial and continued progress toward meeting its commitments on human rights, including religious freedom, as agreed to under the Declaration of Strategic Partnership and Cooperation Framework between the United States and Uzbekistan in March 2002. Assistance to Uzbekistan was also conditioned under the same criteria in the FY 2003 Omnibus Appropriations Act (P.L. 108-7). The recently introduced resolutions in the Senate and House on Central Asia described above also state that the President and the Secretary of State should follow the Commission’s recommendation to place Uzbekistan on a “Watch List,” and make clear that it risks CPC designation if religious freedom and other human rights conditions do not improve there. The resolutions include other Commission recommendations as well.

The recommendations from the Commission’s May 2002 report on Uzbekistan are included in this annual report. (See Chapter IV.)

22. Vietnam

In Vietnam, key religious dissidents remain imprisoned or under house arrest, and the government has intensified its campaign against religious minorities in the northwestern provinces and the Central Highlands, including forcing individuals to renounce their faith. In February 2002, Commissioner Firuz Kazemzadeh and Commission staff traveled to Vietnam, where they met with Vietnamese government officials and representatives of religious organizations. The visit enabled the Commission to assess firsthand the presence of particularly severe violations of religious freedom in that country, and contributed to the Commission’s recommendation in September 2002 that Vietnam be designated a CPC. Despite the recognition of a recent deterioration or otherwise lack of progress in the protection of religious freedom in Vietnam in a January 2003 report to Congress on the status of the U.S.-Vietnam bilateral human rights dialogue, the Secretary of State did not designate Vietnam as a CPC.⁶

In a letter to Secretary Powell in July 2002, the Commission included a number of policy recommendations on Vietnam and urged him to raise religious freedom issues with the

Vietnamese at the Association of Southeast Asian Nations Regional Forum later that month. In November 2002, Commissioners met with the Vietnamese delegation to the 2002 U.S.-Vietnam bilateral human rights dialogue to discuss the Commission's concerns regarding ongoing religious freedom violations in Vietnam. In May 2002, Commission staff met with officials of the Vietnamese Religious Affairs Committee and leaders of Vietnamese religious groups during their trip to Washington, D.C.

In September 2001, Congressman Christopher Smith introduced the Vietnam Human Rights Act (H.R. 2833), which was passed in the House prior to a vote on the ratification of the U.S.-Vietnam Bilateral Trade Agreement. The Senate, however, did not act on the legislation. In April 2003, Congressman Christopher Smith introduced an updated version of the bill (H.R. 1587), which, like the previous bill, extensively cites the Commission's findings regarding violations of religious freedom in Vietnam. Among other actions, the Act requires that the Secretary of State shall seek to consult with the Commission as appropriate.

The Commission has issued a report on Vietnam contemporaneous with the release of this annual report, and the Commission's recommendations on Vietnam are included in this report. (See Chapter IV.)

23. Anti-Semitism

Alarmed by the upsurge in anti-Semitic violence in Belgium and France in the first half of 2002, the Commission issued a statement in April 2002 deploring the attacks and expressing hope that the French government would follow through on its statements that it would track down the perpetrators and hold them accountable. The Commission also urged the U.S. government to follow this issue carefully and urge French authorities to treat these incidents with the seriousness they deserve. Following the Commission's statement, the 107th Congress introduced and unanimously passed Senate Resolution 253 and House Resolution 393, which cited the Commission's statement and, in the Senate resolution, expressed the Sense of the Senate that the Commission "should continue to document and report on this phenomenon in Europe and worldwide." In August 2002, Commission Chair Felice Gaer testified before the Congressional Human Rights Caucus (CHRC) as part of a briefing on anti-Semitism in Western Europe. In September 2002, the Commission's then-Acting Executive Director participated on the U.S. delegation to the Human Dimension Implementation Meeting of the Organization for Security and Cooperation in Europe (OSCE) in Warsaw, Poland, and worked with the U.S. delegation to include concerns regarding anti-Semitism in the U.S. intervention on freedom of religion as well as to submit a series of recommendations on anti-Semitism based on August 2002 Commission testimony before the CHRC. While in Warsaw, and during a subsequent trip to Belgium, Commission staff met with religious leaders and human rights advocates regarding anti-Semitism in those countries.

24. European Union

In September 2002, the then-Acting Executive Director of the Commission gave a presentation on IRFA, the work of the Commission, and religious freedom concerns regarding Burma, Laos, and Vietnam at a conference sponsored by Forum Asia Democracy at the

European Parliament in Brussels. The presentation generated further interest among members of the European Parliament and their staff in adopting legislation such as IRFA and the establishment of an independent commission like the USCIRF to promote international religious freedom.

25. Organization for Security and Cooperation in Europe

In September 2002, a representative of the Commission was invited to participate on the U.S. delegation to the Human Dimension Implementation Meeting (HDIM) of the OSCE. During the meeting, the head of the U.S. delegation delivered a comprehensive intervention on violations of religious freedom in OSCE participating states. The Commission had early input in the statement and collaborated with the head of the U.S. delegation and State Department officials on the final version. Specifically, the statement addressed religious freedom violations in Uzbekistan, Turkmenistan, Kazakhstan, Georgia, Belarus, Turkey, Azerbaijan, Russia, initiatives targeting so-called “cults” in Western Europe, and restrictive registration legislation in Austria, the Czech Republic, and Hungary. The Commission’s representative also worked with the U.S. delegation to include concerns regarding anti-Semitism in the U.S. intervention on freedom of religion as well as to submit a series of recommendations on anti-Semitism based on August 2002 Commission testimony before the CHRC.

26. United Nations Commission on Human Rights

In April 2003, Commission Chair Felice Gaer met with Mr. Abdelfattah Amor, the UN Special Rapporteur on Freedom of Religion or Belief to discuss the Commission’s findings and recommendations on several countries of mutual interest.

In its 2002 reports on North Korea and Turkmenistan, the Commission recommended that the U.S. government should work within the UN system, notably at the Commission on Human Rights, to initiate or support resolutions on violations of religious freedom and other human rights in those countries. During the 59th session of the UN Commission on Human Rights, held in March and April 2003, the United States successfully sought the adoption of a resolution regarding North Korea and co-sponsored a resolution on Turkmenistan. Resolutions on both countries were adopted, although they failed to establish Special Rapporteurs to investigate and report on the situations in those countries, as recommended by the Commission.

¹ The International Religious Freedom Act of 1998 established the U.S. Commission on International Religious Freedom under 22 U.S.C. § 6401 *et seq.* (P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228).

² Commissioners Gaer and Young dissented from the decision to recommend that India be designated as a CPC. Commissioners Sadat and Tahir-Kheli dissented from the decision not to recommend that Uzbekistan be designated a CPC.

³ For the Commission's recommendations on these "Watch List" countries, see USCIRF reports on Egypt (addendum to May 2001 Annual Report, May 14, 2001); Indonesia (May 2001 Annual Report, Chapter IV, May 2002); Nigeria (May 2001 Annual Report, Chapter VII); and Uzbekistan (May 2002).

⁴ Press Conference of Presidents Bush and Jiang, October 25, 2002 (<http://www.whitehouse.gov/news/releases/2002/10/20021025.html>, accessed April 14, 2003).

⁵ S.Con.Res. 114 passed the Senate on June 19, 2002.

⁶ See Report to the Congress on the Government of Vietnam's progress toward improved human rights for the period of August 2001 – December 2002, forwarded by the State Department to the House International Relations Committee, January 8, 2003.

II. COUNTRIES OF PARTICULAR CONCERN

The designation of countries of particular concern and the implementation of meaningful policies in response to such designations are among the most important human rights acts taken by any U.S. administration. Under the International Religious Freedom Act of 1998 (IRFA), a “country of particular concern” (CPC) is a country the government of which has either engaged in or tolerated particularly severe violations of religious freedom, defined as violations that are “systematic, ongoing, and egregious.”¹ IRFA sets forth that the policy of the United States is to oppose particularly severe violations of religious freedom.

As envisioned in IRFA, the U.S. Commission on International Religious Freedom reviewed evidence regarding particularly severe violations of religious freedom by countries whose governments have engaged in or tolerated such systematic, ongoing, and egregious violations. As a result of its review, the Commission wrote to the Secretary of State Colin L. Powell in September 2002 recommending that he designate the following 12 countries as CPCs: Burma (Myanmar), Democratic People's Republic of Korea (DPRK), India, Iran, Iraq, Laos, Pakistan, People's Republic of China, Saudi Arabia, Sudan, Turkmenistan, and Vietnam.

In reaching these findings and recommendations, the Commission reviewed violations of religious freedom engaged in or tolerated by diverse governments, gathering information from victims, religious groups, human rights and other private organizations, the U.S. government, and others. The Commission also examined the State Department's *Annual Report on International Religious Freedom* and its *Country Reports on Human Rights Practices*.

In 1999 and again in 2000, the Secretary of State designated as CPCs Burma, China, Iran, Iraq, and Sudan; North Korea was added to this group in 2001. The Commission recommended that each of these designations as CPCs be maintained. The governments of these countries have continued to commit particularly severe violations of religious freedom as defined in IRFA and have not taken substantial and verifiable steps to halt such violations.

In addition to the six countries previously designated as CPCs, the Commission found that the governments of India, Pakistan, Saudi Arabia, Turkmenistan, Vietnam, and Laos have engaged in or tolerated particularly severe violations of religious freedom, and recommended that they be designated as CPCs this year.²

The following are summaries of religious freedom conditions in each of the twelve countries that the Commission recommended be designated as CPCs.

Burma

The Burmese government continues systematically to violate the religious freedom of the people of Burma. The government persists in exercising strict control over all religious activities and imposing severe restrictions on certain religious practices. Members of the Burmese military have reportedly killed members of religious minorities or instigated violence by the Buddhist majority against them. The plight of religious minorities in Burma is made worse by the widespread social tensions – encouraged by the regime – between the Buddhist majority and the Christian and Muslim minorities there. During much of 2001, the escalating tension between the

Buddhist and Muslim communities in Burma resulted in several outbreaks of violence involving members of the Buddhist community who attacked shops, restaurants, and homes owned by Muslims. During one particular outbreak, police and soldiers reportedly stood by and did not attempt to halt the violence against the Muslims until they began to fight back, prompting the soldiers to begin attacking the Buddhists in retaliation. Other severe violations of religious freedom have included forcible conscription of religious minorities as military porters and death for those who refuse.

The majority Buddhist religion is not protected from government repression. Throughout the 1990s, the government imprisoned more than 100 Buddhist monks for advocating democracy and encouraging dialogue between the government and the pro-democracy forces. Many members of the Buddhist clergy remain in prison, although a precise number is not available. Members of minority religious groups face severe abuses to their religious freedom, especially those in the ethnic minority areas. In some of these ethnic minority localities, the military reportedly has forcibly conscripted members of religious minorities to become military porters. Christians have been forced to engage in the destruction of churches and graveyards for the purpose of clearing sites for military camps. Those who refuse have been killed. Christians, as well as Muslims and Buddhists, reportedly were also forced to donate “labor” to clean and maintain Buddhist monasteries. In addition, local officials have separated Christian children from their parents, with the children receiving instruction in Buddhism without their parents’ knowledge or consent.

The government of Burma has also persistently discriminated against members of minority religious groups. Non-Buddhists are discriminated against at the upper level of the public sector. Christian and Islamic groups continue to report difficulties in obtaining permission to build new churches and mosques. These groups also have had difficulties importing religious literature since the 1960s.

The government has prohibited Christian public religious expression and persuasion among ethnic minorities and has enlisted the cooperation of pro-government Buddhist monks to convert ethnic minorities to Theravada Buddhism. In at least one instance, Christian clerics were beaten to discourage the aforementioned religious persuasion.

China

The Chinese government remains a particularly severe violator of religious freedom. Persons continue to be confined, tortured, imprisoned, and subject to other forms of ill treatment on account of their religion or belief. Groups subject to such repressive acts include Protestant Christians, Roman Catholics, Tibetan Buddhists, Uighur Muslims, and others, such as members of Falun Gong, that the government has labeled “evil cults.” In fact, in the past year, official respect for religious freedom in China has diminished. Chinese government officials have continued to claim the right to control, monitor, and restrain religious practice in that country, purportedly to protect public safety, order, health, and so forth. As part of China’s crackdown on religious and spiritual believers, individuals have been charged with, or detained under suspicion of, offenses that essentially penalize them for manifesting freedoms of religion or belief, speech, association, or assembly. In addition, several prominent religious leaders have been detained, often on reportedly dubious criminal charges, such as rape and other sexual violence, or financial

crimes. The crackdown against religious believers was authorized at the highest levels of the government, according to reportedly official documents obtained by human rights non-governmental organizations.

In December 2001, for the first time since the adoption of the 1999 “evil cult” law, a Protestant Christian pastor was sentenced to death. Pastor Gong Shengliang of the underground “South China Church” was sentenced to death for founding an “evil cult”; he was also sentenced on the reportedly questionable charges of assault and sexual violence. More than 200 members of the South China Church were arrested at the same time as Pastor Gong. In July 2002, three priests affiliated with the underground Roman Catholic Church were reportedly sentenced to three years in a labor camp after having been convicted of engaging in “cult” activities. In February 2002, the Vatican released the names of 33 bishops and priests it claimed to be in detention or under strict police surveillance.

Since October 2001, the political crackdown has intensified in the province of Xinjiang, where dozens of Muslim clerics and students were reportedly detained or arrested for “illegal” religious activities. It was also reported that in early November 2001, police closed down 13 “illegal religious centers” and arrested more than 50 people worshipping there. In December 2001, nine Muslims were arrested for “illegal preaching.” In March 2002, authorities reportedly arrested scores of Muslims for “separatism” and illegal religious activities.

The Chinese government retains tight control over religious activity and places of worship in Tibet. Hundreds of Tibetan Buddhist monks and nuns remain in prison and are reportedly subject to torture and other extreme forms of punishment, while others have been executed without due process. Tibetan monks and nuns are required to undergo “patriotic education,” and monks are forced to renounce their spiritual leaders, the Dalai Lama and the Dalai Lama-recognized Panchen Lama. The Chinese government has denied repeated requests, including from the UN High Commissioner for Human Rights, for access to the 12-year-old boy whom the Dalai Lama recognizes as the 11th Panchen Lama. Government officials have stated that he is being “held for his own safety,” while at the same time insisting that another boy is the true Panchen Lama. On a positive note, on March 31, 2002, the Chinese government released Tanag Jigme Zangpo, the longest-serving Tibetan political prisoner (nearly 40 years), which followed the release of five other Tibetan political prisoners. In January 2003, the Chinese government executed Lobsang Dondrup, a Tibetan man, for his alleged involvement in an April 2002 bombing incident, despite reassurances given the previous month to U.S. officials attending the bilateral human rights dialogue that his case, as well as that of a Tibetan Buddhist monk also sentenced to death, would be reviewed.

The Chinese government has also continued its brutal crackdown against the Falun Gong movement and its followers. According to Falun Gong practitioners in the United States, in the last three years, over 100,000 practitioners have been sent to labor camps without trial, over 1,000 have been tortured in mental hospitals, and from that group, 430 have been killed as a result of police brutality. The Chinese government’s crackdown against Falun Gong has apparently extended beyond its own borders. Many elected local U.S. officials also stated that they had received warnings from Chinese diplomatic personnel in the United States to withdraw their support of Falun Gong and its practitioners. On August 9, 2002, the Cambodian government, under pressure from the Chinese Embassy in Cambodia, deported two Chinese

practitioners who had been designated as refugees by the UN High Commission for Refugees. In 2003, the Chinese government sentenced Charles Li, a U.S. citizen and Falun Gong practitioner, to three years in prison for alleged interference with Chinese television broadcasts.

India*

Despite India's democratic traditions, religious minorities in India have periodically been subject to severe violence, including mass killings, in what is called "communal violence." Those responsible for the violence are rarely ever held to account. It has become increasingly clear that an increase in such violence has coincided with the rise in political influence of groups associated with the Sangh Parivar, a collection of Hindu extremist nationalist organizations that view non-Hindus as foreign to India and hence deserving of attack. With the rise in power of the Sangh Parivar's political wing, the Bharatiya Janata Party (BJP), the current ruling party in the national government coalition, the climate of immunity for the perpetrators of attacks on minorities appears to have strengthened.

Since 1998, there have been hundreds of attacks on Christian leaders, worshippers, and churches throughout India. These attacks have included killings, torture, rape and harassment of church staff, destruction of church property, disruption of church events, and attempts to force renunciation of Christianity and reconversion back to Hinduism. As recently as January 2003, armed members of a Hindu extremist group attacked an American missionary and seven others with swords.

At the end of February 2002, in the town of Godhra, a mob of Muslims set fire to a train resulting in the death of 58 Hindus. Within days, hundreds of Muslims were killed across Gujarat by Hindu mobs. In addition, hundreds of mosques and Muslim-owned businesses and other kinds of infrastructure were looted or destroyed. More than 100,000 fled their homes. Many Muslims were burned to death; others were stabbed or shot. Other atrocities were

*In the Commission's September 2002 letter to Secretary Powell regarding CPC recommendations, Commissioners Gaer and Young stated: "Although we are appalled by the violence against Muslims that took place in Gujarat this year, we respectfully dissent from the decision to recommend that India be named a CPC. India is a respected democracy with a judiciary, which is independent, albeit slow-moving and frequently unresponsive, and can work to hold the perpetrators responsible; many vigorous, independent non-governmental human rights organizations that have investigated and published extensive reports about the government's handling of the situation; and a free press that has widely reported on and strongly criticized the situation on the ground in Gujarat. Moreover, the worst levels of violence were contained in a short time period relative to other similar outbreaks in the past and were confined to the state of Gujarat, not spreading to other states, largely because of the actions of Indian officials. Thus we do not agree that in the case of India as a whole, it can be said that 'systematic, ongoing, egregious violations of religious freedom' have been 'engaged in or tolerated' by the Indian government to an extent to warrant CPC status."

committed against the victims, including the rape of Muslim women and girls; many were mutilated or burnt to death. India's National Human Rights Commission (NHRC), an official body, found evidence in the killings of premeditation by members of Hindu extremist groups; complicity by Gujarat state government officials; and police inaction in the midst of attacks on Muslims. Official reports issued in June by the Gujarat Police Administration reveal that the Gujarati government failed to take even basic steps to halt the upsurge in violence against Muslims and that orders were given to police not to interfere with the Hindu mobs. The NHRC also noted "widespread reports and allegations of well-organized persons, armed with mobile telephones and addresses, singling out certain homes and properties for death and destruction in certain districts—sometimes within view of police stations and personnel," suggesting the attacks may have been planned in advance. Christians were also victims in Gujarat, and many churches were destroyed. There have also been instances of retaliatory violence against Hindus.

Although the BJP-led central government may not be directly responsible for instigating the violence against religious minorities, it is clear that the government is not doing all that it could to pursue the perpetrators of the attacks and to counteract the prevailing climate of hostility against these minority groups. Though the severe violence in Gujarat provided the national government with adequate grounds—under the Constitution and existing laws to counteract communal violence—to invoke central rule in the state, the BJP government did not do so, despite many requests and the fact that the killing of Muslims continued (on a lesser scale) for many weeks. Some positive steps were taken by the federal government, particularly in the dispatching to Gujarat of a senior police official in May, after which time the violence largely ceased. However, many thousands remain displaced, without homes, employment, or businesses to return to. In reportedly retaliatory violence, Muslim terrorist gunmen opened fire at a Hindu temple in September, killing 32 people. In December 2002 elections in Gujarat, the BJP was soundly returned to power, though many observers accused it of capitalizing on the religious violence in the state. Even after one year, few Hindus have been arrested and held to account for the deaths of at least 1,000 Muslims; most of those initially arrested have been released without charge. Officials have focused largely on prosecuting the perpetrators of the attack on the train at Godhra.

In March 2003, the Gujarat government passed a bill against religious conversions. The bill, which is modeled on similar laws in the states of Tamil Nadu and Orissa, was hastily brought to a vote almost immediately after an attack on Hindus by Muslim extremists in the disputed state of Kashmir. Under the terms of the bill, government officials must assess the legality of conversions and the District Magistrate must grant prior permission. Where prior permission is not secured, individuals are subject to punishment. Ostensibly designed to prevent "forced" religious conversions, the bill is reportedly targeted against conversions of Hindus to Christianity and Islam, and as such, it inhibits the ability of persons in Gujarat to exercise their internationally recognized right to adopt a religion free from coercion.

Iran

The government of Iran engages in or tolerates systematic, ongoing, and egregious

violations of religious freedom, including prolonged detention and executions based primarily or entirely upon the religion of the victims. Iranian Sunni leaders have alleged widespread abuses and restrictions on their religious practice, including detentions and torture of Sunni clerics and bans on Sunni teachings in public schools and Sunni religious literature, even in predominantly Sunni areas. Sunni and Sufi Muslims also report widespread official discrimination. Minority religious groups that are not officially recognized by the state and those perceived to be attempting to convert Muslims suffer particular repression. Civil and human rights apply on the basis of one's religious affiliation, and only to those groups officially recognized by the government as legitimate.

The Constitution of the Islamic Republic of Iran proclaims Islam to be the official religion of the country, particularly the doctrine of the Twelver Jaafari School, and stipulates that all laws and regulations, including the Constitution itself, be based on Islamic criteria. The Head of State, Ayatollah Ali Khamene'i, is the Supreme Leader of the Islamic Revolution and has direct control over the armed forces, the internal security forces, and the judiciary. The Council of Guardians, half of whose members are appointed by the Supreme Leader, reviews all legislation passed by the Majles for adherence to Islamic and constitutional principles. The Constitution provides the Council of Guardians the power to screen and disqualify candidates for elective offices based on an ill-defined set of requirements, including candidates' ideological beliefs. In the past year, dozens of prominent liberal Islamic activists and dissidents have been sentenced by the Revolutionary Court to up to 10 years in prison, ostensibly on charges of seeking to overthrow the Islamic system in Iran; others have been arrested and detained for blasphemy and criticizing the nature of the Islamic regime. In November 2002, reformist professor Hashem Aghajari was sentenced to death for blasphemy; the death sentence has been overturned, but the remainder of his sentence, including 74 lashes and eight years internal exile, is under review. According to the January 2002 report of the UN's Special Representative on Iran, "the accepted norms of fair trial are frequently ignored," and "many of the punishments are gross violations of human rights norms, including in particular the use of stoning."

The primacy of Islam and Islamic laws and institutions also adversely affects the rights and status of non-Muslims. While all religious minorities suffer, particularly severe violations are principally directed towards the 300,000 to 350,000 followers of the Baha'i faith in Iran. Baha'is are often viewed as "heretics," and may face repression on the grounds of "apostasy." Government authorities have killed more than 200 Baha'i leaders in Iran since 1979, and more than 10,000 have been dismissed from government and university jobs. Baha'is may not establish houses of worship, schools, or any independent religious associations. In addition, Baha'is are denied government jobs and pensions as well as the right to inherit property, and their marriages and divorces are not recognized. Their cemeteries, holy places, and community properties are often seized and some are destroyed. Members of the Baha'i faith are not allowed to attend university. While Iran was under scrutiny by the UN in 2000 and 2001, the State Department reported some improvements in the status of Baha'is, such as the lifting of the ban on Baha'i children attending public schools, the ability of Baha'is to obtain ration booklets, and the removal of the requirement to list religious affiliation on marriage license applications. However, since the UN Commission on Human Rights ended formal monitoring of the human rights situation in the country in the spring of 2002, restrictions on the Baha'i community have intensified. As of April 2003, credible sources report that five Baha'is are in prison on account

of their religious activities, including a Baha'i who had been imprisoned from June 1999 to May 2000 and held in solitary confinement and beaten, and who was imprisoned again in March 2003 for "taking part in Baha'i activities."

The Constitution of Iran formally recognizes Christians, Jews, and Zoroastrians as protected religious minorities who have autonomy over their own matters of personal status (*e.g.* marriage, divorce, and inheritance) and who may worship freely. However, members of these groups are subject to legal and other forms of official discrimination. For example, discrimination against non-Muslims is prevalent in education, government, the armed services, and other aspects of life. Over the past 13 years, at least eight evangelical Christians have been killed at the hands of government authorities and between 15-23 are reported missing or "disappeared." According to the UN Special Representative's report, some are said to have been convicted of apostasy. Jews have been singled out on the basis of their "ties to Israel," whether real or perceived. The July 2000 conviction of 10 Jews on widely disputed charges of espionage in secret revolutionary (closed) courts that did not afford minimal due process guarantees raised concerns in the international community about the future of the Iranian Jewish community. All have since been released after having served reduced sentences or being pardoned, although in some cases the releases may be conditional. Non-Muslims may not engage in public religious expression and persuasion among Muslims and face restrictions on publishing religious material in Persian.

The government's monopoly on and enforcement of the official interpretation of Islam, as well as other abuses of the right to freedom of religion, negatively affect the fundamental rights of women in Iran, including their right to freedom of movement, association, religion, and freedom from coercion.

Iraq

For decades, Saddam Hussein's regime in Iraq had conducted a brutal campaign of murder, summary execution, arbitrary arrest, and protracted detention against the religious leaders and followers of the majority Shi'a Muslim population. The government had also sought to undermine the identity of minority Christian (Chaldean and Assyrian), Yazidi, and Sabean Mandaean groups. The regime also completely repressed the Baha'i community, and all Baha'i activity was punishable by death. Although Shi'a Muslims are the largest religious group, Sunni Muslims have historically dominated economic and political life. Shi'a Muslims faced summary execution, arbitrary arrest, long prison sentences, harassment, destruction and desecration of property, and decimation of leadership. Sunni Muslim Kurds and Turkmen also suffered harshly at the hands of the Saddam Hussein regime. Christians also faced repression, forced relocation, and denial of political rights. The Constitution does not provide recognition for Assyrians, Chaldeans, Yazidis, or Baha'is.

Whether the regime's motivation was political or religious, government repression devastated Shi'ism within Iraq. According to the State Department's religious freedom report, the Iraqi regime "systematically killed senior Shi'a clerics, desecrated Shi'a mosques and holy sites, interfered with Shi'a religious education, and prevented Shi'a adherents from performing their religious rites." There was considerable government control over and interference with Shi'a mosques and religious observances. Traditional Shi'a practices such as the distinctive

Shi'a call to prayer and ritual food preparations during the holy month of Muharram were banned in several Shi'a districts. Iraqi security forces interfered with the performance of religious pilgrimages, both to the Shi'a holy cities of southern Iraq and for those Shi'a Muslims wishing to travel to Mecca for the *Hajj*. Moreover, as religious scholarship in Shi'a Islam is passed from one generation of clerics to another, Iraq's policy of eliminating senior Shi'a clerics threatened the very future of Shi'ism in Iraq.

Historically, Iraqi Christians have generally enjoyed freedom of worship. However, in early 2002, the Iraqi government reportedly passed a law placing all Christian clergy and churches under the control of the Ministry of Islamic Property. In addition, the issue of religious freedom for Christians in Iraq is complicated by the fact that lines between ethnic and religious identification are often blurred. Assyrians, for example, regard themselves as ethnically distinct from the majority Arab Iraqis, though the regime does not recognize them as such. Chaldeans, however, are generally more integrated into Iraqi society than Assyrians and have at times even been favored by the current regime. Local churches often deny the existence of religious persecution, though Christians reported increasing vulnerability in the face of growing anti-Western sentiment and fear that their communities could become scapegoats due to their churches' perceived association with the West. There have been occasional reports of Muslim Kurds, themselves victims of harsh repression at the hands of the Iraqi government for political and ethnic reasons, attacking Assyrian Christians in northern Iraq. Other religious communities have varied experiences. The Yazidis, whose unique religion contains elements of paganism, Zoroastrianism, Christianity, and Islam, have historically been subjected to persecution due to the prevalent view, among both Christians and Muslims, that they are "Satan worshippers" and hence, heretical.

As of the writing of this report the situation in Iraq is in flux following U.S.-led military action that brought an end to the Saddam Hussein regime. Since the fall of the regime, Shi'a Muslims have begun to enjoy religious freedom for the first time in more than two decades. In April 2003, hundreds of thousands of Shi'a Muslims participated in an important religious pilgrimage into the holy city of Karbala. At the same time, however, some segments of the Shi'a community have been vociferously demanding the implementation of Islamic law in a manner that reportedly threatens to preclude respect for freedom of thought, conscience, religion, or belief for others in contravention of commitments to human rights and individual freedoms.

Laos

Lao government officials continue to engage in particularly severe violations of religious freedom against religious believers. Government officials in Laos continue to arrest, detain (at times for months), and imprison members of minority religions on account of their faith. In some instances, officials forced Christians to renounce their faith.

According to the Department of State, Lao officials, primarily those at the provincial and local levels, continue to arrest and detain individuals participating in religious activities, especially adherents to Christianity, on charges that these individuals are engaging in acts that either "create social turmoil" or are against the state. Since January 2001, more than 84 Christians have been arrested and detained. In July 2002, 38 people remained in prison on account of their religious activities, though recent reports indicate that most have since been

released. The State Department has reported that in some cases, prisoners were “handcuffed, detained in leg chains and stocks, and subjected to psychological pressures.” Some of these individuals were serving long prison terms, including a person in Oudomxay Province who may still be serving a 15-year sentence for public religious expression and persuasion. In December 2002, government officials in Savannakhet Province arrested and detained over 20 Christians for “unlawful assembly” when they gathered for Christmas services. In April 2003, local officials in the same province arrested two Christian leaders on account of their religious activities and destroyed a church building.

Coerced renunciation campaigns continue in a number of provinces. A reliable source informed the Commission that coerced renunciations occurred in nearly every Lao province in 2001. The State Department reported that district officials had instructed Christians, especially those of the Khmu and Hmong ethnic groups, to sign a document renouncing their faith or face harsh penalties that include arrest, denial of educational opportunities for their children, and restrictions on access to government services. In addition, Christians have reportedly been forced from their homes by local officials for refusing to renounce their faith.

These particularly severe violations of religious freedom are being committed against a backdrop of extensive government interference with and restrictions on all religious communities. Since 1999, more than 85 Protestant Christian churches have been closed, many of which remained closed as of December 2002. Moreover, the Catholic Bishop of Luang Prabang has not been allowed to travel to five of the six provinces in his diocese. The government limits Baha’i religious activities to the four recognized Baha’i centers, which are located in or near major cities, resulting in the fact that Baha’is in the remote areas have not been able to practice their faith. Notwithstanding official support for Buddhism, its clergy remains under strict government control and surveillance.

A Commission delegation visited Laos in February 2002 and noted a number of new developments. Specifically, because of international pressure, the Lao government has begun to take steps that, if continued, could lead to improved protection of religious freedom, including a new decree that would establish a legal basis for religious activities and the equality of all religions. However, an initial examination of the religion law indicates that the law may in fact place new restrictions on religious freedom. It remains to be seen, therefore, if the implementation of the new decree, promulgated in July 2002, will significantly reduce severe religious freedom violations.

Democratic People’s Republic of Korea (North Korea)

Religious freedom remains essentially non-existent in North Korea, where the government has a policy of actively discriminating against religious believers. The North Korean state severely represses public and private religious activities. The Commission has received reports that officials have arrested, imprisoned, tortured, and sometimes executed North Korean citizens who were found to have ties with overseas Christian evangelical groups operating across the border in China, as well as those who engaged in unauthorized religious activities such as public religious expression and persuasion. Although access to updated information about North Korea remains limited, by all accounts, including according to testimony delivered at the Commission’s hearing on North Korea in January 2002, there has not

been any improvement in the conditions for religious freedom in the past year.

In recent years, the government has formed several religious organizations that it controls for the purpose of severely restricting religious activities in the country. For example, the Korean Buddhist Federation prohibits Buddhist monks from worshipping at North Korean temples. Most of the remaining temples that have escaped government destruction since the Korean War are regarded as cultural relics rather than religious sites. Similarly, the Korean Christian Federation restricts Christian activities. Following the reported wholesale destruction of over 1,500 churches during Kim Il Sung's reign (1948-1994), two Protestant churches and a Roman Catholic church, without a priest, opened in Pyongyang in 1988, even though the absence of a priest for Roman Catholics means that Mass cannot be celebrated and most sacraments cannot be performed. Several foreign residents have reported that they regularly attend services at these churches and that it is clear that whatever public religious activity exists, such as services at these churches, is staged for their benefit.

Persons found carrying Bibles in public or distributing religious literature, or engaging in unauthorized religious activities such as public religious expression and persuasion are arrested and imprisoned. There continue to be reports of torture and execution of religious believers. Although the practice of imprisoning religious believers is apparently widespread, the State Department has been unable to document fully the number of religious detainees or prisoners. According to a press report, an estimated 6,000 Christians are incarcerated in "Prison No. 15" located in the northern part of the country. The Commission learned from testimony at its January 2002 hearing that prisoners held on the basis of their religious beliefs are treated worse than other inmates. For example, religious prisoners, especially Christians, are reportedly given the most dangerous tasks while in prison. In addition, they are subject to constant abuse from prison officials in an effort to force them to renounce their faith. When they refuse, these religious prisoners are often beaten and sometimes tortured to death.

Officials have stratified North Korean society on the basis of family background and perceived loyalty to the regime into 51 specific categories. Religious adherents are by definition relegated to a lower category, receiving fewer privileges and opportunities, such as education and employment, than others. Persons in lower categories have reportedly been denied food aid. Thousands of North Koreans have fled to China in recent years. Refugees who are either forcibly repatriated or captured after having voluntarily returned to the DPRK are accused of treason; those found to have had contacts with South Koreans or Christian missionaries are subjected to severe punishment, including the death penalty.

Pakistan

Pakistan suffers from considerable sectarian and religiously-motivated violence, much of it committed against Shi'a by Sunni militants, but also against religious minorities such as Ahmadis and Christians. Since the beginning of coalition military action in Afghanistan following the September 11, 2001 terrorist attacks, there has been an upsurge in anti-Christian violence, including fatal attacks directed against churches, a missionary hospital, and humanitarian organizations. Leaders of a coalition of Islamic political groups, Muttahida Majlis-e-Amal, have also portrayed U.S. military action in Iraq as part of an alleged U.S. attack on Islam. Spokesmen for Pakistan's non-Muslim religious communities have expressed fear that

retribution would be sought against Christians and others who are perceived as having some affinity with the United States and have urged the Pakistani government to take precautionary measures. Police protection appears ineffectual and, although the Pakistani government did take

some steps with regard to the attacks on Christians, no one has yet been successfully prosecuted for the killings. Perpetrators of attacks on minorities are seldom brought to justice.

Successive governments have seriously violated religious freedom in Pakistan. Discriminatory religious legislation has helped to create an atmosphere of religious intolerance and eroded the social and legal status of non-Muslims. Government officials provide fewer protections to non-Muslims than to members of the majority Sunni Muslim community. Belated efforts to curb extremism by reforming Pakistan's thousands of Islamic religious schools appear to have had little effect thus far. Despite the proposed *madrassa* reform law, too many of Pakistan's Islamic religious schools continue to provide ideological training and motivation to those who take part in violence targeting religious minorities in Pakistan and abroad. American journalist Daniel Pearl was forced to "confess" his religion as Jewish before being beheaded on a training video by Islamic extremists.

The Constitution of Pakistan declares members of the Ahmadi religious community to be "non-Muslims" despite their insistence to the contrary. Ahmadis are prevented by law from engaging in the full practice of their faith. Barred by law from "posing" as Muslims, Ahmadis may not call their places of worship "mosques," worship in non-Ahmadi mosques or public prayer rooms that are otherwise open to all Muslims, perform the Muslim call to prayer, use the traditional Islamic greeting in public, publicly quote from the Quran, or display the basic affirmation of the Muslim faith. These acts are punishable by imprisonment of up to three years. It is illegal for Ahmadis to preach in public, to seek converts, or to produce, publish, and disseminate their religious materials. These acts are also punishable by imprisonment of up to three years. Ahmadis have been arrested and imprisoned for all of the above acts, and they are reportedly subject to ill treatment from prison authorities and fellow prisoners. Ahmadis who refuse to disavow their claim to being Muslims are effectively disenfranchised. There is no indication that the Musharraf government intends, or has even seriously considered, changes to the anti-Ahmadi laws.

Prescribed penalties for blasphemy include death for whoever "defiles the sacred name of the Holy Prophet Muhammad" and life imprisonment for whoever "willfully defiles, damages, or desecrates a copy of the holy Quran." Blasphemy allegations, often false, result in lengthy detention of and sometimes violence against Christians, Ahmadis, and other religious minority members, as well as Muslims on account of their religious beliefs. The negative impact of the blasphemy laws is further compounded by the lack of due process and evidentiary standards that are involved in these proceedings. In addition, during blasphemy trials, Islamic militants often pack the courtroom and make public threats about the consequences of an acquittal. Defense attorneys in blasphemy cases have been the targets of violence. One judge who ruled in favor of the defendants in a high-profile blasphemy case was subsequently assassinated. Although no one has yet been executed by the state under the blasphemy laws, some persons have been sentenced to death. Several accused under the blasphemy laws have been attacked, even killed, by vigilantes, including while in police custody; those who escape official punishment or vigilante attack are forced to flee the country. Others have died in police custody under allegedly

suspicious circumstances. Following an abortive attempt in 2000 at introducing procedural reforms, the Musharraf government has made no further effort to reform, much less repeal, the blasphemy laws. In a positive development, however, in August of 2002, the Supreme Court of Pakistan threw out the conviction of Ayub Masih, the first Pakistani Christian sentenced to death

in a blasphemy case. His conviction was overturned on grounds that the accusations against him were false; however, the provisions of law under which he was charged remain unchanged.

Saudi Arabia

The Commission's March 2001 visit to Saudi Arabia confirmed the State Department's conclusion in its most recent religious freedom report that freedom of religion "does not exist" in that country. The ongoing and egregious violations of religious freedom by the Saudi government include torture and cruel and degrading treatment or punishment imposed by both judicial and administrative authorities; prolonged detention without charges, and often incommunicado; and blatant denials of the right to liberty and security of the person, including coercive measures aimed at women and the wide jurisdiction of the religious police (*mutawaa*), whose powers are vaguely defined and exercised in ways that violate the religious freedom of others. The Commission also is concerned about credible reports that Saudis are funding, directly and indirectly, efforts to propagate globally, including in the United States, a religious ideology that promotes hate, intolerance, and other human rights violations, in some cases violence, toward members of other religious groups, both Muslim and non-Muslims.

The government of Saudi Arabia vigorously enforces its prohibition against all forms of public religious expression other than that of those who follow the government's interpretation and presentation of the Hanbali school of Sunni Islam. This is despite the fact that there are large communities of non-Muslims and Muslims from a variety of doctrinal schools of Islam residing in Saudi Arabia. The government tightly controls the religious activity it permits—through controls 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 religious views of both Saudi and non-Saudi Muslims that do not conform to official positions. Shi'a (including Ismaili) clerics and religious scholars have been detained and imprisoned on account of their religious views. Numerous Christian foreign workers and Shi'a Muslims continue to be detained, imprisoned, tortured, and deported.

Restrictions on public religious practice, for both Saudis and non-Saudis, are enforced in large part by the *mutawaa*, public enforcers of religious behavior. The *mutawaa* have been involved in raids on worship services, including those in private homes. They have also harassed, detained, and even meted out extrajudicial punishments to individuals deemed to stray from "appropriate" dress and/or behavior, including any outward displays of religiosity, such as wearing religious symbols.

Although the government has publicly taken the position that it permits non-Muslims to worship in private, the guidelines as to what constitutes "private" worship are vague. Persons worshipping privately have been harassed, arrested, imprisoned, tortured, and deported by the authorities, and forced to go to great lengths to conceal private religious activity from those authorities. Even diplomatic personnel from Western countries face difficulties in their religious

practice; these difficulties are compounded for foreign contract workers that have no diplomatic standing and little or no access to private religious services conducted at diplomatic facilities. Moreover, the government does not allow clergy to enter the country in order to perform private religious services for foreigners legally residing in Saudi Arabia.

A series of arrests of Christian foreign contract workers in Jeddah in 2001 and 2002 further called into question official Saudi policy on private worship. Between June and September 2001, 14 Christians were arrested for worshipping privately, and all were deported by the end of March 2002. In April and May 2002, more than 30 Christian foreign workers were detained in raids on religious worship services. By September, most had been deported. In addition, the government's monopoly on the interpretation of Islam and other abuses of the right to freedom of religion adversely affect the fundamental rights of women in Saudi Arabia, including their right to freedom of speech, movement, association, and religion, freedom from coercion, their access to education, and their full equality before the law.

Sudan

The U.S. Commission on International Religious Freedom has identified Sudan as the world's most violent abuser of the right to freedom of religion and belief. In the Commission's view, the Sudanese government has committed genocidal atrocities against civilian populations in the South and in the Nuba Mountains. In the Sudan Peace Act of 2002, Congress found that the Sudanese government has committed acts of genocide.

Religious conflict is a major factor in Sudan's ongoing and prolonged civil war. In the context of the civil war, government and allied forces continue to commit egregious human rights abuses, such as forced starvation as part of the denial of international humanitarian assistance, abduction and enslavement of women and children, the forcible displacement of civilian populations (e.g., from oil-producing regions), and aerial assaults and bombardment of civilians, including church property, and of humanitarian facilities. Sites bombed have included clearly identifiable hospitals, schools, churches, markets, and relief organization compounds. Rather than random acts, many of these abuses appear to be the result of deliberate government policies. The need for accountability for these crimes is not diminished by the current peace process, including the references to freedom of religion made in the Machakos Protocol.

Current and previous governments in Khartoum have attempted forcibly to convert non-Muslims to Islam and to impose Sharia on Muslims and non-Muslims alike. According to the State Department's *2002 Country Report on Human Rights Practices*, "fears of Arabization and Islamization and the imposition of Islamic law (Sharia) fueled support for the civil war throughout the country." In turn, Islamic sentiment has been used to arouse greater popular support for the war effort, termed a "jihad" by President Omar Hassan al-Bashir and other senior government officials.

The government of Sudan severely and systematically continues to violate the religious freedom of Christians and followers of traditional African religions, as well as of Muslims who are associated with opposition groups or who dissent from the government's interpretation of Islam. Proselytizing of non-Muslims by Muslims is allowed in government-controlled areas, but public religious expression and persuasion of Muslims by non-Muslims is forbidden.

Conversion from Islam is regarded as apostasy, a crime punishable by death. Suspected converts have reportedly been tortured by the security forces.

Religious groups must be registered by the government to operate legally. Unregistered groups cannot build places of worship or meet in public. Approval can be difficult to obtain, and even registered groups face difficulties. Although permits are regularly granted to build mosques, permission to build churches is routinely denied. For over 30 years, the government has denied permission to construct Roman Catholic churches.

Some children from non-Muslim families captured and sold into slavery by pro-government militias reportedly have been forced to convert to Islam. There are similar reports that some in government-controlled camps for internally displaced persons, as well as prison inmates, Popular Defense Force trainees, and children in camps for vagrant minors, have been coerced into converting to Islam. The government also allegedly has tolerated the use of humanitarian assistance for religious purposes. The Commission has received reports from credible sources – Anglican and Catholic bishops in Sudan – that UN-provided humanitarian aid to the country's displaced and needy population is being distributed on the condition that the recipients convert to Islam. In government-controlled areas, children who have been abandoned or whose parentage is unknown are considered by the government to be Muslims and may not be adopted by non-Muslims.

Turkmenistan

Turkmenistan is among the most totalitarian states in the world today and engages in particularly severe violations of religious freedom. It has been ruled since 1985 by former Communist Party First Secretary and now-President Saparmurat Niyazov, who, after the country gained independence, systematically began to assume complete control through an aggressive cult of personality. Niyazov's all-pervasive authoritarian rule has effectively prevented any form of opposition from operating within the country. Religious freedom is severely proscribed in Turkmenistan and there is no evidence that the situation has improved in the past year. In fact, the overall human rights situation has deteriorated significantly since November 2002, when, after an alleged assassination attempt, Niyazov began arresting hundreds of relatives and associates of leading opposition figures. Many have been sentenced to as many as 25 years in prison after what have been characterized as Stalinist-type show trials.

President Niyazov has promoted a state-controlled version of Islam as part of Turkmen identity, and his monopoly of power and absolute control over Turkmen society renders independent religious activity, either Christian or Muslim, a potential threat to that control. Since independence, religious groups have been required to register with the government in order to engage in religious activities. A 1997 version of the religion law effectively banned all religious groups but the Sunni Muslim Board and the Russian Orthodox Church, though religious worship, instruction, or education outside of the officially approved structures even for these two religions is not allowed. Indeed, anyone acting outside the rigid state structure would be considered in opposition and would be treated as harshly as all other political opposition figures. All but one *madrassa*, or Islamic school, have been closed down by Niyazov. Imams have been instructed by the government to repeat an oath of loyalty to the "fatherland" and the President after each daily prayer. Niyazov has strengthened his personality cult with the publication of his

three-volume work, *Ruhnama*, containing his “spiritual thoughts,” which is required reading for all schoolchildren. Opposition on religious grounds to the reverence demanded by the Turkmen leader is considered a grave affront to his power.

The 1997 version of the religion law made it all but impossible for religious minorities to register and function legally. Turkmen security forces routinely interrogate and intimidate believers, especially those attempting to fulfill the registration requirement. Members of unregistered religious communities – including Baha’is, Baptists, Hare Krishnas, Jehovah’s Witnesses, Muslims operating independently of the Sunni Muslim Board, Pentecostals, and Seventh-day Adventists – have reportedly been arrested, detained, with allegations of torture and other ill-treatment, imprisoned, deported, harassed, fined, and have had their services disrupted, congregations dispersed, religious literature confiscated, and places of worship destroyed. In May 2002, a group of Christians in Turkmenistan were forced to renounce their faith publicly, swearing an oath on a copy of *Ruhnama*. Baptist leaders who do not have Turkmen citizenship, regardless of their legal status in Turkmenistan, are routinely deported to Russia or Ukraine, together with their families and congregants. Security officials regularly break up religious meetings in private homes, perform searches of homes without warrants, confiscate religious literature, and detain and threaten congregants with criminal prosecution and deportation. Even family members of detained religious leaders have been subjected to harassment and internal exile.

Vietnam

The Commission’s February 2002 fact-finding visit to Vietnam enabled it to assess the presence of particularly severe violations of religious freedom in that country. Since 2001, the religious freedom conditions in Vietnam have deteriorated. Key religious dissidents remain imprisoned or under house arrest, and the government has continued its campaign of forcing religious minorities in the northwestern provinces and the Central Highlands to renounce their faith. The heightened crackdown on religious freedom was reportedly sanctioned at the highest levels of the Vietnamese government, according to documents obtained by human rights non-governmental organizations.

Religious groups outside Vietnam have identified approximately 100 religious adherents who remain in prison or under some form of detention, including house arrest. Eighteen Hoa Hao Buddhists are reportedly either in prison or under house arrest. The overseas spokesperson for the Unified Buddhist Church of Vietnam (UBCV) claims that there are at least 20 UBCV-affiliated monks and lay leaders who are either under house arrest or in re-education camps or prisons. Twenty Hmong Protestants apparently remain in detention. Dozens of Montagnard Christians in the Central Highlands have been detained in relation to the government crackdown in 2001. Finally, there are at least 10 Catholic priests and lay adherents who are still imprisoned. Some religious and human rights groups claim that there may be thousands of religious prisoners in Vietnam who are unaccounted for.

The most prominent prisoners or detainees include the Venerable Thich Quang Do of the UBCV; Mr. Le Quang Liem, a Hoa Hao Buddhist leader of the unofficial Hoa Hao Buddhist

organization; and Father Thaddeus Nguyen Van Ly, who was detained after he submitted testimony to the Commission last year. In January 2003, Fr. Ly's niece and two nephews were sentenced to lengthy prison sentences for providing information about his imprisonment to Vietnamese-American journalists in California. In addition, the Most Venerable Thich Huyen Quang, the UBCV Supreme Patriarch, has been placed under de facto house arrest without charge for 20 years. In April 2003, the Vietnamese Prime Minister met with the Supreme Patriarch after the latter had undergone medical treatment in Hanoi. Although the UBCV welcomed the meeting, it expressed concern that the government remains unwilling to release the Supreme Patriarch and Venerable Thich Quang Do from house arrest. In most cases, the individuals involved have been charged with crimes not related to religion, including, for example, "slandering the government," "disrupting the unity of the people," and "causing public disorder."

At the same time, Vietnamese government officials continue to arrest and detain individuals for engaging in "illegal religious activities." Unofficial house church Protestants and ethnic minority Protestants are two groups most subject to this type of harassment. In 2001, a Mennonite pastor of an unofficial Protestant fellowship in Ho Chi Minh City and his wife were arrested, detained, and beaten for publicizing government violations of religious liberty and for engaging in "unapproved" religious activities. They have since been released and were able to meet with the Commission delegation in February 2002. Montagnard Protestants in the Central Highlands have been detained or imprisoned for engaging in religious activities that are not permitted by government authorities. Government suppression has, by all accounts, intensified after a February 2001 protest by the Central Highlanders.

In addition to arrests and detentions, government officials in the Central Highlands and in the northwestern provinces, where many Hmong Protestants live, have continued to force ethnic minority Christians to renounce their faith. In many cases, these renunciation campaigns involved forcing the religious adherents to drink the blood of animals and to sign pledges, as well as other forms of harassment, to renounce their beliefs. For example, in August 2002, a Hmong Protestant in Lai Chau province reportedly died after being beaten several times by Vietnamese officials who attempted to force him to renounce his faith. In December 2002, officials in the same province reportedly used noxious gas to attack Hmong Christians during a house church worship service. Persons who were found to have provided religious training and literature to ethnic minorities have in the past been arrested and imprisoned. For example, a pastor of the Evangelical Church of Vietnam in the north (Hanoi) claimed that he had been jailed and fined for the unauthorized photocopying and distribution of Bibles and hymnals to Hmongs in the Hmong language. Because of the persecution they face, approximately 1,000 Montagnard Protestants were granted asylum in the United States in the past year. The government of Vietnam also places restrictions on the practices of Roman Catholics. It imposes limits on the number of candidates permitted to study for the priesthood and the number of qualified men allowed to be ordained. In addition, the government controls the appointment and assignments of Catholic clergy, determines their place of assignment, and limits their activities exclusively to that town or village. The government also plays an active role in the selection of the bishops, vetoing papal appointments of which it disapproves.

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

² In the Commission's September 2002 letter to Secretary Powell regarding CPC recommendations, Commissioners Sadat and Tahir-Kheli stated: "We respectfully dissent from

the Commission's decision not to recommend that Uzbekistan be designated a country of particular concern, as, in our view, the violations of religious freedom in that country are particularly serious, and have been systematic, egregious, and ongoing."

III. THE INTERNATIONAL RELIGIOUS FREEDOM ACT AND THE STATE DEPARTMENT'S ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM – 2002

This chapter is the Commission's fourth annual assessment of the State Department's *Annual Report on International Religious Freedom* (Annual Report) and other aspects of the implementation of the International Religious Freedom Act of 1998 (IRFA).¹ IRFA sets out several mechanisms to advance international religious freedom.² This chapter addresses two of those mechanisms, the Annual Report and the designation of "countries of particular concern" (CPCs) for particularly severe violations of religious freedom.

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

The *Annual Report on International Religious Freedom* is unique. It is the only government report on religious freedom conditions worldwide. Beyond that, however, Congress also asked the State Department to describe in this report, on a country-by-country basis, U.S. policies in support of religious freedom as well as what the U.S. government is doing to promote religious freedom. This reporting on policy is critical because Congress through IRFA sought to ensure that advancing international religious freedom was an integral part of this nation's foreign policy agenda. It required the Administration to report to Congress and to the public on its ongoing efforts to do so.

While the Annual Report contains a wealth of information on conditions of religious freedom, it could be substantially improved as a tool for developing and implementing policy. In order to do this, as discussed below, the Annual Report should specify, for each foreign country in which religious freedom violations occur:

- the U.S. government's goals and objectives to promote respect for religious freedom in that country, along with the relative priority of these objectives;
- U.S. policies that have been adopted and are being implemented to advance religious freedom;
- U.S. concerns that have been raised with foreign governments, as well as the response of those foreign governments;
- the results, or lack thereof, of specific actions taken by the U.S. government; and
- foreign aid, public diplomacy, and other programs sponsored by the U.S. government to promote religious freedom.

The State Department released the 2002 Annual Report on October 7, 2002. Like the three previous reports, it reflects an enormous amount of effort by U.S. Embassy staff around the world, under the direction and leadership of the Ambassador-at-Large for International Religious Freedom and with the assistance of the Office of International Religious Freedom, as well as others in the Department, who have labored to produce this extensive and impressive global assessment. The Commission commends this effort and those engaged in it.

The release of the Annual Report helps raise the profile of advancing religious freedom as a U.S. foreign policy goal. The report stimulates congressional review of violations of international religious freedom as well as U.S. policies to promote religious freedom. The report attracts the attention of the media, both in the United States and abroad. It also attracts the attention of foreign governments, including those where religious freedom is suppressed. It is an essential resource for individuals and organizations that advocate respect for religious freedom.

The Annual Report is acknowledged also to be an important tool for the U.S. government to develop policies and strategies to advance religious freedom. In releasing the 2002 Annual Report, Secretary Powell said: “This report will serve as a basis for discussions with other nations on how best we can work together to end violations of this fundamental human right and how to advance religious liberty around the globe.”

B. The State Department Should Expand and Strengthen Reporting on U.S. Policies and Actions to Advance Religious Freedom

IRFA requires that the U.S. government take steps to promote religious freedom and to respond to religious freedom violations in all countries where such violations occur.

The Annual Report is the place where Congress specified that those actions be described, along with the specific policies that they are intended to further. Far less attention has been paid by the State Department to this requirement than to the reporting on religious freedom conditions. A better balance is needed. Underreporting on policies undermines the report’s usefulness as a policy tool. The Commission has raised this serious issue for several years and is highlighting it at the this time in the hope that the Department will take steps to strengthen this aspect of the Annual Report.

As in previous years, the 2002 Annual Report reflects, in the “U.S. Government Policy” section of each country’s report, that U.S. government officials have raised concerns over religious freedom violations in many countries. U.S. Embassy personnel often led these efforts by raising various issues with appropriate host government officials. Embassy officials have also met with religious leaders and others concerned with religious freedom and related human rights issues, and monitored legal proceedings. Members of Congress have traveled to several countries in order to express concerns regarding the situation of religious freedom. In addition, senior State Department officials, including the Ambassador-at-Large for International Religious Freedom, as well as members of his staff, have visited significant countries where religious freedom concerns loom large, and have discussed these issues with government representatives and others in those countries.

While these efforts are welcome and their notation significant, the Annual Report does not reflect that they are being conducted in any coordinated way designed to implement particular policies or to achieve specific goals. The Executive Summary and most of the individual country reports in the Annual Report contain what are essentially lists of isolated actions the State Department or others in the U.S. government have taken. While this type of report is informative, important pieces are missing.

The Annual Report does not contain a good description of the policies that the State Department has adopted and is implementing to oppose religious freedom violations and to promote religious freedom - on a worldwide, regional, or individual country basis. For example, the report does not explain how religious freedom is advanced in particular countries through U.S. policies on foreign aid, public diplomacy, and participation in multilateral organizations, such as the UN and the Organization for Security and Cooperation in Europe, and international financial institutions. Each of these policy areas is specifically mentioned in IRFA as a potential mechanism to promote religious freedom.³

Moreover, in IRFA, Congress stressed that U.S. missions in violator countries should develop a strategy to promote respect for religious freedom, as part of their annual program planning.⁴ Yet, it is not apparent from the lists of actions presented in the report that the State department has conducted its activities with respect to religious freedom in a coordinated and deliberate fashion, or used all of the available policy tools to advance religious freedom in countries where violations occur.

Of the 33 countries mentioned in the Executive Summary of the Annual Report, only the reports on China, Egypt, Indonesia, and Vietnam attempt any kind of systematic explanation of U.S. policies and how the actions taken by the U.S. government during the reporting period further those policies. This type of explanation is notably absent in the reports on India, Laos, Nigeria, Pakistan, Saudi Arabia, Sudan, and Uzbekistan, countries with whom the United States has diplomatic relations and is engaged on various levels with their governments, and about which the Commission has recommended designation for CPC status, or has placed on its Watch List. In the cases of Sudan and Laos, for example, the Commission is aware that there have been a fair amount of activities by the U.S. government directed at religious freedom concerns. The Commission is perplexed as to why these activities are not presented in the report in terms of U.S. policy goals.

To address these deficiencies, the Annual Report should specify, for each foreign country in which religious freedom violations occur:

- the U.S. government’s objectives to advance religious freedom;
- the priority of those objectives;
- the religious freedom concerns that have been raised with the foreign government;
- the response of that government to the United States raising these concerns, including any specific actions taken;
- the results, or lack thereof, of any actions taken by the U.S. government, such as the outcomes of meetings with foreign government officials; and
- actions taken pursuant to IRFA in response to the designation of a country as a “country of particular concern” or in response to a finding that a foreign government has engaged in or tolerated a violation of religious freedom.⁵

IRFA encourages the U.S. government to take positive steps to promote religious freedom.⁶ This aspect of the law is less well-known, and judging from the information presented in the Annual Report, appears to be little used. For example, IRFA articulates a policy for the United States “to make a priority of promoting and developing legal protections and cultural respect for religious freedom in the provision of foreign assistance.”⁷ To that end, Congress recommended that in countries where religious freedom violations occur, U.S. missions allocate funds to programs “deemed to assist in the promotion of the right to religious freedom.”⁸

The Annual Report should include a description of foreign aid, public diplomacy, and other programs sponsored by the U.S. government that seek to promote respect for religious freedom or other related human rights, as well as religious tolerance. Some information of this type is scattered throughout the Annual Report, particularly in the reports on Indonesia and Egypt. However, the reports on several relevant countries that receive substantial funding allocations under the democracy and governance programs of the U.S. Agency for International Development, such as Bulgaria, Georgia, Russia, and Ukraine, contain very little of this type of information, giving the reader the impression that religious freedom concerns have not been integrated into the mission’s program planning. Where appropriate, activities designed to promote rule of law, competent law enforcement, and accountability for religious freedom and related human rights violations should be a significant component of U.S. efforts to promote religious freedom, and they should also be described in the Annual Report, together with any evaluation of their impact.⁹

C. The State Department Should Further Improve Reporting on Religious Freedom Violations

Over the past three years, the Commission has made a number of recommendations to improve the reporting of religious freedom conditions, and we are pleased that over time, several of these recommendations have been adopted by the State Department.

Many of the reports provide a rich array of information on religious freedom conditions, notably including the reports on China, India, Indonesia, Pakistan, and Russia. Other reports are less complete in their presentation of facts. Several fail to highlight the most important issues and types of violations from the mass of specific information that is provided. Others lack necessary context and critical analysis, and exhibit a hesitancy to reach conclusions. In some cases, this hesitancy points to a weakening of criticism. These problems undercut the report’s effectiveness as a tool for developing policy.

Some of the countries and issues that are not up to the typically high standard of factual reporting are discussed below.

Afghanistan

The report on Afghanistan concentrates to a large extent on events under the Taliban era. Troubling post-Taliban developments such as the re-emergence under various guises of the Taliban era’s Department to Prevent Vice and Promote Virtue, are absent. The report only briefly mentions the extraordinary episode in which the current Chief Justice accused a sitting Minister of the government of blasphemy, without regard either to legal procedure or to a legal

basis. The Department attributes this accusation to a “political dispute between fundamentalist...and modernist factions...” and to the Chief Justice’s interpretation of Sharia. This event, and others that raise similar issues, merit much greater focused attention in the report. The status of religious freedom in post-Taliban Afghanistan is not merely about a regime change, but about how the new governing authority and its leaders are moving to restore tolerance and respect for international human rights norms, including religious freedom, and how they will treat all citizens – women and men – who seek to exercise those freedoms. Particularly at this time in history, the U.S. government should be looking closely at these issues, and informing the American people about how our presence is – or is not – changing the status of all freedoms in that country, for all Afghans. In this regard, the Commission has recommended that the President or Secretary of State appoint without delay a high-level official to advance human rights in Afghanistan as part of the reconstruction and recovery effort in that country.¹⁰

Saudi Arabia

The report on Saudi Arabia, although it presents in detail severe violations of religious freedom, including prolonged detention, imprisonment, and impermissible corporal punishments does not discuss intolerance against Christians, Jews, and other religious minorities embedded in the education system or allegations that the Saudi government has played a role in training religious militants, both inside Saudi Arabia and abroad.

India

The reports on some countries hesitate to state conclusions, relying instead on the reports or allegations of others, who are usually unnamed.¹¹ The report on India, for example, states that: “Human rights groups and others have suggested that the authorities in Gujarat have not responded adequately to acts of violence against religious minorities....” The report does not provide the U.S. government’s assessment of this important assertion.

Uzbekistan and Turkmenistan

Past criticism of the governments of Uzbekistan and Turkmenistan has been muted in this year’s report. Unlike last year, the Executive Summary entry on Uzbekistan this year fails to mention ongoing detention, imprisonment, or torture of detainees, including Muslims. The full country chapter on Uzbekistan does provide details of these and other issues. In addition, the Department concludes that several are positive, although it remains to be seen if these developments reflect any genuine change in the country. Reports of the practice of torture and ill-treatment by law enforcement personnel have been so “particularly numerous, ongoing and consistent” – in the words of the UN Committee against Torture, a treaty body – as to suggest that it is widespread and tolerated at the highest levels of government.

The report on Turkmenistan points to “a widespread internal investigation” of human rights violations as proof of a positive development. Turkmenistan is clearly a highly repressive authoritarian state run by the whim of its dictator, President Saparmurat Niyazov’s, and it is dubious that this so-called investigation will have positive effects on the protection of human rights in that country. A recent wave of arrests and convictions targeting President Niyazov’s political opponents bears this out.

Anti-Semitism

The Annual Report continues to provide some information on anti-Semitism, including physical assaults on Jews and firebombing and vandalism against Jewish synagogues, schools, cemeteries, and other institutions. The Commission reiterates its recommendation that State Department officials should report accurately and comprehensively on anti-Semitic acts, going beyond host government information which often overlooks religion-related underpinnings.

France

The report on France illustrates several of the problems noted above. This year's report dropped without explanation the conclusion stated last year that: "new legislation has the potential to restrict religious freedom," and the report takes no position on a series of government initiatives targeting so-called "cults." The report does state that some religious groups in France "continued to be concerned about the possible impact of legislation" and have alleged instances of intolerance on account of being identified as a harmful "sect," but the report does not describe what those concerns or allegations are or provide an assessment of them. This year's report also dropped any mention of the concerns raised by the Council of Europe regarding French legislation. Although there is a brief mention of overseas travel by French officials in support of their anti-cult initiatives, no details are given, and there is no assessment of the impact of that travel on the respect for religious freedom in other countries.

Other

Some of the conclusions that are reached in the 2002 report are questionable in the Commission's view, such as the Department's determinations that there have been improvements in respect for religious freedom in Vietnam and Egypt, and that conditions have remained the same in China and in Russia. The Annual Report does note, rightly, a deterioration of conditions in both Georgia and Belarus.

Several reports do not contain relevant information on the work of international and regional human rights mechanisms, including conclusions and recommendations by international human rights treaty bodies, such as the UN Human Rights Committee, which assesses compliance in implementing the protections of the International Covenant on Civil and Political Rights and UN investigative mechanisms, such as the Special Rapporteurs of the UN Commission on Human Rights. For example, the reports on Afghanistan, Egypt, Saudi Arabia, Uzbekistan, and Vietnam fail to make mention of reports or conclusions of UN bodies issued during the relevant time period.

D. The State Department Should Designate as "Countries of Particular Concern" Those Countries that Meet the Statutory Criteria

The designation of "countries of particular concern" under IRFA and the implementation of meaningful policies in response to such designations are among the most important human rights acts taken by any U.S. administration. A "country of particular concern" (CPC) is defined by law as a country the government of which has either engaged in or tolerated particularly severe violations of religious freedom, defined as violations that are "systematic, ongoing, and egregious."¹²

The designation of CPCs brings into the spotlight those countries where the most egregious violations take place and the practice of one's faith is systematically repressed. The designation also guides important decisions in U.S. relations with these countries, particularly in the areas of foreign assistance, including security assistance, and positions that the United States should advocate in international financial institutions.¹³

Unfortunately, the State Department has failed to designate several countries that meet the IRFA criteria. Consistent with the recommendation of the Commission, in March 2003 the Secretary of State renewed the CPC designations of Burma, China, Iran, Iraq, North Korea, and Sudan. The 2002 Annual Report, along with the Commission's own inquiry, reveals violations so severe in several additional countries as to require CPC designation. These countries are India, Laos, Pakistan, Saudi Arabia, Turkmenistan, and Vietnam. The Commission is disappointed that, despite the information in the Annual Report and the Commission's own recommendations, these countries were not designated.¹⁴ The specific conditions that support CPC designation are discussed in Chapter II of this report.

Each State Department annual report for the past four years has stated that religious freedom simply "does not exist" in Saudi Arabia. Yet neither the current nor the previous Administration has named Saudi Arabia as a CPC.

Over the past three years, the State Department has asserted several reasons for not designating Saudi Arabia as a CPC. In September 2000, then Ambassador-at-Large for International Religious Freedom Robert Seiple, during an American Embassy TV network program, inexplicably stated that the State Department had "decided that there was not religious persecution in Saudi Arabia." Ambassador Seiple went on to say that "if there had been [religious persecution] we would have been obliged by the legislation to designate the country as a 'country of particular concern' and look at a various list of sanctions that could be applied."¹⁵ In October 2001, following the release of the State Department's 2001 *Annual Report on International Religious Freedom*, Department Spokesman Richard Boucher affirmed that because the religious freedom situation had not changed in Saudi Arabia that year, the decision on CPC designation "has not changed."

In October 2002, Ambassador-at-Large for International Religious Freedom John V. Hanford III suggested that designating Saudi Arabia as a CPC would be something that the State Department would "have to consider very seriously."¹⁶ Despite considerable debate on the issue and this Commission's recommendation, in March 2003, the Secretary of State failed to designate Saudi Arabia.¹⁷ Shortly after the announcement, when asked why, State Department Spokesman Boucher said: "There is no religious freedom in Saudi Arabia. It's a country that, based on the guidelines in the law, came very close to the threshold of being listed. However, it was the recommendation of all the experts involved in the government that we continue the same listings as last year and that we look for ways of working with the Saudi Government to try to take advantage of any opportunities there might be to improve the state of religious freedom in Saudi Arabia."¹⁸

The Department's statement unfortunately ignores the recommendation of this Commission, which IRFA requires to be taken into account. This statement is all the more remarkable in that in its report to Congress on the March 2003 CPC designations, the State

Department notes that the CPC decisions were based on, among other things, the recommendations of the U.S. Commission on International Religious Freedom.

To be specific: IRFA states that CPC designation review “shall take into account any findings or recommendations by the Commission with respect to the foreign country.”¹⁹ In making its recommendation, the Commission noted that Shi’a – including Ismaili – clerics and religious scholars, as well as Christian foreign workers, have been detained, imprisoned, and tortured for their religious views and practices. The Saudi government vigorously enforces prohibitions against all forms of public religious expression other than its favored interpretation.²⁰

Moreover, CPC designation does not preclude the U.S. government from pursuing the most effective ways to improve religious freedom in Saudi Arabia. In fact, that is a requirement following CPC designation, as the Administration determines what actions to take in response.

In the Commission’s view, serious violations of religious freedom put four other countries, Egypt, Indonesia, Nigeria, and Uzbekistan, close to the line of meriting CPC designation. In some cases, these violations have resulted directly from government policies or actions. Moreover, the governments of these countries have not taken effective steps to halt repression of or violence against religious believers, nor, in most cases, to punish those responsible for these acts. For these reasons, the Commission has placed these countries on a “Watch List.”

The Commission has urged the State Department to monitor closely religious freedom in these four countries and to respond vigorously to further violations there that may merit CPC designation at any time during the year. Throughout the course of its interaction with these countries, the Commission also recommended that the U.S. government press the governments of these countries to take steps to prevent further violations and to ensure accountability for those responsible for past violations.

E. The State Department Should Take Actions Under IRFA as a Result of CPC Designation

Despite the availability of a range of policy tools, the State Department continues to take no additional action under IRFA with respect to those countries the Secretary names as CPCs, explicitly relying instead on pre-existing sanctions to meet IRFA’s requirement to oppose particularly severe violations of religious freedom.

IRFA directs the President to promote religious freedom in a designated CPC by taking one or more of certain actions specified in §405, unless the President determines that pre-existing sanctions, regardless of their origin, are satisfactory, or otherwise waives the requirement.²¹ If a CPC designee is already subject to ongoing, multiple, broad-based sanctions “imposed in significant part in response to human rights abuses,” then one or more of these pre-existing sanctions can be designated as meeting the requirements of IRFA.²²

For every CPC country, the Secretary of State, as the President’s designee, has invoked the pre-existing sanctions exclusion from otherwise taking action pursuant to IRFA.²³ As

permitted by Section 402 (c)(5) of IRFA, the Secretary has determined that the following pre-existing sanctions satisfied the IRFA requirements:

Burma	22 CFR 126.1: prohibition on exports or other transfers of defense articles and defense services pursuant to §§ 2, 38 and 42 of the Arms Export Control Act.
China	Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, P.L. 101-246: restriction of exports of crime control and detection instruments and equipment.
Iran	Arms Export Control Act, §40: restrictions on United States security assistance.
Iraq	Arms Export Control Act, §40: restrictions on United States security assistance.
North Korea	Trade Act of 1974, §§402 and 409 (the Jackson-Vanik Amendment): restrictions on normal trade relations and other trade benefits.
Sudan	International Financial Institutions Act, §1621: use of the voice and vote of the United States to oppose any loan or other use of the funds of the International Financial Institutions to or for Sudan.

While the reliance on pre-existing sanctions may be technically correct under the statute, it is indefensible as a matter of policy. Moreover, the State Department has never submitted to the Congress the required evaluation of the effectiveness of the prior actions against CPCs.²⁴

The State Department should use the full range of available policy tools to take additional action pursuant to IRFA with respect to those countries the Secretary names as CPCs. Reliance on pre-existing sanctions provides little incentive for CPC governments to reduce or end severe violations of religious freedom. The failure to take additional action under IRFA, when coupled with the lack of reporting discussed above on particular policies, objectives, and strategies to promote religious freedom, suggests that nothing further can, or will, be done by the U.S. government to advance religious freedom in CPC countries under IRFA. This is not the case in several CPC countries where the Commission has made specific recommendations. The insufficient use of many of the tools of IRFA also may suggest that the kind of rigorous diplomacy that Congress hoped to see in opposition to particularly severe violations of religious freedom is lacking.

The Commission has recommended that in order to protect freedom of thought, conscience, religion, and belief, the Chinese government must take effective steps in four critical areas: ending its crackdown on religious adherents; reforming the legal framework pertaining to religious activities; affirming the universality of religious freedom; and fostering a culture of respect for human rights. U.S. policy should encourage such steps and effectively respond to whether or not such steps are indeed taken. In the Commission's view, the Chinese government has not taken significant steps in these areas. The Commission is disappointed that the United States chose not to introduce a resolution condemning the Chinese government's violations of religious freedom and other human rights at the 2003 session of the UN Commission on Human Rights. One of the reasons cited by the State Department Spokesman for not sponsoring a resolution on China was that the Chinese government had extended an invitation to the U.S. Commission on International Religious Freedom.²⁵ For several years, the Commission has

sought an invitation from the Chinese government to visit the country, and looks forward to the type of cooperation from the Chinese government that would make for a successful visit.

Although invitations to bodies like the Commission are welcome steps, they do not demonstrate changes in China's human rights practices that justify the United States not introducing a resolution at the UN Commission on Human Rights.

F. Other IRFA issues

The Commission has reported for several years on its inability to gain access to State Department cables to and from embassies. The Commission is pleased that, unlike in previous years, it has been able to review relevant cables for several countries. The Commission hopes that in the coming year any remaining problems in access to cables can be overcome. Ambassador Hanford and his staff have been particularly helpful in ensuring greater access to State Department cables.

The Commission continues to believe that for the State Department to meet its obligations under IRFA and to ensure that the promotion of religious freedom remains a foreign-policy priority, adequate staff must be devoted to these and closely intertwined tasks. The Commission continues to urge the State Department to review its staffing of religious freedom issues in U.S. Embassies and in its regional and functional bureaus, particularly in the Office of International Religious Freedom, and to increase staffing adequately to perform the important task of promoting international religious freedom.²⁶

G. Commission Recommendations

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

A. The State Department Should Expand and Strengthen Reporting on U.S. Policies and Actions to Advance Religious Freedom

1. The Annual Report should describe the policies that the U.S. government has adopted and is implementing to oppose religious freedom violations, as well as to promote religious freedom, on a worldwide, regional, and individual country basis, including policies regarding foreign aid, public diplomacy, multilateral organizations, and international financial institutions.

2. The Annual Report should specify, for each foreign country in which religious freedom violations occur:

- the U.S. government's objectives to advance religious freedom and the priority of those objectives;**
- U.S. policies that have been adopted and are being implemented to advance religious freedom;**
- the religious freedom concerns that the U.S. government has raised with**

the foreign government, and the response of that government, including any specific actions taken; and

– the results, or lack thereof, of the actions taken by the U.S. government, such as the outcomes of meetings with foreign government officials.

3. The Department should describe in the Annual Report the specific actions taken pursuant to IRFA in response to the designation of a country as a “country of particular concern” or in response to a finding that a foreign government has engaged in or tolerated a violation of religious freedom.

4. The Annual Report should include a description of foreign aid, public diplomacy, and other programs sponsored by the U.S. government that seek to promote respect for religious freedom or other related human rights, as well as religious tolerance.

5. Where appropriate, activities designed to promote rule of law, competent law enforcement, and accountability for religious freedom and related human rights violations should be a significant component of U.S. efforts to promote religious freedom, and they should be described in the Annual Report.

B. The State Department Should Further Improve Reporting on Religious Freedom Violations

6. The Annual Report should highlight the most important issues and types of religious freedom violations from the mass of specific information that is provided.

7. State Department officials should report accurately and comprehensively on anti-Semitic acts, going beyond host government information which often overlooks the religion-related underpinnings for such acts.

8. The Annual Report should include relevant information on the work of international and regional human rights mechanisms.

II. “Countries of Particular Concern” and “Watch List” Countries

9. The State Department should use the full range of available policy tools to take additional action pursuant to IRFA with respect to those countries the Secretary names as “countries of particular concern” (CPCs). Although it may be technically permissible to rely on pre-existing sanctions to oppose particularly severe violations of religious freedom, such reliance provides little incentive for CPC governments to reduce or end those violations.

10. The Secretary of State should designate as CPCs those countries recommended by the Commission: India, Laos, Pakistan, Saudi Arabia, Turkmenistan, and Vietnam.

11. The State Department should submit to Congress the required evaluation of actions taken under IRFA with respect to countries designated as CPCs.

12. The State Department should monitor closely religious freedom in those countries that the Commission has placed on its “Watch List” – Egypt, Indonesia, Nigeria, and Uzbekistan – and respond vigorously to further violations there that may merit CPC designation at any time during the year. The U.S. government should press the governments of these countries to take steps to prevent further violations and to ensure accountability for those responsible for past violations.

III. The State Department Should Provide Adequate Staffing to Advance International Religious Freedom

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

IV. Previous Commission Recommendations

In its May 2002 Annual Report, the Commission made several recommendations on IRFA and its implementation that are still pertinent and are reprinted below:

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

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

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

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

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

¹ Since its inception, the Commission has testified before both the House and the Senate on the *Annual Report on International Religious Freedom* (Annual Report) and other aspects of the implementation of the International Religious Freedom Act of 1998 (IRFA), most recently in October 2002 when Commission Chair Felice Gaer testified before a House Subcommittee on International Operations and Human Rights hearing entitled “An Evaluation of the International Religious Freedom Report.”

² These mechanisms include the creation in the State Department of an Office of International Religious Freedom headed by the Ambassador at Large for International Religious Freedom; an annual report by the State Department on the conditions of religious freedom and U.S. policies and actions to promote religious freedom in each foreign country; a requirement that the President publicly designate those countries that are egregious violators of religious freedom and generally take action to oppose all violations of religious freedom; and the creation of the U.S. Commission on International Religious Freedom, which makes independent recommendations to the President, the Secretary of State, and the Congress as to how the United States can further advance international religious freedom.

Congress directed that these mechanisms be used to advance the specific policies articulated in IRFA. These policies include:

- to condemn and oppose violations of religious freedom (IRFA § 401(a)(1)(A)(i), 22 U.S.C. §6441(a)(1)(A)(i));
- to promote, and to assist other governments in the promotion of, the fundamental right to freedom of religion as articulated in international instruments such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (IRFA § 2(b)(1), 22 U.S.C. §6401(b)(1)); and
- standing for liberty and standing with the persecuted, to use and implement appropriate tools in the United States foreign policy apparatus . . . to promote respect for religious freedom by all governments and peoples (IRFA § 2(b)(5), 22 U.S.C. 6401(b)(5)).

³ With respect to foreign aid, see IRFA §§ 2(b)(2), 22 U.S.C. §6401(b)(2) (security and development assistance) and 501(a)(2) (foreign assistance under the Foreign Assistance Act of 1961). With respect to public diplomacy, see IRFA §§ 106, 22 U.S.C. §6416) (programming and other allocation of funds by U.S. missions abroad), 502 (amending Section 303(a) of the United States International Broadcasting Act of 1994, 22 U.S.C. 6202(a)), and 503 (amending Section 102(b) of the Mutual Educational and Cultural Exchange Act of 1961, 22 U.S.C. §2452(b)). With respect to participation in international organizations, see IRFA §§ 2(b)(4), 22 U.S.C. §6401(b)(4) (working with foreign governments to develop multilateral documents and initiatives), 2(b)(5), 22 U.S.C. §6401(b)(5) (international financial institutions), 101(c)(3), 22 U.S.C. §6411(c)(3) (regarding the UN and the Organization for Security and Cooperation in Europe), 403(b)(2), 22 U.S.C. §6443(b)(2) (consultations in multilateral fora) and 422, 22 U.S.C. §6460 (amending Section 701 the International Financial Institutions Act, 22 U.S.C. §262d).

⁴ IRFA § 106, 22 U.S.C. § 6415.

⁵ This is required by IRFA. See IRFA § 102(b)(1)(C), 22 U.S.C. § 6412(b)(1)(C); IRFA § 102(b)(1)(F)(i), 22 U.S.C. § 6412(b)(1)(F)(i).

⁶ See IRFA § 106, 22 U.S.C. § 6415. In addition, section 116(e) of the Foreign Assistance Act of 1961, 22 U.S.C. § 2151n(e), as amended by IRFA § 501, encourages that not less than \$3 million in foreign assistance funds be allocated for programs and activities to “encourage or promote increased adherence to civil and political rights, including the right to free religious belief and practice”.

⁷ IRFA § 501(a)(2).

⁸ IRFA § 106, 22 U.S.C. § 6415.

⁹ The Commission has made recommendations to this effect in reports on Afghanistan in June 2002 and May 2003, Laos in March 2003, Indonesia and Uzbekistan in May 2002, China in

February 2002, Turkmenistan in March 2002 and in its May 2001 Annual Report chapters on India, Indonesia, Nigeria, Pakistan, and Vietnam.

¹⁰ See the Commission's June 2002 and May 2003 reports on Afghanistan, as well as the recommendations on Afghanistan included in Chapter IV of this report.

¹¹ The reports on Russia and Indonesia stand out as models of reports that state specific conclusions regarding conditions of religious freedom.

¹² IRFA § 402(b)(1)(A), 22 U.S.C. § 6442(b)(1)(A).

¹³ IRFA § 402(c)(1)(A), 22 U.S.C. § 6442(c)(1)(A).

¹⁴ IRFA § 402(b)(1)(B), 22 U.S.C. § 6442(b)(1)(B). Review for designation of CPCs "shall be based upon information contained in the latest [State Department] Country Reports on Human Rights Practices, the [State Department] Annual Report [on International Religious Freedom], and on any other evidence available and shall take into account any findings or recommendations by the [U.S.] Commission [on International Religious Freedom] with respect to the foreign country."

¹⁵ "Dialogue," American Embassy TV Network, U.S. Department of State, Office of Broadcast Services, September 12, 2000 (transcript of interview of then Ambassador-at-Large for International Religious Freedom Robert Seiple found at http://www.usembassy.it/file2000_09/alia/a009130b.htm, accessed April 1, 2003).

¹⁶ On-the-Record Briefing: Release of the 2002 Annual Report on International Religious Freedom, John V. Hanford III, Ambassador-at-Large for International Religious Freedom, Washington, D.C., October 7, 2002. (<http://www.state.gov/g/drl/rls/spbr/14201.htm>, accessed April 1, 2003).

¹⁷ See, e.g., Letter from Sen. John McCain of Arizona to Secretary of State Colin Powell, December 17, 2002 (urging Secretary Powell to designate Saudi Arabia as a CPC); Peter Slevin, "U.S. Considers Citing Saudi Arabia for Intolerance," *Washington Post*, January 18, 2003, p. A17 (citing Sen. McCain, Representatives Lantos of California and Wolf of Virginia, as well as Human Rights Watch, as supporting designating Saudi Arabia as a CPC); Michael Isikoff, "Saudis: No 'Particular Concern'," *Newsweek*, March 10, 2003 (stating that after a "contentious internal battle" within the Department of State, Saudi Arabia was not going to be designated as a CPC); *Agency France-Presse* "U.S. Rebukes Saudi Arabia for lack of religious freedom," March 11, 2003; Editorial, "No Particular Concern," *Washington Post*, March 17, 2003 (stating that leaving Saudi Arabia off the CPC list is "a particular affront to fact and logic"; and stating that "[t]o the extent the [U.S.] government contrives ways to keep American allies off its list, the designation process is a political joke").

¹⁸ Richard Boucher, Spokesman, U.S. Department of State, *Daily Press Briefing*, Washington, DC, March 10, 2003 (<http://www.state.gov/r/pa/prs/dpb/2003/18512.htm>, accessed April 1, 2003).

¹⁹ IRFA § 402(b)(1)(B), 22 U.S.C. § 6442(b)(1)(B).

²⁰ Letter from the Commission to Secretary of State Colin Powell regarding recommendations for countries of particular concern, September 30, 2002 (<http://www.uscirf.gov/crptPages/cpcLetter2002.php3>, accessed April 1, 2003).

²¹ IRFA §§ 402(c)(4) and (5), and §407, 22 U.S.C. §§ 6442(c)(4) and (5), and §6447, respectively. The actions specified in § 405 include the suspension of U.S. development assistance or security assistance under the Foreign Assistance Act of 1961; restrictions on the activities of the Export-Import Bank of the United States, the Overseas Private Investment Corporation, or the Trade and Development Agency with respect to the foreign government involved (and certain related entities); U.S. opposition to loans by international financial institutions primarily benefiting the foreign government; the restriction of certain licenses for exports to the foreign government; prohibitions on certain transactions of U.S. financial institutions; and prohibitions on U.S. government procurement activities. IRFA §§ 402(c)(1)(A) and 405(a)(9)-(15), 22 U.S.C. §§ 6442(c)(1)(A) and 6445(a)(9)-(15), respectively. The President may also substitute any other action he or she considers commensurate in effect to others listed if he or she feels it would further U.S. policy. IRFA §§ 405(b), 22 U.S.C. § 6445(b). The authority to make these decisions has been delegated by the President to the Secretary of State. According to § 407, sanctions may be waived if the President determines “(1) the respective foreign government has ceased the violations giving rise to the Presidential action; (2) the exercise of such waiver authority would further the purposes of this Act; or (3) the important national interest of the United States requires the exercise of such waiver authority.”

²² See IRFA § 402(c)(5), 22 U.S.C §6442(c)(5).

²³ The five countries named as CPCs in 1999 were already subject to ongoing, multiple, broad-based sanctions. These positions were reiterated in the State Department’s report to Congress designating CPCs in September 2000. The Secretary concluded that because the above-mentioned sanctions were still in effect, no further action was necessary. See IRFA §§ 402(c)(4) and 409, 22 U.S.C. §§ 6442(c)(4) and 6449, respectively (providing that the President is not required to take action with respect to a CPC designee if he has done so in a previous year and any such actions are still in effect; under IRFA, sanctions remain in place for the shorter of either two years or if the foreign government in question has “ceased or taken substantial and verifiable steps to cease” the violations).

In October 2001, North Korea was designated as a CPC for the first time; the five others were redesignated. The State Department never filed a report with the Congress on the actions that the Secretary had determined met the requirements of IRFA with respect to those countries named as CPCs in 2001. Unlike previous years, the Secretary did not designate CPCs in the Fall of 2002, waiting instead until March 2003. In the report filed with Congress on the CPCs designated in March 2003, the State Department designated sections 402 and 409 of the Trade Act of 1974 (i.e. the Jackson-Vanik Amendment) as the existing sanction against North Korea that met the requirements of IRFA. The Secretary also continued to rely on the pre-existing sanctions exclusion for all of the other CPC designees.

²⁴ See IRFA §§ 402(c)(4)(C) and 404(a)(4), 22 U.S.C. §§ 6442(c)(4)(C) and 6444(a)(4), respectively.

²⁵ Richard Boucher, Spokesman, U.S. Department of State, *Daily Press Briefing*, Washington, DC, April 11, 2003 (<http://www.state.gov/r/pa/prs/dpb/2003/19576.htm>, accessed April 11, 2003).

²⁶ See IRFA § 101(d), 22 U.S.C. § 6411(d).

IV. COMMISSION RECOMMENDATIONS

The Commission has issued seven individual country reports during the current reporting cycle, May 1, 2002 through May 1, 2003; two reports on Afghanistan, and one each on Belarus, Laos, Russia, Saudi Arabia, and Vietnam. The recommendations contained in each of those reports are reprinted in Section A below. Also included in Section A are the recommendations contained in the Commission's April 17, 2003 letter to Secretary of State Colin L. Powell.

The Commission issued seven individual country reports during the previous reporting cycle, May 15, 2001 through May 1, 2002: China, Indonesia, North Korea, Sudan, Turkmenistan, and Uzbekistan. The recommendations contained in each of those reports are reprinted in Section B below. The Commission believes that the recommendations made during its 2001-02 reporting cycle are still pertinent.

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

A. Recommendations From the Commission's 2002-2003 Reporting Cycle

1. AFGHANISTAN (May 2003)

Afghanistan is in the midst of an historic transition, one in which the United States has played, and continues to play, a crucial role. The U.S. government, the United Nations, and a number of other donors are heavily engaged in Afghanistan's reconstruction. Recognizing that precedents are being set and foundations laid now for Afghanistan's development over the next several decades, the U.S. Commission on International Religious Freedom is seriously concerned about U.S. policies in Afghanistan and their impact on Afghanistan's future.

There are indications that Afghanistan is being reconstructed as a state in which an extreme interpretation of Sharia would be enforced by a government which the United States supports and with which the United States is closely identified. The Commission believes that respect for human rights, including freedom of religion and belief, are essential to the security, recovery, and reconstruction of Afghanistan. A future Afghanistan that respects human rights will become a more stable, responsible member of the international community and will be less likely to become a haven for terrorists or the cause for renewed regional instability and conflict. The Commission strongly supports U.S. engagement in Afghanistan and is concerned that U.S. public and Congressional support for Afghanistan's reconstruction will be eroded by the establishment of an Afghan state in which universal human rights, including freedom of religion and belief and the rights of women and minorities, are not respected or protected in law and practice.

In June 2002, the Commission issued a report containing policy recommendations on Afghanistan. In January 2003, the Commission, in cooperation with the George Washington University Law School, sponsored a forum entitled "Reconstructing

Afghanistan: Freedom in Crisis.” The following recommendations build upon the earlier report, the forum, and the Commission’s extensive consultations and careful deliberations on U.S. policy in Afghanistan.

Recommendations

I. Security: Afghans must be protected so that they can exercise their human rights

1. The U.S. government should enhance its efforts to enable the Transitional Administration to exercise its authority throughout the country. The United States should actively support expanding the international security presence beyond Kabul.
2. In accordance with U.S. legislation, the U.S. government should actively oppose human rights abuses (including torture, arbitrary arrest, extrajudicial killings, and politically-motivated disappearances) by Afghan authorities at any level, particularly by local commanders who have received or are receiving U.S. military support and advice in the campaign against terrorism.
 - 2.a. U.S. assistance to Afghan military, security, or law enforcement agencies should be conditioned on demonstrated respect for human rights in accordance with existing law.
 - 2.b. Afghanistan’s military and security forces should be screened to exclude known human-rights violators.
 - 2.c. Known human-rights violators should be barred by law from appointive or elective office, as well as from leadership positions in political parties.
3. The U.S. government should continue to incorporate human rights training as an integral part of its assistance in establishing the Afghan national army and Afghanistan’s national and provincial police forces.
4. The U.S. government should assist the Transitional Administration and the Human Rights Commission in establishing effective mechanisms for accountability for past human rights abuses and for promoting long-term reconciliation.
5. Crimes against humanity, war crimes, and other violations of international humanitarian law should be investigated and prosecuted.

II. Legal Reform: Institutions should be established to respect, protect, and ensure rights

A. Primacy of the Constitution: The U.S. government must ensure that human rights are fully guaranteed in Afghanistan's new constitution.

6. The U.S. government should work closely with the Transitional Administration and the Constitutional, Judicial Reform, and Human Rights Commissions to ensure that guarantees of freedom and universal human rights, including freedom of religion and belief and the rights of women and members of religious minorities, are fully ensured in Afghanistan's new constitution and implemented throughout Afghanistan's legal and judicial systems.

B. Judicial Reform

7. In order to establish the rule of law, which is essential for the protection of human rights, including religious freedom, the U.S. government should continue to provide material, training, technical assistance, and other support to the Transitional Administration and specifically to the Judicial Reform Commission to re-build the domestic justice system in accordance with international standards.

8. To ensure that rights are fully protected, the U.S. government should urge the adoption of the highest possible judicial standards. Therefore:

8.a. Selection of judges should be based on merit and should be in accordance with established law. Appointments of judges who lack required qualifications or that do not comply with legally-established procedures should be invalidated, including that of the current Chief Justice and of any others appointed *ultra vires*.

8.b. Courts, such as the National Security Courts, that do not have an established basis in law should be abolished. Any judgments rendered by such courts should be reviewed to ensure their conformity with international human rights standards. No new courts should be established without the review of the Judicial Reform Commission or as provided in the Constitution.

8.c. Courts should be permitted to act only on matters brought before them according to established legal procedures. Judgments must not be inconsistent with the constitution and with international human rights standards.

8.d. All judges and prosecutors should be trained in civil law and international human rights standards.

8.e. The legal system should ensure that all Afghans have equal access to courts established by law.

8.f. Women should be actively recruited and appointed to the judiciary in all courts at all levels.

C. Rights to be Guaranteed

9. The U.S. government should endeavor to ensure that Afghanistan's new constitution is consistent with international human rights standards. The constitution should therefore guarantee that:

9.a. Afghanistan is committed to the principles of representative government and the rule of law, including specific reference to Afghanistan's adherence to the provisions of the Universal Declaration of Human Rights and compliance with the international human rights conventions to which Afghanistan is a party.

9.b. All persons, including women and members of religious or ethnic minorities, have equal rights and are entitled without discrimination to the equal protection of the law.

9.c. All persons are ensured freedom of religion in full accordance with international standards.

9.d. No law or official government action may violate international principles of human rights.

9.e. Non-Muslims are not to be subject to Sharia.

9.f. Punishments such as flogging, amputation of limbs, and death by stoning are banned.

D. Rights to Religious Freedom

10. To promote religious freedom and tolerance, the U.S. government should urge the Transitional Administration and its successors to:

10.a. abolish the religious police and similar organizations, and protect all persons against coercion in matters of religious belief and practice by Afghan government agencies or by local authorities,

10.b. ensure that accusations of apostasy do not give rise to civil or criminal liability; exclude the use of accusations of blasphemy, apostasy, "offending Islam," or similar accusations to stifle public debate or the right to freedom of expression;

10.c. allow all religious groups to conduct their activities freely without interference or burdensome regulation by the state, including religious instruction, the selection and training of religious leaders, the content of sermons, and the publication of religious literature, subject only to restrictions provided for in international conventions to which Afghanistan is a party;

10.d. ensure that all religious groups are free to build, repair, and operate houses of worship and other institutions, subject only to such land-use regulations as are applicable to all, regardless of religion, and

10.e. repeal legislative and other measures that discriminate against women and non-Muslims.

E. Assistance to the Human Rights Commission

11. The U.S. government should continue to assist Afghanistan's Human Rights Commission in discharging its responsibilities under the Bonn Agreement to monitor and investigate violations of human rights.

III. Education about Rights: The Afghan people should be educated in human rights principles

12. The U.S. government should actively support those elements in Afghan society that favor adherence to international human rights standards, democratic values, the rule of law, pluralism, and tolerance.

13. The U.S. government should continue and expand programs to better inform Afghans regarding Afghanistan's international obligations in the field of human rights, including freedom of religion and belief. These efforts should include:

13.a. technical and financial assistance to Afghanistan's Human Rights Commission in its efforts to educate the Afghan people regarding human rights;

13.b. educational and cultural exchanges, including of scholars and legal experts;

13.c. use of broadcast and print media to discuss human rights issues and to disseminate local language translations of the basic documents and conventions that establish international human rights standards; and

13.d. inclusion in all school curricula, in school textbooks, and in teacher training of the concepts of tolerance and respect for human rights, including religious freedom, and conversely, exclusion from

all textbooks of language or images that promote enmity, intolerance, hatred, or violence toward any group of persons based on faith, gender, ethnicity, or nationality.

14. The U.S. government should support Afghanistan's public education system in order to improve the availability and quality of education for all Afghans.

IV. The Recovery and Reconstruction Process: The United States should appoint a high-ranking official to ensure that U.S. assistance actively promotes human rights

15. As previously recommended, the U.S. government should appoint a high-ranking official to the American diplomatic mission in Afghanistan to advance human rights, including freedom of religion, particularly in connection with reconstruction and recovery programs and the establishment of the new constitution, judiciary, and legal system.

16. The U.S. government should fully fund programming envisaged in the Afghanistan Freedom Support Act of 2002 to strengthen civil society organizations that promote human rights, including freedom of religion; support the development and expansion of democratic and market-based institutions, including independent media; and support the expanded participation of women and members of all ethnic groups in government at all levels.

2. AFGHANISTAN (June 2002 Report)

1. The U.S. government should actively support expanding the international security presence beyond Kabul. There is an urgent need to expand security in order to safeguard the process of political reconstruction in the country. Moreover, security is essential to protect religious freedom and other human rights for all Afghans both in the near term and into the future.

2. The U.S. government should be unequivocal in its opposition to ongoing human rights abuses in Afghanistan, using its influence not only with the national government but with local commanders, many of whom have received or are still receiving U.S. military support and advice.

3. U.S. assistance, particularly to the Afghan military and to law enforcement agencies, should be contingent upon compliance with human rights conditions included in current U.S. legislation, such as those in the Leahy Amendment and the Foreign Assistance Act.

U.S. recovery and reconstruction assistance to Afghan regional authorities should also be in accordance with relevant United Nations Security Council resolutions (e.g., Resolution 1401).

4. The U.S. government should strongly support efforts to establish and/or strengthen adherence to the rule of law and protection of religious freedom and other human rights in Afghanistan. Special attention should be paid to:

4.a. drafting a new constitution and new laws that guarantee international norms on freedom of religion and other human rights;

4.b. organizing effective law enforcement and criminal justice systems that respect and protect fundamental human rights;

4.c. creating effective indigenous institutions for monitoring, investigating, and obtaining redress for human rights abuses; in this regard, care should be taken to ensure that Afghanistan's new national human rights commission meets international standards for such bodies; and

4.d. establishing a mechanism for accountability, with a view to bringing perpetrators of past and current human rights abuses to justice and promoting truth-telling and long-term reconciliation.

5. The U.S. government should promptly assign to our Embassy in Kabul and station in Afghanistan now a person whose sole responsibility is carrying out a mandate to promote religious freedom and other human rights, including by coordinating U.S. participation in relevant international initiatives.

This individual should also be tasked with monitoring and reporting publicly on human rights and religious freedom conditions, including compliance with United Nations Security Council Resolution 1401 guidelines that recovery and reconstruction assistance “ought to be provided. . .where local authorities contribute to the maintenance of a secure environment and demonstrate respect for human rights.”

6. The assignment of such an individual does not diminish the obligation of other U.S. mission personnel to promote human rights and to monitor compliance with international human rights standards.

7. The U.S. government should undertake and support efforts to nurture and develop a culture of democracy in Afghanistan. Special attention should be paid to:

7.a. public education and literacy programs for all Afghans, to be provided regardless of ethnicity, religion, gender, age, or other status, and including specific support for women teachers;

7.b. radio and other avenues of broadcasting and sharing information to provide objective news and other information to the Afghan people; and

7.c. educational and cultural exchanges, including specific support for women professionals, to introduce Afghans to the workings and benefits of free societies in which religious freedom and other human rights are respected.

8. In each of these areas, specific emphasis should be placed on encouraging religious tolerance and the protection of the equal right of all to religious freedom and other human rights.

3. BELARUS

Belarus has a highly authoritarian government that does not respect the human rights of its citizens. The regime under President Aleksandr Lukashenko has been widely accused of serious human rights abuses, including involvement in the “disappearances” of several opposition figures as well as the imprisonment of journalists and other controls on the media. The freedoms of speech, assembly, and association are heavily restricted, and the government has repressed the few institutions of civil society that had emerged after the country gained independence in 1991.

The U.S. Commission on International Religious Freedom is seriously concerned about the status of religious freedom in Belarus. Since coming to power in 1994, Lukashenko has constructed a set of regulatory and bureaucratic obstacles that make legitimate religious activities impossible for many religious communities. Some minority religious groups have experienced violent attacks against their persons and property, and religious leaders have faced arrest, heavy fines, and other forms of harassment. In October 2002, Lukashenko signed new legislation on religion that further threatens to restrict religious freedom in Belarus. Although the law purports to codify protections for religious freedom, in fact, it provides government officials with tools to repress and control religious activities without providing any clear mechanisms to check abuses by these officials. The law, which has been called the most repressive religion law in Europe, also outlaws all unregistered religious activity, requires government censorship of religious literature, and restricts education to only a handful of religious communities.

The Commission traveled to Belarus in January 2003 and met with Belarusian government officials, representatives of religious groups and non-governmental organization, and human rights and other activists to investigate firsthand religious freedom conditions and to express Commission concern to government authorities about the worsening situation. In addition to its visit to Belarus, the Commission has examined the situation in that country by means of private briefings with scholars, former diplomats

and other experts, and meetings with delegations from Belarus. The Commission has also met with former government leaders from Belarus, and representatives of several opposition groups and members of persecuted religious minorities.

Recommendations

1. The U.S. government should use every measure of diplomacy to advance the protection of human rights, including religious freedom, in Belarus. This should include:

1.a. enhanced monitoring and public reporting of religious freedom in Belarus during the upcoming year, especially in light of the OSCE's new weakened monitoring mandate.

1.b. urging the Belarusian government to restore genuine democracy and to respect human rights, including religious freedom, in Belarus, by taking immediate steps to end repression, including:

-- repeal of the highly repressive religion law;

-- an end to the practice of denying registration to religious groups and then erecting obstacles to religious practice because of that unregistered status;

-- the right to conduct religious education and distribute religious material;

-- a halt to the attacks on the persons and property of minority religious groups carried out by government authorities;

-- a greater effort on the part of government officials to find and hold to account perpetrators of attacks on the persons and property of members of religious minorities; and

-- free access of domestic and international human rights groups and others to sites of religious violence or destruction of houses of worship.

1.c. forcefully speaking out about religious freedom and other human rights violations inside Belarus and in international fora, stressing the need genuinely to implement human rights protections, including the four OSCE benchmarks.

2. The U.S. government should continue to make a particular effort forcefully to oppose the recently enacted religion law in Belarus. The U.S.

government should press the Belarusian government on the issue of registration, and should make clear that failure to register or re-register minority religious groups will result in continued U.S. sanctions against the Belarus government.

3. The Congress should adopt the Belarus Democracy Act. The activities to promote democracy outlined in the Act should include programs that explicitly promote religious freedom and religious tolerance. The U.S. government should also continue to support, publicly and privately, persons and groups engaged in the struggle against repression in Belarus, including the group of religious and opposition activists who make up the Freedom of Religion Initiative, which published the “White Book.”

4. The U.S. government should urge the Belarus government to ensure that no religious community—whether the Russian Orthodox Church or any other—is given a status that may result in or be used to justify the impairment of the rights of, or discrimination against, members of other religious groups.

5. Because of the special relationship between Russia and Belarus, the U.S. government should consistently raise religious freedom and other human rights concerns in Belarus with Russian government officials, making clear that the human rights situation in Belarus is unacceptable and that the Russian government has some responsibility to use its influence to press for democratic change with respect to human rights, including religious freedom, in Belarus.

4. LAOS

Since the Lao People’s Revolutionary Party assumed power in 1975, there has been extensive government interference with and restrictions on all religious communities. In more recent years, the government has focused its repression on religions that are relatively new to Laos, including Protestant Christianity. During this time period, the government of Laos has engaged in particularly severe violations of religious freedom as defined in the International Religious Freedom Act of 1998 (IRFA). These include the arrest, prolonged detention, and imprisonment of members of religious minorities on account of their religious activities. In addition, Lao officials have forced Christians to renounce their faith. At the same time, dozens of churches have been closed. Given the seriousness of religious freedom violations in Laos, the U.S. Commission on International Religious Freedom, in both 2000 and 2001, recommended that Laos be designated as a “country of particular concern” (CPC), pursuant to IRFA. In February 2002, the Commission sent a delegation to Laos on a fact-finding mission.

In July 2002, the Lao government promulgated a new decree on religious affairs that provides a legal basis for control of and interference with religious activities by government officials. Although some religious detainees have reportedly been released after July 2002, others remain in detention. In the light of these circumstances, in 2002, the Commission once again recommended that Laos be designated as a CPC.

Since September 11, 2001, Southeast Asia has become an increasingly important arena in the U.S.-led campaign against terrorism. Laos' importance to U.S. interests has also increased by virtue of its status as a member of the Association of Southeast Asian Nations and its support for the international counter-terrorism effort. Meanwhile, the government of Laos has continued to engage in serious violations of religious freedom and related human rights. Yet, Laos has not received much attention from U.S. foreign policymakers, including the Congress.

Laos is at an important crossroad, and U.S. attention to Laos at this time may advance protections for religious freedom and promote U.S. interests. Indeed, while some Lao officials have advocated Vietnam and China as models for Laos' future, others have expressed a desire to modernize the country by learning from the experiences of the United States and other developed nations in the West. The United States has a unique opportunity to engage the government and people of Laos in a process of reform that would end the suppression of religious freedom and other related human rights, and relatively small measures of attention and assistance could accomplish a great deal.

Recommendations

1. The President should designate Laos as a country of particular concern, in accordance with provisions of the International Religious Freedom Act of 1998.
2. The U.S. government should make clear to the government of Laos that the cessation of practices which abuse religious freedom is essential to an improvement in and an expansion of U.S.-Laos relations. In this context, the U.S. government should urge Lao officials to:
 - 2.a. halt the arrest and detention of persons on account of their manifestation of religion or belief;
 - 2.b. release from imprisonment or detention persons who are so restricted on account of their manifestation of religion or belief;
 - 2.c. end abusive practices such as the ill treatment in prisons and other places of confinement against such persons;
 - 2.d. cease practices that coerce individuals to renounce any religion or belief, including detention, imprisonment, or forcible

displacement from one's home for the failure to renounce one's faith;

2.e. cease the arbitrary closing of churches, schools, and other religious facilities;

2.f. refrain from implementing those elements of the recent prime ministerial decree on religious activities that are inconsistent with international human rights law and to revise the decree to bring it into conformity with international standards;

2.g. respect and fully implement the freedoms of individuals and organizations to engage in religious activities in accordance with their own beliefs or doctrines and free from government interference;

2.h. provide access to religious persons (including those imprisoned or detained) in all parts of Laos by foreign diplomats, humanitarian organizations, and international human rights and religious organizations; and

2.i. ratify the International Covenant on Civil and Political Rights and invite the UN Special Rapporteur on Freedom of Religion or Belief and other relevant rapporteurs to visit the country.

3. The U.S. government should initiate a bilateral human rights dialogue with the government of Laos that would establish measurable goals and practical steps, such as the actions listed in Recommendation 2, to eliminate violations of the right to freedom of religion or belief. This dialogue should also address the broader range of human rights concerns in Laos, many of which are related to religious freedom violations, such as torture and other forms of ill-treatment, unlawful arrest or detention, absence of due process, and violations of the rights of freedom of expression, association, and peaceful assembly.

4. The U.S. government should provide assistance to advance human rights in Laos if the Lao government demonstrates a genuine commitment to implement legal and other reforms to end violations of religious freedom and associated human rights in Laos. In this regard, the State Department should undertake an assessment of human rights needs in Laos in order to identify specific areas where the United States could provide support and assistance for establishing human rights protections, particularly through support for nongovernmental organizations and initiatives. A concrete plan based on this assessment should be developed and implemented. The areas that should be addressed in this assessment include, but are not limited to, technical assistance in the drafting and implementation of laws and regulations; provision of information on

human rights to the people of Laos; exchange programs designed to encourage the creation of institutions of civil society that protect human rights; third-party human rights training programs for Lao officials; and education to combat intolerance.

5. RUSSIAN FEDERATION

Since its founding in 1999, the U.S. Commission on International Religious Freedom has monitored and reported on the status of religious freedom in the Russian Federation. Russia has consistently drawn the attention of the Commission not because of the severity of the religious freedom violations there, but because of the fragility of human rights, including freedom of religion and belief, in the Russian Federation. Significant progress on the protection of human rights, including religious freedom, has been made in Russia in the last dozen years since the end of the Soviet Union. Despite that improvement, however, restrictions on the universal human right to freedom of religion and belief continued in post-Soviet Russia. For example, federal laws governing freedom of association and religion contained language that effectively would have prevented many religious groups from registering and thus practicing freely. Regional governments frequently passed ordinances that resulted in discrimination against minority religious groups, and religious violence was widespread. At the same time, the Russian Orthodox Church began to seek preferential treatment from the state in a way that called into question the extent to which religious freedom would be guaranteed for all.

In the past year, events have occurred that have raised further questions about Russia's continued commitment to democratic reform and the protection of religious freedom. These events include: a recent conspicuous increase in the number of clergy and other religious workers denied visas or residency permits, even in cases of previous long-term residency in Russia; indications that one particular denomination, the Russian Orthodox Church, is more explicitly gaining influence as the favored church, resulting in various discriminatory practices against other religious groups; evidence of government meddling in the internal affairs of certain religious communities; the continued occurrence of anti-Semitic attacks; a recent increase in violence against Muslims; the persistent uncertainties in the legal situation, due in part to the seemingly vague procedures for amending the 1997 religion law and the tabling or passage of other laws related to religious practice; and the leaking in December 2002 of a troubling report attributed to numerous government officials that specifically lists four religions or religious groupings—Roman Catholicism, Protestantism, militant Islam, and new “foreign” sects—as threats to Russia's national security.

Most if not all of the religious freedom concerns the Commission has raised in the past, and those that have emerged more recently, appear to be directly related to the increasing influence of authoritarian strains within the Russian government. Thus, Russia's progress toward democracy and the protection of human rights remains tenuous, for the country continues to be in danger of surrendering to, or becoming engulfed by,

undemocratic forces, which believe that the state should control the development of religion and religious groups in Russia.

The Commission undertook a mission to Russia in January 2003. The primary purpose of that mission was to establish contacts with key Russian government officials, religious leaders, and human rights organizations that are engaged with religious freedom issues; to explore the degree to which the continuing (and emergent) religious freedom restrictions represent official policy, and whether they reflect the weakening of democratic protections; and to explain to our Russian interlocutors and other audiences the Commission's work to promote religious freedom as enshrined in international human rights documents, and the significance of the American commitment to this vital freedom. In addition to its seven-day visit in January 2003, the Commission has examined the situation in Russia throughout the past year. In March 2002, a Commission member participated in a conference entitled "Religions, Politics, and Human Rights," and the Commission delegation met briefly with Russian government officials, religious leaders, and representatives of numerous Russian non-governmental organizations (NGOs). In May 2002, the Commission co-hosted with the Department of State and members of Congress a Europe-Eurasia Religious Freedom Roundtable, at which representatives of numerous religious groups presented information on religious freedom conditions in various parts of Europe and Eurasia, including Russia. Throughout the past year, the Commission received private briefings from academic and other experts on Russia, met with key American officials, and interviewed representatives of religious groups from inside the country.

Recommendations

I. Raise Concern about the Growing Influence of Undemocratic Forces on Russian Government Policies

1. Recognizing the Russian government's duty to protect its citizens from terrorist acts and violence, the U.S. government should make clear its concern to the Russian government that efforts to combat terrorism should not be used as an unrestrained justification to restrict the rights, including religious freedom, of members of Russia's religious minorities.
2. Though welcoming the assurances from Russian government officials that the so-called "Zorin report" does not reflect government policy, the U.S. government should continue to press the Russian government to ensure that the views expressed in the leaked report are not adopted as Russian government policy.

II. Oppose Attempts to Rollback Religious Freedom

3. While recognizing the historic role of the Russian Orthodox Church in Russian society, the U.S. government should urge the Russian government to ensure that any special role for the Orthodox Church or any other

religious community does not result in violations of the rights of or discrimination against members of other religious groups.

4.a. The U.S. government should continue to urge the Russian government to cease the practice of unfairly denying entry visas or residency permits to foreign clergy and other religious workers and thereby to uphold the freedom of all religious communities to organize themselves according to their own tenets.

4.b. The U.S. government should also encourage the Russian government to cease other forms of interference in the internal affairs of religious communities.

5. The U.S. Government should urge the government of Russia to monitor the actions of regional and local officials who interfere with the right to freedom of religion or belief, and to take steps to bring local laws and regulations on religious activities into conformity with the Russian Constitution and international human rights standards.

III. Protect Religious Minorities in Russia Against Violent Attacks and Intolerance

6. The U.S. government should persistently urge the Russian government to take all appropriate steps to prevent and punish acts of anti-Semitism, including to condemn anti-Semitic acts, to pursue and prosecute the perpetrators of violent incidents of anti-Semitism, and, while vigorously protecting freedom of expression, to counteract anti-Semitic rhetoric and other organized anti-Semitic activities.

7.a. The U.S. government should make clear its concern to the Russian government that hostile rhetoric against Muslims and the Islamic faith is fueling an atmosphere in which perpetrators believe they can attack Muslim or Muslim-appearing persons with impunity. While vigorously protecting freedom of expression, firm words and actions from the government of Russia are required to counteract this belief.

7.b. The U.S. government should also ensure that the humanitarian and human rights crisis in Chechnya remains a key issue in its bilateral relations with Russia.

7.c. The U.S. government should urge the Russian government to end, and prosecute acts of, torture, arbitrary detention, rape, and other abuses by members of the military in Chechnya and to accept a site visit to Chechnya from the UN Special Rapporteurs on Torture, Extrajudicial Executions, and Violence Against Women.

IV. Continue U.S. Vigilance on the Progress of Democratic Reform and Protections for Human Rights in Russia

8. If the Jackson-Vanik amendment is repealed with respect to Russia, the U.S. Congress should make certain that some other mechanism is in place to monitor the status of religious freedom and other human rights in Russia and report to Congress. In addition, the Smith Amendment should be reinstated by the Congress and maintained as U.S. law.

9. The U.S. government should raise religious freedom and other human rights violations in multilateral fora, including the Organization for Security and Cooperation in Europe and the UN. The U.S. government should also continue, on a bilateral basis, to encourage the government of Russia to agree to the request of the UN Special Rapporteur on Freedom of Religion or Belief to visit Russia.

V. Support Those Who Advance Democracy, Religious Freedom, and Other Human Rights in Russia

10. The U.S. government should use every possible means to engage and support the genuine democrats in the Russian government at the federal and local levels. The U.S. government should also ensure that U.S. aid programs are not being used to support the activities in Russia of authoritarian-minded officials.

11. The U.S. government should advance human rights, including religious freedom, in Russia by continuing to provide assistance, as appropriate, to non-governmental organizations, public interest groups, journalists, and academic institutions, and expand programs aimed at encouraging religious tolerance and supporting international standards on freedom of religion and other human rights. The U.S. government should also continue to promote exchanges between Russian judges, lawyers, and legal rights organizations with their counterparts in the United States.

6. SAUDI ARABIA

According to the State Department, freedom of religion does not exist in Saudi Arabia. Saudi Arabia is a uniquely repressive case where the government forcefully and almost completely limits the public practice or expression of religion to one interpretation: a narrow and puritanical version of Islam based on the Wahhabi doctrine. Consequently, those Saudis and foreign contract workers who do not adhere to the Saudi government's interpretation of Islam are subject to severe religious freedom violations. Among the most serious abuses and forms of discrimination are:

-- Virtually complete prohibitions on establishing non-Wahhabi places of worship, the public expression of non-Wahhabi religion, the wearing of non-

prescribed religious dress and symbols, and the presence of identifiable clerics of any religion other than the government's interpretation of Islam;

-- The harassment, detention, arrest, torture, and subsequent deportation by government authorities of Christian foreign workers for worshipping in private – many are forced to go to great lengths to conceal private religious practice in order to avoid these abuses;

-- The detention, imprisonment, and, in some cases, torture of Shi'a clerics and religious scholars for their religious views, which differ from those of the government;

-- The interpretation and enforcement of religious law in Saudi Arabia, which affects every aspect of women's lives and results in serious violations of their human rights; and

-- The offensive and discriminatory language found in Saudi government-sponsored school textbooks, sermons in mosques, and articles and commentary in the media about Jews, Christians, and non-Wahhabi streams of Islam.

Despite occasional disagreements over regional issues and a growing public debate on the direction of U.S.-Saudi relations following the attacks of September 11, 2001, official U.S. relations with Saudi Arabia remain close. The Commission, however, shares the State Department's view that freedom of religion does not exist in Saudi Arabia and notes that advancing human rights, including religious freedom, has not been a public feature of the bilateral relationship. Indeed, some have argued that the U.S. government has refrained from criticizing human rights practices in Saudi Arabia, and has even gone so far as to restrict the rights of Americans to do so.

The Commission believes that U.S. efforts to encourage Saudi Arabia to comply with its international commitments to protect religious freedom should be strengthened significantly and made more transparent instead of being relegated to private discussions. As with other countries where serious human rights violations exist, the U.S. government should more frequently identify these problems and publicly acknowledge that they are significant issues in the bilateral relationship.

Recommendations

I. Advocate Effective Guarantees of Religious Freedom and Necessary Action to Implement Those Guarantees

A core goal of U.S. engagement with Saudi Arabia should be the protection and implementation of the universal right to freedom of religion for all Saudi nationals and foreign residents. At a minimum, this should include guarantees and the implementation, in a constitution and through other mechanisms, of the following components of that right as specified in international instruments:

-- the freedom to have or to adopt a religion or belief, including the guarantee that no one shall be subject to coercion which would impair that freedom;

-- the freedom, either individually or in community with others and in public or private, to manifest a religion or belief in worship, observance, practice, and teaching;

-- equal protection of the law and the equal right of men and women to the enjoyment of their human rights, including religious freedom; and

-- the rights and duties of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their convictions, as provided in the Universal Declaration of Human Rights, the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the Convention on the Rights of the Child.

1. The U.S. government should urge the Saudi Arabian government to take steps toward the implementation of the rights stated above. Initial measures that could immediately be implemented include the following:

1.a. genuinely safeguard the freedom to worship privately, as affirmed by Saudi government officials, of non-Muslims and of those Muslims who do not follow the government's version of Islam. As requested by the relevant communities, this should include immediate permission for clergy to enter the country and perform private religious services;

1.b. permit non-Wahhabi places of worship, such as churches, to function openly in special compounds or zones for foreigners or in unadorned buildings designated for this purpose;

1.c. allow foreign clerics openly to wear religious garb and foreign nationals to possess religious literature and openly wear or carry non-Muslim religious symbols;

1.d. entrust enforcement of the law to regular professionals in law enforcement agencies subject to judicial review and appropriate human rights norms, and dissolve the Committee for the Propagation of Virtue and the Prevention of Vice (*mutawaa*);

1.e. establish a mechanism to review cases of persons detained under suspicion of or charged with religious, political, or security offenses and release those who have been imprisoned solely because of their religious beliefs or practices, such as those charged with apostasy, blasphemy, criticizing the government, and sorcery, as well as any others who have been unjustly detained or sentenced;

- 1.f. end state prosecution of apostasy, blasphemy, criticizing the government, and sorcery;
 - 1.g. permit the establishment of independent nongovernmental organizations to advance human rights and to promote tolerance, and create an independent human rights commission for those same purposes; and
 - 1.h. ratify and fully comply with international human rights instruments and cooperate with UN human rights mechanisms; in particular, ratify and implement the protections of the International Covenant on Civil and Political Rights (ICCPR).
2. The U.S. government should urge the Saudi government (a) to exclude from all textbooks any language or images that promote enmity, intolerance, hatred, or violence toward any group of persons based on faith, gender, ethnicity, or nationality; and (b) to include in all school curricula, in school textbooks, and in teacher training the concepts of tolerance and respect for human rights, including religious freedom. Textbooks should be reviewed in light of the standards for education set out in the Universal Declaration of Human Rights.

II. Address Global Propagation

3. The U.S. government should undertake a study to determine whether the Saudis are directly or indirectly funding efforts to propagate globally, including in the United States, a religious ideology that explicitly promotes hate, intolerance, and other human rights violations, and in some cases violence, toward members of other religious groups, both Muslim and non-Muslim. Congress should authorize and fund such a study. Findings of this study should be reported to Congress within six months after funds are appropriated.

In conjunction with the above study, the U.S. government should request the Saudi government to provide an accounting of what kinds of Saudi support go to which religious schools, mosques, centers of learning, and other religious organizations globally. A list of such places in the United States should be specifically requested.

4. In its bilateral engagement with Saudi Arabia, the U.S. government should urge the Saudi government to cease any funding of efforts to propagate outside of Saudi Arabia any religious ideology that explicitly promotes hate, intolerance, and other human rights violations, including violence.

III. Use U.S. Leverage to Encourage and Implement Reform

5. In its bilateral relations with Saudi Arabia and in multilateral settings, the U.S. government, both in public and in private, should raise concerns about violations of freedom of religion and related human rights. Congress should hold biannual hearings at which the State Department reports on what issues have been raised and what actions have been taken in light of the Saudi government's response.

6. The U.S. government should designate Saudi Arabia a "country of particular concern" under the International Religious Freedom Act of 1998 (IRFA).

7. The U.S. government should expand its efforts to support initiatives to advance human rights, including freedom of religion and belief, in Saudi Arabia through its (a) human rights assistance; (b) cultural, academic, visitor and other exchanges; (c) international broadcasting; and (d) other public diplomacy programs.

Since very few initiatives to date have been aimed specifically at Saudi Arabia in these areas, the U.S. government should develop a country plan identifying and implementing activities concerning Saudi Arabia and report to Congress on the objectives and details of the plan. In particular:

7.a. the State Department should ensure that existing or proposed democracy, human rights, and other related programs directed toward the Middle East in general, such as the Middle East Partnership Initiative (MEPI) and the Middle East Democracy Fund (MEDF), include components specifically for Saudi Arabia; and

7.b. the U.S. government should take steps to overcome obstacles to broadcasting Radio Sawa throughout Saudi Arabia; Congress should ask the State Department to report on its progress in doing so.

IV. Change U.S. Government and Business Practices

8. The U.S. government should ensure that any existing restrictions on religious practice of U.S. military and diplomatic personnel be lifted permanently and that American citizens visiting or residing in Saudi Arabia have full access to embassy and consular services under current U.S. law, particularly any American citizens seeking refuge or assistance.

9. The U.S. government should investigate reports that some U.S. companies doing business in Saudi Arabia engage in practices that constitute or facilitate discrimination or violations of religious freedom or other human rights. A public report of the investigation's findings should

be submitted to Congress and updated every year thereafter. If such practices are found, the U.S. government should take steps to encourage reform of discriminatory practices.

7. SUDAN

While our nation's and the world's attention are understandably focused on Iraq and the global war against terrorism, this Commission believes strongly that the United States must not lose sight of the goal of bringing justice and peace to the people of Sudan. To the Administration's great credit, President Bush has made bringing peace to Sudan one of the highest U.S. priorities in Africa. Much has been accomplished since the designation in January 2001 of Senator John Danforth as the President's Special Envoy for Peace in Sudan. Much remains to be done.

In particular, the Commission is concerned that the Sudanese government has not been held accountable for significant violations of agreements it has made with the Sudan People's Liberation Movement as part of ongoing peace negotiations. The February 2003 report by the Civilian Protection Monitoring Team (CPMT) clearly states that the Sudanese government violated these agreements on numerous occasions by launching lethal attacks on civilian targets. While the United States publicly condemned these attacks, the Commission is concerned that the government of Sudan has not been held accountable for these actions and will conclude that it can violate its agreements with relative impunity while continuing to negotiate in peace talks. Indeed, reports from the CPMT indicate that the Sudanese government may be using this period during the cease-fire to rearm and build-up garrison towns in the south from which it could launch devastating offensives should the peace talks end in failure.

Sudan is a religiously pluralistic country with a majority comprised of Sunni Muslims but also with a large segment of Christians and practitioners of traditional African beliefs. The National Islamic Front's imposition of Sharia law in Khartoum and throughout Sudan has been one of the major causes of Africa's longest running and most deadly conflict. Religious freedom has been a major issue in Sudan's civil war.

Recommendations

In a letter of April 17, 2003 to the Secretary of State, the Commission recommended that the U.S. government should:

1. Oppose the application of Sharia law to non-Muslims wherever they may reside in the country.
2. Insist that the capital of a reunited north and south Sudan, most likely Khartoum, be a place where people of all faiths can worship freely and where the laws are reflective and respectful of all religions and legal traditions in Sudan. National institutions such as the military, law

enforcement, the highest level of the judiciary, and others should be secular institutions.

3. Hold the government of Sudan accountable for significant violations of agreements it has made with the Sudan People's Liberation Movement/Army (SPLM/A) as part of the ongoing peace negotiations. The reporting required by the Sudan Peace Act should frankly address these violations and clearly state consequences for non-compliance that will result from any violations that might occur in the future.
4. Demand a significant reduction of Sudanese government forces and military equipment in southern Sudan, while ensuring that the SPLM/A does not take advantage of such a reduction should it occur.
5. Ensure that adequate funding is supplied to the Civilian Protection Monitoring Team (CPMT). The Administration and Congress should work together to ensure that the CPMT is robust and fully capable of accomplishing its mission throughout Sudan.
6. Insist that the concerns of the peoples in the contested areas of the Nuba Mountains, Abyei, and Southern Blue Nile be fairly and comprehensively resolved in the context of peace negotiations. Moreover, the United States should support the repatriation and reintegration, as soon as possible, of civilians displaced over the years from these areas.
7. Disperse quickly funding for humanitarian purposes that will be supportive of the peace process and immediately release funding to build civil society and to promote economic development in southern Sudan.
8. Continue to keep in place existing sanctions on Sudan and refrain from upgrading diplomatic relations with the government in Khartoum.
9. Prevail upon the government of Sudan to provide needed humanitarian access to international relief organizations and increase U.S. humanitarian assistance delivered outside the Operation Lifeline Sudan system.
10. Build upon the work of the International Eminent Persons Group (IEPG) to combat and end the terrible practice of abduction and enslavement by government-sponsored militias. For example, the U.S. government should implement an IEPG recommendation that the U.S. and concerned European governments "establish a permanent mechanism to monitor the effort of the Sudanese parties to address the issues of slavery, abduction and forced servitude."

8. VIETNAM

Since Congress passed the U.S.-Vietnam Bilateral Trade Agreement in September 2001, the already poor religious freedom conditions in Vietnam have deteriorated. Key religious dissidents have been imprisoned; others remain in detention or under house arrest. In addition, the government has intensified its crackdown on religious minorities in the northwestern provinces and the Central Highlands. Violations associated with this crackdown include church closings, detention of religious leaders, and efforts to force the renunciation of faith, as well as a recent alleged noxious gas attack on a religious service. The increased repression of religious freedom has been reportedly sanctioned at the highest levels of the Vietnamese government, according to documents obtained by individuals and human rights organizations.

The Commission issued its last report on Vietnam in May 2001. Since the BTA was approved in September 2001, the Commission has continued to speak out on the deteriorating status of religious freedom in Vietnam. A Commission delegation visited Vietnam in February 2002. While the delegation observed that individuals in the major cities seem able to worship without government obstruction, it was also clear that the government continued to exercise strict control over all religious groups, restricting their freedom to train and select their leaders, to distribute religious literature, and to engage in educational, social, and charitable activities. On the basis of the findings of the delegation, as well as other information, in September 2002 the Commission recommended that Vietnam be designated by the Secretary of State as a “country of particular concern” (CPC) for religious freedom violations under the International Religious Freedom Act of 1998.

Despite the fact that the Secretary did not include Vietnam in the Administration’s 2003 CPC designations, the State Department has begun to voice publicly its concern about Vietnam’s human rights conditions in key areas, including religious freedom, and the failure of the Vietnamese government to respond to U.S. concerns. Clearly, the current approach of the U.S. government to advance religious freedom in Vietnam has failed to yield concrete results. The United States is not alone in this respect, as the government of Vietnam has also failed to respond to concerns raised by the European Parliament, and other Western governments. Therefore, the Commission recommends that the U.S. government intensify its leverage to hold the government of Vietnam to its international obligations to protect human rights, including religious freedom.

Recommendations

I. Advocate Specific Steps to Advance Religious Freedom and Reform the Legal Framework

1. The U.S. government should make clear to the government of Vietnam that ending violations of religious freedom is essential to the continued expansion of U.S.-Vietnam relations. In this context, the U.S. government should urge the Vietnamese government to:

1.a. halt the arrest, detention, imprisonment, and intimidating surveillance of persons on account of their manifestation of religion or belief, including members of ethnic minorities in the Central Highlands and the northwestern provinces; release individuals who are currently so restricted;

1.b. cease practices that coerce individuals to renounce any religion or belief, such as detention, imprisonment, ill treatment, or destruction of residential and religious buildings;

1.c. cease bans on religious gatherings in ethnic minority areas, and permit religious groups to gather for observances of significant religious holidays as determined by those groups, subject only to such limitations as provided in international law;

1.d. guarantee the freedom to engage in religious activities (including the freedom for religious groups to govern themselves and select their leaders, worship publicly, express and advocate religious beliefs, distribute religious literature, and conduct educational, charitable, and humanitarian activities) outside the government and state-controlled religious organizations, and eliminate controls on the activities of officially registered organizations;

1.e. return confiscated religious properties and cease undue interference with the construction of new religious buildings and the repair of existing ones;

1.f. permit domestic Vietnamese religious organizations and individuals to interact freely with foreign organizations and individuals;

1.g. cease the arbitrary detention of members of ethnic minorities who have returned to Vietnam from Cambodia;

1.h. repeal the administrative detention decree that allows for detention of up to two years without charge for engaging in “anti-state activity”; and

1.i. repeal the 1999 Administrative Decree on Religion and ensure that any new law on religion meets international standards.

2. The U.S. government should urge the Vietnamese government to establish a mechanism for reviewing cases of persons detained under suspicion of, or charged with, offenses relating to state security, “anti-state activities,” “slandering the government,” “disrupting the unity of the people,” and “causing public disorder.” This mechanism should also

review cases of detained or imprisoned religious leaders, many of whom have been charged with specious criminal offenses.

II. Use U.S. Leverage to Encourage Vietnam to End Religious Freedom Violations

3. The President should designate Vietnam as a “country of particular concern” in accordance with the provisions of the International Religious Freedom Act of 1998.

4. The U.S. Congress should pass and the President should sign the Vietnam Human Rights Act of 2003.

5. The United States should withhold its support for loans to Vietnam from international financial institutions such as the International Monetary Fund, the World Bank, and the Asian Development Bank, except those providing for basic human needs, until the government of Vietnam agrees to make substantial improvements in the protection of religious freedom, as measured by the standards itemized in 1.a through 1.i above.

6. The U.S. government should take steps to ensure that the annual U.S.-Vietnam human rights dialogue involves high-level officials and, along with consideration of other human rights, serves as a forum to: (a) communicate U.S. concerns about the protection of freedom of religion and belief in Vietnam; (b) review the requirements of international human rights standards regarding the right to freedom of religion and belief; and (c) establish measurable goals, practical steps for improvement, and specific timetables for implementing these steps. To facilitate these goals:

-- the Congress should continue to require the State Department to report to it on any progress achieved through the dialogue, and

-- the U.S. government should include the Commission as a formal participant in the dialogue.

7. In its public interventions, discussions, and other activities in multilateral institutions, the United States should raise prominently violations of religious freedom in Vietnam, particularly in the Central Highlands and northwestern areas of the country.

8. The U.S. government should urge the Cambodian government to abide by its international commitments and recognize as refugees members of ethnic minorities in the Central Highlands and the northwestern provinces, as well as other Vietnamese, who have fled that country and who meet international criteria.

III. Strengthen Monitoring and Reporting of Vietnam's Human Rights Violations

9. As a part of the annual Congressional review of the Jackson-Vanik waiver for Vietnam, the Congress, in conjunction with the Commission, should review Vietnam's human rights practices, including particularly severe violations of religious freedom.

10. The U.S. government should urge the Vietnamese government to provide U.S. and other foreign government officials, human rights and humanitarian groups, international organizations, and journalists regular and unhindered access to members of all religious communities in Vietnam, particularly those in the Central Highlands and the northwestern provinces. The international affairs and trade committees of the Congress should send delegations to visit the Central Highlands and the northwestern provinces.

IV. Support Programs to Advance Freedom of Religion in Vietnam

11. The U.S. government should take the steps necessary to overcome the jamming of Radio Free Asia (RFA) broadcasts and the blocking of the RFA Internet site in Vietnam. The U.S. government should also urge the Vietnamese government to allow RFA personnel into the country.

12. The U.S. government should, through its foreign assistance and exchange programs, support individuals in Vietnam who advocate human rights, including religious freedom, the rule of law, and legal reform. It should also support exchanges between Vietnamese religious communities and U.S. religious and other non-governmental organizations concerned with religious freedom in Vietnam.

B. Recommendations from the Commission's 2002-2003 Reporting Cycle

1. CHINA

Despite the Chinese government's signature on and/or ratification of several international human rights treaties, and its stated adherence to the Universal Declaration of Human Rights, it has continued to commit severe violations of freedom of religion and belief and to discriminate against individuals on the basis of their religion or belief. The widespread and serious abuses of the right to freedom of religion and belief in China are documented by the State Department, this Commission, and religious and other non-governmental organizations. In March 2003, the Secretary of State concluded for the fourth straight year that the Chinese government severely and systematically violates freedom of religion and belief, and named China as a "country of particular concern"

under the International Religious Freedom Act of 1998. There are numerous egregious violations against members of many of China’s religious and spiritual communities, including Evangelical Christians, Roman Catholics, Tibetan Buddhists, Uighur Muslims, and other groups, such as the Falun Gong, that the government has labeled “evil cults.”

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

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

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

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

(IV) Fostering a Culture of Respect for Human Rights: In light of its international obligations to ensure and protect human rights, the Chinese government should take steps to initiate and foster a culture of respect for human rights in China. The Chinese government can be assisted and motivated in this effort through U.S. government action in the areas of foreign assistance, public diplomacy, securities disclosure requirements, business practices, as well as other avenues.

Recommendations

I. Ending the Crackdown

1. The U.S. government should urge the Chinese government to:
 - 1.a. halt the harassment, surveillance, arrest, and detention of persons on account of their manifestation of religion or belief;
 - 1.b. end abusive practices such as detention, torture, and ill-treatment in prisons, labor camps, psychiatric facilities, and other places of confinement against such persons;

- 1.c. cease practices that coerce individuals to renounce or condemn any religion or belief;
 - 1.d. cease discrimination against individuals on the basis of their religion or belief, which currently exists in the areas of government benefits, including education, employment, and health care; and
 - 1.e. provide access to religious persons (including those imprisoned, detained, or under house arrest or surveillance) in all regions of China (including Tibet and Xinjiang) by foreign diplomats, humanitarian organizations, and international human rights and religious organizations, as well as the U.S. Commission on International Religious Freedom.
2. The President of the United States should ensure that efforts to promote religious freedom in China are integrated into the mechanisms of dialogue and cooperation with the Chinese government at all levels, across all departments of the U.S. government, and on all issues, including security and counter-terrorism.
3. Prior to any state visit by the respective heads of state of the United States and the People's Republic of China, the President of the United States should obtain assurances that: (a) freedom of religion and belief will be included as a prominent agenda item for his discussions; and (b) he be given an opportunity to address the Chinese people directly by live, uncensored broadcast of a major speech on fundamental human rights and freedoms, particularly freedom of religion and belief.
4. During any state visit to China, the President of the United States should take further steps to promote religious freedom in his activities and those of the delegation. The Commission should be invited to designate representatives to participate in the delegation.
5. The U.S. government should consistently raise with the Chinese government at the highest levels individual cases of violations of the right to freedom of religion and belief.
6. The U.S. government should instruct the U.S. Embassy in Beijing and U.S. consulates in China to continue to monitor the status of individuals who are arrested or detained in violation of their human rights.
7. In its reporting on conditions of religious freedom in China, the State Department should:
 - 7.a. articulate regional and local variations in the protection of the right to freedom of religion and belief;

7.b. identify specific individuals and/or entities that commit violations of this right; and

7.c. consider the record of provincial and local officials in protecting freedom of religion and belief when deciding whether to deepen cultural and economic cooperation between the United States and China.

II. Reforming the Repressive Legal Framework

8. The U.S. government should urge the Chinese government to respect and fully implement the freedom of individuals and organizations to engage in religious activities outside of state control and free from government interference, in accordance with international human rights standards. This freedom must not be limited to the five state-sanctioned religious groups, but encompass all groups that are engaged in the manifestation of religion or belief. This freedom includes, *inter alia*, as affirmed in the international instruments to which the Chinese government is a party, the right:

8.a. to worship publicly;

8.b. to express and advocate religious beliefs;

8.c. to distribute religious literature;

8.d. (for parents) to ensure the religious and moral education of their children in conformity with their own convictions;

8.e. (for religious groups) to govern themselves according to their own rules, including:

8.e.1. to select and train their leaders;

8.e.2. to define and teach the beliefs and doctrines to which they adhere;

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

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

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

9. The U.S. government should urge the Chinese government to establish a mechanism for reviewing cases of persons detained under suspicion of, or charged with, offenses relating to state security, disturbing social order, “counterrevolutionary” or “splittist” activities, or organizing or participating in “illegal” gatherings or religious activities. This mechanism should also review cases of detained or imprisoned religious leaders (many of whom have been charged with specious criminal offenses).

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

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

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

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

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

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

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

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

14. Until China significantly improves its protection of freedom of

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

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

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

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

IV. Fostering a Culture of Respect for Human Rights

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. INDONESIA

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

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

The Commission continues to be concerned about religious freedom and religion-based violence in Indonesia. The Commission's May 2001 annual report included a chapter on Indonesia that focused and made several recommendations on the conflict in the Moluccas. Since the last report, the Commission has met with numerous religious and other human rights delegations from Indonesia, representing views across the

religious spectrum, as well as American scholars, representatives of human rights organizations, and other experts on the country. In November 2001, the Commission held a hearing on “Religious Freedom and the Campaign Against Terrorism,” at which the Commissioners examined conditions for religious freedom in Indonesia.

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

Recommendations

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

government should continue to earmark assistance specifically for both Christian and Muslim victims and refugees of the conflicts.

5. The U.S. government should monitor the implementation of Sharia in Aceh to determine if individual rights and freedoms, including religious freedom, as outlined in international documents, are being guaranteed. If it becomes apparent that such rights, including religious freedom, are being violated, the U.S. government should press the Indonesian government to oppose its implementation in Aceh and elsewhere in the country.

6. The U.S. government should ensure that, if resumed, U.S.-Indonesian military ties be directed toward reform of the Indonesian military, including accepting civilian control, upholding international human rights standards, and holding members accountable for abuses.

7. The U.S. government should earmark funds for the training of Indonesian police and prosecutors in human rights, rule of law, and crime investigation.

8. The U.S. government should continue to support programs in Indonesia, particularly in the regions that have experienced sectarian violence, that promote objective, unbiased, and non-inflammatory reporting. Such efforts should be consistent with Indonesia's obligations to protect the right of freedom of expression.

9. The U.S. government should urge the government of Indonesia to amend the 1969 Ministerial Decree that restricts the building of houses of worship and impedes the use of private homes for worship purposes. The U.S. government should offer technical assistance in amending this legislation in order to bring it into conformity with international standards.

3. DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (NORTH KOREA)

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

North Korea is also a humanitarian disaster of unimaginable proportions. Failed economic policies and natural disasters have reportedly left 1 million or more North Koreans dead from starvation and disease in the last 10 years, and there may be countless

millions more, particularly children, who are stunted in both their mental and physical growth. As awful as the physical toll has been, the deprivation of the human spirit must be even greater. Just how bad the situation is in North Korea is not known, as the ruling regime maintains strict control over communication media and the flow of information into and out of the country.

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

Recommendations

I. International Initiative Against Human Rights Abuses in North Korea

1. The U.S. Congress should fund an objective and comprehensive study of human rights conditions in North Korea by a non-governmental source.
2. The State Department should expand both its capability to obtain information and reporting on human rights violations in North Korea.
3. The President should continue to speak out personally on the humanitarian situation in North Korea and the lack of freedom and protection of human rights there.
4. The U.S. Congress should establish a congressional caucus to focus on human rights in North Korea.
5. The U.S. Congress should expand its funding for (a) organizations advocating the protection of human rights in North Korea and (b) activities that raise the awareness of human rights conditions in that country.
6. The U.S. government should develop and support ways to provide information to the people of North Korea, particularly on religious freedom and other human rights issues. This includes expanding or developing:
 - broadcasts that target a North Korean audience by the Voice of America and Radio Free Asia; and

-- channels of people-to-people exchange and other forms of contact with North Koreans.

7. The U.S. government should use multilateral diplomacy to advance the protection of human rights in North Korea. This should include:

7.a. raising human rights violations in North Korea in appropriate international fora, and encouraging others to do so as well. The United States should sponsor a resolution at the United Nations condemning religious freedom and other related human rights violations in North Korea and calling for the appointment of a UN special rapporteur to investigate the situation in North Korea.

7.b. urging the Republic of Korea and Japan, as part of the trilateral coordination among the United States and those two countries, to press for improvements on religious freedom and other human rights in their talks with the DPRK.

7.c. urging the European Union to include religious freedom concerns as part of its human rights discussions with the North Korean government.

II. Protecting North Korean Refugees and Advancing Human Rights

8. The U.S. government should urge China, Russia, and other members of the international community to grant refugee status to North Koreans.

9. The U.S. government should urge the Chinese government to allow South Korean and international non-governmental organizations greater access to northern China and greater capacity to serve the needs of North Korean refugees.

III. Advancing Human Rights Through Official Contacts

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

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

10.b. With all humanitarian assistance to North Korea, the U.S. government should work to ensure that the delivery of such aid is

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

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

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

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

4. SUDAN

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

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

The U.S. government should build upon the Danforth Mission and take a central role in seeking a just and lasting peace in Sudan. The Commission urges implementation

of its additional recommendations, particularly those directed toward ending the civil war.

Recommendations

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

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

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

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

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

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

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

The U.S. government should urge the government of Sudan, as an essential condition of the ceasefire, to agree either to cease the extraction of oil in the country, or to place its oil revenues in an internationally-

administered trust fund to be expended solely for development and humanitarian purposes on an equitable basis in both the north and the south.

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

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

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

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

...

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

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

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

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

7. The U.S. government should continue to increase the amount of its humanitarian assistance that passes outside of the UN humanitarian relief mission, Operation Lifeline Sudan (OLS), and should press OLS to deliver

aid wherever it is needed, especially to the Nuba Mountains, with or without the approval of the Sudanese government.

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

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

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

5. TURKMENISTAN

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

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

The Commission has broadly studied the situation in Turkmenistan. It has held a number of private briefings with academics, former diplomats, and other experts on Central Asia and Turkmenistan, and conducted personal interviews with representatives of human rights organizations and victimized groups. In view of the ongoing, egregious, and systematic violations of religious freedom in Turkmenistan, in 2000 and 2001, the

Commission called on the U.S. Department of State to name Turkmenistan a country of particular concern, or CPC, pursuant to the International Religious Freedom Act. However, in both years, the State Department declined to designate Turkmenistan a CPC.

Recommendations

1. The U.S. government should designate Turkmenistan as a country of particular concern for particularly severe violations of religious freedom pursuant to the International Religious Freedom Act of 1998.
2. The U.S. government should immediately suspend all non-humanitarian assistance to the government of Turkmenistan, with the exception of programs that serve specifically identifiable U.S. national security interests in connection with the current campaign against terrorism. This recommendation does not apply to U.S. assistance to appropriate non-governmental organizations, private persons, or cultural or educational exchanges.
3. The U.S. government should scrutinize all aspects of any remaining assistance programs in Turkmenistan to ensure that these programs do not facilitate Turkmen government policies or practices that result in religious freedom violations. The United States should also examine its programs in Turkmenistan to determine if opportunities exist within those programs to promote the development of genuine respect for human rights, including religious freedom, in that country.
4. The U.S. government should support efforts to facilitate Turkmenistan's sale of natural gas on world markets, including support for the Trans-Caspian Gas Pipeline, only if the Turkmen government takes definitive steps to improve substantially conditions for religious freedom in Turkmenistan.
5. The U.S. government should identify specific steps that the government of Turkmenistan could take in order to have its currently suspended assistance reinstated and to avoid triggering further restrictions on assistance programs. These steps should reflect a substantial improvement in the protection of religious freedom and should include, but not be limited to, the lifting of oppressive legal requirements on religious groups and allowing all such groups to organize and operate freely, the end to harassment and deportation of religious leaders, and the halting of unjust arrest, detention, imprisonment, torture, and residential and workplace intimidation of religious leaders and their adherents (including releasing those currently in detention or imprisoned).
6. The U.S. government should press forcefully its concern about religious freedom violations in Turkmenistan, consistent with the Turkmen government's obligations to promote respect for and observance

of all human rights. The U.S. government should vigorously press the government of Turkmenistan: (a) to release immediately and unconditionally any persons who have been detained solely because of their religious beliefs, practices, or choice of religious association; (b) to ensure that all people in Turkmenistan are able to exercise their right to religious freedom without threat of harassment, detention, imprisonment, or torture; and (c) to permit all religious groups to organize and worship freely.

7. State visits between the United States and Turkmenistan should be suspended until such time as religious freedom conditions in the country have improved significantly.

8. The U.S. government should also encourage scrutiny of religious freedom violations in Turkmenistan in appropriate international fora such as the Organization on Security and Cooperation in Europe and other multilateral venues. The U.S. government should also raise the issue of religious freedom violations in Turkmenistan at those United Nations bodies that consider human rights questions, including the Commission on Human Rights. The United States should sponsor a resolution at the United Nations condemning religious freedom and other related human rights violations in Turkmenistan, and creating a UN special rapporteur to investigate the situation in Turkmenistan.

6. UZBEKISTAN

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

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

Campaign Against Terrorism,” at which Commissioners examined conditions for religious freedom in the Central Asian countries.

Recommendations

1. The U.S. government should continue to press forcefully its concern about religious freedom violations in Uzbekistan, consistent with the Uzbek government’s obligations to promote respect for and observance of human rights. The U.S. government should also encourage scrutiny of these concerns in appropriate international fora such as the Organization on Security and Cooperation in Europe and other multilateral venues.
2. The U.S. government should press the Uzbek government to cease its abuse of those articles in its criminal code, including Articles 159 and 216, that impinge on religious freedom.
3. The U.S. government should strongly encourage the Uzbek government to establish a mechanism to review the cases of persons detained under suspicion of or charged with religious, political, or security offenses and to release those who have been imprisoned solely because of their religious beliefs, practices, or choice of religious association, as well as any others who have been unjustly detained or sentenced.
4. The U.S. government should instruct the U.S. Embassy in Tashkent to continue to every extent possible its policy of carefully monitoring the status of individuals who are arrested for alleged religious, political, and security offenses.
5. While recognizing the Uzbek government’s duty to protect its people from violence and terrorism from whatever source, the U.S. government should press the government of Uzbekistan to discontinue its practice of excessively regulating the free practice of religion in Uzbekistan, including the oppressive regulation of the Islamic clergy and the use of registration requirements to prevent minority religious groups from practicing their faith.
6. The U.S. government should press the Uzbek government to adhere to its international commitments to abide fully by the rule of law and to protect human rights ensuring due process of law to all.
7. The U.S. government should press the Uzbek government to ensure that every religious prisoner has access to his or her family, human rights monitors, adequate medical care, and a lawyer, as specified in international human rights instruments, including Article 14 of the International Covenant on Civil and Political Rights. In addition, the U.S. government should press the Uzbek government to ensure that all prisoners are allowed to practice their religion while in detention, to the fullest extent compatible with the specific nature of their detention.

8. All U.S. assistance to the Uzbek government, with the exception of assistance to improve humanitarian conditions and advance human rights, should be made contingent upon that government's taking a number of concrete steps to improve conditions for religious freedom for all individuals and religious groups in Uzbekistan. These steps should include:

8.a. releasing persons imprisoned solely because of their religious beliefs, practices, or choice of religious association, following the review mechanism as described in Recommendation 3;

8.b. ending torture;

8.c. halting the arrest and detention of persons because of their religious beliefs, practices, or choice of religious association; and

8.d. refraining from using registration requirements to prevent religious groups from practicing their faith.

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

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

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

APPENDIX 1: BIOGRAPHIES OF MEMBERS U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Felice D. Gaer is the Commission's current Chair. Ms. Gaer served on the Commission's Executive Committee from September 2001 to June 2002. She is the Director of the Jacob Blaustein Institute for the Advancement of Human Rights of the American Jewish Committee. She is a member of the Committee Against Torture, a 10-person United Nations expert body that reviews reports by governments on their compliance with the Convention Against Torture, a treaty ratified by over 130 countries. Nominated by the United States and elected in 1999, she is the first American to serve on the Committee. Ms. Gaer was appointed as a public member of nine U.S. delegations to UN human rights negotiations between 1993 and 1999, including the UN Commission on Human Rights, the World Conference on Women, and the World Conference on Human Rights. She is also a member of the steering committee of Human Rights Watch/Eurasia, and Ms. Gaer is a frequent author on international human rights topics. In 1995, she was awarded the Alumnae Achievement Award from Wellesley College and is a member of the International Human Rights Council of the Carter Center.

Michael K. Young is the Commission's current Vice Chair. He served as the Commission's Chair from September 2001 to June 2002 and as its Vice Chair from June 1999 to June 2000. Dean Young joined the George Washington University Law School in the summer of 1998. Prior to that, he was the Fuyo Professor of Japanese Law and Legal Institutions at the Columbia University School of Law. At Columbia, he also served as Director of the Center for Japanese Legal Studies, the Center for Korean Legal Studies, and the Project on Religion, Rights and Religious Freedom. Dean Young has been a Visiting Professor and Scholar at the Law Faculties of the University of Tokyo, Waseda University and Nihon University. He has also been a Japan Foundation Fellow at Columbia University. During the Administration of President George H. W. Bush, he served as Ambassador for Trade and Environmental Affairs, Deputy Under Secretary for Economic and Agricultural Affairs, and Deputy Legal Advisor to the U.S. Department of State. He currently serves as a member of the Brown v. Board of Education 50th Anniversary Commission and the Trade and Environmental Policy Committee, Office of the U.S. Trade Representative, Executive Office of the President.

The Honorable Charles R. Stith is the Director of the African Presidential Archives and Research Center at Boston University. Reverend Stith served on the Commission's Executive Committee from September 2001 to June 2002. He also served as the United States Ambassador to Tanzania from September 1998 to January 2001. He is founder of the Organization for a New Equality, a nonprofit organization dedicated to expanding economic opportunity for people historically excluded from the economic mainstream, serving as president from 1985-1998. Ambassador Stith was a member of President Clinton's official delegation to monitor the South African election in 1994.

Firuz Kazemzadeh, of Alta Loma, California, is the Senior Advisor for the National Spiritual Assembly of the Baha'is of the United States. He served as the Commission's Vice-Chairman from May 2000 to May 2001. As the American Baha'i community's principal spokesman on external-affairs issues, Dr. Kazemzadeh testified frequently

before the House International Relations and Senate Foreign Relations Committees on the religious repression of Baha'is abroad. He is Professor Emeritus of History at Yale University, having taught Russian history there from 1956 until his retirement in 1992. During his tenure at Yale, Dr. Kazemzadeh also served variously as Director of Graduate Studies in Russian and Eastern European Studies, Chair of the Committee on Middle Eastern Studies, Director of Graduate Studies in History, and Master of Davenport College. He is the author of *The Struggle for Transcaucasia:1917-1921* and *Russia and Britain in Persia:1864-1914* as well as co-author of several other books and author of many articles on the history and foreign relations of Russia, Central Asia and the Middle East. Kazemzadeh has been visiting professor at Stanford University, Harvard University, Columbia University, and the University of Southern California Law School. He has lectured at the University of Humanities in Moscow and the Institute of Oriental Studies of the Russian Academy of Sciences in St. Petersburg.

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

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

Leila Nadya Sadat is a Professor of Law at Washington University School of Law. Professor Sadat is one of the country's leading experts in international and comparative law. She joined the Washington University School of Law in 1992, after practicing law for several years in Paris, France. In addition to her teaching at Washington University, Professor Sadat has taught abroad in France, Ireland, Italy, and Greece. She is the author of more than three-dozen publications in English and French dealing with topics in international criminal law, comparative law, human rights and the European Union. She is the author of *The International Criminal Court and the Transformation of*

International Law: Justice for the New Millennium. She is a graduate of Douglass College, Tulane Law School, Columbia Law School and the University of Paris I – Sorbonne.

Nina Shea is the Director of the Center for Religious Freedom of Freedom House in Washington, D.C. She has been an international human rights lawyer for 25 years and has for 18 years focused specifically on the issue of religious persecution. Before her appointment to this Commission, on which she has served from the beginning, Ms. Shea served on the Advisory Committee on Religious Freedom to the U.S. Secretary of State. Ms. Shea has organized and sponsored numerous fact-finding missions to Sudan, China, Egypt, and elsewhere and has testified regularly before Congress on the governments of these countries. She is the author of *In the Lion's Den*, a book on anti-Christian persecution around the world. She was appointed as a public delegate on the U.S. delegation to the UN Commission on Human Rights in 2001.

The Honorable Shirin Tahir-Kheli, while serving on the Commission, was a Research Professor and founding Director of the South Asia Program of the Foreign Policy Institute, Johns Hopkins University School of Advanced International Studies in Washington, D.C. Ambassador Tahir-Kheli was appointed Alternate United States Representative to the United Nations for Special Political Affairs (1990-1993), a post that carries the rank of Ambassador. She served as Director of Near East and South Asian Affairs (1986-1989) and Director of Political Military Affairs (1984-1986) for the National Security Council. From 1982 to 1984, Ambassador Tahir-Kheli was a member of the Policy Planning Staff in the office of the Secretary of State. She has also served on the Presidential Commission on the Public Service. Ambassador Tahir-Kheli resigned from the Commission when she was appointed Special Assistant to the President and Senior Director for Democracy, Human Rights and International Operations in March 2003.

APPENDIX 2: THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998¹

SELECTED PROVISIONS

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

(11) PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—The term “particularly severe violations of religious freedom” means systematic, ongoing, egregious violations of religious freedom, including violations such as—

- (A) torture or cruel, inhuman, or degrading treatment or punishment;
- (B) prolonged detention without charges;
- (C) causing the disappearance of persons by the abduction or clandestine detention of those persons; or
- (D) other flagrant denial of the right to life, liberty, or the security of persons.

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

- (A) arbitrary prohibitions on, restrictions of, or punishment for—
 - (i) assembling for peaceful religious activities such as worship, preaching, and prayer, including arbitrary registration requirements;
 - (ii) speaking freely about one's religious beliefs;
 - (iii) changing one's religious beliefs and affiliation;
 - (iv) possession and distribution of religious literature, including Bibles; or
 - (v) raising one's children in the religious teachings and practices of one's choice;
- or

(B) any of the following acts if committed on account of an individual's religious belief or practice: detention, interrogation, imposition of an onerous financial penalty, forced labor, forced mass resettlement, imprisonment, forced religious conversion, beating, torture, mutilation, rape, enslavement, murder, and execution.

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

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

(1) ANNUAL REVIEW.—

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

¹ P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228, 22 U.S.C. § 6401, et seq. The full text of the Act can be found on the Commission's Web site, www.uscirf.gov.