



# THE US COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM: CHALLENGING THE STATUS QUO

By Leonard A. Leo and Don Argue

Since the United States was founded, freedom has been its cornerstone, and religious freedom—the right to accept or reject a religion or belief system according to one’s conscience, and practice it freely and peacefully—has been a pivotal right.<sup>1</sup> Freedom of religion or belief is the first liberty to appear in the First Amendment to the US Constitution.

For billions of people abroad, religion is a powerful source of identity, meaning, and purpose, and the freedom to practice one’s own religion or belief system remains paramount. Yet according to a Pew Research Center study released in August 2011, 70 percent of the world’s population dwells in countries where religious freedom is highly restricted.<sup>2</sup>

Throughout much of the globe, religious freedom and related human rights are egregiously and routinely violated. Created by the 1998 International Religious Freedom Act (IRFA), the US Commission on International Religious Freedom (USCIRF), on which we serve, reports on countries whose governments engage in or tolerate severe abuses, such as detentions, disappearances, imprisonment, torture, and mass murder. USCIRF makes independent recommendations to the President, Secretary of State, and Congress on behalf of reform.

Religious freedom abuses—whether caused by government action or inaction—should not go unnoticed or unchallenged. This is not just an opinion of the United States or a reflection of its First Amendment, but a basic tenet of international human rights law. In 1948, the international community created and adopted the landmark Universal Declaration of Human Rights, including Article 18, which states that:

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.

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Since 1966, the governments of 167 countries have signed the International Covenant on Civil and Political Rights (ICCPR), a binding treaty that includes language similar to Article 18 of the 1948 Declaration. Nations around the world also affirmed the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, as well as other instruments that confirm that freedom of thought, conscience, and religion or belief is a universal and fundamental human right.

Standing for religious freedom around the world is a humanitarian, moral, and legal duty. It is also a practical necessity, one that is crucial to the security of the United States and the post-9/11 world. Time and again, research has found that countries that honor and protect religious freedom have more vibrant political and democratic institutions, rising economic and social well-being, diminished tension and violence, and greater overall stability.

In contrast, nations that trample on or fail to protect basic human rights, including religious freedom, provide fertile ground for poverty and insecurity, war and terror, and violent, radical movements and activities. The assassinations in 2011 of two high-ranking government officials in Pakistan for their opposition to blasphemy laws remind us of how religious extremism and religious freedom violations are destabilizing a critical partner and creating a climate of impunity by fueling hatred and violence against both Muslims and non-Muslims.

In today’s battle against terrorism and extremist ideology, the key is to offer a competing—and compelling—vision of freedom, peace, and prosperity, and a foreign policy that places a premium on the freedom of thought, conscience, and religion/belief that advances this effort.

Supported by America’s culture and heritage, backed by international law and treaty, and made indispensable by critical security needs, the right to freedom of religion or belief for all deserves the US government’s strong and steadfast support.

## USCIRF Activities

It was in response to violations of this right that Congress passed IRFA in 1998, which created USCIRF, as well as the Office for International Religious Freedom in the US Department of State and the position of Ambassador-at-Large for International Religious Freedom. As the only government commission of its kind in the world, USCIRF was structured by Congress as an independent and bipartisan federal government commission with the capacity to speak candidly and act effectively in pursuit of its mission.

The Commission leverages its strengths in a variety of ways. It gathers information at home and abroad, issues annual reports to the executive branch and Congress, and works in conjunction with advocates of human rights and religious freedom in every arena, including congressional offices on both sides of the aisle. The Commission also advises and

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works closely with the White House and State Department officials, members of academia, and religious and civil society leaders, and it has participated in multilateral meetings with the United Nations, European Union, and the Organization for Security and Co-operation in Europe (OSCE).

Each year, along with its annual report, USCIRF provides policy recommendations to the US government in accordance with IRFA. The Act requires the President, who has delegated this function to the Secretary of State, to designate as “countries of particular concern” (CPCs) those nations that commit systematic, ongoing, and egregious violations of religious freedom. These nations qualify as the world’s most severe religious freedom violators. The Commission recommends countries that, in its view, meet the CPC threshold. For 2012, USCIRF recommended that the following countries be designated as CPCs: Burma, China, Egypt, Eritrea, Iran, Iraq, Nigeria, North Korea, Pakistan, Saudi Arabia, Sudan, Tajikistan, Turkey, Turkmenistan, Uzbekistan, and Vietnam.

Along with CPC recommendations, the Commission also provides recommendations to the US government for dealing with nations placed on USCIRF's Watch List. The list includes countries where religious freedom violations engaged in or tolerated by their governments do not meet the CPC threshold but are serious enough to require close monitoring. The Watch List provides advance warning of negative trends that could develop into severe violations of religious freedom, thereby providing policymakers with the opportunity to engage early, increasing the likelihood of preventing or diminishing violations. As of 2012, the following countries were placed on USCIRF's Watch List: Afghanistan, Belarus, Cuba, India, Indonesia, Laos, Russia, Somalia, and Venezuela.

### USCIRF Highlights from the Past Decade

Since its inception, USCIRF has made important strides in advancing freedom of religion and related human rights.

First and foremost, the Commission has succeeded in raising the overall profile of religious freedom with the US executive branch and Congress through its letters, public statements, hearings, travel, and participation in international meetings and conferences. Working with Congress, USCIRF's policy recommendations and findings have been acknowledged and incorporated into dozens of bills and resolutions over the past decade. Working with federal agencies, the Commission has collaborated, shared information, and provided advice on matters relating to religious freedom. USCIRF also has met with high-level officials, including foreign dignitaries from numerous countries, to press the case for the right to religious freedom. The Commission has been cited frequently in the media, and has been quoted or referred to in articles, editorials, and opinion pieces in leading publications and broadcast news reports.

Second, USCIRF has played a positive role on key issues relating to freedom of thought, conscience, and religion or belief. Among these issues is reforming US refugee and asylum policy, specifically the United States government's treatment of asylum seekers fleeing severe

violations of religious freedom and related human rights. In 2005, USCIRF released a study containing recommendations on how the federal Departments of Homeland Security (DHS) and Justice could improve the treatment of asylum seekers in expedited removal.<sup>3</sup> In 2007, the Commission issued a report card grading the response of these agencies.<sup>4</sup> Following publication of the 2005 study, the Justice Department announced some measures to protect legitimate asylum seekers and improve the way the immigration courts and the Board of Immigration Appeals were performing. Based on USCIRF's recommendations, DHS appointed its first Senior Refugee and Asylum Policy Advisor in February 2006. In 2009 and 2010, through its Immigration and Customs Enforcement agency (ICE), DHS announced changes in its parole determination policies and conditions of detention that also reflected the Commission's recommendations.

Another key issue is the so-called "defamation of religions" resolution through which the Organization of Islamic Cooperation (OIC) repeatedly has sought a global consensus for an international law against blasphemy. Years of effort by USCIRF, the State Department, members of Congress, and nongovernmental organizations (NGOs) helped bring about a marked decrease in the support for the resolution between 2008 and 2010.

As a result, in 2011 the UN Human Rights Council instead adopted consensus resolutions on "combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief."<sup>5</sup> The new resolutions properly focus on protecting individuals from discrimination or violence, instead of religions from criticism; protect the adherents of all religions or beliefs, instead of favoring one religion; and do not call for legal restrictions on peaceful expression, but positive measures, such as education and outreach. The new resolutions call for criminalization only in the case of incitement to imminent violence, which is the US First Amendment standard. USCIRF welcomes this new approach, but remains concerned that the OIC has not abandoned its global anti-blasphemy efforts. The United States and other UN member

states that support universal human rights must remain vigilant.

Besides its successes in drawing greater attention to freedom of religion or belief and in advancing key issues relating to this right, a third way in which USCIRF has moved the ball forward has been its responses to specific countries that are severe violators of this freedom. In Sudan, the world witnessed a significant triumph for religious freedom when a free and fair referendum took place in the south in January 2011 and led to the birth of South Sudan in July. The referendum resulted from the Comprehensive Peace Agreement (CPA), signed in 2005, which ended the 22-year North–South civil war that the Khartoum regime triggered by its militant attempts to impose its radical version of Islam on southern Sudanese Christians and animists.

The Commission had long made Sudan a critical issue. In 2001, USCIRF successfully recommended that the President create the position of a special envoy to coordinate efforts to bring peace to Sudan. The efforts of the special envoy helped lead to the CPA. In recent years, USCIRF called for Secretary of State Hillary Clinton’s direct engagement in the implementation of the CPA and was instrumental in strengthening working ties between the government of South Sudan and religious groups that proved essential for facilitating voter education and turnout during the referendum process. The Commission also helped bring together Southern Sudanese with the US judiciary and other public and private US institutions to help begin the process of providing capacity-building and technical assistance to an independent South Sudan.

Another example is North Korea. The Commission released two reports that provided unique information on the religious freedom violations of one of the world’s most notorious human rights abusers.<sup>6</sup> Featuring extensive interviews with refugees, the reports affirmed that North Korea’s radical hostility to religion played a major role in the torture, imprisonment, and execution of Christian refugees repatriated from China, and revealed North Korea’s draconian attempts to halt Protestantism’s spread from China. This was the latest chapter in a grim story of how

North Korea’s once-vibrant religious life has been supplanted by a quasi-religious cult of personality centered on its dictatorial leader and his son.

In Iran, in response to the government’s systematic, ongoing, and egregious violations of religious freedom, USCIRF has called repeatedly for the US government to identify Iranian officials and entities responsible and impose travel bans and asset freezes on those individuals. Previously, no sanctions against Iran had targeted human rights violations; the Commission worked with congressional offices to develop such sanctions.

These sanctions are included in CISADA, the Comprehensive Iran Sanctions, Accountability, and Divestment Act (PL 111-195). CISADA requires the President to submit to Congress a list of Iranian government officials, or persons acting on their behalf, who are responsible for human rights and religious freedom abuses; bars their entry into the United States; and freezes their assets. The executive order President Obama issued in September 2010 sanctioned eight Iranian officials for having committed serious human rights abuses after the Iranian presidential election in June 2009. Five more Iranian officials—along with three governmental entities—have since been sanctioned, bringing the total number of sanctioned officials to 13. Prior to the passage of CISADA, the Commission had recommended sanctions for a number of Iranian officials, including eight of the 13 sanctioned thus far.

Concerning Russia, USCIRF was one of the first official US bodies to call attention to the steady rise in violent hate crimes against members of certain ethnic and religious communities, including members of religious minority communities, from Muslims and Jews to Jehovah’s Witnesses. This effort helped lead to official Russian recognition of hate crimes as a major problem. The Commission also was the first US government entity to undertake an in-depth study of Russia’s 2006 NGO law and its wide-ranging effects on religious communities.

In Saudi Arabia, in February 2012, King Abdullah pardoned Hadi Al-Mutif, an Ismaili Muslim man who had been one of the longest-held religious prisoners in the world since being jailed in 1994 on charges of apostasy. For years, USCIRF had highlighted his case and advocated

with high-level Saudi officials and the US government for Al-Mutif's release. In addition, due to USCIRF's engagement, six young Shi'a Muslims in Saudi Arabia were released in February 2011. USCIRF raised concerns about these individuals during its January/February 2011 visit. The six were released on February 23, 2011 after a year in detention without charges, despite a limit of six months for pretrial detention under the Saudi criminal procedure code.

The Commission has focused sustained attention on extremist references in Saudi textbooks, which teach hatred toward other religions and, in some cases, promote violence. Funding originating in Saudi Arabia is used globally to finance radical religious schools and mosques, hate literature, and other endeavors that support religious intolerance and, in some instances, violence toward non-Muslims and disfavored Muslims.

One of the countries reportedly impacted by this funding is Pakistan. In November 2011, USCIRF released a groundbreaking report, "Connecting the Dots: Education and Religious Discrimination in Pakistan."<sup>7</sup> This study of Pakistani students and teachers in madrassas (religious schools) and public schools revealed widespread attitudes of religious intolerance, which fostered societal discrimination against the nation's religious minority communities. These attitudes of intolerance can lead to acts of violence, such as the assassination in January 2011 of Salman Taseer and in March 2011 of Shahbaz Bhatti, government officials who were ardent defenders of human rights and religious freedom and staunch opponents of Pakistan's blasphemy law. It was USCIRF that had introduced the US government to Minister Bhatti and his vital work. After Minister Bhatti

was slain, the Commission worked with congressional offices to have a resolution introduced in his honor that pressed for improvements on these issues.

## Conclusion

By any measure, the battle to promote and protect the right to freedom of religion or belief around the world remains an uphill one. From its inception, USCIRF has been charged with the essential mandate of highlighting abuses and recommending positive steps the US government can take in response. In creating USCIRF, Congress unveiled a model that fits the mandate—a bipartisan entity that operates as a truly independent commission within the federal government.

In December 2011, Congress reaffirmed its support by reauthorizing the Commission, ensuring that USCIRF will continue to have an independent voice in helping raise the importance of religious freedom and related human rights to US foreign policy, offering timely advice, and bringing greater accountability to the process.

In the struggle for freedom, USCIRF and like-minded organizations have a critical advantage in today's information age. With instant communication available through the Internet and social media platforms, the calls for protection of this fundamental right are being amplified as never before. They are being heard across nations and continents, demanding an end to the status quo of repression and impunity. The inescapable message they bring is clear: religious freedom matters, as do other human rights, and must be honored. It is time for governments around the world to hear and heed this vital message, for the sake of freedom and dignity, prosperity, and security. ❖

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1. Portions of this essay are adapted from our article "International Religious Freedom: Why it Matters and How to Protect It," published in the summer 2011 issue of *International Affairs Review*.
  2. Pew Forum on Religion and Public Life, "Rising Restrictions on Religion." August 9, 2011 [http://www.pewforum.org/Government/Rising-Restrictions-on-Religion\(2\).aspx](http://www.pewforum.org/Government/Rising-Restrictions-on-Religion(2).aspx)
  3. USCIRF, "Report on Asylum Seekers in Expedited Removal."
  4. USCIRF, "Expedited Removal Study Report Card: Two Years Later."
  5. UN Human Rights Council, Resolution 16/18.
  6. See USCIRF, "Thank You, Father Kim Il Sung: Eyewitness Accounts of Severe Violations of Freedom of Thought, Conscience, and Religion in North Korea," and USCIRF, "A Prison Without Bars: Refugee and Defector Testimonies of Severe Violations of Freedom of Religion or Belief in North Korea." Beginning in 2009, USCIRF partnered annually with The Database Center for North Korean Human Rights on annual religious freedom status reports.
  7. USCIRF, "Connecting the Dots: Education and Religious Discrimination in Pakistan."

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