

THE GLOBAL RELIGIOUS FREEDOM CRISIS AND ITS CHALLENGE TO U.S. FOREIGN POLICY

HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND
INTERNATIONAL ORGANIZATIONS

OF THE

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THURSDAY, JUNE 16, 2016

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 1:40 p.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The subcommittee will come to order.

And good afternoon to everybody.

First of all, let me say I deeply regret the delay. We did have a series of more than two dozen votes on the floor. No one can ever anticipate that. So I thank you for your patience and forbearance.

And we have no further votes, which is a plus and a minus. Some of the members are getting on planes to go home, and that is the minus. The plus is we won't be interrupted for the remainder of the hearing.

Let me begin by just noting I have chaired numerous hearings on religious freedom since the mid-1990s, starting with my first two: One was called "The Worldwide Persecution of Jews," in 1996; and "The Persecution of Christians Worldwide," which followed just a few weeks later. Ever since, I have chaired dozens of hearings examining worldwide attacks on religious freedom.

Tragically, especially in recent years, the situation has significantly deteriorated and begs a significant, expanded, and sustained response from the United States and from the world community.

On May 26, our subcommittee asked "What's next?" after Secretary Kerry's genocide designation. Our witnesses made excellent suggestions, including Supreme Knight Carl Anderson, who proposed—and I just encapsulate his recommendations—that we increase aid and ensure that it actually reaches those in need, support the long-term survival in the region of those ancient indigenous religions and ethnic communities, and punish the perpetrators of genocide and crimes against humanity.

And I would note parenthetically that I have authored a resolution and had a series of hearings in this room about establishing a hybrid, a regional court, like we had in Sierra Leone. And we actually had David Crane, the chief prosecutor, who said, while the

ICC is a nice idea, it has proven itself largely incapable of taking on a responsibility such as this. But a hybrid court, as we saw with Charles Taylor, gets those who commit these horrific genocide acts and puts them behind bars. And, in the case of Charles Taylor, it is for 50 years.

Carl Anderson also emphasized that we assist victims of genocide in attaining refugee status. And that poses very significant problems, where Christians do not have the kind of access to the UNHCR that they ought to have and never get in the queue and, as a result, end game, never get here or any other third country for asylum.

And, also, a very interesting point he made was: Prepare now for the foreseeable future of human rights challenges, as ISIS-controlled territories are liberated, by ensuring that Christians and other minorities have equal rights to decide the future.

We are very, very grateful to have Ambassador David Saperstein, the Ambassador-at-Large for the International Religious Freedom Office, a man who has committed so much of his life to religious freedom, who will provide insight and a roadmap for going forward.

It is also a very high honor to welcome the outgoing chairman of the United States Commission on International Religious Freedom, Dr. Robert George, as well as Dr. Zuhdi Jasser—two religious freedom leaders with exemplary records of service.

Religious liberty is called America's first freedom and one of our Nation's founding ideals. It is the right to believe or not believe and to practice one's religion according to the dictates of one's own conscience.

The right is not only an American value, it is a universal principle. The right to religious freedom flows from the dignity of each and every human person and, as such, deserves to be protected everywhere and for everyone—no exceptions.

Sadly, in large parts of the world, this fundamental freedom is constantly and brutally under siege. The world is experiencing a crisis of religious freedom that poses a direct challenge to U.S. interests in the Middle East, central and east Asia, Russia, China, and sub-Saharan Africa.

In Burma, Bangladesh, and Pakistan, there are Muslim, Christian, and Hindu minorities facing systematic violence and discrimination. In China, Vietnam, and North Korea, independent religious practice is viewed as an unwanted competitor to the communist state, leading to severe restrictions, arrests, and systemic torture.

Governments are not the only ones repressing religious practice. Non-state actors increasingly are a pernicious threat to religious liberty around the world. In the Middle East, terrorist groups like ISIS have been committing genocide in an attempt to exterminate ancient religious communities.

This subcommittee's hearings include, most recently, one last month with witnesses from civil society who did focus on what is next when we are talking about the designation made by Secretary Kerry.

We must ensure that we are doing everything we can to prevent genocide, mass atrocities, and war crimes against religious minorities in Iraq and Syria and to ensure perpetrators are held accountable.

This is also true of Boko Haram, as I mentioned earlier. Both Greg Simpkins, our staff director, and I have viewed firsthand churches and mosques that have been destroyed by Boko Haram. I will never forget being in Jos, Nigeria, visiting with survivors who told harrowing stories of what it was like to have car bombs and people with AK-47s bursting into their congregations to destroy as many people as they possibly could.

It is no coincidence that the worst violators of religious freedom globally are often the biggest threat to our Nation. They are those who wish the Americans the most harm. Thus, the promotion of religious liberty is also important to our foreign policy initiatives, especially the promotion of human rights in general and democracy in particular.

Eighteen years ago, Congress passed the landmark International Religious Freedom Act of 1998. That act made protection and promotion of religious freedom a priority, which it had not been in U.S. foreign policy. Three different administrations have developed religious freedom policy, and three different administrations have had some success but also some failures to check the overall rise of religious-related violence and the decline of religious freedom globally.

It is worth asking, what can we do better? Are new tools or ideas needed to help address the crisis? Does the International Religious Freedom Act need to be upgraded to reflect 21st century realities? Where are the flash points of persecution that need additional attention and resources, and how do we address them?

That is why I introduced the Frank R. Wolf International Religious Freedom Act, H.R. 1150, along with Representative Anna Eshoo. The bill is named after former Congressman Frank Wolf, the primary author and great champion of the original International Religious Freedom Act, and that legislation has been landmark and decisive in its implications.

H.R. 1150 strengthens the role played by the Ambassador-at-Large for Religious Freedom within the State Department, gives the Ambassador more tools, and the ability to better utilize existing resources. The bill will elevate the Ambassador's status, sending the signal inside the government bureaucracy that this policy a priority; it is not an asterisk at the end of a list of talking points that the President or Secretary of State has when he meets with his foreign interlocutors, especially Prime Ministers and Presidents.

More importantly, it will demonstrate to victims of religious persecution that they are not forgotten. As it says in the Bible, "Hope deferred makes the heart sick." And if people think that nobody has their back, people do lose heart.

The bill also provides a way for the administration to better coordinate international religious freedom policy. And there are an ever-expanding number of special envoys, special advisers, and Ambassadors who often have overlapping mandates.

U.S. diplomats also need better training to recognize and understand the issues that they will face during their service abroad, not some cursory, superficial "this is what religious freedom is, these are what the different denominations and beliefs adhere to, religious tenets," to really get into the thick of it, so when they are

deployed—and that includes Ambassadors—they are better equipped to deal in-country with the challenges that they will face.

The bill gives the President new options to address the decimation visited upon religious minorities by non-state actors and terrorist groups.

I have to point out, this subcommittee and my good friend and I and others have worked so hard for 3 years to get a Foreign Terrorist Organization designation for Boko Haram. If you go back and look at the record, we had Assistant Secretary of State Johnny Carson sit right where Rabbi Saperstein sits now, telling me, telling my subcommittee that they are just trying to embarrass the Presidency of Goodluck Jonathan, rather than being a radical Islamic organization intent on forcing people to become Muslim, and a radical portion of that as well, and also to kill pious Muslims who stand in their way.

It took 3 years. It wasn't until we were going to mark up a bill in this room, the day of it, under John Kerry, not under Secretary Clinton, because she was against it, that we had a designation of Foreign Terrorist Organization for Boko Haram. And we all know they are now the deadliest organization in the world, killing, maiming, raping, and butchering.

Finally, this bill recognizes the connection between advancing religious freedom globally and U.S. national security and economic interests, the interrelatedness of all of it. The evidence has shown repeatedly that U.S. national security and economic interests are directly tied to religious freedom. Religious freedom can act to undermine the religious-related violence perpetrated by non-state actors.

This bill, H.R. 1150, was unanimously passed by the House. It is pending in the Senate. Our hope and prayer is that the Senate will take it up.

And, again, before going to our distinguished rabbi, Ambassador-at-Large David Saperstein, I would like to yield to Mark Meadows for any opening comments he might have.

Mr. MEADOWS. Thank you, Mr. Chairman.

I will be very brief because, obviously, we want to hear from you.

I think the troubling thing for most Americans and, indeed, for most of the country and the world at large is that rhetoric that we defend religious liberties without action actually does more harm than good.

And I think, Ambassador, what I am hopeful to hear from you is the action that will follow our rhetoric and where we have to truly stand up—and we are seeing it across many of the headlines—on what religious liberty is and what it is not and really where we have to focus on as a body here in Congress and, indeed, as the beacon of freedom in the world that the United States holds is that we have to stand up.

We can't exchange the protection of religious liberties for economic gain. We can't exchange the protection of religious liberties for potential geopolitical gains. What we must do is stand up for religious freedom, and the rest will follow.

And so, Ambassador, I welcome you, as I do our two distinguished guests that will be on the second panel.

And I will yield back, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Meadows.

But, just very briefly, Ambassador Saperstein is the Ambassador-at-Large for International Religious Freedom. He was confirmed by the Senate in December 2014, sworn in and assumed his duties in January 2015.

Ambassador Saperstein previously served for 40 years as the director of the Religious Action Center of Reform Judaism. A rabbi and an attorney for 35 years, Rabbi Saperstein taught seminars in First Amendment church-state law and in Jewish law at Georgetown University Law Center.

He has served on the boards of numerous national organizations, including the NAACP. In 1999, Ambassador Saperstein served as the first chair of the U.S. Commission on International Religious Freedom.

Rabbi Saperstein, it is an honor to welcome you. And please consume whatever time you think is necessary.

STATEMENT OF THE HONORABLE DAVID N. SAPERSTEIN, AMBASSADOR-AT-LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM, U.S. DEPARTMENT OF STATE

Ambassador SAPERSTEIN. Chairman Smith and Mr. Meadows, I am really honored and pleased to be here, and thank you for this opportunity to discuss the critical issue of religious freedom. I am honored, as well, to address this with two such distinguished advocates for religious freedom, Robbie George and Zuhdi Jasser.

I commend this subcommittee, all of you on this subcommittee, for your continuing focus and your effective efforts on behalf of the vital universal human right of religious freedom. And I thank you, Mr. Chairman, for your longstanding attention to international religious freedom violations, cases, and concerns. I truly cherish our partnership that we have had over the years.

And one has only to read the headlines in recent weeks and months to know that the challenges to religious freedom are daunting.

First and foremost, we absolutely must address the horrific and brutal predations of Daesh's activities in Iraq and Syria. In the months since Secretary Kerry's statement that, in his judgment, Daesh is responsible for genocide, crimes against humanity, and ethnic cleansing in the areas that it controls, we have significantly strengthened our efforts to ensure a viable future for members of impacted communities.

We must, as well, seek accountability for the heinous acts committed by the Daesh terrorists. As Secretary Kerry has said, the United States will strongly support efforts to collect, document, preserve, analyze the evidence of atrocities, and we will do all we can to see that the perpetrators are held accountable.

In liberated areas, we are funding the investigation and documentation of mass graves, and we are looking into ways to use satellite telemetry and geospatial analysis to identify potential atrocity sites that remain in areas under Daesh control.

With Iraqi and international agencies, we are engaged in discussions on how to best establish transitional justice programs to be developed now, before people begin to move back to communities, in order to mitigate the potential for renewed sectarian violence.

We are also actively working with the Government of Iraq to identify and return cultural and religious artifacts stolen and later sold by Daesh to fund its activities. We are also working, particularly in partnership with the Smithsonian Institution, with local communities to help them determine how they can preserve their religious and cultural heritage, including by preserving churches, shrines, cemeteries, synagogues, and mosques.

As a tangible outcome of the Secretary's genocide announcement, in July we will be convening in Washington an intergovernmental conference to advance ways to protect religious minorities in Iraq and Syria. Before and during this meeting, we plan to map out the existing programs the varied countries are doing, identify current gaps in programming, discuss potential next steps, and to strengthen global collaboration in our assistance to religious and ethnic minorities in Iraq and Syria.

To move to another topic, the Secretary has announced the designation of 10 Countries of Particular Concern for engaging in or tolerating systematic, ongoing, egregious violations of religious freedom, which included for the first time the addition of Tajikistan to that list. The CPC countries include Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, Tajikistan, Turkmenistan, and Uzbekistan.

I testified earlier before you that we wanted to make the CPC process more consistent, more robust. We would not limit ourselves to announcing these designations only at one point in the year, usually around the report. We can add countries whenever justified, as Tajikistan exemplifies, even as we work assertively to develop action plans with existing CPC countries to help them take steps necessary to move them off the CPC list.

During my 18 months as Ambassador-at-Large, I have traveled to 20 countries, including 3 of the 10 CPCs. I will visit two more of them this July. During my trips, I have met with countless government officials, parliamentarians, human rights activists, religious leaders, believers from nearly all world religious traditions, including skeptics and nonbelievers, including those seeking reforms in their religious traditions and those seeking reforms within their governments, raising our concerns consistently along the way.

What has stood out is the incredible irrepressible spirit of all the individuals who risk discrimination, imprisonment, and even death for simply seeking to live out their lives in accordance with their conscience.

It is particularly memorable to me that I was in a crowded Sudanese courtroom in August 2015 to observe the release of two prominent prisoners of conscience, Pastor Yat Michael Ruot and Pastor Peter Yen Reith, for simply speaking about their faith. They had faced multiple charges, including blasphemy, promoting hatred amongst religious groups. They never should have been charged or imprisoned in the first place, yet now some of those charges—they were freed and out of the country—have been restored.

And other Christian pastors, including Hassan Abdelrahim Tawor and Kowa Shamal, are currently in prison facing similar charges related to their faith. The continued presence of restrictive laws and the specter of heavy-handed government action against individuals of faith casts a pall over religious life in that country.

And I mention Sudan precisely because I genuinely hoped that this was a country that was interested in making changes and could come off the CPC list. We had received some encouraging signals from key government officials, but we have yet to see the hoped-for improvements actualize. We must continue to press for reforms in all CPC countries, Sudan included.

Now, Chairman Smith, I know of your keen interest in China, another CPC. In August 2015, we went to China to raise important concerns. We actually saw some positive signs in some geographic areas of the country, where more unregistered churches were allowed to function, more religious entities were allowed to engage in providing social services.

I wish that we had been able to lift those up and to talk about them, but in other areas of the country—to talk about them even more than we did as indicative of changes in China. But, in other areas of the country, restrictions were far more than norm and far greater.

Repression of Tibetan Buddhists and Falun Gong continues unabated. Restrictions on Uyghur Muslims have increased. Chinese officials have sought to politicize theology in state-sanctioned churches by compelling modifications of Christian teachings to conform to socialism.

We were shocked when authorities detained human rights lawyer Zhang Kai and several other church leaders as they were preparing to meet with me about the tearing down of crosses in Wenzhou. I was appreciative of your calls, congressional calls, for their release and know similar calls that emanated from many with whom we work in the international community. They were finally released. The campaign to end, the campaign to destroy crosses appears to have stopped for the moment, but, as we know, too many others remain in prison for daring to stand up for their right to practice their religion.

During the most recent U.S.-China Strategic and Economic Dialogue, Secretary Kerry vigorously raised our concerns about growing restrictions on the exercise of religion and expression, particularly those that target lawyers, religious adherents, and civil society leaders.

One potentially encouraging area is Vietnam. Since I was last here, we have engaged extensively with Vietnamese authorities to bring about needed changes in their proposed draft law on religion and belief. And I hope we can discuss this further in the discussion period.

We have moved to expand the work of the International Contact Group on Freedom of Religion and Belief, which we helped to launch last year with my Canadian counterpart, former Ambassador for Religious Freedom Andrew Bennett. The Contact Group met just last month in a meeting here in Washington that we hosted. Representatives of the 16 countries and the European Union attended, working together to map out ways we can work together more effectively.

With increased funding from Congress, we are significantly expanding our foreign assistance programs. Since the creation of the IRF office, we have devoted tens of millions of dollars to programs that contribute to the promotion of religious freedom.

It is a deeply encouraging vote of confidence that you have appropriated—the Congress has appropriated additional funds in fiscal year 2015 and 2016. This will allow us to expand core religious freedom programs while starting new programs that will strengthen rule of law to protect and support the exercise of religious freedom and address issues of violent extremism in countries like Nigeria, like the CAR, Bangladesh, provide further emergency assistance to individuals mistreated for their beliefs, and help countries to live up to the goals of U.N. Human Rights Council Resolution 1618 by combating religious intolerance in ways that simultaneously advance freedom of expression and freedom of religion.

Over the past year, we have significantly expanded religious freedom training programs both for other countries across the globe and for our own staff from Embassies all across the globe.

More specifically, we have launched region-specific training sessions at Foreign Service Institute facilities around the world to help give our officers a clear understanding of what religious freedom entails, why it matters in the broad context of U.S. foreign policy, and how most effectively to promote those rights from an Embassy or consulate. We have received extraordinarily positive feedback from the nearly 130 State Department staff who have participated in these training sessions.

At the same time, we also continue to offer the semiannual 4-day religion and foreign policy course that we run in conjunction with the Secretary's Office for Religion and Global Affairs at the Foreign Service Institute in Arlington.

Finally, congressional funding is making it possible to significantly expand the Office of International Religious Freedom and our work. In addition to Special Advisor Knox Thames and myself—Mr. Thames sits behind me today—the office currently has now 23 full-time staff, and we have plans to hire several more very soon.

This makes it possible to expand the scope of our work to better address not only our regional and country-specific work but to develop teams on urgent issues, such as protecting religious minorities in the Middle East—and Knox Thames has done an extraordinary job on that and is the coordinator of the upcoming conference in July—the relationship between countering violent extremism and religious freedom; combating blasphemy and apostasy laws, an issue that is a major priority for us; and focusing on restrictive registration regimes.

I actually am attaching and submitting a study on this latter issue of restrictive registration regimes that was commissioned by us this year.

I welcome any questions that you might have. And, again, I thank you for your passionate attention to religious freedom concerns across the globe. You are a vital and indispensable partner in our work.

[The prepared statement of Ambassador Saperstein follows:]

**Statement of
David Saperstein
Ambassador-at-Large for International Religious Freedom
U.S. Department of State**

Before the

**House Foreign Affairs Committee
Subcommittee on Africa, Global Health, Global Human Rights, and
International Organizations**

June 16, 2016

Chairman Smith, Ranking Member Bass, and Members of the Committee, thank you for this opportunity to discuss the critical issue of international religious freedom. As I have done several times before, I commend this committee for its focus and effective efforts on this universal human right, and thank you, Mr. Chairman, for your longstanding attention to international religious freedom violations, cases, and concerns. I have been very appreciative of the opportunity to work with you over the years to advance our shared goals of protecting individuals and advancing respect for religious freedom around the globe. Continued collaboration with this Committee is a source of great encouragement to me and my office.

One has only to read the headlines in recent weeks and months to know that the challenges to international religious freedom are daunting. First and foremost, we absolutely must address the horrific and brutal realities of Da'esh's activity in Iraq and Syria. In the months since Secretary Kerry's statement that in his judgement, Da'esh is responsible for genocide, crimes against humanity, and ethnic cleansing in areas it controls, we have significantly strengthened our efforts to ensure a viable future for members of impacted communities. Our military efforts to degrade and ultimately defeat Da'esh are not all that we are doing to support the vulnerable people of Iraq and Syria. We have contributed more than \$778 million to humanitarian assistance for vulnerable Iraqis in Iraq and in the region since October 2013. In addition, we have contributed more than \$5.1 billion in humanitarian assistance for vulnerable Syrians inside Syria since the start of the crisis and nearly \$650 million in non-humanitarian assistance to support the moderate Syrian civilian opposition, including provision of essential services in

areas liberated from the regime or extremists, in addition to development funding for Syria's neighbors.

Certainly, we must seek accountability for the heinous acts committed by the Da'esh terrorists. As Secretary Kerry has said, "The United States will strongly support efforts to collect, document, preserve, and analyze the evidence of atrocities, and we will do all we can to see that the perpetrators are held accountable." In liberated areas, we are funding the investigation and documentation of mass graves, and we are looking into ways to use satellite telemetry and geospatial analysis to identify potential atrocity sites that remain in areas under Da'esh control. With Iraqi and other international agencies, we urge transitional justice programs to be developed now before people begin to move back to communities to mitigate the potential for renewed sectarian violence. We are also actively working with the Government of Iraq to identify and return cultural and religious artifacts stolen and later sold by Da'esh to fund its activities.

We are also working with local communities to help them determine how they can preserve their religious and cultural heritage, including by preserving churches, shrines, synagogues, and mosques. One example: we are working in partnership with the Smithsonian Institution in northern Iraq to better understand the preservation needs of these affected communities to help their communities save the cultural, historic, and artistic heritage of religious minorities.

In July, we will convene in Washington a meeting of thirty governments to advance intergovernmental dialogue on ways to protect religious minorities in Iraq and Syria. During this meeting, we plan to identify current gaps in programming, discuss potential next steps, and strengthen global collaboration in our assistance to religious and ethnic minorities in Iraq and Syria.

The Secretary has announced the re-designation of nine Countries of Particular Concern (CPCs) for engaging in or tolerating "systematic, ongoing, [and] egregious" violations of religious freedom, and for the first time added Tajikistan to that list. I have testified earlier that we wanted to make the CPC process more robust. We would not limit ourselves to announcing these designations only around the report. We can add countries, whenever justified, even as we work assertively to develop action plans with existing CPC countries to help them take steps necessary to move off the CPC list.

During my 18 months as Ambassador at Large, I have traveled to nearly 20 countries, including three of the ten CPCs, and I intend to visit two more in July.

During my trips, I have met with countless government officials, parliamentarians, human rights activists, religious leaders, and believers from nearly all world religious traditions, along with skeptics and non-believers, including those seeking reform inside their religious traditions and those seeking reform within their governments – raising our concerns consistently along the way. What has stood out is the incredible irrepressible spirit of all the individuals who risk discrimination, imprisonment, and even death for simply seeking to live out their lives in accordance with their consciences. Given our own history as a nation founded and forged by those fleeing religious persecution, it is the least that we can do to stand shoulder to shoulder with these people and take up their fight for justice as our own.

It is particularly memorable to me that I was present in a crowded Sudanese courtroom in August 2015 to observe the release of two prominent prisoners of conscience, Pastor Yat Michael Ruot and Pastor Peter Yein Reith. For simply speaking about their faith, they had faced multiple charges – including blasphemy and promoting hatred among religious groups. They never should have been charged or imprisoned in the first place. And at least two other Christian pastors, Hassan Abdelrahim Taour and Kowa Shamal, are currently imprisoned facing similar charges related to their faith. In Sudan today, the continued presence of restrictive laws and the specter of heavy-handed government action against individuals of faith casts a pall over all religious life in the country. I mention Sudan because I had hoped this was a country that could come off the CPC list. But while receiving mixed signals from key government officials, we have yet to see the hoped-for improvements actualized. We must continue to press for reforms in all CPC countries, Sudan included.

Chairman Smith, I know of your keen interest in China, another CPC. In August 2015, we went to China to raise important concerns. We saw positive signs in some areas, with more unregistered churches allowed to function and more religious entities allowed to engage in providing social services. Yet, in other areas of the country, restrictions were far greater: repression of Tibetan Buddhists and Falun Gong continues unabated, restrictions on Uighur Muslims have increased, and Chinese officials have sought to politicize theology in state-sanctioned churches by compelling modifications of Christian teachings to conform to socialism. We were shocked when authorities detained human rights lawyer Zhang Kai and several other church leaders as they were preparing to meet with me. I was appreciative of Congressional calls for their release, and I note that there were also calls from others in the international community. Zhang Kai and the other church leaders were finally released, and though the campaign to destroy

crosses in Zhejiang Province appears to have stopped for the moment, others in China remain imprisoned for daring to stand up for their right to practice their religion. Pastor Bao Guohua, the leader of a government-sanctioned church, and his wife Xing Wenxiang, were each recently sentenced to more than 10 years in prison. We continue to call for their release and to press for reforms in China. During the most recent U.S.-China Strategic & Economic Dialogue, Secretary Kerry vigorously raised our concerns about growing restrictions on the exercise of freedoms of religion and expression – specifically those that target lawyers, religious adherents, and civil society leaders.

One potentially encouraging area is Vietnam. Since I was last here, we have also engaged extensively with Vietnamese authorities to bring about needed changes in their proposed draft law on religion and belief. As currently written, it appears that the draft legislation will continue to require religious groups to undergo an onerous and arbitrary registration and recognition process to operate legally. Even with such registration, I understand that groups must still obtain specific approval for almost all activities, including religious events, building renovations (beyond normal construction requirements), and the establishment of seminaries or religious classes. Currently, persons undertaking these activities without certain approvals have been subject to harassment, arrest, or detention.

In recent months, Vietnamese officials have indicated a willingness to receive domestic and international feedback on the draft law. There have been some revisions to the draft law that we view as positive steps. In some areas, there have been moves away from an approval-based system to a notification-based system. We urge them to make that the norm of their system. It provides the transparency that they think they need for their security without requiring approvals for everything. There are some indications that they may move to a system in which any failure by the government to respond to applications by the deadline stated in the law would constitute approval. Likewise, we urge the government of Vietnam to specifically allow unregistered religious organizations to worship in private settings, and to clarify that any facility, public or private, to which individuals have legal access can be considered a legal location to practice religion. We have raised these concerns at every opportunity, including during my two trips to Vietnam and during the Human Rights Dialogue in Washington in April. We will continue to press the Vietnamese government to uphold its international commitments and improve respect for religious freedom in law and practice.

We intend to expand the work of the International Contact Group on Freedom of Religion or Belief, which we helped to launch last year with my Canadian counterpart, former Ambassador for Religious Freedom Andrew Bennett. The Contact Group met most recently here in Washington in late May. Representatives from sixteen countries and the European Union attended. The basic idea behind the Contact Group is that a network of like-minded countries that fully support an individual's right to freedom of religion or belief can coordinate our efforts to achieve much greater impact on the world than any one country acting alone. Already, Contact Group participants have together lobbied other governments to address abusive practices and help reform restrictive laws. Some have traveled together to gain greater insights into the state of religious freedom in particular places, and we have worked together at the UN General Assembly and UN Human Rights Council to highlight the challenges and opportunities. The Contact Group has also become a venue for us to share information about religious freedom promotion grants and projects we are implementing to avoid duplicating efforts.

With increased funding from Congress, we are significantly expanding our foreign assistance programs. Since the creation of the IRF office, we have devoted tens of millions of dollars to programs that contribute to the promotion of religious freedom. We support initiatives that:

- address root causes of intolerance in societies,
- counter negative portrayals of minorities in media,
- increase public awareness of religious freedom issues,
- encourage the establishment and vigorous protection of the right to religious freedom,
- train civil society and government officials on the importance of legal and policy protections for religious freedom, while building capacity to implement those legal and policy protections,
- strengthen the capacity of religious leaders to promote cooperation across religious and sectarian lines,
- empower religious minorities to participate in political processes,
- help combat religiously motivated discrimination and violence, and
- provide rapid and timely emergency assistance to scores of individual victims.

It is a deeply encouraging vote of confidence that Congress has appropriated additional funds in Fiscal Years 2015 and 2016. This will allow us to expand core religious freedom programs while starting new programs that will: strengthen rule

of law to protect and support the exercise of religious freedom; address issues of violent extremism in key countries such as Nigeria and Bangladesh; provide further emergency assistance to individuals mistreated for their beliefs; and help combat religious intolerance and advance freedom of expression and religion by helping countries live up to the goals of UN Human Rights Council Resolution 16/18. Our ongoing efforts to protect and promote freedom of religious belief and freedom of expression at the UN Human Rights Council are reinforced by global training programs undertaken by the Departments of Justice and Homeland Security which convey best practices in combating discrimination on the basis of religious belief.

We are working to ensure vigorous enforcement of a provision that makes inadmissible for visas those foreign government officials who have committed particularly severe violations of religious freedom.

Over the past year, we have significantly expanded religious freedom training for Department of State officers and locally engaged staff at our overseas posts. More specifically, we have launched region-specific training sessions at Foreign Service Institute facilities around the world to help give our officers in the field a clearer understanding of what religious freedom entails, why it matters in the broader context of U.S. foreign policy, and how most effectively to promote these rights from an embassy or consulate. The first such training took place last September in Bangkok for staff from South and East Asia. Since then, we have offered three sessions at the Frankfurt training facility for staff at posts in Africa, the Middle East, and Europe and Central Asia. We conducted training for staff posted throughout the Western Hemisphere at the Department's Florida Regional Center in Fort Lauderdale. Through these combined efforts, the IRF office has provided regional-specific religious freedom training to nearly 130 Department staff, in addition to the annual four-day course at the Foreign Service Institute in Arlington. We also continue to offer the semi-annual four-day Religion and Foreign Policy course in conjunction with the Secretary's Office for Religion and Global Affairs at the Foreign Service Institute in Arlington.

Finally, Congressional funding is making it possible to expand the Office of International Religious Freedom. In addition to Special Advisor Knox Thames and myself, the office currently has 23 full-time staff, and we have plans to hire several more soon. This makes it possible to expand the scope of our work to better address not only our regional and country-specific work but to develop teams on urgent issues, such as: protecting religious minorities in the Middle East, the relationship between countering violent extremism and religious freedom,

combatting blasphemy and apostasy laws, and focusing on restrictive registration requirements. I am attaching a study on this latter issue that was commissioned this year.

I welcome any questions the Committee might have and again commend you on your passionate attention to religious freedom concerns across the globe.

You are a key partner in our work.

Mr. SMITH. Thank you so much, Ambassador Saperstein.

Because he has to go, but will come back, I would to yield to Mr. Meadows.

Mr. MEADOWS. Thank you, Mr. Chairman, for your accommodation.

Ambassador, thank you for your testimony.

So let me, I guess, pick up on one particular item. And, I guess, one of the concerns I had—you said there were 130 State Department employees that had participated in the training?

Ambassador SAPERSTEIN. Yes.

Mr. MEADOWS. Out of what universe? I mean, that sounds like a small number compared to—

Ambassador SAPERSTEIN. Well, at any given time, there are about 190 people, probably a few more, actually, because consulates sometimes have their own people, who have direct responsibility for—

Mr. MEADOWS. So you were saying 130 of the 190 that have the direct responsibility—

Ambassador SAPERSTEIN. That is right.

Mr. MEADOWS [continuing]. Participating?

Ambassador SAPERSTEIN. They are the ones who came to our training—

Mr. MEADOWS. Oh, okay. All right. Well, that is a more significant number.

Ambassador SAPERSTEIN [continuing]. At the Foreign Service Institute. Then, a larger number of people who don't have those responsibilities participate in those training sessions, as well.

Mr. MEADOWS. All right.

After much, I guess, encouragement, we had a genocide designation that was made. And so, as I see that designation that has been made, I guess, Ambassador, my question is, what is next? We made the designation, so where is the action that would follow that? And please be specific, if you can.

Ambassador SAPERSTEIN. Let me try my best to run through what the different pieces of this are.

First, we hope to improve the condition of those—it is clear ISIL is not going to be removed tomorrow or the next day or next week or next month. The displaced populations are going to be there for a while, so the quality of life for them has to be improved. And we have seen significant increases in our funding for those—

Mr. MEADOWS. Well, we know we have done our part. I guess what I am asking is when are we going to see action on your part in a tangible way. I mean—

Ambassador SAPERSTEIN. Well, let me—

Mr. MEADOWS [continuing]. Because I am a fiscal conservative and I am willing to sign on because this is a priority for me. But yet, at the same time, if I continue to spend the American taxpayer dollars and no result comes from it, Ambassador, that needs to be a message that goes back to the administration, that—

Ambassador SAPERSTEIN. So let me run—and I know you have to leave. I will do it as quickly as I can, but—

Mr. MEADOWS. No, we are good.

Ambassador SAPERSTEIN [continuing]. Let me just run through it.

I believe that the allocation of the recent additional 160-whatever-it-was million dollars that we did was a reallocation within our budget, not——

Mr. MEADOWS. Right.

Ambassador SAPERSTEIN [continuing]. An additional allocation of Congress on that. So that is number one.

Number two, there has to be accountability. I talked about the atrocities accountability pieces that we are doing of identifying where the sites are, helping to train people on the ground in how to protect those sites, both in the military when they move in and the actual minority communities, about what they can do to protect those sites.

Third, people need to move back with security. And, in order to have security, the minority groups need to know that their own defense, local defense forces will be integrated into whatever system is protecting them. And we have now seen that there is additional training for those local defense forces that—and this is a new development since the genocide designation was made. Training of those defense forces is part of our training in general here. So that is another piece of what has to be done.

Fourth, I talked about the transitional justice piece. We are going to have people go home to people who took over their homes, their businesses. They may have invested in those. Some were complicit in ISIL's activities; some were not. They were just opportunistic. We have worked with the Iraqi Government on this. They have taken steps in terms of ensuring title remains with the people who have fled. But there needs to be a reconciliation process of how to do this. And we are working with the U.N. and others in order to begin to do that, and with NGOs who are specialized in mediation from prior places that atrocities have taken place.

We have leaned very hard in terms of working closely with Prime Minister Abadi, who has said he wants to change the governance structure to ensure minorities have a greater role in governance. They need to believe they can help shape the future of the country, and we are working on that piece, as well.

And then, of course, the central problem, which will be a partnership between Congress and the State Department, will be the economic rebuilding of those areas. And there are a number of proposals that are before us in our program areas to do pilot runs on some approaches to that economic rebuilding.

Mr. MEADOWS. Well, Ambassador, with all due respect, some of those things that you have just mentioned had nothing to do with the genocide designation. I mean, they may be an offshoot of that, but their causal effect was not the genocide designation. Those were things that were white papers, things that we were already embarking on.

And so I guess my question becomes, at what point in the process, in the spectrum of a designation gets made, we have all of these great things—and I am not suggesting that none of—all of those are great things that we should be doing.

So I guess what I am saying is, for the American people, when we are really talking about affecting those who have been displaced——

Ambassador SAPERSTEIN. So two brief points.

Mr. MEADOWS. Okay.

Ambassador SAPERSTEIN. Here. I may not have been clear. Everything I talked about, I was talking about directly related to the minority communities who have been displaced and what is necessary to get them back to their——

Mr. MEADOWS. And those have happened since we made the genocide designation?

Ambassador SAPERSTEIN. Well, that would be my second point.

Mr. MEADOWS. That was my point.

Ambassador SAPERSTEIN. That would be my second point.

Mr. MEADOWS. Okay.

Ambassador SAPERSTEIN. Clearly, I believe and I believe our Nation should be proud of the fact that we were doing significant amounts of things, including our military action, the coalition of——

Mr. MEADOWS. I agree.

Ambassador SAPERSTEIN.—60 countries to help, that we would have done had we declared genocide at the very beginning of this, and we acted accordingly to that. So the fact that we were already doing many of these things and we had plans already in motion even before it and we stepped up the implementation of that shouldn't be the judgment of whether genocide mattered.

The question is: What are we doing? Are we acting appropriately to a situation in which genocidal activity has been taking place? And all of this, what we did before and what we have done subsequently, I think paints a robust picture.

Mr. MEADOWS. All right.

So, with that robust picture, I will ask my last question. There is a thought or at least a hypothesis out there that it took so long to get the genocide designation that any followup that we are doing is more to comply with that and, in short, can be some window dressing. And that is not something that I am putting forth. I am just saying that that is something that I hear continually from my constituents and those that are concerned about this particular issue.

So, as we look at that, how do we define success in terms of really addressing the atrocities that continue and have gone on and hopefully will stop soon? How do we define success where we are not judging it in terms of the number of people who have participated in a training program or the number of people that are doing this? How do we do that, Ambassador, so that the next time I vote for additional funding I am supported in that?

Ambassador SAPERSTEIN. I will answer that directly. Give me 20 seconds to make one other point.

The conference that we are holding——

Mr. MEADOWS. Right.

Ambassador SAPERSTEIN [continuing]. It was part of a sequence of conferences at the U.N. Security Council, then in Paris, that led to an action plan but without commitments from countries of what to do.

After the genocide designation, we moved—the next conference got delayed 6 months—we moved immediately to contact all the sponsors—France, Spain, Jordan—to say, let us have an inter-

mediary conference that will be focused entirely on international commitments. That is a direct result of the——

Mr. MEADOWS. Thank you. That is helpful.

Ambassador SAPERSTEIN. So the test for me is, does it protect these minorities, A?

And I believe, when I saw our intervention on Mount Sinjar, when I saw our intervention in the Khabur River in the north of Syria here where ISIL was pushed out of areas and prevented from engaging in more genocidal activity because of our intervention, in that, with the extraordinary help of the KRG, there are safety and protection for these people. That is one thing.

Secondly, can they go back safely, and do they have a chance to really rebuild and to restore these great, historic communities that were part of the marvelous, diverse tapestry of life in this region?

And all of those pieces I have talked about are what we think the indispensable pieces are. And I gave you a roadmap as to where we are. Some are not as far along as they need to be, and we are pushing very hard to ensure that they are. Some we are making significant progress on.

But those, to me, are the test. Can they remain safely in place at a quality of life that they will not feel their only option is to flee so that those who want to go home can? And then can they return back with justice, with security, and with opportunity, both economic opportunity and opportunity to shape the future of their country? And those, to me, should be the ultimate test.

I think we are making progress, but the world community has a lot farther to go still into making that a reality.

Mr. MEADOWS. Well, I thank you for that direct answer. It is encouraging. We will certainly be following up.

I hold you in very high regard, as I do your staff. Obviously, there are times where competing agendas take place here in this city. And so the message that I would like you to convey is this is one that should be a top priority. It is foundational of who we are, as freedom-loving Americans, and so it should be our top priority. And, as that, with the chairman's leadership, we are going to continue to follow up. And so that message needs to be taken back, if you would do that for me, Ambassador.

Ambassador SAPERSTEIN. I give you my word that I will at the highest levels, Mr. Meadows.

And you should be assured about one thing. It may have taken us a long time to actually get the actual evidence—because we didn't have access this to areas that ISIL controlled—to get sufficient evidence. And a lot of people from the Hill and from the NGO community partnered with us in getting that evidence. Nobody pushed that process harder within the State Department to say, "I have to get to the legal standard, and this is an absolute priority for me" than did the Secretary. He deeply believed that we had a responsibility to make this determination once we were able to accumulate the evidence. He drove it. I would like to say that he drove it——

Mr. MEADOWS. Well——

Ambassador SAPERSTEIN [continuing]. Here and made sure that it happened. And I know it took longer than others would have

wanted, including the Secretary, but he felt he had to meet the legal standard, and the second he did, he moved to make it public.

Mr. MEADOWS. Well, if you would please pass along, if it doesn't hurt him politically, my appreciation and, certainly, kudos to him. And I will yield back.

I have to run. We will be monitoring this, and I will be back.

Ambassador SAPERSTEIN. I look forward to working with you.

Mr. MEADOWS. All right. Thank you.

Mr. SMITH. Mr. Meadows, thank you very much.

And, Ambassador, a couple of questions.

First, when Secretary of State John Kerry made his designation, he said, "In my judgment"—and then he singled out the Shia, Yazidis, and the Christians. If that could be further delineated for this subcommittee, exactly—does that mean the entire government now, the administration, the U.S. Government made that? Or was it a Secretary of State's judgment call? Is there any difference between the two?

And so the definition of "genocide," its legal and moral implications—what are the legal implications? What are the moral implications?

I know what it took to get there, because I was part of that process as well. My first hearing on genocide against Christians was 3 years ago in this room. And we heard from a number of NGOs who were almost bitter with how there was a looking askance by the administration. We had an administration witness who kept saying, "Let me take back that"—because they raised all of these specific instances of what can only be construed as a genocidal series of acts—"Let me get back to you" with, what that was all about. There was seemingly a lack of understanding, and I found it appalling, frankly.

But we are here now. Legal and moral implications?

And, again, when the Secretary said that, is that for Obama, for the Vice President, for everybody in the administration?

Ambassador SAPERSTEIN. First, the delay in doing this was a matter of the legal definition. The functional part of it, from the moment that we mobilized those 60 countries to intervene to protect the Yazidi population on Mount Sinjar, we had been acting as though these were crimes against humanity. Both the President and the Secretary used language about potential genocides if we don't stop it, et cetera, here.

So we acted from the very beginning, as I said, in the standard we would have had we declared genocide. And the truth is we have been acting more forcefully than we did in other places where we did declare that there was genocide happening here, and we did from the very beginning.

This was the Secretary's determination. He is charged to make a determination. As he indicated, ultimately, there is his sense of the legal criteria on which he made his determination about genocide.

In terms of criminal responsibility for it, that will be done in a court, in international courts. And much of the work we are doing about protecting these sites and the evidence is aimed at being able to have accountability in either Iraqi courts or international courts on these issues.

So, that is a very important piece of this, but it is the Secretary's determination, as the Secretary, that has always been the standard that we used.

Mr. SMITH. I say that because, Ambassador, after Colin Powell made his designation on Sudan, there was a whole backstory about how it really doesn't matter, it doesn't bind the U.S. Government to taking any certain actions, and we heard that that kind of dialogue may be going on at the State Department. I certainly hope it wasn't.

Ambassador SAPERSTEIN. I am pushing the envelope here about what I am—

Mr. SMITH. Okay.

Ambassador SAPERSTEIN [continuing]. About my own clarity on this. It is—

Mr. SMITH. I am not questioning your clarity.

Ambassador SAPERSTEIN. It is my understanding that that standard actually still holds. In other words, the United States Government did not feel that their legal obligation to act under the genocide treaty, as adopted and ratified by the United States Senate, legally compelled them to do any particular thing at that time. I think that has always been the standard of our legal interpretation.

What the Secretary believed was, even before the designation, where we see crimes against humanity, where we see a potential genocide, we have a moral obligation to act. That was President Obama's position. It was Secretary Kerry's position. It was their justification for why we intervened at Mount Sinjar with the Yazidi crisis. It was not because we felt legally there was an obligation to act under the genocide treaty that was binding on the United States, but in terms of our national interests, our national values, and our moral responsibility, we had an obligation to act.

Mr. SMITH. Let me ask you whether or not the administration is seriously considering, and your office perhaps encouraging this, that a P-2 designation be made so that those who are victims of genocide are processed expeditiously.

Right now, we look at the numbers—and we asked for them from the Congressional Research Service—and the numbers of Syrian Christians admitted in fiscal year 2015 was 1.7 percent, and, so far, as of April 30, it was $\frac{2}{10}$ of 1 percent who have gotten processed and have come here to the United States.

And, it is almost as if—and we have heard from experts the difficulty of Christians—the UNHCR, very often under their auspices, it is very hard to get processed there. I had a series of hearings on the refugees' side of it last year, and Anne Richard testified and raised all of these issues in September with PRM and many others, that if we don't actively look for now what are the victims of genocide, we won't find them.

And I wonder if your office is fully integrated in working with PRM and the others to make sure that that happens. We have to go find these people. They are fearful, one, of having left. Some do stay in-country. CRS backs that up, too, that some fear that they have to stay as IDPs. But once they do want to come and emigrate, they don't have a meaningful way to get from there to here. P-2 would help that.

Ambassador SAPERSTEIN. It is my—again, I think you have conveyed that; I will continue to convey that. Anne Richard's PRM would be the appropriate people to go into detail.

Just a couple of quick points on this.

Many refugees are not in camps. That is particularly true of Christian refugees. Many other refugees, including Muslim refugees, are in various host communities, both in the KRG, in Lebanon, in Jordan, and other places, as well here. So there is a need to reach these people, but UNHCR—and I saw in this my visit to their central regional operations in Thailand—they are very used to reaching out into other communities and actually have developed a fairly good system of doing that, and so have we.

I understand—I hope I am correct on this—that we are now opening an operation in Erbil at our consulate that will allow people to apply in-country under certain limited circumstances. Again, the details you could get from the PRM or Iraq desk people on this here.

I would remind us all that the percentage of people who have come from Iraq, of the 120,000-plus people who have come from Iraq that are minorities, almost all Christian, is 40 percent at this point. So you have a significant Christian population.

It depends on who applies here. As I understand that, the percentage of people receiving the visas who happen to be Christian—and these are done by estimates that are not records PRM or UNHCR keep. They don't keep records about religious background. Everything is based on individual need of the person. But those groups who do, my understanding is that it is approximately the same percentage received as have applied for these visas.

And there are increasingly rigorous efforts to reach people where they are, outside the camps, in the host communities. In some ways, it is not difficult, because when they go to host communities, the Christian population, they end up affiliating with churches there, and there is a network and system to get word out through these.

So there has been progress made on that. And, again, you can get the details from PRM.

Mr. SMITH. Well, just for the record, the UNHCR does have on its refugee resettlement form religion. And the numbers that we have—again, we asked the Congressional Research Service for their latest numbers—Christians in fiscal year 2016, 4; Muslim, 23; Muslim Shiite, 17; Muslim Sunni, 1,675; Yazidi, 10; and other, 7. So there is a—

Ambassador SAPERSTEIN. Is that of the people applied or received?

Mr. SMITH. These are received.

So the problem—UNHCR does have a—but the problem is, as well, the UNHCR doesn't have access to these people, because in the camps—this is why I think the prioritization of those on the genocide designation declaration—I mean, the prioritization has to be, like, on steroids in order to go find them, make sure that they are being helped. And I—

Ambassador SAPERSTEIN. Is there a difference, Mr. Chairman, between the percentage of people who apply and receive?

Mr. SMITH. This is from Syria. It doesn't have a—at least the numbers we have—we will look at it, but——

Ambassador SAPERSTEIN. It would be interesting to——

Mr. SMITH. But, again, the end game, well, how do you complete the loop, who actually gets here? Four. And it is not very many.

Ambassador SAPERSTEIN. It is my understanding—again, PRM can talk about this.

Mr. SMITH. Yeah.

Ambassador SAPERSTEIN. It is my understanding that there are vigorous efforts both by UNHCR and by our own refugee people to reach people where they are. And that includes in the host communities there and——

Mr. SMITH. Well, on that very point—and we will be doing another PRM hearing. But, again, just as recently as our last hearing, which was in April, each of our witnesses and especially the Knights of Columbus, Carl Anderson, made it very clear—and they just did a fact-finding trip—that the food stuffs, the medicines were not getting to the Christians. It was almost like, they are not only at the bottom of the totem pole, they are just—they just don't get it.

And he made the strongest admonishment imaginable, that people will die, women will be sicker, particularly those who are pregnant and at higher risk of malnutrition and stunting for their children, unless the diocese and other faith-based institutions are further prioritized.

And we have asked the administration, please, do that. And, you know, I know that is not your, you know, primary focus, but please——

Ambassador SAPERSTEIN. We share those concerns, and we understand. We think that faith-based community has particular expertise and particular access to these populations. They are dealt with, as other groups are, based on their ability to do it. I think that ability is significant, and I think that is the way they should be treated, based on their ability to achieve what has to be done. And you have given the justification for why they are an effective partner in this work.

Mr. SMITH. Before I yield to my good friend Dana Rohrabacher, Chairman Rohrabacher——

Ambassador SAPERSTEIN. Indeed.

Mr. SMITH [continuing]. Very quickly, a couple of very, very strong concerns. I chair the Congressional-Executive Commission on China. I have chaired 60 hearings on Chinese rights abuses. I was just there with two of my staff members, gave a major speech on human rights in Shanghai, at NYU-Shanghai, just in February, after 7 years of not being able to get a visa.

My point and concern is, under Xi Jinping, the sinofication of religion, just like the draft law on NGOs, is a further tightening, the likes of which I haven't seen. I have been in Congress 36 years. There is an aggressive move to decapitate all faiths—Tibetan Muslims, Muslim Uyghurs, and, of course, Christians, even part of the officially recognized church—this sinofication, a new rubric under which he has put this.

We had a hearing just a few weeks ago on torture in China. And, of course, the U.N. has singled out China as an egregious violator

on torture. Twenty years ago, in this room, we heard from Palden Gyatso, a Buddhist who couldn't even get into Rayburn—you remember that hearing—couldn't even get into Rayburn because he brought in the implements of—cattle prods that were being used against him and others. Horrible, horrible torture.

It has gotten worse. We just heard from Golog Jigme, who talked about the torture chair—the “tiger chair,” which is a torture chair, and said, increasingly, they are using it against people of faith, particularly Buddhists, Tibetans, Christians, and Falun Gong.

And our President, in my humble opinion, has not raised these issues—you have, but at the highest level, Xi Jinping to Obama and back—have not raised these in a way that says there will be real-world consequences if you continue torturing and maltreating people of faith.

China is in a race to the bottom with North Korea. We all know it. It is getting worse. It is a CPC country, as it has been from day one. But I would hope that there would be a ratcheted-up effort to say to China: Stop it.

I have never seen anything like it. When he went into detail, as did our other witnesses, about torture in China and explained how this chair, this tiger chair, just is an excruciating implement of torture.

So please convey that and——

Ambassador SAPERSTEIN. I truly will.

And I will say again—that is one of the reasons I address the issue of sinofication in my testimony here. We were very disappointed that the conference on religion that they had, which we had hoped might show some progress, instead focused on this idea of the sinofication of religion, and that was in terms of the message of President Xi. And we hope there will be a significant change in that.

I will say, as I did in my testimony, that Secretary Kerry was particularly strong at the seed dialogue that took place just a couple of weeks ago, particularly strong in speaking out about the violations of religious freedom. It was a very strong message and equally so on the broader human rights agenda. So the kind of disappointment, I think, and impatience for improvements in human rights that you have expressed I believe was expressed quite strongly by the Secretary.

Mr. SMITH. My last question—I have a dozen, but I will submit the rest for the record—before going again to Dana.

Ambassador SAPERSTEIN. Please.

Mr. SMITH. On Vietnam. Four times, the Congress has passed my bill, called the Vietnam Human Rights Act.

Ambassador SAPERSTEIN. Uh-huh.

Mr. SMITH. Four times, it got over to the Senate, beginning in 2004. Secretary Kerry put a hold on it, and it never—it set benchmarks, particularly on religious freedom, that could be achieved, and it froze, did not eliminate, froze any additional increases in foreign aid, which could be a great lever for us to use. It is pending here now again here in the House, but four times, four and 0. The Senate never even got a vote on it.

I have been to Vietnam many times, like you, and I am glad, you know, you have raised those issues so strongly. But, please, Vietnam should be a CPC.

I remember when John Hanford, right as the bilateral trade agreement was being negotiated, thought that it would be a great carrot—former Ambassador-at-Large John Hanford—to take Vietnam off the CPC list, in the hopes—and it was a hope. He had deliverables that he thought they were going to provide. They made all kinds of noise that they were going to change the registration agreements. I went to Hanoi, Ho Chi Minh City, and Hue, met with 60 different religious leaders while I was there, and government people. Everyone was saying, “This could be the beginning. We are on the precipice of real reform.” As soon as they got bilateral trade, they severed any kind of thought about human rights adherence and went, again, right back into the repression.

I fear we are making that same mistake now. The Commission has made a recommendation for seven countries that they truly believe should be on the CPC list. You are right; anytime you want to make that designation, you are legally authorized to do so. The ones that are listed all ought to be on there, but Vietnam, I would put exclamation points behind it. Because they got away with murder when they got off of that list, because they reverted right back to the old ways.

The people who signed Bloc 8406, a beautiful manifesto on human rights, one by one were hunted down and thrown into prison, including many of the people that I met with. Father Ly got rearrested. Now he has been out again, but he has been so hurt and damaged by their cruelty that they probably were fearful he would die while being incarcerated.

So Vietnam has to be on that list.

Finally, before President Obama made his trip—and we talk about gun control. When we lift a lethal arms embargo on a communist dictatorship that cruelly mistreats its people, what kind of background check do we do on the communist dictatorship as they are handing out whatever it is that we end up selling to Vietnam? To me, that is an egregious mistake that was made by the administration without conditionality.

We had Mrs. Vu, Nguyen Van Dai’s wife, testify here. You might have met with her when she was here. Her husband, who I first met in 2005 in Hanoi defending Christians and others, a great human rights defender, a lawyer, a great lawyer, he is back in prison. After 4 years before in prison, 4 under House arrest, he is back in. He is not out.

We begged the President to raise his case by name in-country and say, “You have to let him go.” We did it with Natan Sharansky. We did it with Soviet Jews, as you know, because we worked together so strongly on that. When I got elected in 1980 and my first trip was to the Soviet Union on behalf of Soviet Jews, we always had lists and we always got people out. And now Nguyen Van Dai is back in prison, and I am just baffled by it.

So please put them on the CPC list.

Ambassador SAPERSTEIN. I also will convey that.

Just one word on Vietnam. They are writing a new comprehensive law. There will be two benchmarks. One, does the law makes significant improvements?

In the various iterations of the bill, there have been some significant improvements, not enough to have the kind of minimally robust religious freedom that is necessary, but they are moving, in terms of the law, in a very positive direction.

Now, until the law is implemented, it could be reversed, those gains could be lost. But if it continues in that direction, that will be one benchmark for us. The second benchmark is will it actually change anything on this ground and will it be implemented.

But, because the new law is coming here, let's continue to communicate on that together. And the second that law is done, we ought to have a hearing just on that to talk about how that law has met the international obligations of Vietnam and what the implications of the law will be.

Right now, we are encouraged by what we are seeing, but, in the end, it is only the final product that really matters, and will it be implemented. There are lots of promises in constitutions all across the world about freedom of religion. What, in real life, is the experience of people?

We have heard, unlike what you were talking about where people said, well, do this because it will be better, we are hearing real improvements on the ground in many of the areas of the country right now. And that is encouraging to us, but what matters is what the law finally says and how it is implemented. And we want to work with this committee—

Mr. SMITH. I appreciate that.

Ambassador SAPERSTEIN [continuing]. To judge that and assess that when it happens.

Mr. SMITH. I absolutely agree, but I would also add a note of caution. Yogi Berra once said, "It's deja vu all over again." This looks like a carbon-copy repeat of what they did during the bilateral agreement. There was great hope, particularly among the religious communities, many of whom surfaced themselves and went from underground to above ground, only to be—

Ambassador SAPERSTEIN. Here, we will be able to judge here. So let's take a good look at that when—

Mr. SMITH. Chairman Rohrabacher?

Thank you very much.

Mr. ROHRABACHER. Well, thank you very much, Mr. Chairman.

And let me again express my appreciation to Chairman Smith for the dedication that he has. Very few Members are willing to give up a couple hours on the breakaway day to try to strike a blow for freedom but also to give hope to people throughout the world that we still do have a high standard when it comes to human rights and especially to freedom of religion.

Ambassador SAPERSTEIN. Mr. Rohrabacher, I see quite evidently you are one of those people, and thank you.

Mr. ROHRABACHER. Well, not so, because after I get done, I will have to run out and catch my airplane to be with my family in California.

If you would indulge me, one thing, a story. And years ago, a lot of people know that I was Ronald Reagan's speechwriter in the

White House. And there was a fellow named Natan Sharansky, who is now in Israel because he got out, but, at that time, Natan Sharansky was a political prisoner in Russia, and he was in the Gulag. And we all knew about him, and we tried to get as much attention forced in that direction. He became a hero when he refused to recant public statements he had made saying that Russia was repressing not only the Jews but the rest of their citizens. And he refused to sign off on that, and so they kept him in the Gulag.

And we knew about that in the White House, and we knew he was there suffering. And then he was freed. We traded a spy for him. We crossed that bridge over in Berlin, I guess, and I would say we got a saint and they got the devil. So, anyway, we were very pleased with that.

About a week later, Sharansky ended up at the White House, meeting with President Reagan. And when he went in to meet with President Reagan, he came out, and there was an area there in the White House where someone who just met with the President can talk to the reporters and we can all see it inside our various offices. And speechwriters were all tuned in. He had been one of our cause celebre that we were trying to help during those years.

And they asked him, well, what did you say to President Reagan? And he said, well, I told him the most important thing was don't tone down your speeches. Now, you can imagine how the speechwriters felt about that. Champagne bottles were out, celebrating. Now we had this heroic world figure saying, don't tone down your speeches, Ronald Reagan.

Well, what happened is, of course—they said, well, why is that? And he said, well, I reminded the President that when I was at my bottommost darkest part of my incarceration, I was being kept there in basically a dungeon and with no contact except one person came in and gave me my meals. And someone, when they gave him his meals, had smuggled a piece of paper to him, and on that paper on his meals was written, "The President of the United States has just called the Soviet Union an evil empire."

And he said, when I knew that the President of the United States understood that and was willing to speak out to the world and say that, I knew there was hope for me. So we have to understand, when we speak with a loud voice, there are people—not just hopefully the jailers, but the people inside will be given hope as well.

Quite frankly, when you mentioned—and I just would be very frank with you. When you talked about how they are rewriting this law in Vietnam, that did not give me hope. Vietnam is a country that does not believe in the rule of law. They don't have an independent court system in Vietnam. They don't really have a system of government that is elected and, thus, has a legal obligation to the people.

The laws that were the most restrictive on government and restricting whatever oppression could happen among the people during the Cold War, do you know what that—it was the Russian Constitution. The Constitution of the Soviet Union had every protection in it. It meant nothing. Zero.

And I am afraid in Vietnam they are going to have to prove it to us. I spent some time there, back in 1969, and I actually was

up with some Montagnard tribesmen up in the central Highlands. And do you know what is happening to the mountaineers today? They have been converted to—Chris, they have been converted to Christianity. They are actually Evangelicals more than Catholics. And they are being severely repressed now.

And I hope what we are doing gives them a sense of hope that we have not forgotten them. And it is in Vietnam's interest to work with us now, so let's make sure we reach out.

And Russia came to a point where the Soviet Union could work with us and now—and then to Russia, I notice that there is one area that Jehovah's Witnesses are now facing some problems. But I have been in and out of Moscow and Russia a number of times, and one thing that really has struck me is that they have almost total freedom of religion. I have met with the Mormons, the Catholics, the Orthodox, the Baptists. I have met with all of them, and none of them had any complaints. What a great achievement that is over—and, by the way, is also the head rabbi in Moscow. What a great achievement that is, as compared to the time when a paper was smuggled to a Jewish prisoner and gave him hope.

So I am not quite as worried about Russia. We have to make sure they understand we are watching.

But what really is upsetting to me about what the administration, perhaps what your job is and what I am worried about—and Representative Smith has already raised that—and that is we are not just in a world where people are being persecuted for their faith, we live in a world today where there is genocide going on, targeting people for their faith, and heinous acts of genocide against people simply for their religious convictions, and especially in the Christians and Yazidis in these countries.

Now, I have a bill, H.R. 4017. It has not passed. The bill that we passed in Congress was a sense of the House, a congressional resolution that did not have—it is a sense of Congress that this is what should happen, that there should be priorities given to people who are targets of genocide.

We thought that that fact that the House had expressed that, the sense of the House has been expressed, that maybe we would see something on the executive side of this equation. And, as Chairman Smith has just pointed out, it is not happening, when you have four Christians and thousands of Muslims coming into this country on a refugee or immigrant status from that very same country and area that we said, please, give priority to the people who are being targeted for genocide. This is totally unacceptable, and it indicates that the administration isn't listening. I would hope that you take advantage of the bully pulpit.

I will tell you, there were a number of times inside the White House when I worked there, I raised holy hell about things. No one on the outside knew I was raising holy hell about this or that. And I hope that behind the scenes—I don't expect you to say anything bad about your boss, but at least we expect you to raise holy hell behind the scenes to make sure that we are doing what is right and that it is real. It is not just waiting for them to rewrite the law or something like that.

So, please, go right ahead.

Ambassador SAPERSTEIN. Well, I guess if any office should raise holy hell, it is the religious freedom office.

A few quick responses.

On your last point, I think right before you came in, I do want to remind you—I understand and will convey exactly the concerns that have been expressed here on this issue. I do want to remind you, in Iraq, 127,000 refugees have come in, 40 percent of them are minorities, almost all Christian, a significant number, because that is the people who have applied.

If you remember, in Syria, many of the minority communities were in areas controlled by the government, and the government, before the civil war began, had been somewhat protective of those minority communities. They chose not to flee until the fighting came to those areas. So they were late into the displaced camps, they were late into the refugee situation, et cetera.

It is my understanding—I'll say it again—that the percentage of people who have been given refugee status approximate the percentage of people who have applied. That is my understanding. Again, you would have to have PRM in to see about that.

We have opened up now a facility in Lebanon that will help reach the Christians as well as others in Lebanon, but a high percentage went to Lebanon from the Christian communities. We have opened up a facility there. We have opened up a facility at Erbil that will be able to accommodate those under particular circumstances, including some of the things I think you are alluding to, et cetera.

Mr. ROHRABACHER. So let me be very clear about what you are saying, because what you are saying is not in sync with what we are talking about.

Ambassador SAPERSTEIN. Help me out.

Mr. ROHRABACHER. You do not expect to have the percentage of Christians who have applied to be the percentage who have been granted the status and been permitted to come here. The Christians and the Yazidis have been targeted for genocide. We expect them to far exceed those who have not been targeted for genocide.

I have visited camps where have you lots of Muslims coming out of there. That is fine. I am not saying we should be anti-Muslim. The fact is, however, those Muslims haven't been targeted for genocide. A lot of them are leaving because there is chaos. A lot of them are leaving because they don't have a job and they really could actually do better elsewhere.

The Christians and the Yazidis, who are targeted for genocide, should be far above how many—

Ambassador SAPERSTEIN. Mr. Rohrabacher, I appreciate that. I understand clearly what you are saying here. I am not playing games about words here, so please hear me for what I am saying here.

PRM does not, as I understand it, keep track of the religious identity of the people they help. The question is do they meet the criteria and what is the need that they have. People who, whatever their religion, people who have been victimized by the kind of persecution is attendant to crimes against humanity and genocide are exactly the kind of people who would meet the criteria and get in. So the fact that they don't call them Christians or whatever, they

are the—but that percentage of people on the Syria side of it—and Iraq was different. That is why you have such a high percentage, way out of proportion in terms of more people getting the visas than their percentage of the population, way out of the proportion. Because they were amongst the first displaced and the first to apply, et cetera. It was a different pattern in Syria.

But, again, let me stop there on this because you really should have the PRM people in to talk about this. This is really in their bailiwick.

Very quickly, Natan Sharansky, one of the great heroes. Congress was phenomenal about the Soviet Jewry movement and about Natan Sharansky personally. He is a dear friend who I had the opportunity before taking this position to work with very, very closely on common concerns, and—

Mr. ROHRABACHER. Mr. Ambassador—and then I will close off. I am sorry if I am taking too much time, Chris.

Just to close off the Natan Sharansky story, and that is—so he had basically said how the President's speech had given him hope and et cetera. Well, a couple days later, and how we speechwriters felt so good about that, a couple days later there was a party for him at the Israeli Embassy. It was mobbed, and I had been invited. And as he was, like—you know, he was the hero of the day. And he is coming down these stairs, surrounded by people. As you know, he is a short guy, so it is sort of like a hole in the doughnut there. And so, anyway, he gets down to the bottom. There is a huge crowd there. And I see him looking through the crowd, and somebody is pointing over to me. And he walks right through this crowd—and everybody wants to talk to him—he walks right through the crowd, went up to me, and he looks at me in my face and says, they tell me that you write speeches for President Reagan. And I said, well, yes, I do. And he said, I have often wondered who you are.

And, you know, there are people out there suffering—

Ambassador SAPERSTEIN. That is a very moving story.

Mr. ROHRABACHER [continuing]. And they know that somebody there is going to be their spokesman. That is you. We know someone is there—

Ambassador SAPERSTEIN. I have personally heard him tell the same story that you have talked about. He really believes the importance of what is said, which I will get to in just a moment here.

I just returned not too long ago, a matter of weeks ago, from the central Highlands in Vietnam.

Mr. ROHRABACHER. Really?

Ambassador SAPERSTEIN. It is a more difficult situation there. We do not hear the same messages. On the other hand, on the other hand, you are seeing an enormous growth of the Evangelical community, somewhat of the Catholic community. That wouldn't have happened 20 years ago. It wouldn't have been possible 20 years ago.

Mr. ROHRABACHER. Right.

Ambassador SAPERSTEIN. It is an obvious point, but I would comment on, even there, compared to what was, there has been some improvement here.

For those who are victimized, for those who are harassed by the police, for those who are in jail and are being physically persecuted there, it may not feel different at all. But, at a macro level, what we hear from people does show a positive direction.

But, again, the test will be, what does the actual law—not the promise in the constitution—the laws say, and how it is implemented? And we said to the Vietnamese over and over again, you have a chance to really make a profound difference.

And I am glad to come in and brief you on exactly what some of—

Mr. ROHRABACHER. Okay. Great.

Ambassador SAPERSTEIN [continuing]. Those changes are. I think they would be fascinating for you.

Mr. ROHRABACHER. Did you go to Pleiku? In the Highlands, did you go to Pleiku?

Ambassador SAPERSTEIN. In that area, yes.

Mr. ROHRABACHER. And where did you stay?

Ambassador SAPERSTEIN. Oh, I can't remember. I can picture the hotel. I don't—

Mr. ROHRABACHER. It was a hotel? Yeah. There is an old French fort there that is—

Ambassador SAPERSTEIN. Ah. No, that was not where we were.

Mr. ROHRABACHER. Okay. Anyway.

Ambassador SAPERSTEIN. Finally, I would just make this obvious point. And I know my colleagues have been waiting patiently here. I would just make this point. What Natan Sharansky said to you about what it means for people there is exactly why our report names prominent political prisoners of conscience, religious/political prisoners of conscience, lifts up their cases, lifts up their name.

When I travel to a country, almost every person that you have named, Mr. Chairman, I have raised directly with the ministry of justice, with the security ministry, with the religious ministry, et cetera. We want the government to know we are watching the plight of these people and are advocating for their fair treatment and their freedom, and we lift up their public voices.

It is why I went to that courtroom in Khartoum, where I saw the two most prominent religious prisoners of conscience released. I don't know whether our presence made a difference, but they and their lawyers, I think, believed that it did. I hear all the charges dropped here.

We will continue to lift up and put a human face on the suffering of people who face religious discrimination and persecution everywhere in the world. And we won't stop until the freedom which their inherent right is a reality in their lives.

Mr. ROHRABACHER. Thank you, Mr. Ambassador.

I yield back.

Mr. SMITH. Thank you very much.

And, Ambassador Saperstein, thank you very much. And, as you go, again, I do hope you will look at USCIRF's seven recommendations. Because—

Ambassador SAPERSTEIN. You know—

Mr. SMITH [continuing]. On Pakistan, the Ahmadiyya, the Shia, the Hindus, the Christians. I remember being with you when Minister Bhatti was—

Ambassador SAPERSTEIN. Exactly.

Mr. SMITH [continuing]. Horribly gunned down.

Ambassador SAPERSTEIN. Yeah.

Mr. SMITH. We were all in mourning. Pakistan needs to get that designation and now.

Ambassador SAPERSTEIN. Every year, at the highest levels, the USCIRF designation recommendations are reviewed. We go back and review all of them in terms of providing information to the Secretary for his decisions, and they are taken quite seriously by the people over there.

I mentioned I have been to a number of the CPCs; even more so, I have been to countries that are on the list of the recommended CPCs.

Mr. SMITH. But, again, before your arrival—

Ambassador SAPERSTEIN. So we really do take it very, very seriously.

Mr. SMITH. Before your arrival, designations, which are supposed to be at least annual, were not happening. And Dr. George had testified at a previous hearing I had and just rang the alarm bell and said, where are the designations?

Ambassador SAPERSTEIN. Well, now we are not even waiting for a yearly designation. Tajikistan was put on as soon as we made the determination. And it was the Secretary who conveyed that message personally about our concerns on their status here.

I want to make it a more robust process here, so I share those concerns. I said that in my confirmation hearing. And I hope we are making noticeable improvement on this.

Mr. SMITH. Thank you so much for your testimony, and thank you for your exemplary service.

I would like to now welcome to the witness table Dr. Robert George, who is McCormick professor of jurisprudence and director of the James Madison Program in American Ideals and Institutions at Princeton University and formerly the chairman of the—and just left as chairman of the U.S. Commission on International Religious Freedom.

He also has served on the President's Council on Bioethics and as a Presidential appointee to the United States Commission on Civil Rights. He has also served on UNESCO's World Commission on the Ethics of Scientific Knowledge and Technology.

He is the author of several books and has had his work published widely in academic journals. He is a regular commentator on major media outlets and has testified before this subcommittee and so many others in the House and Senate for many years.

We will then hear from Dr. Zuhdi Jasser, who is the founder and president of the American Islamic Forum for Democracy. He is also a former vice-chair of the U.S. Commission on International Religious Freedom.

Dr. Jasser is a first-generation American Muslim whose parents fled the oppressive Ba'athist regime of Syria. He earned his medical degree on a U.S. Navy scholarship, served 11 years in the United States Navy. Dr. Jasser has testified again before Congress.

And I thank you both for your patience, especially with those long votes.

But the floor is yours, Dr. George.

STATEMENT OF ROBERT P. GEORGE, PH.D., MCCORMICK PROFESSOR OF JURISPRUDENCE, PRINCETON UNIVERSITY (FORMER CHAIRMAN, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM)

Mr. GEORGE. I have been up here so often, you would think I would know where the “talk” button is. But I do want to thank you, Mr. Chairman, for the opportunity to appear, this time in my capacity as a private citizen. As you noted, my term on the Commission and as chairman of the Commission ended in May. It was a great honor to serve on the Commission and as its chairman.

And I thank the Congress for having the wisdom and the foresight to create the U.S. Commission on International Religious Freedom, which does profoundly important work for the country and for persecuted people and prisoners of conscience abroad. I hope that, in the future, Congress will see fit to extend the life of the Commission, as it did recently, and to provide the Commission with the resources that it needs to do the very important work, assisting you, that the Commission does.

If I may say personally, Representative Smith, it is always an honor to testify before you, most of all because of your profound and heroic witness to human rights and especially to religious freedom. You are an inspiration to those of us who have been in the movement.

It is also a great honor—it always is—to testify at a hearing with my great friend, Ambassador David Saperstein. David Saperstein was a dedicated champion of religious liberty long before he took up his present duties as our chief spokesman, chief advocate within the administration as the Ambassador-at-Large for International Religious Freedom, and I am grateful for all the work that David has done. In his modesty, he kicks all the credit upstairs, but the reality is, whenever something good happens on the religious freedom front, something good comes out of the State Department, David Saperstein’s fingerprints are all over it. And try as he might to try to hide those fingerprints, they are very easy to discern.

I am delighted to be testifying along with my great friend and colleague, with whom I served 4 years on the Commission, Zuhdi Jasser. Zuhdi will provide, Mr. Chairman, some details about the countries that have been in our focus. I am going to provide some general observations.

First, the so-called secularization thesis, what sociologists have for 30 or 40 years called the secularization thesis—namely, the idea that, as modern life advances, as modernity advances, religion retreats—is dead.

USCIRF’s mandate, making policy recommendations to the President, the Secretary of State, and the Congress about violations of religious freedom abroad, was, I think, regarded in some circles as not something that will be of lasting importance because of belief in the secularization thesis. But if modern events have proved anything, contemporary events have proved anything, it is certainly that religion is, remains, and will be into the future highly salient in people’s lives and, therefore, in our foreign policy and in foreign affairs.

World events have, in short, exploded the so-called secularization thesis. As societies modernize, religion has not lost its authority,

and secular institutions have not achieved the cultural, socioeconomic, and political supremacy that secularization theory predicted. Facts on the ground refute secularization's supposed inevitability. Religion remains central in people's hearts and minds and, thus, in their self-understandings and motivations. It continues to shape cultures and the internal politics and foreign policy goals of nations. My written testimony touches on Burma, China, and Iran in this connection, but I could have noted many other nations, as well.

Secondly, why religious freedom? Well, if you don't get religious freedom right, you don't get foreign policy right at all. The secularization thesis' well-deserved repudiation should reenforce religious freedom's importance and its centrality in U.S. foreign policy. But I want to submit something further, and that is that, if religious freedom advocacy is left out of the equation, U.S. foreign policy objectives, including promoting human rights, promoting stability, promoting democracy, promoting economic well-being and women's rights, will suffer.

My written testimony highlights India and Pakistan, in particular, two different and historically hostile neighbors that the U.S. seeks to engage—notes these countries on that issue. But this engagement cannot succeed without dealing with the roles of religion, religious freedom, and religious freedom violations.

Third, the importance of conscience. As a conscience right, religious freedom is more than merely the right to worship, more than merely the right to pray in one's mosque or synagogue or church or temple or around the dinner table or on one's knees at bedtime. It is much more than that. It is the right to follow one's own conscience on matters of faith and belief wherever it leads so long as other people's rights and essential principles of public order are respected.

That call to conscience includes rejecting belief in any religion. Unbelievers have the right to religious freedom, too, the right to their unbelief, the right not to believe. So religious freedom is not just the right of religious people, though it is certainly that; it is more than that. It is the right even of unbelievers. It is a universal human right, a right that all of us, as human, possess.

Now, let me turn to two issues that are central to the right of religious freedom as a practical matter: First, repealing blasphemy laws, the need to repeal blasphemy laws in the nations that maintain and enforce them; and, second, standing up for prisoners of conscience around the globe.

Blasphemy laws restrict the freedoms of religion and expression, thereby violating two of the most basic civil liberties and hallowed human rights and leading, in some cases, to the destabilization of societies. Blasphemy is "the act of insulting or showing contempt or lack of reverence for God." And you can imagine how such a thing, blasphemy understood or defined in that way, can be abused and misused and exploited as a tool of persecution. Pakistan, where blasphemy carries the death penalty or life imprisonment, has more people sentenced to jail or death for blasphemy than any other country.

And that is why I urge Congress to pass House Resolution 290, introduced by Representative Pitts and Representative Jackson

Lee, which calls for the global repeal of blasphemy laws. I would ask you, Chairman Smith, I would ask the Congress to prioritize the passage of that legislation. It is vitally important that Congress signals that blasphemy laws must go, that Congress signals its understanding that these laws are used for no reason other than persecuting minorities and that these laws are simply intolerable.

Prisoners of conscience are people who are in prison for peacefully expressing their conscientiously held beliefs or their unbelief or for their mere identity, although they have neither used nor advocated violence. We must shine a light on them and the laws and policies that led to their imprisonment, and we need to hold the governments responsible for persecuting them accountable. While quiet diplomacy has its place, public inattention or public silence emboldens persecutors. Oppressive nations must be prodded publicly, and not merely by backdoor diplomacy, to protect their own people.

I want to mention here publicly a recently released prisoner, Father Ly, for whom, Representative Smith, you have tirelessly advocated. We must remain vigilant about the conditions of his release and pay heed to the many others who remain in detention in Vietnam, where he was held, or elsewhere.

Fourth, the role of civil society. As intermediaries between the state and individuals, civil society organizations and institutions undergird successful and stable democracies and, indeed, governments of all kinds.

In unstable and authoritarian countries, the government controls and/or seeks to destroy the institutions of civil society, what Burke called the "little platoons," reducing citizens, vested with God-given, fundamental rights independent of government, to mere subjects from whom governments' arbitrary hand grants or withholds at its pleasure mere privileges.

Too many countries, including Russia and India, are shrinking and even closing civil society's space because these governments view civil society groups as threatening to their authority. They seek to ensure that there are no authority structures in society independent of government itself.

Our Government should, in response to these efforts, vigorously support those groups, those organizations and institutions and associations comprising civil society.

Fifth, and very importantly, the rise of non-state actors. When the International Religious Freedom Act became law back in 1998, Congress was understandably and rightly focused on governments as abusers of religious freedom. And there were certainly plenty of them, and that remains true today, alas.

But because non-state actors are now among the primary and worse perpetrators of egregious abuses, permitting our Government to designate these non-state actors as severe violators would both reflect reality, the new situation, the new facts on the ground, and also allow Washington to better engage the actual drivers of persecution.

So, Representative Smith, I want to commend your proposed legislation, H.R. 1150, which includes this important measure. And the more swiftly the Congress acts and the President makes that law, the better off those who are fighting for religious freedom

across the globe and, of course, the victims for whom we are fighting will be. It is important that this go through.

Sixth, genocide refugees and internally displaced persons. Of course, Ambassador Saperstein has spoken to this in some length. Confronting genocide and protecting refugees and internally displaced persons are among today's top moral challenges.

The hallmark of genocide is the intent to destroy a national, racial, ethnic, or religious group. The Commission on which I served until a few weeks ago called on the United States Government last December to designate the Christians, Yazidis, Shia, Turkmen, and Shabak, those communities of Iraq and Syria, as victims of genocide by ISIL. We pushed very hard.

We also encouraged the United States and the international community to bear witness to these crimes and additionally designate genocide and crimes against humanity, whether those are committed by ISIL, by the Assad regime, or by others. It doesn't matter who the perps are, who the perpetrators are, and it doesn't matter who the victims are. What matters is, where genocide and crimes against humanity occur, they must be called out as such and designated as such as swiftly and unequivocally as possible.

While we certainly welcomed Secretary Kerry's March 2016 declaration that ISIL is responsible for genocide and we commend all who assisted in bringing the Secretary to that decision and announcement, we must do more. My written testimony for today includes additional recommendations.

On refugees and internally displaced persons, the horrific refugee crisis worsened this year, with religion factoring into the worldwide humanitarian crisis, forcing literally millions to flee, including 3.3 million people in Iraq; more than 11 million in Syria, the land of my own ancestry and, of course, the land where Zuhdi Jasser comes from; more than 2.2 million people in Nigeria; and about 1 million in the Central African Republic. In Burma, 120,000 Rohingya Muslims and at least 100,000 Christians are internally displaced.

A record number of refugees are attempting to cross the dangerous Mediterranean, seeking safe haven in Europe, as we all know from watching television. With unprecedented numbers forcibly displaced, many fleeing religious persecution or religious-based violence, USCIRF issued recommendations, included in my written testimony, recommendations for a generous policy of receiving refugees, prioritized, as Mr. Rohrabacher rightly urged, by vulnerability to the worst offenses—murder, rape, torture, enslavement.

There is a widespread but false belief, one rooted in the thought of some 19th century German philosophers, I believe, figures like Hegel and Marx, that we can rely on history to produce justice in the long run, that history will inevitably move in the direction of moral progress, that everything will certainly work out all right in the end.

But this view ignores the radical contingency of human affairs and the reality of human freedom. History considered as some sort of quasi-personal or super-personal force will not guarantee religious liberty or justice of any kind for all or for anyone. If liberty and justice are to prevail, it will require the free choices, deter-

mination, dedication, and courage of men and women, flesh-and-blood human beings, citizens, and statesmen.

Victory is not guaranteed. History does not give us a promise of everything coming out all right in the end, not in the world of human affairs. Victory for human rights and for justice is not fore-ordained, it is not in the cards. But it is possible. The possibility of progress toward religious freedom and the securing of other fundamental human rights is in our hands and in the hands of our fellow citizens.

Congress has a vital role to play, as does the executive branch, as do activists, faith communities, civil society groups, everyone who is willing to lend a hand and put a shoulder to the wheel. So let us here, to use Lincoln's phrase, highly resolve to turn the possibility of progress for religious liberty into reality.

[The prepared statement of Mr. George follows:]

TESTIMONY OF

DR. ROBERT P. GEORGE

BEFORE THE

AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND
INTERNATIONAL ORGANIZATIONS SUBCOMMITTEE

OF THE

HOUSE FOREIGN AFFAIRS COMMITTEE

ON

THE GLOBAL RELIGIOUS FREEDOM CRISIS AND ITS
CHALLENGE TO U.S. FOREIGN POLICY

JUNE 16, 2016

I want to thank Chairman Chris Smith (R-NJ) and members of the House Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations for holding this hearing on “The Global Religious Freedom Crisis and its Challenge to U.S. Foreign Policy” and inviting me to testify. Although I am the McCormick Professor of Jurisprudence and Director of the James Madison Program in American Ideals and Institutions at Princeton University, I am here today as the former Chairman and member of the U.S. Commission on International Religious Freedom (USCIRF). Under my chairmanship, USCIRF issued the 2016 Annual Report which will be part of today’s discussion.

In documenting the global religious freedom crisis, USCIRF’s 2016 Annual Report found that religious freedom conditions overall deteriorated during the past year. In fact, by any measure, religious freedom abroad is under sustained and serious assault, with governments responsible for many of these abuses. Governments’ violations of religious freedom take many forms including: suppressing religious activity; detaining prisoners of conscience; and implementing anti-terrorism and anti-extremism laws and blasphemy laws. Many of these governmental violations have the goal of controlling or marginalizing those religious groups and their adherents who are deemed threats to the states’ supremacy. The actions of non-state actors also present a major challenge to freedom of religion or belief. For example, in countries including Iraq, Syria, Nigeria, and the Central African Republic (CAR), non-state actors are among the primary perpetrators of egregious abuses of religious freedom and other human rights. Governments in these countries either are unable or unwilling to protect the rights of potential victims of persecution. Also disturbing is the rise of societal intolerance against Jews and Muslims in Western Europe.

The 2016 Annual Report details these violations, and also recommends actions the U.S. government can take in response. One such action is to make timely “country of particular concern” (CPC) designations and effectively utilize the tools that the International Religious Freedom Act (IRFA) provides. Those of us who produced and supported USCIRF’s report believe that, by statute, the State Department annually should designate countries as CPCs for their systematic, ongoing, and egregious violations of the freedom of religion or belief. These designations, which should reflect unique conditions and be implemented in a timely manner, bring with them a unique toolbox of policy options to promote religious freedom effectively. USCIRF encourages the Administration to use these tools.

USCIRF welcomed the State Department’s April 15, 2016 announcement that Secretary of State John Kerry had re-designated Burma, China, Eritrea, Iran, North Korea, Sudan, Saudi Arabia, Turkmenistan, and Uzbekistan, as CPCs, and had so designated Tajikistan for the first time. However, in 2016 we concluded that the CPC list should be expanded to include seven other countries: Central African Republic, Egypt, Iraq, Nigeria, Pakistan, Syria, and Vietnam. USCIRF also urges that waivers on taking action pursuant to a CPC designation should be limited to a set period of time and subject to review for renewal. USCIRF’s recommendations follow:

After having been a USCIRF Commissioner for the past four years, during which time I was honored to have served as the Chairman for two one-year terms, I would like to step back and today offer the following observations as a private citizen:

1. **THE SECULARIZATION THESIS IS DEAD:** USCIRF's mandate is to make policy recommendations to the President, Secretary of State and Congress about the violations of the freedom of religion or belief abroad. This mandate is an important provision of the 1998 International Religious Freedom Act (IRFA). Its passage was spurred on by the belief of many in Congress, led by the great human rights hero, former Representative Frank Wolf (R-VA), that U.S. foreign policy did not give this foundational human right the priority it merited, and that this lack of attention reflected the view that religion simply did not matter much in the modern world, commonly labeled the secularization thesis. This view, now exploded, held that as societies progress and modernize, religion loses its authority and secular institutions achieve cultural, social, economic and political supremacy. World events, time and time again, have refuted secularization's supposed inevitability as a product of modernization. In country after country, religion remains central in people's hearts and minds even with the advent and spread of the greatest increase in history of urbanization. With a record percentage of people living in or near great cities, 84% of the world's population remain affiliated with a religion. Many people say they are surprised. I am not. Man seeks meaning and has a hunger for transcendence. His experience of his own rationality and freedom make him aware of himself as a spiritual creature—one that longs to exist in harmony with the ultimate source or sources of meaning and value.

Furthermore, religion and religious freedom clearly are central factors in most of the major foreign policy challenges the United States faces, and the greatest human rights and democracy advocates—such as Frank Wolf—often are driven by religious world views. Thus what some may view as a subset of the secularization thesis, the idea that human rights and democracy necessarily are antithetical to religion, also has been falsified.

Below are three examples of countries that top the U.S. foreign policy agenda where religious freedom is a key concern and its absence threatens the country's stability:

- **Burma:** In 2015, peaceful elections ended more than 50 years of military-controlled government in Burma, yet the new government faces myriad human rights challenges. Throughout the year, Burma's government and non-state actors continued to violate religious freedom; these violations became a defining element of the campaign season. The abuses were particularly severe for Rohingya Muslims; whose persecution became even more apparent when the magnitude of their flight from Burma captured international media attention. Instead of protecting those most in need, like the Rohingya, Burma's government intensified its actions isolating and marginalizing vulnerable groups, leaving hundreds of thousands internally displaced and without basic necessities. The government allowed expressions of hatred and intolerance toward religious and ethnic minorities to continue unchecked and shepherded the passage into law of four discriminatory "race and religion bills." USCIRF continues to recommend in 2016 that Burma be designated as a CPC. The State Department has designated Burma a CPC since 1999. USCIRF has recommended CPC status for Burma since the Commission first made CPC recommendations in 2000.
- **China:** China's severe religious freedom violations continued in 2015. While the Chinese government sought to assert itself further on the global stage, at home it pursued policies to diminish the voices of individuals and organizations advocating for human rights and

genuine rule of law. During the past year, as in recent years, the central and/or provincial governments continued to remove crosses and bulldoze churches; implement a discriminatory and at times violent crackdown on Uighur Muslims and Tibetan Buddhists and their rights; and harass, imprison, or otherwise detain Falun Gong practitioners, human rights defenders, and others. USCIRF again recommends in 2016 that China be designated a CPC. The State Department has designated China as a CPC since 1999. USCIRF has recommended CPC status for China since the Commission first made CPC recommendations in 2000.

- Iran: Religious freedom conditions continued to deteriorate over the past year, particularly for religious minorities, especially Baha'is, Christian converts, and Sunni Muslims. Sufi Muslims and dissenting Shi'a Muslims also faced harassment, arrests, and imprisonment. Since faux reformer President Hassan Rouhani was elected president in 2013, the number of individuals from religious minority communities who are in prison because of their beliefs has increased, despite the government releasing some prisoners during the reporting period, including Iranian-American pastor Saeed Abedini. The government of Iran continues to engage in systematic, ongoing, and egregious violations of religious freedom, including prolonged detention, torture, and executions based primarily or entirely upon the religion of the accused. Since 1999, the State Department has designated Iran a CPC. USCIRF again recommends a CPC designation for in 2016. USCIRF has recommended CPC status for its government since the Commission first made CPC recommendations in 2000.

2. **WHY RELIGIOUS FREEDOM? If you don't get religious freedom right, you don't get**

foreign policy right: The well-deserved repudiation of the secularization thesis should reinforce not only the importance of religious freedom, but also the need to make it a core value in U.S. foreign policy. But I submit something more: in many cases, if religious freedom advocacy is not brought into the equation, United States' foreign policy objectives, which include the promotion of human rights as well as stability, democracy, economic well-being and women's rights, will not be achieved. Let's take India and Pakistan as examples.

- A pluralistic democracy, in India today religious tolerance is deteriorating and religious freedom violations are increasing. Minority communities, especially Christians, Muslims, and Sikhs, have experienced numerous incidents of intimidation, harassment, and violence during the past year, largely at the hands of Hindu nationalist groups. Members of the ruling Bharatiya Janata Party (BJP) tacitly supported these groups and used religiously-divisive language to inflame tensions further. These issues, combined with longstanding problems of police bias and judicial inadequacies, have created a pervasive climate of impunity in which religious minority communities increasingly feel insecure, with no recourse when religiously-motivated crimes occur. In the last year, "higher caste" individuals and local political leaders also prevented Hindus considered part of the Scheduled Castes and Scheduled Tribes (Dalits) from entering religious temples. The national government or state governments also applied several laws to restrict religious conversion, cow slaughter, and foreign funding of NGOs. Moreover, an Indian constitutional provision deeming Sikhs, Buddhists, and Jains to be Hindus contradicts international standards of freedom of religion or belief. India has been on USCIRF's Tier 2 since 2009. Given its negative trajectory,

USCIRF will continue to monitor the situation closely during the year ahead to determine if India should be recommended to the State Department for designation as a CPC.

- In Pakistan, the government in 2015 continued to perpetrate and tolerate systematic, ongoing, and egregious religious freedom violations. Religiously-discriminatory constitutional provisions and laws, such as the country's blasphemy and anti-Ahmadiyya laws, violate international standards of freedom of religion or belief and result in prosecutions and imprisonments. In addition, government inaction to prevent or punish religious freedom violations coupled with efforts to sponsor violent ideologies has been a proven recipe for human rights abuses. Instead of enforcing the law and protecting vulnerable populations, the Pakistani government has turned a blind eye to repression, thereby creating a climate of impunity. The actions of non-state actors, including U.S.-designated Foreign Terrorist Organizations such as Tehrik-e-Taliban Pakistan (Pakistani Taliban), continue to threaten all Pakistanis and the country's security and stability. Religious minority communities, including Shi'a and Ahmadiyya Muslims, Christians, and Hindus, experience chronic sectarian and religiously-motivated violence from both terrorist organizations and individuals. Discriminatory content against minorities in provincial textbooks remains a significant concern, as are reports of forced conversions and marriages of Christian and Hindu girls and women. USCIRF recommended in 2016 that Pakistan be designated a CPC. USCIRF has recommended CPC status for Pakistan since 2002.
3. **THE IMPORTANCE OF CONSCIENCE**: Religious freedom is a conscience right. When some people think of the right to religious freedom, they assume it is limited to the right to practice a particular religion. In fact, it is much more. At its heart is the right to respond to the dictates of one's own conscience on matters of faith and belief, wherever one's conscience may lead, so long as the rights of others and essential principles of public order are respected. For example, if one's conscience calls for rejecting belief in any religion, such rejection is also part of the right to religious freedom. Thus, because freedom of religion involves freedom of conscience, it must include the right not to believe, as well as to believe.

Responding to the call of conscience is both a right and a duty. It is a right because human authenticity and integrity demand that people be allowed to live on the outside what they truly are on the inside. It is a duty because once people believe something to be true, they have an obligation to act and live peacefully in accordance with it.

Below are two examples of the importance of supporting the freedom of conscience: advocating for the reform and/or repeal of blasphemy laws and standing for the release of prisoners of conscience.

Blasphemy laws: These laws restrict the freedoms of religion and expression, thereby violating two of the most hallowed human rights, which lead to human rights abuses and the destabilization of societies. Blasphemy is defined as "the act of insulting or showing contempt or lack of reverence for God." In many countries, laws criminalize these acts, as well as any expression deemed contemptuous of sacred things. While such expression might be insensitive or hurtful to many, blasphemy laws are not the answer. In fact, blasphemy laws:

- Inappropriately position governments as arbiters of ultimate truths or religious rightness, empowering officials to enforce particular views against individuals, minorities, and dissenters.
- Contradict international human rights standards, as they protect beliefs at the expense of individuals. These standards include Articles 18 and 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which assert universal individual rights to freedom of thought, conscience, and religion and to freedom of expression.
- Are inconsistent with UN resolutions adopted since 2011 that oppose such laws as a remedy for speech directed against religion or a religion.
- Often carry draconian sentences such as life in prison or even death for “crimes” that amount to the mere utterance of words. Under such bans, members of already-vulnerable religious minorities suffer disproportionately, becoming victims of blasphemy allegations and arrests in far higher numbers than their percentage of the population would predict.
- Are ripe for abuse by accusers harboring political or economic grudges. Blasphemy charges often are based on false accusations, often by members of a majority religious group against those from a religious minority community.
- Often embolden religious extremists to commit acts of violence against perceived transgressors. By fueling violence by extremist non-state actors, blasphemy laws make nations and societies profoundly less stable and secure.

Pakistan, where the crime of blasphemy carries the death penalty or life imprisonment, has the dubious distinction of having more people sentenced to jail for blasphemy than any other country. USCIRF is aware of nearly 40 prisoners convicted of blasphemy charges have received life sentences or are on death row in Pakistan, more than in any other nation. Christian wife and mother Asia Bibi is one such person. She remains in solitary confinement allegedly for insulting the Prophet Muhammad, even after her initial death sentence was suspended. Pakistani blasphemy laws also have led to outrages such as the assassination in 2014 of Rashid Rehman, a Muslim human rights lawyer, for his defense of an individual accused of blasphemy.

Along with advocating for the abolition of blasphemy laws, I urge Members of this Committee to support and pass out of Committee and the House H. Res 290. This resolution, introduced by Representative Joseph Pitts (R-PA) and Sheila Jackson Lee (D-TX) calls for the global repeal of blasphemy laws. It is vitally important for the U.S. Congress to send the signal that blasphemy laws must go.

USCIRF’s 2016 Annual Report includes other recommendations: calling on our government to oppose any efforts at the UN or elsewhere to establish a global blasphemy law; encouraging all European nations to repeal their own blasphemy statutes and the European Union to raise

the issue with others countries; urging all governments to uphold the freedoms of religion or belief and expression and bring to justice those responsible for committing violence against the peaceful religious expression of others; and calling for all nations holding people on blasphemy charges to release them immediately.

Prisoners of Conscience: Prisoners of conscience are persons imprisoned for the peaceful expression of their conscientiously held beliefs, or for their mere identity, even though they have neither used nor advocated violence. Sadly, today it is almost impossible to read the newspaper, listen to the radio, or go online and not find a report about people being detained for their membership in an ethnic or religious group, what they believe or decline to believe, or how they have chosen to express their convictions. These prisoners of conscience have been prevented unjustly from enjoying the most fundamental human rights enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and other international human rights conventions and other instruments.

It is vitally important to shine a light on these prisoners' situations and the laws and policies that led to their imprisonment, and hold their governments accountable for their plight. While quiet diplomacy has a key role to play, public inattention can lead to more persecution, not more freedom. In fact, at its worst, mere private diplomacy can be interpreted as a lack of serious interest and therefore a license to continue to oppress. And while most countries want to be viewed as fulfilling their international obligations, international human rights mechanisms cannot force compliance. Oppressive nations often need to be prodded publicly about their obligations to protect their own people from serious abuses, including violations of their religious freedom.

Below are some of the many prisoners of conscience who have been detained unjustly for exercising their right to religious freedom. A fuller list can be found in the Defending Freedoms Project of the Tom Lantos Human Rights Commission and USCIRF's Annual Report.

- In Eritrea, Orthodox Patriarch Abune Antonios has been detained under house arrest by the Eritrean government since 2007. He is denied family visits and, despite suffering from severe diabetes, also is denied access to medical care.
- In China, prisoners of conscience include Ilham Tohti who was a Uighur economics professor at Beijing's Minzu University, where he was known for his research on Uighur-Han relations. In 2006, Tohti founded *UighurOnline*, a Chinese-language website devoted to fostering understanding between Uighur and Han people. In 2008, authorities shut down his website citing the website's alleged links to Uighur "extremists" abroad. After the July 5, 2009 ethnic rioting between Uighurs and Han in Ürümqi, Tohti's whereabouts were unknown after he had been summoned from his home in Beijing. Tohti subsequently was released on August 23, 2009 after international pressure and condemnation. Tohti was arrested in January 2014, and in September 2014, after a two-day trial, he was found guilty of "separatism" and sentenced to life imprisonment in addition to all of his assets being frozen.

- In Iran, included among Iran's many prisoners of conscience are the Baha'i Seven: Afif Naeimi, Behrouz Tavakkoli, Jamaloddin Khanjani, Vahid Tizfahm, Fariba Kamalabadi, Mahvash Sabet, and Saeid Rezaie. Prior to their arrests in 2008, the seven were members of an ad hoc national-level group that attended to the spiritual and social needs of Iran's Baha'i community. In September 2010 they were told that their sentences had been reduced to 10 years after an appeal court acquitted them of some of the charges, including espionage, but they have never been given a written copy of either of the court verdicts. It was reported in March 2011 that the 20-year sentence had been reinstated.
 - In Saudi Arabia, Raif Badawi, the founder and editor of the *Free Saudi Liberals* website which encourages religious and political debate, was arrested in June 2012 in Jeddah and charged with apostasy, insulting Islam through electronic channels," and "parental disobedience." In January 2013, a Saudi court elected not to pursue the apostasy charge, which carries the death penalty. In July 2013, the court sentenced Badawi to 600 lashes and seven years in prison and his website was shut down. In May 2014, a Saudi appeals court sentenced Mr. Badawi to 10 years in prison, 1,000 lashes, and fined him \$1 million SR (\$266,000 USD) for, among other charges, insulting Islam and religious authorities. The current sentence calls for Mr. Badawi to be lashed 50 times a week for 20 consecutive weeks. In January 2015, Badawi, publicly was flogged 50 times in Jeddah as part of this punishment.
 - In Vietnam, while we are relieved that Father Thadeus Nguyễn Văn Lý, for whom Representative Smith has been a tireless championed, finally has been released, we must remain vigilant concerning the conditions of his release. We also must pay heed to the many other prisoners of conscience in Vietnam, including Nguyen Cong Chinh, an evangelical pastor who led the Christian Congregation of the Evangelical Lutheran Church of Vietnam and America. In October 2004, 200 paramilitary police and local officials reportedly destroyed Pastor Chinh's home, which also served as a Mennonite chapel, on charges that Rev. Chinh had violated building regulations. Police again arrested Rev. Chinh on April 28, 2011 on charges of "sabotaging the great national unity policy." After a one-day trial in March 2012, Rev. Chinh was sentenced to 11 years in prison. On July 31, 2012, an appeals court upheld the 11-year jail term.
4. **THE ROLE OF CIVIL SOCIETY:** As the intermediary between the state and individuals, civil society organizations and institutions perform crucial roles, including advocating in support of specific causes or groups or on behalf of aggrieved citizens; educating people about their rights, entitlements, and responsibilities; providing services to areas and people in need; mobilizing public opinion; and serving as watchdogs against violators of human rights.

Successful and stable democracies have a strong and freely operating civil society. Conversely, in unstable and authoritarian countries, the government controls and/or seeks to destroy an anemic civil society in order to exercise supreme control over the lives of individuals, reducing them from citizens invested with fundamental rights independent of government to subjects granted privileges by the arbitrary hand of government. It is extremely worrying that a range of countries in every continent around the world is shrinking or even closing the space for civil society by limiting the ability of civic, issue-oriented, religious, and

educational interest groups and associations, commonly known as non-governmental organizations (NGOs), to work or receive funding.

These governments view civil society groups as threatening their authority and control. Countries that have sought to reduce the space for civil society organizations include:

- Russia: A 2012 law requires NGOs to register as “foreign agents” with the Ministry of Justice if they engage in “political activity” and receive foreign funding. The definition of “political activity” under the law is defined so broadly and vaguely that it can extend to all aspects of advocacy and human rights work. Because in Russia “foreign agent” can be interpreted only as “spy” or “traitor,” the law seeks to demonize and marginalize independent advocacy groups. Many of Russia’s human rights groups boycotted the law, calling it “unjust” and “slandorous.”

Since the law’s implementation, many groups challenged the prosecutor’s office and the Ministry of Justice in courts, with most losing their cases. Thus, by February 2015 at least 13 groups chose to shut down rather than wear the “foreign agent” label. Also, the Ministry removed its “foreign agent” label from 11 groups as they had stopped accepting foreign funding. Since June 5, 2014, the Ministry of Justice has designated 130 groups as “foreign agents.” By June 2016, at least 18 groups have shut down and 101 groups were included on the official list of active “foreign agents.”

- India: The 2010 Foreign (Contribution) Regulation Act regulates the inflow and use of money received from foreign individuals, associations, and companies that may be “detrimental to the international interest.” In April 2015, the Ministry of Home Affairs revoked the licenses of nearly 9,000 charitable organizations. The Ministry stated that the revocations were for non-compliance with the Act’s reporting requirements, but numerous religious and non-religious NGOs claimed that they were in retaliation for highlighting the government’s poor record on human trafficking, labor conditions, religious freedom and other human rights, environmental, and food issues. Among the affected organizations were Christian NGOs that receive money from foreign co-religionists to build or fund schools, orphanages, and churches, and human rights activists and their funders. For example, two NGOs, the Sabrang Trust and Citizens for Justice and Peace (CJP), which run conflict-resolution programs and fight court cases stemming from the 2002 Gujarat riots, had their registrations revoked. Additionally, the U.S.-based Ford Foundation, which partially funds the Sabrang Trust and CJP, was put on a “watch list” when the Ministry of Home Affairs accused it of “abetting communal disharmony.”

5. **THE RISE OF NON-STATE ACTORS**: When IRFA became law in 1998, governments were the principal violators of religious freedom and the law reflected their role. However, since that time, the predations of non-state actors have come to present a major challenge to freedom of religion or belief. In countries around the world, non-state actors are among the primary perpetrators of egregious abuses of religious freedom and other human rights. Governments in these countries are either unable or unwilling to address their violations. Some examples:

- In the Central African Republic, in which more than one million people have been driven from their homes, militias formed along opposing Muslim and Christian lines in the Central African Republic (CAR) continue to kill individuals based on their religious identity, leading to retaliatory attacks and waves of violence;
- The Islamic State of Iraq and the Levant (ISIL) makes little distinction between sects and ethnicities and universally applies its violent, militant interpretation of Islam. In Iraq, more than 3.3 million have been displaced internally due to ISIL's offensives. In Syria, given the actions of both ISIL and the Assad regime, more than 11 million people have been forced to flee their homes: about seven million have been internally displaced and more than five million are refugees in neighboring states (with more than three million in Turkey and 1.1 million in Lebanon);
- In Nigeria, Boko Haram rejects the secular state and calls for the universal implementation of what it considers "pure" Shari'ah law. It views as morally corrupt Nigeria's federal and northern state governments, political leaders, and religious elites. More than 2.2 million people have fled Boko Haram which reportedly has killed more than 15,000 persons; another 12,000 were killed in fighting between Boko Haram and Nigerian security forces; and
- In Pakistan, the actions of non-state actors, including U.S.-designated Foreign Terrorist Organizations such as Tehrik-e-Taliban Pakistan (Pakistani Taliban), continue to threaten all Pakistanis and the country's overall security. Religious minority communities, including Shi'a and Ahmadiyya Muslims, Christians, and Hindus, experience chronic sectarian and religiously-motivated violence from both terrorist organizations and individuals within society.

In many of the worst situations today, transnational or local organizations are the egregious persecutors and governments are incapable of addressing the violations or are, for one reason or another, failing to do so. In these situations, allowing the United States to designate the non-state actors perpetrating particularly severe violations would broaden the U.S. government's ability to engage the actual drivers of persecution and would reflect reality, which should be the core point of the CPC process. I commend H.R. 1150, introduced by Representative Smith, which includes this important measure.

6. **GENOCIDE, REFUGEES, AND INTERNALLY DISPLACED PERSONS:** Confronting genocide and protecting refugees and internally displaced persons are among the top moral challenges of our day.

Genocide: The hallmark of genocide is the intent to destroy a national, racial, ethnic or religious group, in whole or in part. USCIRF called on the U.S. government in December 2015 to designate the Christian, Yazidis, Shi'a, Turkmen, and Shabak communities of Iraq and Syria as victims of genocide by ISIL. USCIRF also at that time encouraged continued and robust efforts by the U.S. and international community to bear witness to these crimes and make additional designations of genocide and crimes against humanity, whether those are committed by ISIL, the Assad regime, or others, as appropriate. While we very much welcomed Secretary

Kerry's March 17, 2016 declaration that ISIL is responsible for genocide, more must be done. USCIRF has recommended that the U.S. government should:

- Include in all military or security assistance to the Iraqi and Iraqi Kurdistan governments a requirement that security forces are integrated to reflect the country's religious and ethnic diversity, and provide training for recipient units on universal human rights standards and how to treat civilians, particularly religious minorities;
- Withhold foreign military assistance for any forces committing gross human rights violations; and
- Call for or support a referral by the UN Security Council to the International Criminal Court to investigate ISIL violations in Iraq and Syria against religious and ethnic minorities, following the models used in Sudan and Libya. USCIRF recommends that the U.S. government encourage the Iraqi government to accept ICC jurisdiction to investigate ISIL violations in Iraq after June 2014.
- With regard to Iraq and Syria, The U.S. government should:
 - Support efforts among relevant UN agencies, NGOs, and like-minded partners in the Global Coalition to Combat ISIL to fund and develop programs that bolster intra- and inter-religious tolerance, alleviate sectarian tensions, and promote respect for religious freedom and related rights, both in neighboring countries hosting refugees (especially Lebanon, Jordan, Egypt, and Turkey), and in preparing for a post-conflict Syria.
 - Encourage the Global Coalition to Counter ISIL, in its ongoing international meetings, to work to develop measures to protect and assist the region's most vulnerable religious and ethnic minorities, including by increasing immediate humanitarian aid, prioritizing the resettlement to third countries of the most vulnerable, and providing longer-term support in host countries for those who hope to return to their homes post-conflict; and
 - Urge the UN Security Council and its member states to implement and comply with ratified resolutions, including UN Security Council resolutions 2118 (elimination of Syrian chemical weapons), 2139 (calling for humanitarian access into besieged areas and an end to barrel bombs), 2165 (approving humanitarian access across conflict lines), 2209 (calling for an end to the use of chlorine bombs), and 2254 (ceasefire and road map for peace in Syria).
- With regard to Iraq, the U.S. government should:
 - Develop a government-wide plan of action to protect religious minorities in Iraq and help establish the conditions for them to return to their homes and work with the Inter-Governmental Contact Group on Freedom of Religion or Belief to coordinate similar efforts by other governments.

- Continue to task Embassy officials with engaging religious minority communities, and work with Iraq's government and these communities and their political and civic representatives to help them reach agreement on what measures are needed to ensure their rights and security in the country; and
- Focus U.S. programming in Iraq on promoting religious freedom and tolerance and ensure that marginalized communities benefit from U.S. and international development assistance.

The U.S. Congress should:

- Include in the Fiscal Year 2017 Department of State, Foreign Operations, and Related Programs Appropriations Bill, or another appropriate vehicle, a provision that would permit the U.S. government to appropriate or allocate funds for in-kind assistance to genocide, crimes against humanity, or war crimes cases at the ICC on a case-by-case basis and when in the national interest to provide such assistance.

Refugees and Internally Displaced Persons: With unprecedented numbers of people forcibly displaced worldwide, many fleeing religious persecution or religion-based violence, USCIRF has made a number of recommendations to the U.S. government on refugee issues. For example, USCIRF has proposed that the U.S. government should:

- Commit to a goal of resettling 100,000 Syrian refugees to the United States, subject to proper vetting and *a prioritization based on vulnerability to the worst abuses—murder, torture, rape, enslavement*—in order to aid those Syrians in the greatest peril, demonstrate U.S. leadership in efforts to address this extraordinary humanitarian crisis, and show support for governments in the Middle East and Europe that are hosting millions of Syrian refugees.
- Allocate sufficient resources to the Department of Homeland Security and other agencies that conduct the rigorous individualized vetting of refugees being considered for resettlement to allow them to expeditiously process applications and thoroughly conduct background checks, in order to facilitate resettlement without compromising U.S. national security; and
- Consider issuing an exemption to U.S. immigration law's "material support bar" provision for Syrian refugees who supported specific U.S.-backed rebel groups or provided "support" by force or under duress to terrorist organizations, and properly apply existing exemptions, so that Syrians who pose no threat to the United States and are fleeing the al-Assad regime or terrorist groups are not erroneously barred from the U.S. refugee program.

The U.S. Congress should:

- Reauthorize the Lautenberg Amendment, which aids persecuted Iranian religious minorities and other specified groups seeking refugee status in the United States, and work to provide the President with permanent authority to designate as refugees specifically-

defined groups based on shared characteristics identifying them as targets for persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

While the world has undergone some positive changes in the last decades, religious freedom conditions remain dire around the world and challenge us to stand up for this precious human right. There is a widespread but false belief, rooted in the philosophies of thinkers such as Hegel and Marx, that we can rely on history to produce justice in the long run, that history inevitably moves in the direction of moral progress, that everything will certainly work out alright in the end.

This view ignores the radical contingency of human affairs and the reality of human freedom. History, considered as some sort of quasi-personal or supra-personal force, will not guarantee religious liberty and justice for all. If liberty and justice are to prevail, it will require the free choices, determination, dedication, and intelligent action of men and women—citizens and statesmen. Victory is not guaranteed. It is not foreordained. It is not in the cards. But it is possible. The possibility of progress towards religious freedom and other human rights is in our hands and the hands of our fellow citizens. Let us here, to use Lincoln's phrase, "highly resolve" to turn the possibility of progress into reality.

Mr. SMITH. Dr. George, thank you very much for that very eloquent statement, comments. And thank you for your leadership at the U.S. Commission for International Religious Freedom. It has been extraordinary. It has been incisive and decisive.

I read the reports. I am one of those who really actually sits down and reads the reports that you proffer. They are well-written and well-thought-out, and I thank you so much for the gravitas that you have brought to that chairmanship.

Mr. GEORGE. Thank you.

Mr. SMITH. I would like to now turn to Dr. Jasser.

STATEMENT OF M. ZUHDI JASSER, M.D., PRESIDENT, AMERICAN ISLAMIC FORUM FOR DEMOCRACY (FORMER VICE-CHAIR, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM)

Dr. JASSER. Thank you, Chairman Smith and distinguished subcommittee members, for holding this important hearing.

My name is Zuhdi Jasser. I am president of the American Islamic Forum for Democracy. And, as you mentioned, I am here as a former commissioner and vice-chair of USCIRF and am testifying as a private citizen.

Let me first tell you how much of an honor it has been to serve with Chairman George and the rest of the commissioners and an honor it is to follow Ambassador Saperstein and become his colleague on this Commission.

And I have to tell you, I also want to thank Senator McConnell and Congress for this humbling opportunity, as the son of immigrants from the most oppressive nation on the planet, Syria, to have been able to serve you in this capacity on USCIRF.

And I request that my written statement be submitted for the record.

Mr. SMITH. Without objection, so ordered.

Dr. JASSER. Thank you.

Before I start, let me also, as an American and humbly as a Muslim during this holy month of Ramadan, give my deepest condolences and prayers for the families and victims of the massacre in Orlando and to our Nation in this difficult time.

On a global level, this hearing is especially timely given that there is global religious freedom crisis and a negative trajectory for religious freedom in countries that top the U.S. foreign policy agenda.

It is evident from the media's top headlines and its coverage of issues, including the genocide in Syria and Iraq, the role of religion in humanitarian crises worldwide is undeniable, including the forced displacement of the largest number of people since World War II and the plight of prisoners of conscience detained for simply expressing their God-given religious freedom or advocating on behalf of this freedom in countries such as China, Sudan, Saudi Arabia, Iran, Egypt, Syria, or Vietnam.

Pivotal to human rights, central to our history, and affirmed by our international treaties and obligations, religious freedom is crucial to the security of every nation and that of our world.

A number of studies have shown that in countries that honor and perfect this right, religious freedom generally is associated with a

vibrant political democracy. Rising economic and social well-being and diminished tension and violence follow. In contrast, nations that trample on religious freedom are more likely to be mired in poverty, insecurity, or terror, violence, and radical extremism.

This instability directly bears on not only the well-being of those societies but on the security of the United States and overall global stability. I can't emphasize enough the wisdom in Congress in establishing USCIRF and looking at religious freedom as a parameter by which to guide societal successes versus societal failures.

Religious freedom thus merits a seat at the table, and I personally would argue at the head of the table, with economic and security concerns as the U.S. and other nations conduct their complicated foreign affairs. But effectively promoting religious freedom can help the U.S. achieve crucial goals by fostering respect for human rights while promoting stability and ultimately our national security.

So today I would like to focus on two things: One, how IRFA, or the International Religious Freedom Act, has been and should be used in the future; and, two, countries that are at the top of our foreign policy agenda where religious freedom remains under serious assault. And I have nine of them listed in my submitted testimony, and I will just cover two as examples.

First of all, as far as IRFA, IRFA seeks to make religious freedom an important U.S. policy priority by, among other measures, establishing consequences for the worst violators of freedom of religion or belief.

This law gave teeth, long overdue, to the effort by requiring the U.S. Government to designate annually countries of particular concern, or CPCs, thereby naming the worst foreign government violators that engage in or tolerate, as the statute says, systematic, ongoing, and egregious violations and take appropriate actions to create incentives for improvement and disincentives for inaction. A menu of possible actions is available, ranging from negotiating bilateral agreements, to imposing sanctions, to taking a commensurate action, to issuing waivers.

IRFA did not limit violations to government actions. The law recognized that religious freedom violations also occur through government inaction against abuses by private actors. And this is very important. The 1998 statute does not, however, adequately address the increasing actions of non-state actors in failing or failed states. Allowing the United States to designate—it did allow the United States to designate the non-state actors perpetrating particularly severe violators of religious freedom would broaden the U.S.'s ability to engage the actual drivers of persecution.

And I would tell you, that absence in the statute, I think, gives the State Department a pass sometimes in not designating certain countries that should be a CPC and that they use that as a crutch rather than naming them as CPCs because they are non-state actors.

In order to effectively utilize all the tools provided in IRFA, USCIRF recommends the State Department: Number one, ensure that the CPC list expand and contract as conditions warrant and not just be frozen for the most part, other than the most recent ad-

dition that they had. It needs to expand and contract realistically on an annual basis, not on a decade basis.

Limit the use of waivers to set periods of time, and subject them to review for renewal.

And we also recommend that Congress take legislative action to require that the State Department make annual CPC designations. Should the State Department fail to do so, we also ask that the Congress expand CPC classification to allow for the designation of countries where particularly severe violations of religious freedom are occurring but a government does not exist or does not control its territory. Right now, those countries cannot be named.

And we would ask that the expansion of the CPC classification to allow the naming of non-state actors who are perpetrating particularly severe violations of religious freedom. I commend you, Representative Smith, for including such a position in H.R. 1150.

A couple country examples. In the interest of time, I am going to talk about two of them, Burma and Egypt.

In Burma in 2015, peaceful elections ended more than 50 years of military-controlled government in Burma, yet the new government faces a myriad of human rights challenges. Throughout the year, the Burmese Government and non-state actors continued to violate religious freedom, and these violations became a defining element of their campaign season.

The abuses were particularly severe for the Rohingya Muslims; their persecution became even more apparent when the magnitude of their flight from Burma captured international media attention.

Instead of protecting those most in need, like the Rohingya, Burma's Government intensified its actions, isolating and marginalizing vulnerable groups, leaving hundreds of thousands of internally displaced Muslims and others without basic necessities.

The government allowed expression of hatred and intolerance toward religious and ethnic minorities to continue unchecked and shepherded the passage of laws of four discriminatory race and religion bills. And when I was there, we were told that that probably wouldn't pass, and ultimately it did.

And I can't tell you how much Burma is a good example of how political and other portfolios end up trumping religious freedom portfolios, and it should be used as an example of why IRFA is so important.

USCIRF continues to recommend in 2016 that Burma be designated a CPC. The State Department designated Burma a CPC since 1999. We ask that the U.S. Government use the term "Rohingya" publicly and privately, which respects the right of the Rohingya Muslim community to identify as they choose and not be marginalized.

And we ask that the U.S. enter into a binding agreement with the Burmese Government, as defined in 405(c) of IRFA, committing it to ending violence and the policies of discrimination against religious and ethnic minorities.

Burma is a great example of the central importance of IRFA. A state may focus inordinately on political improvements, not putting IRFA at the head of table.

As far as Egypt, a lot has transpired in Egypt over the past few years, with changes in government and revolutions. But while the

Egyptian Government has taken positive steps to address some religious freedom concerns, including President al-Sisi's public statements—which are now appearing to have been rhetoric—encouraging religious tolerance and moderation, past large-scale sectarian incidents have not been prosecuted, fueling a growing climate of impunity.

In addition, the longstanding discriminatory and repressive laws and policies that restrict religious freedom remain in place like they always have been. During the past year, there was an increase in Egyptian courts prosecuting, convicting, and imprisoning Egyptian citizens for blasphemy and related charges.

We recommended, thus, for a sixth year—the Commission did when I was on it—recommended for the sixth year in a row that Egypt be designated a CPC.

USCIRF also recommends that we ensure a portion of the U.S. military assistance used to help police in Egypt implement an effective plan for dedicated protection for religious minority communities and their places of worship. And we also ask that they press the Egyptian Government to undertake immediate reforms to improve religious freedom conditions, including repealing the decrees banning religious minority faiths, including the Baha'i and Jehovah's Witness faiths.

Lastly, let me conclude by saying that we can and will see the constructive change by improving our use of existing tools for religious freedom and related rights and adding new tools for that purpose. If we renew our resolve to integrate this fundamental right more fully into our Nation's foreign policy, we can bring genuine progress to those beyond our shores who yearn for freedom.

Thank you.

[The prepared statement of Dr. Jasser follows:]

Testimony before the

**Africa, Global Health, Global Human Rights, and International
Organizations Subcommittee**

Of the House Foreign Affairs Committee

On

The Global Religious Freedom Crisis & Its Challenge to U.S. Foreign Policy

By

Dr. M. Zuhdi Jasser

June 16, 2016

Thank you to Chairman Smith and members of the Africa, Global Health, Global Human Rights, and International Organizations Subcommittee of the House Foreign Affairs Committee for holding today's hearing on "The Global Religious Freedom Crisis and Its Challenge to U.S. Foreign Policy." I am Dr. M. Zuhdi Jasser, President of the American Islamic Forum for Democracy (AIFD) based in Phoenix, Arizona. I am here today as a former Commissioner of the U.S. Commission on International Religious Freedom (USCIRF) and I am testifying today as a private citizen. I was a member of USCIRF when the 2016 Annual Report was issued. This testimony is informed by my personal travel on behalf of USCIRF to Burma, Egypt, Indonesia, Malaysia, and Saudi Arabia.

I especially welcome this opportunity to highlight the importance of promoting freedom of religion or belief in U.S. foreign policy and make recommendations on ways the United States can more effectively promote this vital human right. This hearing is especially timely given that there is a global religious freedom crisis and a negative trajectory for religious freedom in countries that top the U.S. foreign policy agenda. This is evident from the media's top headlines and its coverage of issues including genocide in Syria and Iraq; the role of religion in humanitarian crises worldwide, including the forced displacement of the largest number of people since World War II; and the plight of prisoners of conscience detained for expressing their right to religious freedom or advocating on the behalf of this freedom in countries such as China, Sudan, and Vietnam.

Why Religious Freedom Matters

Freedom of religion or belief is a broad, inclusive right that embraces the full range of thought, belief, and behavior. It means the right of all human beings to think as they please, believe or not believe as their conscience leads, and live out their beliefs openly, peacefully, and without fear. No government, group, or individual has the right to compel others to act against their conscience or restrain them from answering its call. Religious freedom applies to the holders of all religious beliefs and extends to those who reject religious beliefs altogether, and was overwhelmingly adopted in 1948 in Article 18 of the Universal Declaration of Human Rights as well as in subsequent international agreements.

Religious freedom matters. Eighty-four percent of the world's population identifies with a specific religious group. And yet, according to the most recent Pew study, more than three-quarters of the world's population live in countries in which religion is restricted significantly, either by the government or societal actors. Religion also can fuel dangerous conflicts between groups or individuals who hold different beliefs. In both instances, our nation and its diplomats cannot have productive dialogues and satisfactory relations or outcomes if we ignore, downplay, or dismiss religion's pivotal role.

A number of studies also have shown that, in countries that honor and protect this right, religious freedom generally is associated with vibrant political democracy, rising economic and social well-being, and diminished tension and violence. In contrast, nations that trample on religious freedom are more likely to be mired in poverty and insecurity, war and terror, and violent, radical extremism. This instability directly bears not only on the well-being of those societies, but the security of the United States and overall global stability.

Religious freedom thus merits a seat at the table with economic and security concerns as the U.S. and other nations conduct their affairs. These concerns are tied together in the real world. Effectively promoting religious freedom by fostering respect for human rights while promoting stability and ultimately national security can help U.S. foreign policy makers achieve crucial goals. Several of the tools that would help promote this precious right can be found in the International Religious Freedom Act (IRFA), the 1998 law which Members of Congress, led by former Representative Frank Wolf (R-VA) and Representative Chris Smith (R-NJ), strongly supported with the goal of making religious freedom a core factor in U.S. foreign policy.

Among its provisions, IRFA established consequences for the worst violators of the freedom of religion or belief. The law requires the President – who has delegated this power to the Secretary of State – to designate annually “countries of particular concern,” or CPCs, and take action designed to encourage improvements in those countries. CPCs are defined as countries whose governments either engage in or tolerate “particularly severe” violations of religious freedom. A menu of possible actions is available, ranging from negotiating a bilateral agreement, to imposing sanctions, to taking a “commensurate action,” to issuing a waiver. While a CPC designation remains in effect until removed, actions tied to a CPC designation expire after two years, if not renewed.

IRFA did not limit violations to government actions. It recognized that religious freedom violations also can occur through government inaction against abuses by private actors. The 1998 statute does not, however, adequately address one of the 21st century’s major challenges to freedom of religion or belief: the actions of non-state actors in failing or failed states. In many of the most pressing situations today, transnational or local organizations are the egregious persecutors and governments either are incapable of addressing the violations or non-existent. In these situations, allowing the United States to designate the non-state actors perpetrating particularly severe violators of religious freedom would broaden the U.S. government’s ability to engage the actual drivers of persecution. I commend Representative Smith for including such a provision in H.R. 1150, the Frank R. Wolf International Religious Freedom Act.

Along with an annual CPC process, the IRFA toolbox provides many options for diplomatic action. U.S. diplomatic engagement cannot and should not solely rely on naming CPCs, but rather use a concert of action including: diplomatic engagement; consultations about possible CPC action; CPC designations; binding agreement negotiations; presidential actions; and/or a waiver for the narrowest of circumstances. Past practice provides only a few examples of these tools being used together to bring about change in a country of concern. CPC designations should be made and an annual CPC designation process should be the center of all IRF-related work, driving and energizing other areas of U.S. diplomacy, but should not be the sum total of all activity.

Recommendations on CPC Designations: USCIRF recommends that the State Department:

- Use all of IRFA’s tools, including annual CPC designations, in a continuity of action;
- Ensure that the CPC list expands and contracts as conditions warrant;

- Wherever possible, when Presidential Actions or commensurate actions are taken as a consequence of CPC designations, undertake specific efforts to emphasize the importance of religious freedom to the United States, and in particular avoid “double-hatted” sanctions; and
- Limit the use of waivers to a set period of time and subject them to review for renewal.

USCIRF recommends that Congress:

- Take steps through legislative action to require the State Department to make annual CPC designations, should the State Department fail to do so;
- Hold annual oversight hearings on IRFA implementation in the House and Senate;
- Expand the CPC classification to allow for the designation of countries where particularly severe violations of religious freedom are occurring but a government does not exist or does not control its territory; and
- Expand the CPC classification to allow the naming of non-state actors who are perpetrating particularly severe violations of religious freedom.

Country Examples

Religious freedom remains under serious assault across much of the world, including in countries that top the U.S. foreign policy agenda. The tools IRFA provides need to be used, and used more effectively, especially in the countries noted below which are particularly instructive of the role that religious freedom should play in guiding U.S. foreign policy.

Burma

In 2015, peaceful elections ended more than 50 years of military-controlled government in Burma, yet the new government faces a myriad of human rights challenges. Throughout the year, Burma’s government and non-state actors continued to violate religious freedom; these violations became a defining element of the campaign season. The abuses were particularly severe for Rohingya Muslims; whose persecution became even more apparent when the magnitude of their flight from Burma captured international media attention. Instead of protecting those most in need, like the Rohingya, Burma’s government intensified its actions isolating and marginalizing vulnerable groups, leaving hundreds of thousands internally displaced and without basic necessities. The government allowed expressions of hatred and intolerance toward religious and ethnic minorities to continue unchecked and shepherded the passage into law of four discriminatory “race and religion bills.” USCIRF continues to recommend in 2016 that Burma be designated as a CPC. The State Department has designated Burma a CPC since 1999. USCIRF has recommended CPC status for Burma since the Commission first made CPC recommendations in 2000.

Recommendations for the U.S. Government: The new NLD government will have many priorities, and it will be essential for the United States and others to consistently reinforce the importance of religious freedom and related human rights. Along with the U.S. maintaining the CPC designation, USCIRF recommends that the U.S. government should:

- Enter into a binding agreement with the Burmese government, as defined in section 405(c) of IRFA, committing the government to end violence and the policies of discrimination against religious and ethnic minorities;
- Use the term Rohingya, both publicly and privately, which respects the right of the Rohingya Muslim community to identify as they choose;
- Encourage legal and legislative reform that strengthens protections for religious and ethnic minorities, including citizenship for the Rohingya population, and support rule of law training for government, judicial, and law enforcement officials;
- Continue to use the leverage of the “specially designated nationals” list with respect to individuals who have participated in human rights and religious freedom abuses; and
- Renew for another year the designation under the International Emergency Economic Powers Act based on the ongoing nature of intercommunal violence and humanitarian crises throughout Burma. [The IEEPA specifies how blacklisted companies and individuals should be dealt with; Burma is so designated in order “to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions and policies of the Government of Burma.”]

Egypt

Against a backdrop of deteriorating human rights conditions, the Egyptian government has taken positive steps to address some religious freedom concerns, including intolerance in religious curricula and extremism in religious discourse. President Abdel Fattah al-Sisi also continued to make public statements encouraging religious tolerance and moderation. Furthermore, there were notably fewer sectarian attacks against Christians and other religious minorities. However, other past large-scale sectarian incidents have not been prosecuted, which continued to foster a climate of impunity. In addition, the longstanding discriminatory and repressive laws and policies that restrict religious freedom remain in place. During the past year, there was an increase in Egyptian courts prosecuting, convicting, and imprisoning Egyptian citizens for blasphemy and related charges. USCIRF in 2016 thus recommended for the sixth year in a row that Egypt be designated a CPC. Previously, Egypt was on USCIRF’s Watch List from 2002 to 2010. USCIRF will continue to monitor the situation closely to determine if positive developments warrant a change in Egypt’s status during the year ahead.

Recommendations for the U.S. government: The success of Egypt’s transition hinges on full respect for the rule of law and compliance with international human rights standards, including freedom of religion or belief. The U.S. government should:

- Ensure that a portion of U.S. military assistance is used to help police implement an effective plan for dedicated protection for religious minority communities and their places of worship;
- Provide direct support to human rights and other civil society or non-governmental organizations to advance freedom of religion or belief for all Egyptians;

- Press the Egyptian government to undertake immediate reforms to improve religious freedom conditions, including: repealing decrees banning religious minority faiths, including the Baha'i and Jehovah's Witness faiths; removing religion from official identity documents; and passing laws consistent with Article 53 (creating an anti-discrimination body) and Article 235 (regulating the construction and renovation of churches) of the constitution; and
- More actively press the Egyptian government to prosecute perpetrators of sectarian violence through the judicial system and urge the Egyptian government to repeal or revise Article 98(f) of the Penal Code, which criminalizes blasphemy.

Indonesia

Incidents of discrimination against religious minorities and attacks on religious properties, typically isolated incidents localized in certain provinces, continue to occur. Radical groups perpetrate many of these attacks and influence local government officials' responses. These groups target non-Muslims, such as Christians, and non-Sunni Muslims whose practice falls outside what the groups deem acceptable. Encouragingly, President Joko Widodo, Religious Affairs Minister Lukman Hakim Saifuddin, and other government officials in 2015 regularly condemned religious-based violence. While such statements contrast starkly with the previous administration's support for radical groups, longstanding policies and practices that motivate and provide cover for radical groups' actions against religious communities remain and continue to mar Indonesia's prospects for genuine religious freedom. Indonesia has been on Tier 2, formerly USCIRF's Watch List, since 2003.

Recommendations for the U.S. Government: The U.S. government should:

- Urge the Indonesian government to overturn the 2008 Joint Ministerial Decree on the Ahmadiyya community and provincial bans on its religious practice; amend or repeal Article 156(a) of the Penal Code and release anyone sentenced for "deviancy," "denigrating religion," or "blasphemy;" and amend the 2006 Joint Regulation on Houses of Worship to allow religious communities to build and maintain places of worship free from discrimination and threats;
- Create specific bilateral working groups as part of the Comprehensive Partnership meetings with Indonesia to discuss human rights, religious freedom, and rule of law issues and establish concrete measures to address these issues;
- Raise publicly and privately with Indonesian officials the need to protect Indonesia's tradition of religious tolerance and pluralism by investigating, arresting, and prosecuting individuals or groups who discriminate or commit acts of violence against religious communities; and
- Help to train Indonesian police and counter-terrorism officials, at all levels, to better address sectarian conflict, religion-related violence, and terrorism, through practices consistent with international human rights standards.

Iran

Religious freedom conditions continued to deteriorate over the past year, particularly for religious minorities, especially Baha'is, Christian converts, and Sunni Muslims. Sufi Muslims and

dissenting Shi'a Muslims also faced harassment, arrests, and imprisonment. Since President Hassan Rouhani was elected president in 2013, the number of individuals from religious minority communities who are in prison because of their beliefs has increased, despite the government releasing some prisoners during the reporting period, including Iranian-American pastor Saeed Abedini. The government of Iran continues to engage in systematic, ongoing, and egregious violations of religious freedom, including prolonged detention, torture, and executions based primarily or entirely upon the religion of the accused. Since 1999, the State Department has designated Iran a CPC. USCIRF again recommended in 2016 that Iran be designated a CPC. USCIRF has recommended CPC status for Iran since the Commission first made CPC recommendations in 2000.

Recommendations for U.S. Policy: The U.S. government should:

- Notwithstanding the nuclear deal, ensure that violations of freedom of religion or belief and related human rights are part of multilateral or bilateral discussions with the Iranian government whenever possible, and continue to work closely with European and other allies to apply pressure through a combination of advocacy, diplomacy, and targeted sanctions;
- Continue to speak out publicly and frequently at the highest levels about the severe religious freedom abuses in Iran, press for and work to secure the release of all prisoners of conscience, and highlight the need for the international community to hold authorities accountable in specific cases; and
- Continue to identify Iranian government agencies and officials responsible for severe violations of religious freedom, freeze those individuals' assets, and bar their entry into the United States, as delineated under the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (CISADA).

Iraq

Iraq's religious freedom climate continued to deteriorate in 2015, especially in areas under the control of the Islamic State of Iraq and the Levant (ISIL). ISIL targets anyone who does not espouse its extremist Islamist ideology, but minority religious and ethnic communities, including the Christian, Yazidi, Shi'a, Turkmen, and Shabak communities, are especially vulnerable. In 2015, USCIRF concluded that ISIL was committing genocide against these groups, and crimes against humanity against these and other groups. While ISIL was the most egregious perpetrator of human rights and religious freedom violations, the Popular Mobilization Forces (PMF), recognized by Prime Minister al-Abadi in September 2015 as officially part of the Iraqi state, have continued to commit systematic attacks against Sunni Muslim civilians, exacerbating sectarian tensions. Although al-Abadi attempted to bring the PMF into the fold of government-sanctioned armed groups through this maneuver, so far it has remained clear that the group – which technically reports to the Ministry of Interior – exercises a significant amount of autonomy and espouses strong pro-Shi'a leanings, mostly to the exclusion of Iraq's Sunni population. However, because the PMF is one of the most effective groups in fighting ISIL, the Iraqi government has not curtailed their activities or prosecuted those who have perpetrated violent attacks.

Millions of Iraqis are now refugees or are internally displaced due to ISIL's actions and the government's inability to protect religious communities. Based on violations perpetrated primarily by ISIL, but also due to the Iraqi government's toleration of attacks by security forces and the PMF, in 2016 USCIRF again recommended that the U.S. government designate Iraq as a CPC. The State Department never has designated Post-Saddam Iraq a CPC.

Recommendations for the U.S. government. The U.S. government should:

- Call for or support a referral by the UN Security Council to the International Criminal Court to investigate ISIL violations in Iraq and Syria against religious and ethnic minorities, following the models used in Sudan and Libya, or encourage the Iraqi government to accept ICC jurisdiction to investigate ISIL violations in Iraq after June 2014;
- Encourage the Global Coalition to Counter ISIL to work to develop measures to protect and assist the region's most vulnerable religious and ethnic minorities, including by increasing immediate humanitarian aid, prioritizing the resettlement to third countries of the most vulnerable, and providing longer-term support in host countries for those who hope to return to their homes post-conflict;
- Urge the Iraqi government to continue to prosecute and hold to account Shi'a militias for abuses of non-combatant Sunni Muslims or other religious minorities, and investigate and prosecute perpetrators when violations occur;
- Focus U.S. programming in Iraq on promoting religious freedom and tolerance and ensure that marginalized communities benefit from U.S. and international development assistance.

The U.S. Congress should:

- Include in the Fiscal Year 2017 Department of State, Foreign Operations, and Related Programs Appropriations Bill, or in another appropriate vehicle, a provision that would in the future permit the U.S. government to appropriate or allocate funds for in-kind assistance to genocide, crimes against humanity, or war crimes cases at the ICC on a case-by-case basis and when in the national interest to provide such assistance.

Nigeria

Religious freedom conditions in Nigeria continue to be troubling. While the Nigerian military successfully recaptured territory from, and arrested members of, Boko Haram, the terrorist group returned to asymmetrical warfare, including suicide bombings of mosques and other civilian targets. It reportedly also forced Christians to convert and Muslims to adhere to its extreme interpretation of Islam. Boko Haram violence and recurring clashes between Muslim herders and Christian farmers continue to impact negatively religious freedom and interfaith relations in the country. The Nigerian federal government fails to implement effective strategies to prevent or stop terrorism and sectarian violence and does not bring to justice those responsible for such violence, thus fostering a climate of impunity. Additionally, because of the Nigerian military's excessive use of force against a Shi'a Muslim group in Kaduna in December 2015, hundreds were killed, worsening the government's relations and societal tensions with that minority community.

Nigeria's population of almost 180 million people is equally divided between Muslims and Christians. Religious identity frequently falls along regional, ethnic, political, and socio-economic lines and provides flashpoints for violence. In 2016, USCIRF again recommended that the State Department designate Nigeria as a CPC. USCIRF has recommended the CPC designation since 2009. Nigeria had been on USCIRF's Watch List since 2002.

Recommendations to the U.S. government. The U.S. government should:

- Seek to enter into a binding agreement with the Nigerian government, as defined in section 405(c) of IRFA, and be prepared to provide financial and technical support to help the Nigerian government undertake reforms to address policies leading to violations of religious freedom, including but not limited to the following:
 - Professionalize and train specialized police and joint security units to respond to sectarian violence and acts of terrorism;
 - Conduct professional and thorough investigations of and prosecutions for future incidents of sectarian violence and terrorism;
 - Develop effective conflict-prevention and early-warning mechanisms at the local, state, and federal levels; and
 - Develop a system whereby security officers accused of excessive use of force and other human rights abuses are investigated and held accountable.
- Hold a joint session of the U.S.-Nigeria Bi-National Commission working groups on good governance and security to address issues of Nigeria's recurrent sectarian violence and failure to prosecute perpetrators; and
- Encourage the Nigerian government to increase funding and implement initiatives for development assistance, counter radicalization, and conflict mitigation in northeast Nigeria.

Pakistan

The Pakistani government in 2015 continued to perpetrate and tolerate systematic, ongoing, and egregious religious freedom violations. Religiously-discriminatory constitutional provisions and legislation, such as the country's blasphemy law and anti-Ahmadiyya laws, violate international standards of the freedom of religion or belief and result in prosecutions and imprisonments. The actions of non-state actors, including U.S.-designated Foreign Terrorist Organizations such as Tehrik-e-Taliban Pakistan (Pakistani Taliban), continue to threaten all Pakistanis and the country's security. Religious minority communities, including Shi'a and Ahmadiyya Muslims, Christians, and Hindus, experience chronic sectarian and religiously-motivated violence from both terrorist organizations and individuals. The government's failure to adequately protect likely targets of such violence or prosecute perpetrators has created a deep-rooted climate of impunity. Discriminatory content against minorities in provincial textbooks remains a significant concern, as are reports of forced conversions and marriages of Christian and Hindu girls and women. USCIRF recommends in 2016 that Pakistan be designated a CPC. USCIRF has recommended CPC status for Pakistan since 2002.

Recommendations for the U.S. Government: USCIRF recommends that the U.S. government should:

- Designate Pakistan as a CPC, and as a consequence of that designation, work to reach a binding agreement with the Pakistani government on steps to address the systematic, egregious, and ongoing violations of religious freedom; accompany such an agreement with funding for related capacity building through State Department and USAID mechanisms;
- Press the Pakistani government to implement its Supreme Court's decision to create a special police force to protect religious groups from violence and actively prosecute perpetrators;
- Include discussions on religious freedom in U.S.-Pakistan dialogues or create a special track of bilateral engagement on government efforts to promote interfaith harmony;
- Encourage the government of Pakistan to launch a public information campaign about the historic role played by religious minorities in the country, their contributions to Pakistani society, and their equal rights and protections, and use the tools of U.S. public diplomacy to highlight similar themes; and
- Continue to call for the repeal of the blasphemy and anti-Ahmadiyya laws; until that can be accomplished, urge the Pakistani government to make blasphemy a bailable offense; add and enforce penalties for false accusations; and review all cases of individuals charged with blasphemy in order to release those subjected to abusive charges.

Saudi Arabia

Despite some improvement in religious freedom, Saudi Arabia remains uniquely repressive in the extent to which it restricts the public expression of any religion other than Islam, and a number of high profile cases during the past year demonstrated the government's disregard for religious freedom. The government privileges its own interpretation of Sunni Islam over all other interpretations and prohibits any non-Muslim public places of worship in the country. It continues to prosecute, imprison, and flog individuals for dissent, apostasy, blasphemy, and sorcery, and a 2014 law classifying blasphemy and advocating atheism as terrorism has been used to prosecute human rights defenders and others. Authorities also continue to repress and discriminate against dissident clerics and members of the Shi'a community who criticize the government and call for equal rights. Based on these violations of religious freedom, USCIRF again recommended in 2016 that Saudi Arabia be designated as a CPC. Although the State Department has designated Saudi Arabia a CPC since 2004, an indefinite waiver on taking any action in consequence of the CPC designation has been in place since 2006.

Recommendations for the U.S. government: The U.S. government should:

- Continue to designate Saudi Arabia a CPC, no longer issue a waiver, and press the Saudi government to take concrete action towards completing reforms confirmed in July 2006 in U.S.-Saudi bilateral discussions; provide a detailed report on progress and lack of progress on each of the areas of concern;

- Press for at the highest levels and work to secure the immediate release of Raif Badawi, his counsel Waleed Abu al-Khair, and other prisoners of conscience, and press the Saudi government to end state prosecution of individuals charged with apostasy, blasphemy, and sorcery;
- Press the Saudi government to ensure equal rights and protection under the law for Shi'a Muslim citizens and remove the classification of advocating atheism and blasphemy as terrorist acts in its 2014 terrorism law; and
- Press the Saudi government to publicly denounce the use around the world of older versions of Saudi textbooks and other materials that promote hatred and intolerance.

Syria

Syria's religious communities largely are deprived of religious freedom due to the actions of President Bashar al-Assad's regime, elements of the armed opposition, and U.S.-designated terrorist groups, particularly the al-Qaeda affiliated Jabhat al-Nusra and the Islamic State of Iraq and the Levant (ISIL). The Syrian crisis has evolved into a largely sectarian conflict. The al-Assad regime continues to target Arab Sunni Muslim civilians and other individuals or groups that oppose it, including through indiscriminate bombings, sieges, starvation, and the use of chemical weapons. ISIL targets the regime and its supporters, religious minorities, and any Muslims opposing its violent version of Islamist ideology. Syrian and international groups alike have documented attacks on places of worship, kidnappings and killings of religious leaders, and public beheadings and mass murders of anyone who does not submit to ISIL's control and authority. Due to the collective actions of the Bashar al-Assad regime, elements of the armed opposition, and U.S.-designated terrorist groups, USCIRF again recommended that Syria be designated as a CPC in 2016, as it has recommended since 2014.

Recommendations for the U.S. government: In addition to continuing to seek an end to the Syrian conflict, USCIRF recommends that the U.S. government should designate Syria a CPC and should:

- Urge the UN Security Council and its member states to rigorously implement and comply with ratified resolutions, including UN Security Council resolutions 2118 (elimination of Syrian chemical weapons), 2139 (calling for humanitarian access into besieged areas and an end to barrel bombs), 2165 (approving humanitarian access across conflict lines), 2209 (calling for an end to the use of chlorine bombs), and 2254 (ceasefire and road map for peace in Syria);
- Continue to call for an International Criminal Court (ICC) investigation into crimes committed by both ISIL and the al-Assad regime, following the models used in Sudan and Libya;
- Encourage the Global Coalition to Counter ISIL to work to develop measures to protect and assist the region's most vulnerable religious and ethnic minorities, including by increasing immediate humanitarian aid, prioritizing the resettlement to third countries of the most vulnerable, and providing longer-term support in host countries for those who hope to return to their homes post-conflict;

- Commit to a goal of resettling 100,000 Syrian refugees to the United States, subject to proper vetting and a prioritization based on vulnerability, in order to aid those Syrians in the greatest peril, demonstrate U.S. leadership in efforts to address this extraordinary humanitarian crisis, and show support for governments in the Middle East and Europe that are hosting millions of Syrian refugees; and
- Allocate sufficient resources to the Department of Homeland Security and other agencies that conduct the rigorous individualized vetting of refugees being considered for resettlement to allow them to expeditiously process applications and thoroughly conduct background checks, in order to facilitate resettlement without compromising U.S. national security.

The U.S. Congress should:

- Include in the Fiscal Year 2017 Department of State, Foreign Operations, and Related Programs Appropriations Bill, or in another appropriate vehicle, a provision that would permit the U.S. government to appropriate or allocate funds for in-kind assistance to genocide, crimes against humanity, or war crimes cases at the ICC on a case-by-case basis and when in the national interest to provide such assistance.

Conclusion

We continue to face an enormously challenging landscape for freedom of religion or belief abroad. By improving our use of existing tools and creating new tools for a rapidly changing environment, we can see constructive change. Most importantly, we must renew our resolve to integrate this fundamental freedom more fully into the foreign policy of our nation, we can bring genuine progress to those beyond our shores who yearn for freedom.

Mr. SMITH. And, Dr. Jasser, thank you, as well, for your tremendous service on the Commission, your excellent writings, which I have read and inserted in the record from time to time. Thank you for that.

Dr. JASSER. Thank you.

Mr. SMITH. I know, Dr. George, you do have to leave for a train soon?

Mr. GEORGE. I did, but we have pushed the train back.

Mr. SMITH. Okay. But I understand—

Dr. JASSER. I have to leave in 15 minutes.

Mr. SMITH. Okay. So I will be very quick. And I thank you again for your patience.

I have read for testimonies. The full will be made a part of the record, and parts of the report, too, you know, that is permissible under our rules, especially the executive summary of the recent report.

You heard earlier when I quoted from the Supreme Knight—

Mr. GEORGE. Carl Anderson.

Mr. SMITH [continuing]. Carl Anderson, who I have known for 35 years. And he made some very, very good, keen observations about that the economic aid was not getting to the intended, the Christians were being bypassed by design or by accident, and also the importance of refugee status. And we have been raising that in this subcommittee for months, even years, that individuals who happen to be Christian, Yazidi, or Muslims who are being targeted don't get the help that they need, but especially Christians and Yazidis.

My question would be about—and its in your testimony, Dr. George—the encouragement to the Global Coalition to Counter ISIL, that they integrate their work so they understand religious minorities. We haven't learned that lesson, it seems to me.

I remember, with Kosovo, we actually had hearings with Archbishop Artemije, who would bring in these terrible depictions of centuries-old churches, monasteries being decimated by radical Islamic terrorists.

And in Iraq, I remember on one trip to Baghdad hearing from Christians who said, "The Americans are here, and we are more at risk now than we were before Saddam Hussein," when he reigned—a very, very terrible indictment, in my opinion. And then we would talk to the military, and they would say, "We have it covered," but they didn't.

And I am wondering if the Global Coalition is more attuned to lessons learned, if you will—that they have to really have a special prioritization and a laser-beam focus on, especially now, those who have been designated victims of genocide. Do you think that is happening? What would be your recommendations there?

Mr. GEORGE. Well, I think it is necessary. I think we will have to direct the question of whether it is happening to our friends in the administration.

I am sure everybody is doing the best that he or she can on this issue. It is obviously very complicated. It involves coordination with other countries. It involves coordination with United Nations agencies. We are not always on the same page, our country with other countries or with the U.N. But I think we really do have to make a very, very, very special effort to protect the most vulnerable peo-

ple. I mean, I think that is the bottom line. Whatever has to be done, well, it needs to be done, will be done, should be done to protect the most vulnerable. And the most vulnerable are those who are vulnerable to the worst offenses, to enslavement, torture, rape, and murder.

And Congressman Rohrabacher is right that that is not evenly distributed. Now, that doesn't mean that it is only Christians or only Yazidis or never Muslims. There are Muslims who are targeted for the same sort of atrocities that Christians and Yazidis are targeted for. So you can't deal with this simply by categorizing people neatly into groups. And yet we do know that the entire Christian community and the entire Yazidi community and some other smaller communities that we have outlined in the written testimony and in our report—all of the members of those communities are vulnerable in that way, all of them.

Mr. SMITH. Let me ask you, the seven countries you recommended, and then you have a narrative for each, and you have conveyed some of that orally today. Let me ask you about Vietnam, if you might want to speak to that issue, which I think is a no-brainer, that they ought to be designated a CPC. They were taken off the list prematurely last time, in the hope—and it was a realistic hope maybe—that they would improve. They didn't.

Dr. George, I really appreciate your comment about the right to worship. I remember, in 1982, when I went to the Soviet Union, I kept hearing about how they had religious freedom enshrined in their constitution, and they defined it as right to worship, and even that was heavily truncated. But everything else—schools, hospitals, social services—all were part of the Communist Party's domain.

And I am very worried about a trend that is happening worldwide, as I think you are. It is not right to worship; it is much more robust and expansive than that. So thank you for reminding the subcommittee of that, and you might want to speak to it further.

And, on India, my understanding is that you had hoped to travel to India last year. And I know that Rabbi Saperstein had made inquiries about doing that as well. Could you speak to that whole issue?

Mr. GEORGE. Sure. Yeah, let me start with that one—

Mr. SMITH. Please.

Mr. GEORGE [continuing]. And then go back to a couple of the other points that you made.

Yes, we have sent delegations, including members of the Commission and members of our terrific staff. And I want to take this opportunity to commend—now that I am no longer on the Commission, I want to say what I said so often when I was chairing the Commission.

The staff of the United States Commission on International Religious Freedom is really quite extraordinary. It was just a privilege to work with such knowledgeable and dedicated people. There are very few of them; it is a small staff. They all do much more work than should be required of any individual, but that comes out of their dedication to the cause of religious freedom.

Well, we send delegations, we have from the earliest days of the Commission, to countries, not only to meet with public officials and be schmoozed and entertained but also to try to see if we can meet

with members of faith groups, ethnic minority communities, people who can give us the lowdown on what is really happening on the ground.

We have found, over the course of our, what, 18 years or so now, 19 years of existence, that these are very valuable opportunities for us to learn what is going on on the ground when it comes to religious freedom in these countries.

And, ordinarily, we are welcomed, even by some of the worst offending regimes. We were, therefore, taken aback when our proposed visit to India to do some fact-finding there was rebuffed. Visas were not granted to our people to make the trip.

Now, India is an ally. It is a democratic nation. There is much to praise in the record of India, and we know that, including in some human rights areas, but there are also some problems. And we wanted to get our finger on those problems, more deeply understand what we are quite confident is a complicated picture. So we wanted to send our delegation. And yet the Indian officials, by refusing to grant the visas, made that impossible.

When I registered in the public media a relatively mild protest, saying that it is really unfortunate that India has not granted these visas, well, this was met with an outpouring of—I am not quite sure how to say this politely—abuse by people in India and those outside of India who are sympathizing with some of the groups that we are concerned about, especially Hindu nationalist groups that we are concerned about in India, met with abuse directed toward me and directed toward the Commission and directed toward my fellow commissioners, claiming that we were engaging in neo-imperialism and so forth and so on.

Of course, we are worried about some things that have happened in India. Of course, there is the historic treatment of the Dalit, which is shameful. There is the, in some cases, persecution of Muslim minority groups, persecution of Christian groups, and, of course, some abuses toward Indians, including Hindus, who do not go along with the more extreme forms of Hindu nationalism.

So we had a perfectly legitimate reason, Mr. Chairman, to visit India: To engage. We wanted to engage them, we wanted to listen, we wanted to hear what they had to say, the government as well as the civil society groups. We had a perfectly legitimate reason, but they don't want us to come.

And I do hope that when we seek visas again, when a future commission seeks visas, India will reserve itself on this and visit with our people and engage our people, talk with our people. And let's see if we can work together toward improving the human rights and religious freedom situation in India, which the new President, President Modi, says that he wants to do.

Now, you had raised a couple of other points, and I want to give Zuhdi a chance to speak, because he has to run, if he was something to say on those points.

But on this matter of the reduction of religious freedom to the mere right to worship, I think we need to be very clear. We need to be clear in our own minds and we need to be very clear with those we are engaging on our own side, within the Congress and the administration, and very, very clear with, especially, offending

regimes that the right to religious liberty is a broad right, it is a robust right.

It is the right to hold a belief or no belief, as one's conscience dictates. It is the right to change one's faith from one to another, as conscience leads, or to abandon faith altogether if that is where conscience leads.

It is the right to express one's faith, Mr. Chairman, in public and not merely in private, to enter the public square and to express one's views, advocate on behalf of one's religious beliefs to others, as long as one also respects their right to listen or not listen as they see fit, to engage one to try to persuade one in the opposite direction.

And, very fundamentally—and let this never be lost—it also means the right to enter the public square and, on the basis of one's religiously informed convictions about justice and the common good, advocate positions regarding public policy, vie for the allegiance of one's fellow citizens, seek to correct what one views as injustices, precisely as Dr. Martin Luther King did.

Fortunately, we did not say to Dr. King, "You are a religious man, you are a preacher, you speak in terms of God and the Bible. That violates the separation of church and state. You can say that stuff in your church, but don't enter the public square and try to change public policy based on this religious teaching."

To have said that to King would have been for us to be profoundly untrue to our own convictions and principles as embodied in our Constitution and Declaration of Independence. And to say that to religious people today is equally an offense against the best in our traditions.

Zuhdi, I want to give you a chance because you have to run to the airport.

Dr. JASSER. Yeah.

Thank you, Chairman. There are actually four things I want to—and they may not respond directly to your last question, but just in the interest of time.

First of all, there was a comment made earlier about the faith of the people escaping Syria. And as much as, certainly, there has been a genocide perpetrated against the Yazidis, the Christians, and other minorities by ISIS, to say that the Muslim community—in all due respect to Congressman Rohrabacher's opinion—is leaving because of jobs and other issues, they were targeted, I believe—and this is my personal opinion, not that of the Commission. There was a genocide against the Sunnis and has been perpetrated for years, with over 500,000 killed. Somewhere upwards of 95 percent of those killed have been Sunni Muslims.

They are not leaving because of jobs and looking for a better place. They are leaving because they have been targeted by the Assad regime. And our recommendations do ask that that be looked at.

And to that, actually, the comments about Russia, I think, also need a contrary opinion to be responded to, which is that our Commission has listed Russia as a country on the Watch List or Tier 2, and I have a dissent in our report, that I believe personally that Russia should be on the CPC list. It is not just the Jehovah's Witness, but it is Muslims, and it is systematic—I believe systematic

and egregious changes in the law. Their actions in Crimea, their actions in the Ukraine and other places have demonstrated their complete disregard for religious freedom, except the religion of the state.

And I will say, again, taking off my USCIRF hat but simply as the chairman of the American Islamic Forum for Democracy, their actions in Syria are also perpetrating a genocide in a foreign operation, which I think mirrors what they do domestically in Russia. And I think you see this also with Iran, who is helping what is happening in Syria. What they do domestically they also do abroad.

Next is the issue on Saudi Arabia's waiver. I want to also leave you with the thought that we need to bolster IRF recommendations and statutes so that the waiver is not simply used.

I have been to Saudi Arabia on behalf of USCIRF, and they almost seem more concerned about the verbiage than even whether we designated them as CPC, because they have had this absolution of getting a waiver from the White House and the State Department year after year. That is a blight on the impact of IRFA, the waiver that continues to be given to Saudi Arabia.

And the waivers are used, understandably, for national security issues and others, but it makes the comments about Natan Sharansky and all these other things that we say, that we stand for freedom and prisoners of conscience, it makes it simply a paper drill rather than actually having impacts, as we said when we designated genocide. What is the impact if the IRFA act of sanctions and other things don't fall into play?

Lastly, I want to use Malaysia as an example. It has been on our Watch List. We went to Malaysia and Indonesia. We met with civil society groups. And to Dr. George's comments, women's groups after Islamic liberal groups told us: Stop calling us a moderate Islamic country. They have been headed toward more and more religious repression, and they do not feel—the groups we spoke to do not feel that it is a moderate Islamic country because of the infiltration of Islamism, Sharia state mentality, Wahhabism, and other infiltration.

So these issues, I think, look at their designation that we talk about in our report. And I think it is also very instructive to show how religious freedom will follow than other degradations of freedoms in those countries. Thank you.

Mr. GEORGE. Mr. Chairman, if I can just reinforce that third point that Dr. Jasser made about the use of waivers.

Now, the statute permits the waivers. There is no question about that, and we are not asking for that to be eliminated, but I do think it is very important, if a waiver is to be granted, that the waiver not be for an indeterminate length of time, that it not be an indefinite waiver, number one. And number two, I think it is critically important that we not give unconditional waivers. If we are going to do unconditional waivers, we are actually giving away the content of the CPC designations.

So I am sorry that I would like to make this point to David, although he has heard me make it before. Unfortunately, he had to leave. But let's press on this, if we possibly can. No more indefinite waivers. No more unconditional waivers.

Mr. SMITH. As you know, the new International Religious Freedom Act, the one that has passed the House, does limit to 90 days, with an additional 90 days, except for true national security reasons, because waivers are violated with impunity by administrations. And unfortunately, this one has done so like no other.

I would also point out that when it comes to implementation of these policies, faithfulness does matter. I also am the author of the Trafficking Victims Protection Act. On the most recent occasion, 14 countries got inflated grades, and Reuters did the investigative work that proved that the tipoff, this trafficking person's office clearly said, this is a Tier 3 egregious violating country, Malaysia was one of them, but for nonhuman trafficking purposes, got an inflated grade so that they could be part of the TPP. Or Cuba, because we have a rapprochement going, so we can throw them a bone even though their policies on trafficking are atrocious. Same goes for Oman and many other countries, 14 in total.

So we need to insist, all of us, on faithful implementation of these statutes, whether it be religious freedom or trafficking or any other human rights—

Mr. GEORGE. Exactly.

Mr. SMITH [continuing]. Policy.

And, Mark.

Dr. JASSER. And just one last comment. I think there is nothing that is more exemplary, emblematic of the sort of end around that sometimes the State Department does on the CPC than the fact that Syria is not listed as a CPC.

So to say that it is not a CPC, almost everyone I talk to says that is a bizarre thing. And then you look at non-state actor issues, et cetera, we have got to either fix IRFA so that Syria—use that as a template to hold State Department accountable, because if Syria is not a CPC, then what is a CPC?

Mr. GEORGE. I also owe you an answer, Mr. Chairman, on Vietnam. And I think we just have to, frankly, acknowledge that a mistake was made back in 2005, 2006 when, after Vietnam did institute some reforms, the government acted precipitously, in my opinion, to remove them from the list, and of course, they slid right back into their old ways.

We have—we, again speaking as if I am still on the Commission. I can't get out of that mode. But the Commission, when Dr. Jasser and I were serving, and in the report for 2016, does recommend CPC status for Vietnam. And I want to here publicly again, urge the State Department at the earliest opportunity to make that designation. And my hope would be that it would have the good effect that it had earlier of getting some reforms for the suffering people of all faiths, by the way, of all faiths in Vietnam, whether we are talking about Buddhists, whether we are talking about Catholics, whether we are talking about the small evangelical Protestant minority.

All are victims there. I mean, it is a classic case of a Communist regime wanting to eliminate or drive into the ground any alternative authority structure of any kind, and of course, religions are the most important alternative authority structures in any society. So let's try to get Vietnam back on the list.

Mr. SMITH. Thank you for that. The Venerable Thich Quang Do, I met him. He is still under pagoda arrest. He can't leave his—he can't walk out the door without government people pushing him right back in. Father Loi, there are so many, and then all of those who are actually in prison still. So thank you for that leadership.

Mark Meadows.

Mr. MEADOWS. Dr. Jasser, I am going to give you your exit and just say thank you so much for not only being willing to be bold and speak the truth. It is refreshing, because of your faith and because of who you are, to be able to use you in a real way to discern some of the aspects that perhaps, because of my faith, I would be ignorant of. And so I just want to say thank you. And I know you have got to catch a plane, so I don't want you to have to hang around.

Dr. JASSER. Thank you.

Mr. MEADOWS. We have had a number of personal meetings, and I look forward to many more. And so I will pick up on a question for Dr. George as you leave. How about that?

Dr. JASSER. Thank you. Let me just make one parting comment, as it has been such a humbling honor to serve on USCIRF. It is always amazing how the American public, media, Government are—we have this American penchant not to offend other faiths and to protect, in the name of religious freedom, protecting other faiths.

And yet we forget that our roots—these halls were created by our forefathers who were devout God-fearing Christians that hated theocracy, that wanted to defeat theocracy, and yet we don't want to give the same battle to Muslims.

Mr. MEADOWS. Right.

Dr. JASSER. That somehow, if Muslims are against theocracy, or we, as Christians, or Jews or not, I am not a—I am Muslim, but we—the majority in America can't enable Muslims who are antitheocracy to have a voice in the name of a faith they love with tough love, then we seem to have forgotten the roots of the Founding Fathers.

Mr. MEADOWS. Well said. Thank you. Thank you, Dr. Jasser.

Mr. GEORGE. May I, as my friend and colleague is leaving, just say one thing about him because I think it is very important for the Congress and for the American people to understand this. Dr. Jasser's profound witness in favor of American ideals and institutions, in favor of liberty, in favor of justice comes from his Muslim faith. Does everybody understand this? This man is a good American, not because he is a bad Muslim. He is not a bad Muslim. He is a devout believing Muslim, and it is from his faith that he joins together with all of us who want to uphold religious freedom for all.

So I would say to my fellow Americans: Look at this man when you are tempted to think that the only way a Muslim can be a good American is to be a bad Muslim. No. That is not what the witness and example of Zuhdi Jasser stands for.

Mr. MEADOWS. Well said.

Mr. GEORGE. To be the very best of Muslims is like being the very best of Christians or very best of Jews. It is to be someone who stands for justice and human rights as Zuhdi Jasser has done.

Mr. MEADOWS. Well said.

Dr. JASSER. I am—too humbling. Thank you.

Mr. MEADOWS. Thank you, Dr. Jasser.

Dr. George, let me come back to you. One, you just made a very impassioned and what I would think insightful argument on behalf of religious freedom, not the freedom to worship as we please. And there is a big difference between the two, and it seems like there has been—now, one includes the other, but a freedom of worship doesn't necessarily include the expanse of what you just articulated. And I think that is a defining moment that we must, on every main street across this great country that we love, start to show the difference, because what has crept into so much of our rhetoric and speeches is the freedom to worship as we please.

Would you agree that that is not what the Founding Fathers intended when we talked about religious liberty and protection?

Mr. GEORGE. The Founding Fathers certainly, certainly, we can say this with certainty, did not mean to limit the free exercise of religion, as it says in the First Amendment, to the mere freedom to worship. The free exercise of religion certainly includes, centrally includes the freedom of worship, but it includes so much more.

And that is why, Representative Meadows, I went into some detail. I am grateful to the chairman's indulgence because it was a little bit off point, my little philosophical lecture, but I think it is relevant to the practical issues that we are dealing with today because some people are tempted to think that people enjoy freedom of religion if they enjoy the freedom to attend the mosque or the church or the synagogue, to pray around the dinner table or on their knees at bedtime. But the reality is, if that is all they have got, they have only got a fragment of the fundamental human right to religious freedom, which does include the right to go into the public square to advocate, to act on one's religiously inspired or religiously informed judgments about justice and the common good, as Martin Luther King did.

There is no sense, none, zero, in which our Founding Fathers, including Jefferson, who is often trotted out as an anti-religious person or as a person who wanted to restrict religion to the narrowest confines of the private sphere, there was no Founding Father, including Jefferson, who sought a privatization of religion. It was Jefferson, Representative Meadows, who said, speaking of slavery, himself a slave owner, who said, speaking of slavery: I tremble for my country—not just I tremble for myself, as if it were a private sin—I tremble for my country when I consider that God is just, that his justice will not sleep forever.

There are some times when we must tremble for our country because of injustices that we, as a people, are guilty of, and there, the prophetic voice of faith must speak to us not in the narrow confines of private life but in our public lives together as citizens.

Mr. MEADOWS. Well, it is indeed foundational. It is truly what I believe our Founding Fathers not only envisioned but practiced. And so in doing that, it is important for us as we preserve those liberties. So let me shift gears, and I want to talk a little bit about Sudan.

I heard Ambassador Saperstein talk about the potential for real progress in Sudan. I know I have personally met with not only Sudanese Government officials here in Washington, DC, on this topic,

as well as the economic prosperity of Sudan. We know where they are today in terms of not only sanctions but other potential retributions that—because of their government philosophy. And yet, I guess I would be remiss in not asking, is there a glimmer of hope where truly we can find the start, the kernel of a seed supposedly sprouting for religious liberty and protection?

I have sensed some of that from government officials and from those who talk on their behalf here in Washington, DC, and yet I hear conflicting messages from those, some that are in countries. And I go way back with Sudan. My mom was in Khartoum almost 50 years ago, and we have been very supportive of those who have horrifically had to eat leaves off of trees to survive. And so in doing that, it is not with an ignorance of what has happened but with a hope of what could potentially happen, and so I ask you to give me your candid thoughts on that.

Mr. SMITH. Would the gentleman yield before—

Mr. MEADOWS. Sure.

Mr. SMITH. I would just note, and I think the records reflect it, Mr. Meadows played the pivotal role in effectuating the release of Meriam Ibrahim.

Mr. GEORGE. Yes.

Mr. SMITH. He got the entire Congress mobilized, meetings with the Ambassador and he had a very, very effective diplomatic initiative that yielded the release of that wonderful woman and her children. So I just think the record should recognize that.

Mr. MEADOWS. Well, you are very kind. I thank the gentleman, and he is humble in not acknowledging his own role in that particular situation.

But please, Dr. George.

Mr. GEORGE. Well, I know I speak for an awful lot of people in the religious freedom advocacy community in saying that we thank you both for your efforts on her behalf. I had the pleasure of being on the dais with her when the Pope spoke in Philadelphia. She and I were among the warmup acts for Pope Francis, so I got to speak with her and then to listen to her give her speech. And she is a wonderful witness, and she is here because of your work. And we are just so grateful for her and for what you did for her, and in that way, also for all of us.

Representative Meadows, my heart breaks for the people of Sudan. Those people have suffered for so long and so intensely. Weak government, corruption, persecution, abuse, civil war. It is hard to think of a spot on earth more bleak, more dismal for the people than Sudan. Religious freedom in Sudan remains—the conditions for religious freedom remain poor. I can't—I can't—I can't give you a rosy picture. The reality is what it is.

But I have known Ambassador Saperstein for many, many years. I have worked with him long before he came to his position as—I wish he had more power.

Mr. MEADOWS. Yeah.

Mr. GEORGE [continuing]. Before he came to his position as Ambassador. And if he perceives a glimmer of hope, that is enough for me to conclude that there is a glimmer of hope, but it can't really be more than a glimmer. So the question is: How do we do some-

thing with that? If there is a little ember still alive, how do we work to see if we can fan that into a flame?

Well, first, of course, we have to acknowledge the reality. Since 2011, members of Sudan's Christian community, minority Christian community have been arrested, their religious buildings desecrated or destroyed, churches and their educational institutions and schools and so forth, Sunday schools closed, and their literature, even their religious literature has been confiscated. There continues to be a persecution.

So if anything is to be done, our recommendations to our Government are as follows: Try to enter into an agreement with the Government of Sudan that would set forth our commitment—set out a set of commitments that the Government of Sudan would undertake to address the worst offenses.

First, end prosecutions and punishments for apostasy.

Second, maintain provisions currently in the interim constitution respecting the country's international human rights commitments and guaranteeing religious freedom. At a minimum, those formal guarantees. Now, we know formal guarantees, parchment guarantees, as our Founders called them, aren't enough, but they are a necessary condition of doing more, so we need to get those into the actual final constitution.

Lift government prohibitions on church construction, the issuance of permits for building new churches; create legal mechanisms to provide compensation for those congregations who have had their churches destroyed; and get serious about addressing attacks on churches or on religious people, like Christians, who are victimized when rogue individuals or groups of thugs or mobs commit those atrocities against people. Prosecute them, punish them, repeal or revise all articles in the 1991 criminal code which violate Sudan's international commitments to religious freedom and belief.

And then finally, hold people accountable, whether they are government officials or private individuals, for any attacks on houses of worship, on individuals, any acts of discrimination against people because of their religious affiliation or religious beliefs. That is what we would like to see in an agreement entered into between our Government and the Government of Sudan.

Mr. MEADOWS. Thank you, Dr. George.

Mr. Chairman, I will yield back. I thank you.

Mr. SMITH. Thank you very much.

Thank you, Dr. George. And anything else, Dr. George, you would like to—

Mr. GEORGE. I would like to say a word about Pakistan.

Mr. SMITH. Please do.

Mr. GEORGE. We haven't spoken enough about Pakistan. Of those seven nations that you rightly pressed Ambassador Saperstein about, the State Department not designating. We have made recommendations for designations as CPCs. Among those seven nations who haven't been designated, despite our recommendation, in many cases despite more than a decade of recommendations, if I had to choose one, it would be a bit of a tough choice because you have got Vietnam, for example, on the list, but if I had to choose one, if the State Department would give me one that I could designate myself out of the seven, I am afraid it would be Pakistan.

Pakistan is one of the world's worst offenders. And once again, that is especially ironic because you have a democratic country, you have—always an ally of the United States. We have been calling for this designation for an awfully long time, and it is really high time that the designation be made. And remember, this is a place where the persecution and abuse is meted out against various religious minorities, including Muslim religious minorities, such as the Shia minority, or indeed those members of the Sunni community who dare to express any dissent from the extremism of the official policy.

The abuse of the Ahmadiyya Muslim community in Pakistan, the ongoing egregious systematic long-term abuse rooted not only in government policy but in prejudice within the civil society has got to be made a priority. The Ahmadiyya Muslims are peaceful people. They have caused no harm to anyone in Pakistan. They simply wish to worship as their conscience leads them. They wish to call themselves Muslims because they believe that they are Muslims. They follow the Koran, the other traditional Muslim teachings, and yet, as a matter of constitutional law of Pakistan, they are discriminated against. In the very constitutional law, they are not permitted to call themselves Muslims.

Now, within any religious community, there may be disagreements. Members of one Christian denomination may feel that members of another group who call themselves Christians aren't really Christians because they don't have the right doctrines and so forth, and yet we would rightly be appalled if anyone sought to use government power to punish people who called themselves Christians, despite somebody else believing that they are not really Christians.

Well, government power is being used against the peaceful Ahmadiyya community in Pakistan. That is also true of Saudi Arabia, by the way, but it is especially true in Pakistan. And I would really like the Congress to make it a priority in the advocacy concerning Pakistan that Pakistan must cease the oppression of the Ahmadiyya. And I think the same should be true, by the way, when we are talking about the Baha'i minority in places like Iran. Here again is a peaceful religious group, has never caused anybody any harm, are persecuted simply because of their beliefs.

These are really egregious cases because governments can't hide behind the concern that, well, we are really fighting terrorism. We have to oppress this group or that group because terrorism is being incubated in those groups. Nobody can say that about the Ahmadiyya. Nobody can say that about the Baha'is.

But back to Pakistan. The abuses are so widespread and so deeply entrenched that we need to put as much pressure as we can on our Government to put as much pressure as it can on the Pakistani Government so that it will begin to relent from its own abuses and start doing something about the abuses of religious minorities by private organizations or individuals or mobs burning down churches and so forth within Pakistan.

So thank you, Mr. Chairman, for giving me a few minutes to make that point about Pakistan.

Mr. SMITH. Oh, thank you. And as we know, Indonesia, as you point out, also is discriminatory toward Ahmadiyya, the Muslims. So I am losing my voice. I apologize.

Thank you, Dr. George. I know you have missed two trains. I am deeply appreciative and——

Mr. GEORGE. Thank you, Mr. Chairman.

Mr. SMITH [continuing]. I thank you for your tremendous leadership. It has made a colossal difference in a positive way, so thank you.

The hearing is adjourned.

Mr. GEORGE. Thank you, Mr. Chairman.

[Whereupon, at 4:10 p.m., the subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE RECORD

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
Christopher H. Smith (R-NJ), Chairman

June 16, 2016

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

DATE: Thursday, June 16, 2016

TIME: 12:30 p.m.

SUBJECT: The Global Religious Freedom Crisis and Its Challenge to U.S. Foreign Policy

WITNESSES: Panel I
The Honorable David N. Saperstein
Ambassador-at-Large for International Religious Freedom
U.S. Department of State

Panel II
Robert P. George, Ph.D.
McCormick Professor of Jurisprudence
Princeton University
(Former Chairman, U.S. Commission on International Religious Freedom)

M. Zuhdi Jasser, M.D.
President
American Islamic Forum for Democracy
(Former Vice-Chair, U.S. Commission on International Religious Freedom)

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.



COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON Africa, Global Health, Global Human Rights, and International Organizations HEARING

Day Thursday Date June 16, 2016 Room 2172 Rayburn

Starting Time 1:42 p.m. Ending Time 4:08 p.m.

Recesses 0 (to) (to) (to) (to) (to) (to)

Presiding Member(s)

Rep. Chris Smith

Check all of the following that apply:

Open Session ☒

Executive (closed) Session ☐

Televised ☒

Electronically Recorded (taped) ☒

Stenographic Record ☒

TITLE OF HEARING:

The Global Religious Freedom Crisis and Its Challenge to U.S. Foreign Policy

SUBCOMMITTEE MEMBERS PRESENT:

Rep. Mark Meadows

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an * if they are not members of full committee.)

Rep. Dana Rohrabacher

HEARING WITNESSES: Same as meeting notice attached? Yes ☒ No ☐

(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

Exploring the Trends and Consequences of Religious Registration: A Global Overview, Submitted by Amb. David Saperstein

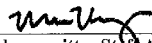
2016 Annual Report of the United States Commission on International Religious Freedom, Submitted by Rep. Chris Smith

Questions for the Record for Amb. David Saperstein from Rep. Chris Smith

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 4:08 p.m.


Subcommittee Staff Associate

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE DAVID N. SAPERSTEIN,
AMBASSADOR-AT-LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM, U.S. DEPARTMENT OF STATE

Exploring the Trends and Consequences of Religious Registration: A Global Overview

Roger Finke (Penn State University), Dane R. Mataic (Penn State University),
and Jonathan Fox (Bar-Ilan University)

Abstract

Religious groups often rely on a registration process to receive the legal status needed to operate openly. Yet, the registration process has become a recent source of controversy. This research uses case studies to understand the controversies surrounding the registration process, three global collections to chart the trends in the use and demands of the registration process, and multivariate models to explore the consequences of introducing registration requirements within a nation. Both the case studies and the descriptive overviews find that the use of religious registration is increasing and it is increasingly resulting in fewer religious freedoms. In the multivariate models we find that religious registration was a significant predictor of the government interfering with the right to religious worship, but was not a significant predictor when it came to the government protecting religious freedom. We conclude that registration can be benign, but it is often used as a tool to interfere or deny the activities of select religions, or all religions.

A report prepared for the Bureau of Democracy, Human Rights and Labor and the Office of International Religious Freedom (DRL/IRF), November 2015.

This project was made possible through the support of a grant from the John Templeton Foundation. The opinions expressed in this publication are those of the authors and do not necessarily reflect the views of the John Templeton Foundation. Please direct all correspondence to Roger Finke (rfinke@psu.edu).

The complete version of this document can be accessed at: <http://go.usa.gov/xK1yK>

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH,
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTER-
NATIONAL ORGANIZATIONS

ANNUAL REPORT

OF THE U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

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Ambassador David N. Saperstein, *ex officio*, non-voting member

APRIL 2016

INTRODUCTION

By any measure, religious freedom abroad has been under serious and sustained assault since the release of our commission's last Annual Report in 2015. From the plight of new and longstanding prisoners of conscience, to the dramatic rise in the numbers of refugees and internally displaced persons, to the continued acts of bigotry against Jews and Muslims in Europe, and to the other abuses detailed in this report, there was no shortage of attendant suffering worldwide.

The incarceration of prisoners of conscience – people whom governments hold for reasons including those related to religion – remains astonishingly widespread, occurring in country after country, and underscores the impact of the laws and policies that led to their imprisonment.

In China, Pastor Bao Guohua and his wife, Xing Wenxiang, were sentenced in Zhejiang Province in February 2016 to 14 and 12 years in prison, respectively, for leading a Christian congregation that was opposing a government campaign to remove crosses atop churches. They join many other prisoners of conscience, including Ilham Tohti, a respected Uighur Muslim scholar, who was given a life sentence in September 2014 for alleged separatism.

Over the past year, the Chinese government has stepped up its persecution of religious groups deemed a threat to the state's supremacy and maintenance of a "socialist society." Christian communities have borne a significant brunt of the oppression, with numerous churches bulldozed and crosses torn down. Uighur Muslims and Tibetan Buddhists continue to be repressed, and the Chinese government has asserted its own authority to select the next Dalai Lama. Falun Gong practitioners often are held in "black jails" and brainwashing centers, with credible reports of torture, sexual violence, psychiatric experimentation, and organ harvesting.

In Eritrea, where 1,200 to 3,000 people are imprisoned on religious grounds, there reportedly were new arrests this past year. Religious prisoners routinely are

sent to the harshest prisons and receive the cruelest punishments. In 2006, the government deposed Eritrean Orthodox Patriarch Antonios, who protested government interference in his church's affairs. Besides being stripped of his church position, he has been held incommunicado since 2007 and reportedly denied medical care.

Eritrea's dictatorship controls the internal affairs of the state-registered Orthodox Christian and Muslim communities and also bans public activities of non-registered groups. Religious freedom conditions are grave especially for Evangelical and Pentecostal Christians and Jehovah's Witnesses.

The incarceration of prisoners of conscience – people whom governments hold for reasons including those related to religion – remains astonishingly widespread. . . .

In Iran, Shahram Ahadi, a Sunni cleric, was sentenced in October 2015 to death on unfounded security-related charges. Iran holds many other prisoners of conscience including the Baha'i Seven who were given 20-year sentences in 2010 for their leadership roles in the persecuted Baha'i community. They are: Afif Naeimi, Behrouz Tavakkoli, Jamaloddin Khanjani, Vahid Tizfahm, Fariba Kamalabadi, Mahvash Sabet, and Saeid Rezaei.

Elevating its own interpretation of Shi'a Islam above all others, Iran subjects its people – from Shi'a, Sunni, and Sufi Muslim dissenters to Baha'is and Christian converts – to increasing religious freedom abuses, from harassment to arrests and imprisonment. Some have been sentenced to death for "enmity against God." Since President Hasan Rouhani took office in 2013, the number of individuals from religious minority communities imprisoned due to their beliefs has increased.

In North Korea, thousands of religious believers and their families are imprisoned in labor camps, including those forcibly repatriated from China. Because North Korea is such a closed society, it is hard even to know the names of religious prisoners. The government controls all political and religious expression and activities and punishes those who question the regime. Religious freedom is non-existent. Individuals secretly engaging in religious activities are subject to arrest, torture, imprisonment, and execution. North Koreans suspected of contacts with South Koreans or foreign missionaries or who are caught possessing Bibles have been executed.

laws emboldens the Pakistani Taliban and individual vigilantes, triggering horrific violence against religious communities and individuals perceived as transgressors, most recently Christians and Muslim bystanders on Easter Sunday 2016 in Lahore.

In Saudi Arabia, Ashraf Payadh, a Saudi poet and artist, was sentenced to death in November 2015 for apostasy, allegedly for spreading atheism. His sentence was changed in February 2016 to eight years in prison and 800 lashes. Raif Badawi, founder and editor of the "Free Saudi Liberals" web site, has been imprisoned since 2012 on charges that include "insulting Islam." In 2014, an appeals court increased his original sentence

More people are on death row or serving life sentences for blasphemy in Pakistan than in any other country in the world.

In Pakistan, Ahul Shakoar was sentenced on January 2, 2016 to five years in prison on blasphemy charges and three years on terrorism charges for propagating the Ahmadiyya Muslim faith. Another Pakistani, Aasia Bibi, a Catholic mother of five, has been imprisoned since her arrest in 2009 on blasphemy charges. She remains on death row.



"Family members mourn the death of a relative, who was killed in a blast that happened outside a public park, in Lahore, Pakistan" —Reuters

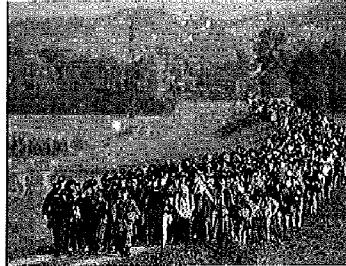
More people are on death row or serving life sentences for blasphemy in Pakistan than in any other country in the world. Aggressive enforcement of these

of seven years in prison and 600 lashes to 10 years in jail and 1,000 lashes.

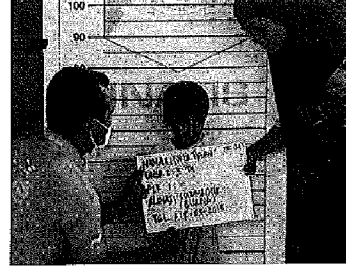
Imposing its own interpretation of Sunni Islam on the country, Saudi Arabia bans all non-Muslim public worship and continues to prosecute and imprison individuals for dissent, apostasy, blasphemy, and sorcery. During the past year, the Saudi government continued to repress dissident clerics and members of the Shi'a community.

In Sudan, the government prosecuted 25 Quranists for apostasy and stiffened penalties for both apostasy and blasphemy. The regime prosecutes Christian pastors on trumped-up charges and represses and marginalizes the country's minority Christian community. It imposes a restrictive interpretation of Shari'ah law and applies corresponding hudood punishments on Muslims and non-Muslims alike.

In Uzbekistan, Gaybullo Jalilov, a member of the Human Rights Society of Uzbekistan, remains imprisoned for his work on behalf of persecuted independent Muslims. Jalilov is serving an 11-year sentence handed down in 2010. Uzbekistan enforces a highly restrictive religion law and imposes severe limits on all independent religious activity in this overwhelmingly Muslim-majority nation. The government imprisons as many as 12,000 Muslims. In addition, the Uzbek state often brands Evangelical Protestants and Jehovah's



"Migrants are escorted through fields by police and the army as they are walked from the village of Rigonce to Brezice refugee camp in Rigonce, Slovenia" —Jeff J Mitchell/Getty Images



"A Rohingya child who recently arrived by boat has his picture taken for identification purposes at a shelter in Kuala Langsa, in Indonesia's Aceh Province" —Reuters

Witnesses "extremists" for practicing religion outside of state-sanctioned structures. Peaceful independent Muslims are likely to be victims of torture, and the government often extends their sentences for minor violations of prison regimen just before their scheduled release date.

In Vietnam, Rev. Nguyen Trung Tun, a Protestant minister, was detained in December 2015 and joins other prisoners of conscience including Father Nguyen Van Ly, who has spent decades in prison for advocating religious freedom, democracy, and human rights.

Despite some improvements in the decades following the Vietnam War, the government still controls nearly all religious activities, restricts independent religious practice, and represses individuals and groups viewed as challenging state authority. In order to be considered legal, religious organizations and congregations must register, sometimes at multiple government levels. In 2015, Vietnam proposed a new law on religion. However, initial drafts have not revised adequately or eliminated onerous registration requirements.

In addition to the significant number of people imprisoned on the basis of religion, the horrific global refugee crisis also worsened during the past year, with religion being a factor in humanitarian crises worldwide that have forced millions to flee. According to UNHCR, the UN refugee agency, 59.5 million people worldwide were displaced forcibly as of the end of 2014, the highest on record, and this number likely exceeded 60 million in 2015.

Among the displaced were thousands of Rohingya Muslims forced to flee their homes in Burma, joining other Rohingya already displaced internally. While last year's general elections marked the country's bid to emerge from its past as a military dictatorship, the government enacted four discriminatory "race-and-religion" bills that not only effectively disenfranchised as many as one million Rohingya, but also denied them the right to contest the elections. These measures reflect a legacy of their brutal persecution by both government and society, which contributed to the refugee crisis. Meanwhile, military incursions in Kachin and Shan states continued to displace and terrorize thousands, including their Christian residents.

Among the displaced were thousands of Rohingya Muslims forced to flee their homes in Burma, joining other Rohingya already displaced internally.

Seeking refuge from a dictatorial government, Eritreans also have fled by the thousands each month, with an estimated half a million escaping one of the world's most closed nations.

Adding disproportionately to the ranks of the displaced were millions from Iraq and Syria, including

Yazidis, Christians, Shi'a Muslims, and Sunni Muslims who do not subscribe to the barbaric interpretation of Islam of the terrorist group ISIL (the Islamic State of Iraq and the Levant, also often referred to as IS, ISIS, or Da'esh). ISIL's summary executions, rape, sexual enslavement, abduction of children, destruction of houses of worship, and forced conversions all are part of what our commission has seen as a genocidal effort to erase their presence from these countries. In March of this year, U.S. Secretary of State John Kerry rightly proclaimed ISIL a perpetrator of genocide, which USCIRF had recommended publicly in December.

The governments of Syria and Iraq can be characterized by their near-incapacity to protect segments of their population from ISIL and other non-state actors, as well as their complicity in fueling the sectarian tensions that have made their nations so vulnerable. Syria's government has not only fueled these tensions but committed crimes against humanity in its treatment of Sunni Muslims.

[A] record number of refugees and migrants, more than one million, attempted in 2015 the perilous Mediterranean crossing or sought other avenues to apply for asylum in an unprepared Europe.

Conditions in Nigeria have contributed to the crisis there. Boko Haram continues to attack with impunity both Christians and many Muslims. From bombings at churches and mosques to mass kidnappings of children from schools, Boko Haram has cut a wide path of terror across vast swaths of Nigeria and in neighboring countries, leaving thousands killed and millions displaced.

In Central African Republic, a 2013 coup helped create the conditions for sectarian fighting between Christians and Muslims in which civilians were targeted based on their religious identity. As a result, 80 percent of CAR's Muslim population has fled to neighboring countries, and 417 of the country's 436 mosques were destroyed. Sectarian and retaliatory violence continued



"Local people carry a dead body during the funeral ceremony for 5 Muslims killed by Christian anti-balaka militiamen in the capital Bangui, Central African Republic" —Thierry Bresillon/ Anadolu Agency

in 2015, with the most serious resulting in 77 dead and 40,000 displaced.

Where did all these people go? While many were displaced to neighboring countries, a record number of refugees and migrants, more than one million, attempted in 2015 the perilous Mediterranean crossing or sought other avenues to apply for asylum in an unprepared Europe.

This mass influx fueled an already-rising tide of hatred and violence targeting Muslims and Jews, particularly in Western Europe.

Anti-Muslim activity, from verbal harassment to vandalism to violent assaults, increased in multiple Western European nations as xenophobic nationalist political parties and groups, including neo-Nazis, stirred up hatred against the newcomers and older immigrants.



"A member of the Muslim community touches burnt books in Saint Priest, near Lyon, a day after a fire damaged a mosque in an attack that the French interior ministry in Paris said was arson" —Philippe Merle/AFP/Getty Images



"A member of the Jewish community is seen at a cemetery near the town of Colmar, close to the German border, after more than 100 graves were daubed with anti-Semitic slogans"
— Reuters

Jews increasingly were targeted in similar ways by these same parties and groups, and also by Islamist extremists who in turn sought recruits from disaffected members of Muslim communities. The January 2015 terrorist attack on the Hyper Cacher kosher supermarket in Paris—along with attacks on a Jewish museum in Brussels in 2014 and a synagogue in Copenhagen last year—were among the horrific results. Despite the increasing police protection in places where European Jews congregate, the rise in anti-Semitism has produced an exponential rise in Jewish emigration from Europe, with immigration to Israel from France increasing from less than 2,000 in 2012 to nearly 8,000 last year alone.

*[A] rise in anti-Semitism has
produced an exponential rise in
Jewish emigration from Europe. . . .*

These and other terrorist attacks also have produced backlashes against Muslims by members of the wider society, in which Muslims often are blamed collectively. Mosques have been given police protection in several countries, and European Union officials have stressed the importance of not stigmatizing all Muslims.

The incarceration of prisoners of conscience, the increase in the number of refugees, and the spread of anti-Semitism and anti-Muslim actions across Europe are crises in their own right which cry out for continued action on the part of the international community,

including the United States. To be effective, such action must recognize the unmistakable fact that religious freedom is a common thread in each of these challenges, and deserves a seat at the table when nations discuss humanitarian, security, and other pressing issues. The United States and other countries must fully accord this right the respect it deserves and redouble their efforts to defend this pivotal liberty worldwide.

**Questions for the Record Submitted to
Ambassador David N. Saperstein by
Representative Chris Smith
Subcommittee on Africa, Global Health, Global Human Rights, and International
Organizations
House Committee on Foreign Affairs
June 16, 2016**

Question:

During the May 26 hearing I held on “The ISIS Genocide Declaration: What Next?,” I expressed my concern that the administration has been conflating its strategy to combat ISIS with a strategy to protect religious minorities from genocide, war crimes, and mass atrocities in Iraq and Syria. Combating and defeating ISIS is essential. However, an effective, comprehensive civilian protection strategy has many other elements, including effective monitoring and response systems when these communities are at risk. Does the U.S. Government have a comprehensive plan specifically to protect religious minorities in Iraq and Syria from genocide, war crimes, and mass atrocities, now and in the future? If so, what are its core elements? If not, why not?

Answer:

Since the earliest days of Da’esh’s expansion, the United States has made clear our intent to degrade and ultimately destroy this odious group in Syria and Iraq, while acting decisively to protect civilians threatened by mass atrocities. The U.S. vigorously aids and assists the Iraqi government’s military efforts both to defeat Da’esh and to protect civilian populations from attacks by Da’esh, while similarly assisting democratic forces in Syria. In August 2014, President Obama declared that, with a mandate to help and “innocent people facing the prospect of violence on a horrific scale,” the U.S. government would act at Mount Sinjar to prevent a potential act of genocide.

There are several essential elements to protecting Yazidis, Christians, and other religious and ethnic minorities, and supporting their future in their ancestral homelands. To achieve these aims, the United States and its allies continue robust military operations against Da’esh, including supporting the Iraqi government’s efforts, and specific operations aimed to safeguard, protect, or liberate civilian victims. In our policy engagements in Iraq, we have repeatedly emphasized to both the national government and the Kurdistan Regional Government (KRG) authorities the need to take measures to protect all Iraqis, including vulnerable religious and ethnic minority communities. The United States is also working to assist the Iraqi government to stabilize and secure liberated areas; support political inclusion for all Iraqis and Syrians, including minority communities and women, with equal participation in governance; stabilize and secure the situation for refugees and internally displaced persons (IDPs), while promoting their heritage and right to return home at a time of their own choosing; and supporting efforts to hold perpetrators of atrocities accountable.

In support of those affected by Da’esh’s violence in Iraq and Syria, we fund psychosocial assistance, legal services, local dispute mediation, and community-based protection efforts in

areas to which IDPs and refugees have fled and in areas to which they have returned. To advance justice and accountability efforts, we currently support the investigation of missing person cases in Iraq, as well as efforts to protect the contents of mass graves. We are empowering Iraqi and Syrian civil society organizations to document, preserve, and analyze information about atrocities and we are training journalists to report on atrocities and government response.

We are also laying groundwork for the stabilization of areas liberated from Da'esh control, which includes the need for effective, inclusive, and rights-respecting governance in these areas. We are working with local and international groups to advocate for equal access to government resources and services irrespective of religion or ethnicity. We also support programs designed to restore essential services, provide business grants, and repair damage to small infrastructure as people return to their homes. All these efforts are in addition to the billions of dollars of humanitarian assistance we have provided – and millions we plan to provide in the coming fiscal year – to those affected by violence in Iraq and Syria and throughout the broader region, which had a disproportionately significant impact on the ethnic and religious minority communities.

Question:

Perpetrators of genocide, war crimes, mass atrocities, and other serious crimes, against members of specific religious communities in Iraq generated IDPs and refugees. Prosecuting the full range of perpetrators in Iraqi courts will be an essential aspect of accountability, safety/security, and enabling displaced Iraqis to return home voluntarily, safely, and in dignity. How specifically is the U.S. Government currently supporting, and how does it plan to support over Fiscal Year 2017, the Iraqi judicial system so that it has a stronger capacity to investigate, prosecute, and convict the full range of perpetrators? What financial resources does the U.S. Government have available, and will it need, for this support?

Answer:

U.S. government assistance continues to focus on: helping Iraqi security forces provide a stable and secure environment; stabilizing liberated areas so that displaced families can return to their homes; the protection and promotion of human rights; strengthening democratic processes and institutions; advancing tolerance and reconciliation; and advocacy for the rights, empowerment and protection of women and girls, religious and ethnic minorities, and members of other marginalized populations in Iraq. Our programming in Iraq will continue to promote justice and accountability efforts for violations of international humanitarian law and violations and abuses of human rights committed by all sides of the conflict in Iraq. This includes funds to document such violations and abuses and empower and build the capacity of Iraqi authorities, including those in the Kurdistan Regional Government, to secure, protect, exhume, and process mass graves, especially as more areas are liberated from Da'esh.

U.S. government programs in Iraq seek to support integrity within the judicial system by building the capacity of local and national actors to resolve justice and security issues and

providing services to help victims advocate for their individual rights under Iraqi law. Linked to these efforts are endeavors to better protect the rights of suspects and detainees. U.S. security sector assistance programs also emphasize human rights and the rule of law as key components of military education training for Iraqi security forces, including civilian defense and security officials of all ranks.

We expect these efforts to continue in FY 2017 and have included approximately \$6 million to support human rights initiatives for Iraq in the President's FY 2017 budget request.