

## October 6, 2004: "Annual Report on International Religious Freedom 2004 and the Designation of Countries of Particular Concern."

Testimony by Preeta D. Bansal, Chair  
Hearing on the Annual Report on International Religious Freedom  
2004 and the Designation of Countries of Particular Concern  
Before the House International Relations Committee of the United  
States House of Representatives

October 6, 2004

USCIRF Chair  
Preeta D. Bansal testifies before the HIRC on the State Department's  
2004 Annual Report on International Religious Freedom and  
the Designation of Countries of Particular Concern.

Mr. Chairman and distinguished Members of the Committee, let me begin by thanking you for the opportunity to testify today at this important hearing. I plan to summarize the Commission's testimony in my oral remarks, but would like to request that my full written statement be included in the record.

Six years after the passage of the International Religious Freedom Act of 1998, or IRFA, it has become abundantly clear that promoting freedom of thought, conscience and religion and related human rights abroad is vital to U.S. foreign policy and to our strategic, as well as humanitarian, interests. When observed, freedom of religion or belief is one of the linchpins of stable, democratic, productive societies in which the rule of law and human rights are accorded value. When denied, generations of hatred and societal instability may be sown - and, as has been demonstrated all too often, such hatred and instability spill over national borders. The promotion of religious freedom throughout the world is therefore an essential tool in the war against the extremist and violent religious ideologies that currently threaten us. The State Department's Annual Report on International Religious Freedom provides Congress and the public an opportunity to assess not only the state of religious freedom around the world but also what the U.S. government is doing to promote this key U.S. foreign policy objective.

Mr. Chairman, I am here to testify on the State Department's Annual Report on International Religious Freedom 2004 and the designation of "countries of particular concern," or CPCs, at a time when the Secretary of State has recently named three new CPCs: Eritrea, Vietnam, and Saudi Arabia. The Commission has long called for these new designations, particularly that of Saudi Arabia, and we welcome this decision, as it represents an important step forward in demonstrating the U.S. government's commitment to the promotion of freedom of thought, conscience, religion and belief as part of its overall foreign policy. At the same time, IRFA is very clear that more is required of the U.S. government than just naming these three countries as CPCs. Important obligations, in the form of consequent actions, flow from the CPC designation, and my testimony will address precisely what those obligations are. In the interest of time, I will focus particularly on the new designation of Saudi Arabia, a country on which the Commission has focused considerable attention since the Commission began its work six years ago.

In addition to the new CPCs and the next steps as required by IRFA, my testimony will touch on the situation in Iraq, where the U.S. government has a special obligation to ensure that freedom of religion or belief for every Iraqi is guaranteed. As we are required to do by statute, I will comment about the Annual Report, in relation to the country reports and the U.S. refugee program. Finally, I would like to take advantage of this opportunity to discuss the Commission's work with regard to the Organization for Security and Cooperation in Europe (OSCE), which covers a vital region including all of Europe, the former Soviet Union, Canada and the United States. The need to promote religious freedom for the growing Muslim minority populations in OSCE countries, together with the need to recognize and to combat growing anti-Semitism in the region, cannot be understated.

Three New Countries of Particular Concern: Designation  
is Only a Beginning - The Need for Responsive Action to Address  
Religious Freedom Violations

The designation of severe religious freedom violators as CPCs continues to be one of the most significant human rights decisions for any U.S. Administration. The five countries named as CPCs in the past and re-named last month by the Secretary of State, Burma, China, Iran, North Korea, and Sudan, are all subject to pre-existing sanctions, and the U.S. government has thus not taken any additional actions as a result of their designation. With the recent designation of Saudi Arabia, Vietnam, and Eritrea, however, we now find ourselves in an unprecedented situation. This year, for the first time since the passage of IRFA, the State Department must do more than rely on pre-existing sanctions to meet IRFA's requirements.

Though we support the new designation of these three countries, the Commission would like to call attention to the fact that CPC designation is not an end point, but only the beginning of focused diplomatic activity to promote freedom of religion or belief. In addition to CPC designation, IRFA stipulates that the U.S. government

respond with action to address violations in CPC countries. Until this year, for every country named a CPC, the only official action taken by any U.S. administration has been to invoke already existing sanctions rather than to take any additional action pursuant to IRFA. While the reliance on pre-existing sanctions may technically have been correct under the statute, it was unacceptable as a matter of policy and not in keeping with the spirit of IRFA. Moreover, the State Department has not once to date submitted to the Congress the required evaluation of the effectiveness of prior actions against CPCs. This past disregard of IRFA requirements represents a serious failure in U.S. foreign policy that the Commission hopes will not be continued.

According to IRFA, now that CPC designations have been made, the Secretary of State must do three things within 90 days of the time of designation, which would be some time in mid-December: first, consult with the foreign government in question and others; second, either take an action from one of several specified in IRFA (or a commensurate action), or conclude a binding agreement, or waive taking an action altogether; and third, report to Congress on the action taken, which should include an evaluation of the impact of that action.<sup>1</sup> Thus the outlined scheme consists of consultation, responsive action, and then reporting and evaluation to Congress.

With regard to the second critical step - responding substantively to the CPC designation by action, binding agreement, or waiver of action - IRFA provides some flexibility. It outlines several actions available to the U.S. government in response to CPC designation. These include: the withdrawal, limitation, or suspension of development assistance; limitations on loan guarantees or credit provided by such institutions as the Export-Import Bank, the Overseas Private Investment Corporation, or the Trade and Development Agency; the withdrawal, limitation, or suspension of security assistance; a vote against loans from international financial institutions; a prohibition on U.S. financial institutions from loans or credits totaling more than \$10,000,000; and a prohibition on U.S. government contracts with the country in question.<sup>2</sup>

IRFA also specifies that in lieu of one of the above actions, the U.S. government can negotiate a binding agreement with the foreign government to cease, or take substantial steps to address and phase out, the act, policy, or practice constituting religious freedom violations.<sup>3</sup> As an alternative, the Secretary of State may waive the application of any of the actions specified in IRFA, but only if: (1) the foreign government has ceased the violations; (2) the waiver would further the purposes of the IRFA; or (3) an important national interest of the U.S. requires such a waiver. It is important to note that any waiver must be reported to Congress, along with a detailed justification.<sup>4</sup>

As noted, the State Department has yet to take any of these formal steps with regard to previously designated CPCs, and the Commission

has been concerned about this underutilization and disregard of the statutorily prescribed process. For all of the CPC-designated countries, new as well as past CPCs, the Commission looks forward to working with the State Department as it formulates statutorily required responses to religious freedom violations. In the coming weeks, the Commission intends to provide recommendations on steps that can be taken with regard to the newly-designated CPCs, in particular.

### Saudi Propagation of Religious Intolerance and Hate

The Commission's long-standing recommendation of CPC designation for Saudi Arabia was based in part on the Saudi government's violations of religious freedom within its own borders, where, as the State Department itself has been noting for several years, religious freedom simply "does not exist." The Saudi government forcefully bans all forms of public religious expression other than that of the government's interpretation of one school of Sunni Islam so that ultimately, all individuals, Muslims and non-Muslims alike, are denied freedom of conscience and belief in Saudi Arabia. This impedes the development of alternative voices within the Islamic tradition, as well as debate within and dissent from prevailing state-imposed orthodoxy.

The ongoing and egregious violations of religious freedom by the Saudi government include: torture and cruel and degrading treatment or punishment imposed by both judicial and administrative authorities; prolonged detention without charges and often incommunicado; and blatant denials of the right to liberty and security of the person, including coercive measures aimed at women and the wide jurisdiction of the religious police (*mutawaa*), whose powers are vaguely defined and exercised in ways that violate the religious freedom of others.

The Commission welcomes the fact that during last month's press conference announcing the release of the Annual Report on International Religious Freedom, the Ambassador-at-Large for International Religious Freedom, for the first time, raised the Commission's other serious concern about Saudi Arabia: credible reports that the Saudi government and members of the royal family, directly and indirectly, fund the global propagation of an exclusivist religious ideology, Wahhabism, which allegedly promotes hatred, intolerance, and other abuses of human rights, including violent acts, against non-Muslims and disfavored Muslims. The lack of religious freedom inside Saudi Arabia, together with the Saudi government's alleged funding and global propagation of a particular, radically intolerant interpretation of Islam, impedes the development of voices of toleration and debate within the Islamic tradition in Saudi Arabia and elsewhere.

The U.S. government should be highly concerned about the allegations that Saudi Arabia, by funding propagation of an exclusivist religious ideology, is engaging in activities that have a detrimental effect

on the protection of freedom of religion or belief in at least 30 foreign countries, as well as in the United States. Because of its concerns, the Commission last year recommended that the U.S. government formally examine whether, how, and to what extent the Saudis are funding extremist activities, and urged Congress to fund such a study and make public its findings. In April of this year, Congress took up the Commission's recommendation, and several Members of Congress wrote to the Government Accountability Office (GAO) requesting that the GAO seek information from the relevant agencies and consult with outside experts, including the Commission, on the promotion of religious extremism to determine what the U.S. government is doing to identify sources of Saudi funding for institutions that advocate violence and intolerance, and what the U.S. government is doing to counter that influence. The Commission looks forward to working with the GAO in carrying out this important study.

The Commission plans soon to issue recommended responses pursuant to the IRFA statute to follow up on the CPC designation of Saudi Arabia. We note, however, that there are several small steps the U.S. government can take immediately. For example, the U.S. government should urge Saudi Arabia to safeguard the freedom to worship privately; permit clergy to enter the country and perform private religious services; and permit non-Wahhabi places of worship to function openly in special compounds or in unadorned buildings. These represent the barest minimum that could be done to improve the appalling religious freedom situation in Saudi Arabia.

#### Other CPCs

The Commission welcomed the designation of Vietnam, a country recommended for CPC status by the Commission since 2001. Religious freedom conditions have deteriorated in Vietnam, including for ethnic Montagnard and Hmong Christians, the leaders of the United Buddhist Church of Vietnam, and "house church" Protestants, all of whom face arrests, detentions, discrimination and, in some areas, forced renunciations of faith. In view of its active repression of religious freedom in the past and for the government of Vietnam's failure to respond to the international community's repeated requests to address ongoing violations of the right to freedom of thought, conscience, and religion or belief, Vietnam unmistakably warranted a CPC designation.

The State Department's acceptance of the Commission's recommendation of CPC designation for Eritrea is also commendable. The government of Eritrea in the past two years has embarked on a campaign against various religious groups, including through the closure of all houses of worship not belonging to officially recognized religious denominations, the arrest of participants at prayer meetings and other gatherings, and the imprisonment of armed forces members found in possession of certain religious literature.

The Commission would like to note for the record that it remains troubled that Turkmenistan has not been given the CPC designation it so clearly merits. The State Department's own reports have consistently concluded that religious freedom conditions continue to deteriorate in Turkmenistan, a highly repressive country whose leader is currently imposing a state religion based on his own personality cult. Though the Turkmen government recently announced a few positive legislative changes, those small, judiciously timed measures will do little or nothing substantially to change the country's highly restrictive religious freedom conditions. Clearly, Turkmenistan deserves to be named a CPC. The Commission also found that the governments of India\* and Pakistan have engaged in or tolerated particularly severe violations of religious freedom, and recommended that they be designated as CPCs.

### 2003 Designations Omitted

Before leaving the subject of CPCs, the Commission would like to register concern about the delay in naming CPCs in the past two years. The fact that designations for 2002 were not made until March 2003 means that there were effectively no CPC designations at all for the 2003 cycle. CPC designations - and subsequent actions - are vital to advance U.S. protection against severe violations of religious freedom. Promoting religious freedom as outlined in IRFA and ensuring global respect for freedom of thought, conscience, and religion or belief and related human rights will further the U.S. government's campaign against terrorism and its goal of promoting democratic reform. The need to adhere to IRFA procedures therefore remains of critical importance.

### Iraq: Religious Freedom Remains Critical

The Commission notes that Iraq is no longer on the U.S. government's list of CPCs. In addition, the 2004 Annual Report on International Religious Freedom contains no country report on Iraq. The absence of a report should not in any way be construed as an indication that religious freedom is not essential to the development of a stable and democratic Iraq. In fact, heightened awareness of the freedom of religion or belief is critical in the coming months, as the Iraqi people embark upon the historic task of crafting a permanent constitution.

The U.S. government cannot lose sight of the vital need to ensure that the fundamental right to freedom of thought, conscience, religion or belief is guaranteed in Iraq's permanent constitution. Understanding the shortcomings of the recently adopted Afghan constitution illustrates this important policy objective with respect to Iraq. In Afghanistan, another country in which the United States has substantial influence due to extraordinary circumstances, the Constitution adopted last January does not contain explicit protections for the right to freedom of thought, conscience, and religion or belief that would extend to every individual. More significantly, all of its individual rights provisions - including the right to life - can be trumped by ordinary legislation. Such law, in turn, is valid only if it conforms to

the sacred religion of Islam, and the Afghan Supreme Court is empowered with evaluating the validity of legislation according to Islam. And so reconstructed Afghanistan faces the real spectre of a constitutionalized judicial theocracy in which individual rights are easily trumped. The new Constitution does not fully protect Afghans, including individual Muslims, who want to debate the role of religion in law and society, or to question interpretations of religious or other precepts without fear of retribution.

Let me give you an anecdote from the Commission's 2003 visit to Afghanistan to demonstrate that our concern on this matter is not theoretical or fanciful. The head of Afghanistan's Supreme Court is a man who has shown little regard for those who disagree with his hard-line interpretation of Islam. He told those of us visiting Afghanistan that yes, he supports international human rights standards, with the exception of three: freedom of expression, freedom of religion, and gender equality. Although we are in the halls of Congress and not the Ford Theatre, I think it is fair to say, "Other than that, Mrs. Lincoln, how was the play?" It is the Afghan Supreme Court - headed by this man - that has been given the authority to interpret the suitability of all legislation.

With no guarantee of the individual right to religious freedom and a judicial system instructed to enforce Islamic principles and Islamic law, the new Afghan constitution does not fully protect individual Afghan citizens against, for example, unjust accusations of religious "crimes" such as apostasy and blasphemy. There are also fewer protections for Afghans to debate the role and content of religion in law and society, to advocate the rights of women and members of religious minorities, and to question interpretations of Islamic precepts without fear of retribution. This could permit a harsh, unfair, or even abusive interpretation of religious orthodoxy to be officially imposed, violating numerous rights by stifling dissent, which is permissible within the Islamic tradition.

It is critical that what happened in Afghanistan not be repeated in Iraq. In the early stages of the drafting of Iraq's interim constitution, the Transitional Administrative Law (TAL), the sections on fundamental freedoms and human rights did not include guarantees of the right to freedom of religion or belief for every Iraqi. In response, as it had done in the case of Afghanistan, the Commission developed for senior U.S. policymakers a series of specific recommendations that would ensure in the TAL guarantees to the right to freedom of religion or belief for every Iraqi. The Commission met or corresponded with senior U.S. officials in the Coalition Provisional Authority, the State Department, and the National Security Council to discuss the specific concerns and recommendations regarding the TAL. The Commission wrote to then-Administrator L. Paul Bremer of the CPA expressing its concern about early drafts of the interim constitution, and the Commission also advised on the content of House Resolution 545, introduced by Representatives Dana Rohrabacher and Carolyn Maloney, expressing the sense of the House that the TAL should ensure that every Iraqi be guaranteed the right to freedom of thought, conscience, and religion.

An important breakthrough then occurred, when the Coalition Provisional Authority (CPA) and the Iraqi Governing Council included the right to freedom of thought, conscience, and religious belief and practice for every Iraqi in the March 8, 2004 public release of the Transitional Administrative Law, or TAL. This precursor to the country's eventual permanent constitution is an historic step for Iraq and each Iraqi. It is also potentially a model for the entire region and its significance should not be lost in the midst of the present difficulties in Iraq. The United States must take active steps to ensure that the protections for religious freedom enshrined in the TAL make their way into the permanent Iraqi constitution.

### The Importance of a High-Level Human Rights Official

Given the unique conditions prevailing in Iraq, the Commission strongly recommends that the U.S. government create a high-level position within Embassy Baghdad to advance human rights, including the right to freedom of thought, conscience, and religion or belief, as a key U.S. policy objective. This senior human rights official should have the requisite experience and rank, report directly to the Ambassador and be supported by a unit of advisers based out of the embassy and its constituent posts.

In view of the unfolding situation in Iraq, the United States has an historic opportunity to infuse the Iraqi national recovery and political reconstruction process with the effective promotion and advocacy of international human rights standards. A future Iraq that respects human rights, including freedom of thought, conscience, and religion or belief, is more likely to be at peace within its own borders and with its neighbors. At the same time, the effective promotion of human rights in Iraq cannot be undertaken in the usual manner by relegating these issues to junior embassy staffers or overburdened ambassadors, since the combination of a number of unprecedented factors at play in Iraq demands an unprecedented high-level response from the United States.

Designating a high-level official demonstrates support for Iraqi efforts to make human rights a high-priority issue and consolidates and advances the U.S. role thus far. As noted above, the TAL commendably contains a bill of rights guaranteeing to each individual Iraqi a wide range of human rights protections, including freedom of thought, conscience, and religion. Given the massive level of U.S. financial assistance appropriated for the reconstruction and relief effort in Iraq, we must not let human rights get lost in the profusion of programs, contracts, and other related efforts. U.S. goals in the region cannot move forward without institutionalizing human rights protections, and such protections can better be ensured by positioning a high-level envoy with appropriate resources on the ground during the transition period in Iraq.

### The Annual Report on International Religious Freedom



The Annual Report on International Religious Freedom is a highly significant part of the process of promoting religious freedom throughout the world. The 2004 Annual Report is, characteristically, a significant accomplishment that continues to demonstrate the substantial efforts of the foreign-service officers in our embassies around the world, as well as the Ambassador-at-Large for International Religious Freedom and his staff at the State Department's Office on International Religious Freedom.

## Individual Country Reports

Many of the individual country reports in the 2004 Annual Report continue to be lengthy and revealing. However, the Commission remains concerned about a number of informational inaccuracies in several important reports. Let me provide a few examples.

The country report on Saudi Arabia gives the impression that the religious freedom situation is improving there, despite the fact that the essential characteristic - the absence of religious freedom - remains unchanged. Although the country has for the first time been named a CPC, the report on Saudi Arabia for the first time contains a section describing purported "Improvements and Positive Developments in Respect for Religious Freedom," which perhaps too enthusiastically champions as positive developments actions that did little to alter the actual situation. What is more, the report continues to omit any mention of reports of the Saudi export of an intolerant and hate-filled religious ideology in a number of countries throughout the world.

The report on Afghanistan does not address the "fatal flaw" in the country's new Constitution that was described earlier in my testimony. Though mention is made of the fact that followers of religions other than Islam are free to exercise their faith, the report does not address the fact that individual Muslims are not granted unambiguous protections for the right to freedom of thought, conscience, and religion. Nor does the report explicitly address the profound threat to religious freedom that exists in the form of the new Constitution's repugnancy clause that states that "no law can be contrary to the beliefs and provisions of Islam," and the fact that the Supreme Court is empowered to make this determination. Given that the Supreme Court is currently headed by a man who told this Commission last year that he does not fully accept freedom of religion, these clauses in the Constitution represent grave threats indeed to religious freedom in Afghanistan.

This year's country report on Sudan drops the previous year's treatment of the issue of abduction of women and children and the taking of

slaves, a practice that was sometimes accompanied by forced conversion to Islam. It would have been useful for the report to have included an update on both of these issues, noting, for example, whether any progress had occurred, due to the lessening of north-south armed conflict, on the return to their ancestral home-areas of persons who had been displaced or enslaved.

The country report on Turkmenistan concludes that "the status of government respect for religious freedom, from a legislative perspective and in practice, improved during the period covered by this report." While it is true that four minority religious communities have been registered (Adventist, Baha'i, Baptist, and Hare Krishna) under eased registration requirements, there are also reliable reports that even members of these newly registered religious communities have continued to suffer harassment at the hands of the police. Six Jehovah's Witnesses imprisoned as conscientious objectors to military service were released, but two more were jailed. In addition, the country's former chief mufti was given a 22-year term of imprisonment, after a closed trial, during this period of reporting. Given Turkmen President Saparmurat Niyazov's ever-growing repressive cult of personality and its imposition on the religious life of the country via enforced pressure to praise and promote his so-called spiritual writings, including in mosques and churches, it is difficult to believe that the status of religious freedom in Turkmenistan has genuinely improved.

The report on China was more forceful than last year's report on the matter of the persecution of Uighur Muslims in Xinjiang. In addition, the section on Tibet was more detailed than in previous years and in some areas contained stronger, more explicit language about developments in that region. For example, the report had better coverage this year of conditions for Tibetans in Sichuan and other regions outside of the Tibet Autonomous Region.

However, the report makes no mention of new laws dealing with "illegal religious activity" passed in various areas, including in the city of Qingdao and in counties in Hunan and Jiangsu. The passage of these laws in the fall of last year was followed by a spate of church closings and the destruction of church buildings in areas where these laws came into effect. The report also inaccurately describes Zhejiang as a province where unregistered religious activity faces less pressure than in other places. In fact, in 2003, approximately 10 underground churches in Zhejiang were destroyed. Some of this activity is noted at other places in the report, but the language in the report makes it seem as if the situation in Zhejiang has largely improved, and that is not the case.

Although the China country report mentions the forced postponement of the Commission's visits to China (though the reason for the postponements was not given), it does not mention the postponement of a planned visit by the UN Special Rapporteur on Torture in June 2004, a visit that was postponed by Chinese officials who claimed they did not have time to prepare the locations, including labor camps, where

visits were requested.

Finally, the report on North Korea now states more clearly that repression "has increased" in North Korea, that churches in Pyongyang are "controlled by the state," and that refusal to conform to expected rituals and practices of the worship of Kim Jong Il "may result in severe punishment." In other sections of the report, however, unnecessarily hesitant language is employed. Documentation from the reports of a number of NGOs and from numerous refugee testimonies provides ample evidence that North Korean refugees who admit contact with Christian groups in China are subject to immediate detention, torture, and sometimes execution. Yet, the State Department's report continues to use tentative language, stating, for example, that "harsher" treatment "appears" to occur. The collective weight of these NGO reports and refugee testimony offers enough evidence for the Department to remove the qualifying statements from their report language.

#### Absence of Reporting on U.S. Policies

The overall quality of the Annual Report is an indication that the U.S. government is taking seriously the issue of religious freedom. At the same time, the Annual Report is meant to be a report on U.S. policies and activities to promote those policies, and not only a report on conditions. However, it is not apparent from the information presented in the Annual Report that the State Department has conducted its activities in a coordinated way to implement particular policies and to achieve specific goals.

Ambassador Hanford has visited several countries of concern to the Commission and other senior Administration officials have raised religious freedom problems with foreign governments. Their efforts should be fully reported so that the Congress and the public can better determine if all of the tools Congress made available under IRFA to advance the protection of religious freedom abroad are being used. From the information presented in the 2004 Annual Report, the Commission is concerned that this is not the case. We encourage that the Congress consider requiring the State Department to report on policies, aid and other programs with respect to each country, as part of its annual reports.

#### Religious Persecution and the U.S. Refugee Program

Congress intended the Annual Report on International Religious Freedom to serve as an important resource for officials hearing the claims of those persons seeking asylum or refugee status in this country. The United States has a long tradition of welcoming

those fleeing religious persecution. The flow of refugees and religious persecution are inextricably linked, and this is acknowledged throughout Title VI of IRFA.

Noting the Annual Report's role as a resource for immigration adjudicators, the Commission has previously testified about its concern that Appendix E of the 2003 Report, the "Overview of U.S. Refugee Policy," contained misleading and incomplete information, particularly about East Asia. The Commission welcomed changes to the 2004 Annual Report that resulted in significant improvements in this section. However, the Commission remains concerned that, as in last year's report, the 2004 Overview of U.S. Refugee Policy section contains little indication of the serious problem of intra-religious persecution, but instead focuses almost exclusively on the persecution of religious minorities by a majority religious community. Moreover, there is no mention of significant refugee-source countries such as Eritrea and Afghanistan, where serious religious freedom problems persist; indeed, Eritrea was designated a CPC this year. Saudi Arabia, a newly-designated CPC, and Pakistan, which the Commission has recommended be designated a CPC, are cited in the refugee section for their mistreatment of religious minorities, but the section does not indicate how the U.S. Refugee Program has been responsive to this mistreatment.

The report's refugee section describes in some detail how the U.S. Refugee Program is responding to the needs of religious minorities who have fled Iran. However, the document contains only generic descriptions of how the United States assists other refugee groups that are fleeing religious persecution. The Commission hopes that future reports will describe in greater detail how the Refugee Program is responding to the needs of specific groups of refugees who have fled severe violations of religious freedom.

The Commission would like to reiterate its recommendation that several steps be taken to improve the institutional linkages between religious persecution and access to the U.S. Refugee Program. These include: (1) better training of refugee and consular officers in the field on refugee and asylum adjudications and human rights, particularly religious freedom, as required by sections 602 and 603 of IRFA;<sup>5</sup> (2) a systematic effort to improve access to resettlement for those who have fled CPCs and other countries where there are severe violations of religious freedom; and (3) the implementation of the operational requirements imposed on the refugee program by IRFA.<sup>6</sup>

The State Department and the Department of Homeland Security have yet to implement fully some of IRFA's key statutory provisions concerning the refugee program. The Commission has recommended that the State Department carefully consider each CPC designation made by the Commission and determine how the U.S. refugee program could strategically reinforce U.S. policy to promote religious freedom, and to protect those who seek to exercise this fundamental human right. The Department has invited the Commission to participate in the recently revitalized regional working groups on refugee admissions. The Commission welcomes

this invitation, which will provide one appropriate framework to improve access to the U.S. Refugee Program for those who have fled religious persecution.

Promoting Freedom of Religion or Belief in the Organization for Security and Cooperation in Europe (OSCE): Combating Discrimination, Intolerance and Xenophobia Including Anti-Semitism

Before concluding my testimony, I would like to mention the Commission's activities with regard to the Organization for Security and Cooperation in Europe (OSCE). For several years, the Commission has participated in U.S. delegations to OSCE, which includes all of Europe and the former Soviet Union as well as the United States and Canada. The Commission has made recommendations relating to the work of the OSCE in both the general area of freedom of protecting the right to religion or belief and also specifically on combating discrimination, intolerance and xenophobia, including anti-Semitism, in OSCE member states. Commission participation increased in the last year, as the OSCE held special meetings devoted to both religious intolerance and anti-Semitism.

There is an important need to recognize and to address the resurgence of anti-Semitism and anti-Semitic acts of violence throughout the OSCE region. Separately, in light of the declining birth rates in Europe along with the in-migration of mainly Muslim minorities into Europe, government respect for freedom of religion is important for members of Muslim minorities who will, in a few decades, represent major portions of the populations of such countries as France, Belgium, the Netherlands and England.

The 55 member states of the OSCE have agreed to extensive and forward-looking standards in protecting freedom of religion or belief and combating discrimination, xenophobia, and intolerance, including anti-Semitism. These issues comprise part of what is called in the OSCE the "Human Dimension." Working with representatives from the State Department's Office on International Religious Freedom and the U.S. Commission on Security and Cooperation in Europe (the "Helsinki Commission"), the Commission has ensured that U.S. statements at these meetings noted violations of the right to freedom of religion and belief in Turkmenistan, Uzbekistan, Georgia, Belarus, Russia, and Azerbaijan, as well as "burdensome registration requirements that hinder, instead of facilitate, religious freedom." The Commission has issued general recommendations to the OSCE regarding burdensome registration requirements that apply to varying degrees throughout the OSCE region.

In the course of its work on religious freedom issues with the OSCE, the Commission has recommended the creation of two new positions in the OSCE to be appointed by the Chairman-in-Office: a Special Representative on Discrimination and Xenophobia, and a Special Representative on Anti-Semitism. These officials would provide continuing high-level attention to these issues, including meeting periodically with the leadership of relevant countries. The Commission has also advocated concrete action by the OSCE and OSCE participating states to engage

in a regular public review of compliance with OSCE commitments on freedom of religion or belief, and on racial and religious discrimination, including anti-Semitism, including by facilitating an active role by nongovernmental organizations (NGOs) as part of that process.

## Conclusion

I have described our work in only a few regions and countries. Our work, though, has a global scope. We make every attempt to approach our work and the principle of religious freedom evenhandedly, and do not elevate the concerns of any one religious community above another. In fact, we just released a Policy Focus on Nigeria, a copy of which is attached to this testimony for the record. Nigeria is a country where religious freedom continues to be under threat, and we make several policy recommendations to encourage the Nigerian government to take steps to deal effectively with religious tension and conflict. We look forward to working with you and your staffs on implementing those recommendations.

Thank you again for holding this important hearing and inviting the Commission to testify. I am happy to answer any questions that you may have regarding my oral or written statements.

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\* Commissioners Bansal, Gaer, and Young dissent from the Commission's recommendation that India be designated a country of particular concern (CPC). Their views with respect to India are reflected in a separate opinion, attached to a letter sent to Secretary of State Colin L. Powell on February 4, 2004 and available on the Commission's Website ([www.uscirf.gov](http://www.uscirf.gov)). Commissioner Chaput also joins this separate opinion, and would place India on the Commission's Watch List rather than recommend that it be designated a CPC.

1 See IRFA sections 402(b), 403, and 404.

2 IRFA section 405(a)(9)-(15).

3 IRFA sections 402(c), 405(c).

4 IRFA section

407.

5 Of the programs put in place

in response to IRFA's training requirements, the Asylum Corps has distinguished itself with its enthusiastic compliance. The Commission urges the other refugee and asylum decision-making entities-the Consular Service, the Executive Office for Immigration Review, and the nascent Refugee Corps-to comply with IRFA requirements by emulating the Asylum Corps' basic training and continuing education programs. The Commission is ready to support and participate in such training efforts. The importance of training adjudicators, judges, and consular officers, who have the authority to refer refugees to the Department of Homeland Security for an interview, cannot be over-emphasized in ensuring protection for those who are fleeing religious persecution.

6 Section 602 of IRFA contains

broad requirements for the Refugee Admissions program, including:

(1) guidelines for addressing hostile biases in personnel retained at refugee processing posts; (2) guidelines to ensure uniform procedures for establishing agreements with overseas processing entities and personnel; and (3) uniform procedures for such entities and personnel responsible for preparing refugee case files for refugee adjudications. There is no mention of any of these requirements by the State Department in the relevant Appendix of the 2004 Annual Report on International Religious Freedom.