

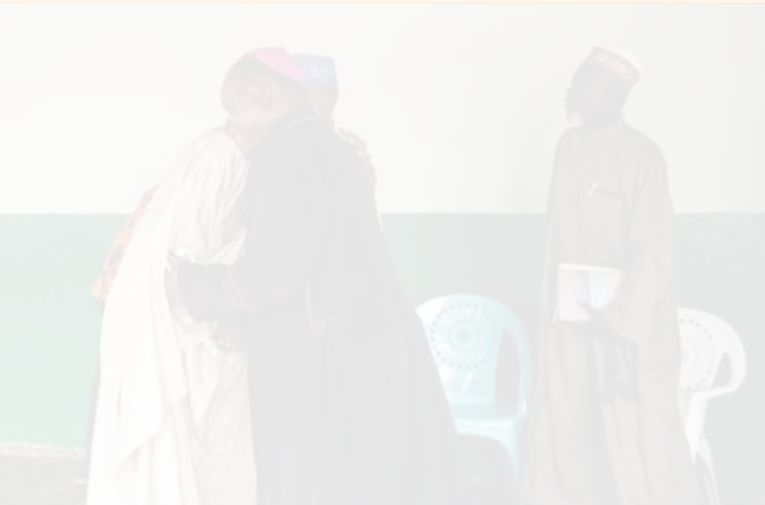
UNITED STATES COMMISSION ON  
**INTERNATIONAL  
RELIGIOUS  
FREEDOM**





Left: A woman holds a Crimean Tatar flag during a memorial ceremony on the Independence square in Kiev on May 18, 2016 in commemoration of the 72nd anniversary of the deportation of the indigenous population of the Crimea by the Soviet Union. AFP/GENYA SAVILOV/AFP/Getty Images

Right: A Tibetan girl holds a placard featuring Gedhun Choekyi Nyima, the 11th Panchen Lama, during a protest ahead of Chinese Premier Li Keqiang's visit to India, in New Delhi May 17, 2013. REUTERS/Anindito Mukherjee



Left: Imam of the Bangui Central Mosque, Sheikh Tidjani Moussa Nahib (L) welcomes Bangui Archbishop Dieudonne Zapalainga in Bangui on December 3, 2015. AFP/MARCO LONGARI/AFP/Getty Images

Right: A man cries during the funeral of victims killed in the bombing of Cairo's Coptic cathedral, at the Mokattam Cemetery in Cairo, Egypt December 12, 2016. REUTERS/Amr Abdallah Dalsh



# ANNUAL REPORT

OF THE U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

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# ACRONYMS

<b>ASEAN</b>	Association of Southeast Asian Nations
<b>BICI</b>	Bahrain Independent Commission of Inquiry
<b>BJP</b>	Bharatiya Janata Party
<b>CISADA</b>	Comprehensive Iran Sanctions, Accountability, and Divestment Act
<b>COI</b>	Commission of Inquiry
<b>CPC</b>	Country of Particular Concern
<b>CPVPV</b>	Commission for the Promotion of Virtue and Prevention of Vice
<b>ECtHR</b>	European Court of Human Rights
<b>EPC</b>	Entity of Particular Concern
<b>FTO</b>	Foreign Terrorist Organization
<b>FY</b>	Fiscal Year
<b>ICC</b>	International Criminal Court
<b>IDPs</b>	Internally Displaced Persons
<b>IEEPA</b>	International Emergency Economic Powers Act
<b>IMN</b>	Islamic Movement of Nigeria
<b>IRFA</b>	International Religious Freedom Act
<b>IRPT</b>	Islamic Renaissance Party of Tajikistan
<b>ISIS</b>	Islamic State of Iraq and Syria
<b>ITRSHRA</b>	Iran Threat Reduction and Syria Human Rights Act
<b>JCPOA</b>	Joint Comprehensive Plan of Action
<b>KRG</b>	Kurdistan Regional Government
<b>MINUSCA</b>	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
<b>NATO</b>	North Atlantic Treaty Organization
<b>NGOs</b>	Non governmental Organizations
<b>NLD</b>	National League for Democracy
<b>NSC</b>	National Security Council
<b>OCHA</b>	United Nations Office for the Coordination of Humanitarian Affairs
<b>OHCHR</b>	United Nations Office of the UN High Commissioner for Human Rights
<b>OSCE</b>	Organization for Security and Cooperation in Europe
<b>PMF</b>	Popular Mobilization Forces
<b>RFE/RL</b>	Radio Free Europe/Radio Liberty
<b>SDGT</b>	Specially Designated Global Terrorists
<b>UN</b>	United Nations
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UPR</b>	Universal Periodic Review
<b>USAID</b>	U.S. Agency for International Development
<b>USCIRF</b>	U.S. Commission on International Religious Freedom
<b>USRAP</b>	U.S. Refugee Admissions Program
<b>VOA</b>	Voice of America





# INTRODUCTION

The state of affairs for international religious freedom is worsening in both the depth and breadth of violations. The blatant assaults have become so frightening—attempted genocide, the slaughter of innocents, and wholesale destruction of places of worship—that less egregious abuses go unnoticed or at least unappreciated. Many observers have become numb to violations of the right to freedom of thought, conscience, and religion.

Article 18 of the Universal Declaration of Human Rights defines this right to include freedom to change one's religion or belief, and freedom—either alone or in community with others and in public or private—to manifest one's religion or belief in teaching, practice, worship, and observance.

A year ago, then Secretary of State John Kerry declared that the Islamic State of Iraq and Syria (ISIS) was committing genocide. This declaration marked the first time since Darfur in 2004 when a U.S. administration proclaimed an ongoing campaign as genocide. ISIS seeks to bring its barbaric worldview to reality through violence and genocide cloaked in a distortion of Islam. While the world has come to know ISIS and expects no better, there are members of the United Nations Security Council whose assaults on religious freedom are less violent, but no less insidious. On April 20, the Russian Supreme Court issued a ruling banning the existence of the Jehovah's Witnesses in that country. Their right to religious freedom is being eliminated thoroughly—and yet “legally” under Russian law. Russia's continued use of its “anti-extremism” law as a tool to curtail religious freedoms is one of the reasons USCIRF has recommended for the first time that Russia be designated as a “country of particular concern,” or CPC, under the International Religious Freedom Act for particularly severe violations of religious freedom.

The right to the freedom of religion or belief is an encompassing right that can be taken away directly or indirectly, and thus:

You cannot have religious freedom without:

- ... the freedom of worship;
- ... the freedom of association;
- ... the freedom of expression and opinion;
- ... the freedom of assembly;
- ... protection from arbitrary arrest and detention;
- ... protection from interference in home and family; and
- ... You cannot have religious freedom without equal protection under the law.

And on it goes.

Many violations of religious freedom do not appear to be aimed at religion. Violations can seem mundane, such as requirements for building permits (to establish/repair places of worship) or less mundane, such as restrictions on association (constraining the right to worship). Nonetheless, they are violations of international religious freedoms and they are

increasing in numbers and frequency.

USCIRF also finds that many restrictions on religious freedoms are done under the guise of protecting national security. However, this “securitization” of religion is a double-edged sword.

The challenge of supporting religious freedom and enhancing security can be seen in both Bahrain and Egypt. During the year, the Bahraini government has increasingly cracked down on the religious freedom of its majority-Shi'a Muslim population, yet the U.S. Administration is lifting human rights conditions on the sale of weapons to Bahrain. Egypt, on the other hand, is working toward positive progress on certain aspects of religious freedom, yet the overall state of human rights remains dismal. Outreach by the government to religious minority groups, such as the Copts, is needed and positive, but has drawn the attention of extremists, such as ISIS, that are committing violence against such groups. Efforts by the government that erode the public's ability to associate freely and express themselves inevitably

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*... USCIRF has recommended for the first time that Russia be designated as a “country of particular concern,” ... for particularly severe violations of religious freedom.*

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curtail broader religious freedoms and send mixed, if not contradictory, messages.

Blasphemy laws are yet another example of governments using laws as a tool for restricting religious freedom under the purported need to protect religions from defamation. In more than 70 countries worldwide, from Canada to Pakistan, governments employ these laws, which lead to grave human rights violations, embolden extremists, and are, in the long run, counterproductive to national security.

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*Religious freedom, at its core, is the right of individuals and communities to manifest their religion or belief, and is a basic human right.*

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State-sponsored or condoned oppression of the freedom of religion or belief is only part of the challenge. Non-state actors represent a less official yet no less virulent threat to such freedoms. The 2016 Frank R. Wolf International Religious Freedom Act requires the president to identify non-state entities engaged in severe religious freedom abuses and deem them “entities of particular concern,” or EPCs. This directive was both appropriate and overdue. Entities that control territory and have significant political control within countries can be even more oppressive than governments in their attacks on religious freedom. In this report, USCIRF recommends that ISIS in Iraq and Syria, the Taliban in Afghanistan, and al-Shabaab in Somalia all be designated EPCs.

USCIRF advocates for religious freedom through its policy recommendations to the president, the secretary of state, and Congress. USCIRF also strengthens religious freedom advocacy networks abroad through education and outreach, including:

1. Collaborating with the International Panel of Parliamentarians for Freedom of Religion or Belief;
2. Highlighting the complexities and synergies between the rights of women and girls and freedom of religion or belief; and

3. Advocating on behalf of religious prisoners of conscience by raising awareness of the violations of their freedom of religion or belief.

Religious freedom, at its core, is the right of individuals and communities to manifest their religion or belief, and is a basic human right. Protecting that right falls to each and every one of us, requiring people from all countries, political views, and faiths to come together to fight religious persecution and work to protect religious freedom for all.

# 2017 ANNUAL REPORT OVERVIEW

Created by the [International Religious Freedom Act of 1998 \(IRFA\)](#), the [U.S. Commission on International Religious Freedom \(USCIRF\)](#) is an independent, bipartisan U.S. government advisory body, separate from the State Department, that monitors religious freedom abroad and makes policy recommendations to the president, secretary of state, and Congress. USCIRF bases these recommendations on its statutory mandate and the standards in the [Universal Declaration of Human Rights](#) and other international documents. The 2017 Annual Report represents the culmination of a year's work by Commissioners and professional staff to document religious freedom violations and progress and to make independent policy recommendations to the U.S. government.

The 2017 Annual Report covers calendar year 2016 through February 2017—although in some cases significant events that occurred after the reporting period are mentioned—and is divided into four sections.

The first section focuses on the U.S. government's implementation of IRFA, and provides recommendations for specific actions to bolster current U.S. efforts to advance freedom of religion or belief abroad.

The second section highlights 16 countries USCIRF concludes meet IRFA's standard for "countries of particular concern," or CPCs. IRFA requires the U.S. government to designate as a CPC any country whose government engages in or tolerates particularly severe religious freedom violations that are systematic, ongoing, and egregious. During the reporting period, the State Department made two sets of CPC designations—in February and October 2016—naming 10 countries, including Tajikistan for the first time in February 2016.

USCIRF's 2017 CPC recommendations include, for the first time, the recommendation that Russia be designated as a CPC. Based on improvements in religious freedom conditions in Egypt and Iraq, USCIRF does not recommend those two countries for CPC designation in 2017, as it had for Egypt since 2011 and for Iraq since 2008.

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*The 2017 Annual Report represents the culmination of a year's work . . . to make independent policy recommendations to the U.S. government.*

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## CPC RECOMMENDATIONS

In 2017, USCIRF recommends that the State Department again designate the following 10 countries as CPCs: Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, Tajikistan, Turkmenistan, and Uzbekistan. USCIRF also finds that six other countries meet the CPC standard and should be so designated: Central African Republic, Nigeria, Pakistan, Russia, Syria, and Vietnam.

## TIER 2

In 2017, USCIRF places the following 12 countries on Tier 2: Afghanistan, Azerbaijan, Bahrain, Cuba, Egypt, India, Indonesia, Iraq, Kazakhstan, Laos, Malaysia, and Turkey.

## EPC RECOMMENDATIONS

In 2017, USCIRF recommends that the State Department designate the following organizations as EPCs: the Islamic State of Iraq and Syria (ISIS), the Taliban in Afghanistan, and al-Shabaab in Somalia.

The third section of the Annual Report highlights 12 countries USCIRF categorizes as Tier 2, defined by USCIRF as nations in which the violations engaged in or tolerated by the government are serious and characterized by at least one of the elements of the "systematic, ongoing, and egregious" CPC standard. Due to deteriorating religious freedom conditions, Bahrain is included on Tier 2 in 2017 for the first time.

The last section briefly describes, based on USCIRF's ongoing global monitoring, religious freedom issues in eight other countries—Bangladesh, Belarus, Ethiopia, Kenya, Kyrgyzstan, Mexico, Nepal, and Somalia—as well as in the Western Europe region. This section of the report typically includes countries previously recommended for CPC designation or on Tier 2 and in which USCIRF continues to monitor ongoing concerns; countries USCIRF visited during the reporting year but did not find to meet the CPC or

Tier 2 standards; and countries where USCIRF saw emerging issues or troubling trends that merited comment but did not rise to the CPC or Tier 2 level. Nepal and Mexico are new additions to this section this year.

The fact that other countries are not included in this report does not represent a determination that no religious freedom concerns exist in those countries. USCIRF does not have the mandate or resources to report on all foreign countries. Information on religious freedom conditions in all foreign countries may be found in the State Department’s annual [International Religious Freedom reports](#).

As USCIRF’s previous Annual Reports have recognized and documented, non-state actors are some of the most egregious violators of religious freedom in today’s world. Amendments to IRFA enacted in December 2016 in P.L. 114-281, the Frank R. Wolf International Religious Freedom Act, require the U.S. government

to identify non-state actors engaging in particularly severe violations of religious freedom and designate any such entity as an “entity of particular concern,” or EPC. The amendments define non-state actor as “a non-sovereign entity that exercises significant political power and territorial control; is outside the control of a sovereign government; and often employs violence in pursuit of its objectives.” In this Annual Report for the first time, as required by IRFA as amended, USCIRF recommends in 2017 three organizations for designation as EPCs: the Islamic State of Iraq and Syria (ISIS), the Taliban in Afghanistan, and al-Shabaab in Somalia. As it has in past years, USCIRF also continues to report, in various country chapters, on particularly severe violations of religious freedom perpetrated by non-state actors that do not meet the December 2016 amendments’ limited definition because, for example, they do not exercise territorial control.

USCIRF 2017 CPC RECOMMENDATIONS	USCIRF 2017 TIER 2 COUNTRIES	USCIRF 2017 EPC RECOMMENDATIONS
Burma*	Afghanistan	The Islamic State of Iraq and Syria (ISIS)
Central African Republic	Azerbaijan	The Taliban in Afghanistan
China*	Bahrain	Al-Shabaab in Somalia
Eritrea*	Cuba	
Iran*	Egypt	
Nigeria	India	
North Korea*	Indonesia	
Pakistan	Iraq	
Russia	Kazakhstan	
Saudi Arabia*	Laos	
Sudan*	Malaysia	
Syria	Turkey	
Tajikistan*		
Turkmenistan*		
Uzbekistan*		
Vietnam		

\*Designated as CPCs by the State Department on October 31, 2016

# COMMON POLICY RECOMMENDATIONS

While the U.S. government must pursue freedom of religion or belief as a foreign policy objective contextualized for each country covered in this Annual Report, certain common themes and policy options arise. The most common policy recommendations for states categorized by USCIRF as CPCs and for those listed as Tier 2 countries

appear below. These recommendations may not be generalizable to all countries in each category due to special circumstances, such as existing sanctions or lack of bilateral relations. Nonetheless, they represent the most pressing religious freedom concerns worldwide and the most promising avenues for addressing them through U.S. foreign policy.

COUNTRIES OF PARTICULAR CONCERN	
For those countries categorized as countries of particular concern, USCIRF recommends the U.S. government pursue the following goals . . .	<ul style="list-style-type: none"> <li>• Urge the country’s government to cooperate fully with international mechanisms on human rights issues, including by inviting visits by the United Nations (UN) Special Rapporteur on freedom of religion or belief;</li> <li>• Press the country’s government to bring national laws and regulations, including registration requirements for religious communities, into compliance with international human rights standards;</li> <li>• Press the country’s government to conduct professional and thorough investigations of and prosecute future incidents of sectarian violence, terrorism, and other violations of religious freedom;</li> <li>• Press for at the highest levels and work to secure the unconditional release of prisoners of conscience and religious freedom advocates, and press the country’s government to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, lawyers, and the ability to practice their faith;</li> </ul>
. . . through methods including these policy options.	<ul style="list-style-type: none"> <li>• Enter into a binding agreement with the foreign government, as authorized under section 405(c) of IRFA, setting forth mutually agreed commitments that would foster critical reforms to improve religious freedom and establish a pathway that could lead to the country’s eventual removal from the CPC list;</li> <li>• Use targeted tools against specific officials, agencies, and military units identified as having participated in or being responsible for human rights abuses, including particularly severe violations of religious freedom, such as adding further names to the “specially designated nationals” list maintained by the Treasury Department’s Office of Foreign Assets Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act;</li> <li>• Continue to raise consistently religious freedom concerns at high-level bilateral meetings with the country’s leaders;</li> <li>• Coordinate with other diplomatic missions and foreign delegations, including the UN and European Union, about human rights advocacy in meetings with the country’s officials and during visits to the country;</li> <li>• Ensure that the U.S. Embassy and U.S. Consulates, including at the ambassadorial and consuls general levels, maintain active contacts with human rights activists.</li> </ul>

TIER 2 COUNTRIES	
For those states categorized as Tier 2, USCIRF recommends the U.S. government pursue the following goals . . .	<ul style="list-style-type: none"> <li>• Urge the country's government to cooperate fully with international mechanisms on human rights issues, including by inviting visits by the UN Special Rapporteur on freedom of religion or belief;</li> <li>• Press the country's government to conduct professional and thorough investigations of and prosecute future incidents of sectarian violence, terrorism, and other violations of religious freedom;</li> <li>• Press the country's government to bring national laws and regulations, including registration requirements for religious communities, into compliance with international human rights standards;</li> <li>• Press for at the highest levels and work to secure the unconditional release of prisoners of conscience and religious freedom advocates, and press the country's government to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, lawyers, and the ability to practice their faith;</li> </ul>
. . . through methods including these policy options.	<ul style="list-style-type: none"> <li>• Continue to raise consistently religious freedom concerns at high-level bilateral meetings with the country's leaders;</li> <li>• Ensure that the U.S. Embassy and U.S. Consulates, including at the ambassadorial and consuls general levels, maintain active contacts with human rights activists;</li> <li>• Help to train the country's governmental, civil society, religious, and/or educational professionals to better address sectarian conflict, religion-related violence, and terrorism through practices consistent with international human rights standards.</li> </ul>

# IRFA IMPLEMENTATION

## KEY FINDINGS

The International Religious Freedom Act of 1998 (IRFA) is a landmark law, passed with overwhelming congressional approval and diverse civil society support, that seeks to make religious freedom a higher priority in U.S. foreign policy through a range of mechanisms and tools. No administration, since the law's enactment, has implemented IRFA to its full potential, for reasons including a lack of high-level support, staffing gaps, inconsistent application of the law's provisions, and insufficient training

and funding. Over the past year, however, U.S. international religious freedom policy has been reenergized and placed on a more positive trajectory, including through heightened diplomacy, a reinvigorated "country of particular concern" (CPC) process, and expanded programs and training. Moreover, amendments to IRFA enacted in December 2016 in P.L. 114-281 make major substantive updates to the law's requirements, better equipping the U.S. government to respond to current conditions.

## RECOMMENDATIONS TO THE ADMINISTRATION

- Nominate promptly a qualified and experienced Ambassador-at-Large for International Religious Freedom and provide him or her, when confirmed, with the authority and resources necessary to carry out the position, including by continuing Fiscal Year (FY) 2016 staffing and program funding levels for the State Department's International Religious Freedom Office (IRF Office).
- Appoint promptly a qualified and experienced individual to be Special Adviser to the President on International Religious Freedom within the National Security Council (NSC) staff, as IRFA envisions.
- Stress consistently the importance of religious freedom for everyone, everywhere, in public statements and public and private meetings in the United States and abroad, especially statements and meetings by the president, vice president, secretary of state, and other high-ranking officials.
- Develop and issue a whole-of-government strategy to guide how the U.S. government will protect and promote religious freedom abroad for all, using all available diplomatic and legal tools, as well as action plans for specific countries, and establish an interagency working group, co-chaired by the Ambassador-at-Large and the Special Adviser to the President on International Religious Freedom, to oversee implementation.
- Implement fully all of IRFA's requirements, including through diplomatic engagement, annual designations of CPCs and "entities of particular concern" (EPCs), and corresponding actions, especially targeted actions such as visa denials and asset freezes against specific violators when they can be identified.
- Prioritize efforts to seek the release of prisoners whom the State Department or USCIRF identify as being imprisoned for their religious beliefs, activity, identity, or religious freedom advocacy, especially in countries designated as CPCs or recommended by USCIRF for such designation.
- Engage multilaterally to advance religious freedom abroad, as IRFA envisions, including by participating in and supporting relevant United Nations (UN) and Organization for Security and Cooperation in Europe (OSCE) entities and activities, as well as by continuing to lead and participate in the International Contact Group on Freedom of Religion or Belief.
- Protect refugees and asylum seekers, including those fleeing religious persecution, by continuing the U.S. Refugee Admissions Program (USRAP) and addressing the longstanding flaws in the treatment of asylum seekers in Expedited Removal that USCIRF has documented since 2005.

## RECOMMENDATIONS TO THE CONGRESS

- Confirm promptly a qualified and experienced nominee for Ambassador-at-Large and focus on competency in international religious freedom during confirmation hearings for other relevant officials in the State Department and other agencies.
- Ensure sufficient appropriations for the Ambassador-at-Large and the IRF Office to enable the mandate of IRFA, as amended, to be fully executed and effectively achieved.
- Hold annual oversight hearings on the implementation of IRFA, as amended, as well as hearings on specific religious freedom issues, and ensure religious freedom is raised in country-specific hearings and ambassadorial hearings.
- Support legislation that promotes the freedom of religion or belief abroad and, through legislation and appropriations, develop an international religious freedom strategy.
- Conduct oversight on the implementation of P.L. 114-281, the Frank R. Wolf International Religious Freedom Act, including regarding the required curriculum development and training for State Department Foreign Service officers.
- Examine, during delegation trips abroad, religious freedom conditions for persons of all faiths and beliefs or none, including by meeting with individuals and organizations that promote religious freedom and related human rights, targeted religious communities, and prisoners held for their religion or belief or their religious freedom advocacy.
- Participate in the Tom Lantos Human Rights Commission's Defending Freedoms Project to advocate for the release of prisoners of conscience abroad.
- Participate in the International Panel of Parliamentarians for Freedom of Religion or Belief, an informal network of legislators working to fight religious persecution and promote the internationally protected right to religious freedom.
- Exercise oversight of the expanded implementation of Expedited Removal and press for reforms to address concerns about the treatment of asylum seekers in that process that USCIRF has identified since 2005.

### IRFA's Purpose and Main Provisions

IRFA seeks to make religious freedom a higher priority in U.S. foreign policy in several ways. First, it establishes special government mechanisms. Inside the executive branch, the law created the position of Ambassador-at-Large (an appointee nominated by the president and confirmed by the Senate), to head a State Department office focused on the issue: the IRF Office. The law also urges the appointment of a special adviser on the issue on the White House NSC staff. Outside the executive branch, IRFA created USCIRF, an independent body mandated to review religious freedom conditions globally and make recommendations for U.S. policy to the president, secretary of state, and Congress.

Second, IRFA requires monitoring and reporting. It mandates that the State Department prepare an annual report on religious freedom conditions in each foreign country (the IRF Report), in addition to the department's annual human rights report. Additionally, it requires that USCIRF issue its own

annual report setting forth its findings and providing independent policy recommendations. IRFA created a schedule under which USCIRF's report would be issued by May 1, and the State Department's on or shortly after September 1, and both entities would consider each other's findings.

Third, IRFA establishes consequences for the worst violators. The law requires the president—who has [delegated](#) this power to the secretary of state—to designate CPCs annually and take action designed to

*The law requires the president . . . to designate [countries of particular concern] annually and take action designed to encourage improvements in those countries.*

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, including negotiating a bilateral agreement,

imposing sanctions, taking a "commensurate action," or issuing a waiver. In addition, IRFA makes inadmissible to the United States foreign officials who are responsible for or directly carried out particularly severe religious freedom violations.



IRFA defines “particularly severe” violations of religious freedom as “systematic, ongoing, egregious violations of religious freedom, including violations such as—(A) torture or cruel, inhuman, or degrading treatment or punishment; (B) prolonged detention without charges; (C) causing the disappearance of persons by the abduction or clandestine detention of those persons; or (D) other flagrant denial of the right to life, liberty, or the security of persons.”

Under IRFA, these reports and determinations are based on international legal standards: the law defines violations of religious freedom as “violations of the internationally recognized right to freedom of religion and religious belief and practice” as articulated in the United Nations Universal Declaration of Human Rights, the UN International Covenant on Civil and Political Rights, the Helsinki Accords, and other international instruments and regional agreements.

Fourth, IRFA includes religious freedom as an element of U.S. foreign assistance, cultural exchange, and international broadcasting programs.

Fifth, IRFA provides that State Department Foreign Service Officers and U.S. immigration officials receive training on religious freedom and religious persecution. It also requires immigration officials to use the State Department’s annual IRF Report as a resource in adjudicating asylum and refugee claims involving religious persecution.

Finally, IRFA sought assessments of whether a new summary removal procedure in U.S. immigration law, known as Expedited Removal, was being implemented consistent with the United States’ obligations to protect individuals fleeing persecution, including religious persecution.

### Amendments to IRFA

In December 2016, Congress passed and then President Barack Obama signed into law the [Frank R. Wolf International Religious Freedom Act](#), P.L. 114-281 (Frank Wolf Act), the first major amendments to IRFA since its enactment. Many of the new provisions address concerns raised for years by USCIRF and others about the

incomplete implementation of IRFA by all administrations over the law’s existence.

The Frank Wolf Act:

- Requires that the Ambassador-at-Large report directly to the secretary of state, and gives him or her new coordination responsibilities on international religious freedom policies across all programs, projects, and activities of the U.S. government.
- Changes the due date of the State Department’s IRF Report to May 1, at the department’s request. USCIRF’s May 1 due date remains the same, but the law expresses the sense of Congress that the two entities consult to fulfill IRFA’s intent that their reports be released in the same calendar year but at least five months apart.\*
- Requires that CPC designations be made not later than 90 days after the release of each year’s IRF Report, and that Congress be notified not later than 90 days after the designations.

- Allows the president to waive the application of any presidential action for a 180-day period immediately following a CPC designation to provide a window for diplomacy. After that period, the law gives the president waiver authority if the president determines and reports to Congress that the foreign government has ceased violations, or if the waiver is required in the important national interest of the United States.

- Requires countries that engage in or tolerate severe violations of religious freedom but that do not meet

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*Many of the new provisions address concerns raised for years by USCIRF and others about the incomplete implementation of IRFA by all administrations over the law’s existence.*

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\* The State Department’s request was based on its 2010 decision that its congressionally mandated human rights reports would all cover the same period, the calendar year. Since that time, the State Department has aimed to release the IRF Report in March or April but has not met this target, typically releasing the report in July or later. Given this unpredictability, the fact that USCIRF’s annual report process was already underway when the Frank Wolf Act passed, and one Commissioner’s upcoming mid-May departure, USCIRF decided to maintain its May 1 release date in 2017. For 2018, USCIRF will evaluate and discuss with Congress and the State Department how best to fulfill Congress’ intent as to the two reports’ timing.

the CPC threshold be placed on an annual State Department “Special Watch List.”

- Requires the designation as EPCs of non-state actors engaged in particularly severe violations of religious freedom, and, to the extent practicable, the identification of specific officials or members responsible for such violations. The law defines non-state actor as a non-sovereign entity that exercises significant political power and territorial control; is outside the control of a sovereign government; and often employs violence in pursuit of its objectives.
- Expresses the sense of Congress that the secretary of state should work with Congress and USCIRF to create “new political, financial, and diplomatic tools” to address the religious freedom violations of non-state actors and to update the actions the president can take in response to CPC designations.
- Directs the State Department to establish, maintain, and submit to Congress every 180 days a list of foreign individuals to whom a consular post has denied a visa on grounds of particularly severe violations of religious freedom, or who are subject to financial sanctions, or other measures, for particularly severe violations of religious freedom.
- Requires USCIRF, to the extent practicable, to publish lists of persons imprisoned, detained, disappeared, placed under house arrest, tortured, or subject to forced renunciations of faith by governments that USCIRF recommends for designation as CPCs or non-state actors that USCIRF recommends for designation as EPCs.
- Requires the State Department to provide training on international religious freedom for all Foreign Service officers, including all entry-level officers, all officers prior to departure for overseas postings, and all ambassadors and deputy chiefs of mission, and develop a curriculum and materials for these trainings.

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*Under IRFA, the Ambassador-at-Large is to be a “principal adviser to the President and the Secretary of State regarding matters affecting religious freedom abroad” . . .*

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## Personnel and Resources

On January 20, 2017, David Saperstein completed his service as Ambassador-at-Large for International Religious Freedom, a position he held since January 2015. He was the fourth Ambassador-at-Large since IRFA’s enactment. As of the end of March 2017, the Trump Administration had not nominated a successor. At the start of the George W. Bush and Obama Administrations, the Ambassador-at-Large position was vacant for 16 and 28 months, respectively. USCIRF urges the Administration to nominate and Congress to confirm a qualified and experienced individual soon.

[Then Ambassador Saperstein](#) came to the position with long experience in both domestic and international religious freedom advocacy, and was the first Ambassador-at-Large to have served previously as a USCIRF Commissioner. Under his leadership, and with bipartisan congressional support, the IRF Office expanded its diplomatic, policy, programmatic, and training activity. In the Frank Wolf Act, Congress expressed the view that the FY 2016 staffing level of the IRF Office was necessary for it to carry out its important work.

Under IRFA, the Ambassador-at-Large is to be a “principal adviser to the President and the Secretary of State regarding matters affecting religious freedom abroad” and, under the Frank Wolf Act, to report directly to the secretary of state. In previous administrations, the Ambassador-at-Large had not reported directly to the secretary, which concerned USCIRF and others, although then Secretary of State John Kerry granted then Ambassador Saperstein direct and regular access to him.

Over the years, various administrations and Congress have created other State Department positions with overlapping or related mandates, such as special representatives or envoys on religion and global affairs, to Muslim communities, to the Organization of Islamic Cooperation, to monitor and combat anti-Semitism, and to particular countries where religious freedom is implicated, as well as a special advisor for religious minorities in the Near East and South Central Asia. As of the end of

March 2017, only one such post remained filled: special advisor for religious minorities in the Near East and South Central Asia, held by Knox Thames since September 2015. To the extent that the State Department maintains the religion- or religious-freedom-related positions established by previous administrations, the new Administration should task the Ambassador-at-Large with chairing an interbureau working group that includes all of these positions to ensure consistency in strategy and message. The Trump Administration also should situate in the IRF Office related congressionally established positions, such as the special envoy to monitor and combat anti-Semitism.

IRFA envisions a director-level position within the NSC staff of Special Adviser to the President on International Religious Freedom, to act as a resource for executive branch officials and liaise with the Ambassador-at-Large, USCIRF, Congress, and nongovernmental organizations. However, no administration since the law's enactment has named an adviser focusing only on international religious freedom; instead, all have assigned the issue to an NSC director as part of a broader human rights and multi-lateral affairs portfolio. The Frank Wolf Act reiterates the sense of Congress of the importance of an international religious freedom adviser at the NSC.

### High-Level Commitment and Strategy

Trump Administration officials should communicate clearly and regularly that religious freedom for all is a foreign policy priority for the United States. Then Presidents Bush and Obama both gave major speeches about the importance of international religious freedom during their administrations, as did their secretaries of state. During the reporting period, then Deputy Secretary of State Antony Blinken noted the U.S. commitment to “defending and championing international religious freedom everywhere” and stated in his remarks at the August 2016 release of the 2015 IRF Report that “no nation can fulfil its potential if its people are denied the right to freely choose and openly practice their faith.”

Both the U.S. government bureaucracy and foreign governments notice such presentations by the president, vice president, secretary of state, congressional leaders, and other high-ranking U.S. officials. In addition, such officials should raise religious freedom issues at high levels during visits to key countries of concern, so that foreign leaders hear directly that restrictions on religious freedom are hindering the bilateral relationship.

In government statements and meetings, it is important to use precise terminology. Referring only to “freedom of worship,” for example, does not convey all aspects of the internationally protected right to freedom of religion or belief, which includes choosing, changing, and sharing one’s beliefs, as well as holding no religious beliefs. Language suggesting the United States is interested only in minority communities also should be avoided. The rights of religious minorities are best protected in environments where freedom of religion

or belief is respected for everyone. In other words, religious freedom must be communicated as a right for all individuals, be they members of a minority religious group, a majority religious group, or no religious group at all, as guaranteed under inter-

national human rights standards, including article 18 of the Universal Declaration of Human Rights.

The Trump Administration also should develop and issue a strategy to guide U.S. government efforts to protect and promote religious freedom abroad and set up an interagency process, chaired by the Ambassador-at-Large and NSC special adviser, to oversee its implementation. With multiple agencies and offices dealing with issues that relate to or overlap with religious freedom, crafting a strategy document for the entire government outlining the need to promote freedom of religion or belief for everyone, everywhere, would set an important tone and give direction to U.S. efforts.

Additionally, the State Department should develop and implement country-specific action plans for advancing religious freedom for all, to ensure official statements are followed by concrete actions. This is especially important for countries designated as CPCs, on the State

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*[R]eligious freedom must be communicated as a right for all individuals, be they members of a minority religious group, a majority religious group, or no religious group at all. . . .*

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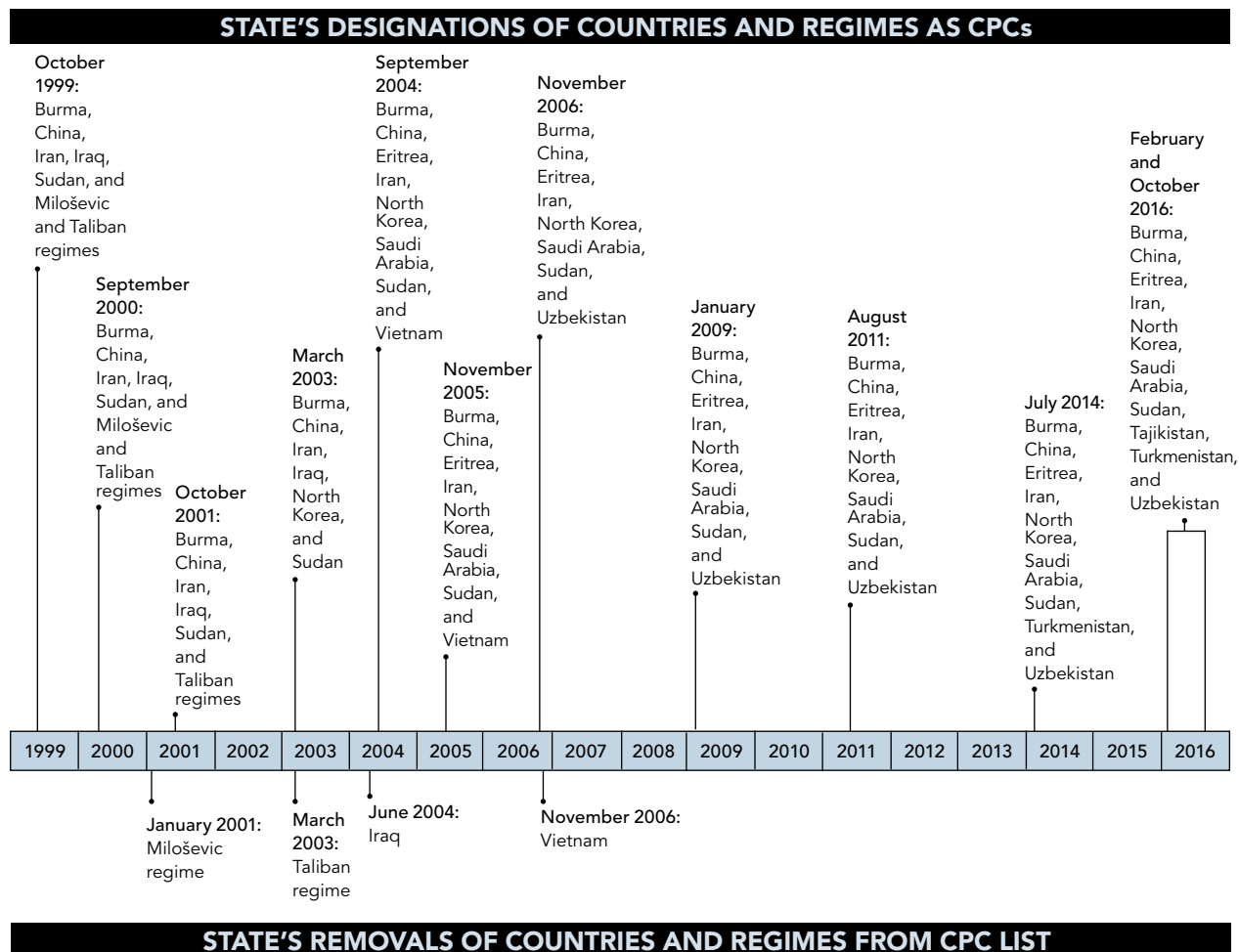
Department's Special Watch List, recommended by USCIRF for CPC designation, or on USCIRF's Tier 2 list. Such actions could include, for example, scheduling trips for embassy officials, including the U.S. ambassador, to visit oppressed religious communities or sites of violence; incorporating issues of freedom of religion or belief and religious tolerance in bilateral strategic dialogues, summits, or commissions; and raising religious freedom concerns in negotiations over trade agreements and following up on these issues after deals are reached.

### Consequences for Egregious Violators

The State Department issued two sets of CPC designations in 2016, in February and October, although the decisions were not announced in the Federal Register until April and December. On February 29, the secretary of state [designated 10 countries](#) as CPCs. Tajikistan was named as a CPC for the first time, and the nine

countries previously designated in 2014 were [re-designated](#): Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, Turkmenistan, and Uzbekistan. On October 31, the secretary of state re-designated the same 10 countries. USCIRF commends the addition to the list of Tajikistan, for which USCIRF had recommended CPC designation since 2012.

There now have been 12 sets of CPC designations by the State Department over IRFA's existence: in October 1999, September 2000, October 2001, March 2003, September 2004, November 2005, November 2006, January 2009, August 2011, July 2014, February 2016, and October 2016. As is evident from these dates, for a number of years the designations generally were annual, but they became infrequent between 2006 and early 2016. The October 2016 designations appear to indicate a return to a regular cycle of designations made shortly after the release of the IRF Report, as IRFA intends. (The 2015 IRF



Source: GAO analysis of Department of State information

Report was released in August 2016). Going forward, the Frank Wolf Act explicitly requires that CPC designations be made within 90 days of the IRF Report.

Most of the 2016 CPC designees now have been CPCs for a decade or more: Burma, China, Iran, and Sudan for 17 years; North Korea for 14 years; Eritrea and Saudi Arabia for 12 years; and Uzbekistan for 10 years. (Turkmenistan was added for the first time in 2014, and as noted above, Tajikistan for the first time in 2016.) Over the years, only one country has been removed from the State Department’s CPC list due to diplomatic activity: [Vietnam](#) (a CPC from 2004 to 2006). Three other CPC designees were removed, but only after military intervention led to the fall of those regimes: Iraq (a CPC from 1999 to 2004), the Taliban regime of Afghanistan (a “particularly severe violator” from 1999 to 2003), and the Milošević regime of the Serbian Republic of Yugoslavia (a “particularly severe violator” from 1999 to 2001).

Along with requiring the naming of violators, IRFA provides the secretary of state with a unique toolbox to promote religious freedom. It includes a menu of options for countries designated as CPCs, and a list of actions for countries that violate religious freedom but are not CPCs. Specific policy options for CPC countries

include sanctions (referred to in IRFA as presidential actions), but they are not imposed automatically. Rather, the secretary of state is empowered to enter into direct consultations with a government to bring about improvements in religious freedom. IRFA also permits either developing a binding agreement with a CPC-designated government on specific actions it will take to end the violations, or taking a “commensurate action.” The secretary may further determine that preexisting sanctions are adequate, or may waive the requirement of taking action to advance IRFA’s purposes or the national interests of the United States.

In addition to designating the same countries for years, administrations generally have not levied new presidential actions in accordance with CPC designations, with the State Department instead relying on preexisting sanctions. While the statute permits such reliance, relying on preexisting sanctions—or “double hating”—has provided little incentive for CPC-designated governments to reduce or halt egregious religious freedom violations.

The presidential actions for the 10 currently designated CPC countries are shown in the table below. Of the current 10 CPC designees, six have “double-hatted”

#### PRESIDENTIAL ACTIONS FOR 2016 CPC DESIGNATIONS (AS DESCRIBED IN THE FEDERAL REGISTER)

- For Burma, the existing ongoing restrictions referenced in 22 CFR 126.1, pursuant to section 402(c)(5) of IRFA.
- For China, the existing ongoing restriction on exports to China of crime control and detection instruments and equipment, under the Foreign Relations Authorization Act of 1990 and 1991 (P.L. 101-246), pursuant to section 402(c)(5) of IRFA.
- For Eritrea, the existing ongoing restrictions referenced in 22 CFR 126.1, pursuant to section 402(c)(5) of IRFA.
- For Iran, the existing ongoing travel restrictions in section 221(c) of the Iran Threat Reduction and Syria Human Rights Act of 2012 (TRA) for individuals identified under section 221(a)(1)(C) of the TRA in connection with the commission of serious human rights abuses, pursuant to section 402(c)(5) of IRFA.
- For North Korea, the existing ongoing restrictions to which the Democratic People’s Republic of Korea is subject, pursuant to sections 402 and 409 of the Trade Act of 1974 (the Jackson-Vanik Amendment), pursuant to section 402(c)(5) of IRFA.
- For Saudi Arabia, a waiver as required in the “important national interest of the United States,” pursuant to section 407 of IRFA.
- For Sudan, the restriction in the annual Department of State, Foreign Operations, and Related Programs Appropriations Act on making certain appropriated funds available for assistance to the Government of Sudan, currently set forth in section 7042(j) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (Div. K, P.L. 114-113), and any provision of law that is the same or substantially the same as this provision, pursuant to section 402(c)(5) of IRFA.
- For Tajikistan, a waiver as required in the “important national interest of the United States,” pursuant to section 407 of IRFA.
- For Turkmenistan, a waiver as required in the “important national interest of the United States,” pursuant to section 407 of IRFA.
- For Uzbekistan, a waiver as required in the “important national interest of the United States,” pursuant to section 407 of IRFA.

sanctions, and four have indefinite waivers. The “double hatting” of sanctions can be the appropriate action in some circumstances. Yet specifically tailored actions can be more precise—either broadly structured or narrowly crafted—to target specific government officials or provinces, if acute situations are highly localized. Indefinite waivers of penalties undermine the effectiveness of efforts to advance religious freedom, as they signal a lack of U.S. interest and communicate to the designated country that there never will be consequences for its religious freedom abuses.

Along with an annual CPC process, the IRFA toolbox provides many options for diplomatic action toward violator countries, and now also includes placement on the “Special Watch List,” as well as designation as an EPC, as provided in the Frank Wolf Act. U.S. diplomatic engagement cannot and should not solely rely on naming CPCs, EPCs, and Special Watch List countries, but rather use a range of actions, 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. An annual CPC, EPC, and Special Watch List designation process should be at the core of IRF-related work, driving and energizing other areas of U.S. diplomacy, but should not be the sum total of all activity.

IRFA also makes inadmissible to the United States foreign officials who are responsible for or directly carried out particularly severe religious freedom violations. This provision’s only publicly known use was in March 2005, when then Chief Minister Narendra Modi of Gujarat State in India was excluded due to his complicity in 2002 riots in his state that resulted in the deaths of an estimated 1,100 to 2,000 Muslims. USCIRF continues to urge the Departments of State and Homeland Security to develop a lookout list of noncitizens who are inadmissible to the United States on this basis. In recent years, the IRF Office has worked to identify such individuals.

Relatedly, IRFA requires the president to determine the specific officials responsible for violations of religious freedom engaged in or tolerated by governments of CPC countries, and, “when applicable and to the extent practicable,” publish these officials’ names in the Federal Register. Despite these requirements, no names of individual officials from any CPC countries responsible for particularly severe religious freedom violations have been published to date. The Frank Wolf Act now requires the State Department to establish, maintain, and submit to Congress every 180 days “designated persons lists” of foreign individuals denied visas or subject to financial sanctions or other measures for particularly severe violations of religious freedom.

Laws other than IRFA also provide tools to impose targeted sanctions for severe religious freedom violations.

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For example, the Comprehensive Iran Sanctions and Divestment Act (CIS-ADA, P.L. 111-195) includes sanctions on human rights and religious freedom violators; U.S. visa bans and asset freezes have now been applied to 19 Iranian

officials, including eight identified as egregious religious freedom violators by USCIRF, as well as 18 entities, under CISADA. Also based on a USCIRF recommendation, Chechen President Ramzan Kadyrov was included on the list of Russian officials sanctioned for gross human rights violations in the Sergei Magnitsky Rule of Law Accountability Act (P.L. 112-208). In December 2016, the Global Magnitsky Human Rights Accountability Act was enacted as part of the FY 2017 National Defense Authorization Act (P.L. 114-328); it allows the president to deny U.S. visas to and freeze U.S.-based assets of corrupt officials or gross abusers of internationally protected human rights, providing another legal basis to sanction severe violators of religious freedom.

### Religious Prisoners

IRFA mandates that the secretary of state prepare and maintain “lists of persons believed to be imprisoned, detained, or placed under house arrest for their religious activities, religious freedom advocacy, or efforts to protect and advance the universally recognized right to the

freedom of religion, together with brief evaluations and critiques of the policies of the respective country restricting religious freedom,” and to make this information available to executive branch officials and Members of Congress in anticipation of bilateral contacts with foreign leaders. While the State Department has advocated for individual prisoners, it has not systematically kept and updated such lists. Over the years, USCIRF has maintained informal lists of prisoners of whom it is aware, and has included information about known prisoners in its Annual Report and other publications. The Frank Wolf Act now requires USCIRF, to the extent practicable, to make lists of prisoners available online. USCIRF is working to implement this new requirement.

### Multilateral Engagement

IRFA specifically cites U.S. participation in multilateral organizations as an avenue for advancing religious freedom. Both the UN and the OSCE have conventions and agreements that protect freedom of religion or belief and related rights, including assembly and expression, and have mechanisms that can be used to advance religious freedom or call attention to violations.

At the UN Human Rights Council, the [Universal Periodic Review](#) process allows states to assess the human rights performance of every UN member state, providing opportunities for the United States and other like-minded countries to ask questions and make recommendations about religious freedom. This is particularly important when countries designated as CPCs under IRFA are reviewed. Country resolutions in the Human Rights Council and the UN General Assembly also provide opportunities to highlight religious freedom concerns.

The Human Rights Council’s system of independent experts, or [Special Procedures](#), is another important mechanism, particularly the Special Rapporteur who focuses on religious freedom, a position created in 1986 at the initiative of the United States. The [UN Special Rapporteur on freedom of religion or belief](#) monitors freedom of religion or belief worldwide,

communicates with governments about alleged violations, conducts country visits, and issues reports and statements. The U.S. government should continue to support the Special Rapporteur’s mandate and work. Some of the Council’s Special Procedures on specific countries, including the UN Special Rapporteurs on

Iran and Eritrea, also have drawn attention to egregious religious freedom violations, as have specially created Commissions of Inquiry (COIs), such as the COIs on North Korea and Eritrea. The United States

should work for the creation of additional country-specific Special Rapporteur positions and/or COIs for countries with egregious religious freedom violations.

An important venue for addressing religious freedom issues at the OSCE is the annual [Human Dimension Implementation \(HDim\) meeting](#) in Warsaw, Europe’s largest human rights conference. The HDim draws hundreds of government delegates and nongovernmental organizations, and includes a plenary session devoted to [freedom of religion or belief](#), providing the United States an opportunity to raise publicly religious freedom concerns in OSCE countries, including those designated as CPCs. The OSCE’s Office of Democratic Institutions and Human Rights also focuses on freedom of religion or belief through the work of a senior adviser on the issue, as well as an advisory panel of experts.

Additionally, there are increasing opportunities for the U.S. government to work in concert with like-minded nations on issues relating to freedom of religion or belief. In recent years, a number of governments and international institutions have appointed officials to focus on the issue, including most recently the European Union’s (EU) [Special Envoy for the promotion of freedom of religion or belief outside the EU](#) and Norway’s Special Envoy on freedom of religion or belief. This led the United States and Canada to [launch](#) an International Contact Group to foster increased collaboration among governments interested in promoting freedom of religion or belief, including coordinating joint demarches and sharing information

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*While resettlement to a third country is only possible for less than 1 percent of the world’s refugees, it is a vital protection for the most vulnerable. . . .*

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about religious freedom funding in the field. The group, which now includes more than 20 countries, has since had several additional meetings, including in Washington in [May 2016](#) and London in October 2016.

### Refugee and Asylum Issues

In recognition that severe violations of religious freedom can drive victims from their homes and countries, IRFA includes provisions on U.S. refugee and asylum policy, including requiring that information about religious persecution be considered as part of the president's annual determination of refugee admissions. Under the USRAP, the president sets a ceiling of how many vulnerable refugees the United States will accept from abroad each year; since 2001 the number has ranged from 70,000 to 110,000, averaging 75,000 per year. In executive orders in January (later stayed by court decisions and replaced) and March 2017 (also stayed by court order as of the end of March), President Donald J. Trump suspended the USRAP for 120 days to review vetting procedures, and lowered the FY 2017 refugee admissions ceiling to 50,000. In response, USCIRF [urged](#) the Trump Administration to continue refugee resettlement. While resettlement to a third country is only possible for less than 1 percent of the world's refugees, it is a vital protection for the most vulnerable, especially at a time of appalling mass atrocities and unprecedented forced displacement.

IRFA also authorized USCIRF to examine whether asylum seekers subject to Expedited Removal were being erroneously returned to countries where they could face persecution or detainment in inappropriate conditions. Expedited Removal is a summary removal process, carried out by officers of the Department of Homeland Security (DHS), by which noncitizens who arrive at U.S. ports of entry or cross the border without proper entry documents can be quickly deported, without an immigration court hearing, unless they establish a credible fear of persecution or torture. Pursuant to IRFA's authorization, USCIRF has conducted extensive

research and issued reports on the subject in [2005](#), [2007](#), [2013](#), and [2016](#). These reports can be found at <http://www.uscirf.gov/reports-briefs/special-reports>.

USCIRF's monitoring over more than a decade has documented major problems in DHS' processing and detention of asylum seekers in Expedited Removal, starting as soon as asylum seekers enter the United States. For instance, Customs and Border Protection (CBP) officers often fail to follow procedures that allow asylum seekers to express a fear of return and do not refer those who express such a fear to trained U.S. Citizenship and Immigration Service (USCIS) asylum officers who are mandated to determine credible fear. Further, Immigration and Customs Enforcement (ICE) detains asylum seekers in inappropriate, prison-like conditions, which can be retraumatizing, even though seeking asylum is a legal protection and asylum seekers are not criminals. To address these concerns, USCIRF has made recommendations to DHS that would both protect U.S. borders and ensure asylum seekers' fair

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*An additional venue for Congressional engagement is the International Panel of Parliamentarians for Freedom of Religion or Belief, an informal network of legislators committed to advancing religious freedom for all. . . .*

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and humane treatment, including that DHS: (1) appoint a high-level official to coordinate refugee and asylum issues and oversee reforms, (2) improve quality assurance measures, (3) give officers additional training, (4) use non-prison-like detention facilities, and (5) increase funding

for asylum officers and immigration courts to promptly and fairly adjudicate claims. Addressing the longstanding issues USCIRF has identified is all the more important now, given that the Trump Administration's new immigration policy is centered on the expanded use of Expedited Removal and the increased use of detention, including of asylum seekers.

### The Role of Congress

Congress has an important role to play to ensure international religious freedom remains a priority to the U.S. government. Hearings on specific religious freedom issues are a particularly useful tool, as they signal congressional interest and engagement. Holding



annual congressional oversight hearings in both the House and the Senate on IRFA implementation, including implementation of the new provisions in the Frank Wolf Act, would reinforce further congressional interest in the issue. Since religious freedom is implicated in some of the most difficult foreign policy challenges facing the United States today, Members of Congress also should continue to raise issues of international religious freedom during the confirmation hearings of U.S. ambassadors and other executive branch officials.

In addition, Members of Congress should continue to introduce and support legislation that deals with international religious freedom and focuses on violations and remedies. Members of Congress also should continue to use appropriations bills and supporting report language to express congressional concerns about international religious freedom issues to the U.S. and other governments.

Congressional delegations abroad are important and effective messengers to promote international religious freedom. Members of Congress can undertake congressional delegations to CPCs to specifically examine conditions of religious freedom for all faiths and beliefs, meet with targeted religious communities and individuals and organizations that promote religious freedom and related human rights, and advocate for people detained for their religious beliefs or religious freedom advocacy.

Another example of congressional action is the [Defending Freedoms Project](#), an initiative of the Tom Lantos Human Rights Commission, in conjunction with USCIRF and Amnesty International USA. Through the project, Members of Congress advocate on behalf of prisoners abroad, work toward their release, and shine a spotlight on the laws and policies that have led to their incarceration. The goal of this project is to help set free these prisoners and increase attention to and support for human rights and religious freedom.

An additional venue for congressional engagement is the [International Panel of Parliamentarians for Freedom of Religion or Belief](#) (IPPFoRB), an informal network of legislators committed to advancing religious freedom for all, as defined in article 18 of the Universal Declaration of Human Rights. Working with a group of parliamentarians from Brazil, Canada, Norway, Turkey, and the United Kingdom, USCIRF helped launch the

network in Oslo, Norway, in 2014. Since then the group has had two major meetings, in New York in September 2015 and Berlin in September 2016, with more than 100 parliamentarians participating each time. Parliamentarians in the network have sent joint letters on religious freedom issues to the leaders of various nations, including Burma, Eritrea, Iran, North Korea, Pakistan, Sudan, and Vietnam. In August 2016, six parliamentarians from five regions visited Burma, with support and assistance from USCIRF, in the first trip by members of the network to a country of concern.

### **Dissenting Statement of Vice Chair James J. Zogby**

In 2013, and again in 2015, President Barack Obama appointed me to the U.S. Commission on International Religious Freedom (USCIRF). It has been an honor to have served as a Commissioner these past four years. During this time, I have participated in ongoing discussions about religious freedom in several countries and how to make the work of our Commission contribute to improving religious freedom around the world.

As this is my final year of service, I am taking this opportunity to dissent in order to make clear some of my concerns with the Commission, its reporting and, in general, the way USCIRF has interpreted its mandate and mission.

Let me begin by noting that, as a Maronite Catholic with family and friends in the Middle East, a PhD in Comparative Religion, and over 40 years of work experience throughout the Arab World, the issues of religious freedom are deeply personal for me. There is no question that in many parts of the world, including the Middle East, vulnerable religious communities are facing threats to their very survival. In other instances, there are states that favor one religion over others and/or impose restrictions on the religious practices or beliefs of others, creating serious problems of discrimination and dispossession. In situations such as these, USCIRF ought to be able to play a constructive role, making policy recommendations that would help protect vulnerable communities and support efforts to advance religious freedom.

The sad truth is that, by any objective measure, the state of international religious freedom has worsened in the almost two decades since Congress passed the

International Religious Freedom Act of 1998 (IRFA). The questions we should ask are why have we not made a difference and what can we do to become more effective.

I believe that part of the reason why we have not been able to contribute to improving the situation of vulnerable faith communities is because of how we have interpreted our mandate. Instead of serving as a bipartisan group of experts making informed recommendations to the Administration and Congress—as was envisioned by IRFA—we have acted more like a Congressionally-funded NGO that issues a variety of materials “naming and shaming” countries that violate religious freedom.

I believe that instead of using our limited resources to produce opinion pieces, press releases, and a lengthy and duplicative annual report, and acting as a “critic” of the Executive Branch, USCIRF should consider new and constructive approaches to its work in order to more effectively promote international religious freedom. Instead of simply making do with “naming and shaming” the many countries that violate religious freedom, we should develop a more focused approach that involves making an in-depth study of a few targeted countries so that we might be in a position to provide the Administration and Congress with creative problem-solving ideas where improvements in religious freedom can be made.

IRFA mandates that USCIRF should comment on the Department of State’s (DOS) annual Religious Freedom and Human Rights Reports and make recommendations to the Administration and Congress. Instead of doing this, we spend the better part of each year writing and editing our own report. Granted that the DOS report is a bit dated by the time we receive it, but it is wrong that Commissioners never actually consider this report or comment on its findings. This is especially troublesome since the DOS: has invested significant resources in preparing their report; has a greater on-the-ground capacity than we have at USCIRF; and because we are called to consider the DOS reports by the very legislation that created our body.

Absent the staff and resources of the DOS, the Commission’s staff is forced to write their drafts based largely on secondary sources or accounts from advocacy groups or the results of a few 3 or 4 day trips Commissioners take each year to some of the countries on which

we report. After receiving the draft, Commissioners are then asked to review and comment on chapters dealing with countries, many about which we know very little. This process is broken and should be reexamined.

There are still other concerns I have raised with my fellow Commissioners regarding our approach to promoting religious freedom.

In too many instances, we have failed to distinguish between actual violations of religious freedom and sectarian, regional, or tribal struggles for political power. Too often, in the past, some have engaged in reductionist analysis—seeing everything as a nail, because the only tool we wield is a hammer. In failing to understand the complexity and non-religious underpinnings of conflicts, like those in Nigeria, Iraq, or the Central African Republic, our analysis and recommendations sometimes miss the mark. Religious conflict is not the cause of tension in these countries and, therefore, religious freedom is not the solution to their problems.

Some have expanded this reductionism to extreme and even absurd lengths, claiming that if, as they maintain, religious freedom is “the first freedom,” then all else flows from it. They correctly observe a correlation between religious freedom and prosperity and democracy in some countries, but then mistakenly attribute the latter to the former. In fact, a more convincing case can be made that prosperity and democracy are the prerequisites for religious freedom. In other instances, they have attempted to make the case that religious extremism only originates in countries that violate religious freedom. This patently false conclusion ignores the reality of home-grown extremist religious movements in Western Europe or the United States.

“Naming and shaming” has a role to play in confronting violators of human rights. But in order to have an impact, the party that “names and shames” has to have credibility with the party being accused. Unfortunately, this fact has never been recognized or appreciated by some of my colleagues. As a result, our condemnations oftentimes not only fall on deaf ears, they may even make a bad situation worse. This issue of credibility is especially important now that we have an Administration that includes individuals who hold shockingly Islamophobic views. If we are to be credible, we need less hubris and more humility. And we need to recognize the importance of the charge we were given in

our authorizing legislation to consider the impact of our work, both positively and negatively.

For these reasons, I feel the Commission needs a new and more focused strategy that enables us to better understand the conditions in fewer countries—especially those where we can make a difference. Such a strategy might involve: convening hearings (a power we have, but have rarely used); engage former U.S. diplomats and regional experts to advise us on circumstances in each country and what changes are possible in each instance; and examine how civil society entities may be engaged in countries we are examining and how we might involve U.S. NGO groups (especially those with roots in countries of concern) as advocates for change and promoters of religious freedom. Should such a strategy be followed I believe we would add value to our advocacy efforts and be in a better position to provide the Administration and Congress with informed recommendations that might make a difference.

Unfortunately, new Congressional legislation described in this section does not propose a new strategy. Instead, it doubles down on the failed approaches of the past. Micro-managing how the Administration organizes its foreign policy apparatus; establishing a false hierarchy of human rights; adding new staff, creating new mandates, and requiring more reporting—will not make change. These measures will only serve to add confusion to an already dysfunctional system.

And so I dissent because I believe we can and must do better.

In addition to these reservations about the way USCIRF has operated, I am also dissenting, not because I disagree with the selection of many of the countries that have been included, but because of the continuing and glaring refusal of some Commissioners to even allow for a consideration of religious freedom in Israel and the Occupied Palestinian Territories. I believe we have an obligation to consider Israel's use of religion to discriminate against both its own citizens and Palestinians living in the occupied territories, as well as its violations of a range of freedoms of Christians, Muslims, and non-Orthodox Jews.

This year the Commission received two important letters urging us to consider Israeli practices and policies. The first of these was signed by leaders representing 11 major U.S. religious communities (including

the National Council of Churches, the Committee on International Justice and Peace of the U.S. Conference of Catholic Bishops, the Episcopal Church, and the United Church of Christ, among others) and 34 Christian groups from the West Bank, Gaza, and Jerusalem.

Their letter noted that the Commission had “never reported on religious freedom in Israel and the occupied territories” calling this a “conspicuous gap.” They argued that Israel has established “the dominant privileged position of Jewish Israelis in a manner that discriminated against the Christian and Muslim Palestinian population in Israel and the occupied territories...[while] also negatively affecting non-Orthodox and secular Jews.” They cited “discriminatory laws that impact the freedom to marry, family unification, discrimination in housing and land ownership, the freedom of movement, and the right to worship and to maintain holy sites.”

The letter closed by urging USCIRF to conduct “a comprehensive review of religious freedom in Israel and the occupied Palestinian territories, consistent with the principles it has established with respect to other states.”

To support its claims, the letter was accompanied by a detailed 192-page report that was compiled by Palestine Works—an association of attorneys working in Israel and the Occupied Palestinian Territories.

The Commission also received a letter from the Chair and President of Hiddush, “an organization of Israeli and North American Jewish leaders...who work to promote religious freedom and diversity in Israel.” Their letter cited a broad range of concerns, including the “freedom to worship (such as...women's worship rights in the Western Wall plaza...), discrimination in State funding for religious services,...prohibition of public transport on the Sabbath, obstacles to non-religious and non-Orthodox burials” and “the excessive power of the Orthodox religious parties over the rights and dignity of the population as a whole.”

The Hiddush letter closed by requesting that USCIRF “conduct a serious review of religious freedom issues in Israel... [and] that the standards and principles used to monitor religious freedom issues throughout the world be used as you study and review these issues in Israel.”

I am including this matter in my dissent, not only because consideration of both letters was rejected by a slim majority of Commissioners, but because it was clear from the way the debate took place that there could

be no rational discussion of this issue. The level of vehemence that greeted the receipt of these letters was so great that some Commissioners expressed concern that if we were to adopt these requests to conduct a review of Israeli policy it would consume the Commission in endless rancorous debate, paralyzing us for the rest of the year. The upshot of all this was that these appeals were dismissed and the Commission failed in its responsibility to impartially examine and report on religious freedom concerns of Christians, Muslims, and non-Orthodox Jews. We were, in effect, bullied into silence.

This was not the first time during my tenure that the Commission rejected an appeal of this sort. In 2014, we were visited by His Eminence Fouad Twal, then-Latin Patriarch—the Roman Catholic Bishop of Jerusalem. He raised four concerns, asking for our help: the impact of the Wall which Israel was building to separate its settlements from Palestinians, citing, in particular, its impact on a Catholic convent and monastery—threatening irreparable damage to the operations of both; the hardships imposed on Palestinians as a result of Israel’s refusal to allow family unification in East Jerusalem; restrictions on the freedom of movement of clergy; and Israel’s efforts to create a “Christian ID” that would divide the Palestinian citizens of Israel by religion.

The Patriarch was treated so harshly that he left our meeting shaken by the hostility he had encountered. When I raised the Patriarch’s concerns at a later meeting I was asked why I was singling Israel out for criticism. In response I noted that I wasn’t singling Israel out for criticism, I simply could not accept that Israel be singled out as the one country that could not be criticized.

My concern in all of this is threefold. By refusing to examine Israeli behavior, we are saying to Palestinian Christians and Muslims, and non-Orthodox or secular Jews in Israel that we will not defend their freedoms and rights. We are also contributing to Israel’s sense of impunity. And we are exposing the Commission to the charge that we have a double standard—that we will criticize every other country, but never Israel. In fact, many of the behaviors we cite in our criticisms of other countries (for example, Turkey in Cyprus or Russia in Crimea) are replicated by Israel in the occupied territories.

In this context, we should consider the findings of the annual Pew Study of religious freedom in countries around the world. In its most recent study, Pew

gives Israel the world’s fifth worst score on its “Social Hostilities Index”. On Pew’s “Government Restriction Index”, Israel’s score is worse than many of the countries we examine.

The charge that USCIRF has a double standard particularly undermines our ability to effectively advocate for religious freedom in Arab countries, the leaders of which can ignore the substance of USCIRF’s critique of their record and instead dismiss us as hypocritical.

And so I dissent because I value religious freedom and cannot turn a blind eye from any victim community and because I know that our refusal to be balanced in our assessment of religious freedom concerns reduces our stature and calls into question our credibility.

**Additional statement of Commissioners Kristina Arriaga, Tenzin Dorjee, Sandra Jolley, and Clifford D. May, Vice Chairman Daniel Mark, and Commissioners John S. Ruskay and Jackie Wolcott**

We who belong to different political parties and different faith traditions are honored and humbled to serve on the United States Commission on International Religious Freedom (USCIRF)—the only one of its kind in the world. This year, while on official international travel, as well as in domestic meetings, we have each spoken—individually and with other Commissioners—to numerous high ranking foreign government officials, religious leaders from large and minority communities, non-governmental organizations and several former prisoners of conscience who, to a person, have remarked on the real-life impact of the excellent and thorough work of the Commission and the value of its congressionally mandated annual report.

This is particularly remarkable since USCIRF is both understaffed and under-resourced given the growing, far-reaching breadth of its congressional mandate. However, year after year, the staff has managed to overcome both the lack of resources and the unique challenges of being supervised by a group of nine, part-time, volunteer, Commissioners from a variety of backgrounds, thanks to the staff members’ superior level of professionalism, the breadth of their expertise and their deep commitment to the important work of the Commission. Over the last year alone, USCIRF’s Twitter feed reached over 2.2 million individuals around the world;

the Commission published 19 op-eds in various publications, issued 54 press releases, and produced a largely unanimously approved report highlighting religious freedom violations in over 30 countries.

We have had occasional disagreements about which countries to cover and which issues to highlight. However, we all strongly agree that religious freedom is a vital human right and that the work of the Commission is important to Congress, to the President and to the Department of State. More importantly, we agree that continuing to be a voice for the millions of people around the world who suffer because of their adherence to their religious convictions is meaningful and, indeed, critical work worthy of the support and funding of the United States government we serve.

### **Additional Statement of Vice Chairman Daniel Mark**

The commission was in a unique position this year with a full two thirds of its members joining as new commissioners, including one whose appointment did not come through until December, just before our annual report process entered full swing. There is a steep learning curve for anyone new to the commission, but the challenge is all the more great when those with no previous commission experience make up a majority. In light of this uncommon situation, as one of the “veteran” commissioners, I write to commend my newest colleagues on the extraordinary, faithful job they did immersing themselves in the work and leading the commission through a productive, successful year. It is a privilege to work with such dedicated colleagues—whose thoughtfulness is matched only by their affability. I feel fortunate to have another year with them on the commission and am hopeful for the possibilities in our coming time together.

### **Additional Statement of Commissioner John S. Ruskay**

Having been appointed by President Obama in May 2016, I am honored to serve with colleagues who share a bi-partisan commitment to strengthening religious freedom and freedom of conscience throughout the world.

I write to associate myself with two elements of Commissioner Zogby’s dissent. First, while USCIRF’s work has significant value, the Commission may be able

to achieve greater impact if Commissioners can prioritize those countries and/or issues which have the potential to gain traction among decision makers. Seeking to monitor and accurately report on religious freedom issues globally strains existing resources and makes it difficult to undertake follow up with the media and decision makers needed to impact policy. I hope that the study being undertaken by independent consultants will provide recommendations which will enable the Commission to achieve greater impact moving forward.

Second, in December 2016 and January 2017, USCIRF received requests from two groups of respected clergy requesting that the Commission review issues of religious freedom in Israel and the territories administered by Israel since June 1967. Israel has been and remains an amazing democracy in a challenging environment. While Israel does not merit being considered for CPC or Tier 2 status, the issues identified in the correspondence cited by Commissioner Zogby merit review and consideration given that USCIRF is now monitoring such issues in a broad range of countries including France and Mexico. I was disappointed that the Commission decided not to review these issues and hope this will be reconsidered in the near future.

### KEY FINDINGS

The year 2016 marked a historic and peaceful transition of government in Burma, also known as Myanmar. Yet while the political handover occurred without incident, conditions during the year continued to decline for Rohingya Muslims, as well as for other religious and ethnic minorities. In addition, fresh and renewed fighting in some ethnic areas highlighted the schism between Burma’s civilian-controlled leadership and the military, which controls three powerful ministries and significant portions of the economy. Although the circumstances and root causes driving the ill treatment of religious and ethnic groups differ, there are two common elements: (1) the outright impunity for abuses and crimes committed by the military and some non-state actors, and (2) the depth of the humanitarian crisis faced by displaced persons and others targeted for their religious and/or ethnic identity. Due to both governmental and societal discrimination, Rohingya

Muslims—tens of thousands of whom are currently displaced—are stateless and vulnerable, and many Christians are restricted from public worship and subjected to coerced conversion to Buddhism. Given that the National League for Democracy (NLD) government has allowed systematic, egregious, and ongoing violations of freedom of religion or belief to continue, USCIRF again finds that Burma merits designation as a “country of particular concern,” or CPC, in 2017 under the International Religious Freedom Act (IRFA). The State Department has designated Burma as a CPC since 1999, most recently in October 2016. Non-state actors such as Ma Ba Tha and other nationalist individuals and groups do not meet the definition of an “entity of particular concern” under the Frank Wolf International Religious Freedom Act (P.L. 114-281), but merit continued international scrutiny for their severe violations of religious freedom and related human rights.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Continue to designate Burma as a CPC under IRFA;
- Enter into a binding agreement with the government of Burma, as authorized under section 405(c) of IRFA, setting forth mutually agreed commitments that would foster critical reforms to improve religious freedom and establish a pathway that could lead to Burma’s eventual removal from the CPC list, including but not limited to the following:
  - Taking concrete steps to end violence and policies of discrimination against religious and ethnic minorities, including the investigation and prosecution of those perpetrating or inciting violence; and
  - Lifting all restrictions inconsistent with international standards on freedom of religion or belief;
- Continue to encourage Burma’s government to allow humanitarian aid and workers, international human rights monitors, and independent media consistent and unimpeded access to conflict areas, including in Rakhine, Kachin, and Shan states and other locations where displaced persons and affected civilian populations reside, and direct U.S. assistance to these efforts, as appropriate;
- Support efforts by the international community, including at the United Nations, to establish a commission of inquiry or similar independent mechanism to investigate the root causes and allegations of human rights violations in Rakhine, Kachin, and Shan states and other conflict areas, and to hold accountable those responsible—including members of the military and law enforcement—for perpetrating or inciting violence against civilians, particularly religious and ethnic minorities;
- Encourage Burma’s government to become party to the International Covenant on Civil and Political Rights;
- Engage the government of Burma, the Buddhist community (especially its leaders), religious and ethnic minorities (including Rohingya Muslims and Christian communities), and other actors who support religious freedom, tolerance, inclusivity, and reconciliation, to assist them in promoting understanding among people of different religious faiths and to impress upon them the importance of pursuing improvements in religious tolerance and religious freedom in tandem with political improvements;
- Use the term “Rohingya” both publicly and privately, which respects the right of Rohingya Muslims to identify as they choose;
- Encourage crucial legal and legislative reform that strengthens protections for religious and ethnic minorities, including citizenship for the Rohingya population through the review, amendment, or repeal of the 1982 Citizenship Law or some other means, and support the proper training of local government officials, lawyers, judges, police, and security forces tasked with implementing, enforcing, and interpreting the rule of law;
- Press for at the highest levels and work to secure the unconditional release of prisoners of conscience and persons detained or awaiting trial, and press Burma’s government to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, and lawyers and the ability to practice their faith; and
- Use targeted tools against specific officials, agencies, and military units identified as having participated in or being responsible for human rights abuses, including particularly severe violations of religious freedom, such as adding further names to the “specially designated nationals” list maintained by the Treasury Department’s Office of Foreign Assets Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act.

## BACKGROUND

Decades after the military's ruthless divide-and-rule tactics fomented deep social cleavages, peace and cohesion across Burma remain elusive under the new NLD government as it faces numerous religious and ethnic challenges, several of which it inherited from the previous government. On March 30, 2016, the new government took power under the direction of State Counsellor Daw Aung San Suu Kyi, a Nobel laureate who came into office facing high hopes and expectations, and her close ally, President Htin Kyaw. Since that time, the NLD has been confronted by rising nationalism and nativism while attempting to forge the foundations of lasting peace through the 21st Century Panglong Conference. Since 2011, increased conflict between Burma's military and ethnic armed groups resulted in more than 240,000 people being displaced in "camps or camp-like situations in Kachin, Shan and Rakhine" states, according to the United Nations (UN) Office for the Coordination of Humanitarian Affairs.

On July 21, 2016, Burma's Ministry of Labor, Immigration and Population released religion data collected during the 2014 nationwide census. Based on these figures, of the total 51.4 million population, nearly 90 percent of the population is Theravada Buddhist, more than 6 percent Christian, more than 4 percent Muslim, and less than 1 percent each is Hindu, animist, or another faith. The previous government withheld the religion data for fear it would reveal a dramatic increase in the Muslim population. In fact, some who

sought to deny rights to Rohingya Muslims pointed to a presumed increase in the country's Muslim population to justify their brutal words and actions. However, given that previous estimates of the Muslim population were approximately 4 percent (including the last official census in 1983, which estimated 3.9 percent), the 2014 census discredited these claims.

In an ongoing period of rapid and dramatic change in Burma, the primacy of Buddhism at the expense of religious and ethnic minorities—particularly Rohingya Muslims—continues. During the year, the government

formed two key bodies to address the myriad challenges in Rakhine State. On May 31, the President's Office announced the Central Committee for Implementation of Peace and Development in Rakhine State, led by State

Counsellor Aung San Suu Kyi and tasked with developing plans to address poverty issues. On August 23, the State Counsellor's Office announced a nine-member Advisory Commission on Rakhine State led by former UN Secretary General Kofi Annan and launched in September 2016. Some in Rakhine State, including members of the Arakan National Party and civil society, expressed strong dissatisfaction about the Annan Commission having three foreigners among its members, including Annan.

Some Buddhist nationalists from groups like the Organization for the Protection of Race and Religion, also known as Ma Ba Tha, and the Myanmar Nationalist Network staged a number of protests around the country over the Annan Commission, the use of the term "Rohingya,"

*[T]he primacy of Buddhism at the expense of religious and ethnic minorities—particularly Rohingya Muslims—continues.*

and other issues. In a positive sign, some residents took a stand both online and in person against these nationalist protests. While the momentum of nationalist sentiment appeared to diminish when the State Sangha Maha Nayaka Committee (the official monk-led association) publicly declared it had never endorsed Ma Ba Tha and asserted its own position as the only sangha association (the community of Buddhist clergy and laity) that represents all of Burma's Buddhists, the prejudices, intolerance, and bigotry driving these movements still influence the government and society.

In January 2017, this divisive sentiment was evident following the assassination of prominent Muslim lawyer and NLD adviser U Ko Ni: firebrand nationalist monk U Wirathu praised the murder and thanked the suspects. While many do not believe Ko Ni was killed because he was Muslim, his death leaves a tangible void of Muslim voices within the government, particularly since Muslims are not represented in the national parliament. Taxi driver Nay Win also was killed as he attempted to apprehend the suspected killer. At the end of the reporting period, authorities had arrested three suspects and were searching for others.

In August 2016, USCIRF staff accompanied members of parliament representing the International Panel of Parliamentarians for Freedom of Religion or Belief on a trip to Burma, visiting religious, civil society, and government representatives in Rangoon and Naypyidaw.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### The Persecution of Rohingya and Other Muslims

In 2016, Rohingya Muslims suffered the harshest crackdown since waves of violence in June and October 2012 killed hundreds, displaced thousands, and destroyed hundreds of religious properties. On October 9, 2016, a large group of insurgents believed to be Rohingya Muslims carried out a series of attacks in and around Maungdaw Township in northern Rakhine State, targeting Border Guard Police and other

law enforcement facilities and resulting in the deaths of nine police officers. In response, Burma's military and law enforcement instituted a sweeping clearance operation that cut off humanitarian aid and restricted independent media access. According to a February 2017 [report](#) by the Office of the UN High Commissioner for Human Rights (OHCHR), approximately 66,000 Rohingya fled to Bangladesh between October 9 and early 2017. Since the report's release, the number is reportedly more than 70,000. (Several thousand also were internally displaced, including some ethnic Rakhine.) Rohingya victims and witnesses interviewed by OHCHR for the report described extrajudicial killings; death by shooting, stabbing, burning, and beating; killing of children; enforced disappearances; rape and other sexual violence; arbitrary detention and arrests; looting and destruction of property, including by arson; and enhanced restrictions on religious freedom. The report concluded that crimes against

humanity likely had been committed.

During 2016, the NLD government failed to respond both to the violence in northern Rakhine State perpetrated by the military and security forces, and more broadly to the discrimination and

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*Not only has the NLD government refrained from speaking out against the violence, but it also has rejected and denied many of the military's reported abuses. . . .*

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ill treatment of Rohingya Muslims. In one government attempt at compromise that further inflamed tensions, on June 19 the Ministry of Information directed state media to use the terms "Buddhists in Rakhine State" and, rather than "Rohingya" or "Bengali," "Muslims in Rakhine State." For different reasons, both ethnic Rohingya and ethnic Rakhine strongly objected, including thousands of Rakhine Buddhists who protested throughout Rakhine State. Also, as noted above in the Background section, hundreds of ethnic Rakhine, including Buddhist monks, protested the government's decision to include foreigners in the Annan Commission. The government also largely remained silent in the aftermath of the military's indiscriminate and disproportionate clearance operation in northern Rakhine State. Not only has the NLD government refrained from speaking out against the violence, but it also has rejected



and denied many of the military's reported abuses and rebuffed the international community's concerns.

The government did establish an investigation commission to examine the October 9 incident in northern Rakhine State. However, the selection of military-appointed Vice President U Myint Swe to lead the commission raised concern among human rights advocates. On December 15, the commission reported on its visit to northern Rakhine State in a State Counsellor's office-issued statement that refuted a report made by one Rohingya woman about an alleged rape by military personnel and portrayed living conditions in a largely positive light, a characterization incongruous with nearly all other accounts of the situation in Rakhine. In its January 2017 interim report, the commission found no evidence of genocide and insufficient evidence supporting numerous rape allegations, and failed to mention civilian deaths at the hands of security forces even though authorities just days earlier detained several police officers after the release of a video showing them beating Rohingya Muslims. (For further information about abuses against Rohingya Muslims, refer to *Suspended in Time: The Ongoing Persecution of Rohingya Muslims in Burma* at [www.uscifr.gov](http://www.uscifr.gov).)

Ill treatment of Rohingya Muslims goes beyond violence. For example, in September 2016, as part of a nationwide government-ordered initiative to demolish religious structures built without state or regional permission, Rakhine State authorities announced plans to demolish several mosques and *madrassahs* (Islamic schools). The demolition order also applied to Buddhist structures, like pagodas, that lacked official government permission. However, religious minorities typically have more difficulty obtaining the multiple layers of government permission required to build or a repair houses of worship and therefore often do so without authorization, making them more vulnerable to the demolition order.

Government and non-state actors also perpetrate discrimination and violence against Muslims who are not ethnically Rohingya. In June 2016, a reported

mob of approximately 200 Buddhists destroyed parts of a mosque in Bago Region, along with other nearby property. Then, on July 1, another mob burned down a mosque in Hpakant, Kachin State; police arrested five people in connection with the arson. In both incidents, Muslims fled, fearful for their safety. Prompted by the violence, 19 nongovernmental organizations issued a joint statement calling on Burma's government to investigate, hold perpetrators accountable, and ensure freedom of religion or belief.

### Abuses Targeting Christian Minorities

In a December 2016 report chronicling religious freedom violations against marginalized Christian Chin, Naga, and Kachin, a researcher contracted by USCIRF documented discriminatory restrictions on land ownership, intimidation and violence against Christians, the forced relocation and destruction of Christian cemeteries, violent attacks on places of worship, and an ongoing campaign of coerced conversion to Buddhism. For example, the report cites a March 2016 incident in which a Buddhist man broke into the house of a Christian missionary from the Chin Baptist Convention, physically assaulting him and destroying property. The incident took place after extremist monks from the nationalist 969 Movement tried to force the missionary out of a village in Pauk Township, Magwe Region. The researcher interviewed others who described the Tatmadaw's (Burma's military) occupation of churches and homes. June 9, 2016, was the five-year anniversary of resumed fighting between the Tatmadaw and ethnic armed groups in

largely Christian Kachin State after a ceasefire agreement collapsed. Five years later, nearly 100,000 people remain internally displaced in camps in Kachin State and northern Shan State, where additional clashes with the army

also continue. The longstanding conflicts, while not religious in nature, have deeply impacted Christian and other faith communities, including by restricting their access to food, shelter, health care, and other

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basic necessities. Religious organizations, such as the Kachin Baptist Convention and others, continue to assist the displaced.

In April and May 2016, Buddhist monk U Thuzana constructed two pagodas inside the St. Mark's Anglican Church compound in Karen State. The monk is known for building stupas and other Buddhist structures at churches and mosques. Although his actions have not yet provoked violence, and while the Union- and state-level governments did intervene, tensions were high at these sites during construction of the Buddhist structures.

Coerced conversion campaigns are still prevalent in the military-run Border Areas National Races Youth Development Training Schools, also known as Na Ta La. According to 2016 statistics from the Ministry of Border Affairs (also run by the military), there are 33 Na Ta La schools across the country, more than half of which are in rural, impoverished Chin, Kachin, and Naga areas. The Na Ta La schools offer free education and boarding to children of poor families who might otherwise not have access to education. In return, however, Christian students are not allowed to attend church; must practice or learn about Buddhist worship, literature, and culture; and become initiated into the monkhood or nunhood. Students effectively are cut off from their parents, and upon graduation are guaranteed government employment so long as they officially convert to Buddhism, including on their national ID cards. (For further information about abuses against Christians, refer to *Hidden Plight: Christian Minorities in Burma* at [www.uscirf.gov](http://www.uscirf.gov).)

In December 2016, Dumdaw Nawng Lat and Lang Jaw Gam Seng, two ethnic Kachin Baptist leaders, disappeared in northern Shan State after assisting local journalists following a military airstrike on St. Francis Xavier Catholic Church in Mong Ko. Weeks later, the military confirmed it had detained both men, and in January 2017, the police charged them under the Unlawful Associations Act for allegedly supporting the Kachin Independence Army.

## Arrests and Imprisonments

During the year, both the outgoing USDP and incoming NLD governments released many political prisoners; the latter also withdrew charges against many individuals awaiting trial. However, as of February 2017, the Assistance Association for Political Prisoners (Burma) calculated 292 political prisoners in the country, including those currently serving sentences and those awaiting trial both inside and outside prison. In February 2016, interfaith activists Zaw Zaw Latt and Pwint Phyu Latt, both Muslim, were sentenced to two years' imprisonment on charges relating to their interfaith activities in 2013 and 2014. In April 2016, the two received additional two-year sentences, this time with hard labor. Nationalist Buddhist monks from Ma Ba Tha pressured authorities to arrest and prosecute the pair.

*[I]nterfaith activists Zaw Zaw Latt and Pwint Phyu Latt, both Muslim, were sentenced to two years' imprisonment on charges relating to their interfaith activities. . . .*

In positive news, in October 2016 Burma abolished the Emergency Provisions Act, a decades-old measure the military regime often relied on to detain and imprison dissidents. However, several Muslims jailed under the law continue to suffer in prison, including the abovementioned Zaw Zaw Latt and Pwint Phyu Latt. Also, in April 2016 a presidential amnesty resulted in the release of Htin Lin Oo, the former NLD official found guilty in June 2015 of insulting religion. On July 1, authorities released and dropped all remaining charges against U Gambira, a former monk and well-known Saffron Revolution leader. Prior to his release, Gambira, who had already served a prison sentence for his activism during the Saffron Revolution, was potentially facing additional charges after being arrested in January 2016 on immigration charges for illegally entering Burma from Thailand.

## U.S. POLICY

The United States must reinforce with Burma its responsibility to incorporate religious freedom and related human rights as part of the broader peace process; continue to press for the rights of Rohingya and other Muslims, Christians, and other religious and ethnic groups; and make clear to the government of

Burma that perpetuating and tolerating human rights abuses is not without consequence.

During the year, the United States remained engaged with Burma on the serious human rights abuses against Rohingya Muslims. On March 17, 2016, the Department of State issued the [Atrocities Prevention Report](#), which, with respect to Rohingya Muslims in Burma, underscored pervasive governmental discrimination and the role of non-state actors in perpetrating violence. On April 28, after the U.S. Embassy in Rangoon used the term “Rohingya” in a condolence statement issued following a boat accident that killed more than 20 people, hundreds of nationalist protestors, including Buddhist monks and Ma Ba Tha supporters, staked out the embassy to object. In May, hundreds more in Mandalay protested the U.S. government’s use of the term. Burma’s Ministry of Foreign Affairs stated publicly it preferred the U.S. Embassy avoid using the term, but the U.S. government continues to use it as appropriate. Also, in November 2016 U.S. Ambassador Scot Marciel was part of an international delegation that visited Rakhine State. On December 9, the U.S. Embassy signed a joint statement with 13 other diplomatic missions expressing concern about the lack of “desperately needed” humanitarian assistance in northern Rakhine State and urging Burma’s government to fully resume assistance deliveries.

On May 17, the United States announced it would partially ease sanctions against Burma by removing restrictions on three state-owned banks and seven state-owned businesses. In late July, the United States announced \$21 million in new assistance funding to Burma, primarily for economic governance. On September 14, while State Counsellor Aung San Suu Kyi visited Washington, DC, then President Barack Obama announced the United States would remove Burma’s national emergency designation, paving the way to lift economic sanctions and restore duty-free trade benefits under the Generalized System of Preferences. After also lifting restrictions on the import of jade and rubies and delisting 111 individuals and companies from the Treasury Department’s “specially designated nationals” list, only a few restrictions remain, including trade with North Korea, military assistance, and visa bans on some former and current military members. Also during Aung San Suu Kyi’s visit, the two countries announced the U.S.-Myanmar Partnership,

which includes cooperation and support on issues such as rule of law, human rights, human trafficking, corruption, investment and economic growth, and global health security, among others. On October 7, then President Obama issued an executive order removing the national emergency designation for Burma under the International Emergency Economic Powers Act. U.S. businesses had advocated the removal of sanctions, while human rights advocates within and outside Burma criticized the United States for eliminating crucial points of leverage with Burma’s government given serious and ongoing human rights abuses.

Lastly, on December 16, 2016, then President Obama signed into law the Fiscal Year 2017 Department of State Authorities Act (P.L. 114-323), which requires the secretary of state to submit a report to Congress describing “all known widespread or systematic civil or political rights violations, including violations that may constitute crimes against humanity against ethnic, racial, or religious minorities in Burma, including the Rohingya people.” Neither the lifting of sanctions nor the act impact the existing U.S. arms embargo, which is the presidential action applied to Burma pursuant to the CPC designation. The State Department renewed the CPC designation for Burma in February and October 2016.

# CENTRAL AFRICAN REPUBLIC

TIER 1 | USCIRF-RECOMMENDED COUNTRIES OF PARTICULAR CONCERN (CPC)

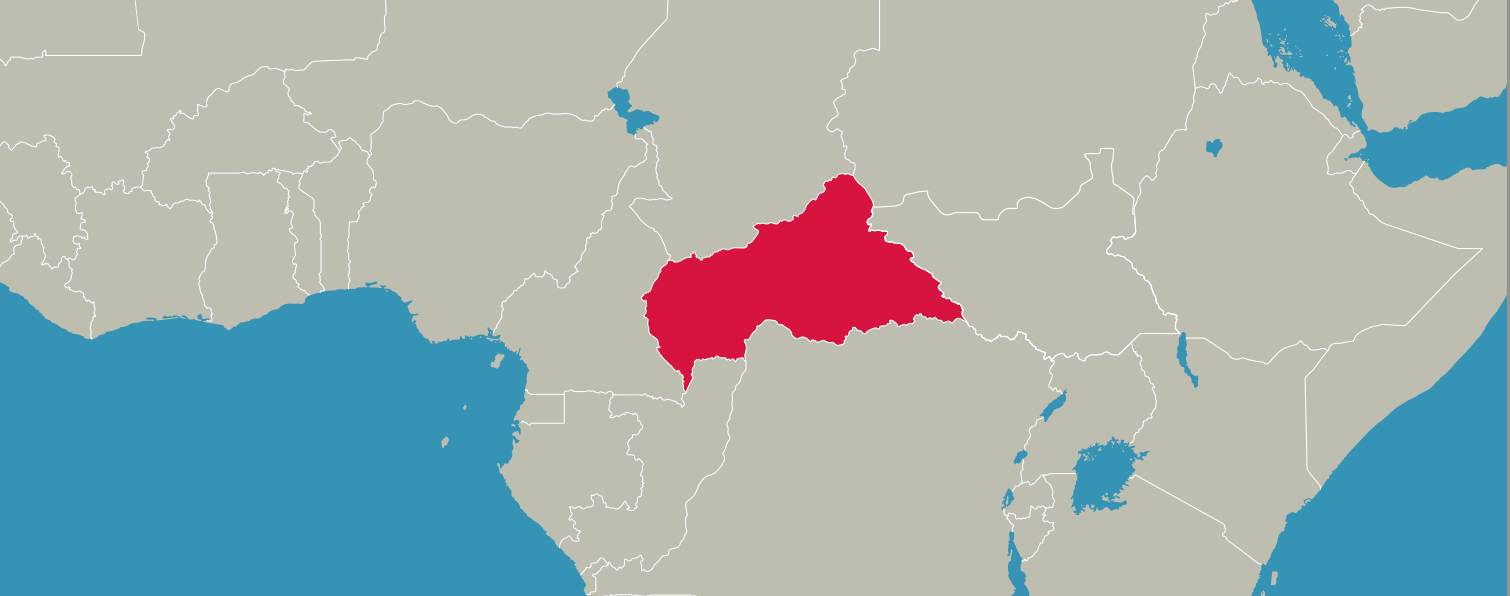
## KEY FINDINGS

The Central African Republic (CAR) remains fragile, susceptible to outbreaks of sectarian violence, and fractured along religious lines. Militias formed along opposing Muslim and Christian lines continue to kill individuals based on their religious identity, leading to retaliatory attacks and waves of violence. CAR's Muslim population remains disproportionately displaced, and in the western part of the country, the Muslim community cannot freely practice their faith. The CAR government has taken some positive steps to address interfaith tensions, but has failed to increase its reconciliation efforts to reverse the ethnic cleansing of Muslims or improve interfaith relations. Since a 2013 coup that resulted

in rampant lawlessness and the complete collapse of government control, state authorities have almost no presence outside of the capital. USCIRF again finds in 2017 that CAR merits designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). In 2015, USCIRF determined that the ethnic cleansing of Muslims and sectarian violence in CAR meet IRFA's standard for CPC designation. While IRFA's language focuses CPC designations on governmental action or inaction, its spirit is to bring U.S. pressure and attention to bear to end egregious violations of religious freedom and address the actual drivers of persecution.

## RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate CAR as a CPC under IRFA;
- Sustain a high level of engagement with CAR authorities, the United Nations (UN), and international donors to ensure that issues related to ending sectarian violence and impunity, increasing interfaith reconciliation, and affirming the rights of religious freedom and religious minorities are supported and raised in all engagements with relevant parties;
- Press CAR authorities to undertake initiatives to ensure that CAR Muslims have a future in the country by issuing statements that Muslims are full and equal citizens, undertaking development missions in the northeast, ensuring Muslim participation in government administration, safeguarding sustainable returns of Muslim refugees and internally displaced persons (IDPs) to their homes, recognizing Muslim holidays as national holidays, and rebuilding destroyed mosques and Muslim properties;
- Press CAR authorities, the UN Multi-dimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), and international donors to increase activities on disarmament, demobilization, and reintegration equally for all armed groups, while simultaneously providing sustainable reintegration opportunities;
- Work with the UN Security Council to continue to sanction ex-Séléka and anti-balaka members responsible for organizing and/or engaging in sectarian violence, ethnic cleansing, and crimes against humanity, and continue to speak out regularly against sectarian violence and gross human rights abuses;
- Continue to contribute to and work with international donors to ensure that future security forces and police units reflect the country's diversity, re-establish and professionalize the CAR's judiciary, and fully fund the Special Criminal Court;
- Continue to support interfaith dialogue and efforts by religious leaders to rebuild social cohesion at national and local levels; and
- Continue to support humanitarian assistance for refugees and displaced persons, as well as rebuilding projects.



## BACKGROUND

CAR has a long history of political strife, coups, severe human rights abuses, and underdevelopment. Sectarian violence and targeted killing based on religious identity started after the 2013 coup by a coalition of Muslim-majority militias. The ongoing violence has resulted in thousands of people dead, 2.3 million in need of humanitarian assistance, more than 450,000 refugees, and almost 350,000 IDPs. Before 2012, 85 percent of CAR's population was Christian and 15 percent was Muslim. By the end of 2014, 80 percent of the country's Muslim population had been driven out of CAR.

The current crisis started in December 2012 with a rebellion by the Séléka, a coalition of four northern majority-Muslim armed rebel groups, supported by large numbers of Chadian and Sudanese foreign fighters. Following a brief peace agreement, the Séléka took the capital, Bangui,

in March 2013, deposing then President François Bozizé. In September, Séléka leader and then self-declared President Michel Djotodia formally disbanded the Séléka

following international condemnation of the armed groups' crimes against humanity, including enforced disappearances, illegal detentions, torture, and extrajudicial killings. This announcement, however, had no practical impact; ex-Séléka continued to engage in violence, and its coalition members splintered into multiple armed groups. In June 2013, Bozizé, his inner circle, and former Central African Armed Forces (FACA) soldiers recruited existing self-defense militias, which

are largely Christian (known as the anti-balaka), former FACA soldiers, and other aggrieved non-Muslims to avenge Séléka attacks on non-Muslims.

Fighting between the ex-Séléka and anti-balaka groups started in September 2013, and escalated dramatically when the anti-balaka attacked Muslim neighborhoods in Bangui on December 5, 2013. The result was a large-scale conflict in which civilians were targeted based on their religious identity.

In an effort to stabilize the country, the African Union, European Union, and France deployed peacekeepers to Bangui and outside the capital in late 2013 and early 2014. The UN's almost 13,000 troop peacekeeping mission, MINUSCA, is the primary peacekeeping force, but is viewed with suspicion by local populations.

In March 2016, Faustin Archange Touadéra was inaugurated president, marking CAR's second peaceful

transfer of power since independence and the end of a two-year political transition. An elected National Assembly convened two months later. However, government officials, the police, and

the judiciary have neither the infrastructure nor the resources to stop ongoing fighting or to bring to justice perpetrators of violence.

In the first two months of 2017, fighting between ex-Séléka factions escalated in the center and east of the country as different groups sought to increase control over resource-rich territories.

In March 2016, USCIRF staff visited CAR and discussed religious freedom conditions and sectarian

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*The result was a large-scale conflict [in Bangui] in which civilians were targeted based on their religious identity.*

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violence with CAR government officials, CAR religious leaders, international non governmental organizations (NGOs), and the U.S. Embassy.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Ethnic Cleansing and Marginalization of Muslims

In December 2014, the [UN Commission of Inquiry on the Central African Republic \(COI\)](#) issued a report finding a “pattern of ethnic cleansing committed by the anti-balaka in the areas in which Muslims had been living.” In the first part of January 2014, anti-balaka fighters deliberately killed Muslims because of their religious identity or told them to leave the country or die. As a result, the COI reported that in 2014, 99 percent of the capital’s Muslim residents left Bangui, 80 percent of the entire country’s Muslim population fled to Cameroon or Chad, and 417 of the country’s 436 mosques were destroyed. Since 2014, few Muslims have returned to CAR.

During the reporting period, the situation for Muslims in the country remained poor. Most Muslims in western CAR continue to live in peacekeeper-protected enclaves. The few who have returned to or continue to live in their home villages report that anti-balaka soldiers forced them to convert or hide their faith. The UN reports that Muslim IDPs and returning refugees have been harassed and abused.

The situation for Muslims in the capital’s Muslim enclave, PK5, was relatively better during the reporting period than in the previous year, with fewer attacks, increased trade opportunities with those outside of the enclave, and increased opportunities for freedom of movement. However, during USCIRF’s visit to Bangui in March 2016, Muslims outside of PK5 refrained from wearing traditional Islamic clothes, instead opting to wear Western clothes so as not to be identified as Muslim.

Muslims in CAR were already marginalized prior to the current conflict, which has further hardened views on religious identity and citizenship. During USCIRF’s visit, non-Muslims referred to Muslims as foreigners and

untrustworthy. Muslims endure structural discrimination related to access to education and identity documents, and suffer harassment frequently, including by security officers who treat them as foreigners, asking for multiple forms of identification.

### Continuing Sectarian Violence

Killings and skirmishes along religious lines continued in this reporting period, although at far lower levels than during the height of the conflict in 2013 and 2014. As in

previous reporting periods, CAR authorities lacked the capacity to investigate the killings or hold the perpetrators accountable.

For example, on March 8, 2016, two Muslims were killed in Bambari; ex-Séléka killed 10 Christians in retaliation

over the next several days.

In June, several ex-Séléka and anti-balaka attacks in western CAR reportedly resulted in at least 17 deaths. Muslim Fulani and anti-balaka attacks and reprisals on local populations killed 14 in Ngaoundaye and displaced thousands. On June 21, 20 Muslims in Carnot were injured when youths torched their homes.

Violence escalated again in September and October. On September 16, ex-Séléka killed 26 people, including a local pastor, in and around Kaga Bandoro. On September 26, ex-Séléka killed at least 85 Christians in Kouango. After FACA director Marcel Mombeka was assassinated near PK5 on October 4, violence targeting Muslim and Christian civilians spread throughout western CAR. On October 5, four Muslim cattle herders were killed. The following day in Bangui, 11 Christians were killed and 14 Muslims were reported missing. On October 12, ex-Séléka attacked an IDP camp that housed Christians in Kaga Bandoro and killed 30; attacks on civilians in the area killed an additional 12. At least 19,000 were displaced because of the violence. On October 15, 11 Christians were killed at another IDP camp. And on October 27, clashes between ex-Séléka and anti-balaka killed 15.

Since December, violence between anti-balaka and ex-Séléka and between ex-Séléka factions has increased in and around Bambari. During this ongoing violence,

*Killings and skirmishes along religious lines continued in this reporting period, although at far lower levels than during the height of the conflict in 2013 and 2014.*

MINUSCA intervened to protect Fulani and displaced Muslims living in Christian neighborhoods who had been targeted.

### Reconciliation Efforts

President Touadéra has said that disarmament, demobilization, and reintegration (DDR) of soldiers and reconciliation are priorities of his administration. In November, the CAR government presented its five-year National Recovery and Peacebuilding plan, which prioritizes the implementation of DDR activities, security sector reform, judicial access, local peace and reconciliation efforts, returns of displaced persons, provision of government services, and economic recovery.

During the reporting period, both President Touadéra and the Minister of Reconciliation met with Muslim representatives, including in PK5. On December 21, President Touadéra launched a plan for local peace and reconciliation committees nationwide. However, the Speaker of the National Assembly is the only prominent Muslim representative in the government; three Muslims hold minor posts and there are no Muslims in the president's inner circle. Further, reconciliation efforts agreed to at the May 2015 Bangui Forum have not been fully implemented. Finally, while the transitional Minister of Reconciliation declared two Muslim holidays as national holidays in 2015, current government officials' promises to pass a law declaring them national holidays were not met.

On February 15, 2017, the CAR government appointed Toussaint Muntazini Mukimapa from the Democratic Republic of Congo as prosecutor of the Special Criminal Court, a hybrid court composed of CAR and international judges to prosecute those accused of committing gross war crimes since 2003.

### Abusive Witchcraft Accusations

Witchcraft is a part of many Central Africans' lives, and accusations of witchcraft can lead to human rights violations. Although the number of incidents is likely to be higher, the UN Office of the High Commissioner for Human Rights documented 45 cases of human rights violations related to witchcraft accusations during the reporting period. Women, the elderly, children, and people with disabilities are common targets of witchcraft accusations, which have resulted in detention, torture, or death. Such abuses are largely carried out by the anti-balaka.

## U.S. POLICY

The U.S. government is engaged at very senior levels in reconciliation efforts in CAR. Then U.S. Permanent Representative to the UN Samantha Power, then Assistant Secretary of State for African Affairs Linda Thomas-Greenfield, then Ambassador-at-Large for International Religious Freedom David Saperstein, and other senior U.S. government officials travelled to CAR in the past two years as part of a broader Obama Administration priority to prevent and end mass atrocities, increase interfaith dialogue, and encourage national reconciliation efforts in the country. U.S. Ambassador to CAR Jeffrey Hawkins regularly meets with President Touadéra and other CAR leaders to promote reconciliation and security.

As part of U.S. and international efforts to bring justice to the country, on May 13, 2014, then President Barack Obama issued [Executive Order 13667](#) sanctioning the following persons identified by the UN Security Council for threatening CAR's stability: former president Bozizé, former transitional president Michel Djotodia, ex-Séléka leaders Nourredine Adam and Abdoulaye Miskine, and anti-balaka "political coordinator" Levy Yakite. On December 17, 2015, the UN Security Council and U.S. government also sanctioned Haroun Gaye, ex-Séléka/Popular Front for the Rebirth of CAR (FPRC) leader, and Eugène Ngaikosset, Bangui's anti-balaka commander. The Treasury Department's sanctions freeze these individuals' property and financial interests in the United States.

U.S. government financial assistance includes humanitarian assistance; aid for conflict mitigation, peacebuilding, and rule of law programs; and MINUSCA contributions. Since 2013, the U.S. government has been the largest humanitarian donor to address the CAR crisis, providing \$404 million, and it also is the largest MINUSCA contributor. In Fiscal Year (FY) 2016, U.S. nonhumanitarian aid was estimated at \$14 million and is requested to be \$18 million for FY 2017. This assistance is directed at security sector reform, rebuilding the criminal justice sector, peacebuilding programs, and military professionalization. At a major donors' conference in Brussels in November 2016, the U.S. government pledged an additional \$11.7 million to support the justice sector, law enforcement, and livelihood opportunities.

### KEY FINDINGS

During 2016, as China's President Xi Jinping further consolidated power, conditions for freedom of religion or belief and related human rights continued to decline. Authorities target anyone considered a threat to the state, including religious believers, human rights lawyers, and other members of civil society. In 2016, the Chinese government regularly emphasized the "sinicization" of religion and circulated revised regulations governing religion, including new penalties for activities considered "illegal" and additional crackdowns on Christian house churches. The government continued to suppress Uighur Muslims in Xinjiang, including through new regional government regulations that limit parents' rights to

include their children in religious activities. Authorities evicted thousands of monks and nuns from the Larung Gar Buddhist Institute in Tibet before demolishing their homes. The government continued to detain, imprison, and torture countless religious freedom advocates, human rights defenders, and religious believers, including highly persecuted Falun Gong practitioners. Based on China's longstanding and continuing record of severe religious freedom violations, USCIRF again finds that China merits designation in 2017 as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). The State Department has designated China as a CPC since 1999, most recently in October 2016.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Continue to designate China as a CPC under IRFA;
- Continue to raise consistently religious freedom concerns at the Strategic and Economic Dialogue and other high-level bilateral meetings with Chinese leaders, and at every appropriate opportunity encourage Chinese authorities to refrain from imposing restrictive and discriminatory policies on individuals conducting peaceful religious activity, including activities the Chinese government conflates with terrorism or perceives as threats to state security;
- Coordinate with other diplomatic missions and foreign delegations, including the United Nations (UN) and European Union, about human rights advocacy in meetings with Chinese officials and during visits to China, and encourage such visits to areas deeply impacted by the government's religious freedom abuses, such as Xinjiang, Tibet, and Zhejiang Province;
- Ensure that the U.S. Embassy and U.S. consulates, including at the ambassadorial and consuls general level, maintain active contacts with human rights activists and religious leaders;
- Press for at the highest levels and work to secure the unconditional release of prisoners of conscience and religious freedom advocates, and press the Chinese government to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, and lawyers and the ability to practice their faith;
- Press the Chinese government to abide by its commitments under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and also independently investigate reports of torture among individuals detained or imprisoned, including reports of organ harvesting;
- Initiate a "whole-of-government" approach to human rights diplomacy with China in which the State Department and National Security Council staff develop a human rights action plan for implementation across all U.S. government agencies and entities, including providing support for all U.S. delegations visiting China;
- Increase staff attention to U.S. human rights diplomacy and the rule of law, including the promotion of religious freedom, at the U.S. Embassy in Beijing and U.S. consulates in China, including by gathering the names of specific officials and state agencies who perpetrate religious freedom abuses;
- Use targeted tools against specific officials and agencies identified as having participated in or being responsible for human rights abuses, including particularly severe violations of religious freedom; these tools include the "specially designated nationals" list maintained by the Treasury Department's Office of Foreign Assets Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act; and
- Press China to uphold its international obligations to protect North Korean asylum seekers crossing its borders, including by allowing the UN High Commissioner for Refugees and international humanitarian organizations to assist them, and by ending repatriations, which are in violation of the 1951 Refugee Convention and Protocol and/or the Convention Against Torture.



## BACKGROUND

The year 2016 marked 50 years since the Cultural Revolution, some of the darkest days for China's religious and faith believers. Five decades later, Chinese government repression under President Xi increasingly threatens human rights, including freedom of religion or belief. For example, in 2016 China revised and enhanced its Regulations on Religious Affairs that limit the right to religious practice. New restrictions include tighter government control over religious education and clergy, and heavy fines for any religious activities considered "illegal," as well as new language formally forbidding religion from harming "national security" concerns. Earlier in the year, President Xi convened a National Conference on Religious Work where he stressed the importance of making religions more Chinese, in part by disconnecting them from foreign "infiltration" and influence. These actions coincided with the release of China's National Human Rights Action Plan (2016–2020), which includes a section on "freedom of religious belief" with undertones of restrictive government management of religion.

January 1, 2017, marked the effective date of a new Chinese law regulating foreign nonprofit and nongovernmental organizations (NGOs). Under the law, NGOs must obtain sponsorship from state bodies that will act as "supervisors," register with the police, and report their activities to the government. Some religious NGOs

expressed concern about how the law will impact their charity and aid work in China.

During 2016, the Chinese government reinforced its crackdown on lawyers and other human rights defenders. At the time of this writing, human rights lawyer and advocate Jiang Tianyong remained in detention at an unknown location after Chinese authorities detained him in November 2016 on suspicion of alleged "state subversion." In December 2016, a group of UN experts called on the Chinese government to investigate Jiang's whereabouts and expressed concern that his human rights work—including representing Tibetans, Falun

Gong practitioners, and others—puts him at risk for beatings and torture by police. Longtime human rights activist, lawyer, and political prisoner Peng Meng died in prison in late 2016. His family requested an autopsy, but according to reports, Chinese author-

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*New restrictions include tighter government control over religious education and clergy, and heavy fines for any religious activities considered "illegal". . . .*

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ities removed some of his organs and cremated his body, ignoring the family's wishes. Nobel Peace Prize laureate and democracy advocate Liu Xiaobo remains in prison after being sentenced in December 2009 to 11 years in prison; his wife, Liu Xia, is under strict house arrest.

Through five state-sanctioned "patriotic religious associations," China recognizes five religions: Buddhism, Taoism, Islam, Catholicism, and Protestantism. The Chinese Communist Party officially is atheist, and more than half the country's nearly 1.4 billion population is unaffiliated with any religion or belief. Nearly 300 million people practice some form of folk religion, approximately

250 million are Buddhist, about 70 million Christian, at least 25 million Muslim, and smaller numbers practice Taoism, Hinduism, Judaism, or some other faith.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Uighur Muslims

In 2016, the Chinese government continued to suppress Uighur Muslims, often under the rubric of countering what it alleges to be religious and other violent extremism. An estimated 10 million Uighur Muslims reside in the Xinjiang Uighur Autonomous Region in northwest China where the government presumes their guilt if they are found practicing “illegal” religious activities, including praying or possessing religious materials in their own homes. Authorities

even question school-children to coerce them into revealing that their parents pray at home. To constrain what it claims to be widespread radicalism that breeds violent tendencies among Uighur Muslims, the government

imposes manifold regulations and restrictions on religious and other daily practices. For example, in a move critics described as targeting Uighur Muslims, in July 2016 the regional government adopted a new counterterrorism measure, which dovetails with a national law that went into effect January 1, 2016. (The national Counterterrorism Law contains vague definitions of “religious extremism” and “terrorism,” which the government has routinely used to target the freedom to practice religion and peaceful religious expression.) Also, in June 2016, Beijing issued a white paper, *Freedom of Religious Belief in Xinjiang*, that alleged the government protects “normal” religious activities and respects citizens’ religious needs and customs. Just days later, however, the government once again imposed its annual ban on the observance of Ramadan; authorities prevented government employees, students, and children from fasting, and in some cases praying, during Ramadan. As of November 1, 2016, Uighur Muslim parents are forbidden from including their children in any religious activity, and citizens are encouraged to inform authorities about

*. . . Uighur Muslim parents are forbidden from including their children in any religious activity, and citizens are encouraged to inform authorities about their neighbors. . . .*

their neighbors who may be involved in government-prohibited activities.

Authorities continue to restrict men from wearing beards and women from wearing headscarves and face-covering veils. According to reports, in 2016 the Chinese government destroyed thousands of mosques in Xinjiang, purportedly because the buildings were considered a threat to public safety. USCIRF received reports that Uighur Muslims must register to attend mosques—which often are surveilled by authorities—and must obtain permission to travel between villages.

Uighur Muslim prisoners commonly receive unfair trials and are harshly treated in prison. Well-known Uighur scholar Ilham Tohti is currently serving a life sentence after being found guilty in 2014 of “separatism” in a

two-day trial that human rights advocates called a sham. On October 11, 2016, Professor Tohti was awarded the 2016 Martin Ennals Award for Human Rights Defenders; China responded with anger when UN High Commissioner for Human Rights

Zeid Ra’ad Al Hussein attended the ceremony. Gulmira Imin, who was a local government employee at the time of her arrest, also continues to serve a life sentence for her alleged role organizing the July 2009 protests in Urumqi—an allegation she denies.

### Tibetan Buddhists

The Chinese government claims the power to select the next Dalai Lama with the help of a law that grants the government authority over reincarnations. The Chinese government also vilifies the Dalai Lama, accusing him of “splittism” and “blasphemy,” including in at least 13 white papers on Tibet since the 1990s. Moreover, in December 2016, Tibet’s Communist Party Chief Wu Yingjie publicly said he expects the party’s control over religion in Tibet to increase. In 2016, Tibetan activist Nyima Lhamo, the niece of prominent Tibetan Buddhist leader Tenzin Delek Rinpoche, who died in prison in July 2015, fled China to seek justice for her uncle’s death and later traveled to Europe where she gave a presentation before the 9th Geneva Summit for Human Rights and Democracy. The

Chinese government has held Gedhun Choekyi Nyima, also known as the Panchen Lama, the second-highest position in Tibetan Buddhism, in secret for more than two decades. When the Chinese government abducted the Panchen Lama at age six and replaced him with its own hand-picked choice, the Dalai Lama had just designated him as the reincarnation of the 10th Panchen Lama. Although in 2016 the government released several Tibetan prisoners who completed their sentences, such as Tibetan religious teacher Khenpo Kartse, it detained and charged several others. For example, in March 2016 Chinese police arrested Tashi Wangchuk on “separatism” charges; he is an advocate known for promoting a deeper understanding of the Tibetan language as integral to the practice of Tibetan Buddhism. As of this writing, Tashi Wangchuk’s case is still pending; he could serve up to 15 years if convicted. In protest of repressive government policies, at least 147 Tibetans have self-immolated since February 2009, including Tibetan monk Kalsang Wangdu and Tibetan student Dorjee Tsering, both in 2016.

In July 2016, the Chinese government launched a sweeping operation to demolish significant portions of the Larung Gar Buddhist Institute located in Sichuan Province. Larung Gar is home to an estimated 10,000 to 20,000 monks, nuns, laypeople, and students of Buddhism from all over the world. Local officials instituting the demolition order referred to the project as “construction” or “renovation” to reduce the number of residents to no more than 5,000 by the end of September 2017.

As a result, officials have evicted thousands of monastics, laypeople, and students, some of whom reportedly were locked out of their homes before they could collect their belongings, or were forced to sign pledges promising never to return. Many others were forced to undergo so-called “patriotic reeducation programs.” The demolition order contains language governing ideology and future religious activities at Larung Gar and gives government officials—who are largely Han Chinese, not Tibetan—greater control and oversight of the institute, including direct control over laypeople. The order also mandates the separation of the monastery from the

institute, running counter to the tradition of one blended encampment with both religious and lay education. The destruction at Larung Gar exemplifies Beijing’s desire to eviscerate the teachings and study of Tibetan Buddhism that are integral to the faith.

### Protestants and Catholics

In 2016, the Chinese government continued its campaign to remove crosses and demolish churches. Since 2014, authorities have removed crosses or demolished churches at more than 1,500 locations in Zhejiang Province alone. The government also has targeted individuals opposing the campaign. In February 2016, Protestant Pastor Bao Guohua and his wife Xing Wenxiang, from Zhejiang, were sentenced to 14 and 12 years’ imprisonment, respectively, for opposing cross removals. Additional removals and demolitions have occurred elsewhere in the country. In one particularly egregious example from April 2016, Ding Cuimei, wife of church leader Li Jiangong, suffocated to death while trying to protect their house church in Henan Province from a bulldozer during a government-ordered demolition; Li survived but barely escaped the rubble. In March 2016, authorities released human rights lawyer Zhang Kai on bail after detaining him in secret for six months and coercing him to give a televised confession.

On December 27, 2016, police summoned Zhang to the police station and detained him for two days before releasing him again. Zhang is well known for his work on behalf of individuals and churches affected by the government’s cross

removal and church demolition orders.

During 2016, Chinese authorities arrested Christians for displaying the cross in their homes and printing religious materials, threatened parents for bringing their children to church, and blocked them from holding certain religious activities. In August 2016, a Chinese court found underground church leader and religious freedom advocate Hu Shigen guilty of subversion and sentenced him to seven and a half years in prison and another five years’ deprivation of political rights. In January 2017, a Chinese court sentenced Pastor Yang Hua, also known as Li Guozhi, to two and a half

*The destruction at Larung Gar exemplifies Beijing’s desire to eviscerate the teachings and study of Tibetan Buddhism. . . .*

years in prison. Originally detained in December 2015, Pastor Yang presided over the Living Stone Church, an unregistered house church in Guizhou Province.

China also continued to target individuals affiliated with state-sanctioned churches. On March 31, 2016, Gu “Joseph” Yuese, former pastor at Chongyi Church, a Protestant megachurch in Zhejiang Province, was released from more than two months’ detention after being arrested on embezzlement charges. Authorities detained him again in December 2016, and on January 7, 2017, Pastor Gu was formally charged with embezzlement. Pastor Gu publicly criticized the government’s cross removal campaign in Zhejiang. In addition to his arrests, he was removed from his post at Chongyi Church and his role with the local state-run China Christian Council. Also, Pastor Zhang Shaojie of the state-registered Nanle County Christian Church remains in prison after being sentenced in 2014 to 12 years in prison for “gathering a crowd to disrupt public order.”

In 2016, the Vatican and Beijing attempted to reach agreement on the appointment of Catholic bishops. Although there are several bishops both appointed by the Chinese government and recognized by the Vatican, Beijing refuses to respect papal authority, and bishops seeking Rome’s blessing do so at risk of imprisonment or other persecution. Proponents of an agreement see it as a means to repair the nearly 70-year dispute between the Vatican and Beijing and create uniformity across Catholic clergy in China. However, critics worry that by aligning with Beijing, the Vatican risks betraying the underground clergy and followers who have remained loyal to the Pope’s authority to appoint bishops. At a December meeting of China’s state-run Catholic Patriotic Association, Chinese officials stressed “sinicization,” socialism, and independence from foreign influence, a message seemingly incongruous with Beijing’s attempts to reach agreement with the Vatican. Prospects for an agreement also became strained when excommunicated Bishop Lei Shiyin participated in two ordinations approved by both the Vatican and the Chinese government in late November and early December 2016.

### Falun Gong

The practice of Falun Gong has been banned since 1999 after the Chinese government labeled it an “evil cult,” and practitioners have been severely mistreated ever

since. They are regularly confined in labor camps or prisons, or disappear altogether. While detained, Falun Gong practitioners suffer psychiatric and other medical experimentation, sexual violence, torture, and organ harvesting. A new report released in June 2016 by the International Coalition to End Organ Pillaging in China revealed that 60,000–100,000 organ transplants are performed in the country each year, an alarming discrepancy from the government’s claim of 10,000. Organ donors often are nonconsenting, particularly executed Falun Gong prisoners and detainees, though individuals from other faiths also have been targeted, such as Uighur Muslims, Tibetan Buddhists, and Christians.

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*Organ donors often are nonconsenting, particularly executed Falun Gong prisoners and detainees. . . .*

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Zhiwen Wang, a Falun Gong practitioner who was persecuted and imprisoned for 15 years, was released in 2014, but the Chinese government has prevented him from receiving proper medical care and reuniting with his family in the United States. In 2016, Zhiwen was granted a passport and U.S. visa to leave China, but a customs agent at the airport nullified his passport. This occurred after Chinese police and undercover agents harassed and intimidated Zhiwen and his family for several days. For the second year in a row, in 2016 Chinese authorities attempted to suppress Chinese-born human rights advocate and Falun Gong practitioner Anastasia Lin. Chinese authorities had denied her a visa and barred her entry into mainland China from Hong Kong when the country hosted the 2015 Miss World competition. She competed in the 2016 Miss World competition in Washington, DC, but Chinese journalists and other “minders” relentlessly followed her, and pageant officials interfered with her ability to speak to the media and initially barred her from attending a screening of “The Bleeding Edge,” a movie about China’s forced organ harvesting in which she stars.

### Forced Repatriation of North Korean Refugees

The Chinese government claims North Koreans entering China without permission are economic migrants, but

it does so without evaluating each individual's case to determine whether they qualify for refugee status and ignoring the near certainty that these individuals will be tortured upon their forced return to North Korea. This violates China's obligations under the 1951 UN Refugee Convention and its 1967 Protocol. Not only does the government of China refuse to evaluate asylum claims, but it also increasingly appears to closely coordinate with the North Korean government in the arrest and forced repatriation of North Koreans attempting to cross the border. Moreover, some reports indicate Chinese authorities actively urge citizens to inform them about suspected North Korean asylum seekers and they punish those found offering assistance.

## U.S. POLICY

China does not comply with international standards concerning the freedom of religion or belief and related human rights, and defiantly dismisses what it considers to be international interference, including by the United States. It is crucial that the U.S. government not only integrate human rights messaging—including on freedom of religion or belief—across its interactions with China, but also consistently make clear that it opposes Beijing's overt violations of international human rights standards.

During 2016, high-level representatives of the United States and China engaged several times, with U.S. officials raising human rights concerns. In connection with the Nuclear Security Summit in Washington, DC, from March 31 to April 1, 2016, then President Barack Obama met with President Xi and expressed "support for upholding human rights and fundamental freedoms in China," according to the official White House readout of the meeting. In June 2016, then Secretary of State John Kerry and then Treasury Secretary Jacob Lew met with Chinese counterparts in Beijing for the U.S.-China Strategic and Economic Dialogue (S&ED), which reportedly included some human rights discussions. In September 2016, China hosted the G20 Summit in Hangzhou, the capital of Zhejiang Province and home to a large Christian population of underground churches and parishioners whom the Chinese government has repressed and, at times, violently attacked, including through the destruction of churches and crosses. Ahead of the summit, then National Security Advisor Susan E. Rice met at the White House with a group of Chinese human rights advocates and discussed human rights and religious

freedom. On the sidelines of the summit, then President Obama met with President Xi, and according to the official White House readout, the president spoke about human rights and "the need for China to protect religious freedom for all of its citizens."

In June 2016, then President Obama welcomed the Dalai Lama to the White House for an unofficial meeting, which China criticized. In August 2016, the State Department issued a statement urging China to release lawyers and human rights advocates detained since 2015 when the Chinese government conducted a sweeping roundup of nearly 300 individuals. The statement referred specifically to Hu Shigen (mentioned above), Zhou Shifeng, Zhai Yanmin, Guo Hongguo, and Li Heping. On December 16, 2016, then President Obama signed into law the Fiscal Year 2017 Department of State Authorities Act (P.L. 114-323), which requires the secretary of state, in coordination with the secretary of treasury, to submit to Congress a report that, in part, assesses "the treatment of political dissidents, media representatives, and ethnic and religious minorities" within the context of the U.S.-China bilateral relationship and the overall effectiveness of the S&ED.

In addition to its individual critiques of China's human rights record discussed above, the United States also joined multilateral efforts. For example, in January 2016 the United States was one of four diplomatic missions that jointly sent China a letter expressing concern about the counterterrorism law and then-drafts of the NGO law and a cybersecurity law. In part, the letter questioned China's willingness to protect human rights under the law. The U.S. government expressed further concerns about the NGO law at other times during the year. Also, in March 2016 the United States was one of 12 countries signing the first-ever joint statement on China's human rights situation at the UN Human Rights Council. Although the statement did not specifically mention freedom of religion or belief, it did reference the detention of rights activists and lawyers, many of whom have advocated on behalf of religious freedom and religious freedom activists.

In February and October 2016, the State Department redesignated China as a CPC. At the same time, then Secretary Kerry extended the existing sanctions related to restrictions on exports of crime control and detection instruments and equipment.

### KEY FINDINGS

The Eritrean government continues to repress religious freedom for unregistered—and in some cases registered—religious communities. Systematic, ongoing, and egregious religious freedom violations include torture or other ill treatment of religious prisoners, arbitrary arrests and detentions without charges, a prolonged ban on public religious activities of unregistered religious groups, and interference in the internal affairs of registered religious groups. The situation is particularly grave for unregistered Evangelical and Pentecostal Christians and Jehovah’s Witnesses. The

government dominates the internal affairs of the Coptic Orthodox Church of Eritrea, the country’s largest Christian denomination, and suppresses the religious activities of Muslims, especially those opposed to the government-appointed head of the Muslim community. In light of these violations, USCIRF again finds in 2017 that Eritrea merits designation as a “country of particular concern,” or CPC, under the International Religious Freedom Act (IRFA). The State Department has designated Eritrea as a CPC since 2004, most recently in October 2016.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Continue to designate Eritrea as a CPC under IRFA, and maintain the existing, ongoing arms embargo referenced in 22 CFR 126.1(a) of the International Traffic in Arms Regulations;
- Continue to use bilateral and multilateral diplomatic channels to urge the government of Eritrea to:
  - Release unconditionally and immediately detainees held on account of their peaceful religious activities, including Orthodox Patriarch Antonios;
  - End religious persecution of unregistered religious communities and register such groups;
  - Grant full citizenship rights to Jehovah’s Witnesses;
  - Provide for conscientious objection by law in compliance with international human rights standards;
- Bring national laws and regulations, including registration requirements for religious communities, into compliance with international human rights standards;
- Bring the conditions and treatment of prisoners in line with international standards; and
- Extend an official invitation for unrestricted visits by the United Nations Special Rapporteur on the situation of human rights in Eritrea, the United Nations Special Rapporteur on freedom of religion or belief, the UN Working Group on Arbitrary Detention, and the International Red Cross;
- Ensure that development assistance, if resumed, be directed to programs that contribute directly to democracy, religious freedom, human rights, and the rule of law;
- Support the renewal of the mandate of the UN Special Rapporteur on human rights in Eritrea;
- Intensify efforts with the Ethiopian government, the UN, and other relevant partners to resolve the current impasse between Eritrea and Ethiopia regarding implementation of the boundary demarcation as determined by the “final and binding” decision of the Eritrea-Ethiopia Boundary Commission that was established following the 1998–2000 war; and
- Encourage unofficial dialogue with Eritrean authorities on religious freedom issues by promoting a visit by U.S. and international religious leaders, and expand the use of educational and cultural exchanges.



## BACKGROUND

There are no reliable statistics of religious affiliation in Eritrea. The Pew Research Center estimates that Christians comprise approximately 63 percent of the population and Muslims approximately 37 percent.

President Isaias Afwerki and the Popular Front for Democracy and Justice (PFDJ) have ruled Eritrea since the country's independence from Ethiopia in 1993. President Afwerki and his inner circle maintain absolute authority. Thousands of Eritreans are imprisoned for their real or imagined opposition to the government, and the 2015 and 2016 [United Nations \(UN\) Commission of Inquiry on Human Rights in Eritrea \(COI-E\) reports](#) describe extensive use of torture and forced labor, including of religious prisoners of conscience. In 2016, the COI-E found “reasonable grounds to conclude” that crimes against humanity had been committed, and urged the UN Security Council to refer the situation in Eritrea to the International Criminal Court. In July, the UN Human Rights Council adopted the COI-E recommendation that the African Union establish an accountability mechanism to investigate, prosecute, and try individuals accused of committing crimes against humanity in Eritrea, including engaging in torture and overseeing Eritrea's indefinite military service, which the COI-E equated to slavery.

No private newspapers, political opposition parties, or independent nongovernmental organizations exist.

The government requires all physically and mentally capable people between the ages of 18 and 70 to perform a full-time, indefinite, and poorly paid national service obligation, which includes military, development, or civil service components. Eritrean authorities argue that the national service is necessary because the country remains on a war footing with Ethiopia, which has not implemented the demarcated border between the two countries. While national service does include a civil service component, all Eritreans are required to undertake military training; all forms of service are supervised by military commanders, and Eritreans cannot choose which type of service they must complete. Hence, there is no alternative for conscientious objectors. Further, a civilian militia program requirement for most males and females between the ages of 18 and 50 not in the military portion of national service also does not allow for or provide an alternative for conscientious

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*There are very few legal protections for freedom of religion or belief in Eritrea. Those that do exist are either not implemented or are limited by other laws or in practice.*

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objectors. The UN and various human rights groups have reported that persons who refuse to participate in national service are detained, sentenced to hard labor, abused, and have their legal documents confiscated. Religious practice

is prohibited in the military and conscripts are severely punished if found with religious materials or participating in religious gatherings.

There are very few legal protections for freedom of religion or belief in Eritrea. Those that do exist are either not implemented or are limited by other laws or in

practice. The Eritrean constitution provides for freedom of thought, conscience, and belief; guarantees the right to practice and manifest any religion; and prohibits religious discrimination. Nevertheless, the constitution has not been implemented since its ratification in 1997. In May 2014, President Afwerki announced a new constitution would be drafted, although no action had been taken by the end of the reporting period.

The lack of freedom of religion or belief, other fundamental human rights, and economic opportunities in Eritrea has led thousands of Eritreans to flee the country to neighboring states and beyond to seek asylum, including in Europe and the United States. The UN reported in 2015 that an estimated 6 percent of the population had fled Eritrea since 2014.

## RELIGIOUS FREEDOM CONDITIONS

### 2016–2017

#### Registration

In 2002, the government imposed a registration requirement on all religious groups other than the four officially recognized religions: the Coptic Orthodox Church of Eritrea; Sunni Islam; the Roman Catholic Church; and the Evangelical Church of Eritrea, a Lutheran-affiliated denomination. All other religious communities are required to apply annually for registration with the Office of Religious Affairs. Registration requirements include a description of the group's history in Eritrea; detailed information about its foreign sources of funding, leadership, assets, and activities; and an explanation of how it would benefit the country or is unique compared to other religious communities. Registration also requires conformity with Proclamation No.

73/1995 "to Legally Standardize and Articulate Religious Institutions and Activities," which permits registered religious institutions the right to preach, teach, and engage in awareness campaigns but prohibits "infringing upon national safety, security and supreme national interests, instigating refusal to serve national service and stirring up acts of political or religious disturbances calculated to endanger the independence and territorial sovereignty of the country."

*Religious prisoners are sent routinely to the harshest prisons and receive some of the cruelest punishments.*

To date, no other religious communities have been registered. The Baha'i community, the Presbyterian Church, the Methodist Church, and the Seventh-day Adventists submitted the required applications in 2002; however, the Eritrean government has yet to act on their applications. The government's inaction means that unregistered religious communities lack a legal basis on which to practice their faiths, including holding services or other religious ceremonies. According to the COI-E report and Eritrean refugees interviewed by USCIRF, most churches of nonregistered religious communities are closed and government approval is required to build houses of worship. Leaders and members of unregistered communities that continue to practice their faith are punished with imprisonment and fines.

#### Torture of Religious Prisoners of Conscience

Reports of torture and other abuses of religious prisoners continue. While the country's closed nature makes exact numbers difficult to determine, the State Department reports 1,200 to 3,000 persons are imprisoned on religious grounds in Eritrea. During the reporting period, there were reported incidents of new arrests. The vast majority of religious prisoners of conscience are members of unregistered churches arrested for participating in religious services or ceremonies.

Religious prisoners are sent routinely to the harshest prisons and receive some of the cruelest punishments. Released religious prisoners have reported that they were kept in solitary confinement or crowded conditions, such as in 20-foot metal shipping containers or underground

barracks, and subjected to extreme temperature fluctuations. In addition, there have been reports of deaths of religious prisoners due to harsh treatment or denial of medical care. Persons detained for religious activities, in both

short-term and long-term detentions, are not formally charged, permitted access to legal counsel, accorded due process, or allowed family visits. Prisoners are not permitted to pray aloud, sing, or preach, and religious books are banned. Evangelicals, Pentecostals, and Jehovah's



Witnesses released from prison report being pressured to recant their faith, forced to sign statements that they would no longer gather to worship, and warned not to re-engage in religious activities.

### Pentecostals and Evangelicals

Pentecostals and Evangelicals comprise the majority of religious prisoners. The Eritrean government is suspicious of newer religious communities, in particular Protestant Evangelical and Pentecostal communities. It has characterized these groups as being part of a foreign campaign to infiltrate the country, engage in aggressive evangelism alien to Eritrea's cultural traditions, and cause social divisions. Several Evangelical and Pentecostal pastors have been detained for more than 10 years, including Southwest Full Gospel Church Founder and Pastor Kiflu Gebremeskel (since 2004), Massawa Rhema Church Pastor Million Gebreselassie (since 2004), Full Gospel Church Pastor Haile Naigzhi (since 2004), Kale Hiwot Church Pastor Ogbamichael Teklehaimanot (since 2005), and Full Gospel Church Pastor Kidane Weldou (since 2005).

During 2016, security forces continued to arrest followers of these faiths for participating in clandestine prayer meetings and religious ceremonies, although toleration of these groups varied by location. The Eritrean government and Eritrean religious leaders do not publicize arrests and releases, and government secrecy and intimidation make documenting the exact numbers of such cases difficult. Nevertheless, USCIRF received confirmation of dozens more arrests in 2016. The State Department also has reported that some local authorities have denied water and gas services to Pentecostals.

### Jehovah's Witnesses

Jehovah's Witnesses are persecuted for their political neutrality and conscientious objection to military service, which are aspects of their faith. On October 25, 1994,

President Afwerki issued a decree revoking Jehovah's Witnesses' citizenship for their refusal to take part in the referendum on independence or to participate in national service. Since 1994, Jehovah's Witnesses have been barred from obtaining government-issued identity and travel documents, government jobs, and business licenses. Eritrean identity cards are required for legal recognition of marriages or land purchases. The State Department has reported that some local authorities have denied water and gas services to Jehovah's Witnesses.

Jehovah's Witnesses who have refused to serve in the military have been imprisoned without trial, some for over a decade, including Paulos Eyassu, Issac Mogos, and Negede Teklemariam, who have been detained in Sawa Prison since September 24, 1994. Moreover, the government's requirement that high school students complete their final year at the Sawa

Training and Education Camp, which includes six months of military training, effectively denies Jehovah's Witnesses an opportunity to attend their last year of high school and graduate because their faith prohibits them from participating in the military training. Some children of Jehovah's Witnesses have been expelled

from school because of their refusal to salute the flag or to pay for membership in the officially sanctioned national organization for youth and students.

Whole congregations of Jehovah's Witnesses have been arrested while attending worship services in homes or in rented facilities, and individual Witnesses are arrested regularly and imprisoned for expressing their faith to others. Some are released quickly, while others are held indefinitely without charges. As of December 2016, the Eritrean government held in detention 54 Jehovah's Witnesses without charge. Of these, 10 are older than 60, four are older than 70, and one is in his 80s. The majority of detainees were arrested for participating in religious meetings or for conscientious objection.

*The Eritrean government has appointed the Patriarch of the Eritrean Orthodox Church and the Mufti of the Eritrean Muslim community, as well as other lower-level religious officials. Hundreds of Orthodox Christian and Muslim religious leaders and laity who protested these appointments remain imprisoned.*

## Recognized Religious Communities

The Eritrean government also strictly controls the activities of the four recognized religious communities: the Coptic Orthodox Church of Eritrea; Sunni Islam; the Roman Catholic Church; and the Evangelical Church of Eritrea. These groups are required to submit activity reports every six months, instructed not to accept funds from coreligionists abroad (an order with which the Eritrean Orthodox Church reportedly said it would not comply), and have had religious leaders appointed by government officials. There also are reports of government surveillance of services of the four official religions. Eritrean officials visiting the United States reportedly pressured diaspora members to attend only Eritrean government-approved Orthodox churches in the United States. Muslims opposed to the government are labeled as fundamentalists. The Catholic Church is granted a few more—but still restricted—freedoms than other religious communities, including the permission to host some visiting clergy, to receive funding from the Holy See, to travel for religious purposes and training in small numbers, and to receive exemptions from national service for seminary students and nuns.

The Eritrean government has appointed the Patriarch of the Eritrean Orthodox Church and the Mufti of the Eritrean Muslim community, as well as other lower-level religious officials. Hundreds of Orthodox Christian and Muslim religious leaders and laity who protested these appointments remain imprisoned. The government-deposed Eritrean Orthodox Patriarch Abune Antonios, who protested government interference in his church's affairs, has been held under house arrest since 2006. In April 2016, Eritrean authorities arrested 10 Orthodox priests who asked for the release of Patriarch Antonios. On August 8, 2016, the Eritrean Orthodox Church's website published pictures of Patriarch Antonios at the Patriarchate in Asmara and his purported letter of apology; however, other Orthodox officials deny that Patriarch Antonios wrote the letter and assert that the August 8 meeting was part of a recently begun reconciliation process.

## U.S. POLICY

Relations between the United States and Eritrea remain poor. The U.S. government has long expressed concern about the Eritrean government's human rights practices

and support for Ethiopian, Somali, and South Sudanese rebel groups in the region. The government of Eritrea expelled the U.S. Agency for International Development (USAID) in 2005, and U.S. programs in the country ended in fiscal year 2006. Eritrea receives no U.S. development, humanitarian, or security assistance. Since 2010, the Eritrean government has refused to accredit a new U.S. ambassador to the country; in response, the U.S. government revoked the credentials of the Eritrean ambassador to the United States.

U.S. government officials routinely raise religious freedom violations when speaking about human rights conditions in Eritrea. The United States was a co-sponsor of a 2016 UN Human Rights Council resolution continuing for one year the position of the Special Rapporteur on the situation of human rights in Eritrea.

U.S.-Eritrean relations also are heavily influenced, often adversely, by strong U.S. ties with Ethiopia. Gaining independence in 1993, Eritrea fought a costly border war with Ethiopia from 1998 to 2000. The United States, the UN, the European Union, and the now-defunct Organization of African Unity were formal witnesses to the 2000 accord ending that conflict. However, Eritrean-Ethiopian relations remain tense due to Ethiopia's refusal to permit demarcation of the boundary according to the Hague's Eritrea-Ethiopia Boundary Commission's 2002 decision. The U.S. government views the Commission's decision as "final and binding" and expects both parties to comply.

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*U.S. policy toward Eritrea also is concentrated on U.S. concerns that the country's activities in the region could destabilize the Horn of African region.*

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U.S. policy toward Eritrea also is concentrated on U.S. concerns that the country's activities in the region could destabilize the Horn of Africa region. In 2009, the United States joined a 13-member majority to adopt [UN Security Council Resolution 1907](#), sanctioning Eritrea for supporting armed groups in Somalia, and failing to withdraw its forces from the Eritrean-Djibouti border following clashes with Djibouti. The sanctions include an

arms embargo, travel restrictions, and asset freezes on the Eritrean government's political and military leaders, as well as other individuals designated by the Security Council's Committee on Somalia Sanctions. In 2010, then President Barack Obama announced Executive Order 13536, blocking the property and property interests of several individuals for their financing of al-Shabaab in Somalia, including Eritrean presidential advisor Yemane Ghebreab. In 2011, the United States voted in favor of UN Security Council Resolution 2023, which calls on UN member states to implement Resolution 1907's sanctions and ensure their dealings with Eritrea's mining industry do not support activities that would destabilize the region. In 2016, the U.S. government voted in the UN Security Council to retain an arms embargo on Eritrea and to renew for another year the mandate of its Monitoring Group on Somalia and Eritrea.

In September 2004, the State Department first designated Eritrea as a CPC. When re-designating Eritrea in September 2005 and January 2009, the State Department announced the denial of commercial export to Eritrea of defense articles and services covered by the Arms Export Control Act, with some items exempted. The Eritrean government subsequently intensified its repression of unregistered religious groups with a series of arrests and detentions of clergy and ordinary members of the affected groups. The State Department most recently re-designated Eritrea as a CPC in October 2016, and continued the presidential action of the arms embargo, although since 2011 this has been under the auspices of [UN Security Council Resolution 1907](#) (see above).

### KEY FINDINGS

During the past year, the government of Iran engaged 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. Severe violations targeting religious minorities—especially Baha'is, Christian converts, and Sunni Muslims—continued unabated. Sufi Muslims and dissenting Shi'a Muslims also faced harassment, arrests, and imprisonment. Since President Hassan Rouhani was elected 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 religious prisoners of conscience during the reporting period. While Iran's clerical establishment continued to express anti-Semitic sentiments, the level of anti-Semitic rhetoric from government officials has diminished during President Rouhani's tenure. Since 1999, the State Department has designated Iran as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA), most recently in October 2016. USCIRF again recommends in 2017 that Iran be designated a CPC.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Continue to designate Iran as a CPC under IRFA;
- 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 for religious freedom abuses;
- 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;
- 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 (CISADA) and related executive orders, citing specific religious freedom violations;

- Call on Iran to cooperate fully with the UN Special Rapporteur on the human rights situation in Iran, including allowing the Special Rapporteur—and the UN Special Rapporteur on freedom of religion or belief—to visit;
- Continue to support an annual UN General Assembly resolution condemning severe violations of human rights—including freedom of religion or belief—in Iran and calling for officials responsible for such violations to be held accountable; and

- Use appropriated funds to advance Internet freedom and protect Iranian activists by supporting the development and accessibility of new technologies and programs to counter censorship and to facilitate the free flow of information in and out of Iran.

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.



## BACKGROUND

The Islamic Republic of Iran is a constitutional, theocratic republic that proclaims the Twelver (Shi'a) Jaafari School of Islam to be the official religion of the country. The constitution stipulates that followers of five other schools of thought within Islam—Maliki, Hanafi, Shafi'i, Hanbali, and Zaydi—should be accorded respect and permitted to perform their religious rites. The constitution also recognizes Christians, Jews, and Zoroastrians as protected religious minorities, and five (out of a total of 290) seats in the parliament are reserved for these groups (two for Armenian Christians and one each for Assyrian Christians, Jews, and Zoroastrians). With an overall population of just over 80 million, Iran is approximately 99 percent Muslim—90 percent Shi'a and 9 percent Sunni. According to recent estimates, religious minority communities constitute about 1 percent of the population and include Yarsan (approximately one million), Baha'is (more than 300,000), various Christian denominations (nearly 300,000), Zoroastrians (30,000 to 35,000), Jews (20,000), and Sabeen-Mandaeans (5,000 to 10,000).

Nevertheless, the government of Iran discriminates against its citizens on the basis of religion or belief, as all laws and regulations are based on unique Shi'a Islamic criteria. Under Iran's penal code, it is a capital crime for non-Muslims to convert Muslims, as is *moharebeh*

("enmity against God") and *sabb al-nabi* ("insulting the prophets"). Since the 1979 revolution, many members of minority religious communities have fled in fear of persecution. Killings, arrests, and physical abuse of detainees have increased in recent years, including for religious minorities and Muslims who dissent or express views perceived as threatening the government's legitimacy. The government continues to use its religious laws to silence reformers—including human rights activists, journalists, and women's rights advocates—for

exercising their internationally protected rights to freedom of expression and religion or belief.

Despite publicly releasing in December 2016 a nonbinding Charter on Citizens' Rights—which includes provisions to respect freedom of thought and religious belief for all citizens—President Rouhani

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*Despite publicly releasing . . . a nonbinding Charter on Citizens' Rights—which includes provisions to respect freedom of thought and religious belief for all citizens—President Rouhani has not delivered on his promises to strengthen civil liberties for religious minorities.*

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has not delivered on his promises to strengthen civil liberties for religious minorities. Even some of the constitutionally recognized non-Muslim minorities—Jews, Armenian and Assyrian Christians, and Zoroastrians—face official harassment, intimidation, discrimination, arrests, and imprisonment. Some majority Shi'a and minority Sunni Muslims, including clerics who dissent, were intimidated, harassed, and detained. Dissident Muslims and human rights defenders were increasingly subject to abuse, and several were sentenced to death and executed for "enmity against God."

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Muslims

Over the past few years, the Iranian government has imposed harsh prison sentences on prominent reformers from the Shi'a majority community. Authorities charged many of these reformers with "insulting Islam," criticizing the Islamic Republic, and publishing materials that allegedly deviate from Islamic standards. Dissident Shi'a cleric Ayatollah Mohammad Kazeroni Boroujerdi continued to serve an 11-year prison sentence, and the government has banned him from practicing his clerical duties and has confiscated his home and belongings. He has suffered physical and mental abuse while in prison.

According to human rights groups and the United Nations (UN), at least 120 Sunni Muslims are in prison on charges related to their beliefs and religious activities. In August 2016, approximately 22 Sunni Muslims were executed for "enmity against God," including Sunni cleric Shahram Ahmadi, who was arrested in 2009 on unfounded security-related charges and reportedly forced to make a false confession. Several other Sunni Muslims are on death row after having been convicted of "enmity against God" in unfair judicial proceedings. Leaders from the Sunni community have been unable to build a mosque in Tehran and have reported widespread abuses and restrictions on their religious practice, including detention and harassment of clerics and bans on Sunni teachings in public schools. Additionally, Iranian authorities have destroyed Sunni religious literature and mosques in eastern Iran.

Sufi followers who focus on the spiritual and mystical elements within Islam—are targeted on the basis of non-conformity to the state's official interpretation of Islam. Members of the Nematollahi Gonabadi Sufi order continue to face a range of abuses, including attacks on their prayer centers and *husseiniyas* (meeting halls); destruction of community cemeteries; and harassment, arrests, and physical assaults of their leaders. Over the past year, authorities have detained dozens of Sufis, sentencing many to imprisonment, fines, and floggings. In November 2016, five members were charged with "insulting the sacred" and "insulting senior officials," among other charges; their case is ongoing. Nearly 20 Sufi activists were either serv-

ing prison terms or had cases pending against them. Iranian state television regularly airs programs demonizing Sufism.

### Baha'is

The Baha'i community, the largest non-Muslim religious minority in Iran, has long been subject to particularly severe religious freedom violations. UN officials, including former Secretary-General Ban Ki-moon, have found the Baha'i community to be the "most severely persecuted religious minority" in Iran, with its members subject to multiple forms of discrimination "that affect their enjoyment of economic, social and cultural rights."

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The government views Baha'is as "heretics," and consequently they face repression on the grounds of apostasy. Since 1979, authorities have killed or executed more than 200 Baha'i leaders, and more than 10,000 have been dismissed from government and university jobs. Over the past 10 years, nearly 1,000 Baha'is have been arbitrarily arrested.

As of February 2017, at least 90 Baha'is were being held in prison solely because of their religious beliefs. These include seven Baha'i leaders—Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naemi, Saeid Rezaie, Mahvash Sabet, Behrouz Tavakkoli, and Vahid Tizfahm. During the past year, dozens of Baha'is were arrested throughout the country. For example, in September 2016, approximately 14 Baha'is were arrested in Shiraz and Karaj for their religious beliefs. In July 2016, five Baha'is were arrested in Shiraz and government agents raided private homes and seized personal computers and other materials. In January 2016, in Golestan Province, 24 Baha'is were sentenced to prison terms ranging from six to 11 years after being convicted for "illegal" membership in the Baha'i community and engaging in religious activities.

In recent years, Iranian government officials have undertaken a campaign to shutter Baha'i-owned businesses whenever the community observed its religious holidays. For example, in November 2016, at least 124 Baha'i-owned business in the provinces of Mazandaran, Alborz, Hormozgan, and Kerman were closed by authorities following the community's observance of two Baha'i holy days. In June 2016, in Urumia, West Azerbaijan Province, at least 25 Baha'i-owned shops were shut down without explanation by authorities; this also followed the observance of a Baha'i holy day.

Although the Iranian government maintains publicly that Baha'is are free to attend university, the de facto policy of preventing Baha'is from obtaining higher education remains in effect. In recent years, many Baha'i youth who scored very high on standardized tests were either denied entry into university or expelled during the academic year once their religious identity became known to education officials.

During the past year, hundreds of pro-government media articles continued to appear online and in print inciting religious hatred and encouraging violence against Baha'is after various sermons of prayer leaders were delivered. In June 2016, the UN Special Rapporteurs on the situation of human rights in Iran and on freedom of religion or belief [expressed serious concern](#) about incidents of incitement against the Baha'i community, noting that they could encourage acts of violence against Baha'is.

In September 2016, Baha'i Farhang Amiri was stabbed to death by two men outside of his home in Yazd; the two men later reportedly confessed, saying they killed him because he was an apostate and they wanted to go to heaven. At the end of the reporting period, an investigation was ongoing.

### Christians

Since 2010, authorities arbitrarily have arrested and detained more than 600 Christians throughout the country. Over the past year, there were numerous incidents of Iranian authorities raiding church services, threatening church members, and arresting and imprisoning worshipers and church leaders, particularly Evangelical Christian converts. According to reports, nearly 80 Christians were arrested between May and August 2016; the majority were interrogated

and released within days, but some were held without charge for months, and several remain in detention. As of December 2016, approximately 90 Christians were in prison, detained, or awaiting trial because of their religious beliefs and activities.

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Christian leaders of house churches were the particular focus of Iranian authorities, and often were charged with unfounded national-security-related crimes. In May 2016, four Christian converts from Rasht—Yousef Nadarkhani, Yaser Mosibzadeh, Saheb Fadayee, and Mohammed Reza Omidi—were arrested and charged with acting against national security because of their activity in the house church movement; each could face up to six years in prison. Nadarkhani previously served several years in prison on an apostasy conviction until his release in 2013. The other three men—who remain in detention—were charged with drinking alcohol and are appealing their sentences of 80 lashes each.

In December 2016, Maryam Naghash Zargarani, a Christian convert from Islam, had her four-year sentence extended at least six weeks because of time she spent outside of prison for medical care during the summer of 2016. During the year, she undertook two hunger strikes to protest being denied treatment for her chronic health problems. She was arrested in January 2013 and later convicted of “propaganda against the Islamic regime and collusion intended to harm national security” in connection with her work at an orphanage alongside Iranian-American Christian pastor Saeed Abedini, who was released from prison in January 2016 as part of a prisoner swap between the United States and Iran. Pastor Abedini had been serving an eight-year

prison sentence for “threatening the national security of Iran” for his activity in the house church movement. In addition, in October 2016, Christian pastor Behnam Irani was released from prison after serving a six-year sentence for religious activities.

During the year, there was an increase of anti-Christian sentiment in government-controlled and progovernment media outlets, as well as a proliferation of anti-Christian publications online and in print throughout Iran.

### Jews, Zoroastrians, and the Yarsan

Although the vitriolic sentiment was not as pronounced as in previous years, the government continued to propagate anti-Semitism and target members of the Jewish community on the basis of real or perceived “ties to Israel.” In 2016, high-level clerics continued to make anti-Semitic remarks in mosques. Numerous programs broadcast on state-run television advance anti-Semitic messages. In May 2016, the Iranian government sponsored a cartoon contest on the Holocaust. Discrimination against Jews continues to be pervasive, fostering a threatening atmosphere for the Jewish community. In recent years, members of the Zoroastrian community have come under increasing repression and discrimination. At least two Zoroastrians convicted in 2011 for propagating their faith, blasphemy, and other trumped-up charges remain in prison.

While the Iranian government considers followers of the Yarsan faith as Shi’a Muslims who practice Sufism, members identify as a distinct and separate religion (also known as Ahle-Haqq or People of Truth). In June 2016, leaders of the Yarsan faith wrote to the Iranian government asking for a constitutional amendment that would prohibit discrimination against them and would recognize the community as a religious minority; reportedly, the Iranian government responded by stating it already respects their religious beliefs and citizenship rights.

*The government’s enforcement of its official interpretation of Shi’a Islam negatively affects the human rights of women in Iran, including their freedoms of movement, association, thought, conscience, and religion or belief. . . .*

### Human Rights Defenders, Journalists, and Dissidents

Iranian authorities regularly detain and harass journalists, bloggers, and human rights defenders who criticize the Islamic revolution or the Iranian government. Over the past few years, a number of human rights lawyers who defended Baha’is and Christians in court were imprisoned or fled the country for fear of arrest or prosecution.

Despite having completed a five-year prison term, Mohammad Ali Taheri, a university professor and founder of a spiritual movement (Erfan Halgheh or Spiritual Circle), remains in detention; there have been reports that after a hunger strike in October 2016, Taheri fell into a coma. At the end of the reporting period, his whereabouts were unknown. In 2011, Taheri was convicted and sentenced to five years in prison and 74 lashes for “insulting religious sanctities” for publishing several books on spirituality. Some of Taheri’s followers also were convicted on similar charges and sentenced to prison terms ranging from one to five years. In July 2015, in a separate trial, Taheri was sentenced to death for “spreading corruption on earth;” in December 2015, the Iranian Supreme Court overturned Taheri’s death sentence.

### Women’s Rights

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

During the reporting period, Iranian authorities continued their enforcement of the strict dress code



for women. In 2016, Iranian authorities announced that in addition to the uniformed “morality police,” they would add an additional 7,000 undercover *Gashte Ershad* (Guidance Patrol) officers with broad powers to punish and even arrest people for failing to meet modesty norms. By law, Iranian women, regardless of their religious affiliation or belief, must be covered from head to foot while in public. Social interaction between unrelated men and women is banned, and the morality police continued throughout the country to stop cars with young men and women inside to question their relationship.

## U.S. POLICY

The U.S. government has not had formal diplomatic relations with the government of Iran since 1980, although the United States participated in negotiations with Iran over the country’s nuclear program as part of the group of countries known as the P5+1 (China, France, Russia, the United Kingdom, the United States, and Germany). In July 2015, the P5+1, the European Union, and Iran announced they had reached the Joint Comprehensive Plan of Action (JCPOA) to ensure that Iran’s nuclear program would be exclusively peaceful. In January 2016, the UN, United States, and European Union began lifting nuclear-related sanctions on Iran, and they continue to monitor Iran’s compliance with the agreement. Notwithstanding the JCPOA, the United States continues to keep in place and enforce sanctions for Iran’s human rights violations, its support for terrorism, and its ballistic missile program.

On July 1, 2010, then President Barack Obama signed into law the Comprehensive Iran Sanctions, Accountability, and Divestment Act (CISADA), which highlights Iran’s serious human rights violations, including suppression of religious freedom. CISADA, P.L. 111-195, requires the president to submit to Congress a list of Iranian government officials or persons acting on their behalf responsible for human rights and religious freedom abuses, bars their entry into the United States, and freezes their assets. In August 2012, then President Obama signed into law the Iran Threat Reduction and Syria Human Rights Act (ITRSHRA) of 2012, P.L. 112-239, which enhances the scope of human rights-related sanctions contained in CISADA. Over the past six years, as a consequence of Iran’s human

rights violations, the United States has imposed visa restrictions and asset freezes on 19 Iranian officials and 18 Iranian entities pursuant to CISADA, ITRSHRA, and various executive orders. Nevertheless, no new officials or entities were sanctioned for human rights or religious freedom abuses during the reporting period.

In recent years, U.S. policy on human rights and religious freedom in Iran included a combination of public statements, multilateral activity, and the imposition of unilateral sanctions on Iranian government officials and entities for human rights violations. During the reporting period, high-level U.S. officials in multilateral fora and through public statements urged the Iranian government to respect its citizens’ human rights, including the right to religious freedom. In December 2016, for the 14th year in a row, the U.S. government cosponsored and supported a successful UN General Assembly resolution on human rights in Iran, which passed 85 to 35, with 63 abstentions. The resolution condemned the Iranian government’s poor human rights record, including its religious freedom violations and continued abuses targeting religious minorities.

On January 16, 2016, the Obama Administration announced it had secured the release from jail of Iranian-American Pastor Abedini and three other Americans, in exchange for the release of seven Iranians in prison in the United States. Pastor Abedini and the other three Americans returned to the United States later that month.

On October 31, 2016, the secretary of state re-designated Iran as a CPC. The secretary designated the following presidential action for Iran: “The existing ongoing travel restrictions based on serious human rights abuses under section 221(a)(1)(C) of the Iran Threat Reduction and Syria Human Rights Act of 2012, pursuant to section 402(c)(5) of the Act.” A previous designation made in 2011 cited a provision under CISADA as the presidential action. Unlike CISADA, ITRSHRA does not contain a specific provision citing religious freedom violations.

### KEY FINDINGS

Religious freedom conditions in Nigeria remained poor during the reporting period. The Nigerian government at the federal and state levels continued to repress the Shi'a Islamic Movement of Nigeria (IMN), including holding IMN leader Sheikh Ibrahim Zakzaky without charge, imposing state-level bans on the group's activities, and failing to hold accountable Nigerian Army officers who used excessive force against IMN members in December 2015. Sectarian violence between predominately Muslim herders and predominately Christian farmers increased, and the Nigerian federal government failed to implement effective strategies to prevent or stop such violence or to hold perpetrators accountable.

The Nigerian military continued to successfully recapture territory from Boko Haram and arrest its members, but the government's nonmilitary efforts to stop Boko Haram remain nascent. Finally, other religious freedom abuses continue at the state level. Based on these concerns, in 2017 USCIRF again finds that Nigeria merits designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA), as it has found since 2009. Nigeria has the capacity to improve religious freedom conditions by more fully and effectively addressing religious freedom concerns, and will only realize respect for human rights, security, stability, and economic prosperity if it does so.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate Nigeria as a CPC under IRFA;
- 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, including in counterterrorism, investigative techniques, community policing, nonlethal crowd control, and conflict prevention methods and capacities;
  - Conduct professional and thorough investigations of and prosecute future incidents of sectarian violence and terrorism and suspected and/or accused perpetrators;
  - Develop effective conflict prevention and early warning mechanisms at the local, state, and federal levels using practical and implementable criteria;
- Advise and support the Nigerian government in the development of counter- and deradicalization programs;
- Ensure that all military and police training educates officers on international human rights standards; 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 session of the U.S.-Nigeria Bi-National Commission on the increased sectarian violence to discuss further actions to end the violence, address land concerns, hold perpetrators accountable, and reconcile communities;
- Continue to speak privately and publicly regarding the IMN situation about the importance of all parties respecting rule of law and freedom of religion or belief;
- Expand engagement with federal and state government officials, Muslim and Christian religious leaders, and nongovernmental interlocutors to address hate speech and incitement to violence based on religious identity;
- Use targeted tools against specific officials and agencies identified as having participated in or being responsible for human rights abuses, including particularly severe violations of religious freedom; these tools include the "specially designated nationals" list maintained by the Treasury Department's Office of Foreign Assets Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act;
- Continue to support civil society and faith-based organizations at the national, regional, state, and local levels that have special expertise and a demonstrated commitment to intra-religious and interreligious dialogue, religious education, reconciliation, and conflict prevention; and
- Assist nongovernmental organizations working to reduce tensions related to the reintegration of victims of Boko Haram, including youth and women, and of former Boko Haram fighters.

## BACKGROUND

Nigeria's population of 180 million is equally divided between Muslims and Christians and is composed of more than 250 ethnic groups. The majority of the population in the far north identifies as Muslim, and primarily is from the Hausa-Fulani ethnic group. In southwest Nigeria, which has large Christian and Muslim populations, the Yoruba is the largest ethnic group. Southeast Nigeria is largely Christian and is dominated by the Igbo ethnic group. Nigeria's "Middle Belt" is home to numerous smaller ethnic groups that are predominantly Christian, and it also comprises a significant Muslim population.

Managing this diversity and developing a national identity pose challenges for Nigerians and the Nigerian government.

Fears of ethnic and religious domination are longstanding; given that religious identity frequently falls along regional, ethnic, political, and socioeconomic lines, it routinely provides a flashpoint for violence.

The constitutionally mandated "federal character" principle is an attempt to avert ethnocentric tendencies and potential violence by offering each group equal access to national leadership. The federal character principle stipulates that federal, state, and local government agencies and their conduct of affairs should reflect the diversity of their populations and promote unity, thereby ensuring no predominance of persons from a few ethnic or other sectional groups.

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*Fears of ethnic and religious domination are longstanding . . . religious identity . . . routinely provides a flashpoint for violence.*

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Among the strategies to implement this principle is a type of quota system to redress regional and ethnic disparities, ensure equal access to educational and public sector employment opportunities, and promote equal access to resources at the federal, state, and local levels. However, this principle is applied through the controversial "indigene" concept, which has led to denying certain ethnoreligious groups citizenship rights at the local level. Based on article 147 of the 1999 Constitution, Nigerian law and state and local government practice make a distinction between "indigenes" and "settlers." Indigenes are persons whose ethnic group is considered native to a particular area, while settlers are those who have ethnic roots in another part of the country. State and

local governments issue certifications granting indigene status, which bestows many benefits and privileges. The settler designation can be made even if a particular group may have lived in an area for generations.

Accessing land, schools, civil service jobs, or public office without such an indigene certificate can be almost impossible. In the Middle Belt, indigene and settler identities fall along and reinforce ethnic and religious divides, leading to sectarian violence to control state and local governments.

The 1999 Constitution of Nigeria includes provisions protecting freedom of religion or belief and prohibiting religious discrimination. In 12 Muslim-majority northern Nigerian states, federalism

has allowed the adoption of Shari’ah law in the states’ criminal codes.

In March 2016 and January and February 2017, USCIRF visited Abuja, Kaduna, and Yola to assess religious freedom conditions in the country, meeting with government officials, religious communities, civil society organizations, and internally displaced persons from the Northeast.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Clashes with and Repression of the Islamic Movement of Nigeria

During 2016, the Nigerian government at the federal and state levels continued to repress the IMN. The confrontation started in December 2015 in Zaria, Kaduna State, when the Nigerian Army killed 347 IMN members, arrested almost 200 others, including IMN leader Sheikh Ibrahim Zakzaky, and destroyed the IMN’s spiritual headquarters after the group blocked the procession of the Nigerian Army’s chief of staff.

Since this incident, the Nigerian government has detained Zakzaky without charge. A federal court ruled on December 2, 2016, that Zakzaky should be released within 45 days. On January 26, the Nigerian government appealed the ruling. The Nigerian government also continued to prosecute 191 IMN members for illegal possession of firearms, causing a public disturbance, and incitement. The government is seeking the death penalty for 50 IMN members accused of causing the death of one military officer.

During the year, a Kaduna State government-appointed Commission of Inquiry (COI) investigated the December 2015 incident. The COI report, released by the government on August 1, found the Nigerian Army was responsible for the mass killing and burial of 347 IMN members, that the IMN did not possess firearms and that its other weapons were of little consequence, and that Zakzaky was responsible for the IMN’s “lawlessness.” COI members recommended that the government prosecute officers responsible for the violence and that

IMN members be held accountable for “acts of habitual lawlessness.” To date, no Nigerian Army officers have been held accountable for the violence.

On October 7, the Kaduna State government declared the IMN an illegal society and set penalties for IMN activities, including fines and/or imprisonment for up to seven years for membership. Governors of Kano, Katsina, Plateau, and Sokoto states also prohibited IMN Shi’a processions, including during Ashura. On December 5, the Kaduna State government released a white paper declaring the IMN an insurgent group and finding that the Nigerian Army in 2015 acted within its rules of operations. Kaduna State Governor Nasir El-Rufai told USCIRF in January 2017 that the IMN must register as a society.

In October and November 2016, in Plateau, Katsina, Sokoto, and Kano states, security officers attacked IMN members engaged in Ashura processions. On October 14 in Plateau, soldiers attacked a procession and invaded the IMN Islamic Center, making arrests while threatening to destroy the structure. On November 14, Nigeria’s national police force killed dozens of IMN members when they attacked the group’s procession in Kano State.

### Sectarian Violence

Since 1999, violence between Christian and Muslim communities in Nigeria’s Middle Belt states has killed tens of thousands, displaced hundreds of thousands, and damaged or destroyed thousands of churches,

mosques, businesses, homes, and other structures. In recent years, sectarian violence has occurred in rural areas between predominantly Christian farmers and predominantly Muslim nomadic herders. While

this violence usually does not start as a religious conflict, it often takes on religious undertones and is perceived as a religion-based conflict for many involved. During USCIRF’s 2017 visit to Nigeria, interlocutors cited different reasons for the violence, including land disputes resulting from herders seeking land for their cattle to graze and migrate; herdsmen being more heavily armed to protect their cattle from cattle rustling; Fulani engaging in revenge attacks in southern Kaduna in response

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*The COI report, released by the government on August 1, found the Nigerian Army was responsible for the mass killing and burial of 347 IMN members . . . .*

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to the post-election violence in which 500 Muslims were killed in that area; and, for Christian interlocutors, a Fulani ethnic cleansing campaign against indigenous ethnic groups to take their lands.

Recurrent violence in rural areas increased in the reporting period, resulting in hundreds of deaths and a number of churches destroyed. Such attacks were reported in Kaduna, Plateau, Bauchi, Taraba, and Benue states. For example, in March in Agatu Local Government Area, Benue State, an estimated 100–300 were killed and there were reports of at least six villages destroyed. On December 19, the Catholic Archdiocese of Kafancan reported that in 2016 at least 800 were killed in sectarian violence in 53 villages in southern Kaduna. The Archdiocese also reported that 16 churches were destroyed during the year.

The Nigerian government has long failed to respond adequately to this violence. The federal police are rarely deployed, let alone in a timely manner. While the government deployed police and the military to southern Kaduna to address violence in that area, nongovernmental interlocutors universally told USCIRF that the deployments stick to main roads and do not venture into more rural areas where the violence occurs, and they do not respond when forewarned of the potential for violence or when violence occurs. Corrupt police practices, such as officers requiring victims pay bribes before they respond or listen to reports of violence, also impede government efforts to halt conflicts.

During USCIRF's 2017 visit to Nigeria, government interlocutors explained some new efforts to address the increased violence. The Ministry of Interior said it created a governmental and nongovernmental committee to investigate the violence and is waiting for its report and recommendations. Foreign Minister Geoffrey Onyeama said the Ministry of Agriculture is working to create grazing reserves and routes for cattle herders. In a positive move, the Kaduna State government announced its intention to allocate 20,000 hectares of land in southern Kaduna to grazing reserves, over and above land already occupied illegally by the herders;

in response, Christian indigenous groups announced they will not give up their land. Governor El-Rufai told USCIRF his government will end the tradition of commissioning a report and ignoring its recommendations and instead arrest perpetrators. As of the time of this writing, 17 individuals in Kaduna State have been arrested. The Benue and Baysala state governors also provided land for cattle grazing.

### Boko Haram

Boko Haram is a terrorist organization engaged in an insurgent campaign to overthrow Nigeria's secular government and impose what it considers "pure" Shari'ah law. Boko Haram opposes Nigeria's federal and northern state governments, political leaders, and Muslim religious elites and has worked to expel all Christians from the north. Escaped Boko Haram abductees, human rights groups, and news accounts report that Boko

Haram forces Christians to convert or die, applies Shari'ah law and corresponding *hudood* punishments for those deemed guilty of various criminal or morality offenses, and requires Muslims in its areas to attend

*Despite a loss of territory, Boko Haram continues to engage in asymmetrical attacks, including against mosques and markets.*

Quranic schools to learn its extreme interpretation of Islam. Boko Haram has attacked churches, executed civilians, and destroyed whole villages. Since May 2011, according to the Council on Foreign Relations' Nigeria Security Tracker, Boko Haram and the military campaign against the terrorists have killed more than 28,000 people. The Boko Haram crisis has resulted in more than 1.8 million internally displaced persons (IDPs).

In March 2015, Boko Haram pledged its allegiance to the Islamic State of Iraq and Syria (ISIS). In August 2016, ISIS announced a new "governor" for West Africa, declaring that a splinter Boko Haram group had been formed, focusing its efforts on military and Western targets.

During the reporting period, the Nigerian military—assisted by regional troops and local vigilante groups known as the Civilian Joint Task Force (C-JTF)—continued to pressure Boko Haram. While the traditional Boko Haram faction is retreating to the Sambesi Forest area, the ISIS-affiliated group has

increased its campaign along the northern border and into Niger. Despite a loss of territory, Boko Haram continues to engage in asymmetrical attacks, including against mosques and markets. In March 2016, USCIRF staff interviewed IDPs in Yola and were told of ongoing security concerns for those who returned to home areas in Borno State, including suspicion between Christians and Muslims and between the C-JTF and those it suspects of being current or former Boko Haram members. USCIRF also received reports that women impregnated by Boko Haram fighters and their children have been shunned from their home communities.

The Nigerian government's efforts against Boko Haram continue to be primarily military. In October, President Muhammadu Buhari announced the creation of the Presidential Committee on North East Initiative (PCNI) to address development and radicalization issues in the northeast. Minister of Foreign Affairs Onyeama told USCIRF in February 2017 that the PCNI will coordinate development initiatives for the northeast, but that more funding is needed for this effort to be successful. Under the Office of the National Security Advisor, the Nigerian prison system operated a small deradicalization program in a prison outside of Abuja. A larger military-led program is not yet operational. The Ministry of Interior told USCIRF in February 2017 that it is deploying police to liberated Boko Haram areas to ensure security. Finally, despite routine reports of arrests of Boko Haram fighters, there are very few trials and convictions. Rather, those arrested remain detained without charge. Further, Boko Haram defectors remain detained without adequate government efforts to deradicalize and/or reintegrate them into society.

Security forces have been accused of engaging in indiscriminate and excessive use of force, committing extrajudicial killings, mistreating detainees in custody, making arbitrary arrests, and using collective punishments. The Nigeria Security Tracker reports that state security officers are solely responsible for more than 6,700 deaths from May 2011 through January 2017. USCIRF has raised concerns about the Nigerian military's use of excessive force in its campaign against Boko Haram. During the reporting period, there were few reports of such military abuses, although little is known about the military's actions in Borno State. In response

to criticism, the Nigerian Army created a human rights monitoring office; however, there are no reports of officers being disciplined for abuses.

### State-Level Religious Freedom Concerns

Twelve Muslim-majority northern Nigerian states apply their interpretation of Shari'ah law in their criminal codes. Shari'ah criminal provisions and penalties remain on the books in these 12 states, although application varies by location. State governments in Bauchi, Zamfara, Niger, Kaduna, Jigawa, Gombe, and Kano funded and supported *Hisbah*, or religious police, to enforce such interpretations. The vast majority of the Shari'ah cases revolve around criminal acts such as cattle rustling and petty theft, not violations of morality offenses.

Christian leaders in the northern states continued to report to USCIRF that state governments discriminate against Christians by denying applications to build or repair places of worship, access to education, representation in government bodies, and employment. They also reported that Christian girls are abducted by Muslim men to be brides.

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*[S]tate governments discriminate against Christians by denying applications to build or repair places of worship, access to education, representation in government bodies, and employment.*

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In this reporting period, mobs killed two women accused of blasphemy. On June 2 in Kano, Bridget Agbahime was killed after she was accused of insulting a man prior to his prayers. Five men were arrested; however, on November 3 the Kano chief magistrate dismissed the case on the recommendation of the Kano State attorney general, who said the accused were innocent.

On July 9, Redeemed Christian Church of God Pastor Eunice Elisha was killed while preaching in Abuja. Police report that four suspects are detained. In January 2017, an Abuja police spokesman confirmed reports that a court ordered the release of the suspects due to lack of evidence. The spokesman said they are still investigating the murder.

During the reporting period, the Kaduna State National Assembly continued to advance the Religious Regulation Bill that Governor El-Rufai introduced on February 22. Although the legislation seeks to address religious hate speech that could incite violence, increased restrictions could limit religious leaders' and communities' religious freedom and right to freedom of speech. The bill proposes restrictions on Muslims' and Christians' religious activities, including the creation of a joint Muslim-Christian ministerial committee to issue or refuse to issue licenses to religious groups, prohibiting preaching without a license, prohibiting "abusive speech" against any person or religious organization, banning the use of audio equipment containing recordings of preaching by licensed preachers except in houses of worship and personal domiciles for religious purposes, and banning sermons that lead to "disturbance of the public peace."

## U.S. POLICY

Nigeria is a strategic U.S. economic and security partner in Sub-Saharan Africa. Nigeria is the second-largest recipient of U.S. foreign assistance in Africa, and the United States is the largest bilateral donor to Nigeria. In 2010, the State Department established the U.S.-Nigeria Bi-National Commission, which includes working groups on good governance, terrorism and security, energy and investment, and food security and agricultural development.

On March 30, Nigerian Foreign Minister Onyeama and then Deputy Secretary of State Antony Blinken co-chaired the U.S.-Nigeria Bi-National Commission, with remarks by then Secretary of State John Kerry and then National Security Advisor Susan Rice. The two nations agreed to actions to further military and nonmilitary approaches to counter Boko Haram and assist civilians; assist Nigerian economic growth and development; and strengthen good governance, anti-corruption efforts, conflict mitigation programs, and public service delivery.

The U.S. government has a large military assistance and antiterrorism program in Nigeria to stop Boko Haram. The United States has designated Boko Haram as a Foreign Terrorist Organization and has designated several Boko Haram leaders as terrorists, imposed economic sanctions on them, and offered rewards for

their capture. It also has supported UN Security Council sanctions on Boko Haram to prohibit arms sales, freeze assets, and restrict movement. The U.S. government provides U.S. military personnel, law enforcement advisors, investigators, and civilian security and intelligence experts to Nigeria to advise officials on countering Boko Haram activities. However, in compliance with the Leahy Amendment, U.S. security assistance to the Nigerian military is limited due to concerns of gross human rights violations by Nigerian soldiers. Additionally, both the U.S. Agency for International Development (USAID) and the State Department support counter-radicalization communication programs and humanitarian assistance in northeast Nigeria.

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*U.S. security assistance to the Nigerian military is limited due to concerns of gross human rights violations by Nigerian soldiers.*

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Senior Obama Administration officials regularly travelled to Nigeria during the reporting period. In February 2016, then Ambassador-at-Large for International Religious Freedom David Saperstein travelled to Abuja and Jos. In August, then Secretary Kerry travelled to Abuja and Sokoto, where he met with the Sultan of Sokoto and gave a speech about religious tolerance and countering violent extremism.

The State Department and USAID fund programs on conflict and mitigation and improving interfaith relations in line with USCIRF recommendations, including a multiyear capacity-building grant to the Kaduna Interfaith Mediation Center to address ethnic and religious violence in the Middle Belt.

# NORTH KOREA

TIER 1 | USCIRF-RECOMMENDED COUNTRIES OF PARTICULAR CONCERN (CPC)

## KEY FINDINGS

The North Korean government continues to rank as one of the world's most repressive regimes, in part because of its deplorable human rights record. Freedom of religion or belief does not exist and is, in fact, profoundly suppressed. The regime considers religion to pose the utmost threat—both to its own survival and that of the country. The North Korean government relentlessly persecutes and punishes religious believers through arrest, torture, imprisonment, and sometimes execution. Once imprisoned, religious believers typically are sent to political prison camps where

they are treated with extraordinary cruelty. Based on the North Korean government's longstanding and continuing record of systematic, ongoing, and egregious violations of freedom of religion or belief, USCIRF again finds that North Korea, also known as the Democratic People's Republic of Korea (DPRK), merits designation in 2017 as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). The State Department has designated North Korea as a CPC since 2001, most recently in October 2016.

## RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Continue to designate North Korea as a CPC under IRFA;
- Continue to impose targeted sanctions on specific North Korean officials and government agencies, or individuals or companies working directly with them, for human rights violations—particularly violations of the freedom of religion or belief—or for benefitting from these abuses, as part of sanctions imposed via one or more of the following: an executive order, the North Korea Sanctions and Policy Enhancement Act of 2016, the "specially designated nationals" list maintained by the Treasury Department's Office of Foreign Assets Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, asset freezes under the Global Magnitsky Act, other congressional action, or action at the UN;
- Call for a follow-up UN inquiry to track the findings of the [2014 report by the UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea \(COI\)](#) and assess any new developments—particularly with respect to violations of the freedom of religion or belief, and suggest a regularization of such analysis similar to and in coordination with the Universal Periodic Review process;
- Include, whenever possible, both the Special Envoy for North Korean Human Rights Issues and the Ambassador-at-Large for International Religious Freedom in formal and informal discussions about or with North Korea in order to incorporate human rights and religious freedom into the dialogue, and likewise incorporate human rights and religious freedom concerns into discussions with multilateral partners regarding denuclearization and security, as appropriate;
- Coordinate efforts with regional allies, particularly Japan and South Korea, to raise human rights and humanitarian concerns and specific concerns regarding freedom of religion or belief, and press for improvements, including the release of prisoners of conscience and closure of the infamous political prisoner camps;
- Explore innovative ways to expand existing radio programming transmitted into North Korea and along the border, as well as the dissemination of other forms of information technology, such as mobile phones, thumb drives, and DVDs, and improved Internet access so North Koreans have greater access to independent sources of information; and
- Encourage Chinese support for addressing the most egregious human rights violations in North Korea, including violations of religious freedom, and regularly raise with the government of China the need to uphold its international obligations to protect North Korean asylum-seekers in China, including by allowing the UN High Commissioner for Refugees and international humanitarian organizations to assist them, and by ending repatriations, which are in violation of the 1951 Refugee Convention and Protocol and/or the UN Convention Against Torture.

The U.S. Congress should:

- Reauthorize the North Korean Human Rights Act beyond 2017, incorporate updated language and/or recommendations from the 2014 COI report, particularly regarding freedom of religion or belief, and authorize funds for the act's implementation.



## BACKGROUND

Although other Communist countries restrict freedom of religion or belief—even if they pretend to protect it constitutionally—the North Korean regime stands apart for its state-generated ideology known as *Juche*. Through this dogmatic stranglehold over society, the regime engenders cult-like devotion to and deification of current leader Kim Jong-un, just as it did for Kim’s father and grandfather before him. This forced loyalty leaves no room for the expression or practice of individualized thought, nor for freedom of religion or belief, which in practice does not exist. Those who follow a religion or other form of belief do so at great risk and typically in secret, at times even keeping their faith hidden from their own families. The most recent estimate puts North Korea’s total population at more than 25 million.

Given the country’s extremely closed nature, figures for religious followers are outdated and difficult to confirm. The United Nations (UN) estimates that less than 2 percent of North Koreans are Christian, or somewhere between 200,000 and 400,000 people. The country also has strong historical traditions of Buddhism, Confucianism, and Shamanism, as well as a local religious movement known as Chondoism (also spelled Cheondoism).

Through increasingly aggressive rhetoric and actions aimed at provoking the international community, particularly the United States, the North Korean government continues to look inward to bolster its legitimacy, such as through the expansion of its nuclear weapons program.

*[UN Resolution 31/18] condemns longstanding violations, including the denial of freedom of thought, conscience, and religion. . . .*

In May 2016, the regime held the Workers’ Party of Korea’s Seventh Congress, the first such gathering in nearly four decades. Formally, the party holds a congress to self-organize, set an agenda, and determine leadership roles. Analysts believe the rare meeting also served as a vehicle for Kim Jong-un to consolidate his power.

During 2016, North Korea experienced a series of highly publicized defections, including a high-profile diplomat and a rare group defection. In April 2016, 13 North Koreans working at a restaurant in Ningbo, China, defected. In August 2016, North Korea’s former deputy ambassador in London, Thae Yong-ho, defected, eventually arriving with his family in Seoul, South Korea, where he remains under government protection. In October 2016, news reports suggested that as many

as three Beijing-based embassy officials or other North Korean government employees defected.

During the year, the UN Human Rights Council named Tomás Ojea Quintana of Argentina as the new Special Rapporteur on the situation of human rights in North Korea

and continued to underscore that country’s deplorable human rights record. In March 2016, the UN Human Rights Council adopted Resolution 31/18 examining the human rights situation in North Korea. The resolution condemns longstanding violations, including the denial of freedom of thought, conscience, and religion, and instructs the UN High Commissioner for Human Rights to assign a two-person expert group to work on issues of accountability for human rights abuses with the Special

Rapporteur. In the group's February 2017 report, the experts recommended a "multi-pronged and comprehensive" approach to "pursuing accountability for human rights violations in [North Korea]," specifically with respect to violations that may constitute crimes against humanity. In November 2016, the UN Security Council unanimously adopted a resolution sanctioning North Korea for its fifth nuclear test in September. In December 2016, however, several of Pyongyang's allies, including China, attempted and failed to block a debate on North Korea's human rights abuses when the Security Council met for its third annual discussion on the subject.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Government Control and Repression of Christianity

All religious groups are prohibited from conducting religious activities except through the handful of state-controlled houses of worship, and even these activities are tightly controlled. According to the Database Center for North Korean Human Rights, individuals face persecution for propagating religion, possessing religious items, carrying out religious activities (including praying and singing hymns), and having contact with religious persons. However, the North Korean regime reviles Christianity the most and considers it the biggest threat; it associates that faith with the West, particularly the United States. Through robust surveillance, the regime actively tries to identify and search out Christians practicing their faith in secret and imprisons those it apprehends, often along with their family members even if they are not similarly religious. According to the State Department, the North Korean regime currently detains an estimated 80,000 to 120,000 individuals in political prison camps known as *kwanliso*. Reports indicate tens of thousands of these prisoners are Christians facing hard labor or execution.

Underground churches do exist in North Korea, but information about their location and number of parishioners is nearly impossible to confirm. There are three

Protestant churches, one Catholic church, and the Holy Trinity Russian Orthodox Church, all state run.

In December 2016, Canadian diplomats traveled to North Korea to visit Pastor Hyeon Soo Lim, a South Korean-born Canadian citizen sentenced in December 2015 to life in prison with hard labor for alleged subversive activities and insulting North Korea's leadership. In November 2016, news reports indicated Sweden's ambassador to North Korea met with the North Korean Foreign Ministry on behalf of Reverend Lim, but there was no change in his status. Sweden serves as protecting power for Canada, Australia, and the United States—which do not have diplomatic relations with North Korea—providing limited consular services to these countries' citizens.

During the year, several reports surfaced about the death of Korean-Chinese Pastor Han Chung-ryeol, who led Changbai Church, located in China's Jilin Province near the border with North Korea. After Pastor Han's body was found in April 2016, rights activists accused North Korean agents of murdering him for his work assisting North Korean defectors in China. North Korean officials denied any involvement in Pastor Han's death and instead accused South Korea of slander.

### North Korean Refugees in China

The Chinese government holds longstanding concerns about an influx of North Korean refugees crossing its border. Following severe floods in 2016 along the border with China, North Korean authorities reportedly took steps to fortify border security to prevent defections. The few religious materials that make their way into North

Korea often do so along this border. Accounts from North Korean defectors reveal that individuals caught attempting to cross the border or who are forcibly repatriated from China are severely punished, particularly if

North Korean officials believe they have interacted with missionaries or engaged in religious activities. Increasingly, reports indicate Chinese officials conspire with their North Korean counterparts to hunt down, arrest, and forcibly repatriate North Koreans attempting to cross

*[T]he regime actively tries to identify and search out Christians practicing their faith in secret and imprisons those it apprehends. . . .*

into China. This violates China's obligations under the 1951 UN Convention on Refugees and its 1967 Protocol.

## U.S. POLICY

In recent years, the international community, including the United States, has made great strides in recognizing the importance of jointly advocating North Korea's security and human rights challenges as related concerns, rather than favoring the former over the latter. The United States government must continue to raise these two spheres of concern in a mutually reinforcing way and engage stakeholders—such as South Korea, Japan, and the UN—in the same manner to maximize efforts on both fronts; this should include addressing North Korea's broad-ranging violations of human rights—including freedom of religion or belief—and wholesale repression of dissent.

During 2016, the U.S. government for the first time ever identified and sanctioned specific human rights abusers in North Korea. In July 2016, the State Department released a report on North Korea's human rights abuses and censorship pursuant to the North Korea Sanctions and Policy Enhancement Act of 2016 (P.L. 114-122). The report named 23 North Korean individuals and state entities responsible for human rights violations and censorship, 15 of which the Treasury Department placed on the “specially designated nationals” (SDN) list maintained by the Office of Foreign Assets Control. North Korean leader Kim Jong-un was among the individuals named. When the State Department issued its second report in January 2017, the Treasury Department concurrently placed seven individuals and two government agencies on the SDN list. In statements for both reports, the State Department said, “Human rights abuses in the DPRK remain among the worst in the world.”

In December 2016, then President Barack Obama signed into law the Fiscal Year 2017 Department of State Authorities Act (P.L. 114-323), which acknowledged the regime's crimes against religious believers and expressed the sense of Congress that the secretaries of state and treasury “should impose additional sanctions against the DPRK, including targeting its financial assets around the world, specific designations related to human rights abuses, and a redesignation of the DPRK as a state sponsor of terror.”

At the end of fiscal year 2017, the North Korean Human Rights Act (P.L. 112-172) will expire, requiring congressional reauthorization to continue. The underlying act became law in 2004 and was twice extended in 2008 and 2012. The act outlines several human rights goals in North Korea: to improve the information flow into the country, create a special envoy position within the State Department, and support U.S. efforts to resettle North Korean refugees in the United States. The 2012 reauthorization also expressed the sense of Congress that China should cease forcibly repatriating North Korean refugees.

North Korea continues to target individuals with close ties to the United States; the regime routinely detains them and compels confessions designed to embarrass and undermine the United States. In March 2016, North Korea sentenced University of Virginia student Otto Frederick Warmbier to 15 years of hard labor for allegedly committing a “hostile act” when he tore down a political banner hanging in a Pyongyang hotel. The previous month, Warmbier publicly confessed to the charges. In April 2016, North Korea's Supreme Court sentenced a naturalized U.S. citizen born in South Korea, Kim Dong-chul, to 10 years of hard labor on charges of alleged spying. The North Korean government paraded both men in front of international media to confess their alleged crimes. By June 2016, the North Korean government threatened not to negotiate the release of the two men with the United States unless U.S. missionary and former detainee Kenneth Bae ceased denigrating the country. Bae, who was released from North Korean custody in November 2014 after serving two years' hard labor of a 15-year sentence for allegedly undermining the government, published a memoir describing his arrest and imprisonment.

In February and October 2016, the State Department redesignated North Korea as a CPC. In lieu of prescribing sanctions specific to the CPC designation, the State Department consistently has applied “double-hatted” sanctions against North Korea, in this case extending restrictions under the Jackson-Vanik amendment of the Trade Act of 1974. Jackson-Vanik originated when Congress sought to pressure Communist countries for their human rights violations and has since been used to deny normal trade relations to North Korea and Cuba.

# PAKISTAN

## TIER 1 | USCIRF-RECOMMENDED COUNTRIES OF PARTICULAR CONCERN (CPC)

### KEY FINDINGS

During the past year, the Pakistani government continued to perpetrate and tolerate systematic, ongoing, and egregious religious freedom violations. Religiously discriminatory constitutional provisions and legislation, such as the country's blasphemy and anti-Ahmadiyya laws, continue to result in prosecutions and imprisonments. At least 40 individuals have been sentenced to death or are serving life sentences for blasphemy, including two Christians who received death sentences in June 2016. During the year, an Ahmadi and a Shi'a Muslim were convicted and imprisoned for five years, and four Ahmadis were charged under the anti-Ahmadiyya provisions. Religious minority communities, including Christians, Hindus, Ahmadis, and Shi'a Muslims, also experience religiously motivated and sectarian violence from both terrorist organizations and individuals within society; the government's longstanding failure to prevent or prosecute such

violence has created a deep-rooted climate of impunity that has emboldened extremist actors. Provincial textbooks with discriminatory content against minorities remain a significant concern. Reports also continue of forced conversions and marriages of Hindu and Christian girls and women, although the Pakistani government took some positive steps on this issue and made other encouraging gestures toward religious minorities. Based on these violations, USCIRF again finds in 2017 that Pakistan merits designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA), as it has found since 2002. Designating Pakistan as a CPC would enable the United States to more effectively press Islamabad to undertake needed reforms. Despite USCIRF's longstanding recommendation, the State Department has never designated Pakistan as a CPC.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate Pakistan as a CPC under IRFA;
- Negotiate a binding agreement with the government of Pakistan, under section 405(c) of IRFA, to achieve specific and meaningful reforms, with benchmarks that include major legal reforms and releasing prisoners sentenced for blasphemy; such an agreement should be accompanied by U.S.-provided resources for related capacity building through the State Department and U.S. Agency for International Development (USAID) mechanisms;
- Use targeted tools against specific officials and agencies identified as having participated in or being responsible for human rights abuses, including particularly severe violations of religious freedom; these tools include the "specially designated nationals" list maintained by the Treasury Department's Office of Foreign Assets Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act;
- Press the Pakistani government to implement the Supreme Court's 2014 decision to create a special police force to protect religious groups from violence and actively prosecute perpetrators, both individuals involved in mob attacks and members of militant groups;
- Include discussions on religious freedom in U.S.-Pakistan dialogues or create a special track of bilateral engagement specifically regarding religious freedom and the promotion of interfaith harmony and acceptance;
- Work with international partners to jointly raise religious freedom concerns with Pakistani officials in Islamabad and in multilateral settings, and to encourage the Pakistani government to invite the UN Special Rapporteur on freedom of religion or belief for a country visit;
- Encourage the Pakistani government and provincial education boards to reform textbooks and curricula in government schools and the *madrassah* system to remove negative information and misinformation on all religions and to ensure they promote religious and ethnic tolerance;
- Urge the Pakistani government and provincial governments to review all cases of individuals charged with blasphemy in order to release those who were falsely accused, while still calling for the unconditional release of all individuals sentenced to prison for blasphemy;
- Continue to call for the repeal of the blasphemy prohibitions in Penal Code article 295; until this can be accomplished: urge the Pakistani government to reform article 295 to make blasphemy a bailable offense, penalize false accusations, and require evidence by accusers; and call for the enforcement of preexisting penal code articles that criminalize false accusations in any legal matter;
- Press for at the highest levels and work to secure the unconditional release of prisoners of conscience and persons detained or awaiting trial, and press Pakistan's government to treat prisoners humanely and continue to allow them access to family, human rights monitors, adequate medical care, and lawyers and the ability to practice their faith;
- Continue to call for the repeal of anti-Ahmadiyya laws, especially articles 298-(A), (B), and (C) of the country's penal code;
- Urge the Pakistani government to pass a law recognizing Christian marriages and that prevent forced marriages and conversions, and train and educate police, lawyers, and judges to interpret and enforce this law correctly;
- 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, such as the International Visitors Program, other educational and cultural exchanges, and U.S.-funded media, to highlight similar themes; and
- Ensure a portion of existing U.S. security assistance is used to help police implement an effective plan for dedicated protection of religious minority communities and their places of worship.



## BACKGROUND

Pakistan is an ethnically and religiously diverse country of over 190 million people. According to the last official census, in 1998, 95 percent of the population identified as Muslim; among the Muslim population, 75 percent identified as Sunni and 25 percent as Shi'a. The remaining 5 percent of Pakistan's population are non-Muslim, including Christians, Hindus, Parsis/Zoroastrians, Baha'is, Sikhs, Buddhists, and others. The numbers of Shi'a Muslims and Christians believe their communities are larger than reported in the 1998 census. An estimated two to four million Ahmadis consider themselves Muslims, but Pakistani law does not recognize them as such.

Religious freedom conditions in Pakistan have long been marred by religiously discriminatory constitutional provisions and legislation. For years, the Pakistani government has consistently failed to stem rhetoric that incites religiously motivated or sectarian violence by religious ideologues and extremist groups, or to bring perpetrators to justice when violent attacks occur. Moreover, violent extremist groups and U.S.-designated terrorist organizations—such as Tehrik-e-Taliban Pakistan (Pakistani Taliban), the Pakistani branch of the Islamic State of Iraq and Syria (ISIS), and Lashkar-e-Jhangvi (LeJ)—target Pakistani civilians, governmental offices, and military locations, posing a significant security challenge to the government and negatively impacting the government's capacity and will to address egregious religious freedom violations in the country. These groups threaten all Pakistanis, including religious minority communities, nongovernmental organizations (NGOs), judges and lawyers involved in religious-freedom-related cases, and officials or parliamentarians who attempt to discuss or revise repressive laws.

Religious minority communities also suffer from social and political marginalization. They have 10 reserved seats out of 342 total seats in the National Assembly (lower chamber of Parliament) and none in the Senate (upper chamber of Parliament). The ability of religious minority representatives to successfully advocate for their communities is further diminished in Pakistan's parliamentary system because liberal political parties often have to form coalitions with parties that may not be supportive of religious or ethnic minorities.

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*Religious freedom conditions in Pakistan have long been marred by religiously discriminatory constitutional provisions and legislation.*

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In previous years, the Pakistani government at both the federal and provincial levels took some steps to address some of these issues, including establishing a 20-point National Action Plan (NAP) following the December 2014 Pakistani Taliban attack on the Peshawar army school, in which 130 children were killed. The NAP was developed to address terrorism, attacks on minority communities, and hate speech and literature intended to incite violence. However, implementation of the NAP and other steps have fallen short and have not produced substantive religious freedom improvements. Societal violence and terrorist activity continues, and inherently discriminatory laws remain.

In November 2016, USCIRF staff traveled to Islamabad to meet with U.S. and Pakistani governmental officials and representatives of civil society and religious communities.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Blasphemy Laws:

Sections 295 and 298 of Pakistan’s Penal Code criminalize acts and speech that insult a religion or religious beliefs or defile the Qur’an, the Prophet Muhammad, a place of worship, or religious symbols. These provisions inherently violate international standards of freedom of religion or belief, as they protect beliefs over individuals. Accusers are not required to present any evidence that blasphemy occurred, which leads to abuse, including false accusations. Moreover, the law sets severe punishments, including death or life in prison.

The majority of all blasphemy cases in Pakistan occur in Punjab Province, where the majority of Pakistan’s religious minorities reside. While Muslims represent the greatest number of individuals charged or sentenced, religious minority communities fall victim to a disproportionately higher rate of blasphemy allegations and arrests, as compared to their percentage of the country’s population. USCIRF is aware of at least 40 individuals currently sentenced to death or serving life sentences for blasphemy in Pakistan, including two Christians, Anjum Naz Sindhu and Javed Naz, and a Muslim, Jaffar Ali, all sentenced to death on June 28, 2016, by an antiterrorism court in Gujranwala, Punjab Province; and Aasia Bibi, a Christian woman convicted and sentenced to death in 2010 after a 2009 dispute with coworkers. In October 2016, the Pakistani Supreme Court delayed Ms. Bibi’s final appeal hearing after a judge recused himself; she remains imprisoned and the hearing has not yet been rescheduled.

During the current reporting period, there were dozens of reports of arrests and charges for blasphemy, especially in Punjab Province. Frequently, the arrests and charges occurred in an atmosphere of societal harassment or violence. For example, in July 2016 in Punjab Province, Nadeem James, a Christian man, was arrested—after intense community pressure—for sending so-called blasphemous messages on the social networking Web site WhatsApp. In September 2016

in Punjab Province, a 16-year-old Christian boy was arrested for “liking” a photo of the Kaaba on Facebook; in February 2017, he was denied release on bail pending his hearing. In October 2016, also in Punjab province, an 18-year-old Muslim boy and his teacher were arrested and charged for allegedly burning pages of the Qur’an. All of these cases reportedly remain pending.

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*[D]ozens of reports of arrests and charges for blasphemy, especially in Punjab Province . . . occurred in an atmosphere of societal harassment or violence.*

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In January 2017, an antiterrorism court acquitted more than 100 suspects accused of participating in the January 2013 attack on Joseph Colony, a predominantly Christian neighborhood in Lahore, Punjab Province. The attack was sparked when a Christian resident was accused of blasphemy. A mob of approximately 3,000 individuals destroyed more than 150 Christian homes, Christian businesses, and two churches, and forced hundreds of Christian families to flee. As of the end of the reporting period, not a single person has been convicted for the attack. However, during the past year, the government did punish several individuals for other blasphemy-related violence. In February 2016, Mumtaz Qadri was executed by hanging for the 2011 murder of Punjab Governor Salmaan Taseer, who had spoken out against the blasphemy law and in support of Ms. Bibi. In November 2016, five individuals were sentenced to death for the brutal 2014 mob killing of Shahzad and Shama Masih, who had been falsely accused of blasphemy. Additionally, Christian communities reported to USCIRF that local officials or police sometimes made attempts to quell or protect them from violent retribution or arrests for so-called blasphemous acts. For example, in October 2016, a Christian boy and his mother were arrested—after mob pressure—for allegedly burning pages from the Qur’an in Quetta, Balochistan Province. After Christian and Muslim provincial assembly members and local clerics intervened, the son and mother were released.

For years, some government leaders have called for the country's blasphemy law to be reformed, including former President Asif Ali Zardari; Sherry Rehman, Pakistan's former ambassador to the United States and a current member of Pakistan's Senate; Salmaan Taseer, formerly the governor of Punjab province; and Shahbaz Bhatti, formerly the federal minister for Minorities Affairs. Taseer and Bhatti were assassinated in 2011 for calling for blasphemy law reforms. In January 2016, Muhammad Khan Sherani, chairman of the Council of Islamic Ideology, called on the government to refer the blasphemy law to his council for review. The Council of Ideology is a constitutional body that advises the Pakistani government on whether legislation is compatible with Islam and Islamic law. Additionally, in August 2016, the Pakistani Senate's Committee on Human Rights announced it would hold a series of meetings with legal experts, religious scholars, the Council of Islamic Ideology, and others to review the country's blasphemy law, but it is not known if any meetings have occurred.

### Anti-Ahmadiyya Laws and Attacks

Ahmadis are subject to severe legal restrictions, and suffer from officially sanctioned discrimination. September 2016 marked the 42nd anniversary of Pakistan's second amendment to its constitution that declared Ahmadis to be "non-Muslims." Additionally, Penal Code section 298 makes it criminal for Ahmadis to refer to themselves as Muslims; preach, propagate, or disseminate materials on their faith; or refer to their houses of worship as mosques. They also are prohibited from voting.

In January 2016, Abdul Shakoor, an optician and store owner in Rabwah, Punjab Province, was sentenced to five years in prison on blasphemy charges and three years on terrorism charges, to be served concurrently, for propagating the Ahmadiyya Muslim faith by selling copies of the Qur'an and Ahmadiyya publications. His Shi'a Muslim store manager, Mazhar Sipra, also was sentenced to five years on terrorism charges. Both have appealed their sentences.

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*September 2016 marked the 42<sup>nd</sup> anniversary of Pakistan's second amendment to its constitution that declared Ahmadis to be "non-Muslims."*

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On December 5, 2016, Punjab Province's Counter Terrorism Department raided the publications and audit offices of the Ahmadiyya community. Police beat several people and arrested four Ahmadis, who were later charged

with violating Penal Code article 298-C and provisions in the country's Anti-Terrorism Act. Reportedly, they were tortured after being arrested.

Ahmadis frequently face societal discrimination, harassment, and physical attacks,

sometimes resulting in murder. For example, in Karachi, on three different days in June 2016, three Ahmadi doctors—Dr. Hameed Ahmed, Dr. Abdul Hasan Isphani, and Dr. Chaudhry Khaliq Ahmad—were shot and killed in targeted attacks; as of December 2016, no charges had been brought. On December 13, 2016, in Chakwal, Punjab Province, several thousand people stormed an Ahmadiyya community mosque, firing weapons and wounding several worshippers before police were able to disperse the mob. Reportedly, the mosque was attacked because the community was celebrating the Prophet Muhammad's birthday.

### Education

Provincial textbooks with discriminatory content against minorities remain a significant concern. In April 2016, USCIRF released a report, *Teaching Intolerance in Pakistan: Religious Bias in Public Textbooks*, which was a follow-up to its 2011 study, *Connecting the Dots: Education and Religious Discrimination in Pakistan*. The 2016 report found that while 16 problematic passages outlined in the 2011 report were removed from textbooks, 70 new intolerant or biased passages were added. Fifty-eight of these passages came from textbooks used in the Balochistan and Sindh provinces, while 12 came from the Punjab and Khyber Pakhtunkhwa provinces. Overall, the report found that Pakistani textbooks continue to teach bias against and distrust of non-Muslims and followers of any faith other than Islam, and portray them as inferior. Moreover, the textbooks depict non-Muslims in Pakistan as non-Pakistani or sympathetic toward Pakistan's

perceived enemies—Pakistani Christians as Westerners or British colonial oppressors and Pakistani Hindus as Indians. These portrayals stoke pre-existing societal tensions and create a negative climate for Pakistan’s religious minority communities.

### Forced Conversions and Marriage

Forced conversion of Hindu and Christian girls and young women into Islam and marriage, often through bonded labor, remains a systemic problem. In 2014, Pakistan-based NGOs, including the Aurat Foundation and the Movement for Solidarity and Peace in Pakistan, reported that more than 1,000 girls, many under the age of 18, are forcibly married and converted to Islam each year. Hindu and Christian women are particularly vulnerable to these crimes because of the societal marginalization of and lack of legal protections for religious minorities, combined with deeply patriarchal societal and cultural norms. Local police, particularly in Punjab province, are often accused of being complicit in forced marriage and conversion cases by failing to properly investigate them or by believing the male and his family over the female and her family. If such cases are investigated or adjudicated, reportedly the young woman or girl often is questioned in front of the man she was forced to marry, which creates pressure on her to deny any coercion.

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*Hindu and Christian women are particularly vulnerable to [forced marriage and conversion to Islam] because of the societal marginalization of and lack of legal protections.*

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During 2016, the Pakistani government took legislative steps at both the national and provincial levels to attempt to address these issues—a move that Hindu and Christian religious leaders and laity and human rights activists have largely lauded. The steps include the Hindu Marriage Bill 2016, passed by the National Assembly in September 2016, the Senate in February 2017, and signed into law in March 2017, after the end of the reporting period; the Sindh

Criminal Law (Protection of Minorities) Bill, passed in November; the restoration of section 7 of the Christian Divorce Act of 1869 in Punjab Province; and draft national legislation, similar to the Hindu Marriage Act, to amend the Christian Marriage Act of 1872. These enacted and pending measures seek to provide legal protections to deter or diminish forced conversion and marriage and assist women in escaping forced marriages through legal means. For example, the Sindh Criminal Law (Protection of Minorities) Bill mandates a 21-day waiting period before adults lawfully can change religions, and stipulates that children under the age of 18 cannot change their religion. These provisions are intended to prevent forced marriages and conversions that happen simultaneously and overnight. The Hindu Marriage Act provides that marriages between Hindus can be registered with the government, thereby officially documenting them, and makes polygamous marriages unlawful to prevent Hindu girls and women being forced to marry as second wives.

### Targeted Sectarian Violence

According to the South Asia Terrorism Portal, nearly 50 different domestic and transnational terrorist and extremist groups are active in Pakistan. These groups pose a serious security threat to the region, the country, and its people, especially religious minority communities. In addition to attacking government and military sites, groups such as the Pakistani Taliban and LeJ have been major persecutors of religious minorities and of Sunni Muslims who oppose their religious and political agenda. Moreover, these groups’ targeting of Shi’a and Sufi Muslims have sown deep-seeded sectarian tensions. According to reports from a Shi’a Muslim political organization, Majlis Wahdat-e-Muslimeen Pakistan (MWM), the Pakistani Taliban and other terrorist groups have killed an estimated 25,000 Shi’a Muslims over the last decade.

During the reporting period, Shi’a and Sufi Muslims have been targeted by the Pakistani Taliban and a Pakistani branch of ISIS. In October 2016 at a religious service in Karachi, five Shi’a Muslims were murdered—and several more wounded—during an attack claimed by LeJ. Also in October, in Quetta, Balochistan, LeJ claimed responsibility for shooting four Shi’a women on



a local commuter bus. In November 2016, ISIS claimed responsibility for an attack on a Sufi shrine in Quetta that left 52 people dead and over 100 people wounded. In June 2016, Amjad Sabri, a famed Pakistani Sufi singer, was shot dead in Karachi; the two men arrested in November 2016 are members of LeJ and have been implicated in 28 other cases of violence, particularly against policemen and Shi'a Muslims, according to the Sindh province chief minister. On February 16, 2017, a suicide bomber believed to be an ISIS militant killed more than 80 worshippers, including 20 children, and injured hundred more when he detonated a bomb in the Sufi temple of Lal Shahbaz Qalandar in the city of Sehwan, Sindh Province. Subsequently, Pakistani police and security forces conducted extensive raids and killed approximately 100 alleged ISIS militants and detained dozens more.

### Positive Developments

In the last reporting year, the government of Pakistan took some positive steps to promote human rights and to attempt to combat sectarian and religiously motivated violence and rhetoric. For example, in February 2016, it announced a

16-point Human Rights Action Plan that includes a policy framework for legislative reforms; increased protection of women's, minorities', and children's rights; human rights education; international treaty implementation; and

financial support to victims of abuses. As of the end of the reporting period, however, USCIRF is unaware of any steps taken to implement the plan. The government also conducted an investigation and arrested over 200 people in connection with a terrorist attack in Lahore on Easter Sunday 2016 (March 27) that killed at least 70 people and injured hundreds, mostly Christians. Additionally, it arrested several religious clerics for disseminating extremist speech or materials, closed dozens of *madrassahs* affiliated with banned extremist and terrorist organizations, and registered thousands of *madrassahs* across the country so

they could be closely monitored. In February 2017, the national parliament passed the Criminal Laws (Amendment) Act 2016, which creates punishments for inciting religious, sectarian, or ethnic hatred by using loudspeakers, sound amplifiers, or any other device; calls on police to prevent sectarian and hate speech and the proliferation of hate material; and increases the punishment for the forced marriages of women belonging to minority groups. However, some religious minority communities have expressed concern that the act could be used to limit religious practices and worship and could lead to increased arrests and false accusations of blasphemy.

The government also made positive gestures toward religious minority communities and encouraged interfaith harmony during the year. For example, in September 2016, the Minister for Human Rights and Minority Affairs announced the establishment of a new human rights task force, which will include members of civil society, journalists, priests, pastors, and Islamic scholars. In July 2016, for the first time in Pakistan's history, a Christian and a Sikh were acknowledged as tribal leaders in the Federally Administered Tribal

Areas. In December 2016, Bishop Joseph Arshad of Faisalabad, who chairs the Catholic Bishops' National Commission for Justice and Peace, received the country's National Human Rights Award 2016 from President Mamnoon Hussain.

Also in December, the Railways and Human Rights ministries announced that over Christmas they would run a special "human rights" train—decorated with messages of religious tolerance, brotherhood, and love — "to express solidarity with the minority Christian community and promote inter-faith harmony." In January 2017, the Punjab Provincial Minister for Human Rights and Minorities Affairs, with the support of the government of the Netherlands, launched a pilot project, Engaging Pakistani Interfaith Communities (EPIC), that seeks to use social media and the arts to promote religious harmony, tolerance, and peace.

*In the last reporting year, the government of Pakistan took some positive steps to promote human rights and to attempt to combat sectarian and religiously motivated violence and rhetoric.*

## U.S. POLICY

U.S.-Pakistan relations have long been marked by strain, disappointment, and mistrust. Human rights and religious freedom have not been high priorities in the bilateral relationship, which has focused on security and counterterrorism efforts. The United States consistently has pressured Pakistan to take action against the numerous extremist and terrorist organizations in the country. Pakistan has played a critical but complicated role in U.S. government efforts to combat al-Qaeda, the Afghani Taliban, and other terrorist organizations. The United States relies on Pakistan for transport of supplies and ground lines of communication to Afghanistan. Additionally, the United States, Pakistan, and China are engaged in the Afghan peace process. These three countries, along with Afghanistan, are working together to create a roadmap for a negotiated peace between the Afghan government and the Afghani Taliban.

The United States and Pakistan established a bilateral Strategic Dialogue in 2010 to discuss topics such as the economy and trade, energy, security, strategic stability and nonproliferation, law enforcement and counterterrorism, science and technology, education, agriculture, water, health, and communications and public diplomacy. The sixth ministerial-level session of this dialogue was held in Washington, DC, in February 2016. The United States and Pakistan reiterated in a joint statement their commitment to democracy, human rights, countering violent extremism, and combating terrorist organizations.

The United States continues to invest heavily in Pakistan's economic growth and in civilian assistance, including in energy sector improvements and reforms, agriculture, job creation, developments in areas vulnerable to violent extremism, and increased access and quality of education and basic health services and education. In 2016, the United States committed \$5 billion in civilian assistance to Pakistan and over \$1 billion in emergency humanitarian assistance in response to natural disasters and conflict. Additionally, the United

States provides technical and financial assistance to strengthen human rights, advance rule of law reforms, combat intolerance, strengthen civil society, and support legal aid centers for vulnerable populations. In 2015, the United States was Pakistan's largest bilateral export destination, with nearly \$3.7 billion in exports. Moreover, in 2015 the United States was once again one

of the largest sources of foreign direct investment in Pakistan, amounting to nearly \$400 million.

In August 2016, the Pentagon announced it would not pay Pakistan \$300 million in military reimbursements because the country had "failed

to take sufficient action" against the Afghanistan-based Haqqani terrorist network, which the Pakistani government allegedly politically and financially supports.

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*U.S.-Pakistan relations have long been marked by strain, disappointment, and mistrust. Human rights and religious freedom have not been high priorities in the bilateral relationship. . . .*

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### KEY FINDINGS

Russia represents a unique case among the countries in this report—it is the sole state to have not only continually intensified its repression of religious freedom since USCIRF commenced monitoring it, but also to have expanded its repressive policies to the territory of a neighboring state, by means of military invasion and occupation. Those policies, ranging from administrative harassment to arbitrary imprisonment to extrajudicial killing, are implemented in a fashion that is systematic, ongoing, and egregious. In mainland Russia in 2016, new laws effectively criminalized all private religious speech not sanctioned by the state, the Jehovah’s Witnesses stand on the verge of a nationwide ban, and innocent Muslims were tried on fabricated charges of terrorism and extremism. In the North Caucasus, particularly in Chechnya and Dagestan, security forces carried out arrests, kidnappings, and disappearances of

persons suspected of any links to “nontraditional” Islam with impunity. In Crimea, occupied by Russia since 2014, Russian authorities have coopted the spiritual life of the Muslim Crimean Tatar minority and arrested or driven into exile its community representatives. And in the Russian-occupied para-states of eastern Ukraine, religious freedom is at the whim of armed militias not beholden to any legal authority. Nor did Russia show any tolerance for critics of these policies in 2016; the two most prominent domestic human rights groups that monitor freedom of religion or belief were officially branded as “foreign agents.” Based on these particularly severe violations, in 2017 USCIRF for the first time finds that Russia merits designation as a “country of particular concern,” or CPC, under the International Religious Freedom Act (IRFA) of 1998. USCIRF has been monitoring and reporting on Russia since its first annual report in 2000.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate Russia as a CPC under IRFA;
- Work to establish a binding agreement with the Russian government, under section 405(c) of IRFA, on steps it can take to be removed from the CPC list; should negotiations fail, impose sanctions, as stipulated in IRFA;
- Urge the Russian government to amend its extremism law in line with international human rights standards, such as adding criteria on the advocacy or use of violence, and to ensure the law is not used against members of peaceful religious groups or disfavored communities;
- Press the Russian government to ensure other laws, including the religion law and the foreign agents law, are not used to limit the religious activities of peaceful religious groups, and encourage the Russian government to implement European Court of Human Rights decisions relating to freedom of belief;
- Under the Magnitsky Act, continue to identify Russian government officials responsible for severe violations of religious freedom and human rights, freeze their assets, and bar their entry into the United States;
- Raise concerns on freedom of religion or belief in multilateral settings and meetings, such as meetings of the Organization for Security and Cooperation in Europe (OSCE), and urge the Russian government to agree to visits by the UN Special Rapporteur on freedom of religion or belief and the OSCE Representatives on Tolerance, as well as the establishment of an international monitoring presence in occupied Crimea;
- Press for at the highest levels and work to secure the release of prisoners of conscience, and press the Russian government to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, and lawyers, and the ability to practice their faith;
- Ensure the U.S. Embassy, including at the ambassadorial level, maintains appropriate contacts with human rights activists, and that the ambassador meets with both representatives of religious minorities as well as of the four “traditional” religions;
- Encourage increased U.S. funding for Voice of America (VOA) Russian and Ukrainian Services and for Radio Free Europe/Radio Liberty’s (RFE/RL) Russian and Ukrainian Services;
- Call on the Russian government to stop the persecution of religious minorities in the occupied areas of Crimea and Donbas, beginning with the reversal of the ban on the Crimean Tatar Mejlis and the abolition of repressive religious registration requirements; and
- Ensure violations of freedom of religion or belief and related human rights are included in all relevant discussions with the Russian government over Russia’s illegal annexation of Crimea and its support of rebels in the Donbas, and work closely with European and other allies to apply pressure through advocacy, diplomacy, and targeted sanctions.



## BACKGROUND

Russia is the world's largest country by land mass. Its estimated population of 146 million is 81 percent ethnic Russian but officially counts over 190 other ethnicities. A 2013 poll reports that 68 percent of Russians view themselves as Orthodox Christian, while 7 percent identify as Muslim. Other religious groups—each under 5 percent—include Buddhists, Protestants, Roman Catholics, Jews, The Church of Jesus Christ of Latter-day Saints (Mormons), Jehovah's Witnesses, Hindus, Baha'is, Hare Krishnas, pagans, Tengrists, Scientologists, and Falun Gong adherents.

In March 2014, Russia illegally annexed the Ukrainian Black Sea peninsula of Crimea, justifying it as necessary to save the peninsula's ethnic Russian population from the alleged "fascism" of the Ukrainian government. Almost all of the 300,000 Crimean Tatars, an indigenous Muslim ethnic group, oppose Russian occu-

pation owing to their Soviet-era experiences; Joseph Stalin deported the entire community to Central Asia in 1944, resulting in the death of up to half of the Crimean

Tatar population. In March 2014, Russian-backed separatist forces also began asserting control over the eastern Ukrainian provinces of Luhansk and Donetsk, sparking ongoing warfare that has claimed close to 10,000 lives as of early 2017.

The Russian government views independent religious activity as a major threat to social and political stability, an approach inherited from the

Soviet period. It maintains and frequently updates laws that restrict religious freedom, including a 1997 religion law and a much-amended 2002 law on combating extremism. The Russian religion law sets strict registration requirements on religious groups and empowers state officials to impede their activity. The religion law's preface, which is not legally binding, singles out Islam, Judaism, Buddhism, and especially Orthodox Christianity as the country's four traditional religions. Religious groups not affiliated with state-controlled organizations are treated with suspicion. Over time, the Russian government has come to treat the Moscow Patriarchate of the Russian Orthodox Church (MPROC) as a de facto state church, strongly favoring it in various areas of state sponsorship, including subsidies, the education system, and military chaplaincies; this favoritism has fostered a climate of hostility toward other religions.

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The anti-extremism law lacks a clear definition of extremism and the use or advocacy of violence is not necessary for activity to be classified as extremist; the United Nations (UN) Human Rights Committee has called for this law's reform. Because virtually any speech can be prosecuted, the law is a powerful way to intimidate members of religious and other communities. Books may be placed by court order on a list of banned materials. Religious and other communities can be financially blacklisted or liquidated, and individuals can be subjected to criminal prosecution for a social media post.

Several other laws punish peaceful religious expression, nonconformity, or human rights activity. These include a 2012 law that effectively bans unsanctioned public protests, a 2012 law that requires nongovernmental organizations (NGOs) that receive funds from abroad to register as “foreign agents,” and a 2013 amendment that criminalizes offense to religious sentiments.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### The Extremism Law and Non-Orthodox Christians

Alleged violators of the religion law face monetary fines, but individuals alleged to have infringed the extremism law risk prison. With the July 2016 passage of the Yarovaya amendments, those convicted of extremism are now subject to up to six years’ imprisonment, major fines equivalent to several years of average annual wages, and/or bans on professional employment.

The Federal List of Extremist Materials, maintained by the Ministry of Justice, is a key feature of the extremism law. Any Russian court may add texts to the list; as of late 2016 there were over 4,000 items on that list, including many with no apparent connections to militancy, such as the Qu’ranic commentaries of Ottoman-era Kurdish theologian Said Nursi, numerous Jehovah’s Witnesses publications, and a 1900 sermon by the Ukrainian Greek Catholic Archbishop Andrey Sheptytsky, who was venerated by Pope Francis in 2015. Individuals who own even a single banned text face a potential fine or imprisonment for up to 15 days.

Classifying religious texts as extremist is often the prelude to further persecution of religious communities. In particular, the Jehovah’s Witnesses became the target of a sustained campaign in 2016, which appears to be aimed at permanently eliminating their legal existence in Russia. In March 2016, the Russian Prosecutor General’s Office warned the Jehovah’s Witnesses’ national headquarters that the organization could be banned and its activities shut down nationwide if further

alleged evidence of extremism was found within a year. Since then, there have been repeated “discoveries” of extremist literature at official Jehovah’s Witness religious sites, including in September 2016, when a surveillance video recorded police planting evidence. In January 2017, an appellate court rejected the Witnesses’ appeal of the earlier warning, and after the end of the reporting period, the Ministry of Justice filed a formal request for the Russian Supreme Court to designate the Jehovah’s Witnesses’ headquarters as extremist. If granted, this designation would mark the first time that Russia has banned a centralized religious organization, and would effectively criminalize all Jehovah’s Witnesses’ activity nationwide. Separately, in January 2017, two Jehovah’s Witness elders in the Moscow region, Andrei Sivak and Viacheslav Stepanov, were ordered to stand trial again for “inciting religious hatred,” even though they had been acquitted of the same charges in March 2016.

### The Campaign against Extremism and Muslims

As in the other former Soviet countries reported on by USCIRF, the harshest punishments and greatest scrutiny are reserved for Muslims whom the government deems extremist. In the case of Russia, the preoccupation with Muslims can be attributed to the long and complicated relationship with restive Muslim-majority provinces in the northern Caucasus, to recent geopo-

litical factors (including the attempt to portray Russian intervention in Syria as primarily driven by counter-terrorism concerns) and to the need of the security services to stay relevant by fabricating cases when actual

crimes are lacking, a practice inherited from the Soviet era. The disparity in treatment is clear in the ratio of persons deprived of liberty for exercising religious freedom, according to a list compiled by the New Chronicle for Current Events—a human rights monitoring group—of approximately 120 persons detained, only one, under house arrest, is a non-Muslim.

A good example of the intersection of foreign policy and the internal logic of the Russian security services is

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*[T]he harshest punishments and greatest scrutiny are reserved for Muslims whom the government deems extremist.*

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the persecution of readers of the Qu'ranic commentary of Said Nursi, a Turkish Islamic revivalist theologian and ethnic Kurd who advocated for the modernization of Islamic learning. Nursi, who died in 1960, has been praised by Turkish president Recep Tayyip Erdoğan and was an inspiration to Fethullah Gülen, the prominent exiled Turkish Islamic preacher. Although Nursi followers have been targets of Russian law enforcement since the early 2000s, a wave of arrests ensued after Turkey shot down a Russian fighter jet over Turkish territory in late 2015. According to Forum 18, nine members of Nursi study groups are awaiting trial in Russia as of early 2017 on charges of belonging to a supposed “Nurdzhu-lar” terrorist movement, which was officially banned in Russia in 2008 as extremist but is widely believed to be a legal fiction invented for the purpose of prosecuting Nursi adherents. One Nursi follower convicted in 2015, Bagir Kazikhanov, is serving a term of three and a half years in prison.

Nevertheless, the number of Muslims arrested for reading Nursi's works pales beside those arrested for belonging to Hizb ut-Tahrir, an Islamic fundamentalist movement banned in Russia. One hundred sixteen of the approximately 120 prisoners on the New Chronicle List are persons arrested for affiliation with Hizb ut-Tahrir; according to the SOVA Center, a prominent Russian NGO that monitors xenophobia and freedom of religion or belief, the number of Hizb ut-Tahrir adherents convicted in 2016 almost doubled compared to the previous year, with 37 men given sentences of up to 17 years.

Moreover, not all those targeted because of their faith appear on political prisoner lists since, in some instances, those arrested were not engaged in any political or religious activity. In April 2016, for example, 15 Russian Muslims, mostly from the Caucasus, were sentenced to prison terms of between 11 and 13 years on charges of planning a suicide bombing in a Moscow movie theater; the men had been arrested in 2013 during a raid on an illegal hostel for migrant laborers. The Russian human rights group Memorial, which represented some of the defendants, considered them randomly chosen victims of a fabrication intended to demonstrate the success of official counterterrorism efforts. Memorial pointed out numerous inconsistencies, including contradictory evidence regarding traces of explosives,

testimony placing defendants at notorious terrorist attacks that took place when they were still children, and the fact that state television announced the verdict five hours before the court. In February 2017, Kavkaz Reali, the Caucasus service of RFE/RL, reported on a similar case of a young Ingush woman and her husband, an ethnic Russian convert to Islam, who were arrested in January 2017 while attempting to travel to the country of Georgia on their honeymoon. Although charged with drug trafficking, the reason for their detention is believed to be connected to the alleged extremist beliefs of the family member of an acquaintance.

### Blasphemy Law Enforcement

One consequence of the government-MPROC relationship has been the 2013 blasphemy law, enacted in response to a 2012 political protest in Moscow's main MPROC cathedral that offended many Orthodox believers. The law imposes up to three years' imprisonment or the confiscation of up to three years' salary for “offending religious convictions and feelings.” In November 2016, police raided and briefly detained 13 civil society activists involved in numerous public protests over the construction of an MPROC church in a Moscow park on suspicion of blasphemy. In February 2017, after almost a year of proceedings, the blasphemy trial of social media user Viktor Krasnov was terminated due to the statute of limitations. Krasnov had been indicted after he engaged in an argument in 2014 on the Russian social network VKontakte in a Stavropol-area discussion group. In response to several Bible verses, Krasnov responded that there was “no God” and that the Bible was a “collection of Jewish fairy-tales,” for which he was denounced to the authorities. After the reporting period in March 2017, six months after his arrest and after three months in prison, social media activist Ruslan Sokolovsky went on trial for having played the popular smartphone game “Pokémon Go” in an MPROC cathedral in Yekaterinburg in protest against the blasphemy law. At the end of the reporting period, the Russian State Investigative Committee also was examining whether protests against the Russian government's impending handover of St. Isaac's Cathedral in St. Petersburg to the MPROC amounted to a violation of the blasphemy law.

Not all prosecutions under the blasphemy law are for offending MPROC sentiments—a “Buddha Bar”

restaurant was forced to close in Krasnoyarsk after paying a heavy fine in November 2016. That same month, an investigative commission in the republic of Tuva announced the launch of a criminal search for a young woman who took a “selfie” photo while allegedly posing on a ritual Buddhist drum.

### The Situation in the North Caucasus

While legal repression may be the norm in much of Russia, the situation within Russia’s North Caucasus area, particularly in Dagestan and Chechnya, has been described by Memorial as “legalized terror.” There, anyone suspected of practicing “nontraditional” Islam or of having any link to the ongoing Islamic insurgency is at risk of being disappeared by the security services; in Dagestan, Memorial recorded 13 disappearances linked to the security services between September and November 2016 alone. Peaceful Muslims, human rights lawyers, independent

journalists, and religious freedom activists have been threatened, assaulted, and killed. In a report commissioned by USCIRF in 2016, Russian ethnologist Denis Sokolov described how the majority of the north Caucasian

Muslim intelligentsia has been driven into exile, either in Turkey or Western Europe, by the pervasive climate of fear and repression. The Russian Interior Ministry’s Main Office for Countering Extremism, known as “Center E,” has particularly wide latitude in policing and intelligence gathering in the North Caucasus.

Violations of religious freedom in the North Caucasus often result from the use of “prophylactic measures” such as the maintenance of blacklists of alleged extremists, including secular dissidents, who are subject to constant search, harassment, and possible disappearance. According to Kavkaz Reali, young Chechens can land on the blacklist for minor infractions such as years-old reposts on social media of the songs of a popular Chechen singer, a few of whose compositions are on the extremist materials list; once on the blacklist, official harassment often makes normal life impossible, forcing the young people into exile or the militant underground.

*[T]he situation within Russia’s North Caucasus area, particularly in Dagestan and Chechnya, has been described by Memorial as “legalized terror.”*

In October 2016, Daniial Alkhasov, a doctor in Dagestan suspected of radical sympathies, successfully sued to be removed from the blacklist. While Salafism and Wahhabism are not banned in Russia, adherents to these Islamic movements come under intense pressure. In September and October 2016, police detained around 270 worshippers at two Salafi mosques in Dagestan and placed them on the blacklist. In January 2017, the imam of another Salafi mosque in Dagestan, Magomednabi Magomedov, was sentenced to four and a half years for inciting hatred toward Communists and law enforcement officials in a YouTube video of a sermon in which he criticized official repression of Salafis. But even adherents of traditional Islam are not exempt from suspicion: in November 2016, imams from five traditional Sufi mosques in the Dagestani capital of Makhachkala reported being threatened by police officers, who demanded that they inform on congregants.

Persecution in the North Caucasus takes much more overt forms. In Chechnya, the Kremlin-appointed leader, Ramzan Kadyrov, oversees a private army that engages in mass violations of human rights, conducts collective reprisals against the families of suspects, and suppresses all dissent. Kadyrov, who is implicated in several of the most notorious political assassinations of the post-Soviet era, also enforces his own views of Islam, under which women must wear Islamic dress and may be forced into illegal polygamous marriages. In February 2016, Kadyrov warned that two prominent Salafi imams from the neighboring province of Ingushetia, Isa Tsechoev and Khamzat Chumakov, would “lose their heads” if they ever entered Chechnya; subsequently, the two men survived car bomb attacks in Ingushetia in March and August 2016. In January 2017, Kadyrov’s deputy publicly threatened to “cut out the tongue” of Grigory Shvedov, the editor of the independent Caucasian Knot News Agency, which often reports on religious issues.

The need to demonstrate success against Islamic terrorism in the North Caucasus has led to the targeting of both peaceful Muslim dissidents and innocent



bystanders with no connection to politics. In one particularly notorious incident in Dagestan in August 2016, a pair of teenaged brothers, Nabi and Gasangu-sein Gasanguseinov, failed to return from shepherding in the mountains; they were discovered the next day, shot dead, dressed in fatigues and with weapons beside them. Although the security services insisted that they were militants, the bizarre circumstances of their deaths and the absence of any evidence connecting them to the insurgency led to a public outcry and an ongoing court case to clear their names. In neighboring Stavropol Province in September 2016, an ethnic Nogai imam, Ravil Kaibaliyev, who had reported being pressured by the authorities after his activism in support of hijabs in schools, was found shot to death on a highway shoulder; subsequently, law enforcement blocked mourners from attending his funeral.

### 2016 Religion Law Amendments

In July 2016, the Russian government adopted a package of amendments for the ostensible purpose of combating terrorism. These amendments, popularly known as the Yarovaya law, also significantly enhanced the scope and penalties of the religion and anti-extremism laws. The religion law now broadly defines “missionary activities” to forbid preaching, praying, disseminating religious materials, and even answering questions about religion outside of officially designated sites. With no independent judiciary in Russia, any religious speech or activity not explicitly sanctioned by the authorities now has the potential to be criminalized, depending on the whims of local law enforcement and prosecutors. By the end of the reporting period, at least 53 individuals or organizations had been prosecuted, of which 43 were non-Orthodox Christian groups. Thirty-four convictions have resulted, including substantial fines for activities as varied as conducting baptisms to advertising prayer groups online to singing Hare Krishna songs. In January 2017, Victor-Immanuel Mani, an Indian citizen working as a Protestant pastor and

*In 2016, the Russian occupation authorities formalized their policies of harassment, intimidation, and small-scale terror targeting religious groups in Crimea suspected of disloyalty to the Russian state. . . .*

married to a Russian woman, was deported after being found guilty of giving religious literature to an unregistered visitor to his church.

### Other Legal Issues

Laws meant to restrict civil society also have been employed against NGOs that advocate for freedom of religion or belief. In December 2016, the SOVA Center was added to Russia’s list of “foreign agents,” a registry created by a 2012 law that is intended to publicly stigmatize NGOs. In October 2016, Memorial also was labeled a “foreign agent.” Additionally, the law restricting public assembly has been used against Jehovah’s Witnesses and other individuals who publicly demonstrate their faith, including a Baptist who was fined in January 2016.

### Official Attitudes toward Other “Traditional” Religious Minorities

In January 2017, the rabbi of the Russian resort city of Sochi, Arya Edelkopf, an American citizen, suddenly was ordered deported, along with his wife. Although the decision of the security services only referenced a vague “threat to national security,” Edelkopf’s lawyer

speculated that his expulsion was connected to a dispute with the mayor’s office over a parcel of land intended for a synagogue.

As it has for many years, the Russian government continues to deny a visa to the Dalai Lama, apparently out of deference to the government

of China, ignoring longstanding requests from Russia’s Buddhist communities. In the Urals, an unofficial Buddhist temple built on land owned by a mining company is set for demolition in March 2017.

### Restrictions on Religious Activity in Occupied Crimea

In 2016, the Russian occupation authorities formalized their policies of harassment, intimidation, and small-scale terror targeting religious groups in Crimea suspected of disloyalty to the Russian state, chief among them Crimean Tatars and other Muslims. Although

Russian repression of the Crimean Tatars is mainly motivated by political concerns, it also disrupts Crimean Tatar religious activities and institutions. In April 2016, the Russian administration in Crimea officially banned as extremist the chief political body of the Crimean Tatars, the Mejlis, a decision the Russian Supreme Court upheld in September 2016. As a result, the two leaders of the Mejlis, Rafat Chubarov and Mustafa Dzhemilev, can no longer enter Crimea, and the Mejlis is cut off from the office of Religious Administration of Muslims in Crimea (DUMK), also known as the Crimean Muftiate. Russian authorities in Crimea also forced the Muftiate to suspend most of its social work as well as its youth activities and organizations, according to Krym.Realii, the Crimean service of RFE/RL. In February 2017, the Mufti of Crimea, Emirali Ablaev, whom the exiled Crimean Tatar leadership has condemned as a collaborator with the occupying powers, sought to justify Russian authorities' arrests of Tatars as a necessary part of the struggle against extremism. The exiled Mejlis leaders consider the DUMK to be illegitimate and have elected a new Muftiate-in-exile.

In May 2016, Ervin Ibragimov, a representative of the banned Mejlis, was reported kidnapped; according to the Crimean Human Rights Group, this was the sixth politically motivated disappearance of a Crimean Tatar since the Russian occupation began. Ilmi Umerov, a former senior leader of the Mejlis, was arrested in May 2016 on charges of separatism and held for five months, partly in a psychiatric hospital, a Soviet-era tactic. His colleague Akhtem Chiigoz, arrested in January 2015, remains in prison, awaiting trial along with two others for protesting the Russian occupation.

The Russian authorities also continued their campaign against alleged Crimean adherents of Hizb ut-Tahrir, which is banned in Russia but not in Ukraine. Nineteen alleged adherents are currently held, of whom fifteen were arrested in the course of 2016, some after returning from the hajj to Mecca. The four arrested in 2015—Ferat Saifullaev, Rustem Vaitov, Nuri Primov, and Ruslan Zeitullaev—were sent to a court in mainland Russia and sentenced in Septem-

ber 2016 to terms of between five and seven years. Detained Hizb ut-Tahrir members, including Crimean Tatar human rights activist Emir-Usein Kuku, are regularly sent to forced “psychiatric treatment” as part of the investigative process.

Searching for religious texts that are legal in Ukraine but not in Russia, Russian security forces in 2016 conducted periodic raids on private homes, mosques, and public markets. At least 160 Crimean Tatars and other Muslims were held for questioning and fingerprinting. Moreover, administrative pressure has been brought to bear on other religious groups: in January 2016, the Kyiv Patriarchate of the Ukrainian Orthodox Church was deprived of its last prayer space in Simferopol, the capital of Crimea, and a Pentecostal church was shut down in Bakhchisaray in December 2016. In December 2016, the UN General Assembly passed a resolution recognizing the

*[B]asic human rights, including freedom of religious belief, are under intense pressure in these territories.*

Russian Federation as an “occupying Power” in Crimea and condemning “serious violations and abuses” in the occupied areas, including restrictions on freedom of religion or belief.

In January 2017, Emil Kurbedinov, a prominent Crimean Tatar human rights lawyer representing Ilmi Umerov and several of the accused members of Hizb ut-Tahrir, was sentenced to 10 days in jail for possessing extremist materials after he was stopped and his home and offices were searched by Center E agents; the client whom he was traveling to visit was also jailed for 12 days. In February 2017, the authorities jailed for 11 days activist Marlen Mustafaev, who was accused of using a Hizb ut-Tahrir symbol in a two-year-old social media post; 10 fellow Muslims who came to film the raid on his home were jailed for five days.

### Decline in Registration of Crimean Religious Groups

Russia required all religious groups in occupied Crimea to re-register under Russia's more stringent requirements by January 1, 2016. According to the Office of the UN High Commissioner for Human Rights (OHCHR), of the over 1,300 religious communities that had legal

status under Ukrainian law, only 365 were re-registered. Re-registered groups include the MPROC, the pro-Russian Muftiate, various Protestant churches, Roman Catholics, various Jewish affiliations, Karaites, Jehovah's Witnesses, and Hare Krishnas. According to Forum 18, the Greek Catholic Church was not registered, nor were any Armenian Apostolic parishes. The Kyiv Patriarchate Ukrainian Orthodox Church did not seek registration, considering it to be subjection to the rules of the Russian occupation authorities. Other Crimean religious groups, such as nine Catholic parishes and Yalta's Augsburg Lutheran Church, had to change institutional affiliations or alter their charters to re-register. Other groups denied re-registration include St. Peter's Lutheran Church in Krasnoperekopsk, the Seventh-day Adventist Reformed Church in Yevpatoriya, and the Tavrida Muftiate, the smaller of the two Crimean Muftiates.

### Russia's Separatist Enclaves in the Donbas

The Russian-occupied separatist para-states of the "Lugansk People's Republic" (LNR) and "Donetsk People's Republic" (DNR) in eastern Ukraine remain heavily militarized war zones policed by parallel "Ministries of State Security," named after an earlier version of the notorious Soviet KGB. As such, basic human rights, including freedom of religious belief, are under intense pressure in these territories. In recent years, clergy and adherents to Protestant denominations, the Greek Catholic Church, the Kyiv Patriarchate of the Ukrainian Orthodox Church, and smaller Christian groups have been subject to arrest, torture, and murder. Churches were seized or destroyed, and parishioners were intimidated. In January 2016, DNR security officials arrested a Donetsk University professor of history and religious studies, Igor Kozlovskii, ostensibly on suspicion of connections to religious radicals. Kozlovskii, who was charged with possessing explosives in February 2017, remained in prison at the end of the reporting period. Independent reporting from within the DNR and LNR is limited, but according to the Religious Information Service of Ukraine, a Seventh-day Adventist church in Donetsk in Horlivka was seized in November 2016, while OHCHR reported that Jehovah's Witnesses had been threatened and detained in different parts of the DNR, some for several weeks. DNR and LNR authorities remain deeply suspicious toward religious groups other

than the MPROC. In March 2016, the self-proclaimed leader of the LNR, Igor Plotnitskii, publicly ordered the security services to carefully surveil all "sects," while 500 state-sponsored youth activists turned out in the DNR in January 2016 to protest against the Greek Catholic Church, which they denounced for being an alleged tool of "Western intrigue." In December 2016, OHCHR reported that the LNR Ministry of State Security had denounced the Baptist community as a "non-traditional religious organization" engaged in "destructive activity."

### U.S. POLICY

U.S.-Russian relations began to worsen in September 2011, when then Prime Minister Vladimir Putin said he would again run for president in March 2012. In October 2012, the Kremlin expelled the U.S. Agency for International Development.

In December 2012, the U.S. Congress passed—and then President Barack Obama signed—the Magnitsky Act sanctioning Russian officials responsible for gross human rights violations, including the 2009 death of lawyer Sergei Magnitsky in a Moscow prison. In response, the Russian government denied U.S. citizens the opportunity to adopt Russian children, issued a list of U.S. officials prohibited from entering Russia, and posthumously convicted Magnitsky. As of January 2017, the U.S. government had named 44 Russian officials subject to U.S. visa bans and asset freezes under the Magnitsky Act. There is also an unpublished list of sanctioned officials, reportedly including Kadyrov, as recommended by USCIRF.

The Russian annexation of Crimea in March 2014, followed by the invasion of the Donbas region of eastern Ukraine later that year, led to a rapid deterioration in Russia's international relations, including with the United States. The United States suspended its role in the U.S.-Russia Bilateral Commission and has issued numerous sanctions against Russian businesses, state entities, and individuals. In December 2016, the United States imposed additional sanctions on Russia over its actions in Ukraine.

Russia's decision to join the war in Syria in September 2015 on behalf of President Bashar al-Assad, himself considered by USCIRF to be a severe violator of religious freedoms, further worsened relations with the United States.

# SAUDI ARABIA

## TIER 1 | USCIRF-RECOMMENDED COUNTRIES OF PARTICULAR CONCERN (CPC)

### KEY FINDINGS

During the past year, in line with the Saudi government's Vision 2030 efforts to economically and culturally transform the country, religious freedom conditions in Saudi Arabia improved in certain areas, including a significant decrease in power of the Commission for the Promotion of Virtue and Prevention of Vice (CPVPV), a continued government commitment to textbook and curricula reform, and increased efforts to counter extremist ideology at home and abroad. Nevertheless, the government continues to privilege its own interpretation of Sunni Islam over all other interpretations and prohibits any non-Muslim public places of worship in the country. Saudi courts continue to prosecute and imprison individuals for dissent, apostasy, and blasphemy, and a law classifying blasphemy and the promotion of atheism as terrorism has been used to target human rights defenders, among others. While there were improved conditions

for public worship among Shi'a Muslims in the Eastern Province, the community continued to face discrimination based on its religious affiliation, and authorities sporadically interrogate, arrest, and imprison dissident Shi'a clerics and activists. Despite progress in some areas, the government continues to restrict a broad range of human rights, especially women's participation in society, including through the legal guardianship system. Based on continuing severe violations of religious freedom, USCIRF again finds in 2017 that Saudi Arabia merits designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). Although the State Department has designated Saudi Arabia as a CPC repeatedly since 2004, most recently in October 2016, an indefinite waiver has been in place since 2006 on taking an otherwise legislatively mandated action as a result of the CPC designation.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Continue to designate Saudi Arabia as a CPC under IRFA;
- Fully engage the Saudi government to take concrete action toward 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; and consider, over the course of a year, whether issuing an indefinite waiver furthers the purposes of IRFA;
- Consider inaugurating a new U.S.-Saudi bilateral strategic dialogue, which would include human rights and religious freedom among the areas of discussion;
- At the highest levels, press for and work to secure the 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;
- Undertake and make public an annual assessment of the relevant Ministry of Education religious textbooks to determine if passages that teach religious intolerance have been removed;
- Press the Saudi government to denounce publicly the continued use around the world of older versions of Saudi textbooks and other materials that promote hatred and intolerance, and to make every attempt to retrieve, or buy back, previously distributed materials that contain intolerance;
- Encourage the Saudi government to respect the diverse interpretations and practices of Islam, especially in its propagation of the faith abroad;
- Press the Saudi government to continue to address incitement to violence and discrimination against disfavored Muslims and non-Muslims, including by prosecuting government-funded clerics who incite violence against Muslim minority communities or members of non-Muslim religious minority communities;
- Press the Saudi government to pass and fully implement an antidiscrimination law protecting the equal rights of all Saudi citizens and expatriate residents;
- Press the Saudi government to remove the classification of advocating atheism and blasphemy as terrorist acts in its 2014 counterterrorism law;
- Include Saudi religious leaders, in addition to government officials, educators, and judges, in mutual exchanges and U.S. visitor programs that promote cultural exchange, religious tolerance, and interfaith dialogue; and
- Encourage the Saudi government to take further steps toward phasing out the guardianship system, in line with its acceptance of relevant recommendations from the 2009 and 2013 Universal Periodic Review (UPR) at the UN Human Rights Council; and
- Work with the Saudi government to codify the right of non-Muslims to private religious practice, and permit foreign clergy to enter the country openly to carry out worship services and to bring religious materials for such services.



## BACKGROUND

Saudi Arabia is officially an Islamic state whose legal system is based primarily on the Hanbali school of Sunni Islamic jurisprudence. The Saudi Arabian constitution comprises the Qur'an and the Sunna (traditions of the Prophet). The population is approximately 30 million, including nearly 10 million expatriate workers of various faiths. Among these expatriate workers, there are at least two million non-Muslims, including Buddhists, Christians, practitioners of folk religions, and the religiously unaffiliated. Approximately 85–90 percent of citizens are Sunni Muslim and 10–15 percent are Shi'a Muslim, including Ismailis, Zaydis, and others.

In April 2016, the Saudi government rolled out Vision 2030 and the National Transformation Program 2020, ambitious economic reform plans that seek to reduce the country's dependence on oil revenues. The Ministry of Islamic Affairs is responsible to ensure that Vision 2030 is compliant with Shari'ah law. If fully implemented, these plans to diversify the Saudi economy include goals that could lead to greater respect for human rights and religious freedom in the Kingdom.

Nevertheless, the government persists in restricting most forms of public religious expression inconsistent with its particular interpretation of Sunni Islam. Saudi officials base these restrictions on their interpretation of *hadith* (sayings of the Prophet Muhammad), stating that such a stance is what is expected of them as the country that hosts the two holiest mosques in Islam, in Mecca and Medina. Such policies violate the rights of other Sunni Muslims who follow varying schools of thought, Shi'a Muslims, and both Muslim and non-Muslim expatriate workers. The government still has not codified the protection of private religious practice for non-Muslim

expatriate workers in the country, which would foster a greater sense of security. Furthermore, the Saudi legal system limits the religious freedom and human rights of women, whose public and private lives are shaped by the imposition of official religious interpretations.

In February 2017, a USCIRF delegation travelled to Saudi Arabia to assess religious freedom conditions and met with a range of Saudi government officials as well as the government-appointed Human Rights Commission, the King Abdullah Center for National Dialogue, the Tatweer Company for Educational Services, the Muslim World League, the Organization of Islamic Cooperation, the International Islamic Relief Organization, U.S. Embassy and consular staff, and members of civil society, including religious leaders, women's rights activists, lawyers, journalists, and human rights defenders.

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*USCIRF has recognized some improvements in recent years, most notably the decrease in the public presence of the Commission for the Promotion of Virtue and Prevention of Vice.*

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## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Positive Developments

USCIRF has recognized some improvements in recent years, most notably the decrease in the public presence of the Commission for the Promotion of Virtue and Prevention of Vice (CPVPV). This body, colloquially known

as the religious police, officially enforces public morality and restricts disfavored public religious manifestations and practice by both Saudis and non-Saudis. In April 2016, a royal decree prohibited the CPVPV from questioning, arresting, or requesting identification from individuals. This decree also required CPVPV members to show identification while on duty, and specified educational, religious, and legal prerequisites for membership. As a result, both non-Muslim expatriate workers and Shi'a communities report less harassment in public. USCIRF continues to call for the full dissolution of the CPVPV.

Saudi Arabia has also taken additional steps to counter violent extremism in the Kingdom. After a surge of terrorist attacks in 2015, including against Shi'a worshippers, the number of attacks dropped significantly in 2016, reflecting a rigorous government campaign against domestic terrorism. During the past year, the government worked to challenge the religious and ideological messages of terrorist groups through the newly formed Ideological Warfare Center and Digital Extremism Observatory. The center's stated goal is to confront extremist ideologies and promote a moderate, welcoming understanding of Islam. The observatory focuses on monitoring the online presence of terrorist groups, especially on social media. In addition, the Saudi government continued to dismiss clerics and teachers who espouse intolerant or extremist views, although some preachers continue to use intolerant rhetoric about non-Sunni Muslims in Friday sermons. The Saudi government claims to have retrained over 20,000 imams.

Other positive developments include additional revisions to remove intolerant passages from textbooks and curricula (see section below on Improvements in Saudi Textbooks) and initiatives promoting women's participation in the economic, legal, and political spheres. Saudi officials also confirmed that in 2016 the judiciary had completed the first stage of codifying the penal code and is working to ensure it is consistent with international human rights standards. In addition, in recent years the Saudi government has promoted a culture of dialogue and understanding, both inside the Kingdom through the work of the King Abdulaziz Center for National Dialogue and in international fora through the Vienna-based King Abdullah bin Abdulaziz Center for Interreligious and Intercultural Dialogue.

## Restrictions and Attacks on Shi'a Muslims

Arrests and detentions of Shi'a Muslim dissidents continued, despite government assertions that Shi'a Muslims are not targeted because of their religion or belief. Officials also claim Shi'a Muslims do not encounter religious discrimination, despite credible allegations to the contrary.

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For many years, the government has detained and imprisoned Shi'a Muslims for participating in demonstrations or publicly calling for reform, holding small religious gatherings in private homes without permits, organizing religious events or celebrating religious holidays in certain parts of the country, and reading religious materials in private homes or *husseiniyas* (prayer halls). Saudi officials often cite as pretext for these restrictions security concerns related to alleged ties to Iran and, this year, intermittent attacks by Shi'a youth on security officials. However, community representatives assert that very few Shi'a Muslims in Saudi Arabia are sympathetic to Iran. While conditions for public religious expression have improved in Qatif (which is predominantly Shi'a) and Najran (which is predominantly Ismaili), Shi'a religious expression in mixed areas and any Shi'a gatherings perceived to have political aims continue to face severe challenges. The Shi'a community also experiences discrimination in education, employment, the military, political representation, and the judiciary.

In recent years, Shi'a dissidents and reformers have received lengthy prison terms or death sentences for their activities. One Shi'a cleric, a vocal and inflammatory critic of the government, Sheikh Nimr al-Nimr, was executed in January 2016 after being convicted by a Specialized Criminal Court of "inciting sectarian strife," disobeying the government, and supporting rioting that resulted in the death of two policemen. Following the execution of al-Nimr and the July 2016 arrest of his associate, Sheikh Mohammed Hasan al-Habib, for

“creating dissent,” most Shi’a activists have retreated from civil society activities, including demonstrations and protests.

The number of attacks targeting Shi’a places of worship in the Eastern Province decreased significantly when compared to the previous year. In January 2016, a suicide bombing and gun attack on a Shi’a mosque in al-Ahsa resulted in four deaths and at least 18 injured, while in July 2016 two bombers targeted a Shi’a mosque in al-Qatif. In both cases, Saudi officials and religious leaders condemned the attacks, calling for national unity without emphasizing the uniquely sectarian nature of attacks in majority-Shi’a Muslim areas. During the reporting period, hundreds of individuals were arrested in connection to the various attacks. According to official Saudi estimates, more than 2,800 people were arrested on terrorism charges between early 2015 and July 2016. Human rights groups inside and outside the Kingdom have suggested Saudi government rhetoric is not sufficient to prevent future attacks and that reform to existing policies is needed.

### Non-Muslim Expatriate Workers

Although the Saudi government bans the public practice of non-Muslim faiths, the government has stated repeatedly that non-Muslims may practice their religion privately without harassment. This policy has not been codified, and government officials show little interest in pursuing codification. In recent years, members of the CPVPV have raided private non-Muslim religious gatherings and arrested and/or deported participants, especially when the gatherings were loud or involved large numbers of people or symbols visible from outside the building. However, there were fewer raids in 2016 than in recent years. Nevertheless, non-Muslims seeking to practice their religion privately operate in a climate of fear, especially outside of compounds populated largely by foreign workers. During its visit in February 2017, USCIRF found that many non-Muslim religious communities restrict their services and other activities in order to avoid undue notice by their neighbors or authorities.

### Apostasy, Blasphemy, and Sorcery Charges

The Saudi government continues to use criminal charges of apostasy and blasphemy to suppress debate

and silence dissidents. Promoters of political and human rights reforms and members of marginalized expatriate communities typically have been the targets of such charges.

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Saudi blogger Raif Badawi remained in prison during the reporting period. In June 2015, the Saudi Supreme Court upheld his sentence of 10 years in prison, 1,000 lashes, and a fine of one million Saudi riyal (SR) (\$266,000 USD) for, among other charges, insulting Islam and religious authorities. The sentence called for Badawi to be lashed 50 times a week for 20 consecutive weeks. Immediately after the first set of 50 lashes was carried out in January 2016, numerous human rights groups and several governmental entities, including USCIRF, condemned the implementation of the sentence. Badawi has not received additional floggings, due in part to international outrage and in part to a medical doctor’s finding that he could not physically endure more lashings, although according to Badawi’s family the lashings could resume at any time.

Also still imprisoned was Saudi poet and artist Ashraf Fayadh, who in November 2015 was sentenced to death for apostasy for allegedly questioning religion and spreading atheist thought in his poetry. In February 2016, an appeals court quashed the death sentence and issued a new verdict of eight years in prison and 800 lashes to be administered on 16 occasions; at the end of the reporting period, the lashes had not been administered. According to his lawyer, Fayadh also must renounce his poetry in Saudi state media.

In January 2017, an unnamed Yemeni man living in Saudi Arabia reportedly was charged with apostasy and sentenced to 21 years in prison for insulting Islam on his Facebook page. He was spared the death penalty after renouncing his views in court. The same month, Indian migrant worker Shankar Ponnamm reportedly was sentenced to four months in prison and a fine of 5,000 SR (USD \$1,333) for offending Islamic sentiments by sharing

a picture on Facebook of the Hindu god Shiva sitting atop the Kaaba; he had been arrested in November 2016.

Arrests and prosecutions for witchcraft and sorcery—a crime punishable by death—continued during the reporting period, often within the context of disputes over custody or labor relations. The CPVPV has special units throughout the country to combat sorcery and witchcraft.

### 2014 Law Classifies Blasphemy, Advocating Atheism as Acts of Terrorism

Saudi Arabia's 2014 counterterrorism law, the Penal Law for Crimes of Terrorism and its Financing, and a series of subsequent royal decrees create a legal framework that criminalizes as terrorism virtually all forms of peaceful dissent and free expression, including criticizing the government's interpretation of Islam or advocating atheism. Under the law, which went into effect in 2014, a conviction could result in a prison term ranging from three to 20 years. According to the law, terrorism includes "calling for atheist thought in any form, or calling into question the fundamentals of the Islamic religion on which this country is based." Since the law went into effect, some human rights defenders and reformers have been charged and convicted for such offenses. Terrorism-related crimes are tried in the Specialized Criminal Court, a non-Shari'ah body created in 2008.

In July 2014, Waleed Abu al-Khair, legal counsel to blogger Raif Badawi, became the first human rights defender to be sentenced under the antiterrorism law, receiving 15 years in jail on various spurious charges related to his advocacy. In January 2015, his sentence was upheld. In March 2016, journalist Alaa Brinji was convicted under the antiterrorism law of "insulting the rulers" and "ridiculing Islamic religious figures," based in large part on his tweets in support of women's rights and prisoners of conscience. In July 2016, his sentence was extended from five years in prison to seven.

### Improvements in Saudi Textbooks, Yet Continued Concern about Intolerant Materials Abroad

For more than 15 years, the Saudi government has been addressing intolerant content in official school textbooks. In February 2017, Saudi officials stated that the final stage of revisions to high school text-

books was underway, with revisions to grade 11 and 12 texts yet to be completed. During its visit, USCIRF obtained some textbooks currently in use and found some intolerant content remained in high school texts, though at a much-reduced level. Remaining intolerant content includes derogatory language about non-Sunni Muslims, approval of jihad as "fighting" to spread one's religion, and characterization of Jews as "monkeys." Over the years, USCIRF has found that the Saudi government has made slow but steady progress in revisions to lower-grade textbooks in particular, with each subsequent edition appearing to include fewer intolerant passages than previous ones. Despite progress on textbooks, some interlocutors expressed concern that teachers may continue to teach intolerance. During the past year, the Ministry of Education continued to promote teacher training, including through a new program launched in May 2016 that supports Saudi teachers' professional development. Through this program, some 1,000 teachers have gone to Europe and North America to learn through classroom immersion. Domestically, the King Abdullah Center for National Dialogue continued to train Islamic Studies teachers. Furthermore, according to Saudi officials, teachers who do not follow the newly developed curricula are dismissed.

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In recent years, a Saudi royal decree banned financing outside Saudi Arabia of religious schools, mosques, hate literature, and other activities that support religious intolerance and violence toward non-Muslims and nonconforming Muslims. In September 2016, the government also put into place new strictures on travel for *da'wa*, or proselytizing, bringing the foreign travel and preaching of clerics more firmly under the control of the Ministries of Islamic Affairs and Interior. Nevertheless, some literature, older versions of textbooks, and other intolerant



materials reportedly remain in distribution in some countries despite the Saudi government's policy of attempting to retrieve previously distributed materials that teach hatred toward other religions and, in some cases, promote violence. For example, some of the older books justified violence against apostates, sorcerers, and homosexuals, and labeled Jews and Christians "enemies of the believers"; another high school textbook presented the "Protocols of the Elders of Zion"—a notorious forgery designed to promote hostility toward Jews—as an authentic document. Concerns also remain about privately funded satellite television stations in the Kingdom that continue to espouse sectarian hatred and intolerance.

### Women's Rights and Religious Freedom

The Saudi government's adoption of a legal system that combines local tribal customs with 18th century Islamic jurisprudence adversely affects the human rights of women in Saudi Arabia, including their freedoms of speech, movement, association, and religion. Women's rights are constrained in particular by the legal guardianship system applied regardless of religious affiliation, which is based on the government's interpretation of a Qur'anic verse describing men as "protectors and maintainers of women." Under the system, Saudi women must have permission from a male guardian to obtain a passport, marry, or travel abroad, as well as sometimes to access healthcare. The Saudi government agreed in 2009 and 2013 after its United Nations Universal Period Reviews to phase out the widespread system, but has taken only preliminary steps toward doing so. In 2013, however, Saudi female attorneys were permitted to practice law for the first time, increasing women's ability to advocate their rights. In July 2016, the Shura Council and Ministry of Justice announced preparation of new legislation that would codify personal status laws, a project supported by many first-generation female Saudi attorneys.

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Personal status law is governed by courts implementing the dominant Hanbali school of Islamic jurisprudence or, for Shi'a Muslims, Ja'fari jurisprudence. However, Shi'a courts are geographically limited to the Qatif and Ahsa governorates. Saudi courts' interpretation of Shari'ah law results in rulings that women are legal minors and their testimony is worth half of men's, that men may divorce their wives without cause or cost, and that child marriage still is permitted. In 2013, the Saudi government criminalized domestic violence, but women can still legally be convicted and sentenced by a court on charges of "disobedience."

Saudi officials describe the guardianship system as primarily cultural—rather than religious or legal—in nature, and maintain that guardians who abuse their authority may have their rights revoked by a judge.

However, judges, who are trained in Islamic jurisprudence and issue rulings in state-sponsored Shari'ah courts, continue to enforce rulings supporting the system, including in the face of alleged abuse, and the financial, logistical, and personal barriers to women seeking redress are considerable. Nevertheless, an increasing number of lawyers are making information publicly available to assist women to better understand and advocate their rights.

### U.S. POLICY

Despite a series of challenges in recent years, U.S.-Saudi relations remain close. Between 2010 and 2016, the Obama Administration notified Congress of more than \$115 billion in proposed arms sales to the Kingdom. In December 2016, the United States announced new limitations on military support for the Saudi-led campaign in Yemen; despite this, U.S. intelligence sharing, arms sales, and refueling of coalition aircraft continue. Since 2014, Saudi forces also have participated in some coalition strikes on the Islamic State of Iraq and Syria (ISIS) targets in Syria. For years, the U.S. government's reliance on the Saudi government for cooperation on counterterrorism, regional security, and energy supplies

has limited its willingness to press the Saudi government to improve its poor human rights and religious freedom record. This trend continued in the last months of the Obama Administration, during which the president briefly addressed the Saudi human rights record in an April 2016 closed-door session with King Salman. In September 2016, a challenge to the relationship emerged with the passage of the Justice Against Sponsors of Terrorism Act, which allows the families of 9/11 victims to sue the attackers' countries of origin.

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Nevertheless, Saudi officials have stated that they are optimistic about U.S.-Saudi relations under the new Trump Administration. During his January 2017 confirmation hearing, Secretary of State Rex Tillerson questioned whether designating Saudi Arabia a human rights violator would be an effective method of promoting change. In early 2017, Trump Administration officials had several interactions with their Saudi counterparts, including a conversation between President Donald J. Trump and King Salman that reportedly focused on strengthening economic, security, and military ties but did not include human rights or religious freedom concerns.

According to the State Department's most recent report on international religious freedom in Saudi Arabia, U.S. policy seeks to press the Saudi government "to respect religious freedom, eliminate discriminatory enforcement of laws against religious minorities, and promote respect and tolerance for minority religious practices and beliefs." The U.S. government continues to include Saudi officials in exchange and U.S. visitor programs that promote religious tolerance and interfaith dialogue. In 2016, Saudi officials stated that there were more than 61,000 Saudi students in the United States

as part of a Saudi government scholarship program, despite recent tightening of eligibility requirements in response to Saudi budget shortfalls.

In September 2004, consistent with USCIRF's recommendation, the State Department designated Saudi Arabia as a CPC for the first time. In 2005, a temporary waiver was put in place, in lieu of otherwise legislatively mandated action as a result of the CPC designation, to allow for continued diplomatic discussions between the U.S. and Saudi governments and "to further the purposes of IRFA." In July 2006, the waiver was left in place indefinitely when the State Department announced that ongoing bilateral discussions with Saudi Arabia had enabled the U.S. government to identify and confirm a number of policies the Saudi government "is pursuing and will continue to pursue for the purpose of promoting greater freedom for religious practice and increased tolerance for religious groups." In reviewing implementation of these policies 10 years since that announcement, USCIRF found that progress had been achieved in several areas, but that other areas require significant work. Some of the measures Saudi Arabia confirmed as state policies but has not yet completed include the following:

- Halt the dissemination of intolerant literature and extremist ideology within Saudi Arabia and around the world.
- Revise and update textbooks to remove remaining intolerant references that disparage Muslims or non-Muslims or that promote hatred toward other religions or religious groups, a process the Saudi government expected to complete by July 2008.
- Guarantee and protect the right to private worship for all, including non-Muslims who gather in homes for religious practice, and the right to possess and use personal religious materials.
- Bring the Kingdom's rules and regulations into compliance with international human rights standards.

The State Department re-designated Saudi Arabia as a CPC in February and October 2016 but kept in place a waiver of any sanctions citing the "important national interest of the United States," pursuant to section 407 of IRFA.

### Additional Statement of Vice Chair James J. Zogby

While I agree that Saudi Arabia should remain a CPC and with the recommendations at the end of this chapter, I am pleased that we toned down our call to remove the waiver—a provision I believe we were wrong to introduce two years ago.

There are significant changes underway in Saudi Arabia that we should be encouraging and we can best do this by remaining open to engagement with Saudi officials.

During our recent visit to the country, I was struck by the far-reaching changes that are occurring there. For example, the entire educational curriculum is being revamped emphasizing: problem-solving over learning by rote; changes in how math, science and technology are taught; mandated inclusion for children with disabilities; and a sense of civic responsibility. The fact that 200,000 Saudi youth are now studying abroad will inevitably have a profound impact on the future of change in Saudi Arabia.

From discussions with Saudi officials, dissidents, and individuals engaged in civil society, we heard questions being asked with a frequency and urgency not heard before. For example, it is of enormous consequence when religious leaders and officials say that they are struggling with separating out what is custom from what is religion. This is a discussion that should be encouraged, but we can only be partners in this process if we remain open to constructive engagement. This year's report makes it clear that we are.

### KEY FINDINGS

Religious freedom conditions in Sudan continued to deteriorate in 2016. Government officials arrested and prosecuted Christian leaders and marginalized the Christian community. The government of Sudan, led by President Omar Hassan al-Bashir, imposes a restrictive interpretation of Shari'ah and applies corresponding *hudood* punishments on Muslims and non-Muslims alike. In

2017, USCIRF again finds that Sudan merits designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA) for engaging in systematic, ongoing, and egregious violations of freedom of religion or belief. The State Department has designated Sudan as a CPC since 1999, most recently in October 2016.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Continue to designate Sudan as a CPC under IRFA;
- Seek to enter into an agreement with the government of Sudan, which would set forth commitments the government would undertake to address policies leading to violations of religious freedom, including but not limited to the following:
  - Repeal the apostasy and blasphemy laws;
  - Ensure that a new constitution maintains all of the provisions respecting the country's international human rights commitments and guaranteeing freedom of religion or belief currently in the interim constitution;
  - Lift government prohibitions on church construction, issue permits for the building of new churches, and create a legal mechanism to provide compensation for destroyed churches and address future destructions if necessary;
  - Revive and strengthen the Commission on the Rights of Non-Muslims to ensure and advocate religious freedom protections for non-Muslims in Sudan;
  - Repeal or revise all articles in the 1991 Criminal Code that violate Sudan's international commitments to freedom of religion or belief and related human rights; and
- Hold accountable any person who engages in violations of freedom of religion or belief, including attacking houses of worship, attacking or discriminating against any person because of his or her religious affiliation, and prohibiting any person from fully exercising his or her religious freedom.
- Convey that the normalization of relations with Sudan and any lifting of U.S. sanctions must be preceded by demonstrated, concrete progress by Khartoum in implementing peace agreements, ending abuses of religious freedom and related human rights, and cooperating with efforts to protect civilians;
- Press for at the highest levels and work to secure the release of prisoners of conscience, and press the government of Sudan to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, and lawyers and the ability to practice their faith;
- Use targeted tools against specific officials and agencies identified as having participated in or being responsible for human rights abuses, including particularly severe violations of religious freedom; these tools include the "specially designated nationals" list maintained by the Treasury Department's Office of Foreign Assets Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act;
- Maintain the position of the U.S. Special Envoy to Sudan and South Sudan and ensure that religious freedom is a priority in that office;
- Work to ensure that Sudan's future constitution includes protections for freedom of religion or belief, respect for international commitments to human rights, and recognition of Sudan as a multireligious, multiethnic, and multicultural nation;
- Continue to support dialogue efforts with civil society and faith-based leaders and representatives of all relevant political parties; educate relevant parties to the national dialogue about international human rights standards, including freedom of religion or belief; and work with opposition parties and civil society to resolve internal disputes related to freedom of religion or belief; and
- Urge the government in Khartoum to cooperate fully with international mechanisms on human rights issues, including by inviting further visits by the UN Special Rapporteur on freedom of religion or belief, the Independent Expert on the situation of human rights in Sudan, and the UN Working Group on Arbitrary Detention.

## BACKGROUND

More than 97 percent of the Sudanese population is Muslim. The vast majority of Sudanese Muslims belong to different Sufi orders, although Shi'a and Sunni Muslims who follow the Salafi movement are also present. Christians are estimated at 3 percent of the population and include Coptic, Greek, Ethiopian, and Eritrean Orthodox; Roman Catholics; Anglicans; Presbyterians; Seventh-day Adventists; Jehovah's Witnesses; and several Pentecostal and Evangelical communities.

Sudan's overall human rights record is poor. President al-Bashir and his National Congress Party (NCP) have ruled with absolute authority for more than 25 years. Freedoms of expression, association, and assembly are limited, with routine crackdowns and arrests of journalists, human rights advocates, and demonstrators. The armed conflicts in Darfur, South Kordofan, and Blue Nile states continued. All parties to these conflicts are responsible for mass displacement, civilian deaths, and other human rights abuses. In areas of conflict, government forces deliberately bombed civilian areas and restricted humanitarian access to civilians. In 2009 and 2010, the International Criminal Court issued arrest warrants for President al-Bashir, accusing him of genocide, war crimes, and crimes against humanity in Darfur. In 2016, the Sudanese government and the different armed groups agreed to engage in the National Dialogue to address the root causes of the conflicts in the country.

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The Interim National Constitution includes religious freedom protections and acknowledges Sudan's international human rights commitments. Article 1 recognizes Sudan as a multireligious country; article 6 articulates a series of religious freedom rights, including to worship, assemble, establish and maintain places of worship, establish and maintain charitable organizations, teach religion, train and elect religious leaders, observe religious holidays, and communicate with coreligionists; and article 31 prohibits discrimination based on religion. However, article 5 provides that "Islamic sharia and the consensus of the people" shall be the "leading sources" of legislation, thereby restrict-

ing freedom of religion or belief. In 2011, President al-Bashir stated publicly that Sudan should adopt a constitution to enshrine Islamic law as the main source of legislation.

Religious freedom also is restricted through the implementation of the 1991 Criminal Code, the 1991 Personal Status Law of Muslims, and state-level "public order" laws. The 1991 Criminal Code imposes the NCP's interpretation of Shari'ah law on Muslims and non-Muslims by permitting death sentences for apostasy (article 126); death or lashing for adultery (article 146-147); cross-amputations for theft (article 171-173); prison sentences, lashings, or fines for blasphemy (article 125); lashings for undefined "offences of honor, reputation and public morality," including undefined "indecent or immoral acts" (article 151-152); and lashings and/or

prison sentences for purchasing, possessing, selling, or propagating alcohol (article 78-79). Article 125 of the Criminal Code criminalizes blasphemy, which is defined broadly to include public criticism of the Prophet Muhammed, his household, his friends or Abu Bakr, Omer, Osman, or Ali in particular, and his wife Aisha. Prohibitions and related punishments for “immorality” and “indecentcy” and alcohol are implemented through state-level Public Order laws and enforcement mechanisms; violations carry a maximum penalty of up to 40 lashes, a fine, or both.

Government policies and societal pressure promote conversion to Islam. The government is alleged to tolerate the use of humanitarian assistance to induce conversion to Islam; routinely grant permits to construct and operate mosques, often with government funds; and provide Muslims preferential access to government employment and services and favored treatment in court cases against non-Muslims. The Sudanese government prohibits foreign church officials from traveling outside Khartoum and uses school textbooks that negatively stereotype non-Muslims. The Sudanese Minister of Guidance and Religious Endowments announced in 2014 that the government no longer will issue permits for the building of new churches, alleging that the current number of churches is sufficient for the Christians remaining in Sudan after South Sudan’s 2011 secession. While Sudanese labor laws require employers to give Christian employees two hours off prior to 10 a.m. on Sundays for religious purposes, this does not occur in practice. The International Labor Organization reports that Christians are pressured to deny their faith or convert to gain employment.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Persecution of Christians

The Sudanese government continued to arrest, detain, and prosecute Christian leaders during this reporting period. The most serious cases involve Rev. Kuwa Shamal, Rev. Hassan Abduraheem Kodi Taour, Abdulmonem Abdumawla Issa Abdumawla, and Czech national Petr Jašek. Rev. Shamal and Rev. Taour of the Sudan Church of Christ and Abdumawla were detained in December 2015 in connection with the arrest of Jašek, who was doing a documentary on the

government’s religious freedom and human rights violations. Rev. Shamal was released days later, but told to report to National Intelligence Security Services (NISS) offices daily until January 16, 2016. His daily reporting requirements were reinstated in February. On May 9, Rev. Taour was transferred from NISS detention to the custody of the attorney general. NISS rearrested Rev. Shamal on May 24.

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All four men were formally charged on August 11 with seven crimes under the Criminal Code: complicity to execute a criminal agreement (article 21), waging war against the state (article 51), espionage (article 53), calling for opposition of the public authority by violence or criminal code (article 63), exciting hatred between the classes (article 64), propagation of false news (article 65), and entry and photograph of military areas and equipment (article 57). Conviction under articles 51 and 53 each carry the death sentence.

On January 2, 2017, a judge dismissed the charges against Rev. Shamal; he was subsequently released from prison. On January 29, 2017, a judge found Jašek guilty of espionage and sentenced him to life imprisonment. The judge also sentenced Jašek to three and half years’ imprisonment and fined him 100,000 Sudanese pounds (approximately \$15,000) for entering and photographing military areas, inciting hatred between sects, propagating false news, entering the country illegally, and other charges. The judge also convicted Rev. Taour and Abdumawla and sentenced them to 10 years’ imprisonment for espionage and abetting and two years’ imprisonment for inciting hatred between sects and propagating false news, with the sentences to be served consecutively. On February 23, President al-Bashir pardoned Jašek; he was released on February 24 and left Sudan shortly thereafter. Attorneys for Rev. Taour and Abdumawla are appealing their convictions and sentences.

Several other Christian religious leaders and laity were arrested and detained during this reporting period. NISS officials detained Talahon Nigosi Kassa Rata, an activist and member of the Sudan Evangelical Presbyterian Church (SEPC), from December 2015 until May 2016; no reason was given for his arrest. Sudan Church of Christ parishioner Benjamin Brema was arrested on March 14, 2016, and released that same day without charge. On March 21, Pastor Ayoub Tilian and Rev. Yagoub Naway of the Sudan Church of Christ were arrested and also released that same day without charge. All three were ordered to report to NISS offices daily, preventing them from adequately performing their pastoral duties.

Pastor Philemon Hassan of the Baptist Church in Khartoum was arrested in early 2016. Most of the church leaders and lay persons arrested during the first half of

2016 met with Jašek and were questioned by NISS in connection with the cases against Jašek, Rev. Shamal, Rev. Taour, and Abdumawla. Rev. Naway and Pastor Hassan have been added as prosecution witnesses in their trial.

Sudanese authorities continue to target the Khartoum Bahri Evangelical Church, a denomination within the SEPC. In 2013, the Sudanese Ministry of Guidance and Endowments empowered an illegally constituted governing committee to act on behalf of the denomination; in 2015, a Khartoum Administrative Court found this move to be illegal and ordered that the legitimate committee, led by Rafat Obid, be empowered to administrate the denomination. However, the Ministry of Guidance and Endowments in April 2016 refused to acknowledge Obid's committee, instead recognizing a newly elected but unconstitutionally installed committee. Additionally, prior to the improper election, Khartoum Bahri Evangelical Church Pastor Daniel Welia, the legitimate committee secretary, was detained for three days; 16 church leaders and elders also were summoned to the police station for questioning but released on the same day. On May 8, Obid was arrested and charged with

impersonation, forgery, and misappropriation. He was released on bail.

Sudanese authorities seized the Bahri Evangelical Church training school on July 7. That same day, 14 church members were arrested for demonstrating against the seizure. They were released on bail later that day. On July 10, the Khartoum Bahri Criminal Court convicted and fined them for obstructing the public peace and the police and for nuisance.

On October 24, authorities cancelled classes and seized the SEPC-owned Evangelical Basic School in Madani, Jazirah State. Authorities previously raided the school on September 5, October 4, and October 6. On

September 5, Pastor Amir Suleiman and 12 school teachers were arrested and released later without charge. During the raid, police presented a letter from the National Ministry of Guidance and Endowments, addressed to the

State Ministry of Social Welfare, ordering that the school be handed over to the government. During the October 6 attempted seizure, Pastor Suleiman, Rev. Ismail Zakaria, and six others were arrested, detained for four days, and released on bail. On November 14, the Madani Appeal Court for Administrative Affairs reversed the order to cancel classes and seize the Evangelical Basic School.

Finally, during this reporting period, at least 25 churches received notices that their churches would be demolished.

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### Application of Shari'ah Law Provisions

The government continued to apply Shari'ah-based morality provisions of the 1991 Criminal Code and corresponding state-level Public Order laws. The vast majority of women prosecuted under the Public Order regime come from marginalized communities, such as Christians, or from the Darfur or South Kordofan regions or South Sudan. They are held overnight in small, crowded cells in the Public Order Court before receiving summary trials, with no legal representation. As such, their cases are rarely reported in the media. Those convicted are flogged and/or fined up to 1,000–5,000 Sudanese pounds (\$161–\$805).

A USCIRF-contracted project with the African Centre for Justice and Peace Studies (ACJPS) documented that during a three-month period in the summer of 2016, five Public Order Courts in Khartoum and Omdurman averaged at least 50 cases each month. The vast majority of cases concerned violations for selling or buying alcohol (article 79); fewer cases were brought forward for violations of wearing indecent dress (article 152). What constitutes indecent dress is not defined by law, but is left to the discretion of Public Order police and judges. Convictions resulted in lashings and/or fines. Also, on August 1 and 2, two women were convicted under article 145 (adultery) and lashed 100 times each.

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*The government continued to apply Shari'ah-based morality provisions of the 1991 Criminal Code and corresponding state-level Public Order laws.*

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## U.S. POLICY

The United States remains a pivotal international actor in Sudan. The U.S. government continues multilateral and bilateral efforts to bring peace to Southern Kordofan, Blue Nile, and Darfur.

In 1997, then President Bill Clinton utilized the International Emergency Economic Powers Act (IEEPA) to sanction Sudan based on its support for international terrorism, efforts to destabilize neighboring governments, and prevalent human rights and religious freedom violations. These sanctions imposed a trade embargo on the country and a total asset freeze on the government. Since 1997, an arms embargo, travel bans, and asset freezes have been imposed in response to the genocide in Darfur. With the 1999 designation of Sudan as a CPC, the secretary of state has utilized IRFA to require U.S. opposition to any loan or other use of funds from international financial institutions to or for Sudan. In an attempt to prevent sanctions from negatively impacting regions in Sudan under assault by the government, the sanctions have been amended to allow for increased humanitarian activities in Southern Kordofan State, Blue Nile State, Abyei, Darfur, and marginalized

areas in and around Khartoum and the exportation throughout Sudan of communication hardware and software, including computers, smartphones, radios, digital cameras, and related items, as part of a “commitment to promote freedom of expression through access to communications tools.”

On January 13, 2017, then President Barack Obama signed [Executive Order 13761](#) issuing a general waiver to the sanctions to increase trade and investment opportunities. The order also states that if during a six-month period ending July 12, the Sudanese government sustains progress to end conflict in Darfur and Blue Nile and Southern Kordofan states, increases access to humanitarian assistance in those areas, ceases its support for rebel groups in South Sudan, and supports U.S. intelligence efforts, the U.S. government will lift fully the sanctions imposed on Sudan under Executive Orders 13067 and 13412. If the Sudanese government backtracks on this progress, sanctions will be reimposed. Sanctions imposed because of the Sudanese government’s genocide in Darfur will continue, as will a prohibition on the sale of military equipment and asset freezes and travel bans on targeted militia and rebel leaders.

Neither country has had an ambassador in country since the late 1990s, after the U.S. Embassy bombings in East Africa and U.S. airstrikes against al-Qaeda sites in Khartoum. However, successive U.S. administrations have appointed special envoys to Sudan. The most recent U.S. Special Envoy to Sudan and South Sudan is Donald E. Booth.

During the reporting period, U.S. Embassy officials raised with Sudanese officials the cases of Jašek, Rev. Shamal, Rev. Taour, and Abdumawla.

U.S. government assistance programs in Sudan support conflict mitigation efforts, the comprehensive national dialogue to address the root causes of conflicts, advancing human rights and political freedoms, and emergency food aid and relief supplies. The United States remains the world’s largest donor of food assistance to Sudan, providing needed aid, either directly or through third parties, to persons from Darfur, Abyei, Southern Kordofan, and Blue Nile.





### KEY FINDINGS

Religious freedom conditions in Syria continued to deteriorate throughout 2016 as internal conflict worsened and the fight against the Islamic State of Iraq and Syria (ISIS) continued. Syria's religious communities have endured religious freedom violations from various actors, including President Bashar al-Assad's regime, the approximately 100 armed opposition groups, and U.S.-designated terrorist groups such as ISIS and the al-Qaeda-affiliated Jabhat Fateh al-Sham. The deliberate targeting and indiscriminate bombing of Sunni Arab-dominated areas by President al-Assad's regime and its Iranian and Russian allies have heightened tensions between Sunni Arabs and many other communities in Syria, including the Christian, Alawite, Shi'a, and Druze communities. The United Nations (UN) has also found al-Assad guilty of using chemical weapons at least 14 times in rebel-held areas, although the government claimed it had surrendered its stockpile of chemical weapons

in 2014. Meanwhile, the Syrian Democratic Forces (SDF), supported by the U.S.-led anti-ISIS coalition, and the Euphrates Shield, supported by the Turkish government, recaptured the northern Syrian cities of Manbij and Jarablus from ISIS, which continues to rule over its territories with brute force, targeting anyone who does not adopt its ideology. Armed opposition groups' fighters, while not adhering to any unified policy, have engaged in sectarian attacks. Due to the collective actions of the al-Assad regime, elements of the armed opposition, and U.S.-designated terrorist groups, USCIRF again finds in 2017 that Syria merits designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA), as it has found since 2014. In 2017, USCIRF also finds that ISIS merits designation as an "entity of particular concern" (EPC) for religious freedom violations under December 2016 amendments to IRFA.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate Syria as a CPC under IRFA;
- Designate ISIS as an "entity of particular concern" under December 2016 amendments to IRFA;
- Condemn the al-Assad regime's brutal persecution of and crimes of humanity against Sunni Muslims and others, and urge other nations to do the same;
- Urge the UN Security Council and its member states to rigorously implement and comply with ratified resolutions, including UN Security Council resolutions 2118 (calling for the 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 roadmap for peace in Syria);
- Continue to call for an International Criminal Court (ICC) investigation into crimes committed by the al-Assad regime, following the models used in Sudan and Libya;
- Call for or support a referral by the UN Security Council to the ICC to investigate ISIS violations in Iraq and Syria against religious and ethnic minorities;
- Encourage the Global Coalition to Counter ISIS, 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 of the most vulnerable to third countries, and providing longer-term support in host countries for those who hope to return to their homes post-conflict;
- Ensure U.S. government planning for a post-conflict Syria is a "whole-of-government" effort and includes consideration of issues concerning religious freedom and related human rights, and that USCIRF and other U.S. government experts on those issues are consulted as appropriate;
- Initiate an effort among relevant UN agencies, nongovernmental organizations, and like-minded partners among the Global Coalition to Combat ISIS to fund and develop programs that bolster intra- and interreligious 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;
- Continue the resettlement of 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 host communities that are supporting 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 national security.

The U.S. Congress should:

- Include in the relevant U.S. appropriations law for the current and next fiscal years a provision that would permit the U.S. government to appropriate or allocate funds for in-kind assistance for investigating and prosecuting 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.

## BACKGROUND

The al-Assad family has ruled over Syria for more than 50 years, since the late Hafez al-Assad launched a coup with five other officers in 1963 and named himself as leader of Syria in 1971. After his death, his son, Bashar al-Assad, succeeded him in July 2000. Throughout this time, both father and son have disallowed any political opposition; any attempt to create political alternatives or democratic openings has been immediately halted, often with force. Prior to the civil uprising in March 2011, the most significant challenge to Hafez al-Assad's rule occurred in the city of Hama in February 1982. To prevent the revolt from spreading to other Syrian cities, Hafez al-Assad besieged and bombarded the city for 27 days until it surrendered; some 20,000–40,000 people, mostly civilians, were killed in what has since become known as the “Hama Massacre.” While many associate the events of Hama with the Muslim Brotherhood's attempt to challenge al-Assad's rule, others, including members of the Communist Party, labor unions, and various social groups, took part in the uprising. The Syrian government has used Hama as an example of how it would deal with any rebellion, and has blamed Sunni Arabs for the Hama revolt, creating fear among non-Sunnis of “Sunni Arab extremism” that has lasted until today.

The al-Assads are from the Alawite community, an offshoot of Shi'a Islam and a minority group that makes

up about 13 percent of Syria's population. Since Hafez al-Assad's ascent to power, loyal Alawites have been placed in the government, including in senior security, intelligence, and military positions. Although Hafez al-Assad forged necessary and strategic relationships with Syria's dominant Sunni Arab community, most religious groups lived alongside coreligionists. It was common to find solely Christian, Alawite, or Muslim neighborhoods, which contributed to some division and distrust between different religious groups. When civil uprising and antigovernment demonstrations in Syria began in March 2011, it did not take long for built-up his-

torical sectarian tensions to come to the forefront.

The Syrian government directly facilitated the “Islamization” of the armed opposition, drawing on the memory of the Hama Massacre to create an atmosphere of fear among Syria's non-Muslim commu-

nities. In mid-2011, the government released from the infamous Sadnaya Prison around 200 prisoners previously designated as “Islamic fundamentalists,” including prominent Sunnis who were fighting in the Iraq War after 2003. Some of those released became leaders in ISIS, Jabhat Fateh Al-Sham, and other armed opposition factions. President al-Assad and his regime played on sectarian fears, repeatedly stating it was fighting “extreme Islamist factions” that were acting to increase sectarian tensions. The result is that now, six years into the conflict, President al-Assad is perceived as

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*Six years into the conflict, the al-Assad government continues indiscriminately targeting primarily Arab Sunni Muslim residential neighborhoods, marketplaces, schools, and hospitals.*

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the only entity shielding Syria's minorities from Sunni Arab extremists. Many of Syria's minority populations fear that without al-Assad in power, Sunni extremists will overtake them. Simultaneously, Sunni Arabs also have come to see many of Syria's Christians, Alawites, and Shi'a Muslims as aligned with the Syrian regime due to their lack of support for or neutral stance toward the Syrian revolution.

International actors have further increased sectarian tensions. While Russia has provided the al-Assad regime with airpower and military support, and to a limited extent ground troops, Iran has facilitated the participation of 5,000 troops from the U.S.-designated terrorist group Hezbollah, another 5,000 Iraqi Shi'a troops, and approximately 18,000 Afghan and Pakistani Shi'a troops to fight in Syria in support of the al-Assad regime. Meanwhile, the armed opposition, once supported by Saudi Arabia and Qatar, and currently supported by Turkey, lost significant territory and influence throughout 2016, although the Turkish government played a direct role in the liberation of territory from ISIS, sending in special forces and artillery to support the Euphrates Shield, an armed group that recaptured both Jarablus and al-Bab cities. The armed opposition's efficacy declined in the face of more extremist factions, such as Jabhat Fateh al-Sham, especially after Jabhat Fateh al-Sham played a major role in breaking the siege on Idleb Province. Jabhat Fateh al-Sham, as well as Ahrar al-Sham, have established Shari'ah courts and imposed Islamic regulations in areas under their control, such as prohibiting the sale and consumption of alcohol. Non-Muslim communities have kept a relatively low profile in opposition-controlled areas and have been subjected to less forced displacement from their homes than Sunni Muslims.

ISIS continues to maintain its stronghold in Syria, especially in the group's *de facto* capital of Raqqah, although it lost 28 percent of the territory it once maintained. While the anti-ISIS coalition and the Euphrates Shield forces recaptured the cities of Manbij and Jarablus, ISIS managed to recapture Palmyra, a United

Nations Educational, Scientific, and Cultural Organization (UNESCO) World Heritage Site, from the Syrian regime in December 2016. The group has terrorized and attacked anyone—including Muslims—who does not espouse ISIS's extremist beliefs. Credible reports of mass beheadings, rape, murder, torture of civilians and religious figures, and the destruction of mosques and churches have been well documented.

Syria continues to suffer from abominable humanitarian conditions. According to UN Envoy Staffan de Mistura, an estimated 400,000 people have been killed since 2011. As of January 2017, in neighboring countries there are almost 4.9 million Syrian refugees registered with the UN refugee agency, the UN High Commissioner for Refugees (UNHCR); 6.6 million are internally displaced, and at least 13.5 million out of Syria's population of 17 million are in need of humanitarian aid for survival.

Before 2011, Syria was home to various ethno-sectarian groups. The U.S. government, based on official Syrian government figures, estimates the country's religious demography before the conflict was as follows: 87 percent Muslim (comprising 74 percent Sunni and 13 percent Alawi, Ismaili, and Shi'a Muslim), 10 percent Christian, 3 percent Druze, and a very small number of Jews in Damascus and Aleppo. Other 2010 estimates include the following breakdown: 92.8 Muslim, 5.2 percent Christian, 2 percent unaffiliated, and all other groups less than 0.1 percent.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Violations by the al-Assad Regime and Affiliated Groups

Six years into the conflict, the al-Assad government continues indiscriminately targeting primarily Arab Sunni Muslim residential neighborhoods, marketplaces, schools, and hospitals. Human rights organizations, the UN, and the governments of the United States, France, and the United Kingdom have presented evidence of severe and methodical human rights abuses undertaken

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by the regime. In 2016, the Joint Investigative Unit of the UN and the Organization for the Prohibition of Chemical Weapons (OPCW) found the al-Assad regime, and specifically President al-Assad, culpable for ordering the use of chemical weapons after it publicly declared it had surrendered and destroyed its full stockpile of such weapons. Reports indicate that 14 out of the 15 chemical attacks in Syria were carried out by the Syrian regime (one was carried out by ISIS).

Shi'a and Alawite militias remain important military allies of the Syrian Arab Army, often contributing to decisive victories on the battlefield. The battle to retake eastern Aleppo City was one such battle. The shabiha militias, referred to as the National Defense Forces, also have been accused of extortion, blackmail, kidnapping, and extrajudicial killing. The National Defense Forces, which comprise mostly local Shi'a and Alawite fighters (including females), have been described as "mafia-like gangs" modeled after the Iranian Basij Resistance Force. Other Shi'a militias have grown exponentially over the last couple of years, as well. According to various sources, there are approximately 5,000 Lebanese Hezbollah fighters, 5,000 Iraqi Shi'a fighters, and 18,000 Shi'a Afghan and Pakistani fighters who have been recruited by the Iranian Revolutionary Guard Corp (IRGC) inside of Syria. According to multiple sources, hundreds of thousands of Shi'a volunteers have registered to fight in Syria to defend Shi'a shrines and also to support President al-Assad in his battles against the opposition. The large number of Shi'a foreign fighters in Syria also has increased sectarian tensions, especially in Lebanon and Turkey.

The regime continued to carry out its policy of forced displacement of Sunni Muslims. In 2016, the Syrian government forcibly displaced 125,000 civilians from the Damascus suburbs of Kisweh, Darraya, Wadi Barada, al-Tall, Khan al-Sheeh, Qudsaya, and al-Hameh, moving them to Idleb and other opposition-held areas. In December 2016, the regime forcibly displaced 240,000 civilians from eastern Aleppo, sending many to Idleb,

Turkey, or the western Aleppo countryside. While the displaced were overwhelmingly politically opposed to the al-Assad regime, they also were overwhelmingly Sunni Arabs. Several reports have confirmed the government is repopulating evacuated areas with Shi'a Lebanese and Iraqis. For example, approximately 300 Iraqi Shi'a families were moved to Darayya after local civilians were transferred to Idleb.

The Syrian Network for Human Rights reported that between 2011 and 2016, the Syrian regime was responsible for the killing of 183,827 civilians, including 19,594 children and 19,427 women. The group also reports that the government has tortured 12,486 civilians to death and has killed 479 journalists and social media activists and at least 553 medics. In 2016, there were approximately 128 attacks on places of worship.

### Violations by ISIS

ISIS continues to severely deny freedom of religion or belief within its territory; the group regulates all religious activities in order to maintain its power. It categorizes all

individuals living within the so-called Islamic State as deviants, enemies, People of the Book, or believers. For example, ISIS deems Druze and Sufi Muslims as deviants, and requires them to abandon their beliefs and practice Salafi jihadi Islam; if they refuse, they

are ordered killed. Since 2014, ISIS has destroyed over 80 Sufi shrines in al-Hasakah, Raqqah, and Deir-ez-Zor, including a 1,000-year-old shrine of a revered Sufi saint. Earlier this year, ISIS also killed Sheikh Jumaa al-Habeeb, a prominent Sufi leader. ISIS considers Alawites and Shi'a Muslims to be nonbelieving enemies who are actively fighting Islam due to their perceived alliance with the al-Assad regime. Human rights organizations report that only nine Armenian families remain in Raqqah, and no Christians have remained in Deir-ez-Zor under ISIS control. The majority of Christians have fled to al-Assad-held areas, Lebanon, Armenia, or the West instead. Finally, for the category of people ISIS considers to be "believers"—Sunni Muslims—it mandates they adhere to a Salafi

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jihadi version of the faith. In 2016, the group required that all individuals, including children, living in ISIS territory must complete Shari'ah courses in line with the group's extremist beliefs.

Between 2011 and 2016, human rights organizations have documented that ISIS has killed at least 1,510 civilians, including 258 children and 213 women. The group also arrested at least 1,419 individuals, including 103 children and 50 women. ISIS has tortured at least eight people to death and killed 26 journalists. Moreover, the group killed 19 medics, and tried numerous attempts to kidnap doctors from opposition-held territories in order to force them to work in ISIS medical facilities. The group has made a business out of kidnapping individuals in exchange for high ransoms. According to human rights groups, at least 45 Christians remain captives of ISIS, being freed only in exchange for large sums of money. Well-known Christian leaders, including Italian Jesuit priest Paolo Dall'Oglio (if still alive), remain detained by ISIS.

### Armed Opposition Groups

During 2016, the armed opposition suffered a series of losses to the Syrian regime and its allies, losing their former strongholds of the al-Waer neighborhood in Homs City, Darayya in Damascus, and eastern Aleppo City and its countryside. There are approximately 100 armed opposition groups in Syria, each of which follows its own norms of behavior. For this reason, when armed groups' members have been accused of committing various crimes against humanity, the particular group, as well as the armed opposition as a whole, often repudiate those crimes as not representative of the group or the armed opposition.

Areas under the control of the armed opposition do not have formal or consistent policies toward Christians or non-Sunni Muslims. For example, there are no laws that ban Christians from living in areas under armed opposition groups' control, but the reality is that very few Christians have remained living in opposition-held areas. Instead, many have fled to government-held areas or have left the country altogether because they do not feel comfortable remaining in such volatile areas. While there have been no large-scale attacks by armed opposition groups against Christian villages or neighborhoods in Syria, in July

2016 local armed opposition groups from Aleppo City heavily shelled several neighborhoods in government-held western Aleppo, including a Christian neighborhood, destroying many buildings but causing no human casualties.

The Druze live largely in the Swaida Province of southwestern Syria, and they have an informal agreement with the Syrian government to have only Druze soldiers protect their territory. It is reported that between 25 and 30 Druze men have been kidnapped by armed groups from Dar'a. Druze activists informed USCIRF that many of these kidnappings are motivated by tribal rivalries between Druze and Dar'a tribes, but that their identity as a distinct religious group in Syria has made them more vulnerable to kidnappings. In areas under opposition control, there are only two Druze villages, both located in Jabal Suma'a. Although clashes broke out in 2015 between some Druze members and armed opposition fighters over ownership of regime officers' property, in 2016 these villages were not targeted by opposition forces.

Armed opposition groups continue to besiege two Shi'a villages, Kafriya and Fu'a, in Idleb Province, as they have since 2015. These villages are home to approximately 40,000 people. During the forced evacuation of eastern Aleppo, the simultaneous negotiations aimed at breaking the siege of Kafriya and Fu'a were derailed when unknown soldiers from armed opposition groups burned buses meant to transfer injured Shi'a villagers to the suburbs of Damascus. Eventually, 1,200 Shi'a residents were allowed safe passage, but the siege of Kafriya and Fu'a continues.

While large-scale Alawite and Sunni Muslim clashes do not regularly occur across Syria, violent confrontations have taken place between the two groups in Homs and Hama, largely because Alawites in Homs participated in multiple mass killings of Sunni Muslims in 2011 and early 2012. As a result, sectarian tensions have resulted in long-term discord. For example, in May 2016, Salafi jihadi armed group Ahrar al-Sham killed 19 Alawites—among them civilians and armed militias supporting the Syrian regime, and including six women—in the village of Zara on the border between Hama and Homs provinces. Small-scale clashes between Sunni Muslims and Alawites constantly happen along this border area.

## U.S. POLICY

On August 18, 2011, only five months after the conflict in Syria began, then President Barack Obama called on President al-Assad to step down, and issued an executive order immediately freezing all Syrian government assets subject to U.S. jurisdiction. The order also prohibited the United States from engaging in any transactions involving the Syrian government. In 2012, the United States closed its embassy in Damascus, and in March 2014 it ordered the Syrian Embassy and consulates to close in the United States. In December 2012, the U.S. government recognized the National Coalition for Syrian Revolutionary and Opposition Forces as the legitimate representative of the Syrian people, and in May 2014 it recognized their Washington, DC, and New York offices as diplomatic foreign missions. The High Negotiations Committee, the formal negotiations body for the Syrian opposition, participated in the Geneva negotiations in early 2016.

Since 2011, the U.S. government has provided over \$5.9 billion in humanitarian aid to Syrians and neighboring countries dealing with the Syrian crisis. The funding has supported activities of the U.S. State Department, U.S. Agency for International Development, International Organization for Migration, UN Children's Fund, UN Office for the Coordination of Humanitarian Affairs, UN Population Fund, UN World Health Organization, and UNHCR, among others. The efforts supported by the United States include civil society training, local council capacity building, health and medical support, education projects, food assistance, psychosocial support, shelter rehabilitation, and livelihood development.

In February 2016, the International Syria Support Group, of which the United States is a co-chair, supported a cessation of hostilities across the country. Unfortunately, the ceasefire did not hold well and had essentially fallen apart by April. In September, there was another push for cessation of hostilities by Russia and the United States, which also ultimately failed. In late 2016 and early 2017, another round of talks brokered by Russia and Turkey took place in Astana, Kazakhstan. The talks, which included both the armed opposition and the al-Assad regime, once again failed to bring about a country-wide ceasefire. As of the end of the reporting period, another round of talks is scheduled

to take place in Geneva in late February 2017, under the direction of UN Special Envoy Staffan de Mistura.

The anti-ISIS coalition, dubbed Operation Inherent Resolve, is led by the United States and includes 65 countries. Coalition nations conducting air strikes are Australia, Bahrain, Canada, France, Jordan, Saudi Arabia, Turkey, the United Arab Emirates, and the United Kingdom. The coalition has conducted over 10,000 strikes, at least 6,370 of which have been in Syria and most of which have been carried out by the United States. As of January 2016, the total cost of the anti-ISIS operations exceeded \$10 billion. In October 2015, then President Obama announced the deployment of almost 500 U.S. special operations forces to advise local forces fighting ISIS but not play a direct combat role. The coalition's successes in 2016 include the recapture of Manbij along the Turkish-Syrian border; its ongoing offensive against Raqqa, ISIS's "capital," continues.

On March 17, 2016, then Secretary of State John Kerry declared that ISIS is responsible "for genocide against groups in areas under its control, including Yezidis, Christians, and Shia Muslims" and "for crimes against humanity and ethnic cleansing directed at these same groups and in some cases also against Sunni Muslims, Kurds, and other minorities."

The United States admitted more than 12,500 Syrian refugees in 2016. Syrians could gain access to the U.S. resettlement program through a UNHCR referral if they crossed an international border. Moreover, a new direct access program, started in February 2016, allowed Syrians with family ties to the United States to apply directly to the U.S. government for resettlement without requiring a referral from UNHCR. In an executive order in January 2017, President Donald J. Trump suspended U.S. refugee resettlement for 120 days to review vetting procedures and lowered the Fiscal Year 2017 global refugee admissions ceiling from 110,000 to 50,000, but as of the end of the reporting period these changes were stayed by court orders.

The United States supported a UN Security Council referral of the situation in Syria to the ICC in May 2014, but Russia and China vetoed it. Even if there were such a referral, however, current U.S. law makes it difficult for the United States to use appropriated funds to support ICC investigations and prosecutions, even for cases that the U.S. government supports.

# TAJIKISTAN

## TIER 1 | USCIRF-RECOMMENDED COUNTRIES OF PARTICULAR CONCERN (CPC)

### KEY FINDINGS

The government of Tajikistan suppresses religious activity independent of state control, particularly of Muslims, Protestants, and Jehovah's Witnesses, and imprisons individuals on unfounded criminal allegations due to their Muslim identity. In 2016, there were mass raids and arrests of alleged Salafi Muslims across the country. In 2015, a Tajik court banned as "extremist" the Islamic Renaissance Party of Tajikistan (IRPT), whose legal status was part of the country's post-civil war peace treaty; since then, 150 IRPT members have

been imprisoned, and 13 were sentenced to prison terms in June 2016, including two IRPT leaders who were jailed for life. Jehovah's Witnesses remain banned. Based on these concerns, as it has since 2012, USCIRF again finds in 2017 that Tajikistan merits designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). The State Department designated Tajikistan as a CPC for the first time in February 2016 and did so again in October 2016.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Continue to designate Tajikistan as a CPC under IRFA;
- Lift the waiver on taking an action as a consequence of the CPC designation and negotiate a binding agreement with the government of Tajikistan, under section 405(c) of IRFA, to achieve specific and meaningful reforms, with benchmarks that include major legal reform, an end to police raids, prisoner releases, and greater access to foreign coreligionists; should an agreement not be reached, impose sanctions, as stipulated in IRFA;
- Condition U.S. assistance to the Tajik government, with the exception of aid to improve humanitarian conditions and advance human rights, on the government establishing and implementing a timetable of specific steps to reform the 2009 religion law and improve conditions of freedom of religion or belief;
- Use targeted tools against specific officials and agencies identified as having participated in or responsible for human rights abuses, including particularly severe violations of religious freedom, such as the "specially designated nationals" list maintained by the Treasury Department's Office of Foreign Asset Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act;
- Work with the international community, particularly during OSCE events on countering terrorism, to include private and public criticism of Tajikistan's approach to regulating religion and countering extremism, which risks radicalizing the country's population;
- Urge the Tajik government to permit visits by the UN Special Rapporteurs on freedom of religion or belief, the independence of the judiciary, and torture; set specific visit dates; and provide the full and necessary conditions for such visits;
- Press for at the highest levels and work to secure the immediate release of individuals imprisoned for their peaceful religious activities or religious affiliations and press the Tajik government to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, and lawyers and the ability to practice their faith;
- Ensure that the U.S. Embassy, including at the ambassadorial level, maintains appropriate contacts with human rights activists and religious leaders; and
- Ensure continued U.S. funding for Radio Ozodi; and
- Ensure that INTERPOL implements announced reforms to more effectively process complaints about the misuse of international arrest and extradition requests, known as "red notices," to pursue political and religious dissidents.





## BACKGROUND

Tajikistan is an isolated and impoverished country. In the 1990s it experienced a five-year civil war that resulted in over 100,000 deaths; the post-war amnesty included many Tajik officials responsible for torture. The government is weak and highly corrupt, and 40 percent of the country's gross domestic product is from labor remittances, mostly from Russia. With the Russian economy's recent downturn, hundreds of thousands of Tajik workers have returned home to few job prospects and increasing social tension.

Over 90 percent of Tajikistan's estimated population of 7.9 million is Muslim, most from the Hanafi school of Sunni Islam; about 4 percent are Ismaili Shi'a. The country's 150,000 Christians are mostly Russian Orthodox, but also include Protestants and Roman Catholics. There also are small numbers of Baha'is, Hare Krishnas, and Jehovah's Witnesses, and fewer than 300 Jews.

Tajikistan's legal environment for freedom of religion or belief sharply declined after several highly restrictive laws were adopted in 2009. The 2009 religion law sets onerous registration requirements; criminalizes unregistered religious activity and private religious education and proselytism; sets strict limits on the number and size of mosques; allows state interference with the appointment of imams and the content of sermons; requires official permission for religious organizations to provide religious instruction and communicate with

foreign coreligionists; and imposes state controls on the content, publication, and import of religious materials. Small Protestant and other groups cannot obtain legal status under the burdensome registration requirements. Jehovah's Witnesses were banned in 2007 allegedly for causing "discontent" and for conscientious objection to military service.

In 2011 and 2012, administrative and penal code amendments set new penalties, including large fines and prison terms for religion-related charges, such as organizing or participating in "unapproved" religious meetings. Alleged organizers of a "religious extremist study group" face eight- to 12-year prison terms. A 2011 law on parental responsibility banned minors from any organized religious activity except funerals. The State Department noted that "Tajikistan is the only country in the world in which the law prohibits persons under

the age of 18 from participating in public religious activities." Tajikistan's extremism law punishes extremist, terrorist, or revolutionary activities without requiring acts that involve violence or incitement of imminent violence. Trials

under these charges lack due process and procedural safeguards. The Tajik government uses concerns over Islamist extremism to justify actions against participants in certain religious activities.

The State Department noted that the Tajik government's list of groups banned as extremist includes nonviolent religiously linked groups such as Hizb

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ut-Tahrir, Tabligh Jamaat, the Muslim Brotherhood, and Group 24 (a Tajik political opposition group), along with recognized terrorist groups such as al-Qaeda, the Taliban, the Islamic Group (Islamic Community of Pakistan), the Islamic Movement of Eastern Turkestan, the Islamic Party of Turkestan (former Islamic Movement of Uzbekistan), and Lashkar-e-Taiba. Although a legal role for the IRPT was part of the post-civil war peace treaty, in September 2015 the Tajik government banned the IRPT as an extremist group.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Restrictions on Muslims

The religion law restricts Muslim prayer to four locations: mosques, homes, cemeteries, and shrines. In 2016, Tajik officials continued to monitor mosque attendees for views they deem extremist or critical of the government and installed more surveillance cameras and metal detectors, Forum 18 reported. The government also restricts Muslim religious dress and limits the number and age of hajj (religious pilgrimage) participants, prohibiting anyone under the age of 35 from taking part.

The official State Committee on Religious Affairs (SCRA) controls the selection and retention of imams and the content of their sermons. The government pays the salaries of imams of cathedral mosques, which are the only mosques where the state allows sermons (prepared by the semi-official Council of Ulema). In 2015, President Emomali Rahmon ordered the Council of Ulema to require a uniform for imams. In 2015, the SCRA banned Tajik state employees from attending Friday afternoon prayers, the independent Asia-Plus News Agency reported. Reportedly, there are warnings posted at the entrances of mosques that prayers must follow Hanafi rules. In March 2016, the Interior Minister said that young volunteers in mosques will cooperate with police to help catch “extremists” and those who do not pray according to Hanafi or Ismaili tradition, Forum 18 reported. Ismaili Muslims in Badakhshan pray only in homes since all the region’s mosques are Hanafi Sunni. Ismaili Muslims only can hold public religious meetings in the Ismaili Center in Dushanbe.

The law prohibits headscarves in educational institutions and bans teachers younger than 50 from wearing beards in public buildings. In January 2016, Asia-Plus

reported that Khatlon region law enforcement officials “encouraged” 6,673 women to stop wearing Islamic headscarves as part of a national campaign; throughout the country, police also detained hundreds of thousands of bearded men, took their fingerprints, and forced them to shave. After 2004, the Council of Ulema banned women from attending mosques; in 2014, it said it would allow women to attend mosques and female students at religious schools to become imam-hatibs (imams’ assistants). In January 2017, in a sign of continuing official disapproval of conservative Islamic clothing, the chair of the state committee for women and families suggested that “depravity” was the “norm” for women adhering to “foreign ideals,” such as the Middle Eastern-style hijab.

### Trials and Imprisonment of Muslims

In 2016, Tajik law enforcement officials prosecuted dozens of individuals for alleged links to banned Islamic groups or international terrorist networks. Due to Tajikistan’s flawed judicial system, it is almost impossible to ascertain the accuracy of such charges. In May 2016, five imams—Alisher Olimov, Kobil Sanginov, Gufron Anvarov, Dovud Okhunov, and Khurshed Bofarov—were arrested in the Sogd Region for alleged membership in the banned Muslim Brotherhood; all five were later sentenced to six years in prison, according to Radio Ozodi, the Tajik service of Radio Free Europe/Radio Liberty (RFE/RL). In June 2016, another seven imams of prominent mosques in the Sogd Region—Sulaimon Boltuev, Maksud Urunov, Abdujamil Yusupov, Abbas Abdurakhmonov, Khusein Tukhtaev, Khamzaali Sultonov, and Makhdi Boltaev—were sentenced to between three years and three years and four months in prison on the same charges. Radio Ozodi reported in December 2016 that, in total, approximately 20 imams from Sogd had been sentenced over the course of the year for connections to the Muslim Brotherhood.

The government is concerned about many Tajik officials who reportedly have become Salafis or Shi’a Muslims. The Salafi movement was banned as extremist in 2014. The SCRA Deputy Head called Salafis extremist because their discussions indicate disagreements about Islam. Salafi Muslims risk five- to 12-year terms under three Criminal Code articles relating to extremism. In 2016, there were mass raids and arrests of alleged

followers of Salafism across the country, particularly in the Sogd Region and Dushanbe. Since early 2016, at least 55 Muslim men were convicted, many for taking part in Salafi meetings, Forum 18 reported. The longest known prison terms for alleged Salafi “extremism” were 16 and 14 years imposed on Romish Boboyev and Otabek Azimov, respectively, in April 2016; two other individuals each received three-year jail terms. Also in April, the Sogd district court gave an eight-year prison term to Imam Khamid Karimov and seven-year terms to four of his mosque members, Muhammadsayid Sayidov, Abdumajid Abdukadirov, Mirzomuhammad Rahmatov, and Farhod Karimov.

During a February 2016 family visit, Tajik labor migrant Okil Sharipov, a dual Tajik-Russian citizen, was arrested for “inciting religious hatred;” he had filmed police harassment of women for wearing Islamic headscarves.

### IRPT Ban

Until it was banned as extremist in 2015 for alleged involvement in several violent incidents, the IRPT was the only legal Islamist political party in the former Soviet Union. The Tajik government’s repression of Islamic practice often has been intertwined with efforts to suppress the IRPT, which had called for respecting Tajikistan’s secular constitution and international religious freedom commitments and opposed restrictions on beards, headscarves, and children attending mosque. IRPT Chair Muhiddin Kabiri—who was forced into foreign exile—asserts that the extremism charges against his party are false and politically motivated. The U.S. delegation to the Organization for Security and Cooperation in Europe (OSCE) publicly stated that it has “seen no credible evidence that the IRPT as an organization was involved with the attacks in Dushanbe and surrounding towns.”

After the 2015 ban, some 150 IRPT members were arrested; they reportedly have been mistreated—and some tortured—in detention and denied access to doctors and lawyers. The trial of 13 leading IRPT members ended in June 2016; deputy IRPT leaders Saidumar Husaini and Mahmatali Khait received life terms in prison, while 11 others received sentences as long as 28 years. The U.S. Embassy in Tajikistan publicly expressed due process and human rights concerns about the trials. In

October 2016, the U.S. Embassy noted similar concerns over the trial of IRPT defense attorneys Buzurgmehr Yorov and Nuriddin Makhkamov, who were sentenced to prison terms of 23 and 21 years, respectively.

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The government also has threatened relatives of IRPT members. After the Tajik government learned in December 2015 that Kabiri would speak at a U.S. public event, it detained 10 of his relatives, including his 95-year-old father. In August 2016, the wife and 17-year-old son of Khait were detained and later released. At least 1,000 IRPT members are reported to have fled the country; the Tajik government presses for their extradition, particularly through INTERPOL “red notices” (an alert that an individual is the subject of an arrest warrant in a member country). Additionally, in December 2016, Turkish police, along with Tajik Embassy staff, sealed the IRPT’s Istanbul office and told Istanbul-based IRPT members that if they do not leave the country, they will be deported.

### Extremism Law Amendments

According to the independent Fergana News Agency, amendments signed into law in November 2016 significantly increase penalties for terrorism and extremism. Public incitement or justification of extremist activity now may be punished with three to five years in prison and, if conducted through “mass media,” with 10 to 15 years. As Fergana News observed, this means that even “likes” on social media may be construed as public support for extremism.

### Status of Houses of Worship

Tajik law sets strict limits on the numbers of mosques. In January 2016, a Tajik official said that about 900 out of some 1,500 prayer rooms and mosques in Dushanbe had been closed down. The nation’s only synagogue, located

in Dushanbe, was bulldozed in 2008. The Jewish community is allowed to worship in a building provided by President Rahmon's brother-in-law. The Aga Khan Cultural Center, Central Asia's first Ismaili center, opened in Dushanbe in 2009. The government announced that one of the world's largest mosques, funded by Qatar, will open in Dushanbe in 2017.

### Restrictions on Religious Literature

The government must approve the production, import, export, sale, and distribution of religious texts by registered religious groups—in effect a ban on religious materials by unregistered religious groups. The Ministry of Culture has confiscated religious texts, including from Jehovah's Witnesses. The government has blocked websites, including turajon.org, a California-based website operated by Nuriddinjon, Haji Akbar, and Mahmudjon, sons of deceased Sufi sheikh Mahamad-drafi Turajon. Two of the brothers publicly opposed the 2004 ban on women's mosque attendance; their website hosted a rare venue for women to seek religious rulings from male Muslim leaders.

### Restrictions on Religious Education

A state license is required for religious instruction, and both parents must give written permission for students to attend; only central mosques may set up educational groups. In October 2016, three years after an official suspension order, the Education Ministry closed five registered *madrassahs* (Islamic religious schools) in the Sogd Region, as well as the only state-approved *madrassah* in Dushanbe, which was run by the State Islamic University; these schools served about 1,000 students. As a result of the closures, no *madrassahs* for teaching 16- to 18-year-olds are allowed to operate in Tajikistan, Forum 18 noted. In January 2017, Asia-Plus reported that the number of applicants to the country's last remaining institution of Islamic higher education, the Islamic Institute, had fallen by almost half. Although the Institute's rector refused to speculate on why applications had declined so sharply, it is likely because of government pressure.

A new school subject, the History of Religions, focusing on Hanafi Sunni Islam, is now required for 15- and 16-year-olds in state schools. President Rahmon has often criticized young men who study in foreign

*madrassahs*; as of late 2016, the government forced 2,000 of the estimated 3,000 doing so to return home. Muslims, Jehovah's Witnesses, and others also often suffer penalties for teaching religion to children without state permission.

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*[N]o madrassahs for teaching 16- to 18-year-olds are allowed to operate in Tajikistan. . . .*

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## U.S. POLICY

Tajikistan is strategically important for the United States, partly because Tajiks are the second-largest ethnic group in Afghanistan, the country's southern neighbor. Since 2010, the United States has expanded cooperation with Central Asian states, including Tajikistan, to allow it to ship cargo overland via the Northern Distribution Network as U.S. and North Atlantic Treaty Organization (NATO) troops in Afghanistan continue to withdraw. Tajikistan has given U.S. Special Operations Forces permission to enter the country on a case-by-case basis during counterterrorism operations.

Since 2010, the United States and Tajikistan have discussed bilateral policy and economic assistance in an Annual Bilateral Consultation (ABC). In October 2016, the sixth U.S.-Tajikistan ABC was held in Tajikistan; its State Department description does not mention human rights or religious freedom. The State Department's stated priorities in Tajikistan include increasing respect for citizens' rights, strengthening sovereignty and stability, and combating violent extremism. The State Department's annual International Religious Freedom Reports have documented declining religious freedom conditions in Tajikistan. On February 29, 2016, the State Department designated Tajikistan as a CPC for the first time; that designation was renewed on October 31, 2016. In both instances, a waiver was granted "as required in the 'important national interest of the United States'" on taking any action as a consequence of the CPC designation.

In August 2016, the State Department hosted the second meeting of the new C5+1 that brings together the foreign ministers of the five Central Asian states and the United States for discussions on a wide range

of multilateral issues, including respect for basic freedoms. In their joint statement, all five ministers and then Secretary of State John Kerry committed to furthering civil rights and democratic freedoms. Then Secretary Kerry also met with C5+1 ministers and civil society activists during the annual ministerial OSCE meeting in Hamburg, Germany, in December.

Since 1992, the U.S. government has provided over one billion dollars in assistance programs to Tajikistan to support economic growth, democratic institutions, healthcare, education, and security. U.S. assistance promotes improved laws on civil society and the media, legal assistance to nongovernmental organizations, and non-state electronic media outlets. The security focus is on countering violent extremism, as well as illegal narcotics trafficking.

# TURKMENISTAN

## TIER 1 | USCIRF-RECOMMENDED COUNTRIES OF PARTICULAR CONCERN (CPC)

### KEY FINDINGS

In a climate of pervasive government control of information, particularly severe violations of freedom of religion or belief persisted in Turkmenistan in 2016. The government requires religious groups to register under intrusive criteria, strictly controls registered groups' activities, and bans and punishes religious activities by unregistered groups. A new 2016 religion law further tightened registration requirements. Police raids and harassment of registered and unregistered religious groups continued. At least 20 Sunni Muslims who engaged in private religious study remain jailed; their leader, Bahram Saparov, is serving a 15-year term and reportedly has been

severely tortured. Two Jehovah's Witnesses, Mansur Masharipov and Bahram Hemdemov, are known to be in prison for religious activity and reportedly have suffered torture. Turkmen law does not allow a civilian alternative to military service, and six Jehovah's Witness conscientious objectors are known to be detained. In light of these severe violations, USCIRF again finds in 2017 that Turkmenistan merits designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). The State Department has designated Turkmenistan as a CPC since 2014, most recently in October 2016.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Continue to designate Turkmenistan as a CPC under IRFA;
- Lift the waiver on taking an action as a consequence of the CPC designation and negotiate a binding agreement with the government of Turkmenistan, under section 405(c) of IRFA, to achieve specific and meaningful reforms, with benchmarks that include major legal reform, an end to police raids, prisoner releases, and greater access to foreign coreligionists; should an agreement not be reached, impose sanctions, as stipulated in IRFA;
- Use targeted tools against specific officials and agencies identified as having participated in or responsible for human rights abuses, including particularly severe violations of religious freedom, such as the "specially designated nationals" list maintained by the Treasury Department's Office of Foreign Asset Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act;
- Press for at the highest levels and work to secure the immediate release of individuals imprisoned for their peaceful religious activities or religious affiliations and press the Turkmen government to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, and lawyers and the ability to practice their faith;
- Ensure that the U.S. Embassy, including at the ambassadorial level, continues to maintain appropriate contacts with human rights activists and religious leaders;
- Encourage the establishment of a regular regional forum for U.S. and Central Asian civil society groups on human rights issues, including freedom of religion or belief;
- Raise concerns about Turkmenistan's record on religious freedom and related human rights in bilateral meetings, such as the Annual Bilateral Consultations, as well as appropriate international fora, including the United Nations and Organization for Security and Cooperation in Europe;
- Encourage the UN Regional Centre for Preventive Diplomacy for Central Asia (UNRCCA) and the OSCE Presence, both based in Ashgabat, to enhance the human rights, including freedom of religion or belief, aspect of their activities;
- Urge the Turkmen government to agree to another visit by the UN Special Rapporteur on freedom of religion or belief, as well as visits from the Special Rapporteurs on independence of the judiciary and on torture, set specific visit dates, and provide the full and necessary conditions for their visits;
- Ensure continued U.S. funding for Radio Azatlyk; and
- Continue to press the Turkmen government to resume the U.S. Peace Corps program.



## BACKGROUND

Turkmenistan has an estimated total population of 5.1 million. The Turkmen government does not track religious affiliation; the U.S. government estimates that the country is about 85 percent Sunni Muslim and 9 percent Russian Orthodox. Other smaller religious groups include Shi'a Muslims, Jehovah's Witnesses, Jews, and Evangelical Christians.

Turkmenistan is the most closed country in the former Soviet Union. The country's first president, Saparmurat Niyazov, who died in late 2006, established a quasi-religious personality cult that dominated Turkmenistan's public life. After assuming the presidency in early 2007, President Gurbanguly Berdimuhamedov ordered the release of 11 political prisoners, including the former chief mufti; he also placed certain limits on Niyazov's personality cult, set up two new official human rights commissions, registered 13 minority religious groups, eased police controls on internal travel, and allowed Turkmenistan to become slightly more open to the outside world.

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*Turkmenistan is the most closed country in the former Soviet Union.*

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However, President Berdimuhamedov has not reformed oppressive Turkmen laws, maintains a state structure of repressive control, and has reinstated a pervasive presidential personality cult that as of 2016 includes the required reading of one of his texts in state

schools. A new constitution, signed into law in September 2016, increased presidential terms from five to seven years and dropped the 70-year presidential age limit; in effect, Berdimuhamedov has the legal basis to be president-for-life. The Turkmen government continues its information isolation campaign, including by strictly controlling the Internet and communications; it also harasses and imprisons journalists, including from the U.S.-funded Radio Free Europe/Radio Liberty (RFE/RL). In February 2017, Berdimuhamedov was re-elected with 97 percent of the vote in an election that was widely regarded as unfair by international observers.

The country is adjacent to northern Afghanistan, which is home to around 250,000 Turkmen, some of whom the Turkmen government alleges sympathize with Islamist extremist groups. As a result, the government is concerned about religious extremism spreading into Turkmenistan. In 2016, the Afghan Taliban continued to attack and have reportedly killed at least 27 guards at the Turkmen border.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Government Control over Religious Activities

Like its predecessor, the new constitution purports to guarantee religious freedom, the separation of religion and state, and equality regardless of religion or belief, but Turkmen law and government practice contradict these guarantees. A new religion law went into effect in April 2016, replacing the 2013 religion law. The new law raised the minimum requirement for groups to register from five to 50 adult citizen founders. It continues the previous law's intrusive registration criteria, prohibition on any activity by unregistered groups, requirement

that the government be informed of all foreign financial support, bans on worship in private homes and private religious education, and prohibition on the wearing of religious garb in public except by clerics. It is illegal for unregistered groups to rent, purchase, or build places of worship, and even registered groups must obtain scarce government permits. Justice Ministry officials can attend any religious event of a registered religious community and ask its members about religious activities. Religious activity is not permitted in prisons or in the military.

The Commission for Work with Religious Organizations (CWRO) and Expert Analysis of Resources with Religious Information, Published and Printed Production, which reports to the Cabinet of Ministers and is headed by Turkmenistan's former chief imam Mekan Akyev, must approve registration applications before they are sent to the Justice Ministry. Other required registration approval entities include the First Deputies of the Foreign Minister, the General Prosecutor, the secret police, the Interior Minister, and the Deputy Head of the State Service for Registering Foreign Citizens. Registration is rarely granted, especially for communities the government dislikes, such as non-Muslim communities led by ethnic Turkmen. Registration denials often have been arbitrary.

According to the Turkmen government, 130 religious communities were registered with the state as of November 2016: 106 Muslim (101 Sunni, five Shi'a), 13 Russian Orthodox, and 11 of other faiths. Some communities have decided not to register due to the onerous and opaque process, while certain Shi'a Muslim groups, the Armenian Apostolic Church, some Protestant groups, and registration applications from Jehovah's Witnesses have faced numerous rejections.

The 2016 religion law requires registered religious communities to modify their governing statutes if state officials deem that necessary. All registered religious communities have been told they must re-register based on a new model statute, but as of early December 2016, the Justice Ministry had not produced a model statute.

In addition to the foregoing, the Turkmen state imposes unwritten conditions for the exercise of freedom of religion or belief, for example by requiring that religious leaders and believers cooperate closely with the secret police.

### Punishment for Religious Activities

Unregistered and registered religious groups face frequent raids by secret police, ordinary police (especially from antiterrorism and organized crime units), local officials, and local CWRO officials. The government continues to impose harsh penalties, such as imprisonment, involuntary drug treatment, and torture, for religious activities and human rights advocacy, including for religious freedom. In recent years, Muslims, Protestants, and Jehovah's Witnesses have been detained, fined, imprisoned, or internally exiled

for their religious beliefs or activities. Politically sensitive trials often take place in a "closed regimen" without even the length of the sentence being made public.

Turkmenistan denies the International Com-

mittee of the Red Cross access to the country's prisons, where the United Nations (UN) Committee Against Torture has found that torture and other ill treatment occur. Many religious prisoners are held at Seydi Labor Camp in the Lebap Region desert or at the isolated top-security prison at Ovadan-Depe in the Karakum Desert, north of Ashgabat. A news drought applies to 80 political and religious prisoners, according to the nongovernmental organization coalition known as "Prove They Are Alive." An unknown number of Muslim prisoners of conscience remain jailed. According to the independent Alternative News of Turkmenistan (ANT), about 120 so-called "Wahhabis" were held in a closed section in Ovadan-Depe as of 2014, and cannot receive parcels or visits from relatives. The term "Wahhabi" typically refers to a follower of the strict Saudi interpretation of Sunni Islam, but Central Asian governments apply it to a broader range of Muslims, including political opponents and those who practice Islam independently of government strictures.

*Politically sensitive trials often take place in a "closed regimen" without even the length of the sentence being made public.*



Muslim leader Bahram Saparov is serving a 15-year term in Ovadan-Depe Prison. Saparov, age 34, was sentenced three times, most recently in June 2016, and has been held incommunicado and reportedly severely beaten; he had led a Hanafi Sunni Muslim group in Turkmenabad that held home meetings to study Islam. In a closed mass trial in May 2013, Saparov and about 20 others in his group were convicted of various criminal charges and sentenced to long prison terms, Forum 18 reported. In January 2017, ANT reported that two members of the Saparov group, Lukman Yailanov and Narkuly Baltaev, had died in Ovadan-Depe Prison in the second half of 2016; Baltaev is said to have weighed only 25 kilograms (55 pounds) at the time of his death.

Separately, ANT reported on the cases of Annamurad Atdaev and Yoldash Khodzhamuradov. After Atdaev returned from studying in Egypt, he was repeatedly interrogated by the Ministry of State Security (MNB), apparently under suspicion of being an Islamic radical, before being arrested in September 2016 and convicted in December on a variety of charges, including “inspiring religious, national, and social hatred” and plotting a coup d’état. At the end of the reporting period, he was being held incommunicado in Ovadan-Depe Prison. Apparently fearing a similar fate, Khodzhamuradov hanged himself in December 2016 after being accused of Wahhabism and pressured to inform on fellow Muslims by the MNB.

In February 2017, Radio Azatlyk, the Turkmen service of RFE/RL, reported that approximately 30 of more than 150 persons arrested in late 2016 for connections to the Hizmet movement of exiled Turkish preacher Fethullah Gülen, possibly at the urging of the Turkish government, had been sentenced to prison. Two businessmen, Resul Atageldyev and Dovlet Ataev, received terms of 25 years. In December 2016, many of the Hizmet detainees reportedly had been tortured brutally during interrogations.

In July 2014, police raided Jehovah’s Witness Mansur Masharipov’s home in Dashoguz. They confiscated and later destroyed religious texts, and held

Masharipov in a drug rehabilitation center where he was tortured and injected with unknown drugs and from which he later escaped; after his June 2016 re-arrest, Masharipov was sentenced to one year in prison for allegedly assaulting a police officer, a charge he denies. After hosting a religious meeting, Jehovah’s Witness Bahram Hemdemov received a four-year prison term in May 2015 in Turkmenabad on false charges of inciting religious enmity; reportedly he has been tortured in prison. Jehovah’s Witnesses also have been detained and fined, especially for insisting on their legal rights or for appealing to the UN.

In February 2016, members of Greater Grace Protestant Church were fined for going to the town of Tejen to discuss their faith with others. School officials also reportedly have fired Protestant teachers and publicly bullied Protestant families and pressured them to deny their faith. Secret police warned the pastor of a registered Baptist church in the city of Mary that he should not hold a 2016 children’s summer camp, Forum 18 reported.

### Government Interference in Internal Religious Affairs

The Turkmen government interferes in the internal leadership and organizational arrangements of religious communities. Sunni Islam is the only permitted type of Islam, and the Sunni Muftiate (Muslim Spiritual Administration) is under tight government control.

The Justice Ministry names the chief mufti and senior muftiate officials, who also function as CWRO officials and thereby oversee the activities of other religious

communities. The muftiate appoints imams, including at the district level, and district imams appoint local mullahs, with all appointments subject to secret police

vetting. Sermons by imams at Friday prayers convey state messages; the Justice Ministry forbids imams from discussing certain topics, and prayers end with a short prayer for the president.

The country’s largest religious minority, the Moscow Patriarchate Russian Orthodox Church (MPROC), has unsuccessfully tried to establish an official diocese in Turkmenistan, Forum 18 reported. In November 2016,

... formal religious education is almost totally banned.

two foreign-based MPROC hierarchs visited Turkmenistan to discuss this issue. In June 2016, the Turkmen government ordered Father Grigory Bochurov to leave the country; he is a Russian citizen who served four years as the patriarchal deanery secretary and senior priest of Ashgabat's St. Nikolai Church.

Aside from basic education in some mosques and MPROC churches, formal religious education is almost totally banned. Religious groups cannot arrange lectures, courses, or training programs. The sole exception is a small Muslim theological section in the history faculty of Ashgabat's Turkmen State University; this section is authorized to train imams, but the number of students is restricted, foreign staff is banned, and all students need government and secret police approval.

### Restrictions on Houses of Worship

The new religion law allows registered religious communities to own property and requires CWRO and local administration approval to build places of worship. In practice, however, religious communities face major difficulties in building or acquiring places of worship.

In April 2016, the Sunni Muslim Aksa Mosque in Ashgabat became the eighth of 14 of that city's mosques destroyed by the Turkmen authorities in recent years. That mosque, built in the early 1990s through local donations, accommodated 100 worshippers; city officials claimed it was demolished because it had been built without permission, according to RFE/RL's Turkmen Service. Most of the recently destroyed mosques have been Sunni Muslim mosques.

The Pentecostal Light of the East Church in Dashoguz, registered in 2005, has not been able to meet for worship since early 2015; it does not own a building, and owners of possible rental sites are not willing to rent space to the community in the face of official threats.

Although the religion law gives religious organizations priority in regaining former places of worship, the Armenian Apostolic Church so far has been unable to regain its former church in Turkmenbashi, confiscated

in the Soviet era and later partially destroyed, despite President Berdimuhamedov's 2012 promise to return and reopen it for worship. In 2015, MPROC Patriarch Kirill complained that his church's requests to recover places of worship confiscated during the Soviet period in Turkmenistan went unanswered.

### State Control of Religious Literature

Searches for and confiscations of "illegal" religious literature remain a constant threat. Religious texts cannot be published inside Turkmenistan, and only registered groups can legally import religious literature under tight state censorship. The CWRO must review and stamp approve all religious texts and literature; documents without such a stamp may be confiscated and individuals punished. Although the MPROC publicly can sell religious texts, the CWRO must approve them. Protestant churches have been unable to register a Bible Society to promote and sell Christian scriptures.

### State Restrictions on Foreign Religious Travel

The government continues to deny international travel for many citizens, especially those travelling to religious events. Some 110,000 who have dual Russian-Turkmen citizenship, mainly Russian Orthodox, usually can meet coreligionists abroad and also undertake clerical training. Muslims, however, are not allowed to travel

abroad for religious education. In 2014, the last year for which statistics were available, the government allowed 650 Turkmen Muslims to make the pilgrimage to Mecca; this was an increase over the usual 188, but is still less than a seventh of the country's quota. According to Forum 18, Muslims often must wait up to 11 years to reach the top of the hajj waiting list.

### Conscientious Objectors

Turkmenistan ignored calls from the Organization for Security and Cooperation in Europe (OSCE) for the new constitution to recognize international human rights guarantees such as conscientious objection. Turkmen law has no civilian alternative to military

*The government continues to deny international travel for many citizens, especially those travelling to religious events.*

service for conscientious objectors. Reportedly, such a bill was drafted in 2013 but not enacted. Those who refuse to serve in the military can face up to two years of jail. Until 2009, Turkmen citizens received suspended sentences, but now conscientious objectors are imprisoned. In 2016, six conscientious objectors—all Jehovah’s Witnesses—are known to have been sentenced in Turkmenistan: five received two-year suspended prison sentences; the sixth must live at home under restrictions and a fifth of his wages are confiscated. In 2016, the UN Human Rights Committee again issued findings against Turkmenistan on conscientious objection cases.

## U.S. POLICY

For over a decade, U.S. policy in Central Asia has been dominated by the Afghan war, with human rights and religious freedom low on the list of regional priorities. The United States has key security and economic interests in Turkmenistan due to its proximity to and shared populations with Afghanistan and Iran, and its huge natural gas supplies. Despite its officially neutral status, Turkmenistan has allowed the Northern Distribution Network to deliver supplies to U.S. and international troops in Afghanistan, as well as the refueling of U.S. flights with nonlethal supplies at the Ashgabat International Airport. During counterterrorism operations, U.S. Special Operations Forces reportedly have been allowed to enter Turkmenistan on a “case-by-case” basis with the Turkmen government’s permission.

In 2016, the State Department hosted the second C5+1 meeting, intended to bring together the foreign ministers of the five Central Asian states and the United States to discuss a wide range of multilateral issues, including respect for basic freedoms. Previously, the C5+1 had issued a pledge to “protect human rights, develop democratic institutions and practices, and strengthen civil society through respect for recognized norms and principles of international law.” Although the C5+1 mechanism provides a regional business forum, it does not include a forum for civil society groups.

Initiated in 2009 by the State Department, the Annual Bilateral Consultations (ABCs) are a regular mechanism for the United States and Turkmenistan to discuss a wide range of bilateral issues, including regional security, economic and trade relations, social and cultural ties, and human rights. The fourth ABC

session was held in Washington, DC, in October 2015, and some concerns about Turkmenistan’s religious freedom record were discussed. No ABC session was held in 2016 due to scheduling conflicts, thereby depriving the United States of a major opportunity to raise human rights issues, including religious freedom concerns.

The United States funds programs in Turkmenistan for cultural exchange, education, and historical preservation, including three American Corners that provide free educational materials and English language opportunities in Dashoguz, Mary, and Turkmenabat. In recent years, the Turkmen government has barred many students from participating in U.S.-funded exchange programs, and in 2013 it ordered the Peace Corps to stop end its 20-year-long history of operations in the country.

In October 2016, the State Department renewed its designation of Turkmenistan as a CPC under IRFA, a designation it first made in 2014. Previously, it had cited the arbitrary detentions of religious minority members, restrictions on the importation of religious literature, the difficulty of registering religious groups, and the lack of alternatives for conscientious objectors to military service as justifying the designation. A waiver of presidential action in “the important national interest of the United States” was again tied to the latest CPC designation.

# UZBEKISTAN

## TIER 1 | USCIRF-RECOMMENDED COUNTRIES OF PARTICULAR CONCERN (CPC)

### KEY FINDINGS

With an estimated 13,500 religious and political prisoners, the government of Uzbekistan continues to perpetrate severe violations of religious freedom. In April 2016, the sections of the criminal and administrative codes used to restrict freedom of religion or belief were amended to increase penalties for various infractions. The Uzbek government continues to imprison hundreds of Muslims who do not conform to officially prescribed religious practices or whom it claims are extremist. The suspicion of terrorism was used to justify persecution of Uzbek labor migrants and their families, while Kazakh and Russian citizens were

arrested at the border for possessing religious materials. Members of Protestant denominations were subjected to frequent harassment through raids on private homes, seizures of religious literature, and the levying of fines. Based on these systematic, egregious, ongoing violations, USCIRF again finds in 2017 that Uzbekistan merits designation as a “country of particular concern,” or CPC, under the 1998 International Religious Freedom Act (IRFA). While the State Department has designated Uzbekistan as a CPC since 2006, most recently in October 2016, it has indefinitely waived taking any action as a consequence of the designation.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Continue to designate Uzbekistan as a CPC under IRFA;
- Lift the waiver on taking an action as a consequence of the CPC designation, in place since January 2009, and work to establish a binding agreement with the Uzbek government, under section 405(c) of IRFA, on steps it can take to be removed from the CPC list; should negotiations fail or Uzbekistan not uphold its commitments, impose sanctions, as stipulated in IRFA;
- Condition U.S. assistance, except humanitarian assistance and human rights programs, on the Uzbek government’s adoption of specific actions to improve religious freedom conditions and comply with international human rights standards, including reforming the 1998 religion law and permitting international investigations into the 2005 Andijon events and the 2010 prison death of Muslim leader Akram Yuldashev;
- Make the return of corruption-linked funds seized by the United States under the Kleptocracy Asset Recovery Initiative dependent on the Uzbek government’s adoption of specific actions to improve religious freedom conditions and comply with international human rights standards;
- Use targeted tools against specific officials and agencies identified as having participated in or responsible for human rights abuses, including particularly severe violations of religious freedom, such as the “specially designated nationals” list maintained by the Treasury Department’s Office of Foreign Asset Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act;
- Press for UN Human Rights Council scrutiny of the human rights situation in Uzbekistan, as well as raise concerns in other multilateral settings, such as the Organization for Security and Cooperation in Europe (OSCE), and urge the Uzbek government to agree to visits by UN Special Rapporteurs on freedom of religion or belief, on the independence of the judiciary, and on torture; set specific visit dates; and provide the full and necessary conditions for such a visit;
- Ensure that U.S. statements and actions are coordinated across agencies so that U.S. concerns about religious freedom and related human rights are reflected in its public statements and private interactions with the Uzbek government, including calls for the release of religious prisoners;
- Ensure that the U.S. Embassy, including at the ambassadorial level, maintains appropriate contacts with human rights activists and religious leaders;
- Press for at the highest levels and work to secure the immediate release of individuals imprisoned for their peaceful religious activities or religious affiliations and press the Uzbek government to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, and lawyers and the ability to practice their faith;
- Ensure continued U.S. funding for Radio Ozodlik and the Uzbek Service of the Voice of America; and
- Ensure that INTERPOL implements announced reforms to more effectively process complaints about the misuse of international arrest and extradition requests, known as “red notices,” to pursue political and religious dissidents.

## BACKGROUND

With an estimated 28.7 million people, Uzbekistan is the most populous post-Soviet Central Asian state. An estimated 93 percent of its population is Muslim, mostly following the Hanafi school of Sunni Islam, with about 1 percent Shi'a, mostly in Bukhara and Samarkand. Some 4 percent are Russian Orthodox, while the other three percent include Roman Catholics, ethnic Korean Christians, Baptists, Lutherans, Adventists, Pentecostals, Jehovah's Witnesses, Buddhists, Baha'is, Hare Krishnas, and atheists. About 6,000 Ashkenazi and 2,000 Bukharan Jews live in Tashkent and other cities.

Uzbekistan's 1998 Law on Freedom of Conscience and Religious Organizations severely limits the rights of all religious groups and facilitates government control of religious activity, particularly of the majority-Muslim community. The law criminalizes unregistered religious activity; requires official approval of the content, production, and distribution of religious publications; bans minors from religious organizations; allows only clerics to wear religious clothing in public; and prohibits proselytism and other missionary activities. Many religious groups cannot meet registration requirements, such as a permanent representation in eight of the country's 13 provinces. A detailed censorship decree went into effect in 2014 banning materials that "distort" beliefs or encourage individuals to change religions.

*[T]he government has used vague anti-extremism laws against peaceful religious adherents and others who pose no credible security threat.*

The Council on Religious Affairs (CRA) censors religious materials. The government also maintains an extensive list of banned international websites, particularly those pertaining to human rights and freedom of religion or belief. The religion law prohibits the import, storage, production, and distribution of unapproved religious materials. Members of various religious communities reportedly destroy their own sacred texts due to fear of confiscation during police raids. According to a CRA official, Uzbek law only allows religious texts to be read inside the buildings of registered religious groups.

The Uzbek government actively represses individuals, groups, mosques, and other houses of worship that do not conform to officially prescribed religious practices or for alleged association with extremist political programs. While Uzbekistan faces security

threats from groups using violence in the name of religion, the government has used vague anti-extremism laws against peaceful religious adherents and others who pose no credible security threat. Particular targets

include those allegedly linked to the May 2005 protests in Andijon against the conviction of 23 businessmen for their supposed membership in the banned Muslim group Akromiya. Responding to that largely peaceful protest, Uzbek government troops killed up to 1,000 civilians. Two hundred and thirty individuals accused of involvement in the protests remain jailed, and 11 prisoners have died in custody, including spiritual

leader Akram Yuldashev. In January 2016—a month before his release from 17 years of imprisonment—Uzbek officials informed the world and Yuldashev’s family that he had died in 2010, supposedly of tuberculosis. The Uzbek government also pressures other countries to return hundreds of Uzbeks who fled after the Andijon tragedy and bans their relatives from leaving Uzbekistan to reunite with their family members living abroad.

In September 2016, Islam Karimov, Uzbekistan’s first and only post-Soviet president, died. Three months later, Shavkat Mirziyoyev, Uzbekistan’s prime minister since 2003, became president after an election that international monitors criticized for a lack of transparency. Mirziyoyev is believed to be part of a ruling triumvirate with the equally long-serving Rustam Azimov, the minister of finance, and Rustam Inoyatov, the head of the security services.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Application of Religion and Extremism Laws

The Uzbek government continues to regard religious activity outside of official channels with deep suspicion and wields a variety of repressive instruments against those who fail to submit to state control of religious practice, including fines, punitive searches, detention, torture, prolonged imprisonment, and the intimidation of family members. In April 2016, articles 244-1 and 244-2 of the Criminal Code, governing the crimes of having “extremist materials” or taking part in “extremist organizations,”

were broadened and the maximum penalties raised from 5 to 8 years and from 15 to 20 years’ imprisonment respectively. Many long-term prisoners of conscience are denied due process and are subject to inhumane conditions of confinement. According to the Uzbek Initiative Group of Independent Human Rights Defenders (IGNPU), as of late 2016, there were 13,500 individuals imprisoned for alleged violations of Uzbekistan’s overly broad religion or extremism laws.

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*The government closely monitors and harasses the families of expatriates in the belief that Uzbeks overseas are susceptible to subversion and religious extremism. . . .*

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### Arbitrary Accusations of Islamic Extremism

With several hundred Uzbeks believed to be fighting in Syria and Iraq, the Uzbek government has legitimate concerns about terrorism. Nevertheless, the widespread use of torture and coercion by Uzbek authorities, the use of religious charges to settle political and economic scores, and frequent reliance on guilt by association make it difficult to disentangle legitimate prosecutions from arbitrary or fabricated ones. In February 2016, for example, an Uzbek citizen and Armenian Christian fish farmer, Aramais Avakian, was sentenced along with four Uzbeks to seven years in prison on allegations of planning to stage a rebellion and then flee to Syria to join the Islamic State of Iraq and Syria (ISIS). Not only does the case appear to have been based on testimony extracted through torture—Avakian’s leg was broken in detention—but the chief witness and co-defendant, Furkat Dzhuraev, later admitted to inventing many of the key details. Avakian’s family, for its part, claims he was targeted after he refused to surrender ownership of his fish farm to a local administrator.

In the first half of 2016, Radio Ozodlik, the Uzbek Service of Radio Free Europe/Radio Liberty (RFE/RL), reported on the arrests of dozens of young men who had studied or worked abroad, mainly in Russia but also in the United States, often solely due to their alleged association with one or two suspect individuals. Despite charging

20 young men from Sokh Province in January 2016 with alleged connections to ISIS, 12 were released two months later. The apparent reason for their arrest was that they had worked in Russia with two men who later emigrated to the Middle East for

unclear reasons. In January 2017, Umar Badalov was arrested at the Tashkent airport after arriving from Russia, where he worked as a heavy equipment operator. Badalov previously had been convicted of Islamic extremism and was amnestied in 2003 after serving four years of a 17-year sentence; the IGNPU reported that the authorities planned to charge him with a September 2015 explosion outside a mosque that took place while he and his wife were at a maternity hospital 35 kilometers (22 miles) away.

Charges of terrorism are also believed to be brought as a “prophylactic” measure against persons deemed excessively religious. For example, Forum 18 News Service reported that two cousins, Jonibek Turdiboyev and Mansurkhon Akhmedov, were sentenced to five years in prison in May 2016 for having a CD containing an ISIS sermon; their relatives insisted that it was a music CD and that their family was being persecuted for its religiosity.

### Persecution of Expatriates and Their Families

A large number of Uzbek citizens live abroad, including at least 1.7 million in Russia, mostly for economic reasons but also to escape religious and political persecution. The government closely monitors and harasses the families of expatriates in the belief that Uzbeks overseas are susceptible to subversion and religious extremism. In particular, the relatives of people who have left the country for religious reasons were subjected to intense harassment throughout the year in an attempt to force their exiled family members to return or cease their activities abroad. According to Radio Ozodlik, the punishments ranged from punitive searches of family homes to interrogation, arrest, and public shaming. In addition, the Uzbek government reportedly has issued numerous international arrest and extradition requests—better known as INTERPOL “red notices”—for hundreds of its citizens, including against political and religious dissidents.

### Restrictions on Muslim Religious Activity

Private religious practice without official sanction is subject to severe penalties in Uzbekistan. In July 2016, according to Forum 18, four Sufi Muslims whose identities have not been established were sentenced to four years in prison for holding religious meetings at home. That same month, two private teachers of the Qur’an were arrested; one was fined and released, but the other may still face indictment. The public practice of state-sanctioned Islam continues to be restricted in different and unpredictable ways in

*In Uzbek prisons and labor camps, religious prisoners of conscience routinely face physical and psychological torture, malnutrition, poor sanitation, and arbitrary changes of conditions.*

an effort to diminish religiosity. During Ramadan, as reported by Radio Ozodlik, the government banned the public celebration of the fast-breaking Iftar meal. Multiple guard posts were also posted at mosques to ensure that no children could attend religious services and Uzbek schoolchildren were forbidden from visiting mosques during their summer holidays. According to the independent Fergana News Agency, the Uzbek government restricts the number of pilgrims permitted to make the hajj to Mecca to one-fifth of the quota allotted by Saudi Arabia.

### “Forbidden” Islamic Religious Materials

Uzbek authorities regularly inspect travelers’ electronic media at borders; persons who have “forbidden” materials can be summarily arrested and sentenced to prison terms. Radio Ozodlik reported that at least two Kazakh citizens were arrested during 2016 on such charges; one was amnestied while the other, Akmal Rasulov, was sentenced in July to a five-year prison term for sermons on his cell phone. Ethnic Uzbeks who fled the Kyrgyz city of Osh after 2010 mass interethnic violence and became citizens of other countries also have been arrested for such reasons. In January and May 2016, Russian citizens Bakhtiyar Khudoiberdiev and Zukhriddin Abduraimzhonov were arrested and received prison sentences of six and three years respectively; they were held at border crossings while in transit to Kyrgyzstan.

### Inhumane Detention Conditions

In Uzbek prisons and labor camps, religious prisoners of conscience routinely face physical and psychological torture, malnutrition, poor sanitation, and arbitrary changes of conditions. In February 2016, three long-serving religious prisoners—Ikromzhon Nizamov, Doston Abdurakhmanov, and Shakhob Makhkamov—reportedly died, one from tuberculosis and the other two allegedly after severe torture. As prisoners reach the end of their sentences, their terms

are often extended or new charges are brought; the IGNU estimates that 4000 of the country's religious and political prisoners have had their sentences prolonged in this manner. In August 2016, Zulhumor Hamdamova, jailed along with her sister Mehriniso since 2010 for holding home classes on Islam, had her sentence extended by three years. As of November 2016, Mehriniso was due to be tried on unknown new charges. In January 2016, Kamol Odilov, one of 100 Muslims jailed for studying the texts of Turkish theologian Said Nursi, had his sentence extended on allegations that he had started a fight in camp—only days before his scheduled release from imprisonment.

### Repression of Christians

The Uzbek government tends to reserve the harshest punishments for the expression of religious belief by the Muslim majority population. The only known Christian prisoner of conscience, Baptist Tohar Haydarov, was released in November 2016 after serving 6 years of a 10-year camp term. Members of Christian denominations suspected of missionary activity often are fined, detained, and subjected to punitive house searches, often for merely possessing religious literature in their private homes. Forum 18 has reported on dozens of such incidents in 2016, primarily affecting Jehovah's Witnesses, Baptists, and Seventh-day Adventists. As with other instances of religious repression, Uzbek authorities seem to be capricious in their choice of penalties: a Christian was jailed for 15 days in March 2016 on a charge of "hooliganism" after the police searched his home for religious literature; in August 2016, an ethnic Korean Baptist, Stanislav Kim, was sentenced to two years of house arrest for private possession of religious books; and in January 2017, an Adventist had his car seized in lieu of a fine for possessing a "forbidden" book which had been approved by authorities earlier in the year.

### U.S. POLICY

Uzbekistan is Central Asia's most populous country and shares borders with the four other former Soviet

republics in Central Asia as well as Afghanistan. The country also has a central position in the regional Soviet-era rail system that connects with Russia. Therefore, U.S. policy in Uzbekistan has focused on the country's key position in the Northern Distribution Network (NDN), a supply route for international forces in Afghanistan. Uzbekistan is the NDN hub but at times have not been cooperative. Although aid and assistance periodically have been withheld over the last decade due to human rights concerns, there remain important spheres of cooperation between the United States and Uzbekistan, including counter narcotics, border security, and counter-terrorism.

The United States instituted Annual Bilateral Consultations (ABCs) with each Central Asian state in 2009. The most recent U.S.-Uzbekistan ABC was held in Washington, DC in January 2016. The U.S. delegation was led

*Members of Christian denominations suspected of missionary activity often are fined, detained, and subjected to punitive house searches. . . .*

by then Assistant Secretary of State for South and Central Asia Affairs Nisha Desai Biswal; Foreign Minister Abdulaziz Kamilov headed Uzbekistan's delegation. Human rights issues discussed included the status of several reli-

gious and other prisoners, restrictions on civil society and media, labor rights, and religious freedom, particularly the onerous registration requirements for religious groups. In April 2016, Deputy Assistant Secretary for Central Asia Daniel Rosenblum met in Tashkent with the families of two men, Aramais Avakian and Furkat Dzhuraev, imprisoned on religious charges.

In February 2016, the U.S. Department of Justice froze more than \$800 million held in Western bank accounts in connection with an investigation into bribes allegedly paid by Western mobile network operators to Gulnara Karimova, the daughter of the late Uzbek president. The money was seized under the Kleptocracy Asset Recovery Initiative, an anti-corruption program inaugurated by the Department of Justice in 2010. Some argue that the return of the money to Uzbek authorities should be contingent on the fulfillment of human rights obligations.

In August 2016, the State Department hosted the second meeting of the new C5+1 diplomatic format,



intended to bring together the foreign ministers of the five Central Asian states and the U.S. for discussions on a wide range of multilateral issues, including respect for basic freedoms. In the joint statement issued at the meeting, all five ministers and then Secretary of State John Kerry committed, among other things, to furthering civil rights and democratic freedoms.

Since 2006, the State Department has designated Uzbekistan as a “country of particular concern,” or CPC, for its systematic, ongoing, and egregious violations of religious freedom. The CPC designation was renewed most recently in October 2016, but the State Department continued its policy of indefinitely waiving taking any action as a consequence, citing it is in the “important national interest of the United States” pursuant to IRFA section 407.

### KEY FINDINGS

In 2016, Vietnam continued to make progress to improve religious freedom conditions. While the government's Law on Belief and Religion, approved on November 18, 2016, does not comply fully with international standards, the measure reflects the government's and National Assembly's good faith efforts to solicit input from some religious organizations, incorporate guidance from international experts in a relatively transparent fashion, and address myriad religious freedom challenges in the country. Nevertheless, severe religious freedom violations continued, especially against ethnic minority communities in rural areas of some provinces. Given the law's approval late in the reporting period, its effective date of January 1, 2018, and the serious scope and nature of ongoing abuses during

2016, USCIRF again finds that Vietnam merits designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA) in 2017, as it has every year since 2002. USCIRF believes Vietnam may be on the right path toward comprehensive and enduring improvements in religious freedom conditions; continued positive movement along this path may prompt USCIRF to consider moving Vietnam to its Tier 2 list in the future. This possible change in tier status will depend, in part, on whether the Vietnamese government implements and enforces the new law in a manner that ensures the rights of religious organizations and individual believers, providing equal treatment and fairness to both state-sponsored and independent groups, as well as registered and unregistered groups.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate Vietnam as a CPC under IRFA;
- Continue to work with the government of Vietnam on the Law on Belief and Religion to ensure its implementation is consistent with international human rights standards, and encourage accountability for central and local government officials and law enforcement as well as non-state actors acting in contravention to Vietnamese law, its constitution, and international standards;
- Encourage the government of Vietnam to acknowledge and address violations against religious communities by state and non-state actors, including individuals sponsored by the government carrying out such acts, and support the proper training of local government officials, lawyers, judges, and police and security forces who implement, enforce, and interpret the rule of law;
- Ensure that human rights and religious freedom are pursued consistently and publicly at every level of the U.S.-Vietnam relationship, including in discussions related to military, trade, or economic and security assistance, and in programs on Internet freedom and civil society development;
- Continue regular, visible U.S. government visits to remote, rural areas in Vietnam, including direct contact with independent religious communities as appropriate;
- Urge the Vietnamese government to cease detaining and imprisoning members of religious organizations, as well as human rights activists, for peaceful religious activity or religious affiliations, and to promptly and unconditionally release all prisoners of conscience;
- Encourage the U.S. Embassy in Hanoi and the U.S. Consulate General in Ho Chi Minh City to maintain appropriate contact, including in-person visits, with Vietnamese prisoners of conscience, and press the government of Vietnam to ensure them regular access to their families, human rights monitors, adequate medical care, and proper legal representation, as specified in international human rights instruments;
- Continue to advocate for and provide support to individuals threatened, detained, assaulted, or arrested by the Vietnamese government due to their participation in or attendance at domestic and international meetings and other gatherings with U.S. officials and other international stakeholders; and
- Use targeted tools against specific officials and agencies identified as having participated in or responsible for human rights abuses, including particularly severe violations of religious freedom, such as the "specially designated nationals" list maintained by the Treasury Department's Office of Foreign Assets Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act.

## BACKGROUND

The Vietnamese government has taken notable steps to improve religious freedom conditions in the country. Many individuals and religious communities are able to exercise their religion or beliefs freely, openly, and without fear. In many communities, religious organizations and local officials get along well, with little to no government interference. The country is home to a wide diversity of faiths. The majority of Vietnam's more than 94 million people practice or identify with Buddhism. Estimates vary widely, but more than six million Vietnamese are believed to be Catholic, more than 1.5 to three million are Hoa Hao Buddhists, approximately one to three million are Cao-daist, and approximately one to two million are Protestant. Smaller numbers are Khmer Krom Buddhist, Muslim (including ethnic Cham Muslims), Hindu, Baha'i, Mormon, and Falun Gong, as well as practitioners of local religions or other forms of traditional worship.

In general, religious organizations recognized by the government fare better than unrecognized groups. Despite clear improvements, the Vietnamese government either directs or allows harassment and discrimination against unregistered, independent religious organizations, particularly those that also advocate for human rights and/or religious freedom. There is a disconnect between the central government's overtures to improve religious freedom conditions and the

ongoing actions taken by local officials, public security, and organized thugs to threaten and physically harm religious followers and their houses of worship or other religious property.

In general, the Vietnamese government continues to crack down on anyone challenging its authority, including lawyers, bloggers, activists, civil society, and religious organizations. For example, the government represses online dissent: in March 2016, a well-known political blogger and his assistant, Nguyen Huu Vinh and Nguyen Thi Minh Thuy, received five- and three-year prison sentences, respectively, for posting so-called

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*There is a disconnect between the central government's overtures to improve religious freedom conditions and the ongoing actions taken by local officials. . . .*

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"anti-state" articles. In September 2016, their sentences were upheld after an unsuccessful appeal.

Also, in 2016, an environmental disaster resulted in extensive fish and marine life die-offs and undue hardship on local fisherman

and residents in affected areas in central Vietnam. As the government arrested peaceful demonstrators who were angered by the government's lack of transparency about the catastrophe, many local religious organizations provided support and resources to those impacted by the disaster and were harassed by the authorities for trying to help the demonstrators. In February 2017, uniformed and plainclothes officials attacked and interrogated Catholic activists and others from Song Ngoc Catholic Parish in Nghe An Province for peacefully demonstrating about the government's handling of the disaster.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Positive and Encouraging Trends

On May 31, 2016, the Vietnamese government granted official national recognition to the Church of Jesus Christ of Latter-day Saints (LDS) and also formally acknowledged the Representative Committee of the LDS Church. Previously, the LDS Church had a temporary representative office. In addition, a handful of clergy reported that the Vietnamese government approved their congregations' registration requests. In September 2016, the Catholic Institute of Vietnam opened in Ho Chi Minh City, becoming the country's first-ever university-level institute of theology. Throughout 2016, the Popular Council of the Independent Cao Dai Church detected less government repression than in previous years. The group was able to perform altar installation ceremonies and funerals without disruption, despite opposition and intimidation by the government-run Cao Dai Church's Governing Council. However, the group remains fearful that government-driven repression will return at any time.

### Harassment of Certain Religious Groups and Individuals

The Vietnamese government regularly targets certain individuals and groups because of their faith, ethnicity, advocacy for democracy, human rights, or religious freedom, historic ties to the West, or desire to remain independent of Communist government control. These include the independent Cao Dai; independent Buddhists like the Unified Buddhist Church of Vietnam (UBCV), Hoa Hao, and Khmer Krom; Montagnards; Hmong; Falun Gong; and followers of Duong Van Minh.

In June 2016, public security officials harassed, physically assaulted, and prevented several Hoa Hao Buddhists from participating in celebrations associated with the June 22 anniversary of their faith. Authorities used checkpoints to block access to Quang Minh Pagoda, the only Hoa Hao Buddhist pagoda in the country not under the government's control. Hoa Hao Buddhists reported other incidents involving the pagoda in January and April 2016; according to Hoa Hao followers, the April incident led to the beating of one of their religious leaders by unknown attackers who may

have been part of public security. Hoa Hao Buddhists reported a separate April incident in An Giang Province in which both plain clothes and uniformed public security threatened, harassed, or assaulted more than 50 followers.

Also in June 2016, authorities disrupted a Catholic prayer service, held at a parishioner's home in the Muong Khuong district of Lao Cai Province. Security agents reportedly assaulted some of the Catholics and confiscated cellphones of those attempting to record the incident.

Throughout 2016, Vietnamese officials deliberately targeted individuals for interacting with foreign representatives, particularly Westerners. For example, in March 2016, authorities detained Tran Thi Hong, the wife of imprisoned Pastor Nguyen Cong Chinh, as she was en route to meet with then U.S. Ambassador-at-Large for International Religious Freedom David Saperstein. She eventually met the U.S. delegation at her home, but has since been subjected to repeated official harassment (see the section below on Arrests and Imprisonments). Also, on April 6, authorities reportedly arrested and interrogated Pastor Y Noen Ayun of the Evangelical Church of Christ because he, too, met with then Ambassador Saperstein. The pastor previously has been arrested or threatened with jail time due to his religious activities.

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In another incident, in mid-August 2016 local police in Dak Nong Province invited Y Than to the police station for questioning after his father, Pastor Rmah Loan, formerly of the Southern Evangelical Church of Vietnam, testified in June at a House Foreign Affairs Subcommittee hearing about human rights in Vietnam. Police questioned Mr. Y Than, who is also a pastor, about the three churches where he currently serves.

Also in August 2016, officials targeted two individuals from the Montagnard Evangelical Church

of Christ who attended a regional religious freedom conference in Timor-Leste. Public security in Kon Tum Province arrested Pastor A Dao after he returned to Vietnam from the conference, confiscating documents and his electronic devices; officials similarly interrogated and searched the home of Y Bet, confiscating her personal belongings. Public security also harassed and threatened two other individuals in connection with Pastor A Dao and Ms. Y Bet's participation in the conference. In addition, authorities scrutinized two men upon their return to Vietnam from the conference: Bui Van Tham, a Hao Hao Buddhist, was detained, and Professor Dinh Kim Phuc was interrogated at least twice. Two other men, Mennonite Pastor Pham Ngoc Thach, a former prisoner of conscience, and Cao Dai Popular Council Representative Nguyen Van Phuc were prevented from leaving the country to attend the conference.

Ethnic minority Montagnards from the Central Highlands, many of whom are Protestant, face numerous government restrictions: some are prevented from holding religious ceremonies, many are summoned to meet with local authorities and pressured to cease practicing their faith, and pastors are harassed or punished. In 2016, USCIRF received a report that in one incident, authorities arrested at least seven Montagnard Christians from the Central Highlands after police reportedly instructed the individuals to stop believing in God. In July, 16 Montagnards returned to Vietnam after seeking asylum in Cambodia; applications for all but one, who did not complete the application, were rejected. Aside from an original group of 13 Montagnards, no others have been granted refugee status with the United Nations High Commissioner for Refugees in recent years.

Lastly, USCIRF continues to receive reports of forced renunciations of faith. For example, authorities reportedly harassed followers of Montagnard Pastor Xiem Ksor, who died on January 14, 2016, after public security physically assaulted him on Christmas Eve 2015.

### Harassment Relating to Property and/or Disruption of Religious Activities

Religious organizations continue to report threats of eviction from or demolition of their religious property; in some cases, the government follows through on its

threats. Not all seizures or destruction of religious property are rooted in religious freedom, but in many cases the acts ultimately disrupt or interfere with religious practices. For example, on March 24, 2016, officials attempted to seize the An Ninh Tay Cao Dai Temple in Long An Province by locking the doors and demanding that two church officials abandon the temple. The temple is used by followers of the independent Cao Dai Church, whom local officials have for years tried to pressure into joining the government-sanctioned Cao Dai Church.

In June 2016, local authorities desecrated a cross and destroyed other property at the Thien An Catholic monastery in Thua Thien-Hue Province. The local government had accused the monastery of illegal deforestation on the property, an allegation monastery officials deny. On September 8, 2016, authorities in Ho Chi Minh City seized and demolished the UBCV-affiliated Lien Tri Pagoda and evicted its monks. For more than two years, authorities threatened to demolish the pagoda, harassing and intimidating Buddhists in order to make way for development projects.

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*In June 2016, local authorities desecrated a cross and destroyed other property at the Thien An Catholic monastery in Thua Thien-Hue Province.*

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The government harassed followers of the small Christian sect known as Duong Van Minh and burned and/or destroyed funeral storage sheds central to the group's core practices. As of September 2016, authorities, sometimes plain clothes, destroyed 52 of 56 funeral sheds throughout four provinces. On August 29, 2016, in Tuyen Quang Province, authorities reportedly injured at least eight Duong Van Minh followers while destroying the group's funeral sheds.

### Law on Belief and Religion

The Vietnamese government can stop harassing, threatening, physically assaulting, and detaining or imprisoning religious communities and individuals without legislative action. Now that the Law on Belief

and Religion has been approved, the international community should closely monitor its implementation. In the meantime, it is worth noting the law's positive elements: it extends legal personality to some religious organizations; reduces the time religious organizations must wait for government registration; encourages the establishment of religious schools or other educational facilities; and transitions some government approvals to notifications, for example, regarding clergy and certain religious activities.

Despite this positive language, critics believe the law will restrict freedoms through burdensome, mandatory registration requirements and empower the Vietnamese government to excessively interfere in many aspects of religious life. Critics also believe the law's modest improvements largely benefit only registered, state-recognized religious organizations. They believe the law ignores the fact that many religious organizations wish to remain independent, and represents the government's desire to increasingly control religion and belief. The law also contains a vaguely worded national security provision (article 5, clause 4) that human rights advocates and religious communities are concerned will be open to broad interpretation that restricts freedoms, especially at the local level.

Lastly, it is important to note the strong objections many religious organizations in Vietnam have about the law. These are the individuals and groups it will directly impact, and the Vietnamese government and international community should continue to heed their sentiments, both positive and negative, about the law's bearing on their ability to freely practice their faith.

### Arrests and Imprisonments

As of July 2016, Amnesty International had identified at least 84 prisoners of conscience in Vietnam, though many other believers are detained, imprisoned, or awaiting trial on related charges. While the number of prosecutions has declined in recent years, many religious communities report increased harassment by

local police, public security, and hired thugs, particularly in remote, rural areas. At times, the government has refused to acknowledge it has incarcerated prisoners of conscience, instead referring to these individuals as "lawbreakers."

On April 14, 2016, authorities arrested Tran Thi Hong just weeks after she met with then Ambassador Saperstein. Authorities continued to harass, detain, and assault Ms. Tran for several weeks after her initial arrest, including physically assaulting her 18-year-old son. Her husband, Pastor Nguyen Cong Chinh, has been in prison since 2011. His health is in critical condition and has been for several months. Other prisoners of conscience include Khmer Krom Buddhist the Venerable Thach Thuol, and Christian human rights lawyer Nguyen Van Dai. In addition,

UBCV Patriarch Thich Quang Do remains under effective house arrest. Ahead of then President Barack Obama's trip to Vietnam in May 2016, the Vietnamese government released Father Thadeus Nguyen Van Ly from prison. Father Ly, a long-time advocate for

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*[C]ritics believe the [Law on Belief and Religion] will restrict freedoms . . . and empower the Vietnamese government to excessively interfere in many aspects of religious life.*

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political and religious freedom, had been serving an eight-year prison sentence. While human rights advocates had hoped the Vietnamese government would release several other prisoners of conscience in coordination with then President Obama's visit, Fr. Ly was the only one. Prominent activist and religious freedom advocate Bui Thi Minh Hang completed her sentence and was released in February 2017.

### U.S. POLICY

Following then President Obama's trip to Vietnam in May 2016, the United States and Vietnam issued a joint statement highlighting several key collaborations, for example: Fulbright University Vietnam, the country's first privately funded university; a new Peace Corps country agreement; and one-year, multi-entry visas. During remarks at Hanoi's National Convention Center, then President Obama spoke about the universal values of human rights and how freedom of religion

touches both individuals and communities. While U.S. officials noted that then President Obama raised human rights concerns throughout his visit, human rights advocates expressed disappointment for several reasons. First, as mentioned above, the Vietnamese government released only one prisoner ahead of then President Obama's visit: Fr. Ly. Second, many were concerned that by fully lifting the ban on the sale of lethal weapons to Vietnam, the United States gave away influential leverage on human rights issues. Finally, many were angered that Vietnamese officials prevented several individuals from attending a civil society roundtable with then President Obama. The fact that the roundtable occurred at all, with the inclusion of clergy representatives, is a positive sign, albeit marred by the Vietnamese government's interference.

In April 2016, ahead of then President Obama's visit, the United States hosted Vietnam for the annual Human Rights Dialogue, and religious freedom was among the human rights issues discussed.

November 13, 2016, marked the 10-year anniversary of the State Department's removal of Vietnam's designation as a CPC. When the designation was lifted in 2006, USCIRF agreed that the Vietnamese government had made modest religious freedom improvements, but believed the new policies and legal protections had not been in effect long enough to take hold. (For further information, refer to *Religious Freedom in Vietnam: Assessing the Country of Particular Concern Designation 10 Years after its Removal* at [www.uscifr.gov](http://www.uscifr.gov).)

The United States should commend Vietnam for its noticeable religious freedom improvements, yet, in light of serious and ongoing religious freedom violations, also encourage its government to undertake additional steps that would bring the country's policies and practices in line with international human rights standards.

# AFGHANISTAN

## TIER 2

### KEY FINDINGS

Afghanistan's overall stability and security remain precarious despite a sustained U.S.-led international effort to combat the Afghan Taliban and other extremist groups, including the Islamic State of Iraq and Syria (ISIS) and al-Qaeda. These groups' violent ideologies and attacks threaten all Afghans, including the minority Shi'a Muslim, Hindu, Sikh, Christian, and Baha'i communities. In 2016, with international assistance, the Afghan government made some progress in ousting the Taliban from areas it controlled in previous years. However, the government lacks the capacity to protect civilians from attacks due to its internal political instability; fragmented police, military, and intelligence forces; corruption; and weak economy. In

addition, the country's constitution and other laws are contrary to international standards for freedom of religion or belief. Based on these concerns, and recognizing that the Afghan government faces significant challenges in combating the Taliban and other violent extremist groups and generally lacks the capacity to protect religious and ethnic communities from violent attacks, in 2017 USCIRF again places Afghanistan on Tier 2, where it has been since 2006. In 2017, USCIRF also finds that the Taliban merits designation as an "entity of particular concern" for religious freedom violations under December 2016 amendments to the International Religious Freedom Act of 1998 (IRFA).

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate the Taliban as an "entity of particular concern" under December 2016 amendments to IRFA;
- Continue to raise directly with Afghanistan's president and chief executive officer the importance of religious freedom;
- Encourage Afghan government officials to publicly promote freedom of religion or belief and work toward creating a civic space for the open discussion of diverse opinions on matters of religion and society in the country;
- Urge the government to reform the Afghan constitution and laws to comply with international standards of freedom of religion or belief, including by revoking the 2004 media law prohibiting writings deemed un-Islamic and the 2007 ruling that the Baha'i faith is blasphemous and converts to it are apostates;
- Ensure the integration of religious freedom issues into State Department and Defense Department strategies concerning Afghanistan, including by reviving the interagency U.S. government taskforce that operated between 2013 and 2015 and prioritized countering religious extremism, attacks on non-Muslim communities, and Sunni-Shi'a violence;
- Include a special working group on religious freedom in U.S.-Afghan strategic dialogues;
- Encourage the Afghan government to sponsor, with official and semi-official religious bodies, an initiative on interfaith dialogue that focuses on both intra-Islamic dialogue and engagement with different faiths; and
- Ensure that human rights concerns, including freedom of religion or belief, are integrated into all bilateral or multilateral talks seeking peace and reconciliation between the Afghan government and the Taliban, and that the parties to any peace agreement pledge to uphold the Universal Declaration of Human Rights.





## BACKGROUND

Afghanistan's population is estimated to be 33.3 million, 84 to 89 percent of which is Sunni Muslim, and 10 to 15 percent Shi'a Muslim. Sikh, Hindu, Christian, and other religious communities collectively are less than 0.3 percent of the total population. Although the population is religiously homogenous, it is ethnically diverse. According to U.S. government figures, Afghanistan's population is 42 percent Pashtun, 27 percent Tajik, 9 percent Hazara, 9 percent Uzbek, 3 percent Turkmen, 2 percent Baloch, and 8 percent other groups.

The constitution states that Islam is the state religion, and that no Afghan law can be contrary to the beliefs and provisions of Islam. The constitution fails to protect the individual right to freedom of religion or belief as guaranteed under international human rights law. It provides only that non-Muslims are "free to perform their religious rites within the limits of the provisions of the law";

there is no constitutional provision protecting freedom of religion or belief for Muslims. Additionally, the country's penal code permits the courts to defer to the Hanafi school of Shari'ah law and *hudoood* laws (which cover crimes committed against God) in cases involving matters that neither the penal code nor the constitution explicitly address, such as blasphemy, apostasy, and conversion. Within this system, state-backed religious leaders and the judicial system are empowered to interpret and enforce Islamic principles and Hanafi Shari'ah law, leading at times to arbitrary and abusive interpretations of religious

*[S]tate-backed religious leaders and the judicial system are empowered to interpret and enforce Islamic principles and Hanafi Shari'ah law. . . .*

orthodoxy and to the imposition of severe punishments, including death. In 2016, there were no known reports of physical assaults, detentions, arrests, or prosecutions for blasphemy or apostasy. However, one person convicted of blasphemy in 2013 is still serving a 20-year prison sentence, according to the State Department.

The constitution also states that Shi'a Muslims can utilize Shi'a Islamic schools of jurisprudence in personal law issues but makes no reference to personal law allowances for non-Muslims. A 2004 media law prohibits writings deemed un-Islamic, enabling the detention of journalists and others. Also, since a 2007 *fatwa* by the General Directorate of Fatwas and Accounts, the Baha'i faith has been deemed a form of blasphemy, which

means Baha'is are viewed as infidels and converts to the faith as apostates.

Many Afghans from all faiths and ethnic groups have fled their homes and need humanitarian assistance. In June 2016, the [United](#)

[Nations \(UN\) High Commissioner for Refugees](#) reported that there were more than 2.7 million Afghan refugees living abroad, and approximately 1.2 million internally displaced people in Afghanistan. In 2016, the Afghan government reported that more than 550,000 people became internally displaced due to fighting and insecurity. Additionally, despite the insecurity in the country, the UN reported that in 2016, 1.5 million Afghans who had fled the country in previous years—especially to Pakistan, Iran, and Europe—returned, many forcibly, including registered refugees.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Conditions for Shi'a Muslims

During the last year, Shi'a Muslims, especially ethnic Hazaras, fell victim to multiple violent and deadly attacks, as well as abductions that often ended in death. The attacks were overwhelmingly claimed by or attributed to U.S.-designated terrorist groups, including the Taliban and ISIS. Reportedly, more than 500 members of the Shi'a community were injured or killed between July and November 2016. There continue to be allegations that the government failed to provide adequate security in majority-Shi'a areas.

For example, in June 2016, in Sar-e-Pul Province, the Taliban abducted 17 Hazara Shi'a Muslims; it later released them, reportedly only after their community leaders paid a ransom. Allegedly, they were kidnapped in retaliation for the Afghan government's detention of a local Taliban leader the day before. In July, two ISIS suicide bombers struck a peaceful protest by Hazara Shi'a Muslims in Kabul, killing at least 80 people and injuring more than 400. The community was protesting governmental plans for a power project that would bypass Bamiyan, a predominately Hazara province in the country's central highlands area. Between October 11 and 12, two separate ISIS-claimed attacks targeted the Shi'a community during Ashura celebrations. During the October 11 attack on the Karte Shrine in Kabul, at least 19 people were killed and dozens injured. On October 12, a bomb detonated at a mosque in Khoja Gholak, Balkh Province, resulting in 14 deaths and 30 injuries; most of the victims were children. Also in October, ISIS abducted and killed 30 civilians from the predominately Shi'a area of Ghor Province. In November, an ISIS suicide bomber in Kabul killed at least 32 worshippers and injured 50 more as the Shi'a community observed the religious ceremony of Arba'een.

*In Afghan government-controlled areas . . . women and girls often face discrimination, violence, harassment, forced marriages, [and more].*

### Conditions for Non-Muslims

Non-Muslim religious communities continue to face societal discrimination, harassment, and, at times,

violence. Intimidation and harassment to pressure non-Muslims to convert to Islam have been reported, as well as harassment of converts from Islam. Additionally, non-Muslim communities reported that general insecurity and a lack of economic opportunities have compelled them to emigrate.

In December 2016, the nongovernmental organization National Council of Hindus and Sikhs (NCHS) reported that there were fewer than 200 families, or about 900 individuals, from these two communities remaining in Afghanistan. Despite Hindus and Sikhs being allowed to practice their faiths in public places of worship and being represented in parliament through presidential appointments, in 2016 the NCHS reported that locals often interfere with or disrupt cremation ceremonies for their dead.

There are no reliable estimates of the size of Afghanistan's Christian and Baha'i populations; however, based on reports from refugees in Europe, these populations likely have diminished significantly since the Taliban's resurgence in 2015. The one known Christian church in the country continues to operate on the grounds of the Italian Embassy. Baha'is continue to live covertly due to the 2007 *fatwa*.

### Women's Rights

In Taliban-controlled areas, women are prohibited from working, attending school, or leaving their homes unless accompanied by a close male relative, and are forced to wear the burqa. In December 2016, five assailants—believed to be Taliban members—beheaded a

30-year-old woman for leaving her home without a male relative in the Taliban-controlled remote village of Latti, Sar-e-Pul Province. Moreover, women often are denied access to medical attention due to the lack of

female doctors. Women who live outside of Taliban-controlled areas also are targeted by the group.

In Afghan government-controlled areas, due to societal norms often enforced by religious clerics at the local level, women and girls often face discrimination, violence, harassment, forced marriages, prohibitions on working or

studying outside the home, and restrictions on how they dress. Women and girls often do not report crimes committed against them. Non-Muslim women report they feel compelled to wear burqas or other face veils.

In March 2016, Afghan President Ashraf Ghani ordered the formation of an investigative committee after more than 40 Afghan civil society and women's rights organizations protested the Supreme Court's decision to uphold a lower court's reduction in the sentences imposed on 13 men for the brutal and public 2015 murder of Farkhunda Malikzada, a young Muslim woman falsely accused of burning a Qur'an. The incident made worldwide headlines after a graphic video of the murder went viral. Originally, nearly 50 people, including 19 police officers, stood trial in May 2015. At that time, four of the civilians were sentenced to death, eight were sentenced to 16 years in prison, and 18 were found not guilty; 11 of the police officers were sentenced to one year in prison and eight were acquitted. Subsequently, the four death sentences were reduced to 20 years in prison for three defendants and 10 years in prison for the fourth, and nine of the other prison sentences were shortened significantly.

## U.S. POLICY

Afghanistan has been the focus of U.S. engagement in South Asia for over a decade. U.S. government efforts have focused on building a stable Afghanistan and fighting extremist groups. The United States brokered the resolution of Afghanistan's highly contested 2014 presidential election, which led to the creation of the current government. In 2015, U.S. and international forces in Afghanistan transitioned from a combat mission to a training mission, although U.S. forces are still authorized to conduct combat operations. The United States heads two military missions in the country: the joint U.S.-Afghan mission and the North Atlantic Treaty Organization's (NATO) Resolute Support mission. In Afghanistan, there are nearly 10,000 U.S. troops; in July 2016, then President Barack Obama announced that they would remain in the country through his term as president. In January 2017, President Donald J. Trump reportedly told Afghan President Ghani that he would continue to support Afghanistan and consider increasing the U.S. troop deployment to the country. Additionally, in late 2015, the United States facilitated

the formation of the Quadrilateral Coordination Group (comprising the United States, Pakistan, China, and Afghanistan). The group's goal was to create a framework for peace talks between the Afghan government and the Taliban. However, in 2016, the group had little success and faced significant political challenges when the Afghan government accused the Pakistani government of failing to take action against militant groups. The group last met in May 2016; no future meetings are planned as of this reporting.

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In April 2016, then Secretary of State John Kerry travelled to Kabul, where he co-hosted the third U.S.-Afghanistan Bilateral Commission with Foreign Minister Salahuddin Rabbani. The discussion included issues related to security and defense, democracy and governance, and social and economic development. Additionally, while in Kabul, then Secretary Kerry met with President Ghani and Chief Executive Abdullah Abdullah. On several occasions, then Ambassador Richard Olson, U.S. Special Representative for Afghanistan and Pakistan, travelled to the country to discuss similar topics. In its bilateral and multilateral engagement with the Afghan government, the U.S. government has urged greater protection for ethnic and religious communities that are likely targets for extremist groups.

Afghanistan's dependence on U.S. and foreign aid is unlikely to change in the near future. In October 2016, more than 100 countries gathered in Brussels, Belgium, to renew commitments first established through the 2012 Tokyo Mutual Accountability Framework. International donors committed to provide Afghanistan \$15.2 billion in aid through 2020, and the United States pledged it would maintain civilian assistance to Afghanistan at or near levels committed through 2016. In fiscal year 2015, total USAID and Department of State humanitarian assistance to Afghanistan totaled \$182.9 million.

# AZERBAIJAN

## TIER 2

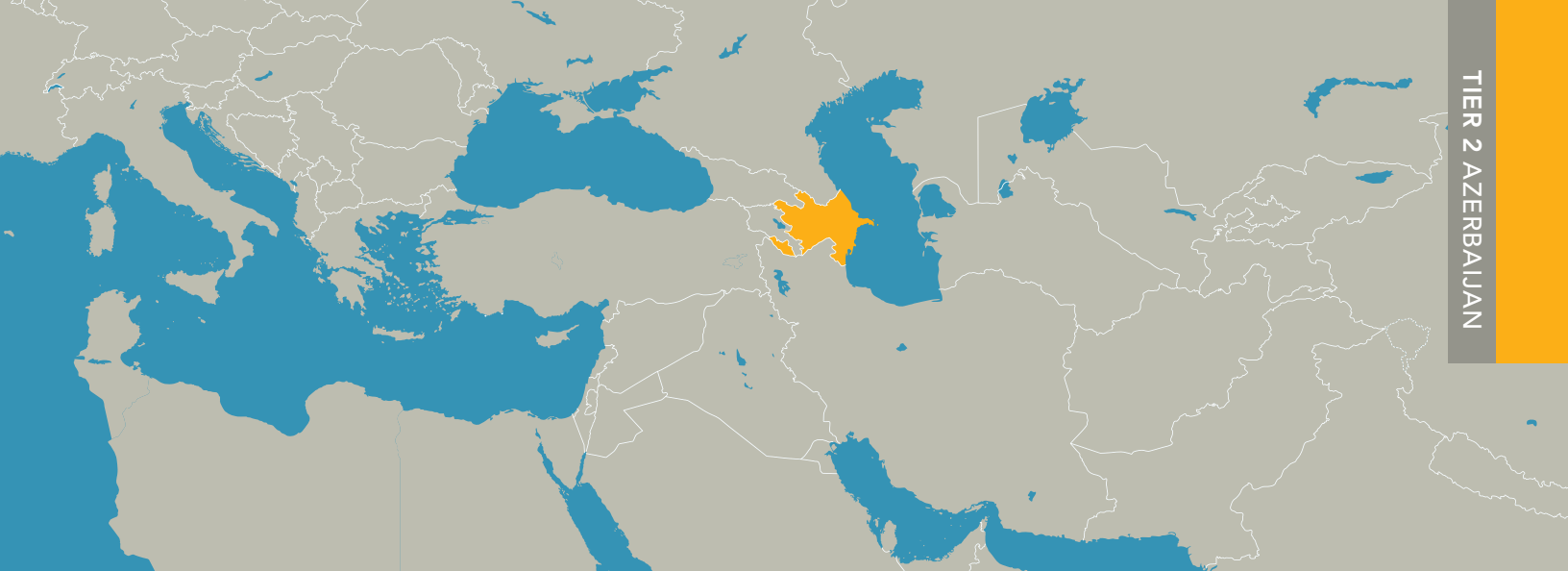
### KEY FINDINGS

The status of religious freedom in Azerbaijan deteriorated in 2016. During the year, the Azeri government increased its repression of independent religious activity, closing Sunni mosques, raiding religious bookshops, and harassing Jehovah's Witnesses and certain Protestant communities. While Azerbaijan is at risk from international terrorism, that danger increasingly serves as a pretext in official efforts to suppress peaceful religious dissent amidst a general crackdown on human rights. In

January 2017, 18 Shi'a activists were sentenced to prison terms of between 10 and 20 years on numerous charges, including purported terrorism. A local non governmental organization coalition that monitors the status of Azerbaijan's prisoners of conscience estimated that as of December 2016, 86 persons were imprisoned for their religious beliefs. Based on these concerns, in 2017 USCIRF again places Azerbaijan on Tier 2, where it has been since 2013.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Urge the Azerbaijani government to reform its religion law to bring it into conformity with recommendations by the Council of Europe's Venice Commission and the Organization for Security and Cooperation in Europe (OSCE) in 2012;
- Work with the highest levels of the Azerbaijani government to secure the release of prisoners of conscience and ensure detainee access to family, human rights monitors, adequate medical care, legal counsel, and religious accommodations;
- Continue the maintenance of contact, including at the ambassadorial level, between the U.S. Embassy in Azerbaijan and human rights and religious freedom activists;
- Encourage scrutiny of Azerbaijan's violations of international religious freedom and related norms at the United Nations (UN) and OSCE, and urge the OSCE to engage these issues publicly;
- Urge the Azerbaijani government to agree to visits by the UN Special Rapporteurs on freedom of religion or belief, on independence of the judiciary, and on torture; set specific visit dates; and provide the necessary conditions for such visits;
- Press the government of Azerbaijan to allow religious groups to operate freely without registration, including amending the religion law's registration requirements;
- Specify freedom of religion or belief as a grants category and area of activity for the U.S. Agency for International Development and U.S. Embassy in Azerbaijan, and encourage the National Endowment for Democracy to make grants for civil society programs on tolerance and freedom of religion or belief; and
- Ensure continued U.S. funding for Radio Azadlyg, the Azeri Service of Radio Free Europe/Radio Liberty (RFE/RL) and the Azeri Service of the Voice of America.



## BACKGROUND

Unlike other Muslim majority former Soviet states, Azerbaijan has a Shi'a majority. According to the State Department, 96 percent of Azerbaijan's population of nine million is Muslim, with 65 percent Shi'a and 35 percent Sunni; the other 4 percent includes Russian Orthodox, Armenian Orthodox, Lutherans, Roman Catholics, Baptists, Molokans, Seventh-day Adventists, Jews, Baha'is, and non-believers. Shi'a and Sunni Muslims, Russian Orthodox, and Jews officially are viewed as the country's "traditional" religious groups. Historically, the country has been tolerant of religious pluralism. Although the secular government of Azerbaijan regards the government of Iran with great suspicion, 13 million ethnic Azeris live in Iran. The country has been ruled by the Aliyev family since 1993, first by Heydar Aliyev and then by his son Ilham, who has been president since 2003.

Azerbaijan's 2009 religion law tightly controls religious activity: it sets complex registration procedures, limits religious activity to a group's registered address; restricts the content, production, import, export, distribution, and sale of religious texts, and requires state approval of religious education for clergy. Alleged offenders face major fines. In 2014, the European Court of Human Rights (ECtHR) noted that the law gives officials "unlimited discretionary power" to define and prosecute "illegal" religious activity. Under 2015 religion law amendments, religious groups must file official reports

documenting their activities and limit religious expression such as the display of banners or slogans to places of worship. Azerbaijani citizens with foreign education and non-Azerbaijani citizens are also banned from leading Islamic rituals, subject to prison terms or fines.

Despite Azerbaijan's pledge to the Council of Europe when it joined that organization in 2001 to enact an alternative military service law, there are criminal penalties for refusal of military service. Other legal amendments further restrict religious freedom: officials have wide powers to act against "extremist" activity; citizenship can be removed from members of allegedly extremist religious groups; police can regulate religious materials; and parents who do not send their children to

state schools are subject to administrative fines.

As in many post-Soviet states, increasing authoritarianism and the suppression of secular political opposition in Azerbaijan has fostered the emergence of a religious political opposition

*[I]ncreasing authoritarianism . . . and suppression . . . [have] fostered the emergence of a religious political opposition that the government has sought to discredit by linking it to terrorism. . . .*

that the government has sought to discredit by linking it to terrorism or other illegal activity. In January 2017, 18 defendants, including Shi'a cleric and vocal critic of the government Taleh Bagirov, were sentenced to long prison terms; they had been arrested during a November 2015 raid on the conservative Shi'a town of Nardaran in which two policemen and four residents died. Their year-long trial was widely criticized by human rights groups as unfair and also tainted by allegations of extensive use of severe torture.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Government Control through Registration

Registration with the government is mandatory for religious groups to conduct activities. Religious groups that are denied registration or refuse to register on theological grounds are deemed “illegal,” and may face raids and other penalties. The State Committee for Work with Religious Organizations (SCWRO), which oversees registration, has refused to process registration applications. As of November 2016, many communities that applied in 2009 were still waiting for the SCWRO to process these applications. Religious communities unable to gain legal status include all independent mosques outside the state-backed Caucasian Muslim Board (CMB), as well as some of the CMB’s own mosques. Almost all Protestant denominations (including Baptists, Seventh-day Adventists, and Pentecostals) have been denied full registration and therefore encounter certain limitations on their activities. Jehovah’s Witnesses also lack legal status. Some NGOs that campaign for religious freedom or discuss religion, such as the International Religious Liberty Association and Devamm, have been denied registration.

### Repression of Independent Muslims

Muslims face additional legal restrictions that do not apply to other faiths. All mosques must belong to the CMB, which dates to the Soviet era. Mosques must be founded by Azeri citizens and report their activities to the CMB, which also appoints all imams. Police enforce an official 2008 ban on praying outside of mosques. After 2010, there was a mass petition campaign and numerous public protests over the 2010 official “recommendation” not to allow students to wear the hijab; there were multiple arrests and detentions. (According to the State Department, since 2015 this ban is no longer enforced.) Authorities continue to raid meetings of nonviolent Salafis and the homes of readers of Said Nursi and alleged followers of the Turkish Islamic leader Fethullah Gülen. Reportedly, officials and educators have lost their jobs if they were suspected of ties to the Gülen movement.

### Religious Prisoners

A group of NGOs calling itself the Working Group on a Unified List of Political Prisoners in Azerbaijan

estimates that 86 persons were imprisoned for their religious beliefs as of December 2016. In addition to a total of 48 persons arrested in connection with the events in Nardaran mentioned above, there are 20 prisoners who were arrested during a wave of protests in 2012 related to the government’s ban of hijabs in schools, five prisoners connected to the Islamic Party of Azerbaijan, and 10 persons connected to Said Dadashbayli, a cleric whom the government accused of ties to Iran.

The Working Group is also monitoring the case of Azeri Shi’a theologian Elsan Mustafaoglu, who was charged in 2016 with espionage for Iran and faces a possible 12-year prison term. Originally sent by the Azeri government to study Shi’a theology in Iran, he founded an NGO, Spiritual Purity, in 2001 and anchored religious programs on Azeri TV.

### Closure of Places of Worship

Since 2009, Azerbaijan has closed or destroyed numerous houses of worship, mainly Sunni mosques. In the wake of the November 2015 raid on Nardaran, four Shi’a mosques there were forcibly closed. In 2016, Forum 18 reported that the authorities had forced three Sunni mosques in Azerbaijan to close or restrict activities: the Omar bin Khattab mosque, which had functioned since 1990 south of Baku and whose leader was fined for ministering to an “illegal” religious community; the Lezgin mosque in Baku’s Old City, which was closed ostensibly to undergo repairs; and a mosque in the village of Digah, the hours of which were restricted to Friday prayers, apparently in retaliation for undergoing renovations. A privately-built Sunni mosque that had functioned for 20 years was closed in January 2016 in the town of Shirvan near Baku.

### Status of Religious Minorities

Jewish groups have long lived in Azerbaijan and have rarely faced anti-Semitism. The Azerbaijani government publicly stresses the lack of anti-Semitism and its good relations with Israel. Baku also has a small Catholic community that has received some Azeri state funding to construct a church. Two registered Georgian Orthodox communities in the Gakh region cannot hold religious services. The Azeri government has not returned any confiscated religious facilities, such as the Armenian Apostolic, Great Grace, and Lutheran churches in Baku,

nor provided compensation for properties seized. Monetary fines are the preferred official method of penalizing some activities by religious minorities.

In January 2016, two female Jehovah's Witnesses, Valida Jabrayilova and Irina Zakharchenko, were released after spending almost a year in prison for proselytism. They were acquitted of all charges in February 2017.

At least 14 Jehovah's Witnesses were fined in 2016 for speaking publicly about their beliefs or for holding prayer meetings at home, Forum 18 reported. In March and November 2016, over 60 Jehovah's Witnesses were briefly arrested for such prayer meetings; nine had to pay fines. In September, seven of 34 Jehovah's Witnesses lost their appeals against fines of over three months' average wages each. The 34 were punished for participating in a March "illegal" home worship meeting in the town of Gakh. On January 1, 2017, police and the SCWRO raided a Jehovah's Witness prayer meeting in the town of Barda. The 18 participants were briefly detained; one, Yegana Ismayilova, was physically assaulted in custody.

### Government Control of Religious Materials

Official enforcement of restrictions on religious literature also continues. For example, in October 2016, police in and around Baku raided numerous bookstores not licensed to sell religious texts, and confiscated hundreds of books that allegedly lacked required official censorship stickers. Followers of Turkish theologian Said Nursi, Protestants, and Jehovah's Witnesses are the particular targets of raids, confiscations, fines, detentions, and deportations for violating such restrictions. In December 2016, police and the SCWRO raided Azerbaijan's only Christian bookstore and seized 300 books because it is not officially licensed to sell religious texts. The store has been waiting for a response to its license request since 2009. If found guilty, the American storeowner may be fined and deported.

### Situation in the Nakhichevan Exclave

The Nakhichevan Autonomous Republic, an Azerbaijani exclave that borders Iran, Armenia, and Turkey has a population of 410,000. This exclave faces even more severe religious freedom restrictions than the rest of Azerbaijan; the Baha'i, Adventist, and Hare Krishna

faiths are banned. Local Sunni Muslims are denied mosques; up to 50 Shi'a mosques, especially those officially viewed as under strong Iranian influence, reportedly were closed in recent years. During Shi'a Muslim Ashura ceremonies, police reportedly prevent children and students from entering mosques. Many government workers are said to fear losing their jobs if they attend religious services.

### U.S. POLICY

The United States aims to encourage pro-Western democracy and to help build an open market economy in Azerbaijan. Other goals include promoting regional stability, primarily resolution of the Nagorno-Karabakh conflict, enhancing energy security, and fostering economic and political reforms. U.S. companies cooperate in offshore oil development with Azerbaijan. Azerbaijan supports the North Atlantic Treaty Organization (NATO) operations in Afghanistan by participating in the Northern Distribution Network and counters transnational threats, especially from Iran. U.S. assistance helps build capacity for maritime counterterrorism operations, especially in its Caspian Sea area, and provides military security training courses. U.S. civil society assistance in Azerbaijan focuses on small grants for civil society and on civic dialogue.

The U.S.-Azerbaijani dialogue on civil society and democracy, announced in February 2015 to run in parallel with Council of Europe initiatives, has not moved forward. In 2016, the State Department was publicly critical of politically motivated prosecutions by the Azerbaijani government against several opposition activists, politicians, and journalists. In 2016, then U.S. Ambassador to the OSCE Daniel Baer made several public statements critical of human rights conditions in Azerbaijan, but he did not mention religious repression. In March 2016, then Secretary of State John Kerry met with Azerbaijani President Ilham Aliyev in Washington, where he raised issues of political and social freedoms. In June, then Deputy Assistant Secretary of State for Europe and Eurasia Bridget Brink went to Baku to meet with President Aliyev; she also met with human rights activists and civil society representatives. While the U.S. Embassy website lists Democracy Commission Small Grants for Azerbaijan, that information has not been updated since 2014.

### KEY FINDINGS

Amidst an overall worsening of human rights conditions during the past year, religious freedom for the majority-Shi'a community deteriorated. There was a sharp increase in the number of interrogations, arrests, convictions, and arbitrary detentions of Shi'a Muslim clerics, mostly on unfounded and unsubstantiated charges. In addition, authorities denied some Shi'a clerics access to specific mosques and banned others from conducting Friday prayers, sermons, and other religious services. Discrimination against Shi'a Muslims in government employment and other public and social services continued, as did inflammatory, sectarian rhetoric by pro-government

media, despite officials often making public statements condemning sectarian hatred and violence. Although the government continued to make progress in implementing some recommendations from the 2011 report of the Bahrain Independent Commission of Inquiry (BICI), it has not fully implemented recommendations that would redress past abuses against Shi'a Muslims and further improve religious freedom conditions. As a consequence of deteriorating conditions, in 2017 USCIRF places Bahrain on its Tier 2 for the first time. Between 2012 and 2016, Bahrain was covered in the Other Countries Monitored section of the Annual Report.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Address religious freedom concerns with the Bahraini government both privately and publicly and report openly on the government's success or failure to implement genuine reforms;
- Press for at the highest levels and work to secure the unconditional release of prisoners of conscience and religious freedom advocates, and press the country's government to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, lawyers, and the ability to practice their faith;
- Urge the Bahraini government to cease its targeting of individuals, particularly religious leaders, on the basis of religion or belief or advocacy of human rights and religious freedom;
- Ensure clear and consistent messaging at all levels of the U.S. government regarding Bahrain's human rights and religious freedom obligations under international law;
- Assist in the training of government entities, including security officials, prosecutors, and judges, to better address sectarian violence and incitement through practices consistent with international human rights standards;
- Include Bahraini civil society and religious leaders in exchange and U.S. visitor programs that promote religious tolerance, interreligious understanding, and interfaith dialogue;
- Urge the Bahraini government to implement fully the BICI recommendations, including those related to freedom of religion and belief, sectarian incitement, and accountability for past abuses against the Shi'a community;
- Undertake and make public an annual assessment of Bahrain's progress, or lack thereof, on implementing BICI recommendations;
- Urge the Bahraini government to reimburse the Shi'a community for expending its own funds to rebuild seven mosques and religious structures that were demolished in 2011;
- Urge the Bahraini government to pass a law in the Shura Council addressing incitement to violence in the media, ensuring compliance with international human rights standards; and
- Urge the Bahraini government to cooperate fully with international mechanisms on human rights issues, including by inviting visits from the United Nations Special Rapporteur on freedom of religion or belief.



## BACKGROUND

Of the country's population of approximately 1.3 million, about half are Bahraini citizens and half are expatriate workers, primarily from South Asian countries. Almost half of the expatriate workers are non-Muslim (approximately 250,000–300,000). Although there are no official statistics, the population of Bahraini citizens is estimated to be at least 60 percent Shi'a Muslim and approximately 35 percent Sunni Muslim, with approximately 1 to 2 percent non-Muslims, including Christians, Hindus, Sikhs, Jews, and Baha'is. Compared to other countries in the region, Bahrain is among the most tolerant of non-Muslim religious minority communities. The government officially recognizes at least 19 Christian denominations, a tiny Jewish community, Hindus, and Sikhs. A small Baha'i community is recognized as a social entity. Most Bahrainis acknowledge that their society has been historically tolerant of all faiths and religiously pluralistic to a degree that is notable in the region.

During the past year, an increased crackdown on civil society and opposition groups had a chilling impact on freedom of religion or belief and freedom of expression. Previously, between 2011 and 2015, restrictions had been primarily aimed at protestors, human rights defenders, and political opposition members, particularly those affiliated with the Shi'a Islamist Al Wafaq society, the largest of approximately 20 licensed political societies. The Bahraini government contends that those who have been

arrested and charged have breached public order laws during authorized processions or protests, in some cases carrying weapons. Bahraini and international human rights groups and the State Department dispute this. In addition, during the past year, increased efforts by Iran to expand its influence in Bahrain have heightened the government's concerns about subversive activity by Iranian-backed Shi'a militants in the country.

In July 2016, USCIRF staff traveled to Bahrain to assess religious freedom conditions and to meet with U.S. Embassy officials, the vice chair of the government-appointed National Institution for Human Rights, and representatives of civil society and religious communities.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Significant Increase in Arrests and Charges against Shi'a Clerics

With many political opposition members and human rights activists serving prison terms or facing criminal charges, during the past year Bahraini authorities

*[D]uring the past year Bahraini authorities targeted Shi'a clerics, many of whom are not affiliated with any political entity.*

targeted Shi'a clerics, many of whom are not affiliated with any political entity. According to Bahraini and international human rights groups, this increased targeting of Shi'a clerics constitutes a systematic campaign of harassment that violates their rights to freedom of assembly, speech, and religion. In many of these cases, the Bahraini government has used charges of insulting religious symbols

and/or religion, illegal gathering, unlawful protesting, engaging in political speech in sermons, and supporting terrorism. Human rights groups have stated that many of the charges are unfounded or unsubstantiated. In other cases, the Bahraini government has suggested that some clerics have ties to Iran, although no criminal charges have been filed based on these allegations. Bahraini Shi'a clerics deny any subversive relationship with Iran and say their primary tie with the country is having acquired religious training in Qom, Iran, the largest center for Shi'a religious study in the world.

Since June, Bahraini authorities interrogated, charged, and/or sentenced at least 80 Shi'a clerics, imposing travel bans against several. For example, in an attempt to limit freedom of expression and belief, in May 2016, Shi'a cleric Sheikh Mohamed Al-Mansi was charged with delivering an unauthorized sermon and inciting hatred against the regime and sentenced to one year in prison; in July, his sentence was upheld on appeal. In June, Shi'a cleric Sheikh Mohamed Sanqoor was banned from conducting sermons and Friday prayers at Imam Sadiq mosque in Diraz. In July, Sheikh Sanqoor was charged with incitement against the regime and preaching without a permit; his case is ongoing.

In August 2016, a Bahraini court convicted Sheikh Ali Humaidan of illegal gathering and sentenced him to one year in prison for being part of a peaceful gathering outside the home of the most senior Shi'a cleric in Bahrain, Sheikh Isa Qassim, whose citizenship authorities had stripped arbitrarily in June. Immediately after Sheikh Qassim's citizenship was revoked, mass protests erupted in his hometown of Diraz, which led to a full-time security presence and limited or no ability to access the locality. At the end of the reporting period, at least eight other clerics were facing similar charges.

Also in August, Shi'a cleric and religious freedom activist Maytham al-Salman, with whom USCIRF has met on several occasions, was interrogated for 24 hours, endured sleep deprivation, and was subsequently charged with illegal gathering; his case

remained pending at the end of the reporting period. In December 2015, he was interrogated about his criticism of Bahraini government policies and his advocacy of religious freedom, and in March 2016 he was charged with "expressing views regarding a case still in court," inciting hatred against the regime, and insulting religious symbols.

On August 16, a group of United Nations (UN) human rights experts [criticized](#) the numerous charges brought against dozens of Shi'a clerics and called on Bahraini authorities to end what it called its "systematic harassment of its Shi'a population." The experts found that the government of Bahrain targets the Shi'a Muslim population on the basis of their religion, including by shutting down faith-based organizations, restricting

the practice of religious rites, restricting access to Friday prayers and other peaceful assembly, and banning Shi'a clerics from delivering sermons in mosques. The five experts who issued the statement are the chair of the UN Working Group

on Arbitrary Detention and the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression; the rights to freedom of peaceful assembly and of association; freedom of religion or belief; and the situation of human rights defenders.

### The Dissolution of Al Wefaq and the Targeting of Affiliated Shi'a Clerics

During the year, the government continued to prosecute Shi'a Muslim political figures—primarily affiliated with Al Wefaq—on charges that are politically motivated but also have implications for religious freedom.

In June, the Ministry of Interior announced it was revoking the citizenship of Sheikh Qassim, who is sometimes referred to as the "spiritual leader" of Al Wefaq, although he has no formal affiliation with the political society. Sheikh Qassim was also charged with money laundering, although his lawyers say these charges are unsubstantiated; his trial has been postponed numerous times and remains ongoing. Since Sheikh Qassim was charged, Shi'a protesters and security forces have

*Since June, Bahraini authorities interrogated, charged, and/or sentenced at least 80 Shi'a clerics, imposing travel bans against several.*

engaged in low-scale clashes around his home in Diraz. According to human rights groups, since August 2016 at least 19 defendants have been sentenced to a total of 23 years of prison time in nine separate cases for gathering in the Diraz area.

The revocation of Sheikh Qassim's citizenship was followed in July by the government's decision to dissolve Al Wefaq and seize its assets, on accusations that it provided "a nourishing environment for terrorism, extremism, and violence." Al Wefaq disputed these charges and appealed the ruling with the highest court in Bahrain, the Court of Cassation. In February 2017, the Court of Cassation denied the appeal, drawing strong criticism from the UN and international human rights groups.

In December 2016, Al Wefaq's former secretary general, Sheikh Ali Salman, was sentenced to nine years in prison in a retrial that was ordered by the Court of Cassation in October. In May 2016, the Bahrain First High Court of Appeals had affirmed Sheikh Salman's original June 2015 conviction and increased his sentence from four years to nine years. Salman was convicted on a range of security-related charges, including inciting regime change and insulting the Ministry of Interior; UN experts have criticized these charges as violations of the freedoms of expression, association, and religion. The State Department has called for his unconditional release. Sheikh Salman has been imprisoned since December 2014.

### Limitations on Religious Expression and Sectarian Incitement

While government officials continued to discourage sectarian language in media outlets, public and private media continued at times to use inflammatory, sectarian rhetoric. The Shura Council has not passed media laws that would curb incitement to violence, hatred, and sectarianism as recommended in the BICI report. Nevertheless, some individuals have been charged and prosecuted for incitement to hatred and violence against Shi'a Muslims.

In May 2016, the parliament passed, and the Shura Council ratified, article 5 of the Political Societies Law, which prevents clerics who give sermons from joining political societies that engage in any political activities. The law also states that "political societies' heads and leaders shouldn't be religious preachers, even if they occupy the position in the societies without being paid." Human rights groups view this as limiting clerics' free speech and association rights, while Bahraini officials see it as a way to prevent religious activities from being politicized.

According to the State Department, while some previous amendments to laws strengthened protection of freedom of expression, article 169 of the penal code—which imposes up to two years' imprisonment and a fine for anyone found to publish "falsified" or "untrue" reports—was amended to stipulate that laws on freedom of expression must be "compatible with values of

a democratic society."

Human rights groups are concerned that such broad language, subject to varying interpretations, increases the likelihood of infringement of freedom of expression, including religious expression.

Furthermore, in 2016 some individuals were arrested and/or charged under articles 309 and 310 of the penal code, which penalizes insulting a recognized religious community, its rituals, or religious symbols with a term of imprisonment up to one year or a fine not exceeding 100 Bahraini dinars (approximately US\$265). Despite the charges, there were no known convictions during the reporting period.

### Other Forms of Discrimination and Restrictions on Ashura Commemorations

According to human rights groups, members of the Shi'a community still cannot serve in the active military, only in administrative positions, and there are no Shi'a Muslims in the upper levels of the Bahraini government security apparatus, including the military and police. In addition, UN experts have found that patterns of cultural, economic, educational, and social discrimination exist against the Shi'a Muslim community, including in

*UN experts have found that patterns of cultural, economic, educational, and social discrimination exist against the Shi'a Muslim community. . . .*

the education system, media, public sector employment, and other government social policies such as housing and welfare programs.

In October 2016, authorities reportedly interfered with some Ashura commemorations and removed Ashura banners in certain locations. Bahraini officials claim they were forced to intervene due to excessive vandalism and looting by youth, and they arrested several individuals. In addition, at least five Shi'a clerics—including Sheikh Abdulmohsen Mulla Atiya Al-Jamri and Sayed Sadiq Al-Ghuraifi—were interrogated related to speeches given during Ashura commemorations. After more than 10 hours of interrogations, Bahraini security authorities released three of the clerics; however, two clerics, Sheikh Al-Jamri and Sayed Al-Ghuraifi, were detained and questioned for longer periods. At the end of the reporting period, no charges had been filed.

*[T]he government still has not adequately held high-level security officials accountable for serious abuses, which included targeting, imprisoning, torturing, and killing predominantly Shi'a demonstrators.*

### Implementation of BICI Recommendations

In May 2016, the Bahraini government announced it had implemented all 26 of the BICI recommendations, including those related to freedom of religion or belief. However, human rights groups and the State Department disagree with that assessment, concluding that only some recommendations have been implemented, while others are either fulfilled partially or not at all. A June 2016 State Department report assessing BICI implementation found that “much work remains to be done,” including in areas related to religious freedom and sectarian incitement.

### Progress in Rebuilding Shi'a Mosques and Religious Structures

Despite a self-imposed deadline of the end of 2014, the Bahraini government has not fully completed rebuilding all 30 of the destroyed religious structures identified in the BICI report. In July 2016, the government claimed to have spent approximately US\$10 million—up from \$8 million the previous year—to rebuild Shi'a mosques and

religious structures, more than twice what it pledged in 2012. In May, the government stated publicly that it completed rebuilding the mosques and religious structures and all were approved for use. Despite this claim, the government has completed only 20 structures, most of which are in use, and the Shi'a community has rebuilt seven structures. Three structures still require legal and administrative approval and no progress has been made on their rebuilding.

The government has stated that it helped secure legal permits for the seven structures rebuilt by the Shi'a community, but despite indicating willingness in the past, officials have not reimbursed the community. According to the State Department, the Bahraini government claimed it has reimbursed the Shi'a community for reconstruction costs through payments to the national Shi'a endowment; however, members of the Shi'a community dispute this claim.

### Progress and Concerns Related to Accountability for Past Abuses

As recommended in the BICI report, the Bahraini government has created entities to address accountability for abuses, including a Civilian Settlement Office to compensate for deaths and injuries from the 2011 unrest, as well as an Office of the Ombudsman in the Ministry of Interior to ensure compliance with policing standards and receive reports of misconduct.

However, the government still has not adequately held high-level security officials accountable for serious abuses, which included targeting, imprisoning, torturing, and killing predominantly Shi'a demonstrators. Bahraini courts have tried, prosecuted, and convicted only a few lower-level police officers, with little or no transparency about the trials, convictions, and length of prison terms; several have been acquitted. In the past, the government has stated that there are ongoing investigations of higher-level officers related to the 2011 abuses, but has not disclosed any specific details.

## U.S. POLICY

U.S.-Bahraini relations have been focused primarily on geopolitical concerns, including the regional influence of Iran and security cooperation. Bahrain, a longstanding U.S. ally in the region, has hosted a U.S. naval presence since 1946 and is home to over 8,000 members of the U.S. armed services, mostly affiliated with the Fifth Fleet of the United States Navy. In 2002, the United States designated Bahrain as a “major non-NATO ally,” allowing the country access to defense research cooperation and purchase of certain otherwise-restricted U.S. arms.

Despite the close relationship, human rights concerns have affected military assistance in recent years. The Obama Administration’s foreign military financing requests for aid to Bahrain dropped from \$25 million in fiscal year (FY) 2012, at the beginning of internal unrest, to \$5 million in FY 2017. Restrictions on U.S. military aid to Bahrain were targeted toward intelligence assistance and equipment used for internal security matters. In 2015, the United States lifted restrictions on arms sales to Bahrain in recognition of “meaningful progress on human rights.” However, in September 2016 the Obama Administration attached a declaration of concern to the sale of F-16 fighter jets to Bahrain, conditioning the sale on specific human rights progress. In March 2017, after the end of the reporting period, the Trump Administration announced it planned to drop all human rights conditions on the sale of F-16 fighter jets and other arms to Bahrain.

The 2011 BICI report has provided the major framework for U.S. assessments of progress on human rights reforms in Bahrain. In the National Defense Authorization Act for 2013, Congress directed the secretary of state to submit an assessment of Bahrain’s progress in implementing the BICI recommendations, including a description of specific steps taken, an assessment of compliance with each recommendation, and an assessment of the report findings’ impact on “progress toward democracy and respect for human rights in Bahrain.” In 2015, the Senate Appropriations Committee called on the secretary of state to submit a report describing specific steps taken to implement BICI recommendations, as well as further steps the government should take to fully implement the recommendations and an assessment of the report findings’ impact on U.S. security in the region. Accordingly, the Department of State produced

two reports on Bahrain’s implementation of the BICI recommendations, one in 2013 and one in 2016. Both reports found the government had made progress, but that “more work remains to be done,” particularly in the independence and accountability of investigative bodies and promotion of national reconciliation. The [2016](#) report noted progress in rebuilding demolished Shi’a mosques and in implementing tolerance in curricula.

State Department officials have raised concerns with their Bahraini counterparts about sectarianism, human rights, and prisoners of conscience in the country. During a visit to Manama ahead of the April 2016 Gulf Cooperation Council summit, then Secretary of State John Kerry discussed Bahraini efforts to counter sectarianism with the Minister of Foreign Affairs. Then Secretary Kerry also met with opposition and civil society leaders, including noted human rights defender Nabeel Rajab, who remains in detention. Since the summit, several State Department statements have addressed human rights concerns in Bahrain, including the ongoing imprisonment of Rajab as well as religious freedom concerns facing the Shi’a community. According to the State Department, U.S. government officials at all levels, including embassy staff, have urged the Bahraini government to fully implement the BICI recommendations, end discrimination against the Shi’a community, support national unity and reconciliation efforts, respect freedom of expression, bolster the independence of watchdog organizations, and provide for the religious freedom of prisoners.

## KEY FINDINGS

During the reporting period, religious freedom conditions in Cuba continued to deteriorate due to the government's short-term detentions of religious leaders, demolition of churches, and threats to confiscate churches. In addition, the Cuban government harasses religious leaders and laity, interferes in religious groups' internal affairs, and prevents—at times

violently—human rights and pro-democracy activists from participating in religious activities. The Cuban government actively limits, controls, and monitors religious practice through a restrictive system of laws and policies, surveillance, and harassment. Based on these concerns, USCIRF again places Cuba on its Tier 2 in 2017, as it has since 2004.

## RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Convey that changes in policy do not diminish the Cuban government's need to improve religious freedom conditions on the island;
- Denounce—clearly and consistently—violations of religious freedom and related human rights in Cuba;
- Press the Cuban government to:
  - Stop arrests and harassment of religious leaders;
  - End the practice of preventing democracy and human rights activists from attending religious services;
  - End destruction of, threats to destroy, and threats to expropriate houses of worship;
  - Lift restrictions on the building or repairing of houses of worship, holding of religious processions, importation of religious materials, and admittance of religious leaders;
- Allow unregistered religious groups to operate freely and legally, and repeal government policies that restrict religious services in homes or other personal property;
- Cease interference with religious activities and religious communities' internal affairs; and
- Hold accountable police and other security personnel for actions that violate the human rights of religious practitioners;
- Encourage Cuban authorities to extend an official invitation for unrestricted visits by USCIRF and the United Nations Special Rapporteur on freedom of religion or belief;
- Increase opportunities for Cuban religious leaders from both registered and unregistered religious communities to travel to, exchange aid and materials with, and interact with coreligionists in the United States;
- Continue the U.S.-Cuba human rights dialogue and include freedom of religion or belief as part of the dialogue with the Ambassador-at-Large for International Religious Freedom and other relevant participants;
- Use appropriated funds to advance Internet freedom and protect Cuban activists by supporting the development and accessibility of new technologies and programs to counter censorship and to facilitate the free flow of information in and out of Cuba; and
- Encourage international partners, including key Latin American and European countries and regional blocs, to ensure violations of freedom of religion or belief and related human rights are part of all formal and informal multilateral or bilateral discussions with Cuba.

## BACKGROUND

Religious adherence continues to grow in Cuba, although there are no reliable statistics of Cubans' religious affiliations. Sixty to 70 percent of the population is estimated to be Roman Catholic and 5 percent Protestant. The practice of Catholicism is commonly syncretic, mixed with traditional African religions, especially Santería. According to the State Department, various religious communities approximate their membership numbers as follows: Assemblies of God, 110,000; Baptists, 100,000; Jehovah's Witnesses, 96,000; Methodists, 36,000; Seventh-day Adventists, 35,000; Anglicans, 22,500; Presbyterians, 15,500; Muslims, 2,000–3,000; Jews, 1,500; Quakers, 300; and The Church of Jesus Christ of Latter-day Saints (Mormons), 50. An unknown number of Greek and Russian Orthodox Christians, Buddhists, and Baha'is also live in Cuba.

President Raul Castro and his circle rule with absolute authority. The Communist Party is the country's only constitutionally recognized party. Despite increased economic and diplomatic engagement with the United States and Europe, human rights conditions have deteriorated. Authorities engage in arbitrary, short-term, and politically motivated detentions; assaults against human rights and pro-democracy activists and dissidents; extensive surveillance and intimidation; and organizing "acts of repudiation," incidents in which government-recruited mobs harass

*Despite increased economic and diplomatic engagement with the United States and Europe, human rights conditions have deteriorated.*

and—at times—assault activists, religious leaders, and others targeted by the government. In June 2016, USCIRF met with Presidential Medal of Freedom Winner Dr. Oscar Biscet and his wife, human rights activist Elsa Morejon. In January 2017, Dr. Biscet was arrested for his continued advocacy for democracy and freedom; upon his release later that day, government authorities warned him to cease his activism. The Cuban government does not allow human rights organizations to operate legally, and it controls all access to media, printing, and construction materials.

While the Cuban constitution guarantees freedom of religion or belief, this protection is limited by other constitutional and legal provisions. Article 8 affirms that "the State recognizes, respects, and guarantees religious freedom," and article 55 further guarantees the right to "change religious beliefs or not have any, and to profess, within the confines of the law, the religious worship of his/her preference." However, article 62 qualifies that all rights can be limited based on the

"aims of the socialist State and the nation's determination to build socialism and communism." The Cuban penal code's Abuse of Liberty of Worship clause permits the imprisonment of any person the government

determines abuses constitutional religious freedom protections by placing religious beliefs in conflict with other state goals.

The Cuban government controls religious activities through the Office of Religious Affairs (ORA) of the

Central Committee of the Cuban Communist Party and the Ministry of Justice (MOJ). The government requires religious communities to register with the MOJ, including the disclosure of funding sources and locations for activities and certification that they are not duplicating the activities of other registered religious communities. The ORA has final authority over registration decisions. Currently, 54 religious communities are registered, primarily Christian denominations, more than half of which have some form of association with the government-recognized Cuban Council of Churches (CCC). Only registered religious communities are legally permitted to receive foreign visitors, import religious materials, meet in approved houses of worship, and apply to travel abroad for religious purposes. Local Communist Party officials must approve all religious activities of registered groups other than regular worship services, such as repairing or building houses of worship and holding processions or events outside religious buildings. The government also restricts religious practice by denying independent religious communities access to state media (which they use to broadcast services), limiting exit visas, requiring the registration of publications, limiting the entry of foreign religious workers, and restricting bank accounts to one per denomination or religious association. Further, the ORA continues to pressure religious communities to make their financing, internal governing structures, statutes, and constitutions more hierarchical, which aids government efforts to control them. Morejon and other religious freedom advocates report that local community officials in rural areas discriminate against some Christian children, including denying them food in schools.

In 2005, the Cuban government implemented a law to regulate house churches (congregations that gather for worship in private homes). Many Protestant denominations rely on house churches due to government restrictions on new building construction; the State Department reports there are an estimated 2,000–10,000 house churches in Cuba. The law, known as Directive 43

and Resolution 46, requires all house churches to register and submit to the government detailed information on their membership, the house church's inhabitants, and the schedule of services. It permits no more than three meetings to be held per week, bars foreign citizens from participating in services without government permission, and requires house churches of the same denomination to be at least two kilometers apart.

In January 2015, the Cuban government announced Legal Decree 322, the General Law on Housing, purportedly to regulate private properties and zoning laws. However, Cuban authorities have used Legal Decree 322 to threaten expropriation of churches.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Destruction of and Threats to Churches

In 2016, the Cuban government destroyed four Apostolic Movement houses of worship. On January 8, the government razed Rev. Bernardo de Quesada Salomon's Fire and Dynamism Church in Camaguey and Rev. Juan Carlos Núñez Velázquez's Apostolic House-King of Glory Church in Victoria de las Tunas. Both churches were on the pastors' private properties and had legal permits for

*In 2016, the Cuban government detained dozens of religious leaders and followers. The vast majority of detentions occurred during . . . church demolitions. . . .*

their construction. On February 5, authorities similarly destroyed the Emanuel Church of the Apostolic Movement in Santiago de Cuba and confiscated its pews, chairs, audio equipment, musical instruments, and cement blocks. Emanuel Church Rev. Alain Toledano's home also was destroyed. On April 9, the Cuban government demolished the Strong Winds Ministry Church in Las Tunas. The church reports the government also confiscated its pews, electrical equipment, and construction material. The church was privately owned by Strong Winds Ministry member Caridad Reyna.

In 2015, the government designated 2,000 Assemblies of God churches as illegal and ordered their closure, confiscation, or demolition. In 2016, the government began the process of expropriating 1,400 of these churches, although at the time of this writing none have been confiscated.



During the reporting period, government officials interrogated religious leaders countrywide about the legal status of their religious properties. In some cases, the officials confiscated property deeds, leaving the religious communities vulnerable to charges of maintaining illegal properties and having said properties destroyed or confiscated.

### Detentions of Religious Leaders

In 2016, the Cuban government detained dozens of religious leaders and followers. The vast majority of detentions occurred during the church demolitions described above to prevent church members from protesting and/or stopping the demolitions and alerting others to the incidents.

On January 8, Rev. de Quesada Salomon, his wife Damaris, and other Apostolic Movement members across the island were detained prior to the destruction of their Fire and Dynamism Church in Camaguey. They were detained at separate police stations and released later that day. The government also shut off cell phone reception in the area during the incident.

On February 5, Rev. Toledano's wife, Marilín Alayo Correa, and 200 other Emanuel Church members were detained across the Santiago de Cuba region; they were released later that day. On February 24, police threatened to arrest Rev. Toledano for alleged illegal possession of chairs and church construction materials.

On March 20, Baptist Convention of Western Cuba pastor and religious freedom advocate Mario Felix Leonart Barroso was arrested prior to then President Barack Obama's official visit to Cuba. His wife, Yoaxis Marcheco Suarez, was placed under house arrest. Prior to the pair's arrest, the police surrounded their home for hours and cut off their phone lines. After his arrest, Pastor Leonart Barroso reported constant harassment and surveillance. On August 8, he and his family fled Cuba for the United States.

On April 7, Western Baptist Convention Pastor Leonardo Rodriguez was arrested in Santa Clara and released the next day.

On April 9, state security agents detained Strong Winds Ministry Church Rev. Mario Jorge Travieso for several hours during the church's demolition and threatened him with seven years' imprisonment if he spoke publicly about the incident.

On October 21, Pastor Núñez Velázquez was sentenced to one year of house arrest after neighbors reported noise complaints. Pastor Núñez Velázquez had been holding services outside after his church was demolished on January 8, 2016. He appealed the decision in October, but was unsuccessful. At the time of this writing, the conditions of his house arrest are unknown.

On February 21, 2017, Pastor Ramón Rigal and his wife Adya were arrested and charged with "acting contrary to the normal development of a minor" for homeschooling their child. They were released the next day and ordered to report to the police every week in person until their trial.

### Denial of Religious Freedom for Democracy and Human Rights Activists

As in previous reporting periods, the Cuban government continued to deny pro-democracy and human rights activists their constitutional rights to freedom of religion or belief. Christian Solidarity Worldwide catalogued more than 200 separate incidents in 2016 of Ladies in White members being prevented from attending religious services; authorities prevented other human rights and pro-democracy activists from attending religious services 55 times. The Ladies in White are the wives and relatives of dissidents imprisoned in 2003; they wear

white during weekly marches following Sunday masses to increase attention to human rights conditions in Cuba. In the majority of cases, these individuals were detained on their way to Mass and released hours later.

Individuals reported being beaten and harassed during their detentions. Some also reported being prevented from attending Bible study groups and prayer meetings between weekly services. Church leaders continue to report that government officials pressure them to expel or shun such activists.

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*[T]he Cuban government continued to deny pro-democracy and human rights activists their constitutional rights to freedom of religion or belief.*

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Religious leaders report exercising self-censorship during services, fearing official reprisals if they directly or indirectly criticize the government. On September 1, nine workers at the Catholic magazine *Convivencia* were summoned to the local police station, interrogated, and threatened because of the political nature of some of their articles.

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### Positive Developments

Some religious leaders report increased opportunities to import religious literature and religious materials, conduct charitable operations, repair or expand religious buildings, and receive exit visas. The State Department reports the Catholic Church and some Protestant denominations maintained small libraries, operated their own websites with little censorship, published periodicals, and conducted religious services in prisons.

### U.S. POLICY

In December 2014, then President Obama announced a “new course on Cuba,” starting a process of normalizing diplomatic relations between the countries and significantly lifting trade and travel restrictions. On October 14, 2016, the White House released the [Presidential Policy Directive—United States-Cuba Normalization](#) that outlined the Obama Administration’s vision for and implementation of normalization of relations.

Since December 2014, the United States and Cuba re-established embassies in each other’s capitals and in September 2016, then President Obama nominated an ambassador to Cuba, although he was not confirmed before the Obama Administration left office. Although the U.S. trade sanctions and travel embargo on Cuba imposed in 1960 and reinforced by the 1996 Helms-Burton Act remain in place, then President Obama called on Congress to lift the embargo. Beginning in 2009, the Obama Administration eased restrictions on authorized travel to Cuba; increased

scholarships and grants for religious, humanitarian, and scientific activities; increased remittance levels; increased opportunities to import Cuban products; allowed for exportation of U.S. telecommunications equipment; provided U.S.-led training opportunities; and allowed the export or sale of goods and services to Cuban private businesses and farmers. U.S. institutions were permitted to open banking accounts with Cuban financial institutions and U.S. credit and debit cards were permitted to be used in Cuba. The U.S. government also removed Cuba from the State Sponsor of Terrorism list, resumed direct flights between the United States and Cuba in 2016, and in January 2017 ended its “wet foot, dry foot” policy, which granted residency to Cubans who reached the United States.

In March 2016, then President Obama became the first sitting president to travel to Cuba since 1928. In his speech in Havana, then President Obama acknowledged commonalities between U.S. and Cuban people, as well as the Cuban government’s human rights violations. He called on the Cuban government to respect the freedoms of speech, assembly, and religion or belief and to allow Cubans to choose their own government through free and fair elections. In October, then Ambassador-at-Large for International Religious Freedom David Saperstein joined then Assistant Secretary of State for Democracy, Human Rights, and Labor Tom Malinowski in Cuba for the U.S.-Cuba human rights dialogue. In July, then State Department Special Representative for Religion and Global Affairs Shaun Casey travelled to Cuba.



## KEY FINDINGS

Despite the government's widespread repression of human rights, religious freedom conditions improved in several areas over the past year. President Abdel Fattah Sisi consistently condemned sectarian attacks and pressed for assistance for victims and accountability for perpetrators, pushed for reform in religious discourse, and attended a Coptic Christmas Eve mass for the third consecutive year. In August, the newly-seated parliament passed a long-awaited law on the construction and maintenance of churches and, by early 2017, the government completed rebuilding and restoring more than 50 churches destroyed by extremists in 2013. While sectarian attacks targeting Christians spiked, particularly in Upper Egypt and North Sinai, and a major suicide bombing occurred near St. Mark's Coptic Orthodox Cathedral in Cairo,

Egyptian courts made some progress in bringing to justice perpetrators of past attacks. In 2016, prosecutions, convictions, and imprisonment of Egyptian citizens for blasphemy and related charges decreased. Some discriminatory and repressive laws and policies that restrict freedom of religion or belief remain in place, but public debates occurred in parliament and civil society on a range of religious freedom concerns. Based on these developments, while still deeply concerned by the deplorable human rights conditions in Egypt, USCIRF places Egypt on its Tier 2, as it did from 2002 to 2010. From 2011 to 2016, USCIRF had recommended that Egypt be designated as a "country of particular concern," or CPC, under the International Religious Freedom Act of 1998 (IRFA).

## RECOMMENDATIONS TO THE U.S. GOVERNMENT

Because Egypt's progress and stability hinge 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;
- Press the Egyptian government to undertake further 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 independent anti-discrimination body) of the constitution;
- Urge the Egyptian government to repeal or revise Article 98(f) of the Penal Code, which criminalizes contempt of religion, or blasphemy, and, in the interim, provide

the constitutional and international guarantees of the rule of law and due process for those individuals charged with violating Article 98(f);

- Press the Egyptian government to prosecute perpetrators of sectarian violence through the judicial system and to ensure that responsibility for religious affairs is not under the jurisdiction of the domestic security agency, which should only deal with national security matters such as cases involving the use or advocacy of violence;
- Press the Egyptian government to address incitement to violence and discrimination against disfavored Muslims and non-Muslims, including by prosecuting government-funded clerics who incite violence against Muslim or non-Muslim minority communities;
- Press the Egyptian government to continue to revise all textbooks and other educational materials to remove any language or images that promote

intolerance, hatred, or violence toward any group of persons based on religion or belief, and include the concepts of tolerance and respect for human rights of all individuals, including religious freedom, in all school curricula, textbooks, and teacher training;

- Provide support for education reform and teacher training initiatives;
- Provide support to human rights and other civil society or nongovernmental organizations to advance freedom of religion or belief for all Egyptians; and
- Place particular emphasis, in its annual reporting to Congress on human rights and religious freedom, on the Egyptian government's progress on:
  - The protection of religious minorities;
  - Prosecution of perpetrators of sectarian violence; and
  - The ability of Egyptian NGOs to receive outside funding from sources including the U.S. government.

## BACKGROUND

Egypt's constitution identifies Islam as the state religion and principles of Shari'ah as the primary source of legislation. While Article 64 of the constitution states that "freedom of belief is absolute," only Muslims, Christians, and Jews can practice their religion publicly and build places of worship. Of the country's estimated 90 million people, 85 to 90 percent are Sunni Muslims and non-Sunni Muslims comprise less than 1 percent. Ten to 15 percent are Christians, the vast majority belonging to the Coptic Orthodox Church, and less than 2 percent belonging to various other denominations, including Catholic, Protestant, Maronite, Armenian Apostolic, Greek and Syrian Orthodox, and Anglican. There are at least 2,000 Baha'is, approximately 1,500 Jehovah's Witnesses, and approximately 20 Jews.

Egypt has seen progress and setbacks during its political transition since 2013. In 2016, Egypt, in effect, completed a political transition following the military's 2013 ouster of former President Mohamed Morsi. In 2014, a new constitution was approved overwhelmingly by referendum, and in May 2014, Sisi was elected president. Parliamentary elections in late 2015 resulted in a newly seated 596-member House of Representatives in January 2016, which includes 36 Christians.

The government's efforts to combat extremism and terrorism continued to negatively affect human rights conditions and civil society activities. Despite some

political prisoners and other dissidents being released from prison in 2016, the government continued to crack down on dissent. Sympathizers and members of the Muslim Brotherhood, journalists, secular and liberal activists, and opposition figures have been harassed, jailed, and given harsh prison terms, including death sentences for Brotherhood members and other Islamists, sometimes on legitimate, though other times on unfounded, security charges. The draconian crackdown on the Muslim Brotherhood has resulted

in the arrests of tens of thousands, and has violated a wide range of human rights, including freedoms of the press, association, speech, and assembly, and given rise to an increased climate of fear. In addition, a crackdown continued on

Egyptian nongovernmental organizations—including human rights groups that monitor religious freedom conditions – which has resulted in criminal investigations, harassment, and travel bans on prominent human rights defenders.

In January 2017, a USCIRF delegation traveled to Egypt to assess religious freedom conditions and met with a range of Egyptian government officials, as well as the chair of the National Council for Human Rights; the Grand Sheikh at Al-Azhar Ahmed El-Tayeb; Pope Tawadros II, head of the Coptic Orthodox Church; the U.S. Ambassador and other Embassy officials; and members of civil society, including religious leaders, human rights defenders, and lawyers.

*Since 2014, President Sisi and his government have made significant strides to address a range of religious freedom concerns.*

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Positive Developments

Since 2014, President Sisi and his government have made significant strides to address a range of religious freedom concerns. President Sisi consistently has made noteworthy public statements and gestures encouraging religious tolerance and moderation, has condemned sectarian attacks and assisted victims, and has urged reform of textbooks and religious discourse in society, an important shift in tone and rhetoric from his predecessors.

In August 2016, in accordance with Article 235 of the constitution, the parliament passed—and in September 2016 President Sisi approved—a new law regulating the construction and renovation of churches (see below in the Progress and Ongoing Challenges for Christians section for a more detailed discussion of the law). The Coptic Orthodox, Catholic, and Anglican denominations publicly supported the law. While some domestic and international human rights groups criticized the law, Egyptian officials saw it as a necessary step to address longstanding concerns. As a consequence of the new law, in January 2017, Prime Minister Sherif Ismail formed a government committee to legalize numerous churches that remain unlicensed since the passage of the law.

During the year, progress continued on bringing to account perpetrators of past attacks targeting individuals or property on the basis of religion or belief. Over the past few years, dozens of perpetrators were convicted for destroying Christian places of worship and other religious structures during the summer of 2013. In February 2017, the Court of Cassation upheld 14-year prison terms for 23 individuals found guilty of killing Hassan Shehata, a Shi'a Muslim cleric, and three of his followers in June 2013.

The Ministry of Education continued to remove and/or clarify passages from primary school textbooks, particularly Islamic education books, deemed to promote extremist ideology. During USCIRF's visit in January 2017, officials stated that revisions to religious education texts would be completed by 2022. With the

assistance of the United Nations Educational, Scientific and Cultural Organization (UNESCO), in 2016 the Egyptian government published new teachers' guides to promote religious tolerance and understanding. These guides are reviewed periodically by the Ministry of Education, which has worked to move the Egyptian education system toward a more tolerant and inclusive curriculum. In 2016, the Ministry of Education and the Egyptian Family House—an interfaith entity created in 2011 by Al-Azhar in cooperation with various Christian churches—worked together to promote a culture of tolerance, including through education reform.

Al-Azhar University—one of the preeminent Sunni Muslim centers of learning in the world—continued to advocate religious tolerance and understanding. It did so in cooperation with the Ministry of Religious Endowments through the training of imams; through

*During the reporting period, ISIS affiliates conducted operations in Egypt targeting and killing individuals on the basis of religion or belief.*

education curricula in Al-Azhar's schools, which serve some two million primary and secondary students and 400,000 university students throughout the country; and through hosting approximately 17,000

students from abroad. Al-Azhar continues to evaluate reforms to its own religious curricula and participates on a committee with representatives from the Egyptian Family House and Ministry of Education, among others, to review and recommend revisions to public school texts. In addition, during the past year, the Grand Sheikh at Al-Azhar sponsored or participated in several interfaith conferences addressing religious freedom, and in May he visited the Vatican and met with Pope Francis.

Regarding reform to religious discourse in society, the Egyptian government actively monitors fatwas (religious edicts) issued by clerics and Dar al-Ifta, a government entity headed by the Grand Mufti, continues to counter fatwas online that espouse radical views. The Ministry of Religious Endowments and Dar al-Ifta continue to train senior imams on the skills of issuing responsible and accurate *fatwas*. In addition, Al-Azhar's Observatory, now in its second year, has expanded its efforts to monitor and refute radical ideas online in at least nine languages.

## Attacks by the Islamic State of Iraq and Syria (ISIS) Affiliates

During the reporting period, ISIS affiliates conducted operations in Egypt targeting and killing individuals on the basis of religion or belief. The first known sectarian killing by ISIS in Egypt occurred in June 2016, when it claimed responsibility for the shooting death of Father Raphael Moussa, who had just attended a mass at a church in Arish, the capital of North Sinai. In November, an ISIS affiliate beheaded a well-known Sufi cleric, Suleiman Abu Heraz, in North Sinai, and released a video falsely claiming the cleric was an infidel who practiced witchcraft.

In December, an ISIS affiliate claimed responsibility for the December 11 attack on St. Paul and St. Peter's Church near St. Mark's Coptic Orthodox Cathedral that killed 29 individuals, mainly women and children, and injured approximately 50. In January 2017, at least four perpetrators were arrested and an investigation is ongoing. The Coptic community praised President Sisi for directing government authorities to repair damage to the cathedral in time for Christmas celebrations to be held less than a month later.

Over a three-week period in February 2017, the ISIS affiliate known as the Islamic State in Sinai or Wilayat Sinai killed at least seven Christians in Arish. As a consequence of the killings, dozens of families fled to Ismailia. By the

end of the reporting period, government authorities and local churches had provided temporary accommodations for those families. Also in February, ISIS released a video online vowing to kill all Christians in Egypt.

## Government Control and Regulation of Islamic Institutions

Since the 2013 ouster of former President Morsi, the government has increased its control over all Muslim religious institutions, including mosques and religious endowments. Egyptian officials justify this regulation as necessary to counter extremism and to prevent incitement to violence in mosques. Imams who are not graduates of Al-Azhar licensed by the Ministry of Religious Endowments are not permitted to preach in mosques. Preaching

without a license can result in a prison sentence of up to one year and/or a fine. The Ministry of Religious Endowments regulates and monitors Friday sermons and preachers are expected to follow government-approved content. The government appoints and pays the salaries of all Sunni Muslim imams, and the Ministry of Religious Endowments approves all permits to build new mosques.

## Progress and Ongoing Challenges for Christians

During the year, Christian leaders lauded President Sisi's ongoing active engagement with the community, including his attendance for the third consecutive year at a Coptic Christmas Eve mass at St. Mark's Cathedral in Cairo. During that visit, President Sisi announced that the government would build the largest church and mosque in the country in the new administrative capital, New Cairo, by 2018. In addition, by early 2017, the government had completed rebuilding and repairing 56 churches that were destroyed or damaged by extremist attacks in the summer of 2013 following former President Morsi's ouster. Moreover, in some parts of the country, Egyptian

security services increased protection of churches during significant religious holidays, which lessened fear and insecurity among members of the Coptic community.

In August 2016, the Coptic Orthodox, Catholic, and Anglican

denominations welcomed the passage of the new law regulating church construction and maintenance. The new law helps streamline the process for approval, sets out procedures and timelines, and requires governors to act on applications within four months. Some Egyptian and international human rights groups found the law to be restrictive and discriminatory. For example, some groups have stated the law allows governors to deny church-building permits with no clear avenue to appeal; requires that churches be built "commensurate with" the number of Christians in the area; and contains provisions that allow authorities to deny construction permits if granting them would undermine "public safety." Others continue to argue that there should be a unified law passed to govern all places of worship, rather than have separate regulations.

*Despite notable progress in other areas, the number of violent attacks targeting Christians and their property, particularly in Upper Egypt, increased when compared to the previous year.*

Despite notable progress in other areas, the number of violent attacks targeting Christians and their property, particularly in Upper Egypt, increased when compared to the previous year. For example, in May in Minya, a mob stripped naked a 70-year-old Christian woman, Soad Thabet, and dragged her through the streets after her son was accused of a relationship with a Muslim woman. In addition, mobs burned several Christian homes. Three men initially were arrested and charged, but were released in January 2017. Following an appeal, prosecutors reopened the case in February and reinstated charges against the three men; the case is ongoing. President Sisi expressed his sympathies in person to Ms. Thabet after her ordeal. In June, a mob assaulted Coptic families in Minya and burned Christian homes and a Christian preschool after rumors spread that they intended to convert the school into a church. In November 2016, a 2,000-member Coptic community in Sohag petitioned to build a church, angering some in the Muslim community. Local residents destroyed and looted Coptic Christian property, injured at least four Christians, cut off water and power supplies, and erected roadblocks to prevent fire trucks from entering the village. Eighteen individuals reportedly were arrested; the case is ongoing.

While the government has made some progress on accountability for some sectarian attacks, other perpetrators of sectarian-related violence continue to go unpunished, which continues to foster an atmosphere of impunity. Furthermore, in some cases, instead of pursuing justice through the rule of law, local Egyptian authorities, particularly in Upper Egypt, continue to conduct “customary reconciliation” sessions between Muslims and Christians. In some cases, local authorities and Muslim and Christian religious leaders have abused these reconciliation sessions to compel victims to abandon their claims to any legal remedy. Human rights groups have argued that reconciliation sessions disadvantage Christians. For example, some Christian families

have been forced to leave their village and sell their property as a consequence of the reconciliation session.

Furthermore, discriminatory laws and policies that remain in place continue to negatively impact Christians, including the blasphemy law (see next section) and limits on conversion from Islam. Egyptian-born Muslims who have converted to Christianity still cannot reflect their change of religious affiliation on identity documents, and in many cases, these converts also face intense social hostility. In addition, while the number of incidents of kidnappings for ransom and extortion of Christians have decreased in recent years, they continue in parts of the country, particularly in Upper Egypt.

### Blasphemy Law and Limits on Religious Expression

Article 98(f) of the Egyptian Penal Code prohibits citizens from “ridiculing or insulting heavenly religions or inciting sectarian strife.” Authorities use this “contempt-of-religion,” or blasphemy, law

to detain, prosecute, and imprison members of religious groups whose practices deviate from mainstream Islamic beliefs or whose activities are alleged to jeopardize “communal harmony” or insult Judaism, Christianity, or Islam. In January 2015, President Sisi issued

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*While the government has made some progress on accountability for some sectarian attacks, other perpetrators of sectarian-related violence continue to go unpunished, which continues to foster an atmosphere of impunity.*

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a decree that permits the government to ban any foreign publications it deems offensive to religion.

During the past year, the number of blasphemy cases decreased when compared to the previous year. While the majority of charges are leveled against Sunni Muslims, most of those sentenced by a court to prison terms for blasphemy have been Christians, Shi’a Muslims, and atheists. A conviction can result in a prison term up to five years and a fine.

For example, in January 2016, Egyptian writer and poet Fatma Naoot was sentenced to three years in prison for “defaming Islam” for a Facebook post criticizing the ritual slaughtering of animals during a Muslim holiday. In November, an appeals court reduced her punishment to a six-month suspended sentence.



In February 2016, four Coptic Christian teenagers were sentenced to five years in prison for blasphemy for making a short, private video mocking ISIS. They and their teacher had been arrested and charged in April 2015; the teacher was sentenced to three years in prison in a separate trial in December 2015 and was expelled from his village. In April 2016, the four youths fled Egypt and reportedly are seeking asylum in Switzerland.

In November 2016, well-known television show host, Islam El-Beheiry, was released from prison by presidential pardon just before completing his sentence for “defaming religious symbols” for comments he made about Islam on his program. He had been sentenced to five years in prison in May 2015; in December 2015 the sentence was reduced on appeal to one year.

In February 2017, Sunni Muslim cleric Mohamed Abdullah al-Nasr was sentenced to five years in prison for “contempt of religion” for questioning various interpretations of Qur’anic texts on Facebook; he remains in prison while an appeal is pending.

In recent years, Egyptian atheists have seen a rise in blasphemy charges, as well as growing societal harassment and various Egyptian government-sponsored initiatives to counter atheism. For example, in February 2016, online activist Mustafa Abdel-Nabi was convicted in absentia to three years in prison for blasphemy for postings about atheism on his Facebook page. In addition, over the past few years, the Ministries of Religious Endowments and Sports and Youth co-sponsored a national campaign to combat the spread of atheism among Egyptian youth.

### **Baha’is, Jehovah’s Witnesses, and Shi’a Muslims**

The Baha’i and Jehovah’s Witness faiths have been banned since 1960 by presidential decrees. As a result, Baha’is living in Egypt are unable to meet or engage in public religious activities. Al-Azhar’s Islamic Research Center has issued fatwas over the years urging the continued ban on the Baha’i community and condemning its members as apostates. In recent years, the Ministry of Religious Endowments has sponsored public workshops to raise awareness about the “growing dangers” of the spread of the Baha’i faith in Egypt. Since Baha’i marriage is not recognized, married Baha’is cannot obtain identity cards, making it impossible to conduct daily transactions like banking, school registration, or car or home ownership.

In recent years, the government has permitted Jehovah’s Witnesses to meet in private homes in groups of fewer than 30 people, despite the community’s request to meet in larger numbers. Jehovah’s Witnesses are not allowed to have their own places of worship or to import Bibles and other religious literature. Over the past year, security officials continued to harass and interrogate Jehovah’s Witnesses by monitoring their activities and communications.

In recent years, members of the Shi’a community have faced blasphemy charges as well as government campaigns to counter Shi’a Islam in public and in mosques. In addition, in October 2016, the Ministry of Religious Endowments prohibited the Shi’a community from celebrating Ashura in al-Hussein mosque in Cairo.

### **Anti-Semitism and the Jewish Community**

In 2016, material vilifying Jews and other anti-Semitic content continued to appear in Egypt’s state-controlled and semi-official media. According to the State Department, Egyptian authorities have failed to take adequate steps to combat anti-Semitism in the state-controlled and private media. Egypt’s once-thriving Jewish community of tens of thousands in the mid-20th century is now on the verge of extinction. It owns communal property, including synagogues in Cairo and Alexandria, and it finances required maintenance largely through private donations. Although some properties were refurbished during the year, many of the community’s sites are in need of repair and/or renovation.

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

For many years, U.S. policy toward Egypt has focused on fostering strong bilateral relations, continuing military and counterterrorism cooperation, maintaining regional stability, and sustaining the 1979 Camp David peace accords. Successive administrations have viewed Egypt as a key ally in the region and it remains among the top five recipients in the world of U.S. aid. The Fiscal Year (FY) 2017 Consolidated Appropriations Act provides Egypt with \$1.3 billion in foreign military financing (FMF) and \$150 million in economic support funds (ESF). During the reporting period, in addition to periodic criticism of Egypt’s human rights record, the Obama Administration expressed the view that the denial of fundamental

human rights creates conditions that could fuel the growth of violent extremism.

After the U.S. presidential election in November 2016, President Sisi was among the first heads of state to call and congratulate president-elect Donald J. Trump. During his first week in office, President Trump spoke by phone with President Sisi about deepening the bilateral relationship in several areas, including countering terrorism and extremism in Egypt and the region. President Trump also invited President Sisi for a state visit.

Public Law 114-113, the FY 2016 Consolidated Appropriations Act, placed conditions on U.S. assistance to Egypt related to limits on human rights, including religious freedom. Specifically, it required the secretary of state to certify that Egypt has taken steps to advance the democratic process, protect free speech, and protect the rights of women and religious minorities, among other measures. However, the act also authorized the secretary to provide assistance to Egypt if he or she determines that the assistance is important to the national security interests of the United States. Using the appropriations process, initially in reference to Egypt, Congress has ensured through legislative language that U.S. “democracy and governance activities shall not be subject to prior approval by the government of any foreign country.”

In 2015, the U.S. government announced that it would release an October 2013 hold on the delivery of select weapons systems and continue foreign military financing and economic support funds to Egypt. In May 2015, then Secretary of State John Kerry certified in a report to Congress that the resumption of aid to Egypt was in the national security interest of the United States. Despite the certification, the report concluded that the overall trajectory for human rights and democracy in Egypt was negative. In addition, the report found that the Egyptian government “had taken steps to advance and protect the rights of religious minorities,” although these protections were limited to followers of Islam, Christianity, and Judaism, and that “the government continues to prosecute individuals for ‘denigrating religions,’ and accountability for past sectarian crimes remains problematic.”

According to the State Department, officials at all levels of the U.S. government continue to raise a range of religious freedom concerns with Egyptian counterparts.

The U.S. Embassy supports community development projects designed to encourage religious tolerance and conducts exchange programs and provides direct grant support for projects to promote tolerance among young religious leaders, interfaith understanding and interreligious dialogue, and civic and political participation by marginalized youth.

### Additional Statement of Vice Chair James J. Zogby

This year USCIRF recognizes that the Egyptian government is moving simultaneously in two divergent directions. There have been several significant initiatives to be supportive of the country’s Coptic Christian community. At the same time, Egypt has witnessed a massive crackdown on a broad range of human rights, including the freedoms of assembly, press, and speech—targeting not only the now banned Muslim Brotherhood but a number of civic institutions and secular human rights organizations and activists.

In recognition of these developments, I supported our decision to not declare Egypt a CPC, since it no longer fits the definition of a CPC as outlined in IRFA. At the same time, I agree that it is appropriate that this year’s report expresses deep concern with the Egyptian government’s deplorable human rights policies. We recognize that the mass arrests and a crackdown on civil society only serves to foster a climate in which extremism and sectarian violence will grow, ultimately threatening Egypt’s efforts to create a more inclusive and tolerant society.



## KEY FINDINGS

In 2016, religious tolerance and religious freedom conditions continued to deteriorate in India. Hindu nationalist groups—such as the Rashtriya Swayamsevak Sangh (RSS), Sangh Parivar, and Vishva Hindu Parishad (VHP)—and their sympathizers perpetrated numerous incidents of intimidation, harassment, and violence against religious minority communities and Hindu Dalits. These violations were most frequent and severe in 10 of India's 29 states. National and state laws that restrict religious conversion, cow slaughter, and the foreign funding of nongovernmental organizations (NGOs) and a constitutional provision deeming Sikhs, Buddhists, and Jains to be Hindus helped create the conditions enabling these violations. While Prime

Minister Narendra Modi spoke publicly about the importance of communal tolerance and religious freedom, members of the ruling party have ties to Hindu nationalist groups implicated in religious freedom violations, used religiously divisive language to inflame tensions, and called for additional laws that would restrict religious freedom. These issues, combined with longstanding problems of police and judicial bias and inadequacies, have created a pervasive climate of impunity in which religious minorities feel increasingly insecure and have no recourse when religiously motivated crimes occur. Based on these concerns, in 2017 USCIRF again places India on its Tier 2, where it has been since 2009.

## RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Integrate concern for religious freedom into bilateral contacts with India, including the framework of future Strategic Dialogues, at both the federal and provincial levels, and encourage the strengthening of the capacity of state and central police to implement effective measures to prohibit and punish cases of religious violence and protect victims and witnesses;
- Increase the U.S. Embassy's attention to issues of religious freedom and related human rights, including through visits by the ambassador and other officials to areas where communal and religiously motivated violence has occurred or is likely to occur, and through meetings with religious communities, local governmental leaders, and police;
- Press the Indian government to allow USCIRF to visit the country, and urge the Indian government to invite the United Nations Special Rapporteur on freedom of religion or belief to visit India;
- Urge India to boost training on human rights and religious freedom standards and practices for the police and judiciary, particularly in states and areas with a history or likelihood of religious and communal violence;
- Urge the central Indian government to press states that have adopted anti-conversion laws to repeal or amend them to conform with internationally recognized human rights standards; and
- Urge the Indian government to publicly rebuke government officials and religious leaders who make derogatory statements about religious communities.



## BACKGROUND

India is the world's largest democracy, with about 1.26 billion people, or about a one-sixth of the total world population. Nearly 80 percent of the population is Hindu; more than 14 percent is Muslim (the third-largest Muslim population in the world); 2.3 percent is Christian; 1.7 percent is Sikh; less than 1 percent is Buddhist; less than 1 percent is Jain; and about 1 percent adheres to other faiths or professes no religion.

India is a multi-religious, multi-ethnic, multi-linguistic, and multicultural country and a secular democracy. Despite these positive characteristics, the Indian government has struggled to maintain religious and communal harmony, protect minority communities from abuses, and provide justice when crimes occur.

The country has experienced periodic outbreaks of large-scale communal violence against religious minorities, including in Uttar Pradesh in 2013, Odisha in 2007–2008, Gujarat in 2002, and Delhi in 1984.

Although the government of India established special structures to investigate and adjudicate crimes stemming from these incidents, the impact has been hindered by limited capacity, an antiquated judiciary system, inconsistent use, political corruption, and religious bias, particularly at the state and local levels. Many cases stemming from these incidents are still pending in the India court system. These large-scale outbreaks of communal violence, as well as smaller-scale Hindu nationalist abuses against religious

minorities, tend to occur most frequently in 10 Indian states: Uttar Pradesh, Andhra Pradesh, Bihar, Chhattisgarh, Gujarat, Odisha, Karnataka, Madhya Pradesh, Maharashtra, and Rajasthan. In at least some of these states, religious freedom violations appear to be systematic, ongoing, and egregious and rise to CPC status.

Muslims, Christians, Sikhs, other minority communities, and Hindu Dalits recognize that religious freedom issues in India predate the current Bharatiya Janata Party (BJP)-led government. However, they attribute the deterioration in conditions since 2014 to the BJP's Hindu nationalistic political platform and some of its members' support of and/or membership in Hindu nationalist groups. The BJP was founded in col-

laboration with the RSS, and the two maintain close ties at the highest levels. The BJP, RSS, Sangh Parivar, and VHP subscribe to the ideology of Hindutva ("Hinduness"), which seeks to make India a Hindu state based on Hinduism and Hindu values. Some

individuals and groups adhering to this ideology are known to use violence, discriminatory acts, and religiously motivated rhetoric against religious minorities, creating a climate of fear and making non-Hindus feel unwelcome in the country. The heightened enforcement against religious minorities by BJP government officials and/or Hindu nationalists of existing constitutional and legal provisions restricting religious conversion, cow slaughter, and foreign funding of

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*The heightened enforcement against religious minorities by BJP government officials and/or Hindu nationalists . . . has contributed to the deterioration of religious freedom in the country.*

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NGOs also has contributed to the deterioration of religious freedom in the country.

While there was no large-scale communal violence in 2016, the Indian government's Union Ministry of Home Affairs reported in January 2017 that in the first five months of 2016 there were 278 incidents of communal violence. In 2016, the governmental National Commission for Minorities received 1,288 complaints from minorities regarding such incidents, down from nearly 2,000 in 2015. However, religious minority communities, especially Christians and Muslims, reported to USCIRF that incidents had increased but minorities were afraid or believed it to be pointless to report them.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Legal Issues

India's constitution has provisions that provide for the legal equality of its citizens—regardless of their religion and creed—and prohibit religion-based discrimination.

However, other constitutional provisions help create

the conditions in which Hindu nationalist groups and their sympathizers intimidate, harass, and violently attack religious minority communities and Hindu Dalits, purportedly to uphold these

laws. Article 48 of the constitution requires the state to prohibit cow slaughter, a practice many Muslims believe is required of them during Eid al-Adha (Festival of the Sacrifice). Additionally, article 25 deems Sikhs, Jains, and Buddhists to be Hindus. As a result, members of these faiths are subject to Hindu Personal Status Laws, and they are denied access to social services or employment and educational preferences available to other religious minority communities. (For further information, refer to *Constitutional and Legal Challenges Faced by Religious Minorities in India* at [www.uscifr.gov](http://www.uscifr.gov).)

In support of article 48 of the Indian constitution that prohibits cow slaughter, 24 out of the 29 Indian states also have passed laws significantly restricting or banning cow slaughter. Under state criminal laws, individuals can face up to 10 years in jail or a fine of up to 10,000 rupees (US\$150) for the slaughter or possession of

cows or bulls or the consumption of beef, and mere accusations of violations can lead to violence. The application of these legal provisions also economically marginalizes Muslims and Dalits (who adhere to various religious faiths), many of whom work in the beef or leather industries. During the reporting period, there were a number of incidents of Muslims and Dalits being charged under these laws or subject to violence based on such accusations. For example, in August 2016 in Kadali village in Muzaffarnagar, local police arrested three members of a family and charged them with slaughtering a cow under the Uttar Pradesh Cow Slaughter Prevention Act. The police reportedly arrested the family members only after a mob attacked the family's home.

Six Indian states—Chhattisgarh, Himachal Pradesh, Gujarat, Madhya Pradesh, Arunachal Pradesh, and Odisha—have so-called “Freedom of Religion Act(s),” commonly referred to as anti-conversion laws, restricting religious conversion. Because of concerns about unethical conversion tactics, these laws generally require government officials to assess the legality of

conversions out of Hinduism and to provide for fines and imprisonment for anyone who uses force, fraud, or “inducement” to convert another. While the laws purportedly protect religious minori-

ties from forced conversions, they are one-sided, only concerned about conversions away from Hinduism but not toward Hinduism. Observers note that these laws create a hostile and, on occasion, violent environment for religious minority communities because they do not require any evidence to support accusations of wrongdoing. BJP President Amit Shah has advocated for a nationwide anti-conversion law.

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 national interest.” In 2015, the Ministry of Home Affairs revoked the licenses of nearly 9,000 charitable organizations (both religious and nonreligious) for noncompliance with the act; many of these groups' registrations remain cancelled. Some of the organizations allege they were targeted for

*[T]hese laws create a hostile and, on occasion, violent environment for religious minority communities. . . .*

highlighting the government's poor record on issues of human trafficking, labor conditions, religious freedom and other human rights, the environment, and access to food and water for the impoverished; others claim the government acted after Hindu nationalist groups and state BJP members alleged the organizations were "anti-Hindu." In November 2016, Human Rights Watch reported that 25 NGOs, including those that work on human rights issues, continued to be denied registrations. Organizations whose licenses remain cancelled include Compassion International, a Christian humanitarian aid organization that has supported children living in poverty in India for nearly 50 years, and the Sabrang Trust, which has sought justice on behalf of victims of the 2002 Gujarat riots.

### Violations against Muslims

During the past year, there were numerous reports of harassment and violent attacks against Muslims by Hindu nationalists, including local and state BJP members. Members of the Muslim community report that their abusers often accuse them of being terrorists; spying for Pakistan; forcibly kidnapping, converting, and marrying Hindu women; and disrespecting Hinduism by slaughtering cows. Members of the Muslim community rarely report abuses because of societal and police bias and police and judicial intimidation by the RSS.

In 2016, "cow protector" vigilantes—often Hindu nationalists—intimidated, harassed, and attacked Muslims and Hindu Dalits for allegedly slaughtering, selling, or consuming cow products. For example, in April 2016, in the Punjab area of Uttar Pradesh, police arrested six Muslim men who RSS members, allegedly without evidence, believed were slaughtering stray cows. At the end of the reporting period, the six men remain detained and no court date has been scheduled. In July 2016 in Madhya Pradesh, members of a Hindu nationalist group beat two Muslim women who they alleged were carrying beef. Reportedly, the incident took place in full view of the police, who did nothing to help the victims and even allowed onlookers to film the incident. Also in July, in Una Town, Gujarat, four Hindu Dalit men were stripped naked and beaten, reportedly by members of Shiv Sena, an Indian far-right regional political party, for killing a cow and skinning it.

### Violations against Christians

Christian communities across many denominations reported numerous incidents of harassment and attacks in 2016, which they attribute to Hindu nationalist groups supported by the BJP. In early 2017, the NGO, Open Doors, estimated that a church was burned down or a cleric beaten 10 times a week on average in India between January and October 2016—triple the number of incidents the group reported in 2015.

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*Christian communities . . . reported numerous incidents of harassment and attacks in 2016, which they attribute to Hindu nationalist groups supported by the BJP.*

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These incidents often are based on suspicions or allegations that Christians are forcibly converting Hindus through inducement and denigrating Hinduism. For example, in March 2016, about 60 Christians worshipping at a Pentecostal church in Chhattisgarh were attacked violently by Hindu radicals who believed they were attempting to convert Hindus. Church property was destroyed, congregation members were beaten, and female members of the congregation were stripped naked and beaten. In April 2016, a Pentecostal community in Bihar was attacked, allegedly for trying to convert Hindus. Thirty congregants and several pastors were beaten; one pastor reportedly was kidnapped and tortured for hours before being released. Reportedly, the community did not file a request for investigation of the attack. In July 2016 Hindu extremists abducted Pentecostal Minister Ramlal Kori and a friend in the village of Gadra, Madhya Pradesh, allegedly for trying to convert Hindus. The men were dragged into the forest and beaten with sticks. The police found them eight hours later tied to a tree; instead of arresting the attackers, authorities detained the Christians on the basis of the state's anti-conversion law, but later released them. Reportedly, the minister did not file a request for an investigation of the attack.

Forced conversions of Christians and other religious minorities by Hindu nationalists also were reported in

2016. For example, in April 2016 in Chhattisgarh, two unidentified attackers, believed to be Hindu extremists, broke into a Pentecostal church and beat the pastor and his pregnant wife. The attackers also assaulted the pastor's children and attempted to set the family and church on fire with gasoline for failing to sing "Jai Sri Ram," a Hindu devotional song to Lord Ram. In May 2016, also in Chhattisgarh, six Gondi tribal Christian families fled the village of Katodi after their Hindu neighbors attacked and threatened them in order to forcibly convert them Hinduism. The families' homes were destroyed.

### Violations against Sikhs

Hindu nationalists often harass Sikhs and pressure them to reject religious practices and beliefs that are distinct to Sikhism, such as wearing Sikh dress and unshorn hair and carrying mandatory religious items, including the kirpan, which is a right protected by the Indian constitution. Article 25 of the Indian constitution deems Sikhs to be Hindus. This creates an environment in which Hindu nationalists view Sikhs as having rejected Hinduism and as being enemies of India because some Sikhs support the Khalistan political movement, which seeks to create a new state in India for Sikhs and full legal recognition of Sikhism as an independent faith.

### Violations against Scheduled Castes and Scheduled Tribes (Dalits)

Dalits officially are estimated at over 200 million people. "Higher caste" individuals or local political leaders, often members of the Hindu nationalist groups, reportedly often prohibit Hindu Dalits from entering temples because their entrance would "unsanctify" the temples. Moreover, in the last year Dalits reported increasing harassment from Hindu nationalists who purport to be upholding the caste system and who do not believe Dalits should interact with "higher caste" individuals in jobs and in schools. Additionally, non-Hindu Dalits, especially Christians and Muslims, do not qualify for the official reserves for jobs or school

placement available to Hindu Dalits, putting these groups at a significant economic and social disadvantage.

### Hindu Nationalist Hate Campaigns against Minorities

In 2014, the RSS announced plans to "reconvert" thousands of Christian and Muslims families to Hinduism as part of a so-called Ghar Wapsi (returning home) program, and began raising money to do so; after domestic and international outcry, the RSS postponed its plans. Nevertheless, as noted above, smaller-scale forced conversions of religious minorities were reported in 2016. In addition, in February 2016 the RSS reportedly placed signs in train stations throughout India that said Christians had to leave India or convert to Hinduism or they will be killed by 2021.

In addition, the Hindu nationalist Bahu Lao, Beti Bachao campaign seeks to encourage young Hindu men to marry and convert non-Hindu girls, which is often done by force. Love Jihad is a campaign that portrays all Muslim men who marry Hindu women as having done so forcibly, and Muslim-mukt Bharat' (Muslim-free India) calls for Muslims to leave India. Religious minority communities also report that Hindu nationalist groups publicly have urged Hindus to boycott Muslim- or Christian-owned businesses, refuse to rent them properties, and deny them employment.

Members of the BJP with known ties to Hindu nationalist groups also have stoked religious tensions by claiming Muslim population growth is an attempt to diminish the Hindu majority. In 2016, high-ranking BJP parliamentarians, such as Yogi Adityanath and Sakshi

Maharaj, reportedly called for laws to control the Muslim population. In April 2016, Yogi Adityanath publicly urged Muslims to leave India and go where "Shariat" law is practiced. Similarly, Hindu national group members have claimed

*Muslim and Christian communities report that these organized campaigns have led to increased intimidation and harassment in areas where they have lived since . . . 1947.*

Christians are spies from the United States and are Western imperialists that seek to diminish Hinduism through forced conversion and to make India a Christian country. Muslim and Christian communities report that these



organized campaigns have led to increased intimidation and harassment in areas where they have lived since before the British colonization of the subcontinent ended in 1947.

### Redress for Past Violence

The Indian courts are still adjudicating cases stemming from large-scale Hindu-Muslim communal violence in Uttar Pradesh (2013) and Gujarat (2002), Hindu-Christian communal violence in Odisha (2007–2008), and Hindu-Sikh communal violence in Delhi (1984). NGOs, religious leaders, and human rights activists allege religious bias and corruption in these investigations and adjudications. Additionally, religious minority communities claim eyewitnesses often are intimidated not to testify, especially when local political, religious, or societal leaders have been implicated in cases. In two separate cases in June 2016, two courts in Gujarat convicted 48 individuals of murder and other crimes related to the 2002 violence in that state. The Muslim community and human rights activists lauded the convictions, but voiced concerns that dozens more were acquitted.

In February 2016, the first major verdict concerning the 2013 riots in Muzaffarnagar, Uttar Pradesh, acquitted 10 people charged with arson and murder for lack of evidence. In February 2015, the Indian government

formed a new Special Investigation Team (SIT) to review several incidents that occurred during the 1984 anti-Sikh riots, but the SIT reportedly has neither released any reports on their investigations nor filed any new cases.

### U.S. POLICY

India and the United States have increased ties over the last several decades, with India now described as a “strategic” and “natural” partner of the United States. Since 2004, the United States and India have pursued a strategic relationship based on shared concerns about energy, security, and the growing threat of terrorism, as well as shared values of democracy and the rule of law. In 2009, then Secretary of State Hillary Clinton launched

the U.S.-India Strategic Dialogue, through which the countries discuss a wide range of bilateral, global, and regional issues such as economic development, business and trade, education, technology, counterterrorism, and the environment. Issues related to religious freedom have not been included in any dialogues. In 2015, the relationship with India expanded to become the U.S.-India Strategic and Commercial Dialogue (S&CD). In August 2016, then Secretary of State John Kerry and then Secretary of Commerce Penny Pritzker co-chaired the second S&CD meeting in New Delhi, India.

As part of the initiative to build ties between the United States and India, the Obama Administration made significant overtures to the Indian government. The first state visit then President Barack Obama hosted after taking office was for then Prime Minister Manmohan Singh in November 2009. In November 2010, then President Obama made a three-day state visit to India, and he returned there in January 2015 to be the chief guest at India’s annual Republic Day festivities, becoming the first U.S. president to travel to India twice. During his January visit to India, and again in February

2015 at the U.S. National Prayer Breakfast, then President Obama made notable remarks on India’s religious freedom climate, urging the country not to be “splintered along the lines of religious faith” and noting that “acts of intolerance”

*. . . USCIRF sought to visit India due to longstanding and increasing concerns . . . The Indian government, however, failed to issue visas to the USCIRF delegation.*

based on religion “would have shocked [Mahatma] Gandhiji, the person who helped to liberate” India.

In June 2016, Prime Minister Modi travelled to the United States where he met with then President Obama and State Department officials and addressed a joint session of the U.S. Congress. In his speech, Prime Minister Modi affirmed that in India, “freedom of faith, speech and franchise, and equality of all citizens, regardless of background, are enshrined as fundamental rights.” In December 2016, then Ambassador-at-Large for International Religious Freedom David Saperstein travelled to New Delhi, Bangalore, and Mumbai to discuss religious freedom with government officials, civil society representatives, and a range

of leaders representing both majority and minority religious communities.

In March 2016, USCIRF sought to visit India due to longstanding and increasing concerns about religious freedom conditions in the country. USCIRF had the full support of the State Department and the U.S. Embassy in New Delhi. The Indian government, however, failed to issue visas to the USCIRF delegation, in effect a denial. Then State Department Spokesman John Kirby, in response to a reporter's question, stated that the Department was "disappointed by this news." The Indian government also failed to issue visas to USCIRF in 2001 and 2009.

### Additional Statement of Commissioner Tenzin Dorjee

The purpose of writing these brief comments is to share my perspective of having lived, educated, and worked in India for many years. India has provided refuge to Tibetan refugees, including my late parents and I, who escaped Communist China's invasion and religious persecution in Tibet. Tibetans are most grateful to India and her people for providing them a second home for almost six decades. While Tibetan Buddhism is most severely restricted in Tibet, it thrives in India with re-established monastic universities such as Sera, Drepung, Gaden and others with systematic and rigorous study programs. In this limited space, I attempt to share some thoughts for a holistic understanding of religious conditions in India.

India is one of the great ancient civilizations of the world, a birthplace of major religions such as Hinduism, Buddhism, Jainism, and Sikhism, and a home of different faiths. At an interfaith conference on harmony, His Holiness the Dalai Lama while appreciating centuries-old religious diversity and harmony in India, said: "...Despite this (in-house faiths and imported faiths), the fact is that these religions have been able to co-exist with each other, and the principle of Ahimsa (nonviolence) has really flourished in this country. Even today, this principle has a strong bearing on every religion. This is very precious and India should really take pride in it." His Holiness has lauded secular India as defined in the Indian Constitution that respects all faiths and those who do not follow any faith.

Overall, I have observed and experienced religious harmony among faiths in India. That said, India must

effectively address problematic religious conditions including outbreaks of communal violence due to interfaith conflicts and politics. While I do not condone any form of violence, given India's multi-faith stance and with the second largest populace in the world, such intermittent outbreaks of violence are understandable. This USCIRF report highlights religious conditions in India and the need for Indian government to protect the freedom of religious minorities. I urge the Indian government to amend its nonsensical constitutional provision that deems Sikhs, Buddhists, and Jains to be Hindus. These three faiths have their own distinctive founders, religious histories, and practices followed by millions of people in India and abroad.

In regards to banning cow slaughter, it is not uniform across India. Even in state like Uttar Pradesh, legal slaughter houses cater to the needs of beef consumption. In regards to Sikhs' religious requirements, they travel freely in India wearing unshorn hair and turban and Article 25 of the Indian constitution deems Sikhs' carrying kirpan legal as an article of faith. In regards to the caste system, Indian government and people must uphold human dignity and eradicate this social evil. In my view, the designation of India as Tier 2 is unfortunate given that 19 of her 29 states may not involve severe violations of religious freedom as in the remaining 10 states. I strongly urge the Indian government to allow USCIRF commissioners to visit India to discuss local religious conditions including interreligious harmony.



# INDONESIA

## TIER 2

### KEY FINDINGS

Indonesia is often characterized as a model of majority-Muslim democracy. Yet in some parts of the country, discrimination and violence against religious minorities continue, often instigated or inspired by hardline individuals and groups. The Indonesian government often intervenes when abuses arise, particularly if they involve violence; yet by many accounts, violations of the freedom of religion or belief continue to rise and/or increase in

intensity, and experts believe many incidents go unreported. Non-Muslims and non-Sunni Muslims endure ongoing difficulties obtaining official permission to build houses of worship, experience vandalism at existing houses of worship, and are subject to sometimes violent protests that interfere with their ability to practice their faith. In 2017, USCIRF again places Indonesia on its Tier 2, where it has been since 2004.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Urge the Indonesian government at central, provincial, and local levels to comply with the Indonesian constitution and international human rights standards by:
  - Overturning the 2008 Joint Ministerial Decree on the Ahmadiyya community and any provincial bans on Ahmadi religious practice;
  - Amending or repealing article 156(a) of the Penal Code and unconditionally releasing anyone sentenced for “deviancy,” “denigrating religion,” or “blasphemy;” and
  - Amending the 2006 Joint Regulation on Houses of Worship to allow religious communities the right to build and maintain their places of worship free from discrimination and threats;
- Offer technical assistance and guidance to the Indonesian government as it drafts legislation protecting religious freedom, as appropriate;
- Raise in public and private with Indonesian officials the need to protect Indonesia’s tradition of religious tolerance and pluralism by investigating and prosecuting individuals or groups who discriminate or incite or perpetrate acts of violence against religious communities;
- Prioritize funding for governmental, civil society, and media programs that promote religious freedom, counter extremism, build intra-faith and inter-faith alliances, expand the reporting ability of human rights defenders, train government and religious officials to mediate sectarian disputes, and enhance rule of law and build capacity for legal reform advocates, judicial officials, and parliamentarians to better fulfill Indonesia’s obligations under international human rights law; and
- Help to train Indonesian police and counterterrorism officials at all levels to better address sectarian conflict, religion-related violence, and terrorism, including violence against places of worship, through practices consistent with international human rights standards, while ensuring those officers have not been implicated in past human rights abuses pursuant to Leahy Amendment vetting procedures.

## BACKGROUND

Indonesia is the world's most populous Muslim-majority country: more than 87 percent of its 258 million people identify as Muslim. The majority of Indonesia's Muslims are Sunni, although up to three million are Shi'a and up to 400,000 Ahmadis. Protestant Christians make up 7 percent of the population, Catholics approximately 3 percent, and Hindus less than 2 percent. In some parts of the country, Christians or Hindus comprise the majority, which means that even though Muslims are the majority overall, in certain areas they are in the demographic minority. Indonesia is secular and recognizes six religions: Islam, Catholicism, Protestantism, Buddhism, Hinduism, and Confucianism. Smaller segments of the population practice unrecognized faiths, such as Baha'ism, Sikhism, Judaism, Falun Gong, and traditional belief systems.

Individuals of many faiths—even beyond the six officially recognized religions—have the ability to practice, worship, and teach freely, although this varies from province to province across Indonesia's vast archipelago. Some religiously diverse neighborhoods have long traditions of interfaith interaction and cooperation, and the government is believed to be working on legislation intended to strengthen religious freedom, although the contents are unknown. Even so, throughout its history, less tolerant attitudes have been present in Indonesia and continue today in some parts of the country. For

example, in West Papua, non-Muslims feel increasing pressure and discrimination from Muslims. Some Indonesians are concerned by what they perceive is the "Arabization" or "creeping Islamization" of the country's more pluralistic form of Islam. Hardline groups such as the Islamic Defenders Front (FPI) and the country's top Muslim clerical body, the Indonesian Council of Ulema (MUI), have long held their own views of the proper ways to practice Islam. This perspective shuns non-Sunni Muslims, such as Shi'a Muslims and Ahmadis. Some Indonesians attribute this increasingly conservative, less tolerant brand of Islam to the growing influence of Saudi Arabia, including that country's plans to expand its

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*Tensions ran high during the last few months of the reporting period because of politically charged blasphemy accusations against Jakarta Governor Basuki "Ahok" Tjahaja Purnama.*

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Institute for the Study of Islam and Arabic (LIPIA). Based in Jakarta, Indonesia's capital, LIPIA offers all-expense-paid education to Indonesian students, which for some could lead to the opportunity to study in Saudi Arabia. But this Saudi-funded education adheres to strict, Salafi Islam, which considerably differs from the style of Islam prevalent in Indonesia.

Tensions ran high during the last few months of the reporting period because of politically charged blasphemy accusations against Jakarta Governor Basuki "Ahok" Tjahaja Purnama. (For more information, see the Blasphemy section below.) Thousands of Muslims, including hardliners, accused Ahok of insulting the Qur'an and staged several protests and rallies in Jakarta. The Indonesian government urged calm and

understanding and also respected the right of individuals to protest peacefully. Furthermore, President Joko “Jokowi” Widodo ordered additional security forces to maintain public order and deter violence. Prominent Muslims, including from the two largest Muslim organizations, Nahdlatul Ulama (NU) and Muhammadiyah, discouraged their members from participating in protests. However, some critics blamed the new government for not doing enough to control hardline individuals and groups in the first place. At the end of the reporting period, Ahok garnered the most votes in Jakarta’s three-way gubernatorial election on February 15, 2017, but failed to secure more than 50 percent of the vote that would have prevented a second-round election in April.

In 2016, Indonesia’s independent National Human Rights Commission, Komisi Nasional Hak Asasi Manusia (Komnas HAM), continued to focus on freedom of religion or belief. In January 2017, Komnas HAM issued its findings of religious freedom violations for 2016. Komnas HAM found that some provinces, such as West Java, experience far more religious intolerance than others, and that regional government officials often are responsible for either tolerating or directly perpetrating abuses, an observation echoed by the Setara Institute, a local nongovernmental organization. In December 2016, NU echoed the findings about rising religious intolerance.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Forced Closures of and Violence against Religious Properties

Local authorities and hardliners often rely on the 2006 Joint Regulation on Houses of Worship to deny or restrict parishioners’ access to houses of worship. Under the 2006 regulation, houses of worship are required to obtain a list of 90 congregation members; signatures from 60 local households of a different faith; recommendations from the local religious affairs office and local Religious Harmony Forum, Forum Kerukunan Umat Beragama (FKUB); and approval from the sub-district head. The regulation provides local governments the latitude to deny permits to smaller congregations and the authority to close or tear down houses of worship built prior to 2006. Hardliners, typically those belonging to the majority faith in a particular area, cite alleged

faulty or missing permits or other regulation-related paperwork as justification to protest houses of worship or to pressure local officials to deny or revoke permissions or close the structures. At times, mob violence leads to significant property damage and displacement of affected religious communities, such as in 2015 at Christian churches in Aceh Singkil District in Aceh and at a Muslim mosque in Tolikara, Papua.

In July 2016, a mob attacked and burned down several Buddhist temples and other property in North Sumatra. In recent years, closures of and threats and attacks against Buddhist sites have occurred in other parts of the country. Reports indicated the July violence may have started when a woman of Chinese descent expressed her frustration at the loud microphone volume from a nearby mosque. Police were able to prevent some of the attacks from spreading to other structures, and authorities later detained seven individuals and named several others as suspects. Muhammadiyah, Indonesia’s second-largest Muslim group, called for tolerance and calm after the incident, and President Jokowi instructed the National Police to apprehend the perpetrators.

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*In July 2016, a mob attacked and burned down several Buddhist temples and other property in North Sumatra.*

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In April 2016, Muslim hardliners in Bekasi, West Java, closed the Santa Clara Catholic Church only weeks after the new building opened. The previous month, the local FKUB confirmed the validity of the church’s permit after many of these same hardliners prevented access to church construction and demanded the permit be revoked. The church’s effort to obtain the permit, which was granted in 2015 under the 2006 regulation, reportedly took nearly two decades. Despite support for the church’s construction by Bekasi’s mayor, Rahmat Effendi, critics accused the local government and police of failing to protect the Catholic church from closure.

In September 2016, hardline protestors, including from FPI, gathered to object to local authorities’ decision to renew permits for a Protestant church in Makassar.

Led by the protests of nearby residents who opposed the Pasar Minggu Protestant Church in South Jakarta, local officials declared in September 2016 that the church would close for lacking the proper permits. Religious Affairs Minister Lukman Hakim Saifuddin intervened to request that the local government assist the congregation in moving the church to a different location.

In November 2016, a single attacker set off an explosion at the Protestant Oikumene Church in Samarinda, East Kalimantan Province, killing a two-year-old girl and injuring three other children. Police ultimately arrested seven men in connection with the attack, all suspected of having links to or aspirations of joining the Islamic State of Iraq and Syria (ISIS). In a separate incident in August 2016, a man attempted and failed to detonate a bomb at a Catholic church in Medan, North Sumatra. After finding a paper with an ISIS symbol in the man's possession, police looked at possible terrorist links.

At the end of the reporting period, the Indonesian Christian Church (GKI) Yasmin in Bogor, West Java, had reportedly reached an agreement with Bogor Mayor Bima Arya Sugiarto to reopen the church. Local government officials succumbed to pressure from hardliners and suspended the church's permit in 2008; it has remained closed despite a 2010 Supreme Court ruling ordering the church be reopened. The compromise would allow the church to reopen if it agrees that a mosque can be built on church grounds.

### Ahmadis

The government's 2008 Joint Ministerial Decree bans Ahmadis from spreading their faith—a crime punishable by up to five years in prison. Additionally, the MUI issued a *fatwa* (religious edict) declaring the Ahmadiyya faith to be deviant and heretical. Since then, some religious leaders and entire provinces, through the force of law, have expanded upon MUI's *fatwa* by restricting Ahmadis even further, banning all Ahmadi activities. As a result, authorities have closed approximately 100 Ahmadi mosques and failed to properly investigate the destruction of several others. Ahmadis living throughout the country have reported difficulties obtaining ID cards or marriage licenses. Also, more than 100 Ahmadis remain internally displaced in Mataram, West Nusa Tenggara, after sectarian violence forced their eviction more than 10 years ago. The year 2016

marked five years since a violent mob attacked several Ahmadis in Cikeusik, Banten Province, killing three men and wounding several others. An Indonesian court convicted 12 men in the attacks but issued lenient sentences, the longest of which was only five and a half months; none of the men were charged with murder.

In February 2016, police and military forces evicted women and children of the Ahmadiyya faith from Sungailiat District in Bangka Regency. Acting on some Sunni Muslim residents' objections to the Ahmadiyya faith, local officials tried to force the Ahmadis to leave their faith and "return to Islam" or face expulsion. The eviction occurred after local residents harassed and threatened the Ahmadis.

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*In February 2016, police and military forces evicted women and children of the Ahmadiyya faith from Sungailiat District in Bangka Regency.*

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In May 2016, unknown vandals attacked and destroyed the Ahmadi Al Kautsar Mosque in Central Java. The mosque reportedly had previously obtained the proper permits under the 2006 Joint Regulation on Houses of Worship. In July 2016, officials closed another Ahmadi house of worship, the Al-Furqan Mosque in West Java. Throughout 2016, Ahmadis in South Jakarta were forced to pray outside the An Nur Mosque after the local government sealed the building in July 2015. In February 2017, authorities closed the Al-Hidayah Mosque in Depok, West Java, and posted notice that all Ahmadi activities were "illegal" after the FPI and other hardliners threatened both the mosque and Ahmadis.

### Shi'a Muslims

Some Shi'a Muslims practice Sunni Islam in public to avoid being discriminated against or singled out as different. Although hardliners and others have persecuted Shi'a Muslims for years, there is mounting suspicion about the correlation between the growing influence of Saudi Arabia in Indonesia (for more information, see the Background section) and rising anti-Shi'a sentiment.

## Baha'is

Indonesia's Baha'i community still experiences government discrimination. In 2016, members of the Baha'i faith continued to report frustration at not being able to obtain state recognition of civil marriages.

## Gafatar

During 2016, the government continued its attack on banned faith sect Fajar Nusantara Movement, also known as Gafatar, and some former members of the group reported various forms of discrimination. In January 2016, the government forcibly evicted thousands of individuals from their homes in East and West Kalimantan provinces, allowed mobs to set fire to the individuals' homes, and temporarily sent many followers to "reeducation" centers.

The Indonesian government disbanded the group in 2015 after declaring that its practices deviated from Islam. In February 2016, the MUI issued a *fatwa* pronouncing the group to be heretical. In March 2016, the government issued a joint decree to prevent Gafatar members from conducting activities and spreading their beliefs. Then, in May 2016 the government arrested three Gafatar founders and charged them with blasphemy and treason. In March 2017, after the reporting period, the three men were cleared of treason but found guilty of blasphemy: Mahful Muis Tumanurung and Ahmad Musadeq received five-year prison sentences, and Andi Cahya received three years.

## Blasphemy

In addition to the trials against Gafatar members mentioned above, blasphemy charges were brought against Ahok for allegedly insulting Islam and the Qur'an. The case originated in a September 2016 speech in which Ahok encouraged voters not to be dissuaded from voting for him in the February 2017 gubernatorial election because the Qur'an tells Muslims not to align with Christians or Jews. Ahok, who is a Christian of Chinese descent, later apologized for his remarks. Muslim hardliners, such as the MUI and FPI, called on authorities to arrest or imprison Ahok, or even sentence him to death.

Many upset by the speech viewed a video recording online that had edited Ahok's remarks to suggest he insulted the Qur'an and Islam rather than his political opponents. At the end of the reporting period, Ahok's trial was ongoing, and he advanced to the second-round election in his bid to remain Jakarta's governor.

There is strong evidence to suggest the attacks on Ahok are politically motivated. Muslim hardliners who believe it is not appropriate for a Christian to lead a Muslim city protested his ascension to the governorship after his predecessor, Jokowi, was elected president in 2014. Some oppose Ahok because he is Chinese,

*Muslim hardliners who believe it is not appropriate for a Christian to lead a Muslim city protested [Ahok's] ascension to the governorship. . . .*

harkening back to the widespread discrimination ethnic Chinese experienced under the dictatorial rule of former President Suharto. Also, one of Ahok's first-round election opponents, Agus Harimurti Yudhoyono, is

the son of former President Susilo Bambang Yudhoyono, who openly supported the MUI and its *fatwas*, as well as hardline groups like FPI.

During the high-profile investigation and trial, many officials—including President Jokowi, members of the military, political party leaders, and representatives from the two largest Muslim organizations, NU and Muhammadiyah—spoke publicly about Indonesia's tradition of pluralism and urged calm. Ahok's critics and supporters held several protests and rallies, drawing crowds of tens of thousands in largely peaceful demonstrations. However, a November 2016 protest turned violent, leaving one man dead and approximately 100 people wounded.

Another blasphemy case developed late in the reporting period after police announced they would investigate FPI leader Rizieq Shihab for alleged blasphemy. Shihab had a prominent role organizing the protests against Ahok. In January 2017, police formally named Shihab a suspect for 2014 comments in which he allegedly insulted the state ideology, known as Pancasila, as well as Sukarno, one of the country's founding fathers. Police were reportedly investigating Shihab for other possibly blasphemous comments, including allegedly insulting Christianity.



## U.S. POLICY

The United States and Indonesia have strong bilateral relations that extend to other areas of shared regional and global concern. The two countries cooperate on a number of sectors, including education; maritime issues; trade and investment; energy, climate, and the environment; science and technology; and regional security.

In August 2016, the two countries launched the Indonesia-U.S. Council on Religion and Pluralism, a venture endorsed by President Jokowi and then President Barack Obama in October 2015 when the countries elevated their relationship from a Comprehensive Partnership to a Strategic Partnership. The independent, binational, nongovernmental body identified three priorities at its initial meeting in Yogyakarta, Indonesia: (1) “increase religious understanding, mutual respect, and collaboration;” (2) “identify and foster positive civic and religious education models that promote analytical thinking and respect;” and (3) “empower civil society to deter violent extremism.” The council’s final report from the August launch outlined several activities for the 2017 calendar year, including proposed plans to collaborate with Indonesia’s Ministry of Religious Affairs.

During the reporting period, the United States addressed growing concerns of radicalism among Indonesia’s homegrown terrorists by designating several Indonesian individuals and groups as “Specially Designated Global Terrorists” (SDGTs). On March 22, 2016, the State Department designated a man named Santoso—also known as Abu Wardah and described as Indonesia’s most wanted terrorist—as an SDGT. Before Indonesian security forces killed him in July 2016, Santoso led the Mujahidin Indonesia Timur (an entity on the SDGT list) and, according to the State Department’s announcement, “pledged his allegiance to ISIL/Daesh.” On January 10, 2017, the State Department designated the group Jammaah Anshorut Daulah (JAD), believed to be ISIS-affiliated, as an SDGT. Authorities believe JAD members were responsible for the January 2016 attack in Jakarta, in which eight people were killed.

In October 2016, then Ambassador-at-Large for International Religious Freedom David Saperstein traveled to Indonesia, visiting Jakarta, Banda Aceh, Bali, and Surabaya.

### KEY FINDINGS

Severe religious freedom violations continued in Iraq throughout 2016. Iraqi and international efforts against the Islamic State of Iraq and Syria (ISIS) recaptured a series of important cities, including Ramadi and Fallujah, but the terrorist group continued to ruthlessly target anyone who did not espouse its extremist Islamist ideology, including members of the Christian, Yazidi, Shi'a, Turkmen, and Shabak communities, as well as of the Sunni community. In March 2016, then Secretary of State John Kerry declared that ISIS's persecution of these groups amounted to genocide and crimes against humanity. ISIS is by far the most egregious perpetrator of religious freedom violations. The group has caused the displacement of over 3.4 million Iraqis, many of whom have fled to the area controlled by the Kurdistan Regional

Government (KRG). Meanwhile, the Iraqi government has made efforts to curb sectarian tensions between the Sunni and Shi'a communities of Iraq; however, it has not been able to halt attacks on Sunni Muslims by the Iranian-backed Popular Mobilization Forces (PMF). Lastly, while the KRG has sheltered and provided some level of support for large numbers of displaced minorities within its territory, there were also charges of appropriation of Christian lands and lack of effective representation for minorities in the Kurdish system. Based on these concerns, in 2017, USCIRF places the government of Iraq on its Tier 2 and finds that ISIS merits designation as an "entity of particular concern" for religious freedom violations under December 2016 amendments to the International Religious Freedom Act (IRFA).

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate ISIS as an "entity of particular concern" under December 2016 amendments to IRFA;
- Prioritize working with the Iraqi government in order to curb sectarian attacks by the PMF, ensure that a liberated Mosul is not dominated by armed groups bent on promoting a sectarian agenda, and establish in Baghdad a representative government that includes all Iraqi communities;
- Call for or support a referral by the United Nations (UN) Security Council to the International Criminal Court (ICC) for investigating and prosecuting ISIS 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 ISIS violations in Iraq after June 2014;
- Encourage the anti-ISIS coalition, in its ongoing activities, 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;
- Develop a plan of action to work with and help protect displaced and threatened religious minorities in Iraq and to rehabilitate liberated areas in Nineveh, Sinjar, and Mosul;
- Support capacity-building efforts to assist the Iraqi judicial and criminal investigative sectors to hold members of the PMF accountable for abuses of noncombatant Sunni Muslims and other religious minorities;
- Include in all military or security assistance to the Iraqi government and the KRG a requirement that security forces be 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;
- Urge the Iraqi government and the KRG to include the protection of rights for all Iraqis and ending discrimination as part of negotiations between the KRG and the Iraqi government on disputed territories, and press the KRG to address alleged abuses against minorities by Kurdish officials in these areas and to investigate claims of land appropriations;
- Continue to support programs that would empower communities at the local, municipality level to foster an environment of communication, accountability, and community reconciliation to address grievances and tensions; and
- Make efforts to protect and preserve significant religious and cultural heritage sites such as Babylon and ancient churches and mosques, as well as historical and religious relics and artifacts.

The U.S. Congress should:

- Include in the relevant U.S. appropriations law for the current and next fiscal years a provision that would permit the U.S. government to appropriate or allocate funds for in-kind assistance to investigate and prosecute 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.



## BACKGROUND

Former President Saddam Hussein's dictatorship created the conditions which led to the sectarian tensions that now plague Iraqi society, adversely affecting human rights and religious freedom conditions. These tensions were exacerbated after the U.S. invasion of Iraq in 2003 and the fall of Hussein, who ruled through intimidation, favoring the Sunni Muslim minority at the expense of both Iraq's Shi'a majority and the Kurds. Between 2003 and 2014, Nouri al-Maliki, Iraq's then prime minister, further acted in an authoritarian and sectarian manner, failing to incorporate all of Iraq's citizens—especially its Sunni Muslim population—in a power-sharing government structure. This led to a severely bifurcated society, with deadly tensions between the Shi'a and Sunni communities. Since 2014, Prime Minister Haider al-Abadi has attempted to reverse al-Maliki's sectarian policies, but much work remains. Moreover, al-Abadi has not succeeded in merging the Shi'a militias with the Iraqi Security Forces, leaving them to operate outside of government control in parts of the country. Iran's influence on Maliki's government generally, and, its backing of Shi'a militias and the PMF specifically, have alienated and antagonized Iraq's Sunni communities, leaving some to view the Islamic State as their only protectors. Nor has the Iranian government been subtle regarding its ambitions. Ali Younesi, President Hassan Rouhani's advisor on ethnic and religious minority affairs, stated in March 2015, that "Iraq is a part of the great Iranian civilization."

This climate helped to facilitate ISIS's rise in northern and central Iraq. Hussein's favoritism of the Sunni population and al-Maliki's favoritism of the Shi'a population created divisions and significant distrust between the two communities; these tensions have

only worsened over time. The Sunni population does not trust the Shi'a majority government to protect its community or incorporate its voice effectively in government; the reverse also holds true for the Shi'a population. In addition, religious minority communities, including the Yazidi and Christian communities, doubt the Iraqi government's willingness and capability to protect them from ISIS or to treat them equally and justly. Many of these communities do not believe religious freedom and human rights are priorities for the Iraqi government.

The KRG has provided a safe haven for many of the country's minorities, particularly those who have fled the Nineveh Plains. An estimated 920,000 Iraqis are now internally displaced persons (IDPs) in the KRG. Additionally, there are more than 230,000 Syrian refugees in the KRG. A tense Baghdad-KRG relationship continues to strain the KRG's ability to provide adequate humanitarian aid for its native and displaced populations.

Even well before ISIS's rise, the country's smallest religious communities—which include Catholics, Orthodox Christians, Protestants, Yazidis, and Sabeen Mandeans—were already significantly diminished, and their numbers have continued to decline since ISIS's advance in northern Iraq in 2014. According to the Iraqi government's latest statistics from 2010, 97 percent of the population is Muslim. Shi'a Muslims—including Arabs, Turkmen, and Faili (Shi'a) Kurds—constitute between 50 to 60 percent of the population. Arab and Kurdish Sunni Muslims constitute 40 percent of the population. According to Christian leaders, there are now fewer than 250,000 Christians in Iraq, down from a pre-2003 estimate of 1.4 million. Yazidi leaders claim their community is now about 400,000–500,000, while

the Kaka'i community is not more than 300,000. The Sabean-Mandaean community is between 1,000 and 2,000, and there are fewer than 2,000 Baha'is.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Violations by ISIS

As of November 2016, the U.S.-led anti-ISIS coalition had recaptured approximately 56 percent of the territory ISIS previously held in Iraq. Ramadi and Fallujah were recaptured in February and June, respectively, and the liberation of Nineveh Province is a continuing process. The ongoing Mosul offensive remains the most critical part of the battle against ISIS, as Mosul, the third-largest city in Iraq, is a Sunni Arab-dominated city in the midst of a diverse province, home to many of Iraq's minority communities.

ISIS carried out several mass attacks in Iraq in 2016. The group has committed war crimes, including looting, raping, pillaging, and using chemical weapons on Iraqi troops, and has used tens of thousands of civilians as human shields in efforts to forestall the coalition's offensive on Mosul. ISIS also made a deliberate effort to stoke sectarian tensions by targeting Shi'a Muslim and minority communities. In January 2016, a double suicide attack at a mosque and teashop in Sharaban, Diyala Province, a largely Shi'a area, killed over 100 people. In late March, the group carried out a suicide attack at a soccer stadium where a Shi'a-dominated team was playing, killing at least 42 people. In another example, a busy market was targeted in Karrada, a Shi'a neighborhood in Baghdad, during the holy month of Ramadan. At least 341 people were killed and 246 injured. According to data collected by USCIRF, ISIS attacks targeting Shi'a Muslims and other religious minority communities resulted in at least 1,777 deaths and 3,077 injuries in 96 separate incidents since 2014.

As of December 2016, between 700,000 and 1.2 million civilians remain inside Mosul and cannot leave the city. ISIS reportedly has confiscated identification

cards and killed those attempting to flee. The Christian population of Mosul largely fled in 2014 during the early days of the group's takeover of Nineveh Province, and has not been able to return. ISIS fighters marked homes and businesses once owned by Christians with the letter "ن" (the letter "N" in Arabic, which is used to indicate "Nasara," the Arabic term for Christians originating from the term "Nazarene"). According to several Christian groups that document ISIS crimes, at least 33 churches in and around the city were burned and/or partially or completely destroyed. Those that were not destroyed were used as ISIS military bases or administrative buildings. Reports from various organizations confirm that ISIS stole artifacts from major heritage sites and churches and sold them on the black market. They also have destroyed graveyards and burial sites. Although the liberation of villages around Mosul has allowed some religious minority leaders to return to examine the extent of the damage to the villages, these areas are not yet habitable due to the destruction of significant infrastructure and will likely not be so for the immediate future.

### Violations by the Iraqi Government

The fight against ISIS remains the number one priority for the Iraqi government. The Kurdish Peshmerga forces, the Iraqi Security Forces (ISF), and the Shi'a dominated

militias known as the PMF (Popular Mobilization Forces), many of whom are backed by Iran, are the major actors in this effort. While the Iraqi government has made efforts to curb the tensions between the Sunni and Shi'a communities of Iraq, the role of the PMF

has remained problematic. In late 2015, the PMF was brought under the authority of the Ministry of Interior in an effort to hold the forces accountable to the Iraqi government. Nevertheless, numerous experts report that the PMF continues to operate in parallel with and independently of the ISF. Throughout the fight against ISIS, each of the PMF's militias (of which there are about 40) and the ISF have developed lists of people deemed

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“fugitives” and prohibited from returning to their home towns on suspicion of affiliation with the terrorist group. Human rights organizations have expressed concern that individuals may have been included based on false charges and that the use of multiple lists could result in arbitrary, severe, and unfair social and economic exclusion for some Sunni Arabs. The PMF continues to be accused of human rights violations, primarily against Sunni Arab populations suspected of loyalty to ISIS. In one example, during the liberation of Fallujah in June 2016, Shi’a militias were accused of, and subsequently investigated for, participating in the killing of 49 people, the disappearance of at least 643, and the severe and collective torture of a number of other Sunni Arab men. While the Iraqi government arrested four individuals caught on video, the whereabouts of the 643 disappeared men remains unknown. Sources in Iraq told USCIRF they likely were killed.

The Iraqi government consistently claims that strict orders are issued to protect civilians; however, the inability of Prime Minister al-Abadi’s government to control the PMF from committing such human rights violations and its reliance on divisions to liberate cities from ISIS are ongoing concerns. Although the PMF has been investigated on some occasions, in numerous other instances the forces have escaped prosecution. Because of delicate sectarian tensions, the Iraqi government has prohibited the PMF from liberating the Sunni-dominated city of Mosul. Instead, the government has relied on the ISF’s elite and highly trained Golden Division. Thus far, the Golden Division has freed villages surrounding Mosul with only minimal reports of sectarian-motivated violence. Additionally, the division is carrying the Iraqi flag, in contrast to the numerous PMF militia groups, including the Hezbollah and Imam Ali Battalions, that carry the Imam Hussein flag (a flag associated with the Shi’a sect), a practice that raises sectarian tensions. However, even a defeat of ISIS in Mosul will not solve Shi’a-Sunni tensions that are a result of a

lack of political agreement establishing a representative government acceptable to all communities.

Beyond the fight against ISIS, in 2016 the Iraqi government adopted or considered three measures that negatively impact religious freedom. Firstly, on October 23, the Iraqi parliament adopted a law to ban the production, consumption, and sale of alcohol, proposed by the State of Law coalition (the Shi’a Islamic party); Prime Minister al-Abadi signed it into law in December. The law alarmed non-Muslim communities who, unlike devout Muslims, have no religious restrictions on drinking and selling alcohol. The government has justified this measure by claiming that it is against Shari’ah law for the government to collect and use funds derived from the sale of products prohibited in Islam, such as alcohol; although the Iraqi constitution

recognizes the rights of non-Muslim minorities, article 2 prohibits any legislation that goes against Islam. Minority communities see the prohibition of alcohol as an affront on religious freedom or belief. One Christian member of parliament stated, “The ban on alcohol is part of a war against religious minori-

ties that aims to force them out of the country through exclusion, marginalization, and harassment policies.”

Second, on October 28, the Ministry of Higher Education and Scientific Research imposed a decree to mandate conservative uniforms for female students on university campuses in Iraq. Some opponents of the decree, including a member of the Parliament’s Women’s Committee, rejected the new uniform regulation, stating that “it is not appropriate for the nature of Iraqi society, which is characterized by the diversity of cultures.” The specifications of the uniforms require female students to wear “loose, below the knee skirts and shoes with heels that are no more than five centimeters high,” and prohibit pants. Pushback against the decree forced the ministry to issue a clarification that “uniform rules should be strictly applied but each university administration can determine the specifications

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of its uniform.” Opponents of the decree, including the UN High Commissioner for Human Rights, believe the uniform requirement resulted from pressure by conservative parties that aim to spread Islamic values throughout society.

Last, the National Identity Card bill remains an ongoing problem for Iraq’s minorities. The bill requires children with one Muslim parent to identify as Muslim. It also reinforces existing restrictions that Muslims cannot change their religious identification on their identity cards after conversion to any other religion. Alternatives under consideration would modify the language to one of the following options:

(1) a minor child would be converted to Islam when a parent converts to Islam, but within one year of turning 18, the forcibly converted child would have the right to submit a request to a court to convert back to the religion at birth; or (2)

a minor child retains his or her religion at birth when a parent converts to Islam, but upon turning 18 and anytime thereafter he or she has the right to keep their religion at birth or convert to Islam. Observers expect that parliament will approve the second option, which better protects religious freedom.

### Issues in the KRG

In 2016, USCIRF commissioned a research study to examine religious freedom conditions in the KRG as an increasing number of religious minorities have sought safe haven there. As a result of the KRG’s growing diversity, the government has taken positive steps toward minorities by introducing the Minority Rights Law (to protect the freedom of religion and prohibit religious discrimination), appointing religious representatives, and attempting to diversify the Peshmerga. The KRG’s draft constitution does include Shari’ah as one source of legislation, but it does not prohibit legislation that violates Islam (unlike the Iraqi constitution) and it recognizes the rights of non-Muslims. Moreover, the 111-member Kurdistan parliament includes five seats for Turkmen; five seats for Assyrians, Chaldeans, and

Syriacs; and one seat for Armenians. However, there are no seats for Yazidis or Shabaks. Religious minority communities complain that although KRG laws are not explicitly discriminatory, they are not enforced to protect minorities and the court system favors the Kurdish population. Religious minorities also are concerned about growing extremism in both the Shi’a and Sunni Arab communities.

Kurdish forces are leading the fight against ISIS, seizing disputed territories along the way, which has increased tensions between the KRG and the Iraqi central government. These territories are religiously

and ethnically diverse and include Sunni Arabs, Sunni and Shi’a Turkmen, Assyrian Christians, Yazidis, Kaka’i, Shabak, and others. Human rights and minority groups claim that Kurdish authorities and security services have made efforts to “Kurdify” these areas

to boost their chances of maintaining control over them after defeating ISIS. There are reports that property belonging to non-Kurds has been destroyed and IDPs have been prevented from returning to their homes. Others have told USCIRF they are precluded from humanitarian or financial support if they do not support Kurdish parties.

Christian communities acknowledge the KRG’s efforts to protect them from ISIS and address their needs. The KRG has given Christian communities money to build churches. However, away from the population centers, and specifically in Dohuk, Assyrian communities have complained of ethnic Kurds appropriating their land, sometimes with tacit consent by Kurdish officials, and reported that they have been denied entry through neighborhood checkpoints when they attempt to protest.

The Yazidis continue to report discrimination at the hands of KRG authorities. Many Yazidis claim they are pressured to identify as Kurds, even if they do not personally identify as such. There are also reports that the Peshmerga have looted Yazidi villages, detained Yazidi activists and political leaders, and restricted

*Religious minority communities complain that although KRG laws are not explicitly discriminatory, they are not enforced to protect minorities and the court system favors the Kurdish population.*

humanitarian aid providers to those closely affiliated with the KRG. There are also claims the KRG has imposed an informal blockade on Sinjar, home of the Yazidis, which allows security forces to control all entry and exit from Sinjar. While some Peshmerga units are made up of Yazidis, many Yazidis believe Kurdish or Iraqi forces do not prioritize the community's security.

(For further information on religious freedom issues in the KRG, refer to *Wilting in the Kurdish Sun: The Hopes and Fears of Religious Minorities in Northern Iraq* at [www.uscirf.gov](http://www.uscirf.gov).)

## U.S. POLICY

On March 17, 2016, then Secretary of State Kerry declared that ISIS is responsible “for genocide against groups in areas under its control, including Yazidis, Christians, and Shia Muslims” and “for crimes against humanity and ethnic cleansing directed at these same groups and in some cases also against Sunni Muslims, Kurds, and other minorities.” Since this declaration, according to the State Department, the United States has launched programs to provide psychosocial support for women and girls, especially Yazidis, who are survivors of sexual slavery and gender-based violence. The programs also support the creation of a legal assistance network and strengthen the capacity of nongovernmental organizations (NGOs) to make justice for Iraq's marginalized communities more accessible. The State Department also hosted a “Conference on Threats to Religious and Ethnic Minorities” on July 28–29, 2016, attended by 30 countries and international organizations, with a special emphasis on protecting minorities' religious and cultural heritage. In September 2016, the U.S. government announced several new initiatives on these issues, including the creation of a new interagency coordination body to raise awareness and capacity building on heritage preservation and protection efforts and strengthen law enforcement efforts against trafficking in antiquities and terrorist financing.

Additionally, then Ambassador-at-Large for International Religious Freedom David Saperstein testified

before the House Foreign Affairs Committee that the U.S. government is funding the investigation and documentation of mass graves in areas liberated from ISIS, and looking into ways to use satellite telemetry and geospatial analysis to identify potential sites of atrocities that remain in areas under ISIS control. However, current U.S. law makes it difficult for the United States to use appropriated funds to support ICC investigations and prosecutions, even for cases that the U.S. government supports.

The United States, as part of a 68-member anti-ISIS coalition, continues to work to degrade and defeat ISIS. Led by the United States, the forces of Operation Inherent Resolve–Iraq conducted airstrikes on ISIS alongside Australia, Belgium, Canada, France, Jordan, the Netherlands, and the United Kingdom. From September 2014 through December 2016, the coalition conducted more than 10,000 airstrikes in Iraq alone. Local ground forces and the coalition have been able to retake 56 percent of the Iraqi territory ISIS once held, and the number of foreign fighters entering Iraq dramatically decreased. Since 2014, the United States spent \$1.6 billion to build the capacity of the ISF, and in 2016, the Peshmerga were allocated \$415 million in military and financial assistance to fight ISIS. The United States also financially supported post-liberation stabilization efforts through

*The United States, as part of a 68-member anti-ISIS coalition, continues to work to degrade and defeat ISIS.*

the UN Funding Facility for Immediate Stabilization (FFIS) and Funding Facility for Expanded Stabilization to address the needs of newly liberated communities in and around Ramadi, Fallujah, and Mosul.

In 2016, the U.S. government provided more than \$513.4 million in humanitarian assistance to support the 10 million people in need of aid. This funding supported the following institutions: International Organization for Migration, UN Children's Fund, UN Office for the Coordination of Humanitarian Affairs, UN Population Fund, World Health Organization, UN Development Program, and UN High Commissioner for Refugees, among others. The efforts financed by the United States include camp coordination, health and medical support, education projects, food assistance, psychosocial support, shelter rehabilitation,

and livelihood development. Since September 2016, the United States has allocated \$3.5 million to mitigate risks associated with the possible breach of the Mosul Dam, which would result in disastrous consequences for Iraqi communities along the Tigris River. The United States also continues to resettle Iraqi refugees to the United States. Since 2007, the United States has admitted more than 131,000 Iraqis, of whom almost 40 percent are members of religious minorities, including but not limited to Christians of various denominations, Sabae-an-Mandaeans, and Yezidis. In 2016, 9,880 Iraqis were resettled in the United States.

### **Additional Statement of Vice Chair James J. Zogby**

I support this year's report on Iraq and our decision to no longer list the government as a CPC for three reasons.

First, the government of Prime Minister Abadi has been working to rein in sectarian militias and develop a more representative approach to governance. The United States is working with the Iraqis to defeat ISIS, build a non-sectarian army, and support political reforms that will create a more inclusive government. We and the Iraqis are insisting that Iranian-backed militias not take the lead in liberating Mosul and once ISIS is defeated minorities be welcomed back to the city and protected. We also understand the Iraqi government currently lacks the capacity to meet these challenges. They need U.S. support, not condemnation.

Second, we recognize the main violators of religious freedom and perpetrators of sectarian violence are ISIS and the Iranian-backed militias. We have declared ISIS an EPC.

Third, I opposed USCIRF's past designation of Iraq as a CPC, because I believe it was the failure of past U.S. Administrations that led Iraq into its current mess. It was hubris that led the Bush Administration to invade, occupy, and restructure governance without considering the consequences of their actions. The creation of sectarian militias, the displacement of one-fifth of Iraq's population, and the decimation of Iraq's Christian community—all took place on our watch. Then the Obama Administration withdrew from Iraq leaving the sectarian Maliki government in place.

Because I feel we have ownership for this mess, I felt that humility is in order.





# KAZAKHSTAN

## TIER 2

### KEY FINDINGS

Although the Kazakh government promotes religious freedom for “traditional” religious communities at the international level, domestic conditions for freedom of religion or belief and other civil liberties deteriorated in 2016, with officials’ heightened fears of public disorder leading to new restrictions on religion. The country’s restrictive 2011 religion law bans unregistered religious activity and is enforced

through police raids, detentions, fines, and the closing of religious institutions. Increasingly, terrorism and religious extremism laws with multiyear prison sentences are deployed against religious nonconformity and political opposition, blurring the line between violent extremism and peaceful dissent. Based on these concerns, USCIRF again places Kazakhstan on its Tier 2 in 2017, where it has been since 2013.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Urge the Kazakh government, in line with the recommendations of the United Nations (UN) Human Rights Committee, to ensure anti-extremism laws do not serve as a pretext for infringement on the right to peaceful religious observance and expression;
- Call on the Kazakh government to invite to its Congress of Leaders of World and Traditional Religions a representative array of religious communities peacefully residing in Kazakhstan, including minority religious groups;
- Urge the Kazakh government to agree to visits by the three Organization for Security and Cooperation in Europe (OSCE) Personal Representatives on Tolerance, set specific dates, and provide the full and necessary conditions for such visits;
- Ensure the U.S.-Kazakh Strategic Partnership Dialogue (SPD) includes discussion of issues relating to freedom of religion or belief;
- Press for at the highest levels and work to secure the immediate release of individuals imprisoned for their peaceful religious activities or religious affiliations and press the Kazakh government to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, and lawyers and the ability to practice their faith;
- Ensure the U.S. Embassy, including at the ambassadorial level, maintains active contacts with human rights activists; and
- Ensure continued U.S. funding for Radio Azattyq.

## BACKGROUND

Kazakhstan's population is estimated at 17.7 million. About 65 percent of the population is Muslim, mostly following the Hanafi school of Sunni Islam; 25 percent is estimated to be Russian Orthodox; and 5 percent comprises other groups, including Jews, Roman and Greek Catholics, various Protestant denominations, and others. Kazakhstan's diverse ethnic profile includes many non-Kazakhs, mostly Russians, whose families settled there or were deported during the Soviet period.

Before its 2011 religion law was enacted, Kazakhstan was one of the least repressive post-Soviet Central Asian states with regard to freedom of religion or belief.

The religion law, however, sets stringent registration requirements with high membership thresholds, and bans or restricts unregistered religious activities, including those relating to education, literature distribution, and clergy training. Other

vague criminal and administrative statutes enable the state to punish most unauthorized religious or political activity. Religious groups are subject to police and secret police surveillance. As a result of the law's registration requirements, the total number of registered religious groups fell sharply after 2011, especially the number of "nontraditional" religious groups, which declined from 48 to 16. By 2013, only Muslim groups affiliated with the state-backed Muslim Board were registered. Shi'a and Ahmadi Muslims were denied legal status, as were mosques attended primarily by particular ethnic

groups. As in Soviet times, the 11,000 members of the Union of Evangelical Christian Baptists refuse—as a matter of conscience—to register. Catholic communities are exempt from registration due to a government agreement with the Holy See.

Although all religions are officially equal under the religion law, its preamble "recognizes the historical role of Hanafi Islam and Orthodox Christianity," suggesting that other religions do not enjoy the same status. The government also funds "anti-sect centers" that function as quasi nongovernmental organizations, publicly promoting intolerance against certain religious minorities.

Since 2004, the Kazakh government has sponsored

and hosted the Congress of Leaders of World and Traditional Religions. Its most recent meeting in June 2015 was devoted to the issue of countering terrorism and extremism; the session was attended by 80 delegations from 40 countries and was

addressed by Kazakh President Nursultan Nazarbayev.

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## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### New Legal Restrictions on Religious Freedom

In 2016, Kazakhstan was marked by widespread popular unrest over official land privatization policies, as well as by two attacks on security forces during the summer that the government attributed to Islamist fundamentalists, possibly as a pretext for cracking down on civil society. The Kazakh president ordered that a new law be

drafted in response, including further restrictions on religion. In September 2016, a new government ministry, Religion and Civil Society, was formed; the Religious Affairs Committee, which oversees official policies on religion, falls under its jurisdiction.

In December 2016, President Nazarbayev signed a law that amended 20 other laws, including increasing penalties and state controls on the domestic production and distribution of religious texts as well as on their import. The Forum 18 News Service reported that, unlike previous practice, individual travelers are now allowed to bring only one copy per title of an uncensored religious text into the country. New restrictions were also imposed on foreign religious travel, which will be subject to new regulations to be drawn up by the Religion and Civil Society ministry. The state already controls foreign religious study; religious organizations that send people to study in foreign religious educational institutions must first receive state permission. The religion law now defines “spreading a religious teaching” as “activity directed at making available or passing on information on the basic dogma, ideas, views or practices of a specific religion.” The definition of “missionary activity”

is extended from representatives of a registered religious community to include any person who engages in such activity. Therefore, foreign citizens may be deported as punishment for engaging in “missionary activity” without registering with

the state as a missionary. Since these new legal restrictions went into effect in January 2017, it is too early to assess their practical impact.

The government also is preparing a State Program to Counter Religious Extremism and Terrorism in Kazakhstan for 2017–2020; its preparatory group includes the KNB (security police) and its Anti-Terrorist Centers and the Religion and Civil Society Ministry. The previous such State Program called for actions to “uncover and halt the activity of illegally functioning places of worship,” “the distribution of religious literature . . . in non-approved locations,” and “the conduct

of illegal missionary activity.” The program advocated for training all school children and many adults on “religious extremism,” and for publishing religious texts and holding cultural events to “propagate spiritual and moral values traditional for Kazakhstan.” It also advocated for more state-supported alleged “anti-sect” centers, which often criticize Protestants, Jehovah’s Witnesses, and Ahmadis and take part in their trials. In February 2017, Radio Azattyq, the Kazakh service of Radio Free Europe/Radio Liberty, reported on an anti-extremism seminar at a high school in the capital city of Astana in which a police lieutenant urged students to report people who engaged in Islamic worship at home, so that the police could check if they “adhere to the correct affiliation.”

### Penalties for Religious Activity

The most frequent violations of the 2011 religion law are distributing religious texts without a license, discussing religion without the required “missionary” registration, and holding unregistered worship meetings. There are at least 25 Council of Churches Baptists who refuse to pay fines for unregistered reli-

gious activity and are on the Justice Ministry’s list of debtors who cannot leave Kazakhstan. In three separate incidents in 2016, six elderly Baptists were penalized for holding prayer meetings in private homes. Discussions of faith without a “missionary” permit

from a registered religious organization is banned as a criminal offense, as is the publication, distribution, and import of all uncensored texts and religious items, including icons. In 2016, Jehovah’s Witnesses continued to be fined for preaching. In June 2016, three Muslims were fined for speaking about religion after evening prayers to passersby.

Since January 2015, police have had the right to impose without a court hearing certain fines for unauthorized religious activity. In 2016, police reportedly fined without trial at least three Council of Churches Baptists; one fine was later annulled.

*The most frequent violations of the 2011 religion law are distributing religious texts without a license, discussing religion without the required “missionary” registration, and holding unregistered worship meetings.*

In January 2016, police in Aktau again raided a worship meeting of the New Life Pentecostal Church, which has been a frequent target of official harassment; its two pastors were told to bring church documents to police. In Almaty in May 2016, police—citing alleged financial crimes—raided church buildings and homes of New Life members during services. In July 2016, police raided two Baptist summer camps. The legal requirement that both parents must give written approval of children’s involvement in religious activity has also raised difficulties for Jehovah’s Witnesses.

In January 2017, the KNB reportedly arrested Jehovah’s Witnesses Asaf Guliyev and Teymur Akhmedov on charges of “inciting hatred”; the two men were recorded meeting on several occasions in 2016 to speak about their faith with KNB informers posing as university students. In February 2017, Guliyev was sentenced to five years of “restricted freedom,” effectively confining him to his hometown and barring him from visiting certain public establishments. Akhmedov, who has claimed that he was beaten while in detention, was still awaiting trial at the end of the reporting period; civil society activists who visited him in prison reported that he may not be receiving proper medical care for his cancer.

In February 2017, the Kazakh police opened a new case against atheist Aleksandr Kharlamov over a book he published in 2014. Kharlamov claimed that the new case is retaliation over his appeal of an earlier 2013 case against him which never went to trial, although its administrative measures—confinement to his hometown—have remained in force against him since then.

### Penalties for Alleged Extremism

In 2016, Muslims still constituted the vast majority of those sentenced to multiyear prison terms in Kazakhstan for the peaceful expression of religious belief. In August 2016, the UN Human Rights Committee expressed concern that the “broad formulation” of the concept of extremism in Kazakh law “unduly restrict[s]” religious freedom.

Presumed members of the Tabligh Jamaat missionary movement regularly are singled out for persecution. Tabligh Jamaat was banned as “extremist” in 2013 despite a study commissioned by the KNB secret police and the Religious Affairs Committee that found the movement is neither extremist nor terrorist. Since

December 2014, 46 accused Tabligh Jamaat adherents (all Kazakh citizens) are known to have received criminal convictions; 32 received prison terms, and 14 received restricted freedom sentences confining them to their hometowns.

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For example, in December 2016, five alleged Tabligh Jamaat members near Almaty—Serik Erimbetov, Abdumazhit Abdullayev, Parkhat Gafurov, Oralgazhi Koshtybayev, and Asimtulla Baituryanov—received prison terms of up to three years. In October 2016, Baurshan Beisembai was sentenced to two and a half years in prison, as was Aiden Shakentayev in March 2016. In May 2016, Estai Dzhakaev received a three-year prison term. In June 2016, Radio Azattyq reported that Murat Takau-mov was sentenced to nine months in prison, likely because he had given legal advice to accused Tabligh Jamaat members. In addition, in October 2016, two alleged Tabligh Jamaat members, Saken Tulbayev and Khalambakhi Khalym, were charged under Criminal Code article 174, which penalizes “incitation of social, national, clan, racial, class, or religious conflict” and carries a possible two- to five-year prison term. In July 2016, the UN Human Rights Committee criticized the government of Kazakhstan for its use of article 174 and other overly broad laws to punish the peaceful exercise of freedom of religion or belief.

The Kazakh government also persecutes other Muslims who do not conform to official practices or criticize the state-run religious hierarchy. In October 2016, Salafi adherent Kuanysh Bashpayev was arrested for engaging in a long-running polemic with and delivering sermons critical of the State Muslim Board. Salafi adherent Satimzhan Azatov was arrested in January 2017 for holding a discussion group with other Salafis in September 2016. In February 2017, ethnic Uzbek imam Abdukhalil Abdudzhabbarov was deported from Turkey

to Kazakhstan, where he was arrested on charges of leading prayers in an illegal mosque in 2003; although Abdudzhabbarov is charged with inciting terrorism, a Russian human rights group, Memorial, had stated that his arrest was connected to his earlier disputes with state-backed imams. By the end of the reporting period, all three men were awaiting trial.

In September 2015, jailed Sunni Muslim Saken Tulbayev reportedly was tortured in the Pavlodar labor camp. His torture later stopped after publicity on his case, but there have been no arrests of his torturers. Forum 18 also has reported that due to his long camp work hours, Tulbayev cannot perform Muslim prayers.

Seventh-day Adventist Yklas Kabduakasov remains in prison. In December 2015, he was sentenced to two years in a labor camp, increased from a seven-year house arrest term. According to Forum 18, the 54-year-old father of eight also was convicted of incitement to religious conflict under article 174 for discussing his faith. Kabduakasov and 29 alleged Tabligh Jamaat members also have had their bank accounts blocked due to their inclusion on the Finance Ministry's Financial Monitoring Committee List of individuals "connected to the financing of terrorism or extremism." Convicts can be added to the list without notification or separate legal process.

### Restrictions on Religious Materials

Kazakhstan has banned at least 695 texts—including Muslim, Ahmadi, Christian, Hare Krishna, and Jehovah's Witness materials—for alleged "extremism." The government also censors all religious texts, bans religious materials in prison, and restricts where religious materials may be sold. Under the religion law, only Hanafi Sunni Muslim materials can be sold in officially licensed bookshops.

Administrative fines are the most frequent penalties for infractions and are often levied against Christians. In 2016, dozens of fines were issued; at least six elderly Baptist hospice volunteers were fined the equivalent of two months' pension for giving the New Testament to those who had asked. In May 2016, Roman Dimmel, a Baptist who refuses to pay fines he received in 2016 for handing

out religious texts, was again jailed for three days. Muslims are also subject to these punishments: in May 2016, a shopkeeper was fined and barred from commerce for three months after police found in his shop Muslim texts his wife used in her classes for women mosque attendees. The use in secular settings of texts officially viewed as religious also has led to court proceedings: in December 2016, after police raided a yoga seminar, an instructor was fined for displaying the Bhagavad Gita along with other texts that were available to the 160 attendees.

### U.S. POLICY

After the collapse of the former Soviet Union, the United States was the first country to recognize Kazakhstan's independence, and is now the largest direct foreign investor in Kazakhstan. Key bilateral issues are regional security—including efforts to stabilize Afghanistan—and nuclear nonproliferation. Kazakhstan and the United States have entered into a five-year plan to strengthen military cooperation via capacity-building programs. In February 2015, the two states signed a Mutual Legal Assistance Treaty. United States Agency for International Development (USAID) programs in Kazakhstan help support civil society, increase access to information, strengthen citizen initiative groups, promote an independent judiciary, and encourage human rights protection. USAID also assists in civil society partnerships with the Kazakh government. As of January 2017, Kazakhstan holds a two-year nonpermanent seat (allocated to the Asia-Pacific group) on the UN Security Council.

In August 2016, the State Department hosted the second meeting of the C5+1 Ministerial, which brings together the foreign ministers of the five Central Asian states and the United States for discussions on various multilateral issues, including respect for basic freedoms. In their joint statement, all five ministers and then Secretary of State John Kerry committed to advancing civil rights and democratic freedoms. In December 2016, then Secretary Kerry also met with ministers from the C5+1 countries,

*Under the religion law, only Hanafi Sunni Muslim materials can be sold in officially licensed bookshops.*

as well as civil society activists, during the annual ministerial meeting of the OSCE in Hamburg, Germany.

Additionally, the United States and Kazakhstan discuss a wide range of bilateral issues through the U.S.-Kazakh SPD, which was set up in 2012. In September 2016, then Secretary Kerry held the fifth SPD meeting at the UN; then Ambassador-at-Large for International Religious Freedom David Saperstein met with Kazakh deputy foreign minister Yerzhan Ashikbayev.

### KEY FINDINGS

Based on Laos's overall record on human rights, it consistently ranks as one of the least free and most repressive countries in the world due to government restrictions on expression, assembly and association, independent media and Internet access, and other rights. The Lao government also continues to heavily restrict freedom of religion or belief. In some parts of the country, religious freedom conditions are generally free, especially for the majority Buddhist community. But in other areas, local authorities harass and discriminate against religious and ethnic minorities, and pervasive government control and onerous regulations impede freedom of reli-

gion or belief. Local officials who inconsistently interpret and implement religious regulations also tend to be highly suspicious of Christians. In 2017, USCIRF again places Laos on its Tier 2, as it has since 2009. As Laos implements revised religious regulations, USCIRF will monitor whether these changes or other modifications to the Lao government's policies and practices become consistent with international human rights standards—including the International Covenant on Civil and Political rights, to which Laos is a state party—which may influence how USCIRF reports on the country in future Annual Reports.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Initiate with the Lao government a formal human rights mechanism, similar to existing U.S. human rights dialogues with Burma and Vietnam, as well as the European Union's and Laos's Working Group on Human Rights and Governance, to regularly and consistently address with the Lao government issues such as ethnic and religious discrimination, torture and other forms of ill treatment in prisons, unlawful arrests and detentions, and the lack of due process and an independent judiciary;
- Work with the Lao government to ensure the implementation of Decree 315 is consistent with international human rights standards, and encourage accountability for central, provincial, and local government officials and law enforcement acting in contravention to Lao law, its constitution, and international standards;
- Continue to engage the Lao government on specific cases of religious freedom violations, including but not limited to forced evictions and/or forced renunciations of faith, and emphasize the importance of consistent implementation, enforcement, and interpretation of the rule of law by officials at all levels of government and law enforcement authorities;
- Support technical assistance programs that reinforce the goals of protecting religious freedom, human rights defenders, and ethnic minorities, including: rule of law programs and legal exchanges that focus on implementing Decree 315 consistent with international human rights standards; training for Lao police and security forces, provincial and local officials, and lawyers and judges in human rights, the rule of law, and religious freedom and tolerance; and capacity building for Lao civil society groups carrying out charitable, medical, and developmental activities;
- Ensure that Lao police and security officials participating in training or technical assistance programs are thoroughly vetted pursuant to the Leahy Amendment to confirm that they are not implicated in human rights abuses, and deny U.S. training, visas, or assistance to any unit or personnel found to have engaged in a consistent pattern of violations of human rights, including religious freedom; and
- Continue to inquire consistently into the whereabouts of Sombath Somphone, given that the Lao government's inability to provide any information from its investigation into his disappearance is emblematic of its overall approach to human rights, civil society, and individual rights.



## BACKGROUND

The communist Lao government recognizes four religions: Buddhism, Christianity, Islam, and the Baha'i faith. Exact figures are difficult to ascertain, but at least half of the country's approximately seven million people, or as much as 66 percent of the population, practices Buddhism. An estimated 1.5 percent practice Christianity. Animism, ancestor worship, or some other religious practices also are popular, while smaller segments of the population practice Islam, the Baha'i faith, or Confucianism.

In January 2016, the Lao People's Revolutionary Party (LPRP) held its 10th Party Congress and shuffled key leadership positions. The LPRP named Thongloun Sisoulith as prime minister and selected Bounnhang Vorachit as secretary general and the country's new president; both men assumed their new roles in April 2016 following National Assembly elections held in March.

The Lao government exercises what some have described as "absolute control" of the media, including print and broadcast media. In November 2016, the Lao National Assembly amended the Media Law of 2008, further tightening restrictions. In recent years, these rigid controls have prompted some individuals to turn to social media and other online fora as both an independent source of news and information and an outlet for commentary. However, in 2014 the Lao government adopted legislation criminalizing online criticism of the government and LPRP or circulating false information online. The law ensnared three individuals in March 2016, when authorities arrested them for posting anti-government messages on Facebook. Their whereabouts were unknown until they appeared on state television in May to publicly confess to their alleged crimes. The

three individuals—Somphone Phimmason, Lodkham Thammavong, and Soukane Chaithad—were working in Thailand at the time of the posts and were arrested upon returning to Laos to obtain travel documents and permits. At the end of the reporting period, all three individuals remained in detention.

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## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Legal Restrictions on Religious Practice and Activities

The Lao government manages religious affairs through two main bodies: the Ministry of Home Affairs, which has authority to grant permissions for activities or to establish new houses of worship, and the Lao Front for National Construction (LFNC), a mass organization of political and social entities that disseminates and explains the government's religion policies.

In August 2016, Prime Minister Thongloun Sisoulith issued a new regulation: Decree 315 on the Management and Protection of Religious Activities. At the end of the reporting period, it remained unclear how the new decree will affect religious groups. Decree 315 replaces Decree 92 on Religious Practice, which has provided the legal basis for regulating and managing religion since 2002. Critics noted Decree 92's onerous approval processes and

unclear requirements, which officials at the local, district, and provincial levels often implemented to the disadvantage of religious organizations. Like Decree 92, Decree 315 requires multiple levels of government approval for registering religious organizations, ordaining religious leadership, conducting religious activities, traveling overseas or inviting foreigners to Laos for religious purposes, receiving foreign assistance or donations, and importing and exporting printed and digital materials, among other matters. Approval authority mainly rests with the Ministry of Home Affairs and its related counterparts at the district/municipal and provincial levels. The decree indicates that the ministry will establish forthcoming regulations to approve the construction, renovation, and restoration of houses of worship and other religious structures. Also, the decree warns religious organizations and individuals not to disturb “social order” or disrupt “national harmony,” which is similar to vague language used by other countries to restrict rights.

Whether the new decree clarifies the ambiguous relationship and roles of the ministry and LFNC, particularly at the local level, remains to be seen given that its implementation is not yet widespread. It appears that under the new decree, government officials and the LFNC will retain significant latitude to control many aspects of religious activity, although—as under the previous regulation—this likely will vary by district and province. Religious communities tend to have more space to practice in areas where local officials are open to having good relations. In these instances, some religious groups are allowed to conduct charitable work, and they coordinate to attend each other’s religious ceremonies and celebrations. However, there are other areas where local LFNC or government officials broadly interpret regulations by directing the content of sermons, controlling religious activities, or confiscating religious materials. Also, as written, the decree appears to apply to Buddhist monks and religious structures, and if strictly interpreted and implemented, may represent a shift in previous policy that effectively exempted Buddhists from procedures governing non-Buddhist faiths.

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*[A]uthorities . . . attempt to force Christians to renounce their faith, threatening to evict them from their homes or force them to pay fines if they refuse to abandon their faith.*

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## Abuses against Minorities

Given Laos’s closed, communist nature, reports about abuses and violations of religious freedom often are difficult to obtain and verify. Religious followers and ethnic minorities often self-censor their words and actions to avoid detection; self-censorship similarly applies to domestic civil society organizations. Notwithstanding limited reports, government and societal actors continue to discriminate against and abuse religious and ethnic minorities. The government is particularly suspicious of some ethnicities, like the Hmong, and targets Christian individuals and groups, although ill treatment is worse in some provinces—like Savannakhet, where local authorities restrict religious practice—than others. The government recognizes three Christian groups—the Lao Evangelical Church, the Catholic Church, and the Seventh-day Adventist Church—and pressures religious organizations and other denominations not part of these three groups to join a recognized church. Some Christians, fearful of the government, practice their faith in secret.

Authorities arrest or otherwise detain Christians, sometimes accusing them of spreading their faith. They also surveil, intimidate, and threaten individuals suspected of proselytizing. According to reports, authorities—or in some cases neighbors and family members—attempt to force Christians to renounce their faith, threatening to evict them from their homes or force them to pay fines if they refuse to abandon their faith. At times, Christians face discrimination regarding access to medical care, education, and

government employment. Local authorities often require Christians to obtain permission in advance of any religious-related travel within and across provinces. The new Decree 315 emphasizes Lao culture, heritage, and

national spirit, which is language the government may use against Christians in ways similar to past instances of local officials accusing Christians of being uncooperative for declining to participate in village activities associated with Buddhist cultural traditions.

## U.S. POLICY

During the reporting period, the United States and Laos deepened bilateral ties in a way that could provide future opportunities for the U.S. government to substantively engage on religious freedom and related human rights issues. The United States should leverage these opportunities to encourage the Lao government to undertake reforms that protect and respect the rights of religious and ethnic minorities, particularly as it implements Decree 315.

In 2016, Laos chaired the Association of Southeast Asian Nations (ASEAN), a regional bloc of 10 countries that work together on economic, social, and cultural issues. During the September 2016 ASEAN Summit and East Asia Summit in Vientiane, then U.S. President Barack Obama and Lao President Bounnhang Vorachit announced a Comprehensive Partnership to facilitate cooperation between the two countries in the areas of “political and diplomatic relations, trade and economic ties, science and technology, education and training, environment and health, humanitarian cooperation, war legacy issues, security, protection and promotion of human rights, and people-to-people ties.” The two countries agreed to include human rights discussions as part of the annual Comprehensive Bilateral Dialogue; the seventh annual dialogue was held in June 2016 in Vientiane.

While in Laos, then President Obama—the first sitting U.S. president to visit that country—gave remarks to a Lao audience in which he spoke about universal human rights and the impact of faith in their daily lives. A White House fact sheet about U.S.-Laos relations noted that the United States is “committed to promoting respect for human rights and religious freedom.” Then President Obama also acknowledged the United States’ legacy of war in Laos and announced plans to “double [U.S.] annual funding to \$90 million over the next three years to help Laos expand its work [to clear unexploded ordnance].” Ahead of the summit, human rights activists encouraged then President Obama to raise several issues, including the disappearance of Lao civil society leader Sombath Somphone, who has been missing since December 2012. Sombath’s wife, Shui Meng Ng, met with several high-level international officials during the summit, including a representative from the United States.

### KEY FINDINGS

In 2016, opposition to the government from both within and outside political spheres negatively impacted religious freedom as stakeholders increasingly jockeyed for support ahead of the 2018 general elections. This ongoing trend continued to invigorate individuals and groups who believe Sunni Islam is the only true form of Islam and that Malaysia must prioritize the Malay Muslim identity, often to the disadvantage of religious and ethnic minorities. The Malaysian government actively restricts freedom of expression and punishes those who criticize it, including online. During 2016, the Malaysian parliament considered a measure to strengthen punishments under the

Islamic penal code and bolster Shari'ah courts at a time when the jurisdictional lines between Shari'ah and civil courts are increasingly indistinct; parliament is expected to further debate the matter in 2017. A landmark court decision enabled a man who was converted to Islam as a child to finally be recognized as a Christian, though many legal challenges remain for those choosing to convert and those involved in interfaith custody disputes. The government continues to ban so-called "deviant" religious groups, such as the Shi'a Muslim, Ahmadiyya, Baha'i, and Al-Arqam communities. In 2017, USCIRF again places Malaysia on its Tier 2, where it has been since 2014.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Ensure that human rights and freedom of religion or belief are pursued consistently and publicly at every level of the U.S.-Malaysia relationship, including in the Comprehensive Partnership and other discussions related to military, trade, or economic and security assistance, and in programs that address freedom of speech and expression and civil society development, among others;
- Press the Malaysian government to bring all laws and policies into conformity with international human rights standards, especially with respect to freedom of religion or belief, freedom of assembly, and freedom of religious expression, including the rights to use the word "Allah" and to possess religious materials;
- Encourage the Malaysian government to become party to the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination (without reservations), and the 1951 Refugee Convention and its 1967 Protocol;
- Urge the Malaysian government to substantively amend or repeal the Sedition Act and cease the arrest, detention, and prosecution of individuals under the act;
- Urge the Malaysian government to cease the arrest, detention, or forced "rehabilitation" of individuals involved in peaceful religious activity, such as members of Shi'a Muslim, Ahmadiyya, Baha'i, and Al-Arqam groups, among others, and to release unconditionally those detained or imprisoned for related charges; and
- Encourage the Malaysian government to establish or support independent institutions, such as the judiciary, office of the Attorney General, and law enforcement, and to address the human rights shortcomings of the parallel civil-Shari'ah justice systems, in order to guarantee that all Malaysians, regardless of ethnicity or religion, enjoy freedom of religion or belief.

## BACKGROUND

Over 61 percent of Malaysia's nearly 31 million people are Muslim, while nearly 20 percent are Buddhist, more than 9 percent Christian, and more than 6 percent Hindu. Collectively, approximately 1 percent of the population practice Confucianism, Taoism, or other traditional Chinese faiths, and smaller segments follow another or an unspecified religion, such as Sikhism, the Baha'i faith, and animism, or no religion at all. Religious groups deemed "deviant," such as the Shi'a Muslim, Ahmadiyya, Baha'i, and Al-Arqam groups, are banned. The government or state-level Shari'ah courts can force individuals considered to have strayed from Sunni Islam—including those from "deviant" sects or converts from Islam—into detention-like camps known as "rehabilitation" centers and/or prosecute them for apostasy, which is punishable by prison terms or fines.

In 2016, political forces continued to exploit religion and ethnicity, appealing to an increasingly conservative and nationalist interpretation of Islam. This trend—blurring the lines of religion and ethnicity—has intensified during the last decade, becoming a popular rhetorical and campaign tool across the political and ideological spectrum. Prime Minister Najib Razak's United Malays National Organization (UMNO), the leading party in the Barisan Nasional (BN) ruling coalition, and the Pan-Malaysian Islamic Party (PAS), formerly aligned with the now-defunct Pakatan Rakyat opposition coalition, joined forces in parliament to promote a measure that would allow Islamic punishments. Also, although general elections are not scheduled until 2018, some observers have speculated that Prime Minister Najib could call polls early depending on when he thinks UMNO can get the most votes.

The Malaysian government continues to suppress individuals who seek to hold the government accountable, such as opposition parliamentarian Rafizi Ramli, anticorruption activist Maria Chin Abdullah, and human rights advocate Lena Hendry, including through the use of national security measures. On August 1, 2016, Malaysia's National Security Council Act went into effect, granting broad new powers to the prime minister to declare a state of emergency and authorize searches and arrests without warrants. Human rights advocates criticized the act for eroding basic rights and liberties and warned of government misuse.

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*In 2016, political forces continued to exploit religion and ethnicity, appealing to an increasingly conservative and nationalist interpretation of Islam.*

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## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Discrimination against Non-Muslims and Non-Sunni Muslims

Malaysians generally are free to worship, but minorities often experience discrimination related to their faith, and some have difficulties accessing religious materials, such as Bibles, and obtaining government permission to build houses of worship. The constitution defines ethnic Malays—the majority ethnic group—as Muslim, and in practice, the government only supports Sunni Islam. Over time, BN has implemented policies and practices that prefer or otherwise distinguish for special treatment

ethnic Malay Muslims, specifically Sunni Muslims. Through the federal Department of Islamic Development Malaysia (JAKIM), the government funds most Sunni mosques and imams and provides talking points for sermons, which regularly vilify religious minorities, such as Shi'a Muslims. Also, both the government and UMNO promote Sunni Islam by sending individuals to Saudi Arabia for religious training. The dual system of civil and Shari'ah courts (covered later in the chapter), as well as the layers of federal versus state laws, sultan-issued decrees, and *fatwas* (religious edicts), erode the notion of a secular state and the constitution as the supreme law in Malaysia. There are reports that proselytization of Islam widely occurs in public schools, even Catholic schools. Muslims are allowed to proselytize to non-Muslims, but not vice versa.

Majority Malay Muslims increasingly impose restrictive views and norms upon ethnic and religious minorities that not only impact these groups' ability to practice their faith freely, but also constrain their everyday lives. Religious and ethnic minorities have expressed growing concerns about the government's pro-Malay Muslim policies and subsequent limitations on their right to practice their beliefs freely. These fears are heightened by reports of religious leaders being harassed or even kidnapped. For instance, in February 2017 masked assailants abducted evangelical Pastor Raymond Koh in Petaling Jaya. Religious authorities previously had harassed Pastor Koh after suspecting him of converting Muslims to Christianity; as of this writing, his whereabouts are still unknown.

### "Illegal" or "Deviant" Faiths and Practices

Malaysia deems certain faiths illegal, such as the Shi'a Muslim, Ahmadiyya, Baha'i, and Al-Arqam communities, and authorities crack down on the practice of these faiths. For example, in October religious authorities in Selangor arrested 50 Pakistani Muslims who had gathered for the Shi'a Muslim commemoration of Ashura. Although officials previously have cracked down during Ashura, foreign nationals are supposed to be

exempt from religious bans. In response to the arrests, the G25—a group of 25 prominent Malaysian figures, including many former public officials—urged Malaysian government and religious officials to recognize the Shi'a faith as an accepted form of Islam and allow Shi'a Muslims to practice their faith freely.

State and federal level religious councils issue *fatwas* that often are interpreted as carrying the force of law. In 2014, the Selangor Islamic Religious Council (MAIS) issued a *fatwa* declaring the Malaysian civil society organization Sisters in Islam (SIS) to be "deviant"; the fatwa enabled MAIS to block SIS's website and confiscate its publications. SIS filed a judicial review application to challenge the fatwa's constitutionality, but in June 2016 the High Court ceded jurisdiction to Shari'ah courts. SIS filed an appeal that is still pending.

### Restrictions on Belief and Expression

Malaysian authorities regularly employ the vaguely worded Sedition Act as a means to suppress political and religious dissent and increasingly target individuals, including opposition politician N. Surendren, human rights lawyer Eric Paulsen, academic Dr. Azmi Sharom, and cartoonist Zulkiflee Anwar Ulhaque, also known as Zunar, for expression online. Several individuals

arrested or charged under the Sedition Act have pursued legal cases to question its constitutionality; thus far, the courts have rejected these challenges. In August 2016, police arrested Malaysian rapper Wee Meng Chee,

whose professional name is Namewee, for allegedly insulting Islam in one of his music videos. After several days in police detention, he was released on bail, but could still face up to two years in jail and a fine.

### Ban on the Use of the Word "Allah"

In 2016, non-Muslims faced ongoing hurdles using the word "Allah." The Arabic word for God is the same word used in the Malay language and in the indigenous Iban language. In one instance in October 2016, the Home Ministry reportedly confiscated copies of a weekly Catholic newspaper—the courts had already denied

*[I]n February 2017, masked assailants abducted evangelical Pastor Raymond Koh in Petaling Jaya . . . his whereabouts are still unknown.*

it the right to use the word “Allah”—after suspecting the papers still contained the word; the papers were released when authorities determined “Allah” was not used. Also, the Sabah Sidang Injil Borneo (SIB) church fought for the right to use the word “Allah” in Malay and Bahasa translations of the Bible and other religious materials. On September 30, 2016, the Court of Appeal denied the Federal Territories Islamic Religious Council (MAIWP)—the local-level body in charge of religious affairs—the ability to intervene in the case, determining that MAIWP does not have rights over non-Muslims. Sabah SIB first filed the lawsuit in 2007 after authorities seized boxes of Malay-language Christian education books that included the word “Allah.” Although authorities returned the books to Sabah SIB in 2008, the church sustained the lawsuit to clarify that it has the constitutional right to use the word “Allah” in its Bible translations and other materials. The High Court was expected to hear Sabah SIB’s case in February 2017.

### Hudood Punishments

In 2016, Abdul Hadi Awang, leader of the Pan-Malaysian Islamic Party (PAS), introduced a private member’s bill to amend the Shari’ah Court (Criminal Jurisdiction) Act 1965 to implement *hudood* (the Islamic penal code) punishments and expand Shari’ah courts’ jurisdiction. Crimes punishable under *hudood* include apostasy, slander, adultery, and alcohol consumption; the punishments include amputation, stoning, and flogging. In 2015, PAS moved a similar measure through the Kelantan State Assembly (which PAS controls), but needed the Malaysian parliament’s approval before moving forward with *hudood* because of existing constitutional limitations on the power of Shari’ah courts, which essentially would be lifted under the 2016 bill. After PAS split from the now-defunct Pakatan Rakyat opposition coalition in 2015, it more closely aligned with UMNO, garnering Prime Minister Najib’s open support for the measure.

However, UMNO’s political partners in the BN ruling coalition, the Malaysian Chinese Association and the Malaysian Indian Congress, oppose the amendments, as do some non-Muslims. Eastern Malaysia, which includes the states of Sabah and Sarawak, is home to large Christian populations that typically have broader freedom to practice their faith than Christians

living in peninsular Malaysia. For example, there generally are fewer restrictions on possessing Bibles in Sabah and Sarawak. Lawmakers—including Sarawak Chief Minister Adenan Satem, and Sabah member of parliament and Minister of National Unity Joseph Kurup—and church leaders from both states publicly opposed the amendments. Critics elsewhere in the country suspected UMNO of throwing its support behind *hudood* in an attempt to distract voters from BN’s political scandals (see the U.S. Policy section for more information).

Those opposed to the measure have two key concerns: that it would apply *hudood* punishments to non-Muslims, and that it would diminish the power of civil courts. In November 2016, the measure was withdrawn and swiftly reintroduced in amended form, only to be postponed from further consideration until March 2017. Ahead of parliament reconvening, in February 2017 tens of thousands rallied in Kuala Lumpur to support the measure.

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*Those opposed to the measure have two key concerns: that it would apply hudood punishments to non-Muslims, and that it would diminish the power of civil courts.*

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### Forced Conversions and the Dual Court System

In March 2016, the Kuching High Court granted Christian-born Roneey Rebit the legal right to identify as a Christian, and ordered the National Registration Department (NRD) to issue him a new identity card that does not record his religion as Islam. When Roneey was a child, his parents converted to Islam and he was deemed converted under Malaysian law; once he became an adult, Roneey chose to follow the religion of his birth, Christianity, but he was still registered with the NRD as a Muslim. Although the NRD initially appealed the decision, according to reports it issued Roneey his new identity card in October 2016, listing his given Christian name rather than a Muslim name. Until the High Court’s decision, the Malaysian government had argued that only Shari’ah courts could

adjudicate matters involving Islam, which made it extremely difficult for Muslims to convert or to correct official government paperwork to reflect a person's chosen faith. That the decision was made in civil court has widespread and potentially positive implications for interfaith custody cases in which one parent unilaterally converts his/her children to Islam without the other parent's consent. Moreover, the judge's decision affirmed that freedom of religion or belief is a constitutional right. However, it remains to be seen whether the court's favorable decision will be applied more broadly to other individuals in similar situations.

Another longstanding case involves M. Indira Gandhi, a Hindu whose ex-husband converted their three children to Islam without her knowledge. Although she was granted full custody of the children, her ex-husband, who goes by the Muslim name Muhammad Riduan Abdhullah, disappeared with their youngest child approximately eight years ago, and Indira has not seen the child since, despite an earlier court order that her ex-husband return the child. In December 2015, the Court of Appeals set back her case in two ways: first, it overturned a High Court ruling that declared unilateral conversions to be unconstitutional; and second, it determined that Shari'ah courts have sole jurisdiction in Islamic matters, thereby establishing a precedent to eliminate the role of civil courts in family cases in which at least one party is non-Muslim. In April 2016, a court order authorized her ex-husband's arrest, and in May the Federal Court granted Indira the right to challenge her children's unilateral conversions. In November 2016, the Federal Court held a hearing in the case, but by the end of the reporting period had issued no decisions. Authorities have failed to arrest her ex-husband, nor has he made any court appearances.

In August 2016, Prime Minister Najib announced plans to amend Malaysia's Law Reform (Marriage and Divorce) Act 1976 to clarify that matters of civil marriage will be handled in civil courts, including in divorce and child custody cases. Submitted in November 2016, the amendment would ban unilateral child conversions regardless of whether one or both parents converts after marriage. Parliament is expected to debate the amendment in 2017.

In March 2016, Christian lawyer Victoria Martin lost her final bid to practice in Shari'ah courts. The Federal

Court's 3-2 ruling against Ms. Martin overturned an earlier ruling by the Court of Appeal that had decided in her favor, allowing a non-Muslim to practice as a Shari'ah lawyer. Ruling in her favor would have been significant in conversion cases in which Muslims seek to convert to another faith; at present, these individuals can only be represented by a Muslim.

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### Rohingya Muslim Refugees

According to January 2017 statistics from the United Nations High Commissioner for Refugees (UNHCR), there are more than 150,000 refugees and asylum seekers registered with UNHCR in Malaysia. Of these, nearly 134,000 are from Burma (also known as Myanmar), 56,135 of whom are mostly Muslim Rohingya; many others without UNHCR registration are believed to live in Malaysia. While some are migrants seeking better opportunities, many are refugees fleeing persecution in Burma, including serious violations of religious freedom, such as restrictions on their ability to freely practice their faith and the destruction of religious structures. Malaysia is not signatory to the 1951 Refugee Convention and its 1967 Protocol. Refugees and asylum seekers in Malaysia have limited access to government or nongovernmental support and generally cannot be employed legally, although in November 2016 the Malaysian government announced a pilot program to allow up to 300 Rohingya refugees to obtain legal employment.

In December 2016, Prime Minister Najib publicly condemned Burma's ill treatment of Rohingya Muslims and recognized the Rohingya Muslim crisis as a regional challenge for the Association of Southeast Asian Nations. Prime Minister Najib gave similar remarks in January 2017 at a meeting of the Organization of Islamic Cooperation. In February 2017, a Malaysian ship arrived in Sittwe, the capital of Burma's Rakhine State, carrying humanitarian aid supplies for Rohingya Muslims. Some critics, however, viewed Prime Minister Najib's remarks as an effort to shore up



his political support and deflect attention away from corruption allegations.

### Relations with the Vatican

In June 2016, Pope Francis received Malaysia's first Resident Ambassador to the Holy See, Tan Sri Bernard Giluk Dompok; his appointment to the position was announced in March 2016. In November 2016, Pope Francis appointed Archbishop Emeritus Anthony Soter Fernandez as Malaysia's first-ever cardinal.

### U.S. POLICY

In 2014, the United States and Malaysia upgraded their bilateral relationship to a Comprehensive Partnership. During testimony at an April 2016 congressional hearing about U.S. policy in Asia, then Deputy Secretary of State Antony J. Blinken reported that with respect to Malaysia, the United States has “doubled the scope and scale of military cooperation [under the Comprehensive Agreement and] signed two terrorist information-sharing agreements.” The two countries cooperate on a number of other mutually strategic issues, such as trade and investment, the environment, education, and people-to-people exchanges, among others. While the U.S.-Malaysia relationship continues to grow, there are issues and circumstances that test the bilateral bond. For example, following a November 2016 defense deal between Malaysia and China, some observers surmised the move represented Malaysia's shift away from the United States.

Also, in March 2016, the State Department, through a spokesperson, expressed concern about the Malaysian government's “recent actions to restrict access to domestic and international reporting on Malaysian current affairs” and about charges brought against social media users who post criticisms of the government. The State Department issued the comments after the Malaysian government blocked access to an online news portal, *The Malaysian Insider*. In November 2016, then Ambassador-at-Large for International Religious Freedom David Saperstein traveled to Malaysia, meeting with stakeholders in Kuala Lumpur.

Last, on July 20, 2016, the U.S. Department of Justice announced it would seek to recover more than \$1 billion in funds belonging to 1Malaysia Development Berhad, or 1MDB, a Malaysian investment fund, believed to have

been laundered through the United States. The Justice Department filed a lawsuit in federal court, which referred to “Malaysian Official 1,” believed to be Prime Minister Najib, who created 1MDB. Prime Minister Najib has denied all wrongdoing, though in September 2016 he stated that Malaysia would cooperate with all international investigations. At least six other countries, including Switzerland and Singapore, conducted similar fraud and corruption investigations.

# TURKEY

## TIER 2

### KEY FINDINGS

While the Turkish government has increasingly restricted a broad range of human rights, especially in the aftermath of the failed July 2016 coup d'état attempt, it has nevertheless taken some positive steps to improve religious freedom conditions in Turkey. The government has returned properties expropriated from religious minority communities, provided dual citizenship to Greek Orthodox Metropolitans so they can participate in their church's Holy Synod, and revised school curricula. However, due to the Turkish government's strict interpretation of

secularism as requiring the absence of religion in public life, no religious community—including the majority Sunni Muslim community—has full legal status, and all are subject to state controls limiting their rights to maintain places of worship, train clergy, and offer religious education. Additionally, long-standing religious freedom concerns persist pertaining to religious properties, listing of religious affiliations on national identification cards, and education. Based on these concerns, USCIRF again places Turkey on its Tier 2 in 2017.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

In addition to expressing concerns to the Turkish government about the deplorable human rights situation in the country, the U.S. government should:

- Raise religious freedom issues with the Turkish government at the highest levels, including by:
  - Urging the government of Turkey to fully comply with European Court of Human Rights (ECtHR) rulings on freedom of religion or belief, including
- by removing the field for religious affiliation on national ID cards' microchips and recognizing Alevi *cemevis* (gathering places) as legal places of worship and Alevi *dedes* (faith leaders) as religious leaders;
- Pressing the Turkish government to publicly rebuke government officials who make anti-Semitic or derogatory statements about religious communities in Turkey; and
- Pressing the government of Turkey to fulfill private and public promises that the Greek Orthodox Halki Seminary would be reopened, and to permit other religious communities to open and operate their seminaries.
- Provide financial and in-kind support to the Turkish government to assist it in aiding the nearly three million Syrian refugees located throughout Turkey.



## BACKGROUND

The Turkish government does not maintain population statistics based on religious identity. Of the country's 80 million people, it is estimated that approximately 99 percent adhere to Islam. Of that population, an estimated 80 percent is Sunni Muslim. Between 20 to 25 million are Alevi—a religion the Turkish government views as heterodox Muslim, although some Alevi identify as Shi'a Muslim and others view themselves as a unique culture. Many Sunni Muslims consider Alevi to be non-Muslims. Turkey's non-Muslim religious minority communities are small. There are fewer than 150,000 Christians across various denominations, including Armenian and Greek Orthodox, Syriac Christians, Jehovah's Witnesses, and Protestants, as well as small Georgian Orthodox, Bulgarian Orthodox, Maronite, Chaldean, Nestorian Assyrian, and Roman Catholic communities. The Jewish community comprises fewer than 20,000 persons. Other smaller religious communities exist in Turkey, including Baha'is.

The 1982 Turkish constitution provides for the freedom of belief, worship, and the private dissemination of religious ideas, and prohibits discrimination on religious grounds. Nevertheless, the state interprets secularism to require state control over religious communities, including their practices and houses of worship. The Presidency of Religious Affairs (*Diyanet*) maintains control over the practice of Islam in Turkey; all other religions are under the auspices of the General Directorate for Foundations (*Vakıflar*).

In July 2016, there was a failed coup d'état against the government of President Recep Tayyip Erdoğan, which some inside and outside of Turkey view as increasingly authoritarian. The government alleges the

violent coup attempt was orchestrated by U.S.-based Turkish-Muslim scholar and leader of the Hizmet (Gülen) Movement, Fethullah Gülen. The months following the failed coup saw mass arrests and firings of tens of thousands of suspected Hizmet members throughout the country, including academics, journalists, judges, and prosecutors, and closures of schools and universities. Books, including spiritual texts written by Gülen, have been destroyed or expropriated. Newspaper and radio outlets that reflect Gülen views on faith and practice have been sold or closed. Additionally, the head of the Religious Affairs Directorate, Dr. Mehmet Gormez, was quoted stating that Gülen and his movement are "heretics." Some government employees were later reinstated and institutions reopened, but the state of emergency, declared in July, was extended for another 90 days on January 19, 2017.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Education

The Turkish government requires primary and secondary students to attend a compulsory "Religious Culture and Moral Knowledge" course, established by the Ministry of National Education. While non-Muslim children can be exempted, they often must disclose their religious affiliation (or lack thereof), which can lead to social ostracism. While the European Court of Human Rights (ECtHR) ruled in 2014 that requiring students to disclose their religious affiliation was a violation of the European Convention, nongovernmental organizations continue to inform USCIRF that some schools in Turkey are not upholding the decision. The textbooks used in the course also have been criticized for including superficial,

limited, and misleading information about religions other than Islam. In a positive development, on February 8, 2017, Education Minister İsmet Yılmaz announced that all required religion courses would respect the ECtHR's ruling and approach all religions equally, eliminating any elevation of Sunni Islam above other religions.

### National Identity Cards

In 2010, the ECtHR ruled that a mandatory listing of religious affiliation on Turkish identification cards violated the European Convention.

Thereafter, the Turkish parliament passed a law removing the requirement from the face of the cards. The new identification cards, which went into effect on January 2, 2017, do not show the holders' religious identification, although it is a nonrequired biodata point on the card's microchip. While religious minority communities view this as an improvement, they remain concerned that a biodata field on religious affiliation could lead to discrimination if the field is left blank or lists a faith other than Islam.

### Alevis

Alevis make up 20 to 25 million of Turkey's total population. Alevis worship in *cemevis* (gathering places), which the Turkish government does not consider as legal houses of worship and thus are denied legal and financial benefits available to other houses of worship. In April 2016, the ECtHR held that the Turkish government was violating the European Convention by not recognizing Alevi places of worship and religious leaders. However, in 2016 the Turkish government designated 126 Alevi *dedes* (faith leaders), located in several European countries, as "field experts." While stopping short of deeming them as religious leaders, the designation provides them some recognition so they can advocate for the community's interests. The court also ruled that only Alevi leaders could determine which faith (Islam or not) their community belonged to.

### Anti-Semitism

The Turkish Jewish community reports that it is able to practice its religion freely and that synagogues receive ongoing security protection from the government. However, anti-Semitism, especially in print and social media, remains an issue in Turkey. Additionally, officials of the ruling Justice and Development (AK) Party have, on occasion, used anti-Semitic rhetoric, especially when relations between Turkey and Israel are strained.

Turkey is the only majority Muslim country that actively contributes to the International Holocaust Remembrance Alliance. For the second year in a row, in December 2016 the Turkish government held Holocaust Remembrance Day services, at which Foreign Minister Yıldırım Tuğrul Türkeş spoke. The same month, also for the second time,

*Turkey is the only majority Muslim country that actively contributes to the International Holocaust Remembrance Alliance. For the second year in a row, in December 2016 the Turkish government held Holocaust Remembrance Day services.*

Hanukah was celebrated publicly in Istanbul's Esma Sultan Mansion. Turkish Deputy Prime Minister Veysi Kaynak and other political, civil society, and religious leaders attended.

### Greek Orthodox

The Turkish government continues to require that only Turkish citizens can be members of the Greek Orthodox Church's Holy Synod, which elects that community's Patriarch. Since 2010, however, 30 foreign Metropolitans have been approved for dual citizenship. The Greek Orthodox Theological School of Halki remains closed, as it has been since 1971, and the Turkish government continues to cite the Greek government's lack of religious freedom for the Turkish Muslim minority in Western Thrace as the primary reason, based on the principle of reciprocity in the 1923 Treaty of Lausanne. However, on January 6, 2016, the Turkish government permitted a Greek Orthodox Epiphany celebration in Izmir. The Greek Orthodox Patriarchate is also permitted to conduct religious services at religiously significant historical sites. For the 2015–2016 school year, a minority middle-high school in Gökçeada was also reopened. Additionally, Turkish authorities approved a request to open a Greek minority preschool on the island.

## Protestants

The Protestant population in Turkey is estimated to be between 6,000 and 7,000 people. In 2016, as in previous years, there were reports of Protestant churches being vandalized and pastors receiving hate speech via text messages, Facebook, and e-mails. The community has complained that the government has not addressed their concerns or provided sufficient protection to targeted churches or pastors.

In October 2016, Reverend Andrew Brunson, a U.S. citizen who has been living and leading a small church in Izmir, Turkey, for over 20 years, was detained and charged with terrorism due to alleged ties to Gülen and the failed July 2016 coup attempt.

## Sunni Muslims

The Sunni majority in Turkey, outside of those recently identified as alleged Hizmet members, have seen religious freedom improvements under the AK Party government. Previously, public servants were prohibited from attending Friday prayers during their office hours. In January 2016, the Turkish Prime Ministry announced that public servants were no longer outlawed from doing so. Moreover, in February 2017, the ban on hijabs in the Turkish police and military was removed. The Turkish military, the most secular institution in the Turkish state, has banned the veil since the 1980s.

## Religious Minority Properties

Historically, the Turkish government expropriated religious minority properties. Beginning in 2003, and especially since a 2011 governmental decree, more than 1,000 properties—valued at more than 2.5 billion Turkish lira (one billion U.S. dollars)—have been returned or compensation paid. The process is still ongoing, although some minority communities have complained about delays and denials. In addition to returning or providing compensation for properties, in 2016 the Turkish government paid for the utility costs of 419 minority places of worship, including 355 churches, 24 chapels, and 40 synagogues.

In January 2015, the Turkish government granted the Syriac Orthodox community land to build a church in Yesilkoy, although the project has stalled after the excavations—which began in 2016—unearthed historical graves belonging to the Latin Catholic community.

The Greek Orthodox Sumela Monastery, which has been undergoing a restoration partly funded by the government since September 2015, is scheduled to reopen in August 2018.

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## Hagia Sophia

For several years, the Christian community in Turkey has raised concerns about a potential change in the status of the historic Hagia Sophia in Istanbul. Despite its legal status as a museum since 1935, over the years some Greek Orthodox have called for the Hagia Sophia to be reopened as a church, and some Muslims, including at times Turkish parliamentarians, have called for it to be opened as a mosque. The Turkish government has told USCIRF that it has no intention to change the Hagia Sophia's legal status. However, during Ramadan 2016, Turkish state radio and television aired a *Diyanet*-produced series from the Hagia Sophia that included readings of the Qur'an, and the Muslim call to prayer was broadcast for the first time in 85 years from the minarets of the museum.

## Northern Part of the Republic of Cyprus

Turkey has occupied nearly one-third of Cyprus since 1974. There were no reports in the last year of religious communities being denied access to houses of worship, cemeteries, and other historical and cultural sites outside of Turkish military zones or bases.

## U.S. POLICY

Turkey is an important strategic partner of the United States; it is a North Atlantic Treaty Organization (NATO) ally and there is a U.S. airbase in Incirlik, in southern Turkey. The U.S.-Turkey relationship includes many matters, most importantly regional stability and security due to Turkey's shared borders with Syria, Iraq, and

Iran, and Turkey's role in the fight against the Islamic State of Iraq and Syria (ISIS). However, since 2014 U.S.-Turkey relations have become increasingly strained due to disagreements between the United States and Turkey on the Syrian crisis. Additionally, the Turkish government protests U.S. support of Kurdish forces fighting ISIS in Iraq and Syria. The Turkish government believes Kurdish forces in Iraq and Syria are associated with or sympathetic to the Kurdish Workers' Party in Turkey, which both Turkey and the United States have designated as a terrorist organization. Tensions between the governments were further exacerbated after the failed July 2016 coup, when the Obama Administration failed to extradite Gülen, whom the Turkish government blames for the coup attempt.

In mid-February 2017, Vice President Mike Pence assured Turkish Prime Minister Binali Yıldırım that the United States would continue close cooperation with Turkey in the fight against ISIS. The anti-ISIS coalition currently uses the Incirlik airbase to launch its air operations against the terrorist group.

Since 2011, the United States has provided funding for refugees in Turkey through the United Nations (UN) refugee agency, the UN High Commissioner for Refugees, totaling \$66.6 million. Turkey is hosting at least 2.8 million registered Syrian refugees from various religious faiths who fled to Turkey to escape persecution from the Bashar al-Assad regime and ISIS. The Turkish government estimates that aid to Syrian refugees from public offices, nongovernmental organizations, and the Turkish public has reached about \$25 billion.



# BANGLADESH

## OTHER COUNTRIES AND REGIONS MONITORED

### KEY FINDINGS

In 2016, the frequency of violent and deadly attacks against religious minorities, secular bloggers, intellectuals, and foreigners by domestic and transnational extremist groups increased. Although the government, led by the ruling Awami League, has taken steps to investigate, arrest, and prosecute perpetrators and increase protection for likely targets, the threats and violence have heightened the sense of fear among Bangladeshi citizens of all religious groups. In addition, illegal land appropriations—commonly referred to as land-grabbing—and ownership disputes remain widespread, particularly against Hindus and Christians. Other concerns include issues related to property returns and the situation of Rohingya Muslims. In March 2016, a USCIRF staff member traveled to Bangladesh to assess the religious freedom situation.

### BACKGROUND

According to the United Nations (UN), Bangladesh's population is nearly 164 million. Approximately 90 percent of the population is Sunni Muslim and 9.5 percent is Hindu; all other faiths, including Christians and Buddhists, make up the remaining 0.5 percent. Bangladesh, including its capital of Dhaka, is one of the most population-dense areas in the world, which can make policing difficult.

Bangladesh's political landscape is deeply divided between the ruling Awami League and the main opposition party, the Bangladesh Nationalist Party (BNP). The January 2014 parliamentary election was neither free nor fair, and was followed by violence in 16 out of 64 districts. The worst attacks occurred in minority-dominated villages. Dozens of Hindu properties were looted or set ablaze, and hundreds of Hindus fled their homes. Christian and Buddhist communities also were targeted. Most attacks were attributed to individuals and groups associated with the BNP and the main Islamist party Jamaat-e-Islami (Jamaat).

Historically, Bangladesh, while having some longstanding religious freedom issues, was not afflicted with widespread domestic and transnational extremist and terrorist organizations that targeted religious communities or the government. However, beginning in late 2014, Bangladesh began to experience an increasing number of violent attacks by such groups, especially Jamaatul Mujahedin Bangladesh (JMB) and

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

USCIRF recommends that the U.S. government should: provide technical assistance and encourage the Bangladeshi government to further develop its national counterterrorism strategy; urge Prime Minister Sheikh Hasina and all government officials to frequently and publicly denounce religiously divisive language and acts of religiously motivated violence and harassment; assist the Bangladeshi government in providing local government officials, police officers, and judges with training on international human rights standards, as well as how to investigate and adjudicate religiously motivated violent acts; urge the Bangladeshi government to investigate claims of land-grabbing and to repeal its blasphemy law; and encourage the Bangladeshi government to continue to provide humanitarian assistance and a safe haven for Rohingya Muslims fleeing persecution in Burma.

the Islamic State of Iraq and Syria (ISIS). Notably, four Bangladeshis—Washiqur Rahman Babu, Ananta Bijoy Das, Niloy Chatterjee, and Faisal Arefin Dipan—and one Bangladeshi-American, Avijit Roy, were assassinated for their writings on secularism and freedom of thought, religious and communal tolerance, and political transparency and accountability in 2015. Additionally, “Hit Lists” of individuals targeted for assassination because of their secularist or atheist views were widely available on the Internet, and dozens of individuals were forced to flee the country or their areas of residence.

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*In 2016 . . . there were numerous deadly attacks . . . targeting religious minorities, secular bloggers, intellectuals, and foreigners.*

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### RELIGIOUS FREEDOM CONDITIONS 2016–2017

#### Targeting of Religious Communities by Extremists and Terrorist Organizations

In 2016, for the second year in a row, there were numerous deadly attacks claimed by or attributed to extremist groups—especially JMB and ISIS—targeting religious minorities, secular bloggers, intellectuals, and foreigners.



For example, in January, February, and June, three Hindu priests were killed in Jhenaidah, Panchagarh, and Jhinaigah districts, respectively. In April, a liberal professor was killed by ISIS militants, who slit his throat. In the same month, a 26-year-old secular blogger, Nazimuddin Samad, was killed in Dhaka. In June, a Christian man was killed while leaving a church in Bonpara, Rajshahi district. In the last year, ISIS also targeted members of the Sunni majority. For example, on July 8 four Sunni Muslims were killed in a bomb and gun attack at a local mosque during Eid-al-Fitr celebrations.

The attacks raised fears among all Bangladeshis, although religious minority communities are especially fearful because terrorist organizations such as ISIS have said they seek to create an Islamic caliphate in which minorities are not welcome. In response to the attacks, the Bangladeshi government has shown some political will to investigate and arrest perpetrators, provide protection to likely targets, and actively combat extremist and terrorist groups. For example, in a controversial act in June 2016 the government arrested nearly 11,000 individuals, including some suspected of ties to terrorist groups. While domestic and international human rights groups criticized the action as overly broad, religious minority leaders welcomed it.

Additionally, in the past year the government began monitoring at least a dozen nongovernmental organizations suspected of receiving funds from abroad to

finance terrorist groups banned in Bangladesh;

the government also accepted assistance from the United States to track terrorist groups and investigate incidents when they occur, and increased protection for religious minority communities, especially around religious holidays and festivals. Nevertheless, religious minority communities report the government's failure to publicly acknowledge ISIS' presence in the country has created an intelligence void, making it difficult to stop attacks before they occur. Minority communities also believe the government has not provided enough training and equipment to police to disperse violent

mobs. Furthermore, they report that government officials from the Awami League, BNP, and Jamaat continue to use religiously divisive rhetoric for political gains.

### October 2016 Attack against Hindus

On October 31, 2016, in Nasirnagar, Brahmanbaria district, a mob of at least 100 Muslims violently attacked a Hindu village. Although police reinforcements, members of Bangladesh's Rapid Action Battalion force, and paramilitary border guards were dispatched to the area, the attack left dozens injured and at least 15 Hindu temples and over 200 homes badly damaged and looted. Smaller attacks against Hindus in the area also were reported. According to initial media reports, two Islamist groups—Hefajat-e-Islam and Ahle Sunnat—incited the violence by alleging that a young man posted on Facebook an edited photo of a Hindu deity sitting on top of the Kaaba, a sacred Islamic site in Mecca. However, an investigation by the governmental National Human Rights Commission found the incident was a preplanned effort to push Hindus out of the area and grab their land. The government's Forensic Department of Police Bureau of Investigation reported that

the Facebook photo was planted, likely to incite the violence.

The government of Bangladesh reports that more than 1,000 people connected to the Nasirnagar incident and the smaller attacks have been arrested and/or charged, and the Nasirnagar chief

police officer and three local Awami League party leaders have been suspended for their involvement. Additionally, the government reportedly instructed local police to continuously patrol 10 key areas to ensure no additional attacks occur, and three committees constituted to investigate the incidents continue their work.

### Land-Grabbing and Governmental Eminent Domain

Illegal seizures of land, commonly referred to as land-grabbing, by individuals—including local police

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and political leaders—is a significant concern throughout Bangladesh. Violent attacks on property holders and arson almost always accompany incidents of land-grabbing. Moreover, local governments and police often fail to investigate violent attacks that accompany landgrabs because their colleagues are implicated. Additionally, in recent years the government increasingly has used eminent domain to take land, reportedly for economic or infrastructure development, without adequate compensation or relocation assistance. In both the case of land-grabbing and eminent domain, religious and ethnic minorities, particularly Hindus, believe they are especially vulnerable targets due to a lack of political representation. Land-grabbing and governmental eminent domain affects all communities, which makes it difficult to determine if minorities are targeted due to their faith, their vulnerable status as minorities, or the value of their property.

### Property Returns

In 2011, the Vested Property Return Act (later amended in 2013) established an application process for families or individuals to apply for the return of or compensation for property seized by the government prior to and immediately after Bangladesh's independence from Pakistan in 1971. The Hindu community was especially affected by the government's property seizures. Separate vested property tribunals have been created to review and resolve claims. However, religious minority communities have reported that the process is cumbersome and confusing, and that many properties are not eligible for return or compensation under the act. In June 2016, the Coordinated Cell for Implementation of Vested Properties Return Act—a nongovernmental organization that represents 10 organizations with claims for property returns—alleged that government officials tasked with reviewing claims were denying them, even when required documentation was in order, or were classifying properties as governmental and therefore not eligible for return. Moreover, the same

group reported that 70 percent of all claims remain unsolved four years after the act was enacted.

### Rohingya Muslims

For decades, Bangladesh has hosted—in two government-run camps in Cox's Bazaar near the Bangladesh-Burmese border—an estimated 30,000 officially recognized Rohingya Muslim refugees who fled religious persecution in Burma. An estimated 200,000 to 500,000 Rohingya Muslims deemed illegal immigrants live outside the camps in deplorable conditions. In 2016, the Bangladeshi government completed a census of the

*[R]eligious minority communities have reported that the [property return] process is cumbersome and confusing, and that many properties are not eligible for return or compensation. . . .*

Rohingya population, but the results are not publicly available. Reportedly, participants in the census will receive an identification card from the International Organization for Migration, which will improve access to healthcare and education.

The government of Bangladesh estimates that due to increased persecution in Burma, 65,000 Rohingya Muslims fled to Bangladesh between October 2016 and January 2017. Reportedly, thousands more have amassed on the border between the two countries. Despite appeals by the UN and human rights organizations, the Bangladeshi government has refused to open its borders and has been turning away Rohingya Muslims, who the UN says are facing ethnic cleansing in Burma.



# BELARUS

## OTHER COUNTRIES AND REGIONS MONITORED

### KEY FINDINGS

USCIRF continues to monitor the situation in Belarus, where the government tightly regulates religious communities through an extensive security and religious affairs bureaucracy that has driven some groups underground. Officials are particularly hostile toward religious groups viewed as political opponents, such as Protestants. The government strictly controls foreign citizens who conduct religious activity, particularly Catholic priests. The rights of prisoners, even those on death row, to practice their religion or belief are routinely denied. In 2016, a new alternative service law came into force, but it does not fully protect the right to conscientious objection to military service.

### BACKGROUND

Of Belarus' 9.6 million population, an estimated 68 percent belongs to the Belarusian Orthodox Church of the Moscow Patriarchate, 15 percent is of no professed religion, and 14 percent is Roman Catholic. The remaining 3 percent belongs to other religious groups, which include Protestants, Muslims, Jews, Ukrainian or Greek Catholics, other Orthodox communities, Old Believers, Lutherans, Jehovah's Witnesses, Apostolic Christians, Hare Krishnas, Baha'is, The Church of Jesus Christ of Latter-day Saints (Mormons), and Armenian Apostolics.

#### Government Control over Religious Activity

A government agency, headed by the Plenipotentiary for Religious and Ethnic Affairs, oversees an extensive bureaucracy to regulate religious groups; each of the country's six regions employs multiple religious affairs officials, as does the capital city of Minsk. Officials from local Ideology Departments and the Belarusian secret police (which retains the Soviet-era title, KGB) also are involved in religious controls. The 2002 religion law, which includes compulsory state registration of all communities and geographical limits on religious activity, is central to a wide web of regulations that tethers all registered religious groups. The religion law recognizes the "determining role" of the Moscow Patriarchate Belarus Orthodox Church (MPBOC) in national traditions and deems four faiths "traditional"—Catholicism, Judaism, Islam, and Evangelical Lutheranism—but does not include the Old Believers and Calvinist churches,

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

USCIRF recommends that the U.S. government, in its limited engagement with the government of Belarus, continue to raise with Belarusian officials concerns about freedom of religion and belief and related human rights, as well as making sanctions relief contingent on progress on these issues. In addition, the U.S. government should raise publicly Belarusian religious freedom issues at appropriate international fora, such as the Organization for Security and Cooperation in Europe (OSCE) and the United Nations, particularly the need for reform of its religion law.

present in the country since the 17th century. Non-MPBOC Christian communities only can gain registration with the approval of a local MPBOC bishop. In January 2016, President Alexander Lukashenko publicly stated that he did not understand the concept of separation of church and state and described the MPBOC as one of the foundations of the Belarusian state.

Religious meetings in private homes must not occur regularly or involve large numbers of people. Use of houses of worship and any public exercise of religion requires state permission, which is rarely granted for disfavored groups, particularly Protestants. MPBOC and Catholic communities are less affected, partly due to the state's more positive view of them, but also because they are more likely to occupy historic churches. The New Life Church, a 1,000-member Pentecostal congregation in Minsk, has struggled since 2002 to keep control of its private church property, a renovated cow barn that authorities claim cannot officially be used as a church.

Unregistered religious activity usually is treated as an administrative offense punishable by a fine. Since registration is compulsory, the religion law makes no provision for those who do not wish to register, such as the Council of Churches Baptists and a similar Pentecostal group. A religious group found to have violated the religion law must correct the alleged violation within six months and not repeat it for one year, or face closure. There is no legal avenue for religious groups to challenge such warnings. Jehovah's Witnesses often have tried, but failed, to establish the legal right to challenge such rulings.

### Restrictions on Foreign Catholic Priests

As a major international organization representing the country's largest religious minority, and with close ties to the neighboring democratic country of Poland, the Roman Catholic Church is viewed with suspicion by the Belarusian government. In particular, the government finds fault with the appointment of non-Belarusians as Catholic priests in Belarusian parishes; even temporary visiting priests require the government's permission to celebrate Mass. In February 2016, Plenipotentiary for Religious and Ethnic Affairs Leonid Gulyako was publicly critical of Catholic priests' "destructive" activity, and also criticized the Roman Catholic Church for its alleged failings in training clergy. In May 2016, Plenipotentiary Gulyako revoked Polish Catholic priest Andrzej Stopyra's permission to conduct religious activity; Father Stopyra had been serving in his parish for over 20 years, and was forced to return to Poland. In June 2016, the government denied a short-term visa to a Catholic priest from India. In September 2016, President Lukashenko called on "other confessions" to follow the example of the MPBOC and employ only Belarusians. In December 2016, Plenipotentiary Gulyako refused a request from the Catholic Church to appoint a Russian citizen as a parish priest near Vitebsk.

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### Restrictions on Religious Minorities

In February 2016, Plenipotentiary Gulyako threatened to revoke the registration of Jehovah's Witness communities, although he lacks the legal authority to do so. That same month, a Baptist pastor's car and computer were seized as payment for a fine assessed in June 2015 for holding an unauthorized prayer meeting. In June 2016, a request from an elder of the Seventh-day Adventist Church in Belarus to allow Adventist high school students to reschedule parts of their final examinations to avoid conflicting with the Sabbath was refused. In October

2016, a Baptist congregation in the Mogilev area was threatened with dissolution by the local administration for permitting U.S. visitors to take part in services.

### New Alternative Service for Conscientious Objectors

Belarus' first Alternative Service Law entered into effect on July 1, 2016. Members of pacifist religious communities will be eligible for civilian alternative service, under control of the Labor and Social Security Ministry, for a term that is twice as long as military service. The new law does not address the status of objectors from religious communities that are not formally pacifist, or the status of nonreligious conscientious objectors. Young men already in military service cannot apply for alternative service if they change their views. At least two cases of persecution of conscientious objectors may still be outstanding. In February 2016, Jehovah's Witness Dmitrii Chorba reported being subjected to conscription again after the failure of several 2015 court attempts to punish him. In June 2016, Jehovah's Witness Viktor Kalina lost an appeal to overturn his conviction after his second trial on charges of refusing military service. No further information is available about the status of either case.

### Other Restrictions on Religious Activity

According to a June 2016 interview by the Poland-based Belsat independent TV channel with an imam in the city of Grodno, police arbitrarily confiscated books from the Grodno mosque during a search for extremist materials in the spring of that year. In July 2016, a court fined a member of the Hare Krishna religious community for singing in public; this is the first known such punishment of Hare Krishna followers, whose distinctive public processions the Belarusian authorities had tolerated.

### February 2017 Protests

In February 2017, mass demonstrations protested President Lukashenko's plan to build a business center at Kuropaty where thousands of Stalin's victims are buried, halting the construction. Local Roman Catholic Metropolitan Tadeuzh Kondrusevich has spoken against the construction plan. While not an official sacred site, it is a popular place of pilgrimage and commemoration.

# ETHIOPIA

## OTHER COUNTRIES AND REGIONS MONITORED

### KEY FINDINGS

Religious freedom violations are prevalent in a number of countries in the Horn of Africa region. The Ethiopian government engages in serious religious freedom violations in response to concerns about terrorism and religious extremism.

### BACKGROUND

Ethiopia is a multi-religious and multi-ethnic country. The 2007 census estimates 44 percent of the country's population is Ethiopian Orthodox, 35 percent is Sunni Muslim, and 19 percent is Evangelical and Protestant. Small numbers of Eastern Rite, Roman Catholics, Jehovah's Witnesses, Jews, members of The Church of Jesus Christ of Latter-day Saints, and followers of indigenous religions also are present. Religious and ethnic identities often overlap.

Ethiopia has a long history of religious tolerance and interreligious cooperation. The Ethiopian constitution protects freedom of religion or belief and provides for separation of religion and state.

### Interference in the Muslim Community and Convictions for Peaceful Protests

In response to concerns about rising extremism, in 2011–2012 the Ethiopian government imposed the al-Ahbash interpretation of Islam on the country's Muslim community; interfered in the independence of the community's representative body, the Ethiopian Islamic Affairs Supreme Council; and then arrested and prosecuted Muslims who opposed these actions through peaceful protests.

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*[A]t least 50 additional peaceful protestors reportedly remain detained and are being prosecuted for demonstrating against the continued imprisonment of Muslim leaders.*

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In 2015, 18 leaders of the 2012 Muslim protest movement were convicted of plotting to institute an Islamic

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

USCIRF recommends that in its policies toward Ethiopia, the U.S. government should (1) call for the release of religious prisoners of conscience; and (2) include religious freedom promotion in countering violent extremism programs

government and sentenced to seven to 22 years in prison under Ethiopia's controversial Anti-Terror Proclamation (ATP). U.S. government officials and human rights organizations have criticized the Ethiopian government's use of the ATP to silence critics. Since those convictions, the Ethiopian government has pardoned 13 of the leaders, including eight in September 2016. Some of those freed told USCIRF staff during a trip to Addis Ababa in December that government officials have not harassed or prevented them from engaging in religious activities since their release, but that authorities did warn them not to renew protests. Nevertheless, at least 50 additional peaceful protestors reportedly remain detained and are being prosecuted for demonstrating against the continued imprisonment of Muslim leaders. On December 21, 2016, an Ethiopian court convicted 20 of the remaining detainees under the ATP. On January 3, 2017, they were each sentenced to five and a half years' imprisonment.



### KEY FINDINGS

Religious freedom violations are prevalent in a number of countries in the Horn of Africa region. The Kenyan government engages in serious religious freedom violations in response to concerns about terrorism and religious extremism. The U.S.-designated terrorist organization al-Shabaab is responsible for many of the abuses in Kenya.

### BACKGROUND

Kenya is a majority-Christian country with significant Muslim populations in the capital and northeast and along the coast. The Kenyan government estimates 82 percent of the country's population is Christian; 11 percent is Muslim; and 7 percent comprises Hindus, Sikhs, Baha'is, or followers of various traditional religious beliefs. Kenya's Christian population includes Protestants, 47 percent; Roman Catholics, 23 percent; and other Christian denominations, 12 percent. Religion and ethnicity are often linked.

The Kenyan constitution and other laws protect religious freedom—including the freedom to manifest any religion or belief through worship, practice, teaching, or observance—and prohibit religious discrimination.

#### Al-Shabaab and Operation Usalama Watch

Since 2011, when Kenya deployed its military to Somalia to counter al-Shabaab gains in that country, al-Shabaab has expanded its assaults into Kenya, perpetrating dozens of terrorist attacks in the country. The group has killed both Muslims and non-Muslims, but al-Shabaab terrorists routinely seek to identify and isolate Christians during their strikes. During the reporting period, al-Shabaab continued its attacks along the Kenya-Somalia border and Kenya's coast. In 2016, al-Shabaab directed the majority of its attacks against security officers and government institutions. However, in October the terrorists executed several attacks on Christian workers in Mandera County.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

USCIRF recommends that in its policies toward Kenya, the U.S. government should (1) speak out consistently against religious freedom and other human rights violations that occur in efforts to counter violent extremism; and (2) include religious freedom promotion in countering violent extremism programs.

Government efforts to respond to al-Shabaab have resulted in large-scale targeting and collective punishment of Somali citizens, ethnic Somalis, and other Muslims. In 2014, the Kenyan government initiated Operation Usalama Watch to identify and arrest al-Shabaab terrorists and sympathizers in Kenya. The operation started in Nairobi's largely Somali Eastleigh neighborhood, then expanded to the ethnically Somali northeast and majority Muslim coastal regions. In October 2016, on a visit to Kenya, USCIRF staff heard from national and international human rights organizations that security officers target entire ethnic and religious communities and commit gross human rights abuses, including arbitrary arrests, extortion, illegal detention, torture, killings, and disappearances. The Kenyan government denies directing such actions.

The independent, governmental Kenya National Commission on Human Rights (KNCHR) told USCIRF that Muslims from the northeast have been extrajudicially killed, disappeared, or severely abused in detention. The KNCHR has documented at least 4,000 arrests between April 2014 and September 2015, mostly of ethnic Somalis, many of whom suffered severe abuses in detention; hundreds were later released and the charges against them dropped for lack of evidence. Kenya's Independent Oversight Policing Authority reports that security officers deployed to Nairobi's Eastleigh neighborhood and elsewhere in the country beat scores of people; raided homes, buildings, and shops; and extorted massive sums of money. In November

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*Government efforts to respond to al-Shabaab have resulted in large-scale targeting and collective punishment of Somali citizens, ethnic Somalis, and other Muslims.*

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2016, the nongovernmental organization HAKI Africa released a report documenting 57 extrajudicial killings and 24 enforced disappearances of coastal Muslims between 2012 and November 2016. The same month, the KNCHR initiated an investigation into reports of security abuses along the coast. In December, the KNCHR, HAKI Africa, and other Kenyan and international human rights organizations called on the Kenyan government to establish an independent judicial commission of inquiry to investigate allegations of enforced disappearances, extrajudicial executions, torture, and other ill treatment of detainees by intelligence and law enforcement agencies.

### Interfaith Relations

Tensions between Kenyan Christians and Muslims are increasing. Christian leaders told USCIRF staff they feel threatened by al-Shabaab. Some churches report hiring armed guards to protect their congregations during services.

Further, some legal changes have led Christian and Muslim communities to feel that the government is treating the other community preferentially. Christian leaders object to a 2012 amendment to the Basic Education Act that allows the government to appropriate church buildings to use as public schools, while at the same time increasing public funds to reform *madrassah* curricula. Conversely, Muslim leaders are concerned that some school authorities have ordered female students to remove their headscarves. Christian leaders are concerned that the 2014 Marriage Act requires Christians to meet more onerous requirements than Muslims for the Kenyan government to certify their marriages.

### KEY FINDINGS

Although Kyrgyzstan is less repressive than other Central Asian states, discriminatory decision-making, hostility, and indifference are still a reality for many religious communities. Kyrgyzstan's ethnic Uzbeks have been targeted by official discrimination, especially in the aftermath of bloody inter-ethnic clashes in Osh in 2010. USCIRF has monitored religious freedom conditions in Kyrgyzstan for several years.

### BACKGROUND

Over 80 percent of Kyrgyzstan's population of 5.7 million is Sunni Muslim; 15 percent is Christian, mostly Russian Orthodox; and the other 5 percent includes very small Shi'a Muslim, Protestant, Catholic, Jewish, Buddhist, and Baha'i communities or individuals who are unaffiliated with any religion. The country's large ethnic Uzbek community (up to 40 percent of the population of southern Kyrgyzstan) mostly adheres to the Hanafi school of Sunni Islam.

#### 2009 Religion Law

The constitution purports to provide for religious freedom for all citizens, but Kyrgyzstan's 2009 religion law violates international standards of freedom of religion or belief by criminalizing unregistered religious activity and imposing burdensome registration requirements, including that a religious group must include at least 200 resident citizens as founders. The state Muslim Board controls all Muslim communities and the banned Ahmadis cannot meet or worship together. The OSCE, the Council of Europe's Venice Commission, and the UN Human Rights Committee have called for reform of the law's registration requirements, criminal penalties for unregistered activity, overly broad restrictions on "fanaticism and extremism," and limits on missionary activity and on the distribution of religious texts. The Kyrgyz religion law limits conscientious objection to military service status to members of registered religious groups. In addition, the authority of the Kyrgyz State Committee for Religious Affairs (KSCRA) to censor religious materials—increased under 2012 amendments to the religion law—seems to apply particularly to non-traditional Muslim, Protestant, and minority

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

USCIRF continues to recommend that the U.S. government (1) urge Kyrgyzstan to seek expert advice from the United Nations (UN) Special Rapporteur on freedom of religion or belief and relevant Organization for Security and Cooperation in Europe (OSCE) entities on the still-pending draft religion law amendments, and (2) publicly raise Kyrgyzstan's religious freedom violations at appropriate international fora, such as the OSCE and the UN.

religions. In 2015, draft religion law amendments were discussed that would have resulted in major new official restrictions on religious communities; as of February 2017, the amendments were still under consideration.

#### Registration Issues

According to the KSCRA, there are 3,003 registered religious groups, including 2,429 mosques, and 380 Christian organizations, among them Catholics, Protestants, and 41 Jehovah's Witnesses centers. The Forum 18 News Service reports, however, that no new Catholic, Protestant, Jehovah's Witness or Ahmadi communities have been able to register since the passage of the 2009 religion law. Some 700 of the country's unregistered mosques have been deemed "illegal." In recent years, some religious groups were denied registration, including the Church of Scientology. In 2014, a Supreme Court ruling removed two major obstacles to registration: that a religious group can only conduct activity at its registered address, and that local councils must approve 200 founders of a religious group before it can apply for registration. Kyrgyz officials, however, refuse to follow the ruling, and the draft religion law amendments also ignore it. In February 2016, the Kyrgyz Supreme Court rejected an appeal by Jehovah's Witnesses against registration denials in four cities. In October 2015, two Jehovah's Witnesses, Nadezhda Sergienko and Oksana Koriakina, were freed from 31 months of house arrest on charges of witchcraft, in apparent reprisal for their community's registration application. There are conflicting reports as to whether the case against them was closed. In 2016, Forum 18 also reported that smaller Protestant churches cannot register either because they cannot meet the required 200-member threshold or because they fear official retaliation.

## Increased State Control of Muslims

Countries in Central Asia face genuine security threats from individuals and groups using violence in the name of religion, including an estimated 500 Kyrgyz who allegedly have joined the Islamic State of Iraq and Syria (ISIS). Yet the overly restrictive religion laws and repressive anti-extremism measures adopted by the Kyrgyz and other Central Asian governments run the risk of radicalizing or entrapping peaceful religious adherents. In Kyrgyzstan, the state exercises control over the Hanafi school of Sunni Islam—the largest Kyrgyz Islamic denomination and the only one officially recognized as “traditional”—through a Muslim Board that appoints all clergy and religious educators.

In October 2016, Radio Azattyk, the Radio Free Europe/Radio Liberty (RFE/RL) Kyrgyz Service, reported that Arsen Baizakov, a theologian and civil rights activist, was attacked in Bishkek and suffered a concussion, several days before a planned protest against the KSCRA issuing “expert opinions” on “extremist” religious texts. In May 2016, police reportedly had searched his home for religious texts as a pretext for banning his nongovernmental organization.

Southern Kyrgyzstan, with its ethnic Uzbek population—many of whom are devout and traditional Hanafi Muslims—has seen several dramatic examples of official religious repression of local Muslim leaders. In 2010, southern Kyrgyzstan was rocked by ethnic violence; almost all the 450 victims were ethnic Uzbeks. Even though local imam Rashot Kamalov blamed neither Kyrgyz nor Uzbeks for the 2010 clashes, in November 2015 a local court sentenced him to a 10-year prison term for “inciting religious hatred”; his current status in prison is unknown. Kamalov is the son of a famous local imam, Rafik Kamalov, who was killed by Kyrgyz security forces in 2006 during a special counterterrorist operation. In January 2016, a Kyrgyz court reinstated a sentence of life imprisonment for Uzbek rights defender Azimjan Askarov for his alleged role in the 2010 Osh clashes, sparking an international outcry, including from the UN.

*[Two Jehovah’s Witnesses] were freed from 31 months of house arrest on charges of witchcraft that had been filed in an apparent reprisal for their community’s registration application.*

To its credit, Kyrgyzstan is the only post-Soviet state that has not banned Tabligh Jamaat, a major Muslim missionary movement with roots in South Asia; reportedly the movement is influential with some Kyrgyz officials. However, in May 2016, Radio Azattyk reported that authorities briefly had detained over 100 members of Yakyn Inkar, a Tabligh Jamaat splinter group, for unauthorized proselytism. All detainees were released after being fined or receiving an official warning. In February 2017, the KSCRA said that it may ban three Tabligh Jamaat splinter groups, including Yakyn Inkar, for alleged terrorism. Lists of prohibited religious organizations reportedly are coordinated with such intergovernmental regional security organizations as

the Shanghai Cooperation Organization and the Collective Security Treaty Organization. In 2014, the Kyrgyz government banned the Uzbek Islamic religious movement Akromiya (which many Uzbeks deny is a formal movement) as an extremist organization.

## Other Issues for Religious Minorities

Local human rights activists report that Kyrgyz officials ignore hate speech, including comments by imams and the Muslim Board, against religious and ethnic minorities. In addition, the Kyrgyz government has not resolved a long standing issue: the denial of burials of members of religious minorities in municipal cemeteries run by the Muslim Board. In October 2016, the body of Baptist Kanygul Satybaldiyeva was twice exhumed by a crowd of 70 (including imams and local officials) who objected to her interment in Jalal-Abad cemeteries. In January 2017, three men (not including officials or imams) went on trial and were given suspended jail sentences, despite Criminal Code requirements of deprivation of liberty for such a crime. As of January 2017, Satybaldiyeva’s family had not been informed of what was done with her remains.

### KEY FINDINGS

During the past year, reports continued that Mexican authorities in several states pressured followers of minority religions to convert to and/or practice the majority religion of the particular area and participate in affiliated ceremonies and activities. Religious minorities who refused were forcibly displaced, arbitrarily detained, had their properties destroyed, and/or had their utilities cut off. Mexican state and federal authorities frequently failed to intervene in these cases, creating a climate of impunity. Mexico's constitutional and legal system protects freedom of religion or belief, but a constitutional guarantee of autonomy, including in religious beliefs, to indigenous communities is interpreted to favor an area's

### BACKGROUND

Mexico's population of 122 million is approximately 83 percent Roman Catholic. Religious minority populations include Evangelical Protestants, 5 percent; Pentecostals, 2 percent; Jehovah's Witnesses, 1 percent; and other religious communities, 9 percent. Mexico's indigenous population of 12 million is concentrated in the southern and south-central regions of the country.

The State Department, religious freedom activists, and human rights organizations report that impunity for religious freedom and other human rights abuses is a serious problem throughout the country and that the Mexican justice system reports low rates of prosecution.

### Constitutional Provisions and Legal Protections

The Mexican constitution and legal system guarantee freedom of religion or belief to all citizens. Article 24 of the constitution states, "Everyone is free to embrace the religion of his choice and practice all ceremonies, devotions, or observances of his respective faith, either in places of public worship or at home, provided they do not constitute an offense punishable by law." In 2011, the Mexican government amended the constitution to elevate international human rights treaties to the same level as the constitution. The Law on Religious Associations and Public Worship protects the rights to hold or to adopt the religious beliefs of one's choosing and to practice the acts of worship or rites according to one's preference, individually or collectively; prohibits discrimination, coercion, or hostility

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

The U.S. government should continue to raise concerns about the status of freedom of religion or belief with Mexican federal and state officials. The State Department should support Mexican religious freedom and human rights organizations to document religious freedom violations, as well as train Mexican authorities on international and Mexican standards for freedom of religion or belief

religious majority. These religious freedom violations occur in the context of Mexico's long history of challenges in balancing religion and state.

because of one's religious beliefs; and bans mandatory professions of religious beliefs, participation in religious activities, or support for religious communities. In 2016, Mexico's Congress of the Union amended Federal Penal Code article 149 to criminalize religious discrimination, including the denial of communal services, displacement, or the deprivation of property based on religious identity, punishable by imprisonment for one to three years.

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*[G]overnment officials in some states use article 2 of the Mexican constitution, the Law on Uses and Customs, to infringe on the rights of religious minorities in different municipalities.*

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However, government officials in some states use article 2 of the Mexican constitution, the Law on Uses and Customs, to infringe on the rights of religious minorities in different municipalities. The Law on Uses and Customs affirms that Mexico is a "pluri-ethnic" nation and affords a number of rights to its indigenous peoples, including the rights to implement their own social, economic, political, and cultural organization and to maintain and enrich their language and culture, in accordance with Mexican constitutional law and human rights protections. In interpreting and implementing this law, several local state authorities identify

the indigenous community as the majority religious community in that area, and work to enforce that community's ceremonies and activities. As a result, the Law of Uses and Customs' application in several states has led to local conflicts, primarily between Roman Catholic leaders and followers of other religions (see below).

### Attacks on Religious Minorities

The official application of the Law on Uses and Customs results in religious freedom violations directed against religious minorities in different municipalities of Chiapas, Guerrero, Hidalgo, Jalisco, Oaxaca, and Puebla states, where many predominantly indigenous communities reside. In most cases, municipalities interpret Roman Catholicism as the majority indigenous culture to be protected, and local

authorities—including some Catholic leaders—have persecuted those who refuse to convert, pay taxes for Catholic events and operations, or participate in Catholic religious activities. There also are cases in which predominantly Protestant municipalities

have engaged in religious freedom violations against Catholics and/or other Protestants. In these areas, religious minorities who do not wish to participate in or contribute financially to religious festivals, or who wish to practice a different faith or no faith, have experienced violence, forced displacement, arbitrary detention, and destruction of personal property and houses of worship. Other retaliatory actions include cutting off water and electricity, prohibiting burials in community cemeteries, denying children access to schools, barring participation in political and civic community activity, and denying employment.

Religious freedom advocacy organizations report that countrywide, Mexican state governments have not resolved approximately 150 cases of religious freedom violations; case sizes range from one person to more than 100 people. According to its 2016 report, the Mexican National Human Rights Commission is seeing an increase in the number of religious freedom cases

it reviews related to the application of the Law on Uses and Customs. It also reports there are currently 35,000 persons displaced because of these violations.

Local government religious affairs offices and rule of law institutions fail to hold accountable government officials or members of society who engaged in acts of violence, displacement, harassment, or discrimination against religious minorities. In the few cases of government intervention and mediation, officials fail to follow up to ensure settlements are implemented.

In the first half of 2016, there were several reports of religious freedom violations, primarily in Chiapas. On January 4, 2016, authorities destroyed properties of and forcibly expelled nine families belonging to the Renovation in Christ church in Chiapas. On January

29, authorities forcibly expelled under threat of lynching 20 Baptist families in Jalisco. In February, a Protestant church in Chiapas was torched. On April 24, officials cut off the water of five evangelical families in Chiapas. In May, state officials forcefully expelled 86 Protestant families and

cut off the water and electricity of 15 other Protestant families in Chiapas. In June, a Protestant family in Chiapas who refused to contribute financially to Catholic festivals was imprisoned and fined, and a son was beaten before they fled.

### Criminal Gang Targeting of Catholic Priests

Organized criminal gangs, such as Los Zetas and Knights Templar, continue to target Catholic priests and other religious leaders with death threats, extortion, and intimidation; in some cases, these targets ultimately are killed. For instance, in one week in September 2016, three priests were found dead: Fathers Alejo Nabor Jimenez Juarez, Jose Alfredo Suarez de la Cruz, and Jose Alfredo Lopez Guillen. Religious leaders are targeted because they speak out against the gangs and/or because they refuse to include gang spiritual mythology in their sermons.

*Local government religious affairs offices and rule of law institutions fail to hold accountable government officials or members of society who engaged in acts of violence, displacement, harassment, or discrimination against religious minorities.*

### KEY FINDINGS

In November 2016, USCIRF staff travelled to Nepal for the first time to assess religious freedom conditions in the country. Historically, religious minority communities—including Christians, Muslims, and Buddhists—faced few governmental restrictions on freedom of religion or belief in Nepal, and societal harassment was rare. However, the new constitution, promulgated in September 2015, criminalizes the act of converting a person to a different religion. It also declares the cow the national animal, which some officials have interpreted as enshrining in the constitution an existing penal code provision criminalizing the slaughter of cows or the consumption or sale of cow-derived items. Both constitutional provisions have raised significant concerns for Christian and Muslim communities. Additionally, Christians, Muslims, and Buddhists are increasingly concerned that political pressure from the governments of India and China is negatively influencing the government of Nepal’s actions

### BACKGROUND

Nepal’s population is estimated at 30 million. The country’s 2011 national census reports that 81.3 percent of the total population is Hindu; 9 percent is Buddhist; 4.4 percent is Muslim; 1.4 percent is Christian; and the remaining 3.9 percent comprises Kirats (followers of an indigenous religion with Hindu influences), Bon (followers of a Tibetan religious tradition), Jains, Baha’is, Sikhs, and others.

Unlike much of South Asia, Nepal was never colonized, and was a sovereign Hindu monarchy for 240 years. After a 10-year civil war between Hindu royalists and Maoist rebels ended in 2007, the country has been a federal and secular republic since 2008. The current constitution, adopted in September 2015, upholds the country’s federal and secular identity. It protects each person’s right to profess, practice, and preserve his or her religion, and each religious community’s right to maintain and manage its religious places and trusts in accordance with the law.

During and after the constitutional drafting process, neighboring countries India and China both sought to influence Nepal, including on political and religious issues. The Indian government, led by the self-professed Hindu nationalist Bharatiya Janata Party, has advocated that Nepal have a strong Hindu identity, with some Hindu nationalists from India and within Nepal calling for a

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

In its engagement with Nepal, USCIRF recommends that the U.S. government should urge the government of Nepal to (1) repeal or amend its constitutional and legal provisions on religious conversions and the criminalization of the treatment of cows to bring them into compliance with international religious freedom standards, and (2) provide Tibetan Buddhists fleeing religious persecution in China a safe haven in Nepal, as well as allow Tibetan Buddhists to travel freely through Nepal en route to India for religious practice and worship.

concerning religious freedom and human rights. Moreover, religious minority communities, as well as Hindu Dalits, are concerned about growing Hindu nationalism in the country, which they perceive as a threat to religious and communal harmony.

theocratic Hindu state. Hindu nationalists subscribe to the ideology of Hindutva (“Hinduness”), which seeks to make Nepal a Hindu state based on Hinduism and Hindu values. Some individuals and groups adhering to this ideology are known to use violence, discriminatory acts, and religiously motivated rhetoric against religious minorities, creating a climate of fear and making non-Hindus feel unwelcome in the country. Additionally, China has advocated for a communist or secular state and has pressured Nepal to disavow the Dalai Lama and to prohibit Tibetan Buddhists from immigrating or travelling to Nepal or through the country to India.

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*Some [Hindutva followers] are known to use violence, discriminatory acts, and religiously motivated rhetoric against religious minorities. . .*

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### RELIGIOUS FREEDOM CONDITIONS 2016–2017

#### Concerns for Christians

As previously noted, the 2015 constitution includes a provision criminalizing “any act to convert another person from one religion to another or any act or

behavior to undermine or jeopardize the religion of another,” with the country’s criminal law stipulating a punishment ranging from a fine to up to five years in prison. International standards of freedom of religion or belief protect the freedoms to choose, change, and express publicly one’s religion or beliefs, which includes expression intended to persuade another person to voluntarily change religion. Christian minority communities reported to USCIRF in November 2016 that local government and police officials have interpreted the constitutional provision as criminalizing noncoercive proselytization. Christian communities also noted that since the constitution’s enactment, they have been increasingly harassed—and in some cases detained by local governmental officials—due to allegations they were converting Hindus, especially Dalit Hindus. For example, in June 2016 eight Christians were arrested for proselytizing in Dolakha in northern Nepal. After the accused spent nearly six months in jail, charges against them were dropped.

Christian interlocutors also reported increasing concerns about rising anti-Christian sentiment in Nepal, including from Hindu nationalist political parties—such as Rastriya Prajatantra Party Nepal—seeking a Hindu theocratic state. These fears were heightened by the September 2015 bombing of three Protestant churches in Jhapa District, for which three self-professed Hindu nationalists were arrested and charged. The community also noted that in April 2016, pressure from Hindu nationalists led the government to cancel Christmas as a national holiday. However, after considerable domestic and international outcry, on December 23, 2016, the government reinstated Christmas as a national holiday.

### Concerns for Muslims

The Muslim community, as well as Hindu Dalits, raised with USCIRF their concerns regarding the interpretation that the constitution criminalizes the slaughter, consumption, or sale of cows and products derived from their hides. The current criminal code also prescribes up to 20 years in prison for slaughtering a cow, a practice

many Muslims believe is required of them during Eid al-Adha (Festival of the Sacrifice). The Muslim community reported that while historically they have had few problems in Nepal and largely are able to practice their faith freely, they are increasingly concerned about growing Hindu nationalist influence and spreading anti-Muslim sentiment. The Muslim community also reported they believe the government of Nepal has been monitoring their activities more closely in the past year than in previous years.

### Concerns for Buddhists

Buddhists in Nepal reported that historically they have been able to practice and worship freely without governmental interference or societal harassment. Nevertheless, the community noted that in deference to China’s position on Tibetan issues, the government treats Tibetan Buddhists—who have fled or are fleeing China for Nepal or who travel through Nepal en route to India for religious practices—differently than it treats Nepali Buddhists. The Buddhist community also noted that China exerts significant pressure on Nepal to disavow the Dalai Lama and deny access to Tibetan

Buddhists who wish to immigrate to Nepal or travel to or through the country to reach India for religious practices. For example, in November 2016 the government of Nepal arrested 41 Tibetan

*. . . increasing concerns about rising anti-Christian sentiment in Nepal, including from Hindu nationalist political parties. . . .*

Buddhists as they travelled through Nepal en route to India, and deported them to China. Additionally, the Buddhist community reported that the Nepali government has increased checks on Tibetan Buddhists entering the country, and in some cases has denied them entry.

### Concerns for Hindu Dalits

Despite constitutional provisions that make it illegal for one Hindu caste to discriminate against another and that ensure education is free and open to all castes, Hindu Dalits continue to suffer from significant societal discrimination, ostracism, and harassment by higher-caste individuals and Hindu nationalists, especially in rural areas of Nepal.

# SOMALIA

## OTHER COUNTRIES AND REGIONS MONITORED

### KEY FINDINGS

Religious freedom violations are prevalent in a number of countries in the Horn of Africa region. In Somalia, governmental and societal religious intolerance contributes to that country's poor religious freedom record. The U.S.-designated terrorist organization al-Shabaab is responsible for many of the abuses in Somalia.

### BACKGROUND

Somalis are almost universally Sunni Muslims. Religious minorities, including Christians and Shi'a Muslims, constitute less than 1 percent of the country's population.

Somalia is a failed, highly federalized state where regional governments govern their respective areas. The country includes the capital, Mogadishu, the self-declared Republic of Somaliland, the autonomous area of Puntland, the Interim Galmudug Administration, the Interim Juba Administration, and the Interim South West Administration.

Al-Shabaab controls parts of central and southern Somalia. The central Somali government does not maintain effective control over the security forces and is supported by the African Union Mission in Somalia (AMISOM).

The transitional

Federal Government of Somalia held national assembly elections in October and November 2016, and presidential elections in February 2017. Former Prime Minister Mohamed Abdullahi Mohamed was elected president.

### Provisional Constitution

The Somali government continues to review the provisional constitution, which includes a number of provisions inconsistent with religious freedom. The constitution explicitly prohibits apostasy and names the Qur'an and the Sunna as the main sources of the law within the country. The provisional constitution stipulates that the judicial system would rely on Islamic, traditional, and customary law.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

USCIRF recommends that in its policies toward Somalia, the U.S. government should (1) declare al-Shabaab an entity of particular concern for religious freedom violations; and (2) include religious freedom promotion in countering violent extremism programs.

### Societal and Governmental Intolerance toward Christians

Members of Somalia's extremely small and low-profile Christian expatriate and Christian convert Somali community are vulnerable to societal persecution. Although conversion is currently legal in Somalia, it is not accepted socially. Proselytism is banned and also is socially unacceptable. The few Christians in Somalia worship secretly in house churches. Only one church exists in Somalia: St. Anthony Padua in Hargeisa, Somaliland's capital. Somali clerics and al-Shabaab

have stated that Christianity, Christians, and churches are antithetical to Somalia. Unlike previous reporting periods, there were no reports that al-Shabaab killed Christian converts.

The Somali central government also discriminates against Christians.

*Although conversion is currently legal in Somalia, it is not accepted socially. Proselytism is banned and . . . [t]he few Christians in Somalia worship secretly in house churches.*

Although the Somali Minister of Religious Affairs told USCIRF staff during a trip to Mogadishu in October that foreign Christians were acceptable, he dismissed the possibility that Somalis could be Christian. In previous reporting periods, the Ministry of Religious Affairs tried to ban Christmas celebrations in the country, calling them contrary to Islamic culture.

### Al-Shabaab

Al-Shabaab (also known as the Harakat Shabaab al-Mujahidin, Shabaab, Mujahidin al-Shabaab Movement, Mujahideen Youth Movement, or Mujahidin Youth Movement) is a U.S.-designated foreign terrorist organization that pledged allegiance to al-Qaeda



in 2012. Its stated goals are to turn Somalia into an Islamic state; build a greater Somalia, including areas in neighboring countries with large ethnically Somali populations; and spread its strict version of Islam. Since 2007, al-Shabaab has fought both Somali and regional forces in its campaign to control Somalia, at times holding large territories in the central and southern regions of the country.

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*Clerics told USCIRF staff that al-Shabaab has attempted to assassinate them and continues to threaten them for their denunciation of the extremists' religious teachings.*

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Since 2015, al-Shabaab has experienced divisions over whether it should pledge its allegiance to al-Qaeda or to the Islamic State of Iraq and the Syria (ISIS). The larger al-Qaeda-linked al-Shabaab faction has assassinated or “arrested” individuals who have pledged allegiance to ISIS.

During the reporting period, the security situation in central and southern Somalia remained highly volatile. Al-Shabaab executed frequent attacks on AMISOM, the Somali National Army, and civilians in central and southern Somalia. It also perpetrated sporadic attacks in the Puntland autonomous region. In Mogadishu, al-Shabaab bombings killed Somali government officials, international representatives, and Somali civilians. The group assassinated federal government officials and their allies whom it viewed as non-Muslims or apostates. In addition, al-Shabaab continued to brutally enforce its extremist interpretation of Islamic law and moral codes. Clerics told USCIRF staff that al-Shabaab has attempted to assassinate them and continues to threaten them for their denunciation of the extremists' religious teachings.

# WESTERN EUROPE

## OTHER COUNTRIES AND REGIONS MONITORED

### KEY FINDINGS

USCIRF continues to monitor religious freedom-related issues in Western Europe highlighted in previous Annual Reports. These include: government registration requirements and monitoring of disfavored groups pejoratively labeled as “cults” or “sects”; government restrictions on and efforts to restrict certain forms of religious expression (such as places of worship, dress and visible symbols, and parents’ rights); the impact of hate speech and other laws on peaceful expressions of belief; and the impact of counterextremism policies on certain religious communities. Governmental restrictions on

religious freedom both arise from and encourage a societal atmosphere of intolerance against the targeted religious groups, and limit their social integration and educational and employment opportunities. Alongside these restrictions, in recent years there has been an alarming rise in societal hostility toward Jews and Muslims in Europe, including discrimination, harassment, and sometimes violence, which further isolates and marginalizes these populations. Organizations tracking anti-Semitic and anti-Muslim incidents in a number of Western European countries reported increases in 2016.

### Registration of Religious Communities

Several countries in Western Europe, including Denmark, Finland, Greece, Malta, Liechtenstein, and the United Kingdom (UK), maintain official state or national churches that enjoy legally mandated privileges not allowed to other religious communities. Some countries have taken positive steps to address this power imbalance, as with Norway’s January 2017 rewording of its constitution to describe the Evangelical Lutheran Church of Norway as “Norway’s national church” (changed from “the state’s public religion”).

Non-state or non-national religious communities in many countries still must be registered to receive financial or administrative benefits, like the right to perform marriages. Additionally, since the 1990s, the governments of France, Austria, Belgium, and Germany have—to varying degrees—taken measures against nonregistered religious groups they view as “cults” or “sects,” including through

monitoring and investigations. Targeted groups have included Jehovah’s Witnesses, Scientologists, Hare Krishnas, Evangelical Protestants, and other small, nontraditional, and/or new religious

communities. In March 2016, Belgian courts dismissed charges of organized crime that were leveled by the state prosecutor against the Church of Scientology, noting the charges were based on prejudice and violated the defendants’ human rights. The Organization for Security and Cooperation in Europe (OSCE) hailed the dismissal of

the charges as “an important legal precedent protecting religious freedom.”

### Places of Worship

In Switzerland, the federal constitution bans the construction of minarets. The ban was enacted through a 2009 popular referendum initiated by the right-wing Swiss People’s Party (SVP); the Swiss government opposed the ban as irreconcilable with human rights guarantees in European and international law and the Swiss constitution. No other European country has a constitutional provision or national law banning minarets, but in various countries generally applicable zoning and other laws have been applied in a discriminatory manner to Muslim places of worship. In one example, France’s En-Nour Mosque project was initiated in 2002, long-delayed by Nice’s mayor, and finally opened to the public in June 2016. The mosque continues

to face legal challenges and threats of closure from regional politicians. Farther east, there is still no official mosque in Athens, Greece, the only European Union (EU) capital without one, despite the Greek parliament

approving construction in 2011 and the country’s highest administrative court, the Council of State, rejecting a legal challenge in 2014. The mosque is currently scheduled to open in April 2017, despite ongoing resistance from far-right parties and Orthodox Christian religious leadership.

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*[I]n various countries generally applicable zoning and other laws have been applied in a discriminatory manner to Muslim places of worship.*

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### Ritual Slaughter and Dietary Requirements

An EU directive generally requires stunning before slaughter but allows countries to exempt religious slaughter. Ritual slaughter and following kosher or halal diets are considered religious mandates for many Jews and Muslims; therefore, restrictions on ritual slaughter or access to religiously acceptable foods present severe difficulties for these communities and send an implicit message of exclusion. Nevertheless, EU members Denmark, Luxembourg, and Sweden, and non-EU members Switzerland, Norway, and Iceland continue to ban all slaughter without stunning, including kosher and halal slaughter. Likewise, new rules implemented in the Netherlands as of January 2017 potentially impose burdens on religious freedom by requiring government registration of all facilities that slaughter without stunning, and stipulating that such meat must be labelled and sold only in specialty grocery stores. In February 2017, a Belgian draft bill that would have revoked the country's exemption for religious slaughter in one of the country's provinces was halted by the constitutional court on religious freedom grounds. In 2015, several French towns discontinued providing nonpork alternatives in school cafeterias for Jewish and Muslim students, arguing this was required under France's strict form of secularism.

### Parents' Rights

Disputes continue over the religious circumcision of male children, which is integral to both Judaism and Islam. Organizations such as the Swedish Medical Association, the Danish College of General Practitioners, and the Norwegian Ombudsman for Children have asserted the practice is abusive. Following his visit to Denmark in March 2016, the United Nations (UN) Special Rapporteur on freedom of religion or belief reported that a proposed ban on circumcision had increased anxieties among the country's Jewish community. As of January 2017, all circumcisions must be registered with the Danish Health Ministry, with fines levied for noncompliance.

Parents in some Western European countries also face religious freedom challenges in the field of education. In recent years, German parents who homeschooled their children for religious reasons were fined for violating school attendance laws, and at least one family unsuccessfully sought asylum in the United States. In

another example, Irish parents have raised concerns about policies in state-funded Catholic-run schools that take into account students' religious identity in determining admissions. The UN Committee on the Rights of the Child strongly recommends ending these policies. Ireland's new Education Bill, passed in July 2016, continued the allowance for admission decisions based on religion in order to "maintain the ethos of the school." However, in January 2017 the Irish Minister of Education launched a public consultation on how best to transition away from religion-based admissions procedures.

Several court rulings in the reporting period reflected increasing resistance to accommodations for the religious convictions of parents and their children. Swiss education authorities released a May 2016 statement requiring students to shake their teacher's hand regardless of sex, overturning an earlier local exemption for Muslim students. In January 2017, the European Court of Human Rights supported Swiss authorities' controversial denial of a religious exemption for Muslim girls required to participate in mixed-gender swimming lessons.

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*Several court rulings in the reporting period reflected increasing resistance to accommodations for the religious convictions of parents and their children.*

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### Restrictions on Religious Dress

Various European countries at the national, state, and/or local level restrict individuals from wearing visible religious symbols, such as Islamic headscarves, Sikh turbans, Jewish skullcaps, and Christian crosses, in certain contexts. For example, France and some parts of Belgium, Germany, and Switzerland prohibit wearing such symbols in public schools. Within the past year, courts in both Germany and the Czech Republic delivered more restrictive rulings about students' right to wear veils in schools. France and Belgium, moreover, ban the wearing of full-face Islamic veils anywhere in public. During 2016, the Netherlands took steps to enact a partial ban on full-face veils. The proposal, put forward by the Dutch cabinet, would forbid such veils on

public transport and in government buildings, schools, and hospitals; it passed the lower house of parliament in November 2016, but had not yet been approved by the upper house as of February 2017. In January 2017, Austria's coalition government released a policy plan that included both a proposed ban on full-face veils in public and preliminary steps toward a ban on civil servants wearing religious symbols.

Covering one's face in public presents legitimate issues not presented by other forms of religious dress, such as the necessity of facial identification, which may justify governmental restrictions in some circumstances. However, to satisfy international religious freedom standards, a restriction must be tailored narrowly to achieve a specified permitted ground, and it must be nondiscriminatory. The European Court of Human Rights upheld the French full-face veil ban in 2014, finding it justified to uphold "the minimum requirements of life in society." Politicians throughout Europe have drawn upon grounds of integration and social order to promote further legal restrictions on veiling. French presidential candidate Marine le Pen proposed a ban on all religious symbols in public, including yarmulkes.

The European debate over religious dress in 2016 was dominated by concerns over "burkini bans" that restricted the access of covered Muslim women to pools, beaches, and municipalities. In August 2016, authorities in the town of Villeneuve-Loubet, France, issued a ban on burkinis, citing public order. In the wake of attacks in France and Belgium, similar measures were enacted in almost 30 other French towns, as well as cities in Austria, Germany, and Spain. The French Council of State set legal precedent by ruling that the original municipality had failed to prove the risk of disruption to public order, and furthermore had seriously infringed upon fundamental liberties, including religious freedom.

### Freedom of Expression

The peaceful public sharing of one's religious beliefs is both an integral part of religious freedom and protected

by freedom of expression. This includes the expression of beliefs that may be offensive to others or controversial in society, such as views on homosexuality, abortion, or other religions. Vague and overbroad laws against "incitement to hatred" that encompass speech that does not rise to the level of incitement of violence pose a risk of jeopardizing protected expression. If used against the peaceful expression of beliefs, these laws can result in violations of the freedoms of speech and religion.

In June 2016, the European Commission launched the High Level Group on Combating Racism, Xenophobia and Other Forms of Intolerance, tasked with enforcement of hate speech laws online. The commission enlisted the support of major information technology companies, including Twitter and Facebook, in prohibiting the "promotion of incitement to violence and hateful conduct."

*Vague and overbroad laws against "incitement to hatred" that encompass speech that does not rise to the level of incitement of violence pose a risk of jeopardizing protected expression.*

While this measure may play an important part in countering the rising tide of online anti-Semitic and anti-Muslim hatred, the involvement of private-sector entities in determining legality of speech based on broad definitions has raised con-

cerns about dangers to freedom of expression.

In addition, many countries in Western Europe, including Austria, Denmark, France, Germany, Ireland, and Italy, retain legislation on blasphemy, defamation of religion, or "anti-religious remarks," though these laws are seldom enforced. In one promising development, Ireland's coalition government announced in May 2016 its intention to hold a referendum on the removal of its blasphemy law. In a rare example of implementation, however, Spanish councilor Rita Maestre was charged with "infringing on freedom of conscience and religious convictions" in a high-profile case based on her participation in a topless protest within a Catholic chapel. In December 2016, the Spanish court acquitted Maestre, holding that her actions were disrespectful, but not desecration. In February 2017, Denmark issued its first charge of blasphemy since 1971. The accused, a 42-year-old man who uploaded a video of himself burning a Qur'an, faces a possible four-month prison sentence or a fine. The trial is scheduled for June 2017.

## Counterextremism Legislation

In the past few years, the Islamic State of Iraq and Syria (ISIS) and other terrorist organizations have recruited thousands of Europeans to fight in Iraq and Syria, drawing especially from France, Germany, and the UK. While the numbers of recruits traveling to conflict zones fell drastically in 2016, experts worry this shift reflects a growing danger of attacks on European soil. In order to stem the outward flow of foreign fighters and address the threat of those returning to Europe, many countries have announced new domestic counterextremism policies. The European Court of Human Rights allows for antiterrorism measures but requires they exclude “any discriminatory or racist treatment, and must be subject to appropriate supervision.” A number of European countries’ antiterrorism and counterextremism policies have come under scrutiny for possible overreach, especially their impact on the rights of European Muslims.

France, Spain, Germany, and the UK have all outlawed glorification or defense of terrorism in an effort to counter radicalization. However, the laws have been applied broadly in the wake of terrorist attacks in Europe, with cases brought against artists, young children, people with developmental disabilities, and drunk people. The UK’s Prevent strategy has faced political and legal challenges for its unclear definition of “extremism” and implicit linking of religious conservatism and violence. British Muslim activist Salman Butt, who was publicly named as a “nonviolent extremist” under the Prevent strategy, is currently pressing a test case against the home secretary with the approval of a High Court judge.

In response to the 2015 terrorist attacks in Paris, France announced a national state of emergency, extending the power of the interior minister and local government officials to include house arrest, search and seizure of computer files, protest bans, and dissolution of associations, all with minimal judicial oversight. Reports show the administrative orders (“white notes”) issued under the state of emergency are often written broadly enough to implicate observant Muslims, including those who travel to Saudi Arabia on pilgrimage or who are affiliated with a particular mosque, rather than only violent extremists. Despite concerns voiced by the Council of Europe’s Human Rights Commissioner about the “stigmatization of certain communities,” the French National Assembly renewed the state of emergency for a

fifth time in December 2016, citing a continued high risk of terrorist attacks.

## Anti-Semitism

France has the largest Jewish community in Europe and the third largest in the world, estimated at around 500,000 people (approximately 0.75 percent of France’s population). There also are Jewish communities in other European countries, including Belgium, Germany, Italy, Sweden, and the UK. Anti-Semitic incidents, ranging from verbal harassment to vandalism of property to violent attacks, including terrorist attacks on Jews and Jewish sites, have occurred in multiple Western European countries in the past few years. The UK alone witnessed record numbers of anti-Semitic incidents in 2016. A poll released in September 2016 showed declining numbers of European Jews going to synagogues on high holy days due to increased security concerns. Reports indicate increasing Jewish emigration from Western Europe, particularly France, in the past several years. Numbers of French Jews immigrating to Israel, which spiked at 7,900 in 2015, reached 5,000 in 2016. By contrast, the number was fewer than 1,900 in 2012.

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*Reports indicate increasing Jewish emigration from Western Europe, particularly France, in the past several years.*

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Anti-Semitism in Western Europe has three primary sources: Islamist extremists, the political far-right, and the political far-left. Islamist extremists have been the main perpetrators of anti-Semitic violence in the region; examples include terrorist attacks against a Jewish school in Toulouse in 2012, a Jewish museum in Brussels in 2014, and a kosher supermarket in Paris and a synagogue in Copenhagen in 2015. Additionally, on the far-right, xenophobic nationalist political parties and groups, including neo-Nazis, continue to espouse anti-Semitism. Finally, far-left anti-Israel sentiment often crosses the line from criticism of Israeli policies into anti-Semitism, especially at times of increased Israeli-Palestinian conflict.

Western European Jewish leaders emphasize that, unlike in the 1930s, anti-Semitism in the region today is not government sponsored. Political leaders across Europe have spoken out strongly against it, and governments have provided security for Jewish sites. In her first year as EU Coordinator for Combatting Anti-Semitism, Katharina von Schnurbein visited with Jewish communities throughout Europe and pushed for greater awareness of Jewish history, including Holocaust remembrance.

### Anti-Muslim Bias

Western Europe's largest Muslim population lives in France, comprising approximately 8 percent of the country's total population, or approximately 5.3 million people. A number of other European countries have Muslim populations in the 4 to 6 percent range. Anti-Muslim incidents, ranging from verbal harassment to property vandalism to violent assaults, have occurred in multiple Western European countries in recent years. According to many reports, these incidents increased in 2016, especially in the wake of the British referendum on EU membership. Discrimination against Muslims, including in education, employment, and housing, is a significant problem. Such incidents and discrimination also impact religious communities like the Sikhs, who are sometimes mistaken for Muslims due to religious dress. In his first year as EU Coordinator on Combating Anti-Muslim Hatred, David Friggieri served as liaison to European Muslim communities, elevating their security concerns and promoting antidiscrimination legislation.

While levels of irregular migration to Europe were lower in 2016 than in 2015, more than a million migrants and asylum seekers continue to await processing, mostly from Syria, Iraq, and Afghanistan. At a time of high-profile Islamist terrorist attacks around the globe, including in France and Belgium, this situation exacerbated anti-Muslim sentiment. Despite the fact that many were fleeing conflict, the largely Muslim arrivals were viewed with suspicion and fear in many countries. Far-right political parties and other nativist groups are a major source of the intolerant rhetoric and acts against Muslims in Western Europe. A draft manifesto released by the Netherlands' Party for Freedom called for "de-Islamization" of the country, including closure of mosques, Islamic schools, and asylum centers, and bans on migrants from Islamic countries, public veiling,

and bringing the Qur'an into public buildings. The manifesto of the Alternative for Germany party states explicitly that "Islam has no place in Germany."

# APPENDIX 1

## BIOGRAPHIES OF COMMISSIONERS

### REV. THOMAS J. REESE, S.J., CHAIR

Rev. Thomas J. Reese, S.J., is a Senior Analyst for the National Catholic Reporter, a position he has held since 2014. Previously, he was a Senior Fellow at the Woodstock Theological Center from 2006 to 2013 and from 1988 to 1998. He joined the Center as a Visiting Fellow in 1985. He was Editor-in-Chief of America magazine from 1998 to 2005 and an associate editor from 1978 to 1985. As an associate editor, he covered politics, economics, and the Catholic Church. Rev. Reese entered the Jesuits in 1962 and was ordained in 1974. He also is the author of *Inside the Vatican: The Politics and Organization of the Catholic Church*. He received a B.A. and an M.A. from St. Louis University, an M.Div. from the Jesuit School of Theology at Berkeley, and a Ph.D. in Political Science from the University of California, Berkeley.

Father Reese was appointed to the Commission on May 15, 2014, and reappointed on May 12, 2016, by then President Barack Obama for a two-year term expiring in May 2018.

### DANIEL MARK, VICE CHAIRMAN

Daniel Mark is an assistant professor of political science at Villanova University. He teaches political theory, philosophy of law, American government, and politics and religion. At Villanova, he is a faculty associate of the Matthew J. Ryan Center for the Study of Free Institutions and the Public Good, and he holds the rank of battalion professor in Villanova's Navy Reserve Officers' Training Corps unit. He is also on the steering committee for the new Villanova Political Theology Project and on the graduate committee of the Department of Political Science. He has served as the faculty adviser to the mock trial team and to the men's club lacrosse team and as a mentor in the university's Faith and Learning Scholars Program.

For the 2015-16 academic year, Dr. Mark was on sabbatical from Villanova as a visiting fellow in the Department of Politics at Princeton University under the sponsorship of the department's James Madison Program in American Ideals and Institutions.

Dr. Mark is a fellow of the Witherspoon Institute in Princeton, NJ, and works with the Tikvah Fund in New York, and he has taught at the Straus Center for Torah and Western Thought at Yeshiva University. He is also a member of the advisory council of CanaVox. He has served as an assistant editor of the journal *Interpretation* and a contributor to the Arc of the Universe blog.

Dr. Mark speaks frequently for a wide variety of groups, including the Acton Institute, the U.S. Military Academy (West Point), the American Enterprise Institute, the Becket Fund for Religious Liberty, the Love and Fidelity Network, the Ethics and Religious Liberty Commission of the Southern Baptist Convention, Opus Dei, the Agora Institute, and Chabad. In September 2015, Daniel spoke at the World Meeting of Families, a triennial event organized by the Catholic Church, which drew 20,000 participants to Philadelphia. Other appearances have included speeches at Ave Maria University, Arizona State University, Baylor University, Brigham Young University, Colorado Christian University, Eastern University, the University of Notre Dame, and the Mount Academy, the Bruderhof (Anabaptist) high school in upstate New York.

In addition to his academic writing, Dr. Mark has published on topics related to international religious freedom in *US News & World Report*, *Investor's Business Daily*, *Foreign Affairs*, *The Hill*, and the *Philadelphia Inquirer*, and he has appeared on CNN, Al Jazeera America, CBS radio in Philadelphia, KNUS radio in Denver, and Relevant Radio, among other outlets.

He holds a BA (magna cum laude), MA, and Ph.D. from the Department of Politics at Princeton University. He wrote his dissertation under the direction of Professor Robert P. George on the subject of "Authority and Legal Obligation." There, he participated in the Program in Law and Public Affairs and the Penn-Princeton Bioethics Forum. He was also affiliated with the James Madison Program in American Ideals and Institutions and served as coordinator of its Undergraduate Fellows Forum.

Before graduate school, Dr. Mark spent four years as a high school teacher in New York City, and he received

the New Jersey Department of Education Commissioner's Distinguished Teacher Candidate Award while earning his teaching certification.

Dr. Mark was appointed to the Commission on May 9, 2014 by then-Speaker of the House John Boehner (R-OH) and reappointed on May 16, 2016 by Speaker of the House Paul Ryan (R-WI) for a two-year term expiring in May 2018.

### **DR. JAMES J. ZOGBY, VICE CHAIR**

Dr. James J. Zogby is the founder and president of the Arab American Institute (AAI), a Washington, D.C.-based organization which serves as the political and policy research arm of the Arab American community. He is also Managing Director of Zogby Research Services, which specializes in public opinion polling across the Arab world.

Since 1985, Dr. Zogby and AAI have led Arab American efforts to secure political empowerment in the U.S. through voter registration, education, and mobilization, AAI has moved Arab Americans into the political mainstream.

For the past three decades, Dr. Zogby has been involved in a full range of Arab American issues. A co-founder and chairman of the Palestine Human Rights Campaign in the late 1970s, he later co-founded and served as the Executive Director of the American-Arab Anti-Discrimination Committee. In 1982, he co-founded Save Lebanon, Inc., a relief organization which provided health care for Palestinian and Lebanese victims of war. In 1985, Zogby founded AAI.

In 1993, following the signing of the Israeli-Palestinian peace accord in Washington, he was asked by then Vice President Al Gore to Co-Chair Builders for Peace, an effort to promote U.S. business investment in the West Bank and Gaza. In his capacity as co-president of Builders, Zogby frequently traveled to the Middle East with delegations led by then Vice President Gore and late Secretary of Commerce Ron Brown.

Dr. Zogby has also been active in U.S. politics for many years. Since 1995 he has played a leadership role in the National Democratic Ethnic Coordinating Committee (NDECC), an umbrella organization of leaders of European and Mediterranean descent. In 2001, he was appointed to the Executive Committee of the Democratic

National Committee (DNC), and in 2006 was also named Co-Chair of the DNC's Resolutions Committee.

A lecturer and scholar on Middle East issues, U.S.-Arab relations, and the history of the Arab American community, Dr. Zogby has an extensive media profile in the U.S. and across the Arab World. He currently serves as Chairman of the Editorial Advisory Committee for SkyNewsArabia. Since 1992, Dr. Zogby has also written a weekly column published in 14 Arab and South Asian countries.

He has authored a number of books, including: "Looking at Iran" (2013), "Arab Voices" (2010), "What Ethnic Americans Really Think" (2002), and "What Arabs Think: Values, Beliefs and Concerns" (2001).

In 1975, Dr. Zogby received his doctorate from Temple University's Department of Religion. He was a Post-Doctoral Fellow at Princeton University in 1976, and has been awarded numerous grants and honorary degrees.

Dr. Zogby is married to Eileen Patricia McMahon.

Dr. Zogby was appointed to the Commission on September 6, 2013 by then President Barack Obama and was reappointed to a second term in 2015 for a two-year term expiring in May 2017.

### **KRISTINA ARRIAGA DE BUCHOLZ, COMMISSIONER**

Kristina Arriaga de Bucholz was the Executive Director of Becket Law, a firm that defends the free expression of all religious traditions in the United States and abroad. During her tenure, Associated Press called Becket a "powerhouse law firm" after it won several landmark Supreme Court religious freedom cases including Hosanna Tabor, Holt, and Hobby Lobby. Becket also secured the rights of Native Americans to use eagle feathers in their powwows, persuaded the U.S. Army to let a Sikh Bronze Star Medalist serve with his articles of faith, as well as protected the rights of a small order of Catholic nuns who take care of the dying elderly poor. Becket also took on cases in Azerbaijan, Romania, and Spain and filed briefs before the European Court of Human Rights among many others.

After starting her career in DC working for U.S. Ambassador José Sorzano at the Cuban American National Foundation, she became Advisor to the U.S. delegation to the UN Commission on Human Rights



(UNCHR). Splitting her time between the seat of the UNCHR in Geneva and Washington, DC, Kristina worked on raising awareness of the plight of political prisoners with New York Times bestselling author, former political prisoner, Armando Valladares who was named Ambassador to the UN Human Rights Commission. After returning permanently to the United States, Kristina continued to work on behalf of defectors and refugees. Her work orchestrating the spectacular airplane rescue of a defector's family from Cuba earned her recognition in media all over the world including Reader's Digest and Vanity Fair. No less adventurous was her time working on domestic affairs as an Intergovernmental Relations Officer at the Department of Housing and Urban Development and then later as a four-year appointee to the U.S. Commission on Civil Rights.

Kristina is the recipient of the Newseum Institute's 2017 Free Expression Award. She was featured by The Federalist as one of the 7 "Most Amazing Women of 2016." She is sought out as an expert on religious liberty issues. She has written numerous articles on the topic, spoken at several conferences and has appeared on multiple television and radio programs including MSNBC, CNN en español, C-Span, Fox and NPR.

In between swapping hats at Becket, she has had the greatest adventure of all: she is happily married to LtCol Matthew Bucholz, USMC (Retired) and has three kids. Kristina has a Master of Arts in Liberal Studies from Georgetown University where she graduated summa cum laude and an undergraduate degree from Marquette University.

Kristina Arriaga was appointed to the Commission on May 13, 2016 by Speaker of the House Paul Ryan (R-WI) for a two-year term expiring in May 2018.

## TENZIN DORJEE, COMMISSIONER

Tenzin Dorjee (Ph.D., University of California, Santa Barbara, UCSB) is an Associate Professor at the Department of Human Communication Studies, California State University, Fullerton (CSUF). His primary teaching and research interests are intergroup, intercultural, and intergenerational communication, identity issues, peace building, and conflict resolution. At CSUF campus, he has received several faculty recognition awards for outstanding achievements in teaching, research, and community service.

He has authored and co-authored peer-reviewed articles and invited chapters on Tibetan culture, identity, nonviolence and middle way approaches to conflict resolution including Sino-Tibetan conflict, intercultural and intergroup communication competence, intergenerational communication context, and others. Based on his dissertation, he co-authored with Giles, H., and Baker, V. (2011): "Diasporic communication: Cultural deviance and accommodation among Tibetans in exiles in India," *Journal of Multilingual and Multicultural Development*, 32(4), 343-359. He also guided students to present papers at annual regional, national, and international communication conferences and co-authored peer-reviewed journal articles with them. In recognition of his student mentorship and scholarly activity, CSUF bestowed on him the Faculty Teacher-Scholar Award in 2011 and the Faculty Scholarly and Creative Activity Award in 2013.

Dr. Dorjee received the Faculty Recognition for Extraordinary and Sustained Service in 2015. Dr. Dorjee is a prominent translator who studied at Sera Jey Monastic University, South India, and the Institute of Buddhist Dialectics, Dharamsala, and worked in the Translation and Research Bureau of the Library of Tibetan Works and Archives (LTWA), Dharamsala, India, for over 13 years. For over 20 years, he has been a volunteer translator for Gaden Shartse Thubten Dhargye Ling Tibetan Buddhist Center in Long Beach, CA, founded by late His Eminence Geshe Tsultim Gyeltsen. He is also a published author of articles and translated works of Tibetan Buddhism and culture into English. He had the honor to translate for many preeminent Tibetan Buddhist Professors including His Holiness the Dalai Lama in India and North America. He served as a former Member-At-Large in the Executive Council of the Western States of Communication Association (WSCA), Chair of WSCA's Distinguished Teaching Award Committee, Basic Course Director of the Department of Human Communication Studies, CSUF, and Vice President and President of the Tibetan Association of Southern California (TASC).

Furthermore, he has served on many community-based committees including the Dalai Lama Trust Graduate Scholarship Selection Committee and Restorative Schools Vision Project, Sacramento. In the summer of 2013, he volunteered at the Office of His Holiness the

Dalai Lama in Dharamsala and also presented many intercultural communication-themed talks at various Tibetan institutes. On a voluntary service basis, in the summer of 2016, he accepted the invitation in teaching intercultural communication, research methodology, and teaching pedagogy at the College of Higher Tibetan Studies, Sarah, and the Dalai Lama Institute for Higher Education, Bengaluru, India. He also gave invited presentations at many Tibetan institutes including the Tibet Policy Institute, LTWA, Tibetan Children's Village, Institute of Buddhist Dialectics, and Tibetan Astro-Medical College in Dharamsala, India.

Tenzin Dorjee was appointed to the Commission on December 8, 2016 by Representative Pelosi (D-CA) for a term expiring in May 2018.

### **SANDRA JOLLEY, COMMISSIONER**

A leader in the Church of Jesus Christ of Latter-day Saints, Sandra Jolley has spent decades in Nevada advocating for women and families. Jolley served as co-chairman of the Las Vegas Area Public Communications Committee of the Church of Jesus Christ of Latter-day Saints and facilitated interfaith and community outreach for the church. In addition, she served five years as president of the Las Vegas South Stake Relief Society and two years as assistant director of Life Line, a women's resource center serving southern Nevada. She also has worked with numerous campaigns and local charities. Jolley is a University of Nevada, Las Vegas (UNLV) graduate with a degree in Women's Studies with special emphasis on women's religious history. She and her husband Mark live in Las Vegas, Nevada and have 6 children and 12 grandchildren.

Sandra Jolley was appointed to the Commission on April 27, 2016 by Senator Harry Reid (D-NV).

### **CLIFFORD D. MAY, COMMISSIONER**

Clifford D. May is the founder and president of the Foundation for Defense of Democracies (FDD), a non-partisan policy institute focusing on national security created immediately following the 9/11 attacks on the United States. Mr. May has had a long and distinguished career in international relations, journalism, communications and politics. A veteran news reporter, foreign correspondent and editor (at The New York Times and other publications), he has covered stories

in more than two dozen countries. A former syndicated columnist for Scripps Howard News Service, he is currently the weekly "Foreign Desk" columnist for The Washington Times. His writing also has appeared in The Wall Street Journal, Commentary, National Review, USA Today, The Atlantic and many other publications. He is the co-editor of a book on the conflict in Afghanistan and Pakistan, as well as one on energy policy. He was appointed as an advisor to the Iraq Study Group (Baker-Hamilton Commission) of the United States Institute of Peace in 2006, and served on the bipartisan Advisory Committee on Democracy Promotion from 2007 to 2009. From 1997 to 2001, he served as the Director of Communications for the Republican National Committee. Mr. May holds master's degrees from both Columbia University's School of International Affairs and its School of Journalism. His undergraduate degree is from Sarah Lawrence College, and he holds a certificate in Russian language and literature from Leningrad State University, USSR. He is a member of the Washington Institute of Foreign Affairs.

Mr. May was appointed to the Commission on August 2, 2016 by Senate Majority Leader Mitch McConnell (R-KY) for a two-year term expiring in August 2018.

### **DR. JOHN RUSKAY, COMMISSIONER**

Dr. John Ruskay is Executive Vice President emeritus of UJA-Federation of New York, a member of the United States Commission on International Religious Freedom, and a senior partner of JRB Consulting Services.

Now in his fourth decade of leadership in the North American Jewish Community, Dr. Ruskay was a senior professional at UJA-Federation for 22 years, the last 5 (1999-2014) as Executive Vice President and CEO. He called for the Federation to become a creative resource for the creation of "inspired and caring communities" which can engage Jews on the basis of providing meaning, purpose and community, and forged bold initiatives to realize that vision.

Prior to UJA-Federation, Dr. Ruskay held senior leadership positions including Vice Chancellor, the Jewish Theological Seminary of America (1985-1993); and Education Director, the 92nd Street YM-YWHA (1980-1985).

In 2014, Dr. Ruskay and Robin Bernstein created JRB Consulting Services LLC, which provides strategic

consulting and coaching for a range of Not for Profits. Clients have included UJA-Federation of New York, the Educational Alliance, the S. Daniel Abraham Center for Middle East Peace, the Jewish People Policy Planning Institute, Innovation Africa, the Yale Center for Social and Emotional Learning, Birthright Israel Foundation, among others. Prior to 2014, Dr. Ruskay served as a consultant to several of the major American Jewish foundations including the Wexner Foundation (1986–1998) and the Andrea and Charles Bronfman Philanthropies (1985–1996).

### Honors

Dr. Ruskay is widely recognized as an outstanding professional leader of the American Jewish Community. He has received numerous honors including honorary doctorate degrees from Spertus College (2011), the Jewish Theological Seminary of America (2011), Hebrew Union College (2013), Yeshiva University (2014), and the Reconstructionist Rabbinical College (2016). He also received the Bernard Riesman Award for Professional Excellence from Brandeis University (1995) and the Mandelkorn Distinguished Service Award from the Jewish Communal Service Association of North America (2003).

### Education

Ruskay earned his BA cum laude from the University of Pittsburgh (1968), and his MA (1972) and Ph.D. (1977) in Political Science from Columbia University, with a specialization in Middle East Politics. His masters essay was a study of Bi-Nationalism during the British Mandate in Palestine. His dissertation was entitled “Non-Institutional Mass Political Participation: The Role of Voluntary Groups in the Egyptian Revolution of 1919.”

Dr. Ruskay has written extensively and speaks nationally on how the American Jewish community can most effectively respond to the challenges and opportunities of living in an open society, the role of Jewish philanthropy, and the central role of community.

Dr. Ruskay has also served in a range of community volunteer roles including:

- Board Member, Jewish Media Group (publisher of the New York Jewish Week), 2014 to present.
- Treasurer, the National Religious Partnership for the Environment (1993–2010)

- Board Member, Foundation to Sustain Righteous Christians (1988–1998)
- Board Member, American Jewish World Service (1987–1993)
- Founding Board member, the Coalition on the Environment in Jewish Life (COEJL) (1987–1993)
- Founding Board member, the Abraham Joshua Heschel School (1978–1984; 1988–1996)
- Founding Board member, Breira (1972–1977)
- Founding member of the New York Havurah (1969–1974)

In May 2016, then President Barack Obama appointed Dr. Ruskay to the United States Commission on International Religious Freedom (USCIRF).

Dr. Ruskay lives in New York with his wife Robin Bernstein, who served as CEO of the Educational Alliance from 1999-2014. They have five children and eight grandchildren.

Dr. Ruskay was appointed to the Commission on May 12, 2016 by then President Obama for a two-year term expiring in May 2018.

### JACKIE WOLCOTT, COMMISSIONER

Ambassador Wolcott served as USCIRF’s Executive Director from February 2010 through December 2015. Prior to joining USCIRF, the Ambassador had a long career in government executive positions, serving as Special Envoy for Nuclear Nonproliferation and U.S. Ambassador to the UN Security Council. Ms. Wolcott also was Ambassador and United States Permanent Representative to the Conference on Disarmament in Geneva, Switzerland and Special Representative of the President of the United States for the Non-Proliferation of Nuclear Weapons. She served as U.S. Governor to the International Atomic Energy Agency Board of Governors, working on issues relating to Iran’s and North Korea’s nuclear weapons programs.

Ambassador Wolcott served as Deputy Assistant Secretary of State in the Bureau of International Organization Affairs for more than five years. She had specific responsibility for human rights issues in the United Nations, including international freedom of religion issues. In this capacity, Ambassador Wolcott developed

and implemented U.S. strategy at the UN Human Rights Commission, the Economic and Social Council, the Commission on the Status of Women, and all related issues in the UN General Assembly.

Ambassador Wolcott worked in the Senate and House for nine years, and held several additional positions relating to national security affairs, including Associate Director for National Security in the Office of Presidential Personnel, the White House; White House Liaison for the Department of State; and Special Assistant for Congressional Affairs in the Bureau of Near Eastern and South Asian Affairs, Department of State.

Jackie Wolcott was appointed to the Commission on March 15, 2016 by Senate Majority Leader Mitch McConnell (R-KY) for a two-year term expiring in March 2018.

# APPENDIX 2

## RELIGIOUS PRISONERS OF CONSCIENCE

**T**hrough USCIRF's Religious Prisoners of Conscience Project Commissioners advocate in support of a prisoner of conscience (noted below). Through increased education, outreach, and advocacy, USCIRF hopes to raise awareness of these and others individuals being imprisoned for their religion or beliefs, reduce their number, and highlight the country conditions that led to their imprisonment.

As mandated in the Frank R. Wolf International Religious Freedom Act,

USCIRF also will, to the extent practicable, compile online and in official publications lists of persons it determines are imprisoned, detained, disappeared, placed under house arrest, tortured, or subject to forced renunciations of faith for their religious activity or religious freedom advocacy by the government of a foreign country that the Commission recommends for designation as a CPC or a non-state actor that the Commission recommends for designation as an EPC.

## PATRIARCH ABUNE ANTONIOS



### COUNTRY

Eritrea

### KEY FACT

Patriarch of the Eritrean Orthodox Church

### DETAINED SINCE

May 27, 2007

### BIOGRAPHY

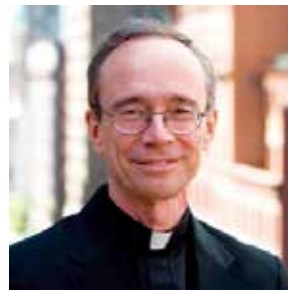
Patriarch Abune Antonios was born on July 12, 1927, in Himberti, a town north of the Eritrean capital, Asmara. His father was a priest. At the age of five, Patriarch Antonios entered the monastery of Debre Tsege Abuna Andrewes, where he was educated, ordained a deacon at the age of 12, and then served as a monk. Patriarch Antonios was ordained a priest in 1942 and was eventually elected abbot in 1955.

When the Eritrean Orthodox Church first sought its independence, Patriarch Antonios was one of the five abbots from monasteries sent to Egypt to be ordained a bishop so that the church would be able to constitute its own Holy Synod. Antonios was ordained as Bishop Antonios of Hamasien-Asmara on June 19, 1994, in Saint Mark's Cathedral in Cairo by His Holiness Shenouda III, Pope and Patriarch of Alexandria.

Following the death in 2003 of Abune Yacoub, then Patriarch of the Eritrean Church, Patriarch Antonios was elected as the third Patriarch of the Eritrean Orthodox Church by a joint vote of the Holy Synod and representatives of all dioceses in the presence of the delegates of the Holy Synod of the Egyptian Orthodox Church. Pope Shenouda III, assisted by Eritrean and Coptic Orthodox Metropolitan and Bishops, ordained and enthroned Antonios as Patriarch on April 23, 2004.

The Eritrean government notified Antonios on January 20, 2006, that he no longer would lead the country's largest religious denomination after he called for the release of political prisoners and refused to excommunicate 3,000 parishioners who

opposed the government. One year later, on January 20, 2007, authorities confiscated Patriarch Antonios' personal pontifical insignia. On May 27, 2007, the Eritrean government replaced Patriarch Antonios with Bishop Dioscoros of Mendefera, forcefully removed the Patriarch from his home, and placed him under house arrest at an undisclosed location. Patriarch Antonios, who is 89 years old, continues to be held incommunicado and reportedly is being denied medical care despite suffering from severe diabetes.



For more information on Eritrea, see p. 38. For more information on Chair Thomas J. Reese, S.J., see p. 215.

## RAIF BADAWI



### COUNTRY

Saudi Arabia

### KEY FACT

Blogger

### DETAINED SINCE

June 27, 2012

### CHARGES

Violating Islamic values and propagating liberal thought

### SENTENCE

10 years imprisonment, 1,000 lashes, a fine of one million riyals (equal to about \$266,000), and is banned from any media work or foreign travel for 10 years after his release from prison

## BIOGRAPHY

Raif Badawi was born January 13, 1984, in Khobar, Saudi Arabia. He is a blogger, activist, and the creator of the website Free Saudi Liberals, which encourages debate on religious and political matters in Saudi Arabia.

First detained on apostasy charges in 2008, Mr. Badawi was released after a day of questioning. He was arrested on June 17, 2012, on a charge of insulting Islam through electronic channels and brought to court on several charges including apostasy, a conviction which carries an automatic death sentence. Human Rights Watch stated that Badawi's website had hosted material criticizing "senior religious figures." Mr. Badawi had also suggested that Imam Muhammad ibn Saud Islamic University had become "a den for terrorists."

Mr. Badawi appeared before a district court in Jeddah on December 17, 2012, charged with "setting up a website that undermines general security," "ridiculing Islamic religious figures," and "going beyond the realm of obedience." On July 30, 2013, the Jeddah Criminal Court sentenced Mr. Badawi to seven years in prison and 600 lashes for founding an Internet forum that "violates Islamic values and propagates liberal thought." On May 7, 2014, an appeals court increased the punishment to 1,000 lashes and 10 years in prison. He also received a fine of one million riyals (equal to about \$266,000) and is banned from any media work or foreign travel for 10 years after his release from prison.

On January 9, 2015, Mr. Badawi was flogged 50 times before hundreds of spectators in front of a Jeddah mosque. He has not received additional floggings, due

partly to international reaction and partly to a medical doctor's finding that he could not physically endure more lashings. On June 7, 2015, Saudi Arabia's Supreme Court denied another appeal from Badawi and upheld the sentence of 1,000 lashes.

Mr. Badawi received the 2015 Sakharov Prize for his human rights work. Raif Badawi married Ensaf Haidar in 2002 in Saudi Arabia; they have three children. His wife and children obtained political asylum in Quebec, Canada in 2013.



For more information on Saudi Arabia, see p. 76. For more information on Vice Chair James J. Zogby, see p. 216.

## PASTOR NGUYEN CONG CHINH AND TRAN THI HONG



### COUNTRY

Vietnam

### KEY FACT

Evangelical pastor

### DETAINED SINCE

April 28, 2011

### CHARGES

Undermining unity

### SENTENCE

11 years imprisonment

### BIOGRAPHY

Nguyen Cong Chinh is an evangelical pastor originally from the Quang Nam Province, and has lived in the Central Highland provinces of Kon Tum and Gia Lai since 1985. He is a long-time pro-democracy activist and critic of the Vietnamese government's ban on preaching in the Central Highlands. He is also the founder of the Vietnamese People's Evangelical Fellowship, a charitable organization that ministers to ethnic minority communities in the central highlands, including ethnic minority prisoners and their families. He and his wife, Mrs. Tran Thi Hong, a Lutheran member of the Vietnamese Women for Human Rights organization, have five children.

In 2011, Pastor Chinh was imprisoned on false charges of undermining national solidarity. Prison authorities reportedly have physically and verbally abused him, and he spent approximately one month in solitary confinement. His health is rapidly declining: he suffers from high blood pressure, acute nasal sinusitis, arthritis, and stomach inflammation and is denied treatment or access to medication.

While the Vietnamese government has unjustly imprisoned Pastor Chinh, they have also engaged in acts of harassment against his wife, Mrs. Tran Thi Hong, including extended periods of surveillance, the sealing up of her house, and prevention of her attending scheduled meetings with her husband or procuring medicine for her sick daughter. On March 30, 2016, local

authorities prevented Mrs. Hong from meeting with then U.S. Ambassador-at-Large for International Religious Freedom David Saperstein. Although she eventually was able to meet with the ambassador, she suffered for this meeting: she endured a beating that left her with injuries to her head, knee, leg, hand, and foot. This visit was followed by a three-day interrogation during which Mrs. Train Thi Hong was pressured to sign a document stating that her meeting with the Ambassador was illegal and that she was a member of an illegal and subversive church due to her Lutheran faith. After refusing to sign, she was abused for four hours by female officers.



For more information on Vietnam, see p. 114. For more information on Ambassador Jackie Wolcott, see p. 219.



## GEDHUN CHOEKYI NYIMA – THE PANCHEN LAMA



### COUNTRY

China

### KEY FACT

11th Panchen Lama

### DISAPPEARED SINCE

May 17, 1995

### BIOGRAPHY

Gedhun Choekyi Nyima was born on April 25, 1989, in Lhari County, Tibet. After the death of the 10th Panchen Lama, His Holiness the Dalai Lama chose Gedhun on May 15, 1995, to be the 11th Panchen Lama, which is the second-highest position in Tibetan Buddhism.

Three days after his selection as Panchen Lama, Chinese government authorities kidnapped then six-year-old Gedhun Choekyi Nyima and his family. On November 11, 1995, Chinese authorities announced their own pick to serve as the Panchen Lama: Gyancaïn Norbu.

Most Tibetans reject this choice, as well as the government's interference in their religious practices. The Chinese government maintains strict control over Tibetan Buddhists, suppressing their cultural and religious practices. Government-led raids on monasteries continue, and Chinese party officials in Tibet infiltrate monasteries with Communist Party propaganda.

In the more than 20 years since Gedhun's abduction, Chinese authorities have provided little information about his whereabouts, alleging that they need to protect him from being "kidnapped by separatists." In May 2007, Asma Jahangir, then United States Special Rapporteur on freedom of religion or belief, suggested that the Chinese government allow an independent expert to visit and confirm Gedhun's well-being. On July 17, 2007, the Chinese authorities said that he is a "perfectly ordinary Tibetan boy" attending school and leading a normal life, and that he "does not wish to be disturbed." Authorities say that the state employs both of his parents and that his brothers and sisters are either working or at university.



For more information on China, see p. 32. For more information on Commissioner Tenzin Dorjee, see p. 217.

## GULMIRA IMIN



### COUNTRY

China

### KEY FACT

Website administrator and Uighur Muslim

### DETAINED SINCE

July 14, 2009

### CHARGES

Splittism, leaking state secrets, and organizing an illegal demonstration

### SENTENCE

Life imprisonment

## BIOGRAPHY

Gulmira Imin is a Uighur Muslim and former web administrator for the Uighur-language website Salkin. Ms. Imin was also a government employee in Urumqi, the capital of the Xinjiang Uighur Autonomous Region in northwest China. Xinjiang is home to the majority of the country's Uighur Muslim population.

Ms. Imin was born in 1978 in Aksu in Xinjiang and graduated in 2000 from the Chinese-Uighur translation department of Xinjiang University. In spring 2009, Ms. Imin became the moderator of Salkin, a Uighur-language culture and news website to which she had previously contributed poetry and short stories. Many of her online writings criticized government policies.

On July 5, 2009, Ms. Imin participated in a major demonstration protesting the deaths of Uighur migrant workers in Guangdong Province. Initially peaceful, the protests turned violent, with about 200 people, including ethnic Han Chinese, killed during the riots and confrontations with police. On July 14, 2009, Ms. Imin was arrested in Aksu after authorities alleged she had organized the protests, posted an announcement for them on Salkin, and leaked state secrets by phone to her husband in Norway. Her family was not notified of the arrest, and was unaware of her location until the October 2009 airing of a China Central Television documentary that depicted Imin in prison garb.

On April 1, 2010, the Urumqi Intermediate People's Court sentenced Ms. Imin to life in prison under articles 103, 111, and 296 of China's Criminal Law on charges of "splittism, leaking state secrets, and organizing an illegal demonstration." She alleges she was tortured and

forced to sign documents while in detention. She reportedly was not allowed to meet with her lawyer until the trial. Her appeal subsequently was rejected. Ms. Imin is currently detained in the Xinjiang Women's Prison (Xinjiang No. 2 Prison) located in Urumqi, where she is allowed one family visit every three months.



For more information on China, see p. 32. For more information on Commissioner Sandra Jolley, see p. 218.

## BAGIR KAZIKHANOV



### COUNTRY

Russia

### KEY FACT

Said Nursi follower

### DETAINED SINCE

April 2014

### CHARGES

Organizing extremist activity

### SENTENCE

Three and a half years imprisonment

## BIOGRAPHY

Bagir Kazikhanov was born on September 9, 1983, in the Republic of Dagestan, an administrative entity of the Russian Federation.

Mr. Kazikhanov organized regular Islamic study sessions in rented flats between 2012 and 2014. During these sessions, he and his fellow Muslims studied the works of the Turkish Islamic revivalist theologian Said Nursi, along with watching football. Nursi, who died in 1960, was an ethnic Kurd who wrote a body of Qur'anic commentary advocating the modernization of Islamic education. Nursi also criticized the secular character of the post-Ottoman Turkish government, for which he was persecuted. Nursi's emphasis on the integration of modern science into Islamic learning is said to have been an inspiration to Fethullah Gülen, the prominent exiled Turkish Islamic preacher. Although Nursi's writings do not advocate hatred, violence, or the violation of human rights, many of Nursi's works are banned in Russia, reportedly due to state opposition to foreign spiritual and cultural influence.

Mr. Kazikhanov was arrested in the city of Ulyanovsk on April 9, 2014, after participating in one of these study sessions, which authorities deemed to be the "organization of extremist activity" under the Criminal Code Article 282.2, Part 1. He was accused of recruiting a terrorist cell of Nursi followers as part of a supposed "Nurdzhular" movement, which officially was banned in Russia in 2008 but is widely believed to be a legal fiction invented for the purpose of prosecuting Nursi adherents. Mr. Kazikhanov was held in a pre-trial detention center from April to October 2014, and then placed under house arrest until his February 25, 2015, conviction by

Judge Natalya Damayeva at the Lenin District Court in Ulyanovsk. The Judge sentenced him to three and a half years imprisonment.



For more information on Russia, see p. 68. For more information on Commissioner John Ruskay, see p. 218.

## FARIBA KAMALABADI - THE BAHA'I SEVEN



### COUNTRY

Iran

### KEY FACT

Developmental psychologist and Baha'i member

### DETAINED SINCE

May 14, 2008

### CHARGES

Espionage, propaganda against the Islamic Republic, and establishment of an illegal administration

### SENTENCE

20 years imprisonment

## BIOGRAPHY

Fariba Kamalabadi was born on September 12, 1962, in Tehran, Iran. Ms. Kamalabadi graduated from high school with honors but was barred from attending university due to her Baha'i faith.

In her mid-30s, Ms. Kamalabadi embarked on an eight-year period of informal study and eventually received an advanced degree in developmental psychology from the Baha'i Institute of Higher Education (BIHE), an alternative institution the Baha'i community of Iran established to provide higher education for its young people. The Iranian government does not recognize the BIHE.

Ms. Kamalabadi is one of the seven Baha'i leaders known as "Yaran" or "Friends," who tended to the spiritual and social needs of the Iranian Baha'i community in the absence of formally elected Baha'i leadership due to restrictions by the Iranian government. The other six members are Mahvash Sabet, Jamaloddin Khanjani, Afif Naeimi, Saeid Rezaie, Behrouz Tavakoli, and Vahid Tizfahm.

Ms. Kamalabadi was arrested on May 14, 2008, after an early morning raid on her home. Ms. Kamalabadi and the other Baha'i Seven were held incommunicado for weeks, placed in solitary confinement for months, and spent a year behind bars without access to legal counsel. In 2010, the seven were tried and convicted of charges of "espionage" and "spreading propaganda against the regime." The Baha'i Seven were sentenced to 20 years in prison, the longest of any current prisoner of conscience in Iran.

Since her arrest in May 2008, Ms. Kamalabadi has been held in Tehran's notorious Evin Prison. Witness

reports describe the prison cell for Ms. Kamalabadi as four meters by five meters in size, with two small, metal-covered windows, and with no bed or pillows.

Ms. Kamalabadi married fellow Baha'i Ruhollah Taefi in 1982 and they have three children, Vargha, Alhan, and Taraneh. Ms. Kamalabadi's father was fired from his job in the government health service in the 1980s because he was a Baha'i; he was later imprisoned and tortured.



For more information on Iran, see p. 44. For more information on Commissioner Kristina Arriaga de Bucholz, see p. 216.

## MAHVASH SABET - THE BAHA'I SEVEN



### COUNTRY

Iran

### KEY FACT

Educator and Baha'i member

### DETAINED SINCE

March 5, 2008

### CHARGES

Espionage, propaganda against the Islamic Republic, and establishment of an illegal administration

### SENTENCE

20 years imprisonment

### BIOGRAPHY

Mahvash Sabet was born on February 4, 1953, in Ard-estan, Iran. Ms. Sabet moved to Tehran when she was in the fifth grade and eventually received a bachelor's degree in psychology.

Ms. Sabet began her career as a teacher and also worked as a principal at several schools. Like thousands of other Iranian Baha'i educators after the Islamic Revolution, she was fired from her job and barred from working in public education. She then became director at the Baha'i Institute for Higher Education, a university established by the Baha'i community in 1987 to meet the educational needs of young people who have been systematically denied access to higher education by the Iranian government.

Ms. Sabet was one of the seven Baha'i leaders who were part of the ad hoc group known as "Yaran" or "Friends." This group tended to the spiritual and social needs of the Iranian Baha'i community given the absence of formally elected Baha'i leadership. Ms. Sabet was the first of the Baha'i Seven to be arrested on March 5, 2008, after she was apprehended while visiting Mashhad. The Baha'i Seven were placed in solitary confinement for months, and spent a year behind bars without access to legal counsel. In 2010, the seven were tried and convicted of charges of "espionage" and "spreading propaganda against the regime." They each were sentenced to 20 years in prison, the longest of any current prisoner of conscience in Iran.

Since her arrest in March 2008, Ms. Sabet has been held in Tehran's notorious Evin Prison. Witness reports describe the prison cell for Ms. Sabet as four meters by five meters in size, with two small, metal

covered-windows, and with no bed or pillows. Despite such conditions, Ms. Sabet has written poems about her experiences while in prison, which she composed on scraps of paper and sent out via friends and family. In 2013, they were published as a book, *Prison Poems*.

Ms. Sabet married Siyvash Sabet on May 21, 1973, and has a son and daughter.

For more information on Iran, see p. 44. Commissioner Kristina Arriaga de Bucholz has also chosen to advocate in support of Mahvash Sabet along with Fariba Kamalabadi.

## MARYAM NAGHASH ZARGARAN



### COUNTRY

Iran

### KEY FACT

Christian convert from Islam

### DETAINED SINCE

January 6, 2013

### CHARGES

Propagating against the Islamic regime and collusion intended to harm national security

### SENTENCE

Four years imprisonment with an additional 42 days

## BIOGRAPHY

Maryam Naghash Zargaran, a Christian convert from Islam and former children's music teacher, was arrested on January 6, 2013. On March 9, 2013, Judge Mohammad Moghisseh of Branch 28 of the Revolutionary Courts sentenced her to four years in prison for "propagating against the Islamic regime and collusion intended to harm national security" in connection with her work at an orphanage with Iranian-American Christian pastor Saeed Abedini, who had been imprisoned for "threatening the national security of Iran" due to his activity in the Iranian house church movement.

Ms. Zargaran began her sentence on July 15, 2013. On September 29, 2013, she was transferred from Evin Prison to Modares Hospital for treatment after an apparent heart attack, and then returned to prison at an unknown date. On May 26, 2016, she launched a hunger strike to protest the authorities' lack of attention to her medical needs and refusal to grant her conditional release or medical leave. Following her hunger strike, she was granted temporary medical leave and forced to pay a deposit bond of 350 million toman (approximately \$100,000) in order to leave the prison. The court later ordered she return to prison. Since she was still sick, her family applied for an extension of her leave, which was denied.

On July 15, 2016, Ms. Zargaran launched an indefinite hunger strike to demand her immediate and unconditional release from prison because of the insufficient treatment of her medical issues. Prison officials examined her five days later and issued a report confirming the seriousness of her condition. Although she

again demanded to be released for medical treatment, the Iranian Ministry of Intelligence denied her request and she ended her hunger strike at the beginning of August 2016.

Prison officials allowed Ms. Zargaran to return home at the end of August to receive medical treatment. However, because Ms. Zargaran reportedly objected to her furlough conditions, she was sent to Evin Prison. After another five-day medical leave in December 2016, officials informed Ms. Zargaran that her four-year sentence was extended 42 days to reflect time spent outside of prison for medical care during the summer of 2016.

Ms. Zargaran suffers from a severe heart condition, ASD (atrial septal defect), which required surgery prior to her arrest. Her condition necessitates ongoing monitoring and follow-up with a cardiologist, but since her detention, she has not had regular access to such care. She also suffers from diabetes, high cholesterol, and arthritis.



For more information on Iran, see p. 44. For more information on Commissioner Cliff May, see p. 218.

## PWINT PHYU LATT AND ZAW ZAW LATT



### COUNTRY

Burma

### KEY FACT

Interfaith peace advocates

### DETAINED SINCE

July 14, 2015 (Zaw Zaw Latt)

July 19, 2015 (Pwint Phyu Latt)

### CHARGES

Violating article 13(1) of the Immigration (Emergency Provisions) Act, for purportedly crossing the Burma-India border

### SENTENCE

Two years imprisonment

## BIOGRAPHIES

Zaw Zaw Latt and Pwint Phyu Latt are two Muslim interfaith peace advocates who have been imprisoned since 2015. The two participated in an interfaith peace trip in June 2013 to the headquarters of the Kachin Independence Army (KIA), during which they delivered a Christian cross and a statue of Buddha as signs of peace. In April 2014, they traveled to Chin State on a humanitarian relief mission, taking pictures at the Burma-India border, a crossing that they stated immigration officers had approved. Nearly two years after their interfaith trip, the Buddhist nationalist group Ma Ba Tha began pressuring the Burmese government to detain them, alleging that both had promoted “inter-religious mating,” insulted Buddhism, and collaborated with the KIA.

The two were arrested in July 2015. After a six-month trial, both were convicted under article 13(1) of the since-repealed Immigration (Emergency Provisions) Act for allegedly crossing the Burma-India border, and sentenced to two years in prison. On April 8, 2016, the day on which the government amnestied 199 prisoners, both advocates were charged with violating article 17(1) of the Unlawful Associations Act due to their 2013 visit to Kachin State, for which they were convicted and sentenced to two additional years in prison with hard labor.

Despite the repeal of the Emergency Provisions Act under which Zaw Zaw Latt and Pwint Phyu Latt were initially sentenced, neither have been released nor had their sentences reduced.



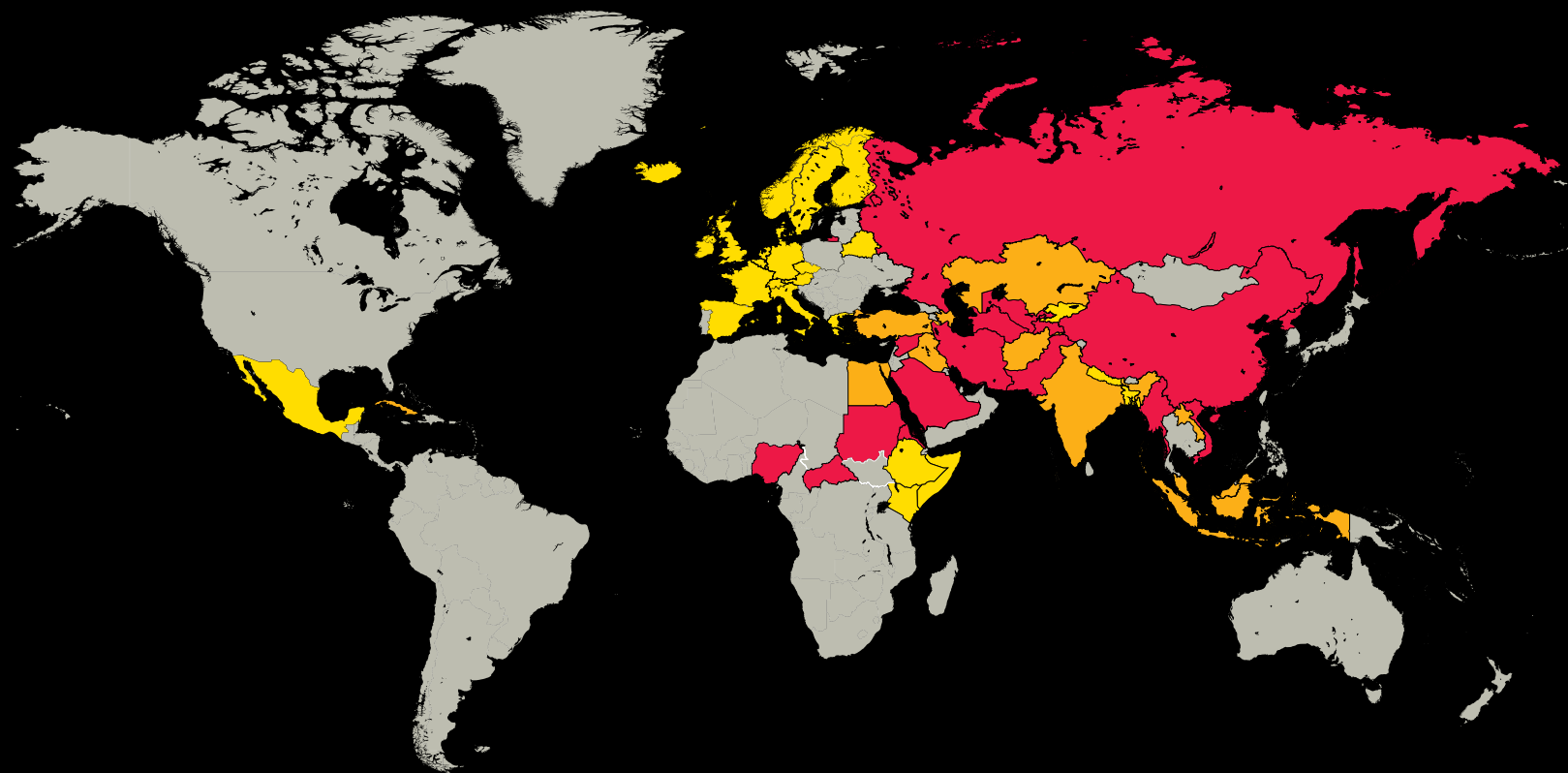
For more information on Burma, see p. 22. For more information on Vice Chairman Daniel Mark, see p. 215.











■ **TIER 1 CPC RECOMMENDATIONS**

Burma,\* Central African Republic,  
China,\* Eritrea,\* Iran,\* Nigeria,  
North Korea,\* Pakistan, Russia,  
Saudi Arabia,\* Sudan,\* Syria, Tajikistan,\*  
Turkmenistan,\* Uzbekistan,\* Vietnam

■ **TIER 2 COUNTRIES**

Afghanistan, Azerbaijan, Bahrain, Cuba,  
Egypt, India, Indonesia, Iraq, Kazakhstan,  
Laos, Malaysia, Turkey

■ **OTHER COUNTRIES AND REGIONS MONITORED**

Bangladesh, Belarus, Ethiopia, Kenya,  
Kyrgyzstan, Mexico, Nepal, Somalia,  
Western Europe

\*Designated as CPCs by the State Department on October 31, 2016



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