

# THE GLOBAL CRISIS OF RELIGIOUS FREEDOM

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## HEARING

BEFORE THE

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

OF THE

COMMITTEE ON FOREIGN AFFAIRS  
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

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# **THE GLOBAL CRISIS OF RELIGIOUS FREEDOM**

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**TUESDAY, OCTOBER 27, 2015**

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

The subcommittee met, pursuant to notice, at 12:30 p.m., in room 2172 Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The subcommittee will come to order, and good afternoon to everyone.

The world is experiencing an unprecedented crisis of international religious freedom, a crisis that has and continues to create hundreds of millions of victims, a crisis that undermines liberty, prosperity, and peace, a crisis that poses a direct challenge to the U.S. interests in the Middle East, Central and East Asia, Russia, China and sub-Saharan Africa, to name just a few.

In large parts of the world this fundamental freedom is constantly and brutally under siege. The worldwide erosion of respect for this fundamental freedom is the cause of widespread human suffering, grave injustices, refugee flows and significant threats to peace.

This Congress has heard the cries of Iraqi and Syrian Christians who face the threat of extinction, slavery, and death.

We have heard about the plight that Rohingya Muslims who face attacks and such unimaginable discrimination from hardline Buddhist groups that many choose slavery elsewhere than life in Burma.

We have heard about the persecution faced by Chinese Christians, Tibetan Buddhists, Uyghur Muslims and Falun Gong at the hands of the Communist Party, suspicious of organized religion.

Many of us on this subcommittee have seen first-hand the religious dividing lines in sub-Saharan Africa that are the cause of so much death and destruction, especially by groups like al-Shabaab and Boko Haram.

In a world where some people are willing to kill those whose beliefs are different from theirs, where anti-Semitism persists even in the most tolerant of places, and where authoritarian governments use strong religious faith as a potential threat to their legitimacy, it is more important than ever that the United States engage in robust religious freedom diplomacy, which uses all the tools avail-

able enshrined in the landmark International Religious Freedom Act of 1998.

The stakes are too high and the suffering too great to downplay religious freedom in U.S. foreign policy. But, unfortunately, we often hear from religious groups globally and from NGOs working on the issue that this administration has sidelined the promotion of religious freedom.

This criticism does not discount the exemplary work done by our men and women at the State Department and the efforts of Ambassador Saperstein himself.

They do important and substantive work but it seems too often that the issue is marginalized and isolated from issues of national security or economic development even though we know from academic research that countries with the highest levels of religious freedom experience more prosperity and less terrorism.

Religious persecution has catastrophic consequences for religious communities and for individual victims. But it also undermines the national security of the United States.

Without religious freedom, aspiring democracies will continue to face instability. Sustained economic growth will be more difficult to achieve.

Obstructions will remain to the advancement of the rights of women and girls and perhaps most urgent of all religious terrorism will continue to be nourished and exported.

The global religious freedom crisis will not disappear anytime soon. According to the nonpartisan Pew Research Center, 75 percent of the world's population lives in countries where severe religious persecution occurs regularly.

It has been almost 17 years since the passage of the International Religious Freedom Act of 1998. For the record, I chaired virtually every one of the hearings that led to its passage, and as we all know it was authored by Congressman Frank Wolf, a tremendous advocate for religious freedom.

Religious freedom diplomacy has developed under three administrations of both parties. Unfortunately, the grim global realities demonstrate that our Nation has had little effect on the rise of persecution and the decline of religious freedom and it is worth asking why.

Is it worth asking not only what the State Department is doing, but more importantly, what can be done better? Are new tools and new ideas needed to help U.S. religious freedom diplomacy address one of the great crises of the 21st century?

Does the International Religious Freedom Act of 1998 need to be upgraded to reflect 21st century realities? That is why I introduced the Frank Wolf International Religious Freedom Act of 2015.

This legislation named after the author, as I mentioned a moment ago, of the original IRF Act would, among other things, strengthen the role of the Ambassador-at-Large for International Religious Freedom and the International Religious Freedom office at State and give more tools to the administration to address the crisis we face.

The bill is roundly endorsed and supported by a broad diverse array of religious freedom, civil society, and diaspora organizations.

They acknowledge what too many policymakers and administrations, Republican and Democratic alike, have been unable to appreciate.

America's first freedom ought to be infused at every possible level into our foreign policy. Upgrading and strengthening U.S. international religious freedom policy and further integrating it into U.S. foreign policy, and national security strategy, will send the clear message that the U.S. will fight for the inherent dignity of every human being and against the global problems of persecution, religious extremism, and terrorism.

In so doing we can advance the best of our values while protecting vital national interests.

I would like to yield to Mr. Cicilline for any opening comments he might have.

Mr. CICILLINE. Thank you, Mr. Chairman, and I want to thank you and Ranking Member Bass for your leadership and for calling today's hearing on the global crisis of religious freedom to give us an opportunity to discuss the current state of religious freedoms throughout the world.

And while the hearing title suggests solely a focus on crises, it is my hope that we might also hear about examples of positive trends in policy development and successful efforts to open spaces for religious expression all across the world.

Spirituality and deeply held religious beliefs are central to the lives of billions of people in the world and the freedom to hold those beliefs without fear of persecution is essential for the respect of basic human rights.

I want to offer my appreciation to today's witness for agreeing to participate in this hearing including Ambassador David Saperstein from the United States State Department and Mr. Robert George, chairman of the U.S. Commission on International Religious Freedom.

I commend your dedication and commitment to ensuring religious freedom in the world as an extension of the ethos of the human rights of all people regardless of race, creed, sexual orientation, or political affiliation must be respected.

I look forward to hearing your perspectives on the status of displaced persons on the continent, the status of religious freedom in the world, and the impact it has had on the human rights of all people.

In a time when sectarian violence rages within and between various world religions and the repression of religious minorities persists, it is critical that we raise awareness of these challenges as well as offering continuous support to national, regional, and global institutions which seek to address these issues.

The infringement of religious beliefs and exercise goes beyond just a human rights violation. It poses a threat to national and regional peace and stability and creates conditions for marginalization and poverty within persecuted groups as well as so many other negative consequences on the individual and on society.

Whether it is the desecration of mosques, churches, or synagogues or the defamation of violent assaults against adherents to particular religious groups, it is critical to provide oversight and

forward-thinking policy in these matters to ensure that we can help to expand religious freedoms worldwide.

As a proud representative from the state of Rhode Island, a state founded by Roger Williams in pursuit of religious liberty, this is an issue particularly important to me and to my constituents.

And I know that I stand with all of my colleagues in Congress in our commitment to uphold the religious freedoms and to expand global human rights and I look forward to the testimony of our witnesses today, and I yield back, Mr. Chairman.

Mr. SMITH. Thank you very much.

I would like to now yield to the chairman of the Subcommittee on Europe, Eurasia, and Emerging Threats, Dana Rohrabacher.

Mr. ROHRABACHER. Thank you very much and thank you, Mr. Chairman, for your stalwart efforts over the years on the issues of human rights but particularly on this particular human right, which is the right to worship God or not worship God according to one's own conscience.

And you have played such an important role. You personally have saved thousands of lives and I want to thank you for that and people ought to know that our activism here has an impact overseas for people who are living in a shadow of tyranny and repression and murder.

We know that suppression of religious freedom has been—always been part of the human condition.

We know that the history of Christians, even 1,000 years ago we had Christian armies slaughtering each other or going into separate countries and slaughtering the Huguenots for killing the Catholics and et cetera, et cetera.

That, I am pleased to say, thanks to people like you in the United States and in the Western world is something we have put behind us now and it is important that America needs to lead the way on issues like this.

And today, of course we face an enormous challenge and that challenge is that Christians in the Middle East in particular are being targeted for extinction.

They are targeted for genocide and we know that during the Communist era that the Communists who we help defeat wanted an atheist dictatorship and are responsible for murdering millions of people, but of all faiths, I might add.

But today, we have the threat of our generation is to cope with the rise of radical Islamic terrorism which is targeting Christians in the Middle East for extinction.

Unless we act, those people who represent a culture, a large population of people who worship God, will be wiped out. Genocide will be successful.

Now, we have some challenges with Muslims, like in Burma and elsewhere. Muslims are being denied their rights. We need to acknowledge that.

But we need to tell the Muslim world without hesitation that this fight with Christianity to the point that they are exterminating Christians in Syria and elsewhere, the church—when Morsi was in charge there in Egypt they were burning down Catholic churches—this has got to stop. I have a piece of legislation I would like to work with you, Mr. Chairman, on. I have one that is a sense



of the House that the Christian community in the Middle East are targets of genocide and that our immigration policy from that part of the world should put anyone who is a target of genocide at the top of the list of priorities of being admitted to the United States.

And that's the sense of the House. I am currently working on a resolution that would actually change the basic law—immigration law to reflect that priority.

If people are targeted for extermination, targeted for genocide, we should make them a priority to offer the safe haven of the United States, which we are so proud of, that we have been the shining light and the refuge to the world.

Thank you very much, Mr. Chairman.

Mr. SMITH. Thank you very much, Chairman Rohrabacher, and just for the record, thank you for all of your leadership going back to your days as a speechwriter for Ronald Reagan.

Just last week, we met with Prime Minister Sharif from Pakistan and I followed you, but you led very, very effectively, raising issues of religious persecution and blasphemy laws and the like and I want to thank you for that leadership.

I would like to now yield to Dan Donovan, who is the former district attorney for Staten Island and now a Member of Congress and a welcome member of this subcommittee.

Mr. DONOVAN. Thank you very much, Mr. Chairman, and to show you how smart my mother and father raised me I am not going to speak after somebody who wrote speeches for President Reagan.

I am very interested in hearing the witnesses' testimony so I will yield my time until further into the proceedings.

Thank you, sir.

Mr. SMITH. Thank you, Mr. Donovan.

I would like to now welcome our very distinguished first witness, Rabbi David Saperstein, who is Ambassador-at-Large for International Religious Freedom. He was confirmed by the Senate on December 12, 2014, sworn in, and assumed his duties on January 6 of this year.

Ambassador Saperstein previously served for 40 years as the director of the Religious Action Center of Reform Judaism, a rabbi and an attorney for 35 years.

Rabbi Saperstein taught seminars in First Amendment church-state law and in Jewish Law at Georgetown University Law Center. He has served on the boards of numerous national organizations including the NAACP.

In 1999, Ambassador Saperstein served as the first chair of the U.S. Commission on International Religious Freedom and he has been a great friend of this subcommittee on human rights, to this chairman and many of us in the House and Senate and I want to thank him for his leadership and yield the floor to him.

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

Ambassador SAPERSTEIN. Well, thank you, Mr. Chairman.

I am honored to be here, Mr. Cicilline, Mr. Donovan, Mr. Rohrabacher, and my compliments to Ranking Member Bass for the extraordinary work she has done as well.

I am honored to appear before you today on International Religious Freedom Day and the 17th anniversary of the IRF Act here.

Mr. Chairman, you did play—and everyone should know it—an extraordinary role in the passage of that and in urging its effective implementation and empowering the effective implementation in all these years.

It has been an honor to have had the opportunity to work with you over these years. It is a connection I cherish deeply. The law has had a significant impact on the way religious freedom is viewed, not only in the United States but around the world.

In far too many countries people face the kind of daunting, alarming, growing challenges you have all so articulately described.

In countries with proud traditions of multi-faith cooperation, often for centuries, where positive coexistence was once the norm, we witness growing numbers of religious minorities being driven out of their historic homeland and in too many countries prisoners of conscience suffer cruel punishment and torture for their religious beliefs and practices.

Now, in our report this year there are several key trends I would like to lift up and highlight. First is the abhorrent acts of terror committed by those who falsely claim the mantle of religion to justify their wanton destruction. The action of non-state actors in this regard is the fastest growing challenge to religious freedom worldwide.

In Iraq and Syria, ISIL has sought to eliminate anyone assessed as deviating from its own violent and destructive interpretation of Islam.

The group has displaced over 1 million from their homes based solely on their religion or opposition to ISIL's interpretations, be they Sunni or Shi'a. Shi'a were targeted by ISIL. Christians and Yazidis were also targeted by ISIL or anyone of the many other ethno-religious groups for whom Iraq and Syria are home and they are suffering greatly—the Turkmens, Sabeian Mandaean, the Kaka'is, the Shabaks and the others. Their victim stories are deeply troubling.

When I was in Iraq, the first trip that I took as the Ambassador-at-Large for International Religious Freedom, I heard the story of an 18-year-old Yazidi woman from Mosul whom ISIL fighters kidnapped and raped.

I heard this from members of her village, her family. She was then taken to Kocho village near Sinjar Mountain where the fighters separated out the village's men and boys over 12 years old, and as she watched helplessly, lined them up next to shallow ditches and shot them all. After a while, her cell phone stopped working.

We do not know this poor woman's ultimate fate. What we do know is that that same story has replayed itself countless numbers of times with other victims.

We talk about the numbers, but every one of those numbers is a human being. Every one of those numbers represents the most horrific suffering that we can imagine.

We continue to see the negative impacts, secondly, of blasphemy and apostasy laws in countries including Pakistan, Saudi Arabia, Egypt, and Sudan.

Such laws have been used in some countries as a pretext to justify violence in the name of religion, which can lead to false claims of blasphemy, creating an atmosphere of impunity for those in social hostilities who choose to resort to violence.

Repressive governments routinely subject their citizens, third, to violence, detention, discrimination, undue surveillance for simply exercising their faith or identifying with the religious community. We see this dramatized by those countless number of prisoners of conscience and we are deeply committed to seeing them free everywhere in the world.

In China, members of unregistered religious and spiritual groups, their advocates including Falun Gong, the house churches, continue to face widespread harassment, detention and imprisonment.

This reality has only been exacerbated by the growing crackdown on human rights lawyers in China including those seeking to work within China's legal system to enhance religious freedom such as human rights lawyer Zhang Kai who was arrested just before he and a group of other religious and human rights activists were to meet with me on my trip.

Many governments have also used the guise of confronting terrorism or violent extremism to justify repression of religious groups, nonviolent religious activities or imposition of broad restrictions on religious life.

Chinese officials have increased controls on Uyghur Muslims' peaceful religious expression and practice, including reported instances of restricting the ability to fast during Ramadan, banning beards and head scarves. Tibetan Buddhists face government interference under the cause of combatting separatism.

Societal violence and discrimination continue to shape the government's vital role in protecting religious freedom.

Even though these are not actions facilitated by the government, governments are responsible under international law to take appropriate action to ameliorate the conditions that lead to such violence and protect harassed minority communities.

And as you indicated, even in Europe many governments are struggling to cope with the aftermath of terror attacks such as those in France, Belgium, and Denmark, and at the same time hundreds of thousands of Syrians, Afghans, Iraqis, others have fled into Europe in the past months.

We urge governments to uphold their obligations to protect the human rights of refugees and migrants in their countries and take steps to prevent them from facing official harassment and discrimination on account of their religion.

We are deeply inspired by the works of countless religious communities, civil society groups, and individuals around the world who hold their governments accountable for international commitments to protect freedom of religion and belief.

This remains the driving force behind our work. During my confirmation last year, I described several key goals. We have made

progress on many of them in no small measure thanks to the support on Capitol Hill.

First, we have been working successfully to build partnerships with other nations to advance religious freedom together since these global challenges require a global response.

With the leadership of my good friend, Canadian Ambassador for Religious Freedom Bennett, we have forged the International Governmental Contact Group on Freedom of Religion or Belief, drawing from every hemisphere, from countries with different majority religious traditions to bring together nations, to devise strategies to promote and protect religious freedom for all.

And this parallels parliamentary network help, which our U.S. Commission on International Religious Freedom has played such an important role in helping to shape.

Second, we have strengthened significantly our programmatic work, an often overlooked but vital area of our work. Through the Human Rights and Democracy Fund and other funding sources, the State Department supports an ever wider range of programs that have a direct impact on international religious freedom, countering intolerance, combatting anti-Semitism, increasing public awareness, training civil society and government officials, strengthening the capacity of religious leaders to promote interfaith cooperation, empowering religious minorities to participate in political life, and combatting religiously motivated discrimination and violence.

Third, we have strengthened our focus on religious minority communities under siege. The Obama administration has appointed Knox Thames as our Special Advisor for Religious Minorities in the Near East and South/Central Asia.

We have spoken out frequently about what it would take to allow minority communities displaced by violence to return home, and Special Advisor Thames is actively focusing on coordinating with government-wide efforts in this regard.

Fourth, we are building our office's capacity to advance religious freedom worldwide. The Department of State has significantly increased the staffing of our office, allowing us to expand ongoing work and devote staff to—not just for geographical focus to monitor countries across the globe but to focus on thematic issues like the relationship between religious freedom, countering violent extremism, the negative effects of blasphemy and apostasy laws, intersection of women's equality and religious freedom.

This has helped us engage every segment of the State Department and of the administration and integrated religious freedom into our Nation's statecraft in areas far beyond just religious freedom itself.

And fifth, we have maintained a very close cooperation with the U.S. Commission on International Religious Freedom represented here by its chair. He served a very exemplary role as chair prior to this.

Professor Robert George is one of this country's great public intellectuals and it is always an honor and a pleasure to work closely with him.

In conclusion, Mr. Chairman, we continue to face these daunting, alarming, growing challenges. We are building new partnerships,

investing in new programs, increasing our staff, coordinating with USCIRF.

We face this task with continued vigor and resolve to ensure that everyone has a right to live in accordance with the dictates of his or her conscience.

I thank you for the opportunity to testify and I look forward to your questions.

[The prepared statement of Ambassador Saperstein follows:]

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

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

**October 27, 2015**

Chairman Smith, Ranking Member Bass, and other Members, thank you for this hearing to discuss international religious freedom. I am honored by this opportunity to appear before you today, on International Religious Freedom Day and the 17<sup>th</sup> anniversary of the signing of the International Religious Freedom Act of 1998 (IRF Act). Mr. Chairman, you played a key role in the passage of that important law, and it was an honor to have had an opportunity to work with you during the drafting of the law.

The law has had a significant impact on the way religious freedom is viewed not only in the United States but around the world. Unfortunately, we still face daunting, alarming, and growing challenges. I look forward to working closely with this committee to protect religious minorities and to promote religious freedom, including through tools such as our annual Report.

During my tenure as Ambassador at Large, I've noticed certain enduring truths. In many countries, religious freedom flourishes. People are free to choose their faith, change their faith, speak about their faith to others, teach their faith to their children, dissent from religion, build places of worship, and worship alone or in fellowship with others.

In such societies, denominations and faith groups organize as they see fit. Interfaith cooperation flourishes. Religious communities contribute significantly to the social welfare and serve as a moral compass to their nations.

Yet in far too many countries people face daunting, alarming, and growing challenges because of their beliefs. In countries with proud traditions of multi-

faith cooperation where positive coexistence was once the norm, we have witnessed growing numbers of religious minorities being driven out of their historic homelands. And in too many countries, prisoners of conscience suffer cruel punishment for their religious beliefs and practices.

There are several key trends from this year's report that I'd like to highlight.

The abhorrent acts of terror committed by those who falsely claim the mantle of religion to justify their wanton destruction are the fastest growing challenge to religious freedom worldwide.

In Iraq and Syria, ISIL has sought to eliminate anyone assessed as deviating from its own violent and destructive interpretation of Islam. The group has displaced many hundreds of thousands from their homes based solely on their religion or opposition to ISIL's rule, be they Sunni or Shia, Christian or Yezidi, or any one of the many other ethno-religious groups for whom Iraq and Syria are home—Turkmen, Sabean Mandaean, Kaka'is, Shabak, and others. ~~—be they Christians, Shia, Yezidis, Turkmen, Shabak, Mandaeans, Kaka'is, or others.~~

ISIL's toxic ideology and violence threatens these groups' ability to live in the lands of their ancestors and their centuries old contributions to the rich heritage of what was once an incredibly diverse region. We have all seen the shocking reports about minorities being killed, kidnapped, enslaved, or forced to convert, and women and girls forced to marry ISIL soldiers or die. ISIL regularly presents dire ultimatums to those it perceives as "others": conversion, stiff taxes, forced displacement, or death.

The victims' stories are very troubling. I heard the story of an 18 year-old Yezidi woman from Mosul, whom ISIL fighters kidnapped and raped. She was then taken to Kocho, a village near Sinjar Mountain, where the fighters separated out the village's men and boys over twelve years old and, as she watched helplessly, lined them up next to shallow ditches and shot them all. After a time, she stopped calling. We do not know this poor woman's ultimate fate, but the same story has replayed itself countless times with other victims.

Similarly, Boko Haram has killed thousands in both indiscriminate violence and deliberate attacks on Christians and Muslims who oppose its radical ideology. It has subjected the peoples of Nigeria, Cameroon, Chad, and Niger to unspeakable acts of terror, sexual violence, abductions, and fatal attacks on places of worship.

We continue to see the negative impact of blasphemy and apostasy laws in countries including Pakistan, Saudi Arabia, Egypt, and Sudan, as well as the impact from laws that purport to protect religious sentiments from offense. Such laws have been used in some countries as a pretext to justify violence in the name of religion, which can lead to false claims of blasphemy and create an atmosphere of impunity for those resorting to violence. The United States uniformly opposes blasphemy and apostasy laws, which are frequently used to oppress those whose religious beliefs happen to differ from the majority. Such laws are inconsistent with international human rights and fundamental freedoms, and we will continue to call for their universal repeal.

Repressive governments routinely subject their citizens to violence, detention, discrimination, and undue surveillance, for simply exercising their faith or identifying with a religious community. We see this dramatized by the plight of countless numbers of prisoners of conscience. We remain deeply committed to seeing such individuals freed everywhere in the world.

In my travels to Vietnam, I saw firsthand how religious groups are forced to undergo onerous and arbitrary registration processes to legally operate. As Vietnam considers amending its religion laws, we stand with the country's religious communities in calling for the easing of such restrictions and would look forward to any changes the government officials enact that would make it easier for people to practice their faith.

And in Burma, Ambassador Andrew Bennett, Canada's first Ambassador for Religious Freedom, and I spoke out forcefully together against a series of discriminatory laws restricting population control, interfaith marriage, religious conversion, and monogamy. We remain deeply concerned by the continued persecution of members of the Rohingya population. We have urged the government to provide full access to humanitarian organizations serving all the people of Rakhine State, to allow freedom of movement, security, and a nondiscriminatory path to citizenship for the Rohingya population, many of whom have lived in Burma for generations.

Many governments have also used the guise of confronting terrorism or violent extremism to justify repression of religious groups' nonviolent religious activities, or imposition of broad restrictions on religious life. Russia continues to use vaguely formulated anti-extremism laws to justify arrests, raids on homes and places of worship, and the confiscation or banning of religious literature. The Government of Tajikistan bans people under age of 18 from participating in any



public religious activities, supposedly on the ground that exposure to religion will lead youths to violence, and supports a 2004 religious decision prohibiting Hanafi Sunni women's worship in mosques. Chinese officials have increased controls on Uighur Muslims' peaceful religious expression and practice, including reported instances of banning beards and headscarves. Tibetan Buddhists faced government interference in the selection of reincarnate lamas, and monasteries faced increased government management and interference as part of measures to "combat separatism."

The situation in China remains complicated. During my visit in August, I found that despite widespread, continuing government abuses and restrictions, many places of worship were nonetheless full and flourishing. In areas of the country where the government's hand was lighter, faith-based social service and welfare agencies operating homeless shelters, orphanages, soup kitchens, made highly positive contributions to the wellbeing of their society.

But much more often, restrictive policies still stifled religious life. Members of unregistered religious and spiritual groups and their advocates, including the Falun Gong and house churches, continue to face harassment, detention, and imprisonment. This reality has only been exacerbated by the growing crackdown on human rights lawyers in China, including those seeking to work within China's legal system to enhance religious freedom. This includes Zhang Kai, a peaceful, respected, Christian human rights lawyer who was detained just prior to a scheduled meeting with me and whose whereabouts remain unknown.

Societal violence and discrimination continue shape the government's vital role in protecting religious freedom. Even though these are not actions facilitated by the government, governments must take appropriate action to ameliorate the conditions that lead to such violence and protect harassed minority communities. In Mexico, human rights defenders, including pastors, priests, and other religious leaders, often face great risk for their humanitarian work due to threats by organized criminals and narcotics-traffickers.

In Europe, many governments are struggling to cope with the aftermath of terror attacks such as those in France, Belgium, and Denmark, along with increased anti-Semitism and anti-Muslim sentiment. At the same time, hundreds of thousands of Syrians, Afghans, Iraqis and others have fled into Europe in the past few months. We urge governments to uphold their obligations to protect the human rights of refugees and migrants in their countries and take steps to prevent them from facing official harassment or discrimination on account of their religion.

Despite the many challenges, we also see governments and individuals working to improve their communities and societies. Following the February terror attacks in Copenhagen, thousands of people of different faiths gathered in Denmark and formed a human ring outside the synagogue where the murder occurred. In September of 2014, Kyrgyzstan's constitutional court ruled part of the country's problematic religion law unconstitutional, which we hope will ease registration requirements for minority religious groups and enable members to engage in peaceful religious activities more freely.

After years of growing religious tensions in Sri Lanka exacerbated by hardline ethnic Buddhist groups, a new government has taken office and staked out a much more tolerant view of religious diversity. Since that time, some of these tensions have noticeably eased. In Sudan, despite severe restrictions on religious freedom, three court rulings over the past 18 months represented steps in a positive direction, including the release of Meriam Ibrahim and the two Evangelical pastors.

We are deeply inspired by the work of countless religious communities, civil society groups, and individuals around the world who hold their governments accountable for international commitments to protect freedom of religious and belief. We dedicate our work to their struggle and continue to fight for a world in which every individual is free to live according to his or her conscience.

This remains the driving force behind our work. During my confirmation hearing late last year, I described several key goals that I would pursue during my time in office. Since that time, we have made progress on every one of those goals.

1. We have been working to build partnerships with other nations to advance religious freedom together, since these global challenges require a global response. Thanks to the good work of my Canadian friend Ambassador Bennett, we have forged the Inter-Governmental Contact Group on Freedom of Religion or Belief, which brings together like-minded nations to devise strategies to promote and protect religious freedom for all, to look for areas of coordination and cooperation, and to develop reinforcing strategies and tactics. The parallel creation of a parliamentary network brings together legislators from around the world, from different political and religious backgrounds. These initiatives add to our tools for expanding this fundamental freedom to everyone.

2. We have strengthened our programmatic work. In an often overlooked but vital area of our work, through the *Human Rights and Democracy Fund* and other funding sources, the Department supports an ever wider range of programs that have a direct impact on international religious freedom. They counter intolerance, combat anti-Semitism, increase public awareness, train civil society and government officials, strengthen the capacity of religious leaders to promote interfaith cooperation, empower religious minorities to participate in political life, and help combat religiously motivated discrimination and violence.

Thanks to the IRF Act and our persistent efforts over the past 17 years, more and more like-minded countries are funding programs focused on religious freedom, reinforcing our work and helping us reach countries where they may have greater influence. The work of our partners and the synergy of other U.S. democracy and rule of law programs also have a multiplier effect on our ability to promote international religious freedom.

3. We have strengthened our focus on religious minority communities under siege. The Obama Administration has appointed Knox Thames as our Special Advisor for Religious Minorities in the Near East and South and Central Asia. We have spoken out frequently about what it would take to allow the minority communities displaced by violence in those regions to return home, and Special Advisor Thames is focusing on coordinating with government-wide efforts in this regard.

4. We are building our office's capacity to advance religious freedom worldwide. The Department of State has significantly increased the staffing of our office, allowing us to expand ongoing work and devote staff to thematic issues like the relationship between religious freedom and countering violent extremism, the negative effects of blasphemy and apostasy laws, and the intersection of women's equality and religious freedom. Our effort to integrate the advancement of religious freedom into the overall foreign policy was furthered through collaboration with Special Representative Shaun Casey and our Office of Religion and Global Affairs. This has helped us engage every segment of the State Department and integrate religious freedom into our nation's statecraft in areas ranging from counter-terrorism, conflict stability efforts, economic development, and human rights.

5. We have maintained close coordination with the U.S. Commission on International Religious Freedom (USCIRF) and continue to deepen our collaborative efforts.

In conclusion, Mr. Chairman, we continue to face daunting, alarming, and growing challenges to religious freedom around the world. To address these challenges, we are building new partnerships, investing in new programs, increasing our staff, and continuing to coordinate with USCIRF. We face this task with continued vigor and resolve to ensure that everyone has the right to live according to the dictates of their conscience.

Thank you for the opportunity to testify today, and I look forward to your questions.

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Mr. SMITH. Ambassador Saperstein, thank you very much for your testimony, and because we do have votes that may come as early as 1:30 to 1:45, I will lay out my questions and ask you to answer them and ask others so that we don't—we can get to Professor George in a timely fashion.

Just a couple of questions to start off with. There is a perception, as you know, among many—the 2013 GAO report cited this concern as well—that religious freedom is not a high priority for this administration.

Now, in a revelation of priorities, as a matter of fact, Robbie George did testify a couple of times before our subcommittee at one point when—I mean, you are a breath of fresh air. We are so glad you sit in this very strategic position.

But the problem has been for almost 3 years nobody sat in your position and CPC designations were not forthcoming even though the act prescribed an annual designation.

They simply didn't happen and they did not happen so a lot of countries that should have been put on notice and held to account were not.

And I am wondering in the system how—I mean, do you meet with Secretary Kerry? Does he take your phone calls? Is there an integration of religious freedom and religious persecution issues in all aspects?

Does DoD do the same thing? Certainly, whether it be AFRICOM or any of our other efforts, I mean, many of our soldiers and service members are as much diplomats as they are warriors and I am wondering how integrated that is with your efforts.

I know you have travelled—when you go to a country you have an impact. But all the rest of the government it is a whole of government approach, it would seem to me.

Can you speak to that issue of whether or not it is? Some of the designations that USCIRF has—and I and others have called for repeatedly are Vietnam and Pakistan.

We just met, as I mentioned, with the Prime Minister of Pakistan a few days ago talking about blasphemy laws. I remember when the minister was gunned down in cold blood on his motorcycle some years ago, Shahbaz Bhatti.

I was with you. We were in mourning over his loss. Pakistan has serious problems and Vietnam got an upgrade in order to get WTO and to get MFN or PNTR as it is now called. I opposed it. It said let the record speak for itself.

I went to Vietnam, met with a lot of people. A lot of those that I met with are now in jail now, again, like Father Ly, who unfortunately had another show trial, as you know so well.

I mean, Vietnam ought to be a CPC. What we do in terms of implementing and sanctioning is purely up to the administration.

But the designation itself ought to be done without any other consideration of a foreign policy. And maybe if you would speak to the pattern. I wrote the Trafficking Victims Protection Act. We had a hearing in this subcommittee on November 4th.

John Shattuck, who was the Assistant Secretary back in the Clinton administration for human rights, testified right where you sit against Frank Wolf's bill, against it on the record. You know, it is baffling to look back—he was against it.

I have often thought there are a whole lot of people who still haven't said this is something we need to work on within State this patterns suggests that.

On the trafficking bill, three countries at least—Malaysia, Cuba, and China didn't get Tier 3, egregious violator of trafficking, even though the record is absolutely clear. Malaysia was because of the TPP, Cuba because of our rapprochement that we have engaged in, and China because we don't want to offend China, which is ludicrous.

On the child abduction law that I wrote, the Sean and David Goldman International Child Abduction Prevention and Return Act, Japan mysteriously dropped off even though there are 50 cases because of "other considerations."

And I am wondering from your perch, and I don't want to get you fired, but do you see that there is a reluctance to really engage these issues? And Vietnam jumps off the page. They need our help.

You know, China threatens them as never before and it seems that there is an effort to try to build bridges there. Calling them out on their persecutions seems to me to be a very important thing to do.

So this pattern troubles me when it comes to these fundamental human rights issues and the clear points. Again, even on China, as you know, China is in a race to the bottom with North Korea when it comes to human rights.

We just issued—I chair the Congressional-Executive Commission on China—we just put out our annual report on October 8th. It is chilling horrifying reading on every human rights point including religious persecution.

Even the patriotic church and the Three-Self Movement are being attacked now and they were supposed to be protected by the government.

So if you could speak to some of those issues I would appreciate it.

Ambassador SAPERSTEIN. All right. Let me take a run at some of these as quickly as I can.

First, the integration issue. It used to be a fight to talk with the government over the last 15 years about how connected religious freedom was with so many other concerns we have had. I was really heartened when I arrived to find it is no longer a fight here.

It is absolutely clear to everyone you cannot deal with combating violent extremism, with countering terrorism, if you can have sectarian violence in a country, if you have large numbers of people shut out of participation in a country because of what their religious beliefs are.

It is absolutely clear you cannot build democracies, you cannot have effective conflict resolution when you have groups of people who have to choose between abiding by the laws of the country and living out their lives in accordance with their religious conscience where, again, they don't feel they can affirm their lives in that country by following the system and when that happens they are filled with the kind of frustration and despair that makes them fertile field for extremists.

This is widely understood now in the State Department. In the work of my colleague, Shaun Casey, on the religion and global af-

fairs effort that virtually doubles the number of people at the State Department working on the broader religious issues here, I have a staff of, depending on how you count them, 20, 25 people with part-time people who help write the report, even a little larger than that. Shaun has a staff that size—together it gives us a formidable ability to really continue to work closely with all the different arms.

Almost all of them are really appreciative. Not just open but appreciative and they recognize you have to deal with these issues.

It is a different day today. Is it still clumsy for many people? Yes. These are very hard issues to deal with in an effective manner.

I also have to say that I have been struck by, in every country I have been to, and I presume it has been your experience as well in your travels, how robust is the engagement of the Embassies on an ongoing basis with the religious communities.

When they pulled together their religious leaders they were greeted with open arms. They were greeted with, you know, people that they really knew and knew them. I think that is one of the great contributions with what you did with the report.

Think about it. Every year 193 Embassies or councils have to assign staff to draft the report. They have to be in touch with beleaguered religious community or oppressed religious community.

When I travelled in 2000 here that was the most common refrain I had—we now have somebody to talk to, we never had anyone to talk to, we know someone in the Embassy that we can talk to.

Over the years, well over 1,000 Foreign Service Officers have had the immerse themselves in this kind of work. They are all over the place now.

So we find there is robust interaction in the Embassies, far beyond what I imagined and I was aware of, before I took this position. I find that to be really heartening as well here.

Let me move on to your question about access and influence. I was given a choice of several different variants of how this might be arranged.

I consulted with some very good people, Congressman Wolf, a little bit with yourself, with Tom Farr, others on this. They promised me before I took this job I would have as much access as I want.

I remember Representative Fortenberry asking the Secretary of State this question and he said, you know, I had to work for months to work it out for him to come on board—do you think I did that where he is not going to have access.

There has not been a time that I have reached out to the Secretary's staff, to the Secretary, to the other top staff where I think within hours I have gotten a response, almost always appreciating—affirming what I asked for and providing what I requested.

Considering how busy they are, the fact that these responses come at the highest levels quickly and so encouragingly and supportive to me kind of speaks volumes about that.

They really have lived up to that promise. There is not a single time that I have been shut out where I wanted access.

I have had the time both formally and often step-asides with the Secretary where he says what is going on here—bring me up to

speed here—what problems do you have here where I have been able to share those with him.

So I have been very heartened and encouraged by that. I agree with you about the CPCs. I was clear about that in my testimony.

I am pushing very hard to revamp the way that we do this. I do not think we are going to have this problem in the future here and I think within a short period of time that will become clear.

Let me get into some of the individual countries. It is really hard for me on the wonderful work on trafficking which, as you know, in my prior life here the coalition met on this bill, met in my offices here.

You know how strongly I feel about the bill and how closely we worked on it and the same with your child abduction law. It is really not appropriate for me to answer some of these other questions.

Obviously, everyone in government should always abide by what the law says in terms of implementing these—

Mr. SMITH. If you could yield for 1 second. The concern is that there is a pattern. With Malaysia, it is the TPP and there is no way that Malaysia could be a Tier 3 country and go forward with the TPP.

Cuba, we are making nice in Cuba even though you read the trafficking narrative in the TIP Report and it is inescapable. It is a Tier 3 country, it is horrible, and yet they got a country—

Ambassador SAPERSTEIN. I mean, I need to leave it, Mr. Chairman—

Mr. SMITH. So Vietnam ought to be—

Ambassador SAPERSTEIN. I need to leave it to you with your great experience and this subcommittee with its great experience to make the judgements about patterns.

May I just offer one comment about it, however? It is absolutely true there are problems that emerge over the years. They come in ebbs and flows.

They change over the years where things are not as implemented as effectively as we might hope. They remain the exceptions.

We deal year after year with scores and scores of countries, some of whom we have deep relations with, we depend on for important interests, where we call it as it was intended to be. We name those countries and you focus on the times that it has gone off base. I understand that.

I would just offer that in the main, all these things are working and they are evoking change here and, I mean, I remember in the very first year of the trafficking report when Israel was named, many people said “a close ally,” “shouldn’t do,” and then within a year they had passed a series of laws mainly that immediately took them out of it.

Mr. SMITH. It was South Korea.

Ambassador SAPERSTEIN. You and I could name a score of times off the top of our heads where this really has worked. So I leave it to you to draw the question about the problematic patterns.

But I think we ought to really celebrate also the patterns that show enormous impact that these pieces of legislation you have helped draft have had to beleaguered people all across the globe.



Let me just say a word about particularly Vietnam here. I have found over the years that there are often not things that are right or wrong but different truths that are in tension with each other.

So your picture of Vietnam I cannot argue with. You know from our report I agree with everything that you are saying.

There are other parts of the picture, however, that I saw when I was there and we heard from different religious leaders, and as you know I met with Father Ly in prison.

He asked me to send his warmest regards to you and to express how much he appreciates the staunch support that you have given him. We visited other religious prisoners as well.

If you visit Vietnam today and compare it to when I was there last, a number of years ago, or to people who really know the country well and your own visits 15 years ago, wherever I travelled, the churches are bursting at the seams in small rural areas of the country, in the cities.

The churches are filled there. There is a vibrancy and power, often filled with young families, that is truly inspiring against all of these restrictions, in the face of all of these restrictions.

They at least allow for this kind of life to happen and we have found that these restrictions that you have talked about are imposed very unevenly around the country.

There are many areas where the hand of government is much lighter and in those areas the religious communities are organizing. They contribute to the society, are able to provide social services. There are extraordinary things that are going on.

But you go to another city and they crack down all the time and throw in jail the unregistered churches. In another city they turned a blind eye so long as it is not flagrant.

That wouldn't have happened 15 years ago. There was no room, no space for any of that. So we are focused right now on using TPP where there has been an openness for improvements on human rights in several areas, on labor law, on disability rights, and other things that we have been engaged with Vietnam on, where TPP has been a lever to get them to sign international accords and treaties they have never signed before to reform some of the rule of law issues that we have been pushing on for years.

We are pushing very hard on religious freedom. I hope everyone knows that Vietnam is now undertaking a complete revision of their religion law.

On the one hand, there are parts of it that are positive here. It would add provisions allowing for religious training facilities, the explicit right for religious institutions to raise money for the first time.

It would permit clergy to organize religious ceremonies more extensively than it does. It gives prisoners religious rights that it never gave before.

On the other hand, in the main, it didn't make the reforms that you have been calling for and we have been calling for, the same regulatory system that controls every aspect of life—who can go to seminary, what they can teach, who can be appointed as a leader of a church.

If you don't have the right to appoint your own clergy, how can you really have religious freedom? I hear the requirement to report

everything you are planning to do for a year with every deviance from it having to be approved by the government.

We have offered a number of suggestions of how to push that. We have done that in consultation with the religious leadership of Vietnam.

We really hope that they will make improvements that will change it from permission to notification. If they want to keep some awareness and control, at least let the religious communities notify them what they are doing and move ahead.

They ought to have a restriction that says if they ask for approval for something, if it doesn't come by the time the law says, that it becomes a stamp of approval.

Otherwise, people wait for years and years for permission to do things, and to ease the restrictions on the unregistered churches so long as they don't violate some other kind of law.

So we are pushing very hard. One of the big problems is some of the restrictions are written so vaguely it allows the government to crack down on whatever it wants to do. You can't have a legal system that does that.

It can't have over-broad vague rules controlling religious life this way. So we are working to support the religious community and the NGO community that are pushing hard for these reforms.

Let us see what happens on this here. It is a country of key priority for us here and we will continue to keep our focus.

Mr. SMITH. I thank you.

Before I yield to Mr. Cicilline, I would just note immediately prior to the bilateral trade agreement, Vietnam was taken off the list by the previous administration so there is no partisan effort here and, very quickly, the day after they won that benefit there was a snap back and the people who had signed Bloc 8406, the human rights manifesto, many of the religious freedom people that I met with on my last trip there, which was right before the bilateral trade agreement were all thrown into jail again.

And so it is the lack of durability and CPC, I would respectfully say, doesn't mean you have to prescribe penalties. You have the option.

Ambassador SAPERSTEIN. Yes.

Mr. SMITH. But the designation is just a snapshot—what are they doing—and it seems to me that they have not made the grade. But that is—we will agree to disagree.

Mr. Cicilline.

Mr. CICILLINE. Thank you, Mr. Chairman, and thank you, Ambassador, for your testimony.

I have three subjects that I would like to cover and I know I have other colleagues that are here so I will try to move them quickly.

You made reference to the sort of, I think, some sense that you are revamping or revising the CPC designation process. If you could speak to that.

I mean, I do think there is some evidence of some unevenness in this process and, certainly, USCIRF has made recommendations about a greater number of countries being designated and I recognize there are waivers that are granted.

But I would also like to hear your thoughts on the impact of waivers, particularly waivers which sometimes seem to be permanent.

The whole notion behind this and it has obviously worked successfully is to identify countries of concern to raise the profile of the issue and as a consequence compel them to change their behavior or take action so the even and predictable way in which this is done in the sense that it is being done annually, as at least the legislation suggests, and then the impact of waivers. So that is one.

The second thing is if you would just speak to what I think is a growing concern for many of us, and that is the action of non-state actors who very often are some of the worst violators of religious freedom and, obviously, in places sometimes where government is really nonexistent or functioning government is nonexistent, what are the tools available for us to impact that situation and should we consider being able to designate a region even if it doesn't have an actual government responsible as a place of concern, which I am not sure the current statute provides?

And, finally, what are the most effective tools that you have and what more can Congress do to enhance the objective of your responsibilities and what are the most effective ways to do it?

That may include some of the recommendations that were made in the International Religious Freedom Report I just released. So if you could just address those three I would appreciate it.

Ambassador SAPERSTEIN. Yes. Very quickly, there is an agreement that we need to kind of standardize and regularize the CPC process. We haven't quite completed that yet.

I can't comment on the internal deliberations but we are trying to move ahead in a way that I think you will feel good about when we are able to talk a little more openly about it.

It is part of the process of the CPC determinations. We not only provide internal guidance to all of those in the decision-making process and my office in DRL, through all the regional desks all the way up to the Secretary, but also the analyses of NGOs, of religious communities, and, most particularly, of USCIRF here.

We take the Commission's recommendations of what the CPCs ought to be. They are seen by everyone including the argumentation for it as part of our process and I just want people to know about that.

In terms of the impact of when waivers are given, the sanctions are only one tool that we have in our programmatic work in which we strengthen civil society and religious groups are able to fight for their rights more effectively, where we move together with international cooperation as we strengthen these international arms to work together, to focus so that countries that have better relations with some countries we may not, can be effective in terms of fighting for the expansion of human rights and religious freedom.

All of these are weapons that are tools, that are available to us to do that work. We have this panoply of tools and when sanctions aren't going to be imposed because of national interests, national security purposes, then we use these other tools as robustly as we possibly can.

Nonstate actors are a major challenge for us. We have very little control and leverage with them. They are not in diplomatic relations with us.

We, obviously, in countries like Iraq are committed to strengthening the governments there to fight against these groups. The same with those who face Boko Haram, who face al-Shabaab.

We are working with the governments to try and use the best techniques that we can train them in to provide resources for them, to learn from best practices elsewhere, to help coordinate efforts of countries in the surrounding areas together to try and be more effective in the work that we do on those.

But this is an evolving crisis that we will be spending more and more time on. I have been encouraged to see how in the State Department, and I know in our intelligence agencies and defense world, we really have mobilized around these issues.

We are in touch on an ongoing basis with the defense apparatus, particularly vis-a-vis the Near East, Iraq and Syria, and with the intelligence agencies in terms of working together on this.

I think you will be very heartened to know the extent of the cooperation on the sharing of our relevant perspectives and sharing of information on this.

What more? I mean, I think there are ideas you will have to take a look and evaluate based on what we have heard here in the Frank Wolf bill here.

There are other bills around. There are some good ideas in those and you should, obviously, take a look at them.

Obviously, any time resources through the State Department are expanded it is helpful to us. I want to say what I said over and over again every time I have testified. There is extraordinary work being done at the State Department.

There are not enough resources in some of the most vital areas that we have. When we are forced to take from one good area to another good area including to religious freedom, it really hurts our overall mission.

So where there are additional resources putting in of the work that you think is most helpful it really makes a difference in our ability to do it and I am feeling that by the funds that the Department was able to free up to allow us to significantly expand our staff that will really significantly strengthen our work.

Mr. CICILLINE. Okay. Thank you, Mr. Ambassador. I yield back, Mr. Chairman.

Mr. SMITH. Chairman Rohrabacher.

Mr. ROHRABACHER. Thank you very much. Just to reiterate, I believe that at this particular moment when we are discussing religious freedom in the world that the overriding issue and attention needs to be on the Christians in the Middle East who are literally targeted for genocide. And we can see that and we need to deal with that is my priority.

But in terms of the broader scope of religious freedom, with the fall of Communism and basically Marxism and Leninism was an atheist philosophy of trying to superimpose an atheist dictatorship on the world and they killed many believers of all faiths and we can be happy that that part of the human history has been, as Ronald Reagan said, put into the ash heap of history.

And there has been progress made in Vietnam but there is a long way to go, as you expressed. The very laws that are applicable to all other elements of a controlled society are applied to them.

Thank you for that insight. I think it is important for us to realize those controls are being used by people who fundamentally are atheists of the Communist nature who now are in power and they have this bias against—the guys in power have this bias against Christians because they were part of the Communist tide that was going to sweep the world.

But let me ask you about Russia. That was the heart of it and it is where it started. I have been to Russia several times in the last couple years and I have been meeting with religious leaders every time and they are reporting to me that they have relative freedom of religion on Russia now. What would your reaction to that be?

Ambassador SAPERSTEIN. Like many countries around the globe, it is a mixed story. For those that are recognized in Russia, there is a good modicum of ability to live their lives in accordance with their freedom.

But in the name of anti-terrorism and anti-separatism, the Russian Government also has cracked down on some Muslims, some minority groups and we think—we understand legitimate concerns about terrorism.

We support countries dealing with them. But when they crack down by cracking down on peaceful religious practice as kind of an inoculation against letting anything flourish that might lead down a path that they fear toward this, it really becomes problematic.

Mr. ROHRABACHER. It is a very difficult line to draw, what you are talking about—

Ambassador SAPERSTEIN. It is.

Mr. ROHRABACHER [continuing]. Because in Russia they—even, I mean, as I say, I have met with religious leaders. My last several visits I—and the Mormons—even the Mormons said oh, no, we are fine—we can knock on doors and seek converts and the only group that was complaining were the Scientologists, which, of course, is a question in Germany as well.

But in terms of trying to deal with the Islamic threat at a time, we realize it is very easy to see our friends in Saudi Arabia have been sponsoring mosques in order to promote radical Islam not—and changing the society and not just to get together to help people worship God together.

Where you draw that line of how you deal with people who are trying to manipulate the Islamic faith toward a political radical end, that is a very difficult line to draw.

Ambassador SAPERSTEIN. We agree it is a difficult line to draw and, clearly, one of the tests ought to be where peaceful people are acting peaceably they ought to be allowed to—

Mr. ROHRABACHER. Sure.

Ambassador SAPERSTEIN [continuing]. Live in accordance with their religious conscience.

Mr. ROHRABACHER. Correct.

Ambassador SAPERSTEIN. Where they are violating laws here that have to do with criminal activity and terrorist activity then those should be addressed directly about it.

We have found in a number of countries including Russia that is an over-broad crackdown on segments of the community and they also have a registration process that can be tough.

There are smaller groups—Jehovah’s Witnesses, other groups—

Mr. ROHRABACHER. Right.

Ambassador SAPERSTEIN [continuing]. Who really are feeling enormous pressure—

Mr. ROHRABACHER. That was the second group that was—

Ambassador SAPERSTEIN [continuing]. In this regard as well. So some of the smaller groups are really having problems.

You know, the same thing—if you are talking about those categories in countries and China. China still only recognizes five major faiths. If you are not one of those faiths, you risk going to jail if you try to function openly there.

Mr. ROHRABACHER. I was just about to bring up China. So thank you for that analysis. One last note on China—yes, they have to be part of those five recognized faiths.

But do we not also still see a massive repression of, for example, the Falun Gong in China? Wouldn’t that be under the umbrella of a religious freedom?

Ambassador SAPERSTEIN. I mean, it is why I named it in my testimony here. There are still thousands of Falun Gong imprisoned including mostly their leadership.

Many of them are in prisons where we do not know where they are and their families and their lawyers can’t contact. There are many reported stories of torture and deaths in prison here but we are seeing similar kinds of repression vis-a-vis the Tibetan Buddhists and the Uyghur Muslims. And as I said, as in Vietnam, you know, it is uneven around the country.

There are some places the government hand is lighter and you see religious publishing houses and social services and there are other places and unregistered churches able to function, but in the main in China, unregistered churches are always in danger of being arrested and we have this extraordinary situation in Wenzhou where one of the deepest concentrations of Christians in one area in China where they are pulling down crosses over about 1,500 churches and demolishing churches in the name of urban reclamation and they talk about it being only a small percentage of all the buildings.

But at 1,500 out of 6,000 churches there is 25 percent of all the churches that have been affected by this. And it is a clear effort to kind of repress the visible presence of the growing resurgence of religious life in China.

Mr. ROHRABACHER. Well, thank you very much for giving us that insight of that type of repression.

Mr. SMITH. Thank you, Chairman Rohrabacher.

Curt Clawson, the gentleman from Florida.

Mr. CLAWSON. Thank you for coming in and thank you for your service to our country.

I got two real quick questions so if you will—I know Mark wants to go so we will go fast. The first one is really easy.

We read the information. We don't see anything about Mormons and, you know, Mormons they can get mocked on, you know, on Broadway and it doesn't matter.

So I am just curious no one ever mentions somewhere, I think, millions of Mormons around the world. You never stumble across it or off the radar, or what is the story there?

It wasn't a trick question. I am not—

Ambassador SAPERSTEIN. No, no, no.

Mr. CLAWSON. You know, I am just curious because of my own ancestry.

Ambassador SAPERSTEIN. I respect that.

Mr. CLAWSON. Because if you don't know, you don't know. You can let me know another time. It is okay.

Ambassador SAPERSTEIN. Let me—I am actually—I am pausing because I want to say something—I want to phrase what I am saying complimentary about the Mormon Church.

Because of their practice of young men and some women voluntarily going on mission, they have worked out more successfully than most religious groups.

A modus operandi to work with the powers that be as effectively or more effectively than any other religious group that I can—that I can think of, they tend to run into problems there for—they try to play by whatever the rules are in a different country and they are not as likely to push the envelope.

So there are a score of countries I could name that do not allow any kind of religious expression other than the one that is a state-endorsed religious expression.

Disproportionately, these are Muslim countries in which a Mormon would be arrested if they went around doing the normal missionizing that they do, and since they don't tend to push the envelope and test this but recognize that that is not a country at this point they are able to function in—

Mr. CLAWSON. Right.

Ambassador SAPERSTEIN [continuing]. They tend to run into this. That is why, of course—

Mr. CLAWSON. Right. No, no. I mean, I know. Render unto Caesar what is Caesar's and render under the Lord what is the Lord's.

Ambassador SAPERSTEIN. Indeed. So they—

Mr. CLAWSON. It is a good approach irrespective. Let me ask one other question real briefly.

I have read the material. I see you speaking. I look at the world in terms of global trade and I struggle—and I like what you are doing—I like the program because people ought to be able to go to church and kneel down and pray to whatever god.

But it never seems to really impact any trade and therefore anybody's bottom line. If you are China, your billions of dollars every month to the U.S. through Wal-Mart.

If you are the oil producers, none of that ever gets impacted. Cuba is opening up. It feels like this is a program at a big picture level I am saying no one's bottom line with respect to trade is ever impacted even though we are the world's growth engine.

So what are we really doing here and what am I missing about that? Because all the countries that you mention there are a lot of

Nike shoes being made in Vietnam and all the toys and electronics are coming from China. They are the factory of the world.

And whether they abuse folks' religious freedoms or not seems to matter not to the bottom line, which everyone respects. Am I missing the big picture completely here or are we kind of—it had got to be a frustrating job for you.

Tell me if I am missing something here because——

Ambassador SAPERSTEIN. You raise two issues. Let me just say this because it has been alluded in some of the other comments.

We are all committed to religious freedom and that includes not only the right to worship. It includes the right to talk about your faith, to change your faith, to proselytize others. It includes, as someone said quite appropriately, the right not to believe as well. It is a broad right that goes beyond just the right to worship.

Mr. CLAWSON. Are we moving the needle?

Ambassador SAPERSTEIN. In some countries, we are. In other countries, we are not, and we try to do everything we can to move the needle by strengthening the ability of religious groups to advocate for their rights, to work with civil society.

We try to do it by our direct bilateral relations with these countries to improve rule of law issues on that. There are some countries we make real progress. Other countries are much harder.

We do use economic levers on this. There are a range of countries that are subject to sanctions. Like so, for instance, in Iran; it restricts a whole number of religious communities.

We have lifted one set of sanctions. But all the human rights and religious freedom sanctions remain in place and nothing under this agreement stops us from imposing more if the situation deteriorates even further than it does.

There is a whole range of countries in which we do apply both human rights in general and religious freedom, particularly. Restraint sometimes in trade, other financial restraints and access to banking here and other things that affect either the government or organizations that are involved in this violation of human rights or individuals who are involved in these rights.

They are fairly robust and over a long period of time we think they are part of the picture of what we can do to change the pattern of some of these repressive policies and practices that countries have.

Mr. CLAWSON. I thank you. I think a lot of us have ancestors that were religious freedom migrants.

Ambassador SAPERSTEIN. I can assure you that is true.

Mr. CLAWSON. And so it means something to us and therefore it means something to folks in other countries that lose one of the most cherished rights of all.

So we appreciate what you are doing. I am frustrated sometimes by our lack of economic will. But I certainly have nothing but respect and admiration for what you are doing, and I yield back.

Ambassador SAPERSTEIN. I really appreciate that. As somebody who is part of a religious group that has known this kind of oppression time and again century after century.

We know the price of what happens when good people stand idly by and this nation is committed not to repeat that mistake that has been made so many times before.



So thank you.

Mr. SMITH. Thank you, Mr. Clawson. Mark Meadows.

Mr. MEADOWS. Thank you, Mr. Chairman.

I want to say this as delicately as I possibly can, Mr. Ambassador. But listening to your testimony, reconciling it with reality or perceived reality is very difficult to do.

You are saying we are doing extraordinary things. I think that was a quote—extraordinary things and making extraordinary progress. And yet, when you talk to people on the ground, when you talk to others they believe that the State Department doesn't make this a priority.

How would you respond to that criticism?

Ambassador SAPERSTEIN. Yes. I truly don't believe I said anything about extraordinary progress. These are daunting—

Mr. MEADOWS. To me—to Mr. Cicilline you did. But that is okay. I listen very carefully. But go ahead. I will let you retract.

Ambassador SAPERSTEIN. So if I said that then, Mr. Meadows, I do retract it.

Human rights is a very daunting agenda today. Everywhere across the globe religious freedom is a daunting agenda today everywhere across the globe. It is very hard to get traction and to change long-ingrained practices and policies—

Mr. MEADOWS. So would you—

Ambassador SAPERSTEIN [continuing]. That these countries have.

Mr. MEADOWS. Would you say that—

Ambassador SAPERSTEIN. That we are doing extraordinary things here I am prepared to try and defend to you. I really believe that we are.

A lot of this in countries, the countries that are worst countries, we can't talk about openly in terms of the programmatic stuff. We are investing large amounts of resources to help strengthen those who share our views, those who are the victims of these injustices here and—

Mr. MEADOWS. So let me—let me interrupt you. I only have a limited amount of time. So let me maybe reclarify my question a little bit.

You talked about the use of tools. I think the GAO report has cited in 2013 that this was not really a priority for the administration. Positions went unfilled. Special envoys were not put forth.

We have heard testimony—I follow this very closely and so that is why I am saying trying to reconcile your testimony with the myriad of testimony that I have heard before which would suggest that it is not a priority. Are you saying that it is?

Ambassador SAPERSTEIN. I am saying that it is. Whatever was true up until 2013, certainly from the time that I have come on, the administration has lived up to every commitment and promise that it made to me and that it has made to the office.

It has strengthened our work, our ability to work across the full range of efforts of this administration and to have access at the highest levels with the Defense Department, the intelligence agencies, the full range of the State Department. It exceeds what I had hoped for.

Mr. MEADOWS. That all sounds good but here is my question. Some would suggest that the position went unfilled for over a year so how could it be a priority?

Ambassador SAPERSTEIN. I am not the one to ask about being held accountable to what happened before I came on. You would have to ask others.

Mr. MEADOWS. All right. So let me go a little bit further then because you were talking about TPP and as we have been involved in the negotiations with TPP, it seems like religious liberty and human rights is a sidebar, not anything that is a—and you would indicate that it is a priority with regards to our negotiation with the TPP deal.

Is that—is that your testimony here today, that it is priority? You know, it is a central focus of our trade agreement with these other countries?

Ambassador SAPERSTEIN. Certainly in terms of Vietnam.

Mr. MEADOWS. All right. So let me ask you this.

What message does it send to the world when we change the rating of Malaysia without really anything significant happening as it relates to human trafficking? What message does that send?

Ambassador SAPERSTEIN. Again, that is a question you would have to ask the people in the human trafficking office or that chain above them.

Mr. MEADOWS. Is that not a human rights abuse?

Ambassador SAPERSTEIN. Trafficking?

Mr. MEADOWS. Yes.

Ambassador SAPERSTEIN. I devoted a lot of my career to addressing that issue. It is a very important human rights abuse and the existence of the human trafficking office, the existence of the report itself, whatever flaws you may see in particular pieces that happened this year is itself testimony to the importance that—

Mr. MEADOWS. All right. Let us go back to the religious liberty aspect then out of the over 750 pages of the proposed TPP as we were reviewing it.

What specific language in there gives you great comfort that we are going to address this as a priority as a Nation—specific language not—

Ambassador SAPERSTEIN. I can't answer that, not—

Mr. MEADOWS. Have you read the—have you—

Ambassador SAPERSTEIN. If I can get back to you.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM THE HONORABLE DAVID N. SAPERSTEIN TO  
QUESTION ASKED DURING THE HEARING BY THE HONORABLE MARK MEADOWS

The U.S. Government is fully committed to promoting religious freedom. I have been working to build partnerships with other nations to advance religious freedom together, traveling to engage many governments and international groups to expand the fundamental freedom of religion for all. My office supports many programs that counter intolerance, train civil society and government officials on legal and policy protections for religious freedom, strengthen the capacity of religious leaders to promote interfaith cooperation, empower religious minorities to participate in political life, and help combat religiously motivated discrimination and violence.

The Trans-Pacific Partnership (TPP) will set high standards and create opportunities for further progress on a range of human rights reforms. For example, TPP will promote transparency and encourage public participation in the rulemaking process, discourage corruption, and establish codes of conduct to promote high ethical stand-

ards among public officials. Increased trade throughout the region will increase open exchanges of information on a range of issues.

In addition, Chapter 19 on labor of TPP requires all TPP Parties to adopt and maintain in their laws and practices internationally recognized labor rights, including prohibiting discrimination in respect to employment and occupation on the basis of religion. The Brunei-U.S. Labor Consistency Plan, Section II (D) and the Malaysia-U.S. Labor Consistency Plan, Section II (A) further detail the commitments these governments have made to ensure their law and practice meet this obligation. These efforts will help advance human rights, including religious freedom.

Mr. MEADOWS. Have you read the TPP deal?

Ambassador SAPERSTEIN. I have read the parts of it that deal with some of the issues we are talking about. So I only know what our face to face negotiations with the Vietnamese Government have been like, some of the commitments they have made that they have never made before, some of the treaties they are signing they have never signed before.

Is it everything we would want? No. Does it feel like it is providing traction to make a difference that will help workers, that will help disabled people, that will help minorities there? I think it does.

Mr. MEADOWS. So you mentioned Iran—and I will close with this because I don't ever go anywhere without bringing it up—what is happening with Pastor Saeed Abedini?

I mean, I don't know that there is any more of a poster face of religious liberty and what it is and what it is not other than Pastor Saeed Abedini. And yet our whole political capital has been invested and nothing has happened.

Ambassador SAPERSTEIN. We can't control, in the end, what countries that are bad actors are going to do in general or on any single thing. We can try and influence it. We can use every means at our end to try and affect the outcome of these.

You have seen the release of prisoners of conscience over the last years in different countries that have been problematic actors, that have been named CPCs in this area.

So it is not that we are not working on it day in and day out to try and get the release of these prisoners of conscience. The President has spoken publically about Saeed Abedini and met with the family.

The Secretary has spoken publically about him, met with the family. We know there have been reports—it is not a secret—that on the sidelines in the negotiations on the Iran agreement, we were raising this almost every time that there was a meeting, every avenue that we have either directly ourselves or through intermediaries who have closer relations with Iran, we are using to help all of the political prisoners, the American citizens there and others who are the prisoners of conscience to have them released.

Mr. MEADOWS. Well, I will close with this one rhetorical question: If \$140 billion in sanction relief can't get one pastor out of Iran, how much will it take?

I yield back.

Mr. SMITH. Thank you, Mr. Meadows.

On the whole issue of double hatting of sanctions and indefinite waivers and USCIRF has recommended that you end the practices.

I would add exclamation points to the recommendation to do that. With regard to Saeed Abedini, we have had hearings in this subcommittee, I have chaired them.

We have heard from Naghmeh who was deeply disappointed with the State Department, not you, the State Department. Originally, she said they told her, "There is nothing we can do." She was aghast at that, couldn't believe it.

Frank Wolf actually convened a Lantos Commission hearing. The first one we had, and Secretary Kerry did respond and we were all grateful for that, but I asked the Secretary again, sitting right where you are sitting, why was it integrated into the talks.

On the sidelines means on the sidelines and that it has no real bearing on what I consider a catastrophic deal that was signed with Iran.

If we are going to sign it, at least the Americans out and they got away with it and they are continuing to grossly mistreat them.

I had a hearing here, Mr. Ambassador, on North Korea. We had Andrew Natsios testify. You remember Andrew. He used to be the head of USAID. He did disaster relief.

Well, it was on North Korea and he said why didn't we learn the lesson in North Korea that when we were talking even in the Six-Party Talks about nuclear issues, which we failed at, we never brought up human rights. It was always way over on the fringes, if that.

And he said that lesson should have been learned with regards to Saeed Abedini and the other Americans who are being held. It should have been right there front and center and it was not, and now our ability to obtain his and the others' release has, regrettably, diminished.

Trent Franks, who is chairman of the Religious Freedom Caucus for the House, has joined us.

Chairman Franks.

Mr. FRANKS. Well, thank you, Mr. Chairman. I will be incredibly brief here.

You know that whatever the chairman has said I agree with every syllable and so it saves me a lot of time. But I do want to just underscore how significant your presence here is today and, of course, the underlying cause being, in my judgment, critical to any kind of freedom if we are going to survive.

If we don't have religious freedom all other freedoms go with it. And there is a wonderful cadre of some of the heroes in my heart and life behind you.

I just see so many good people there and so I am looking forward to their testimony. One of the things I guess I would hope that would be part of the discussion is that as we Americans are deeply committed to this cause of religious freedom, we want to make sure we export it to the world.

It is just one of our greatest gifts that we can give them. We went to make sure that we don't see it undermined and diminished in our own country and right now I think that that is a sincere concern.

So I guess my question to you—is that appropriate, Mr. Chairman? My question to you is how do we make sure that we protect

religious freedom in our own country and then, of course, how do we make sure that we export it appropriately?

What do you think are the biggest threats to religious freedom domestically and what is the answer to it, what is the biggest way that we can then export that religious freedom to other countries?

Ambassador SAPERSTEIN. As the chairman in introducing me noted, I spent 35 years as a sideline of my life teaching religion law and church state law at Georgetown Law School and spent much of my life dealing with religious freedom domestically.

It is an issue of great personal concern for me. But as representing the United States Government, my sole portfolio is dealing with international religious freedom.

I can think of many good people in the administration and the Justice Department who can answer those questions directly. It would not be appropriate for me—as much as I care about that issue it would not be appropriate.

Mr. FRANKS. I understand perfectly and, Mr. Chairman, I am going to yield back. But I will just express to you that I think if we can protect religious freedom all other freedoms will ultimately be extended. If we fail—

Ambassador SAPERSTEIN. I could not agree more.

Mr. FRANKS. If we fail religious freedom, I think all other freedoms die with it.

Ambassador SAPERSTEIN. Again, on that—on that basis, Mr. Franks, first, thank you for your leadership on this issue. It has been extraordinary.

But on that basis, I assure you, the administration feels as strongly as you do that our fundamental rights as depicted in the Constitution, begin with freedom of religion. It is a foundation stone on which other rights depend and it is one of the reasons I have devoted my life to this cause.

Mr. FRANKS. I thank you for that devotion. God bless you and thank you, Mr. Chairman.

Mr. SMITH. Thank you, Chairman Franks.

Ambassador Saperstein, thank you very much. We do appreciate your testimony and look forward to working with you going forward.

Ambassador SAPERSTEIN. Thank you.

Mr. SMITH. I would like to now welcome to the witness table Dr. Robert George, Robbie George, who is chairman of the U.S. Commission on International Religious Freedom.

He is the McCormick professor of jurisprudence and director of the James Madison Program in American ideals and institutions at Princeton University. He has served on the President's Council on Bioethics and as a presidential appointee to the United States Commission on Civil Rights.

A graduate of Swarthmore College and Harvard Law School, Professor George also earned a Master's degree in theology from Harvard and a doctorate in philosophy of law from Oxford University.

I would note that I appreciate your staff being here as well as Katrina Lantos Swett, who has served as chair of the commission herself and remains on the commission, Annette Lantos and, of course, we are always joined in this committee by the great pres-

ence of Tom Lantos' wonderful portrait, who served as chairman of the Committee on Foreign Affairs.

Dr. George.

**STATEMENT OF ROBERT P. GEORGE, PH.D., CHAIRMAN, U.S.  
COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM**

Mr. GEORGE. Thank you very much, Mr. Chairman.

It is a great honor to be here and I want to thank you and the distinguished members of this subcommittee for holding the hearing. The topic could not be more important or timely.

Mr. Chairman, I thank you for everything you have done for human rights and in particular for religious liberty in your public life. You have been a great inspiration to me personally.

I know I speak for other members of my commission in saying that all of us are happy for the opportunity to be partnering with you and with your colleagues to advance this great cause.

I want to say that I miss Congressman Frank Wolf. So often in the past when I have been here to testify he has been here and what a towering figure in the cause of human rights and especially religious freedom, Frank Wolf continues to be. Although he is no longer a Member of Congress of course he is still out there literally doing the Lord's work on behalf of religious freedom.

I was down at Baylor recently where, of course, he has been installed in a new endowed chair down there. He continues, as you know, to take great personal risks, going to the worst places in the world to comfort the afflicted and to afflict the comfortable, the powerful, the oppressors.

I feel his spirit in this room. I also can't help but feel the spirit of Tom Lantos and Henry Hyde, the two great champions of human rights who are appropriately memorialized here in this room.

I also want to say that it is a great honor to be speaking just after Rabbi Ambassador Saperstein. David is not only a dear friend but he too is a great champion of the cause.

I strongly supported his confirmation as Ambassador-at-Large and when he was confirmed I will admit to giving a cheer because I knew we would have in the administration, in that crucial role, someone who would be working night and day, literally tirelessly for our cause.

Now, I am a realist. I have been around. I know that in a bureaucracy, in an administration there are difficulties, there are challenges. There are competing considerations.

The voice for religious liberty has to compete with voices for many, many other things—many legitimate things.

But I knew that I would be able to sleep peacefully at night knowing that there was someone there who would be doing everything I would be doing if I were there. There is no—there is not a man whom I would prefer in that position to David Saperstein. So I am just delighted that he is there and it is an honor to follow him at this microphone.

I thank you for recognizing my colleague and predecessor as chairman, Katrina Lantos Swett, another great champion of religious liberty.

I want to mention that we are here, Chairman Smith, with our wonderful executive director, Jacklyn Woolcott, and several members of our staff.

I would boast that we have the finest staff in the United States Government. It is a small team but what consummate professionals and dedicated people, people who are genuinely dedicated to the cause of religious freedom.

And I just find it a privilege every day to be working with them, and I am delighted to be here on International Religious Freedom Day. This is a day to celebrate.

I know we are all, as Congressman Franks rightly mentioned, I think Congressman Meadows mentioned, others have mentioned, we are all at a certain level just depressed about the state of religious freedom in the world.

I am going to go into that in a minute just how bad the situation is. But we do have something to celebrate and that is that this Nation in the International Religious Freedom Act, in which you were so instrumental, which Frank Wolf was so instrumental, many of you were so instrumental in getting us, this Nation has committed itself not only to religious freedom at home but also abroad. What we believe to be a universal value is something that every human being on the face of the earth is entitled to because as Henry Hyde taught us, every human being is the bearer of a profound, inherent, and equal dignity.

That is the foundation of our rights. There is no right more central than the right to religious freedom. So we should take a moment, even as we recharge the battery to redouble our efforts in the face of so many adversities on the religious freedom front, we should take a moment to celebrate today and to thank people like the chairman who are so instrumental in getting the act passed.

Now, of course, one of the reasons we are here today is that religious freedom remains under serious and sustained assault across the globe, whether we are talking about North Korea or China or Vietnam across to Iran, Pakistan, Saudi Arabia, obviously, Syria and Iraq over to Egypt, Nigeria, Central African Republic, Cuba, problems in Russia. Almost every where we look we see severe assaults on religious freedom.

So we have to be the people who are standing up for it and while I am under strictures very similar to those under which Rabbi Saperstein is operating, I will say, Congressman Franks, that I think we should all agree that the very best way we can promote religious freedom abroad is to honor it vigilantly at home. I think we should all be on the page for that one.

Now, the most recent Pew study reports that approximately three-quarters of the world's people live in countries in which religion is either significantly restricted, the free exercise of religion is significantly restricted, or people are subjected to brutality by non-governmental actors, mobs, thugs, terrorists, where people are living insecurely in respect to their basic human right to religious freedom and that is quite an indictment of our current circumstances.

We are also here today because religious freedom matters so much, a pivotal human right central to our own history and affirmed, of course, in international treaties and other instruments.

It is also crucial to our security and to the security of the world. Religious freedom issues and religious freedom violations are central to the narratives of countries that top the U.S. foreign policy and security agendas.

Effectively promoting religious freedom can help the U.S. achieve crucial goals by fostering respect for human rights while promoting stability and ultimately national security.

So what I am saying to you is we have a moral principal at stake here which we should vie for with all our might and that is the basic fundamental human right to religious liberty rooted in the dignity of the human person.

We also have an additional motive, though, which is that the security and stability that we want for ourselves and therefore need in the world is at risk when religious freedom is undermined abroad.

If we want peace and stability in the world and at home we are going to need to promote religious freedom abroad. So today I want to focus on the following.

First, how the International Religious Freedom Act has been used and should be used; second, what the CPC process is, the Countries of Particular Concern process is; and third, recommendations that our commission has for promoting international religious freedom.

Now, the IRFA law seeks to make religious freedom an important part of U.S. policy by among other measures creating governmental institutions to monitor and report on religious freedom violations in the countries of the world.

Within the State Department, we have got an Ambassador-at-Large position, of course, the position that is currently held with great distinction by our friend, Rabbi Ambassador Saperstein, and the Office of International Religious Freedom, and outside the executive branch the independent nonpartisan United States Commission on International Religious Freedom mandated to review religious violations and make recommendations to the President, the Secretary of State and the Congress.

The law gave teeth to this effort by requiring the U.S. Government, to designate Countries of Particular Concern (CPCs), thereby naming, perhaps shaming, the worst foreign government violators, those that engage in or tolerate systematic ongoing and egregious violations. That is the statutory standard.

That is the language, systematic ongoing and egregious violations, and take appropriate actions in response to create incentives for improvement in religious freedom and disincentives for inaction or failures on the religious front or further failures.

Now, unfortunately, neither Republican nor Democratic administrations have fully, have adequately, utilized this mechanism, with designations being too often infrequent and the CPC list largely remaining the same when changes would, one would think, indicate some changes in CPC designations.

Moreover, administrations generally have not levied new Presidential actions but relied on preexisting sanctions which such so-called double-hatting—the chairman introduced the concept in his opening remarks—providing little incentive for governments to re-



duce or halt egregious violations or waived any consequences of the designations.

Designating CPC countries without additional consequences—just making the designation, with no additional consequences—obviously limits the value of doing the designations and the CPC process as a result loses credibility, especially when the designations are erratic.

The other thing we need to avoid is having a designation never reviewed so that, to quote my dear colleague, Dr. Lantos Swett, the designation becomes part of the wallpaper. Nobody notices it is there anymore. Just life goes on.

So we need these designations in a timely manner. I would like to see them made annually in connection with the report.

And I know David is working on that and I appreciate that, David, very much the work that David is doing to make sure that the administration and future administrations, Republican or Democrat, as the chairman says, this is not a partisan deal—this administration and future administrations will make those designations in a timely manner and a regular manner.

The designation process and the possibility of punitive actions can breathe new life into diplomatic efforts that should both precede and follow a designation and stimulate political will in foreign capitals.

One of USCIRF's chief responsibilities is to recommend the CPC designations to the State Department. We have recommended that the following eight countries be redesignated—Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, Turkmenistan, and Uzbekistan.

USCIRF also recommended that eight others also be designated—Central African Republic, Egypt, Iraq, Nigeria, Pakistan, Syria, Tajikistan, and Vietnam.

While my written testimony, which I will submit, Mr. Chairman, deals with three countries—Vietnam, Pakistan, and Tajikistan, and my oral statement will focus on Vietnam in a moment—it is important to note that Pakistan, a democratic nation, Pakistan has the worst situation in the world for religious freedom for countries not currently designated as CPCs.

I also want to say that not designating Tajikistan underscores the Religious Freedom Act's inconsistent implementation, I just learned from our excellent expert, Cathy Cosman, on Central Asia that the situation in Tajikistan, horrific already, is deteriorating still further.

More abuses, tortures, people being hauled away. These are exactly the kinds of atrocities that the act is supposed to empower us to fight against.

All right, now, Vietnam. USCIRF's August 2015 visit reinforces our view that Vietnam falls short of meeting international religious freedom standards.

The Vietnamese Government controls nearly all religious activities, restricts independent religious practice, and represses individuals and groups challenging its authority.

Rabbi Saperstein filled you in on some of the additional details and the nuances that one finds there today.

Vietnam provides us with a case study of the impact that a CPC designation can have in encouraging improvements and reinforces how such a designation does not disrupt progress in other areas. So I am going to actually repeat some, and maybe add a little more color and detail, to a story that the chairman recounted in his opening remarks.

In 2006, so we are going back to the Bush administration—Bush 43—the United States removed Vietnam’s CPC designation due to the country’s progress, progress toward fulfilling a bilateral agreement to release prisoners and expand legal protection for religious groups.

Many attributed, I think rightly, looking back on it, this progress to the CPC designation, at least in part, and to the priority placed on religious freedom concerns in the U.S.-Vietnam bilateral relations.

In other words, it worked. USCIRF’s view that lifting the designation was premature has been reinforced and confirmed by the Vietnamese Government’s actions since then and USCIRF thus recommended in 2015, as it has since 2001, that Vietnam be designated a CPC.

I am going to move now to my recommendations. Again, more details are in the written submission, Mr. Chairman.

Congress has an essential role to play in promoting religious freedom. That was part of the premise of the IRFA and it is absolutely true.

USCIRF urges Members of Congress to undertake activities that reflect religious freedom’s vital importance to our foreign policy including by the following means: One, legislatively requiring the State Department to make annual CPC designations.

I think that is something that would be very helpful. Let us just mandate the annual designations, then it is the law, get it done, move forward. I don’t see any reason not to do that. Number two, annually hold IRFA implementation oversight hearings. A very good thing to do for obvious reasons.

Three, expand the CPC classification, as the chairman already mentioned and I believe Rabbi Saperstein mentioned, to allow for the designation of non-state actors in countries where particularly severe violations of religious freedom are occurring.

But what if a government does not exist or is not strong enough or doesn’t control its territory? If we look out in the world, we see sometimes the big offenders are states that are run by thugs and criminals who are hell-bent on violating other people’s religious freedom, persecuting minorities, oppressing the people.

Sometimes there is nothing a government can do about it because there is no government there. You have got a failed state or the government is so weak that it can’t actually do anything even if it wanted to.

And then expand the CPC classification—again, the chairman mentioned this—to allow the naming of non-state actors who perpetrate particularly severe violations of religious freedom. That may assist in a variety of ways including in respective international financial transactions.

I also urge Congress to hold hearings in support of civil society and prisoners of conscience abroad and I want all Members of Con-

gress—I think those who are here with us today are already doing it, so bravo, but I would like to see all Members of Congress participate in our Defending Freedoms Project, our collaborative effort with the Tom Lantos Human Rights Commission and Amnesty International and USCIRF whereby Members of Congress work in support of prisoners of conscience.

I think you shouldn't underestimate what the identification of a particular prisoner of conscience, whether in North Korea, Iran, Saudi Arabia, wherever it is, don't underestimate what the identification with a particular congressman who makes it part of his or her task, mission, vocation to make sure that that person is not forgotten, make sure that somebody is paying attention, perhaps in the media, perhaps in diaspora communities.

It also is a kind of moral support not only for that individual and for that individual's family, which is very important, but again, often for the supporters, for the diaspora groups, for the members of that faith.

We can and will see constructive change by improving our use of the existing tools and creating the new tools I have mentioned for a rapidly changing environment for religious freedom and related rights.

If we renew our resolve, and that's what we need to do, renew our resolve to integrate this fundamental freedom more fully into the foreign policy of our Nation, we can bring protection and support to many, many more people beyond our shores who yearn for the freedom that we have and must preserve.

Thank you, Mr. Chairman.

[The prepared statement of Mr. George follows:]

**Testimony before the  
Africa, Global Health, Global Human Rights, and International Organizations  
Subcommittee**

**Of the House Foreign Affairs Committee**

**On**

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

**By**

**Robert P. George**

**Chairman**

**U.S. Commission on International Religious Freedom**

**October 27, 2015**

I am Robert P. George, Chairman of the U.S. Commission on International Religious Freedom (USCIRF). I thank you for this opportunity to testify today before the Africa, Global Health, Global Human Rights, and International Organizations Subcommittee of the House Foreign Affairs Committee. I especially welcome this opportunity to highlight the importance of promoting freedom of religion or belief in U.S. foreign policy and make recommendations on ways the United States can more effectively promote this vital right. I will focus in this testimony on why religious freedom matters in U.S. foreign policy, what the International Religious Freedom Act (IRFA) requires, and how IRFA has been and should be used.

### **Why Religious Freedom Matters**

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

By any measure religious freedom is under serious and sustained pressure abroad. According to the most recent Pew study, more than three-quarters of the world's population live in countries in which religion is restricted significantly, either by the government or societal actors. And many of these countries top the U.S. foreign policy agenda. Yet for the vast majority of people across the globe, religion matters: 84 percent of the world's population identifies with a specific religious group. Religion also can fuel dangerous conflicts with others who hold different beliefs. In both instances, our nation and its diplomats cannot have productive dialogues and satisfactory relations or outcomes if we ignore, downplay, or dismiss religion's pivotal role.

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

Religious freedom thus merits a seat at the table with economic and security concerns as the U.S. and other nations conduct their affairs. These concerns are tied together in the real world. Effectively promoting religious freedom by properly using the tools IRFA provides, among other measures, can help U.S. policy makers achieve crucial goals by fostering respect for human rights while promoting stability and ultimately national security.

### **IRFA's Requirements**

IRFA is a landmark law which seeks to make religious freedom an important priority in U.S. foreign policy. Congress unanimously passed IRFA in October 1998 and President Bill Clinton

signed it into law that same month. Members of Congress sought this bill's passage because they believed that this core human right was being ignored and that a greater emphasis on this vital right would enhance U.S. diplomacy and reflect the unique role that religious freedom played in the formation of the United States. Events that have taken place since IRFA became law underscore the centrality of religious freedom to U.S. foreign policy goals.

To help ensure that U.S. policy makers would consider, rather than forget or ignore religious freedom given the other pressing issues of the day, the Act created special mechanisms within and outside of the executive branch. Within the Executive Branch, IRFA created the position of the Ambassador-at-Large for International Religious Freedom (a political appointee nominated by the President and confirmed by the Senate), to head an Office of International Religious Freedom at the State Department (the IRF Office). Ambassador David Saperstein currently holds this position. Outside the executive branch, IRFA created USCIRF, an independent U.S. government advisory body, which I chair, that is mandated to review religious freedom conditions globally and make recommendations for U.S. policy to the President, Secretary of State, and Congress. The Ambassador-at-Large is an ex-officio member of the Commission.

IRFA includes monitoring and reporting requirements, mandating that the State Department annually prepare a report on religious freedom conditions in each foreign country (the IRF Report), in addition to the Department's annual human rights report. The law also requires the State Department to maintain a religious freedom Internet site, as well as lists of religious prisoners in foreign countries. And it requires that USCIRF issue its own annual report setting forth its findings on the worst violators of religious freedom and providing independent recommendations for U.S. policy.

IRFA also establishes consequences for the worst violators. The law requires the President – who has delegated this power to the Secretary of State – to designate annually “countries of particular concern,” or CPCs, and take action designed to encourage improvements in those countries. IRFA defines CPCs as countries whose governments either engage in or tolerate “particularly severe” violations of religious freedom. Once a country is designated as a CPC, IRFA includes a menu of possible actions that range from negotiating a bilateral agreement, to imposing sanctions, to taking a “commensurate action,” to issuing a waiver. While a CPC designation remains in effect until removed, sanctions tied to a CPC action expire after two years, if not renewed. IRFA also allows the U.S. government to bar from entry to the United States specific foreign officials who are responsible for or directly carried out particularly severe religious freedom violations.

IRFA 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 UN Universal Declaration of Human Rights (UDHR), the UN International Covenant on Civil and Political Rights (ICCPR), and other international instruments. The Act further 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.”

IRFA also did not limit violations to government actions. It recognized that religious freedom violations also can occur through government inaction against abuses by private actors. The 1998 statute does not, however, adequately address one of the 21<sup>st</sup> century's major challenges to freedom of religion or belief: the actions of non-state actors in failing or failed states. IRFA focused on government action or inaction, but in many of the most pressing situations today, transnational or local organizations are the egregious persecutors and governments either are incapable of addressing the violations or non-existent. In these situations, allowing the United States to designate the non-state actors perpetrating particularly severe violators of religious freedom would broaden the U.S. government's ability to engage the actual drivers of persecution. Such a step was taken with the Taliban, which was in effect named a CPC from 1999-2003 despite the United States' not recognizing its control of Afghanistan. Naming these countries or groups would reflect reality, which should be the core point of the CPC process.

#### **The IRF Report**

The State Department released its most recent IRF Report, covering calendar year 2014, on October 14, 2015. USCIRF welcomes the release and commends the State Department, particularly Ambassador Saperstein and the IRF Office, for the significant effort that went into compiling this report. The IRF Report is a comprehensive resource which extensively documents the nature and extent of religious freedom violations worldwide. While other entities, including USCIRF, the UN Special Rapporteur on Freedom of Religion or Belief, and some NGOs also report on religious freedom violations in various countries, the State Department is the only entity that does so annually on every country (except the United States). As a result, the report has become an invaluable source of information for religious freedom advocates, lawyers and adjudicators in asylum cases, and academic researchers, among others. For example, without the IRF Report's frequency, detail, and scope, the Pew Research Center studies on global religious restrictions would not have been possible.

#### **The CPC Process**

In IRFA's 17-year existence, the State Department has made CPC designations ten times: October 1999, September 2000, October 2001, March 2003, September 2004, November 2005, November 2006, January 2009, August 2011, and July 2014. As is evident from these dates, for a number of years the designations generally were made annually, but after 2006 designations were made infrequently and inconsistently. Ambassador-at-Large Saperstein has stated his commitment to designate CPCs annually, a commitment that USCIRF welcomes.

While IRFA does not set a specific deadline, the Act indicates that CPC designations should occur soon after the State Department releases its annual IRF Report, as the designations are to be based on both that review and USCIRF recommendations. In August 2011 and July 2014, the Obama Administration made CPC designations in conjunction with the IRF Report. With the October 14 release of the latest IRF Report, the next step is for the State Department to designate the worst violators as CPCs and leverage those designations to press for much-needed reforms in those countries. USCIRF hopes that those designations will be made promptly.

In addition to CPC designations being infrequent, the State Department's CPC list largely has stayed the same. In July 2014, the State Department designated nine countries as CPCs: Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, Turkmenistan, and Uzbekistan. With the exception of Turkmenistan, which was named a CPC for the first time in 2014, the other eight have been so designated for over a decade: Burma, China, Iran, and Sudan for 16 years; North Korea for 14 years; Eritrea and Saudi Arabia for 11 years; and Uzbekistan for 10 years. In 2015, USCIRF concluded that these nine CPC countries merited re-designation, and that the following eight other countries also meet the CPC standard and should be so designated: Central African Republic, Egypt, Iraq, Nigeria, Pakistan, Syria, Tajikistan and Vietnam.

Besides requiring CPC designations, IRFA provides the Secretary of State with a unique toolbox to promote religious freedom. The Act includes a menu of options for designated countries and a list of actions to encourage improvements in countries that, while violating religious freedom, do not meet the CPC threshold. The specific policy options that would address severe violations of religious freedom in CPC countries include sanctions (referred to as Presidential actions in IRFA) that are not automatically imposed. 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 the development of either a binding agreement with a CPC-designated government on specific actions it will take to end the violations giving rise to the designation or the taking of a "commensurate action." The Secretary further may determine that pre-existing sanctions are adequate or waive the requirement of taking action to advance the purposes of the Act 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 pre-existing sanctions. While the statute permits relying on pre-existing sanctions – often referred to as "double hatting" – such reliance has provided little incentive for CPC-designated governments to reduce or halt egregious violations of religious freedom. Of the current nine countries designated as CPCs, six have "double-hatted" sanctions. In addition, because of indefinite waivers for Saudi Arabia, Turkmenistan, and Uzbekistan, the United States has not implemented a unique policy response tied to the CPC designation and particularly severe violations of religious freedom in those countries.

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



work, driving and energizing other areas of U.S. diplomacy, but should not be the sum total of all activity.

#### **Recommendations on CPC Designations**

USCIRF recommends that the State Department:

- Use all of IRFA’s tools, including CPC designations, in a continuity of action;
- Ensure that the CPC list expands and contracts as conditions warrant;
- Publicly declare the results of its annual review of religious freedom conditions and make annual designations of “countries of particular concern” for particularly severe violations of religious freedom;
- Wherever possible, when Presidential Actions or commensurate actions are taken as a consequence of CPC designations, undertake specific efforts to emphasize the importance of religious freedom to the United States, and in particular avoid “double-hatted” sanctions;
- Limit the use of waivers to a set period of time and subject them to review for renewal; and
- Make greater efforts to ensure that foreign government officials are denied entry to the United States due to their inadmissibility under U.S. law for their responsibility for particularly severe religious freedom violations abroad.

USCIRF recommends that Congress:

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

#### **Three Country Examples: Vietnam, Pakistan and Tajikistan**

Religious freedom remains under serious assault across much of the world, including in countries that top the U.S. foreign policy agenda. The tools IRFA provides need to be used, and used more effectively. The three countries highlighted below – Vietnam, Pakistan, and Tajikistan – underscore both how IRFA and the CPC designation can promote positive change and how not using those tools can lead to missed opportunities.

Vietnam

A USCIRF delegation visited Vietnam in August 2015 to assess religious freedom conditions in that country. To be sure, religious freedom in Vietnam today is notably improved from the post-war era. For example, government-sanctioned religious communities have greater space in which to practice their faiths, and as the government noted during USCIRF's visit, the country is religiously diverse and experiences few inter-religious conflicts.

Yet, despite these steps forward, Vietnam still falls short of meeting international religious freedom standards. The Vietnamese government controls nearly all religious activities, restricts independent religious practice, and represses individuals and groups it views as challenging its authority, including independent Buddhists, Hoa Hao, Cao Dai, and Protestants. Religious organizations and congregations must register in order to be considered legal. Those who choose to maintain their independence from state-sanctioned religious entities, or those whose registration applications are denied, are vulnerable to harassment, discrimination, detention, and imprisonment. Individuals remain imprisoned for religious activity or religious freedom advocacy. Please see Appendix I for prisoners of conscience detained in Vietnam for their religious beliefs, actions, or advocacy who are part of the Defending Freedoms Project, an initiative of the Tom Lantos Human Rights Commission in collaboration with USCIRF and Amnesty International/USA.

Through a proposed law on religion currently being drafted, Vietnam's government has the opportunity to rectify fundamental flaws in its approach to the administration of religion. However, initial drafts do not adequately revise or eliminate onerous registration requirements and perpetuate the distinction between legal and illegal religious groups.

This is an opportune moment for the U.S. government to engage with the Vietnamese government to seek tangible improvements in religious freedom conditions, an endeavor undertaken to some positive effect in the past. Following the designation of Vietnam from 2004 to 2006 as a CPC, the Vietnamese government made some changes which we believe partly resulted from U.S. diplomatic efforts. Progress included the fulfillment of a bilateral agreement to release prisoners and ban forced renunciations of faith, and issue new administrative ordinances and decrees that better outlined registration procedures. Many religious leaders in Vietnam attributed these positive changes to the CPC designation and the priority placed on religious freedom concerns in U.S.-Vietnamese bilateral relations. These discussions and improvements took place without disrupting progress on other issues in the U.S.-Vietnam relationship.

In 2006, the United States removed Vietnam's CPC designation due to this progress, an action that USCIRF believed was premature. It was too soon to determine if the new legal protections agreed to under the CPC designation would endure over time. Unfortunately, these concerns proved to be correct: religious believers and religious freedom activists continue to be jailed; police forcibly close venues of independent religious groups; legal protections for religious groups are uncertain and subject to arbitrary or discriminatory interpretations; and ethnic minority converts to Protestantism, in particular, face discrimination, intimidation, and pressure to renounce their faith.

Given Vietnam's systematic, ongoing, and egregious violations of the freedom of religion or belief, USCIRF recommended in 2015, as it has since 2001, that Vietnam be designated as a CPC. We believe such a designation would provide another opportunity – modeled on the positive partnership a decade ago – for the United States and Vietnam to work together to address religious freedom concerns. There are still critical improvements to be made, and the framework of the CPC would be beneficial to both countries. Vietnam provides us with a case study of the impact that a CPC designation can have in encouraging improvements and reinforces how such a designation does not disrupt progress in other areas.

In addition to facilitating a framework in which to improve religious freedom conditions through the CPC designation, USCIRF recommends that the U.S. government:

- Continue discussions with the government of Vietnam on the drafting of the new law on religion to urge that the measure both simplifies registration requirements for religious congregations and makes registration optional, and to ensure that those opting not to register have other appropriate means by which to operate legally;
- Encourage the government of Vietnam to acknowledge and address violations against religious communities perpetrated by state and non-state actors, and support the proper training of local government officials, lawyers, judges, and police and security forces tasked with implementing, enforcing, and interpreting 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 the context of discussions relating to military, trade, or economic and security assistance, as well as in programs that address Internet freedom and civil society development, among others;
- Increase the frequency and visibility of U.S. government visits to remote, rural areas in Vietnam, including direct contact and communications with independent religious communities as appropriate;
- Encourage the U.S. Embassy in Hanoi and the U.S. Consulate General in Ho Chi Minh City to maintain appropriate contact, including through in-person visits, with Vietnamese prisoners of conscience to ensure that prisoners have regular access to their families, human rights monitors, adequate medical care, and proper legal representation, as specified in international human rights instruments; and
- Ensure the U.S.-Vietnam Human Rights Dialogue establishes concrete actions and outcomes relating to religious freedom, including the unconditional release of all prisoners of conscience arrested or otherwise detained for the peaceful practice of their beliefs, make those actions and outcomes part of a larger strategy of U.S. engagement, and report to Congress on the trajectory of progress on these issues.

### Pakistan

Since 2002, USCIRF has recommended CPC designation for Pakistan due to the government's systematic, ongoing, and egregious violations of religious freedom and its toleration of such violations by the Taliban and other non-state actors. The State Department never has designated Pakistan as a CPC, despite its own IRF Reports, USCIRF's Annual Report and non-governmental reports, all of which document severe religious freedom violations against all Pakistanis, including Sunni, Shia and Ahmadi Muslims, as well as Christians and Hindus. USCIRF has called Pakistan the worst situation in the world for religious freedom for countries the U.S. government has not currently designated as CPCs.

In March of this year the first Commissioner-level trip to Pakistan allowed USCIRF to see how all Pakistanis are deprived of the fundamental and universal right to freedom of religion or belief. On our last day in Pakistan two churches in Lahore were attacked, leaving 15 people dead and dozens injured. These attacks underscored the ongoing violence against religious minority communities, in particular Christians, Shi'a and Ahmadi Muslims, and Hindus. The Shi'a community long has suffered from deadly suicide bombings of their religious sites, pilgrim routes and gathering places. Pakistani authorities regularly enforce anti-Ahmadi provisions in the constitution and penal code, but do little to stop the frequent attacks against this community and its places of worship. Pakistan's historic Hindu community faces kidnappings and forced conversions. Overall, the prior and current governments at the federal, provincial, and local levels fail to provide adequate protection or to arrest perpetrators of religiously-motivated attacks, leading to a climate of impunity.

Religiously-motivated attacks and murder are compounded by Pakistan's blasphemy law. Pakistan detains the greatest number of individuals for blasphemy of any country in the world; USCIRF was aware of 38 blasphemy prisoners in Pakistan as of its 2015 Annual Report. Innocent Muslims, Christians and others languish in prison under sentences of death or life imprisonment. The world has come to know of Aasia Bibi, a Christian women in jail since 2010, who faces the death penalty for blasphemy, but she is one of many. (Please see Appendix I for more information about Aasia Bibi who is a prisoner of conscience included in the Defending Freedoms Project.) In addition, individuals accused of blasphemy and blasphemy law opponents have been the targets of violence. Notably, the governor of Punjab, Salmaan Taseer, Minority Affairs Minister Shahbaz Bhatti, and Rashid Rehman, a lawyer and regional coordinator for the Human Rights Commission of Pakistan, were assassinated for their opposition to the nation's blasphemy law.

There have been a few recent positive developments suggesting some willingness on the part of the Pakistani government to implement religious freedom reforms. The government has, at times, recognized the devastating conditions for religious minorities, and Prime Minister Nawaz Sharif has taken steps to promote interfaith harmony and publicly has denounced violent attacks. The federal cabinet reportedly is considering creating safeguards to prevent false accusations of blasphemy, and the Chief Minister of Punjab province has initiated a process to review cases of individuals charged with blasphemy. (Punjab is the province with the most blasphemy cases.) Earlier this month, the Supreme Court of Pakistan upheld the death sentence for Salmaan Taseer's murderer. In 2014, a Supreme Court decision ordered that a special police force be

created to protect religious groups and actively prosecute perpetrators of religiously-motivated violence; the government, however, has not implemented this decision.

As the United States learned through its CPC designation of Vietnam between 2004-2006, such a designation can be an effective tool to press the Pakistani government to undertake much-needed reforms to improve the country's religious freedom climate, including addressing religious minority concerns and prioritizing legal reform and the prosecution of those who perpetrate violence.

Accordingly, USCIRF recommends that the U.S. government should:

- Designate Pakistan as a CPC under IRFA and work to reach a binding agreement with the government of Pakistan on steps to be delisted and avoid Presidential actions; such an agreement should be accompanied by Congress appropriating resources for related capacity building through the State Department and USAID mechanisms;
- Press the Pakistani government to implement the Supreme Court 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;
- Recognize the unique governmental offices focusing on religious tolerance at the federal and provincial levels by including discussions on religious tolerance in U.S.-Pakistan dialogues or by creating a special track of bilateral engagement about government efforts to promote interfaith harmony;
- Urge the reestablishment of the Federal Ministry for Interfaith Harmony and the removal of the commission on religious minorities from the Ministry for Religious Affairs, giving both direct access to the cabinet and Prime Minister;
- Work with international partners to 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 national textbook and curricula standards that actively promote tolerance towards members of all religions, both in government schools and the madrassa system overseen by the religious affairs ministry;
- 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; either in parallel or independently, use the tools of U.S. public diplomacy to highlight similar themes;
- Urge the Pakistani government and provincial governments to review all cases of individuals charged with blasphemy in order to release those subjected to abusive charges, as is underway in Punjab, while still also calling for the unconditional release and pardoning of all individuals sentenced to prison for blasphemy or for violating anti-Ahmadi laws;

- Work with federal and provincial parliamentarians to support the passage of marriage bills recognizing Hindu and Christian marriages;
- Call for the repeal of the blasphemy law and the rescinding of anti-Ahmadi provisions of law; until those steps can be accomplished, urge the Pakistani government to reform the blasphemy law by making blasphemy a bailable offense and/or by adding penalties for false accusations or enforcing such penalties found elsewhere in the penal code;
- Ensure that a portion of U.S. security assistance is used to help police implement an effective plan for dedicated protection for religious minority communities and their places of worship; and
- Provide USAID capacity-building funding to the provincial Ministries of Minority Affairs, and work with Pakistan's government and minority religious communities to help them reach agreement on measures to ensure their rights and security in the country.

#### Tajikistan

The State Department never has designated Tajikistan as a CPC despite its “systematic, ongoing and egregious” violations of freedom of religion or belief. The lack of this designation is significant, particularly after the State Department designated its neighbors, Turkmenistan and Uzbekistan, as CPCs. The laws and policies of Turkmenistan and Uzbekistan similarly restrict religious freedom.

The government of Tajikistan suppresses and punishes all religious activity independent of state control, particularly the activities of Muslims, Protestants, and Jehovah's Witnesses. Jehovah's Witnesses have been banned since 2007. Numerous laws that severely restrict religious freedom have been adopted since 2009. The government also imprisons individuals on unproven criminal allegations linked to Islamic religious activity and affiliation.

More than 90 percent of Tajikistan's estimated total population of 7.9 million is Muslim, most of whom belong to the Hanafi school of Sunni Islam; about four percent are Ismaili Shia. Most of the 150,000 Christians are Russian Orthodox, but there are also Baptists, Roman Catholics, Adventists, Lutherans, and Korean Protestants, plus small numbers of Baha'is, Hare Krishnas, Jehovah's Witnesses, and fewer than 300 Jews.

The legal environment in Tajikistan for religious freedom has deteriorated significantly since 2009. The 2009 religion law sets onerous registration requirements for religious groups; criminalizes unregistered religious activity as well as private religious education and proselytism; sets strict limits on the number and size of mosques; allows state interference with the appointment of imams and on the content of their sermons; requires official permission for religious groups to provide religious instruction and communicate with foreign co-religionists; imposes state controls on the content, publication and import of religious materials; and restricts Muslim prayer to mosques, cemeteries, homes, and shrines. As of October 2015, Tajik authorities reportedly are prohibiting government employees from attending Friday prayers.

In 2011 and 2012, legal amendments set new penalties on religion-related charges, including large fines and prison terms, for organizing or participating in “unapproved” religious meetings. Alleged organizers of a “religious extremist study group” face eight to 12-year prison terms. In addition, a 2011 law on parental responsibility has banned minors from any organized religious activity except funerals.

Tajikistan’s extremism law punishes extremist, terrorist, or revolutionary activities without requiring acts that involve violence or incitement to imminent violence. Trials under these charges lack due process and procedural safeguards. The Tajik government abuses its concern over Islamist extremism to justify repressive actions against individuals for peaceful religious activities or religious affiliation.

In September 2015, the Islamic Renaissance Party of Tajikistan (IRPT) was banned as extremist, and more than a dozen of its leaders were arrested and denied access to family and lawyers. The arrested IRPT leaders’ lawyer was himself arrested shortly after he undertook their defense. Amnesty International has expressed concern that the imprisoned IRPT activists are being subjected to torture. The IRPT was the only officially registered Islamic party in the former Soviet Union and for 15 years was represented in the Tajik parliament. The IRPT has been critical of Tajik religion laws and policies as violating international commitments and the country’s constitution. In late August, the Tajik government ordered the IRPT to halt all activity. One month later, the Tajik government accused the IRPT of involvement in a deadly alleged mutiny. IRPT leader Muhiddin Kabiri – forced into foreign exile – asserts that official extremism charges against his party are false and politically motivated. The Office of the UN High Commissioner for Human Rights and the U.S. delegation to the Organization for Security and Cooperation in Europe (OSCE) have expressed concern about the IRPT’s banning.

USCIRF believes that the Tajik government’s chronic abuse of religious freedom would justify a CPC designation. In addition to recommending that the U.S. government designate Tajikistan as a CPC, USCIRF recommends that the U.S. government should:

- Press the Tajik government to bring the 2009 religion law and other relevant laws into conformity with international commitments, including on freedom of religion or belief, and publicly criticize official violations of those commitments;
- Work with the international community, particularly during countering terrorism events sponsored by the OSCE, to ensure there is private and public criticism of Tajikistan’s repressive laws on religion and countering extremism, including that they risk possible radicalization of the country’s population;
- Urge the Tajik government to agree to visits by 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 a visit;
- Ensure that its Annual Bilateral Consultations with the government of Tajikistan allow a full discussion of all relevant issues, particularly human rights and religious freedom;

- Ensure that the U.S. Embassy continues to monitor the trials of individuals charged on account of their religious affiliation, maintains appropriate contacts with human, and presses the Tajik government to ensure that every prisoner has greater access to his or her family, human rights monitors, adequate medical care, and a lawyer, and
- Ensure that U.S. assistance to the Tajik government, with the exception of aid to improve humanitarian conditions and advance human rights, be contingent upon the government establishing and implementing a timetable of specific steps to reform the religion law and improve conditions of freedom of religion or belief.

#### **Other Recommendations**

USCIRF's 2015 Annual Report includes numerous other recommendations, beyond more effective use of the CPC process, to strengthen U.S. efforts to promote religious freedom abroad. These include the following:

##### USCIRF recommends that the State Department:

- Provide the Office of International Religious Freedom with resources and staff similar to other offices with global mandates, as well as with increased programmatic funds for religious freedom promotion and protection;
- Make training on international religious freedom mandatory for State Department officials at three intervals in each diplomat's career: the "A-100" class for incoming diplomats, Area Studies for midcareer officials, and a class for all ambassadors and deputy chiefs of missions; and
- Continue to work with other governments and parliaments interested in promoting international religious freedom to share information and coordinate activities.

##### USCIRF recommends that the Congress:

- Annually specify that funds from the State Department's Human Rights Democracy Fund (HRDF) be allocated for religious freedom programming managed by the Office of International Religious Freedom;
- Support State Department grants related to religious freedom programming, and call for entities that receive federal funds, including the Middle East Partnership Initiative, USAID, the National Endowment for Democracy, and U.S. Institute of Peace, to devote resources for religious freedom programming;
- In addition to oversight hearings on IRFA implementation, hold hearings on religious freedom-specific issues and ensure that religious freedom is raised in country-specific hearings and ambassadorial confirmation hearings;



- During trips abroad by Congressional delegations, examine conditions of religious freedom for all faiths/beliefs, and meet with individuals and organizations that promote religious freedom and related human rights, targeted religious communities, and people detained for their religious beliefs or religious freedom advocacy; and
- Participate in the Defending Freedoms Project, a collaborative effort between the Tom Lantos Human Rights Commission, Amnesty International/USA, and USCIRF through which Members of Congress work in support of prisoners of conscience.

### **Conclusion**

While we continue to face an enormously challenging landscape for freedom of religion or belief abroad, we have grounds for believing in a brighter tomorrow. By improving our use of existing tools and creating new tools for a rapidly changing environment for religious freedom and related rights, we can and will see constructive change. If we renew our resolve to integrate this fundamental freedom more fully into the foreign policy of our nation, we can bring genuine progress to those beyond our shores who yearn for freedom.

**Appendix I**  
**Prisoners of Conscience – Defending Freedoms Project**  
**October 27, 2015**

**PAKISTAN**

**Adopted by Representative Joseph Pitts (R-PA), Asia Bibi** is a Catholic mother of five and was a farmhand from the village of Ittan Wali in Sheikhpura District of Punjab province. In June 2009, an argument arose with her fellow laborers over whether the water she brought was “unclean” because she was Christian and they Muslim. Later coworkers complained to a cleric that Bibi made derogatory comments about Prophet Muhammad. Police investigated her remarks, which resulted in her arrest and prosecution under Section 295 C of the Pakistan Penal Code for blasphemy. She spent more than a year in jail. On November 8, 2010, a district court in Nankana Sahib, Punjab, sentenced her to death for blasphemy, the first such sentence for blasphemy handed down against a woman. The death penalty is permissible under Pakistani law. On October 16, 2014, the Lahore High Court dismissed her appeal and upheld her death sentence. Her lawyers plan to appeal to the Supreme Court.

**VIETNAM**

**Francis Jang Xuan Dieu (m)** is a Catholic intellectual and activist. Dieu is well known in Vietnam for his efforts to advocate for increased child education access and awareness of political prisoners in Vietnamese jails. In August of 2011, Dieu was arrested along with a group of other Vietnamese Catholics and charged with trying to “overthrow the people’s administration.” He was sentenced to 13 years in prison, plus five years under supervision. Dieu’s family has been denied access to Dieu.



**Adopted by Representative Ted Poe (R-TX), Nguyen Van Minh (m)** is an independent Hoa Hao Buddhist activist who has campaigned for freedom of religion and conscience. He was arrested on February 11, 2014 on charges of “causing public disorder” as he was travelling to visit former prisoner of conscience Nguyen Bac Truyen and his wife. On August 26, 2014, the Dong Thap Provincial People’s Court him two years and six months in prison. He is detained in Dong Thap Province.



**Adopted by Representative Chris Smith (R-NJ), Father Nguyen Van Ly** has spent over 15 years in prison for the causes of religious freedom, democracy, and human rights. Initially arrested in September 1977 and sentenced to 20 years in a labor camp near Hue, he was later released but prohibited from engaging in religious activities. He was returned to jail in 2001 when he submitted testimony to the U.S. Congress and the U.S. Commission on International Religious Freedom opposing a U.S.-Vietnam Bilateral Trade Act. On March 30, 2007, in a broadcasted show trial, authorities muzzled him while he tried to defend himself. He is a one of the founders of Bloc 8406 and past editor of an underground publication.



**Adopted by Representative Zoe Lofgren (D-CA), Nguyen Van Lia (m)** is a longtime adherent of Hoa Hao Buddhism, a religious group often suppressed by the government, and the co-author of several Hoa Hao Buddhist religious instruction texts and books. He is charged with violating article 258 of the penal code for “abusing democratic freedoms to infringe upon the interests of the state,” a crime that could result in a sentence of up to seven years. According to state media, he possessed printed materials, CD’s, and DVD’s criticizing the Vietnamese government’s religious record. He had previously met with the U.S. Consulate and USCIRF officials in Saigon. He was sentenced to a five-year term on December 13, 2011 on the charge of “abusing democratic freedoms.”



**Released and Adopted by Representative Ted Poe, (R-TX), Duong Kim Khai Duong (m)** is a pastor for the Mennonite Church in Vietnam, a long-time advocate for aggrieved farmers, a democracy activist and member of Viet Tan, an organization advocating for democracy. Since the early 1990’s, he has been detained or arrested thirteen times, often while trying to organize prayer sessions. He was jailed in 2004 for starting an “illegal” religious group. Upon his release in 2006, he founded the Mennonite Cattle Shed Congregation in order to advocate for religious freedom and social justice, particularly to provide assistance to farmers so they could petition the government for redress in land disputes or corruption cases in Ben Tre and Dong Thap provinces. He also joined Viet Tan during this period. Pastor Duong Kim Khai was arrested on August 10, 2010 on the charge of “attempting to overthrow the government.” The condition of his health and place of detention were kept from his family by authorities until October 12, 2010, when it received written confirmation of his arrest. On May 30, 2011, he was sentenced to a six-year prison term (later reduced to five years) followed by five-year term of house arrest. In 2011, the UN Working Group on Arbitrary Detention ruled that the Hanoi government’s detention and conviction of Pastor Duong Kim Khai and six other land activists were in violation of international law.



**Released: Adopted by Representative David Price (D-NC), Dr. Cu Huy Ha Vu** is a prominent government critic and human-rights lawyer. He filed unprecedented lawsuits against the government, including suing Prime Minister Nguyen Tan Dung for violating laws on environmental protection, national security, and cultural heritage by approving a Chinese-run bauxite mining project in the Central Highlands. His law firm provided legal assistance to democracy activists and, prior to his arrest, to six Catholics from Con Dau parish who had protested government confiscation of Church properties. He was arrested on 5 November 2010, and on 4 April 2011 sentenced to seven-years in prison to be followed by three-years of house arrest. The charge was “propaganda against the socialist state.”

Mr. SMITH. Thank you very much, Dr. George.

We have about a minute left on this vote and there are four votes. Can I enquire what your time looks like? Can we come back?

Mr. GEORGE. Would you like me to wait until you come back? I would be happy to do that, Mr. Chairman.

Mr. SMITH. I would probably ask one question to start it off.

Mr. GEORGE. Absolutely.

Mr. SMITH. And then we will reconvene. You know, in talking about Vietnam, I remember meeting with Ambassador-at-Large John Hanford several times and he often talked about the deliverables, whether it be Saudi Arabia, which was making a great deal of suggestive noise that somehow they would clean up their textbooks and much of their support that we found very objectionable, particular the Wahabbis would be reined in on but especially on the textbook issue.

With Vietnam, the deliverables were quite extensive and I went over to Vietnam, met with a number of pastors. There was a great deal of optimism and hope and, again, as I said, if you want me to go to Rabbi Saperstein, almost a day after there was a snap-back retaliatory repression against the faith believers.

The Vietnamese are doing now exactly what the Chinese learned long ago to do and they are just parroting that and signing the U.N. conventions and treaties or at least suggesting that they will, which are not enforceable.

They exhort, they have no means of enforcement so it only looks good. I lost track of the number of times that a Chinese leader came here, and he would say now we are going to sign the International Covenant on Civil and Political Rights. But they didn't do it.

Then they didn't do it and then a year would go by, somebody else would come in. They would talk about signing another.

My question is, how do you make this durable? CPC just means we designate. What the administration does in follow-up is part two and ought to be done based on a calibrated response to deeds, not words. And I am very concerned that we ought to just get it right on CPC.

And one word about TPP. I went in a secret room and read the agreement. I was appalled at the unenforceability of the human rights section, so called, especially as it relates to labor rights, which you would have thought with labor heavily weighing in on the administration to do the right thing and to follow true ILO standards in an enforceable fashion, it is just not there.

It is left up to the country itself to deem what needs to be done in any situation. It puts at risk our ability on CPC, on trafficking, and other human rights issues to enforce it. I am wondering now whether or not we can actually enforce some of our current laws when it comes to human rights with regard to the TPP signatory countries. So it could be a massive setback, not an advancement.

This idea of designation of CPC ought to be a no-brainer based on the facts on the ground and then let the administration decide what to do from a simple demarche to a whole bunch of other things that could be done.

Mr. GEORGE. Well, Congressman Smith, I am hoping to learn more soon about why some of these offending nations will sign on

to treaties, especially human rights conventions, that they have no intention of abiding by or sometimes decline to sign and it is hard to know why they sometimes decline to sign, sometimes sign but ignore.

But as it happens, my daughter, Rachel George, who is doing her Ph.D. at the London School of Economics in international relations is writing her dissertation on exactly this question.

So I hope to learn something and I will share it with you when Rachel produces the goods. But it is a—

Mr. SMITH. We are at zero and could you just hold that?

Mr. GEORGE. Yes, absolutely.

Mr. SMITH. Quick recess, and then we will come back and I thank you for your patience.

[Recess.]

Mr. SMITH. The subcommittee will resume its sitting and I apologize for that rather lengthy delay.

So Dr. George, you were in the middle of an answer, I know, so you were done or no?

Mr. GEORGE. Yes, Mr. Chairman, you had asked about some nations that sign on to human rights treaties and conventions but then just flout them because there obviously is no international human rights law enforcement mechanism.

My day job is as a legal philosopher and one of the great questions in my field of philosophy of law is whether international law is really law, since we don't have so many cases, at least, formal enforcement mechanisms, international police forces. We do have international courts but, of course, they are limited in their jurisdiction.

So what do we do? Well, we incentivize good behavior and disincentivize bad behavior in the construction and execution of our foreign and diplomatic policy. That is what we do.

We can't act for the world but we can act for ourselves. The United States really matters. It is very important. We have a big impact on other countries. How we treat them matters to them, especially when it comes to trade or geostrategic and military concerns.

And that is why, Mr. Chairman, we cannot—and this was the spirit behind IRFA, as you know, since you were so significant in it—the spirit behind IRFA is the spirit that says trade considerations, geostrategic and military considerations, those are important, those do matter; it is important that there be powerful lobbies for those interests and there will be. The question is will there be an equally or similarly powerful lobby for human rights and especially for religious freedom and what the IRF law helps to do through the ambassadorship, through the U.S. Commission on International Religious Freedom is to ensure that there is a voice for religious freedom, a lobby for religious freedom at the table speaking on behalf of the persecuted and the marginalized and the victims of discrimination and oppression.

So all these mechanisms we have been talking about, Mr. Chairman, the CPC designations, avoiding the double-hatting, making sure that waivers aren't institutionalized permanently in such a way that they undercut CPC designations, all these tools are mech-

anisms for doing exactly what I said, incentivizing good behavior and improvements, disincentivizing the bad behavior.

Mr. SMITH. You pointed out that Pakistan has a very serious negative record when it comes to religious freedom and I wonder if you might want to expand upon that. Without your full statement will be made a part of the record.

When the Prime Minister was in town just a few days ago I raised the issue, a number of them, including Ms. Bibi, who is a Christian mother, who got a stay of execution by the Supreme Court in July.

But, as we know, that can change and, you know, there is an appeal going on and I did ask the Prime Minister to use his good offices to intervene on her behalf.

I impressed upon him how all of us are deeply concerned about the blasphemy laws, the Taliban having a tremendous amount of ability to do terrible things with very little pressure to stop and I wonder if you might want to expand upon Pakistan, if you could speak to that?

Mr. GEORGE. Yes, I will, Mr. Chairman.

As I mentioned in my testimony, Pakistan, in the view of our commission represents the worst situation in the world for religious freedom for countries that are not currently designated a CPC by the U.S. Government.

We have several recommendations for CPCs, for countries that are not currently CPCs, but at the very top of the list is Pakistan because of the scope and depth of the religious freedom abuses there.

Since 2002, USCIRF has recommended CPC designation for Pakistan. That is a lot of years and that is due to the government's systematic ongoing and egregious violations of religious freedom and violations by the Taliban and by other non-state actors.

So if you just read the statute, apply the law, ask the question does Pakistan meet that standard, systematic egregious and ongoing, the answer is it does.

So in our view it really belongs on the CPC list. Now, of course, the State Department has never designated Pakistan as a CPC despite its own IRFA reports, despite our annual report at USCIRF, and despite the lobbying and the support, the reports, of non-governmental organizations, all of which document the severe religious freedom violations, the persecutions against a wide variety of groups, Mr. Chairman, including Sunni, Shi'a, and Ahmadi Muslims.

I want to especially highlight the mistreatment of Ahmadis in Pakistan where the very constitutional law of the government systematically discriminates against them and violates their rights.

They are forbidden to call themselves Muslims even though in conscience they believe themselves to be Muslims. They can lose their right to vote. They are not allowed to greet each other or others with the traditional Muslim greeting of peace.

And there are other groups, of course, that are victims including Christians and Hindus. In March of this year, we sent a commissioner-level delegation to Pakistan and what they found is, of course, all Pakistanis are deprived of fundamental and universal rights including the right to freedom of religion and belief.

And on the last day that our delegation was there two churches in Lahore were attacked, leaving 15 people dead as well as dozens of others injured.

And, of course, you mentioned the blasphemy laws. Pakistan detains the greatest number of individuals for blasphemy of any country in the world.

We are aware of 38 blasphemy prisoners as of our 2015 report. The world, of course, has come to know Asia Bibi, a Christian woman in jail since 2010, who faces the death penalty for blasphemy. But she is probably just the most well known of what are in fact many.

And it is for all those reasons, Mr. Chairman, that we believe great pressure needs to be brought to bear on Pakistan to improve its record on religious freedom and until reforms are made, Pakistan deserves to be on the CPC list.

Mr. SMITH. Let me just ask you, if you are concerned as I am, about conforming human rights designations to accommodate other political considerations.

As I mentioned earlier to Rabbi Saperstein, on the child abduction law I was incredulous that Japan, even though it has more than 50 cases, according to the Center for Missing and Exploited Children, of abduction cases, was given a complete pass.

If you even have one that goes past the Hague Convention time of 6 weeks, one can get such a designation. But when you have five, ten, 50 it is a no-brainer. And yet, the State Department Office of Children's Issues that takes the lead on this gave Japan a pass.

And Tier 3, I mentioned Malaysia, Vietnam, and Cuba, and now on CPC, Vietnam and that seems to be driven in part by the TPP.

The commission's view on just getting it right in the report and then reasonable men and women can disagree on what the sanction ought to be, although I think double hatting it diminishes it greatly. But could you speak to that? Because, you know, this is a serious problem, and then we get these glib statements that somehow the TPP has human rights language in it.

Let me just disabuse anybody who thinks that. Just read it. It is feckless. It is ineffective. It is not going to effectuate any kind of change because there is little or no enforcement contained in it.

I went and I read it and I would hope more people would and maybe it is not public yet. It ought to be. But this idea that the different reports keep getting it wrong when the country in question has some other strategic or geopolitical issue going for it.

Mr. GEORGE. Well, that is it, of course. You put your finger on the problem. I think it is very important to get the rules and standards right.

That is why I, at the time, so strongly supported the International Religious Freedom Act and why I continue to support it and why I support the efforts by you and others to update the act and reform the act, correct what needs to be corrected, bring it up to date with our contemporary challenges, for example, in the area of non-state actors and so forth.

But getting the laws and the rules right is only half the battle. Now, it is a necessary half because getting the job done will require

getting the laws and the rules and the standards right as a necessary condition.

What is the other half? It is political will, Mr. Chairman. It is having the will to stand up for religious freedom when, precisely when, there are competing considerations, when there are competing trade, economic considerations, military and geostrategic considerations.

And I want to stress that none of us are belittling or denigrating those considerations. They are very important. We want prosperity for ourselves and for others. We want functioning markets.

We want trade with all the nations in the world. We certainly want to be in a strong position as far as our national security is concerned.

We want a strong military that is operating in relation to other countries properly throughout the world to ensure the security of the United States and the world to the extent that we have any responsibility for it or can affect it.

But that should never be permitted to be an excuse for inaction, for the lack of political will to stand up for religious freedom and for other basic human rights.

So we have got to muster the political will to do it and where somebody points to language and a law or statute or points to a standard when we have asked for action I think you are right to say that is not enough.

The pretty language doesn't get the job done for persecuted people and prisoners of conscience. You need the political will to act.

But I will just conclude on this point, Mr. Chairman, by saying that the beauty of democracy is that the people get to influence these sorts of things.

And so I do hope that we as a people, not just our political leaders but that we as a people will give the kind of priority that religious freedom deserves for the persecuted people of the world and if we get that there are going to be a lot of people sent up here and into other offices that will have the political will to get the job done.

Mr. SMITH. Let me just ask you with regards to the U.N. system and whether or not the commission interfaces with the Human Rights Council, Prince Zeid, or the U.N. Special Rapporteur on freedom of religion or belief, Professor Bielefeldt, does the commission have contact with them? How do you find their work to be? Can you give any sense of its quality?

Mr. GEORGE. I am not sure I heard the question. I don't want to make—

Mr. SMITH. The U.N. Special Rapporteur on freedom of religion or belief, is there any kind of interface with the commission and his office and him?

Mr. GEORGE. It is the U.N. Special Rapporteur—

Mr. SMITH. Yes.

Mr. GEORGE [continuing]. That you are asking about? Yes, okay. So our commission does interact not only with the U.N. rapporteur and other U.N. offices that are concerned with religious freedom but also with our peer institutions in other countries, for example, in Canada and in some of the European countries.



We also recently participated in and helped to organize an international parliamentarians panel and we are grateful to you, Mr. Chairman, for providing a wonderful letter of greeting to the parliamentarians from all over the world who visited us in New York to talk about how legislative bodies in the democratic countries around the world could unite in the cause of religious freedom.

So we have very good relations and our staff has really been terrific about building relationships with others who are committed to the same cause because it is, after all, international religious freedom and while the United States can do an awful lot by way of our foreign and diplomatic policy, we are going to be able to do a lot more if we are coordinating with other nations, especially other influential powerful wealthy nations, but really with all nations, anybody who is willing to join us in the fight for international human rights.

The bottom line there is that we are doing everything we can to work with anybody who is willing to work with us to advance this cause.

Mr. SMITH. I have one final question and then I will yield to Chairman Rohrabacher, and I will have to leave. I am opening up a session on autism.

Sesame Street today is introducing a character who is an autistic child to try to raise the profile among young people. But let me just—the Frank Wolf International Religious Freedom Act—do you support it?

Mr. GEORGE. Absolutely. Now, I guess I better speak for myself here and not for the whole commission because we haven't had a vote of our commissioners. So let me step out of my official role as chairman and support it.

I will note that the act includes many provisions that are almost identical to recommendations that we have, as a commission, made. So, like our recommendations, these provisions would better equip our Government to support international religious freedom.

For example, it amends IRFA to locate the Office of International Religious Freedom in the office of the Secretary of State.

USCIRF believes that, given the importance of the issue and the customary placement of an Ambassador-at-Large that the IRF office ought to be given really more prominence in the State Department hierarchy.

I suspect we are on the same page here, Mr. Chairman, wanting David Saperstein to have as much influence as he possibly can. But we would want any Ambassador whose job is to promote religious freedom to have the maximum amounts of influence and access.

It specifies additional foreign government actions violating religious freedom for the annual International Religious Freedom Report including a special watch list of countries of violent non-state actors that have engaged in or tolerated such violations but don't yet quite meet the criteria for designation as Countries of Particular Concern.

That really corresponds, roughly but closely, to what we call our Tier 2 countries—countries like Russia, for example.

It amends the Foreign Service Act of 1980 to direct the Secretary to develop a curriculum for and the director of the George B.

Schultz National Foreign Affairs Training Center to begin mandatory training on religious freedom for all Foreign Service Officers.

That is a very good idea. The officers who are the diplomatic corps really need to be educated on the importance of religious freedom as an essential human right and as a key to stability and security.

I mean, one of the problems we have had—I am not blaming anybody for this. If there is anybody to blame it is those of us who are in the academic field.

Those of us in the academic field cooked up a theory called secularization theory or the secularization thesis and this was the widely believed thesis for which there was some evidence.

Turned out to be false but we had some—there was some evidence for the theory that as modernity proceeded with industrialization and mass media and global economy, as modernization proceeded religion would recede, basically, to the private sphere and be less and less a matter of public interest so why did people who were training for careers in international affairs or diplomacy need to care much about religion. It would be just a private matter.

Well, that turned out to be spectacularly false. We now know that religion is increasing in its public significance, for good and for ill, which means that now that we know that that thesis is false we also know that people who are going to be acting on our behalf in the international sphere, whether they are themselves devout or believers or not, need to have an appreciation and understanding of what religion is and how it works and of the importance of religious freedom both as a right that we as a country are deeply committed to on our very founding principles but also as part of the solution to instability and insecurity.

We talked about the waivers in double-hatting and I think your bill would be a big help in strengthening the IRFA tools there to make sure that they are not undercut by double-hatting and by waivers that are given indefinitely and without conditions.

Your bill also states that it should be U.S. policy that violent non-state actors should be eligible for designation as Countries of Particular Concern and that specified Presidential actions should apply to them or individual members of such groups.

We at USCIRF strongly support that. I can speak for everybody on that one. The world has changed. The world is not what it was in 1998. It wasn't a mistake in 1998. It is just that things have changed and now the act needs to be updated to just deal with the reality in the world, a reality in which we are facing the Islamic State, we are facing Boko Haram, non-state actors in those and other places that are just really wreaking devastation.

I could go on, Mr. Chairman, I know you have to go, and my written submission will go into more detail about these matters.

Mr. SMITH. Thank you so very much.

Dr. George, thank you for your exemplary leadership on these issues both as head of USCIRF but also in all of the other work that you do.

I have watched it and admired it for decades. So I want to thank you. I would like to yield to Chairman Rohrabacher, who will take over the hearing, and I thank you.

Mr. GEORGE. Thank you, Mr. Chairman.

Mr. ROHRABACHER. Mr. Chairman, what five nations would you consider to be the worst abusers of religious freedom?

Mr. GEORGE. Well, there are so many good candidates, I am afraid, Congressman Rohrabacher, that it is hard to narrow it down to five but let me give it a first stab on some reflection. I might alter it a bit at the edges. But North Korea is a terrible violator.

Mr. ROHRABACHER. Okay.

Mr. GEORGE. China, such a large country and so many people from so many different religious groups, so brutally repressed—the Buddhists in Tibet and elsewhere, the Catholics, the house church Protestants, the Falun Gong members, the Uyghur Muslims.

Mr. ROHRABACHER. Okay.

Mr. GEORGE. The regime in Tehran, I have to say, is a world-class religious freedom abuser. So Iran has to be considered among the worst.

Mr. ROHRABACHER. So there are not Christian churches in Iran and they can't function or people—

Mr. GEORGE. Well, there are Christians in Iran but, of course, they are subject to the same persecution that any religious minority group is subject to in Iran.

Mr. ROHRABACHER. Would Pakistan be on the list?

Mr. GEORGE. Pakistan is the worst offending nation of those not currently designated as CPCs, which means that they would be in the top ten. Whether they would be in the top five I would want to give that a little bit of reflection.

Mr. ROHRABACHER. I would suggest that if Pakistan is not on the list, it demonstrates that for whatever reason Pakistan has been protected for some other motives by our Government over these last 25, 30 years. During the Cold War—

Mr. GEORGE. And we would note that whatever those reasons are and perhaps they are good reasons—since they haven't been shared with me I can't evaluate their strength—but I would note that it is not partisan because—

Mr. ROHRABACHER. Oh, yes. Sure.

Mr. GEORGE [continuing]. We have been recommending CPC designation going back into the early years of the Bush administration.

Mr. ROHRABACHER. Well, during the Cold War the Pakistani Government was involved with the Cold War.

Mr. GEORGE. Yes. That is right.

Mr. ROHRABACHER. They were our allies and India was basically an ally of Russia during the Cold War. The Cold War has been over a long time now and the monstrous repression of the people of Pakistan who have differing religious views from the ruling clique that whoever rules there is very demonstrable. And now, don't the Ahmadis—is that—

Mr. GEORGE. Yes. Let me say a word about that.

Mr. ROHRABACHER [continuing]. Not just Christians but there is Ahmadis, there are other Muslims that are being murdered and—

Mr. GEORGE. Yes.

Mr. ROHRABACHER [continuing]. This is horrendous. It is horrendous that that is going on and yet we still provide weapons to Paki-

stan, not to mention, of course, they thumb their nose at us by putting Dr. Afridi, the man who identified Osama bin Laden for us, he is in a dungeon right now even as we give F-16 fighters to Pakistan and, of course, the same group that threw Dr. Afridi in jail are the same people who gave Osama bin Laden safe haven—the man who slaughtered 3,000 Americans.

There is something really wrong there and I hope that people—if they won't pay attention to the strategic things like their support of someone who was involved in the 9/11 attacks maybe they would have some heart for other people—just ordinary people who are being murdered and slaughtered because they just want to pray to God in a different way.

Mr. GEORGE. Chairman Smith mentioned Bhatti earlier. There have been some great heroes who have tried to stand up against the persecution there at the cost of their very lives or their liberty.

And it is not just the regime when it comes to Pakistan which is, after all, a democratic nation. If you look at the persecution of the Ahmadis and of other minorities including Christians we have a cultural problem there as well.

It is similar to, I think, what you yourself pointed to in Burma or one of the congressmen pointed to in Burma earlier where the cultural prejudice against minorities, and particularly in this case the Ahmadis, is very powerful.

It is not just the government. The anti-Ahmadi provisions of the very constitution of the nation are there because of public attitudes, really, and sometimes when, you know, we are in touch with officials and we are trying to bring pressure to bear on officials they will say to us, well, you don't know what you are asking because we have got a civil society to deal with here and we can't just put into place policies that would be easier on our minorities because the people won't tolerate it. We hear this from the Saudis, by the way. We talk about the need—

Mr. ROHRABACHER. Oh, sure. Of course.

Mr. GEORGE [continuing]. You know, for respect for—there are a lot of Christian guest workers, Filipinos and others, in Saudi Arabia who would like to be able to carry their Bibles or have a church. On the whole Saudi Arabian peninsula there is no church—there is no Christian church, right. Why can't they?

Well, we confront Saudi officials and they say well, you—maybe we would like to make some reforms here and make it a little easier for these people to practice their faith but, you know, our civil society wouldn't permit it.

I mean, it just—it just couldn't fly, given the sociology of our people here. And I think we just can't accept that. We cannot accept that.

Mr. ROHRABACHER. Correct.

Mr. GEORGE. These regimes are responsible for making the reforms that protect the human rights, including the fundamental right of religious freedom of all the people within their jurisdictions including their minority citizens and guests.

Mr. ROHRABACHER. I remember during the Cold War having to sit down with people who were representing Communist governments who always had these excuses and—

Mr. GEORGE. Yes.

Mr. ROHRABACHER [continuing]. And were never willing to admit just how oppressive they really were. I think it is time that we insisted that they face this reality of what Marxism/Leninism is all about.

I think it is time that—there are many millions of Muslims around the world, many if not most who could be friends and be open to these kind of ideas of accepting people and not oppressing somebody simply because they worship God in a different way.

We need to call to task the Saudis and the Pakistanis and these other people who have supposedly been on our side and quit trying to treat them with kid gloves because it ain't going to work.

These regimes are basically gangster regimes in terms of the way they treat their people and it shouldn't be tolerated and the United States has done that. Shame on us.

Thank God for you and Chris Smith and other people who have committed their lives to exposing those people who are stepping on the religious freedom of other human beings.

Thank you very much for being with us today, and I think I am supposed to gavel this down.

This hearing is now adjourned.

Mr. GEORGE. Thank you, Mr. Chairman.

[Whereupon, the committee adjourned at 3:09 p.m.]



# APPENDIX

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MATERIAL SUBMITTED FOR THE RECORD

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

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

October 27, 2015

**TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS**

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

**DATE:** Tuesday, October 27, 2015

**TIME:** 12:30 p.m.

**SUBJECT:** The Global Crisis of Religious Freedom

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

Panel II  
Robert P. George, Ph.D.  
Chairman  
U.S. Commission on International Religious Freedom

**By Direction of the Chairman**

*The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5621 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.*





COMMITTEE ON FOREIGN AFFAIRS

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

Day Tuesday Date October 27, 2015 Room 2172 Rayburn HOB

Starting Time 12:32 p.m. Ending Time 3:09 p.m.

Recesses 1 (2:12 to 2:42) (\_\_\_\_ to \_\_\_\_) (\_\_\_\_ to \_\_\_\_) (\_\_\_\_ to \_\_\_\_) (\_\_\_\_ to \_\_\_\_) (\_\_\_\_ to \_\_\_\_)

Presiding Member(s)

*Rep. Chris Smith, Rep. Dana Rohrabacher*

Check all of the following that apply:

Open Session

Executive (closed) Session

Televised

Electronically Recorded (taped)

Stenographic Record

TITLE OF HEARING:

*The Global Crisis of Religious Freedom*

SUBCOMMITTEE MEMBERS PRESENT:

*Rep. David Cicilline, Rep. Daniel Donovan, Rep. Curt Clawson, Rep. Mark Meadows*

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

*Rep. Trent Franks\**

HEARING WITNESSES: Same as meeting notice attached? Yes  No   
(If "no", please list below and include title, agency, department, or organization.)

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

TIME SCHEDULED TO RECONVENE \_\_\_\_\_

or

TIME ADJOURNED 3:09 p.m.

*Gregory B. Sigal*  
Subcommittee Staff Director

