

Committee on House Oversight and Government Reform
Subcommittee on National Security
Examining the Government's Record on Implementing the International Religious Freedom Act
Statement for the Record
Tina Ramirez, President, Hardwired, Inc.
June 13, 2013

Mr. Chairman and Members of the Committee,

Thank you for allowing me the opportunity to testify before this Committee regarding the government's record in implementing the International Religious Freedom Act (IRFA). I would like to ask that my full statement be submitted into the record.

When IRFA was passed in 1998, I was one of many Americans elated that the U.S. Congress made our nation's historic commitment to religious freedom a national foreign policy priority, establishing various agencies to promote this fundamental human right and work to end oppressive policies against people on the basis of their religion or beliefs. At the time, I was a college student and was particularly interested in the situation in Sudan, which was one of the main reasons Americans rallied behind IRFA, though China and Russia were two other areas of specific concern inspiring the legislation's passage – all remain concerns today.

At the time of IRFA's passage, the civil war in Sudan was raging on: two million Sudanese in the south and others supporting them in the surrounding areas of Blue Nile and South Kordofan were killed as government planes bombed their churches and their homes from the air, enslaving those they captured – especially children – while President Bashir declared a holy war on the south, instituted criminal sharia, and used systematic starvation as a weapon of war. You may recall that Roma Downey highlighted the slavery of southern Sudanese by the Bashir regime in an episode of *Touched by an Angel* in 1999, further galvanizing American interest in Sudan. Americans were shocked that human slavery still existed; the many Lost Boys of Sudan now living in America provide us with a daily reminder of the brutal realities of religious oppression.

Indeed, the lesson of Sudan for America was that no one is safe when religious oppression is allowed to flourish – for Muslims, Christians, followers of traditional African religions, and most ethnic groups outside President Bashir's own tribe, his oppressive policies of genocide, slavery, and ethnic cleansing had no respect of persons.

The situation in Sudan also illustrated the inextricable link between religious persecution and so many other human rights violations – where religious persecution is present, we can also find a variety of abuses of other human rights. Moreover, as history has shown time and again, religious freedom serves as an important litmus test or canary in the coal mine for the level of other human freedoms. Therefore, in promoting religious freedom in Sudan and elsewhere, the US was embarking on a policy to promote greater human freedom and human dignity. If implemented well, such a policy could have significant and positive implications for the promotion of other rights, and would contribute to the benefits of a rights-based society – economic, social, cultural, political and more.

The ability of autocratic governments to oppress their citizens and silence dissenters, minority communities, or undesirable elements of society is closely tied to restrictions on or the denial of the human right to the freedom of thought, conscience, religion or belief, as articulated in Article 18 of both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights upon which IRFA policy was based. As Seamus Hasson has so articulately stated, religious freedom is “the foundation of the existence of any human right. Freedom of religious expression is the catalyst in

any society to the awareness of the dignity of the human person and the most fundamental precondition for any intelligible discussion about human rights.”

This freedom, religious freedom, is not just about religious people. It protects an individual’s beliefs – whatever those beliefs may be. It protects secularists and atheists, women and children, those with disabilities, non-citizens and citizens, prisoners and those enslaved or trafficked by others, minority and majority faith communities, those we disagree with and those we support – it unequivocally protects human conscience for all. It is a non-derogable human right, one that cannot be suspended or taken away at any time by governments under their international obligations. While the freedom to express one’s faith may be limited under certain circumstances, the ability to believe may never be limited.

As one of the first major initiatives inspired by IRFA, U.S. policy in Sudan serves as an important indicator of our government’s success over the past 15 years implementing this legislation. Recognizing the inhumanity of the situation, where slavery, forced starvation, mass killings, and terrorism flourished, Democrats, Republicans, the Human Rights Caucus, the Congressional Black Caucus, and people of all or no faith throughout the country worked together to pass legislation to end the human destruction occurring in Sudan. The U.S. Commission on International Religious Freedom recommended that the White House appoint a Special Envoy to negotiate a peace agreement to end the civil war. President Bush appointed former Senator John Danforth to serve as the Special Envoy to Sudan and he worked tirelessly and honorably to draft the Comprehensive Peace Agreement (CPA). The CPA was signed between the north and the south in 2005, finally bringing an end to the decades-long conflict.

All of this was accomplished in the initial years of IRFA’s passage. Everything seemed to be moving forward well for this new policy. Since then, there have been several other notable accomplishments inspired by provisions in IRFA:

- The State Department denied a visa to Narendra Modi, chief minister of Gujarat State in India, pursuant to IRFA for his direct involvement in the persecution of Muslims;
- The State Department and U.S. Congress worked to secure the release of a number of individuals imprisoned as a result of their religious beliefs, including prominent Uyghur advocate Rebiya Kadeer, Tibetan Buddhist nuns Ngawang Sangdrol and Phuntsog Nyidron, Afghan convert Sayed Mossa, a number of Iranian converts, hundreds of Vietnamese religious prisoners, and most recently Chinese human rights advocate Chen Guangcheng, among many others;
- The Department of Homeland Security began to address problems in U.S. immigration law relating to expedited removal to ensure that legitimate asylum seekers are not put at risk of being returned to countries where they may face religious persecution; and more recently,
- The State Department worked to counter a movement at the United Nations under resolutions entitled “Defamation of Religions,” which provided cover for domestic blasphemy, apostasy, and anti-conversion laws; the US ultimately offered an alternative resolution in 2011 to replace the Defamation resolutions and initiated the Istanbul Process, focused on combating religious intolerance which has engaged the Department of Justice in efforts to facilitate trainings with countries undergoing legal changes related to freedom of religion and freedom of expression; and

Some of these accomplishments, among others, were identified in legislation I drafted while working for Congressmen Trent Franks and Emanuel Cleaver, former co-chairs of the International Religious Freedom Caucus, in 2008 to mark the 10th anniversary of IRFA.¹ In that legislation, I also identified several new situations that had arisen to challenge US policy on religious freedom. Unfortunately several of those challenges remain unaddressed today. Consequently, in spite of these notable accomplishments,

¹ H.RES.1140 (2008) -- Recognizing the 10th Anniversary of the International Religious Freedom Act of 1998.

much work remains to be done as religious persecution continues to worsen each year, leaving 5.1 billion people without this basic freedom that serves as a linchpin to so many other human freedoms.

In 2007, I worked with Congressman Frank Wolf to secure the first funding designated for religious freedom programming, which - although mandated under IRFA - had never been implemented. My research indicated that the only funding for religious related programs were focused on tolerance and accounted for less than one percent of the total funds distributed under the Human Rights and Democracy Fund with the State Department. Unfortunately, in reviewing the implementation of those designated funds, I discovered that the State Department largely failed to support programs that would address the legal challenges to religious freedom worldwide. I also undertook research for both the USCIRF and Congress and found that there were no required training programs in international religious freedom for Foreign Service officers and the diplomatic corps, as required under IRFA. In both instances, State followed a reactionary approach rather than a proactive one. The failure to effectively invest in the positive promotion of religious freedom and training of our diplomats in positive engagement has cost us more in the long run as instability increases worldwide. Not only would such an investment save America money in the long run, it would also improve our reporting mechanism under the State Department's Office of International Religious Freedom.

In 2011, I was part of a broad coalition of non-governmental organizations working to reform the International Religious Freedom Act. Two of our suggestions were implemented by Senator Durbin. The first was the institution of term limits for Commissioners at the USCIRF in order to engage a variety of individuals with new ideas and approaches to advancing religious freedom. The other suggestion related to the reduction of the Commission's budget. Other recommendations were unfortunately not taken up by Congress in the reauthorization of IRFA but would contribute to greater effectiveness in the government's implementation of that Act. These recommendations included increasing the status given to the Ambassador at Large for International Religious Freedom to the equivalent of others with the rank of Ambassador, implementing required training for all Foreign Service officers and politically appointed diplomats, and increasing support for programs that specifically promote religious freedom abroad.

The recent study by the Government Accountability Office has acknowledged some of the continuing problems in implementing an effective strategy as well. Still, the question before the Committee today is whether the government has been effective in implementing IRFA and if not, then what has happened to America's leadership on religious freedom?

Under President Bush, the rank of the Ambassador-at-Large for International Religious Freedom was demoted within the State Department. And, as you know, it took two and a half years for the current Administration to appoint an Ambassador-at-Large. By the time this position was finally filled, the Arab Spring had already begun and there was little time for the Ambassador to respond to violations of religious freedom, let alone develop the expertise required to address such situations.

While inconsistent policies affect most Administrations, the demotion and delayed appointment of the Ambassador-at-Large gave religious freedom advocates and the general public the impression that religious freedom was a low priority for America. While much could be said of previous Administrations and their efforts on religious freedom, in particular the failure to adopt any comprehensive policy in Iraq that would protect religious minorities, my comments will focus primarily on the current Administration's efforts to implement IRFA.

Coupled with the inconsistent policies and messages in recent years, American leadership and resolve is not what it was at the time of IRFA's passage when a broad multi-faith, bi-partisan coalition supported it. This includes the recent Administration's calls to negotiate with state sponsors of terrorism, and failure to respond decisively when peaceful protestors in Iran, Egypt and Syria look for international support

against autocratic policies and religious oppression, to the recent waiving of conditions on aid to Egypt and persistent national security waivers for Saudi Arabia despite massive violations of religious freedom in both countries. Indeed, Saudi Arabia has traditionally earned a pass from both Republican and Democrat administrations – this, despite the fact that the country publishes and exports textbooks which educate children in how to kill Christians, Jews, and homosexuals.

While President Obama recently met with Burmese President Thein Sien and raised concerns about the persecution of Rohingya Muslims, there is no evidence that he has raised similar concerns about persecution of religious minorities in recent visits with the Turkish Prime Minister Recep Tayyip Erdogan or Chinese President Xi Jinping. Moreover, official statements following the 2010 attack on a Syriac Church in Baghdad and current attacks on Muslims and Christians by Boko Haram in Nigeria have underplayed the terrorist nature of the attacks as specifically targeting religious communities (of course, past Administrations did not prioritize religious freedom in policies in Iraq and Nigeria as well which has contributed to the growing problem that now exists for the current Administration).

Many Muslim human rights groups have rightfully raised concern over the consideration of easing visa restrictions on Narendra Modi; however, more alarming for these groups is what will happen with if Modi becomes Prime Minister in light of this shift in US policy towards someone directly responsible for egregious violations of religious freedom. Recently, a large multi-faith effort recently raised concern over the invitation of top Sudanese officials, led by presidential advisor Nafie ali Nafie, a man also well known as the Butcher of Sudan, to the White House and what this means for the future of US policy on religious freedom when IRFA clearly restricts the issuing of any visas for officials directly involved in egregious violations of religious freedom. And in a glaring error, the State Department and Administration have failed to designate any countries as Countries of Particular Concern since 2011, although they are required to do so by IRFA each year. So despite some positive statements from the Administration, there have been major missteps which jeopardize the integrity of the US's religious freedom efforts.

Apart from issues in the White House, and beginning under the previous Administration, the Department of Homeland Security has placed thousands of applications for resettlement on hold because of terrorism related inadmissibility grounds (TRIG) which have unintentionally designated those persecuted by terrorists as providing “material support” to terrorists. Though never intended by Congress, lawmakers recognized this problem, and in 2007, just before President Obama took office, Senators Patrick Leahy (D-Vt.) and Jon Kyl (R-Ariz.) passed legislation with broad bipartisan support, authorizing the president to exempt persons with no actual connection to terrorism from the overly broad definition of terrorism created under the USA PATRIOT Act of 2001. Many persecuted individuals remain in limbo in dangerous situations, waiting for the President to fulfill his promise to clear up the backlog of cases, issue the regulations needed to fix this problem, and help persecuted refugees work through this process more quickly. If those truly associated with terrorism and egregious violations of religious freedom can enter the U.S. despite laws preventing this from occurring, then perhaps the President can direct the Secretary of Homeland Security to address the TRIG concerns raised by a bi-partisan initiative of Congress to ensure American remains a refuge to those fleeing religious persecution.

In reviewing US policy implementing the IRFA since 1998, one thing is clear: religious freedom has more often than not been treated as an annoying thorn in our side – something we are obligated to address out of duty rather than genuine concern. We have failed to recognize the violation of religious freedom as the symptom of a deeper cancer that must be addressed for human freedom to flourish. This has been true of every Administration since 1998.

To be effective, religious freedom must be supported as a top priority by the President, it must be part of a comprehensive policy for nations and regions, and it must take on a strategic offensive approach rather than a delayed defensive one.

I would like to return to Sudan and explore whether we can still consider Sudan to be a model for success in implementing IRFA. Unfortunately, the initial momentum to address religious oppression in Sudan was sidelined by other national security concerns over the past decade; there was little coordination among agencies and certain ones, such as the Department of Defense, flatly failed to implement the President's recommendations. A lack of follow-through since passage of the CPA has allowed the wound to re-open and the cancer to exacerbate into another civil war which is now ravaging the north.

As you know, following the signing of the CPA, President Bashir turned his full attention to Darfur and launched what Congress has recognized as genocide, the brutal ethnic cleansing of at least 200,000 Darfurians. Bashir dismissed the CPA and failed to implement any of the recommendations from it. Congress, State and the President tried to get the south the assistance needed to defend against air raids and other military attacks, but these policies were never implemented by Secretary Gates – and sadly we see the effects of this in the Nuba Mountains today. Since the south seceded in a referendum in 2011, President Bashir has launched a crackdown on Sudanese in the Nuba Mountains and other regions for their loyalty to the south.

Last year, President Bashir invited civil society groups to draft a new constitution. I was invited to facilitate an interfaith training for a group of Sudanese lawyers working on draft recommendations, as they needed assistance in this process and lacked legal expertise in international religious freedom law. However, since Bashir's initial invitation to civil society regarding the constitution last year, a widespread governmental crackdown has swept across civil society, targeting Christian groups in particular. Most recently, several of the individuals who participated in the training were investigated for their work on the constitution, simply doing what the President asked them to do. The Security Forces' Department of Christianity are treating Christians - and the Muslims with whom they are working to ensure equal protection and peaceful coexistence for all - as a national security threat. As the situation deteriorates in Sudan, President Bashir is once again using systematic bombing, starvation, imprisonment, and torture against his people.

The State Department has relaxed some sanctions for educational and professional exchanges in Sudan, which is a positive step, but more must be done to publicly condemn the targeting of those Sudanese who seek further training, to ensure a constitutional process that protects the equal rights of all citizens and which ends the government's brutal policies. Once again, we stand at a critical juncture with an opportunity to stand with the Sudanese people in their pursuit of human freedom. In light of President Obama's promises to focus on ending the conflict in Darfur prior to his election, it is critical that he now take decisive actions to effect real change in Sudan. This can be done by appointing a new Special Envoy, making bold statements about the need for respect for human rights, and rescinding his invitation to anyone associated with egregious violations of religious freedom as required under IRFA.

The lesson of IRFA's effectiveness in relation to Sudan is clear – without a clear, comprehensive, strategic, persistent and consistent policy, brutal regimes will slide back into their old habits and we will continue to see religious persecution increase year after year. That is why the President needs to appoint strong Ambassadors and Envoys to address particularly grave situations, including the recent call by Congress for an Envoy to protect religious minorities in the Middle East, which has so far been dismissed.

Each Administration has faced new and difficult challenges with respect to religious persecution. The key is using new tools to address them. New opportunities for US engagement on religious freedom have arisen in Sudan amidst this new constitutional process, but there are also new opportunities in Laos as they consider new regulations on religion, in Nepal as they consider a new constitution and whether it will have an anti-conversion law in it, in Nigeria as the country devolves into a state of emergency amidst the

rise of an Islamic terrorist group attacking Muslims and Christians alike, and in Turkey which is also undergoing a constitutional revision.

As US leadership on religious freedom has shifted over the years, other nations have stood up to fill the void. The Canadian government has appointed an Ambassador for Religious Freedom and opened a new office to support the initiative. The European Union is working with NGOs to develop guidelines on religious freedom and provide training to officials to ensure greater support worldwide, while officials in the Netherlands, Sweden, Norway and the United Kingdom are becoming more active on religious freedom issues. The Italian government has also established a Religious Freedom Observatory. As other nations advance their own national policies on religious freedom, we have a larger pool of best practices to draw from.

As one example of specific actions taken by foreign governments, earlier this year, German Chancellor Angela Merkel met with Turkish Prime Minister Erdogan and various minority faith communities to discuss the importance of religious freedom in the constitution currently being drafted there. She spent a majority of that time focused on the government's legal challenge to the Mor Gabriel Monastery, in which the government is attempting to seize the land on which the monastery has stood since the 4th century. In contrast, I am not aware of any mention during the recent visit between Erdogan and President Obama of the constitutional process and the need for religious freedom. Yet, here we stand with a clear opportunity to implement IRFA with an ally to help that nation become stronger and more stable through respect for religious freedom.

As you know, what started as a small protest against the destruction of a park in order to build a mall has turned into a major awakening in the consciousness of the people of Turkey, who are now taking a stand against the government's restrictive policies. As people are calling for greater freedom in Turkey - particularly freedom of expression, as Turkey is a major violator of freedom of the press - this is an opportune moment to add to the chorus and demand that Turkey honor and respect its international commitments to freedom of religion or belief. Turkey can make a choice: it can choose to repress the will of the people, as autocratic states throughout the Middle East and North Africa have over the past several years; or it can choose to honor the will of the people, explore and discuss the changes that are necessary to respect their wishes, and make efforts to institute true freedom.

And as everyone in this room knows, true freedom is impossible when people do not have the freedom to believe. When Alevis are forced to call their houses of worship "cultural centers"; when priests and rabbis cannot wear their cleric's clothing out on the street; when the government is waging a legal battle in order to seize the last tiny parcel of land from a monastery which has existed for over 1,600 years; this is not true freedom. Or, as Congress recognized in a resolution I helped draft a few years ago, when Turkish forces destroy and sell off to a black market the entire religious and cultural heritage of northern Cyprus in violations of humanitarian law.² Turkey has an opportunity to make a huge step forward, and it is our responsibility, as a close ally, to urge them in that direction.

With these things in mind, I suggest the following policy recommendations to improve US implementation of the IRFA:

To White House:

- In collaboration with the national security advisor designated to address religious freedom, the Ambassador-at-Large and the USCIRF, develop a comprehensive policy to work with countries

² HRes1631 (passed House in 2010), Calling for the protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus as well as for general respect for religious freedom.

of particular concern or on the Watch List to move them toward incremental advances in respect for religious freedom, both in law and policy;

- Frequently acknowledge and address serious religious freedom problems in any country, particularly when traveling and by issuing frequent statements calling for protection of religious freedom;
- Work with Congress, State, and the Department of Defense on a clear policy to provide the people of Sudan the assistance needed to prevent another mass genocide and appoint a new Special Envoy to coordinate this policy;
- Direct the Secretary of Homeland Security to address the TRIG concerns raised by a bi-partisan initiative of Congress to ensure American remains a refuge to those fleeing religious persecution;
- Reconsider any invitations to the US of any foreign officials who have been directly involved in egregious violations of religious freedom pursuant to IRFA;
- Reconsider any waivers to countries violating the inviolable right to religious freedom;
- Consider appointing a Special Envoy to protect religious minorities in the Middle East; and
- Condition any official US engagement with opposition groups in countries undergoing political change on the adoption and public recognition of a Bill of Rights that includes respect for religious freedom as understood in the UDHR.

To the State Department:

- In collaboration with the national security advisor designated to address religious freedom, the Ambassador-at-Large and the USCIRF, develop a comprehensive policy to work with countries of particular concern or on the Watch List to move them toward incremental advances in respect for religious freedom, both in law and policy;
- Issue the CPC recommendations called for under IRFA;
- Develop a comprehensive strategy for protecting religious minorities in the Middle East post-Arab Spring,
- Provide programmatic support to organizations working with foreign governments and civil society on legal protections in constitutions and laws to defend the international standard of religious freedom;
- Develop a comprehensive policy to address specific legal issues restricting religious freedom, including blasphemy, apostasy and anti-conversion laws, religious affiliation on identity cards, and other provisions that limit the full equality of all citizens;
- In light of frequent complaints by NGOs of their inability to get messages through to the UN Special Rapporteur on freedom of religion or belief for assistance in initiating private complaints about violations of religious freedom in countries of concern, investigate why the Special Rapporteur appears to have little support from the Office of the High Commissioner for Human Rights;
- Provide specific required training of all Foreign Service officers in international religious freedom standards and IRFA policy;
- Continue to ensure that no foreign government official receives a visa to enter the United States if that official, such as Narendra Modi or Nafie al Nafie, has been directly involved in particularly severe violations of religious freedom;
- Develop a policy to address the propagation of hatred in educational institutions worldwide, such as in Saudi funded textbooks and the misrepresentation of religious minorities such as Alevis and Christians in Turkish textbooks;
- Address national policies in countries like Kurdistan, Iraq, Uzbekistan, Russia, and China, among others, to justify restrictions on religious freedom by accusing peaceful practitioners of some religious communities of terrorist activities; and
- Develop and articulate a clear policy for why religious freedom is in the interest of foreign nations – for economic, social, political, and cultural reasons.

To the USCIRF:

- In collaboration with the national security advisor designated to address religious freedom and the Ambassador-at-Large, develop a comprehensive policy to work with countries of particular concern or on the Watch List to move them toward incremental advances in respect for religious freedom, both in law and policy;
- Work with Congress to develop legislation to advance religious freedom and assist the Department of State in identifying and implementing programming and training, as well as in developing other comprehensive policies for specific situations identified above; and
- Work with the Department of State to develop and articulate a clear policy for why religious freedom is in the interest of foreign nations – for economic, social, political, and cultural reasons.

To the US Congress:

- Condition all aid on respect for religious freedom and allow for no waiver on sanctions or aid with respect to religious freedom, and only permit limitations for the manifesting of belief as permitted under international law;
- Call on the United Nations to initiate a “Decade for Religious Freedom” during which time all national laws and constitutions should be amended to be consistent with the international standard for religious freedom under Article 18 of the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights as well as broad public education for religious freedom; and
- Call on the Department of State and White House to act on IRFA and other legislative actions taken by Congress, including related to the issue of asylum seekers, restrictions on visas for foreign officials directly engaged in violations of religious freedom, the promotion of religious freedom through funding initiatives and training Foreign Service officers.

In conclusion, it is essential for US religious freedom policy to convince America’s own diplomats and Foreign Service officers that it is vital to human freedom and national interests. Equally important is for the American public to express their support for US engagement on international religious freedom. In the first respect, the Pew Forum has done excellent research showing the economic, social, cultural, political and other benefits of religious freedom, which provides clear, tangible reasons for diplomats to promote religious freedom as a stabilizing force. Religious freedom positively correlates with other human freedoms and enables stronger, more stable governments.

The second issue – that of public support and engagement - is a much larger problem which Hardwired will be working to change in the coming months. Since younger generations of Americans are increasingly nonreligious, and because this issue has been construed in recent years as an issue only for religious people, it has been sidelined in the national media and among those advocating for other social justice issues. As the linchpin of so many other human freedoms, it is incumbent upon the NGO community to utilize different strategies as well to be more effective in advocating for religious freedom.

While the Holocaust primarily and overwhelmingly targeted Jews, it also involved the extermination of other “undesirables” – the disabled, Jehovah’s Witnesses that wouldn’t swear an oath along with Christians morally opposed to the regime and other conscientious objectors, communists and other political opponents, and more. I recently heard about a Christian couple that was imprisoned with a communist in Turkey several years ago. They thought they had it bad until they saw how the Turkish government treated the communist. They put him outside in the freezing cold during winter, stripped him of his clothes and soaked him in cold water, then left him to freeze. Each day they would do this to him, and each day, this Christian couple would wrap him in their bodies to warm him up and prevent him from freezing to death. They kept him alive and through it realized that Pastor Niemoller’s words from the

Holocaust were true for every generation – we must all stand together in the fight against human oppression for it is truly a human struggle which affects all of us. Religious freedom cannot be fought in a vacuum, it is a right of conscience for people of all faiths and none – it is a freedom for those suffering from religious oppression and religious persecution.

I hope that as Congress reconsiders this important initiative in our nation's foreign policy, there will be a new movement to stand with those oppressed by religiously motivated regimes or ideologically driven autocrats on the basis of our common humanity, whether we agree or disagree with their beliefs, and because we know that freedom of conscience is essential for human freedom for anyone anywhere in the world.

Thank you.