

DRAFT – Not for Distribution

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Sub-Committee on Global Health, Global Human Rights, and
International Organizations

Hearing on
The Dire State of Religious Freedom
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Good afternoon. I am grateful to Chairmen McCaul and Ranking Member Meeks, Subcommittee Chair Smith and Ranking Member Wild, and to the HFAC staff for this invitation to contribute to a critical discussion about the state of religious freedom worldwide and current US religious freedom policy. Thanks also to my fellow panelists for their contributions.

My name is Susan Hayward. I currently serve as Associate Director of the Religious Literacy and the Professions Initiative at Harvard Divinity School's Religion and Public Life Program. Prior to that I spent 14 years with the Religion and Inclusive Societies program at the US Institute of Peace. My remarks draw from my experience as a peacebuilder working worldwide with diverse communities, as well as my research into the religious factors and actors that shape conflict, peace, and human rights. My remarks do not represent the position of my places of employment, past or present.

I want to thank the thousands of US foreign service officers around-the-world and the staff of the International Religious Freedom office at the State Department who regularly monitor the status of the fundamental right to freedom of religion or belief and who compiled the 2022 annual report. As the report and the title of this hearing convey, there are many concerning and discriminatory trends worldwide related to religious freedom. These trends reflect broader threats to democracy and human rights worldwide and must be understood and addressed as such. It is critical for the US to support vulnerable

communities facing severe forms of structural, cultural, and even direct forms of violence – like Uighurs in China, atheists or non-religious in Pakistan, and Afro-Brazilian Candomblé communities. As have the others, I underscore the importance of this issue and the need to address it – as well as to think critically about the limitations of past policies or approaches. In my remarks today, rather than focusing on individual cases worldwide, many of which the State Department and US Commission for International Religious Freedom have documented in their country reports, I seek to address the US approach to religious freedom advocacy more broadly.

To that end, I have three recommendations for the Committee today as it considers US policy options to advance religious freedom. First, US policy on religious freedom must be contextualized in a conflict-sensitive manner so as not to render already vulnerable communities more vulnerable nor exacerbate religious dimensions of conflict. Second, approaches to religious freedom are strengthened through an approach that reinforces overlapping human rights and governance concerns. And finally, the US government must do a better job ensuring that its

approach to religious freedom is wildly inclusive, particularly of those who have historically not benefited from the resources marshalled to address this right such as Indigenous communities.

1. I'll speak first to conflict-sensitive approaches to addressing religious freedom. In my work worldwide as a peacebuilder, I have, unfortunately, seen firsthand how the US approach to religious freedom promotion has sometimes heightened inter-communal tensions in conflict environments, making already vulnerable communities more vulnerable while obscuring other critical power dynamics and factors driving violence and oppression against particular groups. The result is policy prescriptions that are limited at best, and counter-productive at worst.

Religious freedom violations often occur in a complex context of political and social conflict and must be understood and responded to with this in mind. In situations of fierce political, social, and economic competition, it is not uncommon to see government, armed groups, and

communities target certain religious or ethnic groups. Nor is it uncommon for political and movement leaders to use religious identity and language to mobilize communities and legitimate unjust policies or tactics that bolster their power. As outsiders, by defining and responding to these dynamics solely through the lens of religious freedom, we may reinforce this religious competition, contributing to the hardening of religious identity divides and amplifying religious power dynamics, even introducing trans-national currents that fuel them. On more than one occasion in my work overseas, members of vulnerable religious groups -- Muslims in Burma, Christians in Iraq – have conveyed to me that US rhetoric emphasizing their oppression at the hands of a religious majority has unintentionally made them more vulnerable – reinforcing their religious difference and a sense that that they are foreign-backed operators, not sufficiently a part of and loyal to the national community. Meanwhile, this focus on diagnosing complex issues narrowly as religious freedom issues may distract us from addressing salient economic and political drivers. After all, if we diagnose a problem as solely a problem of

religious freedom then our prescription will be limited to that. It may treat the symptoms but not the underlying disease, allowing it to grow.

Let me offer three examples. In Nigeria conflict is sometimes defined across religious divides – Christian vs Muslim. And no doubt, there is political competition and localized violence of across religious and sectarian identities, as well as targeting based on religious identity and the passage of laws constituting government control of religion. But as is often noted, violence in Nigeria is also organized by ethnic identity, or as arising between herders and farmers competing over increasingly scarce arable land. It is connected to issues of weak governance and corruption. To interpret or respond to Nigeria's violent conflict exclusively through the lens of religion or religious freedom is to risk fueling religion's increased salience as a mobilizing force by local actors. Similarly, persecution of Palestinian Christians and Muslims, or attacks on their houses of worship such as we saw during Ramadan, cannot be understood narrowly as simply an issue of religious

freedom, but as connected to larger political and economic practices and policies restricting their full citizenship rights. Put another way, Palestinians' ability to practice their religions freely without fear of intimidation is critically important, and it will not solve the larger problem of their life under military occupation which is the central driver of a range of Palestinian human rights restrictions. And a final example: if we interpret the genocide of the Rohingya Muslim community in Burma primarily through the lens of religious freedom, we fail to take account for the economic issues – particularly the interest in building an oil pipeline - - that drove their displacement and land grabbing by the military. We fail to see the manner in which the Rohingya were a tragic casualty of growing and fierce competition between the National League of Democracy and the military that foreshadowed the 2021 coup. And we create greater competition among ethnic and religious minorities in Burma vying for attention and support from the international community, rather than promoting solidarity among them.

The solution is not to ignore the targeting of these groups based in part on their religious identity nor their restricted ability to practice their religions – or not – in alignment with their conscience, of course. But rather, and particularly in places of complex violence, to place specific religious freedom concerns within the broader context in order to develop a sustainable, conflict-sensitive, and effective policy response.

2. My second point is that religious freedom cannot be addressed in isolation from other human rights concerns and challenges to democracy more broadly. The rise in religious freedom violations we have seen worldwide comes at a time where there has been a concurrent rise in human rights violations generally, and threats to democracy worldwide. This is no coincidence.

For this reason, I believe that an approach that sees religious freedom as the “first right” – one primary to other human rights – is unhelpful. An approach to addressing religious freedom must recognize threats to it as part of

larger and interrelated threats to other human rights, civil liberties, and voting rights, for example, so as to better ensure civic strengthening as a broader outcome of religious freedom promotion. When the focus on religious freedom advocacy comes at the expense of other human rights, including, all too often, gender-related rights, it can undermine our broader efforts to support democracy and justice. No right automatically trumps any other right; where they are in tension, rich engagement is needed to ensure the rights of all individuals are respected. In truth, religious freedom can reinforce and strengthen the rights of women, Indigenous, and sexual and gender minorities for example, by recognizing their own right to believe and practice religions – or not – according to their conscience. I believe this inter-connected approach will be more successful, ultimately, in promoting sustainable religious freedom for all people. It can also better ensure that religious freedom efforts are framed and addressed in ways that will be locally meaningful, rooted in recognition of their manifestation within a complex context where multiple rights are likely to be under simultaneous attack.

After all, it is no coincidence that oftentimes you'll find religious freedom under attack in the same places where you find assault against freedom of the press or book bans. Our policy approaches to religious freedom advocacy – including who we partner with or amplify in this work -- should not inadvertently fuel the suppression of these other rights, which is often motivated by the same power calculations and interests fueling violence against religious minorities or free-thinkers.

3. Third, our approach to religious freedom advocacy must be wildly inclusive. I will speak to several ways in which I think we can do this better. First, religious minorities face particular and serious vulnerabilities, as we have heard today. But I believe it is unhelpful to speak of religious freedom as synonymous with minority rights. Religious freedom and minority rights are overlapping but separate issues. I fear our conflation of them has done a disservice to understanding how best to protect all minorities – those religious, racial, ethnic, as well as sexual and gender

minorities – while sometimes keeping us from highlighting or advocating equally for the needs of those *within* majority religious communities who face oppression or violence as a result of their particular religious or non-religious beliefs and practices.

The US must not privilege one form of minority identity – religious minority identity – over other forms. Our own country’s history stands as testament to how racial minority status renders one no less vulnerable to violence and discrimination than does religious minority status. Nor should our advocacy privilege particular minority groups – Christian or Muslim minority groups, for example -- over others, such as Indigenous communities in India or atheists in Iraq. Finally, one can be a member of the religious majority group and still face oppression – including when it comes to the free practice of religion and traditions. This is particularly the case for women, LGBTQI people of faith, and those critical of the state or institutional religious elite. We must ensure we recognize the plurality of interpretations and practices within any religious tradition,

those both majority and minority, and ensure the free exercise of these plural interpretations and practices in our advocacy, without privileging any one.

Ultimately, we must remember that religious freedom is meant to protect all individuals: religious minorities who face particular vulnerabilities, those within majority communities who believe and practice outside what's considered orthodox or in a way considered a threat to the political and social order, those who affirm and practice more conservative interpretations for themselves, and non-believers or the unaffiliated seeking freedom *from* religious imposition by the state. As such, the right to free belief and practice extends to Christian sexual and gender minorities in Uganda prevented from creating worship spaces where they feel safe to practice a theology that affirms their dignity. It extends to humanists in Nigeria like Mubarak Bara who is now in his third year of imprisonment. It extends to young Buddhists in Burma who criticize their religious leadership for colluding with military elites, and who are then arrested for supposedly defaming Buddhism.

And it extends to women in Israel who seek to pray at the Western Wall and are prevented from doing so by state security forces.

Finally, the government’s definition of “religion” has sometimes been limited to what are popularly known as the “world religions,” leaving out of the equation many smaller or localized spiritual traditions – some of which might reject identification with the term “religion” because of its European colonial associations. Indigenous communities worldwide often find their ability to practice their spiritual traditions and ceremonies constrained by their governments or by economic interests, though all too often this is not recognized as a violation of their right to practice their fundamental beliefs and traditions.¹ We must humbly acknowledge that our own country did not legalize Native American spiritual ceremony and practices until 1978 with the passage of the Indian Religious Freedom Act, and our

¹ For more on the state of freedom of religion or belief for Indigenous people worldwide, see: A/77/514: Interim report of the Special Rapporteur on freedom of religion or belief, released 10 October 2022. Available online: <https://www.ohchr.org/en/documents/thematic-reports/a77514-interim-report-special-rapporteur-freedom-religion-or-belief>.

government was complicit in forced religious assimilation of Native children historically. Similarly, in our foreign policy the religious freedom needs of the world's approximately 475 million Indigenous people have often been insufficiently recognized. This fuels criticism of the US privileging certain groups over others in its religious freedom advocacy and weakens our moral authority.

I offer one example for us to consider: if we decry destruction of groups' places of worship as a religious freedom violation – as the IRF 2022 report criticizes the military for so doing to churches and mosques in Burma -- then should we not consider President Bolsonaro's destruction of Amazonian rainforests that are considered sacred places of worship to Brazilian Indigenous communities like the Yanomami, and necessary for their land-based ceremonies, a violation of their religious freedom as well? And yet, I did not see this mentioned in the 2022 annual report. Similar violations are occurring worldwide – from the Philippines to Tanzania to Canada – where Indigenous sacred lands and burial grounds are being

confiscated or destroyed, often due to extractive industry or economic interests, thereby undermining these groups' ability to practice their ceremonies and transmit traditional knowledge to future generations. This religious freedom issue deserves greater attention from the United States.

As I conclude, allow me to summarize these points with reference to a particular idea I believe cogent and helpful – the idea of “right-sizing” both our understanding of religious freedom issues and our approach to addressing them in any given context. This is a term coined by Peter Mandaville of the US Institute of Peace that has gained traction as part of broader efforts of which I’ve been a part to deepen and expand religious literacy among policymakers. It urges us not to over- nor under-emphasize the role of religious ideas, identity, actors, or interests – including religious freedom -- in any context or on any issue.

So, too, on religious freedom issues, we must right-size our understanding of what religious identity or interests specifically have to do with the violence or oppression taking place.² We

² See Petersen, Marie Juul and Katherine Marshall. “The International Promotion of Freedom of Religion or Belief: Sketching the Contours of a Common Framework.” Danish Institute for Human Rights, 2019.

must right-size religious freedom promotion in our diplomatic response by not under nor over emphasizing it, and by ensuring we do not address it in isolation from broader challenges to civil liberties, human rights, and democratic governance currently taking place worldwide, particularly in the places experiencing the gravest forms of religious freedom violations. In so doing, I believe we can be even more successful as a global leader of efforts to protect and advance the freedom of religion or belief for all people.

Again, I want to thank my fellow panelists and the House Foreign Affairs Committee members and staff for the invitation to speak today.