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**ANNUAL REPORT OF THE
UNITED STATES COMMISSION
ON
INTERNATIONAL RELIGIOUS FREEDOM**

MAY 2008

U.S. Commission on International Religious Freedom
800 North Capitol Street, NW
Suite 790
Washington, DC 20002
202-523-3240
202-523-5020 (fax)
www.uscirf.gov

United States Commission on International Religious Freedom

Commissioners

Michael Cromartie

Chair

Preeta D. Bansal

Dr. Richard D. Land

Vice Chairs

Don Argue

Imam Talal Y. Eid

Felice D. Gaer

Leonard A. Leo

Dr. Elizabeth H. Prodromou

Nina Shea

John V. Hanford, III, *ex officio*, nonvoting member

United States Commission on International Religious Freedom

Staff

Patricia Carley, Acting Deputy Director for Policy
David Dettoni, Deputy Director for Outreach

Judith Ingram, Director of Communications
Carmelita Hines, Director of Administration

Dwight Bashir, Senior Policy Analyst
Elizabeth Cassidy, International Legal Specialist
Catherine Cosman, Senior Policy Analyst
Deborah DuCre, Receptionist
Scott Flipse, Senior Policy Analyst
Kody Kness, Legislative Assistant
Bridget Kustin, Communications Specialist
Tiffany Lynch, Researcher
Jacqueline A. Mitchell, Executive Assistant
Stephen R. Snow, Senior Policy Analyst

ABOUT THE COMMISSION

The United States Commission on International Religious Freedom was created by the International Religious Freedom Act of 1998 (IRFA) to monitor violations of the right to freedom of thought, conscience, and religion or belief abroad, as defined in IRFA and set forth in the Universal Declaration of Human Rights and related international instruments, and to give independent policy recommendations to the President, Secretary of State, and Congress.

The Commission is the first government commission in the world with the sole mission of reviewing and making policy recommendations on the facts and circumstances of violations of religious freedom globally. The Commission's impact and success in accomplishing its mission are achieved through its efforts to bring advice and accountability to U.S. foreign policy in the promotion of religious freedom abroad. By providing reliable information and analysis, and careful and specific policy recommendations, the Commission provides the U.S. government and the American public with the tools necessary to promote this fundamental freedom throughout the world.

In the words of a key drafter of IRFA, the Commission was established for the purpose of ensuring "that the President and the Congress receive independent recommendations and, where necessary, criticism of American policy that does not promote international religious freedom."¹

The Commission, which began its work in May 1999, is not a part of the State Department and is independent from the Executive Branch.

The Commission is composed of 10 members. Three are appointed by the President. Three are appointed by the President *pro tempore* of the Senate, of which two are appointed upon the recommendation of the Senate Minority Leader. Three are appointed by the Speaker of the House of Representatives, of which two are appointed upon the recommendation of the House Minority Leader. The system of appointments thus provides that leaders of the party in the White House appoint five voting members, and leaders of the other party appoint four. The Ambassador-at-Large for International Religious Freedom serves *ex officio* as a non-voting member.

Commissioners bring a wealth of expertise and experience in foreign affairs, human rights, religious freedom, and international law; the membership also reflects the religious diversity of the United States.

The report covers the period May 2007 through April 2008. In June 2007, Felice D. Gaer completed her term as the Chair of the Commission, during which Michael Cromartie, Dr. Elizabeth H. Prodromou, and Nina Shea served as Vice Chairs. In July 2007, Michael Cromartie became Chair, and Preeta D. Bansal and Dr. Richard D. Land became Vice Chairs. Commissioners serve a two-year term and can be reappointed.

In carrying out its mandate, the Commission reviews information on violations of religious freedom as presented in the Department of State's *Country Reports on Human Rights Practices* and its *Annual Report on International Religious Freedom*. The Commission also

consults regularly with State Department and National Security Council officials, U.S. Ambassadors, and officials of foreign governments, as well as with representatives of religious communities and institutions, human rights groups, other non-governmental organizations, academics, and other policy experts. It visits foreign countries to examine religious freedom conditions firsthand. The Commission also holds public hearings, briefings and roundtables.

The Commission has met with President George W. Bush and senior members of his Administration, including the Secretary of State and the National Security Advisor, to discuss its findings and recommendations. The Commission also briefs Members of Congress, U.S. Ambassadors, and officials from international organizations. In addition, the Commission testifies before Congress, participates with U.S. delegations to international meetings and conferences, helps provide training to Foreign Service officers and other U.S. officials, and advises the Administration and Members of Congress and their staff on executive and legislative initiatives.

The Commission raises issues and brings its findings and recommendations to the American public through its public speaking activities, press conferences, other public events such as roundtables and briefings, its publications, Web site, and media outreach. During this reporting period the Commission's activities were covered by the *Christian Science Monitor*, *International Herald Tribune*, *Miami Herald*, *Los Angeles Times*, *New York Times*, *The Washington Post*, *The Washington Times*, the wires, National Public Radio, and PBS, to name a few.

Commissioners reside throughout the United States, and the Commission has traveled around the country to hold public hearings, public meetings, and other activities to inform the American people of its work.

While the work of the Commission is conducted year round, the Commission compiles an annual report of its policy recommendations in May to the President, the Secretary of State, and Congress. This report covers the period from May 2007 – April 2008.

¹ Congressional Record, S12999, November 12, 1998.

Annual Report of the U.S. Commission on International Religious Freedom

****Selected Chapters****

For the complete text of the report, please visit www.uscirf.gov

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INTRODUCTION

The year 2008 marks the tenth anniversary of the passage of the International Religious Freedom Act (IRFA), legislation that threw a spotlight on the importance of religious freedom around the world and on the need to promote this freedom as an integral component of U.S. foreign policy. Developments of the past decade have strengthened the importance of freedom of religion or belief, as the U.S. government navigates a world threatened by religion-based extremism and religion-imbued conflict. The issue of religious freedom is now understood to have a profound impact on our own political and national security interests, as well as on political stability throughout the world. Whether in the Middle East, Southeast Europe, East Asia, or elsewhere, religion and the striving for religious freedom have often been explicit or implicit factors in civil strife. Religion can also be a powerful force for reconciliation. Clearly, the right to exercise freedom of religion or belief is too fundamental to be left undefended from the whims of autocrats, extremists, and demagogues.

IRFA provided a new array of diplomatic mechanisms that could be employed to advance this freedom internationally. It created the Office of International Religious Freedom at the Department of State, headed by the Ambassador-at-Large for International Religious Freedom and required that the Department draw on its network of U.S. embassies around the world to collect information on religious freedom conditions for constant monitoring and the annual publication of the *International Religious Freedom Report*. It also put an official in place at the National Security Council to advise on religious freedom issues.

IRFA also established the Commission on International Religious Freedom, an independent, bipartisan federal body of private citizens mandated to advance freedom of religion or belief. The Commission, with nine voting members, monitors international violations of religious freedom, provides reliable information and analysis, and makes policy recommendations to the President, State Department, and Congress on how best to ensure that people the world over are free to believe and manifest their belief, in accordance with international human rights norms.

Throughout the past decade, the existence of IRFA has sparked an increase in U.S. policymakers' recognition of the importance of religious freedom to people around the world, and its protection is now a recurrent focus of international actors. This change is also felt among religious freedom advocates throughout the world, many of whom are struggling under oppressive conditions, including some whom Commission delegations have met in their prison cells or in their homes, where they are being held under house arrest. Encouraged by the spotlight on this previously neglected area of human rights, non-governmental organizations and the media have risen to the task of documenting violations as well as advances, and their grass-roots efforts dovetail with those of governments and international organizations. Much room remains, however, for more effective U.S. policies promoting freedom of religion or belief.

Two countries can be singled out as exemplifying IRFA's impact. After decades of having its poor human rights and religious freedom record overlooked, Saudi Arabia was finally added to the State Department's list of "countries of particular concern," or CPCs, the most

egregious violators of religious freedom, in 2004. Finally under scrutiny for its severe religious freedom abuses, the Saudi government has been forced to address its record and has pledged to reform. The task ahead is to ensure that those pledges are implemented in practice. Vietnam has also come to recognize, as a result of the IRFA process and its designation as a CPC, that religious freedom matters, both in its relations with the United States and to its own citizens. The CPC designation worked as Congress intended when it passed IRFA, making religious freedom a priority in U.S.-Vietnamese relations. The government of Vietnam engaged on religious freedom concerns, legal issues, and prisoners—and there was noticeable progress. Nevertheless, enough serious religious freedom concerns remain for the Commission to conclude that it is too soon for the Administration to have lifted the CPC designation for Vietnam.

The Commission's Impact under IRFA

The Commission has made an impact on CPC designations, a key aspect of the implementation of IRFA. Since 2001, it has successfully recommended that North Korea, Eritrea, Vietnam, Saudi Arabia, and Uzbekistan be added to the U.S. government's list of the most severe violators of religious freedom. It has persuaded successive U.S. Administrations of the need to highlight religious freedom abuses in meetings with high-level dignitaries, including from the governments of China, Indonesia, Nigeria, Pakistan, Russia, Saudi Arabia, Sudan, and Vietnam. Its findings and policy recommendations have been incorporated into dozens of bills and resolutions in Congress.

For example, over the past decade, the Commission has influenced the debate on U.S. foreign policy regarding Sudan. The Commission was one of the first to call for a Special Envoy for Sudan, who was named by President Bush in September 2001. It helped ensure that desperately needed humanitarian assistance went to the worst-hit areas of Sudan, including the Nuba Mountains, by persuading the United States to increase aid outside of the UN's Operation Lifeline Sudan program, which is influenced by the government of Sudan, and it successfully encouraged the Administration to increase non-lethal assistance to opposition-controlled areas in Sudan. The Commission continues to conclude that the U.S. government has a crucial role to play in the future of Sudan, both by enlisting international support to press the Sudanese government to end its delaying tactics on implementing the 2005 Comprehensive Peace Agreement and by considering new sanctions to respond to such non-compliance.

The Commission has also helped shape U.S. policies with regard to China. In 2002, the Commission recommended to President Bush that he condition a state visit to China on the Chinese government providing him with an opportunity to make a major speech on religious freedom and human rights televised live and uncensored to the Chinese people. That speech was delivered at China's Tsinghua University and broadcast live nationwide on Chinese state television. The Commission sent a delegation to China in 2005 to discuss with Chinese officials the government's systematic violations of the right to freedom of religion or belief, including crackdowns on religious activities among Buddhists in Tibet, Muslims in Xinjiang, and unregistered Roman Catholic and Protestant communities. The delegation also drew attention to the protection of North Korean refugees in China. China remains a prominent focus of the Commission's work, with at least five separate hearings and panel discussions organized by the Commission, as well as the regular presentation of expert testimony before various congressional

committees. The unrest in Tibet as this report goes to press illustrates the necessity of keeping religious freedom concerns at the heart of U.S. policy toward China.

The Commission highlighted the undemocratic nature of Pakistan's separate-electorate system for religious minorities; the Pakistan government abolished separate electorates in 2002. The Commission also pressed for action against extremist religious groups and schools that promote violence, an issue that came to the forefront of U.S. policy only after the events of September 11. The Commission has regularly spoken out about the country's blasphemy laws, which commonly involve false accusations and result in the lengthy detention of and violence against Ahmadis, Christians, Hindus, and Muslims on account of their religious beliefs, as well as on other issues, including the laws violating the fundamental rights of the Ahmadi community, the persistent sectarian violence targeting Shi'as, Ahmadis, Hindus, and Christians, and the Hudood ordinances, which violate the rights of women.

Regarding Vietnam, the Commission successfully advised the U.S. House of Representatives in 2001 to ratify the U.S.-Vietnam Bilateral Trade Agreement, but only following adoption of legislation calling on the Vietnamese government to make substantial improvements in the protection of religious freedom—sending a signal to the Vietnamese government of America's commitment to human rights. The Vietnam Human Rights Act was overwhelmingly passed by the House prior to the Bilateral Trade Agreement vote.

The Commission was among the first voices in Washington to call attention to the grave plight of religious minorities in Iraq. As early as 2004, the Commission warned of legal shortcomings in Iraq that could result in discrimination against and repression of religious minorities. In December 2004, the Commission wrote to President Bush to urge the United States to do more to protect religious communities and religious sites from the escalating violence against them. In 2006, the Commission wrote to Undersecretary of State Paula Dobriansky seeking new or expanded options for allowing members of Iraq's smallest religious minority communities access to the U.S. refugee program. That letter was followed by a Commission op-ed on the subject in *The Washington Times*, which helped spur congressional hearings and led to the State Department's decision to establish a task force on Iraqi refugees. In the past year, the Commission held two hearings on the topic, and raised the issue during a meeting with Secretary of State Condoleezza Rice in May 2007 and through follow-up letters in February and September 2007.

The Commission also conducted a major study of the impact of a new U.S. immigration procedure, "Expedited Removal," on asylum-seekers in the United States. The study was authorized by the Commission's mandate to monitor implementation of Title VI of IRFA, which has provisions related to asylum seekers, refugees, and immigrants, with particular attention to individuals who have fled—or committed—severe violations of religious freedom. The study found that while implementation of some of the training and reporting provisions of Title VI has heightened awareness of religious persecution issues among immigration officials, other training and operational provisions remain under- or even un-implemented. Although Expedited Removal was intended equally to protect the integrity of U.S. borders and *bona fide* asylum seekers, the Commission's study found that serious implementation flaws meant asylum seekers were at risk of being returned to countries where they may face persecution. The study also

found that asylum seekers were detained inappropriately, in prison-like conditions and in actual jails. Those shortcomings were still apparent in 2007 when the Commission did a follow-up study, or “report card,” on the Expedited Removal program.

The Commission’s Annual Report

This annual report reviews the Commission’s activities during the past year and specifically:

- Describes conditions for religious freedom and related human rights in the countries of central concern to the Commission and highlights key findings;
- presents the Commission’s policy recommendations to ensure that the promotion of freedom of religion or belief becomes a more integral part of U.S. foreign policy, furthering both our nation’s humanitarian and national security interests; and
- reports on the actions the Commission has taken to raise public awareness of religious freedom violations, and summarizes the Commission’s efforts to keep Congress and the Administration informed of religious freedom conditions throughout the world.

The wide array of activities and publications in this reporting period illustrates the major impact the Commission has on developing U.S. policy to promote religious freedom abroad. Commissioners have testified before congressional committees and caucuses, met with high-ranking U.S. Administration officials including Secretary of State Condoleezza Rice, held hearings and press conferences on pressing religious freedom issues, conducted fact-finding missions to other countries, and published numerous policy papers, press releases, and op-eds.

Assessing the Status of Religious Freedom Firsthand

Each year, the Commission conducts visits to foreign countries to examine threats to religious freedom and to formulate potential policy responses. During this reporting period, Commission delegations visited Saudi Arabia, Turkmenistan, and Vietnam, all countries that have been on the Commission’s list of the worst violators of religious freedom, as well as Sweden, Jordan, and Iraq to examine Iraq-related issues. The visit to Saudi Arabia was intended to assess how far the Saudi authorities have progressed in implementing their previously articulated commitments to improve the climate for religious freedom. On the visit to Turkmenistan, Commissioners considered the extent to which the Central Asian country has undertaken reforms since the December 2006 death of longtime dictator Saparmurat Niyazov. The trip to Vietnam enabled Commissioners to gauge the impact of newly adopted government policies concerning religious freedom, and in Sweden, Jordan, and the Kurdistan region of Iraq, Commissioners met with displaced Iraqis and officials to gather current information about religious freedom conditions inside Iraq.

Saudi Arabia

The delegation to Saudi Arabia, led by then-Chair Felice D. Gaer, raised issues concerning the freedom of thought, conscience, and religion or belief that affect Saudi citizens and the large population of foreign workers, as well as others outside the country. The delegation visited three regions of the country in order to hear differing viewpoints: Riyadh, Jeddah and the Eastern Province. The discussions focused on: halting the dissemination of intolerant literature and extremist ideology; reform of school textbooks and curricula to remove language encouraging intolerance, hatred, or violence on the basis of religious differences, whether against Muslims, Christians, Jews, Hindus or others; protecting the right of private worship; curbing harassment by the Commission to Promote Virtue and Prevent Vice; and empowering the National Human Rights Commission. The delegation also explored Saudi government efforts to institute political and social reforms, the establishment of indigenous human rights institutions, the steps taken to combat religious extremism, religious freedom restrictions and discrimination affecting followers of different schools of thought within Islam, limitations on the universal human rights of women, and freedom of expression, including on sensitive issues relevant to religion in the press and other media.

The Commission was informed of certain institutional initiatives by the Saudi government to address human rights violations. The issue of abuses by the Commission to Promote Virtue and Prevent Vice—the religious police—also received unprecedented exposure in the Saudi media during the delegation visit. Yet, despite Saudi government pledges to institute reforms, the Commission concluded that many of these promises remain just that—promises—that have not yet been reflected in the promulgation and implementation of tangible protections for human rights. Although the Saudi government has permitted some initial steps toward the development of civil society, policies that would advance reforms have not yet been realized.

Turkmenistan

Chair Michael Cromartie led the Commission delegation to Turkmenistan eight months after the death of President Niyazov, under whom virtually no independent religious activity was allowed and severe government restrictions left most religious activity under strict, often arbitrary, state control. In addition, Niyazov's personality cult took the form of a quasi-religion to which everyone in Turkmenistan was forced to adhere, and his book of "spiritual thoughts," the *Ruhnama*, was required in mosques and churches alongside the Koran and the Bible. President Gurbanguly Berdimuhamedov has initiated some changes, including the release, just prior to the Commission's trip, of the country's former chief mufti, Nasrullah ibn Ibadullah, and 10 other prisoners of conscience.

The Commission raised many concerns with President Gurbanguly Berdimuhamedov and other Turkmen government officials, including: the 2003 law on religion, particularly those articles that violate international norms pertaining to freedom of religion or belief; the state-imposed ideology, particularly that of the personality cult, that infringes upon or severely diminishes the practice of freedom of religion or belief and related freedoms of association, movement, expression, and the press; intrusive and onerous registration procedures that hinder

the registration of peaceful religious communities; administrative fines on and the imprisonment of leaders or members of peaceful unregistered religious communities whose activities are deemed “illegal”; obstacles to the purchase or rental of land or buildings intended as houses of worship or for meeting purposes; the great difficulty in the use of private homes and public halls in residential areas for worship services; and a legal ban on the importation and printing of religious and other material.

The delegation found that despite new developments, the system of oppressive laws and practices that have led to severe violations of human rights, including freedom of religion or belief, remain in place. In addition, the overall repressive atmosphere that characterized public life in Turkmenistan under President Niyazov remains largely unchanged, and significant religious freedom problems and official harassment continue.

Vietnam

In Vietnam, Commissioners led by Chair Michael Cromartie visited Hanoi, Ho Chi Minh City, Hue, the Central Highlands, and Soc Trang Province in October – November 2007 to discuss conditions for freedom of religion and related human rights. The Commission met with Prime Minister Nguyen Tan Dung and other government officials and with representatives of Vietnam’s diverse religious communities. Moreover, the delegation was permitted to meet with prisoners of concern and others held under house and pagoda arrest and advocated for their release. The Commission also urged the government to undertake full, impartial, and effective investigations into continued report of restrictions and abuses on the freedom of religion among ethnic minorities and religious groups the government views as “political” or “security” threats.

The Commission found that since 2004, after Vietnam was named a CPC, permissible religious activity has increased. However, the Commission remained skeptical that genuine reform has been fully implemented, particularly in the context of Vietnam’s continued repression of peaceful political and religious dissent.

The Commission also found that in some areas of the country, provincial leaders are using their authority to restrict and abuse religious freedom. In the Central Highlands and Central Coast, local officials have confiscated the lands belonging to ethnic minority Protestants. In the Central Highlands, provincial officials are instructed to deny medical, educational, financial and other government services to “religious families” as well as to the family members of recent converts. In Soc Trang and An Giang provinces, Hoa Hao and Khmer Buddhists have been arrested after demonstrating against religious freedom restrictions and abuses. The Commission raised these issues, as well as concerns about continued restrictions targeting the United Buddhist Church of Vietnam, with government officials.

The Commission concluded that while religious freedom conditions are gradually improving in Vietnam, significant problems remain, including restrictions on and the mistreatment of certain religious groups and the continued detention of “prisoners of concern.” These prisoners include people who, motivated by their religion or conscience, express views or organize in support of legal or political reforms to advance religious freedom, those who monitor religious freedom problems and are arrested or otherwise punished for publicizing their findings,

and those who peacefully organize or protest to draw attention to persistent religious freedom concerns.

Sweden, Jordan, and the Kurdistan Region of Iraq

In November 2007, Commission staff traveled to Sweden to meet Iraqi asylum seekers, refugees, and internally displaced persons (IDPs). In March 2008, a delegation of Commissioners traveled to Amman, Jordan and Erbil, Iraq for additional meetings with refugees and IDPs from Iraq. The purpose of these visits was to learn from displaced Iraqis the circumstances under which they fled their homes, in order to determine what role religious repression may have played in that flight.

The Commission delegation to Jordan and Iraq also met with representatives of international and non-governmental organizations that are assisting the asylum seekers, refugees, and IDPs. In addition, in Erbil, the Commission met with members of the Kurdistan Regional Government and other local government officials and representatives of local religious communities, human rights organizations, and political parties, as well as with U.S. Ambassador to Iraq Ryan C. Crocker and other U.S. officials to discuss reports of discrimination against religious minorities both in Kurdish-dominated areas and in other parts of Iraq.

Keeping Congress Apprised of Religious Freedom Issues

Commission-Sponsored Hearings

The Commission held four hearings during the reporting period. Two focused on religious minorities, sectarian violence, and the refugee crisis in Iraq, one examined the aftermath of the “Saffron Revolution” in Burma, and one explored religious freedom in, and U.S. policy toward, Iran.

The first hearing on Iraq, held in July, focused on the threats faced by members of the smallest religious communities. Commissioners heard testimony of representatives of religious minorities and others who had been deliberately victimized by militants—and, witnesses claimed, even by members of the Iraqi police and security forces—testimony that included reports of murder, torture, and abductions for ransom; parishioners sleeping in churches to escape death squads and insurgents; families being given just hour deadlines to vacate their homes; and expropriated land, forced conversions and alleged extortion in the form of taxes on non-Muslims. The Commission was joined at the hearing by Reps. Anna Eshoo (D-CA) and Christopher Shays (R-CT).

The second hearing on Iraq, held in September, examined the causes, dimensions, and patterns of intra-Muslim sectarian violence, including the targeting of individual Muslims for killings and other violence on account of their religious identity as well as any potential Iraqi government role in that violence. It also examined U.S. policy in relation to Iraq’s refugee crisis, focusing on internal displacement and Iraqis sheltering in neighboring countries. Witnesses included Assistant Secretary of State Ellen R. Sauerbrey, Judy Cheng-Hopkins, the UN High Commissioner for Refugees’ Assistant High Commissioner for Operations, and Dana Graber,

Iraq Displacement Specialist, International Organization for Migration. Sen. Arlen Specter (R-PA), Sen. Gordon Smith (R-OR), and Rep. Steve Israel (D-NY) also addressed the Commission at the hearing.

“After the Saffron Revolution: Religion, Repression, and the U.S. Policy Options for Burma,” a hearing held in December 2007, evaluated how the Burmese military contributes to violent repression of peaceful dissent, ongoing abuses against ethnic minorities, and regional instability. It also examined UN diplomatic efforts and U.S. policy options for bringing about democratic change in Burma. Witness panels addressed the role of Buddhist monks in the demonstrations, the military’s manipulation of Buddhism to bolster its political legitimacy, the monks’ fate since the crackdown, the impact of the military’s ethnic policies, prospects for recent UN diplomacy in Burma, and suggestions for additional multilateral diplomatic action. Witnesses also evaluated sanctions and other U.S. policy options for bringing about democratic change in Burma.

Six witnesses, including Jeffrey Feltman, Principal Deputy Assistant Secretary of State for Near Eastern Affairs, testified before the Commission at its February 2008 hearing on “Advancing Religious Freedom and Related Human Rights in Iran.” The Commissioners and witnesses discussed human rights abuses in Iran, current U.S. policy, and potential avenues for more effectively addressing rights violations in the Islamic Republic. Witnesses highlighted the dire situation facing religious minorities in Iran, particularly Baha’is who are seen as heretics and are not recognized by Iranian authorities, as well as Sufi Muslims and Evangelical and other Protestant Christians. They also pointed to state-sponsored anti-Semitism and Holocaust denial rhetoric that have increased fear among Iran’s Jewish community.

Testimony by Commissioners at Other Congressional Hearings and Events

Commissioners also presented expert testimony before congressional bodies. In September, Commissioners Leonard Leo and Imam Talal Eid presented the findings of the Commission’s 2007 Annual Report at a meeting of the Religious Freedom Working Group, a bicameral body co-chaired by Sen. Norm Coleman (R-MN) and Rep. Roy Blunt (R-MO). Commissioner Leo also discussed the Commission’s trip to Vietnam at a joint briefing in December for the Congressional Human Rights Caucus, the Task Force on International Religious Freedom, and the Congressional Caucus on Vietnam. In October 2007, the Commission and the Congressional China Caucus co-hosted a roundtable discussion on Capitol Hill focusing on current problems facing refugees and asylum seekers in China, particularly North Koreans, Uighur Muslims, and Tibetan Buddhists.

In January 2008, Commissioner Nina Shea addressed human rights abuses and religious persecution in Burma at an off-the-record briefing of the congressional Task Force on International Religious Freedom. Commissioner Felice D. Gaer testified before the U.S. Commission on Security and Cooperation in Europe (Helsinki Commission) in February 2008. She reviewed the record of the Organization on Security and Cooperation in Europe (OSCE) in combating anti-Semitism, noting that anti-Semitism poses a significant danger to the security of OSCE participating states. In March, Commissioner Shea spoke about religious freedom conditions in Iran at a meeting of the bipartisan Iran Working Group.

Countries of Particular Concern and the Watch List

Each year, the Commission makes recommendations to the Department of State on “countries of particular concern,” or CPCs: countries whose governments have engaged in or tolerated systematic and egregious violations of the universal right to freedom of religion or belief. After a country is designated, the U.S. president is required by law to oppose the violations by taking actions specified in IRFA. The Commission stresses that under IRFA, CPC designation is just the start to diplomatic activity aimed at promoting freedom of religion or belief.

In this reporting period, the Commission recommends that the Secretary of State designate the following countries as CPCs: Burma, the Democratic People’s Republic of Korea, Eritrea, Iran, Pakistan, the People’s Republic of China, Saudi Arabia, Sudan, Turkmenistan, Uzbekistan, and Vietnam. This report contains chapters detailing the status of religious freedom in each of those countries.

The Commission also compiles a Watch List of countries that do not merit CPC designation but require close monitoring in an effort to improve conditions for the freedom of religion or belief. The Commission’s Watch List in this reporting period includes Afghanistan, Bangladesh, Belarus, Cuba, Egypt, Indonesia, and Nigeria. The Commission is concerned about the serious abuses in these countries, and that the governments either continue to be responsible for repression of and/or violence against persons amounting to serious violations of freedom of religion, or have failed to punish the perpetrators of those acts.

More information about the Commission’s recommendations on all of these countries can be found in this report.

Assessing U.S. Government Performance

The Commission has played a key role in efforts to encourage the U.S. government to increase resettlement options for members of vulnerable groups fleeing religious repression. In particular, the Commission has recommended that the U.S. government expand the possibility of resettlement for refugees from Iraq’s smallest religious communities, including ChaldoAssyrian Christians, Mandaean, and Yazidis, who are heavily targeted in Iraq and disproportionately represented among the refugee populations in neighboring countries. The Commission recommends that the State Department open a Priority 2 categorization for members of these particularly vulnerable groups and expand family reunification options for Iraqi refugees with relatives in the United States.

In May 2007, the Commission met with Secretary of State Condoleezza Rice to discuss the Commission’s grave concern over the deteriorating situation for freedom of religion and belief in Iraq, including the plight of the smallest religious minorities. In addition to Iraq, the Commissioners raised religious freedom and associated human rights issues in Saudi Arabia, Sudan, China, Bangladesh, Turkey and the 56-member OSCE. Then-Vice Chairs Elizabeth H. Prodromou, Nina Shea, and Michael Cromartie and Commissioners Richard D. Land and Preeta D. Bansal attended the meeting.

The same month, Commissioners met with Homeland Security Secretary Michael Chertoff regarding asylum seekers in the Expedited Removal process. The meeting followed the Commission's congressionally-authorized 2005 study, published under then-Chair Preeta D. Bansal, which found that implementation of the Expedited Removal procedure allowing U.S. border officials to quickly remove illegal aliens from the country was seriously flawed. The meeting occurred after the Commission's February 2007 follow-up study, issued under then-Chair Felice D. Gaer, which noted the failure of most relevant federal agencies to adopt the Commission's recommendations regarding ways to ensure that persons fleeing repression on account of their religion are not denied refuge in the United States.

Throughout the fall of 2007, the Commission advocated for the renewal of the mandate of the UN independent expert (or "Special Rapporteur") who investigates and reports on violations of the freedom of religion or belief around the world. The Commission set out its views on the vital need to renew the Special Rapporteur's mandate in a September 2007 letter to Secretary of State Rice, in which it also called for the U.S. government to speak out firmly against the increasing pressure in international institutions, including the UN Human Rights Council, to shift the focus from promoting religious freedom to halting so-called "defamation of religions." The UN Special Rapporteur's mandate was renewed at the December 2007 session of the UN Human Rights Council, at which Commissioner Leonard Leo participated as part of the U.S. delegation.

Raising Public Awareness

The Commission has also voiced concern on issues connected with freedom of religion or belief during this reporting period, including through reports, press releases and op-eds. An article in *the Las Cruces Sun-News*, by then-Commissioner Bishop Ricardo Ramirez and Commissioner Michael Cromartie, urged a reinvigorated U.S. leadership role in efforts to revive peacemaking in Sudan. Commissioner Cromartie and then-Chair Felice D. Gaer published an op-ed in *The Washington Times* calling on the U.S. government clearly and unequivocally to press Pakistan to decriminalize blasphemy and to urge the Pakistani government to take more serious steps to combat Islamic extremism.

The Commission also highlighted religious freedom issues by sponsoring public events. In October 2007, the Commission co-sponsored two public events on the human rights situation in Kazakhstan with Freedom House and the Open Society Institute, featuring two leading Kazakh human rights activists, Ninel Fokina, Chair of the Almaty Helsinki Committee and Evgeny Zhovtis, Chair of the International Bureau of Human Rights, along with several representatives of Kazakhstan's Hare Krishna community.

In December 2007, Commission Chair Michael Cromartie presented the Commission's *Policy Focus Turkmenistan*, based on the conclusions of the Commission's trip to that Central Asian country, at a roundtable sponsored by Freedom House. In January 2008, the Commission co-sponsored a presentation at the Kennan Institute for Advanced Russian Studies of the Woodrow Wilson Center on "The Putin Government's Responses to Increased

Xenophobia,” featuring Aleksandr Verkhovsky, a leading Russian expert on xenophobia and freedom of religion.

In April 2008, the Commission published *Prison Without Bars*, a follow-up report to its 2005 study of religious repression in North Korea. The purpose of the new report was to determine whether religious freedom conditions have changed, if the repressive government policies discussed in the first report remain in force, and whether refugees repatriated to North Korea continue to face harsh treatment. The report confirmed the continuing, pressing need for more effective action on the international level to address the repression of religious freedom and other human rights in North Korea.

The past decade has resulted in significant progress toward the primary goal of IRFA: to institutionalize concern for religious freedom in the U.S. government’s foreign policy apparatus. Yet, as the chapters in this Annual Report demonstrate, the process is far from complete. Fully integrating religious freedom into the U.S. foreign policy agenda will continue to be a key challenge for U.S. policymakers in future decades as they work to advance this fundamental freedom in accordance with the IRFA legislation. Indeed, ten years after the adoption of IRFA, promoting religious freedom has proved to be more vital than ever to the political and humanitarian interests of the United States, as well as to national and global security.

TURKMENISTAN

Introduction

Since 2000, the U.S. Commission on International Religious Freedom has raised serious concerns about conditions for freedom of religion or belief in Turkmenistan and has recommended that the country be designated by the Secretary of State as a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom and related human rights. Despite the Commission’s repeated recommendation, throughout some of the darkest years of repression in Turkmenistan, the U.S. government has never designated it as a CPC under the International Religious Freedom Act of 1998.

Under the late President Saparmurat Niyazov, who died in December 2006, Turkmenistan was among the most repressive and isolated states in the world. Virtually no independent public activity was allowed and severe government restrictions meant that most religious activity was under strict and often arbitrary state control. The 2003 law on religion further codified the country’s highly repressive policies, in effect banning most religious activity, despite legal amendments promulgated in 2004 to relax registration requirements. Registration for many religious groups remained difficult, and any activities by unregistered groups were deemed “illegal.” Moreover, the law set severe penalties for those found guilty of participating in so-called “illegal” religious activity.

In addition, Turkmenistan’s public life was dominated by President Niyazov’s quasi-religious personality cult, including, most notoriously, the president’s two-volume work of “spiritual thoughts” known as the *Ruhnama*. The *Ruhnama* was employed by the government to play a preeminent role at various levels of the country’s educational system, displacing some—and in some areas, most—academic subjects. What is more, the government under President Niyazov required that the *Ruhnama* be given equal prominence to the Koran and the Bible in mosques and churches.

President Niyazov was succeeded by Gurbanguly Berdimuhamedov, who moved to implement educational reforms and also promised reforms in a variety of other sectors. Despite the flaws accompanying his orchestrated presidential election, and while no changes have been made to the country’s oppressive laws, he nonetheless has initiated some limited positive steps relevant to religious freedom and other human rights. These include the release in August 2007 of 11 political prisoners, some decline in President Niyazov’s oppressive personality cult, the formation of two new official commissions relevant to human rights concerns, and an expressed willingness to consider reform of the country’s religion law. Despite these achievements, however, the system of oppressive laws and practices that have led to severe violations of human rights, including freedom of religion or belief, remain in place. In addition, the overall repressive atmosphere that characterized public life in Turkmenistan under President Niyazov remains largely unchanged. As Human Rights Watch noted in February 2008, “although the Turkmen government of President Berdimuhamedov has begun to reverse some of the most ruinous social policies and the cult of personality that characterized Niazov’s rule, it remains one of the most repressive and authoritarian in the world.”

In order to examine religious freedom and related human rights concerns in Turkmenistan and in light of the new government's statements and actions, the Commission traveled to Turkmenistan in August 2007. The Commission delegation visited Turkmenistan in part to ascertain the measures taken to address religious freedom problems, including whether the new Turkmen government will in fact adopt reforms leading to major improvements in protections for human rights, including freedom of religion or belief, and whether further democratizing reforms will be undertaken in the near future. The late President Niyazov had severely isolated Turkmenistan, limiting both foreign visitors to the country and the number of Turkmen citizens allowed to travel abroad. The new government, in contrast, has re-opened the country to many official visitors from other countries, including high-ranking representatives from the UN and the Organization for Security and Cooperation in Europe (OSCE) responsible for human rights.

The Commission delegation met with President Berdimuhamedov and the Ministers of Foreign Affairs, Justice, Education, Culture, and Internal Affairs, as well as representatives of the Council on Religious Affairs (CRA), the Institute on Democracy and Human Rights, and the head of the parliamentary human rights committee. The delegation also held meetings with the representatives of a variety of religious communities and several civil society organizations, and took part in a public meeting with the country's former chief mufti, Nasrullah ibn Ibadullah, who had been released from prison in August, shortly before the Commission visit. In addition, the delegation met with OSCE representatives, the Papal Nuncio, and ambassadors from several western countries.

The Commission raised a number of key concerns with Turkmen government officials. Among these issues were the 2003 law on religion, particularly those articles that violate international norms pertaining to freedom of religion or belief; the state-imposed ideology, particularly that of the personality cult, that infringes upon or severely diminishes the practice of freedom of religion or belief and related freedoms of association, movement, expression, and the press; intrusive and onerous registration procedures that hinder the registration of peaceful religious communities; administrative fines on and imprisonment of leaders or members of peaceful unregistered religious communities whose activities are deemed "illegal"; obstacles to the purchase or rental of land or buildings to be used as houses of worship or for meeting purposes; onerous impediments to the use of private homes and public halls in residential areas for worship services; and a legal ban on the importation and printing of religious and other material.

Findings

It is still too early to determine whether any of the government's statements or actions will have a substantial impact on the legal structure or actual enjoyment of freedom of religion or belief in Turkmenistan. However, in light of persistent, serious problems, the Commission concludes that its recommendation that Turkmenistan be designated a CPC should not be rescinded at the present time. The Commission acknowledges the positive steps undertaken by the government of President Berdimuhamedov, and encourages the new government to implement reforms to bring Turkmenistan's laws, policies, and practices into accordance with international human rights norms. At the very least, these steps should include reform of the religion law and the removal of any state-imposed ideology from the religious practice of Turkmenistan's citizens.

General Conditions for Freedom of Religion or Belief

- Most Turkmen government officials, including President Berdimuhamedov, were willing to discuss the various issues raised by the Commission, including the possibility of amending laws relevant to freedom of religion or belief. In addition, President Berdimuhamedov has taken some steps to diminish the oppressive personality cult of the former president, and has formed two new official commissions relevant to human rights concerns (discussed below).
- The 11 political prisoners released by President Berdimuhamedov following the recommendation of a new official commission to examine citizens' petitions on the work of law enforcement bodies, included the country's former chief mufti, Nasrullah ibn Ibadullah, who had been sentenced in a secret trial on unsubstantiated charges of involvement in an alleged coup attempt. The Commission delegation took part in a meeting with Ibadullah, whose imprisonment the Commission had long protested. With the exception of Ibadullah, it remains unclear whether other released prisoners have had their full civil and political rights restored.
- President Berdimuhamedov and other officials also told the Commission that the Turkmen government is considering the adoption of certain legal reforms relevant to human rights, including religious freedom. In August 2007, during the Commission's visit to Turkmenistan, President Berdimuhamedov announced the formation of a new commission to examine how Turkmenistan's legislation conforms to international human rights commitments and by early 2008, the Turkmen government reportedly had initiated this process.
- Significant religious freedom problems and official harassment continue and, at least in some regions, certain religious freedom conditions may be deteriorating:
 - Religious practice continues to be fully controlled by the state, including severe limitations on religious instruction even for the two largest religious communities, Sunni Muslims and Orthodox Christians.
 - The repressive 2003 religion law remains in force, giving rise to, among other problems, serious difficulties for the legal functioning of minority religious groups.
 - Despite an apparent decreased emphasis on the forcible state promotion of former President Niyazov's spiritual writings, or *Ruhnama*, the book continues to be present in mosques, all of which are tightly controlled by the state.
 - Police raids on and other forms of harassment of registered and unregistered religious groups increased, particularly on the local level, during the first six months of 2007, though they have declined somewhat since then.
 - The absence of a law providing genuine alternatives to military service has resulted in prison sentences for the members of certain minority religious communities.
 - The government prevents unregistered churches from buying or renting property, and there is official pressure on homeowners to prevent unsanctioned meetings for worship.

Legal Reforms and Registration

- During the Commission's visit, Turkmen government officials referred to a 2004 presidential decree lowering the requirement for the number of persons belonging to a religious community to qualify for its legal registration from 500 persons to five. The government told the Commission that there are only two religious communities with pending registration requests; since the Commission visit to Turkmenistan, two other religious groups were registered. With regard to other ongoing problems for members of registered religious minority communities, Turkmenistan officials told the Commission delegation that they were prepared to hold a second conference with members of registered religious communities to discuss outstanding issues.
- Nevertheless, the 2003 religion law remains highly problematic and some of its provisions continue to violate international standards with regard to freedom of religion or belief, including the requirement that religious groups must be registered in order for their activities to be legal; the fact that the government must be informed of all financial support received from abroad; the strict government control of, and limitations on, people's ability to gather for worship; the ban on the public wearing of religious garb except by religious leaders; and the severe restrictions on religious education.
- There continue to be significant problems in gaining legal registration in Turkmenistan. Local and regional governments sometimes do not recognize a religious group or organization even if the group is registered at the national level. Because of the intrusive requirements and the ongoing harassment of registered communities, several religious groups are not currently seeking registration, thereby increasing the likelihood of official interference in the ability of those groups to function.
- Obtaining worship space is difficult for most, if not all, communities. For unregistered groups it is virtually impossible, as it is illegal for them to rent or buy worship space. Worship in private homes, even for members of registered groups, is strictly limited to nuclear families; security officials routinely break up religious meetings in private homes and search homes without warrants.

Other Religious Freedom Concerns

- Various minority religious communities, both registered and unregistered, continue to face official harassment, particularly outside the capital city of Ashgabat. These problems include police raids, detentions, and threats by police and other security services, as well as demands for payment of onerous fines, some of which were levied by courts years ago. Religious literature is also routinely confiscated.
- The printing and import of religious literature continues to be rigorously controlled and limited by the government, and customs agents still confiscate religious materials. Even the import of literature that is technically legal is reportedly extremely difficult in practice. Representatives of almost all registered religious minority communities reported a severe shortage of religious literature.

- Turkmenistan's legal code lacks a genuine civilian alternative to compulsory military service. Article 219, Part 1 of the Criminal Code punishes refusal to serve in the armed forces with a maximum penalty of two years' imprisonment. By early 2008, six members of the Jehovah's Witnesses had been sentenced to jail under this article, though all ultimately were given suspended sentences.
- There continue to be restrictions on freedom of movement on account of religion. For example, the Turkmen authorities continue to place severe limits on the number of Muslims permitted to perform the *hajj*. Moreover, despite official protestations to the contrary, the Turkmen government still appears to have a secret "black list" of individuals who are denied permission to leave the country, although one such case, involving family reunification of an unregistered Baptist from the city of Dashoguz (often spelled Tashauz) and a U.S. citizen, was resolved in July 2007. Representatives of various religious minority communities told the Commission delegation that they are not allowed to travel overseas, including for religious education not permitted inside the country, and their co-religionists are also often denied permission to enter Turkmenistan.

Current Status of the Personality Cult and the Ruhnama

- There are some, though contradictory, indications that the new government has decreased official emphasis on President Niyazov's all-pervasive personality cult and the *Ruhnama*. For example, President Berdimuhamedov has made attempts to curtail the imposition of the sworn oath of loyalty to President Niyazov. Although the *Ruhnama* continues to be part of the school curriculum, government officials told the Commission that they have significantly decreased the time devoted to its study. Reportedly, new textbooks have been printed with greater focus on conventional subjects, although other reports indicate that not enough time has passed to implement significant changes to the actual texts and that in fact, only the presidential photographs have been updated.
- Nevertheless, the Turkmen government is still promoting the *Ruhnama* in religious affairs and as a mandatory aspect feature of public education. The *Ruhnama* remains a required subject of school exams, and in September 2007, the government sponsored an international conference devoted to the text. Moreover, also in September, President Berdimuhamedov told a U.S. audience at Columbia University that "I want to emphasize this—the book [*Ruhnama*] will be mandatory teaching in all educational institutions, from kindergarten through college. Why? Because it contains a lot of wisdom related to our heritage."
- The *Ruhnama* is still widely found in mosques; in the Niyazov Memorial Mosque, the country's largest mosque located in the village of Gipchak just outside Ashgabat, virtually all of the inscriptions carved on the walls are from the *Ruhnama*.

General Conditions for Freedom of Religion or Belief

Turkmenistan under President Niyazov

President Niyazov's pervasive authoritarian rule and escalating personality cult effectively prevented any opposition or independent religious activity within the country. While President Niyazov's government had made small adjustments to the laws that closely regulate religious practice, these changes had over the years done little to alter in practice the country's generally repressive policies.

A 2003 law on religion further codified the Turkmen government's highly repressive policies, effectively banning most religious activity and setting criminal penalties for those found guilty of participating in "illegal" religious activity. The law also required religious groups to coordinate with the Turkmen government any contacts with co-religionists abroad. In response to international pressure, President Niyazov issued a decree in March 2004 stating that religious communities may register "in the prescribed manner," and reduced the registration requirement from 500 members to five. In May 2004, President Niyazov issued several decrees decriminalizing unregistered religious activities and easing other requirements for registration, resulting in the registration of nine small groups, in addition to the majority Sunni Muslims and the Russian Orthodox Church. These amendments, however, did not substantially change the overall highly repressive environment in Turkmenistan; in fact, some reports indicate that the new, ostensibly eased registration requirements were used as a method of more effective state control over religious communities, not least because they afforded officials the legal right to know what occurs at every meeting of a religious group. In any case, religious groups that did not meet the often arbitrary registration rules still faced administrative penalties, including imprisonment and large fines due to their unregistered status.

President Niyazov's personality cult, bolstered by the forceful official promotion of the *Ruhnama*, was comparable to a state-imposed religion. Students were required to study the *Ruhnama* extensively at all public schools and institutes of higher learning, and Niyazov insisted that the *Ruhnama* supersede other religious and historical texts. Reports indicate that mullahs in Turkmenistan were told to stop reading the Koran in mosques and restrict themselves to the *Ruhnama*, which also was required in mosques and churches alongside the Koran and the Bible.

Changes under the New President

After his highly orchestrated electoral win in February 2007, President Berdimuhamedov moved to implement educational reforms and also promised reforms in the agricultural, health, and other social sectors. He has also expanded Internet access and promised to allow more international contacts; indeed, his first official action was to order the opening of 15 Internet cafes in various cities, although access fees are high, politically sensitive sites are blocked, and copies of the *Ruhnama* are reportedly displayed. In the president's first decree, aimed at the educational system that President Niyazov had done much to destroy, secondary schooling was increased from nine to 10 years and higher education from two to five years; the new president also promised to facilitate access for Turkmen citizens to universities and institutes in other countries. In March 2007, the Turkmen president signed an educational reform decree that

recognized foreign diplomas and initiated reform of the high school curriculum. Reportedly, 23,000 teachers have returned to work at increased wages, and the Commission delegation was informed that the country's new leader has told U.S. diplomats that he wants more international exchange programs. Police and street controls on travel inside Turkmenistan have also been eased.

The new leadership has also begun to distance itself from President Niyazov's personality cult. For example, President Berdimuhamedov has made some initial attempts to alter the imposition of the sworn oath of loyalty to President Niyazov, calling for assigning a specific time and place when the oath should be made and suggesting that it should be restricted to special occasions. In March 2007, Berdimuhamedov proposed a new law on loyalty oath procedures and regulations, enabling people to swear an oath on a book other than the *Ruhnama*, and signed a decree ordering that President Niyazov's name be replaced by the words "Turkmen president" on the presidential banner. In January 2008, Berdimuhamedov issued an order that the national holiday on February 19, Niyazov's birthday, which previously had been celebrated in conjunction with Flag Day, would henceforth mark only Flag Day. On the other hand, while new primary, secondary, and university textbooks were printed in the past year, reports indicate that the only perceived change was in the pictures: the new president's photographs replaced those of President Niyazov.

President Berdimuhamedov acknowledged to the Commission that his country "may have some shortcomings on religion and other issues" but that he hoped that the Commission delegation could help to improve the situation. Shirin Akhmedova, director of the Presidential Institute on Democracy and Human Rights, told the Commission that "the government of Turkmenistan is looking forward to working more closely with the international community."

In August 2007, on the last day of the Commission's visit to Turkmenistan, President Berdimuhamedov announced the formation of a new commission to examine how Turkmenistan's laws conform to its international human rights commitments, thus indicating a possible willingness to consider reform of the country's repressive laws on human rights, including freedom of religion or belief. The commission held its inaugural session in September, when it formally adopted a new draft national program on human rights and approved a human rights project in conjunction with the European Union and with UN refugee and development agencies. The commission also reportedly reviewed existing Turkmen human rights-related laws in an effort to ensure greater conformity with international human-rights standards and norms.

The Release of the Former Chief Mufti

In February 2007, President Berdimuhamedov ordered the establishment of a government commission, led by the Chairman of the Supreme Court, to examine citizens' petitions on the work of law enforcement bodies, though neither its membership nor procedures were specified. By establishing this commission, the new president continued a previous tradition of allowing citizens, however theoretically, to petition the president. With the new commission, however, the president indicated that government agencies, rather than the office of the president, should address the petitions. Reportedly, this governmental commission has received thousands of

petitions from Turkmen citizens, including from the family of the former chief mufti, on such issues as police abuse, allegations of bribery, and unjustified arrests and prosecutions.

Some observers have suggested, however, that the actual role of the commission is to test the political loyalty and effectiveness of the various government agencies to which citizens' petitions are sent. For example, in July 2007, the president fired and later arrested the Chairman of the Supreme Court, allegedly in part due to his failure to ensure that cases originating from the commission had been properly reviewed. In October, the president dismissed the Minister of Internal Affairs, reportedly because of an alleged doubling of cases involving ministry corruption and abuse under review by the commission. By late 2007, the State Department reported, the commission had examined only three cases that led to further review by the Supreme Court and reductions in sentences.

In August 2007, the president acted on the new commission's significant first decision, which was to pardon and release from prison 11 prisoners of conscience, including the country's former chief mufti, Nasrullah ibn Ibadullah, who had been serving a 22-year prison term handed down during a closed trial in 2004. Ibadullah, who opposed President Niyazov's decree that the *Ruhnama* be displayed next to the Koran in the country's mosques, was officially charged with treason for an alleged role in a 2002 coup attempt against President Niyazov. However, the presidential pardon ordering the release of the 11 prisoners stated that the convicts had expressed "sincere repentance...for the acts committed by them," implying that the 11 former prisoners had committed actual crimes, although neither their supposed crimes nor the nature of their trials had been specified.

Ibadullah was allowed to resume work with the official Council of Religious Affairs, no longer as a deputy chairman but as a senior adviser. Other former political prisoners, however, including those imprisoned for alleged religious offenses, as well as three Jehovah's Witnesses who were given suspended sentences in July 2007 for their refusal to serve in the military, were not eligible for employment. Under Turkmenistan's laws, such cases require the restoration of a former prisoner's civil and political rights, or "rehabilitation," and not just pardon by the government.

Legal Structures, Registration, and the Fundamentals of Religious Practice

Religious affairs are technically governed by the Council on Religious Affairs (CRA), whose members are appointed by the government and report to the president. Membership includes representatives of the Sunni Muslim community and the Russian Orthodox Church, as well as government officials, but includes no representatives of other minority religious groups. Although the CRA is supposed to act as an intermediary between the government bureaucracy and registered religious organizations, it acts essentially as an arm of the state. The CRA controls the hiring, promotion, and firing of Sunni Muslim and Russian Orthodox clergy, who are required to report regularly to the CRA. It also examines and controls all religious publications and activities.

Since Turkmenistan gained independence in 1991, religious groups have been required to register with the government in order to engage in any religious activities. The 1997 version of the country's religion law effectively banned all religious groups except the state-controlled

Sunni Muslim Board and the Russian Orthodox Church, though religious instruction even for these two communities remained severely limited. Despite decrees issued in 2004 easing registration requirements, obtaining registration continued—and continues—to be a serious problem for many religious groups, a problem compounded by the penalties levied on unregistered groups that are accused of engaging in “illegal” religious activities. In May 2004, President Niyazov issued several decrees decriminalizing unregistered religious activities. However, representatives of various minority religious communities told the Commission that they faced continuing official harassment, particularly outside the capital Ashgabat, regardless of whether they are registered or unregistered. These problems included police raids and threats by police and other security services, as well as demands for payment of onerous fines, some of which were levied by courts years ago (see below).

The new version of the religion law, promulgated in 2003, remains highly problematic and some of its provisions continue to violate international standards with regard to freedom of religion or belief. These problems include: intrusive registration criteria; the requirement that the government be informed of all financial support received from abroad; a ban on worship in private homes for unregistered groups and the public wearing of religious garb except by religious leaders; and severe and discriminatory restrictions on religious education. The Turkmen government has also interfered in internal leadership issues and organizational arrangements of religious communities. Under President Niyazov, the Turkmen government had pressured the local Church to take Turkmenistan’s parishes outside of the jurisdiction of the Central Asian diocese in Uzbekistan and put them under the Patriarch of Moscow, which in July 2005 rejected this proposal, although the proposal was accepted two years later. President Berdimuhamedov told the Commission in August 2007 that he believed that the Russian Orthodox Church (ROC) in Turkmenistan should be under the jurisdiction of the Moscow Patriarchate. In October 2007, the ROC Holy Synod in Moscow placed Turkmenistan’s ROC parishes under the Moscow Patriarchate’s jurisdiction, removing it from the Central Asian diocese in Tashkent. According to the news agency Forum 18, the official reason for this decision was “to ease pastoral oversight” over the 12 isolated parishes and the ROC convent in Ashgabat.

President Berdimuhamedov’s establishment of a new commission to examine how Turkmenistan’s legislation conforms to international human rights commitments may be a sign that legal changes to improve religious freedom and other human rights protections are being considered. It remains, however, too early to determine whether this commission will result in any substantive changes in Turkmenistan. During the Commission’s meeting with Turkmen Foreign Minister Rashit Meredov, he indicated his hope that “cooperation could emerge from collaboration in other areas...to work together to improve existing legislation” in connection with U.S. assistance on exchange and training programs.

In February 2008, the news agency Forum 18 reported that Shirin Akhmedova, the director of the Presidential Institute on Democracy and Human Rights, pledged that the process of amending the religion law would be “transparent” and would involve “international experts.” However, she did not provide a time table for the bill or clarify what sections of the law might be amended. Akhmedova also noted that Turkmen citizens could also present their suggestions for legal amendments to the religion law. Although the religious freedom experts at the Organization for Security and Cooperation in Europe (OSCE) have not yet been invited to take

part in this process, after five years of requests the UN Special Rapporteur on Freedom of Religion or Belief finally received an official invitation to visit Turkmenistan in 2008.

Registration

For many years, as a result of the 1997 law on religion, only two religious communities were legally registered in Turkmenistan: Sunni Muslims and the Russian Orthodox Church. That law made it all but impossible for other religious groups to register and thus function legally. In March 2004, in response to international pressure, President Niyazov issued a decree stating that religious communities may register “in the prescribed manner,” reduced the registration requirement from 500 members to five, and eased other requirements for registration. The result was the registration of nine small groups, in addition to the Sunni Muslims and the Russian Orthodox Church.

Since the 2004 decree, however, registration has been used as a method of more effective state control over religious communities, as it affords officials the legal right to know what occurs at every meeting of a religious group. Participants in religious meetings who refuse to provide details about their gatherings risk having their communities charged with violating registration requirements. Moreover, religious groups that do not meet the often arbitrary registration rules still face administrative penalties that may include imprisonment and/or large fines due to their unregistered status.

In spite of the difficulties, other religious groups, including various religious minority communities have gained registration since the 2004 decree, including groups of Adventists, Baptists, Baha’is, and Hare Krishnas. Turkmenistan’s small community of Shi’a Muslims, most of whom are members of ethnic minorities, remains unregistered, but reportedly many of its congregations are allowed to function. The country’s small Roman Catholic community also remains unregistered, due to the legal requirement that a religious community be headed by a citizen of Turkmenistan. The Catholics in Ashgabat, however, are permitted to meet for worship services in the chapel of the Vatican Nunciature. Turkmenistan’s Jewish community, estimated by the State Department to number 1,000, are mostly ethnic Russians who came to Turkmenistan after World War II. Although the Jewish community is allowed to meet for religious observances, it has decided not to seek registration.

Akhmedova told the Commission that there were 120 religious organizations currently registered in Turkmenistan. Other government officials claimed that many steps had been taken to ease registration, referring to the 2004 presidential decree that lowered the numerical threshold to qualify for registration as a religious group. Foreign Minister Meredov said that some of these steps were in response to concerns raised by the U.S. government. Meredov also claimed that at present, all organizations wanting to register had done so. He denied that there were obstacles to gaining registration and claimed that those who wish to register need only apply. Turkmenistan’s Ministry of Justice is currently reviewing four such applications, Meredov said, though some had been returned to applicants to “improve compliance with Turkmen law.” After the Commission visit, two small minority Protestant communities outside Ashgabat were registered, one in the city of Turkmenabat and another in the city of Turkmenbashi.

Akhmedova explained to the delegation how the registration process should work. The CRA advises the government on registration, while the Justice Ministry manages the actual registration process. All applications are reviewed by an intergovernmental commission that includes representatives from the Ministries of Justice and Internal Affairs, as well as the Security Service. The review process typically takes one month, but can take up to three months. Groups denied registration will, Akhmedova claimed, receive a written notice and explanation for the decision. If the flaws in the application are corrected, the applicants may re-apply. As for other issues affecting registered religious minority communities, Turkmen government officials told the Commission that they were willing to hold a follow-up to the October 2005 roundtable discussion between the government and members of various religious communities to address other problems.

Continuing Registration Problems

According to the representatives of a number of minority religious groups, there continue to be significant problems in obtaining registration in Turkmenistan. According to the State Department, some groups reported confusion over registration requirements because of conflicting statements by government officials from different ministries. The Commission was told that despite a surge in the registration of religious groups in 2004, that process has slowed. In addition, local and regional governments sometimes do not recognize a religious group or organization even if it is registered at the national level. Moreover, it is reportedly more difficult for ethnic Turkmens or Uzbeks than for Russians to register as members of a Christian denomination; Turkmen officials did not respond to the Commission delegation's requests for information about these reports.

In some instances, these groups said, the CRA may not find problems with a registration application, but the Justice Ministry may oppose that application on what were reported as questionable grounds. It was also reported that the Justice Ministry has taken upon itself to advise several smaller unregistered groups to combine with other, currently registered communities, without giving any consideration to possible doctrinal differences or some groups' need for organizational autonomy. One group was told by the CRA that all prior decisions denying their registration applications "were correct," without any further information. One church leader said that his group has been trying to register for two years, but that the government would not acknowledge the group's efforts.

The leader of another registered Protestant church described the difficult branch registration procedure his group experienced. The church was required to meet seven registration criteria, and despite providing that information and being assured that nothing further was needed, the government still had not given registration approval. In many cases, he noted, the government will not even acknowledge that religious communities have branches in other cities. The Hare Krishna Society was informed by the government in the past year that it is authorized to open a branch; however, the government had told members of that community previously that it would begin to register other branches, and thus far there had been no progress in that regard. The Baha'is also submitted the necessary documents, but had been told by the government that there is "no legislation on branch registration."

Yet when the Commission raised the issue of registration, particularly that of local branches, during a meeting at the Justice Ministry, Serdar Valiyev, Director of the Registration Department, said that a registered organization automatically receives legal status when it is entered in the main national register. Branch organizations are not subject to these requirements, as they are regulated by the main organization. To register a branch, he claimed, the main organization need only present information regarding the branch to the Ministry of Justice. However, this was clearly not the experience that various religious groups in Turkmenistan described to the Commission delegation.

People from historically Muslim ethnic groups who want to register Christian churches are more often denied registration than communities comprised largely of individuals of Slavic origin. The Commission was informed that in some cases, local and national government officials have told such church members that they “cannot be Christians because they are ethnic Turkmen.” Because officials refuse to issue registration denials in writing, the groups in question have not been able to identify the official or officials responsible for these refusals. In one case, the members of a church were told repeatedly that their church would never be registered because they are Turkmen and “Turkmen are supposed to be Muslim.” Justice Ministry officials also suggested that they remove certain articles from the church charter documents in order to gain registration. In this case, in addition to trying to change the substance of the church’s charter, officials also reportedly used spurious clerical errors as the basis for denying the registration application.

Finally, the Commission was told that the Turkmen government may try to convince prospective congregants that they should not join minority religious communities. Often officials claim that religious minority groups are “cults.” The Turkmen government has also told several churches that it is not their role to assist the poor, drug addicts, and others.

Practical Effects of Registration

The Turkmen government reportedly actively solicited new religious groups to register in the period 2004 – 2005, and several groups were easily and rapidly registered at that time. Once those religious communities were registered, however, state officials began to subject the groups’ charters to strict review. Thus, some representatives of Turkmenistan’s religious minority community believe that the Turkmen government undertook registration mainly due to pressure from the United States and OSCE and that the Turkmen government still did not truly recognize them. Indeed, despite their registered status, a member of a religious minority group told the Commission that in many instances, the group still needed permission from the city of Ashgabat’s CRA in order to undertake routine activities, such as seeking to increase its membership.

The situation for religious minorities is particularly difficult outside the capital, where some groups continue to face onerous administrative documentation burdens. According to the leader of a registered religious minority community, “the fact that we are registered did not help in any way...there is no freedom, just pressure from the government. And there is certainly no freedom outside Ashgabat.” Some registered groups told the Commission delegation that they believed that registration has become a method to expose their members to possible official

discrimination or harassment and actually worsened the situation. On the other hand, several leaders of registered religious minority communities told the delegation that in Ashgabat, they are free to meet for worship.

Members of various registered religious minority communities told the Commission what Turkmen officials had claimed would be the benefits of registration. For example, the Adventist church was informed that the government would not demolish its churches (one had been demolished by the authorities in 1999—see below) and the community would have access to worship space. The government kept its promise to the Hare Krishnas that once they were registered there would be no further arrests of their members. On the other hand, the CRA also promised that members of registered communities could meet for worship in private homes, but Turkmenistan's religion law allows home worship only for members of nuclear families. Religious adherents who ignore these legal prohibitions on home worship may be subject to various penalties, ranging from official warnings to job loss, police raids, and/or detention.

Despite their illegal status under Turkmen law, several religious minority communities have decided that registration either violates their freedom of conscience or does not entail enough benefits to justify the intrusive government requirements and procedures. One leader of an unregistered community told the Commission delegation that Turkmenistan's religion law is "only paper and has no operative meaning" and that "even registered churches enjoy only limited religious freedom." Another unregistered religious leader said that he had asked state officials about the practical benefits of registration and they had refused to answer him. Faced with this lack of information, he had decided against applying for registration.

There are, however, numerous negative consequences for those groups that decide to forego registration. For example, the leader of one unregistered group told the Commission that his group's illegal status "keeps potential congregants away." He also observed that lack of registration limits his group's ability to practice its religion fully, as well as to organize charitable assistance programs.

Worship Space

In Turkmenistan, obtaining worship space is difficult for most religious communities. For unregistered groups, it is virtually impossible, as it is illegal for them to rent or buy worship space. Worship in private homes is limited to members of nuclear families who belong to registered religious communities, although Turkmen officials have told the State Department that worship in private homes is allowed as long as neighbors do not object. Nevertheless, security police reportedly break up religious meetings in private homes and search homes without warrants. The leader of one registered Christian community told the Commission that after his group was registered, he could no longer invite friends and family to worship, even in his own apartment, as his group was told by the government that private worship must be limited to husband and wife and children and could not include adult parents and siblings.

The government has forced some groups to write letters stating that they will not gather for worship until they are registered. Indeed, Turkmen officials have stated that the eased registration requirements that Niyazov promulgated in 2004 do not mean that religious adherents

will no longer be required to request official permission before holding worship services. One leader of a registered Pentecostal church told the Commission that his home in Ashgabat had been confiscated by the government several years ago because he had allowed unsanctioned worship services to be held there. Despite years of efforts, the church leader has been unsuccessful in efforts to have the building—his personal property—returned to him. Nevertheless, five registered minority religious communities have managed to establish public places of worship, three of which were rented and two of which were in the private homes of community members.

President Niyazov had refused to allow the Russian Orthodox community to build a new cathedral in the capital of Ashgabat, though he had allocated land for that purpose 10 years ago. According to Forum 18, final construction work on the community-funded convent next to St. Nicholas' Church in Ashgabat was halted in late 2005, after President Niyazov reportedly warned Orthodox clergy privately that if construction went ahead he would order demolition of all the country's Orthodox churches. The Commission was told that construction of the Russian Orthodox cathedral was now proceeding, albeit slowly, due to the need to design the building to withstand earthquakes. President Berdimuhamedov told the Commission that the Turkmen government recently had granted land to build a new church in Ashgabat.

Under President Niyazov, the Turkmen government had a history of closing, confiscating, or destroying houses of worship. Appropriate compensation has never been made to the various religious communities affected by this practice, nor is there any complaint process or new law providing compensation. For example, in 2000, two unregistered mosques were bulldozed by the authorities and in 2003 the Abu Bekir mosque in Ashgabat was closed. In March 2004, President Niyazov proclaimed that no new mosques should be built anywhere in the country; seven mosques are reported to have been destroyed in that year. In addition, according to the State Department, the government refuses to allow the final construction of three Shi'a mosques, two near Ashgabat and one in Turkmenbashi. In July 2005, a Sunni "family" mosque in Turkmenbashi was demolished, and in 2006, two Shi'a mosques were razed.

In 1999, two Hare Krishna shrines near the city of Mary were torn down by Turkmen authorities; the Seventh-Day Adventist Church in Ashgabat was bulldozed that same year. Baptist and Pentecostal churches were confiscated in 2001. In 2005, the historic Armenian Apostolic Church in the city of Turkmenbashi was partially demolished by local officials and sealed off; that community has neither received compensation for the partial destruction nor has the church been returned to it. A court ruling in 2006 denied compensation to the Seventh Day Adventist community for the government's destruction of its church.

While under the new government, there have been no reports of the destruction of any houses of worship by the Turkmen authorities, no measures have been taken to redress the claims of those religious and other communities whose property was destroyed under the Niyazov government. Some new construction is underway, however. In March 2007, the parliament voted funds to finish construction of a mosque in the city of Mary and in October, and the governor of the Dashoguz region announced a tender for construction of a large new mosque.

Religious Literature

The publication of religious literature inside Turkmenistan is banned by decree, resulting in a severe shortage of such literature, which also is rarely available for purchase. An additional difficulty is the government's legal requirement that the CRA must approve the content of all religious literature and the fact that there are no representatives of religious minorities on the CRA.

By law, only registered religious communities are permitted to import religious literature, on a limited basis, depending on the number of people in a given house of worship. The local CRA frequently confiscates literature and even photocopies it. In some cases, the CRA allegedly has required that adherents make a written apology for the possession or import of such material. According to the members of the religious minority communities with whom the Commission met, despite limited legal provisions to the contrary, they are denied official permission to import religious literature. In any case, they said, the experts at the CRA who are required by law to examine such literature are, at best, informed only about Islam and Russian Orthodoxy. Moreover, religious literature is often confiscated before it can be submitted for official examination. On a positive note, however, one leader of a registered religious community told the Commission of some improvements under President Berdimuhamedov; for example, one may now receive some religious material, though it cannot be shared with others. In addition, the State Department reported that, unlike in previous years, ethnic Turkmen members of unregistered religious groups accused of disseminating religious material did not receive harsher treatment than members of other ethnic groups.

The head of one registered religious community told the Commission delegation that until now, no pastor in his church had received official permission to bring the legal allotment of any religious text into the country, even though his church had translated some of its religious literature into Turkmen so that government officials could read it. The Russian Orthodox Church can receive and distribute Bibles easily, but according to the leaders of a number of other Christian communities, the Orthodox Church does not share the literature with Protestant churches because those churches allegedly may be seen as competitors. Nevertheless, the Russian Orthodox community was also affected by the government's past policies, which banned Turkmen residents from receiving Russian publications by mail, including the *Journal of the Moscow Patriarchate*. As far as is known, that ban remains in effect.

In one instance, a leader of a minority religious community was detained for receiving Christian materials in the mail. The authorities instructed him to write to the sender and ask him not to send any more religious material. Even registered churches need to consult with the CRA before they import religious literature. In another instance, the Ministries of National Security and Internal Affairs detained a pastor for questioning at the post office after receiving religious materials in the mail, with the justification that the material could promote extremism and violence. Religious communities reportedly need a government license in order to reproduce religious literature already in their possession. One leader of a registered Protestant community told the Commission delegation that the Justice Ministry had called and threatened his church for attempting to make copies of religious literature without a license.

When the Commission delegation raised the issue of religious literature with the CRA, Russian Orthodox representative Father Sapunov stated that in the view of his church, Turkmenistan had enough religious literature and perhaps it would be better to ask whether there was a need for such material. Father Sapunov also stated that the law sets out what kind of materials may be imported and in what quantity. The Council, he maintained, has always tried to help, but the Turkmen authorities have the right to inquire about the reason so many Bibles are needed. Sapunov claimed that he himself saw no problem with the import of religious materials, but the Council must follow the law. Deputy Chairman Nurmukhamet Gurbanov maintained that there is no evidence that the rights of Turkmen citizens had been violated with regard to the import of religious literature.

Religious Education

Turkmenistan's religion law bans the private teaching of religion and those who engage in such instruction are liable for legal penalties. Only those who have graduated from institutions of higher religious education (domestic or foreign is not specified) and approved by the CRA may offer religious instruction. Citizens have the right to receive religious education alone or with others from these official institutions; some independent religious education takes place unofficially. Usually, home schooling is allowed only in cases of severe illness or disability and not for religious reasons.

Under Article 6 of the November 2004 amendments to the religion law, mosques are allowed to provide religious education to children after school for four hours per week, as long as parents have given their approval. Some Sunni mosques have regularly scheduled Koran instruction. The 2003 religion law prohibits the Russian Orthodox Church from conducting religious education programs without CRA and presidential approval and there were, according to the State Department, no reports that such programs had been approved.

In June 2001, President Niyazov's government closed the *madrassa* in the town of Dashoguz, leaving only the theological faculty at the Turkmen State University in Ashgabat to conduct Islamic education. That faculty was later dissolved and absorbed into another department, with the result that only one institution of Islamic education is currently open. It was set up after 2001 and has a curriculum controlled by the government. The country's largest religious minority, the Russian Orthodox, has no institution for religious education in Turkmenistan, although even under President Niyazov, men were allowed to leave the country to train for the clergy. The Shi'a, who are mainly represented among the country's Iranian and Azeri ethnic minorities, also have no religious training institutions in Turkmenistan.

Religious minorities, even those that have gained registration, are in a particularly difficult situation. One religious minority leader told the Commission delegation that most religious training is conducted informally, in private homes. Some churches are able to train clergy based on formal programs, but others are not. Some clergy members are able to receive their religious education and ordination overseas.

Other Religious Freedom Concerns

Continuing Official Harassment of Religious Minorities

Under the late President Niyazov, police routinely interfered in the activities of both registered and unregistered religious communities. Security police frequently broke up religious meetings in private homes, searched homes without warrants, confiscated religious literature, and detained and threatened congregants with criminal prosecution and deportation. Family members of detained religious leaders were subjected to harassment, discrimination and internal exile. In addition, members of some religious minority groups, particularly Protestants, Hare Krishnas, and Jehovah's Witnesses, faced official pressure to renounce their religion publicly, and were sometimes forced to swear an oath on the *Ruhnama*. Though such raids and other forms of harassment were less frequent last year than in previous years, they have continued following President Niyazov's death.

According to the State Department, however, although the Turkmen government had increased harassment of some registered and many unregistered religious minority groups after the February inauguration of President Berdimuhamedov, reports of such incidents decreased by the end of 2007. Yet, despite official pledges to improve the situation, registered and unregistered religious groups continue to experience serious discrimination and maltreatment from government officials, particularly outside Ashgabat. One leader of a registered religious minority community told the Commission that some actions against his community are carried out by the local city governments, while other operations involve the Ministry of Internal Affairs' Sixth Department, which deals with organized crime and terrorism. For example, in March 2007, authorities raided a meeting of an unregistered religious group in a private house in Abadan and the home owners were fined. In June 2007, police raided a meeting of the registered Light of the East Pentecostal community in the city of Dashoguz. In August 2007, a branch community of a nationally registered Protestant church in western Turkmenistan was raided by police; literature was confiscated and a member was arrested. There was a similar incident at another branch church. The leader of another registered Protestant church told the Commission that in one incident, local and regional officials brought a bus to detain and remove the church members who had assembled without government authorization. There were no arrests, but the religious gathering was broken up and the literature confiscated. Forum 18 reported that police raided a Baptist service in December 2007 in a private home in the town of Balkanabad in western Turkmenistan.

Members of several unregistered religious groups, including some Baptists and Jehovah's Witnesses, said that the Turkmen government sometimes deployed anti-terrorist and secret police raids against their groups, which were frequently followed by arrests. Forum 18 reported in November 2007 that in one town, local officials encouraged a Muslim community to apply for registration, but secret police later ordered them to drop their effort and not to publicize their situation. The group is reportedly allowed to function in a limited capacity. In some instances, unregistered church leaders were threatened with the loss of their retirement savings. According to the State Department, in the past year, police officers subjected ethnic Turkmen who converted to Christian denominations other than Russian Orthodoxy to harassment and

mistreatment, including verbal abuse for denying their heritage by converting to a religion viewed by the government as “non-traditional” for Turkmen.

Several religious minority groups noted that the Turkmen authorities appeared to be using charges leveled against them in the past as a means to make current religious activity extremely difficult. Since early 2007, there has been increased pressure on the Jehovah’s Witnesses: meetings have been raided, literature confiscated, and fines imposed. Jehovah’s Witnesses employed in state agencies reported being subject to harassment and public ridicule and pressured to leave their jobs, while many had already been dismissed or had their contracts discontinued. Several Jehovah’s Witnesses were summoned to police stations in connection with incidents that allegedly had taken place several years ago, and fines, issued as long as three years ago, were only now being enforced.

Members of the Jehovah’s Witnesses have experienced other serious problems in 2007, particularly in April 2007. For example, police confiscated internal passports during a raid in the city of Turkmenabad; three Jehovah’s Witnesses were detained and one of them, a woman, claims to have been sexually molested by police. Although a prosecutor first ruled the passport seizure to be illegal, after he talked to police he threatened to fine the Jehovah’s Witnesses. In two other incidents, as a result of police actions in Ashgabat, two Jehovah’s Witnesses lost their jobs after police interrogated them about their beliefs. Three days later, in the city of Dashoguz, police confiscated some literature from a Jehovah’s Witness who was later fined at a police station.

Absence of Alternatives to Military Service

Another unresolved issue affecting Turkmenistan’s religious freedom record is the country’s lack of a genuine civilian alternative to compulsory military service. In 2007, six members of the Jehovah’s Witnesses were sentenced to prison—although they ultimately received suspended sentences. They were prosecuted under Article 219, Part 1 of the Criminal Code for refusal to serve in the armed forces with a maximum penalty of two years’ imprisonment. The five were still denied their full civil and political rights, including the free choice of employment. For example, Jehovah’s Witness Suleiman Udaev, who was sentenced in August 2007 but freed from prison in September, must still pay 20 percent of his wages to the state. In addition, he will not be able to leave his home village without permission, and will be officially assigned to work in the local collective farm. According to the State Department, the government pardoned three other members of the Jehovah’s Witnesses under an annual amnesty program. In December 2007, a sixth conscientious objector received an 18-month suspended sentence for refusing compulsory military service. Amnesty International reported that some of these men were informed that if they persisted in their conscientious objection, they could again face conscription and imprisonment.

Freedom of Movement Issues

Under President Niyazov, there was deliberate official interference in international freedom of movement of religious adherents in Turkmenistan. Many of these policies have continued under the new government. Entry visas are refused to religious workers who are, in many cases, critical to the functions of a particular religious community, and other individuals

known to participate in religious activities have been pointedly prevented from leaving the country.

The Turkmen authorities continue to limit the number of Muslims permitted to perform the *hajj*. In November 2006, the government announced that only 188 of the country's official quota of 4,600 would be allowed to go to Mecca. Yet, even the country's official newspaper acknowledged in April 2007 that it was the duty of every Muslim to undertake the *hajj*. The Commission delegation repeatedly raised the severe limitations on the number of Muslims allowed to perform the *hajj*. In response, President Berdimuhamedov claimed that while the government will pay for only one planeload (188 people) of Muslim *hajj* pilgrims, there is no legal limit on those who can afford to undertake the *hajj* at their own expense. While this was not, in fact, the situation under Niyazov, it remains to be seen whether this will be the policy of the new government. According to the State Department, there were anecdotal reports indicating that additional persons may have undertaken the pilgrimage at their own expense.

Baptist Vyacheslav Kalataevsky, who was born in Turkmenistan but holds Ukrainian citizenship, was deported from Turkmenistan to Kazakhstan in 2001, allegedly due to his membership in an unregistered Baptist congregation in the city of Turkmenbashi. In March 2007, as he attempted to regularize his residential status in that city, he was arrested by the security police. Kalataevsky's trial took place in May 2007, at the same time, that the then-UN High Commissioner for Human Rights, Louise Arbour, was visiting Turkmenistan. Kalataevsky was sentenced to three years' imprisonment for "illegally crossing the border" in 2001. One month later, in June 2007, he was transferred to a labor camp to serve his sentence. As part of the traditional 2007 Ramadan prisoner release, Kalataevsky was released from camp. One month later, he was allowed to rejoin his family in Turkmenbashi. In November 2007, a few days after his return to Turkmenbashi, Kalataevsky reportedly received an official warning not to meet for worship with his fellow Baptists and in December, the State Department reported, Turkmen authorities denied Kalataevsky's request for residency even though his family lives in Turkmenbashi. He was deported to Ukraine one week later. In another case, Baptist pastor Yevgeny Potolov, head of an unregistered congregation belonging to the Baptist Council of Churches, was deported in July 2007, seven weeks after his arrest for religious activity. After Baptist leader Aleksandr Frolov was deported in June 2006, his family moved to Russia following a year of unsuccessful appeals that he be allowed to return to Turkmenistan. In the past, the Turkmen government has refused entry visas to several priests who are Russian citizens and were invited by the Russian Orthodox community to Turkmenistan. According to Forum 18, in 2007 the ROC did not encounter similar problems.

Despite official protestations to the contrary, the Turkmen government appears to maintain a secret "black list" of selected individuals who are denied permission to leave the country. Former Baptist prisoner of conscience, Shageldy Atakov, reportedly is banned from leaving Turkmenistan; he was most recently denied exit permission in June 2007. In 2006, a Migration Service official referred to an exit blacklist on which Atakov's name appeared, most likely because he had not had his full political and civil rights restored after serving a prison term. In August 2007, a court granted exit permission to Merdan Shirmedov, an ethnic Turkmen leader of an unregistered Baptist community in the city of Dashoguz, to travel to Turkey to rejoin

his family in the West. Nevertheless, the court gave no explanation as to why Shirmedov had been denied permission to leave the country since January 2007.

The leader of one minority community told the Commission that some religious leaders and their families are still prohibited from leaving the country and their mail is searched and read by the security service. Two years ago, two men from this church tried to travel to Azerbaijan to attend a Bible school. In November 2007, a Turkmen Evangelical Church pastor was escorted off a plane bound for Ukraine. According to the State Department, when he wrote a complaint to the State Agency for the Registration of Foreign Citizens, he received a reply noting that his claim was not valid. A Baha'i activist said that there is a secret ban on invitations for relatives to come to Turkmenistan, although members of the Baha'i community can travel out of the country. The State Department reports that others, including some religious leaders, were allowed to travel outside the country in 2007.

When the Commission delegation raised the issue of Turkmen citizens being denied exit permission due to their religious affiliation, the country's officials denied that this had ever occurred. For example, Presidential Institute on Democracy and Human Rights Director Akhmedova claimed that Turkmenistan did have an "exit visa regime" left over from Soviet days, but those barriers had since been removed. The new Deputy Chairman of the CRA, Nurmukhammet Gurbanov, told the delegation, "I have never met a person who was not allowed to enter or leave Turkmenistan because of his religion."

Current Status of the Personality Cult and the *Ruhnama*

President Niyazov's personality cult was bolstered by the forceful official promotion of a book containing the late president's "spiritual thoughts," known as *Ruhnama*. Imams were also reportedly instructed by the government to repeat an oath of loyalty to the "fatherland" and to President Niyazov after each daily prayer. Under President Niyazov, students were required to study the *Ruhnama* at all public schools and institutes of higher learning. Moreover, according to the State Department, President Niyazov used his teachings "in part to supersede other established religious codes, as well as historical and cultural texts, and thereby influence citizens' religious and cultural behavior." A law promulgated in 2002 enjoined parents and guardians "to bring [children] up in spirit of...the unshakeable spiritual values embodied in the holy *Ruhnama*." The study of the *Ruhnama* also replaced many subjects in the school curricula and was a required subject at institutes of higher learning.

After Turkmenistan's chief mufti, Ibn Ibadullah, lost his position in 2003 for opposing the elevation of the *Ruhnama*, he was replaced by Kakgeldi Wepayev, who was soon put under house arrest for alleged involvement in the purported coup attempt against Niyazov. In 2004, three ethnic Uzbek imams lost their positions for opposing the elevation of the *Ruhnama* as a sacred text. Indeed, the head of a mosque in Ashgabat, Imam Hoja Ahmed Orazgylyjov, died after being sentenced to internal exile in the remote town of Tejen for alleged "criminal activity." Some believe that Orazgylyjov was sent into internal exile due to his refusal to support the Niyazov regime based on his religious beliefs. Furthermore, credible reports indicate that mullahs in Turkmenistan were told in 2005 to stop reading the Koran in mosques and restrict themselves to the *Ruhnama*.

The religion-like quality of the personality cult became even more apparent in March 2006, when President Niyazov announced on Turkmen state television that anyone reading the *Ruhnama* three times “would be assured a place in heaven.” The president’s books were required to be displayed in mosques and churches alongside the Koran and the Bible. In at least one instance, a mosque was closed by the National Security Ministry after mosque leaders refused to place the *Ruhnama* on a par with the Koran. *Ruhnama* quotations also were carved alongside Koran citations in the country’s largest mosque. As noted above, Turkmenistan’s former chief mufti, Nazrullah ibn Ibadullah, who opposed this requirement, was sentenced to 22 years in prison; he remained in prison until August 2007, when he and 10 other political prisoners were released by President Berdimuhamedov. Since the autumn of 2006, a Sunni mullah has reportedly been forcibly held in a closed psychiatric hospital in the Lebap region of Turkmenistan due to his critical sermons in a village in the Kaakha district near Ashgabat, according to Forum 18. His name and current status are unknown.

As during the Soviet period, the government under President Niyazov retained tight control over Islamic practice and observance and remunerated and monitored all members of the Muslim clergy. Although Islam was always allowed as one of the country’s tolerated religions, only those Muslim religious teachers and believers who accepted and fully cooperated with state authority were tolerated. As his personality cult intensified, President Niyazov attempted to gain even tighter control over Islamic practice by ordering the publication of a list of religious rituals purportedly common to all Turkmen to which all Muslims in Turkmenistan were expected to adhere. Secret police were reportedly sent to attend mosques to identify Muslims who performed religious rites in a way that differed from the officially-prescribed Turkmen practice.

According to some reports, the new leadership intends to decrease emphasis on the *Ruhnama* and has already taken some steps to distance itself from President Niyazov’s personality cult. The imposition of the sworn oath of loyalty to President Niyazov has been curtailed and limited only to certain occasions. In March 2007, Berdimuhamedov proposed a new loyalty oath procedure enabling people to swear an oath on a book other than the *Ruhnama*. According to Forum 18, however, the 9,000 prisoners released in 2007 were required to swear a loyalty oath on the Koran and the *Ruhnama*. The Turkmen Academy of Sciences, closed by President Niyazov, has been re-opened. A series of articles by Turkmen scholars exploring the country’s history, including through the excavation of Islamic and archeological sites, have recently been published on official Web sites and in November 2007, the works of four classical Turkmen authors were published in small editions. This is a departure from the time of President Niyazov, who had insisted that historical and cultural topics be influenced primarily by his views of Turkmen history as published in the *Ruhnama*.

Nevertheless, the future of the formal personality cult in Turkmenistan remains unclear. During its visit to Turkmenistan, the Commission noticed that several of the portraits and golden statues of President Niyazov that he himself had had built are still found throughout Ashgabat. However, a Turkmen government official reportedly told Radio Free Europe/Radio Liberty in February 2008 that Berdimuhamedov ordered the removal of all portraits of Niyazov and of *Ruhnama* citations from the outside of buildings throughout the country. Yet, the State

Department reported that the government still requires ministry employees to pass tests demonstrating knowledge of the *Ruhnama*, as well as other subjects; employees who fail the exam are reportedly dismissed. In addition, though Niyazov's portraits are being removed, many large portraits of the country's new president are now visible in the capital. It is too early to determine whether these new portrait displays are an aspect of President Berdimuhamedov's consolidation of power or mark the beginnings of new authoritarian presidential rule, accompanied by a new personality cult. On his fiftieth birthday, President Berdimuhamedov ordered commemorative coins with his picture, but when Turkmenistan marked its independence day in October 2007, the commemorative coins did not bear any presidential image.

Ruhnama Still Given Prominence in Religious Life

At the large mosque in President Niyazov's native village of Gipchak, which was built on President Niyazov's orders and which the Commission visited, it was readily apparent that *Ruhnama* inscriptions dominated the exterior and interior walls. Inside the mosque, above the *mikhrab*, or the special bay in the main wall that is directed toward Mecca, was inscribed the word "Turkmenbashi," President Niyazov's self-designated title, a display that most Muslims would consider deeply offensive. Turkmenistan's chief mufti stated that "the *Ruhnama* citations do not violate Islamic law because there is no requirement that there be writings inside a mosque." At the Ministry of Culture, it was claimed that "the way Islam is practiced in Turkmenistan is different than in other places. Our mode of belief is different from Arabs. Our poetry is adapted from the Koran, and the *Ruhnama* is very similar." The Interior Ministry official also claimed that the matter was discussed with representatives from Arab countries prior to building the mosque and that no one had expressed a concern about the design "because all of the verses from the *Ruhnama* that appear within the mosque relate to Turkmenistan's relationship with God."

Clearly, the *Ruhnama* continues to be an imposing state presence in the religious life of the people of Turkmenistan. One interlocutor told the Commission that Muslim clerics can lose their jobs for refusing to teach the *Ruhnama* in the mosques. The *Ruhnama* apparently also continues to impinge on members of the minority communities. A member of a religious minority group told the Commission that "refusing to acknowledge the *Ruhnama* as a sacred text can have serious effects on a person's educational and professional opportunities." In the past, he said he had been punished for refusing to write about the *Ruhnama* at school.

The Role of the Ruhnama in Education

Official and unofficial sources report a decreased role for the *Ruhnama* in Turkmenistan's educational system. Turkmenistan's Minister of Education, Mukhammetgeldi Annaamanov, told the Commission that "the sacred *Ruhnama* was written by our former leader for the education and upbringing of Turkmen youth. It was used and will continue to be used, but there will now be only one hour of instruction each week." Under President Niyazov, one hour per day in institutions of higher learning was devoted to study of the text. Annaamanov also specified that the government currently mandates "only 362 hours of instruction in the *Ruhnama* over 10 years of formal education," and that Muslim and Russian Orthodox religious leaders, presumably CRA representatives, assist in curriculum development. While at the

Ministry of Education, the Commission delegation was shown the official decree eliminating the teaching of the *Ruhnama* in primary schools and curtailing the teaching of the text in high schools from one hour per day to one hour per week, except for the final year in which it will be taught two hours per week. On another occasion, the Commission was told that “recently the new president cut *Ruhnama* classes in high schools and totally removed the book from elementary schools. They also did away with the *Ruhnama* oath in schools.”

Another Education Ministry official, however, stated that the *Ruhnama* “tells the history of Turkmenistan” and that the text is part of the curriculum for students from the ages of seven to 17; indeed, he claimed, “many students read it of their own free will.” He also stated that the *Ruhnama* is a spiritual but not a religious book, and that reading it leads to “purity” and provides a moral and philosophical background. During a visit to one of several Ashgabat Turkmen-Turkish public high schools, the delegation was shown a special room that was still known as the *Ruhnama* room. In addition, in contrast to what the Commission was told by the Minister of Education, reports indicate that the Niyazov curriculum is still in use at universities in Turkmenistan, and that the *Ruhnama* is still one of the main textbooks for all university students. The State Department reported that President Berdimuhamedov continued with 2006 plans to construct a *Ruhnama* university, though the projected university’s focus began to change from “studying the deep roots of the nation’s great spirit” to include a more international outlook. In fact, all of Niyazov’s texts—the *Ruhnama*, *Ruhnama II*, poetry volumes, *The Spring of My Inspiration*, and *My Beloved*—remained part of the school curriculum, and passing tests on knowledge of the *Ruhnama* was still necessary for advancement or graduation, though less class time was spent on these works than in the past.

Commission Activities

The Commission continues to raise concern at a variety of venues about the status of religious freedom in Turkmenistan. In October 2006, Commission staff took part in a roundtable on Turkmenistan sponsored by RFE/RL at the OSCE Human Dimension Meeting in Warsaw. In January 2007, then-Commission Chair Felice D. Gaer met with Assistant Secretary of State Richard Boucher to discuss concerns over U.S. policy on Turkmenistan and the failure to name the country a CPC. In August 2007, Commission Chair Michael Cromartie and Commissioners Imam Talal Y. Eid and Donald H. Argue traveled to Turkmenistan, where they met with President Berdimuhamedov and other government officials, as well as representatives of religious communities and civil society. In December 2007, the Commission released a policy brief about its visit to Turkmenistan and sponsored an event at Freedom House entitled “The State of Freedom in Turkmenistan” to launch its publication. In December 2007, Commission staff gave a talk on Uzbekistan and the CPC process in Berlin at the Forum on Freedom of Religion or Belief, a private organization comprised of international legal specialists. In January 2008, Commission staff made a presentation in Brussels on the status of freedom of religion or belief in Central Asia at events sponsored by the NGO European Platform on Religious Intolerance and Discrimination.

The Commission has met with the U.S. Ambassador to Turkmenistan to discuss bilateral relations, the status of religious freedom and other human rights, and steps the United States might take to ameliorate the situation. As recommended by the Commission, the UN

Commission on Human Rights (UNCHR) passed resolutions condemning Turkmenistan for repression of religious and political rights in 2004. In March 2005, the Commission met with delegation heads from the United States and European Union (EU) countries at the 61st session of the UNCHR session and presented information about violations of religious freedom in Turkmenistan, questioning the decision of the United States and the EU not to introduce a resolution on Turkmenistan at the 2005 UNCHR.

The Commission also continues to make public statements and take part in meetings with U.S.-based experts and activists concerned with Turkmenistan. In January 2007, the Commission co-sponsored and spoke at an event entitled “Religious Freedom and State Policy in Central Asia,” together with the Center for Strategic and International Studies (CSIS). After Niyazov’s death, the Commission issued a press statement with an extensive set of new recommendations on ways to promote religious freedom and other human rights in Turkmenistan. In July 2005, the Commission held a public briefing with the CSIS, on “U.S. Strategic Dilemmas in Uzbekistan and Turkmenistan.” The briefing discussed the human rights situation in Uzbekistan and Turkmenistan, the nature of local extremist and terrorist threats, and U.S. and other strategic interests in the region.

Recommendations on Turkmenistan

I. The CPC Designation

The Commission has noted the initial steps undertaken by the government of President Berdimuhamedov to lessen some aspects of the repression mandated by President Niyazov, and encourages the new government to implement further specific steps to bring Turkmenistan’s law, policies, and practices in line with international human rights norms, including for freedom of religion or belief. Nevertheless, in light of the persistent, severe problems, until tangible and systemic reforms have been implemented, the Commission continues to recommend that the U.S. government designate Turkmenistan as a “country of particular concern,” or CPC.

The Commission recommends that the U.S. government encourage continued reforms, indicating to the government of Turkmenistan the specific measures that it must take to end particularly severe violations of freedom of religion or belief and other human rights, including:

- repeal immediately all laws, decrees or regulations, including major changes in the 2003 religion law, that violate international norms pertaining to freedom of religion or belief;
- repeal the state ideology, imposed through the *Ruhnama*, that infringes upon or severely diminishes the practice of freedom of religion or belief and related freedoms of association, movement, expression, and the media.
- eliminate intrusive and onerous registration procedures and abolish criminal or other penalties for engaging in religious or other peaceful activity solely because it is not approved by the state;
- halt unjust arrest, detention, harassment, deportation, fines and residential and workplace intimidation of religious leaders and their adherents on account of their religious or other beliefs;

- end fully the past practice of harassing and deporting religious leaders and imposing fines on leaders or members of peaceful unregistered religious communities whose activities are deemed “illegal”;
- promulgate new regulations and adopt new policies to ease the importation of religious and other material and permit the domestic printing and dissemination of such material in accordance with international standards; and
- implement genuine legal alternatives to military service on grounds of religious or conscientious objection, possibly modeled on Organization on Security and Cooperation in Europe (OSCE) proposals and other international precedents.

II. Promoting Freedom of Religion or Belief and Other Human Rights

The Commission further recommends that the U.S. government urge the government of Turkmenistan to:

- end the personality cult of the late President Niyazov, particularly in the country’s religious life and educational system, including by removing the *Ruhnama*—a book containing President Niyazov’s “spiritual thoughts”—from mosques and other houses of worship and by further decreasing reliance on the *Ruhnama* in educational curricula;
- release and fully restore the civil and political rights of all former political prisoners, including those in internal exile;
- permit the inspection of places of imprisonment, including labor camps, prisons, and temporary places of detention, by independent impartial experts such as the International Committee of the Red Cross and/or Red Crescent;
- promote and expand the work of the government’s Commission to Examine Turkmenistan’s Legal Obligations under International Human Rights Law, established in August 2007, including by involving international legal experts, such as the Organization on Security and Cooperation in Europe’s (OSCE) Panel of Experts on Religion or Belief and Panel on Freedom of Association, and relevant UN agencies and by preparing and submitting all outstanding reports to human rights treaty bodies, special rapporteurs, and regional bodies;
- reform laws, decrees, and regulations to bring them into conformity with international legal obligations, such as dropping penalties on individuals under the administrative code for engaging in unregistered religious activities; instructing local and other officials to remove obstacles to the purchase or rental of land or buildings to be used as houses of worship or for meeting purposes; permit the use of private homes and public halls in residential areas for worship services; allow children to receive private religious education; allow the publication and distribution of religious literature inside Turkmenistan; and permit freedom of movement for members of all religious and other communities as well as increasing the numbers of Muslims allowed to undertake the *hajj*; and
- reform the government’s other policies toward religious practice, including ending state interference in the management of religious communities and the selection and training of

religious leaders, including from Sunni and Shi'a Muslim and the Russian Orthodox communities, as well as from Protestant and other minority communities, reopening the country's Sunni theological faculty, and permitting the members of the Shi'a Muslim community to practice their religion freely.

III. Expanding U.S. Programs and Other Activities to Promote Reform

The Commission also recommends that, in the longer term, the U.S. government make the following efforts to expand activities in Turkmenistan that would protect and promote human rights:

- increase and improve radio, Internet, and other broadcasts of objective news and information, including topics such as religious freedom and other human rights and religious tolerance, by:
 - expanding and improving broadcasts to Turkmenistan by the Turkmen Service of Radio Free Europe/Radio Liberty (RFE/RL), including by increasing coverage of issues relating to freedom of religion or belief and by adding broadcasts in the Russian language and providing additional programming for the estimated 12 million Turkmen in the diaspora, particularly in Iran, Iraq, and Afghanistan; and
 - restoring Voice of America's Russian-language television and radio broadcasts to Central Asia, particularly relating to human rights, including freedom of religion or belief.
- use appropriate avenues of public diplomacy to explain why freedom of religion or belief is an important element of U.S. foreign policy, as well as specific concerns about violations of freedom of religion or belief in Turkmenistan;
- assist in improving Turkmenistan's educational system, particularly with regard to curricula on religious freedom and other human rights, by:
 - expanding "American corner" reading rooms and Internet access in various regions;
 - reprinting Russian and Turkmen-language materials on human rights, particularly on international norms on freedom of religion or belief, including civic education materials such as "The Law that Unifies Us," a text on the importance of respect for the law that was first published and distributed through the OSCE Center in Ashgabat; and
 - providing funds for libraries in Ashgabat and other cities, including materials on human rights, as well as information on freedom of religion or belief, tolerance, civic education, and international legal standards;
- develop assistance programs to encourage civil society groups that protect human rights and promote religious freedom, including by:
 - expanding "train-the-trainer" legal assistance programs for representatives of religious communities to act as legal advisers in the registration process; and

- specifying freedom of religion as a grants category and area of activity in the Democracy and Conflict Mitigation program of the U.S. Agency for International Development (USAID) and the Democracy Commission Small Grants program administered by the U.S. Embassy; and
- expand international contacts and increase U.S. involvement in various types of communities in Turkmenistan by:
 - increasing the current Peace Corps budget of \$70 million and the current budget of USAID programs, projected to reach \$12 million in FY 2008, including by involving religious leaders on community projects in efforts to address social problems and to increase religious and ethnic tolerance;
 - expanding exchange programs, including with civil society leaders, students, and others concerned with human rights;
 - increasing funding for programs that help citizens understand and claim their legal rights;
 - cooperating with the OSCE Center in Ashgabat, in part by resuming joint activities with human rights activists from Turkmenistan to encourage civic education, including on international norms on freedom of religion or belief as well as other human rights, and also by encouraging the OSCE officially to respond to the Turkmen government's offer in May 2007 to host an OSCE experts' level meeting; and
 - organizing a travel grant category for non-governmental organizations and members of diverse religious communities to enable them to take part in various international conferences, including those of the OSCE.

IV. Strengthening Efforts in the International Arena

With regard to international fora, the Commission recommends that the U.S. government urge the government of Turkmenistan to:

- implement the recommendations of the October 2006 Report of the UN Secretary General on the Situation of Human Rights in Turkmenistan;
- agree to the numerous requests for visits by the UN Special Rapporteurs on Torture, the Right to Education, Extra-judicial, summary or arbitrary executions, Freedom of Opinion and Expression, and the Independence of the Judiciary; and from the Representative of the UN Secretary General on the Human Rights of Displaced Persons; the Special Representative of the Secretary-General on the Situation of Human Rights Defenders; the Working Group on Arbitrary Detention, as well as representatives of the OSCE, including the Panel of Experts on Freedom of Religion or Belief, and provide the full and necessary conditions for such visits; and
- participate fully in the OSCE, by
 - participating in the annual Human Dimension meeting in Warsaw;

- expanding the activities of the OSCE Center in Ashgabat, particularly on human rights, including programs with local schools, universities, and institutes; and
- complying with relevant OSCE commitments on key human rights, including freedom of religion or belief, freedom of association, and freedom of expression.

PROMOTING INTERNATIONAL RELIGIOUS FREEDOM AT THE UNITED NATIONS

The International Religious Freedom Act of 1998 (IRFA) specifically cites U.S. participation in multilateral organizations as a way to advance religious freedom worldwide. The 192 member states of the United Nations have all agreed, by signing the UN Charter, to “practice tolerance” and to “promot[e] and encourag[e] respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion.” These fundamental freedoms include the freedom of thought, conscience, and religion or belief, which is protected in numerous international human rights instruments, including the 1948 Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

Over the past several years, the Commission has become increasingly concerned that certain initiatives by some states at the UN could have negative consequences for the UN’s ability and efforts to continue to advance compliance with norms guaranteeing religious freedom worldwide. These initiatives include a recent attempt to limit the mandate of the UN Special Rapporteur on Freedom of Religion or Belief, as well as an ongoing campaign to create an international legal principle that would protect religions, rather than individuals, from alleged “defamation” and, in the process, violate key principles that guarantee freedom of expression and freedom of religion or belief.

The Special Rapporteur on Freedom of Religion or Belief

In 1986, on the initiative of the United States, the UN Commission on Human Rights appointed an independent expert, or Special Rapporteur, to investigate and report on instances of religious intolerance and violations of the internationally-protected right to freedom of religion or belief around the world. The Special Rapporteur on Freedom of Religion or Belief monitors this fundamental freedom worldwide, communicates with governments about alleged violations, conducts country visits, and, perhaps most importantly, brings religious freedom concerns to the UN and public attention.

The position of Special Rapporteur was held from 1986 to 1993 by Mr. Angelo d’Almeida Ribeiro of Portugal, from 1993 to 2004 by Mr. Abdelfattah Amor of Tunisia, and since 2004 by Ms. Asma Jahangir of Pakistan. Over the years, the successive Special Rapporteurs have visited and reported on the religious freedom situations in, chronologically, China, Pakistan, Iran, Sudan, Greece, India, Australia, Germany, the United States, Vietnam, Turkey, Bangladesh, Argentina, Algeria, Georgia, Romania, Nigeria, Sri Lanka, France, Azerbaijan, the Maldives, Angola, Israel, the Palestinian Territories, and India. In addition, the current Special Rapporteur plans to visit Turkmenistan in the near future. Bangladesh, China and Iran also have agreed in principle to allow her to visit, although dates for these visits have not yet been determined.

In September 2007, the Special Rapporteur's mandate came up for renewal before the UN Human Rights Council, the successor to the UN Commission on Human Rights. At the time, it appeared that some countries might seek either to abolish the mandate or to change its focus from the individual right to freedom of religion or belief to the purported right of religion itself to be protected from alleged defamation. Since championing its creation, the U.S. government had always been a strong supporter of the Special Rapporteur on Freedom of Religion or Belief. Yet, when the issue of renewing the position arose at the September 2007 Human Rights Council session, the United States was silent, reportedly because of a policy decision, based on dissatisfaction with the Council, to downgrade significantly the participation of the United States in the Council's ongoing deliberations.

In response, the Commission advocated publicly and in private meetings with Administration officials that the U.S. government should re-engage with the Council on this vital issue. The Commission noted that, consistent with the importance of religious freedom in American history, IRFA makes promoting the freedom of religion or belief around the world a foreign policy priority of the United States, and that the Special Rapporteur's mandate is an important tool in the international protection of this freedom. In the end, the United States did participate actively on the issue at the December 2007 Council session and the Special Rapporteur's position was renewed (without an emphasis on the protection of religions) for three additional years. A Commission representative participated in the U.S. delegation to that session.

The Campaign to Protect Religions from Alleged Defamation

In recent years, and particularly since the controversy over a Danish newspaper's publication of cartoons of the Prophet Mohammed in September 2005, some countries with predominately Muslim populations have increasingly sought to emphasize halting so-called "defamation of religions," a concept without basis in international law. Since its inauguration in June 2006, the UN Human Rights Council has adopted three resolutions calling on UN member states to outlaw defamation of religions, all of which were sponsored by the Organization of the Islamic Conference (OIC) and opposed by most of the Council's democracies. As in prior years, a similar OIC-sponsored resolution currently is working its way through the UN General Assembly. In addition, at the March 2008 Human Rights Council session, the OIC succeeded, over the objections of most of the Council's democratic states, in amending the mandate of the Special Rapporteur on Freedom of Opinion and Expression to require that expert to report on instances of defamation of religions as "abuses" of the freedom of expression. The OIC has indicated that its ultimate goal is the adoption of a binding international covenant to protect religions from defamation.¹

Although the defamation resolutions purport to seek protection for religions generally, the only religion and religious adherents that are specifically mentioned are Islam and Muslims.² Moreover, even assuming that other religions are included, the resolutions do not specify which religions are deserving of protection, or explain how and by whom this would be determined. By contrast, protecting the internationally-established individual right to the freedom of thought, conscience, and religion or belief does not require answering these thorny questions. As the UN Human Rights Committee has explained, this right:

...protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms ‘belief’ and ‘religion’ are to be broadly construed. [The right] is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions.³

The right thus protects adherents of any religion or belief, including newly established religions and minority religions that can be subject to hostility by the predominant religious community⁴—adherents who not only may not be protected, but may be even more likely to be repressed under a legal rule against the defamation of religions.

The resolutions also do not define what exactly makes a statement defamatory to religions or explain who decides this question. However, other OIC documents reveal that the OIC appears to deem any criticism of Islam or Muslims to be religiously defamatory speech—a view that goes well beyond the existing legal concept of defamation.⁵ The most comprehensive such document to date is the March 2008 First OIC Observatory Report on Islamophobia, which cites as defamatory speech the publication of cartoons depicting the Prophet Mohammed or Allah in newspapers in several European countries and South Africa, Pope Benedict’s quotation of a fourteenth-century Byzantine emperor’s allegation that Mohammed was “bad and inhuman” for commanding his followers to spread Islam by the sword, and “derogatory political statements against Islam from some Western politicians.” In the latter category, the examples include comments critical of Islam or Muslims by Dutch, Austrian, Norwegian, Italian, and Swiss politicians, mostly from far-right parties. Also mentioned is Dutch MP Geert Wilders’ production of a then-unreleased film that the OIC believed would “vilify” the Koran,⁶ and an article by a British columnist that called Islam “an uncompromising seventh-century ideology.”

Protecting religions from defamation is often justified in the name of promoting religious tolerance, but in fact, it promotes intolerance and human rights violations. As the Special Rapporteur on Freedom of Religion or Belief has noted,

the rigorous protection of religions as such may create an atmosphere of intolerance and can give rise to fear and may even provoke the chances of a backlash. There are numerous examples of persecution of religious minorities as a result of excessive legislation on religious offences or overzealous application of laws that are fairly neutral. As a limit to freedom of expression, it can also limit scholarship on religious issues and may asphyxiate honest debate or research. [In addition, it] can limit discussion of practices within religions that may impinge on other human rights. In such a context, criticism of practices—in some cases adopted in the form of a law—appearing to be in violation of human rights but that are sanctioned by religion or perceived to be sanctioned by religion would also come within the ambit of defamation of religion. The dilemma deepens, as independent research on the impact of such laws may not be possible, as a critical analysis of the law may by itself, in certain situations, be considered as defaming the religion itself.⁷

It is worth noting that these resolutions are being put forward not by liberal democracies, but by authoritarian regimes that limit the religious freedom and other human rights of their citizens at home. Legal protections against defaming religions allow repressive governments and religious extremists to suppress and punish whatever they deem to be offensive or unacceptable speech about a particular, favored religion or sect. Such prohibitions have been used to restrict peaceful discussion of the appropriate role of religions in state and society, to prevent criticism of specific political figures or parties, to curb dissent from prevailing views and beliefs, and even to incite and to justify violence.

Many of the countries promoting this international effort have laws that are similar to the defamation proposals in their own countries, usually against blaspheming only one religion (Islam), and often resulting in gross human rights violations. For example, in Pakistan—the chair of the OIC in the Human Rights Council—the domestic law makes blasphemy against Islam a criminal offense subject to severe penalties, including death. These broad provisions have been abused by extremists to intimidate members of religious minorities, including members of disfavored minority Muslim sects, and others with whom they disagree, as well as by the unscrupulous simply to carry out a vendetta or gain an advantage over another person. Blasphemy allegations in Pakistan, which are often false, have resulted in the lengthy detention of, as well as threats of violence and actual violence against, the accused. Even persons who have been acquitted of blasphemy have been forced into hiding or to flee the country because of fears of vigilante violence.

This multilateral campaign to insert “defamation” of religions into various resolutions and to demand new norms to prohibit it appears to be an attempt by its proponents to extend their national blasphemy laws into the international arena, notwithstanding these laws’ incompatibility with universal human rights norms. Legal prohibitions on defaming or criticizing a religion, or even all religions, violate the principles outlined in international human rights instruments, which guarantee the right of everyone to freedom of opinion and expression as well as to freedom of thought, conscience, and religion or belief. They also improperly subordinate the protection of every individual’s human rights to the protection of religion *qua* religion.

As the Special Rapporteur on Freedom of Religion or Belief has recognized, international human rights law protects individuals, not religions or belief systems, and the individual right to freedom of religion or belief does not include the right to have one’s religion or belief be free from criticism.⁸ “Freedom of religion primarily confers a right to act in accordance with one’s religion but does not bestow a right for believers to have their religion itself protected from all adverse comment.”⁹ In addition, as noted by the Special Rapporteur on Freedom of Opinion and Expression, the limitations on freedom of expression that are allowed under international human rights law to protect the rights or reputations of others and to prevent the advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence “are designed to protect individuals rather than belief systems, [thus] guaranteeing that every person will have all of his or her human rights protected.”¹⁰ Moreover, the right to freedom of opinion and expression applies “not only to comfortable, inoffensive or politically correct opinions, but also to ideas that ‘offend, shock and disturb.’”¹¹

The Commission has spoken out repeatedly against repressive domestic blasphemy laws in Pakistan, Sudan, and elsewhere.¹² It has been following closely, and with increasing concern, the OIC's apparent campaign to internationalize these provisions. In September 2007, the Commission wrote to Secretary of State Condoleezza Rice urging the United States to oppose a threatened attempt by the OIC to require the work of the Special Rapporteur on Freedom of Religion or Belief to focus on combating defamation of religions. Although it is not a voting member of the Council, the U.S. delegation, including the Commission, engaged vigorously on this issue at the December 2007 Council session, as did the European Union members and Canada. Eventually, the Special Rapporteur's position was renewed without any such requirement. However, because of the rejection of the OIC's proposed amendments—which included the addition of language on the protection of religions under international and national law and the removal of a reference to the right to change one's religion—the OIC members of the Council abstained.¹³ This was the first time that a routine resolution on freedom of religion and the Special Rapporteur's mandate was not approved by consensus.

Recommendations

In order to ensure that the UN fully maintains its crucial function to protect and promote freedom of thought, conscience, and religion or belief, the U.S. government should:

- continue firmly and unequivocally to support a mandate and mandate-holder for the position of UN Special Rapporteur on Freedom of Religion or Belief that focuses on the internationally-protected right of every individual to the freedom of thought, conscience and religion or belief, rather than on the purported rights of religions;
- continue to oppose efforts in international fora to establish an international legal principle that would claim to “protect” religions from defamation or criticism, offering new rights to religions that would undermine many fundamental, individual human rights; and
- work diplomatically, through its new Special Envoy to the Organization of the Islamic Conference (OIC) and its ambassadors in OIC countries, to persuade OIC members that religious intolerance and discrimination can best be fought not through national or international legal prohibitions that purport to stop criticism or “defamation” of religions, but rather through efforts to encourage respect for the human rights of every individual.

¹ Statement of Mr. Ekmelledin Ihsanoglu, OIC Secretary General, UN Human Rights Council, Fourth Session, March 12, 2007. Although this statement referred to a convention against defamation of religions generally, other OIC documents have stated its aim as the establishment of “international legislation combating defamation of Islam and discrimination of Muslims” only. First OIC Observatory Report on Islamophobia, May 2007-March 2008, Organization of the Islamic Conference, March 2008, p. 8.

² The OIC has characterized the General Assembly's adoption in 2006 of an OIC-sponsored resolution on combating defamation of religions as “reflect[ing] the international community's views and willingness to eliminate any discrimination against Muslims or defamation of Islam.” Ibid., p. 24.

³ UN Human Rights Committee, General Comment 22, Article 18 (Forty-eighth session, 1993), para. 2.

⁴ *Ibid.*

⁵ See, e.g., Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Ambeyi Ligabo, A/HRC/7/14, 28 February 2008, paragraphs 38-39 (noting that defamation laws “protect people against false statements of fact that could damage their reputation” and expressing concern about the dangers of expanding them to protect abstract values or institutions, including religions.)

⁶ The film, titled “*Fitna*” (Strife), subsequently was released on the Internet. It intersperses quotations from the Koran and video of preachers advocating violence with graphic images from the September 11, 2001 attacks and other terrorist acts and argues that Muslims are seeking to subjugate the West.

⁷ Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance, Doudou Diene, further to Human Rights Council decision 1/107 on incitement to racial and religious hatred and the promotion of tolerance, A/HRC/2/3, September 20, 2006, para. 42-43.

⁸ *Ibid.*, paragraphs 36-38. ⁹ *Ibid.*, paragraph 37.

¹⁰ Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Ambeyi Ligabo, A/HRC/7/14, 28 February 2008, paragraphs 40, 65-66, 85.

¹¹ *Ibid.*

¹² See, e.g., U.S. Commission on International Religious Freedom, *Sudan: USCIRF Condemns Punishment of Teacher for Allegedly Insulting Religion, Urges her Release and Safe Passage*, December 1, 2007; U.S. Commission on International Religious Freedom, *Pakistan: USCIRF Decries Abuse of Blasphemy Laws, Apostasy Bill*, June 11, 2007.

¹³ The OIC members also expressly disassociated themselves from the resolution’s reference to the right to change one’s religion, which they said they do not consider to be binding—despite the fact that this right is a long-recognized element of international human rights law. See Human Rights Committee, General Comment 22, Article 18 (Forty-eighth session, 1993), para. 5 (“The Committee observes that the freedom to ‘have or adopt’ a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one’s current religion or belief with another or to adopt atheistic views. . . .”).

COUNTRIES OF PARTICULAR CONCERN AND THE COMMISSION WATCH LIST

In passing the 1998 International Religious Freedom Act (IRFA), Congress not only recognized the global importance of freedom of thought, conscience, and religion or belief, but also made the promotion of this critical freedom a matter of U.S. law. This action ensured that advancing international religious freedom became an integral part of the U.S. government's foreign policy agenda. IRFA established a number of interrelated mechanisms to pursue this goal. These include: an Office of International Religious Freedom in the Department of State headed by an Ambassador-at-Large for International Religious Freedom; an annual report by the State Department on the conditions of religious freedom in each foreign country and U.S. actions to promote religious freedom; and the establishment of the United States Commission on International Religious Freedom.

The Commission was created by Congress through IRFA expressly to advocate a prominent place within U.S. foreign policy for the promotion of religious freedom throughout the world. The Commission was mandated both to monitor the status of freedom of thought, conscience, and religion or belief globally and to make recommendations to the President, the Secretary of State, and Congress on ways the U.S. government can further the protection and promotion of this freedom and related human rights in its relations with other countries.

Under IRFA, the President is required to single out and explicitly name those countries that are the most egregious violators of religious freedom, and the Act contains a formal mechanism for doing so. Section 402(b)(1) of IRFA specifically directs the President at least annually to designate each country in which the government has engaged in or tolerated "particularly severe violations of religious freedom" as "a country of particular concern" or CPC. Particularly severe violations of religious freedom are defined as those that are "systematic, ongoing, and egregious."¹ In defining violations of religious freedom, IRFA directly refers to the "internationally recognized right to freedom of religion and religious belief and practice" as laid out in such international instruments as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.²

Severe Religious Freedom Violators: the Commission's CPC List

This year marks the tenth anniversary of the adoption of the International Religious Freedom Act (IRFA), legislation that underscores the importance of religious freedom around the world and the need to promote this freedom as an integral component of U.S. foreign policy. Developments of the past decade have strengthened the significance of this critical freedom, which affects the political and humanitarian interests of the United States, as well as America's national security concerns.

As required by IRFA and pursuant to the Commission's review of the facts and circumstances regarding violations of religious freedom around the world, the Commission wrote to Secretary of State Condoleezza Rice in May 2008, continuing to recommend that she, using authority delegated to her by the President, designate as CPCs the following 11 countries: **Burma, Democratic People's Republic of Korea (North Korea), Eritrea, Iran, Pakistan,**

People's Republic of China, Saudi Arabia, Sudan, Turkmenistan, Uzbekistan, and Vietnam.

*CPCs: the Failure to Designate and Adequately Respond****

The process of CPC designation as outlined under IRFA, and the implementation of meaningful policies in response to such designations, should be considered among the most serious actions taken by the U.S. government in its human rights policy. Under IRFA, however, the simple designation by the U.S. government of a severe violator of religious freedom as a CPC is not by itself sufficient action. CPC designation carries an obligation that one or more of certain actions specified in Section 405 of IRFA be taken, unless the Secretary of State, as the President's designee, determines that pre-existing sanctions are adequate or otherwise waives the requirement.³ If a CPC designee is already subject to ongoing, multiple, broad-based sanctions "imposed in significant part in response to human rights abuses," then one or more of these pre-existing sanctions can be designated as meeting the requirements of IRFA.⁴

The CPC designation is a flexible diplomatic tool. It provides the Secretary of State with a range of specific options to take to address serious violations of religious freedom. It does not automatically entail sanctions, but requires that the Secretary of State enter into direct consultations with a country to find ways to improve the situation. To avoid more punitive actions, one policy response under IRFA is for the CPC country to enter into a binding agreement with the United States that spells out specific actions the government will take to end the violations that gave rise to the designation.

When used properly, the CPC designation:

- sends the clear signal that U.S. interests include concern for human rights;
- starts a dialogue where specific benchmarks on progress are agreed upon in order to avoid economic sanctions;
- allows the Secretary of State in an incremental fashion to employ or use the threat of punitive actions to address egregious abuses of religious freedom; and
- allows the Secretary of State to waive any specific actions if progress is being made toward addressing serious violations of freedom of religion or belief.

The Commission is concerned that the State Department has not designated any country as a CPC since November 2006. As you know, IRFA specifically directs the Secretary of State, delegated by the President, on an annual basis, to review religious freedom conditions around the world and, based on that review, to designate as CPCs those countries in which the government has engaged in or tolerated "particularly severe violations of religious freedom." The annual review must occur by September 1 of each year and, while IRFA does not set a specific deadline for the CPC designations, the fact that those designations are based on that review indicates that they should be made in a timely way thereafter. It is now May 2008 and no CPC designations have yet been made based on the review that had to be completed by September 1, 2007. The State Department issued its annual Report on International Religious Freedom in September

2007, as required by statute, but without making any CPC designations. While the report is extremely valuable, its purpose is to help the Administration identify the very worst religious freedom violators as required by IRFA. The CPC designation process is vital to that legislation. The State Department's delay in naming CPCs following the annual review deadline undermines IRFA's statutory scheme, and may send the unfortunate signal that the U.S. government is not sufficiently committed to the IRFA process, including by seeking improvements from the most severe religious freedom violators.

IRFA prescribes a list of actions from which the President can select appropriate policy responses for each CPC. This was done in the case of Eritrea, to which, in September 2005, you announced the denial of commercial export of defense articles and services covered by the Arms Control Export Act, with some items exempted. This was the first unique presidential action to be undertaken under IRFA as a result of CPC designation. With respect to Burma, Iran, North Korea, and Sudan, substantial and important sanctions are in place, initially imposed on other grounds and then redesignated for religious freedom reasons under IRFA. In the case of China, the Chinese government's egregious religious freedom violations have been met with a relatively weak U.S. response, a redesignation of sanctions restricting exports of crime control and detection instruments and equipment. The designation of a severe religious freedom violator as a CPC should be followed by the implementation of a clear policy response uniquely directed at addressing religious freedom violations such as the recommendations for each CPC that are provided in the Commission's report.

Moreover, the Commission encourages the State Department to comply with the requirements of IRFA in the case of the most recently named CPC, Uzbekistan. As stated in the *Report on International Religious Freedom*, the State Department has opted "to establish a dialogue aimed at improving religious freedom" in lieu of a presidential action. The Commission hopes that these negotiations are directed toward negotiating a binding agreement on Uzbekistan for measures to improve religious freedom, which would be an acceptable action provided under IRFA. A single CPC, Saudi Arabia, was granted a 180-day waiver exempting it from any presidential action whatsoever; first announced in 2005, the waiver was subsequently extended in 2006 for two years, "to further the purposes of the (International Religious Freedom) Act." With the waiver, the U.S. has not implemented a single policy response to the denial of religious freedom in Saudi Arabia, one of the world's most egregious violators.

Re-Designations: Persistently Severe Violators

In November 2006, Secretary of State Rice re-designated **Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Uzbekistan** as CPCs. The Commission agreed that there had been no improvements substantial enough to warrant the removal of these eight countries from the CPC list. In many of these countries, conditions have instead deteriorated further.

- The military junta that governs **Burma** has directed increasing repression at ethnic and religious minorities, democracy activists, and international humanitarian agencies over the past year. In September 2007, the Burmese government violently cracked down on the peaceful "Saffron Revolution" demonstrations by Buddhist monks, killing at least 30

people and unleashing a wave of killings, arrests, de-frockings, and disappearances. Ethnic minority Christians and Muslims have encountered the most sustained repression in recent years. Moreover, following the September 2007 unrest, the junta has also increased repression of Burmese Buddhists.

Countries Named as CPCs by the Department of State	Countries Recommended for CPC Designation by the Commission	Countries on the Commission's Watch List
Burma	Burma	Afghanistan
China	China	Bangladesh
Eritrea	Eritrea	Belarus
Iran	Iran	Cuba
North Korea	North Korea	Egypt
Saudi Arabia	Saudi Arabia	Indonesia
Sudan	Sudan	Nigeria
Uzbekistan	Uzbekistan	
	Pakistan	
	Turkmenistan	
	Vietnam	

- In **China**, severe crackdowns targeting Tibetan Buddhists, Uighur Muslims, “underground” Roman Catholics, “house church” Protestants, and various spiritual movements such as Falun Gong continue unabated. The recent, concentrated wave of repression in Tibet has thrown a glaring new spotlight on the repressive policies and practices of the Chinese government, which continues to restrict religious practice to government-approved religious associations and tries to control the growth and activities of both registered and unregistered religious groups. Ethnic minority religious groups such as Tibetan Buddhists and Uighur Muslims, unregistered groups, and those derided and termed by the government to be “cults” are subject to the most brutal abuses.
- The conditions for religious freedom in **Eritrea** appear to have worsened over the past year, including arbitrary arrests and detention without charge of members of unregistered

religious groups, and the torture or other ill-treatment of hundreds of persons on account of their religion, sometimes resulting in death. The State Department reports that the number of long-term prisoners continues to grow, noting that at least 160 additional members of unregistered religious groups were detained without charges by Eritrean authorities in the past year.

- The already poor religious freedom record of **Iran** has deteriorated further, especially for religious minorities—including Baha’is, Sufi Muslims, and Evangelical Christians—who face relentless arrests, imprisonment, and harassment. Fears among Iran’s Jews have grown due to President Mahmoud Ahmadinejad’s repeated denials of the Holocaust and other anti-Semitic statements. Dissidents and political reformers continue to be imprisoned on criminal charges of blasphemy and for criticizing the Islamic regime. Nearly 150 Baha’is have been subjected to a wave of arrests and detention since late 2004; some have been sentenced to prison terms ranging from 90 days to one year on dubious charges that include “spreading propaganda against the regime,” and the fear of arbitrary arrest has grown.
- **North Korea** affords its citizens no protections for universal human rights, including religious freedom; the regime perceives religion as a security threat to be combated at all costs. The government severely represses public and private religious activities and maintains a policy of pervasive control over government-sanctioned religious practice. A new Commission study released in April 2008 confirms that refugees who are forcibly repatriated from China face severe persecution, including harsh interrogations, long-term imprisonment, and torture if they are found to have converted to Christianity or have had ongoing contact with South Korean churches. The report also revealed that new efforts are underway to suppress the growth of religious activity in North Korea spurred by cross-border contacts with China.
- The government of **Saudi Arabia** continues to commit serious violations of freedom of religion and related human rights of the members of Muslim communities from a variety of schools of Islam, as well as non-Muslims, by banning all forms of public religious expression other than that of the government’s own interpretation of one school of Sunni Islam and by interfering with private religious practice. The government in Saudi Arabia also continues to be a source of funding used globally to finance religious schools, hate literature, and other activities that support religious intolerance and, in some cases, violence toward non-Muslims and disfavored Muslims—actions that are incompatible with the Saudi government’s commitments as a member of the United Nations. In addition, the government’s policy of curtailing universal rights for non-Saudi visitors to the country and inhibiting the enjoyment of human rights on an equal basis for expatriate workers, particularly the two – three million non-Muslim workers, including Christians, Hindus, Buddhists, and others, who have gone to Saudi Arabia for temporary employment, results in severe religious freedom violations.
- In **Sudan**, an authoritarian government—which has pursued coercive policies of Arabization and Islamization resulting in genocide—severely restricts the religious freedom and other human rights of its population. Most of the victims of Sudan’s decades-

long North-South Civil War were Christians or followers of traditional African religions. With the signing of the Comprehensive Peace Agreement (CPA) in January 2005, religious freedom conditions have improved in southern and central Sudan. However, there are serious government-directed obstacles to implementing the CPA, and despite the creation of the constitutionally-required Commission on the Rights of Non-Muslims in the National Capital, the CPA agreement has not yet resulted in significant changes in practice in government-controlled areas of the North. The government's continuing attacks and genocide in Darfur, as well as its deliberate obstruction of the CPA and in Darfur of international peacekeepers and humanitarian assistance, including its failure to cooperate with the Security Council-mandated investigation by the International Criminal Court of alleged war crimes, impugn the commitment of Sudanese leaders to support human rights guarantees.

- In **Uzbekistan**, which was designated in 2006, the government has continued to arrest Muslims and harshly repress groups and close mosques that do not conform to government-prescribed practices or that it alleges to be associated with extremist political programs. Thousands of Muslims who reject the state's control over religious practice have been imprisoned in recent years, many of them are denied the right to due process, and there are credible reports that many of those arrested are tortured or beaten in detention. As of 2007, according to the State Department's own estimate, there were at least 5,000 non-conforming Muslims in prison, including some interned in psychiatric hospitals. Moreover, Uzbekistan has a highly restrictive law on religion that severely limits the ability of religious communities to function, leaving more than 100 religious groups currently denied registration. The Uzbek government faces security threats, but these threats do not justify the government's harsh abuse of religious believers or the continued practice of torture, which reportedly remains widespread.

Vietnam: Severe Religious Freedom Violations Continue

Vietnam was removed from the State Department's CPC list in November 2006, on the eve of President Bush's visit to Hanoi for the Asian Pacific Economic Conference. The Commission expressed its concern over the decision to lift the CPC designation, citing continued arrests and detentions of individuals in part because of their religious activities and the persistent, severe religious freedom restrictions targeting some ethnic minority Protestants and Buddhists, Vietnamese Mennonites, Hao Hoa Buddhists, and monks and nuns associated with the Unified Buddhist Church of Vietnam (UBCV).

A Commission delegation traveled to Vietnam in October 2007 and found that progress in improving conditions for religious freedom has been very uneven: improvements for some religious communities do not extend to others; progress in one province is not similarly realized in another; national laws are not fully implemented at the local and provincial levels; and there continue to be far too many abuses and restrictions of religious freedom, including the imprisonment of individuals for reasons related to their religious activity or religious freedom advocacy. In view of the overall deterioration of human rights conditions in Vietnam, which includes continued abuses of religious freedom and related human rights, the Commission

continued to find that lifting the CPC designation for Vietnam was premature. The Commission recommended that Vietnam be re-designated as a CPC in 2008.

In contrast to the State Department, the Commission maintains that there continue to be religious “prisoners of concern” in Vietnam, the long-term detention of whom should be a factor in determining whether Vietnam continues to be a severe violator of religious freedom. Since the CPC designation was lifted and Vietnam joined the World Trade Organization, positive religious freedom trends have not kept pace with other elements of the U.S.-Vietnamese relationship. Arrests, detentions, discrimination, and other restrictions continue, perpetrated by recalcitrant provincial officials and abetted by the central government’s suspicion of religious leaders believed to have political motives or the expansion of religious adherence in some ethnic minority areas. In addition, Vietnam has initiated a severe crackdown on human rights defenders and advocates for the freedoms of speech, association assembly, and religion, including many religious leaders.

Saudi Arabia: the U.S. Government Response to an Important CPC Designation

In July 2006, Secretary of State Rice decided to leave in place a waiver “to further the purposes” of IRFA by announcing that bilateral discussions with **Saudi Arabia** had enabled the United States to identify and confirm a number of policies that the Saudi government “is pursuing and will continue to pursue for the purpose of promoting greater freedom for religious practice and increased tolerance for religious groups.” The Saudi government’s stated reforms, however, have not been implemented. As a consequence, the Commission remains seriously concerned about: (1) whether and how the Saudi policies will be put into effect and (2) how the United States will monitor and report publicly on them.

A Commission delegation traveled to Saudi Arabia last summer and found that, in spite of many promises by government officials, little has changed on the ground to improve religious freedom conditions. The Saudi government persists in severely restricting all forms of public religious expression other than the government’s interpretation and enforcement of its school of Sunni Islam. It is clear that the government has not substantially revised the Ministry of Education textbooks used in schools across Saudi Arabia and abroad to remove material that incites violence and fuels extreme religious intolerance, even though this pledge for textbook reform was included in the Department’s July 2006 statement confirming Saudi policies.

The Commission therefore continues to recommend that the State Department report publicly to Congress every 120 days on the implementation of the policies identified in the bilateral discussions. The policies in question—if implemented in full—could advance much-needed efforts to dismantle some of the institutionalized policies that have promoted severe violations of freedom of religion or belief in Saudi Arabia and worldwide.

Other Severe Violators Not on the State Department List

Of the countries not on the State Department’s CPC list, in addition to Vietnam, the Commission continued to find that **Pakistan** and **Turkmenistan** persist in engaging in or

tolerating particularly severe violations of religious freedom. The Commission strongly recommended that these countries be designated as CPCs.

- Despite the dramatic events in **Pakistan** in the past year, the Commission finds that of all of the serious religious freedom concerns, including violence, on which it has previously reported persist. Sectarian and religiously motivated violence continues in Pakistan, particularly against Shi'as, Ahmadis, Christians, and Hindus, and the government's response remains inadequate. A number of the country's laws, including legislation restricting the Ahmadi community and laws against blasphemy, have been used to silence members of religious minorities and dissenters, and they frequently result in imprisonment on account of religion or belief and/or vigilante violence against the accused. The Hudood Ordinances—Islamic decrees predominantly affecting women that are enforced alongside Pakistan's secular legal system—provide for harsh punishments, including amputation and death by stoning, for alleged violations of Islamic law. There is also mounting evidence from multiple sources that Pakistan's government has been complicit in providing sanctuary to the Taliban. Finally, the government of Pakistan has extended its undemocratic practices into the international arena by promoting measures at the UN to halt the so-called "defamation of religions," which clearly violate the right to freedom of expression, as well as freedom of thought, conscience, and religion.
- Significant religious freedom problems and official harassment of religious adherents persist in **Turkmenistan**, where police raids and other forms of harassment of registered and unregistered religious groups continue more than a year after the death of longtime dictator Saparmurat Niyazov. The repressive 2003 religion law remains in force, causing severe difficulties for the legal functioning of religious groups. The government is still promoting the former president's personality cult in the form of the *Ruhnama* in religious affairs and as a mandatory feature of public education. Although the new president has taken some isolated steps, including the release of the country's former chief mufti, systemic legal reforms directly related to religious freedom and other human rights have not been made. Turkmenistan's removal from the Commission's CPC list is therefore not warranted.

The Commission's Watch List

In addition to its CPC recommendations, the Commission has established a Watch List of countries where conditions do not rise to the statutory level requiring CPC designation but which require close monitoring due to the nature and extent of violations of religious freedom engaged in or tolerated by the governments. **Afghanistan, Bangladesh, Belarus, Cuba, Egypt, Indonesia, and Nigeria** comprise the Commission's Watch List. The Commission is concerned about the serious abuses in these countries, and that the governments either have not halted repression and/or violence amounting to severe violations of freedom of religion, or have failed to punish those responsible for perpetrating those acts. The Commission urges the U.S. government to pay particular attention to the poor situation for religious freedom in these countries, which, if not reversed, may deteriorate and require CPC designation during the coming year.

- In **Afghanistan**, conditions for freedom of religion or belief continue to be highly problematic. The country's flawed new constitution does not protect the right of individuals to dissent from the prevailing orthodoxy regarding Islamic beliefs and practices, leading in some cases to serious abuses, including judicial action that violates the rights of the accused. The Afghan government's incapacity to exercise authority effectively outside the capital, Kabul, contributes to a progressively deteriorating situation for religious freedom and other human rights in many regions, and religious extremism, including through the return of the Taliban, is an increasingly real threat once again in Afghanistan.
- In **Bangladesh**, Islamist radicalism and violence and the threat of serious violence and continued discrimination against members of religious minority communities remain significant concerns. Since the installation of a new caretaker government, there have been numerous and alarming reports of serious human rights abuses, including suspected extrajudicial killings by the security forces, arbitrary detentions, torture, and curbs on press freedom. In addition to violent attacks against Hindus, Christians, and Ahmadi Muslims, the pre-independence Vested Property Act continues to be used as justification for some Muslims to seize Hindu-owned land with impunity.
- Already harsh religious freedom conditions in **Belarus** deteriorated in 2007, with the government harassing and imposing the payment of sharply increased fines on members of certain religious groups, especially those whom officials allege to have links to foreign entities or political agendas. In January 2008, Belarus issued a decree that further tightened strict government regulations on foreign religious workers. The authoritarian government of President Aleksandr Lukashenko enforces the country's harsh 2002 law on religion, resulting in serious regulatory obstacles and bureaucratic and legal restrictions on the activities of many religious communities. In 2007, 50,000 Christians of various denominations in Belarus signed a petition to reform the 2002 law, but in March 2008 the Belarusian government rejected it.
- In **Egypt**, the government has taken inadequate measures to stop repression of minority religious adherents and "unorthodox Muslims" or, in many cases, to punish those responsible for violence or other severe violations of religious freedom. Despite some increased public space to discuss religious freedom issues in the media and other fora as well as some positive, but limited, judicial rulings on some religious freedom cases, serious religious freedom violations continue to affect Coptic Orthodox Christians, Jews, and Baha'is, as well as members of minority Muslim communities, all of whom are also subject to religiously-motivated attacks. The government has also done too little to combat rampant anti-Semitism in the state media.
- Religious belief and practice remain under tight governmental control in **Cuba** despite a change in governmental leadership. Both registered and unregistered religious groups continue to suffer official interference, harassment, and repression. Political prisoners and human rights and pro-democracy activists continue to be denied the right to worship. There are reports of religious leaders being attacked, beaten, or detained for opposing

government actions, and political prisoners, as well as human rights and pro-democracy activists, are increasingly limited in their right to practice their religion.

- Although the situation has continued to improve in **Indonesia**, concerns remain about ongoing communal violence and the government's inability or unwillingness to curb it, the forcible closures of places of worship belonging to religious minorities, the growing political power and influence of religious extremists who harass and sometimes instigate violence against moderate Muslim leaders and members of religious minorities, and the arrests of individuals considered "deviant" under Indonesian law. There are persistent fears that Indonesia's commitment to secular governance, ethnic and religious pluralism, and a culture of tolerance will be eroded by some who promote extremist interpretations of Islam.
- **Nigeria** continues to suffer from violent communal conflicts along religious lines. Other concerns in Nigeria are the expansion of sharia (Islamic law) into the criminal codes of several northern Nigerian states and discrimination against minority communities of Christians and Muslims. At least 29 Christians were killed and numerous churches burned in religiously motivated rioting in September and December 2007, which led to the flight of some 3,000 people. In February 2008, riots broke out among a mob of Muslim youths who torched a police station and looted Christian and police officers' homes. One person was killed and five were seriously wounded.

Summaries of conditions in all of the countries discussed in this chapter, as well as the Commission's policy recommendations, can be found in the country chapters of this report.

¹ IRFA § 402 (b)(1)(A).

² IRFA § 3(13).

*** Commissioner Leo declines to join this portion of the letter. A separate statement setting forth reasons immediately follows this chapter.

³ The authority to make these decisions has been delegated by the President to the Secretary of State.

⁴ IRFA § 402(c)(5).

Separate Statement of Commissioner Leo Regarding the Failure to Designate and Adequately Respond to CPCs

"I cannot join the portion of the Commission's letter to Secretary Rice that discusses the failure of the Department of State to make CPC designations and prescribe presidential actions in response to CPC designations, and that further criticizes the U.S. government for relying only on pre-existing sanctions without adding any new presidential actions. I shall not express an opinion one way or the other on these matters.

"I do not believe it is this Commission's duty to police the executive branch's compliance with Sections 401 and 405 of the International Religious Freedom Act (IRFA). That is Congress's responsibility as part of its oversight role. The Commission's only responsibilities are those set forth in Section 202 of the Act, and they are essentially confined to evaluating the

condition of religious freedom abroad and making particular recommendations about how to improve it.

“Section 202 of IRFA sets forth two ‘primary responsibilities.’ The first is to review ‘the facts and circumstances of violations of religious freedom presented in the *Country Reports on Human Rights Practices*, the Annual Report, and the Executive Summary, as well as information from other sources as appropriate.’ In other words, the Commission is to cull facts and circumstances demonstrating religious freedom violations from a review of a broader set of human rights practices and materials.

“The second responsibility is to make policy recommendations ‘with respect to matters involving international religious freedom.’ This is not a general mandate, but instead flows naturally from the previous subsection. Specifically, the Commission develops factual findings about a country’s religious freedom violations (Section 202(a)(1)), and then makes policy recommendations about how to rectify them (Section 202(a)(2)).

“A broad interpretation of the second responsibility—that the Commission can make general pronouncements about Executive Branch action (or inaction) under IRFA—is not, in my view, supported by the language or structure of Section 202. That reading of Section 202 would be correct if the first responsibility captured both a command to make findings about violations and a command to make recommendations for their resolution. The second responsibility would then stand alone, as a general mandate. However, as written, the second responsibility of making policy recommendations is simply a follow-on to the specific country-by-country findings we are to make. At least that is the reading that I think is dictated by the plain meaning of the statute’s structure and words.

“No other part of Section 202 suggests a broader charge or mandate. The Commission is to ‘recommend policies of the United States Government with respect to each foreign country.’ It is to ‘monitor facts and circumstances of violations of religious freedom.’ And, the job of ‘evaluating United States Government policies in response to violations of religious freedom’ is tied to making policy recommendations with respect to ‘each foreign country.’ If Congress wanted us to generally police executive branch compliance with Sections 403 and 405 of IRFA (timely issuance of reports, decisions to issue sanctions, etc.), it knew how to say that and should have said so explicitly.

“I agree with the notion that, in a manner of speaking, the Commission was established to ‘keep State honest.’ However, we did not get that job by Congress having delegated to us in 1998 a piece of its oversight responsibility, which entails an overall performance review. Rather, we ‘keep State honest’ through the thoroughness of our findings and the incisiveness of our recommendations in relation to particular countries, because that gives the President, Congress, and the public a set of benchmarks from which they can make their judgments about the Department’s performance, and, in particular, the performance of the State Department’s Office of International Religious Freedom.

“There are practical issues here, also. I have no objection to the Commission saying that more should be done respecting a particular country (such as Uzbekistan) based upon a review

of the facts on the ground and what we think might be most effective. That can produce specific action by the U.S. government that improves religious freedom for a specific population or group. The Commission is at its best, and works with the greatest amount of unity and collegiality, when this kind of technical work is tackled. However, a blanket criticism or review strikes me as not yielding the same value, and I fear that blanket pronouncements and criticisms are far more susceptible to being construed as political broadsides.”

OTHER COUNTRIES ON THE COMMISSION'S CPC LIST

Uzbekistan

Since Uzbekistan gained independence in 1991, fundamental human rights, including freedom of religion or belief, have been under assault. A restrictive law on religion severely limits the ability of religious communities to function in Uzbekistan, facilitating the Uzbek government's exercise of a high degree of control over religious communities and the approved manner in which the Islamic religion is practiced. The Uzbek government has continued to arrest Muslim individuals and harshly repress the activities of groups and mosques that do not conform to government-prescribed practices or that the government claims are associated with extremist political programs. This policy has resulted in the imprisonment of thousands of persons in recent years, many of whom are denied the right to due process, and there are credible reports that many of those arrested continue to be tortured or beaten in detention. Though security threats do exist in Uzbekistan, including from members of *Hizb ut-Tahrir* and other groups that claim a religious linkage, these threats do not excuse or justify the scope and harshness of the government's ill-treatment of religious believers. The Commission recommends that the Secretary of State continue to designate Uzbekistan a "country of particular concern," or CPC. The Commission's CPC recommendation for Uzbekistan should not be construed as an exculpatory defense of *Hizb ut-Tahrir*, an extremist and highly intolerant organization that promotes hatred of the West, moderate Muslims, Jews, and others. In 2006, the State Department followed the Commission's recommendation and named Uzbekistan a CPC.

Despite the constitutional separation of religion and state, the Uzbek government strictly regulates Islamic institutions and practice through the officially sanctioned Muslim Spiritual Board (the Muftiate). In 1998, the Uzbek government closed down approximately 3,000 of the 5,000 mosques that were open at that time. In 2007, however, the State Department noted that a few unofficial, independent mosques were allowed to operate quietly under the watch of official imams. In the Ferghana Valley, viewed as the country's most actively religious region, the state has confiscated a number of mosques and used them as warehouses or for other state purposes. Uzbek human rights defenders reported that as of late 2006, the Uzbek government had introduced various administrative and other obstacles to daily prayer practice in the Ferghana Valley. For example, in the Andijon region, the regional head of administration introduced restrictions on Islamic practice, such as bans on the five daily public calls to prayer from mosques and on the preaching by mullahs at weddings. Despite the presence of a Shi'a minority in the country, there is no training for Shi'a religious leaders. Nor does the government recognize foreign Shi'a religious education, although the State Department reports that Shi'a imams are sometimes educated in Sunni *madrassas*, which offer some courses in Shi'a jurisprudence.

The state fully controls the training, appointments, and dismissals of Muslim leaders through the official Muftiate. There are 10 state-controlled *madrassas* (including two for women), which provide secondary education in Uzbekistan. In addition, the official Islamic Institute and Islamic University in Tashkent provide higher educational instruction. The State Department reported in 2006 that regional leaders in Uzbekistan have been instructed that

children should not attend mosque; in the city of Bukhara, police have reportedly prevented children from doing so. The state also closes or confiscates privately-funded religious schools for its own purposes. For example, in Margilan and Andijon the government in 2004 and 2005 confiscated two *madrassas*, reportedly built with community funds. The state-controlled Muslim Board publishes some books and periodicals, as does the independent former Chief Mufti, Muhamad Sadyk Muhamad Yusuf.

Over the past decade and particularly since 1999, the Uzbek government has arrested and imprisoned, with sentences of up to 20 years, thousands of Muslims who reject the state's control over religious practice, or who the government claims are associated with extremist groups. As of 2007, according to a State Department estimate, there were at least 5,000 – 5,500 such persons in prison, including individuals sent to psychiatric hospitals. According to Uzbek human rights activists, in the past year, the number of arrests and detentions linked to religious convictions has risen sharply in the Uzbek capital Tashkent and its surrounding region. These Uzbek sources also estimate that during the first half of 2006, an estimated 150 Muslims were arrested and sentenced on charges related to their religious beliefs.

Most of those arrested have no political connections, Uzbek human rights activists claim, and their only “crime” is performing their daily prayers and learning about Islam. According to the State Department in 2007, the Uzbek government has instructed some neighborhood committees and imams to identify local residents who might become involved in extremist activity or groups, using those who prayed daily or were overtly devout as criteria. Moreover, “authorities made little distinction between actual members [of the extremist group *Hizb ut-Tahrir*] and those with marginal affiliation with the group, such as persons who had attended Koranic study sessions with the group.” Human rights organizations report that many of those in detention were arrested on false drug charges or for possession of literature of a banned organization. Once arrested, they often are denied access to a lawyer or are held incommunicado for weeks or months. Many of those imprisoned or detained for charges related to religion are treated particularly harshly; prisoners who pray or observe Muslim religious festivals are by many accounts subjected to further harassment, beatings, and other torture in an effort to force them to renounce their religious or political views.

The use of torture continues to be widespread in Uzbekistan, despite promises from the government to halt the practice. The UN Special Rapporteur on Torture, in his February 2003 report on Uzbekistan, concluded that “torture or similar ill-treatment is systematic” and that the “pervasive and persistent nature of torture throughout the investigative process cannot be denied.” Even after the publication of the Rapporteur's report, reliance on the use of torture in detention did not significantly decrease, despite the Uzbek Supreme Court's 2004 decree banning the use of evidence obtained by torture or other illegal means. The UN Committee against Torture also confirmed that there were numerous, on-going, and consistent allegations in the past year that torture continues to be used during criminal procedures, often before formal charges are brought. The Uzbek government has taken some limited steps to eliminate torture in detention, but there were numerous reports that ill-treatment remained routine and systemic. According to the State Department's 2007 *Country Report on Human Rights Practices*, “police, prison officials, and the [security services]... reportedly also used methods of abuse including suffocation, electric shock, deprivation of food and water, and sexual abuse in addition to

beatings. Torture and abuse were common in prisons, pretrial facilities, and local police and security service precincts. Informants reported several cases of medical abuse, including forced psychiatric treatment on political grounds.” It has been reported that as many as 20 individuals in Uzbek prisons died as a result of ill-treatment in October and November 2007. Convictions in the cases described in the above paragraph are based almost entirely on confessions, which, according to the State Department and many human rights organizations, are frequently gained through the use of torture. The human rights organization Human Rights Watch reported in November 2007 that particularly since the 2005 Andijon events (see below), it has become much more difficult to verify independently government claims of combating torture and improving prison conditions.

The government of Uzbekistan does face threats to its security from certain extremist or terrorist groups that claim religious links, including the Islamic Movement of Uzbekistan, which has used violence but whose membership reportedly declined after U.S. military action in Afghanistan in late 2001 killed its leaders. Uzbekistan continues to be subject to violent attacks; there were several incidents in 2004, although the motivation of those involved is difficult to determine. In the city of Andijon in May 2005, there were daily peaceful protests in support of 23 businessmen on trial for alleged ties to Islamic extremism. A small group reportedly seized weapons from a police garrison, stormed the prison holding the businessmen, released the defendants, and attacked other sites in the city. In connection with these events, on May 13, after several thousand mostly unarmed civilians gathered on the central square, Uzbek armed forces fired indiscriminately and without warning into the crowd. Estimated fatalities range from an official total of 187 to over 700, according to the Organization for Security and Cooperation in Europe (OSCE); some reports of non-governmental organizations (NGOs) say as many as 1,000 men, women, and children were killed. During 2007, the Uzbek government continued to reject repeated calls from the United States, the European Union (EU), the OSCE, and the UN High Commissioner for Human Rights for an independent international investigation into these events.

In the aftermath of Andijon, Uzbek authorities jailed hundreds of local residents, human rights activists, and journalists on suspicion of involvement in the events. One Uzbek human rights NGO compiled a list of arrestees totaling 363 persons, in addition to those already convicted by the end of 2005, including dozens of people who had spoken to the press or reported on the events. Relatives of human rights defenders have also been targeted in attempts to pressure activists to stop speaking out about human rights violations; relatives of human rights activists have reportedly been threatened, dismissed from their jobs, beaten, and sometimes arrested, prosecuted, and imprisoned on fabricated criminal charges. In January 2006, one arrestee, human rights activist Saidjahon Zaynabitdinov, with whom a Commission delegation met in October 2004, was convicted of extremist activity and other offenses and sentenced to seven years in prison. He had shown journalists bullet casings reportedly used by the Uzbek authorities against the Andijon demonstrators. In February 2008, Zaynabitdinov was one of five Uzbek political prisoners released the day before the Uzbek government met with officials from the EU. The State Department reported that in several cases, the Uzbek government has pressured other countries forcibly to return Uzbek refugees who were under the protection of the Office of the UN High Commissioner for Refugees (UNHCR). In 2007, the UN Committee against Torture pointed to reports that some persons who had sought refuge abroad and were

returned to Uzbekistan were kept in isolation in unknown places, and possibly subjected to breaches of the Convention against Torture.

Hizb ut-Tahrir, banned in most Muslim countries, purports not to engage in violence but is intolerant of other religions and has in some circumstances sanctioned violence. The group calls for a worldwide caliphate to replace existing governments and for the imposition of an extremist interpretation of Islamic law. Although it does not specify the methods it would use to attain those goals, it does, according to the State Department's religious freedom report, reserve the "possibility that its own members might resort to violence." In addition, the State Department reports that *Hizb ut-Tahrir* material includes "strong anti-Semitic and anti-Western rhetoric." Alleged members of *Hizb ut-Tahrir* comprise many of the thousands in prison; in most cases, however, Uzbek authorities have failed to present evidence to the court that these persons have committed violence. Many of those arrested and imprisoned are not affiliated with *Hizb ut-Tahrir* but are wrongfully accused of membership or association, sometimes due to alleged—or planted—possession of the group's literature at the time of arrest. The State Department reported in 2007 that as many as 4,500 of the estimated 5,000 to 5,500 political prisoners being held in detention were imprisoned based on alleged *Hizb ut-Tahrir* membership. It was also reported that in November 2007, three men who had been convicted of membership in *Hizb ut-Tahrir* died at a prison in Andijon; the bodies of Fitrat Salakhiddinov and Takhir Nurmukhammedov reportedly showed signs of torture and the third, unnamed prisoner, died later in the month. According to the State Department, local human rights activists reported in the past year that police and security service officers, acting under pressure to break up *Hizb ut-Tahrir* cells, frequently detained family members and close associates of suspected members.

After the May 2005 Andijon events, the number of court cases against independent Muslims in Uzbekistan reportedly increased markedly. Before May 2005, the authorities often accused arrested Muslims of being members of *Hizb ut-Tahrir*; since that time, however, arrested Muslims are usually accused—frequently without evidence—of being "Wahhabis" or members of another banned Islamist group, *Akromiya*, which played an important role in the Andijon events. "Wahhabi" is a term that usually refers to followers of a highly restrictive interpretation of Sunni Islam practiced in Saudi Arabia. In Uzbekistan, however, "Wahhabi" is a catchphrase used to refer to a range of Muslim individuals and groups, such as genuine extremists, those that oppose the Karimov regime, and those who practice Islam independently of government strictures. For the Uzbek authorities, all these groups and individuals are equally suspect and subject to government repression. The Uzbek criminal code distinguishes between "illegal" groups, which are not properly registered, and "prohibited" groups, such as *Hizb ut-Tahrir*, *Tabligh*, a Muslim missionary movement which originated in South Asia in 1920, and *Akromiya*, a group based on the 1992 writings of an imprisoned Uzbek mathematics teacher, Akram Yuldashev, which, according to human rights defenders in Uzbekistan, espouse charitable work and a return to Islamic moral principles. According to the State Department, the Uzbek government has pressured and prosecuted members of *Akromiya* (also known as *Akromiylar*) since 1997, claiming that the group is a branch of *Hizb ut-Tahrir*, and that it attempted, together with the Islamic Movement of Uzbekistan, to overthrow the government through an armed rebellion in May 2005 in Andijon. The charges against the 23 local businessmen on trial in Andijon in May 2005 included alleged membership in *Akromiya*.

In June 2006, police confiscated a copy of the Koran, the *hadith* (sayings attributed to the prophet Muhammad), other religious books, and tape recordings of the exiled mullah Obid kori Nazarov and his pupil Hairullah Hamidov, the Human Rights Initiative Group in Uzbekistan reported. The items were seized as material evidence against two men who were arrested and accused of “Wahhabism,” although reportedly they only sought independent religious education. Human rights sources indicate that Nazarov, who had been forced to flee the country after the authorities branded him a “Wahhabi” leader, was not promoting extremism, but simply operating outside of government strictures. The State Department reported that in September 2006, Ruhitdin Fakhrutdinov, a former imam of a Tashkent mosque, was sentenced in a closed trial to 17 years in prison. During his trial, which involved clear violations of due process, the independent imam was accused of being an extremist and charged with involvement in a 1999 car bombing in Tashkent, although no evidence was presented to the court of his involvement in violent acts. Fakhrutdinov was delivered in 2005 to the Uzbek authorities from his place of asylum in Kazakhstan, allegedly with the assistance of the Kazakh authorities.

Uzbekistan’s Law on Freedom of Conscience and Religious Organizations, passed in May 1998, severely restricts the exercise of religious freedom. Through regulations that are often arbitrarily applied, the law imposes onerous hurdles for the registration of religious groups, particularly minority religious groups, such as stipulating that a group must have a list of at least 100 members who are Uzbek citizens and a legal address; criminalizing unregistered religious activity; banning the production and distribution of unofficial religious publications; prohibiting minors from participating in religious organizations; prohibiting private teaching of religious principles; and forbidding the wearing of religious clothing in public by anyone other than clerics. Only six entities meet the law’s requirement that religious groups must have a registered central administrative body so as to train religious personnel. The law also limits religious instruction to officially sanctioned religious schools and state-approved instructors, does not permit private instruction, and levies fines for violations. There are reports that Uzbekistan may be planning to change its religion law, although a written draft has not yet been made available. In October 2007, the Religious Affairs Committee deputy chairman reportedly sent letters to religious associations with nationally registered central administrations, giving them a two-day deadline to suggest possible changes to the current religion law.

In December 2005, the government modified the country’s criminal and administrative codes to introduce heavier fines for repeated violations of rules on religious meetings, processions, and other religious ceremonies, as well as for violations of the law on religious organizations. The religious freedom news organization Forum 18 reported in September 2007 that the Uzbek National Security Service (NSS or secret police), particularly its Department to Fight Terrorism, enforces controls on all religious activity and cracks down on certain activities in a manner reminiscent of the Soviet period. Forum 18 also reported last year that an official Andijon regional government document revealed that a regional branch of the Muftiate and the state Religious Affairs Committee were ordered “to bring under constant close observation” all registered religious organizations and “strengthen the struggle with individuals conducting illegal religious education and organizing small religious gatherings.” In addition, the Uzbek police and secret police conduct extensive surveillance on various religious denominations, including by stationing NSS agents in and around places of worship, planting hidden microphones in houses of worship, and recruiting spies within communities.

The law's effects on minority religious groups are apparent. According to the State Department in 2007, churches whose registration requests have been repeatedly refused included Bethany Baptist Church in the Mirzo-Ulugbek District of Tashkent, the Pentecostal Church in Chirchik, Greater Grace Christian Church in Samarkand, Emmanuel Church of Nukus, Karakalpakstan, the *Mir* (Peace) Church of Nukus, the Hushkhabar Church in Guliston, the Pentecostal Church in Andijon, and the Baptist Church in Gazalkent. All Protestant churches in the autonomous region of Karakalpakstan had lost their registration appeals by September 2005, and Karakalpakstan authorities also continued to exert pressure on the Hare Krishna community. Reportedly, the sole Hare Krishna advocate in the city of Urgench was harassed in 2007 as a supposed "enemy of the people." The Uzbek government continues to threaten to halt the practicing of the country's last registered Jehovah's Witnesses community. According to Forum 18, two years after they applied for legal status, Jehovah's Witnesses in the town of Kagan near Bukhara have not been granted registration; instead, this community has faced harassment, including a police raid in August 2007. In October 2007, 10 Jehovah's Witnesses were threatened with death and each fined the equivalent of five years' minimum wages. The state-run media also sometimes engages in harassment of religious minorities. Two prime-time Uzbek-language programs, broadcast on state TV in late 2006, claimed that Protestants and Jehovah's Witnesses turned people into "zombies." Protestant leaders have reported fears that these programs were part of a campaign to prepare the Uzbek population for further repression of minority religious communities.

In past years, Christian leaders have reportedly been detained in psychiatric hospitals, severely beaten, and/or sentenced to labor camps. Some Christian communities continue to have their churches raided, services interrupted, Bibles confiscated, and the names of adherents recorded by Uzbek officials. In September 2007, police raided a gathering of Protestants near the southern town of Termez and took all those present to the police station, reportedly because of a police "work plan" for arrests. According to Forum 18, 12 individuals face prosecution under the administrative code and for the illegal distribution of religious literature, as well as for taking part in an illegal worship meeting. In February 2008, the Grace Presbyterian Church in Tashkent was ordered to cease all activities because it had lost its legal status for allegedly violating laws on public religious expression.

In late 2006, the Uzbek authorities stepped up their campaign against the leaders of several unregistered and even some registered Protestant communities, and in 2007, these Protestants continued to experience heavy fines and other official harassment. In November 2007, Forum 18 reported that a Baptist pastor, Nikolai Zulfikarov, who heads a five-member unregistered congregation in Khalkabad, had been sentenced to two years correctional labor for "teaching religious doctrines without special religious education and without permission from a central organ of administration of a religious organization, and for teaching religion privately." In March 2007, a court in Andijon sentenced local Protestant pastor Dmitry Shestakov to four years internal exile for "illegal" religious activity; in December 2007, although he was eligible for release under the terms of a general prisoner amnesty, he was not released. Government harassment of Shestakov dates back almost a decade, reportedly because he had been involved in the conversion of some ethnic Uzbeks to Christianity. In February 2008, a Baptist in the city of Ferghana was fined the equivalent of nine months' average wages for holding an unauthorized

prayer meeting at his house, and a Pentecostal pastor near Tashkent was fined over two months' average wages for violating the rules on teaching religion, although his congregation is part of a registered community.

According to most reports, it has become even more difficult to secure permission to publish religious literature in the past year. Permission is still required from the state Committee for Religious Affairs and the state-controlled Muftiate, but reportedly, a secret instruction was issued in 2006 limiting publications to less than 1,000 copies of any single religious book. Amendments to the criminal and administrative codes, which came into force in June 2006, instituted new penalties for the “illegal” production, storage, import, and distribution of religious literature, with penalties of up to three years' imprisonment for repeat offenders. Reportedly, the chairman of the Committee for Religious Affairs has said that the import of foreign literature for Muslims had practically ceased. Fines for violations of these codes can be up to 100 – 200 times the minimum monthly wage, or “corrective labor” of up to three years. Religious materials produced outside Uzbekistan are treated in a similar fashion under Article 19 of the religion law. The Committee for Religious Affairs has the authority to determine if religious literature is “acceptable”; if not, it can be confiscated and destroyed. In the past year, Uzbek authorities continued to seize and destroy religious literature from numerous religious groups, including Muslims, Protestants, Hare Krishna adherents, and Jehovah's Witnesses. Even legally imported literature is confiscated in police raids.

The Russian Orthodox Church publishes a newspaper and a journal (both in Russian) and maintains a Web site. The Catholic Church in Tashkent maintains an Internet news agency. Various Christian churches have set up a Bible Society in Tashkent, which produces limited supplies of Christian books, but the Religious Affairs Committee must approve each edition. Other religious minorities are almost entirely banned from producing religious literature in Uzbekistan, especially in the Uzbek language. The Jehovah's Witnesses note that they cannot print or import their religious literature in Uzbek; the Religious Affairs Committee limits imports of Russian-language literature to registered congregations, making imports to the many unregistered Jehovah's Witnesses' communities prohibited.

For many years, the Uzbek government has allowed only 20 percent of the country's quota of pilgrims to make the religious *hajj* to Mecca, a number estimated by the State Department to be approximately 25,000 pilgrims, or 1,000 pilgrims for every 1 million of the population. In 2007, only 5,000 were permitted to undertake the *hajj*; pilgrims must be approved by local authorities, the secret police, and the Hajj Commission under the state Religious Affairs Committee, as well as the state-controlled Muftiate. Furthermore, *hajj* pilgrims reportedly must travel on state-run Uzbekistan Airlines and pay the equivalent of 200 times the monthly wage.

Since May 2005, the Uzbek government has intensified its efforts to isolate the people of Uzbekistan. It has cracked down on both domestic and foreign-based NGOs in order to minimize Western influence; according to the State Department, after many audits targeting a number of international, human rights-oriented NGOs, almost three-fourths of these organizations were closed in 2006. Other elements of this campaign include: the detention and deportation in 2005 of a Forum 18 reporter and the demand, in March 2006, that the UNHCR close its office within one month. Although the NGO Human Rights Watch was able to re-

establish an office in Tashkent in early 2008, Uzbek authorities have put its Uzbek translator, Umida Niyazova, on trial for allegedly storing “extremist materials” on her computer—material that was in fact the organization’s report on the Andijon events. In May 2007, she was given a suspended seven-year prison sentence and in February 2008, the day before a meeting between EU and Uzbek officials, Niyazova was “amnestied.”

Throughout the past year, Commission staff met with NGOs representing various religious communities in Uzbekistan, as well as human rights organizations, academics, and other Uzbekistan experts. In October 2004, the Commission traveled to Uzbekistan and met with senior officials of the Foreign, Internal Affairs, and Justice Ministries, the Presidential Administration, the Committee on Religious Affairs, and the Parliamentary Ombudsman’s office. The delegation also met with the members of the Muslim, Jewish, and Christian communities, as well as other religious groups, Uzbek human rights activists and lawyers, alleged victims of repression and their families, western NGOs active in Uzbekistan, and U.S. Embassy personnel. In November 2006, the Commission issued a press statement welcoming the designation of Uzbekistan as a CPC.

Commission staff continues to take part in meetings with delegations of Uzbek religious leaders, human rights groups and academics from Uzbekistan, and U.S.-based experts and activists concerned with Uzbekistan. In January 2008, Commission staff made a presentation in Brussels on the status of freedom of religion or belief in Central Asia at events sponsored by the NGO European Platform on Religious Intolerance and Discrimination. In December 2007, staff gave a talk in Berlin on Uzbekistan and the CPC process at the Forum on Freedom of Religion or Belief, a private organization comprised of international legal specialists. In January 2007, the Commission co-sponsored an event entitled “Religious Freedom and State Policy in Central Asia,” together with the Center for Strategic and International Studies (CSIS), to discuss religious freedom conditions in Uzbekistan, Turkmenistan and other Central Asian states. In July 2005, the Commission held a public briefing on “U.S. Strategic Dilemmas in Uzbekistan and Turkmenistan,” also with CSIS. At a June 2005 Carnegie Endowment roundtable on Andijon, the Commission released its Policy Focus on Uzbekistan, which includes numerous policy recommendations. In May 2005, then-Commission Chair Michael Cromartie testified on Uzbekistan at a hearing of the U.S. Commission on Security and Cooperation in Europe.

Language reflecting a Commission recommendation on Uzbekistan was included in the Consolidated Appropriations Act of 2005. The Congress conditioned funds to Uzbekistan on its “making substantial and continuing progress in meeting its commitments under the ‘Declaration of Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America,’” such as respect for human rights, including religious freedom. The Commission’s recommendation to re-open the Voice of America’s (VOA) Uzbek Service was adopted in June 2005, but the U.S. Board for Broadcasting Governors and the President’s Budget request for fiscal year 2008 have again proposed the closure of the VOA’s Uzbek Service.

I. The U.S. government should ensure that it speaks in a unified voice in its relations with the Uzbek government. To that end, the U.S. government should:

- ensure that U.S. statements and actions are coordinated across agencies to ensure that U.S. concerns about human rights conditions in Uzbekistan are reflected in all dealings with the Uzbek government;
- following the European Union's October 2005 decision, reduce aid and arms sales to Uzbekistan and ban visits by high-level Uzbek officials in response to the Uzbek government's refusal to allow an independent investigation into the violence in Andijon in May 2005;
- ensure that U.S. assistance to the Uzbek government, with the exception of assistance to improve humanitarian conditions and advance human rights, be made contingent upon establishing and implementing a specific timetable for the government to take concrete steps to improve conditions of freedom of religion or belief and observe international human rights standards, steps which should include:
 - ending reliance on convictions based solely on confessions, a practice that often is linked to ill-treatment of prisoners, and implementing the recommendations of the UN Committee Against Torture (June 2002) and the UN Special Rapporteur on Torture (February 2003);
 - establishing a mechanism to review the cases of persons previously detained under suspicion of or charged with religious, political, or security offenses, including Criminal Code Articles 159 (criminalizing "anti-state activity") and 216 (criminalizing membership in a "forbidden religious organization"); releasing those who have been imprisoned solely because of their religious beliefs or practices as well as any others who have been unjustly detained or sentenced; and making public a list of specific and detailed information about individuals who are currently detained under these articles or imprisoned following conviction;
 - implementing the recommendations of the Organization for Security and Cooperation in Europe (OSCE) Panel of Experts on Religion or Belief to revise the 1998 Law on Freedom of Conscience and Religious Organizations and bring it into accordance with international standards;
 - registering religious groups that have sought to comply with the legal requirements; and
 - ensuring that every prisoner has access to his or her family, human rights monitors, adequate medical care, and a lawyer, as specified in international human rights instruments, and allowing prisoners to practice their religion while in detention to the fullest extent compatible with the specific nature of their detention;
- ensure that U.S. security and other forms of assistance are scrutinized to make certain that this assistance does not go to Uzbek government agencies, such as certain branches of the Interior and Justice Ministries, which have been responsible for particularly severe violations of religious freedom as defined by the International Religious Freedom Act of 1998 (IRFA); and

- use appropriate avenues of public diplomacy to explain to the people of Uzbekistan both why religious freedom is an important element of U.S. foreign policy, and what specific concerns about violations of religious freedom exist in their country.

II. The U.S. government should encourage greater international scrutiny of Uzbekistan's human rights record. To that end, the U.S. government should:

- work with other governments to urge the UN Human Rights Council to reverse its recent decision to end human rights scrutiny of Uzbekistan under confidential resolution 1503 and to address this situation in a public country resolution at the Council;
- encourage scrutiny of Uzbek human rights concerns in appropriate international fora such as the OSCE and other multilateral venues, and facilitate the participation of Uzbek human rights defenders in multilateral human rights mechanisms; and
- urge the Uzbek government to agree to a visit by UN Special Rapporteurs on Freedom of Religion or Belief and the Independence of the Judiciary and provide the full and necessary conditions for such a visit.

III. The U.S. government should support Uzbek human rights defenders and religious freedom initiatives. To that end, the U.S. government should:

- respond publicly and privately to the recent expulsions of U.S. non-governmental organizations and the numerous new restrictions placed on their activities; unless these restrictions are rescinded, the U.S. government should make clear that there will be serious consequences in the U.S.-Uzbek bilateral relationship, including a ban on high-level meetings;
- continue the careful monitoring of the status of individuals who are arrested for alleged religious, political, and security offenses and continue efforts to improve the situation of Uzbek human rights defenders, including by pressing for the registration of human rights groups and religious communities;
- support efforts to counteract the Uzbek government's blockade on information into the country by increasing radio, Internet, and other broadcasting of objective news and information on issues relevant to Uzbekistan, including education, human rights, freedom of religion, and religious tolerance;
- reinstate funding for the Voice of America (VOA) Uzbek Language Service to the fiscal year 2007 level of \$600,000 so as to meet the Broadcasting Board of Governors' stated goal of outreach to the Muslim world; reinstatement of the VOA Uzbek Service would reach the news-deprived population of Uzbekistan, in addition to the large Uzbek diaspora in Afghanistan and other neighboring countries;

- increase foreign travel opportunities for civil society activists, religious leaders, and others in Uzbekistan concerned with religious freedom to permit them to take part in relevant international conferences;
- continue to attempt to overcome the objections of the Uzbek government in order to develop assistance programs for Uzbekistan designed to encourage the creation of institutions of civil society that protect human rights and promote religious freedom, programs that could include training in human rights, the rule of law, and crime investigation for police and other law enforcement officials; since such programs have been attempted in the past with little effect, they should be carefully structured to accomplish, and carefully monitored and conditioned upon fulfillment of, these specific goals:
 - expanding legal assistance programs for Uzbek relatives of detainees, which have sometimes led to the release of detainees;
 - expanding “train-the-trainer” legal assistance programs for representatives of religious communities to act as legal advisers in the registration process;
 - specifying freedom of religion as a grants category and area of activity in the Democracy and Conflict Mitigation program of the U.S. Agency for International Development and the Democracy Commission Small Grants program administered by the U.S. Embassy; and
 - encouraging national and local public roundtables between Uzbek officials and representatives of Uzbek civil society on freedom of religion; and
- increase opportunities in its exchange programs for Uzbek human rights advocates and religious figures, and more specifically:
 - expand exchange programs for Uzbek religious leaders to include representatives from all religious communities; and
 - ensure that the U.S. Embassy vigorously protests cases when an Uzbek participant in an exchange program encounters difficulties with the Uzbek authorities upon return to Uzbekistan, and if such difficulties continue, inform the Uzbek authorities that there will be negative consequences in other areas of U.S.-Uzbek bilateral relations, including a ban on high-level meetings.

COUNTRIES ON THE COMMISSION'S WATCH LIST

Belarus

Belarus has a highly authoritarian government, with almost all political power concentrated in the hands of President Aleksandr Lukashenko and his small circle of advisors. The Lukashenko regime has engaged in numerous serious human rights abuses, including involvement in the “disappearances” of several key opposition figures, the imprisonment of political opponents and journalists, and strict controls on the media. Human rights conditions deteriorated further after the March 2006 presidential elections, which observers from the Organization for Security and Cooperation in Europe (OSCE) and other organizations deemed fraudulent. The government of Belarus also continues to commit serious violations of the right of its citizens to freedom of thought, conscience, and religion or belief. Religious freedom conditions, which had already declined as a result of the strict law on religion passed in October 2002, deteriorated further in 2007. The Commission continues to place Belarus on its Watch List, and will maintain scrutiny throughout the year to determine whether the government’s record has deteriorated to a level warranting designation as a “country of particular concern,” or CPC.

According to the U.S. Department of State’s 2007 *Country Reports on Human Rights Practices*, the human rights record of the Belarus government “remained very poor and worsened in some areas, as the government continued to commit frequent serious abuses.” The State Department reports that the Belarus government continued to engage in arbitrary arrests, detentions, and imprisonment of citizens for political reasons, such as for criticizing officials or participating in demonstrations. Court trials, whose outcomes were usually predetermined, were often conducted behind closed doors without an independent judiciary or independent observers.

The State Department also reported that respect for religious freedom worsened in the past year, citing, among other factors, that authorities continued to harass and fine members of certain religious groups, especially those whom officials regard as linked to foreign cultures or having political agendas. Government structures to control and restrict religious groups are extensive and intrusive, leading some human rights groups to compare the situation for religious freedom in Belarus to that under the former Soviet regime. For example, Belarus has maintained its Soviet-era religious affairs bureaucracy, which includes a Plenipotentiary for Religious and Nationality Affairs, which was known until July 2006 as the State Committee for Religious and Nationality Affairs. The Plenipotentiary maintains a staff in Minsk as well as several officials in each of the country’s six regions. According to the Forum 18 News Service, the six regions have 20 districts, with each district having a Department for Relations with Religious and Social Organizations as well as a Commission for Monitoring Compliance with Legislation on Religion.

The country’s religion law, passed in October 2002, led to greater restrictions on religious freedom in Belarus. The law codified the activities of the official Committee of Religious and Nationality Affairs (since renamed) of the Council of Ministers (CRNA) and set up severe regulatory obstacles and major bureaucratic and legal restrictions on the activities of many religious communities. Essentially, the 2002 religion law prohibits: all religious activity

by unregistered groups; any activity of religious communities except in areas in which they are registered; foreign citizens from leading religious activities; and unapproved religious activity in private homes, with the exception of small, occasional prayer meetings. The law set up a three-tiered system of registration, and particularly restricts the activities of groups on the lowest tier. The law also mandated that all existing religious communities in Belarus re-register with the CRNA by November 2004. Most previously registered groups were re-registered, but the law was viewed as a strengthening of the government's opportunities to deny registration to disfavored groups.

In the past year, thousands of individuals from various Christian and other religious communities signed a petition to the Belarusian government to protest the country's repressive 2002 religion law and other restrictions on religious freedom. In July 2007, Belarusian police in Minsk and at a Catholic pilgrimage site in Budslav detained 19 persons who were collecting signatures on a petition to reform the 2002 law. Arrestees included the secretary of the Belarusian Christian Democracy movement. Police confiscated literature, including 7,000 newsletters and several hundred copies of a booklet, "Monitoring Violations of the Rights of Christians in Belarus in 2006." Fourteen were detained for three hours without charge by district police in Budslav. A protocol was drawn up against the petition organizer, claiming he had distributed literature without publication details; he was warned to expect prosecution in Minsk, although as of this writing, he has not been contacted. (In Belarus, a person may legally distribute up to 300 copies of a piece of literature without publication details.) According to the news agency Forum 18, Belarusian Deputy Prime Minister Aleksandr Kosinets, speaking at an unprecedented roundtable of religious leaders in Minsk in September 2007, rejected the possibility that legal amendments to the law would be accepted. Kosinets also reportedly rejected Protestant leaders' suggestion to introduce a category of "religious group" that would not need state registration. In March 2008, the petition gained the necessary 50,000 signatures and was submitted to the Constitutional Court, parliament, and Presidential Administration; the Court replied that appeals should be submitted via President Lukashenko, parliament, or other authorized state bodies. However, Forum 18 reported that later that month, government agencies rejected the mass petition, claiming that reports of religious freedom violations "do not correspond with reality."

Since coming to power in 1994, President Lukashenko has openly favored the Belarusian Orthodox Church (BOC), an Exarchate of the Moscow Patriarchate Russian Orthodox Church, resulting in a privileged position for the BOC. This relationship was codified in June 2003, when the Belarus government and the BOC signed a concordat setting out the Church's influence in public life, which has contributed to the difficulties for many religious minorities (see below). In March 2004, the Belarusian government granted the BOC the exclusive right to use the word "Orthodox" in its title. Several "independent" Orthodox churches that do not accept the authority of the Orthodox Patriarch in Moscow have been denied registration, including the Belarusian Autocephalous Orthodox Church (BAOC) and the True Orthodox Church, a branch of the Orthodox Church that rejected the compromise with the Soviet government made by the Russian Orthodox Church in the 1920s. Authorities have warned a priest from the unregistered Russian Orthodox Church Abroad (ROCA) that he could be jailed and fined for conducting "illegal religious activities," including small gatherings in private homes. In November 2005, authorities denied registration to a ROCA parish in Ruzhany; a religious affairs official in Brest

reportedly told ROCA members to worship at the BOC. In recent years, ROCA members have been fined four times, for a total of over \$2,000, for worshipping in private homes. The community has more than once applied for registration, but in October 2006, there were reports that BOC officials were pressuring parishioners to withdraw their signatures from registration applications. Even the BOC is sometimes subject to government harassment. Forum 18 reported that in March 2007, the Committee for State Security (KGB) raided a prayer meeting of the BOC Transfiguration Fellowship in the city of Gomel, in the first known instance since the Soviet period of BOC adherents being targeted in Belarus for their religious activity.

Some religious groups have been consistently denied registration, particularly Protestant groups. Forum 18 reported in January 2008 that a secret ruling by the State Committee for Religious and Ethnic Affairs allegedly denied state registration to 12 “destructive sects”; included in that group were not only Aum Shinrikyo and Satanists, but also Ahmadiya Muslims. One frequent basis for registration or re-registration denials has been the failure to provide a valid legal address, although, in some cases, registration is required before such an address can be obtained. Another basis is the alleged failure to limit activities to a specified location. In many cases, officials do not provide any reason for the denial of re-registration requests. In 2006, the Belarus government rejected the UN Human Rights Committee’s decision that it had violated religious freedom by refusing to register a nationwide Hare Krishna association. The authorities maintained that their refusal was “justified” because it was in accordance with Belarusian law, but they failed to address the UN Committee’s finding that a requirement for state-approved physical premises to gain legal registration is “a disproportionate limitation of the Krishna devotees’ right to manifest their religion” under the International Covenant on Civil and Political Rights. In June 2006, a Minsk court deregistered the Christ’s Covenant Reformed Baptist Church for lack of legal addresses.

Without state registration, religious communities can be liable for fines levied under a Soviet-era provision of the Administrative Violations Code. Evidence indicates that since 2004, the Belarus authorities have increased the amount of the fines as well as expanded the range of religious groups that are subject to them. Until two years ago, such fines were usually approximately \$15, and most often imposed on Council of Churches Baptist congregations, which refuse on theological grounds to register with any state authorities. Since 2006, fines have increased, in some cases dramatically. Forum 18 reported that in January 2008, the Baranovichi Emergencies Department fined the pastor and administrator of the New Life Pentecostal Church a total of \$228 for fire safety violations, which is the equivalent of almost three weeks’ average wages. Pastor Kabushko suggested that the fire safety demands were an indirect way of putting pressure on his church. The Baranovichi congregation was first fined for fire safety violations a year ago and a major outlay of funds have been spent to meet the state authorities’ requirements. The previous year, the same church was fined a total of \$5,455 for “unsanctioned” religious activity. A court also ordered fines totaling \$386 for three Baptist Council of Churches members in the same town in December 2007. Also in December 2007, members of a church in Grodno complained of an “illegally imposed fine” of \$64 handed down to their pastor by a Grodno Court for holding an unregistered Harvest Festival service.

In addition to fines, the Belarusian authorities appear to be adopting tougher sanctions, such as short-term detentions and imprisonment, against church leaders and parishioners who

take part in unregistered religious activity. In March 2006, the pastor of the Minsk-based Christ's Covenant Reformed Baptist Church received a 10-day prison term for conducting religious worship in his home. It was the first time in 20 years that a religious leader had been sentenced to imprisonment in Belarus. The church's re-registration request had previously been denied. Pentecostal Bishop Sergey Tsvor faced similar charges, but they were dropped because of technical errors made by the police. Also in March 2006, authorities sentenced human rights lawyer Sergey Shavtsov to 10 days in detention for conducting an unsanctioned interdenominational seminar in a private cafe. In June 2007, one week after being fined for leading Sunday worship in John the Baptist Pentecostal Church in Minsk, Pastor Antoni Bokun was given a three-day prison term for leading a service; making him the third known person to be given short-term detention in post-Soviet Belarus for religious activity.

While re-registered religious organizations, including Muslims, Lutherans, and Baha'is, have held worship services at residential addresses without prosecution, the Administrative Violations Code (Article 167) and the 2002 religion law forbid most religious activity outside designated houses of worship without advance approval from state authorities. A first offense is punishable by a warning, a fine of between 20 and 150 times the minimum monthly wage, or three to 15 days' imprisonment. A second violation within one year is punishable by a fine of between 150 and 300 times the minimum monthly wage or 10 to 15 days' imprisonment. While the law permits persons to gather in private homes to pray, it requires that individuals obtain permission from local authorities to hold rituals, rites, or ceremonies in homes. In addition, the 1998 Civil Code and the 1999 Housing Code do not allow a religious organization to be located at a residential address unless it has been re-designated as non-residential. Although the 2002 religion law allows a religious organization to meet at free-standing residential premises if local authorities approve, in practice, this process is largely left to individual officials who usually prevent religious communities from meeting for worship in residential buildings. Strict interpretation of the law may result in fines for worshippers. For four years, Protestant leaders have been trying to have this situation addressed, and in spring 2007, Adventist, Baptist, and Pentecostal leaders appealed to President Lukashenko. The Presidential Administration's Department for Communication with Citizens confirmed that religious organizations may legally meet in private homes if local state authorities agree. Yet, police continued to interfere with religious meetings in residences several times in 2007, sometimes fining participants. In particular, Baptists, Pentecostals, and other Protestants were warned or fined for illegally conducting and hosting religious services.

In addition to problems for home worship, the government continued to limit the ability of a number of groups to own or use property for religious purposes. The government permits the use of residential property for religious services only after it has been formally converted from residential use. This interpretation of the law effectively requires all religious organizations to re-register their properties as religious properties. However, authorities continued to reject requests for property registration from many Protestant churches, as well as from other religious groups new to Belarus. The State Department reports that in 2006 and 2007, the Living Word Church in the city of Grodno tried and failed at least seven times to rent meeting space from state proprietors. Minsk authorities informed the unregistered John the Baptist Church that it could not rent space at the state Trade Unions House in June 2007, allegedly due to "scheduling conflicts." Moreover, Protestants in particular have expressed concern that securing permission to build new churches is almost impossible. In Minsk, city planners reportedly will not grant any

such permits until 2030. Protestant churches also report being viewed as commercial organizations with regard to the Minsk Development Fund; those seeking property permits must pay a sum set by Minsk authorities that may be as high as hundreds of thousands of dollars.

In addition, Forum 18 reports that some of the smaller religious communities continued to face great difficulties in rebuilding premises for worship in the past year. For example, the Grodno region Baptist congregation has been denied permission to rebuild its wooden 1920s church building. A related problem is the extreme difficulty in gaining official, legal re-designation of property for worship purposes, a situation affecting mainly Protestant communities, as unlike the Orthodox and Catholics, they are much less likely to own worship buildings. In February 2008, in response to the indefinite adjournment of a court case on the fate of their church building, the New Life Church in Minsk opted for civil disobedience, refusing to allow state inspectors who can impose fines onto church property; its pastor is currently threatened with a fine. The impasse appeared linked to uncertainty regarding which state body should resolve the issue. In late 2006, Grodno authorities granted permission to the Roman Catholic Blessed Virgin Mary Mother congregation to build a church for its 8,000 members; the parish had been worshipping in a wooden house that could hold only 300. Twelve members of the church had launched a hunger strike in early December 2006 until authorities acceded to their eight year long request.

Various other laws, regulations, and directives also restrict the activities of registered religious communities. For example, groups are not allowed to function outside their geographic area of registration. If a registered religious community does not qualify as a “central association”—meaning it has not been legally recognized for over 20 years or it does not have enough members—it cannot own media outlets or invite people from outside Belarus to work with the community, as in the case of the Greek Catholic Church. The Society for Krishna Consciousness also does not qualify as a central association and therefore cannot rent a hall or produce a publication with a print run of over 300.

All religious literature is subject to compulsory government censorship. Religious publishing is restricted to religious groups that have 10 registered communities, including at least one that was in existence in 1982. This requirement is onerous, since the cut-off date of 1982 goes back to the Soviet period of religious repression when few religious groups could operate. Some members of religious communities are harassed, fined, and detained for “illegally” distributing religious literature. For example, the government continued to harass and fine Hare Krishnas for distributing religious literature. According to the State Department, in January 2007, authorities confiscated 14 books from a Hare Krishna who was fined \$15 (32,000 rubles) for illegally distributing religious material.

Although religious groups considered “new” to Belarus face many of the most serious problems, religious groups, such as Catholics and Jews, which are viewed by the government as more “traditional,” were also not exempt from offensive remarks by government officials or state media. For example, President Lukashenko himself is reported to have made public anti-Semitic comments. In October 2007, he referred to the Belarusian town of Babruysk as a “pigsty,” and “mainly a Jewish town—and you know how Jews treat the place where they are living.” His comments were broadcast live on national radio. President Lukashenko has also made anti-

Semitic statements in the past, such as comparing dishonest oligarchs with Jews and likening his critics to people with “hooked noses.” In June 2007, the state newspaper *Respublika* published an article that compared contemporary Catholic missionary activities to the Crusades and branded the involvement of Pope John Paul II in the fall of communism as a “devilish enterprise,” alleging his collaboration with the CIA. The Polish community in Belarus called for criminal charges against the article’s author as well as the newspaper’s editor, and the paper later issued an apology.

Despite an order by the Prosecutor General and the Ministry of Information to remove from circulation the anti-Semitic and xenophobic newspaper *Russki Vestnik*, distribution of the newspaper resumed through the state-distribution agency. As in previous years, anti-Semitic literature continued to be sold at the National Academy of Sciences, and anti-Semitic literature is openly sold at several Belarusian Orthodox book fairs. The Roman Catholic Church reported that anti-Catholic literature is also sold at places linked to the Orthodox Church. Anti-Semitic and Russian ultra-nationalist newspapers and books are still sold at Pravoslavnaia Kniga (Orthodox Bookstore), a store that sells Orthodox literature and religious paraphernalia. The official Belarusian Orthodox Church (BOC) prayer calendar, printed in Minsk, continued to mark May 20 as the anniversary of the 1690 death of a young child who was alleged to have been murdered by Jews. The May 20 prayer refers to Jews as “real beasts” who allegedly kidnapped and murdered the child for religious purposes; a link on the BOC Web site listed the child as one of the Church’s saints and martyrs.

The Belarus government continued to demonstrate a lax attitude towards the problem of societal anti-Semitism and has not responded adequately to find and hold accountable those responsible for vandalism against Jewish memorials, cemeteries, or other property. According to the State Department, acts of anti-Semitic vandalism increased in 2007. In February 2007, neo-Nazi activists attacked Larissa Shukailo, who is the Jewish director of the Mogilyov branch of the Belarusian Association for Victims of Political Repression. Shukailo filed an official complaint, but no suspects had been identified several months later. In March, independent media reported two acts of vandalism of sites commemorating the killing of Minsk ghetto Brest Jews; also in that month, vandals damaged the Star of David on a memorial in Kurapaty honoring Jewish victims of Stalinism. In May 2007 in the city of Borisov, police opened a criminal case in connection with the vandalism of the local Jewish cemetery, but several months later no suspects had been identified. In June, local Jewish leaders reported that a Jewish cemetery had been vandalized in Mogilyov; relatives appealed to the police, one of whom claimed that the tombstones may have been knocked down by a wind storm. As of mid-2007, there were three acts of vandalism against the monument to the victims of the Brest Jewish ghetto; police opened a criminal case but did not identify any suspects. The State Department reported that Jewish leaders petitioned the government in 2007 to investigate neo-Nazi activities, citing continued vandalism, anti-Semitic graffiti, and threats to civil society and religious congregations. Authorities responded with sympathetic letters but did not open any criminal cases in connection with these complaints.

The Belarusian authorities also continued in 2007 to use textbooks that promoted intolerance, particularly towards “non-traditional” religions. Leaders of Protestant groups criticized the chapter entitled “Beware of Sects,” which includes a paragraph on Seventh-Day Adventists, and Jehovah’s Witnesses. The Ministry of Education continued to use another

textbook which labels Protestants and Hare Krishnas as “sects,” although according to the State Department, the authorities promised to change the language in the books’ next edition. State-controlled print and broadcast media has also promoted intolerant views of “new” religious groups. In May 2007, the pastor of God’s Grace Head Church received a letter from the state-controlled Lad television channel denying any wrongdoing after a broadcast that referred to the community as a “totalitarian and destructive sect.” In June 2007, state television channel ONT ran a news review item on “neo-Pentecostal sects.” A summary of that program claimed that Jehovah’s Witnesses and neo-Pentecostals, “with the aid of psychotechnology...drive people out of their minds”...and that they were the ones behind the Orange Revolution in Ukraine.

Because the 2002 religion law states that religious organizations do not have priority in reclaiming property confiscated in Soviet times if a former worship building is now used for culture or sports activities, only nine of 92 historic synagogues in Belarus have been returned to the Jewish community since the country’s independence in 1991. In another property dispute, the St. Joseph Catholic community in Minsk continued its campaign for the government to return a former Bernardine church and its monastery buildings, currently housing the state archives and slated to be converted into a hotel and entertainment center. In March 2007, the government made public new development plans; in response, the community launched a petition drive, which by March 2008 had reportedly garnered as many as 50,000 signatures.

In January 2008, Belarus issued a decree that further tightened strict government regulations on foreign religious workers. The Plenipotentiary for Religious and Nationality Affairs is now given sole discretion to rule on the necessity of religious work by foreign citizens. Moreover, the Plenipotentiary is not required to give reasons for refusing a foreign religious worker’s visit, and he may shorten a visit “if the period of time required for realization of the aims for which the foreign citizen is invited does not correspond to that requested.” Under the religion law, foreign religious workers must be invited by registered religious associations. In addition, the application procedure for foreign religious worker invitations is now much more detailed and must include relevant work experience, the timetable and syllabus of the relevant religious educational institution, and proof of knowledge of Belarusian and Russian. Approval for visits by foreign religious workers often involves a lengthy bureaucratic process, as the law requires one-year, multiple-entry “spiritual activities” visas for foreign missionaries and clergy. An organization inviting foreign clergy must make a written request to the Office of the Plenipotentiary Representative for Religious and Nationality Affairs (OPRRNA) including the proposed dates and reason for the requested visit. Even if the visit is for charitable activities, representatives must obtain a visa and permission from OPRRNA, which then has 20 days to respond; there is no appeal provision.

After its post-1991 revival, the Roman Catholic Church has experienced a shortage of qualified native clergy. Seven Polish Catholic priests and five nuns were expelled in late 2006; among other reasons, a reported factor was their “youth” and the fact that their alcohol rehabilitation meetings were open to everyone. A reported 12,000 people protested their expulsion, including several Catholic bishops. The Belarusian Consulate in Warsaw has warned priests on short visits not to engage in any religious activity. In late 2007, 700 Catholics protested the government’s order that the Polish priest of the Gomel region’s Holy Trinity

Church leave Belarus by March 2008; the denial of the priest's annual visa may have been linked to his negative comments about Belarus in a 2007 interview in a Polish newspaper.

According to the State Department's religious freedom report, legislation prohibits "subversive activities" by foreign organizations and the setting up of offices by foreign organizations that incite "national, religious, and racial enmity" or "have negative effects on people's physical and mental health." In May 2007, a Polish citizen, an unofficial pastor of the John the Baptist Church, was fined \$15 for holding unauthorized religious services at a fellow pastor's home. He was ordered to leave the country by June 7 for "repeated violations of the regime governing the presence of foreigners" and barred from reentry for five years; authorities also canceled his residency permit due to his alleged involvement in "activities aimed at causing damage to the national security." Moreover, if foreign citizens have not explicitly stated that they plan to participate in religious activities in Belarus, they can be reprimanded or expelled. In February 2007, the Belarus government deported seven U.S. citizens and banned them from the country for two years for "illegal teaching and illegal religious activities," charging the group with administrative violations and fining them because they had not obtained permission from the Education Ministry before teaching English at a house of worship in Mogilyov. In June 2007, however, a court reversed the order. In another case involving an American citizen, in March 2007 the residence permit of a U.S. Protestant humanitarian aid worker in Minsk was cancelled and he was deported. Belarusian officials claimed he was involved in activities "aimed at causing damage to national security" but did not define the alleged threat. Members of the Hare Krishna community continued to report that existing legislation prevents them from inviting foreign clergy to participate in religious activities.

In contrast to the harsh measures described above, Lukashenko signed a law in late 2005 that exempted from tax the land and property of many religious organizations. The list of eligible religious organizations includes those denied re-registration but not yet liquidated by court order, such as the Minsk-based New Life Church and the Minsk Society for Krishna Consciousness. However, the recently liquidated Minsk-based Belarusian Evangelical Church and Belarusian Evangelical Reformed Union reportedly are not included.

The Commission traveled to Belarus in 2003 and met with officials of the State Committee on Religious and Nationalities Affairs as well as with representatives of various religious and human rights groups. The Commission released a report on Belarus in May 2003 with recommendations for U.S. policy, reflecting the findings from its visit to that country. The Commission welcomed passage of the 2004 Belarus Democracy Act as well as President Bush's reauthorization of that Act in January 2007. This legislation reflected certain Commission recommendations regarding freedom of religion in Belarus.

Throughout the past year, Commission staff has met with independent human rights activists from Belarus, including the author of the "White Book," an extensive report on religious persecution in that country. In the past year, the Commission continued to take part in meetings of the Organization for Security and Cooperation in Europe, presenting information on freedom of religion in Belarus and meeting with Belarusian officials. In January 2008, Commission staff spoke in Brussels about U.S. policy promoting freedom of religion or belief at events sponsored by the non-governmental organization European Platform on Religious Intolerance and Discrimination.

Regarding multilateral approaches and international organizations, the Commission recommends that the U.S. government should:

- use every measure of public and private diplomacy to advance the protection of human rights, including religious freedom, in Belarus, including enhanced monitoring and public reporting by the U.S. Department of State and the appropriate international organizations;
- coordinate with the European Union on the application of financial sanctions and visa bans on high-ranking Belarusian officials, particularly those who are directly responsible for or who have carried out the government's abuses of religious freedom;
- undertake efforts to prevent Belarus from gaining membership in the new UN Human Rights Council; and
- urge the Belarus government to issue invitations to the UN Special Rapporteur on the Situation of Human Rights in Belarus; the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Expression; the Special Representative of the Secretary-General on the Situation of Human Rights Defenders; the Special Rapporteur on Freedom of Religion or Belief, as well as the Working Group on Enforced and Involuntary Disappearances.

Regarding its bilateral relations with Belarus, the U.S. government should:

- urge the Belarus government to take immediate steps to end repression, including:
 - repealing the highly repressive religion law;
 - ending the practice of denying registration to religious groups and then erecting obstacles to religious practice because of that unregistered status;
 - providing the right to conduct religious education and distribute religious material;
 - halting government attacks on the persons and property of minority religious groups;
 - ensuring a greater effort on the part of government officials to find and hold to account perpetrators of attacks on the persons and property of members of religious minorities; and
 - providing free access by domestic and international human rights groups and others to sites of religious violence or the destruction of places of worship;
- urge the Belarus government to ensure that no religious community is given a status that may result in or be used to justify impairment of the rights of members of other religious groups;
- urge the Belarus government to publicly condemn, investigate, and prosecute criminal acts targeting Jews and the Jewish community, as well as members of other ethnic and religious communities;

- continue to support, publicly and privately, persons and groups engaged in the struggle against repression in Belarus, including the group of religious and opposition activists who make up the Freedom of Religion Initiative that published the “White Book”; and
- organize roundtables inside Belarus between members of registered and unregistered religious communities and international experts on freedom of religion.

Regarding U.S. programs and policies, the U.S. government should:

- institute fully the measures set forth in the 2007 Belarus Democracy Reauthorization Act, which expresses the sense of Congress that sanctions be applied against the government of Belarus until the U.S. president “determines and certifies to the appropriate congressional committees that the government of Belarus has made significant progress” in meeting human rights conditions designated in the bill, including: the release of individuals who have been jailed on account of their political beliefs; the withdrawal of politically motivated charges against opposition figures; a full accounting of the “disappearances” of noted opposition leaders and journalists; and the cessation of all forms of harassment of independent media, non-governmental organizations, opposition groups, and religious organizations; specific sanctions would include: the denial of entry into the United States to high-ranking Belarusian officials, and the prohibition of strategic exports and U.S. government financing to the Belarusian government, except for humanitarian goods and agricultural or medical products;
- ensure that the activities to promote democracy authorized by the Belarus Democracy Act include the right to freedom of religion or belief and the promotion of religious tolerance;
- urge Congress and the State Department to ensure that U.S. government-funded radio broadcasts to Belarus, including those of Radio Free Europe/Radio Liberty, continue at least at their present levels and that efforts are made to secure sufficient transmission capacity to ensure reliable reception throughout that country; and
- provide increased international travel opportunities, particularly to attend international conferences, for Belarusian civil society leaders, including representatives of human rights groups and religious leaders, and others who defend freedom of religion in that country.

OTHER COUNTRIES CLOSELY MONITORED

The Russian Federation

Since its inception in 1999, the Commission has reported on the situation in Russia. In recent years, the Commission's reporting on religious freedom conditions in Russia has included information on the sharp rise in violent crimes against persons on account of their religion or ethnicity. Although the Commission has not recommended that Russia be named a "country of particular concern," or CPC, for the most severe violations of religious freedom, the Commission is concerned that the country's increasingly fragile human rights situation, which directly affects the status of religious freedom, warrants close scrutiny, not least because Russia is a model and bellwether for other countries in transition, especially from the former Soviet Union. Moreover, Moscow has rallied other countries with questionable human rights practices to oppose efforts to draw attention to human rights violations by terming such efforts "meddling" by the international community.

Under President Vladimir Putin, Russia has steadily retreated from democratic reform, endangering significant gains in human rights made since the end of the Soviet era, including in the areas of freedom of religion or belief. Evidence of this retreat includes increasing limitations on media freedom and on the role and independence of political parties; tighter controls on non-governmental organizations (NGOs), religious communities, and other civil society groups; harassment of human rights organizations; legal restrictions on freedom of assembly; and constraints on the use of popular referenda. The sharp deterioration in the human rights climate over the past few years appears to be a direct consequence of the increasingly authoritarian stance of the Russian government, as well as the growing influence of chauvinistic groups in Russian society, which seem to be tolerated by the government.

Unlike under the Soviet regime, most people in Russia today are generally able to profess and practice the religion of their choice. Nevertheless, minority religious groups continue to face some restrictions on religious activities, especially at the regional and local levels, stemming from a variety of factors, including Russia's weak judicial system, inconsistent adherence to the rule of law, and local officials' sometimes arbitrary interpretations regarding the status of the so-called "traditional" religions (see below). These problems include denials of registration (status of legal person) requests; refusals to allot land to build places of worship; restrictions on rental space for religious activities and lengthy delays in the return of religious property; and attacks in the state-controlled media that incite intolerance. Since the Russian government has not promulgated a clear and consistent policy on religious affairs, the status of freedom of religion or belief varies dramatically from region to region across the country. One of the key factors in determining respect for the rights of a given religious community is its personal relationship with individual state officials.

In 1997, Russia passed a new law on religion. Requiring registration at both federal and local levels, the law creates difficulties for previously unregistered as well as new religious groups. At the federal level, the majority of religious organizations have been registered under the law by federal officials and the Russian Constitutional Court. Religious groups that have

taken their cases to court to overturn denials of registration have often been successful; however, administrative authorities have sometimes proved unwilling to implement court decisions. For example, the Salvation Army has not been re-registered in the city of Moscow, despite a 2002 Russian Constitutional Court ruling in its favor and an October 2006 ruling by the European Court for Human Rights (ECtHR). In addition, Russian authorities have denied registration to certain religious communities based on the allegedly insufficient time they have existed, despite a 2002 Russian Constitutional Court decision confirming that an active religious organization registered before the 1997 law could not be deprived of legal status for failing to re-register. The problem is particularly acute at the local level, since local officials sometimes either refuse outright to register groups or create prohibitive obstacles to registration. According to the State Department, a January 2006 amendment to the law requires that all registered local religious organizations notify the Federal Registration Service (FRS) within 36 hours of any change in its leadership or legal address. If a local organization twice fails to meet this requirement, the FRS may file suit with a court to have it dissolved.

The 1997 religion law gives a minimum of 10 citizens the right to form a religious association, which, in turn, provides them the legal right for a house of worship. Yet, despite this legal guarantee, building or renting worship space continued to be a problem in the past year for a number of religious groups. For example, local authorities in Kaliningrad, Sochi, and St. Petersburg have not responded to longstanding requests from Muslim communities for permission to build mosques. Roman Catholics, Protestants, Old Believers, Molokans, and other alternative Orthodox communities have also reported difficulties in obtaining permission to build houses of worship. During 2007, the SOVA Center, a leading Russian human rights NGO, reported that Russian authorities, especially on the local level, have continued in their efforts to confiscate houses of worship already in use. In October 2007, a Russian law came into effect setting out the conditions and procedures for state-owned land appropriation that permits religious organizations to retain their current land plots for unlimited use until January 1, 2010. Until the 2007 amendment, the SOVA Center noted, there had been no legal mechanism for religious organizations to privatize land plots. In 2007, the ECtHR ruled in favor of two religious organizations that brought cases against Russia. In January, it ruled that the 2002 abrogated rent contract with the Jehovah's Witnesses in the city of Chelyabinsk was in violation of the European Convention on Human Rights and in July, it ruled that the 2003 ban by Chekhov city authorities on prayer meetings of the Evangelical Christian "Divine Grace" Church was illegal.

Many of the problems faced by Russia's diverse minority religious communities stem from the notion set forth in the preface to the 1997 religion law that only four religions—Russian Orthodoxy, Islam, Judaism, and Buddhism—have "traditional" status in that country. The Russian Orthodox Church (ROC), which has played a special role in Russian history and culture, receives the bulk of state support, including subsidies for the construction of churches, although other so-called "traditional" religious communities also sometimes benefit from such subsidies. The ROC also has agreements with a number of government ministries on guidelines for public education, religious training for military personnel, and law enforcement decisions.

ROC officials also sometimes use their influence with regional authorities to restrict the activities of other religious groups. There are frequent reports, particularly on the local level,

that minority religious communities must secure ROC permission before officials allow them to build, buy, or rent a house of worship and that local authorities sometimes deny registration to minority groups at the behest of local ROC officials. For example, the religion news service Forum 18 reported in March 2008 that a court in the city of Smolensk deprived a United Methodist congregation of its legal personality because it ran a Sunday school, thereby violating the law against unlicensed Sunday school education; reportedly, the investigation began after a complaint by a local ROC bishop.

The ROC proposal to add a voluntary course on the “Foundations of Russian Orthodox Culture” in the national education curriculum has also been viewed as an example of the ROC’s assertion of preferential status. Representatives of the four “traditional” religions reportedly favor religious instruction as part of the state curriculum, but only on a voluntary basis and making it available to members of all religious communities based on the number of participating students. However, several Muslim, Jewish, and Protestant leaders have objected to the proposal to introduce even voluntary Orthodox culture courses because they imply that one religious tradition constitutes the foundation of Russian culture. As of October 2007, the Russian Federation Human Rights Ombudsman (RFHRO) had received numerous complaints from 16 Russian regions concerning the introduction of these classes in schools, according to Mikhail Odintsov, the head of the RFHRO’s Freedom of Conscience Section. The most high-profile protest against the Orthodox culture class was a July 2007 open letter from 10 members of the Russian Academy of Sciences, who expressed concern over the “growing clericalization of Russian society” and “the ROC’s active penetration into all spheres of public life.” The letter was a response to proposals to make the class an official and required course in the general Russian Federation school curriculum.

In January 2006, President Putin signed a restrictive new law on non-governmental organizations (NGOs) that also affects the rights of religious communities. The law enables the Ministry of Justice’s Federal Registration Service (FRS) to interfere with the activities of NGOs and deny the registration of groups that do not meet certain requirements, including minor or trivial ones. The Federal Registration Service (FRS) established as a department in the Ministry of Justice in late 2004, is charged with enforcement of the NGO law, as well as the registration of all political parties and real property in Russia. Under the new law, FRS officials can order an examination of an organization’s documents, including financial information, as well as attend its events, without the group’s consent or a court order. If violations are found, the FRS can call for court proceedings against the group, possibly resulting in the group’s eventual liquidation. Moreover, the FRS has almost complete discretion to cancel programs and ban financial transactions by the Russian branches of foreign organizations. Although the law provides only the vaguest guidance on procedural and legal norms, it also establishes extensive and onerous reporting requirements. NGOs are required to submit detailed annual reports regarding all of their activities, the composition of their governing bodies, and documentation of expenditure and the use of other property, including assets acquired from foreign sources. NGOs have expressed concern about the administrative and financial burdens of these requirements.

In April 2007, the Russian authorities simplified reporting requirements for religious organizations under the amended 2006 NGO law, after numerous protests, including from the ROC. According to Forum 18, under these eased reporting requirements, income from Russian

and foreign legal entities, foreign states, any enterprises, and “other” sources must be provided, but the requirement to report income from the Russian state or citizens has been dropped. Other reporting requirements that have been removed include providing information on religious congresses, conferences, or governing body meetings or the number of participants. Nevertheless, each religious organization must still supply the complete names, addresses, and passport details of its governing body, although centralized religious organizations may submit this data for their affiliate communities.

The SOVA Center reports that increased FRS activity in 2007 in various parts of Russia may result in the liquidation under the NGO law of the legal status of numerous religious organizations. For example, in the Tyumen Oblast alone, the FRS successfully initiated cases in 2007 resulting in the denial of continued legal status to 25 Muslim, and several Protestant organizations, as well as one Russian Orthodox and one Roman Catholic group, all for minor failures to comply with reporting requirements. In the republic of Chuvashia, the FRS has filed 11 petitions to courts asking for the liquidation of the legal status of religious organizations and issued 28 warnings of non-compliance. In Nizhny Novgorod Oblast, 55 religious organizations were issued official warnings for non-compliance, including for missing reporting deadlines and digressing from their charters. In the city of Balashovo, Saratov Oblast, the FRS and the Tax Inspectorate ordered the denial of continued legal status to the Church of Evangelical Christian Baptists for failing to file tax returns; the church had not received any official warning of its legal infringement. In Yaroslavl, a district Tax Inspectorate retroactively revoked the registration of an Old Believer community.

In addition, as a result of this law, religious education is coming under increasing bureaucratic scrutiny and restriction. According to Viktor Korolev, the official in charge of the FRS section on religious organizations, there is a distinction between the religious educational activity of a licensed religious educational institution, which includes a paid teaching staff, special premises, and a three-year curriculum, and elementary instruction about religion, which does not require a special license. Several religious educational institutions were liquidated in 2007 although they had operated for years without education licenses, including a *madrassa* affiliated with the Muslim Spiritual Authority in Mordovia, a branch of the Saifulla Kadi Islamic University in Dagestan, and a Biblical Center of Evangelical Christians (Pentecostals) in Chuvashia. In March 2008, it was reported that the FRS for the first time had published a list of seven religious educational organizations against which the FRS plans to file lawsuits to liquidate their legal entities, allegedly because they failed to provide required information. The list included the Moscow Higher Spiritual Islamic College, the Biblical College of Evangelical Christians, the Institute of Contemporary Judaism, the Biblical Missionary Academy of Full Gospel Christians, the Academy of the Union of Evangelical Churches, the Theological Academy of Presbyterian Christians, and the Extramural Theological Institute of Christians of Evangelical Faith.

Russian law has several provisions that address crimes motivated by ethnic or religious hatred. For example, Article 282 of the Russian Criminal Code forbids the incitement of ethnic and religious hatred. Unfortunately, Russia’s law enforcement agencies and judicial system have a history of infrequent, inconsistent, and even arbitrary and inappropriate application of these provisions. In all too many cases, particularly those involving members of Russia’s ethnic and

religious minorities, Russian authorities have not treated hate crimes in a serious and consistent manner. In what could perhaps be seen as an acknowledgement of the problem, in March 2008 Interfax reported that the Investigation Committee of the Prosecutor General's Office planned to set up a national agency to investigate extremism-related crimes. Also, in December 2007, Moscow police took part in an OSCE-sponsored seminar on ways to combat hate crimes.

Although no official Russian government statistics are available, the SOVA Center reported that in January – September 2007 in Russia, there were 230 racially and religiously motivated attacks affecting a total of 409 people, including 46 fatalities. In the same period the previous year, there were 180 attacks with 401 victims, and 41 deaths. The Center is concerned that such violence, often the result of attacks by racist groups usually referred to as “skinheads,” is growing dramatically. People from the former Soviet republics of Central Asia, who are predominantly Muslim, remained the main at-risk group, with 23 killed and 36 injured. Moreover, persons or groups who have investigated or been publicly critical of hate crimes in Russia continue to be subject to violent attacks. Nikolai Girenko, a St. Petersburg expert on xenophobia who often testified in trials concerning hate crimes, was gunned down in June 2004. Local police claimed in May 2006—two years after the murder and shortly before the meeting of the G-8 countries in July 2006—to have found the five men guilty of the killing, but some who were familiar with the case questioned whether these were the real perpetrators. In addition, several judges who have ruled against skinheads have received death threats. In October 2006, prominent Russian journalist Anna Politkovskaya, who reported extensively on the situation in Chechnya, was murdered in Moscow in a crime that prosecutors have reportedly linked to her work. Her name was among those on “hit lists” of liberals that had appeared on ultranationalist Internet sites in Russia.

In the months of late 2007 and early 2008, the SOVA Center documented at least 22 acts of violence in 14 Russian regions affecting the property of religious and ethnic minorities. The trend of these attacks was similar to that in previous years: of the 22 affected sites, seven were Jewish, four were Moslem, three were Protestant, two were Roman Catholic, one were Russian Orthodox, and another Armenian. Moreover, RFHRO confirmed in 2007 that inter-religious violence and religiously-based vandalism remained serious problems. While illegal activities motivated by religious hatred receive the attention of law enforcement agencies and they initiate investigations with appropriate charges, the RFHRO noted that there are very few cases resulting in the conviction of the guilty individuals. As a result, members of religious communities often view themselves as lacking protections even during religious services, and express valid concerns about the security of their organizations’ property.

Most officials and NGOs agree that many of these attacks are motivated largely by ethnic intolerance, although religious and ethnic identities often overlap. Nevertheless, attacks such as those noted above have occurred against members of Muslim, Jewish, Protestant, and other religious communities and are explicitly motivated by religious factors; leaders of the three afore-mentioned communities have expressed concern about the growth of chauvinism in Russia. They are also apprehensive that Russian government officials have provided tacit or active support for a view held by many ethnic Russians that their country should be reserved for them and that Russian Orthodoxy is the country’s so-called “true religion.” Officials link this view to a perception that Russian identity is currently threatened due to a demographic crisis stemming

from a declining birthrate and high mortality among ethnic Russians. In a legal reflection of this perception as well as the palpably growing nationalist atmosphere, a new government decree went into effect prohibiting foreigners from holding retail jobs in Russia as of April 2007. President Putin lent his voice to the nationalist campaign, saying it was necessary to protect the rights of Russia's "indigenous" population on the labor market.

Russian officials also display an inconsistent—and often inadequate—record in responding to media attacks and violence associated with anti-Semitism. Vandals desecrated several synagogues and Jewish community centers in 2007, the State Department reported, including in Saratov, Lipetsk, Borovichy, Murmansk, Nizhniy Novgorod, Taganrog, Samara, Petrozavodsk, Perovo, Baltiisk, Kurgan, Khabarovsk, Vladivostok, Tomsk, and Kaliningrad. *Kommersant* reported that during a Moscow rally of several hundred nationalists in April 2008, in addition to expressions of hatred of Jews, there were calls for the murder of some Jewish government officials, but police reportedly did not react.

Moreover, there are at least 80 Russia-based anti-Semitic Web sites and, in various regions of Russia, approximately 100 small, ultranationalist newspapers that regularly print anti-Semitic, anti-Muslim, and other religiously and ethnically-based intolerant content. Particularly on the local level, officials often make an insufficient effort to pursue or punish perpetrators. For example, in May 2007, a court sentenced a man convicted of fire-bombing the Jewish center in Ulyanovsk to a two-year suspended sentence for inciting ethnic hatred. Nevertheless, there are some reported cases when hate crimes legislation has been properly applied. For example, according to the State Department, a court in Novosibirsk sentenced the publisher of a local newspaper to two years in prison in June 2007 for inciting anti-Semitism for publishing articles that openly called for violence against Jews.

Russian rights advocates say that President Putin and senior members of his administration have not spoken out strongly enough in support of the multi-ethnic and multi-confessional nature of the Russian state and society. In fact, some western and other observers have suggested that Russian authorities have manipulated xenophobia for political purposes. The Kremlin is believed, for example, to have supported the formation of the ultra-nationalist *Rodina* political party—and then to have been unprepared for its popularity—as well as the politically active nationalist youth movement *Nashi*. Others have observed that the Kremlin, by issuing certain nationalistic statements as well as demonstrating a tendency to blame non-Russians for crime, has encouraged intolerant attitudes toward non-Russians and people who do not identify with the Russian Orthodox Church. President Putin has on occasion affirmed the value of pluralism, for instance at the meeting of the G-8 countries in July 2006, and has also on occasion decried anti-Semitism and hate crimes. Nevertheless, in the Commission's view, more can and should be done to ensure that Russian law enforcement agencies recognize hate crimes for what they are—human rights abuses—and to prevent and punish such crimes, including those involving ethnicity and religion.

Protestant groups in Russia are frequent victims of hostile media attacks. According to the SOVA Center, media outlets in Tula Oblast were particularly aggressive in attacks against Protestants in 2007. Journalists frequently seek advice from the Orthodox Church when preparing articles about Protestants; as a result, media tends to reflect the ROC outlook on Protestants as dangerous "sectarians." Moreover, pro-Kremlin nationalist youth movements

have staged so-called “anti-sectarian,” i.e., anti-Protestant, public protests. In 2007, the *Mestnye* movement organized a public protest entitled “No to Sects in the Russian Land!” outside Moscow and *Nashi* held an “anti-sectarian” picket in St. Petersburg, while the Young Guard picketed against Mormons in Saratov. In recent years, Evangelical Protestants and members of other minority Christian communities have also been targeted in violent attacks, to which local authorities reportedly have not adequately responded.

Foreign religious workers continued to encounter visa restrictions in the past year. As in previous years, the Russian Foreign Ministry in 2007 continued its refusal to issue a visa to the Dalai Lama. A conference of Russian Catholic bishops expressed concern in October 2007 over entry visa restrictions faced by Roman Catholic priests, many of whom were issued only one 90-day visa during a six-month period, causing major difficulties for their work in Russia. According to a report by the Slavic Centre for Law and Justice, in October 2007, the Russian government imposed a 90-day limit for visas for foreign religious workers; for longer periods of residence, a more complex and lengthy procedure is now required.

In July 2006, Putin signed an amended version of the 2002 law on countering extremism. Going beyond the law’s original definition of racial, ethnic, and religious motivations for crimes, it adds political motivation, allowing citizens to be charged with extremism if they are alleged, within the context of extremism, to have committed public slander of government officials, although these charges must be proven in court. A new version introduced in summer 2007 further widened the number and definitions of offenses that are punishable by the law, thus significantly expanding the law’s application even to people with only tangential or circumstantial connections with alleged extremist offenses.

As is the case in many other countries, the Russian government does face major challenges as it addresses extremism and acts of terrorism that claim a religious linkage, while also protecting freedom of religion or belief and other human rights. The rapid post-Soviet revival of Islam, along with the ongoing war in Chechnya and growing instability in the North Caucasus, compound difficulties for the Russian government in dealing with its 20 million strong Muslim population, the country’s second largest religious community. Security threats from domestic terrorism, particularly those related to the conflict in Chechnya, are genuine. The North Caucasus region faces chronic instability due to a variety of factors: severe economic dislocation, especially among young men; the effects of the violence in Chechnya; some radical foreign influences on indigenous Muslims; and local grievances, particularly in Ingushetia. All these factors have combined to fuel volatile, and increasingly widespread, expressions of popular dissatisfaction by Muslims with the Russian government.

Yet human rights groups are concerned that the methods used by the Russian government to address security threats could increase instability and exacerbate radicalism among Russia’s Muslim community. NGOs and human rights activists have provided evidence of numerous cases of Muslims being prosecuted for extremism or terrorism despite having no apparent relation to such activities. These included dozens of cases of individuals detained for possessing religious literature, such as the Koran, or on the basis of evidence—including banned literature, drugs, or explosives—allegedly planted by the police. The Commission has been informed of at

least 200 cases of Muslims imprisoned on what reportedly are fabricated criminal charges of possession of weapons and drugs.

According to human rights groups, a 2003 Russian Supreme Court decision to ban 15 Muslim groups for alleged ties to international terrorism has made it much easier for officials arbitrarily to detain individuals on extremism charges for alleged links to these groups. Police, prosecutors, and courts reportedly have used the decision to arrest and imprison hundreds of Muslims. It was not until July 2006 that the official government newspaper *Rossiiskaya gazeta* published a list of terrorist-designated organizations drawn up by the Federal Security Service (FSB)—a necessary step to give the ruling legal force—and the list afterward contained the names of two additional groups, without any supporting explanation for their inclusion.

The Russian human rights group Memorial reports that men with long beards, women wearing head scarves, and Muslims perceived as “overly devout” are now viewed with suspicion. Such individuals may be arrested or “be disappeared” on vague official accusations of alleged Islamist extremism or for allegedly displaying Islamist sympathies, particularly in the volatile North Caucasus region. According to a February 2008 report by the Institute for War and Peace Reporting, in Ingushetia, more than 150 people have been abducted by the Russian authorities or had been “disappeared” in recent years, including many who had no relationship to Islamist militancy. In early 2008, outside Ingushetia’s largest city, Nazran, three men were shot without warning by security forces for being alleged extremists. Persons suspected by local police of involvement in alleged Islamist extremism have also reportedly been subjected to torture and ill-treatment in pre-trial detention, prisons, and labor camps.

Muslim leaders have also been targeted by Russian officials. For example, a leading Muslim activist in the southern region of Astrakhan was charged with incitement to religious hatred by the regional authorities, although according to Forum 18, his lawyer from the Slavic Legal Center insisted that the charges are “very crudely falsified.” In another incident, after a court in the North Caucasus republic of Adygea rejected a case brought against a local imam for “incitement of hatred or hostility by insulting human dignity” under Article 282.1 of the Russian Criminal Code in March 2006, officials filed an administrative suit against the imam the following September—for the “illegal sale of spoiled butter.” In May 2007, Said Baburin, an imam in Ufa, Bashkortostan, was arrested after police claimed to have found explosives, a detonator, and heroin in his car. Although these charges were later withdrawn, the imam nonetheless went on trial in November 2007 on accusations of “extremist activity.” In Ufa, there have reportedly been three local protests to ask for the imam’s release and find those responsible for his unlawful arrest.

Under new amendments to the anti-extremism law, those who are alleged to have defended, or even expressed sympathy with, individuals charged with extremism are themselves liable to the same charges, resulting in a chilling effect on freedom of expression in Russia. According to the SOVA Center, in Adygeya, the prosecutor, without a court decision, banned two books in 2007, including a primer on Islam written by the Adygeya Muslim Spiritual Authority. In September 2007, a Moscow court upheld a lower court decision to declare as “extremist” Russian translations of the books of prominent Turkish Muslim theologian Said Nursi. As a result of this court decision, distribution of Russian translations of Nursi’s writings

became illegal in Russia, because, in the court's opinion, Nursi's 14-part commentary on the Koran and Islam "aims to incite religious hatred." An expert study commissioned by the RFHRO concluded, that Nursi's works did not appeal to religious hostility or intolerance; in Turkey, Nursi's books are in public circulation. According to the RFHRO's 2007 report, the court ignored the expert opinions of religious and secular specialists. The Ombudsman had unsuccessfully appealed to the court that since this case affects religious rights it required "particular attention."

This hostile atmosphere is also affecting Muslims' ability to open and maintain mosques. The SOVA Center reported that in October 2007, the Russian Council of Muftis published a list of 13 cities in the Moscow region where local officials have prevented Muslim communities from obtaining construction permits for mosques. In August 2006, the Russian Supreme Court upheld a lower court decision ordering that the local Muslim community pay for the demolition of its new mosque in the city of Astrakhan on the Caspian Sea. In May 2007, the Supreme Court agreed to reconsider the case. Allegedly, the city's Muslim community had not received all the required building permits, although construction of this mosque had been partly funded by previous regional and city governments. In July 2007, the European Court of Human Rights decided to prioritize the case application from the Astrakhan mosque; as of this writing, the case is still under consideration.

In March 2007, a group of more than 3,000 Muslims, including four prominent imams, published an unprecedented open letter to President Putin in asking him to intervene and stop the repression of Muslims in the name of the struggle against terrorism. The letter, published in the *Izvestia* daily, complained of what it called Muslim prisoners of conscience, including an arrested imam in the southern city of Pyatigorsk, who, they alleged, was only guilty of the conversion of non-Muslims to Islam. The imam, Anton Stepanenko, received a suspended one-year sentence that same month for "inciting inter-ethnic and inter-religious hatred" and for "arbitrariness." The letter also protested the case concerning Nursi's writings, saying it could become "a precedent for practically all literature that cites the Koran to be outlawed in Russia." Russian officials have consistently denied discriminating against Muslims.

A Commission delegation traveled to Russia in June 2006, visiting Moscow, St. Petersburg, and Kazan, the capital of the Republic of Tatarstan. The Commission met with Russian government officials from the National Security Council, the Presidential Administration, the Ministry of Foreign Affairs, the FRS, and the Presidential Council on Religious Affairs, as well as with the President of the Republic of Tatarstan and other regional and local officials and legislators. The delegation also met with representatives from a wide range of Russia's religious communities, as well as academics, legal advocates, and representatives of human rights organizations. The visit, the Commission's second to Russia, was prompted by the passage of the new law governing the work of NGOs out of concern that the legislation would have deep repercussions for civil society and a harmful impact on the protection of freedom religion or belief in Russia. In July 2006, the Commission issued a press release with recommendations to the G-8 after the Commission's visit and that month it also hosted a public meeting with an official from Russia's Federal Registration Service. Later in 2006, the Commission released a Policy Focus with findings and recommendations based on the Commission visit to Russia earlier that year.

In January 2008, the Commission co-sponsored a presentation at the Kennan Institute for Advanced Russian Studies of the Woodrow Wilson Center on “The Putin Government’s Responses to Increased Xenophobia,” featuring Aleksandr Verkhovsky, a leading Russian expert on xenophobia and freedom of religion, and director of the SOVA Center. In May 2007, the Commission co-sponsored an event at the Congressional Human Rights Caucus on the status of Islam in the north Caucasus featuring Grigory Shvedov, director of the “Caucasian Knot” information agency and a board member of the Russian “Memorial” Society. In March 2007, the Commission released a report, *Challenge to Civil Society: Russia’s Amended Law on Noncommercial Organizations*, which provided the first detailed legal analysis of the legislation and its impact. Russian translations of the two recent Commission reports are available on the Commission Web site. Later in March, Commission staff discussed the findings of the Policy Focus as well as the NGO report at two public events held at Radio Free Europe/Radio Liberty (RFE/RL); the Commission also co-sponsored an event with RFE/RL featuring Aleksandr Verkhovsky, who discussed Russia’s new anti-extremism law.

In February 2006, Commissioner Elizabeth Prodromou traveled to Moscow to make a presentation on “Human Rights and Tolerance in Today’s Russia: an International View” at a conference in Moscow held by the Russian Presidential Administration Training Academy for state officials responsible for the regulation of religious affairs in Russia. The Commission also made a similar presentation at a conference on religion in Russia at the Moscow Humanities University. During the visit, Commissioner Prodromou met with representatives of human rights organizations and academic experts on freedom of religion in Russia. Also in February 2006, the Commission held a roundtable at the Carnegie Endowment for International Peace, at which several experts discussed U.S. human rights policy towards Russia.

In February 2005, the Commission held a joint briefing with the Kennan Institute for Advanced Russian Studies on “Russia: Religious Communities, Extremist Movements and the State” chaired by Commissioner Felice D. Gaer, which presented expert views on the status of Muslims, Christians, and Jews, as well as on increased ethnic and religious extremism. Also in February, the Commission issued a press statement calling on President Bush to raise with President Putin the state of freedom of religion or belief in Russia at their then-upcoming meeting. In April 2005, the Commission held a briefing with Oleg Mironov, the former Human Rights Ombudsman of the Russian Federation, and Mufti Ismagil Shangareev, director of the Islamic Human Rights Defense Center in Russia. Also in that month, Lyudmila Alekseeva, head of the Moscow Helsinki Group, discussed religious freedom and other human rights concerns in Russia. In May 2005, Verkhovsky discussed religious extremism in Russia at an event co-sponsored with Radio Free Europe/Radio Liberty.

The Commission has advocated continued inclusion of the “Smith Amendment” in the Foreign Operations Appropriations bill. The Smith Amendment conditions foreign assistance to the Russian government on the President certifying that the Russian government has not implemented any statute, executive order, or regulation that discriminates against religious groups or religious communities, in violation of international norms on human rights and religious freedoms to which the Russian Federation is a party. Congress included this provision in the Consolidated Appropriations Act of 2005.

Commission Recommendations

I. Combating Xenophobia, Intolerance, and Hate Crimes

The U.S. government should urge the Russian government to:

- condemn specific acts of xenophobia, anti-Semitism, and intolerance, as well as incidents of hate crimes, and to make clear that such crimes are to be treated by officials as human rights abuses, not “hooliganism,” and that they will be fully and promptly investigated and prosecuted;
- while vigorously promoting freedom of expression, take steps to discourage rhetoric that promotes xenophobia or intolerance, including religious intolerance;
- provide special training and other programs for law enforcement officers and other officials to address ethnic hatred and promote tolerance;
- establish a special nationwide anti-discrimination body, as recommended by the Council of Europe’s European Commission Against Racism and Intolerance;
- implement the numerous specific recommendations made by Russia’s Presidential Council on Human Rights, the official Russian Human Rights Ombudsman, and the Council of Europe’s Commission against Racism and Intolerance to address anti-Semitism and xenophobia and prevent and punish hate crimes, including full implementation by regional and local law enforcement personnel of criminal code provisions prohibiting incitement and violence motivated by ethnic or religious hatred, in accordance with standards established by the European Court of Human Rights (ECtHR); and
- report, as required, to the Organization for Security and Cooperation in Europe (OSCE) on the specific measures that have been undertaken on a national level to address hate crimes, including maintaining statistics on these crimes, and strengthening legislative initiatives to combat them, and to take advantage of relevant OSCE training programs for Russian law enforcement and judicial officials.

II. Reforming or Withdrawing the 2006 Russian Law on Non-Commercial Organizations

The U.S. government should:

- establish a program to monitor implementation of Russia’s law on non-governmental organizations (NGOs), including its impact on religious organizations;
- encourage the Russian government to withdraw or substantially amend the NGO law; failing that, the government should be urged to develop regulations that clarify and sharply limit the state’s discretion to interfere with the activities of NGOs, including religious organizations. These regulations should be developed in accordance with international standards and in conformance with international best practices;

- encourage the Russian government to publish precise and transparent statistical data on a regular basis regarding the Ministry of Justice’s Federal Registration Service (FRS) activities related to implementation and enforcement of the NGO law; and
- devote added resources to legal training for Russian NGOs, giving them the tools to defend the civil society they have built, and speak out in support of defense attorneys who are harassed and threatened for defending their clients, including human rights defenders and religious groups.

III. Ensuring the Equal Legal Status and Treatment of the Members of Russia’s Religious Communities

The U.S. government should encourage the Russian government to:

- ensure that law enforcement officials vigorously investigate and prosecute acts of violence, arson, and desecration perpetrated against members of any religious community, their property, or houses of worship; set up a review mechanism outside the procuracy to ensure that government authorities and law enforcement personnel are investigated and sanctioned, as appropriate, if they are found to have encouraged or condoned such incidents;
- affirm the multi-ethnic and multi-confessional nature of Russian society;
- affirm publicly that all religious communities in Russia are equal under the law and entitled to equal treatment, whether registered or unregistered; publicly express opposition to any legislation that would grant preferences to the purported “traditional” religions over other groups; and direct national government agencies to address and resolve continuing violations of religious freedom at the regional and local levels, including by:
 - issuing instructions to local law enforcement, prosecutors, and registration officials as well as publicly affirming that members of all religious communities are to be treated equally under the law;
 - enforcing non-discriminatory, generally applicable zoning and building codes, and ordering an end to the practice of using local public opinion surveys that serve as a basis to deny land and building permits to minority religious communities; and
 - deleting from the preface to the 1997 Law on “Freedom of Conscience and Religious Organizations” the reference to the four “traditional” religions—Russian Orthodoxy, Islam, Judaism, and Buddhism, as that reference, although it does not have legal standing, implicitly contradicts the Russian constitutional provision that “religious associations are separate from the state and are equal before the law” and has led Russian officials to establish inappropriate limits or demands against members of Russia’s other religious communities;

- denounce media attacks on any religious community and adopt administrative measures against government officials who fuel them;
- cease all forms of interference in the internal affairs of religious communities;
- avoid taking steps that could exacerbate religious extremism by (1) developing policies and strategies to protect the religious freedom and other human rights of the members of Russia's Muslim community and (2) reviewing past cases of alleged arbitrary detention or arrest of members of this community;
- distribute on a regular basis updated information on freedom of religion or belief, as well as on Russian constitutional provisions and jurisprudence on separation of church and state and the equal status of religious denominations, to the Russian judiciary, religious affairs officials at all levels of government, the FRS, the procuracy, and all law enforcement bodies;
- extend the current annual training program for regional and local religious affairs officials to include their counterparts in the judiciary, procuracy, law enforcement agencies, and to the FRS;
- direct the Russian Federation Human Rights Ombudsman to set up a nationwide monitoring system on the status of freedom of religion or belief in the 84 regions of Russia; and
- accept a site visit to Russia from the UN Special Rapporteur on Freedom of Religion or Belief and grant her unrestricted access to religious communities and to regions where religious freedom abuses are reported.

IV. Strengthening Attention to the Issue of Freedom of Religion or Belief in U.S. Diplomacy

The U.S. government should:

- ensure that the U.S. Congress maintain a mechanism to monitor publicly the status of human rights in Russia, including freedom of religion or belief, particularly in the case of any repeal of the Jackson-Vanik amendment with respect to Russia, and maintain the Smith Amendment as U.S. law;
- urge the government of the Russian Federation to invite each of the three OSCE Personal Representatives on combating intolerance as well as the UN Special Rapporteur on Freedom of Religion or Belief to visit the Russian Federation during 2008-2009;
- ensure that U.S. Embassy officials and programs (a) engage with regional and local officials throughout the Russian Federation, especially when violations of freedom of religion occur, and (b) disseminate information to local officials concerning international legal norms on freedom of religion or belief, including the rights of unregistered religious communities;
- ensure that the issue of human rights, including freedom of religion or belief, be raised within the context of negotiations on Russian accession to the World Trade Organization; and

- work with the other members of the G-8 to ensure that the issue of human rights, including the human rights aspects of migration and protecting human rights in the context of counter-terrorism, are raised at all bilateral and multilateral meetings.

V. Strengthening U.S. Programs on Promoting Religious Freedom and Combating Religious Intolerance

The U.S. government should:

- ensure that U.S. government-funded grants to NGOs and other sectors in Russian society include the promotion of legal protections and respect for religious freedom as well as methods to combat xenophobia, including intolerance based on religion, and ensure that solicitations and requests for proposals should include these objectives;
- support programs developed by Russian institutions, including universities, libraries, NGOs, and associations of journalists, particularly those who have engaged in the activities described in the above recommendation, to organize conferences and training programs on issues relating to freedom of religion or belief, as well as on promoting inter-religious cooperation, encouraging pluralism, and combating hate crimes and xenophobia;
- support programs to train lawyers to contest violations of the rights to freedom of religion or belief as guaranteed in Russian law and under its international obligations both in Russian courts and before the ECtHR;
- translate, where necessary, into Russian and print or otherwise make available to Russian citizens relevant documents and materials, including:
 - hate crimes guidelines developed by the U.S. Federal Bureau of Investigation, as well as U.S. Department of Justice expertise on combating hate crimes and religiously-motivated attacks; and
 - international documents and materials generated by Russian institutions relating to freedom of religion or belief, xenophobia, and hate crimes, as well as relevant U.S. Department of State and Commission reports, posting such documents on the U.S. Embassy Web site;
- ensure that Russia's citizens continue to have access to alternative sources of information through U.S.-government-funded radio and TV broadcasts, as well as Internet communications, and that these broadcasts include information about freedom of religion or belief and the need to combat xenophobia and hate crimes; in particular by:
 - restoring the funding of Russian-language radio broadcasts of Voice of America and Radio Free Europe/Radio Liberty (RFE/RL) to the levels of fiscal year 2007, restoring the broadcast hours that have been cut and planned staff reductions, and considering new vehicles for delivery of broadcasts; and

--increasing funding for radio broadcast programs in minority languages spoken in Russia, including the RFE/RL Tatar and North Caucasus services, which are often the primary source of independent broadcast media in regions of Russia with majority Muslim populations;

- include in U.S.-funded exchange programs a wider ethnic and religious cross section of the Russian population, with particular focus on educational and leadership development programs for students from the North Caucasus, Tatarstan, and other regions of Russia with sizeable Muslim and other religious and ethnic minority populations; and
- initiate International Visitor's Programs relating to the prevention and prosecution of hate crimes for Russian officials and other relevant figures.

VI. Addressing the Crisis in Chechnya and the North Caucasus

The U.S. government should:

- ensure that the continued humanitarian crisis in Chechnya and allegations of human rights abuses perpetrated by the Russian military there and in other North Caucasus republics remain a key issue in U.S. bilateral relations with Russia;
- urge the Russian government to end and vigorously prosecute all alleged acts of involuntary detention, torture, rape, and other human rights abuses perpetrated by members of the Russian security services in Chechnya, including those by pro-Kremlin Chechen forces;
- urge the Russian government to abide by all resolutions passed by the Parliamentary Assembly of the Council of Europe relating to the human rights and humanitarian situation in the North Caucasus, and reinstate regular on-site visits by the Council of Europe's Special Rapporteur for Chechnya;
- urge the Russian government to accept a site visit to Chechnya from the UN Special Rapporteur on Extrajudicial Executions and to reconsider the October 2006 decision to deny access to the UN Special Rapporteur on Torture;
- work with other OSCE Member States to ensure that issues related to human rights abuses in the North Caucasus play a more prominent role in OSCE deliberations, and encourage the OSCE to raise humanitarian and other forms of assistance to the civilian populations affected by the decade-long conflict in Chechnya; and
- ensure that U.S.-funded conflict resolution and post-conflict reconstruction programs for the North Caucasus also fund credible local partners in Chechnya, Ingushetia, and Daghestan.

Countries Previously on the Commission's Lists

Georgia

Religious freedom conditions in Georgia continued to improve in the past year. Under the government of President Mikheil Saakashvili, the number of reported incidents of violence against minority religious communities has markedly decreased, a trend that continued in the past year. Many of the leaders of the vigilante violence have been sentenced to prison for their involvement in the attacks. In the past year, President Saakashvili and the country's Human Rights Ombudsman made numerous speeches and appearances in support of minority religious groups. While the Georgian Orthodox Church (GOC) remains the only religious group with formal legal status as a religious organization, most religious communities are able to operate in Georgia. These and other improvements in religious freedom conditions led the Commission to remove Georgia from its Watch List in 2004.

Under the government of former President Eduard Shevardnadze, members of minority religious groups, including Baptists, Roman Catholics, Hare Krishnas, Jehovah's Witnesses, and members of Orthodox churches that do not accept the primacy of the GOC Patriarchate, were subjected to over 100 violent vigilante attacks. Jehovah's Witnesses, as well as members of independent Orthodox churches, were particularly targeted. Local police were implicated in these attacks, as they often refused to intervene to protect the victims. What began in 1999 as a series of isolated attacks in the capital of Tbilisi escalated by 2002 into a nationwide scourge of widely publicized mob assaults against members of religious minorities. However, according to the State Department, increased investigations and prosecutions of the perpetrators of the violence, who included some GOC priests reportedly supported by others in the GOC hierarchy, led to improvements in the status of religious freedom. In late 2004, Georgian officials permitted the Jehovah's Witnesses to operate legally in the country for the first time. Under a new registration process established by parliament in April 2005, 14 religious communities were able to obtain legal status as non-commercial organizations.

Despite improvements, however, religious freedom concerns remain. Although the primary leaders of the violent mob attacks against members of religious minorities have been convicted, many others accused of participating in this violence—including local police officials—have not been held to account by the Georgian authorities, reportedly due to fears of offending the GOC hierarchy. Moreover, occasional mob attacks on religious minorities still occur, particularly against members of the Jehovah's Witnesses.

There are also concerns about the status of the GOC, to which 65 percent of the country's population claims adherence. In October 2002, the Georgian government signed a "concordat" with the GOC, granting the Church some authority over state school textbooks, the construction of religious buildings, and the publication of religious literature by other religious groups. Although the agreement was reaffirmed in January 2005, a new law the following April provided for the separation of state schools and religious teaching and narrowed the application of the concordat, such as limiting teaching by the GOC to after-school hours and eliminating school and teacher involvement. Nevertheless, public schools reportedly do offer an elective course on religion, which deals only with the theology of Orthodox Christianity. In response, the Ministry of Education is developing new textbooks that will discuss various religions in a neutral way.

Reports continue, however, of societal pressure against students who are members of “non-traditional” religious minorities. The Georgian Human Rights Ombudsman reported that public school teachers sometimes offer Orthodox prayers in classrooms and display Orthodox icons in schools. The Education Ministry has formed a General Inspection Department to deal with complaints of inappropriate teacher behavior, and in 2007, the Ministry was also drawing up guidelines for periodic teacher recertification in this regard. The General Inspection Department reported that 15 complaints of violations of religious freedom were filed in the first half of 2007, most of them concerning verbal abuse.

According to the State Department, the Roman Catholic Church, Armenian Apostolic Church, and several Protestant denominations continued to have difficulty obtaining permission to build new churches, due in part to the reluctance of local authorities to antagonize local GOC supporters. However, the GOC reportedly did not oppose new church construction by other religious groups when such construction did not obstruct or otherwise affect GOC sites. In past years, Assyrian Chaldean Catholics, Lutherans, Muslims, Old Believers, Jehovah’s Witnesses, and Roman Catholics had stated that the GOC Patriarchate had often acted to prevent them from acquiring, building, or reclaiming places of worship. In addition, Roman Catholics, Baptists, Pentecostals, the Armenian Apostolic Church, and the True Orthodox Church reportedly also faced GOC pressure, condoned by government officials, preventing them from building houses of worship.

In April 2005, a new law was passed allowing religious communities to register as non-commercial organizations, since the GOC was the only religious community to have legal status in Georgia. As a result, the Church of Jesus Christ of Latter Day Saints (Mormons), Seventh Day Adventists, and 12 other religious denominations have been approved for registration. While this remedy generally is considered a satisfactory mechanism to grant legal personality to most religious groups, Muslims, the Roman Catholic and Armenian Apostolic churches, and some other groups reportedly are trying to devise a different arrangement with the government to accommodate their internal hierarchical structures. The leaders of other religious minority groups are also still seeking recognized legal status, a prerequisite for the community to own property collectively or organize most religious activities. The absence of formal legal status, however, generally has not prevented most religious communities from functioning through affiliated, registered non-governmental organizations.

Members of various religious minority communities have noted the positive role played by the government’s Human Rights Ombudsman in advancing their rights in accordance with international law. In December 2005, for example, the Human Rights Ombudsman issued a report calling for equal recognition under the law for all religions, a suggestion to which some Members of Parliament reportedly objected due to the historic role of the GOC.

Despite general tolerance toward minority religious communities viewed as traditional to Georgia, opinion polls and views expressed in the Georgian media reflect significant societal intolerance towards Protestants and other religions seen as relatively new to Georgia. There were reports of societal abuses or discrimination based on religious identity in the past year; however, the State Department reported that the non-GOC religious minorities noted significant decreases in incidents of harassment, violence, or other direct pressures. None alleged continuing organized campaigns of physical abuse.

With regard to Georgia, the Commission recommends that the U.S. government should:

- encourage the Georgian government to continue to investigate and prosecute those individuals, including local officials, who are alleged to have been complicit or engaged in violence against members of religious minority communities;
- encourage the Georgian government to establish a mechanism to enable all religious communities to gain legal personality under Georgian law in a manner that reflects internal structural characteristics of the communities and is consistent with international human rights standards;
- fund programs in Georgia for journalists, religious leaders, and members of non-governmental organizations to promote religious tolerance and provide education on international standards on freedom of religion or belief; and
- encourage the Organization on Security and Cooperation in Europe (OSCE), the OSCE Field Presence in Tbilisi, and the OSCE Panel of Experts on Religion and Belief to conduct activities in Georgia, including seminars on the OSCE's "Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools," to increase public and official awareness of the importance of freedom of religion or belief and tolerance.

Other Countries under Review

Kazakhstan

Kazakhstan is defined in its constitution as a secular state that provides for freedom of religion. Religious communities worship largely without government interference, though foreign religious associations are required by the constitution to conduct their activities, including, according to the State Department, appointing the heads of religious associations, “in coordination with appropriate state institutions.” The government has exempted registered religious organizations from taxes on collections and income from certain religious activities. The government has also donated buildings, land, and provided other assistance for the construction of new mosques, synagogues, and Russian Orthodox churches.

Under the 2005 amendments to the country’s religion law, religious organizations must register both with the national and regional Ministry of Justice offices. Unregistered religious activity is an administrative offense. To register, a religious organization is required to have at least 10 members and to submit an application to the Ministry of Justice; registration may be denied if the organization does not have enough members or if its charter violates the law. If literature has not been vetted during the registration process, it is deemed illegal. Foreigners are permitted to register religious organizations, but Kazakh citizens must comprise the majority of the 10 founders. The 2005 amendments also incorporated aspects of administrative code Article 375, allowing authorities to suspend the activities or to fine the leaders of unregistered groups.

Under the Law on Public Associations, which applies to registered religious groups, a court may suspend all activities of a registered organization for up to six months if it is found to have violated the Constitution, any laws, or its own charter and bylaws. The State Department reports that police, procurators, and citizens may petition a court to suspend a registered organization for failure to correct such violations. If suspended by court order, the organization is banned from holding meetings, gatherings, or services.

Under the religion law, a religious organization whose charter includes religious education may be denied registration if it does not obtain approval from the Ministry of Education. Religious instruction is not permitted in public schools, but parents may enroll children in supplemental religious education classes provided by registered religious organizations. Neither law nor regulation prohibits foreign missionary activity, though under the amended religion law, foreign missionaries are required to register annually with the Justice Ministry and provide data on religious affiliation, geographic area, and duration of stay, as well as on all religious literature.

Muslims

The national Administration of Muslims in Kazakhstan (SAMK), headed by the chief mufti, exerts significant influence over the country’s practice of Islam, including the construction of mosques and the coordination of *hajj* travel. In 2002, the Kazakh Constitutional Council ruled against a proposed legal requirement that SAMK must approve the registration of any Muslim group. Reportedly, however, SAMK occasionally pressures non-aligned imams and congregations

to join SAMK. Nevertheless, the State Department reported in 2007 that the Kazakh government continues to register some mosques and Muslim communities not affiliated with SAMK.

In the western city of Atyrau, however, a court ruled in July 2007 that the recently registered Darussalam Muslim community functioned “illegally” and ordered that the mosque, built with community funds, be given to the city Muftiate. Reportedly, shortly after the mosque was registered, the community was pressured by local authorities to accept an SAMK-affiliated mufti. According to the religious freedom news service Forum 18, two members of the Atyrau mosque wrote an open letter in December 2007 complaining that imams are appointed without the community’s consent.

The Law on Extremism, effective since February 2005, gives the government wide latitude to identify and designate religious or other groups as extremist organizations, to ban a designated group’s activities, and to criminalize membership in a banned organization. Government officials have expressed concern about possible political and religious extremism, particularly in southern Kazakhstan, where many Uzbeks reside. The Committee for National Security (KNB) stated in 2006 that the struggle against “religious extremism” is its top domestic priority.

The Kazakh government has penalized some Muslim groups, including some that espouse extremist political agendas. Human rights groups have expressed concern that due process is not being followed in many of these actions and that police, investigatory, and judicial officials have not provided public access either to trials or to information about these cases. According to some leading Kazakh human rights activists, there may be as many as 300 Muslim individuals imprisoned in Kazakhstan on religion-related charges. Due to the lack of information, however, it is impossible to ascertain the veracity of these claims. As of late 2006, members of the *Tabligh Jama’at*, an international Islamic missionary organization, reportedly faced fines in various regions of Kazakhstan for giving sermons in unregistered mosques. According to Forum 18, government officials deny that they regard the group as “extremist,” claiming instead that its members are penalized for unregistered religious activity.

In 2007, there were two trials in northern Kazakhstan of a reported 40 members of two banned Islamic groups. The first trial, in the city of Karaganda against 30 members of the Islamic group *Hizb ut-Tahrir*, began in August. The defendants were charged with forming a criminal group, fomenting religious hatred, and carrying out extremist activities. In the city of Stepnogorsk, 10 people, officially described as inspired by Wahhabist teachings, went on trial in July for organizing and operating a terrorist group, the sale and possession of weapons and explosives, and igniting inter-ethnic hatred in society. In both instances, human rights groups raised concerns about the apparent lack of due process, including the fact that the trials were closed. In the southern city of Shymkent, 15 Muslims were arrested in April 2007; 14 were convicted on charges of terrorism and given sentences of up to 15 years at a closed trial in February 2008. Human rights activists told Forum 18 that at least 14 are believed to be innocent of the charges and that the police planted narcotics and extremist literature on them at the time of arrest. Relatives of those imprisoned claimed that the secret police had punished the men for their independent views.

Non-Muslim Groups

In practice, most minority religious communities registered with the government without difficulties, although some Protestant groups and other groups viewed by officials as non-traditional have experienced long delays. For example, the Grace Presbyterian Church and a Pentecostal church in Atyrau reported in late 2007 that no reasons were given for the repeated denials—since 2002—of their registration applications to the Justice Department. Two leading Kazakh civil society groups, the Almaty Helsinki Foundation and the Kazakhstan International Bureau for Human Rights and Rule of Law, have provided legal assistance to religious groups in the registration process. Although local officials may attempt to limit the practice of religion by some “non-traditional” groups, higher-level officials or courts, at least until recently, have usually overturned such attempts.

Last year, there were signs that the government’s position toward religious freedom was becoming more restrictive. Two official documents issued in April 2007 gave rise to concern: the “State Program of Patriotic Education,” approved by presidential decree, and a Justice Ministry booklet, “How Not to Fall Under the Influence of Religious Sects.” The Justice Ministry document includes the claim that “transferring to other religious faiths represents treason to one’s country and faith.” Furthermore, in January 2008, President Nazarbayev reportedly told a meeting of the only political party represented in parliament that illegal religious movements in Kazakhstan should be suppressed, that the “unchecked activity” of tens of thousands of missionaries should not be allowed in Kazakhstan, and that Kazakhstan should not become “the dumping ground for religious movements.”

In other actions described by police as “part of the fight against terrorism and religious groups without registration,” raids and other harassment of various minority religious communities increased in 2007. Unregistered religious groups have reported more court actions and greater fines for non-registration in the past year. The 100 congregations of the Council of Churches, which reject registration as a matter of principle, continue to refuse to pay court-ordered fines for unregistered religious activity. The Grace Presbyterian Church in the city of Karaganda—which had been subjected to a 15-hour police raid in August 2007—also faced treason investigations from the National Security Committee (KNB), or secret police; in September 2007, its members faced questioning by the tax police, including questions about why they attend a church and not a mosque. Reportedly, local police have also disrupted meetings of unregistered groups in private homes.

Kazakhstan’s human rights record has come under increasing international scrutiny, particularly because it will serve as Chair of the Organization for Security and Cooperation in Europe (OSCE) in 2010. In March 2008, the Baptist pastor of an unregistered church in Temirtau was threatened with arrest; according to Forum 18, the head of the Justice Department’s Religious Affairs Unit warned him that he should not appeal to the OSCE.

Although the Hare Krishna movement is registered at the national and local levels, its leaders reported continuing local harassment in 2007 over a lengthy land dispute. In April 2006, an appeals court upheld a lower court decision that the land in question should revert to the county government, allegedly due to a faulty land title dating from 1999. In November 2006, a police action demolished the homes of 26 members of the Hare Krishna farm. Members of the Hare

Krishna community near Almaty were subjected to a raid by migration police during a religious festival in September 2007. In January 2008, Forum 18 reported that the directors of the Society for Krishna Consciousness met with the regional governor about the official order to demolish their temple in the agricultural community, but the order reportedly still stands.

The national Jehovah's Witnesses Religious Center alleges that local officials have harassed local communities. For example, an unregistered Jehovah's Witness community in the western city of Atyrau was subject to a police raid in August 2007. For seven years, the Justice Ministry in Atyrau has reportedly used minor technical infractions to deny repeated registration applications of this Jehovah's Witness community.

There were no reported incidents of official anti-Semitism. In April 2004, the Ministry of Internal Affairs invited the country's Chief Rabbi to hold seminars for police officers on respect for religious minorities. Non-governmental organizations (NGOs) provided human rights training to law enforcement officers, including on religious freedom.

Turkey

According to the State Department's 2007 *Annual Report on International Religious Freedom*, the constitution of Turkey "provides for freedom of religion and the government generally respects this right in practice." The Commission traveled to Turkey in November 2006. Throughout its visit, people of almost every tradition stated that, despite serious problems regarding the opening, maintaining, and operation of houses of worship, they were free to gather and worship as provided for in the country's constitution. Moreover, most groups reported that conditions for religious freedom had improved in the past decade and particularly due to the reforms undertaken by the government during the accession process to the European Union (EU). However, the Commission also learned of significant restrictions on religious freedom for Muslims as well as for religious minority communities, including state policies and actions that effectively prevent non-Muslims from sustaining themselves by denying them the right to own and maintain property, to train religious clergy, and to offer religious education above high school. This has led to the decline—and some cases, virtual disappearance—of some of these religious minorities on lands they have inhabited for millennia.

Secularism and Nationalism

Turkey's constitution establishes the country as a "secular state," according to the policy defined by the country's founder and first president, Mustafa Kemal Atatürk. Because Atatürk believed that religion was the primary cause for the Ottoman Empire's lag in modernization vis à vis Europe, he and most of Turkey's subsequent political leaders were determined to remove the influence of religion, including even expressions of personal belief, from public life in Turkey and to subject religion to state control. As such, the Turkish government's concept of secularism differs from the American version of separation of religion and state, as it reflects state control over—and even hostility toward—religious expression in the public sphere. Many contend that the Turkish state's interpretation of secularism has resulted in religious freedom violations for many of Turkey's citizens, including the majority and minority religious communities.

The absence of religion from public life has remained controversial for many Turks and at several times in the ensuing decades they elected governments that were less rigid on policies toward religious expression for Muslims. The Turkish military, which is constitutionally identified as the guardian of Atatürkist secularism, ousted those governments, in part because the military determined that secularism was under threat. Turkey's current governing party, the Justice and Development Party (known by its initials in Turkish, the AKP, or the AK Party), has roots in this movement for greater public religious expression. The AK Party won a plurality of 34 percent of the vote in national elections in November 2002, campaigning on a platform of Turkey's accession to the EU and the reintegration of Islam into public life in a manner consistent with modernity and democracy. Following his declared aim to pursue EU membership, Prime Minister Recep Tayyip Erdoğan instituted a number of democratic reforms, many of which have dealt with some of Turkey's most notoriously undemocratic practices.

After elections in July 2007 returned the AK Party to power with a stronger plurality, the Turkish Parliament voted to change the 1982 constitution to, in effect, allow women with scarves to attend university. Viewing this as a blatant strike against Turkish secularism, in March 2008,

a public prosecutor filed a lawsuit with the Constitutional Court seeking to shut down the AK Party and ban Erdoğan and other AK officials from politics for five years. The Court agreed to hear the case, setting the stage for an historic confrontation between the secularist establishment, which, until the success of the AK Party, had been used to governing Turkey, and the newer elites, represented by the AK Party. The EU and the U.S. government have criticized the lawsuit, describing it as an attempt to overthrow the democratic order in Turkey.

In addition to the strict notion of secularism, the origins of the Turkish Republic left the Turkish political and military establishment with a highly nationalistic and narrow understanding of Turkish identity, which has also influenced the state's view of religious freedom and minority rights. Built into the founding of Turkish identity was the implicit understanding that non-ethnic Turks residing in Turkey are potentially suspect, since they allegedly harbor a secret desire to secede from and hence, dismember the country. This fear of territorial dismemberment, linked to a strain of virulent nationalism in Turkey, still holds sway in some sectors of society, resulting in state policies that undermine ethnic and minority religious communities.

The January 2007 murder of Hrant Dink, a Turkish citizen and respected journalist of Armenian ethnicity, is just one example of such extreme nationalism. Dink had been convicted under Article 301 of the Turkish Penal Code for "insulting" the Turkish state because of his use of the term "Armenian genocide" in public, although his conviction was converted to a suspended sentence following EU and other international pressure. Some reports suggested that the perpetrator targeted Dink because he was not a Muslim, indicating that for some, religious extremism has fused with the extreme nationalism. A trial began in July 2007, but is closed because the purported assailant is a minor; a total of 19 suspects are on trial. An Istanbul court is also looking into allegations of official negligence or collusion, as Amnesty International reported in January 2008 that Dink had reported threats to his life to the Public Prosecutor but that steps were not taken to ensure his protection. According to that indictment, one of the defendants also acted as a police informer and told police months in advance of plans to assassinate Dink. Two gendarmerie officers have since been charged with dereliction of duty; however, lawyers for Dink's family have called for more law enforcement officers to be brought to justice.

Muslims

The state carries out its management role with regard to the majority Muslim community through the Directorate of Religious Affairs, or the *Diyanet*. The state, through the *Diyanet*, controls and supervises the religious institutions of the Sunni Muslim population, managing all 80,000 mosques in Turkey and employing all imams as state functionaries. Religious practice and education (compulsory in the state schools for all Muslim children, though religious minorities are exempted) exclusively follow the Hanafi Sunni doctrine, although up to 20 percent of Turkey's Muslims are Alevis. Although Turkey is renowned for its Sufi orders and they continue to exist in Turkey, they have been officially prohibited since the 1920s.

Until recently, religious dress, including the wearing of a head scarf, was banned in all public institutions, including government buildings, universities, and schools. The state prosecutor's lawsuit against the AK government indicates the extent to which the "headscarf

issue” is the most politically and popularly charged issue in Turkey today, reflecting this persistent tug of war between those promoting Atatürk’s secularist legacy and those pressing for greater public expression of religion through religious symbols and clothing. Women wearing headscarves and their advocates have both lost their jobs in the public sector, including as nurses or teachers, and students wearing headscarves were not officially permitted to register for classes, even at private institutions. Members of the military have been charged with “lack of discipline” for performing Muslim prayers or being married to women who wear headscarves.

After the July 2007 elections, the Turkish Parliament approved constitutional changes to guarantee all citizens the right to attend university regardless of dress, stating that “no one can be deprived of his/her right to higher education.” The change states that only traditional scarves—tied loosely under the chin—will be allowed; headscarves that cover the neck, as well as the full veil, would still be banned, as would all headscarves in government buildings.

Alevis, an offshoot of Shi’ism that many Sunnis—and even many Shi’a Muslims—view as heretical, are a minority Muslim community in Turkey that make up anywhere from 15 to 25 percent of the population. Alevis are reportedly currently able to practice their beliefs relatively freely and build *cem evleri* or “gathering houses,” though there continue to be cases in which Alevis have been denied permission to build their meeting houses. However, none of the budget of the *Diyanet* goes to the Alevi community. Moreover, Alevi children must undergo the same compulsory religious education as all Muslims, which involves instruction only about Sunni Islam. A member of the Alevi community in Turkey took this issue before the European Court of Human Rights (ECtHR), which in October 2007 issued a ruling in favor of the Alevis, declaring that by making this religious education compulsory for all Muslims in Turkey, Alevis were being denied the “right of parents to ensure education in conformity with their own religious convictions.” It remains now for the Turkish government to implement this decision.

The Recognized Religious Minorities

The 1923 Treaty of Lausanne, a peace treaty signed between Turkish forces and several European powers that formally established the Republic of Turkey, contained specific guarantees and protections for non-Muslim religious minorities in Turkey, which has since been interpreted by the Turkish government to refer only to the Greek Orthodox, Armenian Orthodox, and Jewish communities. Yet legal recognition of these and other religious minority communities has not been implemented in Turkish law and practice. The absence of legal personality has over the decades resulted in serious problems with regard to their right to own, maintain, and transfer property as a community and as individuals and to train religious clergy, leading in some cases to a critical decline in these communities on their historic lands. As noted above, the problems for the minorities stem in part from the fact that most are not only religious but also ethnic minorities, and have thus faced some suspicion about their loyalty from the majority community.

At the time Turkey was founded in 1923, there were approximately 200,000 Greek Orthodox Christians in the country. In 1955, by which time the number had fallen to 100,000, violent riots broke out targeting the Greek Orthodox community, resulting in the destruction of private and commercial properties, desecration of religious sites, and killings. Due to the fallout from those riots and other difficulties for the Greek Orthodox minority, the number of Orthodox

Christians has fallen to its current level of about 2,500. In addition, though the Ecumenical Patriarchate's constituencies extend to Orthodox communities in the United States, Europe, and Australia, the Turkish authorities do not allow the Patriarch to use the term "ecumenical" in his title, recognizing him only as the head of Turkey's small (and decreasing) Greek Orthodox community. As a result, the government maintains that only Turkish citizens can be candidates for the position of Ecumenical Patriarch and for membership as hierarchs in the Church's Holy Synod. Yet, since the Turkish state does not allow the Greek Orthodox minority to train its clergy, the very survival of the Ecumenical Patriarchate and the Greek Orthodox community in Turkey are today at risk.

After the military coup in 1971, the Turkish state nationalized all private institutions of higher learning, including those for religious training. One result was the closure of the Halki School of Theology, which is the theological seminary on the island of Heybeli that, since the nineteenth century, had trained religious leaders of the Ecumenical Patriarchate and Orthodox Christian communities worldwide. Despite repeated government promises, the Halki Seminary remains closed.

The Armenian Patriarch, head of the Armenian Orthodox Church, similarly has no legal personality and there is no seminary in Turkey to educate clerics. As with the Ecumenical Patriarch, the Armenian Patriarchate experiences direct interference in the selection of its religious leadership, and the Turkish state also prevents Armenian Christians from operating an independent seminary to train new clergy members.

Many Jews report that the situation for Jews in Turkey is better than in other majority Muslim countries, as they are generally able to worship freely and their places of worship receive government protection when it is required. In addition, Jews operate their own schools, hospitals, and welfare institutions, as well as a newspaper. Nevertheless, there are concerns about attacks on synagogues and anti-Semitism in the media. In November 2003 and August 2004, synagogues were bombed by terrorists associated with al-Qaeda; 27 people were killed. The Turkish state took prompt action to arrest the perpetrators, reportedly carried out by a Turkish al-Qaeda cell. There is also increasing anti-Semitism in some media sectors that is generally coupled with anti-Americanism, particularly in media viewed as either nationalist or religious extremist. There are a growing number of specious stories about Israeli and U.S. misdeeds in Iraq, as well as pieces containing more conventional anti-Semitic stereotyping. All of these factors have resulted in an increasing sense of fear and insecurity among members of the Jewish community that had generally not been present before in Turkey.

Property Issues and the Law on Foundations

Many of the most serious problems faced by religious minorities in Turkey involve property rights and ownership. While the *Diyanet* runs Sunni Muslim affairs, another government agency, the General Directorate for Foundations (*Vakıflar*), regulates all activities of non-Muslim religious groups and their affiliated houses of worship and other property. The establishment of a foundation is the mechanism through which a minority religious community can own property, including worship buildings, schools, and other institutions, given their lack of legal status in Turkey. While a foundation enables a religious community to become a collective

legal entity, the rules governing the foundations have been found to be intrusive and in many cases, onerous.

Over the previous five decades, the state has, using convoluted regulations and undemocratic laws, confiscated hundreds of religious minority properties, primarily those belonging to the Greek Orthodox community, although Armenian Orthodox, Catholics, and Jews also reported such expropriations. In 1936, the government required all foundations to declare their sources of income; in 1974, the Turkish High Court of Appeals ruled that minority foundations had no right to acquire properties other than those listed in those 1936 declarations. Particularly since that time, the government has seized control of hundreds of properties acquired after 1936; religious minority foundations that are recognized by the state can acquire property, but previously appropriated property cannot be reclaimed. There is also no right to appeal these government actions.

In November 2006, the Turkish government, as part of the ninth reform package on EU accession, passed a new law governing foundations, making it easier to form a foundation and allowing non-Turkish citizens in Turkey to open foundations. The bill also enabled religious minorities to recover appropriated property, though it did not enable foundations to regain property that the state had sold to third parties, a category that reportedly involves a considerable amount of property. Then-President Ahmet Necdet Sezer vetoed the legislation. In February 2008, the newly elected Parliament passed a similar law that would return confiscated properties. Like the earlier version, this new law, while considered a positive first step, still does not apply to property sold to third parties.

Other Religious Minorities

Syriac Christians experience problems similar to those of the Greek and Armenian Orthodox, particularly in obtaining permission to maintain ancient sites. The number of Syriac Christians in the southeastern part of the country was once much higher, but government pressure and the war between the government and secessionist Kurdish forces have resulted in the migration of significant numbers. Roman Catholics have also had their property confiscated by the government. From 1993 – 1996, the Turkish government held political consultations at the Vatican, which concluded in an agreement between the University of Ankara and the Jesuit Consortium Gregorianum and the reopening of the chapel at Tarsus; however, in most cases the state has taken possession of Catholic property or prohibited its use for other purposes.

Roman Catholics, as well as Protestants, are also sometimes subject to violent societal attacks. In February 2006, an Italian Catholic priest was shot to death in his church in Trabzon, reportedly by a youth angered over the caricatures of the Muslim prophet in Danish newspapers. Government officials strongly condemned the killing. A 16 year-old boy was subsequently charged with the murder and sentenced to 19 years in prison. Also in February 2006, a Slovenian Catholic monk was attacked in Izmir. In December 2007, a 19 year-old stabbed a Catholic priest outside a church in Izmir; the priest was treated and released the following day.

Protestants in Turkey, who number approximately 3,000, are primarily converts from other religions and are predominantly Turks by ethnicity. Protestant Christians often meet in the churches of other denominations, private homes, and in other places. Police sometimes bar

Protestant groups from holding services in private homes and have detained and prosecuted individual Protestants for holding unauthorized gatherings. One of the most violent societal attacks occurred in April 2007, when three employees of an Evangelical Protestant publishing house in the city of Malatya were brutally murdered, reportedly by youths associated with a nationalist group. Five persons suspected of committing the murders were arrested soon after the attack, and five others were detained days later. Later evidence indicated that the five confessed murderers had links with local political officers, members of the special military forces, and regional members of Turkey's nationalist political party. Turkey's Interior Ministry in December 2007 opened a judicial investigation into the alleged collusion of public officials in these murders. In January 2008, one of the five on trial denied that the group intended to kill the three Christians, and blamed another suspect as the "ringleader" of the attack, who, he said, had "close relations" with the local police chief. The trial is continuing.

THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

The International Religious Freedom Act of 1998 (IRFA) specifically cites U.S. participation in multilateral organizations as a way to advance respect for freedom of religion or belief, which is enshrined in numerous international human rights declarations and conventions. The 56 participating States of the Organization for Security and Cooperation in Europe (OSCE), comprising East and West Europe and the states of the former Soviet Union, along with the United States and Canada, have committed themselves to uphold extensive standards to protect freedom of religion or belief and to combat discrimination, xenophobia, intolerance, and anti-Semitism. Freedom of thought, conscience, and religion or belief is singled out in the OSCE founding document, the 1975 Helsinki Final Act. After the fall of the Soviet Union, the OSCE has continued to be an important forum in which participating States have been held accountable for their human rights commitments. Moreover, the OSCE since its inception has involved non-governmental organizations (NGOs) as partners in its review of members' human rights practices.

In recent years, however, some participating states have sought to curtail the organization's human rights activities. Russia, in particular, has often protested that the OSCE focuses too much of its criticism on the countries of the former USSR, while downplaying human rights problems in the West.¹ Russia has withheld needed consensus approval for the OSCE budget in the past, thereby putting in jeopardy many of the OSCE's human rights activities. These activities are particularly important at a time when the governments of Russia and many other countries of the former Soviet Union are demonstrating an increasing lack of commitment to their human rights obligations, including efforts to combat racism, xenophobia, and other forms of intolerance and discrimination. In October 2007, Russia, purportedly aiming to "improve" OSCE procedures, put forth several proposals that would have significantly increased government control over the civil society groups that could take part in OSCE meetings and activities, but the U.S. led a successful effort against this Russian proposal. The OSCE, citing an agreement made in Moscow in 1991, has reiterated that OSCE participating States have "categorically and irrevocably" declared that the "commitments undertaken in the field of the human dimension of the OSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned."

Background on Racism, Xenophobia, Discrimination, and Intolerance

The past few years have witnessed a rise in incidents of racist discrimination, xenophobia, and intolerance toward members of religious and ethnic minorities in the OSCE region, including, for example, in Russia, Ukraine, and Kazakhstan, as well as in such democratic countries as France, Germany, and the United Kingdom. Extremist rhetoric that goes uncontested by political and societal leaders has also promoted an environment of intolerance toward members of various ethnic and religious minorities. Indeed, officials and state-run media

¹ Yet, on the invitation of the United States, the OSCE deployed an Election Assessment Mission for the U.S. November 2006 Congressional elections; in November 2006, ODIHR also sent an Election Assessment Mission to the parliamentary elections in the Netherlands

are sometimes involved in efforts to inflame public opinion against minority groups in some parts of the OSCE region.

Anti-Jewish or anti-Semitic views and actions also continue to be problems in many OSCE participating States and officials often fail to hold the perpetrators of anti-Semitic attacks to account. Anti-Zionism and vilification of Israel can also mask anti-Semitism. Reportedly, many of the recent anti-Semitic incidents in western Europe have been committed by marginalized young North African Muslim immigrants. In 2006, the most recent year for which comprehensive statistics are available, monitoring organizations reported that there were twice as many physical assaults on Jews in comparison with 2005, with the greatest increases in the United Kingdom, Canada, and France. A disturbing number of anti-Semitic incidents were recorded also in Norway, Belgium, Germany, and Ukraine. Those monitoring these incidents find, as has the OSCE's ODIHR, that when tensions escalate in the Middle East, anti-Semitic incidents increase worldwide. Opposition to the existence of Israel and political resentment regarding the conflict in the Middle East can cross the line into anti-Semitic acts.

"Skinhead" gangs and neo-Nazi groups are other sources of hate-filled rhetoric and violence in many countries in the OSCE region. Migrants and members of various ethnic and religious minorities, including Muslims and Jews, are targeted. Vandalism against religious and other property is also on the rise. Violent acts are often well documented, but they are rarely investigated and prosecuted as hate crimes. Instead, officials, prosecutors, and judges often trivialize such violence by treating it as "hooliganism," particularly in Russia. When burnings, beatings, and other acts of violence target members of a particular group because of who they are and what they believe, such acts should be viewed not merely as police problems, but as human rights violations that require an unequivocal response.

The OSCE Response

In the last few years, the OSCE has set up several mechanisms to address intolerance and related human rights issues as mandated by the 2003 OSCE Ministerial Meeting. As a result of U.S. diplomatic leadership on this issue, since 2003 the OSCE has convened 10 high-level and expert conferences to address anti-Semitism and other tolerance-related issues. As the Commission recommended, in late 2004, the OSCE Chairman-in-Office appointed three Personal Representatives to promote tolerance. The OSCE also became the first international organization to name a prominent independent appointee specifically to examine anti-Semitism. At the same time, it established a Personal Representative monitoring intolerance toward Muslims, and a third who tracks other forms of intolerance, including xenophobia, racism, and intolerance against Christians and members of other religions. Finally, a new Tolerance Program within the OSCE's Office of Human Rights and Democratic Institutions (ODIHR) was set up in late 2004 to monitor and encourage compliance with OSCE commitments to combat xenophobia, anti-Semitism, and Islamophobia, as well as to promote freedom of religion or belief.

Several OSCE institutions expressed concern in 2006 over increased intolerance and discrimination in the OSCE region, particularly the OSCE Brussels Ministerial Council decision in December 2006 on measures to combat intolerance and discrimination and promote mutual respect and understanding.

OSCE Meetings on Tolerance and Related Topics

The OSCE Ministerial Council in 2003 mandated a major international conference to address anti-Semitism in the then-55 states of the OSCE region. The Berlin Conference on Anti-Semitism in April 2004 was attended at the ministerial level and by 600 officials from 55 nations and by hundreds of NGOs. The conference recommended specific steps to fight anti-Semitism, including collecting and regularly reporting on hate crimes data, bolstering national laws, promoting educational programs, and combating hate crimes fueled by racist propaganda in the media and on the Internet. In the 2004 Ministerial Council, the participating States authorized the OSCE Chairman-in-Office to appoint three Personal Representatives to coordinate and highlight OSCE activities in this field.

The 2005 Ministerial Council in Ljubljana called for OSCE activities in 2006 to concentrate on thematic, implementation-focused meetings, including tolerance-related topics. In June 2006, Kazakhstan hosted the first OSCE Tolerance Implementation Meeting in Almaty, followed by a meeting on Holocaust education, hosted by Croatia, and a meeting on hate crimes data, hosted by Austria. The annual Human Dimension (HDim) meeting in Warsaw, Europe's largest conference involving the NGO community, draws a wide variety of religious and ethnic groups, including from Muslim minority communities. In 2007, there were two other tolerance-related OSCE events: in June, the Romanian government hosted a high-level conference on Combating Discrimination and Promoting Mutual Respect and Understanding, and in October, the Spanish OSCE Chair hosted a conference on Intolerance and Discrimination Against Muslims.

These conferences have mobilized political support within OSCE participating States to address anti-Semitism and other forms of intolerance in a sustained manner and have raised awareness among NGOs and the public regarding anti-Semitism, discrimination against Muslims, and other tolerance-related issues in the OSCE region. The challenge remains, however, for the OSCE and its 56 members to act on the ideas that have emerged from these conferences and reports and to translate them into activities and programs that will combat these forms of intolerance in all the OSCE participating States.

OSCE Personal Representatives

In December 2004, the 55 OSCE participating States authorized the then-Chairman-in-Office (CiO), Bulgarian Foreign Minister Solomon Passy, to name three Personal Representatives to promote tolerance. Anastasia Crickley of Ireland, Chair of the European Monitoring Centre on Racism and Xenophobia, was appointed as the Personal Representative on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions; Gert Weisskirchen, German parliamentarian and professor of higher education, was named the Personal Representative on Combating Anti-Semitism; and Omur Orhun, former Turkish Ambassador to the OSCE, was appointed the Personal Representative on Combating Intolerance and Discrimination against Muslims. These appointments have been re-confirmed by each subsequent CiO, namely, Slovenia, Belgium, and Spain, and will extend at least through the end of 2008. The mandates of these Representatives include the promotion of better coordination of the implementation of

decisions by the OSCE Ministerial and Permanent Councils on Tolerance and Non-discrimination as well as cooperation between the CiO and the ODIHR.

The mandates of the three Personal Representatives address separate but interrelated issues that call for distinct, yet coordinated, responses. The persons selected by the OSCE CiO for these part-time and unpaid positions come from a variety of backgrounds. The 2007 Spanish OSCE CiO has expressed the view that the Personal Representatives should coordinate with the various relevant OSCE institutions and among themselves to fulfill their mandates and that their mandates should be better defined and their political profiles and resources increased.

Indeed, the Commission is concerned that the work of the Representatives has been hampered by inadequate funding for staff and travel expenses, as well as other demands on their time and attention. The Commission also recommended that the activities of the Personal Representatives should be given more prominence in the work of the OSCE. For example, they should report in person to the annual ministerial meetings and their reports should be published and disseminated throughout and beyond the OSCE system. In addition, the OSCE CiO should invite them on some of his visits, refer to their work and conclusions in speeches, and encourage OSCE participating States and the 18 OSCE Field Presences to invite them on official visits. Such measures could help enhance not only the profile of the Personal Representatives on Tolerance, but also increase the impact of their findings and recommendations.

During 2007, the Personal Representatives made contributions to various relevant OSCE meetings. These include the Warsaw HDim, the Bucharest June conference, and the Cordoba October conference hosted by the Spanish OSCE Chair, as well as meetings with the ODIHR, the Permanent Council, and the CiO. During 2007, Crickley made a presentation at the Warsaw OSCE Migration Seminar in May, Weisskirchen took part in the July Kiev OSCE Parliamentary Assembly meeting, and Orhun participated in the May ODIHR Human Dimension Seminar on Effective Participation and Representation in Democratic Societies.

Country visits have played a key role in the work of the Personal Representatives and in their regular reports to the OSCE Permanent Council. They have all visited the United States. Orhun has held numerous meetings in Turkey and in earlier years made visits to the Netherlands, Denmark, Great Britain, Germany, and France. In 2007, he paid official visits to Ireland, Switzerland, Slovenia and Norway, and also made presentations at conferences sponsored by the Organization of the Islamic Conference, the Council of Europe, the UN Human Rights Council, and UNESCO. Crickley also met with the UN in Geneva and has visited Great Britain and Austria, and has consulted with the European Union. Weisskirchen has held numerous conferences in Germany, has visited Russia, and in 2007 paid an official visit to Croatia. According to the 2007 report of the OSCE CiO, invitations from additional participating States to the Personal Representatives would enable them to meet with relevant government officials and raise key issues of concern directly with them, as well as to meet with NGOs and community and religious leaders without interference.

The Commission also encourages each of the three Personal Representatives to undertake events with relevant NGOs as well as with the media. In 2006, Weisskirchen held roundtables on the issue of anti-Semitism involving the civil society sector in Germany, the United Kingdom

and Canada; in 2007, together with the German delegation to the OSCE Parliamentary Assembly, he convened an expert meeting on anti-Semitism; and in October, he took part in a roundtable with Baltic and Scandinavian civil society representatives. In the past year, Orhun, working with the ODIHR, has taken part in numerous meetings with representatives of Muslim communities across the OSCE region, including in France, Spain, the United States, Slovenia, and Portugal. At one of his earlier meetings in 2006, attended by NGOs and media experts, the portrayal of Muslims in public discourse was addressed. Based on the recommendations formulated at this meeting, the ODIHR announced in 2006 that it would develop a resource guide on improving reporting on Islam and Muslim communities in OSCE States.

The Office of Democratic Institutions and Human Rights Tolerance Program

One of the major institutional responses of the OSCE to growing concerns regarding religious intolerance was to set up a new Tolerance Program within the ODIHR in late 2004. The mandate of the Tolerance Program includes OSCE efforts to promote tolerance and to combat intolerance and xenophobia, as well as to advance freedom of religion or belief. The United States has been a strong advocate for the establishment of the program and for sufficient funding for its activities. The Tolerance Program staff includes specialists on the issues of anti-Semitism, Islamophobia, xenophobia, and racism, as well as on freedom of religion or belief. These specialists monitor and conduct research, write reports, conduct programs, and provide staff expertise for the three Personal Representatives and the ODIHR Advisory Panel of Experts on Freedom of Religion or Belief. The Tolerance Program was charged with setting up a database of information, as well as projects on such issues as data collection for hate crimes legislation, police training on hate crimes, and Holocaust education in specific countries.

In accordance with a decision by the 2003 OSCE Ministerial Council, many of the Tolerance Program's activities have centered on gathering and publicizing information related to tolerance and non-discrimination. The Program's Web site, <http://www.osce.org/odihr/16431.html>, which became operational in 2006, brings together previously hard-to-find material that is directly relevant to addressing discrimination and to combating intolerance by providing access to information from OSCE participating States, NGOs, and inter-governmental organizations on international standards and instruments. The Web site also references Legislationline, ODIHR's online database, and the Human Rights Information and Documentation Systems International index to 3,000 NGO Web sites, and provides customized access to more than 1.5 million documents. The Tolerance Program has developed a "Web site Guide to Tolerance Education" and a curriculum unit on "Holocaust Education and Anti-Semitism." The Tolerance Program has also issued several useful publications on addressing priorities in various OSCE States, including "Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation, and National Initiatives"; "Education on the Holocaust and on Anti-Semitism: An Overview and Analysis of Approaches"; Holocaust Memorial Days in the OSCE Region: an Overview of Good Governmental Practices" (January 2008); and "Addressing Anti-Semitism: Why and How? A Guide for Educators" (December 2007). The latter, prepared by the ODIHR and Yad Vashem, offers guidelines for schools.

In 2006, the ODIHR published further information on tolerance-related topics, including “Teaching Materials on the History of Jews and Anti-Semitism in Europe,” in cooperation with experts from seven pilot countries: Croatia, Denmark, Germany, Lithuania, Poland, the Netherlands, and Ukraine. This publication includes material on the history of anti-Semitism, contemporary forms of anti-Semitism, including as a form of discrimination, and a teaching guide on the subject. The ODIHR also produced two publications related to the struggle against hate crimes: “Challenges and Responses to Hate-motivated Incidents in the OSCE Region for the Period January-June 2006,” and a fact sheet on the ODIHR Law Enforcement Officer Program on Combating Hate Crime, issued in English, Russian, Polish, and Serbian. In 2006, the Tolerance Program translated many of its key publications into the Russian language—particularly useful in light of the rising levels of xenophobia, racism, and various forms of intolerance in Russia and other former Soviet republics. However, that translation program did not continue in 2007, perhaps due to budget constraints.

To date, the ODIHR’s Tolerance Program has emphasized activities with external organizations, although the Program could further expand its work with the 18 OSCE Field Presences and other OSCE institutions. The 2003 OSCE Ministerial Council also tasked the Tolerance Program with acting as a focal point for the various national contact points on hate crime set up by the OSCE participating States. Information about practical initiatives from participating States, NGOs, and other institutions can also be submitted online. In December 2007, for example, the Tolerance Program ran a special program in the Russian Federation to train police on ways to combat hate crimes.

As mentioned above, part of the Tolerance Program’s current mandate is to address freedom of religion or belief. Responsibility for the issue of religious freedom was removed from the ODIHR Human Rights Department when the issue was assigned to the Tolerance Program in late 2004. The Commission is concerned that as a result of this bureaucratic reassignment, freedom of religion or belief will be relegated as a corollary to tolerance work and will no longer be included in the ODIHR human rights programs. Instead, it should be anchored in the Human Rights Department and cooperate with the activities of the Tolerance Program. Furthermore, only one staff person in the Tolerance Program is assigned part-time to the issue of freedom of religion or belief since that person is also assigned to work with NGOs; in 2007, this position was removed from the unified budget, thus endangering its permanent status and changing its recruitment basis. In 2007, the ODIHR held workshops on freedom of religion issues with NGOs, religious communities, and government officials in Kazakhstan and Tajikistan. However, little news and information about those meetings was available in the out-of-date and sparse freedom of religion section of the ODIHR Tolerance Program Web site.

OSCE Venues for Addressing Freedom of Religion or Belief Issues

Freedom of religion or belief is affirmed as a basic human rights principle in the 1975 Helsinki Final Act. Since then, the issue has been addressed in various ways by the OSCE: through the periodic OSCE and later ODIHR conferences to review implementation of human rights commitments by the 56 participating States; during several conferences that specifically addressed these issues, such as the Supplementary Human Dimension Meeting on Human Rights and the Fight against Terrorism, held in Vienna in July 2005; in the structure of the ODIHR, where, until the Tolerance Program was set up, freedom of religion or belief was part of the

Human Rights Department portfolio; through the 18 OSCE Field Presences, where freedom of religion or belief can also be the subject of monitoring, reports, and related activities; and through the consideration of the views of relevant international, regional, and non-governmental human rights organizations.

Under the auspices of the ODIHR, the OSCE also convenes an annual conference, traditionally held in Warsaw in October, to review implementation by the 55 OSCE participating States of their OSCE human rights commitments, including freedom of religion or belief. Known as the Conference on the Human Dimension (HDim), these 10-day meetings bring together diplomats and representatives of other international organizations, and reportedly is the largest European human rights conference. These conferences have been criticized, however, for the failure of participating States to respond—either in words or in deeds—to criticism of their human rights records voiced at the HDim.

The ODIHR Advisory Panel of Experts on Freedom of Religion or Belief was re-organized in 2004 and expanded to a total of 58 persons nominated by countries from throughout the OSCE region, including an Advisory Council of 15 members. The Panel functions primarily as a consultative body for the governments of participating States considering new or amended legislation affecting freedom of religion, as well as for expert opinions on individual cases. The Panel reviews both proposed and enacted legislation under guidelines developed by the ODIHR and the Council of Europe Venice Commission based on international conventions and OSCE commitments. The Panel then issues recommendations to the participating States on bringing such legislation into conformity with international human rights standards.

Two publications relating to the work of the OSCE Panel of Experts were issued in 2007. One was a factsheet on freedom of religion or belief, released in June, and the other a curriculum guideline for teaching about religion and religious freedom issued in November. Developed in cooperation with education experts and aimed at legislators and schools, the Panel of Experts produced the “Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools,” based on human rights principles and approaches. The human rights approach of the “Toledo Guiding Principles” offers a possible method to frame discussions about teaching about religion or belief in public schools, a controversial issue in many countries.

The Panel has advised the governments of Macedonia, Romania, and Serbia on legislation and the panel’s recommendations on relevant legislation have been taken into consideration by the governments of Kazakhstan, Kyrgyzstan, and Bulgaria. In the case of Uzbekistan, however, the government has not responded to the Panel’s recommendations for revisions of its religion laws. In two recent examples of expert opinions on individual cases, the Panel determined that the situation of Jehovah’s Witnesses in Moscow is illustrative of problems in other post-Soviet countries, where registration requirements are being used to control religious groups. The Panel has also been critical of official threats to destroy Hare Krishna property in an agricultural cooperative in Kazakhstan, and in November 2006 offered its assistance in resolving this dispute. The Commission has observed that the activities of the Panel could be better known and more transparent, in particular with respect to those governments that ignore its recommendations. In addition, every year the Panel should hold at least one meeting of its entire membership.

Commission Activities

Since 2001, the Commission has participated with and often been members of U.S. delegations to OSCE meetings and has made extensive recommendations relating to the work of the OSCE on protecting freedom of religion or belief and on combating intolerance and anti-Semitism in the OSCE region. Then-Commission Vice Chair Felice D. Gaer made public statements on behalf of the Commission at the first-ever special meeting on anti-Semitism in June 2003, as well as at the ODIHR HDim meeting the following October. In July 2004, the Commission recommended that the U.S. government should advocate an active role for NGOs in monitoring religious intolerance. In September 2004, at the OSCE Conference on Tolerance and the Fight against Racism, Xenophobia, and Discrimination (Brussels), Vice Chair Gaer stressed the importance of freedom of religion or belief in the OSCE region. At the October 2004 OSCE HDim, the Commission made certain that public information on the status of freedom of religion or belief in various OSCE states and the Commission's concerns about religious freedom were included in the concluding intervention by the U.S. delegation to the HDim meeting.

At the OSCE Conference on Anti-Semitism and Other Forms of Intolerance, held in Cordoba in June 2005, then-Commission Vice Chair Nina Shea spoke at the Panel of Experts Workshop on Promoting Tolerance and Ensuring Freedom of Religion and Belief on restrictive registration practices. Serving as official advisers to the U.S. delegation to the Cordoba meeting, then-Commission Chair Michael Cromartie and Vice Chair Shea met with various diplomats and NGO representatives. During the 2005 OSCE HDim meeting in Warsaw, Commissioner Gaer served as a member of the U.S. delegation and made a plenary statement on the problems faced by ethnic minorities, including anti-Semitism. Commission staff also took part in a roundtable discussion on intolerance and discrimination against Muslims and made a presentation on how the Commission has addressed these issues. During the 2006 OSCE HDim, Commissioner Gaer, as Chair of the Commission, served as an official member of the U.S. delegation and presented a plenary statement on freedom of religion. Commission staff also made a presentation on freedom of religion in Turkmenistan during an event at this meeting.

In 2007, Commissioner Gaer served on the official U.S. delegation to the HDim conference, during which she met with various delegations, the Personal Representatives on Tolerance, and ODIHR staff. In October 2007, Commission staff served on the official U.S. delegation to a Conference on Intolerance and Discrimination against Muslims hosted by the Spanish OSCE Chair.

The Commission was one of the first official bodies to speak out against the rise in anti-Semitic violence in Europe; it has also addressed anti-Semitism and related issues in countries such as Belarus, Belgium, Egypt, Iran, France, Russia, Saudi Arabia, Uzbekistan, and Pakistan. The U.S. Congress introduced and unanimously passed resolutions in the Senate and the House on the rise of anti-Semitism in Europe. The Senate version cited the Commission's findings and urged the Commission to continue documenting the issue. In February 2008, Commissioner Gaer testified at a hearing of the Commission on Security and Cooperation in Europe (the Helsinki Commission) entitled, "U.S. and Civil Society Efforts to Combat Anti-Semitism." In her testimony, Gaer addressed Commission concerns about the rise of anti-Semitism, racial discrimination, xenophobia, discrimination, and intolerance in the OSCE region, the OSCE's

efforts to deal with these problems, and the record of the U.S. government on combating anti-Semitism and other forms of intolerance through OSCE mechanisms.

The Commission has recommended that the U.S. government work with the OSCE and the U.S. delegation to ensure that separate attention is paid to anti-Semitism in the region and successfully advocated for the OSCE's first special meeting on anti-Semitism. During preparations for that meeting, Commissioner Gaer stressed that acts of anti-Semitism must not be seen as hooliganism, but as human rights abuses that States should combat by robust implementation of their international human rights commitments. Participating on the U.S. delegation at the Berlin meeting, then-Vice Chair Gaer discussed anti-Semitism in the OSCE region and met with a wide variety of delegations and NGOs. During the Berlin conference on anti-Semitism, the Commission brought to the attention of the U.S. delegation the key role played by NGOs in monitoring anti-Semitism, intolerance, and discrimination, and this language was included in the delegation's concluding speech. The resulting OSCE "Berlin Declaration" on anti-Semitism has served as a precedent for the UN in organizing its own public event on combating anti-Semitism.

Commission Recommendations:

I. Supporting the OSCE

With regard to the institution of the Organization for Security and Cooperation in Europe (OSCE), the Commission recommends that the U.S. government should:

- express strong support for the OSCE at the highest levels of the U.S. government in the face of attacks led by the Russian government, particularly on the OSCE's human rights and tolerance activities carried out by the Office of Democratic Institutions and Human Rights (ODIHR);
- authorize and appropriate specially designated funds in addition to 2007 U.S. contributions to the OSCE for the purpose of expanding programs that combat anti-Semitism, xenophobia, and discrimination against Muslims, Christians, and members of other religions, and of developing ways to advance freedom of thought, conscience, and religion or belief.
- hold regular briefings at the State Department for members of the U.S. government and NGO community concerned with OSCE issues and make efforts to expand the number and scope of invitees;
- recommend that the State Department routinely include in U.S. OSCE delegations representatives of relevant U.S. government agencies, such as Homeland Security and the Justice Department, as well as expand the number and range of civil society groups involved in the OSCE process; and
- ensure that U.S. OSCE delegations organize regular informational briefings for the civil society groups at OSCE meetings.

III. Promoting Religious Freedom and Tolerance Within the OSCE's Participating States

With regard to freedom of thought, conscience, and religion or belief and the promotion of tolerance, the Commission has recommended that the U.S. government urge that OSCE participating States undertake the following steps:

- ensure that they are complying with their commitments to combat discrimination, xenophobia, and anti-Semitism, as detailed in the 1990 Copenhagen Document on the Human Dimension, including adopting laws against incitement to violence and ensuring effective remedies for acts of discrimination;
- engage in a regular public review of compliance with OSCE commitments on freedom of religion or belief, on racial and religious discrimination, and on anti-Semitism, including by facilitating a more active role by NGOs as part of that process;
- commit to condemn promptly, publicly, and specifically hate crimes and to investigate and prosecute their perpetrators;
- take all appropriate steps to prevent and punish acts of anti-Semitism, such as to condemn publicly specific anti-Semitic acts, to pursue and prosecute the perpetrators of attacks on Jews and their communal property, and, while vigorously protecting freedom of expression, to counteract anti-Semitic rhetoric and organized anti-Semitic activities;
- condemn in a public fashion, while vigorously protecting freedom of expression, attacks targeting Muslims and pursue and prosecute the perpetrators of such attacks;
- ensure that efforts to combat terrorism not be used as an unrestrained justification to restrict the human rights, including freedom of religion or belief, of members of religious minorities;
- bring national legislation and practice, as well as local laws, into conformity with international human rights standards and OSCE commitments by: permitting all religious groups to organize and conduct their activities without undue interference; discontinuing excessive regulation of the free practice of religion, including registration or recognition requirements that effectively prevent members of religious communities from exercising their freedom to manifest religion or belief; and permitting limitations on the right to freedom of religion or belief only as provided by law and consistent with participating States' obligations under international law;
- monitor the actions of regional and local officials who violate the right to freedom of religion or belief and provide effective remedies for any such violations; and
- establish mechanisms to review the cases of persons detained under suspicion of, or charged with, religious, political, or security offenses and to release those who have been imprisoned solely because of their religious beliefs or practices, as well as any others who have been unjustly detained or sentenced.

II. Promoting Religious Freedom and Tolerance Through the OSCE's Institutional Mechanisms

With regard to freedom of religion or belief and the promotion of tolerance, the Commission recommends that the U.S. government urge the OSCE to:

- ensure, as a matter of priority, the reappointment of the three Chairman-in-Office Personal Representatives on tolerance issues;
- make the country-specific reports of the three Personal Representatives available to the public;
- request that the three Personal Representatives report in person to the annual OSCE ministerial meetings;
- request the OSCE Chairman-in-Office to invite the three Personal Representatives to participate on his or her official visits and refer to their work and conclusions in speeches and other presentations;
- encourage OSCE participating States and the 18 OSCE Field Presences to invite the Personal Representatives on official visits;
- convene on a regular basis public review meetings to assess compliance by OSCE participating States of their commitments to combat discrimination, xenophobia, and anti-Semitism;
- ensure that all participating States individually are taking concrete actions to live up to their commitments to combat discrimination and intolerance, in particular to combat anti-Semitism, as detailed in the 1990 Copenhagen Document, action which should include adopting laws to protect against incitement to violence based on discrimination, including anti-Semitism, and providing the individual with effective remedies to initiate complaints against acts of discrimination;
- convene expert conferences on anti-Semitism and freedom of religion or belief, as well as other tolerance issues, during 2008 and 2009;
- consider holding the Human Dimension Implementation Meeting (HDim) in September and October in several geographic areas in the OSCE region, preferably in areas with major OSCE Field Presences;
- consider reorganization of the HDim conference, including, for example, thematically-linked issues, such as Rule of Law (Elections; Judiciary; Penal System), Fundamental Freedoms (Religion, Expression/Media, Assembly/Association, Movement), and Tolerance and Non-Discrimination (Gender and Minorities—Religious, Ethnic, Economic);

- assist ODIHR in making it possible for the OSCE Field Presences and the ODIHR to hold public roundtables with local government officials, NGOs, and community leaders to discuss the concept and definition of hate crimes and the implementation of hate crimes legislation;
- encourage the ODIHR Tolerance Program staff take part in ODIHR training of Field Presences and other OSCE staff;
- provide voluntary, extra-budgetary funding for added staff to deal with freedom of religion or belief, working within the ODIHR Human Rights Program;
- provide the ODIHR the necessary mandate and adequate resources to hire as part of the Unified Budget experienced staff at the working level, to direct the Tolerance Program, to monitor compliance with OSCE obligations on freedom of religion or belief, and to combat discrimination, xenophobia, and anti-Semitism;
- provide funding for the translation of additional ODIHR Tolerance Program reports into OSCE languages, particularly Russian, and for one ODIHR Tolerance Program staffer with Russian-language capability;
- consider ways to attract more public attention to the activities of the OSCE Panel of Experts on Freedom of Religion or Belief, such as by bringing greater transparency to its activities and providing funds to enable the Panel to hold training seminars, including in the Mediterranean Partner States, about pertinent information on freedom of religious or belief;
- encourage the convening of an annual meeting of the OSCE Panel of Experts on Freedom of Religion or Belief that is open to its entire membership; and
- consider opening the sessions of the OSCE Permanent Council to members of the press and public and/or webcast the proceedings of its sessions.

Annual Report of the U.S. Commission on International Religious Freedom

*Note: This represents the complete table of contents
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