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UNITED STATES COMMISSION ON  
INTERNATIONAL RELIGIOUS FREEDOM



**Annual Report of the  
United States Commission on International Religious Freedom**

**May 2009**

**Commissioners**

Felice D. Gaer

*Chair*

Michael Cromartie

Dr. Elizabeth H. Prodromou

*Vice Chairs*

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Preeta D. Bansal (until February 9, 2009)

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**ON THE COVER:** Members of Pakistan's Women Action Forum in Lahore, Pakistan rally against the presence of Taliban and militants in the northwest of Pakistan on Thursday, February 12, 2009. The banners condemn religious extremism, domestic violence, and the burning down of girls' schools in Swat. (AP Photo/K.M. Chaudary)



UNITED STATES COMMISSION ON  
INTERNATIONAL RELIGIOUS FREEDOM

May 1, 2009

The President  
The White House  
Washington, D.C. 20500

Dear Mr. President:

I am pleased formally to transmit the 2009 Annual Report of the U.S. Commission on International Religious Freedom (USCIRF). The Report is the most extensive in the Commission's ten-year history, documenting serious abuses of freedom of thought, conscience, religion, and belief around the world. The Report also:

- Recommends that the President designate thirteen countries as "countries of particular concern" under the 1998 International Religious Freedom Act (IRFA) for egregious violations of religious freedom, and provides policy prescriptions for each nation. These countries are: Burma, Democratic People's Republic of Korea, Eritrea, Iran, Iraq, Nigeria, Pakistan, People's Republic of China, Saudi Arabia, Sudan, Turkmenistan, Uzbekistan, and Vietnam;
- Names the following countries to the USCIRF Watch List: Afghanistan, Belarus, Cuba, Egypt, Indonesia, Laos, Russia, Somalia, Tajikistan, Turkey, and Venezuela. While not rising to the statutory level set forth in IRFA requiring designation as a country of particular concern, these countries require close monitoring due to the nature and extent of violations of religious freedom engaged in or tolerated by the governments;
- Highlights efforts of some member states at the United Nations to limit free speech and freedom of religion by banning the so-called "defamation of religions;" and
- Discusses measures still required to address the flaws in the U.S. policy of expedited removal for asylum seekers.

Each country chapter in the Annual Report documents religious freedom abuses and includes specific recommendations for U.S. policy. The Commission encourages you to consider ways to implement these recommendations. If adopted, they would advance considerably U.S. protection of the universal right to freedom of religion or belief, together with related human rights and fundamental freedoms, and in the process increase U.S. security in the face of the growing threat from religious extremists who advocate or use violence to achieve their aims.

Thank you for your consideration of the Annual Report, which the Commission is required to submit annually to the President, Secretary of State, and Congress in accordance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 et seq., P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228.

The Commission would welcome the opportunity to discuss the Annual Report with you.

Sincerely yours,



Felice D. Gaer  
Chair

## INTRODUCTION

“The Threat of Religious Extremism to Religious Freedom and Security” has been the Commission’s overarching theme during this reporting period, and unfolding events in Pakistan make clear the relevance of this theme to the 2009 Annual Report. At the time of writing, emboldened Taliban-associated extremists had advanced to within 60 miles of the Pakistani capital of Islamabad. In the areas they already control, these groups are imposing draconian restrictions on human rights and religious freedom and engaging in brutal acts against individuals, particularly women and local police, who refused to accede to their repressive policies.

The Commission predicted this result in February 2009, as the Pakistani government considered entering into a so-called “peace deal” with these elements in the Swat Valley. On February 25, the Commission publicly warned that the agreement “would represent a significant victory for Taliban-associated extremists fighting in the Swat Valley, and could embolden other violent extremists and Taliban militants who would seek to expand their influence and control elsewhere in Pakistan and Afghanistan.” The Commission’s concerns sadly were borne out when, soon after Pakistan’s Parliament and President approved the deal, the extremists moved to duplicate their success in neighboring regions.

While Pakistani leaders have acquiesced to the rule of Taliban-associated extremists in some regions, members of civil society have courageously objected. The front cover of this report features Pakistani women standing up against these violent extremist groups. Their signs, written in Urdu, protest violent religious fanaticism and the systematic destruction of girls’ schools, 150 of which reportedly have been demolished. These brave women are on the frontlines of the battle to preserve human rights, including religious freedom, in their country. Their voices must be amplified.

Since its inception, the Commission has strived to place religious freedom at the forefront of the U.S. foreign policy agenda, and the 10<sup>th</sup> Annual Report is a key component of those efforts. In this reporting period, the Commission engaged both the

Bush and Obama Administrations on ways to promote religious freedom and highlighted a number of critical issues to U.S. foreign policy.

Created by the International Religious Freedom Act of 1998 (IRFA), the Commission is an independent U.S. government commission that monitors violations of the right to freedom religion or belief abroad, and gives independent policy recommendations to the President, Secretary of State, and Congress. The passage of IRFA reinforced the historic commitment of the United States to religious freedom, and the Commission, separate from the State Department, 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. In passing IRFA, the U.S. Congress was not trying to enforce an American standard of religious freedom, but rather to promote the universal standard of freedom of religion or belief set forth in Article 18 of the Universal Declaration of Human Rights and other international instruments.

During this reporting period, the Commission met with human rights defenders from many nations where violent extremists or repressive regimes threaten fundamental rights and national security. The Commission held public hearings that examined the threat to religious freedom and security posed by violent religious extremists in Sudan, Bangladesh, and Pakistan, and reviewed possible U.S. government responses. China represents another example of Commission focus. The Commission wrote Secretary Clinton before her trip to Asia, urging her to speak forcefully about the importance of religious freedom in the U.S./China relationship, and to ensure that the United States raise human rights concerns during China’s Universal Periodic Review session at the UN Human Rights Council.

The Annual Report also describes conditions for freedom of religion or belief in countries of concern to the Commission and provides policy recommendations to ensure that the promotion of freedom of religion or belief becomes a more integral part of U.S. foreign policy. The Annual Report contains chapters on countries the Commission has recommended for designation as “Countries of Particular Concern” (CPCs) for severe violations of religious freedom; countries the Commission has placed on a Watch List for violations of religious freedom that do not meet the CPC threshold but require attention; and other countries the Commission is monitoring closely. The Annual Report also includes chapters on U.S. policy on expedited removal and multilateral organizations.

The Commission is composed of 10 members. Three Commissioners are appointed by the President. Six are appointed by the leadership of both parties in both houses of Congress, under a formula that provides that four Commissioners are appointed by the leaders of the party that is not the President’s party. The Ambassador-at-Large for International Religious Freedom, a position at the State Department also created by IRFA, serves as a non-voting *ex officio* member of the Commission.

Commissioners bring a wealth of expertise and experience in foreign affairs, human rights, religious freedom, and international law. During the decade of the Commission’s existence, Commissioners have included Catholic Bishops, a Muslim Imam, a Jewish human rights activist and a Rabbi, Protestant clergy, and legal, foreign policy, and other experts with diverse backgrounds including Orthodox Christian, Mormon, Hindu, Buddhist, and Baha’i. Under their leadership, the Commission has raised concerns about religious freedom violations impacting a wide array of issues, countries, and faiths. For example, the Commission has worked on behalf of Buddhists in Burma, Hindus in Bangladesh, Shi’a Muslims in Saudi Arabia, Jews in Venezuela, Ahmadis in Pakistan, Uighur Muslims in China, Christians in Sudan, and Baha’is in Iran.

The report covers the period May 2008 through April 2009. In June 2008, Michael

Cromartie completed his term as Chair of the Commission, during which Preeta D. Bansal and Dr. Richard D. Land served as Vice Chairs. In July 2008, Felice D. Gaer was elected as Chair of the Commission, and Michael Cromartie and Dr. Elizabeth H. Prodromou became Vice Chairs.

During the past year, Commissioners have testified before congressional committees and caucuses, advised Members of Congress and their staffs, met with high-ranking officials from the U.S. and foreign governments and international organizations, participated in U.S. delegations to international meetings and conferences, and helped train Foreign Service officers and other U.S. officials. The Commission also held hearings and press conferences on pressing religious freedom issues, conducted fact-finding missions to other countries, and issued policy reports, press releases, and op-eds. Commissioners and staff also met with representatives of religious communities and institutions, human rights groups, and other non-governmental organizations, as well as academics and other policy experts.

In 10 years, the Commission has been an articulate advocate on ways to improve U.S. foreign policy on issues of religious freedom and related human rights. Engaging in countries as diverse as Saudi Arabia, China, Uzbekistan, and Sudan, Commission recommendations have influenced U.S. policy and helped improve the status of religious freedom worldwide. The Commission also has raised concerns and highlighted a variety of problematic regional and global trends, such as the expansion of highly restrictive religion laws in many countries of the former Soviet Union, the promotion of the pernicious “defamation of religions” concept at the United Nations, and major limitations on religious freedom throughout Asia.

Despite the efforts of the Commission, the State Department, and Congress, individuals and communities around the world continue to suffer severe violations of their human rights on account of their religious beliefs or because they hold no beliefs. As it has done with prior administrations, the Commission will continue to engage the President

and other U.S. government leaders, providing recommendations and raising public and private concerns about issues affecting respect for freedom of religion or belief. While much has been accomplished in the past decade, the Commission, as well as U.S. international religious freedom policy, still has a great deal to accomplish.

## The OSCE

After the fall of the Soviet Union, the OSCE continues to be an important forum in which participating States are accountable for their human rights and religious freedom commitments. In recent years, however, some participating states have sought to curtail or derail the organization's focus on 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, and has also proposed that OSCE should be primarily concerned with military security. In 2008, for example, the Kremlin launched a major "Helsinki Plus" initiative to negotiate a new treaty on European security, allegedly based on the OSCE. In the past, Russia has withheld needed consensus approval for the OSCE budget, thereby putting in jeopardy many of the OSCE's human rights activities. These OSCE 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.

### *OSCE Venues for Addressing Freedom of Religion or Belief Issues*

In 1975, the Helsinki Final Act affirmed freedom of religion or belief as a basic human rights principle; this was later expanded and reinforced through later OSCE agreements. OSCE participating States are held accountable to these commitments through a variety of mechanisms, such as periodic review meetings by the OSCE and its Office of Democratic Institutions and Human Rights (ODIHR); ODIHR reports; and the monitoring, reports, and related program activities of many of the 18 OSCE Field Presences.

Under the auspices of the ODIHR, the OSCE convenes an annual conference, traditionally held in Warsaw in October, to review implementation by the 56 OSCE participating States of their human rights commitments, including freedom of religion or

belief. Known as the Human Dimension Implementation Meeting (HDIM), these 10-day meetings bring together diplomats, representatives of other international organizations and hundreds of NGOs. Reportedly, the HDIM is the largest European human rights conference. In 2008, at a U.S. initiative, the HDIM had a special focus on freedom of religion or belief, with a day set aside for review of participating States compliance with the OSCE commitments on freedom of religion or belief and on promotion in this regard. The OSCE also decided to convene a special two-day July 2009 Supplementary Human Dimension Meeting in Vienna to further discuss issues relating to freedom of religion or belief.

ODIHR provides technical assistance to participating States on religious freedom matters through its Advisory Panel of Experts on Freedom of Religion or Belief, comprised of 60 persons nominated by countries throughout the OSCE region, including an Advisory Council of 15 members. A unique international body focused solely on freedom of religion or belief, the Panel functions primarily as a consultative resource for the governments of participating States which are considering new or amended legislation affecting freedom of religion, as well as for providing 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. The Panel also issues publications to provide guidance on frequently raised concerns, most recently, the 2007 "Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools," which offers a human rights framework for curricula.

The Panel has advised governments, including those of Macedonia, Romania, Serbia, Tajikistan, and Kyrgyzstan, on relevant legislation. The Panel's recommendations on legislation have been taken into consideration by the government of Bulgaria. In the case of Uzbekistan, however, the



government has not responded to the Panel's 2003 recommendations for revisions to its religion laws. In 2008, at the request of the Kazakh government, the Panel conducted two expert reviews of a highly restrictive draft religion law then under consideration in that country. The Kazakh government refused to make public the Panel's reviews, which were critical of the draft law, claiming that the refusal was at ODIHR's request. This claim, however, was publicly rejected in November 2008 by Ambassador Janez Lenarcic, ODIHR director. While the restrictive draft law was passed by the Kazakh parliament and signed by President Nazarbayev, it was ruled unconstitutional by the country's Constitutional Council in February 2009.

In two examples of expert opinions on individual cases, the Panel determined that the situation of Jehovah's Witnesses in Moscow is illustrative of a systemic problem in other post-Soviet countries, where registration requirements are used to control peaceful religious groups. The Panel has also been critical of official threats to destroy Hare Krishna property in an agricultural cooperative in Kazakhstan, and has offered its assistance in resolving this dispute. The Commission has observed that the activities of the Panel should be better publicized 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.

*The OSCE Response to 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 are sometimes

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

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. Individuals and organizations monitoring these incidents, including OSCE's ODIHR, have found that when tensions escalate in the Middle East, such as during the late 2008/early 2009 Israel-Gaza conflict, 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.

In the last few years, the OSCE has set up several mechanisms to address intolerance and related human rights issues. 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 racism, xenophobia, anti-Semitism, discrimination against Muslims and Christians, 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.

#### *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. Since then, the Organization has held many high level meetings to discuss anti-Semitism and other forms of intolerance. In 2007, there were two other tolerance-related OSCE conferences, in Romania on Combating Discrimination and Promoting Mutual Respect and Understanding, and in Spain 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 participating States 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.

In December 2008, the OSCE sponsored a NGO roundtable focusing on intolerance and discrimination in the area of education and Muslim youth. In March 2009, the OSCE convened a Roundtable on Intolerance and Discrimination against Christians in Vienna. Mario Mauro, the Personal Representative of the Greek OSCE Chairmanship on this issue, chaired the event where delegations, religious groups and NGOs discussed

ways to promote tolerance and combat racism, xenophobia and discrimination against Christians. ODIHR hosted another event in March 2009 on the International Day for the Elimination of Racial Discrimination, a discussion on methods to combat racism and discrimination in the OSCE region. On April 15, 2009, OSCE Secretary General Marc Perrin de Brichambaut had a private audience with Pope Benedict XVI, in which they discussed cooperation on security in the OSCE region as well as the promotion of tolerance and non-discrimination.

#### *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. The mandates of the three Personal Representatives address separate but interrelated issues that call for distinct, yet coordinated, responses, and all focus on better implementation of decisions by the OSCE Ministerial and Permanent Councils on Tolerance and Non-discrimination. The persons selected by the OSCE CiO for these part-time and unpaid positions come from a variety of backgrounds.

For the first time since 2004, the Greek CiO appointed new representatives in January 2009: Rabbi Andrew Baker, Director of International Affairs at the American Jewish Committee, was named the Personal Representative on Combating Anti-Semitism; Ambassador Vyacheslav Gizzatov, former Kazakh ambassador to Turkmenistan, Germany and Iran, was named the Personal Representative on Combating Intolerance and Discrimination against Muslims; and Mario Mauro, an Italian parliamentarian, was named the Personal Representative on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions.

The Commission remains 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 has recommended that the activities of the Personal Representatives should be given more prominence in the OSCE. For example, they should report in person to the annual OSCE 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 her 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 the prominence of the Personal Representatives on Tolerance, but also increase the impact of their findings and recommendations.

During 2008 and 2009, the Personal Representatives made contributions to various relevant OSCE meetings. These include the Warsaw HDIM as well as meetings with the ODIHR, the Permanent Council, and the CiO. Rabbi Andrew Baker, Personal Representative of the OSCE Chair-in-Office on Combating Anti-Semitism, spoke at a conference on combating anti-Semitism, held in London in February 2009; his remarks were published by the OSCE in March. Country visits play a key role in the work of the Personal Representatives and in their regular reports to the OSCE Permanent Council. According to an OSCE CiO report, 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.

#### *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 was a strong advocate for the establishment of the program and for sufficient funding for its activities. The Tolerance Program staff monitors a range of issues, as well as provides 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 data collection on hate crimes legislation, police training on hate crimes, and Holocaust education in specific countries.

The Tolerance Program has also developed a “Web site Guide to Tolerance Education,” a curriculum unit on “Holocaust Education and Anti-Semitism,” and “Teaching Materials on the History of Jews and Anti-Semitism in Europe.” A “Reference Guide on Muslims in Spain,” developed by Casa Arabe with ODIHR and released in April 2009, is the first in a series intended to raise awareness among journalists, educators and public officials of anti-Muslim prejudices and stereotypes with information on the history, demography, diversity and role of Spanish Muslims. The Tolerance Program also has issued several useful publications on addressing priorities in various OSCE States. For example, in June 2008, the OSCE/ODIHR Panel on Freedom of Assembly issued “Guidelines on Freedom of Peaceful Assembly,” released in conjunction with the Council of Europe’s Venice Commission. In March 2009, ODIHR published “Hate Crime Laws: a Practical Guide” in several languages, including Russian and English. The purpose of this guide is to provide States with benchmarks for drafting hate crime legislation within a simple, clear and accessible document. The guide will assist states who wish either to enact new legislation or to review and improve their current legislation. It will also be a resource for civil society when advocating for better laws. The Tolerance Program continues to translate 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.

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.

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 treated solely as a corollary to tolerance activities and no longer will be part of 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.

### **Commission Activities**

Since 2001, the Commission has participated with and often been members of U.S. delegations to OSCE meetings. The Commission has also 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. In 2008, Commissioners Gaer and Cromartie served on the official U.S. delegation to the HDIM conference, during which they met with various delegations, the Personal Representatives on Tolerance, and ODIHR staff. 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. 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.

Commission staff participated in the March 2009 OSCE roundtable on Intolerance and Discrimination against Christians, and Commissioner Leonard Leo participated in his personal capacity.

### **Recommendations for U.S. Policy**

#### **I. Supporting the OSCE**

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, freedom of religion or belief, and tolerance activities carried out by the Office of Democratic Institutions and Human Rights (ODIHR);
- authorize and appropriate specially designated funds in addition to 2008 U.S. contributions to the OSCE for the purpose of expanding programs developing ways to advance freedom of thought, conscience, and religion or belief and that combat anti-Semitism, xenophobia, and discrimination against Muslims, Christians, and members of other religions;
- 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.

## **II. Promoting Religious Freedom and Tolerance within the OSCE's Participating States**

The U.S. government should urge that OSCE participating States undertake the following steps:

- ensure compliance with their commitments to protect freedom of religion or belief, as well as combat discrimination, xenophobia, and anti-Semitism, as detailed in the Vienna and Copenhagen Documents on the Human Dimension;
  - 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.

## **III. Promoting Religious Freedom and Tolerance through the OSCE's Institutional Mechanisms**

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

- promote freedom of thought, conscience, religion and belief throughout the OSCE region, both east

- and west of Vienna, including focusing on issues such as discriminatory registration systems, limitations on religious expression, and limitations on the rights of parents to ensure the religious and moral education of their children in conformity with their own peaceful religious or other beliefs;
- consider ways to bring greater public attention to the activities of the OSCE Panel of Experts on Freedom of Religion or Belief, such as enhancing the transparency to its activities, involving prominent cultural figures in its proceedings 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;
  - ensure, as a matter of priority, the reappointment of the three Chairman-in-Office Personal Representatives on tolerance issues, and 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, and that 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 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 commitments on freedom of religion or belief, as well as the concept and definition of hate crimes and the implementation of hate crimes legislation;
  - provide voluntary, extra-budgetary funding for added staff to deal with freedom of religion or belief, working within the ODIHR Human Rights Program, and encourage the ODIHR Tolerance Program staff take part in ODIHR training of Field Presences and other OSCE staff;
  - 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; and

- provide funding for the translation of additional ODIHR Tolerance Program reports into OSCE languages, particularly Russian, and for the employment of at least one ODIHR Tolerance Program staffer with Russian-language capability.