International Religious Freedom Advocacy

A Guide to Organizations, Law, and NGOs

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United States Bodies and Institutions

Many countries protect religious freedom. However, due to the unique history of the United States and its exceptional commitment to religious freedom, this chapter will specifically examine the various U.S. government agencies and offices that engage on international religious freedom issues.[1]

As many early immigrants came to the United States fleeing religious persecution in Europe, the importance of protecting religious liberties was enshrined in the First Amendment to the U.S. Constitution, guaranteeing that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." These promises were made binding at both the state and federal level through the Fourteenth Amendment.

The transition from domestic protection to international promotion of religious freedom, and human rights generally, did not emerge until the 1970s and 1980s. As these new foreign policy priorities developed, the U.S. Congress believed the State Department could more vigorously promote religious liberty and passed the International Religious Freedom Act (IRFA) in 1998. In its findings, IRFA juxtaposed the international standard guaranteeing religious freedom against the poor compliance by many countries, noting that more than one-half of the world's population lived under regimes that severely restricted the religious freedoms of their citizens. IRFA established religious freedom as a priority in all bilateral and multilateral talks and created new institutions, foremost of which is a special office within the State Department to monitor religious freedom worldwide, headed by the Ambassador-at-Large for International Religious Freedom. If religious freedom advocates can successfully mobilize the State Department, it will be a force multiplier to their efforts.

IRFA also created the U.S. Commission on International Religious Freedom (USCIRF) to act as a watchdog to the State Department's handling of religious freedom concerns. Other bodies exist within the panoply of U.S.

government agencies—in the European and Eurasian context, the U.S. Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, monitors respect for human rights and religious freedom in Europe and the former Soviet Union. The Congressional-Executive Commission on China also follows a range of political developments in China, including religious freedom. These institutions all represent places where advocates can advance their concerns and push for real action. Congress itself is another valuable venue, with its members and committees engaged on questions of religious persecution.

State Department Office for International Religious Freedom

Policymakers and Monitoring Body

Because the United States has a diplomatic presence in almost every country in the world, the State Department has the ability to engage globally on religious freedom issues. The International Religious Freedom Act created new institutions to combat religious freedom violations and persecution. Foremost is the Office for International Religious Freedom (IRF Office) within the State Department, headed by a high-level diplomat, the Ambassador-at-Large for International Religious Freedom.

The Ambassador-at-Large leads a cadre of Foreign Service Officers and civil servants who monitor religious freedom globally and devise strategies to reduce abuses. The IRF Office works with other offices within the State Department to ensure that religious freedom concerns are included in discussions with foreign governments. The IRF Office regularly interacts with "desk officers," Foreign Service Officers who cover specific countries and act as liaisons between the State Department bureaucracy and a particular U.S. embassy.

Playing a critical role in the collection of information are the U.S. embassies and consulates abroad. All U.S. embassies have at least one Foreign Service Officer detailed to cover human rights and religious freedom issues, and these individuals make field visits and meet with individuals and governmental representatives. Foreign Service Officers will often raise human rights and religious freedom concerns with the host government, lending credibility to the concerns and also putting officials on notice that the proper resolution is of interest to the United States. These civil servants also generate the first draft of the annual religious freedom and human rights reports.

The Ambassador-at-Large and his staff also meet directly with private individuals, religious groups, and foreign officials about religious freedom concerns, either in the field or in Washington. The activities of the ambassador and the office lead up to the *Annual Report on International Religious Freedom*, which each year covers a twelve-month period from July to June. Exceeding eight hundred pages, the report assesses the state of religious freedom in every country in the world, except the United States. U.S. embassies compile the information and write the first draft, focusing on religious freedom violations, changes since the previous report, and embassy activities to promote religious freedom. The embassy submits its draft to the IRF Office for its country experts to edit further. All the religious freedom reports are posted on the State Department's Web site and are translated and posted on U.S. embassy Web sites as well.

The religious freedom report is utilized for policy decisions. IRFA provides a calibrated list of actions the State Department can take in response to religious freedom violations, be they mild or severe. The Act created a new designation for the worst countries, found to be committing "particularly severe violations of religious freedom"—Country of Particular Concern (CPC) status. "Particularly severe violations" are defined as "systematic, ongoing [and] egregious," listing examples such as torture and imprisonment. Congress gave teeth to the new office and the status it created; if a country is designated with CPC status, there is a menu of sanctions available to motivate recalcitrant governments to improve religious freedom conditions. The CPC designation will last until removed.

> The term "particularly severe violations of religious freedom" means systematic, ongoing, egregious violations of religious freedom, including violations such as –
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> (A) torture or cruel, inhuman, or degrading treatment or punishment;
> (B) prolonged detention without charges;
> (C) causing the disappearance of persons by the abduction or clandestine detention of those persons; or
> (D) other flagrant denial of the right to life, liberty, or the security of persons.
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> **Section 3, International Religious Freedom Act**

Technically, the Secretary of State can make a determination at any time, but in practice these determinations occur soon after the release of the religious freedom report. The list makes up a "who's who" of worst violators, and the

Ambassador-at-Large and the IRF Office play a crucial role in recommending to the Secretary of State which countries should be designated. At the time of writing, current countries designated as CPC are Burma, Democratic People's Republic of Korea (North Korea), Eritrea, Iran, People's Republic of China, Saudi Arabia, Sudan, and Uzbekistan.

Advocacy Actions

Advocates should build relationships with the Ambassador-at-Large and IRF Office staff and brief them on situations of concern by providing actionable information that contains specific details about religious freedom violations. Advocates should advocate for CPC designations and urge the State Department to act, as well as make coreligionists in other countries aware of the IRF Office. Advocates can also request IRF Office assistance in having the State Department raise concerns directly with government officials or foreign embassies.

Contact Information

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State Department and the Bureau of Democracy, Human Rights, and Labor

Policymakers and Monitoring Body

The International Religious Freedom Office works within the State Department's Bureau of Democracy, Human Rights, and Labor (DRL). In support of the stated foreign policy objective of supporting human rights, the State Department has steadily increased the amount of resources dedicated to human rights issues. Today, State Department efforts to press for human rights are made primarily through DRL.

Headed by an Assistant Secretary of State, this bureau follows a variety of human rights issues on a day-to-day basis through the reporting from U.S. embassies and consulates abroad and through contact with nongovernmental

organizations and foreign embassies in Washington. Like the IRF Office, DRL also interacts with country desk officers. While DRL is the primary office within the State Department to raise concerns about human rights, it also works with an array of boutique offices that follow specific issues, such as refugees, Holocaust-era property restitution issues, anti-Semitism, trafficking in persons, and religious freedom.

Like the religious freedom report, there is an annual report on human rights that follows each calendar year. Overall responsibility for the *Country Reports on Human Rights Practices* falls to DRL, and the report assesses the state of human rights in every country in the world, other than the United States. Initial drafts are created at the embassies and sent to DRL for refinement, and like the religious freedom report, the finished product is available online. These comprehensive reports are a tremendous resource for documenting abuses or tracking improvements, and they cover a multitude of human rights issues, from democracy standards to torture to press freedom. Reporting on the calendar year and including a section on religious freedom, the report is an important tool for policymakers when determining a course of action in regard to a particular country, as by law, security assistance may be limited for any country that "engages in a consistent pattern of gross violations of internationally recognized human rights." [2]

Advocacy Actions

Advocates should provide DRL with detailed information about specific religious freedom concerns to help ensure that the human rights report is complete and accurate. Advocates should meet with U.S. Embassy staff (and/or recommend coreligionists meet) to ensure embassy personnel receive current information to report or act upon. Advocates can also request that DRL or embassies raise concerns directly with government officials or foreign embassies.

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U.S. Commission on International Religious Freedom

Policymakers and Monitoring Body

The U.S. Congress also created the U.S. Commission on International Religious Freedom (USCIRF) through IRFA to serve as a watchdog over State Department activities, to help ensure that the historic American commitment to religious freedom was firmly entrenched in U.S. foreign policy. USCIRF does not conduct diplomacy with foreign governments. It is led by nine private-sector commissioners: three appointed by the President, three by Senate leadership, and three by the House of Representatives leadership. The Ambassador-at-Large for International Religious Freedom serves as an ex-officio commissioner.

USCIRF's monitoring role is mainly exercised through the annual nomination of countries for CPC status and the issuance of country reports with policy recommendations for the President, Secretary of State, and the Congress. These recommendations outline actions USCIRF believes the United States should take toward countries with problematic policies. The State Department is not bound to these nominations or recommendations, but to date all designated countries have been nominated by USCIRF. The Commission can also hold public hearings on different countries of concern, as well as hold more informal briefings at their offices.

Commission staff follow religious freedom issues worldwide, in a sense shadowing the activities of the IRF Office, but pay particular attention to CPC countries and other countries they believe should be designated as such in the future. Staffers are active in monitoring religious freedom abuses, often traveling to countries to conduct fact-finding missions either with Commissioners or alone. They are also open to meeting with advocates visiting Washington.

Advocacy Actions

Advocates should supply reliable information and recommendations to USCIRF to help ensure that issues are addressed in their annual reports, focusing primarily on CPC countries or countries possibly meeting the definition. Advocates should also contact Commissioners directly and provide material regarding possible CPC countries to aid their deliberations.

Contact Information

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U.S. Commission on Security and Cooperation in Europe (Helsinki Commission)

Policymakers and Monitoring Body

Established in 1976 by Congress, the U.S. Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, monitors the compliance of the Helsinki Final Act and the other commitments under the Organization for Security and Cooperation in Europe (OSCE). A U.S. government commission, its staff monitors all fifty-six member countries in North America, Europe, and Eurasia concerning their human rights and religious freedom commitments. The Commission also plays a think-tank type role, working with the State Department on the formulation of U.S. foreign policy as it relates to the OSCE.

The Helsinki Commission is unique, in that it has twenty-one Commissioners representing two branches of government; eighteen from Congress and three from the executive branch. Congressional Commissioners are bipartisan and evenly divided between the House and Senate. The remaining three Commissioners represent the Departments of State, Commerce, and Defense, which reflect the three "baskets" of the Helsinki Process. Notwithstanding the executive branch relationship, the Helsinki Commission follows the lead of their congressional Commissioners, and the Chair rotates between the House and Senate every two years with each new Congress. Because of the direction provided by its congressional leadership, the Commission functions much like a congressional committee, but with no legislative oversight.

A professional staff supports Commissioners by following specific countries and thematic issues, one of which has traditionally been religious

freedom. The Helsinki Commission can convene congressional hearings and briefings on various human rights topics, which can focus or touch upon religious freedom-related matters. Helsinki Commission staff are also fully integrated with State Department delegations to OSCE meetings, and they travel on behalf of the Commission to OSCE participating States to discuss issues of concern with NGOs and government officials. These trips often result in public reports regarding implementation of OSCE commitments and possible congressional follow-up.

Advocacy Actions

Advocates should provide detailed information to Helsinki Commission staff on various concerns in Europe and Eurasia about specific violations of OSCE commitments on religious freedom. Advocates can request Commission action on an issue, which can take the form of letters from members of Congress or Congressional Record statements. Advocates should also attend Helsinki Commission hearings and briefings and provide documentation of abuses, when appropriate. Commission staff can also provide advice on ways to utilize OSCE mechanisms effectively to raise situations of concern.

Contact Information

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Congressional-Executive Commission on China

Policymakers and Monitoring Body

The Congressional-Executive Commission on China (CECC) was created by Congress in 2000 to monitor and report on human rights and the development of the rule of law in China. The CECC emerged from the debate that

year on whether to give China Permanent Normal Trade Relations with the U.S. Until 2000, the Congress would regularly debate China's human rights record before deciding on whether to grant temporary trade preferences. Not wanting to lose that opportunity, many members of Congress were only willing to grant permanent trade relations if the China Commission were created to monitor these very important issues.

Similar to the Helsinki Commission, the CECC has Commissioners from both branches—nine Senators, nine members of the House of Representatives, and five administration officials appointed by the President. The CECC works to encourage improvement by the Chinese government in respecting its own laws, constitution, and international agreements. Notably, the legislation establishing the China Commission specifically outlines religious freedom as an area of focus. Religious freedom is defined as more than just the ability to meet for worship, but to worship "free of involvement of and interference by the government."[3]

The China Commission's main activity is the writing of an annual report to the President and Congress about human rights and the rule of law in China, with recommendations for legislative or executive action. The CECC also maintains a list of prisoners jailed or detained because of human rights activities, including for religious reasons. Importantly, its founding statute also declares that the CECC will "seek out and maintain contacts" with nongovernmental organizations and receive information from these groups.

The CECC staff is composed of U.S. experts on China, with their expertise covering the range of issues outlined in their founding statute. To gather information for their annual reports, the CECC will convene hearings and informal roundtables, undertake fact-finding missions, and meet with Chinese officials, scholars, and academics.

Advocacy Actions

Advocates should provide detailed information and recommendations to China Commission staff on religious freedom violations for submission in their annual report. Advocates should also send the China Commission names of individuals jailed on account of their religious beliefs. Advocates should also attend China Commission hearings and informal roundtables and provide documentation of abuses.

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Congress

Policymakers

The U.S. Congress plays an energetic role in advocating for religious freedom. Individual members of Congress continually engage on international religious freedom issues, as their committee hearings consistently testify. Consequently, "the Hill" offers an open door for advocacy groups to raise concerns about specific situations.

The passage of the International Religious Freedom Act vividly demonstrated Congress' ability to respond legislatively to concerns about religious freedom in significant ways. More often, however, the Congress has spoken through nonbinding resolutions. For instance, in 2006 both the House and Senate passed a resolution on religious freedom in the Russian Federation. It had no legal effect but did express the opinion of the Congress on the treatment of religious freedom in Russia.

Members of Congress and Senators, acting in their independent capacity, can meet heads of state and ambassadors accredited to the United States and raise their concerns about limitations on religious practice. Most ambassadors will find time to meet with members or respond to their letters, as well as convey these concerns back to their capitals. This activism is not limited to those members serving on the committees dealing with foreign affairs. Members who have little or no interest in international issues will often engage on issues of international religious freedom, either because of their own personal faith perspective or because of the urging of their constituents.

In addition to individual action, congressional committees play an important role through their various hearings. Hearings are important, as they express congressional interest in a subject to both the country concerned and

the State Department. Members are action oriented, and they will use hearings to search for concrete steps that can be taken.

In addition, usually after the release to Congress of the religious freedom report by the State Department, the House Foreign Affairs Committee (HFAC) will convene an oversight hearing to review the findings and to discuss countries with problematic policies. HFAC also holds country-specific hearings during which issues of religious freedom can also be raised. For instance, during a general hearing on Afghanistan in 2003, panelists spent time discussing whether the new constitution would limit or facilitate religious freedom for non-Muslims. HFAC also maintains a special subcommittee that focuses specifically on human rights—the Subcommittee on International Organizations, Human Rights, and Oversight—and religious freedom concerns often arise. Congressmen also maintain the Tom Lantos Human Rights Commission, as well as the Taskforce on International Religious Freedom.

House Foreign Affairs Subcommittees
Subcommittee on Africa and Global Health
Subcommittee on Asia, the Pacific, and the Global Environment
Subcommittee on Europe
Subcommittee on International Organizations, Human Rights, and Oversight
Subcommittee on the Middle East and South Asia
Subcommittee on Terrorism, Nonproliferation, and Trade
Subcommittee on the Western Hemisphere

Senate Foreign Relations Subcommittees
Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs
Subcommittee on Near Eastern and South and Central Asian Affairs
Subcommittee on African Affairs
Subcommittee on East Asian and Pacific Affairs
Subcommittee on International Operations and Organizations, Democracy and Human Rights
Subcommittee on European Affairs
Subcommittee on International Development and Foreign Assistance, Economic Affairs, and International Environmental Protection

In the Senate, the Foreign Relations Committee (SFRC) also addresses human rights and religious freedom concerns. The committee does not have a thematic subcommittee dedicated to human rights, but its regional subcommittees often focus on religious freedom concerns within a country context.

For both houses, the appropriations committees have considerable clout over issues concerning foreign affairs. Funding both the State Department and foreign aid programs, appropriators can either increase monies for U.S. government programs supporting religious freedom, or look to limit, condition, or cut aid to governments that are religious freedom violators.

Advocacy Actions

American advocates should contact their Representatives and Senators regarding religious freedom violations either through letter, e-mail, or personal meetings. Advocates from other countries can also conduct similar awareness campaigns. While also looking to meet directly with members of Congress, advocates should present information in an easily accessible format to staff in personal offices and relevant committees. Actions that advocates can pursue include requesting meetings with a representative of the government in question, writing to the head of state, raising the issue at hearings or through legislation, or pushing the State Department to act.

Contact Information

U.S. Congress
http://www.house.gov/
http://www.senate.gov/

House Foreign Affairs Committee (HFAC)
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House Committee on Appropriations
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