



ADVANCING FAITH, FAMILY AND FREEDOM

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Hearing on Protecting Religious Freedom Abroad

FAMILY RESEARCH COUNCIL

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Religious freedom is a fundamental, inherent, and international human right. It is not merely an American right—though religious freedom was foundational to the very existence of the United States. Additionally, standing for religious liberty is a vital component of American foreign policy. Defending those whose right to practice their faith is penalized or jeopardized wins our country friends among people throughout the developing world and thus enhances the security of our nation. As I will note later, countries where religious liberty flourishes are both more stable and more prosperous.

So, defending religious freedom is not only right in itself, but its benefits for our vital interests are profound.

Yet the current Administration consistently has failed to prioritize this fundamental international human right and give it the attention it deserves, especially in light of the horrific religious persecution we see unfolding before our eyes in the Middle East and elsewhere.

International Religious Freedom Is Required by Law

The United States is obligated under international law to uphold, support, and promote religious freedom. In 1948, the nations of the world, appalled by the horror of World War II, came together to form the United Nations (UN) and adopt the Universal Declaration of Human Rights (UDHR) to address and lay the groundwork to prevent fundamental human rights violations in the future. The UDHR provides that “[e]veryone has the right to freedom of thought, conscience and religion; *this right includes freedom to change his religion or belief*, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”¹ UN Member States at that time pledged to secure the “universal and effective recognition and observance” of the rights in the UDHR, “both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.”²

Also, shortly after the horror of the Holocaust, the international community established a legally binding treaty known as the Convention on the Prevention and Punishment of the Crime of Genocide (hereinafter “Genocide Convention”).³ The treaty legally prohibits ratifying nations from engaging in genocide, which it specifies as certain “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.”⁴ The Genocide Convention also binds nations which are parties to it with an obligation to “prevent” genocide—an obligation the International Court of Justice has held to be clear and independent.⁵

¹ Universal Declaration of Human Rights, G.A. Res. 217A, art. 18, U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 12, 1948) [hereinafter UDHR].

² *Id.* pmb1.

³ Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, 78 U.N.T.S. 277, entered into force 12 January 1951, [hereinafter Genocide Convention].

⁴ *Id.* art. 2.

⁵ International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, 26 February 2007, available at <http://www.icj-cij.org/docket/files/91/13685.pdf>.

Almost twenty years later, the fundamental right to freedom of religion was again recognized as an inherent human right in the International Convention on Civil and Political Rights (ICCPR), which explicitly “[r]ecogniz[es] that” religious freedom and other “rights derive from the inherent dignity of the human person.”⁶ While the UDHR recognizes these same rights, it is not a binding legal instrument. The ICCPR is legally binding, however, and it states: “[e]veryone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”⁷ The ICCPR goes further, noting that “[n]o one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.”⁸ Seventy-four nations have signed and committed themselves to recognizing and upholding these religious freedom rights in the ICCPR, including the United States.⁹

The recognition of religious freedom in international law is also manifested in various regional instruments, such as the European Convention on Human Rights,¹⁰ the American Convention on Human Rights (from the Organization of American States),¹¹ and the African Charter on Human and Peoples’ Rights.¹²

America’s obligation to uphold religious liberty is not only a matter of international law but of federal statute. Confirming the United States’ role in upholding the international human right of religious freedom, the International Religious Freedom Act of 1998 (“IRFA”) states that “[i]t shall be the policy of the United States . . . [t]o condemn violations of religious freedom, and to promote, and to assist other governments in the promotion of, the fundamental right to freedom of religion.”¹³

International Religious Freedom Is Good Policy

Not only is religious freedom a fundamental, inherent, and international human right, and not only is the United States obligated to promote it, religious freedom is also good foreign policy. Religious freedom promotes economic growth, and suppressing it stifles economic growth around the world. In turn, the lack of economic growth fosters instability and a lack of security.¹⁴

⁶ International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), pmb., 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976 [hereinafter ICCPR].

⁷ *Id.* art. 18.

⁸ *Id.*

⁹ Status of ICCPR, UN Treaty Collection,

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en.

¹⁰ Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, art. 9, Nov. 4, 1950, ETS 5, 213 U.N.T.S. 222, *entered into force* Sept. 3, 1953 [hereinafter European Convention on Human Rights].

¹¹ Organization of American States, American Convention on Human Rights, art. 12, Nov. 22, 1969, O.A.S.T.S. No. 36, 1144 U.N.T.S. 123.

¹² Organization for African Unity, African Charter on Human and Peoples’ Rights, art. 8, June 27, 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982).

¹³ 23 U.S.C. § 6401(b)(1).

¹⁴ Remarks by Brian Grim, President, Religious Freedom and Business Foundation, “The Social and Economic Impact of Religious Intolerance,” March 14, 2014, <http://religiousfreedomandbusiness.org/2/post/2014/03/the-social-and-economic-impact-of-religious-intolerance.html>.

One study found a positive relationship between religious freedom and ten of the twelve pillars of global competitiveness measured by the World Economic Forum's Global Competitiveness Index.¹⁵ Religious freedom is important for peace and security, which in turn permit economic growth and prosperity.¹⁶ In this age of globalization, we should all be more concerned about the connection between religious freedom and business, for the suppression of religious freedom elsewhere may affect economic growth at home.

Religious freedom should be a central priority in U.S. diplomatic and strategic engagement worldwide in order to promote freedom for its own sake as well as for reasons of global stability, security, and economic growth. The United States must make religious freedom a more central component of its foreign policy, at least in part because upholding religious freedom promotes wellbeing both at home and abroad.

International Religious Freedom Is Under Unprecedented Attack

Yet religious liberty is under serious and increasing attack around the world today. Despite its clear legal protection and established social and economic benefit, international religious freedom is in serious decline.

In its latest figures, the Pew Research Center reports that in 2013 Christians continued to be harassed (by the government and social groups) in 102 countries, Muslims in 99 countries, and Jews in 77 countries.¹⁷ The harassment of Jews, for whom this figure constituted a seven-year high, was much more likely to occur at the hands of "individuals or groups in society than by governments. In Europe, for example, Jews were harassed by individuals or social groups in 34 of the region's 45 countries."¹⁸ While certainly a number of different religious groups are persecuted in varying locations around the world, these figures alone are troubling.

In 2014, there was more persecution of Christians than at any other time in the modern era.¹⁹ When advocacy organization Open Doors USA compiled its annual list of the top 50 persecutors of Christians, the level of persecution and hostility demonstrated by these 50 nations was higher than ever before.²⁰ Approximately 100 million Christians are now persecuted worldwide.²¹ While the brutal violence we have seen in news reports is serious and obviously must be addressed, it was not "increased violence" that was primarily responsible for the record levels of

¹⁵ Religious Freedom Linked to Economic Growth, Finds Global Study, Religious Freedom & Business Foundation, May 29, 2014, <http://religiousfreedomandbusiness.org/religious-freedom-business>.

¹⁶ *Id.*

¹⁷ Latest Trends in Religious Restrictions and Hostilities (released Feb. 26, 2015), Pew Research, Religion & Public Life Project, at 5, http://www.pewforum.org/files/2015/02/Restrictions2015_fullReport.pdf.

¹⁸ *Id.*

¹⁹ "Persecution of Christians Reaches Historic Levels, Conditions Suggest Worst Is Yet to Come," Open Doors USA, Jan. 7, 2015, <https://www.opendoorsusa.org/newsroom/tag-news-post/persecution-of-christians-reaches-historic-levels-conditions-suggest-worst-is-yet-to-come/>.

²⁰ *Id.*

²¹ *Id.*

Christian persecution in 2014, “but rather increased ‘cultural marginalization’”—the more subtle “squeeze” type of persecution that makes “‘daily life . . . harder and harder’ for Christians.”²²

Last year, the saga of pregnant Sudanese mother Mariam Ibraheem being convicted and jailed for her choice of faith²³ preceded the reports of the horrors of the Islamic State of Iraq and al-Sham (“ISIS”) across Iraq and Syria. Over the past year, ISIS has murdered Yazidis because of what they believe, killed Muslims because they do not hold what ISIS believes are the correct beliefs, and killed and persecuted Christians because of their religion.

After ISIS recently attacked Assyrian Christian villages on the Khabour River and destroyed their homes and churches, a pastor reported that the main question families struggle with is: “Shall we wait to be killed or shall we leave the country?”²⁴ He said people wonder, “[w]here are the Western countries, churches, organizations and the politicians?”²⁵ Where are their voices and acts?” The pastor continued, “[i]t was very hard for me to have answers or solutions, except trying to help by praying and telling the people to continue to be faithful and to wait for God’s direction for their families.”²⁶ These persecuted individuals deserve not merely our attention, but protection. They haven’t relinquished their internationally-recognized right to freedom of religion.

The Genocide Convention prohibits targeting a “religious group” for the purpose of “(a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.”²⁷ While only one of these acts is required to constitute genocide, ISIS has possibly engaged in all of them with respect to Yazidis, Christians, and other religious groups.

Over twenty years ago, President Clinton hesitated to take decisive action to stop genocide in Rwanda, which he avoided defining as genocide precisely due to the concern that the United States would be *obligated* to do something *if* genocide was recognized as taking place in Rwanda. As a result, more than a million lives were lost. Several years later, President Clinton went to Rwanda and admitted his error. Now, in the Middle East, the United States has an obligation to prevent genocide.²⁸ It must not fail to do so again.

²² Sarah Eekhoff Zylstra, “‘Not Forgotten’: The Top 50 Countries Where it’s Most Difficult to Be a Christian,” Christianity Today, Jan. 7, 2015, <http://www.christianitytoday.com/gleanings/2015/january/not-forgotten-top-50-countries-world-watch-list-open-doors.html?paging=off>.

²³ Sudan court frees woman sentenced to death for changing faith, Reuters, June 24, 2014, <http://uk.reuters.com/article/2014/06/24/uk-sudan-ruling-idUKKBN0EY2GW20140624>.

²⁴ Syria: Christians in Aleppo Search for Answers in Wake of IS Assault, Open Doors USA, Mar. 2, 2015, <https://www.opendoorsusa.org/newsroom/tag-news-post/syria-christians-in-aleppo-search-for-answers-in-wake-of-is-assault/>.

²⁵ *Id.*

²⁶ *Id.*

²⁷ Genocide Convention, *supra* note 4, art. 2.

²⁸ This conclusion is shared by the former U.S. Ambassador to Croatia, among others. See Peter Galbraith, *The Obama Doctrine*, The Blog, Huffington Post, Aug. 8, 2015, http://www.huffingtonpost.com/peter-w-galbraith/the-obama-doctrine_2_b_5663778.html.

In Nigeria, Boko Haram continues its rampage of terror, killing and kidnapping at will. Recently, a Christian woman from Nigeria named Damaris Atsen described how her husband was killed by Boko Haram militants during the group's advance.²⁹ Damaris's husband was helping a blind man find his way on a public street as Boko Haram approached their location. Boko Haram stabbed Damaris's husband, and he died of his injuries. Damaris considered suicide, but her church comforted and prayed with her. Through the incredibly difficult ordeal of her husband's senseless murder, she was sustained by the grace and power of God. While Damaris's story has elements of hope, people like her also deserve our support—they deserve to have their government, and our government, standing up for their religious freedom.

The United States Must Do More to Uphold International Religious Freedom

In the face of unprecedented worldwide religious persecution, the United States has been relatively silent—indeed, it has been shamefully silent.

The Obama Administration failed to speak clearly and forcefully in defense of Mariam Ibraheem last year, and only spoke out after significant attention had been brought to the matter.

More recently, after ISIS beheaded 21 Egyptian Christians, and identified them in its own video as “[t]he people of the cross, followers of the hostile Egyptian church,”³⁰ the Obama Administration still failed to identify them as Christians (instead calling them “Egyptian citizens”), despite the fact that ISIS *itself stated* it was targeting them because they are Christians.³¹ These are but two of numerous failures of the United States to maintain its moral voice on religious freedom. Our silence encourages those who work actively to diminish or even destroy the exercise of this fundamental human right.

The United States has also failed to send the message that it values this right. While the role of U.S. Ambassador-at-Large for International Religious Freedom has been filled, the position remained vacant for a total of 36 of the first 72 months of the Obama Administration. In part due to this lack of effort on the part of the Administration, Congress passed legislation to establish a Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia, where the region is in turmoil. Yet despite what is ongoing in the Middle East, this position still remains vacant.

The International Religious Freedom Act of 1998 requires that the United States prioritize religious freedom in its foreign policy, but our government has failed to prioritize this issue and

²⁹ Open Doors USA, World Watch List Press Conference, published Jan. 20, 2015, <https://www.youtube.com/watch?v=Oi9Rmzodp2U> (see video from 19:45 onward).

³⁰ Ahmed Tolba and Michael Georgy, “Sisi warns of response after Islamic State kills 21 Egyptians in Libya,” Reuters, Feb. 15, 2015, <http://www.reuters.com/article/2015/02/15/us-mideast-crisis-libya-egypt-idUSKBN0LJ10D20150215>.

³¹ Jennifer Rubin, *Morning Bits*, Wash. Post, Feb. 19, 2015, <http://www.washingtonpost.com/blogs/right-turn/wp/2015/02/19/morning-bits-532/>; see also Graeme Wood, “What ISIS Really Wants,” *The Atlantic*, Mar. 2015, <http://www.theatlantic.com/features/archive/2015/02/what-isis-really-wants/384980/>.

consistently and courageously condemn recent international religious freedom violations. The international legal framework upholding religious freedom is firmly in place, and the evidence showing religious freedom is good policy is also apparent, yet religious freedom is being neglected in the world today and our nation's support for it is paltry. We should be ashamed at such developments, especially when one considers the important U.S. role in elevating that right's international legal recognition since 1948.

Our moral voice and supporting actions have been increasingly and noticeably absent with regard to international religious freedom. We must once again find that voice. The world urgently needs it. Our vital interests and security demand it. All people everywhere will be better for it.