

110TH CONGRESS
2D SESSION

H. RES. 1140

Recognizing the 10th Anniversary of the International Religious Freedom
Act of 1998.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2008

Mr. FRANKS of Arizona (for himself, Mr. WOLF, Mr. CLEAVER, Mr. PITTS, Mr. MCINTYRE, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. TOWNS, Mr. WAMP, Mr. DUNCAN, Mr. BARRETT of South Carolina, Mr. KLINE of Minnesota, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mr. PENCE, Mr. KING of Iowa, Mr. HERGER, Mr. AKIN, Mr. BARTLETT of Maryland, and Mr. TIAHRT) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Recognizing the 10th Anniversary of the International
Religious Freedom Act of 1998.

Whereas, October 27, 2008, marks the ten-year anniversary of the International Religious Freedom Act of 1998 (IRFA), which recognizes the fundamental importance of religious freedom within United States historical experience and establishes it as a top priority in United States foreign policy;

Whereas the right to religious freedom is a universal human right articulated in numerous international instruments, including the Universal Declaration of Human Rights

(UDHR), the International Covenant on Civil and Political Rights, and the United Nations Declaration on the Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief;

Whereas Article 18 of the UDHR recognizes that “Everyone 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”;

Whereas every government has a responsibility under its international human rights commitments to protect the fundamental rights of its citizens and to pursue justice for all;

Whereas according to research published by the Pew Forum on Religion and Public Life, there is a strong correlation between religious freedom and respect for human freedom;

Whereas research published by the Pew Forum indicates that other human rights are negatively affected when religious freedom is not protected, and when religious participation is protected equitably for people of all beliefs in societies throughout the world, human freedom increases and conflict decreases;

Whereas according to the recent publication Religious Freedom in the World, surveying the situation of religious freedom in countries and territories that make up 95 percent of the world’s population, approximately 40 percent of the world’s population live in countries or territories that are “partly free” and approximately one-third live in countries or territories that are “unfree” based on an as-

assessment of whether individual's are denied the right to practice their religion or belief when the denial is because of their religious beliefs or those of the persecutors;

Whereas since the IRFA was adopted, greater support for this human right in the United States influenced the following foreign policy decisions, including—

(1) the United States Government played a key role in bringing about the Comprehensive Peace Agreement in December 2004 ending the North-South civil war and providing greater religious freedom in the South;

(2) the Department of State denied, pursuant to section 212(a)(2)(g) of the Immigration and Nationality Act, as amended by the IRFA, the Chief Minister of Gujarat State in India, Narendra Modi, a visa to enter the United States as a result of his direct involvement in the persecution of Muslims, finding that any foreign government official who “was responsible for or directly carried out, at any time, particularly severe violations of religious freedom” is ineligible for a visa to the United States;

(3) the United States Government worked with foreign governments that affirm and protect religious freedom to develop multilateral initiatives to combat violations of religious freedom and promote the right to religious freedom abroad, and initiatives were undertaken on North Korea and Burma at the United Nations and on combating anti-Semitism and religious intolerance in the Organization for Security and Cooperation in Europe through the creation of three special representatives to the Chairman-in-Office to protect religious freedom;

(4) the United States Government worked to secure the release of a number of individuals imprisoned as a result of their religious beliefs, such as prominent Uyghur human rights advocate Rebiya Kadeer, and Tibetan Bud-

dhist nuns Ngawang Sangdrol and Phuntsog Nyidron, among others;

(5) the Department of Homeland Security appointed the first Senior Refugee and Asylum Policy Advisor to resolve problems in United States immigration law relating to expedited removal, a process implemented in 1997 to “expeditiously remove” certain improperly documented aliens without a hearing, to ensure that legitimate asylum seekers are not put at risk of being returned to countries where they may face persecution, particularly religious persecution; and

(6) in response to protections in the IRFA for those individuals seeking asylum for fear of persecution, the United States Court of Appeals for the Fifth Circuit issued an order to vacate its August 2005 ruling in *Li v. Gonzales*, clarifying that China’s control over registered churches, and its prosecution of individuals for engaging in “unauthorized” religious activity, are clearly in violation of international law with regard to freedom of religion or belief, and that Li, a Chinese man who had been arrested, beaten, fired, and charged with the “crime” of organizing an unregistered house church in China, should not be removed from the United States;

Whereas, ten years since the passage of the IRFA, the right to religious freedom remains under increasing assault in many countries around the world;

Whereas while some governments have made significant improvements in respect for the right to religious freedom, new situations of grave concern have arisen, including—

(1) governments are increasingly limiting the space for open discussion and peaceful practice of religious beliefs that differ from the beliefs of the majority by pro-

moting religious defamation resolutions at the United Nations Human Rights Council and enforcing national laws against blasphemy and apostasy, and this has exacerbated societal intolerance for the religious freedom rights of individuals;

(2) the association of nationalism with specific religions, such as Hindu extremism in India, has led to a significant increase in attacks on minority and unrecognized religious communities throughout the world, and oftentimes majority religious communities collaborate with local officials and the perpetrators are given impunity by the government;

(3) the Center for Religious Freedom at the Hudson Institute exposed translations of extremist literature, largely funded by the government of Saudi Arabia, found in mosques and schools throughout the world, including in the United States, that propagates incitement to religious hatred and intolerance;

(4) since September 11, 2001, countries around the world, including Uzbekistan and China among others, have justified restrictions on religious freedom by accusing peaceful practitioners of some religious communities of terrorist activities;

(5) governments, such as Russia and other countries of the Commonwealth of Independent States, often legitimize discrimination against religious minorities by passing restrictive legislation containing onerous registration requirements and unbalanced treatment for such minority religious groups; and

(6) the promotion of religious freedom has increasingly become a critical national security factor in United States foreign policy as respect for this right often serves as a litmus test for assessing and identifying ways to pre-

vent and respond to the threat of religiously motivated terrorism from extremists throughout the world;

Whereas, in order to establish the internationally recognized right to freedom of religion as a top priority in United States foreign policy, the IRFA established the position of National Security Advisor on International Religious Freedom, but this position has never been filled, limiting coordination between the Office of the President and other agencies handling religious freedom;

Whereas the IRFA also called upon the United States Government to fund programs throughout the world that promote cultural respect and develop legal protections for this international norm, called upon United States embassies in countries the governments of which engage in severe violations of religious freedom to develop strategies to promote this international norm, and called for instruction to be provided at all levels of the foreign service in the field of internationally recognized human rights, including religious freedom, but it appears that these directives have never been prioritized nor adequately implemented;

Whereas, in February 2005, the United States Commission on International Religious Freedom, in a comprehensive study on the treatment of asylum seekers in the United States, identified serious flaws undermining the integrity of the system, yet most of the findings and recommendations from this study, authorized by the IRFA, have not yet been addressed by the Department of Homeland Security; and

Whereas the United States recognizes the need for additional domestic and international attention and action to pro-

mote and protect the fundamental freedom of religious liberty: Now, therefore, be it

1 *Resolved*, That the United States House of Rep-
2 representatives—

3 (1) recognizes the tenth anniversary of the sign-
4 ing of the International Religious Freedom Act of
5 1998 (IRFA) and the fundamental importance of re-
6 ligious freedom within United States historical expe-
7 rience and United States foreign policy;

8 (2) urges all Member States of the United Na-
9 tions to respect their obligations to protect Article
10 18 of the Universal Declaration of Human Rights in
11 its entirety and without subjecting it to national law
12 or interpretations inconsistent with the object and
13 purpose of the Declaration;

14 (3) calls upon the President and successive ad-
15 ministrations to—

16 (A) appoint a National Security Advisor on
17 International Religious Freedom to coordinate
18 United States foreign policy on religious free-
19 dom between the Office of the President and
20 other relevant agencies;

21 (B) continue to promote respect for the
22 internationally recognized right to freedom of
23 religion and fundamental human rights in all
24 multilateral and bilateral fora; and

1 (C) address the findings and recommenda-
2 tions of the United States Commission on
3 International Religious Freedom in its study,
4 authorized by the IRFA, on the treatment of
5 asylum-seekers in the United States, in order to
6 ensure the United States remains a refuge for
7 those individuals who have been persecuted on
8 the basis of religion or belief; and

9 (4) calls upon the Secretary of State to—

10 (A) continue to ensure that no foreign gov-
11 ernment official receives a visa to enter the
12 United States if that official has been directly
13 involved in particularly severe violations of reli-
14 gious freedom;

15 (B) ensure that religious freedom is a key
16 component of dialogue with all countries on the
17 list of countries of particular concern (CPC) or
18 where concerns exist, and to work with United
19 States Ambassadors serving in these countries
20 to develop strategies to promote cultural respect
21 and develop legal protections for this inter-
22 national norm;

23 (C) ensure that the funding of programs to
24 promote respect for the international right to
25 religious freedom is made a priority of United

1 States foreign assistance, and to ensure that
2 training on the international right to religious
3 freedom and other human rights is required in
4 all foreign service officer training; and

5 (D) develop strategies to address new situ-
6 ations of grave concern related to respect for
7 the right to freedom of religion.

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