

March 2013

INTERNATIONAL  
RELIGIOUS  
FREEDOM ACT

State Department and  
Commission Are  
Implementing  
Responsibilities but  
Need to Improve  
Interaction



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## Why GAO Did This Study

Congress passed the Act in 1998 to promote international religious freedom, among other purposes. The Act established within State the Office of International Religious Freedom, headed by an Ambassador-at-Large. The Act also established USCIRF, with the Ambassador-at-Large as an ex-officio member. In addition, the Act outlined primary responsibilities for both State and USCIRF.

The U.S. Commission on International Religious Freedom Reform and Reauthorization Act of 2011 required GAO to report on matters related to the U.S. promotion of international religious freedom. This report assesses (1) State's implementation of its primary responsibilities established in the Act, (2) USCIRF's implementation of its primary responsibilities established in the Act, (3) State's and USCIRF's interaction to promote religious freedom, and (4) NGOs' views on U.S. efforts to promote religious freedom.

GAO analyzed documents and interviewed officials from State, USCIRF, NGOs, and foreign governments. GAO conducted fieldwork in five countries, including CPCs, and surveyed 131 NGOs. The survey results reflect the views of survey respondents and cannot be generalized.

## What GAO Recommends

GAO recommends that the Secretary of State and the Chair of USCIRF jointly define how State and USCIRF should interact in their efforts to promote international religious freedom. State and USCIRF concurred with GAO's recommendation.

View [GAO-13-196](#). For more information, contact Thomas Melito at (202) 512-9601 or [melitot@gao.gov](mailto:melitot@gao.gov).

March 2013

# INTERNATIONAL RELIGIOUS FREEDOM ACT

## State Department and Commission Are Implementing Responsibilities but Need to Improve Interaction

### What GAO Found

The Department of State (State) is implementing the primary responsibilities outlined in the International Religious Freedom Act of 1998 (the Act) by undertaking numerous actions to promote religious freedom, engaging with foreign officials, and annually publishing its *International Religious Freedom Report*. The Ambassador-at-Large and the Office of International Religious Freedom assist the Secretary of State with certain responsibilities outlined in the Act, including the designation of Countries of Particular Concern (CPC) and the development of training.

The U.S. Commission on International Religious Freedom (USCIRF) is implementing its primary responsibilities outlined in the Act by conducting ongoing reviews of violations of religious freedom and issuing policy recommendations to the U.S. government. According to USCIRF officials, its primary responsibilities culminate in the release of its annual report. The report discusses the 20 to 30 countries that USCIRF considers the worst offenders against religious freedom, and it presents policy recommendations to the U.S. government. USCIRF has at times also provided technical assistance or recommendations to foreign officials.

Although the Act, as amended, directs State and USCIRF to cooperate, they have not defined how they should interact, which has at times created tensions with foreign-government officials. For example, in its 2012 report, USCIRF recommended that the Secretary of State designate Turkey as a CPC. Because the Ambassador-at-Large was not regularly attending USCIRF meetings at the time, State officials learned of the commissioners' intent shortly before USCIRF published its report. State officials explained that Turkey did not warrant CPC designation, as it had taken steps to improve religious freedom, but USCIRF proceeded with its recommendation. According to Turkish officials, USCIRF's report contradicted State's report and was therefore "null and void." State officials told GAO that they had to resolve the resulting tensions with the Turkish government.

Representatives of nongovernmental organizations (NGOs) whom GAO surveyed and interviewed generally viewed overall U.S. government efforts to promote international religious freedom positively, while raising some concerns and suggesting several improvements. To better promote international religious freedom, some NGOs suggested greater inclusion of civil society and other nonstate actors and further empowerment of U.S. government entities. Likewise, NGOs familiar with State's and USCIRF's annual reports generally viewed them positively, although several raised concerns that both reports lacked objectivity. Finally, NGOs generally viewed State's CPC designations positively, although some doubted how useful the designations or recommended designations were to their work. NGOs from GAO's five fieldwork countries provided similar opinions.

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**Abbreviations**

CRS	Congressional Research Service
CPC	Countries of Particular Concern
DRL	Bureau of Democracy, Human Rights, and Labor
NGO	nongovernmental organization
UN	United Nations
USCIRF	U.S. Commission on International Religious Freedom

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Accountability \* Integrity \* Reliability

**United States Government Accountability Office**  
Washington, DC 20548

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March 26, 2013

The Honorable Robert Menendez  
Chairman  
The Honorable Bob Corker  
Ranking Member  
Committee on Foreign Relations  
United States Senate

The Honorable Edward R. Royce  
Chairman  
The Honorable Eliot L. Engel  
Ranking Member  
Committee on Foreign Affairs  
House of Representatives

Because of concerns about increasing restrictions on religious rights around the world, Congress passed the International Religious Freedom Act of 1998 (the Act) to strengthen U.S. advocacy of individuals persecuted in foreign countries on account of religion.<sup>1</sup> According to the Act, more than half of the world's population was living under governments that severely restricted or prohibited freedom of religion. In 2012, the Pew Research Center reported that approximately 75 percent of the world's population was living in countries with high or very high government restrictions on religion or with religious hostilities in society.<sup>2</sup> The Act established an Office of International Religious Freedom (Office) within the Department of State (State), headed by an Ambassador-at-Large, to promote international religious freedom. The Act also established the U.S. Commission on International Religious Freedom (USCIRF) to review the facts and circumstances of violations of religious

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<sup>1</sup>See International Religious Freedom Act of 1998, Pub. L. No. 105-292, Oct. 27, 1998, as amended by later acts such as A Bill to Amend the International Religious Freedom Act of 1998 to Provide Additional Administrative Authorities to the United States Commission on International Religious Freedom, and to Make Technical Corrections to the Act, and for other purposes, Pub. L. No. 106-55, Aug. 17, 1999; and the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011, Pub. L. No. 112-75, Dec. 23, 2011.

<sup>2</sup>Pew Research Center's Forum on Religion & Public Life, *Rising Tide of Restrictions on Religion* (Washington, D.C.: 2012).

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freedom and recommend policy actions to the President, Secretary of State, and Congress.

The United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011 (the Reauthorization Act) required us to report to the committees regarding several matters related to U.S. promotion of international religious freedom.<sup>3</sup> The Reauthorization Act also included a specific requirement that we consult with nongovernmental organizations (NGO) in preparing the report. In addition, the Reauthorization Act required us to compare USCIRF with other commissions. To respond to the mandate, we have assessed (1) State's implementation of its primary responsibilities established in the Act; (2) USCIRF's implementation of its primary responsibilities established in the Act; (3) State's and USCIRF's interaction in their efforts to promote religious freedom; and (4) NGOs' views on U.S. efforts to promote international religious freedom. Appendix II presents our comparative analysis of USCIRF and other commissions.

To address our objectives, we analyzed documents from State and USCIRF, including grant documents, cables, and annual reports. We also met with officials from State and USCIRF, including all three Ambassadors-at-Large—two former and one present—as well as all of the current and more than half of the former USCIRF commissioners. We also conducted fieldwork in Afghanistan, Indonesia, Turkey, Uzbekistan, and Vietnam, meeting with U.S. officials and representatives from relevant host-government agencies, NGOs, civil society, and religious communities. The five countries we selected for fieldwork met at least two of the following criteria: (1) State had funded an international religious freedom program in the country; (2) the country was on USCIRF's watch list; (3) USCIRF had recommended designating the country, or State has designated it, as a Country of Particular Concern (CPC); and (4) the Ambassador-at-Large or USCIRF had visited the country in the past 3 years. We also conducted a survey of 131 NGOs that we identified from a variety of sources as working on religious freedom issues. The results of the survey, which had a 64 percent response rate, reflect only the views of the respondents to our survey and cannot be generalized. See appendix I for a more detailed discussion of our scope and methodology.

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<sup>3</sup>Pub. L. No. 112-75, Sec. 7, Dec. 23, 2011.

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We conducted this performance audit from March 2012 to March 2013 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

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### The Act Established International Religious Freedom as a U.S. Foreign Policy Objective

In passing the Act, Congress noted that, at that time, more than half of the world's population lived under regimes that severely restricted or prohibited citizens from freely observing their religious beliefs. In addition, the Act describes government-sponsored and government-tolerated violations to religious freedom that people faced, including slander campaigns; confiscation of property; denial of the right to assemble; and prohibitions against publishing, distributing, or possessing religious literature. According to the Act, religious believers in many countries also faced severe and violent forms of religious persecution, such as imprisonment, torture, beatings, mass resettlement, and death for their peaceful belief in, change of, or practice of their faith.

In its findings on religious freedom, the Act refers to the U.S. Constitution and various principles of international law. The first amendment of the U.S. Constitution established the right to freely exercise religious beliefs, and according to the Act, "the right to freedom of religion undergirds the very origin and existence of the United States." In addition, the Act highlights principles of international law, such as those outlined in the United Nations (UN) Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which identify religious freedom as a universal human right.<sup>4</sup> For example, according to

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<sup>4</sup>The UN General Assembly adopted the Universal Declaration of Human Rights on December 10, 1948. According to the UN, the Universal Declaration of Human Rights complemented the UN charter by providing a road map to guarantee the rights of individuals. On December 16, 1966, the UN General Assembly adopted the International Covenant on Civil and Political Rights, which provides for the protection of the rights to freedom of thought, conscience, and religion. Together, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights make up the International Bill of Human Rights.



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the Universal Declaration of Human Rights, “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.”

The Act states that it shall be the policy of the United States to condemn violations of religious freedom and to promote and assist other governments in the promotion of religious freedom. The Act describes several actions that the United States shall take in accordance with this policy objective, including the implementation of appropriate diplomatic, political, commercial, and other tools to promote respect for religious freedom by all governments and peoples. In July 2012, the Secretary of State reiterated the U.S. government’s commitment to promote religious freedom and said that the administration had elevated religious freedom as a diplomatic priority.<sup>5</sup> She also discussed her personal diplomatic outreach around the world concerning religious freedom and the appointment of the first envoy to the Organization of Islamic Cooperation.

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## The Act Established Two Separate Entities and Outlined Their Responsibilities

The Act Established State’s Office and Ambassador-at-Large for International Religious Freedom and Outlined State’s Responsibilities

In accordance with the Act, State created the Office of International Religious Freedom (the Office) in 1999, headed by the Ambassador-at-Large for International Religious Freedom (the Ambassador). State placed the Office within the Bureau of Democracy, Human Rights, and Labor (DRL). Three individuals have served in this position (see fig. 1).<sup>6</sup> The position has been vacant for approximately 4.5 of the 14 years since

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<sup>5</sup>Hillary Clinton, “Remarks at the Release of the 2011 International Religious Freedom Report” (address by the Secretary of State given at the Carnegie Endowment for International Peace, Washington, D.C., July 30, 2012).

<sup>6</sup>The Secretary of State created the position of Special Adviser for Religious Freedom in DRL in August 1998. Robert Seiple served in that position until he was sworn in as the Ambassador in May 1999, at which point the Special Adviser position ceased to exist.

the Act's passage, primarily because of delays in the presidential nomination process.<sup>7</sup>

**Figure 1: Timeline Highlighting the Tenure of Each Ambassador-at-Large for International Religious Freedom**



Source: GAO analysis of Department of State information.

The Act outlines four primary responsibilities for the Ambassador: (1) promote religious freedom, (2) serve as a principal adviser to the President and Secretary of State on religious freedom issues abroad, (3) represent the U.S. government diplomatically in matters relevant to religious freedom abroad, and (4) report on the status of international religious freedom annually. Although the Act directs that the Ambassador is the head of the Office, it does not explicitly outline responsibilities for the Office. State officials said that the primary responsibilities of the Office mirror those established for the Ambassador.

The Act directs the President and the Secretary of State to take certain actions in response to violations of religious freedom. Specifically, the Act requires the President to designate and take action against CPCs. First, the Act requires the President to review the religious freedom situation in each country and designate countries as CPCs for “systematic, ongoing, egregious” violations of religious freedom. Secondly, the Act requires the President, with certain exceptions, to take a range of actions against designated countries, unless he waives this provision. The Act includes a list of actions the President may take against CPCs, including

<sup>7</sup>President Clinton nominated Robert Seiple as the Ambassador in early 1999, a few months after the Act's passage. President Bush nominated John Hanford in November 2001, 10 months after taking office. President Obama initially nominated Suzan Johnson Cook in June 2010, 17 months after taking office. Congress did not act on this nomination. President Obama renominated Johnson Cook in February 2011 and she was sworn in on May 16, 2011.

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The Act Established USCIRF  
and Outlined Its  
Responsibilities

demarches,<sup>8</sup> public condemnation, cancellation of a state visit, or withdrawal or limitation of development or security assistance. However, the President may submit a waiver of any CPC designation for certain reasons, including furtherance of the Act's goals or to support important U.S. national interests. The President has delegated these responsibilities and authorities to the Secretary of State. Finally, the Act outlines additional responsibilities for the Secretary of State, including the development of training for Foreign Service officers on religious freedom issues and the establishment of an international religious freedom website.

The Act also established USCIRF, comprising nine volunteer members (commissioners); the President, the President pro tempore of the Senate, and the Speaker of the House of Representatives each appoints three members.<sup>9</sup> Moreover, the Act established that the Ambassador would serve ex officio as a nonvoting member of the commission. USCIRF has a professional staff and an executive director, in addition to the commissioners.

The Act outlines two primary responsibilities for USCIRF: (1) review the facts and circumstances of violations of religious freedom and (2) make policy recommendations to the President, Secretary of State, and Congress with respect to these matters. In addition, the Act requires the commission to issue an annual report setting forth its recommendations for U.S. policy options based on its evaluation of the facts and

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<sup>8</sup>A demarche is a formal diplomatic representation of one government's official position, views, or wishes on a given subject to an appropriate official in another government or international organization. Demarches generally seek to persuade, inform, or gather information from a foreign government. Governments may also use a demarche to protest or object to actions by a foreign government.

<sup>9</sup>Specifically, the Act states that of the three members of the commission that are appointed by the President pro tempore of the Senate, two shall be appointed upon the recommendation of the leader in the Senate of the political party that is not the political party of the President, and one shall be appointed upon the recommendation of the leader in the Senate of the other political party. Similarly, the Act states that of the three members of the commission that are appointed by the Speaker of the House of Representatives, two shall be appointed upon the recommendation of the leader in the House of the political party that is not the political party of the President, and of which one of the members shall be appointed upon the recommendation of the leader in the House of the other political party. See Pub. L. No. 105-292, Sec. 201(b) and 22 U.S.C. § 6431(b)(1)(B).

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circumstances presented in State's annual report and of information from other sources where appropriate. The Act authorized USCIRF to hold hearings, and a 1999 amendment to the Act authorized USCIRF to conduct travel and to secure information from any federal agency as necessary to carry out its duties. Since fiscal year 2000, Congress has appropriated more than \$42 million for USCIRF's activities.

The Act established USCIRF as a 4-year commission, and the 1999 amendment to the Act established that USCIRF would terminate on May 14, 2003.<sup>10</sup> The Act established a 2-year term of office for each commissioner and also allowed for the reappointment of each commissioner to a second term. In 2002, Congress amended the Act again to extend USCIRF's authority to September 30, 2011, but did not establish term limits for commissioners.<sup>11</sup> In 2011, Congress extended the termination date to September 30, 2014, and implemented some additional changes, including placing a limit of two 2-year terms on commissioners.<sup>12</sup> As a result of the term limits, 7 of the 9 commissioners at that time were required to leave the commission. Since 1999, 33 commissioners have served on USCIRF; 9 have served for 5 or more years, and 3 have served for 10 or more years.

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<sup>10</sup>See Pub. L. No. 106-55, Aug. 17, 1999.

<sup>11</sup>Foreign Relations Authorization Act, Fiscal Year 2003, Pub. L. No. 107-228. Section 681(g), Sept. 30, 2002.

<sup>12</sup>United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011, Pub. L. No. 112-75, Section 6, Dec. 23, 2011.

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## State Is Implementing the Primary Responsibilities Established in the Act but Has Provided Inconsistent Reporting Policy and Guidance for the Ambassador

State, including the Ambassador and the Office, is implementing the primary responsibilities outlined in the Act. The Ambassador, with the support of the Office, promotes religious freedom, advises the President and Secretary of State, represents the United States diplomatically on international religious freedom issues, and annually publishes the *International Religious Freedom Report*. Other entities in State, such as other offices and embassies, also take actions to implement some of the responsibilities outlined in the Act. In addition, the Ambassador and the Office support the Secretary of State in implementing some of the responsibilities that the Act establishes for the Secretary. However, the Ambassadors-at-Large for International Religious Freedom have a lower organizational status than State's other Ambassadors-at-Large, and State has provided inconsistent reporting policy and guidance to the Ambassadors-at-Large for International Religious Freedom.

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## State Is Implementing the Primary Responsibilities Established in the Act

Ambassador and Office Are Implementing Primary Responsibilities Independently and Through Efforts of Other State Entities

The Ambassador and the Office are implementing the primary responsibilities that the Act established—namely, promoting international religious freedom, advising the President and Secretary of State, diplomatically representing the United States with regard to religious freedom issues, and publishing an annual report on the status of religious freedom worldwide. The Ambassador carries out these responsibilities both independently and with the assistance of other State entities, including U.S. embassies abroad.

Ambassador, Office, and Other State Entities Promote Religious Freedom

The Ambassador, the Office, and other State entities have undertaken actions, in accordance with both the Act and U.S. foreign policy objectives, to promote religious freedom. Examples of these activities include the following:

- *Hosting and participating in events.* The Ambassador and the Office host, and participate in, events that promote religious freedom and tolerance through dialogue. For example, in October 2012, the Office and the U.S. Institute of Peace sponsored a public panel discussion titled “Religion, Violence, and Coexistence,” at which the Ambassador spoke. The event’s discussion focused on (1) civil society’s role in preventing and addressing statements of religious bias and (2) ways in which civil society and the U.S. government can collaborate to advance peaceful religious coexistence, freedom, and security.

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- *Working directly with foreign governments.* State officials said that the Ambassador and the Office work directly with foreign government officials to promote religious freedom by discussing concerns and assisting with the development of concrete steps a government might take to improve religious freedom or with legislative changes. For example, one Ambassador said that negotiations led to a formal public statement in which the government of Saudi Arabia clarified policies it had adopted and would pursue in order to improve religious freedom for minority faiths and eliminate religiously intolerant material from textbooks and other literature used in Saudi Arabia or exported abroad.
  - *Elevating religious freedom issues within State.* According to Office staff, the Office and the Ambassador continually work to elevate religious freedom issues within State. A State official explained that Office staff conduct numerous briefings for mid-level and executive department officials concerning religious freedom in various countries, as the situations warrant. In addition, another State official said that Office staff prepare talking points and briefing memorandums for senior State officials to use during meetings with foreign-government officials, although they told us they do not always know whether the officials use the talking points. According to a State official, the Ambassador also disseminates religious freedom-related information throughout DRL and across State.
  - *Developing religious freedom–related grants.* According to Office staff, since 2007, the Office has developed 27 religious freedom–related programs with \$16.6 million in grants from DRL’s Human Rights and Democracy Fund.<sup>13</sup> These programs include global initiatives and support the promotion of religious freedom across the six regions of the world,<sup>14</sup> with a focus on changing societal perceptions, attitudes, and behaviors. For example, one program supported in-country capacity building to establish teams to track, catalogue, and respond

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<sup>13</sup>According to the first and second Ambassadors, the Office was responsible for issuing some block grants for religious freedom–related efforts during their tenures. However, State provided us with documentation for religious freedom–related grants only from 2007 to the present.

<sup>14</sup>State organizes countries into six regions: Africa (sub-Sahara), East Asia and the Pacific, Europe and Eurasia, Near East (North Africa and the Middle East), South and Central Asia, and the Western Hemisphere.

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to religious tensions within the country. Our review of 7 of the 27 program grants found that, in general, the grantees reported that they are meeting their grant objectives, such as capacity building and public awareness. See appendix I for detailed information concerning our grant analysis.

- *Undertaking a variety of activities at U.S. embassies.* U.S. embassies have undertaken a variety of activities to promote religious freedom, as indicated in our review of 178 cables that U.S. embassies sent from January 2009 to October 2012 addressing religious freedom in approximately 60 countries (see app. III for more detailed results of our analysis).<sup>15</sup> In addition, embassy officials in the five countries where we conducted fieldwork described various embassy activities to promote religious freedom. For example, some officials told us that their embassies organized events to promote religious tolerance and dialogue, such as speaker panels; hosted religious holiday dinners and roundtable discussions; and met with foreign-government, NGO, and religious officials to discuss religious freedom. Embassy officials in two countries we visited stated that they do not receive funding specifically for religious freedom activities; rather, the embassy uses funds from its operational budget account when hosting events to promote religious freedom.
- *Developing other religious freedom–related programs.* Other State offices have also undertaken activities to promote religious freedom. For example, the Bureau of Educational and Cultural Affairs funds and administers the International Visitor Leadership Program, which connects current and emerging foreign leaders with their U.S. counterparts through short-term professional-exchange programs. According to State officials, the program has supported the exchange of religious and civil society leaders. In addition, State’s Special Representative to Muslim Communities and former Special Envoy to Monitor and Combat Anti-Semitism launched a campaign, “2012 Hours Against Hate,” to promote respect across lines of culture,

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<sup>15</sup>We asked State to provide us with cables concerning international religious freedom sent from January 2009 through October 2012. State provided 183 cables, 5 of which were duplicates. We analyzed the cables we received to obtain information about the activities that U.S. embassies and other U.S. government entities perform to promote religious freedom. However, because not all activities are reported in cables, and because State may not have located all relevant cables sent during this time period, this analysis may not provide a full list of all religious freedom-related activities that State performed globally during this time period.

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Ambassador Advises the  
President and Secretary of  
State

religion, tradition, class, and gender.<sup>16</sup> The initiative involves sending requests, via social media, to young people asking them to pledge 1 hour or more of their time to stop hate by helping someone who does not look, live, or pray like them.

According to the Act, the Ambassador “shall be a principal adviser to the President and the Secretary of State regarding matters affecting religious freedom abroad.” The former Ambassadors and State officials told us that the three Ambassadors-at-Large for International Religious Freedom have served as a principal adviser to the President primarily by communicating with National Security Staff. For example, the Ambassadors and Office staff said that the Ambassadors communicated with National Security Staff to discuss religious freedom, including potential CPC designations. According to State officials, the current Ambassador also participates in the National Security Council’s Interagency Policy Committee meetings when religion is a topic of focus.

The three Ambassadors reported having advised the Secretary of State in a number of ways. For example, the first Ambassador said that, in addition to meeting with the Secretary of State in person, he provided her with notes from his trips to update her on religious freedom in the countries he visited. In addition, the Secretary of State occasionally asked him for specific advice on interacting with various religious communities. Similarly, the second Ambassador said he met occasionally with the Secretary of State to discuss religious freedom issues and at times participated in the Secretary’s meetings with foreign officials or religious leaders. The second and third Ambassadors told us that they also provided the Secretary of State with talking points and trip summaries. In addition, the current Ambassador said that she has served as an adviser to the Secretary of State through her role as a co-chair of the Religion

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<sup>16</sup>The Special Representative and former Special Envoy officially launched “2011 Hours Against Hate” at the Organization of Security and Cooperation in Europe in Vienna, Austria, on February 17, 2011. In 2012, the program continued as “2012 Hours Against Hate.”



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Ambassador and Other State  
Officials Represent the United  
States Diplomatically  
Regarding Religious Freedom

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and Foreign Policy Working Group, which was part of the former Secretary's Strategic Dialogue with Civil Society.<sup>17</sup>

The Act authorizes the Ambassador to represent the United States in matters relevant to religious freedom abroad, and the Ambassador—as well as other State officials—engages with foreign officials with regard to international religious freedom. The three Ambassadors have represented the U.S. government in multilateral forums and met with foreign-government officials and others to promote religious freedom. For example, the first Ambassador said that he attended the annual UN Human Rights Council meetings in Geneva, and all three Ambassadors said they attended UN General Assembly meetings that discussed religious freedom. According to the second Ambassador, the purpose of the Ambassador at these meetings was to influence the content of resolutions and to seek to coordinate policy goals with other U.S. officials at the UN. In September 2011, the Secretary of State named the current Ambassador as the lead coordinator for the United States on the implementation of UN Human Rights Council Resolution 16/18, which the UN Human Rights Council passed in March 2011.<sup>18</sup> In December 2011, the Ambassador hosted the first meeting of experts to promote implementation of Resolution 16/18, which 26 governments and 4 international organizations attended.<sup>19</sup> In addition, according to State officials, all three Ambassadors have traveled abroad to meet with

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<sup>17</sup>In February 2011, the Secretary of State launched the Strategic Dialogue with Civil Society to provide a forum for cooperation and discussion with civil society. The Religion and Foreign Policy Working Group was one of six working groups that made up the Strategic Dialogue. The other working groups that State created were Governance and Accountability, Democracy and Human Rights, Empowering Women, Global Philanthropy, and Labor. The current Ambassador co-chaired the Religion and Foreign Policy Working Group with the Under Secretary for Civilian Security, Democracy and Human Rights and the Executive Director of the White House Office of Faith-based and Neighborhood Partnerships. The working groups that made up the Strategic Dialogue with Civil Society are no longer meeting, because the Strategic Dialogue was an initiative of Secretary Clinton's.

<sup>18</sup>See "Resolution adopted by the UN Human Rights Council, 16/18, Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief," A/HRC/RES/16/18.

<sup>19</sup>The 3-day meeting focused on the identification of best practices for prohibiting discrimination against individuals on the basis of religion or belief, training government officials to avoid discrimination, establishing enforcement mechanisms, and engaging with members of religious communities.

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State Annually Publishes the  
International Religious  
Freedom Report

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officials of foreign governments, religious organizations, and NGOs to discuss religious freedom on behalf of State.

Furthermore, other State officials discuss religious freedom with foreign-government and NGO officials and with civil-society and religious leaders. For example, when visiting Turkey in 2011, the Secretary of State urged the Turkish government to reopen the Halki Seminary in Istanbul as a symbol of Turkey's commitment to religious freedom.<sup>20</sup> In addition, many of the 178 cables State provided to us described activities that the Ambassador or other embassy officials undertook to engage with foreign-government and NGO officials and with civil-society and religious leaders regarding religious freedom.

State has published the *International Religious Freedom Report* annually since 1999, in accordance with the Act.<sup>21</sup> The report, which involves the engagement of embassies worldwide, describes the status of religious freedom in every country; identifies government policies that violate religious freedom and the persecution of groups, religious denominations, and individuals; and discusses U.S. actions and policies to promote religious freedom in each country. According to a 2010 report by State's Office of Inspector General,<sup>22</sup> the *International Religious Freedom Report* is among the most resource intensive of the 310 congressionally mandated reports for which State is responsible, because it requires

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<sup>20</sup>In 1971, the Turkish government closed Halki Seminary, a Greek Orthodox theological seminary, enforcing a law that placed religious and military training under state control. State officials and religious representatives described the seminary as the only school where Turkey's Greek minority educated its clergy. In August 2011, the Turkish government adopted a decree to return all confiscated property belonging to minority foundations in Turkey. On January 11, 2013, Turkey's Council of Foundations announced that it had agreed to return approximately 470 acres of forest land to the Halki Seminary.

<sup>21</sup>Although State has published the *International Religious Freedom Report* every year since 1999, the time period covered by the reports has changed over time. The 1999 report covered an 18-month period from January 1, 1998, to June 30, 1999. The subsequent 11 annual reports covered 12-month periods from July 1 of the year before the report was issued to June 30 of the year in which the report was issued. In 2010, to shift to a calendar-year reporting period, State published a second report covering the 6 months from July 1, 2010, through December 31, 2010. The 2011 report thus represented the first report to correspond to the full calendar year. State expects reports for 2012 and subsequent years to continue on the full-year schedule.

<sup>22</sup>U.S. Department of State and the Broadcasting Board of Governors Office of Inspector General, *Inspection of Department-Required and Congressionally Mandated Reports: Assessment of Resource Implications*, ISP-I-11-11 (Washington, D.C.: 2010).

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Ambassador and Office  
Support the Secretary of State  
in Implementing Other  
Responsibilities Established in  
the Act

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significant additional resources in Washington, D.C., and in the field. For example, while other mandated reports are based largely on regular embassy reporting, embassies must obtain additional information to write the *International Religious Freedom Report*.<sup>23</sup> State officials told us that the Office works with Foreign Service officers worldwide to write the report<sup>24</sup> and that drafting and publication of the report involves a number of review phases. According to Foreign Service officers in our five fieldwork countries, they undertake a number of activities—such as monitoring court cases related to religious freedom and maintaining relationships with religious communities, religious leaders, civil society, NGOs, and foreign-government officials throughout the year—to gather information for the report. After they complete the initial drafts, numerous offices and bureaus in Washington review and revise the draft country reports through an iterative process. Before finalizing the report, embassies and various State offices approve each country report and relevant sections.

The Act establishes several responsibilities that the Secretary of State conducts with the assistance of the Ambassador and the Office. These include designating CPCs,<sup>25</sup> developing religious freedom–related training for Foreign Service officers, including chiefs of mission, and establishing an international religious freedom website.

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<sup>23</sup>In 2010, the Inspector General concluded that State’s *Human Rights Report*, *Trafficking in Persons Report*, and *International Narcotics Control Strategy Report* are also among the most resource intensive of the 310 congressionally mandated reports for which State is responsible. We have previously reviewed State’s process for preparing the *Human Rights Report* and the *Trafficking in Persons Report*; see GAO, *Human Rights: State Department Followed an Extensive Process to Prepare Annual Country Reports*, [GAO-12-561R](#) (Washington, D.C.: May 31, 2012) and *Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad*, [GAO-06-825](#) (Washington, D.C.: July 18, 2006).

<sup>24</sup>According to a State official, since 2010, the Office has issued detailed annual guidance to U.S. embassies that covers each section of the report, suggests sources, and identifies types of data to include or exclude when assessing the status of religious freedom in a country.

<sup>25</sup>The Act assigned the responsibility for making CPC designations to the President, and the President delegated this responsibility to the Secretary of State in 1999.

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## **State Has Designated Countries of Particular Concern, and the U.S. Government Has Taken Some Corresponding Actions**

In response to the Act, the Secretary of State has reviewed the status of religious freedom in each foreign country and designated those countries whose government has engaged in, or tolerated, particularly severe violations of religious freedom as CPCs. State officials said that the Secretary of State tasks the Office with the development of CPC recommendations. State does not designate CPCs every year, and according to State officials, the Act does not require the agency to do so. A State official said that the Office develops the recommendations based on its assessment of many factors, including (1) whether the government is restricting rights or is complicit in allowing certain groups to be targeted and (2) whether issues are systematic, egregious, and ongoing. According to State officials, the Office reviews the *International Religious Freedom Report* and consults with the Ambassador, DRL management, and others within and outside State when developing recommendations for the CPC list. For example, the Office meets with USCIRF officials and considers their recommendations. The Office also discusses the CPC recommendations with National Security Staff. On the basis of the Office's recommendations, the Ambassador and DRL management determine the final list of countries they will recommend for CPC designation to the Secretary of State.

The Secretary of State periodically designates CPCs after reviewing the recommendations that the Ambassador and DRL management provide. Since 1999, Secretaries of State have designated CPCs at least nine times, designating 10 countries as CPCs: Burma, China, Eritrea, Iran, Iraq, North Korea, Saudi Arabia, Sudan, Vietnam, and Uzbekistan (see fig. 2).<sup>26</sup> In addition, the Secretary of State designated two regimes as particularly severe violators of religious freedom—the Milošević regime in Serbia and the Taliban regime in Afghanistan. To date, Iraq, Vietnam, the Milošević regime, and the Taliban regime are the only entities that State

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<sup>26</sup>The Act generally requires designation of CPCs to be published in the *Federal Register*, but State has not always taken this action, making it difficult to determine every instance in which a Secretary of State designated countries.

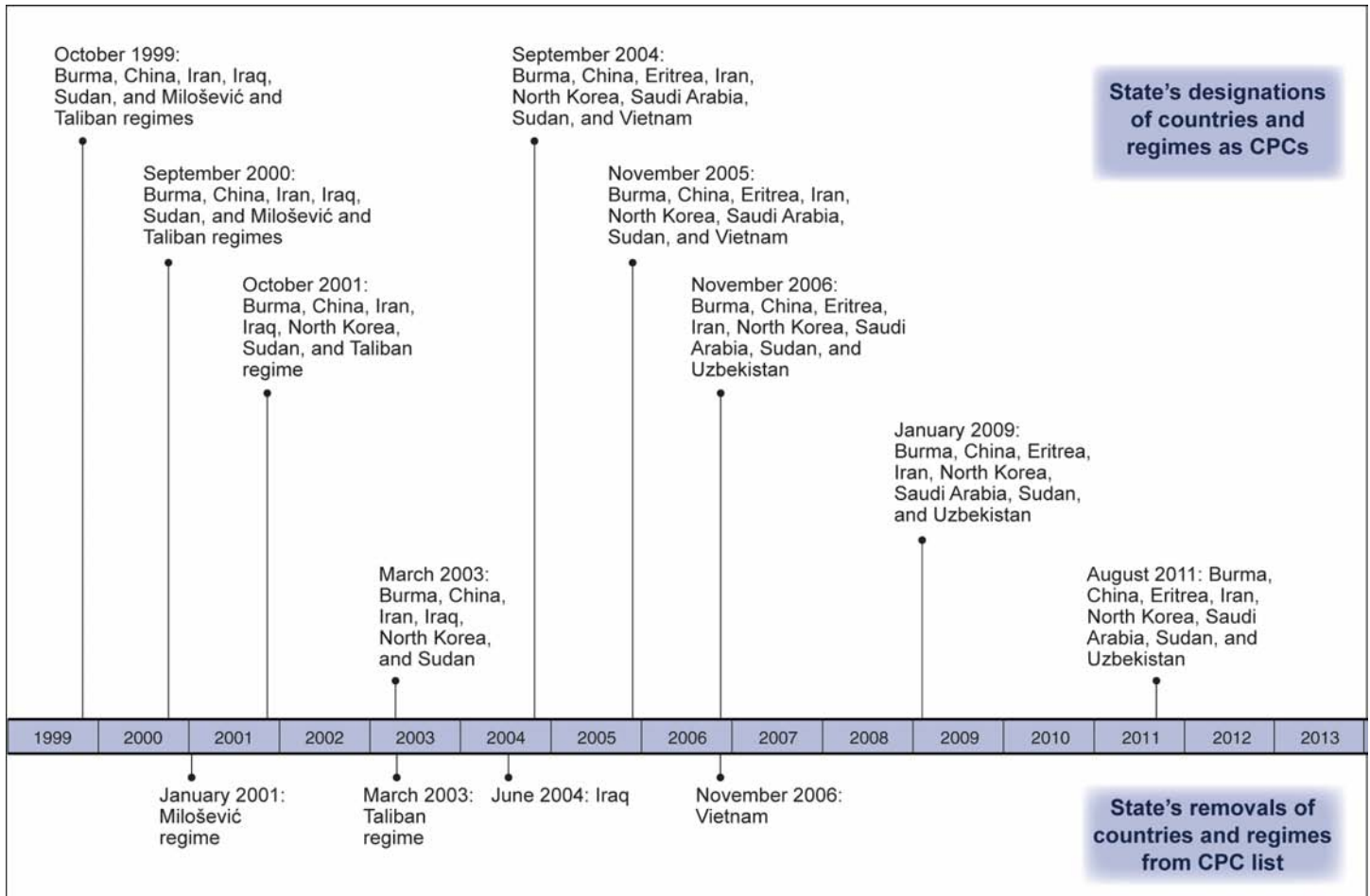
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has removed from the CPC list.<sup>27</sup> After State designated Vietnam as a CPC in 2004, the Ambassador negotiated an action plan with the Vietnamese government whereby the government, among other things, would pass a law to reduce religious persecution. On the basis of subsequent actions by the Vietnamese government, State removed Vietnam from the list in 2006. Similarly, the current Ambassador and her staff recently developed an action plan to help the government of another designated country identify actions that, if taken, could support the removal of the country from the CPC list.

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<sup>27</sup>State designated the Milošević regime in Serbia as a CPC in 1999 and 2000 but withdrew the designation after the Milošević regime was removed from power in 2001. State designated the Taliban regime as a CPC in 1999, 2000, and 2001. In March 2003, State designated CPCs but did not designate the Taliban regime. According to the 2003 *International Religious Freedom Report*, in December 2001, the U.S. government discussed religious freedom with Afghan officials, after the fall of the Taliban regime. State designated Iraq as a CPC in 1999, 2000, 2001, and 2003. State removed Iraq from the list in 2004 after the fall of Saddam Hussein and the development of a transitional government.

**Figure 2: Timeline Depicting State’s Designation and Removal of Countries and Regimes from the Countries of Particular Concern (CPC) List**



Source: GAO analysis of Department of State information.

Note: The Secretary of State designated the Milošević regime in Serbia and the Taliban regime in Afghanistan as particularly severe violators of religious freedom with Country of Particular Concern status.

The Act requires the President to take action against CPCs following their designation, although certain exceptions exist and the President may waive application of these actions.<sup>28</sup> The President delegated these

<sup>28</sup>For example, the President is not required to take action if, among other factors, the President took action against the CPC pursuant to the Act in the preceding year. See Section 402(c)(4) of Pub. L. No. 105-292, codified at 22 U.S.C. § 6442(c)(4).

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responsibilities to the Secretary of State. Although the Secretary imposed sanctions specific to religious freedom in 2005 on Eritrea, in other cases the Secretary of State has adopted existing sanctions in response to the CPC designation. The Secretary has waived sanctions for both Saudi Arabia and Uzbekistan, consistent with the authorities of the Act.

### **State Developed Religious Freedom Training**

The Ambassador, the Office, and DRL have supported State's Foreign Service Institute in the development of training related to religious freedom. The Act required the Secretary of State, with the assistance of the Ambassador, to establish instruction on the internationally recognized right to freedom of religion and the various manifestations of violations of religious freedom, as part of the standard training for Foreign Service officers, including chiefs of mission, provided after January 1, 1999. State has taken steps to implement this requirement. For example, in June 1999, the Foreign Service Institute added religious freedom to the Political/Economic Tradecraft course—a 3-week course that is mandatory for political and economic officers—in a 90-minute session covering human rights. This session may include topics such as religious freedom, trafficking in persons, gender issues, and labor issues. In addition, during a required 6-week mandatory orientation course, new Foreign Service officers attend a 1-hour session on human rights that includes information about international religious freedom. Finally, State requires chiefs of mission to take a 2-week ambassadorial seminar, which includes a 45-minute session on global issues, including human rights.

In addition, the Foreign Service Institute, the Office, and DRL developed an optional, 3-day, religious freedom-specific course titled "Religion and Foreign Policy," which they piloted in June 2011. The Foreign Service Institute expanded the course to 4 days in January 2012. State has now offered the "Religion and Foreign Policy" course three times. Thirty-four of the 60 students who have taken the course are Foreign Service officers. In addition, the Foreign Service Institute is working with DRL and the Office to develop an optional distance-learning course on drafting State's annual Human Rights Report and, possibly, the *International Religious Freedom Report*.

Furthermore, before and after the Act was passed, the Foreign Service Institute provided relevant training in other courses in which religious freedom is one of many components. For example, starting in August 1993, the Foreign Service Institute added a short segment on religious freedom to the human rights module of its 2-day Global Issues course. In

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2003, the Foreign Service Institute combined the 1-day Human Rights Workshop with the Global Issues course. The revised course, titled “Global Issues and Human Rights Workshop,” contained a 1-hour and 45-minute case-study segment related to religious freedom.<sup>29</sup>

### **State Established an International Religious Freedom Website**

The Act directs the Secretary of State, with the assistance of the Ambassador, to establish and maintain a website containing relevant religious freedom documents to facilitate NGOs’ and the public’s access to international documents on the protection of religious freedom. State has established a website for the Office that includes documents that may be useful for NGOs and the public seeking information about religious freedom. For example, the website provides a link to the annual *International Religious Freedom Reports* and links to relevant legislation, UN websites, some international agreements and declarations, NGOs’ websites, and international organizations’ websites. The website also includes a section for press releases and remarks made by some State officials regarding religious freedom, including press releases and remarks from the first and current Ambassadors’ tenures.

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### **Ambassador’s Organizational Status Is Lower Than Other Ambassadors’-at-Large, and State Has Provided Inconsistent Reporting Policy and Guidance**

The Ambassador’s organizational status in State is lower than that of other Ambassadors-at-Large. The Act established the position but does not designate the Ambassador’s organizational status. However, the other five current Ambassadors-at-Large within State report to higher-level officials than does the Ambassador. Two Ambassadors-at-Large report directly to the Secretary of State, and three report to an Under Secretary. In contrast, in 1999 State placed the Ambassador in a bureau and under the direction of a lower-level official, the Assistant Secretary for DRL. At that time, State had two other Ambassadors-at-Large, both of whom reported directly to the Secretary of State. According to the State Inspector General’s 2005 report, the Executive Secretariat had a long-standing goal of avoiding growth in the number of officials reporting to the

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<sup>29</sup>In October 2010, the Foreign Service Institute replaced the Global Issues and Human Rights Workshop course with a new, 5-day course, “Promoting Human Rights and Democracy,” which contains a 60- or 90-minute segment dedicated to promoting religious freedom.



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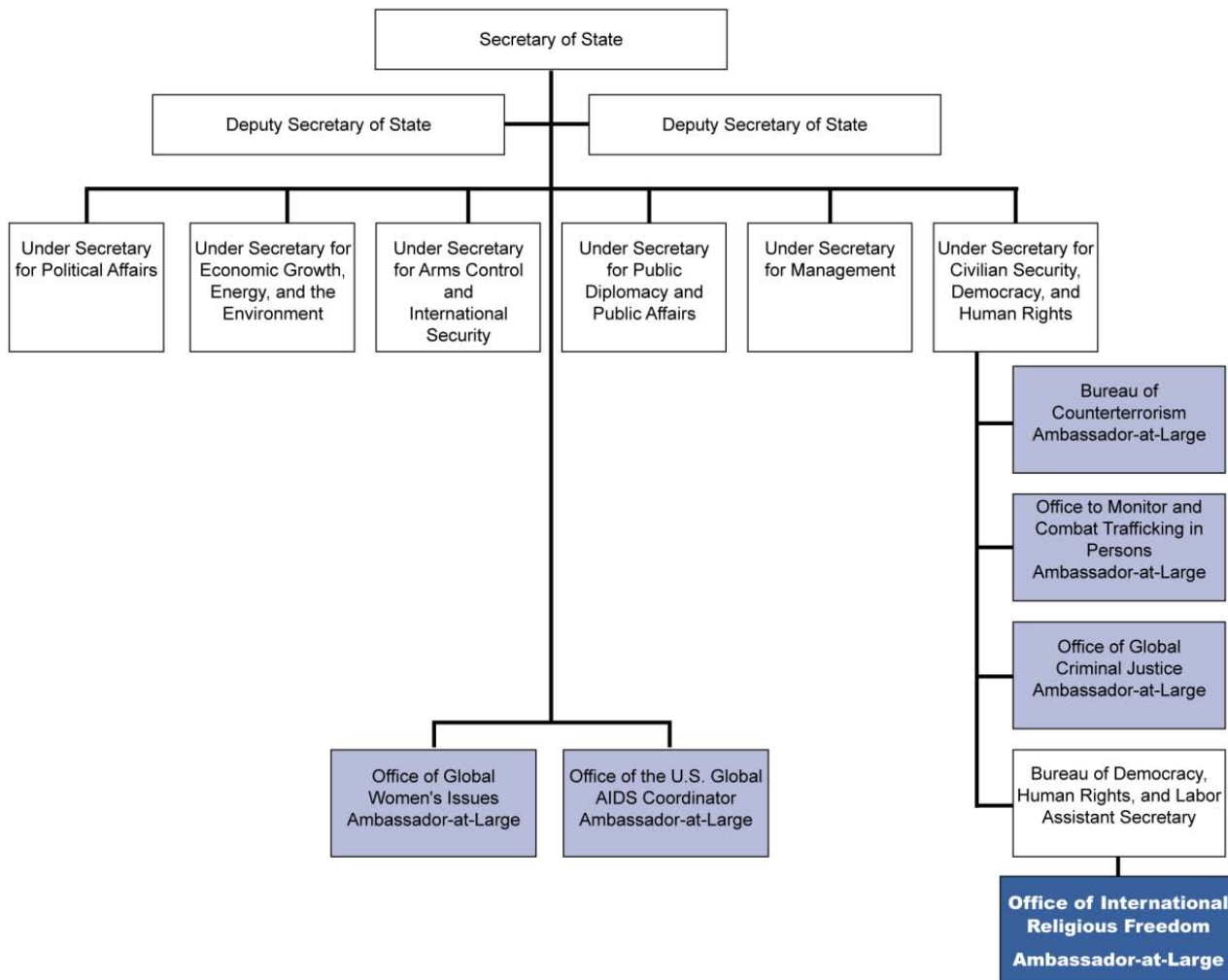
Secretary.<sup>30</sup> A senior State official also told us that the location of an office is at the discretion of the Secretary of State. However, according to State's organizational structure guidelines,<sup>31</sup> an Ambassador-at-Large is ranked higher than an Assistant Secretary. Moreover, as figure 3 shows, the current Ambassador is the only Ambassador-at-Large who reports to an Assistant Secretary.

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<sup>30</sup>The Executive Secretariat, which consists of the Executive Secretary and four Deputy Executive Secretaries, is responsible for coordinating State's internal work and serving as the liaison between State's bureaus and the offices of the Secretary, Deputy Secretary, and Under Secretaries. The secretariat also handles State's relations with the White House, the National Security Council, and other cabinet agencies.

<sup>31</sup>State's organizational guidelines categorize the Secretary of State at organizational level 1, Deputy Secretaries at level 1a, Under Secretaries at level 1b, Ambassadors-at-Large at level 1c, and Assistant Secretaries at level 2. The guidelines also note that there are some exceptions to the basic nomenclature but that the exceptions are, for the most part, reflected in specific legislative requirements. See U.S. Department of State, *Foreign Affairs Manual*, Volume 1: Organization and Functions, 1 FAM 014.3 Organizational Nomenclature.

**Figure 3: Organizational Status of State’s Six Current Ambassadors-at-Large**



Source: GAO analysis of Department of State information.

State has also applied and provided inconsistent reporting policy and guidance to the Ambassadors. For example, State officials told us that each of the three Ambassadors received different reporting guidance that did not necessarily reflect the organizational chart. The first Ambassador said that State placed him in DRL but that no one at State explained whom he was to report to or provided related documentation. He said that he reported directly to the Secretary of State. The second Ambassador said that he also did not receive documents or briefings concerning his reporting structure and that he reported to the Assistant Secretary.

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Furthermore, according to State officials, DRL management told the current Ambassador that, although she officially reports to the Assistant Secretary, she would have to report primarily to the Principal Deputy Assistant Secretary or another Deputy Assistant Secretary.

In addition, State's Office of Inspector General found in 2003 that the then-Ambassador's organizational status—which mirrors the current Ambassador's organizational status—confused reporting relationships.<sup>32</sup> At that time, the Inspector General concluded that the arrangement in which the Ambassador reports to and through the Assistant Secretary for DRL appeared at odds with State's own organizational guidelines. The Inspector General recommended that DRL, the Office of the Under Secretary for Global Affairs,<sup>33</sup> and the Office of the Under Secretary for Management reexamine the role and organizational status of the Ambassador. In a 2005 follow-up review, the Inspector General reported that, although the three groups had reviewed the role and organizational status of the Ambassador following the 2003 report, they had decided that the Ambassador and the Office would continue to reside in DRL.<sup>34</sup> The Inspector General also reported that DRL had said that a number of coordination and communications issues had been successfully addressed, citing the 2004 decision of the Deputy Secretary of State to allow the second Ambassador to communicate directly with the Secretary on policy issues through memoranda. In its 2005 follow-up review, the Inspector General closed its 2003 recommendation. However, the Deputy Secretary's decision was reversed sometime before the current Ambassador took office. It is not clear when or who within State reversed the decision; however, according to State officials, the current Ambassador has been required to send memorandums jointly with the Assistant Secretary of DRL since the beginning of her tenure. In addition,

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<sup>32</sup>U.S. Department of State Office of Inspector General, *Report of Inspection: Bureau of Democracy, Human Rights and Labor*, ISP-I-03-48 (Washington, D.C.: 2003).

<sup>33</sup>In 2010, the Secretary of State's Quadrennial Diplomacy and Development Review called for State to respond to the political, social, and economic challenges of the 21st century. In early 2012, Secretary Clinton realigned State's bureaus and offices to implement the results of the review. During this reorganization, the existing Bureau for Democracy and Global Affairs was renamed as the Bureau for Civilian Security, Democracy, and Human Rights.

<sup>34</sup>U.S. Department of State and Broadcasting Board of Governors Office of Inspector General, *Compliance Follow-up Review of Bureau of Democracy, Human Rights, and Labor*, ISP-C-05-41 (Washington, D.C.: 2005).

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although the Inspector General closed the recommendation from its 2003 review, it noted that DRL and the Office agreed that difficulties continued to arise from the Ambassador's organizational status and that at some point in the future, the structure should be fundamentally addressed and resolved.<sup>35</sup> However, State has not fully addressed the concerns that the Inspector General raised in 2003 and 2005 and continues to require the current Ambassador to report to and through the Assistant Secretary of DRL.

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## USCIRF Is Implementing Its Primary Responsibilities as Outlined in the Act and Has Undertaken Other Activities

USCIRF is implementing its primary responsibilities as outlined in the Act by conducting an ongoing review of violations of religious freedom throughout the world and issuing policy recommendations to the President, the Secretary of State, and Congress. According to USCIRF officials, the culmination of these activities is the release of its own annual report on international religious freedom, which the Act also requires.<sup>36</sup> Based on USCIRF's ongoing reviews, the report discusses the 20 to 30 countries that USCIRF considers the worst offenders of religious freedom and presents policy recommendations to the U.S. government. In addition to performing these activities, USCIRF has at times provided technical assistance or recommendations to foreign officials through meetings, letters, press releases, or editorials.

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## USCIRF Conducts Ongoing Review of the Circumstances of Religious Freedom Violations

In accordance with the Act, USCIRF conducts an ongoing review of violations of religious freedom throughout the world by undertaking independent research and reviewing State's annual *International Religious Freedom Report*. USCIRF staff members are responsible for specific regions of the world or thematic areas and information collection from a range of sources, including religious communities, NGOs, and U.S. and foreign-government officials as well as from documentation and media reports on those countries. USCIRF officials stated that they

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<sup>35</sup>In 2005, State's Inspector General urged DRL to revisit the concern at a future date. In addition, the Inspector General noted that the Office of Inspector General would look closely at this matter again during the bureau's next inspection. However, the Inspector General has not conducted an inspection of DRL since that time.

<sup>36</sup>In our report, "USCIRF officials" refers to the commissioners and USCIRF staff, unless otherwise noted. It does not refer to the Ambassador, who serves as an ex-officio member of the commission.

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interact with a network of NGOs through various international religious freedom working groups, roundtables, seminars, and conferences as well as through State contacts. USCIRF officials also travel abroad to observe conditions and meet with U.S. embassy and foreign-government officials and NGO officials and members of religious communities. For example, according to USCIRF staff, at their request State officials in Turkey organized a roundtable of NGOs to brief USCIRF commissioners on religious freedom issues during their 2011 visit to the country. Similarly, in the United States, USCIRF officials meet with members of religious communities, including diaspora communities, NGOs, human rights activists, dissidents, victims of religious freedom violations, academics, experts, and U.S. and foreign-government officials. USCIRF staff engage with their counterparts in State's Office of International Religious Freedom and the relevant officers in State's regional bureaus to understand the conditions of religious freedom in various countries and U.S. government efforts to promote religious freedom in those countries. According to USCIRF staff, they also review and independently verify the characterization of facts and the status of religious freedom in State's annual report.

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## USCIRF Provides Policy Recommendations

In accordance with the Act, USCIRF provides policy recommendations to the President, the Secretary of State, and Congress through various means. According to USCIRF officials, the primary mechanism for providing recommendations is its annual report. Specifically, the chapter for each country in the USCIRF report contains a list of recommendations for U.S. government action with regard to religious freedom in that country. For example, in the 2010 report's chapter on Eritrea, USCIRF made 20 recommendations, including that the U.S. government should continue to designate Eritrea as a CPC, should impose targeted sanctions against individuals and institutions identified as responsible for, or complicit in, serious human rights abuses, and should prohibit any foreign company's raising capital or listing its securities in the United States while engaged in developing Eritrea's mineral resources.<sup>37</sup> USCIRF also provides recommendations to the U.S. government through correspondence, congressional testimony, press releases, editorials, and policy briefs. In addition, USCIRF officials stated that they provide recommendations during meetings with State and other executive branch

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<sup>37</sup>See USCIRF, *Annual Report 2010* (Washington, D.C.: May 2010), 52.

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officials and their staff and members of Congress and their staff. For example, in a July 2012 letter to the Secretary of State, USCIRF recommended that the U.S. government work with the new Egyptian government to (1) ensure that a portion of U.S. military assistance is used to help Egyptian police assess security needs for protecting religious minority communities and (2) undertake reforms to promote religious freedom. USCIRF staff first draft these documents and recommendations, which the commissioners then review and approve with a majority vote.

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### USCIRF's Annual Report Focuses on Countries That USCIRF Considers the Worst Offenders

According to USCIRF officials, the culmination of USCIRF's primary responsibilities is the release of its annual report. The report, based on USCIRF's ongoing reviews, discusses the 20 to 30 countries that USCIRF considers the worst offenders of religious freedom. The report also presents policy recommendations to the U.S. government with regard to religious freedom in each of those countries. USCIRF officials stated that the annual report covers a smaller number of countries than the State report because the USCIRF report focuses only on countries in which religious freedom violations occur and because USCIRF does not have the resources needed to report on the status of religious freedom in every country. According to USCIRF officials, staff first provide recommendations to the commissioners regarding the countries that should be included in the report, on the basis of (1) the staff's ongoing monitoring of religious freedom and (2) trends or changes in countries that USCIRF observed in its prior-year report. Commissioners then discuss and vote on which countries to include, on the basis of the staff recommendations and the commissioners' interests, knowledge, and deliberations. The report contains three sections that, respectively,

- highlight the countries that USCIRF recommends that the Secretary of State designate as CPCs for particularly severe violations of religious freedom;
- focus on the countries USCIRF has placed on a watch list for serious violations of religious freedom that do not meet the CPC threshold but require very close attention; and
- discuss other countries and issues of concern.

The CPC and watch list sections of the report are divided by country and includes a summary of religious freedom conditions in that country, U.S. government policies and actions taken in the country, and policy recommendations for the U.S. government.

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USCIRF officials stated that the policy directors, the executive director, and commissioners review the report for accuracy and tone. USCIRF staff said that they verify information in the report with State officials, NGOs, and religious communities. Commissioners deliberate and vote on which countries they want to categorize as CPCs, place on the watch list, or identify as additional countries of concern. After commissioners make a determination for each country, staff members prepare the country chapters and circulate them to the commissioners for review. Commissioners' dissenting opinions are included in the report when voting is not unanimous. For example, in USCIRF's 2012 annual report, a commissioner dissented from the CPC recommendation for Iraq, stating that USCIRF's report, among other things, did "not establish either that the government [of Iraq] engaged itself in severe violations or that it tolerated them." Further, the commissioner stated that USCIRF's report "only establishes the existence of such violations and the inability of the government to prevent them always (or prevent them often)."<sup>38</sup>

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### USCIRF Has Provided Technical Assistance and Recommendations to Foreign Officials

In addition to carrying out the primary responsibilities laid out in the Act, USCIRF at times has provided technical assistance and recommendations to foreign officials through meetings, letters, press releases, and editorials. Examples of these activities include the following.

- *Meetings with foreign officials.* During meetings abroad, USCIRF has provided assistance to foreign governments and at times has called directly for policy changes. For instance, according to USCIRF's 2011 annual report, USCIRF worked with members of the Indonesian House of Representatives and civil society groups to introduce measures to strengthen criminal code provisions regarding attacks on religious gatherings and to amend laws governing the building of religious venues. Further, during its 2011 visit to Saudi Arabia, USCIRF said that it called on high-level Saudi officials to release long-term religious prisoner Hadi Al-Mutif from prison and raised concerns about six young Shi'a Muslim prisoners.<sup>39</sup>

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<sup>38</sup>USCIRF, *Annual Report 2012* (Washington, D.C.: March 2012), 106.

<sup>39</sup>According to USCIRF, Hadi Al-Mutif has been jailed for apostasy since 1994 and is one of the longest-serving religious prisoners in the world.

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- *Writing letters to foreign officials.* USCIRF provided policy recommendations to foreign officials through letters. In June 2010, USCIRF wrote a letter to the Ambassador of the Republic of Turkey about reports of Turkish government interference in the election of the Armenian Orthodox Patriarch, requesting additional information and urging the removal of governmental constraints on such internal church matters. In June 2011, USCIRF wrote to the Head of Mission of the Government of South Sudan, providing a review of the draft of the Government of South Sudan's interim constitution and offering suggestions to strengthen the freedom of religion or belief provisions.
  - *Writing press releases.* According to USCIRF officials, it issues press releases in response to current events and at times has used press releases to urge foreign officials to take actions. For example, in a May 2011 press release, USCIRF provided recommendations to the government of Egypt. USCIRF recommended, among other things, that the government establish a special unit in the Office of the Public Prosecutor that would be dedicated to investigating acts of violence against Egyptian citizens on the basis of religion or belief, particularly Coptic Orthodox Christians; vigorously prosecuting, and bringing to justice, perpetrators of these acts; and ensuring compensation for victims. In addition, in a July 2012 press release, USCIRF urged China's government to lift its restrictions on all peaceful religious activities in the Xinjiang Uighur Autonomous Region, especially during the Muslim holy month of Ramadan.
  - *Writing editorials.* USCIRF commissioners have written editorials that also urge foreign officials to take actions related to religious freedom. For example in a November 2011 editorial, USCIRF commissioners stated that Pakistan's government should replace current public school textbooks with ones that exclude messages of intolerance, hatred, or violence based on religious or other differences. Also, in a January 2012 editorial, USCIRF commissioners wrote that "Nigeria's political establishment, including President Goodluck Jonathan and other leaders, should muster the will and courage not only to curb the strife but to bring all perpetrators to justice."<sup>40</sup>

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<sup>40</sup>Leonard A. Leo and Rev. William Shaw, "In Nigeria, Getting Away with Murder: The Government in Africa's Most Populous Country Turns a Blind Eye to Violence between Muslims and Christians," *Baltimore Sun*, January 23, 2012, accessed February 19, 2013, <http://www.baltimoresun.com/news/opinion/oped/bs-ed-nigeria-20120123,0,6743343.story>.



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## State and USCIRF Have Not Defined How They Should Interact, Which Has at Times Created Foreign Policy Tensions

Although the Act, as amended, directs State and USCIRF to cooperate, they have not defined how they should interact. As a result, their level of interaction has fluctuated over the years, although it has recently increased after a period of little interaction. In addition, State and USCIRF have at times conveyed inconsistent information to foreign-government officials on U.S. foreign policy, creating tensions that State has had to mitigate.

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## Act Directs State Office and USCIRF to Cooperate, but Agencies Have Not Defined How They Should Interact

The Act created two separate entities that are to cooperate and work on behalf of international religious freedom, yet the Act does not prescribe how State and USCIRF should interact and coordinate their efforts. The Act establishes the Ambassador as an ex-officio member of USCIRF and states that the Ambassador is to consider USCIRF's advice in making policy recommendations. In addition, the Act states that the Secretary of State is to consider USCIRF's recommendations in preparing the annual report on international religious freedom. A 1999 amendment to the Act directs USCIRF to cooperate with State, stating that "[t]he commission shall seek to effectively and freely cooperate with all entities engaged in the promotion of religious freedom abroad, governmental and nongovernmental, in the performance of the commission's duties," specifically listing State among those entities.<sup>41</sup> At the same time, the Act originally directed that the commission would terminate four years after the initial appointment of all of the commissioners.

Although both USCIRF and State are to promote international religious freedom, USCIRF is a commission focused on a single issue, while State is a U.S. department that must consider other foreign policy issues.<sup>42</sup> Both State and USCIRF officials said that this arrangement sometimes sets up a "good cop/bad cop" relationship. For example, USCIRF may raise a particular country's religious freedom issues that State wants to address but that may be too sensitive for State to broach, given other bilateral considerations. State officials also said that USCIRF's criticisms

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<sup>41</sup>Pub. L. No. 106-55, Sec. 1, 113 Stat. 403, Aug. 17, 1999.

<sup>42</sup>According to USCIRF, the commission is independent, bipartisan, and dedicated to defending the universal right to freedom of religion or belief abroad.

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of a country's religious freedom situation can create a line of communication for State if, for instance, that country's officials then decide they want to work with State to determine how they can stay off of the official CPC list. The Act also requires USCIRF to conduct an "annual and ongoing review of the facts and circumstances of violations of religious freedom presented [in State's reports]" as well as make policy recommendations to the Secretary of State, among others. At the same time, the Ambassador, as an ex-officio member of USCIRF, sits on a commission that gives recommendations to the Ambassador's agency.

All of the Ambassadors and many of the commissioners we spoke with said that they have never jointly defined how they should interact. Former and current commissioners expressed various ideas about the ex-officio role of the Ambassador; for example, commissioners stated that the Ambassador should participate in every USCIRF meeting and share information, that the Ambassador's role was irrelevant to USCIRF's work, and that the Ambassador should not participate in USCIRF discussions. Some former commissioners said that without the Ambassador's regular participation, USCIRF had difficulty getting access to State policymakers to discuss religious freedom. One former commissioner said that such access would have enriched USCIRF's recommendations. At the same time, two of the current commissioners said that USCIRF could improve its efforts to understand State's diplomatic efforts with regard to religious freedom.

The Ambassadors also provided varying interpretations of the ex-officio role. They said, for example, that the Ambassador should be an active participant at USCIRF meetings during every discussion, short of voting; that the Ambassador's role was to explain State activities and actions to USCIRF and that USCIRF, conversely, should include the Ambassador on e-mails and other forms of internal communication; and that the Ambassador has no clear role on USCIRF but should try to attend as many USCIRF commissioner meetings as possible. One of the Ambassadors said that commissioners did not always include him in e-mail conversations and exchanges, resulting in a loss of communication. For example, he said that at times commissioners withheld documents and e-mail communications from the Ambassador's office or only shared drafts of press releases at the last minute, thereby inhibiting the Ambassador's ability to convey State's perspective or correct factual errors.

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## State and USCIRF's Interaction Has Fluctuated

The level of interaction between the Ambassador and USCIRF has varied greatly over the years. According to the first Ambassador and USCIRF officials, the first Ambassador attended USCIRF's monthly meetings, participated in their monthly teleconferences, and traveled overseas with the USCIRF chair on one occasion. However, that Ambassador said he had discussed his ex-officio role with USCIRF only once, during a debate, when a commissioner told him he should not be participating. State and USCIRF officials told us that the second Ambassador began his tenure by regularly attending the monthly USCIRF meetings, but he attended less frequently over time. Former State officials and USCIRF officials said that both entities considerably decreased their official communication, in part because of disagreement over how they should work together.

As the level of interaction between the Ambassador and commissioners has varied over the years, so has the level of interaction between their staffs. According to State and USCIRF officials, when the Ambassador and commissioners had little official interaction, their staffs had little interaction as well, although they did try to maintain some informal collaboration. For example, according to one former Office staff member, during a period of little official interaction and even discouragement of staff interaction, he and the USCIRF executive director began meeting for lunch to maintain a line of communication. In addition, a former commissioner noted that when the Ambassador's position was vacant for 2 ½ years, USCIRF's contact with State was primarily at the staff level.

More recently, according to the current Ambassador and USCIRF officials, they have increased their interaction from its previously low level, with both a new Ambassador and a largely new commission in place. For example, from 2009 to 2011, USCIRF and State officials, including officials from the Office of International Religious Freedom, collaborated on efforts that led to the passage of UN Resolution 16/18 to combat religious intolerance. The Ambassador now participates in the lunchtime portions of discussions during some of the monthly meetings, although she generally does not participate in USCIRF's monthly teleconferences. The Ambassador and the current USCIRF chair also have been joint presenters at various forums, both in the United States and abroad. In October 2012, for example, they gave a joint speech on religious freedom at Europe's largest annual human rights and democracy conference, sponsored by the Organization for Security and Co-operation in Europe. In addition, staff from the Office and USCIRF staff stated that they share information with each other more now than in the past. State and USCIRF officials told us that this information sharing recently helped USCIRF determine whether to elevate a country from its watch list to its CPC

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recommendation list. State and USCIRF officials discussed the issues as well as actions that State would take with the country's officials. Their interaction resulted in USCIRF's keeping the country on its watch list rather than moving it to the CPC list.

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### State and USCIRF's Limited Interaction Created Foreign Policy Tensions That State Had to Mitigate

All three Ambassadors and a few commissioners told us that the limited interaction between State and USCIRF, arising from a lack of a definition of how they should interact, had sometimes created tensions with foreign-government officials. For example, USCIRF recommended in its 2012 annual report that the Secretary of State designate Turkey as a CPC. The Ambassador was not regularly attending USCIRF meetings at the time, and State officials learned of USCIRF's intent to recommend Turkey only shortly before USCIRF published its report in March 2012. State officials tried to engage the commissioners and explain State's position against such a recommendation, but USCIRF proceeded to recommend Turkey for CPC designation. Turkish officials from the Ministry of Foreign Affairs said in a press release that USCIRF's report directly contradicted State's annual report on religious freedom, and called the USCIRF report "null and void." State officials told us that they had to resolve the resulting tensions with the Turkish government. In June 2012, a senior State official briefed USCIRF regarding State's position on Turkey, namely, that because the Turkish government had taken actions to improve religious freedom in the country, Turkey did not deserve CPC designation.

In addition, according to State officials, because the Ambassador and commissioners have not defined how they should interact, they have at times communicated conflicting information to foreign governments on behalf of the United States. For example, 5 days after USCIRF recommended Turkey for CPC designation in March 2012, the President publicly congratulated the Turkish prime minister on efforts he had made to protect religious minorities in Turkey. In addition, one Ambassador said that in meetings with foreign-government officials, he sometimes not only had to explain the function of USCIRF, but—because some statements by commissioners were not in line with U.S. foreign policy—he also had to clarify that USCIRF did not speak for him, even as an ex-officio member of the commission, or for the U.S. government.

All three Ambassadors cited instances when USCIRF's approach with foreign-government officials created bilateral tensions. For example, the first Ambassador recounted helping to bring a delegation of high-level Laotian officials to the United States to tour, meet with government officials and religious communities, and view examples of religious

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freedom.<sup>43</sup> According to the Ambassador, when the delegation returned, they freed 34 of 37 people imprisoned for their religious beliefs. The Ambassador told us that as a result, he had judged that Laos was making progress in instituting some real changes in the area of religious freedom; however, USCIRF recommended Laos for CPC designation shortly thereafter. The Ambassador said that USCIRF's recommendation almost ruined State's diplomatic efforts to address religious freedom in Laos. In another example, in 2005, the second Ambassador negotiated an action plan with the Vietnamese government including actions that, if taken by the government, could support its case for removal from the CPC list. According to State officials, Vietnam took the necessary steps and the Secretary of State removed the country's CPC designation in 2006. However, when USCIRF commissioners visited Vietnam later that year, according to State and Vietnamese officials, they offended the Vietnamese officials by their conduct in high-level meetings. State officials told us that this was damaging to some of the progress made with Vietnamese officials and necessitated efforts to repair the U.S. relationship with Vietnam.

Some State, USCIRF, and NGO officials we spoke with raised other concerns about the role USCIRF has played with respect to U.S. foreign policy. According to a former commissioner, during her tenure on USCIRF, commissioners became bolder in speaking out in letters or during meetings with foreign officials, and it was unclear to her whether these activities were within the bounds of the Act. Also, USCIRF officials told us that the commission has at times applied an expansive interpretation of the Act, questioning whether the responsibilities in the Act were a "floor or a ceiling." They also said that, under USCIRF's mandate to provide recommendations to the U.S. government on religious freedom, USCIRF has the obligation to help foreign governments take actions to address U.S. critiques. Some former commissioners said that foreign governments have at times requested advice or assistance from USCIRF and that, in general, USCIRF urged or made recommendations to foreign officials when it thought the recommendations were consistent with U.S. foreign policy. At the same time, some USCIRF officials noted that without active participation from

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<sup>43</sup>At the time of the Laotian delegation, the first Ambassador had left State and was president of the Institute for Global Engagement.

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the Ambassador, they risk not fully understanding U.S. foreign policy in a particular situation or country.

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## NGOs Generally Rated Overall U.S. Government Efforts Positively While Raising Some Concerns and Suggesting Several Improvements

The NGOs—religious organizations and other civil society groups—that we surveyed, as well as NGO representatives whom we interviewed, generally rated overall U.S. government, State, and USCIRF efforts to promote international religious freedom positively. At the same time, they raised some concerns and suggested several improvements, such as including more civil society and other nonstate actors and making the promotion of international religious freedom a higher foreign-policy priority. Likewise, NGOs that were familiar with State’s and USCIRF’s annual reports generally viewed both reports positively, although several raised concerns about a lack of objectivity in each report. Finally, NGOs generally viewed CPC designations positively, although some doubted the helpfulness of the designations to their own religious freedom work.

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## NGOs Generally Rated Overall U.S. Government Progress Positively While Suggesting Improvements

### Overall Progress

The NGOs that we surveyed and NGO representatives whom we interviewed indicated that they generally rated overall U.S. progress in promoting international religious freedom positively, although most provided specific suggestions to improve U.S. government efforts.<sup>44</sup> Among the 84 NGOs that responded to our survey, 63 NGOs (75 percent) said that the U.S. government had made at least some progress in promoting religious freedom overall.<sup>45</sup> The responding NGOs also

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<sup>44</sup>To develop our survey universe, we selected organizations from a variety of sources, including those that had engaged with State or USCIRF or were on lists of groups active in religious freedom issues. See appendix I for additional information on our survey methodology.

<sup>45</sup>We sent the survey to 131 NGOs that promote international religious freedom, and 84 of these NGOs sent responses to the survey. However, because not all NGOs responded to each question, the total number of responses varied for each question. The results reflect NGO responses rating the U.S. government as having made great, good, moderate, or some progress. See appendixes I and IV for additional information on our survey.

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generally said that the U.S. government had made progress in promoting specific international religious freedom activities, such as engaging in dialogue with foreign governments to effect changes in policy (59 of 83 NGOs, or 71 percent) and engaging in dialogue with NGOs and civil society groups regarding international religious freedom (65 of 84 NGOs, or 77 percent). For additional survey results, see appendix IV.<sup>46</sup>

One of the NGO survey responses stated, “I believe that it is very helpful that the U.S. government emphasizes religious freedom as a key foreign policy issue. This keeps the issue on the international agenda.” NGO representatives whom we spoke with on our field visits echoed these views, and a few told us that, in their opinion, the United States is the only country actively encouraging other governments to improve religious freedom. For example, some NGO representatives in four of our five fieldwork countries told us that they communicated with the U.S. embassy regularly, both on their own initiative and in response to information requests from the embassy’s human rights officer. Representatives of other NGOs, in Turkey and Vietnam, said that the U.S. embassies have invited them to interfaith discussions hosted by the embassies and that they were free to contact the embassies to raise specific issues regarding religious freedom situations. However, a representative from a religious group in Afghanistan told us that although he had met with U.S. officials on multiple occasions over the past few years and had described to them the various challenges facing his religious community, he had not seen any action taken.

## Concerns and Suggested Improvements

While the NGO responses to our survey generally expressed positive views of U.S. government efforts to promote international religious freedom, they also raised some concerns and identified several areas where they believed the U.S. government could improve its efforts.

In response to our survey’s request for elaboration on ratings of progress made, the NGOs’ most common concern was that international religious freedom was not as high a priority for the U.S. government as it should be and that this hindered overall efforts to promote international religious freedom (9 of the 27 NGOs that elaborated on their responses expressed this view). For example, one NGO stated, “Too often, religious freedom

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<sup>46</sup>The results reflect NGO responses rating the U.S. government as having made great, good, moderate, or some progress.

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appears to be an afterthought.” Other NGOs commented that State has not made international religious freedom a priority and that the Office is not valued within State’s structure. Other NGOs expressed in the survey the perception that the U.S. government has had limited success in promoting international religious freedom in general, including through the use of the CPC designation, or in obtaining the release of prisoners of conscience. When asked to list their organization’s top suggestions to improve U.S. government efforts to promote international religious freedom, 27 of the 69 NGOs (39 percent) that responded to the question suggested greater inclusion of, and consultation with, civil society and nonstate actors, both in the United States and abroad. One NGO responding to the survey pointed to State’s Religious Freedom and Foreign Policy Working Group as a positive development toward addressing this concern.<sup>47</sup>

Other frequently suggested improvements included making international religious freedom a higher priority in U.S. foreign policy and empowering State—and to a lesser extent, USCIRF—with greater resources and authority to promote international religious freedom. For example, an NGO responding to our survey suggested that the U.S. government “include the promotion of international religious freedom as a greater aspect of formulating foreign policy toward a particular country or region.” Another NGO responded that “funding should be substantially increased for both the Office and USCIRF. They have a tiny amount of resources with which to investigate an issue affecting billions of individuals.”

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## NGOs Generally Rated Both State’s and USCIRF’s Annual Reports Positively but Raised Some Concerns about Lack of Objectivity

### State’s Annual Report

Most of the NGOs that responded to our survey questions about State’s annual report on international religious freedom rated the report

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<sup>47</sup>In February 2011, the Secretary of State launched the Strategic Dialogue with Civil Society to provide a forum for cooperation and discussion with civil society. The Religion and Foreign Policy Working Group was one of six working groups that made up the Strategic Dialogue.



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positively. The NGOs responding to the survey and the NGO representatives we interviewed in Indonesia, Turkey, Vietnam, and Uzbekistan were largely familiar with the State report.<sup>48</sup> Of the 84 NGOs that responded to our survey, 70 (83 percent) stated that they were familiar with the report. Representatives from several NGOs and religious organizations whom we met with in Indonesia, Turkey, Vietnam, and Uzbekistan told us that State's annual report raises awareness of religious freedom issues in their countries and around the world. For example, one NGO representative told us that the report is a useful tool for disseminating information about the situation in her country and helps raise awareness of the issues to the government of her country and to the world. A leader of a religious organization in another country explained that the publication of the State report proves to his country's government that the U.S. government is aware of the restrictions placed on his religious community. He said that this knowledge has influenced his government's decision making in some cases, such as in the early release of a prisoner, jailed for conscientious objection to military service, whom State listed in its report.

Of the 70 NGOs that were familiar with State's annual report, 54 NGOs (77 percent) said that State's annual report was at least somewhat useful in affecting religious freedom in a country, and 58 NGOs (83 percent) said that State's annual report was at least somewhat useful in impacting U.S. policy on religious freedom.<sup>49</sup> In addition, 66 of the 70 NGOs (94 percent) said that the report was useful for their overall efforts. One NGO that deals with a specific religious group said, "It was very helpful to have a clear, official document from the State Department that named and condemned...atrocities." Another NGO said that the report was "accurate, timely, objective, and extremely useful." This perception may be related to the level of familiarity that various groups had with State and USCIRF. While the NGOs we surveyed had a high degree of familiarity with both State and USCIRF (70 of 84 NGOs, or 83 percent, were familiar with State, and 64 of 84 NGOs, or 76 percent, were familiar with USCIRF),

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<sup>48</sup>Of the two NGOs we spoke with in Afghanistan, one was not familiar with State's annual report, and the other provided information to State but assumed that State's report was for internal U.S. government discussion only.

<sup>49</sup>These results reflect NGO responses rating State's annual report as extremely or very useful and as useful or somewhat useful.

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groups we met with during our field visits tended to identify State as the U.S. actor most responsible for promoting international religious freedom.

Additionally, of the 70 NGOs that were familiar with State's annual report, 61 NGOs (87 percent) said that the report was credible overall and 58 NGOs (83 percent) said that it was accurate.<sup>50</sup> Several NGO representatives whom we spoke with overseas said that they could vouch only for information they provided to the embassy and were hesitant to judge the reports' degree of accuracy and comprehensiveness.

However, 16 of the 70 NGOs familiar with the State report (23 percent) rated its objectivity as only fair or poor. In addition, 11 of 28 NGOs that elaborated on their responses to questions about State's report raised concerns about a perceived lack of objectivity in State's report. One NGO noted, "There is a perception of the report, by the international civil society, American NGOs, and State Department personnel that the conclusions of the report are politically predetermined." NGOs had a similar concern when responding about the usefulness of State's report. Five of the 11 survey respondents who elaborated on their response said that they perceive State's report to be influenced by U.S. policy. One NGO wrote, "The State Department tends to undervalue religious freedom issues in countries where there are significant U.S. economic or security interests."

## USCIRF's Annual Report

Most of the NGOs that responded to our survey expressed positive views of USCIRF's annual report on international religious freedom. Of the 84 respondents, 64 NGOs (76 percent) were familiar with the USCIRF report. Fifty-one of the 64 NGOs familiar with the report (80 percent) said that it was at least somewhat useful in affecting religious freedom in a country and 49 of the 64 NGOs (77 percent) said that it was at least somewhat useful in affecting U.S. policy.<sup>51</sup> Many of the NGO representatives whom we interviewed in Afghanistan, Indonesia, Uzbekistan, and Vietnam were not aware of USCIRF's report—for example, none of the 9 representatives of NGOs, religious or in civil society, whom we interviewed in Uzbekistan were familiar with the report.

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<sup>50</sup>These results reflect NGO responses rating the overall credibility and accuracy of State's annual report as excellent, very good, or good.

<sup>51</sup>These results reflect NGO responses rating USCIRF's annual report as extremely or very useful and as useful or somewhat useful.

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Of the 64 respondents that were familiar with USCIRF's annual report, 59 NGOs (92 percent) said the report was credible and 57 NGOs (89 percent) said it was accurate.<sup>52</sup> One NGO commented further that "the IRF report is a credible source of information which accurately highlights challenges in countries." Another NGO commented, "USCIRF made an effort to talk directly to victims of religious persecution and to verify the facts they presented."

Nine of the 64 respondents that were familiar with the USCIRF report rated its objectivity as "fair" or "poor," and 5 of 14 NGOs that elaborated on their responses about USCIRF's annual report reported a perceived lack of objectivity of the report. For example, one NGO commented, "The USCIRF report can feel more overtly steered by U.S. diplomatic and political interests." Another stated that the report has, "in some cases, been more representative of individual concerns of the appointed commissioners, rather than a comprehensive and evenhanded analysis of IRF [international religious freedom] concerns and abuses worldwide." An additional 4 of the 14 NGOs commented that USCIRF's report was not always comprehensive, omitting some countries and focusing on CPC countries, and said that it reflected individual commissioners' concerns. This observation was further echoed when NGOs were asked to provide suggestions for improving the USCIRF report. Other groups echoed one NGO's suggestion of "more global coverage and better documentation of incidents reported."

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## NGOs Had Generally Positive Views about CPC Designations, but Some Questioned the Designations' Usefulness to Their Work

### State's CPC Designations

NGOs expressed somewhat mixed opinions about whether the Secretary of State's CPC designations helped or hindered their work. Of the 84 respondents to our survey, 38 NGOs (45 percent) said that the CPC

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<sup>52</sup>These results reflect NGO responses rating USCIRF's annual report as excellent, very good, or good.

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designation helped their work, 26 NGOs (31 percent) said that it neither helped nor hindered, and 6 NGOs (7 percent) said that it hindered their work. The remaining 14 NGOs (17 percent) had no opinion. For example, one NGO explained, "Other nations take notice of U.S. government religious freedom concerns raised in the report but since there are few negative consequences even if given a CPC designation, those nations may be inclined to ignore U.S. human rights criticisms." Other government-sanctioned groups, such as those we spoke with in Uzbekistan, said the CPC designation of their country was not justified and did not affect them or their communities. In contrast, several NGO representatives whom we interviewed in Vietnam said that the CPC designation of the country from 2004 through 2006 put pressure on the Vietnamese government to institute religious freedom reforms.<sup>53</sup> Further, some said that the removal of Vietnam from the CPC list had slowed progress and had lessened pressure on the Vietnamese government to protect religious freedom. However, some also said that redesignating Vietnam as a CPC was unwarranted, given the progress that the country has made.

#### USCIRF's Commentary on CPC Designations and Watch List

Similarly, NGOs expressed somewhat mixed opinions about whether USCIRF's CPC or watch list recommendations helped or hindered their work. Of the 84 respondents to our survey, 40 NGOs (48 percent) said that USCIRF's CPC recommendations had helped their work, 21 NGOs (25 percent) said that the designations neither helped nor hindered, and 5 NGOs (6 percent) said the designations hindered their work. The remaining 16 NGOs (19 percent) expressed no opinion.<sup>54</sup> The NGOs' perceptions of the watch list that USCIRF compiles, in addition to providing its CPC recommendations, were similar to respondents' perceptions of both the State and USCIRF CPC lists. Of the 84 survey respondents, 37 NGOs (44 percent) said that USCIRF's watch list recommendations helped their work, 26 NGOs (31 percent) said that the designations neither helped nor hindered, and 5 NGOs (6 percent) said

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<sup>53</sup>However, State officials and NGO representatives told us that, in addition to Vietnam's CPC designation, the Vietnam government's desire to achieve most favored nation trading status with the United States was also a strong incentive for instituting religious freedom reforms.

<sup>54</sup>Two of the 84 respondents (2 percent) did not respond to the question.

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that the designations hindered their work. The remaining 15 NGOs (18 percent) expressed no opinion.<sup>55</sup>

Fifty-two of the 84 NGOs that responded to our survey (62 percent) said that they agreed with USCIRF's recommendations to designate 25 to 30 countries as CPCs or for its watch list.<sup>56</sup> Ten of the 84 NGOs (12 percent) neither agreed nor disagreed, 5 of the NGOs (6 percent) disagreed, and 17 of the NGOs (20 percent) had no opinion. An additional 26 NGOs responded with specific suggestions for improving the USCIRF annual report—for example, taking a more comprehensive approach to reporting globally, soliciting additional input from other sources, and providing constructive examples of how countries can improve religious freedom.

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## Conclusions

Both State and USCIRF have implemented their primary responsibilities outlined in the Act, and each has undertaken a variety of activities in response to increased restrictions on religious freedom around the world. In general, NGOs that we surveyed and NGO representatives whom we interviewed expressed positive perceptions of these activities, including State's and USCIRF's annual reports on international religious freedom. However, the lack of a definition regarding how the two entities are to interact has created foreign policy tensions that State has had to mitigate. These tensions have resulted in part from the fact that the Ambassadors and USCIRF have not defined the Ambassador's role as an ex-officio member of the commission. Guidance that would clarify how State and USCIRF are to cooperate would strengthen each entity's unique contribution to promoting international religious freedom. It would also institutionalize their information sharing and help ensure that the U.S. government presents a more consistent foreign policy message with respect to religious freedom.

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## Recommendation for Executive Action

To enhance U.S. efforts to promote international religious freedom, we recommend that the Secretary of State and the Chair of USCIRF jointly define how State and USCIRF should interact in their efforts to promote international religious freedom, paying particular attention to defining the

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<sup>55</sup>One of the 84 NGOs (1 percent) did not respond to the question.

<sup>56</sup>These results reflect NGO responses of "strongly agree" and "somewhat agree" to USCIRF's annual CPC recommendations.

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ex-officio role of the Ambassador-at-Large for International Religious Freedom as a nonvoting USCIRF member.

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## Agency Comments and Our Evaluation

We provided a draft of this report to the State and USCIRF for comment. We received written comments from both entities, which are reproduced in full in appendices V and VI, respectively. State and USCIRF agreed with our recommendation and both expressed willingness to take action. We also received technical comments from each, which we incorporated throughout our report as appropriate.

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We are sending copies of this report to the appropriate congressional committees, the Secretary of State, and the Chair of USCIRF. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-9601 or [MelitoT@gao.gov](mailto:MelitoT@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix VII.



Thomas Melito  
Director, International Affairs and Trade

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# Appendix I: Objectives, Scope, and Methodology

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The United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011 mandated that we report to the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs on several matters related to U.S. promotion of international religious freedom. In addition, the mandate included a specific requirement that we consult with nongovernmental organizations (NGO) in preparing the report. In response to the mandate, this report assesses (1) the Department of State's (State) implementation of its primary responsibilities established in the International Religious Freedom Act of 1998 (the Act); (2) the U.S. Commission on International Religious Freedom's (USCIRF) implementation of its primary responsibilities established in the Act; (3) State's and USCIRF's interaction in their efforts to promote religious freedom; and (4) NGOs' views on U.S. efforts to promote international religious freedom. The mandate also directed us to compare USCIRF with other advisory commissions; for this analysis, we summarized a previous Congressional Research Service report (see app. II).

To address our four objectives, we conducted fieldwork in five countries—Afghanistan, Indonesia, Turkey, Uzbekistan, and Vietnam. We selected these countries on the basis of their meeting at least two of the following criteria: (1) State had funded international religious freedom programs in the country; (2) the country was on USCIRF's watch list; (3) USCIRF had recommended the country for designation as a Country of Particular Concern (CPC) or State had designated it as a CPC; and (4) the Ambassador-at-Large for International Religious Freedom (the Ambassador) or USCIRF had visited the country in the previous 3 years. Specifically:

- *Afghanistan*. State had funded international religious freedom programs in the country. In addition, USCIRF had included Afghanistan on its watch list for several years and visited the country in 2010.
- *Indonesia*. State had funded international religious freedom programs in the country, and USCIRF had included Indonesia on its watch list for several years.<sup>1</sup>

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<sup>1</sup>USCIRF established a watch list to identify countries that require close monitoring because of the nature and extent of violations of freedom of thought, conscience, religion, or belief engaged in, or tolerated by, the governments.

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- *Turkey*. USCIRF recommended Turkey for CPC designation for the first time in 2012, but according to State officials, State did not agree with the recommendation. The Ambassador and USCIRF had both traveled to Turkey in the previous 3 years.
  - *Uzbekistan*. State had designated Uzbekistan as a CPC for several years and had waived sanctions against it. The Ambassador had traveled to Uzbekistan in the last year.
  - *Vietnam*. State had funded an international religious freedom program in the country. State removed Vietnam from the CPC list in 2006, making it one of only two countries that State had ever removed from the CPC list. The Ambassador had traveled there in the last year.

While in each country, we interviewed State embassy officials, including the U.S. Ambassador to the country and the International Religious Freedom officer. We also interviewed representatives from host governments, NGOs, and religious communities. In two countries we visited, we also met with officials from third-country embassies.

To address our first objective, we reviewed the provisions of the Act and identified the primary responsibilities that the Act established for State. We also analyzed State documents, including cables, grant materials, State's annual *International Religious Freedom Report*, the 2003 State Inspector General's *Report of Inspection: Bureau for Democracy, Human Rights and Labor*, and the Inspector General's 2005 *Compliance Follow-up Review on the Bureau for Democracy, Human Rights and Labor*. We also met with State officials, including staff from the Office of International Religious Freedom, all three Ambassadors-at-Large for International Religious Freedom—two former and one present—and senior level officials such as an Assistant Secretary and two Under Secretaries in Washington, D.C. We requested that State provide us with cables to demonstrate the type of activities it undertook from January 2009 through October 2012 to (1) promote or improve international religious freedom and (2) document international religious freedom issues. State provided us with 183 unclassified cables, five of which were duplicates. State also identified more than 100 additional classified cables that pertained to CPCs, but State did not provide those cables to us in time for us to analyze them for this report. This analysis does not provide a full list of all religious freedom-related activities that State conducted worldwide during this time period, because (1) not all activities are reported in cables; (2) State may not have located all the relevant cables sent during this time period; and (3) we did not receive the classified cables in time for us to



analyze them for this report. See appendix III for a summary of our analysis of the cables.

In response to our request that State identify all of its grants related to international religious freedom, State provided us with a list of 27 grants that it had grouped either globally or by region of the world. For our analysis, we selected seven grants that generally represented the largest award amount in each region of the world and that included both ongoing and completed grants as well as a grant in one of our fieldwork countries. We also selected a seventh grant that was not country specific from the global programs category. For each of these seven grants, we reviewed the grant's goals and objectives, how the grant implementer measured progress toward those goals, and whether the implementer reported meeting the goals.

To address our second objective, we reviewed the provisions of the Act, identified the primary responsibilities that the Act established for USCIRF, and analyzed USCIRF documents such as its annual report on international religious freedom, letters to U.S. government officials, editorials, and press releases. To determine how USCIRF implemented its primary responsibilities, we also interviewed USCIRF staff and 20 of the 33 commissioners appointed to USCIRF, including all of the current commissioners. In addition, we also interviewed all three Ambassadors-at-Large—two former and one present—who serve as ex-officio members of USCIRF. We conducted these interviews in or near Washington, D.C.

To address our third objective, we met with officials from State and USCIRF, including all three Ambassadors-at-Large—two former and one present—and all of the current and approximately half of the former USCIRF commissioners. We also interviewed State and foreign-government officials in our fieldwork countries, as well as NGO officials both in the United States and abroad who have worked closely with both entities. In addition, we analyzed State cables as well as documents from USCIRF, including press releases, editorials, and their annual reports.

To address our fourth objective, we conducted a survey of NGOs that we identified from five sources: (1) State's Office of International Religious Freedom's list of 30 most-consulted NGOs; (2) USCIRF's list of NGOs that the commission has worked, or been in contact, with; (3) members of the Secretary of State's Religion and Foreign Policy Working Group; (4) a list of NGOs participating in the International Religious Freedom Roundtable in Washington, D.C.; and (5) the Pew Online Directory of Religious Advocacy Groups, which the Pew Research Center's Pew

Forum on Religion and Public Life developed. These sources produced a list of 317 unique NGOs. To determine the universe of NGOs from our five sources, we contacted each NGO and identified 137 that had conducted work related to international religious freedom. We developed a web-based survey instrument in August 2012 and pretested it with 6 NGOs. The survey contained closed- and open-ended questions in four general areas: (1) demographics, (2) State's international religious freedom activities, (3) USCIRF's international religious freedom activities, and (4) general U.S. policy on international religious freedom. We sent the web-based survey to all 137 NGOs via e-mail in September 2012. However, we removed six NGOs from our universe of 137, resulting in a universe of 131 NGOs, after 5 NGOs responded that they did not conduct work related to religious freedom and we determined that one NGO was a duplicate. We received 84 responses to our survey, or a 64 percent response rate. The results of the survey reflect the views of only the respondents to our survey and cannot be generalized either to the universe of 131 organizations or to any other organizations that are involved in these types of issues. See appendix IV for selected survey results.

We administered the web-based survey from September 5 to October 18, 2012. We sent each NGO an e-mail invitation to complete the survey on a GAO web server using a unique username and password. During the data collection period, we sent reminder e-mails and made phone calls to nonresponding NGOs. Because this was not a sample survey, it had no sampling errors; however, the practical difficulties of conducting any survey may introduce nonsampling errors, such as difficulties in interpreting a particular question, which can introduce unwanted variability in the survey results. We took steps to minimize nonsampling errors by pretesting the questionnaire with six NGOs representing different religious traditions or no religious affiliation. We conducted pretests to ensure that the questions were clear and unbiased, that the data and information were readily obtainable, and that the questionnaire did not place an undue burden on respondents. Additionally, a senior GAO methodologist independently reviewed a draft of the questionnaire prior to its administration. We made appropriate revisions to the content and format of the questionnaire after the pretests. All data analysis of survey results were independently verified for accuracy.

In addition, we conducted a limited content analysis of open-ended responses to five survey questions. We developed initial categories for selected questions with open-ended responses, to characterize the general theme of the response. For responses to questions asking about

the credibility of each report, we developed the following categories: Timeliness (described as the frequency and/or timing of the reports); Effectiveness; Specific; CPC; Lack of Objectivity (initially coded as “Bias”); Lack of Input; Composition/Format; Contrast; and Lack of Resources. For questions elaborating on the perception of the usefulness of each report, we developed the following categories: Specific; Policy (regarding the formulation/motivation of U.S. international religious freedom policy); CPC; Contrast; Limited (meaning the State or USCIRF report has a circumscribed impact); and Not Applicable. For the question asking NGOs to provide their suggestions on ways to improve U.S. promotion of international religious freedom, we developed the following categories: Inclusion; Measurement; Enforcement; Empowerment; Awareness; Prioritize; Specific; and Not Applicable. One analyst coded the responses with at least one category, with an optional second category. After the initial coding, a second analyst independently assigned categories to the same responses. The analysts then reconciled the two sets of coding, assigning a final determination to each response. A methodologist then reviewed the categories, making language changes as needed. These results were then tabulated.

We conducted this performance audit from March 2012 to March 2013 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

---

# Appendix II: Comparison of the U.S. Commission on International Religious Freedom with Other Select Congressional Commissions

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The United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011 directed us to, among other things, conduct a comparative analysis of the structure of the U.S. Commission on International Religious Freedom (USCIRF) in relation to other U.S. advisory commissions.<sup>1</sup> To conduct this analysis, we relied on the Congressional Research Service's (CRS) compilation of Congressional Advisory Boards and Commissions to which Congress has a direct appointing role.<sup>2</sup>

In 2013, CRS reported on the 85 permanent and temporary congressional commissions whose members Congress participates in appointing.<sup>3</sup> CRS defines a congressional commission as a multi-member independent entity that (1) is established by Congress, (2) exists temporarily, (3) serves in an advisory capacity, (4) is appointed in part or whole by members of Congress, and (5) reports to Congress. CRS grouped the current 85 congressional commissions in four categories: (1) policy advisory bodies, (2) commemorative advisory bodies, (3) operational advisory bodies, and (4) diplomatic advisory bodies. Given that CRS categorized USCIRF as a policy advisory body, we focused our comparative analysis on the 26 advisory bodies that CRS classified as policy advisory bodies.

Our analysis shows that USCIRF does not appear to be unique among policy advisory bodies in duration limit, membership numbers, or appointment terms. USCIRF comprises 10 members known as commissioners, with 2-year appointments and a limit of two terms.<sup>4</sup> Following are characteristics of the 26 policy advisory bodies:

- Seven of the advisory bodies had a statutory duration limit, while 19 did not.

---

<sup>1</sup>Pub. L. No. 112-75, Sec. 7, Dec. 23, 2011.

<sup>2</sup>Congressional Research Service, *Congressional Membership and Appointment Authority to Advisory Commissions, Boards, and Groups*, RL33313 (Washington, D.C.: February 2013).

<sup>3</sup>The CRS report includes only temporary congressional commissions active as of February 2013.

<sup>4</sup>Nine of the 10 commission members are limited to a 2-year appointment and 2 terms. The Ambassador-at-Large, who is an ex-officio, nonvoting commission member, is not subject to the appointment or term limitations.

**Appendix II: Comparison of the U.S. Commission on International Religious Freedom with Other Select Congressional Commissions**

- Membership ranged from 4 to 37 members.
- Appointments ranged from 1 to 6 years for advisory bodies that had delineated term limits; five of the advisory bodies had term limits for the life of the body; two of the advisory bodies had term limits for the duration of the Congress from which they were appointed; and one advisory body had a statutorily unclear term of appointment.

**Table 1: Policy Commissions, Boards and Advisory Bodies That Report to U.S. Congress**

<b>Entity name</b>	<b>Duration</b>	<b>Number of members</b>	<b>Term of appointment</b>
Advisory Committee on Student Financial Assistance	No statutory end date	11	4 years
Citizen's Coinage Advisory Committee	No statutory end date	11	4 years
Commission on Long-Term Care	The commission terminates 30 days after submission of its final recommendations, which are due no later than 6 months after appointments are made.	15	Duration of commission
Commission on Security and Cooperation in Europe (Helsinki Commission)	No statutory end date	21	Not specified
Commission to Reduce Child Abuse and Neglect Fatalities	The commission terminates 30 days after submission of its final recommendations, which are due no later than 2 years after the appointment of a majority of the commission members, or 3 years after the initial meeting, whichever is earlier.	12	Duration of commission
Congressional-Executive Commission on the People's Republic of China	No statutory end date	23	Not specified
Congressional Advisers for Trade Policy and Negotiations	No statutory end date	10	For the session of Congress from which the appointees are chosen.
Coordinating Council on Juvenile Justice and Delinquency Prevention	No statutory end date	Varies; minimum of 18 members	1, 2, or 3 years
Denali Commission	No statutory end date	7	Duration of commission, except federal co-chairperson who is appointed for 4 years
Election Assistance Commission	No statutory end date	4	4 years
Election Assistance Commission, Board of Advisors	No statutory end date	37	2 years

**Appendix II: Comparison of the U.S.  
Commission on International Religious  
Freedom with Other Select Congressional  
Commissions**

<b>Entity name</b>	<b>Duration</b>	<b>Number of members</b>	<b>Term of appointment</b>
Foreign Intelligence and Information Commission	The commission terminates 60 days after submission of its final report.	10	Duration of commission
Health Information Technology Policy Committee	No statutory end date	Varies; minimum of 20 members	3 years
Independent Payment Advisory Board	No statutory end date	18	6 years
Indian Law and Order Commission	The commission terminates 90 days after submission of its final report.	9	Duration of commission
Migratory Bird Conservation Commission	No statutory end date	7	Not specified
National Advisory Committee on Institutional Quality and Integrity	No statutory end date	18	6 years
National Capital Planning Commission	No statutory end date	12	Presidential appointments for 6 years and mayoral appointments for 4 years
National Commission on the Structure of the Air force	The commission terminates 90 days after issuing its final report, which is due no later than February 1, 2014.	8	Presidential appointments for 6 years and mayoral appointments for 4 years
National Committee on Vital and Health Statistics	No statutory end date	18	4 years
National Rural Investment Board	No statutory end date	14	4 years
Social Security Advisory Board	No statutory end date	7	6 years
United States-China Economic and Security Review Commission	No statutory end date	12	2 years
United States Commission On Civil Rights	No statutory end date	8	6 years
United States Commission on International Religious Freedom	September 30, 2014	10	2 years <sup>a</sup>
Utah Reclamation Mitigation and Conservation Commission	The commission terminates 20 years from the end of the fiscal year during which the Secretary declares the Central Utah Project to be substantially complete.	5	4 years

Source: GAO analysis of Congressional Research Service information.

<sup>a</sup>Nine of the 10 commission members are limited to a 2-year appointment and 2 terms. The Ambassador-at-Large, who is an ex-officio, nonvoting commission member, is not subject to the appointment or term limitations.

# Appendix III: Analysis of Department of State Cables Concerning International Religious Freedom

We asked the Department of State (State) to provide us with cables concerning international religious freedom sent from January 2009 through October 2012. State provided 183 cables, 5 of which were duplicates. We analyzed the cables to obtain information on the activities U.S. embassies and other U.S. government entities conduct to promote religious freedom. However, because not all activities are reported in cables, and because State might not have located all the relevant cables sent during this time period, this analysis does not provide a full list of all religious freedom–related activities that State performed globally during this time period. We developed 10 categories to analyze, or code, the activities described in the cables. We included a category for duplicate cables within the list of 10 categories and a category titled “other” for cables that did not fit into any one of the 9 categories.<sup>1</sup> Because many of the cables covered a variety of topics, our coding rules allowed multiple codes to be applied to each cable. Two analysts independently coded each cable and then reconciled any differences in their coding.

**Table 2: Analysis of 178 Cables Sent by U.S. Embassies and Consulates, January 2009–October 2012**

Cable category	Description of category	Number of cables
Status of religious freedom	Cable provides an update concerning the status of religious freedom in a particular country (positive or negative) and may discuss actions being taken by the foreign government (positive or negative). The update may be provided in conjunction with a discussion of activities described in the following categories.	108
U.S. embassy interaction with nongovernmental organizations (NGOs), religious leaders/ organizations, or relevant individuals	Cable describes either an attempt by U.S. embassy officials to interact with NGOs, religious leaders/organizations, or relevant individuals on religious freedom issues (or vice versa) or an actual instance in which the two sides interacted on the subject. These bilateral interactions include only representatives from the U.S. embassy, such as the Ambassador, Consulate General, and political officers, and representatives from one NGO, religious organization, or a relevant individual.	63
Activities conducted to promote religious tolerance and dialogue	Cable provides a summary of an activity organized and/or funded by the U.S. embassy to promote religious tolerance or dialogue in country by bringing people of different faiths and/or representatives of different organizations together. Others from State or within the U.S. government may have participated in or led the activity. Such activities may include, for example, roundtable discussions, dinners, working groups and may include representatives from NGOs, religious organizations, and/or foreign governments.	40

<sup>1</sup>Cables coded as “other” included (1) cables from the Secretary of State to all U.S. embassies and consulates sharing information and talking points concerning events such as UN Human Rights Council Resolution 16/18 expert-level meetings and the publication of the annual *International Religious Freedom Report* and (2) cables from U.S. embassies or consulates in which religious freedom was not discussed.

**Appendix III: Analysis of Department of State  
Cables Concerning International Religious  
Freedom**

<b>Cable category</b>	<b>Description of category</b>	<b>Number of cables</b>
U.S. embassy interaction with foreign government officials	Cable describes either an attempt by U.S. embassy officials to interact with foreign government officials on religious freedom issues (or vice versa) or an actual instance in which the two sides interacted on the subject. These bilateral interactions include only representatives from the U.S. embassy, such as the Ambassador, Consulate General, and political officers, and foreign government officials.	31
Visit by high-level U.S. government official/s	Cable describes a visit by a high-level U.S. official—such as the President, Secretary of State, Ambassador-at-Large for International Religious Freedom, Under Secretary, Assistant Secretary, Deputy Assistant Secretary, Special Envoy, or other high-level U.S. government official—in which religious freedom was a primary focus of the visit or factored heavily into discussions with foreign government officials and/or NGO and religious organizations' representatives.	30
U.S. government assistance to NGOs, religious organizations, or individuals	Cable provides a description of assistance and/or the status of the assistance provided by a U.S. government agency, including State, the U.S. Agency for International Development (USAID), and the Department of Defense, to NGOs, religious organizations, or individuals in a specified country. The assistance is intended to support the organization's or individual's efforts to improve religious freedom in country and may include financial and/or nonfinancial assistance, such as training.	14
U.S. embassy representatives' participation in events promoting religious freedom	Cable describes participation by one or more U.S. embassy representatives, such as the Ambassador, Consulate General, and political officers, in an event focused primarily on promoting religious freedom. The event was not organized by the U.S. embassy but may have been organized by foreign government officials, NGOs, or religious organizations in a specified country.	11
U.S. government assistance to foreign governments	Cable provides a description of assistance and/or the status of the assistance provided by a U.S. government agency, including State, USAID, and Department of Defense, to a foreign government. The assistance is intended to support the foreign government's efforts to improve religious freedom in country and may include financial and/or nonfinancial assistance, such as training.	5
Other	Cable does not fit into one of the first eight categories.	16

Source: GAO analysis of Department of State cables.



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# Appendix IV: Selected Results from Survey of Nongovernmental Organizations

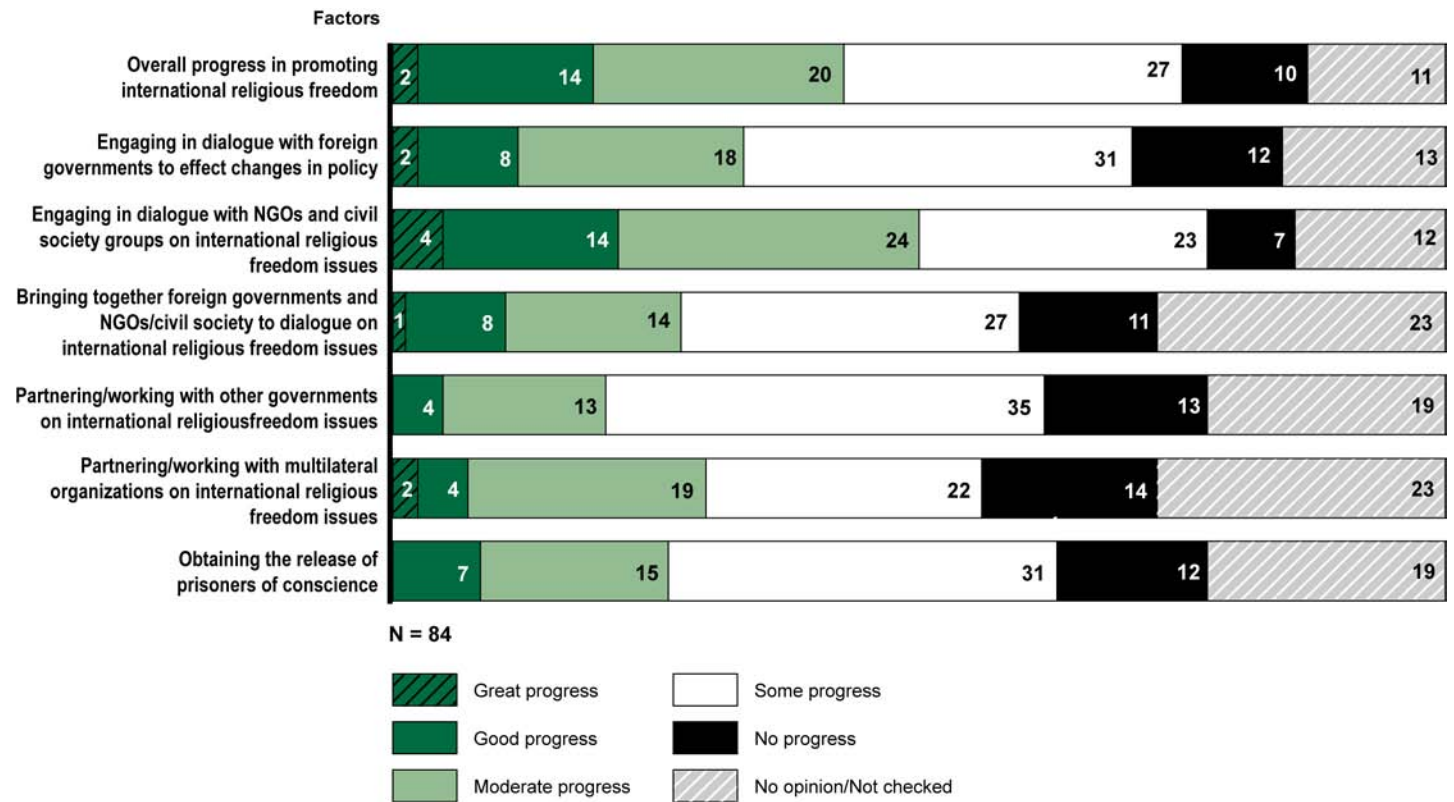
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We conducted a survey of 131 nongovernmental organizations (NGO) that we identified as having conducted work related to international religious freedom. Of the 131 NGOs, 84 responded to the survey. The survey addressed the Department of State's (State) and the U.S. Commission on International Religious Freedom's (USCIRF) international religious freedom activities, including their respective annual reports; State's designations, and USCIRF's recommendations for designations, of Countries of Particular Concern (CPC); overall U.S. government progress on international religious freedom; and U.S. international religious freedom policy.<sup>1</sup> For a full description of the survey's methodology, see appendix I. Figures 4 through 11 summarize selected results of the NGO responses to our survey. We selected these survey results because they add additional detail to the information summarized in the report.

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<sup>1</sup>The results of our survey reflect the views of only the 84 respondents and cannot be generalized to the 131 international religious freedom organizations that received the survey or to any other organizations involved in religious freedom-related work.

Figure 4: NGOs' Ratings of the Overall Progress the U.S. Government Has Made With Respect to the Specified Activities

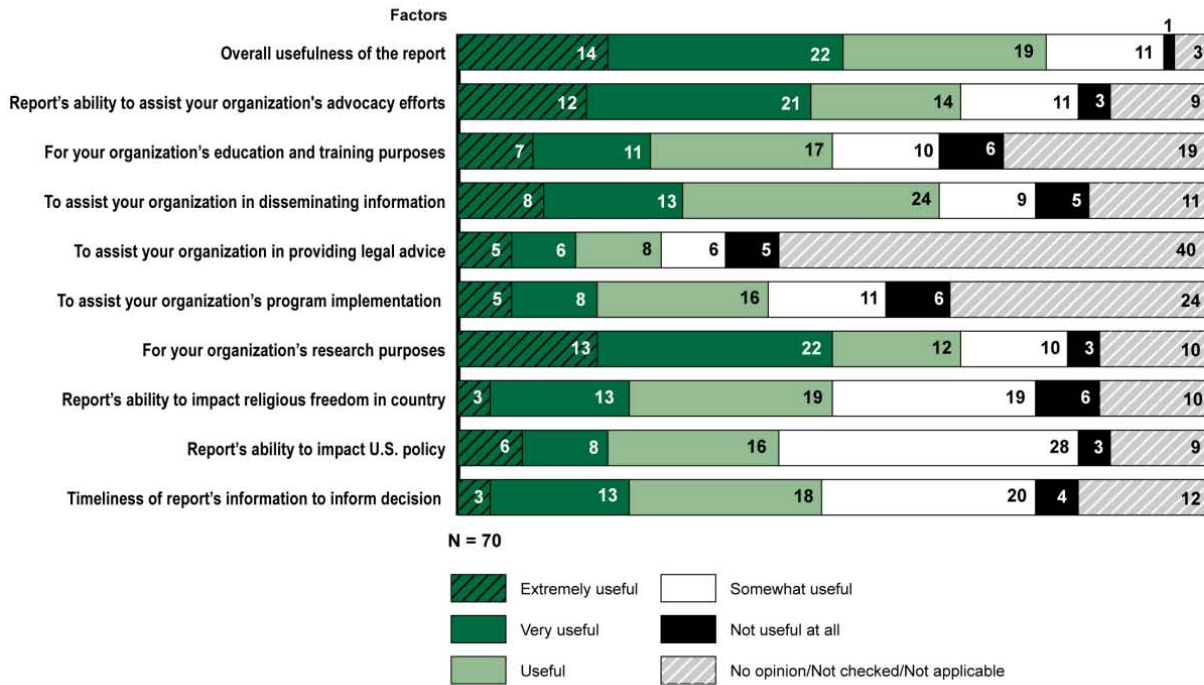


Source: GAO analysis.

Note: Numbers in graphic represent responses to the survey question: "How much progress has the U.S. government made in promoting each of the following international religious freedom activities?"

Appendix IV: Selected Results from Survey of Nongovernmental Organizations

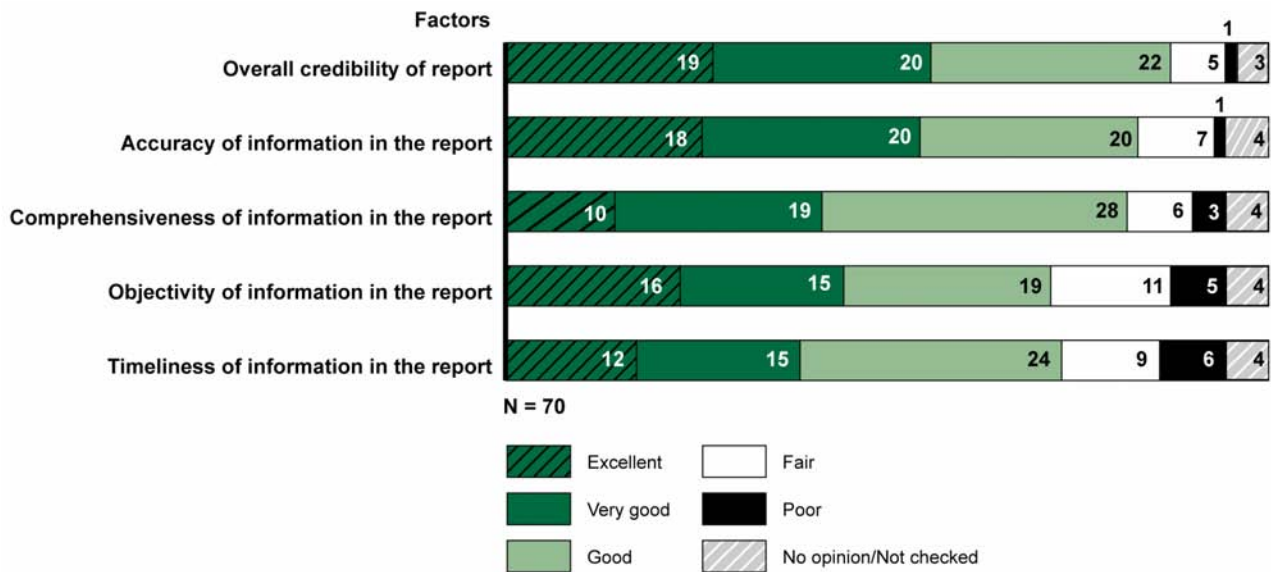
Figure 5: NGOs' Ratings of the Usefulness of State's Annual *International Religious Freedom Report* with Respect to the Specified Factors



Source: GAO analysis.

Note: Numbers in graphic represent responses to the survey question: "How useful does your organization believe State's annual international religious freedom report to be with respect to each of the following?" This represents a subset of respondents that replied "yes" to the following question: "Is your organization familiar with the annual international religious freedom report produced by the Department of State?"

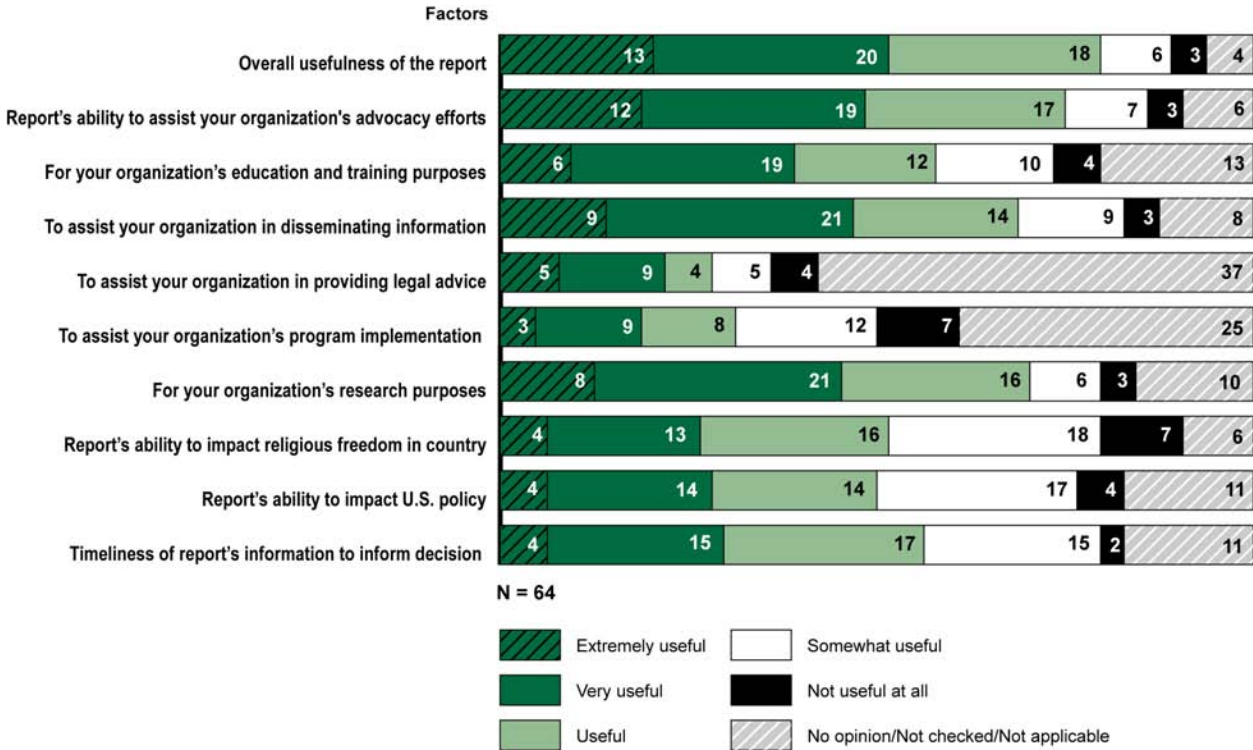
Figure 6: NGOs' Ratings of State's Annual International Religious Freedom Report with Respect to the Specified Factors



Source: GAO analysis.

Note: Numbers in graphic represent responses to the survey question: "How would your organization rate State's annual international religious freedom report with respect to each of the following factors?" This represents a subset of respondents that replied "yes" to the following question: "Is your organization familiar with the annual international religious freedom report produced by the Department of State?"

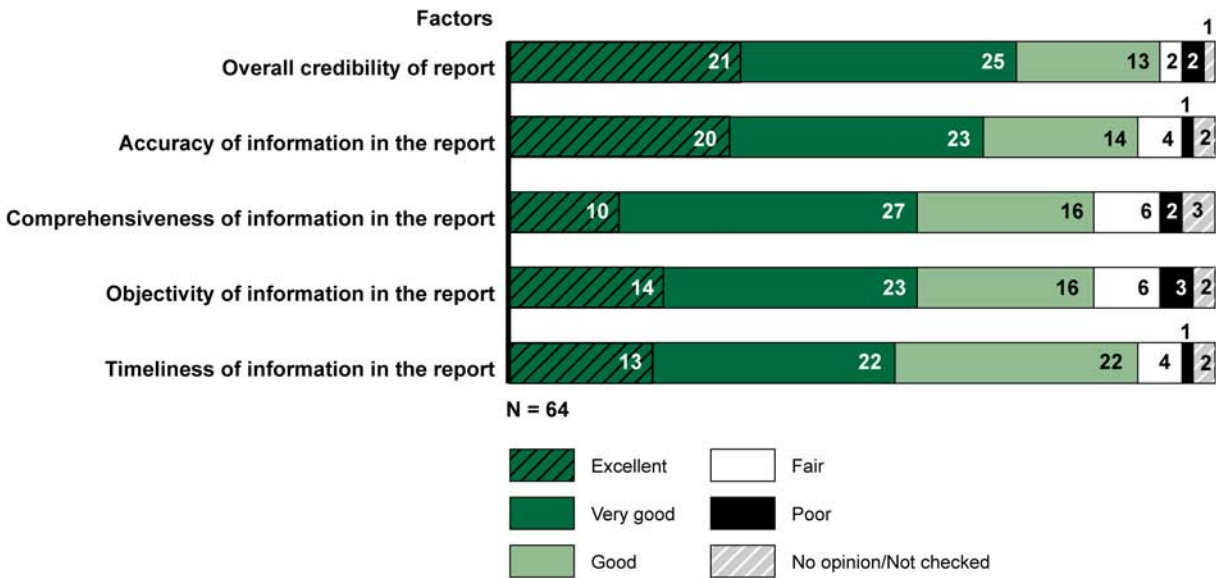
Figure 7: NGOs' Ratings of the Usefulness of USCIRF's Annual Report on International Religious Freedom with Respect to the Specified Factors



Source: GAO analysis.

Note: Numbers in graphic represent responses to the survey question: "How useful does your organization believe USCIRF's annual international religious freedom report to be with respect to each of the following?" This represents a subset of respondents that replied "yes" to the following question: "Is your organization familiar with the annual international religious freedom report produced by the U.S. Commission on International Religious Freedom (USCIRF)?"

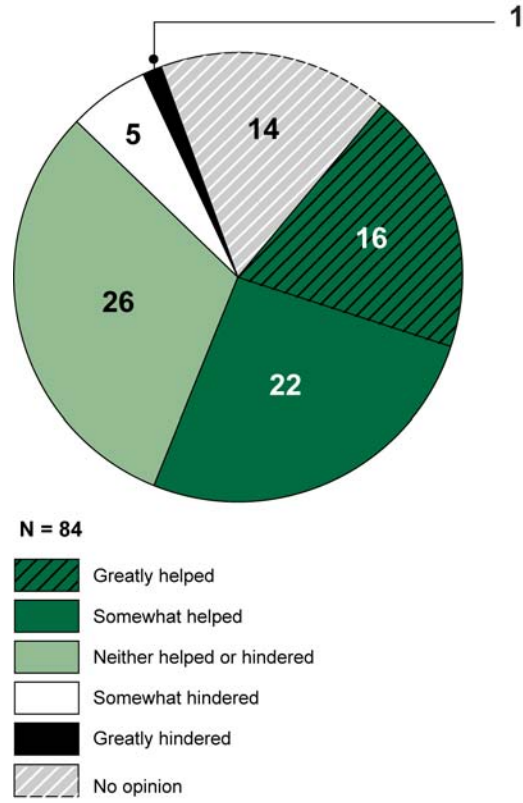
Figure 8: NGOs' Ratings of USCIRF's Annual Report on International Religious Freedom with Respect to the Specified Factors



Source: GAO analysis.

Note: Numbers in graphic represent responses to the survey question: "How would your organization rate USCIRF's annual international religious freedom report with respect to each of the following factors?" This represents a subset of respondents that replied "yes" to the following question: "Is your organization familiar with the annual international religious freedom report produced by the U.S. Commission on International Religious Freedom (USCIRF)?"

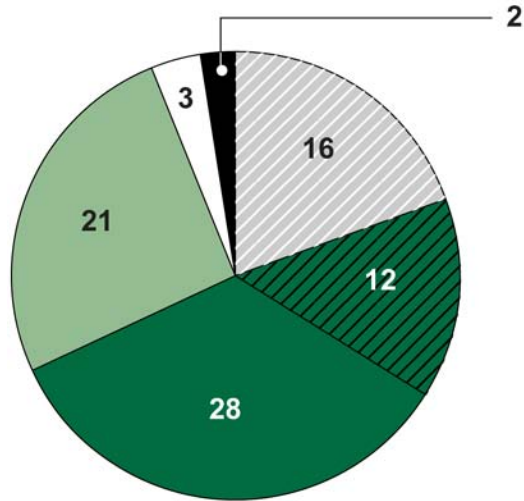
Figure 9: NGOs' Ratings of the Extent to Which State's CPC Designations Have Helped or Hindered the NGOs' International Religious Freedom-Related Work









Source: GAO analysis.

Note: Numbers in graphic represent responses to the survey question: "The Secretary of State periodically designates certain countries as Countries of Particular Concern (CPC). Overall, have the CPC designations helped or hindered your organization's international religious freedom-related work?"

Figure 10: NGOs' Ratings of the Extent to Which USCIRF's Recommendations for CPC Designations Have Helped or Hindered the NGOs' International Religious Freedom-Related Work



N = 84

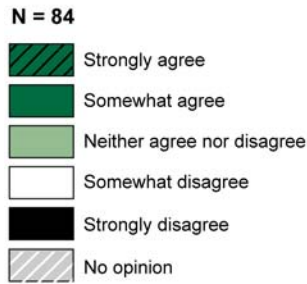
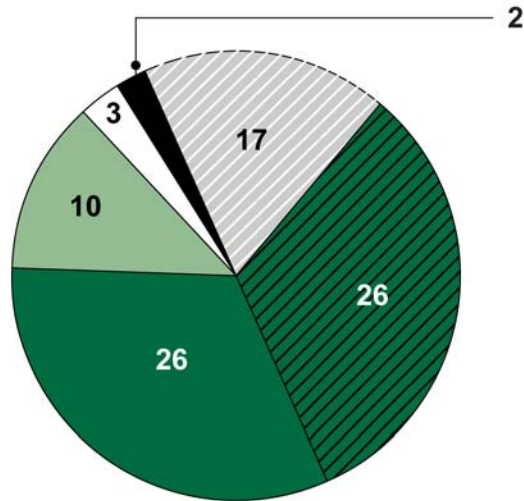
-  Greatly helped
-  Somewhat helped
-  Neither helped nor hindered
-  Somewhat hindered
-  Greatly hindered
-  No opinion

Source: GAO analysis.

Note: Numbers in graphic represent responses to the survey question: "In its annual report, USCIRF recommends certain countries for CPC designation. Overall, have USCIRF's CPC recommendations helped or hindered your organization's international religious freedom-related work?" Responses do not total 84, as 2 NGOs did not respond to this question.



**Figure 11: NGOs' Ratings of the Extent to Which They Agree or Disagree That the Countries Included in USCIRF's Annual Report Fully Represent the Worst Offenders of Religious Freedom**



Source: GAO analysis.

Note: Numbers in graphic represent responses to the survey question: "The USCIRF annual international religious freedom report covers the approximately 25 to 30 countries that it either recommends as CPCs or places on its watch list. Does your organization agree or disagree that the 25 to 30 countries USCIRF chooses to include in its annual international religious freedom report fully represent the worst offenders of religious freedom?"

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# Appendix V: Comments from the Department of State

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United States Department of State  
*Comptroller*  
1969 Dyess Avenue  
Charleston, SC 29405

**MAR 13 2013**

Dr. Loren Yager  
Managing Director  
International Affairs and Trade  
Government Accountability Office  
441 G Street, N.W.  
Washington, D.C. 20548-0001

Dear Dr. Yager:

We appreciate the opportunity to review your draft report, "INTERNATIONAL RELIGIOUS FREEDOM ACT: State Department and Commission Are Implementing Responsibilities but Need to Improve Interaction" GAO Job Code 320901.

The enclosed Department of State comments are provided for incorporation with this letter as an appendix to the final report.

If you have any questions concerning this response, please contact Daniel Nadel, Acting Deputy Director, Bureau of Democracy, Human Rights and Labor at (202) 647-1237.

Sincerely,

A handwritten signature in blue ink, appearing to read "James L. Millette".

James L. Millette

cc: GAO – Thomas Melito  
DRL – Uzra Zeya  
State/OIG – Evelyn Klemstine

**Department of State Comments on GAO Draft Report**

**INTERNATIONAL RELIGIOUS FREEDOM ACT: State Department and  
Commission Are Implementing Responsibilities  
but Need to Improve Interaction**  
**(GAO-13-196, GAO Code 320901)**

Thank you for allowing the Department of State the opportunity to comment on the draft report, "*INTERNATIONAL RELIGIOUS FREEDOM ACT: State Department and Commission Are Implementing Responsibilities but Need to Improve Interaction.*" The Department deeply appreciates the professionalism of the GAO team over the course of this yearlong project, and the thoughtfulness and sensitivity they demonstrated in carrying out their duties in Washington and across five countries.

The Department of State takes significant pride in the work undertaken by Foreign Service, Civil Service, and locally engaged staff to advance the cause of religious freedom as a key objective of U.S. foreign policy. The Department thanks the GAO for recognizing that the Department of State--through its Office of International Religious Freedom, the Ambassador at Large, and a host of other State entities in the U.S. and abroad--is successfully implementing the assigned responsibilities under the 1998 International Religious Freedom Act.

The GAO report makes one recommendation: In order to enhance U.S. efforts to promote international religious freedom, GAO recommends that the Secretary of State and the Chair of the U.S. Commission on International Religious Freedom (USCIRF) jointly define how the Department of State and USCIRF should interact in their efforts to promote international religious freedom, paying particular attention to defining the ex-officio role of the Ambassador-at-Large on the commission. The Department of State concurs with the GAO's recommendation, and will work with USCIRF to systematize more fully the interactions between the Department and USCIRF. The Department has already begun conversations with USCIRF to determine the best way forward in this regard.

Again, the Department of State expresses our sincere thanks to the GAO for this constructive audit. Please be assured that the Department takes the GAO's findings very seriously and will implement the above recommendation as part of the effort to advance religious freedom and human rights around the world.

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# Appendix VI: Comments from the U.S. Commission on International Religious Freedom

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March 12, 2013

Thomas Melito  
Director, International Affairs & Trade  
United States Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Melito:

I write today on behalf of the U.S. Commission on International Religious Freedom (USCIRF; the Commission) regarding the report by the Government Accountability Office (GAO) entitled, "International Religious Freedom Act: State Department and Commission Are Implementing Responsibilities but Need to Improve Interaction." We thank the GAO for undertaking this important investigation of U.S. promotion of international religious freedom abroad. USCIRF Commissioners and staff worked diligently over the past year with GAO's team of investigators to provide information and answer questions about our work. We appreciate the dedication and professionalism with which the GAO investigators undertook their efforts to understand the complex challenges facing the U.S. government's global promotion of religious freedom.

We welcome GAO's finding that USCIRF is implementing its primary responsibilities, as set forth in the International Religious Freedom Act of 1998 (IRFA). USCIRF consistently has worked to fulfill its statutory requirements as an independent and bipartisan commission to conduct an ongoing review of violations of religious freedom around the world, evaluate U.S. policy, and provide recommendations to the President, Secretary of State, and Congress. To that end, USCIRF has proven to be a dependable resource for the U.S. government, providing independent analysis of the worst situations involving severe violations of religious freedom around the world and constructive policy recommendations on how the United States can effectively encourage governments to respect the right to freedom of religion or belief.

We also appreciate GAO's survey of nongovernmental organizations, and are pleased that the NGO community holds a very positive view of USCIRF's reports, further demonstrating the high quality of our work and our role as an independent and reliable resource.

Regarding interactions with the State Department, in recent years USCIRF Commissioners and staff have endeavored to improve the working relationship with the State Department generally and the Ambassador at Large specifically. The Ambassador at Large, as an *ex officio* Commission member, is welcome to attend all Commission meetings, and USCIRF staff has frequent contact with her office. We welcome the GAO recommendation that the Secretary of State and the USCIRF Chair jointly define how the State Department and USCIRF should interact in our mutual efforts to promote religious freedom. We stand ready for such a consultation.

Regarding the impact of USCIRF's findings and recommendations on bilateral relations, it is important to note that IRFA mandates that USCIRF review the facts and circumstances of religious freedom violations

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**Appendix VI: Comments from the U.S.  
Commission on International Religious  
Freedom**

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based on international standards, and make recommendations to the U.S. government. USCIRF's mandate is neither to conduct diplomacy nor balance religious freedom against other U.S. national interests, and we make clear in all documents and meetings that the Commission is an independent, bipartisan U.S. federal government advisory body, separate and distinct from the Executive Branch and the State Department. However, at times, our findings draw the ire of offending governments that would prefer their shortcomings remain hidden and may result in bilateral friction. We recognize that USCIRF's role sometimes poses a challenge for the State Department, but that role has been mandated by law, and – as the report notes – it also has produced opportunities for proactive diplomacy. USCIRF will continue to make every effort to mitigate confusion while continuing to fulfill our statutory mandate.

Pertaining to the GAO's findings on the State Department, USCIRF for 14 years has been monitoring the State Department's implementation of IRFA. GAO reviewed USCIRF reports that highlight areas where IRFA implementation has fallen short or where Congress' intent has not been fulfilled. For instance, USCIRF has highlighted the lack of annual designations by the State Department of "countries of particular concern" in recent years, the need for more vigorous U.S. government efforts to raise religious freedom concerns in bilateral relations, and the low placement of the Ambassador at Large within the State Department hierarchy. Of these and other issues, we note the report highlights how the Ambassador's organizational status differs from other Ambassadors-at-Large, and that the State Department has provided inconsistent reporting policy and guidance to these Ambassadors.

As USCIRF reports have shown and independent studies verified, violations of the freedom of religion or belief can lead to instability and violence, while respect for religious freedom supports conditions that can lead to peace, prosperity, and stability. At a time when restrictions on religious freedom are increasing and many countries are redefining the state's relation to religion, it is critical that the United States government expand and increase its efforts to protect this fundamental freedom. USCIRF is honored to help the U.S. government in this important endeavor.

Sincerely,



Katrina Lantos Swett  
Chair

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# Appendix VII: GAO Contact and Staff Acknowledgments

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## GAO Contact

Thomas Melito, (202) 512-9601 or MelitoT@gao.gov

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## Staff Acknowledgments

In addition to the contact named above, Cheryl Goodman and Michael Rohrback (Assistant Directors), Judith Williams, Sushmita Srikanth, Juan P. Avila, Amanda Bartine, and Kathryn Crosby made key contributions to this report. Jessica Bull, Lynn Cothorn, Martin De Alteriis, Etana Finkler, Rachel Girshick, Heather Hampton, David Hancock, Brandon Hunt, Jill Lacey, Reid Lowe, Mary Moutsos, Elizabeth Repko, and Jeremy Sebest also provided substantial assistance.

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