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Subcommittee on Global Health, Global Human Rights, and International Organizations
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Chairman Smith, Ranking Member Wild, and members of the Committee, thank you for the opportunity to testify about the ongoing, global crisis of religious freedom — especially the instances of violent persecution, such as mass killings, torture, imprisonment without charges or on spurious charges, and abduction — and what the Executive Branch should do in response to these violations.

The Religious Freedom Institute (RFI) works to advance religious freedom for everyone, everywhere. RFI is committed to achieving broad acceptance of religious liberty as a fundamental human right, a source of individual and social flourishing, the cornerstone of a successful society, and a driver of national and international security.

The state of global religious freedom is dire. Ethno-religious nationalism and forms of authoritarian nationalism married to secular statist ideologies drive religious freedom violations in many countries such as China, Burma, and Nicaragua. My testimony spotlights India as an example of the former and Vietnam as an example of the latter. I recommend actions Congress and the Executive Branch — particularly the State Department — should take to advance international religious freedom amid these steep challenges. My testimony also records concerns regarding the Administration’s aggressive efforts to promote novel ideologies overseas instead of internationally recognized human rights and fundamental freedoms. The policy recommendations also address Nigeria, where RFI has experience and relationships going back many years.

The United States should be proud of its commitment to international religious freedom as a common good for everyone around the globe. The United States has led in this arena, particularly under the bipartisan International Religious Freedom Act of 2018 (IRFA) and the bipartisan Frank R. Wolf Religious Freedom Act (Frank Wolf IRFA), which provide a structure for U.S. efforts to promote and defend religious freedom around the world. In general, these laws compel U.S. foreign policy to be a good neighbor by calling on foreign governments to live up to the commitments they have made under their own national constitutions and international covenants.

As we look ahead to today’s testimony, the most important witnesses are from places of persecution. A witness from Vietnam might face imprisonment and even torture after returning home. Deadly mob violence could await a witness from India. Their families might also be imperiled. It is a privilege to be able to speak freely to you today as an American. Hopefully, my testimony honors those who are not able to be with us.

Vietnam

The United States should view Vietnam in light of its government's secular Communist dogma, which is intertwined with a form of ethnic Vietnamese privilege. Note also the nefarious example of China's persecution of segments of its own population and deepening, communist party-to-communist party ties between the two countries. These factors have implications for the global war of ideas between ordered liberty and representative government, on the one hand, and aggressive totalitarianism on the other. The U.S. response to China's appalling human rights record and the decisions the U.S. makes regarding support for religious freedom in Vietnam are connected.

Countries such as China and Vietnam espouse an officially Communist ideology that is intertwined with a nationalistic, or racial, hierarchy. The result is a totalitarian society where the government demands ultimate loyalty. By contrast, religious people seek ultimate meaning and organize their lives around a transcendent source that surpasses all human authority. That is why secular totalitarian governments view religion and religious people as threats that must be controlled, contained, and sometimes even eliminated.

It is difficult to ascertain the number of religious adherents in Vietnam and the extent to which the populace is entirely secular. Many religious people choose to keep their religious identity private because they fear the consequences of public disclosure, as the State Department's 2022 Report on International Religious Freedom notes. The Report shows that according to the census conducted by the government of Vietnam, 14 percent of the population expresses a religious affiliation: six percent Catholic; five percent Buddhist as registered with the Vietnam Buddhist Sangha (the census did not record the millions of other Buddhists); and one percent Protestant.

Under the Constitution of Vietnam, the country is officially the "Socialist Republic of Vietnam" and "the Communist Party of Vietnam...acting upon the Marxist-Leninist doctrine and Ho Chi Minh's thought, is the leading force of the State and society."

Remarkably, the Vietnamese Constitution does affirm religious freedom in theory, even if it is not allowed in practice: "Every one shall enjoy freedom of belief and of religion; he can follow any religion or follow none. All religions are equal before the law. The State respects and protects freedom of belief and of religion. No one has the right to infringe on the freedom of belief and religion or to take advantage of belief and religion to violate the laws."

However, the Constitution continues with a list of reasons for the state to limit religion in Vietnam: "Human rights and citizen's rights shall only be restricted in imperative circumstances for the reasons of national defense, national security, social order and security, social morality, and the health of the community." This provision enables the government of Vietnam to infringe on religious freedom under constitutional cover. The secularist ideology of the government also trumps Vietnam's obligations in international treaties like the International Covenant on Civil and Political Rights, which Vietnam acceded to in 1982.

The contrast between Vietnam's constitutional aspirations regarding religious freedom and realities on the ground is instructive. Religious freedom is intertwined with other essential freedoms, such as speech, the right and responsibility to raise one's children in one's faith, freedom of conscience, the freedom to publish and access religious information and literature, the right to exit or enter a religious community, and the freedom of religious adherents to assemble together.

Vietnam's government limits or denies all of these practices to the majority of Vietnam's people. Last month, the International Federation for Human Rights published a report on *A History of Violence: Repression of the right to freedom of assembly in Vietnam*. The report noted that in Vietnam, "The largest protests have been demonstrations for religious freedom." However, the report also noted that the Criminal Code includes the crime of "sowing divisions between religious followers and non-followers," which has a maximum penalty of 15 years in prison. The government has often used this provision to "arrest and prosecute members of independent religious groups not registered or recognized by the state for holding assemblies to celebrate their faith." RFI has observed totalitarian governments in other countries using similarly broad provisions of law to justify persecution. The report also cited a Ministry of Public Security order that bans gatherings of more than five people unless they obtain permission from government authorities. This order gives the government a tool to restrict religious gatherings.

China and Vietnam

To understand the actions of the government of Vietnam, it is essential to understand its relationship with the government of China. First, China's genocide against its Muslim Uyghurs, and brutal repression of its Tibetan Buddhist, Christian, and other religious minorities, sets an example of impunity to smaller despotic regimes around the world. Second, despite the historical antipathy that the people of Vietnam have felt toward China, the ties between the Communist leadership of both countries have deepened in recent years, with Party delegations visiting and collaborating back and forth.

Thus, it is not surprising that Vietnam's laws and practices restricting religious freedom, and a range of other freedoms, have reflected China's. This is consistent with what authoritarian governments have been doing globally: first, they violate their own constitution and international obligations in practice, usually by persecuting religious and ethno-religious minorities, such as the H'mong, Rohingya, and Uyghur. Second, they enact laws that likewise violate their constitution and international obligations. Finally, they justify violations of religious freedom and other rights under the cover of "national security" or "law enforcement."

RFI shares the concern that Chairman Smith, Vietnam Caucus Co-Chair Rep. Lofgren, and other House Members raised in their bipartisan letter to President Biden in advance of the May 2022 ASEAN Summit — particularly the Vietnamese government sending Uyghur Muslims back to China at the request of the Chinese government, potentially to concentration camps. The letter also rightfully flagged Vietnam re-exporting cotton from the Xinjiang Uyghur Autonomous Region to side-step the Uyghur Forced Labor Prevention Act.

Examples of the government of Vietnam mimicking the government of China to violate human rights and fundamental freedoms include:

- Systematically monitoring, harassing, persecuting, and discriminating against members of ethno-religious minorities, e.g., Christian H'Mong in the Central and Northwest Highlands. (U.S. Department of State, "Vietnam," *2022 Country Reports on Human Rights Practices*)
- Imprisoning prominent civil society leaders on pretextual charges of violating tax laws, breaking the criminal code, "anti-state propaganda," or "abusing democratic freedoms." (Mark Sidel, "Vietnam's Closing Legal Space for Civil Society," January 31, 2023, U.S.-Asia Law Institute)
- Enacting cybersecurity laws that give the government mostly unfettered authority "to monitor information and communications systems within Vietnam... block and delete online content and data"; access computer systems; and criminalize criticism of the government. (Justin Herman, "Vietnam's Internet Control: Following in China's Footsteps?," *The Diplomat*, December 11, 2019)

- Announcing a requirement that all schools and other educational institutions teach a human rights curriculum by 2025. The Ho Chi Minh National Academy of Politics, which trains government officials and members of the Communist Party of Vietnam, will develop the curriculum. (Jason Nguyen, “The Prospect for Human Rights amid Warmer Sino-Vietnamese Ties,” *The Vietnamese*, December 10, 2022)
- Aggressively persecuting religious people, communities, and institutions, through the Vietnam Government Committee for Religious Affairs, like the notorious State Administration for Religious Affairs in China. (U.S. Department of State, “Vietnam,” *2022 International Religious Freedom Report*)
- Intervening in the internal affairs of religious organizations, “including in the election and appointment of leaders or transfer of clergy.” (Ibid)
- Mandatory, universal military conscription for males 18-25 years old, without any religious exemptions. (Ibid)
- Denying education “to children from families not registered in their locality, especially with H’mong communities in the Central Highlands, and on the children of some political and religious activists.” (U.S. Department of State, “Vietnam,” *2022 Country Reports on Human Rights Practices*)
- Pressing “Cambodia and Thailand to deny refugee or temporary asylum-seeker status to members of ethnic and religious minorities from the Central and Northwest Highlands, including Christian H’mong, and to return them to Vietnam.” (Ibid)

In 2000, the United States Commission on International Religious Freedom (USCIRF) first released its annual report as required by IRFA. USCIRF has recommended every year, except for 2002, that the State Department designate Vietnam as a Country of Particular Concern (CPC). Unfortunately, 2004 and 2005 are the only years that the Secretary of State designated Vietnam as a CPC. Each time the President waived any kind of Presidential action. In 2022, the Secretary of State placed Vietnam on the Special Watch List.

Despite the Presidential Action waivers, the 2004 and 2005 CPC designations are case studies in spurring the CPC government to take visible, constructive actions, even as the United States continued to fruitfully engage with it on other matters like trade and national security. USCIRF noted across its 2005 and 2006 annual reports that the government of Vietnam responded to the designation and positive engagement by international civil society organizations by:

- Releasing “several prominent democracy, free speech, and religious freedom advocates” from prison.
- Issuing “legal documents to clarify and implement Vietnam's 2004 Ordinance on Religious Beliefs and Religious Organization...The new instructions also prohibit forced renunciation of faith efforts by government officials,” although they “do not specify criminal penalties for those who carry out these practices.”
- The Prime Minister [issuing] Decree 22, “establishing specific requirements and deadlines for government approval of all religious groups, venues, seminaries, conferences, donations, festivals, ceremonies, and the selection and training of religious leaders...The primary benefit of the new decree appears to be streamlining the process of registration and obtaining permits; deadlines for an official response are outlined in the decree and, in some cases, religious groups can expect a written explanation on why their application was denied.”

- Reaching a May 2005 agreement with the State Department “on benchmarks to demonstrate an improvement in religious freedom conditions. Under the agreement, the Vietnamese government committed to: 1) implement fully the new legislation on religious freedom and render previous contradictory regulations obsolete; 2) instruct local authorities strictly and completely to adhere to the new legislation and ensure compliance; 3) facilitate the process by which religious congregations are able to open houses of worship; and 4) give special consideration to prisoners and cases of concern raised by the United States during the granting of prisoner amnesties.”
- Reopening “some churches in the Central Highlands, officially outlawed forced renunciations of faith, and issued new guidelines to help speed the process of registration of religious congregations.”

The 2004 and 2005 designations are counter-evidence to the claim that the United States should not designate a strategic country as a CPC because designation will undermine our national interests and security.

The United States normalized relations with Vietnam in 1995 and was right to do so. Many Vietnam War veterans, including members of Congress, supported normalization. Americans, those with and those without personal ties to the Vietnamese people, have a deep respect for the Vietnamese people. Sacrificing religious freedom undermines American interests, ignores the plight of average Vietnamese citizens, and turns a blind eye to another area of pernicious Chinese government influence.

India

Ethno-religious nationalism refers to a political movement that is aggressive and exclusivist, drawing sharp boundaries between groups based on ethnic, cultural, and religious identity. Ethno-religious nationalism goes beyond a healthy patriotism, dramatically reinforcing social and political cleavages by subordinating or discriminating against certain groups based on ethnicity and religion.

Ethno-religious violence has smoldered, and sometimes set the modern Indian sub-continent ablaze. During the Partition of India into independent India and Pakistan, 1947-1949, 12 million people were displaced. Amidst this population movement, one of the largest in human history, an estimated million people were killed. Hindus, Muslims, and Sikhs were targeted for massacres. Tens of thousands of women were abducted, some forced into “marriages,” and sexual violence was rampant. Partition orphans abounded.

Despite all of this, many Indians have lived peacefully with their neighbors, despite differences in religious identity and ethnicity. India’s constitution and early leaders foresaw Indian political institutions largely to be religion-neutral, treating all citizens and all faiths equally. Members of Congress will recall Prime Minister Narendra Modi’s recent state visit to the United States and address to a joint session of Congress where he reaffirmed India’s commitment in this regard.

Nonetheless, at times, violence along ethnic and religious lines has broken out. Particularly in the past decade, the influence of India’s religion-neutral constitutional ethos has waned. Prime Minister Modi’s Bharatiya Janata Party (BJP) revived inter-religious tensions dating back at least to Partition. The political and social influence of the Hindu nationalist organization Rashtriya Swayamsevak Sangh (RSS) as well as other nationalist-leaning social, educational, cultural, religious, and political groups of the RSS — including the BJP — have grown dramatically since Prime Minister Modi’s election. Members of various Sangh Parivar organizations have entered senior positions in the government, military, and academia.

The weaponization of religion has become so advanced and such a hallmark of many of the country's ideological movements that out-bidding has become another one of their defining characteristics. The highest bidders are often rewarded with greater leadership. This dynamic feeds back into the character of the movement, making it even more extreme and weaponized. This is one explanation for how and why Prime Minister Modi — who, as Gujarat chief minister, is widely believed to have allowed anti-Muslim riots to continue unchecked for three days, leading to the death of about 1,000 people — could become the leader of India's BJP over the opposition of more moderate old-guard figures. This dynamic is creating an incentive structure for today's young BJP leaders to become even more extreme in their violent rhetorical out-bidding.

This type of prejudicial rhetoric and activity can result in beleaguered minorities turning to violence, whether in self-defense or revenge, and thus create a downward spiral of insecurity and communal violence that harms all Indians and destabilizes the region.

India's population of 1.42 billion people is 79.8 percent Hindu; 14.2 percent Muslim; 2.3 percent Christian; 1.7 percent Sikh; and the remainder are Buddhists, Jains, Baha'is, Jews, Zoroastrians, or people of other religious faiths or none, according to the State Department's *2022 Report on International Religious Freedom*. Human rights activists report recurring instances of violence against religious minorities, including Christians and Muslims, in both uncoordinated acts and acts organized by Hindu nationalist groups related to the RSS. "Cow protection" vigilantism — where mobs attack and often kill individuals believed to have consumed beef or slaughtered cows — is a particularly common form of social violence. In addition to laws protecting cows, other laws governing religious conversion and offensive speech have been applied prejudicially against religious minorities.

Access to justice evades survivors of large-scale religious violence, whose tormentors often seem to act with impunity. Many survivors complain about the lack of police action to arrest those engaged in violence and the poor support from criminal investigators for the rare criminal cases that do proceed to trial. Minority youth, particularly Muslims, are frequently targeted unjustly in dragnets related to alleged acts of terror. Christians are also regularly, spuriously accused of violating laws, including anti-blasphemy provisions in the Indian Penal Code that regulate proselytization and conversion.

In both cases, many, if not most, of the accused are acquitted only after weeks, months, or years of incarceration. Once acquitted and released, they are almost never paid damages. Those responsible for such wrongful arrests are not consistently disciplined or prosecuted.

On paper, India's Constitution provides relatively strong legal protections for minorities in India. However, these protections have been undermined by state laws, so-called "Freedom of Religion Acts," that restrict the right to change one's religion. These laws' basic structure and content vary only minimally between states, as newer laws tend to be modeled on earlier statutes in other states. The first such law was passed in 1967. Others followed, and India's Supreme Court upheld their constitutionality in 1977, declaring that proselytization inhibits religious freedom and that "there is no fundamental right to convert another person to one's own religion."

The prejudicial intent of these laws is evident from the fact that they have never been used to investigate or prosecute members of the Hindu majority, even in situations when members of the majority have been accused of offering explicit financial inducements for conversion to Hinduism. These laws disadvantage minority faiths. Anti-conversion laws are often passed at the behest of Hindu nationalist groups who fear that India's Hindu character is under siege due to the growth of competing faiths. The laws, therefore, disproportionately target religious minorities in the states where they reside. Muslims and Christians are especially affected and burdened because these faith traditions consider proselytizing obligatory. These prohibitions provide

opportunities for local officials and Hindu supremacist organizations to harass and intimidate members of minority communities.

Of immediate concern, violence broke out this May between Christians and Hindus in the northeastern state of Manipur. Arsonists have destroyed Christian-owned homes, churches, institutions, businesses, and commercial buildings, according to the June 21 *Investigative Report to the International Religious Freedom or Belief Alliance*. The authors also reported that 100 people had been killed, 300 were injured, and 26,000 were displaced. In the first three days of violence, “at least 3,000 homes and 290 churches were damaged, destroyed and burned – and this is a conservative estimate because the actual number could double this.” Many Manipur Meitei Christians have been threatened with violence unless they reject their faith and convert to another religion. A mob held a private school principal at gunpoint after he refused to burn his Bible. After he escaped, the mob “vandalized and destroyed the entire school building.”

The Investigative Report quotes Archbishop Dominic Lumon of Imphal, who leads the Catholic Church in Manipur, as saying that although “it will be wrong to categorically say that it is a religious conflict,” “the undercurrent of religious intolerance stands out”, adding ‘In the midst of these orchestrated propaganda, subtle attack on Christianity seems to have found a clean and unsuspecting space.’ Archbishop Lumon also stated that there has been a “complete collapse of the constitutional machinery in the State...in the peripheries where sporadic violence keeps happening unabated, the mob is said to be marching alongside the State Police who do nothing when the mob goes about torching houses and looting at will.”

It is worth noting that state governments hold primary jurisdiction over law enforcement and the maintenance of order in India, which limits the national government’s capacity to deal directly with state-level issues, including abuses of religious freedom. The most prominent and powerful national law enforcement agency, the Central Bureau of Investigation, cannot investigate a crime committed in a state without the relevant state government’s permission. In some instances, however, the national government’s law enforcement authorities have intervened to maintain order when state governments were reluctant or unable to do so, as allowed by the Constitution.

USCIRF recommended designating India as a CPC in its 2001, 2002, 2003, 2020, 2021, 2022, and 2023 annual reports. The statutory standard for CPC designation in IRFA is “particularly severe violations of religious freedom engaged in or tolerated by the government of that country.” Toleration alone is sufficient to require designation. Government perpetuation is not necessary for designation.

A final, hopeful note on India: research by Ashutosh Varshney, a professor of political science at Brown University and known for his landmark book, *Ethnic Conflict and Civic Life: Hindus and Muslims in India*, found that civic ties between Hindus and Muslims reduced and sometimes prevented ethno-religious violence. He focused on associational civic engagement and everyday, informal civic engagement. Examples of associational civic engagement include business or associations, reading, film, or sports clubs, festival organizations, and political parties. Examples of everyday civic engagement include Hindus and Muslims visiting each other, eating together often, participating in festivals together, and permitting their children to play together in their neighborhoods. His findings are consistent with RFI’s research over the years and observations from our ongoing, on-the-ground work in places like Iraq.

Nigeria

The destabilization of Nigeria by violent Islamist militants continues its downward spiral. Shockingly, the past decade has resulted in over 80,000 Nigerians killed and millions displaced by Boko Haram, Islamic State-West Africa Province, and other terrorists in the north. The victims have been Muslims and Christians alike. In Nigeria's middle belt, sectarian violence has resulted in abductions, forced conversions, and thousands of deaths, the majority of which are ethno-religious attacks targeting Christian communities, and churches.

With a new president in Nigeria, RFI proposes the establishment of a contact group of Muslim-majority and Western governments working together to provide Abuja with a frank assessment of the threat in the north and an offer of security assistance. Just as a similar coalition worked together to actively counter Daesh (ISIS) in Iraq and Syria, so too we can cooperate to help the Nigerian government defend its people against this scourge, lest Nigeria become another Libya or Iraq. Defeating extremism in the north would stabilize an entire region of Nigeria and help delegitimize religious justifications for violence elsewhere in the country.

Nigeria is the regional anchor of West Africa and an OPEC member. Its population of over 220 million people makes up more than half of the population of West Africa. It dwarfs its neighbors, and when Nigeria is unstable, the entire region is unstable. When Rwanda (only 9 million people) fell apart, nearly a million people died, and the shock waves destabilized the Great Lakes neighborhood, resulting in at least another 2.5 million deaths (primarily in what is today the Democratic Republic of Congo). If Nigeria fails, or if parts of Nigeria fall fully into the hands of Boko Haram and Islamic State of West Africa, or if Nigerians fight a fratricidal civil war (as happened in Biafra a generation ago), massive death and destruction will ensue.

An unstable Nigeria is a boon to terrorists and other outlaws. Nigeria's porous borders and the impunity of terrorist groups have contributed to instability in the greater Lake Chad region (in the northeast). Nigeria has never fully controlled its delta region (on the Gulf of Guinea), making the area ripe for petroleum theft ("bunkering"), piracy, vandalism, and arms trafficking. Periodic rebellions and ethnic violence break out in the Niger Delta. All of this severely stresses Nigeria's military and law enforcement capacity, making it ever more likely for overwhelmed local police and soldiers either to look the other way or cash in on corruption.

RFI argues that a discreet, yet bold step is in order. *That step is the formation of a contact group, led by select Muslim-majority governments to provide support to Nigeria's security sector.* Such a contact group would also include select Western governments, such as the United States and United Kingdom, both of which have long been friends of the Nigerian people. Muslim governments that actively fought Daesh (ISIS), including Gulf states and Jordan, should participate.

A Muslim-majority governmental approach to Nigeria's instability signals a strong message of concern and solidarity both to Nigeria's new president and to important actors on the ground, such as the Sultan of Sokoto, the Emir of Kano, and members of the Nigerian Supreme Council of Islamic Affairs. For a variety of reasons, the decision-makers in Abuja, the Nigerian military, and law enforcement bodies have been unwilling or professionally unable to stop the downward cycle of murder, kidnapping, and destruction. Moreover, the violence in northern Nigeria is, unfortunately, inflaming the tenor of old rivalries in the Middle Belt of the country. What would be even worse is the continuing disintegration of national institutions, the export of Daesh's violence across the Lake Chad basin, and wider upheaval that has the potential to unleash civil war and regional West African collapse. Another Iraq or Libya would be disastrous.

As a non-governmental organization, the mission of RFI is to protect and advance religious freedom for everyone, everywhere. Hence, when murder is justified with religious arguments and when people are targeted because of their religious or ethno-religious identity, we call upon governments to stand up for public order, national security, and justice.

It is in the interest of all Nigerians to stop this wanton violence. Sooner or later this will utterly erode Nigerian institutions, decimate the security sector, and spill over across borders. Nigeria's friends, of all faith traditions, want the people of Nigeria to live in peace and security. We also do not want to see falling dominos of failing states, millions of destitute refugees, and a global petroleum shock. Nigeria's friends care about Nigeria, both because it will affect the United States sooner or later, and because the citizens of Nigeria deserve justice and peace. External support from Muslim-majority allies will give the Government of Nigeria the support it needs to deal firmly with this threat.

Country of Particular Concern Designations and Presidential Actions and Waivers

Under IRFA, the Secretary of State made the first CPC designations in 1999. Since USCIRF made its first CPC recommendations in 2000, it has recommended CPC designations more than 300 times. By contrast, the Secretary made CPC designations over the time period approximately 150 times, by RFI's calculations. The Frank Wolf IRFA required the President to place on a Special Watch List (SWL) countries that met most of but not all of IRFA's CPC requirements. USCIRF subsequently recommended 86 SWL placements. The Secretary instead made 23 SWL placements.

Following a CPC designation, IRFA requires the President of the United States to take at least one of 15 "presidential actions" — ranging from U.S. officials privately communicating the U.S. position to CPC government counterparts, up to sanctions — or to take "commensurate" action. Out of the 151 times the Secretary has made CPC designations, the President has exercised IRFA-granted waiver authority at least 40 times, not even taking "commensurate" action. That is why the Frank Wolf IRFA emphasized that:

It is the sense of Congress that...ongoing and persistent waivers of the application of any of the [presidential] actions described in paragraphs...(or commensurate substitute action) with respect to a country do not fulfill the purposes of this Act; and...because the promotion of religious freedom is an important interest of United States foreign policy, the President, the Secretary of State, and other executive branch officials, in consultation with Congress, should seek to find ways to address existing violations, on a case-by-case basis, through...[presidential] actions...or other commensurate substitute action.

The Impact of the State Department and USAID Promoting Ideology

My testimony would be incomplete if I failed to address the State Department and U.S. Agency for International Development relentlessly pushing abortion and "sexual orientation and gender identity" (SOGI) ideology under the banner of "LGBTQI+ rights," and the religious freedom implications for their personnel and globally. They cite the February 4, 2021, "Presidential Memorandum on Advancing the Human Rights of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex (LGBTQI+) Persons Around the World" and President Joseph Biden's January 28, 2021 memorandum revoking the Mexico City Policy as the justification. Pope Francis has aptly called the imposition of these ideologies on developing countries "ideological colonization."

I recently returned from a trip to Europe and Africa. Many Africans I met were deeply disturbed by what they understand to be threats to pull the U.S. President's Emergency Plan for AIDS Relief (PEPFAR) and other vital funding should their governments refuse to concede to new demands from the U.S. government to support abortion-on-demand, redefine marriage, and enable "transgender" procedures. When the U.S. government or unelected United Nations agencies promote these ideological agendas, they are attacking deeply held religious convictions of the majority of the population of these societies, as well as the country's legal structures and mechanisms. This is a form of Western cultural imperialism and it is detrimental to the U.S. national interests.

The United States should tirelessly advance and defend internationally recognized human rights around the world. This includes the right of everyone not to be subject to violence or unjust imprisonment, whatever they ascribe to themselves about their sex or sexuality. But the State Department and USAID are doing something much more. They require their personnel to undergo training or orientations in which staff are subjected to and expected to affirm, or at least not object to, SOGI ideology. These requirements implicate the religious freedom of employees who refuse to affirm SOGI claims. The State Department and USAID are also globalizing SOGI ideology through U.S. diplomacy and foreign assistance.

The April 28, 2022, "Interagency Report on the Implementation of the Presidential Memorandum on Advancing the Human Rights of LGBTQI+ Persons Around the World," released by Secretary of State Antony Blinken, comprehensively details how the State Department, USAID, and other federal agencies have integrated SOGI ideology into U.S. diplomacy and foreign assistance. The document is a jarring view of how much personnel, funding, and other resources are going to promote SOGI ideology.

USAID followed up this May with a proposed "USAID LGBTQI+ Inclusive Development Policy." It appears that the Administration does not want public scrutiny of these taxpayer-funded efforts. As Senators James Lankford and Mike Lee noted in their letter to USAID Administrator Samantha Power, "On May 9, USAID published a pre-decisional draft for public comment for the LGBTQI+ Inclusive Development Policy, an update to the 2014 LGBT Vision for Action. The deadline for public comment was listed as 5:00pm ET on May 11. This public comment period of less than 72 hours is completely insufficient time for a thorough review and response." They "request[ed] an extension of the comment period to at least 60 days for appropriate time to solicit comments from key stakeholders and constituencies."

In President Joseph Biden's January 28, 2021 memorandum revoking the Mexico City Policy, he declared that "It is the policy of my Administration to support women's and girls' sexual and reproductive health and rights in the United States, as well as globally." Later that day, Secretary Blinken released a statement on "Prioritizing Sexual and Reproductive Health and Reproductive Rights in U.S. Foreign Policy," in which he affirmed that "In the Biden-Harris administration, the empowerment and protection of women and girls, including promoting their sexual and reproductive health and rights, is a central part of U.S. foreign policy and national security." The next day, USAID's then-Acting Administrator Gloria Steele issued a statement commending President Biden's memorandum and noting that "USAID is taking all steps necessary to implement the Presidential Memorandum."

When he released the *2020 Country Reports on Human Rights Practices* on March 30, 2021, Secretary Blinken announced that he was instructing the State Department to include in the 2021 edition an addendum on "reproductive rights." The State Department executed this instruction, effectively rebuking countries that restrict abortion, in a report that is a vital resource around the world. On October 22, 2021, the White House released the "National Strategy on Gender Equity and Equality." It said that the U.S. government "will...protect the constitutional right to safe and legal abortion established in *Roe v. Wade* in the United States, while promoting access to sexual and reproductive health and rights both at home and abroad." Secretary Blinken and USAID Administrator Samantha Power subsequently released statements committing the State Department and USAID respectively to implementing the Strategy.

The State Department even requires non-governmental organizations to affirm SOGI premises in their grant submissions and as a condition for due consideration. This effectively excludes and discriminates against U.S.-based and indigenous religious organizations that maintain their convictions and will not affirm SOGI claims. Such an approach reduces U.S. foreign aid effectiveness. The Bureau of Democracy, Human Rights, and Labor's notice of funding opportunity, "DRL Investigative Journalism in Europe," issued April 10, 2023, laudably "support[s] regional investigative journalism in Europe, Eurasia, and Central Asia." Regrettably, it is also a characteristic example of SOGI requirements in State Department grant opportunities.

On January 15, 2023, RFI submitted input to "the thematic report of the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, exploring the right to freedom of religion or belief in relation to sexual orientation and gender identity." We noted that "The fundamental right of religious freedom demands due respect and protection for the many religious people and institutions across a range of faith traditions, cultures, and countries who hold views of the human person, sexual morality, and marriage that are at odds with various aspects of 'SOGI' policy and the ideology upon which it is based. Tenets of these faith traditions include teachings such as: all people equally possess a dignity that is inexhaustible and transcendent in origin; females and males are immutable and femaleness and maleness are intrinsic; the human body has and expresses intrinsic meaning; and marriage is the union of a woman and a man."

RFI also cautioned that "Despite the prevalence of these teachings in major world religions, 'SOGI' policy proponents tend to characterize any refusal to affirm 'SOGI' expressions or conduct as invidious 'discrimination.' As a result, 'SOGI' policy can be wielded broadly against religious people and institutions." In sum, a robust religious freedom agenda, and a wise U.S. foreign policy, should generally respect the sincerely held religious convictions of foreign societies and focus attention on violations of legally binding international covenants rather than attempting to threaten and force changes in matters of faith.

Recommendations

Vietnam: Congress

- Pass the bipartisan Vietnam Human Rights Act (H.R.3172).
- Members should conduct oversight to ensure the Secretary of State makes a Country of Particular Concern determination only based on what the law requires: the facts regarding particularly severe violations of religious freedom.

Vietnam: Executive Branch

- Make a Country of Particular Concern determination based only on what the law requires: the facts regarding particularly severe violations of religious freedom.
- Fully implement the actions detailed in the Vietnam Human Rights Act, regardless of whether or when it is enacted. The law is a solid blueprint for Executive Branch action.
- The Secretary of State should make a Country of Particular Concern determination based on what the law requires: the facts regarding particularly severe violations of religious freedom.
- Monitor and act as needed to prevent Vietnam's government from enabling religious freedom violations in China, e.g., deporting to China people from religious groups that China's government persecutes, like the Uyghurs, or helping China to evade U.S. laws like the Uyghur Forced Labor Prevention Act.

India: Congress

- Members should conduct oversight to ensure that the Secretary of State makes a Country of Particular Concern determination based on what the law requires: the facts regarding particularly severe violations of religious freedom.

India: Executive Branch

- Make a Country of Particular Concern determination based only on what the law requires: the facts regarding particularly severe violations of religious freedom.
- Prioritize in U.S. diplomacy and assistance the objective of India's government visibly and urgently addressing to the fullest extent possible religious freedom violations, especially violence against minority religious communities.
- Encourage and support civil society initiatives to strengthen civic ties between members of different religions.

Nigeria: Congress

- Pass H.Res. 82 regarding the need to designate Nigeria a Country of Particular Concern and the need to appoint a Special Envoy for Nigeria and the Lake Chad region.
- Authorize and appropriate humanitarian, stabilization, and recovery assistance to indigenous faith-based organizations to ensure help actually reaches displaced populations. The Iraq and Syria Genocide Relief and Accountability Act (Public Law 115-300) is a model for legislation.

Nigeria: Executive Branch

- Direct humanitarian, stabilization, and recovery assistance to indigenous faith-based organizations to ensure help actually reaches displaced populations. The Iraq and Syria Genocide Relief and Accountability Act (Public Law 115-300) is a model for assistance.
- Make a Country of Particular Concern determination based only on what the law requires: the facts regarding particularly severe violations of religious freedom.

Nigeria: United States and International Community

- Convene a small group of like-minded diplomats from Western and Muslim-majority countries to discern a cooperative approach to Nigeria's terrorism problem and establish a contact group, led by Muslim-majority countries, to organize and coordinate a common message and approach among willing governments.
- Make an overture to the government of Nigeria from the contact group.
- Develop a plan of action, to include training, information collection and sharing, and material resources to defeat Daesh (ISIS) and other terrorist groups and provide for social rehabilitation in affected areas.

Global Recommendations: Congress

- Pass authorizing legislation, currently found in Consolidated Appropriations Act, 2023 (Public Law 117-328), requiring that "If USCIRF recommends a country for CPC designation, and such country is not designated as a CPC, the Secretary shall provide the rationale for such action to the appropriate congressional committees within 30 days of such decision." Legislation should also require the Secretary to make the rationale public, including publication in the Federal Register, within 15 days of providing the rationale to the appropriate congressional committees.
- Amend IRFA to require the Secretary to make the rationale for applying waivers to IRFA presidential actions public, including publication in the Federal Register, within 15 days of reporting the rationale to the appropriate congressional committees.
- Request a Government Accountability Office (GAO) audit of the application of waivers to IRFA presidential actions and Secretary of State departures from USCIRF CPC designation and Special Watch List recommendations since the enactment of IRFA and the Frank Wolf IRFA.
- Request a GAO audit into activities of the State Department and USAID "on Advancing the Human Rights of LGBTQI+ Persons Around the World," including the associated personnel time, financial costs, and other resources, and the implications for the effectiveness of the State Department and USAID. Require GAO to consult with non-governmental organizations based in the United States and in a sample of developing countries, including organizations and countries that disagree with these activities.
- Request a GAO audit of State Department and USAID personnel policies, trainings, communications, and materials regarding "sexual orientation and gender identity" or "LGBTQI+." Require GAO to conduct consultations, including confidential consultations, with current and former State Department and USAID personnel, including those who disagree with the institution's related personnel policies and practices.

Global Recommendations: Executive Branch

Note: RFI President Emeritus Tom Farr provided recommendations to then-President-Elect Biden transition team that President Biden could still implement. They include:

The President should make a public statement regarding international religious freedom policy

- International religious freedom policy is vital to U.S. values of human dignity and justice, and to its fundamental interests in the world, including international cooperation and democratization.
- His administration will prioritize international religious freedom policy and fully integrate it into American foreign policy.

Provide adequate authority to the Ambassador at Large for International Religious Freedom and International Religious Freedom Office. Invest sole authority in the Ambassador at Large for developing and implementing U.S. foreign policy in all matters involving religion.

Review and build on the June 2, 2020 Executive Order on Advancing International Religious Freedom, including by:

- Continuing to integrate USAID into United States international religious freedom policy, especially in fragile states, in concert with the Global Fragility Act of 2019.
- Accept the floor of \$50 million per annum in international religious freedom foreign assistance.
- Encourage all heads of U.S. foreign affairs agencies to engage with counterparts on international religious freedom policy, and to implement international religious freedom training for all U.S. personnel assigned overseas.
- Strengthen international religious freedom training currently available online and for Foreign Service Officers in residence at regional hubs.
- Consider developing in-residence courses and training in Washington, D.C.