



THE EUROPEAN ASSOCIATION OF  
JEHOVAH'S WITNESSES

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**From The European Association of Jehovah's Witnesses**

**Submission to the United Nations Human Rights Committee**

**List of Issues Prior to Reporting**

**140th session (4 March–28 March 2024)**

# **Azerbaijan**

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## **TABLE OF CONTENTS**

SUMMARY OF THE SUBMISSION.....	2
I. INTRODUCTION.....	2
II. VIOLATIONS OF THE PROVISIONS OF THE COVENANT .....	3
III. CONCLUSION AND RECOMMENDATIONS.....	7

## **ANNEXES**

- Annex 1 – Parliamentary Assembly of the Council of Europe Opinion 222, adopted 28 June 2000
- Annex 2 – ECRI Report on Azerbaijan, adopted 29 March 2023
- Annex 3 – United States Commission on International Religious Freedom, 2023 Annual Report

## SUMMARY OF THE SUBMISSION

This submission to the Human Rights Committee (CCPR) on Azerbaijan highlights violations of the provisions of the International Covenant on Civil and Political Rights (the Covenant) in connection with the list of issues prior to reporting to be taken up in connection with the consideration of the 5th report of Azerbaijan.

Jehovah’s Witnesses in Azerbaijan and as a worldwide organization respectfully request the Government of Azerbaijan to:

- (1) Recognize the right of conscientious objection to military service and provide a genuine alternative civilian service of a non-punitive nature and conforming to international standards;
- (2) Grant full formal registration to Jehovah’s Witnesses so as to allow them freedom of religion, assembly and association nationally and in all relevant locations in addition to Baku;
- (3) Cease subjecting religious publications to prior authorization, which is a form of religious censorship;
- (4) Abide by its commitment to uphold the fundamental freedoms guaranteed by the Covenant for all citizens, including Jehovah’s Witnesses.

### I. INTRODUCTION

1. The European Association of Jehovah’s Witnesses (EAJW) is a charity registered in the United Kingdom. It provides support to Jehovah’s Witnesses facing fundamental human rights violations in various parts of the world.
2. Jehovah’s Witnesses have been in Azerbaijan for more than 30 years. They were first registered in Baku on 22 December 1999 and were reregistered on 7 February 2002. Reregistration was denied in 2009. On 8 November 2018, the State Committee for Work with Religious Associations (SCWRA) granted registration to the Baku Religious Community of Jehovah’s Witnesses (RCJW). Under the terms of the existing law, this provides for RCJW to operate in Baku only.
3. Jehovah’s Witnesses in Azerbaijan enjoy greater freedom of worship than in past years. The Witnesses have had an improved working relationship with the SCWRA since the RCJW was registered. However, three areas continue to be of concern.
4. Azerbaijan acceded to the Covenant in 1992, and upon accession to the Council of Europe on 25 January 2001, it committed itself “to adopt, within two years of accession, a law on alternative service in compliance with European standards”<sup>1</sup> and decisions of the European Court of Human Rights (ECHR). Despite this, Azerbaijan still has no alternative civilian provision for conscientious objectors to military service. Thus, as conscientious objectors,

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<sup>1</sup> Annex 1: Parliamentary Assembly of the Council of Europe Opinion 222 (2000), adopted 28 June 2000, par. 14.3 g; <https://pace.coe.int/en/files/16816/html>

Jehovah's Witnesses continue to face the threat of criminal prosecution along with being subject to travel restrictions.

5. The Law on Freedom of Religious Beliefs continues to restrict freedom of worship. Articles 9(1) and 12 limit the activity of religious associations to their registered legal address. Only a "Religious Centre" may operate outside its registered address. Jehovah's Witnesses have not yet been able to obtain either recognition as a Religious Centre, national registration, or local registration in any city or region outside Baku.
6. Article 22 of the Law on Freedom of Religious Beliefs allows religious organizations to import religious literature only after the SCWRA's review and approval of each item.

## II. VIOLATIONS OF THE PROVISIONS OF THE COVENANT

### A. Conscientious Objection to Military Service (Article 18; General Comment No. 22, adopted 30 July 1993)

7. On 14 July 2016, Azerbaijan informed the CCPR that "alternative service is an option provided by the law." However, Azerbaijan actually refuses to recognize the fundamental right of religiously motivated conscientious objection to military service despite: (1) acceding to the Covenant in 1992; (2) commitments made on acceding to the Council of Europe on 25 January 2001;<sup>2</sup> (3) a judgment from the ECHR on 17 October 2019, involving five conscientious objectors; and (4) making a unilateral declaration to the ECHR involving two conscientious objectors, which the ECHR accepted on 28 October 2021. In the unilateral declaration, Azerbaijan acknowledged that the criminal conviction and punishment of the conscientious objectors violated their rights under the Convention. Nevertheless, Azerbaijan still has no provision for genuine, non-punitive alternative civilian service. The examples below illustrate how this affects conscientious objectors.
8. **Seymur Mammadov** was summoned to report to the State Service for Mobilization and Conscription (SSMC) on 4 May 2022. He filed a statement explaining his religious beliefs and requesting alternative civilian service. On 21 June 2022, he was summoned to the Prosecutor's Office, where he again explained his sincere conscientious objection to military service. On 22 September 2022, in violation of the Covenant, the Goranboy District Court sentenced him to nine months' imprisonment for his refusal to join the military. In a hearing at the Ganja Court of Appeal on 12 December 2022, the Prosecutor requested a two-year suspended sentence, citing Mr. Mammadov's age and positive character references. The court partially satisfied Mr. Mammadov's appeal and replaced imprisonment with a one-year suspended sentence. On 12 January 2023, Mr. Mammadov filed a Cassation complaint, and four days later a bailiff tagged him with an electronic bracelet. On 8 June 2023, the Supreme Court dismissed his appeal. The panel of judges prevented Mr. Mammadov from finishing his statement and several times interrupted his lawyer's oral argument. The prosecutor's argument consisted of just one sentence: "I ask you to leave the decision of the court of appeal in force." After deliberating for less than one minute and without even leaving the courtroom, the judges announced their decision that the cassation appeal was not satisfied.
9. On 12 March 2013, **Kamran Mirzayev** was sentenced by the Goychay District Court to nine months in prison for refusing military service. After his release, he applied to the SSMC for

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<sup>2</sup> See Annex 1.

the necessary documents so that he could obtain an international passport to travel abroad. He was told that he had been deregistered by the Goychay SSMC but that if he were again to be registered he could be called up for military service and face prosecution again. On 17 October 2019, the ECHR found that Azerbaijan had violated the rights of Kamran Mirzayev. He was compensated in full. In 2021, he again applied to the SSMC for the necessary documents to obtain a passport. Again, he was told that if he was to be registered by the Goychay SSMC he would be called up for military service, and that in case of refusal, he would be liable to prosecution. Despite the ECHR ruling in his favour, he still lives in fear that he could be called up again at any time and imprisoned for refusing to perform military service. More than ten years after his conviction, Mr. Mirzayev still does not have a passport and cannot travel abroad.

10. On 6 September 2018, **Vahid Abilov** was given a one-year suspended sentence by the Aghdam District Court for refusing military service. The higher courts upheld the decision and he had no choice but to appeal to the ECHR. On 5 July 2021, the representative of Azerbaijan filed a unilateral declaration with the Court, recognizing that Mr. Abilov's rights, as guaranteed by Article 9 of the European Convention, had been violated and confirming that the State was ready to pay compensation. On the basis of this unilateral declaration the case was struck out of the list. Mr. Abilov was compensated in full. Nevertheless, in December 2023, he was again summoned to the Aghdam SSMC. On 20 December 2023, Mr. Abilov met with the head of the Aghdam SSMC. He explained that his religious position did not allow him to perform military service and he requested to perform an alternative civilian service. The head of the SSMC said that Mr. Abilov must undergo medical examination and he was referred to a medical commission.
11. **Sanan Yagubov** is unable to obtain a passport and is essentially under arrest within the borders of Azerbaijan. Since 2015, he has provided information regarding his religious conscientious objection to military service to the SSMC on numerous occasions, both verbally and in writing. In 2019, the SSMC sent his documents to the Prosecutor's Office, which returned the documents, explaining that Mr. Yagubov has a constitutional right to alternative service. Despite this confirmation, the SSMC summoned him again, both in 2022 and in 2023, and he again explained his position. On 7 March 2023, Mr. Yagubov wrote to the SCWRA, the main office of the SSMC, and the Ombudsman of the Azerbaijan Republic, asking for assistance in obtaining a passport. On 23 June 2023, he received a reply from the Ombudsman, which referred to a letter from the SSMC, stating: "Since at the moment the normative rules for the mechanism for performing alternative service have not been defined and a law has not been adopted that defines special cases for the provision of alternative service, it is impossible to perform service that is not prescribed by the law." He remains unable to obtain a passport.
12. **Eldar Aliyev** received a text message from the SSMC in April 2023 informing him that he was being drafted into the border force, a branch of the military. On 25 April 2023, Mr. Aliyev wrote to the SCWRA, the main office of the SSMC, and the Ombudsman of the Azerbaijan Republic, asking for alternative civilian service. The same day, while actually travelling to the SSMC, he received a call asking where he was. Two people then picked him up in a car and took him to the SSMC office. Mr. Aliyev refused to sign a document accepting military service and explained that he had already provided a statement regarding his conscientious refusal. He was taken to a military unit, where he immediately stated that he refused to serve in the military. He was given a medical examination and was taken to the unit chief. The chief called the head of the SSMC and asked why they had sent Mr. Aliyev to the military unit, since he refused military service. He was taken home, but on 4 July 2023, he received further correspondence from the SSMC stating that during the next call-up period he will be called up again.

13. On 7 June 2023, **Yusif Shukurov** was called to the SSMC of the Aghdam region, where he explained his religious position to various officers, including the chief. On 19 June, he mailed a written statement to the SSMC, explaining his religious position. On 5 July, Mr. Shukurov was again called to the SSMC, and he again explained his refusal to perform military service. On 23 October he was called to the SSMC once again, and he attended on 25 October. Mr. Shukurov was informed that his documents would be transferred to the Prosecutor's Office because he was refusing military service. On 16 November, his relatives received a call asking that he appear at the Prosecutor's Office in person. On 20 November, Mr. Shukurov went to the Prosecutor's Office and wrote another statement. An officer said that his case would be transferred to the Aghdam District Court.
14. On 21 June 2023, the European Commission Against Racism and Intolerance (ECRI) released its sixth monitoring cycle report on Azerbaijan.<sup>3</sup> The report stated:

“ECRI notes that concerns regarding the situation of conscientious objectors have remained. Reportedly, there are cases where persons belonging to a religious minority were imprisoned as a result. In this regard, referring to the 2019 judgment of the European Court of Human Rights in the case of *Mushfig Mammadov and others v Azerbaijan*, ECRI strongly encourages the authorities to consider the observations made by the Court under Article 46 of the Convention, which called for legislative action on civilian service as an alternative to military service in Azerbaijan.” (par. 91)
15. The 2023 United States Commission on International Religious Freedom (USCIRF) report<sup>4</sup> acknowledged the ongoing issues Jehovah's Witnesses are experiencing with registration and noted the rejection of “requests for a civilian alternative to mandatory military service despite the allowance of such an option in the [Azerbaijani] constitution.” In the report, USCIRF recommended that the U.S. government “assist the Azerbaijani government, in collaboration with international partners, to develop an alternative civilian service and permit conscientious objection in line with its constitution and pursuant to its commitment made to the Council of Europe and obligations under international human rights law.” (p. 50)

### **B. Freedom of thought, conscience and religion (Article 18 (1) (2) (3))**

16. Azerbaijan's Law on Freedom of Religious Beliefs remains in force despite the CCPR Views in five separate cases (adopted 14 October 2020, 15 October 2020, 18 October 2021, 16 March 2021, and 1 November 2022<sup>5</sup>), all of which found that Azerbaijan's conviction and punishment of Jehovah's Witnesses for religious activity outside a registered legal address violated their rights under the Covenant.
17. At times, the police have interfered with Jehovah's Witnesses peacefully sharing their religious beliefs. Typically, police officers take the Witnesses to the police station and threaten them. For example, in **Baku** on 23 February 2023, a group of Jehovah's Witnesses were peacefully sharing their beliefs with others when the police detained them and escorted them to the police department. One of the officers demanded that all in the group write a statement promising not

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<sup>3</sup> Annex 2: <https://coe.int/en/web/european-commission-against-racism-and-intolerance/azerbaijan>

<sup>4</sup> Annex 3: [https://www.uscirf.gov/sites/default/files/2023-05/2023%20Annual%20Report\\_0.pdf](https://www.uscirf.gov/sites/default/files/2023-05/2023%20Annual%20Report_0.pdf)

<sup>5</sup> CCPR/C/130/D/2845/2016; CCPR/C/130/D/2928/2017; CCPR/C/133/D/3061/2017; CCPR/C/131/D/2952/2017; CCPR/C/136/D/3153/2018

to preach in that district any more. The Witnesses refused, and after pressuring them to write statements and detaining them for two and a half hours, the police released them.

18. In **Shaki**, on 25 November 2023, **Najiba Mekhbalyeva** and **Saadat Mammadova** were detained by the police. At the police station, their phones and bags were seized. The police officers were very disrespectful toward them. The head of the police department, named Fuad, called them obscene names. One of the officers said he wanted to put a bag over their heads and put them in the basement to rot. Another employee said that they should cover their heads like Muslim women, stop preaching the Bible and become Muslims. The women were released the same day, and their belongings were returned. Subsequently, the police conducted a search of their apartment, without a warrant or consent. The police confiscated a laptop, a tablet, religious publications and personal notes. During the search, one of the officers spoke on the phone with an employee of the SCWRA, who assured the police that Jehovah's Witnesses are registered and that SCWRA representatives did not need to participate. Nevertheless, the police continued their illegal actions. On 27 November, the women were able to retrieve the laptop, tablet and personal notes from the police station. The publications were not returned, and the police claimed that they had to send those to the SCWRA. The women were evicted from their apartment because of the landlord's fear of the police.
19. This type of interference has become less common. In most cases, when Jehovah's Witnesses are detained while peacefully sharing their beliefs, their representatives immediately contact the SCWRA, who ensure that law enforcement officials release the Witnesses promptly and without charge.
20. Under Article 8 of the Law on Freedom of Religious Beliefs (2021), religious ministers are appointed with the approval of the SCWRA. This potentially encroaches on the freedom to peacefully manifest religion as guaranteed by Article 18 of the Covenant. Its application, if any, to the appointment of Jehovah's Witnesses' religious ministers is not yet clear.

### **C. Freedom of expression (Article 19)**

21. Article 22 of the Law on Freedom of Religious Beliefs allows religious organizations to import religious literature only after the SCWRA's review and approval of each item. Since November 2015, the SCWRA has approved all of Jehovah's Witnesses' requests to import literature. However, each copy of approved literature must be labelled with a control stamp purchased from the SCWRA.

### **D. Peaceful assembly and association (Articles 21 and 22)**

22. Article 9.1(2) of the Law on Freedom of Religious Beliefs formally prohibits the activity of Religious Communities outside their legal address. Article 9.1(3) states that the territory of activity of Religious Centres is not limited to a legal address. Jehovah's Witnesses have not been able to register as a Religious Centre and have not been granted registration at any location outside Baku, despite having sizable congregations of believers in a number of cities and having made applications to register in the cities of Ganja and Gakh. Despite assurances given to representatives of Jehovah's Witnesses by the SCWRA, it is not yet clear to what extent the revised law may be used to curtail their freedom to peacefully manifest religion and peacefully to assemble and associate with others as guaranteed by Articles 18, 21 and 22 of the Covenant.

### **III. CONCLUSION AND RECOMMENDATIONS**

23. Jehovah's Witnesses in Azerbaijan and as a worldwide organization express concern for the violations of Articles 18, 19, 21 and 22 of the Covenant, as exposed above in the submission. They respectfully request the Government of Azerbaijan to take the necessary steps to:
- (1) Recognize the right of conscientious objection to military service and provide a genuine alternative civilian service of a non-punitive nature and conforming to international standards;
  - (2) Grant full formal registration to Jehovah's Witnesses so as to allow them freedom of religion, assembly and association nationally and in all relevant locations in addition to Baku;
  - (3) Cease subjecting religious publications to prior authorization, which is a form of religious censorship;
  - (4) Abide by its commitment to uphold the fundamental freedoms guaranteed by the Covenant for all citizens, including Jehovah's Witnesses.

EAJW will consider submitting an additional complementary submission with the CCPR *after* the list of issues has been adopted.





## Opinion 222 (2000)<sup>1</sup>

# Azerbaijan's application for membership of the Council of Europe

Parliamentary Assembly

1. The Republic of Azerbaijan applied to join the Council of Europe on 13 July 1996. In Resolution (96) 32 of 11 September 1996 the Committee of Ministers invited the Parliamentary Assembly to give an opinion on this request in accordance with Statutory [Resolution 51 \(30A\)](#).
2. The Parliament of the Republic of Azerbaijan obtained Special Guest status with the Parliamentary Assembly of the Council of Europe on 28 June 1996. This application was considered in the light of the adoption of [Recommendation 1247 \(1994\)](#) on the enlargement of the Council of Europe, in which the Assembly stated that "in view of their cultural links with Europe, Armenia, Azerbaijan and Georgia would have the possibility of applying for membership provided they clearly indicate their will to be considered as part of Europe".
3. Assembly delegations observed the general election in November 1995 and the presidential election in October 1998. A delegation from the Congress of Local and Regional Authorities of Europe (CLRAE) observed the first municipal elections in December 1999 and in March 2000. Serious shortcomings in some elections were noted. Thus, the Assembly should observe the forthcoming parliamentary elections.
4. Since 1996 Azerbaijan has been taking part in various Council of Europe activities through the intergovernmental co-operation and assistance programmes, and in the work of the Assembly and its committees through its Special Guest delegation.
5. Azerbaijan is already a party to the European Cultural Convention and to the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, as well as to the Open Partial Agreement on Prevention of, Protection against and Organisation of Relief in Major Natural and Technological Disasters. In March 2000, the country deposited the instruments of ratification to eight other European conventions to which it will shortly become a party. Further requests by Azerbaijan to accede to Council of Europe conventions are currently under consideration.
6. The Assembly considers that Azerbaijan is moving towards a democratic, pluralist society in which human rights and the rule of law are respected, and, in accordance with Article 4 of the Statute of the Council of Europe, is able and willing to continue the democratic reforms initiated in order to bring its entire legislation and practice into conformity with the principles and standards of the Council of Europe.
7. To its great satisfaction, the Assembly has been informed that Azerbaijan abolished the death penalty in 1998.
8. In asking the Assembly for an opinion on the membership application, the Committee of Ministers reiterated that "a closer relationship between the Caucasian countries and the Council of Europe would demand not only the implementation of substantial democratic reforms, but also their commitment to resolving conflicts by peaceful means".

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1. Assembly debate on 28 June 2000 (21st Sitting) (see [Doc. 8748](#), report of the Political Affairs Committee, rapporteur: Mr Baumel, and [Doc. 8757](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Clerfayt). Text adopted by the Assembly on 28 June 2000 (21st Sitting).



9. The Parliamentary Assembly considers that the accession of both Azerbaijan and Armenia could help to establish the climate of trust needed for a solution to the Nagorno-Karabakh conflict.
10. The Assembly considers that the OSCE Minsk Group is the optimum framework for negotiating a peaceful settlement to this conflict.
11. The Assembly takes note of the letter from the President of Azerbaijan reiterating his country's commitment to a peaceful settlement of the Nagorno-Karabakh conflict and stressing that Azerbaijan's accession to the Council of Europe would be a major contribution to the negotiations process and stability in the region.
12. The frequency of the meetings between the presidents of the two countries has been stepped up. The speakers of the parliaments of Azerbaijan, Armenia and Georgia have decided to institute regional parliamentary co-operation, consisting in particular of meetings of the speakers of the parliaments and parliamentary seminars to be held in the capitals of the three countries and in Strasbourg. The first meeting in the region, which was held in Tbilissi in September 1999, made it possible to establish an atmosphere of trust and détente between the parliamentary delegations of Azerbaijan and Armenia.
13. The Assembly calls on the Azerbaijani and Armenian authorities to continue their dialogue with a view to achieving a peaceful settlement of the Nagorno-Karabakh conflict and giving new impetus to regional co-operation.
14. The Parliamentary Assembly takes note of the letters from the President of Azerbaijan, the speaker of the parliament, the Prime Minister and the chairmen of the political parties represented in Parliament, and notes that Azerbaijan undertakes to honour the following commitments:
  - 14.1. as regards conventions:
    - a. to sign, at the time of its accession, the European Convention on Human Rights (ECHR) as amended by Protocols Nos. 2 and 11 thereto, and Protocols Nos. 1, 4, 6 and 7;
    - b. to ratify the ECHR and Protocols Nos. 1, 4, 6 and 7 thereto during the year following its accession;
    - c. to sign and ratify, within one year of its accession, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its protocols;
    - d. to sign and ratify, within one year of its accession, the Council of Europe's Framework Convention for the Protection of National Minorities;
    - e. to sign and ratify, within one year of its accession, the European Charter for Regional or Minority Languages;
    - f. to sign and ratify, within one year of its accession, the European Charter of Local Self-Government;
    - g. to sign and ratify, within two years of its accession, the European Outline Convention on Transfrontier Co-operation between Territorial Communities and Authorities and its additional protocols and the Council of Europe conventions on extradition, on mutual assistance in criminal matters, on laundering, search, seizure and confiscation of the proceeds from crime, and on the transfer of sentenced persons, and in the meantime to apply the fundamental principles contained therein;
    - h. to sign the European Social Charter within two years of its accession and ratify it within three years of its accession, and to strive forthwith to implement a policy consistent with the principles contained in the Charter;
    - i. to sign and ratify, within two years of its accession, the Criminal Law Convention on Corruption and the Civil Law Convention on Corruption;
    - j. to sign the General Agreement on Privileges and Immunities of the Council of Europe and the additional protocols thereto at the time of its accession, and to ratify these within one year of its accession;
  - 14.2. as regards the resolution of the Nagorno-Karabakh conflict:
    - a. to continue efforts to settle the conflict by peaceful means only;

- b. to settle international and domestic disputes by peaceful means and according to the principles of international law (an obligation incumbent on all Council of Europe member states), resolutely rejecting any threatened use of force against its neighbours;
- 14.3. as regards domestic law:
- a. to revise legislation on elections, particularly the Law on the Central Electoral Commission and the Electoral Law, taking account of the recommendation put forward by the international observers during previous elections, so that the next general elections in autumn 2000 can confirm definitively the progress made and their results can be accepted by the majority of the political parties that will participate in the elections, and can be considered as free and fair by international observers;
  - b. to amend, before the next local elections, the current legislation governing the powers of local authorities so as to give them greater responsibilities and independence, taking into account the recommendations made in this respect by the Congress for Local and Regional Authorities in Europe (CLRAE);
  - c. to continue the reforms aimed at strengthening the independence of the legislature vis-à-vis the executive, so that the former can exercise the right to put parliamentary questions to members of the government;
  - d. to adopt, within one year of its accession, the Code of Criminal Procedure, taking account of the observations by the Council of Europe experts;
  - e. to adopt, within one year of its accession, the law on the Ombudsman;
  - f. to adopt, within one year of its accession, a law on combating corruption and, within two years of its accession, a state programme on combating corruption;
  - g. to adopt, within two years of accession, a law on alternative service in compliance with European standards and, in the meantime, to pardon all conscientious objectors presently serving prison terms or serving in disciplinary battalions, allowing them instead to choose (when the law on alternative service has come into force) to perform non-armed military service or alternative civilian service;
- 14.4. as regards human rights and fundamental freedoms:
- a. to sign an agreement with the International Committee of the Red Cross (ICRC) guaranteeing unrestricted and unreserved access by the latter to prisoners;
  - b. to release or to grant a new trial to those prisoners who are regarded as “political prisoners” by human rights protection organisations, especially Mr Iskander Gamidov, Mr Alikram Gumbatov and Mr Raqim Gaziyeu;
  - c. to prosecute members of the law-enforcement bodies who have infringed human rights (particularly the prohibition of torture) in the course of their duties;
  - d. to guarantee freedom of expression and the independence of the media and journalists, and particularly to exclude the use of administrative measures to restrict the freedom of the media;
  - e. to re-examine and amend the law on the media, within two years of its accession at the latest;
  - f. to turn the national television channel into a public channel managed by an independent administrative board;
  - g. to adopt, within three years of its accession, a law on minorities which completes the provisions on non-discrimination contained in the constitution and the penal code and replaces the presidential decree on national minorities;
  - h. to re-examine and amend, at the latest within one year of its accession, the rules governing registration of associations and appeals procedures;
- 14.5. as regards the monitoring of commitments:
- a. to co-operate fully in the implementation of Assembly [Resolution 1115 \(1997\)](#) on the setting up of an Assembly Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee); and
  - b. to co-operate fully in the monitoring process established pursuant to the declaration adopted by the Committee of Ministers on 10 November 1994 (95th session).

15. The Parliamentary Assembly notes that Azerbaijan shares fully its understanding and interpretation of the commitments entered into, as spelt out in paragraph 14 and intends:

15.1. to re-examine and amend the law on the Bar, at the latest within three years of its accession;

15.2. to re-examine the conditions of access to the Constitutional Court and grant access also to the Government, the Prosecutor General, courts at all levels and – in specific cases – to individuals, at the latest within two years of its accession;

15.3. to re-examine and amend the procedures for appointing judges and the duration of their term of office, at the latest within three years of its accession.

16. On the basis of these commitments, the Assembly is of the opinion that, in accordance with Article 4 of the Statute of the Council of Europe, Azerbaijan is able and willing to fulfil the provisions of Article 3 of the Statute, setting forth the conditions for membership of the Council of Europe: “Every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realisation of the aim of the Council (of Europe).”

17. With a view to ensuring compliance with these commitments, the Assembly has decided to monitor the situation in Azerbaijan closely, with immediate effect from the date of accession, pursuant to its [Resolution 1115 \(1997\)](#).

18. On the understanding that the commitments set out above are firm and will be fulfilled within the stipulated time limits, the Assembly recommends that the Committee of Ministers:

18.1. invite Azerbaijan to become a member of the Council of Europe;

18.2. allocate six seats to Azerbaijan in the Parliamentary Assembly;

18.3. and requests that the necessary additional resources be made available.

19. Furthermore, in order to enable Azerbaijan to honour its commitments and obligations as a member state, the Assembly also recommends that the Committee of Ministers support the specific co-operation and assistance programmes required for implementation of the obligations and commitments entered into by this country.

# ECRI REPORT ON AZERBAIJAN

(sixth monitoring cycle)



**Adopted on 29 March 2023**

Published on 21 June 2023

European Commission  
against Racism and Intolerance

**ECRI**  
Commission européenne  
contre le racisme et l'intolérance

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



## TABLE OF CONTENTS

---

<b>FOREWORD</b> .....	<b>4</b>
<b>SUMMARY</b> .....	<b>5</b>
<b>FINDINGS AND RECOMMENDATIONS</b> .....	<b>7</b>
<b><i>I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS</i></b> .....	<b>7</b>
A. EQUALITY BODIES .....	7
B. INCLUSIVE EDUCATION .....	9
C. IRREGULARLY PRESENT MIGRANTS .....	11
D. LGBTI EQUALITY .....	12
<b><i>II. HATE SPEECH AND MOTIVATED VIOLENCE</i></b> .....	<b>15</b>
A. HATE SPEECH .....	15
B. HATE-MOTIVATED VIOLENCE .....	20
<b><i>III. INTEGRATION AND INCLUSION</i></b> .....	<b>23</b>
A. MIGRANTS .....	24
B. ROMA .....	27
<b><i>IV. TOPICS SPECIFIC TO AZERBAIJAN</i></b> .....	<b>28</b>
A. ACTION TAKEN TO IMPLEMENT PREVIOUS INTERIM FOLLOW-UP RECOMMENDATIONS .....	28
B. PREVENTING AND COMBATING ANY RACIST OR LGBTIPHOBIC ABUSE BY LAW ENFORCEMENT OFFICIALS .....	29
<b>INTERIM FOLLOW-UP RECOMMENDATIONS</b> .....	<b>30</b>
<b>LIST OF RECOMMENDATIONS</b> .....	<b>31</b>
<b>BIBLIOGRAPHY</b> .....	<b>33</b>
<b>APPENDIX: GOVERNMENT'S VIEWPOINT</b> .....	<b>37</b>

## FOREWORD

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The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI’s country monitoring deals with all member States on an equal footing. The work takes place in 5-year cycles. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, those of the third round at the end of 2007, those of the fourth round in the beginning of 2014, and those of the fifth round at the end of 2019. Work on the sixth round reports started at the end of 2018.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI’s reports are not the result of inquiries or testimonial evidence. They are analyses based on information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The sixth round country reports focus on three topics common to all member States: (1) Effective equality and access to rights, (2) Hate speech and hate-motivated violence, and (3) Integration and inclusion, as well as a number of topics specific to each one of them.

In the framework of the sixth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

**The following report was drawn up by ECRI under its own responsibility. It covers the situation up to 8 December 2022; as a rule, developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.**



## SUMMARY

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**Since the adoption of ECRI's fifth cycle report on 17 March 2016 on Azerbaijan, progress has been made and good practices have been developed in a number of fields.**

In the field of inclusive education, human rights related topics have been integrated into the content of several subjects taught across curricula since 2020.

The authorities' efforts to regularise the legal status of migrants irregularly present in Azerbaijan, including awareness-raising events organised by the State Migration Service (SMS), and calls for legalising residence before the regional migration offices, have yielded positive results: the number of these persons in the country decreased by ten percent in 2021.

In order to counter online racist hate speech, the Law on Information, Informatisation and Protection of Information was amended in 2020 with a view to prohibiting Internet providers and individuals from distributing any information promoting violence, religious extremism or inciting hatred. Such illegal content must be now taken down and removed within eight hours.

Multiculturalism and tolerance are historically integral components of the Azerbaijani society and positive attitudes among the population towards people from diverse backgrounds, such as the Jewish community, are common.

The authorities have invested significant efforts into improving the integration and inclusion of migrants and their access to public services and benefits available to them. Among others, 24/7 toll-free helpline was set up and a special trilingual website was made operational.

The issuance of work and residence permits were also simplified and accelerated by electronic procedures. Migrant workers with permanent residence enjoy the same social protection rights as Azerbaijani nationals while refugees are entitled to access the labour market since 2020.

**ECRI welcomes these positive developments in Azerbaijan. However, despite the progress achieved, some issues give rise to concern.**

There is still not any comprehensive anti-discrimination legislation and effective legal remedies available to the victims. Concerns

related to the institutional independence of the Commissioner for Human Rights (Ombudsman) have also remained.

Despite the very low level of social acceptance of LGBTI persons, the authorities have not taken any initiative to increase awareness on LGBTI issues. Azerbaijan still does not have a LGBTI strategy or action plan to address in a comprehensive manner issues of discrimination and intolerance vis-à-vis LGBTI persons nor has any legal framework on legal gender recognition and gender reassignment.

Persistent adversarial narrative against Armenia, which is rooted in the context of the long-lasting conflict and confrontations related to Nagorno-Karabakh, have continued and the public discourse has been marked by the use of inflammatory rhetoric in public statements by politicians, including at the highest political level, and other public figures, as well as by the wide dissemination of hateful content, in traditional and social media.

Anti-LGBTI statements have become a common occurrence. The prevalence of stereotypes and prejudice against LGBTI persons have exposed them to hate motivated violence, which resulted in several fatal incidents.

There is still no systematic data collection on the number of reported incidents of racist (or LGBTI-phobic) hate crime, including criminal hate speech, and any police investigations, prosecutions and sentencing. The legal framework on hate speech falling within criminal law remains limited and criminal action is almost never taken. The legislation continues to lack provisions on hate motivations, including on motivation based on sexual orientation, gender identity or sex characteristics as an aggravating circumstance, which makes the responses of the Azerbaijani authorities to hate incidents and hate crimes not fully adequate.

Notwithstanding the steps taken by the authorities to strengthen the capacity in the area of integration of migrants and refugees, the current design of integration measures falls short of addressing the different needs of different target groups (refugees, migrant workers, temporary residents).

There is no reliable data about the inclusion of Roma even though their situation remains characterised by high levels of social exclusion and stigmatisation.

**In this report, ECRI requests that the authorities take action in a number of areas and makes a series of recommendations, including the following.**

The authorities should bring the competences, independence and effectiveness of the Commissioner for Human Rights (Ombudsman) fully in line with ECRI's revised General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level. This should be done by i) ensuring a transparent selection and appointment procedure of the Ombudsman; ii) establishing a separate unit or department within the structure of the Ombudsman's Office which is dedicated to deal with non-discrimination and equality related work and complaints; iii) increasing the capacity of the staff of the Ombudsman's Office, including those in regional offices, by providing them with ongoing training and developing awareness-raising activities on non-discrimination and equality.\*

The authorities should adopt an effective general anti-discrimination legislation covering all grounds and all areas of life, in line with its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination and other ECRI standards on legislation to combat intolerance and discrimination on the grounds of sexual orientation, gender identity and sex characteristics.

The authorities should adopt and implement an action plan to address intolerance and discrimination based on sexual orientation, gender identity and sex characteristics. This plan should include the objectives of raising public

awareness about LGBTI people and their living conditions.

The current legal framework on gender recognition and gender reassignment should be amended with a view to bringing it in line with Council of Europe relevant standards.

Public figures, including high-level officials, politicians, and religious, economic and community leaders, should be strongly encouraged to take a prompt, firm and public stance against the expression of racist and LGBTI-phobic hate speech and react to any such expression with strong counter-speech messages and alternative speech.

The authorities should reinforce their responses against hate speech by setting up an inter-institutional working group to develop a comprehensive strategy to tackle effectively racist and LGBTI-phobic hate speech, including online.

The authorities should set up a comprehensive data collection system offering an integrated and consistent view of cases of racist and LGBTI-phobic hate speech and hate crime, with fully disaggregated data by category of offence, type of hate motivation, target group, as well as judicial follow-up and outcome and that this data is made available to the public.\*

The authorities, in close cooperation with local authorities and civil society organisations, should adopt a comprehensive integration strategy for migrants, including persons who are seeking or have been granted international protection.

The authorities should evaluate the situation of the Roma community with a view to developing a Roma-specific strategy.

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\* The recommendations in this paragraph will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

## FINDINGS AND RECOMMENDATIONS

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### I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS

#### A. Equality bodies<sup>1</sup>

1. In its last report (§ 20), ECRI strongly recommended that the authorities establish a separate specialised body to combat racism and discrimination in both the private and public sector. To date, this recommendation has not been implemented and there is still no such body in Azerbaijan which is in full compliance with ECRI's revised General Policy Recommendation (GPR) No. 2 on equality bodies to combat racism and intolerance at national level. However, some of the competences of an equality body are embedded in the mandate of the Commissioner for Human Rights (Ombudsman). The office was set up by the Constitutional Law on the Commissioner for Human Rights (Ombudsman) ("CLO") in 2001<sup>2</sup> as a typical ombudsman and functions as the only multi-mandated national human rights institution in the country. The Ombudsman has four regional offices in Northern, North-western, Western and Southern regional centres and the opening of a fifth regional office is planned in Shusha.
2. Azerbaijan does not yet have anti-discrimination legislation and effective legal remedies available to the victims, as recommended §§ 4 to 17 in ECRI's GPR No. 7 on national legislation to combat racism and racial discrimination.<sup>3</sup> The authorities informed ECRI that a comprehensive anti-discrimination law was being prepared by the Government. Furthermore, they indicated that in 2022, the Office of the Ombudsman had proposed a legislative amendment to the CLO, empowering it to request information from any State agency on any alleged acts of discrimination.<sup>4</sup> In January 2023, the draft amendments to the CLO proposed by the Ombudsman were still being examined in Parliament. ECRI encourages the authorities to finalise their work and take steps towards the adoption of an effective general anti-discrimination legislation as soon as possible. In this connection, ECRI invites the authorities to consider in due course adopting an action plan on preventing and combating discrimination with a view to ensuring the full implementation of the future legislation once it entered into force.
3. As indicated in ECRI's previous report (§ 19) and expressed by other international bodies, including the United Nations (UN) Committee on the Elimination of Racial Discrimination (CERD),<sup>5</sup> concerns related to the institutional independence of the Ombudsman have remained. This is particularly due to the procedure for the selection and appointment of the Ombudsman,<sup>6</sup> that is based on a presidential pre-selection power which lacks a transparent and participatory process. These shortcomings were also cited by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI)<sup>7</sup> in 2018 while downgrading the Ombudsman from status "A" to "B", which signifies only partial

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<sup>1</sup> The term "national specialised bodies" was updated to "equality bodies" in the revised version of GPR No. 2 which was published on 27 February 2018.

<sup>2</sup> Constitutional Law on the Commissioner for Human Rights (Ombudsman) (hereafter "CLO") as adopted on 28 December 2001. No further legislative changes have taken place since June 2011, when the CLO was revised with several legal amendments.

<sup>3</sup> See ECRI (2016): §§ 10-16.

<sup>4</sup> This proposal includes the possibility to request information from any State agency on any alleged acts of discrimination within five days of a report on the incident being made and setting out the obligation of the relevant agency to inform it of all measures taken in response to such acts.

<sup>5</sup> UN Committee on the Elimination of Racial Discrimination (CERD) (2022a), Concluding observations on the combined tenth to twelfth periodic reports of Azerbaijan, 22 September 2022, CERD/C/AZE/CO/10-12; §§14-15. See similar United Nations (UN) Committee on Economic, Social and Cultural Rights (CESCR) (2021), Concluding observations on the fourth periodic report of Azerbaijan, 2 November 2021, E/C.12/AZE/CO/4; §§ 8-9.

<sup>6</sup> As stipulated in Article 2 of the CLO.

<sup>7</sup> GANHRI [Accreditation Status](#)

compliance under the UN Principles relating to the Status of National Institutions (Paris Principles).

4. As extensively covered in ECRI's last report,<sup>8</sup> the Ombudsman has a wide range of powers and competences. However, its authority is limited to the public sector and does not cover the private sector. Since the Ombudsman is not entrusted with a specific equality mandate, it is competent in matters of discrimination only when examining complaints against public authorities as stipulated in its founding act.<sup>9</sup> In addition, it can neither support judicial proceedings on behalf of persons who are exposed to discrimination nor undertake strategic litigation as per § 14 and 15 of GPR No. 2.
5. The Office of the Ombudsman has seen a steady increase in the number of complaints received in recent years: 20 400 cases in 2018, 25 500 in 2019 and 27 500 in 2020.<sup>10</sup> However, there is no available data regarding the breakdown of cases on grounds of discrimination or groups affected by such cases. ECRI was informed that there were hardly any such cases in recent years. On a positive note, a 24/7 toll-free victim helpline (call centre 916) was set up in early 2020. This helpline was described as useful for reporting incidents during the Covid-19 pandemic.<sup>11</sup>
6. ECRI notes that there is no separate department or unit within the Ombudsman's Office to deal with anti-discrimination and equality related work<sup>12</sup> and that its annual reports do not have a dedicated chapter on discrimination cases. During its contact visit, the ECRI delegation was informed by the representatives of the institution that there was an interest among staff in having a specific equality and non-discrimination mandate and receiving further training<sup>13</sup> to increase their awareness and capacity on issues pertaining to these fields. ECRI understands that pursuant to Article 17 of the CLO, the Ombudsman decides on the structure and staffing needs of the Office of the institution. Accordingly, without any changes to the CLO, the Ombudsman might consider restructuring its current office with a view to strengthening its equality and non-discrimination mandate. This could, for instance, be done through setting up a new department.<sup>14</sup> However, a mandate to cover the private sector might require specific legislative measures.
7. Against this background, ECRI considers that action is required with a view to ensuring that the Ombudsman has an explicit mandate and the necessary competences in the promotion of equality and the fight against racism and discrimination in all areas. In ECRI's view, should such an expansion of its mandate be possible, the relevant co-operation and advisory structures established at the Ombudsman's Office could help to develop more synergies with civil society organisations, while the regional offices of the Ombudsman could engage in systemic awareness raising activities covering their respective regional population and support victims in ensuring their effective access to justice. The delegation of ECRI was able to observe for itself the positive engagement of the Ombudsman during the visit to its Ganja office.

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<sup>8</sup> ECRI (2016): §§ 18-20. See also Article 13 of the CLO.

<sup>9</sup> According to Article 1.1 of the CLO, the Ombudsman is tasked to restore the human rights and freedoms enshrined in the [Constitution of Azerbaijan](#) and in the international treaties to which Azerbaijan is a party. Article 8.1. of the CLO further stipulates that the Commissioner shall examine complaints on violations of human rights from citizens of Azerbaijan, foreigners and stateless persons, as well as legal entities.

<sup>10</sup> [Annual Reports](#) of the Ombudsman.

<sup>11</sup> [2020 Annual Report](#) of the Ombudsman.

<sup>12</sup> Such cases are dealt by the Human Rights Protection Department.

<sup>13</sup> ECRI was informed that the staff of Ombudsman's office had training course on European anti-discrimination standards.

<sup>14</sup> According to the authorities, the draft amendments to the CLO foresee the establishment of a separate department or unit within the Ombudsperson's Office to deal with anti-discrimination and equality-related work.

8. ECRI strongly recommends, as a matter of priority, that the authorities bring the competences, independence and effectiveness of the Commissioner for Human Rights (Ombudsman) fully in line with ECRI's revised General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level. This should be done by i) ensuring a transparent selection and appointment procedure of the Ombudsman; ii) establishing a separate and properly resourced unit or department within the structure of the Ombudsman's Office which is dedicated to deal with non-discrimination and equality related work and complaints; iii) increasing the capacity of the staff of the Ombudsman's Office, including those in regional offices, by providing them with ongoing training and developing awareness-raising activities on non-discrimination and equality.
9. ECRI recommends in this connection that the authorities adopt an effective general anti-discrimination legislation covering all grounds and all areas of life, in line with its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination and other ECRI standards on legislation to combat discrimination on the grounds of sexual orientation, gender identity and sex characteristics. The legislation should also provide for effective, proportionate and dissuasive sanctions for discrimination cases. If necessary, Council of Europe support should be sought.

## **B. Inclusive education**

10. This section deals with education policies<sup>15</sup> whose aims are to combat exclusion and marginalisation through an inclusive education devised for all, and to create a tolerant multicultural society in accordance with sections II and III of ECRI's GPR No. 10 on combating racism and racial discrimination in and through school education.<sup>16</sup>
11. In its GPR No. 10, ECRI recommends that human rights education is an integral part of the school curriculum at all levels and across all disciplines. ECRI notes that the Law of the Republic of Azerbaijan on Education (Article 4) defines respect for human rights and liberties as one of the main goals of education. While there is no separate human rights class taught across curricula, since 2020<sup>17</sup>, some human rights related topics have been integrated into the content of several subjects, such as 'knowledge of life', language, literature, history and geography, as well as into extracurricular activities, at the general education level (schooling up to age 14).
12. The authorities informed ECRI that human rights are addressed in several training courses for teachers and that teachers have participated in projects, such as "Enhancing the Knowledge of Teachers on Inclusive Education" between 2018 and 2020.<sup>18</sup> Furthermore, the Baku International Multiculturalism Centre held training sessions for teachers on multiculturalism in 2021 and a special training programme<sup>19</sup> on conflict resolution was carried out in the same period in order to increase teachers' skills to work in multicultural settings, of which ECRI takes positive note. However, considering the sporadic nature of these initiatives, ECRI recalls that human rights should be an integral part of teachers' initial and in-service training and be provided in a systemic and sustainable manner. During its visit to a youth centre in Ganja, the delegation of ECRI heard similar considerations from

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<sup>15</sup> This section relates to education for all children and young people. Specific measures for the education of migrants and children belonging to minority groups are dealt with under the heading of integration and inclusion.

<sup>16</sup> ECRI General Policy Recommendation N°10 on combating racism and racial discrimination in and through school education.

<sup>17</sup> State Standards on General Education in the Republic of Azerbaijan (Resolution No. 361 of the Cabinet of Ministers, 29.9.2020).

<sup>18</sup> This Project was jointly implemented by the Ministry of Education, UNICEF, and Regional Development Union and approximately 1100 primary school teachers, 250 principals, and 400 professors were involved in inclusive education trainings. The authorities also informed ECRI on the State Program on Development of Inclusive Education for Persons with Disabilities (2018-2024). ECRI notes that the ground of disability is not covered under ECRI's mandate.

<sup>19</sup> More than 5 000 primary and secondary school teachers participated to this special programme – 'Classroom Management' training programme- across the country.



the representatives of youth organisations who also emphasised the necessity to well-equip both pupils and teachers on human rights education.

13. Several interlocutors have expressed concerns to ECRI about the presence of discriminatory language in school textbooks, particularly against Armenians, as had been also pointed out by the Council of Europe's Commissioner for Human Rights<sup>20</sup> and the CERD<sup>21</sup>. In this context, ECRI is deeply concerned that the use of hate speech linked to the long-lasting conflict and confrontations with neighbouring country Armenia, has been observed among young people in and outside schools and could eventually provide a breeding ground for further hostilities. Given the crucial role of schools in the transmission of social skills and fundamental values, such as human dignity, tolerance and respect for others, ECRI considers that there is a need to engage with the younger generation through an education that promotes the very idea of human rights. Furthermore, in view of the multi-ethnic, multicultural and religiously diverse composition of the Azerbaijani population, ECRI deems it essential that the authorities increase their efforts to raise public awareness on the importance of the diversity and plurality of society. In doing so, teaching materials should be free from any discriminatory content and reviewed to reflect diversity in the Azerbaijani society while history teaching should provide a narrative that foster an equality culture. In this regard, ECRI strongly encourages the authorities to take steps towards Azerbaijan's membership in the Observatory on History Teaching in Europe.
14. ECRI recommends that the authorities adopt suitable measures in the education system with a view to tackling all forms of racism and intolerance and involving the youth in the development of a diverse and inclusive society. In particular, they should: i) include human rights education in the mandatory parts of school curricula; ii) provide initial and in-service teacher training on issues relating to human rights; and iii) remove any references reinforcing prejudice, stereotyping or other discriminatory content from school textbooks. In this regard, the authorities should draw inspiration from its General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education.
15. Reports indicate that bullying in schools in Azerbaijan remains an issue. According to the results of the OECD Programme for International Student Assessment (PISA) of the Organisation for Economic Co-operation and Development (OECD) in Baku, 36% of students reported having been bullied at least a few times a month, compared to 23% on average across OECD countries.<sup>22</sup> Referring in particular to bullying on the grounds of sexual orientation, gender identity or sex characteristics, it is reportedly common for students to insult each other using LGBTI-phobic insults.<sup>23</sup> A case was reported by civil society organisations about a teenage girl who committed suicide as a result of such remarks at school.<sup>24</sup> In this regard, ECRI stresses that providing factual, non-stigmatising information on sexual orientation and gender identity is imperative to preventing and combating LGBTI-phobia, at school and beyond, and to creating a safer and more inclusive learning environment for all.<sup>25</sup> In ECRI's view, this is particularly important in a country where the social acceptance of LGBTI persons is significantly low (see section I.D below).

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<sup>20</sup> Council of Europe (CoE), Commissioner for Human Rights (CommDH) (2021), Memorandum on the humanitarian and human rights consequences following the 2020 outbreak of hostilities between Armenia and Azerbaijan over Nagorno-Karabakh, CommDH(2021) 29, § 84.

<sup>21</sup> UN Committee on the Elimination of Racial Discrimination (CERD) (2022a), *op.cit.*, §§ 34-35.

<sup>22</sup> OECD, Programme for international student assessment (PISA), Results from Pisa 2018, Country note Baku (Azerbaijan): 6.

<sup>23</sup> Global Voices (2021a); Mahmudova, L. (2019); ILGA (2022a).

<sup>24</sup> Minority (2019); ILGA (2020).

<sup>25</sup> See similar, United Nations (UN) Committee on Economic, Social and Cultural Rights (CESCR) (2021), *op.cit.*, § 47; LGBT Azerbaijan Alliance/Minority Azerbaijan/AZAD LGBT Collective (2019): 10-11; Nafas LGBT Azerbaijan Alliance (2019): 3, 11.

16. The authorities informed ECRI that, while there is no system in place to monitor racist incidents at schools, several programmes, such as the project “Friend of Pupil”<sup>26</sup> has been implemented, which ECRI considers as **a promising practice**. Being aware of the pernicious effects of hate-motivated bullying, where it exists, and the potential harm to victims as well as to their families and broader communities, ECRI considers that a robust mechanism to monitor and counter such incidents could be a very useful contribution to preventing hatred and, building on the already existing projects such as ‘Friend of Pupil’, provide helpful information and guidance to pedagogical staff. Moreover, ECRI notes that the Ombudsman could also possibly play a positive role in the prevention of bullying in schools in view of the cases it has already examined on the matter.<sup>27</sup>
17. ECRI recommends that the authorities set up a system to monitor and counter racist and anti-LGBTI incidents in schools.

### C. Irregularly present migrants

18. In its GPR No. 16<sup>28</sup> on safeguarding irregularly present migrants from discrimination, ECRI calls for the creation of effective measures (“firewalls”) to ensure the fundamental human rights of irregularly present migrants in fields such as education, health care, housing, social security and assistance, labour protection and justice. Such firewalls should separate the activities of immigration control and enforcement from the provision of services, so that irregularly present migrants do not refrain from accessing their rights due to fear of deportation (see in particular §§ 3, 11 and 12 of GPR No. 16).
19. According to the authorities’ database, the Unified Migration Information System (UMIS),<sup>29</sup> as of July 2022, the number of “irregular migrants” in Azerbaijan was 5 517. The majority of them are from Georgia, Iran, the Russian Federation, Turkey and Ukraine. They have mainly come to work or for family reunification.
20. The authorities informed ECRI about their efforts to regularise the legal status of migrants irregularly present in Azerbaijan. These include awareness-raising events organised by the State Migration Service (SMS) across the country and calls for legalising residence before the regional migration offices, which allegedly led to a ten percent decrease in the number of these persons in 2021.
21. While “reporting firewalls” exist between the Ministry of Education and the State Migration Service about the migration status of children,<sup>30</sup> several interlocutors stated that parents with an irregular migration status do not send their children to school for fear of detection by the authorities dealing with migration issues.<sup>31</sup> ECRI invites the authorities to ensure that all children, irrespective of their status, enjoy access to education.
22. Despite recent international reports pointing to the lack of information about the “firewalls” in access to healthcare,<sup>32</sup> the authorities stated that there is a “reporting firewall” between the healthcare providers and the State Migration Service and that

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<sup>26</sup> According to the authorities, currently the project covers 226 general education institutions in Baku and the Absheron peninsula by which its independent experts communicate with students on a regular basis and provide necessary assistance.

<sup>27</sup> The Commissioner for Human Rights (Ombudsman) (2021), 2020 Annual Report, p. 54 (Case no. 1606-20).

<sup>28</sup> See §§ 3, 4, 11 and 12 of the GPR and §§ 3, 4, 11 and 12 of its Explanatory Memorandum.

<sup>29</sup> Unified Migration Information System (UMIS) is a database on foreigners and stateless persons temporarily staying, working and residing in the country, including those irregularly present in the country.

<sup>30</sup> ECRI notes that the Constitution of Azerbaijan guarantees the right to education only to its citizens (Article 42) and that the legislative framework guarantees access to education only to migrant workers in a regular situation and members of their families. The authorities indicated that no information on migrant status of both children and their parents is shared between the Ministry of Education and the State Migration Service.

<sup>31</sup> See similar UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) (2021), Concluding Observations on Azerbaijan, 2 November 2021, CMW/C/AZE/CO/3; § 47.

<sup>32</sup> Ibid; § 43.

migrants may have access to emergency and specialised medical care without any restriction or discrimination. ECRI was also informed that during the Covid-19 pandemic, vaccines were made available to everyone in the country irrespective of their migration status, which ECRI welcomes.

23. Although a National Action Plan for the Prevention of Informal Employment was adopted by a presidential decree in 2017, informal employment in the country remains high, which was also already underlined in ECRI's last report. It was brought to ECRI's attention that migrants irregularly present in Azerbaijan, who are mostly employed in construction and domestic work, often find themselves vulnerable to serious forms of exploitation. ECRI notes with concern that the Code of Administrative Offences penalises, along with their employers, migrant workers in an irregular situation who engage in labour activity without the necessary work permit, even though it is the obligation of the employer to obtain it.<sup>33</sup> It should be noted that in a recent judgement in 2021, the European Court of Human Rights found Azerbaijan in violation of Article 4 (forced labour) holding that the authorities failed to conduct effective investigation into the arguable claims made by migrant workers – who were in an irregular situation – of cross-border human trafficking and forced labour.<sup>34</sup>
24. The authorities indicated that there is a “reporting firewall” between the courts and the State Migration Service. However, ECRI remains concerned about reports, as also expressed by the UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) in 2021,<sup>35</sup> that migrants irregularly present in Azerbaijan may not resort to legal remedies for fear of losing their employment, being detained or facing expulsion if they approach a court. Recalling § 30 of its GPR No.16<sup>36</sup>, ECRI considers that the authorities should refrain from threatening irregularly present migrants with expulsion in cases of exploitative labour conditions and take robust action to counter such cases.
25. ECRI recommends that the authorities establish effective mechanisms to allow migrant workers who are irregularly present in Azerbaijan to lodge complaints in respect of labour standards against employers and obtain effective remedies without the risk of their personal data or other information being shared with immigration authorities for the purposes of immigration control and enforcement.

#### **D. LGBTI equality<sup>37</sup>**

26. There are no official data on the size of the lesbian, gay, bisexual, transgender and intersex (LGBTI) population and their living conditions in Azerbaijan. On the Rainbow Europe Map 2021 reflecting European countries' legislation and policies guaranteeing the human rights of LGBTI persons, Azerbaijan remained in the last place out of 49 countries scored, with an overall score of 2.41%.<sup>38</sup> ECRI regrets to note that there has not been any tangible improvement regarding the equality and access to rights of these persons in the country.
27. The information gathered by ECRI reveals the persistence of stereotypes about LGBTI people in Azerbaijan and the lack of awareness on this issue in society at large.<sup>39</sup> An international research report published in 2021 lists Azerbaijan as one

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<sup>33</sup> The employer must pay the annual fee of AZN 1 000 (about 595 Euros) per employee for obtaining work permits.

<sup>34</sup> *Zoletic and Others v. Azerbaijan* (no. 20116/12, 7 October 2021). This case concerned 33 undocumented migrants from Bosnia and Herzegovina who worked at state construction sites in Baku. The execution of this judgement is pending and according to the [last update](#), the Azerbaijani Government is expected to send an Action Plan.

<sup>35</sup> UN CMW (2021), *op.cit.*, §§ 27-28; See also UN CERD (2022a), *op.cit.*: §§ 32-33 for similar concerns on access to justice.

<sup>36</sup> Recommendation 30 of ECRI's GPR No. 16 and Explanatory Memorandum thereto. See also ECRI's GPR No. 14 on combating racism and racial discrimination in employment and UN CMW (2021), §§ 61-62.

<sup>37</sup> For terminology, see the definitions set out in ECRI's Glossary.

<sup>38</sup> [Country Ranking | Rainbow Europe \(rainbow-europe.org\)](#).

<sup>39</sup> ILGA-Europe (2022a); Eurasian Coalition on Male Health (2019):9-10.



of the least “socially accepting” countries for LGBTI people and it seems that the society has become even more intolerant over the years.<sup>40</sup> Especially in rural areas, oppressive social norms and exacerbating pressure from family are prevalent, and being LGBTI remains a major taboo and is considered as “unacceptable and horrifying”, as some of ECRI’s interlocutors put it during the visit.

28. Hence, a vast majority of LGBTI people still prefer to hide their sexual orientation or gender identity and to keep a low profile in order to avoid social stigma, hate speech and violence.<sup>41</sup> Although there seems to be a slightly more tolerant atmosphere for LGBTI persons in Baku, where they can live more anonymously and get in touch with other members of the LGBTI community, overall few LGBTI people in Azerbaijan are open about their sexual orientation and most are not visible as such to the outside world. In an online survey conducted in 2021, only 12.5% of respondents said that their colleagues knew about their sexual orientation, and only 8.5% of them said that their parents knew.<sup>42</sup>
29. Despite ECRI’s observations in its fifth report (§ 84), no legislative or policy measures have been taken to ensure the equality of LGBTI people. Sexual orientation, gender identity and sex characteristics are still not set down in any legislation in Azerbaijan as specific grounds on which discrimination is prohibited.<sup>43</sup> Same-sex couples do not have any kind of legal recognition, in the form of either civil partnerships or same-sex marriages.
30. In the absence of anti-discrimination legislation or any sectoral legislation (for example in the areas of employment or health), discrimination against LGBTI people is reported to be a regular occurrence. According to civil society organisations, the Covid-19 pandemic further exacerbated the vulnerable situation of LGBTI people due to loss of income, having to move back to unsafe family homes or difficulties in accessing social benefits. Between January and August 2021, 130 complaints relating to discrimination in the labour market were reported to NGOs, with many pointing to grounds of their sexual orientation or gender identity.<sup>44</sup>
31. Despite ECRI’s recommendation in its last report (§ 85), the authorities informed ECRI that they have not adopted an action plan regarding discrimination and intolerance vis-à-vis LGBTI persons in the country. During ECRI’s contact visit, the authorities stated that due to the cultural tradition of the country where society is conservative and LGBTI issues are regarded as “western values”, the general public opinion is not ready for any measures regarding LGBTI issues. ECRI considers that the absence of any legislative framework and policies can lead to various forms of discrimination and could pave the way for further intolerance and violence (see section II.B) against LGBTI persons. ECRI also regrets to note that the authorities have not taken any initiative to make the public opinion progress on LGBTI issues nor to develop more positive attitude towards this vulnerable group by the society. In this regard, ECRI strongly encourages the authorities to take specific measures in order to recognise the equality of LGBTI people and to prevent and combat anti-LGBTI hatred, drawing inspiration from the recommendations in Resolution 2418 (2022) of the Parliamentary Assembly (PACE) of the Council of Europe.<sup>45</sup>

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<sup>40</sup> UCLA School of Law, Williams Institute (November 2021): 21.

<sup>41</sup> *ibid*: 46-47; Eurasian Coalition on Male Health (2019): 10-11.

<sup>42</sup> JAM News (2021).

<sup>43</sup> See ECRI (2016), Report on Azerbaijan § 83 and UN, CESCR (2021), § 19 (a).

<sup>44</sup> See ILGA-Europe (2022a).

<sup>45</sup> Parliamentary Assembly of the Council of Europe (CoE) [Resolution 2418 \(2022\)](#) on alleged violations of the rights of LGBTI people in the Southern Caucasus, § 9.5.

32. ECRI strongly recommends that the authorities adopt and implement an action plan to address intolerance and discrimination based on sexual orientation, gender identity and sex characteristics. This plan should include the objectives of raising public awareness about LGBTI people and their living conditions and promoting understanding of LGBTI persons to make their right to equal treatment a reality.
33. ECRI's interlocutors stated that legal gender recognition remains a persistent issue and transgender people often face discrimination in healthcare.<sup>46</sup> It seems that few doctors in the country are willing to prescribe hormonal treatment. As a result, transgender people usually rely on the black market to obtain medication. While gender reassignment surgery is available, there is no regulation governing the procedure nor does the law provide for gender recognition after this surgery. This results in consequent challenges including the obligation for transgender women to serve in the military as men.<sup>47</sup> Some also eventually engage in sex work, which is a criminal offence that in addition renders these people further vulnerable to extortion and trafficking.
34. Reportedly, there were individual cases where transgender people were able to change their identity cards, but this was only possible through court proceedings and upon submitting proof of gender reassignment surgery as well as sterilisation.<sup>48</sup> ECRI considers, therefore, that the legal framework needs to be developed as regards both legal gender recognition and gender reassignment. For example, gender reassignment should not be a prerequisite for gender changes in personal documents. In this respect, ECRI encourages the authorities to take inspiration from international standards on the right to self-determination of transgender persons,<sup>49</sup> such as those referred to in Resolution 2048 (2015) and Recommendation 2116 (2017) of the Council of Europe's Parliamentary Assembly (PACE)<sup>50</sup>, and other relevant standards<sup>51</sup> as well as the case law of the European Court of Human Rights<sup>52</sup> to ensure the legal recognition of a person's gender reassignment in a quick, transparent and accessible way. In this respect, reference should also be made to the recent Resolution 2418 (2022) adopted by PACE, which addresses recommendations for Azerbaijan on this very matter.<sup>53</sup>
35. ECRI recommends that the authorities adopt measures to bring the legal framework on gender recognition and gender reassignment in line with Council of Europe relevant standards, including the case-law of the European Court of Human Rights.
36. Under the present monitoring cycle, ECRI also covers the situation of intersex persons, who are born with chromosomal, hormonal or anatomical characteristics that do not match strict medical definitions of male or female.<sup>54</sup> Many of these persons suffer as a result of medical interventions, which are in most cases non-consensual and medically unnecessary, and have irreversible consequences. ECRI understands that there is a lack of data on the issue that renders the

<sup>46</sup> See similar, UN, CESCR) (2021), *op.cit.*, § 18-19.

<sup>47</sup> See § 35 of [Report](#) of the Committee on Equality and Non-discrimination of the Parliamentary Assembly of the Council of Europe (CoE), Explanatory Memorandum to the Assembly's [Resolution 2418 \(2022\)](#), *op.cit.* On a related note, civil society organisations indicated to ECRI that LGBTI persons also risk not passing military service medical examinations. Some therefore try to keep their sexual orientation secret because it is necessary to perform military service to obtain a military card that employers usually ask about in the context of job interviews.

<sup>48</sup> LGBT Azerbaijan Alliance/Minority Azerbaijan/AZAD LGBT Collective (2019):6.

<sup>49</sup> See [www.Yogyakartaprinciples.org](http://www.Yogyakartaprinciples.org) 2017: Principle 31.C.i.

<sup>50</sup> Parliamentary Assembly of the CoE (PACE), Resolution 2048 (2015): § 6.2.1/6.3.1; PACE, Recommendation 2116 (2017), § 7.3.

<sup>51</sup> CoE, Committee of Ministers (2010): §§ 20-22.; CoE, Sexual Orientation and Gender Identity Unit (2015); CoE, CommDH(2009).

<sup>52</sup> See - *inter alia*, Christine Goodwin v. the United Kingdom [GC] (no. 28957/95), §§ 72-73 and 89-91, 11.7. 2002; S.V. v. Italy (no. 55216/08), §§ 54-59; 11.10. 2018; X v. the former Yugoslav Republic of Macedonia, (no. 29683/16), §§ 38-39 and 66-71, 17.1.2019.

<sup>53</sup> CoE, PACE [Resolution 2418 \(2022\)](#) , *op.cit.*, § 9.7.

<sup>54</sup> EU FRA (2015): 2.

assessment of the situation difficult. Nonetheless, the authorities informed ECRI that the Law on ‘Compulsory Dispenserization of Children’<sup>55</sup> is of relevance to the situation of intersex children, even if there is no medical protocol regarding their treatment. Reports<sup>56</sup> suggest that so-called “normalising” surgeries performed on intersex children still take place. In this connection, ECRI recalls the position of a growing number of international bodies that children’s right to physical integrity and bodily autonomy should be effectively protected and that medically unnecessary sex-“normalising” surgery and other treatments should be prohibited until the child is able to participate in the decision, based on the right to self-determination and on the principle of free and informed consent.<sup>57</sup> ECRI strongly invites the authorities to take steps to enact legislation that prohibits unnecessary surgery and therapies on intersex children.

## II. HATE SPEECH AND MOTIVATED VIOLENCE

### A. Hate speech<sup>58</sup>

#### Data

37. According to the information provided by the authorities, charges were brought under Article 283 of the Criminal Code (incitement to national, racial, social or religious hostility<sup>59</sup>) in a total of nine cases in the last five years: two cases in 2016, only one case in 2017 and 2018, two cases in 2020 and three cases in 2021.<sup>60</sup> Out of these cases, only one person was convicted.<sup>61</sup> The authorities have also provided information regarding remedies available under the amended provisions of the Code of Administrative Offences (under Article 388 § 1 on liability for dissemination through internet<sup>62</sup>). Out of 43 persons prosecuted in 2020, 33 had administrative detention<sup>63</sup> (up to one month), while ten persons were issued administrative fines (five hundred manats, which amounts to 295 euros). In 2021, only one person received an administrative fine. Unfortunately, ECRI is not able to refer to the exact nature of these offences.

#### Public discourse

38. The authorities repeatedly stressed to ECRI that multiculturalism and tolerance were historically integral components of the Azerbaijani society, which ECRI welcomes. During its visit, the ECRI delegation also heard accounts of intercultural tolerance and positive attitudes among the population towards people from diverse backgrounds, such as the Jewish community, which is reassuring. Nonetheless, ECRI notes with concern that people can still easily become subject to hate speech for different reasons, including their political position or gender identity. Many interlocutors have confirmed that ethnic and linguistic minorities, such as Armenians, as well as sexual minorities were the groups that were most targeted by hate speech.

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<sup>55</sup> The purpose of this Law is to implement measures aimed at protecting and strengthening the health of children, reducing the level of sickness, disability, and death among children, and protecting children from diseases.

<sup>56</sup> Nafas LGBT Azerbaijan Alliance (2019): 10.

<sup>57</sup> European Parliament (2019); CoE Parliamentary Assembly (2017); CoE, CommDH (2015).

<sup>58</sup> See definitions of hate speech and hate crime in [ECRI's Glossary](#).

<sup>59</sup> In case they are found guilty of inciting hatred and enmity in the media, on ethnic, religious, racial or social grounds, perpetrators may face a fine ranging between 8,000–12,000 manats (corresponding to some 4 700 to 7 000 euros), correctional labour for up to two years, or up to four years of imprisonment. In cases where these crimes are committed using violence, or with threats of violence, perpetrators can face up to 5 years of imprisonment.

<sup>60</sup> Ministry of Internal Affairs and the General Prosecutor's Office initiated one case each while the remaining cases were initiated by the State Security Service.

<sup>61</sup> See also UN, CERD (2022a), *op.cit.*: § 16 (a).

<sup>62</sup> [Azərbaycan Respublikasının İnzibati Xətlər Məcəlləsi \(e-qanun.az\)](#). These amendments came into force in 2020 in parallel to the amendments concerning the Law on Information, Informatisation and Protection of Information (See § 48).

<sup>63</sup> Administrative detention (for up to 30 days) does not require a public hearing prior to sentencing.

39. In its fifth report (§ 29), ECRI recommended that political leaders at all levels refrain from hate speech towards Armenians. ECRI notes that persistent adversarial narrative against Armenia is rooted in the context of the long-lasting conflict and confrontations related to Nagorno-Karabakh.<sup>64</sup> The authorities underlined on many occasions during the ECRI visit that the resentment on the part of Azerbaijani society is not against persons of Armenian origin but against Armenian decision-makers. However, the boundary lines between the Azerbaijani political and other public discourse against Armenian decision-makers and hate speech towards Armenians as an ethnic or national community are blurred and practically impossible to discern.<sup>65</sup> This narrative also escalated during the hostilities that erupted in and around Nagorno-Karabakh on 27 September 2020 and that ended on 9 November 2020 (the so-called 44 days war) with the “Trilateral Statement” on a complete ceasefire.
40. Before, during and after these hostilities, the public discourse has been marked by the use of inflammatory rhetoric in public statements by politicians, including at the highest political level, and other public figures, as well as by the wide dissemination of hateful and dehumanising content, in traditional and social media.<sup>66</sup> The opening of the Baku Trophy Park in April 2021, where Armenian military equipment and personnel were portrayed very negatively, also raised a lot of criticism.<sup>67</sup> ECRI shares the grave concerns<sup>68</sup> expressed by other international bodies, including the Commissioner for Human Rights of the Council of Europe and the CERD about the language of “aggression” and regular resort to adversarial narratives that propagates racist stereotypes and perpetuates animosities.

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<sup>64</sup> ECRI notes that nothing in this report can be interpreted as being contrary to the full respect of the sovereignty and territorial integrity of Armenia and Azerbaijan within their internationally recognised borders, the provisions of the UN Security Council Resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993) and the Statement by the President of the Republic of Azerbaijan, the Prime Minister of the Republic of Armenia and the President of the Russian Federation of 9 November 2020 (“Trilateral Statement”).

<sup>65</sup> See similar CoE Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM)(2017), Fourth opinion on Azerbaijan, § 40, ACFC/OP/IV(2017)006.

<sup>66</sup> UCLA School of Law, The Promise Institute for Human Rights (2022). By way of illustration, in October 2020, the then head of the press service of “Qarabag” football club of Azerbaijan, published a Facebook post, which stated, *inter alia* “...We must kill the Armenians. It does not matter whether [it is about] a woman, a child, an old man. We must kill everyone we can and whoever happens.” He was subsequently banned for life by the Union of European Football Associations (UEFA), which considered it as “racist behaviour.” See [Decision](#) of the UEFA Control, Ethics and Disciplinary Body (26 November 2020).

<sup>67</sup> Council of Europe (CoE), Commissioner for Human Rights (CommDH) (2021), Letter from the Commissioner for Human Rights to the President of Azerbaijan, CommHR/DM/sf 018-2021. ECRI notes that displays in the Trophy Park included Armenian military equipment taken during the war, which showed dehumanising scenes, such as mannequins depicting dead and dying Armenians soldiers. The Azerbaijani authorities have since removed these mannequins. See OC Media (2021b).

<sup>68</sup> CommDH(2021) 29, *op.cit.*, § 76; UN, CERD (2022a), *op.cit.*: § 4 (c).

41. ECRI understands the suffering of the Azerbaijani population, including of the many internally displaced persons, in the context of the long-standing conflict and confrontations. However, it considers that efforts should now focus on promoting sustainable peace and genuine reconciliation between the affected populations. In this regard, during its contact visit, ECRI's delegation took positive note of the openness and willingness of the Azerbaijani authorities for concerted action into this direction. In this regard, ECRI recalls the importance of engaging in confidence-building measures, preferably with the involvement of civil society, media and other relevant non-political actors (including ombudsman-type institutions) and to involve the youth to the greatest possible extent in the promotion of peaceful and inclusive societies. In this context, reference can be made to two events involving civil society representatives and media professionals from Armenia and Azerbaijan organised in 2022 by the Council of Europe.<sup>69</sup> It therefore refers to its statement on preventing and combating ultra-nationalistic and racist hate-speech and violence in relation to confrontations and unresolved conflicts in Europe and the recommendations contained therein,<sup>70</sup> as well as the relevant recommendations by the Commissioner for Human Rights of the Council of Europe.<sup>71</sup>
42. Anti-LGBTI statements have also become a common occurrence in Azerbaijani political discourse and members of the LGBTI communities are frequently portrayed as posing a threat to the country's tradition and to national identity and values<sup>72</sup> (see also section I.D). LGBTI persons have been the subject of increasing stigmatisation and a high level of offensive language by political leaders, including the board member of the Civil Unity Party, who expressed regret that "Hitler did not wipe out all gays"<sup>73</sup> in 2020 and the Deputy Chairman of the Human Rights Committee of the Azerbaijani Parliament, who advocated for "revolting" against sexual minorities in 2021.<sup>74</sup> ECRI regrets to observe that LGBTI persons have also been used as a rhetorical tool to insult political opponents. In addition to political fora, examples of LGBTI-phobic statements by other public figures remain relatively unchallenged.<sup>75</sup>
43. Online hate speech against LGBTI persons is also widespread. According to a monitoring report on online hate speech published in 2021, in the period between January and December 2020, 286 out of 412 media content monitored used stereotyping and discriminatory language against LGBTI persons.<sup>76</sup> During police raids against LGBTI persons in 2017 (see also § 92), there was a peak of LGBTI-phobic hate speech in social media<sup>77</sup>. This trend seems to have continued with other incidents, including a well-known blogger's repeated and blatant calls for

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<sup>69</sup> [Exploratory meeting on "Confidence-building measures to restore dialogue between civil societies of Armenia and Azerbaijan" - Directorate of Political Affairs and External Relations \(coe.int\); Civil society representatives from Armenia and Azerbaijan, met at the initiative of the Council of Europe to discuss ways to develop young journalists' skills on balanced reporting on sensitive issues - Directorate of Political Affairs and External Relations \(coe.int\)](#). A first meeting between civil society representatives from Armenia and Azerbaijan took place in Venice (Italy) from 16 to 18 May 2022. A second, follow-up, meeting was held in Tbilisi (Georgia) from 8 to 9 December in order to develop young journalists' skills on balanced reporting on sensitive issues. The participants agreed to continue their dialogue in 2023.

<sup>70</sup> ECRI [Statement](#) on preventing and combating ultra-nationalistic and racist hate-speech and violence in relation to confrontations and unresolved conflicts in Europe (March 2021).

<sup>71</sup> CommDH (2021)29, op.cit, §§76-87.

<sup>72</sup> OC Media (2022).

<sup>73</sup> ILGA-Europe (2021).

<sup>74</sup> ILGA (2022a).

<sup>75</sup> OC Media (2022).

<sup>76</sup> QueeRadar (2021b).

<sup>77</sup> QueeRadar (2020).



violence against members of the LGBTI communities, transgender persons in particular, on her Instagram account.<sup>78</sup>

### **Responses to hate speech**

44. ECRI deplors the fact that there are no measures in place in Azerbaijan that aim to combat hate speech by developing a counter-narrative. Regrettably, hate speech by political actors has persisted (see §§ 39-40). Immediate and public condemnation of hate speech is very seldom and result mostly from initiatives of civil society organisations. Rare good examples include the condemnation of the promotion of the Nazi persecution of gay men by the leader of a political party (see §42) expressed by NGOs in a joint statement.<sup>79</sup> Furthermore, in 2020, the head of the press service of a state agency had to resign after his hateful remarks on the death of a gay activist who died in the armed conflict over Nagorno-Karabakh, which caused national uproar.<sup>80</sup>
45. ECRI recommends that public figures, such as high-level officials, politicians, and religious, economic and community leaders, be strongly encouraged to take a prompt, firm and public stance against the expression of racist and LGBTI-phobic hate speech and react to any such expression with strong counter-hate speech messages and alternative speech, and promote understanding between communities, including by expressing solidarity with those targeted by hate speech. Elected bodies and political parties should adopt appropriate codes of conduct that prohibit the use of hate speech, call on their members and followers to abstain from engaging in, endorsing or disseminating it, and provide for sanctions. In this respect, ECRI refers to its General Policy Recommendation No. 15 on combating hate speech, Recommendation CM/Rec (2022)16 of the Committee of Ministers to member States on combating hate speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 2443 (2022).
46. As for victim support, ECRI is pleased to note the ongoing process to draft the Law on Free Legal Aid. While ECRI does not have the full details of the draft, it was informed that migrants/refugees are among those who were defined as beneficiaries, which ECRI welcomes. In ECRI's view, providing free legal aid constitutes an important step to remove obstacles to redress and may encourage those targeted by the use of hate speech from exercising their rights, given that judicial proceedings are part and parcel of the process to seek the discontinuation of the unlawful interference caused by it and/or the removal of its effects.<sup>81</sup>
47. As regards self-regulation in audio-visual media and the press, ECRI notes that the self-regulatory body, the Press Council, which also covers electronic media, has adopted a Code of Ethics, according to which a journalist shall not criticise persons, among others, for their citizenship, race, gender, religion and language and that a journalist shall not highlight any such data. The Press Council may issue warnings after examining complaints. ECRI was informed that no case was lodged with the Press Council on grounds related to ECRI's mandate. In view of blatant LGBTI-phobic hate speech incidents in the media, ECRI considers that prohibiting stigmatising and discriminatory comments and adding the grounds of sexual

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<sup>78</sup> Meydan TV (2021); Minority (2021); OC Media (2021a); The Gender Resource Center (2021).

<sup>79</sup> Minority (2020), Joint Statement of Nafas LGBT Azerbaijan Alliance, Minority Azerbaijan and AZAD LGBT Collective; ILGA-Europe (2021).

<sup>80</sup> In this incident, the head of press service said on social media: "...What a shit an LGBT person that dares to go and protect our land? Why do you remember them with such respect? It's so insignificant to remember them. You could find a normal source, type, person to compare. [...] Do not equate them with our heroic martyrs." See ILGA-Europe (2021).

<sup>81</sup> ECRI GPR No. 15, Explanatory Memorandum, § 111 and 154.

orientation and gender identity in the Code of Ethics<sup>82</sup> could facilitate to tackling racist and LGBTI-phobic hate speech in media coverage.

48. As for countering online hate speech, ECRI notes with satisfaction the 2020 amendment to the Law on Information, Informatisation and Protection of Information to combat racist hate speech by prohibiting Internet providers and individuals from distributing any information promoting violence and religious extremism or inciting national, racial or religious hatred and enmity, including on the Internet and social media.<sup>83</sup> According to this amendment, illegal content must be taken down and removed within eight hours. The authorities also indicated that anti-cybercrime institutions were established within the Ministry of Internal Affairs and that action was taken to provide them with the necessary equipment and qualified staff. ECRI encourages the authorities to ensure that anti-cybercrime institutions are properly resourced to effectively monitor, prevent and combat online hate speech. In this connection, ECRI also invites the authorities to sign and ratify the First Additional Protocol to the Cybercrime Convention concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.<sup>84</sup>
49. As regards legal remedies, Article 283 of the Criminal Code appears to be the main remedy against the use of hate speech in the public sphere. ECRI notes with concern that this provision is rarely invoked and hardly ever successfully, which in ECRI's view, sends a strong message to the public that hate speech is not effectively punishable and can be engaged in with impunity. For instance, in the case of internet blogger (§ 43), no charges were pressed.<sup>85</sup> In this context, Article 283 covers incitement to hatred and discrimination. However, it neither criminalises incitement to violence nor explicitly cover the grounds of colour, language, citizenship and ethnic origin, in contradiction with GPR No. 7 on national legislation against racism and racial discrimination. In addition, it does not include the grounds of sexual orientation, gender identity and sex characteristics. ECRI therefore reiterates its recommendation that the authorities bring their criminal law into line with ECRI and other Council of Europe standards with a view to criminalising incitement to violence as well as including the grounds of colour, language, citizenship, ethnic origin, sexual orientation, gender identity and sex characteristics in all criminal law provisions aimed at combating racism and discrimination.
50. Several interlocutors also pointed to the potential arbitrary interpretation of Article 283 of the Criminal Code and even more so, of Article 388 § 1 of the Code of Administrative Offences (§ 37), which could lead to misuse of hate speech legislation, as also underlined in ECRI's previous report (§ 34). ECRI is particularly concerned about allegations of retaliatory procedures initiated by law enforcement officials against persons denouncing acts of discrimination as a consequence of their work to promote and protect the rights of persons belonging to groups vulnerable to racial discrimination, such as human rights defenders, members of civil society organisations and journalists.<sup>86</sup>
51. On a related note, concerns have been raised after the adoption of the new Law on Media in December 2021. Many of ECRI's interlocutors during the visit, as well as the Council of Europe's Commissioner for Human Rights<sup>87</sup> and the Venice

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<sup>82</sup> See also CoE, PACE [Resolution 2418 \(2022\)](#), *op.cit.*, § 9.2.

<sup>83</sup> Article 13 (2). These amendments were made in parallel with amendments to the Code of Administrative Offences.

<sup>84</sup> Azerbaijan CoE Treaty List – [Country Status](#)

<sup>85</sup> OC Media (2021a).

<sup>86</sup> See also UN CERD (2022a), *op.cit.*; §§ 22-23.

<sup>87</sup> CoE, Commissioner for Human Rights (CommDH) (2022), Letter from the Commissioner for Human Rights to the President of Azerbaijan, CommHR/DM/sf 002-2022.

Commission,<sup>88</sup> shared their concerns about the risks that restrictions on content (article 14) poses for violating the right to freedom of expression. ECRI recalls in this regard that any efforts to tackle hate speech should never exceed the limitations to which freedom of expression, as a qualified right, can legitimately be subjected, while in some cases, it can be effectively responded to without restricting freedom of expression. For this reason, as pointed out by ECRI in its GPR No. 15, to effectively prevent and combat hate speech, action is required in a number of areas, including awareness-raising, prevention and counter-speech, victim support, self-regulation, the use of regulatory powers and, as a last resort, criminal investigations and punishment. ECRI therefore considers that the authorities should take a more strategic and co-ordinated approach to preventing and combating hate speech.

52. ECRI recommends that the authorities reinforce their responses against hate speech by setting up an inter-institutional working group to develop a comprehensive strategy to tackle effectively racist and LGBTI-phobic hate speech, including online. This group should include the relevant authorities, the Commissioner for Human Rights (Ombudsman), civil society organisations and, as much as possible, media representatives. When developing such a strategy, due consideration should be given to ECRI's General Policy Recommendation No.15 on combating hate speech and the Committee of Ministers' Recommendation CM/Rec(2022)16 on combating hate speech.

## **B. Hate-motivated violence**

### **Data**

53. Crime statistics are collected and consolidated by the Ministry of the Interior. ECRI regrets to note that Azerbaijan has not reported information and statistics to the OSCE/ODIHR hate crime database since 2011.<sup>89</sup> The limited information provided by the state authorities to ECRI suggests that no cases were prosecuted under Articles 109 (discrimination), 111 (racial discrimination/apartheid) and 154 (violation of citizens' right to equality) of the Criminal Code in the last five years.<sup>90</sup> The authorities did not provide any information on the application of Article 61.1.6 (aggravating circumstances).<sup>91</sup>
54. According to the data submitted by civil society organisations to the OSCE/ODIHR, there were five hate-motivated incidents in 2020, six in 2019, one in 2018 and five in 2017. These included violent attacks against LGBT persons in 13 cases and threats against Armenians in three cases. Various interlocutors informed ECRI that hate crime is generally under-reported<sup>92</sup> by victims due to a lack of trust in the willingness or ability of the authorities to investigate these cases effectively.
55. Despite its recommendation in its previous report (§ 33), ECRI observes that there is still no systematic data collection on the number of reported incidents of racist (or LGBTI-phobic) hate crime, including hate speech, investigations carried out or prosecutions and sentencing. The lack of integrated and comprehensive data regarding these incidents makes an assessment of the response to such acts by law enforcement agencies, prosecution services and courts very difficult. Furthermore, ECRI understands that articles of the Criminal Code are divided according to procedural acts and that some of them, including, for example, Article

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<sup>88</sup> CoE, Venice Commission, Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Law on Media, adopted by the Venice Commission (17-18 June 2022), CDL-AD(2022)009-e, in particular §§ 21-25; §§ 52-53.

<sup>89</sup> Azerbaijan | HCRW (osce.org)

<sup>90</sup> As regards hate speech cases brought under Article 283 of the Criminal Code, see paragraph 37.

<sup>91</sup> Article 61.1.6 stipulates that "the commission of an offence motivated by ethnic, racial or religious hatred or fanaticism is an aggravating circumstance".

<sup>92</sup> See similar UN, CERD (2022a): *op.cit.*, § 18.



283, falls under the investigative powers of the State Security Service, rendering public access to data on cases where this criminal provision was invoked virtually impossible.<sup>93</sup> In this regard, ECRI recalls that publicly acknowledging the existence of hate crime and its impact helps to establish trust in law enforcement authorities among victims of and witnesses to hate crime, as well as in the criminal justice system as a whole. ECRI therefore considers that the authorities should increase their efforts with a view to setting up a comprehensive data collection system, which should include bias motivation.

56. ECRI recommends, as a matter of priority, that the authorities set up a comprehensive data collection system offering an integrated and consistent view of cases of racist and LGBTI-phobic hate speech and hate crime, with fully disaggregated data by category of offence, type of hate motivation, target group, as well as judicial follow-up and outcome, and that this data be made available to the public.

### ***Manifestations of hate-motivated violence***

57. ECRI has received numerous reports with graphic accounts of violence against Armenians, including wilful killings or the extensive destruction of their property during and after the 2020 armed conflict and confrontations in and around Nagorno-Karabakh.<sup>94</sup> Whilst these reports are of a very serious nature and should be the subject of effective investigations, ECRI underlines that the general issue of war crimes and treatment of both servicemen and civilians in times of armed conflict goes beyond ECRI's mandate, is primarily subject to the general principles of public international law and international humanitarian law and is dealt with by other international bodies, including of a judicial nature. In this regard, ECRI refers to the interim measures taken at the international level, notably by the European Court of Human Rights<sup>95</sup> and the International Court of Justice,<sup>96</sup> pertaining to the pending cases before these bodies.
58. LGBTI and human rights activists agree that the prevalence of stereotypes and prejudice against LGBTI persons expose them to violence in Azerbaijan. In an online survey conducted in 2021, among 447 LGBTI respondents, 92.4% of the respondents indicated that they had been victims of violence because of their sexual orientation or gender identity.<sup>97</sup> The survey also highlighted that transgender people have been particularly at risk of discrimination and violence during the Covid-19 pandemic, and that the police did not provide any effective support in these cases.<sup>98</sup>
59. ECRI deplores the fact that several fatal incidents against LGBTI persons have taken place in recent years. These include the stabbing of a transgender woman in 2020<sup>99</sup> as well as the case of another transgender woman whose burned body

<sup>93</sup> The authorities informed ECRI that data on the application of Article 283 is sent to prosecutor's office every six months.

<sup>94</sup> See also, CommDH (2021)29, op.cit, §§ 52-75.

<sup>95</sup> On 27 September and 27 October 2020, the Court received requests for interim measures, lodged respectively by Armenia and Azerbaijan. On 29 September 2020, it granted an interim measure under Rule 39 of the Rules of Court. Taking the view that the developing situation gave rise to a risk of serious violations of the Convention, it called upon both Armenia and Azerbaijan to refrain from taking any measures, in particular military action, which might entail breaches of the Convention rights of the civilian population, including putting their life and health at risk, and to comply with their obligations under the Convention, notably in respect of Article 2 (right to life) and Article 3 (prohibition of torture and inhuman or degrading treatment or punishment). In a statement of 4 November 2020, the Court clarified that the States were under an obligation to respect also the Convention rights of those captured during the conflict and those whose rights might otherwise be violated. On 12 May 2021, the Chamber of the Court to which the inter-State cases Armenia v. Azerbaijan (no. 42521/20) and Azerbaijan v. Armenia (no. 47319/20) had been allocated, has relinquished jurisdiction in favour of the Grand Chamber of the Court. These cases are still pending.

<sup>96</sup> See the order on provisional measures, dated 7 December 2021, of the International Court of Justice, in the case concerning the "Application of the International Convention on the Elimination of All Forms of Racial Discrimination" (Armenia v. Azerbaijan).

<sup>97</sup> Jam News (2021).

<sup>98</sup> QueeRadar (2021a).

<sup>99</sup> ILGA (2021).

was found in 2021.<sup>100</sup> Most recently, in February 2022, a well-known LGBTI rights activist and journalist, Avaz Hafizli, was brutally murdered in a so-called “honour-killing” by his cousin,<sup>101</sup> which ignited a fury among the LGBTI communities. According to ECRI’s interlocutors, blatant hate language and call for violence used by the blogger referred to earlier in this report openly targeting two victims had played a role in the incitement of these cases.

### **Responses to hate-motivated violence**

60. Similar to other international bodies,<sup>102</sup> ECRI is deeply concerned about the insufficient application of available legal framework and the remaining shortcomings. As stated earlier (§ 55), bias motivation is not always specified, and aggravating circumstances are rarely applied in practice. In fact, the majority of cases reported have been treated as ordinary offences, even when there was evidence of more serious criminal behaviour. For instance, in the case of Avaz Hafizli (§ 59), the perpetrator was sentenced on account of deliberate murder (Article 120.1 of Criminal Code). However, the complaint of hate crime was simply dismissed by the court.<sup>103</sup> In this regard, ECRI notes that sexual orientation, gender identity and gender characteristics are not stipulated among the grounds of aggravating circumstances under Article 61.1.6 of the Criminal Code (§ 53).
61. ECRI recommends that the authorities include the grounds of sexual orientation, gender identity and sex characteristics to criminal legislation as aggravating circumstances for any ordinary offence.
62. Reiterating the crucial importance of effective investigation and prosecution as well as the deterrent sanctioning of perpetrators of hate crime, ECRI considers that the lack of prosecution (as in cases mentioned earlier in this report) might contribute to the emergence of a general feeling of impunity for abuses committed against members of certain communities. In this respect, ECRI is of the view that determined action should be taken to ensure the effective functioning of the criminal justice system against any form of hate crime and refers to the case-law of the European Court of Human Rights, which places an obligation on state parties to take all reasonable steps to establish whether violent incidents were racially motivated.<sup>104</sup> ECRI also recalls the recent Court judgment against Azerbaijan and Hungary in which the Court found unjustified failure to continue to enforce prison sentence for ethnic hate crime on part of the Azerbaijani authorities.<sup>105</sup>
63. ECRI recommends that the authorities ensure that police and prosecution services effectively investigate all cases of alleged hate crime and ensure that potential bias motivation is consistently taken into consideration in police reports and investigations, as well as in any further judicial proceedings.
64. While ECRI takes positive note of the efforts<sup>106</sup> in increasing knowledge on hate speech and hate-motivated violence, it has frequently been stressed to ECRI that the police, the prosecution service and the judiciary continue to experience problems in identifying and addressing hate crimes and that the in-service training to remedy this situation is often insufficient. In this context, ECRI underlines the

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<sup>100</sup> Global Voices (2021b); ILGA (2022a).

<sup>101</sup> ILGA (2022b); ILGA (2022c); Global Voices (2022).

<sup>102</sup> UN, CERD (2022), op.cit: § 18; CoE, PACE [Resolution 2418 \(2022\)](#), op.cit, § 9.4 and 10.3.

<sup>103</sup> Baku Court of Grave Crimes sentenced the perpetrator to nine years and six months in prison, which is a low sentence (the maximum under this article is 14 years, while the deliberate murder with aggravating circumstances could be up to 25 years or life in prison). See ILGA (2022b); ILGA (2022c); Global Voices (2022).

<sup>104</sup> *Nachova and others v. Bulgaria* [GC], (nos. 43577/98, 43579/98, 6.7.2005), §§ 160-168.

<sup>105</sup> *Makuchyan and Minasyan v. Azerbaijan and Hungary* (no.17247/13, 26.5.2020), §§ 213-221.

<sup>106</sup> The authorities informed ECRI that the implementation of Article 283 has been included in the curricula of trainings organized for the prosecutor's office staff. Furthermore, over 100 judges participated in training offered on various articles, including Article 14 (prohibition of discrimination) of the European Convention on Human Rights.

importance of improving expertise among law enforcement officials and other criminal justice actors in understanding and recognising hate crime dynamics. Moreover, ECRI emphasises that establishing a dialogue and co-operation between the police and vulnerable groups, such as the LGBTI communities, would be a positive step in tackling the problem of under-reporting caused by insufficient trust in law enforcement agencies and enhance the accessibility of reporting/complaints channels.

65. ECRI recommends that the authorities provide further training for police, prosecutors and judges on how to deal with racist and LGBTIphobic acts of violence. This should include improved procedures for recognising bias motivations. In order to address the problem of under-reporting, the authorities should also initiate dialogue between the police and vulnerable groups, in particular the LGBTI communities.

### III. INTEGRATION AND INCLUSION

#### General overview

66. The 2009 census results list 16 “nationalities” living on the territory of Azerbaijan: 180 324 Lezgins (2.02%), 120 306 Armenians (1.36%), 119 307 Russians (1.35%), 111 996 Talysh (1.26%), 49 838 Avars (0.56%), 37 975 Meshketian Turks (0.43%), 25 911 Tatars (0.29%), 25 218 Tats (0.28%), 21 509 Ukrainians (0.24%), 12 189 Sakhurs (0.14%), 9 912 Georgians (0.11%), 9 084 Jews (0.1%), 6065 Kurds (0.07%), 4 344 Kryzs (0.05%), 3 821 Udins (0.04%), 2 233 Khynalygs (0.03%), 1001 Budugs (0.013%). Azerbaijan has an inclusive approach with regard to the recognition of minorities, which implicitly includes all persons who have identified themselves in the 2009 population census as belonging to an ethnic group other than Azerbaijani. In this context, ECRI refers to the work of the Council of Europe’s Advisory Committee of the Framework Convention for the Protection of National Minorities (FCNM)<sup>107</sup> for details on the protection of minority rights, in particular with regard to national minorities’ expression of a separate identity.
67. ECRI notes that the results of the population census conducted in 2019 were presented to the United Nations Statistics Division in September 2022.<sup>108</sup> That said, equality data on groups of concern to ECRI are still lacking, as confirmed by various interlocutors during the visit. ECRI therefore invites the authorities to make ample use of the results of 2019 census in order to clarify the extent of the needs of these groups and design more targeted policy responses.
68. It should be recalled that Azerbaijan is home to almost 700 000 internally displaced persons (IDPs) as a result of the long-lasting armed conflict and confrontations in and around Nagorno-Karabakh.<sup>109</sup> The authorities provided extensive information to ECRI on the policies<sup>110</sup> they have developed for improving the living conditions of IDPs and ensuring the provision of social protection. While the IDPs do not fall under groups of concern within ECRI’s mandate,<sup>111</sup> ECRI invites the authorities to draw inspiration from these measures in developing and implementing integration measures for groups of concern to ECRI in the country.

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<sup>107</sup> For its last report, please see the [Fourth Opinion](#) on Azerbaijan (2017) of the Council of Europe’s Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM), ACFC/OP/IV(2017)006.

<sup>108</sup> [www.stat.gov.az](http://www.stat.gov.az); [UNSD — Demographic and Social Statistics](#).

<sup>109</sup> This also concerned seven administrative regions adjacent to Nagorno Karabakh: Kalbajar, Lachin, Qubadli, Jabrayil, Zangilan, Agdam and Fuzuli.

<sup>110</sup> According to the information provided by the authorities, 54 decrees/orders by the President, 11 laws by the Parliament, and 194 government decisions/orders, have been signed since 2003 when 700 000 IDPs returned to Azerbaijan after the first Nagorno-Karabakh war in 1994. Furthermore, State Programmes and Action Plans have been adopted. Among others, social and educational allowances, tax incentives and housing free of charge were provided.

<sup>111</sup> For an extensive account of the situation of IDPs in Azerbaijan, please see Council of Europe (CoE), Commissioner for Human Rights (CommDH) (2019), Report following her visit to Azerbaijan from 8 to 12 July 2019; CommDH (2019)27, §§ 97-133.

69. In this section, ECRI focuses on two specific groups and their integration and inclusion into Azerbaijani society: migrants/refugees and Roma.

## A. Migrants

### Data

70. As of 1 July 2022, there were 168 155 foreign nationals and stateless persons in Azerbaijan (total population of 10 160 648).<sup>112</sup> Migration statistics in Azerbaijan<sup>113</sup> refer to immigrants as foreigners who entered the country for permanent stay<sup>114</sup> (which is only granted after two years of temporary residence and is valid for five years).<sup>115</sup> The authorities informed ECRI that, by the end of 2021, there were 11 989 foreign nationals who possessed valid permanent residence in the country. Furthermore, as the immigration of foreigners is largely driven by labour migration, the number of those who hold work permits is also significant. As of 31 December 2021, this number was 7 626. In this regard, ECRI notes that work permits are not required for those who hold a permanent residence permit.<sup>116</sup>
71. According to UNHCR data<sup>117</sup>, as of February 2022, there were 1 603 refugees, 42 asylum seekers and 3 585 stateless persons. Afghanistan was the leading country of origin as regards refugees (1 109 persons), followed by the Russian Federation (324) and Iran (45).<sup>118</sup> The authorities stated that, from February to December 2022, 16 418 persons fleeing Ukraine arrived in Azerbaijan as a result of the aggression of the Russian Federation against Ukraine and that most of these persons have families or relatives in the country. According to UNHCR data, there were 3,944 people recorded as refugees from Ukraine in November 2022.<sup>119</sup> ECRI notes that Azerbaijan does not provide international protection under subsidiary protection.
72. On a different note, ECRI welcomes the decrease in the number of persons with stateless status and considers that the measures taken by the authorities, including the setting-up of a Working Group on Statelessness and legislative changes adopted in February 2018, have been important factors.<sup>120</sup>

### **Policy framework and measures taken by the authorities**

73. Despite ECRI's recommendation in its last report (§ 51), ECRI regrets to note that there is still no separate strategy or plan that specifically covers the topic of migrant integration in Azerbaijan. That being said, ECRI was informed at the time of the visit that the State Migration Service (SMS) runs a pilot project, namely "Support to the development of the Migrant Integration Strategy", which is implemented under the Migration EU Expertise (MIEUX+) Initiative, and one of its expected outcomes is the development of a migrant integration strategy and action plan.

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<sup>112</sup> UN CERD (2022b), Summary record of the 2903rd meeting, § 40-41.

<sup>113</sup> All relevant data on foreigners and stateless persons temporarily staying, working and residing in Azerbaijan is stored in the Unified Migration Information System (UMIS) maintained by State Migration Service.

<sup>114</sup> International Centre for Migration Policy Development (ICMPD) (2018), *Baseline Study on Migration in Azerbaijan*:13. There are also persons under temporary residence permit (which allows stay up to one year). These permits may be extended for another two years multiple times (three years for investors) (Article 49 of the Migration Code)

<sup>115</sup> Article 52.1 of the Migration Code.

<sup>116</sup> *Ibid*, Article 64.

<sup>117</sup> ECRI notes that until 1 July 2020, rejected asylum seekers had the possibility of applying to UNHCR for asylum in Azerbaijan (and those recognised were given "UN mandate refugee" status). In consultation with the Azerbaijani authorities, UNHCR decided to stop this practice since Azerbaijan has a national asylum procedure and is a party to the UN Refugee Convention.

<sup>118</sup> UNHCR (2022a), Azerbaijan Factsheet (February 2022).

<sup>119</sup> Situation Ukraine Refugee Situation (unhcr.org).

<sup>120</sup> UNHCR (2022b), *The Campaign to End Statelessness, April – June 2022 Update* The authorities informed ECRI that from 1 February 2018 to 25 December 2022, 108 persons, whose statelessness and permanent residence statuses were determined by court have applied to the State Migration Service for the acquisition of the Azerbaijani citizenship. 98 of them have been granted citizenship, nine applications are pending, and the processing of one application is terminated due to the death of the applicant.

While the timeline of the adoption of these documents is unknown, the completion of this project is foreseen for September 2023.

74. ECRI also notes the ongoing work of the SMS on developing the “National Migration Profile” in the country<sup>121</sup>, in cooperation with the International Organisation on Migration (IOM) and considers it as a **promising development**. This mapping activity contains a comprehensive data analysis covering the years from 2013 to 2021 (the first ten months) and is expected to facilitate the development of more targeted and tailored policy measures, including the integration and inclusion of migrants. ECRI encourages the authorities to ensure the timely completion of these activities and the prompt adoption of a long-awaited integration strategy and action plan for migrants (including refugees and asylum seekers).
75. While there are no specialised integration courses, refugees are provided with assistance after individual assessment of their situation.<sup>122</sup> Migrants also have access to basic services. In this regard, ECRI welcomes the work of the Public Council, which is operational under SMS, with the participation of nine civil society organisations. The Public Council has been instrumental in offering Azerbaijani language courses for refugees, as well as in providing humanitarian and medical aid. It also holds regular meetings with groups of refugees to inquire about their needs. During 2018-2021, 187 persons from Afghanistan benefited from language courses organised by the Public Council, where 100 children were supported in accessing education. A total of 715 families (2502 persons) from Afghanistan, the Republic of Moldova, Pakistan, Syria, and Turkmenistan have received humanitarian aid. Integration support included legal counselling and psychological support as well as cultural integration programmes.<sup>123</sup> The authorities further informed ECRI during the visit that since October 2016, the SMS Training Centre had also provided free Azerbaijani language courses for foreigners intending to reside permanently in the country (one hour for three times a week for a duration of one month) as well as history, culture, and civic education. Up until the end of 2021, 5 276 persons attended these courses.
76. On a related note, ECRI notes with satisfaction the efforts made by the authorities in reaching out to impacted groups to raise their awareness about services and benefits available to them. For example, the SMS has a special trilingual (Azerbaijani, English, Russian) website<sup>124</sup> to share information along with a 24/7 free of charge helpline, which ECRI considers as a **good practice**.
77. Regarding employment, ECRI welcomes the fact that migrant workers permanently residing in the country enjoy the same social protection rights as Azerbaijani nationals. Several interlocutors expressed that the implementation of the employment strategy of Azerbaijan for 2019–2030, which, inter alia, aims at strengthening the social protection of migrant workers have a positive impact on their living conditions.<sup>125</sup> At the same time, ECRI was pleased to learn that since 2020, refugees are entitled to access the labour market. Data on such persons were integrated into the electronic information system, allowing them access to public services.<sup>126</sup> In this regard, ECRI takes positive note of the efforts made by the authorities to simplify and accelerate the procedures for the issuance of work

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<sup>121</sup> Government of the Republic of Azerbaijan (2022).

<sup>122</sup> As part of the Action Plan of the State Migration Service of the Republic of Azerbaijan in the field of solving the socio-economic problems of refugees which was adopted in June 2018.

<sup>123</sup> Government of the Republic of Azerbaijan (2022).

<sup>124</sup> [www.migration.gov.az](http://www.migration.gov.az)

<sup>125</sup> See similar, UN CMW (2021), op.cit, § 15.

<sup>126</sup> UNHCR, (2022a), [Azerbaijan Factsheet](#) (February 2022).



and residence permits, including by electronic means through the so-called ASAN service<sup>127</sup> and in multiple languages.<sup>128</sup>

78. ECRI regrets to note, however, that migrant workers have to leave the country within 10 working days of the termination of their employment contract with one month's notice, unless there are other grounds to stay, making their immigration status entirely dependent on the employer, which ECRI had also expressed concerns about in its previous report (§ 49).<sup>129</sup> ECRI reiterates its concern and recalls that migrant workers in such a situation should be able to avail themselves of legal remedies in ample time and without fear of expulsion.
79. As regards education and health care, ECRI understands that refugees have access to free primary and secondary education and primary health care. Migrant children enjoy the same rights to education and health care as their Azerbaijani peers. Reportedly,<sup>130</sup> a number of refugee students benefit from the DAFI Scholarship Programme<sup>131</sup> and most of them receive tuition support and cash assistance from UNHCR. ECRI is not aware of any national special support programmes provided for refugee or migrant children in the areas of education and health.<sup>132</sup> There are also no available data regarding the educational attainment of these children. Based on the upcoming results of the "National Migration Profile", ECRI invites the authorities to conduct an impact assessment on the specific needs of children, especially in education, and to step up their efforts in this direction.
80. Regarding participation in public life, ECRI notes that foreigners, who have lived at least five years in the country, have the right to vote in the municipal elections held in Azerbaijan,<sup>133</sup> which ECRI regards as **good practice**.
81. In view of the above considerations, while ECRI takes due note of the actions taken, it considers that the authorities should work further on capacity-building in the area of integration of persons who have been granted international protection and make concerted efforts to facilitate the integration of migrants in general.<sup>134</sup> This is particularly necessary in view of increasing labour migration to the country, which requires tailored measures addressing the various needs of different target groups (refugees, migrant workers, temporary residents). Furthermore, the allocation of roles and competences between institutions and other partners, including local authorities and civil society organisations should be defined and well-coordinated. The long-term sustainability of integration measures should be ensured by clearly earmarking a suitable portion of the national budget for them and making other financial resources available for all stakeholders involved.
82. ECRI recommends that the authorities, in close cooperation with local authorities and civil society organisations, adopt a comprehensive integration strategy for migrants, including persons who are seeking or have been granted international protection, covering among others the issues of language and integration classes, support in education, equality in employment, health and housing, with goals and

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<sup>127</sup> Currently, 24 "ASAN Service" centres operating across the country offer 360 services provided by 15 public services, including the State Migration Service, and 30 private organisations.

<sup>128</sup> UN CMW (2021), op.cit, § 51.

<sup>129</sup> ECRI (2016); UN CMW (2021), op.cit, § 51 (a).

<sup>130</sup> UNHCR, (2022a), [Azerbaijan Factsheet](#) (February 2022).

<sup>131</sup> The DAFI (Albert Einstein German Academic Refugee Initiative) Scholarship Programme is part of UNHCR's action plan for improving the lives of refugees by providing them access to quality higher education.

<sup>132</sup> In this connection, it should nevertheless be noted that tuition fees of the refugees enrolled in higher education institutions are covered by the state. In the academic year 2020/2021, two students with refugee status and, in the 2021/2022 academic year, one student with refugee status, were awarded to study in higher education institutions on a free basis.

<sup>133</sup> Article 12.1 of the Election Code.

<sup>134</sup> In this context, the authorities informed ECRI that a pilot project implemented within the framework of the MIEUX+ initiative will support the development of a tailor-made training course on integration for public officials from all government agencies providing services for migrants.

targets, time-frames, funding, success indicators and a monitoring and evaluation mechanism.

## B. Roma

83. The authorities estimate that the population of Roma ('*Qaraçı*' in Azerbaijani) is composed of approximately 6 000 persons. The community is present mostly in Yevlakh (3140 persons) and Agdash (2800 persons) and lives in settlements, in addition to several families living in Agsu (48 families) and Barda (53 families).<sup>135</sup>
84. ECRI notes that there is no reliable data about the inclusion of Roma despite the seeming difficulties they experience in their daily life. Most public officials met by the ECRI delegation believed that the socio-economic marginalisation of Roma was the result of poverty and of their "certain way of living". ECRI considers that overlooking the discrimination dimension of the problems experienced by Roma entails a risk of reinforcing the stigma and negative stereotyping<sup>136</sup> against them and hinders the development of adequate policy responses by the state authorities.
85. Despite the lack of desegregated equality data, many interlocutors mentioned to ECRI that Roma face high levels of unemployment and low levels of educational attainment among children (especially in 10<sup>th</sup> and 11<sup>th</sup> grade classes).<sup>137</sup> Reportedly, a number of Roma settlements in Yevlakh were put under compulsory quarantine during the Covid-19 pandemic, ostensibly to protect public health and safety.<sup>138</sup> Furthermore, Roma still encounter obstacles to obtaining identity documents, which has an adverse impact on their access to rights, which ECRI notes with concern. Access to health care by Roma women remains particularly problematic.<sup>139</sup> ECRI recalls that Roma women are vulnerable to experiencing intersectional discrimination, based on their gender and ethnicity, and that their empowerment is crucial for the inclusion of this community.
86. Against this background and in the absence of data on the living conditions of the Roma, ECRI considers that the authorities should conduct a needs assessment to identify policy gaps in close collaboration with the Roma community and adopt targeted measures with an intersectional<sup>140</sup> perspective. In this respect, ECRI notes that the recruitment of Roma mediators, who would establish a constructive dialogue between the community and local authorities, may yield tangible results in the social integration of Roma.
87. ECRI recommends that the authorities evaluate the situation of the Roma community with a view to developing a Roma-specific strategy. This strategy should cover the inclusion of Roma in all areas of life, including measures aimed at eliminating discrimination and prejudice, with goals and targets, success

<sup>135</sup> UN CERD (2022b), Summary record of the 2903rd meeting, § 54, CERD/C/SR.2903. ECRI notes that there were only 49 persons identified as Roma in the 2009 census. The discrepancy is often explained by the reluctance among Roma to self-identify for fear of stigmatisation and discrimination.

<sup>136</sup> In this respect, ECRI was informed that administrative fines amounting to approximately \$30 are issued to Roma families who force their children to beg.

<sup>137</sup> According to the information provided by authorities, three students from Agdash, two from Barda and one from Qakh had been admitted to colleges and technical schools in the last three years, and a student from Barda had been admitted to higher education, which suggests progress when compared with the situation in previous years. On another positive note, ECRI refers to the research conducted by the State Committee for Family, Women and Children Affairs, in cooperation with UNICEF, regarding Roma children living in two western regions of Azerbaijan (Gazakh and Aghstafa), which eventually led to the implementation of a project to prevent the involvement of children in begging, exploitation of labour and to increase their access to education, health and social services.

<sup>138</sup> BBC News Azərbaycanca (2020). ECRI also recalled in a public statement, which was adopted in May 2020 on the impact of the Covid-19 pandemic and related government responses on groups of concern to ECRI, that adequate safeguards should be put in place to ensure that the restrictions imposed on vulnerable people on public health grounds must be non-discriminatory as well as ensure the principles of lawfulness, necessity and proportionality.

<sup>139</sup> See similar UN CERD (2022a), *op.cit.*, §§ 28-29.

<sup>140</sup> ECRI notes that intersectional discrimination refers to a situation where several grounds interact with each other at the same time in such a way that they become inseparable, and their combination creates a new ground; (§ 1 of the Explanatory Memorandum to ECRI's General Policy Recommendation No. 14 on combating racism and racial discrimination in employment).

indicators and a monitoring and evaluation system and be carried out in close cooperation with members of the Roma community.

#### IV. TOPICS SPECIFIC TO AZERBAIJAN

##### A. Action taken to implement previous interim follow-up recommendations

88. ECRI recalls that in its fifth report (§ 37), one of the two priority recommendations was made in the context of the state crackdown on non-governmental organisations (NGOs), particularly through legal restrictions on registration and receiving foreign funding. This situation was considered to the disadvantage of members of vulnerable groups who turn to such organisations in order to receive aid and assistance in cases of hate speech and other instances of racism and discrimination, as well as compromising the NGOs' independence. In its 2019 interim follow-up conclusions, despite the simplification of certain rules through the 'single window' procedure, ECRI pointed out that neither the legal requirement for NGOs to register grants nor the unlimited discretion of the authorities to decide on grant registration had changed. It therefore concluded that this recommendation had not been implemented.
89. Views expressed by a number of other international bodies<sup>141</sup> suggest that the space for civil society actors to operate remains restricted, including for those working with and supporting groups of concern to ECRI. It appears that the continuing use of restrictive regulations by the authorities still fail to offer favourable conditions for the proper and independent functioning of NGOs and leads, in some cases, to these organisations being unable to resume their work. This was expressly underlined by several partners to ECRI's delegation during its country visit. Emphasising the crucial role that the civil society hold for promoting human rights and assisting victims of discrimination, ECRI strongly invites the authorities to eliminate legal and administrative provisions (such as registration obligations)<sup>142</sup> unduly hampering NGO actions and refrain from putting their vital work at risk.
90. In its fifth report (§ 77), ECRI also recommended that the authorities fulfil the undertaking given upon accession to the Council of Europe to enact legislation on alternatives to military service as already foreseen in Article 76 of the Azerbaijani Constitution. In its 2019 interim follow-up conclusions, ECRI noted that this recommendation had not been implemented. Since then, no further steps have been taken.
91. ECRI notes that concerns regarding the situation of conscientious objectors have remained. Reportedly, there are cases where persons belonging to a religious minority were imprisoned as a result.<sup>143</sup> In this regard, referring to the 2019 judgment of the European Court of Human Rights in the case of *Mushfig Mammadov and others v Azerbaijan*,<sup>144</sup> ECRI strongly encourages the authorities to consider the observations made by the Court under Article 46 of the Convention, which called for legislative action on civilian service as an alternative to military service in Azerbaijan.<sup>145</sup>

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<sup>141</sup> EU (2022): 28; UN, CERD (2022), *op.cit.*, §§20-21; COE, Parliamentary Assembly (PACE) (2021), Resolution 2362 (2021) on Restrictions on NGO activities in Council of Europe member States: § 4 in particular; COE, PACE AS/Mon (2019): §§ 57-60.

<sup>142</sup> ECRI notes that there is a group of cases ([Ramazanova and Others v Azerbaijan](#)) before the Committee of Ministers on the registration of associations which supervises their execution. The latest information suggests that the Government of Azerbaijan has submitted an [action plan](#) in relation to this in September 2022.

<sup>143</sup> Forum 18 (2022); European Association of Jehovah's Witnesses (2022).

<sup>144</sup> *Mushfig Mammadov and others v Azerbaijan* (nos 14604/08, 45823/11, 76127/13 et 41792/15, 17.10.2019), §§91-99, §§102-103. The Court observed that the criminal prosecutions and convictions of the applicants on account of their refusal to perform military service had stemmed from the fact that there was no alternative service system under which individuals could benefit from conscientious objector status. That amounted to an interference which had not been necessary in a democratic society and violation of Article 9 of the Convention. The execution of this judgment is still pending and action plan is awaited.

<sup>145</sup> The authorities informed ECRI that a parliamentary working group has been established for the purpose of drafting a law on alternative service.



## **B. Preventing and combating any racist or LGBTIphobic abuse by law enforcement officials**

92. ECRI received reports of police raids and allegations of unlawful use of force by law enforcement officials against LGBTI persons, which resulted in administrative detention of the latter in 2017<sup>146</sup> and 2019. Reportedly, some LGBTI people were subjected to serious abuse during and after apprehension.<sup>147</sup> In this connection, reference is made *inter alia* to the observations and recommendations made by the Parliamentary Assembly of the Council of Europe in its Resolution 2418 (2022) and related report.<sup>148</sup>
93. During the visit, the ECRI delegation also heard accounts of potential racial profiling practices during stop-and-account police operations targeting Roma people.
94. ECRI invites the authorities to review police practices in the light of the above comments and to ensure that whenever a case involving allegations of LGBTI-phobic or racist police abuse comes to light, it is the subject of an effective investigation by an appropriate body. In this context, due consideration should be given to ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing.

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<sup>146</sup> Human Rights Watch (2017); NBC News (2017); OHCHR (2017); Eurasian Coalition on Male Health (2019), *op.cit.*: 12; Global Voices (2022). ECRI notes that the members of the LGBTI community who were arrested during the 2017 raid lodged a case before the European Court of Human Rights on account of their arrest and administrative detention being unlawful and arbitrary, and based solely on their actual or perceived sexual orientation. See [A and 24 other applications v Azerbaijan](#) (no. 17184/18, [communicated](#) on 26 February 2019).

<sup>147</sup> NBC News (2017); ILGA (2020).

<sup>148</sup> CoE, PACE [Resolution 2418 \(2022\)](#), *op.cit.*, § 12 and its [Explanatory Memorandum](#), *op.cit.*, §§36-38.

## INTERIM FOLLOW-UP RECOMMENDATIONS

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The two specific recommendations for which ECRI requests priority implementation from the authorities of Azerbaijan are the following:

- (§8) ECRI strongly recommends that the authorities bring the competences, independence and effectiveness of the Commissioner for Human Rights (Ombudsman) fully in line with ECRI's revised General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level. This should be done by i) ensuring a transparent selection and appointment procedure of the Ombudsman; ii) establishing a separate unit or department within the structure of the Ombudsman's Office which is dedicated to deal with non-discrimination and equality related work and complaints; iii) increasing the capacity of the staff of the Ombudsman's Office, including those in regional offices, by providing them with ongoing training and developing awareness-raising activities on non-discrimination and equality.
- (§56) ECRI recommends that the authorities set up a comprehensive data collection system offering an integrated and consistent view of cases of racist and LGBTI-phobic hate speech and hate crime, with fully disaggregated data by category of offence, type of hate motivation, target group, as well as judicial follow-up and outcome, and that this data be made available to the public.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

## LIST OF RECOMMENDATIONS

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The position of the recommendations in the text of the report is shown in parentheses.

1. (§8) ECRI strongly recommends, as a matter of priority, that the authorities bring the competences, independence and effectiveness of the Commissioner for Human Rights (Ombudsman) fully in line with ECRI's revised General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level. This should be done by i) ensuring a transparent selection and appointment procedure of the Ombudsman; ii) establishing a separate and properly resourced unit or department within the structure of the Ombudsman's Office which is dedicated to deal with non-discrimination and equality related work and complaints; iii) increasing the capacity of the staff of the Ombudsman's Office, including those in regional offices, by providing them with ongoing training and developing awareness-raising activities on non-discrimination and equality.
2. (§9) ECRI recommends in this connection that the authorities adopt an effective general anti-discrimination legislation covering all grounds and all areas of life, in line with its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination and other ECRI standards on legislation to combat discrimination on the grounds of sexual orientation, gender identity and sex characteristics. The legislation should also provide for effective, proportionate and dissuasive sanctions for discrimination cases. If necessary, Council of Europe support should be sought.
3. (§14) ECRI recommends that the authorities adopt suitable measures in the education system with a view to tackling all forms of racism and intolerance and involving the youth in the development of a diverse and inclusive society. In particular, they should: i) include human rights education in the mandatory parts of school curricula; ii) provide initial and in-service teacher training on issues relating to human rights; and iii) remove any references reinforcing prejudice, stereotyping or other discriminatory content from school textbooks. In this regard, the authorities should draw inspiration from its General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education.
4. (§17) ECRI recommends that the authorities set up a system to monitor and counter racist and anti-LGBTI incidents in schools.
5. (§25) ECRI recommends that the authorities establish effective mechanisms to allow migrant workers who are irregularly present in Azerbaijan to lodge complaints in respect of labour standards against employers and obtain effective remedies without the risk of their personal data or other information being shared with immigration authorities for the purposes of immigration control and enforcement.
6. (§32) ECRI strongly recommends that the authorities adopt and implement an action plan to address intolerance and discrimination based on sexual orientation, gender identity and sex characteristics. This plan should include the objectives of raising public awareness about LGBTI people and their living conditions and promoting understanding of LGBTI persons to make their right to equal treatment a reality.
7. (§35) ECRI recommends that the authorities adopt measures to bring the legal framework on gender recognition and gender reassignment in line with Council of Europe relevant standards, including the case-law of the European Court of Human Rights.
8. (§45) ECRI recommends that public figures, such as high-level officials, politicians, and religious, economic and community leaders, be strongly encouraged to take a prompt, firm and public stance against the expression of racist and LGBTI-phobic hate speech and react to any such expression with strong counter-hate speech messages and alternative speech, and promote

understanding between communities, including by expressing solidarity with those targeted by hate speech. Elected bodies and political parties should adopt appropriate codes of conduct that prohibit the use of hate speech, call on their members and followers to abstain from engaging in, endorsing or disseminating it, and provide for sanctions. In this respect, ECRI refers to its General Policy Recommendation No. 15 on combating hate speech, Recommendation CM/Rec (2022)16 of the Committee of Ministers to member States on combating hate speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 2443 (2022).

9. (§52) ECRI recommends that the authorities reinforce their responses against hate speech by setting up an inter-institutional working group to develop a comprehensive strategy to tackle effectively racist and LGBTI-phobic hate speech, including online. This group should include the relevant authorities, the Commissioner for Human Rights (Ombudsman), civil society organisations and, as much as possible, media representatives. When developing such a strategy, due consideration should be given to ECRI's General Policy Recommendation No.15 on combating hate speech and the Committee of Ministers' Recommendation CM/Rec(2022)16 on combating hate speech.
10. (§56) ECRI recommends, as a matter of priority, that the authorities set up a comprehensive data collection system offering an integrated and consistent view of cases of racist and LGBTI-phobic hate speech and hate crime, with fully disaggregated data by category of offence, type of hate motivation, target group, as well as judicial follow-up and outcome, and that this data be made available to the public.
11. (§61) ECRI recommends that the authorities include the grounds of sexual orientation, gender identity and sex characteristics to criminal legislation as aggravating circumstances for any ordinary offence.
12. (§63) ECRI recommends that the authorities ensure that police and prosecution services effectively investigate all cases of alleged hate crime and ensure that potential bias motivation is consistently taken into consideration in police reports and investigations, as well as in any further judicial proceedings.
13. (§65) ECRI recommends that the authorities provide further training for police, prosecutors and judges on how to deal with racist and LGBTIphobic acts of violence. This should include improved procedures for recognising bias-motivations. In order to address the problem of under-reporting, the authorities should also initiate dialogue between the police and vulnerable groups, in particular the LGBTI communities.
14. (§82) ECRI recommends that the authorities, in close cooperation with local authorities and civil society organisations, adopt a comprehensive integration strategy for migrants, including persons who are seeking or have been granted international protection, covering among others the issues of language and integration classes, support in education, equality in employment, health and housing, with goals and targets, time-frames, funding, success indicators and a monitoring and evaluation mechanism.
15. (§87) ECRI recommends that the authorities evaluate the situation of the Roma community with a view to developing a Roma-specific strategy. This strategy should cover the inclusion of Roma in all areas of life, including measures aimed at eliminating discrimination and prejudice, with goals and targets, success indicators and a monitoring and evaluation system and be carried out in close cooperation with members of the Roma community.

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## APPENDIX: GOVERNMENT'S VIEWPOINT

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**The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Azerbaijan**

ECRI, in accordance with its country-by-country procedure, engaged into confidential dialogue with the authorities of Azerbaijan on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, in line with ECRI's standard practice and unless otherwise indicated, could only take into account developments up until 8 December 2022, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

**Comments of the Government of Azerbaijan  
on the sixth monitoring report of the  
European Commission against Racism and Intolerance on Azerbaijan**

**Summary**

The Government of the Republic of Azerbaijan appreciates that the progress and good practices in a number of fields registered in the country since the adoption of the fifth monitoring report of the European Commission against Racism and Intolerance (ECRI) in 2016 have been recognized by ECRI in its sixth monitoring report.

The people of Azerbaijan are proud of the fact that Azerbaijan has been a land of tolerance where representatives of multi-ethnic and multi-religious communities could co-exist peacefully for centuries. While strongly rejecting discrimination in all its forms and manifestations, Azerbaijan has been actively taking measures to counter all possible propagation of hatred and animosity threatening the mutual understanding and respect among its population composed of people of different ethnic and religious backgrounds. The Government of Azerbaijan is also a steadfast supporter of the intercultural and interreligious dialogue at the regional and global levels.

At the same time, the Azerbaijani authorities take this opportunity to present both factual corrections and general standpoint on several issues of importance.

It is worth underlining that draft law "On the Prevention and Elimination of Racial Discrimination", as well as on the amendments to the Criminal and Criminal Procedure Codes of the Republic of Azerbaijan were prepared by the Ministry of Justice in 2021.

The current legislation of the Republic of Azerbaijan also envisages pertinent norms aimed at combating discrimination and effective legal remedies for victims. The Constitution of the Republic of Azerbaijan guarantees the rights and the fundamental freedoms of everyone and the elimination of discrimination. The largest chapter III, from Article 24 to Article 71 of the Constitution, is devoted to the provision of fundamental human and civil rights and freedoms. Article 25 of the Constitution provides for the "right to equality." According to Article 44 (Right to Nationality) of the Constitution, everyone has the right to preserve their nationality, and no one can be forced to change his or her nationality. Article 45 (Right to use mother tongue) states that everyone has the right to use his or her mother tongue. Everyone has the right to be brought up and educated in any language, to engage in creativity. According to Article 69 (Rights of Foreigners and Stateless Persons) of the Constitution, "Foreigners and stateless persons, while in the Republic of Azerbaijan, may enjoy all the same rights as the citizens of the Republic of Azerbaijan, unless otherwise provided by law or an international agreement to which the Republic of Azerbaijan is a party."

The Law "On Guarantees of Gender (Men and Women) Equality" adopted on October 10, 2006 specifically prohibits the discrimination in the respective areas. The purpose of this Law is to ensure gender equality by eliminating all forms of discrimination based on gender and creating equal opportunities for men and women in political, economic, social, cultural and other areas of public life.

According to Article 16 (Inadmissibility of discrimination in labor relations) of the Labor Code, employment relations are based on citizenship, gender, race, religion, nationality, language, place of residence, property status, social origin, age, family status, beliefs, political views, allowing no discrimination between employees due to membership in trade unions or other public associations, service position, as well as other factors not related to the employee's business qualities, professional competence, and the results of his or her work, directly or indirectly granting privileges and concessions on the basis of those factors determination, as well as limitation of rights is strictly prohibited.

Then, according to Article 8 (Equality before the law and the court) of the Civil Procedure Code, justice in civil cases and commercial disputes is carried out on the basis of the principle of equality before the law and the court. Regardless of race, nationality, religion, language, sex, origin, property status, service position, belief, affiliation to political parties, trade unions and other public associations, place of legal entity, subordination, form of ownership and other differences not provided by law, the court shall treat all participants equally (Article 8.2). The principle of equality before the law and the court is provided in the Civil Procedure Code, the Civil Code, the Criminal

Procedure Code, and the Criminal Code and other normative legal acts of the Republic of Azerbaijan.

The Criminal Code provides for criminal liability for violation of the right to equality (Articles 154.1, 154.2). Any person may file a complaint, written or oral form, with a criminal investigator or prosecutor regarding a case of discrimination. The complaint will be registered and the applicant will be informed of the relevant results.

According to paragraph 1 of Article 57 of the Constitution, "Citizens of the Republic of Azerbaijan have the right to personally apply to state bodies, as well as to send individual and collective written applications. Military personnel can use this right only individually. Each application must be answered in writing and within the time limits established by law."

According to the Law "On Citizens' Appeals", citizens of the Republic of Azerbaijan may apply in person or by representative to state and municipal bodies, legal entities and budget organizations that are owned by the state or municipality or whose shares belong to the state or municipality, or their officials in written or oral form, individually or collectively. Citizens exercise their right to appeal freely and voluntarily. A citizen's exercise of his or her right to appeal should not violate the rights and freedoms of other persons. It is prohibited to limit the right of a person to apply due to race, nationality, religion, language, gender, origin, property status, service position, belief, affiliation to political parties, trade unions and other public associations.

In addition, there are opportunities to appeal to the President of the Republic of Azerbaijan with a complaint. The relevant state bodies must inform the applicant in writing about the decisions made as a result of considering his or her complaint. In the event of a violation of the law, the relevant state bodies can cancel the decisions of the lower administrative bodies or impose on them the obligation to comply with the relevant legislation.

A person who claims to have been discriminated against can apply to the Human Rights Commissioner (Ombudsperson) of the Republic of Azerbaijan about violations of his or her rights, including discriminatory ones. The activity of the Ombudsperson is regulated by the Constitutional Law of the Republic of Azerbaijan "On the Commissioner for Human Rights (Ombudsperson) of the Republic of Azerbaijan". According to the law, the Commissioner examines the complaints of citizens of the Republic of Azerbaijan, foreigners and stateless persons, legal entities regarding the violation of human rights.

The Republic of Azerbaijan has ratified major international human rights treaties, with relevant provisions on combating discrimination.

The independence of the Ombudsperson is guaranteed by the Constitutional law on the Commissioner for Human Rights of the Republic of Azerbaijan (hereinafter CLO). As such Article 5.1 states that "the Commissioner shall be independent and obey only the Constitution and laws of the Republic of Azerbaijan." According to the Article 1 of the CLO the Ombudsperson restores the human rights and freedoms enshrined in the Constitution of the Republic of Azerbaijan and in the international treaties to which the Republic of Azerbaijan is a party violated by governmental and municipal bodies and officials of the Republic of Azerbaijan and to prevent violation of human rights in cases envisaged by this Constitutional Law. This mandate also covers the restoration of human rights related to the discrimination and ensuring the equality enshrined in the national legislation of the country as well as in the international treaties to which Azerbaijan is party.

In 2021, Ombudsperson submitted to the Parliament the draft amendments to CLO. Amendments enshrine establishment of independent monitoring mechanism for prevention of discrimination under the Ombudsperson's Office. As of 2022, the draft amendments already passed three readings at the Parliament.

With regard to the expression "Nagorno-Karabakh" mentioned through the report, the Decree of the President of the Republic of Azerbaijan dated July 7, 2021 "On the new division of economic regions in the Republic of Azerbaijan", approved the division of the economic regions of the Republic of Azerbaijan and the Karabakh economic region was established. Therefore, the legal name of this locality is the Karabakh economic region of Azerbaijan, which consists of the city of Khankandi and the districts of Aghjabadi, Aghdam, Barda, Fuzuli, Khojaly, Khojavand, Shusha and Tartar. There is no administrative unit called "Nagorno-Karabakh" and the use of expression

“Nagorno-Karabakh” is perceived as disrespect for the territorial integrity and sovereignty of the Republic of Azerbaijan.

Concerning the allegation of hate speech, ECRI recognises itself in the report the suffering of Azerbaijani population, including the internally displaced persons who were deprived of their homelands due to military occupation by Armenia of the Azerbaijani territories for almost 30 years. Even during the period of occupation of the Azerbaijani territories by Armenia, the persons of Armenian origin have always enjoyed all rights enshrined in the Constitution of Azerbaijan, whereas Azerbaijanis were expelled not only from Armenia, but also from their own territories by the occupying Armenian forces. After the liberation of its territories in 2020, Azerbaijan expressed at the highest political level the view that ethnic Armenians living in the Karabakh region of Azerbaijan are the citizens of Azerbaijan and enjoy equal rights and freedoms. The President of Azerbaijan Ilham Aliyev made the following statement at the 2023 Munich Security Conference: *“Karabakh Armenians are Azerbaijani citizens, are minority. Azerbaijan is a multi-ethnic country. And all minorities in Azerbaijan enjoy the same rights and privileges, including cultural, linguistic, and other and also security. And we are ready to start practical communications with representatives of the Armenian community in Karabakh.”*<sup>149</sup>

The Government of Azerbaijan believes that the confidence-building measures launched by the Council of Europe (CoE) in 2022 will contribute to the normalization process, establishing trust between Azerbaijani and Armenian societies and reducing cases of mutual hate speech in the future. In addition to two meetings held in the framework of the confidence-building measures mentioned in ECRI’s report, the third meeting between Azerbaijani and Armenian participants of the relevant project of the Council of Europe took place in Istanbul, Türkiye in March 2023.

The anti-discrimination activities remain one of the important areas of cooperation between Azerbaijan and the CoE. As such, under the second CoE/Azerbaijan Action Plan an anti-discrimination/equality platform bringing together 13 civil society organisations and experts was established with a view to reinforcing the role of civil society in the area of anti-discrimination and enhancing dialogue between the civil society and the public institutions, such as the Ombudsperson. Moreover, the staff in the Ombudsperson’s Office during the reporting period improved skills due to a training course on the European anti-discrimination standards within the regional project on “Strengthening access to justice for victims of discrimination, hate crime and hate speech,” funded by the European Union (EU) under the Partnership for Good Governance programme. It included also training of trainers which should ensure the sustainability of capacities of the staff of the Ombudsperson’s Office both at central and regional levels.

Besides, the activities on “strengthening access to justice for victims of discrimination, hate crime and hate speech” have been also included into the third CoE Action Plan for Azerbaijan for the period of 2022-2025 aimed at, among others, further improving the legislation in this field, as well as enhancing the role of civil society in fighting the discrimination.

One of the essential pillars of addressing and most importantly preventing the possible discrimination remains education. Important projects have been put in place in this field. In 2021-2022, within the “Promoting gender transformative approaches in primary and secondary education in Azerbaijan” project funded by the United Nations Population Fund (UNFPA) and the EU, seven textbooks were reviewed in terms of gender equality, intersectionality and inclusivity. As a result, a set of recommendations was provided to support a balanced and equitable approach to gender in all teaching and learning materials. “Friend of Pupil” project implemented by the Ministry of Science and Education of the Republic of Azerbaijan is the mechanism to monitor and prevent incidents in schools.

According to estimates, 96 percent of Azerbaijan's population are Muslims, and 4 percent are Christians, Jews and representatives of other religions. The Government has always paid special attention to the protection of the rights of national-ethnic minorities living in the Republic of Azerbaijan. The stability of the religious situation in the country, the high level of tolerance and the absence of any discrimination between citizens based on their religious beliefs create favorable conditions for the religious institutions to freely operate as legal entities in their houses of worship, to perform religious rites, to hold religious holidays and ceremonies.

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<sup>149</sup>[https://azertag.az/en/xeber/Plenary\\_session\\_on\\_security\\_issues\\_in\\_South\\_Caucasus\\_was\\_held\\_as\\_part\\_of\\_Munich\\_Security\\_Conference\\_President\\_Ilham\\_Aliyev\\_attended\\_the\\_session\\_VIDEO-2496440](https://azertag.az/en/xeber/Plenary_session_on_security_issues_in_South_Caucasus_was_held_as_part_of_Munich_Security_Conference_President_Ilham_Aliyev_attended_the_session_VIDEO-2496440)

Finally, Azerbaijan looks forward to cooperating with ECRI in a constructive manner for implementation of its appropriate recommendations.

## ***I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS***

### **A. Equality bodies**

**(Paragraph 2)** To ensure implementation of the relevant ECRI recommendations, draft laws "On the Prevention and Elimination of Racial Discrimination", as well as on amendments to the Criminal and Criminal Procedure Codes of the Republic of Azerbaijan were prepared by the Ministry of Justice in 2021. Furthermore, the draft amendments to the CLO proposed by the Ombudsperson have passed three readings at the Parliament.

**(Paragraph 3)** The mentioned amendments to the CLO have been drafted by taking into consideration the recommendations of the GANHRI's Sub-Committee on Accreditation. The issue of the election of the Ombudsperson is also taken into account in the draft amendments.

**(Paragraph 4)** According to new amendments to CLO the position of Ombudsperson is set up to restore the human rights and freedoms enshrined in the Constitution of the Republic of Azerbaijan and in the international treaties to which the Republic of Azerbaijan is a party and violated by governmental and municipal bodies, *as well as legal entities (including public legal entities) owned by the state or municipality or whose shares are controlled by the state or municipality* and budget organizations of the Republic of Azerbaijan, as well as to prevent violation of human rights in cases envisaged by the given Constitutional Law. Thus, this amendment will modify the Article 1.1 of the Constitutional Law.

**(Paragraph 5)** After the draft amendments to CLO enters into force and equality mechanism is established, a separate section in the annual report will be dedicated to the work carried out in the field of combating discrimination and accordingly, data regarding the breakdown of cases on grounds of discrimination will be provided.

**(Paragraph 7)** The explicit mandate and the necessary competences in the promotion of equality and the fight against racism and discrimination is enshrined in the draft amendments to CLO that have already passed three readings at the Parliament. The Ombudsperson's Office already cooperates with civil society organizations (CSO). In 2020 the Department on Cooperation with International and Civil Society Organizations was established at the Ombudsperson's Office. Furthermore, there is a Council of Experts consisting of the representatives of different CSOs and independent experts functioning at the Ombudsperson's Office. Consultations are regularly held by the Council of Experts with regard the solution of existing problems in the field of human rights protection.

Along with the staff of the Ombudsperson's Office, members of different CSOs also were involved in Training of trainers (ToT) course in order to increase their knowledge and skills in the field of fighting discrimination and promoting equality. In addition, a 2-day training was organized by international and local experts of the Council of Europe in the city of Lankaran both for the representatives of the Ombudsperson's Office, its regional centers and CSOs.

### **(Paragraph 8) Amendments to the CLO envisage these recommendations.**

**(Paragraph 9)** To ensure implementation of the relevant ECRI recommendations draft laws "On the Prevention and Elimination of Racial Discrimination", as well as on amendments to the Criminal and Criminal Procedure Codes of the Republic of Azerbaijan were prepared by the Ministry of Justice in 2021. To guarantee equal opportunities for the exercise of human and civil rights and freedoms, measures aimed at preventing and eliminating all forms of racial discrimination in relation to all areas of public life, including labor, employment, social protection, education, housing, health protection, economic activity, public service and provision of services, have been determined in the draft law "On the Prevention and Elimination of Racial Discrimination".

Article 283 of the Criminal Code, stipulating liability for inciting national, racial, social or religious hatred and enmity, in the draft law on the amendment to the Criminal Code, also stipulates liability for actions aimed at degrading the dignity of any person due to his/her race, skin color, language, religion, origin or ethnicity, including the spread of such ideology, making calls to violence against

those persons, spreading information in this context, refusing to provide the same services in service areas to a person due to his/her race, skin color, language, religion, origin or ethnicity and etc. At the same time, conduct of these acts by officials is considered as one of the descriptive circumstances of the crime.

## **B. Inclusive education**

**(Paragraph 12)** In 2021-2022 within the “Capacity building for selected schools to deliver inclusive education to children with disabilities” project implemented in cooperation with UNICEF, trainings on inclusive education were organized with the participation of 213 teachers and special education specialists from 18 schools, and 91 members of the Psychological-medical-pedagogical commissions of 10 regions.

Additionally, 672 persons from pedagogical and administrative staff of 18 schools participated in the meetings on the formation of the culture of inclusion.

In 2021-2022, within the “Promoting gender transformative approaches in primary and secondary education in Azerbaijan” project funded by the United Nations Population Fund (UNFPA) and the European Union (EU) 7 textbooks were reviewed in terms of gender equality, intersectionality, and inclusivity. As a result, a set of recommendations was provided to support a balanced and equitable approach to gender in all teaching and learning materials. Moreover, in order to create a more gender-inclusive culture and a gender responsive learning environment in classrooms by embedding gender equitable perspectives in different modalities of teaching and learning, a capacity-building program for teachers was developed. The program consists of five modules and covers topics such as "Gender equality and education policy at school", "Gender and content", "Gender and learning environment", "Gender and pedagogical strategies", "Gender and planning". Additionally, gender-sensitive topics were integrated into the School Improvement Plan to ensure a sensitive approach to gender issues in many activities such as lesson planning, class management, organization of work with students, in-school assessment, and creation of a supportive environment.

**(Paragraph 13)** Ministry of Science and Education of the Republic of Azerbaijan is particularly sensitive to the content during the textbook renewal process, which is carried out every 4 years. While in 2021/2022 textbooks for the 3rd, 7th and 10th grades, in 2022/2023 textbooks for the 4th, 8th, 11th grades were renewed, relevant changes were made.

However, the language used in the Armenian textbooks to describe historical relations of Armenia with neighboring Georgia, Azerbaijan as well as Iran and Turkey reflect the state's current political stance towards these countries. Republic of Armenia's National Security Strategy (NSS) document penned by the Ministry of Defense states Azerbaijan as *hakarakord* (հակառակորդ), which is translated as adversary or rival. Azerbaijan is regarded in this document as security threat to Armenia (NSS, 2020). In Armenian history textbooks while the acts by Azerbaijan are presented as massacres and slaughters, the Armenian violence in “Zangibasar, Oltu, Artashat, Nakhichevan and Sevan against its Muslim population” is presented as ‘pacification’ of the region. This example is very illustrative to the points that present the glorified ideal heroes, and “others” as predatory and treacherous enemies.

**(Paragraph 16)** Awareness-raising events are regularly carried out with the aim of preventing violence against children, including bullying in educational and other institutions with the participation of pedagogical staff, students and people working with children. During Child Rights Month-long campaign held upon the initiative of the Ombudsperson in 2022 (20 October-20 November), educational social advertisements were broadcasted, the billboards with slogans on the protection of children from violence, also bullying, as well as applying to the Ombudsperson regarding child rights violations were displayed at the central streets and avenues of the city.

Relevant measures are taken regarding the appeals submitted to the Ombudsperson on violence, as well as bullying against children. Moreover, information obtained from the mass media and social networks related to the violation of children's rights, including bullying is promptly investigated and kept under control by the Ombudsperson. At the same time, the National Preventive Mechanism Group (NPM) of the Ombudsperson conducts visits to child institutions without prior notice to investigate the status and treatment of the children.

**(Paragraph 17)** "Friend of Pupil" project implemented by the Ministry of Science of Education of the Republic of Azerbaijan is the mechanism to monitor and prevent incidents in schools. Authority, including principals, of the schools not covered by the mentioned project is responsible for ensuring the hatred free atmosphere in the educational institutions.

### **C. Irregularly present migrants**

**(Paragraph 23)** In order to promote obtaining work permits for labor migrants by the employers, regular improvements have been carried out in the legislation, the procedure and complaint mechanisms have been simplified. According to Article 76.3 of the Migration Code foreigners and stateless persons staying on the territory of the Republic of Azerbaijan should observe the declared purposes of their entry. Foreigners and stateless persons intending to reside temporarily and engage in paid labour activity on the territory of the Republic of Azerbaijan should obtain a work permit in addition to the temporary residence permit.

The procedure for hiring labor migrants on the basis of work permits, the implementation of labor activities is regulated by the Migration Code of the Republic of Azerbaijan, the Labor Code and other regulatory legal acts and within their framework, **with no exception provided in this regard**. According to the legislation, foreigners and stateless persons have the same labor rights as citizens of the Republic of Azerbaijan. These rights are protected by the law which is enforced by the relevant state authorities. If any fact related to the violation of rights is discovered, measures are taken in accordance with the legislation.

The State Labor Inspection Service under the Ministry of Labor and Social Protection of Population considers applications received from foreigners and stateless persons on violation of labor rights, in accordance with the requirements of the Law of the Republic of Azerbaijan "On Citizens' Appeals". According to the requirements of Article 17 of the Labor Code, it is prohibited to force an employee to perform work (service) that is not included in the labor function by using coercion by any method, as well as threatening to terminate the employment contract. According to Article 193 of the Code of Administrative Offenses of the Republic of Azerbaijan in terms of violation of these requirements (forcing an employee to perform work (service) not included in the labor function) under the threat of termination of the employment contract or deprivation of his/her benefits and privileges provided for by the collective agreement, a fine in the amount of one thousand manats to two thousand manats is imposed on the employer. At the same time, foreigners and stateless persons can file their complaints about the violation of labor rights by employers directly to the Ministry or through the 142-Call Center of the Ministry. Upon receipt of such complaints the State Labor Inspection Service under the Ministry promptly investigates them and takes appropriate measures.

"Action Plan to prevent informal employment in the Republic of Azerbaijan" was approved by the Decree of the President of the Republic of Azerbaijan No. 3287 dated October 9, 2017. Migrant workers are legally free to change jobs and work for another employer subject to obtaining a relevant work permit. Migrant workers working on the basis of a work permit are not limited in the right to work for another employer by obtaining a new work permit in the event of the expiration of the work permit or early termination of the employment contract.

Migrant workers are also granted a temporary residence permit on the basis of a work permit. In addition, a fine of three hundred to four hundred manats is applied to foreigners and stateless persons for engaging in paid labor activity on the territory of the Republic of Azerbaijan without such a permit in cases where a work permit is required (Article 575.1.4.), a fine in the amount of three thousand to four thousand manats is imposed on officials, and from fifteen thousand to twenty thousand manats on legal entities for employing a foreigner or a stateless person without obtaining a work permit in violation of the requirements of the Migration Code of the Republic of Azerbaijan, if the same violation is made in relation to three or more foreigners or stateless persons - a fine in the amount of five thousand to seven thousand manats is imposed on officials, and a fine in the amount of thirty thousand to thirty five thousand manats on legal entities (Article 578.1.).

In accordance with Article 568 of the Code of Administrative Offenses, during the issuance of visas to foreigners and stateless persons, their registration in the territory of the Republic of Azerbaijan, the extension of their temporary stay, the provision of temporary or permanent residence permits and work permits, officials are also fined for delaying the consideration of the application (extension of the term), requesting additional documents not specified in the Migration



Code of the Republic of Azerbaijan, or unreasonable refusal to consider the application.

**(Paragraph 24)** According to Article 10 of the Law "On Courts and judges" foreign citizens and stateless persons residing in the territory of the country are entitled to judicial protection of their rights and freedoms envisaged by the Constitution of the Republic of Azerbaijan and other laws, as well as legal interests of juridical persons from any conspiracies and infringements in any phase of the court proceeding, along with citizens of the Republic of Azerbaijan. No one can be deprived from the right to judicial protection. Therefore, no information on migratory status of migrants is exchanged between the courts and SMS.

**(Paragraph 25)** According to Article 74.1 of the Migration Code of the Republic of Azerbaijan, foreigners and stateless persons, while staying in the Republic of Azerbaijan, may enjoy all the same rights as the citizens of the Republic of Azerbaijan, unless otherwise provided for in the law or international agreements to which the Republic of Azerbaijan is a party.

Except for the cases stipulated in the Labor Code of the Republic of Azerbaijan, the same conditions defined by legislation for citizens of the Republic of Azerbaijan regarding labor conditions are applied to labor migrants and payment of their labor is carried out in the manner established by legislation for the citizens of the Republic of Azerbaijan.

At the same time, according to Article 74.4 of the Code, foreigners and stateless persons shall be equal before the law and courts of the Republic of Azerbaijan, regardless of their social and property status, race and nationality, gender, language, religion, type and nature of their activities and other circumstances.

## **II. HATE SPEECH AND MOTIVATED VIOLENCE**

### **A. Hate speech**

#### ***Responses to hate speech***

##### ***Public discourse***

**(Paragraph 38)** No specific evidence has been presented regarding the allegation of hate speech against ethnic and linguistic minorities in Azerbaijan. Possible hate speech against minorities in the media is punished according to the relevant legislation.

**(Paragraphs 39 and 40)** Prior to the territorial claims of Armenia against Azerbaijan at the end of the 20<sup>th</sup> century, it is impossible to find any sign against Armenia in the public opinion of Azerbaijan in general, in contrast to the other side. Unlike Armenia, Azerbaijan was and is a multi-ethnic state, and it did not implement systematic activities to have a mono-ethnic structure.

Since the restoration of its independence, 20 percent of Azerbaijani territories had been occupied by Armenia, which had resulted in one million refugees and internally displaced persons, as well as losses of lives of thousands. Accordingly, all these severe developments have had its consequences on the minds of population who have been directly or indirectly affected by the results of the long-lasting conflict. This in its turn has made inevitable the strong indignation against the policy of Armenia in the Azerbaijani society.

With regard to alleged persistent adversarial narrative against Armenia, during the Second Karabakh War some key expressions such as "terrorists," "bandits," "barbarians," and "devils" began to be used both by the regular Armenian population and politicians and officials, as well as some celebrities towards Azerbaijan. Simultaneously, the officials were also promoting the narrative of Azerbaijanis being "non-human" or "subhuman." During the 44-day war the website of the Ministry of Defense of Armenia, in the section covering "Purchases," allocated a tender request for 20 million (meaning rubles) for spreading images demoralizing Azerbaijan and the Azerbaijani people.

The same narrative can also be found on Armenian news portals which intend to target and subjectively humiliate the Azerbaijani people and nation. However, the Armenians are not denigrated by Azerbaijanis as a nation in reaction to these claims.

**(Paragraph 41)** Azerbaijan welcomed the initiative put forward by the Secretary General on the confidence-building measures between Armenia and Azerbaijan in 2021, and the Council of Europe's participation in this process. While "ECRI recalls the importance of engaging in

confidence-building measures, preferably with the involvement of civil society, media and other relevant non-political actors” it somehow omits to mention in the report the confidence-building measures between Azerbaijan and Armenia implemented by the Council of Europe during the reporting period. As such, two confidence-building measures were organized between two countries in 2022. The first meeting between civil society representatives from Armenia and Azerbaijan took place in Venice, Italy from 16 to 18 May. As a follow-up to the first exploratory meeting, the second confidence-building measure was held in Tbilisi, Georgia from 8 to 9 December 2022 between civil society representatives from Azerbaijan and Armenia aimed at developing young journalists’ skills on balanced reporting on sensitive issues. The third meeting between Azerbaijani and Armenian participants of the relevant project of the Council of Europe took place in Istanbul, Türkiye in March 2023. These confidence-building measures initiated by the Council of Europe demonstrate the engagement of Azerbaijan in dialogue necessary for creating a mutual trust. In general, these meetings between the representatives of the Armenian and Azerbaijani societies are expected to contribute to normalization and reconciliation process in our region.

### ***Responses to hate speech***

**(Paragraph 45)** In the draft amendments to the Criminal Code, liability is also provided for committing crimes of insult, defamation or insult by demonstrating massively in the internet information resource by using fake usernames, profiles or accounts with the intention of racial, national, religious enmity and hostility. See also comments on paragraph 9.

**(Paragraph 48)** Azerbaijan joined the Budapest Convention on Cybercrime of the Council of Europe on July 1, 2010. The Criminal Code was amended on June 29, 2012 in order to implement the obligations arising from that Convention in the national legislation, and crimes in the field of computer information were grouped in a separate chapter called “Cybercrimes” (Chapter 30). Institutions to fight cybercrime were established within the Ministry of Internal Affairs and structure of its relevant services. Currently, activities are being continued to strengthen the technical infrastructure of these institutions, equip them with qualified personnel, and increase their professional training.

## **B. Hate-motivated violence**

### ***Data***

**(Paragraphs 53, 55 and 56)** The Ministry of Internal Affairs has not received any request regarding the submission of statistical data to the OSCE/ODIHR.

The Ministry of Internal Affairs maintains unified statistics of crimes pursuant to subparagraph 3.1.5 of the Regulations approved by Decree of the President of the Republic of Azerbaijan No. 518 dated June 30, 2001, and currently records all illegal actions envisaged by the Criminal Code of the Republic of Azerbaijan. All the statistical data of crimes collected by the bodies that conduct the criminal proceedings on the crimes are registered in the database, regardless of their category.

In the last 5 years, no crimes of harassment, racial discrimination, violation of the right to equality (Articles 109, 111, 154 of the Criminal Code) have been registered, and only 7 crimes related to incitement religious hatred and enmity have been committed (Article 283 of Criminal Code).

### ***Manifestations of hate-motivated violence***

**(Paragraph 57)** In stark contrast to Azerbaijan’s prompt actions with a view to ensuring respect for international humanitarian law, including swift investigation into all allegations of international humanitarian law violations, no similar action has ever been taken by Armenia throughout the past 30 years, including in the context of the First Karabakh War and 44-Day Patriotic War.

As such, culture of impunity still prevails in Armenia, as this country continues to disregard its international obligations and commitments, including the call by the Parliamentary Assembly of the Council of Europe to investigate war crimes committed by its servicemen (Resolution 2391/2021).

As a result, horrific war crimes, crimes against humanity and acts of genocide that have accompanied Armenia's armed aggression against Azerbaijan, including those committed in Khojaly, Bashlibel, Malibayli, Gushchular, Aghdaban remain unaddressed. No single investigative action has ever been taken by Armenia with respect to serious allegation of war crimes, crimes against humanity as documented also by several independent third parties. On the contrary, the perpetrators have been glorified in Armenia and decorated with state awards.

Several mass graves have already been identified in areas recently liberated from Armenian occupation. The facts collected thus far by investigative institutions of Azerbaijan provide enough ground to conclude that the Azerbaijani captives, be it military or civilian, were subjected to cruel treatment and torture leading to death.

Deliberate targeting densely populated residential areas, located far away from the combat zone, such as the cities of Ganja, Barda, Tartar of Azerbaijan, with ballistic missiles, multiple-launch rocket systems and cluster munitions by the armed forces of Armenia in the course of 44-Day War that resulted in brutal killing of around 100 Azerbaijani civilians, including 12 children, still remain unpunished.

A total of 900 settlements, 150,000 houses, 7,000 public buildings, 693 schools, 855 kindergartens, 695 medical institutions, 927 libraries, 44 temples, 473 historical sites, palaces and museums, 40,000 museum exhibits, 6,000 industrial and agricultural enterprises, 160 bridges and other infrastructure facilities were razed to the ground by Armenian armed forces in Karabakh in 1988-1993. Armenia destroyed 65 out of 67 mosques situated in the formerly occupied territories, while the remaining two mosques were seriously damaged and used to keep pigs and cows.

**(Paragraph 58)** Measures related to the complete exclusion of cases of discrimination and intolerance towards citizens, prevention of exposure to illegal acts by persons belonging to the risk group, and the provision of the right to equality established in Article 25 of the Constitution of the Republic of Azerbaijan are carried out consistently under strict control.

During the special quarantine regime, the personnel of the internal affairs bodies switched to a strengthened work regime and ensured compliance with the requirements of the quarantine regime, the protection of the rights and freedoms of all groups of people, regardless of race, religion, gender and the results of the activities in this direction were welcomed by civil society. This is confirmed by numerous letters of thanks, telegrams sent to the Ministry of Internal Affairs, as well as received e-mails.

**(Paragraph 59)** Amrulla Gulaliyev was charged with Article 120.1 (deliberate murder) and sentenced to 9 years and 6 months deprivation of liberty for murder of his cousin Avaz Shikhmammadov (Hafizli). A.Gulaliyev confessed that they had fierce argument, which resulted in killing of A.Shikhmammadov.

### ***Responses to hate-motivated violence***

**(Paragraph 63)** All complaints received by the police authorities regarding crimes and incidents are fully, comprehensively and objectively investigated and necessary measures are taken in accordance with the national legislation. In accordance with paragraph 3 of the Decree of the President of the Republic of Azerbaijan No. 387 dated August 25, 2000 on the application of Code of Criminal Procedure, it isn't within the competence of the internal affairs bodies to conduct an investigation under Article 283 of the Criminal Code, which stipulates responsibility for hate crime. When information on such cases is received or discovered, it is immediately forwarded to the relevant competent authorities for making a decision under the national legislation.

The information related to the investigation is collected and systematized in the database, as mentioned in paragraph 3.

**(Paragraphs 64 and 65)** Increasing the professional training of the personnel, which is important in the successful fulfillment of the tasks of ensuring human rights and freedoms, in line with modern requirements, international experience and norms, is always in the spotlight. Subjects on ethical behavior rules, service discipline, protection of human rights and freedoms are trained in professional training sessions held once a week in the Ministry of Internal Affairs and its subordinate institutions. Those topics were given detailed consideration in initial, professional development and retraining courses involving 13,530 employees, as well as in 17 trainings held

in videoconference format with external service personnel with extensive use of visual aids. Teaching of special subjects for police cadets of the Police Academy is also continued on the basis of educational programs on ethical behavior.

Information and reports on educational events and other activities related to ethical behavior issues are posted on the website of the Ministry of Internal Affairs ([www.mia.gov.az](http://www.mia.gov.az)) and are regularly updated.

### **III. INTEGRATION AND INCLUSION**

#### **General overview**

**(Paragraph 67)** In accordance with the "Calendar Plan for the preparation and conduct of the population census in the Republic of Azerbaijan in 2019", approved by the Order of the State Statistical Committee of the Republic of Azerbaijan dated 17 January 2017, No. 01/05s a publication of 30 volumes containing data on the results of the population census had been released in August 2022 and presented to users as well as to the United Nations Statistics Division on 26 September 2022.

**(Paragraph 68)** to modify the sentence as "(IDPs) as a result of the former conflict between Armenia and Azerbaijan".

#### **A. Migrants, refugees and asylum seekers**

##### ***Policy framework and measures taken by the authorities***

**(Paragraph 78)** In accordance with the Migration Code a temporary residence permit is issued to foreigners and stateless persons who have been granted a work permit. In case of early termination of the employment contract the State Migration Service investigates the other grounds for the migrant's stay in the Republic of Azerbaijan. At the same time, an opportunity is given for employment of a migrant worker by another employer. According to the Administrative Procedure Code a complaint can be filed against the decision on cancellation of residence permit with a possibility of suspension of the order to leave the country, with a court-issued protection of a temporary nature as an interim measure.

**(Paragraph 79)** According to the amendments made to the laws of the Republic of Azerbaijan "On the status of refugees and internally displaced persons (persons displaced within the country)" and "On the rights of children" on December 7, 2018, opportunities have been created for foreigners and stateless persons who have received refugee status in the country to study at all stages of education in the Republic of Azerbaijan. The right to education, which is one of the main privileges, of persons seeking asylum and receiving refugee status in Azerbaijan, and their family members, has been fully resolved. Refugees registered with the State Migration Service, asylum seekers, as well as persons under the protection of the UNHCR and their children are provided with free education in public schools of the republic and in higher education institutions in accordance with the current legislation. SMS, in cooperation with Ministry of Education, assisted electronic registration of documents of 17 children under the protection of the UNHCR Representation in Azerbaijan in the first grade of general education schools for 2021-2022 academic year. 2 Afghan citizens were electronically registered in the "Student-graduate system" of the State Examination Center with the temporary certificate issued by the SMS to participate in the final exam of the secondary school.

In accordance with pledge undertaken by the government of Azerbaijan at the First Global Forum on Refugees held in Geneva in December 2019, tuition fees of the refugees who are enrolled in higher education institutions are covered by the government. In the academic year 2020/2021, two students with refugee status were awarded to study in higher education institutions of Azerbaijan on a free basis. In the 2021/2022 academic year, one student with refugee status was awarded such an opportunity.

**(Paragraph 81)** "Support to the development of the Migrant Integration Strategy, related Action Plan and Training Curriculum" pilot project implemented within the MIEUX+ initiative will also support the development of a tailor-made training course on integration for public officials from all government agencies providing services for migrants, as well as provide a specific approach on putting integration into practice in Azerbaijan aligned with the new Strategy and its Action Plan. As of December 2022, capacity and training needs assessment are being conducted as the first

activity of the project.

## B. Roma

**(Paragraph 85)** In line with Article 5 of the Law on Education, the State guarantees equal access and opportunities to education for each citizen regardless of their ethnicity, including that of Roma people.

The up-to-date information related to the educational attainment of Roma people is described in the table below:

<b>Primarily settled areas</b>	Yevlakh, Aghdash, Aghsu, Aghstafa, Balakan, Barda, and Gakh districts in Azerbaijan
<b>Number of students involved in general education</b>	892 school-age children from 657 Roma families settled in 7 districts (Yevlakh - 294, Aghdash - 98, Aghsu - 13, Agstafa - 36, Balakan - 85, Barda - 53, Gakh - 78)
<b>Number of schools involved</b>	35 secondary schools
<b>Classification across grades</b>	492 students - I-IV grades 343 students - V-IX grades 57 students - X-XI grades.

As of June 2022, 31 (3.5%) school-age Roma children (Aghstafa - 24, Balakan - 2, Aghsu - 5) are not attending the education institutions due to the nomadic lifestyle of their families. 88 (9.9%) Roma students (Aghstafa - 12, Aghdash - 18, Barda - 3, Aghsu - 6, Gakh - 3, Yevlakh - 35, Balakan - 11) do not attend classes on a regular basis.

## IV. TOPICS SPECIFIC TO AZERBAIJAN

### A. Action taken to implement previous interim follow-up recommendations

**(Paragraphs 88 and 89)** In line with the Law "On Public Participation", public councils, comprising civil society representatives are established under the central and local executive authorities, and local self-government authorities. Public councils collect the proposals of civil society institutions aimed at addressing issues of public importance, and submit them to the central and local executive authorities, and local self-government authorities thus facilitating involvement of the civil society members into the decision-making process.

The public legal entity "Agency for State Support to Non-Governmental Organizations of the Republic of Azerbaijan" was established in April of 2021 to stimulate partnerships and mutual cooperation between state and non-governmental organizations and to promote the activities of non-governmental organizations in public control.

As of June 2022, 4,848 non-profit legal entities (including 65 political parties and more than 4,500 non-governmental organizations) have been state-registered throughout the country. 314 of these organizations specialize in the protection of fundamental rights and freedoms.

In Azerbaijan:

- Association in NGOs is free and voluntary. Anyone can form a public association without notifying any public authority in advance. State registration is voluntary. Due to voluntary character of registration, as well as the temporary establishment of some NGOs, there are also NGOs operating without official state registration. Among them are NGO networks and coalitions created by NGOs.
- State registration is a right and not an obligation. State-registered public associations receive the status of non-profit legal entities.
- A public association whose activities are terminated by a court decision loses only the status of a legal entity. There is no legal impediment to the continued operation of an NGO whose legal status is revoked.

Note: *By legislation, the NGOs (all legal entities) have the power to temporarily suspend their activities by themselves. There are cases when inactive NGOs submit an electronic declaration to temporarily suspend their activities. There is no need for any notifications to reactivate such*

*NGO. A legal entity that has temporarily suspended its activities can start operating at any time, and its activity is considered to be automatically renewed when presenting a declaration to the tax authorities during the next quarter.*

**(Paragraphs 90 and 91)** In accordance with Part I of Article 76 of the Constitution of the Republic of Azerbaijan, "defence of Motherland is the duty of every citizen. The citizens shall serve in the Armed Forces as prescribed by law". Part II of Article 76 of the Constitution stipulates that if military service is contrary to a citizens' convictions, then, in cases prescribed by law, it may be permissible to replace regular military service with alternative service. Statute "On the Procedure for alternative service (labor obligation) of citizens of the Republic of Azerbaijan" was approved by Decree No. 94 of the President of the country dated July 31, 1992. In that Statute, issues related to citizens' alternative service (labor obligation) are regulated.

The working group has been established in the Milli Majlis for the purpose of drafting the law "On Alternative Service".

#### **B. Preventing and combating any racist or LGBTI-phobic abuse by law enforcement officials**

**(Paragraphs 92, 93 and 94)** According to the information of the Ministry on Internal Affairs, in the last 2 years, there have been no incidents of torture, cruel, inhuman or degrading treatment and punishment, as well as racial profiling. 70 facts related to the violation of human rights and freedoms were determined, as a result, 127 employees were brought to disciplinary responsibility for bringing citizens to the police without grounds, detaining them, and allowing cruel treatment.

According to the Constitution, everyone in our country is equal before the law and the court, but in recent years, representatives of the sexual minority who have committed some illegal act in our country are trying to avoid responsibility by stressing on their orientation. Relevant issues are resolved in Azerbaijan only within the framework of legislative acts that have passed the legal expertise of relevant international organizations. Law enforcement agencies and other relevant institutions are guided by the international obligations, the Constitution and internal legislative acts of our country in approaching such issues.

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The European Commission against Racism and Intolerance (ECRI) is a unique human rights monitoring body which specialises in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance in Europe; it prepares reports and issues recommendations to member States.



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A protester seen holding a rosary and a placard with a picture of Mahsa Amini during the demonstration. Protesters organized a demonstration following the death of Mahsa Amini. Mahsa fell into a coma and died after being arrested in Tehran by the morality police for allegedly violating the country's hijab rules. Amini's death has sparked weeks of violent protests across Iran. (Photo by Onur Dogman / SOPA Images/ Sipa USA)(Sipa via AP Images)

# ANNUAL REPORT

OF THE U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

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# TABLE OF CONTENTS

<b>Introduction and Overview</b>	<b>1</b>
About this Report	1
Standards for CPC, SWL, and EPC Recommendations	2
USCIRF's 2023 CPC, SWL, and EPC Recommendations	2
<b>Implementation of the International Religious Freedom Act</b>	<b>5</b>
Key Findings	5
Recommendations to the Administration	6
Recommendations to Congress	6
Key USCIRF Resources & Activities	6
Legal Framework	7
Key Developments in 2022	7
<b>Countries Recommended for Designation as Countries of Particular Concern (CPCs)</b>	<b>12</b>
Afghanistan	12
Burma	14
China	16
Cuba	20
Eritrea	22
India	24
Iran	26
Nicaragua	28
Nigeria	30
North Korea	32
Pakistan	34
Russia	36
Saudi Arabia	38
Syria	40
Tajikistan	42
Turkmenistan	44
Vietnam	46
<b>Countries Recommended for the State Department's Special Watch List (SWL)</b>	<b>48</b>
Algeria	48
Azerbaijan	50
Central African Republic	52
Egypt	54
Indonesia	56
Iraq	58
Kazakhstan	60
Malaysia	62
Sri Lanka	64
Turkey	66
Uzbekistan	68

<b>Other Key Developments</b>	71
Transnational Repression and Influence by Religious Freedom Violators . . . . .	71
Religious Freedom Concerns in Europe . . . . .	71
Laws Restricting Religious Freedom . . . . .	72
Emerging Religious Freedom Concerns in Other Countries . . . . .	73
Combating Antisemitism: Positive Developments. . . . .	74
Religious Freedom Concerns for Indigenous Peoples in Latin America. . . . .	75
<b>Key USCIRF Recommendations Implemented in 2022</b>	77
Designating the Worst Violators. . . . .	77
Filling IRF-Related Appointments. . . . .	77
Increasing the Use of Targeted Sanctions . . . . .	77
Designation of Rohingya Genocide . . . . .	77
Raising IRF Issues in Multilateral Engagement . . . . .	78
Raising IRF Issues in Bilateral Engagement. . . . .	78
Implementation of Executive Order 13926 – Advancing International Religious Freedom . . . . .	78
Refugee Resettlement . . . . .	79
Asylum Seekers in Expedited Removal . . . . .	79
Advocacy for Religious Prisoners of Conscience . . . . .	79
Enforcement of China-Related Human Rights Legislation . . . . .	79
Congressional Action Promoting Religious Freedom . . . . .	79
<b>Appendix 1 Commissioner Biographies</b>	81
<b>Appendix 2 Freedom of Religion or Belief Victims List</b>	83
<b>Appendix 3 Highlights of USCIRF’s Public Activities in 2022</b>	89



# INTRODUCTION AND OVERVIEW

In September 2022, Iran’s morality police arrested, beat, and mortally wounded Mahsa Zhina Amini because her visible hair violated the government’s religiously grounded headscarf law. Outraged by this flagrant denial of life, young women and girls led hundreds of thousands of fellow Iranians in peaceful protests asserting their right to freedom of religion or belief, risking severe punishment, permanent injury, and even death. Rather than respect this call to abide by its obligations under international law, the Iranian government ramped up a campaign of violent repression against its own people. Security forces shot children like Kian Pirfalak (age nine), beat and killed girls like Nika Shakarami (age 16), and repeatedly sexually harassed, sexually assaulted, and raped scores of peaceful protesters like Armita Abbasi (age 21). Iran’s government then used intimidation and threats to prevent victims’ families from speaking publicly and truthfully about this repression.

The cover of this year’s U.S. Commission on International Religious Freedom (USCIRF) annual report honors the Iranian

women and girls who have been at the forefront of the ongoing protests for greater freedom in Iran and have faced extreme and violent consequences for their participation. Iranian authorities’ systematic use of sexual and gender-based violence against them represents a purposeful weaponization of religious conceptions of purity, modesty, and gender hierarchy in an effort to shame Iranians out of peacefully asserting their fundamental right to religious freedom.

The cover also honors the many other Iranians, known and unknown, held in prison in 2022 on account of their religious beliefs, activity, or identity by displaying the names of the individuals from Iran who are included in USCIRF’s Freedom of Religion or Belief Victims List. Iranian authorities’ repression of freedom of religion or belief has been a decades-long campaign targeting both religious minorities and members of the majority Shi’a Muslim community. During 2022, in addition to its repression of protesters, Iran’s leadership continued to target members of the Baha’i, Christian, Gonabadi Sufi, Zoroastrian, Yarsani, Sunni Muslim, Shi’a Muslim, and nonreligious communities with harassment, arrests, egregiously long prison sentences, multi-year internal exiles, or bans on participating in political and social activities. Iranian security services also targeted religious minorities who have fled abroad as well as activists in other countries, including on U.S. soil, who opposed mandatory headscarf laws and other religious freedom restrictions. Based on these systematic, egregious, and ongoing violations of religious freedom, in this report USCIRF is again recommending that Iran be designated by the U.S. Department of State as a Country of Particular Concern (CPC). USCIRF urges the

administration of President Joseph R. Biden to continue to coordinate international action to lift the veil of impunity under which Iran’s leadership continues to operate.

Beyond Iran, this report sounds the alarm regarding the deterioration of religious freedom conditions in a range of other countries and provides policy recommendations to the U.S. government to respond to violations occurring in these places. This year, these countries include Sri Lanka, which USCIRF is recommending for placement on the State Department’s Special Watch List (SWL) for the first time. USCIRF previously published country updates on Sri Lanka in [2021](#)

and [2022](#) and found sufficient evidence of severe violations of religious freedom, such as discrimination against religious minorities in the form of targeted arrests using problematic legislation and appropriation of land and property. Similarly, USCIRF is recommending CPC designations for Cuba and Nicaragua for the first time after previously recommending them for placement on the SWL since

2004 and 2019, respectively. In Cuba, religious freedom conditions in 2022 worsened considerably, with the government seeking total dominance over religious life in the country. Additionally, the regime in Nicaragua has sharply increased its persecution of the Catholic Church by imprisoning clergy, shuttering church-affiliated organizations, and prohibiting Catholic rituals.

## About This Report

Created by the [International Religious Freedom Act of 1998, as amended](#) (IRFA), USCIRF is an independent, bipartisan U.S. government advisory body, separate from the State Department, that monitors and reports on religious freedom abroad and makes policy recommendations to the president, secretary of state, and Congress. USCIRF bases these recommendations on the provisions of its authorizing legislation and the standards in the [Universal Declaration of Human Rights](#), the [International Covenant on Civil and Political Rights](#) (ICCPR), and other international documents. USCIRF’s mandate and annual reports are different from, and complementary to, the [mandate and annual reports](#) of the State Department’s Office of International Religious Freedom.

USCIRF’s 2023 Annual Report assesses religious freedom violations and progress in 28 countries during calendar year 2022 and makes independent recommendations for U.S. policy. The key findings, recommendations, and analysis in this report are based on a year’s research by USCIRF, including travel, hearings, meetings, and

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*Iranian authorities’ repression of freedom of religion or belief has been a decades-long campaign targeting both religious minorities and members of the majority Shi’a Muslim community.*

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briefings, and are approved by a majority vote of Commissioners. Under the statute, each Commissioner has the option to include a statement with his or her own individual views.

The report's primary focus is on two groups of countries: first, those that USCIRF recommends the State Department should designate as CPCs under IRFA, and second, those that USCIRF recommends the State Department should place on its SWL. The report also includes USCIRF's recommendations of nonstate actors for designation by the State Department as Entities of Particular Concern (EPCs) under IRFA. In addition, the report analyzes the U.S. government's implementation of IRFA during the reporting year and provides recommendations to bolster overall U.S. efforts to advance freedom of religion or belief abroad. It also includes a section discussing key trends and developments in religious freedom globally during the reporting period, including in countries that are not recommended for CPC or SWL status. This year, that section covers topics including transnational repression and influence by religious freedom violators, religious freedom concerns in Europe, laws restricting religious freedom, emerging religious freedom concerns in other countries, positive developments in combating antisemitism, and religious freedom concerns for indigenous peoples in Latin America. Finally, the report's last section highlights key USCIRF recommendations that the U.S. government has implemented since USCIRF's previous annual report.

In this report, USCIRF uses the terms "religious freedom," "freedom of religion," and "freedom of religion or belief" interchangeably to refer to the broad right to freedom of thought, conscience, and religion or belief—including the right to nonbelief—protected under international human rights law.

### Standards for CPC, SWL, and EPC Recommendations

IRFA defines CPCs as countries where the government engages in or tolerates "particularly severe" violations of religious freedom. It defines the State Department's SWL for countries where the government engages in or tolerates "severe" violations of religious freedom.

Under IRFA, particularly severe violations of religious freedom mean "systematic, ongoing, [and] egregious violations . . . , including violations such as—(A) torture or cruel, inhuman, or degrading treatment or punishment; (B) prolonged detention without charges; (C) causing the disappearance of persons by the abduction or clandestine detention of those persons; or (D) other flagrant denial of the right to life, liberty, or the security of persons." Although the statute does not specifically define severe violations of religious freedom, in making SWL recommendations USCIRF interprets it to mean violations that meet two of the elements of IRFA's systematic, ongoing, and egregious standard (i.e., that the violations are systematic and ongoing, systematic and egregious, or ongoing and egregious).

To meet the legal standard for designation as an EPC, a nonstate group must engage in particularly severe violations of religious freedom, as defined above, and must also be "a nonsovereign entity that

exercises significant political power and territorial control; is outside the control of a sovereign government; and often employs violence in pursuit of its objectives."

The Annual Report highlights the countries and entities that, in USCIRF's view, merit CPC, SWL, or EPC designation; it is intended to focus U.S. policymakers' attention on the worst violators of religious

*The Annual Report highlights the countries and entities that, in USCIRF's view, merit CPC, SWL, or EPC designation; it is intended to focus U.S. policymakers' attention on the worst violators of religious freedom globally.*

freedom globally. The fact that a country or nonstate group is not covered in this report does not mean it did not violate religious freedom during the reporting year. It only means that based on the information available to USCIRF, the conditions during that year did not, in USCIRF's view, meet the high threshold—the perpetration or toleration of particularly severe or severe violations of religious freedom—required to recommend

the country or nonstate group for CPC, SWL, or EPC designation. In the case of a nonstate group, it also could mean that the group did not meet other statutory requirements, such as exercising significant political power and territorial control.

USCIRF monitors and has concerns about religious freedom conditions abroad, including violations of freedom of religion or belief perpetrated or tolerated by governments and entities not covered in this report. The full range of USCIRF's work on a wide variety of countries and topics can be found at [www.uscifr.gov](http://www.uscifr.gov).

### USCIRF'S 2023 CPC, SWL, and EPC Recommendations

For 2023, based on religious freedom conditions in 2022, USCIRF recommends that the State Department:

- **Redesignate** as CPCs the following 12 countries: Burma, China, Cuba, Eritrea, Iran, Nicaragua, North Korea, Pakistan, Russia, Saudi Arabia, Tajikistan, and Turkmenistan;
- Designate as additional CPCs the following five countries: Afghanistan, India, Nigeria, Syria, and Vietnam;
- **Maintain** on the SWL the following two countries: Algeria and the Central African Republic (CAR);
- Include on the SWL the following nine countries: Azerbaijan, Egypt, Indonesia, Iraq, Kazakhstan, Malaysia, Sri Lanka, Turkey, and Uzbekistan; and
- **Redesignate** as EPCs the following seven nonstate actors: al-Shabaab, Boko Haram, Hay'at Tahrir al-Sham (HTS), the Houthis, Islamic State in the Greater Sahara (ISGS), Islamic State in West Africa Province (ISWAP also referred to as ISIS-West Africa), and Jamaat Nasr al-Islam wal Muslimin (JNIM).

The conditions supporting the CPC or SWL recommendation for each country are described in the relevant country chapters of this report. The conditions supporting the EPC recommendations for Boko Haram and ISWAP are described in the Nigeria chapter and for HTS in the Syria chapter.

For al-Shabaab, the Houthis, ISGS, and JNIM, the EPC recommendations are based on the following conditions:

Militant Islamist insurgency al-Shabaab continued to operate in parts of Somalia despite military pressure from the Somali government and its allies. The group continued to conduct attacks based on religion in its efforts to establish a state that will enforce a singular interpretation of Islamic law. In addition to targeting military and civilian infrastructure, al-Shabaab also targeted houses of worship. In July, al-Shabaab fighters [bombed a mosque](#) in Baidoa during Friday prayers, killing several worshipers.

In 2022, the Houthi movement, formally known as Ansar Allah, did not significantly expand its territorial holdings throughout Yemen after making marginal gains in the year prior. A truce that began in April expired in October despite [calls](#) for its renewal; however, even during the brief cessation of hostilities, the Houthis continued their egregious religious freedom violations. The group [continued](#) to undermine the rights of women and girls by imposing a *mahram* (male escort) requirement, even as broader male guardianship restrictions [increased](#) considerably. Jewish prisoner [Libi Marhabi](#) remained in

Houthi detention despite multiple appeals for his release, and the tiny remaining Jewish community faced ongoing [repression](#) from Houthi leaders. Authorities persisted in systematically persecuting the Baha'i community by detaining and torturing members while [plundering](#) Baha'i land, property, and assets. The Houthis harassed, detained, and tortured Yemeni Christians, particularly converts from Islam, and the group also detained more than 200 Christian foreign workers from Africa on false accusations. Only a [few thousand Christians](#) remained in the country, as many fled such persecution.

Militant Islamist insurgencies ISGS and JNIM expanded their reach in the Sahel, including in Mali, Burkina Faso, and Niger. Both ISGS and JNIM engaged in intimidation and conducted attacks based on religion and enforced harsh interpretations of Islamic law in their areas of control. Abuses continued into early 2023 when militant Islamist fighters attacked an [Ahmadiyya mosque](#) in Burkina Faso, demanding the attendees change their faith before killing the imam and several others.



# IMPLEMENTATION OF THE INTERNATIONAL RELIGIOUS FREEDOM ACT

## Key Findings

In 2022, the administration of President Joseph R. Biden continued to prioritize protecting international religious freedom (IRF) and increasing accountability for violations. In March, the U.S. Department of State determined that the “Burmese military committed [genocide](#) and crimes against humanity against Rohingya” and [imposed further sanctions](#) against Burmese individuals and entities responsible for the regime’s ongoing violent crackdown. In April, President Biden signed into law the permanent reauthorization of the Global Magnitsky Human Rights Accountability Act (Global Magnitsky Act). USCIRF [welcomed](#) the permanent reauthorization, which provides the U.S. government with the authority to impose sanctions (i.e., issue visa bans and asset freezes) against foreign persons engaging in gross human rights abuses, such as severe religious freedom violations.

The U.S. government continued to serve as the Secretariat of the [International Religious Freedom or Belief Alliance](#) (IRFBA). During 2022, IRFBA made multicountry statements on egregious religious freedom violations in [Nicaragua](#) and [Nigeria](#), the rights of religious minority groups such as the [Baha’i](#) and [Ahmadiyya Muslim](#) communities to freely practice their faiths, and the incompatibility of [blasphemy laws](#) with freedom of religion or belief and freedom of expression. In addition, the U.S. government cosponsored a United Nations Human Rights Council (UNHRC) [resolution](#) on freedom of religion or belief and supported convening a [special session](#) of the UNHRC to address Iran’s suppression of protesters.

In September, President Biden [maintained](#) the heightened admissions cap for refugees at 125,000 for fiscal year (FY) 2023 and

[designated](#) certain populations for priority consideration as refugees, including multiple groups fleeing religious persecution. This followed a [commitment](#) from the United States Citizenship and Immigration Services (USCIS) to increase staffing levels to more efficiently process refugee claims. Additionally, USCIS provided [temporary protected status](#) to Afghan nationals living in the United States.

In November, the State Department [designated](#) 12 countries as “countries of particular concern” (CPCs) under the International Religious Freedom Act (IRFA) for engaging in or tolerating particularly severe violations of religious freedom, including for the first time Cuba and Nicaragua. USCIRF welcomed the new CPC designations but expressed tremendous [disappointment](#) that the State Department failed to include India and Nigeria among its list of CPCs. While the State Department reimposed existing sanctions on eight of the 12 countries it designated as CPCs, it issued waivers on taking any action against the remaining four. USCIRF has long called on administrations to refrain from issuing waivers and rely-

ing exclusively on existing sanctions to hold CPCs accountable. The State Department placed four countries on its “Special Watch List” (SWL) for severe religious freedom violations, including two countries for the first time, the Central African Republic (CAR) and Vietnam. Although the State Department designated Vietnam as a CPC in 2004 and 2005, it never previously placed Vietnam on the SWL. Finally, the State Department designated nine “entities of particular concern” (EPCs), which are nonstate actors that engage in particularly severe violations of religious freedom. The Wagner Group, a private Russian military firm, received an EPC designation for the first time in light of its actions in CAR.

*In November, the State Department designated 12 countries as “countries of particular concern” (CPCs) under the International Religious Freedom Act (IRFA) for engaging in or tolerating particularly severe violations of religious freedom, including for the first time Cuba and Nicaragua.*

## STATE DEPARTMENT 2022 DESIGNATIONS

CPC Designations	Burma, China, Cuba, Eritrea, Iran, Nicaragua, North Korea, Pakistan, Russia, Saudi Arabia, Tajikistan, and Turkmenistan
SWL Countries	Algeria, Central African Republic, Comoros, and Vietnam
EPC Designations	Al-Shabaab, Boko Haram, Hay’at Tahrir al-Sham (HTS), the Houthis, the Islamic State in Greater Sahara, the Islamic State in West Africa Province, Jamaat Nasr al-Islam wal Muslimin, the Taliban, and the Wagner Group

## RECOMMENDATIONS TO THE ADMINISTRATION

- Promptly appoint a well-qualified individual within the National Security Council (NSC) as Special Adviser to the President on IRF and provide financial resources and staff needed to fulfill the mandate outlined in IRFA;
- Strengthen advocacy on behalf of individuals persecuted on the basis of religion by maintaining the United States' leadership roles in IRFBA and the [International Contact Group on Freedom of Religion or Belief](#), participating in and supporting future events to advance international religious freedom, and continuing to implement the executive order on Advancing International Religious Freedom;
- Increase the use of the Global Magnitsky Act and other human rights related financial and visa authorities to impose asset freezes and/or visa bans on individuals and entities for severe religious freedom violations, citing specific abuses, and coordinate with other countries with similar sanctions regimes on such targeted sanctions whenever possible;
- Fully implement the [Elie Wiesel Genocide and Atrocities Prevention Act of 2018](#) to develop policies to enhance the capacity of the United States to prevent and respond to atrocities worldwide, including those against religious communities;
- Review U.S. policy toward the four CPC-designated countries for which waivers were issued on taking any action—Pakistan, Saudi Arabia, Tajikistan, and Turkmenistan—to make policy changes for meaningful consequences and encourage positive change;
- Continue to strengthen the mechanisms of the U.S. Refugee Admissions Program (USRAP) to increase the ability to meet the admissions ceiling for refugees in FY 2023, and prioritize for resettlement survivors of the most egregious forms of religious persecution, including Iranian religious minorities eligible for processing under the Lautenberg Amendment, members of other severely persecuted religious or belief communities, and survivors of genocide or other atrocity crimes;
- Address longstanding flaws in the treatment of asylum seekers in Expedited Removal, including by [enhancing](#) the quality and oversight of the initial processing of noncitizens, [improving](#) detention conditions, and [appointing](#) a high-level official at the U.S. Department of Homeland Security (DHS) to coordinate and oversee reforms;
- Allocate greater funding to programs that support civil society and human rights defenders in exile who document and monitor religious freedom violations in countries where civil society is repressed; and
- Perform an assessment on foreign governments' transnational repression as it relates to religious freedom, including analysis of how to improve U.S. government policy and U.S. collaboration with allies to prevent and counter transnational targeting of religious communities.

## RECOMMENDATIONS TO CONGRESS

- Examine U.S. policy related to IRF issues, including the effectiveness of CPC designations for mitigating religious freedom violations, through legislation, hearings, briefings, and other actions; and assess, during congressional delegation trips abroad, conditions for persons of all faiths and beliefs as well as nonbelievers;
- Advocate, as individual members of Congress, for IRF by sponsoring religious prisoners of conscience through the Tom Lantos Human Rights Commission's (TLHRC) [Defending Freedoms Project](#), collaborating with the [International Panel of Parliamentarians for Freedom of Religion or Belief](#), and joining the U.S. House of Representatives or U.S. Senate Bipartisan Task Force for Combating Antisemitism and caucuses such as the House IRF Caucus and Ahmadiyya Muslim Caucus;
- Reintroduce and pass the bipartisan [Stop Helping Adversaries Manipulate Everything \(SHAME\) Act](#) to prohibit any person from receiving compensation for lobbying on behalf of foreign adversaries, including those engaging in particularly severe violations of the right to freedom of religion or belief; and
- Permanently reauthorize the U.S. Commission on International Religious Freedom to ensure Congress and the public continue to receive independent, bipartisan monitoring and analysis of international religious freedom issues.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Factsheet:** [Overview of Refugees Fleeing Religious Persecution Globally](#)
- **Factsheet:** [Freedom of Religion or Belief Victims List](#)
- **Issue Brief:** [Implications of Laws Promoting State-Favored Religions](#)
- **Hearing:** [Women's Roles in Advancing International Religious Freedom](#)
- **Podcast:** [Breaking Down the State Department's IRF Designations](#)

## Legal Framework

IRFA, as amended by the [Frank R. Wolf International Religious Freedom Act of 2016](#), seeks to make religious freedom a higher priority in U.S. foreign policy through a range of mechanisms and tools. These include [governmental institutions](#) (USCIRF as an independent legislative branch agency requiring regular reauthorization, the ambassador at large and the State Department's [IRF Office](#), and a special adviser on the White House NSC staff); ongoing monitoring and annual reports on international religious freedom violations; and the imposition of consequences for the worst violators. The consequences set forth in IRFA consist of CPC designations and related actions, placement on the State Department's SWL, the ability to bar entry to the United States of foreign officials responsible for particularly severe religious freedom violations, and EPC designations for nonstate actors.

IRFA includes religious freedom as an element of U.S. foreign assistance, cultural exchange, and international broadcasting programs and requires training on religious freedom and religious persecution for State Department foreign service officers and U.S. immigration officials. Further, it includes provisions on U.S. refugee and asylum policy. It also specifically cites U.S. participation in multilateral organizations as an avenue for advancing religious freedom abroad. IRFA is centered on the right to freedom of religion or belief as recognized in international law, as articulated in the [Universal Declaration of Human Rights](#), the [International Covenant on Civil and Political Rights](#), and other international instruments and regional agreements.

For a more detailed description of IRFA, its legislative history, and its implementation, see [USCIRF's Factsheet: IRFA](#).

Alongside IRFA, other laws provide tools to sanction individual religious freedom abusers. Some apply to specific countries, such as the Comprehensive Iran Sanctions and Divestment Act ([CISADA, P.L.111-195](#)). More broadly, the 2016 [Global Magnitsky Act](#) allows the president, who has [delegated](#) these authorities to the secretaries of treasury and state, to deny U.S. visas to and freeze the U.S.-based assets of any foreigner responsible for "extrajudicial killings, torture, or other gross violations of internationally protected human rights" against someone seeking to expose illegal government activity or to exercise or defend internationally protected rights. Executive Order (E.O.) 13818, issued in December 2017 to implement and build on the Global Magnitsky Act, authorizes visa bans and asset freezes against foreign persons involved in "serious human rights abuse," providing an even more expansive basis for targeted sanctions.

In addition, Section 7031(c) of the State Department's FY 2023 annual appropriations ([P.L. 117-328](#)) requires the secretary of state to make foreign officials and their immediate family members ineligible for U.S. entry if there is credible evidence that such individuals have been involved in "a gross violation of human rights." Unlike the visa ineligibility provision enacted in IRFA, visa bans under this provision may be announced publicly.

## Key Developments in 2022

### Key U.S. Government IRF Positions

Ambassador at Large for International Religious Freedom [Rashad Hussain](#) continued implementing his mandate through public speeches and meetings, including with the nongovernmental organization (NGO) IRF Roundtable and other stakeholders. In addition, Ambassador Hussain traveled to [Mauritania](#), [Bangladesh](#), [Saudi Arabia](#), the [United Kingdom](#), [Turkey](#), and the [United Arab Emirates](#) as well as [Morocco](#), [the Gambia](#), and [Senegal](#) to meet with government officials and faith communities to advance religious freedom.

In March, the Senate [confirmed](#) [Deborah E. Lipstadt](#) as Special Envoy to Monitor and Combat Antisemitism and elevated the rank to an ambassador position for the first time. Since assuming her mandate, Ambassador Lipstadt has [condemned](#) antisemitic remarks delivered by a UN official; met with NGOs and other stakeholders; and traveled to [Argentina](#) and [Chile](#), the [United Kingdom](#), [Belgium](#), [France](#), and [South](#)

[Africa](#) and [Morocco](#) to meet with government officials and faith leaders to combat antisemitism, anti-Muslim hatred, racism, and other forms of intolerance and discrimination.

In 2022, Under Secretary for Civilian Security, Democracy, and Human Rights [Uzra Zeya](#), who also serves concurrently as the U.S. Special Coordinator for Tibetan Issues, highlighted [ongoing human rights violations](#) in Xinjiang, China, and [delivered remarks](#) on protecting Tibetans' right to freedom of religion or belief at an event on the sidelines of the 51st session of the UNHRC.

### Lack of Designations for Afghanistan, India, Nigeria, and Syria

The State Department [did not designate](#) Afghanistan, India, Nigeria, or Syria as CPCs in 2022 despite USCIRF's [recommendations](#) to do so and its own [reporting](#) documenting the nature and extent of the religious freedom violations in those countries. USCIRF has recommended CPC status for Afghanistan since 2022, India since 2020, Nigeria since 2009, and Syria since 2014, and it [issued a public statement](#) criticizing the State Department's omissions. Information on the religious freedom violations that took place in Afghanistan, India, Nigeria, and Syria in 2022 can be found in the country chapters in this report.

### New Designations for Cuba, Nicaragua, CAR, and Vietnam

The State Department [elevated](#) Cuba and Nicaragua to CPC status based on worsening religious freedom conditions in those countries and [placed](#) CAR and Vietnam on the SWL for the first time, though Vietnam was designated as a CPC in 2004 and 2005. USCIRF continues to conclude and recommend that Vietnam should be designated as a CPC, but it hopes the SWL designation will encourage the

*The State Department did not designate Afghanistan, India, Nigeria, or Syria as CPCs in 2022 despite USCIRF's recommendations to do so and its own reporting documenting the nature and extent of the religious freedom violations in those countries.*



Vietnamese government to take concrete steps to address long-standing religious freedom concerns.

### Malign Foreign Influence

In 2022, a bipartisan group of members of Congress introduced the [SHAME Act](#) to prohibit lobbyists from receiving compensation from countries designated as foreign adversaries by the U.S. Department of Commerce. Most of the designated countries engage in particularly severe religious freedom violations and other egregious human rights abuses. The SHAME Act would considerably strengthen the existing regulatory framework around lobbying on behalf of foreign governments. The current regulatory framework, governed by the [Foreign Agent Registration Act of 1938](#) and the [Lobbying Disclosure Act](#), [does not prevent](#) lobbyists from working on behalf of foreign adversaries engaging in gross violations of human rights. As such, foreign adversaries can legally attempt to promote their interests or influence U.S. government policy on human rights and international religious freedom issues.

### Multilateral Engagement

In 2022, the United States served the first year of a three-year term as a member of the UNHRC after having been elected to the body in October 2021. The U.S. government cosponsored a resolution on [Freedom of Religion or Belief](#) and also [supported](#) calling an Urgent Debate on human rights violations occurring in Afghanistan against women and girls. During the Urgent Debate, the U.S. government [highlighted](#) the longstanding human rights violations perpetrated against the Shi'a Muslim community in Afghanistan and [cosponsored](#) a resolution strongly condemning all violations occurring in Afghanistan. In addition, in December, the State Department released multicountry joint statements condemning the Taliban's decisions to [ban women from attending universities](#) and [working for NGOs](#).

Following Iran's violent crackdown on Iranians protesting Mahsa Zhina Amini's death at the hands of Iran's Morality Police for wearing an "improper hijab," the U.S. government [supported](#) convening a special session of the UNHRC on Iran's human rights violations. At the special session's conclusion, the U.S. government voted in favor of establishing a fact-finding mission to thoroughly and independently investigate human rights violations related to the protests.

During 2022, the U.S. government also organized an [event](#) on the protection of ethnic and religious minority groups in Afghanistan and an [event](#) on protecting the right to freedom of religion or belief for Tibetan Buddhists; [joined](#) a 47-country joint statement on human rights conditions in Xinjiang, Hong Kong, and Tibet; and cosponsored and [supported](#) a resolution that removed Iran from the UN Commission on the Status of Women.

### Individual Violators

During 2022, there were no known visa denials to any foreign officials for particularly severe religious freedom violations under Section 212(a)(2)(G) of the Immigration and Nationality Act, the provision added by IRFA. However, the U.S. government continued its use of newer accountability tools to deny U.S. visas to or block the U.S.-based assets of foreigners for corruption or human rights abuses.

As of December, the U.S. government had sanctioned 606 foreign individuals and entities under the Global Magnitsky Act and the related 2017 [E.O. 13818](#), including multiple sanctions for religious freedom violations. The U.S. Department of the Treasury [imposed Global Magnitsky Act](#) sanctions on Chinese public security officials responsible for human rights and religious freedom violations in the Tibetan Autonomous Region and on Iranian law enforcement authorities for violently cracking down on protesters.

The U.S. government also used non-Global Magnitsky Act tools to hold violators accountable. Following the State Department designating the Burmese military's atrocities against the Rohingya as genocide, the Treasury Department, under [E.O. 14014](#), [sanctioned](#) Burmese military commanders, a Burmese military unit, and arms dealers responsible for or complicit in serious human rights abuses. In addition, the Treasury Department sanctioned Iranian officials in [September](#), [twice](#) in [October](#), in [November](#), and in [December](#) under [E.O. 13553](#) for their brutal crackdown against Iranian protesters.

### Programs

IRFA envisaged the funding of religious freedom programs authorizing U.S. foreign assistance to promote and develop "legal protections and cultural respect for religious freedom." For [FY 2022](#), the State Department was required to make funds available for international religious freedom programs. During 2022, the State Department's Bureau of Democracy, Human Rights, and Labor issued several requests for proposals to advance religious freedom and/or provide protection to religious minority groups—including in [Bulgaria and Romania](#), [Cuba](#), and [Ethiopia](#).

Throughout 2022, the Biden administration funded humanitarian aid for religious groups targeted for persecution or genocide and programs to promote religious freedom, tolerance, and pluralism.

In March, the State Department and the U.S. Agency for International Development (USAID) [announced](#) more than \$152 million in humanitarian assistance for the Rohingya humanitarian crisis. In May, USAID [announced](#) \$808 million in humanitarian assistance for the Syria crisis, including funding to support safe spaces and psychosocial support for women and girls. In September, the State Department and USAID [announced](#)

\$170 million in additional humanitarian assistance for the Rohingya humanitarian crisis and [\\$326.7 million](#) in humanitarian assistance to vulnerable populations in Afghanistan. Critically, throughout 2022, USAID [maintained](#) the Strategic Religious Freedom and International Religious Freedom Sector Council to advise and coordinate action on

*As of December, the U.S. government had sanctioned 606 foreign individuals and entities under the Global Magnitsky Act and the related 2017 E.O. 13818, including multiple sanctions for religious freedom violations.*

policy steps to advance USAID’s commitment to freedom of religion or belief.

### Refugee Resettlement

Under USRAP, the president sets a ceiling for how many refugees the United States will accept from abroad each year; under IRFA, religious persecution should be considered in this determination.

In October 2021, the Biden administration [increased](#) the annual refugee ceiling to 125,000 for FY 2022, which doubled [FY 2021’s](#) 62,500-refugee ceiling. For FY 2022, the Biden administration [designated](#) certain populations for priority consideration as refugees—including Turkic Muslim refugees who are nationals or last habitual residents of China, Rohingya Muslim refugees who are nationals or last habitual residents of Burma, and Iraqi and Syrian nationals who are members of religious or ethnic minority groups. In addition, in March 2022, President Biden [signed](#) the renewal of the Lautenberg Amendment—a special program allowing certain persecuted religious minority groups to resettle in the United States. Despite these steps, only 25,465 refugees were admitted to the United States in [FY 2022](#). USCIS has prioritized [increasing staffing levels](#) to process refugee claims more efficiently.

In September, the White House [announced](#) that it was maintaining the admission ceiling at 125,000 for FY 2023. The Biden administration also [pledged](#) to continue implementing [E.O. 14013](#) in FY 2023 to rebuild and enhance USRAP and to prioritize persecuted religious populations for U.S. resettlement. In December, the State Department [announced](#) an initiative to resettle vulnerable Rohingya refugees as a part of USRAP.

### Asylum Seekers in Expedited Removal

As authorized by IRFA, USCIRF examined the U.S. government’s treatment of asylum seekers in Expedited Removal, the process that allows DHS officers to quickly deport—without immigration court hearings—noncitizens who arrive at U.S. ports of entry or cross the border without proper documents unless they can establish a credible fear of persecution or torture. USCIRF has long monitored the subject, including in comprehensive reports released in [2005](#), [2007](#), [2013](#), and [2016](#) that document major problems successive administrations have not addressed. Specifically, USCIRF found that DHS officials often fail to follow required procedures to [identify](#) asylum seekers and refer them for credible fear determinations; that they [detain](#) asylum seekers in

inappropriate, prison-like conditions; and that funding disparities and a lack of high-level oversight [hamper](#) the complicated, multiagency process. These flaws raise serious concerns that the United States is erroneously returning asylum seekers to countries where they could face persecution or torture in violation of both U.S. and international law—a risk that Expedited Removal has only exacerbated.

In 2021, President Biden ordered the secretary of homeland security to review expedited removal procedures and make recommendations for “creating a more efficient and orderly process that facilitates timely adjudications and adherence to standards of fairness and due process,” a step that USCIRF welcomed. Although the recommendations have not been made public, in March 2022, DHS [rescinded](#) a notice that expanded Expedited Removal procedures to the maximum extent permitted. With its rescission, the risk of erroneously returning asylum seekers to countries where they could face persecution, while still real, is reduced.

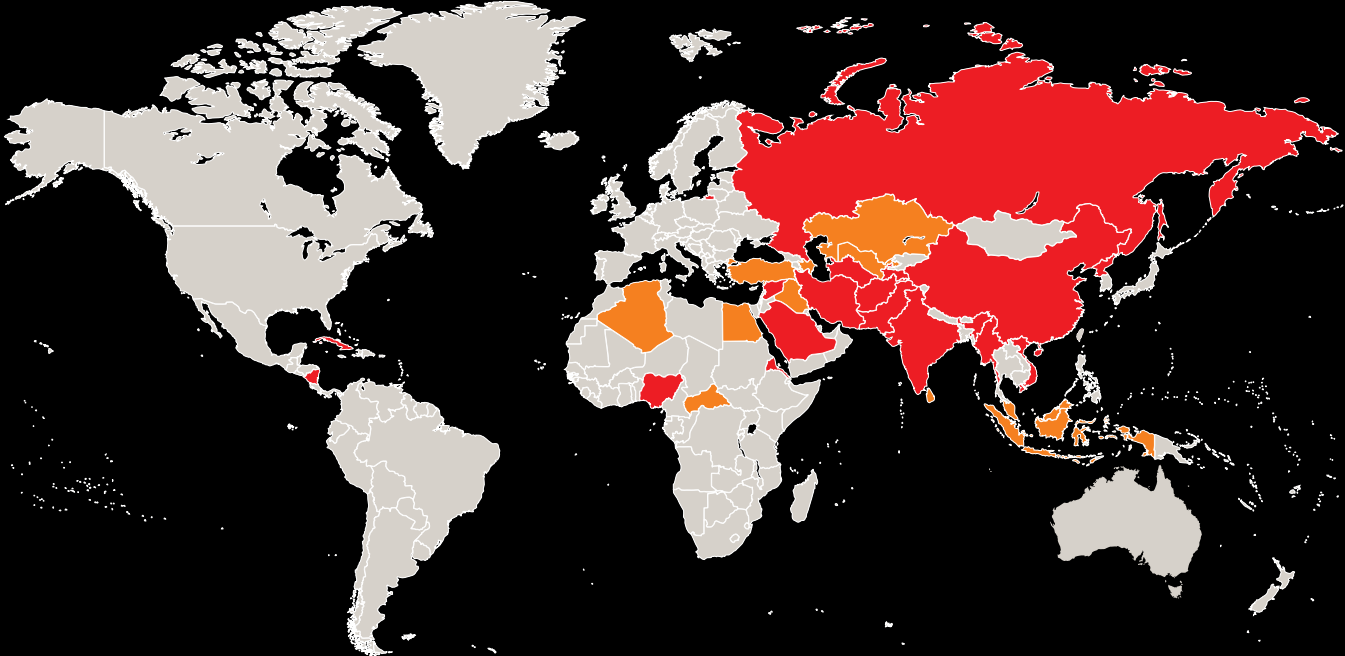
### Notable Congressional Efforts to Promote Religious Freedom Abroad

In 2022, Congress continued its own IRF promotion efforts. In April, Congress [passed](#) the permanent reauthorization of the Global Magnitsky Act, which USCIRF [applauded](#). Additionally, the House Foreign Affairs Committee held a [hearing](#) on the crisis in Burma one year after the coup. The TLHRC held a [hearing](#) on discrimination and persecution against Muslims around the world and a [hearing](#) on the perilous state of religious freedom in Nicaragua. The Congressional-Executive Commission on China held hearings on China’s [control of religion](#) through digital authoritarianism, [growing constraints](#) on language and ethnic identity in China, and human rights abuses in [Tibet](#), including religious rights violations.

In addition, members of Congress advocated for the release of prisoners of conscience, including [religious prisoners](#), through the TLHRC’s [Defending Freedoms Project](#). Members sent the executive branch letters on religious freedom violations in Burma, China, India, Iran, Nicaragua, Nigeria, and Vietnam as well as letters advocating for a USRAP Priority 2 designation for religious minorities in Afghanistan and improvements in education for Rohingya refugees in Cox’s Bazar. Members also participated in numerous USCIRF events and hearings, including the [launch](#) of the 2022 annual report, a [hearing](#) on U.S. policy and freedom of religion or belief in North Korea, a hearing on the [crackdown](#) on religious freedom in Nicaragua, and a [hearing](#) on China’s religious freedom violations.



# 2023 USCIRF RECOMMENDATIONS



**■ COUNTRIES OF PARTICULAR CONCERN**

- |             |             |              |              |
|-------------|-------------|--------------|--------------|
| Afghanistan | India       | Pakistan     | Turkmenistan |
| Burma       | Iran        | Russia       | Vietnam      |
| China       | Nicaragua   | Saudi Arabia |              |
| Cuba        | Nigeria     | Syria        |              |
| Eritrea     | North Korea | Tajikistan   |              |

**■ SPECIAL WATCH LIST COUNTRIES**

- |                          |           |            |            |
|--------------------------|-----------|------------|------------|
| Algeria                  | Egypt     | Kazakhstan | Turkey     |
| Azerbaijan               | Indonesia | Malaysia   | Uzbekistan |
| Central African Republic | Iraq      | Sri Lanka  |            |

# AFGHANISTAN

## USCIRF-RECOMMENDED FOR COUNTRIES OF PARTICULAR CONCERN (CPC)

### KEY FINDINGS

In 2022, religious freedom conditions in Afghanistan continued to deteriorate, as they have since the Taliban seized control of the country in August 2021. In contrast to its pledges for change and inclusivity upon its seizure of power, the Taliban has since ruled Afghanistan in a deeply repressive and intolerant manner—essentially [unchanged](#) from its previous era in power from 1996 to 2001. Its rigorous enforcement on all Afghans of its harsh interpretation of Shari'a violates the freedom of religion or belief of religious minorities; women; [members](#) of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community; and Afghans with differing interpretations of Islam, such as predominantly Shi'a Muslim members of the ethnic Hazara community. Taliban leaders have further issued a series of [decrees](#) specifying acceptable behaviors under their interpretation of Islam, particularly targeting [women](#) by restricting their freedom of movement, dress, education, participation in sports, right to work, and healthcare. The group's Ministry for Propagation of Virtue and Prevention of Vice (MPVPV) enforces what its officials deem religiously appropriate conduct through a notoriously violent and hardline Islamist policing system that has been especially [harsh](#) and progressively worsening toward [Afghan women](#).

Despite continued promises to protect all ethnic and religious communities residing in Afghanistan, the Taliban's de facto government has been unable or unwilling to provide religious and ethnic minorities safety and security against [radical Islamist violence](#), particularly in the form of attacks by the Islamic State-Khorasan Province (ISIS-K) and factions of the Taliban itself. In April, for example, ISIS-K bombed several religious sites,

including [Sahib Khalifa Mosque](#), a Sufi house of worship in Kabul, killing almost [50 worshipers](#), and [Mawlawi Sekandar Sufi Mosque](#) in Kunduz Province, killing 33 people. Much of the related violence has targeted Hazara villages, schools, and places of worship, such as a [series of attacks](#) in April against the Seh Dokan Mosque in Mazar-i-Sharif and twin bombings at Abdul Rahim Shahid High School in the Shi'a-dominated area of Kabul. That same month, the Taliban [tortured](#) and killed a Hazara midwife in Mazar-e-Sharif, amputating her legs, stabbing her, and shooting her 12 times. In August, an [attack](#) on a Shi'a Muslim neighborhood in Kabul during the holy days of Muharram left [eight people](#) dead. These existential threats led several members of Parliament in the United Kingdom, along with a group of key scholars and advocates, to warn in their unofficial [inquiry](#) in August of an imminent threat of genocide facing the Hazara community.

The Taliban also either actively targets, discriminates against, or outright denies the existence of many vulnerable religious minorities such as [Christians](#)—who the Taliban falsely [insist](#) do not exist in the country—as well as Ahmadiyya Muslims, Baha'is, and nonbelievers. Members of these groups are unable to express their faiths or beliefs openly because they face dire consequences, including death, if discovered by the Taliban or ISIS-K. The Taliban reportedly assured the Sikh and Hindu communities of their safety shortly following the group's takeover of Afghanistan in 2021; however, several subsequent incidents of vandalism and violence led many to flee the country in 2021 and 2022, leaving behind fewer than 100 Hindus and Sikhs.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate Afghanistan under the de facto rule of the Taliban as a "country of particular concern," or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA);
  - Expand the existing [Priority 2 \(P-2\) designation](#) granting U.S. Refugee Admissions Program (USRAP) access for certain Afghan nationals and their family members to explicitly include Afghan religious minorities at extreme risk of religious persecution;
  - Integrate protections for freedom of religion or belief into all potential dialogue with the Taliban; continue to clearly and publicly condemn ongoing and severe atrocities committed by the Taliban and ISIS-K; and emphasize to Taliban leadership the close relationship between religious freedom and overall security; and
  - Impose targeted sanctions on Taliban officials responsible for severe violations of religious freedom by freezing those individuals' assets and/or banning their entry into the United States under human rights related financial and visa authorities—citing specific religious freedom violations—and coordinate with allies to impose similar sanctions.
- The U.S. Congress should:
- Create by law a P-2 designation for members of religious groups at extreme risk of persecution by the Taliban.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Country Update:** [Religious Freedom in Afghanistan](#)
- **Hearing:** [Religious Freedom in Afghanistan: One Year since the Taliban Takeover](#)
- **Podcast:** [Deteriorating Religious Freedom Conditions in South Asia](#)
- **Factsheet:** [Overview of Refugees Fleeing Religious Persecution Globally](#)

## Background

Afghanistan is home to a diverse array of ethnic groups, including Pashtuns, Tajiks, Hazaras, Uzbeks, Turkmen, and Balochs. Historically, the nation was religiously diverse, but the vast majority of non-Muslims fled after the Taliban seized control in 1996, and many of those who remained subsequently fled the country following the U.S. withdrawal in August 2021. The country's current [population](#) of over 38 million is approximately 99.7 percent Muslim (84.7–89.7 percent Sunni and 10–15 percent Shi'a, including Ismailis and Ahmadis), with the few remaining non-Muslims (Hindus, Sikhs, Baha'is, Christians, Buddhists, Zoroastrians, and others) comprising the remaining 0.3 percent. Statistics for smaller groups are difficult to substantiate as most members are now reportedly in hiding; however, estimates for the Ahmadiyya Muslim community range from 450 to 2,500, and as many as 10,000 to 12,000 [Christians](#) likely lived in Afghanistan at the beginning of the year. The country's reported last remaining Jew, Zebulon Simentov, left in 2021.

## Policing Society and Restricting Women

The Taliban has placed many other restrictions on Afghan society based on the regime's interpretation of religious law, such as the [banning of music](#). In January 2022, a video [emerged](#) from Paktia Province in which Taliban members humiliated two local musicians and burned their instruments. As a result of such incidents—including several executions and attacks since August 2021—many [artists](#), entertainers, and musicians have fled Afghanistan, while those remaining hide their trade in fear; the Artistic Freedom Initiative [reports](#) that around 3,000 performers have requested help to leave.

However, the Taliban has focused its most disastrous, sweeping, and repressive policies against the country's women in an effort to implement its vision of religious law that excludes Afghan women from all opportunities and aspects of public life. In May, the MPVPV issued a [decree](#) stating that women in Afghanistan must cover their faces in public, ideally wearing a [burqa](#), and warned women not to wear colorful clothing, high-heeled shoes, perfume, or anything ostensibly meant to attract the opposite sex. Secondary schools for girls remained [closed](#) throughout 2022, contingent on plans for the Taliban to set [Islamic and cultural](#) conditions for female students aged 12 and older, according to [statements](#) from the group. Furthermore, the de facto government [announced](#) in December a complete ban on women attending universities, prompting a series of [protests](#) across the country by male and female students as well as widespread international condemnation, including from the [United Nations \(UN\) Security Council](#), the [Organization of Islamic Cooperation](#), and many [Muslim-majority countries](#). Days later, the Taliban demonstrated its recalcitrance by announcing yet another ban—this time on [women's](#)

[employment](#) with local and international nongovernmental organizations (NGOs)—leading to similar international [outrage](#) and the [suspension](#) of activities by a number of organizations. The UN joined in temporarily closing some of its aid programs in Afghanistan, [warning](#) of “life-threatening consequences” from the Taliban's actions.

## Key U.S. Policy

While the United States has not recognized the Taliban regime as the official government of Afghanistan, a [U.S. government delegation](#) met with Taliban representatives in Qatar in June, underscoring U.S. commitment to the Afghan people in the wake of the deadly earthquakes that hit eastern Afghanistan earlier that month. U.S. officials emphasized the importance of the Taliban fulfilling its public commitments, including protecting the rights of all Afghans. The officials also expressed concern regarding the ongoing presence of al-Qaeda, ISIS-K, and other terrorist organizations in Afghanistan that continue to target religious minorities and those with differing beliefs. In [August](#), U.S. drone strikes killed al-Qaeda leader Ayman al-Zawahiri in Kabul, and the [U.S. Department of State](#) accused the Taliban of grossly violating the [2020 Doha Declaration](#).

Refugee resettlement remains one of the most crucial but challenging U.S. policy issues regarding Afghanistan. At present, only Afghan nationals who meet a highly limited set of conditions, such as working directly for U.S. authorities or U.S.-funded programs or for NGOs or media outlets based in the United States, have [priority status](#) for resettlement. Efforts to extend the program to other communities and individuals at particular risk since the Taliban's return to power have largely stalled. As of the end of 2022, and despite recognition from [Secretary of State Antony J. Blinken](#) and [some members of Congress](#) regarding the horrendous conditions that religious minorities and other especially vulnerable populations face in Afghanistan, no specific legislation or policy initiative has yet emerged that would [extend](#) the crucial P-2 designation to those communities. Many such vulnerable families are reportedly among the [thousands](#) of displaced Afghans who by the end of 2022 still remained [in limbo](#) at the Emirates Humanitarian Centre in Abu Dhabi, awaiting U.S. processing in cooperation with United Arab Emirates authorities.

On November 30, the State Department [redesignated](#) the Taliban as an “entity of particular concern,” or EPC, under IRFA for engaging in particularly severe violations of religious freedom. However, the State Department did not designate Afghanistan as a CPC, likely due to its nonrecognition of the Taliban as the de facto governing authority; it also did not designate ISIS-K as an EPC due to the group's lack of territorial control—its [horrific campaign of violence](#) against Afghan religious minorities notwithstanding.

### KEY FINDINGS

In 2022, religious freedom conditions in Burma continued to decline significantly. Since staging a military coup in February 2021, the country's junta—the Tatmadaw—has ruled through the State Administration Council (SAC) under the leadership of General Min Aung Hlaing. The SAC maintains full control of only an [estimated](#) 17 percent of the country's total territory, and in that limited space it has significantly cracked down on all dissent and freedoms.

Throughout the year, the SAC continued to link its legitimacy to the sponsorship of Burma's Buddhist majority. In August, Major General Zaw Min Tun [promised](#) that any verbal, written, or online post insulting Buddhism would be punished according to the law. In July, General Hlaing [joined](#) two Buddhist monks in consecrating a replica of Shwezigon Pagoda in Moscow, Russia. In March, it was [reported](#) that since the time of the coup, the junta had destroyed, raided, and looted at least 30 Buddhist monasteries in Sagaing Region and 20 more in Magwe Region. The SAC's sponsorship is limited to those Buddhist communities that support the junta.

The government violently targeted houses of worship belonging to religious minorities throughout the year, with evidence suggesting the SAC is using the same tactics against these communities that its forces have deployed against Muslim-majority Rohingyas since 2017. From the time of the 2021 coup through December 2022, government forces damaged or destroyed at least nine Catholic churches in Kloikaw Diocese in Kayah State and severely [affected](#) at least 16 out of 38 Catholic parishes. Government forces have also [burned](#) villages of religious minorities and even members of the Buddhist majority, destroying homes and houses of worship and schools in the process. The conflict displaced

over 1.1 million people during that same timeframe, bringing the total of internally displaced persons (IDPs) in Burma to 1.4 million. This number [includes](#) 121,000 from religious minority communities as well as from majority Buddhist groups within Kachin and Shan states. The SAC has deliberately [blocked](#) the delivery of humanitarian aid to vulnerable populations.

The increasing conflict between the SAC and the various ethnic armies, as well as forces aligned with the opposition National Unity Government (NUG), have [caused](#) the conflict to spread to approximately 83 percent of Burma's territory. Growing [evidence](#) reveals that neither the SAC nor the NUG have the ability to control many of the territories within Burma, including the regions in Rakhine State that are or were formerly home to the Rohingya community. Instead, the ethnoreligious militia known as the [Arakan Army \(AA\)](#) has become the dominant political force in that region, lessening the influence of both the SAC and the NUG in Rakhine State. Some members of the Rohingya community who spoke with USCIRF reported that in addition to the Tatmadaw and other Burmese authorities who drove them out of Rakhine State, the AA has also targeted members of their community. The AA has yet to [reverse](#) its past opposition to the presence of the Rohingya community in Rakhine.

International efforts to hold the Burmese authorities and the Tatmadaw legally accountable for atrocities they committed against the Rohingya community continued throughout 2022. Related cases were ongoing at the International Court of Justice (ICJ), the International Criminal Court (ICC), and in Argentina under the principle of Universal Jurisdiction. In July, the ICJ dismissed the SAC's objections to the case, allowing it to proceed.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Redesignate Burma as a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA);
- Engage with the prodemocracy Burmese opposition, including the NUG, as well as ethnic armed organizations as outlined in the Burma Unified through Rigorous Military Accountability Act of 2022, and
- prioritize religious freedom—including justice, voluntary repatriation, and restored citizenship for the Rohingya community—as a prerequisite for recognition and/or ongoing and substantial engagement;
- Work with Bangladeshi authorities and the international community to assist the Rohingya community with immediate needs while waiting for eventual voluntary repatriation, including identifying solutions to fully scale up livelihood and
- skills training programs for adults and youths and providing access to the Burmese curriculum to ensure a quality education for all children within Cox's Bazar; and
- Expand options for Rohingya refugees to resettle in the United States—with an emphasis on especially vulnerable members of that community—and encourage like-minded partner countries to do the same.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Factsheet:** [Pursuing Justice and Accountability: Next Steps for Rohingya Community of Burma](#)
- **Policy Update:** [Burma](#)
- **Podcast:** [Rohingya Genocide Determination and Accountability](#)
- **Commission Delegation Visit:** [Cox's Bazar, Bangladesh, in November 2022](#)



## Background

Burma's population consists of Buddhists (87.9 percent), Christians (6.2 percent), Muslims (4.3 percent), Animists (0.8 percent), and Hindus (0.5 percent). Although the 2008 constitution treats Buddhism as the de facto state religion while recognizing Christianity, Islam, Hinduism, and Animism, non-Buddhist religious and ethnic minorities have faced longstanding persecution. In 2015, Burma [passed](#) race and religion laws with the support of hardline Buddhist nationalist groups such as the Ma Ba Tha. These laws regulate religious conversion, marriage, and births; they also restrict the religious freedom of non-Buddhists, particularly Muslims.

In 2022, the SAC continued to perpetrate mass human rights violations within Burma. The SAC has [received](#) support from Russia and China, although there are [indications](#) China's past support for the Tatmadaw had waned by late 2022. In July, the SAC ordered the execution of four prodemocracy activists, and in August, General Hlaing extended the state of emergency by six months, citing ongoing efforts to combat the opposition, whom he referred to as "terrorists." In December, an SAC court [found](#) former State Counsellor Aung San Suu Kyi guilty of corruption, sentencing her to 33 years in prison.

## Rohingya and Other Refugees

Muslim-majority Rohingya have borne the brunt of religious freedom violations by Burmese authorities and ethnic armies, and the corresponding violence has externally displaced most of that community. Of the reported [600,000 Rohingya](#) who remain within Burma, at least [100,000](#) are likely in IDP camps. Sea crossings remained a persistent challenge, as an [estimated](#) 1,920 people, mostly Rohingya, fled Burma by sea between January and November; of those, a total of 119 were reported dead or missing. Rohingya and other contacts inside Burma generally indicate that the government heavily restricts their freedom of movement, further noting that some Rohingya received university admissions in 2022 but still faced persistent discrimination.

In November, USCIRF traveled to Cox's Bazar, Bangladesh, to assess the conditions of the approximately one million Rohingya who reside in the refugee camps established in 2017. The majority of refugees to whom USCIRF spoke confirmed a desire to repatriate to Burma. USCIRF learned that the Bangladesh government had [approved](#) recent initiatives to provide a Burmese curriculum to children within the Rohingya refugee community as well as livelihood and skills training for youths and adults. Multiple groups working with those refugees consistently communicated that Bangladesh and the international community need to urgently scale up such initiatives while seeking creative solutions to [funding shortfalls](#). In 2022, Bangladesh only permitted humanitarian funds for Rohingya refugee programs, insisting that development and other forms of funding would both imply and establish permanence for the refugees' presence in Cox's Bazar.

In November, USCIRF met in Malaysia with refugees of several Burmese diaspora communities, all having fled persecution in their homeland; they represented various Christian groups primarily from Chin State, including the Zomi people. They indicated some in their communities had attempted to return to Burma during the

quasi-democratic period that ended with the 2021 coup, but subsequent violence forced them to flee again. These refugees' lack of formal status in Malaysia has [prevented](#) them from accessing health-care and other essential services in addition to preventing children from attending schools and adults from accessing stable employment opportunities.

## Regional Efforts at Accountability

In April 2021, the Association of Southeast Asian Nations (ASEAN) and SAC leader General Hlaing met and agreed to a [Five-Point Consensus](#) to restore peace to Burma. In 2022, General Hlaing completely [disregarded](#) that plan. His government restricted access by ASEAN's Special Envoy to all parties involved in the conflict, including ethnic and religious groups and detained elected leaders. In November, following the 40th and 41st ASEAN Summits, ASEAN leaders [reaffirmed](#) Burma's place in their ranks and called on the military to comply with the consensus.

## Key U.S. Policy

The United States continued to impose [sanctions](#) on the SAC, the Burmese military, and other Burmese authorities throughout 2022, including [targeting](#) the regime's military aircraft suppliers. President Joseph R. Biden gave a [speech](#) in February denouncing the military junta and marking the coup anniversary. In March, Secretary of State Antony J. Blinken [announced](#) that the United States had determined that the atrocities the Burmese authorities and the Tatmadaw committed against the Rohingya in August 2017 constituted genocide. In July, at the ASEAN summit in Bangkok, Thailand, Secretary Blinken [urged](#) China and ASEAN members to escalate pressure on Burma's rulers to return to democracy and to hold them accountable to the Five-Point Consensus.

Since 2017 to the end of the reporting period, U.S. contributions to the Rohingya Refugee Crisis reached approximately \$1.9 billion, making the United States the largest single donor in support of humanitarian assistance to Rohingya refugees inside and outside Burma. In September, the United States [announced](#) more than \$170 million in additional humanitarian assistance to Rohingya refugees, and in December it [announced](#) a resettlement program for vulnerable members of that community in collaboration with Bangladesh and the United Nations (UN) High Commissioner for Refugees. Also in December, President Biden [signed](#) into law the Burma Unified through Rigorous Military Accountability Act as part of the 2023 National Defense Authorization Act, which updated how the U.S. government can engage with ethnic armed organizations and pro-democracy forces.

In December, the United States supported UN Security Council [Resolution 2669](#) denouncing the Tatmadaw's human rights violations since the coup—the first such resolution on Burma to pass since its independence in 1948. On November 30, the U.S. Department of State [redesignated](#) Burma as a CPC under IRFA and reimposed as the relevant presidential action existing ongoing restrictions referenced in 22 CFR 126.1.

### KEY FINDINGS

In 2022, religious freedom conditions in China further deteriorated. The government continued to vigorously implement its “[sinicization of religion](#)” policy and demand that religious groups support the Chinese Communist Party’s (CCP) rule and ideology. The CCP’s United Front Work Department (UFWD), the State Administration for Religious Affairs (SARA), and state-controlled religious organizations are integral in [implementing](#) this coercive policy. Although China officially recognizes Buddhism, Catholicism, Islam, Protestantism, and Taoism, groups with perceived foreign connections—such as Uyghurs and other Muslims, Tibetan Buddhists, underground Catholics, and house church Protestants—are especially vulnerable to persecution. [The Measures for the Administration of Internet Religious Information Services](#) took effect in March, banning religious content on the internet and further [constricting](#) the narrow space for religious groups. The Chinese government and state-owned entities such as Hikvision—accused of complicity in abuses in the Uyghur region, known as Xinjiang—[hired](#) former U.S. officials and former members of Congress to [lobby](#) on their behalf, undermining religious freedom and related human rights in China.

During the year, Chinese authorities [continued](#) their repressive [sinicization of Islam and forced assimilation](#) policy in Xinjiang that attempts to eradicate Uyghurs’ and other Turkic Muslims’ distinct ethnoreligious identities. In May, a [report](#) based on leaked internal [police files](#) from two Xinjiang counties confirmed the existence and brutality of concentration camps where Uyghurs have been detained. The report [held](#) high-level CCP and government officials, including CCP leader Xi Jinping, responsible. New reports noted a policy [shift](#) from detaining Uyghurs in camps to sending them to prisons. [Forced labor](#), [political indoctrination](#), mass surveillance, an intrusive homestay program that embeds officials in Uyghur households, and [forced interfaith marriages](#) also continued.

Government control and suppression of Tibetan Buddhism intensified. Authorities [restricted](#) Tibetans’ access to religious sites, [banned](#) religious gatherings, [destroyed](#) sites and symbols of religious significance, and [subjected](#) Tibetan monks and nuns to

[political indoctrination](#), including at “[reeducation centers](#).” Authorities reportedly tortured Tibetan monks in prison, including [Rinchen Tsultrim](#) and [Sherab Gyatso](#), who suffer from poor health, and they [detained](#) Tibetans for religious activities [honoring](#) the Dalai Lama or [possessing](#) his portraits. The Chinese government repeatedly [stated](#) its intent to interfere in the Dalai Lama’s reincarnation, claiming it has the ultimate authority to appoint his successor. In 2022, at least three Tibetans [self-immolated](#), protesting the government’s policies in Tibet. Moreover, authorities reportedly [conducted](#) mass DNA collection in Tibet, likely to strengthen surveillance and control there.

Despite [renewal](#) in October of the Vatican-China agreement on bishop appointments, in December the Vatican [protested](#) the government’s installation of a bishop without its approval. Across China, authorities [detained](#) or otherwise [forcibly disappeared](#) Catholic [priests and bishops](#)—including Bishop Joseph Zhang Weizhu and Bishop Augustine Cui Tai—who refused to join the state-controlled Chinese Catholic Patriotic Association.

Persecution of Protestant house church Christians also intensified in 2022. The government carried out a [nationwide crackdown](#) on house churches by harassing, [detaining](#), [physically abusing](#), and [sentencing](#) Protestants who [refused](#) to join the state-controlled Three-Self Patriotic Movement. Authorities targeted Reformed house church Christians, including Elder [Zhang Chunlei](#) of Ren’ai Reformed Church and Pastor [An Yankui](#) of Taiyuan Zion Reformed Church. Reports also emerged of harsh persecution of ethnic minority Protestants, such as [Lisu and Nu](#) Protestants in Yunnan Province and [Kyrgyz](#) Protestants in Xinjiang reeducation camps.

The government continued its persecution of Falun Gong and the Church of Almighty God (CAG), often using “anti-cult” provisions under [Article 300](#) of China’s Criminal Law. In 2022, Falun Gong sources documented [7,331](#) cases of harassment and arrest, [633](#) prison sentences, and [172](#) deaths because of persecution. Reports also [documented](#) detention, imprisonment, and [torture](#) of CAG members, some of whom reportedly [died](#) due to abuses.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Redesignate China as a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA);
- Adopt a whole-of-government approach by elevating and integrating religious freedom as a key strategic objective in U.S. foreign policy toward China and by raising religious freedom concerns in all bilateral dialogues and engagement;
- Continue imposing sanctions to target Chinese officials and entities responsible for severe religious freedom violations, especially within the CCP’s UFWD, SARA, and the public security and state security apparatus; and
- Work with like-minded countries in international fora, including the United Nations Human Rights Council (UNHRC), to collectively hold the Chinese government accountable for severe religious freedom violations, including by creating a UN Commission of Inquiry to investigate and identify perpetrators of ongoing genocide and crimes against humanity in Xinjiang and document other severe human rights abuses throughout China.

The U.S. Congress should:

- Support legislation to counter the CCP’s malign influence in the United States, particularly its lobbying efforts that undermine religious freedom and related human rights.

## Background

China is officially an [atheist state](#). Of its [estimated](#) 1.4 billion people, approximately 18 percent are Buddhist, including Tibetan Buddhists; five percent are Christian; and two percent are Muslim. Other significant religious traditions include Taoism, Falun Gong, and folk religion practices.

The CCP has long repressed religious freedom and in recent years has become increasingly hostile toward religion, implementing campaigns to “sinicize” Islam, Tibetan Buddhism, and Christianity to remove alleged “foreign influences.” These policies require religious groups to support the CCP, including by altering their religious teachings to conform to CCP ideology and policy. Both registered and unregistered religious groups that run afoul of the CCP face harassment, detention, arrest, imprisonment, and other abuses.

## Accountability for International Crimes against Uyghurs

In August, the UNHRC’s [special rapporteur on contemporary forms of slavery, concluded](#) that forced labor of Uyghurs and other minorities in Xinjiang “may amount to enslavement as a crime against humanity.” That same month, then UN High Commissioner for Human Rights Michelle Bachelet [found](#) that human rights abuses in Xinjiang, including arbitrary and discriminatory detention of Uyghurs and other predominantly Muslim groups, “may constitute international crimes, in particular crimes against humanity.” In October, the UNHRC [rejected](#) a motion led by Western member states to hold a debate on China’s human rights abuses against Uyghurs and other Muslims in Xinjiang. UNHRC member states voting against the motion [included](#) Muslim-majority countries, such as Qatar, Indonesia, the United Arab Emirates, and Pakistan.

In June, the European Parliament adopted a resolution [condemning](#) China’s oppression of Uyghurs, including “mass deportation, political indoctrination, family separation, restrictions on religious freedom, cultural destruction and the extensive use of surveillance.” The resolution further stated that the “birth prevention measures and the separation of Uyghur children from their families amount to crimes against humanity and represent a serious risk of genocide.” In a December [resolution](#), the European Parliament reiterated its recognition of China’s abuses against Uyghurs as constituting crimes against humanity and representing a serious risk of genocide. The Parliament urged European Union (EU) member states to “consider prosecuting Chinese officials deemed responsible for crimes against humanity, on the basis of the principle of universal jurisdiction” and called for “additional EU sanctions targeting Chinese officials and entities responsible for crimes against humanity.”

## Religious Freedom in Hong Kong

In May, Hong Kong authorities [arrested](#) 90-year-old [Cardinal Joseph Zen Ze-kun](#), bishop emeritus of Hong Kong, accusing him of “colluding with foreign forces” under Hong Kong’s National Security

Law (NSL). Despite his release on bail, his situation remained precarious. Democracy activist and religious freedom advocate Jimmy Lai, another high-profile Catholic figure, [pled](#) not guilty to NSL charges in August and court authorities [postponed](#) his trial in December. He is currently serving prison terms on other charges related to his political activism. If convicted, both Zen and Lai could [face](#) the maximum penalty of life imprisonment. In the U.S. Department of State’s March 2022 *Hong Kong Policy Act Report*, religious groups [stated](#) concern about the Chinese government’s potential “targeting of civil society organizations or individuals affiliated with religious groups that were active in the 2019 pro-democracy movement.”

## Key U.S. Policy

In March, the State Department [announced](#) visa sanctions on Chinese officials deemed responsible for or complicit in human rights abuses in China and abroad that targeted religious and spiritual practitioners and members of ethnic minority groups, including transnational repression to silence Uyghur American activists. That same month, the U.S. Department of Justice arrested and [charged](#) Wang Shujun for engaging in transnational repression activities on behalf of China’s Ministry of State Security (MSS). Wang’s victims included Uyghur and Tibetan activists in the United States and abroad. In May, the Justice Department [indicted](#) Wang and four MSS agents on espionage and transnational repression charges.

On November 30, the State Department [redesignated](#) China as a CPC under IRFA and reimposed existing restrictions on exports of crime control or detection instruments or equipment to China. In December, the U.S. Department of the Treasury [imposed](#) financial sanctions on Wu Yingjie, party secretary of Tibet Autonomous Region (TAR), and Zhang Hongbo, TAR Public Security Bureau director, for human rights abuses in Tibet, pursuant to [Executive Order 13818](#). In addition, the State Department [imposed](#) visa sanctions on Zhang and Tang Yong, former deputy director of Chongqing city, for human rights and religious freedom violations in Tibet and against Falun Gong practitioners, respectively.

The Uyghur Forced Labor Prevention Act (UFLPA) [took effect](#) in June, and U.S. Customs and Border Protection began [implementing](#) it by prohibiting imports from Xinjiang. In August, the U.S. Department of Homeland Security [published](#) its initial consolidated UFLPA Entity List, subjecting named Chinese entities to “rebuttable presumptions” in accordance with the UFLPA. In December, the U.S. Department of Commerce [added](#) Tianjin Tiandi Weiye Technologies to its Entity List for complicity in human rights violations against Uyghurs and other Turkic Muslims in Xinjiang.

In December, the U.S. House of Representatives passed the Uyghur Policy Act of 2021 ([H.R.4785](#)) to address human rights issues in Xinjiang. Members of Congress introduced bills in 2022 to counter foreign lobbying on behalf of countries like China, including the PAID OFF Act of 2022 ([S.4901](#)), the SHAME Act ([H.R.9140](#)), and the Disclosing Foreign Influence in Lobbying Act ([S.4254](#)).

### KEY USCIRF RESOURCES & ACTIVITIES

- **Factsheet:** [State-Controlled Religion and Religious Freedom Violations in China](#)
- **Hearing:** [China’s Religious Freedom Violations: Domestic Repression and Malign Influence Abroad](#)
- **Podcast:** [The Plight of Christians in China](#)

**Additional view statement on China by  
Commissioners Abraham Cooper, David Curry,  
Frederick A. Davie, Sharon Kleinbaum, Mohamed  
Magid, Stephen Schneck, Nury Turkel, Eric Ueland,  
and Frank Wolf**

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At the height of Cold War hostilities in 1980, it would have been unthinkable for any reputable firm to take on the Soviet Union as a client.

And yet today, untold profits are being raked in by lobbyists willing to whitewash the record and aims of the Chinese Communist Party (CCP) and government.

It's time to make this activity illegal.

As the Commission's report documents, the Chinese Government is an equal opportunity persecutor of people of faith—Christians, Tibetan Buddhists, Uyghur Muslims, and Falun Gong practitioners.

In Xinjiang, the CCP is committing genocide, operating a network of mass internment camps and prisons and systematically separating Uyghur children from their parents.

Any notion of Hong Kong's autonomy is fantasy. A once vibrant, open society has been transformed with shocking speed. The ruthless crackdown on dissent found 90-year-old Catholic Cardinal Zen in its crosshairs.

In every corner of the globe the Chinese government actively works to subvert U.S. interests.

FBI Director Christopher Wray said, "the counterintelligence and economic espionage efforts emanating from the government of China and the Chinese Communist Party are a grave threat to the economic well-being and democratic values of the United States."

The Chinese government oversees the most advanced surveillance state in human history and actively exports these technologies to other repressive regimes worldwide.

As USCIRF recommends in this report, we urge the Biden Administration and Congress to ban lobbying groups and law firms from representing the Chinese government and its interests.



### KEY FINDINGS

In 2022, religious freedom conditions in Cuba worsened. Throughout the year, the Cuban government tightly controlled religious activity through surveillance, harassment of religious leaders and laypeople, forced exile, fines, and ill treatment of religious prisoners of conscience. Religious leaders and groups that are unregistered or conducted unsanctioned religious activity—as well as journalistic reporting on religious freedom conditions—faced relentless oppression from the Office of Religious Affairs (ORA) and state security forces.

The Cuban government regularly targeted members of religious communities who refused to abide by strict regulations set out by the ORA. Authorities subjected pastors to detention, interrogation, threats of prison sentences on false charges, and confiscation of property. In February, authorities [detained](#) Reverend Yordanys Díaz Arteaga, the president of the Christian Reformed Church of Cuba, after an extensive search of his home and the confiscation of technology belonging to his church. He was later interrogated and threatened with criminal charges at an unknown location and held incommunicado under effective house arrest. Christian Solidarity Worldwide (CSW) [reported](#) that Reverend Díaz became a target of the government after his denomination withdrew from the regime-aligned Cuban Council of Churches. He reportedly arrived in the United States in August. In April, evangelical couple Pastors Mario Jorge Travieso and Velmis Adriana Medina Mariño planned an April 29–30 prayer event called “Breaking the Chains” to focus on the wives and mothers of political prisoners. The regime made repeated [threats](#) to Pastors Travieso and Medina and several members of their church who planned to participate. Authorities arbitrarily detained the pastors, interrogated them for six hours, and threatened them with imprisonment. The organizers canceled the event due to the regime’s various threats.

USCIRF received reports indicating that Cuban authorities detained and interrogated citizens who traveled or planned to

travel to the United States in 2022, including Catholic layman Dagoberto Valdés and his son Javier Valdés Delgado as well as Mildrey Betancourt Rodríguez, a member of the Alliance of Non-Registered Churches. Similarly, in October the Office of the Directorate of Identification, Immigration, and Foreigners of Cuba arbitrarily [barred](#) Imam Abu Duyanah, imam of the Cuban Association for the Dissemination of Islam, from traveling to Mecca for “reasons of public interest” without any specifications.

Additionally, threats and persecution by the government caused several religious leaders to leave Cuba in 2022. In March, Pastor Enrique de Jesús Fundora Pérez of the Apostolic Movement fled the country to seek asylum in Switzerland after state security officials [threatened](#) him with up to 30 years in prison for “sedition” and “incitement to commit a crime.” He drew the ire of authorities when he gave monetary and spiritual aid to families of political prisoners from the July 11, 2021 (J11) protests. Pastor Alain Toledano, a prominent Cuban religious leader of the unregistered Emmanuel Church of the Apostolic Ministry, has [experienced](#) severe harassment from the Cuban government for over 20 years. In June, Cuban state security presented Toledano with an ultimatum: leave the country within 30 days or face imprisonment. The United States [granted](#) him and his family emergency parole in July. In September, Father David Pantaleon, head of Cuba’s Jesuit Order and president of the Conference of Religious Men and Women in Cuba, had to leave the country after the government [refused to renew his residence permit](#). During an interview in his native Dominican Republic, Father Pantaleon [reported](#) that the ORA cited his support for political prisoners and the Jesuits’ critical position toward the regime as the main reasons for his expulsion.

The Cuban government continued to [target](#) independent journalists who report on religious freedom by threatening criminal charges and fines, often under [Decree Law 370](#), and imposing travel restrictions. Cuban authorities twice [interrogated](#) and [fined](#) young Catholic layman and journalist Adrián Martínez Cádiz this year.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Redesignate Cuba as a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA);
  - Encourage Cuban authorities to extend an official invitation for unrestricted visits by USCIRF, the U.S. Ambassador at Large for International Religious Freedom, and the United Nations (UN) Special Rapporteur on freedom of religion or belief; and
  - Impose targeted sanctions on Cuban government agencies and officials responsible for severe violations of religious freedom—including Caridad Diego, head of the ORA—by freezing those individuals’ assets and/or barring their entry into the United States under human rights related financial and visa authorities, citing specific religious freedom violations.
- The U.S. Congress should:
- Raise human rights and democracy concerns in Cuba and highlight the situation facing religious leaders and organizations persecuted by the Cuban government, among others.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Country Update:** [Religious Freedom Conditions in Cuba](#)
- **Report:** [Constitutional Reform and Religious Freedom in Cuba](#)
- **Event:** [Constitutional Reform and Religious Freedom in Cuba](#)



## Background

While there are no independent sources on Cuba's religious demographics, a reported 60–70 percent of Cuba's [estimated](#) population of 11.1 million self-identify as Catholic. Approximately 25–30 percent identify as unaffiliated or another religion, such as Jehovah's Witnesses, Methodists, Seventh-day Adventists, Anglicans, Presbyterians, Episcopalians, Buddhists, Muslims, Jews, Quakers, Moravians, and members of the Church of Jesus Christ of Latter-day Saints. An [estimated](#) 70 percent of Cubans engage in one or more practices associated with [Santería](#), a syncretic religion born out of the Yoruba tradition mixed with elements of Catholicism.

Cuba is a one-party system under the ruling Cuban Communist Party, with no independent judiciary. The state regulates and controls religious institutions through the ORA of the Central Committee of the Cuban Communist Party. The Law of Associations requires religious organizations to apply to the Ministry of Justice, where the ORA is housed, for registration. However, the Ministry of Justice continues to deny registration for religious groups and leaves long-standing requests for registration unanswered. Unregistered religious groups are particularly vulnerable, as membership or association with an unregistered religious group is a crime. The ORA exercises direct and arbitrary control over the affairs of registered religious organizations, requiring permission for virtually any activity other than regular worship services.

## The Ladies in White

The [Ladies in White](#) (*Damas de Blanco*) is an organization of wives and relatives of dissidents imprisoned in 2003. Cuban authorities actively surveil and violently detain members of the Ladies in White and prevent them from attending religious services on Sundays.

The Cuban regime has aggressively targeted the leader of the movement, Berta Soler. In January, Soler and her husband Ángel Moya announced a campaign seeking the release of all political prisoners from the J11 protests. Subsequently, authorities subjected Soler and Moya to [repeated](#) arbitrary detentions. These detentions often [included](#) interrogations at police stations and [fines](#). Such offenses occurred on 15 consecutive Sundays between January and May. In September, Soler detailed that government agents parked a large container in front of her house, reportedly to [obscure](#) when authorities arrest her or her husband when they leave their home.

In September, the Inter-American Commission on Human Rights [issued](#) follow-up precautionary measures to its 2013 decision in favor of the Ladies in White, appealing to the Cuban government to maintain "necessary measures to protect the rights to life and personal integrity of the members of the Ladies in White." The decision also [documents](#) numerous cases of harassment, detentions, and fines up to September 2022.

## Religious Prisoners of Conscience

Several religious leaders and laypeople remained in prison at the end of 2022 for their participation in the [J11 protests](#). Select cases are

included in USCIRF's [Freedom of Religion or Belief \(FoRB\) Victims List](#), including Christian pastors and Santería practitioners.

[Pastor Lorenzo Rosales Fajardo](#) of the Monte de Sion Independent Church participated in the J11 protests and was detained that day. The government claims that Pastor Rosales Fajardo was involved in perpetrating a violent attack during the protest, despite [evidence](#) to the contrary. The Cuban government tried him in December 2021 on charges of "disrespect," "assault," "criminal incitement," and "public disorder" and sought to [impose](#) a 10-year sentence. Pastor Rosales Fajardo was sentenced to eight years in prison in April, but the government [reduced](#) his sentence to seven years in May. In June, a court upheld his revised sentence. [According](#) to CSW, only the prosecution was allowed to provide evidence, which included testimony from at least 12 policemen.

President of the unregistered Free Yoruba Association of Cuba (*Asociación de Yorubas Libres de Cuba*, or "Free Yorubas") [Donaida Pérez Paseiro](#) and her husband, the community's vice president [Loreto Hernández García](#), were charged with "public disorder," "disobedience," "spreading the epidemic," and "incitement" and eventually sentenced to eight years in prison. Pérez Paseiro experienced multiple medical emergencies while in prison and authorities reportedly tried to force her to renounce her faith. Hernández García reportedly suffers from several health conditions, including asthma, hypertension, diabetes, and other cardiac issues. Prison authorities also reportedly tried to force him to renounce his faith. In May, Radio Televisión Martí reported that Hernández García's health has severely deteriorated in prison, as authorities fail to provide him food that takes into consideration his diabetes. He received medical treatment in a hospital, but state security [forced](#) him back into prison in June.

## Key U.S. Policy

The U.S. government continued to place robust sanctions on Cuban officials. In January, the U.S. Department of State [imposed](#) visa restrictions on eight officials "implicated in attempts to silence the voices of the Cuban people through repression, unjust detentions, and harsh prison sentences" of J11 protesters. Further rounds of visa restrictions came in [June](#) and [July](#) when the State Department imposed restrictions on an additional 33 individuals for "unfair trials and unjust sentencing and imprisonment" of J11 protesters, plus media and communications officials who "formulate and implement policies that restrict Cubans' ability to freely access and share information and who engage in the spread of disinformation."

In September, the U.S. Embassy in Havana [announced](#) the resumption of immigrant visa processing and consular services for the first time since 2017.

On November 30, the State Department for the first time [designated](#) Cuba as a CPC under IRFA and imposed as the relevant president action the existing ongoing restrictions referenced in [31 CFR 515.201](#) and the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Helms-Burton Act), pursuant to section 402(c) (5) of the Act. Cuba previously had been on the State Department's Special Watch List since 2019.



### KEY FINDINGS

In 2022, religious freedom conditions in Eritrea remained extremely poor. The government did not register any new religious organizations, and individuals practicing faiths other than the four officially recognized by the government faced intimidation and prosecution by Eritrean authorities. Members of officially recognized religions also faced restrictions and government backlash for practicing their faith. Dozens of religious prisoners of conscience remain imprisoned in decrepit, unsanitary, and inhumane conditions.

Eritrean authorities continued to detain dozens of people imprisoned for their religious belief or practice. The government detained 20 Jehovah’s Witnesses for conscientious objection to military service and other expressions of their faith.

In February, [Patriarch Abune Antonios](#), the former leader of the Eritrean Orthodox Church, [died](#) at age 94 after spending a decade and a half under house arrest because of his religious beliefs, his calls for the release of political prisoners, and his resistance to government pressure to excommunicate members of the church.

In October, security forces [detained three Catholic leaders](#) for two months for raising Eritrea’s human rights violations in their sermons. Prison conditions are abysmal, with detainees living in squalor and subject to violence and intimidation.

Eritrean forces have also continued to engage militarily in the Tigray region of neighboring Ethiopia, where ethnically affiliated rebel fighters seek respect for autonomous local governance. In past years, Eritrean troops operating in support of the Ethiopian government in the region have [attacked religious sites](#) and [triggered](#) community-based [religious violence](#) in some areas. Reports suggest that in 2022, Eritrean forces in Ethiopia [continued to commit](#) human rights abuses and [undermine the peace process](#), exacerbating the likelihood that instability could yield additional religious freedom violations in Ethiopia.

The Tigrayan crisis has also impacted Eritrean refugees living in Ethiopia, some of whom fled Eritrea’s repressive religious and human rights policies. Violence from both sides in the conflict has destabilized the Tigray region, causing some Eritrean refugees to [flee back across the border](#) to their country of origin or face violence and [abuses](#).

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Redesignate Eritrea as a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA);
- Maintain the existing, ongoing arms embargo referenced in 22 CFR 126.1(a) of the International Traffic in Arms Regulations as the presidential action imposed as a consequence of the CPC designation to encourage religious freedom improvements;
- Impose targeted sanctions on Eritrean government agencies and officials

responsible for severe violations of religious freedom by freezing those individuals’ assets and/or barring their entry into the United States under human rights related financial and visa authorities, citing specific religious freedom violations;

- Engage with the Eritrean government to end religious persecution of unregistered religious communities, grant full citizenship rights to Jehovah’s Witnesses, and release the remaining detainees held on account of their religious activities; and
- Coordinate an initiative through the International Religious Freedom or Belief Alliance (IRFBA) to encourage the

Eritrean government to extend an official invitation for unrestricted visits by the United Nations (UN) Special Rapporteur on the situation of human rights in Eritrea, the UN Special Rapporteur on freedom of religion or belief, the UN Working Group on Arbitrary Detention, and the International Red Cross.

The U.S. Congress should:

- Highlight religious freedom issues in Eritrea through legislation, hearings and briefings, and a congressional delegation trip to Eritrea to engage with Eritrean officials to encourage them to advance human rights and religious freedom.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Factsheet:** [Religious Freedom Concerns in the Horn of Africa](#)
- **Factsheet:** [Overview of Refugees Fleeing Religious Persecution Globally](#)
- **Press Statement:** [USCIRF Mourns the Passing of Patriarch Abune Antonios](#)

## Background

Following military conflict with and secession from neighboring Ethiopia, Eritrea [gained independence](#) in 1993. With a [population](#) of just over six million people, Eritrea's [religious demography](#) is difficult to assess. The government recognizes three Christian denominations—Eritrean Orthodox, Catholic, and Protestant—estimated to comprise between 49 and 63 percent of the population. It also recognizes Islam, estimated to comprise between 37 and 49 percent of the population. Minority communities [adhere](#) to the Baha'i, Jewish, and traditional animist faiths.

The [Eritrean constitution](#) protects citizens' rights to freedom of religion or belief. The law and constitution prohibit religious discrimination and provide for freedom of thought, conscience, and belief and the freedom to practice any religion and to change one's religion. However, the government regularly violates these rights in practice. [Proclamation No. 73](#) of 1995 permits the government to exert full control over religious activities in the country. The government of Eritrea requires all religious groups to apply for registration, with only the four approved communities allowed to operate since 2002. Applications from other faith communities have been denied for being "defective," according to the Office of Religious Affairs. Without formal registration, faith groups' rights are denied and they are prohibited from building or owning houses of worship or engaging in religious practices such as praying in groups.

Eritrean authorities [signed](#) the Joint Declaration of Peace and Friendship with neighboring Ethiopia in July 2018. The accord ended over two decades of war between the two countries. Following the peace treaty, President Isaias Afwerki delivered a much anticipated [speech](#) on Independence Day, saying "the beginning of a new era" had come to Eritrea. Historically, Eritrea justified its [oppression](#) of political and civil rights by citing security concerns related to the ongoing war with Ethiopia. Many observers anticipated that the President's commitment would translate into advancements for human rights, including religious freedom. However, nearly five years after the agreement, over a thousand political [prisoners](#), including many imprisoned for exercising their freedom of religion or belief, remain behind bars.

## Religious Prisoners of Conscience

In February 2022, [Patriarch Abune Antonios](#), the former leader of the Eritrean Orthodox Church, [died at age 94](#) after spending a decade and a half under house arrest because of his religious beliefs and advocacy. Patriarch Antonios had been imprisoned for over a decade after condemning government interference in church affairs and calling for the release of imprisoned Christians. In 2006, Eritrean authorities removed him from his position as the ordained head of the Eritrean Orthodox Church and placed him under house arrest. A year later, he was forcibly disappeared from his residence and taken to an undisclosed location. He was reportedly denied proper medical care throughout his custody.

In October, security forces detained [Catholic leaders](#) Bishop Fikremariam Hagos Tsalim, Father Mihretab Stefanos, and Friar Abbot Abraham at the airport in Asmara as they returned from traveling in Europe. The government did not publicize charges against Tsalim and

his colleagues, but sources from the ground report that they were targeted for publicly highlighting human rights violations in Eritrea in their homilies. Authorities held them in detention for two months before [releasing them](#) on December 29.

The Eritrean government continued to imprison 20 Jehovah's Witnesses: 14 men and six women. These religious prisoners include an 80-year-old man and two men who have been in prison for more than 17 years without formal charges against them. Eritrean officials reportedly refused to meet with representatives of the Jehovah's Witness community to discuss these violations.

Conditions for religious prisoners of conscience in Eritrea are particularly poor. First-hand accounts describe physical abuse, sexual violence, and torture as normal and ongoing practices. Prisoners are often denied medical treatment, and many have died in prison due to severe human rights abuses. Many prisons reportedly use metal shipping containers to hold large numbers of people. In prison, praying aloud, singing, preaching, and possessing religious books are banned. Arrested individuals have reported being asked to sign documents certifying that they renounce their faith or that they join or return to the Eritrean Orthodox Church; if they do not, they face transfer to worse conditions.

## Cross-Border Military Activity

In 2022, Eritrean forces [continued to engage](#) militarily in neighboring northern Ethiopia, where their activities have historically included attacks [on religious infrastructure](#). This conflict has also aggravated religious freedom challenges in Eritrea itself. The Eritrean government has reportedly increased conscription to meet the demand for military support in Tigray, raising the risk of prosecution against conscientious objectors. Eritrean refugees who fled to Ethiopia to avoid restrictive Eritrean government policies, including religious restrictions, have been [detained](#) and forcibly returned to Eritrea in the context of the Tigray conflict. Targeted violence by the Tigray People's Liberation Front has also [impacted Eritrean refugees](#), likely including those fleeing religious persecution.

## Key U.S. Policy

The United States has extremely limited diplomatic relations with [Eritrea](#). Diplomats continued to raise issues of human rights and religious freedom in official conversations with representatives from the Eritrean government. Due to religious freedom violations and other human rights abuses, the Joseph R. Biden administration declined to invite Eritrean government leaders to the high-profile U.S.-Africa Leaders Summit held in December in Washington, DC.

On November 30, the U.S. Department of State [redesignated](#) Eritrea as a CPC for engaging in and tolerating particularly severe violations of international religious freedom. In 2022, the United States [renewed](#) sanctions [imposed in 2021](#) under Executive Order (E.O.) 13818 (which builds upon and implements the Global Magnitsky Human Rights Accountability Act) and E.O. 14046 (Imposing Sanctions on Certain Persons with Respect to the Humanitarian and Human Rights Crisis in Ethiopia) against Eritrean entities and individuals perpetuating the crisis in Ethiopia.

### KEY FINDINGS

In 2022, religious freedom conditions in India continued to worsen. Throughout the year, the Indian government at the national, state, and local levels promoted and enforced religiously discriminatory policies, including laws targeting religious conversion, interfaith relationships, the wearing of hijabs, and cow slaughter, which negatively impact [Muslims](#), Christians, Sikhs, Dalits, and Adivasis (indigenous peoples and scheduled tribes). The national government also continued to suppress critical voices—particularly religious minorities and those advocating on their behalf—including through surveillance, harassment, demolition of property, and detention under the [Unlawful Activities Prevention Act](#) (UAPA) and by targeting nongovernmental organizations (NGOs) under the [Foreign Contribution Regulation Act](#) (FCRA).

The Indian government invoked the UAPA and the [Sedition Act](#) throughout the year to target freedom of religion and expression, creating an increasing climate of intimidation and fear. Authorities surveilled, harassed, detained, and prosecuted a number of [journalists](#), [lawyers](#), [rights activists](#), and religious minorities advocating for religious freedom. [Hundreds](#) of cases remained pending against individuals for involvement in the 2019 peaceful protests against the [Citizenship \(Amendment\) Act](#) (CAA), which provides a [pathway](#) to citizenship strictly for non-Muslims from Pakistan, Afghanistan, and Bangladesh. As of 2022, only [92 of more than 700 cases](#) had reached trial, and many of those arrested under the UAPA continued to [languish in jail](#). During India’s fourth [Universal Periodic Review](#) (UPR), United Nations (UN) member states emphasized protections for religious minorities and expressed [concern](#) over the broad application of India’s “anti-terror” laws. Additional official efforts, such as the [National Register of Citizens](#) (NRC) process in Assam, also aimed to identify “undocumented” Bengali-speaking Muslims.

The continued enforcement of discriminatory laws facilitated a culture of impunity for widespread campaigns of threats and violence by mobs and vigilante groups. In March, for example, Karnataka’s state government issued a [hijab ban](#) in public schools.

Despite widespread protests and instances of violence, state high court judges upheld the ban, agreeing with the government’s argument that the hijab is not essential to practicing Islam. India’s state governments also continued to pass and enforce anti-conversion laws, currently existing in 12 states, including legislation in multiple states aimed to prohibit and criminalize interfaith marriages. Public notice requirements for interfaith marriages imposed in 10 states have, at times, resulted in [violent reprisals](#) against couples. The ruling Bharatiya Janata Party (BJP) committed to enforcing harsher penalties for interfaith marriages in its 2022 [election manifesto](#) for Uttar Pradesh.

Violent attacks were also perpetrated across India under the justification of protecting cows from slaughter or transport, which is illegal in [18 states](#). Examples of violence against Christians, Muslims, and Dalits around suspicions of cow smuggling were reported in [Bihar](#), [Uttar Pradesh](#), and [Delhi](#). In August, BJP member Gyan Dev Ahuja was [recorded publicly](#) calling for his listeners to “kill anyone involved in cow slaughter.”

Throughout the year, destruction of property—including places of worship in predominantly Muslim and Christian neighborhoods—[continued](#). In June, local authorities [demolished](#) the homes of three Muslim families in Uttar Pradesh following protests against [derogatory language](#) used by members of the BJP. Hindu nationalists bulldozed a [Catholic center](#) near Mangalore in February and attacked, looted, and destroyed the homes of hundreds of [Christians](#) in December for their refusal to convert to Hinduism. In addition, at least [four madrasas](#) (Islamic seminaries) were demolished following a [statement](#) in May from the Chief Minister of Assam that *madrasas* should be eliminated.

[Social media](#) platforms continued to facilitate widespread [disinformation](#), [hate speech](#), and [incitement of violence](#) toward religious minorities. In February, [Twitter](#) removed a caricature shared by the verified account of Gujarat BJP depicting Muslim men hung by a noose.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate India as a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA);
  - Advance human rights for all religious communities in India and promote religious freedom, dignity, and interfaith dialogue through bilateral engagement and in multilateral forums;
  - Condemn ongoing religious freedom violations and support religious organizations and human rights groups targeted for their advocacy of religious freedom; and
  - Impose targeted sanctions on Indian government agencies and officials responsible for severe violations of religious freedom by freezing those individuals’ assets and/or barring their entry into the United States under human rights related financial and visa authorities, citing specific religious freedom violations.
- The U.S. Congress should:
- Raise religious freedom issues in the U.S.-India bilateral relationship and highlight concerns through hearings, briefings, letters, and congressional delegations.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Country Update:** [Religious Freedom Conditions in India](#)
- **Issue Update:** [India’s State-Level Anti-Conversion Laws](#)
- **Podcast:** [Deteriorating Religious Freedom Conditions in South Asia](#)
- **Podcast:** [Anti-Conversion Laws and Growing Intolerance in India](#)

## Background

India is the world's most populous democracy, with an estimated [1.4 billion](#) people, 79.8 percent of whom are Hindu, 14.2 percent Muslim, 2.3 percent Christian, and 1.7 percent Sikh. Smaller religious groups include Buddhists, Jains, Baha'is, Jews, Zoroastrians (Parsis), and nonreligious persons. India's constitution establishes the nation as a secular, democratic republic, and Article 25 grants all individuals freedom of conscience, including the right to practice, profess, and propagate religion. Despite these secular principles, since 2014, the Indian government—led by the BJP—has facilitated and supported national and state-level policies that undermine religious freedom for minority groups.

## Anti-Conversion Laws

At the end of the reporting period, 12 of India's 28 states had legislation that criminalized religious conversion in various circumstances (Arunachal Pradesh, Chhattisgarh, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Madhya Pradesh, Odisha, Rajasthan, Uttarakhand, and Uttar Pradesh). These laws are not limited to instances of coercion, and they contain broad and vague language that can be used to target voluntary religious conversions. Common features of these laws include prohibitions on conversions, requirements to notify the government of one's intent to convert, and burden-shifting provisions that presume an accused individual is guilty.

These laws carry penalties of hefty fines and imprisonment and disproportionately target [Christians](#) and Muslims. Increasingly, anti-conversion laws are used to prevent interfaith marriages or relationships, including so-called "[Love Jihad](#)s," a derogatory term that targets Muslims and refers to conversions occurring in the context of interfaith marriages. Under the [Special Marriage Act](#), interfaith marriages require a 30-day notice period, allowing individuals to object to the marriage. In April, the state of Haryana enacted its [Prevention of Unlawful Conversion of Religion Act](#) prohibiting conversion "by marriage or through marriage." Authorities, [including police](#), at times assist Hindu vigilante groups to "enforce" these anti-conversion laws.

## Citizenship (Amendment) Act (CAA) and National Register of Citizens (NRC)

Since the [CAA's](#) introduction in 2019, over [200 petitions](#) have been filed against the religiously discriminatory act. The CAA, combined with the NRC, is perceived as an attempt to disenfranchise Muslims of Indian citizenship. The [CAA](#) aims to provide citizenship to non-Muslim migrants (Sikhs, Hindus, Christians, Buddhists, Jains, and Parsis) from Afghanistan, Bangladesh, and Pakistan. While the act's purported [intention](#) is to aid persecuted religious minorities, it does not include vulnerable communities such as Rohingya Muslims, Ahmadiyya Muslims, Hazara Shi'a Muslims, or Baha'is. Since its enactment, journalists, activists, and students have been [arrested](#) and detained for their participation in widespread protests against the law.

The NRC is unique to the state of Assam, and since its publication in 2019 it aims to distinguish Indian citizens from "[undocumented migrants](#)." Those deemed "foreign" under the NRC include Assam's Bengali-speaking Muslims, who have also been [arrested](#) under the

UAPA in some instances. As many as [700,000](#) Muslim residents in Assam are estimated to be at risk of having their citizenship revoked.

## Attacks on Religious Minorities

In 2022, there were numerous attacks against religious minorities and their places of worship. Demolitions of mosques in [Muslim](#) communities led to arrests and [violent clashes](#). In May, the Home Minister of Madhya Pradesh ordered the demolition of homes in [predominantly Muslim](#) neighborhoods. While the Indian Supreme Court stated that demolitions "[cannot be retaliatory](#)," the practice has continued.

Mob attacks against religious minorities and members of scheduled tribes further demonstrate how vigilantes and Hindu nationalists act with impunity. In January, a Hindu nationalist group [allegedly beat](#) a Muslim man for traveling with a Hindu woman in Mangalore. In March, a Hindu nationalist group attacked a [Christian](#) youth leader in Karnataka for sharing about Christianity outside a college. Social media and news channels served as a platform for Hindu nationalist groups to [stoke](#) tensions and encourage violence toward minority groups.

## Sexual Violence and Harassment of Religious Minorities

Muslim women continued to face discrimination and harassment, both at the local and state levels. In January, GitHub [shut down](#) an Indian website that published the names of—and purported to "auction off"—Muslim women who had publicly opposed Hindu nationalism and the government's treatment of religious minorities. That same month, students across India [protested](#) against policies that would require female students to remove their head scarves or stay home from school. These demonstrations were met with rival protests by Hindu nationalists. In February, sectarian [violence](#) erupted between those supporting the right to wear the hijab and Hindu students wearing saffron robes. Subsequently, in Karnataka the BJP [banned](#) any religious garb in public schools. In October, the government [released](#) 11 men who, as part of a Hindu nationalist mob, were convicted for the gang rape of Bilkis Bano, a pregnant Muslim woman, and for attacking her family during the 2002 violence in Gujarat. In Uttar Pradesh, reports of [sexual assault](#) and [attacks](#) against Dalits also continued.

## Key U.S. Policy

In 2022, the Joseph R. Biden administration again [failed to designate](#) India as a CPC for engaging in particularly severe religious freedom violations. The United States and India continued to maintain strong bilateral ties around economic trade and [technology](#). Trade reached [\\$120 billion](#) in 2022, making the United States India's largest trading partner. President Biden and Prime Minister Narendra Modi interacted on multiple occasions, including the [G20](#) and G7 Summits and the [Quad Leaders](#) Summit. In July, U.S. Agency for International Development Administrator Samantha J. Power [traveled](#) to India to discuss challenges of food insecurity, climate change, and the COVID-19 pandemic. In September, Assistant Secretary of Defense for Indo-Pacific Security Affairs Ely S. Ratner cochaired the sixth U.S.-India [2+2 Intersessional Dialogues](#) in New Delhi.

### KEY FINDINGS

In 2022, religious freedom conditions in Iran sharply deteriorated. Following the death of Mahsa Zhina Amini after her arrest and torture by police for wearing an “improper hijab,” Iran repressed nationwide protests with lethal force, detained and killed [children](#), sexually assaulted and raped [detained](#) protesters, and engaged in other [gross violations of human rights](#), including executions of protesters without due process. Scores of protesters received [charges](#) grounded in Islamic religious concepts that in Iran carry the [death penalty](#), raising serious concerns of mass executions. Iran’s government also escalated its repression of Baha’is, [restricting](#) access to religious sites, issuing [legal rulings](#) supporting confiscation of Baha’i properties, [denying](#) Baha’is entrance to universities, and conducting systematic [arrests](#). Security forces [arrested](#) 30 Yarsanis in Khermanshah and [sentenced](#) two Yarsanis, including a [community leader](#), to prison terms for “propaganda against the state.” Iranian security forces [destroyed](#) a Sunni mosque in Zahedan and [threatened](#) Sunni clerics who condemned the [killing](#) of at least 96 protesters following Friday prayers on September 30. Prison officials at Bander Abbas prison [tortured](#) Sunni cleric Musa Rahimi to death following his arrest for holding prayers on the date designated by Saudi Arabia instead of Iran’s religious establishment. The Tehran Revolutionary Court [sentenced](#) an Iranian Christian to a 10-year prison sentence, and he and two other Christians also received a 10-year “deprivation of social rights” upon their release for their membership in a house church. [Several](#) other [Christians](#) faced [sentencing](#) and prison time on

similar charges. In January, Ministry of Intelligence officials in Dezful summoned eight Christians and [pressured](#) them to abandon their faith. Several members of Iran’s Gonabadi Sufi community [remained](#) under alleged arbitrary detention, including in [solitary confinement](#). Iran also continued to persecute nontheists and members of spiritualist movements. In August, the Islamic Revolutionary Guard Corps (IRGC) [arrested](#) eight followers of Erfan-e Halgheh. Iran’s leadership also spread [explicitly antisemitic](#) messages over traditional and social media. It continued [targeting](#) Iranian religious minorities abroad, in one case, [forcibly repatriating](#) dissidents.

In 2022, women and girls continued to face religious freedom repression in Iran. Religiously grounded laws in Iran continued to allow impunity for men who [murdered women](#) for violating “family honor.” Security forces [arrested](#) and deployed egregious violence against women and [girls](#) who peacefully protested the [increased enforcement](#) of mandatory headscarf laws. [Golrokh Iraee](#), a women’s rights activist who previously served prison time for writing an unpublished short story criticizing the stoning of adulterers, was [arrested](#) in September and [moved](#) in November from Qarchak to Evin Prison. Iran also [targeted](#) and actively executed lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) Iranians on religious grounds, including those [outside](#) the country. Prison officials [hanged](#) two gay men on sodomy charges in January and two [other](#) gay men in July. In August, a court in Urmia issued [death sentences](#) against two LGBTQI+ [activists](#) for “corruption on Earth.”

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Redesignate Iran as a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA);
- Impose targeted sanctions on Iranian government agencies and officials responsible for severe violations of religious freedom by freezing those individuals’ assets and/or barring their entry into the United States under human rights related financial and visa authorities, citing specific religious freedom violations;
- Issue clarifications of [general and specific sanctions licenses](#), expedite the

processing of general license applications, and [continue issuing](#) new general licenses that facilitate financial and technological [support](#) for Iranians asserting their freedom of religion or belief through peaceful demonstrations and labor strikes; and

- Work with members of the [International Religious Freedom or Belief Alliance](#) and other international associations to support the United Nations (UN) Fact Finding Mission to Iran and support a Security Council referral of the situation in Iran to the International Criminal Court for crimes against humanity against those asserting freedom of religion or belief.

The U.S. Congress should:

- Reauthorize and exercise oversight to ensure implementation of the Lautenberg Amendment, which aids persecuted Iranian religious minorities seeking refugee status in the United States, and urge the Biden administration to expand the program’s capacity to process, vet, and resettle Iranian religious minorities.
- Convey, through legislation, press statements, and media messaging, bipartisan support for Iranian protesters’ calls for greater religious freedom in Iran.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Country Update:** [Religious Freedom in Iran in 2022](#)
- **Special Report:** [Religious Propaganda in Iran](#)
- **Podcast:** [The Nexus of Religious Freedom and Women’s Rights in Iran](#)
- **Podcast:** [Religious Prisoners of Conscience in Iran](#)



## Background

The Islamic Republic of Iran is a theocratic, authoritarian state with restricted political participation. Ninety to 95 percent of the [population](#) are Shi'a Muslim, while Sunni Muslims account for 5–10 percent. Approximately 0.3 percent ascribe to other religions, including the Baha'i faith, Zoroastrianism, Christianity, and Judaism. While the Jaafari school of Shi'a Islam is the official religion, the constitution extends full respect to the five major Sunni schools. It also recognizes Christians, Jews, and Zoroastrians as protected minorities. Five of the parliament's 290 seats are reserved for religious minorities—two for Armenian Christians and one each for Assyrian/Chaldean Christians, Jews, and Zoroastrians. There are two Hindu temples, and Buddhism has historical influences. Iran is home to several other religious groups that face persecution, including Mandeans, Yarsanis, nonbelievers, and spiritual movements, such as Erfan-e Halgheh.

## Religious Minorities

In 2022, Iran's government escalated its persecution of Baha'is, conducting nationwide arrests and [spreading propaganda](#) against the group. In February, Judge Mohammadghasem Ain al-Kamali of Branch 1 of the Semnan Revolutionary Court [ruled](#) that the Execution of Imam Khomeini's Order (EIKO) could legally confiscate the property of Baha'is following false allegations against a Baha'i man in the province. Branch 54 of the Tehran Appeals Court upheld the decision in August following the [destruction](#) of six Baha'i houses in Rooshankoo. In July, Iran [rearrested](#) three members of the now disbanded Friends of Iran (Yaran Iran) who previously spent a decade in prison. In late August, Ministry of Intelligence officials [arrested](#) 14 Baha'is during a religious study in Ghaemshahr. Throughout the fall and winter of 2022, Iran [continued](#) its systematic campaign of Baha'i arrests.

Iran's government also continued using antisemitic rhetoric to incite intolerance against Jews. In April, an IRGC-affiliated think tank [declared](#) there was no "real antisemitism" in Nazi Germany. Ayatollah Ali Khamenei regularly uses antisemitic tropes such as Jewish financial domination and deliberately conflates Judaism and Israeli government policy in his tweets. U.S. Department of State Special Envoy to Monitor and Combat Antisemitism Deborah E. Lipstadt has [condemned repeatedly](#) this "vile antisemitic rhetoric."

The government also [targeted](#) Christian Iranians, particularly converts from Islam. In February, the Tehran Court of Appeal [ordered](#) a review of the sentences of nine Christians on the grounds that membership in a house church did not constitute a threat to national security, leading to their acquittal. However, the lower courts continued [sentencing](#) Christians on national security grounds. Pastor [Youcef Nadarkhani](#), who is serving a six-year sentence for leading a 400-member house church, was [allowed](#) a five-day furlough for Easter but returned to Evin Prison shortly thereafter. In May, the Civil Court of Bandar Anzali [levied](#) a fine of \$185 (six million tomans) on Christian convert Rahmat Rostimpour for violating Article 500 of Iran's penal

code [prohibiting](#) education "contrary to Islam." In August, Iran's Supreme Court declined to review the 10-year prison sentence [against](#) house church leader Anooshavan Avedian. That same month, house church leader Josef Shahbazian [began](#) a 10-year sentence at Evin Prison following a June 2020 [raid](#) on a private home in which security forces arrested 30 Christians. In October, however, two Christian prisoners, [Nasser Navard Goltapeh](#) and [Fariba Dalir](#), were released from Evin Prison. Following the outbreak of mass protests, the Ministry of Intelligence reportedly [pressured](#) Armenian Christian churches and church [leaders](#) to issue statements supporting the government.

Sunni Muslim Iranians faced repression in 2022 as security forces targeted communities in the geographic and social [periphery](#) in response to protests. Cleric Musa Rahimi reportedly [died](#) under [torture](#) in a prison in Bandar Abbas following his arrest for announcing the start of Eid al-Fitr in alignment with the Saudi date rather than the Iranian date. In September, security forces in Zahedan [shot](#) at least 96 people leaving the [Makki](#) Grand Mosque to attend protests. In November, security forces [opened](#) fire on worshipers at the mosque. Both the IRGC and a Shi'a religious official linked to Ayatollah Khamenei [condemned](#) Sunni clerics for comments [supporting](#) protesters and criticizing the government. Iran's most prominent Sunni cleric, Molavi Abdolhamid, continued to [express](#) his support for protesters.

Iran also continued its mistreatment of Gonabadi Sufis in 2022. Three Gonabadi Sufis at Great Tehran Prison were [denied](#) access to visitors in April. In August, Gonabadi Sufi journalist [Kasra Nouri](#) was [moved](#) from Adel Abad Prison in Shiraz to a local Ministry of Intelligence [office](#). During protests in December, security forces [arrested](#) Gonabadi Sufi Mohsen Afrouz.

## Key U.S. Policy

The Joseph R. Biden administration has supported protesters in Iran calling for greater religious freedom. In [remarks](#) at the UN General Assembly, President Biden lauded "the brave women of Iran who right now are demonstrating to secure their basic rights." In November, the United States voted in [favor](#) of establishing a UN fact-finding mission on Iran at the UN Human Rights Council. That same month, Vice President Kamala D. Harris [stated](#) that the United States would "work with our partners to remove Iran from the UN Commission on the Status of Women." In December, the United States [voted](#) in favor of the resolution—which it cosponsored—to remove Iran from the commission.

The U.S. Department of the Treasury and the State Department continued to impose targeted sanctions on Iranian officials for violating religious freedom in 2022, including [leaders](#) in Iran's [IRGC](#) and Basij militias. In September, the Treasury [issued](#) General License D-2, which facilitates outside technological support to Iranians protesting for greater religious freedom and other rights.

On November 30, the State Department [redesignated](#) Iran as a CPC under IRFA and, as the relevant presidential action, imposed travel restrictions on Iranian officials complicit in religious freedom violations.

### KEY FINDINGS

In 2022, religious freedom conditions in Nicaragua worsened considerably. The government of Nicaragua, under President Daniel Ortega and Vice President Rosario Murillo, escalated its campaign of harassment and severe persecution against the Catholic Church by targeting clergy, eliminating Church-affiliated organizations, and placing restrictions on religious observances. Violations of religious freedom that occurred in previous years—such as hate speech against the Catholic Church and denial of entry into the country for clergy—continued in 2022 as well.

The Nicaraguan government heightened its crackdown against members of the clergy. Despite the high level of persecution against Catholic leaders since protests in 2018, 2022 was the first year in which the government imprisoned members of the clergy. Father Manuel Salvador García was [sentenced](#) in June to two years in prison for threatening a crowd with a weapon, and later he was [sentenced](#) to another two years and eight months for allegedly assaulting a parishioner. [José Leonardo Urbina](#) was [sentenced](#) to 30 years in prison for abuse of a minor; his secret trial lasted only two days and [lacked due process](#). Additionally, the government made several high-profile moves against Rolando Álvarez, Catholic bishop of the Diocese of Matagalpa and Estelí. Following multiple instances of harassment in spring and summer, in August police conducted an early-morning raid on Bishop Álvarez's church in Matagalpa, [detained](#) him, and put him under house arrest in Managua. Additional priests detained in 2022 include [Óscar Benavidez](#) in August and [Enrique Martínez Gamboa](#) in October. The government also engaged in hate speech against clergy and expelled priests or prevented them from returning to the country.

Within the context of a widespread crackdown on civil society organizations critical of the government, the Ortega

regime has also pressured the Catholic Church by hindering or preventing Church-affiliated organizations and services from operating. In 2022, the regime [shut down](#) over 3,000 nongovernmental organizations, often citing legislation such as the “foreign agents” law or Law No. 977, [Law against Money Laundering, Financing of Terrorism and Financing of the Proliferation of Arms](#), to justify its consolidation of control over civil society. The National Assembly ordered the [revocation](#) of the legal status of a Catholic university and several Catholic educational and charitable projects in the city of Estelí and later [approved](#) a law that would strengthen its control over educational institutions and strip funding from the Jesuit-run school *Universidad Centroamericana* (Central American University).

In May, the Nicaraguan Institute of Telecommunications and Postal Services (TELCOR) [ordered](#) the removal of the Episcopal Conference of Nicaragua's *Canal Católico* (Catholic Channel). In its place the regime began airing *Nicarao TV*, widely [perceived](#) as a propaganda network. TELCOR also ordered the [closure](#) of at least [eight](#) radio stations operated by the Catholic Church. In August, police in Sébaco [forcibly](#) entered the [chapel](#) where *Radio Católica* operated. They seized broadcast equipment and forced the church's priest to take [refuge](#) in the parish house for several days.

In June, the government [canceled](#) the legal status of Missionaries of Charity—an order established by Mother Teresa—for allegedly failing to declare the origins of its funding in line with Law No. 977. Missionaries of Charity had operated in Nicaragua since 1988, [running](#) a “children's nursery, a home for abused and abandoned girls and a nursing home.” The government also forced the nuns in the order to leave the country.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Redesignate Nicaragua as a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA);
- Impose targeted sanctions on Nicaraguan government agencies and officials responsible for violence and other punitive actions against houses of worship, religious leaders, and organizations by freezing those individuals' assets and/or barring their entry into the United States
- under human rights related financial and visa authorities, citing specific religious freedom violations;
- Press the Nicaraguan government to unconditionally release religious prisoners of conscience, commit to due process for religious detainees, and permit access to Bibles and religious consultations for all political prisoners; and
- Exercise increased scrutiny of any loan or financial or technical assistance provided by international financial institutions for projects in Nicaragua, pursuant to the Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform Act of 2021 (RENACER Act).

The U.S. Congress should:

- Hold public hearings to amplify congressional concerns over religious prisoners of conscience in Nicaragua and work with like-minded parliamentarians in other countries to advocate for their release and the release of other prisoners of conscience.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Country Update:** [Religious Freedom in Nicaragua in 2022](#)
- **Hearing:** [Crackdown on Religious Freedom in Nicaragua](#)
- **Podcast:** [Nicaragua's Assault on Religious Freedom](#)
- **Podcast:** [Deteriorating Religious Freedom Conditions in Nicaragua](#)



## Background

President Ortega is the head of state and government of Nicaragua. He and his party, the Sandinista National Liberation Front, exercise authoritarian control over the government and electoral process. Roman Catholics [account](#) for about 50 percent of Nicaragua’s population; Evangelical Christians account for 33.2 percent; followers of unspecified religions account for 13.2 percent; Jews, Muslims, and others account for 2.9 percent; and 0.7 percent do not adhere to any religion.

Nicaragua is embroiled in a social and political crisis that started after the government’s repression of peaceful protests in April 2018. The Ortega administration began [targeting the Catholic Church](#) after it aided demonstrators and individual clergy voiced opposition to the government’s human rights abuses. Since 2018, government actors and pro-Ortega groups have routinely intimidated and harassed worshipers; vandalized churches; and targeted clergy with defamatory accusations, arbitrary arrests, death threats, deportations, and violent attacks.

## Persecution of Bishop Rolando Álvarez

The Nicaraguan government’s persecution against Bishop Álvarez is illustrative of its crackdown on members of the clergy. Álvarez was a mediator in the national dialogue in 2018 and was critical of the government’s human rights record. In May, police placed Álvarez under [24-hour surveillance](#). As a result, Álvarez took refuge in a church in Managua—which the police then surrounded—and began a hunger strike to protest his treatment. Police [allowed](#) the bishop to return to his own diocese in Matagalpa but escorted his vehicle for the two-hour journey. On August 5, the national police [announced](#) an investigation into Bishop Álvarez. He was under de facto [house arrest](#) at his Matagalpa church residence for two weeks until police conducted an early-morning raid on the church, [detained](#) the bishop, and put him under house arrest in Managua. He was charged with “conspiracy,” “spreading false news,” and “damaging the Nicaraguan government and society.” Vice President Murillo justified the bishop’s arrest by arguing that it served to “guard the peace, security, and tranquility of Nicaraguan families.” In February 2023, a court [sentenced](#) Bishop Álvarez to 26 years in prison and also announced that “he would be fined and stripped of his Nicaraguan citizenship.”

Authorities detained seven other men at the same time as Bishop Álvarez’s arrest, including three priests, one deacon, two seminarians, and one layman. In February 2023, the regime sentenced the men to 10 years in prison for “conspiracy to undermine national integrity” and “for spreading false news.” Days later, the regime [released](#) the seven men and exiled them to the United States along with over 200 other political prisoners.

## Harassment of Clergy

The government continued to use similar tactics as in previous years to incite fear in the Catholic community. It again expelled priests and prevented them from returning to the country after traveling abroad, without any official explanation. Monsignor Waldemar Sommertag served as the papal nuncio in Managua starting in 2018. In March

2022, the Nicaraguan government abruptly withdrew his credentials and forced him to leave the country. In September, the Directorate General of Immigration and Nationality [notified](#) Father Juan de Dios García via email that he was banned from returning after he visited family in the United States. A short while later, the regime [denied](#) entry to Father Guillermo Blandón after he traveled to Israel with a stopover in the United States.

Shortly after Pope Francis [acknowledged](#) dialogue between the Vatican and the Nicaraguan government, President Ortega—during a televised speech—[called](#) the Church a “perfect dictatorship” and renewed his old accusations of clergy as “killers” and “coup plotters.” In December, he also accused clergy of “calling for bloodshed” during the 2018 protests.

## Prohibition of Religious Rituals

The regime continued to arbitrarily ban Catholic processions in several cities. In August, the police [prohibited](#) a procession in Managua for “reasons of internal security.” In lieu of the procession, parishioners [gathered](#) peacefully under heavy police presence for Mass at the cathedral. Similar prohibitions occurred at least [four](#) times in [September](#), [twice](#) in [October](#), and [twice](#) in [November](#).

## Key U.S. Policy

The U.S. government continued to enact robust sanctions against Nicaraguan organizations and officials. The [RENACER Act](#) expanded the Corrupt and Undemocratic Actors list to include Nicaragua. In March, the U.S. Department of State [added](#) nine Nicaraguan officials to the list for “undermining the democratic processes or institutions of Nicaragua” during the 2021 [sham election](#), making those individuals ineligible for visas and admission to the United States. Further rounds of visa restrictions came in [June](#) and [July](#) when the State Department imposed restrictions on an additional 116 individuals for undermining democracy, including judges, prosecutors, National Assembly members, and Interior Ministry officials.

In June, the U.S. Department of the Treasury’s Office of Foreign Assets Control [sanctioned](#) the state-owned mining company *Empresa Nicaraguense de Minas* and one official in the government pursuant to Executive Order 13851. In October, the Joseph R. Biden administration [announced](#) another slate of sanctions against individuals and entities in Nicaragua “to hold the Ortega-Murillo regime accountable for its escalating human rights violations, continued dismantling of democratic institutions,” and attacks on civil society. These measures put [pressure](#) on Nicaragua’s gold sector, allow for future trade restrictions, and impose visa restrictions on more than 500 individuals “who work for the Nicaraguan government or formulate, implement, or benefit from policies or actions that undermine or injure democratic institutions.”

On November 30, the State Department for the first time [designated](#) Nicaragua as a CPC under IRFA and imposed as the relevant president action the existing ongoing restrictions referenced in section 5 of the Nicaragua Investment Conditionality Act of 2018 (the NICA Act). Nicaragua previously had been on the State Department’s Special Watch List since 2019.

### KEY FINDINGS

In 2022, religious freedom conditions in Nigeria remained poor, with both state and nonstate actors committing particularly severe violations of religious freedom. While some officials worked to address drivers of religious freedom violations, others actively infringed on the religious freedom rights of Nigerians, including by enforcing blasphemy laws. Criminal activity and violent armed group incidents impacting religious freedom worsened.

A Shari'a court sentenced [Sheikh Abduljabar Kabara](#) to [death](#) for blasphemy. Judicial authorities sentenced humanist leader [Mubarak Bala](#) to 24 years in prison for blasphemy and other charges. A high court ruled that blasphemy laws in Shari'a penal codes are constitutional and remanded the blasphemy case against [Yahaya Sharif Aminu](#) back to Shari'a courts for retrial. In September, armed officers conducted a [surprise raid](#) on the residence of the presiding judge of the Kano Court of Appeal, who was the only judge who dissented the ruling. Kabara, Bala, and Sharif Aminu remained incarcerated at year's end, along with several other individuals accused of blasphemy. Meanwhile, religious police [arrested](#) 19 people accused of organizing a wedding ceremony for two individuals of the same sex in Kano State, where Muslims convicted of [lesbian, gay, bisexual, transgender, queer, and intersex \(LGBTQI+\) activity](#) face execution or public flogging under Shari'a legal codes.

Mob violence in Zamfara killed Christian university student Deborah Yakubu due to blasphemy accusations. Officials in Bauchi State arrested Christian healthcare worker Rhoda Jatau for blasphemy for comments she shared on social media in the aftermath of the violence. Authorities only brought minor charges against two of the instigators of violence against Yakubu and no charges against the instigators of violence against Jatau.

Rampant violence and atrocities across Nigeria continued to impact freedom of religion or belief, including militant Islamist violence; some forms of identity-based violence; mob violence;

and criminal, political, and vigilante violence impacting worship. The Islamic State in West Africa Province (ISWAP) claimed several attacks against Christian communities, including allegedly killing 40 people in an attack on a Catholic Church in Ondo State during Pentecost Sunday services and bombing a market in Borno State that sold alcohol.

In many of the country's complex violent crises, armed actors targeted worshipers and religious leaders. Attacks targeted churches and mosques in Kaduna State, mosques in Zamfara and Katsina states, and several Christian leaders in other parts of the country. Tensions at the intersection of ethnicity, religion, and geographic heritage yielded atrocities in several regions, including in Plateau, Benue, and Anambra states.

Federal authorities accelerated efforts to address violence impacting religious freedom, including by institutionalizing harsher punishments against perpetrators, improving [military efforts](#) to neutralize Islamist fighters in the north, and strengthening efforts to investigate and arrest perpetrators of the most egregious attacks. The effectiveness of these efforts remained in question, while in some regions state and local officials failed to fully prosecute individuals who incited mob violence against alleged blasphemers.

Security and judicial sector reform aimed at deterring and providing redress for religious violence remained stagnant, with such efforts largely absent from or peripheral to leading politicians' policy priorities. The government's human rights record continued to be poor, with [reports emerging](#) of a decades-long forced abortion campaign facilitated by the Nigerian military against rescued abductees of Boko Haram.

Despite continued religious freedom challenges in the country, in November the U.S. Department of State failed to designate Nigeria as a country of particular concern (CPC) for engaging in particularly severe violations of religious freedom.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate Nigeria as a "country of particular concern," or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA), and redesignate Boko Haram and ISWAP as "entities of particular concern," or EPCs, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by IRFA;
  - Appoint a Special Envoy for Nigeria and the Lake Chad Basin to maximize U.S. diplomatic efforts to address religious freedom violations and atrocity risk in Nigeria and the Lake Chad Basin; and
  - Diplomatically, financially, and administratively support Nigerian civil society organizations to coordinate a national dialogue on implementing [United Nations Human Rights Council \(UNHCR\) Resolution 16/18](#) and to promote religious freedom and tolerance while safeguarding freedom of expression.
- The U.S. Congress should:
- Revitalize the bipartisan Nigeria caucus to place due focus on security, atrocity risk, human rights, and religious freedom challenges in Nigeria; and
  - Request that the Government Accountability Office (GAO) investigate the effectiveness of U.S. assistance to Nigeria in achieving religious freedom objectives in the country.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Hearing:** [Religious Freedom, Violence, and U.S. Policy in Nigeria](#)
- **Policy Update:** [Violence and Religious Freedom in Nigeria](#)
- **Policy Update:** [Blasphemy Laws in Nigeria](#)
- **Commission Delegation Visit:** [Abuja in June 2022](#)
- **Podcast:** [Religious Freedom Takeaways on the Ground in Nigeria](#)

## Background

Nigeria is the most populous country in Africa, with an estimated [219 million people](#). Among these, 53.5 percent identify as Muslim; 45.9 percent identify as Christian; and 0.6 percent identify with other religious or nonreligious beliefs, including atheism, African traditional religions, the Baha'i faith, Buddhism, Hinduism, and Judaism. Nigeria's [1999 Constitution](#) protects freedom of religion or belief and prohibits the state from establishing a state religion. The [Nigerian Criminal Code](#) includes a penalty of up to two years' imprisonment for blasphemy. Twelve northern states use Islamic Shari'a criminal and family codes alongside civil and customary laws. These Shari'a codes prohibit blasphemy and other offenses based on Islamic law as interpreted by each state's High Court.

## Blasphemy Cases

In December, a Shari'a court sentenced Sheikh [Abduljabbar Kabara](#) to [death by hanging](#) for offending the Prophet in his preaching. In April, a court in Kano State sentenced humanist leader [Mubarak Bala](#) to [24 years in prison](#) for blasphemy after he pled guilty against the advice of his lawyers and seemingly against his own convictions. In August, a high court in Kano [ruled](#) that blasphemy laws in Shari'a penal codes are constitutional and remanded the blasphemy case against Tijaniyya Muslim [Yahaya Sharif Aminu](#) back to Shari'a courts for retrial.

In May, a mob in Zamfara State stoned Christian student [Deborah Yakubu](#) to death and burned her body because they perceived remarks she made in a WhatsApp thread as insulting to Islam. In June, a mob in Abuja stoned and burned Muslim [Ahmad Usman](#) to death for alleged blasphemy, although investigations implicated organized criminal activity as likely playing a major role in the incident.

Some government officials made [public statements](#) condemning mob violence against alleged blasphemers and issued [temporary curfews](#) to quell rising threats to public safety. However, authorities [limited charges](#) against two alleged perpetrators of violence that killed Yakubu to bailable offenses. When a mob in Bauchi State mobilized to retaliate against Christian healthcare worker [Rhoda Jatau](#) for making comments they considered blasphemous in the aftermath of Yakubu's murder, authorities arrested Jatau on charges of blasphemy instead of arresting those who incited violence against her.

## Violence Impacting Religious Freedom

Rampant violence and atrocities across Nigeria continued to impact freedom of religion or belief for many Nigerians. During a rampage across several villages in February, ISWAP [burned](#) at least one church. In April, ISWAP [bombed a bar](#) in Taraba State in an attempt to target "infidel Christians," killing three and injuring 19. Investigations allege that ISWAP [killed at least 40 people](#) in a June attack on Pentecost Sunday targeting a Catholic Church in Owo, Ondo State. In October, ISWAP [attacked a church](#) in Kogi State, killing two people and injuring several others. Boko Haram also continued to [commit violations](#) in its

campaign to install undemocratic Islamic rule, with [100](#) of the school-agers they abducted in Chibok in 2014 still missing.

Complex violent crises across the country involving dynamic alliances of insurgent, criminal, and vigilante actors also impacted freedom of worship for both Muslims and Christians. In Kaduna State in March, alleged bandits reportedly abducted [14 worshipers](#) from a mosque during Isha prayers. In June, two simultaneous [attacks on churches](#) in Kaduna State reportedly killed eight people and resulted in 38 abductions. In July, armed actors [abducted two priests](#) in Kaduna State, resulting in the death of one. In September, gunmen kidnapped [dozens of worshipers](#) from Friday prayers in Zamfara State, and later that month armed assailants [killed 15 people](#) during an attack on a mosque. In December, gunmen abducted [19 worshipers](#) from a mosque in Katsina State.

In Plateau State in March 2022, tensions triggered by an attack on a convoy of Muslim worshipers in August 2021 [reignited](#), resulting in fatalities from both Muslim and Christian communities. In May, armed assailants [killed](#) a pregnant Muslim Hausa woman and her four children, with local analysis concluding that discrimination likely played a key role in the attack.

In January, the Nigerian government [issued a policy](#) considering all activities by or in support of "bandits" and "gunmen" as prosecutable under the Terrorism Prevention Act (2013). In April, the Nigerian Congress made kidnapping [punishable](#) by death and criminalized ransom payments in an attempt to curb growing abduction rackets that have impacted religious leaders and worshipers. Authorities also made several [prominent arrests](#), including five individuals for conducting the Pentecost church attack in Owo.

Despite these efforts, ISWAP [expanded its territorial reach](#) and conducted [several sophisticated](#) attacks in 2022. While the Nigerian government often projects an overly optimistic picture of its capacity and readiness to combat violent actors, sources from the ground allege that chronic institutional challenges plague the effectiveness of Nigeria's security and judicial systems.

## Key U.S. Policy

In 2022, the Joseph R. Biden administration again [failed to designate](#) Nigeria as a CPC for engaging in particularly severe religious freedom violations, having removed it from the CPC list the previous year. In April, the U.S. Congress approved the release of a nearly [\\$1 billion weapons sale](#) to Nigeria that was paused due to human rights concerns, garnering [criticism](#) from human rights organizations. The U.S. Embassy in Nigeria held [several trainings](#) with Nigerian security forces to [improve civilian protection](#) in military operations. The U.S. government continued to support peacebuilding programs and efforts to promote interfaith dialogue and harmony. The U.S. Embassy also [demonstrated commitment](#) to protect Nigeria's religious and cultural heritage, including by funding a project to protect the [Busanyin Shrine](#) in the Osun Osogbo Sacred Grove.

# NORTH KOREA

## USCIRF–RECOMMENDED FOR COUNTRIES OF PARTICULAR CONCERN (CPC)

### KEY FINDINGS

In 2022, religious freedom conditions in North Korea remained among the worst in the world. North Korea’s ruling ideology, known as [Kimilsungism-Kimjongilism](#), forbids competing ideologies—including religious ones—and treats religion as an existential threat. The country’s most fundamental legal document, known as the [Ten Principles](#) for the Establishment of a Monolithic Leadership System, requires absolute loyalty and obedience to the teachings of North Korean leaders. The Ten Principles contradict the rights and freedoms enshrined in international law and in the country’s own [constitution](#), which nominally grants religious freedom. The ruling Workers’ Party of Korea actively enforces the Ten Principles at all levels of government and across society, monitors and controls religious belief and activities, and systematically denies North Korean citizens the right to religious freedom.

North Korea’s discriminatory [songbun](#) system classifies citizens based on their perceived loyalty to the state. Religious practitioners belong to the “hostile” class and are considered enemies of the state, deserving “discrimination, punishment, isolation, and even execution.” The government attempts to [provide](#) an illusion of religious freedom to the outside world through state-controlled religious sites and organizations, which include the Korean Buddhist Federation, the Korean Christian Federation, and the Korean Catholic Association. In reality, religious freedom remains nonexistent as authorities actively and systematically target and [persecute](#)

religious groups and adherents, including Christians, practitioners of shamanism, and others.

Protestant Christians remain especially vulnerable to persecution. According to a 2022 [report](#) by the War Crimes Committee of the International Bar Association and the Committee for Human Rights in North Korea, human rights abuses—including religious freedom abuses—in North Korean detention centers amount to crimes against humanity. Christians make up a disproportionate number of detainees in these detention centers. Authorities consider the practice of their faith a political crime and levy particularly harsh punishments on prisoners from that community, including severe torture and killing. For example, a former detainee at the Onsong labor detention center estimated that between 50 and 60 percent of the facility’s population are Christian or have had contact with Christianity. The Ministry of State Security, North Korea’s secret police agency, is the principal perpetrator responsible for the persecution of Christians.

Furthermore, North Korean law [bans](#) shamanistic practices as “superstitious acts.” The Ministry of People’s Security, North Korea’s police agency, is primarily responsible for abuses against practitioners of shamanism. Information on religious freedom conditions for practitioners of other major religious traditions in North Korea—such as Buddhism, Catholicism, and Chondoism—remains severely limited.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Redesignate North Korea as a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA);
- Integrate security and human rights as complementary objectives in broader U.S. policy toward—and in bilateral negotiations with—North Korea; and
- Impose targeted and broad sanctions—including coordinated, multilateral sanctions with international partners—as appropriate for religious freedom violations in North Korea and consider lifting certain sanctions in return for concrete progress in religious freedom and related human rights.

The U.S. Congress should:

- Reauthorize the North Korean Human Rights Act and swiftly confirm the nominee for Special Envoy for North Korean Human Rights Issues.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Special Report:** [Kimilsungism-Kimjongilism and the Right to Freedom of Religion, Thought, and Conscience in North Korea](#)
- **Hearing:** [U.S. Policy and Freedom of Religion or Belief in North Korea](#)

## Background

Information about religious demographics and religious freedom conditions in North Korea is difficult to confirm and often outdated. Historically, North Koreans followed Buddhism and an indigenous syncretic religious movement known as Chondoism (Religion of the Heavenly Way). The country was also home to a sizeable Christian community before the Korean War (1950–1953), with Pyongyang known as the “Jerusalem of the East,” but successive crackdowns have shrunk the Christian population to an estimated [two percent](#) of the total population. Shamanism and traditional folk religion practices, such as fortunetelling, are also prevalent.

## North Korean Defectors and Refugees

Defectors and refugees from North Korea are primary sources of information about religious freedom conditions in the country. In recent years, however, the number of North Koreans arriving in South Korea has decreased significantly due to tightened security along borders between China and North Korea as well as between China and Southeast Asian countries; the COVID-19 pandemic has contributed to a further decrease. According to the South Korean Ministry of Unification, only 67 North Koreans [defected](#) to South Korea in 2022—one of the lowest numbers in over 20 years. The Chinese government views all North Korean refugees as illegal economic migrants and repatriates them if discovered, without regard to their risk of persecution upon return, in violation of its international obligations. North Korean refugees who have contact with Christian missionaries and nongovernmental organization workers in China face severe punishment when repatriated to North Korea. Chinese authorities have expelled hundreds of South Korean missionaries since 2017, many of whom played an instrumental role in helping North Korean refugees escape.

## International Accountability in the United Nations (UN)

In March, Tomás Ojea Quintana, then Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea, [submitted](#) a report to the UN Human Rights Council (UNHRC) raising concerns about North Korea’s deprivation of its people’s fundamental freedoms, including the freedom of expression, religion, and thought. It [recommended](#) that North Korea “review the Law on the Elimination of Reactionary Thought and Culture, and promote and protect freedom of expression, access to information and freedom of religion, including for young people.” In August, the UNHRC [appointed](#) Elizabeth Salmón of Peru as the incoming Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea.

In April, the UNHRC adopted a [resolution](#) condemning “[long-standing] and ongoing systematic, widespread and gross human rights violations and other human rights abuses committed” in North Korea. It expressed grave concerns over North Korea’s persecution of individuals on religious and other grounds; denial of the right to freedom of thought, conscience, and religion, including the right to adopt a religion or belief; and discrimination based on the *songbun* system. The UNHRC also called on the North Korean government to ensure the right to thought, conscience, and religion or belief. In December, the UN General Assembly [passed](#) a resolution expressing concerns over North Korea’s dire human rights conditions and calling for international efforts to improve them.

## Key U.S. Policy

There was little to no change in U.S.-North Korea relations in 2022. Officials with the administration of President Joseph R. Biden [repeated](#) the U.S. [commitment](#) to diplomacy and dialogue with North Korea, without preconditions, to which the North Korean government [offered](#) no positive response. During President Biden’s visit with South Korean President Yoon Suk Yeol in May, the two leaders [issued](#) a joint statement that expressed grave concern over the human rights situation in North Korea. In December, U.S. Secretary of State Antony J. Blinken, U.S. Secretary of Defense Lloyd J. Austin, and their Australian counterparts issued a joint statement during the U.S.-Australia Ministerial Consultations that [called on](#) North Korea to engage in denuclearization dialogue, while [expressing](#) grave concern over severe human rights violations in that country.

On November 30, the U.S. Department of State [redesignated](#) North Korea as a CPC under IRFA and reimposed as the relevant presidential action the existing, ongoing restrictions to which the country is already subject under Sections 402 and 409 of the Trade Act of 1974. That same month, pursuant to Executive Order 13687, the U.S. Department of the Treasury [sanctioned](#) North Korea’s Ministry of State Security Border Guard General Bureau (BGGB) for its complicity in human rights abuses along that country’s borders with China and Russia. On January 23, 2023, shortly after the reporting period, President Biden [nominated](#) Julie Turner for the position of Special Envoy on North Korean Human Rights Issues.

In March, Representative Young Kim (R-CA) and Representative Ami Bera (D-CA) [introduced](#) in the U.S. House of Representatives a bipartisan bill to reauthorize the North Korean Human Rights Act ([H.R.7332](#)), but the House took no further action on the measure. In May, Senator Marco Rubio (R-FL) and Senator Tim Kaine (D-VA) [introduced](#) the Senate version of the bill ([S.4216](#)), which the Senate passed in December. As the law [expired](#) at the end of fiscal year 2022 and was not reauthorized by the conclusion of the 117th Congress (January 2021–January 2023), members of the House and Senate are likely to reintroduce new versions.



### KEY FINDINGS

In 2022, Pakistan’s religious freedom conditions continued to deteriorate. Religious minorities were subject to frequent attacks and threats, including accusations of blasphemy, targeted killings, lynchings, mob violence, forced conversions, sexual violence against women and girls, and desecration of houses of worship and cemeteries. Members of the Shi’a Muslim, Ahmadiyya Muslim, Christian, Hindu, and Sikh communities faced the continued threat of persecution via harsh and discriminatory legislation, such as anti-Ahmadiyya and blasphemy laws, as well as increasingly aggressive societal discrimination amid a rise in radical Islamist influence. These laws have enabled and encouraged radical Islamists to operate with impunity, openly targeting religious minorities or those with differing beliefs, including nonbelievers.

The new government under Prime Minister Shahbaz Sharif, which took office in April, [weaponized](#) the country’s blasphemy laws against former Prime Minister Imran Khan and his cabinet members. Religious minorities, however, were especially vulnerable to prosecution or violence based on blasphemy allegations in a society that has grown increasingly intolerant of religious diversity. Blasphemy cases remained a substantial threat to religious freedom, as did the sort of mob violence that has long accompanied such accusations. In February, a court [sentenced](#) Notan Lal—the owner and principal of a private school in Ghotki, Sindh—to life in prison under Article 295(c) of the Pakistani Penal Code (PPC) after a student accused him of insulting the Prophet three years prior. His appeal remains pending despite pleas of

innocence. That same month, an angry mob in Punjab Province [stoned](#) to death Muhammad Mushtaq, a mentally ill man accused of burning the Qur’an; a mob of some 300 people then hanged his body from a tree.

Societal violence and targeted killings also continued to plague the country’s religious minorities. In January, unknown gunmen [killed](#) a Christian priest and wounded another as they drove home from Sunday Mass in Peshawar. In May, unidentified assailants gunned down two Sikh businessmen in Peshawar, and a seminary student [stabbed](#) to death an Ahmadiyya man in Okara District, Punjab Province. The victim’s family members [accused](#) the chief cleric of the seminary of provoking the student to commit murder by delivering sermons calling for violence against the Ahmadiyya community. From January to July alone, that community reported the desecration of over 170 graves and at least two houses of worship, often with the assistance of authorities. In July in Punjab Province, 53 Ahmadiyya graves were [desecrated](#) in Gujranwala District under the supervision of the police, while security forces [arrested](#) several Ahmadis for conducting Islamic ritual slaughter in celebration of the Eid al-Adha holiday and thereby “posing as Muslims.” In June, a group of armed men [desecrated](#) a Hindu temple in Karachi after two spokespersons for India’s ruling Bharatiya Janata Party (BJP) reportedly made insulting statements about the Prophet Muhammad; Pakistan’s government vowed to hold the perpetrators accountable, although it had made no arrests by the end of 2022.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Redesignate Pakistan as a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA), and lift the waiver releasing the administration from taking otherwise legislatively mandated action as a result of the designation;
- Enter into a binding agreement, under Section 405(c) of IRFA, with the Pakistani government to encourage substantial steps to address religious freedom violations with benchmarks, including but not limited to:
  - Release blasphemy prisoners and other individuals imprisoned for their religion or beliefs;
  - Repeal blasphemy and anti-Ahmadiyya laws; until such repeal, enact reforms to make blasphemy a bailable offense, require evidence by accusers, ensure proper investigation by senior police officials, allow authorities to dismiss unfounded accusations, and enforce existing Penal Code articles criminalizing perjury and false accusations;
- Remove requirements for self-identification of religion on identity documents;
- Address radical Islamist rhetoric, which often precedes attacks on minorities, while protecting freedom of expression;
- Hold accountable individuals who incite or participate in vigilante violence, targeted killings, forced conversions, and other religiously based crimes; and
- Reform educational textbooks, curricula, and teacher training materials to ensure content is inclusive of and not discriminatory toward religious minorities.
- Impose targeted sanctions on Pakistani government agencies and officials responsible for severe violations of religious freedom by freezing those individuals’ assets and/or barring their entry into the United States under human rights related financial and visa authorities, citing specific religious freedom violations.

The U.S. Congress should:

- Incorporate religious freedom concerns into its larger oversight of the U.S.-Pakistan bilateral relationship through hearings, letters, and congressional delegations and advocate for the release of religious prisoners of conscience in Pakistan, including [Junaid Hafeez](#), [Asif Pervaiz](#), [Notan Lal](#), [Zafar Bhatti](#), and [Aneeqa Ateeq](#).

### KEY USCIRF RESOURCES & ACTIVITIES

- **Country Update:** [Religious Freedom in Pakistan in 2022](#)
- **Podcast:** [Deteriorating Religious Freedom Conditions in South Asia](#)

## Background

Pakistan's [population](#) is an estimated 96.5 percent Muslim (85–90 percent Sunni, 10–15 percent Shi'a, and 0.2 percent Ahmadi) with smaller populations of Hindus, Christians, Sikhs, Buddhists, Baha'is, and Zoroastrians comprising the remaining 3.5 percent. Pakistan was established as an Islamic Republic in 1956, granting special status to Islam; the constitution [establishes](#) Islam as the state religion, defines the country's purpose "wherein the Muslims shall be enabled to order their lives . . . in accordance with the teachings and requirements of Islam," and allows only Muslims to serve as president and prime minister. Pakistan's constitution nominally protects religious freedom by prohibiting faith-based discrimination and guaranteeing the right to religious practices and education while [reserving](#) 10 seats for religious minorities in the National Assembly, four in the Senate, and 23 in four provincial assemblies. However, a 1974 constitutional amendment declares Ahmadis non-Muslims, excluding them from representation. In addition, Pakistan maintains several laws, including criminal blasphemy and anti-Ahmadiyya laws, that further restrict the freedom of religion or belief.

## Blasphemy and Anti-Ahmadiyya Laws

Sections 295 and 298 of the PPC criminalize acts and speech insulting religion or defiling the Qur'an, the Prophet Muhammad, places of worship, or religious symbols. These vague provisions are frequently abused to levy false accusations against Shi'a Muslims, Ahmadiyya Muslims, Christians, Hindus, Sikhs, and others who do not adhere to the majority Sunni interpretation of Islam. Those accused of blasphemy face violence, imprisonment with limited opportunity for bail, and even the death sentence, although no blasphemy convict has been executed by the state in Pakistan. In January 2023—after the reporting period—the National Assembly [passed](#) a draft law that would increase the penalties for certain blasphemy cases to life imprisonment while [eliminating](#) their eligibility for bail.

Articles 298(b) and 298(c) of the PPC prohibit Ahmadis from self-identifying as Muslim, forcing them to sign a declaration swearing they are non-Muslim to obtain basic civil rights, such as the right to vote or receive national identification cards. Ahmadiyya Muslims are prohibited from citing the Qur'an or Hadith; displaying Qur'anic text on gravestones, houses of worship, or elsewhere; sharing their faith; or calling their places of worship "mosques."

## Sexual Violence and Forced Conversion of Women and Girls

Abductions, [forced conversion](#) to Islam, rape, and forced marriage—frequently allowed with impunity—remain imminent threats for religious minority women and children, particularly Christians, Hindus, and Sikhs. In January, neighbors [abducted](#), forcibly converted to Islam, and married Mahnoor Ashraf, a 14-year-old Christian girl in Lahore, to a 45-year-old Muslim man. In March, in Sindh Province, a man attempting to abduct and forcibly marry 18-year-old Hindu Pooja

Kumari [shot and killed](#) her when she resisted. In April, 12-year-old Christian Zarvia Pervaiz was [abducted](#), forced to convert to Islam, and married to a 40-year-old man; a Lahore judge [dismissed](#) her parents' case in August, claiming that she had converted and married "of her own free will" despite her status as a minor.

In October, concerns over such abuses prompted several United Nations special rapporteurs, including those on freedom of religion or belief and on violence against women and girls, to [express](#) their concern to the government of Pakistan. That [communication](#) provided a series of individual examples, which it referred to as "indicative of a wider phenomenon throughout the country," and it warned of the reported "inaction and complicity of security forces and the judiciary in the face of these abuses."

## Radical Islamism: Armed Groups and Political Influence

Radical Islamist influence continued to worsen in 2022, including through armed groups, political factions, and individuals, many of whom used rhetoric, disinformation, or direct violence targeting religious minorities. Tehreek-e-Labbaik Pakistan (TLP) gained popularity, using [blasphemy](#) laws as rallying points. In March, the Islamic State in Iraq and Syria (ISIS) killed over 60 in a [deadly attack](#) on a Shi'a mosque, marking yet another instance of [extremist violence](#) against religious minorities.

## Key U.S. Policy

The United States has long considered Pakistan's stability and security a foreign policy priority, making it one of the largest recipients of U.S. foreign aid—[more than \\$32 billion](#) over the last two decades. It increased that level of aid in 2022, largely due to the [devastating floods](#) that covered vast swaths of Pakistani territory from June to August, killing over 1,700 and destroying around 2.3 million homes. By the start of 2023, the U.S. government had provided over \$98 million in humanitarian assistance in response to that crisis, largely through the U.S. Agency for International Development. This assistance came in addition to U.S. support in 2022 for Pakistani efforts to combat the COVID-19 epidemic, including [pledging](#) and partially implementing the donation of an additional 77 million vaccine doses. In October, the United States [hosted](#) a visit from Pakistan's outgoing Chief of Army Staff, General Qamar Javed Bajwa, just weeks after [announcing](#) plans to move forward with a \$450 million deal to support the Pakistani Air Force's F-16 program. Reports [suggest](#) that these dynamics may point to improvement in bilateral relations, long complicated by the two countries' starkly differing agendas and interests vis-à-vis Pakistan's neighbors in Afghanistan, India, and China.

On November 30, the U.S. Department of State [redesignated](#) Pakistan as a CPC under IRFA. However, as in prior years, the State Department issued a national interest waiver that absolved Pakistan of liability to sanctions or other significant penalties that would otherwise accompany that designation.



### KEY FINDINGS

In 2022, religious freedom conditions in the Russian Federation continued to decline. Authorities increasingly prosecuted members of religious minority communities using a range of legal mechanisms, including a 1996 religion law; laws on terrorism, extremism, and “undesirable organizations”; provisions criminalizing blasphemy; and others. These vague laws continued to give authorities broad powers to outlaw religious groups, prosecute individuals based on their religious speech or religious activities, and ban religious literature deemed “extremist.” The government also continued to fine Protestants, Catholics, Muslims, Old Believers, and others for illegal missionary activities and other violations of various restrictions.

Russian authorities frequently relied on the country’s extremism statutes to punish individuals for participating in so-called “extremist” organizations—without adequately defining “extremism.” In 2022, the government detained, imprisoned, and fined adherents of Muslim theologian Said Nursi, members of the Muslim group [Tablighi Jamaat](#), and Jehovah’s Witnesses on such charges. Since the Supreme Court declared Jehovah’s Witnesses “extremist” in 2017, authorities have subjected the group to 1,874 home searches, with 201 occurring in 2022. In June, the European Court of Human Rights concluded that Russia had violated Jehovah’s Witnesses’ rights and ordered the government to pay pecuniary damages. By the end of the year, more than 100 Jehovah’s Witnesses remained in Russian custody.

Officials continued to detain and sentence Muslims on unsubstantiated terrorism and sedition charges for their real or alleged affiliation with [Hizb ut-Tahrir \(HT\)](#), an Islamist group that Russia has designated a terrorist organization. International human rights organization Memorial reported in December that at least 328 people were in prison or faced prosecution or investigation for such alleged affiliations, of whom 108 had received

prison sentences between 10–15 years and 105 had received sentences of 15 years or more. In Russian-occupied Crimea, occupation authorities have regularly imprisoned predominantly Muslim Crimean Tatars who oppose the Russian occupation, charging them in connection with their Muslim identity and religious activities.

In February, Russian military forces launched a full-scale and unjustified invasion of Ukraine with the purported goal of the “demilitarization and denazification” of the country. This “denazification” rhetoric often [resulted](#) in antisemitic Russian propaganda and remarks from government officials, including Foreign Minister Sergey Lavrov. As part of its war propaganda, the Russian government also pointed to the alleged flourishing of “satanism” and other religious movements—so-called “cults”—in Ukraine, with one official [calling](#) for the “desatanization of Ukraine.” Dissidents within Russia voicing opposition to the war on religious grounds [faced](#) fines and detention for allegedly discrediting and disseminating false information about the Russian army. Religious leaders who refused to voice support for the invasion, such as the [chief rabbi](#) of Moscow, were [forced](#) to flee Russia.

Ukrainian religious communities living in areas invaded by Russia experienced gross religious freedom violations perpetrated by Russian forces. Several [reports](#) document Russian military personnel threatening, detaining, disappearing, and torturing religious figures in order to exert control and influence over local populations. In the first six months of the war, at least 20 religious figures were [reported](#) killed and another 15 kidnapped. Russian artillery and gunfire regularly destroyed and damaged Ukrainian places of worship and other religious facilities. By December, the United Nations Educational, Scientific, and Cultural Organization (UNESCO) had [verified](#) damage to at least 102 religious sites, with other organizations [reporting](#) damage to more than 300.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Redesignate Russia as a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA);
  - Impose targeted sanctions on Russian government agencies and officials responsible for severe violations of religious freedom by freezing those individuals’ assets and/or barring their entry into the United States under human rights related financial and visa authorities, citing specific religious freedom violations; and
  - Allocate greater funding to programs supporting:
    - Russian civil society, including Russian civil society actors in exile, that monitors and documents human rights and religious freedom violations in Russia; and
    - Independent media that counters Russian disinformation and antisemitism and reports uncensored information about events inside Russia, including those related to religious freedom.
- The U.S. Congress should:
- Engage with repressed religious communities in Russia and occupied Ukraine and raise ongoing religious freedom issues through hearings, meetings, letters, congressional delegation trips abroad, and other actions for community representatives to inform the U.S. government and/or public of existing conditions.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Backgrounder:** [Religious Freedom in Russia and Regions under Russian Occupation](#)
- **Podcast:** [Implications of Russia’s Invasion of Ukraine: The Religious Regulation Framework](#)
- **Press Statement:** [USCIRF Welcomes European Court Judgment against Russia on Jehovah’s Witnesses](#)
- **Podcast:** [Russia’s Religious Freedom Violations in Ukraine](#)
- **Press Statement:** [USCIRF Welcomes Release of Religious Prisoner of Conscience Dennis Christensen](#)

## Background

According to a 2020 [poll](#), 63 percent of Russia's population identify as Orthodox Christian, seven percent as Muslim, and 26 percent as having no religious faith. Less than one percent belong to other various communities, including Protestants, Catholics, Jehovah's Witnesses, Buddhists, Jews, Hindus, Baha'is, Falun Gong practitioners, Scientologists, and followers of indigenous religions. Russian law considers Christianity, Islam, Judaism, and Buddhism as "traditional" religions and grants special recognition and privileges to the Russian Orthodox Church.

In 2022, Russia enacted legislation that threatened to further curtail religious freedom by expanding already broad, vague terms such as "extremism," "propaganda," and "foreign influence." In July, President Vladimir Putin [signed](#) amendments to the country's extremism law that created a database of "extremist materials" and a unified register of individuals involved in "extremist" or "terrorist" activities. In December, a new version of the country's foreign agents law went into effect [permitting](#) authorities to label individuals considered to be under "foreign influence" as agents of another country. That same month, Putin signed into law a bill [punishing](#) anyone who promotes "LGBT [lesbian, gay, bisexual, transgender] propaganda" and another bill [banning](#) rallies and demonstrations in proximity to certain places, including churches and religious sites. Russia's widening crackdown on civil society following its invasion of Ukraine led the United Nations Human Rights Council (UNHRC) to [adopt](#) a resolution in October appointing a special rapporteur to monitor human rights in Russia.

## "Extremism" and "Nontraditional" Religious Groups

In 2022, Russian authorities sentenced more than 40 Jehovah's Witnesses to prison time for peaceful religious activities portrayed as "extremist." In September, a court in Gukovo [sentenced](#) four Jehovah's Witnesses to seven years in prison and another two Jehovah's Witnesses to six and a half years for praying and singing hymns. All six had been in pretrial detention since August 2020. In November, a court [fined](#) Jehovah's Witness Igor Gusev \$9,921 (600,000 rubles) for discussing the Bible. In October, a court in occupied Crimea [sentenced](#) three Jehovah's Witnesses to six years in prison for holding religious services. In May, [Dennis Christensen](#) was released from prison and deported to Denmark after completing his six-year sentence.

In August, six Muslims [accused](#) of teaching and discussing the works of Said Nursi had their first hearing in Moscow. They were initially detained in October 2021 and charged with extremism. Authorities opened cases or started trials against several other Muslims in Dagestan and Tatarstan on similar Nursi-related allegations. In March, an appeals court in Omsk [sentenced](#) one Tablighi Jamaat member to two years in prison and another two to suspended sentences for giving sermons and spreading Tablighi Jamaat teachings.

## Muslims Accused of Terrorism

Muslims accused of involvement in HT face decades in prison, despite no evidence of defendants advocating for or participating in violence.

In November, a military court [sentenced](#) four Muslims from Kazan to between 11 and 18 years in prison reportedly related to their talking about religion and holding meetings, holidays, and tea parties after Friday prayers. In Crimea, Russian authorities often use terrorism allegations connected to religious identity to suppress predominantly Muslim Crimean Tatar civil activists opposed to their rule. In March, a military court in Rostov-on-Don [sentenced](#) five Crimean Tatars to between 15 and 19 years in prison for alleged HT activities. More than a dozen other activists originally arrested alongside the five in March 2019 were also sentenced in 2022 to prison terms ranging from 12 to 15 years. In July, three lawyers known for defending Crimean Tatars were [disbarred](#) in retaliation for their work. Imprisoned Crimean Tatars [reported](#) medical neglect, being served food violating their religious dietary requirements, and inhumane living conditions, including rat-infested cells and a lack of access to beds, clean water, and sanitary toilet facilities.

## Russia's Invasion of Ukraine

In October, a UNHRC commission [determined](#) that Russia had committed war crimes in Ukraine, including summary executions, torture, and rape. Religious communities in Ukraine experienced these and other human rights violations, with Russian forces targeting religious leaders, religious buildings, and other sites of religious or spiritual importance. In March, Russian soldiers in Kherson reportedly beat, [strangled](#), and sexually assaulted an Orthodox Church of Ukraine priest until he agreed to cooperate with them. In November, Russian forces reportedly abducted, [tortured](#), and killed an Evangelical deacon and his son. In June, Russian artillery [struck](#) the Svyatohirsk Lavra monastery complex in the region of Donetsk, killing two monks and a nun. That same month, Russian forces reportedly [destroyed](#) a mosque while assaulting Severodonetsk, killing 20 people seeking shelter in it.

## Key U.S. Policy

U.S.-Russian relations nosedived as the United States rallied the international community against Russia for its invasion of Ukraine. The United States [imposed](#) several rounds of sanctions targeting Russia's financial, defense, shipping, and technology sectors as well as Russian government and military officials involved in the war and human rights violations in Ukraine, including President Putin. In September, the U.S. Department of the Treasury [sanctioned](#) individuals operating as Russia's occupation authorities in Crimea for specifically targeting religious and ethnic minorities. Following U.S. measures, Russia sanctioned and barred entry to several U.S. government officials, including USCIRF Commissioners. In April, President Joseph R. Biden signed into law legislation [suspending](#) trade relations with Russia and [banning](#) the importation of Russian oil. On November 30, the U.S. Department of State [redesignated](#) Russia as a CPC under IRFA and reimposed as the relevant presidential action existing ongoing sanctions issued for individuals identified pursuant to the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012 and the Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014, as amended.

# SAUDI ARABIA

## USCIRF-RECOMMENDED FOR COUNTRIES OF PARTICULAR CONCERN (CPC)

### KEY FINDINGS

In 2022, religious freedom conditions in Saudi Arabia remained poor despite some nominal improvements. The Saudi government continued to systematically deny non-Muslims the ability to build houses of worship or worship in public. According to the 1992 Saudi Basic Law of Governance, the constitution is the Qur'an and the sunna (traditions of the Prophet). The judicial system is largely governed by a Saudi interpretation of Shari'a as informed by Hanbali jurisprudence. Apostasy (including conversion away from Islam) and blasphemy are both crimes carrying the potential for a death sentence, though blasphemy is more often punished through prison sentences, fines, and lashings, and no executions on either charge have taken place in recent years.

Power in Saudi Arabia is highly centralized within the Al Saud ruling family. The ruling monarch, King Salman bin Abdel Aziz Al Saud, holds the title "Custodian of the Two Holy Mosques." In September, King Salman bin Abdelaziz [appointed](#) his son Crown Prince Mohammed bin Salman as prime minister, further centralizing the family's power. Crown Prince Mohammed has systematically cracked down on both religious and political dissent despite overseeing economic reforms associated with Saudi Vision 2030. Saudi law is largely uncodified, but in 2022 the government made progress toward digital [procedures](#) for the law of evidence and a [written penal code](#), both of which could reduce the risk of arbitrary and inconsistent sentencing of religious dissidents and enhance accountability within the Saudi judicial system.

Shi'a Muslims also faced ongoing discrimination in housing, employment, and the judiciary, and they remained without access to senior positions in the government and military. The government continued to prosecute, jail, sentence, and execute Shi'a Muslims involved in protests in 2011 against discrimination on the basis of their religious identity. While some were released in 2022, many of those charged and [sentenced](#) were [minors](#) when they are alleged to have committed their crimes. In March, Saudi Arabia carried out its largest known mass execution, [killing](#) 81 people, including 41 Shi'a Muslims who participated in the 2011 protests. The head of the Committee for the Promotion of Virtue and Prevention of

Vice [commented](#) on the executions, saying that "one of the most legitimate actions is to preserve religion . . . and one of the ways to achieve that is to eliminate violators and eradicate them."

The Saudi leadership's continued centralization of governance has sidelined the country's religious establishment but has not eliminated state-imposed religious interpretations that restrict freedom of religion or belief. The government took steps to increase its control of the judiciary by [arresting](#) sitting judges and appointing new ones, potentially impacting ongoing legal cases against religious minorities and dissenters. Beginning in the summer of 2022, Saudi courts began issuing [egregiously](#) long prison sentences against dissidents—including religious dissidents—who peacefully expressed their beliefs. Several detained prisoners of conscience had their sentences [extended](#) arbitrarily and for excessively long lengths of time. In April, the Saudi government made preparations to [deport](#) four Uyghur Muslims to China but delayed the deportation following international pressure.

Saudi women have benefited from recent legal reforms but continue to face restrictions on their religious freedom. The March 2022 Saudi [Personal Status Law](#) standardizes in writing laws that were previously subject to the discretion of Saudi officials and ensures certain protections for women's consent to marriage. At the same time, it codifies systematic religious freedom restrictions affecting women, [including](#) the male guardianship system and a legal prohibition on Muslim women marrying non-Muslim men. Saudi women who have protested the guardianship system began receiving appallingly long prison sentences in 2022. In August, the Saudi Specialized Criminal Court (SCC) [sentenced](#) Salma al-Shehab to 34 years in prison and an additional 34-year travel ban over her tweets [supporting](#) women activists advocating for guardianship system reform.

The Saudi government also continued to restrict the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community's freedom of religion or belief. Same-sex relations are [punishable](#) by death based on the government's interpretation of religion, though the government has not executed anyone on these grounds in recent years.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Redesignate Saudi Arabia as a "country of particular concern," or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA), and lift the waiver releasing the administration from taking otherwise legislatively mandated action as a result of the designation; and
- Explore legal options for penalizing U.S. companies complicit in the Saudi

government's religious freedom violations, including those enabling the electronic surveillance of the cellular phones, emails, social media accounts, and private messages of religious minorities and religious dissidents.

The U.S. Congress should:

- Hold public hearings to amplify congressional concerns over religious freedom violations in Saudi Arabia, including the

prolonged detention of religious prisoners of conscience, and work with like-minded parliamentarians in other countries to advocate for them and other prisoners of conscience to be released; and

- Convey publicly to the administration bipartisan concern over religious freedom violations in Saudi Arabia.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Country Update:** [Religious Freedom Conditions in Saudi Arabia](#)

## Background

Out of [34 million Saudis](#), 85–90 percent are Sunni Muslim and 10–15 percent are Shi'a Muslim. The United Nations (UN) estimates that 38 percent of the population are expatriates, including at least two million Christians, Hindus, Buddhists, Sikhs, practitioners of folk religions, and the unaffiliated. Non-Muslim citizens gather for religious purposes in private and often hide their identity to avoid harsh social and official consequences. The government has also been increasingly tolerant of practices with non-Muslim religious origins like [yoga](#), [Halloween costumes](#), and Christmas [decorations](#).

## Muslim Dissidents

In 2022, the Saudi government released two Shi'a Muslims whose death sentences were [converted](#) to life sentences in 2021. Authorities released [Dawood al-Marhoon](#) in February and [Murtaja Qureiris](#) in June, both of whom were minors when they are alleged to have committed crimes. However, in July the SCC sentenced [Jalal al-Labbad](#) to death for his participation in 2011 protests despite being a minor at the time. In August, the court also upheld a death sentence against [Abdullah al-Derazi](#), who was a minor when he is alleged to have committed his crimes.

Saudi Arabia also continued to persecute dissident Sunni religious leaders and their families. Malik al-Dowaish, son of imprisoned Sunni religious scholar [Suleiman al-Dowaish](#), was [arrested](#) in July after calling for his father's release. In February, the Court of Appeal [upheld](#) a two-year prison sentence against Malik's brother Abdulrahman. Malik and his other brother Abdulwahhab (arrested in August 2021) were [released](#) in September, but Malik was [rearrested](#) later that month. Suleiman al-Dowaish was arrested in 2016 following tweets about a religious sermon he gave in Mecca. Sheikh [Salman al-Ouda](#), arrested in 2017 over his religious beliefs, continues to be detained despite reports in 2021 of his deteriorating health. There are similar health [concerns](#) for [Mohammad Hassan al-Habib](#), [arrested](#) in July 2016 over the content of his sermons. In October, the SCC again [postponed](#) a court hearing for religious scholar [Hassan Farhan al-Maliki](#), arrested in 2017 and charged with calling into question the fundamentals of Islam, among other charges.

## Non-Muslim Religious Minorities

Saudi textbooks reflect [some](#) improvement regarding the portrayal of non-Muslims, but they still teach that Jewish and Christian holy books were "corrupted" and "distorted" in their interpretation and compare Jews to "donkeys carrying books." During a sermon at the Grand Mosque in Mecca in July, Imam Saleh bin al-Humaid [called](#) for bringing "annihilation upon the plundering and occupying Jews."

During the Muslim World League's [Forum](#) on Common Values among Religious Followers, held in May, non-Saudi leaders from the

Hindu, Buddhist, Christian, Muslim, and Jewish communities came to Saudi Arabia to discuss religious issues, though not issues related to religious freedom in Saudi Arabia itself.

## Women and LGBTQI+ People and Religious Freedom

In September, the Public Prosecution and the governor of the Asir region [opened](#) an [investigation](#) into a violent August [raid](#) by security forces on a "social education house" (*Dar al-Reaya*) for women and girls in Khamis Mushait. Women and girls can be sent to social education houses for religiously grounded violations, including [disobedience](#) (*'uquq*) and [running away](#) (*taghayyub*) from a male guardian's home. During the raid, reportedly in response to protests over the mistreatment of residents at the facility, Saudi security officials [assaulted](#) women and girls living at the facility, whipped them with belts and sticks, and dragged them by their hair. During the year, the government continued to detain activists who protested the guardianship system and those who expressed support for them on social media.

Saudi Arabia has jailed members of the LGBTQI+ community on religious grounds and has [arrested](#) LGBTQI+ social media [influencers](#) on the basis that their content could "negatively impact public morality." Saudi textbooks, while reflecting considerable improvement in other areas, continue to use religion as a basis to [claim](#) that fluid gender identity is "among the greatest of sins" that "make one deserving of a curse" and that dressing in the manner of a different gender will be "cursed with expulsion and banishment from the mercy of Allah Almighty."

## Key U.S. Policy

The Joseph R. Biden administration has expressed concern over religious freedom conditions in Saudi Arabia but has imposed limited tangible consequences in [light](#) of [security](#) and [economic](#) interests exacerbated by the Russian invasion of Ukraine. In April, President Biden [nominated](#) Michael Ratney as U.S. Ambassador to Saudi Arabia, but Ratney was not confirmed by the end of the reporting period. He was [renominated](#) in January 2023. In July, President Biden visited Saudi Arabia and [met](#) with Crown Prince Mohammed bin Salman, where he "underscored" human rights concerns.

U.S. Special Envoy to Monitor and Combat Antisemitism Deborah E. Lipstadt made her first official overseas [trip](#) to Saudi Arabia in July to discuss antisemitism with Saudi officials. She indicated an openness to hosting a [discussion](#) on "Judeo-Arabic issues" in Saudi Arabia in the future.

On November 30, the U.S. Department of State [redesignated](#) Saudi Arabia as a CPC under IRFA but reimposed the longstanding waiver on taking any presidential action as a consequence of the designation.

### KEY FINDINGS

In 2022, religious freedom conditions in Syria remained poor amidst the ongoing civil war and continuing political fragmentation, humanitarian crises, and contested governance. The government of President Bashar al-Assad—which controlled [two-thirds](#) of Syria’s territory—committed egregious human rights abuses such as [arbitrary detention](#) and torture, [enforced disappearance](#) and, with its allies, [civilian-targeted](#) fatal [attacks](#) in opposition- and rebel-held regions. While President Assad appeared in March at a Christian [ecclesiastical conference](#) in Damascus, the government’s treatment of other groups such as Druze [challenged](#) its claims of protecting religious minorities. In July and December, state security and government-affiliated militias responded with [lethal](#) force to Druze communities’ anti-regime protests. The government [angered](#) its [Alawi](#) Muslim base by releasing hundreds of detained Sunni Muslims—whom it has long deemed militants—during the holy season of Ramadan. Yet, the regime kept [at least 136,000](#) people in arbitrary detention and continued to capitalize on the conflict-fueled [sectarianism](#) it helped establish, [appropriating](#) Sunni Muslims’ religious authority and stoking [Alawis’ fear](#) of Sunnis gaining power.

Nonstate actors, such as Turkish-supported armed opposition groups (TSOs) in the [north-central region](#) and former al-Qaeda affiliate and U.S.-designated [terrorist](#) group [Hay’at Tahrir al-Sham](#) (HTS) in Idlib in the northwest, perpetrated many violations against religious minorities. Emboldened by Turkey’s support and [intensifying](#) military action in northern Syria, TSOs continued to [target religious minorities](#), especially Yazidis, for rape, assassination, kidnapping for ransom, confiscation of property, and desecration of cemeteries and places of worship. In June, TSOs [desecrated](#) Yazidi graves, and in December, on a Yazidi holy day, the [Faylaq al-Sham](#) faction [vandalized](#) a cemetery near Afrin. Despite HTS’s robust [campaign](#) to distance itself from its past massacres and

other crimes against religious minorities, the group’s [governance](#) in the northwest advanced a Salafi-Jihadist ideology [disenfranchising](#) Christians and Druze. HTS continued to expropriate property, restrict religious rituals, arrest and detain religious minorities and [nonconforming](#) Sunni Muslims, and impose religiously justified [dress codes](#) on women. The Islamic State of Iraq and Syria (ISIS), a longstanding perpetrator of mass atrocities against Syria’s religious minorities, did not regain territory. However, it asserted its presence via a major [prison break](#) in Hasaka in January and numerous attacks on civilians and the U.S.-allied Syrian Democratic Forces (SDF). Its morality police (Hisba) used religion to justify [killing](#) people accused of prostitution and witchcraft in Deir al-Zor and to [extort](#) [zakat](#), or religious alms, from local populations. [Turkey, Iran, and Russia](#) contributed to the devastation and displacement of [endangered religious minority communities](#) in Syria via direct military actions such as airstrikes, drones, and bombings. In November, Turkey conducted airstrikes in northern Syria and Turkish President Recep Tayyip Erdoğan amplified [longstanding threats](#) to escalate land operations there, ostensibly in retaliation for a November 13 bombing in Istanbul that Turkey [attributed](#) to Syrian-based Kurdish terrorists. The U.S. Department of State acknowledged Turkey’s concerns about terrorism but stressed the need for [de-escalation](#). The Autonomous Administration of North and East Syria (AANES) and its SDF militia—which have helped stabilize religious freedom conditions in parts of northern Syria—[expressed concern](#) that Turkey’s threatened military encroachment would prevent the SDF’s ability to secure the region against the threat of ISIS insurgency and the TSOs that have laid waste to [religious minority communities](#). Already [displaced](#) within and outside Syria, and vulnerable on the basis of their religious identity, minorities in rebel-held areas face [precarious conditions](#) subject to ruin from any additional crisis, such as the massive 2023 [earthquakes](#).

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate Syria as a “country of particular concern,” or CPC, for engaging in and tolerating systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA), and redesignate HTS as an “entity of particular concern,” or EPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by IRFA;
  - Impose targeted sanctions on additional Syrian government agencies and officials, HTS principals, and the leadership of TSOs responsible for severe violations of religious freedom by freezing those individuals’ assets and/or barring their entry into the United States under human rights related financial and visa authorities, citing specific religious freedom violations; and
  - Support religious freedom in north and east Syria by: 1) fully implementing General License No. 22 in areas the AANES governs; 2) encouraging inclusion of the AANES in any U.S.-backed political solution for Syria, pursuant to United Nations (UN) Resolution 2254, including Geneva-based talks to resolve the conflict “as the basis for a Syrian-led and Syrian-owned political transition;” and 3) assisting the efforts of local partners to ascertain the whereabouts of kidnapped and missing Yazidi women and girls.
- The U.S. Congress should:
- Raise the profile of Syria’s vulnerable religious minority communities through hearings, meetings, letters, congressional delegation trips abroad, or other actions.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Hearing:** [Freedom of Religion or Belief in Syria](#)
- **Press Statement:** [USCIRF Welcomes the U.S. Government’s Issuance of a General License Including Northeast Syria](#)
- **Podcast:** [The Suffocating Hold of HTS on Northwest Syria](#)
- **Factsheet:** [Religious Freedom in Syria under Hay’at Tahrir al-Sham \(HTS\)](#)



## Background

Article 3 of Syria's [constitution](#) states that the president must be Muslim and that Islamic jurisprudence is a major source of legislation. The same article calls for the government to respect all religions, to protect the personal status of religious communities, and to ensure the freedom to practice religious "rituals that do not prejudice public order." The government continued to [ban](#) Jehovah's Witnesses, restrict proselytization, and prohibit the conversion of Muslims to other religions.

The demography of Syria reflects over 11 years of war resulting in mass casualties and displacement. Over 87 percent of the almost 21.5 million-person [population](#) is Muslim, with 74 percent Sunni Muslims and the remaining 13 percent Shi'a, Alawi, and Ismaili Muslims. Christians—including Syriac-Assyrians, Maronites, Armenians, and other groups—constitute between two and 10 percent of the population, with some humanitarian organizations reporting that war-related displacement and migration has [diminished](#) Christian numbers from 1.5 million before 2011 to only 300,000 in 2022. Druze comprise approximately three percent, the Jewish community is now essentially [gone](#), and estimates for Yazidis are obscured by the Syrian government inaccurately classifying them as Muslims.

The war—triggered in 2011 by the government's repression of peaceful protests—has [narrowed](#) in territorial scope. Major areas of ongoing conflict include the northern swath encompassing the border with Turkey, Idlib Governorate in the west, the Jazira region in the east, and three Turkish "cantons" including Afrin and those formed by the Euphrates Shield and Peace Spring military operations.

## Religious Minorities' Concerns

Throughout the war, Druze communities have [avoided](#) countering the Assad regime's portrayal of itself as the protector of religious minorities from militant jihadist groups. However, in [July](#) and [December](#), Druze-majority villages in the southern province of Suweida staged large protests expressing long-simmering resentment against the Assad regime, resulting in a government crackdown and [fatal](#) clashes with Syrian security forces and affiliated militias. Non-regime-held regions such as Idlib have proven even more inhospitable to Druze. At least 53 [kidnapping](#) cases in Druze-majority villages of Idlib Governorate took place between January and August 2022: 23 by HTS, 16 by ISIS, and 14 by other Islamist organizations. Druze in Idlib have expressed concern that despite HTS's public overtures to them, the militant group cannot or will not bring to justice foreign-origin Islamist fighters who target the Druze for violence, as in the case of the [murder](#) of an elderly couple in August.

Christians experienced political disenfranchisement as well as violent attacks. In July, an [explosion](#) destroyed a Greek Orthodox church during its inauguration in the Hama Governorate, which HTS partially controls. Christian communities in some parts of Idlib

[approached extinction](#) due to displacement and flight from TSO and HTS harassment and attacks. [Those who remain](#) in other villages face HTS and other militant groups' restrictions on their rituals and houses of worship, appropriation of land and other property, kidnappings, and murder.

While the international community [took steps](#) toward [accountability](#) for Syrian ISIS members who participated in the Yazidi genocide that began in 2014, Yazidis within Syria remain [subject](#) to legal discrimination across multiple regions' frameworks of governance, and militant jihadist groups target them for forced conversion, rape and other sexual violence, and murder. The SDF continues to [rescue](#) genocide survivors still enslaved within ISIS fighter cells, but in 2022, at least [2,763](#) Yazidi women and girls kidnapped from Iraq were still missing, many [potentially hidden](#) within northeast Syrian camps detaining ISIS fighters [and their families](#).

## Religious Freedom Conditions in the North and East

Areas governed by the AANES remained more conducive to religious freedom than government or rebel-held regions. The Kurdish-initiated, [ethnically diverse, and multi-confessional](#) administration continued to support pluralistic initiatives. In January, the AANES hosted the [International Conference on Mesopotamian Religions and Beliefs](#), featuring representatives from a variety of religious and political institutions across the Middle East and North Africa and from numerous faiths and ethnic backgrounds. Some Sunni Muslim Arab and Christian residents objected to the AANES's educational reforms, such as bans in October on [niqabs](#) in school settings and on Assyrian schools' use of the Syrian government's [curriculum](#) over that of the AANES. Overall, however, the AANES's stabilization of the region for religious minorities contrasted favorably with the violence and displacement advanced by TSOs and the Turkish military.

## Key U.S. Policy

[U.S.-Syria relations](#) have been strained for several decades, and since 1979, the United States has named Syria on its list of state sponsors of terrorism. Over the course of the present civil war, the United States has introduced several [sanctions](#) on Syria and [related](#) individual actors, pursuant to the [Caesar Civilian Protection Act of 2019](#) and various [executive orders](#). In May, the U.S. Department of the Treasury announced the release of a [general license](#) authorizing wider forms of private economic activity in certain non-regime-held [areas](#), including—and as recommended by USCIRF since 2021—those within the AANES, a region [uniquely supportive](#) of religious freedom.

In May and [September](#), the State Department announced \$808 million and \$756 million, respectively, in additional humanitarian assistance to Syria, making the United States the largest humanitarian donor since the beginning of the conflict.

### KEY FINDINGS

In 2022, religious freedom conditions in Tajikistan remained dire. The Tajik government continued to severely repress the country's Muslim majority. Children under the age of 18 are barred from visiting mosques and all other public religious activities except for funerals. Private religious education is banned, and children are only allowed to receive religious instruction from their parents at home. Since 2014, the government has appointed all imams, required them to wear state-issued religious garments, and strictly dictated their sermons. People under the age of 35 are not allowed to perform the Hajj.

The government enforced restrictions on how Muslims mourn the dead, including a ban on wearing black clothes. In June, police stopped a woman wearing a black dress to mourn the death of her son and detained her for seven hours at a police station, where she was [beaten](#) to the point of unconsciousness. After her family saw her injuries and complained to the police, they were threatened with 15 days of jail time. In addition, police sometimes harassed individuals wearing hijabs or beards as a symbol of Islamic piety and [blocked](#) them from entering government buildings.

In 2022, the Tajik government implemented [new methods](#) of persecution specifically aimed at the country's minority Ismaili Shi'a Muslim population, including the imprisonment of a prominent religious leader, closure of a religious school and other community activities, and [shuttering](#) of religious bookstores that sold Ismaili literature and other materials.

In Tajikistan, the government punished alleged extremism and terrorism without requiring acts that involved violence or incitement of imminent violence. Charges are often arbitrarily issued against religious individuals and their trials lacked due process and procedural safeguards. The Tajik government continued to imprison multiple individuals on lengthy prison sentences for peacefully expressing their faith, including those who veered from the

state-scripted sermons, preached without an official appointment by the government, provided religious education, or attempted to share their faith publicly. In August, Ismaili Muslim cleric [Muzaffar Davlatmirov](#) was sentenced to five years in prison on "extremism" charges after officiating funeral services for protesters killed by the government. The Tajik government continued to target anyone with ties to the Islamic Renaissance Party of Tajikistan (IRPT), a moderate Islamic political party banned in Tajikistan since 2015, including through the use of [transnational repression](#) and requests for [extradition](#) from other countries. One of the founders of the IRPT, 80-year-old [Zubaydullo Rozik](#), was placed in special punishment cells twice over the past year for teaching religion to other prisoners, which is illegal in Tajik prisons.

The government continued to require the registration of all religious communities. Unregistered religious communities cannot legally convene religious meetings or assemblies, own or use property for religious purposes, produce or import religious literature, receive donations, carry out charitable work, or invite foreign persons to participate in religious activities. In May, government officials told Protestant Christian leaders that the government would not [register](#) any new churches. Like the restrictions placed on Muslims, children of Christian families cannot attend church or other related activities such as religious camps. In August, the government demanded that all non-Muslim communities fill out [questionnaires](#) detailing information about the community's employees and their families and any financial contributions the community receives. In September, the [United Nations Human Rights Committee](#) (UNHRCtee) [determined](#) that Tajikistan's refusal to register Jehovah's Witnesses violated Articles 18(1) and 18(3) of the International Covenant on Civil and Political Rights, which guarantee protections for the right to freedom of religion or belief.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Redesignate Tajikistan as a "country of particular concern," or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA), and lift the waiver releasing the administration from taking otherwise legislatively mandated action as a result of the designation;
- Condition U.S. security assistance to the Tajik government on 1) reform of the 2009 religion law and the improvement of conditions for freedom of religion or belief, and 2) mandated religious freedom training for Tajik officials, including education about the benefits of religious freedom for countering and preventing violent extremism;
- Impose targeted sanctions on Tajik government agencies and officials responsible for severe violations of religious freedom by freezing those individuals' assets and/or barring their entry into the United States under human rights related financial and visa authorities, citing specific religious freedom violations; and
- Press the Tajik government at the highest levels to identify and immediately release individuals imprisoned in Tajikistan for their peaceful religious activities or religious affiliations; account for the whereabouts of all prisoners of conscience, including those imprisoned on religious grounds; and allow international observers to monitor conditions in Tajik prisons.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Country Update:** [Religious Freedom in Tajikistan](#)
- **Press Statement:** [USCIRF Vice Chair Nury Turkel Calls on Tajikistan to Release Shamil Khakimov](#)
- **Podcast:** [The Persecution of Muslims in Tajikistan](#)



## Background

President Emomali Rahmon has ruled Tajikistan since 1992, centering power in the hands of his family. Tajikistan faced multiple crises in 2022, including increased [economic hardship](#) due to Russia's invasion of Ukraine, ongoing [security challenges](#) from Islamic State-Khorasan Province (ISIS-K) in neighboring Afghanistan, increased [drug trafficking](#) along the Tajik-Afghan border, and the [continuation](#) of the Tajik-Kyrgyz border conflict throughout the year.

The country's [population](#) is predominantly Muslim, with around 86 percent adhering to the Hanafi school of Sunni Islam and approximately four percent identifying as Ismaili Shi'a, a group that primarily resides in the mountainous eastern part of the country known as the Gorno Badakhshan Autonomous Oblast (GBAO). The largest Christian group is Russian Orthodox, but other Christian communities include Protestants, Roman Catholics, and Jehovah's Witnesses. Jews, Baha'is, and Zoroastrians also make up small communities.

UN Special Rapporteur on the situation of human rights defenders [Mary Lawlor](#) conducted a two-week-long [official visit](#) to Tajikistan in November and December but was denied access to the GBAO. Lawlor concluded that the situation for human rights defenders, including those working on behalf of religious freedom, is deteriorating as they face "harassment, threats, criminalization, closed unfair trials, and imprisonment."

## Legal Framework for Controlling Religion

Tajikistan's legal environment for freedom of religion or belief sharply declined after the adoption of several highly restrictive laws beginning in 2009. Its [Law on Freedom of Conscience and Religious Unions](#) requires religious organizations to complete burdensome registration applications to operate legally. Applicants [must secure](#) an attestation from local government officials confirming that at least 10 persons over 18 years old in their locality are members. Applicants must then submit detailed information to the government's Committee on Religion, Regulation of Traditions, Celebrations, and Ceremonies, including the organization's planned activities, founders and structure, and basic tenets and attitudes toward education, family, marriage, and health. The government exercises broad discretion to deny applications and strip religious organizations of their registration. The administrative and penal codes provide for large fines and prison terms for religion-related charges such as organizing or participating in "unapproved" religious meetings.

Tajikistan maintains additional legal barriers severely curtailing the right to freedom of religion or belief. The [Law on Parental Responsibility](#) bans minors from any organized religious activities except funerals. The [Law on Military Duty and Service](#) provides for mandatory military service with no exemption for conscientious objectors. Conscripts [must](#) either serve two years in the armed services or pay a substantial fine and take a month-long course in military preparedness.

## The GBAO and Repression of Ismaili Shi'as

In 2022, the Tajik government increasingly repressed the country's Ismaili Shi'a population, who are primarily ethnic Pamiris located in

the GBAO. Authorities [cracked down](#) on civil society in the GBAO following protests in mid-May over the government's decision not to investigate the death of an activist in police custody. The government arrested over 200 people, imprisoned Pamiri journalists and repatriated them from Russia, and began country-wide suppression of Pamiris that included repression of their freedom of religion or belief.

In May in the capital Dushanbe, authorities began pressuring staff at the Ismaili *tariqa* (school), officially registered with the government since 2012, to cease all religious and secular educational activities. In September, the government [forcibly closed](#) the school along with all the bookstores in Dushanbe selling religious literature. Islamic religious studies are now only taught in one school that remains open in the capital. In addition, authorities shut down [development projects](#) funded and created by the Ismaili religious leader, Europe-based [Aga Khan](#), including schools, summer camps for children, banks, and telecommunications.

## Religious Prisoners of Conscience

In August, Ismaili Muslim cleric Muzaffar Davlatmirov received a [five-year prison sentence](#) on "extremism" charges. Following the government's violent crackdown in the GBAO, Davlatmirov gave sermons calling on people to remain peaceful but also [criticized](#) the authorities' use of force. After authorities killed three local informal leaders in the May protests, Davlatmirov led their religious services and gave *janaza* (funeral) prayers. The secret police arrested him on July 26 and sentenced him in private court proceedings only eight days later.

Since February 2019, Jehovah's Witness [Shamil Khakimov](#) has been in prison for "inciting religious hatred." Tajik authorities [targeted](#) the nonviolent 71-year-old for sharing his faith in public and have denied him access to adequate medical care. In November 2022, the Khujand City Court [rejected](#) Khakimov's request for transfer to a specialized hospital to treat signs of gangrene in his legs and poor eyesight, again disregarding UNHRCtee requests for Khakimov to receive proper medical treatment.

## Key U.S. Policy

In February, the United States and Tajikistan [celebrated](#) 30 years of diplomatic relations. Since recognizing Tajikistan's independence in 1991, the U.S. government has [provided](#) over \$1.8 billion in assistance to promote economic development, education, and health as well as regional security, including joint military exercises and \$330 million in security assistance to combat terrorism and narco-trafficking. The U.S. government has pledged an additional \$60 million in security assistance over the next two years. In May, Assistant Secretary of State for South and Central Asian Affairs Donald Lu [visited](#) Tajikistan to discuss bilateral cooperation on economic and security issues.

On November 30, the U.S. Department of State [redesignated](#) Tajikistan as a CPC under IRFA, although it also maintained a waiver on imposing any related sanctions on the country "as required in the important national interest of the United States." It has designated Tajikistan as a CPC each year since 2016.

# TURKMENISTAN

## USCIRF-RECOMMENDED FOR COUNTRIES OF PARTICULAR CONCERN (CPC)

### KEY FINDINGS

In 2022, religious freedom conditions in Turkmenistan remained poor. The government controls all aspects of religious life and expression, dictating and surveilling religious practice and punishing nonconformity through administrative harassment, imprisonment, and torture.

The government of Turkmenistan is an extremely authoritarian regime with an [abysmal record](#) on [human rights](#) and [freedom of the press](#). As a result, the country is largely closed off from the rest of the world, making it difficult for accurate information to flow into or out of its borders. The government's tight hold on society and information also makes it difficult to document the full scope of the ongoing religious freedom violations, which are certainly more extensive than the limited number of reports indicate. In addition to the closed-off nature of the country, those who can get information out often do so at great risk to their lives and liberty. Turkmenistan's diaspora community and citizens in exile are often unwilling to share information about the government's religious freedom violations for fear of retaliation against them or their families. Nevertheless, the available information continues to present a [bleak picture](#).

During the year, the government continued to treat all independent religious activity with suspicion, maintaining a large surveillance apparatus that monitors believers at home and abroad. Turkmen law requires religious groups to register under intrusive criteria, strictly controls registered groups' activities, and punishes religious activities by unregistered groups, which are banned.

Persons accused of criminal religious offenses are often tried in closed-regime courts where sentences remain secret. Prisoners of conscience are often disappeared in the state's prison system and presumed to be held without contact with the outside world. The authorities hold many religious prisoners at the notorious [Ovadan-Depe Prison](#), located in the remote desert 50 miles north of the capital city of Ashgabat. Ovadan-Depe was built to house

high-level political dissidents and enemies of the state, and its prisoners routinely die from harsh conditions that include torture and [starvation](#). In October, five Muslims who are serving 12-year prison sentences for meeting to study the writings of Turkish Muslim theologian Said Nursi were [transferred](#) to a strict-regime labor camp.

Turkmenistan [maintains](#) its compulsory two-year military service requirement, described as a "sacred duty" in Turkmenistan's constitution, and does not offer alternative civilian service for conscientious objectors. As USCIRF's [past reporting](#) shows, Jehovah's Witnesses have been imprisoned under Turkmenistan's criminal code for conscientious objection. Although all those imprisoned were granted [amnesty](#) in 2021, the government conscription office continued to [summon](#) Jehovah's Witnesses for compulsory military service in 2022. In March, the United Nations Human Rights Committee [found](#) that Turkmenistan violated Articles 9(1) and 18(1) of the International Covenant on Civil and Political Rights by imprisoning a Jehovah's Witness for his conscientious objection to compulsory military service.

Online activity remained limited by blocked internet access and extremely slow network speeds. In January, then President Gurbanguly Berdimuhamedow instructed the head of the Ministry for State Security to further increase [state control of the internet](#) and restrict public access to internet sources that "threaten the constitutional order." In March, then President Berdimuhamedow ostensibly handed government leadership over to his son Serdar in managed ["elections"](#) while giving himself the position of speaker of the Senate. This transition did not bring any improvements in conditions for human rights and individual freedoms; if anything, they [worsened](#). Throughout the year, Gurbanguly remained active in government leadership, and in January 2023 he was appointed ["national leader,"](#) making clear he still controlled the Turkmen government.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Redesignate Turkmenistan as a "country of particular concern," or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA), and lift the waiver releasing the administration from taking otherwise legislatively mandated action as a result of the designation;
- Take presidential action to limit security assistance to Turkmenistan under [IRFA Section 405\(a\)\(22\)](#) to hold the government of Turkmenistan accountable for its particularly severe violations of religious freedom;
- Impose targeted sanctions on Turkmenistan government agencies and officials responsible for severe violations of religious freedom by freezing those individuals' assets and/or barring their entry into the United States under human rights related financial and visa authorities, citing specific religious freedom violations; and
- Urge the government of Turkmenistan to provide an acceptable civilian alternative to military service.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Podcast:** [Turkmenistan's Tight Grip on Religious Freedom](#)

## Background

Turkmenistan is a highly repressive country ruled since 2007 by Gurbanguly Berdimuhamedow, who enforces a cult of personality that proliferates his image in golden monuments and fawning official coverage. During 2022, the year his son Serdar nominally took over as the country's president, space for civil society continued to shrink, most directly affecting women and internet users. Women were [banned](#) from sitting in the front seat of cars and were required to adhere to strict dress codes, though enforcement did weaken during the year. Internet access and government censorship of information continued to worsen with the government's increased [curtailing](#) of VPNs and incredibly slow broadband, earning Turkmenistan's mobile and fixed broadband speeds a [ranking](#) of 177th out of 179 countries as of January 2023.

Turkmenistan holds the fourth-largest natural gas reserves in the world, which is vital to its geopolitical relations with [Russia](#), [China](#), Iran, and [potentially Europe](#). Following Russia's 2022 invasion of Ukraine, European Union countries have sought new sources of natural gas to decrease their dependence on Russia, including from Turkmenistan.

The majority of the population is Sunni Muslim, at 89 percent, while approximately nine percent of the [population](#) is Eastern Orthodox, typically Russian Orthodox or Armenian Apostolic. There are small communities of Shi'a Muslims, Roman Catholics, Protestant Christians, and Baha'is.

## Legal Framework for Controlling Religious Activity

Although Turkmenistan's 2016 religion law asserts that the country is a secular state with religious freedom, it requires all religious activity to be registered with the state under intrusive criteria, mandates that the government be informed of all foreign financial support, bans private religious education and worship, and prohibits the public wearing of religious garb except by clerics. The State Commission on Religious Organizations and Expert Evaluation of Religious Information Resources (SCROEERIR) oversees all religious activity, including registrations, the appointment of religious leaders, the building of houses of worship, and the import and publication of religious literature.

## Registration of Religious Organizations

Turkmen law [requires](#) all religious organizations to register with the Ministry of Justice (MOJ) by sending applications to SCROEERIR to operate legally. The process is burdensome and designed to allow for significant government interference in the functioning of religious organizations. The MOJ will register an organization only if SCROEERIR has endorsed the application and the organization's goals or activities do not "contradict Turkmenistan's constitution," giving

the government latitude to arbitrarily deny registration applications. SCROEERIR must approve all individuals appointed as leaders of religious organizations, each of whom under law must have "appropriate religious education." In addition, the process requires religious organizations to provide detailed information about founding members, including names, addresses, and birth dates. Recognized communities must reregister every three years.

Even if successfully registered, religious organizations enjoy little legal protection. If a court finds that a religious organization is violating Turkmenistan's constitution, it may suspend the group's activities. The law further provides that MOJ officials may attend any religious event held by a registered organization and question its leaders about the organization's activities. Registered organizations may import religious literature only with SCROEERIR approval.

Unregistered religious organizations are forbidden from conducting religious activities, producing or disseminating religious materials, proselytizing, and gathering for religious services, even in private residences. [Reports indicate](#) that registering churches is [very difficult](#) and that Turkmenistan's Christian minority has been largely driven underground. Although not technically banned, Jehovah's Witnesses have not been granted registration and are therefore unable to operate legally. Religious activity is forbidden in prisons and in the military.

## Key U.S. Policy

The United States [engaged](#) with the government of Turkmenistan on a variety of issues such as border and regional security programs, efforts to mitigate climate change, trade, and educational and cultural exchanges; U.S. foreign assistance served to reinforce these objectives. Turkmenistan also enjoys most-favored-nation trading status.

In September, the commander of the Montana National Guard traveled to Turkmenistan for talks on reviving the [state partnership program](#) facilitating collaborative military trainings between the United States and Turkmenistan. In November, U.S. Assistant Secretary of State for South and Central Asian Affairs Donald Lu [traveled](#) to Turkmenistan to [discuss](#) cooperation on a wide range of bilateral and regional issues.

On November 30, the U.S. Department of State [redesignated](#) Turkmenistan as a CPC under IRFA but kept in place a waiver of the sanctions that should accompany the designation based on the "important national interest of the United States," as it has done since 2014. The waiver effectively neutralizes the consequences of Turkmenistan's CPC designation, removes any incentive for the government to reform its brutal policies, and lends credence to the regime's claims that security concerns warrant its harsh repression of religious freedom.

### KEY FINDINGS

In 2022, religious freedom conditions in Vietnam worsened. Authorities intensified their control and persecution of religious groups—especially unregistered, independent communities, including Montagnard and Hmong Protestants, Cao Dai followers, Hoa Hao Buddhists, and Unified Buddhists, as well as other unrecognized movements such as Duong Van Minh and Falun Gong. Even members of state-controlled religious groups experienced persecution. During the year, authorities harassed and persecuted some independent groups, particularly Montagnard Protestants and Cao Dai, for [observing](#) International Human Rights Day and International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief. The 2018 Law on Belief and Religion (LBR) remained restrictive, and groups encountered challenges with registration due to the law’s uneven and inconsistent application throughout the country, contravening international standards. In June, the government [introduced](#) two repressive draft decrees to implement the LBR, which, if passed, could further restrict religious freedom in Vietnam.

USCIRF received many reports of local authorities [harassing](#) members of unregistered Montagnard Protestant groups, [disrupting](#) and banning their peaceful religious activities, interrogating and [threatening](#) them with imprisonment, imposing heavy fines, and coercing them to denounce and leave their denominations and instead join state-controlled Protestant organizations. During the year, some unregistered Montagnard Protestant churches in Cu Mgar district of Dak Lak Province requested guidance from their commune governments on lawfully conducting religious activities; they also requested the [implementation](#) of Article 18 of the International Covenant on Civil and Political Rights (ICCPR), to which Vietnam is a party. In response, authorities detained, interrogated, fined, and threatened the Montagnards with imprisonment.

There was a significant increase in the number of reported incidents of local authorities coercing Hmong Christian converts to publicly [renounce](#) their faith, including some who attended state-controlled Protestant churches. Those who refused to

comply [faced](#) threats and physical assaults, hefty fines, dispossession of properties that threaten their livelihood, denial of important identification documents and birth certificates that render them effectively stateless, and banishment from families and local Hmong communities.

Meanwhile, harassment of Catholic communities also increased. In February, officials from Vu Ban, Hoa Binh Province, [disrupted](#) a Mass celebrated by Archbishop Joseph Vu Van Thien of Hanoi and other priests. The Hanoi Archdiocese [delivered](#) a formal letter of complaint to the provincial government, protesting the local authorities’ frequent harassment and [urging](#) them to respect the religious freedom of Catholics in that province. Additionally, land [disputes](#) between Catholics and local governments [persisted](#).

Working with state-controlled Cao Dai groups, local authorities disrupted and banned home-based independent Cao Dai religious activities and observance of important rituals, demanding that adherents obtain approval for such activities and join the state-controlled organization. Authorities in An Giang and Dong Thap provinces similarly [prevented](#) or [disrupted](#) home-based religious activities of independent Hoa Hao Buddhists.

Authorities [harassed](#) members of the independent Unified Buddhist Church of Vietnam (UBCV). In December, local authorities in Ngoc Hoi district, Kon Tum Province, destroyed a UBCV pagoda, reportedly in retaliation against its abbot’s refusal to join the state-controlled Buddhist church. Moreover, local authorities [threatened](#) to demolish a religious hall built by Khmer-Krom Theravada Buddhists in Loan My Village, Vinh Long Province.

Authorities also continued persecution of other religious movements—including [Duong Van Minh](#), [Falun Gong](#), [Ha Mon](#), [the Jesus Church](#), [Peng Lei Buddhists](#), [the World Mission Society Church of God](#), and [Yiguandao](#)—characterizing many of them as “false” or “evil” religions and vowing to eradicate them. In May, the Hanoi Government Committee for Religious Affairs stated that such groups are [ineligible](#) for registering religious activities with the government.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate Vietnam as a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom, as defined by the International Religious Freedom Act (IRFA), and enter into a new binding agreement with the government to address worsening religious freedom conditions;
  - Engage with the Vietnamese government and relevant academic and civil society stakeholders to encourage amendments to the 2018 LBR and the two 2022 draft implementing decrees to conform to international standards, including by making registration simpler and optional;
  - Hold Vietnam accountable for religious freedom violations as a member of the United Nations Human Rights Council (UNHRC) and press Vietnam to allow relevant United Nations (UN) Special Procedures unfettered access to the country to monitor and investigate religious freedom and other human rights violations; and
  - Direct the U.S. Mission in Vietnam to highlight and monitor the conditions of religious prisoners of conscience and to advocate for their wellbeing in prison and release.
- The U.S. Congress should:
- Support legislative efforts to improve religious freedom in Vietnam, including by reintroducing the Vietnam Human Rights Act (H.R.3001).

### KEY USCIRF RESOURCES & ACTIVITIES

- **Country Update:** [Religious Freedom in Vietnam in 2021](#)
- **Factsheet:** [Overview of Refugees Fleeing Religious Persecution Globally](#)

## Background

Vietnam is a religiously [diverse](#) country with related demographics [varying](#) greatly across research studies and reports. Religious traditions with a significant presence in the country include Buddhism, Hoa Hao Buddhism, Cao Dai, Catholicism, and Protestantism. As of December, the government had officially [recognized](#) a total of 16 religions and 43 religious organizations. Many groups, however, refused to register for fear of persecution or concern over their independence, which has led state-controlled and independent religious groups to compete for representation.

Vietnam's [constitution](#) states that citizens "can follow any religion or follow none" and that "all religions are equal before the law." The constitution also mandates respect and protection for freedom of belief and religion. However, it allows authorities to [restrict](#) human rights, including religious freedom, for reasons of "national defense, national security, social order and security, social morality, and community well-being." Vietnam's [2018 LBR](#) contains similar provisions permitting restrictions on the right to religious freedom.

## Legal and Policy Developments

In June, the government [introduced](#) two draft decrees to implement the LBR, one of which would replace the current implementing Decree 162/2017/ND-CP and [increase](#) control and suppression of registered religious activities. In addition, the punishment decree would [impose](#) harsh administrative punishments—including heavy fines, suspension of religious activities, and forced dissolution of religious organizations—on groups for vaguely and broadly defined "violations." The Vietnamese Communist Party's Vietnam Fatherland Front and the Government Committee for Religious Affairs (GCRA) [organized](#) consultation sessions and conferences on the draft decrees. Experts warned that if passed in their current form, the two decrees could further restrict religious freedom in Vietnam.

## Religious Prisoners of Conscience and Prison Conditions

Conditions for religious prisoners of conscience remained dire in 2022. For example, renowned religious freedom advocate and Hoa Hao Buddhist [Nguyen Bac Truyen](#) remained in prison, serving an 11-year sentence while suffering from heart, liver, and other health conditions. Authorities transferred him to Gia Trung prison in Gia Lai Province, where he was reportedly subjected to forced labor. [Phan Van Thu](#), founder of the An Dan Dai Dao Buddhist group, died while serving a life sentence in prison after reportedly succumbing to an unspecified medical issue in November. In May, court authorities in Dak Lak Province sentenced Montagnard Protestant [Y Wo Nie](#) to four years' imprisonment for reporting religious persecution to international organizations. Furthermore, despite the government's [announcement](#) in April that it would deliver religious books to 54 prisons, former prisoners [reported](#) that access to religious scriptures—especially those in [ethnic minority languages](#)—remained severely [lacking](#). They also reported poor prison conditions and that prison authorities often banned religious practices such as public or group prayers.

## International Accountability

In October, Vietnam was [elected](#) to a three-year term (2023–2025) as a member on the UNHRC, despite [widespread](#) and [deep](#) concerns over the country's human rights record. The Unrepresented Nations and Peoples Organization [expressed](#) concern over Vietnam's UNHRC candidacy due to the country's systematic violation of the rights of its citizens—particularly indigenous peoples—including its religious freedom violations through enforcement of the LBR. Four prominent international human rights groups, including Human Rights Watch and Amnesty International, [voiced](#) concerns about the country's human rights situation and called on the government to "ensure compliance with obligations under the ICCPR and other international human rights law" in accordance with its pledges. They also called on Vietnam to invite all UN special procedures and allow them "full and unfettered access to the country" to monitor human rights situations. Also in October, following that UNHRC election, six UNHRC special rapporteurs, including the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the rights of indigenous peoples, [sent](#) a Joint Allegation Letter (JAL) to the Vietnamese government concerning its human rights violations. The JAL raised specific concerns over the LBR's restrictions on religious freedom that affected independent, unregistered religious groups, including Khmer-Krom Theravada Buddhists.

## Key U.S. Policy

In 2022, officials with the administration of President Joseph R. Biden, including [Secretary of the State Antony J. Blinken](#) and [Deputy Secretary of State Wendy R. Sherman](#), [raised](#) Vietnam's human rights issues and its international human rights obligations with their Vietnamese counterparts. Marking the International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief on August 22, the U.S. Embassy and six other Western embassies in Vietnam [issued](#) a joint statement condemning "continuing acts of violence targeting individuals, including those belonging to religious minorities, on the basis of religion or belief." The 26th U.S.-Vietnam Human Rights Dialogue convened in Hanoi in November, during which U.S. Ambassador at Large for International Religious Freedom Rashad Hussain [raised](#) religious freedom concerns. In May, Representative Zoe Lofgren (D-CA), Representative Chris Smith (R-NJ), and other members of the House of Representatives [sent](#) a letter to President Biden, urging him to raise religious freedom and other human rights concerns with Vietnam's Prime Minister Pham Minh Chinh during the U.S.-Association of Southeast Asian Nations (ASEAN) Summit.

On November 30, the U.S. Department of State [placed](#) Vietnam on its Special Watch List for severe violations of religious freedom. While USCIRF has recommended Vietnam's designation as a CPC every year since 2002—finding that despite some notable areas of improvement, "systematic, ongoing, and egregious" violations of religious freedom within the meaning of IRFA persist—the State Department had previously designated it as a CPC only in 2004 and 2005.



### KEY FINDINGS

In 2022, religious freedom conditions in Algeria remained poor. Since beginning its campaign to forcibly close Evangelical churches in 2017, the Algerian government has failed to show meaningful commitment to improving religious freedom conditions over the last five years. Government authorities continued to forcibly close churches and prosecute members of Muslim and non-Muslim minority communities on charges of blasphemy, proselytization, and unauthorized worship. The Algerian government also continued to deny several religious minority groups the registration required to worship collectively, including the Evangelical Protestant Association (EPA) and the Ahmadiyya Muslim community.

Algerian law regulates the manifestation of religion or belief through several legal mechanisms, including the Algerian Penal Code and Ordinance 06-03 on the regulation of non-Muslim organizations. Some of these provisions, including laws penalizing blasphemy, proselytization, and unregistered religious activity—all subject to imprisonment and fines—are inconsistent with international legal protections for religious freedom.

In 2022, the *wali* (governor) of Tizi Ouzou commenced proceedings to close at least four churches in that province, bringing the total number of EPA churches closed by the government to 21. Civil society members report that the government has encouraged individual churches to register outside of the EPA umbrella in an attempt to fracture the growing community.

Authorities arrested the EPA's top leader, [Pastor Salaheddine Chalah](#), in November 2021 following the U.S. government's decision to add Algeria to its Special Watch List for engaging in severe religious freedom violations. Other EPA leaders reportedly experienced harassment at the same time, including surveillance and property searches by government officials. In March, a court in Tizi Ouzou convicted Chalah of "practicing worship without the prior (approval) of the National Commission for non-Muslim worship" and "calling

through social media for the disobedience of laws by a clergyman," sentencing him to 18 months in prison and a fine of \$1,400 (200,00 dinars). The government charged Chalah as a "clergyman" while at the same time refusing to register the EPA as a religious organization, reflecting a biased government double standard specifically against the EPA.

Authorities sentenced Mohamed Derrab, a Christian convert, to 18 months in prison for proselytization while continuing to prosecute Pastor Hamid Boussadi on charges of proselytization and holding worship without permission. In September, the Algerian government [requested](#) that Caritas, a nongovernmental development organization affiliated with the Catholic Church, cease operating in the country, reportedly due to its purported foreign influences. In a context where the government has [a history](#) of undermining religious freedom and then [justifying](#) it as protecting against foreign influence, this development raises red flags for the future.

Several Muslims remain detained on charges of blasphemy, including political opposition members [Yacine Mebarki](#) and [Walid Kechida](#) and scholar [Dr. Said Djabelkhir](#). According to local [media reports](#), at least one additional unnamed Muslim individual faced blasphemy charges in 2022. In June, a tribunal in Bejaia [charged](#) 18 Ahmadiyya Muslims with blasphemy and unauthorized group participation, detaining three members of the group. The judge ordered the immediate detention of three members and released the others pending further investigation. In December, Abdul Ghani became the sixth Ahmadiyya Muslim to be sentenced to a multiyear prison sentence, with the judge accusing the Ahmadiyya Muslim community of being a "threat to national security" and a threat to Algeria's traditional Maliki school of thought. Advocates estimate that over 100 Ahmadis are facing prosecution, most of them for "unauthorized worship" in the context of the religious group's unregistered status.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Maintain Algeria on the Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA);
  - Enter into an agreement with the Algerian government and provide associated financial and technical support to obligate the Algerian government to take substantial steps to address violations of religious freedom, including but not limited to:
    - Decriminalizing blasphemy and proselytization and releasing those detained on charges of blasphemy and proselytization;
    - Registering the EPA and the Ahmadiyya community as non-Muslim and Muslim religious organizations, respectively;
    - Reopening closed and sealed churches and working in good faith with EPA members to address remaining health and safety code violations; and
    - Direct U.S. Embassy officials to attend and observe court proceedings on blasphemy charges or cases related to houses of worship to emphasize the U.S. government's concerns about such cases.
- The U.S. Congress should:
- Continue to raise the implementation of blasphemy laws and closure of houses of worship with the U.S. Department of State and relevant Algerian counterparts to ensure religious freedom concerns are incorporated into the U.S.-Algeria bilateral relationship.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Factsheet:** [Law and Religion in Algeria](#)
- **Podcast:** [The State of Religious Freedom in Algeria](#)

## Background

Algeria is home to [nearly 43 million](#) people, 99 percent of whom are estimated to be Sunni Muslim. The remaining one percent of the population comprises Jews, nonbelievers, Muslim minorities (including Ahmadiyya and Shi'a Muslims), and Christians (including Roman Catholics, Seventh-day Adventists, Methodists, Evangelicals, Lutherans, the Reformed Church, and Egyptian Coptic Christians). [Algeria's constitution](#) establishes Islam as the official state religion.

Algeria has a long history of repression and persecution of religious minorities, including against [Jews](#), people who practice the [Baha'i faith](#), Protestant Christians, and [Ahmadiyya Muslims](#). Despite Algeria's constitution affording all Algerians the right to freedom of opinion and worship, the Algerian government limits the free expression and practice of belief through the enforcement of laws that favor a particular interpretation of Islam and restrict religious activities. Algeria's penal and information codes criminalize blasphemy, with punishments including imprisonment for up to five years and fines. Algeria's Criminal Code also censors publications by prohibiting content that is "contrary to Islamic morals."

Through [Ordinance 06-03](#), passed in 2006, the Algerian government requires all non-Muslim organizations to register with the Minister for Non-Muslim Affairs in order to conduct activities and establish places of worship. The process for registration has been opaque and poorly implemented, creating legal uncertainty for some non-Muslim religious communities, which the government exploits to repress and prosecute religious minorities. Ordinance 06-03 also criminalizes proselytization by non-Muslims, with punishments of up to five years in prison and a maximum fine of \$8,347 (one million dinars).

## Restrictions on Christians

Authorities convicted the EPA's top leader, Pastor Salaheddine Chalah, and three other parishioners of "practicing worship without the prior opinion (or approval) of the National Commission for non-Muslim Worship." The three parishioners were sentenced to six months in prison, while Pastor Chalah, who was also convicted of "calling through social media for the disobedience of laws by a clergyman," was sentenced to 18 months in prison. Other EPA leaders reported increased harassment in late 2021 and early 2022.

A court in Tizi Ouzou sentenced Christian convert Mohamed Derrab to 18 months in prison for "shaking the faith of a Muslim." Derrab was preaching and distributing Bibles outside of his church in Tizi Ouzou following its closure by authorities. The government also continued to prosecute Pastor Hamid Boussadi for holding unauthorized worship services and proselytizing.

## Restrictions on Muslims

Several Muslims remain detained on charges of blasphemy, including political opposition members [Yacine Mebarki](#) and [Walid Kechida](#) and scholar [Dr. Saïd Djabelkhir](#). Authorities arrested Mebarki in 2020 for "inciting atheism" and "offending Islam" after finding a ripped Qur'an in his home. In 2021, authorities sentenced opposition activist [Kechida](#) to three years in prison with charges including "offending the

precepts" of Islam in internet memes. In 2021, authorities arrested scholar and Sufism expert [Djabelkhir](#) and charged him with blasphemy after a fellow academic filed a complaint about his writings on various Islamic rituals. Local [media reports](#) indicate that at least one unnamed Muslim individual has been arrested on charges of blasphemy in 2022.

On June 6, 2022, the First Instance Tribunal in Bejaia [charged](#) 18 Ahmadiyya Muslims with "participation in an unauthorized group" and "denigrating Islam" under Article 46 of the Law on Associations and Article 144 of the Algerian Penal Code, respectively. The judge ordered the immediate detention of three members and released the others pending further investigation. Advocates estimate that over 100 Ahmadis are facing prosecution, mostly for "unauthorized worship" in the context of their unregistered status.

## Targeting Religious Actors Perceived as Foreign

The Algerian government has historically [targeted](#) religious leaders and communities it views as foreign, sometimes threatening religious freedom rights in the process. Officials [prosecute](#) individuals associated with "foreign movements" with blasphemy charges to override a lack of evidence or extend prison sentences.

On December 26, an Algerian court sentenced Ahmadiyya Muslim Abdul Ghani to three years in prison and a fine of \$1,500 (200,000 dinars). In his verdict, the judge accused the Ahmadiyya Muslim community of being a "threat to national security," an entity "working for foreign interests," and a threat to Algeria's traditional Maliki school of thought.

In 2022, the Algerian government [requested](#) that Caritas, a non-governmental development organization affiliated with the Catholic Church, cease operating in the country. Analysts posit that Caritas' supposed foreign ties influenced the government's decision. While members of the Catholic community still worship and practice their religion in Algeria, some religious minorities expressed concern that the government's targeting of Caritas may precede further restrictions against religious minorities viewed as outsiders.

## Key U.S. Policy

On November 30, the State Department [maintained](#) Algeria on its Special Watch List for severe violations of religious freedom. Several high-profile U.S. officials visited Algeria in 2022, including Secretary of State [Antony J. Blinken](#), Deputy Secretary of State [Wendy R. Sherman](#), and an [interagency delegation](#) that included officials from the State Department, Department of Defense, and National Security Council. Topics for discussion included human rights and religious freedom concerns as well as stabilization and development assistance.

The United States is one of Algeria's [top trading](#) partners, and professional exchanges play a valuable role in strengthening the U.S.-Algeria law enforcement and security partnership at both the senior and working levels. The [Middle East Partnership Initiative](#) has supported the work of Algeria's civil society through programming that provides training to journalists, businesspeople, female entrepreneurs and parliamentarians, legal professionals, and the heads of leading nongovernmental organizations.



### KEY FINDINGS

In 2022, religious freedom conditions in Azerbaijan trended negatively. The government continued to exert significant control over all religious practice, primarily through enforcement of the country's law On Freedom of Religious Beliefs (religion law). The religion law requires religious communities to register to legally engage in religious activity, requires state review and approval of religious literature and related materials, and places numerous other limitations on freedom of religion or belief. In March, President Ilham Aliyev [signed](#) into law amendments to the religion law that reassigned the power to appoint imams from the nominally independent Caucasus Muslim Board (CMB) to the official State Committee for Work with Religious Associations (SCWRA), further [entrenching](#) state control over the practice of Islam. In May, the SCWRA [fired](#) Shi'a imam Mirseymur Aliyev after he reportedly held Ramadan prayers on a different day than mandated by the state. That same month, the CMB [announced](#) the imposition of an age restriction that barred citizens over the age of 65 from performing the Hajj. Authorities also raided, seized religious literature from, and [fined](#) about 20 Muslims across the country who met for worship in private homes or [held](#) religious events with children.

While religious minorities have generally noted positive strides for religious freedom in Baku, others have shared that local authorities outside of the capital have [surveilled](#) Christians. During the year, the government failed yet again to register any non-Muslim religious communities, leaving some communities of Protestant Christians and Jehovah's Witnesses without registration and therefore unable to operate legally. Meanwhile, the SCWRA disclosed [registering](#) approximately 22 Muslim communities. Officials continued to reject requests for a civilian alternative to mandatory military service despite the allowance of such an option in the constitution. In a reversal of recent practice, Azerbaijan resumed detaining Jehovah's Witnesses who sought to

conscientiously object. In July, conscription authorities detained [Royal Karimov](#) and held him for more than three months. In September, a local court sentenced [Seymur Mammadov](#) to nine months in prison for his refusal to serve in the military before [converting](#) that punishment in December to a one-year suspended sentence.

Azerbaijani nongovernmental organizations tracking political prisoners in the country documented as many as 19 individuals imprisoned at the end of the year for their religious activism, the majority of whom are members of the [Muslim Unity Movement \(MUM\)](#). Throughout the year, law enforcement regularly detained additional members of the MUM, which the group characterized as a "provocation and pressure against the movement." In June, MUM member Elgiz Mammadov [alleged](#) that he was raped while in police custody. In a positive development, a court [granted](#) early release to Muslim theologian Elshan Mustafaoglu, who had served seven and a half years of his 10-year prison sentence.

International bodies and other organizations continued to question the Azerbaijani government's willingness to protect and preserve religious and cultural heritage sites in Nagorno-Karabakh and neighboring territories under Azerbaijani control. In February, then Minister of Culture Anar Karimov [announced](#) the creation of a working group to [remove](#) Armenian Apostolic inscriptions from churches that he characterized as "fictitious." The government seemingly [backpedaled](#) on the plan following international [outcry](#), and in March the European Parliament [condemned](#) "Azerbaijan's continued policy of erasing and denying the Armenian cultural heritage in and around Nagorno-Karabakh." During the reporting period, Caucasus Heritage Watch, a research initiative supported by Cornell University, [documented](#) through satellite imagery the destruction of St. Sargis Church. In past years, Azerbaijan has claimed that Armenian forces also [damaged](#) religious sites.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Include Azerbaijan on the Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA);
- Work with the government of Azerbaijan to revise the 2009 religion law, as most recently amended in 2022, to comply with international human rights standards and to bring it into conformity with recommendations made in 2012 by the Council of Europe's Venice Commission and the Organization for Security and Cooperation in Europe;
- Assist the Azerbaijani government, in collaboration with international partners, to develop an alternative civilian service and permit conscientious objection in line with its constitution and pursuant to its commitment made to the Council of Europe and obligations under international human rights law; and
- Allocate funding to the U.S. Agency for International Development and U.S. Embassy in Baku to restore, preserve, and protect places of worship and other religious or cultural sites in Nagorno-Karabakh and surrounding territories.

The U.S. Congress should:

- Raise concerns, through public hearings and other actions, about Azerbaijan's religious freedom and broader human rights abuses, including treatment of the MUM, directly with the Azerbaijani Embassy and other government officials and advocate for the release of all prisoners of conscience.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Special Report:** [Tolerance, Religious Freedom, and Authoritarianism](#)
- **Podcast:** [Differences between Religious Tolerance and Religious Freedom](#)

## Background

The U.S. government [estimates](#) the population of Azerbaijan at more than 10.3 million people, of whom approximately 96 percent [identify](#) as Muslim. According to Azerbaijani government statistics, as many as 65 percent of Muslims identify as Shi'a, while the remaining 35 percent identify as Sunni. The remaining four percent of the population comprises atheists, Armenian Apostolics, Baha'is, Catholics, Georgian Orthodox, members of the International Society for Krishna Consciousness, Jehovah's Witnesses, Jews, Molokans, Protestants, and Russian Orthodox. The constitution defines the state as secular and [mandates](#) the separation of religion and state. Despite these provisions, however, the government is actively involved in the regulation and management of virtually all religious activities. In general, the government remained concerned about the potential for "religious strife" in the country and undertook efforts to continue to limit independent religious activism and activities in 2022.

## Legislating Increased Control of Muslims

At the beginning of the year, Azerbaijan's parliament [introduced](#) a proposal to amend the country's religion law and [reduce](#) the role of the CMB, an entity that has historically overseen the practice of Islam in the country. The government formally [adopted](#) the amendments in March, which removed the ability of the CMB to appoint imams to mosques and shrines and assigned that authority instead to an official state body, the SCWRA. A member of parliament [explained](#) the change as a measure to ensure that imams have a "pro-state position," although other politicians [objected](#) to the move on the grounds that it violated the constitution. Similarly, the government eliminated the right of the CMB to register mosques and permitted state oversight of donations to religious associations.

## Retaliation for Conscientious Objection

Although the constitution provides for an alternative to mandatory military service, the government did not offer one in practice and retaliated against conscientious objectors who requested an alternative civilian service due to their religious beliefs. In July, authorities detained Jehovah's Witness [Royal Karimov](#) after he disclosed his conscientious objection; they held him against his will at a local military unit for more than three months before [releasing](#) him in November. In September, the Goranboy District Court sentenced Jehovah's Witness [Seymur Mammadov](#) to nine months in prison for his conscientious objection. Following Mammadov's appeal of the verdict, the court ruled to suspend his sentence and subsequently released him in mid-December. According to Mammadov, he was [not permitted](#) to have a Bible while in prison. Other Jehovah's Witnesses remained subject to travel restrictions due to their conscientious objection.

## Detention of MUM Members

The government increasingly cracked down on the MUM, a Shi'a Muslim group that has criticized the state's control of religion. In May, a court [sentenced](#) MUM member Razi Humbatov to six years in prison on drug trafficking charges that the group asserted were fabricated to punish him for his public criticism of authorities. During the course of Humbatov's trial, police detained five additional MUM members who came to the courthouse to protest, some of whom [received](#) 30 days of administrative detention and [claimed](#) that the police beat and tortured them. In June, police detained MUM member [Fariz Aliyev](#) after he protested in support of MUM leader Taleh Bagirzade and other religious prisoners. Throughout the year, police also detained MUM members [Elsan Abbasov](#), [Shahin Gadirov](#), [Nejat Aliyev](#), [Samir Babayev](#), and [Mirtofiq Huseynov](#) on alleged drug-related charges. In two separate instances in June and November, Bagirzade and other imprisoned MUM members [participated](#) in a hunger strike to protest ongoing and regular police abuse, including allegations of torture and religious insults.

## Key U.S. Policy

In 2022, the United States and Azerbaijan [marked](#) 30 years of diplomatic relations that have largely prioritized cooperation on European energy security, bilateral trade and investment, and efforts to combat terrorism and transnational threats. The U.S. government regularly [engaged](#) with Azerbaijani counterparts to [underscore](#) the importance of ongoing peace negotiations with Armenia and to [urge](#) an end to military hostilities. In June, Assistant Secretary of State for European and Eurasian Affairs Karen Donfried traveled to Azerbaijan, where she [highlighted](#) U.S. support for fundamental freedoms and [met](#) with Azerbaijani civil society.

The U.S. Department of State continued to raise religious freedom concerns directly with Azerbaijani officials. In May, Ambassador at Large for International Religious Freedom Rashad Hussain met with then Minister of Culture Anar Karimov and [discussed](#) "best practices for preserving the country's beautifully diverse religious and cultural heritage." In June, Deputy Chief of Mission Michael Dickerson [met](#) with officials from the SCWRA. In November and December, the [Senate Foreign Relations Committee](#) and [House Foreign Affairs Committee](#) respectively held hearings on U.S. policy in the Caucasus that involved significant discussion of Azerbaijan.

On December 9, the State Department [designated](#) Kerim Heydar Alimardanov, an official in the Main Department for Combating Organized Crime in the Ministry of Internal Affairs, pursuant to Section 7031(c) for "his involvement in a gross violation of human rights, namely torture of detainees in 2015 and 2016." Alimardanov was reportedly [involved](#) in the 2015 Nardaran case that led to the arrest, alleged torture, and sentencing to prison of many MUM members.

# CENTRAL AFRICAN REPUBLIC

## USCIRF–RECOMMENDED FOR SPECIAL WATCH LIST

### KEY FINDINGS

In 2022, religious freedom conditions in the Central African Republic (CAR) remained poor. Armed group violence, which resumed in early 2020 after a brief respite, led to the politicization of religious identity in several localities and resulted in violence based on religious or ethnoreligious affiliation. Previous years' trends of state-backed fighters targeting Muslim civilians with violence, torture, and extrajudicial detention continued. In at least one instance, fighters defending Muslim communities targeted Christian civilians in retaliation for state-backed abuses against Muslims.

The CAR government continued to collaborate with nonstate armed actors, including the [Wagner Group](#)—a military contractor with ties to the Russian government—and local vigilante fighters, despite trends of these actors targeting religious minorities and committing human rights abuses. Furthermore, the CAR government [made efforts](#) to shield these partners from accountability for abuses, inhibiting multilateral efforts to investigate allegations of religious targeting and human rights violations.

From September 2021 to February 2022, national defense forces and other security personnel recruited approximately 600 fighters from local vigilante groups in Basse-Kotto and Ouaka Prefectures to fight against rebel groups. Elements from the former Christian and animist-affiliated anti-balaka armed groups [committed abuses](#), mainly against Muslim communities. In [May](#), national defense forces arrested and tortured three Fulani Muslim

youths in Bokolobo, Ouaka Prefecture, killing one of them. The *Unité pour la paix en Centrafrique* (Union for Peace in Central African Republic), a local rebel group in the area, [vowed retaliation](#) and subsequently [attacked](#) a national defense forces checkpoint in Bokolobo, Ouaka Prefecture, killing two soldiers, six anti-balaka combatants, and five civilians from the Christian community. On the following day in the same area, presumed national defense forces and anti-balaka combatants carried out a reprisal attack on a Muslim community, killing nine civilians.

Muslim Central Africans also continue to face discrimination and displacement. Government authorities charge Muslims higher fees and fines than non-Muslims for the same services or penalties. Analysts familiar with the situation on the ground assess that Muslims are disproportionately represented among CAR's displaced population and have struggled to return safely to their areas of origin due to continued intimidation and lack of support.

The Special Criminal Court (SCC) tried its [first cases](#) against armed group leaders responsible for crimes against humanity, war crimes, and severe violence and made several other prominent arrests. However, executive authorities continued trends of [undermining justice mechanisms](#) and constitutional power in 2022. President Faustin-Archange Touadera [forcibly removed](#) the Constitutional Court's presiding judge, who had spoken out against the illegality of Touadera's efforts to change the constitution to allow himself to run for a third presidential term.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Maintain CAR on the Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA);
- Provide financial, administrative, and diplomatic support to the SCC and other investigations into ethnoreligious targeting and other human rights abuses by state actors or state-backed foreign fighters in CAR, and urge the CAR government to cease all obstructions to such investigations;
- Impose targeted sanctions on CAR government agencies and officials and other relevant foreign actors responsible for severe violations of religious freedom by freezing those individuals' assets and/or barring their entry into the United States
- Continue to allocate funding for humanitarian assistance, including for refugees, internally displaced persons (IDPs), and returnees as well as funding programs to rebuild mosques destroyed during the civil conflict.
- under human rights related financial and visa authorities, citing specific religious freedom violations; and

### KEY USCIRF RESOURCES & ACTIVITIES

- **Factsheet:** [Religious Freedom Concerns in Central Africa](#)
- **Podcast:** [Religious Freedom Backslides in Central African Republic](#)

## Background

CAR's constitution provides for freedom of religion or belief and equal protection under the law, regardless of religion. [Approximately](#) 89 percent of CAR's population identify as Christian, nine percent identify as Muslim, one percent practice folk religions, and one percent are religiously unaffiliated.

In 2012, predominantly Muslim militias in CAR's north mobilized and marched on the capital in response to longstanding grievances with the government's marginalization of and discrimination against Muslim minorities. In response, militias from predominantly Christian and folk religion-practicing communities mobilized for self-protection and began retaliating against Muslim civilian communities. This triggered more than half a decade of political and ethnoreligious violence, including attacks on individuals based on their religious identity and deliberate attacks on houses of worship and religious enclaves in cities across CAR. Muslim communities bore the brunt of the conflict, with violence displacing an estimated 80 percent of CAR's Muslim population in the first two years.

In 2019 and 2020, instances of religious violence decreased following a political agreement and increased CAR government cooperation with the Wagner Group. However, following contested elections at the end of 2020 and the remobilization of a united rebel militia, state-sponsored abuses against Muslims have been on the rise.

## Politicization of Religion by Armed Actors

In several regions of CAR, ethnicity and religion are so strongly linked that violence based on ethnoreligious identity poses a risk to religious freedom. Since the resumption of fighting in December 2020, the United Nations (UN) secretary general has found that targeted arrests of alleged rebel collaborators "[disproportionately affected religious and ethnic minorities](#)." A joint human rights investigation reported a notable "increase in targeted attacks against the civilian population, [especially Muslims](#)" and found that CAR authorities used a state of emergency to commit abuses that "specifically targeted certain communities (Muslims and Peuhl)."

The CAR government has also tolerated religious freedom violations by both foreign and domestic proxy fighters it enlists to help achieve military objectives. In Ouaka prefecture, the CAR government recruited fighters from former Christian- and animist-affiliated anti-balaka militias that reportedly [targeted Muslim communities](#) on the basis of religion in their campaign to eliminate rebel militias. These vigilante fighters also carried out a [reprisal attack](#) on a Muslim community in Bokolobo after rebel fighters in the area attacked their checkpoint in May.

Relying on foreign and proxy fighters complicates the CAR government's involvement in the violations they commit, but it does not absolve the government of complicity or responsibility. CAR authorities have acted to [protect](#) both Wagner and anti-balaka elements operating on the government's behalf from accountability for religious violence and human rights abuses.

## Justice Progress and Setbacks

Strong justice mechanisms are crucial to achieving justice for victims of religious violence in CAR and deterring future violations. In particular, the SCC, a hybrid court established to investigate and prosecute serious international crimes committed since 2003, began hearing cases in 2022. Its [first case](#) resulted in the conviction of three members of rebel militia 3R for crimes against humanity, war crimes, and severe violence against civilians. The SCC also arrested two former Central African Armed Forces members and one ex-Séléka militia general in 2022 on charges of crimes against humanity.

Yet, SCC trials and other justice efforts have been under threat from other parts of the CAR government. Last year, national security forces [prevented](#) the SCC from accessing former armed group leader Hassan Boubou Ali for his scheduled appearance and released him in contravention of the SCC's warrant. In 2022, the CAR government [obstructed](#) UN efforts to investigate religious targeting and other human rights abuses.

President Touadera also sought in 2022 to undermine other government institutions and the constitution. In May, Touadera proposed reforms to eliminate term limits, and in August he [established a commission](#) to revise the constitution. When the independent [Constitutional Court](#) declared those efforts unconstitutional and annulled the commission, Touadera requested the Constitutional Court's head jurist, Daniele Darlan, to retire, which [she refused](#) to do. Touadera then forcibly dismissed Darlan by decree, which many considered unconstitutional, and [appointed](#) Jean Pierre Waboé as the new head of the Constitutional Court.

Given that security forces under executive control in CAR have shown bias against religious minorities, the independence of judicial institutions is critical to ensuring accountability for abuses by government actors. Recent government efforts undermine the constitution and erode the independence of the judiciary, threatening mechanisms designed to provide justice for human rights abuses and religious freedom violations.

## Key U.S. Policy

In 2022, the United States [pledged](#) \$48 million in emergency humanitarian assistance to CAR in addition to the \$140 million already allocated. The U.S. government remains a [main source](#) of financial support to the SCC.

In October, the spokesperson for the U.S. Embassy in Bangui, CAR, [publicly expressed](#) concern regarding political developments in the country after Touadera's administration removed the president of the Constitutional Court. A delegation from CAR attended the Joseph R. Biden administration's [U.S.-Africa Leaders Summit](#) in December.

On November 30, recognizing escalating state abuses against Muslim communities in CAR, the U.S. Department of State [placed](#) CAR on its Special Watchlist for the first time for engaging in or tolerating severe violations of religious freedom. The U.S. government also designated the [Wagner Group](#), a military contractor closely linked with the Russian government, as an Entity of Particular Concern for engaging in particularly severe religious freedom violations in CAR in 2021, including [attacks on mosques](#) and [disappearing Muslim leaders](#).

### KEY FINDINGS

In 2022, religious freedom conditions in Egypt generally trended consistent with 2021. The government continued to make overtures toward religious minority communities and to promote [religious tolerance](#). For example, under President Abdel Fattah El-Sisi, the government appointed the first-ever Christian [judge](#) to the Supreme Constitutional Court in February. Egypt also continued its cultural heritage preservation program, announcing the [restoration](#) of more historic synagogues. In May, authorities convicted and [sentenced](#) the “extremist Islamist” [murderer](#) of a Coptic Orthodox priest. The government also [continued](#) reviewing and approving Christians’ applications to register their worship sites as churches.

However, restrictions on new church construction and the slow pace of approvals for the backlog of legalization applications filed since the Church Construction Law of 2016 have forced many congregations to assemble in structurally [unsafe](#) buildings not [intended](#) for communal worship. In August, the government attributed a series of [deadly](#) fires at several Coptic Orthodox churches to faulty electrical setups and other structural deficiencies, which [human rights](#) organizations identified as a result of [systemic](#) discrimination against Copts. Rights organizations have also noted that the 2016 legislation is inherently [discriminatory](#) in continuing to subject churches to requirements and approval [processes](#) that do not apply to Sunni mosques. The 2016 law also offers no legalization process for the houses of worship of Ahmadiyya Muslims, Baha’is, Shi’a Muslims, and other religious groups. In addition, even after successfully registering, some churches continued to face threats. In June, the government’s approval of the license for Luxor’s [Archangel Michael Church](#) prompted some Islamist residents of that and other villages to riot and set fire to Copts’ personal property.

State security and prosecutors continued to invoke the blasphemy statute and other laws to arrest, detain, convict, and

sentence Egyptians from a diverse range of religious backgrounds. Reports of individual violent assaults against Copts increased, with several [attacks](#) unfolding in April during the seasons of Christian Easter and Muslim Ramadan. This included crimes such as the fatal stabbing of [Father Arsanios Wadid](#) and the deadly shooting of Rani Ra’fat by six men, one of whom [posted](#) social media videos confirming a militant Islamist motivation for the murder. In July, another assailant stabbed the [father and son](#) owners of a shop in Giza that sold alcohol—a practice associated with non-Muslims. Coptic women suffered both anti-Christian and female-targeted abuse, such as the suspected kidnapping and potential [forced conversion](#) to Islam of Mariam Waheeb and a male pharmacist’s [physical assault](#) of Naveen Sobhi for appearing in non-Islamic dress during the Muslim holy days of Ramadan. The latter case is notable for the police’s pressuring of the victim to agree to adjudication by a local, nonjudicial “[reconciliation](#)” session, which [doubly victimizes](#) Copts and other minorities by forcing them to reconcile with their attacker, commonly resulting in [lenient](#) punishments for assailants. In February, Egypt’s child-fostering laws and practices attracted scrutiny when authorities removed a [four-year-old boy](#) from his Coptic Orthodox adoptive family and placed him in an orphanage upon discovering his origins as an unidentified infant that a priest had found in the local church. Although prosecutors reportedly invoked laws presuming the Muslim identity of unknown children, in December, Egypt’s National Council for Human Rights [asserted](#) the illegality of the child’s transfer to the orphanage, urging the government to return him to his would-be adoptive parents. Personal status laws regulating family matters such as marriage, divorce, and inheritance also disproportionately burden [religious minorities](#), especially [women](#). In December, President El-Sisi encouraged “all segments of society” to participate in [dialogue](#) surrounding draft amendments to these [laws](#).

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Include Egypt on the Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA);
- Conduct a comprehensive review of all U.S. assistance to Egypt and continue to withhold a portion of Foreign Military Financing (FMF) for specified international religious freedom violations along with broader human rights concerns; and
- Incorporate religious freedom concerns into U.S.-Egypt bilateral engagement by

encouraging Egypt to: 1) ensure equal protection of all religious communities, including through phasing out customary reconciliation councils to resolve incidents of violence against religious minorities and proposing universal “houses of worship” legislation that treats identically the construction, repair, and registration of houses of worship of all religions; 2) repeal Article 98(f) of the Criminal Code, which penalizes “ridiculing or insulting a heavenly religion or a sect following it,” and until that is

accomplished limit the conditions under which the law is applied and allow charged individuals to post bail; and 3) lift all travel bans and asset freezes on released religious prisoners of conscience and establish independent oversight and appeals mechanisms for travel bans.

The U.S. Congress should:

- Raise religious freedom issues through hearings, meetings, letters, congressional delegation trips abroad, or other actions.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Special Report:** [Assessing Religious Freedom in Egyptian Curriculum Reform](#)
- **Event:** [Assessing Religious Freedom in Egyptian Curriculum Reform](#)
- **Press Statement:** [USCIRF Welcomes Egypt’s Release of Coptic Activist Ramy Kamel](#)
- **Press Statement:** [USCIRF Commends Release of Egyptian Religious Prisoner Reda Abdel Rahman](#)



## Background

Article 2 of [Egypt's constitution](#) identifies Islam as the state religion and the “principles of Shari’a” as the primary source of legislation. Article 64 provides for “absolute” freedom of belief, although only adherents of “heavenly religions” (Islam, Christianity, and Judaism) may practice their religion publicly and build places of worship. Bans from 1960 remain in effect on [Jehovah's Witnesses](#) and [Baha'is](#).

Egypt's population is approximately [107.7 million](#), an estimated 90 percent of whom are Sunni Muslims. Non-Sunni Muslims such as Shi'a comprise less than one percent. At an estimated 10 percent or more, Egypt's indigenous Copts constitute the largest Christian minority in the Middle East and North Africa. Christian leaders [estimate](#) over 90 percent of Copts belong to the traditional Coptic Orthodox Church, with [Coptic Catholics](#), Coptic Evangelical Protestants, and other small denominations comprising the remainder. There are [reportedly](#) up to 2,000 Baha'is, approximately 1,500 Jehovah's Witnesses, and fewer than 10 Jews in Egypt.

## State Targeting of Religious Identity, Expression, and Activism

The Egyptian criminal justice system remained the locus of systematic and ongoing religious freedom violations. In January and February, authorities released from long-term detention religious prisoners of conscience [Ramy Kamel](#), a Copt, and [Reda Abdel Rahman](#), a Qur'anist Muslim. Both [Abdel Rahman](#) and [Patrick Zaki](#)—a Coptic human rights researcher [released](#) at the end of 2021—remain under [travel bans](#). Throughout 2022, Zaki also endured numerous adjournments of his trial for the charge of “spreading false news” via the publication of an online testimonial discussing anti-Coptic discrimination. In June, Al-Mataria prosecutors wielded the same charge to detain Coptic attorney [Hani Farouk Gibran](#)—[later releasing him](#)—for posting messages on social media such as, “No to attacks on churches in Egypt, burning homes and kidnapping girls.”

Egypt continues to enforce [Law 98\(f\)](#) of Egypt's Penal Code, a blasphemy statute that bans “insulting the heavenly religions.” In September, an appeals court in Cairo upheld a five-year prison sentence against [Marco Girgis](#), a Copt, on charges including breach of 98(f) and “exploiting religion in promoting extremist ideas, contempt of Islam, and transgression of the values of the Egyptian family” for allegedly sharing sexually explicit digital material. In June, United Nations human rights experts [expressed concern](#) over the detention and potential deportation of [Abdulbaqi Saeed Abdo](#), a Yemeni asylum seeker and convert to Christianity accused of “contempt of Islam.”

Egyptians of Sunni Muslim backgrounds also faced government harassment and detention. In February, the Court of Cassation [rejected the appeal](#) of imprisoned blogger [Anas Hassan](#), arrested in 2019 for administering an “Egyptian Atheists” page on Facebook and charged

with violation of 98(f) and information technology laws. Also that month, the public prosecutor stated it would order “[investigative measures](#)” against journalist and television presenter [Ibrahim Issa](#) for his public statements questioning a miracle connected to the Prophet Muhammad. In August, the Heliopolis Misdemeanors Court [announced](#) the trial of another television personality, Islamic preacher and Al-Azhar instructor Mabrouk Attia, for on-air jokes about Jesus Christ following a lawyer's filing of a criminal complaint that the statements showed contempt for both Christianity and Islam.

Authorities also arrested or detained individuals related to mob protests and attacks on Christian churches; however, several such detainees were members of targeted church communities. In January, security officials arrested [nine Copts](#) for online videos showcasing their peaceful protest of the government's failure to permit the rebuilding of the fire-ravaged St. Joseph and Abu Seifein Church in Samalout. Charges included “participating in a demonstration threatening public safety and committing a terrorist act.” They were [released](#) in April, the same month the government [relaunched](#) its Presidential Pardon Committee, possibly [in advance](#) of the 27th Conference of the Parties, or [COP27](#) climate summit, which Egypt hosted in November.

## Educational Curriculum Reforms

The government of Egypt implemented some religious tolerance reforms to the national primary and secondary school educational curricula consistent with its 2021 [National Human Rights Strategy](#). However, a USCIRF [assessment](#) found that despite slight improvements, religionization of the curriculum remained endemic. Subjects such as Arabic Language and Social Studies advanced government-endorsed versions of Sunni Islam while underrepresenting, excluding, or negatively characterizing—for example, using antisemitic rhetoric toward—religious minorities such as non-Sunni Muslims, Christians, and Jews.

## Key U.S. Policy

The U.S.-Egypt strategic partnership assumed an even higher profile throughout the year in advance of the [COP27](#). Despite Egypt's robust efforts to rehabilitate international [perceptions](#) of the country's human rights violations, the administration of President Joseph R. Biden and the U.S. Congress took measures to communicate concerns over Egypt's human rights record. As in 2021, Congress conditioned up to \$300 million of the \$1.3 billion annual FMF aid package to Egypt on human rights improvements. However, in September, the administration chose to withhold only [\\$130 million](#). In approving the other \$170 million, the United States noted part of the grant was due to President El-Sisi's release of 500 political prisoners out of the total of [more than 60,000](#) in detention. The withheld aid accounted for 10 percent of the United States' total annual allocation to Egypt.

### KEY FINDINGS

In 2022, Indonesia’s religious freedom conditions remained poor, as in the prior year. The country maintains several regulations that either constitute blasphemy laws or effectively function as such: [Presidential Decree No. 1/PNPS/1965](#), Criminal Code [Article 156\(a\)](#), and [Law No. 11/2008 on Electronic Information and Transaction](#) (known as the ITE law) Articles 27(3) and 28(2). Indonesia also maintains a 2006 joint regulation on houses of worship that local authorities often exploit to hinder religious communities’ right to build and maintain houses of worship. Minority religious leaders throughout Indonesia report that this regulation enables corruption, emboldening local Islamic religious leaders and/or political officials to coerce bribes from religious communities to obtain permission to proceed with construction. In addition, minorities’ houses of worship—especially for groups that are officially unrecognized—are especially vulnerable to attacks and lack the protections afforded to majority-affiliated religious sites in law or in practice. For example, in early January, Pontianak District Court [sentenced](#) 21 men to only four and a half months in prison for ransacking and burning an Ahmadiyya mosque in West Kalimantan the prior year but released them a mere 16 days later.

Indonesia recognizes six official religions, excluding the less than 0.5 percent of the population who practice traditional or indigenous faiths, including forms of animism or syncretic versions of religions. In 2016, followers of traditional faiths appealed to the Constitutional Court against the 2013 Civil Administrative Law, which codified discriminatory regulations such as forcing members of indigenous groups to leave the religion section of their national identification cards blank. Despite the Constitutional Court ruling in favor of traditional faith communities, members still [reported](#) discrimination in accessing public services such as education.

In December, the Indonesian Parliament passed a new criminal code that reinforces the criminalization of blasphemy, further undermining religious freedom. Article 300 [broadens](#) the sorts of acts, speech, or outcomes to which the blasphemy prohibition applies and expands enforcement to include fines and up to three years in prison. Article 302 criminalizes “inciting” someone to leave their faith—an offense that carries a punishment of up to two years’ imprisonment. The law replaced the Dutch colonial-era code and will [gradually](#) take effect over a period of up to three years. This legal development coincided with a general backsliding of democratic norms as well as growing political and societal influence from conservative Islamist organizations, such as the quasi-governmental Indonesia Ulema Council (MUI), that seek to impose their religious interpretations on others. The MUI [responded](#) to public criticism of provisions in the then draft criminal code that incorporated the MUI’s preferred religious views on issues of sexual morality by insisting that all six of Indonesia’s officially recognized religions condemn the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community and therefore the government should not protect its members.

The enshrinement of a particular interpretation of Islam into Indonesian law that is binding on all people regardless of their religious beliefs coincides with the government’s [increased level](#) of international cooperation to combat religiously based violent extremism, which remained a persistent concern. The country’s counterterrorism force, known as Densus 88, continued to pursue radical Islamist groups believed responsible for killing several Christian farmers in Sulawesi the prior year. In September, Densus 88 [pursued and killed](#) a group of radical Islamist militants in that area, and in December, the National Police [arrested](#) 24 suspected terrorists in connection with a suicide bombing that targeted a police precinct in Astanaanyar, West Java.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Include Indonesia on the Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA);
- Work with the Indonesian government to:
  - Amend the criminal code to comply with international human rights standards, including relating to the freedom of religion or belief;
  - Repeal or amend the existing blasphemy laws, including Indonesia’s ITE law;
  - Release all individuals currently detained or imprisoned on blasphemy charges;
  - Repeal or revise the 2006 Joint Regulation on houses of worship.
  - Incorporate training on international religious freedom standards into the bilateral partnership on combating violent extremism, including the U.S. Agency for International Development’s (USAID) funded programs such as the Harmoni and MAJu projects, and all education initiatives to which the U.S. government contributes; and
- Urge the Indonesian government, as chair of the Association of Southeast Asian Nations (ASEAN) and its Intergovernmental Commission on Human Rights, to publicly advocate for religious freedom, pluralism, and inclusion throughout the region.

The U.S. Congress should:

- Raise Indonesia’s ongoing religious freedom challenges through hearings, meetings, letters, congressional delegation trips abroad, and other actions.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Factsheet:** [Blasphemy and Related Laws in ASEAN Member Countries](#)
- **Podcast:** [The Legacy of Blasphemy Laws in Southeast Asia](#)



## Background

Indonesia is the world's most populous Muslim-majority country. Muslims comprise 87.2 percent of the country's 267 million citizens, with around 99 percent identifying as Sunni and less than one percent and 0.2 percent identifying as Shi'a or Ahmadiyya Muslim, respectively. Protestant Christians comprise seven percent of the population, Roman Catholics 2.9 percent, and Hindus 1.7 percent; 0.9 percent identify with other minority religions such as Buddhism or Confucianism.

In light of this diversity, Indonesia has a long tradition of religious pluralism. Article 29 of its constitution "guarantees the independence of each resident to embrace religion and worship according to their respective religions and beliefs." The government has long promoted [Pancasila](#), an ideology that comprises five principles: monotheism, civilized humanity, national unity, deliberative democracy, and social justice. However, its promotion of this ideology extends only to those religious groups that leaders of the officially recognized religions determine as legitimate. In addition, the government requires all citizens to list their religious affiliation on their identification cards—a practice that has forced nonreligious persons and members of unrecognized religious minorities to misrepresent their faith or leave the field blank. This omission can impact access to licenses, permits, education, and employment.

In addition to hosting the G20 meeting in November, Indonesia also [hosted](#) the G20 Religion Forum, which brought together religious and government leaders to discuss interfaith initiatives and strategies to confront extremism. That same month, Indonesia [launched](#) a joint campaign with India—a country that USCIRF recommends as a "country of particular concern," or CPC—to promote moderate Islam. In January 2023, just after the reporting period, Indonesia assumed the chairmanship of the regional ASEAN, placing it in a potential position to guide the bloc's response to human rights challenges relevant to religious freedom, such as the ongoing conflict in Burma.

## Criminal Code Process

According to human rights activists, the government provided minimal, if any, opportunity for civil society and religious minorities to engage with the criminal code revision process since the new draft code was first introduced in 2019. In contrast, officials reportedly consulted with conservative Islamic groups during that process in coordination with the MUI. However, religious freedom advocates have expressed tentative hope that the new code's gradual implementation may afford civil society and the judicial system space to review and modify its provisions.

## Limited Central Government Authority

Many of Indonesia's religious freedom violations against religious minorities are perpetrated by local governing authorities, far outside the control of Indonesia's central government. In March, the mayor of a city within greater Jakarta publicly [opposed](#) a Ministry of Religious Affairs regulation on the volume level of the *azan*, or Muslim call to

prayer, which Muslim and non-Muslim neighbors and officials cannot publicly criticize without risk of [blasphemy](#) allegations. In July, reports [circulated](#) of public and private schools [forcing](#) girls to wear the hijab, illustrating the central government's limited success in preventing local schools from implementing such measures. Furthermore, in some areas where central or provincial government authorities have delegated social and education services to quasi-governmental and nongovernmental organizations, [violent Islamist groups](#) have set up schools to reportedly radicalize children. Such groups also [run](#) boarding schools and coordinate through social media to raise funds for violent Islamist activities.

## Expansion of Provincial Religious Laws

In July, the Indonesian government formally [declared](#) that the customs of the Minangkabau people, who comprise the ethnic majority of West Sumatra, are based on the philosophical values of the Qur'an. Provincial leaders requested this legal decision to legitimize their further development of local laws based on Shari'a (Syariah). The central government currently exempts the autonomous province of Aceh from national laws and permits it to implement its own legal system, which is based on a rigid interpretation of Syariah and is enforced through a religious police force. Enforcement mandates women to wear hijabs and bans them from straddling motorcycles, among other restrictions, regardless of their faith or personal choice. Violators of these religiously based laws are often subjected to [corporal punishment](#), and neither Muslims nor non-Muslims are able to opt out of this official interpretation.

## Key U.S. Policy

Throughout 2022, the USAID-funded *Harmoni* program continued to support the Ministry of Social Affairs and local organizations by strengthening Inter-Religious Harmony Forums; countering violent extremist narratives through community, university, and school-based campaigns; and rehabilitating women and children returning from conflict zones in the Middle East and the Philippines. The United States also maintained bilateral exchange programs such as the International Visitor Leadership Program to host Indonesian leaders in the United States.

In February, the United States marked one year since the administration of President Joseph R. Biden released its Indo-Pacific Strategy. As part of this strategy, the United States launched the Indonesia Millennium Challenge Corporation, which dedicated \$698 million to support infrastructure and development goals as well as initiatives for clean energy. The United States also [allocated](#) resources for a 30 percent increase in educational advising centers in Indonesia, although these programs did not include discussion of religious freedom or broader human rights. In November, rhetoric from the MUI and other [religious organizations](#) against the LGBTQI+ community prompted the Indonesian government to cancel a visit from the U.S. Special Envoy to Advance the Human Rights of LGBTQI+ Persons.

### KEY FINDINGS

In 2022, religious freedom conditions in Iraq continued to deteriorate as a result of the Iraqi Federal Government’s (IFG) intensifying political factionalism and resulting administrative paralysis. The government’s [instability](#) fueled [intra-Shi’a Muslim](#) and [Sunni Muslim-disenfranchising](#) sectarianism and stalled progress on initiatives that would help advance freedom of religion or belief, including [addressing](#) the pressing concerns of Iraq’s diverse religious minorities. The year-long government deadlock arose from the October 2021 [elections](#), which cemented divisions among followers of Shi’a Muslim cleric Muqtada al-Sadr, rival Shi’a factions aligned with Iran, and Sunni Muslims of both Arab and Kurdish backgrounds. Following al-Sadr’s unexpected resignation from Parliament and Sadrist’s [protests](#) in Baghdad in the summer, their Iran-backed Shi’a opponents moved forward with a [new government](#) in October.

Late in December, the new administration formally [recognized](#) for the first time in 47 years Yazidis’ ownership of their residential properties in the Sinjar district in northern Iraq. However, the year of political stasis exacerbated the government’s neglect of other initiatives that would benefit vulnerable religious minorities. The government did not adequately [implement](#) the [Yazidi Survivors Law \(YSL\)](#), which Parliament [passed](#) in 2021 to provide reparations for Yazidi, Christian, Turkmen, and Shabak victims of the Islamic State of Iraq and Syria (ISIS). Likewise, the IFG and the semi-autonomous Kurdistan Regional Government (KRG)—which each lay claim to Sinjar—[failed](#) to substantially carry out the provisions of the 2020 United Nations (UN)-brokered Sinjar Agreement intended to stabilize the area and enable the return of Yazidis displaced by ISIS’s [genocide](#).

The IFG did not bring under control the Popular Mobilization Units (PMU or PMF) or al-Hashd al-Shaabi, a [government-affiliated umbrella organization](#) of largely Shi’a Muslim, pro-Iran militias. These groups used checkpoint interrogations and detentions, enforced

disappearance, extortion, and physical violence and targeted [Sunni Muslims](#) and other religious minorities, including Christians and Yazidis. On the outskirts of Mosul and in the Nineveh Plains—areas with numerous indigenous religious minorities and subject to the IFG’s and KRG’s jurisdictional [disputes](#)—the PMF’s aggressive use of checkpoints, seizure of Christians’ land and businesses, and other targeted harassment [deterred](#) displaced Christians’ return to the area and fueled further emigration. Iraqi [military forces](#) also targeted religious minorities, as in a May operation against Yazidi fighters, which displaced at least 3,000 Yazidi civilians—already traumatized by recent displacement and by recurrent [Turkish airstrikes](#)—in their “[largest exodus](#)” since the 2014 genocide.

For its part, the KRG continued to [promote religious coexistence](#) and its status as a refuge for over two million religiously diverse Iraqis and Syrians displaced to the Kurdistan Region of Iraq (KRI) by years of conflict and the threat of ISIS. In October, the KRG, along with religious minority stakeholders, participated in a series of UN [workshops](#) analyzing the KRG’s laws, mechanisms, policies, and programs with the goal of strengthening its protection of minority groups’ rights. However, some Christian groups indigenous to the [Nineveh Plains](#) raised concerns over the KRG’s failure to resolve [longstanding grievances](#) such as lack of KRG funding and other support for Assyrian-run schools; discrimination in employment and municipal services; and unresolved KRG-tolerated or -initiated misappropriation of Christians’ land, businesses, and other property. Christian residents have cited their [lack of security](#) and threats from [ISIS](#), the PMF/PMU, and the KRG as the main drivers of emigration from the area, bringing their ancient communities almost to the point of [extinction](#). Similarly, Yazidi genocide survivors [feared](#) returning to their Sinjar homeland—caught in the stranglehold of vying militias—and remained in [displacement camps](#) within the KRI prone to [fire](#) and other hazards.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Include Iraq on the Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA);
- Use diplomatic channels and multilateral engagement to encourage the IFG and the KRG to expedite processing the return of kidnapped and displaced Yazidi genocide survivors and assist them in reintegrating into Iraqi society; to resolve conflicts over disputed areas per Article 140 of the Iraqi constitution, while including all religious and ethnic minorities in the process; and

to comprehensively implement the Sinjar Agreement with full inclusion of the Yazidi community in particular;

- Impose targeted sanctions on additional PMF leaders responsible for severe violations of religious freedom by freezing those individuals’ assets and/or barring their entry into the United States under human rights related financial and visa authorities, citing specific religious freedom violations; and
- Continue to assist Iraqi religious and ethnic minorities in rebuilding communities

devastated by ISIS and in advocating for their own interests, including opening a broad discussion on holding fair and free elections to select their own local leaders as well as representatives to the IFG and KRG.

The U.S. Congress should:

- Incorporate religious freedom concerns into its larger oversight of the U.S.-Iraq bilateral relationship through hearings, letters, and congressional delegations and by appropriating funding for development programming to strengthen religious freedom.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Press Release:** [USCIRF Commemorates the Eighth Anniversary of the Yazidi Genocide](#)
- **Factsheet:** [Religious Freedom amid Iraq’s Political Crisis](#)
- **Podcast:** [Recovering from Genocide: The Yazidis’ Return to Sinjar](#)
- **Podcast:** [Iraq’s Beleaguered Religious Minority Communities](#)

## Background

Iraq's [population](#) is approximately 95–98 percent Muslim, with 61–64 percent Shi'a and 29–34 percent Sunni. Christians—consisting of Catholic, Orthodox and Assyrian Church of the East, Protestant Evangelical, and others—comprise approximately one percent, although accurate figures are [obscured](#) by frequent displacement both within and beyond Iraq's borders.

Iraq is unique as a [Shi'a-majority Arab state](#). It has ties to both the Sunni-majority Arabic-speaking world and Iran, a non-Arab Shi'a country. Iraq is also home to numerous ethnic and religious minorities such as Kurds, Yazidis, Sabeen Mandaean, Kaka'is, Shabaks, and Turkmen as well as members of Assyrian, Chaldean, Syriac, Armenian, and other Christian churches. In 2022, at least [2,763](#) Yazidi women and girls kidnapped from Sinjar by ISIS were still missing, many [potentially hidden](#) within northeast Syrian camps detaining ISIS fighters [and their families](#). Yazidi Iraqis [welcomed](#) the international community's additional steps toward accountability and justice, such as a German court's judgment in July convicting a repatriated German ISIS member of genocide.

Article 2 of the [federal constitution](#) establishes Islam as the official religion and affirms “the full religious rights of freedom of belief and religious practice to all individuals such as Christians, Yazidis and Mandaean Sabaeans.” However, the penal code contains [blasphemy](#) statutes, and since 2016, the Law of United National Identity requires non-Muslim minors to convert to Islam if one of their parents becomes Muslim, as in the [ongoing legal case](#) of an Assyrian child.

In the years since the 2003 collapse of Saddam Hussein's regime, sectarianism has [flourished](#), with political power in the IFG [distributed](#) along religious lines among dominant Shi'a political parties, a Kurdish president, an Arab Shi'a prime minister, and an Arab Sunni president of Parliament.

## Other Religious Freedom Issues in the IFG and KRG

Within weeks of the new administration's emergence in October, IFG agencies issued [eviction](#) notices to Christians in a displacement settlement in Baghdad's Zayouna district, leaving the families—many of whom ISIS had displaced from their Nineveh homelands in 2014—facing homelessness during winter. The evictions were completed in February 2023.

Community members from other religious minorities, including [Sabaeen Mandaean, Shabaks](#), and [Kaka'is](#), have communicated their intentions to lobby international bodies for minority protections and the new IFG administration for constitutional and other legal safeguards for religious and ethnic minorities. These activists note that, for example, Article 125 of the federal [constitution](#) sets forth “administrative, political, cultural, and educational rights” for minorities but lacks mechanisms of enforcement.

Political representation remained an important concern for religious minorities, with communities pointing out flaws in [both](#) the IFG's

and KRG's [quota systems](#) for elected representatives from minority religious backgrounds. Some minority advocates suggested both the IFG and KRG amend their existing quotas to ensure [minority representation](#) is effective and meaningful rather than symbolic and vulnerable to dominant religious groups' [political appropriation](#) of minorities' seats. In February, the Iraqi Federal Supreme Court [further limited](#) the political representation of Yazidis, Shabaks, and Feyli Kurds, forcing those minorities to campaign within the [already severely circumscribed](#) Christian and Mandaean components. In March, archaeologists criticized both IFG and KRG leaders' ongoing sectarianizing of cultural heritage sites, finding it amounts to [cultural heritage predation](#). In the IFG, confessional political and religious groups leveraged the ethnic and religious political quota system, the Iraqi Constitution of 2005, and a collection of later laws, including religion-specific endowments, to misappropriate and alter the character of religious heritage sites. Meanwhile, the KRG's “[land grabs](#)” of indigenous Christians' villages and sites constituted a form of [targeted demographic change](#), prompting continued displacement and migration.

In May, the Iraqi Parliament [passed](#) a Sadr-proposed law criminalizing Iraqis' and foreigners' ostensible attempts to normalize relations with Israel. The law did not address Judaism and set forth exceptions for Iraqis' “religious visits” to Israel as preapproved by the Ministry of the Interior. However, it not only potentially “[promot\[ed\] an environment of antisemitism](#)” but also reflected Iraq's rampant political sectarianism, with Shi'a parliamentary blocs advancing the legislation in part to [distance](#) themselves from Sunni Kurds' and Arabs' perceived receptivity to normalizing ties with Israel.

## Key U.S. Policy

The administration of President Joseph R. Biden continued to prioritize Iraq's stabilization and economic development in U.S. relations with both the IFG and KRG.

In July, the United States condemned an [attack](#) on a resort in Duhok that killed at least eight civilians. The IFG attributed the strike to Turkey, which [frequently](#) carries out airstrikes in northern Iraq in ostensible pursuit of members of the [terrorist-designated](#) Kurdistan Workers' Party (PKK). The strikes have contributed to the abandonment of nearby [Christian villages](#), threatened already traumatized Yazidis in Duhok's displacement camps, and [inhibited](#) Yazidis' return to Sinjar. The United States [maintained](#) its “strong support for Iraq's sovereignty and its security, stability, and prosperity, including that of the Iraqi Kurdistan Region.”

The United States Agency for International Development asserted its [commitment](#) to providing financial assistance to help enable the approximately 1.67 million displaced Iraqis' return to their homes. In November, U.S. Ambassador to Iraq Alina L. Romanowski [redeclared](#) a disaster in Iraq for fiscal year 2023 “due to the ongoing complex emergency and humanitarian crisis.”

### KEY FINDINGS

In 2022, religious freedom conditions in Kazakhstan remained relatively the same as last year as the government failed to introduce meaningful reform and continued to restrict religious activity. In January, new amendments to the country's expansive religion law came into force that did not include substantive reforms and preserved many provisions that systematically violate freedom of religion or belief. Throughout the year, the government continued to prohibit unregistered religious activity, require state approval for religious literature, and restrict missionary activity, among other undue limitations.

The government continued to suppress groups and individuals it perceived as following "nontraditional" religions, along with Sunni Muslims who do not subscribe to the state's interpretation of Islam. By the end of the year, at least 10 Muslim men were still imprisoned on charges related to their online religious activity, including discussing their beliefs and sharing religious content. Those in prison include five men sentenced due to their participation in a WhatsApp conversation on Islam in 2019, despite a 2021 United Nations (UN) Working Group opinion that called for their release. In March, an Atyrau court [found](#) Sarsen Netekov and Nurlan Atalykov guilty of belonging to the [Tablighi Jamaat movement](#), sentencing both men to a year of restricted freedom and blocking their bank accounts. In July, authorities imprisoned

[Anatoli Zernichenko](#) for posting excerpts from religious texts on his private Instagram page.

Kazakhstan also maintained an official ban on women and girls wearing a hijab in public schools in the face of continued calls by activists and parents to rescind the ban. In October, an Almaty school [barred](#) a Muslim schoolgirl who wears a hijab from attending class for a month, stating that religious garb did not comply with uniform regulations issued by the Ministry of Education. In addition, Ahmadiyya Muslims remained unregistered as a religious association due to official discrimination. As in years past, authorities issued over 140 administrative fines for religious offenses throughout 2022, primarily targeting Muslims.

Non-Muslim religious minorities, such as Jehovah's Witnesses and Protestant Christians, also encountered restrictions on religious activities, including raids on unauthorized meetings, [negative publicity](#) from state-sponsored groups, and forced official apologies for missionary activities. In a positive development, the official Financial Monitoring Agency [removed](#) several Jehovah's Witness associations and members of the Church of Scientology from a secret list of "high-risk" entities that prevented them from accessing banking services for the past few years. It remains unclear how many other organizations and individuals may be included on this list, as Protestant churches have reportedly [experienced](#) similar issues.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Include Kazakhstan on the Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA);
  - Continue to engage with the government of Kazakhstan to revise the 2011 religion law, as amended in 2021, and other relevant legislation to comply with international human rights standards, including repealing or amending registration requirements, ending all expert mandatory review of religious materials, and removing or reducing administrative fines for religious activities;
  - Provide training to law enforcement and local officials in line with international human rights standards through programs such as the Workshop on Inclusive Governance to protect religious freedom; and
  - Call for Kazakhstan to release all those imprisoned due to their religious activities or beliefs immediately, permit all incarcerated individuals to practice their religion, and investigate and cease all torture.
- The U.S. Congress should:
- Advocate for religious freedom reform and other measures aimed at improving the human rights landscape in Kazakhstan through the Congressional U.S.-Kazakhstan Caucus.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Issue Update:** [Kazakhstan's Religion Law Amendments](#)
- **Podcast:** [Religious Prisoners of Conscience in Kazakhstan](#)
- **Special Report:** [Tolerance, Religious Freedom, and Authoritarianism](#)

## Background

According to a 2021 census, Kazakhstan is [home](#) to more than 19 million people, with 69.3 percent of Kazakh citizens [identifying](#) as Muslim. Most Muslims in Kazakhstan are Sunni, although other sects of Islam—such as Shafi'i Sunni, Shi'a, Sufi, and Ahmadiyya groups—are also represented. Christians [comprise](#) 17.2 percent of the population and are mostly Russian Orthodox. Other Christian denominations include Catholics, Protestants, and Jehovah's Witnesses, among others. Eleven percent of Kazakhs did not [indicate](#) any religious affiliation, and two percent of Kazakhs are atheist. Additional religious groups [represent](#) about 0.2 percent of the population and include Jews, Buddhists, members of the International Society of Krishna Consciousness, Baha'is, Scientologists, and others.

The state gives preferential treatment to the Hanafi school of Sunni Islam and Russian Orthodoxy, [recognizing](#) the “historical role” of both in the country and placing them in the unofficial category of “traditional” religions. The government heavily regulates religious groups it considers “threatening,” including Muslim groups, Evangelical Christians, and Jehovah's Witnesses, in an ostensible effort to combat extremism.

## Religion Law Amendments

In December 2021, Kazakhstan [passed](#) amendments to its 2011 law, On Religious Activities and Religious Associations, which came into force in early January. After soliciting recommendations to improve religious freedom in the context of meetings carried out through the U.S.-Kazakhstan Religious Freedom Working Group, Kazakhstan adopted amendments touted as liberalizing but that included little notable reform. While the amendments included switching from a permission-based system to a “notification-based” system for religious groups seeking to hold events outside their registered place of worship, it changed little in practice. Religious groups are still effectively required to seek permission from local authorities and provide in-depth details about the nature of their event.

Authorities have applied the “notification” amendment to the regularly scheduled meetings of groups that rent their religious facilities. Authorities mostly enforced the amendment for larger meetings and events, such as when police disrupted the annual commemoration of Jesus Christ's death, a widely observed occasion, in three Jehovah's Witness communities across Kostanay region. Yet, in Aqmola region, police also disrupted a typical, smaller meeting of Jehovah's Witnesses. In all cases, authorities stated that no one submitted the required notification for the event.

## Targeting of Muslims

The state often targets Sunni Muslims who practice Islam independently from the state, particularly for the distribution of religious materials and online religious activities. Officials often use questionable or false claims of “extremism” or terrorism charges to detain, arrest, and imprison Muslims. In particular, Kazakhstan continued to target individuals [affiliated](#) with the Tablighi Jamaat movement and other Muslim groups on its list of prohibited foreign organizations deemed extremist. Released prisoners have faced continued punishments and endure long bans on religious, social, and financial activities. Of the 10 individuals known to be imprisoned on such

charges, all identify as Sunni Muslim. Despite the UN Working Group on Arbitrary Detention's 2021 opinion that [called](#) for the release of eight individuals jailed in 2019 for participating in a WhatsApp discussion about Islam, five of the men remained imprisoned at the end of 2022. In February, the Kyzylorda Regional Court [rejected](#) a petition for early release submitted by one of those men, [Bolatbek Nurgaliyev](#), claiming he violated prison rules when he prayed in his free time.

In June, a local court [sentenced](#) Sunni Muslim [Anatoli Zernichenko](#) to seven years in prison on charges under Penal Code Article 256 for the “propaganda of terrorism or public calls to commit terrorism” after he posted religious content on social media. The court ordered that he pay a fine equivalent to six months' average local wages. The state relied on “expert” theological analysis to support the final verdict. In another case, reports [claimed](#) prison officials tortured religious prisoner [Dadash Mazhenov](#), beating him and allegedly breaking his jaw.

## Attitude toward China's Ongoing Genocide

Kazakhstan continued to hold an at-times ambiguous position with respect to neighboring China's ongoing genocide of Uyghurs and other ethnic Turkic Muslims. In an October session of the UN Human Rights Council, Kazakhstan [voted against](#) a motion to discuss human rights abuses against Uyghurs and Muslims in Xinjiang. Notably, the police continued to [disrupt](#) individuals protesting the detention of Uyghur and ethnic Kazakh family members in China. In mid-September, just prior to a state visit by Chinese President Xi Jinping, Kazakh authorities in Almaty region detained several protesters who regularly advocated for the Chinese government to release their relatives. Authorities charged those detained with violating the legal procedures for holding peaceful assemblies.

## Key U.S. Policy

In 2022, while the United States and Kazakhstan collaborated on key issues regarding security, development, and human rights, engagement on religious freedom matters was less of a focus. The U.S. government continued to [provide](#) economic assistance through the U.S. Agency for International Development (USAID) to strengthen Kazakhstan's capacity for governance in key areas, including the legal enabling environment, the energy sector, and the health sector. In May, Assistant Secretary of State for South and Central Asian Affairs Donald Lu [traveled](#) to Kazakhstan to meet with government officials and civil society and discuss President Kassym-Jomart Tokayev's reform agenda, human rights, and women's empowerment. In response to the government of Kazakhstan's violent management of [protests in January](#) 2022, the Senate Foreign Relations Committee [called](#) for an international investigation into the state-sponsored violence and a review of U.S. security assistance to the country in light of Kazakhstan's human rights abuses. In November, U.S. Department of State Spokesperson Ned Price [noted](#) that Kazakhstan's November presidential election lacked meaningful political competition; he also expressed U.S. government support for President Tokayev's proposed reforms, including protection of human rights. In December, both sides [came together](#) for the U.S.-Kazakhstan Enhanced Strategic Partnership Dialogue, where officials discussed human rights conditions in Kazakhstan. Public reporting did not indicate whether representatives discussed religious freedom issues.



### KEY FINDINGS

In 2022, religious freedom conditions in Malaysia remained the same as in 2021. Article 160 of the constitution links Malay ethnicity with Islam, infringing on ethnic Malays' ability to choose their own religion. The government requires all citizens to obtain a religious identification card known as [MyKad](#) through the Ministry of Home Affairs (MOHA), which lists whether they are Muslims. Federal and state governments compel all citizens designated as Muslims to adhere to a strict, state-approved interpretation of Sunni Islam according to Shafi'i jurisprudence. This system essentially prevents Malaysians who are officially labeled as Muslims from changing their religion, with only a few exceptions in recent years involving lengthy court processes. Although the National Registration Department—under MOHA's jurisdiction and responsible for MyKad—is not affiliated with any religious office, it must obtain approval from Islamic affairs departments at the state and/or national level to change a registered Muslim's designation.

Malaysia's Penal Code Sections 298 and 298A criminalize [blasphemy](#), and government authorities use Section 233 of the Communications and Multimedia Act of 1998 (CMA) in effect as a blasphemy law as well. At least five states criminalize apostasy with fines, imprisonment, or detention in a "rehabilitation" center. Politicians have consistently supported these restrictions, including during 2022. In January, Ahmad Marzuk Shaary, deputy minister in the prime minister's Department of Religious Affairs, confirmed the intent of the federal Department of Islamic Development (JAKIM) to continue monitoring online posts for blasphemy. In July, the Federal Territories Islamic Religious Department [detained](#) Siti Nuramira Abdullah under Article 298 for allegedly insulting Islam by removing religious attire at the Crackhouse Comedy Club in Kuala Lumpur. One of the club's founders, Rizal Van Geysel, was [arrested](#) under Section 4(1) of the Sedition Act and Section 233 of the CMA.

Malaysia maintains a dual legal system that devolves the maintenance and regulation of Shari'a (known domestically as Syariah) to individual state or federal departments. State-led religious departments coordinate with the security services to control and enforce the affairs of Muslims to varying degrees depending on the state, creating restrictions on religious freedom for both Muslim and non-Muslim residents. For example, in early December, Terengganu's state government passed amendments to its Syariah Code which, among other [restrictions](#), placed new regulations on attire for men and women and criminalized pregnancy out of wedlock. Islamic affairs departments and some politicians [justified](#) using Syariah Codes to restrict human rights and individual freedoms as an effort to "protect the well-being" of Muslims.

The phenomenon of unilateral conversions—when a parent converts to Islam and then converts their child, often in an apparent attempt to win custody following a divorce—remains a persistent issue in Malaysia. Children of these conversions who do not identify as Muslim are forced to endure lengthy legal proceedings to change their designated religion to coincide with their beliefs. In February, Loh Siew Hong [regained](#) custody of her three children, who had been unilaterally converted by their father. In April, a High Court [decision](#) finally allowed an unidentified woman to change her religion, concluding an eight-year legal struggle to overturn her unilateral conversion by her father when she was four years old.

Throughout 2022, the government of Malaysia continued to withhold the 2019 [Special Taskforce's report](#) examining cases of enforced disappearances, including [Pastor Raymond Koh](#), [Amri Che Mat](#), and others. Malaysian security forces and religious affairs departments likely targeted these individuals, at least in part, for their religious identity and practices.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Include Malaysia on the Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA);
- Raise at every opportunity with the Malaysian government that it should:
  - Ratify international treaties on human rights that directly or indirectly impact religious freedom, including the Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights;
  - Ratify the 1951 Covenant on Refugees and/or develop a law to regulate the Malaysian government's response and obligations to refugees and asylum seekers, many of whom have fled religious persecution in their home countries;
  - Release the Special Taskforce's report investigating cases of enforced disappearances; and
- Prioritize raising religious freedom concerns in all bilateral engagement with Malaysia, including through a visit by the Ambassador at Large for International Religious Freedom with official counterparts and religious leaders in Malaysia.

The U.S. Congress should:

- Raise Malaysia's ongoing religious freedom concerns in all bilateral engagement, hearings, meetings, letters, congressional delegation trips abroad, and other actions.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Commission Delegation Visit:** Kuala Lumpur in November 2022
- **Podcast:** [The Impact of Malaysia's Dual Legal System on Religious Freedom](#)
- **Factsheet:** [Blasphemy and Related Laws in ASEAN Member Countries](#)



## Background

Malaysia is a highly pluralistic society. Around [61.3 percent](#) of the population identify as Muslim, the vast majority of whom adhere to state-sponsored Sunni Islam. Buddhists comprise 19.8 percent; 9.2 percent are Christian; 6.3 percent are Hindu; 1.3 percent practice Confucianism, Taoism, and other traditional Chinese religions; and about 0.8 percent identify with no religion. Although Malaysia was founded as a secular state, Article 3 of the 1957 Constitution places Islam—interpreted as Sunni Islam—as the federation’s official religion. Article 11(4) provides that state and federal law “may control or restrict the propagation of any religious doctrine or beliefs among persons professing the religion of Islam.”

## Rising Islamism and Its Mainstreaming throughout Malaysia

In 2022, Malaysia’s Malay-majority population, other Muslim communities, and both federal and state institutions continued to experience increased [Islamization](#). Despite a constitutional ban on *hudud* (corporal punishments), several states, including Kelantan, Kedah, and Terengganu, have incorporated them into their legal system to be implemented if the federal ban is removed. Then Prime Minister Ismail Sabri Yaakob’s administration [worked](#) to elevate the position of *tahfiz* institutions—religious schools that are not [obliged](#) to provide formal, nonreligious education alongside their instruction—through legislation to standardize their curriculum and regulations. Around [1,200 such schools](#) exist throughout the country and have [played a role in](#) introducing Malay students to Islamist ideology, heightening the influence of fundamentalist interpretations of Islam, and increasing the risk for radical Islamist groups to establish a presence.

The increased role of Islamist rhetoric and ideology was also present in the Islamic Party’s (PAS) political calls for the strengthening of Syariah and religiously based laws throughout Malaysia. PAS’s coalition earned second place during the 2022 general elections (GE15) in November. In its outreach, PAS utilized social media platforms such as TikTok to spread hateful and inflammatory messages against non-Muslims to motivate its electoral base. Malaysia’s Islamist populist parties have [used](#) social media to stoke religious and populist sentiment against what they characterize as plots to Christianize the country or take rights and privileges away from Muslim Malay communities. GE15 witnessed the collapse of support among ethnic Malays for the traditional United Malay National Organization and a realignment of most of this demographic behind PAS. During the elections, multiple political actors [exploited](#) ethnic and religious concerns in their efforts to mobilize Malay Muslim and other Muslim Bumiputra voters. In November, King Al-Sultan Abdullah [called](#) upon longtime opposition figure Anwar Ibrahim to form a national unity government with some ideologically and geographically disparate parties.

## Dual Legal System and State Control of Muslims

Malaysia’s federal and state governments use the country’s dual legal system to regulate and control the Muslim population. This system emerged in the 1990s and coincided with a rapid bureaucratization of religion. States where PAS controls the government require

individuals to live their lives in accordance with a rigid interpretation of Islam, regardless of their religious belief. They enforce clothing restrictions for men and women and prohibit indigenous practices, such as dancing, and other clothing deemed *haram* (forbidden).

Malaysia’s state-level Syariah systems also [place](#) undue burden on Muslim members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community. In several states, religiously based laws criminalize sexual relations for LGBTQI+ people and [permit](#) caning and imprisonment as punishment. In October, JAKIM officers joined the police in [raiding](#) a Halloween-themed party in Kuala Lumpur for the local LGBTQI+ community, detaining only those whose MyKad cards identified them as Muslims. LGBTQI+ community members in other parts of the country reported similar incidents in 2022, indicating that local authorities have repeatedly attempted to disrupt LGBTQI+ events under the pretext of preventing Muslims from attending. Furthermore, the JAKIM, in coordination with its state-level counterparts, continued to [organize mukharyams](#) (conversion therapy camps) to target and compel Muslim members of the LGBTQI+ community to undergo “rehabilitation.” The government reported that it had subjected at least 1,733 LGBTQI+ people to these programs in 2021, but it has not released numbers for 2022.

## Refugees and Asylum Seekers

Malaysia hosts significant numbers of refugees and asylum seekers fleeing violations of religious freedom, such as religious minorities from Burma, Afghanistan, and Pakistan. Since Malaysia is not party to the 1951 Covenant on Refugees, it effectively leaves those fleeing religious persecution and in search of refugee status in a grey legal area, void of protection.

## Key U.S. Policy

The United States is Malaysia’s third-largest [trading partner](#), and the two countries [maintain](#) strong bilateral ties. In March, U.S. Secretary of State Antony J. Blinken [spoke](#) with then Foreign Minister Saifuddin Abdullah via phone to strengthen bilateral relations. The United States [maintains](#) a deep, institutionalized, bilateral military relationship with Malaysia and regularly engages in joint military exercises. The two countries continued to partner on counterterrorism efforts through information sharing, capacity-building programs for law enforcement and judicial authorities, and assistance to improve immigration security and border controls. The United States also [works](#) with Malaysia through regional organizations such as the Association of Southeast Asian Nations (ASEAN). However, neither religious freedom nor broader human rights issues have played a substantial, visible role in such engagement.

Through both the International Visiting Leadership Program and the Young Southeast Asian Leaders Initiative, the United States hosts leaders from Malaysia in programs that often include religious freedom issues. The United States is actively engaged with civil society in Malaysia to promote tolerance and counter violent extremism. In August, then Speaker of the U.S. House of Representatives Nancy Pelosi (D-CA) [visited](#) Kuala Lumpur, accompanied by a congressional delegation, where she [praised](#) Malaysia for its “leadership in ASEAN on repudiating Burma for its deadly crackdown on dissent.”

### KEY FINDINGS

In 2022, religious freedom conditions in Sri Lanka continued on a worrying trajectory. The Sri Lankan government targeted the rights of religious minorities, particularly Muslims and Hindus, by using problematic legislation, engaging in discrimination against them, and instigating land disputes intended to expropriate their property. Authorities harassed and imprisoned religious actors associated with the protest movement in 2022 (*Aragalaya*, or “Struggle” in Sinhala) and intimidated members of minority religious communities. Muslims who posted supportive messages for protesters on social media were identified, questioned, and arrested under the International Covenant on Civil and Political Rights (ICCPR) Act. During the year, Sri Lanka faced an [economic](#) and political crisis resulting in a lack of basic necessities. The *Aragalaya* called for accountability for corruption and economic mismanagement, leading to the [resignation](#) of then President Gotabaya Rajapaksa in May and the [election](#) of former Prime Minister Ranil Wickremesinghe as president in July.

The 1979 Prevention of Terrorism Act (PTA) [gives](#) Sri Lankan authorities broad powers to search, arrest, and detain individuals. Nearly [300](#) Muslim men and women remained in detention without charges in connection to the [2019 Easter Sunday](#) bombings (a series of coordinated “bomb blasts that ripped through churches and luxury hotels” that killed over 200 people) based on a [combination](#) of the PTA, the ICCPR Act, and/or the penal code. The PTA and the ICCPR Act (designed to [incorporate](#) the international treaty into domestic law) often are used to restrict freedom of expression among minority groups. Authorities also utilized the PTA to crack down on *Aragalaya* protesters. In August, police dispersed a protest using tear gas and water cannons and [arrested](#) three students, including Galwewa Siridhamma Thero, a Buddhist monk and organizer of the Inter University *Bhikku* (Monks’) Federation. President Wickremesinghe signed an order that the three men could be held for 90 days without evidence or the opportunity to seek bail. The United Nations (UN) Special Rapporteur on human rights defenders [expressed](#) support for the three men. The government [released](#) Siridhamma Thero on bail in December.

The government published proposed amendments to the PTA in January, but experts [assessed](#) that the amendments [did not](#) go far enough in addressing the worst aspects of the act. In September, the UN Human Rights Council (UNHRC) published a report on the human rights situation in Sri Lanka. Nada Al-Nashif, then UN Acting High Commissioner for Human Rights, [urged](#) the government to repeal the PTA and draft a new counterterrorism law in its place.

The Sri Lankan government discriminated against Muslims and targeted the practice of Islam. In August, the Ministry of Defense announced the addition of several Tamil and Muslim groups and individuals to a [list](#) of designated persons accused of “terrorism related activities” and/or “funding for terrorism” under the country’s [UN Regulations No. 1 of 2012](#). The list included a single mother of two who subsequently lost her job, a business owner who sits on a local-level peace commission, and Muslim poet [Ahnaf Jazeem](#). Organizations included on these kinds of lists often have their assets and bank accounts frozen. Inclusion on such lists is used to intimidate different communities and disproportionately targets religious minorities. The government also closely monitored the affairs and finances of Muslim organizations, particularly those that receive foreign donations. Such surveillance impacts Muslim organizations dedicated to the alms-giving pillar of Islam, known as *zakat*; for example, groups wishing to donate money to the families of PTA/ICCPR Act detainees must inform the Terrorism Investigation Division to do so.

The Sri Lankan Ministry of Defense previously [decreed](#) that all imported Islamic books are subject to review and will only be released following approval from the ministry to protect against “terrorism.” Reports indicate that this practice is ongoing and affects all reading material with Arabic script, Qur’anic translations, and material related to Islamic education. The Ministry of Education recalled Islamic textbooks for several grades after the discredited Presidential Task Force for “One Country, One Law” raised [concerns](#) over unspecified “objectionable words” and claimed “they might contain ideas of extremist ideology.”

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Include Sri Lanka on the Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA);
  - Direct U.S. Embassy officials to urge the Sri Lankan government to repeal or significantly reform the PTA and other laws that disproportionately affect religious and ethnic minorities; and
  - Advocate for the full implementation of UNHRC [Resolution 51/1](#) to promote reconciliation, accountability, and religious freedom and other related human rights in Sri Lanka.
- The U.S. Congress should:
- Hold public hearings highlighting religious freedom conditions in Sri Lanka and U.S. policy toward Sri Lanka.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Country Update:** [Religious Freedom Conditions in Sri Lanka](#)
- **Podcast:** [Troubling Signs for Religious Freedom in Sri Lanka](#)

## Background

The Democratic Socialist Republic of Sri Lanka is a presidential [republic](#) with a unicameral parliament. President Wickremesinghe serves as chief of state and head of government, having previously served as prime minister for five separate terms between 1993 and 2020. Under [Article 9](#) of the Sri Lankan constitution, Buddhism is afforded special status. The state is directed to “protect and foster” Buddhism, which holds the “foremost place” within the country. The constitution also guarantees the freedom of religion or belief in subsequent articles.

Sri Lanka is both religiously and ethnically diverse. Buddhists [account](#) for about 70 percent of the population, followed by Hindus at 12.6 percent, Muslims (mostly Sunni) at 9.7 percent, Roman Catholics at 6.1 percent, other Christians at 1.3 percent, and adherents of “other” religions at about 0.05 percent. Most Sri Lankans are Sinhalese, a [majority](#) of whom are Buddhist. The second-largest ethnic group, Sri Lankan Tamils, are mostly Hindu with a significant Christian minority. Members of the next-smallest ethnic group are traditionally called Sri Lankan Moors, who are mostly Muslim and [eschew](#) formal ethnic classification. Also included are Indian Tamils and a small number of other ethnicities.

## Land Disputes

The Ministry of Defense heads the Task Force for Archaeological Heritage Management in the Eastern Province and works in [collaboration](#) with the Archaeological Department, security agencies, and Buddhist clergies to “identify archaeological monuments and facilitate the repair or construction of Buddhist sites.” In some cases, this collaboration has led to the expropriation of Hindu and Muslim sites where [there were formerly no](#) Buddhist populations, leading to fears that the program is transforming the region’s demographic landscape.

The National Christian Evangelical Alliance of Sri Lanka (NCEASL) documented several incidents involving the appropriation of Hindu temples between January and August, ranging from the removal of Hindu flags at a temple by unknown persons to erecting statues of Buddha on Hindu temple sites. In June, Buddhist monks and the Sri Lankan Army attempted to [dedicate](#) a new Buddhist shrine in Mullaitivu despite a 2018 court order prohibiting any new building in the area. The same court ordered the removal of new structures in July. Government authorities filed a motion asking for the court to reconsider the order, arguing that the new structure was meant to preserve archaeological materials and that demolishing the building would create interreligious tensions. That same day, a judge revised the previous order, specifying that the building could remain but that no further construction could take place.

## Muslim Marriage and Divorce Act

The [Muslim Marriage and Divorce Act](#) (MMDA) governs marriage, divorce, and other family law matters for all Muslim Sri Lankans and

is [based](#) on Shari’a law, Islamic legal practice, and local customs. The MMDA established a tax-funded Muslim judge (*Quazi*) court system, including a Board of Quazis and an Advisory Board. Muslim couples can only marry under the MMDA.

Observers argue that the MMDA is discriminatory toward Muslim women and is in [violation](#) of domestic and international human rights law, as it does not provide them with the same rights and protections afforded to women in other religious communities in Sri Lanka. The MMDA does not require a woman’s consent before the registration of a marriage, allows for unilateral divorce by the husband without giving the same right to the wife, presents bureaucratic hurdles to women seeking divorce that are not required for men, and allows the arbitrary provision for wife and child maintenance by a *Quazi*, among [other](#) problematic practices. Additionally, the MMDA lacks a minimum age for marriage, providing *Quazis* the ability to permit marriage of a girl younger than 12 years old, despite common law requiring an age minimum of 18 years old.

## Harassment of Religious Actors Participating in the Aragalaya

Catholic priest Father Amila Jeewantha Peiris was heavily involved in the protests in Galle Face. In July, a court [imposed](#) a travel ban on him for alleged participation in “unlawful assembly and damage to public property” during a protest in June. Later in July, police raided Father Peiris’s church in the southern city of Balangoda, seeking his arrest. Authorities [claimed](#) he was liable for “being part of an unlawful assembly, obstructing public employees from performing duties, criminal assault and causing hurt.” Father Peiris later [filed](#) a fundamental rights petition with the Supreme Court to prevent his arrest, but he eventually surrendered to the court and posted bail.

## Key U.S. Policy

The United States is Sri Lanka’s largest export market, accounting for [almost](#) 25 percent of Sri Lankan exports. U.S. policy toward Sri Lanka has [historically](#) focused on “supporting Sri Lanka’s democratic institutions, encouraging economic development, and promoting human rights.” In December, the U.S. Department of State announced nearly \$240 million in new U.S. government assistance to [support](#) Sri Lanka during its acute economic crisis.

In May, the State Department [twice condemned](#) violence against *Aragalaya* protesters and expressed concern about state of emergency declarations, which “can be used to curb dissent.” In a June call with then Prime Minister Ranil Wickremesinghe, U.S. Secretary of State Antony J. Blinken [affirmed](#) “the United States’ commitment to the Sri Lankan people during this challenging time and the importance of supporting reforms that address the concerns of all Sri Lankans, including on democratic governance and human rights.” U.S. Ambassador to Sri Lanka Julie J. Chung [condemned](#) the use of the PTA against Sri Lankans expressing their views.

### KEY FINDINGS

In 2022, religious freedom conditions in Turkey remained fairly consistent overall but did see some slight improvements. In June, the government finally released long-awaited regulations for religious minority foundations' board member elections. The government's failure to provide these regulations had prevented religious minority communities from electing foundation leadership for the last nine years. While the issuance of the regulations represented a positive development for the ability of some groups to operate, some critics [panned](#) the procedure as another means to "perpetuate state control" over non-Muslim communities. Although an April decision by the Constitutional Court ruled that schools' refusal to exempt children from mandatory religious classes violated freedom of religion or belief, the government took no apparent action to remedy the situation. On the contrary, schools reportedly [pushed](#) Kurdish students who wanted to enroll in Kurdish language courses to take religious classes instead. During the year, the government also took no steps to grant legal personality to religious communities, permit conscientious objection to mandatory military service, or reopen the Theological School of Halki or any other seminary.

The Turkish government continued to discriminate against Alevis and refuse to recognize their places of worship, known as *cemevis*. In February, Alevis [protested](#) the government's discriminatory policy of charging utility fees for their places of worship and not others, like mosques. That same month, President Recep Tayyip Erdoğan [announced](#) that the government would reduce the fees by classifying *cemevis* as residences rather than commercial establishments, but notably it did not categorize them as places of worship. In October, President Erdoğan [announced](#) the creation of a state-run "Alevi-Bektaşî Culture and Cemevi Directorate" to

allegedly address the community's issues; however, many Alevis [criticized](#) the move as a means to [subject](#) Alevism to government authority and [promote](#) their assimilation to Sunni Islam. Alevis also continued to experience targeted violence throughout the year. In July, coinciding with the beginning of the holy month of Muharrem, several individuals [conducted](#) a string of attacks on Alevi places of worship and associations, with one assailant reportedly stabbing a woman who had to be hospitalized. Days later, two men physically [assaulted](#) Selami Sarıtaş, the leader of an Istanbul *cemevi*.

Other religious communities, including Christians and Jews, also experienced instances of societal violence, intimidation, and the destruction or vandalism of their religious sites over the course of the year. In June, several persons [attacked](#) a Syrian family related to an alleged land dispute while the family hosted Syrian clergy members in their house. In July, vandals [destroyed](#) 36 headstones in the Jewish Hasköy cemetery in Istanbul. Remnants of the Islamic State of Iraq and Syria (ISIS)—which [maintained](#) a presence in Turkey—continued to pose a threat to religious minorities. Alleged ISIS members reportedly planned to [carry out](#) attacks on Alevis and an Ankara *cemevi*, and after the reporting period, additional [plots](#) to attack churches and synagogues also came to light.

The Turkish government continued to criminalize blasphemy or "insulting religious values" under Article 216(3) of the Penal Code, frequently levying such charges to crack down on criticism of the government and expression perceived as offensive to Islam. Throughout the year, numerous individuals and entities faced prosecution or investigation on criminal blasphemy charges, including Turkish pop singer Sezen Aksu and Swedish music streaming service Spotify.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Include Turkey on the Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA);
  - Raise in all meetings with Turkish government officials and press at the highest levels for the reopening of the Theological School of Halki (Halki Seminary) and for full compliance with European Court of Human Rights rulings on freedom of religion or belief; and
  - Track and comprehensively document in the U.S. Department of State's International Religious Freedom Report religious communities' efforts to open, regain, renovate, and protect places of worship and other religious sites of spiritual, cultural, or historical importance; include information on the vandalism, damage, and destruction of such sites; and work with the Turkish government to ensure their protection.
- The U.S. Congress should:
- Incorporate consideration of Turkey's treatment of religious minorities and broader human rights issues into its continued evaluation of the U.S.-Turkey bilateral relationship, including in the context of proposed legislation.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Staff Visit:** Istanbul, Ankara, Diyarbakır, and Mardin in March 2022
- **Issue Update:** [Blasphemy Charges in Turkey](#)
- **Podcast:** [Conditions for Religious and Nonbelief Communities in Turkey](#)
- **Podcast:** [The Alevi Struggle for Rights in Turkey](#)

## Background

The U.S. government [estimates](#) the population of Turkey at just over 83 million. The Turkish government has claimed that 99 percent of the population is Muslim, with 78 percent reportedly identifying as Hanafi Sunni. Between 10 million and 25 million people identify as Alevi, the country's largest religious minority, and there is also a small population of Shi'a Muslims. An estimated 0.2 percent of the population comprises atheists, Armenian Apostolics, Baha'is, Bulgarian Orthodox, Chaldean Catholics, Greek Orthodox, Jehovah's Witnesses, Jews, Protestants, Roman Catholics, Russian Orthodox, Syriac Catholics, Syriac Orthodox, Yazidis, and others.

The constitution [defines](#) Turkey as a secular (*laik*) state and provides for the freedom of conscience, religious belief, and conviction. Despite these provisions, the government maintained an active role in religious affairs, directly overseeing the practice of Islam through the official Directorate of Religious Affairs, or Diyanet, and managing the affairs of other religious communities through the General Directorate of Foundations (*Vakıflar Genel Müdürlüğü*).

The overall situation for human rights in Turkey continued to decline amid the government's ongoing targeting of political opponents, censorship of media, and alleged use of torture. The downward trajectory of recent years led Human Rights Watch to [assert](#) that "the authoritarian and highly centralized presidential government of Recep Tayyip Erdoğan has set back Turkey's human rights record by decades." In June, the European Parliament [adopted](#) a report that reiterated serious human rights concerns and called on Turkey to address persistent religious freedom issues such as: lack of legal personality for religious communities, compulsory religious education, failure to recognize Alevi and their places of worship, restrictions on the training and succession of clergy, and the continued closure of Halki Seminary. According to reports, Turkey also [rejected](#) the citizenship applications of some Uyghurs due to purported "national security" and "public order" risks.

## Foundation Elections and Other Discriminatory Policies

The government has regularly inserted itself in the internal affairs of religious communities, interfered in leadership elections, and prevented religious minorities from opening places of worship and training facilities for religious leaders. For the last nine years, the many religious minority communities that manage their affairs through foundations have been unable to elect new leadership due to the government's refusal to issue regulations for those elections. Finally, in June, the government [published](#) those regulations but [included](#) a new residency requirement for candidates competing in parts of Istanbul, generating concerns that it would limit participation. Armenian Patriarch Sahak Maşalyan [stated](#) that the patriarchate did not know why religious communities had to wait so long to hold elections, and Ecumenical Patriarch Bartholomew [criticized](#) the extended delay as a "great injustice" and expressed his disappointment that the state did not heed the communities' appeals on various elements of the regulations.

In June, a citizen [won a lawsuit](#) to have information included on his national identification card to reflect Tengrism as his religion instead of Islam, after the Ministry of Interior reportedly denied his initial request.

## Charges of Blasphemy

Turkish authorities continued to [rely on](#) blasphemy charges to penalize individuals considered critical of the government or perceived to have "insulted" Islam. In January, a group [lodged a complaint](#) against pop singer Sezen Aksu on such charges after she posted a clip of a five-year-old song to YouTube in which she referred to the religious figures of Adam and Eve as "ignorant." In a thinly veiled reference to Aksu, President Erdoğan [threatened](#) to "tear out those tongues," while the Diyanet [warned](#) citizens "to be extremely sensitive and careful in every sentence, statement and approach made about the distinguished, leading, and exemplary figures of Islam." In August, the Istanbul Chief Public Prosecutor's Office announced an investigation into Spotify after complaints emerged that users had created "insulting" playlist names such as "God's Ringtone," "Songs God listened to while exiling Adam from paradise," and "Eve didn't hear when God announced the forbidden fruit [because she was] listening to this playlist," among others. In September, authorities [began an investigation](#) against a scholar and atheist who called certain religious figures "fairy tales." Yet another individual was [indicted](#) on incitement charges after he posted a photo during the holy month of Ramadan of himself and others drinking alcohol captioned with the phrase "may the lord accept."

## Key U.S. Policy

The United States and Turkey [continued](#) to cooperate closely on matters related to security and economic relations. With the launch of Russia's full-scale invasion and war against Ukraine, the U.S. government increasingly [engaged](#) with the Turkish government—which has attempted to [position](#) itself as a potential mediator to the conflict—on efforts to assist Ukraine. In April, the United States and Turkey [launched](#) the U.S.-Turkey Strategic Mechanism, which convened three times throughout the year to review aspects of the bilateral relationship such as trade, defense cooperation, and counterterrorism. During the year, the State Department condemned Turkey's unjust convictions and sentencing of philanthropist [Osman Kavala](#) and Istanbul Mayor [Ekrem İmamoğlu](#).

The U.S. government continued to raise religious freedom concerns in Turkey. In September, Ambassador at Large for International Religious Freedom Rashad Hussain [traveled](#) to Turkey, where he met with Turkish officials including the Spokesperson and Chief Advisor to the President [İbrahim Kalın](#) and President of Religious Affairs [Ali Erbaş](#). Public messaging, however, [indicated](#) a greater focus on refugees and individuals fleeing religious persecution in other countries than on Turkey's own religious freedom violations. U.S. Ambassador to Turkey Jeffrey L. Flake also [met](#) with representatives of various religious communities.



### KEY FINDINGS

In 2022, religious freedom conditions in Uzbekistan trended slightly positively in a few areas, although most concerns related to the fundamental protection of this right remained. The government continued to severely restrict freedom of religion or belief through its 1998 law On Freedom of Conscience and Religious Organizations, as amended in 2021, which requires religious groups to obtain registration to engage in religious activity and prohibits unregistered religious activity, the private teaching of religion, missionary activity, and proselytism, in addition to other undue restrictions. Although the government allowed the opening of some new mosques and registered a handful of religious minority communities—including three Protestant Christian churches and one [Shi'a Muslim mosque](#)—the registration process remained a burdensome and insurmountable challenge to other religious minority communities. Local governments and *mahallas* (local neighborhood committees) still arbitrarily blocked some registration applications submitted by Jehovah's Witnesses and Protestant Christians.

While the government continued to [issue](#) sporadic pardons that resulted in the release of some individuals convicted in connection with their peaceful religious activities, more than 2,000 Muslims remained imprisoned on various charges of “extremism” and other related offenses. Throughout the year, authorities continued to detain, arrest, imprison, and ill-treat Muslims for distributing unauthorized or illegal religious materials, criticizing state-approved imams, holding prayers in unsanctioned areas, and leading informal classes on Islam without government permission. Law enforcement authorities conducted raids against and detained alleged members of the Islamic group Hizb ut-Tahrir for [meeting](#) to discuss religious texts or [sharing](#) such texts online. In July, a local court in Bukhara [sentenced](#) Muslim Bobirjon Tukhtamurodov, who studied the works of Muslim theologian Said Nursi, to more than five years

in prison for allegedly recruiting youth to the so-called “Nurchilar” group. In another case, Muslim blogger Fazilhoja Arifhojaev [received](#) a seven-and-a-half-year prison sentence in January after he reshared a Facebook post that stated that Muslims should not congratulate non-Muslims on their religious holidays. According to Human Rights Watch, Arifhojaev's lawyer [said](#) that his client experienced ill-treatment and torture while in police custody. USCIRF received reports throughout the year that Uzbekistan pursued individuals who had fled abroad on religiously motivated charges and requested their extradition. In an apparent effort to suppress information, Uzbekistan's State Security Service (*Davlat Xavfsizlik Xizmati*) also intimidated human rights activists documenting the country's ongoing religious freedom violations—including during USCIRF's commissioner delegation visit—and reportedly [warned](#) journalists against reporting on such issues.

Authorities sought to limit some elements of Islam and Islamic practice unofficially considered inappropriate. For instance, in May police in two districts of Tashkent [rounded up](#) at least 10 men and threatened them with arrest if they refused to have their beards shaved, [drawing criticism](#) from the U.S. ambassador to Uzbekistan. Similarly, officials have [harassed](#) women and girls who wear the hijab and [maintained](#) that only a “light-colored national headscarf” may be worn in schools. Despite a public announcement made in recent years that children can attend mosques, in April security officials in the exclave of So'x (or Sokh) reportedly raided and [drove out](#) children from the Hazrati Ali mosque during the holy month of Ramadan. Authorities allegedly [dissuaded](#) or hindered attempts by Muslims to reopen previously closed places of worship, such as the Abu Zar mosque and the Nazira Bibi Xonim mosque in Tashkent, and [required](#) Muslims interested in performing the Hajj or Umra pilgrimages to apply to their *mahalla*.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Include Uzbekistan on the Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA);
  - Work with the government of Uzbekistan to revise the 1998 religion law, as amended in 2021, and other relevant legislation to comply with international human rights standards, including by removing registration requirements on religious communities, permitting the possession and distribution of religious literature, and permitting the sharing of religious beliefs;
  - Press at the highest levels for the immediate release of individuals imprisoned for their peaceful religious activities or religious affiliations, and press the government of Uzbekistan to treat prisoners humanely and allow for independent prison monitoring; and
  - Allocate funding for the U.S. Agency for International Development and U.S. Embassy in Tashkent to provide litigation support to individuals and religious communities prosecuted in connection with their peaceful religious activities.
- The U.S. Congress should:
- Advocate on behalf of individuals imprisoned for their peaceful religious activities or religious affiliations through letters, floor speeches, hearings, delegations, and other engagements with or about Uzbekistan.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Commission Delegation Visit:** Tashkent and Bukhara in April 2022
- **Country Update:** [Uzbekistan: Space for Reform](#)
- **Podcast:** [Uzbekistan: Gaps in Principles and Practice](#)



## Background

The government of Uzbekistan [estimates](#) the country's population at nearly 35 million people. Varying estimates assess that between 88 and 96 percent of people identify as Sunni Muslim; one percent identify as Shi'a Muslim; 2.2 percent identify as Russian Orthodox; and 1.6 percent identify as atheist, Baha'i, Buddhist, Catholic, Jehovah's Witness, Jewish, Protestant, or a member of the International Society of Krishna Consciousness.

Uzbekistan's reform agenda related to religious freedom slowed in 2022 relative to previous years, although the government introduced additional legislative and other policy changes that alternately represented positive and negative developments for freedom of religion or belief. At the beginning of the year, Uzbekistan [signaled](#) its intent to abolish administrative fines for wearing religious attire in public after formally dropping the ban previously included in the country's religion law. Meanwhile, in June the government [adopted](#) a new law on advertising that prohibits "disrespect for traditional symbols of the country," including religious symbols. In the foreign policy sphere, in October Uzbekistan [voted against](#) the United Nations Human Rights Council holding a debate on China's human rights abuses perpetrated against Uyghurs and other Muslim minorities in Xinjiang.

## Fines, Detention, and Arrest of Muslims

Uzbekistan continued to repress Muslims whose independent religious practice violated the country's religious regulations and whose actions the government equated with "extremism" or "religious fundamentalism." For example, in several instances courts handed down fines to Muslims who held or permitted prayers in unauthorized locations such as businesses. In January, law enforcement [raided](#) the business of Farhod Rahmonov because he allowed his employees to pray at their place of work. The next month, a local Tashkent court fined him the equivalent of \$1,982 (21,600,000 So'm). In March, a court [jailed](#) Nosir Numanov for 15 days after he performed Friday prayers in a teahouse with a group of friends. The court also fined the teahouse owner approximately \$2,473 (27,000,000 So'm).

Likewise, authorities routinely cracked down on Muslims for illegal possession or distribution of religious texts. According to non-governmental organization Forum 18, in January and February police [arrested](#) as many as 24 men for keeping "extremist" religious content on their phones. In April, a judge [sentenced](#) Hasan Abdirahimov to four years in prison for "liking" and sharing religious materials online; he was already serving a previous sentence for listening to banned sermons. In May, Oybek Hamidov [received](#) five years in prison after he shared an audio file of a sermon. That same month, a court [sentenced](#) Alimardon Sultonov to seven years in a labor camp on numerous charges, including storage of materials with "religious extremism," despite claims he had experienced torture. His family has asserted he was arrested due to his criticism of state-appointed imams, among other public figures.

Women are also targeted, often in connection with their collective religious activity. Following a raid in the beginning of the

year, police [accused](#) four women of teaching Islam without official permission and fined each around \$124 (1,350,000 So'm). In January, officials [detained](#) another 12 women—who had gathered in a private home for religious readings—on charges of Hizb ut-Tahrir membership.

## Persistent Obstacles for Religious Minorities

Despite the passage of a revised religion law with a supposedly streamlined registration process in July 2021, few non-Muslim religious communities have managed to obtain the legally required registration. Only two Pentecostal churches and one Evangelical church received registration in June and September 2022, respectively, since the adoption of those amendments. Numerous religious communities that have sought registration in recent years remained unregistered by year's end.

Various communities reported to USCIRF that they were often required to inform the government of their activities, that they limited some practices in light of the continued bans on proselytism and missionary activity, and that some still could not import religious literature. In a few instances, police subjected Jehovah's Witnesses to interrogation, seized their possessions, threatened them with fines for sharing their beliefs, and in one case searched an individual's private home. Forum 18 [reported](#) that in early 2022, the Ministry of Internal Affairs ordered non-Muslim religious communities to install surveillance cameras in their places of worship, causing some members to cease attending services amid fears of possible retaliation.

## Key U.S. Policy

As in recent years, the United States and Uzbekistan took steps to build closer relations in 2022, an effort exemplified by the number of high-level visits paid by both countries to the other throughout the year. For example, Assistant Secretary of State for South and Central Asian Affairs Donald Lu traveled to Tashkent twice, in [May](#) and [November](#), to "advance our support for . . . freedom of religion or belief," among other priorities. In August, a congressional delegation that included Representative Trent Kelly (R-MS), cochair of the Uzbekistan Caucus, and Representative Darin LaHood (R-IL) also [visited](#) to discuss bilateral relations.

The U.S. government continued to prioritize religious freedom concerns in the country at all levels of engagement. In December, Secretary of State Antony J. Blinken met with Foreign Minister Vladimir Norov on the occasion of the two countries' annual Strategic Partnership Dialogue, where Secretary Blinken [highlighted](#) his appreciation for "the work being done on reforms, including on religious freedom." Similarly, visiting delegations from Uzbekistan regularly interacted with the U.S. Department of State's [Ambassador at Large](#) for International Religious Freedom Rashad Hussain and [Under Secretary](#) for Civilian Security, Democracy, and Human Rights Uzra Zeya to discuss freedom of religion or belief. Then U.S. Ambassador to Uzbekistan Daniel N. Rosenblum frequently raised religious freedom issues in his [meetings](#) and other [public fora](#).



# OTHER KEY DEVELOPMENTS

This section highlights some important developments and trends that impacted religious freedom conditions around the world in 2022, particularly—but not only—in countries and regions not covered elsewhere in this report.

## Transnational Repression and Influence by Religious Freedom Violators

While abuser governments perpetrate most religious freedom violations within their own countries, several authoritarian governments often and insidiously seek to extend their religious repression beyond their borders.

The Chinese government continued its [transnational repression campaigns](#) throughout 2022, targeting ethnic and religious minorities, human rights activists, and others living in diaspora. It used its economic and geopolitical influence to [pressure](#) foreign countries, including majority-Muslim countries such as Saudi Arabia, Egypt, the United Arab Emirates, and Kazakhstan to repatriate Uyghurs, [Kazakhs](#), and others—sometimes through the use of Interpol Red Notices. The Chinese government also [harassed](#) and intimidated victims by [threatening](#) their family members in China and by sending or recruiting undercover [agents](#) to [conduct](#) transnational repression activities abroad on its behalf, including in the [United States](#). Reports [emerged](#) during the year revealing that China [operates](#) more than 100 overseas “police service stations” in at least 53 countries, including one in New York City—causing concerns about their use to harass and intimidate ethnic minorities and dissidents abroad, including Uyghurs and Tibetans. In [Thailand](#), approximately 60 members of the Protestant Shenzhen Holy Reformed Church, over 50 Uyghurs, and an ethnic Mongolian activist have experienced ongoing harassment and intimidation by Chinese officials operating in that country and remained in fear of repatriation to China.

Iran’s government continued to pursue religious minorities and those challenging the legal imposition of its religious interpretations on Iranians without their consent. In Germany, the Islamic Revolutionary Guard Corps (IRGC) has [overseen](#) shooting and arson attacks on synagogues. Religious minorities from Iran who fled to Turkey and Europe faced threats and harassment from the IRGC on the basis of their faith. Iranians [seeking](#) asylum in Turkey from religiously grounded laws in their home country faced an ongoing threat of deportation and severe consequences. In some cases, Iran’s repression of individuals

who oppose its religiously grounded laws occurred on U.S. soil; in early 2023, just after the reporting period, the U.S. Department of Justice announced [details](#) of an Iranian government conspiracy to kidnap and return to Iran a Brooklyn-based Iranian American woman whose activism opposes mandatory hijab laws and other religious restrictions by Iran’s government.

Regarding other countries, Saudi Arabia also [engaged](#) in transnational repression, including the monitoring of religious dissidents. In August, a U.S. court [convicted](#) a former employee of Twitter after he “took bribes in exchange for accessing, monitoring, and conveying the private information of Twitter users to officials of the Kingdom of Saudi Arabia and the Saudi Royal family.” That case highlights the country’s ongoing efforts to monitor and suppress social media activity both inside and outside of its borders. Saudi authorities have arrested scores of religious dissidents for their Twitter [posts](#), sentencing some to decades of imprisonment—including Salma al-Shehab, a Saudi student in the United Kingdom (UK) whom a Saudi court [sentenced](#) to an astonishing 34 years in prison for implying support for political dissidents on social media. Meanwhile, Forum 18 reported that in October, Russian law enforcement [threatened](#) to submit Interpol Red Notices to seek the extradition of two individuals targeted for their religious belief or activity. Throughout

the year, USCIRF also received reports that government officials in Uzbekistan continued to pursue or seek the extradition of Muslim individuals who had fled abroad—typically to countries in Europe—to avoid prosecution on various religiously motivated charges, such as illegal possession or distribution of unauthorized religious materials.

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## Religious Freedom Concerns in Europe

In 2022, religious communities throughout Europe continued to face restrictions on certain religious practices and discrimination on the basis of their faith. As in years past, [Muslims](#) and [Jews](#) navigated discriminatory policies and societal intolerance that increasingly threatened their way of life, compelling some individuals to emigrate. Christian communities similarly faced rising prejudices.

Some European countries maintained restrictions on wearing religious garb—an issue that impacts Jews, Sikhs, and other religious groups but most blatantly targets Muslim women and encourages societal discrimination against them. In January, the French Senate [approved](#) an amendment to ban head coverings in sporting events,

although the National Assembly had not moved to enact the ban by the end of the year. In March, the Court of Cassation—France’s highest court—[upheld](#) a ban set by the Bar Council in Lille that prohibited the wearing of religious symbols in courtrooms, including head coverings. In May, the town council of the French city of Grenoble voted to permit women to wear a “burkini,” but France’s top administrative court [ruled](#) against that decision. In August, a body of the ruling political party in Denmark [proposed](#) a ban on hijabs for elementary school girls. In October, the Swiss government introduced a draft law to ban face coverings and [fine](#) violators up to approximately \$1,100 (1,000 Swiss francs). The European Court of Justice [ruled](#) in October that prohibitions on religious symbols in the workplace is not discriminatory if those restrictions are applied equally. Jews also experienced discrimination in manifesting their religion through their clothing; for example, in March, a bus driver in Sweden [refused](#) to allow a Jewish man to board because he was wearing an unspecified “Jewish symbol” on his clothes.

European countries continued to debate the issue of ritual slaughter. State regulations requiring the stunning of animals before slaughter, with no religious exemptions, force Jews and Muslims to abandon important religious practices and send them an exclusionary message. In March, Greece [dropped](#) an amendment that, if passed, would have allowed ritual slaughter of animals without pre-stunning. In the Belgian region of Brussels-Capital, the Federal Parliament of Belgium [rejected](#) a bill that would require pre-stunning of animals. A public petition to the government of the UK [calling](#) for a ban on ritual slaughter without pre-stunning ultimately did not garner enough votes for consideration by the British Parliament.

As part of stated efforts to counter “extremism,” governments continued to single out Muslim communities for suspicion and place undue restrictions on mosques and affiliated spaces. In February 2023, just after the reporting period, French President Emmanuel Macron [announced](#) that France had conducted nearly 28,000 investigations since 2019 to combat “political Islamism.” As a result, the government temporarily or permanently closed 906 establishments, including mosques, Qur’anic schools, businesses, and civil society organizations, and seized over \$57.5 million (54 million euros).

Reports of physical attacks against individuals on the basis of religion persisted throughout the year. For example, in January, individuals [assaulted](#) two Orthodox Jews in the UK and in September verbally [harassed](#) and physically attacked Jews on public transportation in Germany. In August, a man in France [murdered](#) his neighbor, Eyal Haddad, confessing to police that he did so because the victim was Jewish. During another incident in France, police officers physically [assaulted](#) two Muslim women in May and attempted to forcibly remove one’s hijab.

The vandalism of places of worship, holy sites, and other places of religious significance remained a threat to religious freedom in Europe throughout the year. Vandals desecrated Jewish cemeteries in [Greece](#), [Germany](#), and [Hungary](#), among other places. On Yom Kippur, an unidentified individual [broke](#) a window during religious services at a synagogue in Hanover, Germany; mere weeks later, German

authorities [found](#) bullet holes at a synagogue in Essen. Additionally, vandals targeted synagogues in other countries, including [Spain](#) and [Italy](#), and desecrated Holocaust memorials in [Lithuania](#) and [Greece](#). As in previous years, individuals also targeted Muslim cemeteries throughout Europe, including in [Germany](#) and [Sweden](#). Unknown individuals [threw](#) stones at a mosque in Sweden in September and [set fire](#) to a mosque in the Netherlands in August.

Vandalism and restrictive policies also targeted or impacted Christian communities. According to local clergy, arsonists likely [set fire](#) to a church in Rautjarvi, Finland, during December Christmas services, while in Paris, France, a suspicious fire [seriously damaged](#) a Russian Orthodox Church on Easter Sunday. In addition, three Austrian churches were the [targets](#) of vandalism in the span of two weeks. In December, UK authorities [arrested](#) a woman for silently praying outside of an abortion clinic and charged her with violating a legal “buffer zone,” which bans protests around abortion clinics in certain UK localities.

### Laws Restricting Religious Freedom

In 2022, governments in various parts of the world maintained laws based on religion that may result in violations of international standards regarding freedom of religion or belief. As USCIRF delineated in an [issue brief](#) in November, such governments repress religious freedom through laws and policies that coerce compliance with a particular religious interpretation, typically one that aligns with an official or state-favored religion. These sorts of laws can lead to severe violations of freedom of religion or belief and other human rights, including discrimination on the basis of religion against individuals and communities who do not adhere to the state’s interpretation. Targets of such discrimination include religious minorities, dissenters within

the majority faith, nonreligious persons, women, and members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community. USCIRF’s report found that although there is no inevitable contradiction between religious freedom and a country’s adoption of an official or favored religion, most governments within this category also maintained laws or policies on the basis of religion

that led to discrimination or repression. Far fewer countries—less than a third—named an official or favored religion and yet maintained no discriminatory laws or policies based on that religion.

Blasphemy laws remained one of the most pervasive and corrosive ways that governments—in a variety of religious, cultural, and political contexts—employed laws in 2022 to enforce a particular interpretation of an official or favored religion or to protect such a religion. Such laws [violate](#) freedom of religion or belief, including the right to express a full range of thoughts and beliefs that others might find blasphemous; they also violate freedom of expression and promote intolerance and discrimination against minorities.

As described in their respective chapters, a number of the countries USCIRF recommends for Country of Particular Concern or Special Watch List designation in this report maintain and enforce blasphemy laws, leading to related prosecutions and, in some cases, to societal

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violence such as mob attacks. However, blasphemy cases continued to emerge in other countries as well. For example, in August, cybersecurity specialists with Bahrain’s Office of the Public Prosecutor [questioned](#) and eventually recommended charges against three members of the Tajdeed Society, a Shi’a Muslim cultural organization, for YouTube videos in which they reportedly questioned elements of traditional Islamic jurisprudence. Those individuals subsequently [stood trial](#) on blasphemy-related charges beginning in February 2023, after the reporting period. In November, authorities in Mali issued a warrant to arrest a [Kamite preacher](#) on charges of blasphemy after he released a video that contained content that many considered insulting to Islam. Officials arrested six of the preacher’s followers for complicity when they refused to tell them where the man was hiding.

Sixteen European countries also maintained blasphemy laws—and in some cases enforced or sought to reinforce them in 2022. For example, in August, an Italian man who cursed in public [received a fine](#) of over \$200 (200 euros) for violating Article 724 of the Criminal Code, which penalizes blasphemy. In October, a Polish political party, United Poland, [submitted](#) a proposal to parliament that would further expand the country’s existing blasphemy law by dropping a requirement that an individual actually take religious offense from another’s actions. These actions stood in marked contrast to efforts elsewhere in Europe in recent years to repeal or nullify such laws, such as Norway (2015), Denmark (2017), Greece (2019), the Republic of Ireland (2020), and Scotland (2021).

In addition to these lingering blasphemy laws in Europe, vague and overbroad hate speech laws also remained a parallel legal challenge to religious freedom. Such laws criminalize speech that does not amount to incitement to violence, denying the integral right of individuals to peacefully and publicly share and express their religious beliefs—including beliefs that others in society may find offensive or controversial. For example, Finnish prosecutors charged MP Päivi Räsänen and Evangelical Lutheran Bishop Juhana Pohjola with hate speech in 2021 for expressing religious beliefs concerning LGBTQ+ issues. Although a court [dismissed](#) all charges against them in March 2022, the Finnish prosecutor appealed the ruling in May and the Court of Appeals subsequently [delayed](#) a new hearing to August 2023.

USCIRF highlighted several regional and country-specific contexts in which blasphemy cases remained especially concerning in 2022. For example, USCIRF’s October [issue update](#) on related laws in Southeast Asia found that blasphemy allegations and convictions continued to represent serious, ongoing religious freedom abuse in Muslim-majority Indonesia and Malaysia, while Brunei’s Shari’a-based Penal Code also enshrined restrictive and punitive blasphemy laws. At the same time, the Buddhist-majority countries of Burma and Thailand maintained their own versions of blasphemy laws as part of their authoritarian arsenals. USCIRF’s December [issue update](#) on blasphemy charges in Turkey delineated the ways in which the Turkish government uses Article 216(3) of its Penal Code to restrict freedom of religion or belief and freedom of expression. Its use of blasphemy charges is generally politically motivated and has served as a tool to silence dissenting or simply different voices. USCIRF’s most recent [policy update](#) on blasphemy laws in Nigeria, released in October,

demonstrates the ways in which the increasing enforcement of these laws as enshrined in criminal and Shari’a codes poses a significant risk to religious freedom for Nigerians—especially religious minorities and those who espouse unpopular or dissenting religious beliefs, worldviews, or interpretations.

## Emerging Religious Freedom Concerns in Other Countries

In Belarus, religious freedom conditions continued to trend negatively in 2022 as the government persisted in exerting control over all aspects of society following the country’s fraudulent 2020 election that kept President Alyaksandr Lukashenka in power. Authorities reportedly fined, [detained](#), and sentenced at least 20 Christian religious leaders for perceived political activities and forced several to flee the country. In January, amendments to the Criminal Code [took effect](#), recriminalizing with fines or up to two years’ imprisonment individual activities in unregistered or forcibly dissolved nongovernmental organizations, including religious organizations. In March, police briefly [detained](#) four mothers of Belarusian soldiers for attending prayers for peace at the Orthodox Holy Spirit Cathedral in Minsk. In September, the government [closed](#) the Roman Catholic Church of Saints Simon and Helena (Red Church) in Minsk—a symbol of political opposition to the Lukashenka regime during the 2020 protests—after a mysterious fire broke out, and officials gave no timetable for the repairs they claimed to be making.

Following Russia’s full-scale invasion of Ukraine in February, Ukrainian authorities increasingly scrutinized the Ukrainian Orthodox Church (UOC)—which is historically and ecclesiastically linked to the Moscow Patriarchate—despite the UOC [declaring](#) in May its “full independence and autonomy.” The Security Service of Ukraine (SBU) [searched](#) hundreds of UOC churches and other religious facilities and [opened](#) criminal proceedings against dozens of UOC clergy for collaborating with Russian authorities, spreading

pro-Russian propaganda, or justifying Russia’s invasion of Ukraine. In November, a group of Ukrainian parliamentarians proposed a bill that, if passed into law, would [ban](#) the Russian Orthodox Church (ROC) and religious organizations subordinate to the ROC, cancel property contracts with ROC-aligned religious organizations, and regulate the use of the term “Orthodox” by religious groups. In December, President Volodymyr Zelenskyy [ordered](#) his Cabinet of Ministers to also submit a bill to parliament that would make it “impossible for religious organizations affiliated with centers of influence in the Russian Federation to operate in Ukraine.” While the Ukrainian parliament had not passed any such legislation banning religious groups by the end of 2022, its potential to still do so remained a serious concern.

In Qatar, the increasingly concerning trend of official [discrimination](#) against the country’s small Baha’i community continued. For example, the government has not renewed residency visas for many Baha’is, despite their having lived peacefully in the country for decades, while plans for a new Baha’i cemetery remained in hiatus. In May, the Court of Cassation [upheld](#) the 2021 conviction of Remy Rouhani, chair of the National Spiritual Assembly of the Baha’is of Qatar,

*Sixteen European countries also maintained blasphemy laws—and in some cases enforced or sought to reinforce them in 2022*



on vague charges of financial crimes over his handling of money for that community. In March, the Baha'i International Community [raised concerns](#) that Qatar's Baha'i community is "at risk of being eradicated from the country" should these trends persist long term.

The Islamic State continued to pose a threat to freedom of religion or belief, gaining strength, territory, and fighters in several contexts. In addition to threats from the group discussed in the relevant country chapters—including Afghanistan, Pakistan, Syria, and Turkey—affiliates in Mozambique, the Democratic Republic of Congo (DRC), and others continued to conduct attacks, harm civilians, and enforce harsh interpretations of Islamic law in their campaigns to establish governance based on their religious beliefs. For example, the Islamic State-affiliated Allied Defense Forces (ADF) reportedly continued to [enforce](#) a strict interpretation of Islamic law and commit egregious violations of freedom of religion or belief, including forced prayer, conversion, and marriage.

In addition to violent threats from Islamic State affiliates, armed groups in the DRC directly placed religious communities in their line of fire, including targeting houses of worship. An attack in March by the Cooperative for Development of the Congo (CODECO) on a [church compound](#) in Ituri Province killed 18 civilians seeking refuge there. Rwandan-backed armed group M23 also attacked worshippers at an Adventist church in the context of a wider [massacre](#) that killed an estimated 270 people in December in Kishishe.

In Ethiopia, armed actors targeted [religious infrastructure](#) in the context of the ongoing civil conflict in the Tigray and Oromia regions, impacting worship for several faith communities. In Oromia, Ethiopian security forces attacked practitioners of an indigenous religion conducting a [sacred prayer ceremony](#) and abducted, tortured, and executed several spiritual leaders and other worshippers. Instability and impunity for violence in Ethiopia have also aggravated religious tensions in some regions and led to nonstate armed actors attacking houses of worship and religious communities. In April, alleged anti-Muslim extremists [attacked](#) the funeral of a Muslim elder in the northern city of Gondar and killed 20 members of that community. In November, an unidentified armed group killed at least 15 worshippers in a [drone attack](#) on an Evangelical Christian church in Oromia, following similar attacks on nearby sites earlier that month.

Meanwhile, religious freedom conditions in various parts of South Asia continued to exhibit substantial challenges throughout the year. In Bangladesh, the [Armed Police Battalion](#) extorted, [harassed](#), and arbitrarily arrested Rohingya refugees, while government officials [imposed](#) new restrictions making it more difficult for these refugees to secure livelihood and for their children to receive education. Elsewhere in the country, [perpetrators](#) also reportedly [vandalized](#) several [Hindu temples](#) in a series of incidents in October and December, echoing deadly anti-Hindu riots that [targeted](#) temples and worshippers one year prior. Meanwhile, in July, a High Court in Nepal [affirmed](#) the [conviction](#) of a pastor for illegal proselytization—despite the dropping of all charges against him one month prior—but revised his sentence from two years' imprisonment to one year and reportedly released him on bail in January 2023, pending appeal.

## Combating Antisemitism: Positive Developments

While antisemitism continued to present an alarming resurgence in various parts of the world in 2022, a number of countries in Europe, Latin America, the Middle East, and North Africa launched or continued [substantive and ongoing initiatives](#) to combat this trend.

The European Commission [published](#) a strategy in 2021 on combating antisemitism and fostering Jewish life in Europe, which—among other items—called for all European Union (EU) member states to develop their own national strategies on combating antisemitism. In 2022, [Denmark](#) and [Germany](#) joined the list of EU member states to announce their individual strategies, followed by [France](#), [Spain](#), and [Sweden](#) in early 2023, shortly after the reporting period. However, [Finland](#) was the only additional EU member state to adopt the International Holocaust Remembrance Alliance working definition of antisemitism and its examples in 2022. Outside of the EU, [Bosnia](#) also newly agreed to adopt the definition, and [Croatia](#) followed suit in early 2023, just months after it [created and filled](#) the role of Special Advisor to the Prime Minister of Croatia for Holocaust Issues and Combating Antisemitism in September. In another first, Sweden [appointed](#) its first Special Investigator responsible for [outlining](#) the status of the Jewish community in Sweden and proposing a national strategy on supporting Jewish life.

In April, the United Nations Educational, Scientific and Cultural Organization (UNESCO) [partnered](#) with the Latin American Jewish Congress to organize a workshop for policymakers from Latin America and the Caribbean to promote education to address antisemitism, which 60 policymakers from 14 countries attended. In July, Israel's Holocaust memorial center Yad Vashem launched a collaborative effort with the Organization of American States

Commissioner to Monitor and Combat Anti-Semitism to translate educational materials about the Holocaust into Spanish. Yad Vashem officials also [announced](#) a similar agreement that month with Argentina's Ministry of Education to promote Holocaust-related educational and commemorative activities in that country.

In the Arabian Gulf region, some governments moved forward with recent

initiatives to promote Jewish life, implement school curricula that positively show Jews as entwined in the national and cultural fabric, and spread Holocaust awareness. In January, the United Arab Emirates hosted its [first official](#) International Holocaust Remembrance Day commemoration at the Anwar Gargash Diplomatic Academy in Abu Dhabi, under Ministry of Culture and Education sponsorship. In November, the privately run Crossroads of Civilizations Museum in Dubai held the country's first-ever Kristallnacht commemoration, [hosting](#) a Holocaust survivor for the event who also subsequently appeared at a local school to share about her experiences. Bahrain's Hammad Global Center for Peaceful Coexistence also [cohosted](#) a Holocaust remembrance event in January in which Israeli President Isaac Herzog and former Ashkenazi Chief Rabbi Yisrael Meir Lau participated.

*Indigenous peoples in Latin America  
have long faced a series of  
collective and individual threats to the  
full enjoyment of their religious freedom  
and related rights . . .*



## Religious Freedom Concerns for Indigenous Peoples in Latin America

Indigenous peoples in Latin America have long faced a series of collective and individual threats to the full enjoyment of their religious freedom and related rights: lack of recognition of ancestral land ownership, state absence and organized crime, extraction of natural resources by legal and illegal companies, breakdown of the social fabric, and dispossession of land by appropriation. Although not all these areas of concern unambiguously connect to religious freedom from a Western perspective, the holistic nature of most indigenous worldviews in the region means that indigenous groups often indeed perceive and experience them as religious freedom violations. For example, in Nicaragua, the government [canceled](#) the legal status of a number of indigenous nongovernmental organizations in March, including the Center for Justice and Human Rights of the Atlantic Coast of Nicaragua, which focuses on environmental development and defending the customs and sacred territories of the country's native communities. Additionally, in July—in a case that illustrates

issues that other indigenous communities also face—illegal miners in Peru [attacked](#) leaders of the Sua Panki, Tufino, Wawain, and Mamayaque communities in the Department of Amazonas. This sort of harassment and violence forces the displacement of these traditional communities and serves to break their social fabrics.

Religious freedom concerns also impact indigenous individuals across Latin America through several other key issues: conversion, contributions to patronal feasts, construction of places of worship, proselytism and religious education, and renunciation of ancestral practices and expulsion from communal property. Indigenous community leaders themselves have often perpetrated related violations, although organized crime as well as revolutionaries and paramilitary groups have also contributed to these challenges. Researchers at the Observatory of Religious Freedom in Latin America documented 497 such incidents in 2022 in Chile, Mexico, and Colombia; in one such incident, authorities of San Juan Mazatlán in Mexico [detained](#) 15 indigenous individuals from six different families from an evangelical Christian community for not contributing to local Catholic festivities.



# KEY USCIRF RECOMMENDATIONS IMPLEMENTED

The International Religious Freedom Act of 1998 (IRFA), as amended, mandates USCIRF to make independent policy recommendations to the president, secretary of state, and Congress. The recommendations are based on USCIRF's research on religious freedom conditions abroad and assessment of U.S. policy. In addition, USCIRF's mandate includes tracking the U.S. government's implementation of USCIRF's recommendations and reviewing, to the extent practicable, the effectiveness of such implemented recommendations in advancing religious freedom internationally. While notable U.S. government actions pursuant to USCIRF's recommendations are detailed throughout this report, this section highlights the key USCIRF recommendations implemented during 2022 and early 2023, including several longstanding recommendations. The list, which is not exhaustive, is meant to showcase the effectiveness of U.S. government actions resulting from the implementation of USCIRF's recommendations. Unless otherwise noted, the recommendations highlighted here were included in USCIRF's 2022 Annual Report.

## Designating the Worst Violators

- On November 30, 2022, the U.S. Department of State [designated](#) 12 countries as "countries of particular concern" (CPCs) under IRFA. USCIRF recommended that the State Department designate 10 of the 12 countries as CPCs. The two countries that USCIRF did not recommend for CPC status but that the State Department designated as such—Cuba and Nicaragua, which USCIRF had recommended for the State Department's Special Watch List (SWL)—experienced severe deteriorations in religious freedom conditions after USCIRF issued its 2022 Annual Report.
- Alongside the CPC designations, the State Department placed four countries on its SWL under IRFA. USCIRF recommended two of these countries—Algeria and the Central African Republic (CAR)—for such placement. CAR was added to the SWL for the first time.
- At the same time, the State Department also designated nine nonstate actors as "entities of particular concern," seven of which USCIRF recommended for such designation.

## Filling IRF-Related Appointments

- USCIRF recommended that the Joseph R. Biden administration fill and maintain the position of Special Envoy for North Korean Human Rights Issues. In January 2023, after the reporting period, the Biden administration [nominated](#) Julie Turner to serve as Special Envoy with the rank of Ambassador.

## Increasing the Use of Targeted Sanctions

- USCIRF has consistently called on the U.S. government to increase the use of human rights related financial and visa authorities to impose asset freezes and/or visa bans on individuals and entities for severe religious freedom violations, citing specific abuses. Over the course of 2022, the U.S. government issued sanctions under the Global Magnitsky Human Rights Accountability Act (Global Magnitsky Act) and other authorities against individuals and entities specifically for religious freedom abuses. Significant sanctions issued during the year for religious freedom abuses are listed below.
- In September, the U.S. Department of the Treasury [sanctioned](#) "judges" serving in Russian-occupied Crimea who imposed harsh sentences on members of religious minority groups for exercising their religious freedoms.
- In [September](#), [twice](#) in [October](#), in [November](#), and [twice](#) in [December](#), the Treasury Department sanctioned Iranian officials for their brutal crackdown on demonstrators protesting Mahsa Zhina Amini's death in [police custody](#). Prior to her death, Iran's "Morality Police" arrested and tortured Amini for wearing an "improper hijab."
- In October, U.S. Secretary of State Antony J. Blinken [announced](#) the imposition of visa restrictions against current and former Taliban officials responsible for violence against women and restrictive policies based on the group's interpretation of religion, such as barring girls from attending secondary school.
- In December, the Treasury Department [sanctioned](#) Chinese public security officials responsible for human rights and religious freedom violations in the Tibetan Autonomous Region.
- In December, the Treasury Department [sanctioned](#) North Korea's Ministry of State Security Border Guard General Bureau for human rights violations, including forced labor and torture.

## Designation of Rohingya Genocide

- In March 2022, the State Department [determined](#) that the atrocities committed by the Burmese military, known as the Tatmadaw, against the Rohingya constitute genocide and crimes against humanity, an action that USCIRF had been recommending since 2019. Four days after the determination, the Treasury Department [sanctioned](#) Burmese military units, commanders, and arms dealers. USCIRF has [highlighted](#) the importance of a genocide determination to the Rohingya community and how to hold perpetrators of mass atrocities [accountable](#).

## Raising IRF Issues in Multilateral Engagement

- USCIRF recommended that the Biden administration maintain the United States' leadership role in the [International Religious Freedom or Belief Alliance](#) (IRFBA). In 2022, the United States continued to serve as the Secretariat for IRFBA. During the year, IRFBA made multicountry statements on egregious religious freedom violations in [Nicaragua](#) and [Nigeria](#), the rights of religious minority groups such as the [Baha'i](#) and [Ahmadiyya Muslim](#) communities to practice their faith freely, and the incompatibility of [blasphemy laws](#) with freedom of religion or belief and freedom of expression.
- USCIRF recommended that the U.S. government prioritize freedom of religion or belief in the United States' renewed engagement with the United Nations (UN) human rights system, including at the UN Human Rights Council (UNHRC). In 2022, the United States served the first year of a three-year term as a member of the UNHRC. During the year, the U.S. government [cosponsored](#) a resolution on Freedom of Religion or Belief, [supported](#) calling an urgent debate about ongoing human rights violations against women and girls in Afghanistan, and [supported](#) convening a special session and [establishing](#) a fact-finding mission on Iran's human rights violations following Mahsa Zhina Amini's death in police custody. In addition, the U.S. government supported a resolution that removed Iran from the UN Commission on the Status of Women, organized events on [protecting](#) ethnic and religious minority groups in Afghanistan and [protecting](#) the right to freedom of religion or belief for Tibetan Buddhists, and [joined](#) a 47-country joint statement on human rights conditions in Xinjiang, Hong Kong, and Tibet.
- USCIRF recommended that the U.S. government collaborate with and encourage multilateral organizations, such as the Organization of American States (OAS), to monitor and investigate religious freedom violations that occur in Nicaragua. In August, the OAS [adopted](#) a resolution strongly condemning the harassment of and arbitrary restrictions placed on religious organizations in Nicaragua.
- USCIRF recommended that the U.S. government increase engagement with the Association of Southeast Asian Nations (ASEAN) to stem ongoing religious freedom violations and promote accountability in Burma. In May, the U.S. government hosted a [U.S.-ASEAN Special Summit](#) and released a [joint statement](#) calling for an immediate cessation of violence in Burma. In November, President Biden attended the [10th Annual U.S.-ASEAN Summit](#) in Cambodia and elevated U.S.-ASEAN relations to a Comprehensive Strategic Partnership.

## Raising IRF Issues in Bilateral Engagement

- USCIRF recommended that the U.S. government urge relevant Algerian government officials to deliver clear and timely responses to registration requests by non-Muslim organizations as required by Ordinance 06-03. In 2022, U.S. government officials, including [U.S. Deputy Secretary of State Wendy R. Sherman](#), raised issues surrounding religious organization registration with Algerian government officials and other relevant stakeholders.
- USCIRF recommended that the U.S. government prioritize travel to Turkey for officials at the highest levels of the Office of International Religious Freedom to meet with Turkish counterparts and raise issues related to freedom of religion or belief and antisemitism. In September, U.S. Ambassador at Large for International Religious

Freedom Rashad Hussain [traveled](#) to Turkey to meet with Turkish government officials, civil society groups, and religious communities on religious freedom related issues.

- USCIRF recommended that the U.S. government, in its engagements with Turkish government officials, press for the reopening of the Theological School of Halki. In 2022, Office of International Religious Freedom staff [visited](#) the Theological School of Halki and urged Turkey to allow the seminary to reopen.
- USCIRF recommended that the U.S. government conduct a comprehensive review of all U.S. assistance to Egypt and continue to withhold a portion of Foreign Military Financing for specified international religious freedom violations. Congress conditioned up to \$300 million of the \$1.3 billion annual Foreign Military Financing aid package to Egypt on human rights improvements. In September, the administration chose to [withhold \\$130 million](#).
- USCIRF recommended that Congress incorporate religious freedom concerns into its larger oversight of the U.S.-Iraq bilateral relationship through hearings, letters, and congressional delegations. In November, House Veterans Affairs Committee members [traveled](#) to Iraq and raised religious freedom issues.
- USCIRF recommended that the U.S. government grant a waiver of sanctions in the areas governed by the Autonomous Administration of North and East Syria. In May, the U.S. government issued a [general license](#) authorizing wider forms of private economic activity in areas of northeast and northwest Syria outside the control of President Bashar al-Assad's regime.
- USCIRF recommended that the U.S. government continue to allocate funding for humanitarian assistance, including for refugees, internally displaced persons, and returnees in CAR. In 2022, the U.S. Agency for International Development (USAID) [maintained](#) its support for CAR, including through health and nutrition assistance as well as water, sanitation, and hygiene assistance; protection programs for CAR's most vulnerable populations; and shelter and settlement support.
- USCIRF recommended that the U.S. government provide financial, administrative, and diplomatic support to CAR's Special Criminal Court (SCC), including urging the CAR government to cease all obstructions to such investigations. In 2022, the U.S. government continued to support the SCC, including through [statements](#) recognizing the body's accomplishments.

## Implementation of Executive Order 13926 - Advancing International Religious Freedom

- USCIRF has called on the Biden administration to continue to implement the [executive order](#) on [Advancing International Religious Freedom](#), signed by then President Donald J. Trump in June 2020. The executive order included several of USCIRF's longstanding recommendations related to the prioritization of religious freedom in U.S. foreign policy. This included increasing related foreign assistance and developing an overall strategy for promoting religious freedom abroad and country-specific action plans. In 2022, the Biden administration implemented the executive order in the following ways:
  - The State Department continued to pursue country-specific action plans, again dedicated \$50 million to IRF-related

programming, and continued to provide training on IRF issues to foreign service officers.

- USAID continued to advance religious freedom within its priorities and programming, including through activities to address the needs of vulnerable religious minority communities in [various parts of the world](#) as well as organizational initiatives such as the [IRF Sector Council](#) to foster agency-wide coordination and cooperation.

## Refugee Resettlement

- USCIRF has consistently recommended that the U.S. government maintain a robust refugee resettlement program and that victims of the most severe religious persecution be prioritized. In September 2022, the Biden administration [maintained](#) the annual refugee ceiling at 125,000 for FY 2023.
- USCIRF recommended that Congress reauthorize the Lautenberg Amendment to aid persecuted Iranian religious minorities seeking refugee status in the United States. In March, the Lautenberg Amendment was [reauthorized](#).

## Asylum Seekers in Expedited Removal

- USCIRF has repeatedly recommended that successive administrations address the longstanding flaws in the treatment of asylum seekers in expedited removal that USCIRF has identified in reports issued in [2005](#), [2007](#), [2013](#), and [2016](#).
- In March 2022, the U.S. Department of Justice (DOJ) and Department of Homeland Security (DHS) [issued](#) a new rule that authorizes asylum officers from the United States Citizenship and Immigration Services (USCIS) to consider the asylum applications of individuals subject to expedited removal who assert a fear of persecution or torture and pass the required credible fear screening, as USCIRF had recommended. Prior to the new rule, USCIS asylum officers could only conduct an initial screening to evaluate whether an applicant's fear of persecution or torture was credible. If the asylum officers found the fear credible, then the application would be referred to an immigration judge for consideration.

## Advocacy for Religious Prisoners of Conscience

- USCIRF has recommended that U.S. government officials and members of Congress press foreign governments for the release of religious prisoners of conscience (RPOCs). Pursuant to this recommendation, U.S. officials actively engaged on RPOC cases around the world.
- The State Department strongly [condemned](#) the Burmese government's arrest and detention of Reverend Hkalam Samson and called for his release. Reverend Samson has been one of Burma's most respected religious leaders and a prominent voice for peace.
- The State Department [marked](#) the 33rd birthday of Gedhun Choekyi Nyima, the 11th Panchen Lama, who has been missing since the Chinese government abducted him as a six-year-old child, and urged the Chinese government to account for his whereabouts and wellbeing.

- The State Department [condemned](#) the Russian government's imprisonment of Jehovah's Witnesses for holding religious meetings.
- The U.S. Mission in Vietnam [advocated](#) for access to religious materials and clergy for persons who were incarcerated.
- Members of Congress [advocated](#) for the release of RPOCs, including by adopting RPOCs through the Tom Lantos Human Rights Commission's (TLHRC) [Defending Freedoms Project](#) and [speeches](#) on the [Senate floor](#).

## Enforcement of China-Related Human Rights Legislation

- USCIRF recommended that the U.S. government enforce China-related human rights legislation to ensure that U.S. companies do not contribute to religious freedom violations in China. In June, the Uyghur Forced Labor Prevention Act (UFLPA) [went into effect](#) and U.S. Customs and Border Protection began [implementation](#) of the law by prohibiting imports from Xinjiang. In August, DHS [published](#) its UFLPA entities list identifying foreign companies involved in human rights violations in Xinjiang. Foreign companies appearing on the entities list are presumed to produce products wholly or in part with forced labor, and as such their products are prohibited entry at U.S. ports of entry. In December, the U.S. Department of Commerce [added](#) Tianjin Tiandi Weiye Technologies to its entities list for the company's human rights violations in China, including against Uyghurs, Kazakhs, and other members of Muslim minority groups in Xinjiang. As such, the company will be subject to import restrictions.

## Congressional Action Promoting Religious Freedom

- USCIRF recommended that Congress highlight international religious freedom issues through legislation, hearings, briefings, and other actions.
- In April, Congress [passed](#) and the president [signed into law](#) the permanent reauthorization of the Global Magnitsky Act.
- In December, Congress passed and the president signed into law the [Burma Act](#).
- In 2022, Congress held several hearings on international religious freedom issues. Those hearings include a House Foreign Affairs Committee [hearing](#) on the Burma crisis one year after the coup, TLHRC hearings on [discrimination against Muslims worldwide](#) and the [perilous state of religious freedom in Nicaragua](#), and Congressional Executive Commission on China hearings on [China's control of religion through digital authoritarianism](#), growing [constraints on language and ethnic identity in China](#), and human rights abuses in [Tibet](#).





# APPENDIX 1 COMMISSIONER BIOGRAPHIES



## **Nury Turkel, Chair**

REAPPOINTED BY  
Hon. Nancy Pelosi (D), then Speaker of the U.S. House of Representatives, for a term expiring in May 2024. Lawyer, author, human rights advocate, Senior Fellow at the Hudson Institute, and member of the Council on Foreign Relations.



## **Abraham Cooper, Vice Chair**

APPOINTED BY  
Hon. Mitch McConnell (R), Senate Minority Leader, for a term expiring in May 2024. Associate Dean and Director of Global Social Action for the Simon Wiesenthal Center, a leading Jewish human rights organization.



## **David Curry, Commissioner**

APPOINTED BY  
Hon. Kevin McCarthy (R), then House Minority Leader, for a term expiring in May 2024. President and CEO of Global Christian Relief, an international ministry that advocates on behalf of those who are persecuted for their Christian faith.



## **Frederick A. Davie, Commissioner**

REAPPOINTED BY  
Hon. Charles Schumer (D), Senate Majority Leader, for a term expiring in May 2024. Senior Strategic Advisor at the Union Theological Seminary in New York City and Senior Advisor on Racial Equity at Interfaith America.



## **Sharon Kleinbaum, Commissioner**

APPOINTED BY  
President Joseph R. Biden (D) for a term expiring in May 2023. Spiritual leader of Congregation Beit Simchat Torah in New York City and Commissioner on New York City's Commission on Human Rights.



## **Mohamed Magid, Commissioner**

APPOINTED BY  
President Joseph R. Biden (D) for a term expiring in May 2024. Executive Religious Director and Imam of All Dulles Area Muslim Society Center, Chairman of International Interfaith Peace Corps, member of the Muslim Jewish Council, Co-President of Religions for Peace, and Co-Founder of the Multi-faith Neighbors Network.



## **Stephen Schneck, Commissioner**

APPOINTED BY  
President Joseph R. Biden (D) for a term expiring in May 2024. Political philosopher and retired professor from The Catholic University of America. Catholic advocate for social justice and serves on the governing boards of Catholic Climate Covenant and Catholic Mobilizing Network.



## **Eric Ueland, Commissioner**

APPOINTED BY  
Hon. Mitch McConnell (R), Senate Minority Leader, for a term expiring in May 2024. Visiting Fellow at the Heritage Institute with history of service in the United States Congress, the executive branch, and the private sector.



## **Frank Wolf, Commissioner**

APPOINTED BY  
Hon. Kevin McCarthy (R), then House Minority Leader, for a term expiring in May 2024. Retired U.S. Member of Congress, Founder and former Co-Chairman of the Tom Lantos Human Rights Commission.



# APPENDIX 2 FREEDOM OF RELIGION OR BELIEF VICTIMS LIST

## Introduction

The International Religious Freedom Act of 1998 (IRFA), as amended by the Frank R. Wolf International Religious Freedom Act of 2016, requires USCIRF to:

make publicly available, to the extent practicable . . . lists of persons it determines are imprisoned or detained, have disappeared, been placed under house arrest, been tortured, or subjected to forced renunciation of faith for their religious activity or religious freedom advocacy by the government of a foreign country that the Commission recommends for designation as a country of particular concern [CPC] . . . or by a nonstate actor that the Commission recommends for designation as an entity of particular concern [EPC].

USCIRF developed the [Freedom of Religion or Belief \(FoRB\) Victims List](#)—an online public database—to implement this provision for countries USCIRF recommends for Country of Particular Concern (CPC) or Special Watch List (SWL) status. The list also includes such victims located in the de facto territories of nonstate actors that USCIRF recommends for Entity of Particular Concern (EPC) status, according to the same criteria.

Due to limited resources, USCIRF is unable to identify and document all victims that meet the statutory requirement to be included on the FoRB Victims List and generally relies on receiving submissions from outside individuals and organizations. As such, the information contained in the database does not reflect country, regional, or global trends. Furthermore, percentages highlighted in this section should not be used for extrapolation purposes nor interpreted as a particular group experiencing greater violations than another or a particular country committing violations at a greater rate than others. To support this project, USCIRF invites those with credible information on victims to submit information using the [Victims List Intake Form](#). Additional information about the FoRB Victims List can be found in USCIRF’s [FoRB Victims List Factsheet](#).

## Perpetrators

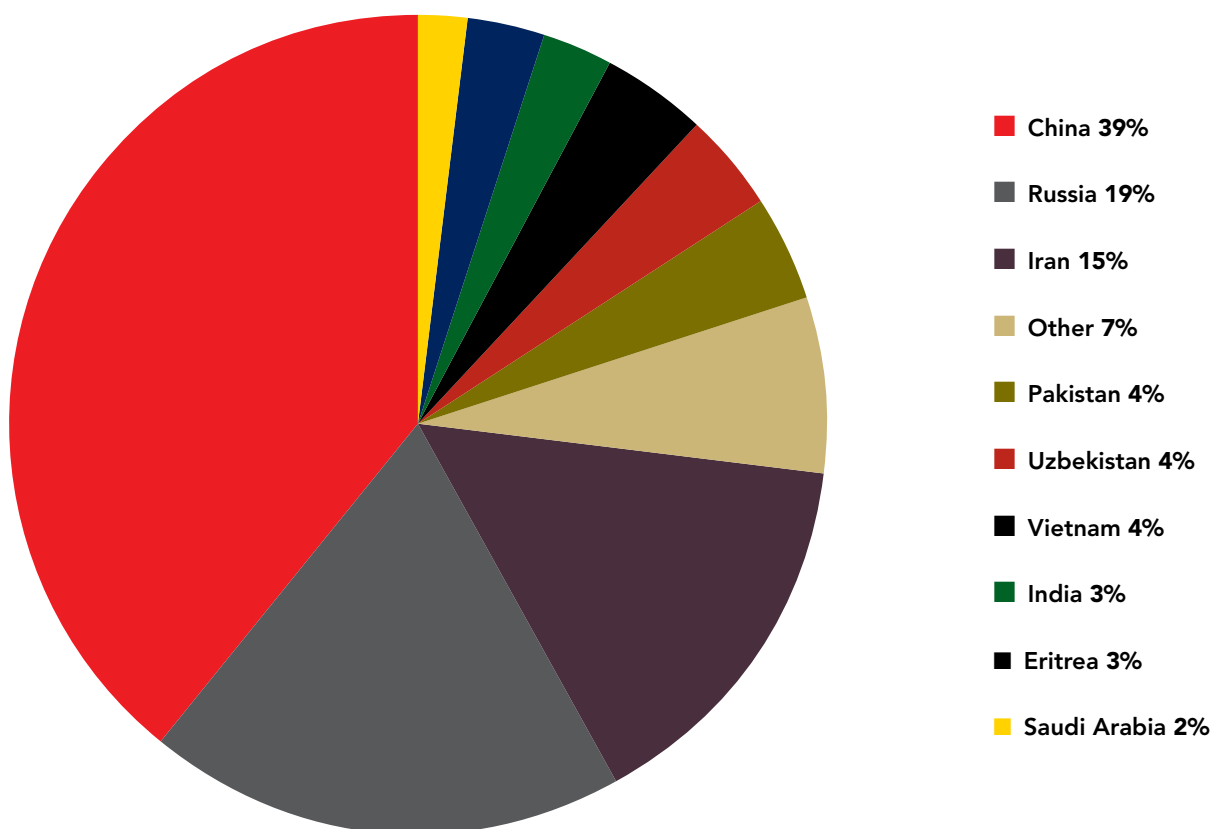
By the end of 2022, the FoRB Victims List included nearly 2,000 individuals targeted by 26 different countries and entities. More than 1,400 victims remain in some form of custody, while more than 300 have been released. The detention status of approximately 200 cases remains unknown, and six individuals are listed as deceased after dying in state custody. The following table provides a breakdown of the data by country.

Perpetrator	Not Released	Released	Died in Custody	Unknown	Total
Algeria	5				5
Azerbaijan	6	3		2	11
Burma	4				4
China	578	29		146	753
Cuba	8	1		2	11
Egypt	2	12		1	15
Eritrea	25	24	1		50
Hay’at Tahrir al-Sham (HTS)				2	2
Houthis	1	1			2
India	44	10	1		55
Indonesia	6			1	7
Iran	167	119	1	7	294
Iraq	2				2
Islamic State in West Africa Province (ISWAP)				1	1
Kazakhstan	11	3		1	15
Malaysia				4	4
Nicaragua	9				9
Nigeria	6			3	9

Perpetrator	Not Released	Released	Died in Custody	Unknown	Total
North Korea	1			8	9
Pakistan	61	21	1		83
Russia	318	50		1	369
Saudi Arabia	38	6			44
Tajikistan	9	3			12
Turkmenistan	6	21			27
Uzbekistan	52	30			82
Vietnam	59	6	2	10	77
<b>Total</b>	<b>1,418</b>	<b>339</b>	<b>6</b>	<b>189</b>	<b>1,952</b>

Based on the information maintained in the database, the following chart reflects the percentage of individuals imprisoned by country. Among the violators, China imprisoned the most FoRB victims, followed by Russia, Iran, Pakistan, Uzbekistan, Vietnam, India, Eritrea, and Saudi Arabia. Victims from all other countries and entities individually constituted one percent or less than one percent of the victims in the database.

### VICTIMS BY PERPETRATOR



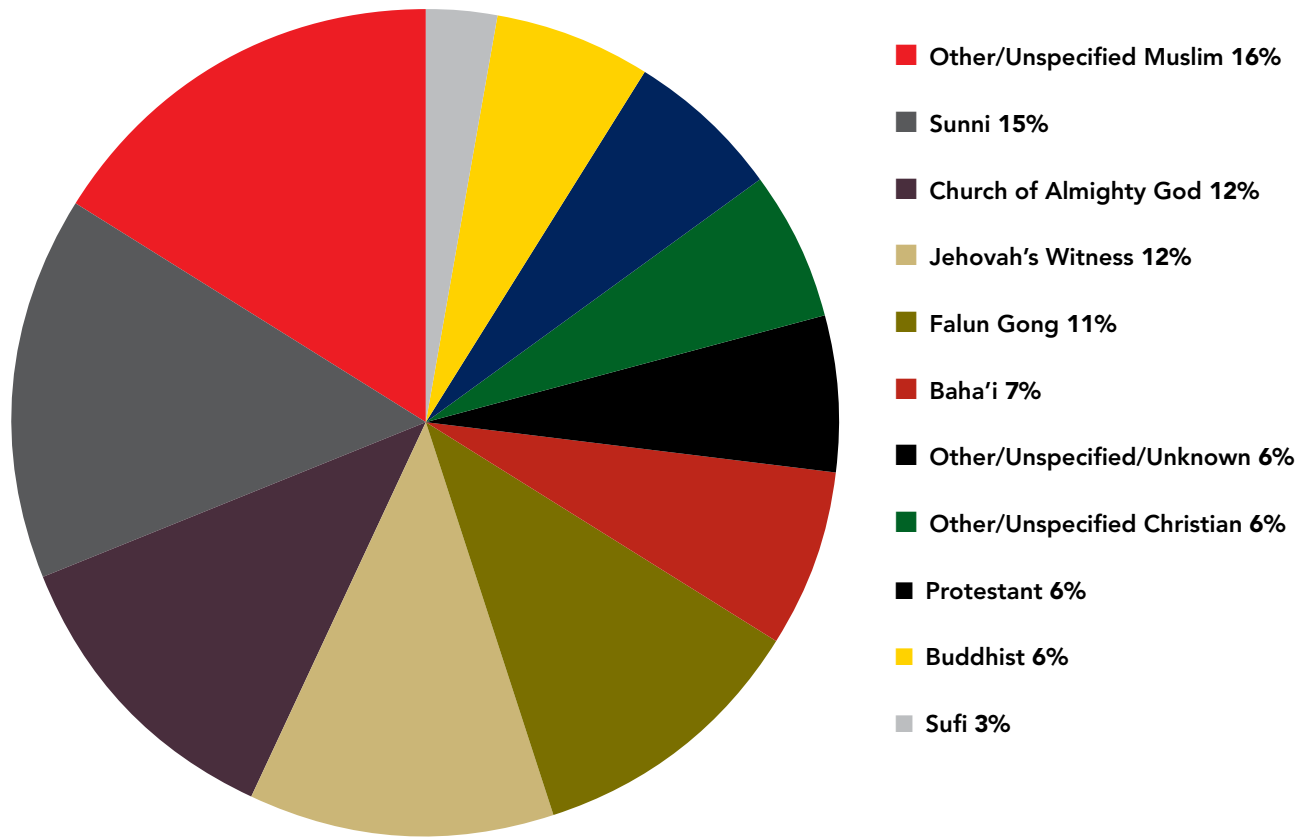
## Religions and Beliefs

The FoRB Victims List contains individuals with a wide variety of beliefs and religions, as reflected in the following table.

Religion or Belief	Number of Victims Documented
Adivasi	1
Baha'i	129
Bon	1
Buddhist - Hoa Hao	6
Buddhist - Theravada	3
Buddhist - Tibetan	73
Buddhist - Unspecified/Other	28
Christian - Catholic	40
Christian - Church of Almighty God	236
Christian - Jehovah's Witness	227
Christian - Orthodox	14
Christian - Protestant	113
Christian - Unspecified/Other	62
Duong Van Minh	4
ECKist (Eckankar)	1
Erfan-e Halgheh Practitioner	2
Falun Gong	208
Hindu	11
Humanist	1
Jewish	1
Muslim - Ahmadiyya	22
Muslim - Qur'anist	1
Muslim - Shi'a	37
Muslim - Sufi	61
Muslim - Sunni	300
Muslim - Unspecified/Other	264
Santería	5
Scientologist	1
Shaman	1
Sikh	1
Yarsani	37
Unknown/Unspecified	61
<b>Total</b>	<b>1,952</b>

The following chart provides a percentage for the individuals, based on their religion or belief, maintained in the database.

### VICTIMS BY RELIGION OR BELIEF





## Nature of Charges

Individuals included on the FoRB Victims List face a range of charges in several different legal contexts. USCIRF created groupings for similar charges to identify how foreign governments and entities justify the incarceration of the individuals included on the FoRB Victims List. USCIRF's categories are not mutually exclusive, and individuals are often included in more than one category based on varying charges brought against them. While USCIRF excludes from the FoRB Victims List individuals known to have committed or promoted violence, many individuals on the list face unsubstantiated accusations of violent crimes by the foreign government.

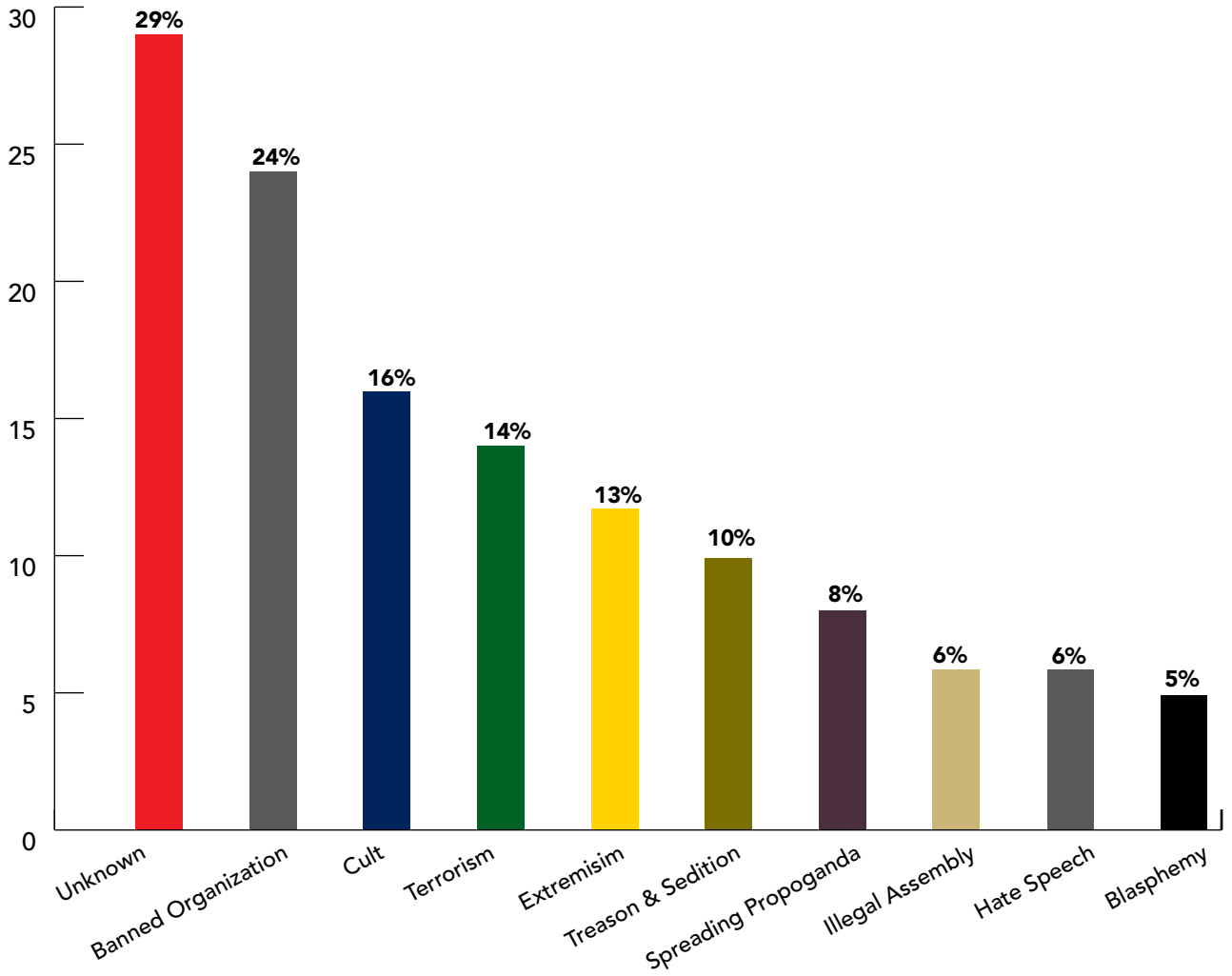
USCIRF is in the process of identifying charges for more than a quarter of the victims. Dozens of victims are not facing any charges, yet they remain imprisoned or have been subjected to other violations included on the FoRB Victims List that do not involve legal charges, such as enforced disappearance or forced renunciation of faith.

Nature of Charges Categories	Number of Individuals Charged	Percentage of Individuals Charged
Aid & Abetment	14	1%
Apostasy	4	< 1%
Arms Trafficking & Illicit Use of Weapons	32	2%
Assault & Battery	9	< 1%
Banned Organization	473	24%
Blasphemy	100	5%
Breach of Privacy & Disclosure	2	< 1%
Conversion	29	1%
Crimes Involving Minors	4	< 1%
Criminal Premeditation & Conspiracy	26	1%
Cult	309	16%
Defamation	2	< 1%
Drug Trafficking & Illicit Drug Use	9	< 1%
Embezzlement & Fraud	9	< 1%
Environmental Crimes	1	< 1%
Extremism	257	13%
Fabricating & Destroying Evidence	5	< 1%
Filing a False Police Report	3	< 1%
Forgery	7	< 1%
Harboring a Fugitive	5	< 1%
Hate Speech	108	6%
Illegal Assembly	118	6%
Illegal Business Activity	5	< 1%
Illegal Migration & Entry/Exit of Country	6	< 1%

Nature of Charges Categories	Number of Individuals Charged	Percentage of Individuals Charged
Illicit Financing	52	3%
Immorality	9	< 1%
Incitement to Commit Crime & Violence	43	2%
Insulting Public Officials & Institutions	9	< 1%
Leaking State Secrets	4	< 1%
Mercenarism	2	< 1%
Miscellaneous Religious Crimes	14	1%
Murder & Attempted Murder	27	1%
Negligence	1	< 1%
No Charges/Not Applicable	65	3%
Public Disorder	91	5%
Refusing & Absconding Military Service	23	1%
Separatism	28	1%
Spreading Propaganda & False or Misleading Ideas, Information, or Materials	165	8%
Subversion	76	4%
Terrorism	270	14%
Theft & Robbery	3	< 1%
Threat	2	< 1%
Treason & Sedition	197	10%
Unlawful Disobedience	49	3%
Violating Prison Rules	11	1%
Unknown	559	29%

The following chart highlights the top 10 most common types of charges for individuals on the FoRB Victims List.

### TOP TEN MOST COMMON CHARGES



# APPENDIX 3 HIGHLIGHTS OF USCIRF'S PUBLIC ACTIVITIES IN 2022

In addition to releasing an Annual Report by May 1 of each year, USCIRF produces research and additional information related to international religious freedom throughout the year. This Appendix highlights USCIRF's events and other materials from calendar year 2022. USCIRF's 2022 [press releases and statements](#) and [op-eds](#) are available on USCIRF's website at [www.uscifr.gov](http://www.uscifr.gov). USCIRF's 2022 Tweets can be found [here](#).

## Hearings:

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- February 2022: [Anti-Muslim Policies and Bias in Europe](#)
- March 2022: [Women's Roles in Advancing International Religious Freedom](#)
- May 2022: [Freedom of Religion or Belief in Syria](#)
- August 2022: [Religious Freedom in Afghanistan: One Year since the Taliban Takeover](#)
- September 2022: [Religious Freedom, Violence, and U.S. Policy in Nigeria](#)
- October 2022: [U.S. Policy and Freedom of Religion or Belief in North Korea](#)
- November 2022: [Crackdown on Religious Freedom in Nicaragua](#)
- December 2022: [China's Religious Freedom Violations: Domestic Repression and Malign Influence Abroad](#)

## Events:

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- February 2022: [Global Compact on Refugees](#)
- March 2022: The Implications of Russia's Invasion of Ukraine and the State of International Religious Freedom (Congressional Briefing)
- April 2022: [2022 Annual Report: Key Findings and Recommendations](#)
- June 27, 2022: [An Unflinching Voice: USCIRF's Impact on International Religious Freedom](#) (Congressional Briefing)
- August 2022: [Constitutional Reform and Religious Freedom in Cuba](#)
- September 2022: [Assessing Religious Freedom in Egyptian Curriculum Reform](#)
- November 2022: [Iranian Government Propaganda against Religious Minorities](#)

## Publications:

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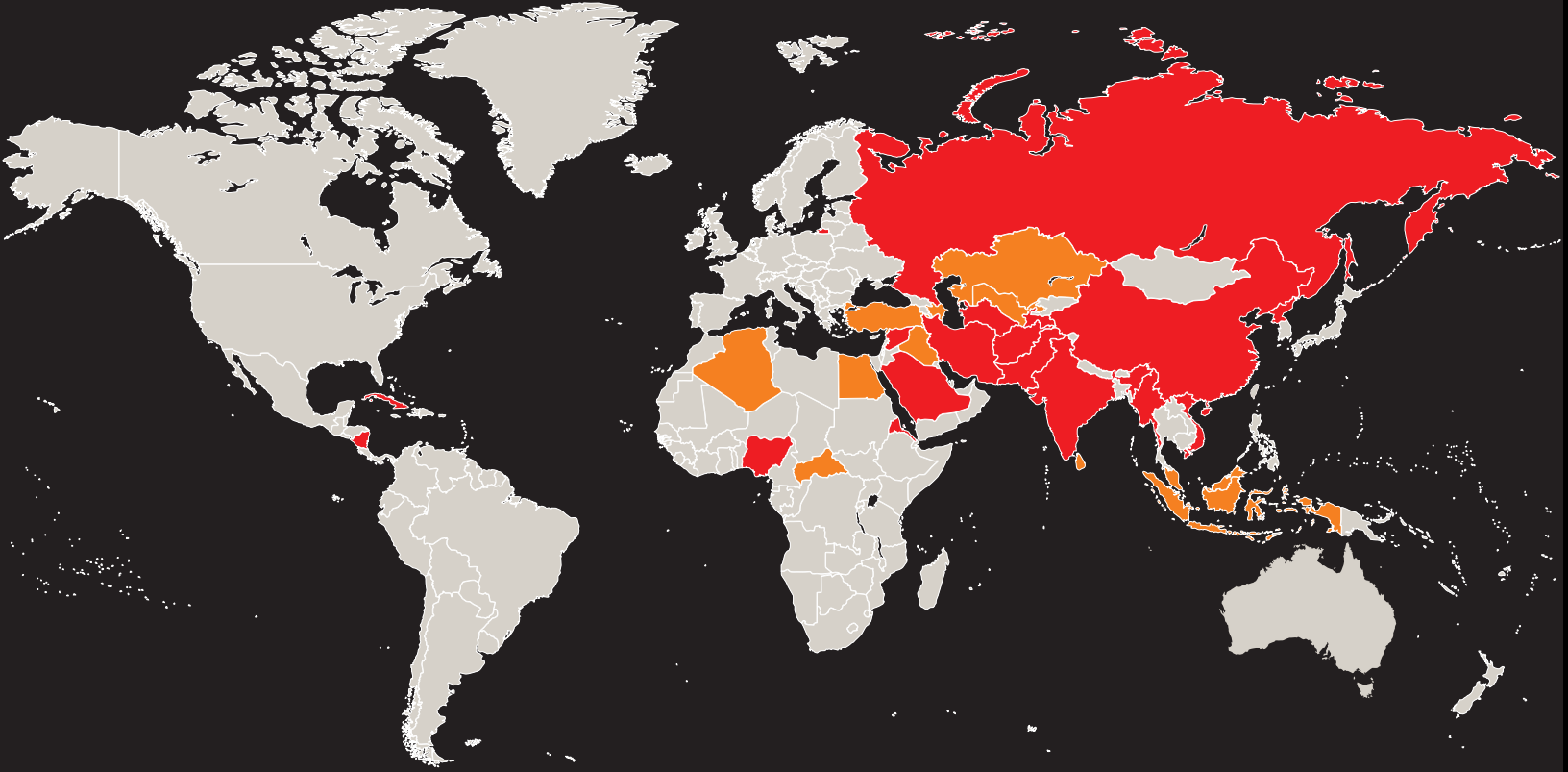
- January 2022: [Religious Freedom in Tajikistan in 2021](#) (Country Update)
- February 2022: [Religious Freedom in Vietnam in 2021](#) (Country Update)
- March 2022: [Religious Freedom in Iraq in 2021](#) (Country Update)
- March 2022: [Religious Freedom in Russia and Regions under Russian Occupation](#) (Backgrounder)
- April 2022: [2022 Annual Report](#)
- May 2022: [Overview of Refugees Fleeing Religious Persecution Globally](#) (Factsheet)
- May 2022: [Pursuing Justice and Accountability: Next Steps for the Rohingya Community of Burma](#) (Factsheet)
- June 2022: [Increasing Religious Freedom Restrictions on Baha'is in Qatar](#) (Factsheet)
- July 2022: [Constitutional Reform and Religious Freedom in Cuba](#) (Special Report)
- July 2022: [Religious Freedom in Iran in 2022](#) (Country Update)
- July 2022: [Religious Propaganda in Iran](#) (Special Report)
- July 2022: [Kimilsungism-Kimjongilism and the Right to Freedom of Religion, Thought, and Conscience in North Korea](#) (Special Report)
- August 2022: [Religious Freedom in Pakistan in 2022](#) (Country Update)
- August 2022: [Religious Freedom in Nicaragua in 2022](#) (Country Update)
- August 2022: [Religious Freedom in Afghanistan](#) (Country Update)
- August 2022: [Assessing Religious Freedom in Egyptian Curriculum Reform](#) (Special Report)
- September 2022: [Uzbekistan: Space for Reform](#) (Country Update)
- September 2022: [Violence and Religious Freedom in Nigeria](#) (Policy Update)
- October 2022: [Blasphemy and Related Laws in ASEAN Member Countries](#) (Issue Update)
- October 2022: [Blasphemy Laws in Nigeria](#) (Policy Update)
- November 2022: [Law and Religion in Algeria](#) (Factsheet)
- November 2022: [Implications of Laws Promoting State-Favored Religions](#) (Issue Brief)

- November 2022: [Religious Freedom Conditions in India](#) (Country Update)
- November 2022: [Religious Freedom Conditions in Sri Lanka](#) (Country Update)
- November 2022: [Religious Freedom in Syria under Hay'at Tahrir al-Sham \(HTS\)](#) (Factsheet)
- December 2022: [Freedom of Religion or Belief \(FoRB\) Victims List](#) (Factsheet)
- December 2022: [Blasphemy Charges in Turkey](#) (Issue Update)
- December 2022: [Tolerance, Religious Freedom, and Authoritarianism](#) (Special Report)
- December 2022: [Religious Freedom in Burma](#) (Policy Update)
- December 2022: [Religious Freedom Conditions in Cuba](#) (Country Update)
- December 2022: [Kazakhstan's Religion Law Amendments](#) (Issue Update)
- December 2022: [Religious Freedom Conditions in Saudi Arabia](#) (Country Update)
- December 2022: [State-Controlled Religion and Religious Freedom Violations in China](#) (Factsheet)
- June 2022: [Preview of the IRF Summit 2022](#)
- July 2022: [Preview of the 2022 International Ministerial Conference on Freedom of Religion or Belief](#)
- July 2022: [Conditions for Religious and Nonbelief Communities in Turkey](#)
- July 2022: [Religious Freedom Takeaways on the Ground in Nigeria](#)
- July 2022: [Deteriorating Religious Freedom Conditions in South Asia](#)
- July 2022: [U.S. Policy Advances for International Religious Freedom over the Past Year](#)
- August 2022: [Russia's Religious Freedom Violations in Ukraine](#)
- August 2022: [The Impact of Malaysia's Dual Legal System on Religious Freedom](#)
- August 2022: [Troubling Signs for Religious Freedom in Sri Lanka](#)
- August 2022: [The 5th Anniversary of the Rohingya Genocide](#)
- September 2022: [The Plight of Christians in China](#)
- September 2022: [Deteriorating Religious Freedom Conditions in Nicaragua](#)
- September 2022: [Religious Prisoners of Conscience in Kazakhstan](#)
- September 2022: [Turkmenistan's Tight Grip on Religious Freedom](#)
- October 2022: [The Nexus of Religious Freedom & Women's Rights in Iran](#)
- October 2022: [Russia's Persecution of Jehovah's Witnesses](#)
- October 2022: [The Legacy of Blasphemy Laws in Southeast Asia](#)
- October 2022: [Civil Society's Important Role in Promoting Freedom of Religion or Belief](#)
- November 2022: [Recovering from Genocide: The Yazidis' Return to Sinjar](#)
- November 2022: [The Persecution of Muslims in Tajikistan](#)
- November 2022: [The Suffocating Hold of HTS on Northwest Syria](#)
- November 2022: [The Alevi Struggle for Rights in Turkey](#)
- December 2022: [Preview of IRF Summit 2023](#)
- December 2022: [Reflecting on USCIRF's Visit to Cox's Bazar](#)
- December 2022: [Breaking Down the State Department's IRF Designations](#)

### Spotlight Podcast Episodes:

- January 2022: [Worrying Trends for Religious Freedom in Central and Eastern Africa](#)
- January 2022: [Christians in Extreme Danger in Afghanistan](#)
- February 2022: [Nicaragua's Assault on Religious Freedom](#)
- February 2022: [The Grim Backdrop to the Beijing Olympics](#)
- February 2022: [Iraq's Beleaguered Religious Minority Communities](#)
- March 2022: [Implications of Russia's Invasion of Ukraine Part 1: "Denazification" Narrative](#)
- March 2022: [Implications of Russia's Invasion of Ukraine Part 2: The Religious Regulation Framework](#)
- March 2022: [The Status of Religious Freedom for the Baha'i Community](#)
- April 2022: [Rohingya Genocide Determination and Accountability](#)
- April 2022: [Nontheists Facing Challenges to Freedom of Belief](#)
- April 2022: [Persecuted Christians around the World](#)
- April 2022: [USCIRF Releases 2022 Annual Report with Recommendations for U.S. Policy](#)
- May 2022: [Anti-Conversion Laws and Growing Intolerance in India](#)
- May 2022: [Content Moderation Online and Its Impact on Religious Freedom](#)
- May 2022: [Treatment of Asylum Seekers in the Expedited Removal Process](#)
- June 2022: [Uzbekistan: Gaps in Principles and Practice](#)
- June 2022: [Religious Prisoners of Conscience in Iran](#)
- June 2022: [Religious Freedom Backslides in Central African Republic](#)





## 2023 USCIRF RECOMMENDATIONS

### ■ COUNTRIES OF PARTICULAR CONCERN ■

Afghanistan	India	Pakistan	Turkmenistan
Burma	Iran	Russia	Vietnam
China	Nicaragua	Saudi Arabia	
Cuba	Nigeria	Syria	
Eritrea	North Korea	Tajikistan	

### ■ SPECIAL WATCH LIST COUNTRIES ■

Algeria	Egypt	Kazakhstan	Turkey
Azerbaijan	Indonesia	Malaysia	Uzbekistan
Central African Republic	Iraq	Sri Lanka	



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