



The United States Commission on International Religious Freedom (USCIRF) is an independent U.S. federal government entity. As an independent agency, the views of the United States Commission on International Religious Freedom (USCIRF) do not represent official United States government policy.

USCIRF was created by the International Religious Freedom Act of 1998 to monitor freedom of religion or belief in other countries and to advise the President, Secretary of State, and Congress on how best to promote it. The USCIRF would like to present the following information relevant to the important work of the OSCE Brussels Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination.

RECOMMENDATIONS

The USCIRF has urged that the U.S. government adopt the following Commission recommendations with reference to the OSCE and its member states. The USCIRF recommends that:

The OSCE create two positions to be appointed by the Chairman-in-Office: a Special Representative on Discrimination and Xenophobia and a Special Representative on Anti-Semitism. These officials would provide continuing high-level attention to these issues, including meeting periodically with the leadership of relevant countries to address serious problems.

The OSCE and OSCE participating states take concrete action to engage in a regular public review of compliance with OSCE commitments on freedom of religion or belief, and on racial and religious discrimination, including anti-Semitism, including by facilitating an active role by nongovernmental organizations (NGOs) as part of that process.

The Office of Democratic Institutions and Human Rights (ODIHR) be provided with the necessary mandate and adequate resources to hire experienced staff to monitor compliance with OSCE obligations on freedom of religion or belief and to combat discrimination, xenophobia and anti-Semitism. As part of its monitoring and provision of technical advice to participating states, ODIHR staff should coordinate with OSCE Missions, international organizations and NGOs

OSCE participating states take specific steps to ensure that they are complying with their commitments to combat discrimination, xenophobia and anti-Semitism, as detailed in the 1990 Copenhagen Document on the Human Dimension. These commitments include adopting laws to protect against incitement to violence based on discrimination and providing the individual with effective remedies to initiate complaints against acts of discrimination.

Preeta D. Bansal, Chair • Felice D. Gaer, Vice Chair • Nina Shea, Vice Chair • Patti Chang
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OSCE participating states, while vigorously protecting freedom of expression, publicly condemn attacks targeting Muslims and pursue and prosecute the perpetrators of such attacks. Government leaders should be reminded that hostile rhetoric against any racial or religious minority may fuel an atmosphere in which perpetrators believe they can attack persons from that group with impunity.

OSCE participating states take all appropriate steps to prevent and punish acts of anti-Semitism, such as to publicly condemn specific anti-Semitic acts, to pursue and prosecute the perpetrators of violent acts targeting Jews or their property, and, while vigorously protecting freedom of expression, to counteract anti-Semitic rhetoric and organized anti-Semitic activities.

OSCE participating states ensure that efforts to combat terrorism not be used as an unrestrained justification to restrict the human rights, including the freedom of thought, conscience, religion or belief, of members of religious minorities.

OSCE participating states bring their national legislation and practice into conformity with their international legal obligations regarding the right to freedom of religion or belief and the prevention of discrimination on the basis of religion or belief, and take steps to bring local laws and regulations on religious activities into conformity with international human rights standards and OSCE commitments.

OSCE participating states:

- permit all religious groups to organize and conduct their activities without undue interference;
- discontinue excessive regulation of the free practice of religion, including registration or recognition requirements that effectively prevent members of religious communities from exercising their freedom to manifest religion or belief;
- end the practice of unjustifiably denying registration to religious groups and then erecting obstacles to religious practice based solely on that unregistered status.
- permit limitations on the right to freedom of religion or belief only as provided by law and consistent with participating states' obligations under international law.

National governments of OSCE participating states monitor the actions of regional and local officials who violate the right to freedom of religion or belief, and provide effective remedies for any such violations.

OSCE participating states: (a) ensure that all persons are able to exercise their human right to freedom of thought, conscience, religion and belief without threat of harassment, discrimination, detention, imprisonment, or torture; (b) release immediately and unconditionally any persons who have been detained solely because of their exercise of the right to freedom of religion or belief; (c) ensure that detained persons are afforded humane treatment in accord with international standards.

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About the Commission

The United States Commission on International Religious Freedom (USCIRF) is an independent federal government agency created by the International Religious Freedom Act of 1998 (IRFA) to monitor religious freedom in other countries and advise the President, Secretary of State, and Congress on how best to promote it. The Commission is the first government commission in the world with a mandate to review and report on violations of the internationally-guaranteed right to freedom of religion and belief worldwide.

In the words of a key drafter of IRFA, the Commission was established for the purpose of ensuring “that the President and the Congress receive independent recommendations and, where necessary, criticism of American policy that does not promote international religious freedom.” Congressional Record, S12999, November 12, 1998.

The Commission, which began its work in May 1999, is not a part of the State Department and is independent from the Executive Branch.

The Commission is composed of ten members. Three are appointed by the President. Three are appointed by the President *pro tempore* of the Senate, of which two are appointed upon the recommendation of the Senate Minority Leader. Three are appointed by the Speaker of the House of Representatives, of which two are appointed upon the recommendation of the House Minority Leader. The system of appointments thus provides that leaders of the party in the White House appoint five voting members, and leaders of the other party appoint four. The State Department’s Ambassador-at-Large for International Religious Freedom serves *ex officio* as a non-voting member.

Commissioners bring a wealth of expertise and experience in foreign affairs, human rights, religious freedom, and international law; the membership also reflects the religious diversity of the United States. Preeta D. Bansal currently serves as the Commission’s Chair, and Felice D. Gaer and Nina Shea serve as Vice Chairs.

In carrying out its mandate, the Commission reviews information on violations of religious freedom as presented in the Department of State’s *Country Reports on Human Rights Practices*, and its *Annual Report on International Religious Freedom*. The Commission also consults regularly with representatives of religious communities and institutions, human rights groups, and other non-governmental organizations, academics and other policy experts, as well as the intelligence community and other U.S. government agencies. It also visits foreign countries to examine religious freedom conditions firsthand. The Commission holds public hearings, taking testimony from expert witnesses, victims of religious freedom violations, and U.S. government officials.

The Commission has met with President Bush and senior members of his administration, including the Secretary of State and the National Security Advisor, to discuss its findings and recommendations. The Commission also briefs Members of Congress, U.S. Ambassadors, and officials from international organizations and foreign countries. In addition, the Commission testifies before Congress, participates with U.S. delegations to international meetings and conferences, helps provide training to Foreign Service officers and other U.S. officials, and advises the administration and Members of Congress and their staff on executive and legislative initiatives.

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