

AMERICA’S ROLE IN PREVENTING INTERNATIONAL ANTI-CHRISTIAN PERSECUTION

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INTRODUCTION

Another company forbids its employees from saying Merry Christmas; the Supreme Court refuses to let a courthouse post the Ten Commandments; these are the examples of persecution Americans think of when they imagine attacks on the church. While many American Christians are rightfully angered and frightened by such hostility toward their faith, Americans, both Christian and non-Christian alike, would likely agree that believers enjoy relatively abundant religious freedom in this country. Unfortunately, American Christians seem to assume

that the same level of persecution exists in other countries, when the reality of anti-Christian persecution worldwide is in fact far worse. Stories of Christmas Day suicide church bombings, Christian government officials shot dead in the street, individuals imprisoned indefinitely without being charged with a crime, and public executions by beheading or throat slitting seem so horrific as to be either untrue, exaggerated, a long time ago, or once in a lifetime occurrences.¹ As a result, the true horror of anti-Christian persecution often goes unreported, unacknowledged, and unaddressed.

Christianity is the most persecuted faith in the world. While every religion faces persecution to some extent, an estimated 75% of religious persecution worldwide is committed specifically against Christians.² “Between 200 million and 230 million [Christians] face daily threats of murder, beating, imprisonment and torture, and a further 350 to 400 million encounter discrimination in areas such as jobs and housing.”³ Roughly 150,000 Christians are killed for their faith each year.⁴ The violence against Christians in the modern world is so severe, that prominent educator and author Rabbi Yitzchok Adlerstein referred to persecuted Christians as “the new Jews of our times.”⁵

While the problem of anti-Christian persecution appears far removed and insignificant for most Americans, the very foundation of our national identity legitimizes, justifies, and

¹ Compass Direct News, *Top 10 Christian Persecution Stories of 2011*, CHRISTIAN POST, Jan. 6, 2012, <http://www.christianpost.com/news/compass-direct-news-top-10-stories-of-2011-66584/>.

² Nina Shea, *Report: 3/4 of Religious Persecution Is Anti-Christian*, NAT'L R. ONLINE (Mar. 17, 2011, 2:19 PM), <http://www.nationalreview.com/corner/262411/report-34-religious-persecution-anti-christian-nina-shea>.

³ Ron Csillag, *Christianity arguably the most persecuted religion in the world*, THESTAR.COM, Dec. 4, 2010, <http://www.thestar.com/news/insight/article/901492>.

⁴ *Id.*

⁵ Katherine Weber, *Open Doors USA to Host Panel Addressing Christian Persecution*, CHRISTIAN POST, Apr. 26, 2012, <http://www.christianpost.com/news/open-doors-usa-to-host-panel-addressing-christian-persecution-73959/>.

arguably even mandates that we address such an overwhelming issue. The American Declaration of Independence reads, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”⁶ Likewise, the First Amendment of the American Constitution reads, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”⁷ The Declaration and Constitution recognize and codify the natural right of all people to live and practice religion freely. Christians worldwide therefore have an imperfect right to assistance from America as it is foundationally obligated to protect that liberty.

Such action on behalf of the persecuted church is similarly and expressly required by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Though the documents are not binding, the Universal Declaration of Human Rights nonetheless proclaims that “everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance,”⁸ and the International Covenant on Civil and Political Rights proclaims that “no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.”⁹ The United States adheres to both, which reinforces America’s ideals and commitment.

Part I of this note examines the recent history of Christian persecution worldwide. In particular, the background section will address the Obama administration’s failure to address such persecution despite increasing danger for believers. Part II

⁶ THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

⁷ U.S. CONST. amend. I.

⁸ Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948), art. 18 [hereinafter UDHR].

⁹ United Nations International Covenant on Civil and Political Rights, Dec. 16, 1966, art. 18, 999 U.N.T.S. 171 [hereinafter UNICCPR].

considers the purpose and affect that current American and International laws have on the effort to stop religious persecution. Part III describes in detail the persecution faced in specific countries, how the governments of those countries are addressing the issue, and the relationship the United States has with those countries. Part IV considers existing U.S. statutory authority to combat religious persecution, proposals for new legislative responses, and the need for more education and public awareness on the subject of persecution to permit Americans to act effectively and invoke meaningful change.

I. BACKGROUND

Christians have been persecuted since the founding of the faith, and it is unlikely that religious persecution will ever truly be eradicated. Nonetheless, U.S. political administrations, including both the Clinton and Bush administrations, have regarded anti-Christian persecution as an important part of American foreign policy. Americans took a particular interest in addressing the issue in the 1990s and 2000s from the National Religious Freedom Day,¹⁰ to the International Religious Freedom Act of 1998,¹¹ to George W. Bush's Tsinghua University Address.¹²

But the focus on persecution of Christians around the world has declined significantly in headlines and conversations under the Obama administration. Concurrent with the Obama administration's relative abandonment of the issue, those in Washington no longer have an interest in the topic and the general public no longer hears about it. As in most situations, however, ignoring the problem does not make it go away.

¹⁰ Rob Boston, *Superb Statute: Celebrate Religious Liberty January 16*, AMS. UNITED (Jan. 14, 2011), <https://www.au.org/tags/national-religious-freedom-day>.

¹¹ The International Religious Freedom Act of 1998, Pub. L. No. 105-292, 112 Stat. 2787.

¹² *President Bush Speaks at Tsinghua University*, WHITE HOUSE (Feb. 22, 2002, 10:35 AM), <http://georgewbush-whitehouse.archives.gov/news/releases/2002/02/20020222.html>.

Over the last few years, reports on the subject have focused more on what the current administration has failed to do rather than on what is being done. Some headlines include “The Obama Administration’s ‘Don’t Care’ Policy on Christian Persecution,”¹³ “Obama’s Burma Policy Overlooks Plight of Ethnic Christians,”¹⁴ “Anti-Christian Persecution on the Rise Globally,”¹⁵ and even “Obama Administration’s War on Persecuted Christians.”¹⁶ Indeed, many in the international religious freedom community cried foul when the Obama administration, for the first time since the State Department began publishing its annual Country Reports on Human Rights in 1998, selectively refused to include the section on religious freedom in the reports.¹⁷ The individual Country Reports now refer readers to the annual State Department’s International Religious Freedom Report. This move concerned former U.S. Commissioner on International Religious Freedom, Leonard Leo because the shift effectively minimized the dissemination of information on religious persecution worldwide: “The human rights reports receive a lot of attention, and to have pulled religious freedom out of it means that fewer people will obtain information about what’s going on with that particular freedom

¹³ Ken Blackwell and Bob Morrison, *The Obama Administration’s Don’t Care Policy on Christian Persecution*, HUFFINGTON POST, Feb. 1, 2011, http://www.huffingtonpost.com/ken-blackwell/the-obama-administrations_2_b_817126.html.

¹⁴ *Obama’s Burma Policy Overlooks Plight of Ethnic Christians*, INT’L CHRISTIAN CONCERN (Nov. 30, 1012, 8:30 AM), <http://www.persecution.org/2012/11/30/obamas-burma-policy-overlooks-plight-of-ethnic-christians/>.

¹⁵ James Heiser, *Anti-Christian Persecution on the Rise Globally*, NEW AM. (May 10, 2012, 5:10 PM), <http://www.thenewamerican.com/culture/faith-and-morals/item/11329-anti-christian-persecution-on-the-rise-globally>.

¹⁶ Raymond Ibrahim, *Obama Administration’s War on Persecuted Christians*, INVESTIGATIVE PROJECT ON TERRORISM (Aug. 2, 2012) <http://www.investigativeproject.org/3695/obama-administration-war-on-persecuted-christians>.

¹⁷ Pete Winn, *State Department Purges Religious Freedom Section from Its Human Rights Reports*, CNSNEWS.COM (Jun. 7, 2012), <http://cnsnews.com/news/article/state-department-purges-religious-freedom-section-its-human-rights-reports>.

or right.”¹⁸ At least one commentator, former Director of the State Department’s Office of International Religious Freedom Thomas Farr, suggests that the Obama administration has deliberately sacrificed attention to the problem of religious persecution to promote other policy goals. “The Obama administration seems to have decided that other policy initiatives -- outreach to Muslim governments, obtaining China’s cooperation, advancing gay rights -- would be compromised by vigorous advocacy for religious freedom.”¹⁹ Farr noted again two years later that American bureaucrats within the Obama administration are “largely indifferent to the advancement of international religious freedom . . . It doesn’t take a rocket scientist to realize that this issue is not a priority for this administration, except perhaps for the speechwriters.”²⁰ Such strong sentiments, if accurate, would make it hard to believe Americans are adequately informed and that their leaders are taking a firm stance on international Christian persecution.

A prime example of the current silence surrounding Christian persecution is the plight of Iranian Pastor Youcef Nadarkhani. Nadarkhani was initially arrested and imprisoned on October 12, 2009 on the charge of protesting, but the charges were later changed to apostasy and evangelism to Muslims.²¹ On September 22, 2010, Nadarkhani was tried and given the sentence of death.²² On October 29, 2010 the United States Commission on International Religious Freedom officially urged the Obama Administration to demand release of Nadarkhani.²³

¹⁸ *Id.* at para. 9.

¹⁹ Thomas F. Farr, *Obama Administration Sidelines Religious Freedom Policy*, WASH. POST (Jun. 25, 2010), <http://www.washingtonpost.com/wp-dyn/content/article/2010/06/24/A R2010062405069.html>

²⁰ Thomas F. Farr, *The State Department and International Religious Freedom*, NAT’L R. ONLINE (July, 31, 2012, 3:46pm), <http://www.nationalreview.com/corner/312792/state-department-and-international-religious-freedom-thomas-f-farr#>.

²¹ *Full Story of Youcef Nadarkhani*, INT’L CHRISTIAN CONCERN (Nov. 2, 2010, 12:02am), <http://www.persecution.org/2010/11/02/full-story-of-youcef-nadarkhani/>.

²² *Id.*

²³ *USCIRF Urges Obama Administration to Demand Release of Pastor Facing Execution in Iran for Apostasy*, U.S. COMM’N ON INT’L RELIGIOUS

The White House ignored the request for nearly a year until September 29, 2011 when it issued a statement condemning the judgment after the case had worked its way through the Iranian courts.²⁴ Likewise, most mainstream media outlets have ignored Nadarkhani's story, with a journal article written on July 29, 2012, capturing the reality of the situation with its title "The Religious Silence on Christian Persecution: Why isn't imprisoned Iranian pastor Youcef Nadarkhani known to activists, politicians and citizens in the West?"²⁵ The article observed that despite becoming a poster child for Christian persecution awareness, not even Nadarkhani's story, let alone the stories of millions of other persecuted Christians, are well known to those who have the ability to make a difference.²⁶ Nadarkhani was acquitted of apostasy and given a temporary release in September of 2012. Nonetheless Nadarkhani was rearrested on Christmas day in order to keep him away from his family and church on one of the most important Christian holidays, only to be released again on January 7, 2013.²⁷

II. LAWS REGARDING RELIGIOUS PERSECUTION

The United States, as a sovereign nation and as a member of the international community, has worked in the past to counter

FREEDOM (Oct. 29, 2010), <http://www.uscirf.gov/news-room/press-releases/3435-102910-uscirf-urges-obama-administration-to-demand-release-of-pastor-facing-execution-in-iran-for-apostasy.html>.

²⁴ Press Release, White House Office of the Press Secretary, Statement by the Press Secretary on Conviction of Pastor Youcef Nadarkhani (Sep. 29, 2011), <http://www.whitehouse.gov/the-press-office/2011/09/29/statement-press-secretary-conviction-pastor-youcef-nadarkhani>.

²⁵ Ben Cohen & Keith Roderick, *The Religious Silence on Christian Persecution: Why isn't imprisoned Iranian pastor Youcef Nadarkhani known to activists, politicians and citizens in the West?*, WALL ST. J., (Jul. 29, 2012, 5:44pm), <http://online.wsj.com/article/SB10001424052702304388004577531031387938506.html>.

²⁶ *Id.*

²⁷ Billy Hollowell, *Iranian Pastor Youcef Nadarkhani Released (Again) Following Christmas Day Arrest*, THE BLAZE (Jan. 7, 2013, 6:00pm), <http://www.theblaze.com/stories/2013/01/07/iranian-pastor-youcef-nadarkhani-released-again-following-christmas-day-arrest/>.

the ever-increasing incidences of anti-Christian persecution. Despite the good intentions and initially strong support for many of the national and international initiatives, overall most have not significantly slowed or corrected anti-Christian persecution.

A. International Efforts to Eliminate Religious Persecution

Consider, for example, the Universal Declaration of Human Rights (hereinafter UDHR). The UDHR was a monumental achievement, uniting 58 nations in a statement of fundamental principles of human rights.²⁸ The recognition of universal freedom of belief was one such principle.²⁹ The UDHR, however, is only a statement of common beliefs and attitudes toward human rights – it contains no meaningful mechanism for enforcing those rights. Thus, while certainly a noble effort and an impressive text, the document’s objectives have thus far failed. Amnesty International, reflecting on “[s]ixty [y]ears of [h]uman [r]ights [f]ailure” on the Declaration’s 60th anniversary, noted that “people are still tortured or ill-treated in at least 81 countries, face unfair trials in at least 54 countries and are not allowed to speak freely in at least 77 countries.”³⁰

Likewise, the International Covenant on Civil and Political Rights (hereinafter Covenant), effective since 1976, reiterates many of the same ideals as the UDHR and suffers from many of the same unachieved goals. Although calling for nations to recognize and protect every individual’s rights to “freedom of thought, conscience and religion . . . includ[ing] freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance,

²⁸ *A United Nations Priority: Universal Declaration of Human Rights*, UNITED NATIONS, <http://www.un.org/rights/HRToday/declar.htm> (last visited Oct. 3, 2013).

²⁹ See UDHR, *supra* note 8, pmb1.

³⁰ *Sixty years of human rights failure – governments must apologize and act now*, AMNESTY INT’L (May 27, 2008), <http://www.amnesty.org/en/news-and-updates/sixty-years-human-rights-failure-governments-must-apologize-and-act-now-200805>.

practice and teaching,”³¹ the Covenant lacks mechanisms necessary to enforce these rights. The Human Rights Committee called particular attention to this significant obstacle present in almost all international agreements, despairing that signatories to such idealistic international treaties and agreements assert reservations that render the documents toothless:

Reservations often reveal a tendency of States not to want to change a particular law. And sometimes that tendency is elevated to a general policy. Of particular concern are widely formulated reservations which essentially render ineffective all Covenant rights which would require any change in national law to ensure compliance with Covenant obligations. No real international rights or obligations have thus been accepted. . . . [A]ll the essential elements of the Covenant guarantees have been removed.³²

These international documents, despite the United Nations’ best efforts, fail to effectuate their goals because they lack coercive binding authority on the member states. Thus, the documents only apply to those nations who are willing to enforce the tenets of the covenants.

B. U.S. Legislation against Religious Persecution

The International Religious Freedom Act of 1998 (hereinafter Act), passed by the United States Congress and signed by the Clinton administration, was a truly bipartisan effort to emphasize religious freedom in American foreign policy. The Act created multiple mechanisms to address violations of religious freedom in foreign countries. Among other things, the Act established an Ambassador at Large for International Religious Freedom within the Department of State to represent

³¹ UNICCPR, *supra* note 9.

³² Human Rights Comm., General Comment 24 (52), General Comment on Issues Relating to Reservations Made upon Ratification or Accession to the Covenant or the Optional Protocols thereto, or in Relation to Declarations under Article 41 of the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.6 (1994).

the United States in foreign matters dealing with religious issues, a Commission on International Religious Freedom to review persecution reports and recommend appropriate policy, and a Special Adviser on International Religious Freedom within the National Security Council to offer immediate up-to-date recommendations to the President.³³

Importantly, the Act recognizes, as a motivating policy, the fundamental influence that religious freedom played in the establishment of the United States and the nation's continued legacy of protecting and honoring the religious rights of all people.³⁴ The Act further specifically notes Article 18 of the UDHR and Article 18 of the Covenant as evidence that religious freedom is a fundamental right given to all people.³⁵ As a result, the Act calls the United States to protect those suffering from religious persecution through utilizing America's unique and substantial foreign policy instruments "including diplomatic, political, commercial, charitable, educational, and cultural channels, to promote respect for religious freedom by all governments and peoples."³⁶

Despite such an ambitious goal, some elements of the Act have proven successful. The Office of International Religious Freedom's annual report on religious freedom has been very informative and beneficial when negotiating with foreign governments.³⁷ The particular focus on international religious freedom has also brought the issue to the attention of the State Department and governments around the world.³⁸ The Act, however, has suffered from underfunding as many State Department bureaucrats and officials, who may have little intrinsic interest in promoting religious freedom, devote funds to

³³ The International Religious Freedom Act of 1998, H.R. 2431, 105th Congress (1998).

³⁴ *Id.* at § 2(a)(1).

³⁵ *Id.* at § 2(a)(3).

³⁶ *Id.* at §2(b)(5).

³⁷ GEORGETOWN BERKLEY CENTER, REPORT OF THE GEORGETOWN SYMPOSIA ON U.S. INTERNATIONAL RELIGIOUS FREEDOM POLICY 16, (2008), available at <http://repository.berkeleycenter.georgetown.edu/InternationalReligiousFreedom.pdf>.16.

³⁸ *Id.* at 16.

other promotional programs.³⁹ As a result the numerous resources available to combat the issue have not been used, and religious freedom currently remains an insignificant priority in American foreign policy.⁴⁰

III. ONGOING INTERNATIONAL PERSECUTION

Despite numerous national and international efforts, anti-Christian persecution is still on the rise in almost every region of the world.⁴¹ Some areas in particular have had a significant increase in violence against Christians in recent times, resulting in their inclusion on the United States Commission on International Religious Freedom's Countries of Particular Concern list.⁴² The Secretary of State evaluates the list annually under the International Religious Freedom Act of 1998. The Secretary identifies in the annual report every "Country of Particular Concern" that has engaged in "particularly severe violations" of religious freedom.⁴³ The International Religious Freedom Act defines "particularly severe violations" of religious freedom as "systematic, ongoing, egregious violations of religious freedom, including violations such as torture, degrading treatment or punishment, prolonged detention without charges, abduction or clandestine detention, or other flagrant denial of the right to life, liberty, or the security of persons."⁴⁴

Recent International Religious Freedom Act Reports have identified numerous religious persecuting nations, including reports on Nigeria and Sudan in Africa, China and North Korea in Asia, Egypt and Iran in the Middle East, and the American-

³⁹ *Id.* at 17.

⁴⁰ *Id.*

⁴¹ See Heiser, *supra* note 15.

⁴² *Countries of Particular Concern*, U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, <http://www.uscirf.gov/countries/countries-of-particular-concern.html> (last visited, Oct. 2, 2013).

⁴³ *Religious Freedom*, U.S. DEP'T OF STATE, <http://www.state.gov/j/drl/irf/> (last visited Jan. 6, 2013).

⁴⁴ *Frequently Asked Questions: IRF Report and Countries of Particular Concern*, U.S. DEP'T OF STATE, http://www.state.gov/j/drl/irf/c_13003.htm (last visited Jan. 6, 2013).

occupied nations of Iraq and Afghanistan. While these repeat offenders represent only a portion of the list of major Christian persecutors, a survey of each nation offers a reflection of the persecution Christians face all around the world.

A. Africa

The migration of Islamic extremists into the Sub-Saharan region of Africa, increasing significantly over the last few decades, has subjected Christians to progressively escalating attacks and violence. The expansion of Islam into the cultures of already politically, economically, and ethnically divided nations in Africa has resulted in more extreme and focused aggression against Christian communities.⁴⁵

1. Nigeria

Nigeria comprises approximately 50% Muslim and 40% Christian citizens.⁴⁶ It has also been identified as a Country of Particular Concern since 2009 and is the most populous African country with rich oil reserves but poor political stability. As a result, it has become a geographic locus of significant persecution as a large Islamic population seeks to manipulate the Christian population through sectarian violence.⁴⁷ After the controversial 2011 Nigerian Presidential election, where the Christian incumbent beat a Muslim challenger, widespread violence, including the death of over 800 people, took place.⁴⁸ A jihadist militant organization, known as Boko Haram, has stepped up its attacks by killing, harassing, and terrorizing Christians throughout the northern half of the country where

⁴⁵ *Persecutions of Christians in Africa*, SMYRNA MINISTRIES INT'L, <http://www.smyrnaministries.org/africa> (last visited Jan. 6, 2013).

⁴⁶ *The World Factbook: Nigeria*, CENT. INTELLIGENCE AGENCY (Aug. 22, 2013), <https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html>.

⁴⁷ ANNUAL REPORT, U.S. COMM'N ON INT'L RELIGIOUS FREEDOM 113 (2012), *available at*, <http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012%282%29.pdf>.

⁴⁸ *Id.* at 1.

Boko Haram has its largest following.⁴⁹ Boko Haram encourages its members to continue acts of violence until all of Nigeria accepts Islam, destroys its constitution, and enacts Islamic religious law.⁵⁰ The group, for instance, took responsibility for a series of church bombings during the December 2011 Christmas season. Those bombings claimed the lives of at least 39 people and wounded dozens more in Christmas morning church services across Nigeria.⁵¹ In July 2012, Boko Haram killed over 100 people including 50 church members who were burned alive as they hid in their pastor's home during an attack.⁵² Women and children, including the Pastor's wife, were among the victims.⁵³ In the last 13 years, "more than 14,000 Nigerians have been killed in religiously-related violence between Muslims and Christians."⁵⁴

The Government of Nigeria has proven to be ineffective in preventing and at times has been directly responsible for the violence against Christians, as it neither seriously attempts to reduce the attacks nor bring those responsible to justice.⁵⁵ While the national constitution mandates that the government "shall not adopt any religion as State Religion," state and local government officials have been known to ignore abuses against Christians and other religious, ethnic, and political groups.⁵⁶ The use of Sharia law in certain parts of the country has also been a source

⁴⁹ See U.S. DEP'T OF STATE, INTERNATIONAL RELIGIOUS FREEDOM REPORT: Nigeria (2011), available at <http://www.state.gov/j/drl/rls/irf/religiousfreedom/#wrapper>.

⁵⁰ *Id.*

⁵¹ *Christmas attacks in Nigeria by Muslim Sect kill 39*, ASSOCIATED PRESS, Dec. 25, 2011, 5:03 PM, <http://usatoday30.usatoday.com/news/world/story/2011-12-25/nigeria-christmas-catholic-church-bomb/52218084/1?csp=34news>.

⁵² Stoyan Zaimov, *Fifty Christians Burned Alive in Pastor's Home in Nigeria*, CHRISTIAN POST, July 16, 2012, 11:47 AM, <http://global.christianpost.com/news/fifty-christians-burned-alive-in-pastors-home-in-nigeria-78303/>.

⁵³ *Id.*

⁵⁴ U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, *supra* note 47.

⁵⁵ *Id.*

⁵⁶ See U.S. DEP'T OF STATE, *supra* note 49; CONSTITUTION OF NIGERIA (1999), Part II, art. 10.

of discrimination against Nigerian Christians, as northern officials have used their authority to restrict Christian building projects as well as opportunities for education and employment.⁵⁷

The U.S. government's relationship with Nigeria has been carefully protected for economic reasons as Nigeria imports many Americans goods and exports oil to the United States.⁵⁸ The relationship is also protected for military reasons, as Nigeria is a regional power with influence on the stability of many surrounding nations and is an important ally in the United States' African counter-terrorism objectives.⁵⁹ Therefore, even though the United States and Nigeria have developed a Bi-National Commission to address many of the African nation's problems, the United States has not specifically included Nigeria's religious tensions in its discussions due to the American government's denial of the religious underpinnings of many of the conflicts and the sectarian nature of the violence.⁶⁰ Failure to recognize the plethora of differences among the Nigerian people will continue to make it difficult for the United States to effectively address the problem of Christian persecution.⁶¹ American officials have made an effort, however, to discuss religious tensions within the country when speaking with Nigerian officials on the more general subject of human rights.⁶² The U.S. embassy has also put together many events and discussions designed to bring Christians and Muslims together in order to start and maintain a dialogue of peace and mutual respect.⁶³

⁵⁷ *Nigeria*, INTERNATIONAL CHRISTIAN CONCERN, <http://www.pers-ecution.org/awareness/persecuted-countries/nigeria/> (last visited Jan. 6, 2013).

⁵⁸ See U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, *supra* note 47, at 114-115.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.* at 115.

⁶² See U.S. DEP'T OF STATE, *supra* note 49 (U.S. delegates have spoken with Nigerian officials, community leaders, and religious figures on the importance of religious freedom, tolerance in society, and inter-religious relations.).

⁶³ *Id.*

2. Sudan

Sudan has also been a Country of Particular Concern since 1999. Notwithstanding the January 2005 end to the decades-long civil war and the independence of South Sudan in 2011, the area remains one of the worst violators of human rights and religious freedom.⁶⁴ Sudanese actions during the war left over 2 million dead and resulted in enslavement, mass bombings, crop destruction, and confiscation of Christian property.⁶⁵

The creation of predominantly Christian South Sudan after the war has increased the safety of Christians in the new nation, but this separation has also indirectly led to increased persecution in heavily Islamic Sudan. No longer restrained by the substantial Christian population that became South Sudan, the Islamic majority government of Sudan has greatly amplified its attacks on Christians throughout the country.⁶⁶ The country now consists of approximately 96.7% Muslim versus the 3% Christian population.⁶⁷ Christians living in Sudan have had their citizenship revoked and the Sudanese government has demanded their exodus from the country.⁶⁸ Since then non-profit organizations such as the Barnabas Fund have been trying to rescue Christians by the bus-load to cross the border into South Sudan.⁶⁹ Christian missionaries and converts must utilize even greater caution in Sudan for fear of losing their life by committing crimes against Islam such as apostasy or blasphemy.⁷⁰ Other dangers include church burnings, stoning,

⁶⁴ See U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, *supra* note 47, at 176.

⁶⁵ Status of the Persecuted Church in Sudan, SMYRNA MINISTRIES INT'L (Jan. 15, 2010), <http://www.smyrnaministries.org/sudan>.

⁶⁶ See U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, *supra* note 47, at 176.

⁶⁷ See U.S. DEP'T OF STATE, INTERNATIONAL RELIGIOUS FREEDOM REPORT: SUDAN (2011), *available at* <http://www.state.gov/j/drl/rls/irf/religiousfreedom/#wrapper>.

⁶⁸ Christians Evacuated From Sudan, CHRISTIAN TODAY (Jan. 7, 2013, 11:06pm), <http://www.christiantoday.com/article/christians.evacuated.from.sudan/31398.htm>.

⁶⁹ *Id.*

⁷⁰ See U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, *supra* note 47, at 177.

and calls to violence such as, “we want this country to be purely an Islamic state, so we must kill the infidels and destroy their churches all over Sudan.”⁷¹ The government has done nothing to address these attacks.⁷²

The Sudanese National Congress Party, led by President Omar al-Bashir, has essentially disbanded the Interim National Constitution, which had protected traditional religious rights such as the right to gather to worship or build churches.⁷³ In its place the government has progressively implemented Sharia law throughout the country.⁷⁴ The President has declared that with the removal of South Sudan from the rest of the country and most Christians along with it, “Sudan will now become a ‘purely Islamic state.’”⁷⁵ As a result, the government continues to specifically target Christian churches, and arrests and murders of Christians have increased compared to previous years.⁷⁶ Even after the war, government aircraft still bomb civilian targets, including a September 27, 2012 attack on a busy marketplace, which killed a Christian mother of seven farming in the fields nearby.⁷⁷ The nation’s media and prisons are controlled by the government and are utilized to promote anti-Christian persecution.⁷⁸ A vague “indecent dress” law has permitted the government to arrest women of any faith for supposed crimes against public morality.⁷⁹ Under the government’s invocation of

⁷¹ *Id.* at 178.

⁷² *Id.*

⁷³ *Id.* at 177.

⁷⁴ *Id.*

⁷⁵ William Stark, We Will Never Forgive the Christians for Not Being Muslims, INT’L CHRISTIAN CONCERN (Nov. 9, 2012), <http://www.persecution.org/2012/11/09/we-will-never-forgive-the-christians-for-not-being-muslims/>.

⁷⁶ U.S. COMM’N ON INT’L RELIGIOUS FREEDOM, *supra* note 47, at 177-78.

⁷⁷ *Bombs kill Mother of Seven*, SMYRNA MINISTRIES INT’L (Dec. 4, 2012), <http://www.smyrnaministries.org/persecution-prayer-and-praise/sudan/bombs-kill-mother-seven/12/4/12>.

⁷⁸ See U.S. COMM’N ON INT’L RELIGIOUS FREEDOM, *supra* note 47, at 177.

⁷⁹ See U.S. DEP’T OF STATE, *supra* note 67, at 3.

Islamic law into the constitution, there are no legal means by which Christians can challenge violations of religious freedom.⁸⁰

The United States has been a key player in the comprehensive peace agreement between Sudan and South Sudan, often providing food, medicine, and programs to aid in mitigation and the creation of a new Sudanese constitution.⁸¹ Meetings with religious leaders have focused on how to end religious tensions and increase freedom and cooperation through inter-faith dialogue and inclusion of religious freedom provisions within the constitution.⁸² The United States even flew a Sudanese Islamic studies professor to America for a program on religious pluralism.⁸³ Progress remains slow, however, and continuous religious freedom violations by the Sudanese government and other extremist groups raise doubt of the success of the United States' efforts.⁸⁴

B. Asia

The Asian continent is home to four of the last five remaining nominally Communist countries in the world.⁸⁵ As a result, many East Asia governments, with the notable exception of the heavily Christian South Korea, widely practice anti-Christian persecution. Two of the most significant human rights violators in the region are China and North Korea.

⁸⁰ *Id.* at 2.

⁸¹ See U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, *supra* note 47, at 181.

⁸² *Id.*

⁸³ See U.S. DEP'T OF STATE, *supra* note 67.

⁸⁴ See U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, *supra* note 47, at 182.

⁸⁵ Matt Rosenberg, *The Five Remaining Communist Countries in the World*, ABOUT.COM GEOGRAPHY (2007), <http://geography.about.com/od/lists/tp/communistcountries.htm> (listing: China, Cuba, Laos, North Korea, and Vietnam).

1. *China*

China, a Country of Particular Concern since 1999, has been a Communist nation since 1949 and its history of religious restriction is well known.⁸⁶ Some experts believe the last few years have been some of the worst yet for Christians and other religious minorities in the country.⁸⁷ Religious, political, and cultural divisions have all contributed to acts of harassment and persecution by private individuals, but there have been reports of employment discrimination and attacks on members of the clergy including a September 2011 attack on Sister Xie Yuming that led to her hospitalization and an attack on Father Huang, which resulted in minor injuries.⁸⁸

The Chinese constitution officially protects religious freedom, and the Chinese Communist Party lists Christianity among government approved religions.⁸⁹ Despite official approval, the Chinese government strictly regulates the practice of religion to channel it toward support of the nation's nominally Communist regime. As the Director of the State Administration of Religious Affairs admitted, "the starting point and stopping point of work on religion is to unite and mobilize, to the greatest degree, the religious masses' zeal to build socialism with Chinese characteristics."⁹⁰ To protect the purity of the CCP's ideology, the Party forbids Christians and other religious believers from seeking membership within the Party.⁹¹ Chinese leadership only permits educational and charitable access to religious organizations when it can be used as a tool for further regulation, and continues to clamp down on "unregistered"

⁸⁶ See U.S. DEP'T OF STATE, INTERNATIONAL RELIGIOUS FREEDOM REPORT: China (2011), available at <http://www.state.gov/j/drl/rls/irf/religiousfreedom/#wrapper>.

⁸⁷ Luiza Oleszczuk, *Religious Groups Facing Increased Persecution Across China, Experts Say*, CHRISTIAN POST (Jan. 11, 2012, 8:28am), <http://www.christianpost.com/news/religious-groups-facing-increased-persecution-across-china-experts-say-66744/>.

⁸⁸ See U.S. DEP'T OF STATE, *supra* note 86.

⁸⁹ See U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, *supra* note 47, at 137.

⁹⁰ *Id.*

⁹¹ *Id.*

religious groups.⁹² Registered Chinese churches include the Catholic Patriotic Association, which has about 5 million members and the Three-Self Patriotic Movement, which has 10-15 million followers.⁹³ Despite large state churches, unregistered Christian groups continue to exist and are even larger than their state church counterparts.⁹⁴ Such groups are less inclined to register with the government given requirements such as submitting the names of members and permitting oversight on theological stances, and thus are viewed with greater suspicion.⁹⁵ The government continues to harass Catholics by ordaining state-appointed bishops and restricting communication of Catholic officials with the Vatican.⁹⁶ The Protestant church has also seen many cases of harassment and arrests as the government continues to raid the many house churches throughout the country that are formed to avoid affiliating with the government-sponsored Protestant churches.⁹⁷ Human rights defenders and lawyers who fight for religious rights in Chinese courts have also been persecuted through arrests, torture, and disappearances.⁹⁸

The United States policy toward China is multifaceted and complex. China continues to be an antagonist of religious freedom and democratic ideals in general while also positioning itself as a dominant American trading partner.⁹⁹ The U.S. ambassador to China has attempted to speak with Chinese religious leaders and to verbally encourage the Chinese government to strengthen and enforce its religious freedom policies.¹⁰⁰ The Chinese government, however, has hampered American efforts to meet with religious leaders through discouragement and intimidation of those seeking to meet with

⁹² *Id.* at 138.

⁹³ *China*, INT'L CHRISTIAN CONCERN, <http://www.persecution.org/awareness/persecuted-countries/china/> (last visited Jan. 8, 2013).

⁹⁴ *Id.*

⁹⁵ See U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, *supra* note 47, at 138.

⁹⁶ *Id.* at 143.

⁹⁷ *Id.* at 145-46.

⁹⁸ *Id.* at 149.

⁹⁹ See U.S. DEPT OF STATE, *supra* note 86.

¹⁰⁰ *Id.*

American officials.¹⁰¹ The U.S. has taken a symbolically firm stance against Chinese human rights abuses, but protecting the religious freedom of the Chinese is currently a secondary objective due to the necessity of strengthening economic ties.¹⁰²

2. *North Korea*

In North Korea “genuine religious freedom does not exist.”¹⁰³ The country is plagued by numerous political, economic, and social problems, and its extreme and bizarre religious persecution has resulted in designation as a Country of Particular Concern since 2001.¹⁰⁴ The only permissible religion in North Korea is Juche, a quasi political religious movement based on absolute submission to and worship of the Kim family.¹⁰⁵ The nation’s constitution provides for the right to have religious beliefs, but a disclaimer is included stating “no one may use religion as a means by which to drag in foreign powers or to destroy the state or social order.”¹⁰⁶ While church buildings do exist in North Korea, they are primarily used as tourist attractions, instruments to attract foreign religious aid, and as a way to appease foreign visitors.¹⁰⁷ Outsiders have suggested the services appear staged and that limited contact was permitted with the congregants who were brought and removed by bus groups.¹⁰⁸ Little is known about the number of Christians in the country or the way North Korean non-believers view or relate with those who are Christian.¹⁰⁹ It is believed that contrary to government efforts, there is a significant and growing

¹⁰¹ *Id.*

¹⁰² See U.S. COMM’N ON INT’L RELIGIOUS FREEDOM, *supra* note 47, at 151-52.

¹⁰³ See U.S. DEP’T OF STATE, INTERNATIONAL RELIGIOUS FREEDOM REPORT: Korea, Democratic People’s Republic of (2011), available at www.state.gov/j/drl/rls/irf/religiousfreedom/#wrapper.

¹⁰⁴ *Id.*

¹⁰⁵ See U.S. COMM’N ON INT’L RELIGIOUS FREEDOM, *supra* note 47, at 42.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.* at 43-44.

¹⁰⁸ See U.S. DEP’T OF STATE, *supra* note 103.

¹⁰⁹ *Id.*

underground network of churches in North Korea.¹¹⁰ However, according to some reports, citizens found to be in possession of Bibles are imprisoned or executed,¹¹¹ and as many as 200,000 people are being held in labor camps, many believed to be Christian.¹¹²

The North Korean government actively seeks to regulate all religious activities, making it very difficult for missionaries and religious materials to enter the country and even more difficult to determine the extent of religious practice within North Korea.¹¹³ North Koreans are not permitted to travel internationally without the consent of the government, and those who are captured and repatriated after attempting to flee are harshly punished, especially if they are found to be Christian.¹¹⁴ Private citizens are encouraged by the government to turn in individuals who are suspected to be Bible-smugglers or border-crossing missionaries.¹¹⁵ The government has even gone so far as to allegedly send spies to China in an effort to discover and destroy organizations known to be helping Christian refugees.¹¹⁶ A regional Manager with International Christian Concern, Ryan Morgan, has said, “[w]e have not heard any reports of improvement for Christians in the country and have no reason to believe anything has changed.”¹¹⁷

The United States’ relationship with North Korea is essentially nonexistent.¹¹⁸ North Korea’s isolationist policies limit any substantial cooperation with the United States, leaving

¹¹⁰ See generally *id.*

¹¹¹ *Id.* sec. government practices.

¹¹² *North Korea*, INTERNATIONAL CHRISTIAN CONCERN, <http://www.persecution.org/awareness/persecuted-countries/north-korea/> (last visited Jan. 10, 2013).

¹¹³ See U.S. COMM’N ON INT’L RELIGIOUS FREEDOM, *supra* note 47, at 44.

¹¹⁴ *Id.* at 45.

¹¹⁵ *Id.*

¹¹⁶ *World Watch List North Korea*, OPEN DOORS, http://www.opendoorsuk.org/resources/persecution/north_korea.php (last visited Jan. 6, 2013).

¹¹⁷ *Uncertain Future for Christians Under North Korea’s Kim Jong-un*, PERSECUTION.ORG (Dec. 9, 2012), <http://www.persecution.org/2012/12/09/uncertain-future-for-christians-under-north-koreas-kim-jong-un/>.

¹¹⁸ See U.S. COMM’N. ON INT’L RELIGIOUS FREEDOM, *supra* note 47, at 45.

the United States only the option of criticizing North Korea's human rights violations in the international community.¹¹⁹ Despite a desire for an improvement in North Korea's human rights, any effort to focus American policy on such concerns is constantly overshadowed by the continuing efforts of the North Koreans to produce nuclear weapons and remain hostile toward neighboring countries.¹²⁰

C. The Middle East

The Middle East has historically been a region of severe religious tensions and persecution. With the ongoing changes and confusion resulting from the so-called "Arab Spring," it is difficult to speculate on the future of Christian populations in countries throughout North Africa and the Middle East, which have dealt with minor protests to full out revolutions.

1. *Egypt*

In early 2011 the Egyptian revolution removed dictatorial President Hosni Mubarak and the Egyptian military now controls the country.¹²¹ With little to no civil order in some parts of the country, civilian attacks on Christians have been widespread. Specific examples include a bomb explosion during a 2011 New Year's church service in Alexandria, which killed 23 and wounded 100, and a 1,000 person Muslim mob, with the encouragement of local Muslim leaders, setting fire to the St. George Coptic Orthodox church and many surrounding Christian businesses.¹²² Discrimination against Christians is also a major problem, as Christians have almost no chance of holding important government or military positions, elected seats, academic leadership positions, or judicial authority.¹²³

¹¹⁹ *Id.*

¹²⁰ *See id.* at 46.

¹²¹ *See id.* at 51.

¹²² *Id.* at 56-57.

¹²³ *See generally id.* at 57.

With the military in control of the country, the government has arrested and used violence against protesting Coptic Christians and others demonstrating for democracy, often without due process of law.¹²⁴ Although there is a specific requirement in Article 98(f) of the Egyptian Penal Code that forbids “ridiculing or insulting heavenly religions or inciting sectarian strife,” which includes Christianity, the rule has nonetheless been used by the overwhelmingly Islamic government to persecute Christians and other religious groups for criticism of the government sponsored form of Islam.¹²⁵ The article has also been used to prosecute Christians attempting to convert Muslims and Muslims who convert, despite the legality of proselytizing in Egypt.¹²⁶ In January 2013, a mother, Nadia Mohamed, and her seven children were convicted of converting from Islam to Christianity and sentenced to 15 years in prison.¹²⁷ Further, citizens are required by law to include their conversions on their identification documents, which often leads to discrimination.¹²⁸ Under the Mubarak administration and even after its overthrow, it was illegal for religious groups to form political parties.¹²⁹ Yet organizations of violent Islamic extremists, such as the Muslim Brotherhood, formed parties in 2011 and won an alarming number of seats in the Egyptian congress.¹³⁰

Further, the government-controlled media and government-owned mosques have called on the Egyptian people to “protect” Egypt from Coptic Christians, with the result being the destruction of many churches and Christian businesses throughout the country.¹³¹ Some reports show that in 2011 alone,

¹²⁴ *Id.* at 51.

¹²⁵ *Id.* at 53.

¹²⁶ *Id.* at 58.

¹²⁷ Benjamin Weinthal, *Egyptian Court Sentences Christian Family to 15 Years for Converting from Islam*, FOXNEWS.COM (Jan. 16, 2013), <http://www.foxnews.com/world/2013/01/16/egyptian-court-sentences-entire-family-to-15-years-for-converting-to/>.

¹²⁸ See U.S. COMM’N ON INT’L RELIGIOUS FREEDOM, *supra* note 47, at 58.

¹²⁹ *Id.* at 54.

¹³⁰ *Id.* at 51, 54.

¹³¹ *Id.* at 54-55.

nearly 100 people were killed in sectarian attacks with little or no judicial action taken against the instigators.¹³² In fact, the government's only effort to seek reconciliation has been to force victims to drop their claims against those who wronged them. Such actions implicitly encourage the offenders to continue their behavior.¹³³

The United States views Egypt as a key ally in the Middle East and North Africa and provides Egypt with large amounts of aid to maintain stability in the region.¹³⁴ Despite the recent chaos in Egypt, the United States continues to provide funds to the country with a focus on economic and democratic development and with the requirement that Egypt improve policies to protect such rights as the freedom of religion and association.¹³⁵ December 2011 raids on American pro-democracy non-governmental organizations in Egypt and the subsequent imprisonment of the Americans working there has led to recent calls by a number of American Congressmen to reevaluate its aid to Egypt.¹³⁶ Overall, no real action has been taken, other than increased verbal criticism, to improve the rights or safety of Christians in Egypt.¹³⁷

2. *Iran*

Despite protests for democratic reform and greater societal freedom during the controversial 2009 presidential elections and more recently during the 2011 Arab Spring, human rights and religious freedom continue to decrease in the Islamic Republic of Iran.¹³⁸ The country, which is 98% Muslim, has been designated

¹³² *Id.* at 55.

¹³³ *Id.*

¹³⁴ *Id.* at 62.

¹³⁵ *Id.*

¹³⁶ *Id.* at 63-64.

¹³⁷ *Id.* at 64.

¹³⁸ See U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM, *supra* note 47, at 79.

as a Country of Particular Concern since 1999 for continuous religious freedom violations.¹³⁹

The Iranian constitution permits Christians a certain level of religious freedom, but in reality the small minority Christian populations throughout the country can do little against the abuses of the overwhelmingly Islamic society.¹⁴⁰ The government restricts the ability of Christians to receive an education, apply for government employment or services, or serve in the Iranian military.¹⁴¹ Christians are also forbidden from proselytizing Muslims and face literary restrictions such as publishing religious books written in the Persian language.¹⁴² Political and religious leaders have become increasing hostile towards Christians through increased arrests and acts of violence.¹⁴³ For example, Pastor Behnam Irani was arrested in 2011 on the claim that he acted against the interests of national security.¹⁴⁴ Since his imprisonment, “[h]e has been tortured in prison and was denied hospitalization for a bleeding ulcer. He had been found several times unconscious in his prison cell when visited, raising fears for his well-being.”¹⁴⁵ Many suspect he may die in prison.¹⁴⁶ Harassment of religious leaders, raids on house churches and arbitrary imprisonment is commonplace and easy to do, as the government requires certain Christian organizations to provide the names of all the congregants.¹⁴⁷ In August 2011, Iranian officials halted the transportation of 6,500 Bibles and denied their delivery on the basis that Christian missionaries

¹³⁹ See U.S. DEP'T OF STATE, INTERNATIONAL RELIGIOUS FREEDOM REPORT: Iran (2011), available at www.state.gov/j/drl/rls/irf/religiousfreedom/#wrapper.

¹⁴⁰ *Id.*

¹⁴¹ See U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, *supra* note 47, at 82.

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ Anugrah Kumar, *Iranian Pastor Shares Joy Despite Imprisonment in Letter to Christians*, THE CHRISTIAN POST (Dec. 24, 2012, 11:09am), <http://www.christianpost.com/news/iranian-pastor-shares-joy-despite-imprisonment-in-letter-to-christians-87150/>.

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ See U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, *supra* note 47, at 85.

were going to use them in an attempt to lead the youth astray through a propaganda effort.¹⁴⁸

The United States has had no diplomatic or economic ties with Iran for more than 30 years due to Iran's continual support of terrorism, efforts to make nuclear weapons, and violations and denials of human rights and religious freedom.¹⁴⁹ The U.S. government regularly co-sponsors UN resolutions on human rights in Iran "condemn[ing] the Iranian government's poor human rights record, including its continued abuses targeting religious minorities."¹⁵⁰ Likewise American legislation, such as the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, compels the President to compile a list for Congress of Iranian government officials who are human rights violators, so that Congress can ban them for entering the United States and freeze their bank funds.¹⁵¹

D. American-Occupied Nations

With the liberation of Iraq and Afghanistan by the pro-democracy, pro-religious freedom United States, it is only natural to think that these countries would be on their way to equalizing religious rights and protecting all types of freedom. Despite new representative governments and the American military presence, former U.S. Commission on International Religious Freedom Chairman Leonard Leo has said, "Christianity now faces the real threat of eradication in those countries because of severe and persistent persecution of Christians there."¹⁵²

¹⁴⁸ *Id.* at 86.

¹⁴⁹ *Id.* at 90.

¹⁵⁰ *Id.*

¹⁵¹ *Id.* at 91.

¹⁵² Terence P. Jeffrey, *Christianity May Be Eradicated in Iraq and Afghanistan, Says Chair of U.S. Religious Freedom Commission*, CNSNEWS.COM (DEC. 22, 2011), <http://cnsnews.com/news/article/christianity-may-be-eradicated-iraq-and-afghanistan-says-chair-us-religious-freedom>.

1. Iraq

Citizens of Iraq have experienced increased instances of vandalism, persecution, and overall religiously motivated violence since the 2003 U.S.-led invasion. Although much of the chaos in the country has ceased in recent years due to increased security, attacks against Christians continue, such as the October 2010 hostage attack during mass at a church in Bagdad.¹⁵³ The attack left 50 dead and another 60 injured.¹⁵⁴ In May 2012, numerous Christian families in the city of Mosul were given letters threatening violence if they did not leave the area.¹⁵⁵ Many Christian businesses and homes have also reported being burned down, looted, and vandalized, while the employees were harassed.¹⁵⁶ On November 22, 2010, attackers entered a Christian business and shot the two owners Saad Hanna and Waad Hanna. Both men died of their wounds.¹⁵⁷ On the same day, authorities discovered an elderly Christian woman choked to death in her own home.¹⁵⁸ Women have also been harassed into wearing hijabs and Christian children have been peer-pressured into participating in Islamic instruction at school.¹⁵⁹ These continuous attacks over the last 10 years have frightened and discouraged Iraqi Christians, leading to a mass exodus.¹⁶⁰ The estimated 800,000-1.4 million Christians who lived in Iraq prior to 2003 is now reduced to approximately 500,000.¹⁶¹ Currently the country is composed of 97% Muslim with the

¹⁵³ See U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, *supra* note 47, at 97.

¹⁵⁴ *Id.*

¹⁵⁵ Katherine Weber, *Watchdog Urges US Not to Forget About Persecuted Christians in Iraq*, THE CHRISTIAN POST (Aug. 18, 2012, 8:55am), <http://www.christianpost.com/news/watchdog-urges-us-not-to-forget-about-persecuted-christians-in-iraq-80201/>.

¹⁵⁶ See U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, *supra* note 47, at 97.

¹⁵⁷ *Iraq: Three Christians Killed*, THE VOICE OF THE MARTYRS (Nov. 30, 2010), http://www.persecution.com/public/newsroom.aspx?story_ID=MzIx.

¹⁵⁸ *Id.*

¹⁵⁹ See U.S. DEP'T OF STATE, INTERNATIONAL RELIGIOUS FREEDOM REPORT: Iraq (2011), *available at* www.state.gov/j/drl/rls/irf/religiousfreedom/#wrapper.

¹⁶⁰ See U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, *supra* note 47, at 98.

¹⁶¹ *Id.*

remaining 3% made up of other religious groups including Christianity.¹⁶² For those Christians who chose to stay, many of them have been displaced due to sectarian violence. The International Organization for Migration has reported “489 Christian families remain[] internally displaced in Iraq.”¹⁶³

The constitution of Iraq permits freedom of religious belief and practice, however, many laws have been passed or remain on the books that contradict these freedoms, such as forbidding Muslims to convert to other religions and forcing children to convert “to Islam if either parent becomes a Muslim.”¹⁶⁴ Christians are permitted in leadership positions in government, but Christian representation in government is nearly nonexistent and religious organizations are required to register with the government and receive approval from the Council of Iraqi church leaders, a representative body of previously organized churches within the country.¹⁶⁵ While reports of government abuses of religious freedom are in decline, sectarian officials continue to threaten arrest and violence against church members and relatives of Christian pastors who attempt to proselytize.¹⁶⁶

Although troops were technically pulled out in December 2011, the United States still has an enormous security presence in Iraq, and U.S. policy toward Iraq remains focused on stabilizing the country for democracy, economic development, and combating terrorism.¹⁶⁷ The U.S. has also increased efforts to address the needs of minorities in Iraq, including Christians, by allocating funds and appointing officials to oversee efforts designed to help such groups.¹⁶⁸ Some efforts include organizing opportunities for communication between different faiths in diversified regions of the country prone to violence, and an Iraqi student-produced television series identifying and detailing the

¹⁶² See U.S. DEP'T OF STATE, *supra* note 159.

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ See U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, *supra* note 47, at 101-02.

¹⁶⁸ See *id.* at 102.

many holy places of multiple different religions found throughout Iraq.¹⁶⁹

2. Afghanistan

Much like Iraq, the liberation of Afghanistan has created unprecedented opportunities for expansion in human rights and religious freedom. However, also like the situation in Iraq, improvement in Afghanistan, which is 99% Muslim,¹⁷⁰ is complicated, lethargic, and at times regressive.¹⁷¹ Despite over twelve years of occupation, there still remain pockets of armed resistance throughout the country, making it difficult for Christians, and the Afghans in general, to live free peaceful lives.¹⁷² The Taliban has threatened any Muslim who converts to Christianity with death and the one recognized church in the country was destroyed in 2010.¹⁷³ Despite the decline in power of the Taliban, local tribes and families still discriminate against Christians in the community and many commit acts of violence against them without any judicial repercussions.¹⁷⁴

The Afghan government took a big step toward protecting Christians in 2004 by including a freedom of religion clause in its new constitution: "Followers of other faiths shall be free within the bounds of law in the exercise and performance of their religious rituals."¹⁷⁵ Their constitution, however, contradicts the free exercise guarantee with other provisions and loopholes that minimize the freedom of religion provision.¹⁷⁶ The government

¹⁶⁹ See U.S. DEP'T OF STATE, *supra* note 159.

¹⁷⁰ *Status of the Persecuted Church in Afghanistan*, SMYRNA MINISTRIES INTERNATIONAL (Sep. 25, 2012), <http://www.smyrna-ministries.org/afghanistan>.

¹⁷¹ See U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, *supra* note 47, at 283.

¹⁷² *Id.* at 285.

¹⁷³ *Id.* at 288.

¹⁷⁴ *Afghanistan*, INTERNATIONAL CHRISTIAN CONCERN, <http://www.persecution.org/awareness/persecuted-countries/afghanistan/> (last visited Jan. 17, 2013).

¹⁷⁵ Islamic Republic of Afghanistan [Constitution] Jan. 26, 2004, ch. One, art. Two.

¹⁷⁶ See U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, *supra* note 47.

has made it known that any law or article in the constitution is considered deferential to Sharia law.¹⁷⁷ Former U.S. Commissioner on International Religious Freedom, Leonard Leo explained, “[i]n that constitution, there is what we call a repugnancy clause, which basically says anything that’s inconsistent with Sharia principles is violative of this constitution. That clause, no matter what else is in the constitution, basically forecloses the kind of reform that you’re looking for.”¹⁷⁸ Further, Afghan religious leaders have the right to look-over all legislation and suggest modifications or other recommendations for the government to act on.¹⁷⁹ A negative example of this policy occurred in 2008 when the Afghan congress passed a media regulation bill that “prohibits works and materials that are contrary to the principles of Islam, works and materials offensive to other religions and sects, and propagation of religions other than Islam.”¹⁸⁰ Those inclined to stand up for the rights of others and denounce other abuses of authority cannot do so because such efforts could be viewed as “apostasy, blasphemy, or insulting Islam.”¹⁸¹ The judicial system follows Sharia law where the constitution is silent, and therefore actions such as apostasy and conversion are considered crimes and can result in the death penalty for those found guilty.¹⁸² The government has arrested Christians and those distributing Bibles or proselytizing.¹⁸³ As a result many Christians have fled the country or practice their faith in hiding.¹⁸⁴

The U.S. policy in Afghanistan has been almost completely focused on counter-terrorism and strengthening the Afghan government as U.S. troops slowly leave the country.¹⁸⁵ However, the U.S. Embassy has created programs to facilitate discussion

¹⁷⁷ *Id.*

¹⁷⁸ Jeffrey, *supra* note 152.

¹⁷⁹ See U.S. COMM’N ON INT’L RELIGIOUS FREEDOM, *supra* note 47, at 284.

¹⁸⁰ *Id.*

¹⁸¹ *Id.* at 286.

¹⁸² *Id.* at 287.

¹⁸³ *Id.* at 288.

¹⁸⁴ *Id.*

¹⁸⁵ *Id.* at 292.

and educate Afghan citizens on alternatives to extremist religious and political beliefs.¹⁸⁶ Efforts to address religious freedom abuses, which still occur directly by the Afghan government or as a result of the government's apathy, remain hindered by other ongoing policy disagreements.¹⁸⁷

IV. RECOMMENDATIONS

Christian persecution is a very real and overwhelmingly difficult problem to address. However, difficulty has never been a valid justification for failure to act. Every effort made to protect Christians is significant, and there are steps that can be taken right now to improve the lives of Christians all over the world.

First, a simple step to immediately improve the condition of persecuted Christians everywhere would be to enforce the policies already on the books. One such existing law is the Alien Torts Statute of 1789. The statute grants U.S. courts universal jurisdiction to hear tort actions by aliens: “[t]he district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.”¹⁸⁸ This short statute permits a non-U.S. citizen, harmed outside of the United States to bring claims against other non-U.S. citizens for violations of “universally accepted norms of the international law of human rights.”¹⁸⁹ Therefore, if the United States provides designated avenues for foreign persecution victims to immigrate to the United States and maintains open access to American courts, then more claims against religious persecution can be brought. These cases will have the effect of drawing attention to international persecution and discouraging future abuses through financial and public image damages.

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

¹⁸⁸ Torture Victim's Protection Act of 1991, 28 U.S.C. § 1350 (1992).

¹⁸⁹ *See generally* Filartiga v. Pena-Irala, 630 F.2d 876, 878 (2d Cir. 1980).

Further, the International Religious Freedom Act of 1998 has great potential to significantly aid Christians in need if it is exercised to its fullest extent. The government should actively recruit bureaucrats who are truly passionate about combating religious persecution, as only a dedicated staff will completely implement every component of the Act. Additionally, the Obama administration needs to give the plight of persecuted Christians more attention, and offer more concrete aid, rather than lip service, to the issue. A change of heart, or alternatively, a change of the current composition of our government would show remarkable improvement in lives of many persecuted religious groups.

Second, legislation can be developed to specifically address the needs of those facing religious persecution. During the 112th Congress, H.R. 440 sought “[t]o provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.”¹⁹⁰ This bill was introduced to the House of Representatives by Representative Frank Wolf (R-VA-10) on January 25, 2011 and passed overwhelmingly by a vote of 402-20 on July 29, 2011.¹⁹¹ It was submitted to the senate for a vote on January 23, 2012.¹⁹² The bill called for the creation of a “[s]pecial [e]nvoy to [p]romote [r]eligious [f]reedom” due to the increasingly hostile treatment of Christians in the region.¹⁹³ The Special envoy would work in the different countries to promote religious freedom, monitor progress and abuses of human rights, and report back to the United States valuable information about the situation in the area.¹⁹⁴

¹⁹⁰ H.R. 440, 112th Cong. (2011), *available at* <http://www.gpo.gov/fdsys/pkg/BILLS-112hr440pcs/pdf/BILLS-112hr440pcs.pdf>.

¹⁹¹ *Bill Summary & Status, 112th Congress (2011 - 2012), H.R.440, Major Congressional Actions*, THE LIBRARY OF CONGRESS THOMAS, <http://thomas.loc.gov/cgi-bin/bdquery/D?d112:1:./temp/~bd57iw:@@R/home/LegislativeData.php?n=BSS;c=112> (last visited January 18, 2013).

¹⁹² *Id.*

¹⁹³ H.R. 440, 112th Cong. (2011), *supra* note 190, at sec. 1-2.

¹⁹⁴ *Id.* at sec. 3.

Despite the vast bi-partisan support for the bill in the house, the bill was blocked in the Senate by Senators Jim Webb (D-VA) and John Kerry (D-MA), who refused to have a hearing or a vote on the issue.¹⁹⁵ According to a spokesperson for Senator Webb, the State Department stated that a special envoy would be “unnecessary, duplicative, and likely counterproductive.”¹⁹⁶ A similar bill, S. 1245,¹⁹⁷ entitled “Near East and South Central Asia Religious Freedom Act of 2011,” was introduced to the Senate on June 22, 2011 by Senator Roy Blunt (R-MO), but also was not seriously considered.¹⁹⁸ The 112th Congress closed without ever taking a vote on the bill. As a result, Representative Wolf reintroduced the bill in the 113th Congress on January 15, 2013 as H.R. 301. The bill passed in the House on September 18, 2013, but as of November 16, 2013, the bill remains in the Senate Committee on Foreign Relations.¹⁹⁹

H.R. 440, even if it had passed, would not solve the problem of Christian persecution. H.R. 301 will not stop the increasing violence against Christians around the world. Nonetheless, these bills matter because small actions lead to big impacts. If bills like these pass, a few individuals and families around the world might avoid arrest, keep their jobs, or have their lives spared. Further, passing these types of bills may give law-makers the courage, fortitude, and precedence to make tougher decisions in the future, such as cutting off aid, imposing serious economic sanctions, or even sending in American troops to liberate oppressed people.

Third, where the government cannot, or will not, act directly on the issue, the United States can still fulfill its duties under the

¹⁹⁵ Patrick Goodenough, *Rep. Wolf: State Dept. ‘Unable or Unwilling’ to Address Concerns of Vulnerable Christians in Middle East*, CNSNEWS.COM (Oct. 29, 2012), <http://cnsnews.com/news/article/rep-wolf-state-dept-unable-or-unwilling-address-concerns-vulnerable-christians-middle>.

¹⁹⁶ *Id.*

¹⁹⁷ S. 1245, 112th Cong. (2011), available at <http://thomas.loc.gov/cgi-bin/query/z?c112:S.1245:>.

¹⁹⁸ Goodenough, *supra* note 195.

¹⁹⁹ *Bill Summary & Status, 113th Congress (2013 - 2014), H.R.301, All Congressional Actions*, THE LIBRARY OF CONGRESS THOMAS, <http://www.govtrack.us/congress/bills/113/hr301>.

Constitution through creating opportunities for ordinary American citizens and associations to take the initiative on addressing different elements of the problem. The most effective action the United States government and media can take is to inform its citizenry of the reality of international Christian persecution.

“The silence and indifference of Western elites to the beatings, looting, torture, jailing, enslavement, murder, and even crucifixion of increasingly vulnerable Christian communities” must be overcome in order to counter “[t]he ignorance and silence displayed by Western Christian communities towards the suffering of fellow believers.”²⁰⁰ Far too many Americans are entirely unaware of what is happening to people outside the United States. It is, therefore, important for the government and media to begin a dialogue with the American people, letting them know that despite the luxury that Christians possess in this country, Christians are victims of the majority of the most horrid religiously-motivated crimes.²⁰¹ If only Americans knew of the atrocities taking place against Christians, they would take action and “demand that their government[] take steps against regimes that foster or appease such conduct. It is thus lack of information . . . that has for so long caused Western Christian communities to be so inert and inactive about the suffering of their fellow believers.”²⁰²

Ultimately, however, the energy and resources necessary to counter Christian persecution will have to come from the church. In reality, government officials and mainstream media commentators are likely to do little, if anything, to combat Christian persecution. The importance of the truths and responsibilities laid out in the Declaration and Constitution are often overlooked by the American government and an increasing number of American voters. Therefore, where the government

²⁰⁰ Michael Horowitz, *Introduction – Their Blood Cries Out: The Untold Story of Persecution Again*, CATHOLIC EDUCATION RESOURCE CENTER (1997), available at <http://www.catholiceducation.org/articles/persecution/pch0001.html>.

²⁰¹ Csillag, *supra* note 3.

²⁰² Horowitz, *supra* note 200.

and media fail to inform Americans of the realities of Christian persecution, it is the mandate of the church to speak up for its fellow believers. Church leaders must take it upon themselves to learn about the crimes committed against Christians and inform their congregations of such atrocities. Christian voices should not remain silent while the world degrades human dignity and crimes against humanity go unnoticed and unpunished. The church must stand united around its moral convictions of right and wrong and inform the public of the egregious wrongs being done to Christians. Not until Christians become educated and express concern with international persecution will society as a whole begin to take notice.

If the government, media and Christian community properly inform the American public, then individuals and associations have the ability to act. While an average American family does not have the capabilities to be as influential as the government, individual actions, when taken collectively, can be a powerful force for change. There is a plethora of organizations world-wide specifically dedicated to combating the persecution of Christians including, Aid to the Church in Need,²⁰³ Open Doors,²⁰⁴ Barnabas Aid,²⁰⁵ The Voice of the Martyrs,²⁰⁶ and International Christian Concern.²⁰⁷ These organizations and countless others are constantly seeking funds and volunteers to support their efforts. Informed Americans can easily give a few dollars or hours of their time, which taken together with the generosity of so many others, can have profound effects in the lives of Christians struggling around the world. Christian missionaries, with financial assistance and community support, can go and do what so many Americans cannot. Finally, Americans can exercise their right to vote and hold the government accountable by electing individuals who truly value the freedom of religion and who will work passionately and effectively toward reducing religious persecution around the world.

²⁰³ See generally <http://www.aidtochurch.org/>.

²⁰⁴ See generally <http://www.opendoors.org/>.

²⁰⁵ See generally <http://barnabasfund.org/US/Our-work/What-we-do/>.

²⁰⁶ See generally <http://www.persecution.com/>.

²⁰⁷ See generally <http://www.persecution.org/>.

If American law-makers and citizens truly believe the self-evident truths, “that all men are created equal, that they are endowed by their Creator with certain unalienable Rights,”²⁰⁸ then they have a moral, if not also a legal obligation to ensure that religious rights are protected and that free people everywhere have the necessary knowledge and opportunities to make an impact for good in their own commendable way.

V. CONCLUSION

The struggle against international Christian persecution is enormous, timeless, and impossible to fix with the world’s finite resources. Americans and Christians, however, are known for taking on the world’s biggest challenges. The United States, with its vast resources, multitude of connections, and global influence, cannot feign ignorance or apathy on the subject. With forceful laws, an accountable government, and a passionate and informed citizenry, America can show the world that it is a true defender of religious freedom, and more importantly, it can show those who suffer from persecution around the world that they have not been forgotten and they are not alone in their struggle. Most Christians will continue to suffer, but America can make an invaluable difference in the lives of so many. That will be enough to inspire and encourage victims to persevere each day, until one day, in this life or the next, their suffering will cease.

²⁰⁸ THE DECLARATION OF INDEPENDENCE, *supra* note 6.