

HUMAN RIGHTS AND RELIGIOUS FREEDOM IN MOROCCO

HEARING

BEFORE THE

TOM LANTOS HUMAN RIGHTS COMMISSION

UNITED STATES
HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

JUNE 17, 2010

Official Transcript

CONTENTS

	Page
WITNESSES	
Ms. Katie Zoglin, Senior Program Officer, Freedom House	11
Mr. Michael Cloud, President, Association Nichan.....	14
Mr. Herman Boonstra, Leader, Village of Hope.....	16
Mr. and Mrs. Eddie and Lynn Padilla, Foster Parents, Village of Hope.....	24
Dr. Sandra Bunn-Livingstone, Esq., Executive Director, Jus Cogens LLC	28

STATEMENTS SUBMITTED FOR THE HEARING

The Honorable Frank R. Wolf, a Representative in Congress from the State of Virginia and Co-Chairman of the Tom Lantos Human Rights Commission: Prepared Statement.....	3
The Honorable Joseph R. Pitts, a Representative in Congress from the State of Pennsylvania and Member of the Executive Committee, Tom Lantos Human Rights Commission: Prepared Statement.....	5
The Honorable Christopher H. Smith, a Representative in Congress from the State of New Jersey and Member of the Executive Committee, Tom Lantos Human Rights Commission: Prepared Statement.....	7
The Honorable Trent Franks, a Representative in Congress from the State of Arizona and Member of the Executive Committee, Tom Lantos Human Rights Commission: Prepared Statement	9
Ms. Zoglin: Prepared Statement.....	13
Mr. Michael Cloud: Prepared Statement.....	16
Mr. Herman Boonstra: Prepared Statement	20
Mr. and Mrs. Eddie and Lynn Padilla: Prepared Statement.....	26
Dr. Sandra Bunn-Livingstone, Esq.: Prepared Statement	31

APPENDICES

Appendix A, the Honorable James M. Inhofe, a Senator from the State of Oklahoma: Prepared Statement.....	55
Appendix B, the Honorable Emanuel Cleaver, a Representative in Congress from the State of Missouri and a Member of the Tom Lantos Human Rights Commission: Prepared Statement	58
Appendix C, Letter from Michael Cloud to His Excellency Mohammed VI, King of Morocco (March 27, 2010).....	59
Appendix D, American Denied Re-Entry to Morocco: Prepared Statement	61
Appendix E, Rachid [last name redacted], Producer/Host, Al Hayat Television: Prepared Statement.....	63
Appendix F, Letter from the Honorable Frank R. Wolf to Ambassador Samuel Kaplan (March 19, 2010)	66

Appendix G, Letter from the Honorable Frank R. Wolf to His Excellency Mohammed VI, King of Morocco (April 15, 2010)	67
Appendix H, Letter from His Excellency King Mohammed VI, King of Morocco to the Honorable Frank R. Wolf	68
Appendix I, News Article from <i>Time Magazine Online</i> : “In Morocco, a Crackdown on Christian Aid Works” (March 21, 2010)	69
Appendix J, News Article from <i>Christianity Today</i> : “Moroccan Crackdown” (May 11, 2010).....	71
Appendix K, Three (3) Letters from the Honorable Frank R. Wolf to the Millennium Challenge Corporation Board of Directors (May 19, 2010; May 25, 2010; June 8, 2010).....	73
Appendix L, Freedom House Report: “Freedom in the World: Morocco” (2010)	77
Appendix M, Freedom House Report: “Women’s Rights in the Middle East & North Africa: Morocco” (2010)	81

HUMAN RIGHTS AND RELIGIOUS FREEDOM IN MOROCCO

THURSDAY, JUNE 17, 2010

HOUSE OF REPRESENTATIVES,
TOM LANTOS HUMAN RIGHTS COMMISSION,
Washington, D.C.

The Commission met, pursuant to call, at 2:14 p.m., in Room 2325, Rayburn House Office Building, Hon. Frank R. Wolf [Co-Chairman of the Commission] presiding.

Mr. WOLF. The hearing will now come to order. I want to apologize to the witnesses who have come so far, but the House was voting. We are now finished voting for the day, so we will now have the rest of the time. So I apologize.

I will have an opening statement, and then I will go to Mr. Pitts to see if he has anything, and then we will go to the witnesses.

One, I want to thank all of you for joining us for this important hearing, particularly those who have traveled great distances at their own expense to be with us today. This hearing follows in the tradition of previous hearings and actions taken by the Tom Lantos Human Rights Commission and its predecessor, the Human Rights Caucus, in defending and speaking out for the persecuted and the disenfranchised.

The Commission has held hearings and advocated for groups as diverse as the Buddhists in Tibet, the Montagnards in Vietnam, the Chaldean Catholic Christians in Iraq, the Ahmadis in Pakistan, and the Muslim Uyghurs in China. Today, this hearing will examine the precarious situation of Christians in Morocco.

Over the course of the past 3 months, approximately 49 American citizens and scores of other foreign nationals have been deported and denied reentry into the Kingdom of Morocco for allegedly proselytizing. While proselytizing is against the law in Morocco, authorities have refused to turn over any evidence or offer any explanation of the charges. Among the individuals who were deported or denied reentry were businessmen, educators, humanitarian and social workers, many of whom had resided in Morocco for over a decade in full compliance with the law. Additionally, those deported were forced to leave the country, some within 2 hours of being questioned by authorities, leaving everything behind.

As a result of the deportations, a number of organizations which were run by foreign nationals and provided vital community services have been shuttered. One organization, which is adversely affected, is the Village of Hope Orphanage in Morocco's Atlas mountains. We are privileged today to hear the testimony from several individuals who worked at the Village of Hope.

The harsh and sudden nature of these expulsions calls into question the longstanding friendship and mutual cooperation between the United States and Morocco, dating back to the letter of the Sultan of Morocco sent to George Washington at Valley Forge, declaring that American vessels were permitted to enter Moroccan ports to "take refreshments and enjoy in them the same privileges and immunities as those of other nations." This letter signifies the first official recognition of our fledgling Nation.

I have worked with both Moroccan and U.S. officials over the last 3 months in an attempt to resolve the situation. On March 19, I wrote a letter to the U.S. ambassador to Morocco, Sam Kaplan, sharing my intent to meet with the Moroccan ambassador to the U.S., and urging Ambassador Kaplan to, "convey to the government of Morocco that Members of Congress are

watching these events closely, and the outcome could negatively affect our bilateral relations."¹

On March 24, I met the Moroccan ambassador to the U.S. regarding this matter, and on April 15, I wrote a letter to the King of Morocco asking that he designate a single person within the government with the authority to find a humanitarian solution.²

Unfortunately, the Moroccan government seems unwilling to compromise, as evidenced by a recent letter I received from a representative of the King.³

I submit all these correspondences for the record—and the record will be published so people can see it, and it will be distributed—as well as two articles from *Christianity Today* and *Time Magazine* covering these events.⁴

I remain in regular communication with the Moroccan embassy in the United States and in fact delayed setting a hearing date for the hearing date on several occasions in order to allow adequate time for a solution to be reached.

I am disappointed that we have come to the point that a congressional hearing looking into this situation is now necessary.

In addition to convening this hearing, I have written three letters, which I submit for the record, to the Board Members of Millennium Challenge Corporation asking that they suspend the 5-year compact with Morocco, which is worth \$697.5 million.⁵

The MCC awards compacts on the basis of 17 key indicators of eligibility, six of which fall under the category of "ruling justly."

However, recent events raise serious questions regarding the Moroccan government's willingness to abide by these principles outlined in the MCC indicators.

The decision to suspend an MCC compact due to a significant deterioration in good governance is not unprecedented. At my urging, the Board chose to suspend the MCC compact with Nicaragua due to the violence and blatant thuggery exhibited by the regime of President Daniel Ortega surrounding the November 2008 elections.

At a time when the U.S. debt is over \$13 trillion and the deficit this year is \$1.4 trillion and continues to have trillion dollars for as far as the eye can see, it is absolutely inappropriate for American taxpayer money to go to a nation which disregards the rights of American citizens residing in Morocco and forcibly expels Americans without due process of law. I have been assured that the MCC is carefully considering these requests.

I recently received a response from the Department to my letters which read, in part, "We recognize the distress that this has caused the U.S. citizens involved and agree that the government of Morocco's actions raise deep concerns."

I am disappointed that the State Department declined an invitation to testify at the hearing today. Further, I am disappointed that the U.S. ambassador to Morocco and Secretary Clinton have not vocally advocated for U.S. citizens. It is the primary responsibility for the United States embassies abroad to defend and advocate for citizens' interests, U.S. citizens' interests abroad.

Basically, our embassy abroad should be an island of freedom. It should be a place that American citizens can go to, whereby the ambassador will advocate for the American citizen, and not for the government where he happens or she happens to sit.

At a time when the rights of Americans under Moroccan law are clearly being violated, I am disappointed that both Ambassador Kaplan and Secretary Clinton have neglected to publicly defend the rights of U.S. citizens.

¹ See Appendix F.

² See Appendix G.

³ See Appendix H.

⁴ See Appendices I, J.

⁵ See Appendix K.

I call on both the State Department and the U.S. Embassy in Rabat to speak out on behalf of these citizens and raise these issues at the highest levels.

In addition to the American citizens, though, and other foreign nationals that have come under pressure by the government of Morocco, the situation of Moroccan Christians -- Moroccan Christians -- remains bleak. The US-based NGO International Christian Concern recently reported that a pastor near Marrakech stated, "We have stopped all worship activity. We are afraid they will attack us if we are in meetings, so there is no meeting."

A Moroccan citizen, Jamaa Ait Bakrim, who converted to Christianity after a trip to Europe in 1993, is currently serving a 15-year prison sentence for apostasy. Over the past several weeks, I met with and heard from scores of Moroccan Christians that have asked this committee and asked me to speak out on their behalf and call on the Moroccan government to respect -- to respect -- religious freedom. Many feel their voices have long been silenced, and these events highlight some of the pressures they experience.

In addition, my office has received dozens upon dozens of e-mails and letters of encouragement from all over the United States in support of the Commission's efforts to highlight these abuses and raise questions about the appropriateness of Morocco continuing to receive significant amounts of U.S. foreign aid.

It is my hope this hearing will improve the situation for religious minorities in Morocco by shedding light on the precarious circumstances. I personally will continue to stay involved in this issue until a resolution has been reached. People should know, I will stay involved and my office and this Commission will stay involved until there has been a resolution of this issue.

And should this matter remain unresolved, I may very well offer amendments in the Appropriations Committee, on which I serve, on the House floor to restrict U.S. foreign aid from going to Morocco.

I look forward to the testimony of our witnesses, and again, thank you for being here today.

[The prepared statement of Mr. Wolf follows:]

PREPARED STATEMENT OF THE HONORABLE FRANK R. WOLF, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA AND CO-CHAIRMAN OF THE TOM LANTOS HUMAN RIGHTS COMMISSION

I would like to thank you all for joining us for this important hearing, particularly those who have travelled great distances at their own expense to be with us today. This hearing follows in the tradition of previous hearings and actions undertaken by the Tom Lantos Human Rights Commission and its predecessor, the Congressional Human Rights Caucus, in defending and speaking out for the persecuted and disenfranchised. The commission has held hearings and advocated for groups as diverse as the Buddhists in Tibet, the Montagnards in Vietnam, Chaldean Catholic Christians in Iraq, the Ahmadis in Pakistan and the Muslim Uyghurs in China. Today, the commission will examine the precarious situation of Christians in Morocco.

Over the course of the last three months, approximately 49 American citizens and scores of other foreign nationals have been deported and denied re-entry into the Kingdom of Morocco for allegedly proselytizing. While proselytism is against the law in Morocco, authorities have refused to turn over any evidence or offer any explanation of the charges. Among the individuals who were deported or denied reentry were businessmen, educators and humanitarian and social workers, many of whom had resided in Morocco for over a decade in full compliance with the law. Additionally, those deported were forced to leave the country within two hours of being questioned by authorities, leaving everything behind.

As a result of the deportations, a number of organizations which were run by foreign nationals and provided vital community services have been shuttered. One organization which has been adversely affected is the Village of Hope orphanage in Morocco's Atlas mountains. We are privileged today to hear the testimony from several individuals who worked at the Village of Hope.

The harsh and sudden nature of these expulsions calls into question the long standing friendship and mutual cooperation between the United States and Morocco, dating back to the letter the Sultan of Morocco sent to George Washington at Valley Forge declaring that American vessels were permitted to enter Moroccan ports to 'take refreshments and enjoy in them the same privileges and immunities as those of the other nations.' This letter signified the first official recognition of our fledgling nation.

I have worked with both Moroccan and U.S. officials over the last three months in an attempt to resolve the situation. On March 19, I wrote a letter to the U.S. Ambassador to Morocco, Sam Kaplan, detailing my intent to meet the Moroccan ambassador to the U.S., and urging Ambassador Kaplan to 'convey to the government of Morocco that members of Congress are watching these events closely and the outcome could negatively affect our bilateral relations.

On March 24, I met with the Moroccan ambassador to the U.S. regarding this matter. On April 15, I wrote a letter to the King of Morocco asking that he designate a single person within the government with the authority to find a humanitarian solution. Unfortunately, the Moroccan government seems unwilling to compromise, as evidenced by a recent letter I received from a representative of the King.

I submit all of this correspondence for the record in addition to two articles, from Christianity Today and Time Magazine, reporting these events.

I have remained in regular communication with the Moroccan Ambassador to the United States and in fact delayed setting a date for the hearing on several occasions in order to allow adequate time for a solution to be reached. I am disappointed that we have come to the point that a congressional hearing looking into this situation is necessary.

In addition to convening this hearing, I have written three letters, which I also submit for the record, to the board members of the Millennium Challenge Corporation (MCC) asking that it suspend the five-year compact with Morocco, which is worth \$697.5 million. The MCC awards compacts on the basis of 17 key indicators of eligibility, six of which fall under the category of 'ruling justly.'

However, recent events raise serious questions regarding the Moroccan government's willingness to abide by the principles outlined in the MCC indicators. The decision to suspend a MCC Compact due to a significant deterioration in good governance is not unprecedented.

At my urging, the board chose to suspend the MCC Compact with Nicaragua due to the violence and blatant thuggery exhibited by the regime of President Daniel Ortega surrounding the November 2008 elections.

At a time when the U.S. debt is over \$13 trillion, it is inappropriate for American taxpayer money to go to a nation which disregards the rights of American citizens residing in Morocco and forcibly expels Americans without due process of law. I have been assured that the MCC is carefully considering this request. I recently received a response from the Department to my letters, which read in part, 'we recognize the distress this has caused the U.S. citizens involved, and agree that the government of Morocco's actions raise deep concerns.' However, I am disappointed that the State Department declined an invitation to testify at the hearing today. Furthermore, I am disappointed that the Ambassador Kaplan and Secretary of State Hillary Clinton have not vocally advocated for U.S. citizens.

It is the primary responsibility of the United States' embassies to defend and advocate for U.S. citizens and interests abroad. At a time when the rights of Americans under Moroccan law are clearly being violated, I am disappointed that both Ambassador Kaplan and Secretary Clinton have neglected to publically defend the rights of U.S. citizens. Therefore, I call on both the State Department and the U.S. Embassy in Rabat to speak out on behalf of these U.S. citizens and raise these issues at the highest levels.

In addition to the American citizens and other foreign nationals who have come under pressure by the government of Morocco, the situation of Moroccan Christians remains bleak. A U.S.-based NGO, International Christian Concern, recently reported that a pastor near Marrakech stated, 'We have stopped all worship activity. We are afraid they will attack us if we are in meetings, so there is no meeting.' A Moroccan citizen, Jamaa Ait Bakrim, who converted to Christianity after a trip to Europe in 1993 is currently serving a 15 year prison sentence for apostasy. Over the past several weeks, I have met with and heard from scores of Moroccan Christians that have asked me to speak out on their behalf and call on the Moroccan government to respect religious freedom. Many feel that their voices have long been silenced that that these events highlight some of the pressures they experience.

In addition, my office has received dozens upon dozens of e-mails and letters of encouragement from all over the United States in support of the commission's efforts to highlight these abuses and raise questions about the appropriateness of Morocco continuing to receive significant amounts of U.S. foreign aid.

It is my sincere hope that this hearing will improve the situation for religious minorities in Morocco by shedding light on their precarious circumstances. I will continue to stay with this issue until a resolution has been reached. Should this matter remain unresolved, it is possible that I may offer amendments in the Appropriations committee and on the House floor to restrict U.S. foreign aid from going to Morocco.

I look forward to the testimonies of our witnesses, and again, thank you for being with us here today.

MR. WOLF. I would yield to the gentleman from Pennsylvania, Mr. Pitts, and then to the gentleman from New Jersey, Mr. Smith, and then the gentleman from Arizona, Mr. Franks.

Mr. Pitts.

Mr. PITTS. Thank you. Thank you very much, Mr. Chairman, for holding this important

hearing. And thank you for your statement. I agree with your statements and appreciate what you have said.

In March of this year, over 40 foreigners were deported from Morocco on reported charges of proselytism. However, these individuals were never given a trial, nor was any evidence to substantiate these charges provided. Many of the people expelled were prominent businessmen, educators, and humanitarian workers, having resided in Morocco for many years without violating the law. We are privileged to hear from two of these individuals today, and I look forward to hearing their stories.

But, sadly, their stories are not an isolated occurrence. In fact, Moroccan authorities have continued with more deportations, despite widespread appeals that they cease the expulsions.

The worsening trend in Morocco is deeply disturbing. The Kingdom's constitution, adopted in 1996, provides for the freedom of worship for all. Morocco is also party to the International Covenant on Civil and Political Rights, which protects freedom of religion or belief.

But despite these commitments to religious freedom, Moroccan authorities have targeted individuals based on their religion. I join my colleagues today in calling on Morocco, and especially appealing to the King, to stop the arbitrary deportation of foreign aid workers, to readmit the deported foreigners into the country, and to allow them to return to their homes and jobs.

In addition, I would also like to raise concerns about the situation for local religious minorities. Most Moroccans are Muslim, but the small religious minorities have faced increasing intolerance. Moroccan Christians and other religious minorities are often forced to hide their faith for fear of retribution. Indigenous Christians are treated atrociously without the same rights as their Muslim brothers and neighbors. This is outrageous.

And there have been recent arrest campaigns carried out against Moroccan Christians. The chairman referred to Jamaa Ait Bakrim. I have had information on this gentleman as well. He was sentenced to not only a mental hospital for proselytizing; he served time in jail for putting up a Christian cross in public, and he has been condemned to 15 years imprisonment after converting to Christianity. He was convicted for apostasy, and he has currently served 5 years.

I would urge the Moroccan authorities, and again especially appealing to the King, to grant Moroccan Christians and religious minorities the full right to openly practice their religion as set forth in article 18 of the International Covenant on Civil and Political Rights.

I look forward to hearing from our distinguished witnesses. I thank them for coming such a long way. I would like to commend them for their leadership and their courage in speaking out on this critical issue.

And I yield back.

[The prepared statement of Mr. Pitts follows:]

PREPARED STATEMENT OF THE HONORABLE JOSEPH R. PITTS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA AND MEMBER OF THE EXECUTIVE COMMITTEE, TOM LANTOS HUMAN RIGHTS COMMISSION

Mr. Chairman, thank you for holding this important hearing.

In March of this year, over 40 foreigners were deported from Morocco on reported charges of proselytism. However, these individuals were never given a trial nor was any evidence to substantiate these charges provided. Many of the people expelled were prominent businessmen, educators, and humanitarian workers, having resided in Morocco for many years without violating the law.

We are privileged to hear from two of these individuals today, and I look forward to hearing their stories. But sadly, their stories are not an isolated occurrence. In fact, Moroccan authorities have continued with more deportations, despite widespread appeals that they cease the expulsions.

The worsening trend in Morocco is deeply disturbing. The Kingdom's Constitution, adopted in 1996, provides for the freedom of worship for all. Morocco is also party to the International Covenant on Civil and Political Rights, which protects freedom of religion or belief. But despite these commitments to religious freedom, Moroccan authorities have targeted individuals based on their religion.

I join my colleagues today in calling on Morocco to stop the arbitrary deportation of foreign aid workers, to readmit the deported foreigners into the country, and to allow them to return to their homes and jobs.

In addition, I would also like to raise concerns about the situation for local religious minorities. Most Moroccans are Muslim, but the small religious minorities have faced increasing intolerance. Moroccan Christians and other religious minorities are often forced to hide their faith for fear of retribution.

And there have been recent arrest campaigns carried out against Muslim Christians.

I urge the Moroccan authorities to grant Moroccan Christians and religious minorities the full right to openly practice their religion, as set forth in Article 18 of the International Covenant on Civil and Political Rights.

I look forward to hearing from all of our witnesses and would like to commend them for their leadership and courage in speaking out on this critical issue.

Mr. WOLF. I thank you, Mr. Pitts.

Mr. Smith.

Mr. SMITH. Thank you very much, Mr. Chairman. And I want to thank the distinguished cochair, Frank Wolf, for holding this extraordinarily important and timely hearing on human rights and religious freedom in Morocco.

Morocco, as we all know, is a long-time friend and ally, but friends don't let friends commit human rights abuses. I, among many others of this body, have met with King Mohammed VI in the past. I hope that he realizes that his friends are profoundly disappointed in these recent events.

It is particularly fitting that today's hearing is chaired by Chairman Wolf, because he is the author of the International Religious Freedom Act of 1998, one of the most important transformative pieces of legislation that has made religious freedom and combating religious persecution a mainstay of U.S. foreign policy. Mr. Wolf will remember, as he was writing that law, and members on this panel and I am sure some in the audience, that religious freedom was very much of an orphaned human right for many, many years until Mr. Wolf's landmark and historic legislation was passed, and now it is a main focus of our U.S. Department of State. It is disappointing, however, that they are not here to give us an account.

I am, like my colleagues, particularly concerned about the recent expulsions and denial of reentry of some 100 Christian longtime residents of Morocco. I wonder how such inexplicable and unforeseeable actions by the government are affecting the remaining Christian community in Morocco. Some of these individuals have lived and worked in Morocco for more than a decade or longer, raising families there, while contributing to Morocco's economy and society.

The government's actions were in violation of both Moroccan domestic law and international human rights law, to which Morocco was a signatory. Our colleague, Gus Bilirakis, noted the expulsions immediately, and I, along with other colleagues, joined him in a letter to King Mohammed pointing out the inconsistency between Morocco's actions and their obligations under international human rights treaties.

First, all international human rights treaties recognize religious freedom as a fundamental human right. Without it, people cannot be considered free. Article 18 of the International Covenant on Civil and Political Rights, which Mr. Pitts alluded to, which Morocco signed 30 years ago, states, and I quote, everyone -- not someone -- everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or adopt a religion or belief of his choice, and freedom to, either individually or in a community with others, and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.

Their government has not alleged that any of these individuals were forcibly converting others. Without such allegations and evidence, these individuals have not violated any human rights law.

Morocco claims that individuals are allowed to practice their own religion, and yet government surveillance of Christians and social persecution has had a chilling effect on

religious practice in years past. Moreover, as Nina Shea of the U.S. Commission on International Religious Freedom noted in a National Review article today, it is unclear in Moroccan law whether answering a question about one's faith is permitted. Given Morocco's international commitments, speaking about one's faith should clearly be permitted, but this ambiguity under domestic law leaves religious freedom open to abuse, which might explain the inconsistency and the unpredictability we are now seeing in Morocco.

I am particularly concerned, because we have seen, again and again, that where there are violations of religious freedom, other human rights abuses follow. If the government is intruding upon one's freedom of belief and conscience, what respect can the government have for human dignity? To respect religious freedom is to acknowledge that the government has limits--that there is a higher law. Governments that reject religious freedom are notoriously too often governments that reject the idea that they are subject to the law themselves--the rule of law.

In the case of recent expulsion from Morocco, people who have been in public service for a decade were thrown out without proper hearing or evidence, their right to due process completely violated. Other individuals who lived in Morocco for 10 years or more and have the right to appeal expulsion, the law was ignored in recent cases. In addition to expelling individuals without due process, the government then refused them the opportunity to liquidate their assets, say goodbye to friends, and, in some cases, watch their own children, who have grown up in Morocco, graduate from school. These actions defy reason, which is perhaps why so many of those deported were given no reason at all, no official paperwork. Nothing.

We are here today to try to understand why Morocco seems to be moving backward rather than forward as a nation that respects human rights and the rule of law.

Again, I thank Chairman Wolf for convening this hearing, and I especially want to thank the witnesses from whom we will hear from in a moment.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY AND MEMBER OF THE EXECUTIVE COMMITTEE, TOM LANTOS HUMAN RIGHTS COMMISSION

Good Afternoon,

I would like to thank Co-Chairman Wolf for holding this extraordinarily important and timely hearing on human rights and religious freedom in Morocco, a long time and close friend and ally. Friends do not let friends commit human rights abuses. King Mohamed VI is a great friend—and as friends we expect more. Recent events raise serious concern that religious freedom and other fundamental human rights are eroding in Morocco.

It is particularly fitting that today's hearing is chaired by Mr. Wolf, the author of the 1998 International Religious Freedom Act—a law that elevated religious freedom and especially religious persecution, and provided the U.S. government with numerous penalty options and actions designed to mitigate religious persecution.

I am particularly concerned about the recent expulsions and denial of re-entry of 100 Christian, long-time residents of Morocco. In addition to the wrong imposed on these particular victims, I wonder how such inexplicable and unforeseeable actions by the government are affecting the remaining Christian community in Morocco. Some of the expelled individuals had lived and worked in Morocco for more than a decade, raising families there while contributing to Morocco's economy and society.

The government's actions were in violation of both Moroccan domestic law and international human rights law to which Morocco is a signatory. Our colleague Gus Bilirakis noted the expulsions immediately and I joined him on a letter to King Mohamed VI, pointing out the inconsistency between Morocco's actions and their obligations under international human rights treaties.

All of our international human rights treaties recognize religious freedom as a human right—without it, people cannot be considered free. Article 18 of the International Covenant on Civil and Political Rights, which Morocco signed 30 years ago, states that “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include 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, practice and teaching.”

The government has not alleged that these individuals were forcibly converting others. Without such allegations and evidence, these individuals have not violated human rights law. Morocco claims that individuals are

allowed to practice their own religion—and yet government surveillance of Christians, and social persecution, has had a chilling effect on religious practice in years past.

Moreover, as Nina Shea of the U.S. Commission on International Religious Freedom noted in a National Review article today, it is unclear in Moroccan law if answering a question about one's faith is permitted. Given Morocco's international commitments, speaking about one's faith should clearly be permitted, but, this ambiguity in the domestic law leaves religious freedom open to abuse—which might explain the inconsistency and unpredictability we are now seeing in Morocco.

I am particularly concerned because we have seen again and again that where there are violations of religious freedom, other human rights abuses will follow. If the government is intruding upon one's freedom of belief and conscience, what respect can that government have for human dignity?

To respect religious freedom is to acknowledge that the government has limits—that there is a higher law. Governments that reject religious freedom are too frequently governments that reject the idea that they are subject to law themselves—rule of law.

In the case of recent expulsions from Morocco, people who had been in public service for a decade were thrown out without a proper hearing or evidence. Their right to due process was completely violated. Moreover, individuals who have lived in Morocco for more than 10 years are to have the right to appeal expulsion—the law was ignored in recent cases.

In addition to expelling individuals without due process, the government then refused them opportunity to liquidate their assets, say goodbye to friends, and in some cases, watch their own children who have grown up in Morocco, graduate from school.

These actions defy reason—which is perhaps why so many of those deported were given no reason at all, no official paperwork, nothing.

We are here today to try to understand why Morocco seems to be moving backward rather than forward as a nation that respects human rights and the rule of law. I look forward to hearing from each of our witness.

Mr. WOLF. Thank you, Mr. Smith. I appreciate your comments.

Now, Congressman Trent Franks from Arizona.

Mr. FRANKS. Well, thank you, Mr. Chairman.

I want to thank, before the group here, Congressman Wolf for holding this timely and critical hearing on what has become a deplorable situation in Morocco, as well as for his recent efforts to address the situation with all of those involved.

I also want to thank the rest of the members here for being here. These are people that have stood for human rights and religious freedom for a long time.

I even know some of the panelists here. Sandra Bunn-Livingstone. I appreciate all of you for being here. I know that these are not easy challenges to deal with.

And Mr. Cao is as a newcomer, but has been such a strong force for human rights ever since he has been here.

And so I, like some of these members, am deeply troubled by the radical departure lately that Morocco has taken, particularly as an ally of the United States, and since Morocco has also been considered for such a long time a beacon of tolerance and respect for religious freedom in the region. And as we will hear from our excellent panel all of the details of the situation, I will only mention a couple of points so that we can hear from those most personally involved.

Most of you have likely heard the stories of many of those deported who had businesses there, ran schools and orphanages or other develop programs. And I am particularly troubled by the foreigners who selflessly worked with the orphans there, in some cases were the only parents that most of those children there have ever known, and who were needlessly kicked out of the country solely because of their private religious beliefs. I teach Sunday school for one- and two-year-olds, and that is hard for me to understand.

We also understand that these caretakers were deported from Morocco without notice and without any paperwork explaining the reasons for their deportation and leaving those children in those orphanages extremely distressed and frightened. I can only imagine, as some of you, how traumatic this must have been for them. And I wonder, what is it that compels a government to be so afraid of Christians willing to love those children and in many cases when no one else was

doing it effectively?

As the government of Morocco has supported the work of these orphanages for 10 years, at least, I am just troubled with the sudden change in policy. And it seems to disregard the best interests of the children. The government has claimed that it was because these caretakers were undermining the children's Islamic faith, but I understand that in all of these cases where the children were of that religion, that even the foreigners that run those orphanages had an Islamic teacher that taught those children.

Before these children were uprooted, there was still cause for concern. Back in December of last year, a couple who had rented a facility for Moroccans to meet for a Christian service were expelled from the country just for renting a facility. This couple was from Guatemala and had been running a center for the handicapped in Morocco, but happened to be Christian. They were given 1 hour to pack and pick up their kids from school before being taken to the border and kicked out. And I sincerely hope the Moroccan government will look into this situation and help us all understand what necessitated such a Draconian measure.

The United States cannot and should not and will not turn a blind eye toward the denial of due process. It is rather untenable for those in the U.S. to support an alliance against terrorism with another country that considers peaceful American citizens as terrorists simply because of their religious faith. It is unfortunate the Moroccan government would take such measures against those foreigners who were providing such needed humanitarian and business services to the people of that country.

So, finally, I hope that the panelists can also address why the proselytism laws are in place, and why it hasn't been reformed to come into alignment with the international standard for religious freedom on proselytism. Moreover, why were these individuals deported without notice from Morocco when, essentially, what have they done to justify being a national security threat to the government of Morocco?

Now, I know that sometimes these are challenging circumstances, but true religious freedom, true freedom, true tolerance doesn't mean that we don't accept that there are differences among us, but it means that we care about each other and are decent to each other in spite of those differences. And if we let go of that fundamental premise, it will hurt all of us, no matter what our faith.

So I want to thank all of you for being here, and of course, I look forward to the testimony.

And I yield back, Mr. Wolf.

[The prepared statement of Mr. Franks follows:]

PREPARED STATEMENT OF THE HONORABLE TRENT FRANKS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA AND MEMBER OF THE EXECUTIVE COMMITTEE, TOM LANTOS HUMAN RIGHTS COMMISSION

I would like to thank Congressman Wolf for holding this timely and critical hearing on the deplorable situation in Morocco, as well as for his recent efforts to address this situation with all those involved. I am deeply troubled by the radical departure Morocco has taken, particularly as an ally of the United States which has always been considered a beacon of tolerance and respect for religious freedom in the region. As we will hear from our excellent panel all of the details of the situation, I will only mention a couple of points so that we can hear from those most personally involved in this situation.

Most of you have likely heard the stories of many of those deported who had businesses there, ran schools and orphanages, or other development programs. I am particularly troubled by the foreigners who selflessly worked with orphans, were the only parents most of the children there have ever known, and who were needlessly kicked out of the country solely because of their private religious beliefs.

We understand that these caretakers were deported from Morocco without notice and without any paperwork explaining the reasons for their deportation, leaving the children who live in the orphanages extremely distressed and scared. I can only imagine how traumatic this must have been for them and I wonder what could compel a government to be so afraid of Christians willing to love these children when there was no one else to do it? As the Government of Morocco has supported the work of these orphanages for the past 10 years, I am extremely troubled

with the sudden change in policy that seems to disregard the best interests of the children. The government has claimed it was because these caretakers were undermining the children's Islamic faith. I know this isn't true because in all of the schools and orphanages run by foreigners, an Islamic teacher taught the children of that religion.

Before these children were uprooted, there was still cause for concern. Back in December of last year, a couple who had rented a facility for Moroccans to meet in for a Christian service were expelled from the country. This couple was from Guatemala and had been running a center for the handicapped in Morocco but happened to be Christian. They were given one hour to pack and pick up their kids from school before being taken to the border and kicked out.

I sincerely hope the Moroccan government will look into this situation and help us to understand what necessitated such draconian measures. The United States will not turn a blind eye toward the denial of due process. It is untenable for the U.S. to support any alliance against terrorism with another country that considers peaceful American citizens as a terrorist threat simply because of their religious faith. It is unfortunate that the Moroccan government would take such measures against those foreigners who are providing much needed humanitarian and business services to Morocco.

Finally, I hope that the panelists can also address why the proselytism law is in place and why it hasn't been reformed to come into alignment with the international standard for religious freedom on proselytism? Moreover, why were these individuals deported without notice from Morocco and what have they done to justify being a national security threat to the government of Morocco?

Thank you all for being here and I look forward to hearing your testimony.

Mr. WOLF. Thank you, Mr. Franks. I appreciate your comments.

Mr. Cao, do you have any comments? I know you are scheduled this afternoon, and I appreciate you being here. If you have any comments.

Mr. CAO. I just want to thank you for holding this very important hearing, and thank all the members for attending this hearing and thank all the panelists whose are here.

The issue of, obviously, human rights and religious freedom is important no matter where it is, whether it is in Morocco, Vietnam, China, or what have you. And I believe that it is a basic right of individuals to have the ability to worship, to have the ability to express their opinions, and to live basic and to receive basic human rights. And I am anxious to hearing what the panelists have to say in regards to Morocco. And if they have retreated in the past several years with respect to their human rights and religious freedom records, then, obviously, it is something that we have to address here in the Congress, because basic human rights, basic religious freedom is the right of every individual no matter where you are. So thank you very much.

Mr. WOLF. Thank you, Mr. Cao. Thank you for all your efforts in the East. I appreciate it very much.

Before we begin, I would ask unanimous consent that the statement of our distinguished colleague from the Senate -- now that the Senators are hearing about this, they are beginning to get involved -- Senator James Inhofe⁶ be made a part of the record in addition to numerous other statements we have received.

Mr. WOLF. I am pleased that we have such a distinguished panel of witnesses to speak on this very important matter, some of whom -- and I personally appreciate it. It is one thing to say you care about something, but they have traveled great distances to be here.

Testifying first will be Katie Zoglin, who is a senior program manager for the Middle East and North Africa at Freedom House. Prior to her position at Freedom House, Ms. Zoglin worked in Morocco as the deputy director of the American Bar Association's Rule of Law Initiative publishing programs in Morocco and Algeria.

Next, we will have Michael Cloud, the president of the Association Nichan, which is 12 children's therapy centers for children with disabilities across Morocco. Mr. Cloud was expelled from Morocco in March and is currently residing in Spain.

I want to thank you for traveling so far to be with us today.

⁶ See Appendix A.

He had been living and working in Morocco for 14 years.

Then we will hear from Herman Boonstra, who was the leader of the Village of Hope orphanage prior to his expulsion from the country. Mr. Boonstra has lived in Morocco for 11 years and, together with his wife, has raised 8 foster children. Mr. Boonstra traveled from Europe at his own expense to testify, and we are grateful that he can be here today.

Next, we will hear from Mr. and Mrs. Eddie and Lynn Padilla, U.S. citizens who spent the last 3 years in Morocco working at the Village of Hope orphanages. The Padillas were foster parents to two young Moroccan boys when they were deported.

Finally, we welcome Dr. Sandra Bunn-Livingstone, an expert on international law and religious freedom issues. Dr. Bunn-Livingstone is currently executive director and senior manager and the partner of a law firm in Washington dedicated to promoting international human rights. And prior to that, she served in the International Religious Freedom Office at the State Department.

And, again, thank all of you for being here. We will go from left to right. And if you can keep your comments summarized to 5 minutes, and then we will open up for questions.

Ms. ZOGLIN. Thank you, Chairman Wolf, members of the Commission. Thank you for holding this important hearing and for inviting Freedom House to testify.

For nearly 40 years, Freedom House has been issuing reports, such as "Freedom in the World," "Freedom of the Press," that analyzes the human rights situation in countries throughout the world, including in Morocco. In March of this year, Freedom House also issued a report analyzing the status of women's rights throughout the Middle East and North Africa.

I am going to focus my remarks more generally, more broadly on the human rights situation and based on Freedom House's reports relating to Morocco, and I ask that the chapters on Morocco be admitted to the record.

Mr. WOLF. Without objection, the entirety will be in record.⁷

Ms. ZOGLIN. Thank you.

In Freedom House's 2010 report on Freedom in the World, Morocco is currently ranked as partially free, partly free, and it has scored slightly lower this year than it has in the past.

Morocco is officially a constitutional monarchy, but in reality, most of the power is held by the King and his close advisers. The monarch can dissolve parliament rule by decree and dismiss or appoint cabinet members. The King sets national and foreign policy, commands the armed forces, and under the constitution is Commander of the Faithful. Given the concentration of power with the King, the country's fragmented political parties are generally unable to assert themselves. Corruption remains a problem, both within public life as well as in the business world.

In addition, the judiciary lacks independence, particularly when there are sensitive cases, and arbitrary detentions and torture still occur, although they have been reduced -- have reduced in the past years.

Morocco's constitution does guarantee freedom of expression, freedom of assembly, freedom to join political organizations. However, in practice, these rights are sometimes restricted. For example, in recent years, the authorities have stepped up repression of the country's vigorous free press, including by using a restrictive press law to punish journalists. This press is prohibited from undermining the monarchy, Islam, or territorial integrity, which is the Western Sahara. As one example, in February of this year, one of the most prominent weekly news magazines, *Journal Hebdomadaire*, was shut down after significant fines had been imposed in a defamation case. The government has also cracked down on other printed media, such as *Akhbar al-Youm* and *al-Michael*. Some French papers have also been confiscated by the authorities.

⁷ See Appendices L, M.

The state dominates the broadcast media, but residents do have access to international satellite television stations. The authorities occasionally block Web sites and Internet platforms, and bloggers and other Internet users are sometimes arrested and have been sentenced to jail for posting content that offend the authorities. Self-censorship is exercised and is widespread, given the heavy fines and prison sentences that have been imposed. In practice, freedom of assembly is not always respected, and demonstrations that directly challenge the authorities frequently draw crackdowns.

Women in Morocco have fared better than many of their counterparts in other countries in the Middle East and North Africa in terms of their political and civil liberties. Morocco ranks second in terms of the status of women's rights in the Middle East and North Africa region, coming second to Tunisia. Moroccan authorities are more progressive in their views of women's rights and gender equality than leaders in many other Arab countries. Nonetheless, the region remains among the lowest in the world when it comes to women's rights.

Morocco has made significant achievements in the area of laws that protect women's rights. In 2004, Morocco enacted a historic law in the family code. This is the code that governs marriage, divorce, child custody, inheritance rights. This code is often called the Moudawana, and this is considered the most progressive really in the Arab world, and all other countries really look to it as a leader. While the code has granted more rights than ever before, it does continue to include some discriminatory provisions, such as inheritance rights. But there are many provisions that give women many more rights, so they are considered equals and have equal rights and responsibilities in the family.

Now, the minimal age that women and men are allowed to marry is higher; it is now at age 18. There is also a new nationality law that enables Moroccan women who are married to noncitizen Muslims to pass their nationality on to their children.

In terms of other rights for women, limited progress has been made in protecting women from domestic violence. For example, there are some shelters. There has been increased public awareness on that front. There are some counseling centers as well, particularly in urban areas.

However, spousal rape is not a crime. There is no specific criminal prohibition against domestic violence per se. Police are often hesitant to report domestic violence cases and become involved in this, and there is a lot of social pressure for women to not report domestic violence. And services are definitely less available in rural regions of Morocco.

In addition, the literacy rate of women is quite rare in Morocco, around 40 percent. It is not great for men, either; it is more at the level of 60 percent. The low literacy rate for women has a serious impact on their ability to contribute economically in Morocco.

On the political front, women have made considerable gains. There is now a 12 percent quota law in effect that was in effect for the June 2009 local elections. As a result, there are many more women in public office than before. Yet, at the highest levels in government, the national government, there are very few women in senior positions.

As was mentioned, freedom of worship is guaranteed by Morocco's constitution, and Moroccan law does permit Muslims to convert to other religions, although socially there is stigma attached to that. Under the family code, the Moudawana, Muslim women may not marry non-Muslims, but Muslim men may marry women of Christian or Jewish faiths. As previously noted, the press law does criminalize criticism of Islam.

In sum, Morocco follows a trend that we have seen in recent years throughout the Middle East and North Africa, with women's rights making slow, but steady, progress, but freedoms on the whole have declined. Thank you.

[The prepared statement of Ms. Zoglin follows:]

PREPARED STATEMENT OF KATIE ZOGLIN, SENIOR PROGRAM OFFICER, FREEDOM HOUSE

Chairman Wolf, Members of the Commission, thank you for calling this important hearing today and for inviting Freedom House to testify.

For nearly 40 years, Freedom House has been producing reports such as *Freedom in the World*, *Freedom of the Press*, and others that analyze the state of human rights in every country around the world, including Morocco. In March of this year, Freedom House released a special report on *Women's Rights in the Middle East and North Africa*, which takes a close look at the progress and challenges regarding the status of women's rights throughout the Middle East, including Morocco, during the past five years. I will focus my remarks on the human rights situation in Morocco in general, as well as the case of women in particular. As such, I ask that the chapters on Morocco from *Freedom in the World 2010* and the 2010 *Women's Rights Survey* be included in the record.

Civil and Political Rights

In Freedom House's 2010 report on *Freedom in the World*, Morocco is currently ranked as "partly free," though it scored at a lower level this year compared to last year, in part due to increased crackdowns on free expression. Morocco is officially a constitutional monarchy but in reality most power is held by the king and his close advisers. The monarch can dissolve Parliament, rule by decree, and dismiss or appoint cabinet members. The King sets national and foreign policy, commands the armed forces, presides over the judicial system, and is also the "commander of the faithful" under the Constitution.

Given the concentration of power in the King, the country's fragmented political parties are generally unable to assert themselves. And despite government rhetoric on combating widespread corruption, it remains a structural problem, both in public life and in the business world. Morocco was ranked 89 out of 180 countries surveyed in Transparency International's 2009 Corruption Perceptions Index. In addition, the judiciary is widely perceived as lacking independence.

In recent years, the authorities have stepped up repression of the country's vigorous independent press, using a restrictive press law and an array of economic and other, more subtle mechanisms to punish critical journalists. It is prohibited to criticize the monarchy, Islam, or territorial integrity (meaning the Western Sahara). As one example, in February this year, the leading independent newsmagazine, *Le Journal Hebdomadaire* was shut down, after it had been hit with heavy fines in a defamation case. The government has also cracked down on other printed media, such as *Akhbar al-Youm* and *al-Michaal*. Some French papers have been confiscated by authorities.

The state dominates the broadcast media, but residents have access to foreign satellite television channels. The authorities occasionally block websites and internet platforms, while bloggers and other internet users are sometimes arrested and sentenced for posting content that offends the monarchy. In fact, one blogger was sentenced to six months in prison after he helped organize a week-long blogging strike to protect restrictions on free expression. In that strike, bloggers posted a picture of a coffin marked "Freedom of Express" and stopped writing online during a "week of mourning." Self-censorship is widespread, given the heavy fines and prison sentences that have been imposed.

Women's Rights in Morocco

Women in Morocco fare better than most of their counterparts in the region in terms of their political rights and civil liberties. Morocco was ranked second in Freedom House's analysis entitled *Women's Rights in the Middle East and North Africa*, coming after Tunisia. Moroccan authorities have a more progressive view on gender equality than leaders in many Arab countries. Nonetheless, the region remains the worst in the world in terms of respect for women's rights and women continue to face a great deal of discrimination at the societal level.

Freedom of Expression/Association:

Article 9 of the Constitution guarantees freedom of opinion, freedom of expression in all its forms, freedom of assembly, and freedom to join any political organization. In practice, demonstrations that directly challenge the government frequently draw crackdowns from the security forces. Nonetheless, women's rights activists, who generally have maintained good relations with the state, are able to hold rallies.

Legal Rights

Morocco has made significant achievements in the last decade in terms of women's legal rights. The women's movement in Morocco has been active since the 1950s. In 2004, reforms to the personal status code, known as the Moudawana, were enacted and Morocco now has what is considered to be one of the most progressive personal status codes in the Arab World. While it has granted women more rights than ever before, it continues to include some discriminatory provisions, such as in inheritance rights. In addition, the Moudawana has not been fully implemented, because many judges are not always applying its provisions and many citizens are not familiar with the provisions in the Moudawana.

Some of the positive reforms including raising the minimum legal age of marriage to 18 for both men and women. It provides for shared parental authority and equal rights and responsibilities for men and women within the family. Additionally, it now requires men to obtain a judge's approval and prove financial means before taking another wife and affords women equal rights to divorce.

Women may now travel without a guardian's approval, are leading business ventures, advancing to higher levels of education in greater numbers, and are better able to negotiate their marriage rights. A new nationality law enables Moroccan women married to noncitizen men to pass their nationality to their children if certain conditions are met. However, the only children eligible for citizenship under this provision are those of a Moroccan woman and a Muslim noncitizen man who married in accordance with the Moudawana. In practical terms, Moroccan women married to non-Muslim men and those married outside of the country and its laws are excluded by the code.

Limited progress has been made in protecting women from domestic violence. For example, there have been some efforts to increase public awareness about domestic violence. In addition, there are some shelters and counseling centers, particular in urban areas. However, spousal rape is not a crime, nor is there a specific provision in the criminal code that addresses domestic violence. Police are hesitant to become involved in domestic violence cases and there are social pressures that dissuade women from reporting or complaining about family violence. Services are less available for women in rural areas.

Political and Other Participation of Women:

Women continue to make gains politically, and a 12 percent quota was implemented for the June 2009 local elections, substantially increasing female political representation on this level. There are few women at high levels in the government.

Women's rights groups and individual activists have collaborated with the government to improve the rights of all women, but true equality remains a distant goal. The literacy rate for women and girls is quite low, a little above 40%; that of men and boys is better, but still low, near 60 per cent. The low literacy rate has an impact on women's full participation in economic life in Morocco.

Freedom of Worship for Women:

While freedom of worship is guaranteed by Article 6 of the Constitution Moroccan law does allow Muslims to convert to other religions. Under Article 39 of the family law, Muslim women may not marry non-Muslims, while Muslim men may marry women of Christian or Jewish faith.

Women are allowed to pray in mosques, lead women-only prayers, and practice their religious rites freely. They have been steadily increasing their religious freedom in recent years. In May 2006, the first cohort of female *murchidat*, or Islamic guides, graduated from a government-backed program and were empowered to perform all of the same functions as male imams except leading the Friday prayers. The program was part of the government's drive to promote a more tolerant version of Islam. As previously noted, the press law criminalizes criticism of Islam.

Conclusion

Morocco follows a trend that we have seen in recent years in the Middle East whereby women's rights have made steady improvements, while freedoms on the whole have declined. Morocco and the entire MENA region still lag far behind much of the rest of the world in terms of both women's rights and overall human rights.

Mr. WOLF. Thank you very much.

Mr. Cloud.

Mr. CLOUD. Thank you, Mr. Director, and other distinguished members.

I am Michael Cloud. My wife, Safaa, and I have lived in the city of Meknes, Morocco, for 14 years. We have been blessed to have four children between 8 and 13. They have done their nine years of schooling in a Moroccan school, teaching French, teaching Arabic, and teaching Islam.

We have found great need in Morocco that we have been able to meet, and that is to help train parents and children dealing with the challenge of cerebral palsy. There is still a high rate of problems with prenatal care and childbirth, causing a lot of the children to have nerve damage; thus, the cerebral palsy.

We have been able to start 12 centers throughout Morocco in different cities that have created 100 jobs for previously unemployed Moroccans; 80 of these jobs are for women who were previously unemployed, and that has helped them to have a career.

We have helped over 1,000 children and parents. The Moroccan people and the government have always applauded our efforts. I have met King Mohammed VI, and have been on national television three times.

Our goal for coming to Morocco was to be, first, a good citizen of Morocco and honor the king of Morocco.

Secondly, as American citizens, we wanted to be good ambassadors for the United States,

knowing that what we did in Morocco would reflect upon the United States.

Thirdly, we wanted to honor God, who has blessed us and given us the motivation to help other people. We are Christian, and we know, and we knew, Morocco is a Muslim country with laws against proselytism. We have been watched very closely by the police all of our time in Morocco. They know about our guests, our friends, our activities, our work, our travels, the garbage that we put out at night. They know more about me than my own mom knows.

Last summer, my wife was diagnosed with breast cancer; and my wife is a U.S. citizen but national origin of Egypt. We decided for her to go to Cairo to have the operation and start chemotherapy. So, starting in August, I have been living in Morocco for three weeks and go to Cairo for two weeks to be with the family. Fortunately, her cancer is in remission. Her therapy, chemotherapy was to finish this month.

We have round-trip tickets to return to Morocco, the entire family, this month. I have been traveling to Morocco. In the fall, we started therapy center number 12 and are doing the planning stages for a therapy center in the mountains, number 13.

I was greatly shocked on March 15 when I arrived at the airport and was refused entry. They would not tell me why. I called the American embassy.

They said, "You and your wife have been placed on a no-entry list."

I said, "Who is the list from?"

"We cannot tell you."

"Where is the list from?"

"We cannot tell you that, sir. We can only offer you a list of lawyers if you want to contact the lawyers."

I was held for 13 hours in a waiting room with the policeman. I was told I was not able to leave, not able to go to transit. I was not under arrest, but I was told to wait until the police escorted me to the airplane later that night.

Rumor has it that we were part of the sweep against Christian aid workers. No one, not one Moroccan authority in our 14 years has ever said we did something wrong in Morocco.

We have never asked Muslims to change their religion to Christianity. It is a rule of the therapy centers that the centers will not be used for political or religious purposes, and we take that very serious.

We have had people angry at us throughout our time in Morocco for not giving them money that they wanted, not giving them jobs that they wanted, and they have threatened to inform authorities that we were doing illegal activities.

I have had people stop me on the street and say, "Are you Christian?"

I say, "Yes."

"Will you baptize me?"

I say, "No. I am not here to baptize you."

But there is a game played there.

We have had people even tell us, Moroccan authorities, Moroccan secret security agents have threatened people and said, "Stay away from these people. They are bad people. They are only here for religion."

No one will even say to the lawyer that we have solicited in Rabat what is our problem. The court has said, you have entered your case in the wrong court. So, he has submitted it to another court, and it floats in Never, Never Land.

We accept the fact as a foreigner that we may be asked to leave, but to exit in such a cruel manner after 14 years of hard work, to be locked out of our rental house that has all of our belongings of our 14 years, all of the pictures of our family, all of the toys of our children, all the kitchen of my wife, unable to sell our 1990 Honda in the garage, all of this makes us feel very dishonored. Before our neighbors, before all the people we know and all the different cities and

through the centers, our reputation has been slandered. It has caused a great deal of emotional and financial hardship to us. We have even asked the authorities to allow us to come in for two weeks at least to take care of our possessions. We have received no response.

We love Morocco. We are saddened by this lack of being treated with human dignity. We also have been saddened that, up until now, we feel like the U.S. Government has been silent. We know there are millions of dollars being spent on commercials to show the Arab world and the Muslim world that the United States is a friend. And that is good.

A few weeks ago, the American embassy in Rabat brought Moroccans to Washington, D.C., and fed them and housed them to help them brainstorm on how to build businesses in the Muslim world. We are for that. We are happy to see the United States wanting to be a friend of the Muslim world and help the Muslim world, but my wife and I have paid the price on the ground for 14 years loving people, obeying the laws of Morocco, and treated as criminals during this time period.

We are thankful for the committee, and we hope that there will be some messages sent loud and clear. Thank you.

[The prepared statement of Mr. Cloud follows:]

PREPARED STATEMENT OF MICHAEL CLOUD, PRESIDENT, ASSOCIATION NICHAN

Overview on Michael Roger Cloud family situation: Married with 4 children; 14 years in Morocco; 13 years working with Disabled Children; 12 Children's Therapy Centers started; 80 Moroccans with full-time employment; 1000 parents and children being helped weekly.

We have been watched and "asked about" during our entire time.

We have never had 1 policeman or other authority say something negative to us in regards to our resident status in Morocco.

I have met the King Mohamed the VI.

I have been on National television 3 times for the Therapy Centers.

Shocked on March 15- refused entry Mohamed V airport Casablanca—Given no reason why ? US Embassy said My wife and I were on the "no entry list" given them by Moroccan authorities.

Papers submitted to Moroccan courts in April on our behalf still ongoing...

Request to enter country to deal with our possessions as well as legal obligations/bank account/utilities-We have a rent house full of belongings for a family of 6. We own the property which houses the National Training Center for Childrens' Therapy---Our request has received NO ANSWER.

One of the rules of each of the Therapy Centers—NO POLITICS OR RELIGION

We accept Morocco's right to ask foreigners to leave (even those doing good work)

But after many years of hard work and investment it is extremely HARSH TREATMENT without any right to DEFEND ourselves OR LIQUIDATE OUR 14 YEARS IN A REASONABLE MANNER!

Sincerely,

Michael Roger Cloud

Mr. WOLF. Thank you, Mr. Cloud.

Next, Mr. Boonstra.

Mr. BOONSTRA. Thank you for inviting me, a foreigner, to your country to give testimony about the work of our international team at the Village of Hope in Morocco. It is a real honor for me to be here at your hearing.

My family and I first arrived in Morocco on 23 July 1999, which happened to be the day that King Hassan II died and a new era was about to start under the reign of King Mohammed.

I began work as a cofounder, director, and foster parent for the Village of Hope, still living in temporary rented accommodation in Ain Leuh on 11 September 1999. This is a an unpaid volunteer position. It was just after having received permission from the local commune of Ain Leuh, under the direction of the governor of Ifrane Province to reopen and rejuvenate an orphanage before us that existed for over 40 years.

In April 2000, I applied for and received a Carte d'Immatriculation, or residency, permit for one year. The permit was renewed again and again, and I received one early in this year for 5

years.

Village of Hope exists as a legal association and an institution under Moroccan social care law. Its purpose is to provide permanent foster care for abandoned Moroccan children in several permanent family units, with a mother and a father, according to the international human rights for children.

These children are brought to the Village of Hope by their birth mothers and, in some cases, were delivered to us by the authorities; in most cases, as newborns. Village of Hope does not go out and look for these children; rather, they were brought to us. We do not pay for these children, and do not pay mothers anything for receiving or caring for the children, or demand any kind of compensation from them.

Before any of the children are taken into permanent care at our facility, the birth mother must sign that they are giving up the child of their own free will, and that they have received no threat or inducement to do so. And they signed those statements, and those statements are on file.

The end goal of our working with the children was to see these rootless children -- that is the description that in Arab is given to these children -- that we wanted to integrate them into Moroccan society, and for them to make a positive contribution to their home country.

My wife and I personally had eight Moroccan children in our care at the time of deportation, three boys and five girls between ages 10 and 5. The Village of Hope at that time had 33 children in total, with a plan and a growing capacity to increase that number to 100. Those 33 children -- I have got a picture of them here. All 33 of them were taken care of by six couples, of which the Padillas here were one. They had dedicated up-front 18 to 20 years of their life to come and raise them. All of these families had been involved in child care before in their different countries of origin. In addition, there were two families of support staff who did not have any children in their care but took responsibility for certain areas of work. We also had accepted our first Moroccan couple raising children, Moroccan couple. They also had six children in their care in early March 2010.

During the weekend of Saturday, 6 to 8, March, a large number of Gendarmerie policemen arrived at the Village of Hope and did a so-called routine investigation, and we had nothing to be concerned about. They interrogated volunteers, Moroccan employees and our Moroccan children throughout the day and late into the night and searched the property.

As director, I was involved right from the beginning, and except for being interviewed myself, also had to persuade all the other volunteers and employees to calmly respond to the questions that were asked. During the first hours in the late afternoon -- during the first hours in the late afternoon of that evening, the police went over all the paperwork related to the children and their mothers and asked questions about the ways that we had taken them in. They made sure that the mothers really needed and wanted to give them up, and how we went about registering them with the commune and with the local authorities, how we gave them names, and how we worked with the courts in some cases, with the children's judge in Azrou.

Of special interest were the status of the children, whether we had a so-called kefala over them or not, which is parental rights. Parental rights are not given to non-Muslims, so the understanding was that the children's judge in Azrou would be the one to have kefala over them. In any case, all seemed to be in order on that first day.

Later that evening -- and this went on into the night up until 3:00. Later that evening, the Gendarmerie insisted on visiting the homes of the families. And, without me knowing -- we only went to one place where I was part of myself. Later on, some of the policemen went on their own and visited several of the other homes without anybody of the directorship being involved and without any search warrant and without any reasons for entering. They just insisted on getting in, and they looked through whatever we had in terms of children's materials on their bookshelves. They went into the children's bedrooms while they were sleeping. During the

night, we had to make photocopies of all the files pertaining to the mothers and their children and the way that we had been receiving those children into our care.

The next day was relatively calm, until Sunday afternoon, when the police came back with cameras. They now wanted to film the facilities and went into the houses and also filmed, again without any warning, without any asking for permission. Later in the evening, the policemen asked to be admitted to the school. We also had a school on site where the children, by the way, received full Moroccan curriculum, and we added a lot of other subjects in the afternoons when there was time left. And among the Moroccan curriculum is a standard package of Islamic history and Koranic teaching, which was given to them by well-recognized people in the community who gave that. Our headmaster was the main one, and some of the other teachers did the work with him. So we complied in that area with the law of Morocco.

Towards the end of the evening, it was around 7:00, some of my children and the older children of 7, 8, 9 were asked to come in and give testimony to the policeman. The policeman asked them questions about how they were raised in the house, how they were treated, how they liked school. And then some of the children were asked to sit on the lap of some of the policemen, and they asked, "And what is your religion?" To which several of my children answered, "We are Christians." What is the religion of a child, and what right do we have to ask a child what religion it has?

I went back and finished with all my workers. The workers all had to come in, all my volunteer workers, parents, staff, and they were asked questions as to how they had arrived in the Village of Hope, what their role was, and so on. Because of the lack of communication skills in the relevant languages, I also had to facilitate much of that.

I went back later in the evening to my house, and I was only there for half an hour when, again, another branch of the police came and asked us for all photocopies of the same papers that we had done the evening before for another branch of the police, and I was asked to please hand the passports of all our workers. I had to make a special trip to the house of the Padillas and also to another family living in town and pick them up, and handed them to the police. When I handed them over, I asked why they wanted them, and they said it is just for a routine check against lists that we had submitted before. And I asked, when will we get them back? And they said, tomorrow morning.

The next morning, the interrogation of the children continued. It was very painful because we, as parents, were not even allowed to be part of that. We were kept busy submitting all paperwork regarding the cars, property, bank accounts, et cetera, et cetera, and we handed all that. Our administration was one of the best in the area. We had just received in January a paper from the government recognizing us as a center that was in compliance with all the laws and regulations of Morocco.

By about 2:15, all the pressure was gone and the policemen retired. We didn't have our passports yet, but we didn't have to wait long, because an hour after that the policemen returned and said, "We have bad news for you. All of you foreigners will have to leave from Morocco. You are being deported." We tried to negotiate, but to no avail. And we were asked to come together and be told by the head of the police what the charges were against us. So a letter was written -- or, it was written in French by the governor of Ifrane, and he stated that we had violated the laws concerning proselytism. But who did we proselytize? That was not clearly stated. Also, it was stated to us -- read to us in French, a language that only two in our staff were capable of following, and I personally had to translate everything into English.

There was no time to ask questions or retort. We all needed to return to our homes, our family homes and tell our children. When we got together all of them -- all the children were in the school with some of the teachers, and whilst we were being told, they were being told. It was not us left with them. The children came running towards us in panic. There is even a little

video clip on our Web site that shows this. The children were in total panic and were crying profusely. I asked them to come in my case to my house and spoke to them calmly in my own house. I tried to reassure them, and I tried to explain to them, but some of my children kicked against the doors and others jumped up and down, and they were very, very angry. One of my children especially touched my heart because he totally closed inside himself and didn't show any joy in his eyes, as if he died right there. We all had to sign papers that we had been properly notified of the reasons why we were expelled. Not that we were in accordance -- that we were subscribing to them.

I had 2 and a half hours exactly to pack my bags and to say goodbye to my kids. Within that 2 and a half hours the police already knocked on my door and said to hurry, hurry. The weather was terrible. It was raining very, very hard. And because of the winds in our mountainous area, the electricity fell out twice, which added to the panic that already was existing in the house.

Two police cars drove ahead of our bus late that evening and escorted us to the Casablanca Airport Hotel, where each one was told to wait for the first flight out to the destination of our choice. The next day, all of us had gone.

Some remarks and comments, if I can be allowed. I am sorry, I am a bit longer.

In January, we had been recognized as an institution of good standing, the first one in our province, in accordance to the new laws of November 2006.

Neither I nor any of our coworkers do subscribe to the proselytism charges laid against us. For 10 years, we sought to give a home, a hope, and a future to abandoned children. We believed we were doing both the children and the kingdom of Morocco a service. That we did this from our own Christian motivation cannot be held against us all of a sudden when, from the beginning, we have never hidden our religion. We never needed to, because Morocco was a free country. All of a sudden, it wasn't anymore.

We had open, cordial relationships with local and provincial authorities. We accepted our mutual differences, and we dealt with these sensitive issues in a sensible and sensitive way. How much we wished we had had relationships higher up, with people who seemed to be responsible for the deportation. However, we believe and adhere at all times to legal guidelines. We honored the King and, with our children, cheered him with banners on at least three occasions. We lived and worked peacefully in our area with a mix of Christian and Muslim workers.

On several occasions, I reminded and encouraged orally as well as in writing some of my Muslim coworkers to be good Muslims and some of the Christian ones to be good Christians, and we worked together in harmony. We never had any quarrels on the site because of religion.

The question of not having had any search warrants, not having had any paperwork is grieving very much because it doesn't leave us with any way to defend ourselves. As a team, I would say that we did not have the wherewithal to be able to proselytize adult Moroccans. Christian materials that we had in our possession in our homes were only for our own ability and for mutual growth. We never used any of these materials to seduce or persuade Muslims to become Christians. In fact, we told Muslims that wanted to be Christians to think twice because they might lose a couple of years of their life in prison.

Furthermore, as founder/director of the work, I designed and explained to all foreign volunteers our stand with regards to evangelism. When teams came and visited or expressed a desire to come, we told them that this was not for proselytism. We had forms that all the teams had to sign after we had explained carefully to them what dos and do nots we have in our area, and they were always respected. We never had any incidents.

The last point that I want to raise is the financial input in this work. All the work from the beginning, all construction on the site has been done through the nations from givers all over the globe, but most especially from your country, United States, and from Europe, not only from individuals, but from visiting groups of tourists and volunteers, youth clubs, associations,

businesses, and churches. We also received encouraging donations from sources inside Morocco, such as our poor neighbors, wealthy businessmen, local associations, international schools, and the embassies of various countries.

Subsequent ambassadors to the United States, Mr. Mark Gabriel and Mr. Thomas Riley, came to visit us and expressed their happiness and lent their support. The embassy in Rabat provided us with 180,000 U.S. dollar grant to construct our building for dining, a dining hall for up to 100 children. The rest was raised by mostly American donors.

But when we were not able to pay the final bill in time, the Muslim construction firm that did the work for us offered to write it off against taxes, and so we received that from them as a donation because they loved the work so much. All those investments over the last 10 years amount to maybe 1.5 to 2 million U.S. dollars. Most of that came from the United States.

We are very, very concerned about the situation of our children. We have proof and can submit that to your panel here at a later stage. It is photographs of children that have been beaten, and they have also had several reports about children being calmed with various types of drugs.

We love and still love Morocco, its King, His Majesty Mohammed VI, and the great people of Morocco. We especially love the people of our region, many of whom became our friends, whose houses became our houses as ours were always open to them.

What we would like to ask you is to help us get the right to return to the office, to pick up the papers that would prove our innocence, that would prove that we did everything according to proper management.

Secondly, to get clarity and a good dialogue with the relevant Moroccan authority, preferably outside the court or the media. We have tried this so far, but have not had any success. Maybe you can help us with that.

The third one is we would love all of our families to return to Morocco, be reunified with our children, for parents and children to be together once again.

Thank you very much.

[The prepared statement of Mr. Boonstra follows:]

PREPARED STATEMENT OF HERMAN BOONSTRA, LEADER, VILLAGE OF HOPE

Thank you inviting me, a foreigner to your country to give a testimony about the work of our international team of Village of Hope. It is a real honour for me to be here in your hearings. My name is Herman Boonstra and I attest that the following information is true regarding the history of events leading up to and including my deportation from the country of Morocco.

My family and I first arrived in Morocco on 23-07-1999, which happened to be the day that King Hassan II died and a new promising era began under the reign of King Mohammed VI.

I began work as co-founder/director and foster parent for Village of Hope, still living in temporary rented accommodation in Ain Leuh, on 11th September 1999. This is an unpaid, volunteer position. It was just after having received permission from the local Commune of Ain Leuh, under direction of the Governor of Ifrane Province to reopen and rejuvenate the existing facility.

In April 2000, I applied for, and later received, a Carte d'Immatriculation, or residency permit, for one year. This permit was renewed again at least 4-5 times, and had been validated for another 5 years to come just prior to the time of my deportation from Morocco. At no time before 8 March 2010 have I ever been in Morocco illegally.

Village of Hope exists as a legal Association and Institution under Moroccan social care law. Its purpose is to provide permanent care for abandoned Moroccan children in several permanent family units with a mother and a father in each. These children are brought to Village of Hope by their birth mothers or the authorities, in most cases as newborns. Village of Hope does not go out and look for these children. Rather, they are brought to us. The Village of Hope does not pay for these children, and does not pay the mothers anything for receiving or caring for the children, or demand any kind of compensation of them. Before any child is taken into permanent care at Village of Hope, the birth mother must sign that they are giving up the child of their own free will, and that they have received no threat or inducement to do so.

My wife and I had 8 Moroccan foster children permanently in our care at the time of my deportation from Morocco, 3 boys and 5 girls, between ages 10 and 5. The Village of Hope at that time had 33 children in total with a

plan and a growing capacity to increase the number to around 100. Those 33 children were taken care of by 6 couples, who had dedicated at least 18 years of their lives, to come and raise them. All of these families had been involved with childcare before in their different countries of origin. In addition there were 2 families of support staff who did not have any children in their care, but took responsibility for certain areas of the work. We also had accepted our first Moroccan couple raising children. They had 6 children in their care by early March 2010.

WHAT HAPPENED ON MARCH 6-8, 2010.

On Saturday 6 March 2010, a large number of Gendarmerie Royale policemen arrived at Village of Hope. They said that they were there for a routine visit, and that we had nothing to be concerned about. They interrogated volunteers, Moroccan employees and the Moroccan children throughout the day and late into the night, and searched the property. As Director Iwas involved right from the beginning and except for being interviewed myself, I had to also persuade all other volunteers, employees and later on children as well (only those between 7 -10 years old) to cooperate with the police, as they wanted to interview all of them. During the first hours in the late afternoon, early evening, the police went over all the paperwork related to the children and their mothers and asked questions about the ways we took them in, made sure that the mothers really needed and wanted to give them up and how we went about registering them at the commune with the *moqaddem*, how we gave them names and how we worked with the court in some cases and with the children's judge in Azrou. Of special interest was the status of the children: whether we had *kefala* over them or not. It has always been our understanding that we took care of the children for the local and national authorities, with the children's judge having the *kefala* over them. In any case all seemed to be in order in first instance.

The police then wanted to see the main building and we went there to have more appropriate space and time to talk to them. Here special interest went to the book shelves we had and what was on them. (This part of the building was always locked, when not in use by us foreigners.) The books and CDs found there were of great interest, because they were listed by two of the policemen. We were assured this was nothing to be worried about: it was all part of the routine investigation. After playing a little table-tennis with the commander of the operation, he wanted to visit one of the family homes and my colleague Errol Muller volunteered to go to his home. Here he and a few other gendarmes were welcomed and were shown one of the children's bedrooms. The attention of the policemen went to the educational materials on a desk and then they also peeked into other cupboards and took out a few samples of the books and materials he found there and kept these apart. They also started up friendly conversations with the children ...

We returned to the Dining Hall building and spent time in the salon area there. We were asked to call all the volunteers on-site, so they could answer some questions about the way they had known about VoH, the way they came, who supported them to come and what kind of work they were doing in the team on-site. Whilst the local gendarme did this work, with me present to facilitate the communication between them and some my colleagues, the commander went with some of the other men to the different homes, without us knowing about it!! They inspected the bookshelves in all of our private homes, entering the rooms where the children were sleeping and picked up the materials of their interest: it now became clear the investigation was not simply routine, but we were reassured that all this was part of their mandate -nothing to worry about.

By now the interviews were almost all finished, the confiscated materials all listed by family home and statements drawn up that we had to sign later. We set out to eat -some of our women had made a *tajine* meal for all of us and then were told to also bring in the families who were not on-site at the time. It was already 23.30 by now and I persuaded the policemen to rather wait and let those two families report to them the next (Sunday) morning at the police station in Azrou. (Their children were already asleep!) They finally accepted this and left.

We closed up everything and switched off the lights. Only half an hour later, we were called and needed to open the offices, because one branch of the police wanted to make copies of all the children's files. We protested some, but they insisted and so we were in the office till 03.15 copying all files for them! By 03.30 we finally went to bed.

Apart from the two families that were interviewed in Azrou police station, everything remained quiet till around 16.00 the next day, Sunday, the 7th. Then the whole investigation started up from the beginning and this time there were cameramen to register all kinds of things on site, esp. the buildings, places where we had stored the books, where we dined, where the children played, the school and also inside the houses. (There never was a search warrant and when asking for permits, the commander just told me, not to worry, because it still was part of the routine inspection, and in Morocco they did not need such papers ...) A few well trained, higher position special branch policemen asked me and the camera crew to make a tour and as we went from house to house and building to building they kept asking all kinds of questions about the way we raised our children. They gave the impression they liked the way we did things and reassured me and others again and again.

Whilst some policemen were busy in the offices with some of my colleagues, we then went up to the school, where after seeing the facilities they asked for some of the children of 7 years and up to come. The headmaster of the school was present by now and they set off to interview a couple of my own children and some of the Muller children. They were very friendly with them, even putting them on their lap, but soon they zeroed in on the way we taught religion in the home and in the school. After some time, it had already become dark and the children needed

to eat and go to bed. The special branch people left at this time.

I went back to the salon area above the dining hall and here I was asked again to call in all the foreign workers for further interviewing, which I did. This time the questions were more about the way we gathered as foreigners for our times of prayer, the way we raised our children in the homes, the role each played etc. etc. Around 20.45 we were told to present more of our children for questioning by the police, but we flatly refused this time, both Errol Muller and myself, because the children already were in bed. We insisted this could wait till the next day and they relented. However till around midnight, various ones of our workers were interviewed in Arabic or French -which needed translation -and statements were drawn up, that needed to be explained again before being signed -quite a tedious and long-drawn process. When all was over we were told to get all the passports and residency cards for a routine check against the forms we had periodically sent to them over the years.

I made a special trip to two of our families who live off-site in Toufesta and in Ajabou to collect theirs in the middle of the night and took them to the local police station. Upon my return, I wanted to go to bed, but again another branch of the police and the Caid wanted all copies of the children's files Another night of photocopying and explaining details -till around 03.15.

Next morning we had more police on site than the days before. They effectively blocked all entry and exit points and refused any of the kids or personnel to leave the sight now. Some of the work could not start as usual, because of their obstructions and check points. When asking about this, we were only told that it was part of our protection and of the team doing the investigation. The special branch people continued to interview our children and we were all told to be on stand-by for any questions they might have for us. In the office we kept busy showing to police and then the King's attorney all the papers they wanted to check -and later copy them again! -this time it was about the cars, the way we managed the work, the school, the finances and the projects. Last but not least the papers of the bank accounts, the insurance and status of all the cars and the land property! At the end of the morning the attorney left us seemingly impressed and smiling and remarked: "We shall see each other again -in the end I will have to defend you!" -All other policemen now withdrew except for a few that had been posted as protection. We all made a sigh of relief and went home for a little to eat -it was way beyond lunch time, maybe 2.15 by now.

But not even an hour later Errol and I were asked to come to the office again by the police, to be told that: "I have news for you -and it is not good news: all of you foreigners will have to leave Morocco -you will be deported!" -We were then visited by the two special branch men who confirmed this and explained it was because of the way we had "proselytized" the children. We were told that this was decided by the governor of Ifrane and that we needed to call all the foreigners together so the commander of the investigation and deportation could announce it to all of us officially. We asked the teachers to recall the children to the school (it was just past 15.00) and to take care of them a little longer, whilst we would gather in the salon. Whilst we gathered and told all staff, the children stayed in the school building. After announcing this among ourselves and taking it in as a group, we were told by the commander what the outcome of the investigation had been and he read the formal charges against us from a letter in Arabic. He read it to us in French and I translated to all of the volunteers present. The letter was from the Governor of Ifrane and stated we had violated the laws of Morocco, had exploited the poverty of the children and their families and had proselytized the children. He then wanted all of us to sign that we had been properly notified, but the children had started screaming outside. We negotiated that the police would come to all family homes to get the necessary signatures, but we needed time for and with them. We also asked for all of us to have time to pack our goods till at least 23.00 that night.

We all returned to our respective homes with our children in complete disarray and needed to settle them first. However painful it was, I explained to my children that I needed to go because the police insisted. The panic was great and the screams and expressions of anger and disbelief were very forceful. It was the most painful I ever experienced. I needed then to pack my stuff -had no one to help, because my wife was in Holland and the caregivers all needed to pack themselves. Except for a little while, I was alone with the children without any help.

The employees wanted to stage a protest, even attack the police and the commander asked me to quell that kind of action in his place, "because they will listen to you!" suggested for a moment that we might resist with them, but quickly realized that that would be bad in front of the children. (There were several ambulances and many more police cars with their lights flickering continuously -so how could we). I then explained to the employees that resistance wouldn't help and that they rather take over our work as fathers, mothers, aunts and uncles for the children and do it as they had seen us do it They then agreed and we all wept together in the pouring rain and cold wintry winds.

The next few hours I tried to pack, encourage my children, call internationally and to friends in the immediate surroundings that might help in any way etc. etc. They were the most stressful hours of my life. By 20.30 the police already asked me to come to the car and then to the bus with my luggage -protesting was to no avail -and so by

20.45 I ran out of the house into the pouring rain with several of my children screaming and running after me. Only then substitute caregivers along with some of our closest employees helped the children back into the house. The next hour I called our other workers and hurried them up, arranged some things and gave advice to the new lady administrator, settled a few of the children of the other families, etc. By 21.40 we all left by bus -as it appeared the

bus had already been stationed in the village of Ain Leuh from early in the morning.

Two police cars drove ahead of our bus and one behind us, blue lights flashing continually all the way to Casablanca Atlas Airport Hotel, where we arrived around

02.30. The next morning the one family after the other left on the respective flights they had been booked on by the authorities, leaving us Dutch till later that night for our flight to Spain. We were not permitted to leave even the floor on which we had our rooms.

REMARKS AND COMMENTS:

Neither I nor any of our co-workers do subscribe to the proselytism charges laid against us. We have for just over ten years sought to give a home, a hope and a future to abandoned Moroccan children. We believed we were doing both the children and the Kingdom of Morocco a service. That we did this from our own Christian motivation cannot be held against us all of a sudden, when from the beginning we have never hidden our own religion.

We had an open, even cordial relationship with local and provincial authorities, with whom we agreed to mutually accept our differences and deal with these sensitively and sensibly. How much we wished to have had such a relationship with some of the higher authorities responsible for the deportation. However we believe we adhered at all times to the legal guidelines. We honoured the King and with our children cheered him with banners and chanting on at least 3 occasions when he visited our region, during the course of the 10 years.

We lived and worked peacefully in our area, with a good balance of national and international volunteers and employees, with respect for each other's faith and convictions and encouraging one another to live lives according to these. On several occasions I have reprimanded and encouraged orally as well as in writing any of my muslim co-workers to be good muslims and the Christian ones to pattern their lives after Christ. Most of us that have been deported would have preferred an open and honest evaluation of our work and a constructive dialogue about anything unacceptable taking place among us. In that way we could have improved whatever we did wrong!

Some of us, including myself, would have preferred to being tried and proven guilty of the charges in a court of law, because it would have given us an opportunity to explain ourselves and be defended on the basis of law. We would have been paying a fine, or served a sentence, but not at the expense of the dear children we left behind, whose lives have been deeply and negatively impacted by this rude and sudden separation from the only parents they have ever had.

At no time during the investigation or deportation process was a search warrant, deportation order or any other documentation of authority relating to this action presented to me. Only 4 hours before our deportation a signed statement by the Governor of Ifrane was read to us in French, which I translated to our staff. We had to each sign individually that we had been notified properly by the relative police officers, not that we understood it or agreed with its content! At no time was any one of us charged, tried or formally detained in Morocco for any crime under Moroccan law, including proselytism. As far as we are concerned we were deported for an unproven allegation for which we were not charged or tried.

Furthermore, most of our staff, including myself are limited in my speech in Classical Arabic and even Derija, the Moroccan dialect. Most of us did not read or write Arabic well and some were only conversant and able to read and express themselves in French. We did not have the wherewithal to be able to proselytise a Moroccan. Christian materials in our possession were only to educate and build up our own spiritual lives as Christians or the result of years of others bringing us such materials for our encouragement. We never used any of these materials to seduce or persuade Muslims to become Christians. In fact we told Christians to be good Christians and Muslims to be good muslims -as they had chosen themselves!

Furthermore, we as founders/directors of the work designed and explained to all foreign volunteers our stand with regards to evangelism and proselytism and made them sign our organisations 'non-proselytism' policy agreement and we have adhered to this policy at all times. We also asked teams and foreign volunteers to declare their intentions upfront and when they had such intentions to proselytise, not to come to us or implicate us. We have never had any incidents reported to us by the local police or authorities that this had been done.

May it hereby noted that all the finances needed to engage in and complete construction on-site at the Village of Hope, came in through donations from givers all over the globe, most especially from The United States and from Europe. Not only from individuals but also from visiting groups of tourists or volunteers, youth clubs, associations of a wide variety, businesses and churches. We also received encouraging donations from sources inside Morocco, such as poor neighbours, wealthy businessmen, local associations international schools and Embassies of various countries.

Subsequent Ambassadors of the United States, Mr. Mark Gabriel and Mr. Thomas Riley, came to visit us and expressed their happiness and lent their support. The Embassy in Rabat provided us with a 180.000 US\$ grant to construct our 300.000+ US\$ dining hall for a full complement of 100 children. The rest was raised by mostly American donors, and the local -muslim -construction company provided the rest. All those investments over the last 10 years, amounting to around 1,5 -2 million US\$ plus donations for food, clothing, education and wages for our employees now seem to be lost. Our bank accounts are frozen and all assets seized., but most tragically our children have broken family ties for the second time in their lives.

Out of the 33 children on the premises at the time of our deportation two, who were handicapped, have been transferred to other centres, because the present management and staff could not amply provide them with the needed care. Some of the others show signs of depression, others are very aggressive, even to policemen that they call robbers ...Yet others are rebellious and have been harshly punished. There is proof of at least some maltreatment in some cases and several of the children get nerve calming drugs or anti depressants. As their parents we have great concern for the well being of our children, but we have no way to communicate to them, not even to send mail or have an occasional phone-call.

We hereby address ourselves to you as leaders of this great country that is built on principles of freedom and democracy, that promotes the dignity of human beings, regardless of race and creed and ask you to take a stand and give a strong signal to the Moroccan authorities that this sudden break with the traditional moderate Islam that has tolerance and peaceful co-existence with the other monotheistic religions is not acceptable. How can a moderate Moroccan Islam be willing to separate 33 children from the only parents they ever had?

We loved and still love Morocco, its King His Majesty Mohammed VI and her great peoples. We especially love the people of our region, many of whom became our friends, whose houses became our houses ours were always open to them.

Mr. WOLF. Well, thank you very much. We would like to see the pictures, if you have them, with regard to children that have been beaten and with regard to drugs.

Mr. and Mrs. Padilla.

Mr. EDDIE PADILLA. Thank you, gentlemen. I appreciate this time with you. Thank you for what you are doing for our children.

My wife and I, we met in 1996, and we traveled to Morocco at that time, and we saw the need for house parents. There was a home that was open that said that there was abandoned children, and we felt that that need, that was something we could do, and we were open for the idea. And we waited about 10 years, and in 2006, we moved to Morocco, first to do language school, and then we also -- my son Ezra was born there in Fez.

And in 2008, we moved on site to the Village of Hope. Within a month, we took in a baby, Samir. And if you look on that calendar, in August, there are three good-looking guys; that is me and my two sons. And we made a commitment for 20 years to take in up to eight Moroccan children, and Samir was two the day we got deported. It was his birthday. And we had spent time preparing for his birthday, but also that weekend was just -- we saw the whole weekend going bad. When the police came, they started interviewing us. And then they came and asked for our passports and our residency cards. We had residency for 10 years, and we were given Samir and Mouhcine and Mouhcine was one. He was the youngest.

And that evening -- the whole Monday afternoon we got called in for interviews and asked why we were -- what we were doing in our homes, what we were teaching the children, and so forth. And then, Monday afternoon, they asked us to come back down. That is where Herman and the police told us that we were being deported. And, really, there wasn't any charge. There was just, you have to understand why you are being -- why you are being deported. The charge came that we were proselytizing minors.

When I was interviewed, they asked me, and I said, "My sons are too little. They are two and one. They are not going to understand anything about religion. They are barely learning language, and we teach them right from wrong, and don't touch things that are hot, and stay out of this or that. They are too little. They are still learning how to walk and eat."

And yet, they charged us with proselytizing my sons. And so when we walked back to our home -- we lived outside the Village of Hope down the street. We had Moroccan friends, people that loved my children, and I would trust them with all four of my kids. And these people were broken, and they just leaned on us in tears as we cried, too.

They leaned on us and just said, "We are so sorry." They just kept apologizing for what was happening to us. And the owner of our property, he was there, too, and he just didn't understand. He was upset, one, because we were friends; two, he was losing an income, you know, because we -- his property, he rented us a house.

You know, the Village of Hope was a place where we were situated in a community where people, Muslims and Christians, worked together. You know, we made it work, and we were part of the community. People came -- you know, children from outside the community came to our school. You know, children in the summer came to soccer camps that people gave. You know, we did fun things to give a little structure to the community.

But the day that we were deported, all that ended for not only us but for the rest of the community around us. And it was such a terrible day. It was such a terrible night. It rained so hard that you couldn't see in between the drops. It was windy. It was like 70-mile-an-hour winds. So it made it even more dramatic, and here you are packing your things.

We thought maybe we would have 2 or 3 days, and Herman called us an hour later and said, "You have two hours to get on the bus." And the bus was already there. It was like it was all planned.

And so we packed up what we could. We looked at our house, and our friends were crying. We were crying. We were trying to call the embassy. We got ahold of them, and they just told us, "Do what they are telling you to do." They offered no help.

They interviewed me. I was trying to pack, and the guy was interviewing me. He said, "How are they treating you," this and that, but offered no any kind of counsel, just pack and go.

And the hard part is that we took in these two boys as infants, you know, and then you are asking me to give them up. And, you know, they have my heart. You see me in the picture. They -- I love them. You know? No one else would love them. Their families gave them up to us. The government gave them to us. They said, "Here, you can take care of them." And I was prepared to raise them until they were adults and, you know, just do the best I could to make them good citizens of Morocco. You know, they would know their country. They would know their religion. They would be educated. You know, hopefully work with other Muslims in the community or other friends that we knew that could make them -- help us in educating them for jobs, you know, as carpenters, farmers, or educators or something. And we moved our whole lives over there, and we had to just leave it.

When I called home, my friend said, "Eddie, this is an evacuation. Just take what you have got. Take what you can put in a bag." We didn't even know how many bags we could take, they just said, pack. And so we packed our bags.

And when I had to hand over my son, you know, another friend of mine took Mouhcine out of the car seat. And it was raining so hard, and he took off running, and I grabbed Samir.

And my son Ezra, who is two, he said "Bye, Samir." Those were the last words. They didn't even get to say goodbye to him.

And our Muslim friends, they were just laying on Lynn, you know, the ladies were just crying, apologizing for what was happening.

I handed my son over, Samir, and he said, "Daddy, I want to go with you." And he jumped out of the lady's arms and back to me. And I just hugged him, and I told him I loved him, and I had to hand him back. Excuse my voice.

But then I saw Mouhcine, and I hugged him and told him I loved him, but I can't tell him I am coming back for him. But I want to. I want to be reunited with my kids because I was their dad, and that is real important. It is important to them. It is important to me. So I just appreciate just listening. Thanks.

Mr. WOLF. Thank you very much.

Ms. Padilla, do you want to comment?

Ms. LYNN PADILLA. Thank you so much for inviting us. It is so encouraging to see this committee and all these people here to hear our story.

Just to add a little bit to what my husband said, the effect on our family has been profound. And we have two young children that are 5 and 2. Ezra will be 3 on Sunday. And we were one

of the only families there that were raising our own children that were younger at the same time as our Moroccan children. And so, to us, especially, we were just one family. With you know, we didn't -- our kids were growing up at the same time.

And we had been waiting for 10 years to go and do this work. When we first got Samir, it was -- I cried, I was so excited to get him. We had been waiting for so long. My son Ezra was only 9 months old when we first took Samir, and he was over a year when we got Mouhcine.

But I was still nursing Ezra, so I nursed these two babies, at least for a few months. Not exclusively, because I was still nursing my son, but I had that bond with them from the very beginning, and it was a joyful time of being able to do that for them, these babies that had been torn away from their birth mothers.

Basically, all throughout the pregnancy, there is fear. There is -- the mother, just not knowing what she is going to do. And we don't even know what kind of trauma these children have been through even before they are born and then when they are given up at birth.

So just our family -- all the families have been torn apart. But even our younger children that are 5 and 2, my son will correct me when I tell him we are going home to my parents' house in Colorado. He says, "Mommy, that is not home. That is grandma's house. Home is our green house. When are we going to go back to our green house?"

And my daughter cries for her teacher. She went to the school that we had on site at Village of Hope, and there were other community children there. She was becoming more fluent in Arabic than we were and learning to read and write it. You know, she really misses her little friends and her teacher.

And even yesterday, seeing Herman for the first time since we have been deported have brought a lot of questions in her heart, too. She said, "Well, how is he going to get back to Village of Hope? It is so far. Who is taking care of Nuda and Yasmina?" Those were his 5-year-old girls that were her friends.

So we love Morocco. We went. We waited for 10 years to go there. We loved the people, the children, the community. We had so many friends there, like Eddie said, just crying, weeping when we had to leave. And we just asked the question, why are we treated as criminals for wanting to love these children? And we don't know what is going to happen to them. We don't know the conditions they are in right now. We don't get a lot of information. But we want to do whatever we can to show them that we still love them, that we will always be their mom and dad.

We got one e-mail from a friend who said that our Samir sees our vehicle every day because we had to leave our Land Cruiser there, and he sees it every day, and he asks for mommy and daddy.

And she says, "We are able to meet their physical needs. They are healthy. They are going to school. But we are not their mom and dad, and we can't be that for them."

So I am, I just am so encouraged to see this panel and to see all the people here and to hear our story, to know that there are other people that have the same concern for what is going on in Morocco. It is very encouraging to me, and I thank you for inviting us.

[The prepared statement of Mr. and Mrs. Padilla follows:]

PREPARED STATEMENT OF MR. AND MRS. EDDIE AND LYNN PADILLA, FOSTER PARENTS, VILLAGE OF HOPE

Lynn and I first visited Morocco in the summer of 1996 for 2 weeks with a group of friends. We met preparing for that trip and although we were not married when we went, we knew that we were going to be married. Our first contact in Morocco was at the Children's Haven, a children's home for abandoned children. One year before that the Village of Hope (formerly known as the Children's Home at Ain Leuh) had closed down and all the remaining children were moved to the Children's Haven. We saw the property and hoped for it to re-open someday. We knew at that point that our calling was to come back to Morocco and be house parents for abandoned children. We actually did not pack up and move to Morocco until November 2006, 10 years later, after leading

many summer teams to Morocco, and after the birth of our first child, Maggie. But basically our whole marriage has always been focused on moving to Morocco and taking abandoned children into our family.

We lived in Morocco for almost 4 years. During the first year we studied Arabic in Fes. We came back to the United States for 4 months, and then returned to Morocco and started full time work at the Village of Hope (VOH) in February 2008. We were there until March 9, 2010 when we were suddenly deported out of the country.

Our work at VOH was to take in abandoned children into our home and raise them as our own. VOH was a privately funded institution, but it had full government permission to take in children and provide for all of their needs (housing, health services, education). The greatest legal care was taken to ensure that the black letter of the law was followed with regard to taking in children, including the keeping of meticulous files, going to the local family court judge where possible and keeping a record of the birth certificates of the children and where possible both the mother and father of the child. There was also a school at VOH and all of the Moroccan children received the education required by Moroccan law (which included instruction in Islam). The main focus of VOH was to place the children into family units. The children did not live in a dormitory setting. They were placed into homes with couples that had committed to be there for at least

18 years, to raise them until they were grown. We took in our first foster child one month after we returned to start our work with VOH. Samir was 4 days old when he came to VOH, and he was 2 weeks old when he came into our home. A year later we took in our second child, Mouhcine. He was one month old when he came. Both of these boys were abandoned by their birth mothers because they were unmarried and had brought shame to their families. Aside from our main responsibility of raising children, we also had other roles at VOH. I helped coordinate and host work teams that came from all over the world to work at VOH, and my wife was a supervisor for the playschool on site.

On Saturday March 6, 2010, a large number of policemen arrived at VOH. We were told that they were doing a routine inspection and not to worry about anything. VOH had recently been approved as an institution according to the new governmental standards, and inspections were a part of that process. All of the staff had to go in individually for questioning that day and into the night. An officer was writing our responses down, and then we were required to sign our name after he read the statement back to us. The next day the police were there again. They searched some of the homes and questioned some of the children. That night at 11:00 pm our director came to our house and said that we were being required to give the police our passports and residence cards. We were reluctant to do this but our director told us we needed to do what they were asking of us. After our director left, a police officer pulled up in a vehicle and parked in our driveway. He stayed there the whole night and all of the next day until 12:00 pm when he was asked to move down the road a little bit (We did not live on site at VOH. We rented a home from a private owner a little way down from VOH).

The following morning we called the American Embassy in Rabat and told them that our passports had been taken away and there was a police vehicle in our driveway. They said to keep an eye on the situation and let them know if anything changed. That day I was required to return for more questioning. Then at about 4:00 pm both my wife and I were told to return to VOH. We left all of our children at home under the care of our Moroccan neighbors and good friends. All of the staff was gathered in the community room where the questioning had taken place. One of the officials read a statement to us explaining that we had broken the law by proselytizing to minors, as defined by Moroccan law, that we were now illegally in the country, and that we were all going to be deported. We all had to sign our names on a paper saying that we understood what had been read to us. At the same time that we were receiving this news, there were other officials across the way telling all of the children that their parents were going to be deported. The children were crying hysterically and the parents had to rush over there and try to comfort them.

We categorically deny the charge of proselytism under the definition used in Moroccan law that we were accused of by Moroccan officials. First, the two children in our care were too young to grasp the religious concepts necessary to be proselytized under Moroccan law (they were 1 and 2 years old). Second, I had limited conversational language skills in Arabic and I was incapable of communicating religious concepts in order to proselytize as defined by Moroccan law. My wife had stronger conversational skills in Arabic but she did not have advanced language skills at a level to proselytize under the definition used in Morocco. Neither of us speak any French. Finally, when we started our work at VOH we signed a statement saying that we would not proselytize as defined by Moroccan law.

My wife and I returned in tears to our home. When we got there, we called the Embassy again and told them that we were being deported. This time they replied that they already knew that information, and that we needed to do what they were telling us to do. I was connected with a man named Matthew who interviewed me. He asked how we were being treated and about the events that had led up to the news of our deportation. We thought we might have 1-3 days to prepare to leave, but then we got a phone call that a bus was going to take us to Casablanca no later than

11:00 pm that very night. The bus arrived in the early evening and we were actually on our way at 9:38 pm. We had only 3 hours to pack up a few belongings, and then we had to drop off our two precious Moroccan boys at

VOH before getting on the bus. We had about 10 police officers in the bus with us, and two police vehicles that escorted the bus all the way to Casablanca. We stayed a few hours in a hotel by the airport and the following day, Tuesday March 9 our family was escorted by the police all the way to the door of the plane, where we were given our passports back.

My wife and I assert that we did not do anything contrary to Moroccan law. During the interrogation and deportation process there was no paperwork or evidence presented to us regarding the charges that they read to us. We were never given a chance to defend ourselves.

Concerns about our children and the whole situation:

All of the children that had been taken in by families at VOH were abandoned at birth, unwanted and unloved. They are considered outcasts in their society. Babies born out of wedlock are either left in hospital wards, left to die in trash bags, or left to grow up on the streets doing whatever they can to survive. We took these children into our homes and loved them unconditionally. We wanted them to grow up in a family, to be educated, and to be able to be productive citizens in their own country. These children have been abandoned, torn apart from the only parents they have ever known. We have been told that our 2-year-old Samir still asks for “Mommy” and “Daddy” every time he passes our vehicle that we had to leave at VOH. Their very basic needs may be met (food, clothes, housing) but only God knows the emotional turmoil that they are dealing with now. We do not get a lot of information about the welfare of the children. Our biggest concern is that the lives of these children were the least of the Moroccan government’s concern in all of these proceedings. We love our boys. We love all of the children. We know all of the children by name and we have known all of them since they were infants. There are Moroccan workers trying to take care of them now, but they cannot be parents to the children. Our family and all of the families that were there have been torn apart; a hate crime has been committed against these innocent children.

Our desire is to be reunited with our children and have them back into our care. We committed our lives to them.

Mr. WOLF. Thank you very much for your testimony.

Dr. Bunn-Livingstone, if you would just proceed. And your full statement will appear in the record.

Ms. BUNN-LIVINGSTONE. First of all, I thank the committee for holding these hearings.

I became involved in the situation in Morocco when I was contacted by businessmen. My firm was contacted by businessmen who had been expelled concerned about liquidating their property, getting their bank accounts, et cetera. And then, more and more people contacted me, and our firm has been able to provide pro bono help for people who have been expelled.

Today, I am really here to talk about international law of religious freedom, the international legal position on proselytism, and the Moroccan law on proselytism and the Moroccan law on expulsion, denial of reentry, and residency visas.

International law is very clear on the right of religious freedom, and there are three major documents. One is a 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion Or Belief. The other is, of course, the 1948 U.N. Declaration on Human Rights, Article 18. And the third is International Covenant on Civil and Political Rights, Article 18.

Morocco in its preamble of its constitution states, The kingdom of Morocco fully adheres to the principles, rights, and obligations arising from the charters of such organizations as it reaffirms its determination to abide by the universally recognized human rights.

If we consider the right of freedom of religion, international religious freedom, there are four aspects we have to look at. First, there is the right for freedom of thought conscience and religion. Secondly, this right includes the right to change your religion at any time for any reason. Thirdly, freedom alone or in community with others or in public and private to manifest religion or belief and worship observance, practice, and teaching.

There is also an international legal position on proselytism. And since the charges leveled against Americans and foreign nationals who have been expelled from Morocco seem to circulate around this issue of proselytism, I would like to state the international legal position.

First of all, international law has recognized proselytism as a legal right of every single

individual in this world from the beginning of the U.N. documents. It is, of course, regulated to some extent in the sense that you can't violate Article 18, paragraph 2 and 3; you cannot use coercion; and you cannot violate restrictions which have been set up out of necessity to protect public order, national security, health, et cetera.

However, the U.N. Special Rapporteur some 20 years ago stated, Proselytism is itself inherent in religion, which explains its legal status in international instruments and in the 1981 declaration. The Special Rapporteur considers constitutional provisions or laws prohibiting proselytism to be inconsistent with the 1981 declaration and stresses the need for greater respect for internationally recognized human rights norms, including freedom to convert and freedom to manifest one's religion or belief individually or in community with others, and in public or private.

So we know that proselytism is a right.

What are the particular provisions in international law concerning proselytism which give us these rights? First, we have the right in public or private to manifest our religion. Secondly, this includes carrying out actions to persuade others to believe in a certain religion. Thirdly, states are urged to ensure in particular the right of all persons to write, issue, and disseminate relevant publications. Fourthly, the practice and teaching of religion or belief includes acts integral to conduct by religious groups of their basic affairs. And, fifthly, in the international covenant of civil and political rights, human rights bodies and the human rights committee have repeatedly said that Article 19, concerning the right to freedom of expression, gives people a legal right to share information, including religious ideas and beliefs, with others freely: "This right shall include freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, or in print, in the form of art, or other media of one's choice."

Morocco has allowed proselytism. It is article 220, and I shall read it verbatim: Whoever by violence or threat keeps or impedes someone from worshipping or attending worship is punished by imprisonment of 6 months to 3 years and a fine of 100 to 500 dirham. The same punishment is set for whoever employs means of seduction in the purpose of shaking the faith of a Muslim or to convert him to another religion, either by exploiting his weakness or his needs or by using for such a purpose institutions of education, health, shelter, or orphanages. In case of conviction, the closure of the institution which served to commit the offense may be closed, either definitively, or for a length which will not exceed 3 years.

There are two parts to their law which are perfectly fine under international law. Using violence or threats is not permissible, of course.

But the second part, employing seduction or exploitation to shake the faith of the Muslim or to convert him, are not well defined.

The difficulty with this law is that on its face, without further definition, particularly citing institutions which provide humanitarian aid, health care, education, et cetera, along with terms "exploiting his weakness or his needs" and "in the purpose of shaking the faith of a Muslim" or to convert him to another religion, there is an assumption which is created in the law that the very fact that an institution as described meets a person's needs along with sharing their faith, should it be other than Islam, could easily be construed as seduction, exploitation, and shaking the faith of a Muslim.

The law is then on its face vague, and capable of placing every aid worker in Morocco who is not a Muslim and who exercises their right to share their beliefs with others squarely in the category of a criminal simply by this legislation's tautological assumptions, and in fact, this is what has recently happened.

Foreigners who have self-identified as Christians or non-Muslims and who fit into one of the above categories, providing care for orphans, educational needs, health and shelter needs, were automatically deemed "religious terrorists" and "criminals." This includes many businessmen

who do not fit into these categories. Regardless, all were summarily removed from Morocco without due process of law and deemed a threat to national security. In fact, the only provision in international law which allows anyone to be expelled from a foreign country is if they are a threat to national security.

Now, the European Court of Human Rights has considered a proselytism law in Greece and Kokkinakis and determined that, although that law was fine on its face, that the problem is freedom of conscience and religion certainly entail accepting proselytism even where it is not respectable. Believers and agnostic philosophers have a right to expound their beliefs to try to get other people to share them and even to try to convert those whom they are addressing.

So proselytism is legal. There can be some restrictions, but the restrictions in the Moroccan law are highly and patently difficult to prove to be legal under international law.

I have already talked about coercion and restrictions placed on religious freedom in order to protect public safety, order, health, or morals, or the fundamental rights of freedoms of others, but the test for legality of a prohibition of any act motivated by belief or religion is extremely strict because we are dealing with fundamental human rights here.

The U.S. Special Rapporteur has said, It would not be advisable to criminalize nonviolent acts performed in the context of manifestation of one's religion, in particular the propagation of religion, because that might criminalize acts that would, in another context, not raise a concern of the criminal law and may pave the way for persecution of religious minorities. Moreover, since the right to change or maintain a religion is in essence a subjective right, any concern raised with regard to certain conversions or how they might be accomplished should primarily be raised by the alleged victim.

One thing we do not have in this case are victims alleging that they have been proselytized. In fact, we have no documentation whatsoever for what the charges are against these people who have been expelled.

Christians in Morocco make up 0.001 percent of the population, so they are indeed the smallest minority religion imaginable.

So, clearly, under international law, the commission of illegal or criminal acts in the course of proselytizing are obviously prohibited, but the law as described by Morocco is highly problematic under international law for its vagueness and for the potential misapplication, which I believe has occurred in this case.

There is, of course, the consideration of the law in Morocco concerning the expulsions, deportations, denials of reentry, and removal of residency concerning Americans and other foreign citizens. We find this in the Moroccan law that, first of all, defers to international law. In fact, in the International Covenant on Civil and Political Rights, which Morocco ratified in 1979, Article 13 states, No expulsion of a foreigner can be carried out without notice and an opportunity to be heard, unless that person is a threat to national security.

In the case of these Americans and other foreigners who were expelled from Morocco, the Moroccan government should have provided a document of expulsion in writing with substantiated legal grounds for deportation. Moroccan law provides them a right to appeal the order of deportation and expulsion. However, nearly all of the deportees were ordered out of the country without such documentation and without ample time to file an appeal.

Moroccan legislation requires the administration to justify all their decisions. Unfortunately, as most of the deportees were shepherded out of the country within a matter of hours, they were given no opportunity to appeal the matter in court. For those few Americans who filed an appeal in Rabat before leaving the country or after they had been thrown out, they were faced with a court that stated that they had no expulsion, and therefore, their cases would have to be dismissed because there was no proof. For Americans, they went to the American embassy and the U.S. ambassador and requested some diplomatic note that the ambassador had received from the

Moroccans with the list of those who should be deported or refused reentry, but the U.S. ambassador refused to release the note, stating that diplomatic protocol would not allow him to do so. Consequently, the Americans who would like to appeal under Moroccan law and have the right to appeal have been refused that right due to the fact they have nothing in writing to say that they have actually been expelled.

It should be noted, the British government and the Canadian government handed over similar diplomatic notes to their citizens so that they could appeal their decision.

Some cases were filed without documentary evidence, and they have been transferred, as Mr. Cloud has mentioned, or dismissed without disposition.

In fact, the threat to public order and national security allegations as they relate to foster parents of orphans, businessmen, charitable organizations who aid the disabled, those who taught the poor to grow their own food, operated business training and microfinance, helped illiterate women, et cetera, are highly questionable.

The vast majority of those deported have lived and worked in Morocco for decades. If they were indeed a threat to public order and national security, the evidence of such allegedly heinous activity should be brought forward in a court of law, and those who stand accused should be given the right to defend themselves.

It is for this reason that I recommend the following policies to this committee respectfully, and I request the following:

First, that the committee should ask U.S. officials to request evidence at the highest levels of alleged criminal national security, actions by those who were expelled, deported, denied entry, or refused residency visas.

Secondly, that the committee should encourage the United States officials at the highest possible levels to immediately engage with the Moroccan government to review such evidence of national security issues or of illegal activities which rise to the level of a threat to national security.

Thirdly, engagement should be encouraged at the highest possible levels between the United States and Moroccan governments to discuss international religious freedom, the Moroccan proselytism law, and constructive solutions to promote the fundamental human rights of religious freedom under international laws, conventions, and customs.

As was mentioned earlier by the Honorable Member Chris Smith, the U.S. Department of State is required under the IRFA of 1998 indeed to promote international religious freedom, and this is an opportunity for them to do so. It would be helpful to have an ambassador at large for religious freedom that had been appointed in order to do that.

Lastly, a return to the status quo ante for those which a court of law determines have not violated international law should be requested, and reunification of parents with children at the Village of Hope and restoration of real, personal, and pecuniary property.

There is in fact enormous amounts of real estate, bank accounts, personal property, and other things which have been seized or are not immediately accessible to American citizens and foreigners in Morocco, and they have no way to get them. They can't make their appeals known because they don't have documentation. They can't get back into the country, and this is of the highest concern as well. Thank you so much.

[The prepared statement of Ms. Bunn-Livingstone follows:]

PREPARED STATEMENT OF DR. SANDRA BUNN-LIVINGSTONE, ESQ. DIRECTOR, JUS COGENS LLC

I. International Law Pertaining to the Freedom of Thought, Conscience, and Religion

There are three major Documents in International Law concerning the fundamental human right of freedom of thought, conscience, and religion: The 1948 Universal Declaration of Human Rights (Article 18), the 1966

International Covenant on Civil and Political Rights (Article 18) and the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. All three documents, including the ICCPR Treaty, and the two Declarations, which are considered by legal experts to be embodiments of customary international law, govern freedom of thought, conscience and religion. Morocco is a State Party to the ICCPR, which it ratified March 27, 1979, and is of course bound by the 1948 UNDHR and 1981 Declaration.

When considering the legal content of freedom of thought, conscience and religion, Resolutions of the former Commission on Human Rights, Human Rights Council, General Assembly, and Economic and Social Council should be examined, along with General Comments, concluding observations and jurisprudence of treaty bodies, and relevant provisions of international humanitarian law.ⁱ

Article 18 of the ICCPR (which for the sake of examination, is separated into four dimensions) states:

- 1) Everyone shall have the right to freedom of thought, conscience, and religion.
- 2) This right shall include the freedom to change their religion,
- 3) And freedom, either alone or in community with others and in public or private,
- 4) To manifest his religion or belief in worship, observance, practice, and teaching.

II. The International Legal Position As Regards Proselytism

As the charges levelled against those Americans and Foreign Nationals expelled, denied re-entry, or refused extension of their residency permits all involve allegations of “illegal proselytism,” this is the main focus of my testimony concerning the international legal position.

Some light is shed on the concept of proselytism by examining its common variations, etymology, and definitions:

Proselyte: One who has come over from one opinion, belief, creed, or party to another: a convert.ⁱⁱ

In other words, a proselyte is someone who has exercised their international right to freedom of thought, conscience, and belief under those international law provisions in 1) and 2) above under Article 18 of the ICCPR by changing their religion.

Proselytism: The practice of proselytizing;ⁱⁱⁱ The state of being a proselyte.^{iv}

Proselytize: To make proselytes. To convert from one belief to another.^v

It is intriguing that both of the **above definitions presuppose two sides to both proselytism and proselytize: both the action of making proselytes, and the action of becoming a proselyte are covered by the definitions.** *In other words, both the person manifesting their religion under 3) and 4) of the international right to freedom of thought, conscience, and belief, and the person exercising their right to such freedom and to change their religion under 1) and 2) of the international right are deemed to be covered by both definitions of “proselytism” and “proselytize” above.*

ⁱ Other International Documents which should be taken into consideration when considering questions of freedom of thought, conscience, and religion include: The International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention relating to the Status of Refugees.

ⁱⁱ Shorter Oxford English Dictionary, Volume II (OUP:1986) at 1690.

ⁱⁱⁱ The American Heritage Dictionary, (Houghton Mifflin:1976) at 994.

^{iv} Ibid.

^v Ibid.

The etymology of the word comes from the Greek prefix 'πρός' (toward) and the verb 'έρχομαι' (I come). These etymological definitions presuppose that both the disseminator of their religious beliefs, and the recipient of this dissemination are engaged in "proselytism." **Note that there is no indication in the common definition of "proselytism" of force, violence, coercion, bribery, undue influence, duress, or any other unsavory act to effect a conversion.**

What does international law say about "proselytism?" Is it legal? The short answer is "yes," under the definitions above, and within the parameters of Article 18. According to a UN Special Rapporteur for Freedom of Religion and Belief, after 20+ years of reporting under that Mandate (1986-present):

The Special Rapporteur notes that **proselytism is itself inherent in religion**, which explains its legal status in international instruments and in the 1981 Declaration.^{vi} The Special Rapporteur considers...**constitutional provisions prohibiting proselytism to be inconsistent with the 1981 Declaration** and stresses the **need for greater respect for internationally recognized human rights norms, including freedom to convert and freedom to manifest one's religion or belief**, either individually or in community with others, and in public or private.^{vii}

Part of the difficulty with current "proselytism" laws, such as the one in Morocco, the Greek law referred to above, the Anti-Conversion laws in India, and proposed similar legislation in Sri Lanka, is the fact that the ***word "proselytism," defined by its ordinary meaning has been altered to carry a pejorative connotation that implies not only illegality, but criminality.*** This confuses the legal right to proselytize under religious freedom law with a completely different phenomenon: illegal and even criminal activity.

So, **what proselytizing activities are legal and permissive under international law** generally, and Article 18 specifically, as they relate to sharing one's religious beliefs with others of differing religious beliefs?

- 1) Clearly, Human Rights instruments, such as Article 1 of the 1981 Declaration and article 18, paragraph 1, of ICCPR **explicitly provide for the right "in public or private, to manifest [one's] religion or belief in worship, observance, practice and teaching."**
- 2) This **includes carrying out actions to persuade others to believe in a certain religion.**^{viii}
- 3) States are urged "To ensure, in particular, **the right of all persons to write, issue and disseminate relevant publications.**"^{ix}
- 4) "The **practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs,**" General Comment No. 22 (1993), Human Rights Committee, which held also included was "the **freedom to prepare and distribute religious texts or publications.**" (para. 4).^x
- 5) ICCPR Article 19 concerning freedom of expression has also been cited by international human rights bodies such as the Human Rights Committee to provide **a legal right to share information, including religious ideas and beliefs with others freely:**

^{vi} A/51/542/Add.1, b) Proselytism, paras. 12 and 134 (country visit to Greece).

^{vii} Ibid Para. 134. This comment was pertaining to the proselytism law in Greece.

^{viii} Article 6 (d) of the 1981 Declaration, which is customary international law.

^{ix} Resolution 2005/40 of the Commission on Human Rights.

^x See footnote 6, supra, A/60/399, paras. 59-68:" (b) Missionary activities and propagation of one's religion.

[T]his right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of [one's] choice."^{xi}

The **Moroccan Law on Proselytism**, which the Moroccan Government has claimed is its sole reason for the recent expulsions, denials of re-entry, and failure to renew residency permits without opportunity to appeal (claiming national security reasons), states:

Article 220: Whoever by **violence or threats keeps or impedes someone from worshipping or attending worship** is punished by imprisonment of six months to three years and a fine of 100 to 500 dirham. The same punishment is set for whoever employs **means of seduction** in the **purpose of shaking the faith of a Muslim or to convert him to another religion**, either **by exploiting his weakness or his needs** or **by using for such a purpose institutions of education, health, shelter or orphanages**. In case of conviction, the closure of the institution which served to commit the offense may be closed, either definitively, or for a length which will not exceed three years.

What is clear from an examination of this law is that **the way “proselytism” is defined encompasses certain illegal acts which would be outside the protection of international law according to the list of permissible activities above, e.g.:**

- 1) **Using violence or threats** to stop someone exercising their religious freedom.
- 2) Employing **“seduction,”** or **“exploitation”** to **“shake the faith of a Muslim”** or **“to convert him.”** These terms are not well-defined, but suffice it to say, international law does not protect actions of undue influence, duress, or coercion when exercising the fundamental right of religious freedom.

The **difficulty with this law**, is that on its face, without further definition, and particularly by citing institutions which provide humanitarian aid, healthcare, education, etc. along with the terms “exploiting his weakness or his needs” and “in the purpose of shaking the faith of a Muslim or to convert him to another religion,” **an assumption is created that the very fact that an institution as described meets a person’s needs, along with sharing their faith, should it be other than Islam, could easily be construed as “seduction,” “exploitation,” and “shaking the faith of a Muslim.”** The law is then **on its face vague and capable of placing every aid worker in Morocco who is not a Muslim and who exercises their right to share their beliefs with others squarely in the category of a criminal, simply by the legislations’ tautological assumption.**

In fact, this is exactly what has happened with the recent expulsions. Foreigners who had self-identified as Christians or non-Muslims, and who fit into one of the above categories: providing care for orphans, educational, health, and shelter needs were automatically deemed “religious terrorists,” and “criminals.” This includes many businessmen who do not fit into these categories. Regardless, all were summarily removed from Morocco without due process of law and deemed a threat to national security.

It is **instructive to examine the Greek Proselytism law** which was examined by the European Court of Human Rights in *Kokkinakis v. Greece*.^{xii}

Greek Proselytism Law: Section 4 of Law no. 1363/1938 provides that it is a criminal offence to engage in proselytism, by which is meant, “in particular, any direct or indirect **attempt to intrude** on the religious beliefs of a person of a different religious persuasion, with the aim of undermining those beliefs, either by any kind of **inducement or promise of an inducement** or **moral support** or **material assistance**, or by **fraudulent means** or by **taking advantage** of the other person's inexperience, trust, need, low intellect or naivety.”

Like the Moroccan Proselytism law, the Greek law outlines several acts which it deems illegal, and then calls them “proselytism.” ***This is highly problematic, since at international law, proselytism is legal.*** It is when sharing one’s

^{xi} E.g. Manfred Nowak, UN Covenant on Civil and Political Rights: CCPR Commentary (2nd revised ed.), 2005, pp. 450-452.

^{xii} App. No. 14307/88, 17 Eur. H.R. Rep. 397(1994)

faith, as defined in paras. 1-5 *supra*, which is allowed under international law, in a manner that is not protected that conduct becomes illegal. **Thus, the term “proselytism” should not be used to describe illegal activities which are also illegal under international law and not defined as “proselytism,” but rather coercion, violence, undue influence, duress, etc.**

It is instructive that the ECHR did not find the Greek law problematic on its face, but rather in its application. “Intrusion,” “inducement,” “fraudulent means,” “taking advantage,” all indicated deliberate illegal actions. However, in the *Kokkinakis* case, the Court found there was no such illegal act when a Jehovah's Witnesses visited a neighbour to discuss religious issues with her since “bearing Christian witness” was perfectly legal under Article 9 of the European Convention on Human Rights and was therefore protected. Judge Pettiti, made this clear:

Freedom of religion and conscience certainly entail accepting proselytism, even where it is not respectable. ***Believers and agnostic philosophers have a right to expound their beliefs, to try to get other people to share them and even to try to convert those whom they are addressing.***

As often repeated, the European Convention on Human Rights, Article 9, is a mirror of international law, and is not only a binding treaty for Europe, but a reflection of the 1981 Declaration on Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief and of course the Universal Declaration, Article 18, and ICCPR Article 18 as well.

Therefore, whereas the scope of freedom afforded to persons for the practice of their religion or belief by sharing their beliefs, trying to convert others, producing and distributing information about their religion or belief, and other actions are covered by the legal right to proselytize, **certain limitations can be imposed in accordance with article 18, paragraphs 2 and 3, of the ICCPR:**

2. **No one shall be subject to coercion** which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect **public safety, order, health, or morals or the fundamental rights and freedoms of others.**^{xiii}

However, it should be noted that **this article allows for restrictions only in very exceptional cases.** In particular the fact that it mentions the protection of “fundamental rights and freedoms” of others as a ground for restriction indicates a stronger protection than for some other rights whose limitation clauses refer simply to the “rights and freedoms of others” (e.g. article 12, 21 and 22). It could indeed be argued that the freedom of religion or belief of others can be regarded as such a fundamental right and freedom and would justify limitations on proselytism, but the *as freedom of religion and belief basically is a question of individual choice*, any generalized State limitation (e.g. by law) conceived to protect “others” freedom of religion and belief by limiting the right of individuals to conduct proselytism should be avoided according to the United Nations Special Rapporteur for Freedom of Religion or Belief.

The test for legality of a prohibition of any act motivated by belief or religion is therefore extremely strict. Within any legislation attempting to criminalize “proselytism” (which, as is discussed above, is extremely problematic, since proselytism in its true sense is a legal right under the international law of religious freedom) **the law on its face needs to provide clear guidance concerning the distinction between permissible religious persuasion, on the one hand, and illegal coercion on the other.** It is doubtful that the Moroccan law of “proselytism” does so, given the extremely elastic and broad terminology utilized to describe “criminal” acts. The UN Special Rapporteur states:

It would not be advisable to criminalize non-violent acts performed in the context of manifestation of one's religion, in particular the propagation of religion, because that might criminalize acts that would, in another context, not raise a concern of the criminal law and may pave the way for persecution of religious minorities. Moreover, since the right to change or maintain a religion is in essence a subjective

^{xiii} The European Convention mirrors this exactly in Article 9(2).

right, any concern raised with regard to certain conversions or how they might be accomplished should primarily be raised by the alleged victim.^{xiv}

Those expelled from Morocco have not been given the right to defend the charges of “proselytism” against them, nor have any alleged victims come forward. Furthermore, Christians in Morocco make up .001% of the population, so they are indeed the smallest minority religion imaginable! In fact, in many cases, the Muslim community has rallied around the alleged “criminals,” writing letters, visiting Mayors, and stating that in fact, those expelled permitted them to bring prayer mats to their institutions, pray five times a day, and exercise their Muslim faith openly and at all times. Moroccan business associates have come to the defence of their foreign partners, and every Moroccan lawyer (almost without exception, of the Sunni Muslim faith) I have consulted has stated that no written evidence has been filed, nor have charges been made in Court, nor has the Moroccan government provided documentary evidence of the alleged “proselytism” as defined by Moroccan law.

Clearly, **international law, as discussed above, does not allow the commission of illegal or criminal acts under the guise of religious freedom.** A distinction needs to be drawn, however, between actions which are protected under human rights law, and those that constitute criminal acts. Such acts should be classified under the Criminal Law of the State concerned as such, not under the guise of “proselytism,” which confuses the legal right to manifest one’s religion or belief, and the legal right to change one’s religion or belief with illegal behaviour. Even if Moroccan Article 202 were acceptable on its face, which is highly doubtful, the application of this Article to the vast majority of those expelled was done so in a summary manner, without the presentation of evidence or documented allegations by the supposed victims as required under international law. As discussed in Appendix I concerning the law of deportation and expulsion, only a substantiated claim that those affected were a threat to national security would support Moroccan government actions; such evidence has never been produced, nor have those accused been presented with an opportunity to answer such allegations.

III.Moroccan Law Provisions Affirming Commitment to International Organizations and Human Rights

The Moroccan Preamble to the Constitution expressly provides that:

An Islamic and fully sovereign state whose official language is Arabic, the Kingdom of Morocco constitutes a part of the Great Arab Maghreb. As an African state, it has, among its objectives, the realisation of African unity. **Aware of the need of incorporating its work within the frame of the international organisations of which it has become an active and dynamic member, the Kingdom of Morocco fully adheres to the principles, rights and obligations arising from the charters of such organisations, as it reaffirms its determination to abide by the universally recognised human rights.** Likewise, it reaffirms its determination to continue its steady endeavours towards the safeguard of peace and security in the world.

In addition to its commitment to international law and human rights, Morocco also has a Bilateral Investment Agreement with the USA, a Free Trade Agreement with Morocco and the USA, and Moroccan law on supremacy of international conventions is abundant, as demonstrated by the Preamble to its Constitution, *supra*. Many of those Americans deported had invested in Morocco or taken advantage of the Free Trade Agreement and Investment Agreement between the countries.

IV.CONCLUSION AND POLICY RECOMMENDATIONS

Concerning the events of the past three and a half months, the summary expulsion, denial of re-entry, deportation, and refusal to renew Residency Visas for both Americans and other Foreign Nationals by the Moroccan Government under the allegations of “proselytism” and even “threats to national security,” are disturbing due to the fact that provisions for due process under both Moroccan Law and International law have been ignored. Evidence has not been forthcoming. Documentation has not been provided to ensure the right to appeal in a Court of Law.

Perhaps even more disturbing than this is the fact that the Moroccan criminal law on “proselytism,” Article 202, is vague on its face and overly broad in its potential application. **Morocco has often cited its respect for**

^{xiv} A/51/542/Add.1, b) Proselytism, para. 65.

the international human right of religious freedom which is encapsulated in its fullest legal sense under the Universal Declaration, International Covenant on Civil and Political Rights, 1981 Declaration, and, given Morocco's interest in becoming a Member of the European Union, the European Convention on Human Rights and Fundamental Freedoms. **Such a fundamental human right permits proselytizing and the right to convert to any religion or no religion—it is every individual's prerogative.** Human rights are individual rights. The entire reason for their construction and promulgation was in the aftermath of World War II, when a powerful majority in Germany was able to murder 6 million Jews and 5 million Christians and others who did not agree with Nazi ideology—the need to value each and every human being in their human dignity and to protect the minority from the abuses and domination of the majority became blatantly apparent.

It is not in accordance with human rights law to force individuals to think a particular way, adhere to another's conscience, or adopt the majority's belief system due to arguments of "culture," "history," and "identity." True tolerance is universal—it does not categorize those for whom tolerance is given. It is precisely due to the fact that individuals have freedom of thought, conscience, and belief that they may choose not to adopt the majority position. It is not in accordance with human rights law to protect only one belief system and punish those who do not adhere to that belief system, even to the extent of criminalizing at a national level what a Nation has committed to protect as a human right at the international level.

Apart from obvious attempts to stamp out violence and intolerance in the name of religion, the Moroccan law on proselytism has also been employed to criminalize Muslim behaviour which is not in accordance with a particular brand of Sunni Islam. In this way, one Muslim may be accused criminally of "shaking the faith" of another Muslim who happens to be from a minority Muslim group in Morocco. Who will decide which Muslim speaks for Islam? Sunni? Shi'a? Sufi? Salafi? Wahabbi? Ammadiyyah? Baha'i? All claim Islam. The Government states that it protects "Moroccan Islam, founded upon values of openness, tolerance, and moderation." How are peaceful Muslims who differ theologically from the majority tolerated? What status in the law do minority faiths other than the three recognized Abrahamic faiths have in Morocco? What status do Christians who are not Anglican, Catholic, or Orthodox have under the law? What happens if an individual in Morocco decides not to adhere to any faith at all? What is their status?

Morocco has committed itself to international human rights standard, and has embraced in public statements international religious freedom. Recent actions have muddied the water and caused untold harm to orphaned children, disabled people, illiterate and poor women who wish to be trained for jobs, those who need instruction on how to grow their own food or start a business, American businessmen who have invested their money, talent, and lives in Morocco, and many more. If individuals have committed the heinous criminal acts of which they have been accused, bring forward the evidence publically and thoroughly. If individuals have suddenly become, after decades of living in Morocco, a threat to national security, bring forward such evidence so they may answer such allegations.

POLICY RECOMMENDATIONS FOR THE COMMITTEE

The above-noted witness respectfully requests that the Committee act upon the following policy recommendations:

- 1.A Request for Evidence** by US Officials at the Highest Level of Alleged Criminal Actions by American Citizens who were Expelled, Deported, Denied Entry or Refused Residency Visa extensions.
- 2.Immediate Engagement** of US Officials at the Highest Possible Levels with the Moroccan Government to Review the Evidence Against Americans, and particularly evidence relating to allegations that American Citizens presented threats to Moroccan national security.

3. Request by US Officials that Written Expulsion, Deportation, or other Residency Orders relating to US Citizens be delivered to them by the Moroccan Government, so that they may have the opportunity to appeal such orders and answer any charges levelled against them. As the British and Canadian Ambassadors have released the Diplomatic Notes with lists of people and their alleged illegal acts to their citizens, the Committee should request the US Ambassador to also release the Diplomatic Note that directly affects the ability of US Citizens to appeal their expulsions. If he does not feel able to do so by Diplomatic Protocol, the Committee should request the Moroccan Government provides this document.

4. Engagement should be encouraged at the Highest Possible Levels Between US and Moroccan Governments to discuss International Religious Freedom, the Moroccan Proselytism law, and Constructive Solutions to promote the fundamental human right of religious freedom under international law conventions and custom, (Which is also required by the US Department of State under the International Religious Freedom Act of 1998), with legitimate concerns by Moroccan Authorities of Criminal Activities which truly threaten public order and national security.

5.A Return to the Status Quo Ante for those which a Court of Law determines have not violated international law by committing criminal or illegal acts prescribed by the same.

The United States of America has had the longest-standing relationship with Morocco of any American ally since its inception. Recent events have been deeply upsetting and unsettling considering Morocco's continual public affirmation of its commitment to religious freedom and human rights, and the commitment, sacrifice, and dedication of American citizens who have worked in humanitarian and business endeavours for decades in Morocco. From their perspective, they have done nothing wrong, illegal, or criminal; they have simply been expelled because they are all Christians. Moroccan laws concerning residency provide notice and an opportunity to be heard in these cases. If national security has been threatened, the United States government needs to understand the nature of such charges, and US citizens need to be afforded the ability to refute such allegations.

Above all, the undersigned recommends immediate engagement from the United States Government at the highest possible levels in order to alleviate concerns that Morocco may have changed its position on affirming international human rights including freedom of thought, conscience, and belief, or its commitment to due process of law for Americans (and for that matter, all Foreign nationals) who reside in the Kingdom. This is crucial for continuing friendly diplomatic, trade, strategic, and all other relationships between our nations.

Appendix I:
Legal Assessment of the Expulsions, Deportations, Denials of Re-Entry/Renewal of Residency Concerning Americans and other Foreign Citizens Previously Resident in Morocco

(1)As demonstrated below, **Moroccan Immigration Law (Article 1) defers to International Law**, particularly the provisions of the **International Covenant on Civil and Political Rights, which Morocco ratified in 1979. Article 13 provides that no expulsion of a foreigner can be carried out without notice and an opportunity to be heard, unless that person is a threat to national security.** There is little indication or evidence that any of the persons expelled from Morocco were a threat to national security.

- (2) In the case of the Americans and other foreigners who were expelled from Morocco, according to several Moroccan legal experts, and the laws cited verbatim herein, **the Moroccan government should have provided a document of expulsion in writing, with substantiated legal grounds for the deportation.**
- (3) In most cases, those who were deported had been in the country for many years, some for decades, and **Moroccan law provides them a right to appeal the order of deportation/expulsion. However, nearly all of the deportees were ordered out of the country without such documentation, and without ample time to file an appeal.** Such an appeal would have provided an Administrative Judge with the opportunity to examine the expulsion order, and the summary of charges against the foreign national, in order to make its decision.
- (4) **Moroccan legislation requires the Administration to justify all their decisions.** If the Administration has acted improperly and without evidence of wrongdoing, the judge would cancel the order, unless it was proven that the allegations made were true based on submitted evidence, or were taken for reasons of imperative needs of state security or public safety. **Unfortunately, as most of the deportees were shepherded out of the country within a matter of hours, they were given no opportunity to appeal the matter in Court.** Nor were they able to take a subsequent appeal to the Minister of the Interior to review the decision and allow the person to enter the country, provided the Court Decision was specious. If the Minister was not inclined to do so, the foreign national could then have used his refusal, express or implied, as the legal basis of a further appeal within two months.
- (5) Of course, for **those few Americans who filed an appeal in Rabat before leaving the country, they were faced with a Court that asked them for the Administration's Expulsion Order, which they did not have, because the only notice they had of the Moroccan Government's decision to expel them came from the US Embassy. The US Embassy notified scores of Americans that they were "on a list" of those either to be deported, or not to be granted re-entry. However, the document, a Diplomatic Note from the Moroccan Government to the US Embassy, was deemed "Private Between Governments," so was not released, in spite of multiple requests, to the American citizens who needed documentary proof of their expulsions in order to file a Court action. So, in spite of the British Government and Canadian Government handing over similar Diplomatic Notes to their citizens so they could appeal their deportations, the US Government refused, and its citizens' Court cases were dismissed.**
- (6) **Some cases that were filed without documentary evidence of expulsion have been rescheduled or transferred between Courts and are pending. In another case, an American citizen who was ordered out of Morocco was told he was a threat to National Security, and due to this, the evidence could not be revealed, as it would compromise National Security to reveal the evidence against him. He worked at a Secondary School.**

In fact, the threat to public order and national security allegations as they relate to foster parents of orphans, businessmen, charitable organizations who aided the disabled, those who taught the poor to grow their own food,

operated business training and microfinance, helped illiterate women, etc. **are highly questionable.** The vast majority of those deported **have lived and worked in Morocco for decades.** If they were indeed a threat to public order and national security, the evidence of such allegedly heinous activities should be brought forward in a Court of Law and those who stand accused should be given the right to defend themselves.

Below are the provisions of Moroccan Immigration Law which apply to those American and other foreign citizens who were either deported, expelled, denied re-entry, or had their residency visas cancelled/not renewed.

International Law: Article 1 of Moroccan Immigration Law Subjects the Law to the ICCPR and Other International Conventions:

The International Covenant on Civil and Political Rights of 16 December 1966 which Morocco ratified March 27, 1979 and published in the Official Gazette stipulates in Article 13 that:

Article 13: An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision under the Act and, unless compelling reasons of national security otherwise object, it must have the opportunity to submit reasons against his expulsion and to have his case reviewed by the competent authority or by a person or persons especially designated by the authority, and be represented for this purpose.

The Act of November 11, 2003, Dahir No. 1-03-196 of (November 11, 2003) Promulgating Law No. 02-03 on the Entry and Stay of Foreigners in the Kingdom of Morocco

Applicable Provisions Relating to Moroccan Immigration Law: Residency, Deportation, and Expulsion (English Translation from the French)

Article 1: Subject to the effect of international conventions duly published, the entry and stay of foreigners in the Kingdom of Morocco are governed by the provisions of this Act. The term "foreigners" within the meaning of this law, persons who are not nationals of Morocco, with no known nationality or whose nationality could not be determined.

Article 10: A registration card grants you permission to stay for a period of 1 to more than 10 years, renewable for the same period, according to the reasons given by the foreigner to justify his stay in Morocco at Moroccan Administration discretion. Aliens must declare to the Moroccan authorities any change of place of residence within the time and ways established by regulations.

Article 11: When the registration card is denied or revoked, the alien concerned must leave the Moroccan territory within 15 days from the date of notification of refusal or withdrawal by the Administration.

Article 12: The alien must leave the territory of Morocco upon expiration of the validity of his registration card, unless it gets renewed or he is granted a residence permit.

Section III: The refusal of issuance or renewal of a residence permit

Article 19: Issuing a residence permit is denied to the alien who does not fulfill the conditions to which the provisions of this Act make the issuance of residence permits subject to, or who, seeking the issuance of a registration card pursuant to the exercise of a profession, is not allowed to exercise it.

The residence permit may be revoked if:

- The alien does not provide the documents and evidence provided by regulation;

- The holder of the title is the subject of deportation or a decision banning him/her from the Moroccan territory.

In the cases mentioned in the two preceding paragraphs, the person must leave the territory of Morocco.

Article 20: The alien whose application for the grant or renewal of a residence permit was refused or withdrawn, may make an appeal to the president of the tribunal as a judge of referral within fifteen (15) days after the date of notification of the decision of refusal or withdrawal.

The action in the first paragraph above shall not prevent a decision of deportation or expulsion in accordance with Chapters III, IV and V of Title I of this Act.

Chapter III: Deportation

Article 21: The deportation may be ordered by the Administration, by reasoned decision, in the following cases:

- 1 - if the alien cannot prove that he/she legally entered the territory of Morocco, unless the situation has been corrected after their entry;
- 2 - if the alien has remained in Moroccan territory beyond the validity of his/her visa or, if not subject to visa requirements, the expiration of three months after their entry into Moroccan territory, without holding a registration card duly issued;
- 3 - when abroad, in which the issuance or renewal of a residence permit has been refused or withdrawn, has remained on Moroccan territory beyond the period of 15 days from the date of notification of refusal or withdrawal;
- 4 - if the alien has applied for renewal of his residence and stayed in Moroccan territory beyond the period of 15 days after the expiration of the residence permit;
- 5 - if the alien has been convicted for counterfeiting, forgery, or establishment under a name other than his, or for lack of residence;
- 6 - if the receipt of the request for registration card that was issued abroad has been withdrawn;
- 7 - if the alien has been subject to a withdrawal of his/her registration card or residence, or refusal to issue or renew one of these two documents, where the withdrawal or refusal were issued, under the laws and regulations in force as a threat to public order.

Article 22: The decision of deportation may, because of the seriousness of the conduct justifying, and taking into account the personal circumstances of the individual, be accompanied by a decision to be banned from the territory for a maximum of one year from the execution of the deportation.

The decision of a ban from Moroccan territory is a decision separate from deportation. The Administration is motivated and can intervene only after the person has submitted its comments. It includes full deportation of the foreigner.

Article 23: An alien who is the subject of a decision of deportation, may, within forty-eight hours after notification, request the annulment of that decision to the president of the tribunal, as the presiding judge in chambers.

The president or his representative shall act within 4 clear days after the referral. He can move the case the nearest court of the place where the foreigner resides, if he is detained under section 34 of this Act.

The alien may request the President of the tribunal or the designated judge for the assistance of an interpreter and the file containing the documents on which the contested decision was based.

The hearing is public and takes place in the presence of the person concerned, unless the duly summoned person fails to appear at the hearing.

The foreigner is assisted by his lawyer if he has one. He may ask the President or his delegated official appointment for counsel.

Article 24: The provisions of Article 34 of this Act may be applied upon adoption of the decision of deportation. This decision cannot be executed before the expiration of forty-eight hours after notification or if the president of the tribunal is seized, before he ruled.

If the decision of deportation is annulled, there is an immediate end to the surveillance measures provided for in Article 34 below, and the alien is provided with a temporary residence permit until a final decision on his status is again considered by the administration.

The decision of the President of the tribunal may be appealed before the Administrative Chamber of the Supreme Court within one month from the date of notification. This appeal is not final.

Upon notification of the decision of deportation, the alien is immediately able to inform a lawyer, consulate of his country or a person of his choice.

Chapter IV: Expulsion

Article 25: Expulsion may be imposed by the administration if the presence of a foreigner in the territory of Morocco is a serious threat to the public subject to the provisions of Article 26 below.

The expulsion decision may at any time be repealed or revoked.

Article 26: The following shall not be subject to expulsion:

- 1 - the alien who proves by any means he/she has been an ordinarily resident in Morocco since reaching than the age of six years;
- 2 - Aliens who can prove by any means that they have been ordinarily residents in Morocco for over fifteen years;
- 3 - the foreigner who has resided lawfully in the territory of Morocco for ten years unless he/she has been a student during this period;
- 4 – Aliens abroad, married for at least a year, with a Moroccan spouse;
- 5 - the alien who is a father or mother of a child staying in Morocco, Moroccan nationality having been acquired by the benefit of the law, under the provisions of Article 9 of the Dahir No. 1 of -58-250 21 Safar 1378 (September 6, 1958) above, provided that he/she actually exercises legal guardianship in respect of the child and provides for his/her needs;
- 6 - an alien lawfully resident in Morocco under the guise of a residence under this law or international conventions, which has not been finally sentenced to a term of at least one year of imprisonment without suspension;
- 7 – A foreign woman who is pregnant;
- 8 - the alien who is a minor.

No time is required for expulsion if the conviction for a violation relating to a company in connection with terrorism, molestation or drugs.

Article 27: When expulsion is an urgent need for state security or public safety, it can be ordered by derogation from Article 26 of this Act.

Chapter V: Provisions common to deportation and expulsion

Article 28: A decision that the deportation of an alien can be performed automatically by the directors. A decision of deportation will also apply when it has not been challenged before the president of the tribunal or its delegate in his capacity as President of the Court within the period provided for in Article 23 of this Act, or one which has not been canceled at trial or on appeal, under the conditions laid down in that Article.

Article 29: An alien who is the subject of an expulsion or to be deported, is removed:

- a) to the country of his nationality, unless refugee status has been acknowledged or there is not yet a ruling on his application for asylum;
- b) to the country that issued him a valid travel document;
- c) flight to another country, in which it is legally permissible.

No foreign woman who is pregnant and no foreign minor can be removed. Similarly, no foreigner may be expelled for going to a country if he proves that his life or freedom are threatened or there is exposure to inhuman, cruel or degrading treatment.

Article 30: The decision on the country of reference is separate from the decision of expulsion itself.

An appeal against this decision has no suspending effect in accordance with Article 24 if the person did not appeal under section 28 above against the expulsion or renewal pronounced against him.

Article 31: An alien who is subject to expulsion or deportation that proves that he/she is unable to leave the territory of Morocco by showing that he/she can return to his country origin or to another country, for the reasons given in the last paragraph of Article 29, may, notwithstanding section 34 below, be required to reside in places that are assigned by the administration. He must report periodically to the police or those of the Royal Gendarmerie.

The same measure may, in case of urgent necessity, be applied to aliens who are subject to an expulsion proposal from the administration. In this case, the measure can not exceed a month.

The decision is taken, in the case of expulsion, by the administration.

Article 32: A foreigner may not be granted an application to lift a ban from the territory or repeal of an expulsion or deportation order made after the expiration of the administrative appeal if the foreign national is living outside of Morocco. However, this provision does not apply during the period when the foreign national in Morocco is in custody serving a sentence or is the subject of under house arrest under Article 31.

Article 33: A foreigner, who was the subject of an administrative measure of deportation and retains the president of the tribunal, in his capacity as President of the Court, can also appeal for suspension of execution.

Appendix II:

A. Moroccan Proselytism Law

Article 220: Quiconque, par des violences ou des menaces, a contraint ou empêché une ou plusieurs personnes d'exercer un culte, ou d'assister à l'exercice de ce culte, est puni d'un emprisonnement de six mois à trois ans et d'une amende de 100 à 500 dirhams. Est puni de la même peine, quiconque emploie des moyens de séduction dans le but d'ébranler la foi d'un musulman ou de le convertir à une autre religion, soit en exploitant sa faiblesse ou ses besoins, soit en utilisant à ces fins des établissements d'enseignement, de santé, des asiles ou des orphelinats. En cas de condamnation, la fermeture de l'établissement qui a servi à commettre le délit peut être ordonnée, soit éternellement, soit pour une durée qui ne peut excéder trois années.

English Translation:

Article 220: Whoever by **violence or threats keeps or impedes someone** from **worshipping or attending worship** is punished by imprisonment of six months to three years and a fine of 100 to 500 dirhams. The same punishment is set for whoever employs **means of seduction in the purpose of shaking the faith of a Muslim or to convert him to another religion**, either **by exploiting his weakness or his needs or by using for such a purpose institutions of education, health, shelter or orphanages**. In case of conviction, the closure of the institution which served to commit the offense may be closed, either definitively, or for a length which will not exceed three years.

It is NOT illegal for someone to convert to another religion, including Christianity under this law. The offense lies with the person who tries to convert another person by the stated means, not with the person converted.

B. Moroccan Kafala Law (Guardianship of Children)

Section Première: Les conditions de la kafala d'un enfant abandonné

Article 9 :La kafala des enfants déclarés abandonnés par jugement est confiée aux personnes et aux organismes ci-après désignés :

1 - Les époux musulmans remplissant les conditions suivantes:

- a)avoir atteint l'âge de la majorité légale, être moralement et socialement aptes à assurer la kafala de l'enfant et disposer de moyens matériels suffisants pour subvenir à ses besoins;

- b) n'avoir pas fait l'objet, conjointement ou séparément, de condamnation pour infraction portant atteinte à la morale ou commise à l'encontre des enfants;
- c) ne pas être atteints de maladies contagieuses ou les rendant incapables d'assumer leur responsabilité;
- d) ne pas être opposés à l'enfant dont ils demandent la kafala ou à ses parents par un contentieux soumis à la justice ou par un différend familial qui comporte des craintes pour l'intérêt de l'enfant.

2 - La femme musulmane remplissant les quatre conditions visées au paragraphe I du présent article.

3 - Les établissements publics chargés de la protection de l'enfance ainsi que les organismes, organisations et associations à caractère social reconnus d'utilité publique et disposant des moyens matériels, des ressources et des compétences humaines aptes à assurer la protection des enfants, à leur donner une bonne éducation et à les élever conformément à l'Islam.

English Translation:

The guardianship of children declared by law to be abandoned can be accorded to the following persons and institutions:

1) A Muslim married couple of legal age:

- a) who are morally and socially capable of assuring legal guardianship and who have the material means to attend to his/her needs;
- b) who have never been convicted, individually or together, of a crime threatening the morale and well being of a child or a crime against a child;
- c) who do not have contagious diseases or medical conditions which might render them incapable of fulfilling their obligation;
- d) is somehow opposed to the child or the family of the child for which they demand guardianship, involved in a legal dispute with his family, which raises fears for the wellbeing of the child.

2) A Muslim woman fitting the four conditions listed above.

3) Public establishments charged with child protection or charitable institutions, organizations or associations recognized by public authorities and having adequate material means, resources, and human resources to assure the protection of children and to give them a good education and raise them in accordance with Islam.

Village of Hope fell under Category 3.

Nonetheless, it is this law that the Ministers of the Interior and Justice have cited in saying they were out of compliance.

Mr. WOLF. Well, thank you very much. And I am going to recognize Mr. Smith and then Mr. Pitts.

The only comment I would say is I think the American ambassador is such a disappointment, and we are going to have to deal with him as we go on.

Let me just go to Congressman Smith.

Mr. SMITH. Thank you very much, Mr. Chairman.

And let me just say, the chairman and I were just talking. We have both been here each of us 30 years. I chaired the Human Rights and International Operations Committee for 8 years. Both of us have worked, and Joe Pitts and Trent Franks, on human rights issues all over the globe. And again, when a friend like Morocco, and you all have made it very clear you love Morocco, commits this kind of egregious behavior--outrageous behavior--it seems to me our ambassador and our embassy is AWOL.

It is very clear, though the human rights community I hope in its—sometimes does not want to say so candidly -- but we have had such a feckless and ineffective human rights policy under the Obama administration. We just finally got a nomination for the International Religious Freedom Ambassador, created by Mr. Wolf's law back in 1998, a year and a quarter into this administration. That is a revelation of priorities and a lack of prioritization of religious freedom issues.

But just a couple questions, if I could. First of all, on the diplomatic note, Mr. Wolf and I were just talking, and we are going to ask that we at least get a copy of the note. It is unconscionable that you can't even get the information. What has our embassy done? You know, advocacy is one of the mainstays of U.S. diplomacy, and fighting for Americans—I mean, your human rights have been trashed and violated, and we seem to be asleep at the switch.

Ambassador Kaplan said, "We were disheartened and distressed to learn of the recent expulsions." And then he goes on. He should have been outraged and demanding that this be reversed rather than accommodated by what seems to be a kind of indifference. So that is very, very troubling.

I do have a couple of very specific questions, if any of you know whether or not this is a change of attitude or at least a new manifestation of an idea that somehow there might be a taint to Christianity. I respect my Muslim friends deeply and profoundly—we are people of the Book—as I do my Jewish friends, and people, frankly, of all religions. To suggest that there is a taint, that some of the young people would be asked questions such as, "What is your religion?" simply because they may have inculcated the values of Christianity, whatever it may be, is an intolerance that is awful.

Have there been any changes at the top with King Mohammed VI, a new interior secretary or something that might account for this change?

Secondly, Ms. Zoglin, you talked about the media law. How have the expulsions been described in the government-censored Moroccan media? Also, what have Freedom House and other like-minded human rights groups and NGOs done to chronicle and protest these expulsions?

To Mr. Cloud, 12 centers, soon to be 13, what has happened to your centers? Will they now go into disrepair and collapse? You had mentioned that the U.S. Government has been silent until Mr. Wolf's hearing. Did Ambassador Kaplan offer to meet with you, or did anybody from the embassy offer? But if you could answer that on the record, because I think it is very important.

We need advocates in our foreign affairs, our FSOs, but at the very top are the ambassador and the DCM.

And also, to Mr. Boonstra, you talked about beatings and drug use. Has the International Committee for the Red Crescent been asked, or do you think there is any possibility that they can

look into the potential abuse of the children that you have cared for so dearly?

And I have other questions, but if you could get to those questions.

Ms. ZOGLIN. Just to answer or address some of them. With respect to the freedom of the press issues, Freedom House has—we have issued press releases describing the cases in detail and protesting them, and I haven't seen how the matters have been handled by the Moroccan government.

Mr. SMITH. Do you have something Freedom House could look into and provide it to the community?

Ms. ZOGLIN. Yes. We would be happy to do so.

Mr. SMITH. To look at how skewed it may have been with regards to families. I mean, did they contain trumped-up charges, or are they just being silent on the why of it? Please. And has Freedom House protested? I mean, you gave a very good overview of the conditions vis-a-vis human rights in Morocco, but have you put out any alerts or anything?

Ms. ZOGLIN. We have not issued statements on these particular cases. We have been supportive, as you were mentioning, the appointment of the Ambassador at Large for Religious Freedoms and have been on record for that and been advocating for that.

Mr. SMITH. If you would consider doing that on behalf of the families.

Ms. ZOGLIN. Okay.

Mr. CLOUD. On the question of 12 centers. All 12 centers are continuing. Two of the centers have had foreigners expelled.

They have insinuated to me, the local authorities, that even though I am expelled, they certainly hope I will continue fundraising so that the parents can receive the services free of charge. And they say, sorry that we expelled you, but we want you to continue financing the work.

Mr. SMITH. You know, that is a theater of the absurd. And I hope the Moroccan government has somebody here at this hearing. To a thousand people, children and families assisted by you, 100 jobs created, and to be treated so cruelly, as you put it, and dishonorably is a reflection on the government in a very negative way.

Mr. CLOUD. Of the question, has anyone agreed to meet with you? There is a human rights person in the embassy, her name is Julie Kim; I think she is a fairly young worker. She has gone with our lawyer to Rabat when our case was presented, and just recently, she e-mailed me and said she is coming to Washington, D.C., next week, and asked whether I could meet her? And I told her, no, I was going back to Cairo Saturday.

Mr. SMITH. Has the ambassador contacted you or any of the others?

Mr. CLOUD. No.

Mr. SMITH. Ambassador Kaplan has not called you?

Mr. CLOUD. No.

Mr. SMITH. That is reprehensible.

Please.

Mr. BOONSTRA. With regards to your question about possible intervention of the Red Crescent; we have not opened that avenue, but up until recently, nobody that had no official business at the Village of Hope was barred entry, and up until about four weeks ago, there was still police roadblocks stopping people from entering. And only people that have legal papers giving them permission to go in can. But that is a good suggestion that you have made, and we will try to follow that up. Thank you.

Mr. SMITH. Thank you. And changes at the top, is anybody aware?

Mr. CLOUD. There is a new minister of interior.

There is also, at least we see it in the articles coming out in the newspapers, a lot of influence in the past months from the fellow Arab and Muslim countries who are pushing Morocco and

accusing Morocco of becoming too lenient and too tolerant, and to get back. And I know some of the Saudi Arabian money is based upon their going in that direction.

Mr. SMITH. I appreciate it. Thank you.

And, again, I want to thank Chairman Wolf for his steadfast leadership, for helping all of us realize the crisis that you have faced. And today has to be the pivot point where the American Embassy, hopefully working with the Dutch and the British and the others, and the U.S. Government—I mean, the Secretary of State Hillary Clinton—should be on the phone raising this issue directly with her counterpart in Morocco.

So thank you so much for coming, and our prayers are with you.

Mr. WOLF. Thank you, Mr. Smith.

Mr. Pitts.

Mr. PITTS. Thank you, Mr. Chairman.

Again, thank you for this very important hearing. I can't tell you how moving and how touching it was to hearing your testimony, to hear your personal stories, to hear of your love for not only your children but for the Moroccan people, for Morocco, and then to hear of the expulsion and the fear and pain the children went through. This is an outrageous human rights abuse by the government of Morocco. I am almost reminded of the tactics of the Nazis when I hear some of these outrageous examples.

I want to ask first about the children. What has happened to your children? Those are babies. I see this picture on the calendar of your babies. What has happened to these children? Can you -- and the cerebral palsy children. Both, if you could explain, please.

Mr. EDDIE PADILLA. Well, we don't really know. We don't get information about our children. Last we heard, about six weeks ago, our boys are healthy, you know. As far as the other children, I am assuming that they are -- we don't have any contact, and so it is just, you know, we hope that they are in good hands. You know, the people who -- the Muslim teachers and the Muslim workers on site, you know, they saw how we loved our kids, you know, and they saw how we took care of them. They saw how much each one of them meant to them. And maybe we made a difference in their culture. You know, instead of them being abandoned, these people could have abandoned and said, I can go find another job, maybe, but they chose to stay on and take care of our children. And like my wife said, you know, We can keep them healthy and feed them and hopefully teach them and educate them in school, but you are their parents, and you can't substitute that. When their original parents abandoned them at birth, you know, we were willing to take -- step in and love them, take care of them, and raise them like they were our own.

And my two biological children, they miss their brothers. They ask for them all the time. And they weep because they miss their teachers, and they miss their little friends, because when we got deported we had really nowhere to go. And now my daughter -- she had all kind of friends; now she has no friends. She doesn't have little buddies to hang out with. And so it is just -- you know, it is a shock to them, and they continue to hurt. We have a lot of work to do with my own biological children of kind of diffusing what happened, because they were part of the deportation, standing in the rain, waiting for the police to take us to the bus, Maggie watching her mom cry for about 5 hours. You know, "Why don't we go back?" You know. And when they realized we weren't going back is when another part of them, their heart was kind of taken away from them, and they are hurting over it.

Mr. PITTS. Mr. Boonstra, what happened to your children?

Mr. BOONSTRA. Out of the 33 children that we had, two of them have been taken away from Village of Hope, from the premises. Both of them were handicapped and needed extra care, and so they have been taken away from the Village of Hope because the people there are not qualified and able to deal with that.

Mr. PITTS. Where are they?

Mr. BOONSTRA. We know of one, that she went to another orphanage that has facilities like this, an orphanage that we also had a relationship with. And then the other child, we don't know. We don't know anything about that boy. He also had cerebral palsy.

Mr. PITTS. What about the little children who had cerebral policy?

Mr. CLOUD. All 12 centers are continuing to go. It is a center where the mothers and fathers bring their children for physical therapy, because we want to keep them in the home, and then they go back home.

The parents are protesting to all the local governments, because they fear and they know, when foreigners are expelled, the funding dries up, the centers will close. Because the Moroccans have attempted thousands of NGOs, and 95 percent are closed because of corruption, they are unable to handle the money properly. There is no pay for the workers. The quality goes down. So the parents themselves, they are fearing what is coming. But as of this moment, all 12 centers are still active.

Mr. PITTS. Now, are you accused -- Mr. Padilla, you had a 2-year-old and a 1-year-old, I think. You are accused of proselytizing a 2-year-old or a 1-year-old? Is that what I understand?

Mr. EDDIE PADILLA. That is the charge against us.

Mr. PITTS. And Mr. Cloud, you said the U.S. Government has been silent. I am really troubled by the indifference of our embassy there. They have done nothing?

Mr. CLOUD. They have only offered me a list of lawyers to contact.

Mr. PITTS. I think, Mr. Chairman, somebody in the embassy or maybe the ambassador should be fired over this outrage. I think we should ask the U.S. Commission on Religious Freedom also to review the case.

Mr. WOLF. We will do that.

Mr. PITTS. Thank you, Mr. Chairman.

Has the media in Morocco covered these instances? What does the media in Morocco say?

Mr. CLOUD. Both. There is some coverage that is saying, look out, this is bad for our country to lose a friend like the United States. And then there is a lot of coverage saying, good riddance to these dirty foreigners. They have been exited with such shame. And this is part of the strategy of the Moroccan government, is to exit people like ourselves with such shame to help the local people think they must have done something bad because they have been treated very harshly on their departure.

Mr. PITTS. Why are you treated as criminals for wanting to love little babies and take care of little babies? Can you explain that? Provide a home for abandoned children and orphans, why is that criminal?

Mr. CLOUD. There have also been some articles come out that in the Arab world, in the Muslim world, they are redefining proselytism to not only trying to share the Bible or share faith, but saying it is dangerous for Christian people to show love to Muslim people, because it is changing the hearts and lives of Muslims; so, therefore, we cannot have Christian aid people showing love to Muslims. It is affecting our society in a negative way.

We had a meeting a few years ago in one of my centers, and one of the foreigners had drawn a picture on the board of two men in the desert, and one man was giving a cup of water to the other man. And the committee came in -- and they are my friends. I even brought them on the committee.

And one of them said, "Take the picture down. That is Christian baptism. Take it down."

We said, "Excuse me? That is just simple love."

They said, "Oh, we are angry. All these cartoons out of Denmark ridiculing Morocco, ridiculing Mohammed. We are angry about this. Mike, we love you, but we hate all these foreigners with Christian activity."

So I said, "Well, who am I? I am a Christian."

"Yeah, you are a Christian."

"Well you know what my activity is? It is helping a thousand children with cerebral palsy."

"Oh, you are right. That is Christian activity. That is Christian activity."

And they become even become a little alarmed that maybe they needed to think twice about me, of thinking just giving love because you are a Christian is affecting their culture.

So all of this is being stirred up in the entire Muslim world.

Mr. PITTS. Let me ask you about the other embassies, Dutch embassies, British, other embassies. Have they reacted in any way, been helpful in any way?

Mr. BOONSTRA. In the case of our embassy, they have helped in the sense that they have sent information to the Dutch foreign ministry. And the next day, our foreign minister, encouraged by the total Committee on Foreign Affairs advising him to step in, ordered the Moroccan ambassador in the Netherlands to come to his office and tell him how mad our government is with this kind of treatment.

Subsequently, we have had very good contacts monthly, monthly contact with the highest officials in our foreign department. And they said to us that they are willing to make our objective of reunification with our children their objective, and they are working with that. And then another thing is that our foreign minister even took the pain of calling us and speaking to us on the telephone.

Mr. PITTS. So you have talked personally to your minister?

Mr. BOONSTRA. Very much.

Mr. PITTS. Well, that shows you the difference in treatment.

Mr. BOONSTRA. And also, our embassy also has offered to go in with friends of ours to bring out at least some of our personal possessions.

Mr. PITTS. What about other international organizations? We have heard from Freedom House. Have any other NGOs, international organizations, reacted or spoken up in your behalf?

Mr. BOONSTRA. There is an organization that is also very much involved in human rights in the Middle East and defending the rights of Christians, specifically in the Middle East, that is called Middle East Concern. They are based in England but also have an office here in America. They have sent out reports as well.

Mr. PITTS. Well, we need to help those organizations.

Thank you, Mr. Chairman.

Mr. WOLF. Well, thank you, Mr. Pitts. I appreciate your line of testimony. And thank you for being here.

I share Mr. Pitts' concern. The thought that the Dutch foreign minister called you, and the Secretary of State has been silent.

You know, Martin Luther King said it is the silence of your friends that is painful. You expect your enemies to be silent, but your friends.

And I congratulate the Dutch foreign minister. But to think that my government, the State Department -- is there anybody here from the State Department? If they are, would you please stand up? Would you please stand up just so -- would you identify yourself, please.

Mr. HICKS. Mr. Patrick Hicks. I work with DRL.

Mr. WOLF. Thank you for coming here. If you could get the word back, we will send a letter to the Secretary about this.

Is there anybody here from the Millennium Challenge Corporation? If you would identify yourself.

Ms. KOLODJESKI. Erin Kolodjeski.

Mr. WOLF. I thank you very much for being here.

When the Millennium Challenge Corporation members hear and see this testimony, it just --

somehow, the American ambassador has to get engaged. And I think, as Mr. Pitts said, if he doesn't get engaged in this, perhaps he should move on to another job. I don't know if he is a political appointee who just wanted a job or if he is a career person, but I think we are going to look into this. But if he is not prepared to do what the Dutch did, then perhaps he should step aside and let somebody else take over the job.

Whoever -- before I get into the question, whoever has implemented this policy in the Moroccan government, they have harmed the reputation of the Moroccan government. And they owe the King an apology. And they owe the Moroccan people an apology. Before whoever started this, the reputation of Morocco was very, very positive.

A couple questions here. Have any situations similar to the events in March ever occurred during your time in Morocco?

Mr. BOONSTRA. No. There have been maybe two or three cases of people who have come into Morocco handing out materials, doing work of proselytism or evangelism or being engaged in teaching Moroccans Christianity. There have been reports like that maybe three or four over the 10-year period that King Mohammed is there. So we all were under the impression that there was a lot more freedom now than under his father Hassan II. But now with this kind of events, it looks like it is reverting to that era. And that is also why I wanted to come here and testify to you.

Mr. CLOUD. There has also been a change. I had friends evicted in 1998, and they did not have a clear identity of what they were doing, and they knew that they had the chance to be evicted. But the change in previous years was, if you don't have a clear role in Morocco, you are not doing something good, probably you are not going to be able to stay. But now, in the past year, they have taken the people who have the best projects, have done the major impact in Morocco, and those were the first people that they have evicted out.

Mr. WOLF. Can you comment a little more on the status of your assets in Morocco? Is the American embassy assisting you in accessing your goods? Have they said, "We will go and help you"? If both of you, if you would comment.

Mr. EDDIE PADILLA. The American embassy hasn't helped at all. They haven't contacted us. All our belongings are still there, or we think they are still there. But they have never like commented or called or asked if they could help.

Mr. WOLF. Did the Dutch embassy help you with your assets at all, or did they deal with that issue?

Mr. BOONSTRA. Well, I already commented on two times that they facilitated. And in one time, also some of the embassy workers came with to take out of our house the most prized possessions.

But otherwise, when it comes to the Village of Hope itself, the bank accounts have been frozen, the cars have been seized. The property partly belonging to the government and given to us for a symbolical price, but partly also bought with money by ourselves. So belongings to the Village of Hope, it has all been frozen. It has all been taken over. The status of that is totally unclear. There is no communication about it. We can't even ask about it. So what we have resorted to do now is to go through the court and try to find our way through the courts to the government about these issues.

Mr. WOLF. Mr. Cloud, he said that the Dutch embassy, the staff helped. Have you had any help from the American embassy staff?

Mr. CLOUD. I had one comment from this Julie Kim who said, Perhaps they could help find some volunteers to clean out your house. And of course, that is a trauma for my wife to have all of our goods for 14 years -- we have our documents. I have my degrees. And to, say, have strangers come and clear out your house not knowing who the strangers would be.

Mr. WOLF. What has been the reaction of the native Moroccan population to the

deportations? Sympathy, support? How have they responded?

Mr. CLOUD. From the journals, as I said before, both ways. A lot of people in support; a lot of people afraid of these drastic measures. A few friends that claim affinity to the Christian faith, they are experiencing extreme trauma from being interrogated, if not daily, weekly, being threatened. So definitely the pressure on anyone showing affinity to a faith other than Islam is facing much more severe pressure at the moment.

Mr. WOLF. How have you both been?

Mr. EDDIE PADILLA. We just got a recent Web site of that says: Village of Hope, we don't want you back. And just constant, you know, just lies and just junk. You know, hate speech, you know, toward us. You know, our names are changed a little bit, but we know who they are talking about. People from the Village of Hope, their name has been used and comments about how they look or what they did, or lies about proselytism and all this stuff. It is just one long, huge Web site on: Village of Hope, we don't want you back dot-com, or something like that.

And there are also blogs I have responded to at the very beginning where there are people just saying, well, you got what you deserved. You know? And some of them were -- I don't know if they were Americans, but they weren't -- they didn't have, you know, Arab names, Moroccan names. They were more of European or American names. But just commenting on, well, we were doing something wrong.

So I don't see where loving abandoned children is wrong. Personally commenting, it is a hate crime against these children is what happened.

Ms. LYNN PADILLA. It also depends on who you would ask. These are public comments coming through the journals. But if you could talk to the people that know us, that worked with us, that taught our children, that worked at the centers, they are the ones that I am sure would say that they are outraged by what happened; that they loved working with us, that they miss us. And also, the employment opportunities that were offered to them. We are not sure if our workers are getting paid at the same rate, the same time scale that they were getting paid. We lived in a very rural area, very hard to find jobs, and we provided at least 24, 25 jobs to these people that I am sure, if you could ask them, that they would give a different story than what is coming out publicly.

And I would also like to say, too, the fate of the children, right now they are on site. But we don't have any idea if one day they decide to send them all off to another institution, to break up the family units, to send kids different places. We just don't know if they are going to do that one of these days. And if they do, it would be a hundred times harder for us to not know where they are and to not be in contact with them. So that is just something I would like to add about what has happened with the children.

Ms. ZOGLIN. And if I could add, last year's State Department report on human rights in Morocco reported that there was an incident in which five nonresidents were deported from the United States for a private Bible study session in a private home in Casablanca. And when two of them attempted to reenter the country, they were denied entry.

Mr. BOONSTRA. Could I tell you what happened on the evening we had to leave? Our workers who have been working with us, our colleagues, including a Moroccan couple that also took care of children, they wanted to fight against the police that was there in overwhelming strength. And the police officer called me on my cell phone and asked me, "Could you please come quickly? Because they are wanting to fight with us, and that is not a good thing." And I said to them, "Well, can't you deal with it yourself?" Because I was trying to pack my stuff. And he said, "Well, they won't listen to me. They will listen to you."

Another thing that we heard is 2 days after our eviction, a group of people came from the village nearby from Ain Leuh and marched to our center in our favor. And they were stopped by

the police from entering the premises, but they had the courage in a group to protest what had happened.

Mr. WOLF. With all of you out of the country, will most of the funding for the Village of Hope and your organization dry up? Will the funding from outside dry up without you all being there?

Mr. BOONSTRA. We are afraid so. Yes.

Mr. WOLF. I have a number of other questions. I don't want to -- do you have any comments?

Ms. BUNN-LIVINGSTONE. I would like to underline the plight of Moroccan Christians, because we have talked a lot about foreign Christians. I have been contacted by two Moroccan Christian couples who have adopted children who have been called in to the police and questioned heavily and told that they are not able to keep the children because, under Sharia, only Muslims can take in children. So there is a fear for Moroccan Christians who have taken in children, that they could lose their children as well. And, a general fear amongst Moroccan Christians that the reason the government is expelling foreign Christians is so they can then move against Moroccan Christian, who have no status under law if they are not amongst Orthodox Catholics or Anglican churches.

Mr. WOLF. I appreciate your raising that, because I think we also want to concentrate, as Mr. Pitts and Mr. Smith and Mr. Frank and I, with regard to Christians from Morocco also.

I am not going to get into the Millennium Challenge issue. I am going to be focused on this like a laser beam, and I would ask that the representative from the Millennium Challenge Corporation, if you would report back everything that went on today, we will make sure you have the complete testimony. I know the witnesses had a meeting at the Millennium Challenge Corporation, I believe at 4:00. And since they were not able to be there because of the hearing, I am going to ask you to get all the words back. And when the head of the Millennium Challenge -- is he traveling now? You are still going to try to make the meeting? Okay. Great. After the meeting, too, if you would ask that he come up to Capitol Hill next week to meet with Congressman Pitts and Congressman Smith and Congressman Franks and Congressman Cao and myself, I would appreciate it. We will also deal with -- there are a number of Senators that want to see how this hearing goes and where it takes.

But I just want to tell the Moroccan government, we are not going to let this thing go. We are not going to let it go. It reminds me, back in the 1980s, when Congressman Smith and I went to Romania and the persecution of the church in Romania, and our government was giving MFN to the Romanian government. We came back working with Congressman Tony Hall, and we failed for the first couple times, but we ultimately prevail. We are ultimately going to prevail.

If there is not a reversal of this policy, we are going to stay on this issue and stay on this issue. And the funding through this comes through the Appropriations Committee, and we will move on this and deal with this. So I would ask and before we extend this hearing, because I don't want to go into the MCC, there is an opportunity for the Moroccan government. Clearly, there is a representative here from the Moroccan government. Go back and say: Here is an opportunity. Allow these people to come back into the country and serve the people and serve the poor people and do that, and heal the wounds and change this image that is developing with regard to this circumstance.

I am going to end. I want to thank all the witnesses. It is one of the most impressive panels that we have had. And I didn't know how many people would be here, and I appreciate all the people that have come. I particularly thank you for coming.

I know, Mr. Cloud, you have come from Spain and -- from Cairo. And I think you said your wife is being treated in Spain, if I remember.

And, Mr. Boonstra, for coming from Holland, I appreciate it.

And all of you, thank you very much for your testimony. And if anybody has any last comment, you can make it.

The hearing will be adjourned. Thank you very much.

[Whereupon, at 4:20 p.m., the commission was adjourned.]

APPENDICES

APPENDIX A, THE HONORABLE JAMES M. INHOFE, A SENATOR FROM THE STATE OF OKLAHOMA: PREPARED STATEMENT

Thank you, Mr. Chairman, for holding this hearing today on the status of human rights and religious freedom in Morocco. I have been involved with Morocco and more specifically the dispute in the Western Sahara for many years. In fact, in 2005 I testified before the House Foreign Affairs Committee on the conflict with Morocco and the Western Sahara. Unfortunately, Morocco's handling of the dispute over Western Sahara over the years has been less than encouraging. Morocco has gone back and forth in agreeing to give the Western Saharans a right to self determination; a choice in determining their political destiny.

The people of the Western Sahara have languished in desert camps for more than 30 years as the conflict has gone unresolved. I have visited the camps and have seen with my own eyes that their story is one of determination, persistence and hope that one day they will enjoy the basic rights all humans deserve—the right to life and to self-determination. There have been many negotiations, and it is my hope that a resolution will be reached in the near future, and Morocco will give the Western Saharans the right to choose for themselves their future.

We are gathered here today to face another, new, problem in Morocco which is also related to one's choice. As you know, around 100 expatriates, including roughly 50 Americans, have been deported or denied re-entry because they have been accused of proselytizing. Many of these foreign residents in Morocco have lived and worked in the country for up to twenty years; contributing to a variety of sectors including education, business and development. They were given no warning or explanation for their immediate deportation and were given no opportunity to defend themselves against these charges. Some of these foreign residents were even caring for some of the most rejected and vulnerable of Moroccan society—orphans.

Specifically, on March 8, 2010, sixteen individuals, including a number of Americans, who were running the Village of Hope Orphanage in the town of Ain Leuh, were deported, leaving the children traumatized. These foreigners who have spent many years providing love and care for these children should be given the right to see the evidence to support the charges against them, and the opportunity to appeal such charges. I have also received reports that the Moroccan families who adopted children with the help of Village of Hope have been taken into police custody and questioned. In at least two reported cases, government officials have told families that their adopted children will be taken away from them, which has caused great uncertainty and trepidation for these families.

This story serves as an example of what seems to be a larger, troubling campaign to deny Moroccans the basic human right of freedom to worship one's religion. This is a sad development for a country that has so much potential and has made so much progress. Morocco is a beautiful country with many resources; from miles of coastline, fertile agricultural valleys, snow capped mountains and rolling dunes of the Sahara desert. Morocco is rich in culture. Morocco has also been a beacon of religious tolerance in the past in a part of the world that is known for little religious tolerance. In fact, at one time Morocco was home to over 250,000 Jews, and to this day Jewish communities still exist. Morocco has a history of being friendly to other religions such as Christianity. As the Moroccan Islamic Affairs Minister Ahmed Toufiq has said as late as May 2010 in a *Reuter's* interview, "war between religions is very dangerous and the world today does not need that."

Unfortunately, this is not the case in Morocco today. There are a number of reports that Moroccan Christians are being persecuted and denied the right to practice their religion. Many of these Moroccans are being harassed, thrown into prison and beaten only because they are Christians. One man, Jamaa Ait Bakrim has been in and out of prison since 1994, and was convicted in 2005 for converting Moroccans to Christianity, i.e. proselytism. He is currently

serving a 15 year prison sentence. Rachid, another Moroccan who has submitted testimony for this hearing today, tells the story of his family, which was threatened and harassed and ultimately forced from their homeland because of their belief in Christ. Rachid explains that although the Moroccan government has sought to show it is a tolerant nation regarding religion, in reality it is not. For example, the Moroccan government does not acknowledge the existence of any Christian converts, does not allow legal marriages outside of Islam and restricts children to only Islamic schools in which they are required to recite the Koran.

In May of this year, I wrote a letter to King Mohammed VI, along with eight of my colleagues in Congress, regarding the deportation of foreign expatriates, and the denial of religious freedom in his country. We wrote:

While forced conversion is unacceptable under Article 18 of the International Covenant on Civil and Political Rights (ICCPR) which protects freedom of religion, proselytism is a protected right under this article. Moreover, as you know, Article 28 of the Vienna Convention on the Law of Treaties holds that *states may not use domestic laws to justify violations of their treaty obligations*. [emphasis added] Therefore, since Morocco has recognized the right to practice one's own religion, we urge you to work with the legislature to reform the law banning proselytism and ensure the full provision of religious freedom, which includes the sharing and teaching of one's faith. Article 18 of the ICCPR states, "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include 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, practice and teaching."

The response from the government was more than disappointing. Taib Fassi Fihri, Moroccan Minister of Foreign Affairs and Cooperation, wrote that "Freedoms of opinion and expression, in all their forms, are and will remain protected and guaranteed by the Constitution of Morocco.... Everyone can practice these liberties without any restriction whatsoever." He explained, however, that the foreign residents who were expelled were guilty of violating Articles 220 – 223 of the Moroccan Penal Code for using "means of seduction in the aim of undermining a Muslim's faith or of converting him/her to another religion, either by exploiting his weaknesses or needs, or through the use of health or educational establishments, as well as shelters or orphanages," i.e. proselytism. These accusations, which have also been used against Moroccan Christians, were given without evidence and without opportunity for an appeal. More importantly, the domestic laws of Morocco—Articles 220-223—outlawing proselytism are in contravention of Morocco's treaty obligations under the International Covenant on Civil and Political Rights (ICCPR) which protects the freedom of religion, including proselytism. Morocco signed the ICCPR in 1975 and ratified it in 1979.

It seems to me, then, that this is a clear contradiction between Morocco's assertion that they are a country which gives freedom of expression in "all" forms, and laws that attempt to accuse those of other faiths, whose sole desire is to practice their religion, of manipulation and exploitation of the weak and vulnerable. In fact, many of these expelled foreign residents have spent many years caring for and giving to the weak and vulnerable. I am also aware of many Moroccan Christians who have done the same. It is unfortunate that the Moroccan government sees these people as a threat to their sovereignty, and has decided to persecute them and force them out, instead of seeing them as an asset to their country.

On October 9, 2009, King Mohammed VI said, "My country also supports your (United States) efforts to uphold the universal values of freedom, democracy, solidarity, justice and brotherhood, and to promote the lofty ideals of human rights to which both our peoples are

deeply committed.” I commend the King’s words, and I know that he has made reforms in his country in other areas over the years. And so I sincerely hope that these are not just words but genuine ideals held by King Mohammed VI, and that he will give his people the right to choose their beliefs and the freedom to express them. It is also my hope that the Saharawis in the desert will one day have their right to choose self-determination.

Thank you again, Mr. Chairman, for holding this important hearing today.

APPENDIX B, THE HONORABLE EMANUEL CLEAVER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI: PREPARED STATEMENT

I would like to thank Congressman Wolf and the Commission for holding this hearing, as well as the panel of witnesses who have come so far to share their story and shed light on the recent events in Morocco.

Morocco has been a long time friend to the United States – an important trade partner and strategic ally. Morocco has historically been known for their efforts to combat religious extremism, promoting religious tolerance and freedom.

This is why it is particularly disheartening that we are here today. Breaking from its historical tolerance and respect for pluralism and religious diversity, Morocco has taken a number of actions that have displaced over a hundred individuals legally residing within the nation. Residents living in Morocco for years, foster families, and humanitarian workers alike have been deported without warning or due process on charges of illegal proselytism. Children under the care of these foster parents or orphanages were displaced from their homes. Families new and old were torn apart. My heart goes out to these families who have suffered tremendously from this traumatic separation.

Sadly, many of these deportations have affected people who have dedicated their lives to humanitarian causes in the region. The Village of Hope is one such example, and I'd thank all of our witnesses for their continued humanitarian efforts in the region over the years, and for sharing their testimony today. Since 2002 the Village of Hope has been legally recognized by the Moroccan government, yet suddenly these workers have been expelled on allegations of illegal religious proselytism, threatening Morocco's commitment to upholding religious freedom.

The ability to worship freely is fundamental to human rights. The deterioration of religious freedom is often accompanied by the loss of other essential liberties -- it is a core liberty, founded in thought and conscience. Respecting this essential freedom helps to unite communities, discouraging religious extremism and preventing religiously motivated violence. It can serve in an essential role to maintaining political stability, promoting social cohesion, and achieving economic prosperity.

I hope today we can help uncover the reasons behind such harsh actions taken by the Moroccan Government, and work to prevent these deportations from signaling a reverse in the high regard in which Morocco has historically held for religious tolerance and freedom. Thank you.

APPENDIX C, LETTER FROM MICHAEL CLOUD TO HIS EXCELLENCY MOHAMMED VI, KING OF MOROCCO (MARCH 27, 2010)

I had 2 dreams as we began to live in Morocco. One was “TO DO SOMETHING GOOD FOR MOROCCO” and secondly, “TO HAVE A CUP OF MOROCCAN MINT TEA WITH THE KING AS WE WERE LEAVING MOROCCO” AND WHILE SHAKING HIS HAND HE SAYS, “THANK YOU FOR WHAT YOU HAVE DONE DURING YOUR TIME IN MOROCCO”.

My wife and I came to Morocco in late spring 1996. We had our first child in Rabat in September 1996. We have been blessed to have 4 children and happy to live in a country that values children. The children have attended an excellent French/Arabic school. After learning some language we became volunteers in a center for children with cerebral palsy.

We began to learn and appreciate the Moroccan culture. We grieved with the country when Hassan II died. We joined the country in praying for the new king, Mohamed VI. We have enjoyed seeing Him be such an active King—travelling to all of the cities. We have seen the positive and beautiful transformation of Meknes due to His interest!

As the center became well established and well-staffed other people began asking me to help them start new centers. The first new center was in Layouune. It was exciting for me to travel to the Sahara. In learning about some of the political problems I became a big a big advocate of “Morocco’s Right for Sovereignty” over this land area. I’ve told many foreigners not to bring maps depicting the ‘western sahara’ as I felt that was an insult to the country. I have shared my view with many fellow Americans!

I recruited volunteers to live in Layouune. I have travelled down to that beautiful area at least 15 times. We were happy to join an association where Sheeki and Mohamed Fadel—5 disabled men who know the King and have been helped greatly by the palace. The parents were so happy for the therapy treatments and loving care for their dear children.

Our next children’s therapy center was in Taounate. They interviewed me for television and it was there that one of the Ministry of Handicap staff encouraged me not to think about a few centers but “starting 100 centers” as the need was great thru-out Morocco.

Let’s move to 2010. 12 centers for Children’s Therapy have been created. We have helped hard-working foreign volunteers and faithful Moroccan women who have been trained as therapists to develop these centers to help the dear disabled children. Meknes-Layouune-Taounate-Tiznit-Al Hocema-Larache-Agadir-Midelt-Safi-Nador-Fes-and Benni Mallel. The Meknes Center did most of the initial training of the therapists and made all of the initial equipment for the centers and sometimes helps the centers financially.

A few statistics: Currently helping 12 centers—

1000 plus children—1000 parents being trained to help their children

60 plus Moroccan women—previously unemployed- trained to be therapists and have paid employment

78 Moroccan jobs in total (60 therapists--12 maids and 6 men making materials in the Meknes workshop)

60 plus foreign volunteers helping in the centers. All of the centers have their own autonomy/independence. Most of the centers have an agreement with a local Moroccan Association and the Meknes Nichan Center.

To Honor the Moroccan Laws—each of the agreements states “*THE CENTER WILL NOT BE USED FOR POLITICAL OR RELIGIOUS PURPOSES*”—*this rule is enforced.*

I have been honored to be on the Moroccan television 3 times and it was a great joy to shake the King’s Hand at a handicap conference in Casablanca!!

The Meknes Center Nichan was also involved in other projects in 2009-2010. We renovated a “house for the blind” “helped with renovations for a school in Safi” and our biggest project—help renovate the “speech and hearing dept”- ‘clean the grounds’ and “paint the buildings” at the public Hospital Moulay Ismael in Meknes. The project at the hospital was initiated by my wife. We call the Center Nichan because we want to help “straighten the children’s arms and legs” and we want an excellent (Nichan) center full of love-quality therapy and correct with finances—employees paid on time etc etc.

Our family had an extra challenge last summer with my wife’s diagnosis of cancer. She is being treated outside Morocco and I have been travelling to Morocco every month to continue the work and help start new centers—we were due to start a center in Azrou in April 2010 and the entire family was planning to return to our home in Meknes -summer 2010.

I was shocked to be told that I would not be allowed to enter the country-at the Casablanca Mohamed V airport on March 15, 2010. I was told by friends inside the country that my wife and I were included in some type of “Christian expulsions”.

I do not know the majority of people expelled—but those whom I do know are people of integrity like us—not interested to “proselytize” but busy trying to do something “good” in Morocco.

I am a Christian”—I believe Morocco already has a lot of religion—I am not interested in bringing another religion or seeing the people change religion. I would love to see all men/women have love-joy-peace—forgiveness instead bitterness—hope instead of fear—love instead of hate!

We have a rental home in Morocco full of the normal stuff needed for a family of 6 persons. We have a car. I am President of an Association. We have a center helping 150 children. I am responsible to foreign donors who help the work. We have an old house in the medina renovated to be a Therapy Center.

The Wilaya of Meknes says “Michael has no problem in Meknes”. My family is extremely upset over being barred from getting to our home. We were welcome guests for 14 years. How can that change “over-nite”?

King of Morocco—We have a picture up in our center with you holding your children. We know you care for families and children. We have a picture of your Father in the therapy center. We have sought to be good residents of your Kingdom.

We know we are foreigners—we are guests—you have full rights to ask us to leave if you desire....**Is there no moral obligation to allow us to leave in peace and sort out our affairs?**

We have no choice but to accept what is given to us.

Dear King—In my opinion “YOU STILL OWE ME A CUP OF MOROCCAN MINT TEA”

SINCERELY

MICHAEL ROGER CLOUD MARCH 27, 2010

APPENDIX D, AMERICAN DENIED RE-ENTRY TO MOROCCO: PREPARED STATEMENT

[Name redacted]

June 1, 2010

I am among those who was outside Morocco when I learned my wife and I are denied re-entry. My wife and I have resided in Morocco since 1998. We began the residency (carte séjour) process as soon as possible and held a residency cards since 1999. I worked for two different Non-Governmental Organizations consecutively during the years between 1999 and 2010. Both these organizations were registered with the government. The first did traditional agricultural development. The second project built capacity for non-profit associations and for profit cooperatives. This project assisted local leaders in the framework of the stated goals of the Moroccan government's National Initiative for Human Development (L'INDH). Both NGO's I represented partnered with government delegations and abided by all laws. I always registered project guests and activities with both the local police and municipality. I volunteered non-required information regarding special board meetings and project activities. Because I am separated from my project records, I am unable to give detailed numbers how many people directly and indirectly benefited from our development work. A conservative estimate would be over 2,000 people. Our colleagues, my wife & I were never once admonished that any aspect of our professional work, or personal lives was offensive, unethical or illegal. Again, this includes interaction with several government representatives, professional people, and rural poor.

We first learned of the denied re-entry list through expatriate friends in Morocco.

We called the American Citizen's Services Unit of the U.S. Consulate General in Casablanca which was listed in Ambassador Kaplin's March 11, 2010 message. We called on March 12th, and it was confirmed our names were on the list. Because we had followed the consulate's directive to register with them years earlier, I am left to wonder why they had not taken initiative to contact my wife & I.

We called the consulate twice later & were offered a list of Moroccan lawyers who could liquidate our in country assets. The list the embassy offered came with the disclaimer the embassy could / would not verify the integrity of any claims the lawyers made for themselves. We chose instead to trust expatriate friends to close our business affaires and extract our most personal things from our apartment. We then asked a Moroccan community leader to work with others to distribute our clothes, furniture, etc. to the poor.

Extracting our things from Morocco has proven difficult and time consuming for our friends. While we are confident in our friends, it is inevitable that things will be missed or damaged. Some personal property is simply not transferable given the context. We were able to sell our vehicle, but sympathize for others. It will obviously become harder for others to sell assets as local markets become flooded with others forced to sell.

We have always sought to build friendship and understanding between Americans and Moroccans. We often told American friends about the long lasting peace treaty between our countries. We are responsible for over 100 American guests who have come & have hosted several Europeans also. These guests have patronized hotels, restaurants and souvenir shops. We helped to bring over \$ 800,000 worth of project development dollars into the Moroccan

economy. It is possible for us to claim as much as \$ 1,000,000 worth of general investment in Morocco.

We will continue to honor the friendships we have established with individual Moroccans. Our work has always been characterized by instilling hope in Moroccans in their local context. We have only sought to increase capacity of local leaders for the good of their communities. It will be difficult for us to speak positively about the Moroccan government or tourism / investment opportunities. We affirm Rep Wolf's call for a travel warning to be issued and for the Millennium project funding to be suspended.

Thank you for your attention to this matter. It is with much regret I find myself locked out from my position as an advocate for Moroccan community leaders.

APPENDIX E, RACHID [LAST NAME REDACTED], PRODUCER/HOST, AL HAYAT TELEVISION: PREPARED STATEMENT

Thank you for the opportunity to submit this testimony for the record and for the work you do drawing attention to human rights issues that would otherwise be overlooked. I am Rachid (Last name redacted), television producer for El Hayat channel, and foremost a Moroccan.

I was born and raised within Moroccan society and although I can no longer return there, I still consider Morocco my home. The rising pressure that eventually forced me out of my country began 2003 when I hosted a small meeting of Christians in my home. The police started to watch me, with one man posted at each end of the street I lived on. They recorded who I talked to, who visited me, and where I went. I knew this because they made it obvious; this was their way of letting me know I was on notice. After maintaining this for a number of months they took me to the police station and demanded to know what I was doing. I told them the truth: I was a Christian and I was meeting with fellow believers. They said this was illegal and threatened me with jail unless I stopped and converted to Islam. When they released me and I continued, they began a series of harassing actions, often seizing me from work or home for interrogations. They let me know that every move I made was being monitored, including my phone calls. This culminated when they took my identification card and papers away, and I was summoned to the Governor's office. He had my identity documents on his desk told me plainly that I would never get them back unless I converted to Islam. Without identity documents you can do nothing in Morocco, making it illegal for me to run my business, drive or travel. When I verbally refused to convert, the Governor looked at me and said, "You will never see these again. You don't like that? Then sue me." I now realized the risk my family was in—if they were willing to do this obvious illegal action, they would not stop until I was silenced. Through various means I was able to get the identity papers back and I fled Morocco.

Since 2005 I have been living in a different country where I became involved with the El Hayat satellite television channel. The particular show that I produce and host is translated as "Daring Question" in English, a show broadcast to the Middle East that speaks to Muslims from a Christian perspective.

¹ Because of the content of this show I have been under specific threat by Muslims and cannot reveal my location or full identity. ² I cannot go out in public settings where someone could recognize me. Recently in Morocco there have been a number of magazine and newspaper articles showing my face state the Moroccan government is currently trying to locate me. Last month the Friday sermon issued at largest Mosque in Morocco, Hassan II, condemned me as apostate, urged worshipers to curse me, and said that something needed to be done to silence me. ³ Because this sermon is being given at the largest Mosque, with an attendance around 12,000, the sermon must be approved by the Ministry of Religious Affairs; the government has indirectly, but effectively put a hit out on me.

I write about my situation as a example of the Moroccan government's duplicity in religious freedom, a situation that is bearing down on thousands of Christian Moroccans today. For years Morocco has sought to portray itself to the West as a model of religious freedom in the Middle East. This falsehood was exposed with the recent deportations of foreigners in the past three

¹ <http://ministriesnetwork.net/projects.html>, <http://www.islamexplained.com/>

² Including Muslim communities within the US, UK, France, Canada and other western countries

³ <http://www.youtube.com/watch?v=ekQicQheQEo>

<http://www.youtube.com/watch?v=DYYPqoab36I&feature=related>

months. This marks a major change in Moroccan strategy toward other religions, one that I believe will not stop when all “proselytizing” foreigners are deported. This is only the beginning because the government does not see the root problem to be missionaries or Christian non-profits. The real issue to them is the rising number of local converts. They fear becoming like neighboring Algeria where the Christian population skyrocketed beyond suppression and now the Algerian government is forced to deal with the very uncomfortable problem of Algerian converts. This problem of Muslims converting to other religions is major issue throughout the Islamic world, especially in Morocco. Morocco has created a strategy of how to deal with it and they are effectively carrying it out.

The recent deportations were one means of cutting off the support network for local believers. The government saw that foreigners were helping local converts by providing money, resources, and locations to meet. Their forced deportation was an orchestrated move; prior and during these expulsions sermons were delivered at major mosques on the dangers of “proselytization” among Moroccans.⁴ I believe that the next part of the government’s strategy will be a crackdown on local believers who have long endured persecution from the government.

While hidden under a thin façade created for the West, the reality of religious persecution in Morocco is clear. There are no legal marriages outside Islam. All marriage certificates, including those between Christians, state that the marriage was conducted within Islam and according to Sharia law. Children must attend Muslim schools and recite the Koran. “Christian” names such as Mark or Paul are not allowed on birth certificates. The Moroccan government officially denies the existence of any Christian converts—according to them all Moroccans are Muslim.⁵ All church buildings in Morocco are for foreigners only. In order to operate within Morocco, churches must sign an agreement to not allow Moroccan believers in their congregation. To enforce this there is often a member of the police standing near the front of the service scanning the congregation⁶. Bibles in Moroccan Arabic are illegal; the importation of Arabic Bibles is not allowed and possession of one is sufficient cause to be charged with “proselytization.”⁷

This charge of “proselytization” is a specific concern because the wide range of applications that are used to suppress other religions. It is derived from Article 220 which makes it illegal to “shake the faith of a Muslim.”⁸ This has been used against the foreigners that were recently expelled and is also used extensively against Moroccans themselves. I am aware of multiple cases where this charge has led to imprisonment, one of which is Jamaa Ait Bakrim. He is currently five years into his 15 year sentence for Proselytism (Article 220) and Destruction of Goods of Others (Article 581).⁹ This second charge is a common legal tactic of creating a separate infraction to lengthen the sentence and shift attention from the actual issue of religion.¹⁰

⁴ <http://www.habous.gov.ma/Ar/detail.aspx?id=3855&z=18>

⁵ <http://www.abc.net.au/foreign/content/2006/s1589161.htm>

⁶ I have experienced this firsthand when I attended a church service and was later interrogated. Sometimes, fearing his church will be closed, the pastor himself will approach a Moroccan and ask him not to attend.

⁷ While officially legal, importing Arabic Bibles is not allowed. In 1995 I would not leave the Ministry of Communication until my customs request was either stamped approved or denied. After a day of waiting it stamped “denied,” something the Moroccan government has not done since because an article was published on the incident. Now the requests are simply not answered.

⁸ Morocco Criminal Law, Article 220: “And will be punished by the same sanctions (6 months- three years) whoever uses any means to tempt a Muslim or shake his faith to convert him to another religion”

⁹ Jamaa (Prisoner number 26574) is serving in Prison Centrale, located in Kenitra, Morocco.

¹⁰ Kamelia Benkirane was a Christian convert accused of burning the Koran, which were false charges added to her case. She was sentenced and served in prison for one year beginning April, 2007.

While Islam is protected by law, other religions are legally prosecuted. For example, Article 222 states that no one may break Ramadan fast.¹¹ If I were to be caught eating during this time I would be charged with 6 months in prison. The journalism law makes it illegal to criticize the three holy symbols of Morocco: the King, the Country or Islam¹². This means I cannot challenge Islam in any form, including saying that I am not a Muslim.

The local Moroccan church is at a point of urgency. Because of the recent raids all activity has been effectively frozen. Local Christians no longer meet, fearful they may be the next ones taken. Except for them it is far more ominous that being expelled—they risk interrogation, imprisonment and worse. This is their country and they have nowhere else to turn. This was my country that I was forced to escape from. What forced me out are still the realities Christians and other non-Muslims must face every day. The fact is religious freedom in Morocco simply does not exist. The West is presented with a façade that is now exposed. However, Morocco will continue to ensure that all other religions are hidden, suppressed and eliminated. I ask you to show this situation to the world and help those who have no voice. We are simply trying to live our faith. Thank you.

¹¹ Muslim Criminal Law, Article 222: “Whoever was known to be a Muslim and break the fasting of Ramadan during the day time in public without any lawful excuse, will be punished by imprisonment from 1 month to 6 months and a fine ranges from 12 to 120 Dirham”

¹² Journalism Law, Article 41 : “Will be punished by imprisonment from three to six years and a fine ranges between 10.000 and 100.000 Dirham any publishing of a newspaper or any publication (any forms of speech) that disrespect the Islamic religion or the Royal Regime or the unity of national territory.”

APPENDIX F, LETTER FROM THE HONORABLE FRANK R. WOLF TO
AMBASSADOR SAMUEL KAPLAN (MARCH 19, 2010)

FRANK R. WOLF
10TH DISTRICT, VIRGINIA

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:
RANKING MEMBER—COMMERCE-JUSTICE-
SCIENCE

TRANSPORTATION-HUD

CO-CHAIR—TOM LANTOS
HUMAN RIGHTS COMMISSION



Congress of the United States
House of Representatives

March 19, 2010

241 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4870
(202) 225-5136

13873 PARK CREST ROAD
SUITE 130
HARRISON, VA 20171
(703) 709-6999
(800) 945-9553 (In State)

110 NORTH CAMERON STREET
WINCHESTER, VA 22091
(540) 697-0993
(800) 850-3463 (In State)

wolf.house.gov

Ambassador Samuel Kaplan
Morocco
c/o U.S. State Department
Washington DC 20521-0001

Dear Ambassador Kaplan:

I write regarding a matter of deep concern—namely the recent expulsion and deportation of several American citizens working in Morocco.

I have seen several reports indicating that these Americans, some of whom were serving as foster parents for orphaned Moroccan children at the Village of Hope, were literally forced to leave the country in a matter of hours. I visited the Village of Hope Web site and read with alarm their characterization of recent events in Morocco as “part of a nationwide crackdown against Christians living in Morocco.” The religious dynamic to these expulsions, as reported in the media, and further highlighted in this quote, is a cause for great concern as is the fact that most press reports indicate that these Americans were not permitted any appeal process or means to challenge the government’s decision.

I intend to meet with Moroccan ambassador to the U.S. to directly express my alarm at these developments. But I also respectfully request that you convey to the Government of Morocco that Members of Congress are watching these events closely and the outcome could negatively affect our bilateral relations.

Thank you for your attention to this critical matter. Please do not hesitate to contact me if I can be of assistance.

Best wishes.

Sincerely,

Frank R. Wolf
Member of Congress

*Appreciate your
help with this.*
Timothy Yu

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS

APPENDIX G, LETTER FROM THE HONORABLE FRANK R. WOLF TO HIS
EXCELLENCY MOHAMMED VI, KING OF MOROCCO (APRIL 15, 2010)

FRANK R. WOLF
10TH DISTRICT, VIRGINIA

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES

RANKING MEMBER—COMMERCE-JUSTICE-
SCIENCE

TRANSPORTATION-HUD

CO-CHAIR—TOM LANTOS
HUMAN RIGHTS COMMISSION



Congress of the United States
House of Representatives
April 15, 2010

241 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4810
(202) 225-8136

12673 PARK CENTER ROAD
SUITE 130
HERNDON, VA 20171
(703) 708-8600
(800) 949-0933 (In State)

110 NORTH CAMDEN STREET
WINCHESTER, VA 22601
(540) 667-0990
(800) 955-3485 (In State)

wolf.house.gov

His Excellency Mohammed VI
King of Morocco
Rabat Morocco

Your Majesty:

I write to express my deep concern regarding the recent sudden deportation of a number of Christian Americans and other foreign nationals residing in Morocco. This came as a great surprise to me and many others given our nations' long friendship dating back to the letter that the Sultan of Morocco sent to George Washington at Valley Forge, declaring that American vessels were permitted to enter Moroccan ports to "take refreshments and enjoy in them the same privileges and immunities as those of the other nations." This letter amounted to official recognition of our fledgling country. It was the first from any nation, and it has served as a strong foundation for our future relations. George Washington himself first sought elected office from Winchester, Virginia, which I represent today, so this historical account is of great personal interest.

Having personally been contacted by several people who were distressed by the reports emerging out of Morocco, I recently met with Ambassador Aziz Mekouar. We had a candid conversation in which I urged him to work to find a solution to this problem as I believe failure to do so could have serious negative consequences in our bilateral relationship.

As you might imagine, these recent developments in Morocco are cause for great alarm to many in Congress, and to people of faith in America, particularly Christians who have long viewed Morocco as a tolerant nation. The expulsions appear extremely harsh, particularly given that many of the people who were forced to leave the country, had lived in Morocco for longer than a decade and had contributed greatly to Moroccan society particularly in the areas of health, aid to the handicapped, and education, in addition to fostering development and local investment in the economy. In fact, I have received reports of local Moroccan Muslims petitioning for the return of those deported Americans, because of the benefit to society that they represented.

Rather than diminishing with time, concern about this situation is only growing in the U.S. Given these realities, I respectfully request that you designate a single person within your government, who would possess the necessary authority to work on your behalf, to find a humanitarian solution to this problem. Thank you for your consideration of this request. I look forward to your reply.

Best wishes.

Sincerely,

Frank R. Wolf
Member of Congress

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS

**APPENDIX H, LETTER FROM HIS EXCELLENCY KING MOHAMMED VI, KING
OF MOROCCO TO THE HONORABLE FRANK R. WOLF**



ROYAUME DU MAROC
MINISTRE DES AFFAIRES ETRANGERES
ET DE LA COOPERATION

المملكة المغربية
وزارة الشؤون الخارجية
وال تعاون

Le ministre

الوزير

Honorable Representative,

His Majesty King Mohammed VI acknowledges receipt of your letter regarding the repatriation measures taken against American citizens by the Government of the Kingdom of Morocco.

In answer to your request, I have been instructed by His Majesty the King, Commander of the Faithful, to share with you certain remarks and clarifications in the hope they may alleviate your concerns regarding this issue.

Firstly, I would like to assure you that the Kingdom of Morocco attaches great importance to its historic ties of friendship with the United States of America, with which it shares a unique and longstanding relationship which His Majesty the King seeks to preserve and deepen in all areas of exchange and cooperation.

The values of freedom, democracy and tolerance which brought us together in the past are still, today, the solid foundation on which we have erected an exemplary bilateral partnership characterized in particular, by an open, honest and candid dialogue. It is precisely this dialogue, pursued at all levels of society, which has always allowed us to bridge any temporal divides which may come between us by working, together, past them on the basis of our shared values and enduring interests.

In this spirit, I would like to expose to you my country's perspective regarding the issue presently at hand:

- The repatriation measures which concerned, amongst others, a number of American citizens, solely and exclusively targeted proselytism activities which are clearly and categorically forbidden by both the precepts of Islam and Moroccan legislation, equally vouched for by His Majesty the King as Commander of the Faithful and Head of State.
- The repatriation measures were not taken against the concerned parties in relation to their Christian faith, but because they had committed criminal offences, as proven by an investigation conducted by the relevant legal authority, namely the Crown Prosecution Office, following formal complaints, namely by parents and close relatives of the children concerned.

**Congressman Frank R. WOLF
Washington D.C.**

APPENDIX I, NEWS ARTICLE FROM *TIME MAGAZINE ONLINE* (MARCH 21, 2010)

Time Magazine Online, "In Morocco, a Crackdown on Christian Aid Workers"

By Lisa Abend

March 21, 2010

March 8 is not a day that Chris Broadbent will soon forget. The preceding weekend, gendarmes entered the Village of Hope, a Christian-run orphanage in Morocco's Atlas Mountains where Broadbent, a New Zealand native, worked as a human resources manager, and began questioning children and staff. At first, he and the other foreign workers were assured that the interrogation was routine. But as it dragged on, the questions turned to subjects like 'How do you pray?' and the police began searching homes on the compound for children's Bibles. On Monday morning, after being held in a separate room from the orphanage's 33 children, Broadbent and his 15 colleagues were summarily deported from Morocco, accused of illegally proselytizing for their faith.

"Most of the couples were there as foster parents and had raised these children since infancy," Broadbent says. "When they were told that their parents had to leave, it was chaos — the kids were running after any adult they could find, and just holding on. It was the most devastating thing I've ever seen."

The Village of Hope deportations are part of what appears to be a widespread crackdown on Christian aid workers in Morocco. An estimated 40 foreigners — including Dutch, British, American and Korean citizens — have been deported this month, including Broadbent and his colleagues. Among them were an Egyptian Catholic priest in the northern city of Larache and a Korean-born Protestant pastor in Marrakesh who was arrested as he led services in his church. And this past week, authorities searched an orphanage founded by American missionaries in the town of Azrou called The Children's Haven. Salim Sefiane, a Moroccan who was raised at the orphanage and is still in touch with workers there, said the officials interrogated the orphanage staff and asked children as young as 8 years old to demonstrate how they pray. No action has been taken yet against the orphanage's workers, Sefiane said.

The large-scale deportations came as a surprise in a nation that is among the most liberal of Muslim countries. Although trying to convert Muslims to other faiths is illegal, Morocco tolerates the presence of other religions and is home to a number of churches and synagogues. "There are several things about this that are really striking," says Spanish journalist Ignacio Cembrero, who has written several books about the country. "There have been occasional deportations of people accused of proselytizing before, but never so many at once, and they've never expelled a Catholic before. And for the police to enter a church on Sunday, during services, to arrest people? Absolutely unprecedented."

According to the Moroccan government, the deportees all broke the law, using their status as aid workers to cover their proselytizing. "They are guilty of trying to undermine the faith of Muslims," Interior Minister Tayeb Cherkaoui said in a press release.

But were they? Broadbent denies the charges. Part of his job at the Village of Hope was to ensure that staff members understood the rules prohibiting proselytizing, and he notes that all the orphanage's children received instruction in Islam. "We weren't teaching Christianity in any formal way," he says. But asked if reading the Bible to Muslim children constitutes

proselytizing, he said, "We understood that it wasn't. And in any case, the authorities have always known that these children were being raised in Christian families." In fact, Village of Hope had been operating for 10 years and had received "institutional" status from the Moroccan government this year — a designation meaning it meets government standards. Many of the other deported Christians had also been in Morocco for extended periods of time. So why were they evicted now?

Christopher Martin, a pastor since 2004 at the Casablanca International Protestant Church, says he's talked to three different people with connections "high up in the Moroccan government" and heard three different explanations for the action. But one common thread, he points out, is that the officials leading the crackdown — the Justice and Interior ministers — were both appointed in January. That suggests to many Christians in Morocco that the officials were eager to quickly make a mark on the political landscape with an initiative likely to have broad popular support.

Although the Moroccan government has in recent years dramatically reformed its family law to better protect the rights of women and has even sponsored programs to train women as Muslim preachers, it has also proven responsive to an increasingly religious public. In recent years, alcohol licenses have become much more difficult to obtain, and last September, for the first time, police in various cities arrested Moroccans who were eating in public during the fast period of Ramadan. The action prompted a formal complaint from the international organization Human Rights Watch.

Aaron Schwoebel, the information officer at the U.S. embassy in Rabat, says that the Moroccan government has told the embassy there will be more deportations, including other Americans. He said the government did not indicate when. "We urge the Moroccan government to act in accordance with its highest traditions of tolerance," Schwoebel says, "And respect the human rights of the members of these religious minority communities, including those of our own citizens."

Now living in Spain after the gendarmes escorted him and his family to a departing ferry in Tangier, Broadbent hopes for the same thing. The last he heard, the Village of Hope children were still living at the orphanage, but he suspects they may soon be sent to other homes. "We'd like to open a dialogue that would lead to reuniting these families," he says. But in the meantime, he can only wonder about the meaning of it all. "Is this an isolated incident?" he asks. "Or is Morocco steering away from its tolerant past?"

APPENDIX J, NEWS ARTICLE FROM *CHRISTIANITY TODAY* (MAY 11, 2010)

Christianity Today

“Moroccan Crackdown: Expulsion of Christians surprises missiologists”

By Bobby Ross Jr.

May 11, 2010

Six years ago, a delegation of evangelical leaders visited the Kingdom of Morocco and hailed it as "open to evangelical Christian outreach." In 2005, country officials even invited the Newsboys, Phil Keaggy, and other Christian artists to stage a three-day music festival in the city* of Marrakech.

The North African country is apparently open no more. In March it deported dozens of foreign Christian workers and foster parents. In addition, the country's 1,000 Christians have faced "significant increased pressure," according to an expert in Muslim-Christian relations who has frequent contact with religious and government leaders in Morocco (and who asked to remain anonymous).

At the Village of Hope orphanage near Ain Leuh, 50 miles south of Fez, the government expelled 16 staff workers, 10 foster parents, and 13 natural-born dependents. Police first came to the orphanage March 6, questioning children and looking for Bibles and evidence of Christian evangelism.

New Zealand native Chris Broadbent, a worker at Village of Hope, said government accusations of proselytizing were unfounded, and that all staff had signed and adhered to a non-proselytizing policy.

"We were a legal institution," Broadbent said. "Right from the start they knew it was an organization founded by Christians and run by a mixture of Christians and Muslims working together."

The change in Morocco's approach to Christian activity "appears to have taken everyone by surprise, ngo leaders and embassy staff included," said Steve Moore, president and ceo of the Mission Exchange. "Informed expatriates with a long history in the country admit their analysis of the political trends have proven to be wrong."

But J. Dudley Woodberry, senior professor of Islamic studies at Fuller Theological Seminary, said it's not a surprise in retrospect. "The number of Christians has continued to grow in North Africa, and this has been publicized abroad," he said. "The Moroccan government, apparently under pressure from the Islamists, is reacting."

Some Christians in Morocco attribute the change to the country's new Minister of Justice and Minister of Interior. Others say a strong government faction remains supportive of religious freedom but does not want to be seen as lapdogs for Christians.

Differing interpretations of *proselytism*—which is forbidden in Morocco—could be one problem, Woodberry said.

"While the term is neutral in inter-national law for evangelism or witness, Christian workers in Muslim lands commonly interpret it as using undue pressure or inducements to influence people

to change their faith," he said. "Many Muslims, in turn, see it as referring to any form of witness."

**An earlier version of this story incorrectly called Marrakech the capital of Morocco. The capital is Rabat.*

**APPENDIX K, THREE (3) LETTERS FROM THE HONORABLE FRANK R. WOLF TO
THE MILLENNIUM CHALLENGE CORPORATION BOARD OF DIRECTORS (MAY
19, 2010; MAY 25, 2010; JUNE 8, 2010)**

FRANK R. WOLF
10TH DISTRICT, VIRGINIA

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE:
RANKING MEMBER—COMMERCE-JUSTICE-
SCIENCE

TRANSPORTATION-HUD

CO-CHAIR—TOM LANTOS
HUMAN RIGHTS COMMISSION



Congress of the United States
House of Representatives
May 19, 2010

241 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4830
(202) 225-5136

13873 PARK CENTER ROAD
SUITE 150
HERNDON, VA 20171
(703) 769-8000
(EO) 948-0022 (In State)

110 NORTH CAMDEN STREET
WINCHESTER, VA 22601
(540) 587-0082
(800) 850-3483 (In State)

wolf.house.gov

The Honorable Hillary Rodham Clinton
Secretary of State
2201 C St NW Ste 7276
Washington DC 20520

Dear Secretary Clinton:

I write today to express my grave concern regarding the recent deportation of approximately 40 American citizens from Morocco without due process, which I believe calls into question the continuance of Morocco's Millennium Challenge Corporation (MCC) funding.

In September 2008, the clock started for the official five-year period for project implementation under the MCC Compact with Morocco. The United States has pledged \$697.5 million in assistance to the Kingdom of Morocco through this Compact. As a precondition to receiving MCC funds, the government of Morocco was evaluated on 17 key indicators of eligibility, six of which fall under the category of "ruling justly." I submit, however, that these recent events raise valid questions regarding the Moroccan government's willingness to abide by the principles outlined in the MCC indicators.

In early March, the Moroccan government deported approximately 40 U.S. citizens and scores of other foreign nationals for allegedly proselytizing, which is against Moroccan law. However, authorities presented no evidence or explanation of the proselytizing allegations. Among the individuals who were deported or denied reentry were businessmen, educators, and humanitarian and social workers. Many of these individuals have resided in Morocco for over a decade in full compliance with Moroccan law.

Additionally, those deported were forced to leave the country within two hours of being questioned by authorities, leaving all their belongings behind. The manner in which these expulsions were carried out and the Moroccan government's refusal to grant those affected with a hearing flies in the face of the principles of due process. Furthermore, the manner in which authorities expelled these individuals violates not only the general principles of international law but Moroccan law, as well.

The mandate of the MCC is based on the assumption that "aid is most effective when it reinforces good governance." Rather than making strides toward accountable and democratic governance since receiving the MCC grant, Morocco has regressed. Freedom House's annual *Freedom in the World Report* noted backsliding in Morocco "due to the increased concentration

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS

The Honorable Hillary Rodham Clinton
May 19, 2010
Page 2

of power in the hands of political elites aligned with the monarchy" over the course of the last year.

At a time when the United States owes more in debts and commitments than the total combined net worth of all Americans, it is unacceptable to provide \$697.5 million in taxpayer dollars to a nation which blatantly disregards the rights of American citizens residing in Morocco and forcibly expels American citizens without due process of law.

The decision to suspend a MCC Compact due to a significant deterioration in good governance is not unprecedented. At my urging, the Board chose to suspend the MCC Compact with Nicaragua due to the violence and blatant thuggery exhibited by the regime of President Daniel Ortega surrounding the November 2008 elections.

The United States must send a message to the Moroccan government that it is unacceptable to expel American citizens without due process under the law. I ask that you withhold Morocco's MCC funding until the government of Morocco demonstrates that it is willing to follow its own laws thus ensure that those expelled receive a fair trial and work toward a mutually acceptable solution to this matter.

Thank you for your attention to this matter and I look forward to your prompt response.

Sincerely,

Frank R. Wolf
Member of Congress

CC: The Honorable Timothy F. Geithner
Ambassador Ron Kirk
Administrator Rajee Shah
Mr. Daniel W. Yohannes
Mr. Lorne W. Craner
Senator William H. Frist, M.D.
Mr. Alan J. Patricof

FRANK R. WOLF
10TH DISTRICT, VIRGINIA

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE

RANKING MEMBER—COMMERCE-JUSTICE-
SCIENCE

TRANSPORTATION-HUD

CO-CHAIR—TOM LANTOS
HUMAN RIGHTS COMMISSION



Congress of the United States
House of Representatives
May 25, 2010

281 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4810
(202) 225-5136

13079 PARK COVER ROAD
SUITE 130
HERNDON, VA 20171
(703) 700-5800
(800) 945-5623 (IN STATE)

110 NORTH CAMDEN STREET
WINCHESTER, VA 22591
(540) 857-0880
(800) 850-3483 (IN STATE)

wolf.house.gov

The Honorable Hillary Rodham Clinton
Secretary of State
2201 C St NW Ste 7276
Washington DC 20520

Dear Secretary Clinton:

I am writing to follow up on my letter dated May 19 regarding the Millennium Challenge Corporation compact with Morocco.

Enclosed please find a copy of an article from *Time* magazine regarding the recent crackdown on Christian aid workers in Morocco. Sadly, since this article was published, many more have been expelled. I encourage you to go to the following link to view the heart-wrenching footage of Moroccan orphans being forcibly separated from their foster parents:
<http://www.time.com/time/world/article/0,8599,1973739,00.html>.

The deportation of foreign Christian aid workers has also curbed religious freedom amongst Morocco's indigenous Christian community. U.S.-based NGO, International Christian Concern, reported that a pastor near Marrakech stated, "We have stopped all worship activity. We are afraid that they will attack us if we are in meetings, so there is no meeting. We think the next step may be against Moroccans."

I urge you to immediately suspend the MCC compact with Morocco until the government of Morocco commits to resolving this situation and providing legal protection for religious communities in accordance with international legal norms.

Thank you for your attention to this important matter. I look forward to your response.

Best wishes,

Sincerely,

Frank R. Wolf
Member of Congress

Enclosure

CC: Millennium Challenge Corporation Board

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS

FRANK R. WOLF
1ST DISTRICT, VIRGINIA

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE

RANKING MEMBER—COMMERCE, JUSTICE,
SCIENCE

TRANSPORTATION AND

CO-CHAIR—TOM LANTOS
HUMAN RIGHTS COMMISSION



Congress of the United States
House of Representatives
June 8, 2010

341 Cannon House Office Building
WASHINGTON, DC 20515-4600
(202) 225-6700

1203 Polk Center Plaza
Suite 100
Herndon, VA 22041
(703) 799-8900
(800) 840-6000 (in DC area)

110 NORTH CAMDEN STREET
MANASSAS, VA 20108
(703) 857-0860
(800) 655-0455 (in DC area)

wolf.house.gov

The Honorable Hillary Rodham Clinton
Secretary of State
2201 C St NW Ste 7276
Washington DC 20520

Dear Secretary Clinton:

I write today to express my growing concern about the deteriorating situation in Morocco and urge you in your capacity as the chair of the Millennium Challenge Corporation (MCC) Board to act rapidly to suspend the compact with Morocco.

It has come to my attention that last week the Moroccan government chose to reject the visa renewal applications of four additional American citizens. All four Americans were engaged in humanitarian work in Morocco. The Moroccan government refused to accept visa renewal applications from two of the individuals who were subsequently forced to leave the country. A third American was given 48 hours to leave Morocco after attempting to renew her green card, and the fourth was denied re-entry.

I have raised these issues with the chair and ranking member of the House State and Foreign Operations Appropriations Subcommittee and asked them to look into suspending disbursement of the funds designated for the MCC Compact with the Kingdom of Morocco. In a time of economic hardship, it is unacceptable for American taxpayer money to go to a nation that expels American citizens.

Thank you for your attention to this important matter, and I look forward to your response.

Best wishes.

Sincerely,

Frank R. Wolf
Member of Congress

CC: Millennium Challenge Corporation Board

Really need your help. Timan Ya

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED PAPER

APPENDIX L, FREEDOM HOUSE REPORT: “FREEDOM IN THE WORLD: MOROCCO” (2010)

Freedom in the World 2010 - Morocco

Capital: Rabat
Population: 31,495,000

Political Rights Score: 5 *
Civil Liberties Score: 4 *
Status: Partly Free

Explanatory Note: The numerical ratings and status listed above do not reflect conditions in Western Sahara, which is examined in a separate report.

Trend Arrow: Morocco received a downward trend arrow due to the increased concentration of power in the hands of political elites aligned with the monarchy.

Overview: The Modernity and Authenticity Party, recently founded by a friend of King Mohamed VI, placed first in the June 2009 local elections, signaling the growing concentration of political power in the hands of the king and his allies. The balloting was accompanied by reports of vote buying and other forms of electoral manipulation. Also during the year, the government and courts continued to batter the independent press with arrests, fines, and jail sentences.

Morocco gained independence in 1956 after more than four decades of French rule. The first ruler after independence, King Mohamed V, reigned until his death in 1961. His son, the autocratic Hassan II, then ruled the country until 1999. Thousands of his political opponents were killed, tortured, arrested, or disappeared. This repression was particularly acute in the years following two failed coup attempts in 1971 and 1972. In 1975, Morocco and Mauritania occupied Western Sahara; after three years of fighting the Algerian-backed Polisario Front, a Sahrawi nationalist guerrilla movement, Mauritania pulled out of the territory, which was then annexed in full by Morocco. A planned referendum on Western Sahara’s future—attached to a UN-monitored ceasefire agreement in 1991—never took place. In the last few years of his life, Hassan initiated a political opening in Morocco. Several political prisoners were released, independent newspapers began publishing, and a new bicameral parliament was established in 1997.

King Mohamed VI inherited the throne in 1999 at age 35. He declined to expand political freedom much further in the first years of his reign, apparently aiming to check the increased influence of Islamist political parties. However, he removed longtime interior minister Driss Basri, who had led much of the repression under King Hassan, and allowed exiled dissidents to return to the country.

Parliamentary elections held in 2002 were recognized as generally open. Over a dozen political parties participated, though independent journalists and other critics of the king were harassed and detained.

In May 2003, local Islamist militants with links to Al-Qaeda mounted a series of suicide bombings targeting symbols of Morocco's Jewish community in Casablanca. The government responded by enacting a harsh antiterrorism law, but it was subsequently used to prosecute nonviolent opponents of the king.

In 2004, King Mohamed inaugurated the Equity and Reconciliation Commission (IER), tasked with addressing the human rights abuses perpetrated by the authorities from 1956 to 1999 and providing the victims with reparations. The commission, which was unprecedented in the Arab world, was headed by a former political prisoner and allowed victims to testify in public hearings. It submitted its final report to the king in 2006, including a series of recommendations for legal and institutional reforms designed to prevent future abuses. Critics of the IER have complained that it did not hold perpetrators to account for their actions, and that its recommendations have not led to major structural changes. Human rights abuses still occur on a regular basis, albeit on a smaller scale. Moreover, the authorities have been intolerant of further discussion of past abuses; in June 2008, a court in Rabat ordered the private daily *Al-Jarida al-Oula* to stop publishing IER testimony.

The 2007 elections for the Chamber of Representatives, the lower house of Parliament, drew the lowest turnout in Moroccan history, 37 percent. The Socialist Union of People's Forces (USFP), previously the lead party in the ruling coalition, fell to 38 seats. Its chief ally, the conservative Independence Party (Istiqlal), won a plurality of 52 seats. Opposition parties, which had criticized the elections' fairness, gained fewer seats than expected; the largest, the Islamist Justice and Development Party (PJD), placed second with 46 seats. Istiqlal leader Abbas el-Fassi was appointed prime minister.

El-Fassi appeared to have fallen out of favor by 2009, as former deputy interior minister Fouad Ali el-Himma, a close associate of the king, organized the Modernity and Authenticity Party (PAM) to contest local elections in June. The new party led the voting with more than 20 percent of local council seats, followed by Istiqlal with about 19 percent. Three other governing parties placed third, fourth, and fifth, leaving the PJD in sixth with less than 6 percent, though it reportedly did well in urban areas. Widespread vote buying, bribery, intimidation, and other forms of manipulation were reported, and analysts regarded the official turnout figure of 52 percent with some skepticism.

Political Rights and Civil Liberties

Morocco is not an electoral democracy. Most power is held by the king and his close advisers. The monarch can dissolve Parliament, rule by decree, and dismiss or appoint cabinet members. He sets national and foreign policy, commands the armed forces, and presides over the judicial system. One of the king's constitutional titles is "commander of the faithful," giving his authority a religious dimension.

The lower house of Parliament, the Chamber of Representatives, has 325 directly elected members who serve for five-year terms. Members of the 270-seat upper house, the Chamber of Counselors, are chosen by an electoral college to serve nine-year terms. Thirty seats in the lower house are reserved for women, and under a rule that took effect in 2009, women are guaranteed 12 percent of the seats in local elections.

Given the concentration of power in the monarchy, the country's fragmented political parties and even the cabinet are generally unable to assert themselves. The most vocal opposition party that

remains respectful of the monarchy is the PJD, which fared poorly in local elections in 2009. The popular Justice and Charity Movement, an Islamist group, is illegal but generally tolerated by the authorities. Other, more explicitly nonviolent Islamist groups that criticize the monarchical system are harassed by authorities and not permitted to participate in the political process.

Despite the government's rhetoric on combating widespread corruption, it remains a structural problem, both in public life and in the business world. Morocco was ranked 89 out of 180 countries surveyed in Transparency International's 2009 Corruption Perceptions Index.

The authorities have stepped up repression of the country's vigorous independent press in recent years, using the restrictive press law and an array of economic and other, more subtle mechanisms to punish critical journalists, particularly those who focus on the king, his family, or Islam. In an indication of their extreme sensitivity, government officials in August 2009 banned or destroyed copies of France's *Le Monde* daily, the French-language weekly *Tel-Quel*, and the Arabic weekly *Nichane* that reported the results of an opinion poll on the monarchy, despite the fact that 91 percent of respondents said they had a favorable view of the king. In September, police shuttered the daily *Akhbar al-Youm* for publishing a cartoon on the wedding of one of Morocco's princes; the courts later upheld the closure and imposed suspended jail sentences and fines on an editor and a cartoonist at the paper. In October, a court sentenced *Al-Michael* editor Driss Chahtan to a year in jail after his paper allegedly published "false information" about the king's health. Two *Al-Michael* reporters received shorter sentences, and an editor and reporter for *Al-Jarida al-Oula* received suspended sentences that month for a similar infraction.

Among several other court rulings against independent newspapers during the year, the Supreme Court in September upheld a 2006 defamation judgment against the trailblazing *Le Journal Hebdomadaire*, meaning the weekly's publishers owed over \$350,000 in damages to the head of a Belgian think-tank. *Le Journal* had alleged that a report by the research group on Western Sahara mirrored the Moroccan government's position. The case was seen as a politically motivated bid to destroy the paper without directly involving the government.

The state dominates the broadcast media, but residents have access to foreign satellite television channels. The authorities occasionally block websites and internet platforms, while bloggers and other internet users are sometimes arrested for posting content that offends the monarchy. In December 2009, a blogger and an internet cafe owner were sentenced to four months and one year in jail, respectively, for disseminating information about student protests.

Nearly all Moroccans are Muslims, but the small Jewish community is permitted to practice its faith without government interference. However, Moroccan authorities are growing increasingly intolerant of social and religious diversity as reflected in arrest campaigns against Shiites and Muslim converts to Christianity. Authorities have also detained several members of the Moroccan Alternative Movement for Individual Freedoms for planning a public "picnic" during the month of Ramadan to protest against the law that forbids eating during fasting hours. While university campuses generally provide a space for open discussion, professors practice self-censorship when dealing with sensitive topics like Western Sahara, the monarchy, and Islam.

Freedom of assembly is not well respected, and protests in Western Sahara especially have been controlled through violence and threats. According to Human Rights Watch (HRW), Moroccan authorities confiscated passports of Sahrawi activists in 2009 and prevented some from leaving the country. Civil society and independent nongovernmental organizations are quite active, though the authorities monitor Islamist groups and arrest suspected extremists. While NGOs in

Morocco operate with more freedom than in many other Arab states, groups that offend the government face harassment.

Moroccan workers are permitted to form and join independent trade unions, and the 2004 labor law prevents employers from punishing workers who do so. However, the authorities have forcibly broken up labor actions that entail criticism of the government, and child laborers, especially girls working as domestic helpers, are denied basic rights.

The judiciary is not independent, and the courts are regularly used to punish opponents of the government. In the so-called Belliraj case, 35 people were arrested in February 2008 and convicted in July 2009 of forming a terrorist group, plotting attacks, and raising funds through criminal activities. However, according to HRW, the alleged acts were limited to one assassination attempt in 1996 and robberies committed a decade ago. The defendants claimed that confessions and statements in the case were made under torture, and that they were simply members of political parties that the government wanted to eliminate.

Arbitrary arrest and torture still occur, though they are less common than under King Hassan. The security forces are given greater leeway for abuse with detainees advocating independence for Western Sahara.

Many Moroccans have a mixed Arab-Berber ancestry, and the government has officially recognized the language and culture of the Berbers.

Women continue to face a great deal of discrimination at the societal level. However, Moroccan authorities have a more progressive view on gender equality than leaders in many Arab countries. The 2004 family code has been lauded for granting women increased rights in the areas of marriage and child custody, and various other laws aim to protect women's interests.

APPENDIX M, FREEDOM HOUSE REPORT: “WOMEN’S RIGHTS IN THE MIDDLE EAST & NORTH AFRICA: MOROCCO” (2010)

Women’s Rights in the Middle East & North Africa 2010 - Morocco

by Fatima Sadiqi

POPULATION: 31,495,000

GNI PER CAPITA: US \$2,276

Country Ratings	2004	2009
NONDISCRIMINATION AND ACCESS TO JUSTICE:	3.0	3.1
AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON:	3.1	3.2
ECONOMIC RIGHTS AND EQUAL OPPORTUNITY:	2.7	2.8
POLITICAL RIGHTS AND CIVIC VOICE:	3.0	3.1
SOCIAL AND CULTURAL RIGHTS:	2.9	2.9

(Country ratings are based on a scale of 1 to 5, with 1 representing the lowest and 5 the highest level of freedom women have to exercise their rights)

INTRODUCTION

The Moroccan feminist movement can be traced back to 1946, when the Sisters of Purity Association publically issued a set of demands including the abolition of polygamy, full and equal political rights, and increased visibility of women in the public sphere. These demands were taken up by female journalists, academics, and civil society in the decades after Morocco gained independence from France in 1956. During this period, through journalistic and academic discourse, feminists started to question gender divisions, examine historical and ideological roots of gender inequality, and promote the recognition of women's labor. They depicted women's condition not as a "natural state," but as a state that stems from historical practices, and women's work, not as merely reproduction, but as production.

The women's movement was bitterly disappointed by the first Moudawana, or personal status code regulating all matters pertaining to family life, enacted in 1957. It was based on the Maliki school of Islamic jurisprudence, whereas other laws, such as the penal code and the constitution, were based on civil law.[1] Women obtained the right to vote in 1956 and had the right to a free education under the constitution, but even female cabinet members and entrepreneurs were considered the dependants of their husbands or fathers and treated like minors under the law. The fundamental principle of marriage required a wife's obedience to her husband in exchange for financial maintenance, and the husband retained the power to abandon his wife without a judge's authorization. Not surprisingly, the Moroccan feminist movement focused its efforts on the Moudawana, which was seen as the prime locus of legal and civil discrimination against women.

From the 1980s onward, the feminist movement also had to contend with growing support for Islamism.[2] The Islamists' ideology appealed particularly to young, unemployed males who were easily led to believe that women working outside the home robbed them of opportunities. In response, feminists also began to push for women's rights from a religious perspective.[3] They implemented new strategies, including a gradual downplaying of the "religious" role of the veil

in their writings and practices; increased use of Arabic and references to the Koran and Hadith (the sayings of the prophet Muhammad); a gradual inclusion of children's rights within women's issues; and reinforcement of Islam as culture and spirituality.

These activists also endeavored to draw attention to the problems that women faced as a result of their lack of legal protection. They made excellent use of the media in depicting the misery of women and children who were victimized by divorce, thus reclaiming such social issues from the Islamists and reiterating the necessity of reforming the personal status law. Nonetheless, a package of reforms proposed by the government in 1999, including the abolition of polygamy, ultimately failed in the face of Islamist and conservative opposition. Despite this setback, feminists continued their campaign, increasingly concentrating on the "goals of Shari'a" rather than Shari'a itself.[4] They also forged an alliance with King Mohamed VI, who took the throne that year and did not welcome increased control by Islamists.

In April 2001, the king formed a commission to study the possibility of revising the Moudawana, but the final push for reform came after May 2003 terrorist attacks in Casablanca stoked widespread antifundamentalist sentiment. The king announced a draft family law in Parliament in October 2003. During the next few months, women's rights organizations, organized within the Spring of Equality network, analyzed the details of the draft legislation and organized workshops, roundtables, and discussion groups to prepare for renewed lobbying efforts in Parliament and to educate the public about the reforms.

The final text was adopted in January 2004. It secured several important rights for women, including the right to self-guardianship, the right to divorce, and the right to child custody. It also placed new restrictions on polygamy, raised the legal age of marriage from 15 to 18, and made sexual harassment punishable by law. However, it did not completely abolish polygamy, unilateral repudiation of the wife by the husband, separation by compensation (*khula*), or discrimination in inheritance rules. This was in part because such provisions are explicitly authorized by literal readings of the Koran.

Whereas the 1998–2003 period was characterized by a flurry of ideological and political debates about women and their rights in Morocco, the period extending from 2004 to 2009 was characterized by a calmer legal discussion over the gains and implementation of the new family law, the new labor code (promulgated in December 2003), and the revised nationality code (which took effect in April 2008).

The implementation of the family law in particular varies from region to region, but it has generally been met with resistance. It is still very poorly understood in rural and sometimes even urban areas, and many male judges are reluctant to apply it. Moreover, the ongoing societal influences of patriarchy, tradition, illiteracy, and ignorance may prevent women from invoking their rights or reporting crimes such as rape, child abuse, sexual exploitation, and domestic violence. Existing efforts to overcome this societal resistance, such as education campaigns conducted in the mother tongues (Berber and Moroccan Arabic), have proven insufficient. Many feminists argue that the new family law can be adequately implemented only in a democratic context, while some advocate a purely secular government system. Another issue is that the law does not adequately address the problems of single women and the non-Moroccan wives of Moroccan men.

Nevertheless, Moroccan women have achieved considerable progress in consolidating legal equality and access to justice in the last five years, and the autonomy, security, and personal freedom of women has also improved. Women now have more freedom to travel, obtain employment and education, greater equality at home, and more leeway to negotiate their marriage rights. They are spearheading business ventures and advancing to higher levels of education. Important progress has also been made in protecting women from domestic violence, and support networks are getting stronger despite restrictive social norms. Women are increasingly taking up national and local political posts and becoming more involved with the judiciary. Most recently, a 12 percent quota for women was applied to the June 2009 local elections, substantially increasing female political representation.

Women's rights groups and individual activists have collaborated with the government to improve the rights of all women, but true equality remains a distant goal. While the recent legal reforms have allowed the government to promote a modern and democratic image of Morocco at the international level, bringing certain benefits to society at large, more needs to be done to translate these changes into tangible gains for individual women in their daily lives.

NONDISCRIMINATION AND ACCESS TO JUSTICE

It is at the level of the law that Moroccan women's rights have achieved the most significant gains, and the last five years have been particularly rich in this regard. A revised nationality code passed in 2007 eased women's ability to pass citizenship to their children, the country lifted its reservations to CEDAW in 2008, and the Moudawana enacted in 2004 is now considered one of the most progressive legal texts in the Arab world. However, the implementation of that law is still problematic, and little headway is being made despite the sustained efforts of both women's rights activists and the government.

According to Article 5 of the 1996 constitution, "all Moroccan citizens shall be equal before the law."^[5] Although the constitution does not specifically prohibit gender-based discrimination, as a practical matter Morocco's laws have become more attentive to the needs of female citizens in recent years. Even so, social and cultural constraints, as well as a certain reluctance to fully implement the laws, have yet to be overcome.

Thanks in part to the efforts of women's groups, particularly the Democratic Association of Moroccan Women, a new nationality code was passed in January 2007, thereby improving gender equality with respect to citizenship rights. Article 7 of the new law, which came into force in April 2008, enables women married to noncitizen men to pass their nationality to their children. However, the only children eligible for citizenship under this provision are those of a Moroccan woman and a Muslim noncitizen man who married in accordance with the Moudawana. In practical terms, Moroccan women married to non-Muslim men and those married outside of the country and its laws are excluded by the code. Furthermore, while foreign wives may receive Moroccan citizenship within five years of marriage to a Moroccan man,^[6] the foreign husbands of Moroccan women remain altogether ineligible for Moroccan citizenship. Although imperfect, the amendments to the code provide significant benefits for children with Moroccan mothers and noncitizen fathers who were previously excluded from receiving the free education and health care available to citizens.

Legal and societal barriers often obstruct women's access to the justice system, especially in rural areas. Although women enjoy equal testimony rights in most civil and criminal cases, the court gives their testimony half the weight of a man's when it comes to family matters. In addition, many women are reluctant to defend their rights in court, particularly if male family members are responsible for the violations or if it is perceived that their legal action could damage their family reputation. It is also customary for men to file court papers on behalf of women in rural areas, where illiteracy rates remain high. However, in some aspects, access to justice has improved in recent years. Family courts and the training of judges to staff these courts have served to create a friendlier environment for women. In addition, a fund has been established to guarantee payment of alimony and child support pursuant to an enforceable judgment.

Portions of the penal code remain discriminatory against women, and enforcement of amendments made in 2003 has proven difficult. Previously, under Article 418, only a man was given a reduced sentence for assaulting or murdering his wife or her partner if he caught them committing adultery. This leniency has now been extended to female defendants as well. In addition, under Article 491, the state can now prosecute an adulterous spouse in lieu of either wronged spouse if the latter is out the country; previously, the state would only stand in for an absent husband. Despite these improvements on the books, implementation has faced resistance from some judges and police, especially in rural areas, diminishing the real effect of the reforms.

Article 490 of the penal code criminalizes extramarital sex for women, calling for punishments ranging from one month to one year in jail. These cases are rarely taken to court, since a conviction depends on either eyewitness testimony or a confession by one of the perpetrators. An unmarried woman's pregnancy is proof of sexual relations and may lead to criminal prosecution, while the fault of her male partner is not established by law.

No laws specifically prohibit domestic violence, though general prohibitions against assault found within the penal code are theoretically applicable to such situations. Physical abuse is grounds for divorce, but the wife must be able to call on witnesses to support her claims.[7] If she is unable to prove her case, the authorities will return a woman to her abuser's home, leaving her in a worse situation than before she filed the complaint. Consequently, few women report domestic abuse.

Sexual assault and rape are both criminalized under the penal code, although spousal rape is not. The maximum sentence for each crime is five years in prison. Given prevailing societal concepts of personal and family honor, victims of sexual violence rarely come forward for fear of shaming their families.[8] "Honor killings," in which women are murdered by family members for perceived sexual or moral transgressions, do occur in Morocco but are rather rare compared with some other countries in the region. As with other forms of gender-based violence, honor killing is traditionally seen as a private issue, meaning police are rarely summoned and are hesitant to intervene.[9] Article 475 of the penal code stipulates that a kidnapper or seducer of a minor girl can be acquitted if he marries her.

Although prohibited under Article 184a and Article 184b of the penal code, prostitution is common, especially in urban centers. However, the government neither prosecutes nor protects women who have been coerced into providing sexual services. Trafficking in persons, particularly in child maids, is a problem.

In principle, women are protected from gender-based and discriminatory arrest, detention, and exile. Article 10 of the constitution formally protects all people from arbitrary arrest and detention.[10] In practice, however, women may be singled out for arrest when they are deemed to behave immodestly, particularly in rural communities.

In a move that bore both symbolic and substantive meaning for women in Morocco, the government announced on December 10, 2008, the 60th anniversary of the Universal Declaration of Human Rights, that it would lift all reservations to CEDAW.[11] When it ratified the convention in 1993, Morocco, like many other Arab and Muslim countries, made multiple reservations and declarations covering portions that were thought to conflict with Islamic or national law. The reservations include provisions such as Article 9, which relates to the transmission of nationality to children, and Article 16, regarding the equality of men and women's marital rights. The king declared that the reservations were "obsolete" in light of the progressive legislation adopted in recent years. The public proclamations regarding their removal created a stronger legal basis for additional progress on women's rights issues, and carried a political and universal message that was widely applauded by civil society.[12] The government and the media did not adequately explain the content of the convention or the implications of the decision to withdraw the reservations. However, the Moroccan Association of Human Rights and similar organizations are determined to ensure that CEDAW is fully implemented and that all discrimination against women is eradicated.

Women's rights groups and civil society actors work freely and effectively to promote gender equality and equal access to justice. Although they have gained momentum in recent years, their efforts are often challenged by cultural conservatism.[13] The Moroccan Association of Human Rights, established in 1979, is one of the greatest proponents of women's rights, and about one-third of the positions in the organization are held by women. The group is based on principles such as the universality of human rights, mass action, independence, progressive thinking, and democracy. It seeks Morocco's ratification of international conventions related to human rights, and the integration of these conventions into Moroccan legislation.

The removal of the reservations to CEDAW was the result of 14 years of hard work by Morocco's civil society organizations. The Democratic Association of Moroccan Women endeavored to help implement the changes, and other local nongovernmental organizations (NGOs) followed suit. Together, they have published booklets and released audiovisual materials explaining women's rights; even popular songs have captured the main themes of CEDAW. The group Global Rights released a booklet under the title *Model Marriage Contract*, and three human rights education sessions intended to raise awareness among women have been released in English, Arabic, and French. These efforts were very well received by the public.

Recommendations

1. The constitution should be amended to specifically enshrine the principle of equality between men and women with respect to all rights and responsibilities.
2. The government should abolish the prosecution of unmarried pregnant women and amend the penal code to criminalize spousal rape.
3. The government should provide legal education to women and help illiterate women to learn about their rights. This may be achieved by publishing booklets in all relevant languages and providing free and convenient classes on the new laws.

4. Amendments should be made to the nationality code to provide women with the right to pass their citizenship to non-Moroccan husbands.
5. The government should eliminate the clause in the penal code that allows the rapists of underage girls to escape punishment if they marry their victims.

AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON

Autonomy, security, and freedom of the person are in principle guaranteed by law in Morocco, and much progress has been made in these domains over the last five years. In addition to the advances associated with the new family law, women have begun to serve as trained religious authorities, and the government is now tracking data on violence against women. However, social and cultural norms still prevent women from fully enjoying their legal rights or receiving adequate protection from domestic abuse.

Freedom of worship is guaranteed by Article 6 of the constitution.[14] Although most Moroccans are Sunni Muslims, the country is also home to small Christian and Jewish communities. Christian and Jewish women are subject to separate family laws, though they are generally similar to the family law for Muslims. A Muslim's conversion to another religion is socially stigmatized but not illegal. Under Article 39 of the family law, Muslim women may not marry non-Muslims, while Muslim men may marry women of Christian or Jewish faith. The logic behind this policy is that children usually follow the religion of their father, and the government would like to encourage an increased Muslim population.

Women are allowed to pray in mosques, lead women-only prayers, and practice their religious rites freely. They have been steadily increasing their religious freedom in recent years. In May 2006, the first cohort of 50 female *murchidat*, or Islamic guides, graduated from a government-backed program and were empowered to perform all of the same functions as male imams except leading the Friday prayers. The program was part of the government's drive to promote a more tolerant version of Islam.

The 2004 reforms to the family law improved Muslim women's freedom of movement. Women now have the legal right to travel freely both domestically and abroad,[15] but deeply ingrained social and cultural norms restricting women's ability to travel alone have hardly changed. In their implementation of the new family law, some judges tend to adhere to the traditional divisions between the male-dominated public space and the private space assigned to females.

Despite improvements, it remains difficult for women to negotiate their full and equal marriage rights. Article 19 of the 2004 family law fixes the minimum age for marriage at 18 for both men and women, in accordance with certain provisions of the Maliki school of Sunni jurisprudence. Women who have attained this age may contract their own marriages without the consent of their fathers.[16] However, judges are empowered to waive the minimum age rule, and as a practical matter they are very reluctant to uphold it. About 10 percent of marriages in Morocco involve underage girls, according to the Democratic League for the Rights of Women (LDDF), and such unions have increased in rural areas. The LDDF also warned against what it described as "too many exceptions" in the case of polygamy.[17] The family law (Articles 40–46) allows polygamy only when it is approved by a judge, who must verify that the husband can provide equally for each wife and their respective children. Women have the right to forbid polygamy as

a condition in their marriage contracts. Moreover, the first wife must give her consent for a second marriage, and the prospective new wife must be informed of the husband's marital status. In practice, however, a first wife who lacks financial independence may feel compelled to agree to polygamy.

The 2004 family law gives women the right to file for divorce based on harmful behavior by the husband, such as abandonment or failure to provide financial support. Divorce due to irreconcilable differences, initiated by either spouse, is also possible, as is divorce by mutual consent.[18] The latter type of divorce can include *khula*, in which the woman obtains a divorce by providing the husband with financial compensation, traditionally by returning her dowry. Husbands can still initiate divorce through "repudiation," but the practice is now subject to more judicial oversight, and husbands can grant their wives the authority to use repudiation as well (Articles 78–93).

By law, all divorces go through a reconciliation period and should be finalized within six months, but in reality, divorce remains a tedious procedure that may drag on for many months. The results are often advantageous to the husbands due to bribery of the judge and the weight of tradition, which stigmatizes women's appearance in court. Existing social conditions also mean that the wife is sometimes unable to pay the court expenses because of poverty. Social norms encourage men to neglect to pay the *nafaqa*, or maintenance owed by a man to his ex-wife, and *khula* divorces are abused as an opportunity to extort money from women eager for a divorce. However, amendments to *khula* procedures under the 2004 law permit arbitration by a judge when the parties cannot agree to a final amount.

Under Article 171 of the family law, a mother is the first choice for custody of her child, followed by the father and then the maternal grandmother. In a change from previous rules, the father no longer automatically assumes custody of children whose divorced mothers remarry or move out of town. However, a divorced woman with children over the age of seven will lose custody at her ex-husband's request if she remarries. In such instances, the woman retains legal guardianship of her minor children only if their father is dead or incompetent. Both girls and boys are entitled to choose the mother or father as custodian when they reach the age of 15.

Generally, the biggest problem associated with the new family law is enforcing provisions that run contrary to traditional practices. The new provisions are virtually unknown in rural areas, and sometimes even urban areas.[19] In addition, many male judges resist the application of the law.

The new law also has a number of gaps. It concentrates on the rights of married Moroccan women, generally ignoring the needs of single women and foreign women married to Moroccan men. It also failed to abolish four institutions that perpetuate inequality: polygamy, repudiation, *khula*, and unequal inheritance rules. These institutions remain because activists considered the reforms contained in the new law to be radical enough; to push for more change would have jeopardized general support. Provisions related to inheritance are clearly outlined in the Koran, and many argue that polygamy is endorsed as well, meaning Muslims are generally unwilling to negotiate on these issues. The hope is that education will eventually succeed in conveying the inequality of such practices, and that polygamy, at least, will come to a natural end.

The institution of slavery was outlawed in the first half of the 20th century.[20] However, women, including noncitizen women, are not protected from slavery-like practices. Poor girls from rural areas are often employed as maids in cities, exposing them to exploitation by both

their families and their employers. They are subject to severe restrictions on movement, physical or sexual abuse, nonpayment of wages, and threats. Poor girls and women are also trafficked abroad for commercial sex and involuntary servitude, though the government has been cracking down on human trafficking operations in recent years.[21] Several women's NGOs have demanded legal protection for exploited female trafficking victims, and their efforts have led the Ministry of Employment to announce that a bill addressing the issue is imminent.

Female victims of spousal violence are not well protected by the law or the society. Women often have difficulty providing evidence of domestic violence, as they usually lack witnesses and their word is not given much weight by the authorities. The Ministry of Social Development, Family, and Solidarity began publishing official data on violence against women in late 2007. In March 2008, the ministry responded to an upsurge in reported incidents by announcing an action plan to increase the number of support centers for victims and to prepare a draft bill that would specifically outlaw violence against women. According to the ministry, some 17,000 incidents of gender-based violence were reported in the first three months of 2008 alone, 78.8 percent of which were committed by the victims' husbands.[22] Violence against women instigated by men under the strain of financial difficulties is also on the rise. [23]

In February 2007, the Ministry of Social Development, Family, and Solidarity presented a draft bill offering a legal framework for protecting women's rights by providing safe spaces for female victims of violence. If a woman is a victim of violence perpetrated by her employer, she will be provided with a safe harbor in her workplace and, depending on her condition, reduced work hours or temporary cessation of work. Support networks and shelters for abused women started to appear in big cities like Casablanca, Rabat, and Fes in 2002.

On February 2, 2009, the Union for Women's Action and the Anaruz network launched an initiative to organize public forums aimed at sensitizing local communities to the plight of female victims of violence, set up "listening centers" where abused women are encouraged to speak about their traumatic experiences, and create a free telephone hotline to give legal help and counseling to women. A victim can either file a complaint with the court or, if she can afford it, hire a lawyer to handle the case.

The media play a role in raising awareness of violence toward women and showcasing the activities of civil society groups on the issue. There is debate in the media and within society about the creation of rehabilitation centers where violent men would be helped to control their behavior and psychological problems. Investigative reports and advertisements regarding violence against women are aired on television, and guests on talk shows are invited to discuss the topic.

Gender-based violence outside the home is still a reality. However, societal taboos prevent women from coming forward to report sexual violence, and the police and medical personnel are not trained to deal with such issues. Sexual harassment on the streets has decreased but is still a problem.

Women's rights groups and other civil society actors work freely and effectively to improve the status of women's personal autonomy and security. Their activities include national and international networking, tending directly to the victims of violence, and campaigns aimed at sensitizing the general public to the issues surrounding gender-based violence and

implementation of the family law. The impact of these efforts has been tremendous, but they must be increased in rural and semi-urban areas.

Recommendations

1. The implementation of the new family law requires training at all levels, including judges, psychiatrists, and policymakers, among others. This could be accomplished by creating pilot centers where experts would advise the authorities who promulgate and implement the laws on how best to enforce specific provisions.
2. In addition to the laws that currently exist, additional punitive laws that specifically address domestic violence must be enacted.
3. The government should establish a partnership with NGOs to provide aid for female victims of trafficking and violence. Legal counseling, social assistance, and relocation centers should be available in all cities and cater to rural areas as well.
4. Proper implementation of the new family law requires the use of Berber and Moroccan Arabic (the mother tongues that the majority of women speak) in campaigns intended to explain the new provisions.
5. The government should create centers where violent men can learn to control their behavior.

ECONOMIC RIGHTS AND EQUAL OPPORTUNITY

Since the mid-1970s, Moroccan women have increasingly worked outside their homes, thereby significantly raising the quality of life in Morocco and contributing to the economic transformation of the country. As of 2007, nearly 27 percent of women participated in the workforce,[24] compared with participation rates in the single digits in the 1970s. However, a combination of patriarchy, illiteracy, and discrimination in the workplace preclude women from fully enjoying their economic rights. More than five years after the enactment of the 2003 Labor Code, men still have better employment opportunities, make more money, and hold higher-level positions than women.

Article 15 of the constitution guarantees the right of private property. Moroccan women have the right to own and make full and independent use of their land and property, and various articles of the 2004 family law protect women's property rights within marriage. Article 29, for example, safeguards a woman's control over her dowry, while Article 34 protects the possessions she brings with her into the marriage. Article 49 allows couples to draw up a document separate from the marriage contract to govern the management of property acquired during the marriage. Without such an agreement, contribution to the family property is evaluated by judges according to the paperwork provided by each one of the parties. However, by encouraging women's financial dependence on men, social norms restrict women's property rights in practice, and it is not common for women to own land. Similarly, women have full legal access to their own income, but it is often the case that male family members manage their finances.

The 2004 family law made progressive changes to the rules of inheritance, although inequalities remain. As noted in the law's preamble, the children of a man's daughters as well as those of his sons may now inherit from him. Previously, only the grandchildren on the son's side were eligible for inheritance from their grandfather. However, women are still disadvantaged in a

number of inheritance situations, with daughters typically receiving half the amount set aside for sons. Moreover, women, especially in rural areas, often give up their already unequal share of inheritance to male relatives.

The Moroccan commercial code was revised in 1995 to give a woman the right to enter into a contract of employment or initiate a business without her husband's authorization. While women are able to sign their own business contracts and obtain loans, high-level business contracts still usually go to men. In addition, social norms inhibit the interaction of male and female entrepreneurs, and women, especially in rural areas, face difficulty in securing loans because they often do not have bank accounts or assets in their names. Only about 1 percent of the total female workforce owns their own businesses, compared with 6 percent of the male workforce. A 2004 study by the Women Business Managers' Association of Morocco (AFEM) identified 2,283 companies that were run or managed by women.[25]

The main cause of the vulnerability of working women is a lack of education. According to the World Bank, 43.2 percent of adult women (age 15 and above) were literate as of 2007, an increase from 39.6 percent in 2004. For adult men, the literacy rate was 68.7 percent in 2007, up from 65.7 percent in 2004.[26] Women are legally free to access education at all levels and are protected from gender-based discrimination within the education system. No gender-based admissions requirements are in place, and men and women are able to attend the same classes and study the same subjects once enrolled. Yet girls continue to lag behind boys in enrollment rates, with 44.8 percent of girls attending secondary school and 10.7 percent pursuing higher education as of 2007, compared with 53.4 percent and 12 percent, respectively, for boys.[27] Social preferences tend to direct female students toward certain subjects, such as teaching and medicine, and a woman's family exercises a good deal of influence over her choice of field of study.

The combination of poor education and societal pressure to work in certain professions or industries has led most working women to take up low-paying jobs. For example, many women work in the textile industry (where they represent 71 percent of the workforce), the agricultural sector (which employed 61.4 percent of working women as of 2007), or as domestic servants. Morocco's failure to ratify the International Labor Organization's Convention 87 on freedom of association and collective bargaining has permitted a hostile environment for organized efforts to defend these workers' rights.[28] The 2003 labor code does not apply to domestic and agricultural workers, meaning they do not have the right to form unions. Furthermore, social norms discourage women from working at night, and to the extent that trade unions are able to operate and secure better working conditions and benefits, women are often excluded because union activities take place at night.

Decree No. 2-56-1019 of 1957 prohibits women from performing dangerous work, barring them from some occupations,[29] and construction and mechanical jobs are commonly reserved for men. However, some occupations that have traditionally been assigned to men are beginning to open to women, including law enforcement. Beyond such formal employment, large numbers of women are involved in informal economic activity that can be performed at home—like preparing food products for sale on the street—or in semiprivate spaces such as bathhouses.

Article 346 of the 2003 labor code mandates equal pay for work of equal value, but because women are often concentrated in lower-ranking positions in practice, their wages are significantly lower than those of men.[30] There is also a greater social tolerance for women's

unemployment than for men's, as men are deemed to bear the responsibility for supporting their families financially.

Gender-based protections regarding maternity leave and other benefits provided by law, while essential for helping women balance their professional and private lives, often discourage private-sector employers from hiring or promoting women at the same rates as men. The cost of those benefits is not absorbed by the state through a social security program, but it is passed to individual employers. A woman is entitled to return to her job after giving birth without a penalty, and Act No. 20-94, promulgated by Decree No. 2-95-1 of January 24, 1995, extended maternity leave from 10 to 12 weeks with full pay. For one year after the birth of her child, a woman is granted daily one-hour breaks for the purpose of breastfeeding.

Women's rights NGOs, labor unions, and other groups have worked to bolster female education and improve access to employment for women. The National Institute of Solidarity with Women in Difficulty works on the socioeconomic integration and legal protection of two categories of vulnerable women: female domestic workers and single mothers. These two categories are interrelated, as domestic workers often become pregnant out of wedlock. They are subject to severe social stigma as well as ill-treatment at the hands of service providers, sexual abuse, infanticide, suicide, dangerous forms of employment, and forced confinement. The government is considering legislation to regulate the work of domestic servants in terms of working hours, health insurance, and other protections. Article 4 of the 2003 labor code called for a separate law covering domestic workers, but no such legislation had yet been enacted.[31]

Recommendations

1. The government and NGOs should step up existing efforts to reduce illiteracy and encourage full school enrollment among women and girls, whether through public awareness campaigns, financial incentives, or adult education programs.
2. The government should work in cooperation with women's NGOs to educate and inform women about their rights under existing inheritance laws, and provide women with legal assistance to defend those rights when necessary. Judges should be trained to more actively protect women's rights in inheritance and other property cases.
3. The government, in consultation with women's NGOs, should revise education methods and materials to ensure that they incorporate concepts of gender equality and exclude negative stereotypes.
4. The government should enact legislation to protect domestic servants by regulating working hours and conditions, guaranteeing health care, and allowing worker organization. Labor unions and NGOs should develop additional services for these workers, including personal-finance training, temporary shelters for abused women, and job-placement assistance for those in untenable working situations.
5. Further efforts to extend maternity leave, provide childcare, and protect female employees from sexual harassment in the workplace should be accompanied by safeguards against gender-based discrimination in hiring and promotion. In addition to stricter laws on this issue, the government should provide effective complaint and adjudication mechanisms to encourage compliance.
6. Women rights NGOs should develop grassroots projects that specifically address the needs of domestic and factory workers.

POLITICAL RIGHTS AND CIVIC VOICE

Moroccan women have come a long way in the field of politics. In the last decade, many have been appointed as cabinet ministers, diplomats, and judges, and thanks to implementation of a quota system, the number of women in the 325-seat lower house of Parliament rose from two in 1997 to 34 after the 2007 elections.[32] Another quota rule recently boosted women's representation in local government as well. However, more than five decades after independence, women's participation in political life is still hampered by sociocultural constraints, including the conservative notion that women's voices are *awrah* (not to be exposed in public, as with certain parts of the body). In addition, patriarchal and undemocratic structures within political parties tend to exclude women and youth, limiting their access to politics.[33]

Morocco is a constitutional monarchy with a royally appointed government, a popularly elected lower house of Parliament (the Chamber of Representatives), and an indirectly elected upper house (the Chamber of Counselors). Women have had the right to vote and compete for office since 1956, but the character of their engagement has been heavily influenced by traditionalist and Islamist political trends.[34] After their disillusionment with the 1957 family law, women's rights advocates generally aligned themselves with leftist parties. They later grew frustrated with the heavily patriarchal structure of political parties in general, choosing instead to organize within NGOs, first with connections to leftist parties and then as independent groups. Zouhour Chekkafi, elected to lead the Democratic Society Party in 2007, was the first woman to head a political party, but women today continue to participate more in NGOs than in political parties directly.

Political Islam emerged in earnest in the mid-1980s. Aware of the potential danger that extremist Islamist ideology presented to both feminist demands and the monarchy, women's rights activists began to coordinate their strategies with the government.[35] A new constitution was established in 1996, four women were appointed as ministers in 1997, the first socialist government was constituted in 1998, and a progressive new king took power in 1999. These events boosted women's presence in politics and civil society and led to the promulgation of the 2002 quota system, under which 30 of the 325 seats in the Chamber of Representatives are reserved for female candidates; 35 women were elected to the chamber that year, and 34 were elected in 2007.[36] However, women's presence in the 270-seat upper house—which is chosen by local councils, professional groups, and labor unions—has remained minimal, with just three female members elected in 2006.

The government formed in 2007 has the greatest number of women in Moroccan history: seven women head ministries, including the Health Ministry and the Ministry for Social Development, Family, and Solidarity. One woman acts as an adviser to the king, while three women serve as ambassadors and several others head executive departments. Moreover, women have increased their representation in the judiciary. One noteworthy change resulting from the 2004 family law is a growth in the number of female family court judges and a clear rejuvenation of the magistracy. As of 2006, women accounted for about 19 percent of all judges, and 16 percent of those on the Supreme Court.[37] Women make up a similar share of Morocco's lawyers.

Until very recently, women were not well represented in local politics: only 127 women won office in the 2003 local elections, giving them less than 1 percent of the contested posts.[38] However, women's NGOs and allied groups campaigned vigorously for a 12 percent quota system, and the measure was enacted in a package of December 2008 electoral reforms. As a

result, more than 3,400 women secured positions in the June 2009 local elections.[39] Some 50 percent of the elected women are under 35 years old, 71 percent have secondary or tertiary education levels, and 98 percent were elected for the first time.[40]

Despite recent successes, women in decision-making positions frequently face various social challenges. Although they are generally seen as less corrupt than men, women leaders are forced to prove their credibility and accountability more than men. Women who do succeed as leaders within politics and the government, however, provide strong role models and help to dispel negative stereotypes.

Article 9 of the constitution guarantees freedom of opinion, freedom of expression in all its forms, freedom of assembly, and freedom to join any political organization. Although the authorities restrict critical coverage on a number of subjects, including Islam and the monarchy, there are no major constraints on discussion of women's rights, gender equality, domestic violence, and other such issues in the media. Similarly, demonstrations that directly challenge the government draw crackdowns from the security forces, but women's rights activists, who generally have maintained good relations with the state, are able to hold rallies.

Grassroots women's rights NGOs have been steadily proliferating in recent years. Although their ideological backgrounds sometimes conflict, they tend to share the goal of promoting women's dignity in and outside the home, and have had a beneficial overall effect on Moroccan society. The government and women's rights NGOs have collaborated to increase women's involvement in local civic life. In March 2009, the government allocated 10 million dirhams (US\$1.28 million) to boost women's political participation.

In the last five years, women have increasingly gained access to information with the aim of empowering themselves in different spheres of life. Various associations, such as Tadros in Fes and Rabat, are offering computer training and instruction on how to protect oneself on the Internet. They are also helping rural women artists and carpet weavers to sell their products online. Moreover, women in academia have been particularly instrumental in disseminating democratic ideas through the university system. Most current civil society leaders are university professors as well. Postgraduate programs in women's and gender studies are gaining some popularity, and the first cohorts of students have begun to receive advanced degrees in these areas.

Nevertheless, women generally, and rural women in particular, are frequently unaware of their political rights. There is a genuine communication problem in Morocco. Most literature regarding women's rights, political or otherwise, is written in Arabic and French, meaning it is inaccessible to large numbers of women. Some NGOs use Moroccan Arabic (Darija) and Berber in their outreach campaigns, but these efforts are insufficient, particularly in light of the high illiteracy rates among women.

The last five years constitute a turning-point for women's rights activists and the feminist movement. Hard-won gains have been realized, but there is a clear need to reassess priorities for the future. The generational tensions that inevitably accompany a renewal of leadership present a major obstacle. The youth's opinions regarding women's rights are complex, ranging from outright support of the gains the older generations have achieved to a sense of skepticism. The feminist movement will have to address this ambivalence and improve its ties with young people.

Up to now, illiteracy, socioeconomic exclusion, fundamentalist ideologies, and the use of women's issues by the state to combat radicalization have been highlighted as the main challenges for the Moroccan feminist movement.[41] However, urgent attention must be paid to educated, non-radicalized men and women who are politically savvy but cynical, and those who are university educated but unemployed. These groups are important because while they readily adhere to human rights and social justice principles, they do not appreciate the relevance of gender equity within the larger project of democratization. Fewer still see the many links between poverty and gender discrimination.

Recommendations

1. Political parties and NGOs should actively recruit and train female politicians to help increase women's representation within party leadership structures.
2. The government should promote the use of Moroccan Arabic and Berber in broadcast media to reach all segments of the female population and educate them about their civil and political rights.
3. Women's rights NGOs should improve their ties with other groups working on the broader issues of social justice, economic development, and democratization, with the aim of highlighting their common goals and enlisting new supporters.
4. The government should bolster public acceptance of its support for women's rights by renewing its practical commitment to human rights in general, including freedom of expression and freedom of assembly.

SOCIAL AND CULTURAL RIGHTS

In the past, women's rights activists argued that the laws were not designed to address real problems, but now that most relevant statutes have been reformed, reality has in many ways failed to catch up to the laws. While health and demographic statistics have improved in recent years, large disparities remain between urban and rural areas, and the media have helped to perpetuate harmful social and cultural attitudes toward women.

Morocco's medical infrastructure improved after independence, and free public health care has allowed most women to give birth in hospitals. The government's commitment to the health of women and their children has been reflected in statistical progress over the past two decades. Life expectancy for women had risen to 72.8 years by 2005, from 66.3 in 1990, and the mortality rate for children under five dropped dramatically over the same period, from 89 to 40 per 1,000 live births. In another sign of better access to medical care, including contraceptives, the fertility rate fell from 4 births per woman in 1990 to 2.4 in 2005.[42]

Women are generally able to make independent decisions about their health care needs, although poverty and economic dependence on men often weaken this freedom. Women may unilaterally decide to undergo surgery, whether it be necessary or elective. They can easily obtain birth control and legally seek out medical services without permission from their husbands or male guardians. Nonetheless, because women are often subject to a degree of traditional male control over their movements, they may need the consent of their husbands or male guardians to visit a doctor or go to the hospital. Similarly, a mother's permission is enough for her child to undergo

medical procedures, but in practice cultural requirements oblige her to obtain the support of her husband.

Article 453 of the penal code was amended by Decree No. 181-66 in 1967 to legally sanction abortion if the life of the mother is in danger or if the fetus has fatal defects. Additionally, because of cultural concerns related to family honor, abortions of pregnancies resulting from rape are tolerated. However, factors such as poverty, the social stigma surrounding abortion and pregnancy out of wedlock, and the government's ambiguous attitude toward this issue have contributed to a situation in which many women die or suffer severe health consequences after undergoing illegal abortions.

In principle, women and men have equal access to health services. Nonetheless, various interrelated social variables divide Moroccan women and affect their access to health care. These variables include residence in urban versus rural communities, income levels, educational attainment, employment status, marital status, and linguistic ability.[43] Wealthy, urban, educated, working women tend to have better access than poor, rural, and illiterate women, in part because the health care infrastructure is deficient in rural areas.

Women are far less protected than men from gender-based harmful traditional practices. Although female genital mutilation is not practiced in Morocco, girls are culturally required to be virgins before marriage. As more girls engage in premarital sex, many resort to the surgical reconstruction of their hymens to make themselves more acceptable brides in the eyes of their own or the groom's family.

Women—usually urban and educated—can be found on school boards, in parent-teacher associations, and in neighborhood associations. In this capacity, they are able to participate in and influence local community life, policies, and social development. Although a trust in women's leadership abilities is growing among the youth, societal resistance to women as leaders, even at the community level, is still strong.

Part of this resistance comes from the rather passive and negative image of women that is presented in the Moroccan media, which constantly associate them with the home and the upbringing of children, and downplay their achievements in the public sphere. Female academics, journalists, filmmakers, and civil society activists have made various attempts to alleviate the harm caused by such portrayals. Although male broadcasters, talk-show hosts, and radio announcers outnumber their female counterparts, the latter are increasingly attracting attention from the public and are influential in opinion-making.[44]

The mainstream media do not reflect the real progress made by women, and rarely use gender-sensitive language. Although they have attempted to tackle issues such as sexual harassment, domestic violence, and gender roles, these efforts have been insufficient. There is a proliferation of magazines in Arabic and French that focus on women's interests, but they tend to be geared toward elite and educated women. Rural and semiurban women are marginalized in the media generally due to poverty and illiteracy.

Poverty has a disproportionate effect on women. Although welfare is available to divorcees and widows, it is not offered to single mothers as such. Even in instances where they are entitled to welfare, poor or illiterate women often have difficulty maintaining the necessary paperwork and making frequent visits to the relevant offices.

Although women have the right to housing and the same legal opportunity to obtain housing as men, very few own their own residence in practice. The 2004 family law obliges a husband to house his wife during marriage and during the waiting period before a final divorce, either in the marital home or a suitable substitute. Article 53 of the family law states that if either spouse unjustifiably evicts the other spouse from the marital home, the public prosecutor will intervene on behalf of the evicted spouse and "shall take all necessary measures for his or her safety and protection." However, reports indicate that authorities are slow to implement this measure and that women are having difficulty proving that they were expelled from the house. Additionally, a father must provide financial maintenance, including housing, to his minor children, even if they are in the divorced mother's custody. However, there is no guarantee that the wife will retain the marital home after a divorce is finalized, and husbands often use personal connections and bribery to avoid a court ruling to that effect

Women's rights NGOs have been very active in alleviating the plight of poor and illiterate women. Their work is encouraged by the government, and the positive effects are apparent. For example, groups like Feminine Solidarity and Bayti (My House) have been catering to women in financial distress and single mothers. Meanwhile, through investments in rural roads, other infrastructure, and social programs, the government is attempting to improve the life of the rural population as a whole, although these efforts are still very insufficient: paved roads, running water, and schools are still luxuries for most of the countryside of Morocco. The poverty rate in rural areas dropped from 36 percent in 2004 to 21 percent in 2007, according to the findings of a survey by the High Commissioner for Planning, but work to alleviate poverty is still sorely needed.[45]

Recommendations

1. The government should allocate more funds to meet women's health needs, particularly by improving the health care infrastructure in rural and other underserved areas.
2. The government should establish equitable welfare programs for single mothers and female heads of households, including those who have never married. NGOs should provide services that assist women in obtaining the state benefits for which they are eligible.
3. Existing welfare payments should be supplemented by microcredit services, financial literacy training, and employment skills for women in impoverished rural and semi-urban areas.
4. The government should sponsor media programs that fight negative stereotypes of women.
5. The media sector should partner with women's rights NGOs to create content that would provide the youth with positive female role models, valorize women's impact on society, and lend credibility and stature to women's initiatives of all kinds.

AUTHOR

Fatima Sadiqi is Senior Professor of Linguistics and Gender Studies at the University of Fes and director of the Isis Centre for Women and Development. She is a former Fulbright scholar and recipient of a Harvard fellowship. Sadiqi has written extensively on Moroccan languages and Moroccan women's issues. She is the author of *Women, Gender, and Language in Morocco*

(Brill, 2003), *Grammaire du Berbère* (L'Harmattan, 1997), *Images on Women in Abdullah Bashrahil's Poetry* (Beirut Institute, 2004). She has also edited and co-edited a number of volumes, including *Migration and Gender in Morocco* (Red Sea Press, 2008), and *Women Writing Africa: The Northern Region* (Feminist Press, 2009). Her co-edited volume *Women in the Middle East and North Africa: Agents of Change* will be published by Routledge in May 2010.

NOTES

[1] For example, Moroccan laws related to banking interest and the sale of alcohol bypass very clear prohibitions in the Koran and Shari'a (Islamic law).

[2] Islamism may be defined as a social movement or organization based on the exploitation of Islam for political aims, or the exercise of political power in the name of religion only. Moroccan Islamists do not constitute a homogeneous group; they represent a variety of conservative, moderate, and radical strains.

[3] Indeed, it was the feminists who started to push for rights from a religious perspective. See Farida Bennani and Zineb Miadi, *Sélection des Textes Sacrés sur les Droits Humains de la Femme en Islam* (Rabat: Friedrich Ebert Stiftung, 2000).

[4] Whereas Shari'a rules are based on a rigid and literal reading of the Koran and Hadith, the concept of "maqasid al-Shari'a" (goals of Shari'a) involves the contextualization of these rules in changing historical circumstances.

[5] The text of the constitution is available in English at <http://www.al-bab.com/maroc/gov/con96.htm>.

[6] See Article 10 of the nationality code, available (in French) at <http://www.consulatdumaroc.ca/natma2007.pdf>.

[7] See Article 100 of the Moudawana.

[8] See Fatima Sadiqi, *Women, Gender and Language in Morocco* (Boston: Brill, 2003).

[9] See Stop Violence Against Women, "Morocco," Advocates for Human Rights, <http://www.stopvaw.org/Morocco.html>.

[10] Article 10 states: "(1) No one can be arrested, detained, or punished except in the cases and forms provided by law. (2) The home is inviolable. There can be no searches or inspection except under the conditions and the forms provided by the law."

[11] Democratic Association of Moroccan Women, "The Withdrawal of the Reservations to CEDAW by Morocco," news release, December 17, 2008, <http://www.euromedrights.net/pages/556/news/focus/68402>.

[12] Sarah Touahri, "Morocco Retracts CEDAW Reservations," Magharebia, December 17, 2008, http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2008/12/17/feature-02.

[13] Sadiqi, *Women, Gender and Language in Morocco*.

[14] Article 6 states: "Islam shall be the state religion. The state shall guarantee freedom of worship for all."

[15] Note that Article 9 of the constitution guarantees all citizens the "freedom of movement and freedom to settle in any part of the Kingdom."

[16] An English translation of the Moudawana by Global Rights is available at http://www.globalrights.org/site/DocServer/Moudawana-English_Translation.pdf?docID=3106.

[17] Agence France-Presse (AFP), "Women in Morocco Progress But 'Could Do Better'—Activist," France 24, March 7, 2009, <http://www.france24.com/20090307-women-morocco-progress-but-could-do-better-activist>.

[18] See Articles 94–114 of the Moudawana.

[19] A recent (unpublished) study by Leadership Féminin, a local women's association, revealed that 87 percent of women in six rural areas in Morocco do not know anything about the new family law.

[20] Mohamed Ennaji, *Serving the Master: Slavery and Society in Nineteenth Century Morocco*, translated from French by Seth Graebner (New York: St. Martin's Press, 1998).

[21] Given its geographical location at the crossroads between the Maghrib, sub-Saharan Africa, and Europe, Morocco is at the same time a source, transit point, and destination for human trafficking. See *Combined Third and Fourth Periodic Report—Morocco* (New York: UN Committee on the Elimination of Discrimination against Women, 2006), 22, <http://www.un.org/womenwatch/daw/cedaw/reports.htm#m>.

[22] Sarah Touahri, "Morocco Seeks to Criminalize Violence Against Women," Magharebia, April 1, 2008, http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2008/04/01/feature-01.

[23] Amina Barakat, "Renewed Efforts to End Violence Against Women," Inter Press Service, March 17, 2009, <http://ipsnews.net/africa/nota.asp?idnews=46150>.

[24] World Bank, "GenderStats—Labor Force," <http://go.worldbank.org/4PIIORQMS0> [accessed December 15, 2009].

[25] Gender Entrepreneurship Markets (GEM) Program, "Country Brief: Morocco 2005," International Finance Corporation,

[http://www.ifc.org/ifcext/gempepmena.nsf/AttachmentsByTitle/Morocco_Country_Brief_Oct05.pdf/\\$FILE/Morocco_Country_Brief_Oct05.pdf](http://www.ifc.org/ifcext/gempepmena.nsf/AttachmentsByTitle/Morocco_Country_Brief_Oct05.pdf/$FILE/Morocco_Country_Brief_Oct05.pdf).

[26] World Bank, "GenderStats—Education," <http://go.worldbank.org/RHEGN4QHU0> [accessed December 15, 2009].

[27] Ibid.

[28] World Bank, "GenderStats—Labor Force"; International Trade Union Confederation (ITUC), *Internationally Recognized Core Labour Standards in Morocco* (Brussels, ITUC, 2009), http://www.ituc-csi.org/IMG/pdf/WTO_report_Morocco_Final_EN.pdf.

[29] Bureau of International Labor Affairs, *Morocco Labor Rights Report* (Washington, DC: U.S. Department of Labor, July 2004), 26, <http://www.dol.gov/ilab/media/reports/usfta/mlrr.pdf>.

[30] ITUC, *Internationally Recognized Core Labour Standards in Morocco*, 5.

[31] Sarah Touahri, "New Law to Regulate Morocco's Domestic Services Industry," *Magharebia*, March 13, 2009, http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2009/03/13/feature-03.

[32] Inter-Parliamentary Union, "Women in National Parliaments: Statistical Archive," <http://www.ipu.org/wmn-e/classif-arc.htm>.

[33] For a study on patriarchal and undemocratic structures within one of the leading socialist political parties, see Sassi, Mohammed, "Al-Azma Arahina Liddimoqratia Fi Al-Itihad Alishtirak," *Nawafid* 8 (2000): 26–52.

[34] It should be noted that, of the 46 seats that the Islamist Justice and Development Party (PJD) holds in parliament, six are held by women, making it the party with the highest percent of female parliamentarians. One reason for this high level of involvement is because Islamist parties seem to more seriously engage in the implementation of the quota system and put women at the top of their party lists more often than other political parties. Inter-Parliamentary Union, Parline Database, Morocco, House of Representatives, Last Elections, http://www.ipu.org/parline-e/reports/2221_E.htm.

[35] Although NGOs do not have an official status that would allow them a high level of political influence, the government has gradually taken them more seriously.

[36] The 2002 quota system is not established by law; rather it is embodied in a charter among political parties that reserves 30 seats for women on a special National List.

[37] *Combined Third and Fourth Periodic Report—Morocco*, 26.

[38] Ibid., 25.

[39] Amel Boubekeur, "Local Elections and National Democracy Opportunities in Morocco," France 24, June 29, 2009, <http://www.france24.com/en/20090629-local-elections-national-democracy-opportunities-morocco-amel-boubekeur-carnegie-middle-east-centre-analysis>.

[40] These statistics are taken from a speech by Nouzha Skalli, Minister of Social Development, Family, and Solidarity, delivered in Rabat on June 18, 2009, one week after the elections.

[41] See, for example, Moha Ennaji, *Multilingualism, Cultural Identity, and Education in Morocco* (Boston: Springer, 2005); Fatima Sadiqi, "Facing Challenges and Pioneering Feminist and Gender Studies: Women in Post-colonial and Today's Maghrib," *African and Asian Studies* 7, no. 4 (2008): 447–470; Sadiqi, "The Central Role of the Family Law in the Moroccan Feminist Movement," *British Journal of Middle Eastern Studies* 35, no. 3 (2008): 325–337; Sadiqi, "Language, Religion and Power in Morocco," in *Untangling Modernities: Gendering Religion and Politics*, ed. Anne Braude and Hannah Herzog (London: Palgrave, 2009).

[42] World Bank, "GenderStats—Create Your Own Table," <http://go.worldbank.org/MRER20PME0> [accessed December 15, 2009].

[43] See Sadiqi, *Women, Gender and Language in Morocco*.

[44] Fatema Mernissi, "Digital Scheherazade: The Rise of Women as Key Players in the Arab Gulf Communication Strategies," September 2005, http://www.mernissi.net/books/articles/digital_scheherazade.html.

[45] "Poverty Rate in Rural Areas Dropped to 21%, Minister," Morocco Newslines, July 16, 2008, http://www.morocconewslines.com/index.php?option=com_content&task=view&id=272&Itemid=1.



UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM
Annual Report 2010



**Annual Report of the
United States Commission on International Religious Freedom**

May 2010
(Covering April 1, 2009 – March 31, 2010)

Commissioners

Leonard A. Leo

Chair

(July 2009 – June 2010)

Felice D. Gaer

Chair

(July 2008 – June 2009)

Michael Cromartie

Dr. Elizabeth H. Prodromou

Vice Chairs

(July 2008 – June 2010)

Dr. Don Argue

Imam Talal Y. Eid

Felice D. Gaer

Dr. Richard D. Land

Nina Shea

Ambassador Jackie Wolcott

Executive Director

Professional Staff

Tom Carter, Director of Communications
Walter G. DeSocio, General Counsel
David Dettoni, Director of Operations and Outreach
Judith E. Golub, Director of Government Relations
Carmelita Hines, Director of Administration
Knox Thames, Director of Policy and Research

Dwight Bashir, Deputy Director for Policy and Research
Elizabeth K. Cassidy, Deputy Director for Policy and Research
Catherine Cosman, Senior Policy Analyst
Deborah DuCre, Receptionist
Scott Flipse, Senior Policy Analyst
Yuna Jacobson, Associate Director for Government Relations
Tiffany Lynch, Policy Analyst
Jacqueline A. Mitchell, Executive Assistant
Muthulakshmi Anu Narasimhan, Communications Specialist
Stephen R. Snow, Senior Policy Analyst

Front Cover: URUMQI, China, July 7, 2009 – A Uighur Muslim woman stands courageously before Chinese riot police sent to quell demonstrations by thousands of Uighurs calling for the government to respect their human rights. The Uighurs are a minority Muslim group in the autonomous Xinjiang Uighur region. Chinese government efforts to put down the ethnic and religious protest resulted in more than 150 dead and hundreds of arrests. (Photo by Guang Niu/Getty Images)

Back Cover: JUBA, Southern Sudan, April 10, 2010 – School children participate in a prayer service on the eve of Sudan's first national elections in more than two decades. Those elections are called for under the Comprehensive Peace Agreement between North and South Sudan, the full implementation of which is widely believed to be essential to averting another bloody civil war marked by sectarian strife. Although the elections were deeply flawed, many Southern Sudanese saw them as a necessary milestone on the road to a January 2011 referendum on Southern Sudan's political future--the final major step in the peace agreement. (Photo by Jerome Delay/Associated Press)

U.S. Commission on International Religious Freedom
800 North Capitol Street, NW, Suite 790
Washington, DC 20002
202-523-3240, 202-523-5020 (fax)
www.uscifr.gov

Vietnam

FINDINGS: The government of Vietnam continues to control government-approved religious communities, severely restrict independent religious practice, and repress individuals and groups viewed as challenging political authority. Religious activity continues to grow in Vietnam and the government has made some important changes in the past decade in response to international attention, including its designation as a “country of particular concern” (CPC). Nevertheless, individuals continue to be imprisoned or detained for reasons related to their religious activity or religious freedom advocacy; police and government officials are not held fully accountable for abuses; independent religious activity remains illegal; legal protections for government-approved religious organizations are both vague and subject to arbitrary or discriminatory interpretations based on political factors; and new converts to some Protestant and Buddhist communities face discrimination and pressure to renounce their faith. In addition, improvements experienced by some religious communities are not experienced by others, including the Unified Buddhist Church of Vietnam (UBCV), independent Hoa Hao, Cao Dai, and Protestant groups, and some ethnic minority Protestants and Buddhists. Property disputes between the government and the Catholic Church continue to lead to harassment, property destruction, and violence, sometimes by “contract thugs” hired by the government to break up peaceful prayer vigils. In the past year, the government harassed monks and nuns associated with Buddhist teacher Thich Nhat Hanh and forcibly disbanded his order.

Given these ongoing and serious violations, the uneven pace of religious freedom progress after the CPC designation was lifted, the continued detention of prisoners of concern, and new evidence of severe religious freedom abuses, USCIRF again recommends that Vietnam be designated as a CPC in 2010. The Commission has recommended that Vietnam be named a (CPC) every year since 2001. The State Department named Vietnam a CPC in 2004 and 2005, but removed the designation in 2006.

PRIORITY RECOMMENDATIONS: Religious freedom conditions have not improved as quickly or as readily as have other areas of the U.S.-Vietnamese relationship, and there continues to be a marked deterioration of the human rights situation overall. Nevertheless, there is reason to believe that the government of Vietnam will engage on human rights concerns. Non-governmental organizations (NGOs) have engaged Hanoi on religious freedom concerns over the past year, and religious freedom was a part of the renewed annual U.S.-Vietnam human rights dialogue. However, the frequency of these exchanges is neither as structured nor as focused on concrete results as those that took place between 2004 and 2006, when Vietnam was named a CPC and was seeking entrance to the World Trade Organization (WTO). USCIRF continues to urge the Obama administration to re-evaluate the diplomatic and political resources employed to advance religious freedom and related human rights in its relations with Vietnam. USCIRF also encourages the Administration to view CPC designation as a flexible tool in light of its previous success in spurring serious diplomatic engagement and achieving measurable improvements, while not hampering progress on other areas in the U.S.-Vietnam relationship. Additional recommendations for U.S. policy towards Vietnam can be found at the end of this chapter.

Religious Freedom Conditions

Overall Human Rights Situation

Vietnam's overall human rights record remains poor, and has deteriorated since Vietnam joined the WTO in January 2007. Vietnam is an authoritarian state governed by the Communist Party. Over the past two years, the government has moved decisively to repress any perceived challenges to its authority, tightening controls on the freedom of expression, association, and assembly. New decrees were issued prohibiting peaceful protest in property disputes and limiting speech on the internet. In 2007, as many as 40 legal and political reform advocates, free speech activists, human rights defenders, labor unionists, journalists, independent religious leaders, and religious freedom advocates have been arrested. Others have been placed under home detention or surveillance, threatened, intimidated, and harassed. In 2009, a new wave of arrests targeted bloggers, democracy advocates, and human rights defenders, including lawyer Le Cong Dinh who defended prominent human rights activists. Over the past year, two journalists were arrested and convicted in connection with their reporting on high-level corruption, and several journalists and editors at leading newspapers were fired. Several Internet bloggers were also jailed after writing about corruption and protesting China's actions in the disputed Spratly and Paracel Islands; one was convicted and sent to prison.

Given the prominence of religious leaders in advocating for the legal and political reforms needed to fully guarantee religious freedom, their continued detention must be considered when measuring religious freedom progress in Vietnam. Over the past two years, individuals motivated by conscience or religion to peacefully organize or speak out against restrictions on religious freedom and related human rights continue to be arrested or detained, including Nguyen Van Dai, Nguyen Thi Hong, and over a dozen members of the Hoa Hao and Cao Dai communities. There are also an unknown number of ethnic minority Montagnards, including religious leaders, still detained after 2001 and 2004 demonstrations for religious freedom and land rights. The Most Venerable Thich Quang Do and other UBCV leaders and Fr. Phan Van Loi remain under administrative detention orders and are restricted in their movements and activities.

In 2009, the government released six Khmer Buddhists jailed in 2007 for taking part in peaceful demonstrations against restrictions on religious practice. Fr. Nguyen Van Ly was granted temporary medical parole in March 2010 after suffering two major strokes in prison. Human rights activist Le Thi Cong Nhan was released in March 2010 after completing a three year prison term; she is now under home detention orders. USCIRF was able to meet while they were still imprisoned Le Thi Cong Nhan and Nguyen Van Dai in 2007 and Fr. Nguyen Van Ly and Nguyen Van Dai in 2009.

Despite significant restrictions and governmental interference, the number of religious adherents continues to grow in Vietnam. In large urban areas, the Vietnamese government continues to expand the zone of permissible religious activity for Catholics, non-UBCV Buddhists, some Protestant groups, and government approved Hoa Hao and Cao Dai communities, including allowing large religious gatherings and pilgrimages. Religious leaders in Hanoi and Ho Chi Minh City report fewer restrictions on their normal worship activities in recent years, and the government largely continues to support the building of religious venues and the training of religious leaders. Nevertheless, lingering property disputes over venues and facilities previously confiscated by the Communist government created serious tensions between Hanoi and some religious communities, leading to church demolitions, property confiscations, detentions, and societal violence. In some parts of the Central Highlands, particularly Gai Lai province, most of the churches and meeting points closed after 2001 and 2004 religious freedom demonstrations were re-opened, and the government and the officially-recognized Protestant organization have established a working relationship. However, groups that do not worship within government approved

parameters or are suspected of sympathizing with foreign groups seeking Montagnard autonomy face a growing number of problems, including property destruction, detentions, and beatings.

When designated as a CPC, Hanoi released prisoners, expanded some legal protections for nationally recognized religious groups, prohibited the policy of forced renunciations of faith (which resulted in fewer forced renunciations), and expanded a zone of toleration for worship activities, particularly in urban areas. Nevertheless, during USCIRF's October 2007 and May 2009 trips to Vietnam, religious leaders reported that while overt restrictions on their religious activity slowed in the past decade, there continue to be serious problems with the legal and policy framework the government uses to oversee religious activity. Improvements often depended on geographic area, ethnicity, the relationship established with local or provincial officials, or perceived "political" activity. Most religious leaders attributed these changes to the CPC designation and the priority placed on religious freedom concerns in U.S.-Vietnamese bilateral relations.

Implementation of Vietnam's Legal & Policy Framework on Religion

The 2004 Ordinance on Religion and Belief requires religious groups to operate within government approved parameters. The Ordinance promises those who succeed at gaining "national" legal status fewer government intrusions in regular religious activities. However, the registration process is ill-defined and implementation of the Ordinance is problematic. Some provincial officials ignore recognition applications, require religious groups to include the names of all religious adherents in a church, or pressure religious leaders to join groups already given legal recognition, despite theological or other objections. In addition, the Ordinance provides for two levels of legal recognition, neither of which offers the same protections as "national" recognition. In fact, at the first level, "permission for religious operation," religious groups report government intrusions in daily religious activity, including seeking from religious leaders the names of congregants or limiting participation in and the scope of worship services. Religious groups whose applications for legal recognition are denied or who do not meet the Ordinance's vague standards are technically illegal and can be closed without warning.

Contrary to its provisions, local officials have told religious groups and a visiting USCIRF delegation that the Ordinance does not apply in their provinces. The central government has also delayed implementation and enforcement of the Ordinance and issued a training manual on how to deal with religious groups that counsels restricting rather than advancing religious freedom. The manual, issued by the central government's Committee on Religious Affairs, has gone through several revisions because of international scrutiny. Nevertheless, problematic language remains regarding measures to halt the growth of religious communities.

A USCIRF delegation traveled to Vietnam in May 2009 and ascertained that new converts to Protestantism in ethnic minority areas face official intimidation and discrimination if they do not renounce their faith (see discussion below under *Hmong Protestants: Northwest Provinces*). There are also reports that new monks and nuns of Buddhist teacher Thich Nhat Hanh face similar tactics as do individuals who frequent pagodas affiliated with the UBCV.

Provisions of the Ordinance do not meet international standards and are sometimes used to restrict and discriminate rather than promote religious freedom. For example, national security and national solidarity provisions in the Ordinance are similar to those included in Vietnam's Constitution and override any legal protections guaranteeing the rights of religious communities. These include Article 8 (2) of the Ordinance, which prohibits the "abuse" of religion to undermine national unity, to "sow division among the people, ethnic groups and religions" or to "spread superstitious practices", and Article 15, which provides that religious activities will be suspended if they "negatively affect the unity of the people or the nation's fine cultural traditions." The government continues to significantly limit the organized activities

of independent religious groups and individuals viewed as a threat to party authority on these grounds. There are some reports that Vietnamese officials are considering revising the Ordinance on Religion and Belief, which would offer the international community an opportunity to engage the government on ways to change Vietnam's legal structure on religion so that it conforms to international standards.

In the past year, religious groups without legal status —whether because they do not meet established criteria, are deemed politically unreliable, or refuse to accept government oversight— were harassed, had venues destroyed, and faced severe discrimination. In addition, there were reports that ethnic minority Protestants were arrested and detained because their meeting points were not legally recognized or they were not affiliated with the government approved religious organization.

The government continues to extend legal recognition to, and allows religious venues to affiliate with, 11 officially recognized religious groups: Buddhism, Islam, Catholicism, Protestantism, Hoa Hao, Cao Dai, Pure Land Buddhist Home Practice, Bani Muslim Sect, Threefold Enlightened Truth Path, Threefold Southern Tradition, and the Baha'i Community. In the past year the government has extended legal status to the Mysterious Fragrance from Precious Mountains and the Four Gratuities and the Vietnam Christian Fellowship. In October, 2009, the Assembly of God denomination was granted permission to operate, an initial legal status that had previously been denied because the Assembly of God did not meet the Ordinance requirement for "20 years of stable operation."

Prisoners of Concern

In the past, the State Department maintained that one of the reasons Vietnam's CPC designation was lifted was because there are no longer any "prisoners of concern." USCIRF contends that there remain dozens of prisoners of concern in Vietnam. As discussed above, a number of individuals remain incarcerated for actions related to their religious vocation, practice, activity, or conscience. Along with those incarcerated, over a dozen religious leaders are held under long-term administrative detention, including United Buddhist Church of Vietnam (UBCV) leader Thich Quang Do and Catholic Fr. Phan Van Loi. In addition, hundreds of Montagnard Protestants arrested after the 2001 and 2004 demonstrations for religious freedom and land rights remain in detention in the Central Highlands. The circumstances and charges leveled against them are difficult to determine, but there is enough evidence available to determine that peaceful religious leaders and adherents were arrested and remain incarcerated. The continued detention of prisoners of concern, and the existence of vague "national security" laws that were used to arrest them, should be a primary factor in determining whether Vietnam should be designated as a CPC.

In the past, the State Department has contended that only those individuals who are arrested "for reasons connected to their faith" will be considered in evaluating religious freedom conditions in Vietnam, as if the internationally recognized right to the freedom of religion guarantees only the freedom to worship. This narrow definition excludes from consideration anyone arrested or detained for peaceful public advocacy to protect religious freedom, including expressing support for the legal or political reforms needed to fully ensure it. The State Department's criterion also excludes those who monitor the freedom of religion and are arrested or otherwise punished for the publication of their findings. It also excludes those who, motivated by ongoing restrictions on religious practice or the arrests of fellow-believers, peacefully organize or protest to draw attention to government repression. The State Department's standard for determining who is a religious "prisoner of concern" draws an arbitrary line between "political" and "religious" activity not found in international human rights law.

USCIRF contends that in all the most recent cases of arrest, detention, and imprisonment, religious leaders or religious-freedom advocates engaged in legitimate actions that are protected by international treaties and covenants to which both the United States and Vietnam are signatories. In addition to the

freedoms to believe and to worship, the freedom to peacefully advocate for religious freedom and express views critical of government policy are legitimate activities guaranteed by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. They protect not only the right to freedom of thought, conscience, and religion¹⁴ but also the related rights to freedom of opinion and expression¹⁵ and to freedom of peaceful assembly and association.¹⁶ Moreover, the right to freedom of thought, conscience, and religion or belief is “far-reaching and profound” and “encompasses freedom of thought on all matters [and] personal conviction,” as well as “the commitment to religion or belief.”¹⁷

In the past several years, Montagnard Protestants have been subject to a number of short-term detentions, disappearances, and one possible beating death in custody. According to reports from NGOs and several members of the European Parliament, Montagnard Protestant Puih H’Bat was arrested in April 2008 for leading an illegal prayer service in her home in Chu Se district, Gai Lai province—an area where there have been protests in the past over land rights and religious freedom abuses. In fact, according to Human Rights Watch, police arrested dozens of Montagnards in that area in April 2008 and forcibly dispersed crowds peacefully protesting recent land confiscations. Given historical animosities, past repression, and the region’s remoteness, it is difficult to determine the exact reasons why Puih H’Bat was arrested, though the fact that police have refused to allow her family to visit her and the lack of police and judicial transparency in the case is disturbing. Also in the same Gai Lai province district, as many as 11 Montagnard Protestants were detained in February 2009 after police reportedly entered a worship service and asked everyone present to renounce their faith or join the officially recognized Southern Evangelical Church of Vietnam (SECV). Everyone who refused was arrested. Nine were released a month later, and two remain in detention. The State Department was able to confirm from other religious leaders in the region that these individuals were arrested for trying to organize an independent Protestant organization, which the Vietnamese government has refused to allow in this area since the large religious freedom protests in 2001 and 2004. In other parts of Gai Lai province, however, ethnic Montagnard Protestants associated with the government-approved SECV have established a working relationship with provincial officials, leading to the re-opening of many religious venues closed after 2001, new religious training courses for pastors, and the building of at least one new church property.

In the past year’s reporting cycle, the government released six Khmer Buddhist prisoners of concern, including Cambodian monk Tim Sarkhorn and five Khmer Buddhist monks convicted for leading February 2007 religious freedom protests in Soc Trang province. The five monks were not allowed to rejoin their monasteries or return to their studies, and Tim Sarkhorn, though released from prison in July 2008, was held under house arrest and constant police surveillance until early April 2009. The U.N. High Commissioner for Refugees (UNHCR) granted them refugee status, and they were resettled in Europe. The situation of the Khmer Buddhist has been an underreported problem in Vietnam. The State Department, despite travelling to Soc Trang province in October 2007, did not report on the arrests of Khmer monks until after they were released.

In March 2010, Le Thi Cong Nhan was released from prison after completing her prison sentence. The USCIRF delegation met with her in prison during a 2007 visit. She continues to serve a sentence of administrative parole, which is essentially house arrest. After granting interviews to international media after her release, she was detained and interrogated by police and remains under close scrutiny.

¹⁴ Universal Declaration of Human Rights (UDHR), Art. 18; International Covenant of Civil and Political Rights (ICCPR), Art. 18.

¹⁵ UDHR, Art. 19; ICCPR, Art. 19.

¹⁶ UDHR, Art. 20; ICCPR, Arts. 21 & 22.

¹⁷ United Nations Human Rights Committee General Comment 22, Article 18 (Forty-eighth session, 1993), para 1. ¹⁸ Criteria for reviewing textbooks and other educational materials have been developed by several international bodies, including UNESCO. For the UNESCO criteria, see http://www.unesco.org/education/pdf/34_71.pdf.

Also in March, Fr. Nguyen Van Ly was released on medical parole after suffering several strokes in prison. He will be returned to prison once his health improves. A USCIRF delegation was allowed to meet with Fr. Ly in May 2009 and discovered that he has been held in solitary confinement for over two years. Fr. Ly has been imprisoned numerous times for his religious freedom and human rights advocacy, including after he submitted testimony to a 2001 USCIRF hearing on Vietnam. USCIRF has consistently advocated for his unconditional release.

Buddhists, Hoa Hao, and Cao Dai

The government continues to actively discourage independent Buddhist religious activity and refuses to legally recognize the UBCV and some Hoa Hao and Cao Dai groups. Government-approved organizations oversee Buddhist and other indigenous religions' pagodas, temples, educational institutes, and activities. Approval is required for all ordinations and ceremonies, donations, and expansions of religious venues. The government-approved leaders of Buddhist, Hoa Hao and Cao Dai organizations also vet the content of publications and religious studies curricula offered at schools.

The Vietnamese government requires the UBCV and independent Hoa Hao, and Cao Dai groups to affiliate only with the government approved religious organization. Those who refuse face ongoing and serious religious freedom abuses, including arrests, detentions, fines, forced renunciations of faith, destruction of property, and other harassment. This fact is important when deciding whether religious freedom conditions have improved in Vietnam overall, given that these groups, along with the ethnic minority Khmer Buddhists, represent the largest number of religious adherents in Vietnam.

The UBCV is Vietnam's largest religious organization with a history of peaceful social activism and moral reform. The UBCV has faced decades of harassment and repression for seeking independent status and appealing to the government to respect religious freedom and related human rights. Its leaders have been threatened, detained, put under pagoda arrest, imprisoned, and placed under strict travel restrictions for many years. The freedom of movement, expression, and assembly of UBCV leaders continues to be restricted. Monks, nuns, and youth leaders affiliated with the UBCV face harassment and threats. Senior UBCV monks, including the Most Venerable Thich Quang Do with whom USCIRF delegations were able to meet in both 2007 and 2009, remain under some form of administration probation or pagoda arrest. Charges issued in October 2004 against UBCV leaders for "possessing state secrets" have never been rescinded. Local attempts by monks to organize UBCV provincial boards or carry out charitable activities also are thwarted. Police routinely question UBCV monks and monitor their movement and activities. Foreign visitors to UBCV monasteries have been assaulted and harassed.

In the recent past, UBCV monks have been detained, threatened and ordered to withdraw their names from provincial leadership boards and cease all connections with the UBCV. Government officials have taken steps to make sure that government affiliated monasteries do not affiliate overtly with the UBCV. In 2008, police and government officials in Lam Dong province sought to depose Thich Tri Khai from his post as superior monk of the Giac Hai pagoda, reportedly offering bribes to anyone who would denounce him and urging 12 monks in the region to sign a petition supporting his ouster. Two hundred and thirty nine monks affiliated with the UBCV signed a letter opposing the government's action and, as a result, were threatened and subjected to "working sessions" with police. In April 2008, police arrested Thich Tri Khai, who went into hiding; two UBCV monks attempting to visit Khai were detained and questioned by police. Also in April 2008, police harassed, assaulted, and briefly detained monks from, and vandalized, the Phuoc Hue monastery in Quang Tri province. The monastery's head Abbot, Thich Tu Giao, had declared allegiance to the UBCV. Police also assaulted and detained Thich Tu Giao's mother and members of the Buddhist Youth Movement. Local officials set up barriers on roads leading to the pagoda and put up signs claiming the pagoda was a "Forbidden Area." It was the second time police vandalized

the pagoda. The previous year, police destroyed a newly built kitchen and warehouse, and stole money contributed by local Buddhists for other buildings.

UBCV adherents also experience harassment and intimidation. During its visits to Vietnam, the USCIRF delegation learned that the Vietnamese government's Religious Security Police (*cong an ton giao*) routinely harasses and intimidates UBCV followers, warning that if they continue to frequent known UBCV pagodas they may be arrested, lose their jobs, or their children expelled from school. The government has actively sought to suppress the activities and growth of the Buddhist Youth Movement.

The State Department also reports that, in the past year, a UBCV monk was detained and later expelled from his monastery for distributing humanitarian aid and food to land rights protestors in Hanoi. A UBCV monk in Ho Chi Minh City resigned from monastic life reportedly due to being constantly harassed by police for his activities organizing a Buddhist Youth Movement. A UBCV nun was also forced to leave the pagoda she founded in Khanh Hoa Province reportedly because she openly affiliated with the UBCV.

There also continue to be reports of harassment and disbandment of religious ceremonies and other activities UBCV monks conduct. For instance, police in the past year routinely interrogated the Venerable Thich Vien Dinh and other monks from the Giac Hoa Pagoda in Saigon and issued fines for minor building code violations. Officials also have prevented them from holding festivals on *Vesak* (Buddha's Birthday) and the Lunar New Year. In late January, 2010, police reportedly raided the pagoda in order to break up a ceremony of the Buddhist Youth Movement. Parents and children were warned to cease participating in the group. Routine systematic harassment of UBCV monks and affiliated pagodas occurs in the provinces of Quang Nam-Danang, Thua Thien Hue, Binh Dinh, Khanh Hoa, Ba Ria-Vung Tau, Dong Nai, Hau Giang, and An Giang.

The Vietnamese government continues to ban and actively discourage participation in independent factions of the Hoa Hao and Cao Dai, two religious traditions unique to Vietnam that claim memberships of four and three million respectively. While not providing details, the State Department continues to report repression of independent groups that includes intimidation, loss of jobs, discrimination, and harassment of Hoa Hao followers and imprisonment of individuals who peacefully protest religious freedom restrictions.

Both the Cao Dai and Hoa Hao groups report ongoing government oversight and control of their communities' internal affairs, including their rituals, celebrations, funerals, and selection of religious leaders, and even of government approved organizations. Other complaints concern the government's rejection of the Cao Dai charter drawn up before the 1950s, official unwillingness to allow the community to maintain its own independent source of income, and the seizure without compensation of Cao Dai properties after 1975. Some Cao Dai traditionalists have refused to participate in the government-appointed management committees and have formed independent groups. Eight Cao Dai were arrested in 2005 for protesting government intrusion in Cao Dai affairs; five remain in prison at the time of this report.

Independent Hoa Hao groups face severe restrictions and abuses of religious freedom, particularly in An Giang province. According to the State Department, members of the independent Hoa Hao Central Buddhist Church (HHCBC) face "significant official repression," and there is continued friction between independent Hoa Hao and government officials in the Mekong Delta region, including reports of confiscation and destruction of HHCBC affiliated buildings. HHCBC religious leaders refuse to affiliate with the government-approved Hoa Hao Administrative Council (HHAC) and are openly critical of it, claiming that it is subservient to the government. HHCBC leaders and their followers have been arrested for distributing the writings of their founding prophet, had ceremonies and holiday celebrations broken up by police, had sacred properties confiscated or destroyed, and individual followers have faced

discrimination and loss of jobs. At least 12 Hoa Hao were arrested and sentenced for protesting religious freedom restrictions, including four who were sentenced to four years in prison for staging a peaceful hunger strike.

The Vietnamese government's ongoing repression of the language, culture, and religion of ethnic Khmer living in Vietnam has led to growing resentment in the Mekong Delta. Khmer Buddhism is associated with the Theravada branch of Buddhism and has religious and ethnic traditions distinct from the dominant Mahayana Buddhist tradition practiced in most parts of Vietnam. Some Khmer Buddhists have called for a separate religious organization, distinct from the government-approved Vietnamese Buddhist Sangha (VBS). Religious freedom concerns continue to be central to demands of ethnic minority Khmer for human rights protections and preservation of their unique language and culture.

As many as one million ethnic minority Khmer Buddhists live in Vietnam, mostly in the Mekong Delta region. Long simmering tensions emerged there in 2006 and 2007, as Khmer Buddhist monks peacefully protested government restrictions on their freedom of religion and movement and Khmer language training. On January 19, 2007, according to Human Rights Watch, Buddhist monks in Tra Vinh province protested the arrest of a monk for possessing a publication from an overseas Khmer advocacy group. The protesting monks were interrogated and accused of allegedly separatist activities, and three monks were detained in their pagodas for three months and later defrocked. In February 2007, more than 200 monks staged a peaceful demonstration in Soc Trang province protesting the government's restriction on the number of days allowed for certain Khmer religious festivals and calling on the government to allow Khmer Buddhist leaders—not government appointees—to make decisions regarding the ordinations of monks and the content of religious studies at pagoda schools. The protestors also called for more education in Khmer language and culture. Provincial officials initially promised to address the monk's concerns, but several days later, monks suspected of leading the protest were arrested and some reportedly were beaten during interrogations. At least 20 monks were defrocked and expelled from their pagodas, and five monks sentenced to between two and four years in prison. Defrocked monks were sent home to their villages, where they were placed under house arrest or police detention.

Five young monks arrested for leading the demonstrations were given sentences ranging from one to five years. In interviews with USCIRF, the monks described severe restrictions on the religious life of Khmer Buddhists. They stated that they had applied to hold a demonstration and it was not, as the government maintains, a spontaneous event. They also described in detail, the beatings and torture they endured in detention, including one monk stating that he was beaten every day for one year.

After the 2007 demonstrations in Tra Vinh and Soc Trang, provincial officials and police expanded surveillance and restrictions on Khmer Buddhists religious activity and pressured Khmer Buddhist leaders to identify and defrock monks critical of the government. In July 2007, the Vietnamese government arrested Tim Sarkhorn, a Cambodian Khmer Buddhist monk on charges of "illegally crossing the border." As mentioned above, the five Khmer monks and Tim Sarkhorn were released in early 2009. They were not allowed to return to the monkhood and are now living as refugees in Europe.

The Vietnamese government, through the Vietnamese Buddhist Sangha (VBS), began an academy in 2008 in Can Tho that focused on Theravada Buddhism. The government provided land for the building and expansion of a larger academy. In addition, the government expanded the Pali language school in Soc Trang Province, the site of the demonstrations. It is unclear whether these actions will be sufficient to address long-standing grievances over religious restrictions and discrimination based on ethnicity.

Crackdown on the Lang Mai Buddhists of Bat Nha Monastery

In September 2009, over 300 Lang Mai (Plum Village) Buddhist monks and nuns, followers of the well-known Buddhist Zen Master Thich Nhat Hanh, were forcibly removed from Bat Nha monastery in Lam Dong province. In 2008, the central government's Religious Affairs Committee stated that the Lang Mai Buddhists were no longer welcome in Vietnam and claimed that some monks and nuns in Bat Nha lacked legal rights to live at the monastery. The abbot of Bat Nha, under pressure from the government, ordered Thich Nhat Hanh's followers to leave. Beginning in June 2009, government officials and police harassed the Lang Mai monks and nuns, turning off water, electricity, and telephone lines, and threatening adherents who came to study at the monastery. In July, local civilians and undercover police entered the monastery, threatened the residents, and confiscated food, furniture, and other property.

Finally, in September 2009, police cordoned off the monastery and allowed more than 100 civilians and undercover police to enter and forcefully evict the Lang Mai Buddhists. Monks were beaten, degraded, and sexually assaulted. Over 200 Buddhist monks and nuns sought temporary refuge at the nearby pagoda of Phuoc Hue. Two senior monks, Phap Hoi and Phap Sy, were arrested. A senior monk at another Lang Mai meditation center in Khanh Hoa province has gone into hiding to avoid arrest.

On December, 31, 2009 police and government officials forcibly evicted the 400 monks and nuns residing at Phuoc Hue pagoda. 200 Lang Mai followers left to seek asylum in Thailand and, as of this writing, are seeking religious worker visas to reside in the U.S., Germany, Australia, and France. Another 200 monks and nuns returned to their home provinces in Vietnam, where police harassment continues and authorities threaten family members with job loss and reduced government benefits unless they renounce their Lang Mai affiliation.

In 2005, the Vietnamese government had welcomed Thich Nhat Hanh and the establishment of the Lang Mai order in Vietnam. His return was hailed as evidence of religious freedom progress by both Hanoi and the State Department when the CPC designation was removed in 2006. The government's crackdown on the Lang Mai Buddhists started in late 2007, after Thich Nhat Hanh privately, and later publicly, urged the government to ease restrictions on religion. In addition, the Lang Mai teachings were very popular and therefore threatening to government officials and the leadership of government approved Vietnamese Buddhist Sangha (VBS). Thousands of Vietnamese attended Buddhist ceremonies, lectures, and monastic retreats led by Thich Nhat Hanh and other senior monks. The Bat Nha monastery grew quickly, drawing hundreds of novices and young people to study from all over Vietnam. Local officials and police regularly discouraged potential novices from joining the Lang Mai community.

In October 2009, 180 Vietnamese academics, poets, teachers, and scientists, including Vietnamese Communist Party members, sent a petition to the government requesting an investigation. In addition, the local VBS management board in Lam Dong province sent a memorandum to national VBS leadership in Hanoi deploring the way the Lang Mai Buddhists had been treated. The Lang Mai Buddhists continue to seek a monastery in Vietnam to host their order and allow monks and nuns to live together in community.

Montagnard Protestants: Central Highlands

In some parts of the Central Highlands, particularly for those churches and meeting points affiliated with the SECV in Gai Lai province, religious freedom conditions have improved somewhat since Vietnam was designated as a CPC in 2004. Religious activity is tolerated within government approved parameters, and the government has re-opened closed religious venues and allowed new churches to be built, and provincial authorities have granted permission for some religious training classes to be conducted.

Religious freedom conditions have not improved uniformly, however, in all parts of the Central Highlands or Central Coast regions. There continue to be reports of restrictions, land seizures, discrimination, destruction of property, and other egregious religious freedom abuses that target independent or unregistered Protestant religious venues. In particular, in Dak Lak province, there was active harassment of independent Protestant groups who refused to join the SECV or those suspected of affiliation with the banned *Tin Lanh Dega* (Dega Protestant Church), which the government claims combines religion with advocacy of political autonomy. A 2007 study by the UN High Commissioner for Refugees, based on interviews with Montagnard asylum-seekers in Cambodia, found that few self-identified adherents of *Tin Lanh Dega* sought political autonomy or had a political agenda, apart from "enhancement of their human rights position" and the "need to gather in independent church communities." Respondents unanimously expressed suspicion of the SECV, as an organization lead by Vietnamese and controlled by the Vietnamese government. Even those *Tin Lanh Dega* leaders who expressed a desire for greater political autonomy sought to advance this position peacefully, according to the study.

Government suspicion of a *Tin Lanh Dega* organized political movement has led to dozens of detentions and at least one beating death in recent years. According to Human Rights Watch and the European Parliament, Montagnard Protestant Y Ben Hdok died while in detention at a provincial police station in Dak Lak province in May 2008. Police claim that he was detained for suspicion of inciting demonstrations, though the family claims that he was organizing a group to seek asylum in Cambodia for reasons including religious persecution. In previous years, USCIRF has raised the cases of other ethnic minority Protestants beaten to death in police custody. There were no new developments related to the 2006 and 2007 deaths of Y Ngo Adrong or Y Vin Het. In the latter case, credible reports indicated that the ethnic minority Protestant was beaten to death by police officers for refusing to recant his faith.

According to the State Department, the Vietnamese government closely scrutinizes all ethnic minority religious communities in the Central Highlands, both legally recognized and independent groups, particularly in Dak Lak and Bien Phuoc provinces. In March 2008, religious leaders from the Inter-Evangelistic Movement (IEM) in Bien Phuoc were reportedly beaten and insulted by police when they traveled to Dak Nong province to hold services. On November 11, 2008, Vietnamese government officials issued fines and summons to everyone affiliated with an independent Protestant church of EahLeo hamlet, Dak Lak province. The church was later charged with operating an illegal Bible school for people outside the province and ordered to dismantle the school and cease religious activity because it was not legally recognized. The church continues to meet in another location. Also in November, in EaSup hamlet, Dak Lak province, police and provincial officials confiscated lumber purchased to build a chapel and issued an order telling the church in EaSup not to meet. In December 2008, hundreds of police and provincial officials destroyed a new Protestant church structure in Cu Dram hamlet; ethnic minority Protestants who protested the demolition were beaten with sticks and electric prods and some were severely injured and later were refused medical treatment. Leaders of this Cu Drom hamlet church continue to be threatened with arrest at this writing. Other independent ethnic minority congregations in EaSol and Thay Ynge hamlets and Krong Bong district of Dak Lak report that their leaders regularly are summoned to police stations and forced to sign papers agreeing that they will not gather "new" Christians for worship and that churches cannot be organized with believers from other hamlets or districts. Vietnamese government policy does not permit anyone who belongs to an unofficial religious group to speak publicly about their beliefs.

In the past year, dozens of Montagnard Protestants were detained, beaten, and threatened in Chu Se district, Gai Lai province because they were suspected of belonging to unregistered Protestant churches or planning to convey information about rights abuses to activists abroad. USCIRF was able to confirm that 11 individuals in this district were arrested and asked to renounce their faith in February 2009. Two remain in detention at this time. Human Rights Watch reports that police routinely raided unregistered

churches in the Central Highlands, mostly in parts of Dak Lak and Gai Lai provinces. On several occasions church members were beaten and shocked with electric batons when they refused to sign pledges to join the government-approved Southern Evangelical Church of Vietnam (SECV). In January 2010 two Montagnard Protestants were sentenced to prison terms of nine and twelve years for allegedly organizing “reactionary underground” networks. Though the details of this case are not entirely clear, there are reports that the two men were organizing unregistered church groups.

Similar charges were leveled against two Protestant evangelists working in Phu Yen province. In January 2010 police detained pastor Y Du reportedly because police suspected that he helped organize 2004 demonstrations for land rights and religious freedom in Dak Lak province. Pastor Du was beaten and dragged behind a motorbike. He was imprisoned in Phu Lam prison in Phu Lam district. Police reportedly told local Protestants that they do not have enough evidence to charge Pastor Du, but they will continue to hold him until he provides evidence against another Protestant pastor, Mai Hong Sanh, for organizing demonstrations. Along with Pastor Du, Phu Yen province officials continue to detain Pastor Y Co until he signs a “confession” concerning his prior involvement in public protests. He has reportedly refused numerous times to sign the document.

Provincial officials in the Central Highlands also target ethnic minority Protestants for official discrimination. Children reportedly are denied access to high school based on outdated laws prohibiting entrance of children from religious families. Protestants reportedly are denied access to government benefits readily available to non-Protestants, including housing and medical assistance programs. In addition, local officials reportedly pressure family elders, threatening to take away their government benefits unless they convince younger family members to renounce their faith. Montagnard Protestants have long complained of targeted discrimination, but at least one eyewitness report indicates that provincial officials are being trained in discriminatory tactics. At a 2007 religious training workshop in Kontum conducted by central government officials, local police and government officials were taught how to deny medical, educational, housing, financial, and other government services to “religious families” and families of recent converts. In addition, officials were instructed to divert foreign aid projects from known Protestant villages. It is unclear if this incident in Kontum is an isolated case, as the details of the official content of these training courses are unknown. The central government continues to conduct training courses for provincial officials on implementing Vietnam’s legal framework on religion.

Hmong Protestants: Northwest Provinces

The government continues to view with suspicion the growth of Christianity among Hmong in Vietnam’s northwest provinces. According to the State Department, over the past several years, the Vietnamese government has started to allow Hmong Protestants to organize religious venues and conduct religious activities in homes and “during the daytime.” However, unlike in some parts of the Central Highlands, the government has moved very slowly to extend legal recognition to Hmong Protestant churches. The number of legally recognized churches and meeting points has reached 100 in the past year, but an estimated 1,000 religious groups are seeking affiliation with the Evangelical Church of Vietnam (ECVN). Hundreds of applications for legal recognition have been declined or ignored, despite provisions in the Ordinance on Religion and Belief requiring government officials to respond to applications in a timely manner.

The Vietnamese government recognizes that there is a “genuine need” for religion in the northwest provinces, opening the way for at least some religious activity in the region to be legally recognized. However, government policy seems focused on making sure that “new” religious growth is controlled and “new” converts discouraged. According to the State Department, over the past year, local officials repressed Protestant believers in some parts of the northwest provinces by forcing church gatherings to cease, closing house churches, and pressuring individuals to renounce their religious beliefs, though often

unsuccessfully, despite the prohibition on forced renunciations in the Prime Minister's 2005 Instruction on Protestantism.

In the recent past, Hmong religious leaders reported that security officials attended religious services, checked church membership lists, and forced anyone not on the list to leave. In some locations, security officials reportedly barred anyone under the age of 14 from attending services, banned mid-week meetings and programs for children and young people, and insisted that religious leaders be chosen under their supervision. Since USCIRF's last Annual Report, in Bat Xat district, Lao Cai province, police harassed and confiscated food and other materials from a group of unregistered "house church" Protestants celebrating Christmas. In another village in Bat Xat district, police reportedly confiscated livestock and other belongings from members of another Protestant "house church" celebrating the Lunar New Year.

In August 2008, in Huoi Leng commune, Lao Cai province, a Protestant house church leader claimed that local officials constantly were pressuring him to give up his faith and threatening his congregants with deportation and cattle prods. Also, in Si Ma Cai district, Lao Cai province police beat and choked two Hmong Protestants in an attempt to force them to recant their faith. Police told them that there "could not be....Christians in the district." In Son La province, ethnic minority Catholics reported that government officials and police regularly threatened the loss of government benefits and services unless they returned to traditional religious practices and in Ha Giang province, local officials have used similar tactics and refused to allow a Catholic priest residence in the province.

In other regions, local authorities reportedly encouraged clan elders to pressure members of their extended families to cease practicing Christianity and return to traditional practices. Religious leaders also report that local authorities sometimes use "contract thugs" to harass, threaten, or beat them, according to the State Department. For example, in July 2007, a veterans group in Ha Giang province burned down a home where ethnic minority Protestants met for worship and damaged other buildings in an attempt to stop all worship activities. Though such activities are prohibited by law, there are no known cases of prosecution or punishment for attempted forced conversions or property destruction.

In the past year, several unregistered religious gatherings were broken up or obstructed in the Northwest Highlands. Local authorities reportedly used "contract thugs" to harass or beat ethnic minority Protestants. During the USCIRF delegation's visit to Dien Bien province, local congregations reported detentions, discriminations, and efforts to get Hmong Protestants to recant their faith, including the arrest of two individuals for conducting religious training in multiple villages. There are also credible reports that Vietnamese police in Dien Bien Dong district, Na Son commune arrested and beat Hmong Protestant Sung Cua Po after he converted to Christianity in November 2009. Before his arrest, police incited local villagers to harass and stone his house, beat his wife, and fined other Protestants in the commune in order to get him to return to traditional Hmong religious practices. Government authorities also threatened the heads of his extended family with the loss of government services unless they pressured him to deny his faith. Sung Cua Po's house was destroyed in late March, 2010 along with the homes of 14 other Christian families in Dien Bien Dong district. He and his family have disappeared.

Unfortunately, cases like Sung Cua Po are not isolated. Abuses and restrictions targeting ethnic minority Christians in the Northwest provinces continue. Central government policy supports the actions of provincial officials. In 2006, the Committee on Religious Affairs in Hanoi published a handbook instructing provincial officials in the northwest provinces on how to manage and control religious practice among ethnic minorities. USCIRF was critical of the handbook because it offered instructions on ways to restrict religious freedom, including a command to "resolutely subdue" new religious growth, "mobilize and persuade" new converts to return to their traditional religious practice, and halt anyone who "abuses religion" to undermine "the revolution"—thus seemingly condoning forced renunciations of faith.

Although the 2006 handbook recognizes the legitimacy of some religious activity, it also indicates that the Vietnamese government continues to control and manage religious growth, label anyone spreading Christianity in the northwest provinces as a national security threat, and use unspecified tactics to “persuade” new converts to renounce their beliefs.

In 2007, the Committee on Religious Affairs promised to revise the handbook and, since its 2007 visit to Vietnam, USCIRF has received two new versions. Neither, however, offers much improvement on the original. In the 2007 revision, provincial officials continue to be urged to control and manage existing religious practice through law, halt “enemy forces” from “abusing religion” to undermine the Vietnamese state, and “overcome the extraordinary...growth of Protestantism.” This last instruction is especially problematic, since it again suggests that the growth of Protestantism among ethnic minority groups should be viewed as a potential threat to public security and that it is the responsibility of officials to stem it. The 2007 revised version also states that local officials must try to “solve the root cause” of Protestant growth by “mobilizing” ethnic groups to “preserve their own beautiful religious traditions.” A 2008 version of the handbook contains all the language in the 2007 revision but adds a final chapter which chides local officials for “loose control” over Protestantism, leading to an increase in illegal meetings places. Local officials are instructed that these meeting places “must be...disbanded.” These instructions are inconsistent with Vietnam’s international obligations to protect the freedom of religion and belief and can be read as instructions to abuse and restrict religious freedom.

Catholics

The relationship between the Vietnamese government and the Catholic church continues to be tense in some parts of Vietnam. Catholicism in Vietnam continues to grow rapidly and the church has expanded both clerical training and charitable activities in recent years. However, in response to peaceful prayer vigils at properties formerly owned by the Catholic church, police have used tear gas and batons and detained participants. In addition, government officials have employed “contract thugs” to assault and intimidate Catholics attending prayer vigils.

Tensions escalated in January 2008 after Catholic parishioners conducted large-scale prayer vigils at the residence of the former papal nuncio in Hanoi that the government had confiscated in 1954. In February of that year, after the government promised to resolve the problem, the prayer vigils ceased. However, on September 19, 2008 city officials announced that they would turn two sites formerly owned by the Catholic church into public parks and make the former papal nuncio's home a library. City officials immediately began demolishing buildings on the site of the Papal Nuncio and the former Redemptorist monastery in Thai Ha parish. Large-scale protests followed, with as many as 15,000 Catholic parishioners attending a special mass and prayer vigil conducted by Archbishop Kiet on September 21, 2008. Police used violence to disband crowds at the two sites and used “contract thugs,” some wearing the blue uniforms of the Communist Youth League, to harass and beat Catholic parishioners and vandalize churches. Eight individuals who participated in the vigils were arrested, and authorities detained and beat an American reporter covering the events.

The Hanoi People’s Committee has called for the “severe punishment” and removal of Archbishop Kiet and the transfer of four priests from the Thai Ha parish for “inciting riots,” “disrespecting the nation,” and “breaking the law.” Catholic leaders in Hanoi have refused these demands and the Catholic Bishops Conference issued a public defense of the Archbishop and local priests, raising concerns about the government’s commitment to religious freedom, the right of property, the government’s control over the media, and other human rights issues.

On December 8, 2008 the eight individuals arrested for participating in the prayer vigils at the Thai Ha parish were tried jointly at the Dong Da People's Court in Hanoi and convicted of disturbing public order

and destroying public property. Seven were given suspended sentences ranging from 12 to 15 months; of these, four were also sentenced to additional administrative probation ranging from 22 to 24 months. The eighth individual was given a warning. All were released with time served. The eight Catholics filed an appeal of the guilty verdict which was denied in April 2009.

Disputes over property continued in the past year. In July 2009, as many as 200,000 Catholics peacefully protested in Quang Binh province after police destroyed a temporary church structure erected near the ruins of the historic Tam Toa Church in Vinh Diocese. Police used tear gas and electric batons to beat parishioners who resisted, arresting 19, of whom seven were charged with disturbing public order. Charges are pending in this case.

In January 2010, an estimated 500 police and army engineers used explosives to blow up a crucifix at the cemetery of Hanoi's Dong Chiem Parish Church. Catholic laypeople that came to the site were held back by police and several people were beaten for protesting the action. The government alleges that the crucifix was erected illegally. In February 2010, Catholic laypeople and nuns who traveled to the Dong Chiem site to join peaceful prayer vigils were assaulted, harassed, and in one case briefly detained by police. Reportedly, not all Vietnamese government officials condoned the destruction of the crucifix. The local government in Dong Chiem released a statement expressing disagreement with the action.

The government maintains veto power over appointments of bishops, but often cooperates with the Vatican in the appointment process. Catholic leaders in Ho Chi Minh City reported that they often move ahead with ordinations without seeking government approval. In 2007 two bishops and two priests were rejected because of inappropriate "family backgrounds." In 2009, the government approved three Vatican affiliated bishops in Hanoi, Ho Chi Minh City, and Buon Ma Thuot. All students must be approved by local authorities before enrolling in a seminary and again prior to their ordination as priests, and the province of Thien-Hue restricted the number of seminarians. However, the government allowed a new Jesuit seminary to be built in Ho Chi Minh City and permitted several local dioceses to conduct religious education classes for minors on weekends and some sizeable medical and charitable activities.

During a May 2009 visit, a USCIRF delegation discovered severe restrictions on Catholic activities in Son La and Ha Giang provinces. In Son La, bishops and priests were restricted from traveling to dioceses in northwest Vietnam and provincial authorities refused to register a local Catholic diocese and mistreated lay Catholic leaders. Among ethnic minority Catholics in Ha Giang, some communities face pressure by authorities to renounce their faith. Following discussions by USCIRF with local officials, Catholics in Moc Chau District of Son La were able to celebrate Christmas and Easter last year and a priest is now allowed to give communion twice a month at a Catholic meeting point.

Despite evolving tensions between Catholics and the Vietnamese government in the past several years, Hanoi continues to discuss with the Holy See conditions for the normalization of relations and other issues of concern. In December 2009, President Nguyen Minh Triet met with Pope Benedict XVI at the Vatican. Hanoi hosted a visit from a high-level Vatican delegation in February 2009. The delegation announced that Pope Benedict hoped to visit Vietnam by the end of 2010.

Human Rights Defenders

Over the past year, the Vietnamese government has harassed, threatened, detained and sentenced lawyers and human rights defenders who have assisted religious communities and other vulnerable populations in cases against the state.

In January 2010, human right lawyer Le Cong Dinh was sentenced to 16 years imprisonment for "conducting propaganda" against the state. As a lawyer, he defended human rights and religious freedom

advocates Nguyen Van Dai and Le Thi Cong Nhan in 2007. Le Cong Dinh is one of a growing number of peaceful human rights defenders challenging convictions based on Vietnam's vague national security laws and other laws inconsistent with the Vietnamese Constitution and international covenants and human right treaties to which Vietnam is a signatory.

In March 2010, unidentified intruders assaulted human rights activist Pham Hong Son and vandalized his home. They threatened additional action unless he stopped writing articles in the online journal *To Quoc*, which was started, according to its founders, to "defend human rights, free expression and religious freedom...using moderate language and reasonable arguments." USCIRF delegations met with Pham Hong Son in both 2007 and 2009. He is a peaceful reform advocate previously imprisoned for circulating via the internet an essay on democracy downloaded from the website of the U.S. Embassy in Hanoi.

On March 1, 2009, Ho Chi Min city police raided the law office and seized the property of, and detained for questioning, human rights lawyer Le Tran Luat, who is defending Catholics arrested for taking part in peaceful prayer vigils in Hanoi. The government revoked his legal license in April 2009. The official media has alleged tax fraud and other business related improprieties in what is often an act of political intimidation that signals a future arrest. Hanoi lawyer Le Quoc Quan also had his legal license revoked, allegedly because he was under investigation for assisting in the Thai Ha protests, and he has been unable to get his license renewed. Le Quoc Quan also was arrested in 2007 when he returned to Vietnam after completing a fellowship at the National Endowment for Democracy. His activities remain restricted and he is under constant surveillance, but was able to travel.

Mennonite pastor and human rights advocate Nguyen Thi Hong was given a three year sentence in January 2009 for "fraud" and other illegal business practices, allegedly for debts incurred by her late husband in 1999. Her lawyer claims that the debts were repaid and that she was singled out for her work as a human rights advocate and her association with the Mennonite group of Pastor Nguyen Quang which has not been allowed to legally register.

U.S. Policy

The U.S.-Vietnamese relationship expanded in many areas since relations were normalized in 1995. The United States is Vietnam's largest trading partner and U.S. investments in Vietnam topped \$1.5 billion in 2009. The U.S. and Vietnamese governments hold regular dialogues on human rights and the return of Americans who died during the Vietnam War. Vietnam will chair ASEAN, the Association of South East Asian Nations, in 2010.

The United States and Vietnam engage in a wide range of cooperative activities in the areas of peacekeeping, humanitarian assistance and disaster relief, search and rescue, maritime and border security, law enforcement, and nonproliferation. The countries cooperate on counternarcotics and regional security issues, including an annual political-military strategic consultation. Vietnam has hosted multiple visits by American nuclear powered carriers and destroyers and humanitarian supply ships. In June 2008, Prime Minister Dung announced plans to take part in the multinational Global Peace Operations Initiative (GPOI) to train international peacekeepers.

Vietnam's suppression of political dissent and religious freedom remains a source of bilateral contention. Since spring 2007, Vietnam's government has arrested dozens of political dissidents, and in 2008 and 2009 further tightened controls over the press and freedom of speech. The U.S. government has commercial rule of law programs in Vietnam and has funded small human rights related programs for woman, labor, and religious freedom. The Vietnam Education Foundation has brought 300 Vietnamese to the United States for graduate study in the past five years. The U.S.-Vietnam Fulbright program

remains one of the largest per capita, with an estimated 2,500 Vietnamese students and scholars coming to the U.S. to study in the past decade.

Recommendations

I. Pressing for Immediate Improvements to End Religious Freedom Abuses, Ease Restrictions, and Release Prisoners

In addition to designating Vietnam as a CPC, the U.S. government, in both its bilateral relations and in multilateral fora, should urge the Vietnamese government to:

Prisoner Releases

- release or commute the sentences of all religious prisoners of concern, including those imprisoned or detained on account of their peaceful advocacy of religious freedom and related human rights including, among others, Nguyen Van Dai, Le Cong Dinh, Nguyen Thi Hong, members of ethnic minorities in the Central Highlands and northwest provinces, the Cao Dai and Hoa Hao followers, and those held under some form of administrative detention or medical parole, including Le Thi Cong Nhan, Father Nguyen Van Ly, Father Phan Van Loi, the Most Venerable Thich Quang Do, and other UBCV leaders detained since the 2003 crackdown on the UBCV's leadership; and
- publicize the names of all Montagnard Protestants currently in detention for reasons related to the 2001 and 2004 demonstrations, allow visits from representatives of the International Committee of the Red Cross or other independent foreign observers, and announce publicly that a prompt review of all such prisoner cases will be conducted.

Revise Laws to Meet International Human Rights Standards

- amend the 2004 Ordinance on Religious Beliefs and Religious Organizations, Decree 22, the "Prime Minister's Instructions on Protestantism," and other domestic legislation to ensure that such laws do not restrict the exercise of religious freedom and conform to international norms regarding the freedom of thought, conscience, and religion or belief, including revising the vague national security provisions in the 2004 Ordinance;
- enforce the provisions in the Prime Minister's "Instructions on Protestantism" that outlaw forced renunciations of faith and establish specific penalties in the Vietnamese Criminal Code for anyone who carries out such practices;
- end the use of such far-reaching "national security" provisions as Article 88 or Article 258 of the Criminal Code, which have resulted in the detention of advocates for religious freedom and related human rights such as the freedoms of speech, association, and assembly;
- revise or repeal ordinances and decrees that empower local security police to arrest, imprison, or detain citizens in administrative detention for vague national security or national solidarity offenses, including Ordinance 44, Decree 38/CP, and Decree 56/CP, and Articles 258, 79, and 88, among others, of the Criminal Code, and end their de facto use to detain advocates;
- revise or repeal ordinances and decrees that limit the freedom of expression, assembly or association, including new regulations banning peaceful public protests of property disputes;
- end the harassment, threats, arrest, and revocation of legal licenses of human rights lawyers who take up political sensitive cases;

Countries of Particular Concern

- establish a clear and consistent legal framework that allows religious groups to organize and engage in humanitarian, medical, educational, and charitable work;
- investigate and publicly report on the beating deaths of Hmong and Montagnard Protestants and prosecute any government official or police found responsible for these deaths; and
- implement the recommendations of the UN Human Rights Council pursuant to Vietnam's May 2009 UN Universal Periodic Review, including cooperation with various UN mechanism and special procedures.

Protect Peaceful Religious Practice

- establish a non-discriminatory legal framework for religious groups to engage in peaceful religious activities protected by international law without requiring groups to affiliate with any officially registered religious organization, for example:
 - allow the banned Unified Buddhist Church of Vietnam (UBCV) or the Khmer Buddhists to operate legally and independently of the official Buddhist organizations and the Vietnam Buddhist Sangha, including allowing the UBCV's Provincial Committees and Buddhist Youth Movement to organize and operate without restrictions or harassment;
 - allow leaders chosen by all Hoa Hao adherents to participate in the Executive Board of the Hoa Hao Administrative Council or allow a separate Hoa Hao organization, such as the Hoa Hao Central Buddhist Church, to organize legally and operate with the same privileges as the Administrative Council;
 - allow Cao Dai leaders opposed to the Cao Dai Management Council to form a separate Cao Dai organization with management over its own affairs;
 - allow Protestant house church groups in the Central Highlands, central coast, and north and northwest provinces to organize independently and without harassment, and allow them to operate, if desired, outside of either the Southern Evangelical Church of Vietnam (SECV) or the Northern Evangelical Church of Vietnam (ECVN);
- allow all Hoa Hao groups freely and fully to celebrate their founding Prophet's Birthday, allow the printing and distribution of all the groups' sacred writings, and allow the rebuilding of the Hoa Hao Buddhist Library in Phu Tan, An Giang province;
- approve the registration applications of all 671 ethnic minority churches in the north and northwest provinces and allow them to affiliate immediately with the Evangelical Church of Vietnam (ECVN), consistent with the deadlines established in the Ordinance on Religious Belief and Religious Organizations;
- create a national commission of religious groups, government officials, and independent, non-governmental observers to find equitable solutions on returning confiscated properties to religious groups;
- end the harassment and restrictions on monks and nuns affiliated with the Plum Village (Lang Mai) order associated with Thich Nhat Hanh, rescind the government decree to disband the order in Vietnam, and allow them to live and worship together legally and in community without harassment; and

- issue public orders to disband the Religious Security Police (*cong an ton giao*) and hold accountable all officials who beat, harass, or discriminate against those exercising the universal right to the freedom of religion and belief.

Train Government Officials

- revise the *Training Manual for the Work Concerning the Protestant Religion in the Northwest Mountainous Region* to reflect fully international standards regarding the protection of religious freedom and remove language that urges authorities to control and manage existing religious practice through law, halt “enemy forces” from “abusing religion” in order to undermine the Vietnamese state, and “overcome the extraordinary...growth of Protestantism;”
- issue clear public instructions for provincial officials on the registration process, consistent with the provisions of the Ordinance, including by restating the timetables for responding to applications; providing redress for denials; and ceasing unreasonable demands for information or other conditions placed on registration applications, such as demanding the names of all members of religious communities, requesting management changes, requiring denominational leaders to convene conferences to undergo indoctrination classes, and requesting that denominational leaders become informants on other religious groups;
- issue a “National Handbook for Religious Work” to train the estimated 21,000 new government officials engaged in “religious work” that should include an unambiguous statement about the need to respect international standards regarding religious freedom; guidelines for interpreting the Ordinance on Religion and Belief; detailed procedures on how to oversee the legal recognition process; a clear explanation of the duties of provincial officials under the law; and a description of the rights of religious communities under Vietnamese law and international human rights standards, including providing avenues to report inappropriate actions by local officials or police; and
- issue a public statement clearly stating that the denial of educational, medical, housing, and other government services or economic assistance, including foreign aid, based on religious belief, affiliation, or ethnicity is contrary to Vietnamese law and that government officials found using such tactics will be prosecuted under the law.

II. Establishing New Priorities for U.S. Assistance & Refugee Programs

The U.S. government should assist the government of Vietnam and other international governmental and non-governmental organizations to develop protections for religious freedom and refugees in Vietnam, including by taking the following actions:

- support the work of regional human rights organizations and civil society mechanisms to focus attention on Vietnam while it is the 2010 ASEAN chair, including supporting the participation of prominent dissidents, religious leaders, and legal reform advocates from Vietnam in regional human rights conferences, symposia, training, and capacity building;
- fully implement the Montagnard Development Program (MDP) created as part of the House and Senate Foreign Operations conference report of 2005 and continued in the 2008 conference report, and consider expanding the MDP to assist all ethnic minority communities in Vietnam to provide targeted humanitarian and development funds to ethnic minorities whose demands for land rights and religious freedom are closely connected;
- ensure that rule of law programs include regular exchanges between international experts on religion and law and appropriate representatives from the Vietnamese government, academia, and religious

communities to discuss the impact of Vietnam's laws and decrees on religious freedom and other human rights, train public security forces on these issues, and discuss ways to incorporate international standards of human rights in Vietnamese laws and regulations;

- work to improve the capacity and skills of Vietnamese civil society organizations, including medical, educational, development, relief, youth, and charitable organizations run by religious organizations;
- offer some Fulbright Program grants to individuals and scholars whose work promotes understanding of religious freedom and related human rights;
- encourage the Vietnam Educational Foundation, which offers scholarships to Vietnamese high school-age students to attend school in the United States, to select youth from ethnic minority group areas (Montagnard and Hmong), from minority religious communities (Cao Dai, Hoa Hao, Catholic, Protestant, Cham Islamic, and Khmer Buddhists), or former novice monks associated with the Unified Buddhist Church of Vietnam and Khmer Buddhists;
- work with international corporations seeking new investments in Vietnam to promote international human rights standards in Vietnam and find ways their corporate presence can help promote and protect religious freedom and related human rights; and
- expand funding for additional Voice of America (VOA) and Radio Free Asia (RFA) programming for Vietnam and to overcome the jamming of VOA and RFA broadcasts;
- seek access to the Central Highlands to monitor the safe resettlement of Montagnards repatriated from Cambodia and continue to assist the UN High Commissioner for Refugees (UNCHR) and other appropriate international organizations as they seek unimpeded access to the Central Highlands in order voluntarily to monitor repatriated Montagnards consistent with the Memorandum of Understanding (MoU) signed on January 25, 2005 between the UNHCR, Cambodia, and Vietnam;
- increase the use of Priority 1 authority to accept refugees facing a well-founded fear of persecution, both those who have escaped to other countries in the region and those who are still in Vietnam, without the prerequisite of a referral by the United Nations High Commissioner for Refugees, including seeking to expand in-country processing in areas outside of Ho Chi Minh City; and
- allow all monks and nuns affiliated with the Plum Village Buddhist order to enter the United States from Thailand under temporary religious worker visas (R-1), and remove any obstacles to the immediate granting of their visas so that they are able join a functioning religious community in the United States until their order in Vietnam is reestablished.

III. Recommendations for U.S. Congressional Action

The U.S. Congress should:

- pass the Vietnam Human Rights Act (H.R. 1609 / S. 3678) and fully appropriate the funds authorized in the Act, including for programs in religious freedom, human rights, refugees, rule of law, public diplomacy, and anti-trafficking measures;
- ensure that any new funds appropriated or allocated to expand bilateral economic or security relations are met with corresponding funding for new human rights, civil society capacity-building, non-commercial rule of law programs in Vietnam, and consider creating a pilot program for Vietnam as an Asian counterpart to Supporting Eastern European Democracy (SEED) program--which could be called Promoting Universal Rights and the Rule of Law (PURRL);

- continue oversight, establish benchmarks, and measure progress of the U.S.-Vietnam Human Rights Dialogues, renewed in 2007, by holding appropriate hearings on the progress report the State Department is required to submit to Congress on the trajectory and outcomes of bilateral discussions on human rights as required by Sec. 702 of PL 107-228;
- appropriate additional funds for the State Department's Human Rights and Democracy Fund for new technical assistance and religious freedom programming that should be at least commensurate with new and ongoing programs for Vietnamese workers, women, and rule of law training; and
- engage Vietnamese leaders on needed legal revisions and protections of individuals related to the far-reaching national security provisions that are currently used to arrest and detain peaceful advocates for religious freedom and related human rights.