



One Free World International
El Shafie Ministries

**RELIGIOUS FREEDOM IN
AFGHANISTAN AND PAKISTAN**

**A STATEMENT BY
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ONE FREE WORLD INTERNATIONAL**

**BEFORE THE
TOM LANTOS HUMAN RIGHTS COMMISSION
OF THE
UNITED STATES CONGRESS**

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I. Introduction

Mr. Chairman and Members of the Commission, I would like to thank you for the opportunity to testify before the Tom Lantos Human Rights Commission today to present my observations and recommendations on the important subject of religious freedom in Afghanistan and Pakistan. My name is Reverend Majed El Shafie, and I am the President and Founder of One Free World International (OFWI), an international human rights organization based out of Toronto, Canada. I was born in Egypt to a prominent Muslim family of judges and lawyers. After I converted to Christianity and began advocating equal rights for Egyptian Christians, I was detained and severely tortured by Egyptian authorities. Sentenced to death, I fled Egypt by way of Israel and eventually was resettled in Canada in 2002. Hence, my concern for religious individuals, and especially religious minorities, around the world who are being persecuted because of their personal beliefs stems from the fact that I was once one of them.

I have been asked to comment specifically on the situation in Pakistan and Afghanistan based on my experience with religious freedom issues in these countries. While my comments will focus on freedom of religion, I would be remiss if I did not highlight the deplorable human rights situation of women and children, particularly in Afghanistan, especially since this situation is intimately linked to religious freedom through its justification on the basis of restrictive, intolerant religious grounds. The need for action is urgent due to recent developments both within each country and within the region as a whole, and I would take this opportunity to call on the United States to take immediate and decisive action in its relations with these states to promote respect for religious freedom and human rights more generally.

My goal here today is to encourage the United States, as a world leader, to take a principled stand for justice and freedom for religious minorities who are voiceless, vulnerable, and oppressed. I would like to note that a comprehensive written report including my full recommendations is available upon request and will be available on the One Free World International website at www.onefreeworldinternational.org.

Freedom of conscience is a fundamental, universal right that speaks to the very heart of what it means to be human, and freedom of religion – the basic freedom to decide not only what or what not to believe in, but also to manifest that choice in one's practices – forms the very basis of human dignity and is a pre-requisite for true equality under the law. As such, respect for these beliefs is a prerequisite for human dignity and true equality under the law. The right to religious freedom is recognized both by U.S. and international law as foundational and intrinsic to any truly free society, for without freedom of religion, experience has shown that there can be no lasting democracy, peace, or security. For these reasons, I would urge the United States to adopt a more comprehensive and proactive approach to this issue and take immediate steps to improve the integration of freedom of religion within its overall foreign policy particularly as it applies to Pakistan and Afghanistan.

The United States is entering a period of transition in its relations with both Pakistan and Afghanistan. In both cases, the United States is in a unique position to help determine whether each country goes down the path of freedom and respect for human rights or a path of

extremism, oppression, and violence. To its credit, the United States has repeatedly and publicly reiterated its commitment to promote and defend freedom of religion in this region and around the world. While such public endorsements of religious freedom are an important first step, the time has come for the reality of U.S. foreign policy to live up to the rhetoric.

II. Religious Freedom in Pakistan

1. Background

Pakistan has been a key ally of the United States' efforts to promote stability and fight terrorism in the region, and the United States has supported the government despite serious human rights concerns. However, Pakistan's commitment to American interests in the region is suspect at best, as confirmed with the discovery in 2011 of Osama Bin Laden's hiding-place only miles from a major state military academy and installation. Its commitment to human rights in general, and religious freedom in particular, is equally questionable. Pakistan is increasingly governed by Islamic principles and influenced by Islamic extremists. As a result of the government's apparent weakness, Islamic extremists are being strengthened and support for extremist groups and parties is increasing with a direct impact on religious minorities.

About 97% of Pakistan's population adheres to either Sunni (77%) or Shi'a (20%) interpretations of Islam. The remaining 3% includes Christians, Hindus, Ahmadis, and other religions. Despite provisions ostensibly protecting religious freedom, the Pakistani Constitution, as amended in 2010, makes the "right to profess, practice, and propagate" the religion of one's choice "*subject to law, public order, and morality*"¹ – an unacceptably broad limitation that has been used to effectively undermine any ostensible guarantee of religious freedom. Laws enshrining various aspects of shari'ah reinforce the second-class citizenship of all non-Muslims and directly involve the state in persecution of minorities. Foremost among these are the so-called Blasphemy Laws (which I will discuss in more detail shortly), enacted in their current form in the early to mid-1980s. Furthermore, as recently as May 2007, Muslim parties put forward a bill called *The Apostasy Act 2006*, which proposed death for males and life imprisonment for females who change their religion from Islam. Although the bill has not been officially passed into law, the government did not oppose it, but rather sent it to a parliamentary committee for consideration. Moreover, the constitution also states that "all existing laws shall be brought in conformity with the Injunctions of Islam...and no law shall be enacted which is repugnant to such Injunctions,"² a provision that has been successfully used by opponents of legal reforms aimed at protecting religious freedom.

While government actors are guilty of persecution directly, many abuses of religious freedom involve local or community abuses rather than direct state action. These include attempts at forced conversion, kidnapping and rape of Christian and other minority girls, and vigilante enforcement of strict shari'ah and the Blasphemy Laws. However, the authorities are complicit

¹ *The Constitution of the Islamic Republic of Pakistan*, National Assembly of Pakistan (as modified 20 April 2010) at art. 20, online: < <http://www.mohr.gov.pk/constitution.pdf> > accessed 9 March 2012.

² *The Constitution of the Islamic Republic of Pakistan*, National Assembly of Pakistan (as modified 20 April 2010) at art. 227(1), online: < <http://www.mohr.gov.pk/constitution.pdf> > accessed 9 March 2012.

by enabling these abuses through their refusal to investigate or assist victims. My statement today focuses on the Blasphemy Laws, rape of minority girls, and slave labour camps.

2. Blasphemy Laws

Despite repeated promises by past regimes that they would be repealed, Pakistan's vague and draconian Blasphemy Laws remain in force and very much in use. Far from being merely a symbolic and irrelevant gesture, the blasphemy provisions are still a powerful tool in the hands of Islamic extremists – so much so that vocal opponents of these laws have paid with their lives. On March 2, 2011, Shab haz Bhatti, Pakistan's first Christian Minister for Minority Affairs, was assassinated for his opposition to the Blasphemy Laws less than two months after Salman Taseer, Governor of Punjab, was killed by his own security guard for the same reason.

These blasphemy provisions, contained in sections 295B-C of the Pakistani Penal Code (along with sections 298 A-C that specifically target Ahmadis), mandate as follows: life imprisonment for defiling, damaging, or desecrating a copy of the Koran or an extract from it; and life imprisonment or death for derogatory remarks, direct or indirect, against the Islamic prophet Mohammed. The Blasphemy Laws are primarily used to terrorize minorities and pursue personal scores and vendettas, and their very existence undermines any effective freedom of religion in Pakistan. The definition of 'blasphemy' is so broad and vague that it constitutes an affront to any conceivable notion of the rule of law and international human rights standards. An individual can easily breach this law without intention and almost any comment or gesture can be interpreted as a violation at the accuser's whim and fancy.

The potentially unlimited scope of the 'crime' of 'blasphemy' is illustrated by section 295C, which reads:

295-C. Use of derogatory remarks, etc., in respect of the Holy Prophet: Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.³ (emphasis added)

Intimidation and threats against lawyers and judges makes defending against blasphemy charges difficult; nevertheless, the death sentence is usually overturned on appeal. However, even when the conviction or sentence is reversed, the accused has typically spent several years in prison on false charges in horrific conditions, facing daily abuse from guards and fellow inmates. Numerous accused who were acquitted by the courts have been killed by mobs or Muslim vigilantes. Others have been killed by Muslim prisoners while awaiting a verdict in their case.

Time does not allow for a comprehensive examination of the countless human rights abuses arising from the Blasphemy Laws, and the examples that follow are merely illustrative of their widespread and enduring use and how their very existence affects the daily lives of Christians even if they do not result in official charges. On February 28, 2012, Shamin Bibi, a 26-year old mother, was arrested for allegedly 'blaspheming' the Islamic prophet Mohammed, despite the

³ *Pakistan Penal Code*, (XLV OF 1860), c. 15, s. 295-C., online:
<<http://www.unhcr.org/refworld/docid/485231942.html> > accessed 13 March 2012.

fact that at least one of the alleged ‘witnesses’ was not even present at the time of the alleged incident. On September 28, 2011 a 13-year-old school-girl was expelled and her family forced to uproot their lives and relocate due to pressure from blasphemy accusations arising from an inadvertently misspelled word on a school assignment.

As I speak to you today, another mother (of five), Asia Noreen (better known as Asia Bibi), remains in prison under a death sentence for ‘blasphemy’ following a complaint by some Muslim women from her village. They had been working together in the fields when she brought them water at their request, which led to a dispute over whether they could drink the water she, a non-Muslim, had offered them. During the ensuing dispute Ms. Bibi had stated her conviction that Jesus, not Mohammed, is the true prophet resulting in an attack by an extremist mob and charges that she had insulted Mohammed. The lawyers working on her appeal have been subject to death threats, and Ms. Bibi herself has been repeatedly beaten and mistreated by Muslim prison guards.

In December 2011, Khuram Masih, a 23-year old Christian man, was charged with ‘blasphemy’ on false allegations of desecrating the Quran – despite a complete lack of evidence and contradictory testimony from the alleged ‘witnesses’ – following a dispute with his Muslim landlord over rent. In January 2012, Mr. Masih was denied bail. In June 2011, Dildar Yousef was charged with ‘blasphemy’ after intervening to defend his nephew from a mob of Muslim youth who were attempting to force the eight-year-old boy to recite the Islamic creed. Only 3 months earlier, Qamar David, a Christian man serving a life sentence for allegedly sending ‘blasphemous’ text messages, died in prison after expressing fears for his life to his legal team. The conflicting accounts of his death given by prison officials have led many to suspect that Mr. David was murdered.

3. Rape of Christian Girls

Pakistan acceded to the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) in 1996. However, despite Pakistan’s outward endorsement of international standards and the symbolism of the late Benazir Bhutto’s achievements as the first female prime minister of a Muslim state, the status of Pakistani women, and particularly minority women, remains of grave concern. As in many other Muslim countries, Christian and other minority girls are commonly raped by local Muslims. Cases of Christian girls who have been raped or gang-raped, either simply because they are Christians or as punishment for various actions by or disputes with the girls’ family members, routinely come to our attention. With some exceptions, Pakistani police generally do not pursue these cases and even where they do, proving rape has been virtually impossible in Pakistani courts.

The so-called “Hudood Ordinances,” enacted in 1979, required the rape victim to adduce four male eye-witnesses, failing which women have been charged with *zina* (adultery or fornication). The prescribed punishments are in line with strict Islamic law, up to 100 lashes or death by stoning. Amendments to these ordinances, which re-inserted the crime of rape into the criminal code, were enacted with much fanfare in 2006. However, while the reforms have addressed some of the legal problems in theory, they have been grossly inadequate and have failed to have any practical effect on the culture of impunity surrounding the rape of minority girls and the use of

the threat of a charge of adultery as a means to force minority women to marry their Muslim rapists and convert to Islam.

Minority victims often do not report rape cases for a variety of reasons, including: the limitations of the relevant legislation and the ongoing adherence by local shari'ah or tribal courts (the only courts accessible for most Pakistanis) to the principles of shari'ah law which underlay the Hudood Ordinances; ignorance of their rights and the law as well as a lack of education and resources to pursue official means of redress among impoverished and often illiterate minority communities; and the social stigma associated with victims of these crimes in a conservative, religiously defined society. Official indifference or even hostility to these cases in general and/or to minority complainants in particular, along with the broader (and often violent) social pressure exerted against those who file complaints, is not only a barrier to justice in reported cases, but also a deterrent for women to file a report in the first place.

In a case that typifies the struggles faced by minority rape victims, a Christian mother of 5 was raped by two Muslim men on September 15, 2011. The police initially refused to file a complaint, and even after finally opening an investigation due to intense pressure from international advocates, police delayed a full two weeks before arresting a suspect, allowing members of the Islamic community to pressure the woman's family to drop the charges. As a result of the stress of the ordeal, the victim's elderly father died of a heart attack – and after all this it remains unclear whether the arrest will result in any meaningful punishment for the perpetrators.

The U.S. State Department's own latest report acknowledges at least two cases where victims of rape faced either official apathy or violent pressure to withdraw the charges. These include an incident on July 22, 2010, when a 12-year old Christian girl was gang raped by a group of students. Under pressure from Muslim leaders, the authorities refused to accept the complaint.⁴ One day earlier, a 16-year old Christian girl was raped by three men, who subsequently abducted and tortured the victim's father after he attempted to file a claim with the authorities.⁵

Moreover, the disturbing practice of minority girls being abducted, raped, and forced to convert to Islam is not only ongoing but appears to be increasing. Although accurate statistics are difficult to compile – given the fact that most rape in Pakistan goes un-reported for the reasons outlined above – recent estimates suggest that there are in excess of 700 such cases each year.⁶ Women who are subjected to this horrific practice are left with few alternatives but to submit to a life of subjugation and shame at the hands of their rapists. Given the aforementioned religious laws, courts have proven unwilling to order a girl returned to her family after having sexual relations (even forced) with a man, especially if the girl becomes pregnant. If the girl successfully evades her captors, she and her family are frequently subjected to violent threats from the abductors – who are often powerful members of the Muslim community – not to

⁴ United States Department of State, *International Religious Freedom Report: Pakistan, July-December 2010*, online: Department of State <<http://www.state.gov/documents/organization/171759.pdf>> accessed 13 March 2012.

⁵ *Ibid.*

⁶ Barnabas Fund, "Estimated 700 Christian Girls Annually Kidnapped and Forcibly Married to Captors in Pakistan," 19 September 2011, online: <<http://barnabasfund.org/UK/News/Archives/Estimated-700-Christian-girls-annually-kidnapped-and-forcibly-married-to-captors-in-Pakistan.html>> accessed 15 March 2012.

mention the fact that, by returning to her non-Muslim family, the victim is now considered to be an ‘apostate’ under shari’ah.

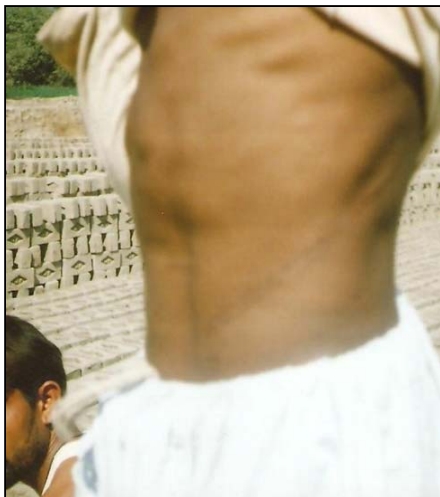
On a fact-finding mission to Pakistan in 2007, I was introduced to a particularly disturbing case. My team and I met Neeha, a young Christian girl only 4 years old, who had been raped at the age of 2 ½ by the Muslim son of her father’s employer. Her father, a farmer, had refused to convert when pressured to do so by his employer. In revenge, the employer’s son raped the child and left her at the side of the road to die. When she was found, the hospital refused to treat her and the family was forced to seek help at a hospital in another town where news of the incident had not yet reached.

The authorities did not bring justice to Neeha’s case. The young man felt that he was entitled to inflict this unthinkable punishment on this innocent child simply because her father refused to convert to Islam and, as a Christian, had no rights. By refusing to pursue the matter, the authorities granted legitimacy to this perverted sense of entitlement. The family remained in hiding for almost four years, unable to obtain further medical help for the child. Today, Neeha and her family are safe in Canada, and earlier this month they received landed immigrant status thanks to the goodwill of the Canadian government. However, many more girls like Neeha remain voiceless and helpless at the hands of their abusers.



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Neeha, a four-year-old Christian girl who was raped at age 2 ½ by the Muslim son of her father’s employer.



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A Christian worker displays a lengthy scar across his abdomen from torture at a brick factory visited by Rev. El Shafie.

4. Labour Camps

On another fact-finding mission, I was taken undercover to view a labour camp south of Lahore. Poor Christians and members of other minorities are approached by wealthy businessmen with government connections who offer them loans. The loans are to be paid back by working at ‘factories’ where the workers will be provided food and shelter. In a country of extreme poverty such an offer seems an attractive option to the destitute who have no other options and no future because of their minority status. In actuality, on accepting these terms the Christians are then taken to ‘factories’ that function as labour camps where they are forced into what is essentially indentured servitude, or modern-day slavery.

Our sources informed us about six such camps and provided us with the names of the 660 families at the camp my team and I visited. These families and

individuals are forced to live and work under armed guard in appalling conditions, including child labour and physical abuse ranging all the way to torture. They receive minimal pay with no prospects of escape.

Accurate figures are difficult to obtain, but the latest U.S. Department of State estimates suggest that over 1.8 million people are victims of bonded labour in Pakistan⁷ and the actual numbers are likely much higher. Despite the staggering scope of these abuses, the Pakistani government has taken no measures to address conditions at the camps, to prosecute those responsible under existing laws, or to provide training and education for the workers so that they can obtain proper employment.

III. Religious Freedom and the Rights of Women and Children in Afghanistan

1. Background

The constitution of Afghanistan states that the country is an Islamic republic. The population is overwhelmingly Muslim, with 99% of Afghans identifying with either Sunni (80%) or Shi'a (19%) schools of Islam. The remaining 1% consists of Hindus, Sikhs, and others, including a tiny minority of secret Christians with estimates of its size varying widely from 500 to 8,000.⁸ The traditional position of the authorities, however, is that all citizens are Muslim – a position that precludes any meaningful religious freedom in Afghanistan.

The government of Afghanistan is bound by its own constitution as well as by international law to respect and in fact to enforce the rights of religious minorities. Article 2 of the Afghan constitution, while recognizing Islam as the country's official religion states that,⁹

Followers of other faiths shall be free within the bounds of law in the exercise and performance of their religious rituals.

Article 22 states that,

Any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden.

and Article 29,

Persecution of human beings shall be forbidden. No one shall be allowed to [commit] or order torture, even for discovering the truth from another individual who is under investigation, arrest, detention or has been convicted to be punished. Punishment contrary to human dignity shall be prohibited.

⁷ United States Department of State, *Trafficking in Persons Report 2011*, online: <<http://www.state.gov/j/tip/rls/tiprpt/2011/164233.htm>> accessed 13 March 2012.

⁸ United States Department of State, *International Religious Freedom Report, July-December 2010*, online: Department of State < http://www.state.gov/j/drl/rls/irf/2010_5/168240.htm> accessed 15 March 2010.

⁹ All references to the constitution of Afghanistan are to: *The Constitution of Afghanistan*, ratified 26 January 2004, online: *The Afghan Constitution*, January 4, 2004, online: <<http://www.afghanembassy.com.pl/cms/uploads/images/Constitution/The%20Constitution.pdf>> accessed 14 March 2012.

To date, however, these principles have not been applied in practice, to the point where I can say with conviction that there is no freedom of religion in Afghanistan. Nowhere is this more evident than in the recent deliberate campaign by Afghan authorities against converts, which I will discuss in a moment, but also in on-going persecution by religious and civil authorities and their unwillingness to protect individual converts from attack by family members or other individuals in the community – all of which clearly violates Afghanistan’s own constitution.

Moreover, the continued existence of civil and religious laws, in particular apostasy laws, which prevent individuals from holding, practising, or changing their religious beliefs as they choose are a grievous breach of international human rights law. A full review of religious minority issues in Afghanistan is beyond the scope of this statement, and I will, therefore, focus on two specific areas of acute urgency, namely the on-going situation related to apostasy and the treatment of converts as well as the government’s current campaign against local and foreign Christians. What follows is only a sampling of the cases that have taken place in Afghanistan and even outside the country through the direction of Afghan authorities in recent years since the new constitution and the new, post-Taliban regime. Additionally, while the focus of this statement is on religious freedom, I would be remiss if I did not mention the horrific abuses endured by women and children generally, which I will also briefly highlight.

2. Persecution of Converts from Islam

Religious freedom is for all intents and purposes non-existent in Afghanistan given the official claim that all citizens are Muslim. Particular concern must be raised about the apostasy laws sanctioned and enforced by Islamic shari’ah courts and by Afghan authorities. These laws are implicated in countless cases of Muslims who have converted to Christianity and, as a result, have been condemned to death by shari’ah courts or civil authorities. In many cases these judgments have been carried out while in others the converts have been forced to flee the country to save their lives.

One prominent case involved Said Musa, an Afghan convert from Islam who was arrested in May 2010, charged with ‘apostasy’ and sentenced to death. Although Mr. Musa was released in February 2011 following intense international diplomatic pressure, he endured sexual abuse, psychological abuse, and torture during his detention and has now obtained refuge in a third country. Another convert, Shoaib Assadullah, was arrested and threatened with execution for apostasy (leaving Islam) in October 2010 after giving a friend a copy of the New Testament. Mr. Assadullah has also been physically assaulted, threatened, and raped by fellow inmates and Afghan authorities.

While Mr. Musa’s case shows that Afghan authorities are sensitive to international pressure – an outcome which should serve as an encouragement to the United States to exert its influence – these two cases are only part of a consistent pattern of similar abuses that take place on an on-going basis. The only difference in Mr. Musa’s case is that his story managed to capture the attention of the international press while numerous others continue to unfold out of the limelight, as the media is focused on other issues related to the geopolitical situation in Afghanistan. In fact, both Mr. Musa’s and Mr. Assadullah’s cases are part of a larger, deliberate campaign to find

and execute all Afghan Christians and converts initiated recently by the government of Afghanistan.

The current open campaign began in earnest when a privately run television channel aired a program on May 27 and 28, 2010 about converts to Christianity, broadcasting footage of what was purported to be Afghans being baptized and praying with western Christians. Angry protests against foreigners trying to convert Muslims took place in Kabul, prompting the government to issue official statements on the matter. Abdul Attar Khawasi, Deputy Secretary for the lower house, stated in parliament that, “Those Afghans that appeared in this video film should be executed in public, the house should order the attorney general and the NDS [intelligence agency] to arrest these Afghans and execute them.” President Hamid Karzai’s spokesperson has stated that the president himself had urged his interior minister and the head of intelligence to investigate and “to take immediate and serious action to prevent this phenomenon” [the conversion of Afghans to Christianity].

The official reaction to this television broadcast was followed by a severe crackdown on the already small and beleaguered Christian community in Afghanistan. Police engaged in arbitrary and repeated searches of homes and businesses, and our sources state that at least 26 individuals believed to be converts were arrested, as well as Muslim family members of suspected converts. Some of those in custody were raped and tortured in an effort to obtain information about other converts and gatherings. As indicated above, the government has stated its intention that any individuals found to have converted will be executed and that any organizations found to have engaged in proselytization will be punished.

This is not a new campaign, but rather the continuation of a pattern of persecution and repression perpetuated by laws such as the apostasy provisions and the systemic lack of enforcement of the rights contained in Afghanistan’s own constitution. In fact, OFWI has obtained copies of the arrest and execution warrants issued by state and religious authorities in a number of cases before the broadcast. The following are only some of the cases that have taken place in recent years and that have been brought to our attention. Most of the individuals involved are now in third countries.

Obaidullah (Place of Birth: Kapisa; UNHCR Ref #: 07IND00956) received a letter from the local mosque which demanded that he appear before the religious leaders of the mosque and declare publicly that he was cheated by Christians into converting and that he repents and returns to Islam. If he failed to do so, he would be punished directly or delivered to the Islamic court to be executed. He fled and is in India.

Ghafar’s (Place of Birth: Kabul; UNHCR Ref #: 09C03153) father was a Christian. He was killed and the family’s house set on fire by Mujahideen groups in the 1990s. After his father’s death, Ghafar and the rest of his family escaped to Iran where they made every effort to keep their Christianity secret. When the Karzai government came to power, Ghafar’s mother and brother decided to return to Afghanistan where his brother, Satar, soon disappeared. His mother states that Satar was kidnapped by people calling him a “pagan” and “infidel” and threatening that it was “time to remove your dirty name from the surface of the earth”. He has not been heard

of since and his body has not been found. In the meantime Ghafar himself also left Iran where he experienced persecution and is now in India.

Bibi Zahra (Place of birth: Sare Pul; UNHCR Ref #: 10C00563) was arrested by Afghan police who demanded she pay them \$3,000 USD. The police intended to deliver her to the Islamic court to be sentenced to life in prison for leaving Islam and to force her to reveal the names and details of all Christian fellowships and believers that she knew in Afghanistan. She was released and told to leave the area after giving the police \$1,300 USD (an enormous sum for Afghans) as a bribe. Through further bribes she was able to leave the country with her three small daughters and is now in India.

Ghulam Sarwar Haidari (Place of birth: Kabul; Afghan Passport #: OA 240872) was arrested and beaten by police in Kabul City. After he was released against money, his relatives beat him and sought to deliver him to the police. He escaped and is now in India.

3. Plight of Afghan Refugee Claimants Abroad

Even those converts who are able to flee from the country are not safe from persecution. Afghan authorities routinely harass and threaten converts from Islam who have found refuge abroad. In one such case, Abdul (Place of birth: Ghazni; UNHCR Ref #: 07C01139) and another Afghan Christian were detained by the Afghan Embassy in New Delhi in 2009. The embassy had obtained photos of all Afghan Christians who lived in New Delhi and the two were detained when they attended at the embassy to try to obtain a letter for a little girl who needed a kidney transplant. They were forced to tell embassy officials that they were not Christians and that they had lied to the UNHCR office about being Christians, after which they were released.

Moreover, converts who apply for refugee status are placed in an extremely vulnerable position as a failed application and subsequent deportation will alert the Afghan government of their conversion and places them in extreme danger of persecution or even death upon their return. What follows are only two examples of the profound insecurity faced by Afghan refugee claimants, who must live in constant fear of being deported to face added persecution.

Shahvalay's (Place of birth: Kunduz; UNHCR ref #: 786-10C06903) uncle and cousins tried to kill him in the year 2006. He fled the country but his case was rejected by the UNHCR, after which he was deported to Afghanistan. He was arrested at the Kabul airport on his return, his money was taken from him, and he was then released. He was in Kabul for a time during which he faced persecution and eluded attempts by the police to arrest him until he was finally forced to flee once again. He is now in Azerbaijan.

Salim's (Place of birth: Ghazni; UNHCR Ref #: 08C00014) father sought to deliver him to the police because of his conversion so he fled the country but was deported back to Afghanistan when his case was rejected by the UNHCR. He was followed by police and had to constantly move around from province to province until he was finally arrested. After the authorities forced him to divorce his wife and pay 8,000 Afghani he was released but a warrant for his arrest and execution remain.

4. Women in Afghanistan

After decades of war and conflict, women and children have been left an overlooked and marginalized segment of the population. Since the demise of the Taliban, some advances have been made, but serious problems remain and Afghan women and girls remain much worse off than before the Taliban emerged and face growing threats from the re-emergence of conservative forces in Afghan politics. Despite the vast store of wisdom that women could bring to the issues in Afghanistan, they continue to be marginalized, treated as irrelevant, and in many cases horribly abused.

Once again, Afghan law and international law provide theoretical rights for women. Article 22 of the Constitution, for instance, states:

Any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden.
The citizens of Afghanistan, man and woman, have equal rights and duties before the law.

(Emphasis added)

Afghanistan is also a signatory to the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) which it ratified March 5, 2003. However, the



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Rev. El Shafie, Founder and President of One Free World International, meets in post-Taliban Afghanistan with Afghan women who are victims of human rights abuses, including spousal abuse and forced marriages.

Afghan government has failed to provide meaningful guarantees for these rights. Despite the passage of the 2009 law on *Elimination of Violence Against Women* in response to domestic and international pressure, a report released by the United Nations in November 2011 reports that the actual enforcement of the provisions by Afghan officials was “limited” at best and that “most incidents are unreported.”¹⁰

Moreover, the Afghan government has taken several troubling steps that directly contradict the principles of equality and dignity contained in the above provisions and that further threaten the status of women in Afghanistan.

a. The Shi’a Personal Status Law

On July 27, 2009, at the same time as the passage of the aforementioned *Elimination of Violence Against Women Law*, the government of Afghanistan passed an essentially contradictory piece of

¹⁰ Office of the High Commissioner for Human Rights, “A Long Way to Go: Implementation of the *Elimination of Violence Against Women Law* in Afghanistan,” November 2011, at p. 1, online: <http://www.ohchr.org/Documents/Countries/AF/UNAMA_Nov2011.pdf> accessed 13 March 2012.

legislation in the *Shi'a Personal Status* law. As it only applies to the minority Shi'a population, this personal status law is both a violation of women's rights and religious freedom, as it unjustly discriminates between women on the basis of religion. While it will be acknowledged that the law was modified from the original proposal under heavy international pressure, it still contains provisions that are of serious concern and clearly violate the Afghan constitution, international human rights law, and Afghanistan's express international commitments and obligations.

In fact, despite the amendments, the law as passed is not appreciably better than the original, as it perpetuates and condones the dehumanization and abuse of Afghan women. A provision requiring wives to have sexual relations with their husbands at a minimum every four days was replaced with a provision that allows husbands to withhold basic necessities, including food, if their wives refuse to meet their sexual demands. With this provision the law sanctions a form of marital rape, since a threat to withdraw the necessities of life constitutes coercion and effectively voids any consent a wife may give, leaving Shi'a women at the complete mercy of the sexual whims and demands of their husbands. The law also retains many of the other discriminatory provisions of the original draft, including exclusive male custody and continued restrictions on the mobility of women outside the home.¹¹

b. Ulema Council Restrictions on Status of Women Endorsed by President Karzai

In a troubling recent development, President Karzai has endorsed a highly restrictive 'code of conduct' for women issued on March 2, 2012 by Afghanistan's Ulema Council,¹² a very powerful (and government-funded) religious advisory body composed of the state's top Muslim clerics. In a statement on March 6, two days before International Women's Day, President Karzai denied that the guidelines "propose any limitations" on Afghan women, but that they merely "announced Islamic principles and values...in accordance with a Shari'a view of our country, which all Muslims and Afghans are committed to."¹³

However, the provisions of the 'code' are in clear violation of both the Afghan constitutional principles of equality outlined above and international human rights standards – and represent a major step backwards for women in Afghanistan. The declaration contains a clear statement that "men are fundamental and women are secondary,"¹⁴ along with a prohibition to interact with males in "social situations" including the office and school – a provision that would seriously curtail women's ability to participate in society outside the home. Women are also called upon to

¹¹ For an overview of the impugned provisions of the law, see UN Human Rights Council, "Report of the Special Rapporteur on Freedom of Religion and Belief," 16 February 2010, A/HRC/13/40/Add.1, at p. 4-5, online: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-40-Add1_EFS.pdf> accessed 14 March 2012. See also Human Rights Watch, *World Report 2010: Afghanistan*, online: <http://www.hrw.org/sites/default/files/related_material/afghanistan.pdf> accessed 14 March 2012.

¹² The guidelines were published on President Karzai's website at Office of the President of the Islamic Republic of Afghanistan, "Full Text of the Ulema Council," 2 March 2012, online: <<http://president.gov.af/fa/news/7489>> accessed 14 March 2012.

¹³ Excerpt of statement on Eurasianet.org, "Karzai Backs Afghan Clerics Over Stronger Restrictions on Women," 8 March 2012, online: <<http://www.eurasianet.org/node/65105>> accessed 15 March 2012.

¹⁴ All references to the Ulema Council declaration are to an unofficial translation adopted by the major media outlets: see "English translation of Ulema Council's declaration about women," Afghanistan Analysis Group, online: <<https://afghanistananalysis.wordpress.com/2012/03/04/english-translation-of-ulema-councils-declaration-about-women/>> accessed 14 March 2012.

“[avoid] travel without a [male companion],” and the guidelines also forbid the beating of women only in cases where there is no “Shariah-compliant reason.” Indeed, women’s rights groups in Afghanistan are warning that these provisions are reminiscent of the position of the Taliban and that President Karzai’s endorsement is a worrisome sign that the Afghan government is using the rights of women as a pawn in a political game.

5. Boy Play – The “Bacha Bazi”

Bacha bazi, or boy play, is an ancient custom that goes back centuries and possibly thousands of years in Afghanistan. It was banned under the Taliban regime but has been revived, particularly in the northern regions, since the Taliban’s demise and attendant increase in certain freedoms. The practice has been brought to light in the western media by several international news agencies, including a special investigative report by PBS’s *Frontline*.¹⁵ It has been condemned by Islamic scholars as un-Islamic and as a form of sexual slavery by the United Nations Under-Secretary-General, Radhika Coomaraswamy, yet it is re-surfacing.

In this deplorable custom, powerful men take poor and vulnerable boys into their “protection”, sometimes with the approval of the boys’ families. They promise to train them or give them work and prepare them for a better life. In actuality, the boys are taken into a form of sexual slavery from which they have no escape. Their masters teach them to entertain their friends by dressing in women’s clothing and dancing seductively in front of all-male audiences. Masters compete among each other for prestige and social rank for having the best boys. At the end of the evening the boys are often shared for sexual favours or bought and sold among masters with such events often ending in assault and rape. *Bacha bazi* boys are commonly threatened and assaulted and have been killed as a result of disputes between the men involved or for attempting to escape.



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Fadin (age 14) has been kidnapped twice. He was forced to wear women's clothing and dance and was raped by men and beaten. Unlike many others, he is one of the lucky ones; the last time this happened, his father was alerted to it and rescued him.

There is no way around the conclusion that this practice is slavery. The boys taken into this life are teens and children as young as 11 and sometimes much younger. They are poor and vulnerable, often orphans or street-children or from poor or abusive families. The boys are lured, usually by rich, powerful men, under false pretences of protection, education or training, and a

¹⁵ For a synopsis of the PBS special and a transcript of the interview with Under-Secretary General Coomaraswamy, see “The Dancing Boys of Afghanistan,” 20 April 2010, online: <http://www.pbs.org/wgbh/pages/frontline/dancingboys/etc/synopsis.html> accessed 15 March 2012. Other news agencies or sources that have addressed the subject include Reuters, *The Guardian*, and CNN, among others.

better life. The true nature of the relationship is not revealed until it is too late. The boys have no choice in entering this life-style and once they are in it they do not have the choice to leave. Even if they succeed in leaving they are burdened with the stigma of having been *bacha bazi*. One of the most heart-wrenching aspects of this despicable practice is that often when the boys grow up they in turn take boys of their own, condemning generations of Afghan boys to a vicious cycle of sexual abuse and slavery.

The failure by the Afghan government to put an end to this deplorable practice is a grievous violation of its international human rights obligations and of its basic duty toward its own citizens. Children are Afghanistan's future. Yet they are the most vulnerable of all and need the protection and guidance of their parents, communities, and the state. As President Karzai stated in characterizing as a crime against humanity the reported execution by the Taliban of a 7-year-old boy as a spy, "A 7-year-old boy cannot be anything but a 7-year-old boy."¹⁶ Certainly the same applies to young boys whose dignity, future, and too often their very lives are stolen from them by powerful men in pursuit of power, prestige, and sexual gratification. If the people of Afghanistan and the leadership of the country cannot protect its children, it has no future.

IV. Recommendations for U.S. Foreign Policy in Afghanistan and Pakistan

The eyes of the world are on the United States and its actions in the Middle East and South Asia. The United States' position as a global leader and the very integrity of the principles on which its foreign policy purports to be based demand immediate and substantive action to address the abuses outlined above. Despite the fact that President Obama stood in Cairo in June 2009 and affirmed that, "[f]reedom of religion is central to the ability of peoples to live together,"¹⁷ religious freedom has often been marginalized and subordinated to other considerations in the formulation and implementation of U.S. foreign policy toward Pakistan and Afghanistan. This trend cannot be allowed to continue as inaction in this area will effectively undermine U.S. moral authority in its dealings with other states.

Moreover, violations of religious freedom are often at the root or at least central to regional instability and anti-democratic trends. As a result, any U.S. foreign policy efforts aimed at promoting democracy, social stability, peace, and security without taking into account the issue of religious freedom effectively ignore one of the fundamental sources of the very problem they are seeking to address and are, therefore, destined to fail. Unless meaningful steps are taken to prioritize religious freedom in U.S. relations with Pakistan and Afghanistan, U.S. foreign policy in these very religious states will not only be highly ineffective, but will also risk exacerbating tensions and insecurity in the region.

¹⁶ M. Mati, "Officials: Taliban executes boy, 7, for spying" CNN, 10 June 2010, online: CNN <<http://www.cnn.com/2010/WORLD/asiapcf/06/10/afghanistan.child.execution/index.html>> accessed 15 March 2010.

¹⁷ "Remarks by the President on a New Beginning at Cairo University, Cairo, Egypt", 4 June 2009, online: The White House, Office of the Press Secretary <<http://www.whitehouse.gov/the-press-office/remarks-president-cairo-university-6-04-09>> accessed 12 March 2012 ["A New Beginning"].

In these societies where the role of religion as a foundational source of individual identity is particularly heightened and the acknowledged organizing principle of society itself, the absence of religious freedom forces individuals to choose between living as second class citizens, being denied the right to participate in the full benefits of society, or denying their most deeply held beliefs in order to participate in the public sphere. This is an untenable choice, and history and experience clearly demonstrate that societies where religious freedom is denied are incapable of sustaining meaningful democratic institutions and are highly susceptible to both internal and external conflict.

1. Designate as “Country of Particular Concern” (CPC) – and Adopt Substantive Measures

A source of great concern is the failure by the State Department to designate either Pakistan or Afghanistan as “Countries of Particular Concern”. According to the *International Religious Freedom Act*, a “country of particular concern” is one that “has engaged in or tolerated particularly severe violations of religious freedom” (emphasis added).¹⁸ In light of the deplorable state of religious freedom (and human rights more generally) in both Afghanistan and Pakistan, as I have outlined, it is difficult to conceive of any reason why each of these countries would not meet this threshold. The United States must not sacrifice human rights for the sake of geopolitical considerations. The credibility of the United States’ commitment to religious freedom can only be maintained if it is willing to apply the CPC designation to its allies as well as to its enemies.

Such a designation, however, must be more than symbolic, and the United States must use all foreign policy tools at its disposal to address the violations described in this statement and ensure that both governments in question take the necessary steps to ensure long-term protection of the rights of religious minorities, women, and children. As history has shown, diplomatic engagement and political dialogue – however sustained and constructive – are often insufficient. In order for U.S. diplomatic engagement to be effective in both of these countries, it must be backed by a demonstrable commitment to take substantive policy action in response to violations. If either of these governments is not willing to respond positively to the United States’ representations, it must not continue its relationship with that country on a “business-as-usual” basis but be willing to disengage and make the resumption of normal relations conditional on measurable progress in the area of religious freedom.

The purpose behind the recommended actions is not simply to punish violating states and voice the United States’ outrage at the behaviour in question. Punishment is not an end in itself but a means to achieve the ultimate purpose of seeing Pakistan and Afghanistan take positive steps toward the protection of religious freedom by providing them with a real incentive to change their behaviour. In Pakistan, for instance, the United States must apply substantive policy measures to exert pressure on the government to repeal its blasphemy laws, while in Afghanistan such targeted measures must be used to compel the Western-backed government to desist from its officially-sanctioned policy of pursuing converts from Islam. These examples are certainly not an exhaustive list of the issues that must be addressed in the pursuit of real religious freedom,

¹⁸ U.S., Bill H.R. 2431, *International Religious Freedom Act of 1998*, 105th Cong., 1998, at § 402(b)(1)(A) (enacted) [*IRFA*].

but one must begin somewhere and these items represent areas in which the United States must begin to move beyond mere rhetoric and take real, substantive action.

2. Link U.S. Aid to Human Rights with Clear Reference to Religious Freedom

Perhaps the most effective way for the United States to encourage both these governments to address the state of religious freedom is to create an explicit link between that country's respect for freedom of religion and its eligibility to receive U.S. aid. Given the magnitude of U.S. contributions to each of these countries, international aid is perhaps the United States' most powerful means of exerting pressure on states that refuse to respond positively to its diplomatic efforts in matters relating to religious freedom. Moreover, the resumption of aid payments (or the return to previous levels) must be made conditional on the attainment of achievable yet substantial targets in terms of protecting freedom of religion – and human rights more generally. This approach will provide an incentive for violating states to take measurable steps while, at the same time, demonstrating the United States' unwavering commitment to religious freedom as a vital component of its foreign policy.

The legislative authority for such an explicit link between aid and religious freedom already exists within *IRFA* and the *Foreign Assistance Act* of 1961. Section 2(b) of *IRFA* clearly states that it “shall be the policy of the United States ... to seek to channel United States security and development assistance to governments other than those found to be engaged in gross violations of freedom of religion.”¹⁹ Moreover, section 405(a) of *IRFA*²⁰ empowers the President to authorize the “withdrawal, limitation, or suspension of” both “development assistance” (paragraph 9) and “security assistance” (paragraph 11) in accordance with the *Foreign Assistance Act*. Section 116(a) of the *Foreign Assistance Act* further states that “no assistance may be provided under this part to the government of any country which engages in a consistent pattern of gross violations of international human rights,”²¹ including “particularly severe violations of religious freedom.”²²

If the United States is serious about its commitment to religious freedom, it must take action based on this authority given to it by Congress to compel these countries to undertake positive change or face serious consequences. As I prepare this statement, however, there are troubling reports that the current administration is planning on effectively sidestepping the provisions of the *2012 Consolidated Appropriations Act*,²³ which required that military aid to Egypt be contingent on the latter “implementing policies to protect freedom of expression, association, and religion, and due process of law.”²⁴ By invoking the “national security” provision of the *Act*,²⁵

¹⁹ *Ibid.* at § 2(b).

²⁰ *Ibid.* at § 405(a).

²¹ *The Foreign Assistance Act of 1961, as Amended*, Pub.L. No. 87-195, § 116(a), 75 Stat 424 (enacted September 4, 1961, 22 U.S.C. § 2151 et seq.) [*Foreign Assistance Act*].

²² *Ibid.* at § 116(c)(3).

²³ As reported in the New York Times: see Steven Lee Myers, “Despite Rights Concerns, U.S. Plans to Resume Egypt Aid,” 15 March 2012, online: <http://www.nytimes.com/2012/03/16/world/middleeast/us-military-aid-to-egypt-to-resume-officials-say.html?_r=1&hp#> accessed 16 March 2012.

²⁴ U.S., Bill H.R. 2055, *Consolidated Appropriations 2012*, 112th Congress, § 7041(a)(1)(B) (enacted 23 December 2011).

²⁵ See § 7041(a)(1)(C).

the administration is effectively validating the human rights violations of the transitional military council in Egypt – which I documented during my testimony before the U.S. House Subcommittee on Africa, Global Health, and Human Rights²⁶ – and signalling that relations will proceed on a ‘business-as-usual’ basis.

While these provisions relate specifically to Egypt, such an action would be a clear message to all governments, including those of Pakistan and Afghanistan, that the United States is not committed to human rights (and religious freedom more specifically). By continuing to provide unconditional assistance to a military and security establishment that not only refuses to live up to its basic responsibilities toward Egypt’s most vulnerable citizens, but that is also responsible for directly attacking and murdering members of the Christian minority, the United States will show the world that it is prepared to subordinate religious freedom and human rights to self-interested political considerations.

a. Pakistan: Abolishing Blasphemy Laws and Ending Impunity for Rape and Slavery

The United States government has allocated nearly \$3 billion of aid for Pakistan as part of its 2012 budget, including over \$1.5 billion of security sector assistance (not including counter-terrorism).²⁷ The United States cannot continue to provide essentially ‘blank cheques’ to a government and security establishment that not only turns a blind eye to the rape and slavery occurring within its borders, but also imprisons its own citizens under threat of the death sentence simply because of their beliefs – under the guise of an unconscionable ‘blasphemy’ law. While Pakistan is a valuable U.S. ally in the region, American interests cannot be purchased at the cost of the basic human rights of Pakistani minorities. The United States has a responsibility to make the continuation of its substantial aid program in Pakistan conditional on the repeal of the blasphemy laws and on measurable progress towards ending impunity for rapists of minority women and those who enslave minority families in labour camps.

b. Afghanistan: Halting Persecution of Converts and Respecting Women and Children

The United States government has allocated over \$3.2 billion of aid for Afghanistan as part of its 2012 budget, of which less than 8% is to be directed to “rule of law and human rights.”²⁸ There is no question that the United States has a responsibility to assist Afghanistan during this period of transition. However, the United States must use the influence it has by virtue of providing an amount of aid roughly equivalent to 18% of Afghanistan’s total GDP²⁹ to demand that the

²⁶ For a copy of the testimony, see Rev. Majed El Shafie, “Religious Freedom in Egypt and Iraq: A Statement Before the Subcommittee on Africa, Global Health, and Human Rights of the U.S. House of Representatives Committee on Foreign Affairs,” 17 November 2011, online: <<http://foreignaffairs.house.gov/112/els111711.pdf>> accessed 16 March 2012.

²⁷ *Pakistan*, online: Foreign Assistance.Gov <http://foreignassistance.gov/OU.aspx?OUID=169&FY=2012&AgencyID=0&budTab=tab_Bud_Planned> accessed 12 March 2012.

²⁸ *Afghanistan*, online: Foreign Assistance.Gov <http://foreignassistance.gov/OU.aspx?OUID=166&FY=2012&AgencyID=0&budTab=tab_Bud_Planned> accessed 12 March 2012.

²⁹ Based on figures from the Central Intelligence Agency, *CIA World Factbook: Afghanistan*, online: <<https://www.cia.gov/library/publications/the-world-factbook/geos/af.html>> accessed 14 March 2012.

government immediately cease the officially sanctioned persecution of converts and begin respecting the rights of women and children. When the United States stands by while one of the governments it supports (both politically and financially) systematically violates the human rights of its citizens, it becomes complicit in these crimes. U.S. officials must demand accountability from their Afghan counterparts as to how the aid money is being used, and they must make clear to the Afghani government that U.S. support is conditional on progress on the human rights issues outlined above.

3. Link U.S. Trade to Human Rights with Clear Reference to Religious Freedom

The United States must not carry on ‘business-as-usual’ aid relationships with Pakistan and Afghanistan so long as their respective governments refuse to take substantive steps to address the abuses occurring within their borders. However, both countries have significant trading relationships with the United States. In 2011, the United States exported over \$2 billion of goods to Pakistan, and in turn imported just under \$4 billion of Pakistani goods.³⁰ In 2010, the United States accounted for 15.9% of total Pakistani exports and for just under 10% of Pakistan’s total bilateral trade.³¹ While Afghanistan was not a significant source of American imports, the United States exported nearly \$3 billion of goods to Afghanistan in 2011.³² As of 2010, the United States is Afghanistan’s largest trading partner, accounting for nearly 1/3 of all Afghani bilateral trade.³³

These economic relationships provide the United States with a significant avenue for influence over both the Pakistani and Afghani governments if they fail to make the necessary changes to ensure the protection of religious minorities. If other policy options to this end fail, the United States must curtail its trade relationship with these states. Any government that persistently refuses to protect the human rights of its citizens must not be able to count on a business relationship with the United States with ‘no strings attached’ – as this would amount to an outright abdication of the United States’ professed commitment to religious freedom in the world.

At the same time, the United States government must identify specific steps relating to religious freedom that would lead to a resumption (or continuation, as the case may be) of normal economic relations. By setting achievable yet substantial targets for progress in the area of religious freedom in these countries, the United States can both promote positive and sincere engagement and ensure that the governments in question demonstrate a real commitment to achieve measurable progress toward the protection of fundamental human rights for all their citizens. Such an approach will help prevent the perception of the measures as heavy-handed and overly punitive, while also providing a positive incentive for each respective government to make measurable changes to its behaviour.

³⁰ U.S. Census Bureau, “Trade in Goods with Pakistan,” online: <<http://www.census.gov/foreign-trade/balance/c5350.html>> accessed 14 March 2012.

³¹ *Pakistan: EU Bilateral Trade and Trade with the World*, 10 January 2012, online: European Union <http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113431.pdf> accessed 14 March 2012.

³² U.S. Census Bureau, “Trade in Goods with Afghanistan,” online: <<http://www.census.gov/foreign-trade/balance/c5310.html#2011>> accessed 14 March 2012.

³³ *Afghanistan: EU Bilateral Trade and Trade with the World*, 10 January 2012, online: European Union <http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_114134.pdf> accessed 14 March 2012.

4. Build Multilateral Partnerships

Based on my experience, I believe that a major hindrance to U.S. efforts to promote religious freedom in these countries is the strong reaction against perceived U.S. unilateralism. While bilateral engagement is vitally important – and indeed most of our recommendations relate to U.S. bilateral relations – in order to enhance the effectiveness and legitimacy of its policies, the United States must be willing to create partnerships with like-minded states and to strengthen its engagements with multilateral initiatives on these issues. The importance of such multilateral engagement was emphasized by Congress in *IRFA*, which states, in section 2:

(b) It shall be the policy of the United States ...:

...

(4) To work with foreign governments that affirm and protect religious freedom, in order to develop multilateral documents and initiatives to combat violations of religious freedom and promote the right to religious freedom abroad.

To this end, the United States must broaden its partnerships with regional organizations and countries such as Canada who share the same commitment to global religious freedom. Working with initiatives such as the Canadian government's newly-announced Office of Religious Freedom, for example, will help create a coalition of states that will be more effective than the United States can be working alone.

Moreover, in order to ensure that it has the necessary moral authority to promote religious freedom around the world, it is vital that the United States strengthen its engagement with other human rights initiatives and instruments. As has already been noted above, religious freedom is intimately inter-connected with all other human rights; therefore, any efforts to promote religious freedom while overlooking other key rights will be incomplete at best. Additionally, U.S. actions will be seen as more legitimate – and not driven by narrow interests – if its efforts to uphold global religious freedom are accompanied by corresponding efforts on behalf of human rights more broadly.

5. Assist Vulnerable Refugees

Despite all other efforts, and certainly until respect for human rights is accepted as a fundamental value of these countries, victims of religious persecution may have no option but to flee their homes to secure their safety. During the course of our work on behalf of victims of persecution in Pakistan and Afghanistan, I have observed the importance of refugee protection as a safety net where all other efforts have failed. As the case of Neeha I discussed previously illustrates, the decision to grant asylum can mean the difference between life and death. Moreover, as I have outlined above, Afghan converts from Islam whose asylum claims are rejected face the certainty of persecution and the very real possibility of arrest (and even execution) upon their return – as the failed asylum claim serves to alert the government of their conversion.

It is critical, therefore, that the United States take steps to ensure that its refugee protection system is up to the task of providing this life-saving solution to victims of religious persecution. This means ensuring that decision-makers and immigration officers are knowledgeable about

issues around religious persecution and given the necessary resources so that legitimate cases can be determined in a timely fashion. Moreover, U.S. immigration policy must reflect the reality that religious minorities from Pakistan and Afghanistan are not safe even if they flee to the surrounding countries, where their religious beliefs and practices render them all but as vulnerable as in their country of origin.

V. Conclusion

Every member of the international community bears a sacred trust to uphold fundamental human rights. There is no right more fundamental to human dignity and to truly free and inclusive societies than freedom of religion. In light of the appalling abuses of this basic right occurring throughout the world today, no country, the United States included, can say that it has fulfilled its duty to protect religious freedom and the vulnerable minorities to whom this freedom is denied.

While I commend the United States for publicly stating its commitment to religious freedom – and for enshrining that commitment in law – statements of concern and condemnation must be followed up with substance and action. Will it continue to treat religious freedom as an afterthought in its foreign policy and risk its moral authority as a leader on this issue, or will the United States government renew its commitment to global freedom of religion and take an unwavering stand on behalf of vulnerable minorities?

To retain its moral authority in global affairs, the United States cannot sacrifice for the sake of political expediency the basic principles of human rights and fundamental freedoms which it asserts as the foundation for its own domestic values. Standing by while vulnerable minorities, women, and children are abused within the borders of its allies is simply not an option if the United States wishes to preserve its standing as a leader on the world stage.

The United States is facing a choice as to how its influence will help shape the future of two countries that, while purporting to be democracies, have thus far failed to uphold the basic human rights of their citizens. It has a unique opportunity to assist both Pakistan and Afghanistan to pursue the path of freedom and the rule of law, but inaction at this crucial juncture could have devastating consequences not only for the region's religious minorities, but also for global stability and, therefore, the security of the United States itself. At this pivotal moment in history, will the United States choose to be part of the problem or the heart of the solution?

Rev. Majed El Shafie was detained and severely tortured by authorities in his native Egypt when he converted from Islam to Christianity and began pursuing equal rights for Egyptian Christians. After he was sentenced to death, he was able to escape from Egypt and finally settled in Canada where he established One Free World International (OFWI) to share a message of freedom, hope, and tolerance for religious differences and to promote human rights. OFWI is based in Toronto, Canada, and advocates on behalf of individual victims and communities directly with governments both in countries of concern and in the West and assists religious minorities in practical ways through humanitarian aid. More information about Rev. El Shafie and the work of One Free World International is available at www.onefreeworldinternational.org.

SUMMARY OF RECOMMENDATIONS

In order to live up to its stated commitment to global religious freedom, the United States must adopt a more comprehensive and proactive approach to this issue, particularly in relation to Pakistan and Afghanistan. In Pakistan religious minorities like Christians, Hindus, and Ahmadi Muslims are treated as second-class citizens, vulnerable to vague and draconian Blasphemy Laws, rape and forced conversion of women, and indentured servitude. In Afghanistan converts from Islam face death for apostasy while women and children are vulnerable to abusive laws and traditional practices.

Standing by is not an option. The United States has a unique opportunity to assist both Pakistan and Afghanistan to pursue the path of freedom and the rule of law, but inaction at this crucial juncture could have devastating consequences not only for the region's religious minorities, but also for global stability and, therefore, the security of the United States itself. The United States' position as a global leader and the very integrity of the principles on which it purports to base its domestic values and foreign policy are at stake.

1. Religious Freedom and Foreign Policy

- foreign policy must be based on the premise that religious freedom is not only a humanitarian concern, but also a pre-requisite for stable democracy, social stability, and global security
- a comprehensive and proactive approach to religious freedom must be part of long-term foreign policy
 - religious freedom initiatives must be fully implemented into long-term policy and not restricted to *ad hoc* interventions in individual cases
 - proactive in promotion of religious freedom as a vital foreign policy interests, and not merely reactive measures, is needed
 - religious freedom must be prioritized in and integrated into the mainstream of foreign policy as provided for in the U.S. by the *International Religious Freedom Act*

2. Recommendations for U.S. Foreign Policy in Afghanistan and Pakistan

- designate both Pakistan and Afghanistan as CPCs and follow through on this designation by enacting substantive policy measures when they are unresponsive to dialogue
- U.S. foreign aid (both general aid and security assistance) must be explicitly linked to religious freedom and conditional on substantive progress in this area
- the U.S. must not continue 'business-as-usual' economic relations with these states, and must be willing to curtail its trade relationships in the absence of positive progress on human rights
- the U.S. must build multilateral partnerships with like-minded states and international bodies to enhance the effectiveness of its policies and counter perceptions of unilateralism
- the U.S. must ensure that its refugee protection system provides an effective remedy of last resort for legitimate refugees who will be persecuted if deported