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Annual Report 2010



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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)

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## **People's Republic of China**

**FINDINGS:** The Chinese government strictly controls all religious practice and represses religious activity outside state-approved organizations. Some Chinese citizens can assemble to worship and conduct charitable projects within government-approved parameters. Unregistered religious groups, or those deemed by the government to threaten national security or social harmony, face severe violations, including fines, confiscation of property, imprisonment, and the destruction of religious sites. Religious freedom conditions for Tibetan Buddhists and Uighur Muslims are the worst they have been in the past ten years. After demonstrations and riots in 2008 and 2009, the Chinese government increased efforts to weaken religious devotion, discredit and imprison religious leaders, and ban religious gatherings and “illegal religious literature” in Tibetan and Uighur areas. Almost four hundred unregistered Protestants were detained in the past year and the Chinese government stepped up efforts to destroy churches and close “illegal” meeting points. Unregistered Catholic clergy and Falun Gong adherents remain in detention, in home confinement, under surveillance, or have disappeared. Detained Falun Gong adherents are tortured and mistreated. In addition, Chinese officials harassed, detained, physically abused, and in the prominent case of Gao Zhisheng, forcibly “disappeared” attorneys who defended Falun Gong, Tibetans, Uighurs, and unregistered Protestants.

Because of these systematic, ongoing, and egregious violations of religious freedom, USCIRF recommends in 2010 that China again be designated as a “country of particular concern”, or CPC. The State Department has designated China as a CPC since 1999.

Religious adherence continues to grow rapidly in China. Hundreds of millions of Chinese manifest their belief openly. Senior-level government officials, including President Hu Jintao, have praised the positive role of religious communities and articulated a desire for religious groups to promote “economic and social development.” At the same time, the government has issued directives warning against foreign groups “using religion” to “interfere” in Chinese affairs, supported an extralegal security force to suppress the activities of so-called cult organizations, and severely restricted online access to religious information and the rights of parents to teach their children religion. Chinese officials are increasingly adept at employing the language of human rights and the rule of law to defend repression of religious communities, citing purported national security concerns or using Chinese law to restrict rather than advance universal freedoms.

**PRIORITY RECOMMENDATIONS:** Religious freedom is a bellwether issue in U.S.-China relations, encompassing issues including the rule of law, freedom of expression, and the well-being of ethnic minorities. Promoting religious freedom in China is a vital U.S. interest that can positively affect the United States’ future security, economic, and political relations with China. As part of China’s CPC designation, USCIRF urges the Secretary of State to impose a new sanction targeting officials who perpetuate religious freedom abuses or provinces where religious freedom conditions are most egregious. In addition, USCIRF recommends that the U.S. raise religious freedom concerns in multilateral fora where the U.S. and China are members, coordinate potential sources of leverage within the U.S. government and with allies to build a consistent human rights diplomacy with China, develop and distribute proven technologies to counter Internet censorship and protect Chinese activists from arrest and harassment, and raise religious freedom and negotiate binding human rights agreements at the U.S.-China Strategic Dialogue.

## **Religious Freedom Conditions**

### *Restrictive Legal Framework*

The National Regulations on Religious Affairs (NRRA), first issued in March 2005 and updated in 2007, require all religious groups and religious venues to affiliate with one of seven government-approved religious associations. The NRRA strengthens governmental management and supervision of religious affairs, offering Party officials extensive control over every aspect of religious practice and related activities. Within the bounds allowed by the Chinese legal system, the NRRA expanded some protections for registered religious communities to carry out religious activities and some charitable work. When registered, religious communities can apply for permission to possess property, provide social services, accept donations from overseas, conduct religious education and training, and host inter-provincial religious meetings. However, those protections are sometimes overridden by political considerations. The NRRA recognizes only “normal religious activity” and contains vague national security provisions that forbid religious groups from disrupting national unity or solidarity. The provisions are used to justify suppression of “unregistered” religious activity or the activity of “cult” organizations.

The NRRA sets specific criminal penalties for religious communities that are not in compliance with registration requirements. Religious leaders or adherents detained or arrested for religious activity or religious freedom advocacy face criminal charges, under provisions of the Criminal Code, most often under vague national security or public morality charges. In addition, the Chinese government continues to use administrative detention, including reeducation through labor, to detain religious believers without trial and outside the formal legal system for up to three years.

Religious and spiritual groups that do not meet registration requirements, or that choose not to register, risk harassment, detention, arrest, and closure of meeting and worship places. Some Catholics, Protestants, Muslims, and members of spiritual movements have refused to join the officially-sanctioned religious organizations because they do not want to, most prominently: provide the names and contact information of their followers; submit leadership decisions to the government or to one of the government-approved religious organizations; and seek advance permission from the government for all major religious activities or theological positions. During the past year, Protestant “house church” groups and underground Catholic priests faced increased pressure to register with government-approved associations.

Repression of unregistered religious activity varies by region, province, politics, and ethnicity. In some localities, officials arbitrarily implement national government policy and allow some unregistered groups to carry out worship activities openly. That some unregistered religious activity is tolerated is not, in itself, evidence that the Chinese government protects the freedom of religion for all.

In Tibetan Buddhist and Uighur Muslim regions, the NRRA includes additional restrictions on peaceful religious expression and leadership decisions. National laws are supplemented with extensive provincial regulations that go well beyond the NRRA’s provisions. During the past year, the Chinese government continued to pursue an intense campaign of “patriotic education” among monks, nuns, and imams. The government has long required Tibetan Buddhist and Uighur Muslim religious leaders to demonstrate political loyalty, but new laws give provincial officials the power to monitor the training, assembly, publications, selection, education, and speeches of Muslim and Tibetan Buddhist leaders. Patriotic education campaigns among religious leaders are intended to quell any activities viewed as political dissent and to promote leaders who are considered “patriotic and devoted.”

In addition to patriotism classes for clergy, the Education Ministry also announced in 2008 that children in both regions will be required to attend courses on “ethnic unity.” These classes are a reaction to the religious and ethnic based uprisings in Tibet and the unrest in Xinjiang province over the past several years. Authorities in Lhasa also warned parents about allowing their children to participate in religious holidays, including activities such as visiting or circumambulating temples and deities or wearing amulet cords. Students failing to comply with the orders were threatened with expulsion from school. There continue to be decrees in Xinjiang requiring extensive monitoring of the religious activities of students, including programs intended to “weaken religious consciousness.”

### *Tibetan Buddhists*

On January 1, 2008, the government issued implementation guidelines for the NRRA in the Tibetan Autonomous Region (TAR). The regulations assert state control over all aspects of Tibetan Buddhist belief and practice, including more specific control over the movement and education of monks and nuns, the building or repairing of religious venues, and the conducting of large-scale religious gatherings. When the new implementation guidelines were issued, official media reports indicated that they were intended to “resist the Dalai Clique’s separatist activities.”

In September 2007, the government also issued regulations allowing it to interfere directly in the selection of reincarnated lamas, an essential element of Tibetan Buddhist religious practice. These rules appear to be intended to ensure government control over the selection of the next Dalai Lama. Under the regulations, government officials must approve the choice of all reincarnated lamas and no individual or entity outside the country can influence the selection process. Depending on the importance of the reincarnation itself, candidates must receive permission from either provincial level government officials or from officials in Beijing. Monasteries must seek government permission to search for a reincarnated lama and to maintain one in residence.

These regulations are part of the Chinese government’s longstanding campaign to diminish the stature and influence of the Dalai Lama among Tibetans. Zhang Qingli, party secretary of the TAR, during the closing ceremonies of the Olympic Torch rally in June 2008 predicted that China would “smash completely” the Dalai Lama’s “separatist plot.” He then referred to the Dalai Lama as a “wolf in monk’s robes” and “a devil with a human face but the heart of a beast.” He dismissed the exiled leader’s supporters as the “scum of Buddhism” and ordered monks, nuns, students, government workers, and business people throughout Tibet to participate in patriotic education and publicly denounce the Dalai Lama. As part of an “anti-crime” crackdown in early 2009, police searched homes and businesses for “illicit” images, pictures of the Dalai Lama, as another part of their patriotic education campaign.

In the past year, the Chinese Communist Party adopted a policy of increased economic integration for Tibetan areas and attempted to control the traditional norms of Tibetan Buddhism and weaken devotion to the Dalai Lama. The government’s restrictions on religious freedom have nurtured deep resentments among Tibetans.

Chinese government actions and policies to suppress peaceful religious activity in Tibetan areas played a primary role in stoking the 2008 demonstrations that led to violence, the detention of hundreds of Tibetan monks and nuns, and increased restrictions on peaceful religious activity. On March 10, 2008, the anniversary of the failed 1959 uprising against Chinese control of Tibet, monks from Drepung monastery peacefully protested against patriotic education and other religious freedom restrictions. In response, the Chinese government sealed off monasteries and arrested monks, touching off demonstrations in Lhasa that led to property destruction, violence, arrests, and numerous deaths.

There is extensive evidence of arrests, beatings, long prison sentences and torture in detention of monks and nuns whom security officials detained for participating in the 2008 protests. The Chinese government has not provided full details or a credible accounting of those detained, missing, or “disappeared,” trials have not been open, and those accused are not given adequate legal representation.

Since the 2008 demonstrations, the government has intensified restrictions on Tibetan Buddhism. Tibetan monks and nuns continue to be detained and many have been sentenced to long prison terms for their alleged role in the 2008 protests or for subsequent peaceful demonstrations opposing new restrictions on religious life. Some monasteries and other holy sites have been forcibly closed or destroyed. A security presence has remained at some monasteries and nunneries, and local government officials have escalated their campaigns to require monks and nuns to sign statements denouncing the Dalai Lama.

Monks and nuns who refuse to denounce the Dalai Lama or to pledge loyalty to Beijing have been expelled from their monasteries, imprisoned, and tortured. Phurbu Tsering, a prominent Tibetan Buddhist religious teacher, was detained on May 19, 2008 after police arrested more than 50 of his students for staging a peaceful protest against requirements that they denounce the Dalai Lama and their teacher. In December 2009, he was given an eight-year sentence for possessing weapons. His lawyer maintains that he confessed to the charges after being tortured by being deprived of sleep for four days. In October 2008, authorities closed Pangsa Monastery in Lhasa after an increased flow of Tibetans came to pay tribute to a statue that had received a blessing from the Dalai Lama.

There also continue to be severe restrictions and harassment in Tibetan areas outside the TAR, including in areas where monks and nuns staged peaceful demonstrations in 2008. For example, on April 14, 2008 Chinese soldiers fired on several hundred monks and local residents at the Tongkor monastery in Ganzi prefecture, Sichuan province. Witnesses claim that between eight and 15 people were killed and others were arrested. Ganzi has more political and religious prisoners than any other Tibetan region outside of the TAR. Protesters called for the return of the Dalai Lama, the release of the Panchen Lama (Gedun Choekyi Nyima), the end to “patriotic education,” and more religious freedom in general. In Ganzi (Kardze) Prefecture, the local government issued regulations in June 2008 both to punish and remove from Ganzi monks and nuns accused of participating in peaceful protests. Punishments include arrest, re-education, closure of a monastery or nunnery, and the forced removal of a religious teacher (reincarnated trulku) from his position.

USCIRF also has received the following reports from Tibetan researchers and human rights organizations. In July 2009, Jamyang Tenzin, a Tibetan monk from Lithang County, Kardze (Ganzi) Prefecture was sentenced to three years’ imprisonment for opposing a patriotic education campaign at his monastery. In May 2009, monk Tsultrim Gyatso was sentenced to life imprisonment for allegedly “endangering state security” by organizing a peaceful protest opposing religious freedom restrictions. Gonpo Tserang was sentenced in Dechen, TAR to three years in prison for reportedly “inciting separatism” by sending e-mail and text messages about the March 2008 protests. In November 2008, Dorje Kangzhu, a nun from Ganzi Tibetan Autonomous Prefecture, was sentenced to seven years in prison for allegedly “inciting secession” after being arrested for distributing Tibetan independence leaflets and shouting support for the Dalai Lama in May 2008. In March 2009, Public Security Bureau (PSB) personnel beat to death a monk from Drango Monastery in Kardze, Sichuan province after he passed out leaflets supporting the Dalai Lama on PSB property. In the same month, two nuns were arrested and beaten after staging a protest in the Kardze County market square.

The Chinese government continues to deny repeated international requests for access to the disappeared 19-year-old Gedhun Choekyi Nyima, whom the Dalai Lama designated as the 11th Panchen Lama when he was six years old. No one has seen him since, nor have any independent or transparent interviews taken place. Government officials claim that he is in fact alive and well and being “held for his own

safety.” The Chinese government insists that another boy, Gyaltzen Norbu, is the “true” Panchen Lama, one of the most revered positions in Tibetan Buddhism and a religious figure who will play an important role in selecting the next Dalai Lama. In recent years, Chinese authorities have, on several occasions, featured Norbu in public ceremonies where he stresses the importance of loyalty to the Communist government and endorses the government’s official version of Tibetan history. The government continues to take active steps to pressure Tibetans to accept Norbu as Panchen Lama,

### *Uighur Muslims*

In the Xinjiang Uighur Autonomous Region (XUAR) and other areas of Xinjiang province, religious freedom conditions continue to deteriorate. The Chinese government severely and illegitimately represses peaceful religious activity, invoking security-related campaigns that exaggerate the threat of separatism and domestic terrorism. Over the past decade, China similarly has overplayed the global war on terror as a pretext to crack down on even non-violent forms of dissent or religious activity. Both Muslims and Protestants in the XUAR have experienced increased harassment, arrests, and efforts to weaken religious adherence. Ethnic tensions in China’s western provinces have a long history. The government’s various campaigns to curtail potential secessionist and terrorist activity are a major source of Uighur resentment and may lead to the very type of extremism Beijing’s policies are trying to forestall.

Uighur Muslim clerics and students have been detained for various “illegal” religious activities, “illegal religious centers” have been closed, and police continue to confiscate large quantities of “illegal religious publications.” XUAR Party Secretary Wang Lequan stated that the government would use “preemptive attacks” and institute “anti-separatist reeducation” in the XUAR to ensure national safety. In September 2008, XUAR chairperson Nur Bekri gave details of new measures to “strike hard” against the threats of, among other things, “illegal religious activity” and “religious extremism” and called for new efforts to curtail “underground [religious] activities to teach religion and sermonize.” A new February 2010 XUAR “Social Order” decree outlines additional security controls to battle the “three forces of terrorism, separatism, and religious extremism.”

The new “Social Order” decree comes in the aftermath of July 2009 protests of the killing of a Uighur worker at the Guangdong toy factory. The protests became violent, leading to an unknown number of deaths and arrests. Hundreds of Uighurs reportedly have been sentenced for allegedly taking part in the violence. According to NGO and press reports, at least 15 Uighurs have been executed. The Chinese government has actively sought to punish those allegedly involved in the 2009 protests, including successfully pressuring Cambodia to return 20 Uighurs seeking asylum.

The 2009 demonstrations and violence intensified long-standing “security” campaigns to control religious activity and “weaken religious consciousness” among Uighurs. The XUAR government continues to limit access to mosques, including by women, children, communist party members, and government employees. All imams in Xinjiang are required to undergo annual political training seminars to retain their licenses, and local security forces monitor imams and other religious leaders. Imams at Uighur mosques are reportedly required to meet monthly with officials from the Religious Affairs Bureau and the Public Security Bureau to receive “advice” on the content of their sermons. Failure to report to such meetings can result in the imam’s expulsion or detention.

During the last few years, XUAR officials have issued new orders to extend governmental control over religion. For example, in August 2008 authorities in Kashgar called for increased surveillance and management of religious activity. In June 2008, officials in Kazakh Autonomous Prefecture called for increased inspections of mosques and religious venues to prevent “illegal reading of scriptures” and for the “infiltration” of religious groups. In June 2008, a mosque near Aksu city was demolished reportedly for “illegal renovations,” for having “illegal copies” of the Koran, and for engaging in “illegal religious

activities.” In February 2009, officials in Hotan started a campaign to halt “illegal” religious schools. According to reports, armed security personnel conducted nighttime searches, closing seven schools and detaining 39 people. In March 2009, according to a Radio Free Asia (RFA) report, Hotan officials stated that anyone engaged in “cross-village worship” will be charged with a “social crime” and subject to detention or fines. Also in March, according to RFA, the Ili Intermediate People’s Court in Kazakh Autonomous Prefecture sentenced 12 men for “splittism,” for teaching religion to children.

Religious leaders and activists who attempt to publicize or criticize human rights abuses in the XUAR have received prolonged prison terms, on charges of “separatism,” “endangering social order,” and “incitement to subvert state power.” Numerous Uighur Muslims have been arrested for peacefully organizing and demonstrating for their religious freedom. In February 2009, Abdukadir Mahsum was sentenced to 15 years imprisonment for organizing peaceful demonstrations promoting religious freedom and other human rights concerns for Uighurs. In March 2008, Mutallip Hajim died in detention after being arrested for his activities helping underground Muslim schools. He was reportedly tortured, but his family was warned not to publicize his death. In August 2008, Imam Adil Qarim was arrested, and has since disappeared, allegedly because some suspects in a bomb attack attended his mosque. The imam denied having any links to the attacks.

Officials in the XUAR prohibit teaching Islam outside the home to minors, and police have stepped up attempts to halt private religious education programs in some parts of Xinjiang province. Teachers and organizers can be charged with conducting an “illegal religious gathering,” a criminal offense. During USCIRF’s 2005 visit to China, local government officials confirmed that minors were prohibited from participating in any religious activity or instruction before finishing nine years of compulsory public education. This policy contradicted statements made by officials in the central government who claimed that there are no restrictions prohibiting the religious activities of minors. In March 2009, authorities in Hotan, XUAR closed seven religious schools and conducted house-to-house searches. Officials arrested 39 people and claimed to have seized books, propaganda material, and weapons.

In several localities in Xinjiang, plainclothes police are reportedly stationed outside mosques to enforce rules forbidding children and government employees from attending services. There are also reports that in some areas, individuals under the age of 30 are prohibited from attending a mosque. Throughout Xinjiang, teachers, professors, university students, and other government employees are prohibited from engaging in religious activities, such as reciting daily prayers, distributing religious materials, observing Ramadan, and wearing head coverings; they are reportedly subject to fines if they attempt to do so. These standards are enforced more strictly in southern Xinjiang and other areas where Uighurs account for a higher percentage of the population. In March 2009, 600 protestors, mostly women, marched in Hotan to protest a proposed ban on headscarves and other restrictions on religious freedom.

The XUAR is reportedly considering regulations to further prohibit the rights of children to receive religious instruction or attend religious activities. Similar decrees are in place in other part of Xinjiang province. In the spring of 2009, Hotan district strengthened oversight of students during vacation periods. In February 2009, Yining City, Ili Kazakh Autonomous Prefecture started a propaganda campaign targeting women, teenagers, and juveniles in order to “weaken religious consciousness.”

Regulations in the XUAR ensure that all *hajj* pilgrimages (the pilgrimage to Mecca required of all able-bodied Muslims) are controlled by the government-approved Chinese Patriotic Islamic Association. To enforce these regulations, XUAR authorities require Muslims to surrender their passports to local government offices for registration. To retrieve their passports, they must provide detailed information regarding their *hajj* travel plans to ensure their foreign visa is authorized. Uighur human rights activists outside of China are concerned that this policy will be used to identify and punish Uighurs who travel outside of the XUAR. Their worries may have been proved justified when the government confiscated

the passports of more than 2,000 Uighur Muslims in 2007 and arbitrarily detained men between the ages of 50 to 70 for participating in the *hajj*.

The State Department estimates that over 1,000 people were arrested in the XUAR on charges related to state security over the past year, a large increase from the previous year. Such charges have been used to detain religious adherents and other dissidents in the past. Due to the lack of judicial transparency, and the government's equation of peaceful religious activity with religious extremism and promotion of terrorism, it is difficult to determine how many prisoners are being held for peaceful religious activity or for peacefully protesting restrictions on the freedom of thought, conscience, and religion.

Three family members of Rebiya Kadeer, one of the most prominent Uighur human rights and religious freedom advocates, remain in prison. Kadeer's three sons, Kahar, Alim, and Ablikim, were arrested in June 2006 to prevent them from meeting with a visiting U.S. congressional delegation. The following October, Kahar and Alim were tried for tax evasion, and Alim was sentenced to seven years imprisonment. The two were also fined a total of over \$75,000. In February 2007, Ablikim was tried in secret on charges of "subversion of state power" and later sentenced to nine years imprisonment. In December 2007, family members were allowed to visit Ablikim for the first time in a year. Both Alim and Ablikim remain in prison, where they are reported to have been tortured and abused. Ablikim is reported to be in poor physical health without adequate medical care.

### *Catholics*

The officially-sanctioned Catholic Patriotic Association (CPA) does not allow its members or clergy to have official relations or communication with the Vatican or other foreign Catholic organizations. This prohibition continues to strain relations between the CPA and the unregistered Catholic Church in China and between the Chinese government and the Holy See.

Despite official policy, an estimated 90 percent of CPA bishops and priests are secretly ordained by the Vatican and in many provinces CPA and unregistered Catholic clergy and congregations work closely together. In some cases, the Vatican and the Chinese government have worked together to select bishops. For example, in September 2007 bishops were ordained in Beijing, Guizhou, and three other dioceses with the approval of both the government and the Vatican. These ordinations reversed a trend of the government appointing bishops without Vatican approval. Nonetheless, the Chinese government took active steps to halt distribution of Pope Benedict's 2007 open letter to Chinese Catholics. In the 2007 papal letter, the Pope recognized that, although there have been some improvements, "grave limitations" on religious freedom in China remain, which the church cannot accept. Nevertheless, the Pope called on Chinese Catholics to adopt the approach of "respectful and constructive dialogue." Despite the Chinese government's efforts to undermine reconciliation efforts already underway in China, Pope Benedict renewed his call last year for continued reconciliation efforts between registered and unregistered bishops in China.

The Chinese government continues to maintain that normalization of ties with the Holy See will begin only if the Vatican revokes its diplomatic relations with Taiwan and agrees to cease its "use of religion as a means to interfere in China's internal affairs." There has been no noticeable progress made toward establishing formal diplomatic relations in the past year.

Harassment and detention of Catholics in China continued during the reporting period. In the two provinces with the largest Catholic communities, Hebei and Shaanxi, provincial governments have engaged in campaigns to suppress the activities of "underground" Catholic congregations and coerce Catholic clergy to join the CPA. According to the Congressional-Executive Commission on China's 2009 Annual Report, the Shaanxi Ethnic and Religious Affairs Bureau boasted of its efforts to "frighten"

Catholics and engage in a “transformation through reeducation” of 13 Catholic priests and Bishop Li Jingfeng. Shaanxi officials detained Bishop Wu Qinjing of the Zhouzhi diocese in March 2007. His whereabouts remain unknown. Bishop Wu was ordained in 2006 with Vatican approval, but without the approval of the local CPA. Fr. Wang Zhong is still serving the three-year sentence imposed in 2007 for reportedly organizing a ceremony to consecrate a new church registered with the government. Reports from NGOs indicate that Father Gao Jianli, from Fengziang county, Shaanxi province, was invited by the mayor of Xiangong province to discuss a land dispute over confiscated church property. At the meeting the priest was restrained by police and beaten repeatedly, according to reports from NGOs.

Hebei province officials also stepped up efforts to target unregistered priests and strengthen management of Catholicism in the province. Provincial officials reportedly arrested 20 Catholic parishioners and two priests for their protests of the arrest of Bishop Yao Ling in 2008. Bishop Ling was released in January 2009 after serving a two-year sentence. In May 2008, Fr. Zhang Jianlin and Fr. Zhang Li were detained in Hebei province as they travelled to a well-known shrine in Shanghai; they reportedly remain in some sort of detention at this time. In March 2009, provincial officials detained three Catholic clergy, including unregistered priest Ma Shengbao, Bishop Jia Zhiguo, and priest Paul Ma. Bishop Jia was arrested to prevent him from meeting another bishop who had reconciled with the Vatican. Chinese officials objected to the relationship between the two bishops because it was “desired by a foreign power,” and not by the government and the CPA. Father Ma was arrested for reportedly celebrating the sacraments with unregistered Catholics in the city of Donglu. The whereabouts of the three remain unknown.

In the past year, Party and government officials continued to label unregistered Catholics as a threat to “social stability” and called for increased efforts to “transform...underground communities.” In addition to the efforts described above to Shaanxi and Hebei, according to press reports, provincial campaigns to “negate the severe impact” of unregistered Catholics occurred in Jiangxi, Zhejiang, and Henan provinces.

In 2009, at least 40 Roman Catholic bishops remain imprisoned, detained, or disappeared, including the elderly Bishop Su Zhimin, who has been in prison, in detention, under house arrest, or under strict surveillance since the 1970s. In addition, there is still no information on the whereabouts of Bishop Shi Enxiang, who was detained in April 2001.

### *Protestants*

The Chinese government continues to control the religious activities of Protestants affiliated with the government-approved religious organizations. It encourages registered Protestant leaders to emphasize “theological reconstruction,” a doctrine that purges any elements of Christian faith and practice that the Communist Party regards as incompatible with its goals and policies. Registered Protestants have been given more latitude to operate charitable and social welfare programs by the NRRRA. A growing number of Chinese “faith-based” nonprofits run clinics, homes for the elderly, and orphanages. These organizations have an uncertain legal status and limited capacity, but many are apparently allowed to operate because they fill a needed social service gap in some localities and rural areas.

An estimated 10 million Chinese belong to the two approved Protestant organizations. However, even registered Protestant groups and leaders are not safe from harassment, detentions, and arrest due to the arbitrary nature of Chinese law and policy regarding religion. In April 2009, pastor Zhang Xiu-zhi was arrested and sentenced to a year in a labor camp, reportedly because she diverted church funds to aid earthquake relief in Sichuan province. In June 2009 in the Shandong province city of Jinan, local officials forcibly sealed the registered Changchunli Church in order to sell the property to real estate developers. Also in Shandong province during August 2009, authorities raided a religious training session and closed the registered church where the training was being conducted.

The government actively harasses, detains, fines, mistreats, and imprisons members and leaders of unregistered Protestant groups, whose membership may be between 40 and 60 million. According to the NGO China Aid, the number of unregistered Protestants detained fell somewhat in the last year. There were 389 detentions of between one day and a year. Twenty-three individuals were sentenced to terms of imprisonment over one year, including in China's notorious "re-education through labor" system.

Though the total number of arrests and imprisonments declined in the past year, government efforts to suppress the growth and activities of "house church" Protestants continue to be systematic and intense. The State Department estimates that "thousands" of house church members were detained for short periods in the past several years. Members of unregistered Protestant groups that the government deems "evil cults" were the most vulnerable to detention. The extrajudicial security apparatus, called the 6-10 Office, which was started to monitor and suppress Falun Gong activity reportedly has broadened its mandate to include groups that self-identify as Protestant.

China Aid and other NGOs report a significant rise in incidents of harassment, property confiscation and destruction, and intimidation of Protestants since the 2008 Olympic Games in Beijing. The Chinese government took active steps to impede religious groups and human rights defenders from having access to foreigners, including President George W. Bush and visiting members of Congress, destroyed churches and confiscated property, and harassed and mistreated religious leaders.

In the lead-up to the Beijing Olympic Games, the government sought to impede contact between unregistered Protestant leaders and foreign organizations. Pastor Zhang "Bike" Mingxuan, head of the House Church Alliance, was detained several times, forcibly removed from Beijing during the Olympics, fined, and evicted from his apartment, and his sons were beaten by police. In March 2009, Pastor Mingxuan was arrested again in Beijing and sent to Henan Province to be questioned and detained. After intense international attention to his case, the government has reportedly stopped its overt harassment of Pastor Mingxuan in the past year.

Many Protestant leaders reported that they were asked by local public security officials to disband their groups during the Games, especially high-profile congregations that met near Olympic venues. Several prominent Christian leaders were placed under strict surveillance during the Olympic Games. Approximately 100 foreign Christians were detained, interrogated, and eventually expelled from the country during the Olympics on charges of "illegal religious activity."

Pre-Olympic pressure on unregistered Protestants has continued. In the past year, the Chinese government conducted raids and destroyed religious venues, fined and beat religious leaders and confiscated their property, used local zoning laws to seal or close meeting places, and pressured unregistered congregations to affiliate instead with the government-approved religious organization.

Raids on house churches continued in many provinces. In April 2009, security agents forcibly shut down a gathering of 1,000 unregistered Protestants in Chengdu, Sichuan province. In December 2009, authorities in Anhui province raided a Bible school, detaining 21 students and teachers and announcing plans to demolish the building. In Henan province during February 2009, 100 police and governmental officials disrupted a meeting between Chinese and South Korean religious leaders, briefly detaining and interrogating everyone in attendance. In January 2009, local authorities in the city of Muling, Heilongjiang province seized the property of Chang Fengying, a pastor who hosted a large house church gathering. In January 2010, public security officials raided the meeting of the Chinese House Church Alliance in Hanan city, Hebei province. 30 religious leaders were briefly detained and face possible administrative detention charges.

In the past year, Chinese government officials at various levels have forcibly closed large unregistered religious venues that previously had operated openly. In September 2009, government officials and police raised and later demolished the Linfen Church in Shanxi province. Authorities also arrested 10 members of the church and later sentenced them to reeducation through labor detention. The Fushan Church is the second largest underground church in China, with membership totaling 50,000. Government officials stated that they were responding to complaints by local residents that the church had illegally taken land, a charge that church leaders deny. In November 2009, Beijing police raided the Shouwang Church and forced its members to find a new place of worship. Since a 2008 raid, Shouwang Church has repeatedly tried to register but has not been successful. Because it is unregistered, the church has been unable to purchase property in Beijing. In February 2009, Shanghai authorities ordered the landlord of the Wanbang Missionary Church to evict the congregation because the pastor refused to cancel a meeting of urban house church leaders. In March 2010, in the city of Jinan, Shandong province, local officials closed a Seventh-day Adventist church with an estimated 700 members. The church was renting property because it was refused permission to build a permanent structure. Jinan officials reportedly stated that the church would be banned because it was not registered.

Attempts to close unregistered Protestant churches and meeting points and detain religious leaders occurred in at least 17 provinces and two municipalities, with the greatest number of incidents occurring in Shaanxi, Henan, Xinjiang, Shandong, and the municipalities of Shanghai and Beijing. Officials in Sichuan, Heilongjiang, Jiangxi, and Ningxia Hui Autonomous Region announced “bans” on some house church meetings, detentions of Protestant leaders in “transformation through reeducation” programs, and plans to “punish” missionaries and “cult” leaders.

The Chairman of the XUAR, Ismail Tiliwaldi, has urged local police and religious affairs officials to “exercise stronger management” over Protestantism and Catholicism and to guard strictly against foreign infiltration and sabotage. In May 2007, police in the XUAR detained 30 house church leaders who were meeting with foreign religious leaders; those detained were reportedly mistreated and, in some cases, beaten in custody before they were released. In April 2008, XUAR police arrested 46 Christians while they worshipped in a house church. They were forced to pay fines and study government handbooks on religious policy, and were sentenced to 15 days of administrative detention. Osman Imin (also known as Wusimanyiming) was arrested in November 2007 and sentenced to two years of “re-education through labor” on charges that he assisted foreigners in conducting “illegal religious activities” related to public religious expression and persuasion among the Uighur community. Lou Yuanqi, the pastor of a growing house church, was detained on May 17, 2008 on charges of “utilizing superstition to undermine the law.” However, a XUAR court refused to take his case because of insufficient evidence and he was released without charges being filed in April 2009.

In January 2008, Alimjan Himit (Alimujiang Yimiti)—a house church leader in the XUAR who had previously worked for a foreign-owned company shut down for “illegal religious infiltration activities”—was detained and charged with subverting state power and endangering national security. Although a court in Kashgar returned Himit’s case to the procuratorate due to insufficient evidence in May 2008, he remains in detention. In September 2008, the UN Working Group on Arbitrary Detention concluded that Himit had been arbitrarily detained in violation of international standards. In August 2009, Himit was sentenced to 15 years in prison despite his previous detention having been ruled as arbitrary by the UN. This is the harshest sentence given to a Christian in China in the last 10 years.

#### *Falun Gong and the Campaign against “Evil Cults”*

The Chinese government continues to maintain a severe campaign against adherents of the Falun Gong spiritual movement, which it considers an “evil cult” and was banned in 1999. Over the past decade, the government has carried out an unprecedented campaign against the Falun Gong, imprisoning large

numbers of practitioners and abusing them in detention. Practitioners who do not renounce their beliefs in detention are subject to torture. There are recent, credible reports of deaths in custody. The Chinese government's systematic campaign to suppress the Falun Gong and other "evil cults" using extrajudicial means is a severe human rights problem.

Credible first-hand accounts from Falun Gong adherents report, and official Chinese government statements confirm, long-term and arbitrary arrests, forced conversions of faith, and torture and mistreatment in detention. Though it is difficult to determine with specificity the number of Falun Gong practitioners in detention during the past year, some estimates place the number at 8,000, with most arrests having occurred prior to the 2008 Beijing Olympics. In the year before the Olympic Games, police waged a concerted campaign to harass and detain known Falun Gong practitioners and brutally suppressed their activity. An estimated 8,037 Falun Gong were detained between December 2007 and August 2008.

Targeting Falun Gong adherents continues to be a high priority for Chinese government security officials. There remains a nationwide campaign to suppress Falun Gong and "transform" its practitioners. A 2009 directive by the Central Committee on the Comprehensive Management of Public Security urged security officials to "strike hard against hostile forces...[including] the infiltration, subversion, and sabotage by 'Falun Gong.'" Similar security instructions were issued in the provinces of Jiangsu, Hubei, Jilin, Guizhou, Yunnan, Henan, Hunan, Anhui, Sichuan, and Shandong, including recommendations for surveillance, cultivation of paid informants, and propaganda efforts.

Current and former Falun Gong practitioners remain incarcerated in re-education through labor camps (RTL) and mental health institutions. Some international observers claim that Falun Gong adherents may comprise as many as half of the 250,000 Chinese detained in RTL camps over the past decade. Provincial officials reportedly offer sizable rewards to anyone who provides information leading to the arrest of a Falun Gong practitioner.

Two Falun Gong practitioners are known to have died in police custody in 2008. The widow of one, Xu Na, remains jailed, serving a three-year sentence for possessing Falun Gong materials. Also in 2008, Chen Zhenping was sentenced to eight years imprisonment for being a Falun Gong practitioner. She was tried in secret without legal representation. In February 2009, public security officials in one municipality of Sichuan province reported that they had detained 114 Falun Gong practitioners. In April 2009, Zhang Xingwu, a retired physics professor from Shandong province, was sentenced to seven years in prison after police discovered Falun Gong literature in his apartment. In late November 2009, a Shanghai court sentenced Liu Jin to three and a half years in prison for downloading and distributing information about Falun Gong on the Internet.

The 6–10 Offices throughout China are tasked with surveillance, investigations, "transformation," and detention of Falun Gong practitioners. The 6-10 Offices reportedly have extrajudicial detention facilities used exclusively to hold Falun Gong practitioners who have completed RTL terms but are still considered harmful.

The UN Special Rapporteur on Torture reported that Falun Gong practitioners allegedly make up two-thirds of the alleged victims of torture presented to him in China. Numerous allegations of government-sanctioned organ harvesting from incarcerated practitioners have surfaced within the last several years as well. Independent investigation into the practices of a hospital in Sujiatun, Shenyang proved inconclusive. However, based upon a report from two prominent Canadian human rights activists, international human rights organizations and the Special Rapporteur on Torture have called for an independent investigation and for continued international attention to allegations of organ harvesting from prisoners. The Committee on Torture, a UN treaty-monitoring body, also called on the government

during its 2008 review of China to conduct independent investigations to clarify discrepancies in statistics related to organ transplants and allegations of torture of Falun Gong practitioners.

In August 2007, authorities in Hunan Province issued provincial-level regulations to administer folk religion venues. Folk religion, also called “feudal superstition,” has been a legal grey area in China because it does not fall within the five recognized religious groups (Buddhism, Daoism, Protestantism, Catholicism and Islam), but is often tolerated by local officials. The regulations are significant because they offer protections for religious practice outside the five recognized communities and because they allow venues to register directly with provincial government officials. However, the new regulations allow registration only of existing venues and stipulate that no new sites may be built. In addition, any venue that is destroyed may not be rebuilt unless it retains “historical stature” and “great influence.” The State Administration for Religious Affairs (SARA), the government agency tasked with overseeing most of China’s religious life, has established a division to deal directly with the management of folk religions.

### *Human Rights Defenders*

During the past several years, there has been a continuing crackdown against human rights activists, lawyers, and others who attempted to use the Chinese legal system to defend the rights of Chinese citizens, including those who sought to practice their right to freedom of religion. Lawyers have been harassed, beaten, and threatened, disappeared, or have lost their legal licenses over the past year.

In September 2007, attorney Li Heping, a prominent religious freedom advocate, was beaten with electronic batons for nearly five hours and ordered to stop practicing law. He refused and his legal license was revoked. In November 2007, human rights lawyer Yang Maodong (also known as Guo Feixiong) was sentenced to five years in prison on charges of “illegal business practices.” According to his wife and lawyer, he has been subjected to shocks from electric batons and other mistreatment while in prison. Yang Maodong is the former law partner of Gao Zhisheng, one of China’s best known human rights lawyers, who defended Falun Gong and unregistered Protestants and was a vocal critic of the Chinese government’s human rights record. Gao disappeared in February 2009 and his whereabouts remain unknown, though he was briefly allowed to make contact with friends in March 2010. Before his disappearance, Gao published a report of the torture he endured during a September 2007 interrogation.

In February 2008, police seized lawyer Teng Biao in Beijing for questioning, warned him to stop writing articles criticizing China’s human rights record, and threatened him with jail time and the loss of his university job. After Teng agreed to defend Tibetans arrested following the March 2008 protests, officials refused to renew his legal license. In March 2009, the Chinese government revoked the legal license of Beijing’s Yitong Law Firm, whose lawyers handled human rights cases, including representing unregistered house church Protestants and the Falun Gong. Lawyers Li Subin, Liu Xiaoyuan, Zhang Jianguo, Cheng Hai, Wen Haibo, and Yang Huiwen were singled out for censure because of their human rights work. The government also shut down the legal assistance organization Open Constitution Initiative, or Gongmeng, and detained Xu Zhiyong, one of its cofounders, for alleged tax evasion.

In the past year, authorities contacted nine law firms in Beijing and demanded that they not submit license renewal applications, or that they submit applications that could be turned down on technical grounds, for lawyers whose clients included Falun Gong or unregistered Protestants. In September 2009, the government revoked the licenses of at least 21 human rights lawyers. In December 2009, human rights lawyer Wang Yonghang was detained and sentenced to seven years in prison because of his work representing Falun Gong practitioners.

In March 2010, noted Protestant leader and human rights lawyer Fan Yafeng was detained by security officials in order to stop him from meeting with foreign media. It was the second time in six months he

was detained. In November 2009, he was dismissed from his position at the Chinese Academy of Social Sciences “for political reasons.” Fan Yafeng represented several highly publicized cases in recent years involving unregistered Protestants, including defending pastor Cai Zhouan and representing the Linfen church in Shaanxi province.

Despite experiencing ongoing harassment, arrest, and restrictions, human rights defenders have had some minimal success using the legal system to challenge official abuse or have sentences reduced. For example, in November 2007 house church members in Shandong province successfully filed suit against the local public security bureau and were awarded confiscated Bibles, computers, and other goods taken in a raid. In September 2008, a Chengdu church filed a suit against the local religious affairs bureau (RAB) for closing down the church earlier in the year. The provincial RAB reportedly later issued a decision overturning the local bureau’s decision. In some cases, lawyers for the Falun Gong have also been able to represent their clients without prior approval from the Ministry of Justice. This occasionally has led to reduced or suspended sentences; however, the practice is only allowed in Beijing and not in other parts of China.

#### *Failure to Protect Refugees*

China is a party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol; however, there is no Chinese law that provides for the protection of asylum seekers. The government does cooperate with the UN High Commissioner for Refugees (UNHCR) regarding some refugee or asylum cases. The UNHCR reported that 100 refugee claims were processed last year, all for non-Koreans. North Korean asylum-seekers continue to face hardship and repatriation. Beijing limits UNHCR access to North Korean asylum-seekers and does not allow UNHCR to operate in China’s border region with North Korea.

The Chinese government considers all North Koreans economic migrants rather than refugees. Without access to a durable solution provided by the UNHCR, North Koreans continue to face repatriation, trafficking, and discrimination. Even North Korean refugees under UNCHR care were subjected to harassment and restrictions by authorities.

North Koreans who are forcibly repatriated face torture, imprisonment in penal labor camps, and possible execution, particularly those suspected of having religious beliefs or affiliations. Since 2008, the Chinese government has intensified its campaign against North Korean refugees, harassing religious communities that assist refugees and offering rewards to those who turn over asylum seekers to authorities. The government also reportedly arrested individuals who organized food, shelter, transportation, and other assistance to North Koreans. In August 2009, a court in Erlianhoate, Inner Mongolia sentenced Protestant house church leaders Li Ming-shun and Zhang Yong-hu to 10 and seven years imprisonment, respectively, and substantial fines for their efforts to assist North Korean refugees.

There also continue to be reports that North Korean agents operate clandestinely in China, infiltrating churches and religious groups assisting refugees.

#### *Restricting Peaceful Religious Expression*

The Chinese government, as part of official policy, continues to restrict peaceful religious expression and the expansion of religious ideas or worship on the Internet. It confiscates or punishes the distribution of unapproved bibles, Muslim books, Falun Gong documents, and interpretations of religious texts. It also blocks access to Internet sites of religious groups or those with “illegal” religious content. According to a study conducted by the Berkman Center for Internet and Society at Harvard University, religious sites

are among the most censored Internet content in China, particularly Falun Gong, Muslim, and Buddhist sites.

Chinese officials continue to use charges of “illegal business activity” to sentence individuals who are involved in the printing and distribution of Bibles and other religious materials and use national security directives to arrest those who use film and the Internet to publicize religious freedom abuses in China. In November 2007, Shi Weihai served 37 days of criminal detention in Beijing for illegally publishing Bibles and Christian literature. He was arrested again in March 2008 and detained until trial in June 2009. At trial he was given a three-year sentence and fined heavily. In May 2008, Pastor Dong Yutao of Beijing was arrested for receiving a shipment of illegally imported Bibles. He remains in detention awaiting trial. In July 2009, a Xining Intermediate People’s Court sentenced Tibetan filmmaker Dhongdup Wangchen to six years in prison on charges of “inciting separatism” for producing the documentary film “Leaving Fear Behind,” which criticized Chinese government policies in Tibet. Kunga Tsayang, a monk from the Amdo Labrang Tashi Kyil Monastery, was sentenced in late November, 2009 to five years in prison on charges of disclosing state secrets in his Internet writings.

### **U.S. Policy**

U.S.-China relations have fluctuated widely in the past year. Attempts in early 2009 to downplay religious freedom and human rights concerns have not yet produced a significant return on the Obama administration’s stated financial, environmental, or security priorities with China. Instead, Beijing reacted with hostility to a long-planned arms deal with Taiwan and the President’s eventual meeting with the Dalai Lama in February 2010. Over the past year, the Administration publicly sketched out three general human rights priorities with China--minority rights, freedom of religion, and freedom of expression. However, the Administration’s success in advancing these three priorities remains difficult to assess.

In a February 2009 statement during a trip to Asia, Secretary of State Clinton claimed that human rights “shouldn’t interfere” with other elements of the U.S.-China bilateral relationship. In subsequent statements, the Secretary has highlighted China as a human rights priority, including mentioning freedom of religion and worship as priority concerns. Nevertheless, the Administration has not articulated a consistent or clear direction for human rights diplomacy with China beyond promising “to engage in tough [human rights] discussions behind closed doors.”

In order to facilitate several bilateral platforms for private discussions, the United States and China renewed the Strategic and Economic Dialogue. The two countries also agreed to reestablish a regular Human Rights Dialogue and reconvene the U.S.-China Legal Experts Dialogue. A new round of the Strategic and Economic Dialogue was held in July 2009. No binding agreements or joint statements emerged from that round of discussion regarding human rights or religious freedom, however. Despite bilateral tension, another round of U.S.-China Human Rights Dialogue will take place on May 13-14, 2010 in Washington, DC.

During a visit to Beijing in November 2009, President Obama expressed publicly his desire for China to lift Internet restrictions and to re-start negotiations with representatives of the Dalai Lama. A meeting between Beijing and the Dalai Lama’s envoys occurred in late January 2010. Additional meetings have been postponed. The Chinese government continues to denounce the Dalai Lama and accuse him of fomenting unrest in Tibetan areas. It also has extended programs to weaken the devotion of Tibetan Buddhist monks and nuns to his leadership.

Secretary Clinton also included freedom of worship as a part of a major speech on Internet freedom in January 2010. The freedom of religion, she stated, includes “advancing the freedom of worship online”

and working to overcome the ways some nations use “the internet to silence religious minorities and people of faith.” The Secretary pledged to hold the Chinese government accountable for its Internet censorship and to work to create and promote technologies to advance the freedom of expression online. Congress has appropriated funds to promote counter-censorship technologies in closed societies, and new legislation is pending in this area. The State Department has not yet awarded currently available funds to distribute technologies that can immediately assist human rights and religious freedom advocates in avoiding censorship online.

According to the State Department, U.S. officials continue to encourage the Chinese government to support the growth of faith-based aid by both registered and unregistered religious groups, as well as to loosen government controls on religious practice and release prisoners detained on political charges.

## **Recommendations**

A stable China that is committed to protecting and advancing its citizens’ fundamental rights is in the interest of the United States. A robust religious freedom agenda should be a critical component of bilateral relations. Religious freedom is directly related to expanding the rule of law, developing civil society, aiding stability and trust-building in ethnic minority areas, expanding the freedom of expression, and bringing China firmly within the international system through assisted implementation of universal human rights obligations.

USCIRF urges the Obama administration, as it continues to pursue various policy approaches, to raise religious freedom concerns in multilateral fora where the United States and China are members, to signal clearly, publicly, and unambiguously that human rights are a vital U.S. interest that effect the flexibility and scope of U.S.-China relations, and to coordinate potential sources of leverage, within the U.S. government and with allies, in order to build a consistent human rights diplomacy with China. In addition to these issues, the Commission makes the following recommendations concerning U.S. policy toward China.

### **I. Ending Human Rights Abuses in China**

The U.S. government should:

- fully employ the tools specified in the International Religious Freedom Act (IRFA) for countries designated as “countries of particular concern” (CPCs), including sanctions or some other commensurate action, and cease the practice of relying on pre-existing sanctions that do not address specific religious freedom abuses, by issuing a new presidential action focusing on either state agencies or actors who perpetuate religious freedom abuses or on provinces or localities where religious freedom conditions are most egregious;
- develop a human rights strategy towards China that engages and utilizes the entire U.S. Government by creating an inter-agency human rights action plan and coordinating its implementation across all U.S. government agencies and entities, including developing targeted talking points and prisoner lists and providing staffing and support for all U.S. delegations visiting China; and
- reinvigorate a process of multilateral cooperation on human rights and technical assistance programs with allies who conduct bilateral human rights dialogues with China.

In addition, during its bilateral human rights discussions with China, the U.S. government should urge the Chinese government to:

- end its current crackdown on religious and spiritual groups throughout China, including harassment, surveillance, arrest, and detention of persons on account of their religion or belief, torture and ill-treatment of persons in prisons, labor camps, psychiatric facilities, and other places of confinement, and the coercion of individuals to renounce or condemn any religion or belief;
- release all those imprisoned, detained, or disappeared on account of their religious belief, activities, or religious freedom advocacy, including, among many others, Gao Zhisheng, Xu Na, Fr. Zhang Li, Chen Zhenping, Bishop Jia Zhiguo, Shi Weihai, Alimjan Himit, Yang Maodong, Osman Imin, Abdukadir Mahsum, Imam Adil Qarim, Fr. Zhang Jianlin, Alim and Ablikim Abdureyim, Phurbu Tsering, Bishop Su Zhimin, and Gedhun Choekyi Nyima;
- provide a full accounting of all those detained, released, tried and sentenced and/or missing following public order disturbances in Tibet or in Xinjiang; allow immediate access for international observers, including the International Committee of the Red Cross, to all acknowledged or unacknowledged detention facilities; and implement all Tibet and Xinjiang related recommendations of the UN High Commissioner for Human Rights, the Committee against Torture, and the Special Rapporteurs on Torture, Freedom of Religion or Belief, Extrajudicial and Summary Executions, and Human Rights Defenders;
- allow faith-based non-governmental organizations to register with the Ministry of Civil Affairs and operate nationally, including in the border regions with North Korea;
- cease the use of torture and implement mechanisms so that alleged incidents are consistently and impartially investigated, evidence procured through torture is excluded at proceeding, mistreatment of Falun Gong is ended, mistreatment of North Korean refugees in detention is halted, and no asylum-seeker in China is returned to a country where he or she faces a real possibility of torture;
- take additional steps to ensure that religious education for minors is not restricted and is fully guaranteed in national and provincial laws, including by directing the State Administration on Religious Affairs (SARA) to make a public statement that religious education for minors is allowable in all religious venues, which would help ensure that domestic audiences, including both citizens and local authorities, understand the meaning of this right and respect its implementation;
- establish a mechanism for reviewing cases of persons, including religious leaders, detained under suspicion of, or charged with, offenses relating to state security, disturbing social order, “counterrevolutionary” or “splittist” activities, or organizing or participating in “illegal” gatherings or religious activities;
- fulfill its commitment to allow individuals serving sentences for counter-revolutionary crimes to be eligible for sentence reduction and parole on the same basis as other prisoners, and publish statistics on the number of individuals still serving sentences for counter-revolutionary crimes and the number of individuals that received sentence reduction or parole;
- end harassment, arrest, detention, and mistreatment of lawyers who take on cases of Falun Gong, unregistered Protestants, Uighur Muslims, and Tibetan Buddhists, re-instate the licenses arbitrarily removed from lawyers who take sensitive human rights cases, and engage in discussions with international legal institutions on new ways to train and license legal advocates; and
- extend an unconditional invitation to visit China to the UN Special Rapporteur on the Independence of Lawyers and Judges, with full access in compliance with the terms of reference required by the

Special Rapporteur, and determine dates for visits to China by both the Special Rapporteur on the Freedom of Religion or Belief, the Special Rapporteur on the Freedom of Opinion and Expression, and the Special Rapporteur on Human Rights Defenders, with full access in compliance with the terms of reference required by the Special Rapporteurs.

### **III. The U.S.-China Strategic Dialogue and Human Rights Protections**

Within the planning and structure of the Strategic and Economic Dialogue, the U.S. government should:

- prioritize human rights and religious freedom issues as principal issues in the Strategic Dialogue's agenda; raise a full range of religious freedom concerns in high-level discussions in each session and seek binding agreements on key religious freedom and human rights concerns at the U.S.-China Strategic Dialogue in ways similar to other economic and security interests; and
- ensure that religious freedom priorities raised in the Strategic Dialogue are implemented through appropriate U.S. government foreign assistance programs on such issues as legal reform, civil society capacity-building, public diplomacy, and cultural and religious preservation and exchanges.

### **III. Improve the Rule of Law in China**

The U.S. government should make promoting the rule of law a greater priority of U.S. human rights diplomacy in China and urge the Chinese government to:

- ratify and implement the International Covenant on Civil and Political Rights (ICCPR), which China signed in 1998, without reservations undermining religious freedom protections, and accept technical legal assistance to help harmonize Chinese law and international human rights obligations;
- amend Article 36 of the Constitution to protect explicitly the right not only to believe but to manifest one's religious belief without state interference;
- amend or repeal Article 306 of the Criminal Procedure Code, which has been used against attorneys who have vigorously defended the rights of their clients;
- amend or repeal Article 111 of the Criminal Procedure Code, which labels as "state secrets" any published information deemed embarrassing to the government, and raise the issue of China's use of "state security" as a rationale for suppressing dissent in China;
- repeal the Guiding Opinion on Lawyers Handling Collective Cases and similar local regulations that interfere with the ability of lawyers to represent the interests of their clients in collective cases, including cases involving the defense of religious freedom or related rights or violations on account of religion or belief;
- abolish the system of re-education through labor (RTL) camps and all other administration and extrajudicial detention centers, including the "transformation through reeducation" facilities of the 6-10 office;
- revise the Ministry of Justice's "Methods for the Management of Lawyers Professional Licenses" and similar local regulations to ensure that a lawyer's annual registration is not subject to political considerations or other arbitrary factors and make sure that no lawyer should be denied renewal of registration on the basis of the cases he or she has represented or is representing;

- repeal Article 300 of the Criminal Procedure Code, which deals with individuals accused of crimes associated with “evil cults,” and also its associated legislation, the Decision of the Standing Committee of the National People’s Congress on Banning Heretical Cult Organizations, Preventing and Punishing Cult Activities;
- end the use of government filters on Web sites and e-mail and remove official restrictions on Internet message boards, text messaging, and internet access, including the blockage of access to certain Web sites related to religion, belief, or human rights; and
- revise the September 2000 State Council regulations on Internet Content Providers (ICPs) and offer ICPs clear and consistent guidelines for Web site content and usage to ensure that Chinese law and practice in this area conform to international standards on the freedoms of opinion and expression.

#### **IV. Supporting Chinese Dissidents and Rights Defenders**

To strengthen the ability of Chinese lawyers and activists to defend religious freedom or related rights, address violations on account of religion or belief, and encourage freedom of expression and a vibrant civil society, media, and the rule of law, the U.S. government should:

- use appropriated Internet freedom funds to develop free and secure email access for use in China; facilitate the dissemination of high-speed Internet access via satellite; and distribute immediately proven and field-tested counter-censorship programs in order to prevent the arrest and harassment of religious freedom and human rights activists and help them maintain their freedom of expression and legitimate expectations of privacy; and,
- award funds appropriated by Congress to counter censorship in China, including from the FY10 Consolidated Appropriations Act, through a competitive and merit-based process.
- Through the State Department’s Human Rights and Democracy Fund, institute new programs that:
  - build the capacity, training, and networking ability of non-governmental organizations in China that address issues of human rights, including religious freedom and legal reform, as well as the freedoms of expression, association, and assembly;
  - establish consultations between international human rights experts and Chinese officials, judges and lawyers on the compatibility of Chinese laws, regulations, and decrees with international standards on freedom of religion or belief;
  - create a regular religious freedom dialogue between U.S. and international experts and members of the Chinese Academy of Social Sciences;
  - make support available to Chinese human rights defenders and others who defend the internationally recognized rights of individuals and communities targeted because of their religious belief or practice; and
  - financially assist lawyers who take sensitive human rights cases, create a religious freedom handbook to educate religious leaders on their rights under Chinese and international law, and create legal materials and training seminars, accessible online, for Chinese law students, lawyers, and judges.

## **V. Expanding Diplomacy and Human Rights Programs in Tibet and Xinjiang**

The U.S. government should:

- urge the Chinese government to allow a U.S. government presence, such as consulates in Lhasa, Tibet and Urumqi, Xinjiang which could monitor religious freedom and other human rights conditions;
- strengthen efforts to highlight conditions faced by Uighur Muslims and Tibetan Buddhists by:
  - increasing educational opportunities in the United States for religious and other leaders from these regions, in order to enhance their understanding of religious freedom and other human rights according to international standards;
  - creating legal clinics to assist those in areas with high concentrations of Uighur Muslims and Tibetan Buddhists to enforce their human rights under the Chinese Constitution and international law, similar to existing programs that serve other ethnic minority areas in China;
  - giving political and financial support to assist religious groups and organizations address chronic needs, as articulated by the Tibetan and Uighur people, in such areas as education, conflict resolution, language and culture preservation, environmental protection, drug and alcohol abuse prevention, and sustainable development;
  - ensuring continued availability of funds to maintain appropriate Tibetan and Uighur language broadcasting through the Voice of America and Radio Free Asia; and
- publicly offering to facilitate meetings between Chinese officials and envoys of the Dalai Lama and seek to broker trust-building agreements to end religious freedom restrictions in Tibet and Tibetan areas.

## **VI. Protecting and Aiding North Korean Refugees in China**

The U.S. government should urge the Chinese government to:

- uphold its international obligations to protect asylum seekers by: working with the UN High Commissioner for Refugees (UNHCR) to establish a mechanism to confer temporary asylum on those seeking such protection and to permit safe transport to countries of final asylum; providing the UNHCR with unrestricted access to interview North Korean nationals in China; and ensuring that the return of any migrants pursuant to any bilateral agreement does not violate China's obligations under the 1951 Refugee Convention and its 1967 Protocol or under Article 3 of the Convention Against Torture;
- allow international humanitarian organizations greater access to North Koreans in China, to address growing social problems, abuses, and exploitation experienced by this vulnerable population, and work with regional and European allies to articulate a consistent and clear message about China's need to protect North Korean refugees;
- allow greater numbers of North Korean migrants who desire resettlement to have safe haven and secure transit until they reach third countries; and grant legal residence to the North Korean spouses of Chinese citizens and their children.

## **VII. Recommendations for U.S. Congress**

The U.S. Congress should:

- ensure that congressional oversight of U.S.-China human rights diplomacy is maintained by requiring the State Department to submit a regular public report (as is required on Vietnam) to the appropriate congressional committees detailing issues of concern discussed during the Strategic Dialogue and any future bilateral human rights dialogues, and describing progress made toward a series of “benchmarks” initiated by Congress;
- authorize and appropriate the funds necessary to implement a comprehensive and integrated human rights strategy towards China, implemented at all levels of government and utilized in all bilateral and multilateral discussions, including creation of an inter-agency human rights strategy and efforts to coordinate human rights diplomacy with allies; and
- ensure that the North Korea Human Rights Act of 2008 is fully implemented, including provisions to provide humanitarian support to asylum-seekers and remove legal obstacles to North Korea refugee resettlement in the United States.